

RESOURCE MANAGEMENT ACT HEARINGS PANEL REPORT



To: The Chairperson and Members of the Hearings Panel
From: Hayley Thomas – Project Planner
Subject: **Subdivision of one lot into ten in the Residential Zone;
Land use for Compact Housing Development; and
Land use for Show Home within Proposed Lot 1**
Meeting Date: 17 May 2021
File Reference: SP/0155/20 & LU/0288/20

APPLICANT:	Meridian Asset Management
AGENT:	Cogswell Surveys Limited
PROPERTY ADDRESS:	47 Coleridge Street, Leamington, Cambridge
LEGAL DESCRIPTION:	Lot 2 DPS 1077 [SA1039/75]
SITE AREA:	3,035m ²
ACTIVITY STATUS:	Non-Complying
ZONING:	Residential
POLICY AREA(S):	Nil
DESIGNATION(S):	Nil
PROPOSAL:	Subdivision of one lot into ten in the Residential Zone; Land use for Compact Housing Development; and Land use for Show Home within Proposed Lot 1.

PART A – INTRODUCTION AND THE APPLICATION PROCESS

1 INTRODUCTION

- 1.1 Meridian Asset Management ('the Applicant') has applied for resource consent for the subdivision of one lot into ten in the Residential Zone, land use consent for a Compact Housing Development and land use consent for a Show Home within Proposed Lot 1, at 47 Coleridge Street, Cambridge. A site location map is included in **Appendix 1**. A copy of the application for resource consent is attached to this report as **Appendix 2**.
- 1.2 The site to which this application relates is a residential property approximately 400m south of the Waikato River, and 350m east of the Cambridge Town Belt, within the Leamington area. A detailed description of the site is provided in Section 3 of this report.
- 1.3 The application is assessed overall as a Non-Complying Activity under the provisions of the Operative Waipa District Plan ('District Plan') as the proposed dwelling on Proposed Lot 1 will be within the road boundary setback (breaching Rule 2.4.2.1), and the minimum and average lot sizes cannot meet the requirements of Rule 15.4.2.1(a) – Net Lot Area.
- 1.4 The application was lodged on 23 November 2020. On the 14 December 2020, the processing timeframes were extended pursuant to Section 37A(4)(b)(i) of the Resource Management Act 1991 ('the Act') due to Special Circumstances, for 20 working days. The timeframes were further extended on 4 February 2021, pursuant to Section 37A(5)(a) of the Act, for five working days.
- 1.5 Pursuant to Sections 95 to 95G of the Act, Council staff completed a notification assessment of the application. The conclusion of the assessment determined the adjacent properties may be affected, at least in a minor way, as a result of the application. The application proceeded to limited notification on 17 February 2021 to a total of eight parties. A copy of the Council's Notification Report is attached to this report in **Appendix 3**.
- 1.6 During the submission period a total of seven submissions in opposition were received. A copy of the submissions are included in **Appendix 4**.
- 1.7 Revised site plans were received by Council on 9 April 2021 and 12 April 2021. These plans are included in **Appendix 5** and replace the originally lodged plans.

- 1.8 The application has been referred to the Hearings Panel as the planning staff do not have delegated authority to make a decision on notified applications where submissions have been lodged in opposition.

2 PURPOSE OF THE REPORT

2.1 This report has been prepared by Hayley Thomas, Council's Project Planner, in accordance with Section 42A of the Resource Management Act 1991 ('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 Hearings 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 Hearings Panel. The Hearings 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 on the western side of Coleridge Street, Leamington and comprises a total area of 3,035m². The site currently contains a single dwelling with garage, two carports, shed and swimming pool.

3.2 The property is sited within the Residential Zone under the Waipā District Plan ('the District Plan'). There are no policy overlays or special features identified across the site.

3.3 The surrounding properties comprise a mixture of residential dwellings. North east of the site is Lindsay Park and south of the site is Lauriston Park, a higher density retirement village. Refer to **Figure 1 and 2** below.



FIGURE 1: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS

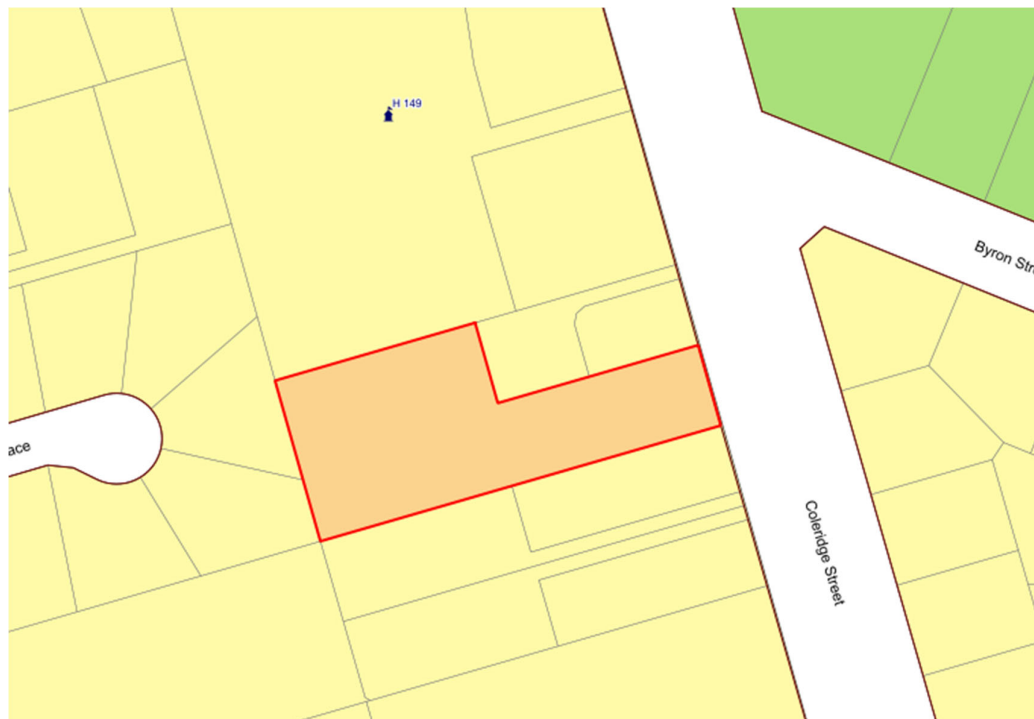


FIGURE 2: DISTRICT PLAN ZONE & POLICY OVERLAYS MAP

4 THE PROPOSAL

- 4.1 Pursuant to Section 88 of the Act, the Applicant has applied for the following:
- a) Subdivision Consent for subdivision of one lot into ten in the Residential Zone;
 - b) Land use Consent for a Compact Housing Development; and
 - c) Land use Consent for a Show Home within Proposed Lot 1.
- 4.2 The purpose of these consents is to enable the construction of ten new Compact Housing dwellings and the subdivision of each into an individual fee simple title. The following is a summary of the aspects for which resource consent is sought.

Subdivision Consent

- 4.3 The application seeks to subdivide the property into ten lots and an access lot. The lots range in size from 185m² to 243m². Easements are proposed for servicing (i.e. electricity, telecommunications, water supply, drainage of wastewater and stormwater). The lots to be created are listed below in **Table 1** and illustrated in **Figure 3** below.

TABLE 1: PROPOSED LOT SIZES

Lot Reference	Size
1	261m ²
2	243m ²
3	237m ²
4	205m ²
5	185m ²
6	185m ²
7	185m ²
8	186m ²
9	188m ²
10	209m ²
11 (Access Lot)	940m ²

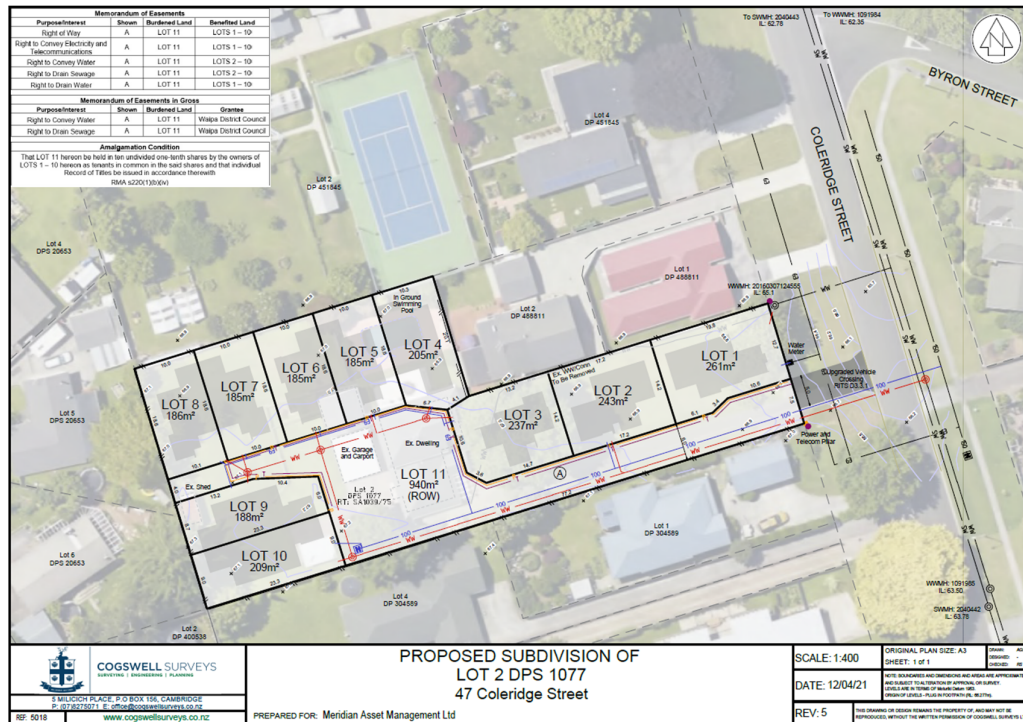


FIGURE 3: PROPOSED SCHEME PLAN – 12 APRIL 2021

4.4 Infrastructure to service the proposed lots is outlined in the following paragraphs.

Roading

- 4.5 To access the development, the existing crossing will be removed and replaced. The new crossing is located adjacent to the southern property boundary and will be 6.0m in width.
- 4.6 Proposed Lot 11 will provide access to all ten lots and an area for vehicle manoeuvring and visitor parking.
- 4.7 The applicant is proposing to retain Proposed Lot 11 in private ownership with shares for each lot. An amalgamation condition has been proffered to this effect.

Water Supply

- 4.8 Council's Water Supply Reticulation Network is located along the eastern side of the Coleridge Street road reserve. To service the new development, a new connection is proposed across Coleridge Street into the development by the southern boundary. This connection will service all ten lots and include the installation of a new fire hydrant within Proposed Lot 11.

Wastewater

- 4.9 Council's Wastewater Reticulation Network is located along the eastern side of the Coleridge Street road reserve with an existing connection and manhole adjacent to the northern boundary of the site. To service the new development, a new connection is proposed across Coleridge Street into the development by the southern boundary. This connection will service all ten lots within the development.

Stormwater

- 4.10 Council's Utilities Map identify a stormwater line along the eastern side of the Coleridge Street road reserve. No private connections currently feed into this line and the expectation is that on-site stormwater disposal is undertaken.
- 4.11 The application includes a Site Suitability Assessment prepared by Titus Consulting Engineers, project no. C2102, dated 13 November 2020. This Assessment notes "*The disposal of stormwater should not cause a nuisance to neighbouring properties and public infrastructure.*" This conclusion is based on the ability for underground soakage systems or detention tanks to be used at the time of building consent.

Electricity and Telecommunications

- 4.12 Existing electricity and telecommunication networks are provided within the Coleridge Street road reserve. Extensions of these networks are proposed, via Proposed Lot 11, to service all ten lots within the development.

Land Use Consent – Compact Housing

- 4.13 Land use Consent is sought for the creation of a Compact Housing Development in the Residential Zone. The development is proposed to create ten dwellings which vary in size and shape. Generally the dwellings consist of two or three bedrooms, with an open plan living/kitchen/dining area and a single garage.
- 4.14 The dwellings located on the eastern portion of the site are located north of the proposed access lot (Proposed Lot 11). In the western portion of the site, the dwellings are located along the northern and western boundary. An area within the centre of the site is vacant of buildings and proposed to be used for vehicle manoeuvring and visitor parking (Proposed Lot 11). The internal access is proposed to be maintained in 1/10 shares. Refer to **Figures 4 and 5**.

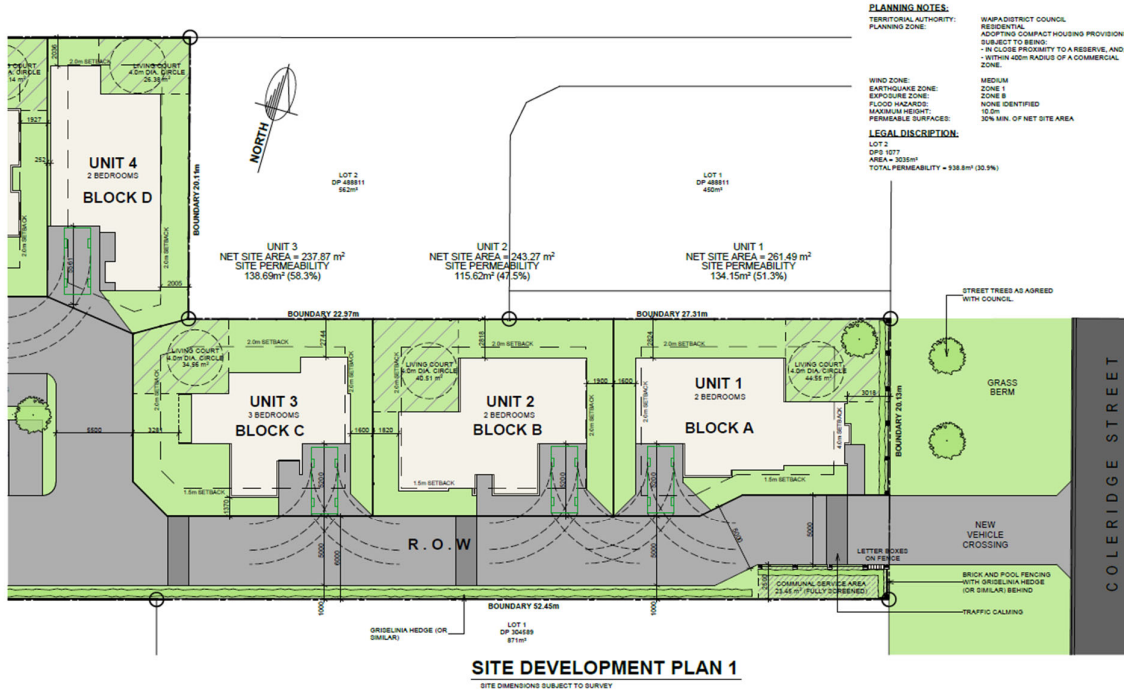


FIGURE 4: PROPOSED SITE DEVELOPMENT PLAN (EASTERN PORTION) – 9 APRIL 2021

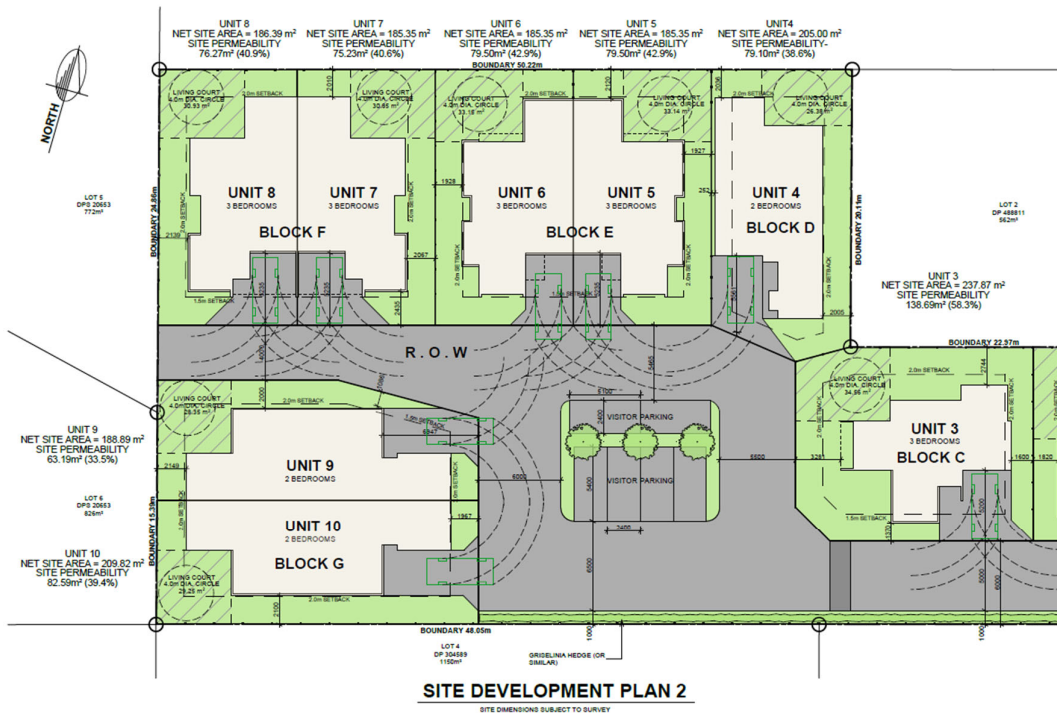


FIGURE 5: PROPOSED SITE DEVELOPMENT PLAN (WESTERN PORTION) – 9 APRIL 2021

4.15 The dwellings are proposed to be made up of ten different typologies. The dwellings are a mix of standalone (detached) and duplex dwellings. These typologies and features are shown in **Figures 6 to 12**, and outlined in **Table 2** below. Material types are proposed to be a mixture of red brick, black cedar vertical weatherboards, stria panel, and long run roofing.

TABLE 2: DWELLING TYPOLOGIES

Unit	Dwelling Size	Bedrooms	Type of dwelling
1	99.7m ²	2	Detached
2	98.13m ²	2	Detached
3	134.3m ²	3	Detached
4	98.04m ²	2	Detached
5	138.33m ²	3	Duplex
6	138.33m ²	3	Duplex
7	139.73m ²	3	Duplex
8	139.73m ²	3	Duplex
9	101.4m ²	2	Duplex
10	101.4m ²	2	Duplex



FIGURE 6: PROPOSED UNIT 1



FIGURE 7: PROPOSED UNIT 2



FIGURE 8: PROPOSED UNIT 3



FIGURE 9: PROPOSED UNIT 4



FIGURE 10: PROPOSED UNITS 5 & 6 (UNIT 5 ON RIGHT)



FIGURE 11: PROPOSED UNITS 7 & 8 (UNIT 7 ON RIGHT)



FIGURE 12: PROPOSED UNITS 9 & 10 (UNIT 9 ON RIGHT)

4.16 The proposed building setback from the external road boundary (i.e. with Coleridge Street) is only 3.02m. The internal boundary setbacks (i.e. the external site boundary setbacks with adjacent properties) range from 2.01m to 2.83m which complies with the setback requirements and the height in relation to boundary requirements (daylighting). The height of buildings range between 4.8m and 7.14m which complies with the maximum height requirements. This non-compliance is demonstrated in **Table 3**.

TABLE 3: DWELLING PERFORMANCE STANDARD COMPLIANCE (RED HIGHLIGHTS AREA OF NON-COMPLIANCE)

Unit Number	Road boundary setback	Internal boundary setbacks	Height	Height to Boundary Non-Compliance	Permeable Area %	Glazing %
1	3.02m	2.83 from northern boundary	5.1m	Complies	51.3	31.8
2	N/A	2.82m from northern boundary	4.81m	Complies	47.5	N/A
3	N/A	2.75m from northern boundary	6.94m	Complies	58.3	N/A
4	N/A	2.00m from eastern boundary 2.04m from northern boundary	5.3m	Complies	38.6	N/A

Unit Number	Road boundary setback	Internal boundary setbacks	Height	Height to Boundary Non-Compliance	Permeable Area %	Glazing %
5	N/A	2.12m from northern boundary	7.14m	Complies	42.9	N/A
6	N/A	2.12m from northern boundary	7.14m	Complies	42.9	N/A
7	N/A	2.01m from northern boundary	7.13m	Complies	40.6	N/A
8	N/A	2.01m from northern boundary 2.14m from western boundary	7.13m	Complies	40.9	N/A
9	N/A	2.15m from western boundary	4.95m	Complies	33.5	N/A
10	N/A	2.15m from western boundary 2.10m from southern boundary	4.95m	Complies	39.4	N/A

Land Use Consent – Show Home

- 4.17 The dwelling on Proposed Lot 1 is proposed to be utilised as a show home for a 12 month period. It is anticipated visitors to the show home will park within the road reserve of Coleridge Street, with some ability to park within the right of way. The application confirms the show home will not have an office space larger than 50m² and will not employ more than 3 people.

5 ACTIVITY STATUS

- 5.1 Section 4.0 of the Assessment of Environmental Effects ('AEE') report prepared by Cogswell Surveys, on behalf of the Applicant, dated 19 November 2020, provides an assessment of the proposal against the relevant provisions of the District Plan (i.e. the Residential Zone within Section 2, the infrastructure and subdivision provisions in Section 15 and transportation provisions in Section 16). **Tables 4 to 6** provide my assessment, restricting the assessment to those rules with which the activity will be non-compliant, or where my opinion differs to that set out in the Applicant's assessment.

TABLE 4: DISTRICT PLAN RULE ASSESSMENT (COMPACT HOUSING DEVELOPMENT)

Rule No.	Summary of Rule	Status	Comments
2.4.2.1	Minimum building setback from road boundaries	Non-Complying	The minimum setback is 4.0m, provided that where dwellings are attached and forms part of the front façade, or is detached, the setback is 5.0m. Compliance cannot be achieved with the road boundary setback for Unit 1 which is 3.02m. Failure to comply with this provision results in the activity requiring assessment for a non-complying activity.

Rule No.	Summary of Rule	Status	Comments
2.4.2.4	Minimum building setback from internal site boundaries	Restricted Discretionary	<p>The minimum setback from internal site boundaries shall be 2.0m.</p> <p>In this instance the external site boundaries with adjacent properties complies with this requirement. The internal site boundaries (i.e. the new boundaries to be created between the units) fail, however as the landowner is the applicant, approval for this non-compliance is deemed to be given.</p>
2.4.2.10	Daylight control	Restricted Discretionary	<p>New buildings within developments are required to not penetrate the recession plane outlined in this provision.</p> <p>In this instance the external site boundaries with adjacent properties complies with this requirement. The internal site boundaries (i.e. the new boundaries to be created between the units) fail, however as the landowner is the applicant, approval for this non-compliance is deemed to be given.</p>
2.4.2.19	Neighbourhood amenity and safety	Complies	<p>This provision requires the minimum area of glazing on the front façade of buildings to be 15% where they adjoin a public place.</p> <p>Unit 1 has demonstrated the glazing occupies a total of 31.8% of the front façade therefore meeting the requirements of this provision.</p>
2.4.2.43	Compact Housing	Discretionary	<p>This provision sets out the requirements for Compact Housing Developments in the Residential Zone.</p> <p>In this instance the proposal fails to comply with the following parts of the provision:</p> <ul style="list-style-type: none"> ▪ The site is located outside the 'Compact Housing Area' Overlay. ▪ Part (e) – Unit 4 has an outdoor living area of only 26.4m², Unit 9 has an outdoor living area of only 28.4m² and Unit 10 has an outdoor living area of only 29.3m². ▪ Part (g) – The Communal Service Area located at the south-eastern corner of the site, adjacent to the road frontage, is a total area of 23.45m² therefore exceeds the size requirement. ▪ Part (h) – The proposed outdoor living areas for Units 3 and 9 are not proposed to be screened where they face into the access leg. <p>The abovementioned failures result in the application requiring assessment as a discretionary activity.</p> <p>Note: The original application failed to comply with Part (e) – Permeable area, however the revised plan is now compliant. With regard to part (l), the floor plan for Unit 1 has a front door facing the road, therefore is compliant.</p>

TABLE 5: DISTRICT PLAN RULE ASSESSMENT (SHOW HOME)

Rule No.	Summary of Rule	Status	Comments
2.4.2.45	Show Home	Discretionary	This provision sets out the requirements for show homes within the Residential Zone. In this instance the proposal includes the use of Unit 1 for a show home for approximately 12 months. As no additional parking will be provided on site specifically for the show home purpose, the activity fails to comply with Part (d) of this provision, therefore requiring assessment as a discretionary activity.

TABLE 6: DISTRICT PLAN RULE ASSESSMENT (SUBDIVISION)

Rule No.	Summary of Rule	Status	Comments
15.4.2.1(a)	Net Lot Area	Non-Complying	The proposed subdivision will result in lots being created in conjunction with a compact housing development that are zoned Residential (and are not subject to the Compact Housing Area overlay). As such, those lots are unable to comply with the minimum and average net lot area requirements.
15.4.2.3	Lot frontage, lot shape factor and vehicle crossings	Discretionary	The existing site, and therefore the proposed subdivision design, is such that Proposed Lot 1 will have less than 20m road frontage and all lots are unable to contain the 13m diameter circle exclusive of the building setbacks.
15.4.2.4	Minimum width of vehicle access	Discretionary	The private roading network will service more than 7 lots and a public road is not being proposed.
15.4.2.5	Lot design – shape factor	Discretionary	Not all lots are able to contain the 13m diameter circle exclusive of all building setbacks.
15.4.2.6	Lot design – number of rear lots	Discretionary	As the roading network is proposed to be private, all but one lot is technically a rear lot. If the road was public, the activity would be compliant.
15.4.2.13	Site suitability: general	Non-Complying	Not all lots are able to contain the 13m diameter circle exclusive of all building setbacks.

5.2 In summary, the application has determined the development does not comply with a number of the District Plan provisions, resulting in a Discretionary Activity status.

5.3 My assessment, and that determined through the Notification Assessment prepared by Ms Emma Norman, Council’s Planner, and outlined above in Tables 4 to 6 is the non-compliances result in a **Non-Complying Activity**.

6 SUMMARY OF NOTIFICATION ASSESSMENT

6.1 Under the Act the notification provisions are contained in Sections 95A to 95F. Specifically, Sections 95A to 95F which 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 assessment has been completed and is contained in **Appendix 3**.

6.2 The Notification Assessment 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;
- While the application does not include a permitted baseline assessment, the site could accommodate up to 4-5 dwellings as a permitted activity;
- No written approvals were provided with the application;
- The assessment of effects considered the proposal with regard to:
 - Residential Character and Amenity;
 - Roading Network;
 - Infrastructure; and
 - Construction Noise.
- The adverse effects were assessed to be below the 'more than minor' threshold and the proposal could be considered without the need for public notification.
- There are no special circumstances that warrant public notification.
- The property subject to this consent is not within, adjacent to, or directly affected by a statutory acknowledgment area.
- Pursuant to Section 95B, it was considered that the proposal warrants limited notification to the following parties and properties:
 - 8 Housman Place;
 - 9 Housman Place;
 - 25A Coleridge Street;
 - 39 Coleridge Street;
 - 41 Coleridge Street;
 - 43 Coleridge Street;
 - 49 Coleridge Street; and
 - 51 Coleridge Street.

6.3 The application proceeded to limited notification on 17 February 2021.

7 SUBMISSIONS

7.1 A total of seven submissions were received during the statutory submission period, all of which were in opposition. The location of submitters, summary of submissions and a copy of the submissions are attached at **Appendix 4**. The location of these parties are shown below in **Figure 13**.



FIGURE 13: LOCATION OF SUBMITTERS SHOWN IN PURPLE AND SUBJECT SITE SHOWN IN RED

7.2 The opposing submissions raise the following matters:

- Change of Zoning;
- Property Values;
- Lack of Consultation;
- Residential Amenity (including privacy, noise, rubbish and loss of trees);
- Traffic (i.e. increased volume and parking)
- Construction Effects (i.e. vibration and noise); and
- Infrastructure Effects (i.e. water pressure, increased stormwater runoff).

- 7.3 In terms of the matters raised, the change of zoning, property values and lack of consultation, are addressed in the following paragraphs. The remaining matters are further discussed in Section 9 below.

Change of Zoning

- 7.4 A number of submitters have commented on the 'change of zoning' applied for. For the avoidance of doubt the application has not applied for any zoning changes nor can these be made via a Resource Consent process. Under the Resource Management Act 1991 any 'change of zoning' is required to be undertaken pursuant to Schedule 1 of the Act.
- 7.5 In this instance, the consent application has been made under the District Plan provisions which provides for Compact Housing development in the Residential Zone as a Discretionary Activity. The Compact Housing provisions were introduced through the District Plan Review process which commenced in 2008 and publicly notified in May 2012. Submissions, hearings and appeals were undertaken from 2013 to 2017, with the District Plan being made fully operative on 14 August 2017.

Property Values

- 7.6 Various submitters have raised the potential for loss of property values within their submission. Case law has established that effects on property values are not a relevant consideration in determining whether a resource consent should be granted. The Environment Court has taken the approach that the question of effects on property values is not an effect in itself, but it is a 'symptom' of other specific environmental effects. I therefore consider that effects on property values are beyond the scope of legislation and the jurisdiction of the Hearings Panel. This matter is therefore not discussed any further with regard to the application.

Lack of Consultation

- 7.7 Various submitters have also noted lack of consultation from the applicant as a matter of concern. It is noted that there is no requirement under the Resource Management Act 1991 ('the Act') for an applicant to undertake consultation, nor does it specify the extent of such consultation. Any consultation undertaken is therefore done so as a best practice and to help identify potential concerns. The Act does however require the applicant to report on any consultation undertaken. In this instance, the application includes a Notification Assessment in Section 7.0 of the Application. This assessment concludes that the applicant considers there to be no affected persons as a result of the proposal.

- 7.8 On the basis that written approval's were not provided with the application, and as part of Council's Notification Assessment, a total of eight properties were deemed to be affected at least in a minor way and limited notified. This process provided the opportunity for affected parties to lodge a submission on the application and from that point onwards be involved in the process. Overall the requirements for consultation pursuant to the Act have been followed.

PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

8 SECTION 104 ASSESSMENT

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

- The actual and potential effects of an activity on the environment (section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
- Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse environmental effects that may or will result from the activity (section 104(1)(ab));
- The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (section 104(1)(b)); and
- Any other matter the consent authority determines relevant and reasonably necessary to determine the application (section 104(1)(c)).

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

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

9.1 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.*

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

- Residential Amenity (including privacy, local character and appearance, and density);

- Traffic (i.e. increased volume and parking);
- Construction Effects (i.e. Vibration and noise); and
- Infrastructure Effects (i.e. water pressure, increased stormwater runoff).

Residential Amenity Effects

- 9.3 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.
- 9.4 The application has considered the existing character of the area and designed the proposed development to provide a degree of residential design detail to assist with the integration of the development with the surrounding residential zoning. In particular the application notes *“The dwellings utilise a mix of single and two storey designs which enables further spaciousness within each site, giving a suitable area of outdoor living, driveway, grass and other landscaping. When the compact development is viewed from the road the first two dwellings (Lot 1 and Lot 2) will appear as a low level and spacious site, and then build up to the two storied dwelling on Lot 3 which is typical of a compact development.”* (Paragraph 5.2 of application).
- 9.5 Council’s Urban Design Consultant, Mr Sam Foster from Beca Consultants, has reviewed the application and provided the following comments:
- *“The proposed dwellings are generally in keeping with the scale of development within the area, however at a higher density. The 10 units are broken into seven building footprints, which represents a large increase on the site. This is not dissimilar to the density on the nearby Lauriston Park Retirement Village which consists of a range of duplexes and stand-alone dwellings in addition to the central main building. The retirement village, while presenting a specific offering to the market, provides a level of precedence in the area for the typologies proposed in the application.*
 - *The infill proposed for the site differs from the character of the immediately surrounding dwellings, however is not inconsistent with the built form character of Lauriston Park, in particular the streetscape presented by the row of duplexes located to the south of the site, and the two storied duplexes located at the termination of Coleridge Street. These developments form part of the wider area, and indeed the street’s character.*
 - *Due to the majority of the development being sited towards the rear of the site, and the location of the two storied units away from the street front, it is*

considered that the proposal, while different to immediately adjacent sites, will not significantly undermine the wider character and context of the area.”

- 9.6 In terms of the residential character and amenity effects, the following paragraphs discuss each of the submitters concerns regarding the following:
- Loss of privacy;
 - Change of local character and appearance; and
 - Density of development.

Loss of privacy

- 9.7 Submitters have raised concern regarding the potential loss of privacy as a result of the two storey dwellings in the development. The application notes the proposed architecture is of a high quality and on review of the building designs, I note there is a minimal number of windows facing the external property boundaries. I consider that a compliant dwelling could have considerably more windows facing the external boundaries and it is therefore my opinion that there is no increase in outlook from the development in comparison to that of a permitted activity. For this reason, while there may be a ‘perceived loss’ of privacy, there is no resulting increase in loss of privacy as a direct result of the dwellings having a second storey. Additionally, I note that two-storey dwellings are anticipated by the District Plan, and reflected in the building height requirements for the Residential Zone.
- 9.8 With regard to loss of privacy at the ground level, I note the existing property fencing and vegetation on neighbouring properties essentially screens the site. The combination of fencing and landscaping will result in effective screening of the proposed ground floors of the development to a level that is acceptable in the Residential Zone.
- 9.9 Council’s Urban Design Consultant, Mr Foster, further commented on this matter as part of his assessment and notes “The two-storey design of the five 3 bedroom units may impact on the privacy of the adjoining dwelling, particularly on the northern side, however two storey development is anticipated in the zone, is not uncommon in the general vicinity and the existing dwelling on the site (to be removed) is two storied. Living areas are located on the ground floor, meaning that the busiest areas of the house will not overlook neighbouring properties.”
- 9.10 Overall, it is my opinion that the development does not give rise to loss of privacy effects that are more than that which is anticipated in the Residential Zone and suitable mitigation measures, such as fencing and landscaping, result in a minimal potential loss of privacy.

Change of local character and appearance

- 9.11 Submitters have commented that the proposal does not take account the neighbouring properties and will change the local character and appearance. In terms of local character and amenity, maintaining the elements of residential character and amenity while providing for development is an important aspect of the District Plan.
- 9.12 With regard to the proposal, it will result in a noticeable change from the existing single dwelling site to a Compact Housing Development. The resulting development is an anticipated outcome in the Residential Zone, both inside and outside the Compact Housing Overlay Areas. Council's Urban Design Consultant, Mr Foster, further commented on this matter as part of his assessment as follows:
- 9.13 "The proposal represents an increase in density over the immediate sites, however is not inconsistent with the typologies that are present in the wider context of Coleridge Street, particularly those that are part of the retirement village and the larger two storey duplexes that are located at the end of the street. The plan identifies a need to cater to changing housing demands, and provide for smaller households. The proposal provides smaller dwellings that will be more affordable, catering to a range of housing needs."
- 9.14 As outlined above with respect to privacy, submitters have expressed concern the two storey dwellings are not in keeping with the existing character and amenity of the area. I note however that there are a number of two storey dwellings in close proximity along Coleridge Street which already contribute to the local character. It is my opinion that additional two storey dwellings will therefore not be inconsistent with the existing residential character. Furthermore the new dwellings are within the height requirements of the Residential Zone and deemed an anticipated outcome of the District Plan.
- 9.15 Submitters have raised concerns about the removal of trees and the impact this has on the character of the area. I note that there are three large trees located within the site boundaries however none of the trees are protected under the District Plan and therefore could be removed at any time. The revised application has included the addition of landscaping and a number of trees, both within the site and within Coleridge Street. Having reviewed the revised plan, it is my opinion that the proposed landscaping will assist with maintaining the character and amenity the existing trees on the site provide.
- 9.16 Based on the intent of the District Plan, the comments provided by Mr Foster, and my assessment of the proposal, it is my conclusion that the proposal has appropriately taken into account the local character and the desired future character

of the area. The resulting effects of the development with regard to the local character are deemed to be acceptable.

Density of development

- 9.17 Submitters have expressed concern regarding the density of the development, and the resulting effects this may have (i.e. increased noise and rubbish). As noted in the Section 95B Assessment (contained in the Notification Report) there is an increase in density of 5-6 lots across the whole development, which results in a greater volume of houses on the site.
- 9.18 In order to address the overall appearance of bulk, the development utilises a mix of standalone dwellings and duplexes. The result is seven buildings on the site which is an increase of two when compared to the reasonably anticipated baseline (i.e. Up to 4-5 dwellings). In addition, due to the reduced width at the road frontage, the bulk of the development will remain unseen from public spaces.
- 9.19 With regard to the potential increase in noise as a result of the number of dwelling units, I note activities and buildings within the Residential Zone are bound to comply with Rule 2.4.2.25 – Noise. The noise limits within this provision reflect the New Zealand standards (NZS 6802:2008) which have been deemed to provide a reasonable protection of health and amenity for land used for residential purposes. While the increase from one dwelling to ten dwellings will likely increase the noise within the area, this noise will be from residential activities and unlikely to breach the noise limits within Rule 2.4.2.25.
- 9.20 In terms of the concerns raised regarding rubbish and the space within the road reserve for the number of bins, I note the development includes a screened and fenced communal service area for the storage of bins within the site. As this is screened and fenced I consider the effects of rubbish within the site to be minimal. With regard to the placement of bins within the road reserve for collection, I note that the berm is a publicly owned space and bin placement can occur either side of the proposed vehicle crossing. It is my opinion there is more than sufficient space within the berm to accommodate the bins on collection days.
- 9.21 I acknowledge the increase in density of dwelling units is over and above that provided for by the subdivision standards and aligns more closely to the Compact Housing standards of the District Plan. However, Compact Housing Developments outside of the policy overlay areas are provided for in the District Plan as a Discretionary Activity with the relevant Assessment Criteria being listed in Section 21.1.2.28 of the District Plan.

- 9.22 I have reviewed the requirements of Section 21.1.2.28 and note the application, including subsequent further information provided, has undertaken an adequate assessment of effects for the matters listed in this section of the District Plan.

Summary of Residential Amenity Effects Assessment

- 9.23 Overall and with regard to Residential Amenity, the proposed development has considered the local character and amenity and been appropriately designed to minimise the effects on the surrounding neighbourhood. The mix of standalone dwellings, duplexes, single and double storey buildings, and façade materials, are all mitigating matters which result in a level of effects which I consider to be acceptable for the site and Residential Zone.

Traffic Effects

- 9.24 Traffic and the effects on the roading network are an instrumental part of the District Plans direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs to ensure that the roading network can continue to function in a safe and efficient manner. Consideration therefore needs to be given to the status of the road and whether it can accommodate the additional traffic and thereafter the parking provided for in the development.
- 9.25 Coleridge Street is defined as a Local Road under the District Plan which means it is primarily designed for property access, with a secondary through road function. New dwellings are estimated to generate on average less than 10 vehicle movements per day. As the proposal is for 10 new dwellings, it can be anticipated that on average the development will generate approximately less than 100 vehicle movements per day. The application notes *“it is worthy to note that half of the dwellings have only two bedrooms, therefore it is anticipated that less movements will result from the residents of those dwellings in comparison to the three-bedroom dwellings. Therefore, 100 vehicle movements per day is a very generous estimation for this site, and it is suggested that the actual movements from the site are less.”* (Paragraph 5.3 of application)
- 9.26 I note Council’s Notification Report, and some submitters, have referred to traffic volumes of 200 vehicle movements per day. The figure in Council’s Notification Report is a typo and should in fact refer to 100 vehicle movements per day as outlined in the application.
- 9.27 Council’s Development Engineer, Mr Jonathan Marteja has reviewed the application and raised no concerns with the proposed vehicle movements, both in terms of safety and efficiency of the wider roading network. The existing Coleridge Street road

reserve is of a sufficient size and formation to accommodate the proposed traffic volumes.

- 9.28 In addition, I note the development has provided an adequate access leg which provides vehicle manoeuvring within the site to ensure vehicles exit onto Coleridge Street in a forward facing manner (i.e. no vehicles need to reverse out onto the street), and proposed traffic calming features (i.e. paving or surface changes and speed restrictions) which will assist to create a low speed environment.
- 9.29 The combination of the existing capacity and formation of Coleridge Street, and the proposed traffic calming measures, will suitably mitigate the potential traffic volume effects to a level that I deem acceptable.
- 9.30 In terms of submitters concerns regarding parking, I note each dwelling is provided with two parking spaces being a single garage and an additional off-street parking space within each lot. In addition, there is a number of parking spaces provided within the access leg (Proposed Lot 11) which will provide for visitors to the site. The amount of parking provided is compliant with the parking requirements of the District Plan. For this reason it is my opinion that the parking effects of the development are acceptable.
- 9.31 Overall, based on the information provided by Council's Development Engineer, and subject to conditions of consent regarding design and construction of the access leg and entrance, it is my conclusion that the adverse effects of the development on roading and traffic can be suitably mitigated to an acceptable level.

Construction Effects

- 9.32 A number of submitters have raised concern regarding the construction phase of the development and the impact this will have on their amenity. Following the commencement of development the site will be a construction site with demolition works and then building works occurring. Effects associated with these activities may include, but are not limited to, noise, dust, traffic, and vibration.
- 9.33 In terms of the demolition works, the effects associated with this work can be disregarded as this is a permitted activity under the District Plan. Therefore only the potential effects associated with the construction of the new buildings are to be considered. In this regard the application has advised the District Plan provisions regarding noise and vibration can be achieved. It is my opinion the construction works, which will be during normal work hours, are temporary in nature, and subject to the relevant provisions in the District Plan regarding construction, are acceptable.

Infrastructure Effects

- 9.34 How and where infrastructure occurs is critical to the suitability of a development and the resulting use of the area. The infrastructure required for the development in the Residential Zone includes water supply, stormwater disposal, wastewater disposal, power and telecommunication connections. Because the site is already used for residential purposes and the site is located within Council's reticulation network the assessment herein is what effects the new development has on the existing infrastructure.
- 9.35 With regard to water supply and wastewater connections, the private lots will be serviced via both an internal private reticulation that connects to the existing council mains, and connections to existing services. Council's Development Engineer, Mr Marteja, has reviewed the water supply and wastewater assessments provided in the application, and notes subject to conditions of consent regarding design and construction of the infrastructure, the adverse effects of the development on Council's infrastructure is acceptable.
- 9.36 In terms of stormwater disposal, the new lots will be required to retain stormwater onsite in accordance with the District Plan provisions and Council's Stormwater Bylaw. Council's Development Engineer, Mr Marteja, has reviewed the information provided with the application and notes the site conditions are favourable to onsite disposal methods. Overall, subject to conditions of consent regarding detailed design and construction of the infrastructure, the adverse effects of the development with relation to stormwater disposal is acceptable.

Positive Effects

- 9.37 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:
- Providing job opportunities for local residents during the construction;
 - Providing an alternative housing option within Cambridge; and
 - Implementation of the Compact Housing provisions of the District Plan.
- 9.38 I note that any positive effects cannot be realised without causing adverse effects as outlined in the preceding sections of this report. In order for the consent to be granted, the Resource Management Act 1991 requires these effects to be suitably avoided, remedied or mitigated and consent conditions are recommended to do so.

Summary of Effects Assessment

- 9.39 The above assessment has considered the potential effects of the proposed activity raised in the application, Council’s notification assessment and the submissions received. Having due regard to the technical information provided in support of the application and reviewed by Council staff and Council’s Urban Design Consultant, I am satisfied that the effects of the activity can be appropriately avoided, remedied or mitigated to an acceptable level.

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

- 10.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in Section 2 – Residential Zone, Section 15 – Infrastructure, Hazards, Development and Subdivision and Section 16 – Transportation.
- 10.2 The applicant’s agent has provided an assessment of the relevant objectives and policies in Section 4.3 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

- 10.3 The Residential Zone is the primary zone within the District where residents choose to live. Therefore this Zone features variable housing typologies and residential activities with interspersed amenities that are complementary to the functioning of a residential neighbourhood; without detracting from neighbourhood character and amenity. The objectives and policies that are specifically relevant to this proposal are as follows:

Objective – Key elements of residential character

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

Policy – Cambridge

- 2.3.1.1 *To maintain and enhance Cambridge’s character by:*

- a) *Maintaining the grid layout that provides long vistas down roads; and*
- b) *Providing for wide grassed road verges that enable sufficient space for mature trees; and*
- c) *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.*

10.4 Objective 2.3.1 seeks to ensure development retains the localised character of each of the towns and villages within the District. Policy 2.3.1.1 outlines the elements of character unique to Cambridge. The proposed development has been designed with the existing residential character and the desired future character envisaged through the District Plan in mind. This has been supported by Council's Urban Design Consultant.

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 - Maintaining low ambient noise environment

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

Policies – Safety and design

2.3.2.19 *To enhance the safety of residential neighbourhoods through site layouts and building designs that incorporate Crime Prevention through Environmental Design (CPTED) principles.*

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

10.5 Objective 2.3.2 and the associated policies outline the themes which are considered to influence the amenity of the Residential Zone. In terms of the proposed

development, the reduction in road boundary setback applies to one boundary only, being that with Unit 1. This breach of the setback does not result in an adverse effect on privacy, sunlight and daylight or restricts vehicle sight lines or safety with regard to use of the vehicle entrance to the site.

- 10.6 In terms of Policies 2.3.2.19 and 2.3.2.20, passive surveillance has been provided to the Coleridge Street through the façade design and location of the front door of Unit 1.

Objective – Onsite amenity values

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

Policies – Building setback from rear and side boundaries

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

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

Policy – Daylight

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

- 10.7 Objective 2.3.3 seeks to maintain and enhance the amenity values in the Residential Zone through the control of building setback, length, daylight considerations and outdoor living area placement. The application has considered each of the associated policies and utilised a mix of standalone, duplex, single and double storey building designs to ensure usable open spaces are provided for each lot.

Objective - Providing housing options

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

Policy – Compact housing

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

- a) *Areas identified for compact housing on the planning maps or an approved structure plan; or*

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

Provided that:

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

10.8 Objective 2.3.4 and its associated Policy 2.3.4.5, seek to provide a variety of housing options within the Districts towns which respect the elements of the residential character. In terms of the proposed development, it is noted this has been comprehensively designed and includes a variety of housing typologies. Through further information provided by the applicant, the building designs have been altered to ensure the effects of the buildings on the adjacent properties are limited.

Objective - Non-residential activities

2.3.6 *To restrict the establishment of non-residential activities in the Residential Zone, except for visitor accommodation, activities within listed heritage items, areas specifically identified on structure plans for this purpose, and those activities that provide for the health and well-being of the community, and have a functional and compelling need to locate within a Residential Zone.*

Policy - Show homes

2.3.6.9 *To enable show homes within greenfield subdivisions, provided that any adverse effects are appropriately mitigated.*

10.9 Objective 2.3.6 and associated Policy 2.3.6.9, seek to ensure the provision of non-residential activities in the form of show homes are restricted and controlled to ensure any adverse effects are suitably mitigated. The application outlines the limited use of Unit 1 as a show home for a 12 month period. It is my opinion, subject to conditions of consent, that the effects of the use of Unit 1 for a show home can be suitably mitigated.

Section 15 – Infrastructure, Hazards, Development and Subdivision

- 10.10 Section 15 of the District Plan sets out the District Plan’s focus directing subdivision and development in accordance with the strategic growth objectives and policies in Section 1. Sustainable management of natural and physical resources is considered to occur where development and subdivision is planned and integrated to make the best use of the land resource. The objectives and policies that are specifically relevant to this application are as follows:

Objective – Integrated development: site design and layout

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

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

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

Objective – Integrated development: natural hazards and site suitability

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

Policy – Land to be suitable for use

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

Objective – Integrated development: efficient servicing

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

Policy – Servicing requirements

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

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

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

Policy – Roading infrastructure

15.3.3.3 The design, location, alignment and dimensions of new roads shall ensure that safe vehicle, pedestrian and cycling access and manoeuvring can be provided to every site/ lot.

15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

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 sizes and dimensions of lots have been established so that they achieve the character and density outcomes of each zone.

- 10.11 The abovementioned objectives and policies seek to ensure development is appropriately serviced for the anticipated use of the site post development. In this instance the proposal relies on new infrastructure connections to Council’s existing reticulation in Coleridge Street and onsite servicing (i.e. stormwater disposal). The infrastructure can be designed and constructed to Council’s necessary standards. On this basis, the proposal is consistent with the above-listed objectives and policies.

Section 16 – Transportation

- 10.12 Section 16 of the District Plan sets out its focus for an integrated approach to land use and transport. The objectives and policies within this section seek to ensure that the pattern of land use and that patterns interaction with the land transport system provides and maintains both a safe and efficient transport network for all users (i.e. vehicles, cyclists and pedestrians). The objectives and policies that are specifically relevant to this application are as follows:

Objective – Ensuring sustainable, integrated, safe, efficient and affordable multi-modal land transport systems

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

Policy - Design elements

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

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

Objective – Maintaining transport network efficiency

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

Policy – Effects of development or subdivision on the transport network

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

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

10.13 Objective 16.3.1 and 16.3.3, and the associated policies, seek to ensure new development and subdivision provides safe and integrated connections to the existing roading network. The proposed development will create an internal private access leg that will provide sufficient connections for the future residents to the surrounding network.

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

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

Policy – Location of vehicle entrances

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

Policies – Ensuring adequate parking, loading and manoeuvring areas onsite

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

Policy – Onsite vehicle manoeuvring areas in the Residential Zone

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

- 10.14 Objective 16.3.4 and its associated policies seek to ensure entrances and parking areas are located in a manner that provides for the safe and efficient use of these spaces. The proposed development seeks to provide parking spaces on each lot and adequate visitor parking spaces in the private access leg. Overall the location of vehicle entrance and parking will ensure onsite vehicle manoeuvring is adequate for the intended use of the site.

Summary of Objective and Policy Assessment

- 10.15 The above objective and policy assessment has assessed the proposals consistency with the relevant objectives and policies of the District Plan. Overall, the proposal does not give rise to conflict with the objectives and policies.

Summary of Objective and Policy Assessment

- 10.16 The above objective and policy assessment has considered the proposals consistency with the relevant objectives and policies of the District Plan with particular regard to the provisions in Section 2 – Residential Zone, Section 15 - Infrastructure, Hazards, Development and Subdivision, and Section 16 – Transportation. Overall I consider the proposal to be consistent with the objective and policies of the District Plan.

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

- 11.1 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

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

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

11.3 Of the abovementioned NPSs the National Policy Statement on Urban Development requires further consideration with regard to this application.

National Policy Statement on Urban Development

11.4 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.

11.5 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.”*

11.6 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.”*

11.7 Throughout the supporting policies, the NPS-UD 2020 emphasises the need for local authorities to provide for housing variety, accessibility, density intensification, and responsiveness to changing community demands. In terms of the proposed development, the use of compact housing in an area which can be appropriately serviced, and is easily accessible to both recreation and commercial activities (i.e. Lindsay Park and Leamington Shopping Centre) aligns with the NPS-UD 2020. It is my opinion the proposal gives effect to the NPS-UD 2020.

National Environmental Standards

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

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

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato

11.10 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 Te Tauākī Kaupapahere Te-Rohe O Waikato outlines 27 objectives on key regional issues. Those most relevant to this proposal are:

Objective 3.12 - Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a. promoting positive indigenous biodiversity outcomes;*
- b. preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- c. integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
- d. integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
- e. recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
- f. protecting access to identified significant mineral resources;*
- g. minimising land use conflicts, including minimising potential for reverse sensitivity;*
- h. anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
- i. providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
- j. promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- k. providing for a range of commercial development to support the social and economic wellbeing of the region.*

11.11 Following on from the objectives are a number of supporting policies. These policies seek an integrated approach to land use that is undertaken to uphold development of the built environment across the region. The proposed activity in this case is not considered to be in conflict with the provisions of Te Tauākī Kaupapahere Te-Rohe O Waikato.

Waikato Regional Plan

- 11.12 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 require resource consent under the Regional Plan.

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

Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest

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

Joint Management Agreement Area – Waikato Raupatu River Trust

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

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

- 12.4 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of landscape and natural

heritage values. Site management protocols ensure a precautionary approach to managing (known or undiscovered) wahi tapu sites and taonga tuku iho discovery. Adequate control of sediments and erosion prevention are target areas to improve water quality. Methods that Waikato Tainui support are the development of erosion and sediment control plans and input into monitoring of those plans (21.3.1.2 a) and b)).

- 12.5 The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant. Section 21 – Te Whenua (Land) and Section 25 – Ngaa Whakaritenga Moo ngaa whenua o Waikato-Tainui (Land use planning) have been given particular regard in terms of this application.
- 12.6 Section 21 includes objectives and policies which seek to promote best practice for land and soil management in order to protect waterways. Section 25 outlines that as kaitiaki within their rohe, Waikato-Tainui seek to ensure environmental sustainability including consideration of well-planned urban development. Policy 25.3.2.1 – Urban Development seeks to *“to ensure that urban development is well planned and the environmental, cultural, spiritual, and social outcomes are positive”*.
- 12.7 I have reviewed the application with regard to Tai Tumu, Tai Pan, Tai Ao, and it is my assessment the development is not in conflict with the desired outcomes Waikato Tainui are seeking.

Te Rautaki Tāmata Ao Turoa o Hauā — Ngāti Hauā Environmental Management Plan

- 12.8 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.
- 12.9 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 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

- 12.10 Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of,

and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions. The Management Plan offers broad objectives in relation to this matter. The Raukawa takiwā includes both Cambridge and Te Awamutu.

- 12.11 I have reviewed the Plan and can confirm that there are no specific provisions that directly relate to this proposal. The proposal is therefore considered to be consistent with Te Rautaki Taiao a Raukawa.

New Zealand Urban Design Protocol

- 12.12 The New Zealand Urban Design Protocol ('NZUDP'), published by the Ministry for the Environment in March 2005, provides a tool to encourage the design of buildings, places, spaces and networks that make up towns and cities across New Zealand more successful through quality urban design. The Urban Design Protocol identifies seven essential design qualities that together create quality urban design as follows:

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

- 12.13 Council, as a voluntary signatory to the NZUDP, includes provisions within the District Plan which encourage the design qualities outlined above (i.e. Section 1 – Strategic Policy, Section 2 – Residential Zone and Section 15 - Infrastructure, Hazards, Development and Subdivision).

- 12.14 Based on the information provided with the application and advice from Councils Consultant Urban Designer, Mr Sam Foster, I consider the proposal to be consistent with the NZUDP.

Proposed District Plan Changes

- 12.15 The Waipa District Plan is under a constant state of review by Council staff to ensure the most effective and efficient planning provisions are being applied through the

consenting process. At present Council have the following private and Council initiated plan changes in progress:

- Private Plan Change 12 – Growth Cell T2 Rezoning;
- Proposed Plan Change 13 – Uplifting Deferred Zones;
- Proposed Plan Change 15 – Permeable Surfaces;
- Proposed Plan Change 16 – Technical Improvements (Fire Fighting, Facades and Glazing, & Outdoor Living Areas); and
- Proposed Plan Change 18 – Beekeeping in the Residential Zones.

12.16 Of the abovementioned Plan Changes, Private Plan Change 12, Proposed Plan Change 13 and Proposed Plan Change 18 are not relevant to this proposal.

12.17 With regard to Proposed Plan Change 15 and 16, the Plan Change Hearings commenced the week of 12 April 2021. No decision as to final provisions to be adopted have been published, however through the hearings process it has been indicated that the following planning provisions may change:

- Rule 2.4.2.11 – Maximum site coverage; and
- Rule 2.4.2.12 – Impermeable surfaces.

12.18 As no decisions have been made, the Proposed Plan Changes are currently of low legal weight and do not outweigh the Operative District Plan provisions. Pursuant to Section 86B of the Act, no proposed rules have legal effect, therefore no assessment of those rules has been completed. I note objectives and policies have legal effect from the date of notification, however the abovementioned Proposed Plan Changes have no relevant objectives and policies needing assessment.

Development Contributions

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

13 PART 2 MATTERS (SECTION 104(1))

13.1 Under Section 104(1) of the Act, when considering an application for resource consent the consent authority must have regard to Part 2 of the Act. Part 2 outlines and promotes the concept of sustainable management, lists matters of national

importance as well as matters related to achieving the purpose of the Act, and requires the principles of the Treaty of Waitangi to be taken into account.

Purpose of the Act – Section 5

13.2 The overall purpose of the Act is to promote the sustainable management of natural and physical resources. “*Sustainable management*” is defined as managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural well-being and their health and safety. At the same time, they must:

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

13.3 Having regard to the definition of "sustainable management" in s5(2) in terms of the application it is noted the development of the site provides for an efficient use of land and the provision of an alternative housing option (i.e. Compact Housing). Section 5(2)(c) requires that this is undertaken while avoiding, remedying or mitigating any adverse effects of activities on the environment. Based on the effects assessment in the subsequent paragraphs of this report, and with the imposition of the suggested conditions of consent in **Appendix 6**, it is my opinion that the design of the proposed development adequately avoids adverse effects on surrounding properties therefore will be consistent with s5 of the Act.

Matters of National Importance – Section 6

13.4 Section 6 of the RMA requires that “all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for” the matters of national importance listed in s6(a) through s6(h). There are no matters under s6 that are relevant to this application.

Matters for Consideration – Section 7

13.5 Section 7 lists the matters that the consent authority is required to have particular regard to in achieving the purpose of the Act. The listed matters are not threshold tests or criteria but, where a proposal raises issues of the kind listed, they are to be given particular regard. Key matters relating to this application are considered to be the efficient use and development of natural and physical resources, maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment.

- 13.6 The amenity values of the site and its surrounds are set out and assessed in the effects assessment in the subsequent paragraphs of this report. That assessment has concluded that although amenity values will change as a result of the development of the site, the residential character and amenity will be maintained. On this basis I considered that the application will meet the requirements of Section 7.

Principles of the Treaty of Waitangi – Section 8

- 13.7 Section 8 of the Act requires that the principles of the Treaty of Waitangi are taken into account. In this instance, the proposal is not considered to be of direct relevance to the Treaty.

Summary of Part 2 Assessment

- 13.8 In assessing the proposal against Sections 5 to 8 of the Act, I conclude that the application is consistent with the purposes and principles of the Act and the land use is an appropriate use of the site subject to the suggested consent conditions being imposed.

14 SECTION 104D THRESHOLD TEST

- 14.1 Section 104D of the Act establishes a ‘threshold test’ that acts as an additional test for non-complying activities to satisfy. Section 104D(1) notes that a consent authority may grant a resource consent for a Non-Complying Activity if it is satisfied that either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the District Plan.
- 14.2 The effects assessment, and the assessment of the development with regards to the objectives and policies of the Plan, in the subsequent paragraphs of this report concluded the effects of the proposal are appropriate for development in the residential zone and are not contrary with the objectives and policies of the District Plan. The proposed development therefore passes the Section 104D(1)(a) gateway test to enable a substantive decision on the application to be made.
- 14.3 As a consequence, the Council can have confidence that it has the necessary jurisdiction to determine the application in accordance with the statutory considerations contained within Section 104.

PART C - CONCLUSION & RECOMMENDATION

15 CONCLUSION

- 15.1 A resource consent has been sought by the Applicant, Meridian Asset Management, for the subdivision of one lot into ten in the Residential Zone, land use consent for a Compact Housing Development and land use consent for a Show Home within Proposed Lot 1, at 47 Coleridge Street, Cambridge.
- 15.2 The activity constitutes a Non-Complying Activity due to non-compliance with a number of the performance standards for the Residential Zone and Subdivision provisions of the Operative Waipa District Plan provisions. The effects of these non-compliances were discussed in more detail in this report whereby it is concluded that the effects of the non-compliances are either not inappropriate to the sites context or can be addressed through the imposition of consent conditions.
- 15.3 The application was limited notified and received seven submissions, all of which were in opposition. Those submissions were from parties directly adjoining the site or nearby (as in the case of 39 Coleridge Street). Those submitters have raised valid concerns with the proposal which helped inform the effects assessment and the type of conditions in the event the application is granted.
- 15.4 An assessment of the environmental effects of the proposal is considered in Section 9 of this report pursuant to Section 104 of the Act. The conclusion of this assessment is that the development can be accommodated into the receiving environment with effects that will be acceptable.
- 15.5 An assessment of the objectives and policies of the District Plan has been undertaken in Section 10 of this report. The conclusion of that assessment is that the development is consistent with the Residential Zone objectives and policies.
- 15.6 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 inconsistent with those matters. Similarly, the assessment has demonstrated that the proposal is consistent with Part 2 of the Act.
- 15.7 In weighing the above considerations, it is my opinion that a decision to approve this resource consent application, subject to a number of consent conditions, is appropriate. A schedule of suggested consent conditions that could support such an approval are contained in **Appendix 6** of this report should the hearing commissioners be minded to approve the application.

16 RECOMMENDATION

That:

- a) The report of Hayley Thomas – Project Planner be received;
- b) In consideration of Section 104, and pursuant to Sections 104B, and 104D, of the Resource Management Act 1991, the Waipa District Council **grants** its consent subject to conditions in **Appendix 6** to Meridian Asset Management for the:
 - Subdivision of one lot into ten in the Residential Zone;
 - Land use for Compact Housing Development; and
 - Land use for Show Home within Proposed Lot 1;located at 47 Coleridge Street, Leamington, Cambridge, legally described as Lot 2 DPS 1077 (RT SA1039/75) for the following reasons:
 - i) The application passed gateway test under Section 104D and therefore was eligible for consideration for approval, subject to the considerations under Section 104.
 - ii) The proposal generally aligns with Part 2 of the Act. Specifically, the proposal meets the purpose of the Act as it promotes the sustainable management of natural and physical resources;
 - iii) The environmental effects of the development can be appropriately avoided, remedied or mitigated to a level whereby they only give rise to acceptable effects for the surrounding receiving environment; and
 - iv) The application is consistent with the objectives and policies of the District Plan relating to the Residential Zone.

Report prepared by:



Hayley Thomas
PROJECT PLANNER

Reviewed by:



Quentin Budd
CONSENTS TEAM LEADER

Approved for the Hearings Panel agenda by:



Tony Quickfall
MANAGER DISTRICT PLAN AND GROWTH