

**APPENDIX ONE**  
**Notification Report/Decision**

**(ECM 8583777)**

## NOTIFICATION REPORT AND NOTIFICATION DECISION

### ***SUB21/47746 and LUC21/47723 – Thirteen Residential Lot Unit Title Subdivision not meeting Site Coverage, Parking and Traffic Generation Requirements***

<b>Applicant:</b>	All Good Properties Ltd
<b>Applicant's address for service:</b>	Bland and Jackson Surveyors
<b>Site Address:</b>	13 Tawa St, Inglewood
<b>Legal Description:</b>	Lot 15 DP 1799
<b>Site Area:</b>	2,985m <sup>2</sup>
<b>Zone:</b>	
Operative District Plan	Residential A
Proposed District Plan	General Residential
<b>Overlays:</b>	
Operative District Plan	None
Proposed District Plan	None
<b>Proposal:</b>	Thirteen Lot Residential Unit Title Subdivision which does not meet site coverage, parking and traffic generation requirements
<b>Activity Status:</b>	
Operative District Plan	Non-Complying
Proposed District Plan	N/A
<b>Date consent application received:</b>	26 March 2021

<b>Further information requested/report commissioned:</b>	15 April 2021
<b>Further information/report received:</b>	24 June, 9 July, 14 July and 15 July 2021

## **PURPOSE OF THIS REPORT**

1. The purpose of this notification report is for the Council to decide whether or not the public or specific parties should be notified of a proposal requiring resource consent to give them an opportunity to have their say on the proposal. This report is not to consider whether or not resource consent should be granted; that will be a matter for a subsequent report.

## **PROPOSAL**

2. The applicant proposes 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 is designed for retirees or those looking for a smaller property.
3. The development will be split into two stages:
  - Stage 1 – construction of Unit 1 (three bedroom), accessed directly off Tawa St; and
  - Stage 2 – construction of Units 2-13 (two bedroom) and of a 5.0m wide common area/right of way running through the middle for the length of the site to provide access and services for Units 2-13. The Common Area widens at the (southern) end to allow for vehicles to manoeuvre out of the site in a forward facing manner. Three carparking spaces are also proposed at the end of the common area.
4. The site is located on the southern side of Tawa Street near the southern edge of Inglewood township. Figure 1 below shows the proposed scheme plan outlining the individual unit title areas and the communal area (right of way). Figures 2-4 show 3D modelling of the proposed dwellings and how they will be viewed from different perspectives. Figure 5 shows an example floor and landscaping layout.

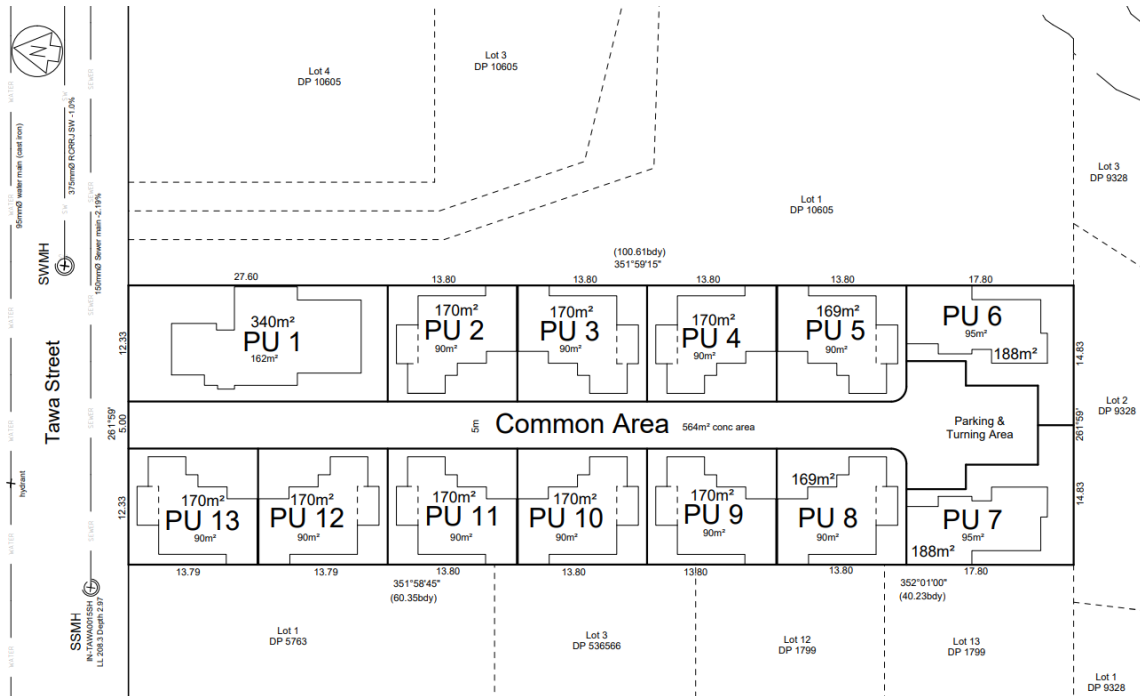


Figure 1: Scheme Plan



Figure 2: Proposed Units viewed from Tawa Street

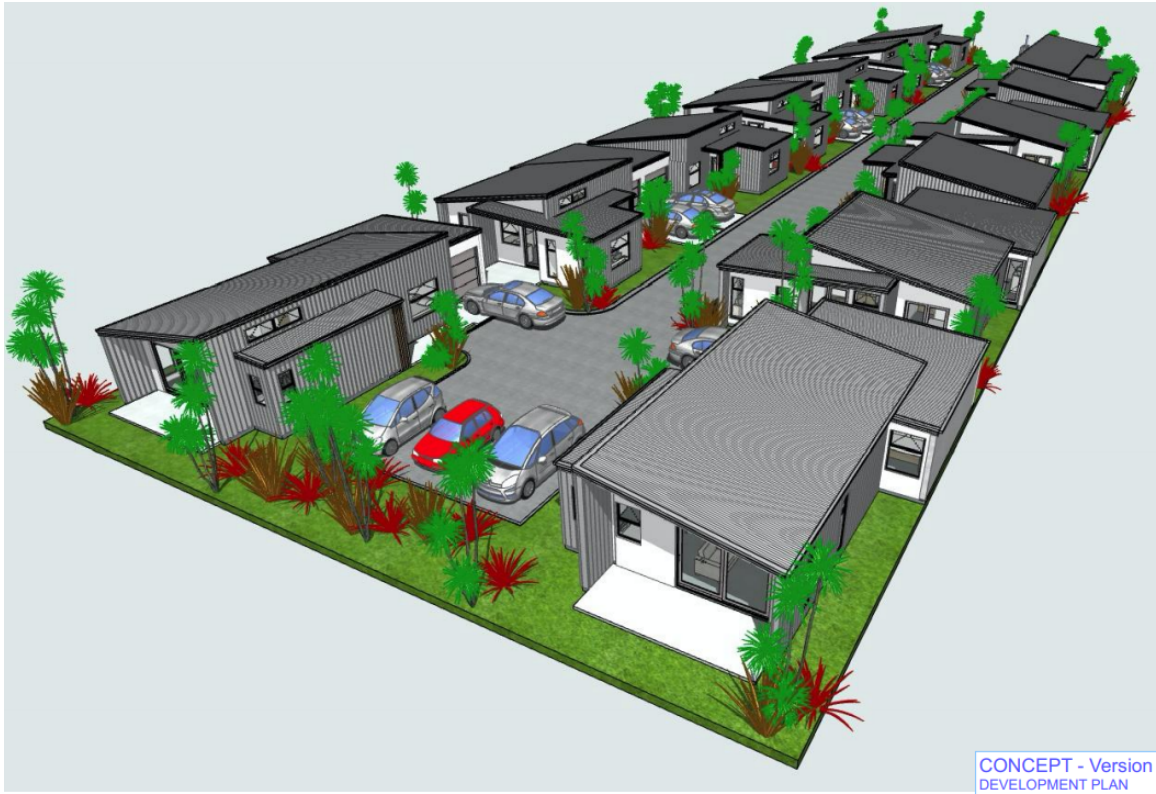


Figure 3: Proposed Units from southern end (end of right of way/common area)



Figure 4: Proposed Development looking down right of way/common area from Tawa St



Figure 5: Example Unit Title Floor Layout and Landscaping Plan

5. The development will result in an overall site coverage of 41.9. Most of the unit titles will have a site coverage of 53% although units 1, 6 & 7 will be slightly lower.
6. The site is relatively flat although some earthworks will be required. Further information provided by the applicant states 57m<sup>3</sup> of cut and 497m<sup>3</sup> of fill will be required across the entire site for a total of 554m<sup>3</sup> of earthworks. Earthworks are expected to take up to two weeks to complete (weather permitting) with sediment control measures in place.
7. All services will be provided within the common area. Water supply and sewage disposal services will be provided to connect to Council's reticulation systems. Given the high water table, on-site stormwater disposal will be provided via a raincell system to cater for a 1 in 100 year event.
8. The application states the expected traffic generation from the development will be 78 car trips per day (6 trips per unit) with eight trips during peak hour.

## **ADEQUACY OF THE APPLICATION**

9. The applicant has provided an assessment of effects on the environment (AEE), along with additional information dated 16 June, 8 July, 14 July, 15 July and 3 August 2021. The AEE and further information is supported by the following technical information:
- Traffic Impact Assessment by Andy Skerrett (Civil and Traffic Engineer) of AMTANZ Ltd and corrected/additional information provided by Mr Skerrett dated 18 April 2021;
  - Engineer's Report dated June 2021, and engineering calculations for stormwater disposal to meet 1% AEP, by StanleyGray Civil and Structural Engineers to address proposed stormwater disposal and building platforms;
  - Landscaping Plans and further information by McQueens Landscape Architects; and
  - Cirtex Rainsmart Raincell information.
10. I have assessed the application under Section 88 of the Resource Management Act 1991 (RMA) and have determined that the application is complete and contains sufficient information to allow for an assessment of effects as required for notification.

## **SITE AND SURROUNDING ENVIRONMENT**

### **Site Description**

11. I carried out a site visit on 5 August 2021. The site is a flat, rectangular property currently containing one single-storey, early-mid 20<sup>th</sup> Century bungalow in disrepair. The site is accessed from Tawa St in the north-west corner with a driveway running along the western boundary to garaging and sheds to the rear of the dwelling, near the middle of the site. The remainder of the site is cultivated garden and lawn areas with a number of mature trees and other vegetation around the site. Figure 6 shows an aerial photo of the site:



Figure 6: Aerial Photo of Subject Site

### Immediate Environment

12. The area surrounding the subject site is characterized by residential properties of similar or smaller site areas, generally between approximately 700 and 1,200m<sup>2</sup>. Most sites contain one single-storey dwelling with established and vegetated garden areas to the front and rear, including those visible from Tawa St. The style and age of most of the nearby dwellings are from various eras of the 20<sup>th</sup> Century.
13. Tawa St is a local residential street with Matai St (State Highway 3) in the east and Mahoe St (a similar residential street) in the west.
14. Figure 7 below shows the subject site in the immediate/surrounding environment:



Figure 7: Subject site (yellow outline) and immediate and surrounding environment (with street numbers of adjacent properties)

### Surrounding Environment

15. Beyond the immediate environment, SH3 is approximately 220m to the east of the subject site near the southern entrance point into Inglewood. On the northern corner of SH3 (Matai St) and Tawa St is the Marinoto Rest Home and on the southern corner is the Council-owned PG Nops Scenic Reserve, which extends south westwards, and adjoins properties which in turn adjoin the south east corner of the subject site. This Reserve includes the Windsor Walkway and the Kuapete Stream, a Statutory Acknowledgement Area for Te Atiawa Iwi.

## STATUTORY PROVISIONS AND STATUS OF THE ACTIVITY

### National Environmental Standards

16. No National Environmental Standards apply to this application.
17. Regulation 5 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) describes subdivision as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.

18. I have checked the TRC Selected Land Use register and NPDC's record systems and there is no evidence that the site has contained an activity listed on the HAIL. Therefore the NES-CS does not apply.

### **Operative New Plymouth District Plan (2005)**

19. The site is located within the Residential A Environment Area and does not contain any overlays.
20. I have considered whether or not the site is adjacent to the Kuapete Stream, within PG Nops Scenic Reserve, being a Statutory Acknowledgement Area for Te Atiawa iwi. However, as other residential properties (11 Tawa St and 3 and 5 Totara Tce) are located between the subject site and the Stream/Reserve, I do not consider the site is adjacent to a Statutory Acknowledgement Area.

### Rules

21. The proposal requires consent under the following Operative District Plan rules:

<b>Rule #</b>	<b>Rule Name</b>	<b>Status of Activity</b>	<b>Comment</b>
Res11	Site Coverage – 40% maximum permitted; over 45% is a Non-Complying Activity	Non-Complying	Overall site coverage of 41.9% and site coverage of up to 53% for each unit title
Res56	Minimum allotment size – 400m <sup>2</sup> as a Discretionary Activity or will be a Non-Complying Activity	Non-Complying	Each unit title is an allotment between 169-188m <sup>2</sup> , except Unit 1 at 340m <sup>2</sup> and the common area of 470m <sup>2</sup>
Res59	Requirement to provide practicable vehicular access (in accordance Appendix 22.2A) including a maximum of 6 allotments off a right of way which includes a common area for access on a unit title plan, or shall be a Discretionary Activity	Discretionary	12 units (excluding Unit 1) shall access the proposed common area/right of way
Res61	Requirement for	Controlled	Water supply and sewage disposal can be

	services – stormwater and sewage disposal and water supply in accordance with Appendix 22.2 shall be a Controlled Activity		provided as part of Council's reticulation system (as confirmed by Council's Development Engineer).  Stormwater disposal to be provided on-site within the common area via a raincell system to meet 1% AEP, which the applicant's Engineers StanleyGray (Engineer's Report para 6.0) considers can be achieved and which preliminary engineering stormwater design confirms there is enough space for such a system.
Res62	Requirement for a building platform in accordance with Appendix 22.1 as a Controlled Activity	Controlled	The site is flat and is currently used for residential purposes. It is expected stable, flood-free building platforms for each proposed dwelling can be found with ' <i>specific engineering design</i> ', such as timber driven SED pile foundations, as recommended by the applicant's Engineers StanleyGray (Engineer's Report para 4.1).
Res74	Two on-site carparking spaces per dwelling or shall be a Restricted Discretionary Activity	Restricted Discretionary	One on-site carpark will be provided per dwelling, with another tandem park for all units except units 6 and 7
Res81	Traffic Generation over 24 hours maximum of 30 Vehicle Equivalent Movements (VEMs) or shall be a Restricted Discretionary Activity	Restricted Discretionary	78 movements are anticipated per day over 24 hours
Res82	Traffic Generation per day during daytime hours (7am-10pm) maximum 22 VEMs or shall be a Restricted Discretionary Activity	Restricted Discretionary	74 movements per day during daytime hours are anticipated

22. The proposal is a Non-Complying activity under the Operative New Plymouth District Plan being the highest status under the above Operative Plan rules (bundling principle).

#### Objectives and Policies

23. The following objectives and policies of the Operative District Plan are considered relevant to this proposal:

***Objective 1 - To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.***

***Policy 1.1 - Activities should be located in areas where their effects are compatible with the character of the area.***

***Policy 1.2***

*Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.*

***Objective 5 - To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.***

***Policy 5.3***

*The positive contribution vegetation makes to urban amenity should be recognised, maintained and, where possible, enhanced.*

***Objective 6 - To ensure:***

- ***sufficient space is available to protect residential amenity.***
- ***visual and aural amenity is protected.***
- ***traffic generation is consistent with the character of the residential area.***

***Policy 6.1 - Subdivision in Residential Environment Areas should ensure sufficient space is available to enable residential living and to protect amenity values.***

***Policy 6.2 - Buildings should be designed and/or located so that there is sufficient space for outdoor living requirements and reasonable access to sunlight and privacy.***

***Policy 6.3***

*Activities within the Residential Environment Area should be of a size, scale and visual character that do not adversely affect the amenity of the residential environment.*

***Policy 6.4***

*Traffic generation from activities within the Residential Environment Area should not adversely affect the character of the area.*

***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.

**Objective 20** - To ensure that the road transportation network will be able to operate safely and efficiently.

**Policy 20.1** - The movement of traffic to and from a site should not adversely affect the safe and efficient movement of vehicles, both on-site, onto and along the road transportation network.

**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.

**Policy 20.7** - Subdivision should not adversely affect the safe and efficient operation of the road transportation network.

**Objective 22** - To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient infrastructure, community facilities and new areas of open space are provided.

**Policy 22.1** - Subdivision and development should provide:

- A safe potable water supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses.
- A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision.
- A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment.
- For connection to reticulated water, stormwater and sewerage systems where they are available and it is practical to do so...

### **Proposed New Plymouth District Plan (Notified 23 September 2019)**

24. The site is located within the General Residential Zone and does not contain any overlays.
25. No decisions have yet been made on the Proposed Plan. There are no rules with immediate legal effect that apply to this proposal.

#### Objectives and Policies

26. The objectives and policies of the Proposed District Plan have immediate legal effect and the following are considered relevant to this proposal:

**UFD-13** - The district develops in a cohesive, compact and structured way that:

**1. maintains a compact urban form that provides for connected, liveable communities;...**

**7. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure; and**

**8. meets the community's short, medium and long-term housing and industrial needs.**

***UFD-15 - A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:***

- 1. suburban housing forms in established residential neighbourhoods;...***
- 4. a range of densities and housing forms in new subdivisions...***

***UFD-19 - Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play, which:...***

- 2. recognise the local context and character of an area...***
- 7. are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure.***

***NH-01 - The risks associated with natural hazards and their impact on people, property and the environment are recognised and avoided or mitigated, including the likely long-term effects of climate change.***

***NH-02 - Activities do not create new or exacerbate existing natural hazards.***

***NH-03 - Activities are designed and located to minimise exposure to risk of damage from natural hazards.***

***NH-P2 - Manage the activities that can occur in identified natural hazard areas, or areas which have significant potential to be affected by a natural hazard, including:***

- 1. building activities;***
- 2. earthworks;***
- 3. subdivision;***

***SUB-01 - Subdivision results in the efficient use of land and achieves patterns of development which deliver good quality community environments that are compatible with the role, function and predominant character of each zone.***

***SUB-02 - Subdivision is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:***

- 1. responds positively to the site's physical characteristics and context;***
- 2. is accessible, connected and integrated with the surrounding neighbourhoods;***
- 3. contributes to the local character and sense of place;***
- 4. recognises the value of natural systems in sustainable stormwater management and water sensitive design...***

***SUB-03 - Infrastructure is planned to service proposed subdivision and development and to connect with the wider infrastructure network in an integrated, efficient, coordinated and future-proofed manner and is provided at the time of subdivision.***

***SUB-P1 - Allow subdivision that results in the efficient use of land, provides for the needs of the community and supports the policies of the District Plan for the applicable zones, where subdivision design:***

- 1. reflects patterns of development that are compatible with, and reinforce the role, function and predominant character of the zone;*
- 2. maintains the integrity of the zone with lot sizes sufficient to accommodate intended land uses;... and*
- 6. in the... Residential... zones, incorporates sufficient space for on-site stormwater disposal....*

***SUB-P3 - Manage significant risks from natural hazards by restricting subdivision that:***

- 1. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or*
- 2. results in adverse effects on the stability of land and buildings; and*
- 3. does not provide safe, flood free and stable building platforms at the time of subdivision.*

***SUB-P4 - Require infrastructure to be provided in an integrated and comprehensive manner by:***

- 1. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure; and*
- 2. ensuring that the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and*
- 3. requiring connections to Council's reticulated systems in urban areas; or*
- 4. requiring appropriate on-site infrastructure to be provided at the time of subdivision.*

***SUB-P5 - Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that:...***

- 2. mitigates the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land...*

***SUB-P6 - Allow residential infill and residential subdivision that:***

- 1. complements residential density, patterns of development or housing types that are suitable or anticipated for the zone; and*
- 2. provides allotment size and shape that:*
  - a. supports a range of housing types and sizes, which offers different housing choices*
  - b. allows sufficient sunlight to living and outdoor spaces, and enables on-site amenity and privacy....*

***SUB-P7*** - Allow subdivision in the Residential Zones that does not comply with the minimum lot design and parameters when:

1. the site size and configuration is appropriate for development intended by the zone; and
2. the subdivision design maintains residential character and amenity; and
3. it can be demonstrated that it is consistent with the quality and types of development envisaged by Residential Zone Objectives and Policies and the Residential Design Guide.

***GRZ-O1*** - The General Residential Zone is predominantly used for residential activities and characterised by residential housing.

***GRZ-O3*** - A variety of housing types, sizes and tenures are available in different locations to respond to community needs, while also responding appropriately and sensitively to the context, character and amenity values of the surrounding neighbourhood.

***GRZ-P1*** - Allow activities that are compatible with the role, function and predominant character of the General Residential Zone, while ensuring their design, scale and intensity is appropriate, including:

1. residential activities;...

***GRZ-P7*** - Require the effects generated by activities to be of a type, scale and level that is appropriate for the General Residential Zone, including by:...

3. managing earthworks, subdivision and construction work;...

## **NOTIFICATION DECISION**

27. The Council as consent authority must follow the steps set out in the section below, in the order given, to determine whether to publicly notify an application for a resource consent (s95A(1)).

## **PUBLIC NOTIFICATION ASSESSMENT**

### **Step 1: mandatory public notification in certain circumstances**

28. The application must be publicly notified if it meets any of the criteria below:
  1. the applicant has requested the application be publicly notified;
  2. public notification is required under s95C (lack of further information);
  3. the application is made jointly with an application to exchange recreation reserve land (s15AA Reserves Act 1977).
  - The applicant has not requested that the application be publicly notified.
  - No further information nor commissioning of a report has been requested of the applicant and the applicant has responded to all further information requests.

- The application has not been jointly made with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977.

**Step 2: if not required by step 1, public notification precluded in certain circumstances**

29. The application is not a precluded activity nor is there a rule or national environmental standard that precludes public notification of the application.

**Step 3: if not precluded by step 2, public notification required in certain circumstances**

30. The application must be publicly notified if it meets any of the criteria below:
1. the application is for a resource consent for 1 or more activities, and any of those activities is subject to a district plan rule or national environmental standard that requires public notification;
  2. the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

**ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

Effects to be Disregarded (s95D(a-e))

31. The Council must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land.

I consider land adjacent to the subject site to be the following properties:

- 10, 11, 11B, 11C, 11D, 12, 14, 14A, 15 and 16 Tawa St;
- 39, 39B and 41 Mahoe St; and
- 3 Totara Tce.

32. The above properties are all those adjoining the subject site or are on the opposite side of Tawa St to the subject site and are shown in Figure 7 above. I have not considered the effects on the owners/occupiers of the above properties in my public notification assessment.
33. The Council may disregard an adverse effect of the activity if a rule in the plan or NES permits an activity with that effect.
34. I do not consider it appropriate to disregard any adverse effects permitted by the Operative District Plan, namely 40% permitted site coverage. This is to enable the differing levels of site coverage in different areas of the proposed development to be taken into account i.e. the higher densities within the two rows of development on either side of the common area where there is no site coverage as it is to be utilised as the right of way and within each unit title. This will also allow me to assess associated infrastructure such as fencing within this assessment of the

adverse effects of the overall development and any cumulative effects the different elements of the overall development may generate.

35. In addition, there is no permitted standard for subdivisions and therefore the permitted baseline does not apply in this regard. The applicant's traffic engineer has not referred to the permitted level of traffic movements but only assessed the proposed traffic movements from the new development. Council's Engineers and myself have therefore also assessed traffic generation on this basis and the permitted baseline has not been applied in regards to road safety and efficiency. I have however used the permitted level of traffic generation to assess effects on amenity resulting from additional traffic generation.
36. The Council must disregard an adverse effect that does not relate to a matter for which a rule or NES controls over matters for a controlled activity or which a rule or NES reserves discretion for a restricted discretionary activity.

The application is for a Non-Complying Activity.

37. The Council must disregard trade competition and the effects of trade competition.
- I am not aware of any effects relating to trade competition regarding this application.
38. The Council must disregard any effect on a person who has given written approval to the application.

The owners/occupiers of the following properties have given their written approval to the proposal and effects on them have not been taken into account:

- 11, 11B, 11C, 11D and 14 Tawa St;
- 39, 39B (also known as 37B) and 41 Mahoe St; and
- 1 and 3 Totara Tce.

#### Assessment of Effects

39. The Council must publicly notify an application if it decides that the proposal will have or is likely to have adverse effects on the environment that are or are likely to be more than minor, except for any public notification preclusions or adverse effects to be disregarded, as discussed above.
40. I consider the following adverse effects on the environment are relevant to the proposal based on the objectives and policies of the Operative and Proposed District Plans:

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

41. The development represents a significant intensification of development within the site, going from one dwelling to 13 units, which exceed site coverage, both within each unit title and for the site overall. The dwellings will be visible from Tawa

Street and from adjoining properties. This higher density will be particularly evident as the built development will be concentrated either side of the common area/right of way running through the middle of the site.

42. However, the development is for residential development, in keeping with the existing use of the site and the existing uses of the surrounding area, the proposed dwellings are one storey only and the development includes some landscaping/vegetation, including trees that when mature will be seen above the buildings and fences.
43. Although the existing vegetation within the site will be lost, this is not formally protected and the proposed vegetation will help, in a minor way, to break up and soften the visual appearance of the built development and infrastructure and hard surfaces within the overall site. The landscaping, designed by a landscape architect (McQueens Landscape Architect), has been reviewed by Council's Landscape Architect, Kim Northcott, who considers the vegetation to be of appropriate species for the proposal.
44. The applicant's landscape Architect also confirmed in a further information response that the larger specimen trees e.g. 'sweet gum' and *Liquidambar styraciflua* 'Burgundy' (chosen for its seasonal interest, narrower, compact growing habit and deciduous nature) would have sufficient space to grow in their proposed locations and that being planted at least 1.0m from the reticulation systems proposed in the common area, that they will not affect such systems. This was a concern for Council's Development Engineer, Debbie Taplin, as Council setback requirements for trees in relation to reticulation systems is 2.2m. However, given the advice of the McQueens Landscape Architects, we accept the trees are appropriate in this location and I consider they add to the residential and visual amenity of the area and will reduce adverse effects from the density of development proposed to some degree.
45. In addition, the overall site is and will continue not to be overly visible from properties beyond those identified as adjacent to the site (discussed above). And given the narrow shape of the site when viewed by road users and the transient nature of such views when travelling past on Tawa St, it is considered any adverse effects on residential character and amenity to the public within the wider area around the subject site will be less than minor.

## **Roading (vehicle access and traffic generation)**

### Engineering

46. Tawa Street is a 20m wide local residential road with the site located 60m from the Tawa St/Mahoe St intersection in the west. The road outside the near the site is straight and flat with no features, such as topography, that would obstruct motorist visibility. In addition, there is a 6+m wide footpath/berm area where

- vehicles can wait when exiting the site before entering the carriageway into the flow of traffic.
47. To assess any effects on the safety and efficiency of the road network resulting from the proposal, the application includes a Traffic Impact Assessment by Andy Skerrett (Civil and Traffic Engineer) of AMTANZ Ltd and corrected/additional information provided by Mr Skerrett dated 18 April 2021. The application has also been reviewed by Council's Development Engineer, Debbie Taplin, and Council's Network Management Lead, Transport, John Eagles.
  48. Mr Skerrett states that the Matai St (SH3)/Tawa St intersection (to the east of the subject site) and the Mahoe St/Tawa St intersection (to the west of the subject site) *'are both currently performing well... in terms of capacity'* and that *'the predicted increase in peak hour traffic of 8 vehicles (resulting from the proposal) will not change their performance in this regard. Neither intersection has a crash record and the predicted increase of vehicle movements is unlikely to increase the risk of crashes occurring. Mahoe St, Tawa St and Matai St all have sufficient capacity to accommodate the increase of 68 vehicle movements per day, assuming the existing dwelling is currently generating the average of 10 movements per day. The two crashes near the proposed development were a result of driver error and it is unlikely that the additional traffic will affect the risk of similar crashes occurring in the future... the effects are less than minor in our opinion'* (18 April 2021).
  49. Ms Taplin and Mr Eagles have accepted Mr Skerrett's report and further information and raised no concerns. Based on the Engineers' assessments I also accept Mr Skerrett's findings in regards to adverse effects on the safety and efficiency of the road network around the subject site and do not believe the proposal will result in such effects that will be more than minor in degree.

#### Amenity

50. Adverse effects on the public's residential character and amenity may result from the proposed increase in traffic movements in and out of the site. In considering owners/occupiers of properties beyond those within or adjacent to the subject site, I do not consider these parties will be adversely affected by the increase in traffic generation above the permitted levels in a manner that will be more than minor. Any road users travelling past the site will only encounter vehicles entering or exiting the site for a very short period of time and with a peak hour flow in and out of the site anticipated by the traffic engineers to be eight vehicles, I do not consider a high number of other road users will be affected nor in a significant manner.
51. When vehicles travelling to/from the site travel past properties beyond those adjacent to the site or encounter other vehicles in the road network, I consider the vehicles associated with the development beyond the 30 VEMs permitted from the site will likely seem part of the normal flow of traffic along Tawa St or beyond. The vehicles from the development will disperse into the flow of existing vehicle movements in the wider road network. I therefore do not consider effects on

residential character and amenity from increased traffic generation on the wider environment will be more than minor.

### **Services and Natural Hazards**

52. In respect of proposed water, and wastewater and stormwater disposal, Council's Development and water Engineers have reviewed the application. Given the high water table (at 1.2m depth according to the StanleyGray Engineer's report (para 4.2)), and subsequent concern by Council Engineers over flooding issues in Inglewood generally, a number of further information requests regarding the servicing of the development, particularly in relation to the stormwater disposal systems were required of the applicant. The applicant has responded with additional information including the StanleyGray report. This report states, given the high water table, that *'the site is not suitable for conventional soak holes and will require specific engineering design... we recommend the stormwater for each dwelling, together with the common area, should be disposed of via one specifically engineered system and situated beneath the Common Area'* (para. 4.2).
53. Council's Engineers are now satisfied the services provided will be adequate for the site without affecting the surrounding area or waterbodies, particularly in regard to limiting stormwater runoff outside the site and dealing with a 1 in 100 year flooding event (1% AEP) within the site via raincells underneath the right of way (Common Area). I accept this assessment by the Council's Engineers, and given they have not expressed any outstanding concerns that have not been addressed by the applicant, I consider any adverse effects from proposed services including on existing Council infrastructure systems will be no more than minor.

### **Building Platforms**

54. Following a site visit and borehole testing, the StanleyGray report concludes *'that a stable, flood free building site can be created on the proposed Lots 1 to 13 inclusive... subject to specific engineering design, together with further testing directly beneath the proposed dwelling(s)'* (para 6.0). I have considered this particularly in terms of the soil conditions and high water table at the site, and the possible impact on existing and proposed buildings and infrastructure, namely the subsequent risk of natural hazards such as flooding, liquefaction and subsidence. I accept the applicant's engineering advice and Council's Development Engineer has not expressed any concern in this regard. I therefore consider any adverse effects regarding the creation of building platforms within the proposed unit titles will be or likely be no more than minor.

### **Construction**

55. Adverse effects from construction will include noise from machinery and other operations as well as construction personnel, dust, and heavy vehicle generation. However, I do not believe residents in the wider area will be adversely affected from construction in a way that will be minor or more than minor. In addition to

the finite nature of construction effects, existing buildings will help to obstruct noise and other such effects, and together with some separation distance I consider they will likely reduce the level of construction effects to no more than minor in scale.

56. In terms of public users of Tawa St, where construction vehicles will enter/exit the site, neither the applicant's or Council's Engineers have raised concerns in this regard and the developer will need to put in place any necessary traffic management procedures and/or repair any damage within the road corridor. I do not therefore consider adverse effects on the road network or to road users will be more than minor.
57. I have considered whether there will be any adverse environmental effects on the Kuapete Stream within the PG Nops Scenic Reserve. The site is relatively flat and does not slope towards the Reserve or Stream and proposed earthworks will not be excessive or exceed permitted levels. The applicant has also stated there will be sediment control measures in place during construction. In the event these fail and sediment or silt runoff occurs, residential properties in between the subject site and reserve/stream would be affected first rather than the public reserve or waterbody. I therefore do not believe adverse effects from construction on the reserve or stream will be more than minor.

Therefore, it has been determined that overall the adverse effects of the proposal on the environment will be no more than minor and the application is not required to be publicly notified pursuant to section 95A(7)(a) of the RMA.

#### **Step 4: public notification in special circumstances**

58. The Council must determine whether special circumstances exist in relation to the application that warrant it being publicly notified.
59. I do not believe any special (i.e. unusual or exceptional) circumstances exist that warrant public notification of the application. I believe any likely or actual adverse effects on the environment, including those resulting from the intensification of the site, have been considered in the assessment above.

#### **LIMITED NOTIFICATION ASSESSMENT**

60. If the application has not been publicly notified, the Council must determine whether to limited notify the application under the four steps below, pursuant to section 95B.

#### **Step 1: certain affected group and affected persons must be notified**

61. The Council must determine if there are any:  
(a) affected protected customary rights groups; or

- (b) affected customary marine title groups.
62. I consider that no persons are an affected protected customary rights group or customary marine title group.
63. The Council must determine:
- (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
  - (b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.
64. As previously discussed, it has been determined that the proposed activity is not located on or adjacent to, nor will affect, a statutory acknowledgement area.

**Step 2: if not required by step 1, limited notification precluded in certain circumstances**

65. The application must not be limited notified if it meets any of the criteria below:
- 1. the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.
  - 2. the application is for a resource consent for either or both of the following, but no other, activities:
    - (a) a controlled activity other than a subdivision of land;
    - (b) a prescribed activity (see s360H(1)(a)(ii)).
66. There is no rule or National Environmental Standard that precludes limited notification of the application and the application is not for a controlled activity other than subdivision of land or a prescribed activity under Step 2.

**Step 3: if not precluded by step 2, certain other affected persons must be notified**

67. The Council must determine whether there are any affected persons in accordance with s95E.

**ASSESSMENT OF AFFECTED PARTIES**

Parties not Affected (s95E(2)(a-b)&(3))

68. The Council may disregard an adverse effect of the activity on the person if a rule or NES permits an activity with that effect. *[the permitted baseline]*

As discussed under public notification above, the permitted baseline has not been applied to this application.

69. In the case of a controlled activity or restricted discretionary activity, the Council must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or NES reserves control or restricts discretion.

The proposal is not a Controlled or Restricted Discretionary Activity.

70. The Council must decide that a person is not an affected person if the person has given their written approval to the activity and has not formally withdrawn the approval.

Written approval has been obtained from all the owners and occupiers of these properties and accordingly, under section 95E(3)(a), these persons are not affected persons:

- 11, 11B, 11C, 11D and 14 Tawa St;
- 39, 39B (also known as 37B) and 41 Mahoe St; and
- 1 and 3 Totara Tce.

The applicant states (pg. 24 of the application) that written approvals were not able to be obtained from the owners/occupiers of 12 and 15 Tawa St and '*effects may be at least minor*'.

71. The Council must decide that a person is not an affected person if it is unreasonable in the circumstances to seek the person's written approval.

I do not consider it unreasonable to seek written approvals from any other persons.

#### Affected Parties

72. The Council must decide that a person is an affected person if the activity's adverse effects on them are minor or more than minor (but are not less than minor), except for those effects to be disregarded as discussed above.

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

73. The site coverage for the site overall and for each unit title exceeds the permitted standard of 40%. Most of the unit titles are up to 53% site coverage. The overall site coverage across the entire application site is lower at 41.9%, and this exceedance over permitted standards may not normally be discernible from outside the site. However, the common area takes up nearly 16% of the site and contains no building coverage, being used as the right of way and for service provision. As a result of the location of the common areas, structures would predominantly be concentrated along either side of the 5m wide right of way running through the middle of the site and most unit titles will have a site coverage of 53%. I consider this to be a significant exceedance over the permitted standard.
74. From the direct adjoining neighbouring properties, the view of the two rows of dwellings and associated infrastructure, such as fencing, will be one of a noticeably

higher density of development.t. This will likely have a negative impact on outlook for these neighbours with reduced openness and relatively low density, as well as lower levels of vegetation compared to currently, replaced by a continuous structure concentrated in close proximity to the boundary (as shown in Figures 2-4 above). In my view this would result in a negative change to the existing character which is at least minor in terms of its magnitude. . . I therefore believe adverse effects on the amenity of adjacent neighbours who have not given written approval, being owners/occupiers of 12 and 15 Tawa St, may be minor or greater in degree.

### Traffic Generation

75. A typical residential site is expected to generate 10 VEMs per day i.e. five car/light service vehicles travelling to and from the site per day. The District Plan however does anticipate some multi-unit development within one site, with up to 30 VEMs per day permitted per site, i.e. three dwellings. The proposed development is for 13 residential units. However, rather than 10 VEMs per day per dwelling, it is anticipated that the units, being generally relatively small two-bedroom 90m<sup>2</sup> dwellings and one three-bedroom unit, will generate 7.8 VEMs on average for 78 movements per day (39 cars in and out of the overall site), as assessed by the applicant's Traffic Engineer and agreed by Council's Rooding and Development Engineers. This is 48 light vehicle movements per day over the permitted level, or the maximum amount anticipated by the District Plan. For neighbouring owners/occupiers this large number of movements over the permitted activity level may result in adverse effects from the noise and visual impact on these neighbours, particularly when utilising outdoor areas and at night, including glare from headlights. Such effects will likely be at least minor, in my opinion.

### **Construction**

76. Due to their finite nature, I consider any adverse effects from construction on the adjacent neighbours at 12 and 15 Tawa St, being those who have not given written approval) will be less than minor in degree.

### **Summary**

77. The use of the site will not change from the current residential use or be different to that of surrounding properties. However, I consider that the density of development, traffic generation and construction proposed will likely generate adverse effects on neighbouring owners/occupiers that will be minor or more than minor. I therefore consider, excepting those owners/occupiers who have given written approval, that adjacent owners/occupiers are considered affected parties to the application, being the owners/occupiers of 12 and 15 Tawa St, and that the application should be limited notified to these persons.

### **Step 4: further notification in special circumstances**

78. The Council must determine whether special circumstances exist in relation to the application that warrant it being limited notified to parties not already identified above (excluding persons precluded from notification under s95E).

No special circumstances exist that warrant further notification of the application.

It has been determined that the application is to be processed on a **limited notified** basis in accordance with section 95B and that notice of the application be served on the owner/occupiers of 12 and 15 Tawa St, Inglewood for a period of 20 working days from 24 September 2021 until 22 October 2021.



**Report and decision by:**

\_\_\_\_\_  
*Rachael Symons*  
*SENIOR ENVIRONMENTAL PLANNER*

**Date:** 24 September 2021



**Reviewed by:**

CAMPBELL ROBINSON  
*ACTING PLANNING CONSENTS LEAD*

**Date:** 24 September 2021