



## Sections 95, 95A – 95F Resource Management Act 1991

### Report determining whether an application for Resource Consent should be processed as publicly notified, limited notified or non-notified

<b>Consent number:</b>	<b>LUC23/0103</b>
<b>Applicant's Name:</b>	<b>Kainga Ora Homes and Communities</b>
<b>Street Address:</b>	7, 9, 11, 13, 15 Church Street ASHBURTON
<b>Legal Description of Site:</b>	Lot 1 DP 16102 Lot 2 DP 16102 Lot 3 DP 16102 Lot 4 DP 16102
<b>Zone:</b>	Residential C
<b>Application summary:</b>	Land use consent at 7, 9, 11, 13, 15 Church Street to address the non-compliances associated with the proposed construction of thirteen residential units in Residential C zone, and consent under the NES Contaminated Soil.

## 1.0 DESCRIPTION OF THE PROPOSAL

The proposal is to redevelop four existing sites by constructing thirteen residential units, for social housing. A summary of the proposed typologies is provided below:

House Number	Stories	Detached or Semi-detached	Bedrooms	Building Coverage (m <sup>2</sup> )	Gross Floor Area (m <sup>2</sup> )	Outdoor Living Area (m <sup>2</sup> )
<b>1</b>	2	Detached	4	84.0m <sup>2</sup>	135.0m <sup>2</sup>	125.3m <sup>2</sup>
<b>2</b>	1	Detached	3	113.8m <sup>2</sup>	106.4m <sup>2</sup>	122.0m <sup>2</sup>
<b>3</b>	2	Detached	3	60.7m <sup>2</sup>	112.97m <sup>2</sup>	107.8m <sup>2</sup>
<b>4</b>	1	Detached	2	98.0m <sup>2</sup>	81.5m <sup>2</sup>	118.2m <sup>2</sup>
<b>5</b>	1	Detached	2	98.0m <sup>2</sup>	81.5m <sup>2</sup>	228m <sup>2</sup>
<b>6</b>	2	Detached	4	70.0m <sup>2</sup>	131.16m <sup>2</sup>	112.0m <sup>2</sup>
<b>7</b>	1	Detached	2	98.0m <sup>2</sup>	81.5m <sup>2</sup>	122.6m <sup>2</sup>
<b>8</b>	1	Detached	2	98.0m <sup>2</sup>	81.5m <sup>2</sup>	125.7m <sup>2</sup>
<b>9</b>	2	Detached	4	70.0m <sup>2</sup>	131.16m <sup>2</sup>	122.0m <sup>2</sup>
<b>10</b>	2	Semi-detached	2	43.2m <sup>2</sup>	79.25m <sup>2</sup>	70.8m <sup>2</sup>
<b>11</b>	2	Semi-detached	2	43.2m <sup>2</sup>	79.25m <sup>2</sup>	70.8m <sup>2</sup>
<b>12</b>	2	Semi-detached	2	43.2m <sup>2</sup>	79.25m <sup>2</sup>	70.8m <sup>2</sup>
<b>13</b>	2	Semi-detached	2	43.2m <sup>2</sup>	79.25m <sup>2</sup>	102.0m <sup>2</sup>

The units will be allocated at least one on-site car park each. There will be two parking spaces provided for Houses 1, 2, 3, 6 & 9, bringing the total number of parking spaces onsite to 18. Three houses are accessed from the first shared driveway and seven houses are accessed from the second.

Land use consent is sought for breach of site standards relating to residential density, and number of vehicle crossings. No subdivision consent is sought at this stage.

Landscaping plans have been provided which show extensive grass, shrub and tree plantings.

Note on existing titles: A s75 certificate under the Building Act has been applied for with LINZ and ADC to hold the existing titles together such that they cannot be transferred or leased separately. This means that all four sites can be treated as one 'site' as per the District Plan definition. To deal with the titles separately would require the prior consent of the Council.

A full description of the activity is included in the application AEE.

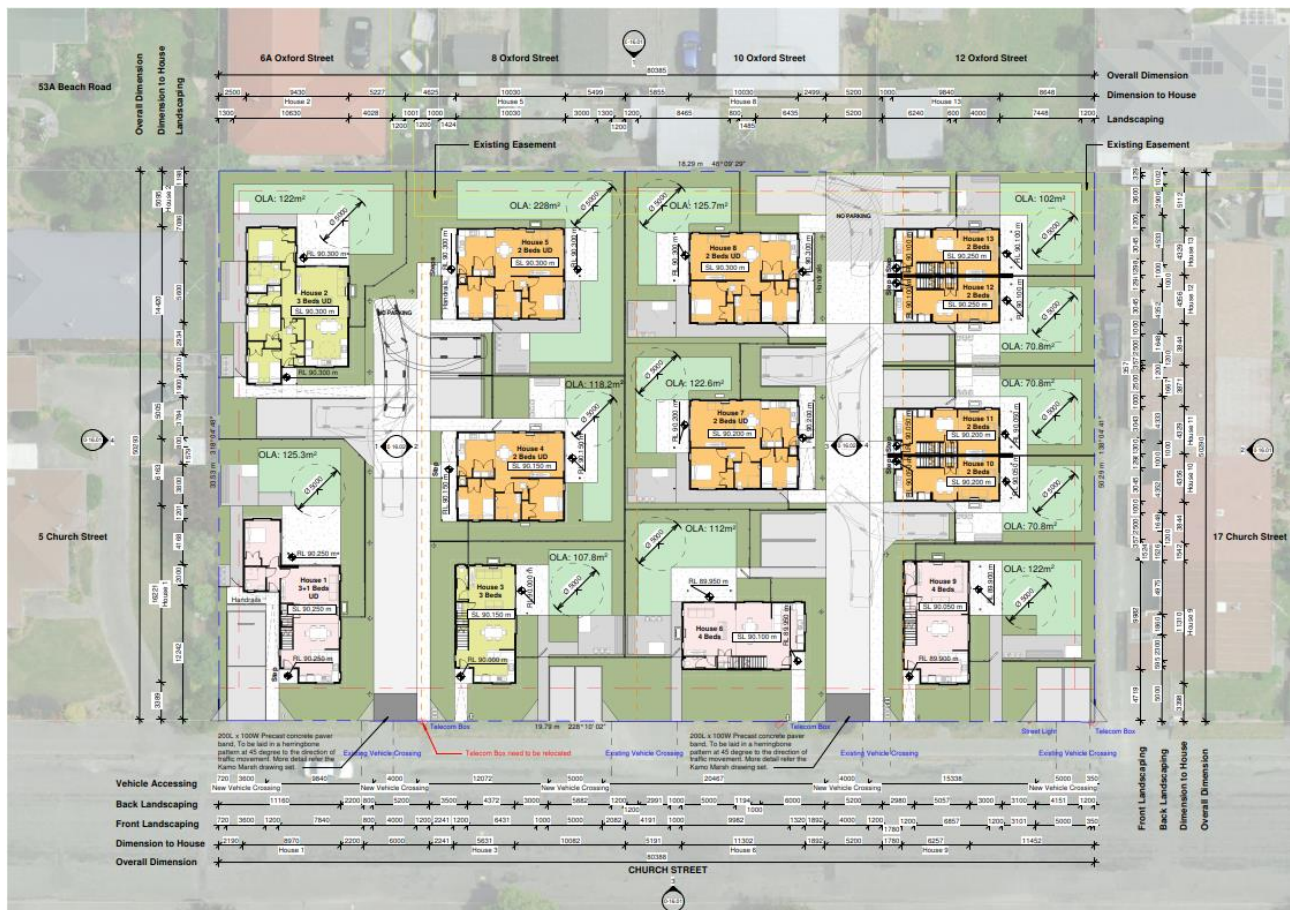


Figure 1: Site Plan

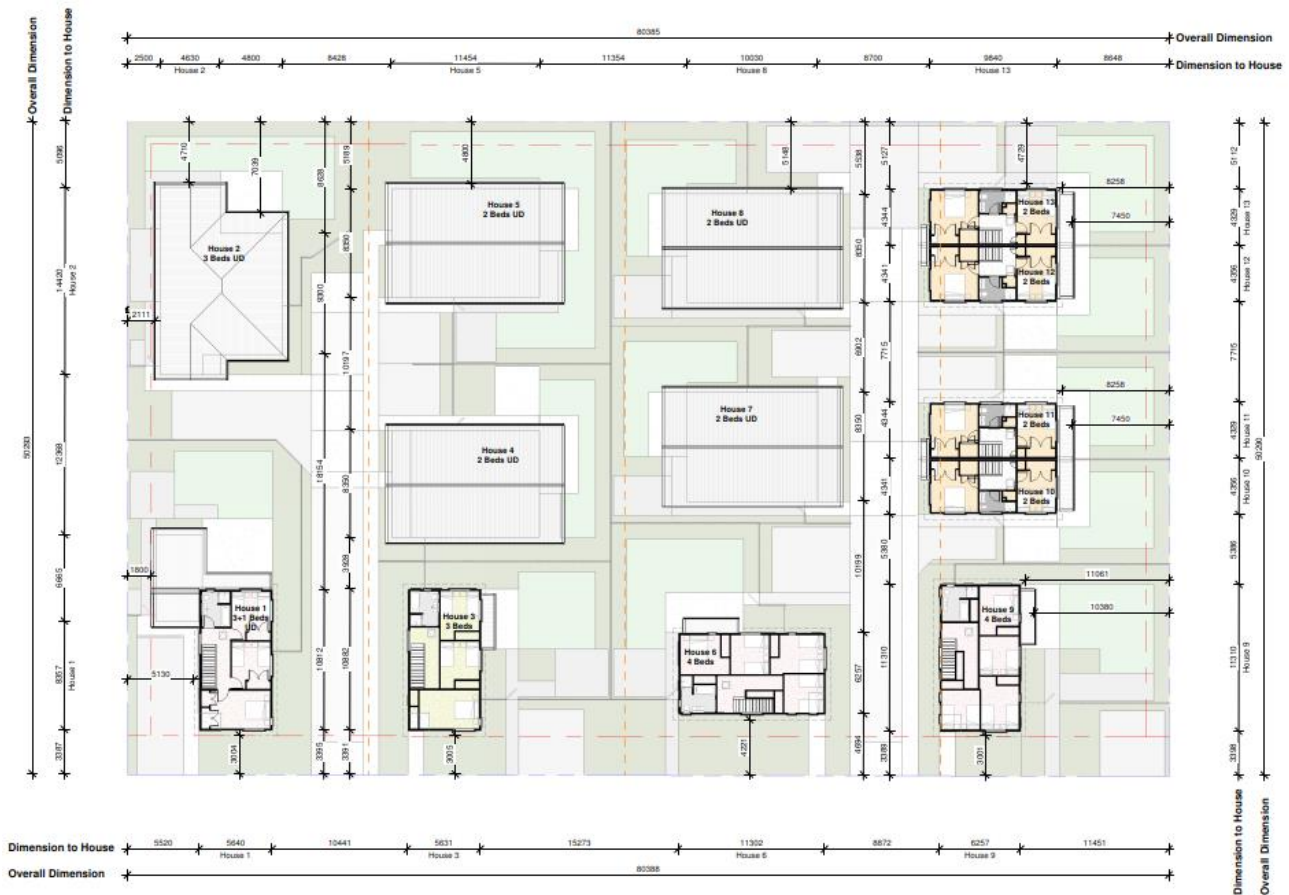


Figure 2: Second floor plan



Figure 3: Landscape Master Plan





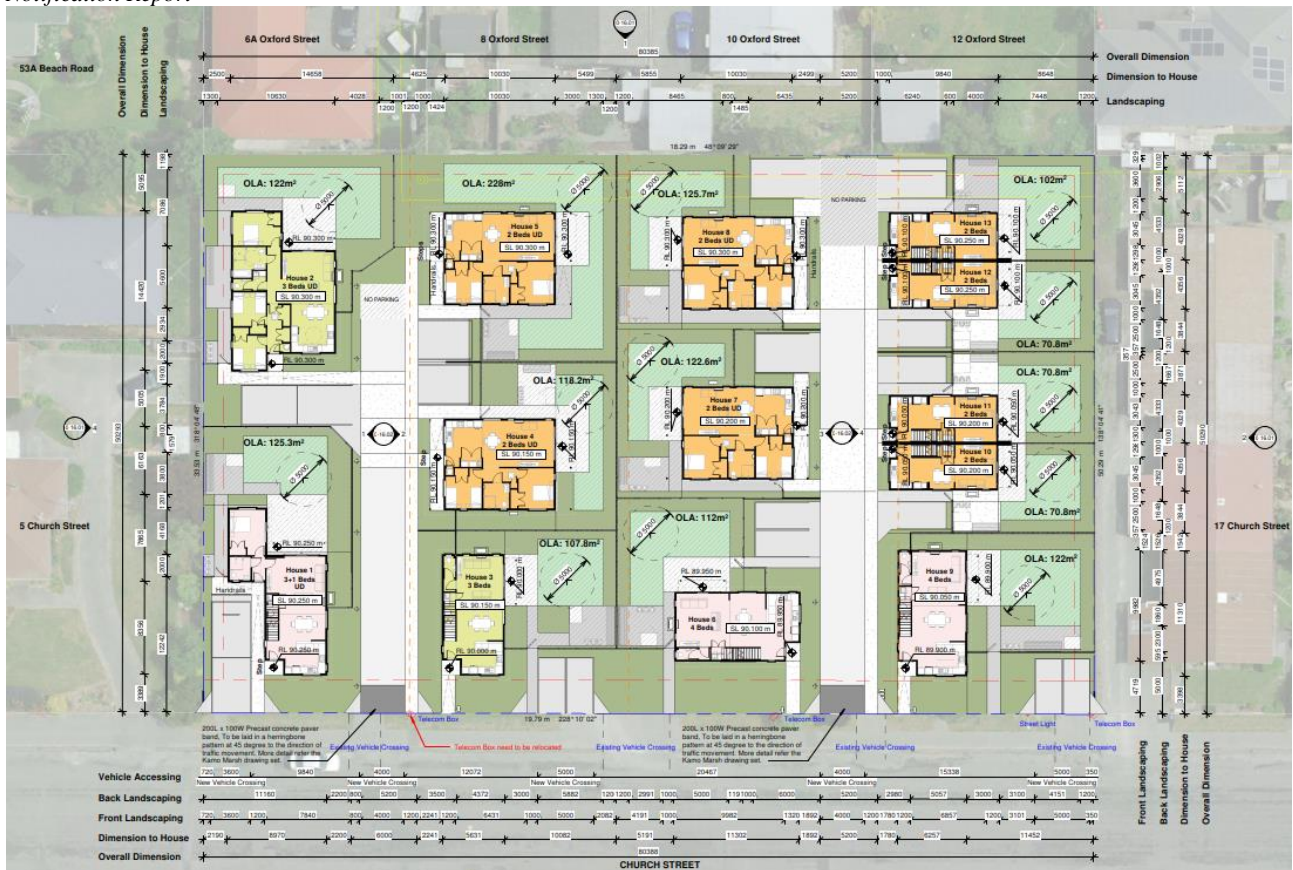


Figure 6: Outdoor living areas plan

## 1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The development site is located in the Residential C Zone of Ashburton on Church Street. At the north eastern end of the street is Hampstead School. The surrounding houses are well established and are primarily single storey and modest in scale. There are some nearby sites with multiple dwellings (17 Church Street and 10 Oxford Street). These sites contain 4 attached dwellings each and have a higher built density at close to 50% site coverage.

Ashburton Town Centre is within a cycling (and possibly walking) radius of the development site.

The site is not subject to a mapped flood hazard in the District Plan, and there are no heritage buildings or protected trees on the site or adjoining sites.

The five existing Kainga Ora homes (three detached and one duplex dwelling) on the four sites will be demolished to make way for the proposed development. Any vehicle crossings not being re-used will be reinstated to full height kerb and channel.





Figure 7: Aerial view of the site 7-15 Church Street

## 2.0 PLANNING FRAMEWORK

### 2.1 RELEVANT RULES

#### Section 4: Residential Zone

Relevant Rule	Compliance based on the 'site' (The combined area of the four existing titles held together under a Building Act s75 certificate).
<b>Restricted Discretionary Activities 4.8.3 (b)</b>	<b>Restricted Discretionary Activity</b> The proposal does not comply with one or more of the site standards for the residential zone.
<b>Site Standard 4.9.1 (a)</b> The minimum net area for each residential unit contained within a site in the Res C Zone shall be 360m <sup>2</sup> .	<b>Does not comply:</b> 13 residential units requires a net area of 4,680m <sup>2</sup> . The total site area is 4,038m <sup>2</sup> . (310.6m <sup>2</sup> gross area per dwelling).

<b>Site Standard 4.9.1 (c)</b> There shall be only one residential unit on any land comprised in a separate site/ Computer Freehold Register (Certificate of Title)	<b>Does not comply:</b>  There will be 13 residential units on the one site.
<b>Site Standard 4.9.2 (a) (Building Coverage)</b>	<b>Complies:</b>  Site area – 4,038m <sup>2</sup>  23.83% site coverage total site area
<b>Site Standard 4.9.3 – (Building height) 8m</b>	<b>Complies*</b> <ul style="list-style-type: none"> <li>- Houses 10-11 and 12-13 only just comply with the height maximum.</li> <li>- A surveyor's certificate will be required to confirm that the houses comply with the height limit once framing has been erected.</li> </ul>
<b>Site Standard 4.9.4 – (Recession Lines)</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>- Recession lines comply on all internal boundaries of the site.</li> <li>- The gable end of the annex to House 1 is close to the recession line on the west boundary, however this is covered by the exemption for gable ends in the recession line definition.</li> </ul>
<b>Site Standard 4.9.5a – (Setback from the street) 3m</b>	<b>Complies</b>
<b>Site Standard 4.9.6a – (Setback from the neighbours) 1.8m</b>	<b>Complies</b>
<b>Site Standard 4.9.7 – (Outdoor Living Space)</b> 70m <sup>2</sup> , min 5m dimension  Designed to receive sunshine in mid-winter and directly accessible from living area.	<b>Complies</b>

## Section 10 Transport

Relevant Rule	Compliance of proposed development
<b>Site Standard 10.8.6 On site Manoeuvring</b> <p>(a) The manoeuvring area from the road to any parking space shall accommodate a 90% car</p> <p>(b) Onsite manoeuvring shall be provided to ensure no vehicle is required to reverse onto or off a site:</p> <ul style="list-style-type: none"> <li>Three or more residential units share a common access.</li> </ul>	<b>Complies:</b> <p>Onsite manoeuvring space is provided, including the ability for vehicles to exit or enter the site in a forward gear from the shared accessways.</p>
<b>Site Standard 10.8.11 Queuing Length</b> <p>(a) 6m queuing length is required.</p>	<b>Complies:</b> <ul style="list-style-type: none"> <li>Vehicles can queue in the shared access if required as there are no points of conflict within 6m of the road – the shared path next to the driveway could be utilised to allow another vehicle to pass if needed.</li> </ul>
<b>Site Standard 10.9.2 Vehicular Access</b> <p>(a) All vehicular access shall be in accordance with Table 10-6.</p> <p>For 3-6 sites and less than 50m length: 4m legal width, 3.5m carriageway. Turning area and passing bay required. Footpath is optional.</p> <p>(b) Min height clearance shall be 4.5m.</p> <p>(c) Access to more than 6 residential units shall be by way of a road.</p>	<b>Complies*</b> <p>The application is for a land use consent only and does not create a vehicle access as defined by the Plan.</p> <p>However, it is noted that the proposed shared driveway serving Houses 6-8 and 10-13 will not meet the requirements under rule 10.9.2. (c). Seven houses will be served by a vehicle access rather than a road.</p>
<b>Site Standard 10.9.5 Maximum Number of Vehicle Crossings</b>	<b>Does not comply:</b> <ul style="list-style-type: none"> <li>Five vehicle crossings are proposed, while only 2 are permitted.</li> </ul>



<p>(a) The maximum number of vehicle crossings to a site per road frontage shall be:</p> <p>Local &amp; Collector Road 80m frontage length: Max 2</p>	<ul style="list-style-type: none"> <li>• No subdivision is proposed.</li> </ul>
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NES Contaminated Soil: The activity requires consent as a restricted discretionary activity under regulation 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS).

The PSI/DSI report found contaminants of heavy metals (arsenic) in cell HA5 that exceeded the guideline values. Consequently, soil disturbance in this area requires a consent under the NES CS.

### 3.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

#### 3.1 PUBLIC NOTIFICATION ASSESSMENT

##### 3.1.1 Request for public notification (Section 95A(2)(b))

The applicant has not requested that the application be publicly notified.

##### 3.1.2 National Environmental Standard or District Plan rule requiring or precluding notification (Section 95A(2)(c) and Section 95A(3)(a))

In terms of s95A(2)(c) and 95A(3)(a) there are no rules in the relevant District Plan, Regional Plan or NES which require or preclude public notification of the application apart from the following:

The NES CS precludes the public notification of an application for resource consent under regulation 10. However the activity may still be publicly notified for the non-compliances under the District Plan.

##### 3.1.3 Effects on the Environment to be disregarded (Section 95D Assessment)

###### 3.1.3.1 Effects that must be disregarded for public notification purposes

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land
- B) Any effect on a person who has given written approval to the application

No persons have given their written approval.

###### 3.1.3.2 Effects that may be disregarded – Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site. In this case the following constitutes the permitted baseline:

- One house could be established on each existing title as of right (a total of four houses), or five houses if they were in the same footprints/scale as the existing houses under existing use rights.
- Gable ends are allowed under the plan to intrude the recession line by up to half their height, provided that the base of the gable end is no wider than 7m.

This constitutes the permitted baseline and these adverse effects may be discounted entirely as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other

or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

### **3.1.4 Adverse Effects Assessment (Section 95A(2))?**

Having regard to the above and after an analysis of the application, the following assessment addresses the adverse effects of the activity on the environment for public notification purposes.

As a restricted discretionary activity only the assessment matters under 4.11.1 (Residential density), and 10.10.4 (Vehicle crossings) of the District Plan, and regulation 10(3) (Contaminated Soils) of the NES CS can be considered. The NES CS can only be considered in assessment under s95e-f.

#### Interest in the proposal

The Council has received a number of enquiries and unsolicited feedback from nearby residents on this proposal. There has been interest from residents who live at sites adjacent to the development site and from residents who live two doors down from the development site.

Concerns raised include the fact that the proposal includes two storey dwellings, the effects on property values (and resultant effect on mental health), the effects on parking and the traffic capacity of Church Street, the capacity of the water infrastructure in particular the sewer network, the effects on crime, and the effects on privacy (and resultant effect on mental health). These matters are addressed in section 3.1.4 and 4.1.3.

Other matters raised include operational matters such as how to ensure that the number of tenants is the number that KO permit to reside there and not a larger number, how to deal with noise or troubles from tenants, risk of asbestos dust blown from the site during demolition, and the hazard of overgrown grass on the site before the site is redeveloped. The neighbours who raised these concerns have been directed to a Kainga Ora contact person (a Community Liaison officer for the District), as they will be matters for Kainga Ora to manage on an ongoing basis. The Council will also investigate and enforce noise complaints where required.

#### **3.1.4.1 Ashburton District Plan**

##### **Servicing conditions**

The applicant has volunteered to include servicing conditions with the land use consent to make the servicing requirements clear at the time of Building Consent in the absence of a subdivision consent.

The Council Assets Team have considered the proposal and advise that there is capacity in the Council waters infrastructure to service the development. Assets have provided relevant servicing conditions and these will be included in conditions of this consent in the Planning report. Based on the proposed servicing approach, there ought to be no issues in servicing the development appropriately for three waters and roading, despite there being multiple houses proposed over the single development site.

##### **Assessment matters**

#### Residential density

<b>Assessment Matters 4.11.1 Residential Density (multiple dwellings on the same site)</b>	<b>Comment</b>
a) In Residential C and D Zones, the extent to which the character of the site will remain	The site plan demonstrates that there are large areas available for tree planting and gardens. The

<p>dominated by open space and garden plantings, rather than buildings.</p> <p>b) The ability to provide adequate opportunity for garden and tree planting around buildings.</p>	<p>site coverage proposed is less than the 35% site coverage permitted by the District Plan at 23.8% site coverage.</p> <p>The Kamo Marsh Landscape Master Plan demonstrates a mixture of built form, open space and tree plantings. Tree planting and open space can be seen from the street and trees are visible from most internal boundaries. New trees will be established across the site, including 27 specimen trees and a minimum of one fruit tree per lot. The Landscape Master Plan shows 1,662m<sup>2</sup> (41%) of the site allocated to landscaping. 1,096m<sup>2</sup> dedicated to areas of tree and shrub planting.</p> <p>It is considered that the proposal is consistent with these assessment matters.</p>
<p>c), d), e), and f). Sewage disposal.</p>	<p>No onsite sewage disposal systems are required as part of the proposal. It is proposed that the development would connect to an existing public sewer line. Advice from the Council's Assets Team has not raised any servicing concerns.</p>
<p>h) The ability of the residential unit to gain greater access to sunlight and/or daylight and to provide for solar heating.</p>	<p>All of the proposed units and associated outdoor living space have a northerly orientation, which would allow each unit access to sunlight and daylight for solar heating.</p>
<p>i) The extent to which any proposed buildings would be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building density and coverage which is out of character with the local environment.</p>	<p>The surrounding properties include a predominance of older single storey dwellings. There are some neighbouring sites such as 17 Church Street and 10 Oxford Street that have a higher site coverage at 50% and four dwellings each.</p> <p>While this proposal includes a greater density of dwellings than permitted under the District Plan, mitigation is provided through the following aspects.</p> <ul style="list-style-type: none"> <li>- Site coverage over the site is complied with being 23.8% building coverage.</li> <li>- Only 34 bedrooms are proposed across the development site. 14 bedrooms across 5 houses in the western portion of the site and 20 bedrooms across 8 houses in the eastern portion of the site.</li> <li>- On a development site of this size (4,038m<sup>2</sup>), 8 or 9 x four-bedroom two storey dwellings could be established under a restricted discretionary activity subdivision (32-36 bedrooms) i.e. provided for by the Plan.</li> </ul>



	<ul style="list-style-type: none"> <li>- Some of the units are single level, and these are positioned in the western portion of the site, closest to internal boundaries.</li> <li>- The two-storey units are positioned next to the street, with the exception of the duplex units which are positioned next to the north and north east internal boundaries.</li> <li>- The recession lines and setbacks are compliant on boundaries with sites in separate ownership, internal setbacks are well in excess of the minimum required. This is generally in keeping with development in the surrounding area and ensures solar access mitigates privacy effect for adjoining sites.</li> </ul> <p>The units are modestly sized (Houses 10-13 have a footprint of <b>43.2m<sup>2</sup></b> each, Houses 4-5 and 7-8 <b>98m<sup>2</sup></b>, House 1 is <b>84m<sup>2</sup></b> and House 2 is <b>113.8m<sup>2</sup></b> and House 3 is <b>60.7m<sup>2</sup></b>). The houses are spaced with outdoor and landscaped areas so that the built form does not dominate the site when viewed from adjoining sites.</p>
j) The ability to provide adequate manoeuvring space on site.	There is adequate vehicle manoeuvring space on site.
k) The extent to which decreased site size or increase in building coverage would have any effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and loss of opportunities for view & n) The ability to mitigate any adverse effects of increased coverage or site density.	<p>See commentary under i) above. In addition:</p> <ul style="list-style-type: none"> <li>- The intensity of use of the site is mitigated by there being 34 bedrooms in total, and only 18 onsite parking spaces. The number of people living on site will thus be limited.</li> <li>- Landscape planting is provided in the garden areas including provision of specimen trees.</li> <li>- Many of the houses are single level.</li> <li>- Most of the windows on the upper levels are clerestory (generally above eye level - 1.6m to bottom sill) or opaque (for bathrooms).</li> <li>- For the foreseeable future the units will be used for social housing managed by Kainga Ora. Tenants will be subject to standards that include the requirement to respect the neighbour's peace, comfort and privacy.</li> </ul>
l) The ability to provide adequate outdoor space.	Adequate outdoor living space is provided for all units, given the compliance with outdoor living space site standard for each house, the design number of occupants, and the access to communal outdoor spaces within the site.

#### Number of vehicle crossings

Assessment Matter 10.10.4 Vehicle Crossings	Comment
e) The extent to which the safety and efficiency of the frontage road would be affected by the creation of additional vehicle crossings.	The frontage road is low volume. There are five existing vehicle crossings across the four sites, and five crossings are proposed to be utilised for this development. Assets have reviewed the proposal and have not raised a concern. The safety and efficiency of the frontage road is not likely to be adversely affected by the number of crossings proposed.

#### Contaminated soil

Conditions have been volunteered by the applicant to mitigate the soil hazard such that it will not harm nearby properties or persons.

#### Parking

The development proposes 18 on-site car parking spaces, and at least 13 on-site bicycle parking spaces, for the 13 residential units. Under the Ashburton District Plan, no carparking or bicycle spaces are required to be provided. The National Policy Statement on Urban Development 2020 (NPS-UD) directs that Council's do not set minimum car parking requirements, and instead encourages them to use parking management plans (e.g. relying on time restrictions/loading zones/paid parking where required to manage demand). The NPS-UD also directs that Council's do not have provisions or assessment matters that have the effect of requiring parking spaces to be provided.

As a restricted discretionary activity, the Council does not have discretion (under the District Plan and as directed by the NPS-UD) to consider the effects of parking supply in relation to this development. It is inferred by the NPS-UD that any adverse effects, where required, can be managed by the Council in its road controlling authority function.

I note for completeness only that Church Street at the time of my site visit (outside of School drop-off/pick up hours, and during business hours on a weekday) was mostly empty of parked vehicles.

#### Traffic generation

The anticipated development scenario in this zone is residential housing, up to a density of one house per 360m<sup>2</sup> net area. On a development site of this size (4,038m<sup>2</sup>), 8 or 9 x four-bedroom two storey dwellings could be established under a restricted discretionary activity subdivision (32-36 bedrooms) i.e. provided for by the Plan. In my opinion as a planner this would be a comparable residential traffic generation to that proposed by this development. In my opinion, once the lower vehicle ownership rates of social housing tenants are factored in (based on comment from Kainga Ora on other developments) the actual trip generation may be less than anticipated by the plan. The proposal (and the draft proposal) have been assessed by the Council Assets Team on behalf of Roding, and no concerns were raised about the capacity of Church Street or connecting roads to service the development. I agree with the Assets Team, that any adverse effects on the safe and efficient functioning of Church Street are likely to be less than minor and that no infrastructure upgrades are likely to be directly required as a result. The frontage of the development is already served by a footpath, kerb and channel and urban street width, with room for carriageway and parking bay.

#### Socio economic factors

The income levels or wealth of the tenants is not a relevant environmental effect under the District Plan or the Resource Management Act.

### Crime and CPTED

The development has been designed with CPTED principles in mind. A lighting plan for the shared right of ways has been provided with the application demonstrating that the common areas will be appropriately lit. The living areas of the dwellings are mostly oriented to the street and to the ROWs to provide passive surveillance.

### Note on property values

The effects of a development on individual property values have been ruled out by the Courts as being a relevant effect for consideration under the Resource Management Act.

### **3.1.4.2 Conclusion**

Overall, adverse effects on the environment for the purposes of s95A are likely to be less than minor.

### **Summary**

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have less than minor adverse effect on the environment as discussed in section 3.1.4.

### **3.1.5 Do special circumstances exist (Section 95A(9))?**

I am not aware of any special circumstances that warrant public notification of the application.

## **4.0 LIMITED NOTIFICATION ASSESSMENT (SECTIONS 95B, 95E-95F)**

### **4.1.1 Is there an NES or District Plan rule requiring limited notification?**

There are no rules in the relevant District Plan/ Regional Plan/NES that would require or preclude limited notification of the application.

### **4.1.2 Are there holder(s) of customary rights order who may be adversely affected by the activity? (s 95(f))?**

No

### **4.1.3 Are there affected persons who the activity will have a minor or more than minor adverse effects on (s 95 (e))?**

No persons have provided a written approval form as part of the application.

Adverse effects on persons under s95(e) are considered as follows:

### **Anticipated density**

In assessing the proposal, I have considered the density of development that might be anticipated under the restricted-discretionary subdivision and permitted residential zone standards. Under the zone rules the sites could be anticipated to be subdivided to 8 or 9 house sites. Four-bedroom dwellings could be established on each of these house sites (32-36 bedrooms) and these dwellings could be two-storey.

### **Houses 1, 3, 6 and 9**

The two storey dwellings at the street frontage of Church Street (Houses 1, 3, 6 and 9) could be anticipated as either a permitted activity or a restricted discretionary subdivision scenario. The zone allows for 2 storey dwellings and the proposed dwellings comply with the road boundary setback. A two-storey dwelling could be established on each of the sites at 7, 9, 11-13, and 15 Church Street as of right as a permitted activity. Seven plus specimen trees will be provided along the road frontage within the site.



These will further soften the appearance of these dwellings from the street. House 9 is well setback from the side boundary, and House 1 is also setback from the closest side boundary. The number of total bedrooms across the site is comparable to that enabled under the restricted discretionary subdivision scenario. The intensity of use of the site by persons will therefore be largely comparable, apart from where identified below. For the owners and occupants of the adjoining dwellings and sites at 2, 10, 12, 14, 16 and 18 Church Street, the street width provides further mitigation for any perceived density or intensity of use adverse effects due to the separation distance (20m road width), along with the specimen trees along the road frontage.

The application Urban Design Statement prepared by Hierarchy Group states the following regarding the design context and relationship to the street:

*"All houses have entrances with porches. The claddings are a mix of weatherboard and board and batten.*

*The height and width of the space between street facings buildings are sufficient to provide a clear separation so the density is similar to the surrounding houses as are the proposed building footprints."*

*"The proposed developments public-private threshold at the boundary is an open landscaped space that is set back about 6m from the footpath. The new fences for the private outdoor areas are generally pulled back behind the line of the buildings. The front yard with planting provides a band of greenery facing the street. Specimen trees are placed in front of each street-facing house, providing a further buffer to the street. Houses 1, 3 and 9 have gables that face the street. House 6 presents a side elevation to the street but changes in the cladding break up the flatness of this façade cladding. All four houses have front doors that face the street."*

I agree with the urban design statement regarding Houses 1, 3, 6 and 9. I also note that Houses 1, 3, 6 and 9 will be finished in a mix of 'earthy' colour tones such as Sandstone and Basset Brown that will mitigate visual effect. Adverse effects on the owners and occupants of the dwellings and sites at 2, 10, 12, 14, 16 and 18 Church Street are therefore considered to be less than minor.

### **Houses 10, 11, 12 and 13**

There is an easement on the northern site boundary that precludes the planting of trees along this boundary.

The application AEE notes the following regarding privacy on page 23: *"Windows of habitable rooms are mostly orientated to the street and/or the common accesses. The façades of the two-storey units facing adjoining properties have reduced glazing. The first floor of these dwellings mostly includes obscure windows (for bathrooms) or clerestory windows, which sill is more than 1.6m high from the floor."* 5.4 Assessment - Residential Density, prepared by Inovo Projects.

I consider that there are still likely to be minor adverse effects as experienced by the owners and occupants of the dwellings that are located next to the duplex units (refer to Table 1 and Figure 8). These persons are likely to be adversely affected to at least a minor extent by the proximity to the duplex dwelling units (Houses 10-11 and 12-13). Along the north-eastern boundary the neighbours (2/17, 3/17, and 4/17 Church Street) wouldn't anticipate having houses 10-11 and 12-13 sharing a boundary with them, even if the footprint of these houses is small, and specimen trees are provided along this boundary. For neighbours along the north-western boundary (4/10, 12, and 14A Oxford Street), the easement along this boundary means that the application is unable to include any trees or substantial landscape plantings along this boundary to soften/mitigate the proposed bulk of the duplex units as experienced by these persons or provide additional privacy screening from those duplex units. I consequently consider that the adverse effects on the owners and occupants of the dwellings at 2/17, 3/17 and 4/17 Church Street, and 4/10, 12 and 14A Oxford Street will be minor.

For completeness, I consider that the adverse effects on the owners and occupants of the dwellings at 1/10, 2/10 and 3/10 Oxford Street will be less than minor. These dwellings are sufficiently setback from the duplex units such that visual, privacy and any other adverse effects from the proposal will be less than minor. The effects assessment in sections 4.1.3 and 3.1.4 is also relevant for these persons.

### **Houses 1 and 2**

Proposed Houses 1 and 2 share a boundary with 6A Oxford Street, 51 and 53A Beach Road, and 5 Church Street. The net site area of house sites 1 and 2 is close to or compliant with the District Plan minimum area, and the dwelling density is comparable to what would be anticipated if the site at 7 Church Street was subdivided with an infill development behind a front house. Proposed House 2 is single storey and 3 bedrooms, House 1 is two storey with a single level annex, and is a total of 4 bedrooms. Such houses could be anticipated in this location under the example subdivision scenario of 7 Church Street, and is provided for by the planning zone. The buildings are compliant with the height and recession plane standards for the zone, and setbacks from boundaries are complied with. I note that the two storey part of the House 1 is setback from the boundary with 5 Church Street by the car parking area. The living areas of House 1 are located at ground level and do not overlook the site at 5 Church Street. There is an outdoor living area and garden between House 2 and the site at 6A Oxford Street providing a sense of openness. Adverse effects on the owners and occupants of the dwellings and sites at 6A Oxford Street, 51 and 53A Beach Road, and 5 Church Street are therefore considered to be less than minor.

### **Houses 5, 8, 4 and 7**

Proposed House 5 shares a boundary with 8 Oxford Street, and a short length of boundary 6A Oxford Street. Proposed House 8 shares a boundary with 10 Oxford Street and a short length of boundary with 8 Oxford Street. (Effects on the owners/occupants of the dwelling and site at 4/10 Oxford Street are addressed separately). House 5 and House 8 are single level, 2-bedroom dwellings. House 4 and House 7 behind House 5 and House 8 are the same typology. Houses 5, 8, 4 and 7 have a modest Gross Floor Area of 81.5m<sup>2</sup> each. Houses 5 and 8 could be anticipated to be built in that location as part of an anticipated development scenario, of infill subdivision and development. The zone provides for further subdivision of the sites at 9 and 11-13 Church Street, and dwellings could be anticipated to be provided in those locations based on a compliant restricted discretionary subdivision of those sites. Houses 5 and 8 are modestly scaled, while the plan provides for two storey dwellings and larger dwelling footprints e.g. 4 or 5 bedrooms. Houses 5 and 8 are therefore modestly sized compared to what the plan anticipates in this zone. The presence of houses 4 and 7 behind houses 5 and 8 will be visually obscured to the owners and occupants of the dwellings and sites at 6A and 8 Oxford Street (by the fencing, landscaping and built form of houses 5 and 8). There are no shared driveways or parking areas directly adjoining the sites at 6A Oxford Street and 8 Oxford Street, mitigating disturbance from vehicle movements within the site. Houses 5 and 8 are setback more than the plan requires from the site boundary (being 4.8m and 5.1m setback respectively) and are compliant with the height and recession plane standards for the zone. Being single level, the potential for overlooking is mitigated and will be less effect than could be anticipated under the zone standards (such as might occur with a two storey dwelling built closer to the boundary). Adverse effects on the owners and occupants of the dwellings and sites at 6A and 8 Oxford Street are therefore considered to be less than minor.

### **House 9**

Proposed House 9 shares a boundary with 1/17 Church Street, and a short length of boundary with 2/17 Church Street. (Effects on the owners/occupants of the dwelling and site at 2/17 Church Street are addressed separately). House 9 is a 4 bedroom, 2 storey dwelling. The majority of House 9 is 11 metres setback from the boundary with the site at 1/17 Church Street, and the shared driveway for the sites at 1-4/17 Church Street is immediately adjacent to that boundary. House 9 complies with road boundary setback, and the recession plane at the internal boundary with the site at 1/17 Church Street. The living areas for House 9 are located on the ground floor, and do not overlook the dwelling and site at 1/17 Church Street. House 9 could be built in that location as a permitted activity, or as part of an anticipated restricted discretionary subdivision of the site at 15 Church Street. There is no shared vehicle access next to 1/17 Church Street, mitigating disturbance from activity within the development site. Lawn and tree planting will be provided between House 9 and the site at 1/17 Church Street. The owners and occupants of the dwelling and site at 1/17 Church Street could reasonably anticipate a two storey dwelling to be

built next to them, and the proposed dwelling is within the built form standards for the zone. The adverse effects on the owners and occupants of the dwelling and site at 1/17 Church Street are therefore considered to be less than minor.

I consider that the adverse effects on any other persons will be less than minor for the same reasons as outlined above and in section 3.1.4, including the commentary in section 3.1.4 on parking, traffic, socio-economic factors and property values.

#### 4.1.4 Limited Notification Assessment Conclusion

It is considered that this application should be processed with service of notice to the following adversely affected persons:

<b>Table 1: Adversely affected persons</b>	
<b>Person/Organisation &amp; identifying features</b>	<b>Address for service</b>
Owners and occupants of the dwellings at 2/17, 3/17, and 4/17 Church Street.	2/17, 3/17 and 4/17 Church Street.
Owners and occupants of the dwelling at 14A Oxford Street.	14A Oxford Street.
Owners and occupants of the dwelling at 12 Oxford Street.	12 Oxford Street.
Owners and occupants of the dwelling at 4/10 Oxford Street.	4/10 Oxford Street.



### Section 95B(10) Further notification in special circumstances

## 6.0 Conclusion

- The applicant has not requested public notification.
- Pursuant to section 95B of the RMA, this application must be processed with limited notification because there are adversely affected persons. Notice of the application shall be served on those persons who have been identified as being adversely affected (and who have not provided their written approval), as identified in Table 1 above.
- Special circumstances requiring public notification or notification to other persons do not exist.

## Limited Notification

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- i) The applicant has not requested public notification [s.95A(2)(B)]; and
- ii) The adverse effects on the environment are no more than minor (s.95D)
- iii) There are no special circumstances [s95a(4),s95b(10)]; and
- iv) There are persons considered adversely affected by this proposal as identified in Table 1 above (s95e & s95F); and
- v) Request for further information has not been sought or for the commissioning of a report.



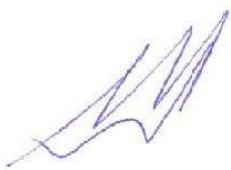
**Signed:**

\_\_\_\_\_  
Nicholas Law  
Reporting Planner

**Date:** 21/02/2024

**Decision:**

The above application LUC23/0103 has been considered under delegated authority and has been determined to be processed with service of notice pursuant to sections 95B and 95E of the Resource Management Act 1991.



**Signed:**

\_\_\_\_\_  
Ian Hyde  
District Planning Manager

**Date:** 21/2/2024



**Signed:**

\_\_\_\_\_  
Jane Donaldson  
Group Manager Compliance & Development

**Date:** 21/02/2024