

S210167 292 Main Rd, Tawa (Appn to WCC)

SpencerHolmes

engineers - surveyors - planners

3 December 2021

Resource Consents Team
City Consenting & Compliance
City Planning
Wellington City Council
PO Box 2199
Wellington 6140

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Level 10, 57 Willis Street
Wellington 6140, New Zealand
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Dear Sir/Madam,

RESOURCE CONSENT: 292 MAIN ROAD, TAWA

On behalf of the applicant, 292 Main Road Limited, we submit an electronic version of a resource consent application for a 24 unit development at the above address.

This application is made pursuant to section 88 of the Resource Management Act 1991, and incorporates all information required by Form 9 and Schedule 4 to the Act.

Please issue an invoice for the processing fee deposit required by Council. The applicant intends to make payment of the fee utilising Council's online payment method or via internet banking. We trust the attached information is satisfactory and look forward to your favourable response.

If you have any further queries, please do not hesitate to contact me on (04) 472 2261.

Yours faithfully

Spencer Holmes Limited



Ian Leary
Director

itl@spencerholmes.co.nz



*Application for
Land Use Consent*

*292 Main Road
Tawa*

FORM 9
APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE
MANAGEMENT ACT 1991

TO: Wellington City Council
P O Box 2199
WELLINGTON 6140

1. 292 Main Road Limited (the Applicant) hereby applies for the following resource consents:

- **A land use consent:** For 24 residential units and earthworks.

2. Activity & Classification:

Overall, land use consent for the proposed units has been assessed as a non-complying activity pursuant to rule 5.5 of the District Plan.

3. The location to which this application relates:

Street Address: 292 Main Road, Tawa

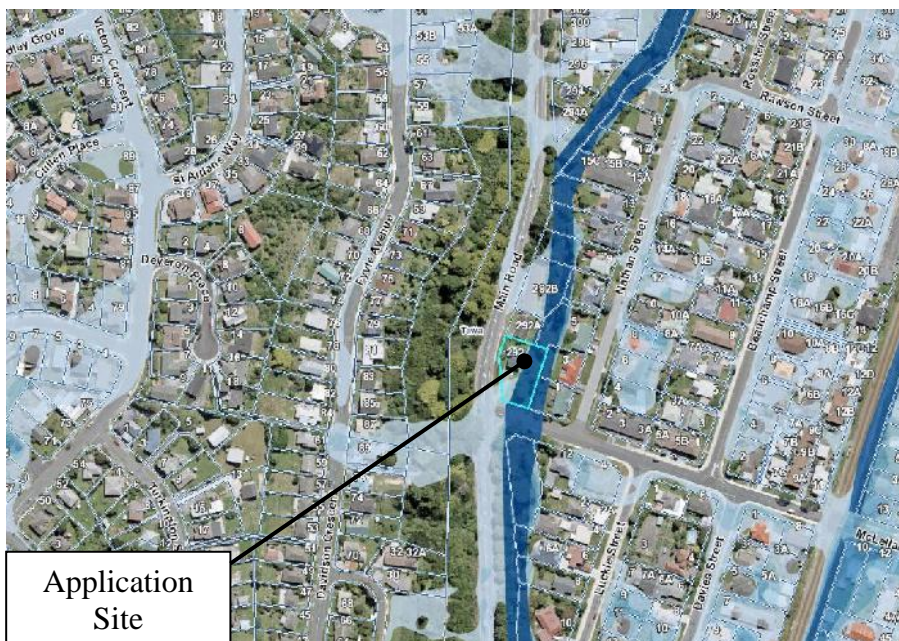


Figure 1: Location Aerial - Extract from WCC Web Maps

4. The owner of the site is: -

Lot 1 DP 15312 (RT WN8B/597) is owned by 292 Main Road Limited

5. There are no other activities that are part of the proposal to which the application relates.

6. A resource consent will be required from GWRC for building and earthworks in the floodplain. This will be sought following the lodgement of this application.

From our knowledge of the site, there are no National Environmental Standards that would apply to this proposal.

7. **Attached, in accordance with Clauses 6 & 7 of the Fourth Schedule of the Resource Management Act 1991, is an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**
8. **Attached is an assessment of the proposal against Part 2 Resource Management Act 1991.**
9. **Attached is an assessment of the proposal against Section 104(1)(b) Resource Management Act 1991 including any relevant objectives, policies or rules.**
10. **Also attached is any information required to be included in this application by the District Plan, a Regional Plan, the Resource Management Act 1991, or any regulations made under that Act.**

The relevant assessment of environmental effects, proposal plans and other information required by the Wellington City Council District Plan are attached.

292 Main Road Limited
by their duly authorised agent



.....
Ian Leary for Spencer Holmes Limited.

Date: December 2021

Address for Service:

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All Invoices to:

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ATTACHMENTS

1. Record of Title
2. Architectural Plans (Archaus)
3. Residential Area Design Guide Assessment (Spencer Holmes)
4. Topographical Survey – T1 and T2
5. Geotechnical Report- ENGEO
6. Flooding report - ENGEO
7. Traffic Report (Traffic Concepts Ltd)
8. Landscape Plan (Local)
9. Pre-application notes (SR487769 and WW notes)

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DESCRIPTION OF PROPOSAL & ASSESSMENT OF EFFECTS ON ENVIRONMENT

1 THE PROPOSAL

1.1 Site & Locality

The site is located in Tawa, on the corner of Main Road and McLellan Streets.

The site slopes down from the Main Road, has a relatively flat area before sloping away towards the stream.

The Porirua Stream runs along the full length of the rear boundary and is therefore the site is partially in the Porirua Stream floodplain.

There are areas of Open Space B zoned land across Main Road and on the southern corner of Main Road and McLellan Street.

There is a historical building line restriction (BLR) on the property which will be removed within due course. This BLR states that “no buildings or hoardings shall be erected within 49.5 feet of the middle line of the line of the Main Highway”.

An aerial photograph of the site is shown at Figure 2 below.

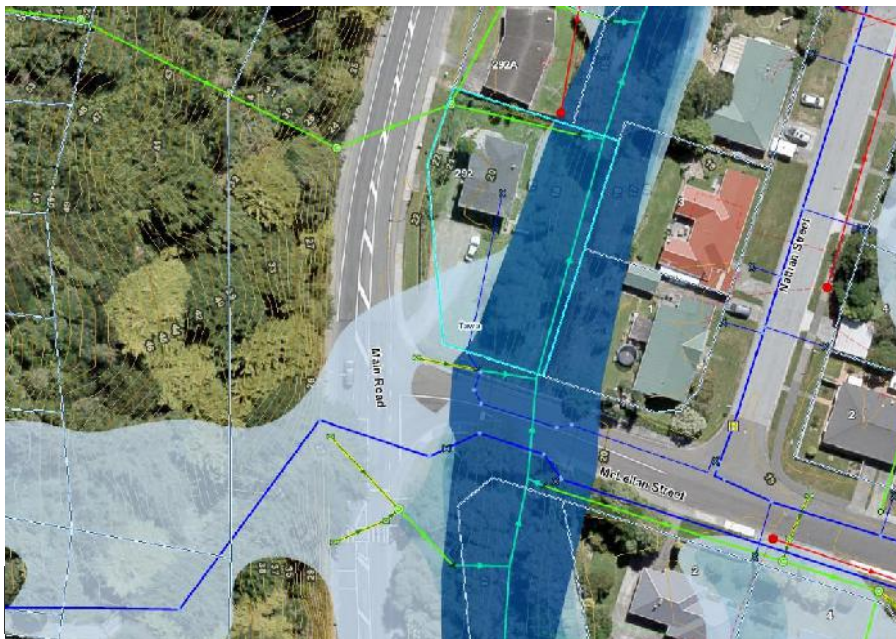


Figure 2: Aerial of Site – Extract from WCC GIS



Figure 3: Looking north west from the bridge showing the existing house, driveway and parking at 292 Main Road, Tawa and bus stop across the road.



Figure 4: Existing driveway access, berm, and dwelling at 292 Main Road, Tawa



Figure 5: Looking north from the bridge at the stream adjacent to the property at 292 Main Road.



Figure 6: Looking south from the eastern bank of the stream adjacent to property at 292 Main Road

1.2 Legal Description

Lot 1 DP 15312 (RT WN8B/597). The property has an area of 1204m².

A copy of the title is attached (Attachment 1). The historic building line restriction on the property will be removed in due course. There are no other registrations on the title that would impact on the proposal.

1.3 Description of Proposal

1.3.1 New building

The applicant proposes to demolish the existing dwelling on the site and construct 24 new residential units on the site as shown on the Architects drawings by Archaus (included as Attachment 3) as follows: RC 01.00; RC 02.00; RC 04.00; RC 04.01; RC 04.02; RC 04.03; RC 04.05; RC 05.00; RC 05.01; RC 06.00; RC 07.00; RC 07.01; RC 07.02; RC 07.03; RC 07.04; RC 07.05; RC 07.10; RC 07.20; all Rev 1 and all dated 15.11.21.

Figure 7 below is a perspective of the proposed building:



Figure 7: Perspective of the proposed new residential development at 292 Main Road, Tawa

The new residential units will be provided over 4 floors (ie: ground and three floors above).

The ground floor units will have yards and decks, whilst the upper floor units will have 5-6m² decks.

The proposal also includes planting and landscaping of the area of adjacent road reserve including a central entranceway, steps and access ramp for the building.

An assessment under the RADG is provided in Attachment 3 to this application.

The following perspectives illustrate how the proposed new buildings will appear in the surrounding environment.



Figure 8: Perspectives of the proposed new 24 unit residential development at 292 Main Road, Tawa.

1.3.2 Earthworks

Earthworks will be required across the site to prepare the building platforms, driveway, yards and frontage area for the proposed residential development.

Full details of the earthworks required are included on Sheet R 07.20 of the Archaus plans.

In summary, 175m³ of cut and 189m³ of fill is required which results in a nett of 13.5m³.

1.4 Access & Parking

No on site carparking will be provided.

A 5m wide driveway will however provide access for a small rubbish collection truck along with five scooter/motorcycle parks and secure cycle parking to the rear as shown on the Archaus plans.

1.5 Services

Consultation regarding water, sewer and stormwater services for the site is ongoing with Wellington Water and the applicant will continue dialogue with Wellington Water regarding appropriate servicing and wastewater mitigation for this site.

A detailed services design will be submitted as part of the building consent process.

1.6 Flood Hazard

Figures 9, 10 and 11 below shows the WCC Flood Hazard Map and GWRC flood hazard maps for the site.

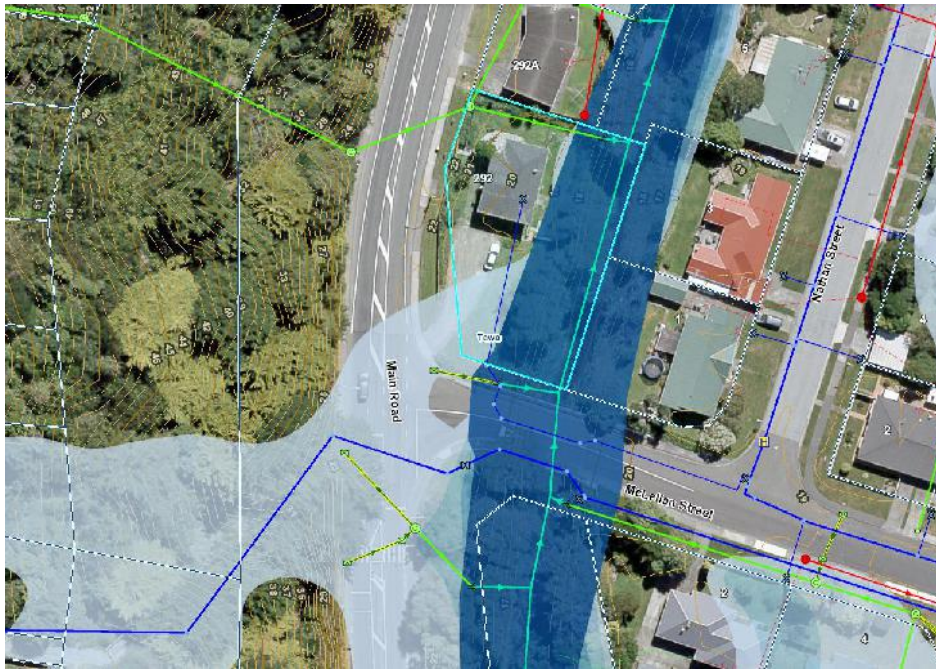


Figure 9: Aerial of Site – Extract from WCC GIS



Figure 10: Flood Hazard Map GWRC

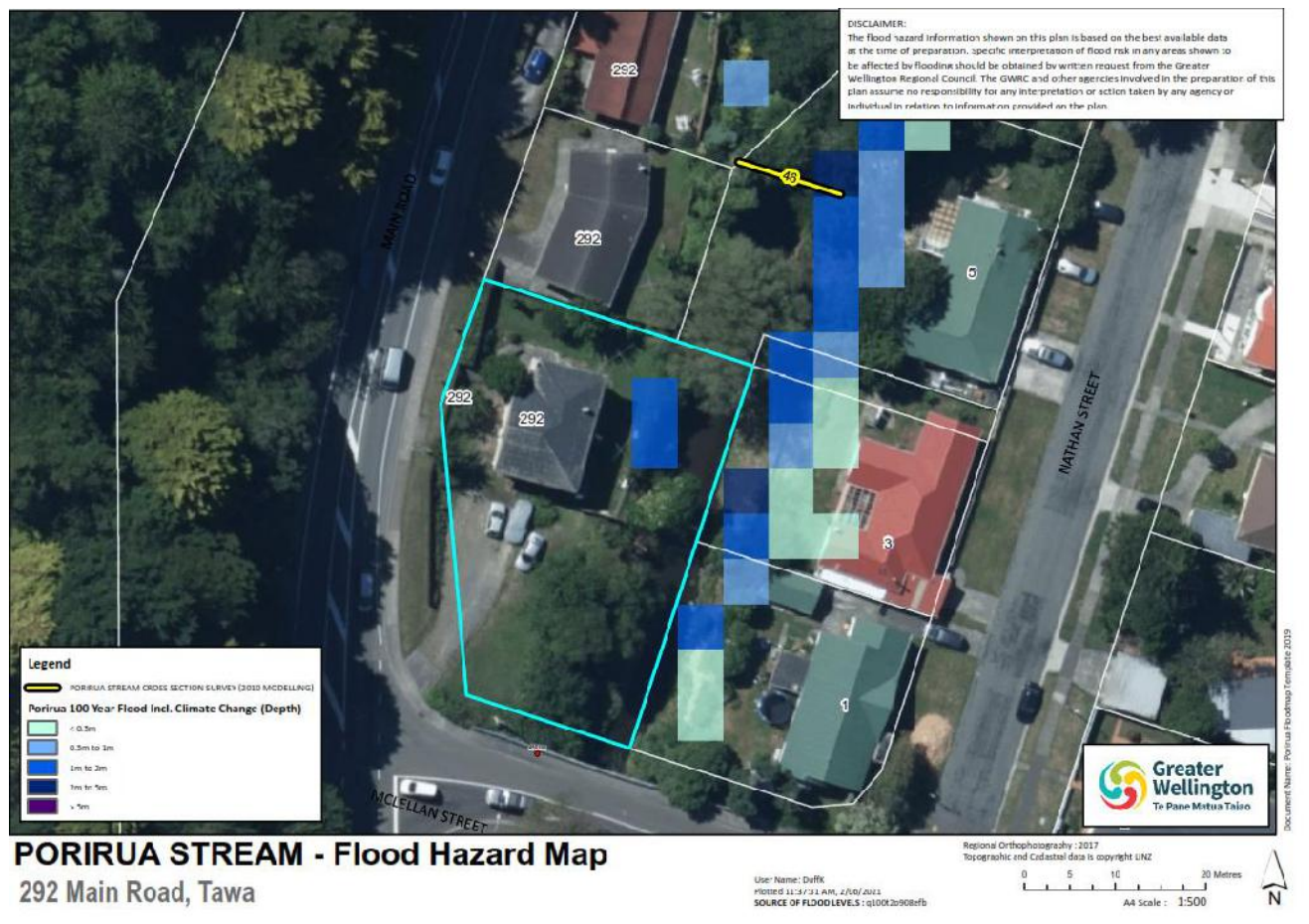


Figure 11: : Porirua Stream Flood Hazard Map (GWRC)

The applicant has also consulted with Wellington Water Limited (WWL) regarding the proposed development.

An appropriate floor level will be established to protect the residential units.

The foundation system proposed will also elevate the structure above the flood plain to ensure that there is no displacement of floodwater.

2 PLANNING PROVISIONS

2.1 Zoning

The site is located in the **Outer Residential Area** (Map 31). Main Road is a Principal Road on the District Plan Maps. It is not subject to any special character rules or designations.

Part of the site is included in the Tawa Hazard Flooding Area as identified on Map 31 of the District Plan.

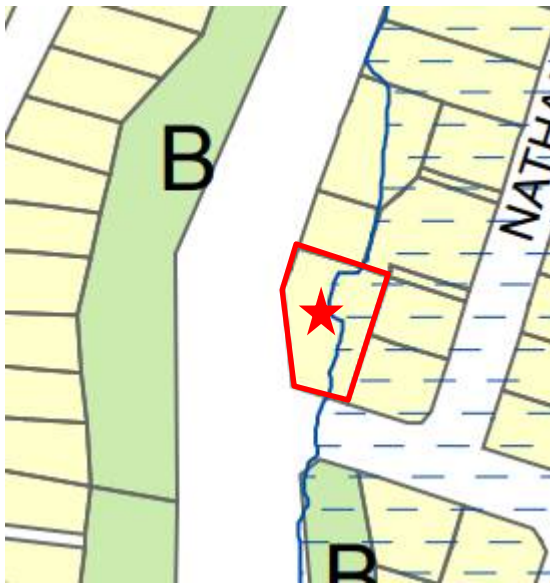


Figure 12: District Plan zoning and Porirua Stream flooding area

2.2 Future Policy Direction

Under the **Draft District Plan**, the site is included in the Medium Density Residential Zone and is subject to a 21m height limit. While the Draft District Plan rules are not yet “in effect” and they do not have any legal status, they do indicate that the site is identified as an area for potential change in rules.

Wellington City Council also adopted its **Spatial Plan** on 24 June 2021. Under the Adopted Spatial Plan the site is included in the Walkable Catchment area 4B which enables at least 6 storeys to be built.

Housing Density Type 4

Examples:

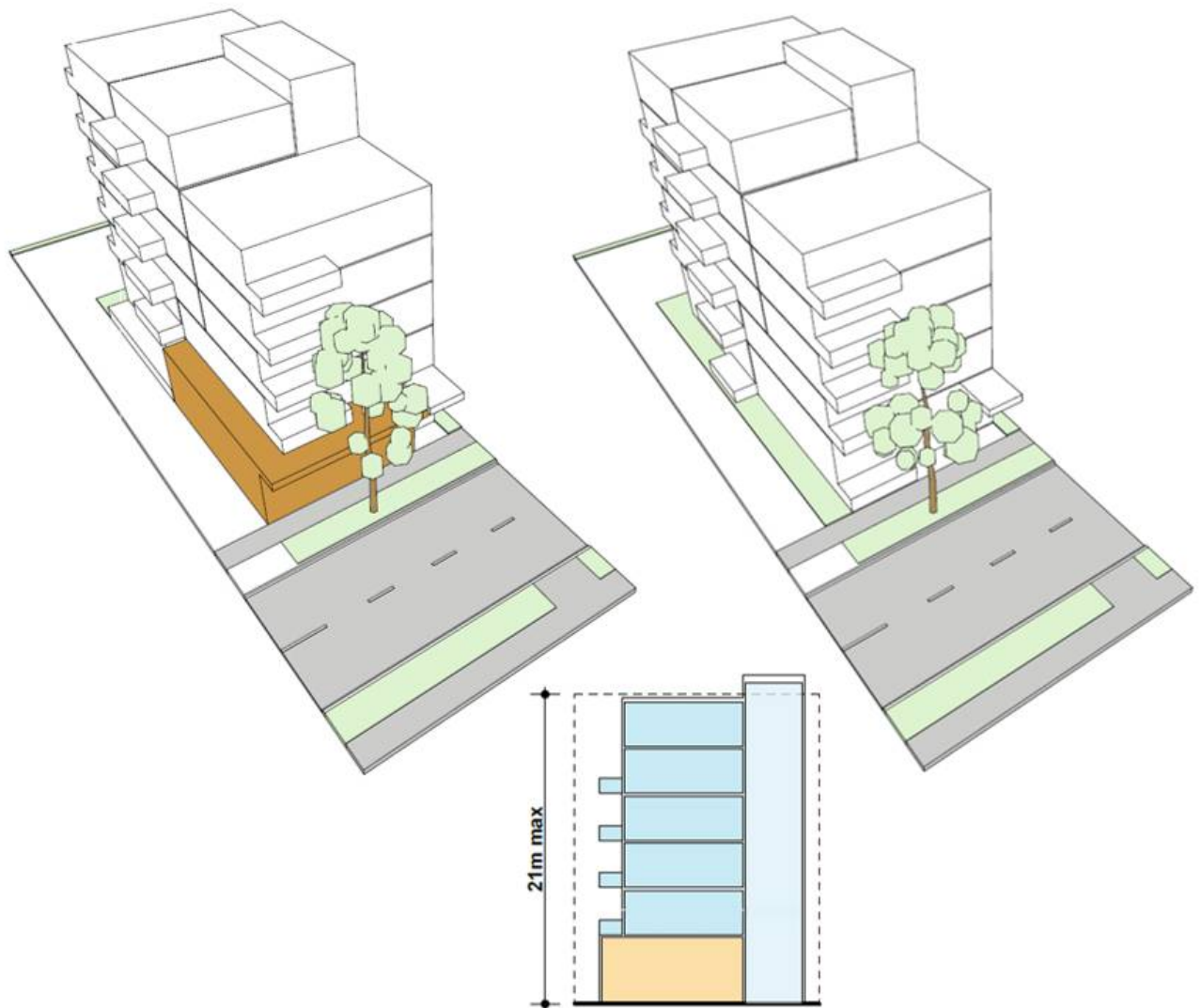


Image source: Wellington Outer Suburbs Assessment & Evaluation Report (2020)

Figure 13: Example of Housing Density Type 4B given in the WCC Adopted Spatial Plan (Source: WCC Adopted Spatial Plan 2021)

In addition, the recently introduced the **Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill** enables the intensification of housing supply in Wellington via streamlined planning process under the RMA and includes a requirement to the territorial authorities in Tier 1 (ie: Wellington) to make changes to their District Plans to enable housing. The Bill in effect introduces as a permitted activity Medium Density Residential Standards/rules across the City. This substantially increases the capacity of land to accommodate denser housing as a permitted activity provided it meets the standards (ie: height in relation to boundary, setbacks. Coverage, impervious surface, outdoor living space and outlook space). Councils in Tier 1 have until August 2022 to notify plan changes to give effect to this directive from the Government.

2.3 Compliance with District Plan Standards

2.3.1 Land Use

Under Rule 5.3.9, the *relevant* standards and terms for the construction of walls and fences located partially on legal road are:

- 5.3.9.1 design (including building bulk, height and scale), external appearance and siting;
- 5.3.9.2 amenity protection;
- 5.3.9.4 safety.

The provision of landscaping and fencing along the road frontage/berm together with centralised entrance steps and an access ramp to the site forms an integral part of the overall building design.

Under Rule 5.3.10, the standards and terms for the construction of buildings in the Tawa Hazard (Flooding) Area are:

- 5.3.10.1 building floor level;
- 5.3.10.2 building location within the site;
- 5.3.10.3 building floor area;
- 5.3.10.4 effects of the proposal on the erosion and flood hazard risks, and stream maintenance.

The applicant is aware of the flood hazard for this site and further assessment has been provided by ENGEO with regard to flood hazard for the site in section 3.10 of this report.

Under Rule 5.3.7 the construction of multi-unit developments are a discretionary (restricted) activity provided all buildings and structures meet the parking, access and the bulk and location conditions of the residential standards contained in sections 5.6.1 and 5.6.2.

The proposed new units have been assessed against the permitted activity standards of sections 5.6.1 and 5.6.2 for the Outer Residential Area as shown in Table 1 below.

Table 1: Assessment of Residential Standards

Standard	District Plan Requirements	Proposed Building
Vehicle Parking 5.6.1.3	Parking (if provided) to be provided in accordance with sections 1, 2 & 5 of ANZS 2890.1:2004: <ul style="list-style-type: none"> • Park dimensions (Fig 2.2 or Fig 2.5)¹ • Park gradient (1 in 20 - 5%)¹ • Driveway width 3m or Table 2.2¹ • Driveway gradient (1 in 4 - 25%)¹ 	Off street loading area provided for small rubbish truck No on-site car parking provided; scooter/motorbike parking for 4 bikes provided. Complies
Site Access 5.6.1.4	Site with one road frontage has one access	N/A
	Site with two road frontages may have one access per frontage subject to following:	Complies
	Sites with frontage to: <ul style="list-style-type: none"> • State highway, arterial or collector; and • One or more local or sub-collector (not restricted road frontages) 	N/A

¹ Other criteria of ANZS 2890.1:2004 may apply due to particular circumstances.

Standard	District Plan Requirements	Proposed Building
	May only have access to the local or sub-collector roads.	
	Sites with two or more frontages that are: <ul style="list-style-type: none"> • State highway; or • Restricted frontage; or • Arterial, principal or collector road may have max. one access. The access may not be from State Highway or restricted road.	Complies – site has one driveway
	Not from a restricted road frontage	Complies
	Provided by ROW if no direct frontage to road; and To be in accordance with section 3 of ANZS2890.1:2004 – including: <ul style="list-style-type: none"> • Min distance to intersection (Fig 3.1) • Sight distance along road (Fig 3.2) • Sight distance to pedestrians (Fig 3.3) 	Complies
	Max crossing width is <ul style="list-style-type: none"> • 3.7m (Inner Res. & coastal edge) • 3.7m for up to 6 units, and 6.0m for 7 or more units (Med. Density Res) • 6m (Outer Res - excl. coastal edge) 	Complies
Front Yards 5.6.2.2.1-5	3m or 10m less half width of road (whichever is less) Accessory building permitted to 6m wide in front yard	Complies
Side and Rear Yards 5.6.2.2.6-8	0m for Outer Residential	Complies
	1m access to rear of site 1m separation between residential buildings	Complies Complies
Deck Yards 5.6.2.2.9-10	Decks greater than 1.5m in height to be 2m from bdy	Complies
General Yards 5.6.2.2.11-13	No building or structure within 10m of the Porirua Stream or Coast, or within 5m of another waterbody.	Does not comply
	No impervious surface within 3m of a waterbody.	Complies
Open Space 5.6.2.3.1 - 5.6.2.3.5	<ul style="list-style-type: none"> • 50m² ground level open space, • min width of 4m adjacent to the dwelling • Not more than 15m² used for vehicle accessway or manoeuvring areas, • Uncovered except that uncovered decks less than 1m high are OK, • Provided as open space per unit adjoining the unit. 	Does not comply Ground level yards/decks 15m ² – 27m ² Upper level decks 5-6m ²
Site Coverage 5.6.2.4.1	35% for buildings (Up to 40% where the extra 5% is uncovered decks)	45% (includes uncovered decks over 1m)
Max Bldg Height 5.6.2.5	Maximum 8m (+1m for pitched gable roof) Accessory Bldgs = 3.5m	Does not comply (up to 14.7m)
Infill Height 5.6.2.7	Maximum height of infill unit on sites less than 800m ² in Outer Residential Area: <ul style="list-style-type: none"> - 4.5m on slope < 3:1 - 6.0m on slope > 3:1 	N/A
Building Recession 5.6.2.8	2.5m & 45 ⁰ incline	Does not comply East: up to approx. 6.2m North: approx. up to approx. 5.6m

Standard	District Plan Requirements	Proposed Building
Max. Fence Height 5.6.2.10	Maximum 2m height.	Can Comply

From the assessment of the proposed building in Table 1 above, land use consent for the buildings is required under the following rules.

- The proposed building 24 unit building is a multi-unit development. This a discretionary activity (restricted) under rule 5.3.7.
- The proposed units do not provide 50m² of ground level open space per unit. This is a discretionary activity under rule 5.3.4.
- The access steps and access ramp to the proposed building is partially located on legal road and therefore is a discretionary (restricted) activity under rule 5.3.9.
- The proposed building is set back 8.1m from the Porirua Stream and it is located within the Tawa Hazard (Flooding) Area and is therefore a discretionary (restricted) activity under rule 5.3.10.
- The proposed building exceeds the 42% discretionary limit for site coverage (approx. 45% including decks over 1m²) and is therefore a non complying activity under rule 5.5.
- The proposed building exceeds the building recession planes by more than 3m (approx. 5.6m North and 6.2m East) and overall building height exceeds by more than 20% (approx. 14.7m) and therefore the building is a non-complying activity under rule 5.5.

Overall, the proposed building is assessed as a non complying activity.

2.3.2 Earthworks

Earthworks will be required across the site to allow for building platforms to be created.

The proposed earthworks are over an area of 697m² and to a maximum depth of 1.6m.

The total volume of cut is 176m³ and fill is 189m³, with the total nett cut/fill for the site being 13.5m³.

The earthworks have been assessed against the permitted activity standards for earthworks as shown in Table 2 below:

Table 2: Assessment of Earthworks Standards

Standard	District Plan Requirements	Proposed Earthworks
30.1.1.1(a)	1.5m vertical alteration maximum;	Does not comply (1.6 max depth)
	Not on slope over 34 ^o (1V:1.5H);	Complies
	Height/depth not to exceed distance from boundary;	Complies
	Total disturbed area not more than 250m ²	Does not comply (697m ²)
30.1.1.2	Not within 5m of water body	Complies
30.1.1.3	Not in Hazard (Flooding) Area on DP Maps	Does not comply
30.1.1.4	No visible settled dust beyond the site boundaries	Complies
30.1.1.5	Proximity to transmission line / structure	Complies

The assessment above indicates that the earthworks do not meet the permitted standards as the area of earthworks will be greater than 250m², the site is within the Tawa Flood Hazard area and the maximum depth of earthworks will exceed 1.5m.

Under Rule 30.2.1.2 the *relevant* standards and terms for earthworks within the flood hazard area are:

- (i) earthworks stability;
- (ii) erosion, dust and sediment control;
- (iii) visual amenity – where the cut height exceeds 1.5m or the area exceeds 100m²;
- (iv) the flooding hazard (if located in a Hazard (flooding) Area);
- (v) earthworks and structures associated with rivers (including streams) where the cut or fill is closer than 5m to the stream.

As outlined in the Local plans, the already established quality stream bank vegetation and trees will be retained and supplemented with additional appropriate planting and groundcover.

Therefore the earthworks associated with the 24 unit development are a discretionary activity (restricted) under rule 30.2.1.

2.4 Activity Status

The assessment of the provisions of the Operative District Plan in the preceding sections shows that the housing proposal must be assessed as the following:

- Land Use Consent for 24 residential units. While there are some aspects of the development which are a discretionary (restricted) activity, overall the application has been assessed as a non complying activity under rule 5.5 for non-compliance with front yard setbacks, site coverage, height, building recession plane and earthworks standards, along with part of the site being in the Tawa Hazard (Flooding) zone and the access steps/ramp being located on legal road.

3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

3.1 Introduction

This assessment of environmental effects on neighbouring properties and the wider community has been prepared in such detail as corresponds with the scale and significance of the effects that the proposal may have on the environment.

The effects arising out of this application that we consider would potentially impact on the amenity of neighbours and the wider community, including physical effects are listed below:

- Permitted Baseline
- Residential amenity and character effects;
- Height, Bulk and Location and Visual Effects
- Overlooking and Privacy Effects;
- Open Space and Coverage Effects;
- Shading Effects;
- Landscape and Ecological effects;
- Access Effects;
- Traffic and Parking effects;
- Earthworks and Construction effects.
- Geotechnical, Flooding and Natural Hazards effects;

3.2 Permitted Baseline

When forming an opinion as to whether a proposal will result in any actual or potential effects on the environment, section 104(2) of the Resource Management Act 1991 states that Council may “*disregard an adverse effect of the activity on the environment if ... the plan permits an activity with that effect*”.

This provision is known as the permitted baseline, and essentially allows the effects of the proposed activity to be compared to those of activities that could be permitted as of right on the application site. In relation to this application, the permitted baseline is determined by the Outer Residential Area rules and standards as stated in the District Plan.

The area of the lot is 1204m², so over 800m². Consequently, the infill height limit is not applicable.

The permitted activity would consist of two large dwellings and associated car parks as shown on Sheet RC 07.00 of the Archaus plans. The permitted activity development could be established as follows:

- The existing two storey house would be demolished.
- Two very large dwellings would be constructed on the lot.
- The two dwellings would be set back 10m from the Porirua Stream;

We do not consider the permitted baseline applies in this case however the permitted baseline is used to inform the sun shading study shown on sheets 7.00-7.05 of the Archaus plans.

3.3 Residential Amenity and Character Effects

The surrounding area currently is mainly characterised by low density one and two storey residential dwellings. The proposed new 24 unit building will therefore represent a change from the existing residential amenity and character in the surrounding area in Tawa.

While currently the area is characterised by low density development, the area has been identified for medium density housing in the future. This will result in a significant change in the capacity for development on the site.

The site is well located being both on a main road and is a good example of a walkable catchment from a local public transport link (ie: Linden train station). Under the Draft District Plan provisions, the site is included in the Medium Density Residential Zone and the corresponding height limit is 21m. While the Draft District Plan has no statutory effect as yet, all indications are that this is an area of transition and in the future, a higher density and height limit will apply to this site. The applicant accepts that there is no legal effects for the changes proposed and is therefore proceeding with notification.

In addition to the NPS-UD, Draft District Plan, and the Adopted Spatial Plan the Government has also recently introduced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill to Parliament. The Amendment Bill enables the intensification of housing supply in Wellington via streamlined planning process under the RMA and includes a requirement to the territorial authorities in Tier 1 (ie: Wellington) to make changes to their District Plans to enable housing. The Bill in effect introduces as a permitted activity Medium Density Residential Standards/rules across the City. This substantially increases the capacity of land to accommodate denser housing as a permitted activity provided it meets the standards (ie: height in relation to boundary, setbacks, coverage, impervious surface, outdoor living space and outlook space). Councils in Tier 1 have until August 2022 to notify plan changes to give effect to this directive from the Government.

We therefore conclude that this area is identified as an area of significant change into the future and this being the case, the long term effects of the proposed development on future residential amenity and character will in the future be less than minor.

3.4 Height, Bulk and Location and Visual Effects

The proposed new 24 unit building will represent a change from the existing height and bulk and location on the site.

As discussed fully in section 3.3 above, under the current and future planning environment, the site and surrounding area have been identified as an area which is suited to Medium Density development. This will result in a change of the height, bulk and location and visual effects which are expected on this site.

Notwithstanding that, the applicant has put considerable effort into the overall site design and landscaping to mitigate any potential adverse height, bulk and location and visual effects as much as possible.

The proposed building has been sited and designed to maximise the setbacks from the northern and eastern boundaries, limit overall site coverage to 45%, and is set in a park-like green space along the river boundary.

A Local Landscape Plan (see Attachment 8) is included in the application, along with an assessment against the Residential Area Design Guide is also included in Attachment 3 to the application.

In summary, our conclusion is that the proposed 24 unit building development is a departure from the expected height, bulk and location and visual effects that could be expected on the site and therefore may result in a building which has minor adverse effects on the environment when assessed against the current District Plan.

3.5 Overlooking and Privacy Effects

The privacy of the neighbouring properties has also been carefully considered in the design of the proposed building.

For the neighbour to the north, the setback from the northern boundary has been maximised by locating the driveway/loading bay, scooter parking, rubbish storage and secure cycle parking along this boundary.

In respect to the properties to the east and south, there is a good separation distance. There are no residential properties affected to the west.

Opportunities for overlooking have also been minimised by sensitive window placement and window heights and the orientation of the upper floor decks (where increased height may lead to overlooking opportunities) to the east and west.

In summary, the sensitive site design, window placement and window heights limit any potential the overlooking effects and maximises privacy for the neighbouring properties to the east and north and we consider any potential overlooking and privacy effects will be no more than minor.

3.6 Open Space and Coverage Effects

The proposed new 24 unit building will represent a change from the existing low density of existing buildings on the site.

3.6.1 Open Space

The site layout has been deliberately designed to maximise ground level open space as much as possible. This includes areas of private open space at ground level but also providing decks on the upper levels.

Each ground floor unit (Units 1.01-1.06) provides a generous outdoor open space with these spaces ranging between 15m² and 27m² in size. These spaces are designed to be usable outdoor spaces which receive both morning and afternoon sun.

Each of the units on Levels 2, 3 and 4 of the building has a 5-6m² deck which is directly accessible from the living, dining and kitchen spaces in the unit. Each deck provides a sunny and sheltered usable outdoor open space for the Units.

While none of the outdoor open spaces meet the 35m² minimum or 3.5m minimum dimension standards in the Outer Residential Zone, the ground floor arrangement and smaller deck sizes on

the upper floors are very common in unit title multi-unit developments of this nature. The proposed outdoor space provision satisfies the outdoor space needs of residents whilst catering for the increasing demand for affordable, well located, modern, warm dry homes which are close to public transport links. In other words, this development is similar to other expected future developments in Wellington.

3.6.2 Coverage

The proportion of the site covered in buildings is limited to 45%, which includes uncovered decks over one meter in height. This therefore means that 55% of the site does not contain buildings.

The undeveloped area is the area adjacent to the Porirua Stream and views to and from this area will remain available. The landscape plan provides details of the existing and proposed planting within this area which will ensure that the proportion of the site left 'unbuilt' covered in buildings has been maximised.

We consider the unbuilt stream banks area, along with the planting proposed throughout the site reduces the perceived density on the site brought about by the height of the building, and results in a balance being achieved on the site which retains as much open space as possible.

Our conclusion is that any adverse open space or coverage effects from the proposed development are no more than minor.

3.7 **Shading effects**

The applicant has designed the site layout to minimise any potential shading effects from the proposed new 24 unit building on neighbouring properties.

The closest neighbours are located across the Porirua Stream to the east of the property (1, 3 and 5 Nathan Street) and to the north of the property (292A Main Road).

Sheets RC07.02; RC07.03; RC07.04; and RC07.05 of the Archaus plans show the sun shading analysis for the site.

3.7.1 1, 3 and 5 Nathan Street

Although the breaches of the recession plane are up to 6.2m from the Porirua Stream, this is the worst case and the boundary is taken from the centre of the stream. The houses at 1, 3 and 5 Nathan Street are sited well above the stream.

When compared to the complying model (shown in green) the *additional* shading from the proposed building (shown in red) at the Summer Solstice almost entirely falls within the boundaries of the site or on the road. There are two exceptions to this in that a very small amount of additional shading falls on the stream bed at 5pm during Summer Solstice. The second exception to this is at 7pm during Summer Solstice where a small area of the roof of the properties at 3 and 5 Nathan Street incur additional shading.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Autumn Equinox almost entirely falls within the boundaries of the site or on the road. The exception to this is at 5pm in the Autumn Equinox where additional shading is present on the properties at 1 and 3 Nathan Street, however this additional

shading appears to be concentrated on the banks of the stream and the yard and does not appear to shade the dwellings, with only a small part of the garage at 1 Nathan Street being affected.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Winter Solstice almost entirely falls on the road or within the boundaries of the site. The exception to this is at 3pm in the Winter Solstice where some additional shading is experienced on part of the dwelling and the rear yard at 1 Nathan Street.

When compared to the complying model (shown in green) the additional shading from the proposed building (shown in red) at the Spring Equinox falls at 9am and 12pm falls within the boundaries of the site or on the road. There are two exceptions to this. At 3pm, the additional shading from the proposed building is limited to the yard and stream bank (but not on the dwellings) at 1 and 3 Nathan Street. At 5pm, the additional shading experienced to these two properties is more significant.

In summary, due to the generous setbacks achieved, the similar relative elevation of these neighbouring properties compared to the site, and the existing shading of these properties due to the proximity to the hill on Main Road (to the west of the site), we consider on balance, in the main, that any potential shading effects on these properties from the proposed new building will be no more than minor.

3.7.2 292A Main Road

Being located to the north of the site, there are no additional shading effects experienced by the neighbouring dwelling at 292A Main Road from the proposed new building.

The setbacks achieved from the northern boundary have achieved as close to compliance as possible with the recession planes for the neighbouring northern, with a 5.6m breach being experienced ie: a small portion of the top storey.

The generous boundary setbacks achieved and the careful site design, have resulted in a development which no additional shading effects on this property. This is supported in the shading diagrams on Sheets RC07.02; RC07.03; RC07.04; and RC07.05 of the Archaus plans.

In summary, as shown in the shading assessment provided, we consider any shading effects have been reduced as much as possible, and will overall be less than minor.

3.8 **Landscape and Ecological Effects**

A comprehensive landscape plan, planting palette and design statement have been undertaken for the development by Local and are included in Attachment 8 to this application. This landscape plan, planting palette and design statement form an integral part of the application.

The landscape plan identifies the existing landscape context and the proposed planting including public and private areas on the site.

The public areas are the main public entrance which will include access steps and ramp, and the area providing access to the site for scooter parking, rubbish collection and storage, and secure cycle storage.

The private areas on the site include both the western and eastern private outdoor spaces which are used as an extension to the internal living spaces.

The new planting in the area of the stream utilises appropriate native species for stream management and riparian areas.

The landscape design statement concludes:

*“The hard and soft landscape works on the site maximise the views and amenity of its Riparian edge and local street character. The consideration of usability, privacy and comfort has been at the forefront of the design for the private yards, with additional accessibility priorities for the main entry and storage areas”.*²

Consequently, we consider that any landscape effects of the 24 unit proposal are positive.

3.9 Traffic, Parking and Access Effects

To achieve appropriate and convenient access to the site, centralised steps and an access ramp will be located on the frontage.

These structures, along with landscaping of the road frontage outlined in the Local landscape plan, assist with appropriately marking the entry point to the building, providing suitable areas for outdoor seating and meeting points, and most importantly, provide safe and appropriate access options to the building for a range of building users.

As the steps and access ramp will be located on the berm area at the back of the footpath, these structures will not impede or affect pedestrians or road users in any way.

In summary, we consider there will be *positive* access effects of the proposed structures located on the frontage.

A traffic report has been undertaken for the site by Traffic Concepts Limited (Gary Clark) and is included in Attachment 7 to this application. This traffic and parking report forms an integral part of this application.

As noted at the pre-application meeting, the proposed development is one of the first larger scale multi-units in the Outer Residential area to be considered and tested under the NPS-UD and which does not provide carparking, although limited scooter/motorbike parking and cycle storage is included.

Google Maps shows that the proposed development is an (almost level) 8 minute walk and 2 minute cycle from Linden Station. See corresponding maps below:

² Main Road Tawa: Landscape Architectural Design Statement by Local Landscape Architecture Collective page 3

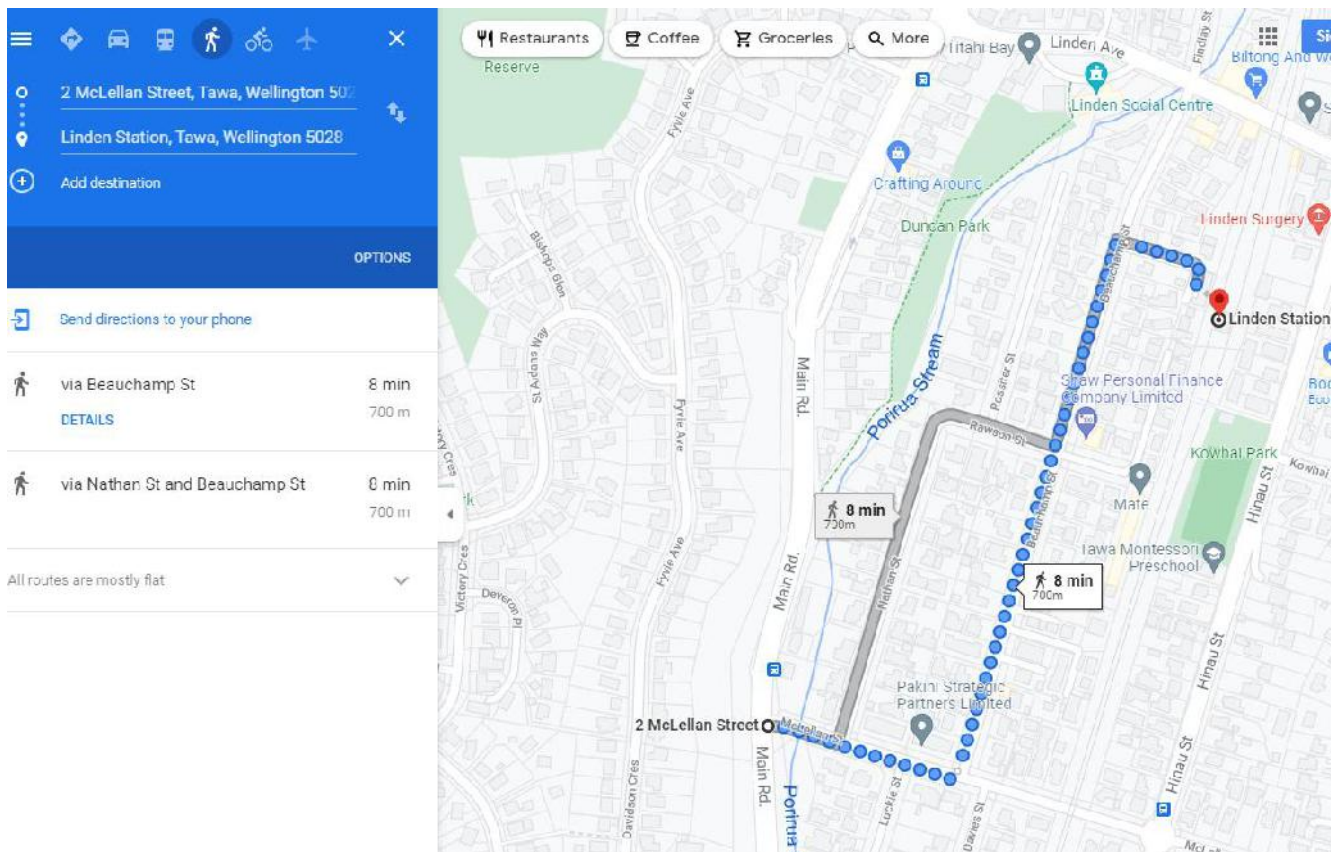


Figure 14: Walking distance and approximate time from/to Linden train station (Source Google Maps)

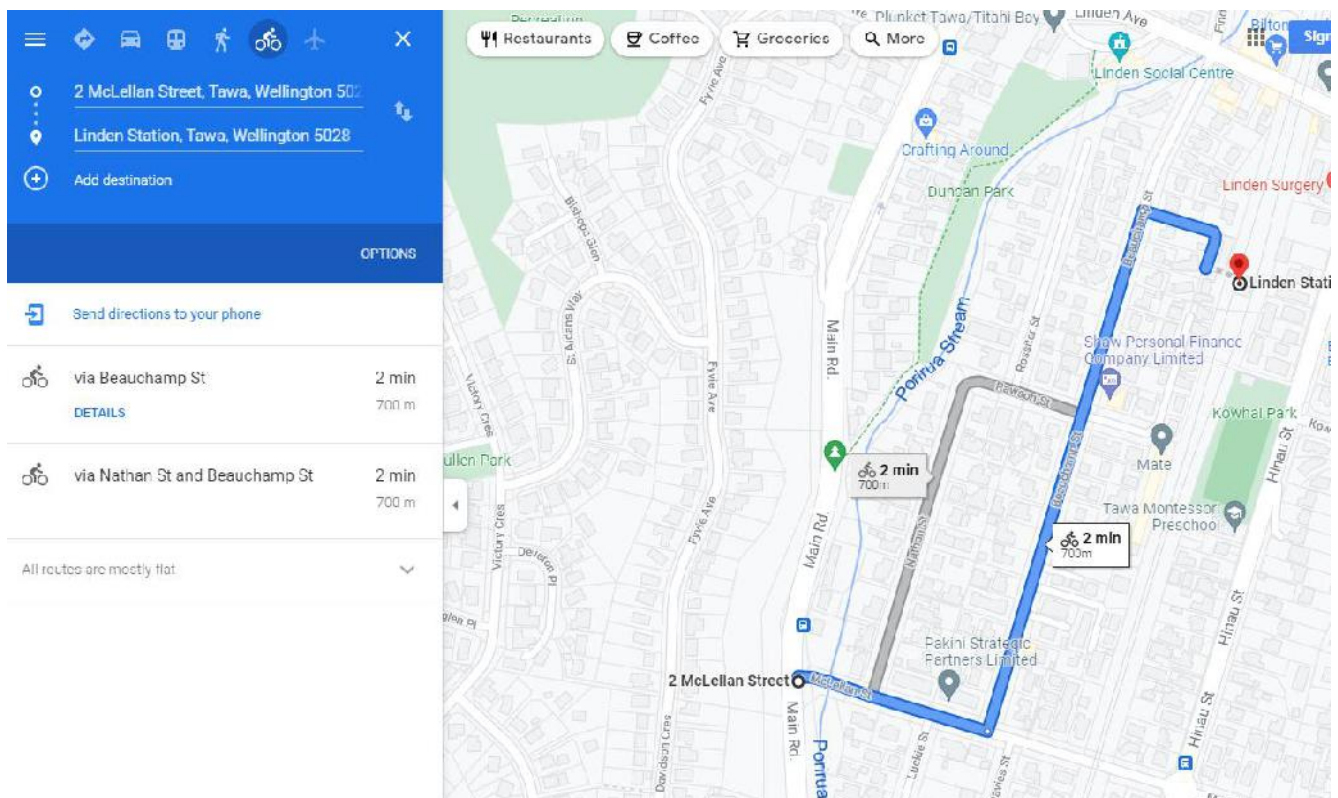


Figure 15: Cycle distance and approximate time from/to Linden train station (Source Google Maps)

A bus stop standing pad and a covered bus stop are located outside the site and across the road. These provide public transport links to the south (Tawa and Wellington City) and to the north (northern Tawa and Porirua City).

Mr Clark has fully considered the traffic and parking effects of the proposed development in his report. Mr Clark concludes:

The proposed development will provide a high quality residential multi-unit development. It is proposed to provide no on-site carparks and a loading area.

Wellington City Council has followed the direction of the NPS-UD to remove parking requirements from their Plans.

Overflow parking of up to 22 spaces can be accommodated on the adjacent road network where there are more than 60 spaces nearby. Any parking effects from the proposed development are considered to be no more than minor.

Overall, the impacts from the proposed development are able to be managed with any residue effects being less than minor.

Whilst car dependency remains a feature of the New Zealand lifestyle, the NPSUD has clearly signalled that a focus of designing cities is no longer about the motor vehicle having primacy. The removal of the requirement for parking is a first step in the process of moving New Zealand away from this transport option towards a focus around public transport and other alternative transport options (such as Share vehicles, E-bikes and Scooters).

The initial steps in this process of removing cars from the urban environment will see people parking on the street. Gradually people and systems (such as grocery delivery) will adapt as more developments of this nature are established.

This initial development has the advantage of being the first to be proposed in the Tawa area. The traffic engineer has provided a traditional assessment presuming that every owner will have a car and require a car park. In this case, the parks are available on the street because this is the first. As the area develops, parks will become more difficult to find. However, that is not a matter for the applicant to consider as this is the policy direction of the future.

Consequently, we consider that any traffic and parking effects the 24 unit proposal are less than minor.

3.10 Earthworks and Construction Effects

Site development works such as the construction of buildings and services associated with the building have the potential to generate a range of effects. In our experience of this type of development, construction effects relating to noise, dust, and run-off & erosion are the key aspects that need to be addressed.

Earthworks are proposed be undertaken over a significant part of the site to allow for the building platform to be created. However, once the building is constructed and the landscaping in undertaken in accordance with the landscape plans by Local, much of the site will either be covered by buildings or landscaped and therefore we consider any potential earthworks effects will be less than minor.

The foundation design proposed will minimise the ground disturbance, including earthworks in the floodplain.

These nuisance effects are only associated with the construction period, which is anticipated to be over a 12-18 month period for this development. Thus these effects will be temporary and occur over a relatively short period to enable the construction of the proposed building.

Noise effects can be minimised through the use of muffled machinery and limiting the working hours to the normal daytime period. In addition, the provisions of NZS 6803:1999 “Acoustics – Construction Noise” will apply in respect of noise during construction activities in the residential area. The consent holder will be bound by these and any other conditions of a consent approval.

Dust may only be a problem during dry and windy weather events. Dust suppression measures can be undertaken to avoid the adverse effects of dust blown from the site by dampening the working area. A water source is available on site for this purpose. If weather conditions are more extreme stopping works may be required to alleviate dust problems.

Given the scale of the earthworks and the contained nature of the site the potential for erosion and sedimentation from the earthworks during the construction phase is minimal.

Overall we consider that these potential construction effects can be appropriately managed by good site practices. These measures can be enforced through suitable consent conditions that seek to control dust, noise & silt laden storm-water run-off from impacting on the local environment.

We therefore consider that any adverse earthworks and construction effects of the proposed building development will be less than minor.

3.11 Geotechnical, Flooding and Natural Hazard Effects

Section 106 of the Act places a duty on consent authorities to consider the risks of natural hazards affecting the land as well as legal access as part of the subdivision consent process. The risk assessment of natural hazards requires a combined assessment of:

- The likelihood of natural hazards (individually or in combination);
- The potential for damage to the land, other land and related structures;
- The future use of the land and if this is likely to accelerate or worsen the potential for damage.

Council may impose conditions on a subdivision consent to avoid, remedy or mitigate the effects of natural hazards associated with the land.

The natural hazards that may need to be considered relate to seismic stability, liquefaction, landslips, flooding, tsunami and/or storm surge, fire and erosion. The main natural hazards that are relevant to the subject site are earthquakes and flooding.

In respect to flooding, the site is within an identified flood area. The applicant has identified the flood floor level and ensured that the dwellings will be clear of the 100 year flooding levels.

The design of the foundations will be piled to ensure that the structure will not displace floods in a flooding event. The effects of this hazard is therefore effectively mitigated.

The risk of an earthquake occurring at the site is no different to the majority of Wellington. The site is not close to any known fault-lines for surface rupturing to be a significant issue. The site is not located within the Hazard (Ground Shaking) Area of the District Plan. Therefore, the seismic related risk to the land is considered to be low, and the requirements of the building code can

adequately mitigate the potential for damage to the future buildings. The land contains an existing dwelling (as do all of the surrounding sites) that have been standing for decades.

The earthworks for the building foundations will be supported by retaining walls that will be specifically designed and require building consent approval. Consequently, the stability of the works will be designed and supervised by appropriately qualified engineers as part of the building consent process.

3.11.1 Geotechnical report

The applicant commissioned ENGEO to provide a Geotechnical assessment and the full report is included in Attachment 6 to this application.³

The ENGEO Geotechnical report identifies three potential natural hazards for the site including seismic hazard, slope instability and flooding. The conclusions of the report state:

In summary, if the potential natural hazards discussed in Section 4 are considered during the building consent stage, then we see no geotechnical reason why the proposed development cannot be successfully engineered and constructed.

Further geotechnical works during the building consent stage include site specific testing to provide geotechnical data used in foundation and settlement analysis, liquefaction and lateral spread assessment, and a slope stability analysis of the eastern slope towards the stream (if required).

It is likely that a piled foundation system socketed in bedrock will mitigate the liquefaction and lateral spread hazard/consequences (if identified). If the liquefaction risk was assessed as low, then a shallow foundation system could be possible.

For the earthworks, temporary support or retaining will be required at some locations adjacent to the site boundaries.

3.11.2 Flooding report

Following the ENGEO Geotechnical Report (Resource Consent) – 292 Main Road, Tawa dated 30/03/2021, the applicant has commissioned a further Flooding report by ENGEO and the full report is included in Attachment 7 to this application.⁴

³ ENGEO Geotechnical Report (Resource Consent) – 292 Main Road, Tawa dated 30/03/2021

⁴ ENGEO Flood Assessment Report - 292 Main Road, Tawa, Wellington dated 4 October 2021

The WCC GIS and GWRC Flood Hazard maps shows that the site is subject to flooding (refer Figures 16, 17 and 18 below).

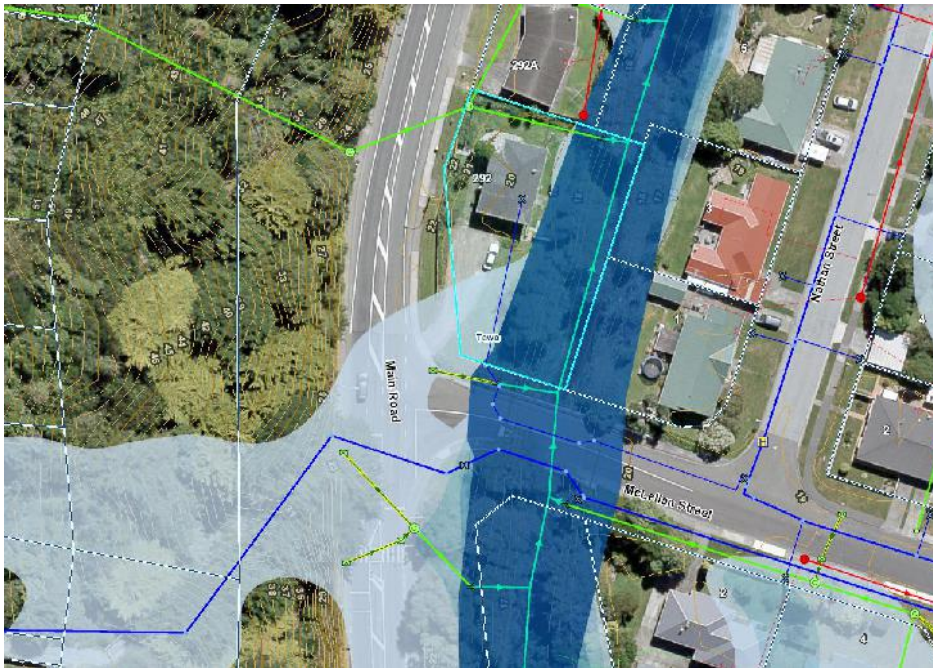


Figure 16: Aerial of Site – Extract from WCC GIS

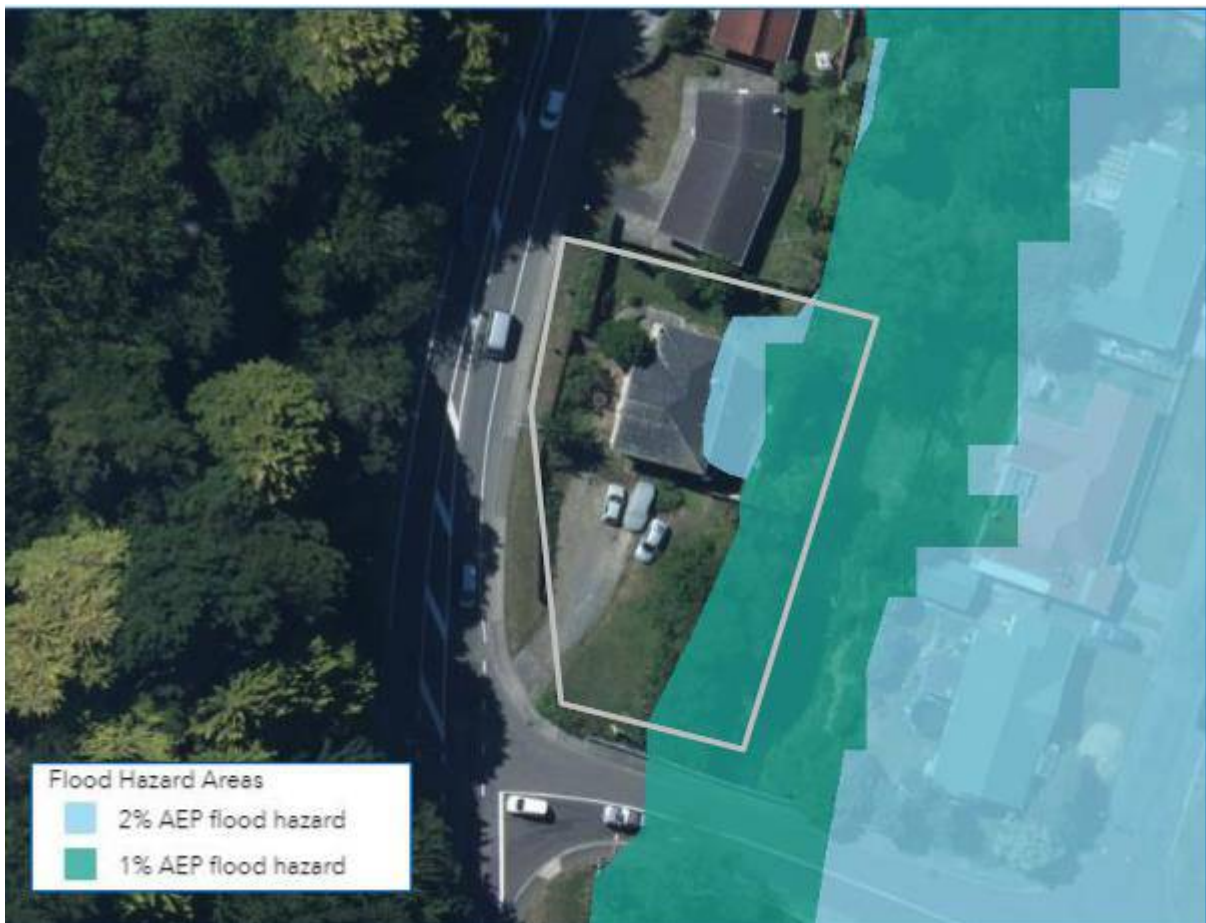


Figure 17: Flood Hazard Map GWRC

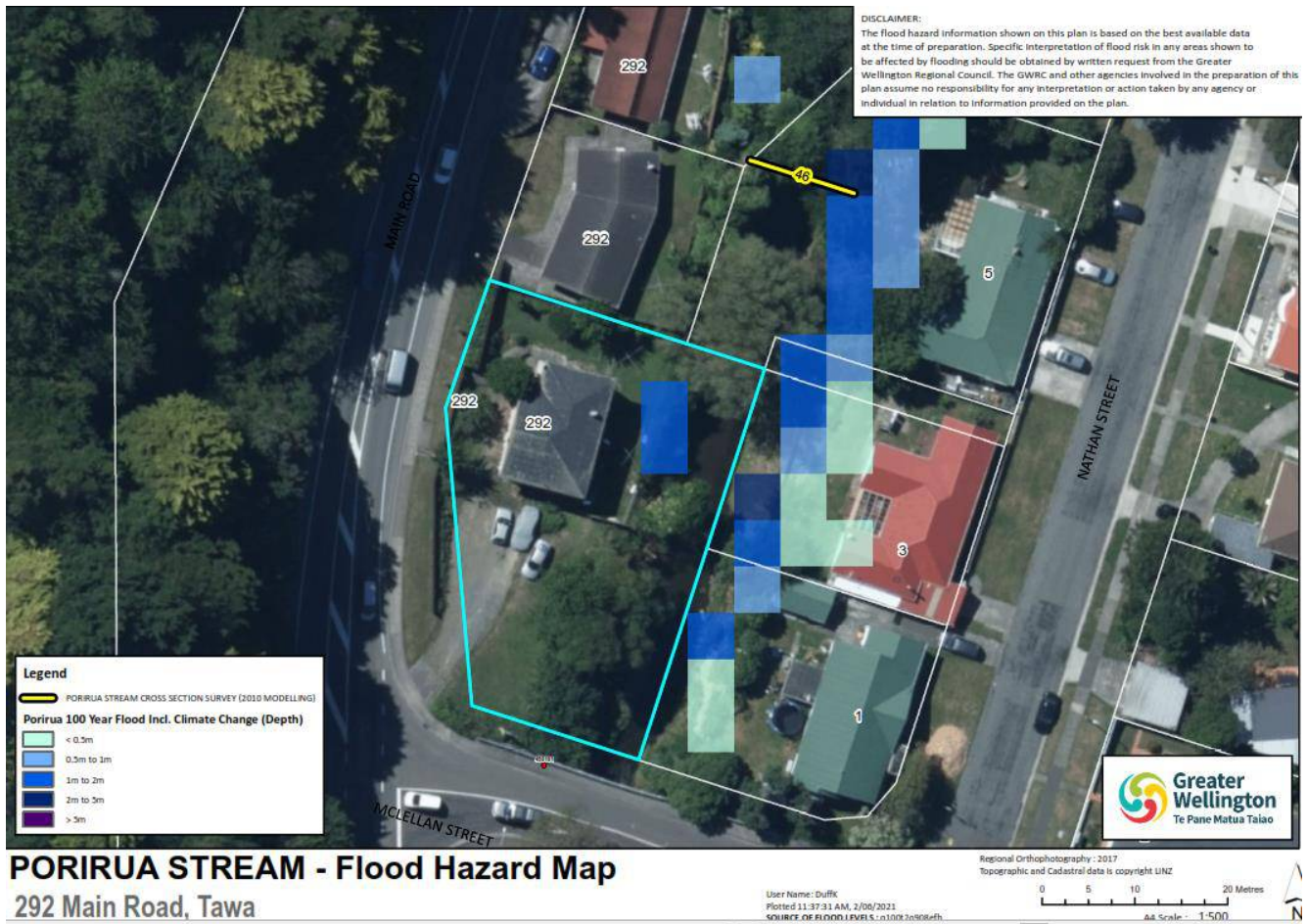


Figure 18: Porirua Stream Flood Hazard Map (GWRC)

In addition, Wellington Water and Greater Wellington Regional Council have been consulted regarding the flood depths (for the 100 year event). In consultation with GWRC and WWL, the proposed building has been designed with a finished floor level of 20.65m. This floor level is above the 1% AEP flood hazard level for the site and well above the flood hazard level from the adjacent Porirua stream.

As a result, we consider that the development can be undertaken successfully by incorporating consent conditions requiring appropriate design methods to mitigate the flooding effects as is required by Section 106 of the Act.

Overall, we consider the site is suitable for the development and that any potential adverse effects relating to the risk of natural hazards will be less than minor and that the development includes appropriate mitigation measures.

The development will be provided with drive-on access for limited scooter/motorbike parking and for a small rubbish truck to service the building. Cycle parking will also be provided on the site.

We therefore consider the site is suitable for the development and the proposed subdivision, and that the provisions of section 106 of the Act can be met.

4 DISTRICT PLAN ASSESSMENT

4.1 Objectives and Policies

Section 104(1)(b)(vi) of the Resource Management Act requires the Council to consider the relevant provisions of the District Plan when assessing applications for resource consent. This includes the relevant objectives and policies of the District Plan, which in this case are considered to be:

- Objective 4.2.1 To enhance the City's natural containment, accessibility and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas.*
- Policy 4.2.1.1 Encourage consolidation of the established urban area.*
- Policy 4.2.1.5 Enable residential intensification within the Inner and Outer Residential Areas provided that it does not detract from the character and amenity of the neighbourhood in which it is located.*
- Objective 4.2.3 Ensure that new development within Residential Areas is of a character and scale that is appropriate for the area and neighbourhood in which it is located.*
- Policy 4.2.3.1 Ensure that new developments in the Inner and Outer Residential Areas acknowledge and respect the character of the area in which they are located.*
- Policy 4.2.3.5 Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.*
- Policy 4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.*
- Policy 4.2.3.7 Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment*
- Objective 4.2.4 Ensure that all residential properties have access to reasonable levels of residential amenity.*
- Policy 4.2.4.1 Manage adverse effects on residential amenity values by ensuring that the siting, scale and intensity of new residential development is compatible with surrounding development patterns.*
- Policy 4.2.4.2 Manage the design and layout of new infill and multi-unit developments to ensure that they provide high quality living environments and avoid or mitigate any adverse effects on neighbouring properties.*
- Policy 4.2.4.4 Ensure that new residential developments recognise and provide for the health and safety of people.*
- Objective 4.2.5 To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas*
- Objective 4.2.6 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.*
- Policy 4.2.6.1 Encourage subdivision design and housing development that optimises resource and energy use and accessibility.*
- Policy 4.2.6.2 Ensure the sound design, development and servicing of all subdivisions.*

<i>Policy 4.2.6.3</i>	<i>Control subdivision lot size and design within established residential suburbs to provide for flexibility in future land use, while ensuring that the subdivision will not result in patterns of development that would adversely impact on the townscape character of the surrounding neighbourhood or the amenity of adjoining properties.</i>
<i>Policy 4.2.6.5</i>	<i>Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that neighbourhoods are created which have a high amenity standard and which are adequately integrated with existing and planned infrastructure.</i>
<i>Objective 4.2.7</i>	<i>To facilitate a range of activities within Residential Areas provided that adverse effects are suitably avoided, remedied or mitigated, and amenity values are maintained or enhanced.</i>
<i>Policy 4.2.7.1</i>	<i>Control the potential adverse effects of residential activities.</i>
<i>Objective 4.2.12</i>	<i>To enable efficient, convenient and safe access for people and goods within Residential Areas.</i>
<i>Policy 4.2.12.2</i>	<i>Manage the road network to avoid, remedy or mitigate the adverse effects of road traffic within Residential Areas.</i>
<i>Policy 4.2.12.4</i>	<i>Require appropriate parking, loading and site access for activities in Residential Areas.</i>

The overall intention of the relevant objectives and policies are met by this proposal. The proposal provides additional residential housing that can be serviced from the existing public infrastructure without adversely affecting the provision of services to existing users.

The design statement by Archaus Architects includes the following assessment of the proposal:⁵

The proposal is for a new four storey apartment building at 292 Main Road in Tawa with 24 two-bedroom apartments, six per storey each with their own balcony, yard, or deck. This proposal will replace the existing single storey dwelling on the site that is to be demolished (4.2.1) To enhance the City's natural containment, accessibility, and residential amenity by promoting the efficient use and development of natural and physical resources in Residential Areas. The height of the new development has been carefully considered in relation to the size of the parcel and its surrounding neighbors, sitting at four stories instead of the proposed six stories that the National Policy Statement on Urban Development 2020 is pushing for in areas near rapid transit hubs, which this site would fall under. We believe the building design will help enhance and set an example of high-quality urban design for the area's future develops (4.2.4.1).

The overall building mass is aligned to the street front, but the mass of the building is broken up through steps in the front and back elevations in order to break up the bulk of the form and form a finer grain to suit the residential nature of the area. The facades have been broken up into vertical sections which relate to the scale and internal layout of the apartments but is tied together as read as a primary element using the continuous rainscreen that wraps around each volume.

Balconies give each apartment private outdoor amenity (4.2.4). They also provide privacy from their surroundings and help mitigate over-heating from solar gain. The materiality and Positioning of the balconies is a key part of the design; this secondary element's expression and placement break up the bulk and adds depth to the façade on the east and western facades, as well as helping reduce down wash created by the wind. The layout of the apartments has been oriented on an east and west access to maximise views and natural light determining that the largest portion of the glazing is on the front and back facades. The north and south facades have been designed with future development in mind and so have less fenestrations that allow natural light into the living rooms and bedrooms while maintaining privacy for the user and preventing overlooking to

⁵ Extract from Archaus Design Statement November 2021

neighbouring sites (4.2.4.2). Depth has been created in the northern and southern facades through a continuous strip of fenestration in the face of the building where the common hallway is located. The main entrance is glazed and located centrally slightly below street level given the falls in the site. Different Fenestration and cladding has also been used to further break up the large face of the entrance facade through play with vertical and horizontal elements that penetrate the primary volume (see proposed 3d views).

The proposed building is set twelve metres off the back eastern boundary to protect the adjacent stream, mitigating adverse effects of future development to this natural resource. A planting scheme by Local Landscape Architecture Collective has been design as part of this proposal to further enhance the site in relation to the surrounding area and mitigate adverse effects of development around the stream (4.2.8.4) to Encourage retention and restoration of indigenous ecosystems and habitats and (4.2.8) maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment. The building is also raised above flood level to ensure amenity to occupants (4.2.10.3) ensuring that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes. The landscape design has also considered (4.2.12.1) improved access for all people, particularly people travelling by public transport, cycle or foot, and for people with mobility restrictions.

The design statement concludes that the project has a sympathetic response to the site and is appropriate in the wider context.

We concur with the Archaus assessment above and consider that proposed new building is deemed acceptable by the objectives, policies and rules of the District Plan.

Earthworks

<i>Objective 29.2.1</i>	<i>To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.</i>
<i>Policy 29.2.1.2</i>	<i>Provide for minor earthworks to allow the use and development of land where the risk of instability is minimal.</i>
<i>Policy 29.2.1.3</i>	<i>Ensure that earthworks are designed to minimise the risk of instability.</i>
<i>Policy 29.2.1.4</i>	<i>Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, wetlands and coastal waters.</i>
<i>Policy 29.2.1.7</i>	<i>Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area.</i>
<i>Policy 29.2.1.10</i>	<i>Ensure the design of structures used to retain or stabilise landslips, reflect the character and visual amenity of the local area.</i>
<i>Policy 29.2.1.11</i>	<i>Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.</i>
<i>Policy 29.2.1.12</i>	<i>Protect koiwi (human remains), taonga, Maori and Non-Maori material ...</i>

The proposal is considered to be consistent with the earthworks outcomes sought in the District Plan.

4.2 Residential Area Design Guide Assessment

An assessment of the proposed development has been provided in Attachment 3 to this application.

The proposal will create a positive residential environment for future residents.

5 MITIGATION AND MONITORING MEASURES

Specific mitigation measures are only required when the adverse effects on the environment are deemed to be more than minor. In this case, the actual and potential effects will be less than minor. Therefore, no particular mitigation measures have been proposed.

Nevertheless, we propose the following standard type conditions for the proposal.

5.1 Suggested Conditions

Land Use Conditions

1. The proposed building works must be in accordance with the plans and information provided with the application.
2. Working hours for the earthworks and construction are to be as follows:
 - Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays)
3. Stormwater run-off from earthworks must be managed for the duration of the works. Earth or debris must not deposit on land beyond the site. Untreated run-off from earthworks must not enter the Council's stormwater system.
4. The consent holder must ensure that the discharge of dust created by the earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance.
5. A general monitoring condition.

Aside from the above, we anticipate that the standard conditions Council normally impose on land use consents of this nature will be sufficient to ensure that the proposed building works are carried out in a manner that is consistent with Council's expectations for development in the district.

6 CONSULTATION

6.1 Pre-application meeting

A pre-application meeting was held on 16 April 2021 (SR487769) with WCC officers. Planning, urban design and traffic were discussed at this meeting. Comments were also sought from Wellington Water Limited.

7 ASSESSMENT OF NOTIFICATION AND AFFECTED PERSONS

The provisions of sections 95A to 95E RMA are considered in this section.

This application represents a significant departure from the current District Plan rules, particularly with respect to height, bulk and location and shading. However, this must be balanced against the future planning environment which has been signalled by the NPS-UD, Draft District Plan, and the Adopted Spatial Plan and the recently introduced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. All of these documents signal a new future direction for development on this site.

The applicant has undertaken consultation with the immediately adjoining property owners however no written approvals have been provided.

The applicant therefore requests that this application be publicly notified.

8 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

On the 20th August 2020 the National Policy Statement on Urban Development (NPS-UD) came into effect. The Wellington City Council, in its regulatory capacity, has not fully responded to this Policy Statement and the current provisions of the District Plan do not reflect all the requirements of this recent and specific higher level planning document.

The objectives of the NPS-UD include:

- O1 – New Zealand has 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.
- O2 – Planning decisions improve housing affordability by supporting competitive land and development markets.
- O4 – New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Under Policy 1 and Policy 2, the NPS-UD applies to all planning decisions, including resource consent applications so as to contribute to well-functioning urban environments and to provide sufficient development capacity for the short, medium and long term.

Policy 6(b) acknowledges that planning decisions (including decisions on resource consents) under the NPS-UD may involve changes to urban areas that result in a detraction of amenity values in the local area. However, the NPS-UD promotes that these changes will lead to improved amenity values for the wider residential community and future generations. To this extent the NPS-UD confirms that such a detraction in localised amenity values is not an adverse effect.

Policies 6(c) and 6(d) also require planning decisions to have particular regard to the benefits of urban developments that would create well-functioning urban environments and that provide development capacity as envisaged by the NPS-UD.

The subject proposal will increase the number of units on this site. The quality of the proposed new units is above average. Therefore, the proposal will provide benefits for the social, economic and cultural wellbeing of the city by providing additional housing stock for the local market.

With respect to Policy 11 and Subpart 8 – Car Parking, the NPS-UD has introduced a directive which prohibits provisions of a District Plan that impose minimum parking requirements. The proposal is therefore consistent with the direction of the NPS-UD and does not provide any off street car parking spaces within the development (Note access for a small rubbish truck, limited motorbike parking and bike parking are provided as part of the development). Therefore, the proposal aligns with the outcomes and intentions of the NPS-UD.

The NPS-UD is a higher level planning document than the District Plan. The District Plan has not been amended to meet the intentions of the NPS-UD. Nevertheless, planning decisions must give effect to the NPS-UD. Therefore, in assessing the application, consideration must be given to the NPS-UD and its objectives.

In carrying out that exercise, it can be concluded that granting the consent is consistent with the NPS-UD.

9 POSITIVE EFFECTS – SECTION 104(1)(a)

The proposed new units will have the following positive effects:

- The proposal meets the intention of the RMA in terms of sustainable management of the limited urban land resource as the site is in an established urban area and in close proximity to services within Linden, Tawa, and the CBD.
- The proposal meets the intentions of the outer residential zone, in particular the District Plan Objective and Policies relating to the intensification of suburban land by the efficient use of land suitable for residential development. Currently the site is occupied by one dwelling 24 new units are proposed.
- The proposal will result in the efficient use of resources as it utilises existing infrastructure wherever possible.
- The proposal will provide for the economic and social wellbeing of the applicant and the future residents.
- The proposal assists to achieve the aims of the National Policy Statement on Urban Development Capacity by helping to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
- The access steps and ramp at the front of the site will provide appropriate and convenient access to the site for all units and their visitors.

10 ASSESSMENT OF PART 2 RMA

We consider that the proposed 24 new units are entirely consistent with the main purpose of the Act, which is the sustainable management of resources. In particular, the proposal can be incorporated into the local environment to allow for the future wellbeing of the applicant and community in terms of their social and economic needs. In doing so any adverse effects are minor on the environment.

We have considered the matters of national importance and do not believe that any of the particular matters are applicable to the subject site. There are no other matters under Part II of the Act that are relevant to the proposal that have not already been addressed in this application. Overall, it is considered that the proposed activity would be consistent with Part II of the Act.

11 CONCLUSION

The 24 new units have been assessed overall as a non complying activity pursuant to rule 5.5 of the District Plan

Under Section 104D of the Act Council may grant consent for an activity only if it is satisfied that either the effects on the environment will be minor or the application will not be contrary to the objectives and policies of the District Plan.

We have assessed the adverse effects of the proposal and are of the view that, in the main, the proposal will have no more than minor adverse effects on the environment.

Our conclusion is that the proposal is not inconsistent with the current objectives and policies of the District Plan though it is acknowledged that the size of the development is 'on the margin' of what can be considered under the existing provisions. The new provisions will provide for this type of development 'as a matter' of course.

The proposal will be a sustainable use of resources and consistent with section 5 outcomes. There are no matters of national importance relevant to the proposal. The proposal is also not inconsistent with any section 7 matters.

Therefore in our view, consent can be granted to the proposal pursuant to s104D of the Act with appropriate conditions as suggested.