

Appendix 3

Council's Notification Report

Date:	4 February 2021	App Number:	SP/0155/20 and LU/0288/20
Reporting Planner:	Emma Norman	Site Visit on:	28 January 2021

Applicant:	Meridian Asset Management
Property Address:	47 Coleridge Street, Cambridge
Legal Description:	Lot 2 DPS 1077 (SA1039/75)
Site Area:	3035m ²
Activity Status:	Non-Complying
Zoning:	Residential
Policy Area(s):	Nil
Designation(s):	Nil
Proposal:	10 Lot Compact Housing Landuse & Subdivision: In conjunction with LU/0288/20

1 INTRODUCTION

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Cogswell Surveys ('the applicant's agent') on behalf of Meridian Asset Management ('the applicant') have applied for a concurrent subdivision and landuse consent to undertake a 10-lot compact housing development.

1.1 Description of site

The site is located at 47 Coleridge Street, Cambridge and comprises a total area of 3035m². The site currently contains a two storey dwelling, a garage, two carports, a shed in a small paddock at the rear of the site, and a swimming pool.

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

Adjoining and surrounding properties are also located within the Residential Zone and accommodate low density development of a single dwelling and accessory building per site, with the exception of Lauriston Park which is a higher density retirement village located to the south of the subject site.

An aerial photograph of the site, photographs taken during a site visit, and Council's Planning Maps are identified in Figures 1 to 10.



Figure 1: Aerial photograph of site



Figure 2: Site visit photograph taken from the vehicle crossing to the site



Figures 3 and 4: Site visit photographs showing the most eastern portion of the site which adjoins Coleridge Street



Figure 5: Site visit photo showing the eastern-most part of the site taken from the existing dwelling



Figures 6-8: Site visit photos showing the western-most (rear) point of the site

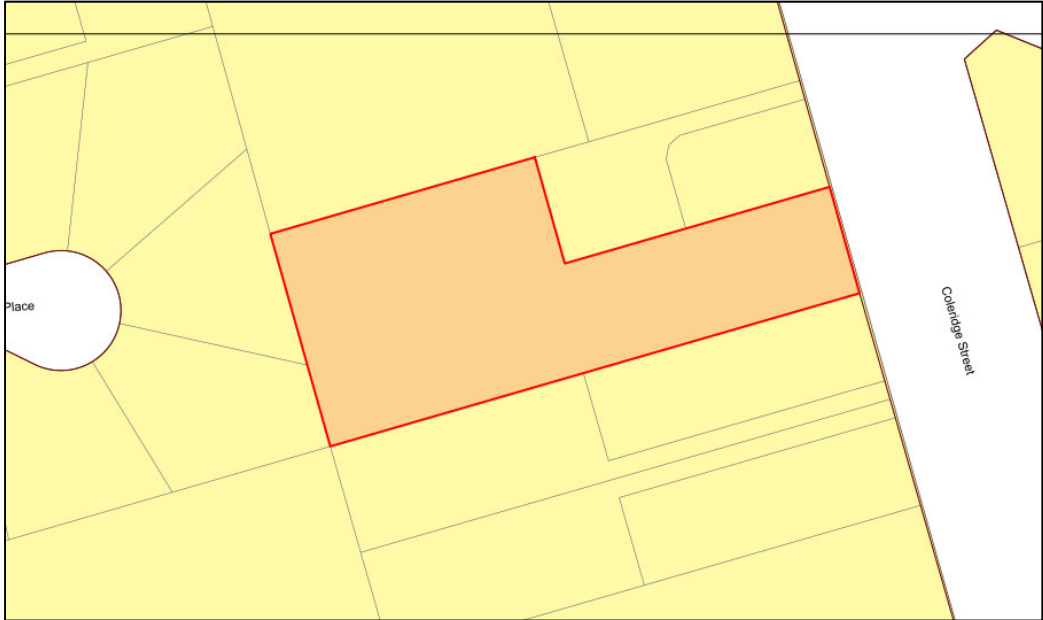


Figure 9: District Plan Zone and Policy Overlays Map.

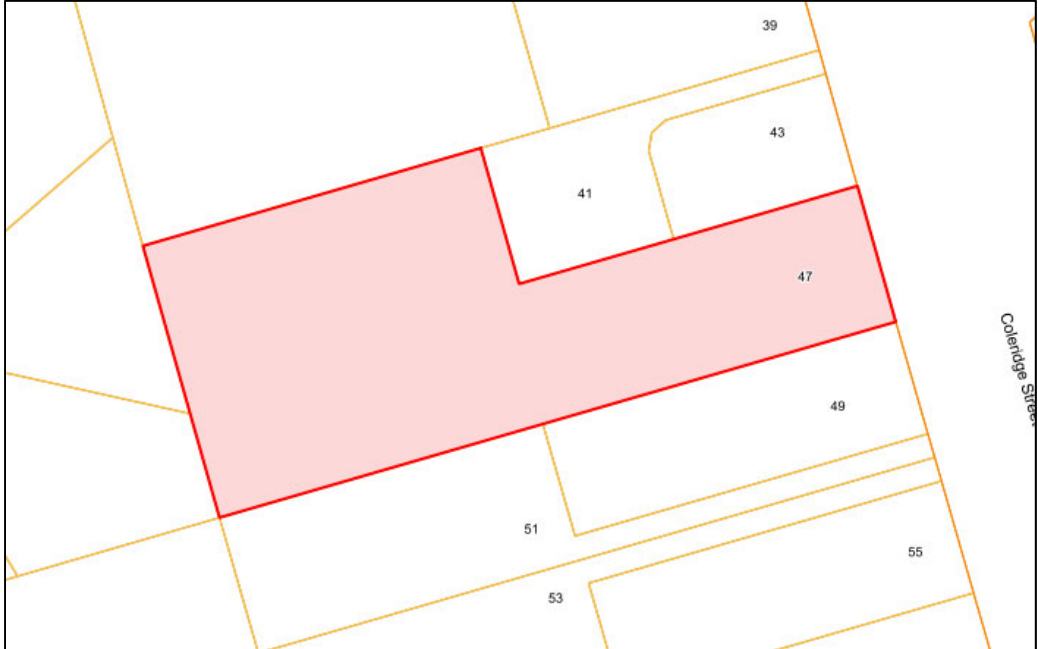


Figure 10: Council's Special Features Map

1.2 Legal interests in the property

Table 1 below summarises the relevant interests on the existing title.

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
SA1039/75	Lot 2 DPS 1077	3035m ²	2 July 1952	▪ Nil

Table 1: Existing titles and interests

There are no interests listed on the title.

1.3 History

On the 25th August 2020, the applicant and the applicant's agent met with Council staff for a pre-application meeting (PG/0138/20). The meeting notes for this pre-application meeting can be found in ECM, Document ID: 10457055.

1.4 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Cogswell Surveys ('the applicant's agent') on behalf of Meridian Asset Management ('the applicant') have applied for a concurrent subdivision and landuse consent to undertake a 10-lot compact housing development.

The proposal involves the establishment of ten dwellings on the site which will subsequently be subdivided so they each sit on their own individual freehold title.

The proposal is described in further detail as follows:

1.4.1 Subdivision

The proposed lots will be created around the dwellings proposed in the compact housing development, their respective areas, and the proposed method of subdivision are summarised in Table 2.

Lot Reference	Size	Method/rule
1	242m ²	Rule 2.4.1.4(g) – Compact housing seven or more dwellings per site except within the compact housing overlay identified on the Planning Maps; and
2	235m ²	
3	230m ²	
4	203m ²	Rule 15.4.2.1(a) – Residential Zone – minimum net lot area 500m ² .
5	180m ²	

Lot Reference	Size	Method/rule
6	180m ²	
7	180m ²	
8	180m ²	
9	192m ²	
10	209m ²	
11(Right of Way)	1000m ²	

Table 2: Proposed method of subdivision.

Refer to Figure 11 for the proposed scheme plan for the subdivision.

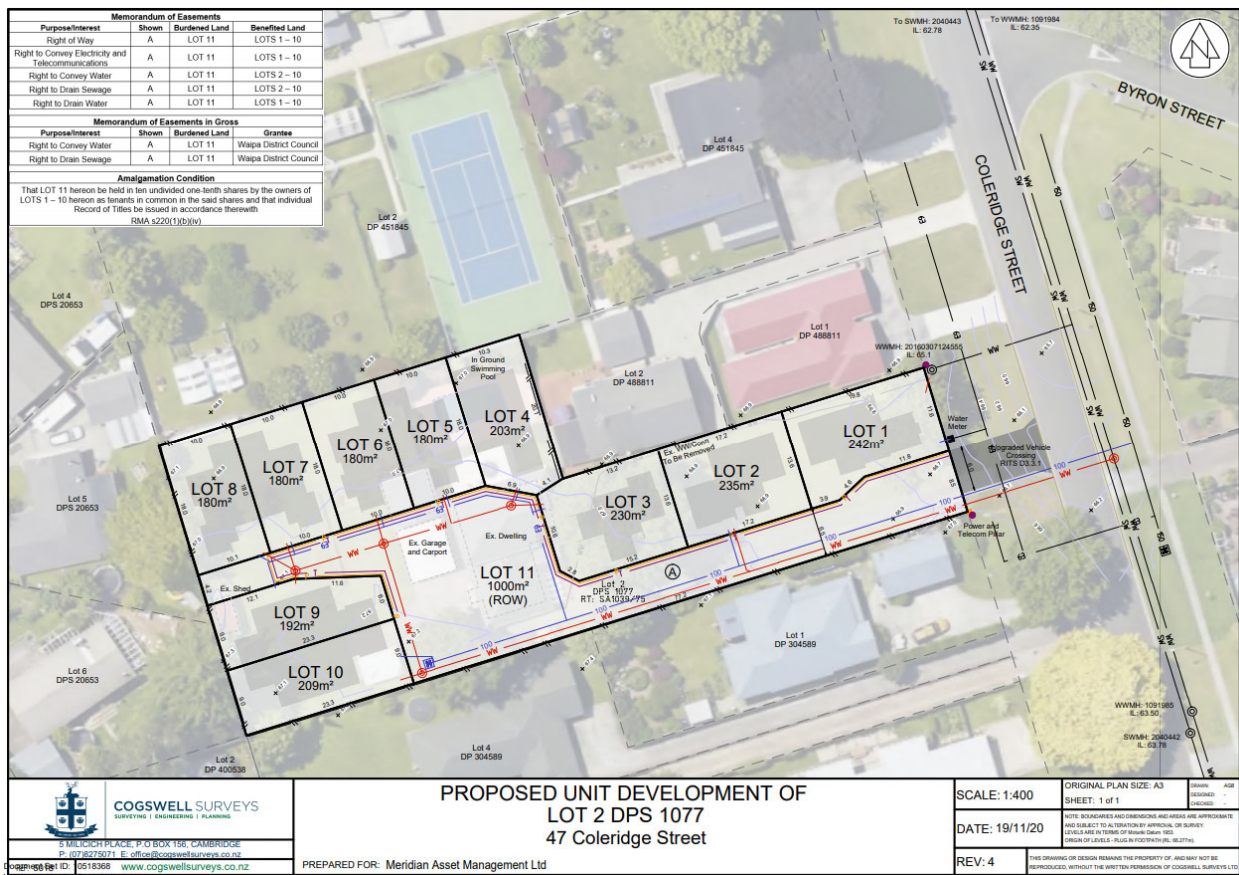


Figure 11: Proposed scheme plan

The servicing details for the proposal were included in Section 3 of the application and reflected below:

Stormwater Management

Stormwater assessments shall be undertaken at the building consent stage. The site slopes to the east, towards Coleridge Street, as such, the design shall cater for the 10yr ARI storm event with

the outlet discharging to Coleridge Street. A drainage easement over Lot 11 (access lot) is proposed in favour of all lots over this secondary flowpath. Underground soakage systems may be used to provide water quality treatment and volume control. Alternatively, detention tanks may be used to attenuate runoff back to predevelopment rates.

Wastewater Management

Adequate disposal capacity is available from the site to Coleridge Street. Each lot will have a connection that will run down Lot 11 (access lot) out to Coleridge Street. An easement in gross over area A is proposed to cover the new sewer main that will become a Council asset.

Water Supply

Adequate water supply is available to the site from Coleridge Street. This will be extended down Lot 11 (access lot) and will be supplied to each of the lots. A hydrant is also proposed to be installed to service the development. An easement in gross over Area A is proposed to cover the new water main and hydrant that will become a Council asset.

Electricity and Telecommunications

Underground electricity and telecommunications reticulation is required to each individual lot. This underground infrastructure will be extended up Lot 11 (access lot) and individual service connections provided to the proposed lots. New easements for these services will also be created as shown on the plan.

1.4.1 Landuse

The proposal includes the establishment of 10 dwellings each on their own title. The designs are a mix of one and two storey dwellings that generally consist of two to three bedrooms, an open plan living/kitchen/dining area and a single garage. The dwelling on Lot 1 has been designed to face the street and includes appropriate glazing on the front façade to promote passive surveillance and an openness into the street.

The dwelling on Lot 1 is also proposed to be utilised as a show home for a 12 month period from the time of construction. This dwelling is likely to be constructed first.

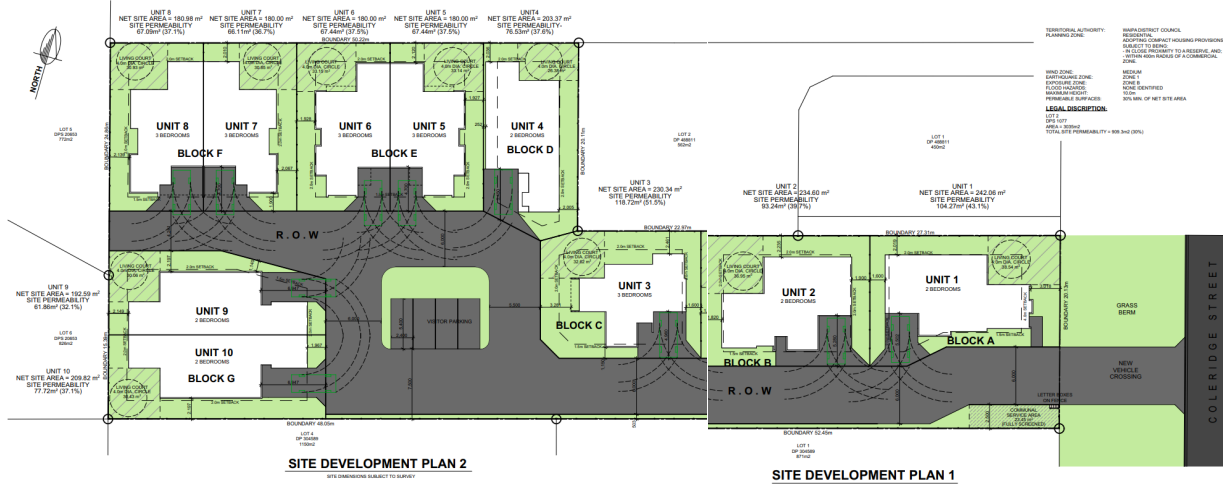


Figure 12: Proposed land use consent layout

Some perspectives of the development are provided in Figures 13 to 16 below.

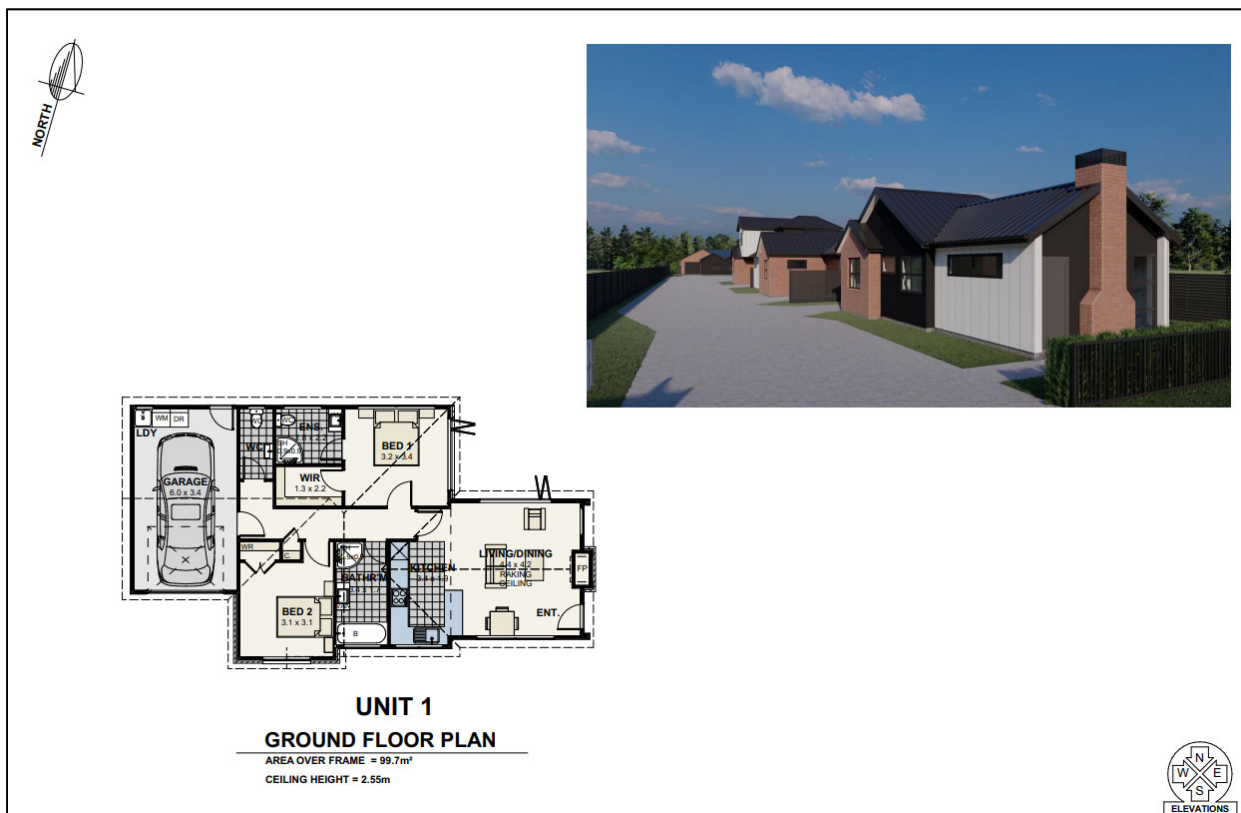


Figure 13: Floor plan for the dwelling on Lot 1, and perspective of the development looking west from Coleridge Street



UNIT 2

Figure 14: Perspective, looking north-west from mid-way through the site.



Figure 15: Perspective, and view of the dwelling on proposed Lot 3.



Figure 16: View of the dwellings on Lots 4 and 6.

1.5 Process Matters

The following bullet points provide a summary of all process matters between receipt of the application, and a notification decision being made:

- 23 November 2020: Application received by Council; and
- 14 December 2020: Timeframe extended under s37 extension – 20 working days (special circumstances).
- 4 February 2020: Timeframe extended under s37 extension (applicant agreement) – 5 working days.

2 REASON FOR THE APPLICATION

A resource consent as described under Section 87A of the Resource Management Act 1991 is required for the reasons set out below.

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

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

2.2 Waipa District Plan Rule Assessment

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

Rule #	Rule Name	Status of Activity	Comment
<i>Section 2- Residential Zone</i>			
2.4.1.2(b)	Activity Table	Controlled	<i>One show home per site within a greenfield subdivision.</i>

Rule #	Rule Name	Status of Activity	Comment
			The dwelling on Lot 1 is proposed to be utilized as a show home for a 12-month period from the time of construction.
2.4.1.4(g)	Activity Status Table	Discretionary	<p><i>Compact housing seven or more dwellings per site, except where located within the compact housing overlay identified on the Planning Maps.</i></p> <p>The proposal will result in 10 dwellings on the site and therefore this rule applies.</p>
2.4.2.1	Minimum building setback from road boundaries	Non-Complying	<p><i>The minimum building setback from road boundaries shall be 4m, provided the setback from road boundaries for garages is 5m.</i></p> <p>The proposed dwelling on Lot 1 will be setback 2.8m from the road boundary of the site. Therefore the proposal fails to comply with this provision and requires Resource Consent for a Non-Complying Activity.</p>
2.4.2.4	Minimum building setback from internal site boundaries	Restricted Discretionary	<p><i>The minimum building setback from internal site boundaries shall be 2m, provided that one internal setback per site may be reduced from 2m to 1.5m.</i></p> <p>Lot 1 – the dwelling is located closer than 1.5m from the southern internal boundary, and closer than 2m from the western internal boundary.</p> <p>Lot 2 – the dwelling is set back 1.5m from the southern internal boundary, which complies. However, the dwelling is set back less than 2m from both the eastern and western internal boundaries.</p> <p>Lot 3 – the dwelling is set back 1.6m from the eastern internal boundary, and 2.235m from the northern internal boundary, which comply. However, the dwelling is set back less than 2m from the southern and eastern internal boundaries.</p>

Rule #	Rule Name	Status of Activity	Comment
			<p>Lot 4 – the dwelling complies with all internal boundary setbacks, with the exception of the western internal boundary where there is no setback.</p> <p>Lots 5 & 6 – the common boundary between the two lots has no setback.</p> <p>Lots 7 & 8 – the common boundary between the two lots has no setback.</p> <p>Lots 9 & 10 – the common boundary between the two lots has no setback.</p> <p>Therefore the proposal fails to comply with this provision.</p>
2.4.2.10	Daylight control	Restricted Discretionary	<p><i>Buildings shall not penetrate a recession plane at right angles to the boundary inclined inwards at the angles shown in the diagram in Rule 2.4.2.10 of the District Plan.</i></p> <p>Lot 1 – the daylight control recession plane is encroached on the western internal boundary. This is a boundary within the proposal.</p> <p>Lot 2 – the daylight control recession plane is encroached on the eastern and western internal boundaries, which are boundaries within the proposal.</p> <p>Lot 3 – the daylight control recession plane is encroached on the eastern and western internal boundaries, which are boundaries within the proposal.</p> <p>Lot 4 – the daylight control recession plane is encroached on the southern and western internal boundaries, which are boundaries within the proposal.</p>

Rule #	Rule Name	Status of Activity	Comment
			<p>Lot 5 – the daylight control recession plane is encroached on the eastern and western internal boundaries, which are boundaries within the proposal.</p> <p>Lot 6 – the daylight control recession plane is encroached on the eastern and western internal boundaries, which are boundaries within the proposal.</p> <p>Lots 7 & 8 – the daylight control recession plane is encroached on the southern boundaries and the common boundaries between the two lots. These boundaries are within the proposal.</p> <p>Lots 9 & 10 – All daylight control recession planes comply.</p>
2.4.2.19	Neighbourhood amenity and safety	Complies	<p><i>The minimum area of glazing on the front façade(s) of a building that adjoins a public place shall be 15%.</i></p> <p>The front façade of the dwelling on Lot 1 is 31.8%.</p>
2.4.2.43	Compact housing	Discretionary	<p><i>Compact housing within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the requirements of Rule 2.4.2.43 (Waipa District Plan, Page 32).</i></p> <p>The proposal is unable to comply with clause (e) as the outdoor living area on Lot 4 is only 26.38m² where 30m² is required.</p> <p>The proposal is unable to comply with clause (f) although each individual lot achieves at least 30% permeable area, the entire site has a permeable area of 28.8% where 30% is required.</p> <p>The proposal is unable to comply with clause (g) as a communal screened outdoor service area of 24.45m² is located at the front of the site.</p>

Rule #	Rule Name	Status of Activity	Comment
			<p>The proposal is unable to comply with clause (h) as the outdoor living areas of Lots 3 and 9 are not screened.</p> <p>The proposal is unable to comply with clause (l) as the dwelling on Lot 1 has a front door which does not face the road.</p>
<i>Section 15 – Infrastructure, Hazards, Development and Subdivision</i>			
15.4.2.1(a)	Net lot area	Non-Complying	<p><i>The minimum and average net lot area in the Residential Zone exclusive of Compact Housing Areas is 500m² and >600m² for 3 or more lots respectively.</i></p> <p>The proposed subdivision will result in lots being created in conjunction with a compact housing development that are zoned Residential (and not subject to the compact housing overlay). As such, those lots are unable to comply with the minimum and average net lot area requirements.</p>
15.4.2.3	Lot frontage, lot shape factor and vehicle crossings	Discretionary	<p><i>All lots in the Residential Zone shall comply with the following:</i></p> <ul style="list-style-type: none"> ▪ <i>Lot frontage (excluding rear lots) – 20m;</i> ▪ <i>Lot shape factor – 13 diameter circle;</i> ▪ <i>Vehicle crossing minimum to maximum.</i> <p>Lot 1 is a front lot and does not achieve 20m lot frontage.</p> <p>All lots have a dwelling design, therefore no shape factor has been demonstrated.</p> <p>The vehicle crossing will comply.</p>
15.4.2.4	Minimum width of vehicle access to rear lots	Discretionary	<p><i>Access to rear lots in the Residential Zone shall comply with the following minimum widths:</i></p> <ul style="list-style-type: none"> ▪ <i>7 lots or more – a public road may be required.</i> <p>The proposal includes 9 rear lots. A public road is</p>

Rule #	Rule Name	Status of Activity	Comment
			not proposed to service these.
15.4.2.6	Lot design	Discretionary	<p><i>Subdivision within the urban limits shall not create more than two rear lots.</i></p> <p>All but one of the lots is a rear lot as a public road is not proposed. If the road was public compliance would be achieved.</p>

Table 3: District Plan rule assessment

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

3 STAFF COMMENTS

3.1 Development Engineering

Council's Development Engineer, Mr Jonathan Marteja, has reviewed the application and notes the following points:-

"The application is for the creation of a 10-unit compact housing development.

Vehicle entrance

The existing vehicle entrance will need to be upgraded to align with the private road to be constructed. The separation distance from the Byron Street intersection is still achieved as per the scheme plan.

Right of way

A right of way will need to be designed and constructed to serve the dwellings.

Wastewater Disposal

Existing wastewater connection will be utilised for Lot 1.

Lots 2-10 will require new wastewater reticulation that will be connected to Council's main across the subject site. This reticulation is to be vested in Council.

Water

The existing water connection will be utilised for Lot 1.

Lots 2 -10 will require new reticulation that will be connected to Council's main across the subject site. A new hydrant within the private road is also proposed to cater for firefighting services. This line will be vested in Council.

Stormwater

Each lot will require separate stormwater systems at the building stage.

A stormwater system for the private road will be included as standard.

The secondary flow proposed will be to the private road and then to Coleridge Street.

Foundations

The soil test presented in the Geotech report was taken from the neighbouring property as the applicant does not yet own the subject site and was unable to conduct tests from there. On this basis, a consent notice will be imposed to address this."

Mr Marteja suggests conditions relating to:

- Construction of the right of way;
- Water reticulation;
- Wastewater reticulation;
- Consent notice conditions relating to:
 - Stormwater disposal; and
 - Foundations of buildings.

I concur with Mr Marteja's comments and should consent be granted agree consent conditions can ensure the required infrastructure is provided.

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

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

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

Council must publicly notify the resource consent where:

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

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

4.3 Public notification precluded – Section 95A(5)

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

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

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

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

Council must publicly notify the resource consent where:

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

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

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

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

4.5.1 Permitted Baseline

While this application is for a subdivision, there still could be a permitted baseline for the landuse component. Although the applicants agent has not provided an assessment of whether there is a permitted baseline to compare the effects against the proposal, it is my view that the site would be able to accommodate up to 4-5 dwellings as a permitted activity.

4.5.2 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in Table 4 and shown in Figure 17 below.

ID#	Street Address	Legal Description	Owner
1	8 Housman Place	Lot 6 DPS 20653	Andrew R Annear
2	9 Housman Place	Lot 5 DPS 20653	Caroline L Pfeiffer, Gustave L Pfeiffer
3	25A Coleridge Street	Lot 2 DP 451845	Cameron R Dargaville, Scott R A Dargaville
4	41 Coleridge Street	Lot 2 DP 488811	Amanda L De La Cruz, Arvin-Jason R De La Cruz
5	43 Coleridge Street	Lot 1 DP 488811	Cooney Trustees Limited, Craig G Pilkington, Cooney Trustees Limited
6	2 Byron Street	Lot 1 DPS 22011	Donald E Willoughby, Rae L Willoughby
7	42 Coleridge Street	Lot 11 DPS 22011	Julia R Watkins, Robin N Watkins
8	49 Coleridge Street	Lot 1 DP 304589	James B McComb, Janet McComb
9	51 Coleridge Street	Lot 4 DP 304589	The Salvation Army (New Zealand) Trust Board

Table 4: Properties excluded for purposes of public notification assessment

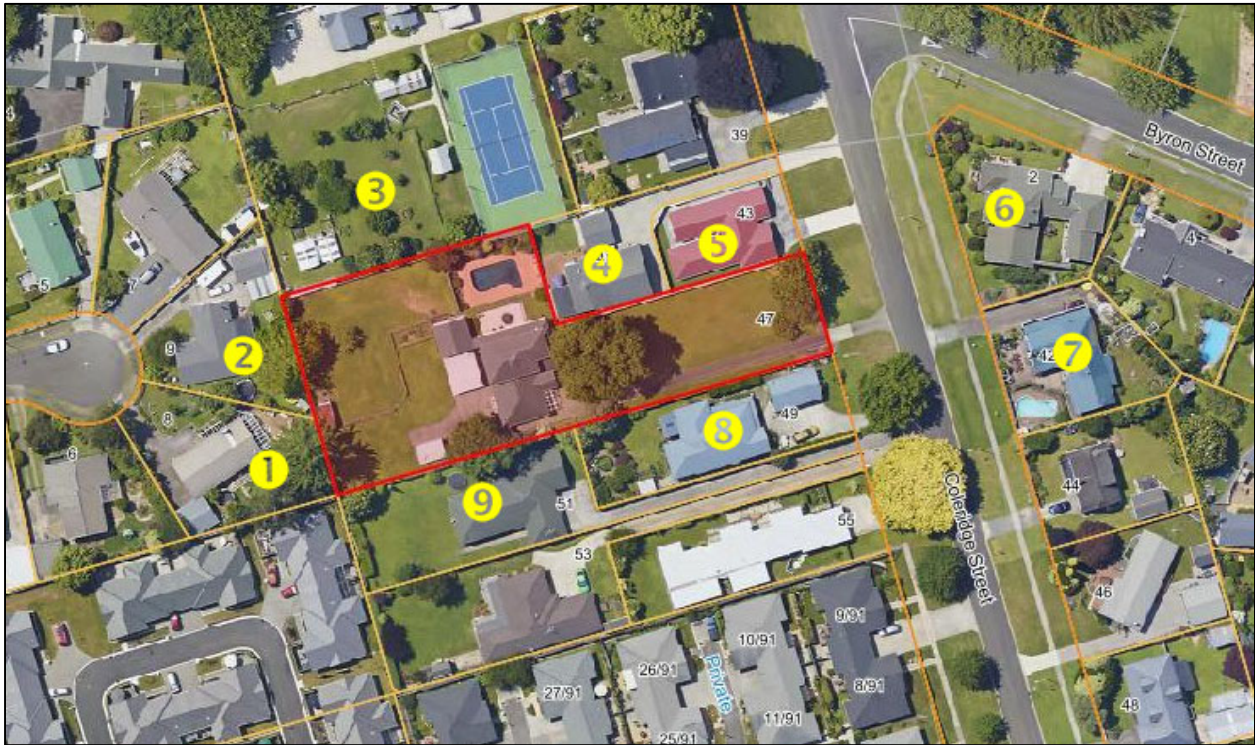


Figure 17: Adjacent properties map (Subject site highlighted in red)

No written approvals were provided with the application.

4.6 Assessment of Adverse Environmental Effects – Section 95D

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

- In this Act, unless the context otherwise requires, the term **effect** includes—*
- (a) any positive or adverse effect; and*
 - (b) any temporary or permanent effect; and*
 - (c) any past, present, or future effect; and*
 - (d) any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
 - (e) any potential effect of high probability; and*
 - (f) any potential effect of low probability which has a high potential impact.*

With the definition of ‘effect’ in mind, it is considered appropriate to further examine the effects of the proposal on the environment. In particular, my assessment will focus on the following effects: effects on character and amenity; effects on the roading network; infrastructure effects, and construction (temporary) effects. The assessment under each of these categories will

address effects arising specifically from the various non-compliances identified for the proposed development, where appropriate. The critical environmental consideration is whether the overall scale and design of the development is appropriate for the site and the receiving environment.

The land use consent seeks to enable a 10-lot compact housing development on a site outside of the Compact Housing Area policy overlay in the Residential Zone. This type of development is a Discretionary Activity, and is not provided for as a permitted activity in any other zone. Therefore while there could be an expectation that this type of development would be *more likely* to occur on a site in the Residential Zone, this type of activity must still be considered under a consenting process to ensure that it is appropriately designed and located.

The application triggers consent for a number of performance standards which result in a Non-Complying Activity status. This assessment builds on that contained in Section 5 of the application.

4.6.1 Effects on character and amenity

The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. The amenity values of the Residential Zone anticipated in Cambridge are reflected in and driven by a number of key objectives, policies and performance standards in the District Plan which provide for low density development. These key themes have been crystallised in the District Plan provisions and in particular contains a road boundary setback requirements, internal boundary setback requirements, and a permitted baseline of activities (being one dwelling per 500m² of net site area).

The development is unable to comply with the road boundary setback provision set out in the District Plan for the Residential Zone which has the potential to impact on character and amenity. It is my opinion, and that of the assessment of effects in Section 5 of the application, that this non-compliance will not give rise to character and amenity effects on the wider environment that are more than minor, as they are either within the development or will only be apparent to a limited visual catchment in and around the development site.

I agree with the assessments in the application which notes that the development has been designed to utilise a mix of single and two storey dwellings which functional onsite amenity including outdoor living area, driveway, grass and other landscaping. I also agree with the assessment that the density proposed in the development will change the appearance of the site, and to expand on this, my observations of the site and surrounding area are that the current surrounding environment is characterised by single one or two storey dwellings which are distributed in typical residential zone density of one dwelling per 500m². Thus the introduction

of the proposed dwellings on sites ranging from 180m² to 242m² will constitute a noticeable change to the existing character and amenity of the area, when compared to the existing environment or the permitted baseline. Despite this change, the application demonstrates that the development is comprehensively designed which will assist in blending the development and contribute to an aesthetically pleasing appearance.

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

4.6.2 Effects on the roading network

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

The proposed development is anticipated to generate traffic flows of approximately 10 household equivalent units (HEUs) which is approximately 200 vehicle movements per day. Council's Development Engineer, Mr Marteja reviewed the application in full and raised no concerns with regards to the safety and efficiency of the adjoining roading network.

Overall, it is concluded that any adverse effects on the roading network as a result of this proposal will be less than minor.

4.6.3 Effects on Infrastructure

How and where infrastructure occurs is critical to the suitability of a development. Information has been provided in support of the application to confirm that the site is suitable for development and will not give rise to infrastructure effects that cannot be managed through conditions of consent, in the even consent is granted.

The application was accompanied by a Site Suitability and Natural Hazard Report prepared by Titus Consulting Engineers which considers the existing water supply, stormwater and wastewater serviced, and sets out what infrastructure is proposed to be established. A detailed stormwater design has been provided as a means of addressing the proposed increased impermeable surface area of the site. The infrastructure on the site will be appropriately maintained and managed to ensure its ongoing operation to cater for all water supply, wastewater and stormwater needs of the development.

Council's Development Engineer, Mr Marteja, has assessed the proposed servicing and infrastructure provision for the site and confirmed that these are appropriate and will not result in adverse effects on the wider environment.

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

4.6.4 Construction Noise Effects

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

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

4.6.5 Summary of Effects

Overall it is concluded that any adverse effects of the proposal will be less than minor. On this basis the adverse effects are below the more than minor threshold and the proposal does not require public notification.

4.7 Special Circumstances – Section 95A(9)

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

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

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

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

4.8 Summary of Public Notification Assessment

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

5 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION

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

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

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

5.2 Statutory Acknowledgment Area – Section 95B(3)

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

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

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

The application is not a controlled activity requiring consent under the District Plan.

There are no circumstances relevant to this proposal that preclude limited notification.

5.4 Assessment of adversely affected persons - Section 95E

The adjacent parties have been set out in Table 4 and Figure 17 in Section 4.5 of this report. An amended figure showing the potentially affected parties is set out below, with the addition of 39 Coleridge Street as Property 10.

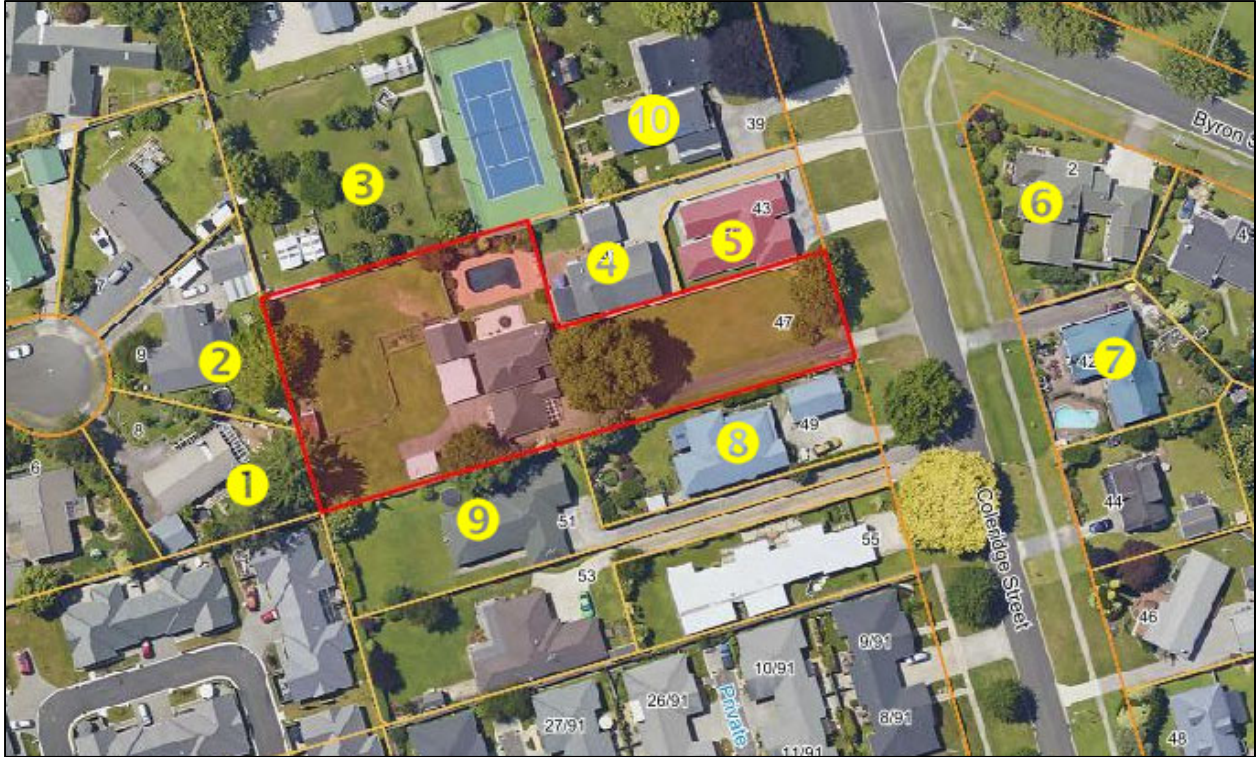


Figure 18: Parties potentially affected by the proposal

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

5.4.1 Properties 1 to 5 and 8 to 10

These properties immediately adjoin the site on the western side of Coleridge Street, with the exception of Property 10 (39 Coleridge Street) which is located north of the subject site.

Council’s Development Engineer has confirmed that the development can be appropriately serviced in a manner that will not adversely affect these properties and that it will not compromise the safety of these properties’ vehicle entrance, thus infrastructure and traffic safety effects on these properties are assessed as less than minor.

The potential adverse effects on these properties therefore largely relate to the residential character and amenity effects from the basis that the resulting density is far greater than that forming the permitted baseline for the site.

The application concludes that the visual amenity effects on these properties will be less than minor due to the fact that the bulk and location rules relating to internal boundaries will be

complied with. It is noted that The Act defines amenity values more widely than just those associated with visual amenity, whereby it states that amenity values are:

“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 proposal is likely to result in approximately an additional 200 vehicle movements per day on Coleridge Street which will be a significant increase from what currently occurs in the area. Council’s Development Engineer has not raised any concerns with the proposed development and increased traffic movements with regards to *safety effects* on the surrounding network (including for adjacent properties) however it is my opinion that the doubling of traffic movements on this street will have a noticeable impact on these properties resulting in adverse effects on their residential amenity.

It is my opinion that due to the degree to which there will be substantial change to the amenity values associated with the current environment, that may lead to a loss of appreciation of the ‘pleasantness’ of the area. In particular, the two storey buildings located on Lots 3 to 8 may or may not lead to a loss of visual privacy for Properties 1 to 5 and 10 in particular however it is possible that ‘perceived loss’ of privacy would be experienced by these properties and as such this leads to an assessment that the effects on amenity values cannot be regarded as less than minor.

Properties 1 and 2 are included in this assessment as their outdoor living areas adjoin the subject site and while one may argue that the development will have the appearance of one or two dwellings; it is my opinion that it is likely that the owners and occupiers of this property will experience the bulk of the development from their outdoor living areas. Although Property 10 does not adjoin the site directly, its outdoor living area adjoins Property 3’s tennis court, giving the owners and occupiers of Property 10 a relatively uninterrupted sightline of the bulk of the proposal, particularly the two storey buildings located on Lots 3 to 8.

It is my assessment that in terms of anticipated bulk and density, the owners/occupiers of all of these properties could not have reasonably anticipated a development with a density as high as proposed given that the site is not located within the Compact Housing Policy overlay area and the minimum net lot area for lots in the Residential Zone is 500m². One could have reasonably anticipated a development with up to 4-5 HEUs, acknowledging that some net site area would be lost to accesses. As such, it is considered that this will create an intensity of development that could not have reasonably anticipated by these properties and that could give rise to effects on these properties’ amenity values that are at least minor.

Conclusion

My observation is that Properties 1 to 5 and 8 to 10 currently enjoy amenity values associated with a residential environment characterised by low density, and single dwellings on sites approximately 500m² or greater. While the development is comprehensively designed and is sympathetic to the values associated with the environment, it is still found that the development would represent a substantial change to the character of the current environment that may lead to a loss of appreciation of the 'pleasantness' of the area, and as a potential perceived intrusion of privacy for the owners/occupiers of these properties. This leads to an overall assessment that the owners and occupiers of Properties 1 to 5 and 8 to 10 will be affected by the proposed subdivision to a degree that is not less than minor.

5.4.2 Properties 6 and 7

Properties 6 and 7 are located on the opposite side of Coleridge Street. These properties will have varying degrees of visibility of the proposed development however it is maintained that there is sufficient distance between each of these properties and the proposed development that while there may be a slight change in outlook, this would not be to an extent that the development will dominate or diminish amenity values for these properties.

The development will result in additional traffic generation, however Council's Development Engineer has assessed the proposal and has not raised any concerns with the additional traffic generated by the development with regards to the safety and efficiency of the Coleridge Street. Additionally, Council's Development Engineer has assessed that the site can be adequately serviced in a manner that will not result in adverse effects on surrounding properties.

It is noted that Properties 6 and 7 are located on the opposite side of Coleridge Street within a close proximity to the boundary proposed to be encroached by the dwelling on Lot1. The dwelling will be visible from these properties however due to the wide road berm any effects on character and amenity resulting from this encroachment are assessed as being less than minor.

As a result, the effects on Properties 6 and 7 resulting from the proposed development are assessed as being less than minor.

5.4.3 Summary of Assessment

Based on the above assessment, it was found that there are varying degrees of effects on properties depending on their proximity to the subject site. Infrastructure and traffic safety effects have been assessed as being appropriate and will not have adverse effects on adjoining properties, therefore the above assessments have largely focused on potential effects on

amenity values. It was found that effects on Properties 1 to 5 and 8 to 10 will overall be at least minor in nature.

5.5 Special Circumstances – Section 95B(10)

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

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

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

5.6 Summary of Limited Notification Assessment

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

- 8 Housman Place - Andrew R Annear;
- 9 Housman Place - Caroline L Pfeiffer, Gustave L Pfeiffer;
- 25A Coleridge Street - Cameron R Dargaville, Scott R A Dargaville;
- 39 Coleridge Street - JCRB (Hobman) Limited, Peter G Hobman, Susannah K Hobman;
- 41 Coleridge Street - Amanda L De La Cruz, Arvin-Jason R De La Cruz;
- 43 Coleridge Street - Cooney Trustees Limited, Craig G Pilkington, Cooney Trustees Limited;
- 49 Coleridge Street - James B McComb, Janet McComb; and
- 51 Coleridge Street - The Salvation Army (New Zealand) Trust Board

In this instance, and for the reasons outlined in Sections 5.1 to 5.5 above, it is considered that the proposal warrants limited notification.

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

Pursuant to Section 95 A & B application SP/0155/20 for a Non-Complying Activity shall proceed on a **Limited Notified** basis for the reasons outlined in this report.

Reporting Officer:



Emma Norman

Planner

Dated: 10th February 2021

Approved By:



Quentin Budd

Consents Team Leader

Dated: 10th February 2021