

Before Waipa District Council

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an application for resource consent to for Compact Housing Development at 3 Kelly Road, Cambridge.

Council Reference Resource consent – LU/0125/23

Evidence of Gareth Moran on behalf of Kelly Road Investments Limited

Dated: 1 March 2024

Introduction

1. My full name is Gareth Elliot Moran. I am a Senior Associate Planner at Barker & Associates Limited (**B&A**) an independent urban and environmental planning consultancy operating throughout New Zealand.
2. I hold the Degree of Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute. I have approximately 18 years' experience in the planning and environmental industry.
3. I was engaged by the applicant to provide planning advice and prepare/lodge the application for resource consent. I principally authored the Assessment of Environmental Effects ("AEE") report submitted with the application for resource consent and was responsible for coordinating a response to Council's request for further information.

Code of Conduct

4. I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.
5. In my evidence I will provide:
 - a. Executive Summary;
 - b. Overview of the proposal;
 - c. Discussion of application activity status;
 - d. A summary of statutory assessment (Section 104D and Section 104);
 - e. Comments on Council's s42A Report;
 - f. Response to submitters' concerns;

- g. Comments on draft Conditions; and
- h. Summary of key conclusions.

Executive Summary

6. Resource consent has been sought to create six residential units under the Compact Housing provisions of the Waipa District Plan, at 3 Kelly Road Cambridge. Following the receipt of submissions, Council's s42A recommendation and advice from Mr Frank Pierard (Associate Urban Designer employed by Barker and Associates) the following amendments have been made to the plans, which are attached in **Appendix 1**.
 - Extra window in the kitchen and living space of front unit facing Kelly Road to increase glazing and accentuate the key Crime Prevention through Environment Design principles. It is specially noted that this was a key point raised by Council's consultant Urban Designer.
 - A deciduous specimen tree has been positioned in the rear yard of all units to enhance the overall amenity values of the site and maximise sunlight.
 - The entry driveway has been broken up with different textures to identify loosely a pedestrian access way and to break up the extensive slab area.
 - The ridgeline and roof levels to units 2 and 5 have been varied through adjustment of the roof pitch to 15 degrees from the northern building façade facing 5 Kelly Road. This provides a significant height variation of the ridge of 920mm. The result provides a visual break in the continuity of the ridge and results in the identification of four distinct elements to the overall building mass especially to the northern facade.
7. The application was lodged as a Restricted Discretionary Activity; however, was assessed as a Non-Complying Activity by Council's Planner.
8. In my view, Compact Housing Developments are Restricted Discretionary in the C2 Structure Plan area, where a site is located within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school. In

this instance the site is located as follows:

- 145m to the town belt on the southern side of Cambridge Road;
- 200m to the town belt on the northern side of Cambridge Road;
- 80m to a Local Centre overlay, which includes the Little Thinkers daycare
- 150m to the consented commercial development along Cambridge Road consisting of gym, supermarket, café, a medical centre, Cambridge Family Health, housing sales office.

9. Given the proposal is for six units rather than seven, Council have assessed the application as a Non-Complying Activity. Both myself and the applicant's legal counsel disagree with Council's assessment of the activity status, and believe the application denotes a Restricted Discretionary Status, as documented in later sections of my evidence.
10. Development of this nature is supported by Policy 2.3.4.5 *Compact Housing* of the Waipa District Plan, where sites adjoin a reserve or are located within a 400m radius of a Commercial Zone.
11. From an environmental effects basis, the only point of contention between myself and the Author of the s42A Report is the potential for effects on the neighbours at 5 Kelly Road. However, based on evidence prepared by Mr MrPierard and the adopted variations to the plans, I am satisfied that amenity effects on the owners and occupiers at 5 Kelly Road will be acceptable and within the realms of what should be expected by virtue of the provisions and policy framework of the Waipa District Plan for this location.
12. The permitted baseline associated with building height, building setbacks, glazing, privacy, building height, shading (height in relation to boundary) and site coverage provides clear guidance on the type of effects that is anticipated and provided for within the Residential Zone by virtue of the District Plan provisions.
13. In my view, the proposal aligns with the key principles identified with the

National Policy Statement for Urban Development (“NPS UD”) as documented in Council’s s42A Report.

14. The proposal is able pass through both limbs of the Section 104D gateway test.
15. In terms of Section 104, I conclude that the potential adverse effects are no more than minor; the proposal is consistent with the objectives and policies of the Waipa District Plan; and accords with the higher order strategic documents.
16. The purpose of the RMA is best achieved by approving this consent rather than refusing it.

Overview of Proposal

17. The proposal has been explained in the application for resource consent, and then again in Council’s s42A report. As such it has not been repeated again as part of my evidence package. However, for completeness an extract from the application that best describes the proposal is shown in the italicised section below

The proposal is for a land use consent under the provisions of a ‘compact housing’ development (by virtue of the associated District Plan definition) to construct six dwellings at 3 Kelly Road, Cambridge. The proposal involves the removal of all existing buildings onsite and the construction of a 6-unit development and associated parking and manoeuvring areas.¹

18. No corresponding subdivision consent has been applied for.
19. Minor variations to the plans occurred following a Section 92 request from Council. These included the following changes:
 - Vehicle manoeuvring was amended to show a complying vehicle situated within the garage.
 - Fencing was originally mislabelled on the original site plans so was

¹ Section 4.0 – Application for resource consent

amended to accurately depict the intended outcome.

20. As part of Council's Section 92 Request, the application was required to undertake Water and Waste Water Modelling to confirm that the existing reticulated supply was suitable for the proposed development. The results of the investigation have to have been accepted by Council. The WSP report is attached in **Appendix 2**.
21. The revised plans that were submitted as part of the Section 92 were assessed as part of Council's s42A recommendation.

Variations to Plans

22. Following a detailed review of the submissions, Council's s42A Report, comments from the Applicant's Consultant Urban Designer and the statement of evidence prepared by Mr Pierard, further changes were made to the plans.
23. At the time of preparing my statement of evidence, the amended plans had not been circulated to Council or the submitters.
24. In my view, the amendments benefit the overall development from a design perspective, serve to reduce the potential adverse effects of the proposal and are within the scope of the application as lodged. The amendments are summarised as follows.
 - Extra window to the kitchen and living space of the front unit facing the road to increase glazing and accentuate the key Crime Prevention through Environment Design principles. It is specially noted that this was a key point raised by Council's consultant Urban Design Planner.
 - A deciduous specimen tree has been positioned in the rear yard of all units to enhance the overall amenity values of the site and maximise sunlight.
 - The entry driveway has been broken up with different textures to identify loosely a pedestrian access way and to break up the slab area.

- The ridgeline and roof levels to units 2 and 5 have been varied through adjustment of the roof pitch to 15 degrees from the northern building façade facing 5 Kelly Road. This provides a significant height variation of the ridge of 920mm. The result provides a visual break in the continuity of the ridge and results in the identification of 4 distinct elements to the overall building mass especially to the northern façade.
25. The updated site plans incorporating the above referenced changes are identified in Appendix 1.

Activity Status

26. There is a difference in interpretation between myself and Council's Processing Planner as to what is the correct activity status to assess the application against.
27. Rule 2.4.1.3 b (Restricted Discretionary Activities) States

Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps, or as provided for in Rule 2.4.1.3.c., or within the following areas of the C1 and C2/C3 Structure Plan areas:

- Within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school; or
- Within 100m of a local centre or local open space; or
- Within a 'compact housing' overlay identified within the structure plan maps.

For compact housing within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).

28. Although the first section of the Rule refers to 'seven or more' dwellings, that minimum number applies only to the first of the three listed locations for compact housing. In my view the use of the word 'or' after the reference to the compact housing overlay on the planning maps means that, provided the development aligns with the definition of 'compact housing' (which it does) then the minimum number of seven dwellings does not apply to compact

housing as provided for in Rule 2.4.1.3b or within the specified areas of the C1 and C2/3 Structure Plan areas.

29. My interpretation will be further elaborated on and supported by Mr Lang in his legal submissions.
30. Council's Planner has disagreed with my interpretation and has assessed the application as a Non-Complying Activity on the basis that six units are proposed rather than seven.
31. Notwithstanding the differences in opinion, it is difficult to understand why seven units would be a Restricted Discretionary Activity and six units a Non-Complying Activity. To put this comment into perspective, the simplest response to the interpretation in the s42A report would be to increase the density on the site; which the Applicant has chosen not to do, in order to retain the key aspects of the design and uphold amenity values.

Permitted Baseline

32. When evaluating the effects of the proposal it is important to consider what activities could be established on site as a Permitted Activity. In this instance, the District Plan relies on provisions associated with maximum height, maximum site coverage, setbacks and height in relation to boundary provisions to control the bulk and location of buildings.
33. Aside from a small non-compliance associated with site coverage (3.75%) and technical non-compliance associated with building length, the proposal complies with the bulk and location standards
34. Although it is unlikely that a single residential dwelling, 55m in length, would be constructed on the site, it is however a realistic possibility that a dwelling same height and distance from the boundary as what is proposed, could be constructed adjoining the boundary of 5 Kelly Road, where the existing dwelling and outdoor area is located. Noting that 20m of the northern

boundary of 3 Kelly Road abuts 9 Kelly Road. A building of this size and mass would generate a very similar level of effect on 5 Kelly Road. An example of what could be constructed as a Permitted Activity is identified in Figure 1 below.



Figure 1: Example of a complying dwelling constructed at 3 Kelly Road.

Section 104D

35. Although the activity status of the proposal is in fact Restricted Discretionary, I have also considered it as if it were a non-complying activity and concluded that the proposal satisfies both the Section 104D Gateway Tests on the bases that any potential effects are no more than minor and the proposal is not contrary to the objectives and policies of the District Plan.
36. The s42A Author also concludes that the proposal satisfies the second Section 104D Gateway test, on the basis that the proposal is not contrary to the objectives and policies of the District Plan.
37. Regardless, both myself and the Council planner are in agreement that the 104D gateway test is satisfied, thus meaning a substantive decision on the application is able to be made, even if the activity status is determined to be non-complying.

Section 104

38. A thorough assessment against the Statutory Framework was undertaken within the application for resource consent and Council's s42A Report and will not be repeated here. In summary the following conclusions have been reached;
- The proposal accords with the key principles of the National Policy Statement – Urban Development.
 - The proposal aligns with the Waikato Regional Policy Statement.
 - The proposal is not contrary to the Objectives and Policies of the Waipa District Plan.
 - The proposal is in accordance with the Part 2 – Purpose and Principles of the Act
39. The above referenced bullet points align with the recommendations made within Council's 42A Report.
40. On an environmental effects basis; post notification of the application, specialist Urban Design comments were sought from Mr Pierard.
41. Upon review of the proposed plans, Mr Pierard recommended a number of changes to the plans (as identified in Paragraph 24) to improve the design from an Urban Design perspective.
42. The Applicant has adopted these recommendations by Mr Pierard and the plans have been updated accordingly, in addition to the roof pitch and roof level amendments referred to earlier.
43. It is noted that Mr Peirard's comments closely align with the recommendations made by Council's Consultant Urban Design Planner who also commented on the proposal.
44. Based on inclusion of the above referenced changes to the design, Mr Pierard has been able to draw the following conclusions from an overall urban design

perspective.

Overall, I consider the design response to be conventional in urban design terms and responds appropriately to the existing site geometry and context. Whilst the proposed building is approximately 55m in length, the architectural strategy in combination with the proposed landscape elements and general compliance with the yard, building height and height in relation to boundary standards all assist with minimising any potential visual effects as viewed from the neighbouring properties. The proposal addresses Kelly Road successfully and will result in a positive and active frontage which enables sufficient opportunities for passive surveillance over the public realm.

In my opinion, the proposal can be supported from an urban design perspective.²

45. Based on the facts and findings of Mr Pierard's assessment, I maintain the opinion that the proposal will not adversely affect the character and amenity values of the area and the surrounding environment, including adverse effects on the property at 5 Kelly Road, beyond minor effects.
46. It is also important to examine potential positive effects as part of Section 104. Council's s42A Author has identified 'alternative housing options within Cambridge' as a potential positive effect. I agree with this, but also conclude that the creation of five additional dwellings within close proximity to amenities is also a positive. In addition, based on past experience and conversations with Real Estate Agents and prominent professionals in the property sector, there is significant demand for low maintenance sections within Cambridge. Given the location of the subject site in close proximity to numerous amenities, the proposal will help to fill an important void.
47. Based on the above rationale, I conclude that the proposal satisfies the required RMA statutory framework and thus consent is able to be granted.

Councils' s42A Report.

48. I have reviewed Council's s42A Report.

² Paragraph 38 – Urban Design Evidence – Mr Pierard

49. For efficiency, I will focus on the key points of difference between my assessment and the opinion and conclusions of the s42A Author.
50. However, firstly I confirm the points of agreement between myself and the s42A Author as follows:
- The site is suitable to support compact housing;
 - The proposal meets the definition of compact housing.
 - The proposal is not contrary to the objectives and policies of the Waipa District Plan.
 - The proposal is able to satisfy the Section 104D Gateway Test.
 - The potential adverse effects associated with Three Waters (Wastewater Disposal, Water Supply and Stormwater Disposal) and traffic are acceptable.
 - The proposal aligns with the key objectives of the National Policy Statement for Urban Development (NPSUD).
51. Council's processing planner has also submitted a draft set of consent conditions which I will comment on in a later section of my evidence.
52. As there is a clear alignment between my conclusions and those of the s42A Author in relation to the above points, I will not provide any additional assessment on these matters.
53. Despite clear alignment with the key points which are influential on how the application needs to be assessed; the s42A Author has reached the overriding conclusion that the application should be refused, based on potential adverse effects on the owners and occupiers at 5 Kelly Road being unacceptable. Thus, in my view, this is the key area of contention that needs to be examined.
54. It is specifically noted that the s42A Author has not had the opportunity to consider the latest amendments to the plans (outlined above) during the drafting of the report, but has the ability to alter the recommendation before or during the course of the hearing.

55. In addition, Council's Consultant Urban Designer has reviewed the proposal and has recommended two options to reduce the effects on Kelly Road:
- 1) Introduce a physical break in the building and split the floor plate into separate volumes: or
 - 2) A change in wall colour or placement of specimen trees to further break the elevation for the viewer beyond the site.
56. In terms of the introduction of the 'physical break' option, this was assessed by Mr Pierard in his statement of evidence. Mr Pierard comments as follows:
- As noted within Council's s42a report and Ms Jones's urban design assessment, an alternative option could be to introduce a physical break within the building and split the floor plate into two separate volumes. If a physical break of around 2m was to be introduced, one would be required to stand directly in front of this break to appreciate any discernible sense of space created. When viewed from anywhere else within the existing outdoor living area, a physical break would simply provide the same level of depth and visual interest currently afforded by the existing protruding and recessed elements already proposed to the northern façade. Further, the logical location for a break within the building form is between Units 3 and 4. This would result in the physical break being located closer toward the eastern boundary, reducing any perceived benefit for residents when occupying their internal living areas and the majority of their outdoor living space.³
57. Based on the evidence prepared by Mr Pierard, amending the plans to show a break is unlikely to add any material benefit to the occupiers of 5 Kelly Road.
58. In terms of the second option, the plans have been re-designed to add additional landscaping in the form of specimen trees positioned on the north eastern corners of the units.
59. In addition to the proposed specimen trees, the roof pitch and height have been varied to reduce the perception of horizontal mass, visually break the proposed building up into a series of discernable volumes and to introduce greater visual complexity and variety to the northern and southern facades.

³ Paragraph 35 – Urban Design Evidence – Mr Pierard

60. The s42A Author has referred to the development (as seen from 5 Kelly Road) as a ‘bulky uninterrupted mass’⁴. Mr Pierard has commented directly on this statement in his evidence; as referenced below.

In response to concerns raised within Council’s s42a report regarding the perceived “uninterrupted mass” of the proposal, amendments have been introduced to the proposed roof form. Units 2 and 5 now incorporate a 15-degree roof pitch from the northern edge to the south. This reduces the ridgeline by 920mm for these two units, resulting in a staggered / stepped roof profile. In my opinion, these amendments provide a greater degree of visual complexity, interest and variety to the skyline which assists with minimizing any potential visual dominance effects as viewed from the north and south along with oblique views from the east and west. In combination with the overall architectural composition of the northern building façade, the roof form amendments will mitigate potential adverse effects from the elongated building mass to a level which I consider to be appropriate in urban design terms.⁵

61. Subject to the proposed variations to the plans, Mr Pierard is able to draw the following overriding conclusion regarding the potential adverse effects on 5 Kelly Road.

In my view, the amended roof form in combination with the existing modulation and articulation associated with the northern facade will minimise any potential adverse visual dominance effects as viewed from 5 Kelly Road.⁶

62. From a planning perspective, I am guided by the evidence of specialists; and in his instance both consultant urban designers now appear to be somewhat aligned with their views from an urban design perspective. Although it is specifically noted that Council’s Urban Designer has not had the opportunity to assess the revised plans.

63. The provisions of the District Plan will also provide an important context in relation to anticipated amenity values of an area.

⁵ Paragraph 22 - Urban Design Evidence – Mr Pierard

⁶ Paragraph 34 – Urban Design Evidence – Mr Pierard

64. With the introduction of the C2 Structure Plan into the District Plan and the consequent rezoning, development of higher density housing became much more permissible. For example, in most instances compact housing developments would have previously automatically denoted a 'Discretionary Activity' status; however, under the rules specific to the C2 Structure Plan, Compact Housing triggers a Restricted Discretionary Status, where a site is located within a Compact Housing overlay or within 200m from a recreational open space, town belt, neighbourhood centre or school; or within 100m from a local centre or local open space.
65. As mentioned above the site is located
- 145m from the town belt on the southern side of Cambridge Road;
 - 200m from the town belt on the northern side of Cambridge Road;
 - 80m from a Local Centre overlay, which includes the Little Thinkers daycare
 - 150m from the consented commercial development along Cambridge Road consisting of gym, supermarket, café, a medical centre, Cambridge Family Health, housing sales office.
66. It is noted that the District Plan does not specify how these distances should be calculated; however, I have taken a conservative approach and measured the distance based on travel along the roading network. If the measurements were taken 'as the crow flies' (which hasn't been excluded in the District Plan) then the distances would be significantly closer.
67. Whilst a Restricted Discretionary Status does not constitute a baseline, it does send a clear message that Compact Housing in these areas is clearly anticipated provided adverse effects can be adequately managed.
68. What this means is that the amenity values attributed to the Kelly Road area, particularly the southern portion of Kelly Road, can be expected to change over time. Whilst this proposal will be the first residential development of its kind to occur along Kelly Road, which will look slightly different to the existing

residential development, that type of change is anticipated by the District Plan.

69. Based on the policy framework and provisions of the District Plan, it is clear that the existing amenity values attributed to the area are in a state of change. This is documented within Council's s42A Report as follows:

The surrounding area is an area under rapid change as a result of the Residential Zone in the C2 and C3 Structure Plan areas being activated in the last 2 years. As such, there is a mixture of established lower density development and more recent higher density development meaning the character of the area is mixed and undergoing change as a result of this "live" zoning and structure plans. In addition, the neighbouring motel at 1 Kelly Road provides for a transition to the proposed development in that it will continue a similar built development being two storied blocks.⁷

70. I agree with the s42A Author on this point. In context, a compact housing development within this area is an anticipated development outcome.
71. The provisions of the District Plan are used as a mechanism to control various amenity related effects; these include boundary setbacks, site coverage, height in relation to boundary and glazing. Aside from a small non-compliance associated with site coverage and technical non-compliance associated with building length, the proposal complies with the bulk and location standards.
72. To put this comment into perspective, a dwelling basically the same height, location and substantial mass, could be constructed adjoining the internal boundary abutting 5 Kelly Road as a permitted activity as identified in Figure 1, Paragraph 34 of my evidence.
73. Based on the directives of the District Plan, I disagree with the s42A Author that the potential effects on the 5 Kelly Road will be unacceptable.

⁷ 42a Report, Paragraph 11.9

74. The s42A Author has also made the following statement regarding density:

Harkness Henry, on behalf of the Vincent Morel Estate, raised concern about the density proposed in the context of the permitted baseline which provides for two double storied townhouses, whereby the proposal results in six double storied townhouse units. This is well above what is anticipated.⁸

75. It is unclear (particularly the last sentence) if this statement regarding density is the view of the s42A Author or that of the submitter. Regardless, the following key facts need to be considered.

76. Council have determined the application for six units represents a Non-Complying Activity. That is incorrect in my view and the view of the Applicant's legal counsel. However, if that was correct and the application was modified and seven units were applied for, the application status would become Restricted Discretionary. To put this comment into perspective, the District Plan is anticipating and directing development of a higher density than what is proposed.

77. Based on the conclusions made by Mr Pierard, and the development outcomes anticipated in the District Plan, I am of the opinion that the proposal will represent an acceptable outcome for the site and surrounding area.

78. The s42A Author has also raised potential noise and loss of privacy as a concern, noting the increased density. Once again, it is noted that the District Plan does not restrict the number of windows that can be constructed at the interface with another residential property.

79. It is specifically noted that the proposed first floor has been setback by a minimum 2.7m from the northern boundary and comprises one bedroom associated with Unit 2, one bedroom and one office/study associated with Unit 3 and one bedroom and one office/study associated with Unit 4. However, these internal rooms will not receive the amount of use commonly associated with 'active habitable rooms' ensuring a sufficient level of privacy

⁸ 42a Report, Paragraph 11.10.

will be achieved.

80. It is noted that the outdoor living areas adjoin the internal boundary with 5 Kelly Road. The outdoor living areas will be screened and not visible from the adjoining property.
81. Given the Restricted Discretionary activity status for compact housing, at least if seven or more units are established, I am able to draw the conclusion that the proposed density is at or less than what is anticipated in the District Plan, in this particular area.
82. In conclusion, I disagree with the s42A Author, that the effects on 5 Kelly Road are unacceptable.

Key points raised by submitters

83. I have read and understood the submissions lodged by the owner and occupier of the property located at 5 Kelly Road.
84. Given the s42A Author's recommendation is to refuse the application based on visual and amenity related effects on 5 Kelly Road, which I have examined in my review of the s42A Report, I will not revisit any character and amenity effects raised by the submitters.
85. In my opinion the key points raised by the submitters can be broken down into the following categories, which I will comment on individually:
 - Inconsistencies with plans
 - Shading
 - Building length roof pitch
 - Permeable surfaces/stormwater
 - Outdoor living
 - Traffic
 - Safety and crime prevention.

Inconsistences with plans

86. The submitters have raised questions regarding the plans identified within the body of the application for resource consent. For the benefit of the hearings panel, I will provide further clarification in order to avoid any unnecessary ambiguity.
87. The project initially commenced at the start of 2022. Various designs were worked through but never finalised.
88. Written approval was obtained from the adjoining property located at 1 Kelly Road on 17 May 2022.
89. Between the time of obtaining this written approval and lodging consent, the plans were slightly varied to address a number non-compliances, including a height in relation to boundary breach on the boundary adjoining 5 Kelly Road.
90. It was our assessment that the variations to the plans would have a lesser effect on the property at 1 Kelly Road, thus further written approvals were not sought.
91. The 42A Author has accepted my position on this.
92. The inconsistencies in the plans identified by the submitter are not correct. The two versions of the plans were added into the text to give the Council's planner a clear understanding of what was applied for, and what plans were signed off on by the owners of 1 Kelly Road.

Shading

93. The submitters have raised concerns regarding potential shading effects. The key point to note is that the proposal complies with the height in relation to boundary provisions of the District Plan, thus a dwelling exactly the same height and in the same location, or in any part of the proposed location could

be constructed as a permitted activity, not requiring resource consent. Any shading effects that might be caused by the proposed building are anticipated and treated as acceptable in the District Plan. In any case the application site is to the north of 5 Kelly Road so shading effects would not be an issue.

94. As such I am able to conclude that the proposal does not generate any additional shading effects over and above what is anticipated in the District Plan and is permitted in the Residential Zone.

Building Length/Roof pitch

95. The submitters have raised specific concerns regarding the 'length of the building' in particular the proposal's inability to comply with Rule 2.42.7 (a) (maximum building length). Mr Pierard was asked to comment on this directly within his statement of evidence.

Whilst the proposal does not comply with Rule 2.4.2.7 (maximum building length), the proposal fully complies with the height in relation to boundary standard, the building height standard and all relevant yard setbacks specified within the District Plan. In mitigating potential affects that could arise from a long building, I note that the northern elevation includes a varied building line with a number of protruding and recessed elements which contributes to the architectural rhythm and three-dimensional quality as viewed from 5 and 7 Kelly Road. This varied building line, in combination with the vertical timber cladding, sandstone coloured wall cladding, brick veneer, powder coated joinery and the cohesive glazing strategy all contribute positively to the modulation and articulation of the proposed built form while reducing the perception of horizontal mass.⁹

96. Based on the evidence provided by Mr Pierard, it is concluded that the non-compliance associated with the building length is adequately mitigated by the proposed design of the external façade of the development and will therefore not cause unacceptable effects on the amenity values anticipated for the surrounding area.

97. Furthermore, Council's Consultant Urban Design Planner has made the

⁹ Paragraph 21 - Urban Design Evidence – Mr Pierard

following comments specifically relating to 'roof pitch'.

The proposal follows the pitched rooves anticipated in the area and also seen in surrounding new buildings. The floor plan shows a varied building line where each unit steps out and in at each level. This provides visual relief to the façade and positively differentiates each unit. The different material selection supports this and assists the design as there is only one roof across the full length of the six units.¹⁰

98. The District Plan requires 'roof pitches' within the C2 Structure Plan area to be a *'gable or hip roof 'not less than 30 degrees in pitch'*. Whilst it is acknowledged that the proposal does not comply with this standard based on the information from Council's Consultant Urban Designer and Mr Pierard, I am satisfied that the roof pitch will not detract from the amenity values of the area, and the variation in roof pitch and level contributes positively to achievement of a good amenity outcome.

Permeable surfaces/Stormwater

99. The submitters have identified the 'permeable surface' area as a key non-compliance with the District Plan. Whilst I acknowledge that this non-compliance exists, it is important to understand why the permeable surface provisions of the District Plan were introduced. The purpose is to give Council a degree of discretion, to ensure a proposal or activity does not generate unacceptable adverse stormwater or flooding effects.
100. A 3 Waters Assessment Report was prepared by GDC Consultants. The report concludes that stormwater can be managed on site. This position has also been supported in Council's s42A Report.
101. Based on the specialist advice received from the Consultant Engineer, in combination with the view of Council's Development Engineer, I conclude that the proposal will not generate any unacceptable adverse flooding related effects.

¹⁰ Page 8 – Urban Design Assessment for Resource Consent Application – Council's Consultant Urban Designer.

Outdoor living

102. The submitters have raised specific concerns regarding the proposed outdoor living area, although they have not identified how it will generate any adverse effects in relation to their property.
103. Whilst it is acknowledged that a non-compliance exists, from an urban design perspective the outdoor living is considered acceptable. This position is also supported by Mr Pierard within his statement of evidence.

The proposed dwellings have been designed to achieve good sunlight access to their internal and outdoor living areas. Whilst the proposed outdoor living areas do not meet the required 30m² (by just 1.5m²), in my view, they are still of a sufficient and functional size that could easily accommodate the anticipated number of occupants commonly associated with a three-bedroom typology.¹¹

104. The submitters have raised concerns regarding how the outdoor living areas will be screened and the proposed landscaping. I can confirm that all outdoor living areas will be screened from each other with a FT2 type fence which is a 1800mm high close boarded timber screened fence.
105. In terms of the proposed landscaping, should consent be approved, the Applicant would accept a consent condition requiring the landscaping to be maintained to a certain height and standard and for any dead or dying trees to be replaced.

Traffic

106. The submitters have raised concerns regarding traffic congestion and vehicle parking.

¹¹ Paragraph 27 - Urban Design Evidence – Mr Pierard

107. As correctly documented in Council's Section 42A Report, car parking provisions have been removed from the District Plan, thus Council does not have the ability to request on-site carparking. Notwithstanding, the proposal designates one onsite car park, with complying manoeuvring for each unit; which exceeds the requirements of the District Plan.
108. In terms of potential congestion effects, the proposal represents a residential development in a residential zone. Traffic generated as part of a compact housing activity is an expected outcome for the site and surrounding area.
109. Although some congestion currently exists at the Kelly Road and Cambridge Road intersection (according to Council's Development Engineer), following the completion of the wider C2 Structure Plan area, a number of additional connector roads will be established from Kelly Road, to service the wider Cambridge area.
110. In conclusion, I agree with the findings of the s42A Report, being that any potential traffic related effects are acceptable.

Safety and Crime Prevention

111. The submitters have referenced Safety and Crime Prevention as an area of concern; although have not justified this position with any specific's details.
112. In response, I can confirm that the glazing calculation on the front facade of the unit adjoining Kelly Road is 44.28%, which far exceeds the provisions of the District Plan which only require 15%.
113. On this basis I conclude the proposal will not generate any Safety and Crime related effects.

Draft Conditions

114. I have read the draft conditions of consent recommended in the s42A report and I am generally in agreement with them, aside from the following

comments.

- a) Condition 1 needs to be amended to include the amended plans presented by the Applicant and as part of the s92 request.
- b) Condition 5 is labelled 'Office Room'.
- c) Condition 7 references a 'Private Way'. This wording needs to change as no subdivision has been applied for.
- d) Remove 'Each' from the start of Condition 19.
- e) There are a number of Advisory Notes referenced in the body of the decision. I would recommend they are added to a specific advisory note section, as that will create a clearer differentiation between consent conditions and advisory notes.

Key Conclusions

115. Having considered all relevant matters, I draw the following key conclusions:
- Compact housing represents an acceptable outcome for the site and surrounding area.
 - The amendments to the plans will ensure any potential effects on adjoining property owners notably 5 Kelly Road are within the realms of what is anticipated within the District Plan.
 - The permitted baseline associated with privacy, height, site coverage and shading provide clear guidance on the type of effects that are anticipated and provided for within a residential environment by virtue of the District Plan provisions.
 - Any potential adverse effects of the proposal are considered acceptable in my opinion.
 - There is strong policy support in the District Plan for development of this nature at this location.
 - The proposal aligns with the key principles identified with the NPS:UD.

- The purpose of the RMA is best achieved by approving this consent rather than refusing it.



Gareth Moran

Date: 01 March 20