

MINUTES

TITLE: Environment & Planning Subcommittee
DATE: Friday, 18 November 2005
TIME: 9.30 am
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka

PRESENT: Crs R G Kempthorne (Chair), R G Currie and T B King

IN ATTENDANCE: Manager Consents (J Hodson), Consultant Planner (A Tester),
Administration Officer (B D Moore).

1. F W AND L M DAVIDSON, 79 IWA STREET, MAPUA - RM050302

1.1 Proposal

The applicant sought consent to erect two attached two bedroom dwellings on a 606 m² site at 79 Iwa Street, Mapua, Lot 4 DP 17524, CT NL11C/248.

1.2 Presentation of Application

The applicant, Mr F Davidson, appeared at the hearing and was represented by Ms J M McNae. She described the proposed location and layout of the proposed two attached dwellings which will be similar to the adjacent existing units owned by the applicant. She explained how the proposal is similar in effect to a single dwelling which may be constructed on the site as of right. She said that a single dwelling of over 200 m², two storeys in height could be erected, subject to a building consent.

Ms McNae addressed the concerns of neighbouring submitters who sought that the existing residential amenity in Iwa Street should be retained. The submitters sought that the consent be declined, but if consent is granted that fencing and landscaping be required. Ms McNae described how the proposed development can achieve a coverage of less than 33% permitted but does not meet the permitted activity rule of 450 m² per unit.

There are two car parks provided on site for each unit but the applicant acknowledged that manoeuvring will be tight from two of the car parking spaces and will require the vehicles to back out onto Iwa Street. The submission claimed that Council does not have an ability to require a financial contribution and referred the hearing panel to Rule 16.5.9 which refers to reductions, waivers and offsets of financial contribution on building development.

The applicant, Mr F Davidson, then tabled and spoke to a statement of evidence. He described how title was obtained for this land in March 1996 and this is the last section which has not been built on.

Mr Davidson explained how he intended to develop the sites at 81, 85 and 79 Iwa Street into rental accommodation but had sold the section at 81 Iwa Street to Mrs E Tucker so she could build there and be close to her family at 78 Iwa Street. Mr Davidson said he was happy to provide and implement a landscaping plan. He acknowledged that it was not possible for vehicles to drive out forwards onto Iwa Street from all car parks at 79 Iwa Street. He said he did not think this would present a traffic safety problem in this quiet residential street.

1.3 Submissions

Mr G Thomas tabled and read a submission in opposition, on behalf of submitters Russ of 77 Iwa Street, Tucker of 81 Iwa Street, Tucker of 78 Iwa Street and Gardner of 83 Iwa Street. The submission claimed that the shared onsite access should be included in the site coverage calculation. The submission was concerned about the inadequacy of onsite manoeuvring for vehicles and the need to reverse onto Iwa Street. Conditions of consent were sought including landscape requirements, the provision of onsite fencing and monitoring conditions.

Mr G Tucker of 78 Iwa Street then spoke to his submission which opposed the application and referred to existing problems with the existing similar rental dwelling units owned by the applicant.

1.4 Officer's Report

Montgomery Watson Haza Consultant Planner, Mr A Tester, spoke to his report contained within the agenda and said that the application has been presented in accordance with the site density and site coverage rules outlined in the proposed Tasman Resource Management Plan. He said that most of the turning curves indicated on the site plan meet the 90% turning circle requirements. He acknowledged that the application may be eligible for the financial contribution exception rule.

Mr Tester said that his proposed conditions of consent recommended that landscaping be carried out during the first planting season following occupancy of dwelling units and that no special monitoring condition was required. He said that the shared driveway was not required to be considered as part of the coverage calculation.

1.5 Right of Reply

Mrs McNae responded on behalf of the applicant and asked that the Hearing Panel ensure that the application is considered strictly in accordance with the proposed Tasman Resource Management Plan. She said that the proposed coverage for this application is in compliance with the legal requirements of that plan. Car parks are required to be formed and surfaced and the applicant intends to do that, the same as with the driveway. She said that there is no visibility problem in Iwa Street and the plan is discretionary regarding reversing onto the street.

Ms McNae reminded the Hearing Panel that there appears to be no rule in this situation applying to a single house on one title. She said that the tenancy issue raised by submitters is totally irrelevant and the issue of any private covenants is also not relevant to this hearing. She said that the applicant volunteered that a separate condition regarding boundary fencing adjoining Mrs E Tucker's property, for a fence height of 1.8 metres would be acceptable and also volunteered to increase the height of the existing boundary fences to 1.8 metres.

Mrs McNae said that this should be noted on the landscape plan. A proposed fence would ensure that vehicles turning onsite within the subject site would not encroach onto neighbouring properties. She acknowledged that no report or evidence had been presented at the hearing from a registered valuer regarding the potential effects of the proposed new attached dwellings on neighbouring properties.

Mrs McNae acknowledged that people had been allowed to park on the empty section and also acknowledged that no definite plans for the proposed development had been provided to Mrs E Tucker at the time of her purchasing the land from Mr Davidson. She said that Council is charged with monitoring all consents and Council is to assume that the conditions will be complied with. She said that the proposed two attached dwelling units will not create adverse effects over the permitted baseline.

Mrs McNae said that the proposed development had been referred to neighbouring property owners prior to it being lodged at Council on 12 April 2005 and that submitters have had sufficient time to consider the matter. She said that the applicant was not happy to have the proposed landscaping condition required to be developed in consultation with neighbours. She said that the landscaping on the frontage of the property at Iwa Street would be restricted by its closeness to the street and the proposed car parking in front of the dwelling. Some low growing shrubs could be used for landscaping purposes. She said that the applicants sought that the timeline for the first landscaping planting be the season following occupation of the dwellings.

Mr Davidson commented that onsite car parks will restrict the area available for landscaping.

The Committee reserved its decision at 12.30 pm.

**Moved Crs Kempthorne / King
EP05/11/41**

THAT the public be excluded from the following part of the proceedings of this meeting namely:

F W and L M Davidson

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Subject	Reasons	Grounds
F W and L M Davidson	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

CARRIED

**Moved Crs King / Currie
EP05/11/42**

THAT for the purposes of discussing the application of F W and L M Davidson as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Currie / Kempthorne
EP05/11/43**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. F W AND L M DAVIDSON, IWA STREET, MAPUA - RM050302

**Moved Crs Kempthorne / King
EP05/11/44**

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council GRANTS consent to F W and L M Davidson to construct two attached dwellings at 79 Iwa Street, Mapua.

The application is granted subject to the following conditions and for the following reasons:

CONDITONS:

1. That the building shall be constructed in general accordance with the attached site plan dated 4 May 2005, drawn by M W Somers and the attached elevations dated 18 February 2005, drawn by M W Somers.
2. That the consent holder shall, no later than the time of uplifting the building consent for the works, pay a financial contribution for reserves and community services. The amount of the financial contribution shall be based on the value of the building consent component in accordance with the following table (from Figure 16.5B of the Proposed Tasman Resource Management Plan):

Rule 16.5.7(a) exempts the charging of financial contributions on buildings which are the first dwelling on a site and therefore the charge in this case will be based on half the value of the building consent for the two dwelling units (if the building consent is sought for both at the same time). The value is to be calculated for the value of one dwelling unit only.

Financial Contribution – Building	
Component	
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes:	
1. The financial contribution is GST inclusive.	
2. The building consent value is GST exclusive.	
3. The financial contribution is for reserves and community services where development contribution has been required for infrastructure services under Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services.	
4. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.	

3. That the consent holder construct fencing at their cost as follows:
 - A 1.8 metre high close boarded wooden fence along the common boundary with Lot 5 DP 17524.
 - Increase the height of the existing fence along the common boundary with Lot 3 DP 17524 to a height of 1.8 metres. This can be done by using trellis or similar so that the existing fence can be utilized.
4. That a landscaping plan shall be submitted to Council's Senior Planner – Land Use Consents for approval. Landscaping shall be carried out in accordance with the landscape plan approved by Council within one year of construction of the dwelling or the following planting season, whichever is first.

Note:

The landscape plan should include plantings to soften/partially screen the carparking at the road frontage of the front unit in order to enhance the amenity of the development.

ADVICE NOTES:

1. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991.
3. The consent holder is advised that the Council will require the payment of a development contribution in accordance with the Council's Development Contributions Policy under the local Government Act 2002 for the development which is the subject of this resource consent.

The Development Contributions Policy is presented in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. A 5% discount is available if the payment is made prior to the uplifting of the building consent. An indicative development contribution is presented below and is based on the current LTCCP, however it should be noted that the contribution may be subject to change.

At the applicant's property the water, wastewater, roading and stormwater contributions are payable (figures outlined below, are combined for both dwellings).

Building Development Contribution				
1 st Dwelling (Y)	DC	Full Amount	DIL Received	Total
Y	Water	\$4,190		\$5,572.70
Y	Wastewater	\$1,860		\$2,473.80
Y	Roading	\$2,540		\$5,080.00
Y	Stormwater	\$1,140		\$1,516.20
			DC Payable	\$14,642.70
			Discount of 5%	\$732.14
			Discounted Total	\$13,910.57

- Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

REASONS FOR THE DECISION:

- The land is zoned Residential under the Proposed Tasman Resource Management Plan (TRMP).
- The application is a Discretionary Activity under the Proposed Tasman Resource Management Plan as the proposal does not comply with the residential density requirement of 450 m² per dwelling in the Residential Zone and also the requirement for on-site turning of vehicles. Part of the property also falls within the Coastal Environment Area, which means new dwellings are not a permitted activity. As there are no references to the relevant rules, the Proposed Tasman Resource Management Plan is the only relevant Plan.

The application has been considered subject to Part 2 of the Act i.e. the purpose and principles of sustainable management of natural and physical resources, and Section 104 and 104 B which requires the Committee to have regard to:

- any actual and potential effects on the environment of allowing the activity
- the relevant provisions of:
 - Regional Policy Statement
 - Plan or Proposed Plan

- Any other matter considered relevant and reasonably necessary to determine the application.
3. The Committee noted the surrounding area was residential in character with a mixture of single and two storey dwellings. The vista along Iwa Street was generally open. The applicant has recently constructed two similar units to those proposed in this application at 85 Iwa Street. There is a right of way and access with a combined width of approximately 7 metres along the north-western boundary of the site which also provides an open aspect.
 4. The Committee noted that five submissions had been received, one in support and four in opposition.

The matters raised by the submitters in opposition concerned the following issues:

- Density and material of the proposed two unit development is not in keeping with the general character and amenity of the area.
 - Inadequate provision of on-site car parking and vehicle manoeuvring
 - If granted, a 1.8 metre high fence should be constructed along the common boundary with 77 and 81 Iwa Street
 - Development will cause loss of amenity and privacy of adjoining properties
 - Lack of proposed landscaping to mitigate adverse visual affects
5. The Committee considered the issues raised by the submitters in relation to the matters required to be considered under Section 104 and 104 B of the Resource Management Act 1991.
 6. The Committee considered that the main issues to be addressed were the effect on the character of the area and the amenity of the adjoining properties likely to be caused by the reduction in the site area per dwelling and the traffic effects of the lack of on-site manoeuvring for two of the proposed carparks. The Committee was satisfied that because of the location of the site, there would be no effect in terms of the values intended to be protected by the Coastal Environment Area rules.
 7. The Committee noted that the proposed units complied with the required site coverage, number of carparking spaces, outdoor living space, and boundary setback and daylight angles. The Committee also noted the offer made by the applicant to provide a 1.8 metre high wooden fence along the rear of the site and to increase the height of the existing fence along the side boundary to 1.8 metres.
 8. The Committee did not agree with the interpretation of the “intent” of the site coverage rule and definitions as put forward by the submitters. The Committee was clear that as the driveway was not a right-of-way, the area did not have to be deducted from the site area in calculating the site coverage.

9. The Committee considered that the “permitted baseline” test was relevant in this case. It was noted that a building with an unlimited number of bedrooms could be constructed on the site which could be the same size and indeed could be two storeys as a permitted activity. The Committee considered that the effects of two two-bedroom units would have the same effects as a permitted building on the site.
10. The Committee considered the offer of fencing from the applicant was appropriate and would assist in the mitigation of effects. The Committee considered that it was appropriate to require landscaping to be undertaken at the front of the site to assist with the screening of the proposed carpark located at the front. This landscaping would have the effect of softening the visual appearance of the carpark to improve the amenity of the site from the street. It was considered that the fencing to be provided would have the most benefit in terms of mitigating effects on the immediately adjoining properties and that the landscaping efforts at the front of the units would have an appropriate beneficial effect. The Committee considered that the openness associated with the width of the street and the combined right-of-way and accessway to the north-west of the site also mitigated the effects of the reduced residential site area of the proposed units.
11. The Committee was satisfied that the potential adverse effects of the reduced site area for the two dwellings on the character and amenity of the adjoining and surrounding properties would be no more than minor. They were satisfied that the Plan policies indicate that a variety of housing style and residential needs are to be able to be accommodated in the residential zone. The Committee did not consider that the intended tenancy/ownership of the proposed units was a matter that could be considered in terms of the Plan and the matters under the Resource Management Act 1991.

The Committee considered that the design and appearance of the existing units at 85 Iwa Street which were constructed by the applicant were compatible with the overall residential amenity and character of the area, and therefore were satisfied that the proposed units, to be constructed in similar design and materials would also be compatible.

12. The Committee considered the traffic effects of two vehicles having to reverse onto Iwa Street to be no more than minor. The carriageway width of Iwa Street in this location is 10 metres wide and there are good sight distances. It is understood that in the future, Iwa Street may become a through road, but even in that case, the effects of the reversing movements would have no more than a minor effect on the safety and efficiency of the roading network.
13. The Committee was clear that a financial contribution for reserves and community services should be paid as at the time of the original subdivision, the reserves contribution payment made would have been based on the number of new lots and assuming one dwelling per allotment. The Committee noted that the method of calculation for the reserves and community contribution for development is markedly less than if there was a further new lot created by a subdivision. The Committee does not have jurisdiction to consider the comments made by the applicant in relation to the payment of Development Contributions in accordance with the Long Term Council Community Plan (LTCCP), but were satisfied that the “advice note” regarding this matter was appropriate.

14. In summary the Committee considered that the proposal to construct two attached dwellings would have no more than a minor effect on the environment and was considered to be consistent with the policies and objectives of the relevant planning document.

CARRIED

Confirmed:

Chair: