



Land Use Consent

Performance Standards

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Height, Yard and Daylighting Encroachments and Non-Complying Garages for Minor Dwellings

Guide for Applicants

Have you provided?

1. Five copies of your application and attachments. (Note: If five complete copies are not supplied, actual time and cost for administration and photocopying will be charged and requires payment before the resource consent can be issued).
2. Plans drawn to scale including:
 - Site plan that identifies the property boundaries.
 - Location of affected persons and their signature – where consents of affected persons are required.
 - Any other buildings (highlighting the proposed building)
 - Distances to boundaries (between all structures and boundaries).
 - Vehicle Entrance, Turning Circle and On-site Manoeuvring.
 - Floor plan(s).
 - Identification of topography.
 - Certificate of Title
3. Elevation Drawings or if the building is being resited, photos.
4. Consents of Affected Persons.
5. Are you applying to build within the required yard requirement of a State Highway? If so, you will need to provide consent for your project from Transit NZ with your application. If you have not received consent then you must provide evidence of your consultation with Transit NZ.
6. Application Form fully completed including Assessment of Environmental Effects.
7. Application fee of \$750 (minimum fee) including GST (fee valid to 30 June 2010).

All of the above information must be supplied with your application. **Pursuant to Section 88(3) of the Resource your application may be rejected if the information and application is incomplete.** You have the ability, under Section 88(5), to object to the decision to reject your application, if applicable. Non Notified applications take up to 20 working days to process, once accepted. Notified applications can take up to 70 working days to allow for statutory notification time and convening of a Hearing and Consents Committee meeting.

Please do not hesitate to contact the Duty Planner at our Barks Corner Office (07)571 8008 or 0800 926 732 if you require any assistance.

In accordance with s36(3) of the Resource Management Act 1991, Council will be recovering and charging for those processing costs over and above the application lodgement (minimum) fee already paid. Please note that this may or may not pertain to your particular application and will only apply where the fixed lodgement fee is exceeded. Please note that in accordance with Council policy, Council will not issue your consent approval to you until all processing costs have been paid.



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Office Use Only

Criteria for Acceptance: Counter and Postal Applications

Application

Page 1	Q1	Application Details completed in full	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Q4	Application Details of proposed activity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Q6	Legal Description	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Q11	Address for Service	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Q12-17	Assessment of Environmental Effects	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	All Pages	Check all questions answered and application fee provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Guide for Applicants

Q2	Check that plans drawn to scale indicate:			
	a)	Site plan that identifies the property boundaries	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	b)	Location of affected persons and their signature – where consents of affected persons are required.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	c)	Any other buildings (highlighting the proposed building)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	d)	Distances to boundaries (between all structures & boundaries)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	e)	Vehicle entrance, turning circle, and on-site manoeuvring	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	f)	Floor plan(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	g)	Identification of topography	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	h)	Certificate of Title	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q3	Elevation Drawings or if the building is being resited, photos		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q4	Written consent from affected persons		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q5	Application fee of \$750 (minimum fee)		<input type="checkbox"/> Yes	<input type="checkbox"/> No

Note: If any criteria indicates "NO", the application may be incomplete (Section 88 (3) RMA 1991)

Planner's Assessment

Is the application complete?

Yes No

DATE
STAMP
(if accepted as complete)

If incomplete the reasons are:

Reference of Advice to Applicant

Date: ____/____/____

Letter Reference: _____

Payment Details: RC Lodgment Account

Date Paid: ____/____/____

Receipt Number: _____



9. Owner Details

First Name/s: _____

Surname: _____

Postal Address: _____

Phone: _____ **Mobile:** _____

Fax: _____ **Email:** _____

10. Payment Details *Note: Only where applicable (if not the applicant):*

Name and address of person liable for application processing fees/refunds (where applicable).

A minimum fee is payable on lodgement of all applications. In some cases, this will be the whole cost of the application. In other cases a further invoice will be issued at the time of the decision (s36 Resource Management Act).

i) Application processing fees

Name and address for accounts/refunds:

First Name/s: _____

Surname: _____

Postal Address: _____

Phone: _____ **Mobile:** _____

Fax: _____ **Email:** _____

Signature of person responsible for the payment of any invoices associated with the process of this application:

..... Date:.....

11. Address for Service of Agent *(if not the applicant)*

First Name/s: _____

Surname: _____

Postal Address: _____

Phone: _____ **Mobile:** _____

Fax: _____ **Email:** _____

(Note: It is mandatory to provide an accurate address for service and contact phone details)

Applicant's Signature

..... Date:

To be signed for or on behalf of the applicant



Assessment of Environmental Effects (AEE)

Performance Standards

It is **mandatory** to complete this section of the application form. There is a guide attached to this form to assist you. Please complete on another page if you require more room.

12.Full Description of Proposal

13.District Plan Zones/District Plan Rules

Which District Plan Zone are you in and which District Plan Rule can you not comply with?

14.Rule Compliance/Alternatives

Why can you not comply with this Rule and what alternatives have you looked at so you wouldn't have to apply for a resource consent?

15.Environmental Effects

What are the environmental effects of not complying with this rule?

16.Lessening the Environmental Effects

What are the ways you can avoid, remedy or lessen (mitigate) the environmental effects identified above?



17.Consents of Affected Parties

Have you provided the written consent of neighbours and other affected parties? Yes No

If not, why not?



Guide to completing your **Assessment of Environmental Effects (AEE)** Performance Standards

Detach after completion of the AEE.

This should assist you in complying your AEE. Please be aware that the Consents Planner who is processing your application may not be the one who you have spoken to already about your proposal and they also might not be doing a site visit to your property.

Q12 Full Description of Proposal

Please give more detail of what you are proposing to do including the reasons for the building and what it is going to be used for.

Q13 Which District Plan Zone are you in and which District Plan rule can you not comply with?

There are two main zones in our district, one being rural and the other residential. Each of these zones has different yard and height requirements. Please state which zone you are in and whether you are:

- Encroaching the yard requirement and which yard it is e.g. front yard, side yard etc.
- Exceeding the height restriction.
- Encroaching the daylighting plane.
- Exceeding the permitted size of a garage/workshop attached to a minor dwelling.

In some cases you may be doing all four. **Note** that if you are only encroaching the **daylighting** place, then you do not need a land use consent. You only need to provide the written consent from your affected neighbours. In those circumstances, use Council's Consent of Attached Persons Form (RCFAP).

Q14 Why can you not comply with this rule and what alternatives have you looked at so you wouldn't have to apply for a resource consent?

Below are **some** examples of why you may not be able to comply:

- the shape, size, topography or geotechnical constraints of your property
- the location of archaeological sites or other significant features on your property
- the potential for conflict with existing or foreseeable activities in your area
- if you do comply, then it will constrain the productive use of the site
- if you do comply, then the visual effect will be greater than if you didn't comply
- the separation distance from other dwellings
- to be able to comply with the on-site manoeuvring requirements.

Q15 What are the Environmental Effects of you not complying with this rule?

Here are **some** examples of effects that may result on you or other affected persons of not complying with the rules:

- spray drift risk
- noise
- smell



- shading/overshadowing by trees or buildings
- loss of privacy
- dust from unsealed roads or right of ways
- visual effect including loss of view
- access to the property may be limited
- sight distances if encroaching on the road front boundary

Q16 What are ways you can lessen those Environmental Effects you have identified?

Here are just **some** examples:

- plant screening plants to soften the visual impact
- building a fence to assist with privacy
- you may need to get a specialist Engineer's advice to assist with information on sight distances and traffic issues
- paint the building an environmental friendly colour
- avoid putting large windows on the side that directly faces your neighbours
- seal the right of way
- include appropriate sound proofing into your structure

Q17 Have you provided the written consent of neighbours and affected parties?

You may need some assistance in identifying who are the affected parties, which you need to obtain consent from. If you are encroaching the side and/or rear yard, then you will require the consent of your directly adjoining neighbour. However, with front yard encroachment or if you are exceeding the height restriction we may require neighbours across the road from your property as well.

This can vary from one application to another and it may not be able to be determined until we see your full application.

Note: Any consents from neighbours or affected parties must be on Council's consent of Affected Parties Form (Form RCFAP).



Exemption Statement for Dwellings, Minor Dwellings, Accommodation Facilities and Education Facilities

Date: _____

Note: This will accompany either a building consent or subdivision application as appropriate

Office Use Only	
B/C Number	
Property File No	
Entered	

Exemption Statement

We acknowledge this is less than the 30m recommended in research available to Council. We accept the possible impacts on our house/shouse site and ourselves of any actual or potential adverse effects generated by the neighbouring property or Council road, such as spray drift, noise, road noise, smell, shading/overshadowing and loss of privacy, or dust from any unsealed road by locating closer than the recommended 30m.

I/We note that this statement will be put on Council's files for future reference for any inter-activity conflict and for Land Information Memorandum (LIM) purposes.

The following information **must** be completed:

We are building our hosue/locating a house sitemetres from the boundary

Property Details

Name of Property Owner/s	
Legal Description of Site	
Valuation Number	
Road Address	

Application Details

Please tick whichever of the following applies:

We are reducing the yard between 10-30 metres (no resource consent required); OR	
We have existing use rights to be less than 10 metres (no resource consent required); OR	
We are applying for resource consent that requests a reduction in the yard below 10m	

All owners of this property must sign this form

Remember: attach a site plan drawn to scale showing location of habitable buildings and indicating distances to boundaries.

Name/s (Please Print)

Signature

Written Approval of Affected Persons

Resource Management Act 1991, Section 94

Applicant Details

Full Name(s)	
Address of Proposed Activity	
Brief Description of Proposed Activity	

Affected Persons

Full Name(s)	
Address for Service	
Address of Property (if not as above)	
Owner(s)/Occupier(s) <i>tick as applicable</i>	<input type="checkbox"/> Owner <input type="checkbox"/> Occupier
Legal Description	

Please note: Council will require the separate approval from the occupiers of the affected property as well as from the legal owners

Evidence of ownership/authority to sign may be required.

All owners are required to sign this form or for multiple owned properties Council requires all trustees to sign unless written evidence is provided that authorises a trustee on behalf of the trustees.

Please Read Carefully Before Signing

You should only sign below if you fully understand the proposal and if you support or have no opposition to the proposal you have been asked to consider. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.

- I/We have been given details of the full and final proposal including a copy of the application form, assessment of environmental effects and plans.
- I/We confirm that we have completed the following:

Copy of AEE signed and provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Note: Resource Consents Only)</i>
Copy of Site Plan signed and provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
- I/We understand and accept that once I/We give my/our approval the Council cannot take account of any actual or potential effect of the activity and/or proposal upon me/us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Consent Authority may refuse to grant the application.
- I/We understand that at any time before the final decision is made on the application, I/We may give notice in writing to the Council that this approval is withdrawn under S104(7) of the Resource Management Act 1991.
- I/We have read and fully understand the full extent of the proposal and have read and agree with what is stated in notes 1-4 above.

Signed: _____

Dated: _____

Guide to Consents of Affected Persons

(Section 94 Resource Management Act 1991)

Why are consents of affected persons sought?

The primary purpose of a resource consent applicant obtaining a written approval from potentially affected persons is to increase the chance that where the Environmental effects are likely to be minor Council may decide that the application can be processed on a non-notified basis. For a consent to be non-notified Environmental effects must be no more than minor and written approvals of adversely affected persons must be provided.

- Any effects on those persons giving written approval shall not be taken into account when determining if the Environmental effects are minor. This may allow an application that would otherwise have more than minor adverse effects, to fall into the minor category and potentially be non-notified.
- Where the effects are no more than minor but there are still adversely affected persons, the application would require to be notified unless those persons written consents were obtained.

Accordingly obtaining the consent of affected persons is an important and necessary part of the resource consent application procedure.

Identification of affected persons

It is important to recognise that while some people and organisations may have an interest in a proposal, they may not be affected. Some form of adverse effect on a person must be apparent for their written approval to be considered necessary. Potentially affected persons include both owners and occupiers of land.

Council may disregard only those adverse effects that will certainly be trivial (less than minor) or which are only a remote possibility.

Obtaining written approval

Council has produced this form (RCFAP) for recording the consent of affected persons. The form makes it clear that the affected persons are acknowledging:

- That the persons have been given details of the full and final proposal including a copy of the application form, assessment of environmental effects, and plans and that they have confirmed that they have signed and dated such information.
- That the persons understand and accept that once approval has been given the Council cannot take account of any actual potential effects of the activity upon those persons when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Council may refuse to grant the application.
- That the persons understand that at any time before the final decision is made on the application they may give notice in writing to the Council that the approval is withdrawn.

Unconditional consent

Council has no responsibility to ensure that the demands or "conditions" of an affected person are satisfied; rather it is the responsibility of the applicant. Council will not accept an approval form that has been returned with conditions imposed and instead the form will be returned to the applicant for resolution.

The applicant may then be required to again consult or negotiate to obtain unconditional approval. There is additionally a range of methods available to the applicant, including letters of undertaking, or more formal methods such as deeds or agreements.

Office Use Only			
Copy of Application form signed and provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Copy of AEE signed and provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Site plan signed and provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Required
Property File of Act _____	Property File of Affected Person(s) _____ (Owners only)		
Accepted by Planer _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Signature _____			