

REGULATORY HEARING REPORT



To: Hearings Panel
From: Tim Wilson – Consultant Planner
Subject: **Subdivide one lot into five in conjunction with landuse consent for compact housing development**
Meeting Date: 19 August 2021
File Reference: SP/0028/21 & LU/0040/21

APPLICANT:	WJ Hodges, WD Hodges
AGENT:	Barkers & Associates Limited
PROPERTY ADDRESS:	109 Taylor Street, Cambridge 3434
LEGAL DESCRIPTION:	LOT 2 DPS 947 (RT: SA62D/729)
SITE AREA:	1,012m ²
ACTIVITY STATUS:	Non-Complying
ZONING:	Residential Zone
POLICY AREA(S):	Compact Housing Area
DESIGNATION(S):	Nil
PROPOSAL:	Subdivide one lot into five in conjunction with LU/0040/21 for Compact Housing Development

1 INTRODUCTION

1.1 WJ & WD Hodges ('the Applicant') have applied for a concurrent subdivision and landuse consent to undertake a five lot compact housing development at 109 Taylor Street, Cambridge. A site location map is included in Appendix 1. A copy of the application for resource consent is attached to this report as Appendix 2.

- 1.2 The site to which this application relates is a residential property with frontage onto the Cambridge Town Belt, to the south of Cambridge High School and directly adjoining McKinnon Park to the north. A detailed site description is included in Section 2 of this report.
- 1.3 The application is assessed as a Non-Complying Activity under the provisions of the Operative Waipa District Plan ('District Plan'). An assessment of the relevant rules is provided in Section 3 of this report.
- 1.4 The application was lodged on the 26 February 2021, and an extension of time was applied under s37A(4)(b)(i) of the Resource Management Act 1991 ('the Act') due to Special Circumstances, for an additional 10 working days.
- 1.5 A request for further information was issued pursuant to s92(1) of the Act on the 24 March 2021 (Appendix 3 to this report). The information requested, related to the following:
- 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.
- 1.6 A response to the s92(1) request was received as adequate on the 17 May 2021, and is contained in Appendix 3.
- 1.7 A notification assessment was completed for the application under sections 95 to 95G of the Act. That assessment determined the adjacent properties may be affected, at least in a minor way. The application therefore proceeded to limited notification to a total of four parties. No written approvals were provided. A copy of the Council's Notification Report is attached to this report in Appendix 4. A total of two submissions in opposition were received. A copy of each submission is included in Appendix 5.
- 1.8 The application has been referred to the Hearings Panel as the planning staff do not have delegated authority to make a decision on notified applications where submissions have been lodged in opposition.

2 THE SITE

- 2.1 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.
- 2.2 The site is located within the Residential Zone of the 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.
- 2.3 Adjoining properties to the south, east and west are residential in nature and are similar in size to the subject site. 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 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 and 2 for aerial photographs of the site and Council’s Planning Maps.



FIGURE 1: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS

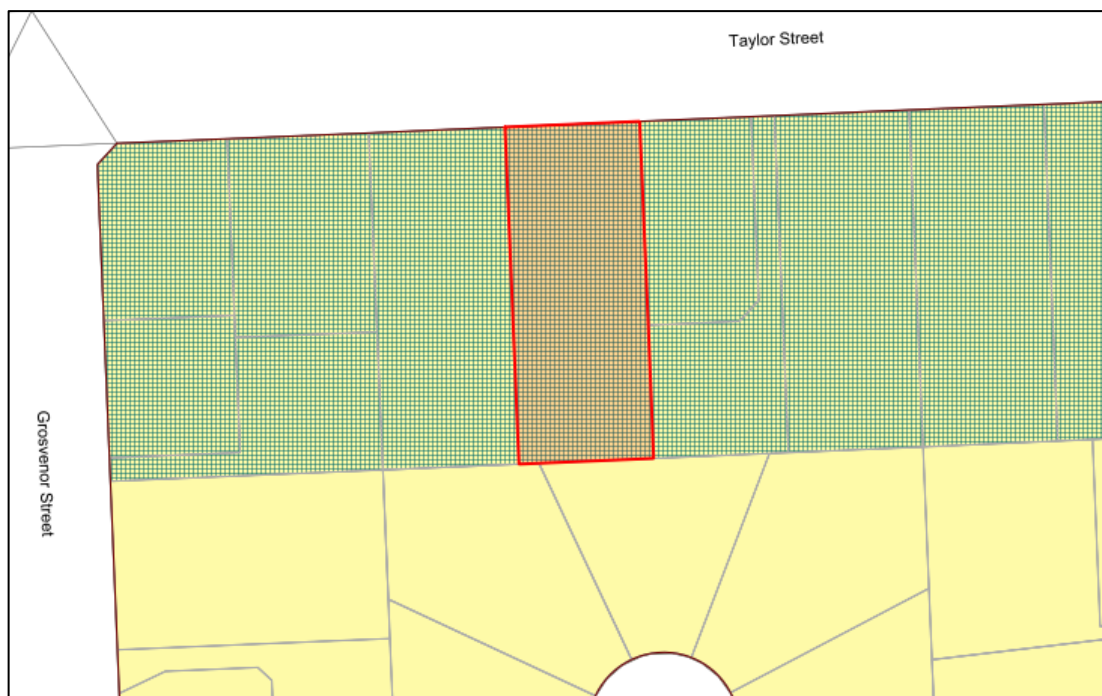


FIGURE 2: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS

3 THE PROPOSAL

3.1 Pursuant to Section 88 of the Act, the Applicant has applied for a concurrent subdivision and land use consent to undertake a five 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.

SUBDIVISION

3.2 The application seeks to subdivide the site into five lots and two access lots. The lots range in size from 132m² to 189m². Easements are proposed to provide servicing for electricity, telecommunications, water supply, drainage of wastewater and stormwater. The proposed lots to be created are listed below in Table 1 and illustrated in Figure 3 below.

TABLE 1: PROPOSED LOT SIZES

Lot Reference	Size
1	189m ²
2	132m ²
3	155m ²

Lot Reference	Size
4	142m ²
5	148m ²
6 (access lot)	106m ²
7 (access lot)	140m ²

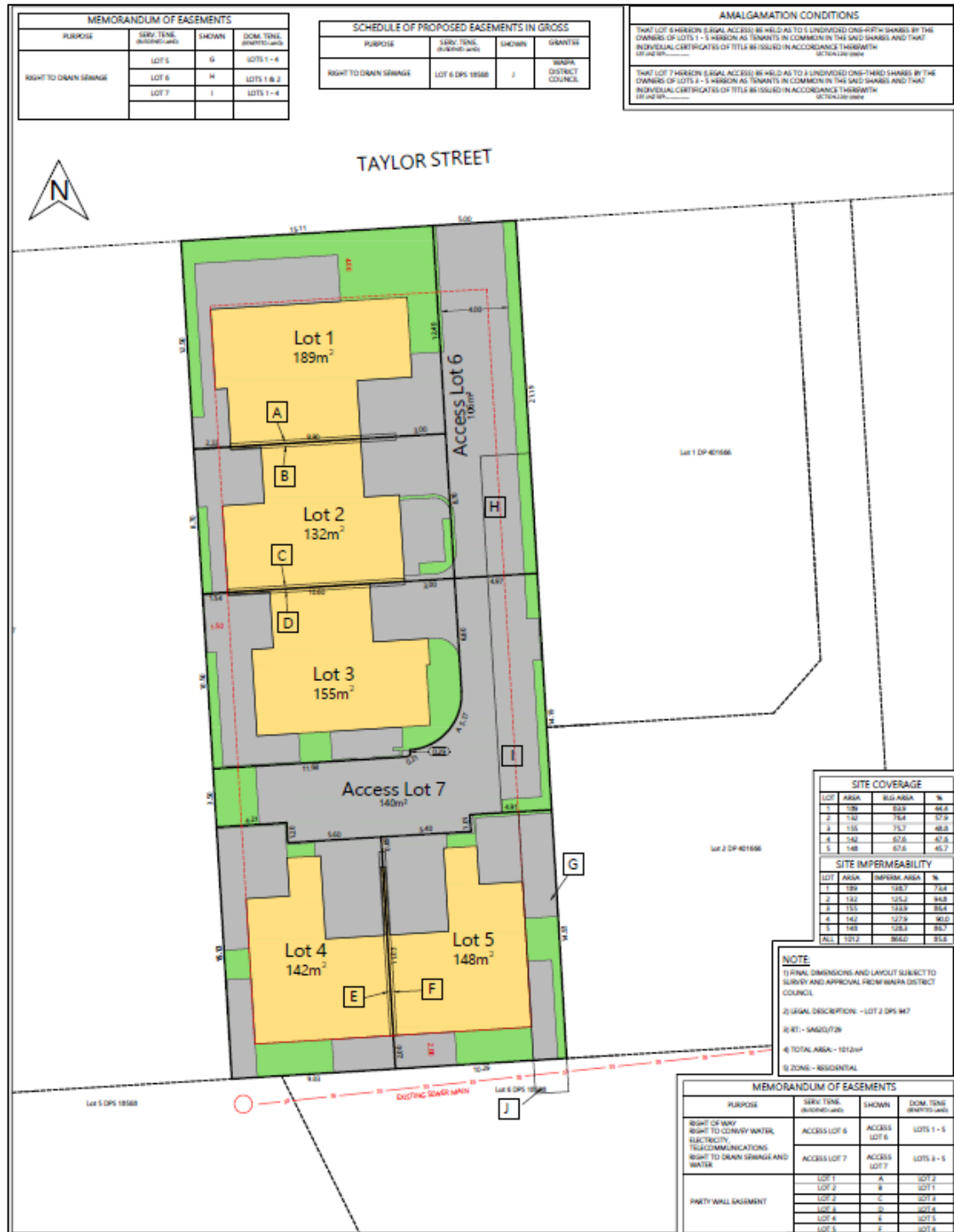


FIGURE 3: PROPOSED SCHEME PLAN

- 3.3 The following sets out the proposed infrastructure arrangements for the proposed lots.

TRANSPORTATION

- 3.4 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

- 3.5 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

- 3.6 An existing 150mm wastewater main runs along the southern boundary of the site, within 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

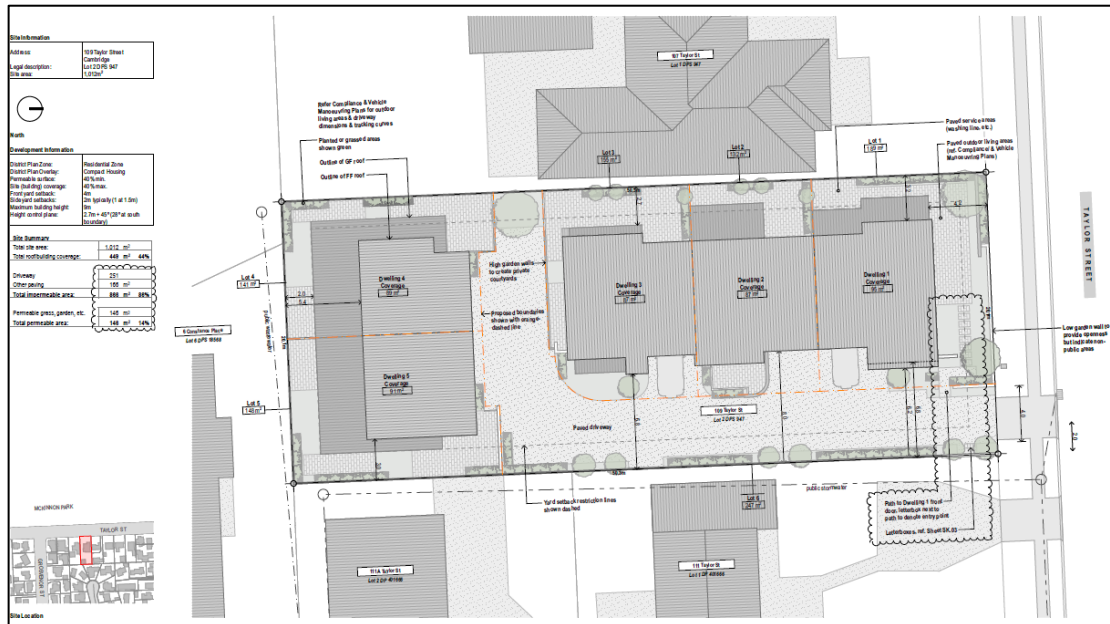
- 3.7 The site is connected to the reticulated water network. The application proposes to retain the existing connection for Lot 1 and create new connections for Lots 2-5.

ELECTRICITY AND TELECOMMUNICATIONS

- 3.8 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.

LAND USE CONSENT – COMPACT HOUSING

- 3.9 The proposal involves the establishment of five dwellings each with their own title. The dwellings are proposed to be two storey, 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, a single garage, and outdoor living area. Figure 4 below presents the site plan and following on, Figures 5 and 6 the perspectives of the proposal.



- 3.10 The dwellings are proposed to be terraced duplexes, consisting of two and three-bedroom dwellings that have been comprehensively designed by Christopher Beer Architect Limited. The dwellings are summarised below:

TABLE 2: DWELLING BREAKDOWN

Lot Reference	Size	Dwelling Size	Bedrooms
1	189m ²	84m ²	3
2	132m ²	76m ²	3
3	155m ²	76m ²	3
4	142m ²	67m ²	2
5	148m ²	67m ²	2



FIGURE 5: PERSPECTIVE OF THE SITE FROM TAYLOR STREET



FIGURE 6: PERSPECTIVE OF THE ACCESS TO THE SITE ALONG THE EASTERN BOUNDARY

- 3.11 It is important to note that the buildings comply with the internal setback requirements, and the height in relation to boundary requirements (daylighting) of the District Plan. The maximum height of the buildings is 5.9m, which complies with the District Plan requirement of 10m for sites within the Compact Housing Area. The proposal fails to comply with the minimum permeable surface requirement of 30% Rule 2.4.2.43 of the District Plan.
- 3.12 A detailed assessment of the District Plan rules is included in the Notification Report (Appendix 4). The following provides an assessment of those rules with which the proposal is non-compliant.

Rule #	Rule Name	Status of Activity	Comment
Section 2 - Residential Zone			
2.4.1.3(b)	Activity Status Table	Restricted Discretionary	<p><i>Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps...</i></p> <p>This rule provides for compact housing of seven or more dwellings within the compact housing overlay. However, the proposal involves five dwellings.</p>
2.4.2.43	Compact Housing	Discretionary	<p><i>Compact housing within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the requirements of Rule 2.4.2.43 (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:</p> <p>Lot 1 = 26.6%</p> <p>Lot 2 = 5.2%</p> <p>Lot 3 = 13.6%</p> <p>Lot 4 = 10%</p> <p>Lot 5 = 13.3%</p> <p>The total permeable area for the site is 14%.</p>
Section 15 – Infrastructure, hazards, Development and Subdivision			
15.4.1.1	Activity status Table	Non-Complying	<p>There is no applicable rule in the Activity Status Table that applies to this application. The Activity Status Table states that “<i>For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.</i>” Therefore, the application</p>

Rule #	Rule Name	Status of Activity	Comment
			defaults to a Non-Complying Activity under this provision.
15.4.2.1	Net Lot Area Rules	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	<p><i>Subdivision within the urban limits shall not create more than two rear lots.</i></p> <p>The proposal is to create 4 rear lots.</p>

3.13 In summary, the application has determined the development does not comply with a number of District Plan provisions, resulting in a Non-Complying activity status. My assessment also concludes that the proposal falls for consideration as a Non-Complying activity.

4 NGA IWI TOOPU O WAIPA (NITOW) CONSULTATION

4.1 NITOW have advised that they have no concerns about the application.

5 SUMMARY OF NOTIFICATION ASSESSMENT

5.1 A notification assessment was completed under Sections 95A to 95F of the Act. The notification assessment is included as Appendix 4, and summarised as follows:

- The information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification;
- The applicant did not request that the application be publicly notified and there are no rules in the District Plan relevant to this proposal that require that the application must be notified;
- There are no rules in the District Plan relevant to this proposal that preclude public or limited notification;
- While the application does not include a permitted baseline assessment, the site could accommodate up to two dwellings as a permitted activity;
- No written approvals were provided with the application;
- The assessment of effects considered the proposal with regard to:
 - Residential Character and Amenity;
 - Rooding Network;
 - Infrastructure; and
 - Construction effects.
- The adverse effects were assessed to be below the ‘more than minor’ threshold and the proposal could be considered without the need for public notification.
- There are no special circumstances that warrant public notification.
- The property subject to this consent is not within, adjacent to, or directly affected by a statutory acknowledgment area.
- Pursuant to Section 95B, it was considered that the proposal warrants limited notification to the following parties and properties:
 - 111 Taylor Street Adrienne Olsen
 - 111A Taylor Street Robert Creasy
 - 6 Constance Place Avril De Wet
 - 107 Taylor Street Christopher & Helen James

5.2 The application proceeded to limited notification, with a closing date for submissions to be received by the 6 July 2021.

SUBMISSIONS

5.3 Two submissions were received during the statutory submission period, from Adrienne Olsen (111 Taylor Street), and Christopher & Helen James (107 Taylor Street). Both

submissions were in opposition and sought to be heard. A copy of the submissions are attached as Appendix 5.

5.4 The submissions raised the following matters:

- Property values;
- Residential amenity (loss of privacy and shading, fence design);
- Infrastructure effects (pressure on infrastructure, and additional stormwater runoff leading to surface flooding); and
- Failure to comply with the District Plan and Compact Housing Overlay provisions.

5.5 In terms of property value and the potential for the proposal to devalue the submitter's properties, case law has established that effects on property values are not a relevant consideration in making a decision on a resource consent. The effects from the proposal on property values are therefore beyond the scope of legislation and the jurisdiction of the Hearings Panel. This matter is therefore not discussed further. The remaining matters identified above are discussed in Section 8 below.

6 OFFICER COMMENTS

DEVELOPMENT ENGINEER

6.1.1. Council's Development Engineer, Ms Yu Hu, has recommended a number of conditions of consent relating to provision of infrastructure. The conditions generally relate to closing the existing vehicle crossing, and construction of a new vehicle crossing, provision of water supply and wastewater connection, disposal of stormwater, and building suitability.

6.1.2. I agree with the conclusions reached by Ms Hu, and should the Hearings Panel grant the proposal, suggested conditions of consent are included as Appendix 6.

URBAN DESIGN

6.1.3. Council's Urban Design Consultant (Beca Ltd), Mr Sam Foster, has reviewed the application and provided urban design comments, which are summarised in the following points in relation to key urban design matters:

Context and character

- *The proposed dwellings are generally in keeping with the scale of development within the area. The 5 units are broken into two building footprints, which is not dissimilar to the eastern side which has been subdivided and contains a large two storey house and a smaller single storey dwelling with a detached garage. A number of two storey dwellings are located in the general area, including the adjacent site to the east and houses on Grosvenor Street and Constance Place.*
- *The district plan anticipates “compact housing” to be located in the area, with the denotation of the compact housing overlay. Chapter 2 Residential Zone, considers that this will include terrace houses and duplexes where these are comprehensively designed and address effects on neighbouring properties. The National Policy Statement on Urban Development directs councils that development in areas identified for intensification in RMA documents may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and are not, of themselves, an adverse effect. The proposal includes a duplex and a terraced house and is therefore in keeping with the typologies anticipated in the compact housing area.*

Street relationship and appearance

- *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.*

Amenity

- *It is considered that the proposed design will contribute to streetscape amenity through low level landscaping, and the use of a range of building materials to articulate the front façade.*

- *The introduction of five dwelling units will increase the intensity of use on the site, potentially increasing the level of activity and associated noise on the site. All dwellings are however proposed to be used for residential purposes, and therefore will be in keeping with the activities anticipated in the residential zone.*
- *The two-storey design may impact on the privacy of the adjoining dwelling on the western side, however two storey development is anticipated in the zone and is not uncommon in the general vicinity.*

District Plan

- *The district plan anticipates compact housing being provided on sites larger than 2,000m² to ensure that developments are comprehensively developed. The proposed site is approximately half the size anticipated by the plan (1012m²), however represents the use of a smaller site within the compact housing overlay, in a manner that is consistent with the intended outcome of the district plan which is to provide a range of housing options and assist in reducing the effects of urban sprawl where development is consistent with the bulk and height of development within the neighbourhood. While two storey development is not predominant in the neighbourhood, the immediately adjacent site is, as are some of the dwellings in the general area. It is therefore considered that the proposal is generally consistent with the surrounding area in terms of height and bulk. The units are split into two buildings breaking up the mass of the built form. The buildings are visually broken up using different materials and variation of the depth of the elevation.*

6.1.4. I agree with the above comments and have taken them into account in assessing the adverse effects of the proposal (Section 8 below), and its consistency against the relevant planning documents (Sections 9, 10 and 11 below).

7 SECTION 104 ASSESSMENT

7.1 A consent authority must have regard to a number of matters under Section 104 of the Act when making a decision on an application for resource consent. Those matters include:

- The actual and potential effects of an activity on the environment (section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
- Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any

adverse environmental effects that may or will result from the activity (section 104(1)(ab));

- The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (section 104(1)(b)); and
- Any other matter the consent authority determines relevant and reasonably necessary to determine the application (section 104(1)(c)).

7.2 The following provides my assessment of all relevant matters under Section 104.

8 ASSESSMENT OF ENVIRONMENTAL EFFECTS (SECTION 104(1)(A))

8.1 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.*

8.2 With the above definition in mind, and the assessment of adverse effects in the approved notification report, which is also relevant for the purposes of the assessment required under Section 104(1)(a), the actual and potential effects of the proposed activity requiring further examination relate to those matters raised in submissions. These matters are:

- Residential Amenity (including privacy, local character and appearance, and density);
- Traffic (increased volume and parking);
- Construction effects; and
- Infrastructure effects.

RESIDENTIAL AMENITY EFFECTS

- 8.3 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 District’s 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.
- 8.4 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 Area 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.
- 8.5 The Application has considered the existing character of the area, and subsequently designed the proposed development to assist in integrating the development with the surrounding environment. The Application notes “... *we can conclude from the above referenced provisions is that the development at the density proposed is not out of character with the environmental outcomes anticipated within the Residential Zone, in close proximity to a public reserve*” (Page 15 of the application).
- 8.6 With regard to residential character and amenity effects, the following matters have been raised by submitters, and are subsequently discussed in further detail:
- Loss of privacy and shading;
 - Change of local character and appearance; and
 - Density of development.

Loss of privacy and shading

- 8.7 Both submissions raise concerns relating to the potential loss of privacy and shading as a result of the two storey dwellings. In terms of loss of privacy, the Application notes the proposal is of a high quality and architecturally designed to minimise potential for privacy effects. I agree, and also note that the number of windows is typical and generally consistent with what could occur as a permitted development. Specifically noting that the proposed buildings comply with the internal setback and height in relation to boundary requirements of the District Plan. Furthermore, two-storey dwellings are anticipated by the District Plan and are not uncommon in the area.

Therefore, while there may be a perceived ‘loss’ of privacy, there is no increased loss of privacy as a result of the two-storey dwellings.

- 8.8 In terms of the ground floor loss of privacy, there is existing vegetation to the rear of the site (to the west) that will effectively screen the proposed ground floor from the proposed rear lot (Lot 4). The Applicant’s agent has confirmed via email, dated 15 July 2021, that a 1.8m high impermeable fence will be constructed along the internal boundaries of the site, with a higher fence as an option, if the adjoining landowners/occupiers agree. I expect this matter to be discussed in further detail at the hearing.
- 8.9 It is also noted that Council’s Urban Design Consultant, Mr Foster, commented on privacy loss as a part of his assessment, noting *“the two-storey design may impact on the privacy of the adjoining dwelling on the western side, however two storey development is anticipated in the zone and is not uncommon in the general vicinity.”*
- 8.10 Taking the above into account, it is my opinion that the development does not give rise to loss of privacy effects that are more than what is anticipated in the Residential Zone and will result in a minimal potential loss of privacy that can be appropriately mitigated via the construction of new 1.8m fencing along the internal site boundaries.

Change of local character and appearance

- 8.11 Maintaining residential character and amenity whilst providing for appropriate development is an important outcome of the District Plan and requires careful consideration. Both submitters raised that the proposal would change the local character and appearance of Taylor Street.
- 8.12 The proposal represents a change to the local residential character and amenity in that the site will change from a single dwelling to a compact housing development consisting of five terraced dwellings across two buildings. In my view, this type of development is an outcome anticipated in the Residential Zone, particularly within the Compact Housing Overlay (which the site is subject to) which seeks to promote intensification in areas close to public open spaces, such as McKinnon Park. Council’s Urban Design Consultant, Mr Foster, commented on this matter as follows:

“The proposed dwellings are generally in keeping with the scale of development within the area. The 5 units are broken into two building footprints, which is not dissimilar to the eastern side which has been subdivided and contains a large two storey house and a smaller single storey dwelling with a detached garage. A number of two storey

dwellings are located in the general area, including the adjacent site to the east and houses on Grosvenor Street and Constance Place.”

- 8.13 Overall, Mr Foster concludes that *“the proposal generally represents a well-considered design response to provide compact housing in a location which has been identified for that purpose.”*
- 8.14 It is also noted that the Applicant has provided a Landscape Plan to demonstrate how the proposed landscaping will ‘soften the boundaries’ of the site when viewed from Taylor Street, as well as internal planting to break up the built form. On review of the Landscape Plan, it is my opinion that the proposed landscaping will assist in maintaining overall character and amenity of the site and the surrounding area.
- 8.15 Based on the clear direction of the District Plan, the comments provided by Mr Foster, and my assessment, it is my conclusion that the proposal has been designed to appropriately take into account, the local character and amenity of the area. On this basis, the resulting effects of the development are considered acceptable.

Density of development

- 8.16 The submitters have raised increased density of the development and the consequential effects. The submitters also raise that the site is approximately half the size anticipated by the Compact Housing Development Rule (#2.4.2.43) of the District Plan which requires a minimum of 2,000m². As outlined above, the proposal increases the density from one dwelling on the site, to five. This will result in increased traffic, noise and rubbish.
- 8.17 In terms of the site failing to meet the 2,000m² minimum area of Rule 2.4.2.43, it is important to note that this failure results in the proposal being considered as a Discretionary Activity, rather than as a Restricted Discretionary should the proposal meet the other matters within the rule. This Discretionary Activity status indicates that the District Plan contemplates compact housing that may not meet the Restricted Discretionary Activity requirement. If a more stringent activity status such as Non-Complying, were applied to proposals that did not meet the minimum area, would set a clear direction that those proposals are inconsistent, or not anticipated, by the District Plan.
- 8.18 Whilst the proposal will increase the density of dwellings, that increase is anticipated in some shape or form by the Compact Housing Area overlay that applies to the site. In considering a ‘scaled down’ compact housing development, Mr Foster notes:

“The district plan anticipates compact housing being provided on sites larger than 2,000m² to ensure that developments are comprehensively developed. The proposed site is approximately half the size anticipated by the plan (1,012m²), however represents the use of a smaller site within the compact housing overlay, in a manner that is consistent with the intended outcome of the district plan which is to provide a range of housing options and assist in reducing the effects of urban sprawl where development is consistent with the bulk and height of development within the neighbourhood. While two storey development is not predominant in the neighbourhood, the immediately adjacent site is, as are some of dwellings in the general area. It is therefore considered that the proposal is generally consistent with the surrounding area in terms of height and bulk. The units are split into two buildings breaking up the mass of the built form. The buildings are visually broken up using different materials and variation of the depth of the elevation.”

- 8.19 Taking the above into account, it is my opinion that whilst the proposal represents an increase in density, the resulting effects align with the outcomes sought by the Compact Housing Area overlay, particularly the outcomes to promote intensification in areas near public open spaces. On this basis, I consider the proposed effects in relation to character and amenity to be acceptable.

ROADING AND TRAFFIC EFFECTS

- 8.20 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.
- 8.21 As set out in the Notification Assessment, 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.
- 8.22 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.
- 8.23 In terms of submitters concerns, traffic issues are raised, but no specific matters are identified. In the absence of further details on traffic issues, I have relied on the advice from Ms Hu, and subject to conditions of consent regarding design and construction of the entrance, it is my conclusion that the adverse effects of the development on roading and traffic can be suitably mitigated to an acceptable level.

CONSTRUCTION EFFECTS

- 8.24 The movement of vehicles and machinery around the site during the earthworks and construction of the proposed buildings has the potential to generate noise, dust, traffic, and vibration effects. The Application notes that these effects will be consistent with temporary effects associated with residential development and can comply with relevant noise and vibration standards of the District Plan.
- 8.25 Given the construction works, which will be undertaken during normal work hours are temporary and subject to the relevant provisions of the District Plan, it is considered that any adverse effects relating to construction, are acceptable.

EFFECTS ON INFRASTRUCTURE

- 8.26 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.
- 8.27 The application has provided an Engineering Assessment and Design Report prepared by TITUS Consulting Engineers (Appendix 4 of the application contained as Appendix 2 to this report) which outlines the proposal for wastewater, water supply and stormwater disposal. This report confirms there is a workable design for each service to ensure the development is serviced appropriately. The applicant has proposed conditions requiring the ongoing maintenance and management of the infrastructure following development.
- 8.28 The submitters have raised concerns regarding flooding as a result of the road catchpit overflowing. The submission from the landowners of 107 Taylor Street notes that previous flooding from Taylor Street has led to flooding of their garage, and that the proposal will only exacerbate the potential for flooding to occur as a result of the non-compliance with the minimum permeable surface requirement of the District Plan.
- 8.29 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. In relation to stormwater runoff from the proposal, Ms Hu has considered the submissions received and provided the following comment:

"Regarding permeability of site, 14% of permeability is a breach to the district plan however TITUS consulting engineers did a stormwater assessment and design based on impermeable area of 866m², at the rate of 86%. Stormwater devices designed can

manage 10 ARI 10min to 72hrs event. Climate change 2.1 degrees warming is considered in the design. This is satisfied with RITS 4.2.4. The adopted soakage rate is 750mm/hr, which indicates that stormwater on-site can be effectively managed via soakage measures. The stormwater runoff from impermeable surface has been designed to be routed via the soakage trench, the overflow from these devices shall discharge via a bubble up at driveway and flow to the public road. A catch pit is by the proposed driveway in the road corridor to catch the 100-yr ARI event. Therefore, the design complies with RITS and NZBC E1 standards and will not affect neighbouring properties.”

- 8.30 Overall, based on the technical reports provided with the application and Council’s Development Engineering Team advice, it is my opinion that, subject to conditions of consent regarding detailed design and construction, the adverse effects of the development on infrastructure are acceptable.

POSITIVE EFFECTS

- 8.31 Section 104 of the Act provides for the consideration of the benefits and positive effects of an activity. The Application includes an assessment of positive effects that may result from the proposal being granted. These relate to the provision of higher density residential dwellings represents a positive outcome for the site and wider area.
- 8.32 I agree in that the proposal will provide alternative housing options within Cambridge, along with job opportunities during the construction phase.

SUMMARY OF EFFECTS ASSESSMENT

- 8.33 As set out in the above assessment and having regard to the technical information provided in support of the application that has been reviewed by Council staff and Council’s Urban Design Consultant, I am satisfied that the effects of the activity can be appropriately avoided, remedied or mitigated to an acceptable level.

9 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT (SECTION 104(1)(B))

- 9.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in Section 2 – Residential Zone, Section 15 – Infrastructure, Hazards, Development and Subdivision and Section 16 – Transportation.

9.2 The applicant's agent has provided an assessment of the relevant objectives and policies in Section 9 of the application. In addition to that assessment, the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

9.3 The objectives and policies of the District Plan relevant to this application are identified as follows, along with my comments. Residential objectives and policies are as follows:

SECTION 2 – RESIDENTIAL ZONE

Objective – Key elements of residential character

2.3.1 *To maintain and enhance the existing elements of the Residential Zone that gives each town its own character.*

Policy - Cambridge

2.3.1.1 *To maintain and enhance Cambridge's character by:*

- a) *Maintaining the grid layout that provides long vistas down roads; and*
- b) *Providing for wide grassed road verges that enable sufficient space for mature trees; and*
- c) *Maximizing opportunities to provide public access to the town belt; and*
- d) *Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and*
- e) *Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and*
- f) *Maintaining the mix of villa, cottage and bungalow type housing within the identified character clusters.*

9.3.1. The intent of the above objective and policies is to ensure that development retains the localised character of the towns and villages within the District. In that regard, the proposed development has been designed to be consistent with the residential character of the area in terms of built form and landscaping. Council's Urban Design Consultant supports this position.

Objective – Neighbourhood amenity and safety

2.3.2 *To maintain amenity values and enhance safety in the Residential Zone.*

Policy - Building setback: road boundary

- 2.3.2.1 *All buildings shall be designed and setback from roads in a manner which:*
- a) *Maintains the predominant building setback within the neighbourhood except in relation to compact housing areas and Neighbourhood and Local Centres; and*
 - b) *Allows sufficient space for the establishment of gardens and mature trees on the site except in compact housing areas; and*
 - c) *Accentuates the dwelling on the site; and*
 - d) *Provides for passive surveillance to roads and avoids windowless walls to the street.*

Policies - Building setback: side boundaries

- 2.3.2.3 *To maintain spaciousness when viewed from the road, provide opportunities for planting, provide a degree of privacy, maintain sunlight and daylight, provide ongoing access to the rear of the site and enable building maintenance from within the site by maintaining a consistent setback between buildings on different sites.*

Policy - Height of buildings

- 2.3.2.5 *The height of new buildings shall not be out of character with the Residential Zone. For developments within the compact housing area identified on the Planning Maps this policy applies at the boundary of the site.*

Policies - Site coverage and permeable surfaces

- 2.3.2.6 *To ensure that all sites have sufficient open space to provide for landscaping, outdoor activities, storage, on-site stormwater disposal, parking, and vehicle manoeuvring by maintaining a maximum site coverage requirement for buildings in the Residential Zone.*

Policy - Maintaining low ambient noise environment

- 2.3.2.9 *To ensure that noise emissions and vibration from all activities, including construction, are consistent with the low ambient noise environment anticipated in the Residential Zone.*

Policies – Safety and design

- 2.3.2.19 *To enhance the safety of residential neighbourhoods through site layouts and building designs that incorporate Crime Prevention through Environmental Design (CPTED) principles.*
- 2.3.2.20 *To ensure that passive surveillance is provided to roads, reserves and walkways.*

9.3.2. The above objective and policies generally set out the matters that are considered to influence the amenity of the Residential Zone. As set out throughout this report as well as the Notification Assessment, the proposal is able to comply with the setback and bulk and location requirements of the District Plan and can therefore generally meet the direction and outcomes established by the above objectives and policies. In addition, to further mitigate potential for loss of privacy, a new 1.8m fence is proposed along the internal boundaries. Passive surveillance has been provided, as confirmed by Council's Urban Design Consultant.

Objective – Onsite amenity values

2.3.3 *To maintain and enhance amenity values within and around dwellings and sites in the Residential Zone through the location, layout and design of dwellings and buildings.*

Policies – Building setback from rear and side boundaries

2.3.3.1 *Buildings should be setback from rear boundaries in order to provide for the privacy of adjoining properties and not to overly dominate outdoor living areas on adjoining sites.*

2.3.3.2 *To enable the construction of buildings up to and on rear and side boundaries in circumstances where there is no loss of privacy, sunlight or daylight or noise effects on adjoining properties or such effects are mitigated, and where sufficient area is maintained onsite for outdoor living and the building does not unduly dominate outdoor living areas on adjoining sites.*

Policy – Daylight

2.3.3.3 *To maintain adequate daylight and enable opportunities for passive solar gain by providing for the progressive reduction in the height of buildings the closer they are located to a boundary (except a road boundary).*

9.3.3. The above objective and policies seek to maintain and enhance amenity values in the Residential Zone through the controlling building setbacks, length, daylight considerations and outdoor living area placement. As set out above, the application has considered the above matters and been designed to comply with the relevant setback, daylight controls and mitigated the potential for privacy concerns.

Objective - Providing housing options

2.3.4 *To enable a wide range of housing options in Cambridge. Te Awamutu, Kihikihi and Karapiro in a way that is consistent with the key elements of the character of each place.*

Policy - Sustainable and efficient use of land

2.3.4.1 *To meet changing housing needs and to reduce demand for further land to be rezoned, by providing for a range of housing options. Developments that are comprehensively designed where spaces can be shared will be preferred.*

Policy – Compact housing

2.3.4.5 *To enable compact housing in the following locations:*

- a) *Areas identified for compact housing on the planning maps or an approved structure plan; or*
- b) *Where the intensive use is off-set by adjoining an area zoned for reserves purposes on the planning maps that is greater than 1000m², including the Cambridge town belt; or*
- c) *Within a 400m radius of a Commercial Zone; or*
- d) *Compact housing will be supported where it is consistent with compact housing provided on neighbouring land.*

Provided that:

- i. *In all cases compact housing shall be comprehensively designed and shall incorporate the sustainable design and layout principles (Section 21); and*
- ii. *At the boundaries of the site, compact housing shall be consistent with the predominant height and bulk of development in the neighbourhood; and*
- iii. *Sites which adjoin a cul-de-sac should be avoided.*

9.3.4. The above objective and policies seek to enable compact housing, where appropriate and to ensure that compact housing is comprehensively designed. The site is subject to the Compact Housing Area overlay of the District Plan, which provides a clear indication that compact housing is anticipated by the Council to occur in this location. Whilst the site size does not meet the minimum required by the District Plan to be assessed as a Restricted Discretionary activity, Council's Urban Design Consultant concludes that the proposal represents a scaled down compact housing development that has been comprehensively designed. On this basis, the proposal is consistent with the surrounding area in terms of height and bulk.

Objective - Comprehensive design and development

2.3.5 *To ensure that developments are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network.*

Policy - Comprehensive design of in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation

2.3.5.1 To ensure that in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

- a) Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood; and
- b) Ensuring that in the Cambridge Residential Character Area new dwellings between existing dwellings on the site and the road shall be avoided; and
- c) Avoiding long continuous lengths of wall; and
- d) Maximising the potential for passive solar gain; and
- e) Providing for sufficient private space for the reasonable recreation, service and storage needs of residents; and
- f) Retaining existing trees and landscaping within the development where this is practical; and
- g) Where appropriate provide for multi-modal transport options and provide for links with existing road, pedestrian and cycleways; and
- h) Incorporating CPTED principles; and
- i) Addressing reverse sensitivity effects; and
- j) Mitigating adverse effects related to traffic generation, access, noise, vibration, and light spill; and
- k) Being appropriately serviced and co-ordinated with infrastructure provision and integrated with the transport network.

9.3.5. The above objective and policy seek to ensure that developments are comprehensively designed, and consider the matters set out in Policy 2.3.5.1. Council's Urban Design Consultant has considered these matters and considers that proposed development is comprehensively designed. Council's Development Engineering team have also reviewed the application and consider that the proposal can be appropriately serviced with infrastructure and integrated with the transport network. On this basis, I consider the proposal to be consistent with the outcomes sought under Objective 2.3.5 and its associated policy.

SECTION 15 – INFRASTRUCTURE, HAZARDS, DEVELOPMENT AND SUBDIVISION

Objective – Integrated development: site design and layout

15.3.1 *To achieve integrated development within the District that contributes to creating sustainable communities and enhances key elements of character and amenity.*

Policy – Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis

15.3.1.1 *Development and subdivision should integrate with and acknowledge the constraints and opportunities of the site and surrounding area.*

Objective – Integrated development: natural hazards and site suitability

15.3.2 *To ensure that sites proposed as part of a development or subdivision will be capable of accommodating activities anticipated within the applicable zone.*

Policy – Land to be suitable for use

15.3.2.1 *Land to be developed or subdivided must be physically suitable to accommodate the permitted land use activities for that zone in accordance with the rules of this Plan.*

Objective – Integrated development: efficient servicing

15.3.3 *Achieving the efficient and cost-effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.*

Policy – Servicing requirements

15.3.3.1 *All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:*

- a) Reserves for community, active and passive recreation; and*
- b) Pedestrian and cycle connections; and*
- c) Roads; and*
- d) Public transport infrastructure; and*
- e) Telecommunications; and*
- f) Electricity; and*
- g) Stormwater collection, treatment and disposal; and*

- h) *Wastewater treatment and reticulation, water provision for domestic and fire-fighting purposes; and*
- i) *Anticipating and providing for connections to identified adjacent future growth areas.*

9.3.6. The abovementioned objectives and policies seek to ensure development is appropriately serviced for the anticipated use of the site post development. The proposal seeks to connect with Council infrastructure in Taylor Street, and to the adjoining property to the south (6 Constance Place) via the existing wastewater main. Council's Development Engineering team has reviewed the proposed infrastructure solution and considers it suitable and to Council's standards, subject to conditions of consent. On this basis, the proposal is consistent with the above-listed objectives and policies.

SECTION 16 – TRANSPORTATION

Objective – Ensuring sustainable, integrated, safe, efficient and affordable multimodal land transport systems

16.3.1 *All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient and affordable multi-modal land transport system.*

Policy - Design elements

16.3.1.1 *Development, subdivision and transport infrastructure shall be designed and located to:*

- a) *Minimise energy consumption in construction, maintenance and operation of the network; and*
- b) *Accommodate and encourage alternative modes of transport; and*
- c) *Give effect to the road hierarchy; and*
- d) *Contribute to:*
 - i. *Integrated transport and land use planning and a safe road system approach; and*
 - ii. *Reducing deaths and serious injuries on roads; and*
 - iii. *An effective and efficient road network; and*
 - iv. *Efficient movement of freight.*

Objective – Maintaining transport network efficiency

16.3.3 *To maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively.*

Policy – Effects of development or subdivision on the transport network 16.3.3.1
Avoid, remedy or mitigate the adverse effects of development or subdivision on the operation and maintenance of the transport network, including from:

- a) *Traffic generation, load type, or vehicle characteristics; and*
- b) *The collection and disposal of stormwater; and*
- c) *Reverse sensitivity effects where development or subdivision adjoins existing and planned roads.*

9.3.7. These objectives and policies seek to ensure new development and subdivision provides safe and integrated connections to the existing roading network. The proposed development will create an internal private access leg that will provide sufficient connections for the future residents to the surrounding network.

Objective – Provision of vehicle entrances, parking, loading and manoeuvring areas

16.3.4 *The provision of adequate and well located vehicle entrances and parking, loading and manoeuvring areas that contribute to both the efficient functioning of the site and the adjacent transport network.*

Policy – Location of vehicle entrances

16.3.4.1 *To maintain the safe and efficient functioning of adjoining roads and railways, vehicle entrances to all activities shall be located and formed to achieve safe sight lines and entry and egress from the site.*

Policies – Ensuring adequate parking, loading and manoeuvring areas onsite

16.3.4.2 *To maintain the efficient functioning of adjoining roads, all activities shall provide sufficient area onsite to accommodate the parking, loading and manoeuvring area requirements of the activity, except in the Residential Zone where the provision of onsite manoeuvring for dwellings is enabled within the setbacks.*

Policy – Onsite vehicle manoeuvring areas in the Residential Zone

16.3.4.5 *The requirement for dwellings to provide an onsite vehicle manoeuvring area may be dispensed with in specific and limited circumstances, where any adverse effects on safety can be avoided, remedied or mitigated.*

9.3.8. Objective 16.3.4 and its associated policies seek to ensure entrances and parking areas are located in a manner that provides for the safe and efficient use of these spaces.

The proposed development seeks to provide parking spaces on each lot. Overall, the location of vehicle entrance and parking will ensure onsite vehicle manoeuvring is adequate for the intended use of the site.

SUMMARY OF OBJECTIVES AND POLICIES ASSESSMENT

9.3.9. The above objectives and policies assessment considers the proposal against the relevant objectives and policies of the District Plan, being Section 2, Section 15, and Section 16. Overall, I consider the proposal to be consistent with the objectives and policies of the District Plan.

10 PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS (SECTION 104(1)(B))

10.1 Pursuant to Section 104(1)(b), the consent authority must have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, the regional policy statement and the regional plan. Below is an assessment of these provisions.

NATIONAL POLICY STATEMENTS

10.2 National Policy Statements (NPSs) are instruments issued under Section 52(2) of the Act that enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the Act. An NPS may also give particular direction to local authorities as to how they need to give effect to the policies and objectives of the NPS. The current NPSs that are in effect are:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management;
- National Policy Statement for Renewable Electricity Generation;
- National Policy Statement on Electricity Transmission; and
- New Zealand Coastal Policy Statement.

10.3 The National Policy Statement on Urban Development is considered the only NPS that requires further consideration.

National Policy Statement on Urban Development

- 10.4 The National Policy Statement on Urban Development 2020 ('NPS-UD 2020') was gazetted on 23 July 2020 and has legal effect from 20 August 2020. The NPS-UD 2020 has identified the Waipā District as a high-growth urban area and a tier 1 urban environment.
- 10.5 The key objectives are identified below:
- **Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
 - **Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*
 - **Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
 - a) *the area is in or near a centre zone or other area with many employment opportunities*
 - b) *the area is well-serviced by existing or planned public transport*
 - c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment."*
 - **Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations."*
- 10.6 The key outcome of the supporting policies of the NPS-UD 2020 is for local authorities to provide for housing variety, accessibility, density intensification, and responsiveness to changing community demands. In my view, the proposal represents an alternative housing type that can be appropriately serviced, and accessible to recreation activities. On this basis, the proposal aligns and gives effect to the NPS-UD 2020.

National Environmental Standards

- 10.7 National Environmental Standards ('NESs') are regulations issued under Section 43 of the Act that prescribe technical and on-technical standards which apply across the country. The current NESs that are in effect are:
- National Environmental Standards for Air Quality;
 - National Environmental Standards for Sources of Drinking Water;

- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Plantation Forestry; and
- National Environmental Standards for Freshwater.

10.8 None of the abovementioned NESs require further consideration with regard to this application.

Waikato Regional Policy Statement

10.9 The Waikato Regional Policy Statement (WRPS) provides an overview of the resource management issues in the Waikato Region, and the ways in which integrated management of the Region's natural and physical resources will be achieved. It provides policies and a range of methods to achieve integrated outcomes for the region across resources, jurisdictional boundaries and agency functions, and guides development of sub-ordinate plans (regional as well as district) and consideration of resource consents. The WRPS includes 27 objectives on key regional issues. In this instance, the relevant objectives and policies relate to built environment (Objective 3.12) and ensuring the built environment and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental social, cultural and economic outcomes.

10.10 On review of the key objectives and policies of the WRPS, the proposal is not considered to be in conflict with the provisions of the WRPS.

Waikato Regional Plan

10.11 The Waikato Regional Plan 2007 ('the Regional Plan') is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to the WRPS and helps the Regional Council carry out its functions under Section 30 of the Act. With regard to the Regional Plan, I am not aware of any reasons that the activity requires resource consent under the Regional Plan, and on that basis, it is my view that the proposal is consistent with the relevant outcomes sought by the objectives and policies of the Regional Plan.

11 OTHER MATTERS (SECTION 104(1)(C))

TREATY SETTLEMENT ACTS – STATUTORY ACKNOWLEDGEMENT AREAS AND AREAS OF INTEREST

- 11.1 The property subject to this consent is not within a Statutory Acknowledgement Area, however, is within Ngāti Hauā and Raukawa Areas of Interest. Ngāti Hauā and Raukawa have been consulted via the Councils NITOW partners and have not raised any comments or concerns in opposition to the application.

JOINT MANAGEMENT AGREEMENT AREA – WAIKATO RAUPATU RIVER TRUST

- 11.2 The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Māori Trust Board, and Ngā Marae Tōpu (Wai 30). Renegotiation's in 2009 led to the agreement of a new deed of settlement which included provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to that deed of settlement and subsequently a Joint Management Agreement with Waipa District Council was made.
- 11.3 The Joint Management Agreement includes giving appropriate weight to relevant matters provided for in the Settlement Act 2010, respecting the mana whakahaere rights and responsibilities of Waikato-Tainui, recognising the statutory functions, powers and duties of both parties, and recognising the Trust's rights to participate in processes where circumstances may be appropriate.

TAI TUMU, TAI PARI, TAI AO – WAIKATO TAINUI LWI ENVIRONMENTAL MANAGEMENT PLAN

- 11.4 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of landscape and natural heritage values. Site management protocols ensure a precautionary approach to managing (known or undiscovered) wahi tapu sites and taonga tuku iho discovery. Adequate control of sediments and erosion prevention are target areas to improve water quality. Methods that Waikato Tainui support are the development of erosion

and sediment control plans and input into monitoring of those plans (21.3.1.2 a) and b)).

- 11.5 The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant. There is nothing in the application that will conflict with the desired outcomes of Tai Tumu, Tai Pan, Tai Ao, accordingly, I consider the proposal to be consistent with the plan.

TE RAUTAKI TAMATA AO TUROA O HAUA — HAUA ENVIRONMENTAL MANAGEMENT PLAN

- 11.6 Te Rautaki Tamata Ao Turoa o Haua explains the importance of communication between local authorities and Ngati Haua in terms of keeping the Iwi Trust informed about projects, providing a feedback loop and opportunity for relationship building. The plan clearly outlines that engagement is expected for earthworks activities and that the Iwi seek opportunities to participate in consent and site monitoring and restoration projects.
- 11.7 The property is within the Ngati Haua Area of Interest and therefore the provisions of Te Rautaki Tamata Ao Turoa o Haua are relevant. There is nothing in the application that will conflict with the desired outcomes of Te Rautaki Tamata Ao Turoa o Haua accordingly, I consider the proposal to be consistent with the plan.

TE RAUTAKI TAIAO A RAUKAWA — RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

- 11.8 Te Rautaki Taiao a Raukawa provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of the (their) environment. It is considered as a living and practical document that provides guidance on proactive, effective engagement in shaping current and future policy, planning processes, and resource management decisions.
- 11.9 The property is within the Raukawa Area of Interest and therefore the provisions of Te Rautaki Taiao a Raukawa are relevant. There is nothing in the application that will conflict with the desired outcomes of Te Rautaki Taiao a Raukawa accordingly, I consider the proposal to be consistent with the plan.

NEW ZEALAND URBAN DESIGN PROTOCOL

- 11.10 The New Zealand Urban Design Protocol ('NZUDP'), published by the Ministry for the Environment in March 2005, provides a tool to encourage the design of buildings, places, spaces and networks that make up towns and cities across New Zealand more

successful through quality urban design. The Urban Design Protocol identifies seven essential design qualities that together create quality urban design as follows:

- Context: Seeing buildings, places and spaces as part of whole towns and cities;
- Character: Reflecting and enhancing the distinctive character, heritage and identity of our urban environment;
- Choice: Ensuring diversity and choice for people;
- Connections: Enhancing how different networks link together for people;
- Creativity: Encouraging innovative and imaginative solutions;
- Custodianship: Ensuring design is environmentally sustainable, safe and healthy; and
- Collaboration: Communicating and sharing knowledge across sectors, professions and with communities.

11.11 Council, as a voluntary signatory to the NZUDP, includes provisions within the District Plan which encourage the design qualities outlined above (i.e. Section 1 – Strategic Policy, Section 2 – Residential Zone and Section 15 - Infrastructure, Hazards, Development and Subdivision). Of particular relevance to this proposal, is the ‘context’ design quality, in that the site is located adjacent to McKinnon Park, being an open space recreation reserve that will provide the apartment occupants with a large, permanent open space area. On this basis, and taking into account the advice from Council’s Consultant Urban Designer, Mr Sam Foster, I consider the proposal to be consistent with the NZUDP.

DEVELOPMENT CONTRIBUTIONS

11.12 Pursuant to the Local Government Act 2002, Council has the ability to levy development contributions for developments which result in an increase in use of Council’s services. This development is being assessed against Council’s Development Contributions Policy and the level of contribution will be confirmed in the event the consent is granted.

12 PART 2 – PURPOSE AND PRINCIPALS OF THE ACT

12.1 Part 2 is the purpose and principals of the Act. The overall purpose of the Act is to promote the sustainable management of natural and physical resources. “Sustainable management” is defined to mean managing the use, development and protection of such resources in a way that enables people and communities to provide for their

social, economic and cultural well-being and their health and safety. At the same time, they must:

- Sustain the potential of resources to meet the reasonably foreseeable needs of the future generations;
- Safeguard the life-supporting capacity of air, water, soil and ecosystems; and
- Avoid, remedy or mitigate adverse effects on the environment of the activity.

12.2 The above Part 2 matters must be given effect to in policy, plan and rule making and when making decisions on resource consents. The District Plan details the objectives, policies and rules that the community considers will promote sustainable management within the Waipa District. In this case, and for the reasons set out throughout this report, the subdivision and land use application has been able to demonstrate that they will both be consistent with the objectives and policies of the District Plan, will have no more than a minor adverse effect on the environment through the imposition of the suggested conditions of consent in Appendix 6. Accordingly, approval of the application is consistent with the sustainable management aims of the Act.

13 SECTION 104D

13.1 Section 104D of the Act establishes a ‘threshold test’ that acts as an additional test for non-complying activities to satisfy. Section 104D(1) notes that a consent authority may grant a resource consent for a Non-Complying Activity if it is satisfied that either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the District Plan.

13.2 The effects assessment, and the assessment of the development with regards to the objectives and policies of the Plan, in the subsequent paragraphs of this report concluded the effects of the proposal are appropriate for development in the residential zone and are not contrary with the objectives and policies of the District Plan. The proposed development therefore passes the Section 104D(1)(a) gateway test to enable a substantive decision on the application to be made.

13.3 As a consequence, the Council can have confidence that it has the necessary jurisdiction to determine the application in accordance with the statutory considerations contained within Section 104.

14 CONCLUSION

- 14.1 A subdivision and landuse consent application has been sought by the Applicant, Wendy & Warren Hodges, for the subdivision of one lot into five (and two access lots), in the Residential Zone, and for a Compact Housing Development at 109 Taylor Street, Cambridge.
- 14.2 The activity falls for consideration as a Non-Complying activity due to non-compliance with the subdivision provisions of the District Plan. The effects of these non-compliances are discussed in this report, where it was concluded that they are acceptable and can be addressed through the imposition of consent conditions.
- 14.3 The application was limited notified and received two submissions in opposition. Both submissions were from parties directly adjoining the site and raised points of concern which have informed the effects assessment and conditions, should the consent be granted.
- 14.4 An assessment of the objectives and policies of the District Plan has been undertaken, the conclusion of which is that the proposal is consistent with the relevant provisions, particularly those contained in the Residential Zone section (Section 2).
- 14.5 An assessment of the other relevant planning documents, namely the Waikato Regional Policy Statement, and Regional Plan, and non-statutory documents. The proposal was found to be consistent with those matters. Further, the assessment was found to be consistent with Part 2 of the Act.
- 14.6 In conclusion, having considered the various matters of Sections 104 and 104D of the Act, it is my view that the proposal be granted, subject to conditions to avoid, remedy and/or mitigate the identified potential adverse effects. A schedule of suggested consent conditions that could support an approval are contained in Appendix 6 of this report, should the Hearings Panel be of a mind to approve the application.

15 RECOMMENDATION

That

- a) *The report of Tim Wilson – Consultant Planner be received; and*
- b) *In consideration of Sections 104 and 104D, and pursuant to Sections 104B, 108 and 220 of the Resource Management Act 1991, the Waipa District Council **grants** consent subject to conditions in Appendix 6 to Wendy & Warren Hodges for the:*

- *Subdivision of one lot into five; and*
- *Land use for Compact Housing Development*

Located at 109 Taylor Street, Cambridge, legally described as LOT 2 DPS 947 (RT: SA62D/729) for the following reasons:

- i) The application passed gateway test under Section 104D and therefore was eligible for consideration for approval, subject to the considerations under Section 104;*
- ii) The proposal generally aligns with Part 2 of the Act. Specifically, the proposal meets the purpose of the Act as it promotes the sustainable management of natural and physical resources;*
- iii) The environmental effects of the development can be appropriately avoided, remedied or mitigated to a level whereby they only give rise to acceptable effects for the surrounding receiving environment; and*
- iv) The application is consistent with the objectives and policies of the District Plan relating to the Residential Zone.*

Report prepared by:



Tim Wilson
CONSULTANT PLANNER

Reviewed by:



Quentin Budd
CONSENTS TEAM LEADER

Approved for Release to the Hearings Panel by



Tony Quickfall
MANAGER DISTRICT PLAN AND GROWTH