

Your Ref

In reply please quote
LUC0053/25

If calling, please ask for
Catherine He

16 September 2024

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Plan-It Resource Consultants Ltd
2 Hamlet Place
Pukekohe 2120

Email: stephen@plan-itrc.co.nz

Digitally Delivered

Dear Sir/Madam

DECISION ON APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991

Application number(s):	LUC0053/25
Applicant	M P Harris, K M F Harris
Address:	13 C Havelock Road NGARUAWAHIA
Legal Description	LOT 13 DP 6825
Proposal:	<u>Operative District Plan:</u> To relocate a used dwelling that encroaches upon the daylight admission plane, outdoor living court rules in the Living Zone. <u>Proposed District Plan:</u> To relocated a used dwelling a dwelling that does not comply with the outdoor living court standards in the Medium Density Residential Zone

I wish to advise you of Council's decision to **grant** your application for resource consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed:

Objections

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Compliance with conditions

Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring team prior to the commencement of activities associated with this consent. The role of Council's monitoring team is to monitor compliance with the conditions of consent and may involve site visits.

Council's monitoring team can be contacted at monitoring@waidc.govt.nz or 07 824 8633. Please reference the consent number and address of the property when emailing or calling.

Lapsing of Consent/s

This resource consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'A. Stange-Falkiner', written over a faint circular stamp.

Annett Stange-Falkiner
CONSENTS ADMINISTRATION

Resource Consent

(Resource Management Act 1991)



DECISION ON APPLICATION: LUC0053/25

Pursuant to Sections 34A(1), Section 104, , 104B, 104C, 108 and 108AA of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants land use consent for a Discretionary Activity under the Operative District Plan AND a Restricted Discretionary Activity under the Proposed Waikato District Plan – Appeals Version:

Activity:

Operative District Plan: To relocate a used dwelling that encroaches upon the daylight admission plane, outdoor living court rules in the Living Zone.

Proposed District Plan: To relocated a used dwelling a dwelling that does not comply with the outdoor living court standards in the Medium Density Residential Zone.

Applicant: M P Harris, K M F Harris

Location Address: 13 C Havelock Road NGARUAWAHIA

Legal Description: LOT 13 DP 6825 Comprised in Record of Title 416693 (Flat C DPS 38828 and Garage C DP 40812)

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a horizontal line extending to the right.

CONSENTS TEAM LEADER

Dated: 16 September 2024



Schedule 1

Conditions of Consent

Resource Consent No: LUC0053/25

General Conditions

- 1 The development must be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0053/25 and officially received by Council on 06/08/2024 and further information received 02/09/2024 except as amended by the conditions below.

Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

- 2 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 A registered Licensed Cadastral Surveyor shall certify in writing prior to the foundation works being completed, that the proposed building does not exceed the extent of the height control plane infringement approved by this resource consent on the southwestern boundary (see Elevation 2 & Elevation 4). No further building works shall proceed until such certification is provided to the satisfaction of the Waikato District Council's Team Leader - Monitoring.

Prior to Construction

Monitoring Team Notification

- 4 The Consent Holder must notify the Waikato District Council Monitoring Department at least 2 working days prior to the commencement of activities associated with this consent.

Advice note:

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

- 5 Bond Condition

Prior to the building being resited/relocated, pursuant to section 108 of the Resource Management Act 1991, a cash bond of \$4000.00 (FOUR THOUSAND DOLLARS) must be lodged with the Council. The cash bond must be held by the Council and refunded when the works listed in the Condition 7 have been completed to the satisfaction of the Council. The works covered by the bond shall be carried out within a period of twelve months from the date of issue of the resource consent. The preparation of the cash bond shall be undertaken by Council Solicitors at the applicant's expense (P)

Once Re-sited and Fixed to Foundations

6 Connected to foundations

The building shall be delivered to its final position on the site, and connected to its new foundations with 7 days of arrival at the site.

7 Improvements required to relocate

Within 12 months from the date of building being relocated to site, the Consent Holder shall ensure that the external appearance of the relocated building is restored as follows:

External Walls

- (a) Any decayed timber framing must be replaced. Any decayed, cracked or damaged exterior cladding must be replaced or repaired. Any damage to the building during the re-siting process must be repaired in accordance with the New Zealand Building Code. The steps, decks, deck roofs and baseboards must be reinstated. Any damaged windows or doors must be replaced or repaired.

Roof

- (b) Any damaged or leaking roofing must be replaced. All spouting and downpipes must be reinstated and connected to the approved storm water system.

8 Connections to stormwater/wastewater systems

The dwelling is to be connected to the approved wastewater and stormwater disposal systems within 28 days of fixing the building to the foundations.

Advisory Notes

Lapse Date

- 1 This Resource Consent for land use lapses five years after the commencement of the consent, unless:
 - (a) the Consent is given effect to prior to that date.
or
 - (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Other consents/permits may be required

- 2 To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Regional Infrastructure Technical Specifications, Waikato Regional Plans and National Environmental Standards. All necessary consents and permits shall be obtained prior to development.

Enforcement Action

- 3 Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Private Covenants

- 4 Please be aware if a private covenant is registered on the Record of Title, it is the responsibility of the consent holder to investigate the relevance of that covenant, as some covenants may restrict certain activities occurring on the site.

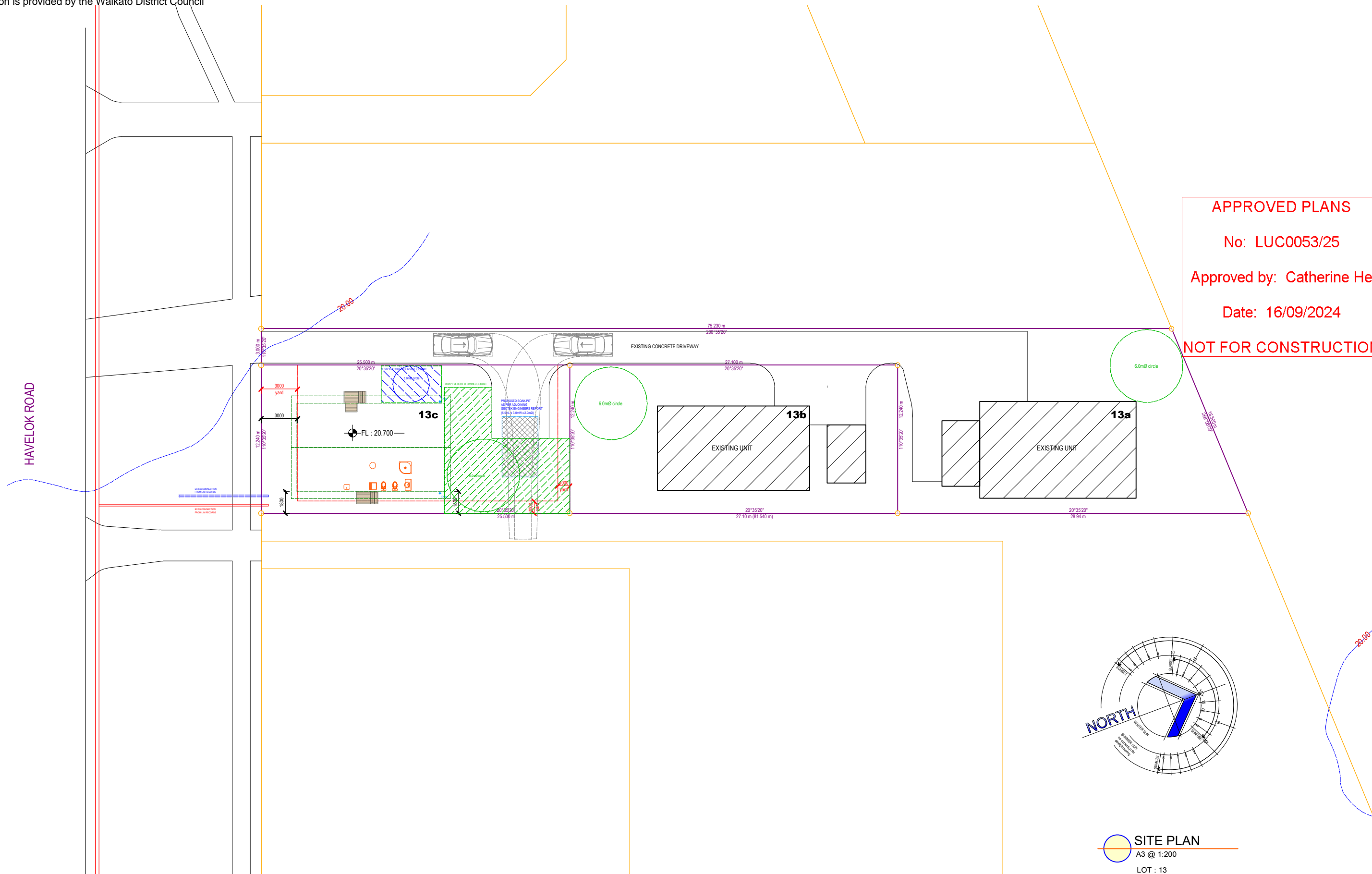


Schedule 2

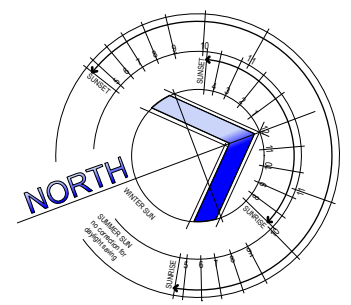
Reasons for Decision

Resource Consent No: LUC0053/25

- 1 The actual and potential effects created by the proposal are acceptable for the following reasons:
 - (a) The daylight admission angle encroachment on the southwestern boundary only minimally impacts the right of way and the Road (Havelock Road). There are no privacy issues arising from this encroachment, and the shadowing on the public road can be disregarded as it does not affect public amenities or create any adverse effects.
 - (b) Written approval has been provided by the owners and occupiers of Flat B and Flat A, which share the cross-lease land with the subject site; therefore, any adverse amenity effects can be disregarded
 - (c) The shortfall of the outdoor living court under the Operative District Plan is internal to the subject site itself. There is still sufficient space in the northern corner of the subject site to provide a usable outdoor living court.
 - (d) Dispensation has been granted under both the Operative and Proposed District Plan for the living court not being directly accessible from a living area of the dwelling, as there is easy connectivity to the outdoor living space and a smaller reduced area directly accessible from the dwelling.
 - (e) The relocated building will be constructed to meet the council's standards and will be connected to its foundation within 7 days of delivery. It will be connected to the council's three water systems within 28 days, and the exterior will be finished to the council's standards.
- 2 The proposal is consistent with the objectives and policies of the Operative District Plan and the Proposed Waikato District Plan – Appeals Version.
- 3 The proposal is consistent with the operative Waikato Regional Policy Statement and all other relevant matters.
- 4 Overall, the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.



APPROVED PLANS
 No: LUC0053/25
 Approved by: Catherine He
 Date: 16/09/2024
NOT FOR CONSTRUCTION



SITE PLAN
 A3 @ 1:200
 LOT : 13
 DP : 6825
 AREA : 1193m²
 IDENTIFER : SA/34D325

All construction shall be in accordance with N.Z.B.C. hand book and approved documents, NZS 3604:2011 and local territorial authority requirements
 Do not scale
 Contractor must locate relevant boundary pegs before commencing the works
 Copyright of this design remains the property of Albert van Vliet Architectural
 Version: 4, Version Date: 16/09/2024

Job: **PROPOSED RELOCATED DWELLING FOR MALONE HARRIS 13C HAVELOCK ROAD NGARUAWAHIA**

Sheet: **Site Plan**
 Scale(s): 1 : 200
 Drawn: Albert
 Date: 02 / 24
 Rev.: 1

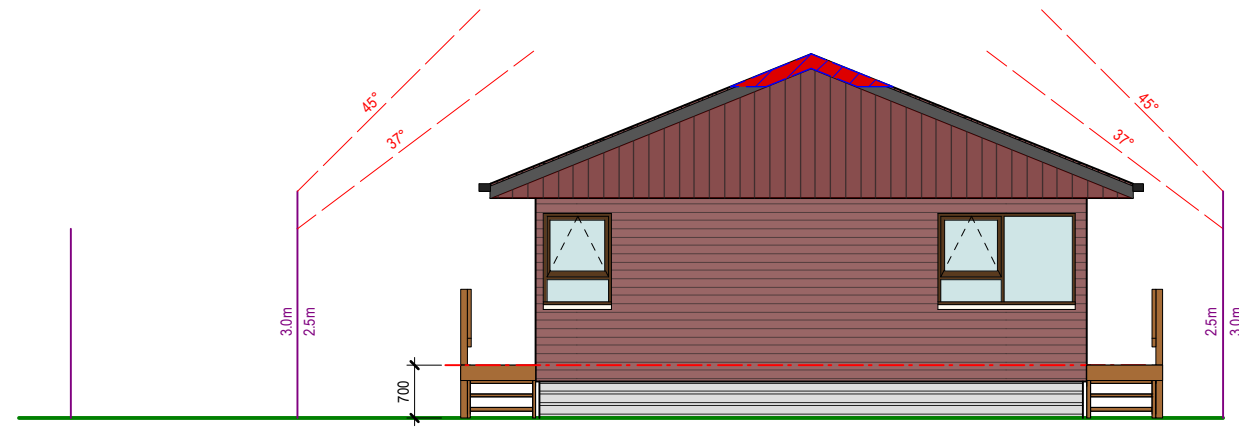
Rev	Date	Amendment
A	09.02.24	Issue To Haines
B	16.06.24	ISSUE FOR CLIENT APPROVAL
D	01.07.24	ISSUE FOR BUILDING CONSENT
1	16.07.24	SITE RELABELLED TO 13C

Aljo Enterprises Ltd Trading As

 We use Licensed Building Practitioners - always check the LBP register to ensure your building practitioner is currently licensed

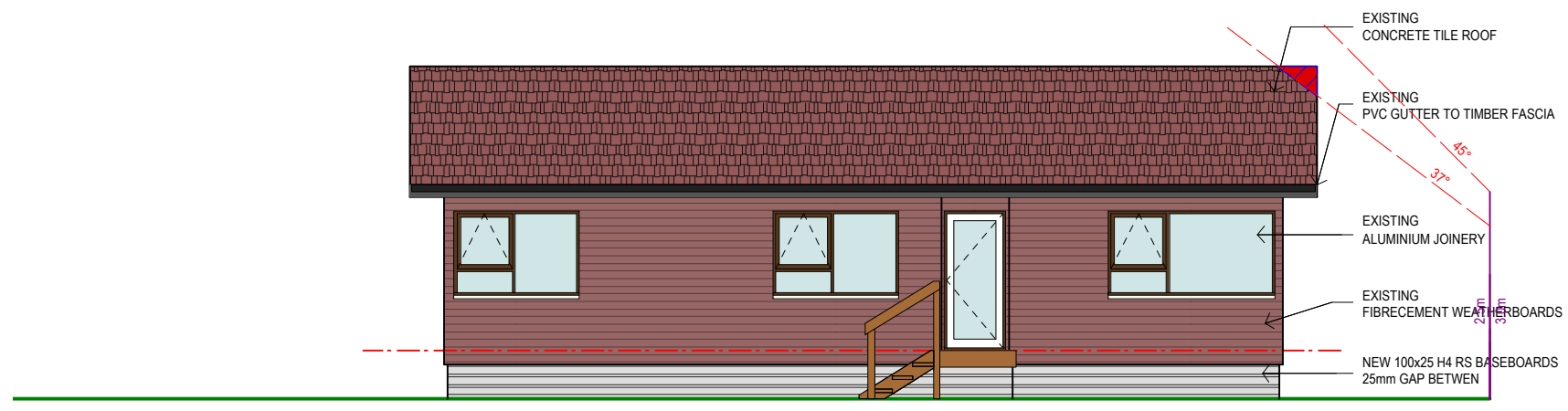
www.dhb.govt.nz
 RESIDENTIAL | RURAL | HERITAGE
 COMMERCIAL | INDUSTRIAL
 ADDITIONS | ALTERATIONS
 po box 1020 Pukekohe Auckland 2340
 T: (09)238 4648 | F: (09)238 4649 | M 021 684 954
 email: albert@avva.co.nz

Job No: **2492**
 Sheet No: **1.02**
 Print Date: 16 September 2024, 3:32 PM



ELEVATION 1
A3 @ 1:100

APPROVED PLANS
 No: LUC0053/25
 Approved by: Catherine He
 Date: 16/09/2024
NOT FOR CONSTRUCTION



ELEVATION 2
A3 @ 1:100

All construction shall be in accordance with N.Z.B.C. hand book and approved documents, NZS 3604:2011 and local territorial authority requirements
 Do not scale
 Contractor must locate relevant boundary pegs before commencing the works
 Copyright of this design remains the property of Albert van Vliet Architectural
 Version: 4, Version Date: 16/09/2024

Job: **PROPOSED RELOCATED DWELLING FOR MALONE HARRIS 13C HAVELOCK ROAD NGARUAWAHIA**

Sheet: **Elevations**
 Scale(s): 1 : 100
 Drawn: Albert
 Date: 02 / 24
 Rev.: 1

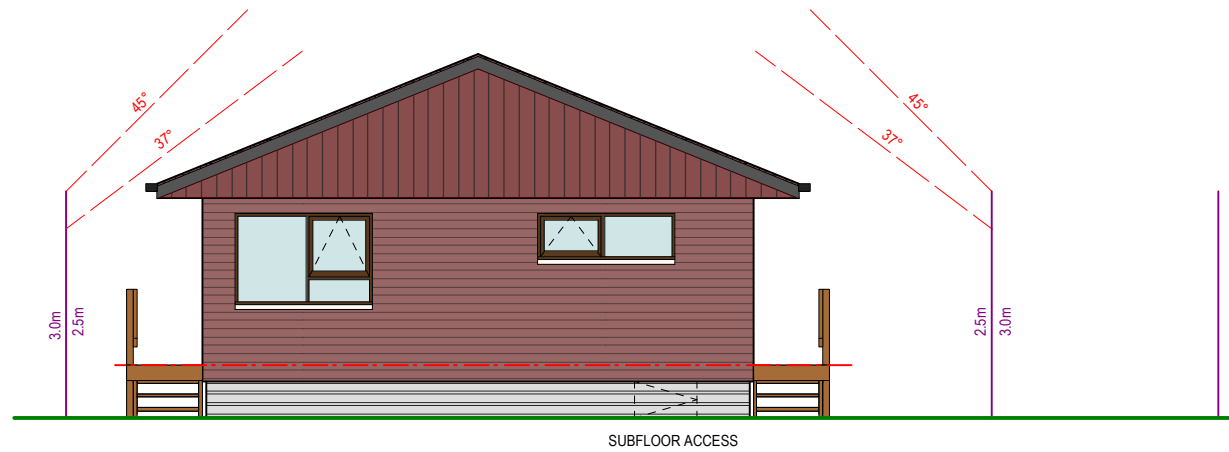
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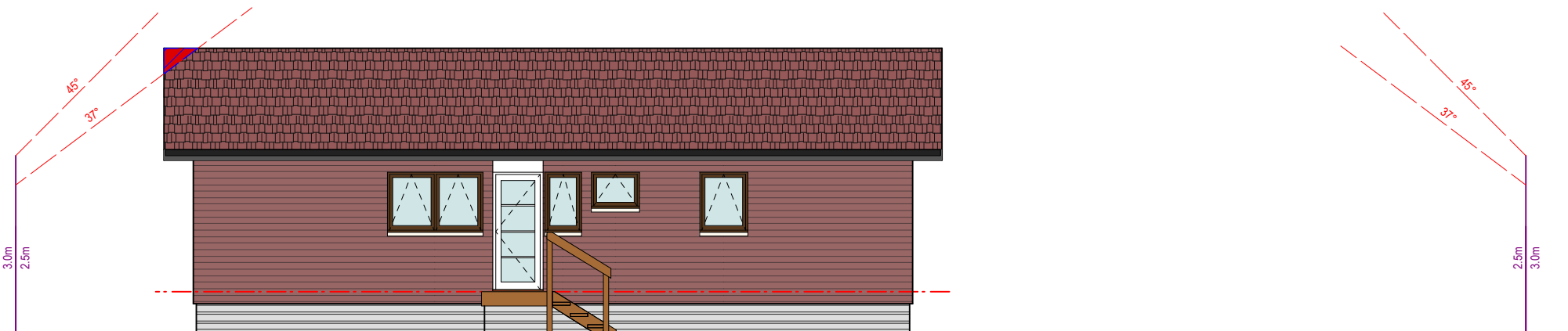
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Job No: **2492**
 Sheet No: **2.01**

APPROVED PLANS
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 Approved by: Catherine He
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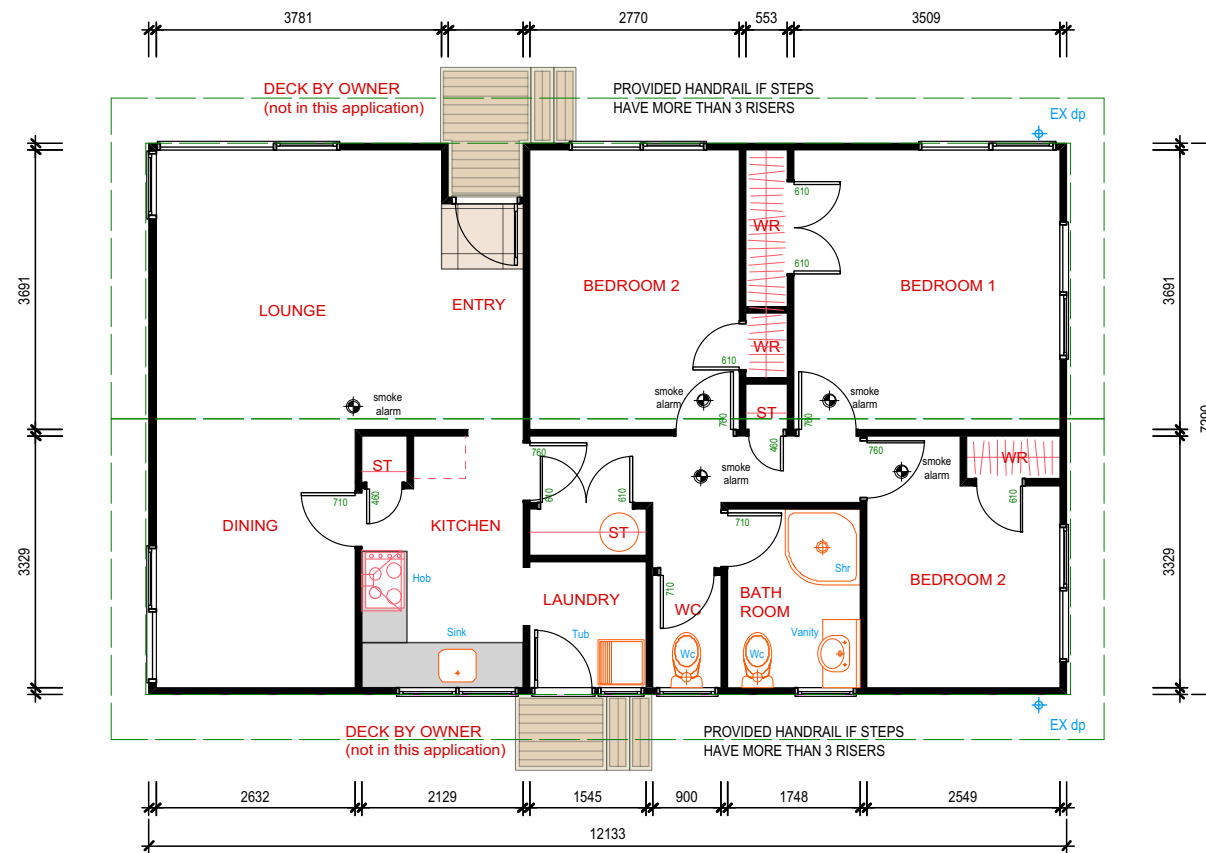


ELEVATION 3
 A3 @ 1:100



ELEVATION 4
 A3 @ 1:100

Rev	Date	Amendment
A	09.02.24	Issue To Haines
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0	01.07.24	ISSUE FOR BUILDING CONSENT
1	16.07.24	SITE RELABELLED TO 13C



APPROVED PLANS

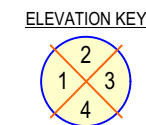
No: LUC0053/25

Approved by: Catherine He

Date: 16/09/2024

NOT FOR CONSTRUCTION

FLOOR PLAN - EXISTING
 A3 @ 1:100 FLOOR AREA EXISTING : 87.8m² approx



NOTE : ALL DIMENSIONS ARE APPROXIMATE

Rev	Date	Amendment
A	09.02.24	Issue To Haines
B	18.06.24	ISSUE FOR CLIENT APPROVAL
0	01.07.24	ISSUE FOR BUILDING CONSENT
1	16.07.24	SITE RELABELLED TO 13C