

**Report to the Resource Consents Hearing Commissioner
on a Publicly Notified Resource Consent**

01 June 2022

Service Request No: 505203
File Reference: 1047685

<u>Site Address:</u>	292 Main Road, Tawa
<u>Legal Description:</u>	Lot 1 DP 15312
<u>Applicant:</u>	292 Main Road Limited C/- Spencer Holmes Limited
<u>Proposal:</u>	Establishment and use of a four storey building containing 24 household units
<u>Owners:</u>	292 Main Road Limited
<u>District Plan Area:</u>	Outer Residential
<u>District Plan Notations</u>	Tawa Flooding Area
<u>Other Notations</u>	Wellington City Flood Zones (Wellington Water Modelling) Earthquake Hazard (Liquefaction)
<u>Activity Status:</u>	Non-Complying

PROFESSIONAL BACKGROUND

1. My name is Weygand Daniel Wood, I am a Senior Planner in the Resource Consents team at Wellington City Council, a position I have held for 5 years. I hold a Bachelor of Surveying and a Post-Graduate Diploma in Resource Studies. I have 20 years of planning experience at a number of organisations in the private and public sector, and as part of my work at WCC, I have processed a number of consents for comprehensive redevelopment involving residential multi-unit developments. I am a full member of the New Zealand Planning Institute. Prior to planning I worked for around 10 years in the private sector as a land surveyor, in both land development and engineering surveying.
2. I confirm that I have read the Code of Conduct for expert witnesses contained in section 7 of the 2014 Environment Court Practice Note and agree to abide by the principles set out therein.

SITE DESCRIPTION AND CONTEXT

Site Description:

3. The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings¹. I consider that this description is accurate and it should be read in conjunction with this report. I would add, and after visiting the site, that I believe that the existing building is held in a number of flats, each presumably a separate household unit.

¹ Refer section 1.1 of applicants AEE, page 6

Surrounding Context:

4. The area around the subject site is split by the Porirua Stream, with the subject site on the true left bank between the stream and Main Road. There is housing to the east on the true right bank. There are two properties with dwellings to the north, backing onto the stream. To the south across McLellan Street the Porirua Stream runs along Main Road at the rear of sections on Luckie Street. Across Main Road is a steep and vegetated bank sloping down from the rear of the properties on Fyvie Avenue. This area is zoned Open Space
5. The surrounding area is typically single storey dwellings, including semi-detached multiple units and with a small number of double storey dwellings, on various sized subdivided sections.
6. Main Road is a Principal Road, and McLellan Street is a Collector Road. Main Road is a significant route between Tawa and Porirua. Aside from 292a and 292b Main Road, there no noted entrances for a significant distance to the north (~110m) and south (~310m). The western side of this road is not developed for a considerable distance to the north and south.
7. The Porirua Stream flows to the north along the rear of the subject site and the two properties to the north (which accommodate a number of household units) and the properties on Nathan Street. It then enters Duncan Park. As can be seen in Figure 1 below, this stream has a strong influence on the surrounding properties both upstream and down, with potential flooding. More recent modelling (shown in Figure 2) shows the potential flooding based on a 1% annual return period rainfall event.

District Plan Context:



Figure 1 - ePlan showing Outer Residential Area (Yellow), Open Space B (Green) and Tawa Flooding Area (Red hatched)

8. The site is located within the Outer Residential Area. The following District Plan notations apply to the subject site:

- Tawa Flooding Area

9. Outside the District Plan, the following notations apply to the site:

- Wellington City Flood Zones (Wellington Water Modelling)
- Earthquake Hazard (Liquefaction)



Figure 2 - OneMap showing area of flood modelling

PROPOSAL

10. Full details of the proposal are provided in the AEE and application plans. I adopt the applicant's proposal description which should be read in conjunction with this report.
11. In summary the proposal is to remove the existing dwelling on the site and construct a four (4) storey building on the site, with 6 household units on each level, being 24 household units in total. All will be two bedroom. Ground floor units will have larger decks, while the upper levels will have smaller decks off the main living areas only.
12. The entry from Main Road will have steps and a ramp, built partially within the berm of the legal road. A lift will provide access to the upper levels within. There will be areas for screened waste storage and parking for bicycles and scooters.

RELEVANT NATIONAL POLICY STATEMENT

13. The National Policy Statement on Urban Development (NPS-UD) came into effect on 20 August 2020 and is relevant to this proposal. The NPS-UD supersedes the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect from 1 December 2016. Both the NPS-UD and earlier NPS-UDC recognise the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
14. The purpose of the NPS-UD is to enable development by maximising the benefits of intensification². The NPS-UD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

ACTIVITY STATUS

District Plan:

15. The District Plan has been changed to meet the requirements of the NPS-UD to date, in that all rules and policies relating to minimum car park requirements have been removed.
16. Resource consent is required under the following rules:

Residential Building

The proposed building will not meet the following standards:

- 5.6.2.2, as the building is within 10m of the Porirua Stream
- 5.6.2.3, due to not providing ground level open space of 50m² for each household unit
- 5.6.2.4, due to a site coverage of 45%, exceeding the 35% threshold
- 5.6.2.5, as the building is up to 14.7m in height, exceeding the 8m threshold
- 5.6.2.8, breaches recession planes on the eastern boundary up to 6.2m and the northern boundary up to 5.6m

As the site coverage exceeds 42%, the building height exceeds 9.6m (being 20% over 8m) and the recession planes are breached by more than 3m, the proposal does not meet conditions 5.3.4.15, 5.3.4.16 and 5.3.4.19. It is therefore a Non-Complying Activity under Rule 5.5.

Rule 5.5 states:

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 104D of the Act.

There are no relevant conditions.

² Note that, as discussed in paragraphs 238 to 241 below, there is no clear purpose stated in the NPS-UD. The intent noted above is taken from the policies listed, and should not be considered as a definitive purpose.

Multi-Unit Development

The proposal creates 24 household units on the site and is therefore a Restricted Discretionary Activity under Rule 5.3.7.

Rule 5.3.7 states:

The construction, alteration of, and addition to residential buildings, accessory buildings and residential structures, where the result will be a multi-unit development; OR the addition or alteration to an existing multi-unit development are a Discretionary Activity (Restricted) in respect of:

- *design (including building bulk, height, and scale), external appearance, and siting (including landscaping, parking areas, vehicle manoeuvring and site access)*
- *provision of parking and site access*
- *traffic effects*

There are no relevant conditions.

Structures on Legal Road

The proposal will include structures, namely access ramps and stairs, within the legal road. It is therefore a Restricted Discretionary Activity under Rule 5.3.9.

Rule 5.3.9 states:

Accessory buildings and residential structures, including fences and walls, on a legal road are Discretionary Activities (Restricted) in respect of:

- *design (including building bulk, height, and scale), external appearance and siting*
- *amenity protection*
- *safety.*

There are no relevant conditions.

Buildings within 10m of the Porirua Stream

The proposal includes the construction of a new building within the Tawa Hazard (Flooding) Area. It is therefore a Restricted Discretionary Activity under Rule 5.3.10.

Rule 5.3.10 states:

In the Tawa Hazard (Flooding) Area, the construction, alteration of, and addition to buildings, including accessory buildings, that is not a Permitted Activity, is a Discretionary Activity (Restricted) in respect of:

- *building floor level*
- *building location within the site*
- *building floor area.*
- *effects of the proposal on the erosion and flood hazard risks, and stream maintenance.*

There are no relevant conditions.

Earthworks

The proposal involves earthworks over an area of 697m² and within a Flooding (Hazard) Area (the Tawa Flooding Area) but more than 5m from the Porirua Stream. It is therefore a Restricted Discretionary Activity under Rule 30.2.1

Rule 30.2.1 states:

Earthworks that do not comply with the permitted activity conditions under 30.1.1 ... are a Discretionary Activity (Restricted).

Discretion is limited to:

- Earthworks stability;
- erosion, dust and sediment control;
- visual amenity;
- the flooding hazard;

There are no relevant conditions.

17. Overall, the proposal is assessed as a **Non-Complying Activity** under the District Plan. All restriction on discretion is removed.

NOTIFICATION AND SUBMISSIONS

Notification:

18. The application was publicly notified on 16 March 2022 on request of the applicant under section 95A(3)(a). Public notice appeared in the Dominion Post on this date and a sign was erected on the site. All owners and occupiers of land in the immediate area were served a copy of the application. In addition, notice was sent to Greater Wellington Regional Council, Vibrant Tawa (the Residents Association), Ngati Toa and the Port Nicholson Trust. A list and the letter are attached in **Appendix C**.

Submissions:

19. 82 submissions were received by the close of submissions on 12 April 2022 at 5.00 pm. Of these 74 were opposed, 4 were in support, and 4 were stated as neutral to the application.
20. The following issues were raised in the submissions. Please note that the list below has been compiled from a large number of submissions, with similar issues raised by many submitters but with individual wording. For space these have been summarised with due care and consideration, and allocated to headings, but I recommend that all submissions be read in their entirety for context and nuance to be appreciated:

General

- Lack of compliance with the District Plan.
- Accuracy of application information, including:
 - Traffic report and street occupation.
 - Lack of consideration of schools.
 - Absence of stream in drawings.
- Precedent effects of such a development.
- The quality of the development.
- No evidence of sustainable materials being used.
- May increase crime and antisocial behaviour.
- Would be better if 292a and 292b were included in the development.
- Site coverage limits the amount of planting to mitigate building.
- Traffic, noise, vibration and dust from the construction phase.

Traffic and Parking

- Lack of onsite parking and/or the effects of the reliance on street parking for the proposal. This matter was raised and extensively discussed, including the following related issues:
 - Effects on visibility at the intersection.
 - Safety issues from increased street parking for cyclists, school students.
 - Impacts on already congested area/roads, or on currently quiet roads.
 - Lack of EV charging.
 - It is not realistic to expect a reliance on non-automobile transport.
 - The lack of capacity and width for the road to accommodate parking.
 - Additional traffic on Main Road.
 - Lack of disability parking, or drop off area.
 - Effect on/increase of traffic from rail crossing and Transmission Gully.
 - Impacts on the functioning of the bus stop.
- Road markings currently unsuitable.
- McLellan Street bridge already subsiding.
- Impact of crime, and increased opportunities due to more cars parked on roads.

Infrastructure

- Capacity of infrastructure to accommodate the number of units, and lack of upgrade to that infrastructure.
- The increase of waste.
- Lack of services and facilities nearby for the future occupants.
- No indication of adequate firefighting supply.
- Increased runoff into stream.

External Amenity and Neighbourhood Character

- Appropriateness of site and neighbourhood for so many apartments and size of the building.
- That the proposal is out of character with the neighbourhood.
- Shading on neighbours, road, footpaths and stream banks.
- Impacts on privacy of neighbours.
- Too many units, including:
 - Long term effects of this on the area.
 - Noise emissions.
 - Visual impacts.
 - Number of people.
 - Small size of the units.
- Visual impact of the building.
- Mass of building leading to:
 - Loss of character of neighbourhood.
 - Lack of coherence to local context.
 - Dominance effects over the entire neighbourhood.
- Height of the building (as well as footprint/site coverage, and bulk), size of the building and scale of building compared to the existing neighbourhood.
- Type of units limits the long-term neighbourhood development.

Internal Amenity

- Quality of life in the units.
- Lack of laundry facilities, indoor and outdoor.
- Lack of open space for the units.
- Lack of diversity in the units.
- Lack of sun into units.

- Access to the waste storage not safe.
- Lack of external and/or secure storage, or storage for mobility scooters or cycles, and lack of space for cycle storage.

Earthworks and Stability

- Banks of stream are fragile - full geotechnical analysis is required.
- Geotechnical stability of the site.
- Visibility of retaining walls.
- Run-off and erosion not sufficiently addressed in application.

River and Flood Issues

- Lack of assessment of impact on flood plane.
- Destruction and/or effects on the river bank.
- Effects on and from flooding from the stream, and erosion of the stream banks.
- May increase erosion of stream banks, and owners need to be aware of their obligations.
- There is minimal buffer with the stream, which has been damaged historically, and leads to Porirua Harbour.

Positive Effects

- Provision of much needed housing (in Tawa).
- Increased options for the area.
- Is the shape of where urban design is heading.
- The need for higher density development, and especially near rapid transport links.
- Will bring more people into Tawa.
- A good location for medium density dwelling, and will improve the site.
- Landscaping is attractive.
- Will better meet climate goals.

21. A summary of the submissions is included at **Appendix D** of this report, and a compendium of the submissions is attached in **Appendix E**.

22. There were no late submissions.

STATUTORY CRITERIA

23. Under section 9(3) of the Act:

“No person may use land in a manner that contravenes a district rule unless the use-

- (a) is expressly allowed by a resource consent; or*
- (b) is allowed by section 10; or*
- (c) is an activity allowed by section 10A.”*

24. The application is for a Non-complying Activity under the District Plan. The Council may grant or refuse consent under section 104B of the Act and, if granted, may impose conditions under section 108 of the Act.

25. Section 104(1) of the Act sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. Subject to Part 2 of the Act (Purposes and Principles), the matters relevant to this proposal area:

Section 104 (1) (a) “any actual and potential effects on the environment of allowing the activity;”

- Section 104 (1)(b)* “any relevant provisions of-
- (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan”
- Section 104 (1)(c)* “any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

26. As the proposal is also a Non-Complying Activity, it must first be assessed under s104D, which states:

104D Particular restrictions for non-complying activities

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority 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.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

27. An assessment against s104D, the Gateway Test, is undertaken starting at paragraph 149.
28. Part 2 (Sections 5, 6, 7 and 8) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.
29. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
30. An assessment against Part 2 of the Act is undertaken in paragraph 295.

SECTION 104 ASSESSMENT

31. My assessment of the proposal, including the objectives and policies, draws on the information provided in the AEE, along with advice provided by the Council's experts. The table below sets out in full the advice I have received from the Council's experts.

Advisor	Area of Expertise	Assessment Date
Jaime Deveraux	Senior Urban Design Advisor	20 May 2022
John Davies	Senior Earthworks Engineer	Dated 26 April 2022 Received 11 May 2022
Zeean Brydon	Associate Engineer, Wellington Water Limited	23 May 2022
Shane Crowe	Encroachments Advisor	Email dated 18 May 2022
Robert Hon	Waste	20 December 2021
Anbuselvan Pungiah	Traffic and Vehicle Access	17 May 2022

Table 1 - Advice provided by the Council's experts

Section 104D Assessment:

32. While the s104D is the immediate requirement for assessment, an assessment of effects and in relation to the objectives and policies is necessary for that test. The first requirement is to assess the effects that the proposal may have on the surrounding environment (i.e. section 104(1)(a)). The gateway test, which includes an assessment of whether the proposal is consistent with the relevant objectives and policies of the District Plan will then be undertaken (section 104D). This will form part of the assessment of higher order planning documents (section 104(1)(b)). The third part of the assessment is to consider whether any other matters apply (section 104(1)(c)).

Effects Assessment (s104(1)(a)):

33. No Notification Report under s95 was issued for this proposal, as public notification was requested by the applicant. An assessment of effects on persons and on the environment is relevant for assessment under s104D. I have therefore undertaken that assessment below.

Permitted Baseline:

34. In forming the opinion for the purposes of section 104D, a consent authority may disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (in accordance with section 104(2) of the Act). The applicant has provided a permitted baseline of two 'very large' dwellings on the site, in section 3.2 on page 21 of the AEE. Plans of the permitted baseline scenario (PBS) are shown on sheet RC07.00.
35. I consider that this is non-fanciful permitted baseline, accepting that a permitted baseline is not a proposal but for the purpose of demonstrating the effects the Plan allows. I note that the AEE states that this has been used for assessment of shading and disregarding permitted activity effects is not inconsistent with the wider context of the Plan and Part 2.

Existing Environment:

36. Alternatively it may be appropriate to consider the effects of the development in comparison to the existing building development on the site (i.e. the existing

environment). Figure 4 shows the location of the existing building on the subject site and Figure 3 the southern elevation. Note that as the permitted baseline and the existing environment are mutually exclusive, only one of the scenarios should be used to disregard effects. As the PBS has been directly referred to in the proposal for shading, and noting that the existing environment precludes the permitted baseline and vice-versa, little consideration has been given to the effects of the existing site occupation. Additionally I consider that the PBS presents closer to the extreme of what would be a permitted activity in the Plan rules.

37. Note also that the effects of the proposal are considered to significantly exceed both the existing environment and the Permitted Baseline Scenario.



Figure 3 - Subject site

Effects Assessment:

38. Effects are discussed under the following headings:

- Effects on Residential Amenity
- Urban Design
- Effects on Neighbourhood Character
- Transport Effects (Traffic, site access, the provision of parking and effects on legal road
- Other Effects of Multi-unit Development
- Earthworks Effects
- Riparian Effects on Waterway, and including Iwi concerns
- Servicing and Fire Fighting Supply
- Positive Effects

Effects on Residential Amenity

39. The objectives and policies of the Plan, and particularly Objective 4.2.4 and related policies, instructs me to consider the residential amenity for all properties. I also note

that many of the submissions identify potential effects that relate directly to amenity. Residential amenity includes factors such as shading, privacy, bulk and dominance.

40. The following assessment considers the effects on the amenity of the nearby residential properties and the scale of these effects, to determine whether there are any adversely affected parties.



Figure 4 - Site and surrounding properties

292a Main Road

41. This property is located to the north of the site. It has a single dwelling upon it, and access from Main Road.

Shading

42. As this property of located to the north, there is little potential for shading effects. The shading analysis provided with the application indicates that the potential effects of shading are **less than minor**.

Bulk and Dominance

43. The design places the building back from the boundary with 292a Main Road by around 6m at the building face, as can be seen in Figure 5. The building recession plane provisions are intended to provide a degree of separation between buildings, allow a reasonable amount of daylight to reach neighbouring sites and minimise overbearing structures, along with the height thresholds and open space provisions.

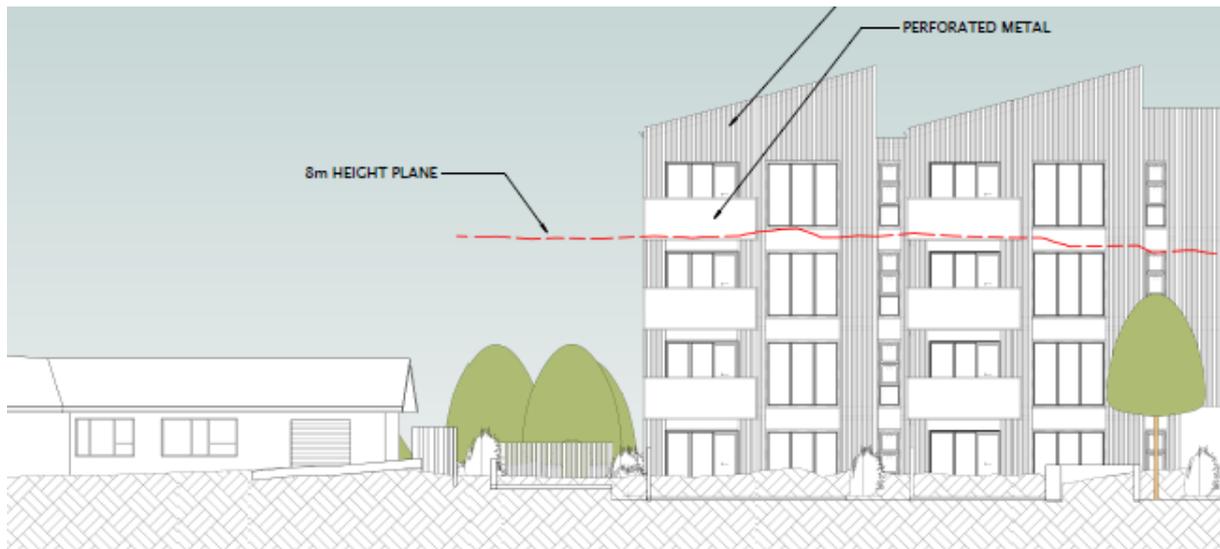


Figure 5 - Western elevation, showing comparative height difference.

44. As can be seen in Figure 6, the northern face of the proposed building will be a significant influence on the southern outlook of 292a Main Road due to the height and the degree of penetration into the building recession plane. The visible presence of at least three upper storeys apparent on the northern boundary will exert a significant dominance over this property. I consider that there are **more than minor** effects from the proposal due to bulk and dominance.

Privacy

45. In considering the potential effects on privacy I note the following:
- There are multiple windows facing this property from the living areas as well as decks of up to 8 household units.
 - The points of overlooking are elevated and overlook the rear outdoor areas.
 - Points of overlooking exceed height and recession plane.



Figure 6 - Proposed northern elevation

46. While the proposal does not look directly into the dwelling on 292a Main Road, it will overlook any outdoor areas including the rear yard and I consider that there will be a **more than minor** effect on privacy.

292b Main Road

47. This property is located to the north of the subject site, separated by 292a Main Road. The topography rises slightly in this direction. The dwelling on the site includes 2 flats.
48. Submissions have been received from the owners of both flats on 292b Main Road³ who wish to be heard. As such I will leave a detailed discussion to those submitters, with the following being my own assessment of residential amenity as per the Plan.

Shading

49. As with 292a Main Road, being to the north the proposal will result in **less than minor** effects in relation to shading on this property.

Bulk and Dominance

50. This property is further from the site, and does not share a boundary. While I consider that the occupiers of the site will be aware of the structure, distance and the property between will lessen the effect. I consider the effects of bulk and dominance on this property are **less than minor**, in that the building is not focussed upon.

Privacy

51. The considerable height of the proposed building is considered to overlook the rear of 292B. Notwithstanding my conclusion of less than minor effects from bulk and dominance, I consider that the presence of windows and balconies will result in **minor** effects on the outdoor area of this site, the separation distance lessening this effect.

5 Nathan Street

52. This property is located to the northeast, on the opposite side of the Porirua Stream from 292a Main Road. The site shares a portion of the rear boundary with the subject site, across the bed of the Porirua Stream.
53. A submission has been received from the owner of this property⁴, and the submitter wishes to be heard. As above I will leave a detailed discussion to the submitter, with the following being my own assessment of residential amenity as per the Plan

Shading

54. The shading analysis provided by the applicant indicates that additional shading from the proposal will fall across this property after 5pm and up to occlusion by the topography around 7pm at the summer solstice. I note that this shade will fall upon the dwelling as well as the rear yard. During the equinox and winter solstice, little if any notable shading is shown.
55. Significant shade falls on the property during summer, when arguably sunlight is abundant, but alternatively at a time of day when this amenity is often appreciated for the enjoyment of the open space areas of a property. This shading can be seen as exceeding that from the permitted baseline. It is considered to amount to a **minor** effect on this property, as the shading is limited through the year.

³ Refer submissions numbered 16 and 18 respectively

⁴ Refer submission numbered 78

Bulk and Dominance

56. While not in direct view, in that the relationship between this property and the subject site is at an angle to the alignment of the lots, I consider that the proposed building will be noticeably apparent to the occupiers of 5 Nathan Street. This effect is to an extent mitigated by the separation distance between the properties. Overall I consider that the effects from bulk and dominance on this property from the proposal will be **minor**.

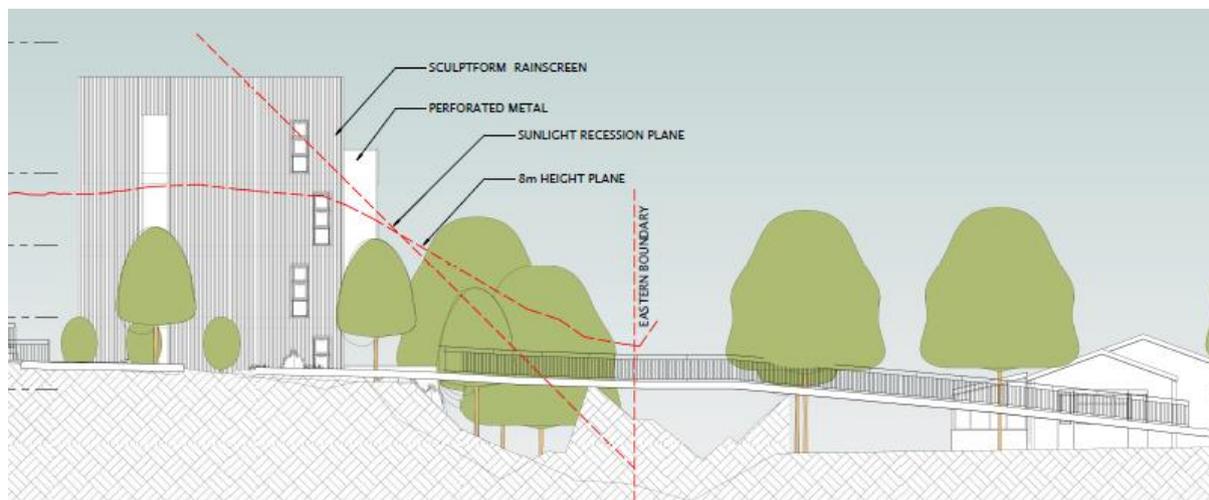


Figure 7 - Cross-section through stream showing relative heights.

Privacy

57. Noting the layout of the proposed building, both sides are served with balconies as their outdoor living areas. In addition to this the units are well supplied with windows. As can be seen in Figure 9, the incursion through the height threshold amounts to almost two stories. Additionally as can be seen in Figure 7, the true right bank is lower and the height in the proposed design will be more apparent.
58. The proposal will result in multiple opportunities for overlooking from a number of units into the rear outdoor area of 5 Nathan Street, and potentially into the rear of the dwelling, from balconies and also from the windows on the eastern and northern elevations. The effects are of an intensity out of character with the immediate environment. I consider this is a **more than minor** effect.

3 Nathan Street

59. This property is located to the east of the site, on the opposite bank of the Porirua Stream. The dwelling is located close to Nathan Street with an outdoor area to the rear. This area has been levelled and grassed and is actively used as the open space for the dwelling.
60. A submission has been received in opposition from the owners of this property⁵. Issues raised include the proximity of the proposed building and earthworks to the stream, parking issues including safety and the limited width of the roading around the site, effects on residential amenity (overlooking, shading) and the impact on the enjoyment of the home, wastewater and stormwater infrastructure, the apartments not confirmed as meeting minimum requirements and the lack of outdoor space on the site.

⁵ Refer submission numbered 54

Shading

61. Referring to the applicant's shading analysis, I note that the proposal, and in exceedance to that of the permitted baseline scenario, will result in shading on 3 Nathan Street from around 4.30 pm to occlusion by topography between 6pm and 7pm at the summer solstice and the equinox. This will be over the full length of the rear outdoor area in summer, and limited to the southern half of the rear outdoor area at the equinox. The shade will affect the dwelling from around 5pm in both instances and with the same pattern. During winter there is a small amount of shading on the southwestern corner, but this is considered to result in few notable effects.
62. For the summer half of the year the proposal will result in loss of at least two hours of sunlight to at least half of the rear yard in the afternoons. I consider that this amounts to a significant loss of daylight and a **more than minor** effect.

Bulk and Dominance

63. The proposal will establish a large mass of building along the western outlook of this property, as can be seen in Figure 8. Note that the height plane shown is on the boundary and Figure 7 and Figure 9 are a better indication of this as it relates to the proposed building.



Figure 8 - Eastern Elevation

64. Considering the overall design, I note that the proposal will result in a large mass of residential structure along the western outlook and from the rear private area of this property. It is likely that those using the rear area of this property will be constantly aware of the proposed building and those within it. I conclude that the building, due to its length and height, and as well as noting the notable degree to which it exceeds the height limits, will result in a loss of character and amenity due to bulk and dominance with a **more than minor** effect.

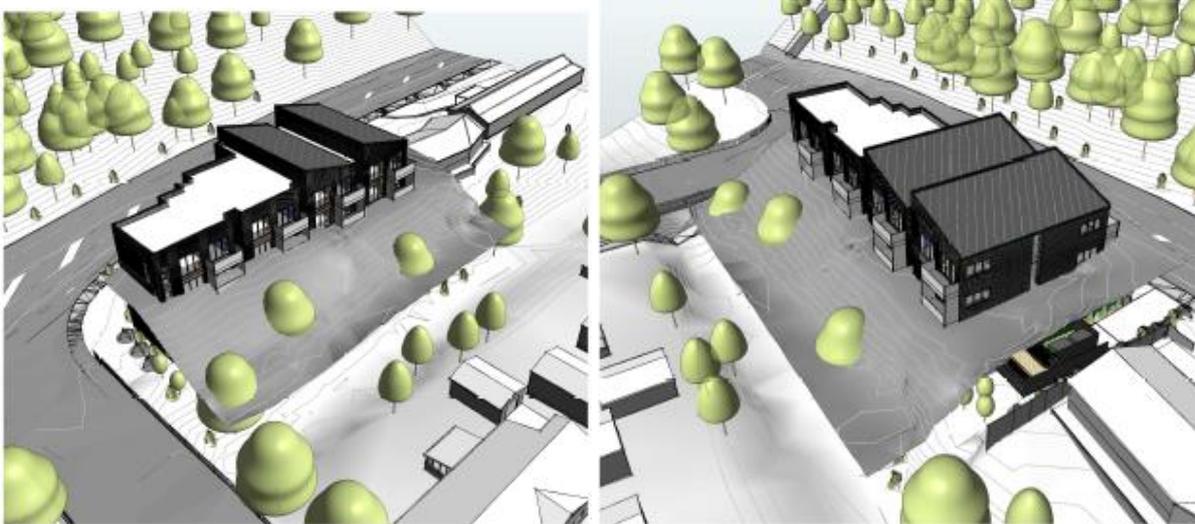


Figure 9 - Height limit exceedance (8m) – detailed building is above height plane

Privacy

65. As discussed above, the use of the rear yard will be affected by the presence of the proposed building, and I note that a number of the proposed units rely on this aspect. These will look directly down upon the opposite bank of the stream. There is little mitigation from vegetation, and the height of the proposed building is likely to allow views overtop. I note that this is also discussed in the Urban Design Assessment (refer paragraphs 77 to 88). As such I consider that the effects on privacy from the multiple raised units will result in a **more than minor** effect.

1 Nathan Street

66. This property is located to the east of the site, directly opposite on the bank of the Porirua Stream. The dwelling on the site is, like 3 Nathan Street, located close to Nathan Street with an outdoor area to the rear. This area has been grassed and is actively used as the open space for the dwelling.
67. A submission has been received on opposition from the owners of this property⁶ and the submitter wishes to be heard. As above the following is my own for the purpose of this report.

Shading

68. Shading on this property from the proposed building is extensive. During the summer the northern portion of the rear area is shaded from around 4.30pm, with the shade falling on the dwelling on this property. After 5.30pm some of this can be attributed to the permitted baseline scenario, which has little effect in comparison, with the proposal exceeding that and extending across the rear yard. During the equinox the shading is similar, but covers the full length of the rear outdoor area. During the winter equinox, the shade covers a sizeable portion of the southwestern portion of the rear outdoor area by 2pm and the rear yard is essentially fully shaded at 3pm before the topography occludes the proposal around 4pm.
69. The proposal will essentially block sunlight into the rear yard of 1 Nathan Street for the afternoon throughout the year and will shade the dwelling during summer, and in

⁶ Refer submission numbered 71

excess of the shade produced by a permitted baseline. Overall the proposal will have a **more than minor** effect on 1 Nathan Street due to shading.

Bulk and Dominance

70. As with 3 Nathan Street, I consider that the proposal will lead to a dominance of the rear private area of this property, and a **more than minor effect**.

Privacy

71. Unlike 3 Nathan Street, I note that the rear area of 1 Nathan Street is exposed to the raised and public footpath along the bridge over the Porirua Stream (refer Figure 10). In considering whether this lessens the existing amenity I note that this effect is less and may be mitigated, with the proposal overlooking vegetation. The proposed units will also have a direct line of sight into the dwelling on 3 Nathan Street, as can be seen in comparing Figure 10 to Figure 11. The proposal will therefore result in a greater effect, and one that will be difficult to mitigate. I note that this aspect is also discussed in the Urban Design Assessment (refer paragraphs 77 the 88). I consider that the effect on privacy are **more than minor**.



Figure 10 - View into 1 Nathan Street from McLellan Street bridge



Figure 11 - View into 1 Nathan Street from ground level in subject site opposite

Other Properties on Main Road

72. There are few other properties that rely on Main Road for access or outlook. To the south the Porirua Stream occupies the road frontage and properties front onto McLellan Street and Luckie Street and to the north past 292a and 292b Main Road. To the north the road is similar. Any other properties fronting Main Road are sufficiently distant from the subject site such that the effects are **less than minor**.

Other Properties on Nathan Street

73. In considering the effects on the other properties on Nathan Street, I am aware that many properties will be aware of the proposal due to the height and potentially parking overspill. I have assessed the potential effects on residential amenity above. In relation to bulk and dominance I consider that the influence of the building is not overwhelming or incessant such that they will be affected to a significant degree. Those properties closer to the site, such as 2 and 4 Nathan Street, face the site with the road between which creates separation distance. While the proposed building height is above the height plane, I consider that the distance to these properties and other properties not already discussed lessens potential impacts. As such I consider that effects on residential amenity from the proposed building on other properties on Nathan Street, including 2 and 4 Nathan Street, are **less than minor**.

Properties on McLellan Street and Luckie Street

74. As with Nathan Street, the separation distance, and the presence of the public spaces and screening within that separation, leads me to conclude that the effects on properties eastward on McLellan Street and southward on Luckie Street are **less than minor**.

Properties on Fyvie Street

75. This road is elevated above Main Road. I have visited and looked at available material on line, but it is difficult to observe potential effects upon the rear of the properties.

However, while I accept that some dwellings may look through the vegetation and upon the proposed building, views are not protected in the Plan. I deem it unlikely that there will be significant adverse impacts into privacy, and the separation distance and elevation difference means there would be no shading or bulk and dominance effects. Accordingly, I consider the effects on residential amenity to be **less than minor**.

Conclusion (Residential Amenity)

76. Considering the above, I note that there are more than minor effects on the properties that adjoin the site, and on some further afield. I consider that some effects on neighbouring properties significantly impact the amenity of a small number of those properties to such a degree that they depart significantly from the expectations in the Plan. I therefore conclude that the effects in this regard are **more than minor**.

Urban Design

77. The proposal has been reviewed and assessed in relation to Urban Design by Jaime Devereux, Council's Urban Designer. Ms Devereux's assessment should be read in its entirety⁷ for full details of that assessment. This assessment is also attached in **Appendix F**.
78. Considering the form of the building, it is noted that the form is large. While stepping down of the building may make it less imposing upon neighbouring properties, I note that effects may still have been significant. This has not been done, and the bulk and form is apparent. Ms Devereux notes the impacts from shading and overlooking of other properties that occurs, and which is discussed above.
79. It is considered that the site layout does not relate well to the local pattern of building dimensions, frontage widths, yards and setbacks and open spaces. Noting the location of the scooter park, this is considered to be disconnected from the main entrance, and unlikely to be used due to lack of security.
80. Also in regard to security, Ms Devereux considers that security lighting should be installed in areas that are not fenced, such as along the sides of buildings, as well as some security to prevent intrusion to the rear areas where an intruder may be concealed. If the commissioner is of a mind to provide approval, I have recommended conditions to affect these matters.
81. The rubbish storage and collection is considered favourably in respect to access to the screened storage area from both the road and within the building. The access into the building is sheltered, and not dominated by service functions, although Ms Devereux notes that this could be improved through greater visibility and legibility. I also note, as does Ms Devereux, that the proposal allows for limited mobility access and occupancy.
82. The units are noted that have good privacy, both indoor and out. Additionally the units achieve good sunlight within, and while there will be some limitation for sunlight in the winter on the outdoor spaces of the western elevation and some overlooking, I consider that there is generally a good level of amenity provided from these decks and terraces. The exception is the size, which is not supported, as there is no compensation from shared open space on the site for the limited size. In regard to the upper levels of the building the space provided is considered insufficient.

⁷ Refer 'Urban Design Assessment SR505203', dated 20 May 2022

83. Internally Ms Devereux notes that the spaces circulate well, but there is a shortage of storage space, with lack of space for typical household items and appliances, and an absence of laundry facilities. The main indoor living area is considered too small for the potential occupancy of the units. I note that this matter was also raised in submissions. It is also noted there is similarly limited outdoor storage space.
84. Refer to paragraph 88 below for concluding comments.

Effects on Neighbourhood Character

85. The effects on neighbouring character have been assessed in part above, in that the proposal is of a scale that dominates some surrounding properties. Ms Devereux has included further assessment in the Urban Design Assessment, noting that, in an assessment against the Residential Design Guide, the proposal does not identify or relate to the established patterns that determine the character of the neighbourhood. It is noted that the proposal challenges these patterns to an unacceptable degree. The building is significantly taller, and will have a modern finish. The proposed façade materials are not considered to integrate with typical or complementary textures and colours. Given the size of the building, there is insufficient visual relief at close view, and the texture is lost at longer distances, accentuating the building bulk through a lack of variety. These latter points, should the commissioner of a mind to approve the proposal, have been addressed in part through a recommended condition for materials to be submitted prior to final design.
86. Ms Devereux notes that the building could benefit from further articulation and fenestration to break up the large expanses of facades. I have considered this against my assessment of the bulk and dominance, and while this may lessen the impact on neighbouring properties, the degree of effect is not diminished, and additional windows may result in further overlooking.
87. Additionally Ms Devereux does not consider that the proposal responds positively with the Porirua Stream, with decks that extend over the banks.
88. Overall Ms Devereux does not support the proposal in regard to Urban Design due to the level of inconsistency with the Residential Design Guide. Accepting Ms Devereux's comments above, I also note a number of issues that impact on neighbouring properties and the overall character of the neighbourhood. These have been assessed above, and are considered to be minor and more than minor in those assessments. In regard to the effects of urban design, I am guided by the policies which lead me to consider the effects in this regard are **more than minor**.
89. Note that should the proposal be approved, Ms Devereux has provided recommendations in regard to the current design⁸. These are lengthy and should be read in their entirety within that report.

Transport Effects

Traffic and Site Access

90. The proposal has been assessed in relation to Transport and Traffic effects by Anbuselvan Pungiah, Team Leader – Transport Consents at Wellington City Council. Mr Pungiah's report is attached in **Appendix G**.

⁸ Refer sections 15.2 and 15.3, pages 21 to 23 of 'Urban Design Assessment SR505203'

91. In regard to access and the loadings area, the width and dimensions have been deemed acceptable as they meet Plan and NZS2890.1:2004 standards, and allow for a required 40m view in both directions. However to ensure adequate visibility, Mr Pungiah recommends that all structures outside the property are no more than 1m in height, to ensure adequate visibility for vehicles leaving McLellan Street.
92. The existing bus stop has not been shown on the plans. I note that this is located beside the concrete pad adjacent to the yard for proposed Unit 1.03, and a lamp post is located immediately adjacent to the south. Should this consent be granted, it will be up to the applicant to separately arrange for the movement of street furniture as may be required. However, noting that these are located clear of any access or structure, I am satisfied, pending confirmation by the asset owners, that these two features are not directly affected.
93. From Mr Pungiah's advice, and contingent on conditions that would limit the impacts on visibility, I consider that there are no issues above that equate to more than minor effects.

Provision of Parking

94. Policy 11 of the National Policy Statement on Urban Development 2020 (NPS-UD) requires that any requirement for minimum car parking be removed from rules and any associated policies in the District Plan, and this has been completed. However, in relation to multi-unit developments Policy 11 of the NPS-UD does not direct that traffic effects cannot be considered including those directly associated with car parking, and this has been confirmed in MfE guidance and further through legal advice⁹ in response to questions from the commissioner in relation to a multi-unit development processed under SR 475141 that was limited notified. Accordingly, while minimum car parking requirements were removed from the Plan, Rule 5.3.7 retains discretion and therefore the requirement to consider 'traffic effects' and the 'provision of parking and site access'. Additionally, as a Non-Complying Activity there is no restriction in considering an effect that has been accepted as relevant. Accordingly for any proposals greater than a permitted baseline (in this instance 2 household units) an assessment of traffic and parking effects needs to be undertaken and whether adequate parking is being provided has been considered.
95. According to census data, the average vehicle ownership from a 2-bedroom dwelling in this census area is 1.03, equating to a demand of 25 spaces. Mr Pungiah refers to the applicant's report, which states that there will be some impacts on both the street with the increase in car parking demand for parking spaces, and that effects are minor as the increase in parking is likely to be noticeable. Mr Pungiah agrees with the assessment, and confirms that the effects are minor.
96. Mr Pungiah notes that Main Road is a Principal Road with a high volume of traffic and cyclists. The width of the carriageway is only able to accommodate live traffic and is unsuitable for car parking. I note that currently there is no restriction to parking on this road, and as such doing so may either result in increased hazard and impacts on the functioning of the road. I consider that this holds significance in regard to this being a significant linkage in the transport network. I also note that whereas a recommendation to limit the size of obstructions to no more than 1m in height is recommended, the placement of cars may present a more pronounced obstruction to visibility.

⁹ Refer paragraphs 5 to 22 in 'Memorandum of Council Assisting the Hearing Commissioner in Response to Minute #3', dated 7 October 2021, attached to SR 475141 and attached in Appendix M

97. Mr Pungiah expects that demand for parking along Nathan Street and McLellan Street will increase due to the proposed development. I concur with this expectation.
98. Street parking in McLellan Street is not restricted now as the demand for parking is currently low, and there are few locations unsuitable for parking. The 8m carriageway allows 2m parking on each side of the road while retaining 4m carriageway. This is a width that emergency services have confirmed is the minimum space required for their vehicles.
99. I noted on my site visits that McLellan Street is relied upon for access to schools and has a railway crossing point. Council will investigate further and may take appropriate measures to restrict parking in some locations, and this may further lessen the available parking. Additionally Council is investigating further to install broken yellow lines at unsuitable locations, and as such there will be fewer parking spaces within 50m of the subject site.
100. Noting that McLellan Street, beyond Nathan Street, is likely to be part of a future bike network, Council is considering a cycle lane which will further remove parking. This will not only remove available parking for the proposal, but also put pressure on the existing houses and visitors. However I consider that this may lessen the impact on the passage of traffic through the removal of a parking lane and separation for cycling.
101. Nathan Street is a local road which has moderate demand for parking as not all properties have on-site parking. The 7m carriageway allows parking on both sides of the road. Currently it is noted that residents park on the berm from a perception that the road is narrow. With additional demand, this may lead to more parking on the berm, irrespective of legality or ticketing, and potential damage to street infrastructure.
102. Mr Pungiah advises that while parked vehicles may reduce the traffic flow, they may also discourage drivers from speeding, with the impression of a narrow road, and thereby encourage greater care when driving. In this respect street parking serves as an effective tool for maintaining acceptable speeds in the street. Conversely there is less vehicle crossings along this section of McLellan Street and Nathan Street and therefore less opportunity where opposing vehicles could pass each other. This may cause delays but is still safe.
103. I have accepted and considered Mr Pungiah's advice. In regard to Main Road, I consider that additional parking on this road may be unacceptable, and if problematic, likely to be removed in the future. I also note that from the report provided, it is likely that there will be little available parking on McLellan Street that can be relied upon. It is therefore likely that much of the parking will occur on Nathan Street, although this is speculative if not an informed speculation.
104. Does having limited access to car parking limit parking demand? No material has been provided at this time by the applicant. Having easy access to public transport from the site may in itself lessen the reliance on car ownership, but I do note that from available aerial photographs there are cars on many of the properties on these streets and a garage is essentially standard. As the railway station is not a new installation, I can therefore only rely upon my observations and the available census data. I believe that the most that can be taken from this is that any impact that discourages car ownership may also fall upon the existing residents as a negative effect.
105. Currently parking demand on Nathan Street is low, due to the majority of dwellings having onsite parks. From the matters above, and applying the precautionary principle,

it is likely that, starting from the southern end, 25 cars would be introduced onto the street. In considering the change in character as a result, I accept that roads are for parking so character effects in itself is not a significant issue. However, considering the width, I consider that it is likely that there will be an obstruction to 3m in some places which could affect road performance, and/or parking on the berm.

106. Referring back to the overall proposal, I note that there is no provision made for accessible car parks, although the design includes ramps into the building. Noting incentives for alternative transport, there is also no provision for car charging.
107. In considering possible mitigation measures, any requirement for the occupants to be 'car free' is not only impractical to enforce, and as such pointless to expect, but will also limit the availability of the dwellings to many persons.

Conclusion

108. Mr Pungiah does not support the proposal on transport grounds, due to the likelihood of resultant parking pressure and to more vehicles being parked on the street. I accept this consideration, as well as the matters highlighted above. Overall I consider that this will result in **minor** effects on the immediate neighbourhood.
109. In addition to Mr Pungiah's comments, in applying the precautionary principal, I have considered potential impacts on traffic and pedestrian safety. Measures to address safety concerns have been noted, but until these are implemented the proposal may result in hazard. Main Road is identified as unsuitable for parking, and yet parking is not prohibited at this time. The proposal is likely to encourage significant parking on Main Road. In regard to this and other roads, while Mr Pungiah notes that congested roads are in part mitigated through driver behaviours, I consider that the potential safety effects, pending any evidence to the contrary or a detailed solution, are unacceptable, and in that measure **more than minor**.

Other Effects of Multi-Unit Development:

110. Other than the effects discussed above, I have turned my mind to the potential for other effects due to the density of the site occupation as a multi-unit development.
111. In multi-unit developments there is a potential for the development to be overbearing as a result of density of occupation, as well as due to physical bulk and dominance. Comparing the development to the status quo, the current layout is a single house with a number of flats, with plentiful on-site parking, and the proposed development will have 24 household units; an increase of 20-23 household units. However the proposal will consolidate the layout and lessen the reliance on vehicle access. It will also involve the development of the site in the form of communal and shared services that reduce the potential demand on external resources.
112. In regard to privacy, I note that the effects of the multi-unit nature will be evident to 1, 5 and 7 Nathan Street, and also 292a Main Road, as already assessed above as minor and more than minor. The multi-unit nature will emphasis this further. For other properties the distance will lessen the impact, and as such I consider that the effects would be no more than **minor**.

Earthworks Effects

General

113. The proposal has been assessed in respect to earthworks by John Davies, Council's Earthworks Engineer. Mr Davies report is attached in **Appendix H**, and should be read for full detail. I accept this report and the recommended conditions, and will summarise these findings with comments.
114. Mr Davies notes that a geotechnical assessment has been provided¹⁰, noting that while this is at high level it does identify the key geotechnical aspects of the proposed construction. This report is considered supportive of the development, contingent on further geotechnical investigations and design work as part of the final detailed design. I consider this is a practical and realistic expectation.
115. Mr Davies notes potential effects of earthworks or associated structures on the character amenity of the stream is required under Policy 29.2.1.6. In regard to stability of the banks, the final design is expected to include piled foundations, concentrating loads below the potential surcharge plane for the Porirua Stream's banks and maintaining stability. If this is not the case, an engineering assessment of the potential bank stability and resulting surcharge loads will be required.
116. In regard to long term earthwork stability risks, the redevelopment of the site will have specific engineered retaining walls, with certification of stability required as part of the conditions of consent. Additionally Mr Davies recommends that monitoring is undertaken by a chartered engineer, and that certification is provided for fill material.
117. In regard to erosion and sediment controls, an Erosion and Sediment Control Plan (ESCP) has been recommended as a condition of consent if approved. As noted by Mr Davies, as the area of earthworks will exceed the 250m² threshold under Rule 30.1.1.1, this is a general indication that there may be adverse effects from the earthworks activity during construction.
118. In order to reuse suitable material from the excavation cuts as fill on the site, stockpiling of excavated material on site is assumed to be proposed. Mr Davies advises that stockpiles should be located outside of the flood hazard zone and secondary overland flow pathways and utilise appropriate sediment and erosion controls. To further decrease the risk posed by flood events he also advises that any earthworks should also be stabilised. Consideration for the flood hazard risk in relation to erosion and sediment loss has been included in the ESCP condition below.
119. Noting the modelled flood flows I have considered whether it may be better to require storage off site. Mr Davies assessment notes that, in summary, the risk of erosion, sediment and dust loss is considered to be adequately addressed with development of typical industry controls required by the ESCP and other conditions. I accept that recommendation, but stress the requirement of the ESCP to be specific on this matter. In accepting these recommended conditions as a minimum, should the proposal be approved, I consider the effects are less than minor.

Visual Amenity

120. As Mr Davies notes, the area of earthworks will exceed the threshold of Rule 30.2.1 and an assessment on the visual impact is required. I note that the overall development

¹⁰ Refer report by Engeo Ltd dated 30 March 2021, provided with the application.

leaves few areas on the site unpaved or uncovered, aside for the area immediately adjacent to the stream. The plans show some landscaping along the stream banks. I also note Mr Davies recommends a condition to re-grass earthworks, which will screen exposed faces. Overall, as much of the earthworks will be paved or screened by buildings, and subject to the proposed landscaping being carried out and a grassing condition, I consider that the potential earthworks visual amenity effects are less than minor.

Transport of Material

121. Mr Pungiah note that the proposal is expected to be more than the 200m³ threshold volume of earthworks specified in 30.2.1.1(vi) making transport of material a matter of discretion. It is recommended that a Construction Traffic Plan (CTP) is provided as a condition of consent. I accept Mr Pungiah's advice and have included the recommended condition in **Appendix K**. I consider that, accepting less than minor short term effects that arise from all construction activities, the transport of material can be undertaken with less than minor effects.

Submissions

122. I note that Mr Davies has addressed matters raised in submissions directly. To avoid repeating these I recommend that his assessment be read for this detail.

Conclusion

123. Overall Mr Davies supports the proposal on earthworks grounds. I accept this advice, noting the matters discussed by myself and Mr Pungiah above, and the matters below, and consider that this shows that the earthworks can be undertaken with less than minor effects.
124. Note that this conclusion is contingent on 'standard industry methodologies' being implemented. These are represented through conditions. I accept the conclusion in conjunction with those conditions. Should the proposal be accepted I recommend that these conditions are imposed as a minimum, as these are necessary to support my conclusion that the earthworks will have **less than minor** effects.
125. Note that the proposal may require additional and independent consents from Greater Wellington Regional Council. No consideration of this requirement is included in this report.

Riparian Effects on Waterway

126. In considering the effects of the waterway and banks, assessments in regard to servicing, including flood levels and earthworks have included matters relevant to the stream and riparian areas. The banks and riparian area have some undergrowth and trees, both of which I consider to be of low quality. The site may be cleared, and this in itself is not a matter that requires a resource consent under the District Plan, as long as this is limited to vegetation and does not fall within the stream bed. The proposal also includes landscaping which I consider to be of similar or better quality to the existing so may mitigate ecological effects (noting that no assessment of that matter has been provided or sought). Overall, I consider that the effects on the waterway, pending any requirements from Greater Wellington Regional Council, are **less than minor**.
127. I note that a submission has been received from Te Runanga o Toa Rangatira, and who wish to be heard on this matter.

Servicing and Fire Fighting Supply

128. The proposal has been assessed by Zeean Brydon, consultant to Wellington Water Limited (WWL). Ms Brydon's assessment is attached in **Appendix J**.
129. In regard to water supply, the existing connection is not sufficient to be used, and a new connection to the main is required, along with individual valves for each household unit. Pending detailed design it is also noted that additional measures for firefighting may be required.
130. In relation to wastewater, it is noted that the site currently relies upon a private lateral through a neighbouring site, 292a Main Road. I note no appurtenant easement on the title in this regard. As noted by Ms Brydon, agreement may be required for the appropriate connection on this route to be installed, and I concur in this respect. A solution for wastewater discharge is considered appropriate in this assessment but a condition to ensure this, as it is not shown as part of the proposal, is not within the ability of the Council to impose as it involves a third party. However I suggest that a design showing the appropriate connection for discharge, and being legally and physically achievable, should be required as a condition of consent prior to or as part of application for building consent.
131. In regard to capacity, it is noted that while the downstream wastewater network is surcharged, there are no noted overflows and there is capacity to support this development.
132. In regard to stormwater, it is noted that a main is located on the northern side of the property, discharging into the Porirua Stream. Ms Brydon has, for explanatory purposes only, indicated the location and gradient of the line, which is a Council asset. Referring to Table 1 of this assessment, I note that the proposal is considered unacceptable in a number of matters. These relate to the construction and landscaping over this main, and the effects of the building upon the pipework. As noted by Ms Brydon:

If an amended design cannot be conditioned and these facilities cannot be moved then the Land Use should not be granted until an agreed layout is achieved.
133. I note Ms Brydon's assessment in this regard, but note that in itself may not be a reason to decline the consent. Outside of the RMA there may be requirements that protect public assets, and I note that this pipe serves a significant catchment, and these may involve amendments to the design, further detail or removal of features, including an amended Landscape Plan.
134. Noting that it is likely that the final design of the development will include stormwater discharge into the Porirua Stream, it is noted that a further consent or consents may be required from the Regional Council. I am unsure as to what measures are in effect to address municipal outfalls, and whether the approval for the existing outfall will suffice if that is used. However I consider that, while not incorporated into the design at this time, stormwater neutrality is appropriate to directly address the effects of increased discharge and removal of permeable surfaces. Noting the flooding zone and the flow paths through the site and beyond, I believe there should be no contribution to

additional flow as a result of the development where measures can be incorporated to address them¹¹.

135. I note that water treatment is not required, in that there are no car parks or driveways. I consider, however, that all care should be taken in the earthworks to minimise discharge from exposed soil during the construction phases, as discussed in regard to earthworks.
136. In regard to the required minimum floor level on the site, I note Ms Brydon has undertaken an analysis and this should be read for full detail. The proposed 20.65m¹² floor level has been determined as below the level of 21m recommended by the WWL modelling team. Additionally an overland flow of 50mm or more may occur on the site. Noting this, it is recommended that either the design be elevated to accommodate this, or that the applicant provide an assessment showing how flood flows will be collected and managed.
137. Pending provision of the latter, the former may require the floor level of the building to increase in height and how this will affect the overall height is not currently known. I consider it unlikely that the effects of building height will increase for assessment purposes as these effects are currently considered more than minor, and the addition of up to 0.5m to building height is unlikely to noticeably increase these. However if the consent is approved, it should be noted that a redesign is required, as the building is unlikely to be consistent with Policy 51 of the RPS in the current design, unless further calculation showing the floors are above flood flows is provided.
138. In regard to the offset from the stream, two aspects are discussed in Ms Brydon's assessment. The proximity to the bank from the buildings but also from the decks that extend up to 2.2 from the bank may make long term bank maintenance difficult. As well as maintenance access, there is also a potential for diversion of flood waters creating further effects downstream. Standard 5.6.2.2.11 requires no structure within 10m of the stream, and in recognition of this breach details of how maintenance and a design which does not restrict flood flows is considered necessary.
139. In regard to firefighting supply, Ms Brydon's notes that the site can be serviced for this requirement, potentially with upgrades. However to ensure this is achieved in the design conditions have been recommended. I accept these as necessary to ensure that this is implemented, potentially through on-site solutions.
140. In conclusion Ms Brydon recommends not granting consent until identified matters are resolved¹³. I accept Ms Brydon's assessment and would also add the following to those recommendations:
 - A site specific assessment of the effect of the building within the flood flow path, and confirmation of the design of the decks in respect to obstruction of flows.
141. Considering Ms Brydon's assessment, I consider that the proposal has the potential to affect flood flows through the site and upon the proposed dwelling, and that this has not been appropriately addressed. Resorting to the precautionary principle once again, I can only conclude that there may be significant effects, although I am not specialist in

¹¹ This requirement is also in keeping with Policy 51 of the Regional Policy Statement, namely 'Minimising the risks and consequences of natural hazards'

¹² All levels are above mean sea level, calculated on the Wellington 1953 datum. This datum sets a recognised reference mark from which levels can be referenced to allow a consistency.

¹³ Refer paragraph 59 of 'Water Services resource Consent Conditions – Assessment of Application' dated 23 May 2022.

this area. Standard 5.6.2.2.11 considers any structure within 10m of the stream worthy of assessment, and additional detail as to the effect of the decks in close proximity to the stream should be provided.

142. Overall I consider that, in its current layout, the proposal is likely to have a **more than minor** effect in regard to servicing at the current time. I draw this conclusion based upon the precautionary principle, in that uncertainty exists and where potential effects that have not been explored are potentially significant, and noting that the site is in a Hazard (Flooding) Area.
143. I note that as a result of further design and calculation these matters can be addressed and I may amend this assessment.

Effects Conclusion:

144. Taking into account the assessment above of the actual and potential effects of the development (including positive effects), I consider the effects of the proposal will be **more than minor**. In regard to s104D, the first gateway is not passed.

Positive Effects:

145. While not part of the s104D assessment, I consider it appropriate for continuity that the positive effects are considered in association with other effects. Note that these do not offset the effect assessment above in relation to s104D.
146. The positive effects of the proposal are listed in Section 9 of the applicants AEE¹⁴. In my own assessment, I consider that the positive effects to be:
- The proposal creates 20-23 additional household units for occupation. While a further consent will be required for individual disposal, this remains an increase of available residential occupation within walking distance of a transit link (both the bus stop and a train station), schools and open space. This addresses an accepted need for further housing and will bring more people into Tawa.
 - The proposal can use existing infrastructure for the creation of a significant number of dwellings (pending final design).
 - The type and arrangement of households is a variation to the existing neighbourhood, meeting the policies of the NPS-UD that seek housing variation to meet a variety of needs.
147. I note also that submitters have raised the following positive effects in addition to the above:
- Increased options for the area.
 - Where urban design is heading.
 - The need for higher density development, and especially near rapid transport links
 - Will bring more people into Tawa.
 - A good location for medium density dwelling, and will improve the site.
 - Landscaping is attractive.
 - Will better meet climate goals.

Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:

¹⁴ Refer Applicant's AEE, page 38

148. The applicant has not proposed or agreed to any measures to ensure positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

Section 104D Assessment – Gateway Test:

149. As the proposal is for a Non-Complying Activity the gateway test of section 104D must be fulfilled; namely that either the effects are not more than minor or that the proposal is not contrary to the objectives and policies of the District Plan, before the application can be considered under section 104B of the Act.

150. The following objectives and policies have been considered:

- Objective 4.2.1 (Containment and Intensification) and related policy 4.2.1.1 and 4.2.1.5
- Objective 4.2.3 (Urban Form) and related policy 4.2.3.1, 4.2.3.5, 4.2.3.6, 4.2.3.7 and 4.2.3.8
- Objective 4.2.4 (Residential Amenity) and related policy 4.2.4.1, 4.2.4.2 and 4.2.4.4
- Objective 4.2.5 (Sustainability) and related policy 4.2.5.1, 4.2.5.2 and 4.2.5.3
- Objective 4.2.7 (Activities) and related policy 4.2.7.1, 4.2.7.2
- Objective 4.2.12 (Access) and related policy 4.2.12.4
- Objective 29.2.1 (Earthworks) and related policy 29.2.1.1, 29.2.1.3, 29.2.1.4, 29.2.1.5, 29.2.1.6 and 29.2.1.11

Objective 4.2.1

4.2.1.1 Encourage consolidation of the established urban area.

151. The proposal is within the established urban area, and does not result in the expansion of the urban edge or encroachment into areas on the margins of the rural area. The proposal is **consistent** with this 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.

152. The Plan accepts and encourages residential development and intensification within the Residential Area, as this benefits the city and is efficient use of both this land and available infrastructure, as well as supporting centres and facilities. However it is noted that there is an emphasis on maintaining existing character and amenity in the area of the development when assessing new multi-unit developments, and this is considered further in policy 4.2.3.1 below.

153. As noted above, the proposal will detract from the character and amenity of the neighbourhood. The effects identified through the Vehicle Access Team's assessment, and the lack of Urban Design support, which also includes adverse effects, is considered to indicate that there will be significant impacts on both character and amenity, and therefore I consider that it is **contrary** to this policy

Summary – 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.

154. Overall I consider that the proposal is **consistent** with this objective. While contrary to the latter policy, the wording of the policies and the objective indicates to me that

the proposal does meet the imperative and positive aspects, in spite of the contrary aspects above.

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.

155. The subject site is within the Outer Residential Area, which the plan notes is typically not as old or intensely developed as the Inner Residential. The Rules and Standards recognise this and are written to allow development with restrictions to maintain the primary visual character of residential neighbourhoods, and address the potential for development to detract from the character or amenities of residential neighbourhoods, while assisting the variety and diversity of housing types.

156. The Plan notes that multi-unit development can significantly alter neighbourhoods. While I accept this does not amount to an adverse effect in itself, I also note that:

Council seeks to promote excellence in the design of multi-unit residential developments to ensure that neighbourhood amenity values are maintained and enhanced.

157. In this instance I consider that the proposal departs from the area's predominant development type. In regard to the neighbourhood, I have visited the locality and taken note of the character and housing types, which is dominated by single and multiple dwellings of single storey, notably less intensive than the proposal.

158. With the proposed four storey development there is a departure from this and as such the proposal does not reflect the character of the area. I also consider it unlikely that a permitted baseline, which would be considerably more modest particularly in relation to height and coverage, would approach the level of effect from bulk and dominance.

159. The proposal has been assessed against the current Residential Design Guide in the Urban Design Assessment. Ms Devereux has concluded that due to the level of inconsistency the proposal cannot be supported in regard to urban design. I accept this assessment and consider that this indicates an incongruence with the expected character of the area, and that the proposal does not adequately respond to the surrounding neighbourhood, or maintain consistency as discussed in the policy. In regard to the latter, the plan provides the following guidance:

Consistency means ensuring that the development acknowledges and establishes a respectful relationship with its immediate context. It does not imply replication, or that the style of building should match existing buildings. In general new multi-units should maintain consistency with defining and valued neighbourhood patterns. Consistency is most important when new development is placed within a recognised ensemble of buildings that have similar character, or where alignment, similarity and coherence is required to maintain the quality and character of the public environment.

160. The Plan does note that the introduction of contrast into an established neighbourhood may be acceptable if the new development has public significance or if there is an existing complexity in the neighbourhood. While an increase in scale may not always be considered unfavourably, noting the unfavourable assessment in regard to the Residential Design Guide, the expected prominence of the building due to height and mass, the noted impact on neighbouring amenity and the lack of mitigation for these impacts (for example, through landscaping or existing vegetation), the departure from

the standards and existing patterns of development is not considered in keeping with this policy.

161. Overall, and noting the imperative ‘ensure’ of Policy 4.2.3.1 and which is matched with the same in Objective 4.2.3; I do not consider that the proposal acknowledges or responds to the existing character of the surrounding neighbourhood. I conclude that the proposal is **contrary** to this 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.

162. Open space is important not only for internal amenity, but to ensure that the development is of an appropriate density and to soften the impact upon the neighbourhood. The proposal exceeds the expected site coverage represented by the standards, and much of the open space is developed as deck. The proposed building is considered to dominate the site, and is of a scale where landscaping may not effectively mitigate the effects on residential amenity.

163. In summary I do not consider that the resulting development is of a character and type that compliments or acknowledges the prevailing patterns in the area, or resolves the issues that result in effects from bulk and location highlighted in this report. In regard to assessing whether the outdoor space allocated to each unit is high quality or an appropriate dimension I note that this is significantly below outdoor space expected in the Outer Residential Area,. The Plan states this may signal that the site is overdeveloped.

164. Noting the imperative in the wording of the policy (i.e. ‘require’), I am drawn to consider the proposal **contrary** to this policy. While it is not practical to apply this policy to multi-level developments for the amenity it provides to each unit, I consider that there is minimal space given on the site in order to integrate the development with the surrounding neighbourhood, and which in turn limits the ability to landscape the site around the building. The scale of the development is such that it may not be possible to soften the development without a significant change.

4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.

165. In considering this policy, I note that the proposed development also extends onto the road berm. This area at the front is interspersed with landscaped areas, and rear of the site does allow for the banks to be vegetated immediately adjacent. Wellington Water Limited notes that the proposal does not include paved car parking areas or driveways, and has recommended conditions relating to, amongst other matters, stormwater neutrality. Overall I consider that, accepting the intent of the design for this density of housing, the proposal is **consistent** with this policy.

4.2.3.7 Encourage the retention of mature, visually prominent trees and bush in association with site redevelopment

166. I note that the proposal has retained a number of the existing trees along the stream, including some larger specimens. Given the lack of significant vegetation on site, and the potential condition of these trees, I consider that this policy has little relevance to the proposal. Noting Ms Devereux’s comments¹⁵ in relation to the banks of the stream,

¹⁵ Refer section 8.0 of Urban Design Assessment

I consider that the Landscape Plan could be amended to include sufficient and/or appropriate vegetation. Overall I consider that the proposal is **not inconsistent** with this policy.

4.2.3.8 Control the siting and design of structures on or over roads and promote townscape improvements.

167. The proposal includes areas that develop the legal road area of Main Road, including access ramps and stairs. In considering the size and design, and noting the incorporation of landscaping, I consider that in relation to the road function, these are appropriate. The area in question is currently of little noted aesthetic value and the works on the road in themselves are considered acceptable, even though this will be a fresh aspect to Main Road.
168. Considering Ms Devereux's comments in this regard that, while overall the proposal does not relate well to the local pattern of frontage widths and setbacks, the design presents a public face to the street, and a sheltered entrance. Aside from further attention to the entrance, no further issues are raised. Mr Crowe and Mr Pungiah note the location of the scooter park is unacceptable, and it is envisioned that this may not be implementable due to lack of landowner approval. Additionally a height control would apply to vegetation and structures on the road. However this advice does not indicate to me that the parts of the proposal on legal road is detrimental to townscape. As such, while townscape improvement is not overwhelmingly confirmed, the proposal is generally considered **consistent** with this policy.

Summary - Objective 4.2.3 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.

169. In considering Objective 4.2.3, the development is a practical and efficient use of the site and the surrounding infrastructure. However the proposal is contrary to some of the related policies in that it detracts from the character of the neighbourhood and has significant effects on neighbouring properties; a matter directly addressed in those policies. Considering my assessment of effects above, and the discussion of the policies within the Plan, I consider that the proposal is **contrary** to policies associated with this objective, due to the imperative wording of the policies that the proposal runs contrary to.

Objective 4.2.4:

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.

170. The Plan states:

Maintaining reasonable levels of amenity in Residential Areas is one of the key objectives of the Plan. People expect that the amenity standards of the Residential Areas of the city, where most people live, will be maintained at a level that sustains the residents' enjoyment of their suburb.

171. This proposal, due to the height, scale and density of development has been assessed as having more than minor effects on some of the surrounding properties and the environment. Considering whether a balance can be attained between the development

of the site to this degree and density, and the protection of neighbours amenity, I consider that this proposal would require significant change to achieve such a balance.

172. I have considered whether the potential overspill of cars onto residential streets will also result in effects on the streetscape. While there may be additional cars on the road, and notwithstanding safety and geometry, the presence of cars upon a road is not considered a significant loss of character in that this is part of the function of roads.
173. Taking these matters into account I consider that the proposal is **contrary** to this 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.

174. The Plan notes that it allows for multi-unit developments as they can provide for effective use of land in the developed areas of the city. However, as states, the Plan:

seeks to ensure that new residential development maintains and enhances amenity values, and that such development does not adversely affect surrounding patterns of development and increase density at the expense of reasonable amenity standards for residents. The plan also seeks to ensure that new infill and multi-unit development provides high quality living environments for occupants.

175. I have assessed the effects on neighbours and concluded that the effects are minor and more than minor. As a note, shading analysis shows a comparison with the permitted baseline. The extent of the additional shading is, I consider, proportionate to the extent that the proposal exceeds the expectations of the Plan.
176. The proposal departs from the established character neighbourhood. While it is a residential activity in a residential area, it does not conform to the consistent development in the surrounding area. The proposed building overlooks neighbouring sites, including their outdoor areas, has potential to be overbearing, and will result in significant shading of neighbouring properties. I consider that this has the potential to result in a reduction of amenity on the surrounding properties. This assessment is made above, and also in the Urban Design Assessment.
177. Referring to other comments from Ms Devereux on internal amenity, the proposed units are considered to have favourable sunlight and outlook, but lack outdoor space, storage capacity and facilities, and the main living areas are considered small for the potential occupancy.
178. Single or small breaches of the standards can often be mitigated on site. In this instance there are a number of significant breaches such that the development will have a significant effect on the living standards for occupants of adjacent properties. I consider, as discussed in the Plan, cumulative effects due to the development being out-of-scale with the surrounding environment fall upon surrounding properties. Overall I consider that the proposal is **contrary** to this policy.
179. A discussion on the accessibility matters in this policy has been made in the discussion on policy 4.2.12.1

4.2.4.4 Ensure that new residential developments recognise and provide for the health and safety of people.

180. Ms Devereux highlights additional measures that can be taken to improve the safety for occupants of the site, including lighting and security for the rear and side areas. I see no reason why these measures cannot be implemented. I also consider that the height of the building is likely to result in surveillance of the surrounding area (with both positive and negative impacts). I therefore consider that the proposal can be **consistent** with this policy.

Summary – Objective 4.2.4 Ensure that all residential properties have access to reasonable levels of residential amenity.

181. Noting the assessment against the policies above and also taking note of the imperative repeated in the wording above, overall I consider that the proposal is **contrary** to this objective and the majority of the related policies.

Objective 4.2.5:

4.2.5.1 To promote a sustainable built environment in the Residential Area that:

- *Utilises principles of low impact urban design; and*
- *Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.*

182. The proposal makes use of the site efficiently, dedicating the site to housing in manner that creates a much higher housing density than the established housing layout. I consider that, while no assessment of materials is possible at this time, the sustainability compared to traditional urban expansion is an improvement. The location is also within walking distance of open space, transport, a service centre and other facilities. I consider that the proposal is **consistent** with this policy.

183. The proposal has no on-site parking and it is likely that only a small number of dwellings will be able park in nearby. While there are scooter parks, these are located on legal road and are not supported by the Vehicle Access Team.

4.2.5.2 Encourage the development and efficient use of renewable energy within Residential Areas.

184. I consider that there is no reason why the proposal cannot use renewable energy and is **not consistent** with this policy. At this stage of the development, while there are no noted features, the benefits of energy efficiency can foreseeably be incorporated into the final design. However in its current form it cannot be said to encourage the use.

4.2.5.3 Support the uptake of new vehicle technologies by enabling supporting infrastructure in order to reduce reliance on fossil fuels.

185. The site is next to and opposite bus stops and, as the application shows, within walking and cycling distance of a railway station. I concur therefore that the location offers opportunities for transport that at least lessens a reliance on fossil fuels. The lack of on-site car parking may discourage the car ownership, but I consider that the most that can be said is that the proposal does not encourage car ownership. Accepting that, I note that there is little potential for the space to recharge vehicles. Overall I consider that the proposal is **not inconsistent** to this policy.

Summary – Objective 4.2.5 To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas

186. Overall the proposal is **not inconsistent** to this objective and related policies.

Objective 4.2.1.7 - Activities

4.2.7.1 Control the potential adverse effects of residential activities.

187. Potential effects of a minor and more than minor degree have been identified in the assessment of effects above, and also in the Urban Design Assessment. In spite of being a residential activity within a residential area, I consider that these assessments show that the proposal in its current form does not ensure that amenity is reasonably protected. Given the scale of the development and the departure from the current local pattern of development it is unlikely that this could be mitigated, and I consider that the proposal is **inconsistent** with this policy.

4.2.7.2 Control adverse noise effects within Residential Areas.

188. The use of the site is residential and while there will be increased occupancy on the activity on the site and the relevant controls do not change. The site is not within one of the noise control areas listed. As no consent has been applied for to exceed noise limits, the existing controls apply and the proposal is **consistent** with this policy.

Summary – Objective 4.2.1.7 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.

189. In spite of the proposal being a residential activity within a residential area, the scale of the development and the departure from the existing character is considered to be noteworthy, and has been shown to result in effects on neighbouring amenity. Noting the above, I consider that the proposal is **inconsistent** with the objective and policies.

Objective 4.2.12 - Access

4.2.12.4 Require appropriate parking, loading and site access for activities in Residential Areas.

190. This is a significant issue in the proposal, both in the assessment of the Plan and in matters raised by submitters. In regard to the former, this policy remains in the Plan and is applicable to the proposal (see description of the impact of the NPS-UD in the assessment of effects from paragraph 38).

191. In assessing the proposal against this policy, I note the term ‘appropriate’. With the removal of minimum car parking requirements from the Plan, this assessment has more emphasis on the effects in its determination.

192. As can be seen in the analysis, it is likely that the proposal will result in additional parking on the surrounding streets, based on expected car ownership. Noting around 25 cars generated as a result of the proposal, these are likely to be parked in the immediate neighbourhood. Previously appropriate car parking was informed through the minimum standards, now removed. I therefore assess this assessment is focussed entirely on the proposal itself.

193. The policy states that council is to ‘require appropriate parking’, as well as loading and access, for the proposal. I note that the changes to parking rules and policies required by the NPS-UD has been completed, and this policy remains and is relevant. In considering what appropriate car parking would constitute, I accept the assessment by

Mr Pungiah, discussed above. While the policy is worded to focus on the activity, the objective (below) refers to travel within the larger area. I have therefore considered the following matters in my assessment of this policy:

- The proposal is for 24 units, resulting in up to 25 cars parked on the road
- The proposal removes the existing car parking on the site
- The two adjacent roads are unsuitable for parking, or would result in effects
- Other roads are likely to be narrowed to a degree that function and/or unacceptable practices are encouraged

194. I note that while there is a move away from oil fuelled transport, the alternatives still include cars and other vehicles, and I consider it unlikely that these will be unnecessary in the foreseeable future.
195. In regard to access, the proposal has well designed access facilities and a lift. I also note that the site has a loading area. This is located close to waste storage and with egress, if lengthy, to the lift. While the loading area could be used for disabled car parking, it remains a loading area and not a disabled car park.
196. While I am unable to determine the ‘appropriate’ number of car parks for the future, I do not consider that this number is no parks in this residential area. I accept that roadways are in part for the parking of cars, and this is not a change in the character of the neighbourhood in that regard. However this has been shown to result in potential effects on surrounding streets and, while no safety issues have been identified, is likely to result in effects on the functioning of the roadway due to the likely significant increase in parking demand. This assessment leads me to conclude that the proposal is **contrary** to this policy in this respect.

Summary - Objective 4.2.12 To enable efficient, convenient and safe access for people and goods within Residential Areas.

197. As noted above, I consider that this proposal is **contrary** to that policy and this objective.

Objective 29.2.1 - Earthworks

29.2.1.1 Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.

198. The earthworks are for the purpose of the construction and will be landscaped. As such the proposal is **consistent** with this policy.

29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

199. This has been assessed by the applicant and Council’s Earthworks Engineer. With the imposition of suitable conditions the earthworks are considered to be **consistent** with this policy.

29.2.1.4 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, rivers, wetlands and the coastal marine area.

200. As above, conditions to minimise erosion, dust and sediment have been recommended. Particular note has been made of the stream and the surrounding flood hazard. With

the imposition of suitable conditions the proposal is considered to be **consistent** with this policy.

29.2.1.5 Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas.

29.2.1.6 Ensure earthworks and associated structure are designed and managed in a way that protects and enhances the character and amenity of streams and wetlands through measures such as:

- *minimising changes to the flow of water in streams or wetlands;*
- *encouraging appropriate riparian management to ensure that rivers and wetlands stay healthy.*

201. The impact of the resultant building has been assessed above. In regard to the earthworks themselves, in that they are not directly associated with the stream I consider that the works are **consistent** with these policies.

29.2.1.11 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.

202. With the imposition of conditions as recommended, the proposal is considered to be **consistent** with this policy.

Summary – Objective 29.2.1 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.

203. I consider the proposal is **consistent** with this objective and associated policies.

Other Policies

204. As a note in this assessment, as the proposal is not a subdivision, the current objectives and policies do not specifically address the provision of services to the site. Comments have been made in relation to this matter in the effects assessment.

Conclusion – Objectives and Policies:

205. Considering the discussion above I note that there are noted conflicts with the policies above. I consider that the proposal is inconsistent to policies 4.2.3.5 and 4.2.12.4, and contrary to policies 4.2.1.5, 4.2.3.1, 4.2.3.5, 4.2.4.1, 4.2.4.2 and 4.2.12.4. In regard to objectives I consider that the proposal is contrary to objective 4.2.3, in that the new development does not ensure that the development is of a character and scale appropriate for the area and neighbourhood, and contrary to objective 4.2.4, in that it does not ensure that all residential properties have access to reasonable levels of residential amenity. It is also contrary to objective 4.2.12, in that the proposal lessens the ability for efficient, convenient and safe access for people and goods.

206. As a general comment, I note that if there are impacts on the amenity of neighbours or upon the neighbourhood or character, as in this proposal, the Plan is written such that it is difficult to be consistent with policies or objective as many relate directly and specifically to residential amenity and existing character. While this may not be consistent with higher order documents, the Operative Plan requires this consideration in this assessment.

207. I have taken note of the wording of the relevant policies, in order to determine a weighting or significance overall. The imperatives in those policies that are not met are as follows:

Policy 4.2.1.5	‘Enable residential intensification ... that does not detract’
4.2.3.1	‘Ensure that ...’
4.2.3.5	‘Require ...’
4.2.4.1	‘Manage adverse effects ... by ensuring ...’
4.2.4.2	‘Manage the design ... to ensure ...’
4.2.12.4	‘Require appropriate ...’

208. While I do not consider the wording of policy 4.2.1.5 compelling, this is the exception and I consider this emphasises a clear instruction in the Plan; that the proposal is overall contrary to objectives and policies of the District Plan.

Conclusion – Gateway Test:

209. At this time there are noted changes upcoming in the planning framework (discussed below). However s104D is specific in regard to the restrictions for Non-Complying Activities. The gateway test requires that either the adverse effects of the activity on the environment will be minor (my assessment from paragraph 38 onwards), or the application is for an activity that will not be contrary to the objectives and policies of the Plan (from paragraph 150). This requirement is specific and no influence from higher order planning documents is inferred or entailed; s104D is unchanged by the RPS-UD or the MDRS. I consider that the proposal passes neither of these requisites, and therefore does not pass either of the gateway tests.

210. As I consider that the gateway tests have not been passed, I have no option but to recommend that the application is **declined** pursuant to s104D.

211. As this is a recommendation and for completeness in my advice to the commissioner, I have completed a full assessment. If the commissioner is of a mind to approve the consent I have also compiled recommended conditions.

Section 104(1)(b) - Relevant Planning Provisions:

212. I have had regard to provisions of the following planning documents as specified at section 104(1)(b)(i) – (vi) of the Act:

- National Environmental Standards
- Other regulations
- National Policy Statement
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The District Plan

213. In order to present a logical arrangement for this report, I have undertaken the assessment against the objectives and policies of the District Plan, in conjunction with the Gateway Test prior to higher order planning documents above.

Higher Order Planning Documents:

214. Other than the National Policy Statement on Urban Development 2020 (NPS-UD) discussed below, there are no National Environmental Standards, other regulations or National Policy Statements that are directly relevant to the consideration of this

proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement and is not contrary to any objectives and policies.

National Policy Statement:

215. The objectives of the NPS-UD most relevant to this proposal are:
- **Objective 1:** 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.
 - **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
 - **Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
 - **Objective 5:** Planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
 - **Objective 6:** Local authority decisions on urban development that affect urban environments are:
 - a) integrated with infrastructure planning and funding decisions; and
 - b) strategic over the medium term and long term; and
 - c) responsive, particularly in relation to proposals that would supply significant development capacity.
 - **Objective 8:** New Zealand's urban environments:
 - a) support reductions in greenhouse gas emissions; and
 - b) are resilient to the current and future effects of climate change.
216. In addition to this Policies 1, 6, 9(c), 9(d) and 11 apply to resource consent decisions. I have also assessed Policy 3 as it relates directly to building height within a catchment for a rapid transit stop, being the nearby trains station.
217. The applicant has undertaken an assessment against this document in the AEE¹⁶, and this should be read in conjunction to my own assessment below.
218. Wellington is a Tier 1 Local Authority¹⁷.
219. In assessing the application of the NPS-UD, in subpart 6 of Part 3¹⁸, I note that the qualifying matters are listed. These include:
- A matter of national importance (this is discussed below in relation to Part 2 of the Act)
 - Any development that makes high density development by policy 3 inappropriate in the area
220. Objective 1 seeks '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'.
221. Considering the proposal, I note that while not directly contrary to this objective in regard to an urban environment, the intensity of potential effects on the locality and neighbours are of concern. The impacts on neighbours that may have adverse effects on their wellbeing, due to loss of amenity. Considering the reliance on surrounding road for parking, when this may result in congestion and impacts on functioning, it is

¹⁶ Refer Section 8 pages 37-38 of the applicants AEE

¹⁷ Refer page 31 of NPS-UD

¹⁸ Refer page 26 of NPS-UD

questionable whether this is not a well-functioning urban environment as a result of the proposal.

222. I consider that while not wholly consistent, the proposal is **not inconsistent** to Objective 1. The activity is residential, within a residential area and the effects themselves are due to that residential activity. While issues have been identified, further and more intensive development is envisioned by the NPS-UD. The proposal is consistent with that direction. The location is within walking distance of public transport, open space, schools and a small shopping centre. It is only that there are identifiable effects on other properties that at the current time are deemed relevant that leads me to not confirm the proposal as consistent.
223. In regard to Objective 2, the proposal may improve housing affordability. In a practical aspect, the offer of 20-23 new and additional household units will obviously result in an increase in available dwellings in the locality. While I note that these units will have constraints in that they are all a similar size and number of bedrooms, I consider it is likely that there is a place in that market and I believe the proposal is **consistent** with this objective.
224. Considering Objective 4 of the NPS-UD, this proposal is a noted change to the existing pattern of development. This in itself has not been taken as an effect (as noted by the applicant in relation to Policy 3), although the effects on neighbours has been noted. In that these units will no doubt be utilised and create diversity in the area, and further and more intensive development is enabled in this area, I consider that the proposal is **consistent** with this objective.
225. In regard to Objective 6, relating to taking account of the principles of Te Tiriti o Waitangi, this is discussed in relation to s8 of the Act in paragraph 318.
226. In regard to Objective 8, being that New Zealand's urban environments support reductions in greenhouse emissions, and are resilient to the current and future effects of climate change, there are a number of matters that I have considered.
227. The stream, and potential flooding identified in many submissions. While climate change may result in increased rainfall, and therefore potential for significant weather events to occur more often, it is speculative to assume that a level of protection greater than the status quo is required. As such, and accepting the advice of Wellington Water Limited, there are noted aspects of the design, such as the floor levels, that indicate a susceptibility to even current weather behaviour. Amendments to the design are likely to address many of these, such as raising floor levels and confirming decks are of a design that does not divert flood flows and as such the proposal is considered **not inconsistent** in this regard.
228. I have considered whether the proposal will lead to a reduction of greenhouse emissions. The lack of parking may discourage car ownership but there is similarly no incentive to pursue environmental alternatives, such as electric cars, if occupants have an enduring requirement for private transport. There is no area to place chargers, and, as identified by many submitters, limited storage for bicycles/scooter. This area is located outside the building and does not have the support of the Vehicle Access Team. While lighter bicycles could be stored on balconies or indoors, this shortage of space may discourage investment in alternatives.
229. My overall assessment is that the proposal is **not inconsistent** with this objective. While I consider there to be only a small incentive towards this end, namely against

cars in general, there is no noted encouragement towards environmentally friendly options.

230. Considering Policy 1, the proposal provides a number of dwellings of similar layout and size. The policy notes variety as a matter to pursue. This could be considered on the site to not fulfil this policy, but considering the neighbourhood I note that this proposal will provide a variety to compliment the current housing pattern of the area. Considering the other matters listed in this policy, I consider that the proposal is compliant with those matters and accept these equate to contributing to a 'well-functioning urban environment', and is **consistent** with that policy.
231. Considering Policy 6 this states that the planned built form may involve significant changes to an area, and that these changes in themselves are not an effect. The 'planned built form' is currently expressed by the Operative District Plan, amended in response to the NPS-UD as required at this time. The Spatial Plan is an indication of the intended built form for the area. This is discussed below. In anticipation of a new planning framework in the near future, it remains that these documents, as well as the Regional Policy Statement, describe the current planned built form. I consider that the proposal will meet the envisioned built form, or be similar to it, and will be in an area where similar forms if not present are viewed favourably. For example Policy 3 requires district plans to enable buildings of at least 6 storeys in height within the walkable catchment of rapid transit stops. While this may not be applicable to this site due to qualifying matters, it is likely to be applicable to nearby properties, as near as Nathan Street. As such the context of this development should be considered in an environment of higher and larger density.
232. I have turned my mind to how to assess compliance with this policy, noting the upcoming plan change and questions relating to the application of qualifying matters to the site. The proposal is outside of the expectation of the current Plan. I choose not to consider the Draft District Plan, as this has no statutory relevance and is not at a stage where resilience to challenge can be considered.
233. Accepting the anticipated built form in the NPS-UD and Spatial Plan, the proposal is not consistent but it is clear that current planning documents may not represent the future planned form. I note that in the discussion in regard to the Spatial Plan (paragraph 277 onwards) indicates that 2-3 storey terrace type (Type 2) housing is the 'Proposed Housing Type', while the proposal is better described by Type 3 housing type (3-4 storey apartments). However it is not unlikely that housing type may be scattered less rigidly around the vicinity in general. Irrespective the built form is likely, if not to increase in scale, then to be accepting of such a change
234. Qualifying matters may affect the implementation of the NPS-UD in the planning framework such that it is speculative at this time to rely upon them. I also note that in section 3.34 of the NPS-UD states:
- Nothing in Policies 3 or 4 or this subpart precludes the consideration (under section 104 of the Act) of any actual or potential effects on the environment associated with building heights.*
235. In spite of the NPS-UD, subject to qualifying matters, instructing that up to 6 storeys may be acceptable in this area (being within the catchment of a rapid transit hub) this does not preclude a consideration of the effects from height, and the only effects that can be disregarded being those of the permitted baseline. However the NPS-UD may result in a greater height threshold, and therefore a taller PBS. Without a surety of this matter, and noting the effects of height assessed in regard to effects above, and the

current shape of the urban area still guided by the Operative Plan, I consider I can only conclude that the proposal is **not consistent** with policy 6.

236. In regard to Policy 9, I note the submission from Te Runanga o Toa Rangitira¹⁹ in relation to the proposal. In that this submission will be considered by the commissioner, I consider that Policies 9(c) and 9(d) have been met in the processing of the application and in this regard is **not inconsistent**.
237. Policies 11 relates to how district plans are to be amended and how car parking is to be considered. The Plan has been amended and I have assessed the effects of car parking in consideration of the amended rules.

Conclusion

238. There is no clear statement of purpose in the NPS-UD itself and I have consulted related material in order to define what is intended to result. The website states²⁰:

This is about ensuring New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

239. This is not an objective, but in this respect the proposal meets this intent, quite specifically, in that it proposes growing 'up' and 'out' in a location that clearly has access to the best of public transport available in Wellington. In the introductory guide, it is stated²¹:

The NPS-UD is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

240. Again this is not an objective, but again the proposal does provide housing in an area where existing infrastructure and facilities are available. While some aspects of the NPS-UD have not been met, overall the proposal is considered to achieve the outcomes sought by the NPS-UD. Even though Policies 1, 6 and 11 may not be strictly adhered to, this in itself does not lead me to conclude that the proposal does not meet the overall intention of the NPS-UD.
241. Overall, the NPS-UD appears to be focussed on enabling development, where it can be undertaken, generally more intense than the existing patterns, and with acceptance of potential effects of this intensification. I consider that the proposal is generally consistent with the NPS-UD.

Regional Policy Statement:

242. The policies of the Wellington Regional Policy Statement (RPS) have been taken into consideration. In particular I have had specific regard to the following policies:

¹⁹ Refer submission numbered 70

²⁰ Refer <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-urban-development/>

²¹ Refer page of 'National Policy Statement on Urban Development 2020 – Introductory Guide', available at <https://environment.govt.nz/assets/Publications/Files/Introductory-Guide-to-the-National-Policy-Statement-on-Urban-Development-2020.pdf>

- **Policy 39:** Recognising the benefits of renewable energy and regionally significant infrastructure.
 - **Policy 41:** Minimising the effects of earthworks and vegetation disturbance.
 - **Policy 42:** Minimising contamination in stormwater from development.
 - **Policy 48:** Principles of the Treaty of Waitangi.
 - **Policy 49:** Recognising and providing for matters of significance to tangata whenua.
 - **Policy 51:** Minimising the risks and consequences of natural hazards.
 - **Policy 52:** Minimising adverse effects of hazard mitigation measures.
 - **Policy 54:** Achieving the region's urban design principles.
 - **Policy 55:** Maintaining a compact, well designed and sustainable regional form.
 - **Policy 57:** Integrating land use and transportation.
 - **Policy 58:** Co-ordinating land use with development and operation of infrastructure.
243. The proposal is considered to accord with the general strategic direction of the RPS and is not noted as being contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.
244. In regard to Policies 39, 41, 42, 54 and 55, these are discussed on the assessment of objectives and policies above. Policies 48 and 49 are also addressed in the discussion of Part 2 below.
245. In regard to Policy 51, in as much as it applies, the assessment of the most relevant hazard, being the Porirua Stream, has been considered throughout this report, with concerns as to both the floor levels and impacts on drainage a flood flows. While these raise concerns and are currently potentially contrary, clarification and potential redesign are likely to provide a remedy.
246. Policies 57 and 58 have also been considered throughout the report, and especially in consideration of the NPS-UD.
247. Note that policies 30, 31 and 33 of the RPS are considered relevant but typically applicable to the preparation of District Plans. In this instance I consider the proposal is not contrary to these policies or Objective 22 of the RPS.

District Plan:

248. I have considered the objectives and policies of the District Plan in the assessment against s104D above (the Gateway Test) above. I consider that the proposal is not aligned with those objectives and policies when read as a whole. No further analysis is required.

Section 104(1)(c) - Other Matters:

249. In accordance with section 104(1)(c) of the Act, here I will address various additional matters relevant to the application.

Encroachment onto Legal Road:

250. As the proposal will occupy the legal road for access and storage of vehicles an encroachment license will be required. Note that this is a separate process to approval under the RMA. However it is considered appropriate to provide comment on this matter for the applicant at this stage.
251. As there are considerable works on legal road, I have sought comments from our Encroachment Team. Comments have been received from Shane Crowe, Council's

Senior Encroachment Advisor²². This matter is outside of the RMA, but may affect the ability to obtain approval. Mr Crowe's comments are attached in **Appendix I**.

252. In regard to the design, Mr Crowe notes the following:

- Unless further approval from Council is obtained there must be no (or minimum) excavation into the legal road embankment. The retaining walls cut into the bank would be declined including:
 - The 1.4m retaining wall at the back of the public footpath
 - The 0.6m high retaining wall for the pedestrian access ramp.
 - 1.2m high yard wall
- There is a requirement that all works be set back a minimum of 2.7 metres from the kerb face setback. This is extended to a 3m setback for stairs.
- All vegetation or structures are to be a maximum of 1m in height at the back of the public footpath or near intersection to provide safe visibility
- No structures or vegetation higher than 1m at a vehicle crossing.
- The motorbike park would not be approved. Motorised vehicles must access parks from a vehicle access drive, not over the public footpath.
- Access retaining walls on, not cut into, the embankment, subject to seeing plans, should be acceptable.
- Pedestrian access landing should be approximately 50mm above the public footpath to mitigate stormwater entering the site.

253. Mr Pungiah has also noted that the proposed moped/scooter parking on road reserve will not be supported by transport team. It is considered that there will be security issues, that the parks are too close to the footpath, and that this may encourage drivers to use footpath.

254. An encroachment license will need to be obtained. The current design is unlikely to get approval unaltered. While this has little influence on the assessment under the Act, I note it is unlikely that the provision of scooter parking will be provided. This leaves less access to transport. This also affects the access and stairs into the site.

Rubbish Collection:

255. As the proposal involves more than 10 residential units I have discussed the proposal with Robert Hon, the Council's Waste Operations Engineer, who has advised the applicant of their options in terms of waste collection. Kerbside collection is not considered an option for recommendation, as the amount of waste on collection day is likely to be disruptive to road users.

256. Mr Hon notes that the collection area is appropriate and sufficiently screened, although a roof may be required. Some concern is expressed for the entry into the site, and as such a condition to impose a management plan to ensure safe procedure is recommended.

Issues Raised by Submitters:

Lack of compliance with the District Plan.

257. This is the purpose of the application. Were the proposal fully compliant with the District Plan, no resource consent would be required.

²² Refer email

Accuracy of application information, including:

- *Traffic report and street occupation*
- *Lack of consideration of schools*
- *Absence of stream in drawings*

258. I consider that the traffic report, which included site visits at various times, has been provided with sufficient background. The presence of the stream has been noted and considered.

259. I accept that schools and the potential for additional traffic has not been directly assessed. However the assessment of traffic effects above relates to the roadways, and I am satisfied that this assessment, which raises concerns as to the potential parking overflow and road constriction, as well as driver behaviour, is sufficient.

Precedent effects of such a development

260. There is no precedent in the RMA, except that all applications are assessed consistently against the current and consented environment, and applying a consistent process methodology and assessment. Given the changing regulatory environment at this time, I maintain consistency by only applying relevant planning documents in my assessment.

The quality of the development

No evidence of sustainable materials being used

May increase crime and antisocial behaviour/Impact of crime, and increased opportunities due to more cars parked on roads.

261. These have been assessed by the Urban Design and myself to the degree that is appropriate under the RMA.

Would be better if 292a and 292b were included

262. This matter are outside the scope of this assessment. The development of the application site is all that can be considered.

Lack of services and facilities nearby for the occupants

Capacity of infrastructure to accommodate the number of units, and lack of upgrade to that infrastructure. Also the increase of waste.

No indication of adequate firefighting supply

Increased runoff into stream

263. I consider that there are appropriate facilities within a reasonable distance, and these may benefit and potentially develop as a result of further custom. I also note that this assessment could apply to any development, given that the current neighbourhood has similar demands.

264. In regard to municipal services, these have been assessed by Wellington Water Limited in the assessment above (refer paragraph 128).

Site coverage limits the amount of planting to mitigate building

Lack of onsite parking and/or the effects of the reliance on street parking for the proposal.

265. These matters have been addressed in the assessment.

*Road markings currently unsuitable
McLellan Street bridge already subsiding*

266. These matters are assessed outside of the RMA. However they have been made apparent to the Traffic and Infrastructure Team through the processing of this proposal.

External Amenity and Neighbourhood Character

267. I have discussed these matters in my assessment, in conjunction with the Urban Design Assessment.

- Access to the waste storage not safe
- Limited access for rubbish trucks

268. This matter has been addressed in the Urban Design Assessment, in that there is direct access from the building to the waste storage, and in the assessment of site access, which raises no issues in regard to safe access. However Mr Hon (refer paragraph 255 below) considers that care must be taken in entering the site, and ideally the waste vehicle should be able to service the building without reversing. This is not the case and I consider that a management plan is required to ensure appropriate practices are in place for waste management.

- Type of units limits the long term neighbourhood development

269. The length of occupancy of the dwellings is outside the scope of this assessment. All that can be taken in this regard is that the proposal provides 20-23 new dwelling units.

- Internal Amenity

270. These matters have been addressed through the Urban Design Assessment

- Earthworks and Stability

271. These matters have been addressed through the Earthworks Assessment.

- Traffic, noise, vibration and dust from the construction phase

272. A condition relating to Construction Traffic Management (CTP) has been included as a recommended conditions, as well as conditions that relate to vibration and construction noise.

River and Flood Issues

- Lack of assessment of impact on flood plane
- Effects on and from flooding from the stream, and erosion of the stream banks
- Destruction and/or effects on the river bank
- The stability of the river bank, currently and affected by the development
- May increase erosion of stream banks, and owners need to be aware of their obligations
- There is minimal buffer with the stream, which has been damaged historically, and leads to Porirua Harbour

273. I consider that more information is required in relation to flooding issues and the proposal, and this is represented in my recommendation. The other issues have been

assessed through consideration of traffic, site access and earthworks. Additionally conditions have been recommended should the application results in consent being granted.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and MDRS:

274. This legislation was passed 21 December 2021 and must be implemented by 20 August 2022²³. The requirement is that the Medium Density Residential Standards (MDRS) to be incorporated into the relevant zones under an Intensification Streamlined Planning Process (ISPP²⁴).
275. At time of writing this legislation has no relevance, under s77M(9). Currently there is no IPI²⁵ to refer to.
276. Additionally it is important to realise that in section 77I, like the NPS-UD, there are Qualifying Matters that may apply to the subject site which effect how the policies and standards of the MDRS is applied. Those relevant to the subject site include the following which may be relevant to the site.:
- Stream corridors and overland flow paths
 - Coastal and riparian margins
 - Sites and Areas of Significance to Māori

Wellington City Council Spatial Plan:

277. The Wellington City Council Spatial Plan (the Spatial Plan) is a blueprint for the city that sets out a plan of action for where and how the city should grow and develop over the next 30 years providing the key policy direction to influence the review of the District Plan. The Spatial Plan is a non-statutory document that builds on the policy direction within the NPS-UD and encourages further sequenced intensification of residential land. The draft Spatial Plan was adopted by councillors on 24 June 2021. A link to the Spatial Plan is provided below: [Adopted Spatial Plan 2021 \(arcgis.com\)](https://arcgis.com)
278. The NPS-UD, in Policy 6 refers to the 'built form anticipated by those RMA planning documents that have given effect to this [NPS]'. While the Spatial Plan provides guidance as to the future policy direction to be adopted by the Council in the District Plan review, until such time as the Spatial Plan is incorporated into the District Plan it remains a non-statutory document, and has been considered as such.
279. Nonetheless, it is clear from the Spatial Plan that the present intention is that density of development in this area will increase over time to meet the housing needs of the City's population and the requirements of the NPS-UD. The site is located in an area shown as medium density (refer Figure 12).
280. For the purpose of background, the Spatial Plan notes that Tawa typically consists of single, 1-2 storey dwellings on large sites, with town and neighbourhood centres conveniently accessible by foot. The Spatial Plan identifies that Tawa is popular for family homes and the schools cater for the higher proportion of children, with a higher percentage of people aged 15-29 years. Home ownership is also higher than average. A public open space network that runs along the Porirua Stream provides residents with

²³ Refer s80F(1) and clause 33 of Schedule 12, RMA

²⁴ Refer to section 2(1) of the RMA for definition, as well as subpart 5A of that act.

²⁵ As above.

a 'green' pedestrian connection through the suburb as well as a range of recreational opportunities.

281. I have turned my mind to the physical form of the proposal, and the intent acknowledged through the Spatial Plan.

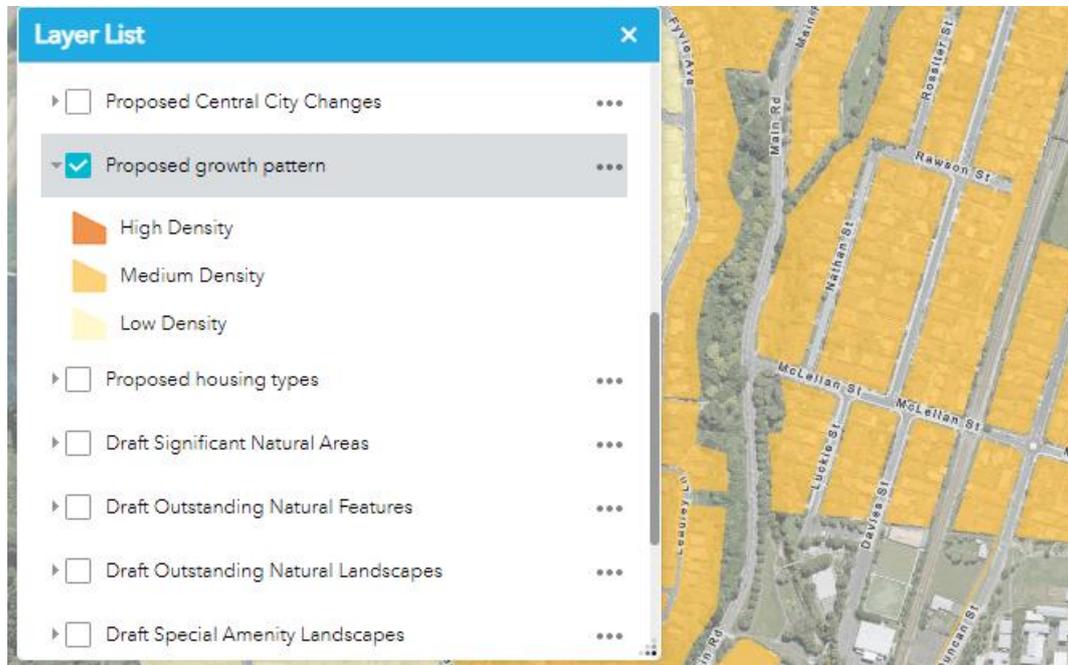


Figure 12 - Proposed Growth Pattern - Draft Spatial Plan

282. The proposed growth pattern in the Spatial plan, is shown as medium (refer Figure 12). While the metric for measuring the density in respect to High, Medium or Low, the Spatial Plan also indicates proposed housing types, for which this area is shown as Type 2 (refer Figure 13).

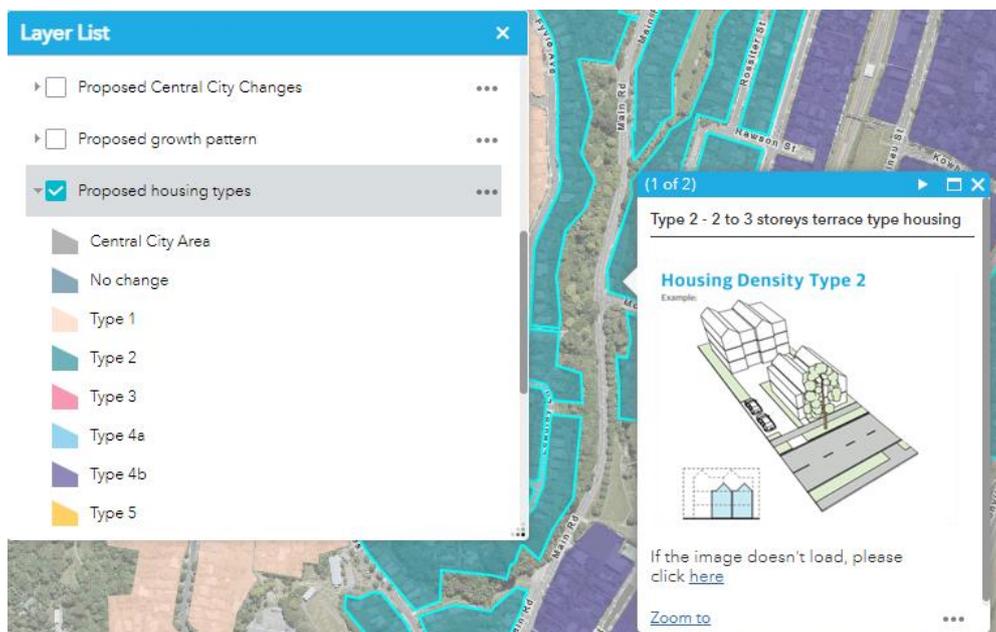


Figure 13 - Proposed Housing Type - Draft Spatial Plan

283. Type 2 Housing is a form being 2-3 storeys of terrace type housing. Comparing this to the proposal the proposal appears more typical of Types 3 and 4 (refer Figure 14).

Housing density types

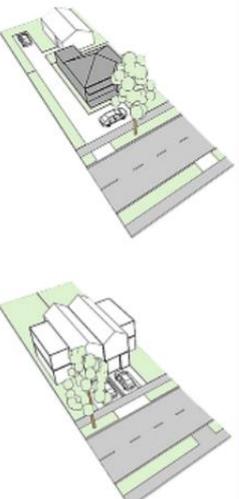
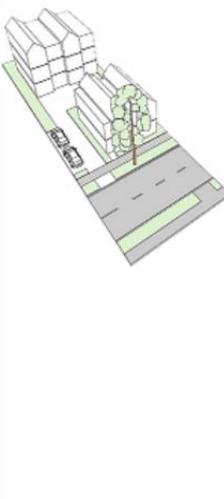
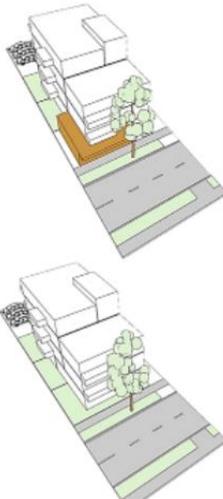
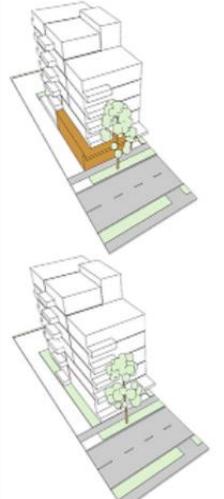
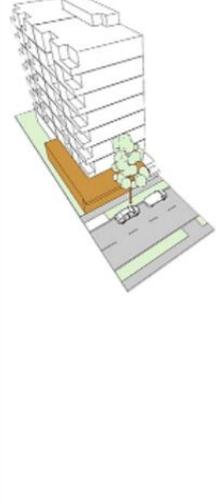
Type 1 Low density housing 1-2 storeys detached, semi-detached and in-fill housing	Type 2 Medium density housing 2-3 storeys terrace type housing	Type 3 Medium density housing 3-4 storey apartment buildings	Types 4a + 4b Medium density housing 4a: Up to 6 storey mixed use & apartment buildings 4b: Enable at least 6 storey mixed use & apartment buildings	Type 5 High density housing Up to 8 storeys mixed use and apartment buildings
Examples: 	Example: 	Examples: 	Examples: 	Example: 

Figure 14 - Housing Density Types

284. I note that Types 3 and 4b are applied to areas of the same proposed density and close by, as can be seen in Figure 15. This indicates to me that while the proposed housing type is incongruent with that specifically shown in the Spatial Plan, this does not equate to the density (i.e. medium) of development being inappropriate. The form shown is distinctly different.
285. It is apparent from Figure 15 that the catchment around the transit hub has been considered and expressed in the proposed housing type. Policy 3 of the NPS-UD instructs that, subject to qualifying matters, that plans enable buildings of at least 6 storeys within at least a walkable catchment from rapid transit hubs (Lindon Station). As a note only, the Draft Plan has suggested a 21m height for the subject site.
286. In regard to type, while a terrace type design is suggested, the NPS-UD also emphasis's variation, and as such I consider that this does not result in a significant departure from the Spatial Plan detail, and consider that variation accepts this departure.

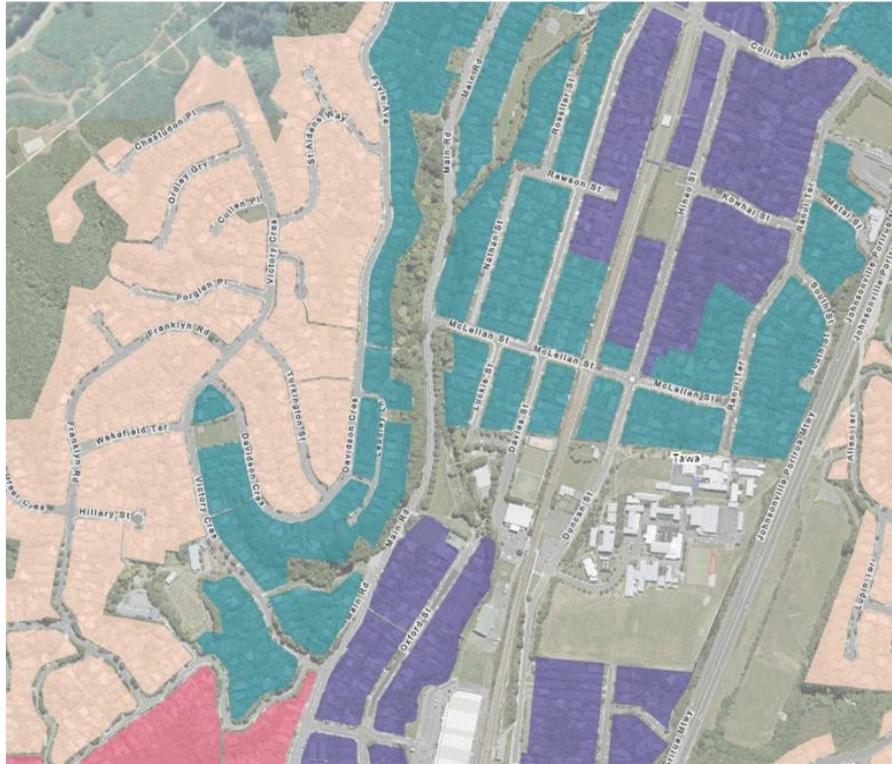


Figure 15 - Housing Types in larger neighbourhood

287. As an overall assessment against the Spatial Plan, the Goals and Directions of that plan are listed as follows, with an assessment of the proposal included:

- Compact – building on the existing form with quality development in the right locations. The proposal will do this. While differing for the established pattern, the proposed density does not depart from that in the Spatial Plan, even if the detail of the design does depart from the proposed housing type.
- Resilient – build physical and social resilience through good design. The proposal will add variety to the available housing types and subsequently the type diversity available in the neighbourhood. The proposal will result in a modern building built to modern standards and encourage a reliance on alternative transport.
- Vibrant and Prosperous – building on Wellington’s reputation as an economic hub and creative centre of excellence by welcoming and supporting innovation strategically to maintain a thriving economy. The proposal will add accommodation with a transit link to the city, allowing for multiple employment sources from the wider region to live and invest in Tawa.
- Inclusive and Connected – Recognition and fostering of identity by supporting social cohesion and cultural diversity, and world class movement systems with attractive and accessible public streets. The proposal will introduce a departure from the existing neighbourhood pattern, which could be considered to increase inclusiveness through variety. The density of development so near to transport hubs, including to the central city, emphasises the existing connection that can be utilised.
- Greener – Being sustainable and protecting, enhancing and integrating the natural environment into the urban environment. I consider that the proposal is not averse to this goal, in that higher density occupation is, in my opinion, a more efficient and sustainable housing pattern.

288. Overall I consider that the proposal is consistent with the Draft Spatial Plan.

Porirua Harbour and Catchment Area:

289. The site is located within the Porirua Harbour and Catchment Area. Porirua Harbour has become degraded over time due to the effects of contaminants entering the water systems as a result of land development and other urban land uses. The Porirua Harbour and Catchment Strategy and Action Plan (PHCSAP), dated March 2012, is a strategic plan that has been entered into in partnership between the Wellington City Council, Porirua City Council, Greater Wellington Regional Council and Ngāti Toa. The intention of the PHCSAP, as contained in the supporting strategic documents, is to enhance the Porirua Harbour. Sedimentation as a result of earthworks is one of the issues that the PHCSAP is seeking to address.
290. Conditions that enforce the management of sedimentation from the earthworks have been included in **Appendix K** as recommendations.

Code of Practice for Land Development:

291. The Council's 2012 Code of Practice for Land Development, operative from December 2012, is a revision of the former Code of Practice for Land Development 1994 that is referred to in the District Plan. It is the Code of Practice for Land Development 2012 that holds the current technical standards required by the Council for the design and construction of earthworks, roading, water supply, wastewater, stormwater, and public open spaces. Whether the infrastructure will be vested with the Council or be a private asset, it is important that these assets are constructed to the Council's current standards.
292. With particular regard to water supply and wastewater, these standards must be met before the Council will allow a property to be connected to the City's water supply and wastewater system. However, it is not the intention of the Council to stifle innovation and ingenuity of design. Where the outcome will be a better quality living environment, proposed alternative solutions for infrastructure design, other than for water supply and wastewater, should be negotiated with the Council to ensure that the Code of Practice for Land Development 2012 basic requirements are met.
293. Based on the advice provided by Wellington Water it is considered that the proposal could generally be constructed to meet the standards contained in the Council's Code of Practice for Land Development 2012. However more detail is required.
294. There are no other matters that the Council needs to consider when assessing the application.

ASSESSMENT UNDER PART 2 OF THE ACT

295. Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5 goes on to state that sustainable management should enable "*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*".
296. In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
297. That said, for the reasons outlined in this report, I consider that consent should be declined. The proposal does not pass either of the elements of the Gateway Test and

s104D does not allow for the proposal to be approved. Those matters in 104(1)(b) 104(1)(c) of the Act may be more favourable to the proposal, but accepting s104D means these have little relevance and they have been included for completeness only.

298. In regard to matters to consider where the District Plan is in conflict with higher order planning documents, in that I consider that the proposal is consistent with the NPS-UD, in King Salmon²⁶ the Supreme Court ruled that there was no need to refer back to Part 2. In this judgement the court set caveats, namely:

- The planning document is uncertain;
- The document has uncertain coverage; and
- There is uncertainty in the meaning.

299. In considering the caveats in that judgment, and applying them to the NPS-UD, I note the following:

- The application of the NPS-UD over this site has not been determined. The Draft Spatial Plan and the Draft District Plan give differing interpretations and there are qualifying matters that may affect how these will be implemented through the ISPP and Schedule 1 processes. As such there is no clear path as to how the NPS-UD will be implemented. Parts of the NPS-UD may not be valid for the subject site, or there may not be complete coverage.

300. As such I consider I am not prevented from providing an analysis against Part 2 of the Act and advise the commissioner to consider the purpose and principles in Part 2 of the Act and the purpose of the Act. In this I am bolstered by the RJ Davidson Family Trust v Marlborough District Council Supreme Court ruling²⁷, which emphasised ‘contemplation ‘ of Part 2, and that prohibition of consideration of Part 2 was not wholly intended.

Section 6 – Matters of National Importance:

301. Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this resource consent application. The proposed development is considered consistent with these matters, as follows:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

302. The site is also located on a stream margin. The area is already highly modified and aside from the stream bed, has little natural character on the banks or above. Earthworks have been conditioned to minimise the potential effects. While the banks of the stream, as identified in submissions, may be unstable, the construction is likely to assess the overall geotechnical aspects of the site in order to construct the building, and I consider the assessment of earthworks and riparian margins above not unfavourable to the proposal in these aspects. Overall, and noting the current environment and the measures recommended should the application be approved, I consider that the proposal is consistent with section 6(a).

²⁶ Supreme Court decision *Environment Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38

²⁷ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

303. No outstanding natural features or landscapes are contained within the site.

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

304. Vegetation on site is typical of a developed residential area and generally in poor condition. There is no noted significant vegetation in the location of the proposed building.

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

305. The proposed development is not in the vicinity of the coastal marine area, lake or river, whereby public access could be enhanced. While on the banks of the Porirua Stream, this is private land and does not have existing public access rights. Note that as this is not a subdivision there is no ability to create an esplanade reserve or strip.

(e) The relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other tāonga:

306. I am not aware that the site is within a statutory acknowledgement area or Māori Precinct in the District Plan. Furthermore, I see no indication that the proposed development will have impact on Māori relationship to their ancestral lands or sites.

307. However, a submission from Te Runanga o Toa Rangitira²⁸ has been received and this identifies the margin with the Porirua Stream, and the health of that stream, as an area of significance. Section 6(e) specifically lists water and taonga as a matter of national importance, and Ngati Toa state in their submission that they have not relinquished rights and interests over the streams flowing into Porirua Harbour, over which, the submission notes, the Ngati Toa Rangitira Claims Settlement Act 2014 applies.

308. Referring to that submission I note that the development does come in close proximity to the stream. Typically Council would not impose a condition for separation other than for a subdivision or excluding structures within 10m if an effect was determined. I also note that the area is heavily modified. I concur with the submission in as much as I consider it inappropriate that the development could impact on the stream, but earthworks and effects on riparian margins have been favourably assessed above, and the proposal will need further consent from Greater Wellington Regional Council. While I encourage the commissioner to note the submissions in this regard, in which case s6(e) has been met, I can only address potential effects, which I have done above.

(f) The protection of historic heritage from inappropriate subdivision, use, and development.

309. The proposed development does not include any work on historical areas or buildings.

310. Overall I consider that the proposal is **consistent** with section 6.

Section 7 – Other Matters:

²⁸ Refer submission #70

311. Section 7 includes matters that the consent authority shall have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(a) – Kaitiakitanga;

Section 7(aa) – the ethic of stewardship;

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment;

Section 7(j) – the benefits to be derived from the use and development of renewable energy

312. In regard to s7(a) a submission has been received from Iwi and is being taken into consideration. However in relation to s7(aa), as the submission notes, the lack of buffer with stream in the proposal should be shown to have, while not a necessarily positive effect, but not a negative effect.

313. In regard to efficient use and development of resources, I consider that the proposal is consistent with s7(b).

314. In regard to s7(c), it is noted that ‘amenity value’ is defined under section 2 of the Act as:

“Those natural or physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

315. For the reasons previously discussed in this report I have noted that amenity values, as they are currently considered, are not maintained and enhanced. In regard to whether the proposal ‘has regard’ to the ‘maintenance and enhancement’, of these values, I consider that the proposal is inconsistent.

316. In regard to section 7(j), I draw attention not to the lack of car parks, which may very well influence the uptake of public transport which may indeed use renewable energy, but the lack of facilities for the many options, such as electric cars, and limited space for bikes makes any action other than exclusion, or the impacts of lack of parking falling upon both the occupants and neighbourhood. While above I note that there is nothing to prevent the final design from incorporating specific features, this is not currently the case and as to whether the proposal has regard to the benefits from renewable energy, I consider this is not the case.

317. Overall I consider that there are matters in the proposal that are **not consistent** with s7 of the RMA.

Section 8 – Treaty of Waitangi:

318. The proposal does not raise any matters of significance under the Treaty of Waitangi that need to be taken into account when considering the application. Both Ngati Toa and Port Nicholson Trust have been informed of the proposal and a submission received in opposition.

Section 5 – Purpose of the Act:

319. The purpose of the Act is stated in section 5 - “*To promote the sustainable management of natural and physical resources*”. Section 5(2) goes on to state that sustainable management means:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

320. In assessing the compliance with s5, I refer back to ss6, 7 and 8. I am satisfied that ss6 and 8 have been met for practical consideration in relation to the proposal. Noting the inconsistency with s7 I note that, this section requires ‘particular regard’ to be had to the elements listed. Noting the hierarchy of the principles of the Act, I also note that there is no conflict to apply that hierarchy. Having regard for the matters in s6, I have asked whether this result in the proposal failing to meet the purpose of the Act.
321. Reading s5 in isolation, I consider the proposal to be consistent with section 5(2)(a) and 5(2)(b) of the Act, as the proposal will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by providing mixed use development that provide for housing and commercial activities within an area where this form of development is anticipated while, with conditions to ensure appropriate mitigation is implemented, not affecting the life-supporting capacity of air, water, soil and ecosystems. I note that the Urban Design Assessment also notes that proposal maximises the use of buildable space, although negative aspects have also arisen from this. Furthermore, I consider the proposal is consistent with section 5(c) in that it will ensure any adverse effects of the proposal will be avoided, remedied or mitigated. While inconsistent with s6, I note that the NPS-UD has recognised this matter, and accepted effects on amenity. While I consider that the proposal could be made to better meet s6, I concede that this in itself does not render the proposal contrary to the purpose of the Act, and many aspects of the proposal are very favourable to that purpose.
322. Overall I consider that the proposal is consistent with Part 2 and the purpose of the RMA.

CONCLUSION

323. In relation to the effects, these are assessed as being minor and more than minor, especially where those effects fall upon the neighbouring properties. These effects exceed those from a permitted baseline scenario to a significant degree, and exceed the expectations in the Operative District Plan.
324. In assessing the proposal against the policies and objectives of the Operative District Plan, the proposal is contrary and inconsistent to many, and in an assessment of the weighting of these policies based upon the specific language and instruction they designate, these policies are compelling. I note that it is difficult to be consistent with the objectives and policies where the effects are considered significant, especially when they impact amenity and character. Irrespective of this I conclude that the proposal is overall contrary to the objectives and policies.
325. Considering the advice from advisors, I note that the proposal is not supported by Transport or Urban Design. Aspects of the proposal located on legal road are also not supported by the landowner, and may not be able to be implemented irrespective of a Resource Consent. Additionally I note that more detail, potentially through conditions,

will be required before I consider that support can be provided from Wellington Water Limited.

326. I note that should the proposal be approved, it is likely that the current design may need to be altered, and potentially this may result in a need to reassess effects. This includes the requirement for servicing detail, detail of decks and flood flows, potential removal of the parking for scooters located on the street, lowering of structures to 1m within the legal road to ensure that visibility is maintained, amendments to the waste storage and bicycle parking to enable access and maintenance to the Council's stormwater main, and redesign of the landscaping to allow for access to the stream for maintenance.
327. As a result of the above, I do not consider that the proposal is able to pass the gateway test. Section 104D takes no account of higher order planning documents, and has not been changed by the NPS-UD. As the proposal does not pass this test, I am required to recommend that the proposal is declined.
328. Considering the NPS-UD, I consider that the proposal is generally consistent, and favourably meets the intent of that document. Similarly the Draft Spatial Plan, which has been compiled to indicate a direction of the future development of the city, is more accepting of the proposal. While it is not specific as to the actual housing on the site, pragmatism dictates that even if the type of housing specified in the Spatial Plan was not expected exactly on that site, it is likely that it could be expected nearby such that the effects will be more acceptable.
329. The MDRS is similarly more accepting, but a consent would still be required even if the standards were fully implemented across the site. However I consider that little consideration should be given to these standards, as it is uncertain, due to qualifying matters, whether the standards would be, or to what degree they would be applied, to the site. I consider that this introduces a degree of uncertainty to make application speculative only.
330. Similarly I consider that the Draft District Plan, having no statutory relevance, not notified and at a stage where submissions have not even been sought, should not be introduced into the process.
331. Noting the uncertainty above, I consider that an assessment of Part 2. Again I consider that the effects on amenity lead to my conclusion that the proposal is inconsistent with s6. On that strength this leads me to conclude that the proposal is not consistent with the purpose of the Act. However a broad assessment of s5 does add relevance to the efficiency and sustainability of the proposal.
332. While I consider that effects on amenity are relevant to an assessment under the Plan, that noting Policy 6 of the NPS-UD accepts effects on amenity will occur. If the NPS-UD is taken as in emphasis, then the proposal may be less inconsistent. However I consider that even in this instance the current form may be unacceptable. An amended design which addresses the most relevant effects would be required. The efficiency of development referred to in my assessment of s5 could be achieved with the addition of car parking, a lessening of the height and a step back from the most affected boundaries to minimise shading, overlooking and dominance. I note that this would also increase the acceptance under higher order documents.
333. I have concluded that the proposal **cannot be approved** by the council as it does not meet the requirements of the Gateway Test in s104D. There is no facility in the Act to allow for higher order planning documents to be considered. While higher order

documents appear more supportive, this is more due to the overarching purpose, and the proposal does not overwhelmingly meet the policies that implement that purpose. As with Part 2 of the Act, it is this broad overview that is favourable, and which could apply broadly across ,any proposals. As such I have to recommend to the commissioner that the proposal cannot be approved and be declined.

RECOMMENDATION

334. That the Hearings Commissioner, acting under delegated authority from the Council and pursuant to section 104D and 104B of the Resource Management Act 1991, **must decline consent** for the proposal to establish and use of a four story building containing 24 household units on the site at **292 Main Road, Tawa** (being Lot 1 DP 15312).
335. I note that my recommendation is based on the information provided to date. I reserve the right to reconsider this position, or any aspect thereof, should any new information or expert evidence eventuate prior to or at the hearing.



Daniel Wood
Senior Consents Planner
Resource Consents Team
Wellington City Council

APPENDICES

Appendix A	Application
Appendix B	Further Information
Appendix C	List of properties informed directly and letter
Appendix D	List of submitters and Summary of Submissions
Appendix E	Compendium of Submissions
Appendix F	Urban Design Report
Appendix G	Transport Report
Appendix H	Earthworks Assessment
Appendix I	Encroachment and Waste Management Comments
Appendix J	Wellington Water Comments
Appendix K	Recommended Conditions
Appendix L	Plans
Appendix M	Memorandum of Council Assisting the Hearing Commissioner in Response to Minute #3', dated 7 October 2021, attached to SR 475141

Appendix B

Appendix C

Address	Submission received?	Address	Submission received?
1 Nathan Street	Yes	15B Nathan Street	
2 Nathan Street	Yes	15C Nathan Street	
3 Nathan Street	Yes	16 Nathan Street	Yes
4 Nathan Street	Yes	18 Nathan Street	Yes
5 Nathan Street	Yes	18A Nathan Street	Yes
12 Hollyford Place		292A Main Road	
6 Nathan Street		Flat 1, 292B Main Road	Yes
7 Nathan Street	Yes	Flat 2, 292B Main Road	Yes
8 Nathan Street		2 McLellan Street	
8A Nathan Street	Yes	21 Kinnel Grove	
9 Nathan Street		3 McLellan Street	
10 Nathan Street		3A McLellan Street	
10A Nathan Street		4 McLellan Street	Yes
11 Nathan Street	Yes	5A McLellan Street	Yes
10 Taylors Road		16A Mexted Terrace	
12 Nathan Street		5B McLellan Street	
13 Nathan Street	Yes	P.O. Box 51 298	
47 Chester Road		1 Luckie Street	Yes
14A Nathan Street		1 Beauchamp Street	Yes
14B Nathan Street		20 Nathan Street	Yes
15A Nathan Street	Yes	6 McLellan Street	Yes

The following were also informed by email:

- Greater Wellington Regional Council
- Vibrant Tawa (Resident's Association)
- Ngati Toa (Te Rununga o Toa Rangitira)
- Port Nicholson Settlement Trust

15 March 2022

Address 1
Address 2
Address 3

Service Request No: 505203
File Reference: 1047685

Dear ,

***Public Notification of an Application for Resource Consent under
Section 95A of the Resource Management Act 1991***

I would like to bring to your attention the public notification of a Land Use Consent for the establishment and use of a four storey building containing 24 household units at 292 Main Road, Tawa. The application will be notified in the Dominion Post and Wellington City Council website (Have your say), on **Wednesday 16 March 2022**.

I have attached a copy of the public notice and a submission form. The full application can be viewed at the below locations during normal business hours:

- City Service Centre, 12 Manners Street
- Te Awe Library, 29B Brandon Street
- Johnsonville Library, 34 Moorefield Road
- Mervyn Kemp (Tawa) Library, 158 Main Road

You can also view or download the full application from the Council's website via:
<https://wellington.govt.nz/have-your-say/public-notices>

The attached Public Notice explains how to make a submission on the application. A submission form is available from Wellington City Council or from our website at:
<https://wellington.govt.nz/have-your-say/public-notices/resource-consent-submission-form>

The closing date for submissions is **5:00pm on Tuesday 12 April 2022**.

Yours sincerely,

Krystle Leen
Business Support
Resource Consent Team
Wellington City Council
Email: consent.submissions@wcc.govt.nz

Appendix D

Submissions have been received from the following parties within the submissions period.

#	Submitter	Address	Support/ Oppose
1	Keryn Campbell	8 Lane Crescent, Tawa	Oppose
2	Chad Oliver	61 Bell Street, Tawa	Support
3	Bronwyn Hutchison	2 Ranui Terrace, Tawa	Oppose
4	Lindsay Keats	14 Taylor Terrace, Tawa On behalf of 4 McLellan Street, Tawa	Oppose
5	Rosanna Basile	41 The Drive, Tawa	Oppose
6	Ben Bradshaw	22A Nathan Street, Tawa	Oppose
7	Leo Oligario	13 Rawson Street, Tawa	Oppose
8	Kelly Ruments	23 Ranui Street, Tawa	Oppose
9	Margot Southgate	167 Woodman Drive, Tawa	Oppose
10	Marie Silberstein	35 Allen Terrace, Tawa	Support
11	Janine Allen	St Johns Terrace, Tawa	Support
12	Rachel O'Shaughnessy	32A Tawa Terrace, Tawa	Oppose
13	Julia McHale	1 Achilles Close, Tawa	Oppose
14	Robert Howey	30 Ngatitua Street, Tawa	Oppose
15	Stuart Ashdown	39 Chester Road, Tawa	Oppose
16	Rodrigo and Analisa Doronila	1/292B Main Road, Tawa	Oppose
17	Christian Minga	11 Rawson Street, Tawa	Oppose
18	Joey Gastilo	2/292B Main Road, Tawa	Oppose
19	Michael Luke Santamaria	102 Oxford Street, Tawa	Oppose
20	Hazel Ancheta	4a Kowhai Street, Tawa	Oppose
21	Margaret Keats	4 McLellan Street, Tawa	Oppose
22	Jane Langham	66 Collins Avenue, Tawa	Neutral
23	Paul Clark	7 Luckie Street, Tawa	Oppose
24	Alex Koudrin	10 Thomas Hook Street, Tawa	Oppose
25	John Burnet	21 Kiwi Crescent, Tawa	Oppose
26	Nicola Carvey	Davidson Crescent, Tawa	Oppose
27	Shirley Brosnahan	31 Beauchamp Street, Tawa	Oppose
28	Hayden Wallace	326 Main Road, Tawa	Oppose
29	Sue Keats	62 Evans Bay Parade, Roseneath	Oppose
30	Noha Ibrahim	1/25a Olivia Crescent, Tawa	Oppose
31	Rocelle Obaldo	19 Ordley Grove, Tawa	Oppose

#	Submitter	Address	Support/ Oppose
32	Rhodora Zurbito	19 Ordley Grove, Tawa	Oppose
33	Rob Edgecombe	1 Beauchamp Street, Tawa	Oppose
34	Tony Law	5a McLellan Street, Tawa	Oppose
35	Jodie Crooke	7a Luckie Street, Tawa	Oppose
36	Neil King	11 Nathan Street, Tawa	Oppose
37	Graham Savell	18A Nathan Street, Tawa	Oppose
38	Bruce Murray	323 Main Road, Tawa	Oppose
39	David Barnard	20 Nathan Street, Tawa	Oppose
40	Robyn Parkinson	31 Collins Avenue, Tawa	Neutral
41	Tim Davin	4 Davies Street, Tawa	Oppose
42	Ian Robertson	11 Franklyn Road, Tawa	Oppose
43	Angus Crawford	4 Nathan Street, Tawa	Oppose
44	Carlo Jaminola	318A mMain Road, Tawa	Neutral
45	Richard and Vicki Jones	8a Nathan Street, Tawa	Oppose
46	Trevor Smith	15A Nathan Street, Tawa	Oppose
47	Steph King	37 Sunrise Boulevard, Tawa	Oppose
48	Graham Ellett	2 Nathan Street, Tawa	Oppose
49	David Smith	350 Main Road, Tawa	Oppose
50	John Pitchford	16 Lyndhurst Road, Tawa	Oppose
51	Trent Smith	59 Fyvie Avenue, Tawa	Oppose
52	Kerryn Palmer	14 South Street, Tawa	Oppose
53	Joao Gavazzi	286A Main Road, Tawa	Oppose
54	Richard Martin	3 Nathan Street, Tawa	Oppose
55	Anna Korsukova	18 Nathan Street, Tawa	Oppose
56	Tricia Jennings	10 Kilkelly Close, Tawa	Oppose
57	Adelle Murray	7 Nathan Street, Tawa	Oppose
58	Helen Annear	1/13 Luckie Street, Tawa	Oppose
59	Robert Tofts	7 Nathan Street, Tawa	Oppose
60	Vidhiya Damodaran	48 Raroa Road, Tawa	Oppose
61	Rachel Fogarty	5A Davies Street	Oppose
62	Sue Abraham	13 Nathan Street	Oppose
63	Ross & Delcye Chesney	1 Rossiter Street	Oppose
64	Angela Rutherford	2 Rawson Street	Oppose
65	Vicky Gibbs	56 Larsen Crescent	Oppose
66	David Leen	6 Luckie Street	Oppose

#	Submitter	Address	Support/ Oppose
67	David Do	1 Luckie Street	Oppose
68	Fire and Emergency New Zealand c/o Fleur Rohleder - Beca	PO Box 3942	Oppose
69	Liz Auchter	5a McLellan Street	Oppose
70	Robert McClean - Te Runanga o Toa Rangatira	Level 2, 1 Cobham Court	Oppose
71	John & Jannaj Dennison	1 Nathan Street	Oppose
72	Kieran Windsor	294 Main Road	Oppose
73	Oleg Melnikov	8 Chastudon Place	Oppose
74	Janet Webster	6A Rawson Street	Oppose
75	Grant Scherf	16 Nathan Street	Oppose
76	Megan Nott	14 Lincoln Avenue	Oppose
77	Avril & Michael Keller	6 McLellan Street	Oppose
78	Bruce & Sandie Gallagher	5 Nathan Street	Oppose
79	Mike Doragh	31 Raroa Terrace	Oppose
80	Jackson Lacy	36 Davidson Crescent	Support
81	Sharnee Escott	2/21 Collins Avenue	Oppose
82	Richard Herbert	8 Duval Grove	Neutral