



**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Peter Simpson and Carol Anne Bradley - Simpson
<b>RM reference:</b>	RM150321
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent to erect an accessory building.
<b>Location:</b>	8 Patrick's Way, Hawea Flat, Wanaka
<b>Legal Description:</b>	Lot 2 Deposited Plan 315768 held in Computer Freehold Register 61884
<b>Zoning:</b>	Rural Residential
<b>Activity Status:</b>	<b>Controlled</b>
<b>Decision Date</b>	<b>5 June 2015</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Adonica Giborees, Senior Planner, on 2 June 2015 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Adonica Giborees, Senior Planner, as delegate for the Council.

**1.0 PROPOSAL AND SITE DESCRIPTION**

Consent is sought under section 88 of the RMA to construct a car port building. The building will be located 8m from the northern boundary of the site and 8m from the western boundary of the site. The proposed carport will be located and 71m from subject site’s eastern boundary with Patrick’s Way. The car port is proposed to be open on all sides. The structure comprises of nine poles with a roof on top.

The building will be a maximum height of 3.6m and will have a gross floor area of approximately 49m<sup>2</sup>. Proposed colours and materials are as follows:

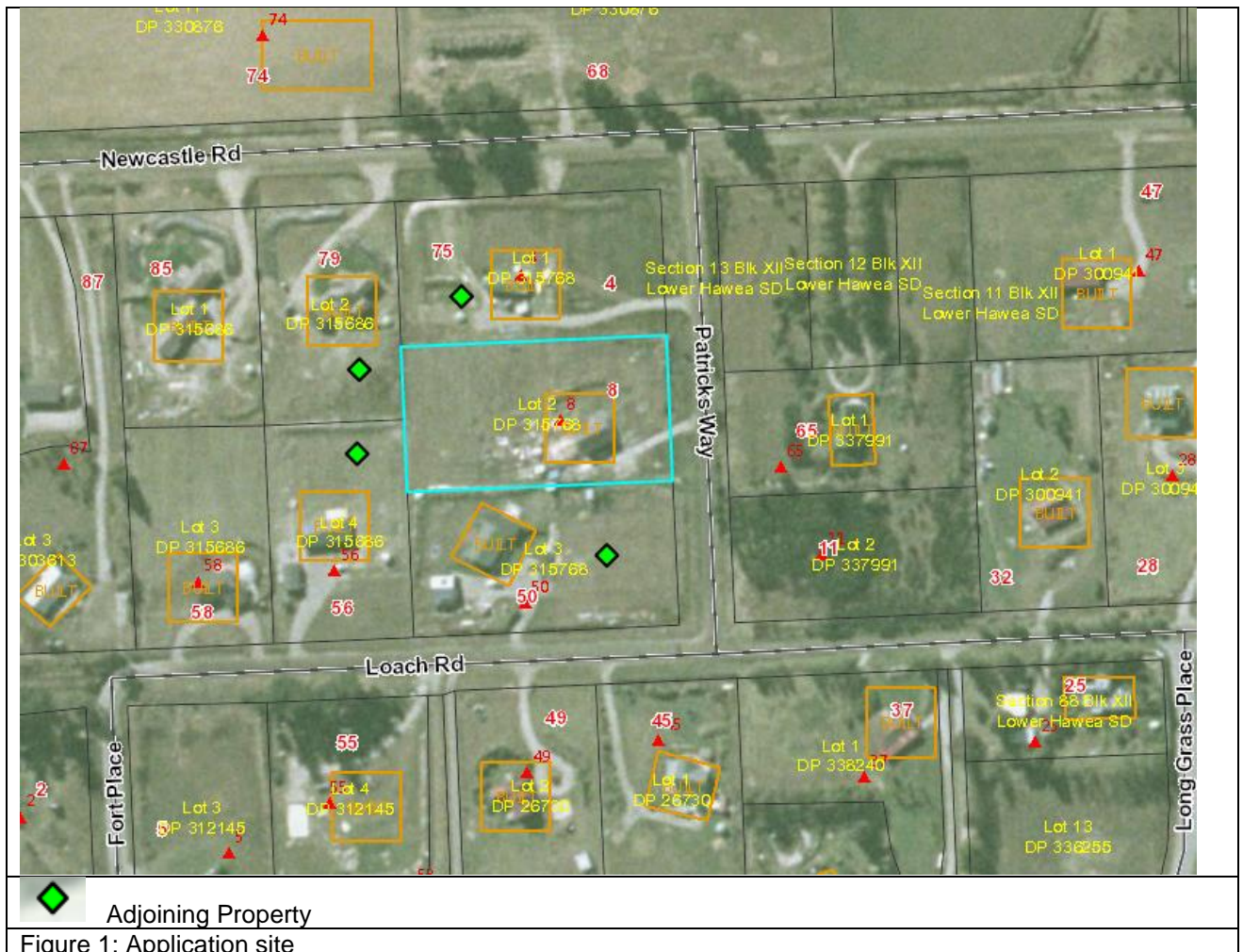
Element	Material	Colour
Poles	Oregon Timber	Natural stain
Roof	H15 tray Corrugated iron	‘Black’ (LRV 7.3%)

A landscape plan has been submitted with the application and is intended to provide screening from views from the wider environs. The landscape plan includes the planting of flax and trees adjacent to the northern boundary and eucalyptus trees adjacent to the western boundary in order to screen the proposed development.

Access is existing from Patrick’s Way.

*Proposal, Site and Locality Description*

The subject site is located on the western aspect of Patrick’s Way. The surrounding environment comprises primarily of rural residential development. The site currently contains a dwelling and a garage. The site and its surrounds are shown in Figure 1 below:



## 2.0 ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

The subject site is zoned Rural Residential and the proposed activity requires resource consent for the following reasons:

A **controlled activity** pursuant to Rule 8.2.2.2(i) for the construction of a building. The Council has reserved control over the following matters:

- (a) the location and external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment
- (b) the provision of water supply, sewage treatment and disposal, electricity and telecommunication services; and

## 3.0 SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

## 4.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D & E)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *The activity is a **controlled** activity, so that adverse effects which do not relate to a matter of **control** have been disregarded (s95D(c)).*
- C: *Trade competition and the effects of trade competition (s95D(d)).*

### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case there is no permitted baseline relating to buildings, given that all buildings within the Rural Residential Zone require a resource consent. It is permitted however to erect a fence less than 2m in height on the boundaries of the site. It is also permitted to undertake up to 100m<sup>3</sup> of earthworks over an area of 200m<sup>2</sup> or less in a 12 month period. Only adverse effects over and above those that could arise from the permitted baseline will be taken into account in the following assessment.

### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor:

Council's matters of control include the location and external appearance of the buildings and associated earthworks, access and landscaping, as well as the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

The relevant assessment matters are found in Section 8.3.2(iii) of the District Plan. They relate to the extent to which the proposed building breaks the line and form of the landscape with particular regard to prominent slopes and the building's external appearance.

These assessment matters have been taken into consideration in the assessment below.

#### *Location and External Appearance of the Building*

The proposed building will comply with all relevant boundary setbacks and the 8m height limit for the zone. It is considered that given the context of the site and surrounds, the building will be appropriately located to avoid unanticipated adverse effects on the rural living amenity of the area.

The Council's GIS infrastructure maps and the submitted Computer Freehold Register for the site do not indicate the presence of any infrastructure or easements beneath or in close proximity to the proposed building.

The design of the building will appear characteristic of a rural accessory building, as is anticipated on the site by the District Plan. The Council's colour and reflectivity guidelines seek to achieve buildings in the natural range of greens, browns, and greys with a light reflectance value of 36% or less. It is noted that the proposed colours and materials will comply in this regard. A condition of consent can be imposed to enable flexibility with the specified schedule of colours/materials, provided an amended schedule is firstly certified by the Council as complying with the above colour and reflectivity guidelines.

It is considered that adverse effects on the environment will be less than minor in respect to the location and external appearance of the proposed building.

#### *Earthworks*

Any earthworks required to create a usable building area and form access to it will be minimal and will not detract from the character of the rural living site or surrounds. Further, earthworks required will fall within the permitted standards of the District Plan and therefore there will be no adverse effects on the environment in this regard.

#### *Access*

The proposed carport will be adequately accessed from within the site and no new vehicle crossings onto public roads are required to be installed. No adverse effects are anticipated in terms of access.

#### *Landscaping*

Landscaping in the form of flax and eucalyptus trees adjacent to the northern and western boundaries of the site are proposed to visually screen the proposed car port. There is also existing mature landscaping on site, including planted berms along the northern and southern boundaries.

The proposed landscaping is appropriate in the context of the site and assists in partially screening the proposed accessory building from views from the public domain.

Overall, it is considered that any adverse effects with regard to landscaping will be less than minor.

#### *Servicing*

While the Council has retained control over the provision of water supply, sewage treatment/disposal, and electricity/telecommunication services, it is considered that these services can be adequately assessed and inspected and part of the relevant Building Consent process. There are unlikely to be any site constraints to prevent necessary services from being installed, and therefore it is considered that any adverse effects on the environment in this regard will be less than minor.

#### 4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

### 5.0 EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

#### 5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: *The activity is a **controlled** activity, so that adverse effects which do not relate to a matter of **control** have been disregarded (s95E(2)(b)).*

#### 5.2 PERMITTED BASELINE (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above.

#### 5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account sections 4.3, 5.1 and 5.2 above, the following outlines an assessment as to if the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Rule 8.2.3(i) of the District Plan states that for controlled activities, neither notification of the application nor the written approval of affected parties is required, unless special circumstances exist. In this case it is considered that no special circumstances exist.

The proposed building is a controlled activity and therefore is considered to be anticipated on the site by the District Plan. The building will comply with all relevant Site and Zone Standards (including setbacks from neighbouring boundaries) and therefore avoids any adverse effects in this regard. The colours and materials proposed will avoid adverse effects on neighbour's views, outlook and amenity.

The proposed building will not break the line and form of the landscape including skylines, ridges, hills and prominent slopes and the external appearance of the building is appropriate within the rural context.

Existing landscaping will provide a moderate degree of visual screening and visual softening of the building from neighbouring properties. While the building is not required to be completely screened from view, the landscaping will appropriately protect visual amenity thereby mitigating potential adverse effects.

It is considered that adverse effects on neighbouring properties will be less than minor.

#### 5.4 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

### 6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## 7.0 S104 ASSESSMENT

### 7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### 7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The relevant objectives and policies are contained within Part 8 of the District Plan.

Objectives 8.1.2.1-Rural Living encourages the establishment of low density rural living managed and contained in both extent and location.

Objective 8.1.2.2 - Rural Amenity seeks to avoid, remedy or mitigate adverse effects of activities on rural amenity.

The Rural Residential zone seeks to provide for people to live on small holdings in a rural environment while minimising adverse effects on that environment. A proposal of this scale and nature in this zone is anticipated and proposed landscaping is sufficient in order to break up the built form of the development and screen it from neighbouring properties. Overall, the proposal is consistent with the objectives and policies of the District Plan.

### 7.3 PART 2 OF THE RMA

For the reasons outlined in the above assessment the application as proposed is considered to be consistent with the purpose and principals set out in Part 2 of the RMA. The development will result in sustainable management of natural and physical resources, whilst also not affecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

### 7.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## 8.0 OTHER MATTERS

### *Local Government Act 2002: Development Contributions*

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the RMA no later than 15 working days from the date this decision is received.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Erin Stagg on phone (03) 450 0331 or email erin.stagg@qldc.govt.nz.

Report prepared by



Erin Stagg  
**PLANNER**

Decision made by



Adonica Giborees  
**SENIOR PLANNER**

**APPENDIX 1 - Consent Conditions**

## **APPENDIX 1 – CONSENT CONDITIONS**

### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- 'Site Plan'
- 'Roof Framing'
- 'E02 Details'

**stamped as approved on 20 May 2015**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

### Colours and Materials

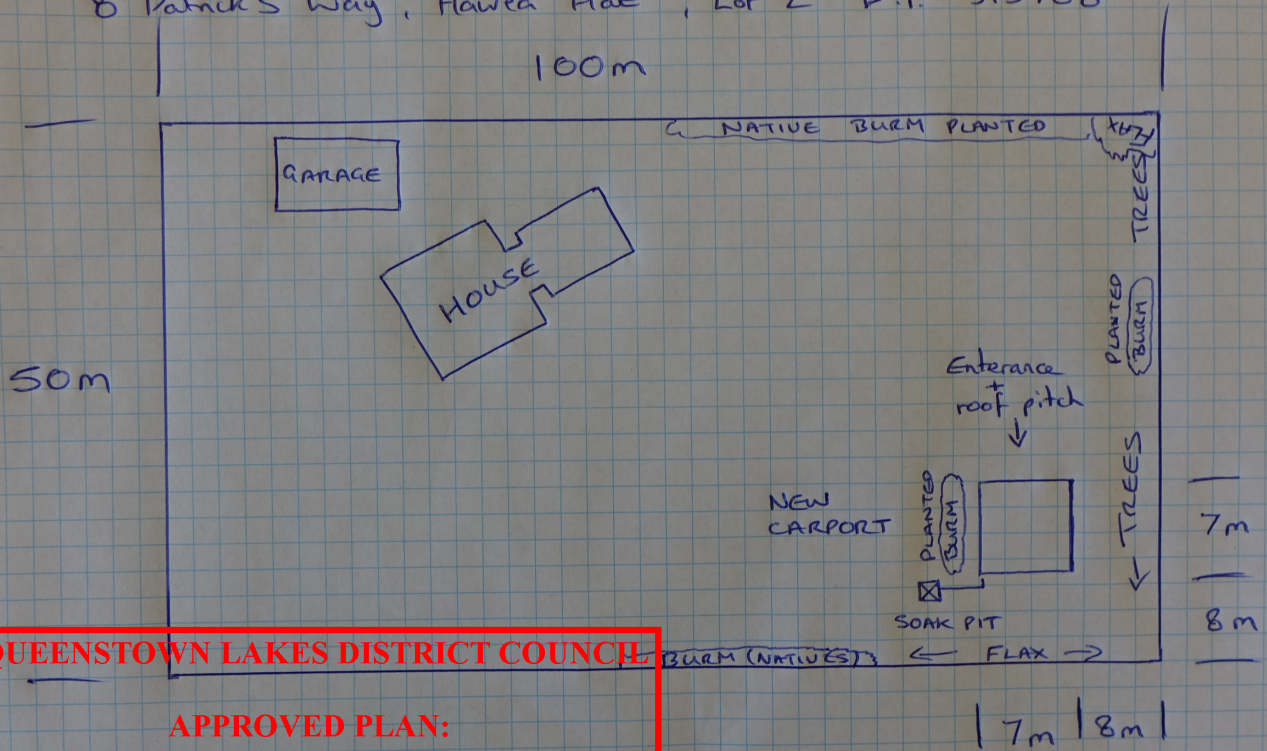
3 The schedule of colours and materials approved for use on the building are as follows:

<b>Element</b>	<b>Material</b>	<b>Colour</b>
Poles	Oregon Timber	Natural stain
Roof	H15 tray Corrugated iron	'Black' (LRV 7.3%)

Any amendment to this schedule of colours and materials shall firstly be certified by the Council as being in the natural range of greens, browns, or greys with a light reflectance value (LRV) of 36% or less and in accordance with Council's "*A Guide to Suitable Building Colours and Materials in Rural Zones*", prior to being used on the building.



Site Plan for SIMPSON'S CARPORT  
8 Patrick's Way, Hawea Flat, Lot 2 D.P. 315768



**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM150231**  
**Wednesday, 20 May 2015**



250x50 OREGAN  
PURLINS AT 900 c/s

150 SED H5 POST  
SEE DETAIL (D) AND (F)

SKYLINE DIAMOND VDECK, OR  
LT7 ROOF PROFILE AT 3° PITCH

250x50  
H3.1 TIMBER  
END PURLIN  
SEE DETAIL (B)

2/250x50  
OREGAN  
RAFTERS  
SEE DETAIL (E)

NOTES  
1. STANDARD INSPECTIONS  
TO BE CARRIED OUT AS  
REQUIRED BY QLDC

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RM150231

Wednesday, 20 May 2015

ROOF HEIGHT 3.2m

ROOF HEIGHT 3.6m

ROOF FALL  
3°

SEE DETAIL (C)

250x50 H3.1 TIMBER  
END PURLIN  
SEE DETAIL (B)

90x45  
OREGAN  
OUTRIGGERS  
SEE DETAIL (A)

400

3600

3600

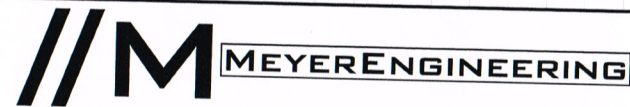
800

400

7000

ROOF FRAMING DETAIL

← NORTH



156 Swann Road, RD2 Cromwell 9384  
P: (03) 445 0670 M: 027 414 1986 E: carlmeyer@xtra.co.nz

JOB TITLE

HAWEA FLAT CARPORT  
8 PATRICKS WAY  
2015033

DRAWING TITLE

E01 - ROOF FRAMING DETAIL

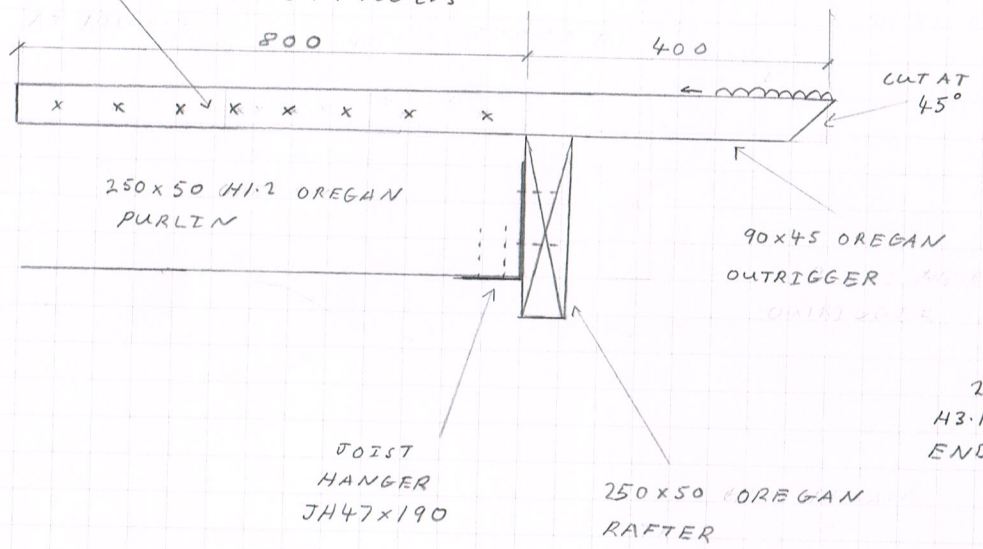
REV  
2

AMENDMENT

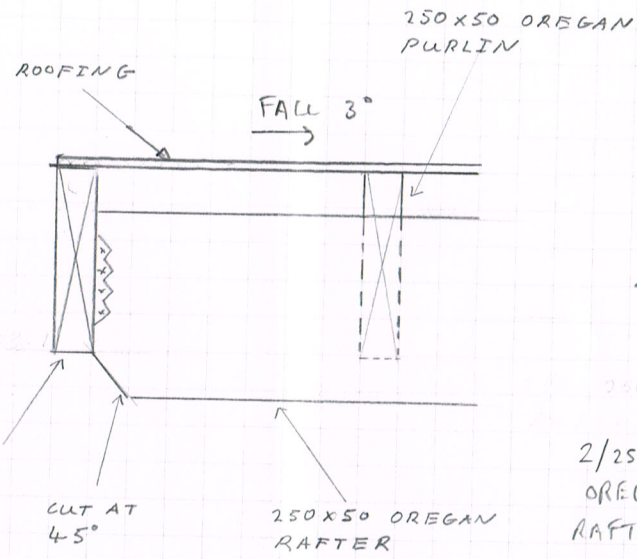
DATE BY  
9/4/15 RR



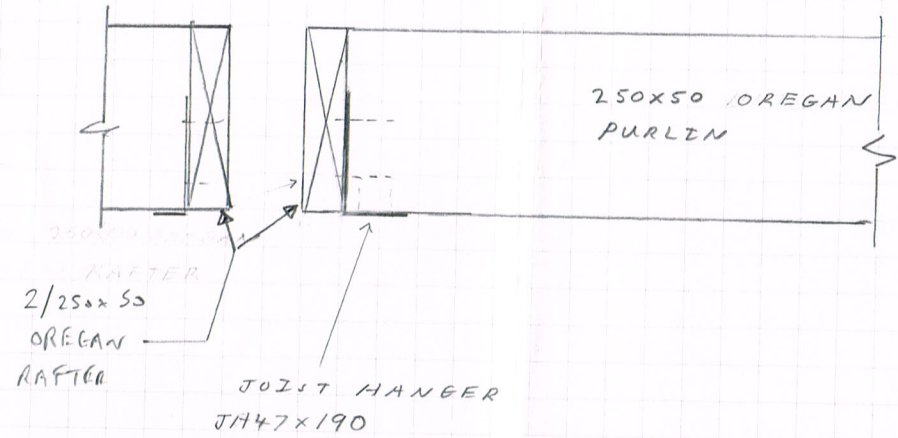
CUT DOWN MAIN PURLIN, OR  
FIX OUTRIGGER  
TO PURLIN WITH  
90x3-15mm NAILS AT 100 CRS



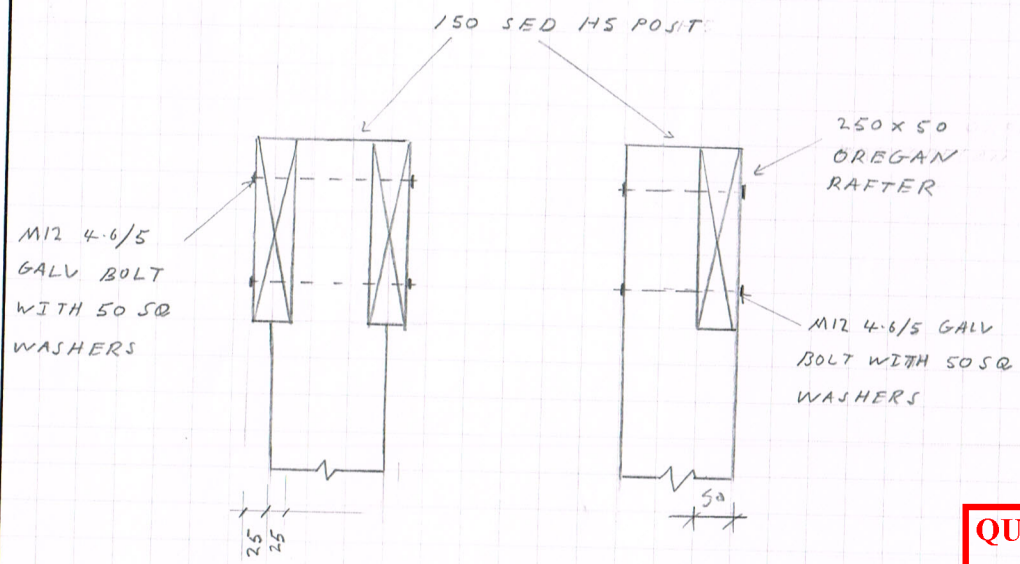
(A) OUTRIGGER CONNECTION



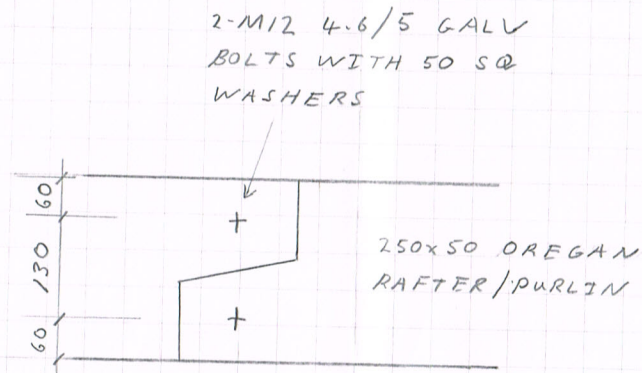
(B) END PURLIN DETAIL



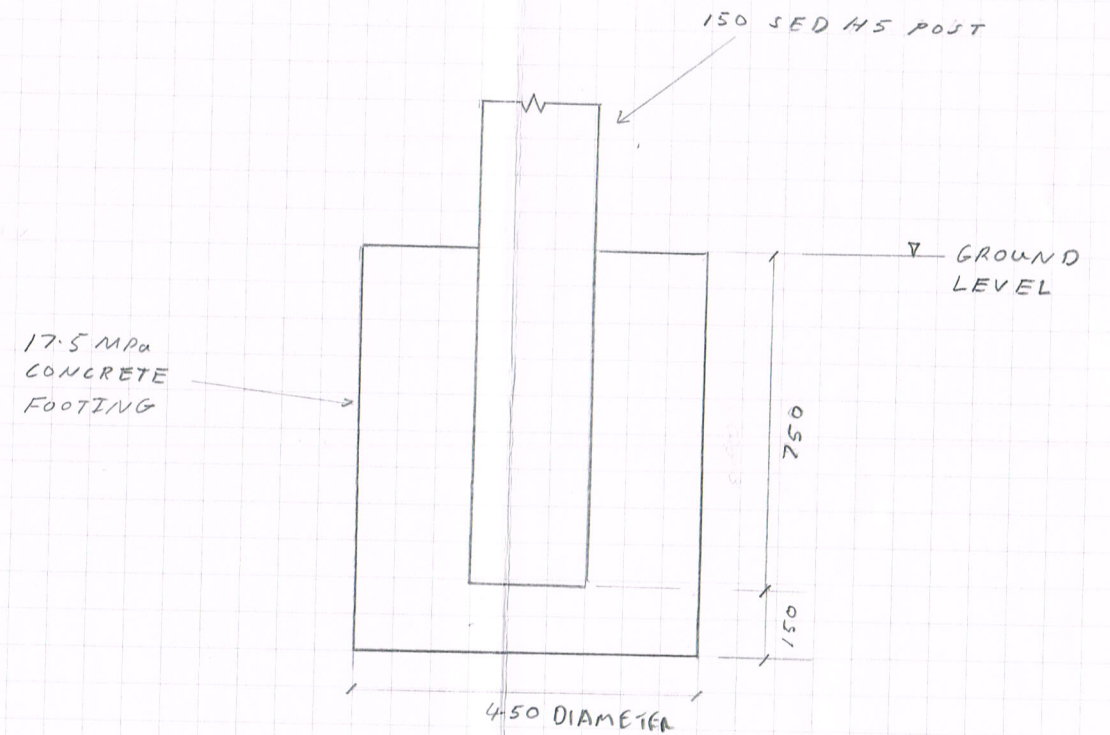
(C) PURLIN TO RAFTER (CENTRE) CONNECTION



(D) POST TO RAFTER CONNECTION FOR CENTRE & EXTERIOR POSTS



(E) PURLIN AND RAFTER JOIN



(F) POST FOUNDATIONS

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM150231**

**Wednesday, 20 May 2015**