

Freeman Court, Te Awamutu



Application for Resource Consent and Assessment of Environmental
Effects

Prepared for Habitat for Humanity

10 August 2021



Document Quality Assurance

Bibliographic reference for citation: Boffa Miskell Limited 2021. <i>Freeman Court, Te Awamutu: Application for Resource Consent and Assessment of Environmental Effects</i> . Report prepared by Boffa Miskell Limited for Habitat for Humanity.		
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Status: [FINAL]	Revision / version: [1]	Issue date: 10 August 2021
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Template revision: 20190509 0000

File ref: BM200295_Draft_AEE_20200714.docx

Cover photograph: [Freeman Court, Edwards White, 2021]

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1.0 Introduction

Habitat for Humanity (hereafter known as "Habitat") is a not-for-profit organisation, that builds new homes, repairs and renovates houses to meet the needs of their occupants, and runs social rental properties that make affordable housing accessible. Habitat seeks to eliminate sub-standard housing and believes that a decent home is a foundation for a better life.

Habitat currently occupy Freeman Court, which is an independent living facility for the elderly, in Te Awamutu. The site sits within the rectangular shaped block bound by Palmer, Vaile, Brady and Roche Streets, and is 1.27ha in area. It comprises the Freeman Court complex (44 bedroom units and services for residents), as well as 12 freestanding buildings (36 existing dwellings).

Habitat's vision is to create a modern, higher density development that will provide for a larger number of people than its current arrangement. It is proposed to re-develop the site by demolishing the 12 existing buildings and constructing eight new buildings as follows:

- One new two storey block to accommodate 10 one-bedroom units (Stage 1);
- Four new two storey blocks to accommodate 24 one-bedroom units (Stage 2);
- Two new two storey blocks to accommodate 12 one-bedroom units (Stage 3); and
- One four storey block to accommodate 31 two-bedroom apartments and 3 retail/commercial tenancies (with a combined floor area of 376m²) (Stage 4).

The existing Freeman Court building will be retained, however a new central open space and courtyard area will be constructed to better utilise the connection between Freeman Court and the surrounding dwellings. Two new car parking areas and two new vehicle crossings are proposed which are anticipated to be used for staff and visitors to the site.

Resource consent is required under the Operative Waipa District Plan (the District Plan) for a compact housing development as a restricted discretionary activity (including some non-compliances to the performance standards), for the retail / commercial activities as a non-complying activity, and for the alteration of an archaeological site as a discretionary activity. Resource consent is also required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) as a restricted discretionary activity. Overall, the application shall be assessed as a non-complying activity.

This application for resource consent is made pursuant to Section 88 of the Resource Management Act 1991 ("RMA") and has been prepared in accordance with the Fourth Schedule of the RMA (reprint as at 13 April 2021) in such detail to satisfy the purpose for which it is required.

2.0 Applicant and Property Details

A completed application form is enclosed as **Appendix 1**. The summary details relating to the applicant and subject site are as follows:

To:	Waipa District Council
Applicant's Name:	Habitat for Humanity
Address for Service:	Boffa Miskell Ltd PO Box 1094, Hamilton 3240 Attn: Charlotte MacDonald Phone: (07) 903 0064 Email: charlotte.macdonald@boffamiskell.co.nz
Address for Fees:	Habitat for Humanity 29 Bryant Road, Te Rapa Hamilton 3200 Attn: Nic Greene Phone: (07) 849 0284 Email: nic.greene@habitat.org.nz
Site Address:	311 Roche Street, Te Awamutu
Legal Description:	Lot 1 DP 528456, Lot 2 DP 528456, Lot 4 DP 528456 (refer Records of Title, in Appendix 2)
Owner/Occupier Name and Address:	Waipa District Council, Habitat for Humanity (Central North Island) Limited
Site Area:	1.27ha
District Plan Zoning:	Residential Zone
Designations / Limitations:	Compact Housing Area Archaeological Site S15 – 456 (Dump)
Pre-Application Reference Number:	PG/0069/20

3.0 Site Description

The subject site sits within the rectangular shaped block bound by Palmer, Vaile, Brady and Roche Streets, Te Awamutu¹.

The site, which is 1.27 hectares in area, is located on the southern side of Te Awamutu's central business district (refer Figure 1 below) and is made up of three separate lots which are legally described as Lots 1, 2 and 4 DP 528456. Lots 2 and 4 are owned by Habitat, and Lot 1 is owned by Waipa District Council and leased by Habitat.



Figure 1: Site location in relation to wider area (boundary outlined in red)

Source: Google Earth

Land use directly surrounding the site is predominantly residential and is typically single detached housing. Sites to the north are commercial and the site is only a short walk to a number of amenities, including; a church, a park, a bowling club, the medical centre, museum, supermarket and shops. The site location achieves a score of 84/100 for walkability using the Walk Score[®] tool. This indicates that most errands can be accomplished on foot. Figure 2 below shows a 10-minute walking catchment, using the current location of the Freeman Court as the reference address.

The existing Freeman Court building is located at the south-western corner of the property and has a vehicle access and egress off Roche Street, as well as Brady Street. It consists of 44 bedrooms, a reception, a kitchen which provides meal services to the residents, a laundry, hairdresser, podiatrist, communal and dining areas, and a central courtyard.

¹ The site excludes the following lots/existing dwellings within this block: 211 Vaile Street, 237, 237A, 263 and 267 Roche Street, 306 Palmer Street and 216 Brady Street.

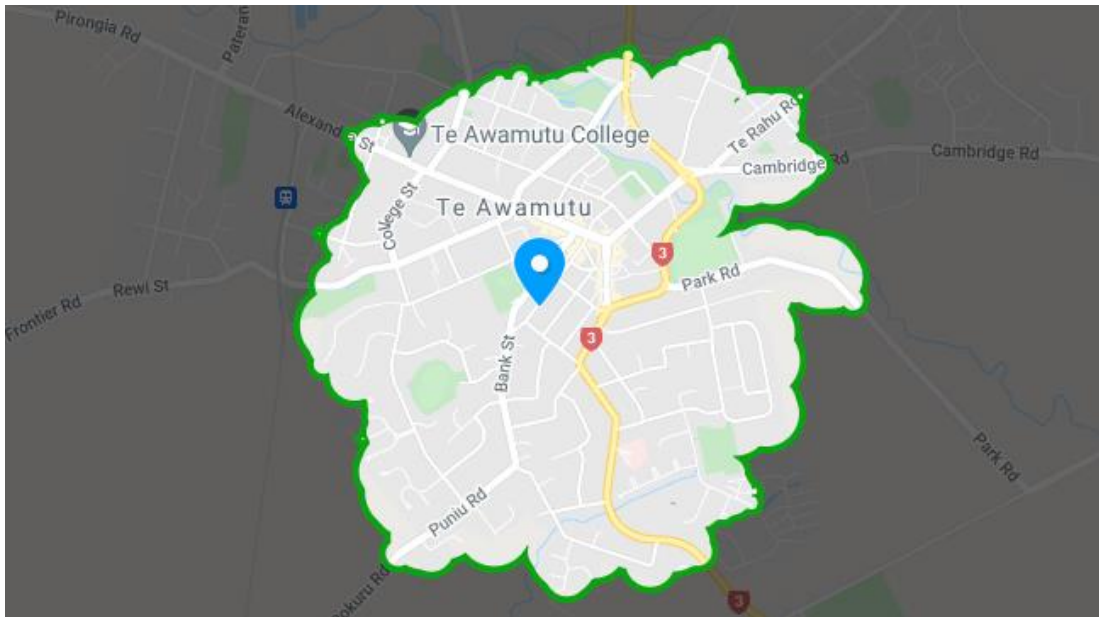


Figure 2: 10 minute walking catchment

Source: Walkscore.com

Surrounding the Freeman Court complex are 12 freestanding buildings, which comprises a total of 36 single units. Each of these buildings, including the Freeman Court building, are one-storey.

There are two existing vehicle crossings off Palmer Street and there are no dedicated parking areas. Based on discussions with Habitat, only a small number of residents own a vehicle, and those that do either park on the grass or on the street. Palmer Street, Roche Street, Vaile Street and Brady Street are all classified as local roads.



Figure 3: Site boundary (outlined in red)

Source: Waipa Maps

3.1 Site contamination

A Detailed Site Investigation (DSI) was undertaken by AECOM in 2015, which included a desktop review of the site, as well as site sampling (attached as **Appendix 4**). The report identified that the housing complex has been built on top of a block of land where uncontrolled fill has been placed during the 1950's. It indicates that the refuse materials underlying the site present a source from which contaminants may exist.

As part of the investigations, a fill gas survey was undertaken, as well as several soil samples and groundwater monitoring wells. The fill gas survey comprised a walkover and targeted spiking survey. The walkover survey focussed on the identification of potential areas of concern as well as potential migration pathways. Methane was not detected in the crawl space of houses, but was identified at low concentrations at two external locations.

The targeted fill gas spiking survey, undertaken at five locations across the site, recorded only low methane concentrations. The presence of damaged services present at various locations across the site does however provide a potential pathway for gas migration and accumulation. Although ongoing gas generation is expected to be limited, there is potential for historically generated gas to have accumulated within services.

The soil investigations found refuse across the site including glass, paper, bricks, rope, metal, rood, rubber, plastic, ash, and evidence of burnt refuse. The findings of the soil sample analysis are as follows:

- The greater majority of field observations noted no visual evidence of contamination i.e., no soil staining, in the capping or natural soil material. A solvent odour was observed in soil at one monitoring well, however no other odours were noted.
- Two soil samples recorded exceedances of the NES Soil Contaminant Standards for lead;
- Numerous soil samples recorded exceedances of the Waikato Regional Background Ranges for cadmium, lead and zinc;
- One composite sample returned polycyclic aromatic hydrocarbons (PAH); and
- Asbestos was not identified in any of the six discrete soil samples collected.

3.2 Archaeology

The site is identified as an archaeological site under both the District Plan and on ArchSite, the New Zealand Archaeological Association's (NZAA) site recording scheme (reference: S15/456). This is due to the site being a former rubbish dump. An Archaeological Assessment has been prepared for the proposal and is attached as **Appendix 5**.

The assessment states that the site was recorded through information obtained from a bottle collector based out of Kihikihi and was not historically researched or archaeologically ground tested. Documentary research undertaken as part of the archaeological assessment found no evidence for a pre-1900 rubbish dump in the project area. Geotechnical investigations undertaken for the proposed works did encounter glass bottles and ceramics, but these were mixed in with plastics and more modern materials. It is considered that the site was infilled sometime between 1944 and 1957 and it is likely that the rubbish underlying much of the site dates to this period. Based on this assessment, the site is not expected to have any archaeological values.

The Archaeological Assessment recommends that the works proceed under an Accidental Discovery Protocol (ADP) and no Archaeological Authority has been recommended.

4.0 Proposal

4.1 Overview

Up to 44 residents currently reside within the Freeman Court building and 36 within the remainder of the buildings. Some of these existing freestanding buildings have experienced settlement that has resulted in visual structural damage and therefore require significant repairs.

Habitat's vision is therefore to create a modern, higher density development that will provide for a larger number of people than its current arrangement. It is proposed to re-develop the site by demolishing 12 existing buildings and constructing eight new buildings as follows:

- One new two storey block to accommodate 10 one-bedroom units (Stage 1);
- Four new two storey blocks to accommodate 24 one-bedroom units (Stage 2);
- Two new two storey blocks to accommodate 12 one-bedroom units (Stage 3); and
- One four storey block to accommodate 31 two-bedroom apartments and 3 commercial tenancies (with a combined floor area of 376m²) (Stage 4).

Consistent with Habitat's vision, the proposed development is not for profit and will provide homes for the elderly that are affordable, suitable, safe and free from overcrowding.

The existing Freeman Court building will be retained, however a new central open space and courtyard area will be constructed to better utilise the connection between Freeman Court and the surrounding dwellings. As the development will be undertaken in stages, it is anticipated to take approximately 10 years to complete in full. The site will remain owned by Habitat and no subdivision or unit titles are envisaged.

An overview of the proposed site layout is shown in Figure 4 and the full set of drawings is attached as **Appendix 3**.

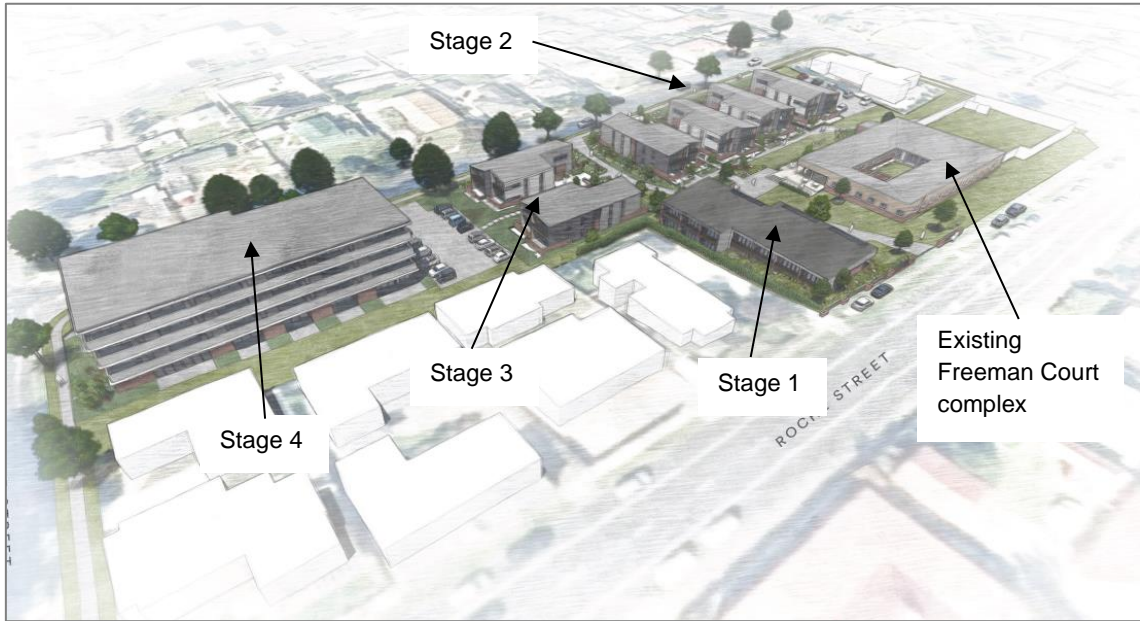


Figure 4: Site plan shown from the corner of Vaile and Roche Street.

4.1.1 Stage 1

Stage 1 involves the construction of a new building within the vacant piece of land to the northeast of the existing Freeman Court complex. No demolition is required for this stage of work, however the two existing trees in this location will be removed to facilitate the construction.

The building will include 10 one-bedroom units that range in size from 54.5m² to 57.7m². Each unit has north-east facing windows that have direct access to a deck or a ground level courtyard.

Due to the sloping topography, the building will be one-storey at the roadside and two-storey at the southern end (refer Figures 5 – 7 below).

At the Roche Street frontage, a 1.3m high visually permeable fence will be installed (only across part of the road frontage) and planting will also be provided along the boundaries.

A service area is provided at the ground floor of the building to be used for refuse and recycling.



Figure 5: Model of Stage 1 building shown from within the internal boundary (eastern perspective).



Figure 6: Model of Stage 1 building shown from within the internal boundary (south west perspective). The existing Freeman Court building is shown on the left.



Figure 7: Model of Stage 1 building shown from Roche Street, with the existing Freeman Court building on the right.

4.1.2 Stage 2

Stage 2 involves the demolition of four existing buildings and the construction of four new larger buildings. Residents in the existing buildings will be relocated to the new units in Stage 1 to avoid displacement off site.

The four new Stage 2 buildings will be almost identical; each will be two-storey and will include 6 one-bedroom units that range in size from 58.2m² to 60.4m². Each unit will have access to a deck or ground level courtyard and a communal courtyard will be provided for each of the four buildings. The communal courtyard will provide a screened service area for a minimum of 3 x 140L wheelie bins, 1 x mobility scooter and manoeuvring space.



Figure 8: Model of Stage 2 buildings shown from within the site courtyard with the existing Freeman Court building on the right.



Figure 9: Model of Stage 2 buildings shown from Palmer Street.



Figure 10: Model of Stage 2 buildings shown from Palmer Street. Communal courtyard is shown on the right.

4.1.3 Stage 3

Stage 3 involves the demolition of four existing buildings and the construction of two new buildings. One tree on site will be removed as part of this stage of works. Residents in the existing buildings will be relocated to the new units in Stage 2 to avoid displacement off site.

The two new buildings will be almost identical to the Stage 2 buildings; each will be two-storey and will include 6 one-bedroom units that range in size from 58.2m² to 60.4m². Each unit will have access to a deck or ground level courtyard and a communal courtyard will be provided for the two buildings. The communal courtyard will provide a screened service area for a minimum of 3 x 140L wheelie bins, 1 x mobility scooter and manoeuvring space.



Figure 11: Model of Stage 3 buildings shown from Palmer Street.



Figure 12: Model of site after Stage 3 has been completed.

4.1.4 Stage 4

Stage 4 involves the demolition of four existing buildings and the construction of one four-storey building. Residents in the existing buildings will be relocated to the units in Stage 3 to avoid displacement off site.

The building will include 31 two-bedroom apartments that range in size from 76m² to 89m². Each unit will have access to a deck or ground level courtyard.

The building will also provide three commercial tenancies on the ground floor that front either Vaile Street or Palmer Street. These tenancies will be 179m², 111m² and 86m² in area each. The

proposed tenancy spaces will allow for small local businesses to operate various commercial and / or retail activities. Whilst the proposed uses are not currently known, it is anticipated that the tenancies will be utilised for activities such as a café, barber or small retail shop.

A service area is provided within the ground floor of the building to be used for refuse and recycling.



Figure 13: Model of Stage 4 building shown from the corner of Vaile and Palmer Street.



Figure 14: Model of Stage 4 building shown from Vaile Street.

4.2 Parking and Vehicle Access

It is proposed to construct two new car parking areas (Carpark A and B), along with a network of internal pedestrian connections, shared open space, and bicycle and mobility scooter parking

areas. Carpark A will provide for 22 spaces including 1 accessible space, 1 ambulance space and 1 loading space. Carpark B will provide 20 spaces including 2 accessible parks, 1 loading space and 1 heavy goods space.

Two new vehicle crossing are proposed to access Palmer Street to service the two parking areas and the existing vehicle crossings to Palmer Street will be closed. Carpark A will be constructed as part of the Stage 2 works and Carpark B will be constructed as part of the Stage 4 works. One street tree is required to be removed to facilitate the construction of the new vehicle crossing to Carpark B.

No changes are proposed in relation to the existing Freeman Court building. It will retain its vehicle accesses to Roche Street and Brady Street.

4.3 Landscaping and Open Space

An indicative landscaping plan is provided in Figure 15 below. In summary, it is proposed to incorporate pedestrian pathways through the site to provide connectivity between streets and common areas. The remainder of the site that is not paved will be grassed. A 1.3m high visually permeable fence will be constructed along part of the Roche Street boundary, however none of the other frontages will be fenced. Planting will be incorporated where possible between the buildings, along the street frontages and site boundaries. A playground and communal garden are also proposed for the site.

It is anticipated that a condition of consent will be implemented that requires a detailed landscaping plan to be submitted to Council.



Figure 15: Indicative landscaping plan

4.4 Infrastructure and Servicing

The site is currently connected to Council services. It is anticipated that the proposed buildings will be connected to Council water, wastewater and stormwater mains and conditions of consent will be imposed to reflect this.

We understand through discussions with Waipa District Council that work is currently being undertaken regarding the state of the existing pipelines that dissect the site (refer Figure 16 below). Council acknowledged in the pre-application meeting that the stormwater network is

requiring works and there is an ability to reroute this infrastructure to a more accommodating location. The buildings have been positioned to allow for a stormwater connection from Roche Street direct to Palmer Street, as per the existing situation.



Figure 16: Three waters connections (stormwater; green, water; blue, wastewater; brown).

5.0 Reasons for the Application

5.1 Waipa District Plan

5.1.1 Zoning and overlays

The subject site is located within the Residential Zone under the District Plan (see Figure 17 below) and is also subject to the following District Plan overlays/items:

- Compact Housing Area; and
- Archaeological Site S15 - 456 (Dump).

The sites adjoining to the south, east and west are also residential; while the land on the northern side of Vaile Street is located within the Commercial Zone.



Figure 17: Waipa District Plan Zoning and Policy Areas Map (site outlined in red).

The site is also identified on the District Plan special features map as a landfill and a HAIL site (refer Figure 18 below).



Figure 18: Waipa District Plan Special Features

5.1.2 Reasons for consent

A full assessment against the District Plan provisions is provided in **Appendix 7**. A summary of the reasons for consent are provided below:

Rule reference	Rule name	Status of Activity	Comment
Section 2 – Residential Zone (activity status)			
2.4.1.3(b)	Compact housing seven or more dwellings per site located within the compact housing overlay identified on the planning maps.	Restricted Discretionary	The proposal is within a compact housing overlay and meets the definition of compact housing: <i>“means a housing development in which the design of buildings, their layout, access and relationship to one another has been planned in a comprehensive manner to achieve compatibility between all buildings on a site or sites. This can include Papakāinga housing, terraces, duplexes, apartments and town houses, but excludes retirement village accommodation and associated care facilities.”</i>

			<i>Note: As the proposal is for independent living, the activity best fits within the compact housing definition, as opposed to the “retirement village accommodation” definition.</i>
2.4.1.5(i)	All other activities not listed in activity status table Rules 2.4.1.1 to 2.4.1.4.	Non-complying	The proposal involves commercial activities within the ground floor of the Stage 4 building. As the specific activities are not known, it best fits within the definition of commercial activity, which is not provided for within the Residential Zone: <i>“means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants, cafes, take-away food bars, professional, commercial and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor, and parking areas associated with any of the above.”</i>
Section 2 – Residential Zone (performance standards)			
2.4.2.7	Maximum building length	Does not comply (restricted discretionary)	All buildings do not comply with the maximum building length. The lengths are as follows: Stage 1 – 36m Stage 2 – 24m Stage 3 – 24m Stage 4 – 49m
2.4.2.9	Maximum height	Does not comply (discretionary)	The site is located within the compact housing overlay where a 10m height limit is permitted. Stages 1 – 3 will be compliant with this as each of these buildings will be a maximum of two storey. Stage 4 does not comply as the building is 13.83m in height.
2.4.2.19	Neighbourhood amenity and safety	Does not comply (restricted discretionary)	Stages 2 – 4 comply. Stage 1 does not comply as only 12.2% of glazing is provided at the street frontage, where 15% is required.
2.4.2.43	Compact housing	Does not comply (discretionary)	The proposal has a minimum area of 2000m ² . An assessment against the conditions is provided below: (a) All buildings will have a building length that is more than 20m. (Does not comply). (b) All new buildings are separated by other buildings on site by more than 3.5m. There will be a temporary non-compliance with an existing building and a building in Stage 2, however that

			<p>existing building will be demolished during Stage 3 construction. (Does not comply – temporary).</p> <p>(c) There will be some direct lines of sight between the buildings in Stage 2 and the buildings in Stage 3. (Does not comply).</p> <p>(d) The configuration of the units means that not all dwellings will have dual aspect and Stage 1 will have some windows higher than 1m. (Does not comply).</p> <p>(e) All units comply with the minimum floor area for dwellings. The majority of units do not comply with the minimum outdoor living areas – refer drawing RC103 in Appendix 3. (Does not comply).</p> <p>(f) Approximately 36.8% of the site will be permeable. (Complies).</p> <p>(g) Each building provides a service area that is screened from the front boundaries of the site. (Complies).</p> <p>(h) All outdoor living areas will provide screening from other dwellings on the site, however some are located south-east or south-west. (Does not comply).</p> <p>(i) The outdoor living areas are non-compliant. (Does not comply).</p> <p>(j) A space will be provided for letterboxes at the front of the property. (Complies).</p> <p>(k) Service areas for refuse and recycling are provided within the buildings for Stages 1 and 4. For Stages 2 and 3 these will be located within the shared courtyard. Wheelie bins will then be able to be rolled out to the street frontage for private collection. (Complies).</p> <p>(l) Dwellings do not have front doors that face the street. (Does not comply).</p>
Section 22 – Heritage and Archaeology (activity status)			
22.4.1.1	Demolition (including partial demolition) of an archaeological site	Discretionary	The altering/partial demolition of Archaeological Site S15/456 (Dump) is expected to occur as a result of earthworks to enable the proposal.

Accordingly, the proposed works are considered a **non-complying activity** under the Waipa District Plan.

5.2 National Environmental Standards Contaminated Soil

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

As described in Section 3.1, a DSI has been prepared for the site and is attached as **Appendix 4**. The DSI concludes that there is potential for contamination at the site and therefore, it is considered a piece of land under the NES-CS. As soil disturbance is proposed for the building excavations and parking areas, Regulation 8(3) is applicable. An assessment of the permitted activity conditions is provided below.

Regulation 8(3) – Disturbing Soil	Comment on compliance
(a) Controls to minimise the exposure of humans to mobilised contaminants must— i) be in place when the activity begins. ii) be effective while the activity is done. iii) be effective until the soil is reinstated to an erosion-resistant state.	Will comply – controls will be put in place.
(b) The soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done.	Will comply – soil will be re-instated to an erosion-resistant state.
(c) The volume of the disturbance of the soil of the piece of land must be no more than 25m ³ per 500m ² .	Does not comply – the proposed soil disturbance will likely exceed this. Exact earthworks volumes are not known and will be determined through detailed design.
(d) Soil must not be taken away in the course of the activity, except that,— i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples. ii) for all other purposes combined, a maximum of 5m ³ per 500m ² of soil may be taken away per year.	Does not comply – it is likely that soil will be taken off site for disposal at a licensed facility. Exact earthworks volumes are not known and will be determined through detailed design.
(e) Soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind.	Will comply – any soil taken away will be disposed of appropriately.
(f) The duration of the activity must be no longer than 2 months.	Does not comply – the soil disturbance will exceed two months.
(g) The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.	Not applicable.

Accordingly, resource consent is required under Regulation 10 of the NES as a **restricted discretionary activity**.

5.3 Activity Status

Overall, the proposal is considered a **non-complying activity**.

6.0 Consultation

6.1 Pre-Application Meeting

Representatives from Habitat for Humanity, Edwards White Architects and Boffa Miskell attended a pre-application meeting with Waipa District Council on 14 July 2020. Council's meeting notes are attached as **Appendix 8** for reference. The key feedback items coming out of this meeting were:

- The proposed development aligns with the District Plan intent of having higher density residential development in close proximity to the main centre, as well as providing a variety of housing options.
- Non-compliances with the District Plan provisions should be discussed and justified to reflect the practical requirements for the intended use. In particular, it was discussed that although the District Plan requires a high number of parking spaces, this is not required for this type of development². Nonetheless, it was suggested that an Integrated Transport Assessment was prepared.
- It was recommended that further advice was sought in relation to urban design.
- It was acknowledged that an existing stormwater pipe runs through the site, within the development area. Council noted there is ability for this to be re-routed to a more accommodating location.
- Notwithstanding the above, Council did not raise any concerns around infrastructure connectivity or supply/capacity issues in the surrounding area.
- Council indicated it is not desirable for a proposed access to be located off Vaile Street due to road alignment, traffic volumes and topography. Council's preference is for access from Palmer Street.
- Further soil testing may be required, depending on the recommendations in the Detailed Site Investigation Report.
- Due to the site's heritage status, further investigation is required to determine if an Archaeological Authority is required.

It is considered that the matters discussed at the meeting have been addressed as part of this application.

² Note: The minimum parking requirements have since been removed from the Waipa District Plan.

6.2 Presentations to Waipa District Councillors

Habitat and Project team representatives have presented to Waipa District's Housing Working Group, which includes the Mayor and other elected members, about the proposed development on a number of occasions over the last few years; with the most recent presentation provided on 25 May 2021. The general feedback expressed at the pre-submission hearing was reflected at the governance level with widespread support for the activity amongst group members.

Habitat has established itself as a trustworthy provider of affordable housing in the district and was encouraged to accelerate this project to support the predicted growth in demand for housing to the elderly as a subset of the wider housing demand being experienced across the region.

Feedback provided to date has been extremely positive; with the proposed development considered to be an excellent opportunity to help alleviate the much publicised issues around affordable housing supply in the district.

7.0 Assessment of Environmental Effects

7.1 Positive Effects

There are numerous positive benefits to constructing more compact residential housing when it is located appropriately. Firstly, it results in a more efficient and sustainable use of land, which reduces the potential for urban sprawl and the loss of productive soils. It enhances liveability by creating walkable environments that are close to nearby amenities. Studies have shown that this enhances social cohesion and interaction by attracting people across all demographic groups to a mix of cafes, shops, services and public spaces. Housing that is located within walkable catchments and close to public transport also reduces automobile dependency.

Further to the positive effects outlined above, the development will be undertaken by Habitat for Humanity. Habitat is a not-for-profit organisation that builds new homes to meet the needs of their occupants and seeks to make affordable housing accessible. The proposed development will provide housing that is targeted at persons who have limited incomes and may not be in a position to otherwise afford privately run retirement accommodation. Statistical information indicates an increase in aged persons in the District and demand for pensioner housing continues to be high.

Waipa District is also currently experiencing significant issues with housing supply and affordability in general. The provision of additional units, specifically designed and allocated for the District's elderly, is also expected to have some flow-on benefits with respect to the availability of housing.

7.2 Effects on Character and Amenity

The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. The 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.

In terms of character and amenity, the proposed development will be introducing a new retail / commercial activity within the Residential Zone and will be increasing the bulk and density on site. The following sections assess the effects of both the commercial and residential development on character and amenity.

7.2.1 Retail / Commercial Development

The proposal involves three commercial tenancies at the ground floor of the Stage 4 building. One commercial space will be 111m², located at the corner of the building. The remaining two will be 86m² and 179m² and will front Palmer Street and Vaile Street, respectively.

Commercial activities are generally not anticipated within the Residential Zone and therefore need to be appropriately sized, located and designed to avoid adverse effects on character and amenity.

While the site is zoned as Residential, the blocks directly adjacent the site to the north and north-east are zoned Commercial. These blocks contain a mix of uses including a recreation hall³, a fire station, a museum, an automotive repair shop, an office space, and an electrical wholesaler. Therefore, due to the mix in activity, this frontage and immediate area is considered a transitional space between zones and is therefore appropriate for small-scale retail / commercial activities.

The commercial tenancies are located at the street frontages and have been carefully designed in such a way to maximise the relationship with the street. There are large windows at the ground level which will provide for passive surveillance and there are pedestrian pathways connecting the entrances with footpaths on Palmer Street and Vaile Street. Landscaping has been incorporated within the space between the building and the footpath, which includes low level planting and seating areas that will enable activation of the street frontage, where it adjoins the Commercial Zone.

In addition, any future commercial tenancies will operate during standard working hours and be required to comply with the Residential Zone's noise limits.

Overall, it is considered that the introduction of retail / commercial activities in this location will have a no more than minor adverse effect on character and amenity.

7.2.2 Compact Housing

7.2.2.1 Site context and character

The site currently contains the existing Freeman Court building, as well as 12 one-storey buildings (made up of 36 dwellings). The proposed development will be increasing the residential density on site to 46 units (across seven two storey buildings) and 31 two-bedroom apartments (within one four storey building). This will be a noticeable increase in density compared to the current environment.

The surrounding environment to the east, west and south is predominantly residential, containing single detached dwellings that are typically one to two-storey. The entire block bound by Roche Street, Brady Street, Palmer Street and Vaile Street (i.e. the subject site) is located within the compact housing overlay, as well as the block to the north-west. It is therefore apparent that this

³ The recreation hall is an old school built in 1879 and is listed as a Category B heritage building under the District Plan.

area has been identified by Waipa District Council for future intensification, despite the surrounding low-density environment.

The site location is considered suitable for compact housing, not only because it has been identified for such under the District Plan, but because it is located in close proximity to the town centre and nearby amenities. As outlined in Section 3 of this report, the site achieved an 84/100 for walkability using the Walk Score® tool. This indicates that most errands can be accomplished on foot. This is important given the age of the residents and the fact the majority of existing residents on site do not own a vehicle.

7.2.2.2 Bulk and visual effects

The proposal involves a number of different buildings that incorporate varying architectural design and building modulation, as well as material selection. They have been positioned across the site in a way that creates visual interest and allows for sufficient landscaping and pathways to be incorporated throughout. This provides connections between the buildings and the street frontages, thereby creating a pedestrian friendly environment.

It is anticipated that a condition of consent will be implemented that requires a detailed landscaping plan to be submitted to Council. The proposed landscaping will mitigate visual effects of the proposal by softening the appearance of the buildings. This will be an improvement from the existing situation, as the site currently contains limited landscaping and vegetation.

The proposed buildings will increase the site coverage from 27.7% to 35.2%. This is not a large increase in building footprint (particularly when considering the increase in the overall number of residential units), however the bulk and dominance effects will primarily arise from the buildings increasing in height, as well as the long building lengths.

Buildings within Stages 1 – 3 are two storey and fall within the maximum height limit permitted by the District Plan. From the streetscape, the Stage 1 and 2 buildings are positioned so the shortest length faces the street. One building within Stage 3 will be positioned so that the longest length faces the street (approximately 24m in length). However, this is broken up through glazing and landscaping to avoid continuous blank walls.

The bulk of the Stage 4 building is much larger than that of surrounding residential properties and the existing buildings on site. This bulk is however visually broken down and articulated through architectural design and building modulation. Furthermore, the building is located at the corner of Vaile and Palmer Street where the existing site contours are at a level of approximately 51m; while the northern end of the block at the corner of Roche Street and Vaile Street is at a level of approximately 58m⁴. Therefore, as the proposed building is located at the bottom of this slope, it will be less visually dominant from the surroundings.

7.2.2.3 On-site amenity

The proposed units range in size from 54m² to 60m² for a one bedroom and 79m² to 89m² for a two bedroom. They all meet the District Plan requirements for minimum dwelling size and are considered to be of a suitable size for their intended use.

Each of the units will be provided with either a deck or ground level courtyard and are oriented so that they will receive ample sunlight. Outdoor living areas are accessed directly from the living rooms.

⁴ Waipa District online contour information

Communal courtyards have been provided for the buildings within Stages 2 and 3. Furthermore, a central open space and courtyard area will be added to the existing Freeman Court building, which will provide connections between this building and the new buildings. Collectively, these elements will create more social interaction and cohesion and sense of community.

As noted above, pathways are to be incorporated throughout the site which will be designed to accommodate mobility scooters and will provide access to the surrounding streets, parking areas and wider area.

Overall, it is considered that adequate on-site amenity has been provided and will be a significant improvement from the existing units on site.

7.2.2.4 Crime Prevention Through Environmental Design (CPTED)

The proposal has incorporated CPTED principles across the site where possible. Passive surveillance is provided by integrating large amounts of glazing across all buildings. Balconies and courtyards are also provided for each building, whereby some are oriented within the site and some are oriented towards the street frontage. There is a mix in activity (i.e. commercial / retail and residential), with an active frontage on the corner of Vaile and Palmer Street. These elements all contribute to surveillance.

The proposal provides well-defined paths and entrances to ensure safe movement across the site. It will provide a modern, high quality development with low level landscaping at the street frontages.

Overall, it is considered that the proposal will result in positive effects in regard to crime prevention outcomes.

7.2.3 Conclusion

Overall, the proposal will result in a noticeable change in character of the surrounding low-density residential environment. However, it is noted that the site has been identified for higher density development under the District Plan and therefore intensification is anticipated. The proposal will result in a modern development that provides visual interest and an increased level of landscaping and amenity for existing residents.

Taking this into consideration, any adverse effects on the character and amenity of the area will be no more than minor.

7.3 Transportation and parking effects

As noted in the Integrated Transportation Assessment attached as **Appendix 6**, the proposed development is expected to increase peak hour demands by approximately 22 vph, which is a conservative estimate. These movements will be spread across two parking areas and will distribute in two directions on Palmer Street, adding approximately one new vehicle movement every five minutes to the intersections at either end. This level of change is unlikely to be perceptible and is not expected to generate adverse operational or capacity effects on the network.

Access to the site has been consolidated to two points on Palmer Street, which is a local road and has the lowest volume of all the site frontage roads. Both new vehicle crossings will comply with sight distance requirements and have been assessed as appropriate for the environment.

A total of 38 parking spaces (including two accessible), one loading space and one ambulance space are proposed to be provided on site. A robust assessment of demand from the proposed development resulted in a forecast of up to 40 spaces at any one time. The proposed supply approximately matches this. The potential for overspill parking is assessed as minimal, but if it eventuates, it can be appropriately accommodated as on-street parking on Palmer Street. The existing activity is nearly entirely reliant on on-street parking at present (for a low number of resident vehicles and visitor parking). The introduction of on-site parking provides an additional resource and is expected to result in no net increase in demand for on-street parking.

Overall, it is considered that any transportation effects resulting from the development will be less than minor. Furthermore, conditions of consent relating to the proposed vehicle crossings and carparks will ensure they are constructed to an appropriate standard.

7.4 Infrastructure Effects

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.

As outlined in Section 4.4, it is anticipated that the proposed buildings will be connected to Council water, wastewater and stormwater mains and conditions of consent will be imposed to reflect this. The stormwater network that transects the site is needing works and therefore there is an ability to upgrade this as part of the proposed re-development.

The proposed infrastructure is subject to detailed design plans which can be submitted and managed via consent conditions, should consent be granted. Taking this into consideration, any adverse effects on infrastructure will be less than minor and limited to the immediate environment.

7.5 Contaminated Land Effects

7.5.1 Potential adverse effects

The site is identified on the District Plan special features map as a landfill and a HAIL site. Soil disturbance on potentially contaminated land has the potential to effect human health, as well as causing adverse effects on the environment. Section 3.1 of this report outlines the findings of the DSI, which is attached as **Appendix 4**.

Fill gas whilst present at the site, has only been recorded at low concentrations in discrete locations. Recorded values to date are considered negligible and do not currently present a risk to site occupiers.

Where fill gas does occur at the site, any potential risk to human health is related to air displacement in a confined space (where fill gas can act as an asphyxiate) and/or the potential for explosions where high concentrations of methane accumulate. The general lack of putrescible matter within the fill limits the potential for ongoing generation of fill gas at significant pressures and concentrations. In addition, methane was not detected in the crawl spaces of houses, indicating fill gas is not accumulating beneath the houses. As such, it is considered that potential risks to site occupiers associated with future fill gas generation is low.

However, where services intersect refuse materials, potential does exist for longer term accumulation of fill gas, potentially associated with historical gas generation. In the absence of detailed surveying of the underground infrastructure the potential risks to infrastructure maintenance workers has not been characterised.

The uncontrolled fill has been covered with re-worked soil comprising sandy-clayey-silt material, which is intended to provide a separation between site users and occupiers and the underlying refuse.

Whilst there was no visual evidence of contamination, the concentrations of metals and presence of organic contaminants indicates that the soils are impacted to some degree. It is unclear whether this is the result of mixing with refuse during placement, a function of historic use of lead based paints on the buildings, or entrained in the cover material from an external source prior to placement i.e. it was brought onto the site as impacted soil.

Given the residential land-use, a soil source with exceedances of the NES-CS for lead introduces the potential for human contact along the produce ingestion and direct soil contact (dermal and ingestion) pathways. It is therefore conservatively considered that there is potential for residents to be exposed to elevated lead concentrations.

Potential exposure to contaminants in shallow soil are cumulative via the following exposure pathways; dermal contact with soil, soil ingestion, and produce ingestion. As most surfaces at the site are unsealed and as small sections of the site are used for gardening activities, it is considered that the abovementioned exposure pathways are potentially complete for the site. However, given the relative absence of elevated contaminant concentrations in shallow soil materials, and the potential to further reduce the overall exposure pathway through appropriate hygiene practices, the risk to site users and occupiers is low.

7.5.2 Proposed management measures

The following management and mitigation measures have been recommended to mitigation potential adverse human health and environmental effects associated with the site.

- 1) A Site Management Plan (SMP) shall be developed for the site addressing potential risk associated with disturbance of the fill cover materials and growing of produce. As a minimum, the plan shall include:
 - The adoption of raised garden beds for residents seeking to grow produce. Raised garden beds should be lined with geotextile barrier (marker layer) and comprise at least 500 mm of topsoil. Soil material imported to the site should meet Regional Background Ranges for contaminants.
 - Management/mitigation procedures around gardening activities, such as shallow excavations for the planting/removal of trees. In such cases, adequate reinstatement of the cover materials is required, including appropriate compaction.
 - Delegation of responsibilities regarding the implementation of the plan and ongoing maintenance of the fill cover.
 - Incident reporting procedures in the event that disturbance works are required.
- 2) It is recommended that a hazardous materials survey be completed prior to works commencement. The hazardous materials survey would seek to confirm the presence of ACM and/or leads based paint and provide recommendations with respect to the abatement of these materials.

- 3) An impervious membrane should be installed beneath the footprint of each building to mitigate the potential risk of gas infiltration associated with the uncontrolled fill. Underground services installed in support of the new residential dwellings should allow for continued passive venting of uncontrolled fill associated gasses.
- 4) Where the existing topsoil is not being stripped the existing surface should be protected from damage and mixing due to construction traffic and general site works. A layer of bidim cloth with a temporary running course of rotten rock will suffice for this purpose. At the completion of works the cloth and rock can be removed and the site hydroseeded.
- 5) Potential human health and environmental effects associated with land disturbance activities i.e., topsoil stripping, re-contouring, building modification or demolition, should be managed by way of a Remedial Action Plan (RAP).

It is anticipated that the above measures can form appropriate conditions of consent. Subject to adherence to these recommendations, it is considered any adverse effects resulting from the disturbance of contaminated land can be appropriately managed.

7.6 Geotechnical Effects

As outlined above, the site has been subject to uncontrolled fill and therefore there is a risk of settlement for new buildings.

Initial engineering advice has been obtained from BCD Group regarding foundation options and this is attached as **Appendix 9**. This assessment notes that the landfill ranges from approximately 1m in depth to 6m in depth in places, so the earthworks and foundation solutions will vary significantly across the site. Multiple foundation options will be reviewed in more detail as the development progresses, however could include the following:

- Excavation and replace: Where the extent of the landfill is relatively shallow, it may be more cost effective to excavate the old fill and replace with an engineered fill. This will be reviewed in conjunction with an environmental consultant to consider the contaminated land effects.
- Piled foundations: Given the variance in fill depths (1m – 6m) the size and scale of any piled foundations would be subject to detailed design. At this stage, it is likely that the piled foundation would need to be pre-drilled through any existing fill and would also need to be designed to suit negative skin friction. This is to account for any induced ground settlement over time, which would have an impact on the overall size and capacity of the pile.

Overall, it has been assessed that there are different options for building foundations which will mitigate the effects of settlement. This will be developed through detailed design and will be subject to Council approval. It is anticipated that this will form a condition of consent. Subject to this, any settlement effects are considered to be less than minor.

7.7 Effects on Archaeology

The site is identified as an archaeological site under both the District Plan and on ArchSite, the New Zealand Archaeological Association's (NZAA) site recording scheme (reference: S15/456). This is due to the site being a former rubbish dump. An Archaeological Assessment has been prepared for the proposal and is attached as **Appendix 5**.

The assessment states that the site was recorded through information obtained from a bottle collector based out of Kihikihi and was not historically researched or archaeologically ground tested. Documentary research undertaken as part of the archaeological assessment found no evidence for a pre-1900 rubbish dump in the project area. Geotechnical investigations undertaken for the proposed works did encounter glass bottles and ceramics, but these were mixed in with plastics and more modern materials. It is considered that the site was infilled sometime between 1944 and 1957 and it is likely that the rubbish underlying much of the site dates to this period.

The proposed works will involve the majority of the project area to be disturbed. Based on the current evidence, it is likely that the rubbish deposits on the property date to the mid-20th century and so the proposal will not affect any known archaeological values. The Archaeological Assessment recommends that the works proceed under an Accidental Discovery Protocol (ADP) and no Archaeological Authority has been recommended.

Subject to the implementation of an ADP, adverse effects on archaeology as a result of the proposal will be less than minor.

7.8 Earthworks and Construction Effects

The proposal will involve earthworks across the entire site area, associated with the excavations for the buildings and parking areas.

The earthworks will be carried out in accordance with the relevant requirements of the Regional Infrastructure Technical Specifications, including the need to spray water where any areas of bare soil are exposed during dry weather to minimise dust drift. The areas of earthworks will however be exposed only for short periods before being sealed, thereby minimising the ongoing potential for dust or sedimentation.

Effective earthworks controls will be put in place to manage silt and sediment runoff, and dust where necessary. This will ensure that potential effects associated with the earthworks can be suitably managed to minimise impacts on neighbouring sites and the downstream environment.

As the works are proposed to be undertaken in stages, it is anticipated that a Construction Management Plan will be prepared for each stage of works. This will outline specific management measures to be implemented during the earthworks phase.

Subject to appropriate management, it is expected that any adverse earthworks effects will be less than minor.

Any potential adverse noise effects arising from the construction of the proposal will be adequately mitigated by the temporary nature of the construction activities, operating during day-time hours and the requirement to comply with NZS 6803:1999 Acoustics – Construction noise.

Any adverse environmental effects resulting from noise and vibration can be appropriately managed by suitable conditions of consent to ensure the development meets the relevant standards. It is anticipated that any conditions pertaining to construction effects, such as those identified above, should form part of the Construction Management Plan.

With the proposed measures in place, adverse effects on neighbouring properties caused by noise and vibration, will be less than minor.

7.9 Permitted Baseline

Pursuant to Section 95D of the RMA, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline'). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan with regard to who is affected and the scale of the effects.

All compact housing requires resource consent within the Residential Zone, regardless of whether it is located within the compact housing overlay. Furthermore, commercial activities are not provided for. Therefore, there are no activities proposed that are permitted by the District Plan which can be considered with respect to the permitted baseline.

8.0 Statutory Assessment

In accordance with section 104(1) of the Resource Management Act 1991 ('RMA'), this part of the report addresses the following statutory documents which are relevant to the assessment of this proposal:

- Part 2 of the RMA;
- Section 104B and 104D of the RMA;
- National Policy Statement on Urban Development 2020 (NPS-UD);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS);
- Waikato Regional Policy Statement (RPS); and
- Waipa District Plan (District Plan).

8.1 Part 2 of the RMA

When considering whether to grant or decline an application of this nature, regard must be had to Part 2 matters of the Act, pursuant to section 104(1).

In the decision (*AJ Davidson Family Trust v Marlborough District Council* [2016] NZEnvC 81) the Court noted that "subject to Part 2" does not give a specific direction to apply Part 2 in all cases but only in certain circumstances. The Court found that, in addition to where there is a conflict between provisions, the decision maker should only resort to Part 2 of the Act when a planning document is invalid, has incomplete coverage, or is uncertain as to meaning. The Environment Court's approach was confirmed by the High Court in *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52.

Within the subsequent appeal to the High Court, (*RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316) the Court found that Environment Court's decision was clearly justified, having regard to the NZCPS and relevant regional plan; and as such having regard to Part 2 matters would not justify an outcome contrary to the provisions of these planning instruments.

In my determination, the District Plan in this case adequately addresses the Part 2 matters. There is no inherent conflict, invalidity, incompleteness or uncertainty, and accordingly further analysis under Part 2 is not considered necessary for the purposes of this application.

8.2 Section 104B

Section 104B states that, where considering an application for a discretionary or non-complying activity, the consent authority may grant or refuse the application. If the activity is granted, the consent authority may impose conditions pursuant to Section 108.

8.3 Section 104D

Section 104D provides particular restrictions for non-complying activities. This section states that a consent authority may grant a consent for a non-complying activity only if it is satisfied that it meets one of two tests; being that the adverse effects of the activity will be minor, or the application is for an activity which will not be contrary to the objectives and policies of the relevant operative and proposed plans. With regard to these tests:

- The effects of the proposal will be no more than minor (as concluded in the preceding assessment of environmental effects); and
- On balance, the proposal will not be contrary to the objectives and policies of the District Plan (as set out in the assessment below).

The consent authority can therefore be satisfied that the proposal meets both tests of section 104D.

8.4 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. The NPS-UD 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. Furthermore, it recognises the importance of providing sufficient development capacity to meet the different needs of people and communities.

The objectives of the NPS-UD are applicable now, whereas the NPS-UD provides a timeline for councils to implement their policies. These policies relate to intensification, responsive planning and removal of minimum parking rates, which will all be implemented by Waipa District Council over the next two years.

Given the above, the following comments are noted in relation to this application:

- Objective 4 notes that urban environments should “*develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*” A number of the policies also seek to provide a variety of housing options in urban areas. The proposal is consistent with this and will provide housing for the elderly. Statistical information indicates an increase in aged persons in the District and demand for units continues to be high.

- Objective 3 states that the District Plan shall enable people to live in urban environments that are close to city centres, well-served by public transport and have demand for housing. The site's location meets all criteria.
- Objective 2 and Policy 2 seek to provide affordable housing, as well as providing for development to meet expected demand for housing. The proposal will provide housing that is targeted at persons who have limited incomes and may not be in a position to otherwise afford privately run retirement accommodation.
- Policy 6 directs decision makers to have particular regard to planned urban built form, and that these changes *"may detract from amenity values appreciated by some people, but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types."* While the proposal will be a noticeable increase in density, and may result in some changes to amenity values, the overall positive effects will outweigh those adverse effects.
- Waipa District Council has recently removed the minimum parking requirements from the District Plan. The requirement for accessible carparks, parking dimensions, manoeuvring standards and loading bays are not affected by these changes and the proposal is compliant with these aspects.

Overall, it is considered that the proposal is consistent with the NPS-UD and will support intensification for elderly in an appropriate urban area that has been identified for intensification.

8.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

An assessment against the NES-CS has been undertaken in Section 5.2 of this report.

8.6 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (the RPS) provides an overview of the resource management issues within the Waikato region and the ways in which integrated management of the region's natural and physical resources will be achieved. The RPS became operative in May 2016.

The following objectives (and associated policies) are relevant to this proposal:

- Objective 3.2 – Resource Use and Development;
- Objective 3.10 – Sustainable and Efficient Use of Resources;
- Objective 3.12 – Built Environment;
- Objective 3.18 – Historic and Cultural Heritage;
- Objective 3.21 – Amenity; and
- Objective 3.27 – Minimum Housing Targets for the Future Proof Area.

The proposal is consistent with these objectives for the reasons set out below:

- Compact housing results in a more efficient and sustainable use of land, which reduces the potential for urban sprawl. The RPS states that: “*new development should make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas and promote compact urban form, design and location.*”
- The development is located in an appropriate area with infrastructure and transport connections.
- An Archaeology Assessment has been undertaken to understand the historic and cultural heritage related to the site. The assessment concludes that the proposed works will not have any effect on archaeology values relating to the site. The site is also not located within any statutory acknowledgement area, deed of recognition area or area of interest, as indicated by the Waipa District Plan maps.
- The RPS includes minimum housing targets for housing in the Future Proof Area. An Assessment against the Future Proof Strategy is outlined in Section 8.8 below.

8.7 Waipa District Plan

The relevant rules, standards, objectives and policies of the District Plan are assessed in detail within **Appendix 7**.

In summary, it is considered the proposed development is consistent with most objectives and policies, however there are some that the proposal is inconsistent with. In particular, this includes the following:

- Policy 2.3.6.1 which seeks to *avoid* commercial activities in the Residential Zone except where provided for in a Structure Plan.
- A number of the policies seek to provide low density development that is consistent with the scale of buildings in the Residential Zone.

The departure from these policies is appropriate due to the context of the site; noting its location in close proximity to the town centre and within a compact housing overlay. Furthermore, there are a number of positive policies which the proposal meets. Specifically, this includes Objective 2.3.4 (Providing Housing Options) and associated policies, as well as Objective 2.3.5 (Comprehensive Design and Development) and associated policies. The assessment of effects in Section 7 supports this. Keeping this in mind, the proposal is consistent with the majority of the objectives and policies, and therefore, overall, the proposal is generally consistent with the intent of the District Plan.

8.8 Future Proof Strategy

The Future Proof Strategy is a 30 year growth management and implementation plan for the Hamilton, Waipa and Waikato sub-region. The Strategy provides a framework to manage growth in a collaborative way for the benefit of the Future Proof subregion both from a community and a physical perspective. This sub-regional approach is needed in order to manage growth in a coordinated manner and to address complex planning issues, especially cross-boundary matters.

Future proof identifies housing targets for Waipa District, including for Te Awamutu specifically. It is predicted that Waipa District’s population will grow quickly and by 2050 an additional 27,000

people will require housing. It is also predicted the population of the District will be ageing with more than 30% of the population over the age of 65 by the year 2050.

It is considered that the proposal is consistent with the Future Proof Strategy, as it will provide an increase in housing in the central area. In particular, it will provide 46 one-bedroom units and 31 two bedroom units, which is an increase from the 36 units currently on site. The proposal specifically caters for the elderly, which is a key issue for the District.

8.9 Te Awamutu & Kihikihi Town Concept Plan

The Te Awamutu & Kihikihi Concept Plan (The Concept Plan) was developed in 2010 to assist with development and implementation of the Council's vision for the Waipa District.

The subject site is identified within the Concept Plan as one of three areas in Te Awamutu for compact housing. It states that the area should provide for a mix of compact residential and elderly housing, with legible, safe links to surrounding amenities including open space, medical services and local shopping. The identified outcomes include:

- Gross development area: 3.4 hectares⁵
- Net development area: 2.5 hectares
- 100% compact residential, 300 – 400m²
- Anticipated dwellings: 73 – 98
- Dwellings per hectare: 19 – 25
- Anticipated population: 140 – 186

The proposal is generally consistent with the Concept Plan, as it seeks to provide compact housing for elderly within this identified location. The proposed development has taken into consideration connectivity and provides safe links to amenities.

It is recognised that the proposal will result in higher density development than what was envisaged as part of the Concept Plan. However, the Concept Plan was developed 11 years ago and does not take into consideration the NPS-UD, nor the most up to date population growth information.

9.0 Notification

9.1 Public Notification

The application has been assessed against each of the steps under section 95A to determine whether public notification is required. None of the steps are applicable in this instance to warrant public notification. In particular, the activity is not considered likely to have adverse effects on the environment that are more than minor in accordance with section 95D.

The application has also been assessed against each of the steps under section 95B to determine whether limited notification is required. None of the steps are applicable in this instance to warrant

⁵ Note: this includes the whole block bound by Palmer, Brady, Vaile and Roche Streets, as well as the whole block to the north-west. The area subject to this application is 1.27 hectares.

limited notification. In particular, there are no persons considered to be 'affected persons' in accordance with section 95E.

There are no special circumstances that exist which would otherwise warrant public or limited notification of this Application.

Section 95A provides a step-by-step guide in determining whether public notification is required:

Step 1	<p>Mandatory public notification in certain circumstances.</p> <p>An application must be publicly notified if:</p> <ul style="list-style-type: none"> • the applicant requests public notification • public notification is required under section 95C • the application is made jointly with an application to exchange recreation reserve land
Step 2	<p>If not required by Step 1, public notification is precluded in certain circumstances.</p> <p>An application cannot be publicly notified if:</p> <ul style="list-style-type: none"> • a rule or national environmental standard (NES) precludes notification • the application is for one or more of the following, but no other, activities: <ul style="list-style-type: none"> ○ a controlled activity ○ a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity (defined in section 87AAB).
Step 3	<p>If not precluded by Step 2, public notification is required in certain circumstances.</p> <p>Other than for those activities in Step 2, public notification is required if:</p> <ul style="list-style-type: none"> • a rule or NES requires public notification • the assessment under section 95D determines that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.
Step 4	<p>Public notification in special circumstances</p> <p>If notification is precluded under Step 2, or isn't required under Step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application.</p>

Public notification under section 95A is precluded in this application because:

- None of the circumstances in Step 1 (section 95A(3)) exist;
- None of the circumstances in Step 2 apply because:
 - There are no rules or national environmental standards that preclude public notification;
 - The application is not for a resource consent for a controlled activity, or a boundary activity.
- None of the circumstances in Step 3 apply because:
 - The adverse effects on the environment are no more than minor, or are not likely to be more than minor in accordance with section 95D (as assessed in Section 8 of this report);
 - There is no NES requiring public notification.

- Step 4 does not apply as there are no special circumstances which could warrant public notification under s95A(9).

Accordingly, the consent authority must not publicly notify this application.

9.2 Limited Notification

Where the consent authority accepts that public notification is not required, the consent authority must determine if limited notification is required under section 95B:

Step 1	<p>Certain affected groups and affected persons must be notified.</p> <p>If the consent authority determines that certain people or groups are affected, these persons/groups must be given limited notification:</p> <ul style="list-style-type: none"> • affected protected customary rights groups • affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity) • an affected person under section 95E to whom a statutory acknowledgement is made (if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement)
Step 2	<p>If not required by Step 1, limited notification is precluded in certain circumstances.</p> <p>An application cannot be limited notified if:</p> <ul style="list-style-type: none"> • a rule or NES precludes limited notification of the application; • it is for a controlled activity under a district plan (other than a subdivision).
Step 3	<p>If not precluded by Step 2, certain other affected persons must be notified.</p> <p>Determine whether, in accordance with section 95E, the following persons are affected persons:</p> <ul style="list-style-type: none"> • in the case of a boundary activity, an owner of an allotment with an infringed boundary; and • In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.
Step 4	<p>Further notification in special circumstances.</p> <p>If the consent authority determines special circumstances exist that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons), the council must give limited notification to those persons.</p>

Limited notification under section 95B is precluded in this application because:

- None of the circumstances in Step 1 (section 95B(2) or (3)) exist;
- None of the circumstances in Step 2 apply because:
 - There are no rules or national environmental standards that preclude limited notification;
 - The application is not for a resource consent for a controlled activity.
- None of the circumstances in Step 3 apply because:
 - The activity is not a boundary activity.
 - There are no adversely affected persons in accordance with section 95E.

- Step 4 does not apply as there are no special circumstances which would warrant limited notification under Section 95B(10) to persons other than those considered as affected persons under section 95E.

With regard to affected persons, Section 95E states:

95E Consent authority decides if person is affected person

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section—*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) *must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *A person is not an affected person in relation to an application for a resource consent for an activity if—*
 - (a) *the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) *the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) *Subsection (3) prevails over subsection (1).*

The following provides an assessment of the adverse effects upon the potentially affected persons whom adjoin the site.



Figure 19: Location of potentially affected persons.

- **Properties 1:** These properties are located to the south-east of the site, on the adjacent side of Palmer Street. The residents will notice an increase in residential density, as well as the introduction of commercial / retail activity on the corner.

Due to Palmer Street being located between the subject site and these dwellings, there is a 20m setback from property boundary to property boundary. The dwellings at the northern end of the block (i.e. opposite the proposed Stage 4 building) are setback by around 10 – 15m from their boundaries. This is coupled with the building setback on the subject site, resulting in a total setback of approximately 36 – 41m. It is unlikely that the dwellings will experience shading effects at this distance. Furthermore, there are existing street trees on both sides of Palmer Street which will soften the appearance of the buildings and mitigate the bulk and dominance effects.

The dwellings at the middle of the block and southern end of the block will predominantly have a view of the Stage 2 and Stage 3 buildings. As these buildings are less than 10m in height, bulk and dominance effects are not expected.

Stage 4 will introduce a commercial / retail activity at the ground floor. Depending on the type of activity, these properties may notice an increase in noise and pedestrian activity in this area. These tenancies will operate during normal business hours and will not include any high noise generating activities.

In regard to traffic, there are two new vehicle accesses proposed onto Palmer Street. Therefore, these properties may notice some increase in traffic movements to the

site. These movements will be spread throughout the day and will be consistent with the surrounding residential environment.

- **Property 2:** This property is located on the corner of Brady Street and Palmer Street and contains two single storey dwellings. There are no changes to the Freeman Court building (western boundary) and therefore the potential adverse effects will be experienced from the proposed development at the north-east boundary of these properties.

As a result of the proposal, the outlook from these properties will alter from the existing situation. The residents currently have a view of the existing single storey buildings on site, of which the closest building is only 6.5m from the boundary at the nearest point. Due to the proposed carpark being located here, the nearest proposed building will be approximately 18.5m from the boundary. At this distance, it is unlikely that the residents will experience any shading or dominance effects.

There will be some increase in traffic movements, however these will be spread throughout the day and will be indiscernible from the surrounding traffic environment.

- **Properties 3:** These properties are located on the corner of Vaile and Roche Street and include a total of 7 one to two-storey dwellings. They directly adjoin the buildings within Stages 1, 3 and 4.

Overall, there will be a noticeable increase in density at the site compared to the existing situation. The proposed Stage 1 – 3 buildings are all compliant with the relevant setbacks from these boundaries and compliant with the relevant height limits of the District Plan.

The proposed Stage 4 building does not meet the maximum building length or maximum height limits as required under the District Plan. It is setback approximately 12.5m from the boundary of these properties and is also located to the south. This means that the dwellings' northern outdoor living areas will not be affected by shading. The proposed Stage 4 building also located at the bottom of the slope, which reduces its potential visual dominance in comparison to these existing dwellings.

- **Properties 4:** These properties are located on the adjacent side of Roche Street, opposite the proposed Stage 1 building. The residents outlook will alter as a result of the proposal, particularly considering they are located at the top of the hill and will have a view over the site. However, due to the separation distance that Roche Street provides (20m) and the building setbacks on the subject site and the properties themselves (at least 4m each), any bulk, dominance and shading effects will be less than minor.

Additionally, as there are no new vehicle entrances proposed on this street, there is not expected to be any noticeable increase in vehicle movements.

- **Property 5:** This property contains the heritage building on the corner of Vaile and Palmer Street and the Te Awamutu Museum on Roche Street.

Due to the open space area located at the western corner, and the entrance to the museum being further down Roche Street, there is not expected to be any adverse effects on the museum.

The District Plan notes that the heritage building is a recreation hall, which was formerly Te Awamutu School. It is listed as a Category B Heritage Item. The proposal is not anticipated to have adverse effects on the heritage values of this building.

Overall, it is considered that the adverse effects on these properties will be less than minor. Accordingly, the consent authority need not give notice of this proposal to any person.

9.3 Conclusion of Notification Assessment

Pursuant to Sections 95 to 95G of the RMA, this application must be processed without public notification and without limited notification to any person, protected customary rights group or customary marine title group because:

- None of the steps under section 95A are made out requiring the consent authority to publicly notify the application; and
- None of the steps made out under section 95B are made out requiring the consent authority to give limited application.

10.0 Conclusion

Habitat proposes to create a modern, higher density development within the site bound by Palmer, Vaile, Brady and Roche Streets in Te Awamutu. The site is currently home to Freeman Court, which is an independent living facility for the elderly. The redevelopment will result in 46 one-bedroom units, 31 two-bedroom apartments and will retain the existing Freeman Court building.

Resource consent is required for the development as a non-complying activity under the District Plan. Resource consent is also required under the NES-CS as a restricted discretionary activity.

Overall, it is considered that the proposal is consistent with the relevant statutory documents and gives effect to the purpose and principles of the RMA. Importantly, the proposal will provide quality housing that is targeted at persons who have limited incomes and may not be in a position to otherwise afford privately run retirement accommodation. The proposal will contribute to Waipa District Council's housing targets, including the need to provide affordable housing and meet future demand for an ageing population.

As such, it is considered appropriate that Council grant this resource consent on a non-notified basis.

Appendix 1: Completed Application Form

Appendix 2: Records of Title

Appendix 3: Plans of the Proposal

Appendix 4: Detailed Site Investigation

Appendix 5: Archaeology Assessment

Appendix 6: Integrated Transport Assessment

Appendix 7: District Plan Assessment

Appendix 8: Pre-application Meeting Notes

Appendix 9: Geotechnical Assessment