

**BEFORE AN INDEPENDENT COMMISSIONER  
NEW PLYMOUTH DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** an application by **ALL GOOD PROPERTIES LIMITED** for resource consent to subdivide land at Tawa Street, Inglewood into 13 unit titles ("Proposal")

**Council Ref:** SUB21/47746 and LUC21/47723

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**STATEMENT OF EVIDENCE BY NICOLA JOY LAURENSON**

**Dated** 17 June 2022

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**Govett Quilliam**  
THE LAWYERS

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## 1. INTRODUCTION

1.1 My name is Nicola Laurenson. I am a Planner at Laurenson Planning, a Planning and Consulting Agency.

### ***Qualifications and experience***

1.2 I hold a Bachelor of Social Sciences (Geography and Earth Sciences) from Te Whare Wānanga o Waikato. I have been a full member of the New Zealand Planning Institute since 2013.

1.3 I have been a practicing planner for 20 years. My experience includes resource consent work for subdivision and land use across the Taranaki and Waikato regions. I have been employed at the New Plymouth District Council, South Waikato District Council and Waikato District Council over the course of my career holding the positions of Assistant Planner through to Team Leader Consents. In my current role as a Consultant Planner I process consent applications in the Taranaki and Waikato Regions as well as prepare and lodge applications for applicants. In 2021, I was contracted by the New Plymouth District Council District Plan Policy Team to prepare the section 42A reports and present the Earthworks and Subdivision Chapters at the District Plan hearings.

1.4 My involvement in the Proposal has included:

1.4.1 preparing and lodging the resource consent application and assessment of environmental effects (“AEE”) on behalf of Bland and Jackson Surveyors Ltd (“Application”).

1.4.2 review of the submission made regarding the Application; and

1.4.3 review of the section 42A report (“Officer’s Report”).

1.5 I have visited the Application site and the surrounding area on two occasions and am familiar with it and the surrounding environment

### ***Expert Witness Code of Conduct***

1.6 I confirm that I have read, and agree to comply with, the Environment Court’s Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting is within my

area of expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

### ***Scope of evidence***

- 1.7 The purpose of my evidence is to provide a planning assessment of the Proposal.
- 1.8 In my evidence I will comment on:
  - 1.8.1 The proposal;
  - 1.8.2 The site and receiving environment;
  - 1.8.3 The Submission received;
  - 1.8.4 Statutory requirements;
  - 1.8.5 Environmental effects;
  - 1.8.6 Other matters;
  - 1.8.7 Conclusion on section 104D;
  - 1.8.8 Part 2 RMA;
  - 1.8.9 Conditions of consent; and
- 1.9 I will address each in turn.

## **2. THE PROPOSAL**

- 2.1 The Proposal involves the construction of 13 residential units with services and car parking with a unit title subdivision to provide for individual ownership of the units. A description of the Proposal is set out in Section 5.0 of the Officer's Report and I generally agree with the summary provided in that section, but also note the following:
  - 2.1.1 The Proposal, including the subdivision, is intended to be staged as set out in section 3.1.1 of the Application with the construction and unit title of PU1 being the first stage and the remaining construction and unit titling of PU2- PU13 being undertaken in Stage 2.
  - 2.1.2 I also wish to clarify that the intention of the Applicant is that the proposed units be occupied by people who are not necessarily

retirees but are older people or families looking to move to a small property with lower maintenance requirements.

3. **THE SITE AND RECEIVING ENVIRONMENT**

3.1 A description of the site and surrounds is briefly summarised in the Officer's Report which references the notification decision. I have reviewed the notification decision (Paragraphs 11 – 15) and generally agree with the summary of the site and receiving environment and adopt that description here with the exception that the existing dwelling has been removed and a new building, that would become PU1 if consent was granted, is currently being constructed on the site.

4. **SUBMISSION ON THE APPLICATION**

4.1 One submission has been received regarding the Application (the "Submission") from Jessica and Dale de Jongh ("the Submitter").

4.2 I have reviewed the Submission and the summary of submission in the Officer's Report (Paragraph 8.2).

4.3 I have addressed the key concerns of the Submitter throughout my evidence.

5. **STATUTORY REQUIREMENTS**

***Operative New Plymouth District Plan ("ODP")***

5.1 Section 6 of the Officer's Report sets out the statutory reasons for the application and concludes that overall, the proposal is a non-complying activity (Paragraph 6.3). I agree with this conclusion.

5.2 Paragraphs 11.1 - 11.8 of the Officer's Report provides an assessment of the Proposal against the relevant objectives and policies of the ODP. In addition to the objectives and policies assessed as part of the application, Ms Symons has identified the following objectives and policies to be relevant to the proposal:

*Objective 12 - To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment.*

*Policy 12.1 - Subdivision, land use and development should be designed and located to avoid or mitigate the adverse effects of natural hazards on human life, property, infrastructure and the environment.*

*Objective 13 - To ensure that land use activities do not increase the likelihood or magnitude of natural hazard events.*

*Policy 13.1 - Subdivision, development and other land uses should not result in aggravation of natural hazards.*

*Policy 20.2 - The safe and efficient operation of the ROAD TRANSPORTATION NETWORK should not be adversely affected by land use activities that have insufficient parking areas for MEDIUM SERVICE VEHICLES or larger and loading areas; or substandard parking or loading areas.*

*Policy 20.3 - Potential conflict between VEHICLES, pedestrians and cyclists moving on the ROAD TRANSPORTATION NETWORK should be minimised to protect the safety and efficiency of ROAD and footpath users.*

- 5.3 I agree that objectives 12 and 13 and policies 12.1 and 13.1 apply to the Proposal and I concur with Ms Symons assessment that the Proposal will meet these provisions.
- 5.4 Policy 20.2 relates to the adverse effects of activities that do not provide adequate parking. The Proposal is not subject to minimum parking requirements due to the change to the District Plan to remove minimum parking provisions as required by the NPS-UD. Notwithstanding that, the Proposal does provide car parking so that the road transportation network, Tawa Street, is not unduly congested by cars associated with the development. This assessment is set out below in this evidence and in the assessment of effects and based on the conclusions on effects, I am in agreement with Ms Symons and consider the Proposal is not contrary to this policy.
- 5.5 Policy 20.3 identifies that potential conflict between vehicles, pedestrians and cyclists moving on the road should be minimised so that the safety and efficiency of the road and footpath user are protected. Methods to achieve this include broader policy matters such as the use of district plan provisions and the use of designations, however the use of Council's adopted Land Development and Subdivision Infrastructure Standard is also a tool to achieve this policy. In this regard, the draft conditions of consent, along with the design of the common area and entranceways are proposed to manage

potential conflict. I am in agreement with Ms Symons and consider the Proposal is not contrary to this policy.

- 5.6 Overall, I am in agreement with Ms Symons' assessment of the objectives and policies of the ODP and consider that the proposal will not be contrary to the relevant objectives and policies of the ODP.

***Proposed New Plymouth District Plan ("PDP")***

- 5.7 Section 6 of the Officer's Report sets out the statutory reasons for the application and concludes that no rules in the PDP are a trigger for consent (at Paragraph 6.5). I agree with this conclusion.
- 5.8 Section 104(1)(b)(vi) RMA provides that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to any relevant provisions of a plan or a **proposed plan**. The PDP was publicly notified on 23 September 2019. I generally agree with Ms Symon's assessments under the PDP but note that the Residential Zones Chapters and the Design Guides have been recently heard by the Hearings Panel on 2 and 3 June 2022.
- 5.9 With regards to Ms Symon's assessment that the Proposal is not '*strictly in keeping with the recommendations of the Residential Design Guide*', I have reviewed the Residential Zones Chapters and Design Guides hearing documents and note that changes to the wording in the Residential Design Guide have been recommended to the Hearings Panel by the reporting officer. The changes, in part, address a submission that the Residential Design Guide should read as a non-statutory document rather than as 'de facto' district plan provisions.
- 5.10 The recommended wording changes include amendments to the part of the Residential Design Guide that Ms Symons refers to in Paragraph 12.7 of the Officer's Report. Changes to the Residential Design Guide include replacing the word 'provide' to 'consider providing' and adding the words 'where practicable' as shown in Appendix 1. I consider this recommended change signals that the Residential Design Guide is not intended to be a prescriptive set of rules and that at times site constraints will inhibit the ability to 'comply' with the design guide.

- 5.11 Ms Symons has acknowledged the Site's constraints stating '*...constraint of the overall site shape and orientation (relatively narrow with short north and south boundaries) which has likely influenced the site layout*' and gives relatively less weight to the Residential Design Guide matters relating to outdoor space when considering the proposal against the remainder of the objectives and Policies for the General Residential Zone. I agree with this approach and consider that if the changes to the Residential Design Guide are confirmed by the Hearings Panel, then the Proposal would not be inconsistent with the Design Guide or Policies GRZ-P8 and GRUZ-P9.
- 5.12 Overall I agree with Ms Symon's conclusion that the Proposal, on balance, will not be contrary to the relevant provisions of the PDP. I also accept My Symon's position that she has not placed as much weight on the provisions of the PDP compared to the ODP.

***National Policy Statement on Urban Development 2020***

- 5.13 Section 13 of the Officer's Report provides an assessment of the Proposal against the National Policy Statement on Urban Development 2020 (NPS-UD). I generally concur with Ms Symons assessment subject to the following comments.
- 5.14 Ms Symons sets out that the removal of car parking minimums from the ODP in February 2022 does not apply to this Proposal as it was lodged prior to this date. It is my understanding that, as is the case with any plan change, the activity status of a proposal is preserved under section 88A(1) of the RMA if decisions are released while the application is being determined. The proposal being assessed would then be done so against the operative rules (or rules with legal effect) that exist at the time of determination.
- 5.15 In this case, the parking requirements of rule Res74 were not met at the time of lodgement and required consent as a restricted discretionary activity. There is no longer an equivalent rule in the District Plan (being the permitted activity conditions to meet Res74) and there are therefore no parking requirements to be met for any of the units. Notwithstanding that, the bundling approach means the Proposal is still a non-complying activity due to other rules that have not changed throughout the course of the Application being determined.

- 5.16 The method for achieving Policy 11 of the NPS-UD (relating to car parks) is set out in sub part 8 – Car parking.

### *3.38 Car parking*

*(1) If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.*

- 5.17 New Plymouth District Council is a tier 2 territorial authority.
- 5.18 The Council amended the ODP to give effect to these national directions in February 2022. Policy 20.2 remains in the ODP as set out in Paragraph 5.4.
- 5.19 The Proposal includes car parking for each unit (with all units except for Units 6 and 7 including two car parking spaces) to provide for the well being of each unit owner and to reduce congestion on Tawa Street, the effects of this aspect of the Proposal are set out below in section 6 of my statement.
- 5.20 Overall, the NPS UD-2020 supports increased densities within urban environments. Particularly where those developments provide for a range of lifestyle living opportunities that can meet a broad range of public demand from single people, families and the elderly community. This Proposal meets that demand through the provision of quality high-medium density living located within close proximity to local amenities. The Proposal is therefore consistent with the direction of the NPS UD-2020.

### ***Taranaki Regional Policy Statement***

- 5.21 Section 14 of the Officer's Report provides an assessment against the Taranaki Regional Policy Statement. I generally agree with this assessment subject to my earlier comments on the PDP Residential Design Guide. The Proposal is consistent with the Taranaki Regional Policy Statement.

### ***Section 104 and 104D Resource Management Act***

- 5.22 As a non-complying activity, the proposal must be considered pursuant to section 104, including 104B and 104D of the Act.
- 5.23 Section 104D of the RMA states that:



*“a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor or the application is for an activity that will not be contrary to the objectives and policies of... both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity”.*

This is known as the gateway test. It is considered, based on the above assessment, that the Proposal will not be contrary to the relevant objectives and policies of the ODP or PDP.

5.24 The following section of this evidence includes an assessment of the Proposal's adverse effects with reference to section 104D of the Act and on the environment, including the Submitter, with reference to section 104(1)(a) of the Act.

## 6. ENVIRONMENTAL EFFECTS

6.1 In my opinion the main actual and potential effects for consideration relate to:

6.1.1 residential Character and amenity;

6.1.2 traffic generation;

6.1.3 parking and manoeuvring;

6.1.4 services and risks of natural hazards;

6.1.5 building platform and risk of natural hazards;

6.1.6 construction effects;

6.1.7 positive effects; and

6.1.8 other matters raised by the submitter.

### ***Residential Character and Amenity***

#### *Residential Character*

6.2 The Officer's Report addresses the existing residential character in Tawa Street and succinctly summarises the concerns of the Submitter, including the perceived effects on their amenity. I agree with these statements and conclude that any adverse effects relating to residential character will be

minor or less than minor on the environment and that subject to conditions the effects will be acceptable.

Amenity – Site coverage

- 6.3 To avoid repetition I defer to the assessment of effects in the Application relating to residential character and amenity, but also comment as follows.
- 6.4 I consider the change to the outlook that the Submitter would experience as a result of the Proposal would not necessarily result in adverse amenity effects that are more than minor and consider that the Proposal would have acceptable amenity effects on the Submitter due to the careful design and landscape mitigation proposed.
- 6.5 Furthermore, the Proposal represents a residential development within a residential zone. Residential duplex buildings and the proposed landscaping are compatible with emerging brownfield development throughout the New Plymouth District. This is because it largely complies with the required bulk and location requirements of the ODP which places no limit on the number of dwellings that can be constructed on a site.
- 6.6 The Proposal does not comply with one bulk and location requirement being site coverage. The permitted activity standard is 40% and the Proposal is for a site coverage across the entire site of 41.9% with individual allotments having site coverage up to 53%.
- 6.7 It is my opinion that the Submitter is not affected by the site coverage of each individual allotment and that the overall site coverage assessment is more relevant to determine amenity effects due to overcrowding. This is because the Submitter would view the Proposal as one development and are unlikely to know the size of each individual allotment.
- 6.8 Site coverage at 1.9% over the permitted standard would not give rise to unacceptable or more than minor effects on the Submitter because of the site's shape and dimensions. The site is long and orientated away from the road. The Submitter's outlook represents what could occur as a permitted activity as not all parts of all buildings would be visible from the road. Furthermore, the privacy of the neighbours would not be compromised as they are located on the opposite side of Tawa Street from the development

and their outdoor living areas are physically separated from the development.

- 6.9 The resulting allotments are not of a traditional size for the Residential A Environment Area. Notwithstanding, the buildings proposed are generally consistent with the requirements of the ODP. Furthermore, the effect of more compact living will maintain the appearance of a spacious neighbourhood. The Proposal results in a more efficient use of existing residential land to provide quality housing.

*Amenity – Landscaping and boundary treatments*

- 6.10 The Applicant has engaged Carina McQueen, a landscape architect to prepare a landscaping design that compliments the proposed development. Ms McQueen has provided evidence to support the Proposal. The proposed design provides for fencing and landscape planting within the site as set out on the Landscape Plan as included in the Application and is described in Ms McQueen's evidence.
- 6.11 The proposed landscaping is intended to provide for the privacy values of the future residents of the dwellings and for people residing at the neighbouring properties as well as enhancing amenity values *by 'softening the consistent lines of the fencing and built development'*. The proposed landscaping will provide consistency with the fenced and planted streetscape in Tawa Street.
- 6.12 Overall, I agree with Ms McQueen's conclusion that the proposal is not strictly in keeping with the existing character of Tawa Street, however I consider that it is in keeping with the planned residential character for the Residential A Environment Area.
- 6.13 In reliance on Ms McQueen's evidence, with regards to landscape, the proposal would not have adverse effects relating to character of the Residential Environment A area in this location that are more than minor. Furthermore, subject to conditions, the proposal would have acceptable amenity effects on the Submitters.
- 6.14 Ms McQueen has recommended an additional condition of consent in the event that plant species in the Landscaping Plan are unavailable at the time of planting and this condition is set out in Section 10 of this evidence.

Amenity – On street car parking

- 6.15 Amenity effects as a result of traffic generation are also canvassed in the application and in the Officer's Report. This will be addressed further in this evidence however I will first address the Submitter's concerns relating to car parking and what, if any, adverse amenity effects would be experienced regarding overflow street parking.
- 6.16 It has been established that car parks are provided for each unit with 2 being provided (in tandem form) for Units 1-5 and 8-13. One onsite car park is provided for Units 5 and 6. Given there are no minimum requirements for car parking in the ODP, the Proposal provides over and above what can be expected for a residential development of this nature and therefore will assist in maintaining an un-cluttered streetscape and existing amenity values.
- 6.17 Mr Skerrett, in his evidence identifies that on-street parking is a regular occurrence on Tawa Street and any additional street parking from visitors to the development will not be unusual or out of keep with current practices for other properties. I agree with this statement and do not consider that any additional car parking is required on site to protect amenity values of the submitter or other users/residents of Tawa Street.

Amenity – Traffic Generation

- 6.18 Increased traffic generation as a result of the Proposal has the potential to affect amenity values because of visual impact and noise. The effects of traffic on amenity are assessed by Ms Symons in paragraphs 10.14 – 10.16 of the Officer's report.
- 6.19 The assessment criteria for traffic generation Rules Res81 to Res85 is set out in the District Plan as set out below. Criteria 3 relates specifically to amenity and is relevant to this assessment.
- 1) *The ability to mitigate the adverse effects of extra traffic generation to and within the SITE.*
  - 2) *The extent to which any increase in the number or pattern of traffic movements will affect the safety or convenience of any ROAD or RIGHT OF WAY including the time of day/night that*

*the additional traffic movements occur and/or their concentration at any particular point.*

- 3) *The extent to which any increase in the number or pattern of traffic movements is likely to adversely affect the amenity values of nearby residential properties and in particular the likelihood for increased noise resulting in sleep disturbance.*
- 4) *Any adverse effects on the safety and efficiency of the ROAD TRANSPORTATION NETWORK and ROAD users.*
- 5) *The type and intensity of increased VEHICLES using the ROAD or RIGHT OF WAY and how this may adversely impact on the quality and maintenance requirements of the ROAD OR RIGHT OF WAY pavement, taking into consideration the need for a maintenance agreement to address extra-ordinary repair work, widening or resurfacing to and within the SITE.*
- 6) *Where the use of a SITE is for RENEWABLE ELECTRICITY GENERATION ACTIVITIES, the alternative locations and methods that have been considered to avoid, remedy or mitigate any adverse effects, recognising:*
  - *the practical constraints associated with RENEWABLE ELECTRICITY GENERATION ACTIVITIES; and*
  - *the environmental benefits of RENEWABLE ELECTRICITY GENERATION ACTIVITIES*

6.20 I generally agree with Ms Symons' assessment regarding amenity from traffic generation noting the small size of the units, the proximity to services and the walkability of the area contributing to the need for less vehicle movements for future occupants.

6.21 Prior to notification, Ms Symons identified amenity effects from traffic to be at least minor on the submitter due to the potential for noise and visual impacts. However I concur with Ms Symons' assessment following the receipt of submission that the timing for that potential minor effect is during the peak hour traffic. The peak hour traffic generation from the Proposal is expected to be 8 which is consistent with the permitted traffic generation allowed over an hour between 7am and 10pm and therefore acceptable. I agree that the traffic generated by the proposal, once on the road, will be indiscernible as to its origin or destination.

6.22 Ms Symons does not specifically conclude on amenity effects from traffic generation other than to reiterate her position that adverse effects on residential character and amenity from increased traffic generation on the public or wider environment will not be more than minor. Given the assessments set out in the Application and the Officer's Report and with the evidence of traffic generation that would occur if consent is granted including knowledge peak hour traffic generation, I also consider that the proposal will have acceptable effects relating to amenity of the submitter. Overall, adverse effects would not be more than minor and effects of traffic generation on character and amenity in Tawa Street would be acceptable.

### ***Traffic generation***

6.23 Paragraphs 10.18-10.25 of the Officer's Report addresses the effects relating to road safety and efficiency. Ms Symons has received the expert traffic information included with the Application and has had this reviewed by Council's in house technical staff and in the absence of any additional matters raised concludes that any adverse effects on road safety and efficiency would be no more than minor.

6.24 Mr Skerrett has provided evidence on the proposal and has stated his agreement with the conclusions in the Officer's Report where they are within his expertise.

6.25 In reliance on Mr Skerrett's evidence, I agree with the assessments of Ms Symons and consider that any adverse traffic effects would be less than minor on the environment and therefore acceptable subject to the proposed conditions.

### ***Parking and manoeuvring***

6.26 Paragraphs 10.26-10.32 of the Officer's Report addresses the effects relating to Parking and Manoeuvring. As already stated I do not agree that a minimum number of car parks is required for the development under Rule Res 74, however I agree that where car parks are provided then Rule Res 74 applies to the formation of the proposed car parks.

6.27 Ms Symons has received the expert traffic information included with the Application and has had this reviewed in-house by Council's technical staff to confirm that cars will be able to manoeuvre in the site's common area. In

the absence of any additional matters raised, Ms Symons concludes that any adverse effects resulting from parking and manoeuvring would be no more than minor.

6.28 Mr Skerrett has provided evidence on the Proposal and has stated his agreement with the conclusions in the Officer's Report where they are within his expertise. Both Mr Skerrett and Council staff are in agreement that people are legally allowed to park within the Tawa Street carriageway should the carparks provided onsite be occupied.

6.29 In reliance on Mr Skerrett's evidence, I agree with the assessments of Ms Symons and consider that any adverse parking and manoeuvring effects would be less than minor on the environment and therefore acceptable subject to proposed conditions.

#### ***Services and risks of natural hazards***

6.30 Paragraph 10.33 of the Officer's Report addresses the effects relating to servicing the site for the proposed development (water supply and wastewater disposal). Ms Symons concludes that the proposed development can be serviced subject to conditions relating to the installation and certification of infrastructure noting that some infrastructure will remain private and be administered by the Body Corporate. Service connections to the site would be progressed through an engineering plan approval process after consent is granted (should consent be granted). Stormwater disposal is addressed further in this evidence.

6.31 In reliance on the effects assessments by Ms Symons which confirm Council's position that there is capacity for the site to have connections to Council's reticulated services, the Proposal would have acceptable effects relating to servicing of the development. Adverse effects would therefore be not be more than minor on the environment.

6.32 Ms Symons has provided assessments relating to natural hazards in relation to stormwater and building platforms in Paragraphs 10.34 – 10.41 and ultimately concludes that, in reliance on the technical experts' input, that the Proposal will have no more than minor adverse effects. She concludes that effects will be acceptable subject to conditions relating to stormwater design and building platform requirements.

6.33 Mr Paul Stanley has provided evidence on the proposal and has stated his agreement with the conclusions in the Officer's Report where they are within his expertise.

6.34 In reliance on Mr Stanley's evidence, I agree with the assessments of Ms Symons and conclude that any adverse effects would not be more than minor on the environment and that effects of the proposal are acceptable subject to proposed conditions of consent.

***Construction effects***

6.35 As with most development there is a period of construction works involved. This period would be temporary in nature and would adhere to construction noise and other requirements set out in paragraph 10.44 of the Officer's Report.

6.36 I understand that the Applicant is accepting of the need for conditions to ensure construction effects are managed so that they are acceptable.

***Positive effects***

6.37 I agree with the assessment of positive effects by Ms Symons in paragraph 10.49 of the Officer's Report. The Proposal will provide an alternative housing type to that commonly found in Inglewood which is predominantly stand alone dwellings on large sections.

**7. OTHER MATTERS**

***Iwi Environmental Management Plan***

7.1 Section 15 of the Officer's Report provides an assessment against the Tai Whenua, Tai Tangata, Tai Ao which is the Iwi Environmental Plan for Te Atiawa Iwi. I agree with Ms Symon's assessment particularly pertaining to the issue of Stormwater Management.

**8. CONCLUSION ON SECTION 104 and 104D**

8.1 After evaluating all of the actual and potential adverse effects on the environment of the Proposal, it is considered that the adverse effects on the environment will be no more than minor.



8.2 As set out above, the Proposal has been considered against the relevant provisions of the ODP and PDP and it is not considered to be contrary to the relevant objectives and policies.

8.3 Accordingly, in my opinion the Proposal passes through both limbs of the gateway test and can therefore be considered in accordance with section 104.

8.4 I consider that the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of the proposed conditions as set out by Ms Symons, subject to amendments set out in Section 10 of this evidence, Therefore I consider that the effects of the proposal will also be acceptable under s104(1)(a).

## 9. PART 2 OF THE ACT

9.1 I agree with the Part 2 assessment undertaken by Ms Symons and set out in Section 17 of the Officer's Report.

### *Section 5 – Purpose of the Act*

9.2 The overriding purpose of the RMA is '*to promote the sustainable management of natural and physical resources*'. It is my opinion that the proposal provides for people and communities and their social, economic and cultural wellbeing while promoting the sustainable management of the natural (land) and physical (infrastructure) resources.

### *Section 6 – Matters of National Importance*

9.3 Section 6 requires that Council shall recognise and provide for the following matters of national importance:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

- The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- The protection of historic heritage from inappropriate subdivision, use and development;
- The protection of recognised customary activities.

9.4 In this case, I am not aware of and do not consider any of the matters of national importance under section 6 are relevant to the consideration of the Proposal.

*Section 7 - Other Matters to have Particular Regard*

9.5 Section 7 requires that Council shall have particular regard to a number of other matters as follows:

- Kaitiakitanga;
- The ethic of stewardship;
- The efficient use and development of natural and physical resources;
- The efficiency of the end use of energy;
- The maintenance and enhancement of amenity values;
- Intrinsic values of ecosystems;
- Maintenance and enhancement of the quality of the environment;
- Any finite characteristics of natural and physical resources;
- The protection of the habitat of trout and salmon;
- The effects of climate change;
- The benefits to be derived from the use and development of renewable energy.

9.6 In this case, the following matters are relevant to consideration of the Proposal: efficient use and development of natural and physical resources; and maintenance and enhancement of amenity values; and maintenance and enhancement of the quality of the environment.

- 9.7 In terms of the efficient use and development of natural and physical resources (section 7(b)), the resource relevant to this Proposal is residential land. In my opinion, the Proposal represents an efficient use of the land given that the Proposal is for a residential activity that will increase housing stock in an appropriate location.
- 9.8 In terms of the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)), the Proposal will have acceptable adverse effects with respects to amenity values and quality of the environment as set out in Section 6 of this statement of evidence.
- 9.9 Taking the above into consideration, it is my opinion that the proposal meets the relevant principles of section 7 of the Act.

#### *Section 8 - Treaty of Waitangi*

- 9.10 Section 8 concerns the principles of the Treaty of Waitangi. There are no identified sites of significance to tangata whenua within the vicinity of the site and any modifications to the land will be minimal. I am not aware of any other matters that would require addressing in this regard. It is therefore considered that the proposal will not offend the provisions of section 8 of the RMA.
- 9.11 Having regard to the above assessment and that of Ms Symons, I consider that the Proposal is consistent with sections 6-8 of the Act and overall, I consider that the application achieves the Act's purpose (section 5) being sustainable management of natural and physical resources, in this case residential land.

#### **10. CONDITIONS OF CONSENT**

- 10.1 Section 104B applies to non-complying activities, whereby "*after considering an application for a resource consent for a discretionary activity or non-complying activity a consent authority – (a) may grant or refuse the application; and (b) if it grants the consent, may impose conditions under Section 108*". Ms Symons has recommended the proposal be approved subject to conditions.
- 10.2 I agree with this recommendation. My comments on the suitability of conditions are set out below.

10.3 I have reviewed the suggested consent conditions proposed in the Report and consider that they are generally appropriate to ensure any adverse effects of the Proposal are appropriately avoided, remedied or mitigated. I recommend that the following amendments are made to the suggested consent conditions.

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10.4 I consider that amendments are required to the subdivision conditions to ensure that the development can be undertaken in stages so that the title for Unit 1 can be issued independently of the remaining units. Other minor changes are also suggested in the following paragraphs.

10.5 Regarding condition 1 of the Subdivision Consent:

10.5.1 Bullet point 1 - Only Sheet 1 of the Unit title is referenced, This needs to refer to Stage 1 (Sheet 1) and Stage 2 (Sheet 2); and

10.5.2 Bullet point 3 – The date for the Unit Concept and Site/ Floor Layout Plans should be 23/07/20.

10.6 Regarding condition 2 of the subdivision, only Sheet 1 of the Unit title is referenced, This needs to refer to Stage 1 (Sheet 1) and Stage 2 (Sheet 2);

10.7 Changes are requested to all draft conditions to provide for staging as follows:

10.7.1 Conditions 1, 2, 8, 9, 12, 15, 20 would apply to both stages;

10.7.2 A statement be added to condition 2 to describe the proposed stages so that this is clear at the time of s223 survey plan approval;

10.7.3 Conditions 7, 10, 11, 19 apply to Stage 1 only;

10.7.4 Conditions 3, 4, 5, 6, 13, 14, 16, 17 and 18 apply to Stage 2 only.

Land use Consent LUC21/47723

10.8 I consider that some minor amendments are required to the suggested land use conditions as follows:

- 10.8.1 Amend condition 1 to align with the changes to subdivision condition 1.
- 10.8.2 Amend condition 2 to reflect the correct consent number. The following numbers are referenced in the Officer's Report; LUC21/47723, LUC18/47237 and LUC22/47746. Amend reference to Lot 2, there is no Lot 2 in the development.
- 10.8.3 Furthermore, regarding condition 2, I wish to advise the Commissioner that a dwelling is currently being constructed on site that would become part of this development (provided that consent is granted) and therefore the Applicant cannot comply with this condition in its current form. Notification would be given to the monitoring team as soon as possible if consent is granted.
- 10.8.4 As is the case with condition 2, amendments are required to condition 3 to reflect that works are currently being undertaken on site to construct a dwelling that would form part of the consented development if consent is granted. Notwithstanding, if unchanged, this condition would be fulfilled as soon as possible should consent be granted.
- 10.8.5 Furthermore, Ms McQueen has suggested a further condition in the event that plant species in the landscaping plan are unavailable at the time of planting. This condition is as follows:

*At such time that planting is undertaken in accordance with Condition 11, should those plant species listed in the approved landscaping plan become unavailable or are unable to be sourced, the consent holder shall consult with a landscape architect to recommend and approve a suitable variety substitute.*

- 10.8.6 This additional landscaping condition would ensure that the Proposal can continue to be carried out as intended instead of works stopping should approved plants not be available during the required planting season.

## 11. CONCLUSION

- 11.1 This statement of evidence has outlined the details of the proposed subdivision and land use development and has demonstrated that the Proposal will avoid, remedy or mitigate any actual and potential adverse effects, including through the imposition of conditions of consent.
- 11.2 This statement of evidence has considered the Proposal in terms of the relevant planning instruments, particularly the ODP, and the PDP and found that it will not be contrary with the relevant objectives and policies. The Proposal is consistent with the Taranaki Regional Policy Statement and all other relevant statutory and regulatory documents.
- 11.3 Weighing up all of the relevant considerations, and taking into account all the matters raised including the concerns of the Submitter, it is considered that the Proposal will achieve the purpose of the RMA, being to promote the sustainable management of natural and physical resources.



Nicola Laurenson  
17 June 2022

## APPENDIX 1

### PDP Residential Design Guide – s42A Officer’s Recommendations pages 13 and 17.

#### 2. Site Planning

Site planning refers to the way buildings, open spaces and circulation areas (for cars and people) are laid out within the site. The arrangement of buildings relative to each other is important as it determines the quality of open spaces and establishes conditions of sunlight, daylight and privacy. It also influences how cars and people move within the site and how the development relates to neighbouring properties and to the adjacent street. A comprehensive approach to site planning where buildings, open spaces and circulation areas are designed together can deliver a high level of on-site amenity **as well as reinforce the defining character of the neighbourhood.**

**Outcome:** Buildings, open spaces and circulation areas that are planned together to deliver good quality open space, optimise the amenity of the development and its neighbours and contribute to the **amenity, safety and visual** character of the local street.

#### Arrangement of Buildings and Open Spaces

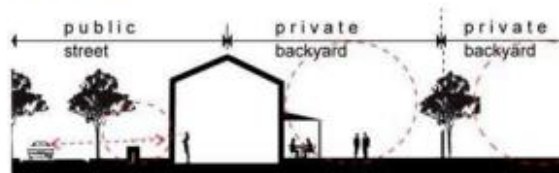
2.1. **Integrate Consider** the location and design of buildings and open spaces to:

- Define external spaces that allow adequate daylight to dwellings and support privacy.
- Create good quality usable open spaces for outdoor living whether for private and/or shared use.
- Maximise sunlight access to living areas and open spaces.
- Minimise shading of private outdoor spaces and windows to main living rooms.
- Maximise the number of dwellings directly fronting onto adjacent streets or public open spaces.
- Ensure where possible that building fronts face fronts and backs face backs to provide adequate privacy for individual private outdoor spaces.

*When buildings and open spaces are planned together the quality of both elements is optimised and left-over spaces are minimised.*

*Maximising sunlight access to main living areas and open spaces will require that habitable rooms, and particularly main living areas and associated open spaces, are oriented towards the east, north and west and that south-only facing rooms are avoided.*

*Maximising the number of dwellings facing the street and arranging dwellings to have fronts facing fronts and backs facing backs will ensure that adjacent streets and public spaces are overlooked and safe, while the privacy of the rear private spaces is enhanced (see diagram below).*



#### Infill development on a single site: alternative layouts



Layout A: large vehicle areas, limited planting, houses don't face the street, "left-over" shared open space not visible from houses.

Layout B: smaller vehicle areas, more planting, houses front the street, compact shared open space overlooked by houses - improved amenity, better outcome.

#### Infill development on larger/amalgamated site: alternative layouts



Layout C: large vehicle areas, limited planting, houses don't face the street, units grouped in rows (larger building bulk/no variety), houses in the middle of rows open only on two sides.

Layout D: vehicle area providing structure to the layout, more planting, units arranged in smaller groups (semi-detached houses) (better amenity) houses front the street - improved amenity, better outcome.



## Private Open Space

4.1. **Provide** Consider providing each unit with a private open space that:

- Is located to receive optimal sun exposure.
- Relates to the main living area of the unit.
- Offers a good level of privacy.

*For developments in the Residential Zone the expectation is that private open space will be provided at ground level. Ground level open spaces typically offer greater spaciousness, privacy and landscape opportunities than upper level balconies. However, on sloping sites where ground level open spaces are unusable or overshadowed, and for any above ground units, upper level decks or balconies may be appropriate, provided they are designed to provide privacy and amenity.*

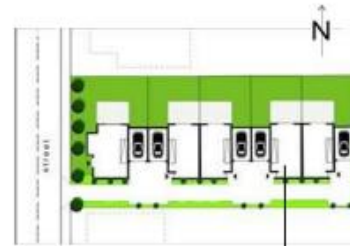
*As a rule of thumb private open spaces should receive over a substantial portion of its surface no less than three hours of direct sunlight at mid-winter (21 June) between the hours of 9am and 3pm. This will require that the open space is located to the north, east or west of the dwelling. Where the main open space of a dwelling is located to the south (to take advantage of good views or for other benefits), a secondary open space facing as close as possible to the north should be provided.*

4.2. Any ground level private open space should if practicable:

- Include a principal area (4m x 4m) with a direct access from the main living area.
- Be relatively flat and sheltered.
- Located and shaped to optimise usable space and outlook.
- Developed, where possible, as a back garden (rather than within the front yard) to avoid high 'privacy' fencing along the street frontage.

*Usable open spaces are regularly shaped, relatively flat and sheltered and have a minimum dimension of 4m. A single large outdoor area offers more flexibility than a series of smaller physically separated spaces.*

*Avoiding 'front yard' private outdoor spaces will minimise the need for high 'privacy' fencing along the street frontage and reduce potential impact on the streetscape.*



Private open spaces linked to main living areas and arranged to maximise sunlight access and privacy.



Locating private outdoor areas to the back (top image) will avoid the need for high front yard fencing that contributes little to visual character and safety of the streetscape (bottom image).