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1. INTRODUCTION

1.1 Report Basis

1.1.1 This report has been prepared for Stainless Sports Ltd, in support of a subdivision consent in respect of a property located at Jervois Street, Dargaville. It has been prepared in accordance with the provisions of Section 88 of the Resource Management Act, 1991.

1.1.2 Section 88 of the Act requires that each resource consent application be accompanied by an Assessment of Environmental Effects (A.E.E.) outlining any actual or potential effects the proposed activity may have on the environment and the ways in which any adverse effects may be mitigated. The assessment is also expected to cover various related matters listed in the Fourth Schedule to the Act, including a description of the proposal, consultation with interested or affected parties and monitoring.

1.1.3 The report identifies relevant provisions in the Act along with the Operative District Plan that determine the activity status of the application.

1.2 Site Description

1.2.1 The proposal involves the subdivision of a 932m^2 title identified as Lot 2 DP 407743, comprised in CFR 427224. The site is located at 35Jervois Street, Dargaville. The site is a front site, with formed access available directly from Jervois Street which enters the property near the north-eastern corner.

1.2.2 Development on the site includes an old residential dwelling, in need of extensive renovations. There is an ancillary garage located adjacent to the north-eastern boundary. The dwelling is currently tenanted.

1.2.3 The site is located within an environment that is characterized by generally low-density residential living, although there are a number of site-specific exceptions to this where a higher level of density has been developed. Specifically, to the rear and slightly south west of the application site, a residential dwelling and 2x 2-bedroom units are located at 194 Victoria Street. At 49 Jervois Street there is a large Motel. Directly opposite the application site on Jervois Street is the Kauri Coast Community Swimming Pool and Dargaville Skateboard Park.

1.2.4 In terms of site size, at 993m^2 the application site is larger than the majority of all allotments located in the residential ‘block’ contained within Jervois / Onslow / Voctoria / Carrington Streets.

1.3 Proposal

1.3.1 This proposal is a joint land use / subdivision application, which seeks to subdivide the site into three allotments and construct three adjoining 2-bedroom residential units. The proposal has been designed in response to overwhelming demand for smaller residential units on easy care sites. The proposed allotment sizes are as follows:

Proposed Lot 1: 303m^2 (net) 366m^2 (gross)
Proposed Lot 2: 204m^2 (net) 248m^2 (gross)
Proposed Lot 3: 318m^2 (net / gross)

A preliminary plan of subdivision, and full set of site plans including elevations is contained in Appendix 1 of this application.

1.3.2 The existing dwelling and shed will be removed to accommodate the proposed development. A new vehicle crossing will be constructed at the north-western corner of the site, with a new access driveway running parallel with the western boundary servicing all three allotments. The shared access is identified as Rights of Way A, B and C on the preliminary plan of subdivision.

1.3.3 As the proposal will breech impermeable surface / site coverage rules, a stormwater assessment has been commissioned from Hawthorn Geddes. This report concludes that runoff from proposed impervious areas (including roofs and driveway) can be captured via site reticulation to a sub-base granular storage trench, with sufficient capacity to accommodate a 100year ARI event. Final discharge will be to the reticulated stormwater network adjoining the property. The Hawthorn Geddes report is included in Appendix 7 of this application. Previous consultation has been carried out in 2016 with Council's Senior Engineer at the time, Nadia de la Guerre, who has in principle approved the engineering aspects of the proposal.

1.3.4 As the proposal adjoins State Highway 12 (Jervois Street), approval has been obtained from the NZTA. An email from Bruce Hawkins confirming they have no concerns with the development is included in Appendix 6.

1.3.5 Water supply for each lot will be from the Council reticulated water service. Written confirmation is provided from Council's assets manager in support of this. Each site is located within 130metres of a fire hydrant and therefore the application complies with the urban firefighting requirements.

1.3.6 Each site will be connected to Councils reticulated wastewater system. Written confirmation has been provided from Councils assets manager in support of this.

1.3.7 As discussed, the proposal has been designed in response to overwhelming demand for this type of higher density residential development. This demand has largely come from the elder population, who are being forced to move out of Dargaville in order to down-size into manageable units on easy care section. Letters of support have been received from Real Estate companies confirming this demand. As the Kaipara District Plan does not provide for any form of higher density residential living, it is inevitable that a number of Rules and Performance Standards will be infringed.

2. DISTRICT PLAN STATUS

2.1 Operative Kaipara District Council Plan

2.1.1 The subject site is located within the Residential Zone, (Refer to Map Series One, Map 35). There are no site features applying to the property on Map Series Two.

2.1.2 The site is not identified as being flood susceptible on the flood hazard maps.

2.1.3 The proposal requires consent under the following rules:

13.11.1 – General Residential Subdivision

Subdivision within the Residential Zone is a Controlled Activity if it meets the following terms for subdivision:

(a) Every proposed allotment has a minimum net site area of 600m2 , where a connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); or

(b) Every proposed allotment has a minimum net site area of 3,000m2 , where no connection to reticulated wastewater infrastructure is available (excluding Network Utility Allotments); and

(c) The proposed subdivision complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter; and

(d) The proposed allotment is not within an Outstanding Natural Landscape, as identified in Map Series 2.

Assessment: The proposal cannot achieve net site areas of 600m^2, and will infringe several Performance Standards in Sections 13.10 and 13.14. The proposal is therefore assessed as a non-complying activity under Rule 13.9.5 as follows:

13.9.5 Non-Complying Activities

The following shall be Non-Complying Activities in the Residential Zone:

a) Any subdivision not in accordance with the Controlled, Restricted Discretionary or Discretionary Subdivision listed in Sections 13.11, 13.12 and 13.13 of this Chapter.

Chapter 13.10 Performance Standards Residential Land Use

13.10.7 – Setbacks

Any building is a Permitted Activity if it is located outside the following setback distances (yards):
a) Front yard - 5m;
b) Side yards – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;
c) Rear yards - 3m except on rear sites where one yard of 1.5m may be provided;
g) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).

Assessment: Building setbacks are indicated on the preliminary plan of subdivision in Appendix 1. The proposal can achieve all front, side and rear yard setbacks for all external boundaries with adjoining sites. As the proposed three-unit development will create adjoining residential units, there will be an internal boundary setback infringement only. (Note that Proposed Lot 3 will achieve a rear yard setback of 2.9metres. This is provided for as Lot 3 will be a rear site, and therefore a rear yard setback of 1.5metres could be achieved as a permitted activity).

Part (g) of the above rule requires buildings to be set back 300metres from the intersection of the State Highway and any local road. Any building located anywhere on this site cannot comply with this rule, in relation to the setback from both Onslow and Carrington Streets.

Activity Status: Restricted Discretionary.

The relevant matters to which Councils discretion is limited for this rule are addressed as follows:

(i)The outlook and privacy of adjacent and adjoining neighbours;
(ii) Extent of visual intrusion and dominance of any buildings from beyond the site, particularly from the road and public places including the Coastal Marine Area, and the effect on skylines and ridgelines;
(iv)Effects on the locality, particularly residential and natural character and amenity values;
(viii)Effects on public access;
(xi)Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained;
(xii)and The functional requirements of the building and activity

Assessment: In terms of the outlook and privacy of adjacent and adjoining neighbours, the proposal will achieve permitted setbacks on all boundaries that adjoin a separate residential allotment. In fact, the side and rear yard setbacks are comfortably in excess of the minimum permitted boundary setbacks. The only setbacks infringed are those on internal boundaries, created as the units will be adjoining. This of course will allow the building to have the general appearance of one large dwelling. The effects on the locality, particularly on residential amenity values, are considered to be less than minor.

With regard to the infringement caused by the setback of the dwelling to an intersection of the State Highway with a local road, this is a rule that very few dwellings located along Jervois Street can comply with. The NZTA have provided their written approval for the proposal.

13.10.8 Separation Distance for Noise Sensitive Activities

Any Noise Sensitive Activity (as defined in Chapter 24: Definitions) is permitted if:
(1) A 300m separation distance is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership:
c) Building used for an industrial or commercial activity;

Assessment: The proposed development will be located less than 300metres from the Kauri Coast Community Swimming Pool buildings. This is an existing situation where the current dwelling also does not comply with this rule – nor do a number of the dwellings along the Jervois Road frontage in this location.

Activity Status: Restricted Discretionary.

13.10.11 Private Open Space

A dwelling is a Permitted Activity if the private open space meets the following:
a) Is equivalent to 50% of the gross floor area of the dwelling;
b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter;
c) Is located on the east, north or west side of the dwelling;
d) Has direct access from the main living area of the dwelling;
e) Is unobstructed by vehicle access or parking areas; and
f) Is adequately screened from adjoining dwellings and adjacent sites, except in the case of reserves.

Assessment: Proposed Lot 3 can meet all criteria for this rule. A 5metre outdoor living circle is shown on the preliminary plan of subdivision, on the west side of the unit and accessible from the living area. Proposed Lots 1 and 2 can achieve a 4 metre outdoor living circle. Proposed Lot 2 will have open space of 42m^2, falling short of the 56m^2 required by part (a) for a dwelling of 111m^2.

Activity Status: Restricted Discretionary.

The relevant matters to which Council's discretion is limited are addressed as follows:

i) The on-site privacy and amenity of the occupants;
ii) The open space nature of the surrounding neighbourhood;

Assessment: Proposed Lot 3 has sufficient open space to comply with all parts of the above rule. Proposed Lot 2 can accommodate one circle of 4metres diameter, where a circle of 5metres diameter is required. Also, the available open space on Lot 2 that is accessible from the living areas of the dwelling will be approximately 42m^2. As the unit on this lot will be 111m^2, open space of 56m^2 is required by part (a). However, this unit is very generous in size, given that it is common for a 2-bedroom dwelling to have a floor area of around 80m^2. Therefore, 42m^2 is considered to be adequate in this instance, given that the number of occupants of the dwelling will be limited on the basis of this being a 2-bedroom dwelling.

Further, the entire north-eastern side of this allotment will be available, giving a functional shape which can be easily screened to provide good privacy options.
Proposed Lot 1 can accommodate a circle of xxxm^2 at the northern boundary. Although this fall slightly short of the 5metre circle requirement, there is generous total open space also available on the eastern and northern sides of the unit, with a total area in excess of 100m^2.
Again, as the dwellings will all be 2-bedroom units, and considering the total open space available on each allotment, the open space infringements are considered to be less than minor.

13.10.12 Permeable Surfaces

Any activity is a Permitted Activity if:
a) The area of any site covered by buildings and other impermeable surfaces is less than 40% of the net site area.

The total impermeable surfaces will be approximately 590m^2, or 63% of the total site area. It is considered to be appropriate to assess this rule in terms of the total site area, rather than 3 separate assessments of each proposed allotment. The reason for this is that the stormwater management will be designed to accommodate the whole development, rather than each unit separately. Drawing boundary lines on a plan does not affect the way the stormwater will behave or be managed.
Activity Status: Restricted Discretionary.
The relevant matters to which Councils discretion is restricted require specialist input and are assessed in detail in the Hawthorn Geddes Water Retention Report, and therefore they have not been repeated here.

13.10.13 Building Coverage

Any activity is a Permitted Activity if:
a) Building coverage on a site is less than 35% of the net site area.

The total building coverage over the site will be 35.9% as it will apply to the underlying allotment. Post subdivision, the coverage will be as follows:
Lot 1 – 37%
Lot 2 – 54%
Lot 3 – 35%
Activity Status: Restricted Discretionary.
The relevant matters to which Councils discretion is limited are addressed as follows:
i) The scale and bulk of the building in relation to the site;
ii) The existing built character of the surrounding neighbourhood;
iii) Effect on the open space nature of the surrounding neighbourhood;
iv) The availability of useable on-site outdoor living space;
Assessment: Again it is considered appropriate to assess this rule as it applies to the **underlying** site, rather than the three separate sites that will be created as part of the development. The reason for this is that the effects of creating boundary lines do not affect the appearance of the bulk of the building as observed from outside the site boundaries. In this regard, the coverage infringement is very minor. In terms of the existing

built character of the surrounding neighbourhood, the shape of the site is such that the ‘narrow‘end’ adjoins the road frontage, and consequently the ‘narrrow end’ of the proposed building will be the part that is easily observed from the road and footpath adjoining the site. The majoiryt of the bulk of the of the building will not be readily observed by passers by and therefore it is not considered to detract from the existing built character of the surrounding neighbourhood. Adjoining owners who will be most affected by these infringements (although it should be noted that these effects are assessed to be less than minor), have provided their unconditional written approval.

<u>13.10.25 Vehicle Access and Driveways</u>

Any activity is permitted if:

d) Each site shall be provided with and maintain a driveway to the following Standard:

- *Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or shared driveway (in accordance with 90th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standard);*

Assessment: Each proposed allotment will require one reverse maneuver onto the shared right of way to exit the site.

Activity Status: <u>Restricted Discretionary</u>.

The relevant matters to which Councils discretion is restricted are assessed as follows:

i) Whether and the extent to which the vehicle access and driveway meets the Performance Standards in Rule 13.10.25 or the Kaipara District Council Engineering Standards 2011;

ii) The provision of safe, practical access for all persons and vehicles likely to need access to the site, including pedestrian, cycle, disabled, vehicular;

iii) The expected vehicle operating speeds and methods of controlling vehicle speeds;

iv) The ease of access to and from, and within the site;

v) Adequacy of sight distances at the vehicle crossing and along the access;

vi) Possible measures or restrictions on vehicle movements in and out of the access;

vii) Possible adverse effects on Council infrastructure or adjoining properties;

viii)The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities on adjoining properties;

ix) Any traffic safety or congestion problems in the area;

x) Any foreseeable future changes in traffic patterns in the area;

xi) If a new access is being provided or modification of an existing access onto a State Highway, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency or New Zealand Railways Corporation is obtained;

xii) Whether and the extent to which the design of vehicle accesses and driveways meets the requirements of the NZ Building Code acceptable solutions C/AS1 Part 8.1 (Fire Service Vehicular Access);

The proposed unit development will create three 2-bedroom units. The level of associated vehicle movements for each unit is therefore considered to be slightly less than what could generally be anticipated for a 3 or more bedroom dwelling. The proposal will comply with all of the standards for vehicle access and driveways, other than reverse maneuvering onto the shared driveway. Councils development engineer

Nadia de la Guerre has previously assessed this proposal and did not have any concerns regarding this aspect.

13.10.27 Parking

Any activity is permitted if:

a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site;

b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards

Assessment: Each allotment will accommodate one car park. Appendix 25c requires the provision of 2 carparks per dwelling.

Activity Status: Restricted Discretionary

The relevant matters to which Councils discretion is limited are assessed as follows:

i) The nature of street or service lane access available to the proposed parking and/or loading facilities;

ii) The provision which can be made for parking and/or loading facilities for the proposed land use on an adjacent site;

iii) The adequacy of public parking and/or loading facilities in the immediate vicinity of the site;

iv)The nature of any special landscaping or pedestrian design features to be developed on the site;

vi)The size and number of vehicles expected to use the site;

Assessment: Again, as each proposed dwelling will be a 2-bedroom unit, the number of vehicles that will require parking spaces is expected to be less than what could generally be anticipated for a 3 or more bedroom dwelling. There is generally no shortage of available public car parking on Jervois Street adjacent to the application site. Again Council's development engineer Nadia de la Guerre has assessed the proposal and is comfortable with this aspect of the proposal.

Chapter 13.14 Performance Standards for All Residential Subdivision

13.14.2 Road, Private Way Formation and Property Access

The design and layout of the subdivision provides for, and takes into account:

(1) Property Access

c) Vehicle access and driveways comply with Rule 13.10.25;

As assessed above, the proposed access cannot comply with Rule 13.10.25, as reverse manoeuvring onto the shared driveway will be required.

Activity Status: Discretionary

2.1.4 Overall, the application is assessed as a non-complying activity as this is the most restrictive activity classification applying to the proposal.

2.2 Objectives and Policies

2.2.1 The Objectives and Policies contained within Chapter 13, Residential, that are relevant to the proposal, are identified below:

13.5 Residential Objectives

13.5.1 To maintain and where appropriate enhance the amenity values of the residential environment.

Comment: The application site is located within a residential environment, with residential development already well established in the area. Although the proposal will infringe a number of Performance Standards for Residential Land Use, these infringements are very minor, with the difference between the permitted activity standards being only negligible. In other words, the effects of these minor infringements are unlikely to be felt beyond the boundaries when compared to what could be achieved as a permitted / controlled activity. The proposed 3 unit development will be contained within one roof line, and for all intents and purposes will be perceived as one dwelling when viewed from the road or other public areas. Of particular importance, all setbacks with adjoining site boundaries will be easily achieved, so that the overall appearance of density and open space remains appropriate for the location. In terms of positive effects, the proposal will create three brand new unit (which will appear as one), replacing a run-down old dwelling which is in need of extensive repairs. Therefore, the street appeal will be improved as a result of the proposal. The amenity values of the residential environment in this instance are considered to be enhanced.

13.5.2 To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments.

Comment: Each site will be connected to Council reticulated stormwater, water and sewer services. Specialist reports have been obtained with regard to stormwater disposal, which the a 100 year ARI able to be accommodated for.

13.5.4 By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g. building location, earthworks and vegetation clearance).

Comment: The proposal can meet the permitted activity criteria for the majority of the residential performance standards, with any infringements being very minor to the point of being negligible. The residential amenity of Jervois Street is therefore not considered to be affected by the proposal. The District Plan does not provide for any higher density residential development whatsoever, despite the high demand for this type of housing, and therefore it is not surprising that not all performance standards are able to be met by the proposal.

Council's engineer has conducted an initial assessment of the proposal and has confirmed that the development is feasible from an engineering perspective.

13.5.6 To maintain sites and buildings during development to avoid adverse visual amenity effects.

Comment: The construction works required to complete the development are not considered to be significant and will be temporary in nature. Earthworks to facilitate the building site and access will also be minimal (approximately 50m^3). All adjoining property owners have provided their written approval for the proposal.

13.6 Residential Policies

13.6.1 By requiring subdivision and development to avoid adverse effects on the outlook and privacy of adjoining properties, while being compatible with the character and amenity of the surrounding environment.

Comment: As with objective 13.5.1 – The proposal seeks to continue a residential land use over the site which is to be expected given the residential zoning of the land. The residential land use will be compatible with the character and amenity of the surrounding environment. The proposed development can achieve all permitted setback distances with adjoining properties. Adjoining property owners have all provided their written approval.

13.6.2 By requiring activities in residential areas to be sited, designed and operated in such a way that avoids, remedies or mitigates adverse noise and traffic effects on health, safety and amenity values.

Comment: The proposal will not generate any nuisance effects and will simply retain a residential land use in an established residential location.

13.6.3 By requiring subdivision and development to demonstrate adequate service provision (including maintenance), and ensure the costs of any service provision or upgrades are borne by the development.

Comment: Each site will be provided with a connection to Council reticulated water, stormwater and sewer systems. No new roads are required, with each lot to be provided with access via a shared right of way. All service connections and access will of course be completed as part of the subdivision.

13.6.4 By encouraging, where practicable, the use of integrated catchment management design solutions for stormwater and wastewater infrastructure.

Comment: Stormwater attenuation and disposal will be designed to accommodate the development as a whole. The stormwater management report details a management system which results in post development flows being no greater than those of pre-development.

13.6.6 By directing residential development to appropriate locations adjacent to existing settlements, rather than allowing sporadic development throughout the rural environment.

Comment: The application site is located within an existing residential environment. There are a number of higher density residential developments also existing in the area. The proposal seeks to provide higher density residential living, and while this is not provided for in the

District Pan, there is high demand for this type of housing where small units are located on easy-care sections.

13.6.7 By requiring subdivision and development to demonstrate how the effects of earthworks and vegetation clearance can be avoided, remedied or mitigated.
Comment: Earthworks required to complete the development are minimal (approximately 50m^3), and no vegetation clearance is required.

13.6.13 By requiring the provision of safe and practicable vehicular access from a public road to each site.
Comment: The proposed right of way will comply with the relevant KDC Engineering Standards. Although reverse manoeuvring onto the shared driveway will be required for vehicles exiting the site, this is not considered to create any safety issues as the driveway is straight, with full visibility along the entire length, and a very low operating speed as it has a limited length of approximately 30 metres.

Overall, the proposal is considered to be consistent with all relevant objectives and policies of the District Plan.

3. ASSESSMENT OF ENVIRONMENTAL EFFECTS

3.1 Effects on Residential Character and Amenity

3.1.1 This application seeks to subdivide a residential site into three allotments, with associated construction of three adjoining residential units. The application site is located within an established residential locality, and currently accommodates an old dwelling in need of extensive repairs.

3.1.2 The proposal will be a non-complying activity as it will fall well short of the minimum lot sizes provided for as a controlled activity for residential subdivision. The District Plan makes no provision for higher density residential living, as proposed by this application. Inevitably, a number of land use infringements are also generated. However, the infringements that relate to the control of bulk and location are very minor to the point where they are considered negligible, as the difference between the permitted activity standards and those created by the development are very small. For example, the building coverage generated by the proposal will be 35.9% over the underlying site, which is only marginally greater than the 35% permitted activity threshold. This minor infringement will not result in any perceptions of inappropriate density, relative to what could be created as a permitted activity.

3.1.3 The only setback infringements created by the proposal are internal, created as the three units will be adjoining. These infringements will not

result in any density effects, and all side, front and rear yard setbacks with adjoining properties can be easily achieved. In this regard, an appropriate level of open space around the exterior of the dwellings is maintained.

3.1.4 The proposed units are adjoining and all contained within one roofline. Accordingly, the external appearance will be one of a single large residential dwelling. The building will be single storey and is not considered to be dominant or visually intrusive from beyond the site boundary. The associated residential land use is anticipated and provided for within this environment. Given that the proposal will facilitate the construction of three brand new dwellings, which will appear as one building, in place of a rundown older building which cannot be repaired to appropriate standards, the proposal is considered to enhance the residential amenity of this location.

3.2 Traffic and Access

3.2.1 The proposal will require the relocation of the existing vehicle crossing to the north-western corner of the site. NZTA have provided their written approval for this.

3.2.2 Each site will require to reverse maneuver on to the shared driveway to exit the site. The effects of this are considered to be less than minor, as there will be full visibility available along the full length of the right of way, and it will have a very limited speed environment. Further, the proposal is likely to generate less vehicle movements than what is generally expected for residential land use, as each unit will only have 2 bedrooms.

3.3 Effects on Adjoining Owners

3.3.1 The proposal will generate a residential land use that is anticipated for this location. All required setbacks with adjoining properties are easily achieved. As discussed, the effects of other rule infringements are expected to be negligible. Notwithstanding, the written approval of all adjoining property owners has been obtained.
Written approvals have been obtained from the following properties:

- 33 Jervois Street
- 37 Jervois Street
- 198 Victoria Street
- 198A Victoria Street

3.3.2 In accordance with Section 104(3)(a) of the Resource Management Act, 1991, the consent authority must disregard any effect of the proposal on these property owners.

3.4 Positive Effects

3.4.1 The proposal will replace an existing rundown dwelling, which cannot be renovated to an acceptable standard, with three new dwellings with enhanced street appeal. This is considered to result in a positive effect as it will contribute to the enhancement of the residential amenity of the area.

3.4.2 Whilst not strictly considered an 'effects assessment', the proposal has been designed in response to overwhelming demand for higher density housing. There is very little available in the Dargaville township in the way of 2-bedroom dwellings on easy care sections, with this type of development in high demand by the elderly in particular. The proposal is supported by several real estate companies who have first hand experience of this particular housing shortage.

3.5 Precedent

3.5.1 On the basis that the application is for a non-complying activity, an assessment of precedent effects is required, to establish whether or not the integrity of the District Plan would come in to challenge if the application is approved.

3.5.2 In this case, the Non-complying Activity status should not be a cause for excitement or alarm. Issues of plan integrity – in the sense that granting consent to this proposal could open the door for further similar proposals, are an argument that can rarely withstand scrutiny when measured against the provisions of the RMA. The RMA specifically provides that if a proposal is not contrary to the Objectives or Policies of the Plan, or has adverse effects that are no more than minor, then it shall be considered on its merits. This application is clearly consistent with the objectives and policies of the plan, and the effects generated by the proposal are assessed to be less than minor, and will in fact be positive in relation to some aspects of the proposal.

3.5.3 Notwithstanding the above, the application site, and elements of the proposal, includes aspects that generate a point of difference that set this proposal apart from potential similar cases. In particular, the shape and size of the site is such that it is able to accommodate the proposed development with few land use rule infringements. The site is larger than the majority of residential allotments within Dargaville. The site is also very

slightly wider than most other allotments, allowing the proposal to achieve side boundary setbacks, which other sites could not. Further, the proposal, if approved, will result in an enhanced streetscape, with the old rundown dwelling to be replaced with a new development.

4. OTHER MATTERS

4.1 Consultation and Notification

4.1.1 As discussed, the written approval of all adjoining property owners has been obtained. The NZTA have also provided their written approval, on the basis that the application site adjoins State Highway 12 (Jervois Street).

4.1.2 We respectfully request that the application be processed on a non-notified basis, as the effects on the environment are assessed to be less than minor, and the proposal is consistent with the objectives and policies of the District Plan. There are no special circumstances that would warrant notification.

4.2 Financial Contributions

4.2.1 Financial contributions will be payable for 2 additional allotments / dwellings.

4.3 National Environmental Standard for Contaminated Soils

4.3.1 The proposed activity involves the subdivision of land, and therefore assessment against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) is required.

4.3.2 As outlined in the NES guidelines, a site is considered to be actually or potentially contaminated if an activity or industry described in the Hazardous Activities and Industries List (HAIL) has been, or is currently being undertaken on that land. In order to establish whether or not the site currently is, or has previously been used for an activity that may potentially contaminate, anecdotal evidence has been gathered from the landowners and a review of aerial photography has been carried out.

4.3.3 The owners of the site have not identified any of the items on the HAIL as applying to the subject property, either currently or historically. On this basis, it is considered to be highly unlikely that there will be a risk to human health if the subdivision takes place, given that there is no

evidence to suggest that an activity or industry described in the HAIL has been undertaken on the site.

4.3.4 A Council site search for potentially contaminated land has also been carried out, which did not find any evidence of contamination.

5. RMA PART 2 ASSESSMENT

5.1 Applications considered under Section 104(1) are subject to Part 2 of the RMA. Section 5 sets out the purpose of the Act. Section 6 sets out the matters of national importance that shall be recognised and provided for in achieving the purpose of the Act. Section 7 deals with other matters that regard shall be had to in achieving the purpose of the Act. Section 8 deals with Treaty of Waitangi matters that shall be taken into account in achieving the purpose of the Act.

5.2 The purpose of the Act, as stated in Section 5(1) is to promote the sustainable management of natural and physical resources. Section 5(2) of the Resource Management Act, 1991 defines sustainable management as: "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 wellbeing and for their health and safety while – (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and (c) Avoiding, remedying any adverse effects of activities on the environment" The proposed subdivision is consistent with the purpose of the RMA for the following reasons:

- The subdivision enables the efficient use of resources, by providing three adjoining units on what is currently one residential site.
- The subdivision does not compromise existing residential amenity values, and will enhance the streetscape of the area by replacing an old dwelling with three new dwellings.
- The proposal provides for the social well being of people and communities, by providing additional housing in response to identified demand.

5.3 The proposal does not offend any matters of national importance in Section 6 of the Act, or any of the other matters set out in Sections 7 and 8. In conclusion, Dargaville is desperately in need of this type of housing,

and this development can be accommodated with less than minor effects on the environment and on the residential amenity of the area.

6.0 Section 104(D) Assessment

6.1 Section 104(D) of the RMA outlines the particular restrictions for non-complying activities which Council must consider when determining an application with this status. The application is assessed against S104(D) as follows:

(1)…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

6.2 With reference to the decision-making criteria of Section 104D of the Act, the application may be approved because of the following key reasons:

- The potential effects relating to the proposal are assessed to be less than minor, and include a positive effect with the enhanced residential amenity which the proposal will contribute to, by providing a new building in place of an old run down one.
- The application is not contrary to the objectives and policies of the District Plan, as it will not affect residential amenity, and the development is feasible from an engineering perspective.

6.3 The application therefore clearly passes both parts of the Section 104(D) test, and can be considered favourably by the consent authority.