

AMENDMENTS TO TEXT
AUCKLAND CITY OPERATIVE DISTRICT PLAN
(Hauraki Gulf Islands Section)

Proposed Plan Change under Section 73 of the
Resource Management Act 1991

PLAN CHANGE: PLAN MODIFICATION No. 10A

Date of Consent Order	1 November 2002	
Date of Council Resolution:	19 December 2002	
Operative Date:	21 February 2003	File No. 311/229010A

AMENDMENTS TO TEXT

1. Amend Part 11 – “Definitions” as follows:

a) Add the following additional definitions in alphabetical order:

Housekeeping Unit:

means a separate household consisting of either:

- (a) one person; and up to five people unassociated with the household; or*
- (b) two or more persons related by blood, marriage whether legal or defacto, or adoption or by legal guardianship; and up to five people unassociated with the household; or*
- (c) a group of not more than eight persons unrelated by blood, marriage whether legal or defacto, adoption or legal guardianship;*

and includes any of the normal domestic household activities which may occur on the premises.

Residential Accessory Building:

means a building which is small in scale, the use of which is ancillary and incidental to the use of a dwelling on the site, and includes garages, sheds, workshops, offices and buildings used for home occupations, but does not include sleepouts or other buildings that generally comprise part of a dwelling.

b) Remove the definitions of “dwelling”, “residential purposes” and “visitor facility” and replace them with the following definitions:

Dwelling:

means a building, a cluster of buildings, a room or a group of rooms, used, designed or intended to be used exclusively by one or more persons as a single, independent and separate housekeeping unit and includes homestay accommodation where lodging is provided or intended to be provided within the dwelling for reward or payment for not more than five (5) guests. Where separate buildings exist, they must be integral to each other in terms of location and layout. Residential accessory buildings do not need to be integral to other buildings on the lot.

Residential Purposes:

means any use of land or buildings for a dwelling or for purposes ancillary or incidental to a dwelling, and includes any home occupation and homestay accommodation.

Visitor Facilities:

Means any premises in which transient accommodation or lodging is provided or intended to be provided for reward or payment, ie short term guests paying a daily tariff, licensed for the sale of liquor or not, and inclusive of any service or amenity ancillary to such a facility but excludes any

premise where five or less persons are provided for within a dwelling. Any on-site manager's accommodation must form an integral part of any visitor facility.

- 2. Amend Clauses** 6.2.4.1, 6.3.4.1, 6.5.4.1, 6.6.4.1, 6.7.4.1, 6.8.4.1, 6.9.4.1, 6.10.4.1, 6.11.4.1, 6.12.4.1, 6.20.4.1, 6.21.4.1 and 6.22.4.1 "Permitted Activities" **by removing the existing rule B (a) and replacing it with the following:**

B. Particular Rules

- a) Only one dwelling shall be allowed on any lot.*

- 3. Amend Clauses** 6.2.4.3, 6.3.4.3, 6.5.4.3, 6.6.4.3, 6.7.4.2, 6.8.4.3, 6.9.4.2, 6.10.4.3, 6.11.4.3, 6.12.4.3, 6.20.4.3, 6.21.4.3 and 6.22.4.3 "Discretionary Activities" **by adding the following rule:**

B. Particular rules

Application must be made for resource consent for a discretionary activity under the following circumstances:

- a) A dwelling comprising separate buildings which does not meet that part of the definition of dwelling which specifies buildings to be clustered and integral to each other in terms of location and layout.*
- b) Except as provided for by Section 94 (5) of the Act, any application made under (a) above shall be considered a non-notified restricted discretionary activity and the written approval of affected persons shall not be required where the proposal complies with the Standards in Part 6B for Permitted Activities or the Standards in Part 6C for Restricted Discretionary Activities.*
- c) Where an application complies with criterion (b), the Council shall restrict the exercise of its discretion to the following matters:*
- scale, form and location of buildings;*
 - parking and vehicle access;*
 - impact on local character and amenity.*
- d) In assessing resource consent applications in terms of the matters to which Council has restricted its discretion, the following assessment criteria shall be considered:*
- i) whether the proposal contributes to the character of the surrounding area and helps to maintain the cultural and social values of the community;*
 - ii) the scale, form and location of buildings shall be such that they are integrated with and complementary to forms in the surrounding natural landscape;*
 - iii) the form and location of any vehicle access or car parking areas on the site and, in particular, whether the location of any vehicle access or parking could allow the use of the building as a separate dwelling;*
 - iv) that the proposal does not contribute to a potential, actual or cumulative increase in residential density which adversely impacts upon the visual, environmental, social or cultural characteristics of the local area or wider island environment.*
- e) Conditions may be imposed in relation to any of the matters addressed in (c) or (d) above and, in particular, a condition may be imposed requiring that buildings be protected by an encumbrance or a similar mechanism registered against the certificate of title to ensure that they do not become a dwelling where that use is contrary to the District Plan provisions for residential density.*
- f) If criterion (b) is not met, an application shall be assessed as an unrestricted discretionary activity, subject to the assessment criteria in Part 6E. Where the activity is a listed discretionary activity, the assessment criteria of Part 6F shall also be considered.*

(b) Renumber existing rule (B) Listed Discretionary Activities as (C).

(c) Renumber existing clause (C) Consideration of Applications as (D).

4. Add to Part 6E - General Assessment Criteria Discretionary Activities Clause 6E.1.1.6 A, as follows:

f) that the proposal does not contribute to a potential, actual or cumulative increase in residential density which adversely impacts upon the visual, environmental, social or cultural characteristics of the local area or wider island environment.

5. Amend Clauses 6B.1.2.5 & 6C.1.2.5 – “Gross Dwelling Area” as follows.

(a) Delete the existing text and replace it with the following:

6B.1.2.5

Except as provided for in the particular Rules for Land Units 13 and 14, the gross dwelling area of all buildings located on a lot less than 2000 m² shall not exceed 10% of the area of the lot on which it is located.

6C.1.2.5

A. Except as provided for in the Particular Rules for Land Units 13 and 14, where the gross dwelling area of all buildings on a lot less than 2000 m² in area does not exceed 25% of the area of the lot on which it is located, a discretionary activity resource consent application will be non-notified. (See Table 2.)

B. Where the gross dwelling area of all buildings on a lot less than 2000 m² in area does exceed 25% of the area of the lot on which it is located, a notified discretionary activity resource consent will normally be required.

C. Where any lot is greater than 2000 m² in area, the gross dwelling area of all buildings shall not exceed the coverage limits in Table 3.