



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Andrew Tester (MWH Consultant Planner)

REFERENCE: RM050302 – Land use - building

SUBJECT: **F W and L M DAVIDSON – REPORT EP05/11/04** – Report prepared for 18 November 2005 hearing.

1. INTRODUCTION

1.1 Outline of Proposal

The applicants are seeking land use consent to construct two attached units on a Residential Zone allotment. The site is located partially within the Coastal Environment Area. The two proposed units do not meet the net site requirement for residential site density of 450 m² per unit. Adequate onsite vehicle manoeuvring is not available for two of the car parks provided onsite. The units meet site coverage requirements, building setback requirements, and outdoor living space requirements.

1.2 Location and Legal Description

The property is legally described as Lot 4 DP 17524, comprised in Certificate of Title NL 11C/248. It is located at 79 Iwa Street, Mapua, with an area of 606 m².

The site is located at the northern end of Iwa Street, and is flat, rectangular and grassed.

2. STATUS UNDER TRANSITIONAL AND PROPOSED PLANS

This application for district land use consent for building construction is categorised as a **discretionary activity**. Construction of a second dwelling onsite is classed as a controlled activity under Rule 17.1.4A. However, the site is required to have 450 m² net area per dwelling. Approximately 303 m² net area is available per dwelling (NB: under the Proposed Tasman Resource Management Plan the 'net area' of a site means the total area of an allotment).

Affected party approvals were not able to be obtained. Given the increased site density and the effects this may have of neighbouring properties, the application was limited notified to ten parties.

2.1 Transitional Tasman District Plan

Given the Proposed Tasman Resource Management Plan is more or less operative, the majority of weighting will be applied to this Plan, as opposed to the Transitional Tasman District Plan.

2.2 Proposed Tasman Resource Management Plan

Under the Proposed Tasman Resource Management Plan (PTRMP) the property is zoned Residential. The proposed building breaches the bulk and location rules for the Residential Zone in the following respects:

a) Rule 17.1.4(a)

The eastern portion of the site is located within the Coastal Environment Area, thus under Chapter 18.14, the construction of a new building is not a permitted activity. (Rule 18.14.3 classes the construction of a new dwelling within the Coastal Environment Area as a controlled activity).

b) Rule 17.1.4(c)(iii)

The required 450 m² net site area per dwelling is not met, with between 303 m² only available for each of the units.

c) Rule 17.1.4(i)

Only one dwelling per site is permitted. This application is seeking two attached units to be located on site.

d) Rule 16.2.2(n)

As the property will have the equivalent of two dwellings, on-site manoeuvring needs to be provided so that vehicles do not need to reverse to or from any road. The outdoor parking space for the western unit and the garage parking space for the eastern unit fail to comply with this requirement, as adequate turning space is not available for onsite manoeuvring forward to and from the property.

Under the PTRMP, the proposed units are classed as a **discretionary activity (building construction or alteration)** (Pursuant to Section 104C of the Resource Management Act 1991), with discretion restricted to the following matters:

Related Residential Zone assessment criteria

Minimum Site Areas and Building Coverage

- (1) The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings.*
- (2) The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.*
- (3) The extent to which the scale, design and appearance of the proposed buildings will be compatible with the locality.*
- (4) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.*
- (5) Any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight, and loss of opportunities for views.*
- (6) The provision of adequate outdoor living and servicing space on the site for all outdoor activities associated with residential and other activities permitted on the site.*
- (7) The ability to mitigate any adverse effects of increased coverage or site density.*

Setbacks from Road and Internal Boundaries, and Rivers

- (8) *The extent to which the intrusion towards the boundary is necessary in order to allow more efficient, practical and pleasant use of the remainder of the site.*
- (9) *The extent to which alternative practical locations are available for the building.*
- (10) *The extent to which the proposed building detracts from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.*
- (11) *The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites, including loss of access to daylight on adjoining sites.*
- (12) *The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.*
- (13) *The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from boundaries, its external materials and colour.*
- (14) *The ability to mitigate any adverse effects of the proposal on adjoining sites and the street scene, including by planting and landscaping.*
- (15) *Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.*
- (16) *The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of noise, smell, dust, glare or vibration.*
- (16A) *The extent to which the encroachment into setbacks from rivers by buildings will increase the likelihood of damage being caused to the building by erosion, the level of risk to occupants, and the effects of the structure on flood flows.*

Building Design and Appearance

- (26) *The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.*
- (27) *The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.*
- (28) *The extent to which building design and appearance will adversely affect the natural character of the coast.*
- (29) *The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.*
- (30) *The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening, or use of other materials.*
- (31) *The extent to which practical use of the site will be affected by the proposal.*

Privacy

- (32) *Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.*
- (33) *The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.*

Services

- (37) *Provision for the collection and disposal of stormwater and sewage.*

Miscellaneous

- (40) *The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).*
- (41) *Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).*

Related General Rules: Transport (Access, Parking, Traffic) assessment criteria

Access and Vehicle Crossings

- (1) *The location and design of on-site access and vehicle crossings, including dimensions, gradient, surface standard, and any effect on the safety and efficiency of traffic on the adjoining road.*
- (2) *The need to secure registered easements for the use of an access off the site of the activity.*
- (2A) *The adverse effects of an overlength access.*
- (2C) *Requirements set out in any current Tasman District Council Engineering Standards*
- (3) *The effects of the trip generation and demand for and supply of parking.*
- (4) *The securing of rights to use any parking off the site of the activity.*
- (4B) *Surface standard for parking areas*
- (4C) *Any adverse effects from the scale or form of a parking area.*

Traffic Effects

- (9) *The effects of traffic to, from, and within the site, on safety and amenity (including dust and noise) for occupants or users of the site and adjoining properties.*
- (14) *The ability of the site to accommodate parking, loading, manoeuvring, and access requirements.*

3. STATUTORY CONSIDERATIONS

The operative plan is the Transitional District Plan. However, the Proposed Tasman Resource Management Plan was publicly notified on 25 May 1996, and as noted earlier is considered to be the dominant document under which to assess applications for resource consent.

Under Section 104 (1) of the Resource Management Act 1991 when considering an application for resource consent and any submissions received, the consent authority must, subject to Part II of the Act, have regard to -

- a) any actual and potential effects on the environment of allowing the activity; and
- b) any relevant provisions of:
 - iii) a regional policy statement or proposed regional policy statement
 - iv) a plan or proposed plan; and
- c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Under Section 104B – Determination of applications for discretionary or non-complying activities, after considering an application for a resource consent for a discretionary activity, a consent authority:

- a) may grant or refuse the application; and
- b) if it grants the application, may impose conditions under Section 108.

4. SUBMISSIONS

The application was notified (limited notification to 10 affected parties) on Wednesday 20 August 2005, with submissions closing on Friday 16 September 2005. Received were one submission in support and four submissions in opposition. A summary of the submissions follows:

Submitter	Oppose/ Support	Summary of Submission
<i>RUSS, Bryan Walter and Mary Helen</i> (77 Iwa Street, Lot 3 DP 17524)	Oppose	Opposes the development in its entirety, citing: <ul style="list-style-type: none"> • Density not in keeping with the general amenity of the area; • Inadequate consideration of onsite parking; • If proposal is granted, requests that a 1.8m high fence is constructed along boundaries with 77 and 81 Iwa Street;
<i>TUCKER, Edith Dorothy</i> (81 Iwa Street, Lot 5 DP 17524)	Oppose	Opposes the development in its entirety, citing: <ul style="list-style-type: none"> • Intrusiveness of units on her property; • Lack of onsite turning space;
<i>GARDNER, Alyson Florence</i> (83 Iwa Street, Lot 6 DP 17524)	Oppose	Opposes development in its entirety, citing: <ul style="list-style-type: none"> • Substandard sized sections; • Very tight car parking and turning space for tenants' cars; • This proposal would double the number of attached rental type units within the Davidson's Iwa Street subdivision;
TUCKER, Genene Elizabeth and Mark Andrew (78 Iwa Street, Lot 9 DP 17524)	Oppose	Oppose the development in its entirety, citing: <ul style="list-style-type: none"> • Doubts that car parking can be adequately provided on site; • Lack of plan for landscaping to assist in visually mitigating the proposal; • Concerns that the quality of construction will not be in keeping with the general amenity of the area;
<i>WILLIAMS, Susan Lynne and JARVIS Beverley Mary</i> (80 Iwa Street, Lot 8 DP 17524)	Support	Supports the proposal, citing: <ul style="list-style-type: none"> • Construction will be pleasing to the eye; • Having two pairs of attached units attached to each other would be visually sympathetic; • No problems with the existing adjacent attached units;

Note: Several submitters mentioned concerns about property devaluation. Under the Resource Management Act 1991, such effects cannot be considered.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act 1991, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any objectives, policies, and rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.1 Assessment of Environmental Effects

Pursuant to Section 104(1)(a) of the Resource Management Act 1991, the following assessment of environmental effects has been set out. The assessment has been based on relevant criteria in the Proposed Tasman Resource Management Plan (listed in section 2.2 of this report), and the following key environmental effects in relation to this proposal:

5.1.1 Minimum Site Areas and Building Coverage

- (1) The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings.*
- (2) The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.*
- (6) The provision of adequate outdoor living and servicing space on the site for all outdoor activities associated with residential and other activities permitted on the site.*

The proposed units do not exceed the 33% allowed site coverage for the Residential Zone, however, in terms of the minimum net site area per dwelling of 450 m² for Mapua, the units fall substantially short by about 1/3, with an approximate 303 m² net site area for each unit (the remainder being taken up by shared accessway).

The required 6-metre diameter circle outdoor living space is available for both units however. The outdoor living spaces are located on the northern side of the property, facing the sun.

The residential site density (with the two units) is smaller than the other surrounding dwellings, with the exception of 85 Iwa Street (the property located to the north, across the right of way, also owned by the applicant), which comprises two units identical to the units proposed with this application. Over two-thirds of the site will remain uncovered by buildings. Although the applicants have not proposed this mitigation in their application, there is potential for any adverse effects of the increased site density to be mitigated through landscaping measures.

- (3) The extent to which the scale, design and appearance of the proposed buildings will be compatible with the locality.*
- (5) Any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and daylight, and loss of opportunities for views.*

The proposed units will be constructed of similar materials to other houses in the vicinity, utilising brick cladding and coloursteel roofing, and will be similar in nature to existing attached units at 85 Iwa Street. The units do not encroach upon daylight admission angles, and no views will be lost through the construction of these units. Privacy issues are further dealt with in Section 5.1.3 of this report.

- (4) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.*

The provision for onsite manoeuvring is required to enable forward vehicle access to and from the site, given more than one dwelling is located on site. Two of the onsite car parks fail to comply with this standard. The opposing submitters all note the lack of adequate space for onsite car parking. Although adequate turning space is not provided (in terms of forwarding into and out of the property), there is adequate space on site for car parking. Given Iwa Street is wide, with clear visibility in either direction the effects of inadequate onsite manoeuvring space, and the associated need for reversing either onto or out of the property to access the car parks is considered to be no more than minor.

A similar pair of residential units is located at 85 Iwa Street. The onsite parking layout for this site appears inadequate, and several submitters to this application noted the problems with containing vehicle movements onsite, and believe these difficulties will be replicated on the subject site. 85 Iwa Street is not fenced, and to a large degree has not been landscaped. The proposed units, subject to this resource consent application, are located so as to provide for more vehicle access space, and more adequate onsite parking. Thus, the example set by 85 Iwa Street should not be considered as likely to be replicated.

(7) The ability to mitigate any adverse effects of increased coverage or site density.

The assessment of effects in the application states that the house has been sited to comply with rules of the Proposed Tasman Resource Management Plan as much as possible. The applicant does not believe properties to the north will be affected by this proposal given the buffering of the right of way. As a mitigating measure for privacy issues to 81 Iwa Street, the applicant has altered the window design on the western side of the house, making the windows higher and smaller to improve privacy. Also a 1.8 metre high fence has been proposed by the applicant for this boundary. The applicant states that the unit will be oriented away from the house to the south (77 Iwa Street), with the driveway for the units running along the shared boundary.

With appropriate landscaping, the visual effects pertaining to site density of the proposed units can be adequately mitigated. Effective planting and fencing is thus recommended as a condition of consent, with the applicant required to submit a landscape plan for Council approval. Provided this landscaping is carried out within a reasonable timeframe, the visual and site density effects of this proposal can be considered no more than minor.

5.1.2 Building Design and Appearance

(26) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.

(29) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.

As noted in Section 5.1.1, the units will be similar in construction and nature to other dwellings in the general Iwa Street area. To mitigate the effects of a continual length of building, the proposed units have several 'step-ins' located along its length, in an attempt to minimise the bulk of the two units. As such, the adverse visual effects this longer building length may have on the environment can be considered no more than minor.

(31) The extent to which practical use of the site will be affected by the proposal.

This proposal will not affect the practical use of the site. Although adequate manoeuvring space is not available on site to ensure all vehicles can forward off the site from the car parking spaces, four car parking spaces are still available on site, and traffic on this portion of Iwa Street traffic would not be adversely affected by the additional movements likely to be created by this proposal.

(28) The extent to which building design and appearance will adversely affect the natural character of the coast.

Given the flat nature of the Iwa Street area, and the distance of the subject site from the coast, the proposed units' design and appearance will not have any significant effects on the natural character of the coast.

(27) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.

(30) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening, or use of other materials.

As a mitigating measure for privacy issues to 81 Iwa Street, the applicant has altered the window design on the western side of the house, making the windows higher and smaller to improve privacy. Also a 1.8 metre high fence has been proposed by the applicant for this boundary. The applicant states that the unit will be oriented away from the house to the south (77 Iwa Street), with the driveway for the units running along the shared boundary. As a form of mitigation, appropriate landscaping would provide additional visual mitigation.

5.1.3 Privacy

(32) Adverse effects in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings, to an extent which is inconsistent with the surrounding environment.

(33) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.

A driveway would run the length of the boundary shared with 77 Iwa Street, with four car parks provided off the driveway (two in garaging, two on the driveway). This will result in greater vehicle movements than would have been anticipated adjacent to 77 Iwa Street, with associated adverse effects relating to privacy, noise, vibration, and lighting.

The applicant cites that the separation distance of the units from the shared boundary (at a minimum of 3.7 metres) is sufficient to mitigate any adverse effects. This is as it appears that the northern part of the property of 77 Iwa Street is used for garden purposes only, without provision for outdoor entertaining (such as a deck or patio).

If a single dwelling was to be located on the site it would also most likely use the existing vehicle crossing located adjacent to 77 Iwa Street, thus some adverse effects from the driveway and associated vehicle movements would still be incurred.

The applicant's assessment of environmental effects fails to take into account the effects of traffic and associated noise, vibration, lighting and loss of privacy incurred by the driveway. In the submission by Bryan and Mary RUSSELL of 77 Iwa Street, they oppose the application, however note that if consent is to be granted that a condition of consent includes that a 1.8 metre fence is constructed at the cost of the applicant. This is one way to assist in mitigating the adverse effects. Additional methods could include landscaping targeted towards maximising privacy, and positioning lighting to minimise glare spilling onto 77 Iwa Street.

5.1.4 Services

(37) Provision for the collection and disposal of stormwater and sewage

Reticulated water, sewerage, and in the future, stormwater are available to the subject site. The two units can be adequately connected to these services. Requested contributions reflect the availability of these services.

5.1.5 Miscellaneous

(40) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(41) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

A number of contributions have been requested in relation to the construction of the two units. These are in accordance with the Proposed Tasman Resource Management Plan and the Tasman District's Long Term Council Community Plan, and are further explained in the recommended conditions and advice notices.

The provision of a landscaping plan has been included, with a note that all planting and landscaping should be carried out within one year of the completion of the building, or the next planting season (whichever is soonest). This will ensure that the landscaping conditioned to mitigate the effects of this proposal will be carried out in a timely fashion.

5.1.5 Transport (Access, Parking, Traffic)

(1) The location and design of on-site access and vehicle crossings, including dimensions, gradient, surface standard, and any effect on the safety and efficiency of traffic on the adjoining road.

(2) The need to secure registered easements for the use of an access off the site of the activity.

(2A) The adverse effects of an overlength access.

(2C) Requirements set out in any current Tasman District Council Engineering Standards

(3) The effects of the trip generation and demand for and supply of parking.

(4) The securing of rights to use any parking off the site of the activity.

(4B) Surface standard for parking areas

(4C) Any adverse effects from the scale or form of a parking area.

The vehicle crossing to be utilised by both units is existing, formed when the subdivision of this portion of Iwa Street was carried out approximately 10 years ago. The vehicle crossing is of a standard width, and is located adjacent to the boundary with 77 Iwa Street. Given two household units will be on the site instead of one, it is reasonable to expect twice the vehicle movements to and from the site to occur. This portion of Iwa Street is formed, with a footpath, berm and kerb and channelling. Adequate sight distances and width of Iwa mean that the effects of the extra vehicle usage of Iwa Street and the existing vehicle crossing would be no more than minor.

(9) The effects of traffic to, from, and within the site, on safety and amenity (including dust and noise) for occupants or users of the site and adjoining properties.

As noted previously, the vehicle crossing and access to the units is located adjacent to the boundary with 77 Iwa Street. The distance between the crossings on neighbouring properties is sufficient so as to avoid any adverse effects on traffic safety caused through excess vehicle movements. Adverse effects created by vehicle movements within the site can be mitigated through landscaping and fencing, as described previously in Section 5.1.3 of this report.

(14) The ability of the site to accommodate parking, loading, manoeuvring, and access requirements.

(Please refer to Section 5.1.1 of this report)

5.2 Relevant Policy Statement and Plans

The units must be deemed to be consistent with relevant objectives and policies pursuant to Section 104(1)(c) and (d) of the Act. As discussed earlier, the most relevant Plan is considered to be the proposed Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered satisfy assessment under the Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

<i>Chapter 5 - Site Amenity Effects</i>	Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed subdivision must be avoided remedied or mitigated, including cross boundary effects.
<i>Objectives: 5.1, 5.2, and 5.3</i> <i>Policies: 5.1.1, 5.1.4, 5.2.2, 5.2.3, 5.2.4, 5.3.1 and 5.3.4</i>	Policy 5.1.1 is to ensure the effects of development on site amenity can be avoided, remedied or mitigated. The other policies mentioned here reflect this policy as well. The applicant has attempted to mitigate some site effects, by offering a 1.8 m high fence along the western boundary, and altering the window size and positioning along that boundary too. However further mitigation can be carried out to reduce the effects on the neighbouring property to the south.

<p><i>Objective 5.3A</i></p> <p><i>Policy 5.3A.1</i></p>	<p>Policy 5.3A.1 is to enable a variety of housing types, recognising different population growth characteristics, age, family and financial circumstances and the physical mobility of, or care required by, residents.</p> <p>The application is for two smaller attached residential units, a style of housing one submission raised as being fairly unique to the area. Given the predominance of larger single dwelling properties in the area, providing two smaller attached units on smaller sites provides an alternative style of living, in keeping with Policy 5.3A.1. The applicants state in their application that the units will likely appeal to retired or professional couples, and to those without the financial means for a larger section and stand alone dwelling.</p>
<p><i>Chapter 6 – Urban Environment Effects</i></p>	<p>Council needs to provide for appropriate urban growth and development in a manner that ensures adequate services are available, and the amenity and character of urban areas is not compromised. Urban development also needs to take place in locations where productive values and rural/natural amenity values will not be compromised.</p>
<p><i>Objectives: 6.2,</i></p> <p><i>Policies: 6.2.1, 6.1.3,</i></p>	<p>Policy 6.2.1 is to provide for urban development where it can be adequately serviced. Policy 6.1.3 is similar to site amenity policies, relating to maintaining urban amenity values.</p> <p>The two units can be adequately serviced by existing infrastructure. As noted with regard to Chapter 5 site amenity objectives, provided conditions relating to landscaping are put in place, the affects on amenity of neighbouring properties can be adequately mitigated.</p>

6. CONCLUSION

This application is to construct two attached residential units on Lot 4 DP 17524, a 606 m² section located on the northern portion of Iwa Street, Mapua.

This land use consent application was assessed as a Discretionary Activity under the Proposed Tasman Resource Management Plan. It has been processed as a limited notified application (ten parties notified), and attracted five submissions; four opposing and one supporting the application.

The property is partially located within the Coastal Environment Area. The net site density per unit is under the required 450 m² per dwelling, although site coverage is not exceeded, and the adequate outdoor living space is provided. Adequate onsite manoeuvring is not available for two of the four onsite car parks provided.

The five opposing submitters have all indicated concerns related to parking considerations. Concerns about site density have also been raised by submitters, relating to two dwellings on the site, instead of the permitted one dwelling.

The areas in which the proposed residential units fail to comply with the Proposed Tasman Resource Management Plan are that two residential units will be located on the site (as opposed to one), that the site density for the two units is approximately 303 m² as opposed to the required 450 m², and that adequate onsite manoeuvring cannot be provided. In all other matters the application complies, including the number of onsite car parks, site coverage, and outdoor living space requirements. The effects relating to the increased site density can be mitigated through landscaping measures. All other effects are considered to be no more than minor.

Provided conditions requiring landscaping of the site are put in place (for example, fencing, placement of lighting, plantings), the proposal will not be contrary to the objectives and policies of the Proposed Tasman Resource Management Plan. By providing smaller sized dwellings, the proposal strongly reflects Policy 5.3A.1, which seeks a wide range of residential activities to take into account the differing characteristics of population groups.

A number of assessment criteria are outlined in the Residential Chapter of the Proposed Tasman Resource Management Plan. Seven of these assessment criteria relate to minimum site areas and buildings coverage. As noted, the proposal meets building coverage requirements, but not the minimum site area requirements. In terms of assessment criteria (1), the site will largely remain dominated by open space (in terms of that required by the Plan). However, the site density levels are significantly smaller than that required (assessment criteria (2)), and adequate onsite manoeuvring for two of the car parks is not available. Given the nature of Iwa Street, and the ability of the smaller site density to be mitigated (Assessment criteria (7)) by landscaping, with appropriate conditions, this application will not be contrary to these criteria.

Six assessment criteria relate to building design and appearance. The units will be constructed of materials that are not dissimilar to those of other dwellings in the neighbourhood (i.e. brick and coloursteel roofing). Again, the ability to mitigate any issues of privacy and visibility of the units can be mitigated by a condition providing appropriate onsite landscaping provided by the applicant.

Provided visual and amenity effects are mitigated through appropriate landscaping, the effects of this proposal on the environment can be considered no more than minor.

7. RECOMMENDATION

It is recommended that pursuant to Section 104B of the Resource Management Act 1991, that F W and L M Davidson's land use consent RM050302 be GRANTED.

8. REASONS

- a) Appropriate landscaping can be utilised to mitigate any adverse effects relating to privacy and vehicle noise, lighting and vibration.
- b) The proposed units do not encroach upon setbacks and daylight admission angles.
- c) Adequate onsite outdoor living space can be provided for each unit.

- d) Four onsite car parks will be provided. Although adequate onsite turning space is not available for two of the car parks, given the nature of size and use of Iwa Street, the effects of having vehicles reverse out of or onto the property are no more than minor.
- e) The style and appearance of the proposed units are in keeping with the surrounding separate residential dwellings.
- f) The proposed units are not contrary to the objectives and policies of the Proposed Tasman Resource Management Plan, provided adequate landscaping of the site is carried out. The proposal is consistent with Policy 5.3A.1 to provide for a variety of residential activities to take into account the characteristics of the local population.

9. CONDITIONS

If Council is satisfied that the application meets the requirements of the Resource Management Act 1991, the following consent conditions may be appropriate:

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):

<i>FINANCIAL CONTRIBUTION – BUILDING</i>	
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 a 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 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.

Advice Note:

The landscape plan shall mitigate privacy, glare and lighting effects on neighbouring properties, with particular regard to those properties immediately to the south and west. The landscape plan should include the provision of a 1.8 metre high fence along the western and southern boundaries.

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).

<i>BUILDING DEVELOPMENT CONTRIBUTION</i>				
<i>1st Dwelling (Y)</i>	<i>DC</i>	<i>Full Amount</i>	<i>DIL Received</i>	<i>Total</i>
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
			<i>DC Payable</i>	\$14,642.70
			Discount of 5%	\$732.14
			<i>Discounted Total</i>	\$13,910.57

Andrew Tester
Consultant Planner (Graduate Planner, MWH NZ Ltd)