

# SOUTH WAIRARAPA DISTRICT COUNCIL

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

**Application No:** 3823

**Consent Type:** Land Use

**Applicant:** Ian & Karen Sutcliffe

**Proposal:** Relocation of dwelling to Rural (Special) Zone

**Location:** Weld St , MARTINBOROUGH

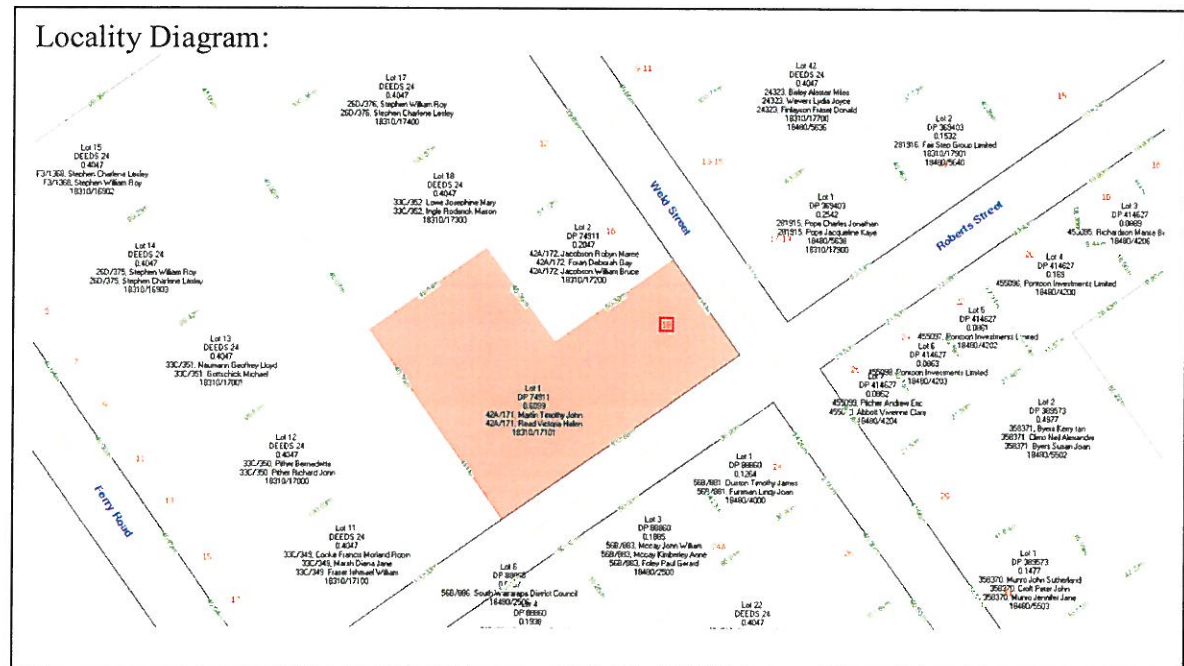
**Legal Description:** Lot 2 DP 434612 (Parent lot: Lot 1 DP 74911)

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

**Activity Status:** **South Wairarapa District Plan (Operative Plan)**  
Controlled Activity – Rule 6.1.3(B)(2) for the relocation of a building.

**Proposed Wairarapa Combined District Plan (Proposed Plan)**  
Controlled Activity – Rule 4.5.3(a) for any activity involving relocating a dwelling.

The application is therefore a Controlled Activity.



## **1.0 APPLICATION**

The applicant is proposing to relocate a dwelling to Weld Street, Martinborough. A relocated dwelling would require resource consent under both the Operative and Proposed Plan as specified above.

The site is a relatively small corner section 1374m<sup>2</sup> in size, is legally described as Lot 2 DP 434612, and is located on the western corner of the intersection between Weld Street and Roberts Street. The allotment was created by subdivision consent 3035, approved by Council on 1 November 2006. The certificate of title for the site has only recently issued and the property has yet to be formally allocated a street number. A consent notice is registered on the title, and condition 1 of that notice states:

*Lot 2 is located within the Rural Zone. However, pursuant to resource consent no 3035, a house on Lot 2 must comply with the permitted standards for a dwelling in the Urban Residential Zone as contained in the Proposed Wairarapa Combined District Plan, rather than the Rural Zone standards. These permitted standards are as follows:*

- *Maximum height: 10m*
- *Maximum height to boundary: 3m height at the boundary with a 45-degree recession plane*
- *Minimum building setback: 5m from front boundary; 1.5m from all other boundaries, except that there shall be one setback of at least 3m from one side boundary*

The site is flat and currently vacant and would be accessed by an existing sealed entranceway off Weld Street. There are fairly extensive plantings around the perimeter of the property including a mature macrocarpa hedge that runs the length of the isolation strip (Lot 3 DP 434612) adjacent to the unformed part of Roberts Street on the southern boundary. The property is zoned Rural (Special) and is located on the fringe of the Martinborough urban zone.

## **2.0 S95A – 95F NOTIFICATION ANALYSIS AND DETERMINATION**

### **2.1 Public Notification**

Section 95A(3)(a) of the Resource Management Act 1991 (the Act) states that a Consent Authority must not publicly an application if a rule or a National Environmental Standard precludes public notification. The Proposed Plan in Rule 5.5.3 states '*An application for resource consent for controlled activities made under this rule need not be notified; and need not be served on affected persons.*' The activity proposed is a Controlled Activity.

### **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.

Council reserves control over relocated dwellings to ensure that any adverse impacts on the surrounding environment are adequately managed.

In this instance, no parties are considered to be adversely affected by the proposal, which is in keeping with similar development in the surrounding area. The building would be setback 10 metres from the closest boundary, meeting the location requirements of the outlined consent notice condition. A building report by Willem van Der Laan (CAD Services & Design) with photographs has been provided and states that the dwelling is a 1920s bungalow-style house. The building is in reasonably good condition although the report recommended some roofing

repairs and also suggested that painting of the exterior would be necessary. The site is well presented with plantings that would partially screen the building from adjoining landowners, and a bond is listed as a condition on the consent to ensure the exterior of the building is repaired to an acceptable standard to protect the neighbourhood amenity.

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, 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) remains operative, although the appeal period of the Proposed Plan has closed.

The relevant assessment criteria are contained in Section 7 of the Operative Plan and the relevant objectives and policies of the Operative Plan are:

- Objectives 5.3.1(1) and (5)
- Policies 5.3.2(1) and (7)

#### **3.2 Proposed Wairarapa Combined District Plan**

The Proposed Wairarapa Combined District Plan (the Proposed Plan) was publicly notified on 26 August 2006 and the decision on the submissions was released on 29 March 2008. The application was lodged after the close of appeals to the decision on submissions to the Proposed Plan. The appeal period of the Proposed Plan has now closed and therefore the Proposed Plan is considered to have more weight than the Operative Plan.

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

- Objectives 4.3.1
- Policies 4.3.2(a)

#### **3.3 District Plan Analysis**

Where a proposal does not meet the permitted standards of the District Plans, assessment of the proposal is concerned with whether the proposal is able to avoid, remedy or mitigate any effects from not complying with the relevant permitted standards.

It is proposed to relocate a single storey 140m<sup>2</sup> GFA dwelling to Weld Street, Martinborough. A builder's report submitted with the application notes that the dwelling was built in the 1920s and remains in most part structurally sound. Any potential adverse effects on the environment are mitigated by the recommended works in this consent, and the applicant would be responsible for renovating the exterior of the dwelling to ensure its appearance does not detract from the area's visual amenity. Coupled with the factors considered in Section 2.0 of this report it is considered that the proposal would maintain the integrity of the objectives and policies of both District Plans.

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 Operative and Proposed District Plans.

## **5.0 DECISION**

That the South Wairarapa District Council hereby grants land use consent, to application no. 3823 pursuant to Section 104A of the Resource Management Act 1991, subject to the following conditions:

### **CONDITIONS**

1. That, except as amended by the conditions below, the development be carried out in general accordance with the plans 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 from buildings that is not used for water supply purposes be disposed of within the site. Stormwater disposal shall be by properly designed soak pits or other methods to the satisfaction of Council's Utilities Manager (approved at the time of the building consent).
4. That the exterior of the building **must be restored and repaired to a satisfactory standard within six months of being relocated to the property**. The renovations shall be to the satisfaction of the Planning Officer, South Wairarapa District Council, and regular site visits will be undertaken during this period to ensure works are ongoing. Renovations shall include, at a minimum:
  - Roof repairs
  - Painting exterior, including roof
  - Installation of baseboards; and
  - General repairs from moving.
5. That a bond of \$7,000.00 be set with a bank (using Council's enclosed bond form) or paid to South Wairarapa District Council to ensure compliance with Condition 4 above. If the bond is paid to Council, interest will not be given on the bond. The bond must be set/paid and evidence of such provided to South Wairarapa District Council **prior to the dwelling being relocated to the site**.

#### ***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) Permits are required from Council to connect to the water and sewer services. Please contact Vicky Robinson at the Council to arrange for these permits.

#### ***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.

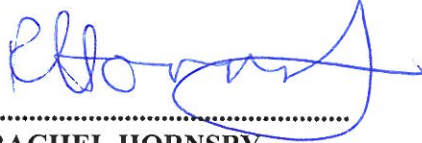
- ii) The proposal is in accordance with the objectives and policies of the South Wairarapa District Plan and the Proposed Wairarapa Combined District Plan, and with the purpose of the Act.
- iii) No parties are considered to be adversely affected by the proposal.

Prepared by:

Approved by:



.....  
**VANESSA TIPOKI**  
**RESOURCE MANAGEMENT**  
**ADMINISTRATOR**



.....  
**RACHEL HORNSBY**  
**GROUP MANAGER PLANNING**  
**AND ENVIRONMENT**

**DATED** at Martinborough this 29<sup>th</sup> day of September 2010

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