

Ian Carstens

From: Rachel Vaughan <rachel@smartpathways.co.nz>
Sent: Monday, April 29, 2019 12:34 PM
To: RC Applications
Subject: Land Use Consent 124 Boundary Road
Attachments: complete appln.pdf; completed form.pdf; House plans.pdf



Please find attached an application form and AEE for application for land use consent for 124 Boundary Road. Are you able to obtain a copy of the certificate of title at our expense?

If you have any questions, or require further information, please contact me directly.

Please advise how payment of the deposit can be made. I look forward to receiving confirmation of receipt of the application.

Kind regards Rachel

**Rachel Vaughan | Principal
Environmental Projects**

Phone: 0274550346

rachel@smartpathways.co.nz



Smart Pathways
Mapping your potential



APPLICATION FOR LAND USE CONSENT RESOURCE MANAGEMENT ACT 1991

FORM 9 – LAND USE

To: Waimakariri District Council

Phone: 0800 965 468

I/We Kelly Marie Smart
(Full name)

of 124 Boundary Road RDS Rangiora 7475
(Postal address of applicant)

Apply for the resource consent described below.

1. Names and address of the owner and occupier of the land to which the application relates other than the applicant are:

--

2. This application relates to the property at:

STREET ADDRESS:	<u>124 Boundary Road, RDS</u>
LEGAL DESCRIPTION:	<u>Lot 6 DP397957 4 000800 Ha.</u>

3. Description of proposed activity:

<u>Residential House - Living for parent who was recently widowed.</u>

4. Additional resource consents required in relation to this application:

	Granted	Applied for	Not applied for	N/A
WATER PERMIT				✓
DISCHARGE PERMIT				✓
SUBDIVISION CONSENT				✓
OTHERS				✓

5. I/We attach an assessment of any effects the proposed activity may have on the environment.
6. I/We attach other information (if any) required to be included in the application by the District Plan or regulations.

7. I/We attach a scaled site plan showing:

- (i) Location of all existing and proposed buildings and distances to boundaries (indicate those to which the application relates);
- (ii) Location of trees, streams, drains and other internal roading;
- (iii) Existing and proposed access points and internal roading;
- (iv) Existing and proposed car parking areas;
- (v) Location of existing septic tanks and effluent drainage lines;
- (vi) Details of proposed landscaping;
- (vii) Location of existing and proposed signs;
- (viii) Areas and dimensions of property;
- (ix) Roads on to which the property has frontage;
- (x) Elevations of all new buildings to show external appearance;
- (xi) For advertising signs show dimensions, shape, wording, colour and details of mounting or support structures.

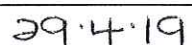
I/We enclose the required processing fee of :
(see Waimakariri District Council fees and charges schedule)

\$900.00

I/We understand that as the applicant I am/we are responsible for payment. The payment terms for fixed fees are with lodgement of the application and those relating to disbursements, hearings and additional charges are payment by the 20th of the month following the month in which the invoice is issued.

I/We agree to pay according to those terms for any goods or services you supply to us. Should failure to meet the terms of trade result in debt recovery and/or legal proceedings, any costs incurred in the collection of the debt will be payable by me/us.


(Signature of applicant or person authorised to sign on behalf of applicant.)
This is not necessary if the application is being made electronically.


(Date)

NAME, POSTAL & ELECTRONIC ADDRESS FOR SERVICE OF APPLICANT:

.....
Rachel Vaughan
850A State Highway One
RD1 Kaikoura 7371
.....

TELEPHONE NO:

0274550346

E-MAIL:

rachel@smartpathways.co.nz

APPLICANT CHECKLIST: (Please complete)

- Signed and completed application form ☐
- Full description of the activity proposed ☐
- Assessment of effects on the environment ☐
- Scaled application plans ☐
- Current copy of certificate of title (no older than 3 months) ☐
- Processing fee ☐
- Signed affected persons consent form & plans (if applicable) ☐



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier 391185
Land Registration District Canterbury
Date Issued 07 December 2007

Prior References
360453

Estate	Fee Simple
Area	4.0008 hectares more or less
Legal Description	Lot 6 Deposited Plan 397957

Registered Owners
Paul John Smart and Kelly Marie Smart

Interests

7111246.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - Produced 13.11.2006 at 9:00 am and Entered 8.12.2006 at 9:00 am

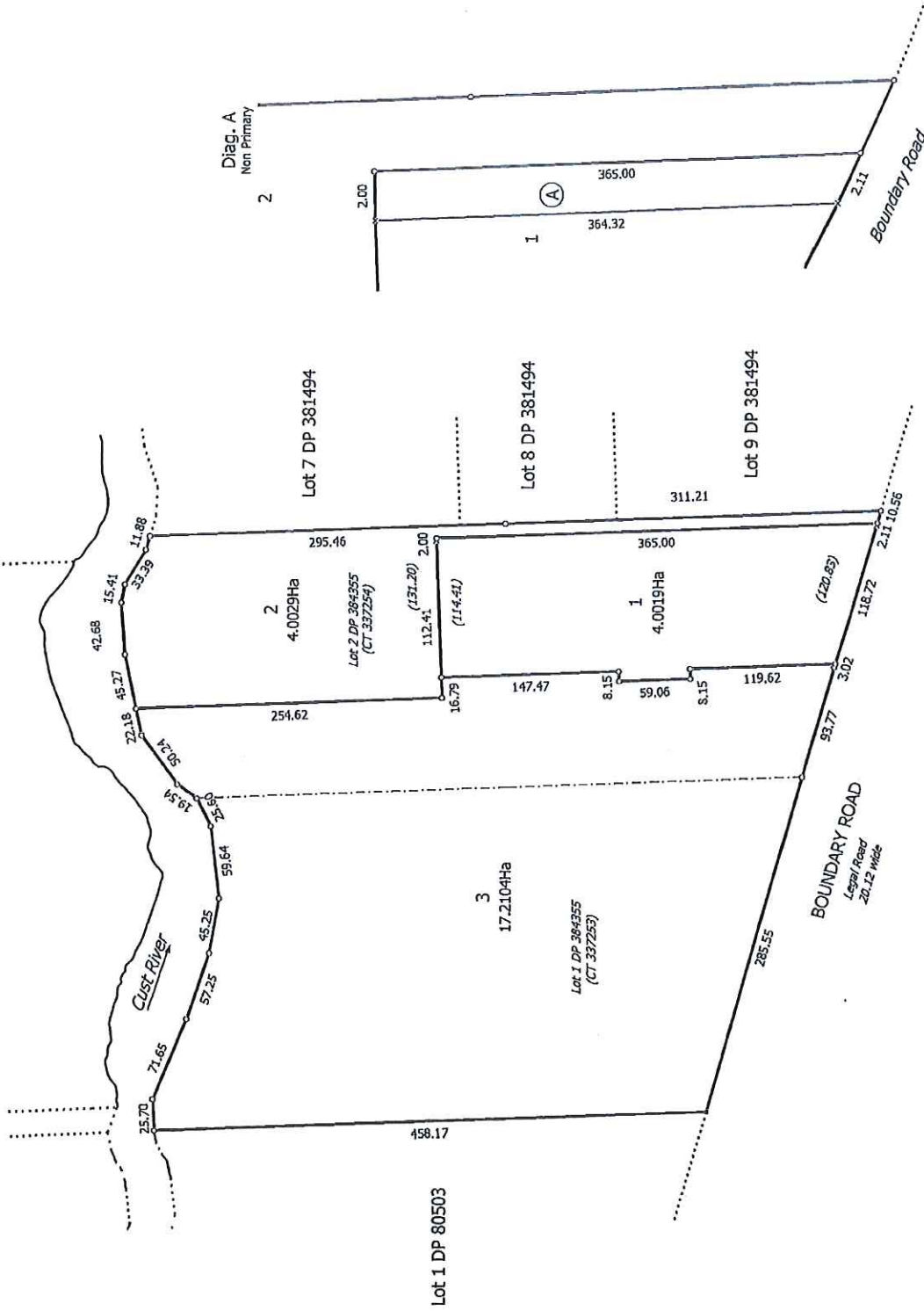
Land Covenant in Easement Instrument 7615271.3 - 14.11.2007 at 9:00 am

Appurtenant hereto is a right of way and rights to convey water, electricity, telecommunications and computer media created by Easement Instrument 7647009.3 - 7.12.2007 at 9:00 am

The easements created by Easement Instrument 7647009.3 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7647009.4 - 7.12.2007 at 9:00 am

8045284.1 Mortgage to Bank of New Zealand - 16.1.2009 at 1:08 pm



T1/1

Land District: Canterbury

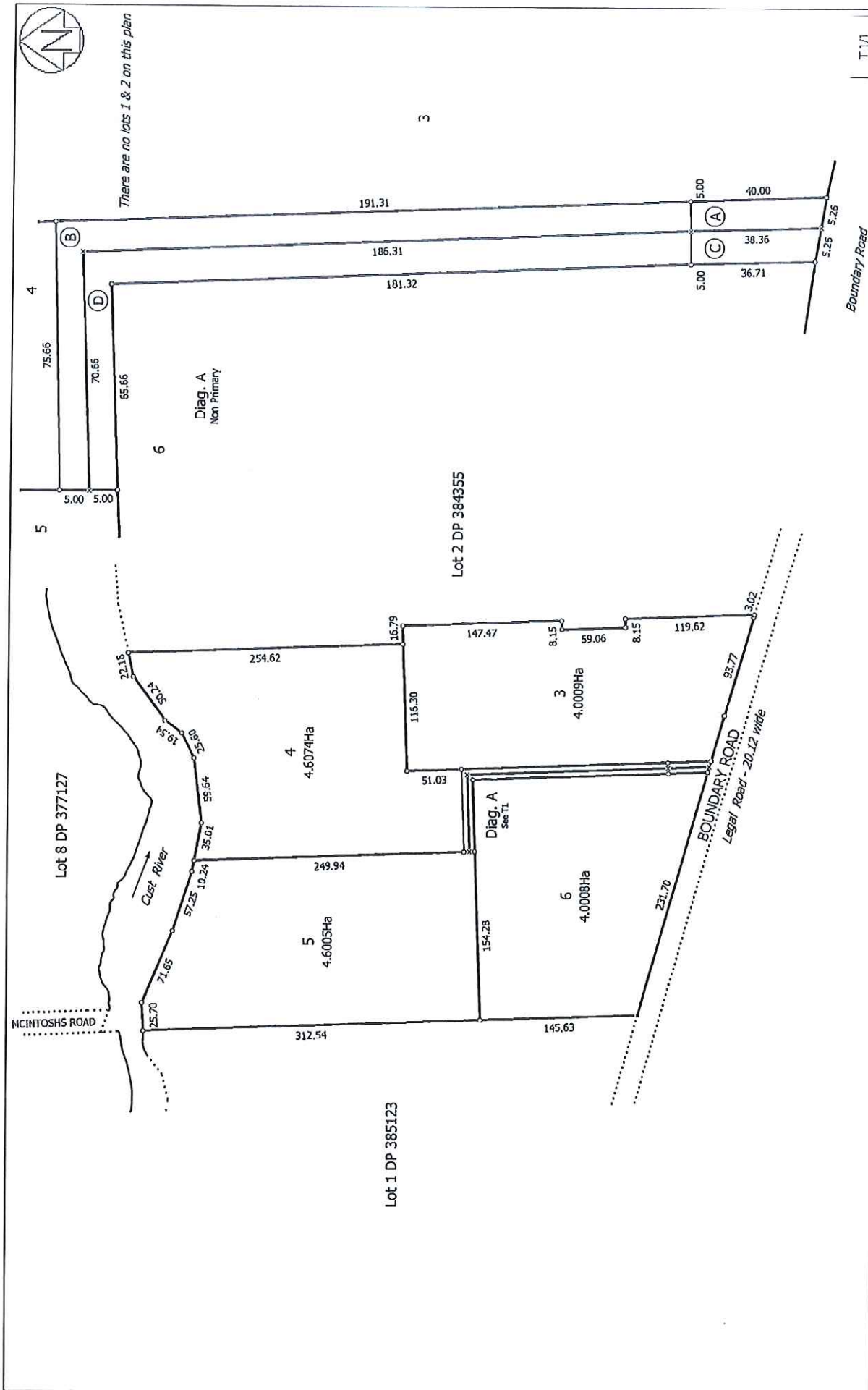
Digitally Generated Plan
Generated on: 15/11/2007 08:51 am Page 3 of 3

Lots 1 - 3 Being subdivision of Lots 1 & 2 DP 384355

Surveyor: Jeffrey Fraser Iving
Firm: Clark Land Surveyors (2004) Ltd

Digital Title Plan
DP 389808

Deposited on: 14/11/2007



Land District Canterbury	Lots 3 - 6 Being Subdivision of Lot 3 DP 389808	Surveyor: Jeffrey Fraser Living Firm: Clark Land Surveyors (2004) Ltd	Digital Title Plan DP 397957
Digitally Generated Plan Generated on: 18/12/2007 12:01pm Page 3 of 3			Deposited on: 17/12/2007

APPLICATION FOR RESOURCE CONSENT

PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

FORM 5

To:

Waimakariri District Council
215 High Street
Rangiora 7400

APPLICANT:

Kelly Marie Smart
124 Boundary Road
RD 5
Rangiora 7475

ADDRESS FOR SERVICE:

Rachel Vaughan
Smart Pathways
850a State Highway One
Kaikoura
Phone: 0274550346
Email: rachel@smartpathways.co.nz

SITE DETAILS:

124 Boundary Road, CUST
Property ID: 23679
Legal Desc: LOT 6 DP 397957
Areas: 4.000800 Ha

TYPE OF RESOURCE CONSENT

Land use consent

DESCRIPTION OF THE ACTIVITY

Retrospective resource consent to legalise two residential units under one roof, on a rural site exceeding the site density standard

EFFECTS ON THE ENVIRONMENT

Effects on the environment will be limited to effects on the density rule of the District Plan, see below.

ADDITIONAL RESOURCE CONSENTS

Environment Canterbury resource consents are held for discharge of wash water and water supply.

OTHER INFORMATION

Other relevant information is included within the application, the annexures and the appendices. This information comprises:

Appendix A: House Plans

SIGNED BY THE APPLICANT

Date:

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Date:

29.4.19

On separation of Kelly and Paul Smart, the property was advertised for sale. The property was advertised as two separate independent residential units. The Waimakariri District Council became aware of this issue, and sought that either the kitchen was removed, or the second residential unit legalised through resource consent. Kelly is seeking to legalise the dwelling, so her mother, now widowed, could remain in the smaller residential unit until the property sold.

DESCRIPTION OF THE PROPOSAL

The owner, Kelly Smart, is seeking retrospective resource consent to legalise a second residential unit with a kitchen, as an independent residential unit under the same roofline as the primary residence, on their property at 124 Boundary Road.

DISTRICT PLAN ASSESSMENT

Waimakariri District Plan

Zoning: Rural

Dwellinghouse means any habitable structure, occupied or intended to be occupied in part or in whole as a residence and, except in relation to any cluster housing within Maori Reserve 873, includes one additional physically separated that is no more than 75 square metres in gross floor area and is located within 30 metres of the primary dwelling. For the purposes of this definition there shall be only one kitchen facility under any individual roof structure.

TABLE 1: WAIMAKARIRI DISTRICT PLAN — RELEVANT RULES

Rule	Conditions	Proposal	Activity Status
21.8.2	Any erection of a dwelling and/or subdivision of land, except for designation purposes, that does not meet the existing or required density of the zone is a non-complying activity.	Does not comply	Non-complying
Rule 30.6.1.19 (Table 30.4)	The maximum number, spacing and width of vehicle crossings for all roads, other than State Highways where the posted speed limit is 70km/hr or greater, shall comply with Table 30.4.	Complies existing vehicle crossing to property formed on subdivision	Permitted
31.1.1.1	In the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha	Does not comply – 2 dwelling houses on site	Non-complying

Rule	Conditions	Proposal	Activity Status
31.1.1.3	<p>In the Rural Zone, where there is more than one dwellinghouse on a site, it shall be able to be shown that:</p> <p>each dwelling can be contained within its own delineated area and there is no overlap between delineated areas;</p> <p>Rules 32.1.1.1 (areas and dimensions), 32.1.1.3 (provision for a building platform and effluent disposal area), 32.1.1.30 and 32.1.1.31 (common vehicle crossing for multiple lots), 32.1.1.58 and 32.1.1.59 (energy supply to the allotment) and 32.1.1.64 (stormwater connection to public drain) can be complied with as though any delineated area was an allotment;</p> <p>Rules 30.6.1.2 (access to seven or more sites) and 31.1.1.15 (setbacks for structures) and 31.10.1.1 (glare) can be complied with as though any delineated area was a site;</p> <p>any delineated area, other than one that encompasses an existing habitable dwellinghouse, can be connected to a reticulated potable water supply; and</p> <p>no esplanade reserve or esplanade strip would be required to be created or set aside in accordance with Chapter 33: Esplanades: Locations and Circumstances – Rules if any delineated area was created by subdivision.</p>	<p>Cannot comply, dwellings share a roofline</p> <p>Cannot comply with 32.1.1.1, all others matters comply</p> <p>Not applicable</p> <p>Can comply</p> <p>Not applicable</p>	

Rule	Conditions	Proposal	Activity Status
31.5.1	Any land use which does not comply with Rules 31.1.1.1 to 31.1.1.6 (standards for a site, or delineated area, containing a dwellinghouse) or Rules 31.3.2 and 31.4.2 is a non-complying activity except where exempted under Rule 31.1.2.	Does not comply with rule 31.1.1.1 or 31.1.1.3	Non complying
31.1.1.10	The structure coverage of the net area of any site shall not exceed: 20% in the Rural Zone,	Complies	Permitted
31.1.1.15	Any structure shall comply with the minimum setback requirements in Table 31.1 and measurements shall be taken from the nearest point of any part of any structure (or dwellinghouse). Rural Zone Any road boundary - 20m for any dwellinghouse Any internal site boundary - 10m for any structure other than a dwellinghouse Any existing dwellinghouse on an adjoining site - 20m for any dwellinghouse; 3m for any structure other than a dwellinghouse; 10m for any structure (excluding a dwellinghouse)	Complies	Permitted

OVERALL STATUS OF ACTIVITY: NON COMPLYING

ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

EXISTING EFFECTS OF THE ACTIVITY

Assessing the adverse effect of the proposal becomes an academic argument in regards to protection of the density standard in the Waimakariri District Plan. The actual physical effects of the proposal will be negligible, as discussed below.

There are currently 2 adults and two young teenage children living on the property. This is comparable to any other dwelling on a 4-hectare block in the Waimakariri District. Each adult owns a vehicle; however, vehicle movements would be less than a working family as Pam is retired. In terms of servicing, all the servicing on the property is in place. There is reticulated water and on-site effluent and stormwater disposal. There are no noted issues on the property file regarding adverse effect from servicing the property.

When considering the permitted baseline, the limit to the size of a dwellinghouse on a property is 20% structure coverage or 8000m², therefore the installation of a second kitchen is the only limitation to the building configuration on the site not the size of the residential dwelling. In examining similar size lifestyle blocks along Boundary Road, there are a few dwellings with a similar footprint to the total floor area of this dwelling. Similarly, with one roof line and a single outdoor living space. The net effect is the appearance of one large dwelling on the site. It is not considered there are any visual or landscape effects from the existing dwelling due to the structure coverage allowance for a rural site.

It can therefore be concluded that the effects of the proposal are limited to the effects on the plan integrity, namely the density standard of the Waimakariri District Plan. The Waimakariri District Council did extensive community consultation for the Waimakariri District Plan and the overwhelming response was protection of the rural character and amenity in the rural zone. One of the methods to achieve this was to restrict the minimum lot size to 4 hectares and the minimum density to one house on each of those 4 hectare allotments. This proposal seeks to legalise two existing dwellings that are located under one roofline on an existing 4 ha allotment.

On examination of the history of these dwellings, to properly assess the effects of the two independent dwelling units, one can assess the compliance and complaints history associated with the site. It appears there are no complaints from the neighbours regarding the two residential units on the site, thus it can be assumed that the level of concern from the neighbouring properties on the effects from the site was not sufficient to warrant a complaint.

Secondly, between the time the dwelling was occupied in 2010, and the issue of code compliance, it seems the property was visited three times by Council building inspectors. The adverse effects of the second dwelling did not impact these inspector's opinion to issue Code Compliance under the Building Act.

A more complete assessment of the activity is outlined below.

VISUAL AND LANDSCAPE

The surrounding landscape is a mix of rural and 4ha rural properties. The road frontage of this site and the adjacent site is mature pine trees. The house is not readily visible from the road as shown in figure 2.



FIGURE 2: ROAD VIEW 124 BOUNDARY ROAD. SOURCE GOOGLE EARTH

The north side of Boundary Road and the area to Oxford Road is predominately 4 hectare blocks with large houses, interspersed with remaining pockets of larger grazing areas. The south side of Boundary Road opposite the site is a large irrigated farm. The amenity is predominantly rural to the south, to the north and the surrounds, toward the Rangiora township, is lifestyle. See Figure 3.

The site has been developed in keeping with the rural lifestyle nature of the area. The road boundary is dominated by mature pine trees. The site area to the north and east of the house is pasture with low intensity cattle and sheep grazing. Along Boundary Road there are at least 4 houses of similar floor area under one continuous roofline, and many other large dwellings in the area. See Table 2, below for estimates of surrounding dwelling floor areas. Table 2 illustrates that the area is dominated by large floor area homes on rural lifestyle sites. This site is not unusual to those generally found in many 4-hectare lifestyle areas of the Waimakariri District. The structure coverage for the Rural Zone is 20%.

On a 4-hectare site, the structure coverage rule allows for up to 8000m² of the site to be covered with structures. As most of the sites are rural lifestyle, this allows for a generous dwelling and an implement or hay shed as a permitted activity. In the surrounding area along Boundary Road, large houses and few outbuildings dominant the landscape. The surrounding landscape is consistent with the dwelling at 124 Boundary Road. If the surrounding rural character is indicative of the outcomes sought by the Waimakariri District Plan, the two

residential units within the existing dwelling does not have a negative impact on the surrounding rural landscape or amenity. From the outside, 124 Boundary Road appears as a large residential dwelling surrounded by landscaping. The wider area is arable grazing.

It is considered that the visual and landscape effects of the application are in keeping with the surrounds and the wider District, and that no adverse effects arise from the application.

TABLE 2: COMPARISON OF FLOOR AREA OF NEIGHBOURING PROPERTIES

Address	Approximate floor area*
418 Boundary Road	450m ²
405 Boundary Road	360m ²
230 Boundary Road	415m ²
314 Boundary Road	431m ²
218 Boundary Road	455m ²
80 Boundary Road	422m ²
50 Boundary Road	384m ²
38 Boundary Road	416m ² (ground floor only)

*Note: May not be precise, these are floor area estimates from aerial photography



FIGURE 3: AERIAL OF SITE AND SURROUNDS. SOURCE GOOGLE EARTH

TRAFFIC

Previously, there have been 4 adults and two children living on the site. This equated to 4 vehicles in the household. Kelly and Paul both worked, while Pam and her late husband were retired. Vehicle movements were slightly increased from the current situation. The site has a single vehicle access with good sight lines onto Boundary Road. Boundary Road is a local road with good connections to the local road network. In considering the permitted baseline, vehicle movements would be comparable or slightly less than a family with 2 driving age adult children living on site. It is not envisaged any adverse effects will arise from vehicle movements to or from the site.

The dwelling is located on an existing rural site serviced by an existing single vehicle crossing to Boundary Road. Boundary Road is a sealed local road with good sight lines. The current land use allows for similar vehicle movements to any other lifestyle site in the vicinity as discuss above.

The projected land use, or projected vehicle movements could be from the site must be considered. Given that both residential units are located under one roof, share a driveway, effluent disposal and outdoor living space, it is unlikely that they could be occupied by unconnected tenants. That is, it is not envisaged that anyone other than an extended or associated family would occupy the site. This lessens the impact of having two large families with teenagers and cars occupying the site. Given the whole dwelling has 7 bedrooms, the maximum occupancy at any one time could be 14 adults. This is unlikely to occur for a residential home of this kind. It is realistic to consider two families with driving age children – two cars per couple plus two children in one dwelling and three children in the other. A maximum of nine cars on the site if they were all adult children. If they all attended separate jobs or school, this would be eighteen vehicle movements plus any other outings. A maximum assumed total of 36 vehicle movements per day if they all had a social or sporting fixture. This number of vehicle movements, while outside a usual residential site would not be unusual for a permitted activity in the Rural Zone. Such as a vineyard during harvest, dairy farm or other intensive horticulture site. Therefore, it is not considered that maximum anticipated vehicle movement are outside that allowed for in the rural environment.

There are not considered to be any adverse effects arising from traffic from the site.

HERITAGE AND CULTURAL

There is not heritage or cultural areas of concern on the site.

SERVICING

The site has existing servicing for water supply, onsite effluent disposal and storm water.

Both dwellings on the site share the one onsite effluent disposal system. The capacity is sufficient for a 7-bedroom dwelling.

Where on-site land based effluent treatment and wastewater disposal systems are proposed, it is considered appropriate to restrict the dwellinghouse density to one per four hectares. It is considered that the effects of the second residential unit will not adversely impact the groundwater on the site. The site could, as a permitted activity be a 7-bedroom dwelling house, and it is not considered the installation of the second kitchen will impact any existing discharge from the dwelling.

EXISTING CONSENTS FROM OTHER AUTHORITIES

The onsite effluent disposal is previously consented with Environment Canterbury.

NATURAL HAZARDS

There are no known natural hazards on the site.

NOISE

There is no anticipated noise from the site.

SECTION 104 OTHER MATTERS

Section 104 of the Resource Management Act requires consideration of various documents, and "any other matter the consent authority considers relevant and reasonably necessary to determine the application". In this case, the Canterbury Regional Policy Statement is relevant as this was made operative after the Waimakariri District Plan.

The Proposed Canterbury Regional Policy Statement (RPS) was publicly notified on 18 June 2011, and made operative on 15 January 2013. The RPS defines **Rural Activities** as meaning activities of a size, function, intensity or character typical of those in rural areas and includes:

- Rural land use activities such as agriculture, aquaculture, horticulture and forestry.
- Businesses that support rural land use activities.
- Large – footprint parks, reserves, conservation parks and recreation facilities.
- Residential activity on lots of 4 ha or more.
- Quarrying and associated activities.
- Strategic infrastructure outside of the existing urban area and priority areas for development.

OBJECTIVE 5.2.1 Location, design and function of development (Entire Region)

that Development is located and designed so that it functions in a way that achieves consolidated, well designed and sustainable growth in and around existing urban areas as the

primary focus for accommodating the region's growth; and enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which enables rural activities that support the rural environment including primary production;

Policy 5.3.3 Management of development (Wider Region) seeks to ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient:

through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and

where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.

5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region)

Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:

avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and

requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.

5.3.6 Sewerage, stormwater and potable water infrastructure (Wider Region)

Within the wider region:

Avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.

Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:

the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and

other adverse effects on the environment are appropriately controlled.

Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet [Policy 5.3.1](#).

5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. avoiding development, and/or fragmentation which;
 - a. forecloses the ability to make appropriate use of that land for primary production; and/or
 - b. results in reverse sensitivity effects that limit or precludes primary production.

The Objectives and Policies of the Regional Policy Statement are not contrary to those already in the WDC. The site is not seeking to intensify development or change the rural character of the site. The second residential unit is located within the existing structure of the dwelling. The dwelling will not have any effect on the existing rural character or amenity. The second kitchen will not impact the effluent disposal as the disposal is already sufficient for a 7-bedroom dwelling. There are no additional bedrooms added as part of this application.

PLAN INTEGRITY

The only anticipated effect from the proposal is one of plan integrity. The Waimakariri District Plan seeks to protect the rural character of the District by controlling the density of the District's rural environment. The rural environment is deemed to be one dominated by paddocks, trees, natural features, and agricultural, pastoral or horticultural activities. Minimising housing to one per 4 hectares is considered adequate to achieve the rural amenity.

This consent is seeking retrospective consent for two residential units under one roofline, sharing a septic tank. As the consent is a non-complying activity, in order to pass one of the gateway tests of the RMA, it must be shown the adverse effects from the activity will be minor. In terms of integrity of the Waimakariri District Plan (WDC), to assess the effect of the proposal, it is necessary to examine the relevant Objectives and Policies of the District Plan. A full examination of those is shown below. It can be seen that the proposal is not contrary to the objectives and policies of the District Plan.

In this case the only adverse effect of the activity is on plan integrity. The Courts have held that precedent effect and integrity of the Plan are relevant considerations. The use of non-complying activity status with an application contrary to Objectives and Policies of the WDC would provide a basis for declining a consent. There has to be strong evidence in the objectives and policies that the application cannot proceed without undermining the Plan. In this case, there is no such directive in the Objectives and Policies. The activity can be shown to have little effect on the surrounding rural amenity and environment and is thus in keeping with the environmental outcomes sought for the Rural Zone. There is no basis for declining the consent outlined in the Objectives and Policies and thus no basis to decline on grounds of plan integrity.

There is also no precedent effect from this proposal as there are instances in the District where two kitchens under one roof line have been granted. There are also instances where one additional physically separated dwelling house that is no more than 75 square metres has been located on a rural site. One such instance is at 125 Waikuku Beach Road, Waikuku. In this

instance, the applicants built two small dwellings. However, the net effect is that there are instances where granting such applications is possible with little effect on plan integrity. This application is one such instance.

AFFECTED PARTIES AND CONSULTATION

It is not considered that the effects of the proposal are more than minor, thus there is no basis for notifying the consent under Section 95A or 95B of the RMA.

ASSESSMENT OF OBJECTIVES AND POLICIES

Chapter 12. Health, Safety and Wellbeing

<p>Issue 12.1</p> <p>The adverse effect on the health, safety and wellbeing of the community arising from a loss in the amenity values and/or quality of the environment as a result of inappropriate subdivision, land use, and development.</p>	<p>The proposal does not result in any loss of amenity value or quality of the environment. The dwelling is existing and the consent is retrospective</p>
<p>Objective 12.1.1</p> <p>Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.</p>	<p>The proposal maintains the amenity values and quality of the existing environment</p>
<p>Policy 12.1.1.5</p> <p>In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwelling houses.</p>	<p>The amenity value and quality of the rural environment from the dwelling is maintained. The land is not dominated by the dwelling</p>
<p>Policy 12.1.1.11</p> <p>Avoid noise adversely affecting the amenity values and health and safety of people on neighbouring sites or zones.</p>	<p>The proposal will not affect the amenity value or health and safety of neighbouring sites</p>
<p>Objective 12.1.2</p> <p>The establishment and expansion of both farming activities and other activities in the Rural Zones in a way which gives consideration to existing activities while maintaining a quality environment appropriate for the zone.</p>	<p>The dwelling is existing and does not affect existing farming activities</p>

<p>Policy 12.1.2.1</p> <p>Encourage farm activities to avoid or mitigate adverse effects through appropriate management, siting and design of operations.</p>	<p>The grazing on the site does not affect adjacent properties</p>
<p>Policy 12.1.2.2</p> <p>Protect lawfully established farm activities by controlling the establishment of dwellinghouses and other land uses sensitive to the adverse effects of farming activities.</p>	<p>The dwelling is existing and does not affect existing farming activities</p>
<p>Policy 12.1.2.3</p> <p>Protect lawfully established dwellinghouses and other sensitive land uses from significant adverse effects from future farm activities.</p>	<p>The dwelling is existing and has not been effected by adjacent land uses</p>
<p>Objective 12.1.4</p> <p>The retention of plants that contribute significantly to the amenity of a site, or the character or quality of the surrounding environment.</p>	<p>The front of the site is planted in mature pine trees</p>
<p>Policy 12.1.4.1</p> <p>Plants that contribute significantly to the amenity of a site, or the immediate area, shall be recognised and provided for in any work or subdivision of land, including being protected as a condition of consent.</p>	<p>The applicant is happy to volunteer a condition that the trees are replanted on harvest</p>
<p>Policy 12.1.4.2</p> <p>Retention and protection of significant plants will be taken into account in determining the extent of adverse effects in assessing land use and development</p>	

Chapter 14. Rural Zones

<p>Objective 14.1.1</p> <p>Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:</p> <ul style="list-style-type: none"> • the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities; • separation between dwellinghouses to maintain privacy and a sense of openness; • a dwellinghouse clustered with ancillary buildings and structures on the same site; • farm buildings and structures close to lot boundaries including roads; • generally quiet – but with some significant intermittent and/or seasonal noise from farming activities; • clean air – but with some significant short term and/or seasonal smells associated with farming activities; • and limited signage in the Rural Zone. 	<p>The proposal not have adverse effects on either rural production or the rural character of the rural zone. The overall site offers:</p> <ul style="list-style-type: none"> • a dominant effect of paddocks, trees and grazing, • the dwelling is separated from dwellings on adjacent sites • the dwelling and building are clustered on the site, • the structures are located close to Boundary Road, • the site has no effect on noise or air quality, • there is no signage on the site
<p>Policy 14.1.1.1</p> <p>Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.</p>	<p>The dwelling does not result in any loss of rural character or constrain lawful farming activities</p>
<p>Policy 14.1.1.2</p> <p>Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.</p>	<p>The site is dominated by arable grazing and pine trees</p>
<p>Policy 14.1.1.3</p> <p>Maintain and enhance the environmental qualities such as natural features, air and noise levels, including limited signage and rural retail activities that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.</p>	<p>The proposal does not seek to change the rural activities on the current site</p>

Issue 14.2 The adverse effects from subdivision and dwellinghouse development involving on-site land based effluent treatment and wastewater disposal systems on the water resource, amenity values and public health.	
Objective 14.2.1 Protect the life supporting capacity of the water resource from the adverse effects of on-site land based effluent treatment and wastewater disposal systems.	
Policy 14.2.1.1 Avoid the deterioration of the quality of the water resource as a result of the operation of on-site land based effluent treatment and wastewater disposal systems in the Rural Zones.	

In summary, it is not considered the activity will have a more than minor effect on the Objectives and Policies of the WDC as the two residential units are located under one roofline:

- The residential units appear visually to be one large residential dwelling,
- The residential units cannot be physically separated by subdivision,
- The site retains the rural amenity
- There is no loss of landscape character of the surrounding Rural zone,
- The site is dominated by arable pasture,
- Amenity planting is located around the dwelling,
- The dwelling is separated from neighbouring sites,
- The dwelling and ancillary buildings are located close to the road,
- The dwelling is clustered with ancillary buildings and structures on the site,
- Policy 14.1.1.3 recognises that natural features, clean air, quietness and limited roadside advertising are important environmental qualities in the District's Rural Zones. These attributes are not prejudiced by the proposal as the visual amenity does not increase as part of this proposal.
- Policy 12.1.4.2 provides the opportunity for the protection of plants to be weighed against other adverse effects of the land use. Retention of the existing trees on the site has been considered by the applicant and they are happy to volunteer a condition that the trees are retained or replanted on harvest.

SECTION 104 & 104D RMA

This consent is seeking retrospective consent for two residential units under one roofline, sharing a septic tank. As the consent is a non-complying activity, in order to grant the consent, the consent must pass the test outlined in Section 104D of the RMA.

The test is that the activity must either have adverse effects on the environment which will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

In regards to either plan integrity or precedent effect of granting the application, given that there have already been similar activities granted in the District, there is little basis for declining this application. This means that the adverse effects of the activity are minor, and thus the application passes the first requirement of the threshold test in Section 104D. There is no requirement to consider the second test, but for completeness, the application can also be shown to not be contrary to the objectives and policies of the relevant plan.

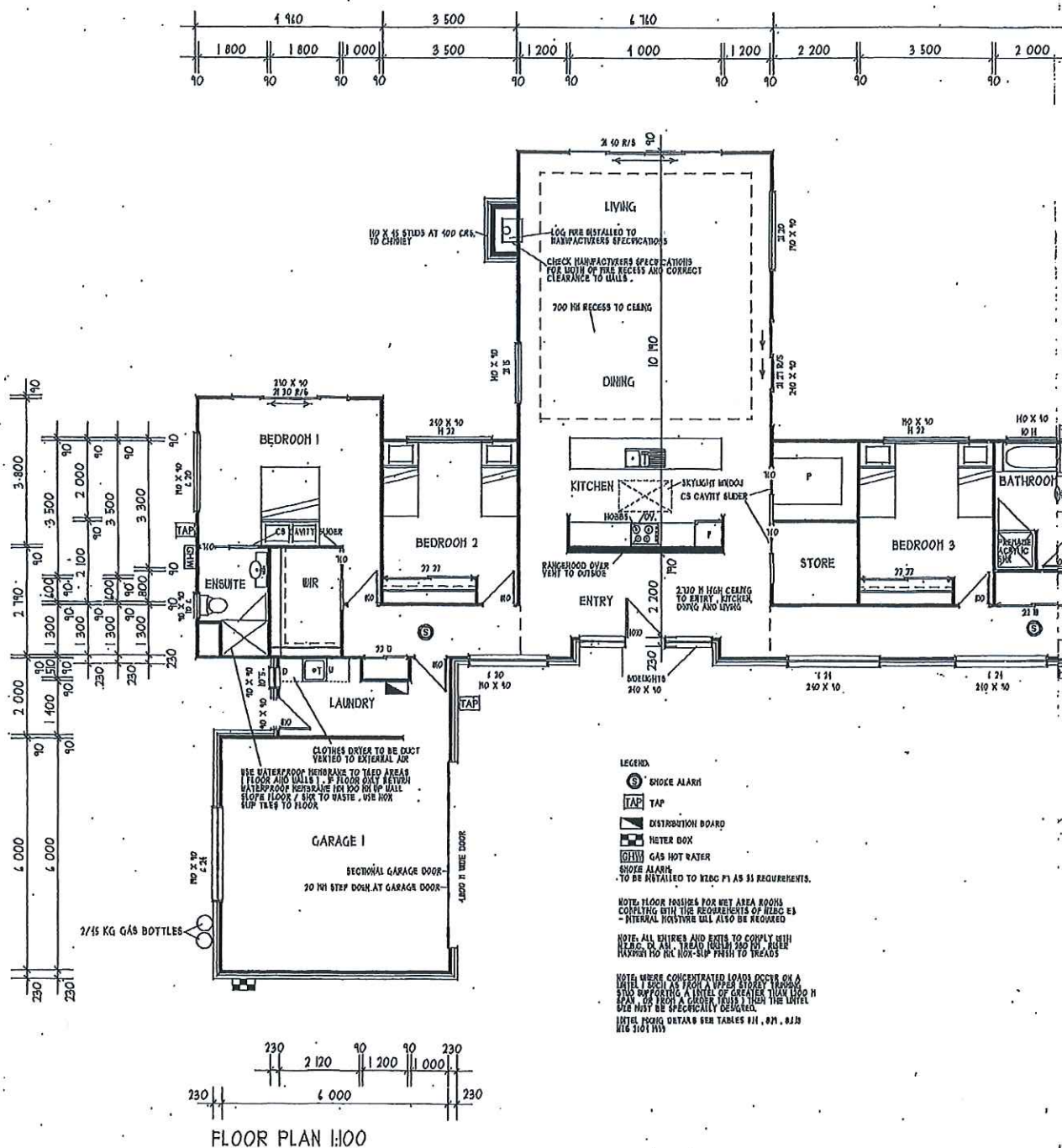
SUMMARY

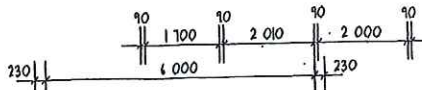
The applicant is seeking retrospective resource consent to allow a second residential unit within and existing dwelling. Each residential unit is located under one roofline and share effluent disposal and an outdoor living space. It is considered that the consent should be granted:

- the activity is in keeping with the rural character and amenity of the Rural Zone,
- the effects of the activity are minor,
- there is predominantly rural use of the site,
- the site retains the open space, clustered buildings and visual amenity required in the Rural Zone
- the application is not contrary to the Objectives and Policies of the Waimakariri District Plan,
- The applicant has volunteered a condition retaining or replacing the planting at the front of the property.

Appendix 1

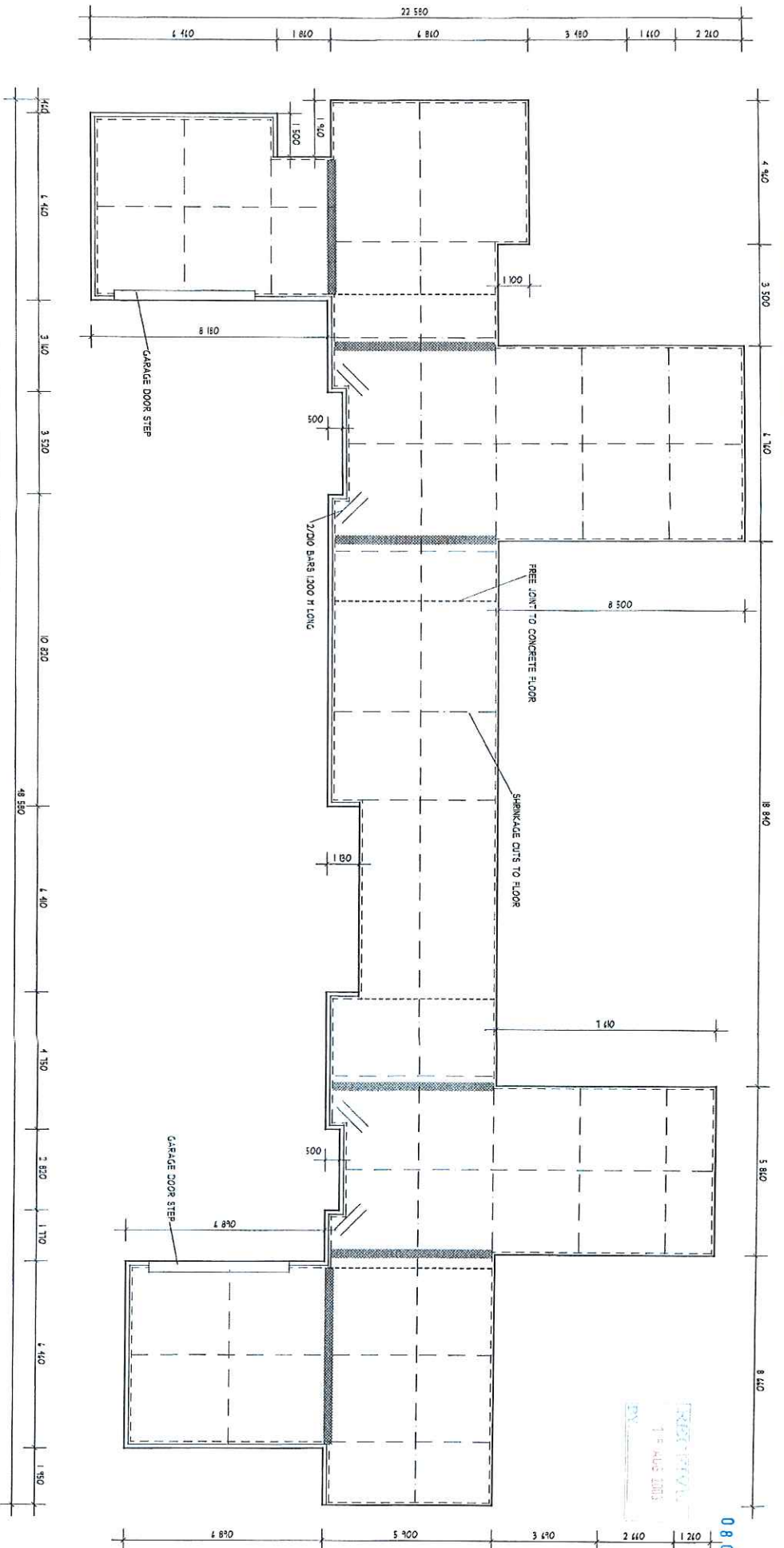
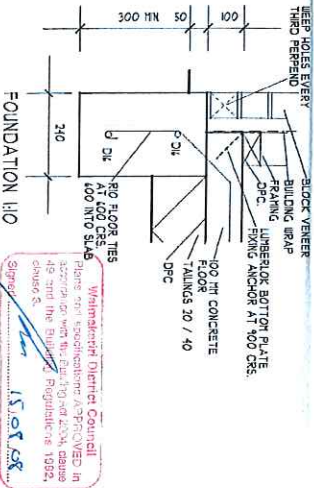
House Plans





SHEET:	DRAWN:	L.D.
2 OF 9	DATE:	DEC. 2007
	REF. NO.:	2007

DataC



Waimanalo Dietetic Council
Plants and specifications APPROVED in
accordance with the Culling and 4204, clause
49 and the Enforcing Regulations 1902,
clause 3.

Signed _____
15/08/05



Ian Carstens

From: Jamie Woods
Sent: Monday, November 26, 2018 2:28 PM
To: 'smartpaul03@gmail.com'
Subject: DPE-18-011 -Proposed Decommissioning of Second non-compliant Kitchen, Dwelling 124 Boundary Road -Fernside.

Hi Paul,

Further to our discussion earlier today during which you indicated your preference to decommission the non-compliant second kitchen facility (as opposed to seeking resource consent approval) I have attached a screen shot from the real estate agents marketing photos that identify the facilities and surfaces etc that would need removal/decommissioning. Note there may be other facilities that are not apparent such as an incinerator, that may also need removal/decommissioning.

I hope this clarifies what actions are required to complete decommissioning the kitchen, but please feel free to contact myself or the Duty Planner to discuss or to provide documentation confirming completion of this work.

Kind regards

Jamie

District Plan definition:

Kitchen Facility

Kitchen facility means any space, facilities and surfaces for the storage, rinsing, preparation and cooking of food; and the washing of utensils and the disposal of waste water

Dwellinghouse;

Dwellinghouse means any habitable structure, occupied or intended to be occupied in part or in whole as a residence and, except in relation to any cluster housing within Maori Reserve 873, includes one additional physically separated dwellinghouse that is no more than 75 square metres in gross floor area and is located within 30 metres of the primary dwellinghouse. For the purposes of this definition there shall be only one kitchen facility under any individual roof structure.

Gross Floor Area

Gross Floor Area means the sum of the floor areas of all floors. It shall be measured from the inside of the exterior walls of the building. It shall exclude any floor area used for parking areas required by the Plan and contained within the building.



Jamie Woods | Compliance Planner

Plan Implementation Unit

jamie.woods@wmk.govt.nz

Customer Service: 0800 965 468 (0800WMKGOV)

Mobile: 021481764



waimakariri.govt.nz



WAIMAKARIRI DISTRICT COUNCIL

MEMO

FILE NO: 080822025863
ADDRESS 124 Boundary Road, Cust
DATE: 22 August 2008

MEMO TO: File

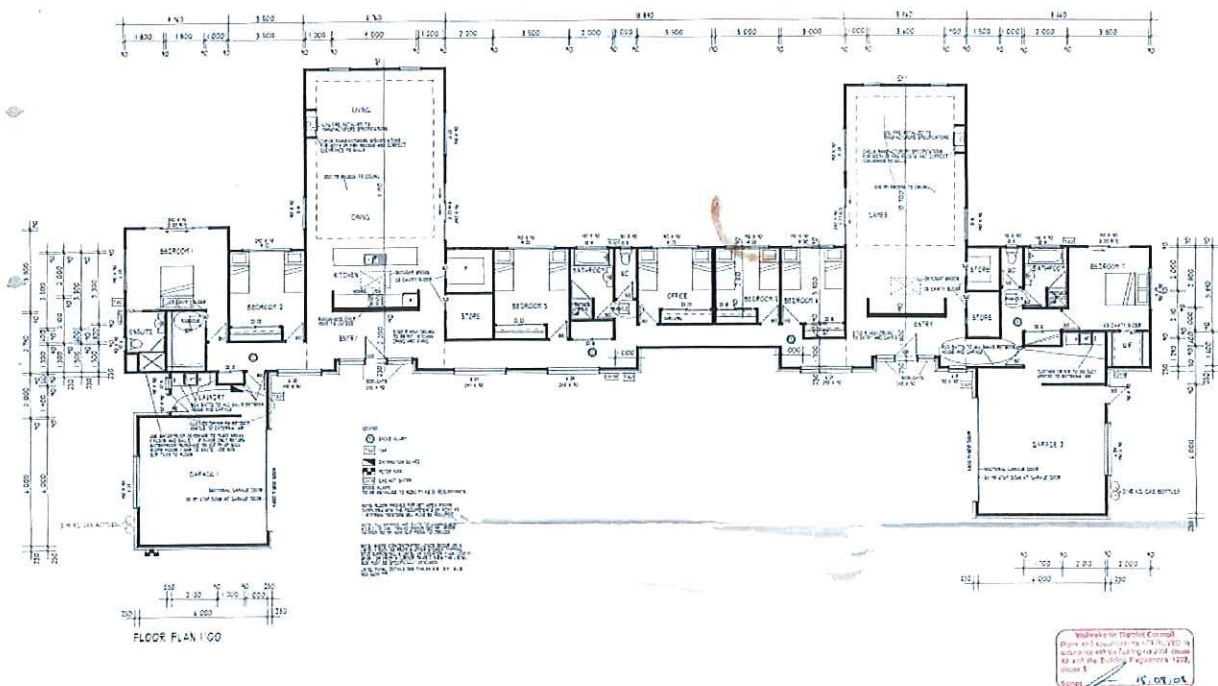
FROM: Matt Robinson

SUBJECT: Status of dwellinghouse at 124 Boundary Road

Dwellinghouse has been amended and wall has been removed so eastern and western parts can move between one another. This now meets the definition of a dwellinghouse.

Advice note will ensure that this is cemented

Matt Robinson



07-11-18

This File note serves to advise any potential purchasers of this property that the dwelling structure consented under BC080696 was amended to allow only one dwelling within the single roofline (as per File Note ref 08022025863 dated 22-08-08 (Matt Robinson))

From the marketing information associated with a real estate company it is apparent that a second kitchen has been fitted and a second independent dwelling area created under the roofline. This is in clear breach of the WDC Dwellinghouse rules and deemed illegal works,

requiring either remediation works back to the consented structure or, formal approval of a resource consent to retain the second dwelling.

DPE-18-011 RC085320 LETTER TO OWNER RE NOTIFICATION OF NON COMPLIANT DWELLING STATUS 124 BOUNDARY ROAD CUST

DPE-18-011: DPE-18-011 Second kitchen constructed without consent, resulting in NC 2nd dwelling

DPE-18-011 EMAIL CLARIFICATION OF SECOND KITCHEN DECOMMISSIONING 124 BOUNDARY ROAD

Our Reference: RC085320/ BC080696/181108131638

Valuation Reference: 2159110649

8 November 2018

Paul & Kelly Smart
124 Boundary Road
RD 5,
RANGIORA 7475,

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