

**IN THE MATTER** of the Resource Management Act 1991 (RMA or Act)

**AND** an application pursuant to section 88 of the RMA, to the New Plymouth District Council to subdivide an existing residential property into 13 residential unit titles in respect of property located at 13 Tawa Street, Inglewood, and legally described as Lot 15 DP1799

## **1. INTRODUCTION**

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### **1.1 APPLICATION**

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The applicant has sought resource consent to:

*“subdivide an existing residential property with one dwelling into 13 residential unit titles, each with a dwelling, garage, outdoor living space, landscaping, and areas for utilities. The overall site will be managed by a body corporate and, according to the application, is designed for retirees or those looking for a smaller property.*

*The unit titles will be created in one stage with construction of the development split into two stages:*

- *Stage 1 – construction of Unit 1 (three bedroom), accessed directly off Tawa St (building consent ref. BC21/129063, issued 3 December 2021); and*
- *Stage 2 – construction of Units 2-13 (two bedroom) and of a 5.0m wide Common Area running through the middle for the length of the site to provide access to Units 2-13 and services for the development. Three carparking spaces are proposed at the (southern) end of the Common Area. The turning head here is designed to enable these parked vehicles and those from the end units (Units 6 & 7) to manoeuvre out of the site in a forward-facing manner”.*

### **1.2 SITE AND SURROUNDING ENVIRONMENT**

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The subject site is flat, rectangular in nature, and located in an established residential area. It had contained a single, one-storey dwelling and associated buildings but has been removed. The site is accessed in the north-west corner from Tawa Street and is surrounded by similar residential properties.

### 1.3 APPOINTMENT

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I was appointed by the Council as an Independent Commissioner in terms of section 34A of the Resource Management Act 1991 (“the RMA”) to hear the applicant, submitter, and the Council’s reporting officer and to determine the application. The information available to me prior to the hearing included the application, assessment of environmental effects (AEE) report and other information; the submission and a report prepared by Council’s reporting officer, being the section 42A report, and pre-circulated expert technical evidence.

### 1.4 LIMITED NOTIFICATION

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The application was subject to limited notification and occurred in respect of the owners/occupiers of 12 and 15 Tawa Street, Inglewood on 24 September 2021. One party, being Jessica and Dale de Jongh, lodged a submission in opposition to the proposal.

## 2. HEARING

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The hearing was conducted on 4 July 2022 in the Plymouth Room, Council’s Civic Centre, Liardet Street, New Plymouth. Appearances were from:

### 2.1 APPLICANT

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- Ms Rebecca Eaton- Counsel
- Mr Aaron George-on behalf of applicant
- Ms Carina McQueen- Landscape Architect
- Mr Andrew Skerrett- Traffic Engineer
- Ms Nichola Laurenson- Planner

Mr Paul Stanley, Engineer was unable to attend due to illness, and Ms Eaton in her reply, outlined responses to questions that I had in respect of his evidence.

### 2.2 SUBMITTER

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- Ms Jessica de Jongh

### 2.3 COUNCIL

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- Ms Rachael Symons - Reporting Officer

Ms Julie Straka was in attendance as Committee Advisor.

## 2.4 SITE VISIT

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I conducted a site visit on 4 July 2022 prior to commencement of the hearing and I was unaccompanied. I also noted the location of the submitter's property and drove around the locality.

## 2.5 RIGHT OF REPLY & CLOSURE OF HEARING

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The right of reply was deemed to be completed as of 20 July 2022 in accord with the hearing minute dated 7 July 2022, and I formally closed the hearing on 3 August 2022 after I had concluded that I had sufficient information on which to determine the application.

## 3. SUBMISSION & MAIN ISSUES RAISED

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The issues raised by the submitters, Jessica and Dale de Jongh, are summarised in the s42A report as follows:

### *General*

- *Decline the application given the proposal is non-compliant in so many aspects. Re-submit the application with District Plan standards met*

### *Potential Occupants*

- *As the future occupants are unknown it is hard to know the effects, for example in terms of numbers of traffic movements, number of occupants, noise, and house values*
- *Potential occupants being 'retirees or those near retirement' as referred to in the application are different to those in retirement villages, also referred to in the application, and the applicant considers the proposal may be an alternative to retirement villages in New Plymouth. The reference to 'retirees or those near retirement...' is also contrary to the proposal which 'provides a different housing choice within the immediate receiving environment and caters for a wide range of the community' and 'the proposal will provide lifestyle choices, increase housing stock and enable home ownership to individuals and families within the community...'. What is the intent of the proposal? Is this what Inglewood needs*

### *Residential Character and Amenity*

- *12 extra units is too many. 4-5 units would be more than adequate. Dwellings need sufficient space, including green space.*
- *Very few cars are parked along Tawa St as the sites have ample parking. This provides a spacious feel, a huge part of the appeal of the street. All houses are a good distance from the front boundary with picket fences and vegetation in the front. This is a 'classic*

*country feel' as opposed to the 'modern and contemporary' units as described in the application. The application states it will be consistent and compatible with the flats and Rest Home at the (eastern) end of the street. However, this is section of Tawa St 'that is the least cohesive with the general feel'*

- *The site currently has large mature trees which enhance the grand feel of Tawa Street. The proposed planting will be too modern in design*  
*Traffic (Road Safety and Efficiency)*
- *The TIA shows how little traffic uses Tawa Street. The proposal will result in up to 68 vehicle movements per day according to the application above the existing assumed 10 vehicles but the existing occupants of 13 Tawa Street do not drive*
- *The access for 12 of the new units will be directly across from 12a and 12b Tawa Street which has potential to create adverse effects on them due to the major increase in traffic, yet they were not approached regarding this proposal*  
*Parking*
- *The application states the proposal will provide sufficient parking for the (majority) two- bedroom units, however most people have their own car and up to four adults could live in the units (up to 48 cars). Where will visitors park? The grassed 2.5m wide area within the road reserve between the sealed carriageway and kerb and channel is too wet to be used as a 'parking area' as referred to in the Traffic Impact Assessment (pg 3)*
- *A three-point turn to exit the development without impinging on other parked cars may be problematic for residents/visitors*  
*Infrastructure*
- *The level of rainfall and ground conditions, including the high water table, mean ground is waterlogged for days after rainfall and with more of the site to be covered in concrete than currently, which is mostly grass, means the site will not be able to absorb so much water. With existing problems is the proposed infrastructure adequate for these additional demands?*  
*Rubbish Bins*
- *There will not be sufficient space for rubbish/recycling bins for 12 extra houses awaiting collection*

#### **4. PRINCIPAL MATTERS IN CONTENTION**

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Having considered the application, submissions and evidence provided, and being guided by the assessment criteria of the District Plan, I consider that the principal issues of contention are:

- Residential character and amenity effects
- Traffic and parking effects
- Servicing effects

- Construction effects
- Potential occupancy effects

## 5. SUMMARY OF EVIDENCE

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The following summary is not intended to be a full coverage of all matters raised at the hearing. Relevant parts of the evidence presented by the parties are referred to in the Main Findings section of this decision, where it forms a component of the findings by me, in deciding the application.

### 5.1 APPLICANT

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- **Ms Eaton** presented legal submissions that outlined the proposal was a non-complying activity due to having site coverage greater than what was permitted by the District Plan and lot sizes were below the plan minimum. It also did not meet the permitted activity standards relating to the provision of practicable vehicle access, traffic generation, stormwater disposal and water supply, and building platform requirements.

She outlined that the consideration of the application was appropriately bundled as a non-complying activity overall.

Ms Eaton noted that no expert evidence had been produced by the submitter but that was not to say that the concerns expressed were not validly held by the submitter. However, she outlined that the applicant's expert evidence would establish that the concerns expressed can be appropriately avoided, remedied, or mitigated by the mitigation measures proposed.

Ms Eaton discussed the range of potential effects and how these can be mitigated. In addition, she outlined positive effects of the proposal including the provision of different housing choice and an increase in housing stock in Inglewood.

Ms Eaton noted that the applicant was willing to offer up an Augier condition to ensure proprietors of the units were of a minimum age to address a concern raised by the submitters as to who would occupy the units.

She concluded that consent should be granted.

- **Mr George** outlined the background to the application and that the proposal was intended to provide housing for those who require low maintenance homes and

sections which would suit older individuals and couples. This would then free up larger homes for younger people and families.

He stated that it would provide a different housing choice in the Inglewood area that was currently not available.

- **Ms McQueen** presented her landscape assessment and the design features and setbacks for planting that would provide for privacy, increased amenity values by softening the consistent lines of the fencing and built development, and planting as a boundary feature,

She concluded that any adverse effects on residential character and amenity would be no more than minor and that because of the proposed planting and landscaping, any effects on the submitter's property would be appropriately mitigated.

- **Mr Skerrett** discussed traffic generation and parking matters. He concluded that Tawa Street and the local roading network can accommodate the predicted traffic volumes without impacting on its efficiency or safety. He was of the view that the proposal adequately provides for on-site parking and that any additional parking could occur on Tawa Street, which he was of the opinion was not unusual currently.
- **Mr Stanley's** evidence outlined that the matters related to the ground bearing for foundations, the high- water table, and onsite stormwater disposal, can be appropriately mitigated, and that the proposed conditions of consent are appropriate to address such matters.
- **Ms Laurenson** advised that she was in agreement with Ms Symon's assessment of the various planning instruments including consistency with the NPS-UD.

She concurred with the evidence of the applicant's experts in respect of landscaping, traffic and parking matters, and stormwater disposal, and that all adverse effects would be no more than minor subject to imposition of appropriate conditions. She further noted that the site coverage non-compliance was unlikely to be discernible given the site is long and orientated away from the road.

Overall, Ms Laurenson expressed broad agreement with Ms Symon's s42A report and the conclusions reached, and that consent be granted.

## 5.2 SUBMITTERS

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- **Ms de Jongh** range of concerns are outlined in section 3 of this decision. She reiterated at the hearing, a concern regarding the number of units proposed and the potential traffic generation effects that would occur.

Ms de Jongh believed the traffic assessment was misleading as it was based on retired people occupying the units and cannot assume that retired people would have less than 2 cars. Furthermore, she noted that residents of the development parking on the street, would take away residential amenity. A reduction of amenity would also occur if the area on Tawa Street in front of the proposal was sealed to accommodate parking.

She further outlined the potential for the proposal to change the outlook from her property and the look of Tawa Street. A general concern about intensification was also expressed

## 5.3 COUNCIL

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- **Ms Symons** s42A report was taken as read. She believed that the proposal was appropriate for the site subject to conditions to address any potential adverse effects. On that basis she concluded that any effects of the proposal would be no more than minor, and that it was not contrary to the range of planning instruments that require consideration.

## 5.4 APPLICANT'S RIGHT OF REPLY

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- **Ms Eaton** provided a written right of reply. The reply responded to several matters that had been raised by the submitters, the Council and myself. A revised set of draft conditions were also attached to the reply.

In particular, she outlined the potential imposition of conditions requiring the Body Corporate rules to control the use of the garage attached to each unit to ensure they are used for vehicle parking. In addition, she outlined a potential Augier condition to have an age restriction of 55 years or more in respect of unit occupancy.

Ms Eaton also outlined Mr Stanley's responses to my questions regarding the operation of the rain cell stormwater system and an explanation of the secondary flow process.

## 6. MAIN FINDINGS

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The main findings that have led to this decision are as follows.

### 6.1 DISTRICT PLAN

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The New Plymouth District Plan is an operative document, and it was common ground that the proposal be considered as a non-complying activity. The subject site is zoned 'Residential Environment Area' by the District Plan, and surrounding properties have the same zoning.

Particular matters relating to the District Plan objectives and policies and those contained in the Proposed District Plan, are discussed in sections 7 and 8 of this decision.

### 6.2 EFFECTS: RESIDENTIAL CHARACTER & AMENITY

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The s42A report outlines the current residential amenity and character of the Tawa Street area noting that *"properties typically contain one single-storey 20<sup>th</sup> Century dwelling and associated buildings, as well as medium to large sized outdoor living/garden areas. This represents the existing residential character of the site and the surrounding area. In describing their view of the existing character, the submitters characterise Tawa Street as an area where all houses are a good distance from the front boundary with picket fences and vegetation in the front. They describe it as having a 'classic country feel' with very few cars parked along Tawa Street as the sites have ample parking and that this provides a spacious feel, a huge part of the appeal of the street. Such appreciation of residential character is residential amenity".<sup>1</sup>*

The RMA 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'*.

As noted in the s42A report, residential amenity protection is expressed through the objectives, policies and rules contained in the District Plans such as minimum lot size, maximum coverage of buildings across a site and maximum traffic generation numbers.

The submitters are concerned that dwelling design is not in keeping with the 'classic country feel' of Tawa Street, that too many dwellings are proposed as a dwelling needs space including green space, and that the proposal is not in keeping with the existing amenity and

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<sup>1</sup> S42A report-Para 10.2



character of the Tawa Street area in proximity to the subject site.

It is noted that the District Plan does not stipulate the number of dwellings permitted on a site. The proposal is for a residential development within the Residential Environment zone, and that the only bulk and location standard that the proposal does not comply with, is the rule related to site coverage as previously discussed. The permitted standard is 40% coverage and the proposal in respect of coverage of the entire site is 41.9%. Such an increase is not considered to give rise to any effects more than minor, having regard to the design of the proposal including the open spaces and hard stand areas.

While the existing residential character will not be the same as that prior to redevelopment of subject site, the development is nevertheless of single storey construction, and as the planting matures and increases in height, it will break up and soften the visual appearance of the dwellings and fencing. The trees will add to the residential and visual amenity of the area, and that residential character will continue to evolve.

While it is acknowledged that the proposal is quite different to what currently exists in the area with increased density of dwellings, smaller dwellings and increased hardstand compared to the green spaces that existed with a single dwelling on the subject site, I concur with the opinions of Ms Symons and Ms Laurenson that any effects on residential character and amenity will be no more than minor.

In respect of on street parking effects on amenity values, Mr Skerrett noted that on street parking was a regular occurrence on Tawa Street and that any additional street parking by visitors would not be unusual or out of step with what is happening now. He provided an aerial photograph that showed various on street parking occurrences.

Given the current situation that on street parking is occurring, which is a function of public streets, that there is onsite provision of parking both for residents and visitors, I do not consider that there are any residential character and amenity effects arising as a result of any potential on street parking occurring as a result of the development that would be more than minor.

I also accept Mr Skerrett's evidence that any adverse traffic generation effects would be no more than minor. Currently the existing road carries 245 vehicles per day and the proposal would generate a potential 78 trips per day giving rise to just over 300 trips per day. No evidence was presented to me to indicate that this would result in any adverse effect on residential character and amenity more than minor.

### 6.3 EFFECTS: TRAFFIC AND PARKING

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The assessment of traffic movements undertaken by Mr Skerrett<sup>2</sup> was based on 6 trips per day being generated by each dwelling. There will be some dwellings no doubt that will have a lower trip generation and some higher.

He was of the opinion that 'predicted traffic volumes would not impact on the efficiency of the local roading network'<sup>3</sup> and that the proposed increase in traffic would not change the performance of the adjacent intersections which in his view were performing well.

Council engineers had accepted Mr Skerrett's assessment and did not raise any concerns regarding road safety and efficiency.

Whilst no mitigation was considered necessary, Ms Symons recommended that conditions be imposed on the subdivision consent to ensure that the development is constructed as proposed and I concur with that approach.

It is noted that the submitters have highlighted concerns regarding parking and whether there was sufficient as potentially, up to four adults may live in each unit, and also where visitors will park. In addition, concerns were raised that the grass berm was too wet to be used for parking.

The proposal provides for two carparks per dwelling but not always clear of another carpark, and stacking is proposed. I note that 11 of the 13 dwellings provide for a tandem carpark in front of the respective garages.

A parking and turning area is provided at southern end of the development, and that this is also available for visitor carparking. Alternatively, parking on Tawa Street could occur, and if the berm was too wet for such parking, it could occur on the edge of the seal. Mr Skerrett provided an aerial image showing that such parking on Tawa Street already occurs. I note the street is a public space and visitors along with residents can park on it.

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<sup>2</sup> Skerrett Evidence- paras 3.1 & 3.2

<sup>3</sup> Ibid – para10.22

I am satisfied though that the applicant has provided appropriate parking, and noting that for any permitted residential activity, there are no requirements to provide parking as a result of the provisions of the NPS-UD.

This highlights the nature of some of the changes that can be expected to occur in urban environments that are the result of government policy direction and Councils are required to implement.

The applicant has in the right of reply, outlined that a condition could be imposed requiring that a rule be contained in the Body Corporate Operational Rules, requiring that the garage of each unit be used for the primary purpose of carparking. This was in response to my concern that garages could be used for other purposes, and potentially places pressure on visitor car parking opportunities on the site.

I have given further consideration to this matter, and to Ms Eaton's response that there has been no evidence that highlights this as a potential issue. Furthermore, Ms Symons did not believe such a condition was necessary. I have concluded that such a condition is not necessary and have therefore not imposed it.

Finally, Ms de Jongh raised a concern about the ability to access the three carparks at the rear of the development. Mr Skerrett had undertaken a 'swept path analysis' that showed all dwellings can be accessed and exited from the site based on the NZTA 90<sup>th</sup> percentile car. The analysis also outlined that a 3- point turn is required to change direction and exit the development without impinging on any other parked cars. In essence, cars will be able to manoeuvre within the common area without encroaching on any other Unit Title area or affecting other parked vehicles.

#### 6.4 EFFECTS: SERVICING

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It is intended that the proposal be connected to the Council's water supply and wastewater, and such connections can be addressed by conditions of consent.

Concerns in respect of stormwater disposal and the adequacy of the proposed stormwater infrastructure for the development. Consideration has been given to this matter by the applicant and Council engineers and that the installation of a rain-cell system to cater for stormwater disposal given soak holes are not a suitable disposal method.

The s42A report<sup>4</sup> noted that the Council was satisfied that stormwater disposal is adequate and will have the capacity to deal with stormwater on-site so the post development discharge is no greater than the existing overland flow.

Mr Stanley in his pre-circulated evidence supported the Council advice and believed that the concerns of the submitter were appropriately mitigated by the stormwater design for the development.

I am satisfied that the specific engineering design for the proposal in respect of stormwater disposal, and appropriate consent conditions will ensure that any stormwater effects will be no more than minor.

#### 6.5 EFFECTS: CONSTRUCTION

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Ms Symons in both her notification report and s42A report has discussed effects from the construction of the dwellings. I note that relevant traffic management measures will need to be put in place by the applicant.

In addition, it is proposed that sediment control measures will be put in place during the construction period.

Consent conditions have been proposed to ensure that any effects of construction are no more than minor and given this advice, I conclude that any adverse effects of construction can be appropriately mitigated.

#### 6.6 EFFECTS: OCCUPANCY

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It is noted that the submitters have raised concerns about potential future occupants of the dwellings and that the application documentation is somewhat confusing in respect of who the future occupants will be. The submitters further comment that who the occupants are, will influence the number of traffic movements.

As Ms Symons points out in her report, the nature of potential occupants is not a matter for my consideration. At the hearing there was discussion on this matter, and Ms Eaton through her reply submissions offered up an 'Augier condition' that proposed that the units must be occupied by people aged 55 years or older.

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<sup>4</sup> S42A report- Paras10.36-10.38

The assessment of traffic movements undertaken by Mr Skerrett<sup>5</sup> was based on 6 trips per day being generated by each dwelling. There will be some dwellings no doubt that will have a lower trip generation and some higher.

I have considered this matter and have concluded that it is not appropriate to impose such a condition. While I acknowledge the applicant's offer, I do not believe it is required to address any particular environmental effects, and that Mr Skerrett based on his assessment, had concluded that any traffic effects would be no more than minor.

## 6.7 POSITIVE EFFECTS

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The proposal will have positive effects in so far as providing for the social and economic wellbeing of the applicant and wider community, particularly through the provision of housing choice beyond the more traditional one dwelling on a large site.

The proposal will provide for smaller dwellings and more compact lots to cater for those seeking such opportunities. It will assist in addressing housing demand through the provision of 13 dwellings whereas only one dwelling was located on the subject site.

## 6.8 DISCUSSION ON MATTERS RAISED BY SUBMITTERS

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The submitters had raised several matters in their submission and these matters have been well outlined in the s42A report and considered as part of my consideration of environmental effects. However, I consider it appropriate to discuss matters highlighted by the submitters related to rubbish bins and legal and process matters

In respect of rubbish bins, Ms Symons responded in her report regarding the situation in respect of rubbish bins, and that there would be sufficient space outside of the development for the placement of bins. She further noted that if issues arose, it would be a matter for the Body Corporate to address.

The submitters proposed that if the applicant wished to continue with the proposal, that it be re-submitted showing compliance with the relevant District Plan standards. As Ms Symons outlined, an applicant is legally able to apply for a consent for any activity that is not

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<sup>5</sup> Skerrett Evidence- paras 3.1 & 3.2

prohibited by the District Plan, and each application is required to be assessed on its merits. I also note that there are no permitted standards for subdivision in the District Plan which results in all subdivisions requiring assessment by the consent authority.

## **7. DISTRICT PLAN: OBJECTIVES & POLICIES**

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An assessment of the relevant policies and objectives has been undertaken by Ms Symons in her s42A report, which concludes that the proposal, with the imposition of consent conditions would not be contrary to the relevant District Plan policies and objectives.

Furthermore, I have considered Ms Laurenson's evidence<sup>6</sup> where she is in agreement with Ms Symons assessment of the objectives and policies, and that the proposal will not be contrary to the relevant policies and objectives of the District Plan.

I concur with those assessments and the conclusions reached.

The imposition of conditions of consent together appropriate design of the common area and entranceways are considered to address and minimise any potential conflict between vehicles, pedestrians and cyclists and protect the safety of pedestrians and road users to address Policy 20.3.

The policy and objective framework overall seeks to avoid or mitigate adverse effects of natural hazards, and the proposal in my opinion achieves this through its' design and appropriate consent conditions.

## **8. PROPOSED DISTRICT PLAN: OBJECTIVES & POLICIES**

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Ms Symons advised that the subject site was located within the General Residential zone.

The proposed plan had been publicly notified on 23 September 2019 and has reached the stage for the hearing of submissions. The s42A report<sup>7</sup> noted that no decisions had been made on the Proposed Plan and that there were no rules with immediate legal effect that apply in respect of the proposal.

The objectives and policies do have legal effect and Ms Symons had undertaken an

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<sup>6</sup> Laurenson evidence- Paras 5.3-5.6

<sup>7</sup> S42A report-Para 65

assessment of those provisions in her report. I accept and concur with that assessment in my consideration of the proposal.

However, I have placed little weight on the provisions given no decisions at the time of the hearing, had been released in respect of the proposed district plan submission hearings.

## **9. SECTIONS 104 & 104D: RESOURCE MANAGEMENT ACT 1991**

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Subject to Part 2, a consent authority must have regard to a number of matters under s104 of the RMA when considering an application for resource consent. These include:

- the actual and potential effects of an activity on the environment (s104(1)(a));
- the relevant provisions of a District Plan or proposed District Plan (s104(1)(b)(vi));
- the relevant provisions of a National Policy Statement (s104(1)(b)(iii));
- the relevant provisions of a Regional Policy Statement (s104(1)(b)(v)); and
- any other matter the consent authority considers relevant and reasonably necessary to determine the application (s104(1)(c)).

As the proposal is a non-complying activity, it is also subject to s104D of the RMA which states a consent authority may only grant a resource consent for a non-complying activity if at least one of the following criteria are met:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application will not be contrary to the objectives and policies of the relevant plan and the relevant proposed plan.

## **10. OTHER MATTERS**

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### **10.1 NATIONAL POLICY STATEMENTS & ENVIRONMENTAL STANDARDS**

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The National Policy Statement on Urban Development (NPS-UD) aims ‘to ensure that New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities and that building housing in the areas where development is most needed to help achieve this.’

Ms Symons advised that a number NPS-UD objectives and policies were considered to be of particular relevance to the proposal and the s42A report outlined her assessment of these.

I am required to give particular regard to the NPS-UD and the policy and objective framework contained therein. The NPS-UD provides clear guidance on the need for decision-makers in making planning decisions, to contribute to well-functioning urban environments and this includes the provision of housing that meets a variety of needs of different households.

In considering the proposal before me, I am of the view that the proposal is in accord with the various policies and objectives of the NPS-UD through the provision of additional housing to what existed on the subject site and provides housing that is different to what exists in the area through smaller dwellings and in a more intensive manner.

While the proposal may not align with expectation of some residents and the submitter in respect of existing amenity values relating to existing vegetation and large open areas surrounding a dwelling, it is likely to suit those who are entering the housing market or may wish to have a more compact dwelling and open space area.

The proposal reflects the general intent of the NPS-UD which clearly provides policy direction of the government in respect of wishing to see further housing provision in urban environments.

I note the opinion of Ms Symons where she does not believe that the proposal *“will be undertaken in a manner that will result in adverse effects to residential character and amenity that will be more than minor due to the factors discussed previously such as modest built forms broken up by outdoor and common areas. Such development will not dominant or be overbearing, and will, I believe, be absorbed into the surrounding residential area”*.

I concur with that view and that overall, the proposal aligns with the requirements of the NPS-UD.

## 10.2 TARANAKI REGIONAL POLICY STATEMENT (RPS)

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In accordance with s104 (1) (b) (v) of the RMA, any resource consent application must have regard to the relevant regional policy statement. The Taranaki Regional Policy Statement (RPS) considers regional wide issues on water, soil and land, air, freshwater, indigenous biodiversity, natural and historic features, waste management, minerals, energy, and the built environment.

The following provisions of the RPS are considered relevant to this proposal:



- *UDR Objective 1 & UDR Policy 1 – recognising that resource use and development can enable social, economic, and cultural well-being;*
- *AMY Objective 1 & AMY Policy 1 - recognising the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values while avoiding, remedying, or mitigating the adverse effects of inappropriate use and development on amenity values.*
- *SUD Objective 1 and SUD Policy 1 - To promote sustainable development in urban areas by:*
  - (a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;*
  - (b) promoting choices in housing, work place and recreation opportunities;...*

It is considered that the proposal promotes sustainable development through the more intensive use of the existing residential land resource through the redevelopment of a site that was occupied by a single residential dwelling to cater for 13 residential properties. It is an example of residential intensification as opposed to the use of green-field land to cater for the proposal.

In addition, it contributes to the provision of housing choice through smaller dwellings and outdoor areas in the Inglewood urban area which provides alternative options to those seeking residential housing.

The proposal will result in additional housing provision and contributes to the social well-being of the community.

Ms Symons observed<sup>8</sup> that *“although I do not believe it exactly reflects ‘high quality urban design’ (as discussed under the Residential Design Guide provisions of the Proposed District Plan) I consider this one factor is outweighed by the retention of residential amenity through, for example, the relatively small- scale built forms and continuing use of the site for residential purposes....”*.

While this may be the case, there is a balancing to be undertaken and any non-complying activity proposal because it is just that, may not in all cases comply with every policy and objective. The applicant had engaged a landscape architect and provided expert landscape evidence. Ms McQueen’s evidence outlined that the design features of timber fencing and spaced planting of plants and trees would help achieve privacy values for both future and existing residents; increased amenity values by

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<sup>8</sup> S42A report- Para 14.2

softening fencing and the built environment and being consistent with neighbouring properties and the wider Tawa Street residential area that display fencing and planting as boundary features.

Ms McQueen noted that the existing area contained a variety of fencing and vegetation along Tawa Street property boundaries adjoining the street.

Mrs de Jongh outlined that in her opinion, the proposal would result in considerable change of the Tawa Street residential area. I concur that it will result in change to what previously existed on the site and that there will be a greater intensity of dwellings. However, Ms McQueen's evidence clearly outlines that given the proposed fencing and plantings any effects on residential amenity and character would be no more than minor. She did not conclude that there would be no change, but the impacts of such change on amenity and character would be no more than minor.

I appreciate that those living in such areas are content with the current level of activity and amenity. However, government policy direction is clear in the need to provide for additional housing opportunities and the challenge is how these are provided in existing areas, but also maintaining the amenity of such areas.

Overall, I consider that any adverse effects of the activity on the environment, including on residential amenity will be mitigated through measures proposed by the applicant including conditions of consent, which include fencing and planting requirements ,and will be no more than minor.

I believe the proposal is in general accord with the policy and objective framework of the RPS.

### 10.3 IWI ENVIRONMENTAL MANAGEMENT PLAN

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The 42A report contained an assessment of the plan which included outlining various objectives and policies. The conclusion reached by Ms Symons was that the proposal did not appear to be contrary to the provisions of the plan.

The plan contained an objective that zero- stormwater discharge off site approach be utilised and I note that onsite disposal of stormwater would occur and that it would be hydraulically neutral. A rainwater cell is proposed to be located the beneath the common area to allow for the storage and disposal of stormwater as the subject site was not considered suitable for soak-hole disposal.

## **11. SECTION 104D ASSESSMENT**

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Given the proposal is for a non-complying activity, consent can only be granted if the proposal meets at least one of the following tests:

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application will not be contrary to the provisions of the relevant plan and the relevant proposed plan.

As previously discussed in this decision, it is considered that any adverse effects of the proposal will be no more than minor. In addition, the proposal has been assessed against the relevant provisions of the Operative and Proposed District Plans and have not found the proposal to be contrary to the objectives and policies of either document. Both the reporting officer and the applicant's consultant planner concur with that assessment.

Therefore, I am satisfied the proposal passes both threshold tests as set out in s104D(1) of the RMA, and as such consent may granted if considered appropriate to do so.

## **12. PART 2: RESOURCE MANAGEMENT ACT 1991**

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The purpose of the RMA is to promote sustainable management by enabling people and communities to provide for their social, economic, and cultural wellbeing, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 5 allows for the balancing of conflicting considerations in relation to their particular significance to the overall outcome and requires an overall broad judgement to be made.

Having considered all relevant matters, I am of the opinion that the proposal provides for the economic and social well-being of people and for their health and safety through the sustainable use of physical and natural resources, which in this case is the use of land for more intensive residential development through provision of more compact dwellings on smaller sites. Such housing types may meet the particular needs of sectors of the population not currently provided for.

I am satisfied that any adverse effects of the activity on the environment, such as any effects on residential character and amenity can be adequately mitigated by the mitigation proposed and the associated conditions of consent.

I consider that the proposal is not contrary to the purpose of the RMA.

In regard to section 6, no matters of national importance were brought to my attention that required consideration.

In respect of section 7 (Other Matters to have Particular Regard), I consider that matters related to the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values, and the quality of the environment require consideration.

The proposal will provide for the more efficient use of land from a site that only had one dwelling, to the provision of 13 dwelling units, and also providing for outdoor living, access to daylight and small-scale built forms. Amenity values will be maintained through the appropriate design of buildings, so they are only a single storey and do not dominate or overlook surrounding properties, and through the planting to be undertaken on the subject site.

The quality of the environment will be maintained through connection of the development to Council reticulated services, and the provision of on-site stormwater disposal, so that any runoff will be no greater than what already existed on the subject site.

No matters relating to section 8 (Treaty of Waitangi) were raised with me requiring consideration.

My overall broad judgment is that the proposal is in general accord with Part 2 of the RMA and promotes sustainable management of natural and physical resources.

### **13. CONCLUSION**

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I have considered all matters placed before me including all application documentation, evidence, submissions, and subsequent statements made by the various parties at the hearing and the s42A report, and associated reports from Council staff, together with the relevant RMA and District Plan provisions.

It is noted that residential activity is provided for, but that any effects need to be avoided, mitigated, or remedied.

The submitters have raised a number of concerns regarding the proposal and were of the view that there would be greater than minor effects on residential character and amenity. Having considered the concerns expressed, and the expert evidence presented to me, I am

of the view that any effects arising from the development can be appropriately remedied, mitigated or avoided by the design of the proposal and the conditions of consent, and will therefore be no more than minor.

I acknowledge the concerns expressed by the submitters, but residential environments evolve and change over time, whether that involves new dwellings, renewed or changed landscaping and planting, or more numbers of dwellings on existing lots. The planning instruments provide for changes to occur, and the focus is ensuring any effects of those changes are appropriately mitigated, avoided or remedied.

I also conclude that the proposal will not be contrary to the various planning instruments that I am required to have regard to, and that it is appropriate to grant consent.

## **14. DECISION**

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***That pursuant to sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, the New Plymouth District Council grants consent to the resource consent applications (subdivision and land use) of All Good Properties Ltd, in respect of a property located at 13 Tawa Street, Inglewood, and legally described as Lot 15 DP 1799, subject to the following conditions:***

### **General Conditions**

1. Except as modified by the consent conditions below, the development and use of the site shall be generally in accordance with the plans and all information and further information submitted with the application referenced by the Council as consent numbers SUB21/47746 and LUC21/47933, including the following:
  - Unit title scheme plans drawn by Bland & Jackson Surveyors Ltd, Project No. 9699
    - entitled ‘Units 1 and Future Development on Lot 15 DP 1799 (Stage 1) Stage 1, Sheet No. 1, Rev03, dated 15.07.22; and
    - entitled ‘Units 2 to 13 on Lot 15 DP 1799 Stage 2’, Sheet No. 2, Rev03, dated 15.07.22;
  - Existing Site Levels Plan – entitled ‘Site Survey – Lot 15 DP 1799’, drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Sheet No. 1, dated 25.03.21;
  - Unit Concept and Site/Floor Layout Plans, drawn by 4Site Design Job No. 4692, Project: Tawa St Residential Development 13 Tawa Street Inglewood, CONCEPT - Version A Development Plan, dated 23/07/20;
  - Landscaping Plans, drawn by McQueens Landscape Architects Ltd, Pages 1-14, dated November 2020;
  - ‘Traffic Impact Assessment’ by AMTANZ Ltd, RevB dated 24/3/21, except where corrected by:
  - Further Information letter provided by AMTANZ Ltd, dated 18 April 2021;

- Section 92 Response letter, written by Bland & Jackson Surveyors Ltd, dated 16 June 2021;
- 'Engineer's Report – Lot 15 DP 1799 Tawa Street, Inglewood', by StanleyGray Civil & Structural Engineering, Job No. AGB-21-25, dated June 2021;
- 'Silt Sediment Control Plan' drawn by Bland & Jackson Surveyors Ltd, imposed on the Existing Site Levels Plan – entitled '*Site Survey – Lot 15 DP 1799*', drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Sheet No. 1, dated 25.03.21;
- Raincell information in email from Colin Jackson, Bland & Jackson Surveyors Ltd, dated 15 July 2021 and attached:
  - Cirtex Rainsmart '*Suggested Maintenance Procedures*' brochure; and
  - 'Earthworks Plan', drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Drawing E01, Sheet 2, dated 04.05.21; and
- Information in the email from Colin Jackson, Bland & Jackson Surveyors Ltd and attached Revised Stormwater Calculations by Stanley Gray Civil & Structural Engineering, dated 3 August 2021.

## **CONDITIONS- SUBDIVISION CONSENT SUB21/47746**

### Staging of Subdivision Works

2. Approval is granted to carry out the subdivision in stages as follows:
  - a. Stage 1 – PU 1; and
  - b. Stage 2 – PU 2 – PU 13.
3. The following conditions will apply to both Stage 1 and 2:
  - a. Conditions 1, 6, 8, 11, 12, 13, 20 and 25.
4. The following conditions will apply to Stage 1 only:
  - a. Conditions 14, 15, 22, 23, 32 and 33.
5. The following conditions apply to Stage 2 only:
  - a. Conditions 7, 9, 10, 16, 17, 18, 19, 21, 24, 26, 27, 28, 29, 30, and 31.

### **Section 223**

6. Except as modified by conditions of consent below, the Land Transfer plan shall conform to the subdivision scheme plan submitted with application no: SUB21/47746 Unit title scheme plan – entitled '*Units 1 to 13 on Lot 15 DP 1799 – Comprised in TNF3/86*' drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Stage 1, Sheet No. 1, Rev03, dated 15.07.21 and Stage 2, Sheet No. 2, Rev03, dated 15.07.21.

*Advice Note: Stage 1 includes the construction and subdivision in the form of unit title for PU 1. Stage 2 includes the construction and subdivision in the form of unit title for PU2 – PU 13.*

7. An easement in gross shall be created for the sewer within the Common Area in favour of New Plymouth District Council and shall meet the following requirements:
  - a) the easement shall be a minimum three metres wide and shall be provide a minimum two metres clearance around other Council assets, including manholes; and
  - b) where the sewer pipe is two metres or more deep, greater easement width may be required to facilitate maintenance.

#### **Section 224**

8. All common areas and units shall be constructed and completed in accordance with the conditions of LUC21/47933.

#### **Building Platforms**

9. A report shall be provided from a suitably qualified person to confirm that there is available for PU2-13 a stable building platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code B1.
10. Any recommendations requiring specific building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

#### **Stormwater**

11. The stormwater from units and the Common Area shall be disposed of to a Raincell on-site soakage system as described and designed in the Stanley Gray Engineer's Report (revised) calculations for a 1% AEP dated 27 July 2021.

#### **Advice Note:**

*The Raincell system shall be privately owned and shall be maintained by the Body Corporate at its cost. The consent holder should ensure an Operations and Maintenance Manual is provided to the Body Corporate for on-going maintenance of the Raincell system.*

12. An as-built plan of the on-site stormwater disposal system shall be provided.
13. Secondary flowpaths shall be shown a Plan and shall not cross into neighbouring properties.
14. Confirmation is required that existing soakholes serving the existing dwelling are reinstated.

## Sewer

15. A new sewer connection shall be provided for PU1 from the existing Council sewer reticulation system.
16. A new sewer main to be vested in Council shall be provided for PU2-13 with a new manhole installed in Tawa Street connecting to a 150mm line and a manhole at the southern end within the Common Area.
17. An engineering plan and specifications for the sewer shall be provided to and approved by Council prior to construction. An appropriate distance shall be provided between the sewer line and the raincell system as determined by the raincell system manufacturer.

### Advice Note:

*An application for a sewer service connection shall be lodged with the Council with the appropriate fee. Upon approval, the connections are to be undertaken and the meters installed by a Council approved contractor at the consent holder's cost.*

18. All work shall be constructed under the supervision of a suitably qualified person who shall also certify that the work has been constructed to the approved Infrastructure Standard requirements.
19. The supervision of the work, and its certification and the provision of as built plans shall be as prescribed in section 1.8 of NPDC Land Development & Subdivision Infrastructure Standard.
20. An as-built plan shall be provided.
21. A schedule of assets vested in Council shall be provided for the sewer main.

## Water

22. The existing water connection shall be disconnected at the water main and decommissioned (blanked).
23. A new water connection for PU1 shall be installed at the boundary incorporating a manifold assembly and water meter for the development. As a minimum, a Senus AMR iPERL meter is required.
24. A new water connection for PU2-13 shall be installed at the boundary incorporating a manifold assembly and water meter for the development. As a minimum, a medium risk backflow preventer and Senus AMR iPERL meter are required. Alternatively, the consent holder may choose to provide individual water meters for PU2-13 at the road boundary with - water meter chambers accommodating twelve tobies.



Advice Notes:

*Applications for water service connections and meters shall be lodged with the Council with the appropriate fee. Upon approval, the connections are to be undertaken and the meters installed by a Council approved contractor at the consent holder's cost.*

*The individual water connections to each unit title (including any water meters) shall be privately owned and shall be maintained by the Body Corporate at its cost unless individual water meters for each unit title are provided at the road boundary.*

25. An as-built plan of the new water connection shall be provided.

Common Area and Parking

26. The consent holder shall submit for approval engineering plans, including construction materials and depths, for the Common Area, taking into account the traffic loading to protect the on-site stormwater disposal system, prior to any works commencing.
27. The Common Area shall be constructed in accordance with the plans approved under Condition 26 above.
28. Except for Units 6 and 7, each unit shall be provided with one carpark in the driveway immediately in front of the garage.
29. Three communal carparks shall be provided at the turning head of the Common Area with manoeuvring areas on either side of the carparks to ensure all vehicles can exit the Common Area in a forward-facing manner.

Advice Note:

*All driveways, carparks and manoeuvring areas within the Common Area shall be constructed, sealed, and marked in accordance with the Operative New Plymouth District Plan (Appendix 23).*

30. An as-built plan of the Common Area shall be provided.

Vehicle Crossings

31. A **multi residential** vehicle crossing shall be constructed to serve 12 of the units and constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard (Cl.3.3.17.1).
32. A **residential** vehicle crossing shall be constructed to serve PU1 and constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure

Standard (Cl.3.3.17.1).

33. The existing vehicle crossing shall be reinstated with kerb, channel, footpath, and berm.

Advice Note:

*An application for new vehicle crossings shall be lodged with the Council with the appropriate fee. Upon approval the vehicle crossings will be installed and the existing crossing reinstated by a Council approved contractor at the consent holder's cost.*

**General Advice Notes**

1. *This unit title application has not included any assessment with regards to section 224(f) of the Resource Management Act 1991 (as it relates to s116A of the Building Act). A section 224(f) assessment will be initiated when application is made for section 223/s224(c) certificates. For more information, please contact your Licensed Cadastral Surveyor.*
2. *A Development Contribution of \$89,356.47 excluding GST is payable. The s224 release of this subdivision will not be approved until this payment is received by the Council.*
3. *This consent lapses on 31 August 2027 unless: 1) the consent is given effect to before this date; or 2) an application is granted before the expiry of this date under section 125 of the Resource Management Act 1991 to extend the expiry date.*

**CONDITIONS - LANDUSE CONSENT LUC21/47933**

1. Except as modified by the consent conditions below, the development and use of the site shall be generally in accordance with the plans and all information and further information submitted with the application referenced by the Council as consent numbers SUB21/47746 and LUC21/47933, including the following:
  - Unit title scheme plans drawn by Bland & Jackson Surveyors Ltd, Project No. 9699 – entitled 'Units 1 and Future Development on Lot 15 DP 1799 (Stage 1) Stage 1, Sheet No. 1, Rev03, dated 15.07.22; and  
- entitled 'Units 2 to 13 on Lot 15 DP 1799 Stage 2', Sheet No. 2, Rev03, dated 15.07.22;
  - Existing Site Levels Plan – entitled 'Site Survey – Lot 15 DP 1799', drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Sheet No. 1, dated 25.03.21;
  - Unit Concept and Site/Floor Layout Plans, drawn by 4Site Design Job No. 4692, Project: Tawa St Residential Development 13 Tawa Street Inglewood, CONCEPT - Version A Development Plan, dated 24/07/20;
  - Landscaping Plans, drawn by McQueens Landscape Architects Ltd, Pages 1-14, dated November 2020;
  - 'Traffic Impact Assessment' by AMTANZ Ltd, RevB dated 24/3/21, except where corrected by:
  - Further Information letter provided by AMTANZ Ltd, dated 18 April 2021;

- Section 92 Response letter, written by Bland & Jackson Surveyors Ltd, dated 16 June 2021;
  - ‘Engineer’s Report – Lot 15 DP 1799 Tawa Street, Inglewood’, by StanleyGray Civil & Structural Engineering, Job No. AGB-21-25, dated June 2021;
  - ‘Silt Sediment Control Plan’ drawn by Bland & Jackson Surveyors Ltd, imposed on the Existing Site Levels Plan – entitled ‘Site Survey – Lot 15 DP 1799’, drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Sheet No. 1, dated 25.03.21;
  - Raincell information in email from Colin Jackson, Bland & Jackson Surveyors Ltd, dated 15 July 2021 and attached:
    - Cirtex Rainsmart ‘Suggested Maintenance Procedures’ brochure; and
    - ‘Earthworks Plan’, drawn by Bland & Jackson Surveyors Ltd, Project No. 9699, Drawing E01, Sheet 2, dated 04.05.21; and
  - Information in the email from Colin Jackson, Bland & Jackson Surveyors Ltd and attached Revised Stormwater Calculations by StanleyGray Civil & Structural Engineering, dated 3 August 2021.
2. Council’s Environmental Planner Monitoring Team shall be advised of the date of commencement of works for PU2-PU13 at least five working days prior to commencement of earthworks by phone (06 759 6060) or email [PlanningConsents.Monitoring@npdc.govt.nz](mailto:PlanningConsents.Monitoring@npdc.govt.nz) with Consent Numbers SUB21/47746 and LUC21/47933 referenced and the property address given.

*Advice Note: Works associated with PU1 (already consented and largely constructed under building consent BC21/129063) do not trigger the requirements of this condition.*

### Earthworks/Construction

3. The consent holder shall undertake the following measures to ensure adverse effects of earthworks and construction are appropriately managed and minimised:
- (a) no earthworks or construction before 7am or after 6pm or at any time on Sundays or Public Holidays;
  - (b) provide locations within the site for storage of earthwork material (if required) and construction plant and materials;
  - (c) inform owners/occupiers of 12 and 15 Tawa Street of the timetable of construction work and any revisions as soon as practicable;
  - (d) establish a 24 hour contact phone number/s of the designated site liaison person/s responsible for handling queries and complaints regarding the construction programme and all earthworks or construction activities; and
  - (e) record all queries and complaints regarding the earthworks and construction programme and activities and provide these to Council as soon as practicable, if requested.

*Advice Note: Works associated with PU1 (already consented and largely constructed under building consent BC21/129063) do not trigger the requirements of this condition.*

4. The consent holder shall undertake the following measures to ensure adverse effects construction traffic are appropriately managed and minimised:
  - (a) provide a temporary construction vehicle access point;
  - (b) provide areas for traffic circulation through the site and vehicle loading and parking spaces for construction vehicles over the entire earthworks and construction period;
  - (c) truck washing facilities shall be provided on-site with no silt or other material from these facilities entering the Council stormwater system, road reserve or neighbouring properties; and
  - (d) any dust/soil or other material on the road shall be fully cleaned up at the end of each day of excavation by the excavation contractor and not left overnight.
5. The earthworks and construction shall be managed at the site in accordance with the requirements of Conditions 3 and 4 above until construction of all buildings and infrastructure, including the Common Area and vehicle access points, are complete.
6. Best practical methods for preventing erosion and minimising the escape of silted water, sediment or dust from the site shall be utilised during any earthworks or construction and shall take into account, but not be limited to:
  - (a) the areas, quantity, and height/depth of earthworks, which shall retain the existing contour as much as possible;
  - (b) the measures that are to be installed during earthworks and construction to prevent runoff into adjacent waterbodies; and
  - (c) the timeframe expected for ground to be exposed and the corresponding length of time these measures will be required.

These best practice measures shall remain in place until such time as exposed ground areas are stabilised and vegetated, metalled or built over.

*Advice Note: Council's 'A Guide to Sediment Control on Building Sites' brochure provides a starting point on sediment control measures:*

<https://www.npdc.govt.nz/media/vsqj3paz/a-guide-to-sediment-control-on-building-sites.pdf>

7. The consent holder shall ensure all contractors and workers involved in the project are advised of the requirements set out in Conditions 3—6 above and they must operate in accordance with them.

**Advice Note:**

*Any excavation that takes place within road reserve during this development, including for the service connections and vehicle crossing construction, shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be*

made via the website [www.beforeUdig.co.nz](http://www.beforeUdig.co.nz) or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the consent holder's expense.

8. The consent holder shall ensure safe and continuous passage by pedestrians and vehicles along Tawa Street during all stages of work, including earthworks, construction, and landscaping. This shall be carried out in accordance with New Plymouth District Council Bylaw 13 – Traffic: Clause 25.
9. The consent holder shall be responsible for the repair to any damage to council assets, including to the footpath, road, and any services beneath the road, resulting from any works associated with this development. The consent holder shall employ, at their cost, a Council approved contractor to repair such assets.
10. Site Coverage of the Units, Common Area and overall site shall not exceed that set out in Section 3.0 of the Assessment of Environmental Effects:

Unit number	Building Unit Area	Total Area of Primary Unit	Site coverage for PU
1	162m <sup>2</sup>	340m <sup>2</sup>	47.6%
2	90m <sup>2</sup>	170m <sup>2</sup>	53%
3	90m <sup>2</sup>	170m <sup>2</sup>	53%
4	90m <sup>2</sup>	170m <sup>2</sup>	53%
5	90m <sup>2</sup>	169m <sup>2</sup>	53%
6	95m <sup>2</sup>	188m <sup>2</sup>	50.5%
7	95m <sup>2</sup>	188m <sup>2</sup>	50.5%
8	90m <sup>2</sup>	169m <sup>2</sup>	53%
9	90m <sup>2</sup>	170m <sup>2</sup>	53%
10	90m <sup>2</sup>	170m <sup>2</sup>	53%
11	90m <sup>2</sup>	170m <sup>2</sup>	53%
12	90m <sup>2</sup>	170m <sup>2</sup>	53%
13	90m <sup>2</sup>	170m <sup>2</sup>	53%
Common Area	0	470m <sup>2</sup>	0%
Total	1252m <sup>2</sup>	2985	41.9%

### Landscaping

11. Landscaping in accordance with the landscaping plans approved under Condition 1 above shall be implemented within the first planting season after the completion of the construction of all the units. Should any plant species set out in the approved landscaping plans be unavailable, the consent holder shall submit to Council's Planning Lead for approval appropriate alternative species as determined by a suitably qualified and experienced landscape architect.
12. On completion of the landscaping, a landscape architect shall certify that these works have been completed in accordance with the approved landscaping plans, or alternatives

as approved under Condition 11 above, and provide this certification to the Council's Planning Lead no less than 30 days following the completion of the landscape planting.

13. For the duration of this consent, the consent holder shall maintain all planting in a good and healthy condition. Any planting not in a good and healthy condition shall be replaced as soon as reasonably practicable.

#### Monitoring Costs

14. The consent holder shall pay the actual and reasonable costs for monitoring undertaken by the Council when monitoring the conditions of this consent.

#### **General Advice Note**

1. *This consent lapses on 31 August 2027 unless: 1) the consent is given effect to before this date; or 2) an application is granted before the expiry of this date under section 125 of the Resource Management Act 1991 to extend the expiry date.*

#### ***Consent is granted for the reasons outlined in this decision and summarised as follows:***

- a. *The proposal is not contrary to the policies and objectives of the District Plan and is not inconsistent with the policies and objectives of the Taranaki Regional Policy Statement.*
- b. *Having regard to section 104(1) of the Resource Management Act 1991, the actual and potential adverse effects on the environment including any effects on the existing residential character and amenity of the area of granting consent, will be able to be avoided, remedied, or mitigated by the imposition of conditions of consent.*
- c. *The proposal will result in a more intensive form of residential development that results in the provision of smaller dwellings and more compact land areas, which is likely to provide for alternative housing typologies than what is currently provided for in the area.*
- d. *The proposal meets the various statutory provisions to be given regard in terms of the Resource Management Act 1991.*
- e. *The proposal is consistent with the purpose and principles of the Resource Management Act 1991.*

A handwritten signature in black ink, appearing to read "Bill Wasley". The signature is fluid and cursive, with a large initial "W" and "A".

Bill Wasley  
**Hearing Commissioner**

31 August 2022