

# MINUTES

**TITLE:** Environment and Planning Subcommittee  
**DATE:** Monday, 5 September 2005  
**TIME:** 1.30 pm  
**VENUE:** Council Chambers, 189 Queen Street, Richmond

**PRESENT:** Crs E M O'Regan (Chair), E E King, T B King

**IN ATTENDANCE:** Manager Consents (J Hodson), Senior Consent Planner (J Andrew), Corporate/Engineering Administrator (V M Gribble)

## 1. E R AND S J HORDER, HEADINGLY LANE, RICHMOND - APPLICATION RM050497

### 1.1 Presentation of Application

Mrs Horder was in attendance to present the application.

The applicants are seeking land use consent to erect a second dwelling at 72 Headingly Lane, Richmond. At present one of the applicants, Mrs E Horder, lives in the dwelling on the property and she would like to build and move into a small one bedroomed cottage to be sited behind the existing dwelling. The proposed dwelling has a gross floor area of approximately 67 m<sup>2</sup>. The other applicant is Mrs Horder's daughter who, with her husband and child, lives in Otago and they propose to come and live in the existing dwelling on the property.

Mrs Horder tabled and spoke to her submission. She is opposed to the house having to be removed when she no longer needs it. She offered to sign a covenant that she will not seek to subdivide the cottage from the house while the present zoning remains.

Cr King asked Mrs Horder if she had considered converting the studio to accommodation.

Mrs Horder said it is the garage for the house and was not appropriate.

Cr Henry asked if there were reasons other than economic for wanting the house to stay.

Mrs Horder said it would be used as additional guest room for family.

## 1.2 Officer's Report

Mr Andrew said the Council is looking at options for zoning of this land and it could be either industrial or residential. If consent was approved for a relocatable building and the zoning changed to allow that it stay, it would not be a problem changing the consent. He said there was conflict and concern that industrial and residential properties did not mix. Having additional housing in that area is not wise from a planning point of view. There is plenty of room for a relocatable house.

Cr King asked if the studio was converted, would that still have to meet the same requirements? He asked if it was attached to the house would it be permissible? The debate is whether or not it is connected to the house.

Mr Andrew said if the house, garage and proposed new building were all connected, it would be a permitted use.

Cr Henry asked about monitoring practices.

Mr Andrew said when a decision issues a monitoring form is completed and it goes into the computer log for compliance monitoring.

Cr King asked in terms of dependent relative, would dependent relatives staying occasionally fit the criteria? If the family still used it, would it still comply in terms of the consent?

Mr Andrew agreed it would.

### **Moved Crs O'Regan / King EP05/09/09**

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

E R and S J Horder

**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:**

<b>Subject</b>	<b>Reasons</b>	<b>Grounds</b>
E R and S J Horder	Consideration of a planning application.	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Henry / King  
EP05/09/10**

**THAT for the purposes of discussing the application of E R and S J Horder as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.**

**CARRIED**

**Moved Crs O'Regan / Henry  
EP05/09/11**

**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. E R AND S J HORDER, HEADINGLY LANE, RICHMOND - APPLICATION  
RM050497**

**Moved Crs Henry / King  
EP05/09/12**

THAT pursuant to Section 104 and 104B of the Resource Management Act 1991, Council GRANTS consent to E R and S J Horder to construct a second dwelling at 72 Headingly Lane, Richmond.

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

**CONDITIONS:**

**1. Location and size**

The proposed dwelling shall be constructed and sited in accordance with the attached plan and the application documentation. In particular it shall be attached to the existing garage as shown on the attached plan and shall be no larger than 70 m<sup>2</sup> in area.

**2. Appearance**

The exterior surfaces of the proposed dwelling shall be finished in colour schemes that ensure that all cladding, trim(s) and exterior surfaces are finished in subdued natural colours that will therefore blend in with the rural landscape, and shall not result in glare or luminescence, to the satisfaction of the Council.

**3. Floor Level**

The floor level for the dwelling shall not be lower than 500 mm above natural ground level.

#### 4. **Covenant to be Created**

That a covenant be prepared and registered against the title and shall specify:

That no additional titles shall be created from the land being Lot 2 DP 5752 unless allowed by the rezoning of the land.

The covenant shall be prepared by the consent holder's solicitor and shall be approved by Council prior to registration. All costs associated with the consent notice shall be carried by the consent holder.

**Note:**

This condition was volunteered by the applicant.

#### 5. **Financial Contribution**

The Consent Holder shall, no later than the time of uplifting the Building Consent for the building work, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the Building Consent component in accordance with the following table:

<b>Financial Contribution – Building</b>	
<b>Component</b>	<b>Contribution</b>
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.

#### **ADVICE NOTICES:**

##### A. **Development Contribution**

The Consent Holder is advised that the Council will require the payment of a development contribution in accordance with the Council's Development Contribution Policy under the Local Government Act, 2002 for the development which is the subject of this resource consent.

The Development Contribution 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.

- B. Should any archaeological or waahi tapu sites be uncovered at any time during any earthworks or construction, then all works shall cease and the relevant iwi and New Zealand Historic Places Trust be consulted prior to any works being re-commenced.
- C. Pursuant to Section 125 of the Resource Management Act (1991), this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect to or other criteria contained within Section 125 are met.
- D. The consent holder may apply to change the conditions of the resource consent (except for duration) if circumstances change pursuant to Section 127 of the Resource Management Act (1991).
- E. The consent holder shall pay to the Council any administrative charge fixed in accordance with Section 36(1) of the Resource Management Act (1991) and any additional charge required pursuant to Section 36(3) of the Resource Management Act (1991), payable in respect of this consent.

#### **REASONS FOR THE DECISION:**

- 1. The land is zoned Rural 2 under the Proposed Tasman Resource Management Plan (TRMP) and the construction of a second dwelling on a title less than 50 hectares is deemed to be a Discretionary activity.
- 2. As there are no relevant references to the relevant rules the Proposed Tasman Resource Management Plan is the only relevant Plan. The application has been considered pursuant to Part 2 and Section 104 and 104 B of the Resource Management Act 1991.
- 3. The Committee considered that Headingly Lane is, in appearance, a de facto Rural Residential enclave and therefore somewhat different in character from the typical Rural 2 land elsewhere in the District. The area is bounded by industrial land, urban type development, an estuary of national significance as well as rural activities.
- 4. The application is for a small dwelling which will be attached to the existing garage. The Committee noted that the provisions of the Plan are such that if the garage was attached to the existing dwelling (and thus the whole structure integrated into one) the application would be deemed to comply if the second dwelling was 60 m<sup>2</sup>. The separation of the existing garage and existing dwelling is relatively small (approximately 4-5 metres) and the Committee could see little merit in requiring the two existing buildings to be connected by "nova roof" or similar in order to comply with the rules in the Plan, therefore considered that granting the application as proposed would have no more than a minor effect. The Committee however noted that if the distance of the second dwelling from the main dwelling had been greater, the outcome may have been different.

5. The Committee also noted that the surrounding land owners had provided their written consents and therefore they were constrained from considering any potential adverse effects in relation to those properties.
6. The Committee noted that the applicant had volunteered the creation of a covenant on the title to limit future subdivision of the property until if and when the zoning allowed subdivision to occur.
7. The Committee considered that the conditions imposed will mitigate any potential adverse effects such as visual intrusiveness or flood hazard. The size of the dwelling was limited in order to control the potential effects of domestic wastewater discharge which will be linked into the existing septic tank system.
8. In summary, the Committee considered that the proposal was consistent with the objectives and policies of the Proposed Tasman Resource Management Plan, the Regional Policy Statement and the Resource Management Act 1991 and subject to the conditions imposed the effects on the environment will be no more than minor.

**CARRIED**

The meeting adjourned at 2.15 pm.

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**Confirmed:**

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**Chair:**