



7 February 2005

Dave Winter & Jude O'Neill
7 Myrtle Ave
HAMILTON

Dear Sir/Madam

LAND USE RESOURCE CONSENT 37/1/2772

TO UNDERTAKE DWELLING ADDITIONS AT 7 MYRTLE STREET, HAMILTON

I wish to advise that consent for the abovementioned application was granted under delegated authority and subject to the following conditions being completed to the satisfaction of the Council:

*That pursuant to the provisions of sections 19, 94 and 104C of the Resource Management Act 1991, and the Proposed Hamilton City District Plan (References Version), Council **grants consent** to the application by DM Winter (being Resource Consent No. 37/1/2772) to:*

- *under the Proposed District Plan (References Version) make additions to a detached dwelling failing standards relating to site coverage and encroachment of the height control plane on a site within the Residential Zone – Claudelands West Special Character Area (assessed as a Restricted Discretionary Activity)*

situated on Lot 21 DP 7000, at 7 Myrtle Street, Hamilton, subject to the following conditions:

Use

1. *That the development be in general accordance with the plans and the information submitted with the application on 10 January 2005.*
2. *A self-contained unit shall not be created within the extensions.*

Reasons for the Decision

- a. *Subject to the above conditions, the proposal is not contrary to the relevant objectives and policies of the Hamilton City Transitional District Plan and the Hamilton City Proposed District Plan.*
- b. *Pursuant to section 94 of the Resource Management Act 1991 the application has not been publicly notified as the adverse effects of the proposal will be minor and all parties who were considered potentially adversely affected by the granting of this consent have given their written approval. These factors enabled the application to be processed without public notification.*
- c. *Approval of the proposal can be considered not to compromise the integrity of the two District Plans, and will not affect public confidence in the consistent administration of the District Plans.*

- d. *Having regard to section 104(1)(a) of the Act, the actual and potential adverse effects on the environment of granting consent will be able to be avoided, remedied, or mitigated by the imposition of the above conditions.*
- e. *This resource consent application was received by Council after 1 August 2003 and has therefore been processed exclusively under the provisions of the Proposed District Plan (Appeals version) in accordance with the requirements of the Resource Management Amendment Act 2003.*
- f. *The extensions include a living area, bathroom and laundry. These do not result in the area being self contained however a minor internal alteration, i.e. inclusion of cooking facilities could. A specific condition requiring that the area does not become self contained is considered appropriate to ensure compliance with the District Plan, in particular with regards to density requirements.*
- g. *Dispensation to encroach the height control plane on the western elevation by 0.7m vertical and 9.5m horizontal and 0.2m vertical and 3m horizontal is given as the only area considered affected by the encroachment is a 7m² portion of residential land, extending no more than 0.7m into the section and the written approval has been obtained from the owners and occupiers of this site.*
- h. *Dispensation to encroach the height control plane on the northern elevation by 0.5m vertical and 4.5m horizontal is given as the only area considered potentially affected is a 2.25m² portion of bank within the road berm, with no use other than providing a barrier between the road and residential properties.*
- i. *Dispensation to exceed the 35% site coverage allowance by 7% is given as the additional 30m² of building coverage is located at the rear of the site away from public view; the additional building coverage is located so as to not be out of character with the area; and the written approval of the adjoining owners and occupiers has been obtained.*

Advisory Notes

- That compliance in all other respects with Council Bylaws, all relevant Acts, Regulations, and rules of law be met.
- A Building Consent may be required before giving effect to this Resource Consent. Please contact Council's Building Unit on 838 6685 for information on Building Consent matters.
- Because of requirements under the Building Act 1991, it is possible that Council will request individual soil reports (by a registered geotechnical engineer) with building consent applications for each unit site area. Please contact Council's Building Unit on 838 6685 for information on Building Consent matters.
- All construction noise shall comply with the provisions of New Standard NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work" and shall be measured and assessed in accordance with NZS6803P: 1984.
- If this property is on-sold to a new owner(s) please ensure that a copy of this resource consent is forwarded to the new owner(s).

Objections

Pursuant to section 357(2) of the Resource Management Act 1991, if you disagree with this decision or any conditions of consent, you may lodge, in writing to Council an objection within **15 working days** after the receipt of this letter.

Please note, if you do not intend to object to the consent or any of the conditions of consent, you may complete a Declaration Form, return it to the Planning Guidance Unit, and have the planning aspect of your building consent approved prior to the 15 working day objection period expiring.

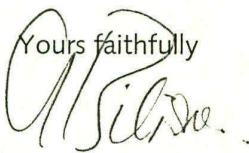
Compliance and Monitoring

This resource consent allows the land use to be carried out at the site specified in the consent, provided the conditions of the consent are met. Under section.35 of the Resource Management Act 1991, Council will monitor and enforce compliance with resource consents it has granted.

Pursuant to section 127 of the Resource Management Act 1991, consent conditions may be amended or cancelled on application to Council if there has been a change in circumstances making the conditions unnecessary or inappropriate.

Lapse of Consent

This resource consent lapses on the expiry of five years after the date of this letter, unless the consent is given effect to by the end of that period. To give effect to this consent, the activity, allowed by this consent must be established and the conditions contained in this consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established.

Yours faithfully


Gulab Bilimoria
Planning Guidance Manager

Please ask for:
Richard Douch
Senior Planner
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Garden Place, Hamilton
Phone 07 838 6615
Fax 07 838 6819