

Notification / non-notification decision report

For applications lodged from 30 September 2020 onwards

Applicant: Jonathon & Amanda Frances Rose

Application number: RM250118

Description of activity: 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

1. Complete eight step notification decision making process

Complete Appendix A.

2. Site description and proposal

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, approx. 1.1 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 PA 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.

Easements for the convenience of services are located within the property boundaries but outside the building footprint of the proposed garage.

3. Activity status

Restricted discretionary activity

The following summarises the reasons for consent, activity status, rules or regulations

Residential zone rules

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

The proposal also does not comply with condition (t)(ii) of Permitted Activity Rule 17.1.3.1 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.

4. Adverse effects on the environment

☒ Minor or less than minor

☐ More than minor

Assessment and reasons:

The matters which Council has restricted its discretion to in Rule 17.1.3.4 and which are relevant to the proposal are assessed below.

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

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 less than minor.

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

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

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

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

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

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

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

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

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

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 to be less than minor.

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

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.

5. Special circumstances for public notice

☒ No special circumstances identified	☐ Special circumstances apply
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Special circumstances reasons / analysis

There are no special circumstances that warrant public notification of this application given the proposal is conventional in nature and could reasonable be expected on the site.

6. Affected persons

Statutory acknowledgement area
(for s95E(2)(c))

None

☒ No affected persons

☐ Affected persons

Reasons / analysis

Owner and occupiers of 67A Iwa Street

The effects of the reduced setback on the owners and occupiers of 67A Iwa Street are considered less than minor. The area on 67A Iwa Street adjacent to the proposed garage is occupied by an accessory building close to the boundary. The proposed garage and the accessory building on 67A Iwa Street do not contain windows on this boundary. The reduced setback will not result in a loss of privacy, sunlight or views for 67A Iwa Street.

7. Special circumstances for limited notification

☒ No special circumstances identified.

☐ Special circumstances apply.

Special circumstances reasons / analysis

There are no special circumstances which warrant limited notification of the application to any other party for the reasons outlined in section 5.

8. Recommendation

It is recommended that this application be processed on a non-notified basis for the reasons identified in this report.

Recommendation signed by:



Date: 20 March 2025

Name:

Kirsty van Reenen

Position:

Consultant Planner – Land Use

9. Section 95 decision

Recommendation accepted under delegated authority of the Tasman District Council by:

Decision signed by:



Date: 20 March 2025

Name:

Blair Telford

Position:

Principal Planner – Resource Consents

Note: In making this decision, I also observed 95D(a) and applied S95E(2)(a).

Appendix A – 8 step notification decision process

Complete steps 1-8. If public or limited notification is required, record full reasons in the relevant sections of your report.

Public notification decision making flowchart		
Step 1: Mandatory public notification	- Has the applicant requested public notification? - Has the applicant failed/refused to supply further information (s95C)? - Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1971?	☒ No ☐ Yes – must publicly notify
Step 2: Public notification precluded in certain circumstances	- Does a relevant plan rule or NES regulation prevent public notification? - Is the application for: - a controlled activity? - a 'boundary activity' that is a restricted discretionary, discretionary or non-complying activity?	☒ No ☐ Yes – go to step 4, 'special circumstances'. Skip step 3.
Step 3: Public notification required in certain circumstances	- Will the activity have, or be likely to have, adverse effects on the environment that are more than minor? - Does a relevant plan or NES rule require public notification?	☒ No ☐ Yes – must publicly notify
Step 4: Public notification required in special circumstances	Do special circumstances exist that call for public notification?	☒ No ☐ Yes – must publicly notify

Limited notification decision making flowchart		
Step 5: Mandatory limited notification to certain groups or persons	- Are there affected protected customary rights groups (s95F)? - Are there affected customary marine title groups (applications for an 'accommodated activity')? (s95G) - Is the activity on, adjacent to, or may affect land that is the subject of a statutory acknowledgement made per an Act specified in Schedule 11 of the Act, and the person to whom the statutory acknowledgement is made is affected under s95E?	☒ No ☐ Yes – must publicly notify
Step 6: Limited notification precluded in certain circumstances	- Does a relevant plan or NES rule prevent limited notification? - Is the application for a controlled activity that requires consent under a district plan (other than a subdivision)?	☒ No ☐ Yes – go to step 8, 'special circumstances'. Skip step 7.
Step 7: Limited notification required to certain other affected persons	- Are any of the following eligible persons 'affected' under s95E? - For boundary activities – an owner of an allotment with an infringed boundary? - For other activities, will there be minor or more than minor adverse effects on any 'affected persons'?	☒ No ☐ Yes – must limited notify
Step 8: Public notification required in special circumstances	Do special circumstances exist that warrant notification to any persons not already determined to be eligible for limited notification? (excludes persons assessed under s95E as not being affected)	☒ No ☐ Yes – must limited notify