



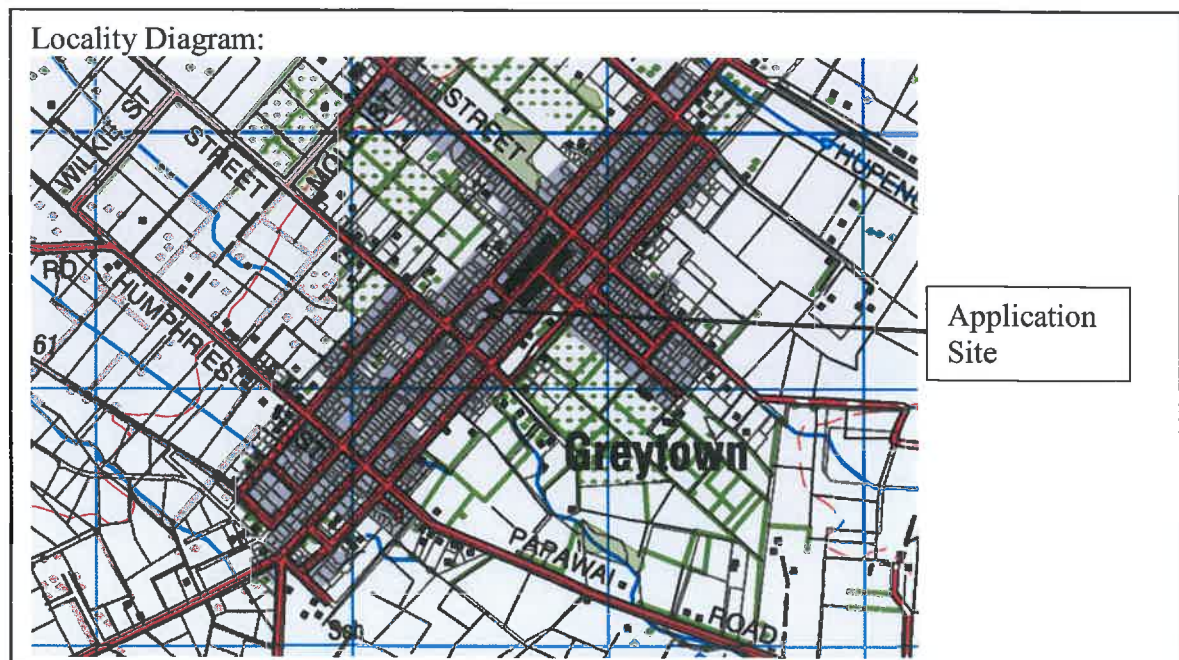
SOUTH WAIRARAPA DISTRICT COUNCIL

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF RESOURCE MANAGEMENT ACT 1991

- Application No:** 150061
- Consent Type:** Land Use
- Applicant:** Wholesale Distributors Limited
- Proposal:** Extension to Fresh Choice Supermarket carpark and demolition and removal of existing dwelling.
- Location:** 134 Main Street, Greytown
- Legal Description:** Lot 3 DP 18242
- Zone:** Commercial (within the Greytown Historic Heritage Precinct) - Wairarapa Combined District Plan 2011
- Activity Status:** **Wairarapa Combined District Plan (District Plan)**
Restricted Discretionary Activity – Rule 6.5.5 for a permitted activity which does not meet the one or more standards for permitted or controlled activities (Permitted Rule 6.5.2(h)(i)&(ii) – Landscape and Screening).

Discretionary Activity – Rule 21.6(g) for the demolition/removal of a building within a historic heritage precinct.

The application is therefore a Discretionary Activity.



1.0 APPLICATION

The site is located on the northwestern side of Main Street in Greytown's Commercial zone approximately 65 metres southwest of the Hastwell Street / Main Street intersection.

The site contains a residential dwelling and associated garaging set on the rear half of the property. Council has no information of the dwelling on the building file but it is thought to have been constructed in the 1950-60's. There is a large mature copper beech tree at the street front at the southern corner of the site with other vegetation along part of the frontage and other parts of the site. The copper beech tree appears in good health and is of a size that makes it a prominent feature of the site and locale.

Adjoining to the southwest is a recently constructed office/retail building with the rear of a motel complex behind this building. To the northeast is a retail building with residential use at the rear and upstairs. This building is listed as a heritage item in the District Plan (Shop Hs087). At the rear of the site is the FreshChoice supermarket loading service/area. On the opposite side of Main Street are residentially zoned properties.

A section of the Moroa Water Race runs along the northeastern boundary of the site. This section of the water race is partially piped.

There is a non-complying and unconsented sign advertising the Fresh Choice supermarket in the front yard.

It is proposed to demolish/remove the dwelling and associated garaging and construct an entrance from Main Street and parking areas within the site. This will facilitate vehicles utilising the loading space without having to reverse into it as they currently do. It is proposed to landscape the site including the retention of the mature copper beech tree. Resource consent is triggered under the District Plan rules as specified above.

2.0 S95A – 95F NOTIFICATION ANALYSIS AND DETERMINATION

2.1 Public Notification

Section 95A(2)(a) of the Resource Management Act 1991 (the Act) states a consent authority must publicly notify an application if the activity will have or is likely to have adverse effects on the environment that are more than minor, the applicant requests notification or a Rule or National Environmental Standard (NES) requires notification. However, under Section 95D(c), an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion must be disregarded. Also under Section 95D(a) any effects on people within the site or adjacent to it are not to be considered for the purposes of public notification.

It was decided not to publicly notify the application for the following reasons:

The triggers for resource consent are removing a building in a heritage precinct and non-compliance with the commercial zone permitted standards as they relate to screening from the residential zone.

The site does not contain any buildings which are listed as heritage items in the District Plan. The dwelling is thought to have been constructed in the 1950's - 1960's and is not considered to have any specific heritage value. Therefore, removing this building will not have any adverse effects of the heritage values of the site, or Historic Heritage

Precinct. The copper beech tree within the site, while also not listed as a heritage item in the District Plan, is being retained by the applicant. This will retain a treed amenity within the site.

The proposal does not meet the permitted standards of the District Plan in terms of screening of the proposed car park from the residentially zoned property (119 Main Street) on the opposite side of Main Street. It is noted that the applicants propose to retain the large copper beech tree at the frontage of the site and landscape on either side of the entrance. This landscaping is proposed to be a low ground cover, Algerian ivy, to retain maximum visibility and safety in the vicinity of the proposed entrance.

There are residentially zoned sites on the opposite side of Main Street. It is noted that Main Street is a State Highway with a correspondingly high rate of vehicle use. This is considered to form a buffer between the site and the residential properties on the opposite side of the road. Only the property directly opposite the application site (119 Main Street) contains a residential dwelling. The sites adjoining 119 Main Street, include Stella Bull Park (115-117 Main Street) to the northeast and a building used as a restaurant (123 Main Street) to the southwest.

As noted, the existing copper beech tree at the southern frontage of the site will be retained and, while it will be limbed up to 2.2m, it will provide screening of the site from the residential zone on the opposite side of Main Street. As this tree is not listed as a heritage item in the District Plan it could have been removed by the applicant to accommodate a central entrance and additional car parks and more compliant screening. From a visual perspective, given that there are no built structures proposed, the entrance is “offset”, and the beech tree will be retained, the proposed development is considered to be of low impact and more consistent with residentially zoned properties opposite than alternative developments which could occur as permitted activities.

Overall, when viewed from the opposite side of the State Highway, it is considered that the site will retain a considerable amenity and any amenity effects on the environment are less than minor.

Therefore the actual and potential effects of this proposal on the environment are considered to be no more than minor.

2.2 Limited Notification

If public notification is not required, the Council must then determine whether there are any affected persons that would warrant limited notification under Section 95B(1).

Under Section 95(E) of the Act, Council must consider a person to be affected if the activity's adverse effects on that person are minor or more than minor unless an activity with that effect is permitted by a Rule or NES, the effect is not within the matters of control or discretion (as applicable to Controlled and Restricted Discretionary Activities) or that person has given written approval to the proposed activity.

The applicants have obtained the written approval of the proposal from the New Zealand Transport Agency (NZTA). Therefore under Section 95(E)(3)(a), the NZTA are deemed not to be affected persons. No other parties are considered to be adversely affected by the proposal.

The owners/occupiers of adjoining commercially zoned sites are not considered to be affected by this proposal as it is a commercial activity in full compliance with the commercial zone rules (as they relate to adjoining commercial sites).

The owners/occupiers of the residential site on the opposite side of the State Highway already have screening in place in the form of a close boarded fence and vegetation. The proposal is considered to a high degree of amenity and notification of this development is therefore not justified.

Furthermore, there are considered to be no special circumstances, pursuant to Section 95A (4) of the Act, which warrant the notification of this proposal, or serving of notice.

3.0 S104 ASSESSMENT

The relevant statutory provisions that were considered are the Resource Management Act 1991, the Regional Policy Statement and the Wairarapa Combined District Plan.

3.1 The Greater Wellington Regional Policy Statement (RPS)

Objective 15 and Policy 22 seek to protect historic heritage from inappropriate modification, use and development. The policy is not intended to prevent change to historic heritage, but rather to ensure that change is considered. Policy 46 seeks to manage the effects on historic heritage values, but also notes that it would be superseded by similar policies in the relevant District Plan.

Policy 55 seeks to maintain a compact, well designed and sustainable regional form.

The proposal is considered to be consistent with the RPS.

3.2 Wairarapa Combined District Plan

The Wairarapa Combined District Plan became operative on 25 May 2011.

The relevant assessment criteria are contained in Section 22 of the District Plan and the relevant objectives and policies of the District Plan are:

- Objectives 6.3.7, 6.3.16, 10.3.1
- Policies 6.3.2(a), 6.3.2(b), 6.3.8(a), 6.3.17(a), 6.3.17(b), 6.3.17(c), 6.3.17(d), 10.3.2(b), 10.3.2(c)

Relevant Assessment Criteria are 22.1.4(i), (ii), (iii), and (vi).

3.3 District Plan Analysis

Where a proposal does not meet the permitted standards of the District Plan, assessment of the proposal is concerned with avoiding, remedying or mitigating any effects that would derive from not complying with the relevant permitted standards. In this case this relates to removing a building from a site in the Heritage Precinct and landscape/screening from the residential zone.

Heritage

Objective 10.3.1 and Policies 10.3.2(b) and 10.3.2(c) seek generally to recognise the importance of historic heritage in the Wairarapa and avoid, remedy or mitigate the potential effects of development on heritage.

Assessment Criteria 22.1.4 relates to activities in the Historic Heritage Precincts.

22.1.4(i) requires assessment of the nature, form, and extent of the activity and the extent to which it is consistent with the environmental outcomes intended for the relevant precinct.

22.1.4(ii) requires an assessment of any measure proposed to protect or enhance the character of the street, including the implementation of any planting or landscaping.

22.1.4(iii) requires assessment of the extent to which the proposal is consistent with the South Wairarapa Town Centres Design Guide.

22.1.4(vi) requires an assessment of the extent to which the heritage value, integrity and character will be maintained or enhanced.

The dwelling which is proposed to be removed was constructed in the 1950's -1960's and is not listed as a heritage item in the District Plan or considered to be of any particular heritage value relative to the intended purpose of the "heritage precinct" – to protect Greytown's colonial buildings and form. Therefore no effects on heritage have been identified as resulting from it's removal. The proposal will facilitate the transition of a commercially zoned site from a residential use to a commercial use.

No buildings or signs are proposed as part of this application and this limits the relevance of the assessment criteria and Design Guide. However the Design Guide does suggest the retention of a "mature landscape" as an aim (35.1.2(iv)). The retention of the copper beech tree by the applicant is considered to be in line with this aim.

Landscape/screening

Through policies 6.3.2(a), and 6.3.8(a), the District Plan seeks to avoid effects of the commercial zone on adjoining residential zones as necessary. The proposal is not considered to generate adverse effects on the residential zone on the opposite side of Main Street.

Policy 6.3.2(b) encourages a wide range of appropriate activities within the commercial zone while ensuring any adverse effects are avoided, remedied or mitigated. The proposal is an example of an activity appropriate in the commercial zone that minimises adverse effects generally and on the residential zone in particular.

Council's Rooding Manager and Asset Manager have commented on the application and a note is attached to this consent in relation to entrance construction, stormwater disposal, and piping of the water race. Council's Rooding Manager suggests that the footpath to the southwest of the loading area should be located on the southwestern side of the site to improve pedestrian safety.

The adverse effects of the proposal have been considered in Section 2.0 of this report and it is considered that the proposal would maintain the integrity of the objectives and policies of the District Plan for the reasons given above.

There are no other matters considered relevant to the assessment of this proposal.

4.0 CONCLUSION

It is considered the proposal will have no more than minor adverse effects on the environment, no parties are considered to be adversely affected, and that it is consistent with the relevant objectives, policies and assessment criteria of the Wairarapa Combined District Plan.

5.0 DECISION

That the South Wairarapa District Council hereby grants Land Use consent, to application no. 150061 pursuant to Section 104C of the Resource Management Act 1991, subject to the following conditions:

CONDITIONS

THAT:

1. Except as amended by the conditions below, the development be carried out in general accordance with the following plans and documentation provided with the application.
 - a. Plans referenced; “Proposed Supermarket for Progressive Enterprises Ltd” (prepared by Woodhams Meikle Zhan Architects, referenced BNL-13 Rev D, dated 23 February 2015); “Landscaping Planting Plan 01” (prepared by LA4 Landscape Architects, referenced PP01 Rev A, dated 12th April 2015).
 - b. Assessment of adverse effects
 - c. Parking/access to be constructed in accordance with NZS4404:2004 and AS/NZS 2890.1:2004
2. Costs, pursuant to Section 36 of the Resource Management Act 1991, be paid by the consent holder.
3. The copper beech tree at the southern corner of the site is to be retained and any required trimming of it be carried out by a qualified arborist. Work within the earth beneath the dripline of this tree shall be minimised. Where work within the earth beneath the dripline is required, this work shall be supervised by a qualified arborist.

Notes:

- (a) Please note that, in accordance with Section 125 of the Resource Management Act 1991, this resource consent will lapse if not given effect to within 5 years.
- (b) This land use is based on the plans provided with the application. Any changes to these plans could require further resource consent.
- (c) Compliance in all respects with the Building Act 2004 is required, including the obtaining of a Building Consent.
- (d) Piping of the water race requires prior approval of Council (please contact Council’s Infrastructure and Services Group).


- (e) It is suggested that the applicant liaise with Council (please contact Council's Infrastructure and Services Group) once construction drawings have been completed showing entrance details, piping of the water race, stormwater disposal, and parking/access are prepared prior to construction.
- (f) The pylon sign shown in various plans in the application is not covered by this approval.


The Council grants the Consent for the following reasons:

- i) The effects of the proposal, with the conditions imposed, are considered to be no more than minor.
- ii) The proposal is in accordance with the objectives and policies of the Wairarapa Combined District Plan, and with the purpose of the Act.
- iii) No parties are considered to be adversely affected by the proposal.

Prepared by:

Approved by:


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Russell Hooper
Resource Management Planner


.....
Murray Buchanan
Group Manager, Planning and Environment

DATED at Martinborough this 22nd day of June 2015

For and on behalf of the
SOUTH WAIRARAPA DISTRICT COUNCIL