

# SECTION 42A HEARING REPORT



**To:** The Chairperson and Members of the Hearings Panel  
**From:** Hayley Thomas – Project Planner  
**Subject:** Concurrent Landuse and Subdivision Consent for seven dwellings in the Residential Zone  
**Meeting Date:** 15 April 2024  
**File Reference:** SP/0074/23 & LU/0155/23

<b>APPLICANT:</b>	Assured Construction Limited
<b>AGENT:</b>	Barker & Associates Ltd (Cambridge)
<b>PROPERTY ADDRESS:</b>	153 Taylor Street, Cambridge
<b>LEGAL DESCRIPTION:</b>	Lot 4 DPS 6188 (Record of Title SA1762/65)
<b>SITE AREA:</b>	809m <sup>2</sup>
<b>ACTIVITY STATUS:</b>	Non-Complying
<b>ZONING:</b>	Residential
<b>POLICY AREA(S):</b>	Compact Housing Area
<b>PROPOSAL:</b>	a) Land use consent to establish compact housing comprising seven dwellings in the compact housing area; and b) Subdivision consent to undertake one into seven lot subdivision around each dwelling.

## PART A – INTRODUCTION AND THE APPLICATION PROCESS

### 1 INTRODUCTION

1.1 Barker and Associates Ltd ('the Agent') have applied on behalf of Assured Construction Limited ('the Applicant') for the current subdivision and landuse consent to establish a compact housing development comprising seven dwellings in

the Residential Zone at 153 Taylor Street, Cambridge. A site location map is included in **Appendix 1**. A copy of the application for resource consent is attached to this report as **Appendix 2**.

- 1.2 The site to which this consent relates is a residential property, at the north-east of the Cambridge township and Lake Te Koo Utu, and directly south of the Cambridge Green Belt. A detailed description of the site is provided in Section 3 of this report.
- 1.3 The application is assessed as a Non-Complying Activity under the provisions of the Operative Waipā District Plan ('the District Plan') as the site fails to comply with the minimum 2,000m<sup>2</sup> lot size requirement of Rule 2.4.2.44 for compact housing and therefore Rule 15.4.2.1(b).
- 1.4 Revised site plans have been provided during the processing of the application in response to Section 92 (further information request) of the Resource Management Act 1991 ('the Act'). A copy of the revised plans is attached to this report in **Appendix 3**.
- 1.5 Pursuant to Sections 95A & 95B of the Act, Council proceeded with limited notification of the application to three parties on 24 November 2023. A copy of the Council's Notification Report is attached to this report in **Appendix 4**.
- 1.6 During the submission period, three submissions in total were received, all in opposition. One of these submissions however was received from a party that was not served notice and therefore unable to make a submission. A copy of the submissions is included in **Appendix 5**.

## **2 PURPOSE OF THE REPORT**

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- 2.1 This report has been prepared by Hayley Thomas (Project Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Hearings Panel on the above resource consent application. The key purposes of this report are to:
  - Describe the application and consent requirements;
  - Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
  - Assess the environmental effects of the proposal, including those raised in submissions;
  - Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;

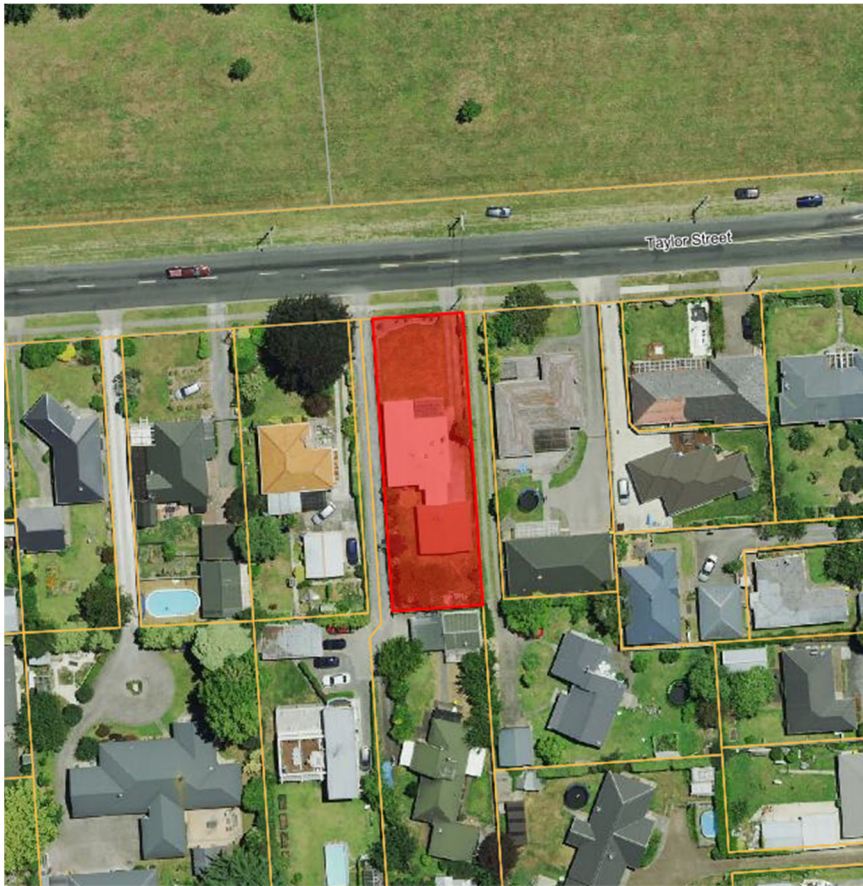
- Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
- Make a recommendation for the consideration of the Hearings Panel as to whether the resource consent should be approved or declined; and
- Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.

2.2 **It should be noted that any of the conclusions reached, or the recommendations formed, are not binding on the Hearings Panel. The Hearings Panel will make their own conclusions and decision after having considered all the evidence from the Applicant and Submitters at the hearing.**

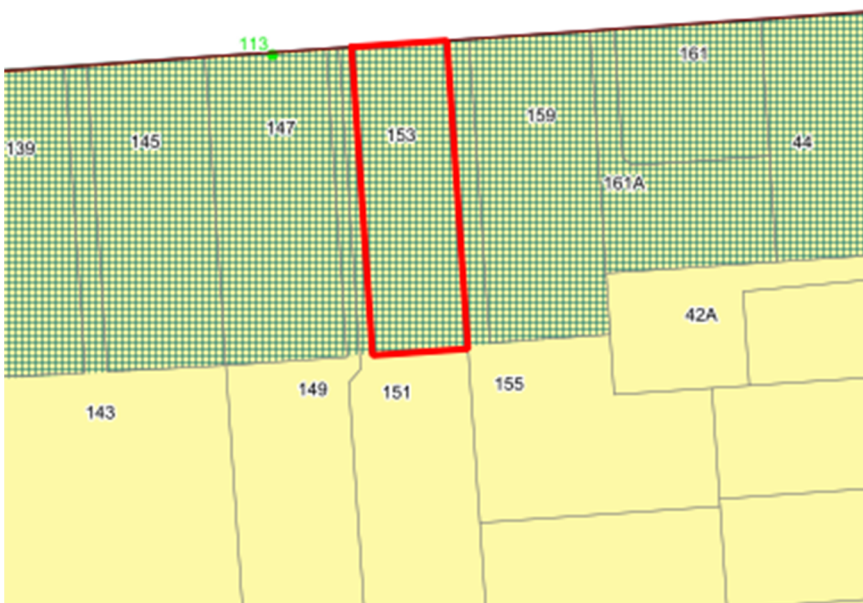
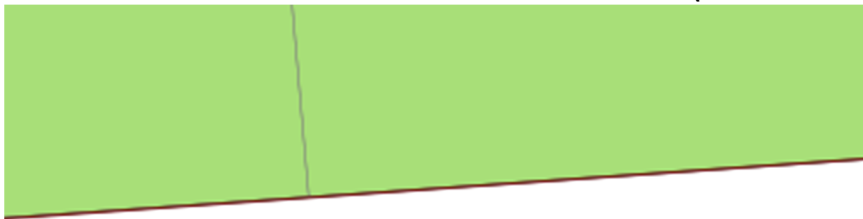
### 3 THE SITE

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- 3.1 The subject site is located at the north-east of the Cambridge township and Lake Te Koo Utu, and directly south of the Cambridge Green Belt. Located centrally in the block between Robinson Street and Stafford Street, the property has an existing area of 809m<sup>2</sup>.
- 3.2 The site is currently occupied by a single storey dwelling which is located centrally on the site. An existing garage and sleepout is connected to the rear of the dwelling and accessed via the driveway located adjacent to the eastern property boundary. The balance of the site is kept in lawn and gardens. In terms of topography, the site and surrounding area is generally flat.
- 3.3 Surrounding properties are predominantly residential in nature, comprising suburban sections with dwellings and accessory buildings. The Cambridge Green Belt is located directly opposite the subject site on the northern side of Taylor Street and Cambridge High School is located to the northwest of the Green Belt. Diagram 1 following illustrates the site and surrounding area.
- 3.4 With regard to the District Plan, the site is within the Residential Zone and within the Compact Housing Area Policy Overlay. Refer to Diagram 2 in which the Residential Zone is shown in yellow, the Compact Housing Area Policy Overlay is shown in hatch and the Reserve Zone is shown in green.



**DIAGRAM 1: AERIAL PHOTOGRAPH OF SITE AND SURROUNDS (SITE HIGHLIGHTED IN RED)**



**DIAGRAM 2: DISTRICT PLAN ZONE & POLICY OVERLAYS MAP (SITE HIGHLIGHTED IN RED)**

## 4 THE PROPOSAL

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- 4.1 Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), Barker and Associates Limited, on behalf of Assured Construction Limited, have applied for the following:
- a) Land use consent to establish compact housing comprising seven dwellings in the compact housing area; and
  - b) Subdivision consent to undertake one into seven lot subdivision around each dwelling.
- 4.2 The site is within the Residential Zone and the application seeks dispensation with a number of the District Plan provisions including, but not limited to, road boundary setback, internal boundary setback, building length, impermeable surfaces, fencing, compact housing, net lot area, lot design, stormwater and parking. The following is a summary of the aspects for which resource consent is sought.

### Landuse Consent

- 4.3 The compact housing development is separated into two blocks, two storeys in height, with the front block comprising five units arranged vertically along the site and the second block comprising two units at the rear of the property. Units 1 to 5 ('Block 1') all contain two bedrooms and have split outdoor living spaces on both the eastern side of the units and on the first-floor balconies facing west. Units 6 and 7 ('Block 2') are located at the southern end of the site, also have two bedrooms and have outdoor living spaces at the side and rear of the units.
- 4.4 In terms of landscaping, the periphery of the site is to be planted in a mixture of hedging up to 2m in height, trees and low ground planting/shrubs, and some landscaping at the front of most of the units. A 1.8m high fence will be established along all internal boundaries and partially along the road boundary to provide some privacy for the courtyard for Unit 1. Refer to Diagrams 3 to 9. A full copy of the development plans is included in **Appendix 3**.

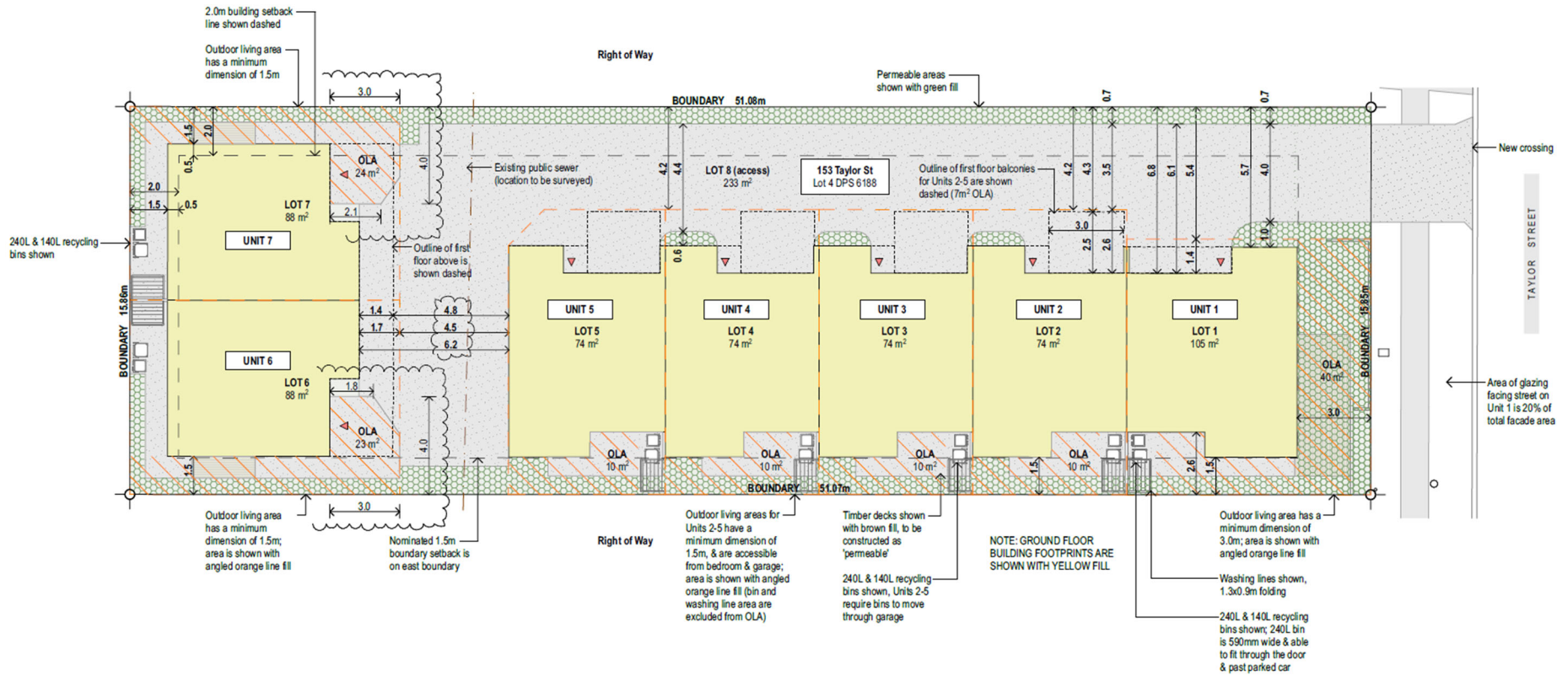


DIAGRAM 3: SITE DEVELOPMENT PLAN

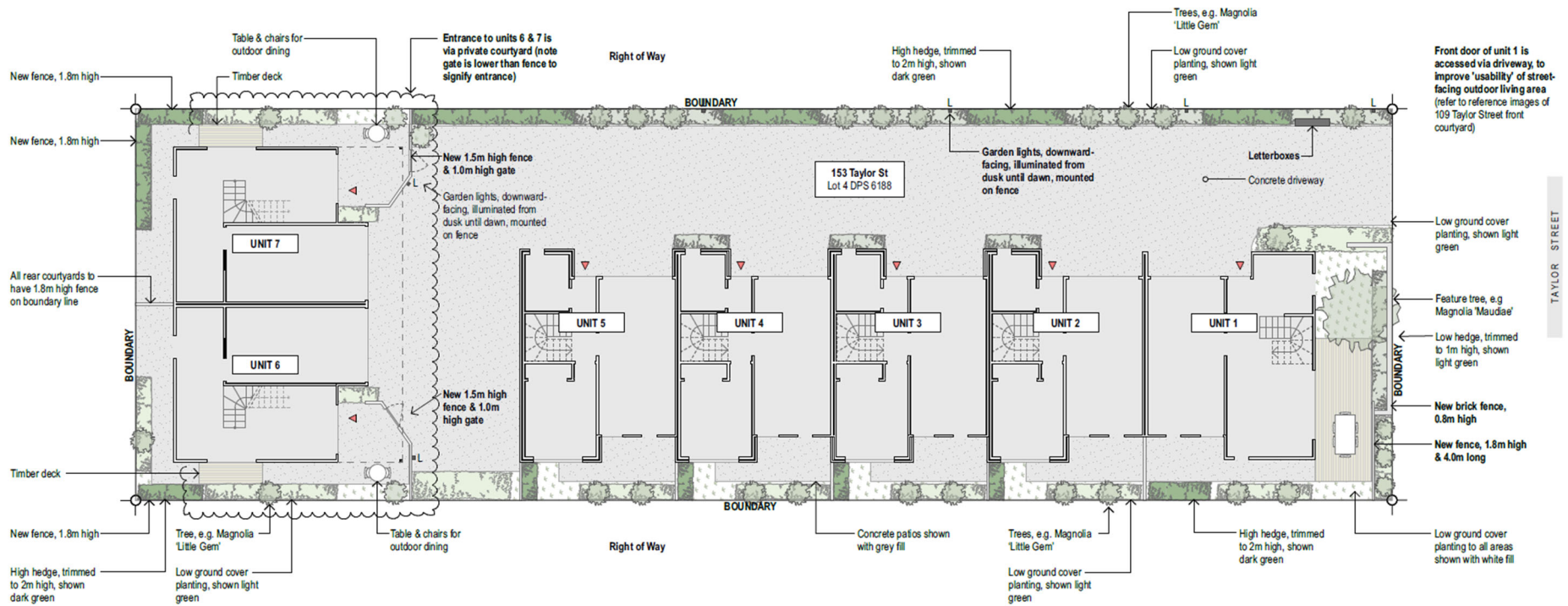
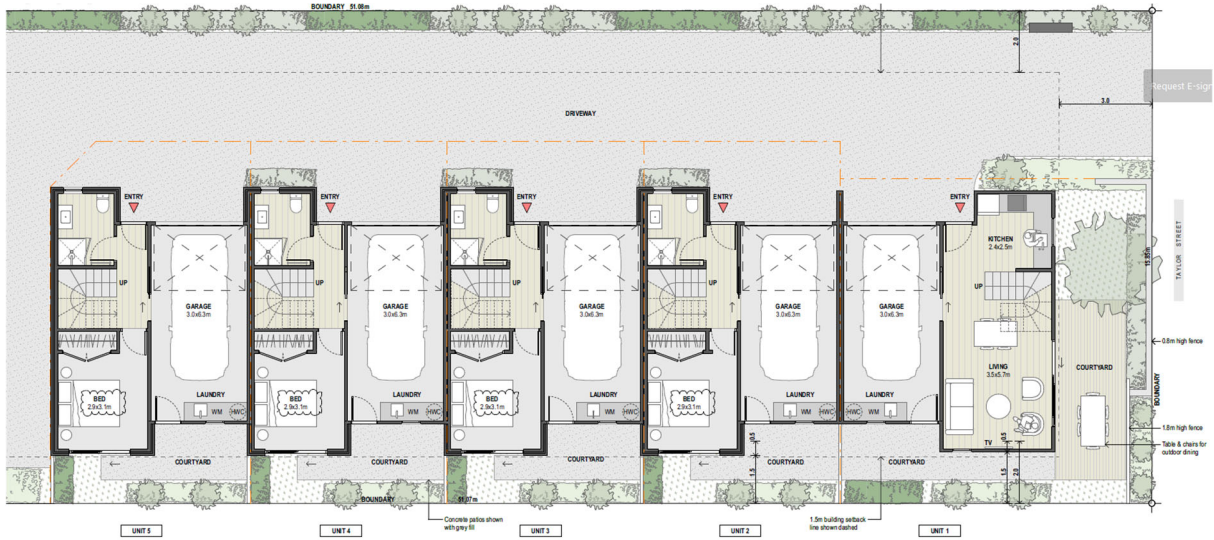
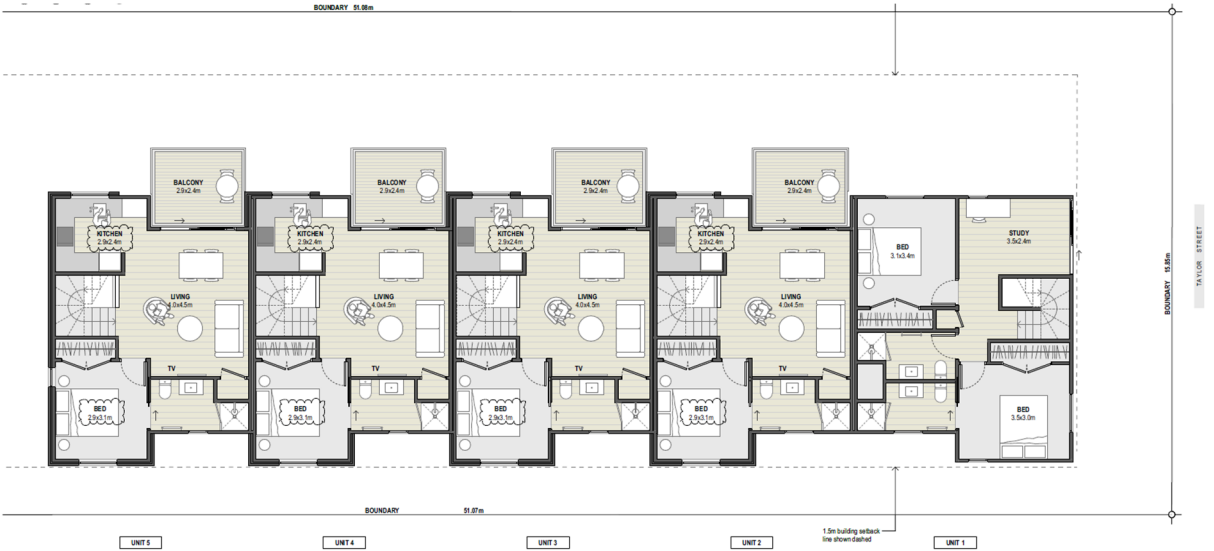


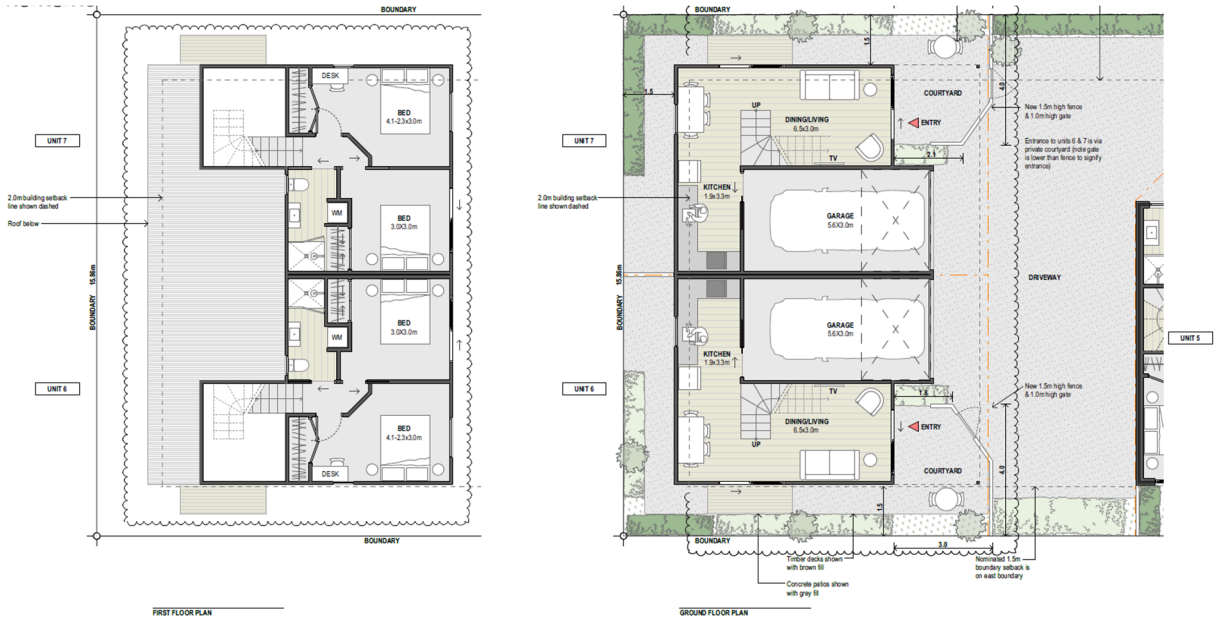
DIAGRAM 4: SITE LANDSCAPING PLAN



**DIAGRAM 5: UNITS 1 – 5 GROUND FLOOR PLAN**



**DIAGRAM 6: UNITS 1 – 5 FIRST FLOOR PLAN**



**DIAGRAM 7: UNITS 6 & 7 GROUND FLOOR AND FIRST FLOOR PLAN**



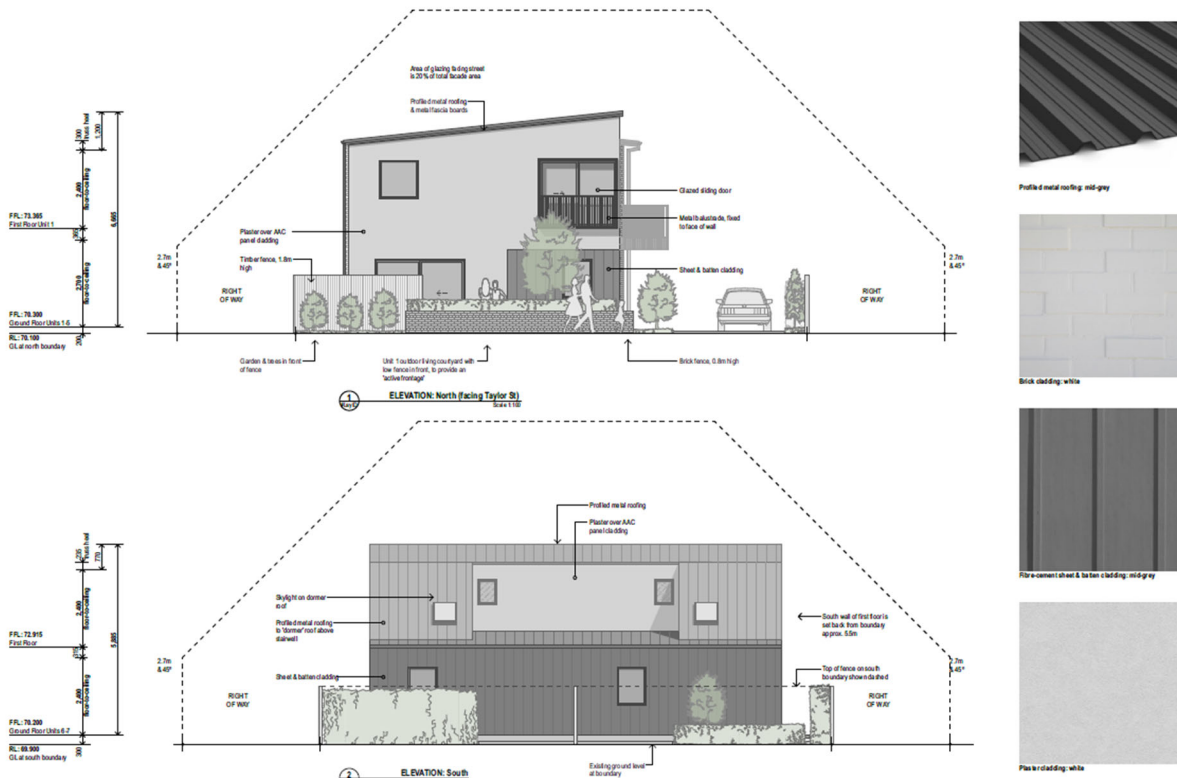


DIAGRAM 8: NORTH & SOUTH ELEVATION PLAN

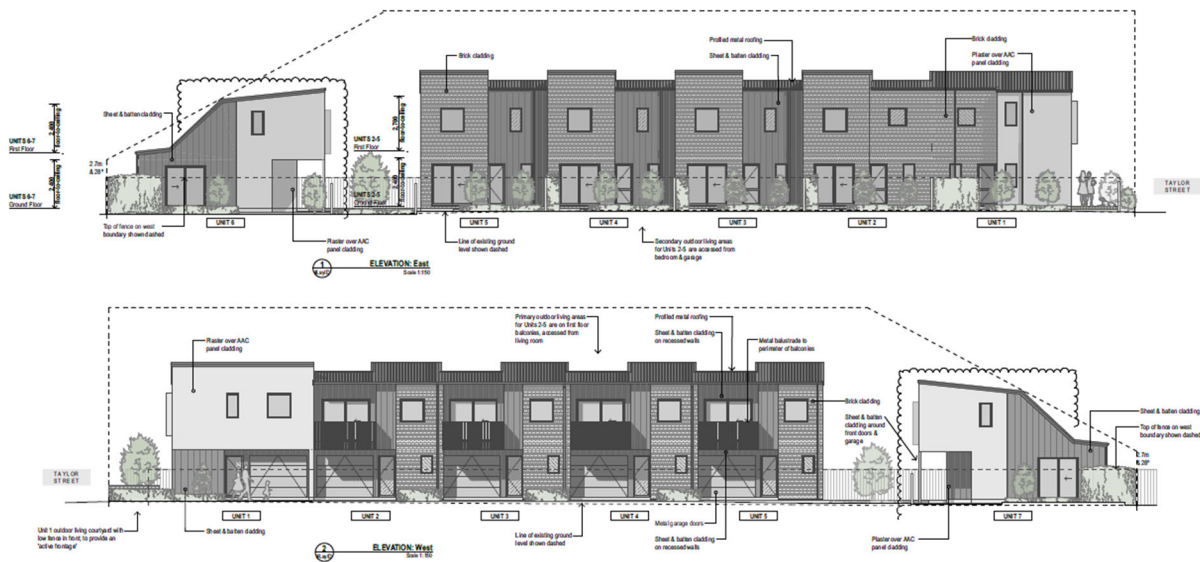


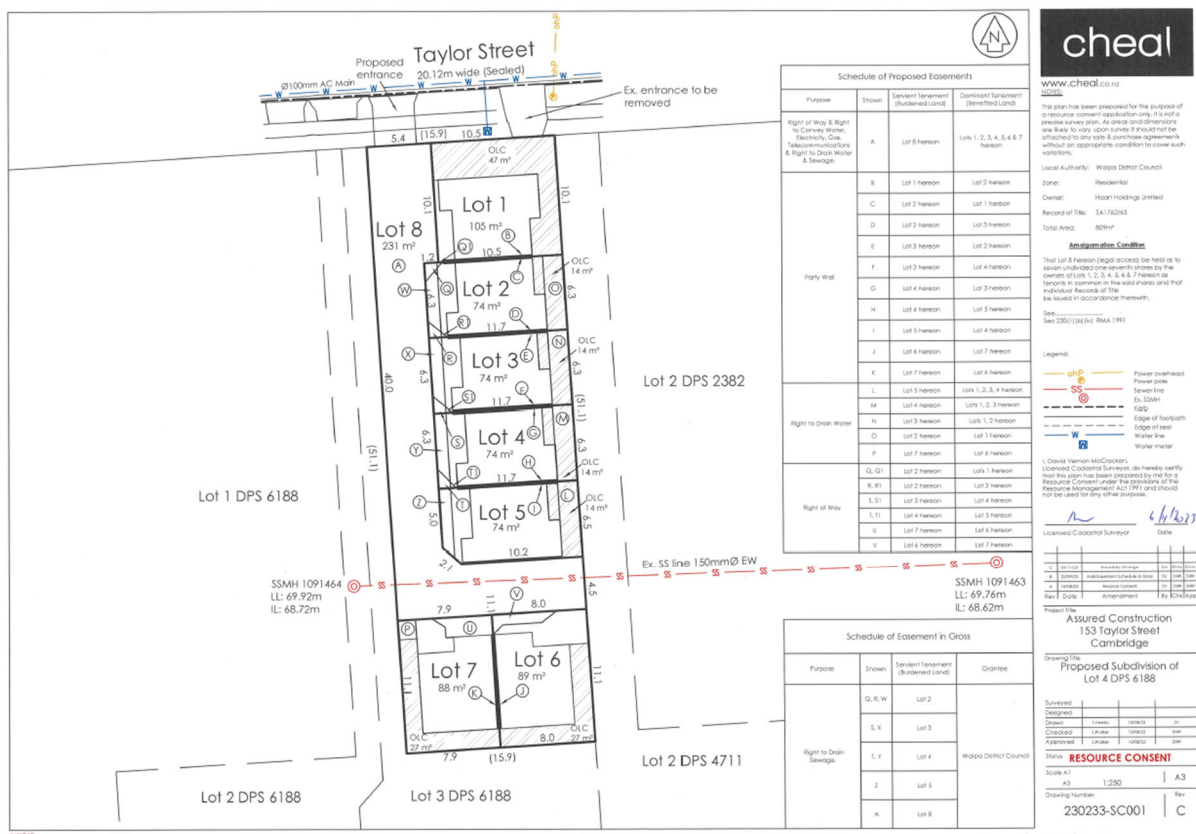
DIAGRAM 9: EAST & WEST ELEVATION PLAN

## Subdivision Consent

- 4.5 The concurrent subdivision will facilitate the establishment of freehold titles around each unit. Proposed Lots 2 to 5 will be 74m<sup>2</sup>, Proposed Lots 6 and 7 will be 89m<sup>2</sup> and 88m<sup>2</sup> respectively, and Proposed Lot 1 will be 105m<sup>2</sup>. The access lot will be 231m<sup>2</sup>. The lots to be created are listed below in Table 1 and illustrated in Diagram 10 below.

**TABLE 1: PROPOSED LOT SIZES**

Lot Reference	Size
1	105m <sup>2</sup>
2	74m <sup>2</sup>
3	74m <sup>2</sup>
4	74m <sup>2</sup>
5	74m <sup>2</sup>
6	89m <sup>2</sup>
7	88m <sup>2</sup>
8 (Access Lot)	231m <sup>2</sup>



**DIAGRAM 10: PROPOSED SUBDIVISION SCHEME PLAN**

- 4.6 In terms of servicing, each lot will be provided with a connection to Council's reticulated water supply and wastewater networks located in Taylor Street. Stormwater is proposed to be disposed of centrally via underground detention and soakage located within the access way. The existing vehicle entrance on the eastern

side of the site will be closed and a new vehicle entrance will be formed along the western side of the site which will service each lot. Electricity and telecommunication networks are provided within the Taylor Street road reserve and new connections will be provided to service each lot.

## 5 ACTIVITY STATUS

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5.1 Section 5 of the Assessment of Environmental Effects report prepared by Barker & Associates, on behalf of the Applicant, dated 23 August 2023 provides an assessment of the proposal against the relevant provisions of the District Plan. Section 2 of the Notification Report (included as **Appendix 4**) provides Council's assessment. In summary, both parties conclude that the proposal requires resource consent as the development and subdivision breaches various provisions of the Residential Zone.

5.2 Overall, the application is deemed to be a Non-Complying Activity.

## 6 SUMMARY OF NOTIFICATION PROCESS

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6.1 Under the Act, the notification provisions are contained in Sections 95A to 95G. Specifically, Sections 95A to 95G set out the process for determining whether or not public notification or limited notification of the application is required. Having regard to the notification provisions, a notification assessment has been completed and is contained in **Appendix 4**.

6.2 This report concludes:

- The information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification;
- The applicant did not request that the application be publicly notified and there are no rules in the District Plan relevant to this proposal that require that the application must be notified;
- There are no rules in the District Plan relevant to this proposal that preclude public or limited notification;
- In terms of the permitted baseline, there are two components to the application to consider with regard to the permitted baseline, being the subdivision and land use. In terms of subdivision, all forms of subdivision within the District Plan require resource consent. Therefore, there are no subdivision activities permitted by the District Plan which can be considered with respect to the permitted baseline. When considering the compact housing element of the development, the District Plan requires resource consent for these and

therefore there is no directly applicable permitted baseline for this development.

- The receiving environment is characterised by lots generally ranging between 500m<sup>2</sup> and 1,000m<sup>2</sup>, with some greater in size, containing predominantly single storey detached dwellings of various architectural styles and some accessory buildings. None of the directly adjoining properties or those within a close vicinity appear to have recently granted resource consents.
- No written approvals were provided with the application.
- The assessment of effects considered the proposal with regard to:
  - Residential Character and Amenity;
  - Rooding; and
  - Infrastructure.
- The adverse effects were assessed to be below the 'more than minor' threshold and the proposal could be considered without the need for public notification.
- There are no special circumstances that warrant public notification.
- The property subject to this application is not within, adjacent to, or directly affected by a statutory acknowledgment area.
- Pursuant to Section 95B, it was considered that the proposal warrants limited notification to the owners and occupiers of:
  - 147 Taylor Street, Cambridge;
  - 151 Taylor Street, Cambridge; and
  - 159 Taylor Street, Cambridge.

6.3 The application proceeded to limited notification on 13 December 2023.

## 7 SUBMISSIONS

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7.1 A total of two submissions were received during the statutory submission period, both of which were in opposition. The submissions are attached at **Appendix 5**. The location of these parties is shown below in Diagram 11.

7.2 A third submission was received from a party that was not served notice of the application during the submission period. This submission therefore cannot be considered as part of this limited notification process. It is noted that this submission was also in opposition and raised similar themes to those outlined by the other submissions.



**DIAGRAM 11: LOCATION OF SUBMITTERS SHOWN IN MAGENTA AND SUBJECT SITE SHOWN IN RED**

7.3 The submissions raise the following matters:

- Residential Amenity (including privacy, local character and appearance, shading, noise, and density);
- Traffic (i.e. increased volume and parking);
- Infrastructure Effects (i.e. water pressure, increased stormwater runoff);
- Lack of consultation; and
- Effects on Property Values.

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

## Property Values

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

## Lack of Consultation

- 7.6 Both submitters have raised concern regarding the lack of consultation and public notification as a matter of concern. In terms of consultation prior to lodgement of a consent application, there is no requirement under the Resource Management Act 1991 ('the Act') for an applicant to undertake consultation, nor does it specify the extent of such consultation. Any consultation undertaken is therefore done so as a best practice and to help identify potential concerns. The Act does however require the applicant to report on any consultation undertaken. In this instance, the application includes both a Public and Limited Notification Assessment in Sections 6.0 and 7.0 of the Application. This assessment concludes that the applicant considers there to be no affected persons as a result of the proposal.
- 7.7 With regard to the concerns raised about public notification, Council's Notification Assessment is summarised above in Section 6 of this report and included in **Appendix 3**. Council staff have followed the required process under the Act in which it was determined public notification was not required for this application.

## PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

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### 8 SECTION 104 ASSESSMENT

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- 8.1 A consent authority must have regard to a number of matters under Section 104 of the Act when making a decision on an application for resource consent. Those matters include:
- The actual and potential effects of an activity on the environment (Section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
  - Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse environmental effects that may or will result from the activity (Section 104(1)(ab));
  - The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (Section 104(1)(b)); and
  - Any other matter the consent authority determines relevant and reasonably necessary to determine the application (Section 104(1)(c)).
- 8.2 The application is for a Non-Complying Activity under the District Plan. The Council may therefore grant or refuse consent under Section 104B and, if granted, may impose conditions under Section 108 of the Act only if it is satisfied that either the adverse effects will be minor, or the activity will not be contrary to the objectives and policies of the District Plan (Section 104D).
- 8.3 The following provides my assessment of all relevant matters under Section 104.

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

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- 9.1 The meaning of 'effect' is defined under the Act as:

*In this Act, unless the context otherwise requires, the term effect includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects —regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*

- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

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

- Residential Amenity (including privacy, shading, and density (and resulting effects such as noise));
- Traffic Effects (i.e. increased volume and parking);
- Infrastructure Effects (i.e. water pressure, increased stormwater runoff);

### Residential Amenity Effects

9.3 The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. The Residential Zone accommodates the district’s urban areas and considers bulk, existing environment, density, noise and the relationship between private and public spaces. Collectively these elements form the character of the area.

9.4 The existing character of the immediate area is typified by single storey, standalone dwellings. These are mostly setback 4-8m from the front boundaries and screened by either landscaping, fencing or a mix of both. I note that further along Taylor Street there are a number of two storey dwellings, including the newly constructed townhouses located at 109 Taylor Street which is also mentioned in the application.

9.5 Council’s Urban Design Consultant, Mr Sam Foster from Beca, has reviewed the application and provided the following comments:

- *“The proposed development represents a notable change in the existing character of the area, which is predominantly detached single-storey dwellings. The development breaks the units proposed on the site into two buildings, helping to break up the bulk and mass of the development across the site. In addition the height of the rear of the duplex units, is stepped down to a single storey in response to the southern boundary. The development complies with the height and height-in-relation to boundary requirements of the zone.”*
- *“The district plan anticipates “compact housing” to be located in the area, with the denotation of the compact housing overlay. Chapter 2 Residential Zone*



*considers that this will include terrace houses and duplexes where these are comprehensively designed and address effects on neighbouring properties.”*

- *“The proposal includes a duplex and a terraced house and is therefore in keeping with the typologies anticipated in the compact housing area.”*

9.6 In terms of the residential character and amenity effects, the following paragraphs discuss each of the submitters concerns regarding the following:

- Loss of privacy;
- Shading; and
- Density of development and resulting effects (i.e. noise).

### **Loss of Privacy**

9.7 Submitters have raised concern regarding the potential loss of privacy as a result of the two storey dwellings in the development. The application notes the proposed architecture is of a high quality and on review of the building designs, I note in terms of the southern and eastern elevations there is a minimal number of windows facing the external property boundaries. I consider that a compliant dwelling could have considerably more windows facing these external boundaries and it is therefore my opinion that there is no increase in outlook from the development in comparison to that of a permitted activity. For this reason, while there may be a ‘perceived loss’ of privacy, there is no resulting increase in loss of privacy as a direct result of the dwellings having a second storey.

9.8 With regard to the western elevation, this includes four balconies, a single bedroom window and four kitchen windows. Council’s Urban Design Consultant, Mr Sam Foster from Beca notes *“Two storey development is anticipated in the zone and there are two-storey dwellings in proximity to the site. However the two-storey design may impact on the privacy of the adjoining dwelling on the western side and the feeling of being overlooked, due to the four proposed balconies and living areas being located on the first floor of the four terrace units that face west towards 147 Taylor Street and the occupants’ dwellings deck /outdoor living area. This is mitigated by the degree of separation from the proposal and adjacent dwelling due to the accessway to the rear dwellings that runs along the western boundary and the location of the proposals accessway, also located on the western side of the site, creating an approximate 9m separation from the site to the neighbouring outdoor living areas. Specimen trees are also proposed along the western boundary landscaping strip, which will provide some screening to the neighbouring property from these balconies once they have reached a suitable height.”* In addition to Mr Foster’s comments, I note a 1.8m fence is proposed along the boundary.

- 9.9 In Council’s Notification Report, Mr Dominic Harris noted that *“the proposal will have balconies of four different households overlooking this property, which would be a noticeable increase in residential activity on the site and likely an increased awareness of neighbours”*. I agree that the change on the site will be noticeable for neighbours, however with the physical separation (of almost 9m) combined with the installation of new fencing and the design of the internal layout of the development has minimised the potential privacy effects. I also note that Block 1 complies with the internal boundary setback and height in relation to boundary requirements of the District Plan.
- 9.10 With regard to loss of privacy at the ground level, as noted above new fencing is proposed around the development. This, in conjunction with vegetation on both the subject site and neighbouring properties, essentially screens the site and in particular the outdoor living areas at ground floor.
- 9.11 Overall, taking the above into account, it is my opinion that the development, including mitigation measures such as fencing and landscaping, will result in a minimal potential loss of privacy that is acceptable.

### ***Shading***

- 9.12 A submitter has raised concern about the potential shading as a result of the development. The location of the development within the eastern portion of the site, means that shading from the buildings will primarily be located within the subject site (i.e. within Proposed Lot 8 - Access Leg), and over parts of the adjacent western driveways for varying parts of the day. Noting that the proposed buildings comply with the internal setback and height in relation to boundary requirements of the District Plan, the resulting potential shading effects anticipated beyond the subject site are considered minimal and acceptable.

### ***Density***

- 9.13 Submitters have expressed concern regarding the density of the development, and the resulting effects this may have (i.e. increased noise). As noted in the Notification Report, the proposal is of a higher density than is provided for by the District Plan in this location due to the existing site area.
- 9.14 I acknowledge that the development will result in a noticeable change from the existing single dwelling site to a Compact Housing Development. However, Compact Housing Developments are provided for and anticipated in the Residential Zone, and in particular the Compact Housing Area, under the District Plan. While the proposal is an increase in density over the immediate site, it is not inconsistent with typologies

that are present in the Compact Housing Area. The District Plan also identifies a need to cater to changing housing demands and provide for smaller households. This proposal provides an alternative housing typology.

- 9.15 With regard to the potential increase in noise as a result of the number of dwelling units, I note activities and buildings within the Residential Zone are bound to comply with Rule 2.4.2.25 – Noise. The noise limits within this provision reflect the New Zealand standards (NZS 6802:2008) which have been deemed to provide a reasonable protection of health and amenity for land used for residential purposes. While the increase from one dwelling to seven dwellings will likely increase the noise within the area, this noise will be from residential activities and unlikely to breach the noise limits within Rule 2.4.2.25.

### ***Summary of Residential Amenity Effects Assessment***

- 9.16 Overall and with regard to residential character and amenity effects, the proposed development has been considerably designed, and the aligns with the anticipated character and amenity for the Compact Housing Area within the District Plan. Taking the above matter raised by submitters into account, it is my opinion that the effects of the development in relation to character and amenity to be acceptable.

### **Traffic Effects**

- 9.17 Traffic and the effects on the roading network are an instrumental part of the District Plan’s direction to ensure an integrated approach to land use and transport. At a local scale the integration of new activities needs to ensure that the roading network can continue to function in a safe and efficient manner. Consideration therefore needs to be given to the status of the road and whether it can accommodate the additional traffic and thereafter the parking provided for in the development.
- 9.18 Taylor Street (between Victoria Road and Robinson Street) is defined as a Collector Road under the District Plan which means it is primarily designed for traffic distribution from local and collector roads to arterial roads, while also providing for property access. New dwellings are estimated to generate on average less than 10 vehicle movements per day. As the proposal is for seven new dwellings, it can be anticipated that on average the development will generate approximately less than 70 vehicle movements per day.
- 9.19 Council’s Development Engineer, Ms Jane Zhang, has reviewed the proposal and noted that the *“surrounding road network can accommodate the additional vehicle movements”*.

- 9.20 In terms of submitters concerns with the anticipated number of cars associated with each dwelling and where they will park, including the potential use of the road berm area on Taylor Street for overflow parking, I note each dwelling is provided with a single garage. While this may not seem sufficient for each dwelling, following the implementation of the National Policy Statement on Urban Development 2020 Council's were required to remove any provisions within the District Plan requiring a minimum number of parking spaces for development.
- 9.21 As some parking is provided on site, and on street parking on the southern side of Taylor Street is also available, I consider that the parking effects of the development are acceptable.
- 9.22 A submitter noted concern in terms of the 'increased hazard regarding footpath use'. The proposed vehicle entrance located on the western side of the property will be 4.0m wide. Council's Development Engineer, Ms Jane Zhang, has reviewed the proposed vehicle crossing noting it has *"has good sightlines on both sides due to the flat topography on Taylor Street. The separation distances from the nearest entrances on each side of Taylor Street are less than 2m on the left and approximately 10.5m on the right"*. These suite lines and entrance separation distances will ensure pedestrian safety is not compromised.
- 9.23 Overall, based on the information provided by Council's Development Engineer, and subject to conditions of consent regarding design and construction, it is my conclusion that the effects of the development on roading and traffic can be suitably mitigated to an acceptable level.

### **Infrastructure Effects**

- 9.24 How and where infrastructure occurs is critical to the suitability of a development and the resulting use of the area. The infrastructure required for the development in the Residential Zone includes water supply, stormwater disposal, wastewater disposal, power and telecommunication connections. Because the site is already used for residential purposes and the site is located within Council's reticulation network the assessment herein relate to effects the new development would have on the existing infrastructure.
- 9.25 With regard to water supply and wastewater connections, the private lots will be serviced via an internal reticulation that connects to the existing council mains in Taylor Street. Council's Development Engineer, Ms Zhang, has reviewed the water supply and wastewater assessments provided in the application, and notes subject to conditions of consent regarding design and construction of the infrastructure, the adverse effects of the development on Council's infrastructure are acceptable.

- 9.26 In terms of the submitters concerns regarding the water pressure in the area, Ms Zhang has also noted that *“Council’s Utilities Maps under the CRM Customer Complaints layer show that the council has not received any complaints regarding water pressure issues in the nearby area. Moreover, considering that the proposed development is consistent with the anticipated growth in this area, it is expected that six additional lots will not affect Council’s ability to meet Level of Service requirements in the area for water supply”*.
- 9.27 In terms of stormwater disposal, one submitter has raised concern with the stormwater hazard on Taylor Street. In terms of the new lots, these will be required to retain stormwater onsite in accordance with the District Plan provisions and Council’s Stormwater Bylaw. Council’s Development Engineer, Ms Zhang, has reviewed the information provided with the application and notes the site conditions are favourable to onsite disposal methods. Overall, subject to conditions of consent regarding detailed design and construction of the infrastructure, the adverse effects of the development with relation to stormwater disposal are acceptable.
- 9.28 In summary, based on the information provided by Council’s Development Engineer, and subject to conditions of consent being imposed regarding design and construction, it is my conclusion that the adverse effects of the development with regard to infrastructure can be suitably mitigated to an acceptable level.

### **Positive Effects**

- 9.29 Having had regard to the adverse effects of an activity, the Act provides for the consideration of the benefits and positive effects of an activity. In this instance, the proposal will give rise to positive effects, including but not limited to:
- Providing job opportunities for local residents during the construction; and
  - Providing an increase in housing supply within Cambridge.
- 9.30 I note that any positive effects cannot be realised without causing adverse effects as outlined in the preceding sections of this report. In order for the consent to be granted, the Resource Management Act 1991 requires these effects to be suitably avoided, remedied or mitigated and consent conditions are recommended to do so.

### **Summary of Effects Assessment**

- 9.31 The above assessment has considered the actual and potential effects of the proposed activity raised in the application, Council’s notification assessment and the submissions received. Having due regard to the technical information provided in support of the application and reviewed by Council staff and Council’s Urban Design

Consultant, I am satisfied that the effects of the activity can be appropriately avoided, remedied or mitigated to an acceptable level.

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

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10.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in Section 2 – Residential Zone, Section 15 – Infrastructure, Hazards, Development and Subdivision and Section 16 – Transportation.

10.2 The applicant’s agent has provided an assessment of the relevant objectives and policies in Section 10.3 of the application. In addition to their assessment the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

### Section 2 – Residential Zone

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

#### **Objective – Key elements of residential character**

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

#### *Policy – Cambridge*

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

- a) *Maintaining the grid layout that provides long vistas down roads; and*
- b) *Providing for wide grassed road verges that enable sufficient space for mature trees; and*
- c) *Maximising opportunities to provide public access to the town belt; and*
- d) *Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and*
- e) *Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and*

- f) *Maintaining the mix of villa, cottage and bungalow type housing within the identified character clusters.*

10.4 Objective 2.3.1 seeks to ensure development retains the localised character of each of the towns and villages within the District. Policy 2.3.1.1 outlines the elements of character unique to Cambridge while also encouraging a mix of housing typologies. Council's Urban Design Consultant notes that *"Taylor Street has a range of building styles and ages and no clear architectural uniformity. The proposed development will add to this diversity, reflecting the changing nature of the street over time."* With this in mind, I consider the proposal to be consistent with Objective 2.3.1 and its associated policies.

**Objective – Neighbourhood amenity and safety**

2.3.2 *To maintain amenity values and enhance safety in the Residential Zone.*

*Policy - Building setback: road boundary*

2.3.2.1 *All buildings shall be designed and setback from roads in a manner which:*

- a) *Maintains the predominant building setback within the neighbourhood except in relation to compact housing areas and Neighbourhood and Local Centres; and*
- b) *Allows sufficient space for the establishment of gardens and mature trees on the site except in compact housing areas; and*
- c) *Accentuates the dwelling on the site; and*
- d) *Provides for passive surveillance to roads and avoids windowless walls to the street.*

*Policies - Building setback: side boundaries*

2.3.2.3 *To maintain spaciousness when viewed from the road, provide opportunities for planting, provide a degree of privacy, maintain sunlight and daylight, provide ongoing access to the rear of the site and enable building maintenance from within the site by maintaining a consistent setback between buildings on different sites.*

*Policy - Height of buildings*

2.3.2.5 *The height of new buildings shall not be out of character with the Residential Zone. For developments within the compact housing area identified on the Planning Maps this policy applies at the boundary of the site.*

*Policies - Site coverage and permeable surfaces*

2.3.2.6 *To ensure that all sites have sufficient open space to provide for landscaping, outdoor activities, storage, on-site stormwater disposal, parking, and vehicle manoeuvring by maintaining a maximum site coverage requirement for buildings in the Residential Zone.*

*Policy - Maintaining low ambient noise environment*

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

*Policies – Safety and design*

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

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

10.5 Objective 2.3.2 and the associated policies outline the themes which are considered to influence the amenity of the Residential Zone. In terms of the proposed development, the reduction in road boundary setback applies to one boundary only, being that with Unit 1. This breach of the setback does not result in an adverse effect on privacy, sunlight and daylight or restricts vehicle sight lines or safety with regard to use of the vehicle entrance to the site.

10.6 In terms of Policy 2.3.2.3, I note that for one internal site boundary the buildings can be 1.5m from the boundary, and the remaining should be at 2.0m. The development has Block A located 1.5m from the eastern boundary, and Block B located 1.5m from the eastern, southern, and western boundaries. As Block A is only 1.5m from one boundary this building complies with the associated rule and therefore this policy. Block B however fails to meet the rule. The application notes that this infringement is “confined to right-of-way boundaries, which ensure the buildings don’t appear or feel too close to neighbouring buildings”. I note that while a reduced setback on two of the three sides, the width around Block B still provides the opportunities and requirements outlined in Policy 2.3.2.3. I therefore consider the proposal does meet the intent of this policy.

**Objective - On-site amenity values**

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

*Policies - Building setback from rear and side boundaries*

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



*Policy - Daylight*

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

10.7 Objective 2.3.3 seeks to maintain and enhance the on-site amenity values through the control of building setback, length, daylight considerations and outdoor living area placement. With regard to Policy 2.3.3.1, Block B is located along the rear boundary of the site and has designed to have the outdoor living areas of both units on the northern side of the building away from the adjacent rear property. I note on the adjacent southern property (151 Taylor Street) a garage/sleep out is located along the northern property boundary and not an outdoor living area. Given the design of Block B, I consider it to meet the intent of Policy 2.3.3.1.

10.8 In terms of Policy 2.3.3.3, in which maintenance of daylight and solar access are to be maintained, the proposed buildings are compliant with the relevant rule associated with this policy.

***Objective - Providing housing options***

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

*Policy - Sustainable and efficient use of land*

*2.3.4.1 To meet changing housing needs and to reduce demand for further land to be rezoned, by providing for a range of housing options. Developments that are comprehensively designed where spaces can be shared will be preferred.*

*Policy - Compact housing*

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

- a) Areas identified for compact housing on the Planning Maps or on an approved structure plan; or*
- b) Where the intensive use is off-set by adjoining an area zoned for reserve purposes on the Planning Maps that is greater than 1000m<sup>2</sup>, including the Cambridge town belt; or*
- c) Within a 400m radius of a Commercial Zone.*
- d) Compact Housing will be supported where it is consistent with compact housing provided on neighbouring land.*

*Provided that:*

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

10.9 Objective 2.3.4 and its associated policies, seek to provide a variety of housing options within the district's towns which respect the elements of the residential character. In terms of the proposed development, it is noted this has been comprehensively designed and is located in an area identified for compact housing on the Planning Maps. The proposal is therefore considered to be consistent with this objective and policies.

***Objective - Comprehensive design and development***

2.3.5 *To ensure that developments are comprehensively designed, incorporate urban design and Crime Prevention through Environmental Design principles, are co-ordinated with infrastructure provision, and integrated with the transportation network.*

*Policy - Comprehensive design of in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation*

2.3.5.1 *To ensure that in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:*

- a) *Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood; and*
- b) *Ensuring that in the Cambridge Residential Character Area new dwellings between existing dwellings on the site and the road shall be avoided; and*
- c) *Avoiding long continuous lengths of wall; and*
- d) *Maximising the potential for passive solar gain; and*
- e) *Providing for sufficient private space for the reasonable recreation, service and storage needs of residents; and*
- f) *Retaining existing trees and landscaping within the development where this is practical; and*
- g) *Where appropriate provide for multi-modal transport options and provide for links with existing road, pedestrian and cycleways; and*
- h) *Incorporating Crime Prevention through Environmental Design principles; and*
- i) *Addressing reverse sensitivity effects; and*

- j) *Mitigating adverse effects related to traffic generation, access, noise, vibration, and light spill; and*
- k) *Being appropriately serviced and co-ordinated with infrastructure provision and integrated with the transport network.*

10.10 Objective 2.3.5 seeks to ensure developments are designed well and incorporate the relevant design principles and infrastructural requirements. Council’s Urban Design Consultant has considered these matters and considers that proposed development is comprehensively designed. Council’s Development Engineering team have also reviewed the application and consider that the proposal can be appropriately serviced with infrastructure and integrated with the transport network. On this basis, I consider the proposal to be consistent with the outcomes sought under Objective 2.3.5 and its associated policy.

### **Section 15 – Infrastructure, Hazards, Development and Subdivision**

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

#### **Objective - Integrated development: site design and layout**

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

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

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

#### **Objective - Integrated development: natural hazards and site suitability**

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

*Policy - Land to be suitable for use*

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

*Policy - Consideration of natural hazards*

15.3.2.2 *Development and subdivision design should avoid natural hazards, or provide for the mitigation of the hazard within the development or subdivision design.*

**Objective - Integrated development: efficient servicing**

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

*Policy - Servicing requirements*

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

- a) Reserves for community, active and passive recreation; and*
- b) Pedestrian and cycle connections; and*
- c) Roads; and*
- d) Public transport infrastructure, e.g. bus stops; and*
- e) Telecommunications; and*
- f) Electricity; and*
- g) Stormwater collection, treatment and disposal; and*
- h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and*
- i) Anticipating and providing for connections to identified adjacent future growth areas.*

*Policy - Co-ordination between servicing and development and subdivision*

15.3.3.2 *Development and subdivisions shall:*

- a) Be located in areas where infrastructural capacity has been planned and funded; and*
- b) In areas subject to an approved structure plan, provide sufficient infrastructural capacity to meet the demand identified in the structure plan; and*
- c) Achieve the lot yield anticipated in an approved structure plan; and*
- d) Include infrastructure provision for both the strategic infrastructure network and local infrastructure connections.*

10.12 The abovementioned objectives and policies seek to ensure development is appropriately serviced for the anticipated use of the site post development. In this instance the proposal relies on new infrastructure connections to Council's existing reticulation in Taylor Street and onsite servicing (i.e. stormwater disposal). Council's Development Engineering team has reviewed the proposed infrastructure solution and considers it suitable and to Council's standards, subject to conditions of consent. On this basis, the proposal is consistent with the above-listed objectives and policies.

**Objective - Urban consolidation**

15.3.4 *To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.*

*Policy - Achieving density, design and character*

15.3.4.1 *The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.*

*Policy - Achieving sufficient development density to support the provision of infrastructure services*

15.3.4.2 *Within the urban limits, where there is no structure plan, the maximum lot size for the zone shall be achieved in order provide a development yield to support infrastructure provision. For some developments where there are proven geotechnical constraints the maximum net lot area may be exceeded.*

- 10.13 Objective 15.3.4 and it associated policies seek to ensure that urban consolidation is achieved while also upholding the character and density outcomes of each part of the District. As outlined earlier in this report, while a differing building typology and density from the immediate surrounds, the proposal is consistent with the expectations in the Compact Housing Area, and therefore considered consistent with the abovementioned objective and policies.

**Section 16 – Transportation**

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

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

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

*Policy - Design elements*

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

- a) *Minimise energy consumption in construction, maintenance and operation of the network; and*
- b) *Accommodate and encourage alternative modes of transport; and*

- c) *Give effect to the road hierarchy; and*
- d) *Contribute to:*
  - i) *Integrated transport and land use planning and a safe road system approach; and*
  - ii) *Reducing deaths and serious injuries on roads; and*
  - iii) *An effective and efficient road network; and*
  - iv) *Efficient movement of freight.*

**Objective – Maintaining transport network efficiency**

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

*Policy – Effects of development or subdivision on the transport network*

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

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

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

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

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

*Policy – Location of vehicle entrances*

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

*Policies – Ensuring adequate parking, loading and manoeuvring areas onsite*

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

*Policy – Onsite vehicle manoeuvring areas in the Residential Zone*

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

- 10.16 Objective 16.3.4 and its associated policies seek to ensure entrances and parking areas are located in a manner that provides for the safe and efficient use of these spaces. The proposed development provides a single parking spaces on each lot within the garage. The access leg is likely to be used for overflow and temporary parking and will be self-monitored by residents of the development. Overall the location of the vehicle entrance and parking will ensure onsite vehicle manoeuvring is adequate for the intended use of the site.

### **Summary of Objective and Policy Assessment**

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

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

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- 11.1 Pursuant to Section 104(1)(b), the consent authority must have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, the regional policy statement and the regional plan. Below is an assessment of these provisions.

### **National Policy Statements**

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

- National Policy Statement for Freshwater Management;
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat;
- National Policy Statement for Highly Productive Land;

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

11.3 With regard to the NPSs listed above, further consideration with regard to this application is required under the National Policy Statement on Urban Development.

### **National Policy Statement on Urban Development**

11.4 The National Policy Statement on Urban Development 2020 ('NPS-UD 2020') was gazetted on 23 July 2020 and has legal effect from 20 August 2020. The NPS-UD 2020 has identified the Waipā District as a high-growth urban area and a tier 1 urban environment.

11.5 The NPS-UD 2020 recognises the national significance of:

- *"having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future" and*
- *"providing sufficient development capacity to meet the different needs of people and communities."*

11.6 Council must give effect to the NPS-UD 2020 and the relevant objectives within the NPS are:

- *"Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future."*
- *"Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
  - a) *the area is in or near a centre zone or other area with many employment opportunities*
  - b) *the area is well-served by existing or planned public transport*
  - c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment."*
- *"Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations."*



- *“Objective 6: Local authority decisions on urban development that affect urban environments are:*
  - a) *integrated with infrastructure planning and funding decisions; and*
  - b) *strategic over the medium term and long term; and*
  - c) *responsive, particularly in relation to proposals that would supply significant development capacity.”*

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

### **National Environmental Standards**

11.8 National Environmental Standards (‘NESs’) are regulations issued under Section 43 of the Act that prescribe technical and on-technical standards which apply across the country. The current NESs that are in effect are:

- National Environmental Standards for Air Quality;
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standards for Freshwater;
- National Environmental Standards for Greenhouse Gases from Industrial Process Heat;
- National Environmental Standards for Marine Aquaculture;
- National Environmental Standards for Commercial Forestry;
- National Environmental Standards for Sources of Human Drinking Water;
- National Environmental Standards for Storing Tyres Outdoors; and
- National Environmental Standards for Telecommunication Facilities.

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

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

11.10 Te Tauākī Kaupapahere Te-Rohe O Waikato provides an overview of the resource management issues in the Waikato Region, and the ways in which integrated management of the Region's natural and physical resources will be achieved. It provides policies and a range of methods to achieve integrated outcomes for the region across resources, jurisdictional boundaries and agency functions, and guides development of sub-ordinate plans (regional as well as district) and consideration of resource consents. Te Tauākī Kaupapahere Te-Rohe O Waikato outlines 27 objectives on key regional issues. Those most relevant to this proposal are:

### **Objective UFD-01 - Built environment**

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

1. *promoting positive indigenous biodiversity outcomes;*
2. *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
3. *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
4. *integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
5. *recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
6. *protecting access to identified significant mineral resources;*
7. *minimising land use conflicts, including minimising potential for reverse sensitivity;*
8. *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
9. *providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
10. *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; ~~and~~*
11. *providing for a range of commercial development to support the social and economic wellbeing of the region; and*
12. *strategically planning for growth and development to create responsive and well-functioning urban environments, that:*

- a. support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change;
- b. improve housing choice, quality, and affordability;
- c. enable a variety of homes that enable Māori to express their cultural traditions and norms;
- d. ensure sufficient development capacity, supported by integrated infrastructure provision, for identified housing and business needs in the short, medium and long term;
- e. improves connectivity within urban areas, particularly by active transport and public transport;
- f. take into account the values and aspirations of hapū and iwi for urban development.

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

#### **Waikato Regional Plan**

11.12 The Waikato Regional Plan 2007 ('the Regional Plan') is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to Te Tauākī Kaupapahere Te-Rohe O Waikato and helps the Regional Council carry out its functions under Section 30 of the Act. With regard to the Regional Plan, I am not aware of any reasons that the activity requires resource consent under the Regional Plan.

#### **Proposed Plan Change 26**

11.13 Proposed Plan Change 26 will amend the District Plan in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('the Amendment Act'). The Amendment Act requires all Tier 1 Growth Councils to increase housing density in the residentially zoned areas of Cambridge, Kihikihi and Te Awamutu, while relaxing urban character and amenity policies. In summary the Amendment Act will allow landowners on most sites to extend existing buildings or build up to three houses with up to three stories without land use consent subject to a maximum site coverage, heights and setbacks, and introduce no minimum lot sizes for associated subdivisions. Proposed Plan Change 26 was notified on 19 August 2022, submissions closed on 30 September 2022 and hearings commenced the week of the 13 February 2023.

11.14 As no decisions has been released for Proposed Plan Change 26, and pursuant to Section 86B of the Act, no proposed rules have legal effect, therefore no assessment of those rules has been completed. Objectives and policies however do have legal weight from the date of notification. I note the following relevant objectives and policies:

**Objectives – Medium Density Residential Standards**

- 2A.3.1 *A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future*
- 2A.3.2 *A relevant residential zone provides for a variety of housing types and sizes that respond to:*
- a) *Housing needs and demand; and*
  - b) *The neighbourhood’s planned urban built character, including 3-storey buildings.*

**Policies – Medium Density Residential Standards**

- 2A.3.2.1 *To enable a variety of housing typologies with a mix of densities within the zone, including 3- storey attached and detached dwellings, and low-rise apartments.*
- 2A.3.2.3 *To apply the Medium Density Residential Standards across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).*
- 2A.3.2.5 *To encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.*
- 2A.3.2.6 *To enable housing to be designed to meet the day-to-day needs of residents.*
- 2A.3.2.7 *To provide for developments not meeting permitted activity status, while encouraging high quality developments.*

11.15 With regard to the above objectives and policies, I consider the key outcome sought is to provide a higher density of dwellings within the existing Residential Zone which meets a wider range of housing needs and demands. The proposed development includes multi-storey dwellings and a higher density than that currently provided on the site, therefore I consider the proposal to align with the Proposed Plan Change 26 objectives and policies.

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

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### **Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest**

12.1 The property subject to this consent is not within a Statutory Acknowledgement Area, however, is within Ngāti Hauā and Raukawa Areas of Interest. Ngāti Hauā and

Raukawa have been consulted via the Councils NITOW partners and have not raised any comments or concerns in opposition to the application.

### **Joint Management Agreement Area – Waikato Raupatu River Trust**

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

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

- 12.4 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of landscape and natural heritage values. Site management protocols ensure a precautionary approach to managing (known or undiscovered) wahi tapu sites and taonga tuku iho discovery. Adequate control of sediments and erosion prevention are target areas to improve water quality. Methods that Waikato Tainui support are the development of erosion and sediment control plans and input into monitoring of those plans (21.3.1.2 a) and b)).
- 12.5 The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant. Section 21 – Te Whenua (Land) and Section 25 – Ngaa Whakaritenga Moo ngaa whenua o

Waikato-Tainui (Land use planning) have been given particular regard in terms of this application.

- 12.6 Section 21 includes objectives and policies which seek to promote best practice for land and soil management in order to protect waterways. Section 25 outlines that as kaitiaki within their rohe, Waikato-Tainui seek to ensure environmental sustainability including consideration of well-planned urban development. Policy 25.3.2.1 – Urban Development seeks to *“to ensure that urban development is well planned and the environmental, cultural, spiritual, and social outcomes are positive”*.
- 12.7 I have reviewed the application with regard to Tai Tumu, Tai Pan, Tai Ao, and it is my assessment the development is not in conflict with the desired outcomes Waikato Tainui are seeking.

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

- 12.8 Te Rautaki Tāmata Ao Turoa o Hauā explains the importance of communication between local authorities and Ngāti Hauā in terms of keeping the Iwi Trust informed about projects, providing a feedback loop and opportunity for relationship building. The plan clearly outlines that engagement is expected for earthworks activities and that the Iwi seek opportunities to participate in consent and site monitoring and restoration projects.
- 12.9 The property is within the Ngāti Hauā Area of Interest and therefore the provisions of Te Rautaki Tāmata Ao Turoa o Hauā are relevant. There is nothing in the application that will conflict with the desired outcomes of Te Rautaki Tāmata Ao Turoa o Hauā accordingly, I consider the proposal to be consistent with the plan.

#### **Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan**

- 12.10 Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions. The Management Plan offers broad objectives in relation to this matter. The Raukawa takiwā includes both Cambridge and Te Awamutu.
- 12.11 I have reviewed the Plan and can confirm that there are no specific provisions that directly relate to this proposal. The proposal is therefore considered to be consistent with Te Rautaki Taiao a Raukawa.

## **New Zealand Urban Design Protocol**

- 12.12 The New Zealand Urban Design Protocol ('NZUDP'), published by the Ministry for the Environment in March 2005, provides a tool to encourage the design of buildings, places, spaces and networks that make up towns and cities across New Zealand more successful through quality urban design. The Urban Design Protocol identifies seven essential design qualities that together create quality urban design as follows:
- Context: Seeing buildings, places and spaces as part of whole towns and cities;
  - Character: Reflecting and enhancing the distinctive character, heritage and identity of our urban environment;
  - Choice: Ensuring diversity and choice for people;
  - Connections: Enhancing how different networks link together for people;
  - Creativity: Encouraging innovative and imaginative solutions;
  - Custodianship: Ensuring design is environmentally sustainable, safe and healthy; and
  - Collaboration: Communicating and sharing knowledge across sectors, professions and with communities.
- 12.13 Council, as a voluntary signatory to the NZUDP, includes provisions within the District Plan which encourage the design qualities outlined above (i.e. Section 1 – Strategic Policy, Section 2 – Residential Zone and Section 15 - Infrastructure, Hazards, Development and Subdivision).
- 12.14 Based on the information provided with the application and advice from Council's consultant Urban Designer, Mr Sam Foster, I consider the proposal to be consistent with the NZUDP.

## **Proposed District Plan Changes**

- 12.15 The Waipā District Plan is under a constant state of review by Council staff to ensure the most effective and efficient planning provisions are being applied through the consenting process. At present Council have the following private and Council initiated plan changes in progress:
- Draft Plan Change 21 – Urban Environment Updates;
  - Draft Plan Change 24 – Inclusionary Zoning;
  - Draft Plan Change 30 – Minor Technical Amendments;
  - Proposed Plan Change 26 – Residential Zone Intensification;
  - Draft Plan Change 23 – Papakāinga;

- Private Plan Change 29 – Rezoning of land at 2025 Ōhaupō Road; and
- Private Plan Change 20 – Airport Northern Precinct Extension.

12.16 Of the abovementioned Plan Changes, Proposed Plan Change 26 is the most relevant to this proposal and has been discussed in Section 11 above.

### **Development Contributions**

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

## **13 SECTION 104D – THRESHOLD TEST**

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13.1 Section 104D of the Act establishes a ‘threshold’ or ‘gateway test’ that acts as an additional test for Non-Complying Activities to satisfy. In order to pass the threshold test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the District Plan.

13.2 The adverse effects of the proposed activity have been outlined and assessed in the application (refer Appendix 2), the Council’s Notification Report (refer Appendix 3), and Section 9 of this report. In summary:

- the Applicant’s Agent has concluded that the effects will be less the minor;
- Council’s Notification Report assessed the adverse effects to be below the ‘more than minor’ threshold and the proposal could be considered without the need for public notification; and
- Council’s Notification Report assessed the adverse effects with regard to 147, 151 and 159 Taylor Street to be minor.

13.3 Further assessment in Section 9 of this report concluded that the proposed residential character and amenity, traffic and infrastructure effects can be avoided, remedied or mitigated to an acceptable level. Based on this assessment, the effects are appropriate for development in the residential zone and the adverse effects limb of the threshold test is met.

13.4 With regard to the second limb of the threshold test, an assessment of the objectives and policies of the District Plan is outlined in Section 10 of this report. In conclusion,



the proposed activity is deemed to be consistent with the objectives and policies of the District Plan, therefore the second limb of the threshold test is also met.

- 13.5 In summary, both limbs of the 'threshold test' has been met, and Council may, pursuant to Section 104D, grant consent.

## PART C – CONCLUSION & RECOMMENDATION

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### 14 CONCLUSION

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- 14.1 In conclusion, Barker and Associates Ltd ('the Agent') have applied on behalf of Assured Construction Limited ('the Applicant') for the current subdivision and landuse consent to establish a compact housing development comprising seven dwellings in the Residential Zone at 153 Taylor Street, Cambridge.
- 14.2 The activity constitutes a Non-Complying Activity due to non-compliance with a number of the performance standards for the Residential Zone and Subdivision provisions of the Operative Waipā District Plan provisions. The effects of these non-compliances were discussed in more detail in this report whereby it is concluded that the effects of the non-compliances are either not inappropriate to the site's context or can be addressed through the imposition of consent conditions.
- 14.3 The application was limited notified and received two submissions, both of which were in opposition. Those submitters have raised valid concerns with the proposal which helped inform the effects assessment and the conditions I have recommended in the event the application is granted.
- 14.4 An assessment of the environmental effects of the proposal has been undertaken in Section 9 of this report pursuant to Section 104 of the Act. The conclusion of this assessment is that the development can be accommodated into the receiving environment with effects that will be acceptable.
- 14.5 An assessment of the objectives and policies of the District Plan has been undertaken in Section 10 of this report. The conclusion of that assessment is that the development is consistent with the Residential Zone objectives and policies.
- 14.6 The Regional Plan, Regional Policy Statement and other non-statutory documents have been considered in this assessment. In summary, the proposal is not considered to be inconsistent with those matters. Additionally, the proposal is consistent with the National Policy Statement on Urban Development 2020.
- 14.7 In weighing the above considerations, it is my opinion that a decision to approve this resource consent application, subject to a number of consent conditions, is appropriate. A schedule of suggested consent conditions that could support such an approval are contained in **Appendix 6** of this report should the Hearings Panel be of the mind to approve the application.

## 15 RECOMMENDATION

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That:

- a) *The report of Hayley Thomas – Project Planner be received;*
- b) *In consideration of Section 104, and pursuant to Sections 104B, and 104D, of the Resource Management Act 1991, the Waipā District Council **grants** consent subject to the conditions in Appendix 6 to Assured Construction Limited for the:*
  - *Land use consent to establish compact housing comprising seven dwellings in the compact housing area; and*
  - *Subdivision consent to undertake one into seven lot subdivision around each dwelling.*

*located at 153 Taylor Street, Cambridge, legally described as Lot 4 DPS 6188 (Record of Title SA1762/65) for the following reasons:*

- i) *The application passed the gateway test under Section 104D and therefore was eligible for consideration for approval, subject to the considerations under Section 104.*
- ii) *The environmental effects of the development can be appropriately avoided, remedied or mitigated to a level whereby they only give rise to acceptable effects for the surrounding receiving environment; and*
- iii) *The application is consistent with the objectives and policies of the District Plan relating to the Residential Zone, and the Compact Housing Overlay Area.*

**Report prepared by:**



Hayley Thomas  
**PROJECT PLANNER**

**Reviewed by:**



Quentin Budd  
**CONSENTS TEAM LEADER**

**Approved for the Hearings Panel by:**



Wayne Allan  
**GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES**