

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

of an application under section 88 of the RMA for consents to undertake a two-lot residential housing development, subdivision, and other associated works at 35 Kaitawa Crescent, Paraparaumu.

**STATEMENT OF EVIDENCE OF MATHIEU MAROIS ON BEHALF OF KĀINGA ORA-
HOMES AND COMMUNITIES**

PLANNING

1. INTRODUCTION

1.1 My name is Mathieu Marois.

1.2 I am currently the Planner Environment at WSP New Zealand Limited ("WSP") in Wellington, having been employed by WSP since September 2019. I am responsible for the provision of consulting services in resource management and planning to a range of public and private clients including government departments and regional and territorial authorities.

Qualifications & Experience

1.3 I hold the degrees of Bachelor of Arts (Anthropology) and Master's in *Aménagement du territoire et développement régional* (M.ATDR) from Université Laval (Canada).

1.4 I have over 5 years of professional experience in the field of Resource Management Planning and I am an Associate Member of the New Zealand Planning Institute.

1.5 I spent over three years at Auckland Council processing resource consents. Since being with WSP I have prepared and processed on behalf of territorial authorities a variety of resource consent applications including subdivision and associated land use consent applications for developments ranging in size from one new lot to multiple new lots being implemented through a staged programme.

Involvement in the Proposal

1.6 I have been asked by Kāinga Ora-Homes and Communities ("Kāinga Ora") to prepare this statement of evidence to address matters raised by Kāinga Ora's proposal for

construction of two accessible social housing units, subdivision and other associated works (“**the Proposal**”) at 35 Kaitawa Crescent, Paraparaumu (“**the Site**”).

1.7 I did not prepare the original resource consent application but have been engaged to provide post-notification resource management planning services and evidence for this hearing. I have read the Resource Consent Application (Appendix A) dated 14 June 2019, prepared by Hannah Payne-Harker, WSP, and agree with the findings and conclusions.

1.8 My involvement in the Proposal has included the following:

- (a) Liaising with Kāpiti Coast District Council (“**the Council**”) following notification of the application to respond to further information requests;
- (b) Liaising with the submitters; and
- (c) Attendance at a pre-hearing meeting with the Council and the submitters (Appendix B).

Code of Conduct

1.9 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Unless I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

1.10 My evidence will address the following:

- (a) Site, context and proposal;
- (b) Consents required and application status;
- (c) Section 104(1)(a) - Assessment of actual and potential effects on the environment.
- (d) Section 104(1)(b) - Statutory assessment in terms of the provisions of:
 - (i) The NES - Contaminants;

- (ii) The Operative Plan;
- (iii) The Proposed Plan;
- (iv) The National Policy Statement on Urban Development 2020 (“NPS-UD”);
- (v) Part 2 of the RMA;
- (e) Section 104D of the RMA;
- (f) Section 106 of the RMA;
- (g) Council’s Section 42A report;
- (h) Response to submissions;
- (i) Conditions; and
- (j) Conclusion.

2. EXECUTIVE SUMMARY

- 2.1 I consider that while the Proposal is more intensive than currently exists, the proposed development overall is not considered to be inconsistent with or disruptive to the character of the surrounding area. Appropriate on-site amenity for tenants will be provided and the design of the buildings and various other measures will ensure any adverse amenity effects on adjoining properties are sufficiently managed.
- 2.2 Sam Thornton, Principal Transportation Engineer, WSP, has assessed the Proposal against traffic safety requirements. The assessment has determined the proposed development is consistent with the Proposed District Plan objectives and policies relating to parking despite the non-conformance in the number of parking spaces for the front unit and the rear unit’s parking spaces not being designed in accordance with AS/NZS 2890.1:2004.
- 2.3 Tim Strang, Principal Water and Wastewater Engineer, WSP, has assessed the Proposal in relation to water storage and hydraulic neutrality. The rainwater storage tanks are designed to provide in excess of the 30% of the *2007 Household Average Water Use*, in accordance with Kāpiti Coast District Council requirements where 10,000L storage tanks are not provided. The stormwater system has also been

designed to exceed the required hydraulic neutrality standards and therefore provide an effective mitigation to the increased run-off effects resulting from the development.

- 2.4 The Proposal is consistent with the Operative and Proposed Plans, NPS-UD and NES – Contaminants, addressing the issues and achieving the outcomes sought by those plans.
- 2.5 It is noted that the Proposed Plan has not incorporated the direction of the NPS-UD to date, therefore an assessment of Part 2 of the RMA is appropriate in this instance. The Proposal is considered to be consistent with Section 6 and 7 and the Treaty of Waitangi principles in accordance with Section 8 have been taken into account when developing the Proposal.
- 2.6 The Proposal is to provide affordable social housing to meet the change in demographic needs of the Kāpiti Coast District¹. The Proposal will help support individuals and families in housing need to improve their quality of life and provide for their social wellbeing while managing any effects on the environment. On this basis, the Proposal is considered to give effect to sustainable management in a way that a complying development (i.e. with more carparks and less density) might not. As such, I consider the Proposal is consistent with Part 2 of the RMA.

3. SITE, CONTEXT AND PROPOSAL

Site and Context

- 3.1 The Site is located at 35 Kaitawa Crescent, Paraparaumu. It is currently a vacant grassed site and has a rectangular shape. Its topography gently slopes downward towards the rear northern boundary and it has an overall area of 842m². Side and rear boundaries of the Site are fenced, and trees and shrubs are also located along these boundaries on the adjoining properties. There is one existing vehicle crossing on the southern front boundary giving direct access to Kaitawa Crescent.
- 3.2 The location of the Site is within a well-established residential area, on the south-eastern edge of the Paraparaumu township. Kaitawa Reserve is located approximately 200m to the west of the Site, Paraparaumu Station and the centre of the Paraparaumu (“Coastlands”) shopping area are located approximately 850m and

¹See Explanation of Objective 2.12 of the Proposed Kāpiti Coast District Plan – Appeals Version 2018, Chapter 2 – Objectives, Page 2-20.

1500m to the northwest of the Site respectively, meaning local shops, bus and train services and medical facilities are located within easy reach of the Site.

- 3.3 The Site is zoned Residential in the Operative and Proposed Plans. Residential dwellings are located on all properties adjoining the Site and opposite Kaitawa Crescent. Development in the area can be described as low to medium density, typically featuring dwellings on 600m² to 1,500m² parcel of land. Some properties are however more than 1ha in size and others have been subdivided down to 260m². Figure 1 below highlights the properties 400m² or less in size within approximately 500 metres of the Site.

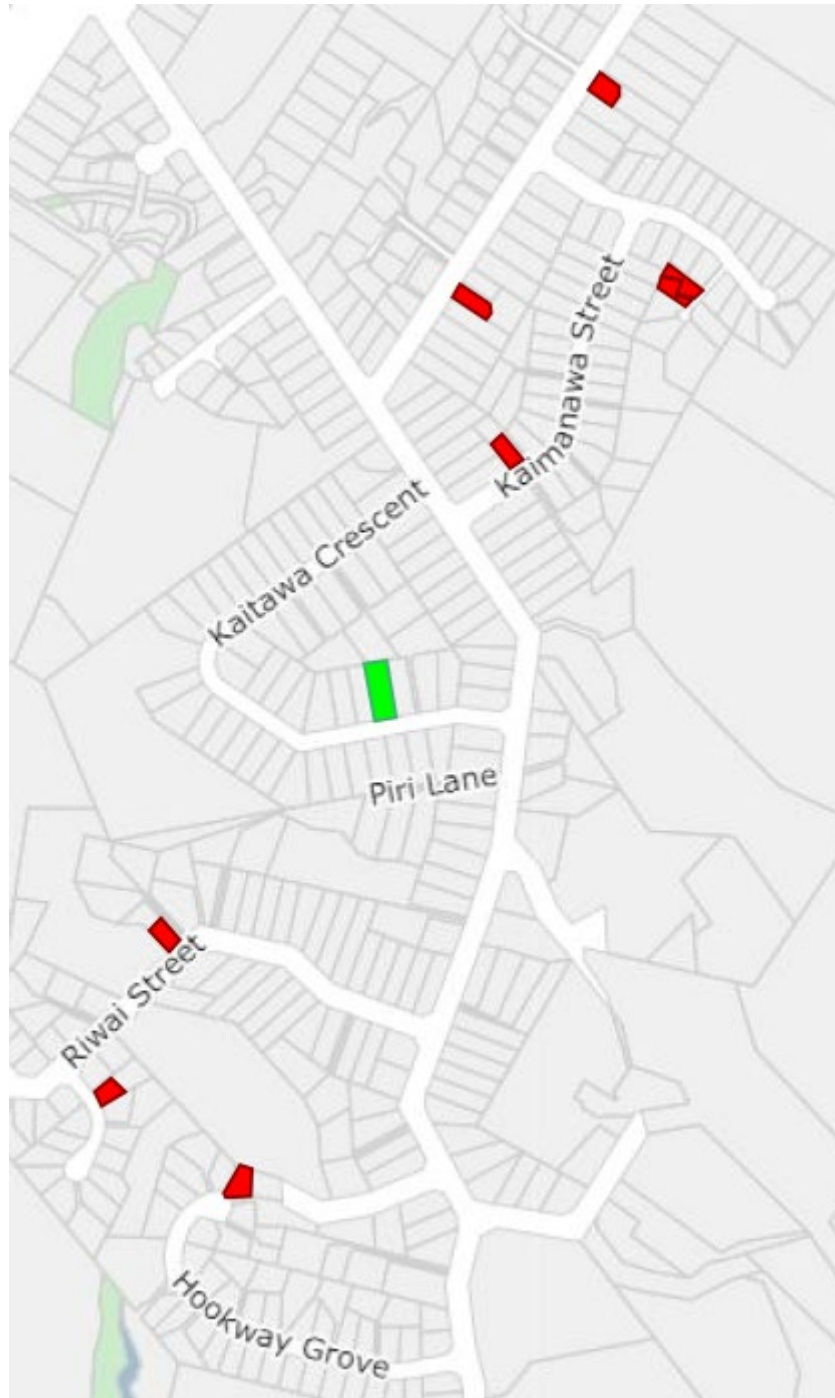


Figure 1: GRIP map. 35 Kaitawa Crescent is indicated by a green notation. Sites indicated by a red notation are located within 500 metres of the Site and range in size between 255m² to 400m² (Source: GRIP).

- 3.4 As shown on the zoning map in Figure 2 below, all adjacent lots to the Site are zoned Residential in the Operative and Proposed Plans. Kaitawa Reserve, to the west of the Site, is zoned Open Space and the Paraparaumu shopping area, to the north-west, is zoned Industrial. Under the Proposed Plan, Rural Hills zoned land is located further to

the east of the Site. The Rural Hills zoned area is however zoned Open Space under the Operative Plan.

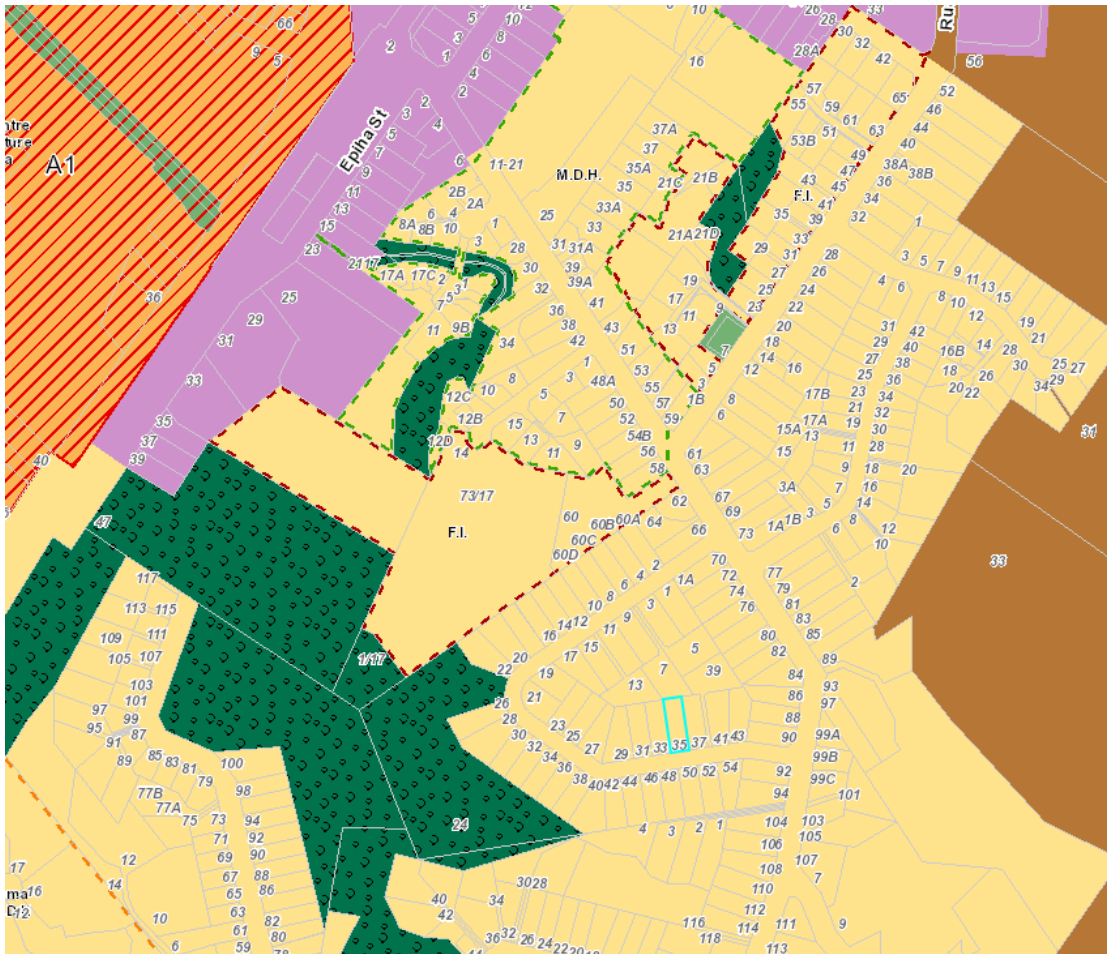


Figure 2: Proposed Plan zoning map. 35 Kaitawa Crescent is indicated by a blue notation. The yellow is Residential zoning, purple is Industrial / Services, green is Open Space, brown is Rural Hills, dotted green is Medium Density Housing, dotted red is Focused Infill and the red lines are the District Centre Zone Structure Plan Area (Source: Proposed Plan GIS)

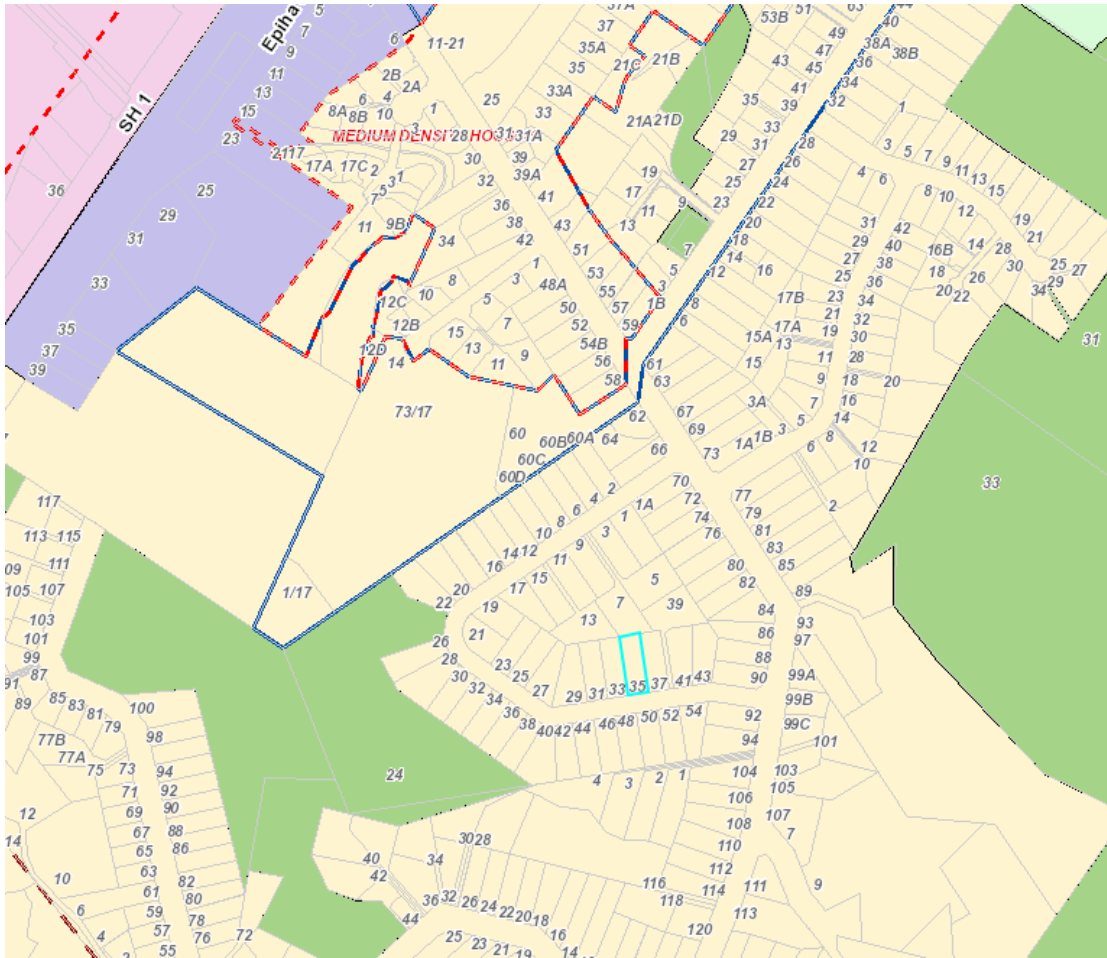


Figure 3: District Plan zoning map. 35 Kaitawa Crescent is indicated by a blue notation. The beige is Residential zoning, dark green is Open Space, light green is Rural, purple is Industrial, pink is Commercial, blue line is Infill Residential and dotted red line is Medium Density Housing (Source: Operative Plan GIS)

The Proposal

3.5 The Proposal is to:

- (a) Construct two standalone buildings on the Site. The front building will consist of a two-bedroom single-level dwelling with a single ancillary car-pad and the rear building will consist of a four-bedroom two-level dwelling with two ancillary car-pads.
- (b) Subdivide the Site into two allotments with a right-of-way (“**ROW**”) and services easements over both new properties;
- (c) Remove the contaminated soil from the Site and dispose the contaminated soil at an approved facility;

- (d) Provide water supply, wastewater, stormwater, power and telecommunication connections. There are no particular constraints in terms of servicing the Site.

3.6 A detailed description of the Proposal is provided in:

- (a) Section 4 of the application (Appendix A); and
- (b) Further information request response dated 18 November 2019 (Appendix C);

Further information and revisions post-notification are provided in:

- (a) Further information request response dated 10 June 2020 (Appendix C);
- (b) Appendix D – Revised Rear Unit Plans;
- (c) Appendix E – Landscape Plans;
- (d) Appendix F – Water Tank Restraint Calculations;
- (e) Appendix G – Shading Analysis; and
- (f) Appendix H – Recommended Draft Conditions.

4. CONSENTS REQUIRED AND APPLICATION STATUS

4.1 My understanding of the legal position relating to the planning status of the Proposal is as follows:

- (a) At the time the application was lodged, consent was only required under the Proposed Plan. Decisions have been issued on submissions to the Proposed Plan and all appeals have now been resolved.
- (b) Pursuant to section 86F(1) of the RMA, the Proposed Plan provisions are now operative. All rules in the Operative Plan, other than the listed coastal hazard provisions, are now inoperative, with an assessment of the proposal under the Operative Plan being restricted to an assessment of the objectives and policies.
- (c) Pursuant to section 88A of the RMA, the activity status of the application is determined by its status under the Operative and Proposed Plans at the time of lodgement.

- (d) The Proposal requires a range of consents in terms of the Proposed Plan. I have taken the conservative approach of simply bundling the activities in terms of the Proposed Plan as I consider that many of the consents required, and the effects associated with them, are interrelated. The Proposal required a non-complying consent under the Proposed Plan for subdivision. As such, I have assessed the application as a non-complying activity.

4.2 In summary, the following resource consents are required under the Proposed District Plan Appeals Version 2018:

- (a) Subdivision which does not meet discretionary activity standards for minimum lot size in the Residential Zone (5A.5 (2)) (non-complying activity);
- (b) Development on a site that does not meet permitted activity standards for yards and building location in the Residential Zone (Rule 5A.3 (1)) (restricted discretionary activity);
- (c) Water demand management which does not comply with the permitted activity standard for new residential buildings where potable public water supply is available (Rule 11B.3.1) (restricted discretionary activity);
- (d) Parking which does not comply with the permitted activity standards for minimum parking spaces (Rule 11P.4 (1)) (discretionary activity);

4.3 Additionally, a restricted discretionary activity consent is being sought for the subdivision and soil disturbance activity of the Proposal where a detailed site investigation has determined soil contamination exists on the proposed site at levels that exceed the applicable standard in regulation 7 of the NES – Contaminants.

4.4 It was also confirmed as part of the response to the first further information request (18 November 2019) that the two residential buildings would be constructed prior to the subdivision of the Site. This will essentially result in two household units being constructed on the Site, which does not comply with the permitted activity standards for new buildings (maximum number of household units) in the Residential Zone (Rule 5A.4.2) (discretionary activity).

4.5 A detailed assessment of the activity classification for the Proposal is provided in section 5 and Appendix H of the application. As noted above, the subdivision and land use rules in the Proposed Plan now have legal effect.

5. ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

5.1 As a non-complying activity, all actual and potential effects of the Proposal are to be considered. In my view, the actual and potential effects on the environment from the Proposal are:

- (a) Positive effects;
- (b) Effects on amenity;
- (c) Transportation effects;
- (d) Effects on infrastructure;
- (e) Effects on heritage and cultural values;
- (f) Natural hazards;
- (g) Construction effects; and
- (h) Contaminated land effects.

The application was accompanied by a comprehensive assessment of effects which addressed the above matters. I have summarised that assessment below.

Positive Effects

5.2 The principal positive effect associated with the Proposal is the provision of two new dwellings in a location that is well served by local amenities. The Proposal is part of a package of proposed social housing units in the Kāpiti Coast District. The purpose of the Proposal is to provide affordable social housing to meet the change in demographic needs. The two household units are of varying sizes to house residents who are not otherwise well catered for in the private sector. This helps to support individuals and families in housing need, to improve their quality of life.

5.3 I also consider the Proposal will improve the Site amenity through the provision of new housing:

- (a) Built to a high standard;

- (b) Constructed as part of a comprehensively designed proposal with due consideration to the interface with neighbouring properties and the relationship between individual dwellings; and
- (c) Incorporating high quality landscaping throughout the Site.

Effects on Amenity

On-site

- 5.4 The relevant Proposed Plan permitted activity standards for the Residential Zone will all be met apart from the yard setbacks which will be breached by the location of the water tanks and rear unit accessory building.
- 5.5 On-site amenity for tenants will be provided through each proposed unit having north facing indoor and outdoor living space where a garden shed, clothesline and rubbish bins will be located. Shrub and hedge planting and a 2m high timber batten fence will separate each outdoor living space from adjoining properties and the street to provide privacy. The outdoor living space will consist of permeable surfaces, lawn, low level shrub planting and trees.
- 5.6 The proposed units have been designed to be north facing to capture sunlight for solar gain and to be energy efficient. The principal household units and their habitable rooms will be sufficiently separated from adjoining properties to ensure a reasonable standard of visual privacy and outlook.
- 5.7 The Site is also located within close proximity to Kaitawa Reserve and the centre of the Paraparaumu shopping area which further provides a range of accessible services.
- 5.8 I consider the Proposal's provision of on-site amenity that generally complies with the Proposed Plan minimum requirements to be sufficient, with any actual or potential adverse effects on the environment to be no more than minor.

Off-site

- 5.9 The design of the proposed units will not introduce any elements that are not typical of a residential environment in the Kāpiti Coast District. As previously mentioned, the relevant Proposed Plan permitted activity standards for the Residential Zone will all be met apart from the yard setbacks which will be breached by the location of the water tanks and rear unit accessory building.

- 5.10 The water tanks and rear unit accessory building will not be more than 2m in height and will therefore be completely screened from the side property by a 2m high timber batten fence and from the street by shrub and hedge planting. These buildings within the yard setbacks will therefore not result in any adverse visual effects on the surrounding area.
- 5.11 With regards to noise, the water tank pumps will switch on each time the toilet is flushed or when the outside tap is used and will run for up to two hours after rainfall when excess water is pumped to Kaitawa Crescent. However, as the pumps are submersible, any potential noise will be absorbed by the tanks. Since they are submersible, the pumps have no noise-rating and are therefore not anticipated to breach the permitted noise standards in normal use.
- 5.12 To however mitigate any potential adverse noise effects on neighbouring properties, the Proposal includes a condition allowing Council to request a monitoring report of the water tank pumps and require subsequent actions if permitted activity standards are breached. Any other noise resulting from the proposed activity will be consistent with what is expected of a residential property and will not breach any noise standards.
- 5.13 Both household units will meet all of the other permitted activity standards, namely the maximum height and recession plane standards. The Proposal meets the height envelope standard under the Proposed Plan and the finished floor levels are not anticipated to change from those indicated on the plans. A shading analysis was however undertaken to demonstrate that any potential shading effects would be minor and limited in duration (Appendix G).
- 5.14 Various other measures are proposed to ensure any adverse amenity effects are sufficiently managed. Among these:
- (a) A restraint design for the water tanks is proposed to ensure they are suitably secured in the event of an earthquake (Appendix F).
 - (b) The rear unit deck is proposed to be lowered and a frosted film added to the second storey bedroom window to mitigate any adverse privacy effects on adjoining properties (Appendix D – Elevation C – W4A).
 - (c) Landscaping along boundaries and street frontage to mitigate any adverse visual and privacy effects on the surrounding area (Appendix E).

- 5.15 On this basis, I consider the Proposal's design complements the Site's surrounding environment, with any actual or potential adverse effects on the environment to be no more than minor.

Character

- 5.16 The character surrounding the Site is characterised by residential use predominantly consisting of single and double storey units. The properties directly adjoining the Site have one unit on each site and the Proposal is of a slightly higher density than the controlled activity standard in the Proposed Plan (minimum 450m² lot size). However, some properties in close proximity to the Site consist of crossed leased sites with more than one dwelling per property. In addition, as shown in Figure 1 above, there are a number of properties within 500 metres of the Site which range in size between 255m² and 400m² and a few more being more than 400m² in size. The proposed lot sizes for this site of 400m² and 442m² (384m² and 339m² net) are therefore generally in character with the wider residential neighbourhood.
- 5.17 As previously noted, the design of the proposed units will also not introduce any elements that are not typical of a residential environment in the Kāpiti Coast District. The front building will consist of a two-bedroom single-level dwelling and the rear building will consist of a four-bedroom two-level dwelling with both being constructed of materials that are commonly used in the construction of residential buildings.
- 5.18 Each unit will have a 72m² footprint, with only the rear household unit being two-storey in height. The relatively small size of each unit is such that their combined footprint will not be out of scale with other dwellings in the surrounding area.
- 5.19 The location of the two-storey building in the rear of the Site and landscaping along boundaries and street frontage will further mitigate any adverse density effects on the character of the surrounding area.
- 5.20 Overall, whilst the proposed development is more intensive than currently exists, I consider the Proposal's density is appropriate for the Site based on existing surrounding development densities (including the nearby central Paraparaumu shopping area), and I do not consider it to be inconsistent with or disruptive to the character of the surrounding area. Accordingly, I consider any actual or potential adverse effects on the environment to be no more than minor.

Transportation Effects

Access

- 5.21 The Site is currently accessed directly off Kaitawa Crescent via an existing vehicle crossing located within the centre of the southern front boundary. A new 4m wide shared vehicle crossing and driveway will be constructed along the western side of the front boundary of the Site and Lot 2 will have legal access to Kaitawa Crescent via a right-of-way easement over Lot 1.
- 5.22 I refer to and rely upon the assessment of Sam Thornton regarding the design of the accessway and the assessment of Tim Strang regarding the hydraulic neutrality of the Site (Appendix C). The driveway has been designed for all weather conditions and will not impact the local road drainage system. In addition, a sufficient turning area will be provided to enable forward exit from the Site.
- 5.23 The new accessway is compliant with all of the permitted activity standards for property access in the Proposed Plan. On this basis, I consider that any actual or potential adverse transportation effects associated with the new accessway will be less than minor.

On-Site Parking

- 5.24 There will be one car park associated with the front household unit on Lot 1 and two car parks in tandem associated with the rear household unit on Lot 2. I refer to and rely upon the assessment of Sam Thornton regarding car parking on the street. He explains that although the Proposal is not consistent with parking standards, there is sufficient on-site car parking for the intended occupiers of the Site.
- 5.25 He explains that census data indicates that dwellings in and around Kaitawa Crescent have slightly fewer vehicles per household but more bedrooms per dwelling and residents per household when compared to the overall Kāpiti Coast District. The census data indicates that the majority of dwellings in the Kāpiti Coast District have more than two bedrooms but less than four bedrooms. Therefore, the proposed front unit is smaller than typical and the rear unit is typical for the district. In addition, the data suggests low car ownership in and around Kaitawa Crescent (60% households have one vehicle or less) when compared to the overall Kāpiti Coast District.
- 5.26 On this basis, parking demand for the proposed subdivision is not expected to be two vehicles for the front dwelling although parking demand for two vehicles is expected

for the rear unit. The front household unit is relatively small by modern standards and only has two bedrooms and therefore is likely to have lower car ownership than might typically be expected in the Kāpiti Coast District.

- 5.27 As such, overflow on street carparking onto Kaitawa Crescent is not anticipated, and any actual or potential adverse transportation effects associated with car parking will be no more than minor.

Wider Transportation Network

- 5.28 I refer to and rely upon the assessment of Sam Thornton regarding the surrounding transport network. The Site is approximately 850 metres from Paraparaumu Station (which serves trains and local buses) and is otherwise not generally well served by public transport (bus route along Ruapehu Street only operates Mondays and Wednesdays). Traffic demand on Kaitawa Crescent is estimated to be 87 average daily vehicles and two crashes were recorded within the previous ten years.
- 5.29 The road frontage of the Site is approximately 17m of which 4m is used for vehicle access. The remaining 13m provides sufficient width for two on-street car parks (typical parallel parks are approximately 6m long). Although no parking demand information is available, review of historic aerial imagery for the past 10 years indicates that demand is low along the length of Kaitawa Crescent.
- 5.30 Aerial photography also indicates that the road carriageway is approximately 8m wide and NZS 4404(2010) *Land development and subdivision infrastructure* Section 3.3.2(b) notes that a width of 7.2-7.5m provides for either two through movements and one parked car or two parked cars and one through movement.
- 5.31 On this basis, although overflow on street parking is not anticipated, the above assessment has determined that Kaitawa Crescent has plenty of on-street capacity to cater for any potential overflow. Use of on-street parking would also help to reduce vehicle speeds and improve safety.
- 5.32 Overall, Mr Thornton considers that the expected transport effects on the transport network associated with the minor increase in parking demand that may result from the subdivision are minor in effect.
- 5.33 On this basis, I consider that any actual or potential adverse transportation effects associated with the Proposal will be no more than minor.

Effects on Infrastructure

- 5.34 A new water supply and wastewater connection to the Council's reticulated networks will be provided to each of the new household units. Power and telecommunication connections are also available in the vicinity of the Site.
- 5.35 I refer to and rely upon the assessment of Tim Strang regarding water storage and the hydraulic neutrality of the Site.

Water Storage

- 5.36 Two 6,400L water storage tanks will be provided for each of the household units. The rainwater storage tanks are designed to provide in excess of the 30% of the *2007 Household Average Water Use*, in accordance with Kāpiti Coast District Council requirements where 10,000L storage tanks are not provided.
- 5.37 The smaller tank sizes are considered appropriate for the size of the proposed household units since the house sizes are smaller than what is typical for the Kāpiti Coast District. This will result in a lower capture of rainwater and, in addition to the lower capture rate, water re-use (e.g. toilet and garden water) and the smaller lot sizes mean that the proposed houses are expected to have lower-than-average water consumption.
- 5.38 Rainwater capture is expected to be between 6,344 and 6,728 litres per month per household unit while monthly water consumption is expected to be between 17,741 and 19,080 litres. Thirty percent savings would therefore equate to between 5,322 and 5,724 litres per month.
- 5.39 As the proposed house sizes are relatively small, overall water consumption is estimated to be close to 50% of the average 2007 water consumption. As such, smaller rainwater tanks are appropriate for the Proposal. On this basis, any actual or potential adverse water management effects associated with the proposed water storage will be less than minor.

Stormwater System

- 5.40 The proposed stormwater system will include rainwater storage to capture 90% of the average rainfall and pumping of the discharge to the kerb outlet at a low rate. Attenuation will occur up to the 1% Annual Exceedance Probability (AEP) event, and

in excess of that required to achieve hydraulic neutrality, before discharging to soak holes within the site.

- 5.41 The soak holes will only be used in the event that the pumps are not operational and overflow from the rainwater tanks will be to grassed areas within the Site.
- 5.42 The stormwater system utilises permeable paving to reduce the expected runoff and minimises the need for stormwater attenuation at the Site. The permeable paving material will be on all hard surfaces, including the driveway, car parking and amenity areas.
- 5.43 To ensure there are no potential adverse effects, over double the minimum attenuation volume will be provided, and this will be in excess of the volume provided for pumping. As a result of this, the hydraulic neutrality standard will still be exceeded even in the event that the pumps are not operating.
- 5.44 The pumps will be shared with the water re-use system to ensure any pump failure is immediately obvious (e.g. the toilet will stop filling). The pump will discharge to a standard kerb outlet chamber and discharge pipe to ensure a gentle discharge to the kerb.
- 5.45 Mr Strang considers that, as the proposed system exceeds the hydraulic neutrality standard, overall the system will reduce the loading on the Kaitawa Crescent stormwater system and therefore the flow of stormwater to 7 Kaitawa Crescent (rear adjacent property).
- 5.46 On this basis, I consider the required infrastructure to service the Proposal can be sufficiently supplied, with any actual or potential adverse effects on the environment to be less than minor.

Effects on Heritage and Cultural Values

- 5.47 There are no archaeological sites identified on the Proposed Plan Planning Maps as being located on the Site. There are no Historic Buildings, Historic Heritage Places, Historic Heritage Areas, Heritage Trees, Heritage Tree Areas, Waahi Tapu or Waahi Tapu Areas on the Site registered in the Heritage New Zealand Pouhere Taonga or New Zealand Archaeological Association registers.
- 5.48 On this basis, I consider that any actual or potential adverse archaeological, historical and cultural effects associated with the Proposal to be less than minor.

Natural Hazards

- 5.49 The Site is not located within any identified hazard areas and therefore there will be no effects on natural hazards associated with the development.
- 5.50 The WSP geotechnical assessment and foundation recommendation report (refer to Appendix E of the application) considered the likelihood of liquefaction at the Site to be low.
- 5.51 Overall, I consider that any actual or potential adverse environmental effects from natural hazards will be less than minor.

Construction Effects

- 5.52 The residential building has been removed and the Site is currently vacant.
- 5.53 Due to the topography of the Site and the foundation design of the residential buildings, only minimal earthworks are required to construct both units (between 28m³ and 46m³). Any effects related to the construction of the two buildings will be temporary and similar in nature to a complying development. Any construction noise will comply with NZS 6803:1999 Acoustics – Construction Noise.
- 5.54 On this basis, I consider any actual or potential adverse environmental effects from earthworks and construction will be no more than minor.

Contaminated Land Effects

- 5.55 Identified contaminated land on the Site will be removed and disposed of at an approved facility.
- 5.56 Further details of the remedial works are provided in section 7.7 and Appendices F & G of the application.
- 5.57 I consider any actual or potential adverse environmental effects from the removal of contaminated land will be no more than minor.

6. STATUTORY ASSESSMENT

- 6.1 Section 104 of the Resource Management Act 1991 applies to the consideration of this Proposal.
- 6.2 All the matters listed in Section 104 are subject to Part 2 of the RMA.

- 6.3 An assessment of the actual or potential effects on the environment referred to in Section 104(1)(a) of the RMA has been undertaken in Section 5 of this evidence.
- 6.4 No measures have been proposed by Kāinga Ora to offset or compensate potential adverse effects on the environment as referred to in Section 104(1)(ab) of the RMA.
- 6.5 In relation to the statutory provisions referred to in Section 104(1)(b) of the RMA, the following are considered to contain provisions (objectives and policies) relevant to this Proposal:
- (a) NES - Contaminants;
 - (b) The Proposed Plan;
 - (c) The Operative Plan; and
 - (d) NPS-UD.
- 6.6 The extent to which this Proposal is able to satisfy Section 104(1)(b) and Part 2 of the RMA, as well as the other considerations to determine the application, including Sections 104D and 106 is considered below.
- 6.7 The s42A Report (Appendix I) has also assessed the objectives and policies of the NPS-UD and Operative and Proposed Plans that are relevant to the aspects of the Proposal. I have reviewed these assessments and agree with the outcome that the Proposal is consistent with the relevant provisions of those documents.

NES – Contaminants (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011)

- 6.8 The NES - Contaminants applies to certain activities on land affected or potentially affected by soil contaminants. Site Investigation determined that soil within the western side of the existing residential building contained exceedances of the NES – Contaminants levels for lead. All potentially contaminated soil will be removed from the site prior to any other earthworks occurring and will be disposed of at an approved facility. As such, I consider the Proposal is consistent with the direction within the NES - Contaminants.

Proposed District Plan Appeals version 2018

- 6.9 In terms of my policy assessment against the Proposed Plan I have focussed on the main potential adverse effects on the environment. The objectives and policies of the Proposed Plan that are relevant to the amenity and transportation aspects of the Proposal are discussed below. Section 8.3 of the application contains a comprehensive statutory assessment on objectives and policies that relate to other aspects of the Proposal.
- 6.10 *Objective 2.3 To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:*
- a) urban areas which maximise the efficient end use of energy and integration with infrastructure;*
 - b) a variety of living and working areas in a manner which reinforces the function and vitality of centres;*
 - c) resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;*
 - d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;*
 - e) management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;*
 - f) sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;*
 - g) an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and*
 - h) management of the location and effects of potentially incompatible land uses including any interface between such uses.*

Objective 2.11 To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

- a) relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;*
- b) vibrant, lively town centres supported by higher density residential and mixed use areas;*
- c) neighbourhood centres, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;*
- d) productive rural areas, characterised by openness, natural landforms, areas and corridors of indigenous vegetation, and primary production activities; and*
- e) well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse effects).*

Objective 2.12 To meet diverse community needs by increasing the amount of housing that:

- a) is of densities, locations, types, attributes, size and tenure that meets the social and economic wellbeing needs of households in suitable urban and rural locations;*
- b) is affordable and adequate for lower income households; and*
- c) can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference;*

while enhancing the amenity of living environments and contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.

Objective 2.14 To ensure that the transport system in the District:

- a) *integrates with land use and urban form and maximises accessibility;*
- b) *improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;*
- c) *contributes to a strong economy;*
- d) *avoids, remedies or mitigates adverse effects on land uses;*
- e) *does not have its function and operation unreasonably compromised by other activities;*
- f) *is safe, fit for purpose, cost effective and provides good connectivity for all communities; and*
- g) *provides for the integrated movement of people, goods and services.*

Assessment: The Proposal is providing for necessary social housing by infilling a residential area, within close proximity to a central business district and reserve. The Proposal will help maintain a consolidated urban form while making use of the existing infrastructure capacity. The Proposal mitigates any amenity effects through the design and layout of the development and is in keeping with the surrounding environment while exhibiting good urban design practice.

The purpose of the Proposal is to provide affordable social housing to meet the change in demographic needs. The two household units are of varying sizes to house residents who are not otherwise well catered for in the private sector. This helps to support individuals and families in housing need, to improve their quality of life.

Whilst the Proposal is more intensive than currently exists, the proposed development overall is not considered to be inconsistent with or disruptive to the character of the surrounding area. Landscaping will further help maintain the amenity values of the surrounding area.

Although the Proposal is not consistent with parking standards, there is sufficient on-site car parking for the intended occupiers of the Site and the surrounding transport network has plenty of capacity to cater for the additional traffic.

The proposed stormwater system will also help reduce the loading on Kaitawa Crescent and improve the community's resiliency in the event of flooding.

On this basis, I consider the Proposal is consistent with the above-mentioned objectives and policies of the Proposed Plan.

6.11 *Policy DW1* *New urban development for residential activities will only be located within existing urban areas and identified growth areas, and will be undertaken in a manner which:*

- a) *supports the District's consolidated urban form;*
- b) *maintains the integrity of the urban edge north of Waikanae and Ōtaki;*
- c) *manages residential densities by:*
 - i. *enabling medium density housing and focused infill housing in identified precinct areas that are close to centres, public open spaces, and public transport nodes;*
 - ii. *retaining a predominantly low residential density in the Living Zones;*
 - iii. *avoiding any significant adverse effects of subdivision and development in special character areas identified in Policy 5.4;*
- d) *avoids urban expansion that would compromise the distinctiveness of existing settlements and unique character values in the rural environment between and around settlements;*
- e) *can be sustained within and makes efficient use of existing capacity of public services and strategic infrastructure; and*
- f) *promotes the efficient use of energy and water.*

Policy DW3 *An increased mix of housing forms and types will be encouraged within parts of the District where increased variety and densities of housing are able to cater for changing demographics, while maintaining high amenity values. This will include provision for:*

- a) *smaller household sizes, including 1- and 2-bedroom household units;*
- b) *housing for older persons;*
- c) *supported living accommodation;*
- d) *papakāinga;*
- e) *shared and group accommodation;*
- f) *minor flats; and*

- g) a range of lot sizes and land tenure arrangements to facilitate these typologies.*

Policy DW4 Residential intensification will be managed to ensure that adverse effects on local amenity and character are avoided, remedied or mitigated, including through achievement of the following principles:

- a) development will complement the existing environment in terms of retaining landforms, yard setbacks and relationship to the street and open spaces; and*
- b) building bulk and scale will be managed.*

Policy DW5 The density of subdivision and development will be managed through an area-specific approach to achieve an appropriate range of housing types across the District, as set out below:

- a) the highest densities, including apartments as part of mixed use developments, will be located within and in immediate proximity to centres;*
- b) medium density housing will be limited to specific precinct areas within walking distance of centres;*
- c) focused infill will be encouraged in specific areas where there is good access to shops and services;*
- d) within the Neighbourhood Development Areas identified in the Ngārara Zone Structure Plan in Appendix 5.7, the provision of affordable housing will be encouraged at appropriate locations with good access to shops and services;*
- e) traditional low density residential subdivision will be allowed within the general residential area;*
- f) overall existing low densities will be maintained in special character areas identified in Policy 5.4;*
- g) especially low densities will be applied in Low Density Housing precinct areas (identified on the District Plan Maps) as transitions between rural and urban environments); and*
- h) in areas where infrastructure constraints exist (such as water, wastewater or roading), densities will reflect those constraints.*

Policy DW16 Quality urban design outcomes will be promoted so that public and private places and spaces:

- a) are liveable and safe;*
- b) enhance the local economy, environment and community;*
- c) are sustainable, enduring and resilient;*
- d) provide a strong sense of place reflecting cultural values and distinct community identities;*
- e) are enjoyable, comfortable, welcoming and provide a diversity of experiences; and*
- f) are easy to move around and through, by encouraging a well-connected and integrated transport network;*

at all levels of urban design, from macro (urban structure and subdivision) to micro (building details and materials) scale.

Assessment: The Proposal is solely for residential purposes within a residential zone, providing for changing demographics within the Kāpiti Coast District. I consider the Proposal mitigates any potential amenity effects through the design, layout and landscaping of the development reflecting the surrounding environment while exhibiting good urban design practice. The existing landform will be retained, sufficient yard setbacks between habitable areas are provided, and landscaping along the front boundary will enhance the overall amenity and give a vegetative buffer as viewed from the street.

The infill subdivision will also support the District's consolidated urban form, retaining a predominantly low residential density while enabling higher density close to a business centre, public open space, and public transport node. The Proposal will increase the mix of housing forms and types while managing potential adverse effects on local amenity and character.

On this basis, I consider the Proposal is consistent with the above-mentioned policies of the Proposed Plan.

6.12 Policy 5.10 Subdivision, including for small-scale infill, will be provided for in general residential areas where it does not compromise local character and amenity.

Policy 5.12 Residential activities will be recognised and provided for as the principal use in the Living Zones, while ensuring that the effects of subdivision, use and development is in accordance with the following principles:

- a) adverse effects on natural systems will be avoided, remedied or mitigated;*
- b) new built development will relate to local built identity, character values and the density of the surrounding residential environment;*
- c) transport choice and efficiency will be maximised;*
- d) housing types which meet the need of households will be provided for;*
- e) the number of household units per lot will be limited; and*
- f) a limited number of accessory buildings and buildings which are ancillary to residential activities will be provided for.*

Policy 5.13 Subdivision, use and development in the Living Zones will be required to achieve a high level of on-site amenity for residents and neighbours in accordance with the following principles:

- a) building size and footprint will be proportional to the size of the lot;*
- b) usable and easily accessible private outdoor living courts will be provided;*
- c) buildings and structures will be designed and located to maximise sunlight access, privacy and amenity for the property and adjoining lots;*
- d) buildings and structures will be designed and located to minimise visual impact and to ensure they are of a scale which is consistent with the area's urban form;*
- e) appropriate separation distances will be maintained between buildings;*
- f) yards will be provided to achieve appropriate building setbacks from neighbouring areas, the street and the coast;*
- g) hard and impermeable surfaces will be offset by permeable areas on individual lots;*
- h) unreasonable and excessive noise, odour, smoke, dust, light, glare and vibration will be avoided;*

- i) non-residential buildings will be of a form and scale which is compatible with the surrounding residential environment; and*
- j) service areas for non-residential activities will be screened, and planting and landscaping will be provided.*

Policy 5.14 Development use and subdivision will enhance the amenity, functionality and safety of the streetscape in the Living Zones. To achieve a positive relationship between development and the street, development will be undertaken in accordance with the Council's Streetscape Strategy and Guideline:

- a) on-site vehicle parking will be provided to reduce demand for on-street vehicle parking;*
- b) minimum distance will be maintained between vehicle access ways, and where practicable, the sharing of vehicle access ways will be encouraged;*
- c) direct pedestrian access will be provided from the street to the front entrance of the primary residential building, where practicable;*
- d) where practicable, at least one habitable room will be orientated towards the street;*
- e) the safety of road users, including pedestrians and cyclists, will not be adversely affected; and*
- f) on-site vehicle manoeuvring will be provided for rear lots, lots with significant sloping driveways and on strategic arterial routes.*

Assessment: The Proposal is in the form of a small-scale infill subdivision located in a residential area where it will not compromise the local character and amenity. A high level of on-site amenity for tenants will be provided and the design of the buildings and various other measures will ensure any potential adverse amenity effects on adjoining properties are appropriately managed, as noted in section 5 above.

Accessway to each household unit has been designed for all weather conditions, will not impact the local road drainage system, and will provide sufficient manoeuvring to enable forward exit from the Site. Although the Proposal is not consistent with parking standards, there is sufficient on-site car parking for the intended occupiers of the Site, while the use of on-street parking would also help to reduce vehicle speeds and improve safety.

On this basis, I consider the Proposal is consistent with the above-mentioned policies of the Proposed Plan.

- 6.13 Overall, I consider the Proposal is consistent with the relevant objectives and policies of the Proposed Plan.

Operative District Plan 1999

- 6.14 In terms of my policy assessment against the Operative Plan I have focussed on the main potential adverse effects on the environment. The objectives and policies of the Operative Plan that are relevant to the amenity and transportation aspects of the Proposal are discussed below. Refer to section 8.4 of the application for the statutory assessment on objectives and policies that relate to other aspects of the Proposal.

- 6.15 *Objective 1.0 Ensure that the low density, quiet character of the district's residential environment is maintained and that adverse effects on the amenity values that constitute this character and make the residential environments safe, pleasant and healthy places for residents are avoided, remedied or mitigated.*

Policy 1 Activities locating and/or operating in the district's residential environments shall display a residential appearance and be at a density which enables the existing character to be maintained and, in particular, which does not cause a decline in the amenity values of these environments through the:

- *clearance of vegetation;*
- *changes to the landform;*
- *loss of private gardens and open space;*
- *overshadowing and overlooking of neighbouring residential properties;*
- *generation of excessive levels of noise, vibration, glare, dust or odour associated with the activities themselves;*
- *generation of additional traffic movements resulting in excessive noise, vibration, glare, dust or odour and a decline in traffic safety;*
- *imposition of buildings, structures, signs or other features that are visually obtrusive and out of character with the character of these environments;*

- *degradation of the natural environment and/or modification of natural processes likely to lead to degradation;*
- *inadequate provision for access to sites of activities and also manoeuvrability for associated traffic movements;*
- *hazards to human health and residential convenience of inadequate or inappropriate supply of water, disposal of effluent and stormwater;*
- *creation of neighbourhoods with inadequate availability of network utility services;*
- *generation of nuisance or health risks to adjoining residents of farming activities and/or the keeping of animals/birds*
- *lack of off-street parking*
- *siting of buildings*
- *storage of goods*
- *generation of traffic*

Objective 4.0 Reduce the potable water demand from residential development on the public potable water supply and reticulation network by 30% from the 2007 average use to assist in achieving security of potable water supply and reduce peak stormwater discharges from residential areas and improve the community's resiliency in the event of a natural disaster.

Policy 1 Ensure that the impacts of new residential development on the public potable water supply and reticulation network by 30% from the 2007 average use to assist in achieving security of potable water supply and reduce peak stormwater discharges from residential areas and improve the community's resiliency in the event of a natural disaster.

Assessment: The Proposal is solely for residential purposes within a residential zone, providing for a demographic demand within the Kāpiti Coast District. The Proposal will display a residential appearance and be at a density which enables the existing character to be maintained. The Proposal will increase the mix of housing forms and types able to cater for changing demographics while managing potential adverse effects on local amenity and character.

The proposed rainwater storage tanks for each lot will provide in excess of 30% of the expected peak water consumption under average rainfall conditions and are well-matched to the expected rainfall capture under average conditions. The stormwater system has also been designed to exceed the required hydraulic neutrality standards and therefore provide an effective mitigation to the increased run-off effects resulting from the development. The proposed stormwater system will help reduce the loading on Kaitawa Crescent and improve the community's resiliency in the event of flooding.

On this basis, I consider the Proposal is consistent with the above-mentioned objectives and policies of the Operative Plan.

- 6.16 *Objective 1.0 Ensure that except for higher density development at appropriate locations, subdivision and development maintains and enhances the low-density environmental character and associated amenity values of residential areas and avoids or minimises adverse impacts on the natural and physical environment.*

Policy 1 Maintain and enhance the low density of dwellings and associated amenity values of the residential environment (except where high density development is appropriate).

Assessment: The Proposal is solely for residential purposes within a residential zone, providing for a demographic demand within the Kāpiti Coast District. The infill subdivision will support the District's consolidated urban form, retain a predominantly low residential density while enabling a slightly higher level of density close to a business centre, public open space and public transport node. The Proposal will increase the mix of housing forms and types able to cater for changing demographics while managing potential adverse effects on local amenity and character.

I consider the Proposal appropriately mitigates any adverse character and amenity effects through the design, layout and landscaping of the development matching in with the surrounding environment while exhibiting good urban design practice. Therefore, maintaining the low-density environmental character and associated amenity values of the residential area.

The Site is considered an appropriate location for slightly higher density considering its proximity to a range of open space, business and transport services.

On this basis, I consider the Proposal is consistent with the above-mentioned objective and policy of the Operative Plan.

6.17 *Objective 1.0 to achieve a transport infrastructure that provides for efficient and safe movement of people and goods throughout the district and which avoids, remedies or mitigates adverse effects of existing and new traffic routes.*

Policy 6 Ensure that all developments, on approval, provide for safe vehicular and pedestrian access and adequate carparking areas.

Policy 7 Take into account the degree to which subdivision and development generally is designed to:

- *reduce demand for travel, particularly by private vehicle;*
 - *locate land uses in ways which facilitate efficient transport;*
 - *provide road, pedestrian, and cycling networks, and bus routes that promote walking, cycling and public transport as convenient alternatives to the private vehicle;*
 - *introduce traffic calming measures that restrain the movement of private vehicles*
- when considering resource consent applications.*

Assessment: The Proposal will provide for safe vehicular and pedestrian access and adequate carparking areas. Accessway to each household unit has been designed for all weather conditions, will not impact the local road drainage system and provides sufficient manoeuvring to enable forward exit from the Site. Although the Proposal is not consistent with parking standards, there is sufficient on-site car parking for the intended occupiers of the Site, while the use of on-street parking would also help to reduce vehicle speeds and improve safety.

On this basis, I consider the Proposal is consistent with the above-mentioned objective and policies of the Operative Plan.

6.18 Overall, I consider the Proposal is consistent with the relevant objectives and policies of the Operative Plan.

NPS-UD (National Policy Statement on Urban Development 2020)

- 6.19 The NPS-UD was gazetted and came into effect after this Proposal was lodged with the Council. The Council needs to have regard to this document in its decision-making process.
- 6.20 The NPS-UD recognises the national significance of:
- (i) Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
 - (ii) Providing sufficient development capacity to meet the different needs of people and communities.
- 6.21 The objectives and policies of the NPS-UD that are relevant to the Proposal are discussed below.
- 6.22 *Objective 3 Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
- (a) *the area is in or near a centre zone or other area with many employment opportunities*
 - (b) *the area is well-serviced by existing or planned public transport*
 - (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
- Policy 1 Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*
- (a) *have or enable a variety of homes that:*
 - (i) *meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) *enable Māori to express their cultural traditions and norms; and*
 - (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

Policy 11 In relation to car parking:

- (a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- (b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

Assessment: The Proposal is to provide affordable social housing to meet the change in demographic needs and meets the aspirations of Objective 3. The design ensures the Proposal will be sufficiently serviced for sewage, stormwater and water, and is located in close proximity to existing transportation network and employment opportunities. The Proposal will therefore help to support individuals and families in housing need to improve their quality of life. The Proposal is located within an effective and efficient urban environment that enables people to provide for their social wellbeing while managing any effects on the environment. With regard to car parking, the Site is located within a tier 1 territorial authority area. Even though the new direction of the NPS-UD regarding car parking is to not have any minimum car parking requirements (other than for accessible car parks) the Proposal will provide at least one car parking space per unit. As such I consider the Proposal is consistent with the objectives and policies of the NPS-UD.

Part 2 of the RMA

- 6.23 The overriding purpose of the RMA is “*to promote the sustainable management of natural and physical resources*” (Section 5). The broader principles (Sections 6 to 8) are to inform the achieving of that purpose.
- 6.24 When considering an application for a resource consent and any submissions received, the consent authority, must subject to Part 2, have regard to those matters listed under Section 104 of the RMA.

- 6.25 With regards to the application of the 'subject to Part 2' under Section 104, case law findings have directed that decision makers may now only have recourse to Part 2 of the RMA if it is determined that one of three exceptions apply:
1. If any part or the whole of the relevant plan(s) are invalid;
 2. If the relevant plan(s) did not provide complete coverage of the Part 2 matters;
 3. If there is uncertainty of the meaning of provisions as they affect Part 2.
- 6.26 This means that decision makers only need to 'go back to' Part 2 of the RMA if the relevant planning documents have not fully addressed the Part 2 matters. If a Regional or District Plan has not fully addressed the Part 2 matters, then decision makers can 'go up the tree' to the regional policy statement and then any relevant national policy statement in relation to any Part 2 matters.
- 6.27 Plans, which have to "give effect" to the higher order statutory planning documents, should have appropriately addressed Part 2 of the RMA.
- 6.28 Assessment: I consider the first exception listed above does not apply due to the Proposed Plan not incorporating the direction of the NPS-UD that encourages or enables the easy establishment of a variety of homes, particularly in those areas located close to jobs, community services, natural spaces and public transport. As such a Part 2 assessment is appropriate for this Proposal. The Proposal is considered to be consistent with Section 6 and 7 and the Treaty of Waitangi principles in accordance with Section 8 have been taken into account when developing the Proposal.
- 6.29 The Proposal is to provide affordable social housing to meet the change in demographic needs of the Kāpiti Coast District. The Proposal will help support individuals and families in housing need to improve their quality of life and provide for their social wellbeing while managing any effects on the environment. On this basis, the Proposal gives effect to sustainable management in a way that a complying development (i.e. with more carparks and less density) might not. As such, I consider the Proposal is consistent with Part 2 of the RMA.

Section 104D of the RMA

- 6.30 Under s104D of the RMA, the council may grant a resource consent for a Non-Complying Activity only if it is satisfied that either:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of;*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

6.31 **Assessment:** I consider the activity meets the section 104D(a) requirement because all potential adverse effects of the activity have been assessed as being no more than minor. The activity meets the s104D(b)(iii) requirement because I consider the Proposal is not contrary to the objectives and policies of the Operative and Proposed Plans. For these reasons, I consider the Proposal meets the requirements of section 104D of the RMA for Non-Complying Activities.

Section 106 of the RMA

6.32 Section 106 of the RMA enables a consent authority to refuse subdivision consent under certain circumstances. Section 106 states:

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that –*
 - (a) *There is a significant risk from natural hazards; or*
 - (b) *[Repealed]*
 - (c) *Sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purposes of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of –*
 - (a) *The likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *The material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

- (c) *Any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

6.33 Assessment: The development is not located in a flood hazard area and there are no other identified natural hazards. A geotechnical report has identified that the risk of liquefaction is low (refer to Appendix E of the application). Sufficient provision has been made for legal and physical access to each proposed lot. Therefore, I consider the Proposal satisfies the requirements within section 106 of the RMA.

7. COUNCIL'S SECTION 42A REPORT

7.1 I have read the s42A Report (Appendix I) and agree with its recommendation to approve the Proposal. Commentary regarding the s42A Report recommended conditions is outlined in section 9 below.

8. SUBMISSIONS

8.1 The application was limited notified on 18 March 2020 to the owners and occupiers of the properties on either side of the Site and the rear property. Three submissions were received with two being subsequently withdrawn (Appendix J). The submission lodged by Paul Marlow is the only submission remaining (Appendix K).

8.2 The issues raised by the submitter Paul Marlow are grouped and discussed below. Some of the issues raised do not however relate to resource management matters and are therefore not addressed below.

Density and amenity

8.3 The submitter raised concerns regarding the average lot sizes resulting in adverse amenity effects in relation to noise and privacy. I refer to my assessment in section 5 above which explains that the relevant permitted activity standards for the Residential Zone in the Proposed Plan will all be met apart from the yard setbacks with the eastern side adjoining property. The setback is not met in this area due to the presence of the rainwater storage tanks and rear unit accessory building and therefore will not be utilised as outdoor amenity areas by the occupants of the proposed dwellings. As a result, many of the reasons for having a setback will be met (such as limiting noise).

8.4 Both of these buildings are sufficiently separated and screened from the submitter's property, being the western side adjoining property. I therefore do not consider the

submitter will be adversely affected by having the rainwater storage tanks and accessory building in the location proposed.

- 8.5 Nor are they considered adversely affected by any noise generated by the water tank pumps. Any other noise resulting from the proposed activity will be in line with what is generally expected of a residential property and will not breach any noise standard.
- 8.6 To however mitigate any potential adverse noise effects on neighbouring properties, the Proposal includes a condition allowing Council to request a monitoring report of the water tank pumps and require subsequent actions if permitted activity standards are breached.
- 8.7 Various measures are proposed to mitigate adverse amenity effects on neighbouring properties. Among these:
- (a) A restraint design for the water tanks is proposed to ensure they are suitably secured in the event of an earthquake (Appendix F).
 - (b) The rear unit deck is proposed to be lowered and a frosted film added to the second storey bedroom window to mitigate any adverse privacy effects on adjoining properties (Appendix D – Elevation C – W4A).
 - (c) Landscaping along boundaries and street frontage to mitigate any adverse visual and privacy effects on the surrounding area (Appendix E).
- 8.8 Of further note, the proposed units have been designed to be north facing with the main living areas all facing north. A 2m timber batten fence will border the entirety of the shared boundary with the western side adjoining property and shrub and hedge planting and trees will be located within the rear section of the Site to further screen the outdoor living spaces on both properties.
- 8.9 The windows on the second storey of the rear unit are the only windows which will not be completely screened by fencing and landscaping. However, only one main window is directed towards the west. This window is associated with a bedroom which is not a main living area and is not considered to result in any adverse privacy effects.
- 8.10 Finally, as previously noted, whilst the proposed development is more intensive than currently exists, the proposed development is not considered to be inconsistent with

or disruptive to the character of the surrounding area. On this basis, the above measures are considered to sufficiently address the submitter's concerns.

Transport

- 8.11 The submitter raised concerns regarding an increase in traffic generation from the Proposal, the turning circle dimensions and the number of car parking spaces proposed. I refer to my assessment in section 5 above which explains that the driveway is compliant with all of the permitted activity standards for property access in the Proposed Plan, has been designed for all weather conditions, will not impact the local road drainage system and provides sufficient manoeuvring to enable forward exit from the Site.
- 8.12 Although the Proposal is not consistent with parking standards, there is sufficient on-site car parking for the intended occupiers of the Site. Parking demand for the proposed subdivision is not expected to be two vehicles for the front dwelling although parking demand for two vehicles is expected for the rear unit.
- 8.13 Although overflow on street carparking is not anticipated, Kaitawa Crescent has sufficient on-street capacity to cater for any potential overflow. Use of on-street parking would also help to reduce vehicle speeds and improve safety.
- 8.14 Overall, no changes to the proposal are considered required to address this concern.

Height Envelope

- 8.15 The submitter raised concerns regarding finished floor levels needing to be raised and resulting in a height envelope infringement. The Proposal meets the height envelope standard under the Proposed Plan and the finished floor levels are not anticipated to change from those indicated on the plans.
- 8.16 To ensure the finished floor levels are in accordance with the plans, the recommended draft conditions provided to the Council and the submitter following the Pre-Hearing Meeting include a condition requiring the consent holder to have the foundations of the household units surveyed before continuing further with the construction to ensure the levels are as those indicated in the approved plans.
- 8.17 The recommended condition is considered to sufficiently address this concern.

Earthquake

- 8.18 The submitter raised concerns regarding the security of the water tanks in an earthquake. To address this WSP has designed a restraint system for the water tanks in compliance with *NZS 4219:2009 Seismic performance of engineering systems in buildings* (Appendix F).
- 8.19 Recommended draft conditions provided to the Council and the submitter following the Pre-Hearing Meeting include a condition requiring the consent holder to provide a finalised restraint design for the water tanks designed by a suitably qualified structure engineer with regard to their potential seismic performance level and to the satisfaction of Kāpiti Coast District Council.
- 8.20 The restraint system design and recommended condition is considered to sufficiently address this concern.

Water Management

- 8.21 The submitter raised concerns regarding potable water use and stormwater run-off. I refer to my assessment in section 5 above which explains that two 6,400L water storage tanks will be provided for each of the household units. The rainwater storage tanks are designed to provide in excess of the 30% of the *2007 Household Average Water Use*, in accordance with Kāpiti Coast District Council requirements where 10,000L storage tanks cannot be provided.
- 8.22 As the proposed house sizes are relatively small, overall water consumption is estimated to be close to 50% of the average 2007 water consumption. As such, smaller rainwater tanks are appropriate for the Proposal and will not adversely affect potable water supply.
- 8.23 As for the stormwater run-off, the proposed stormwater system will exceed the hydraulic neutrality standard and will overall reduce loading on the Kaitawa Crescent stormwater system by discharging directly to the kerb outlet rather than to adjacent properties.
- 8.24 Overall, no changes to the proposal are considered required to address this concern.

9. CONDITIONS

9.1 As mentioned in section 7 above I agree with the s42A Report recommendation to approve the Proposal subject to conditions of consent.

9.2 It is suggested that condition 7 is revised to correct a minor error.

10. CONCLUSION

10.1 I consider the Proposal is appropriate to be recommended with approval with the s42A Report.

Mathieu Marois
17 November 2020

Appendix A – Resource Consent Application

Appendix B – Pre-Hearing Report

Appendix C – Further Information Responses

Appendix D – Revised Rear Unit Plans

Appendix E – Landscape Plans

Appendix F – Water Tank Restraint Calculations

Appendix G – Shading Analysis

Appendix H – Recommended Draft Conditions

Appendix I – Council S42A Report

Appendix J – KCDC Submissions Withdrawal Confirmation

Appendix K – Submission