

Before Waipa District Council

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter of an application for resource consent for a Compact Housing Development and concurrent subdivision at 153 Taylor Street, Cambridge.

Council Reference Resource consent – SP/0074/23 & LU/0155/23

Evidence of Gareth Moran on behalf of Assured Construction Limited

Dated: 27 March 2024

Introduction

1. My full name is Gareth Elliot Moran. I am a Senior Associate Planner at Barker & Associates Limited (**B&A**) an independent urban and environmental planning consultancy operating throughout New Zealand.
2. I hold the Degree of Bachelor of Resource Studies from Lincoln University and I am a full member of the New Zealand Planning Institute. I have approximately 18 years' experience in the planning and environmental industry.
3. I was engaged by the applicant to provide planning advice and prepare/lodge the application for resource consent. I principally authored the Assessment of Environmental Effects ("AEE") report submitted with the application for resource consent and was responsible for coordinating a response to Council's request for further information.

Code of Conduct

4. I record that I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of another expert witness as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

5. In my evidence I will provide:
 - a. Executive Summary;
 - b. Overview of the proposal;
 - c. Discussion of application activity status;
 - d. A summary of statutory assessment (Section 104D and

Section 104) as documented within the application for resource consent;

- e. Comments on Council's s42A Report;
- f. Response to submitters' concerns;
- g. Comments on draft conditions; and
- h. Summary of key conclusions.

Executive Summary

- 6. Resource consents have been sought for a concurrent landuse and subdivision at 153 Taylor Street for seven residential units and subsequent free hold titles in the Residential Zone and Compact Housing Overlay.
- 7. As the site does not contain a minimum area of 2000m² the landuse component of the development has been assessed as a Discretionary Activity. The subdivision component has been assessed as a Non-Complying Activity as the subject site is smaller than 2000m² which is the minimum lot size requirement for Compact Housing.
- 8. The proposal is consistent with the relevant objectives and policies of the Waipa District Plan. In particular, Compact Housing is specifically supported by Objective 2.3.4 – Provide Housing Options and Policy 2.3.4.5 – Compact Housing of the Waipa District Plan (District Plan) as the subject site is located within a Compact Housing Overlay and adjoins the Cambridge Green Belt.
- 9. I agree with the facts and findings of Council's Section 42A Report.
- 10. The proposal is able pass through both limbs of the Section 104D gateway test.
- 11. In terms of Section 104, I conclude that the potential adverse effects are no more than minor; the proposal is consistent with the objectives and policies of the Waipa District Plan; and accords with the higher order strategic planning documents.

12. The proposal aligns with the key principles identified with the National Policy Statement for Urban Development (“NPS UD”).
13. The purpose of the RMA is best achieved by approving this consent rather than refusing it.

Overview of Proposal

14. The proposal has been explained in the Applicant’s application for resource consent, and then again in Council’s s42A report. As such it has not been repeated again as part of my evidence package. However, for completeness purposes, an extract taken from the application for resource consent, which best summarises the proposal is identified below¹.

“The proposal is for a concurrent land use and freehold subdivision consent under the provisions of a ‘compact housing’ development (by virtue of the associated District Plan definition) to construct seven units at 153 Taylor Street, Cambridge. Although the development fails to comply with the minimum required area for compact housing (2000m²), given the site is located directly across the road from the Cambridge Green Belt and is located within a Compact Housing overlay, there is very strong policy support in the District Plan for development of this nature. Resource consent has therefore been applied for on this basis.

Throughout the design phase of the project, the applicant intended to create a development that would actively enhance both the current and future amenity values attributed to the area. On this basis, Christopher Beer of Christopher Beer Architect Limited, who is a local Architect, was engaged to bring the applicant’s vision into a reality.

In doing so, along with our guidance, Mr Beer was able to design a unique housing development which minimised non-compliance with District Plan provisions, and avoided potential effects on neighbouring properties whilst enhancing the amenity values of the area.”

¹ Extract taken from Section 4.0 of the Application for resource consent

15. It is noted that the plans submitted as part of the resource consent application have *slightly* changed following a request for Further Information by Council.
16. In summary, the amended plans show alterations to Units 6 & 7 to maximise outdoor living areas and identify complying vehicle manoeuvring.
17. The revised plans that were submitted as part of the Section 92 were assessed as part of Council's s42A recommendation.

Section 104D

18. I have concluded within the application for resource consent that the potential adverse environmental effects associated with the proposal are no more than minor and the application is not contrary to the objectives and policies of the District Plan. I have not become aware of any new information that causes me to change those conclusions. The proposal is therefore able to pass through both limbs of the Section 104D Gateway test.
19. The Section 42A Author has also concluded that the proposal is able to satisfy both gateways of Section 104D.
20. My conclusions regarding amenity and character effects of the proposal and about consistency with the relevant objectives and policies are based partly on my own assessment of those effects, and also partly on the expert evidence of Mr Beer.

Section 104

21. A thorough assessment against the Statutory Framework of the RMA was undertaken within the application for resource consent and Council's s42A Report and will not be repeated here. I have not become aware of any new information that causes me to change the conclusions I reached in preparing the application and AEE. The s42A report reinforces those conclusions.
22. In summary, the following key conclusions have been reached.

National Policy Statement Urban Development (NPSUD)

23. The NPSUD 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;
 - Planning decisions improve housing affordability by supporting competitive land and development markets;
 - Providing sufficient development capacity to meet the different needs of people and communities; and
 - Improving how cities respond to growth to enable improved housing affordability and community wellbeing.
24. The NPS UD contains objectives and policies that require councils to carry out long term planning to accommodate growth and ensure well-functioning cities. There is an emphasis on allowing for growth 'up' and 'out' in a way that contributes to a quality urban environment and to ensure their rules do not necessarily constrain growth. Councils must also enable higher density development in areas close to employment, amenity, infrastructure and demand and in some instances remove minimum car parking requirements.
25. Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD (such as by providing increased and varied housing densities and types) and that such changes may detract from amenity values but are not of themselves an adverse effect.
26. Although the proposal is worthy of consent on its merits under the existing District Plan policy framework, it is nonetheless clear that the NPS UD requires a 'step change' in planning for urban areas that are experiencing rapid growth. This further confirms the appropriateness of the proposal in the context of the broader planning framework. In particular:

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

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.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement;*
- b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - i. 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; and*
 - ii. are not, of themselves, an adverse effect the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)**
- c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- e. the likely current and future effects of climate change.*

27. The proposal is in keeping with these objectives and policies for the following reasons:

- The proposed development will provide for greater intensity of development adjacent to community facilities, open spaces and schools and walking distance from the Cambridge town centre;
- The site has high accessibility to commercial activities and community services in the local area;
- The proposed development will provide for range of housing typologies which are not readily available within Cambridge or the wider Waipa Area;
- The proposed development will create a well-functioning urban environment and is within a walkable catchment to existing open spaces and social infrastructure;
- The proposed development provides a high level of accessibility and integration with the existing traffic network, particularly, in terms of walking and cycling;
- The proposed development will provide more housing supply, therefore assisting to improve housing affordability;
- The proposed stormwater management approach has also taken into account the current and future effects of climate change in the design; and
- Has engaged directly with the infrastructure providers (Waipa District Council) to ensure an integrated approach to land use and infrastructure planning.

Waikato Regional Policy Statement

28. The proposal aligns with the Waikato Regional Policy Statement (RPS) as outlined within the Applicants application for resource consent. This conclusion has also been supported by the 42A Author as follows:

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 Tauāki Kaupapahere Te-Rohe O Waikato.²

Objectives and Policies of the Waipa District Plan

29. The proposal is consistent with the the Objectives and Policies of the Waipa District Plan.
30. In my view particular emphasis should be given to Objective 2.3.4 – Provide housing options, and Policy 2.3.4.5 – Compact Housing as they are of direct relevance to the proposal in front of us today.
31. Specifically, the above objective and policy provide for Compact Housing within a Compact Housing Overlay and in areas adjoining a reserve (greater than 1000m², including the town belt). As previously mentioned, the subject site is located within a Compact Housing Overlay and adjoining a large reserve (Cambridge Town Belt). Section 10.3 of the Application and AEE includes a full evaluation of the relevant objectives and policies
32. However, in order to take a balanced approach to my Objectives and Policies assessment, I do recognize that the introduction of a new form of development into a locality has the potential to cause effects on residential amenity and safety, neighbourhood character and infrastructure as referenced in Objective 2.3.1, 2.3.2 and 2.3.3 and the various supporting policies.
33. Considering the site characteristics, building design and landscaping, as described and assessed by Mr Beer and in sections 6.4.1 and 10.3 of the AEE, I conclude that the proposal is also consistent with relevant District Plan objectives and policies associated with on-site amenity values, Neighbourhood amenity and safety and residential character.
34. In reliance on the contents of Section 6.4.2 of the Application and AEE and on the s42A and Notification Reports, I can conclude that the proposal is also

² Paragraph 11.11 of the Section 42a Report.

consistent with the objectives and policies relating to infrastructure, including transportation.

Environmental Effects

35. Any potential adverse environmental effects are deemed to be no more than minor and therefore acceptable.

36. The proposal also exhibits a number of positive effects, as the creation of six additional residential units (seven in total) will provide of variety of housing options and typologies, particularly for people not wanting the responsibility of a large section to maintain. Furthermore, the subject site is located opposite to a public reserve. More people living in close proximity to these public amenities will help to activate the space and provide for a safer and more vibrant environment.

Part 2 of the RMA

37. The proposal is in accordance with Part 2 – Purpose and Principles of the Act.

Section 104 – Concluding Statement

38. Based on the above rationale, I conclude that the proposal satisfies the required RMA statutory framework and thus consent is able to be granted.

Councils' s42A Report.

39. I have reviewed Council's s42A Report and have concluded that the report is accurate in relation to factual matters and addresses the correct range of issues. I agree with all the key conclusions drawn in the report including (but not limited to) the following:
 - a) The proposal aligns with the residential character and amenity anticipated within the Compact Housing Area; as such any amenity

related effects are deemed acceptable.

- b) Any potential traffic related effects can be mitigated to an acceptable level subject to consent conditions.
- c) Any potential effects on infrastructure can be avoided and mitigated subject to consent conditions.
- d) The proposal generates a number of positive effects.
- e) The proposal is not contrary to the objectives and policies referenced in Section 2 – *Residential Zone*, Section 15 – *Infrastructure, Hazards, Development and Subdivision* and Section 16 – *Transportation* of the District Plan.
- f) The proposal gives effect to the NPS-UD.
- g) The proposal is not in conflict with the Waikato Regional Policy Statement.
- h) The proposal aligns with the policy Direction of Plan Change 26 – Residential Intensification
- i) Both limbs of the Section 104D gateway test are satisfied.
- j) The application should be approved subject to consent conditions.

40. The s42A Author has also submitted a draft set of consent conditions which I will comment on in a later section of my evidence.

Key points raised by submitters

41. I have read and understood the submissions lodged by the owners of the properties located at 147 Taylor Street and 152 Taylor Street. In my opinion the key points raised by the submitters can be broken down into the following categories, which I will comment on individually:

- Shading
- Loss of privacy
- Traffic effects
- Three waters (loss of water pressure, stormwater/flooding effects)
- Reduction of property values
- Lack of notification.

Shading

42. The submitters have raised concerns regarding potential shading effects. The key point to note is that the proposal complies with the height in relation to boundary provisions of the District Plan, thus a dwelling exactly the same height and in the same location could be constructed as a permitted activity, not requiring resource consent.
43. As such I am able to conclude that the proposal does not generate any additional shading effects over and above what has been anticipated and is permitted in the Residential Zone.

Privacy

44. There are no specific provisions in the District Plan associated with privacy, instead bulk and location provisions are used as a mechanism to ensure any development within a residential context doesn't generate major adverse privacy related effects.
45. The property located at 151 Taylor Street is located directly to the south of the subject site, with a shed positioned on the boundary. Given the location of the shed, complying boundary setbacks and the minimal number of small windows positioned on the rear of Units 6 and 7, any potential privacy effects on 151 Taylor Street are considered no more than minor, being within the realms of what has been anticipated in a residential environment.
46. In terms of any potential privacy related effects on 147 Taylor Street, Council's consultant Urban Designer has stated the following:

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.³

47. Based on how I interpret the above commentary, Council's Urban Designer is satisfied that any potential privacy related effects on 147 Taylor Street will be mitigated due to the 9m separation from the site to the outdoor living areas and the proposed planting.
48. The Section 42A Author also agrees with opinion of Council's Consultant Urban Designer as identified in the following extract.

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.⁴

49. I agree with both the opinion of Council's Consultant Urban Designer and the s42A Author.
50. Based on the above analysis and the evidence presented by Mr Beer, I conclude that the proposal will not result in a loss of privacy on neighbouring properties that has not already been anticipated in a residential environment by virtue of the provisions of the District Plan.

Traffic

51. Traffic generated from the site will be residential in nature and within the realms of what has been anticipated within the compact housing overlay; which provides for higher density housing. Further, the application has been

³ Paragraph 9.8, Section 42a Report.

⁴ Paragraph 9.11, Section 42a Report.

assessed by Council's Development Engineer, whose findings have then been incorporated by the Section 42A Author as part of her overall conclusions regarding traffic effects; as identified below.

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.⁵

52. The Notification Report includes the conclusion that the effects on the roading network will be less than minor. It also records that the Council's Development Engineer has also reviewed the access and traffic arrangements and is satisfied that there will not be any adverse effects on persons at the adjoining properties and that the increase in traffic will not compromise the safety of the entrances serving those properties. ⁶On the basis of the two council reports addressing traffic effects, it can be concluded that any traffic related effects will be no more than minor, thus acceptable.

Three Waters: stormwater and water pressure.

53. The submitters have identified stormwater and flooding concerns.
54. A Water Impact Assessment and Engineering Design Report was prepared by Cheal Consultants Limited and submitted as part of the Applicant's Application for resource consent.
55. The report outlines a possible stormwater disposal solution, that will need to be confirmed at detailed design stage.
56. The Cheal Report was reviewed by Council's Development Engineer (Ms Jane Zhang) who was satisfied that (subject to consent conditions and detailed design) any adverse effects of the development in regard to infrastructure can be suitably mitigated to an acceptable level.

⁵ Paragraph 9.23 of Section 42A Report.

⁶ Page 48 of Notification Report, second paragraph

57. Based on the findings of the Cheal Report and specialist comments made by Council's Development Engineer, I also satisfied that the proposal will not contribute to any adverse effects on any existing and proposed infrastructure. Further to this, I'm also able to conclude that any stormwater and flooding effects will not be exacerbated by the proposed development.

Amenity/Density

58. Amenity and amenity related effects were comprehensively assessed as part of the application for resource consent and Council's s42A report, where it was concluded that development of this nature has been anticipated on residential sites located within a Compact Housing Overlay and adjoining a reserve, by virtue of the objectives and policies of the District Plan, and the key principles of the NPS UD. A very similar conclusion was reached within Council's s42A report, which I concur with.
59. A key extract from the resource consent application summarises the existing and future amenity values attributed to the area:⁷

"It is noted that this type of development is the first of its kind to occur along Taylor Street, which will indicate that it will look slightly different to the standard residential development largely comprising of single-story housing existing along that street. However, given the District Plan provisions and further direction from central government to establish higher density housing, the proposal represents a 'snapshot' into the future development that will exist in time along Taylor Street, whilst not compromising the existing amenity values."

60. My opinion is also echoed by the Section 42A Author as identified below:

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

⁷ Extract taken from Section 5.5 of the Application.

in relation to character and amenity to be acceptable.⁸

61. Overall, I agree with the fact and findings of the S42A Report, being that any potential amenity related effects on the submitters' properties will be acceptable.

Property Values

62. The submitters have raised specific concerns that the development will devalue surrounding properties on Taylor Street. Aside from being a speculative assumption and not based on any evidence (to my knowledge), property values are not a relevant resource management issue and should not be given any weighting in the decision-making process.
63. In addition, I was the planner who worked on the only other compact housing development to be consented (to the best of my knowledge) along Taylor Street, which consequently was also designed my Mr Beer. Whilst I'm not an Urban Designer, from the District Plan provisions and my planning experience in considering development proposals and their effects, I consider that development, which is very similar to what is proposed, has enhanced the residential amenity values of that area.

Lack of Notification

64. At the initial stages of the consenting process, the applicant endeavoured to consult with the residents at 151 Taylor Street. A copy of the letter sent to this resident can be provided on request.
65. The response from the resident was not welcoming, thus no further consultation was undertaken, and due process was followed, which included limited notification to three of the adjoining properties.
66. As per the applicant's application for resource consent, I was of the opinion that the proposal aligned with the policy direction of the District Plan and any

⁸ Paragraph 9.16 – Section 42A Report

potential effects would be acceptable in a residential environment. As such, no consultation was undertaken with the properties located at 147 and 159 Taylor Street.

Draft Conditions

67. I have read the draft conditions of consent recommended in the s42A report and I'm generally in agreement with them. However, I do have the following comments.

- Condition 11. In my view, further clarification is required to ensure that conditions cross referenced in the body of the condition, refer to the subdivision decision (rather than the landuse). This will prevent any ambiguity in the future, if the subdivision component of the application is not given effect to. I would also consider referencing the condition numbers in sequential order (lowest to highest) as it makes the condition easier to interpret.
- The easements identified in condition 13 are very specific and talking to the project surveyor could easily change throughout the process. In light of this a more generic condition, such as the following is considered more appropriate "all easements must be created and duly granted and reserved".
- There needs to be a link between the landuse and the subdivision to ensure the lots identified on the subdivision plan relate directly to a consented dwelling.
- When this link between the two consents is created, there will be no need for the 'consent notice' (Condition 18), as building consent for the dwellings will need to be obtained before the subdivision can be completed.

Key Conclusions

68. Having considered all relevant matters, I can draw the following key conclusions:

- a) I agree with the findings of Council's s42A Report.
- b) The conclusions made within the application for resource consent application have not altered throughout the consenting process.
- c) Development of this nature has been anticipated on residential zoned sites in close proximity to a reserve and within the Compact Housing Overlay identified within the District Plan, which the site accords with.
- d) Any potential adverse effects of the proposal are considered minor in my opinion, and therefore acceptable.
- e) The permitted baseline associated with privacy, height and shading provides clear guidance on the type of effects that have been anticipated and provided for within the Residential Zone by virtue of the District Plan provisions.
- f) There is strong policy support in the District Plan for development of this nature.
- g) The proposal aligns with the key principles identified with the NPS UD.
- h) The purpose of the RMA is best achieved by approving this consent rather than refusing it.



Gareth Moran

Date: 27 April 2024

