

Kāinga Ora – Homes and Communities

To establish a housing complex consisting of 24 residential units



29 Hamilton Street, Gore

Resource Consent Application and
Bylaw Exemption Application to the
Gore District Council



Planz Consultants

Quality Assurance Statement:

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APPLICATION FOR RESOURCE CONSENT
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: the Gore District Council

1. **Kāinga Ora – Homes and Communities** applies for **resource consent (land use)** for the following activity:
To establish a housing complex consisting of 24 residential units.
Land use consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
2. **Dispensations are also sought for Transport and Servicing matters under the Gore District Council Subdivision and Development Bylaw.**
The proposal is more fully described in the attached AEE and plans which form part of this application.
3. The site at which the proposed activity is to occur is as follows:
Address: 29 Hamilton Street, Gore
Legal Description: Lot 3 DP 391234 and Lot 9-10 DP 1219
Area: 7,683m² (more or less)
4. The name and address of the owners and occupiers of the land to which the application relates are:
Housing New Zealand Limited
PO Box 2628
WELLINGTON 6140
5. If an activity or industry on the Hazardous Activities and Industries List (HAIL) is, or has occurred, on the site, the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health (NES Soil) applies to proposed soil disturbance and/or land development activities. Soil sampling and analysis for contaminants was undertaken at the site in connection with the proposed development. The investigation concludes that the NES Soil will apply to the development and that resource consent will be required as a **controlled activity**. A copy of the Soil Sampling Report is contained in **Appendix 1** and assessment of the proposal against the NES Soil is contained in this application.
6. A separate subdivision consent application will be submitted to Council for processing.
7. Any additional resource consents from the Regional Council needed for the proposal to which this application relates will be applied for separately.
8. In accordance with the Fourth Schedule of the Resource Management Act 1991 (as amended 3 March 2015), an assessment of the environment effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment is attached.
9. No other information is required to be included in this application by the district/regional plan, the Resource Management Act 1991, or any regulations made under that Act.

10. All Council fees will be paid directly by Kāinga Ora-Homes and Communities on receipt of the Council's invoice.



Tim Joll

Planz Consultants Limited

On behalf of **Kāinga Ora-Homes and Communities**

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- * Planz Consultants Limited accepts no liability for any Council costs or charges. Invoices for all such work are to be sent to the Applicants address above for billing.

Resource Management Act 1991

Fourth Schedule

Assessment of Effects on the Environment

1 Introduction

Kāinga Ora – Homes and Communities apply for resource consent (land use) to establish a housing complex consisting of 24 new residential units at 29 Hamilton Street, with associated landscaped areas, a shared vehicle and pedestrian access and onsite car parking areas. The existing building and carpark will be removed to accommodate the proposed redevelopment.

Land use consent is also applied for under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Dispensations are also sought for Transport and Servicing matters under the Gore District Council Subdivision and Development Bylaw.

As part of the proposed development, it is proposed to vest a new road with Council. The proposed public road will function as a local road- residential. The road will support low traffic volumes and speeds and provide connectivity suited for residential access and walking and cycling. The proposed public road will connect to Hamilton Street. The plans show a single traffic lane in each direction, a footpath on either side, and intermittent indented parking bays. The proposal allows for either the common area to be vested as a local purpose reserve to Council, or for the Applicant to manage the reserve.

A copy of the Records of Title (for the combined site) is contained in **Appendix 2** and the proposed redevelopment plans are contained in **Appendix 3** and the proposed landscape plans are contained in **Appendix 4**.

1.1 Background

1.1.1 Kāinga Ora-Homes and Communities

Kāinga Ora – Homes and Communities (Kāinga Ora) is a Crown entity established under The Kāinga Ora – Homes and Communities Act 2019. Kāinga Ora is the Government’s primary housing and urban development delivery arm, focused on providing public housing principally for those most in need, and initiating or undertaking urban development.

1.1.2 Consent History

The existing three titles were created by a subdivision consent approved in August 2006 (SC 10/2006).

A land use consent was granted in December 2012 to erect a 7.5m high guitar on the site (LU 2012/30).

1.1.3 Stormwater Attenuation Dispensation Application and Treatment

On 21 April 2023, the Council advised that the request for dispensation from the requirement to install a minimum of 3000 litre rainwater tanks under clause 4.2.4 of the Council’s Subdivision and Land Development Bylaw 2019 (the Bylaw) has been declined.

The Applicant's engineers, Calibre have advised that "the plans are preliminary design to support the land use consent application. Their purpose is to show that the site can be serviced but the Bylaw is very detailed on requirements for the design and the design has not been progressed to the level to show all these requirements".

With regards to any further dispensation, they consider that the design should be completed and all dispensations that are needed for the completed design applied for in one application as part of the engineering approval process.

In terms of stormwater treatment, the Council confirmed that the Hynds Downstream Defender, First Defence High-Capacity System or Stormwater 360 Cascade Separator designed to treat the first 25 mm of rainfall or rainfall intensity of 5 mm/hr would be acceptable treatment for the proposal.

1.2 Pre-Application Discussions

A formal pre-application meeting was held with Council staff at the Council officers on 25 January 2023 where the initial concept was presented and discussions were held on density, transport matters, servicing, and flooding. A copy of the minutes from this meeting is contained in **Appendix 5**. Further discussions were held with Council staff via Teams on 20 February and 26 April 2023 where the amended proposal was presented to staff and feedback sort on the scale and design of the proposal as well as transport, servicing and flooding matters. The submitted plans seek to incorporate, as far as practicable, the feedback received from Council staff.

1.3 Purpose of this Report

The purpose of this report is to provide the Council with the information required in order to obtain resource consent and bylaw dispensations for the proposed housing complex on the application site.

2 Site Description

2.1 Application Site and Surrounds

The application site is held in three titles and has a combined area of 7,683m². The site on the southern portion of Hamilton Street, in East Gore.

The site has historically been occupied by a building that was the Longford Tavern and Bottle Store, a function centre and the Gore Country Music Clubrooms. The building was located in the eastern area of the site. Demolition works on the building began in February 2023. The remainder of the site is occupied by landscaping and car parking. The site also features a vehicle crossing onto Hamilton Street, providing access to the car parking area. A right-of-way access is also located to the south-east of the site, providing access to Oxford Street.

The site is in the land block bounded by Wentworth Street to the east, Hamilton Street to the west and Oxford Street to the south.

The surrounding area is predominantly residential, with the majority of existing buildings being single storey, standalone dwellings on single sites. There are some examples of two-storey residential dwellings within the vicinity of the site, including at 31 Hamilton Street (immediately north of the site).

There is a Recreation Reserve 400m to the south of the site along Hamilton Street, while Hamilton Park is approximately 700m to the south-east.

The site is located within proximity to a number of commercial, retail and community services. The Gore commercial and retail centre is approximately 2.1km south-west of the site, while Gore Hospital is 2.7km to the south-west. East Gore School is 300m to the north-west and Gore Main School is 2.2km to the south-west.



Figure 1- Application site (outlined red) and notable surrounds

3 Proposal Description

3.1 Overview

The applicant seeks to establish twenty-four housing units and intends to remove and replace the existing building and car parking to enable redevelopment.

The proposed residential complex will consist of 24 units, as shown in **Figure 2** below, and in further details in the accompanying plans contained in **Appendix 3**. The proposal consists of a mix of 12 single-storey and 12 two-storey unit duplexes. A combination of standalone units and duplexes is also proposed. The mix of units is as follows:

- 7 x 1 bed dwellings.
- 10 x 2 bed dwellings.
- 4 x 3 bed dwellings.
- 2 x 4 bed dwellings.
- 1 x 5 bed dwellings.

The floor areas of the proposed units are as follows:

| Units | Total Area | Bedroom No: |
|-------|-------------------|-------------|
| 1 | 118m ² | 3 beds |

| | | |
|---------|-------------------|--------|
| 2 | 112m ² | 3 beds |
| 3 | 105m ² | 3 beds |
| 4 - 11 | 80m ² | 2 beds |
| 12 | 112m ² | 3 beds |
| 13 | 132m ² | 4 beds |
| 14 | 132m ² | 4 beds |
| 15 - 21 | 52m ² | 1 bed |
| 22 | 80m ² | 2 beds |
| 23 | 80m ² | 2 beds |
| 24 | 157m ² | 5 beds |

The mix of building typologies and varying floor areas and numbers of bedrooms allows the development to be capable of housing individuals, couples and families of different sizes and needs. Each unit will have an open plan living area at the ground floor containing the kitchen, dining and living areas. The single-storey units each contain open living, dining and kitchen areas. The upper floors of the two-storey units include bedrooms, bathrooms and storage areas.

All units have direct access to private outdoor living areas, which range in size from 32m² (including deck areas) to 135m² (including decks).

The maximum height of the proposed two-storey residential units will be 8m.

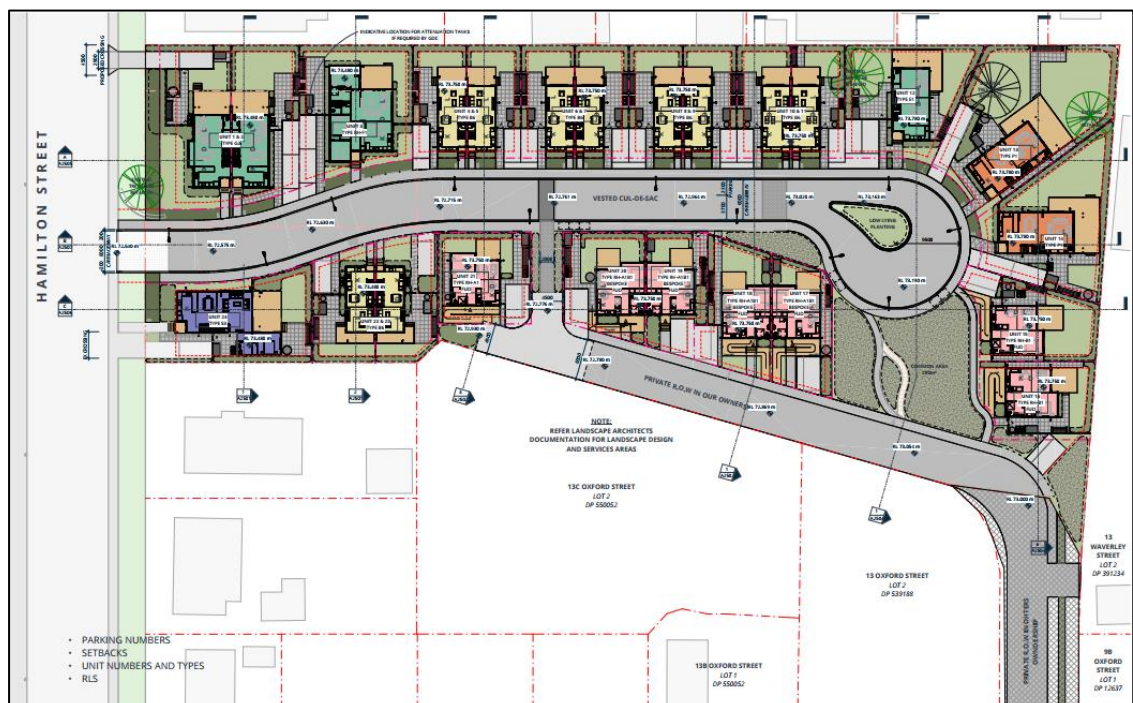


Figure 2 – Proposed development at 29 Hamilton Street, Gore (extracted from application plan in **Appendix 3**).

Each unit has access to a utility/service area, which can accommodate private bin storage, a shed and a clothesline. Further detail of the outdoor areas is contained in **Section 4** below.

30 on-site car parking spaces. Each unit will be provided with at least one car parking space including their own access and vehicle crossing (Unit 1, 2, 3, 12, 14 & 24 will each be provided with two parking spaces).

Cycle parking is provided for every unit in on-site sheds.

18 Units¹ will be served by a new vested cul-de-sac road from Hamilton Street. This will include a 6.0m carriageway width (kerb to kerb) set within an 11.0m reserve. A 1.4m footpath will be provided along both sides. The cul-de-sac bulb has a diameter of 19m (kerb to kerb).

6 Units² will be served from an existing right-of-way (ROW) from Oxford Street. This will include a minimum trafficable width of 6.0m and a footpath along one side. A hammerhead turning design is provided at the far end.

The proposal will include a mixture of fencing styles and heights (ranging from 0.9m – 1.8m) as demonstrated in the landscape plans contained in **Appendix 4**, the fences will also have variations in the extent of permeability depending on whether the fence is to be screening outdoor living areas or bin storage areas.

A comprehensive landscaping plan has been prepared for the development and includes the planting of a minimum of 42 small and large specimen trees, the retention of 4 existing trees as well as shrubs and lawn areas. The planting of these specimen trees and shrubs will include plants set out in the plant palette, attached as **Appendix 4**.

Overall, the proposed landscaping will achieve a total planting area of 2,484m² which is approximately 32% of the site area.

As noted earlier, the proposal allows for the 280m² common area, to the south of the head of the cul-de-sac, to be either vested as a local purpose reserve to Council, or for the Applicant to manage the reserve.

With regards to attenuation, the development provides for three options:

- Option 1 – Use attenuation tanks only – provisions has been made for a mix of 1,000 litres and 2,000 litre tanks;
- Option 2 – Using piped systems only;
- Mix of Option 1 and 2.

Each of these options has been discussed with the Council's Three Waters Team. It is proposed to submit the final design to Council for certification prior to works commencing on site. A condition of consent is offered in Section 10 below to achieve this.

The total earthworks required on site have been calculated and are contained in the Earthworks Plan prepared by Calibre and attached as **Appendix 6**. The expected volume of earthworks are as follows:

- total cut volume: 647m³
- total fill volume: 1,318m³
- maximum cut depth: 0.8m
- maximum fill depth: 1.3m

¹ Including Units 1-15, 22-24.

² Including Units 16-21.

A full copy of the earthworks plan is contained in **Appendix 6**.

As noted above, the proposed development is subject to a separate subdivision application. The proposed scheme plan is shown in Figure 3 below:

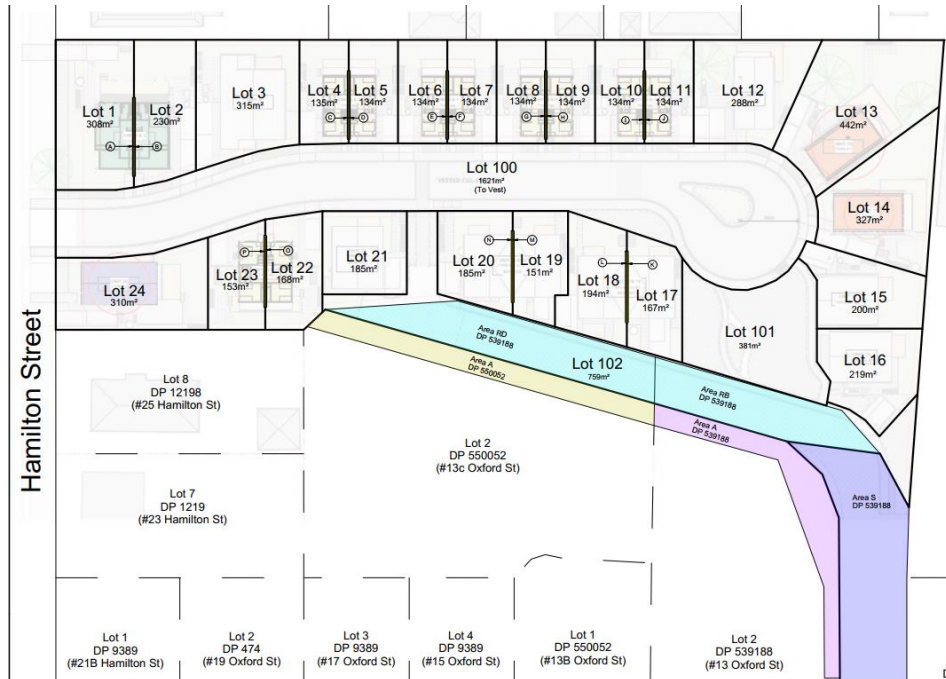


Figure 3 – Proposed Scheme Plan for 29 Hamilton Street, Gore

4 Gore District Plan Assessment

4.1 Zoning

The application site is zoned ‘Residential A’ in the Gore District Plan. The site is located within the ‘Mataura River Floodplain’, and is therefore ‘prone to flooding subsequent to a stopbank breach or stopbank overtopping’. The zoning of the site and its surrounds is shown in **Figure 4** below.



Figure 4- Zoning of the site (red outline) in the Gore District Plan.

4.2 Compliance Assessment

The Plan rule interpretation set out below is that of the author and is not in substitution of the Council’s own assessment of the proposal, nor is it a restriction on the matters resource consent is being sought for. Resource Consent and Bylaw Exemptions are applied for the proposal as described in the “Proposal Description” set out above in Section 3 of this AEE, including all attached plans and other technical information submitted in support of the application. Resource consent is applied for the rule infringements described in this application, and any other resource consents necessary, whether specifically identified or not, to allow the proposal to be established, maintained and operated.

As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this Assessment of Effects on the Environment (AEE), it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE. Furthermore, should Council be of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under section 104(5) of the RMA to process the application regardless of the type of activity that the application was expressed to be for.

| Rule | Assessment | Activity Status |
|---|---|------------------------------|
| Chapter 4 – Land use activities | | |
| <p>Rule 4.2 Permitted activities</p> <p>4.2.1 General Rule (2) Residential A zone (e) Land Development; (f) Residential Activity: (i) on site located within 30 metres of the Council’s reticulated sewerage system: (a) equal to or exceeding 400 square metres in area;</p> <p>Rule 4.2.3 Restricted Discretionary activity The following land use activities are a restricted discretionary activity: (2) Residential A zone Residential Activity on a site located more than 30 metres from the Council’s reticulated sewerage system that has an area of less than 2,000 square metres.</p> <p>Rule 4.2.4 Discretionary activity Any land use activity that: (1) does not comply with Rule 4.2.1 or Rule 4.2.2; and (2) is not otherwise explicitly provided for as a permitted, controlled, discretionary, non-complying or prohibited activity by any other rule in this Plan is a discretionary activity.</p> | <p>The reticulated water network serves the site and a 150mm pipe connects the site to the Council wastewater system.</p> | <p>Complies</p> |
| <p>Rule 4.5 Noise</p> <p>4.5.1 (1) Noise limits in residential zones</p> | <p>The proposal relates to a housing development, where the activities to be</p> | <p>Not Applicable</p> |

| | | |
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| <p>On any day:</p> <p>7.00 a.m. to 10.00 p.m. 55 dBA Leq</p> <p>10.00 p.m. to 7.00 a.m. 40 dBA Leq</p> <p>10.00 p.m. to 7.00 a.m. 75dBA Lmax</p> <p>Measured: Residential zones at any point in any other site.</p> <p>(2) Exemptions on noise limits in rural and residential zones</p> <p>The standards set out in (1) above shall not apply:</p> <p>(b) Where activities conducted are of a normal domestic nature including recreational activities, such as sporting events and which do not involve powered motorsport, powered aviation, gunfire or amplified music.</p> | <p>conducted will be normal residential activities, as such the noise limits do not apply as by Rule 4.5.1 (2) (b).</p> <p>Construction noise will comply will relevant standards.</p> | |
| <p>Rule 4.6 Lightspill</p> <p>4.6.1 (1) All activities shall comply with the following standards:</p> <p>(a) Rural and residential zones</p> <p>The emission of lightspill and/or glare measured at the boundary of the site of the emission, does not exceed: 7.00 pm – 7.00 am – 5 Lux</p> | <p>The emission of lightspill and/or glare measured at the boundary of the site of the emission, will not exceed: 7.00 pm – 7.00 am – 5 Lux. The Applicant is happy to accept a condition of consent to this effect.</p> | <p>Complies</p> |
| <p>Rule 4.7 Daylight Admission</p> <p>4.7.1 (1) Any structure, or production forestry where the contiguous land is not held in the same Certificate of Title, or heaps of material, shall comply with the following standards:</p> <p>(b) Residential zones</p> <p>No building or other structure shall extend beyond the recession plane calculated from Diagram 4.2, measured from the boundary of the site.</p> <p>(2) Any land use activity that does not comply with (1) above is a restricted discretionary activity.</p> | <p>Units 22, 23 and 24 intrude through the 35 degree recession plane on the southern boundary.</p> | <p>Restricted Discretionary (Rule 4.7.1 (2))</p> |
| <p>Rule 4.7A Yards</p> <p>4.7A.1 (3) Residential Zones:</p> <p>(a) The following yards shall be provided adjacent to property boundaries:</p> <p>Front Yard 4.5 metres</p> <p>Other Yards 1.0 metre</p> <p>Except that:</p> <p>(i) Eaves, gutters and associated downpipes on any building may</p> | <p>With the exception of Units 15, 16 and 18, the proposed units are all located within 4.5 of the proposed vested road.</p> <p>All units comply with the 4.5m setback from Hamilton Street.</p> | <p>Restricted Discretionary (Rule 4.7A.1 (4))</p> |

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| <p>project into a yard by up to 500 mm.</p> <p>(ii) In relation to yards, other than front yards, where buildings on an adjoining property have a common wall along the property boundary, no yard is required along that part of the boundary covered by such a wall.</p> <p>(iii) A carport or garage, either stand alone or attached to the dwelling, (including any eaves, gutters or downpipes) may be located up to 500 mm from the property boundary provided that the maximum length of the building adjacent to the property boundary does not exceed 6 metres.</p> <p>(b) In relation to a structure or part of a structure used for the parking of vehicles, an area of at least 4.5 metres long and 2.5 metres wide shall be provided on the site and immediately in front of the vehicle entrance to that structure for the manoeuvring or standing of vehicles.</p> <p>(c) Where the aggregate length along the external wall of a building exceeds 16 metres measured parallel to an internal boundary of a property:</p> <p>(i) except where provided for by 3(a)(ii) above, no more than 6 metres of that length may be located within 1 metre of the distance from the boundary required by Rule 4.7 Daylight Admission or 3(a) above, whichever is the greater.</p> <p>(ii) within each one metre setback thereafter the maximum length of building that may be erected is six metres.</p> <p>(4) Any land use activity that does not comply with (2) or (3) above is a restricted discretionary activity.</p> | | |
| <p>Rule 4.8 Height</p> <p>4.8.1 (1) No structure shall exceed the following heights:</p> <p>(a) In Residential Zones: 8 metres</p> <p>(2) Any land use activity that does not comply with (1) above is a restricted discretionary activity.</p> | <p>The maximum height of any building is 8m.</p> | <p>Complies</p> |
| <p>Rule 4.9 Site Coverage</p> | | <p>Complies</p> |

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| <p>4.9.1 (1) All activities shall comply with the following standards:</p> <p>(b) Residential A zone - Structures do not cover in excess of 40 percent of the site area.</p> <p>(2) Any land use activity that does not comply with (1) above is a restricted discretionary activity.</p> | <p>The proposed site coverage is approximately 19.3%.</p> | |
| <p>Rule 4.10 Signs</p> <p>4.10.1 (1) The following signs are a permitted activity throughout the district.</p> <p>(a) Electioneering signs</p> <p>(b) Traffic management signs, directional signs and public information signs erected by the road controlling authority</p> <p>(c) Signs advertising a property for sale:</p> <p>(i) Located on the property</p> <p>(ii) Limited in area to 1.2 square metres, for any individual selling privately, or for any companies acting as agents for that sale.</p> <p>(2) Signs not provided for by (1) above, is a permitted activity:</p> <p>Provided that:</p> <p>(a) General</p> <p>(i) The sign is not designed to be viewed from a public road where the authorised speed limit equals or exceeds 70 kph.</p> <p>(ii) An illuminated sign does not create glare or lightspill beyond the site boundary.</p> <p>(iii) Lettering on signs intended to be read from public roads is not less than 125 mm.</p> <p>(iv) The size, scale and characteristics of any sign does not obscure or detract from any public information or safety signage.</p> <p>(v) The sign shall not exceed the height permitted in the appropriate zone.</p> <p>(c) In Residential zones</p> <p>(i) No more than one sign shall be erected on any site.</p> <p>(ii) The maximum area of the sign shall not exceed 1m².</p> <p>(iii) The sign is not lit.</p> <p>(iv) No part of the sign shall be greater than 2m above ground level.</p> <p>(v) The signage is related to an activity occurring on the site.</p> | <p>No signage is proposed as part of the development, thus this rule is not applicable.</p> | <p>Not Applicable</p> |

| | | |
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| <p>Rule 4.11 Natural hazards within defined floodways</p> <p>Refer to Section 4A.9</p> | <p>The site is not located within the 'Mataura River Floodway' on the Planning Maps.</p> | <p>Not Applicable</p> |
| <p>Rule 4.12 Trees</p> <p>Refer to Table 4.3</p> | <p>The site does not contain any listed Significant Trees.</p> | <p>Not Applicable</p> |
| <p>4.13 Ground Disturbance and Earthworks</p> <p>4.13.1 (1) Except as provided for in (2) below, any land use activity that involves earthworks or results in the disturbance of the ground where the period from the commencement of such earthworks or disturbance until the completion of rehabilitation work exceeds twelve months is a restricted discretionary activity.</p> <p>The matters over which Council shall exercise its discretion are the adverse effects of the earthworks or the disturbance of the ground.</p> <p>(2) For the sake of clarity, this rule does not apply to:</p> <p>(c) building construction activities (including relocation of buildings), provided that the site is left clean and tidy within twelve months of the completion of any building or other structure.</p> | <p>The exception under Rule 4.13.1 (2) (c) applies.</p> | <p>Complies</p> |
| <p>4.14 Transportation Routes</p> <p>(1) All land use activities shall comply with the following standards:</p> <p>(a) Lighting shall not be constructed or maintained so that direct or indirect luminance or glare causes adverse effects on traffic safety.</p> | <p>Lighting will not be constructed so that direct or indirect luminance or glare causes adverse effects on traffic safety.</p> | <p>Complies</p> |
| <p>4.15 Gore Townscape Precinct</p> | <p>The site is not located with the Gore Townscape Precinct.</p> | <p>Not Applicable</p> |
| <p>4.16 Density of Residential Units</p> <p>4.16.1 (1) More than one, and up to six residential units may be erected on a site within the Residential A and B Zones, provided that:</p> <p>(i) Within the Residential A Zone the site area is no less than 400 square metres for each residential unit.</p> <p>(2) For the purpose of this rule the following shall be excluded from the site area:</p> <p>(i) Land set aside to provide access to another site.</p> <p>(ii) In the case of a rear lot, that area designed solely to provide access to the rear.</p> | <p>The proposed development results in 24 units being erected on the site.</p> <p>The proposed density equates to 320m².</p> | <p>Restricted Discretionary</p> <p>Rule 4.16.1 (3)</p> |

| | | |
|---|---|--|
| <p>(3) Any land use activity that does not comply with (1) above is a restricted discretionary activity.</p> <p>The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.</p> | | |
| Chapter 5 – Land use activities | | |
| <p>5.9.2 Off street car parking requirements</p> <p>(2) In areas outside the Gore and Mataura Urban Environment all land use activities meeting the parking requirements specified in the table (Table 5.4) below and complying with 5.9.2(3) to 5.9.2(7) is a permitted activity.</p> <p>(3) Parking spaces are to be provided on the site of the activity requiring them.</p> <p>(4) The design of all spaces shall comply with the appropriate dimensions in Diagram 5.13.</p> <p>(7) Any off-street parking area providing for more than 5 cars shall comply with the following standards:</p> | <p>A minimum of 1 car park is provided per unit.</p> <p>All parks are provided on the application site.</p> <p>Diagram 5.13 does not appear to exist in the District Plan.</p> <p>None of the parking areas provide for more than 5 cars.</p> | <p>Complies</p> <p>N/A</p> |

4.3 Activity Status

Overall, the proposal requires resource consent as a **restricted discretionary activity** under the Gore District Plan.

5 Statutory Framework

5.1 National Environmental Standard for Assessing Managing Contaminants in Soil to Protect Human Health 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 10 October 2011.

Clause 5 sets out that these regulations:

- a) *apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):*
- b) *do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9).*

On that basis whether or not the regulations apply depends on whether the application site is described as a 'piece of land' under subclause (7), being:

- a) *an activity or industry described in the HAIL is being undertaken on it:*
- b) *an activity or industry described in the HAIL has been undertaken on it:*

- c) *it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Clause 6 sets out there are only two methods that may be used for establishing whether or not a piece of land is as described in regulation 5(7) above.

ENGEO Ltd was requested by the Applicant to update the existing Preliminary and Detailed Site Investigation (PSI / DSI) (EC Otago 2022), a copy of the PSI/DSI (contained in **Appendix 1**).

Based on the Detailed Site Investigations contained in **Appendix 1**, the application sites are a 'piece of land' as described in regulation 5(7).

Clause 8 (3) sets out permitted activities for disturbing the soil of a 'piece of land' where the following conditions are met:

- a) *controls to minimise the exposure of humans to mobilised contaminants must—*
- (i) be in place when the activity begins:*
 - (ii) be effective while the activity is done:*
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:*
- b) *the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:*
- c) *the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:*
- d) *soil must not be taken away in the course of the activity, except that,*
- (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:*
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:*
- e) *soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:*
- f) *the duration of the activity must be no longer than 2 months:*
- g) *the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*

With regards to the above (and taking into account the site area of 7,683m²), the NES allows 384.1m² of soil to be disturbed as a Permitted Activity, and for 77m³ of soil to be removed for disposal per year.

The proposal requires 647m³ of cut and 1,318m³ of fill. The proposal therefore requires resource consent as a **controlled activity** under Regulation 9(1) of the NES-SC.

Clause 8 (4) sets out permitted activities for subdividing land or changing the use of a 'piece of land' where the following conditions are met:

- a) *a preliminary site investigation of the land or piece of land must exist:*
- b) *the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
- c) *the report must be accompanied by a relevant site plan to which the report is referenced:*

d) the consent authority must have the report and the plan.

With regards to the above, it is noted that the proposal results in a change of use of the site to residential and the proposed subdivision, which is the subject of a separate resource consent application that will be processed concurrently. The proposal therefore requires resource consent as a **controlled activity** under Regulation 9(3) of the NES-SC.

5.2 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources” which is defined to mean:

“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 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.”*

This assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the Act.

The Court of Appeal decision on *Davidson*^[1] found that the High Court erred in deciding that *King Salmon* prevents a decision-maker from considering the purpose and principles of the RMA, in Part 2, when deciding an application for resource consent. The Court of Appeal stated that:

... resource consents fall to be addressed under section 104(1) and, as we have demonstrated, the statutory language plainly contemplates direct consideration of Part 2 matters.

The Court of Appeal declared that *King Salmon* was never intended to have an impact on how consent authorities considered applications for resource consent. The Supreme Court made no reference to section 104 of the RMA nor the words “subject to Part 2” in that section. However, it also emphasised that its finding does not mean that it would be appropriate for regional or district plans properly prepared in accordance with Part 2 to be “rendered ineffective” by general recourse to Part 2 in deciding resource consent applications. For example proper consideration of a relevant planning instrument that is consistent with Part 2 may make it obvious what the outcome of an application should be. In those circumstances an ‘overall broad judgment’ under Part 2 should not be used to effectively bypass the intent of the plan provisions.

In summary, this decision means that case law now establishes that consent authorities “*must have regard to the provisions of Part 2 when it is appropriate to do so*”: [47]. However, where the relevant Plan has been competently prepared under the Act and clearly deals with Part 2 subject matters, then specific assessment under Part 2 may not add anything to the evaluative exercise.

^[1] R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

There are no matters of national importance or treaty issues that need to be taken into account in respect of this proposal and the relevant matters to have regard to and overall sustainable management purpose of the RMA in relation to this proposal have been addressed as part of the below assessment of effects.

Section 6 sets out matters of national importance. These matters will not be placed at risk by the proposal as the application site does not contain any of the values within the scope of subsections 6(a) to (h) of the RMA.

Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values; and*
- (f) *maintenance and enhancement of the quality of the environment;*

The proposed activity is considered to be an efficient use of the land resource as it will involve the redevelopment of an urban site in an established residential area for residential purposes.

Section 8 requires the principles of the Treaty of Waitangi to be taken into account. There are also no known cultural values that need to be taken into account in respect of this proposal.

5.3 Section 104 RMA

Section 104 of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:

- (a) *Any actual or potential effects on the environment of allowing the activity;*
- (b) *The relevant objectives, policies, rules and other provisions of the District Plan; and*
- (c) *Any other matter that the Council considers relevant and reasonably necessary to determine the application.*

Section 104 (2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard an adverse effects of the activity on the environment if the District Plan permits an activity with those effects.

The consent authority may grant or refuse the application for a discretionary activity. However, if it grants the application, the consent authority may impose conditions under section 108.

6 Gore District Council Subdivision and Development Bylaw

The Forward notes that the

“The purpose of this Bylaw is to guide subdivision, land use and development in the Gore District. This Bylaw is based on NZS 4404:2010 Land Development and Subdivision Infrastructure, with the Council having modified content where appropriate for local conditions. This Bylaw seeks to ensure subdivision, land use and development in the District takes place in a manner that is environmentally sustainable and technically robust”.

It also states:

“The Council recognise that with emerging environmental and engineering technologies, there may be new ways of undertaking subdivision, land use and development activities, which provide for better environmental outcomes, without compromising durability and performance”.

Dispensation is sought for the following aspects in relation to this Bylaw:

- 3.3.1 (Table 3.1): The proposed road reserve width of the new cul-de-sac road from Hamilton Street is 11.0m (15m required); and
- 3.3.1 (Table 3.1): The private right-of-way from Oxford Street will serve more than 6 units (The maximum number of units permitted to be served from a private ROW is 6).

As noted in Section 1.1.3 above, Calibre have advised that “the plans are preliminary design to support the land use consent application. Their purpose is to show that the site can be serviced but the Bylaw is very detailed on requirements for the design and the design has not been progressed to the level to show all these requirements”.

With regards to any further dispensation, they consider that the design should be completed and all servicing related dispensations that are needed for the completed design applied for in one application as part of the engineering approval process.

7 Assessment of Effects on the Environment

In accordance with Section 88 and the fourth schedule of the RMA, this section of the report provides an assessment of the actual and potential effects on the environment associated with the proposed land use.

As a restricted discretionary activity, the council’s discretion is limited to the matters associated with:

- Residential design principals;
- Impacts on neighbouring property;
- Street scene- road boundary setback, fencing and planting;
- Traffic Effects;
- Earthworks and Natural Hazards;
- Positive effects.

7.1 Residential Design Principles

The proposed development has been assessed by Kāinga Ora’s Technical Advisory Group (TAG panel) to ensure that the proposed development is appropriate in the context of the receiving environment and does not adversely affect either the streetscape in terms of visual amenity and residential character and the amenity of future residents residing in the development.

The TAG Panel consists of urban design, planning and landscape experts.

As part of the review, the panel considered the proposal to be sound and endorsed the development. The following assessment of the proposal against various residential design principles has been prepared in collaboration with the project’s architects.

7.1.1 Residential scale & context

As noted earlier, the site has historically been occupied by a building that was the Longford Tavern and Bottle Store, a function centre and the Gore Country Music Clubrooms. The building was in the eastern area of the site, the remainder of the site is dominated by hardstand areas used for car parking and manoeuvring. The existing site is not residential in character and adds little in the way of amenity benefits to the surrounding area.

The application site is located within a well-established residential environment that is readily accessible to a range of educational, employment and recreational opportunities, as well as nearby local commercial services.

The proposed scale of the new standalone and duplex homes and overall density of the development is considered appropriate within the residential zone. The units are generally compliant with the required external boundary setbacks and height in relation to boundary rules, other than Units 14 and 22-24, which partially intrude into the permitted recession plane. A detailed assessment of the effects of these recession plane intrusions is outlined in Cross Sections 1 & 2, and Long Section B below and concludes that any effects of these intrusions has less than minor effects on the neighbouring residents.

7.1.2 Building design & appearance

The surrounding residential properties remain more traditional types of housing (e.g., single or two-storeyed detached or semi-detached houses with garaging, ancillary buildings and gardens). The proposal will remain sympathetic to the surrounding environment, importantly, this includes providing complying setbacks from Hamilton Street and internal property boundaries, adhering to building and impervious surfaces, site coverage, maximum building height, and height in relation to boundaries (daylight recession plane requirements), other Units 14 and 22-24 where the effects of the breaches have less than minor effects. Well positioned and proportioned outdoor spaces that meet the anticipated requirements of future occupants will also be provided, ensuring an appropriate balance between built form and areas of open outdoor space.

The project design team has generally sought to relate the bulk to a suitable human scale perspective to avoid any unusually long or bulky building forms. In addition, the varying rooflines, and mixed pitches in the roof help to articulate the building mass. The variation in building materials (e.g., brick and weatherboard) also provides visual interest, noting the selected materials are solid, durable and attractive.

Entrances to all units are clearly defined with covered porch spaces and connecting pathways (off the vested road and shared access).

7.1.3 Landscaping & green space

Regarding onsite landscaping, generous planting has been proposed for the entire development, both in the private garden areas and shared spaces and street frontage. As noted above, the proposal incorporates the retention of 4 existing trees and a minimum of 42 new specimen trees consisting of a range of species, with a minimum height of 2m (at the time of planting). Ground cover within the garden areas will include a mixture of hebe, flaxes and grasses and a selection of hedging shrubs. Overall, the proposed landscaping (gardens and lawn space) will occupy 2,484m² (32%) of the site.

In terms of green space proposed onsite, as noted above, the development includes providing each unit with generously proportioned, private outdoor spaces that include deck areas, garden

areas and lawn space. The overall density of the development will also comply with the maximum permitted site coverage (in terms of buildings and impervious surfaces), ensuring an appropriate balance between green space and built and hard features.

7.1.4 Location of Car parking & visibility

The carparking spaces are apportioned throughout the site, in association with the unit(s) that the carparking space(s) serve, thus avoiding any perceived visual dominance associated with onsite car parking spaces.

In terms of site access, entry into the site is clearly defined through changes in texture in the hard surfaces.

The proposed development has been designed so that kitchens face the pedestrian walkway and shared spaces to increase passive surveillance. Low level plantings ensure clear visibility to the pedestrian and vehicle accessway.

7.1.5 Effects on surrounding sites and neighbourhood residential amenity, character and amenity

This development has been designed in a way to blend into the surrounding context of East Gore. The existing buildings surrounding the site are typical of higher density homes built around the 1950's where buildings of this era were typically well built and were often clustered into suburbs during isolated housing boom periods. The aspiration of the development aims to take cues from the local area in terms of geometric form, massing and materiality. The aim is not to replicate, but to assimilate and create a contemporary reimagination of the built form surroundings. The typical houses immediately around the site is a single storey concrete tile roof and 'newer' homes with profiled metal roofs with either a hip or gable end. The cladding materials vary in type and colour however all are in similar colour range/tone. The development is sympathetic to this and looks to 'tone-in' with similar lighter tones and cladding types, mainly timber weatherboard.

Similar to the surrounding houses, the proposal matches the concept of the carparking are to the front of the site while the houses protect the backyards and limiting the views into the depth of the properties.

All the houses are setback from the new vested road, with low fencing (if any) and protective planting.

The development also includes a large open community reserve that also acts as a safe path through the site towards Oxford Street and onwards to the local kindergarten and primary school. Some of the larger family-sized units are located adjacent to this reserve as well as the single-bed units to create an inclusive community feel. These units contain windows that overlook and have direct access to the reserve to ensure passive surveillance of this space. This reserve link the private ROW and vested cul-de-sac which both run alongside the reserves boundaries which also ensure the space is overlooked and its edges are activated with residents coming and going.

7.1.6 Effects on efficiency and affordability of infrastructure, and effects of stormwater from future development

The proposed development is replacing a large existing non-residential development. The units will be connected to existing network connections, and the Gore District Council has confirmed that the existing network has sufficient capacity to cope with the volume generated from the additional density on the site.

As noted earlier, onsite attenuation will be provided via one of the following options.

- Option 1 – Use attenuation tanks only – provisions has been made for a mix of 1,000 litres and 2,000 litre tanks;
- Option 2 – Using piped systems only;
- Option 3 - Mix of Option 1 and 2.

Each of these options has been discussed with the Council’s Three Waters Team. It is proposed to submit the final design to Council for certification prior to works commencing on site. A condition of consent is offered in Section 10 below to achieve this.

Secondary, or overland stormwater flows have been taken into consideration and the proposal will not adversely impact on neighbouring properties during a flood event.

7.1.7 Conclusions

The proposed development has been assessed and endorsed by Kāinga Ora’s Technical Advisory Group (TAG panel). to ensure that the proposed development is appropriate in the context of the receiving environment and does not adversely affect either the streetscape in terms of visual amenity and residential character and the amenity of future residents residing in the development.

7.2 Impacts on neighbouring properties

Units 22, 23 and 24 intrude through the 35 degree recession plane on the southern boundary. The proposed intrusions are 0.45m and 0.26 (excluding eaves), as shown in Figures 5 and 6 below and **Appendix 3**.



Figure 5 – Image Depicting Extent of Recession Plane Breach for Unit 24 (Source: Appendix 3).



Figure 6 – Image Depicting Extent of Recession Plane Breach for Units 22 and 23 (Source: **Appendix 3**).

The intrusions are located adjacent to a section of north facing outdoor living area on the neighbouring property at 25 Hamilton Street.

Given the scale of the recession plane intrusions a series of shading studies have been produced which illustrate the extent of additional shading on the neighbouring property at the summer and winter solstices. These are contained on pages 23-25 in **Appendix 3**. The greatest extent of additional shading occurring because of the proposed breaches occurs at midday on the winter solstice and is highlighted in Image 7 below:

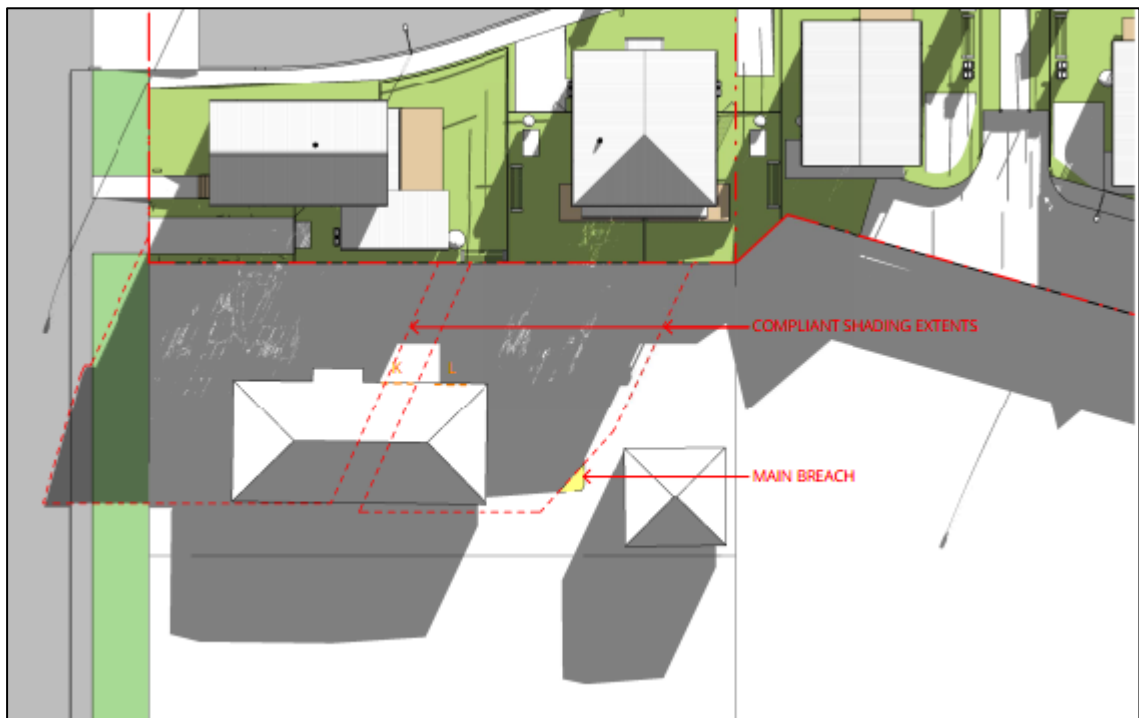


Figure 7 – Shading Study – 21 June 12.00 (Source: **Appendix 3**).

Based on the shading studies it is considered that the additional shading would not be readily distinguishable from a complying development and will not result in any additional shading of internal living spaces beyond the permitted baseline.

In considering further mitigation measures, the applicant has developed a comprehensive landscape plan which seeks to enhance onsite amenity and includes establishing a selection of shrub plantings throughout the site. While minimal additional planting is provide along the

length of the impacted boundary, the development will enhance the overall amenity of the application site.

For the reasons outlined above, it is considered that the proposed units will not adversely impact on the neighbouring properties access to sunlight or daylight to a minor or more than minor extent. The proposal complies with the relevant internal boundary setbacks and height provisions so will not create any unreasonable loss of privacy or outlook for the neighbouring residents.

7.3 Street scene- road boundary setback, fencing and planting;

With the exception of Units 15, 16 and 18, the proposed units are all located within 4.5 of the proposed vested road. However, from a visual amenity perspective, it is noted that the proposed development has been designed in a comprehensive manner that appropriately relates to the future streetscape of the proposed vested road. The proposed units are of an appropriate human scale, which avoids any unusually long or bulky building forms. In addition, the varying rooflines, and mixed pitches in the roof help to articulate the building mass. The variation in building materials (e.g., brick and weatherboard) also provides visual interest, noting the selected materials are solid, durable and attractive. When combined with the comprehensive landscape and fencing plan, it is considered the future streetscape along the vested road will be of a high quality. It is further noted that Kāinga Ora is the owner of the entire site and the applicant and their written approval to this non-compliance is inherent in the application. There are no effects associated with this non-compliance that extend beyond the application site.

All units comply with the 4.5m setback from Hamilton Street.

7.4 Traffic Effects

The proposed development has incorporated input from Traffic Engineers at Novo Group who have prepared the Integrated Transport Assessment contained in **Appendix 8**. This provides an assessment of the transport aspects of the proposed development. It also describes the traffic environment in the vicinity of the site, describes the traffic related components of the proposal and identifies compliance issues with the traffic provisions in the District Plan. The traffic non-compliances relate to access design, vehicle crossing numbers and traffic generation. These are assessed in detail in the attached ITA, with a summary of the assessment and overall conclusions provided below.

7.4.1 High Trip Generator

As noted in the attached ITA, the site as a whole is estimated to generate 72-96 vehicle movements per day, including seven vehicle movements in the AM peak hour and four in the PM peak hour³. When distributed over the two access points, the total traffic generation is estimated to be:

- Hamilton Ave (18 Units) = 54-72 vehicle movements per day; and 5 in the AM peak hour and 3 in the PM peak hour; and

³ This is based on Christchurch City Council Social Housing Surveys which concluded that social housing complexes generate 3-4 vehicle trips per day; and 0.28 trips per unit in the AM peak and 0.18 trips per unit in the PM peak.

- Oxford Street (6 Units) = 18-24 vehicle movements per day; and 2 in the AM peak hour and 1 in the PM peak hour.

The overall site generated traffic during the peak hours is considered to be low – and even lower when distributed to each access and able to be easily accommodated by the adjoining local road network.

7.4.2 Access design

All vehicles will be able to safely and efficiently manoeuvre onto and off the cul-de-sac road or the right-of-way such that they can then approach either Hamilton Street or Oxford Street in a forward motion. Unit 1 and 24 will require a direct reverse manoeuvre onto Hamilton Street. Given the good lines of sight (including the flat and horizontal alignment) and low traffic volumes (< 2,000 vpd), these vehicles will be able to reverse off with relative ease and without compromising safety.

7.4.3 Car Parking

The proposed development includes 30 on-site car parking spaces. Each unit will be provided with at least one car parking space including their own access and vehicle crossing (Unit 1, 2, 3, 12, 14 & 24 will each be provided with two parking spaces). The carriageway also provides for at least eight further cars to park along the northern kerb of the cul-de-sac road.

The amount of car parking provided is anticipated to comfortably meet the anticipated demand created by the proposed development. It is further noted that the District Plan does not include any minimum car parking requirements.

7.4.4 Cul-de sac Road Design

As noted in the attached ITA, the cul-de-sac road design complies with the Gore District Council *Subdivision, Land Use and Development Bylaw* in all respects, except for the overall reserve width (15m required, 11m provided). The ITA also notes that the proposed carriageway width fully aligns with the *Bylaw* requirements. The proposed road will have a 6.0m carriageways/formed widths, providing enough space for passing and segregated footpaths, thereby maintaining the safety of the traffic environment. It is further noted that the anticipated traffic volumes are low, and there will be sufficient on-site and on-street parking to meet the projected parking demand.

7.4.5 Private ROW width

The existing ROW will be reconfigured to provide a 6.0m carriageway, plus a separate footpath. The footpath will connect through to the cul-de-sac road. The 6.0m trafficable width is sufficient for two vehicles to pass and is akin to the carriageway width for the cul-de-sac road.

When comparing to the historic non-residential use of the site, the ITA notes that the overall traffic volumes (and consequential effects) from the proposal will be significantly less than what has occurred in the past. This is a positive.

7.4.6 Traffic Conclusions

The attached ITA provides an assessment of the transport aspects of the proposed development. It concludes that the proposal can be supported from a traffic perspective and the effects on the traffic environment is considered to be less than minor.

7.5 Earthworks and Natural Hazards

As set out in section 3.1 above, the following earthworks are required outside of the building footprint:

- total cut volume: 647m³
- total fill volume: 1,318m³
- maximum cut depth: 0.8m
- maximum fill depth: 1.3m

An earthworks plan for the application site is contained in **Appendix 6**.

Relevant considerations broadly relate to; natural hazards and remediation methods (in relation to the flood hazard), nuisance, land stability, amenity and natural character.

Whilst the level of earthworks proposed for the construction of the residential units has been kept to a minimum to avoid any unnecessary risk or potential nuisance effects, it is acknowledged that the proposed earthworks have the potential to cause nuisance effects including dust, run-off and heavy vehicle movements. These effects will however be temporary in nature and limited to the period when the works are being undertaken. Notwithstanding, the applicant has volunteered a number of conditions to mitigate potential nuisance and amenity effects from the construction phase earthworks activities. These conditions are set out in Section 10 of this report.

Provided the proposed mitigation is appropriately implemented, it is considered that the proposed earthworks will not adversely affect the view, privacy, or outlook from any neighbouring properties, nor will it detract from existing amenity held within the neighbouring area.

The proposed earthworks will not affect the stability of adjoining land, nor will it alter the ground level of the application. An Erosion Sediment Control Plan has also been prepared and is attached as **Appendix 6**.

The site has been mapped in a broad-scale 2006 liquefaction hazard assessment as of 'Negligible' liquefaction risk. A preliminary Geotechnical Engineering Assessment has also been undertaken (refer to **Appendix 9**). It notes that the stiff condition of the shallow natural soils, the soil type/plasticity and the lack of shallow groundwater indicate the likelihood of damaging liquefaction occurring on site to be low.

The preliminary Geotechnical Assessment provides for a variety of foundation types. It is considered that adopting a foundation design of the types recommended in the Geotechnical Assessment will suitably mitigate the liquefaction hazard.

Overall, it is considered that any potential adverse effects from earthworks are temporary, and those associated with the natural hazards are manageable and therefore less than minor.

7.6 Positive effects

The proposal provides for the redevelopment of an existing non-residential site, that is dominated by hardstanding areas with a modern housing complex consisting of 24 warm and modern residential units in an established residential area. The redevelopment will ensure that a larger number of residential dwellings are available to meet the changing needs of the community.

It is further noted that the development will significantly improve onsite landscaping and amenity values by way of establishing new trees and plantings.

8 Objectives and Policies

8.1 Chapter 3: Land Use Activities

Objective 3.3 (1) seeks to maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.

Objective 3.3 (2) seeks to ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality. The associated **Policy 3.4 (2)** controls the adverse effects of land use activities on the environment.

8.1.1 Comment

The main thrust of the relevant provisions is to ensure a high standard of amenity is maintained, whilst minimising any adverse environmental effects from the proposal on the receiving environment.

The proposal is considered to be consistent with the above objectives and policy. The proposed development will help to meet the community's needs in terms of the provision of social housing. The proposal will allow for housing units in an established residential area on a site that has historically been used for non-residential purposes and will be in proximity to schools and open spaces as anticipated within this zone.

The proposed layout and design of the scheme will provide a high-quality residential environment for future residents. In addition, the scale and design of the proposed buildings is appropriate for a site of this size and will not have any adverse effects on the outlook, privacy or access to sunlight of the adjoining properties.

The level of effects created by the relevant non-compliances with regards to the impacts on urban design and character/amenity are considered to be less than minor. For these reasons, it is considered that the proposed development is entirely consistent with the relevant 'residential' objectives and policies in the Gore District Plan.

Objective 3.3 (7) looks to ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated. The associated **Policy 3.4 (10)** recognises that earthworks and disturbance of the ground is a necessary part of undertaking many activities. Similarly, **Policy 3.4 (11)** seeks to ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated.

8.1.2 Comment

The proposed earthworks are necessary for the development and are generally associated with creating hardstanding areas and to ensure that the proposed units achieve an appropriate finished floor level. The earthworks will not have any adverse effects on the amenity values of neighbouring properties and therefore the proposal is consistent with this objective and policies.

Objective 3.3 (8) requires developments to avoid where practical the adverse effects of land use activities upon infrastructure. The associated **Policy 3.4 (12)** requires any adverse effects of land use activities upon infrastructure to be rectified.

8.1.3 *Comment*

WSP was engaged by the applicant to complete a wastewater (WW) and storm water (SW) network impact assessment for the proposed development. This was done to understand the existing network constraints to development and the potential upgrades required to accommodate the development flows. A copy of this report is contained in **Appendix 10**. The project team has also discussed the anticipated infrastructure requirements and the proposed servicing for the site with Council staff at pre-application stage, and it is anticipated that the proposal will not adversely impact on existing infrastructure.

8.2 Chapter 4A: Natural Hazards

Objective 4A.3 to ensure the public is aware of the likelihood and consequences of hazards within the District, and minimise the risk to people and property from inundation. The associated **Policy 4A.4** seeks in part, to identify and use elevated ground and floor levels for activities that could be adversely affected by flooding.

8.2.1 *Comment*

The proposed development has been developed in consultation with both Gore District Council and Environment Southland staff, and the most recent LIDAR dataset. As noted above, the proposed units will be constructed to meet the minimum finished floor level requirement agreed with Council thereby avoiding any unacceptable risk to people and property. Overall, the proposal is considered to be consistent with the relevant Objectives and Policies in Chapter 4A.

8.3 Chapter 5: Transportation

Objective 5.3 (3) seeks to protect where practical the quality of the adjoining environment and amenity values from the adverse effects of the use of land transport routes. The associated **Policy 5.4 (1)** seeks to control the adverse effects of land use activities on transportation networks. Similarly, **Policy 5.4 (2)** seeks to control, where practical, the adverse effects of land transportation networks and their use on the adjoining environment and amenity values.

8.3.1 *Comment*

The proposed re-development will sustain the potential of the transportation routes. It provides a minimum of one dedicated onsite parking space per unit, that comply with minimum parking dimension requirements. Each unit will have access to storage sheds for bicycles to promote active transport opportunities. The location and design of the proposed access and the associated on-site and on-street car parks will ensure that the effects of the transport elements will not impact on the quality of the adjoining environment and amenity values. Overall, it is considered that the proposal will remain entirely consistent with the relevant transport provisions.

8.4 Chapter 8: Subdivision of Land

A separate assessment of the proposal against the objectives and policies contained in Chapter 6 of the District Plan has been provided in the separate subdivision consent application. In summary, the proposal is considered to be generally consistent with the relevant objectives and policies contained in this chapter.

9 Other Matters

9.1 Precedent and Plan Integrity

The context in which precedent is discussed flows from the idea that like applications should be treated alike (consistent administration of the Plan). As noted earlier, the history of the application site is unique, noting its size and historic non-residential uses. The character of the site, and in particular the large amount of hard standing associated with the historic car parking, and the scale of non-residential activities, is also a unique feature.

The proposed development can also be differentiated from private residential developments as the Applicant is a Crown entity established under its own legislation, the Kāinga Ora – Homes and Communities Act 2019. As noted earlier, Kāinga Ora is the Government’s primary housing and urban development delivery arm, focused on providing public housing principally for those most in need, and initiating or undertaking urban development.

Based on the above, it is considered that the proposal has characteristics that cannot readily be replicated in the district and would not lead to a precedent or impact on the integrity of the District Plan.

9.2 Southland Flood Control and Drainage Management Bylaw 2020

The site is located outside of the ‘floodway’ identified in the Flood Control and Drainage Management Bylaw 2020. However, the proposed units will be constructed to meet the minimum finished floor level requirements agreed with Council thereby avoiding any unacceptable risk to people and property.

10 Consultation/Notification

Under the provisions of the amended RMA there is now no presumption in favour of notification (section 95A). The requirement for the Council to be “*satisfied*” that the effects “*will be minor*” before proceeding on a non-notified basis has been removed. Instead, public notification is only required if the Council “*decides*” that the activity:

... will have or is likely to have adverse effects on the environment that are more than minor.

The adverse effects of the proposal have been discussed above and have been found to be less than minor.

The below table sets out the matters that are required to be considered under s95A and s95B. This consideration, in tandem with the above assessment of effects, has found that adverse effects on other parties are less than minor and that the application can be processed on a **non-notified basis**.

| S95A Public Notification | |
|---|---|
| Step 1: Does the application fall within the criteria for mandatory public notification under s95A(3)? | No |
| Step 2: Does the application fall within the criteria for precluding public notification under s95A(5)? | No. |
| Step 3: Does the application fall within the criteria for public notification under s95A(8) & s95D? | N/A |
| Step 4: Are there special circumstances that would | No, the application is for housing units in |

| | |
|---|---|
| warrant public notification under s95A(9)? | a residential zone, where such activities are anticipated and where there is a clear consenting pathway for the rule breaches identified in this application. |
| S95B Limited Notification | |
| Step 1: Are there certain affected groups and affected persons who must be notified under s95B(2)-(3)? | No |
| Step 2: Does the application fall within the criteria for precluding limited notification under s95B(6)? | No |
| Step 3: Does the application fall within the criteria for other affected persons to be notified under s95B(7)-(8) and s95E? | No, for the reasons outlined in the AEE, adverse effects are considered to be less than minor. |
| Are there special circumstances that would warrant limited notification under s95B(10)? | As set out above, no special circumstances apply. |

11 Volunteered Conditions

Earthworks:

- 1) The finished ground levels (after the cut and fill works) shall not cause ponding/drainage/run-off related nuisance to the neighbouring (surrounding) properties or change of the current drainage patterns (existing overland flow paths) to the detriment of the surrounding properties. In the event that the consented works result in the aforescribed effects these shall be rectified at the expense of the consent holder and to the satisfaction of Council Stormwater and Land Drainage Team.
- 2) All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in ECan's Erosion and Sediment Control Toolbox for Canterbury <http://escscanterbury.co.nz/>. The ESCP must be held on site at all times and made available to Council on request.
- 3) Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific ESCP, prior to discharge to the Council's stormwater system.
- 4) The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.
- 5) Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.

- 6) The consent holder shall notify Gore District Council no less than three working days prior to works commencing, (email to info@goredc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor.
- 7) All loading and unloading of trucks with excavation or fill material is to be carried within the application site.

Onsite Attenuation:

- 8) Prior to works commencing on site, the Consent Holder shall submit the on-site attenuation strategy for the entire development to the Head of Resource Consents (or nominee) of the Council by way of email for certification as part of the engineering approval process.

Lighting

- 9) Prior to the occupation of any of the units, the Consent Holder shall submit a lighting strategy to the Head of Resource Consents (or nominee) of the Council by way of email for certification. The lighting strategy shall detail the type and location of outdoor lighting to provide for pedestrian safety during the hours of darkness, to achieve at least an average horizontal illuminance of 0.85 lux and a point horizontal illuminance of 0.14 lux on all communally accessible areas of the site, whilst minimising glare to adjacent neighbours. It shall also detail how the emission of lightspill and/or glare measured at the boundary of the site of the emission, will not exceed: 7.00 pm – 7.00 am – 5 Lux. Lighting on the site shall be established, maintained and operated in accordance with the certified lighting strategy.

12 Conclusion

The proposal seeks to construct a modern housing complex on the subject site, consisting of three units with associated car parking, manoeuvring and landscaped area. The proposal will maintain the anticipated residential character and amenity of the area and will not increase the potential risk to people's safety, well-being and property.

On the basis of the above assessment, it is considered that any potential adverse effects on the environment will be less than minor and no person is considered to be adversely affected by the proposal.

The proposal is considered to be consistent with District Plan's objectives and policies. For the reasons outlined earlier in this report, it is considered that the proposal is consistent with the requirements of Part 2 of the RMA.