

17 March 2020

Kapiti Coast District Council Section 95 Notification Report under the Resource Management Act 1991 (RMA)

Application No.:	RM190125
Applicant:	Housing New Zealand Limited
Site Address:	35 Kaitawa Crescent, Paraparaumu
Legal Description:	LOT 62 DP 23300 CT B1/1459
Site Area:	842m ²
Applicant's Address for Service:	C/- WSP Opus PO Box 12 003 Thorndon, Wellington
Proposal:	To undertake a two lot residential subdivision that does not meet the shape factor, minimum and average lot sizes, requires consent for contaminants in soil and land use consent for the construction of two dwellings prior to the certification of the subdivision that do not meet the permitted activity standards for car parking, water demand management and accessory buildings encroaching the require yard setbacks
Operative District Plan Zone:	Residential
Proposed District Plan Zone:	Residential
Activity Status:	Subdivision - Non-Complying Land Use - Discretionary

Report prepared by: Marnie Rydon, Principal Resource Consents Planner
Report peer reviewed by: Vijay Soma, Resource Consents and Compliance Manager

1. PREAMBLE

This report assesses the potential adverse effects in respect to resource consent application RM190125 and includes a recommendation and decision on whether the application be processed on a non-notified, limited notified or publicly notified basis.

2. THE PROPOSAL

2.1 Description of Proposal

The Applicant has applied for resource consent to undertake a two lot residential subdivision that does not meet the shape factor, minimum and average lot sizes, requires consent for contaminants in soil and land use consent for the construction of two dwellings (one single storey on proposed Lot 1 and one two storey on proposed Lot 2) prior to the certification of the subdivision that do not meet the permitted activity standards for car parking, water demand management and accessory buildings encroaching the require yard setbacks at 35 Kaitawa Crescent, Paraparaumu.

The proposal includes the following, as described in the Resource Consent Application (WSP Opus, June 2019):

It is proposed to subdivide the site into two lots. Proposed Lot 1 is the front lot with proposed Lot 2 at the rear. The new driveway is located partly on both lots and will be

subject to a right of way and easements for services. The proposed subdivision scheme plan and easements are shown in Appendix B.

Proposed Lot 1 will be rectangular in shape with an area of 442m² (net area of 336m²). It will contain a new, 2-bedroom unit, a new car-pad, a concrete outdoor living area and an outdoor living court at the north eastern corner of the site (plans in Appendix C). The proposed car-pad will be accessed via the new driveway. Two water storage tanks will be located on the eastern boundary of the site. There will also be a grassed outdoor area in the south eastern corner of the site.

Proposed Lot 2 will be rectangular in shape with an area of 400m² (net site area of 384m²). It is proposed to construct a new 3-bedroom unit, a new car-pad, a concrete living area and an outdoor living court to the north of the unit. The proposed car-pad will be accessed via the new driveway (plans in Appendix C). Two water storage tanks will be located in the north eastern corner of the site adjacent to the eastern boundary. There will be grassed lawn surrounding the new unit on the north, east and west sides.

The new driveway will be 4m wide and will run along the west side of the site, and has an area of 151m². A 16m² section of the driveway on proposed Lot 2 will be used for reversing from the new car-pad on Proposed Lot 1. There will be a 1.2m high fence for 5m along the eastern and western boundaries of the site and along the southern (front) boundary at the start of the driveway and a 1.8m high fence at the end of the driveway to provide separation from the driveway and the living area behind it.

New water, sewer, power and telecommunications connections will be provided to the two units. The location of the water, wastewater and stormwater connections are shown on the site plan in Appendix C. The existing overhead cables will be disconnected and re-routed to suit the new units. The existing house and garage will be demolished prior to the issue of the new titles.

Most of the existing vegetation will be removed from the site and new trees will be planted, at the locations shown on the site drawing in Appendix C.

2.2 Application and Supporting Information and Further Information Requested

The following information has been provided by the applicant in support of the application:

- Application and Assessment of Environmental Effects prepared by WSP Opus and dated June 2019.
The Assessment of Environmental Effects concludes that the activity will have less than minor adverse effects on the environment and is consistent with the relevant policy framework of the Proposed District Plan Appeals Version 2018 and the Operative District Plan 1999;
- Record of Title;
- Subdivision Scheme Plan prepared by WSP Opus and dated 27 February 2019;
- Detailed Design Plan prepared by WSP Opus and dated June 2019;
- Water Storage and Hydraulic Neutrality Report prepared by WSP Opus and dated 10 June 2019;
- Geotechnical Assessment Report and Foundation Recommendation prepared by WSP Opus and dated February 2019;
- Contaminated Land Assessment Report, prepared by WSP Opus and dated February 2019;

- Contaminated Land Site Investigation Report, prepared by WSP Opus and dated March 2019;
- Responses to Further Information Requested received 19 December 2019, 8, 9, 15, 16, 22 and 23 January 2020 prepared by WSP Opus.

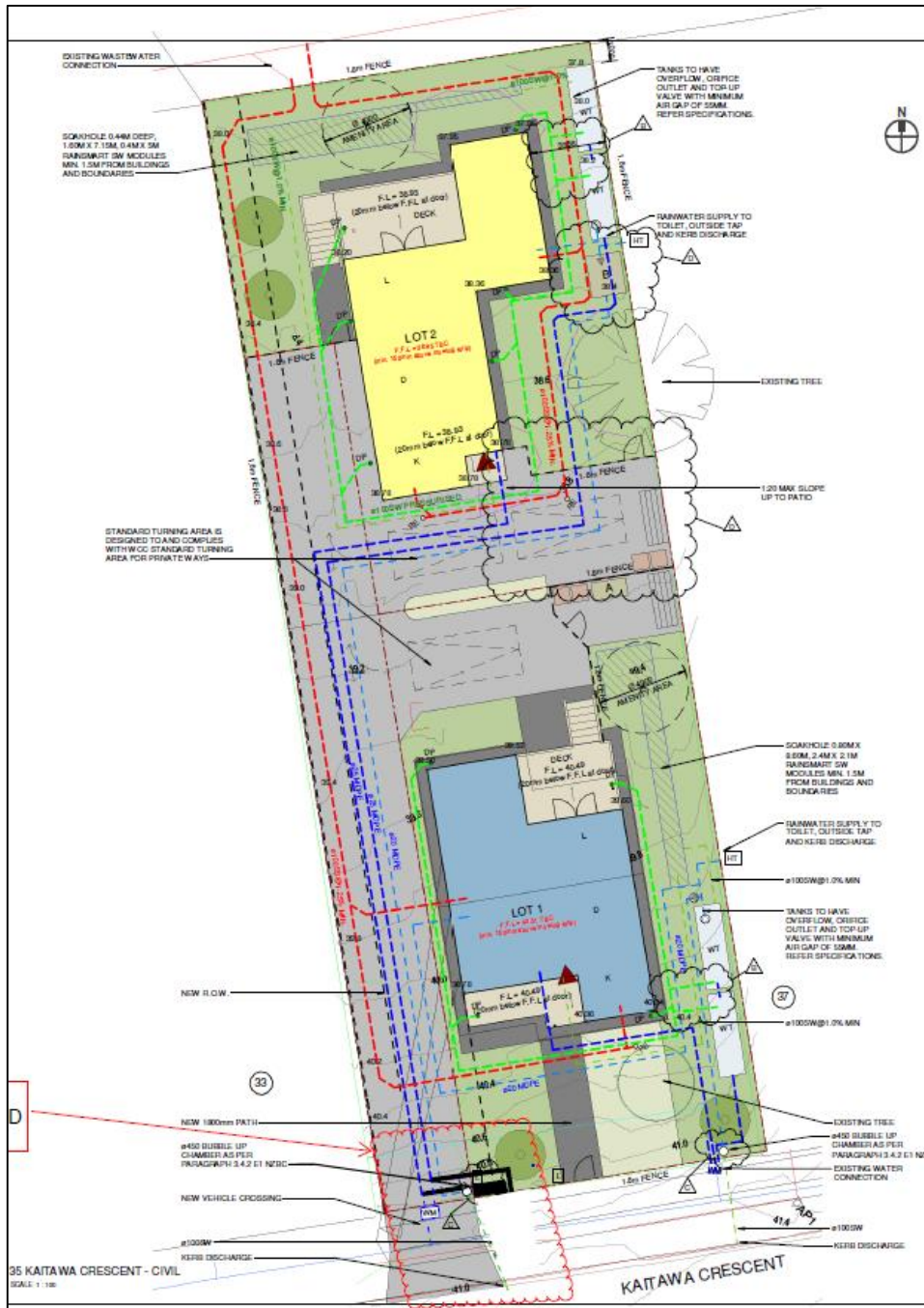


Figure 1: Proposed scheme plan

2.3 Written Approvals

No written approvals for the proposal have been obtained.

3. SITE AND SURROUNDING ENVIRONMENT

3.1 Site Description

The subject site known as 35 Kaitawa Crescent, Paraparaumu, legally described as Lot 62 DP 23300 and held in Record of Title WNB1/1459 is shown to contain an area of 842m². There is a Building Line Restriction Registered on the Record of Title that will not be impacted by the proposal.



Figure 2: Aerial image of subject site showing topography

3.2 Surrounding Environment

The site is surrounded by residential properties that range in size from 809m² to 1,391m². The properties generally contain one dwelling per original lot, accessory buildings and large open spaces of landscaping. No infill development has occurred, although the properties known as 94 Ruapehu Street and 1A Kaitawa Crescent are cross less rather than fee simple and therefore contain two dwellings.

Approximately 170m to the northwest of the subject site is Kaitawa Reserve which contains playground areas, a stream and parts of ecological site K150.



Figure 3: View of 35 Kaitawa Crescent from the street



Figure 4: Garage to be removed and area where the dwelling on proposed Lot 2 is proposed to be constructed

4. DISTRICT PLAN PROVISIONS

In November 2012, Council notified the Proposed District Plan (PDP). Following submissions, hearings and the releasing of decisions on 22 November 2017, there was an appeals period. The appeals period closed on 25 January 2018.

As of 26 January 2018, any provisions of the PDP not appealed are operative and the corresponding provisions of the Operative District Plan (ODP) 1999 fall away. The ODP objectives, policies and maps still have legal effect and must be considered when processing applications.

As this application was lodged on 17 June 2019, the version of the Proposed District Plan most relevant is the one updated on 6 June 2019 to reflect the resolution to appeals.

The District Plans are assessed below.

4.1 Kapiti Coast Operative District Plan Zoning and Overlays

The property is zoned Residential under the Kapiti Coast Operative District Plan. There are no other planning features or notations for the site shown on the planning maps.

5. PROPOSED KAPITI COAST DISTRICT PLAN 2018 (APPEALS VERSION)

5.1 Zoning and Overlays

The property is zoned Residential, as shown in the Proposed District Plan. There are no other planning features or notations for the site shown on the planning maps.

5.2 Relevant Rules and Standards

Land Use

Chapter 5 Living Zones

Table 5A.1 Permitted Activities

6. *New buildings, and any minor works, additions or alterations to any building (excluding any listed historic heritage building).*

Standards

Maximum number of household units

2. *For any lot in the Residential and Beach Residential Zones which is not in a focused infill precinct, no more than one household unit may be erected, except that:*

- a. *up to four household units may be erected on site provided it can be shown that:*
 - i. *each household unit is capable of being contained within its own lot which complies with the subdivision standards under Rules 5A.2.3 and 5A.3.3;*
 - ii. *each household unit must be separated by a distance not less than 4.5 metres, except that this shall not apply to any attached household units;*
 - iii. *each household unit must comply with the permitted activity standards under Rule 5A.1.6; and*
 - iv. *each household unit must comply with the payment of financial contributions under Chapter 12.*

Yards and building location

11. *Any lot must meet the following minimum yard requirements:*

- a. *for any front yard in the Residential Zone:*
 - i. *any building or above ground water tank must be set back at least 4.5 metres from any legal road boundary, except that any primary residential building may be located within a distance no closer than 3 metres from any road boundary provided that any part of the primary residential building located within 4.5 metres of the road boundary is not used as a garage, carport or other covered vehicle storage area;*
- c. *Side and rear yards:*
 - i. *any residential building and any habitable room within any accessory building, must be setback from side or rear boundaries such that the following minimum dimensions are achieved:*
 - a. *if located on front lot - 3 metres rear yard, 3 metres one side yard, and 1.5 metres all other side yards; and*
 - b. *if located on rear lot - 3 metres all yards;*
 - ii. *any accessory building, excluding habitable rooms within the accessory building, must be setback from side or rear boundaries such that rear and side yards have a minimum width of 1 metre.*

Table 5A.4 Discretionary Activities

2. *Any building, minor works, additions or alterations to any building, which does not comply with one or more of the permitted activity standards under Rule 5A.1.6.*

Chapter 11 infrastructure, Services and Associated Resource Use

11.4 Managing Demand on Network Utilities – Water Supply, Sanitation and Stormwater

Table 11B.1 Permitted Activities

2. Any new and relocated residential buildings on land where potable public water supply is available.

Standards

1. All new or relocated residential buildings where potable public water supply is available to a residential building must be fitted with one of the following:

- a. rainwater storage tanks with a minimum capacity of 10,000 litres for the supply of non-potable water for outdoor uses and indoor toilets; or
- b. rainwater storage tanks with a minimum capacity of 4,000 litres for the supply of non-potable water for outdoor areas and indoor toilets, and a greywater re-use system for outdoor irrigation. The greywater re-use system shall re-use all water from bathrooms (excluding toilets) and laundry washing machines.

Table 11B.3 Restricted Discretionary Activities

1. Any new and relocated residential building that does not comply with any one or more of the permitted activity standards under Rule 11B.1.2.

Standards

1. An assessment that demonstrates the system proposed will permanently reduce water demand associated with the household unit(s) by at least 30% from Household 2007 summer average water use.
2. The provision of a non-potable supply for all outdoor uses associated with the household unit, including garden irrigation.
3. Provision must be made to ensure that no outdoor taps can be connected to the potable public water supply.

11.7 Access and Transport

Table 11P.1 Permitted Activities

2. Residential activities including:

- a. Habitable buildings

Standards

1. A minimum of 2 carparks (including garages or carports) per household unit.

Table 11P.4 Discretionary Activities

1. Any activity which is not identified as a permitted, controlled, or restricted discretionary activity.

Subdivision

Chapter 5 Living Zones

Table 5A.2 Controlled Activities

3. Except as provided for under Rule 5A.2.1, subdivision of land within the Residential Zone at Raumati, Paraparaumu, Waikanae and Ōtaki (excluding Ōtaki Beach), excluding land within any precinct listed in Policy 5.1.

Standards

1. Each lot must have legal and physical access to a legal road.
2. Each lot must have a flood free building area above the estimated 1% Annual Exceedance Probability flood event.

Parent lot area

3. The land to be subdivided shall be less than 3,000m² in area.

Note: Subdivision of land greater than 3,000m² is provided for under Rule 5A.3.3.

Minimum lot size

4. For all areas, excluding the Residential Zone at Ōtaki, the minimum lot area shall be 450m² (inclusive of access).

Shape factor

6. Each lot must be capable of accommodating an 18 metre diameter circle.

7. Where a rear lot is created, the shape factor circle for the front lot(s) may extend over the access leg for the rear lot by a distance not exceeding 3 metres.

Infrastructure, access and services

8. Access, water supply, wastewater and stormwater drainage systems, and underground power and telecommunications must be provided in accordance with the Council's Subdivision and Development Principles and Requirements 2012.

9. The maximum number of lots gaining legal and physical access by rights of way shall be 6.

10. Access to all lots must comply with the standards in Chapter 11 – Infrastructure.

Financial Contributions

12. Compliance with Table 12A.1 - financial contributions.

Table 5A.3 Restricted Discretionary Activities

1. Each lot must have legal and physical access to a legal road.

Minimum and average lot sizes

2. Each lot must meet the following minimum requirements:

h. for all other land in the Residential Zone or Beach Residential Zone where the land to be subdivided is less than 3,000m² in area:

i. the minimum lot area shall be 450m² (exclusive of access); and

ii. the minimum average lot area for the entire subdivision shall be 600m² (exclusive of access);

Shape factor

3. Each lot must be capable of accommodating an 18 metre diameter circle.

Table 5A.4 Discretionary Activities

5. Any subdivision of land in the Residential Zone at Raumati, Paraparaumu, Waikanae and Ōtaki (excluding land within any precinct identified in Policy 5.1) where the land to be subdivided is less than 3,000m² in area and it:

a. is not a controlled activity under Rule 5A.2.1 or 5A.2.3;

b. meets all standards under Rule 5A.3.3 except standard (3);

c. has a minimum lot area of 450m²; and

d. each lot can accommodate a 15m diameter circle.

Table 5A.5 Non-Complying Activities

2. Any subdivision of land which is not a controlled activity under Rules 5A.2.1 or 5A.2.3, a restricted discretionary activity under Rule 5A.3.3, or a discretionary activity under Rule 5A.4.5.

5.3 Activity Status

Land Use

- The proposal to construct two dwellings on a site that do not meet the associated subdivision standards is a **discretionary activity** under Rule 5A.4.2;
- The proposal to place water tanks and accessory buildings on the boundary not meeting the required 1m yard setback is a **discretionary activity** under Rule 5A.4.2;
- The proposal to reduce the size of the water tanks is a **restricted discretionary activity** under Rule 11B.3 as all associated standards are complied with;
- The proposal to provide one car park for each proposed dwelling instead of the required two is a **discretionary activity** under Rule 11P.4.1.

Overall, the land use component of the application is a **discretionary activity** as this is the more restrictive activity status.

Subdivision

- The proposed subdivision is a **non-complying activity** under Rule 5A.5.2 as the shape factor and minimum and average lot size requirements for controlled,

restricted discretionary and discretionary subdivisions in the residential zone are not complied with.

6. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

There are currently six operative National Environmental Standards, these relate to the air quality, sources of drinking water, telecommunication facilities, electricity transmission activities, contaminants in soil and plantation forestry.

The relevant National Environmental Standard is set out below.

6.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 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.

The NESCS came into effect on 1 January 2012.

The NESCS applies to assessing and managing the actual or potential adverse effects of contaminants in soil on human health from five activities: subdivision, land-use change, soil disturbance, soil sampling, and removing fuel storage systems.

The proposed development of 35 Kaitawa Crescent, Paraparaumu is covered by two of the activities above, subdivision and soil disturbance.

Sampling was undertaken on the site that showed lead concentrations above the Soil Contamination Standard. The preliminary site investigation report does not state that *“it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land”* as required by the permitted activity standards of the NESCS.

The controlled activity standards are also not met as the soil contamination exceeds the application regulation 7 standard for lead. As the permitted and controlled standards are not met, the proposal becomes a **restricted discretionary** activity under Section 10(1) of the NESCS with the following requirements being met:

(2) The activity is a restricted discretionary activity while the following requirements are met:

(a) a detailed site investigation of the piece of land must exist:

(b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:

(c) the consent authority must have the report:

(d) conditions arising from the application of subclause (3), if there are any, must be complied with.

7. RELEVANT NATIONAL POLICY STATEMENTS

There are currently five operative National Policy Statements, these relate to the Coastal Environment, Urban Development Capacity, Freshwater Management, Renewable Electricity Generation and Electricity Generation.

The relevant National Policy Statement is set out below.

7.1 National Policy Statement on Urban Development Capacity (NPSUDC)

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) sets out the objectives and policies for providing development capacity under the Resource Management Act 1991.

The NPSUDC came into effect on 1 December 2016. The Kapiti Coast is identified in the NPSUDC as a medium-growth urban area.

8. RELEVANT STATUTORY PROVISIONS

In considering whether or not notification is required, Sections 95A to 95E of the Resource Management Act 1991 must be considered. Sections 95F and G are not relevant to this application. Sections 95 to 95E are referenced below:

95 Time limit for public notification or limited notification

95A Public notification of consent applications

95B Limited notification of consent applications

95C Public notification of consent application after request for further information or report

95D Consent authority decides if adverse effects likely to be more than minor

95E Consent authority decides if person is affected person

For the full text of the above provisions, please refer to the Resource Management Act 1991.

8.1 Determining If Notification Is Required

There are two key steps in the process of determining whether an application should be publicly notified, or be processed on a limited or non-notified basis.

Step 1 requires the Council to decide if an application should be publicly notified (as set out below). If the Council determines that the activity should not be publicly notified then they revert to the next step in the process, which is to determine if there are any affected persons who need to be limited notified of the application.

A full list of the provisions for public notification is provided below. In summary, an application should be publicly notified if the adverse effects on the environment are more than minor (but not less than minor or minor) or special circumstances exist that warrant public notification.

A person is considered to be an affected party, for the purpose of limited notification, if the effects on them are minor or more than minor, but not less than minor.

The steps for determining limited notification, as set out in s95B is provided below.

8.2 s95A Public Notification

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under section 95C;
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

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

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
- (b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity:

(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:

(iv) a prescribed activity (see section 360H(1)(a)(i)).

(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.

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

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

- (a) if the answer is yes, publicly notify the application; and
- (b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

Step 4: public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

- (a) if the answer is yes, publicly notify the application; and
- (b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

8.3 s95B Limited Notification

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

(2) Determine whether there are any—

- (a) affected protected customary rights groups; or
- (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

- (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
- (b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

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

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and
- (b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;
- (b) the application is for a resource consent for either or both of the following, but no other, activities:
 - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land);
 - (ii) a prescribed activity (see section 360H(1)(a)(ii)).

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

(7) Determine whether, in accordance with section 95E, the following persons are affected persons:

- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
- (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—

- (a) if the answer is yes, notify those persons; and
- (b) if the answer is no, do not notify anyone else.

8.4 Effects that must be disregarded

When determining if an application has effects that are more than minor, which would require public notification, section 95D states that the effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land must be disregarded. Any effects that are permitted by rules within National Environmental Standards or Plan or Proposed Plan may also be disregarded.

Section 95D states:

Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

- (i) the land in, on, or over which the activity will occur; or*
- (ii) any land adjacent to that land; and*

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

(c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and

(d) must disregard trade competition and the effects of trade competition; and

(e) must disregard any effect on a person who has given written approval to the relevant application.

Effects that must be disregarded – effects on adjacent properties

The adjacent land includes the following properties:

- 7, 33 and 37 Kaitawa Crescent

Any effect on a person who has given written approval to the application must also be disregarded. No written approvals were provided with the application.

Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Proposed District Plan (PDP) permits one dwelling and one minor flat (of not more than 54m²) and accessory buildings with a maximum total coverage of 60m² to be constructed on a property of 842m² provided they comply with all of the permitted activity rules and standards contained within each of the chapters of the PDP.

The Act provides for the Council to disregard any effect that if a rule in a plan or proposed plan permits an activity with that effect, as a discretion.

The application proposes to construct two dwellings (75m² and 115m²) and undertake a two-lot subdivision. All subdivisions on the Kapiti Coast require a resource consent. Further, the size of the proposed dwellings means that they are larger than what would be anticipated as a complying land use development of the site. Therefore, the permitted baseline is not considered relevant.

8.5 Receiving environment

The effects of the activity are also required to be assessed against the “existing environment”. This includes existing use rights, existing activities carried out under existing consents and resource consents which have been granted where it appears those consents will be implemented. The concept of the existing environment refers to a state of affairs which a consent authority must determine and take into account when assessing the effects of allowing an activity; by contrast, the permitted baseline provide the authority with an optional means of measuring – or more appropriately excluding – adverse effects of that activity which would otherwise be inherent in the proposal.

The receiving environment is comprised of the following:

- The existing dwelling and detached accessory building;
- Residential properties of a similar size to the subject site that contain centrally located dwellings, accessory buildings to the rear and residential landscaping.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

9. ASSESSMENT OF EFFECTS (Section 95D)

As the land use component of the application is a discretionary activity and the subdivision a non-complying activity, the Council's assessment is not restricted to any particular matters.

In undertaking this assessment of effects, in accordance with s95D(1) I have disregarded:

- any effects on persons who own or occupy the subject site and adjacent land to the site,
- trade competition and the effects thereof.

The matters requiring assessment have been determined to be:

- Character, Amenity and Density Effects
- Servicing and Construction Effects
- Natural Hazards Effects
- Contaminants in Soil Effects
- Transportation Effects
- Water Demand Management Effects

9.1 Character, Amenity and Density Effects

The standards of the PDP endeavour to ensure that development does not detract from the character and amenity of the surrounding environment.

In this case, the density and character of Kaitawa Crescent and the surrounding area is large 800-1,300m² properties that contain one dwelling which is located in the centre of the site. Garages and accessory buildings are generally located to the rear and landscaping areas are located between the dwellings and the property boundaries.

The proposed subdivision resulting in lots of 442m² (proposed Lot 1) and 400m² (proposed Lot 2) are significantly smaller than the properties in the surrounding environment and do not meet the minimum lot size of 450m² anticipated by PDP by 8m² and 50m². The PDP also requires an average lot area of 600m² across the subdivision exclusive of access. The average lot area across the proposed subdivision exclusive of access is 361.5m².

The properties at 33 and 37 Kaitawa will see an increase in the built form on the site due to the proposal for two dwellings including one which is two storeys. This will result in a change to the low density character on the site. It is considered this will have a minor adverse effect on the adjacent sites by resulting in a higher percentage of the land being used for buildings. The current character of the area consists of large areas of open space (lawns) and gardens and the proposal will depart from this.

The Proposed District Plan anticipates a minimum lot size of 450m² with an average minimum lot size across the subdivision of 600m²; therefore; it is considered that the adjoining properties would have a reasonable expectation that a two lot subdivision or the construction of two dwellings on the subject site would be unlikely to occur.

The proposal will result in an additional two storey dwelling to the rear which will adjoin the most sensitive areas (private open space) of the adjoining sites. If the minimum and average lot sizes were met it is considered that the effect upon the adjoining properties would be much less; however, in this instance the effects of the proposed density on the adjoining properties are assessed to be minor.

The occupation of the site in a way that is not anticipated by the Proposed District Plan will have a minor effect on the amenity of the adjoining properties given the higher occupation of the subject site will increase noise from vehicles coming to two dwellings as opposed to one and the noise from the occupants of the proposed dwellings.

The applicant is proposing to place rainwater storage tanks requiring a 1m yard setback directly adjoining the boundary with 37 Kaitawa Crescent. Although due to the height being 2m, they will not encroach the height envelope permitted activity standard, but they will be visible over the top of the proposed fence which is 1.8m in height.

The accessory buildings (garden sheds) that also encroach the required yard setback will be located along the common boundary between proposed Lots 1 and 2 and as these will be retained in the ownership of the Applicant, it is considered that approval for the encroachment is inherent in the application.

Overall, the adverse character, amenity and density effects are considered to be minor on the properties at 7, 33 and 37 Kaitawa Crescent.



Figure 5: Aerial image of the subject site (bordered by black and white) and surrounding environment

9.2 Servicing and Construction Effects

A new sewer connection for proposed Lot 2 will be provided from the Council sewer main located within the property at 7 Kaitawa Crescent as shown in figure 6 below. Both lots are proposed to be serviced from this sewer main as the one located within Kaitawa Crescent to the south of the subject site would require pumps as the road sits higher than the subject site.

Given trenching construction works are required to be undertaken within an adjoining privately owned property for this connection to be created, the adverse effects of servicing on 7 Kaitawa Crescent are considered to be minor.

Water will be provided from Council's reticulated system in Kaitawa Crescent to each of the allotments with one new connection required for proposed Lot 2 which will be located down the proposed right of way.

Underground power and telecommunications services will be provided to each lot as required by Council's Subdivision and Development Principles and Requirements 2012 (SDPR).

A report on stormwater disposal and hydraulic neutrality was provided with the application and demonstrates that each dwelling will be able to comply with the requirements of the PDP and SDPR.

The sewer, water, power, telecommunications and access rights will be protected via proposed easements.

Other than the effects associated with the new sewer connection, the works required for providing services to the proposed dwellings will be temporary in nature and no different to what could be expected in association with a permitted activity (i.e. accessory building); therefore, the other adverse construction effects are considered to be less than minor.



Figure 6: Existing and surrounding services. Dark blue = water, red = sewer and pink = private connections

9.3 Natural Hazards Effects

The site is not shown to be subject to any flood hazards as per the ODP, PDP or latest flood hazard maps or be within any of the fault avoidance areas.

The application was accompanied by a geotechnical report and foundation recommendation that included an assessment on liquefaction risk.

The geotechnical investigations showed that the stratigraphy beneath the site is generally uniform across the site. Under the initial 200mm layer of topsoil at ground level, there is a very stiff silt layer 0.8m in depth. The stiff silt layer is underlain with dense to very dense gravels in a silt matrix. The report further states that “groundwater was not encountered in any of the hand augers, which were excavated to a maximum depth of 1.2m below ground level.”

The report notes that *“GNS undertook a regional liquefaction hazard study for the Wellington Region (GNS, 2014). A liquefaction susceptibility map was developed for this report. This liquefaction susceptibility map indicates that the site lies in “Low” liquefaction susceptibility zone which gives a liquefaction damage rating of “None” for magnitude MM8 and MM9.*

The shallow soil investigation undertaken at the site, appears to confirm the above statement.”

The report concludes:

“Based on the desk study, ground investigation and geotechnical assessment, the conclusions and recommendations are given as follows:

- *Soils underlying 35 Kaitawa Crescent are likely to comprise very stiff silt layer below topsoil underlain by dense to very dense gravel layer with silt matrix;*
- *Based on the geotechnical investigations, “good ground” is encountered from about 0.8m below the existing ground level;*
- *The material above this level does not comply with the requirements of “good ground” as defined in NZS3604, and should the building foundation be above the level of 0.8m below existing ground level, specific engineering design will be required.*
- *A shallow strip / pad foundation or short timber pile foundation is suitable for the proposed building for use at the site.*
- *The site subsoil class for the proposed development site is considered to be Class D –deep or soft soil site, in terms of the seismic design requirements of NZS 1170.5:2004;*
- *The likelihood of liquefaction occurring and ground damage in a seismic event at this site is considered low.”*

As recommended in the geotechnical report, the top 0.8m of material on the site will be removed. Across the site, this equates to approximately 73.8m³ of land disturbance. As the ground level will not alter by more than 1m, the proposed earthworks do not trigger the requirement for resource consent under the PDP.

Based on the report provided with the application, the adverse natural hazard effects are considered to be less than minor.

9.4 Contaminants in Soil Effects

As outlined in section 6.1 of this report, lead contaminated soils were found on the subject site. A Contaminated Land Site Investigation Report was provided with the

application which details that the contaminated soil will be removed from the site as part of the proposed development.

The report also contains the following recommendations:

Produce should not be cultivated in the garden bed along the West side of the house.

Prior to earthworks being undertaken in this area, additional soil samples are collected to delineate the extent of the lead containing soils. This will also be relevant to determine options for management or disposal of soils.

Avoid handling soils in this area by using low maintenance planting and/or installation of hardstand such as weed mat and stone/chip or hard pavement. If soils are handled in this garden bed, hands must be thoroughly washed to remove dirt from hands and beneath finger nails.

Prevent children from playing or gardening in this area.

Additional information on the nature of renovations and garden activities for this property may give a greater understanding for the elevated result.

All potentially contaminated land will be disposed of at an appropriate location offsite prior to the other earthworks occurring on the site.

Overall, the adverse effects associated with the contaminated soil are considered to be less than minor.

9.5 Transportation Effects

The Applicant is proposing to provide one car parking space for the dwelling on proposed Lot 1. Proposed Lot 2 will have the required two car parking spaces and has demonstrated that onsite manoeuvring is able to be undertaken although this is not a requirement of the PDP in this location.

The dwelling on proposed Lot 1 will contain two bedrooms and given the width of the carriageway of Kaitawa Crescent being approximately 7.6m, it has been considered by Council's Access and Transport Manager that one car park is acceptable.

The increase in vehicle movements can easily be accommodated by the surrounding road network and therefore, any transportation effects are considered to be less than minor.

9.6 Water Demand Management Effects

The Applicant is proposing to reduce the size of the required 10,000l rainwater tanks required for water demand management by 4,275l (proposed Lot 1) and 4,642l (proposed Lot 2).

The reduction complies with the restricted discretionary activity standards as demonstrated by the WSP Opus Water Storage and Hydraulic Neutrality Report (10 June 2019) and each dwelling will be provided with an appropriate amount of non-potable water that will have a less than minor effect on public health, ecological and hydrological systems.

9.7 Conclusion

The proposal is considered to have **less than minor** adverse natural hazards effects.

The proposal is considered to have **less than minor** adverse water demand management effects.

The proposal is considered to have **minor** adverse effects from servicing and construction on the property at 7 Kaitawa Crescent.

The proposal is considered to have **minor** adverse effects on character, amenity and density on the properties at 7, 33 and 37 Kaitawa Crescent.

The proposal is considered to have **less than minor** adverse effects on contaminants in soil.

The proposal is considered to have **less than minor** adverse effects on transport.

10. PUBLIC NOTIFICATION RECOMMENDATION

I am of the opinion that the proposal need not be publicly notified for the following reasons:

- The applicant has not requested that the proposal be notified (s95A(3));
- Public notification is not required pursuant to section 95C;
- No exchange of recreation reserve is proposed;
- The adverse effects of the proposal will be minor; and
- There are no special circumstances associated with the proposed development which could warrant the application being publicly notified. While the proposal is a non-complying activity, residential development in a residential area is not considered to be an unusual circumstance.

11. LIMITED NOTIFICATION RECOMMENDATION

I am of the opinion that the proposal be subject to limited notification to the following parties as the adverse effects of the construction of the proposed dwellings and two lot subdivision are minor:

- 7 Kaitawa Crescent
- 33 Kaitawa Crescent
- 37 Kaitawa Crescent

Reported and Recommended by: _____

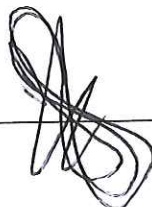


Marnie Rydon

Principal Resource Consents Planner

Decision: *"That the above recommendation be adopted."*

Delegated Officer _____



Vijay Soma

Resource Consents and Compliance Manager