

SOUTH WAIRARAPA DISTRICT COUNCIL

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

Application No: 3432

Consent Type: Land use

Applicant: Victoria Read

Proposal: Addition to an existing dwelling

Location: 18 Weld Street, Martinborough

Legal Description: Lot 1 DP 74911

Zone: Rural - South Wairarapa District Plan
Rural (Special) - Proposed Wairarapa Combined District Plan

Activity Status: **South Wairarapa District Plan (Operative Plan)**
Permitted Activity – compliant with Standards and Terms in 6.2 of the Operative Plan.

Proposed Wairarapa Combined District Plan (Proposed Plan)
Restricted Discretionary Activity – Rule 4.5.4(e) of Proposed Plan for breaching the minimum dwelling setback standard 4.5.2(c)(iii) for a Permitted Activity.

The application is therefore a Restricted Discretionary Activity.

Before the Applications Sub-Committee (a Standing Committee of the South Wairarapa District Council) at its meeting held on 11th March 2008.

1.0 APPLICATION

The site is located on rural land and accessed via a driveway strip off Weld Street, Martinborough. The site has recently been subdivided and granted a s.224 certificate (Council ref: 3035(S)) however, to date, no new Certificate of Title has been issued. The s.224 certificate identifies that a Consent Notice has been registered on the site however, none of these conditions inhibit the consideration of this application. The application site is 4,705m² (post subdivision 3035(S)) and zoned Rural and Rural Special in the Operative and Proposed District Plans respectively. The site is legally known as Lot 1 DP 74911 and will become Lot 1 DP 385200 of the Titles are issued for the approved subdivision.

It is proposed to undertake alterations to an existing rural dwelling. The dwelling will be extended 7.4m to the northeast with a full width of 9.2m. The height of the extension will be 7.3m, which is the same height as the existing dwelling. The extension will be located 10m from the closest side boundary. Whilst being compliant

with the Operative Plan rural dwelling set back standards, the location of the proposed dwelling breaches the Proposed Plan rural side yard set back requirement on this boundary. The Proposed Plan requires all rural side and rear yards to be at least 25m. The proposed dwelling breaches this permitted activity standard by 15m.

The proposal complies with all other permitted activity standards in both the Operative and Proposed Plans.

2.0 NOTIFICATION ANALYSIS AND DETERMINATION

Pursuant to Section 93(1) of the Resource Management Act 1991 (the Act), an application which is a Controlled Activity or one where the Consent Authority is satisfied that the adverse effects of the activity will be minor does not need to be publicly notified. Pursuant to Section 94(1) and Section 133 of the Resource Management Amendment Act 2005, the Council may serve notice of the application on all parties who may be adversely affected by the proposal.

It has been decided not to publicly notify the application or serve notice for the following reasons:

The actual and potential effects of this proposal on the environment are considered to be less than minor for the reasons outlined below:

The proposed alterations are a Permitted Activity under the Operative Plan and therefore the effects of the alterations are no more than those foreseen by the Operative Plan. The proposed dwelling only requires resource consent as it breaches the Proposed Plan rural dwelling yard set back requirement. However, as a decision has not yet been released on the Proposed Plan, more weight is given to the Operative Plan than to the Proposed Plan. Furthermore, there has been concern raised in submissions to the Proposed Plan over the appropriateness of such a large yard (25 metres) requirement on small rural sites (as this one is).

Consideration must still be given to the Proposed Plan. As a Restricted Discretionary Activity, Rule 4.5.4(e) of the Proposed Plan restricts Council's discretion to avoiding, remedying or mitigating any effects deriving from non-compliance with the particular standard(s) that is not met, which in this case is the rural side yard set back. The Proposed Plan requires a 25m yard set back whilst the proposal will provide only a 10m side yard set back. However, whilst noting the degree of infringement, the actual and potential effects of this proposal on the environment are considered to be less than minor.

The proposed alterations represent an addition to an existing dwelling within the rural zone. The proposed alterations will be located some 10m from the nearest neighbouring boundary (to the north east) which is 2m less than the distance between the existing dwelling and that boundary. The 10m set back will enable the neighbouring owners to operate primary production activities without any adverse effects and the proposal will not result in unplanned and sporadic intensification of the land use zone.

The rural visual and amenity effects are considered to be less than minor.

The applicant has obtained the written approval from the following party:

Name	Address	Legal Description
Xanthe Family Trust (R M Jacobson)	16 Weld Street, Martinborough	Lot 2 DP 74911

However, no other parties are considered to be affected by the proposal for the reasons outlined above.

Furthermore, there are considered to be no special circumstances, pursuant to Section 94C (2) 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, the South Wairarapa District Plan and the Proposed Wairarapa Combined District Plan.

3.1 South Wairarapa District Plan

The South Wairarapa District Plan (the Operative Plan) is fully operative.

The proposed addition is a Permitted Activity in the Operative Plan. The proposal is therefore considered to be consistent with the Operative Plan.

3.2 Proposed Wairarapa Combined District Plan

The Proposed Wairarapa Combined District Plan (the Proposed Plan) was publicly notified on 26 August 2006. As a decision has not been released on the Proposed Plan, it does not yet afford as much weight as the Operative Plan.

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

- Objective 4.3.1 and 4.3.4
- Policies 4.3.2(c), (d) and 4.3.5(a), (d)

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 Proposed 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 less than minor adverse effects on the environment, that there are no affected parties, and that the proposal is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan.

5.0 DECISION

That the South Wairarapa District Council hereby grants landuse consent, to application no 3432 pursuant to Section 104C of the Resource Management Act 1991, subject to the following conditions:

6.0 CONDITIONS

1. That, except as amended by the conditions below, the development be carried out in general accordance with the plans (dated 1.2.08) and documentation provided with the application.
2. That costs, pursuant to Section 36 of the Resource Management Act 1991, be paid by the consent holder.
3. That stormwater not used for water supply purposes be disposed of on-site through appropriately designed soak pits to the satisfaction of Council's Manager Works and Services.

The Council grants the Consent for the following reasons:

- i) The effects of the proposal on the environment are considered to be less than minor.
- ii) That the proposal is in accordance with the objectives and policies of the Proposed Wairarapa Combined District Plan, and with the purpose of the Act.
- iii) There are no parties considered to be adversely affected by the proposal.
- iv) That the proposal is a Permitted Activity under the Operative District Plan.

Notes:

1. 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.
2. Compliance in all respects with the Building Act 2004 is required, including the obtaining of a Building Consent.
3. This approval does not provide a blanket application of the urban set back rules to the property. It allows for only the addition proposed.

Prepared by:
Hywel Edwards
PLANNING CONSULTANT

Reviewed by:
Jenny Clafferty
PLANNING CONSULTANT

DATED at Martinborough this 11th day of March 2008.

**For and on behalf of the
SOUTH WAIRARAPA DISTRICT COUNCIL**


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Ravi Mangar
ACTING CHIEF EXECUTIVE OFFICER