

Appendix 4

Council's notification report

Date:	27 May 2021	App Number:	SP/0028/21 and LU/0040/21
Reporting Planner:	Tim Wilson	Site Visit on:	12 March 2021

Applicant:	WJ Hodges, WD Hodges
Property Address:	109 Taylor Street Cambridge 3434
Legal Description:	LOT 2 DPS 947 (SA62D/729)
Site Area:	1,012m ²
Activity Status:	Non-Complying
Zoning:	Residential Zone
Policy Area(s):	Compact Housing Area
Designation(s):	N/A
Proposal:	Subdivide one lot into five with shared access lot in conjunction with LU/0040/21 to construct five terraced houses

1 INTRODUCTION

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Barker & Associates (the Applicant's agent) on behalf of WJ & WD Hodges ('the Applicant') have applied for a concurrent subdivision and landuse consent to undertake a 5-lot compact housing development.

1.1 Description of site

The subject site is located at 109 Taylor Street, Cambridge and comprises a total area of 1,012m². The site currently contains a single storey dwelling and garage. The site is identified as Lot 2 DPS 947 comprised under Record of Title SA62D/729.

The site is located within the Residential Zone of the Waipa District Plan ('District Plan') and is subject to the Compact Housing Area policy overlay. Council's Special Features Map does not identify the site as being subject to any hazards or HAIL notations.

Adjoining properties to the south, east and west are residential in nature and are similar in size to the subject site. The site currently contains a single storey dwelling and a detached garage.

The site to the west (107 Taylor Street) contains a single storey detached residential dwelling with a detached garage. To the east (111 and 111A Taylor Street) contains two dwellings on two titles. 111 Taylor street, the front site contains a two-storey dwelling detached dwelling with no garage. The rear site, 111A Taylor Street is a single-storey dwelling with a detached garage. The sites immediately to the rear are single storey detached dwellings, accessed via Constance Place. McKinnon Park is located to the north of the site and forms part of the 'Cambridge Green Belt'.

Refer to Figures 1 to 8 for aerial photographs of the site, Council's Planning Maps, and photographs taken during a site visit.



Figure 1: Aerial photograph of site.

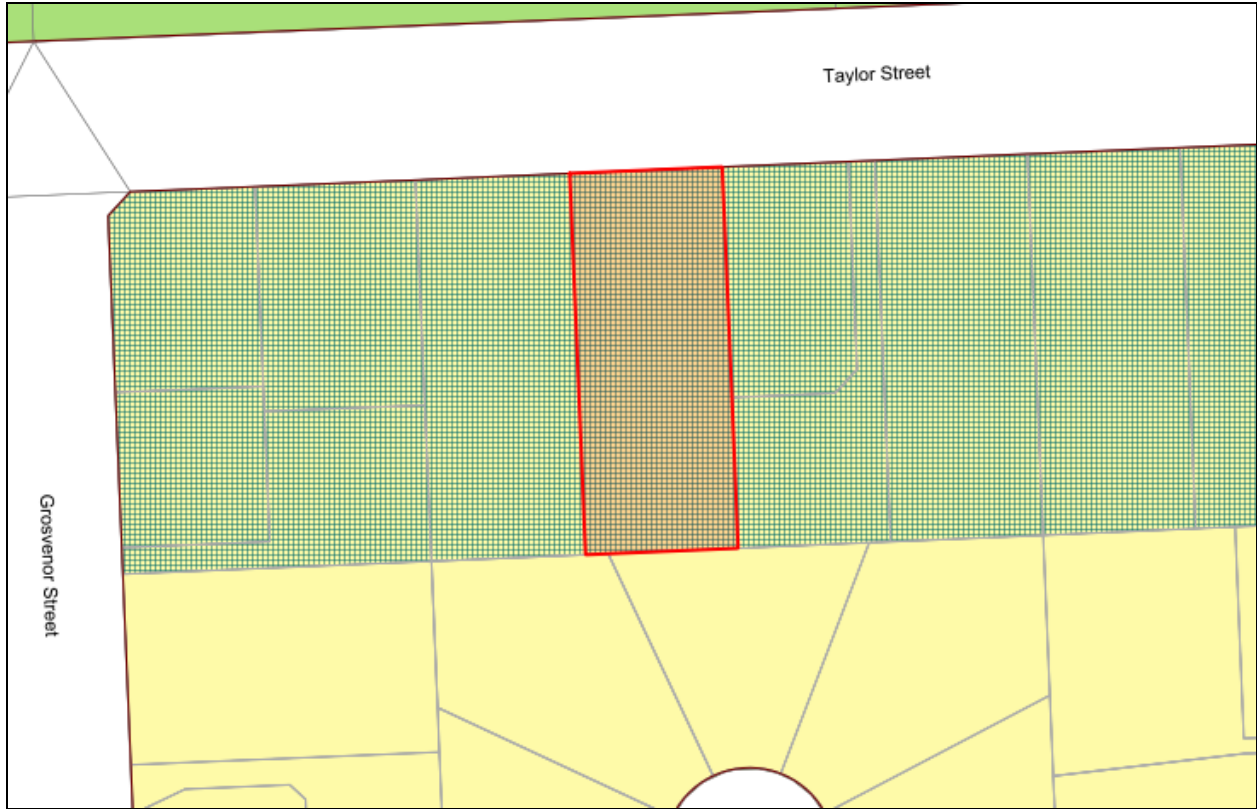


Figure 2: District Plan Zone and Policy Overlays.



Figure 4: Site visit photo showing existing access to the site



Figure 5: Site visit photo showing western boundary



Figure 6: Site visit photo showing the rear (southern) boundary of the site



Figure 7: Site visit photo showing the south eastern boundary and adjoining dwelling



Figure 8: Site visit photo showing the eastern boundary and adjoining dwelling

1.2 Legal interests in the property

There are no interests registered against the Record of Title (SA62D/729).

1.3 History

There is no relevant consenting history.

1.4 Proposal

Pursuant to Section 88 of the Act, WJ & WD Hodges have applied for a concurrent subdivision and land use consent to undertake a 5-lot compact housing development. The proposal involves

the establishment of five dwellings on the site which will subsequently be subdivided so they each sit on their own individual freehold title. The proposal is described in detail in the application document and summarised below.

1.4.1 Subdivision

The proposed lots will be created around the dwellings proposed in the compact housing development, their respective areas, and the proposed method of subdivision are summarised in Table 1.

Lot Reference	Size	Method/rule
1	189m ²	Rule 15.4.2.1(a) – Residential Zone – minimum net lot area
2	132m ²	
3	155m ²	
4	141m ²	
5	148m ²	
6	247m ²	Lot 6 is an accessway that is proposed to be amalgamated and held as 5 undivided one-fifth shares by the owners of Lots 1-5
7		Lot 7 is an accessway proposed to be amalgamated and held as 3 undivided one-third shares by the owners of Lots 3-5.

Table 1: Proposed method of subdivision.

It is noted that Rule 15.4.2.1(b) provides for Residential Zone Compact Housing and references Rule 2.4.2.43. However, Rule 2.4.2.43 does not provide a minimum lot size requirement and is specific to land use matters. In the absence of a specific rule providing for subdivisions which is subject to a concurrent landuse consent application for Compact Housing, the above rule (Rule 15.4.2.1(a)) applies.

Refer to Figure 9 for the proposed scheme plan for the subdivision.



Figure 9: Proposed scheme plan.

The servicing details for the proposal are included in Section 3 of the Application document and amended by way of the s92(1) response for further information received on the 17 May 2021. The following provides a summary of the servicing details.

Transportation

The existing vehicle crossing is proposed to be closed, and a new crossing proposed on the eastern side of the site. A shared right of way is proposed to provide legal vehicle access to the five dwellings. The accessway is proposed along the eastern boundary of the site and curves westward to be positioned north of Lots 4 and 5. The accessway provides for on-site manoeuvring to allow vehicles to exit the site in a forward direction. Each dwelling is provided with one internal garage carpark and the option to stack one car park in front of the garage.

Stormwater Management

No stormwater mitigation device appears to be servicing the existing dwelling, and the site is not connected to any reticulated stormwater network. The proposed stormwater management for the development is via two on-site stormwater soakage systems that are proposed in the north-eastern corner of the accessway and the southern portion of the accessway.

Wastewater Management

An existing 150mm wastewater main runs along the southern boundary of the site, on the adjacent lot. A new 150mm pipe connection along the eastern boundary of the site and under the accessway, is proposed to service the dwellings. A manhole is proposed to the existing wastewater main on the adjoining property (6 Constance Place). Easements are proposed in favour of the individual lots that they serve on the site, with an easement in favour of the Council to provide for the manhole on the adjoining property.

Water Supply

The site is connected to the reticulated water network. The application proposes to retain the existing connection for Lot 1 and create new connections for Lots 2-5.

Electricity and Telecommunications

Underground electricity and telecommunication services are required to each individual lot. This underground infrastructure will be extended up Lots 6 and 7 (access lot) and individual service connections provided to the proposed lots. Easements for these services will be created as shown on the scheme plan.

1.4.2 Landuse – Compact Housing

The proposal involves the establishment of 5 dwellings each with their own title. The dwellings are proposed to be two storey dwellings, three of which are three bedrooms, with the remaining two (proposed lots 4 and 5) being two bedrooms. All five dwellings will have an open plan living/kitchen/dining area and a single garage, and outdoor living area. The following figures present the site plan and perspectives of the proposal.

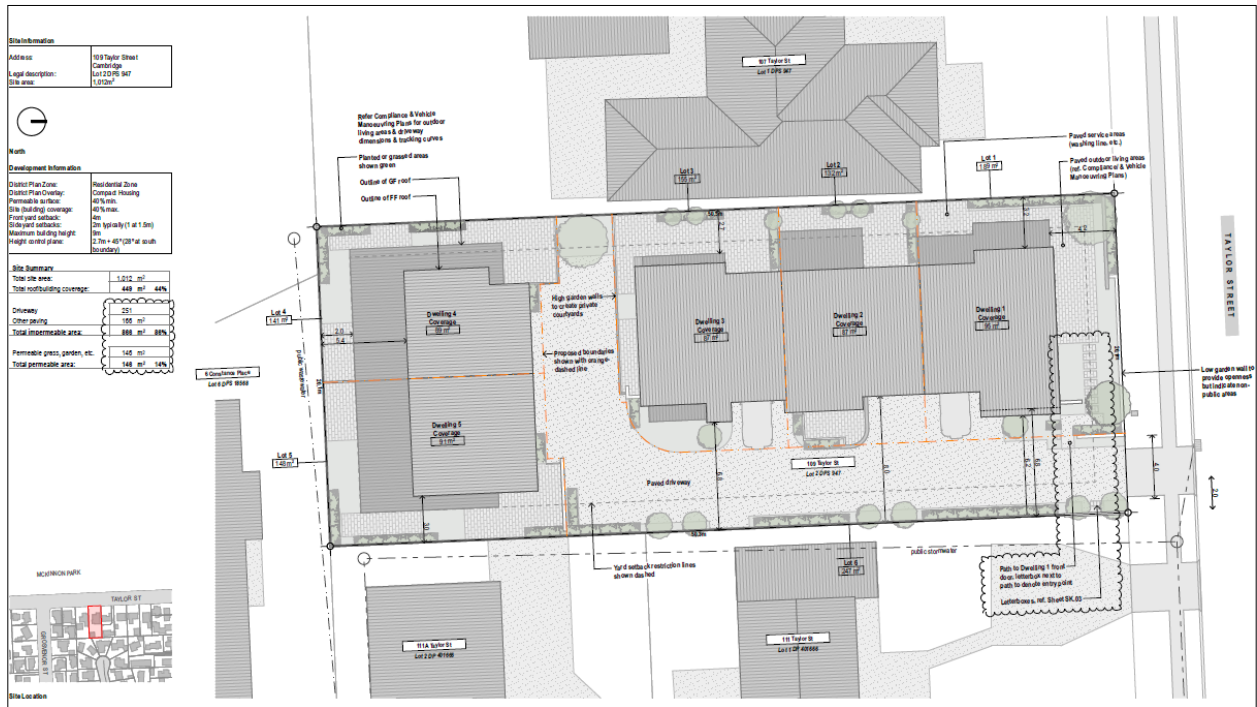


Figure 10: Proposed site plan



Figure 11: Perspective of the site from Taylor Street



Figure 12: Perspective of the access to the site along the eastern boundary

1.5 Process Matters

The Application was lodged with Council on the 26 February 2021. An extension of time was applied under s37 (special circumstances).

A s92(1) request was issued on the 24 March 2021, requested information pertaining to:

- Confirming the impermeable surface areas of the site;
- Confirming the wastewater system connection and appropriate easements, and subsequently (following review of initial response), confirming the wastewater system to be private, rather than vesting with Council;
- Provision for separate water connections for Lots 2 to 5;
- Provision of a Landscape Plan; and
- Confirm details relating to compliance with Rule 3.4.2.43 of the District Plan.

A response to the s92(1) request was received as adequate on the 17 May 2021.

2 REASON FOR THE APPLICATION

A resource consent as described under Section 87A of the Act is required for the reasons set out below.

2.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES')

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). Following a review of the historical aerial photographs contained within Council's records, a HAIL activity does not appear to have been undertaken on the site. In accordance with Regulation 5(7), the site is not a 'piece of land' and consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

2.2 Waipa District Plan Rule Assessment

An assessment of the proposal's compliance with the relevant rules of the District Plan has been completed. In summary, Table 3 below outlines the relevant rules relating to the proposed subdivision.

Rule #	Rule Name	Status of Activity	Comment
Section 2 - Residential Zone			
2.4.1.3(b)	Activity Status Table	Restricted Discretionary	<i>Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps...</i> This rule provides for compact housing of seven or more dwellings within the compact housing overlay. However, the proposal involves five dwellings.
2.4.2.43	Compact Housing	Discretionary	<i>Compact housing within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the requirements of</i>

Rule #	Rule Name	Status of Activity	Comment
			<p><i>Rule 2.4.2.43 (Waipa District Plan, Page 32).</i></p> <p>The total site area is 1,012m², which fails to comply with the minimum 2,000m² requirement.</p> <p><i>Provision (c) requires that where any dwelling is to be sited within 10m of another dwelling on the same site prior to subdivision, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling.</i></p> <p>Dwellings 3 and 4 have a direct line of sight between living areas, with a separation distance of 9.7m.</p> <p><i>Provision (f) requires at least 30% of the net site area shall be made up of permeable surfaces.</i></p> <p>None of the lots can meet this requirement, as follows: Lot 1 = 26.6% Lot 2 = 5.2% Lot 3 = 13.6% Lot 4 = 10% Lot 5 = 13.3%</p> <p>The total permeable area for the site is 14%.</p>
2.4.2.1	Minimum building setback from road boundaries	Complies	<p><i>The minimum building setback from road boundaries shall be 4m...</i></p> <p>The building setback of Lot 1 complies with this requirement</p>
2.4.2.3	Design of building façade	Complies	<p><i>Not more than 50% of the overall front façade of a building can consist of garaging, as measured from internal walls of the garage.</i></p>

Rule #	Rule Name	Status of Activity	Comment
			Glazing of the proposed buildings will comply with this requirement.
2.4.2.4	Minimum building setback from internal site boundaries	Complies	<p><i>The minimum building setback from internal site boundaries shall be 2m, provided that one internal setback per site may be reduced from 2m to 1.5m.</i></p> <p>The dwellings on Lot 1 and 2 will be 1.5m from the internal western boundary, with all other site boundaries complying with the 2m requirement.</p>
2.4.2.7	Maximum building length	Complies	<p><i>The maximum length of the wall and roofline of any building parallel or up to an angle of 30 degrees to any internal site boundary that adjoins the Residential Zone or the Reserves Zone shall be 23m, provided that:</i></p> <p><i>(a) Building lines in excess of 23m shall have the wall and roofline stepped to a minimum of 2.4m and a minimum length of 3m; and</i></p> <p><i>(b) For every additional 23m in length the wall and roofline of a building shall be stepped to a minimum of 2.4m and a minimum length of 3m.</i></p> <p>The dwellings will comply with this requirement.</p>
2.4.2.9	Maximum Height	Complies	<p><i>Buildings shall not exceed 9m in height and shall be no more than two storeys, provided that in the following locations the maximum height shall be:</i></p> <p><i>(e) Compact Housing Area 10m</i></p> <p>All dwellings can comply with the maximum height requirement.</p>
2.4.2.10	Daylight control	Complies	<i>Buildings shall not penetrate a recession plane at right angles to the boundary inclined inwards at the angles shown in the diagram in Rule 2.4.2.10 of the District Plan.</i>

Rule #	Rule Name	Status of Activity	Comment
			All dwellings can comply with the height recession plan requirements.
2.4.2.19	Neighborhood amenity and safety	Complies	<p><i>The minimum area of glazing on the front façade(s) of a building that adjoins a public place shall be 15%.</i></p> <p>This requirement is relevant to Lot 1, which is able to comply with the 15% glazing requirement.</p>
Section 15 – Infrastructure, hazards, Development and Subdivision			
15.4.2.1	Activity status	Non-Complying	The proposed subdivision will result in lots being created in conjunction with a compact housing development within the Compact Housing Overlay. In the absence of specific minimum lot areas applying to compact housing area subdivisions, the subdivision falls for consideration as a non-complying activity.
15.4.2.3	Lot frontage, lot shape factor and vehicle crossings	Discretionary	<p><i>All lots in the Residential Zone shall comply with the following:</i></p> <ul style="list-style-type: none"> ▪ <i>Lot frontage (excluding rear lots) – 20m;</i> ▪ <i>Lot shape factor – 13m diameter circle;</i> ▪ <i>Vehicle crossing minimum to maximum.</i> <p>Lot 1 has a frontage of 20.1m. Lots 1 – 5 have been comprehensively designed and are unable to provide a 13m diameter circle. The shared vehicle access is 4m.</p>
15.4.2.4	Minimum width of vehicle access to rear lots	Discretionary	<p><i>Access to rear lots in the Residential Zone shall comply with the following minimum widths:</i></p> <ul style="list-style-type: none"> • <i>4-6 lots – 6m</i> <p>Lots 2-5 are rear lots and are proposed to be accessed through a shared accessway of 4m.</p>
15.4.2.6	Lot design	Discretionary	<i>Subdivision within the urban limits shall not create more than two rear lots.</i>

Rule #	Rule Name	Status of Activity	Comment
			The proposal is to create 4 rear lots.

Table 3: District Plan rule assessment.

As outlined in the table above, the application is deemed to be a Non-Complying Activity being the highest activity status indicated by failure to comply with the above rules.

3 STAFF COMMENTS

3.1 Development Engineering

Council’s Development Engineer, Ms Yu Hu, has reviewed the application and notes the following points:

Earthworks:

The site has a relatively flat topography and this subdivision does not propose earthworks of any significance. Some earthworks will be required for the construction of the access and establishment of the building platform. All appropriate erosion and sediment control measures will be implemented throughout the duration of the works.

Any potential effects associated with the earthworks and construction will be no more than minor. Therefore, no condition will be imposed.

Roading/ Access:

Taylor Street is considered as a collector road, having a posted speed limit of 40km/h with AADT of 2410 vehicles per day and 5.5% of heavy vehicles. The surrounding area is utilised for urban residential dwellings. Opposite the subject site is the Cambridge Green belt, which contains a lot of vehicle movements from the public.

Each dwelling is provided with one internal garage carpark and one in front of garage. The proposed houses are mostly three bedrooms. The manoeuvring curve is tight for Lot 4 and 5. This is solved by shortening the separating wall between two lots in section 92 response (Document Set ID: 10609025 Page 9). The additional lots will create an increase of approximately 50 vehicle movements per day. Since the proposal provides onsite manoeuvring and Taylor Street has a relatively low speed limit, the adverse effects on the traffic will be less than minor.

The existing vehicle crossing will not be used, and a new crossing has been proposed on the eastern side of the new subdivision. Right of Ways are also proposed for vehicles to access. Therefore, conditions on closing existing vehicle crossing permanently and constructing new vehicle crossing and Right of Way (easement included) will be imposed to suit this.

Water Supply:

The subject site is connected to the reticulated water network. As stated in the application: "A 100mm water main runs parallel to Taylor Street. A 20mm metered connection services the existing dwelling, this branches off the 100mm water main. A fire hydrant (Asset ID: 3421183) is located approximately 20m north-east of the site. In order to service the development a 63mm DN50 rider main shall be branched off the principal water main and positioned in the right of way. All dwellings will require a service pipe with an individual manifold box. A flushing valve will need to be installed at the end of the rider main." Existing water can be supplied for Lot 1 and another separate water connection for Lot 2-5 can also be done according to the site situation. Section 92 response updates the proposal: remain the connection for Lot 1 and create new connections for Lot 2-5. Conditions on separate water connections and easement will be imposed.

Wastewater:

There is no information (neither on Intramap nor on easement) showing the subject site is connected to any reticulated wastewater network.

According to the suitability assessment, dated 25 February 2021, by TITUS consulting engineers (Document Set ID: 10563218 Page 93), a new 150mm pipe connection is proposed to service the dwelling. A manhole is also proposed to be as a collection point prior to discharge to the 150mm wastewater main. Development engineering recommends another manhole shall be installed at the connection points with the public wastewater main. (Document Set ID: 10563218 Page 64). Notification and consent from neighbour - 6 Constance Place shall be required. Since the site constraints, private wastewater connection is recommended. Conditions on private wastewater network connections and easement will be imposed.

Stormwater:

No stormwater mitigation devices were noted to be servicing the existing dwelling. The site is not connected to any reticulated stormwater network although an existing 400mm stormwater pipe runs parallel to Taylor St and another 375mm stormwater pipe runs close to the western boundary on the adjacent lot, which basically collects stormwater runoff from the road via catch pit. According to the suitability assessment, dated 25 February 2021,

by TITUS consulting engineers (Document Set ID: 10563218 Page 93 to 96), 10 year ARI event shall be considered for primary and 100 year ARI for secondary. Climate change has been considered. Percolation rate of 750mm/hr has been achieved via the onsite testing. Water table was not found within 2m of the surface. A rock-filled trench or a proprietary crate system can be the option of the primary stormwater disposal. The overflow from the soakage trench will bubble up in the driveway which should be sloping towards the public road to enable flow to the nearby catch pit.

Stormwater from proposed Lot 6 and Lot 7 must be contained within the RoW. The condition has been imposed to suit this. However, development engineering would like to double check the impermeable surface area as roofing coverage shall be considered as impermeable surface. The updated plan clarifies that the impermeable areas within the whole lot including each lots' impermeable areas and RoW 6 and 7 are 866m² (Document Set ID: 10609025 Page 11 and 12). The easement to drain water (private) needs to be created.

Foundation:

The site is located within Cambridge township. The site is flat and in a regular shape. The suitability report does not provide a foundation design, an assessment needs to be done during the building consent stage. Conditions of future building foundation will be imposed. Since the proposed wastewater pipe is within the zone of influence of the proximity of the foundation of Lot 5, a consent notice will be imposed.

Ms Hu has suggested conditions to manage infrastructure, I concur with Ms Hu's comments and should consent be granted agree consent conditions can ensure the required infrastructure is provided.

3.2 Urban Design

The proposal has been reviewed by Senior Urban Designer (Beca Ltd), Sam Foster. Mr Foster provided the following summary comments:

- *The proposal generally represents a well-considered design response to provide compact housing in a location which has been identified for that purpose. The design of the proposal breaks the bulk and mass of the five dwellings across two buildings, which is similar to the bulk and massing seen on previously subdivided sites in the general area. The development is two stories, which while not the predominant height in the area, is not uncommon, with a number of dwellings (including the neighbouring site) being two storied. It is noted that the development meets the height and height in relation to boundary requirements of the plan.*

- *The design of the buildings ensures that the front unit provides a level of passive surveillance over Taylor Street and McKinnon Park, with glazing situated on the ground and upper floors. A range of materials are used to provide visual interest to the façade.*
- *More certainty of the outcome proposed could be established through the provision of a planting/landscape plan, which would identify the type, scale and location of the proposed planting. Ensuring the right plants are chosen and planted at the most appropriate size/time will enable planting to establish as quickly as possible, achieving the 'soften the boundaries' of the site as described in the application.*

Refer to the complete assessment for detailed comments. In response to the further information received, particularly the provision of the Landscape Plan, Mr Foster confirmed via email the Landscape Plan provides more certainty of outcome regarding softening of the built form, and suggested conditions of consent require a planting plan be completed and maintained in accordance with the plan submitted.

I agree with Mr Foster's comments and suggestions regarding conditions of consent.

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

4.2 Mandatory Public Notification - Section 95A(2) & (3)

Council must publicly notify the resource consent where:

- it has been requested by the applicant; or
- a further information request has not been complied with or the applicant refuses to provide the information pursuant to Section 95C; or
- the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(3).

4.3 Public notification precluded – Section 95A(5)

The application is not for a resource consent for one or more of the following:

- a) Controlled activity;
- b) A restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;

There are no rules a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

4.4 Public notification required in certain circumstances – Section 95A(8)

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 of this report for Council’s assessment of the effects.

4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

4.5.1 Permitted Baseline

All forms of subdivision within the District Plan require resource consent. Therefore, there are no subdivision activities permitted by the District Plan which can be considered with respect to the permitted baseline.

In relation to the land use consent required for the compact housing, the application includes a detailed assessment of the permitted baseline. In summary, this assessment noted that as a permitted activity, 40% of the overall site is able to be covered in buildings and structures, and

that the proposal will result in an overall built form of 44%, and on this basis, the general built form of the proposal is similar to what could be built as a permitted activity.

In my view, the permitted baseline applicable to this proposal relates to the ability for the site to accommodate two dwellings (Rule 2.4.1(c)), and the associated vehicle movements and activities associated with this use. In this regard, there are several other properties nearby and adjoining the subject site, where this has occurred, namely 111/111A Taylor Street, 61/59 Grosvenor Street, and 5A/5B Constance Place. These properties provide a helpful comparison to what could occur on the site as a permitted activity in terms of built form, acknowledging that the Taylor and Grosvenor Street examples are subdivisions, whereas Constance Place is a cross lease.

4.5.2 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in Table 4 and shown in Figure 8 below.

ID#	Street Address	Legal Description	Owner
1		Allot 23 Cambridge TN Belt (RT: 451548)	Waipa District Council
2	111 Taylor Street	Lot 1 DP 401666 (RT: 405169)	Adrienne Olsen
3	111A Taylor Street	Lot 2 DP 401666 (RT: 405170)	Robert Creasy
4	6 Constance Place	Lot 6 DPS 18568 (RT: SA17B/479)	Avril De Wet
5	5A Constance Place	FLAT 1 DPS 35374, Lot 5 DPS 18568 (RT: SA32C/184, SA32C/185)	Peter & Wendy Ferguson
6	5B Constance Place	FLAT 2 DPS 35374, Lot 5 DPS 18568 (RT: SA32C/184, SA32C/185)	Edward & Rosalina Kilbride
7	107 Taylor Street	Lot 1 DPS 947 (RT: SA1023/87)	Christopher & Helen James

Table 4: Properties excluded for purposes of public notification assessment



Figure 8: Adjacent properties map (Subject site highlighted in red)

No written approvals were provided with the application.

4.6 Assessment of Adverse Environmental Effects – Section 95D

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) any potential effect of high probability; and*

(f) *any potential effect of low probability which has a high potential impact.*

With the definition of 'effect' in mind, it is considered appropriate to further examine the effects of the proposed activity relating to character and amenity, effects on the roading network, infrastructure effects, and construction (temporary) effects. The assessment under each of these categories will address effects arising specifically from the various non-compliances identified for the proposed development, where appropriate. The critical environmental consideration is whether the overall scale and design of the development is appropriate for the site and receiving environment. In addition, where relevant, consideration will be given to specialist advice received, as outlined under Section 3 above.

A comprehensive assessment of effects is included in Section 5 of the application. This assessment builds on that assessment, and specifically addresses areas where a differing conclusion is reached.

4.6.1 Effects on character and amenity

The Act defines amenity values as *"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes"*. The Residential Zone accommodates the Districts urban areas and considers bulk, existing environment, density, noise and the relationship between private and public spaces. Collectively these elements form the character of the area. The amenity values of Cambridge are reflected in the various objectives, policies, and performance standards set out in the District Plan. Of key importance to this proposal is the Compact Housing Overlay which applies to the properties along Taylor Street (including the subject site) with frontage onto the Cambridge Town Belt. Specific rules in the District Plan set out the design outcomes for compact housing within the overlay. Importantly, Rule 2.4.2.43 requires compact housing to have a minimum area of 2,000m².

The development is unable to comply with the 2,000m² requirement set out in the District Plan, with the site being 1,012m². However, the proposal represents the use of a smaller site that is generally what is anticipated within the Compact Housing Overlay, in that it can be viewed as a scaled down version of what could occur on a 2,000m² site.

I note the urban design comments from Mr Foster in relation to the proposal being that the proposed building is generally in keeping with the scale of development within the area which is characterised by a range of single and two storey dwellings. However, those dwellings are typically distributed in typical residential zone density of one dwelling per 500m². Therefore, the introduction of proposed dwellings on sites ranging from 132m² to 189m², constitutes a

noticeable change to the existing character and amenity of the area, when compared to the existing environment and permitted baseline.

Despite this, the dwellings are comprehensively designed, and with the introduction of appropriate landscaping in accordance with the Landscape Plan provided, will assist in softening the built form in this location and contribute to an aesthetically pleasing appearance. I rely on urban design comments from Mr Foster in reaching this conclusion.

On this basis, I consider that while the proposal will result in noticeable changes to the existing residential environment, the adverse effects on character and amenity will be limited to the immediately adjoining properties, and as such the potential effects on the wider environment with regard to character and amenity will be no more than minor.

4.6.2 Effects on the roading network

Traffic and the effects on the roading network are an instrumental part of the District Plan direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs to ensure that the roading network can continue to function in a safe and efficient manner.

The proposed development will result in five household equivalent units (HEUs) which equates to approximately 50 vehicle movements. This results in approximately 40 additional vehicle movements, taking account of the existing dwelling and associated vehicle movements.

Council's Development Engineer, Ms Hu, has reviewed the proposal and considers the adverse effects to be less than minor, given the low speed environment of Taylor Street, and the ability for onsite manoeuvring to be provided. I agree and adopt Ms Hu's assessment and conclude that any adverse effects on the roading network as a result of this proposal will be less than minor.

4.6.3 Effects on Infrastructure

How and where infrastructure occurs is critical to the suitability of a subdivision and the resulting use of the area. The infrastructure required for the development in the Residential Zone includes water supply, stormwater disposal, wastewater disposal, power and telecommunication connections.

The application has provided an Engineering Assessment and Design Report prepared by TITUS Consulting Engineers (Appendix 4 of the application) which outlines the proposal for wastewater, water supply and stormwater disposal. This report confirms there is a workable design for each reticulation to ensure the development is serviced appropriately. The applicant has proposed

conditions requiring the ongoing maintenance and management of the infrastructure following development.

Council's Development Engineer, Ms Hu, has reviewed the Infrastructure Report and confirms the proposed infrastructure provision for the site is appropriate and will not result in adverse effects on the wider environment. Ms Hu notes this is subject to detailed design plans which can be submitted and managed via consent conditions, should consent be granted.

Overall, based on the technical reports provided with the application and Council's Development Engineering Team advice, it is my opinion that any adverse effects on infrastructure will be less than minor.

4.6.4 Construction Noise Effects

The movement of vehicles and machinery around the site during the earthworks and construction of the proposed buildings has the potential to generate excessive noise. The noise effects will be managed with good practice, and in particular to meet compliance with New Zealand Construction Noise standards. As the works are temporary in nature and given the separation distance to other properties located in the wider environment it is considered that these effects will not extend beyond the immediate environment.

On this basis, it is considered that any adverse effects relating to construction noise on the wider environment will be less than minor.

4.6.5 Summary of Effects

Overall, it is concluded that any adverse effects of the proposal will be no more than minor. On this basis the adverse effects are below the more than minor threshold and the proposal does not require public notification.

4.7 Special Circumstances – Section 95A(9)

Council must publicly notify an application if it considers that special circumstances exist. In effect, special circumstances 'trumps' other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and
- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

4.8 Summary of Public Notification Assessment

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is not considered that the proposal warrants public notification. For this reason, the application is required to be assessed pursuant to Section 95B for limited notification.

5 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION

Pursuant to Section 95B(1), where a consent authority decides that public notification is not required under Section 95A of the Act, an assessment is required to determine whether limited notification of an application is required.

5.1 Affected Customary Rights or Marine Title Groups – Section 95B(2)

The property subject to this consent is not within a protected customary rights group area or a customary marine title area as defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

5.2 Statutory Acknowledgment Area – Section 95B(3)

The property subject to this consent is not within an identified Statutory Acknowledgement Area or Deed of Recognition Area.

5.3 Limited Notification Precluded in Certain Circumstances – Section 95B(6)

There are no rules in a National Environmental Standard or in the District Plan relevant to this proposal that preclude limited notification.

The application is not a controlled activity requiring consent under the District Plan, and there are no circumstances relevant to this proposal that preclude limited notification.

5.4 Assessment of adversely affected persons - Section 95E

The adjacent parties have been set out in Table 4 and Figure 8 in Section 4.5 of this report. Figure 8 is reproduced below for ease of reference.



Figure 9: Parties potentially affected by the proposal

The following provides an assessment of the potential and actual adverse effects on the potentially affected persons and properties and the below assessments have been grouped accordingly to recognise where similar types or levels of effects are anticipated.

5.4.1 Property 1

This property is located to the north of the site and is comprised of McKinnon Park, being a Council owned recreational reserve. As such, the property does not contain any sensitive activities that could be impacted by the proposal. On this basis, the potential effects will be less than minor and limited notification is not warranted.

5.4.2 Properties 2, 3 and 7

Properties 2 and 3 are located immediately to the east of the subject site, while Property 7 is adjoining the western boundary of the site. Each property contains an existing dwelling.

Council's Development Engineer has confirmed that the development can be appropriately serviced in a manner that will not adversely affect these properties and that it will not compromise the safety of these properties' vehicle entrances, thus infrastructure and traffic safety effects on these properties are assessed as less than minor. Therefore, the potential adverse effects on these properties largely relate to the residential character and amenity effects from the basis that the resulting density is far greater than that forming the permitted baseline for the site.

It is noted that the application concludes that *as the District Plan supports higher density residential development within this area, meaning that although the development will look different to what is currently visible along Taylor Street, development of this nature has been anticipated, which in time will alter the existing amenity values attributed to the area.* Further, the application notes that the development complies with the height recession plan angles, and internal boundary setbacks requirements of the District Plan. The application therefore places a strong reliance on what *could* be built on the site in terms of bulk and location as a permitted activity. It is on this basis that the application concludes that adverse effects on these properties are less than minor.

Whilst I acknowledge the development has been designed to comply with the majority of the bulk and location standards of the District Plan (particularly the setback and height recession plane rules), the application consists of a compact housing development and associated subdivision, for which there is no permitted activity rule. Therefore, compliance with these rules is of relevance to mitigating effects such as privacy and visual effects, however, what *could* be constructed as of right (i.e., a permitted activity) does not mitigate effects on wider amenity values, specifically the characteristics and pleasantness of the area.

In terms of the intensity of residential use resulting from the proposal, it is noted that the proposal involves three 3 bedroom, and two 2 bedroom units, all of which are double bedrooms. Therefore, the total number of bedrooms proposed is 13. To compare this with a permitted development consisting of two dwellings on the site, would be a six bedroom dwelling and a seven bedroom dwelling, which, in my view is not a realistic outcome for this site. On this basis, the proposal represents an increase in intensity above what would be reasonably expected to occur on the site.

The site fails to meet the minimum area of 2,000m² under the Compact Housing Rule (2.4.2.43), by approximately half (being 1,012m²). Therefore, whilst the site is within the Compact Housing policy overlay, the intent of the policy overlay is clearly to enable compact housing in sites that are at least 2,000m² in area. Given the direction of the compact housing rule, the owner/occupiers of these properties could not have reasonably anticipated a development such as what is proposed, to occur on this site. For a compact housing development to occur on the

subject site in accordance with the intent of the compact housing rule (and overlay), an adjoining property or properties would need to form part of the site to meet the 2,000m² area requirement. Whilst this is not necessarily a fanciful activity, the likelihood of this occurring is considered to be low, with a number of variables all having to be agreed between the parties for this to occur, further reinforcing that the owner/occupiers of these properties would not reasonably expect a compact housing such as proposed, to occur at this location.

The proposal represents a development that is of a significantly higher density than what is existing on site. It is my opinion that due to the degree to which there will be substantial change to the amenity values associated with the current environment, that may lead to a loss of appreciation of the 'pleasantness' of the area. This leads to an overall assessment that the owners and occupiers of these properties will be affected by the proposal to a degree that is minor.

5.4.3 Property 4

Property 4 is located adjacent to the site, to the south and has access to Constance Place. The outdoor living area is located in the northern section of the property, with immediate views of the subject site. It is acknowledged that the proposed development has been designed to meet the internal setback and height recession plane requirements of the District Plan, thereby mitigating any daylight related effects. However, the reasons outlined above (Section 5.4.2) in relation to what the owners/occupiers of this property would reasonably expect to occur on the subject site, is considered to be relevant in considering adverse effects on this property.

In addition, as a result of the proposed wastewater design requiring an additional manhole on this property, an easement in favour of the Council will be required over this property. The physical works to construct the connection and manhole on this property, is considered to result in this property to be adversely affected by the proposal to a degree that is minor.

5.4.4 Properties 5 and 6

These properties abut the south western corner of the site and have access to Constance Place to the south. It is important to note that views of the subject site from these properties are obscured by the existing trees along the boundary. Further, there is an existing structure (garage) in the south western corner of the subject site. Therefore, noting that the proposed dwelling in this location can comply with the setback and daylight recession requirements, it is considered that any views and/or change to the subject site as a result of the proposal will be less than minor.

5.4.5 Summary of Assessment

Based on the above assessment, it is my opinion that there are varying degrees of effects on properties depending on their proximity to the subject site. Traffic safety effects have been assessed as being appropriate, however effects relating to infrastructure on Property 4, and amenity effects on Properties 2, 3 and 7 are found to be overall at least minor in nature.

5.5 Special Circumstances – Section 95B(10)

Council must limited notify an application, to any other persons not already determined to be eligible for limited notification, if it considers that special circumstances exist in relation to the application.

Special circumstances have been defined as circumstances that are exceptional, abnormal or unusual but may be less than extraordinary or unique. Special circumstances provide a mechanism for limited notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

In this instance, the proposal is not considered to have exceptional, abnormal, or unusual circumstances warranting limited notification.

5.6 Summary of Limited Notification Assessment

Pursuant to Section 95B, the application has been assessed to determine if limited notification is required. In this instance, and for the reasons outlined in Sections 5.1 to 5.5 above, it is considered that the proposal warrants limited notification. The following properties are assessed as being affected at least in a minor way, and limited notification is required:

- 111 Taylor Street Lot 1 DP 401666 (RT: 405169) Adrienne Olsen
- 111A Taylor Street Lot 2 DP 401666 (RT: 405170) Robert Creasy
- 6 Constance Place Lot 6 DPS 18568 (RT: SA17B/479) Avril De Wet
- 107 Taylor Street Lot 1 DPS 947 (RT: SA1023/87) Christopher & Helen James

6 SECTION 95 A & B NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

Pursuant to Section 95 A & B application SP/0028/21 & LU/0040/21 for a Non-Complying Activity shall proceed on a **Limited Notified** basis for the reasons outlined in this report.

Reporting Officer:



Tim Wilson
Consultant Senior Planner
Dated: 27 May 2021

Approved By:



Quentin Budd
Consents Team Leader
Dated: 28th May 2021