

# HAURAKI DISTRICT COUNCIL

## HEARINGS AND JUDICIAL COMMITTEE

MINUTES OF A MEETING OF THE HEARINGS AND JUDICIAL COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON MONDAY, 09 JULY 2018 COMMENCING AT 9.05AM

**PRESENT** Cr P A Milner (Chairperson), Cr G R Leonard (Deputy Chairperson) and Cr A Spicer

**IN ATTENDANCE** Messrs P Thom (Planning & Environmental Services), Mrs W Harris (Senior Planner), Ms G Davies (Student Planner – in observance) and Ms C Black (Council Secretary)

### **APOLOGIES**

There were no apologies.

### **LATE ITEMS**

There were no late items.

### **DECLARATIONS OF CONFLICTS OF INTEREST**

There were no conflicts of interest.

### **CONFIRMATION OF MINUTES – 13-06-18 (2397589)**

### **RESOLVED**

THAT the minutes of Hearings and Judicial Committee meeting held on Wednesday 13 June 2018 be confirmed and are a true and correct record.

HJC18/12

Leonard/Milner

**CARRIED**

The Chairperson opened the hearing at 9.15am.

SUBDIVISION APPLICATION FOR A BOUNDARY RELOCATION SUBDIVISION AT 27 CORBETT STREET, PAEROA – R & J DEVELOPMENTS LTD

Document: # 2398629

Appendix A: # 2350104 - Application

Appendix B: # 2395323& 2395136- Further Information

Appendix C: # 2371667 & 2385129 - Affected party's approval

Appendix D: # 2390652 – Development Engineer's Report

### In attendance:

Mr Phillip Green (Surveyor) on behalf of Applicant  
Rob Riedstra – R & J Developments Limited (Applicant)

### Applicant/Party in support of Applicant/Appellant

Mr Green spoke to his statement of evidence on behalf of R & J Developments Ltd.

He stated that the land originally was developed in 1896 consisting of a string of 10 m wide titles which were formed.

Historically – the owner purchased both lots. Titles were never amalgamated into one parcel.

The result is that the land has been developed on the northern side of the property. The land is zoned residential. The 2 lots proposed are for residential purpose.

The site is located on the corner of Corbett and King Street, Paeroa. There is vacant land across the road from the site which is owned by Council to the north of the Council owned pensioner flats. The Rugby Club is located in the north east corner and the Paeroa Domain to the south of the site.

The site is not subject to water inundation and has no hazards noted on the LIM.

The land is flat in contour.

The garage on the property has been constructed the most recently.

The vehicle crossing is by King Street which accesses the garage of the existing dwelling.

The proposed subdivision was to be a boundary adjustment but this was varied because Council has asked for a corner snipe of the section.

The sewer line passes through the applicant's site. The applicant has spoken with the Council engineer who has allowed building over the sewer line.

The main issue is with the boundary adjustment. Two existing titles so would be two titles with no additional title created.

The existing dwelling is not able to create a shape acceptable to District Plan standard.

Some issues with the lots are:

Corner snipe - would comply if snipe was not coming off.  
It would comply generally but not on a discretionary basis.  
Neighbours have approved.

A waiver has been applied for to waive the garage yard requirement to make the building size as large as possible.

The garages would be joined at the rear on each lot to save space.

Mr Green believed it is in keeping with the surrounding lots. Other lots in neighbourhood vary in size.

1500m<sup>2</sup> is the total area of council flats – they are small (equating to 361m<sup>2</sup> - if calculated per lot).

The proposal will have accesses from King Street, which is the existing access to the property.

All services can be accessed easily.

Mr Green agreed with the planners report that the effects are less than minor and considered the proposed development to be an efficient use of land.

## **Questions**

Cr Spicer – what are you referring to be 'minor' ?

Mr Green responded that the effects on character and amenity are minor. The existing owner is the 'neighbour' so there would be no issues.

Riedstra stated that the house proposed for development is similar in design to the existing house on Lot 1.

Mr Riedstra explained the layout of the proposed dwelling for construction on Lot 2. He stated it will be a good quality, three bedroom home.

Cr Milner referred to the boundary onto the domain, what sort of fencing would you be doing?

Mr Riedstra advised that they will retain the hedge that is already there which is a native Griselinia.

Cr Milner re the boundary consent application, you could do something else.  
Mr Riedstra stated he would be building on it not selling the section.

Cr Leonard – garage on site what is it used for?

Mr Riedstra responded that the garage is used as a 'garage'. Currently there is a single garage with a bedroom on one side. Previous owner built this.

Cr Leonard asked where the driveway to potential new house is.

Mr Riedstra stated the driveway would be right next to the garage. No driveway at park end of the development and will be 3.5m wide.

Cr Milner – Existing buildings – asked will the old house be removed.

Mr Green advised that this is long term development, there is no plan to remove the old house or existing garage off the site.

Mr Riedstra stated he had the experience to undertake the development of the property well (advised of his building construction industry experience).

Cr Milner asked if consent was granted, is there anything about this site that you believe could set a precedent.

Mr Green explained it is a boundary adjustment so there is no additional titles. He believed approving consent of the application would not set a precedent. He referred to the existing lot sizes, one complies with the 525m<sup>2</sup>, and one does not. The average density of the lots just meets the rule.

Regarding the proximity to the Domain, he believed this was a positive feature, the Domain provides good recreational use so the property does not need to be developed significantly (e.g. outside area entertaining can be conservative).

## **Council Planning Staff**

Senior Planner, Wendy Harris provided photos of the proposed development site and spoke to her report.

Mrs Harris explained the layout of proposed dwelling on lot 2 and advised that Lot 1 complies with the minimum lot area. There are no significant issues.

Lot 2 – size of the lot being less than 525m<sup>2</sup> being the minimum size.

The sewer line goes through the lot.

Engineers have said that the foundation needs to be raised so not to load up over sewer line.

Storm water disposal – soak pit for the dwelling in lot 1 runs over into lot 2. An easement would be required over the lots to allow access to the storm water soak pit.

Concern that this could create conflict between neighbours. Better to have all services contained on each lot, therefore no encroachment.

Under the previous District Plan, an infill site could be 350m<sup>2</sup>. Feedback received from public consultation indicated the public were dissatisfied with this lot size. As a result, the minimum lot size was increased. For large Greenfield subdivisions – there is a different formula.

There are discussions at present that the Council may consider 450m<sup>2</sup>. This is in a draft stage. Once consultation has been held, it will be decided whether Council will reduce the lot size or not. Therefore, this cannot be taken into consideration as this time.

Corner splay – believed it did not make any difference to the size of Lot 2.

Lot 1 is large and it has been reduced but still complies. Outdoor living area has been addressed.

No two lot subdivisions have been developed for anything under 525m<sup>2</sup>. Other subdivisions have been granted smaller but they comply with the standard for more than three lots.

There are two existing titles, 4m<sup>2</sup> short on one lot.

There are a number of properties in the vicinity that are less than 525m<sup>2</sup>. This is no difference from other properties around the district.

### **Questions:**

Cr Spicer referred to the soak pit asking if it can be relocated.  
Council Planner advised that the soak pit could be relocated.

### **Applicants - Right of Reply**

Mr Green stated that the effects of the proposal on the character of the area are minor. He referred the Committee to a photo of the neighbourhood. There are varying lot sizes consisting of 770 – 1100m<sup>2</sup> (excl. Council pensioner flats). The character and amenity is already dominated by small sized lots. The current dwelling on lot 1 would not comply now but it is there. 10m width and 8m length being the older lot sizes. Small lots are dominant. Because the applicant owns both titles, he believed there to be no issue. Daylight and setback are less than minor. The garages back onto one another which is of benefit.

Objectives and policies – there is already small lots in the vicinity this proposal makes no difference.

Residential Zone – the proposal maintains and enhances the character of the existing neighborhood. All affected parties have approved of the development.

There is no hazards involved in this property.

To avoid, mitigate or remedy the affects, the proposed dwelling is to be of a similar character to the existing house. There is enough room for onsite parking and will have safe access to public road.

It will not establish a precedent.

In conclusion, there are ample features that set this subdivision apart from other subdivisions in this residential area. It is in keeping with other properties. Under discretionary activity, there are no effects to neighbours and they have given their approval of the development.

As part of consent, it will be noted on the title that the hedge be retained.

Mr Riedstra advised that at pre-purchase stage, there was no sewer line shown on the LIM report.

The Council engineer stated there was major issue with the manhole on the property as sewerage had overflowed in past.

Council staff had advised if the manhole needed to be reconstructed they would put cameras inside to investigate.

Council records now have the sewer line shown on their records.

Cr Leonard – asked if Mr Riedstra if he was wanting to have the sewer line shifted.

Mr Riedstra stated there was no need to shift the sewer line as it is working fine.

Cr Leonard suggested that a future owner of Lot 2 may not be satisfied with this.

Mr Riedstra commented an easement is there which is standard and allows access for maintenance of services and is no different from any other easement.

The Chairperson adjourned the hearing at 10.05am and advised that Council's decision was reserved until it had considered the evidence presented and all other relevant matters.

The members left the Council Chambers and undertook a site visit to the subject property at 10.05am.

The members returned to the Council chambers at 10.30am.

The Chairperson closed the hearing at 10.30am.

Deliberations commenced at 10.30am and concluded at 11.25am.

## DECISION

### R & J Developments Limited

## **RESOLVED**

That pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council declines consent to:

- A. The non-notified, discretionary activity application to undertake a boundary relocation subdivision between Lot 20 DP 1512 and Lot 21 DP 1512, located at 27 Corbett Street, Paeroa, and
- B. The non-notified, restricted discretionary activity land use consent application to reduce the side yard standard along the southern boundary of proposed Lot 1 to 1.06 metres and to depart from the daylight standard and outdoor living area standard in the Residential Zone in conjunction with the existing dwelling and garage on proposed Lot 1 of the proposed subdivision of Lot 20 DP 1512 and Lot 21 DP 1512, located at 27 Corbett Street, Paeroa.

For the following reasons:

1. Lot 2 would have a net lot area of 461m<sup>2</sup>, which doesn't comply with the minimum net lot area of 525m<sup>2</sup> for a 2 lot subdivision, under Rule 9.4.3.1(1)(a)(i) of the Operative Hauraki District Plan (2014). It is acknowledged that the subdivision is a boundary relocation, and that Lot 21 DP 1512 is an existing non-complying lot, at 521m<sup>2</sup>, which is 4m<sup>2</sup> less than the minimum net lot area of 525m<sup>2</sup>. However, this existing non-complying lot would be reduced in size by a further 60m<sup>2</sup>, resulting in Lot 2 being 64m<sup>2</sup> less than the minimum net lot area.
2. The existing house and garage are located over the boundary between the two existing Certificates of Title. The property is effectively being used as one lot, as the Titles cannot be sold separately. The two existing Certificates of Title therefore don't set this property apart from others. It is acknowledged that existing development on the property limits the size of proposed Lot 2. However, this is a common situation on many properties in the Residential Zone. Given the above, it is considered there are no unique circumstances which set the application property apart from other properties in the Residential Zone. Approval of the application would therefore set a precedent.

HJC18/13

Milner/Spicer

**CARRIED**

The meeting closed at 11.25am.

CONFIRMED

P A Milner  
Chairperson

17 September 2018