

26 March 2025

Jonathon & Amanda Rose
67 Iwa Street
Mapua 7005

Dear Jonathon and Amanda

Decision on Non-Notified Resource Consent Application RM250118 – Land use consent to construct a garage which breaches building coverage and internal boundary setback on the western boundary in the Residential Zone at 67 Iwa Street, Mapua

Your application for resource consent has been granted. A copy of the Council's decision is attached. Please carefully read the conditions that have been attached to the consent and feel free to contact me if you have any questions about your consent or its conditions. My contact details are listed at the top of this letter.

Here are some matters that I need to highlight for you.

Section 357A of the Resource Management Act 1991 ("the Act") provides you with the right to lodge an objection with the Council against this decision including any of the conditions. Objections must be made in writing setting out the reasons for the objection together with a paid deposit ([please see our latest schedule of fees and charges on our website under Resource Management S357](#)), and must be lodged here within 15 working days of receiving this letter.

The final cost of processing your application has not been calculated yet. If the final cost exceeds the deposit already paid, then as we previously advised, you will be invoiced separately for the additional cost. If the final cost is less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly about the final costs of processing your application.

Under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then.

Yours sincerely

Kirsty van Reenen
Consultant Planner - Land Use**Tasman District Council**
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance**Richmond**
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524**Murchison**
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012**Motueka**
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751**Takaka**
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

RESOURCE CONSENT DECISION

Resource consent number: RM250118

Pursuant to Section 104C of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consent to:

Jonathon Rose & Amanda Frances Rose

(hereinafter referred to as "the Consent Holder")

Activity authorised: Land use consent to construct a garage which breaches building coverage and internal boundary setbacks in the Residential Zone.

Location details:

Address of property: 67 Iwa Street, Mapua
Legal description: Lot 1 DP 452531
Record of title: 578647
Valuation number: 1938040901
Co-ordinates: Easting: 1608130 Northing: 5433349 (NZTM)

Pursuant to Sections 108 and 108AA of the Act, this consent is issued subject to the following conditions:

CONDITIONS

General

- 1 The activity shall be in accordance with the application submitted, and as shown on the approved plans marked Plans A-D RM250118. Where there is any apparent conflict between the information provided with the application and any condition of this consent, the conditions shall prevail.

Setbacks

- 2 The garage shall be sited at least 1.1 metres from the southwestern property boundary adjoining 67A Iwa Street, Mapua.

Building Coverage

- 3 The building coverage on the site shall not exceed 142.2 square metres.

GENERAL ADVICE NOTES

Council Regulations

- 1 This is not a building consent, and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Tasman Resource Management Plan Provisions

- 2 This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.

Consent Holder

- 3 This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.

Interests Registered on Property Title

- 4 The Consent Holder should note that this resource consent does not override any registered interest on the property title. Council recommends the Consent Holder seek legal advice regarding instrument number 188215.2 on the record of title for the property.

Construction Times and Noise from Construction Work

- 5 Construction work may only take place between 7.30 am and 6.00 pm from Monday to Saturday. There shall be no works on Sundays or public holidays. The restriction on hours of works shall not apply to low noise-generating activities, such as site set-up or staff meetings, which may occur outside of these hours provided they are generally inaudible off-site. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise.

REASONS FOR THE DECISION

Proposed Activity

The site subject to this application is 67 Iwa Street in Mapua. The 416 square metre residential property is legally described as Lot 1 DP 452531 contained within record of title 578647. A dwelling is located in the middle of the property, outdoor living space at the front, and a small garden shed and concreted parking area at the rear of the property. Access to the rear of the site is via a right of way across the neighbouring property at 67A Iwa Street.

The applicant proposes to build a single garage at the rear of the site on the area currently sealed and used for parking, 1.1 metres from the northern and western boundaries. The sectional garage door will open out towards the shared driveway but not onto the driveway.

The eastern side of the garage will have a personal access door and windows. No windows are proposed along the northern and western sides of the garage. Stormwater from the garage will be discharged to the Council reticulated network via an existing connection along the western property boundary.

Property title

Easements for the convenience of services are located within the property boundaries but outside the building footprint of the proposed garage. There is a covenant on the property title. On review of the covenant instrument there appears to be no implications for this proposal, but the applicant will need to get their own solicitor to review this document.

Tasman Resource Management Plan (“TRMP”) Zoning, Area, and Rules Affected

According to the TRMP the following apply to the subject property:

Zoning: Residential
Areas: Land Disturbance Area 1, Coastal Environment Area (partial)

The proposal does not comply with Permitted Activity Rule 17.1.3.1(e) of the TRMP as the building coverage will increase to 34.18 percent.

The proposal also does not comply with Permitted Activity Rule 17.1.3.1(t)(ii) of the TRMP as the accessory building will be setback 1.1m from the western boundary rather than 1.5m.

The proposal is a Restricted Discretionary activity pursuant to Rule 17.1.3.4 of the TRMP.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issues associated with the proposed activity involve the actual and potential effects on the environment that are within the matters of discretion listed in Rule 17.1.3.4 of the TRMP. For this application these were:

- (a) The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings
- (b) The extent to which there is a need for the increased building coverage in order to undertake the proposed activity
- (c) The extent to which the scale, design and appearance of the proposed building will be compatible with the locality
- (d) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road
- (e) Adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access, sunlight and daylight and loss of opportunities for views
- (f) The provision of adequate outdoor living and servicing space
- (g) The ability to mitigate any adverse effects of increased coverage and reduced setback including planting and landscaping and the relocation of windows to alternative locations
- (h) 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
- (i) The extent to which alternative practical locations are available for the building
- (j) 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
- (k) Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites

I consider that the application is able to be granted for the following reasons:

The extent to which the character of the site will remain dominated by open space and vegetation, rather than buildings

- (a) The proposal will reduce the amount of open space of the site. The site is small and currently does not contain a garage for the occupants use. The front of the site is open space/outdoor living area and will remain as so. The area where the garage is to be located is currently paved and used for car parking. The building coverage as a result of the garage will just exceed the permitted coverage and be consistent with other residential sites. Overall, given the size of the site, location of the additional built form, resulting building coverage, and maintenance of an open outdoor living area to the street, I consider the effects on the open space on the site to be acceptable.

The extent to which there is a need for the increased building coverage in order to undertake the proposed activity

- (b) The applicant is seeking to have a garage to put their vehicle under cover and to store other equipment. In this regard an increase in building coverage is needed and the proposal is practical. Given there is currently no garage on the site I consider this appropriate.

The extent to which the scale, design and appearance of the proposed building will be compatible with the locality

- (c) The proposed single garage is of a size and height consistent with garages seen in the residential zone and is considered compatible with the locality.

The ability to provide adequate parking and manoeuvring space for vehicles clear of the road

- (d) The current access and parking arrangements for the site are via a shared accessway down the side of the property to a parking area at the rear of the site. Once on the site, manoeuvring is difficult due to the size of the space and vehicles and a garage on the neighbouring property. This will largely remain unchanged as a result of the proposal. A parking space on the site clear of the site will remain, albeit within the garage.

Adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access, sunlight and daylight and loss of opportunities for views

- (e) The neighbouring site at 67A is also a small residential property. The area on 67A adjacent to the wall of the proposed garage is occupied by a garden shed built close to the boundary and an accessway to the dwelling. The building envelope will be complied with, there are no windows along the western wall of the garage and there will be no loss of views from the neighbouring site.

The provision of adequate outdoor living and servicing space

- (f) The current outdoor living space at the front of the property will be unaffected by the proposal. The site is connected to Council reticulated services.

The ability to mitigate any adverse effects of increased coverage and reduced setback including planting and landscaping and the relocation of windows to alternative locations

- (g) While the garage will increase the building coverage on the site, the building location is already sealed so the volume of stormwater from the site will not change. Councils Team Leader, Development Engineering has advised they have no concerns about the proposal and stormwater detention is not considered necessary.

As the area at the rear of the site is sealed and given the small size of the site, planting and landscaping is considered unnecessary and impractical.

There are no windows along the western wall of the garage where the setback is reduced.

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

- (h) Given the size of the site and area at the rear of the dwelling for parking, a greater setback from the western boundary cannot be achieved.

The extent to which alternative practical locations are available for the building

- (i) The only alternative location for a garage on the site is at the front of the site where the outdoor living space is located. This, however, would likely breach the setback from the road boundary and result in worse effects in terms of building dominance of the streetscape, and loss of the primary outdoor living space.

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

- (j) The garage will be located at the rear of the site behind the dwelling and won't be visible from the street.

The garage will be visible from the shared accessway and a small area on 67A Iwa Street where people enter the gate. Given the scale, height and conventional nature of the garage I consider any effects on the pleasantness, coherence, openness and attractiveness of the site are acceptable.

Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites

- (k) The proposal will achieve a minimum 1.1 metres setback to the western boundary. This will not restrict access to the garage itself or the neighbouring site.

Relevant Statutory Provisions

In considering this application, I had regard to the matters outlined in Section 104 of the Act. In particular, I had regard to the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS);
- (b) the Tasman Resource Management Plan (TRMP).

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5 (Site Amenity Effects), 6 (Urban Environment Effects) and 11 (Land Transport Effects) of the TRMP.

Part II Matters

I have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Persons

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Principal Planner Resource Consents has, under the authority delegated to them, decided that the provisions of Section 95 of the Act have been met and therefore the application has been processed without notification.

Conclusion and Recommendation

The approval of this consent by non-notified procedures is therefore recommended for the reasons provided above and subject to the conditions in the resource consent to which this report is attached.



Kirsty van Reenen
Consultant Planner - Land Use

Decision

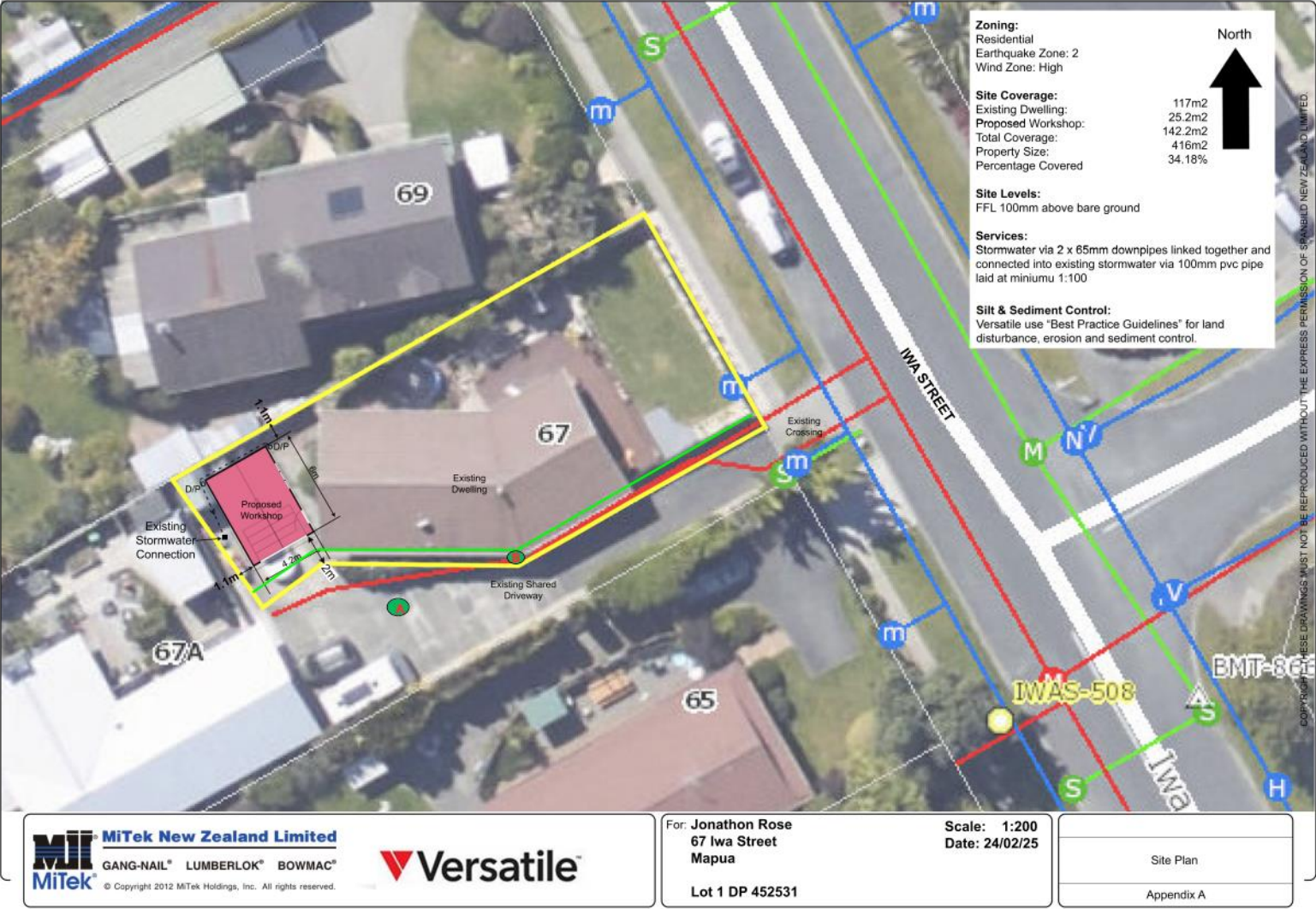
The recommendation is accepted, and this consent is hereby granted on 26 March 2025 under delegated authority from Tasman District Council by:



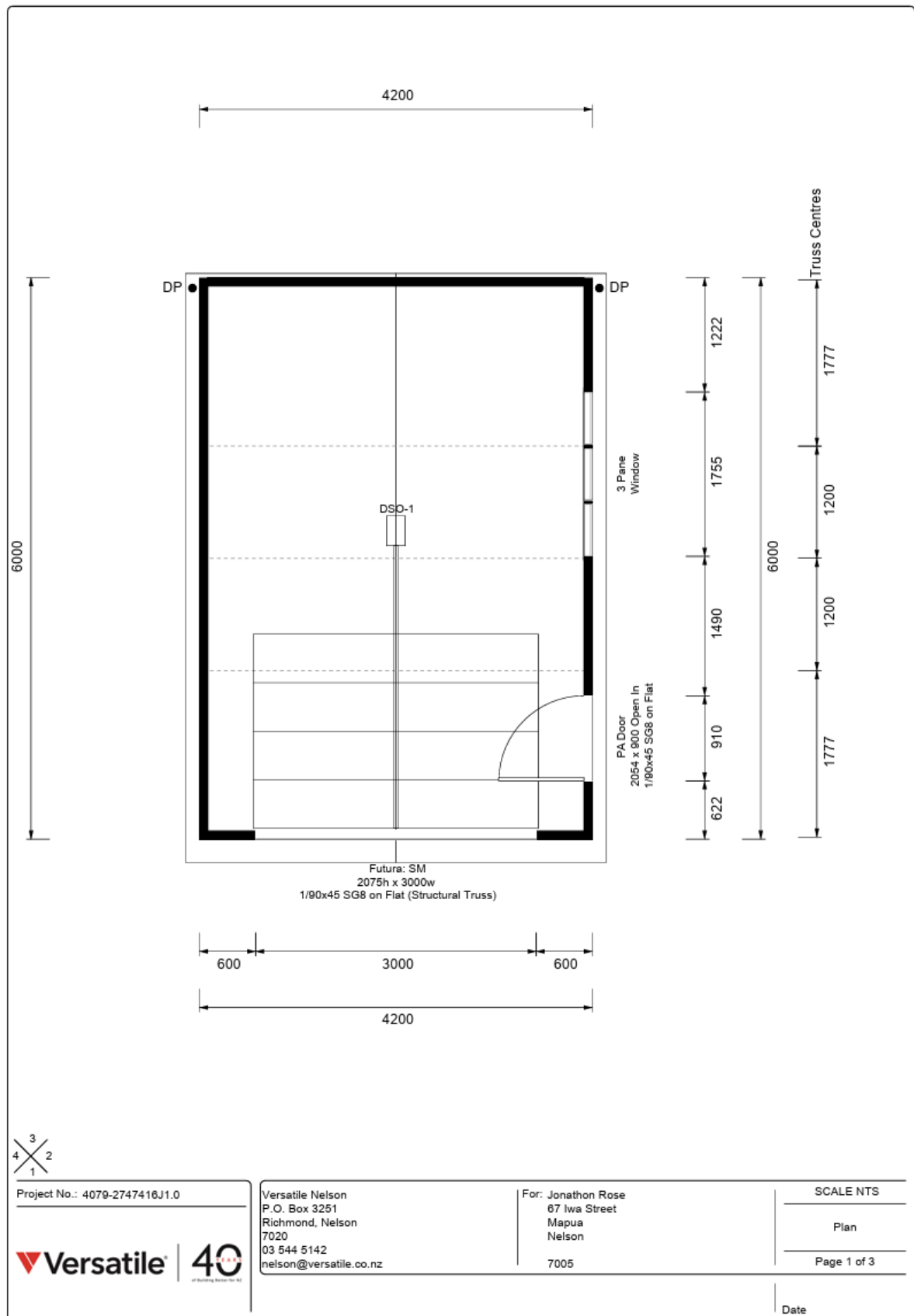
Paul Gibson
Team Leader – Land Use Consents



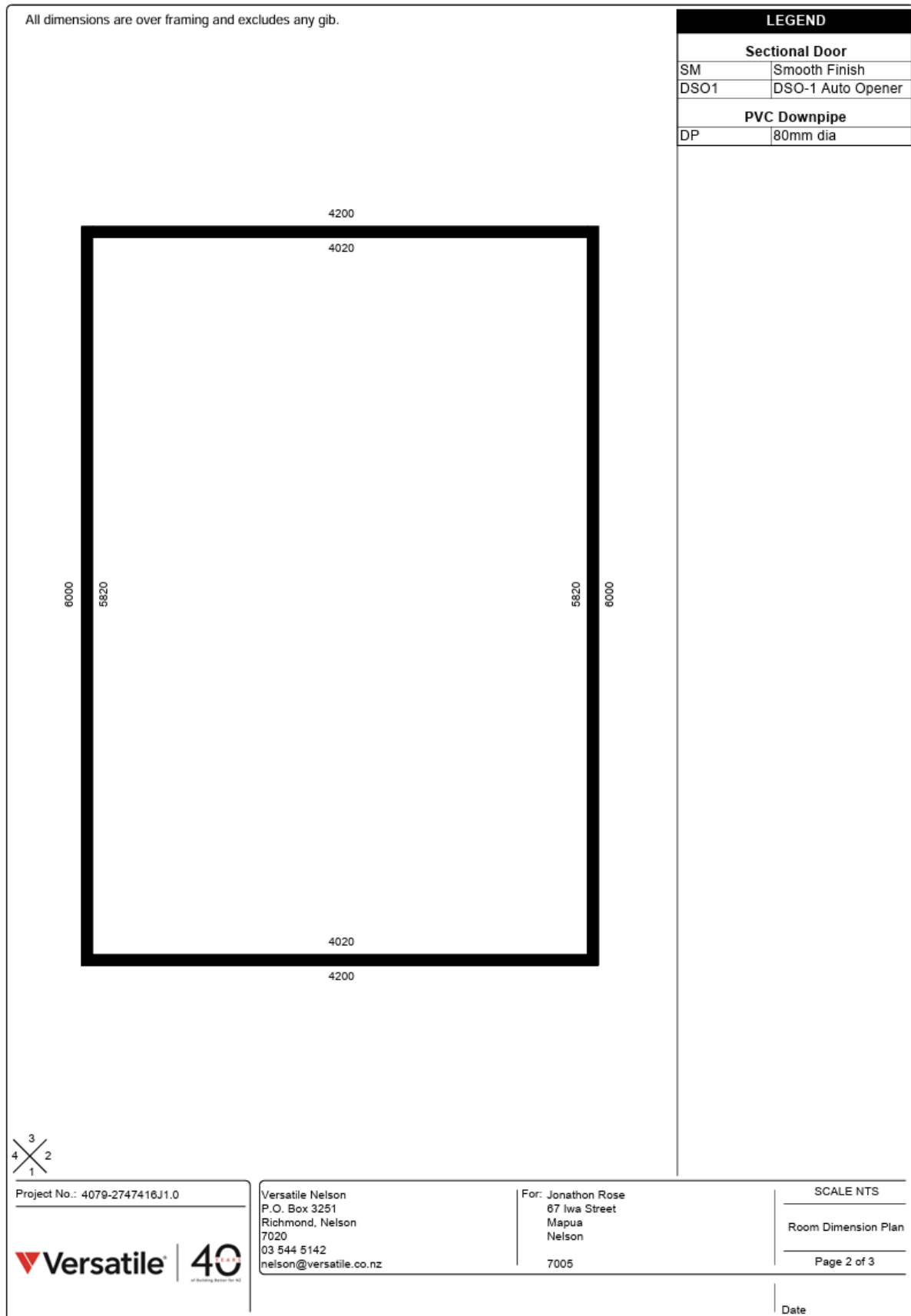
RM250118 Plan A – Site Plan



RM250118 Plan B – Floor Plan



RM250118 Plan C – Room Plan



RM250118 Plan D – Elevation Plan

