

SECTION 42A HEARING REPORT



To: The Chairperson and Members of the Hearings Panel

From: Layla Gruebner – Planner

Subject: Six-unit compact housing development in C2 Structure Plan Area within the Residential Zone breaching maximum building length, impermeable surface area, and roof pitch rule applicable in the C2 area and several compact housing requirements

Meeting Date: 18 March 2024

File Reference: LU/0125/23

APPLICANT:	Kelly Road Investments Limited
AGENT:	Barker & Associates Ltd (Cambridge)
PROPERTY ADDRESS:	3 Kelly Road Cambridge 3434
LEGAL DESCRIPTION:	LOT 5 DPS 1176 as held in Record of Title SA1053/180
SITE AREA:	1,019m ²
ACTIVITY STATUS:	Non-Complying
ZONING:	Residential Zone
POLICY AREA(S):	C2/C3 Structure Plan Area
DESIGNATION(S):	N/A
PROPOSAL:	Six unit compact housing development in C2 Structure Plan Area within the Residential Zone breaching maximum building length, impermeable surface area, and roof pitch in the C2 area and several compact housing requirements

PART A – INTRODUCTION AND THE APPLICATION PROCESS

1 INTRODUCTION

- 1.1 Kelly Road Investments Limited ('the Applicant') has applied for resource consent (land use) to construct a six-unit compact housing development in C2 Structure Plan Area within the Residential Zone at 3 Kelly Road, Cambridge.
- 1.2 The application documents and Council's notification report and this s42A report can be found on Waipā District Council website at: <https://www.waipadc.govt.nz/our-services/planning-and-resource-consents/notified-resource-consents/landuse-consent-3-kelly-road-cambridge>
- 1.3 A site location map is included in **Appendix 1**.
- 1.4 A detailed description of the site is provided in Section 3 of this report.
- 1.5 The application is assessed as a Non-Complying Activity under the provisions of the Operative Waipā District Plan ('the District Plan') as '6 compact housing units' to which this proposal is most suitably defined as, is not listed in the Activity Status Tables for the Residential Zone, defaulting to this activity status under Rule 4.4.1.5(b). It is noted,

'Compact Housing seven or more dwellings' is provided for as a restricted discretionary activity.

1.6 A request for further information was issued pursuant to s92(1) of the Act on the 17 August 2023 (**Appendix 2** to this report). The information requested, related to the following:

- Provide updated manoeuvring plans in accordance with AS/NZ 2890.1:2004 99.8 percentile car. Please note, vehicles should be able to exit the garage before beginning the manoeuvre.
- Provide an updated site plan showing an access leg with a minimum width of 6m. As this access leg will be servicing 6 household units RITS D3.1.6.
- Provide water modelling to ensure there is suitable capacity within the surrounding water supply network. As the density of the proposed compact development exceeds 45 persons per hectare.
- Provide wastewater modelling to ensure there is suitable capacity within the surrounding wastewater network. As the density of the proposed compact development exceeds 45 persons per hectare.
- Provide stormwater modelling to ensure there is suitable capacity within the surrounding stormwater network to cater for the secondary runoff. As there is a significant increase in impermeable surfaces.
- Plan RC-6 refers to a 1.8m high close boarded fence (FT1) along the road boundary, please amend to be visually permeable and 1.2m high.
- A small portion of the roof breaches the recession plane as per Rule 2.4.2.11 of the District Plan. Please provide an assessment of effects on this.
- Provide an assessment on policies 2.3.3.4 and 2.3.3.5.
- Demonstrate that the car can fit in each of the garages without overlapping the laundry area and enough space for the garage to close.
- Clarify how the rubbish and recycling bins will be brought out for collection (i.e. through the garage – and will they fit through the garage?).
- Provide details on how the proposal complies with rule 2.4.2.44(k) requiring truck access for rubbish and recycling.

1.7 A final response to the s92(1) request was received as adequate on 19 December 2023.

- 1.8 Pursuant to Sections 95A & 95B of the Resource Management Act 1991, hereon referred to as “the Act”, Council proceeded with limited notification of the application to one adjoining property on 29 November 2023.
- 1.9 During the submission period, two submissions in total were received, both in opposition. A copy of the submissions is included in **Appendix 3**.
- 1.10 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 PURPOSE OF THE REPORT

- 2.1 This report has been prepared by Layla Gruebner (Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Hearings Panel on the above resource consent application. The key purposes of this report are to:
- Describe the application and consent requirements;
 - Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
 - Assess the environmental effects of the proposal, including those raised in submissions;
 - Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;
 - Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
 - Make a recommendation for the consideration of the Hearing Panel as to whether the resource consent should be approved or declined; and
 - Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.
- 2.2 It should be noted that any of the conclusions reached, or the recommendations formed, are not binding on the Hearing Panel. The Hearing Panel will make their own conclusions and recommendations after having considered all the evidence from the Applicant and Submitters at the hearing.

3 THE SITE

- 3.1 The subject site is located at 3 Kelly Road, Cambridge and comprises a total area of 1,019m². The site is identified as Lot 5 DPS 1176 as held in Record of Title SA1053/180.

The site contains an existing dwelling, detached garage, and shed with some existing vegetation along the road and northern boundaries.

- 3.2 The site is located within the Residential Zone and within the C2 Structure Plan Area policy overlay of the District Plan. Council’s Special Features Maps identify the entire site as being subject to poor soakage.
- 3.3 The surrounding properties comprise a mixture of residential, commercial and reserve uses. Kelly Road Cambridge Lodge (motel) is located directly to the south and a new commercial development containing cafes, a grocery store, a gym, physiotherapy, etc. is located directly to the east. Reserve land is located 140m to the south along Cambridge/Hamilton Road. Other immediate surrounding properties are residential properties developed with dwellings, garages, sheds and swimming pools similar in size to the subject site. To the south and further west is also C2/C3 Structure Plan Area that is being subdivided into residential lots ranging in size from 300m² to 600m² which are currently vacant or being developed with dwellings. Te Awa Lifecare retirement village is located further west along Cambridge Road.

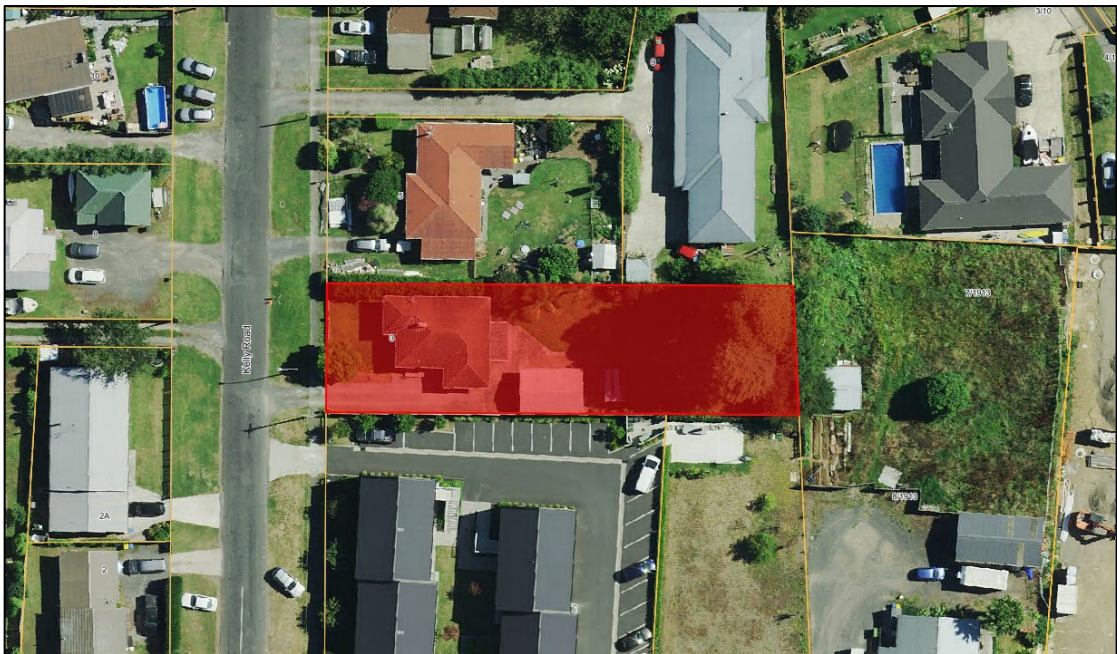


DIAGRAM 1: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS.

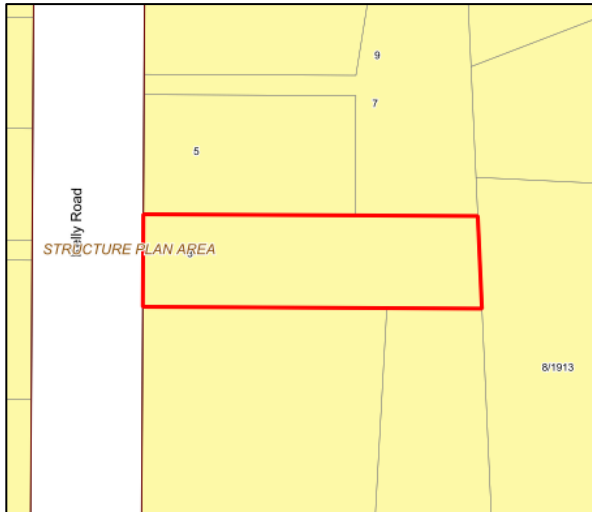


DIAGRAM 2: DISTRICT PLAN ZONE & POLICY OVERLAYS MAP (SITE OUTLINED IN RED).

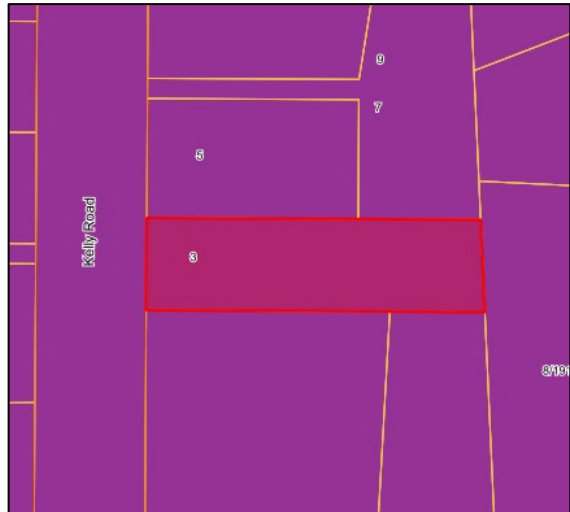


DIAGRAM 3: COUNCIL'S SPECIAL FEATURES (POOR SOAKAGE SHOWN IN PURPLE).

4 BACKGROUND

- 4.1 A pre-application meeting (PG/0140/21) was held 10 August 2021 whereby it was proposed to construct five units with double garaging in each unit. Plans were submitted following the meeting demonstrating the option of six units. While five units were discussed at the meeting, the notes were based on six units. It was advised that the units proposed meet the definition of compact housing and would default to a non-complying activity given the non-complying minimum lot size required for compact housing. It was recommended to get written approvals from adjoining neighbours given six units was not anticipated by the district plan. Comments were provided by Council's Urban Design consultant for the pre application meeting which concluded that the build is too large for the current context and breaking up the building would reduce the bulk and scale of the development, in particular for the residents at 5 and 7 Kelly Road.
- 4.2 The site is not subject to any previous resource consents.

5 THE PROPOSAL

- 5.1 Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Barker and Associates Limited, on behalf of Kelly Road Investments Limited, have applied for a land use consent to construct a 6-unit compact housing development that breaches building length (55m long and is stepped to a depth of 2.1m where 2.4m is required), outdoor living area (each unit is 28.46m² where 30m² is required), roof pitch (25 degrees where no less than 30 degrees is required) and impermeable surface requirements (proposing 79%, exceeding the 60% maximum).

- 5.2 Six (6) two storey units are proposed in the form of an apartment block 7.22m high and 55m in length. Each unit contains 3 bedrooms, an office, 2 bathrooms, 1 toilet room, open plan living, kitchen and living, and 1 single garage. Each unit has a 28.46m² outdoor living area which includes a deck and grassed area, and a service area that is a concreted area for bin storage and a clothesline. These areas are located to the north of each unit and the living area is accessible from the living room. Each unit has a Gross Floor Area (GFA) of 139.28m² to 139.36m². The units will be clad with a mix of materials, including brick veneer, timber cladding, metal cladding and panel garage doors.
- 5.3 Stormwater will be managed onsite via individual underground soakage systems within the accessway. The existing 100mm wastewater connection will be upgraded to a 150mm pipe extended towards the back of the lot to provide lateral connections to each unit. Water supply will be provided via connection to the existing 100 water main located on Kelly Road.
- 5.4 The existing vehicle crossing will be upgraded to provide for access to the units via Right of Way (RoW). Each unit has one car parking space within a single internal garage.
- 5.5 Landscaping will be undertaken along the road (western), northern and eastern boundaries, as well as within the small portion of garden at the RoW front of each unit. Fencing will be constructed along all boundaries, a 1.8m high close boarded timber fence will be located along the northern, eastern and southern boundaries, as well as between each of the units. A 1.2m high visually permeable black powder-coated pool type fence

will be located along the road front boundary as well as a gate to provide entry to the front door of unit 1.

5.6 Diagrams 4 to 7 below include the proposed site plan, elevation plan, and landscaping plan for the activity.

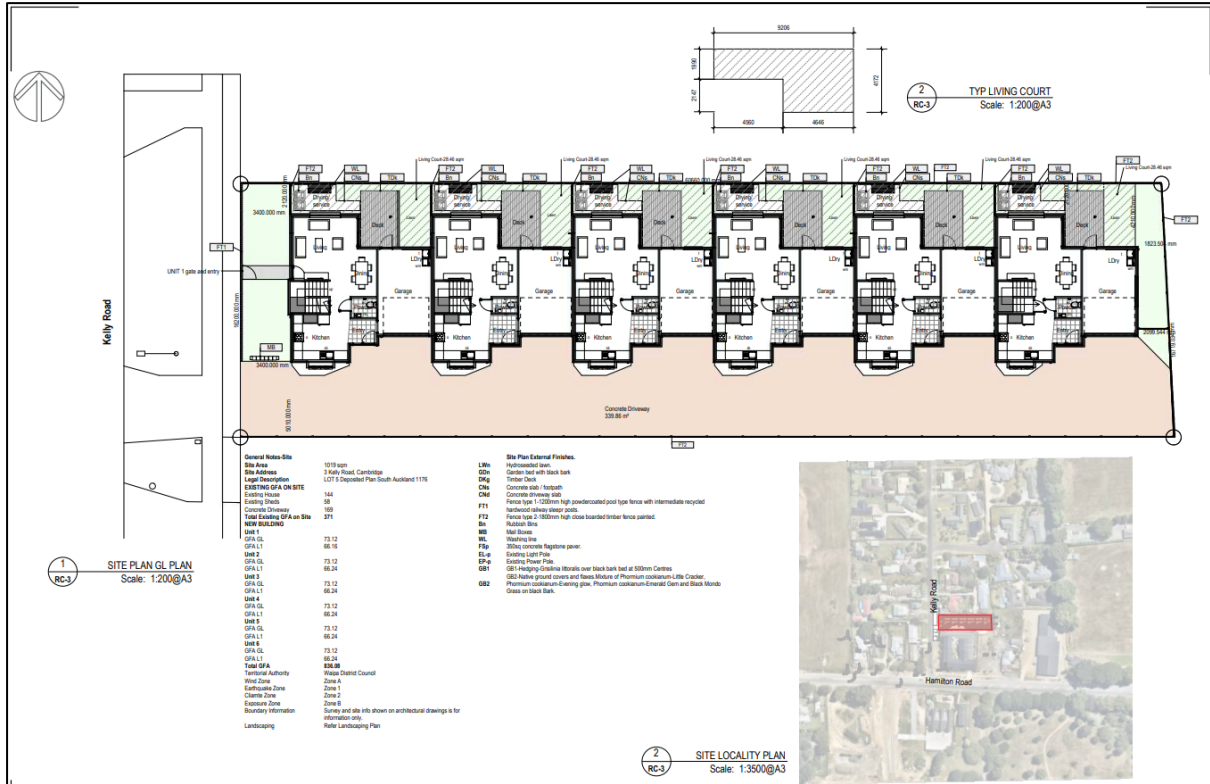


DIAGRAM 4: PROPOSED SITE PLAN – GROUND FLOOR PLAN.

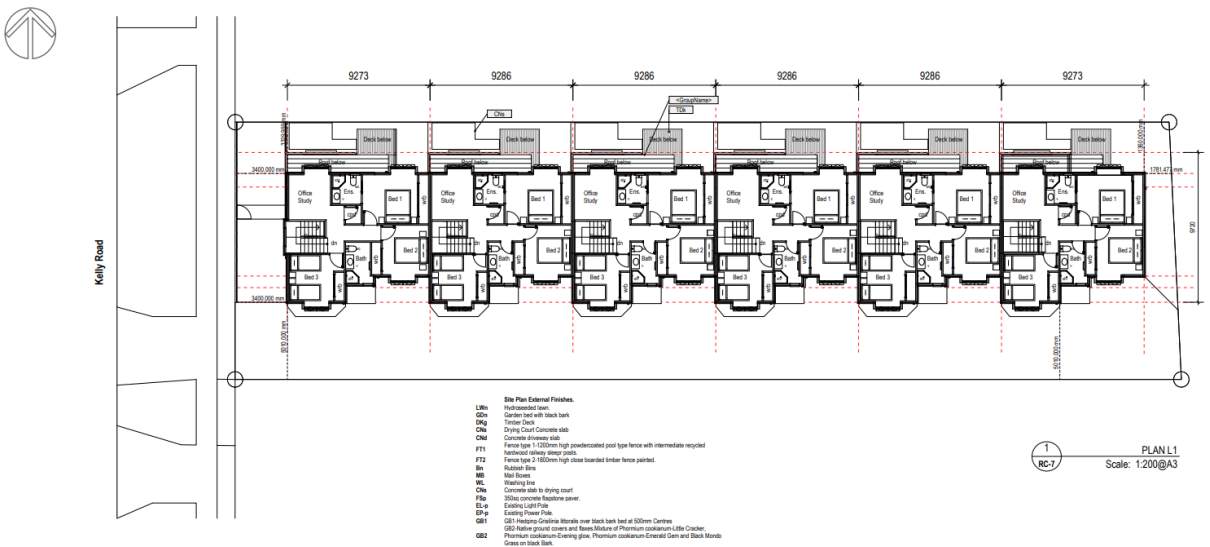


DIAGRAM 5: FIRST FLOOR PLAN

6 ACTIVITY STATUS

- 6.1 Section 5 of the Assessment of Environmental Effects report prepared by Barker & Associates, on behalf of the Applicant, dated 12 July 2023 provides a District Plan rule assessment. Section 2.2 of the Notification Report provides my assessment. In summary, the proposal requires resource consent as compact housing for six dwellings is not provided for in the Residential Zone. Compact housing for 7 or more dwellings is provided for as a restricted discretionary activity.
- 6.2 Overall, the application is deemed to be a Non-Complying Activity.

7 SUMMARY OF NOTIFICATION ASSESSMENT

- 7.1 Under the Act, the notification provisions are contained in Sections 95A to 95F. Specifically, Sections 95A to 95F set out the process for determining whether or not public notification or limited notification of the application is required. Having regard to the notification provisions, a notification decision was made on 20 November 2023.
- 7.2 This report concludes:
- 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;
 - In terms of the permitted baseline, the District Plan provides for two principal dwellings (one principal dwelling per 500m²);
 - The receiving environment is primarily residential zone subject to C2/C3 Structure Plan. With the exception of 1 Kelly Road and 1913 Cambridge Road which are a motel and commercial development.
 - The assessment of effects considered the proposal with regard to:
 - Character and Amenity;
 - Roading; and
 - Infrastructure.

- 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 application 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:
 - Owners and occupiers of 5 Kelly Road.

7.3 The application proceeded with limited notification on 29 November 2023.

8 SUBMISSIONS

8.1 A total of two submissions were received during the statutory submission period, both of which were in opposition. The submissions were from Ms. Ruth and Mr Dennis Hickey (occupiers of 5 Kelly Road) and from Harkness Henry on behalf of the Estate of Vincent Mervyn Morel (owner of 5 Kelly Road). The location of these parties are shown below in Diagram 8.

8.2 The opposing submissions raise the following matters:

- Intensification and density;
- Stormwater and flooding;
- Character and amenity;
- Urban design outcomes;
- Traffic and roading;
- Privacy and noise;
- Safety; and
- Outdoor living areas.



DIAGRAM 8: LOCATION OF SUBMITTERS – 5 KELLY ROAD.

9 OFFICER COMMENTS

9.1 Development Engineer

- 9.1.1. Council’s Development Engineer, Brendan Koevoet, has recommended a number of conditions of consent relating to entrance upgrades, water supply, wastewater, stormwater, and foundations.
- 9.1.2. Following the application being notified, the water and wastewater modelling requested under Section 92 has been provided. This confirmed that there is capacity within the network to service the development with both water and wastewater.
- 9.1.3. It is noted by Mr Koevoet that while the target water supply pressures have been achieved, this development has the potential to set a precedent enabling further developments at this density within the surrounding residential areas. Further development at this density within residential areas will add further strain on Waipa DC’s water infrastructure, and this is something the models cannot take into account.
- 9.1.4. Similarly for wastewater, while the target freeboard level has been achieved, this development has the potential to set a precedent, enabling further developments at this density within the surrounding residential areas. Further development at this

density within residential areas will add further strain on Waipa DC's wastewater infrastructure, and this is something the models cannot take into account.

9.2 Urban Design

- 9.2.1. Council's Urban Design Consultant, Annette Jones, has reviewed the application and provided urban design comments, which are summarised in the following points in relation to key urban design matters. It is noted that these comments were provided to the applicant's agent and no changes or improvements were made.

Site Layout:

The front unit of the site is differentiated with its own street address and path from Kelly Street. This front unit has some windows onto the street which provide a frontage, however the opportunity has not been taken to provide passive surveillance and interface to the street from living areas which is a drawback of the proposal (glazing is to the stairwell and first floor bedroom and office windows sill level is above eye level). The terrace units orient the kitchen areas onto the driveway access which provides for CPTED outcomes along this driveway access which also provides the main pedestrian access for the remaining five units.

Vehicle access is provided from the southern side of the site to the single garages provided on the ground floor of each unit. It is noted that there is no specific differentiation provided on the ground surface from the vehicle access to delineate the pedestrian access along the boundary.

Context and Character:

A drawback of the development is the lineal nature of the singular block that is 55.69 metres long. Seen in context this proposal is a transition from the bulk of the visitor accommodation on the corner of Kelly Road and Cambridge Road.

The neighbours to the north that will see the highest level of change in the character of the site, with six units introduced on this boundary. Breaking down the length into two blocks would mitigate this.

An alternative would be to reduce the floor plate and number of bedrooms and break the building into two blocks.

In retaining the proposed footprint there are additional mitigation measures that can be made to break down the lineal nature of the elevation. The proposal has used a variety of materials and stepped the façade so that the block is articulated as six dwellings. Other methods are a change in wall colour or placement of specimen trees to further break this elevation for the viewer beyond the site.

Street Relationship & Appearance:

While 5 of the 6 dwellings are not directly apparent from Kelly Road they will be visible on an oblique angle as depicted in the illustration below right. Consideration could be given to the role landscaping elements can provide in breaking this long elevation i.e. specimen tree placement.

Amenity:

On-site amenity

Units are arranged with a northern orientation, providing good access to sunlight with lawn and deck areas of a size that is proportional to the number of anticipated occupants, despite this being 1.5m sq under the required 30msq.

The entry areas of each unit have a semi-public space with landscaping in front to provide a semi-public space and a degree of privacy for occupants from the shared access. The windows at ground and first level provide oversight of this common area.

Amenity of adjacent properties

Overall the proposed development manages the interface and amenity of adjacent properties in particular those to the south and north through a mix of setbacks in the elevation and differentiation of the elevation with a range of materials. This is also employed on the residential boundary elevation to the west, however, further methods including landscaping with specimen trees would give the impression of further breaking up the bulk and mass of the building especially along the northern boundary with residential dwellings.

Landscape Design:

There is a clear distribution of landscaped space providing for a north facing yard area accessible from the living area of each dwelling and a planted area at the front door the south to provide a level of screening and defensible space for the area in front of each unit that faces onto the shared access way.

The frontage onto Kelly Street is open with a lawn and flax defining the edge giving full visibility of the letterboxes that front onto the shared access.

Form & Appearance:

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.

Conclusions/Recommendations:

- *Identify the location and type of specimen trees as well as their size to indicate the role these will have in breaking up the northern elevation.*
- *Consider the differentiated surface that can be provided for pedestrians and the landscaped edge on the southern boundary.*
- *Provide greater passive surveillance and interface to the street from living spaces of the front unit facing onto Kelly Street.*

PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

10 SECTION 104 ASSESSMENT

- 10.1 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, the District Plan 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)).
- 10.2 The application is for a Non-Complying Activity under the District Plan. The Council may therefore grant or refuse consent under Section 104B and, if granted, may impose conditions under Section 108 of the Act only if it is satisfied that either the adverse effects will be minor, or the activity will not be contrary to the objectives and policies of the District Plan (Section 104D).
- 10.3 The following provides my assessment of all relevant matters under Section 104.

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

- 11.1 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.

11.2 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 and those matters raised in submissions must be considered. These matters are:

- Character and Amenity;
- Infrastructure; and
- Traffic and Parking.

Character and Amenity

11.3 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.

11.4 With regard to residential character and amenity effects, the following matters have been raised by submitters and are subsequently discussed in further detail:

- Density;
- Noise and Loss of Privacy;
- Appearance of building; and
- Shading.

Density

11.5 Mr & Ms Hickey’s submission raised concerns that the proposed development does not meet the requirements to be considered compact housing. The District Plan defines compact housing as “a housing development in which the design of buildings, their layout, access and relationship to one another has been planned in a comprehensive manner to achieve compatibility between all buildings on a site or sites. This can include Papakāinga housing, terraces, duplexes, apartments and town houses, but excludes retirement village accommodation and associated care facilities.”. It is considered that the proposal meets this definition and is therefore considered as compact housing. Rule 2.4.1.3(b) of the District Plan, however, provides for seven or more dwellings, in which the proposal is applying for six, making the proposal a non-complying activity given it doesn’t meet the requirement of the rule. The proposal is

instead considered under 2.4.1.5(i) (All other activities not listed in activity status table Rules 2.4.1.1 to 2.4.1.4.) given it is not otherwise provided for in the District Plan.

- 11.6 The subject site is within 100m walking distance to the commercial development at 1913 Hamilton Road, and within 200m walking distance of the Council owned public reserve land along Cambridge/Hamilton Road, meeting the alternative requirement for compact housing being located outside of the compact housing overlay, being an equivalent to being located within the compact housing overlay.
- 11.7 Both submissions raised concerns around the density of the proposed development. The Structure Plan for C2 outlines a density target of 12-15 dwellings per hectare, providing opportunities for higher densities (compact housing) in appropriate areas. Compact housing is provided for in the structure plan and includes duplexes, terraces, apartments and town houses as is being proposed. The submission also raised concerns about future compact housing developments along Kelly Road, which these would also require resource consent and be assessed on a case-by-case basis in terms of accordance with the zone provisions and the Structure Plan.
- 11.8 The Structure Plan identifies that C2/C3 will accommodate approximately 1,750-2,375 dwellings in a variety of forms including low-density single-family homes, small-lot detached homes, and with potential for town houses. Higher densities can be expected within those areas identified for compact housing. While the site is not explicitly in an area identified for compact housing (i.e. not located within the Compact Housing Overlay), it is considered the site is suitable for compact housing development given its proximity to the commercial development and public reserve area as described above. It is important to note that despite compact housing being provided for as abovementioned, it is not permitted and is still subject to an assessment of effects.
- 11.9 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.
- 11.10 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. Further to this, Harkness Henry raised concern with the lack of mitigation of adverse effects of the increased density through design and landscaping. I agree with this given the lack of stepping and separation between the units, and the building as seen from 5 Kelly Road is a bulky

uninterrupted mass. In addition, the opportunity has not been taken to utilise landscaping to break up the length of the building.

Noise and Loss of Privacy

11.11 Both submitters have raised concern with the potential noise and loss of privacy resulting from the development. I agree with this as per my notification report which stated that *“the proposal will intensify the activity on site where in the context of the permitted baseline, it would be expected to have 3-4 people per dwelling (6-8 total), whereby the proposed could result in 18-24 people overall. This in turn is considered to increase the activity on site to a level that will affect the reasonable expectation of noise and seclusion of 5 Kelly Road.”*. In addition to this, the outdoor living areas of each unit will be adjoining 5 Kelly Road, making the increase of activity more apparent. I agree that the introduction of 6 units will reduce the sense of privacy above what is reasonably anticipated in a residential area.

Appearance of building

11.12 Both submitters raised concerns about the difference in plans submitted with the application and those signed by 1 Kelly Road for the written approval, specifically with the roof pitch change and which plans are relevant in terms of what the technical reports provided with the application (including urban design comments provided from Council’s urban design consultant) based their assessment on.

11.13 The plans for which the technical reports accompany the application, are the ones submitted with the application. The signed plans were signed May 2022, in which the plans had changed since then whereby the main difference being the roof pitch. As the new plans did not introduce any new or increase any non-compliances/breaches in relation to the boundary of 1 Kelly Road, Council did not deem it necessary to request the applicant provided updated written approvals.

11.14 Mr & Ms Hickey have raised concern with the building length in the context of the assessment criteria, more specifically the outlook from neighbouring properties. I agree with this as per my notification report that states: *“This is a significant difference in that the proposed block is considerably larger and longer than a single dwelling that would be permitted on site and presents as an uninterrupted mass that is bulky and domineering.”*. In addition to this, Council’s Urban Design consultant provided the following advice in terms of the building length in relation to 5 Kelly Road: *“The neighbours to the north that will see the highest level of change in the character of the site, with six units introduced on this boundary. Breaking down the length into two blocks would mitigate this. For example - splitting the units into a duplex and a terrace and providing for 5 units on the site. Such an approach would read as two distinct buildings on the site, providing a transition from the commercial scale of the Kelly Road*

Lodge to the south, to the detached dwellings to the north. Splitting the building mass would also reduce the apparent bulk and scale of the development, particularly for occupants of 5 and 7 Kelly Road.”

- 11.15 Concern was also raised regarding the appearance of the building in terms of how it is viewed from the road given the application stated the rear five units wouldn't be apparent from the road, but it is clear that the building comprises of six units. Council's Urban Design consultant provided comments on the application in which they concluded that the building is seen as one singular bulk and mass on site when viewed from the street and neighbouring sites. I agree with this statement. While attempts have been made to create visual interest through use of different materials, the bulk of the building still appears as an uninterrupted mass which is further enhanced through the lack of stepping or separation between units.
- 11.16 Mr & Ms Hickey also raised concern that the building length and design does not reflect those shown in Figure 6: Compact housing desirable built form under S19.3.2.4-S19.3.2.6. These images show examples of specific features that are desired for compact housing, in which the proposal is consistent with these with the exception of the roof pitch. It is noted in the application that the roof pitch was reduced to 25 degrees in order to achieve compliance with daylight control requirements. It has been noted by Council's urban design consultant that the proposed roof follows the pitched rooves anticipated in the area and also seen in surrounding new buildings.
- 11.17 Mr & Ms Hickey raised concern that each unit has the potential to be four bedrooms given a door could be added to create a bedroom. I agree with this, while it is proposed as an office, the new owner or occupier could very well use it as a fourth bedroom. However, the application and assessment is based on it being proposed as an office. A condition has been recommended, should consent be granted, that the office in each unit must be used as such.
- 11.18 Mr & Ms Hickey raised concern about the permeability of the fencing between the outdoor living areas of each unit and whether it provides for 50% privacy. The proposed fencing achieves at least 50% visual permeability.
- 11.19 Mr & Ms Hickey raised concern about the current state of the site in terms of vegetation not being maintained and the grass berm not being mowed. Council are aware of this and Council's Enforcement Team have responded to this after receiving concern regarding the lack of maintenance. In addition, Rule 20.4.2.4 of District Plan requires that all sites shall be maintained so as to preserve the amenity values of the zone and land shall be kept clear of rubbish and noxious plants.
- 11.20 Mr & Ms Hickey raised concern about the quality of materials used for the building. The application has stated that a mix of materials will be used including brick veneer,

timber cladding, metal cladding and panel garage doors. While this does not impact my assessment, I encourage the applicant to elaborate on the quality of materials at the hearing.

- 11.21 Mr & Ms Hickey raised concern about lack of dedicated pedestrian access to the units, in which Council's urban design consultant has also raised in their comments that a differentiated surface should be included in the right of way to provide for clear pedestrian access.

Shading

- 11.22 Mr & Mrs Hickey raised concern about shading from the proposed building, as mentioned above, the roof pitch was reduced to 25 degrees in order to achieve compliance with daylight control requirements and reduce shading.

Summary

- 11.23 Overall, based on the above assessment and Council's Urban Design consultant advice, I consider the effects relating to the proposed increased density and activity on site, and the appearance of the building on the owners and occupants of 5 Kelly Road to be more than minor.

Infrastructure

Flooding and Stormwater

- 11.24 Both submitters have raised concern with stormwater and flooding. Council's Development Engineer, Bendan Koevoet, has provided the following comments:

11.25 *"While Council's Building Compliance Maps under the Special Features layer show the subject site within an area of poor soakage, the soakage tests provided within the 3 Waters Assessment Report prepared by GDC Consultants Ltd dated 12/07/2023 (Doc set: 11056987 Page 64 - 104) state a soakage rate of 300 mm/hr has been achieved on-site and a conservative soakage rate of 150 mm/hr has been appointed for the design."*

11.26 *"This development is proposing 79% impermeable surfaces across the site, this is significantly more than the allowed 60% under rule 2.4.2.13 of the District Plan. It is proposed that the runoff from all surfaces is managed via a modular soakage system located within the ROW for 10-year ARI rainfall events. While for most residential developments, designing for 10-year ARI events is suitable, due to the high amount of impermeable surfaces and the altered overland flow path potentially directing runoff towards the neighbouring property as a result of the proposed units, designing the*

stormwater management devices for a 50-year ARI event is required in accordance with RITS 4.2.4.”

- 11.27 *“It is acknowledged that this area does have some existing stormwater ponding issues; it’s also noted that the planned Kelly Road urbanisation project aims to improve these issues by connecting to the C1 – C3 stormwater network.”*
- 11.28 Overall, based on the technical reports provided with the application and Council’s development engineering advice, I am satisfied that the site can be adequately serviced for stormwater and will avoid stormwater effects to surround properties.

Wastewater and Water Supply Modelling

- 11.29 Harkness Henry has raised concerns around the serviceability of the units for wastewater and water supply. Modelling has for both wastewater and water supply since the application was notified, this concluded that there is a workable design/capacity in the network to service each unit with reticulated wastewater and water supply. Council’s Development Engineer, Bendan Koevoet, has provided the following comments:
- 11.30 *“It has been proposed within the application water supply will be gained via connection to the existing 100mm water main located on Kelly Road.”*
- 11.31 *“Water supply modelling was requested as the proposed density of this development exceeds 45 persons per hectare; the Water Supply Modelling Assessment prepared by WSP dated 8/12/2023 (Doc set: 11160522) outlines the criteria for pressure in both the base and growth scenarios is achieved; however, the fire firefighting flow was not achieved for both scenarios. After discussions with our water services team, it is outlined that the modelled firefighting flow underestimates the true real-world flow. Water Services will investigate firefighting flows in this area, but this does not affect the viability of this development.”*
- 11.32 *“It is noted that while the target pressures have been achieved, this development has the potential to set a precedent enabling further developments at this density within the surrounding residential areas. Further development at this density within residential areas will add further strain on Waipa DC’s water infrastructure, and this is something the models cannot take into account.”*
- 11.33 *“It is proposed the existing 100mm wastewater connection be upgraded to a 150mm pipe extended towards the back of the lot to provide lateral connections to each unit.”*
- 11.34 *“Wastewater modelling was requested as the proposed density of this development exceeds 45 persons per hectare; the Wastewater Modelling Assessment prepared by WSP dated 8/12/2023 (Doc set: 11160521) states it is predicted the proposed*

development will increase the surcharge downstream of the rising main in both the base and growth scenarios, it is noted the freeboard levels have been achieved. After discussions with our water services team, it has been concluded the wastewater network currently has sufficient capacity to service the proposed development.”

11.35 *“Again, it is noted that while the target freeboard level has been achieved, this development has the potential to set a precedent, enabling further developments at this density within the surrounding residential areas. Further development at this density within residential areas will add further strain on Waipa DC’s wastewater infrastructure, and this is something the models cannot take into account.”*

11.36 Overall, based on the technical reports provided with the application, the water and wastewater modelling, and Council’s development engineering advice, I am satisfied that the site can be adequately serviced for water supply and wastewater.

Traffic and Parking

11.37 Both submissions raised concerns with the traffic generation and congestion as well as lack of parking. Council’s Development Engineer, Bendan Koevoet, has provided the following comments:

11.38 *“Kelly Road has a posted speed limit of 50 km/h and is currently classified as an Access Road; the ADT of Kelly Road is 299 vehicles per day, with 6% heavy vehicles, according to Mobile Road. It is expected the creation of 5 additional dwellings will generate an additional 50 vehicle movements per day based on RITS 3.3.12.1(b) As the vehicle movement generated from this activity does not exceed 100 vehicles per day, an ITA is not required per rule 16.4.2.22 of the district plan.”*

11.39 *“While it is anticipated the surrounding road network can accommodate the additional vehicle movements, it is acknowledged the Kelly Road – Cambridge Road intersection experiences some level of traffic congestion at peak times. It is noted this development is proposing a density of 59 dwellings per hectare, which far exceeds the anticipated density of 16 dwellings per hectare for a residential zone, with the potential for further developments of this density; the existing traffic congestion issues will only worsen.”*

11.40 *“Access is gained via the existing residential vehicle crossing to Kelly Road. The sight and separation distances of this entrance are suitable. It is proposed the existing vehicle crossing is upgraded as it currently does not meet council standards.”*

11.41 *“Access to each unit will be gained via a concrete driveway (access leg); the driveway should be constructed to a right-of-way standard. The Amended Site Plan prepared by Sekta Architects dated 3/10/2023 (Doc set: 11115022) shows there is adequate space*

for a 99.8 percentile vehicle manoeuvring, allowing each vehicle to enter and exit the site in a forward direction.”

11.42 *“Section 3.38 of the NPS-UD Policy 11 removed the requirement to provide minimum car parking spaces; therefore, each unit has only been provided with 1 internal car parking space. Given each unit has 3 – 4 bedrooms, it is expected each unit could have up to 2 vehicles each.”*

11.43 *“It is noted section 15.1(k) of Waipa DC’s Public Spaces Bylaw restricts on-street parking within the immediate area. With no further provisions for parking provided on-site, it is anticipated that the limited parking spaces within the area will become overwhelmed and subsequently have adverse effects on the surrounding environment.”*

11.44 In addition, given the absence of minimum parking requirements, Council is unable to require onsite parking. In terms of parking on the street, there is parking in surrounding areas and further down Kelly Road, it is anticipated that the future owners and occupiers of the units will be aware of the parking availability on site. Alternative modes of transport are also available and may be used by future owners and occupiers. Based on the proposed development, noting Council cannot consider any potential future development, I consider the traffic effects to be acceptable.

Positive Effects

11.45 Having had regard to the adverse effects of an activity, the Act provides for the consideration of the benefits and positive effects of an activity. In this instance, the proposal will give rise to positive effects, including but not limited to:

- Provides alternative housing options within Cambridge.

Summary of Effects Assessment

11.46 The above assessment has considered the actual and potential effects of the proposed activity raised in the application, Council’s notification assessment and the submissions received. Having due regard to the information provided, I consider the effects relating

to the proposed increased density and activity on site, and the appearance of the building on the owners and occupants of 5 Kelly Road to be unacceptable.

11.47 With regard to the proposed traffic and infrastructure effects, as raised through submissions, I consider the associated effects are minor.

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

12.1 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

12.2 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 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 for Freshwater Management;
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat;
- National Policy Statement for Highly Productive Land;
- National Policy Statement for Indigenous Biodiversity;
- National Policy Statement for Renewable Electricity Generation;
- National Policy Statement on Electricity Transmission
- National Policy Statement on Urban Development; and
- New Zealand Coastal Policy Statement.

12.3 With regard to the NPSs listed above, further consideration with regard to this application is required under the National Policy Statement on Urban Development.

National Policy Statement on Urban Development

12.4 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.

12.5 The NPS-UD 2020 recognises the national significance of:

- *“having 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” and*
- *“providing sufficient development capacity to meet the different needs of people and communities.”*

12.6 Council must give effect to the NPS-UD 2020 and the relevant objectives within the NPS are:

- *“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 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.”*
- *“Objective 6: Local authority decisions on urban development that affect urban environments are:*
 - a) *integrated with infrastructure planning and funding decisions; and*
 - b) *strategic over the medium term and long term; and*
 - c) *responsive, particularly in relation to proposals that would supply significant development capacity.”*

12.7 Throughout the supporting policies, the NPS-UD 2020 emphasises the need for local authorities to provide for well-functioning urban environments with 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

12.8 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 Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Freshwater;
- National Environmental Standards for Greenhouse Gases from Industrial Process Heat;
- National Environmental Standards for Marine Aquaculture;
- National Environmental Standards for Commercial Forestry;
- National Environmental Standards for Sources of Human Drinking Water;
- National Environmental Standards for Storing Tyres Outdoors; and
- National Environmental Standards for Telecommunication Facilities.

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

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato (WRPS)

12.10 Te Tauākī Kaupapahere Te-Rohe O Waikato 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.

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

Waikato Regional Plan

- 12.12 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 Te Tauākī Kaupapahere Te-Rohe O Waikato 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.

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

- 13.1 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, Section 15 – Infrastructure, Hazards, Development and Subdivision, and Section 16 – Transportation.
- 13.2 The applicant's agent has provided an assessment of the relevant objectives and policies in Section 10.1 of the application. In addition to their assessment the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

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 give 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. *Maximising 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.*

13.3 Objective 2.3.1 and the associated policies outline the key elements for consideration for any activity within the Residential Zone with regard to character and amenity. The objective and policy seek to provide for low density development in which the proposal is not only providing for high density development, but at a much higher level than what is reasonably anticipated. However, given the proposal is only contrary to part of point e., the proposal is overall not contrary to the abovementioned objective and policy.

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.*

Policy – Building setback: side boundaries

2.3.2.2 *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.*

2.3.2.7 *Maintain a proportion of each site in permeable surfaces such as lawn and gardens, in order to ensure there is sufficient capacity to enable the on-site disposal of stormwater. In the Cambridge North Structure Plan Area, increased standards apply because of the difficulty of disposing of stormwater in this location. In the C1 and C2/C3 Structure Plan areas on-site disposal of stormwater may not be required where regional and/or district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal.*

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 principles.*

2.3.2.20 *To ensure that passive surveillance is provided to roads, reserves and walkways.*

13.4 Objective 2.3.2 and the associated policies seeks the maintenance of amenity values and enhancement of safety in the Residential Zone. In regard to amenity values for 5 Kelly Road, amenity will change in the context of noise, privacy and overall increase of activity on the site. Despite the proposal meeting setback, daylight control and building height requirements, it is still considered to be contrary to these objectives and policies given the proposal will increase the activity on site to a level that will affect the reasonable expectation of noise and seclusion of 5 Kelly Road.

13.5 In terms of the enhancement of safety and the incorporation of CPTED principles, as commented by Council's urban design consultant, a drawback of the proposal is that the opportunity for passive surveillance has not been taken as glazing is to the stairwell

and first floor bedroom and office windows sill level is above eye level. However, given six units are proposed, there will be more activity than if it were just one or two dwellings on site.

13.6 Overall, the proposal is not contrary to the abovementioned objectives and policies.

Objective – On-site 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.*

Policy – 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 to not overly 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).*

Policy – Outdoor living area

2.3.3.4 *Each dwelling on a site shall have a usable and easily accessible outdoor living area, that is positioned to receive sun throughout the year, and is accessed from a living area of the dwelling, provided that this policy does not apply to compact housing and retirement village accommodation and associated care facilities.*

Policy – Maximum building length

2.3.3.5 *Long building lines are not consistent with residential character and should be avoided. Buildings that are well modulated with architectural detail shall be preferred.*

13.7 Objective 2.3.3 and the associated policies seek to maintain and enhance amenity values on site and other sites within the Residential Zone. Onsite amenity is somewhat provided for on site in the form of outdoor living areas provided for each unit. Despite not meeting the minimum site required for outdoor living areas, Council’s urban design

consultant has confirmed that the area provided is sufficient to provide for the anticipated number of occupants for each unit.

13.8 In terms of amenity of other sites in the area, 5 Kelly Road in particular, despite meeting setback requirements, the building will visually be dominant and will overlook the outdoor living area, resulting in a loss of privacy for the owners and occupiers. In addition to this, the proposed building length more than twice exceeds the maximum length provided for and is not stepped as required, resulting in a bulky uninterrupted mass.

13.9 Overall, the proposal is contrary to the abovementioned objectives and policies, with the exception of policies 2.3.3.3 and 2.3.3.4.

Objective – Providing housing options

2.3.4 *To enable a wide range of housing options in Cambridge, Te Awamutu, Kihikihi, and Karāpiro 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 on an approved structure plan; or*
- b. Where the intensive use is off-set by adjoining an area zoned for reserve 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.*
- 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 (refer to Section 21 – Assessment Criteria and Information Requirements); 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.*

13.10 Objective 2.3.4 and the associated policies seek to provide for housing options, including compact housing development. While not located in the compact housing overlay, the site is located in area that provides for an equivalent alternative to being located within the compact housing overlay. The proposal will provide for housing options in Cambridge. Therefore, the proposal is considered consistent with this objective and policies.

Objective – Comprehensive design and development

2.3.5 *To ensure that developments are comprehensively designed, incorporate urban design and Crime Prevention through Environmental Design 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 Crime Prevention through Environmental Design 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.*

Policy – Cambridge Park and C1 and C2/C3 Structure Plan Area

2.3.5.2 *To encourage creative and innovative approaches to urban design and development within the Cambridge Park Residential Zone and the C1 and C2/C3 Structure Plan Area.*

13.11 Objective 2.3.5 and the associated policies outline the need for development to relate to adjoining developments in the neighbourhood, and to avoid continuous lengths of wall, incorporate CPTED principles, provide servicing, and address effects relating to noise. The proposal in the context of Kelly Road does relate in that the nature of the activity is residential, however, given the density and level of activity proposed, it is not considered to effectively relate to 5 Kelly Road in that they will experience 35m of uninterrupted wall length that is not stepped, as well as loss of privacy as a result of the increased activity on site. Other than the objective and policies relation to protecting neighbouring amenity, the proposed building is connected, with shared access and is able to be adequately serviced, the proposal is not considered to be contrary with the abovementioned objectives and policies.

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.*

13.12 Objectives 15.3.1 and 15.3.2 and the associated policies outline the need for development to not only be suitable for the site but also integrate with the site and surrounding area. As discussed in the above sections, the proposed building is introducing density at a much higher level than what is reasonably anticipated.

Although the proposal does not integrate in relation to 5 Kelly Road, it is considered to integrate with 1 Kelly Road being a two storied motel block, which provides for some transition to the proposed development. However, the proposal does not integrate well with 5 Kelly Road being that will result in a large two storied uninterrupted block where 5 Kelly Road and other surrounding properties are characterised by low density residential development.

13.13 Despite this, it is considered the site is suitable for compact housing development given its proximity to the commercial development and public reserve area as being an alternative to being located within the compact housing overlay. In addition, the geotechnical report provided with the application concluded that the site is suitable for development subject to specific foundation design.

13.14 Overall, the proposal is consistent with the abovementioned objectives and policies.

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, e.g. bus stops; 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.*

13.15 Objective 15.3.3 and policy 15.3.3.1 ensure that sites are provided with appropriate servicing. The site is able to be serviced with three waters and access. There is also walkable access to public recreational facilities, public transport and pedestrian and

bicycle connections. Therefore, the proposal is consistent with the abovementioned objective and policy.

Objective – Urban consolidation

15.3.4 *To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.*

Policy – Achieving density, design and character

15.3.4.1 *The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.*

Objective – Structure planning

15.3.16 *To achieve integrated development within structure plan areas.*

Policy – Structure planning

15.3.16.1 *To enable development and subdivision within approved structure plan areas where the development and subdivision is integrated with the development pattern and infrastructure requirements specified in an approved structure plan.*

13.16 Objectives 15.3.4 and 15.3.16 and the associated policies seek to ensure that development is in keeping with existing and anticipated character and amenity outcomes of the zone as well as the requirements of the structure plan. It has been established that the proposal exceeds the anticipated density and subsequently the character and amenity of the area and will result in more dwellings per hectare than anticipated in the structure plan. It is however acknowledged that compact housing development is provided for in the structure plan, and the site is considered suitable for development given its location from reserve land and the adjoining commercial area.

13.17 Overall, the proposal is not contrary to the abovementioned objectives and policies.

Section 16 – Transportation

Objective – Integrating land use and transport: ensuring a pattern of land uses and a land transport system which is safe, effective and compatible

16.3.2 *Land use and transport systems successfully interface with each other through attention to design, safety and amenity.*

Policy – Integrating land use and transport

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

- a. Minimise conflict on and across arterial routes and provide appropriate access; and*
- b. Include access that is safe and appropriate for all road users, including those with restricted mobility; and*
- c. Minimise the need for travel and transport where practicable; and*
- d. Facilitate travel demand management opportunities where practicable.*

Policy – Safe roads

16.3.2.3 *Development and subdivision design and construction shall contribute to a safe road environment, by:*

- a. Providing safe and appropriate locations for vehicle entrances, driveways, pedestrian and cycle routes; and*
- b. Designing and locating transport networks, lighting, street furniture and landscaping to minimise conflict, maintain visibility, and provide for maintenance activities.*

13.18 Access is gained via the existing residential vehicle crossing off Kelly Road. The sight and separation distances of the entrance have been deemed suitable by Council's Development Engineer, Brendan Koevoet. Therefore, the proposal is consistent with the abovementioned objective and policies.

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.*

13.19 Council's Development Engineer, Brendan Koevoet has confirmed that the surrounding road network can accommodate the additional vehicle movements. Based on the proposed addition of six units, noting Council cannot consider any potential future

development, I consider the proposal to be not contrary to the abovementioned objective and policy.

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. In some locations, adjoining rail lines, State Highways, and the District's Commercial Zones; vehicle entrances will be limited and will require assessment due to the complexity of the roading environment, or the importance of provision for pedestrians.*

Policy – Ensuring adequate parking, loading and manoeuvring areas on-site

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

13.20 Sight and separation distances of the existing entrance are suitable for the proposed development. It has been demonstrated that there is adequate space on site for a 99.8 percentile vehicle manoeuvring, allowing each vehicle to enter and exit the site in a forward direction. Therefore, the proposal is consistent with the abovementioned objective and policies.

Summary of Objective and Policy Assessment

13.21 Overall, the above objective and policy summary has demonstrated the proposal is not contrary to the objectives and policies of Sections 2, 15 and 16 of the District Plan. Overall, I consider the proposal to be not contrary to the objectives and policies of the District Plan, with the exception of the objectives and policies relating to protecting the amenity of neighbouring residential sites.

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

Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest

- 14.1 The property subject to this consent is not within a Statutory Acknowledgement Area. The site is within Ngāti Hauā and Raukawa Areas of Interest.

Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan

- 14.2 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)).
- 14.3 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 Tāmata Ao Turoa o Hauā — Ngāti Hauā Environmental Management Plan

- 14.4 Te Rautaki Tāmata Ao Turoa o Hauā explains the importance of communication between local authorities and Ngāti Hauā 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.
- 14.5 The property is within the Ngāti Hauā Area of Interest and therefore the provisions of Te Rautaki Tāmata Ao Turoa o Hauā are relevant. There is nothing in the application that will be in conflict with the desired outcomes of Te Rautaki Tāmata Ao Turoa o Hauā accordingly, I consider the proposal to be consistent with the plan.

Te Rautaki Taiao a Raukawa — Raukawa Environmental Management Plan

- 14.6 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.
- 14.7 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.

15 SECTION 104D – GATEWAY TEST

- 15.1 Section 104D of the Act establishes a ‘threshold’ or ‘gateway test’ that acts as an additional test for Non-Complying Activities to satisfy. In order to pass the threshold test, a consent authority must be satisfied that 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.
- 15.2 The adverse effects of the proposed activity have been outlined and assessed in the application, the Council’s Notification Report , and Section 11 of this report. In summary:
- the Applicant’s Agent has concluded that the effects will be less the minor,
 - Council’s Notification Report assessed the adverse effects on the wider environment to be below the ‘more than minor’ threshold and the proposal could be considered without the need for public notification; and
 - Council’s Notification Report assessed the adverse effects on 5 Kelly Road with regard to density, loss of privacy, noise and visual appearance of the building will be minor or more than minor.
- 15.3 Further assessment in Section 11 of this report concluded that the character and amenity, density and loss of privacy effects of the activity on persons owning or occupying the property at 5 Kelly Road are unacceptable. Based on this assessment, it is my opinion the adverse effects are more than minor and the adverse effects limb of the threshold test (i.e. the effects will be minor) is not met.
- 15.4 With regard to the second limb of the threshold test, an assessment of the objectives and policies of the District Plan is outlined in Section 11 of this report. In conclusion,

the proposed activity is deemed to be not contrary to the majority of objectives and policies of the District Plan, therefore the second limb of the threshold test is met.

- 15.5 In summary, one limb of the ‘threshold test’ has been met, and Council may, pursuant to Section 104D, grant consent.

PART C – CONCLUSION & RECOMMENDATION

16 CONCLUSION

- 16.1 In conclusion, Kelly Road Investments Limited ('the Applicant') has applied for resource consent (land use) for six unit compact housing development in C2 Structure Plan Area within the Residential Zone at 3 Kelly Road, Cambridge.
- 16.2 The application is assessed as a Non-Complying Activity under the provisions of the Operative Waipā District Plan ('the District Plan') as '6 compact housing units' to which this proposal is most suitably defined as, is not listed in the Activity Status Tables for the Residential Zone, defaulting to this activity status under Rule 4.4.1.5(b).
- 16.3 The application was processed with limited notification and received two submissions, with both being in opposition. Those submitters have raised valid concerns with the proposal which helped inform the effects assessment associated with character and amenity, infrastructure, and traffic and parking.
- 16.4 An assessment of the environmental effects of the proposal is considered in Section 11 of this report pursuant to Section 104 of the Act. The conclusion of this assessment is that the character and amenity, infrastructure, and traffic and parking effects of the activity will be minor.
- 16.5 An assessment of the objectives and policies of the District Plan has been undertaken in Section 12 of this report. The conclusion of that assessment is that the development is not contrary to the objectives and policies of the District Plan.
- 16.6 The National Policy Statements, National Environmental Standards, the Regional Plan, Regional Policy Statement, and other non-statutory documents have been considered in this assessment. In summary, the proposal is not considered to be contrary to any of these documents.
- 16.7 An assessment of the application regarding Section 104D of the Act and the 'threshold' or 'gateway test' was undertaken in Section 15 of this report. The application is not considered to pass part 104D(a), in that the effects will be more than minor, and not fail part 104D(b), as it will not be contrary to the majority of objectives and policies of the District Plan. Therefore, Council may determine the application under s104B as one limbs of the gateway test have been met.
- 16.8 Having reviewed the application, submissions, and requirements under the Resource Management Act 1991, the proposal has qualities that lend itself to either grant or refusal, and the assessment in this case is very finely balanced. It is my opinion, based

on the effects on the persons at 5 Kelly Road, that the application should be refused consent.

16.9 To assist the commissioners in understanding what I would find acceptable, I consider that reducing the units from six to five and splitting the building into two would greatly reduce the visual and amenity effects on 5 Kelly Road as well as to the street.

16.10 However, should the hearing panel decide to grant consent, I have included a set of recommended conditions in **Appendix 4**.

17 RECOMMENDATION

That:

- a) *The report of Layla Gruebner – Planner be received; and*
- b) *In consideration of Sections 104, 104B, and 104D of the Resource Management Act 1991, the Waipā District Council **refuses** consent to Kelly Road Investments Limited for the to construct a six-unit compact housing development in C2 Structure Plan Area within the Residential Zone as a Non-Complying Activity under the Waipā District Plan at 3 Kelly Road, Cambridge, legally described as Lot 5 DPS 1176.*

Report prepared by:



Layla Gruebner
PLANNER

Reviewed by:



Quentin Budd
CONSENTS TEAM LEADER

Approved for the Hearings Panel by:



Wendy Robinson
MANAGER DISTRICT PLAN AND GROWTH