



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# HEARING BY COMMISSIONER

I hereby give notice that a Meeting of the Hearings Committee will be held on:-

**DATE:**        **Monday,        3 December 2007**        **TIME:**        **9.30 am**

**VENUE:**        **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

to consider an application for resource consent 36 Paturoa Road, Titirangi and to take any necessary action connected therewith.

28 November 2007

Emma Joyce  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8950

### **MEMBERSHIP:**

Commissioner: Mr L Simmons

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE  
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON MONDAY, 3 DECEMBER 2007  
COMMENCING AT 9.30 AM**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
<b>1</b>	<b>LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY PAUL DE KNEGT FOR ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING (RETROSPECTIVE) GIVING RISE TO A SIDE YARD INFRINGEMENT AT 36 PATUROA ROAD, TITIRANGI</b>	<b>1</b>

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE  
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON MONDAY, 3 DECEMBER 2007  
COMMENCING AT 9.30 AM**

---

**1 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88  
OF THE RESOURCE MANAGEMENT ACT 1991 BY PAUL DE KNEGT FOR  
ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING (RETROSPECTIVE)  
GIVING RISE TO A SIDE YARD INFRINGEMENT AT 36 PATUROA ROAD, TITIRANGI**

**RMA 20071242**

**Ward New Lynn**

**N.B. This report sets out the advice of Consent Services to the Independent Hearings Commissioner on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Commissioner.**

**APPLICATION DETAILS**

Planner: Mary Barton

Site Address: 36 Paturoa Road, Titirangi

Applicant: Paul De Knegt

Date Received: 17 July 2007

Resource Consent No: LUC-2007-1242

Legal Description: Lot 59 DP 28967

Address for Service: C/- Catherine Raeburn  
Cato Bolam Consultants  
PO Box 21-355  
Henderson  
WAITAKERE 0650

Ward: New Lynn

Site Area: 989m<sup>2</sup>

Operative District Plan:

Human Environment:	Bush Living
Natural Area:	Managed Natural Area
Landscape Elements:	Nil
Hazards:	Weeding Listing on Hazards Register and Within a Stability Sensitive Area
Roading Hierarchy:	Local

Further Information Requested: Yes

Date Requested: 18 September 2007

Date Received: 11 October 2007  
6 November 2007

Site Visit: 19 September 2007

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks retrospective land use consent to authorise existing infringements into the three (3) metre eastern side yard and works on a stability sensitive site resulting from additions and alternations to the existing dwelling. No further works are proposed on the site as a result of this application. Overall, the application is for a Discretionary Activity.

### 1.2 Resource Management Issues Raised

The Resource Management Act 1991 (the "Act") requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant provisions of statutory planning documents together with any relevant objectives, policies and rules of the District Plan. A consent authority may also have regard to any other matter considered relevant and reasonably necessary to determine an application.

It is considered that the relevant resource management issues relating to the application relate to potential effects on visual and aural amenity, privacy, shading and dominance.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for retrospective consent for alternations to a dwelling on a stability sensitive site giving rise to infringements into the 3 metre eastern side yard at 36 Paturoa Road, Titirangi. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

## 2.0 LOCATION PLAN



Figure One: Aerial photograph (2005) showing application site and neighbouring properties.

## 2.1 Documents considered

A1-A54 &  
A108 to A110

Documents submitted with the application and considered for this report include (see Appendix 1 & Appendix Five attached at pages A1 to A54 & A108 to A110):

- The application, including the Assessment of Environmental Effects (AEE) dated 16 July 2007;
- Sun Path diagrams prepared by Waitakere Architects dated 2006 and January 2007;
- Site, elevation and floor plans prepared by Waitakere Architects dated October 2005;
- LA4 Landscape Report and Review of Planning application dated 12 January 2007 and letter dated 2 October 2007.

## 3.0 PROPOSAL

Retrospective resource consent is sought for additions to the existing dwelling located on a stability sensitive site and giving rise to infringements into the three (3) metre eastern side yard. The extent of the infringements is as follows:

- The kitchen and bathroom are located 1.9 metres from the eastern boundary (1.1 metre infringement);
- The porch/ cloak room/ laundry is located 0.55 metres from the eastern boundary (2.45 metre infringement);
- The southern wall of the bathroom is 1.0 metres from the eastern boundary (2.0 metre infringement);
- The eastern wall of the upper level bedroom is located 1.9 metres from the eastern boundary (1.1 metre infringement).

No further building is proposed in association with this application.

## 4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

### **Operative District Plan**

#### **Bush Living Environment**

Under Rule 6.2 **Discretionary Activity** consent is required for buildings set back less than 3.0 metres from a site boundary.

As set out in part 3.0 above, the existing dwelling infringes the 3.0 metre side yard adjacent to the eastern boundary of the property.

#### **Natural Hazards**

Under Rule 1.1 Limited Discretionary Activity consent is required for building additions on land which is known by Council to be subject to erosion, slope instability, subsidence or inundation (other than by the sea). The site was previously shown under the Transitional District Plan as being located in a stability sensitive area and therefore triggers this rule.

Overall the application is considered to be a **discretionary activity**. The proposal complies with all other development control rules under the District Plan.

No other resource consents are required.

## BACKGROUND INFORMATION

Council's first records date from 1982 in relation to approval for the construction of a garage partially on Council road reserve. Council has no information as to when the existing dwelling, prior to the first floor being added, was either moved on to or built on site. The site was zoned NUR1 from 1980 until 1995, which required a 3m side yard and a 3m plus 37 degree height in relation to boundary daylight recession plane with a 1m<sup>2</sup> dispensation for a gable end.

The building plans for the garage dated 14 October 1982 show a single level dwelling, which was sited some 8.4 metres back from the road and 2.1 metres off the eastern (side) boundary. A building consent application was received in 1984 (reference 199/12) for a first floor addition to the existing dwelling. These additions were designed in order to comply with the minimum 3 metre side yard and height in relation to boundary set backs from the (incorrectly) assumed boundary. In addition to the abovementioned building works, a large deck was added to the back of the dwelling, which also infringed the side yard. The infringing portion of the deck was removed in October 2005. Building Consent plans were approved in 2001 for an addition to the bathroom without the eastern yard infringement being identified.

A re-survey of the boundary with 38 Paturoa Road, undertaken in 2004, revealed that the eastern property boundary was not in the position it was assumed at the time of issue of the above mentioned building consents. The re-survey has established that the following infringements into the eastern side yard exist:

- The kitchen and bathroom are located 1.9 metres from the eastern boundary (1.1 metre infringement);
- The porch/ cloak room/ laundry is located 0.55 metres from the eastern boundary (2.45 metre infringement);
- The southern wall of the bathroom is 1.0 metres from the eastern boundary (2.0 metre infringement);
- The eastern wall of the upper level bedroom is located 1.9 metres from the eastern boundary (1.1 metre infringement).

Since the identification of the correct position of the site boundary in 2004, Council's Enforcement Officer has been involved in mediating a dispute between the owners of 36 and 38 Paturoa Road. This mediation concluded with the de Knechts agreeing to lodge a resource consent application to legalise the existing infringements.

A resource consent application for retrospective approval of the existing infringements and additional consent for further proposed additions was received by Waitakere City Council on 1 March 2006 (LUC 20060299). The planner's report, which recommended that the application be considered on a non-notified basis, was reviewed by an independent planning commissioner, who determined that the application should be processed on a limited notified basis and served on the owners/ occupiers of 38 Paturoa Road. The current application, which seeks solely to authorise the existing infringing portions of the dwelling was received by Council on 17 July 2007.

This current application has been limited notified with the only affected parties considered to be the owners/occupiers of 38 Paturoa Road (refer discussion in Section 7.0 of this report).

## 5.0 SITE AND NEIGHBOURHOOD DESCRIPTION

The 989m<sup>2</sup> application site is located on the northern side of Paturua Road and slopes down from the road to the north east at a moderate gradient. There is an existing double garage located within the road reserve at the top of the site with steps down to the upper level of the existing two-level dwelling from the western side of the garage. The existing three bedroom dwelling is located approximately 8 metres to the north of the garage, and is below road level. There is an existing deck at the lower level to the north of the dwelling and a paved area to the west that provides access to the deck.

There are a number of large native trees growing on site in addition to under-storey native vegetation. The site is orientated and has an outlook to the north and northeast.

The property to the east of the application site, being 38 Paturua Road, contains a 4 level dwelling with associated decking and a swimming pool to the northeast. The dwelling on this site has recently undergone significant alterations and additions. The resource consent plans for the dwelling (LUC 20050154) set out the work that has been consented to by the Council as follows:

- Level 1 (the lower level) comprises an 8m by 3.3m swimming pool, timber deck, stairwell, new bathroom, 2 bedrooms and storage areas;
- Level 2 comprises a new deck, a bathroom, laundry and two bedrooms with associated storage areas;
- Level 3 comprises a new deck and accommodates the kitchen, living and dining areas;
- Level 4 comprises an existing (original) deck and garage;
- Steps down the slope from the road boundary along the western façade of the dwelling to the swimming pool.

The majority of this dwelling sits above the application site. The property is topographically similar to that of the application site and is also well covered by mature and semi mature native bush. The land and section boundaries are orientated to the north/ northeast.

The neighbouring property to the west, being 34 Paturua Road, contains a dwelling situated lower and approximately 21 metres to the northwest of the dwelling on the application site. Native bush on this site and the application site provides a visual screen between the properties.

The wider locality is characterised by steep topography and highly vegetated sites containing a variety of dwelling styles that are generally screened from the road.

## 7.0 LIMITED NOTIFICATION – SECTION 94(1)

Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard.

The applicant’s planning consultant requested that the application proceed under limited notification pursuant to Section 94C(1) of the Resource Management Act (RMA) on 31 July 2007. The Council, being satisfied that the property owners at 38 Paturua Road were the only persons potentially adversely affected by the proposal, agreed to process the application under limited notification under Section 94(1) of the RMA.

A determination on those persons considered to be adversely affected by the existing encroachments into the side yard (and therefore those persons required to be served a copy of the application) was undertaken by the Independent Hearing Commissioner when assessing RMA 20060299. Given the commonalities between this previous application and the current resource consent application (i.e. the existing side yard infringements) the recommendation of this report was considered to constitute a determination of affected parties for this current consent.

## **8.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS**

In accordance with Section 94(1) of the RMA notice of the application was served on WM Charlesworth, AA Maehl and Maehl-Charlesworth Trustee Services Limited, as the owners/ occupiers of 38 Paturoa Road, Titirangi on Friday 10 August 2007.

A55-A73

The period for submissions closed on Friday 7 September 2007. One submission was received, and is attached at pages A55 to A73 (Appendix Two) of this report.

### **8.1 Submissions**

A submission was received, prepared by Mr. Colin Hardacre on behalf of WM Charlesworth, AA Maehl and Maehl-Charlesworth Trustee Services Limited in opposition to the application. The reasons for opposing the application are summarised as follows:

- The proposal is contrary to sound resource management/ town planning principles;
- The applicant's planning report and supporting material are incorrect in planning fact and law;
- The owners of 38 Paturoa Road are adversely affected by the proposal which has more than minor adverse effects on them;
- The side yard infringement reduces the amenity value of 38 Paturoa Road, Titirangi;
- The purpose of the side yard rule cannot be met;
- The relevant objectives, policies and assessment criteria for the yard reduction discretionary activity cannot be met;
- Other alternatives, such as full compliance, have not been considered.

The submission seeks that the Council either:

- i) Decline the application in its entirety; or
- ii) Any subsequent amendments or modifications to the proposal to give effect to the submission.

## **9.0 STATUTORY REQUIREMENTS**

### **9.1 Discretionary Activities**

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail Section 10.2.1 this report. This should be referred to as the legal framework within which the application should be addressed.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Act. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. A consent authority may also consider any other matter it considers relevant to the application. These considerations are subject to the purpose and principles of the Act (Part II).

An analysis is presented below of the actual and potential effects on the environment generated by the application. Following this, an evaluation of the relevant statutory planning provisions is presented.

## **10.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

### **10.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment.**

#### ***10.1.1 Effects permitted by the Plan***

The application site is zoned Bush Living Environment under the Human Environment rules and Managed Natural Area under the Natural Area rules. A single residential dwelling complying with the relevant development controls for the zone (which includes yards, height to boundary, site coverage and height) is provided for as a permitted activity.

The site is also shown under the Transitional District Plan as being located in a Stability Sensitive Area and is therefore subject to Rule 1.1(a) of the City Wide (Natural Hazards) Rules.

Under Rule 1.1(a) all building work, including additions and alternations, on land known to be subject to instability requires consent as a Limited Discretionary Activity. As such under this rule all works undertaken on the property would require resource consent. Notwithstanding this, the Plan from an amenity perspective sets in place controls which seek to protect the amenity of adjoining sites by imposing controls relating to building coverage, yards, height and height to boundary. These controls provide parameters in which buildings will be designed to protect the amenities of adjoining sites.

#### ***10.1.2 Existing Environment***

The site and surrounding environment have been discussed in Section 6.0 of this report. Due to the retrospective nature of the application in determining the existing environment, those portions of the dwelling infringing the 3 metre yard setback, while existing, must not be considered as part of the existing environment. This includes the portion of the kitchen and bathroom, the porch/ laundry and a portion of the southern wall of the bathroom. Accordingly those components of the site forming the existing environment, for the purpose of assessing the effects under the current resource consent application must only include the existing dwelling (excluding those portions described above), garage, vegetation growing on the property and the sloping topography of the site.

In considering the potential effects of the proposed yard infringements in terms of visual effects, shadowing, privacy and dominance, it is appropriate to have regard to the effects already created by those portions of the existing building complying with the 3 metres yard setback and the height in relation to boundary recession plane.

### 10.1.3 Amenity Values

'Amenity Values' is defined in Part 1, Section 2 of the RMA as being:

*"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".*

The submission lodged on behalf of WM Charlesworth, AA Maehl and Maehl-Charlesworth Trustee Services Limited states that the side yard infringement reduces the amenity value of their property, 38 Paturoa Road. While the submission does not set out the contributing factors that the submitters consider undermine the amenity values of their property (beyond the infringement itself), previous correspondence from the submitters and their consultant provide some guidance. It is considered that the effects of the proposal can be broken down into the following categories:

- Visual and Aural Amenity;
- Privacy;
- Shading;
- Dominance.

#### **A) Visual and Aural Amenity**

Within the Bush Living Environment the amenity values are primarily derived from the extensive bush cover and its dominance over the built environment. This landscape contributes to a "non-urban" and enclosed character by providing a level of screening between dwellings and along the road frontage. As set out in part 6.0 of this report (Site and Neighbourhood Description) the application site and surrounding area contain extensive vegetation cover on land with a moderate to steeply sloping gradient. These characteristics, in addition to the location of the garage at the top of the site, result in the existing dwelling and side yard infringements being predominantly screened from the road. The dwelling, including the infringing areas, comprises a building footprint of approximately 82.5m<sup>2</sup>, thus ensuring the majority of the 989m<sup>2</sup> site remains vegetated, therefore maintaining an appropriate balance whereby natural features dominate the built environment.

While those portions of the dwelling infringing the side yard are visible from 38 Paturoa Road the existing vegetation growing on the application site and along the property boundary provides a partial screen between the two sites. Additionally, the topography of the land is such that the dwelling at 38 Paturoa Road is elevated above the application site. In this regard, those portions of the dwelling where the bulk of the infringement occurs (being the porch/laundry, and part of the kitchen and bathroom) are located at a lower level than this adjoining site and do not physically dominate this site. A portion of the upper level bedroom infringes 1.1 metres into the side yard. The infringement at the upper floor level constitutes an area of approximately 7.2m<sup>2</sup> and extends along the property boundary approximately 6.55 metres. It is considered that this infringement has no more than a minor adverse effect on the visual amenity of the neighbouring property given an overall separation between this portion of the subject dwelling and that of the neighbouring dwelling of at least 5 metres in addition to the partial screening provided by existing vegetation.

Both the subject dwelling and the dwelling at 38 Paturoa Road are orientated to the north, rather than towards each other. As such the amenity values of the neighbouring property, as derived from views of the extensive bush cover within the locality, are not compromised by the side yard infringements. Additions and alterations have recently been undertaken at 38 Paturoa Road and include decks at each of the four levels of the dwelling. The swimming pool decking on level one is situated further to the north, extending in front of the dwelling on the application site. As such the visual amenity enjoyed from this location of the property remains unaffected by the infringements. It is considered that, based on the topography of the land, orientation of the dwellings and sites, screening provided by vegetation and the overall separation between the dwellings, the proposal would have no more than minor adverse effects on the visual amenity of 38 Paturoa Road.

No mitigation planting or screening is proposed along the boundary as part of the current application. At its closest point, the laundry/porch is located 550mm from the eastern side boundary, leaving very little room available for mitigation planting. The portion of the kitchen infringing the side yard is set back 1.9 metres from the boundary. There is sufficient room available on the application site to allow for some planting between the kitchen and the site boundary to occur, whilst continuing to allow access to the laundry. While such planting has the potential to provide a greater level of vegetative screening between the properties, given the location of the infringements and the elevation of the neighbouring dwelling it would not provide complete or absolute screening of the infringements when viewed from 38 Paturoa Road, due to its elevation above the subject site.

With respect to aural amenity it is noted that the applicant has previously removed the portion of the decking infringing the 3 metre side yard. The remaining portions of the building infringing the side yard include the laundry/ porch, a section of the kitchen, ground floor bathroom and upper floor bedroom. A small portion of the kitchen window and the entire upper floor window and ground floor bathroom window are located within the 3 metre side yard. Despite this, it is considered that the effect of the infringements on the aural amenity of 38 Paturoa Road would be de minimis. The main living area for the dwelling, where the most likely noise generating activities would occur, is located to the west of the kitchen with doors out to an existing (and now complying) ground level deck. Noise generated from the infringing rooms is not likely to be excessive given their uses and would not be significantly greater than the level of noise generated by a complying dwelling that is set back 3 metres from the boundary.

Overall it is considered that the proposal would have no more than minor adverse effects on the visual and aural amenity of the property at 38 Paturoa Road.

## **B) Privacy**

A reduction in the side yard setback has the potential to generate adverse effects on the privacy of an adjoining site by allowing a greater level of visibility between dwellings and creating a situation whereby a dwelling or its associated outdoor living space is overlooked by another.

Unlike other Human Environments within the City, the Bush Living Environment does not include controls relating to the location of windows, main glazing or outdoor living areas, in order to ensure a certain level of on and off site privacy and amenity is achieved. Assessment criteria 6(d) applying to Rule 6.2 (Yards) does however, require consideration of the extent to which a building is located in order to provide a "degree of privacy" to adjoining sites.

Those aspects of the proposal that have the potential to generate adverse privacy effects on the neighbouring property at 38 Paturoa Road relate to those windows located either entirely or partially within the 3 metre yard setback. Each of these windows is discussed separately below.

The porch/laundry include two small windows that face the eastern boundary of the site. Despite the close proximity of these windows to the property boundary the effect on the privacy of 38 Paturoa Road is considered to be de minimis. The windows look out just above ground level on the boundary, with the neighbouring dwelling being elevated well above this viewpoint. The bank and existing vegetation provides screening between these windows and the adjoining site. In addition the porch/ laundry is not a habitable room, being used for storage and service activities only.

There are two eastern facing windows associated with the 2002 ground floor bathroom addition. These windows are set back approximately 1.9 metres from the boundary and are not frosted (as incorrectly stated in the application and landscape report). Despite this it is considered these windows do not compromise the privacy of the adjoining property. The windows are located well below the level of development on 38 Paturoa Road and look out onto the existing bank and vegetation. Furthermore, the bathroom is not a habitable room and will therefore not result in a concentration of people looking out towards the neighbouring site. While the installation of frosted glass on these windows would further reduce any potential future adverse effects, for the reasons discussed above, it is considered that the location of these windows (within the side yard) would have de minimis adverse effects on the privacy of 38 Paturoa Road and as such the replacement of the existing glazing with frosted glass is not considered to be necessary.

A small portion of the easternmost kitchen window is located within the 3 metre side yard and is orientated to the north/ northeast. The effect of this portion of the window being located within the 3 metre side yard on the privacy of 38 Paturoa Road is considered to be negligible. The orientation of the window, location of existing vegetation on site and the topography of the land is such that any views from this window onto the neighbouring property are limited. In this regard, I concur with the landscape report assessment prepared by Rob Pryor of LA4 (a copy of which was submitted with the application), which states:

*A complying structure could have greater effects on privacy if glazing was incorporated along the eastern elevation wall.*

As previously stated, no planting has been proposed as part of the application. While there is sufficient space available on site for planting to be implemented to provide further screening between the properties, such planting is not considered necessary to provide privacy to 38 Paturoa Road.

The window that has the potential to generate the greatest adverse effect on the privacy of 38 Paturoa Road is the second storey eastern facing bedroom window that is located approximately 1.9 metres from the property boundary. The window has a face area of approximately 2.8m<sup>2</sup> and, with the exception of screening provided by existing vegetation and a shade sail on 38 Paturoa Road, partially overlooks the level 2 and 1 (pool) decking on 38 Paturoa Road. The application does not provide any comment on the effects associated with this window. The assessment carried out as part of the LA4 landscape report is not relevant to this aspect of the application, as the report was prepared for a previous resource consent application (LUC 20060299) that would have involved the removal of this window. While the window is associated with a habitable room (bedroom) and is at an elevation that results in some overlooking of the neighbouring property, it is considered that the adverse effect on privacy generated by the location of this window in the 3 metre yard (being a 1.1 metre infringement) is no more than minor. The effect on privacy associated with the current location of the bedroom window is not considered to be markedly different to that associated with a similarly sized window forming part of a complying structure, i.e. set back a further 1.1 metres. Furthermore the window is not associated with the main living area on site and as such, is unlikely to result in a concentration of people overlooking the neighbouring property.

Part 7.3 of the letter appended to the submission of WM Charlesworth, AA Maehl and Maehl-Charlesworth Trustee Services Limited seeks the removal of the upper floor bedroom window and restrictions placed on this wall preventing the installation of future windows. For the reasons set out above, it is not considered necessary for the existing window to be removed in order to ensure an acceptable level of privacy is maintained at 38 Paturoa Road. However, it is considered appropriate to place restrictions on the installation of additional or larger windows on this façade of the building. As such a condition is recommended that restricts the number, location and size of the windows on the eastern face of the dwelling to those that currently exist (being those assessed as part of this report).

As previously identified the dwelling currently being constructed at 38 Paturoa Road includes decking at each of the 4 levels as the structure steps down the slope from the road. Given the extent and location of this decking it is considered that, in the absence of a complete vegetative screen between the properties, it is not feasible for any dwelling (complying or otherwise) located on the application site to avoid viewing these areas at some point. Full and complete privacy for these decks is not considered to be reasonably achievable. In this regard, it is noted that there is no requirement in the District Plan for outdoor living areas of a certain size or location within the Bush Living Environment. This is in recognition of the site constraints (vegetation and topography) generally experienced within this Environment. Any outdoor living areas provided on sites within this Environment are therefore not subject to the same level of protection as that afforded to those located within other Environments (the Living Environment for example) within the City. In terms of assessment criteria 6(d) the reference to providing a “*degree of privacy*” to adjoining sites is not inferring that 100% privacy or no overlooking between sites be required, rather it seeks to ensure an acceptable or adequate level of privacy is maintained. An assessment of the privacy effects of the proposal, as set out above, has determined that the proposal would ensure an adequate level of privacy at 38 Paturoa Road is maintained.

The decking and paved area to the north of the dwelling are setback from the 3 metre yard and therefore do not require any assessment as part of this report.

Overall it is considered that the proposal would have no more than minor adverse effects on the privacy of 38 Paturoa Road.

### **C) Shading / Sunlight Access**

Plans prepared by the Waitakere Architects based on surveyed ground levels have confirmed that the dwelling falls within the permitted height in relation to boundary control as the recession plane protrudes through less than 1/3 of the gable end. Despite this, it is considered appropriate to consider the effect of the side yard infringement in terms of ensuring a reasonable level of sunlight access to 38 Paturoa Road is achieved.

Both the laundry and bathroom addition are located below the level of development on the neighbouring site and are well within the height in relation to boundary recession plane for the eastern boundary and therefore do not contribute to any shading of this adjoining property.

With respect to the portion of the kitchen infringing the yard, it is considered that the shading associated with this structure is minimal. This portion of the dwelling is well within the height in relation to boundary recession plane and is not elevated above development on the neighbouring property. Furthermore, vegetation growing between 36 and 38 Paturoa Road, in addition to the orientation of the dwellings and the topography of the land is such that any loss of sunlight access as a result of the yard encroachment is negligible.

With respect to the first floor (bedroom) infringement it is noted that sun path diagrams prepared by Waitakere Architects have been submitted with the application. These diagrams demonstrate that the extent of shading as a result of the infringements, when compared to a permitted situation of a 3 metre setback (as sought by the submitters), are negligible.

The extensive vegetation cover within the locality, both on the subject site and surrounding Bush Living Environment in general, is considered to contribute most significantly to the shading of 38 Paturoa Road. In this regard I concur with the conclusion made in part 4.4.6 of the LA4 report which states that:

*“shading within the properties in the vicinity is resultant of the tall vegetation extending in height well above the heights of any roof forms and not from buildings. This is particularly the case for the large macrocarpa within the site at 34 Paturoa Road which casts long shadows over the subject site and 38 Paturoa Road”.*

Overall, it is considered that the shading effects associated with the application, when compared to that of a complying dwelling, would be de minimis.

#### **D) Dominance**

The dwelling, including those parts within the 3 metre yard, complies with the maximum height rules of the Plan. Therefore any dominance effects associated with the application would relate to the increased physical dominance of the structure resulting from its location closer to the property boundary. Physical domination is referred to in the District Plan under the Introduction to the Rules: Explanations as being dictated by the size of the building relative to surrounding buildings. Despite the proximity of the subject dwelling to the eastern side yard, it is considered that the overall size and bulk of the building, relative to that of the neighbouring dwelling, does not give rise to adverse dominance effects that are more than minor.

Given the location of the laundry/ porch and ground floor bathroom, below the level of development at 38 Paturoa Road, it is considered that these infringing areas do not generate any adverse dominance effects on the neighbouring property.

The portion of the kitchen infringing the side yard would not contribute to adverse dominance effects on the property at 38 Paturoa Road. The kitchen is not elevated above the neighbouring property and is partially screened by existing vegetation growing both on the application site and 38 Paturoa Road.

The dominance effects associated with the first floor gable end wall are considered to be de minimis. The wall is set back 1.9 metres from the property boundary, however, the separation distance between this wall and the dwelling on the neighbouring site is approximately 6.4 metres. As such, it is considered that the 1.1 metre infringement into the side yard does not contribute to the structure physically dominating the dwelling on the neighbouring property. In addition to the separation between the dwellings it is noted that the subject dwelling is not a bulky or large structure, having a building footprint of only 82.5m<sup>2</sup>, being considerably less than that of the newly constructed dwelling at 38 Paturoa Road. Existing vegetation on both sites provides some screening between the properties, therefore further reducing any dominance effects associated with the structure. The overall character of development on the application site is considered to be consistent with that of the general locality and the character of the Bush Living Environment, where the natural environment dominates over the physical.

Overall it is considered that the adverse effects associated with physical domination as a result of the yard infringements on 38 Paturoa Road are de minimis.

#### 10.1.4 Summary

In summary it is considered that the proposed infringements will have no more than a minor adverse effect on the amenity values of the neighbouring property to the east, being 38 Paturua Road. In this regard, it has been determined that the privacy of this adjoining site will not be compromised, and the property will not be physically dominated by the infringing areas of the subject dwelling. Views of the native bush to the north will not be interrupted and the infringements would have a negligible effect on sunlight and daylight access to the neighbouring site. The existing and extensive vegetation cover within the locality, in addition to the topography of the land, provide both a partial screen between the two properties, while also being the most significant contributor to the shading of the dwellings. It is therefore considered that the actual and potential adverse effects of the proposed activity are no more than minor and can be adequately mitigated through appropriate conditions of consent.

#### 10.2 Any Relevant Provisions of a Statutory Planning Document – Section 104(1)(b)

##### 10.2.1 District Plan Provisions – Section 104(1)(b)(iv)

Part 5 of the District Plan contains the objectives, policies and methods by which the effects of activities on natural and physical resources are to be managed. The majority of the objectives and policies are concerned with managing the effects of activities on the natural environment, including water, native vegetation and air. The objectives and policies that relate to the built environment focus on the effects of activities on amenity values. Those objectives and policies relevant to this application are listed and discussed below:

##### **Effects on Amenity Values: Health and Safety**

##### **Objective 10**

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.

### **Policy 10.5**

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

Compliance with the height in relation to boundary recession planes has been achieved. Shade diagrams show that the shading associated with the infringements onto 38 Paturoa Road is not significantly greater than that resulting from a complying structure (set back 3 metres from the boundary). It is considered that the proposal would allow adequate levels of sunlight and daylight access to 38 Paturoa Road. On this matter, it is noted that the extensive vegetation cover within the locality is the most significant contributing factor to the shading of 38 Paturoa Road.

### **Policy 10.6**

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Village Environments.

The effects of the infringements on the privacy and amenity of 38 Paturoa Road have been discussed in parts 10.1.3(A) and (B) of this report. This assessment concluded that the infringements have no more than a minor adverse effect on the visual and aural amenity and privacy of the neighbouring site. Vegetation growing on the application site and along the property boundary would continue to provide a partial screen between the properties, and the effects of the infringements on the privacy of the adjoining site are no more than what could occur under a complying development.

### **Effects on Amenity Values: Landscapes, Local Areas and Neighbourhood Character**

#### **Objective 11**

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

### **Policy 11.3**

Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;

- maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;
- the setback of buildings from the road boundary;
- planting of section frontages;
- in a way that gives particular regard to variations in amenity values, and neighbourhood character.

An assessment of the effects of the proposal on the visual amenity of the locality has been undertaken in part 10.1.3(A) of this report. It has been determined that the side yard infringements do not compromise neighbourhood character or visual amenity. Screening provided by the existing garage, vegetation and the topography of the land mean that the infringements are not visible from Paturua Road. The overall development on the application site is considered to be consistent with the neighbourhood character. In this regard, the dwelling maintains a relatively small building footprint in relation to the site size, therefore not dominating the natural features.

### **Policy 11.8**

Structures, (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.

It has been established that the overall form, height and scale of the dwelling at 36 Paturua Road would give rise to de minimis adverse dominance effects on the neighbouring property to the east. The amenity values of 38 Paturua Road, as derived from views of native bush to the north, will not be affected by the infringements.

### **Conclusion**

Overall, it is considered that the proposal would be consistent the relevant objectives and policies of the Operative District Plan.

### **Assessment Criteria**

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The relevant assessment criteria relating to aspects of the development for which consent is required are identified and commented on below.

#### ***Rule 6 - Yards: Assessment Criteria***

- a) The extent to which buildings are located a sufficient distance back from the site boundary to avoid more than minor adverse effects on the natural landscape.**

The overall form and design of the building is such that it does not compromise the amenity values or character of the natural landscape. In this regard, the building maintains a small footprint, relative to the size of the site, therefore ensuring that the majority of the site remains bush covered. Furthermore, the overall length of the side yard infringement is approximately 9.4 metres over a total boundary length of approximately 54 metres. Vegetation continues to grow along almost the entire length of the property boundary therefore providing a partial screen between the application site and 38 Paturua Road.

- b) The extent to which buildings are located in a position which maintains opportunities to retain vegetation around the edges of the site.**

As identified above, vegetation continues to grow along the entire length of the property boundary, albeit sparsely adjacent to the laundry/ porch, where the greatest extent of infringement occurs. It has been identified that there are opportunities for further planting on the application site adjacent to the kitchen, however it has not been deemed necessary to require this as a condition of the resource consent.

- c) The extent to which buildings are located in a position which allows for safe traffic movement on and off the road and car parking and manoeuvring off the road.**

The infringements would not affect the existing car parking and manoeuvring layout, which includes a double garage partially located within the road reserve. The position of this garage and therefore the existing traffic manoeuvring situation, was approved by the Council in 1982.

- d) The extent to which buildings are located a sufficient distance back from site boundaries of adjoining sites to provide a degree of privacy.**

The effects of the proposal on the privacy of the adjoining property at 38 Paturua Road have been addressed in Part 10.1.3(B) of this report. In summary, this assessment concluded that the proposal would have no more than minor adverse effects on the privacy of the neighbouring property. While there are a number of eastern facing windows located within the 3 metre side yard, the only window associated with a habitable room is the upper level bedroom window. While this window has a partial view over the neighbouring property it is considered that the effect on privacy is not significantly different to that associated with a similarly sized window forming part of a complying structure (i.e. set back an additional 1.1 metres from the eastern boundary). Furthermore the window is not associated with the main living area on site and as such, is unlikely to result in a concentration of people overlooking the neighbouring property.

- e) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and / or through payment or provision of a financial contribution.**

This criterion is not considered relevant to the current application as it has been determined that the proposal would have no more than minor adverse effects on the environment.

***Rule 1 - Natural hazards: General Assessment Criteria***

- (b) The extent to which buildings can be located on areas of a site not subject to natural hazards.**

- (c) The extent to which any subdivision or building:**
- **will or may result in damage to property or harm to people**

A74-A92

The application site was previously shown under the Transitional District Plan as being located in a stability sensitive area, therefore triggering the need for assessment under Rule 1.1 (Natural Hazards). While no geotechnical report has been submitted with the current application a review of the property file reveals that a geotechnical investigation report was prepared by Soil Engineering Ltd for the site as part of the previous land use consent application LUC 20060299 (which has been subsequently withdrawn). A copy of the report is included as attachment at pages A74 to A92 (Appendix Three) of this consent. This report was reviewed by Council's consultant engineer Gary Law. The

report identifies that at the time of the investigation there were no obvious indicators of significant site instability. In this regard, the dwelling has been located on the site for over 20 years, with additions and alterations being undertaken since then without adversely affecting ground conditions. It is noted that the geotechnical report prepared by Soil Engineering Ltd. identifies that conventional shallow footings or short piles are suitable for use on the site. It is also noted that the application site is surrounded by land of a similar gradient and contains dwellings of a comparable age. Geotechnical reports were also submitted for the 1984 upper level addition (Consulting Engineer Report) and the 1995 additions (decking) to the garage and dwelling (Hugh Fendall Consultants Ltd).

#### **10.2.2 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))**

The Auckland Regional Policy Statement sets out broad resource management issues. Objectives and Policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The policy statement functions as an umbrella policy document for environmental planning and policy development within the region, under which Waitakere City Operative District Plan has been prepared.

For the reasons highlighted in Section 10.2.1 of this report, it is considered that the proposal is consistent with these documents.

#### **10.3 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1))(c))**

#### **10.4 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

The submission prepared on behalf of WM Charlesworth, AA Maehl and Maehl-Charlesworth Trustee Services Limited makes a number of comments that relate to the information submitted with the application. Each of these matters is addressed below:

- The November 1994 Plan showing proposed additions and alterations at 38 Paturoa Road has not been considered as part of this assessment (refer Part 3(h) of submission);
- A site visit was undertaken as part of the assessment of the application and photographs taken. As such the photographs submitted with the application (see Appendix D attached at pages A33 to A41) were not used as a point of reference in the assessment (refer Part 3(h) of submission);
- The landscape report submitted with the application was originally undertaken as an independent peer review of the visual amenity and privacy effects of the previous land use consent LUC 20060299. The report was commissioned on the basis that the applicants (the de Knechts) agreed to pay the cost of preparing the report in much the same way as they would have if they had commissioned the report themselves. Given the report has been prepared by an independent landscape architect and that much of the assessment remains relevant to the current application (refer letter from Rob Pryor of LA4 architects dated 2 October 2007), it is considered that the use of this report is appropriate. The use of this report does not affect the submitters ability to commission their own report to assess the effects of the proposal (refer Part 3(i) of the submission);
- The application does not represent a significant development for which alternatives are required to be considered (refer Part 3(l) of the submission).

A33-A41

#### **10.5 Bonds/Reserve Contributions/Development Levy/Financial Contributions**

The proposed development would not attract a development contribution under Council's Long Term Council Community Plan.

There are no rules within the District Plan that provide for a financial contribution in respect of the proposed development.

The proposal does not relate to a subdivision and therefore a reserve contribution cannot be taken.

### **10.6 Monitoring**

The performance of the activities under this consent would usually be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. However, in this instance the works already exist and no further building works are proposed. Therefore, unless the Independent Planning Commissioner hearing the application requires conditions as deemed necessary to mitigate the effects of the proposed infringements, no monitoring conditions would be required and therefore the consent will not require monitoring.

### **10.7 Lapsing of Consent**

Under section 125 of the Act, unless given effect to earlier, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent. As the works already exist with no further building or site work proposed and that there are no conditions requiring monitoring (as discussed in Section 10.6 above), it is considered that a lapse date of six (6) months is appropriate. For the avoidance of doubt the lapse date is the timeframe within which consent must be given effect to. In this instance it is considered that effect has already been given to the works, as the building already exists and no further works are proposed.

## **11 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the granting of this application would be consistent with sustainable resource management. In particular the proposal would allow for the continued use of the application site for residential purposes whilst maintaining an appropriate balance whereby natural features dominate the built environment and the privacy and amenity of the site and adjoining sites is provided to an acceptable level. The proposal is considered appropriate within the environment and would be able to be undertaken in such a way that there would be no more than minor adverse effects on the amenities of the neighbourhood.

The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal are limited in significance to the surrounding neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance of amenity values.

It is not considered that the proposal would give rise to any issues relating to the Treaty of Waitangi that would require consideration under Section 8 of the Act.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 10.1 of this report. It is concluded that the potential adverse effects on the amenity of the surrounding environment, and in particular on the property at 38 Paturoa Road, would be no more than minor.

## 12 CONCLUSION

Retrospective consent is sought for additions to the existing dwelling giving rise to infringements into the three (3) metre eastern side yard on a stability sensitive site. The site is zoned Bush Living Environment and Managed Natural Area under the Operative District Plan

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and the proposal is consistent with the relevant objectives, policies and assessment criteria of the District Plan and is consistent with Part II of the RMA. The planning issues raised by the submitter have been addressed in this report and it has been determined that the proposal would not give rise to adverse effects on the amenity values of 38 Paturoa Road that are more than minor in nature. Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Section 104 of the Resource Management Act 1991.

## 13 RECOMMENDATIONS

That pursuant to Sections 104,104B, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Paul de Knecht for retrospective consent for additions and alterations to the existing dwelling giving rise to infringements into the 3 metre eastern side yard on a site identified as being stability sensitive at 36 Paturoa Road, Titirangi (being Lot 59 DP 28967) for the following reasons:

1. The overall site development does not compromise the landscape character or amenity values of the locality as the dwelling, including those areas infringing the side yard, maintains a small building footprint relative to the site size, therefore ensuring an appropriate balance whereby natural features dominate the built environment remains.
2. The topography of the land, orientation of the dwellings and sites, screening provided by vegetation and the overall separation between the dwellings ensure that the proposal would have no more than minor adverse effects on the visual amenity of 38 Paturoa Road.
3. The proposal would not give rise to more than minor adverse effects on the privacy of 38 Paturoa Road. While the upper level eastern facing bedroom window has a partial view over the neighbouring property the effect is not significantly different to that associated with a similarly sized window forming part of a complying structure (i.e. set back an additional 1.1 metres from the eastern boundary). Furthermore the window is not associated with the main living area on site and as such, is unlikely to result in a concentration of people overlooking the neighbouring property. The remainder of the eastern facing windows located within the eastern side yard are predominantly screened from the neighbouring property by the topography of the land and existing vegetation and therefore would not give rise to adverse effects on the privacy of this property.

4. The proposal complies with the height in relation to boundary recession plane relative to the eastern boundary and would not give rise to adverse shading effects that are significantly greater than those experienced in relation to a complying development. The vegetation cover within the locality is considered to be the most significant contributor to shading of dwellings within the locality.
5. The overall form, height and scale of the dwelling at 36 Paturua Road would not give rise to more than minor adverse dominance effects on the neighbouring property to the east as the building is set lower, is smaller and is not orientated towards this adjoining site.
6. The proposal satisfies the relevant objectives, policies and assessment criteria of the Waitakere City Operative District Plan and is consistent with Part II of the RMA.

**Consent shall be subject to the following conditions:**

1. The development shall proceed in accordance with the plans prepared by Waitakere Architects Ltd, dated October 2005, Reference Number 05-019 and titled:  
"Existing Dwelling at 36 Paturua Road for Paul and Linda De Knecht":
  - Site Plan (Overall) Existing (ex00);
  - Site Plan (Enlarged) Existing (ex01);
  - Lower Floor Plan Existing (ex02);
  - Upper Floor Plan Existing (ex03);
  - East Elevation Existing (ex04);
  - Elevations Existing (ex05);

*A93-A107*

and all referenced by Council as LUC 2007-1242 and the information, including further information attached at pages A93 to A107 (Appendix Four), submitted with the application.

1. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of six (6) months after the commencement of the consent.
2. No further or additional windows shall be installed within the eastern facing portion of the subject dwelling that infringes the 3 metre side yard without obtaining further resource consent.
3. No works shall be undertaken that would have the effect of increasing the size, area or alter the location of any of the existing eastern facing windows of the subject dwelling that infringes the 3 metre side yard without obtaining further resource consent.

Report prepared by: Mary Barton, Senior Planner.

