

## Application for Resource Consent

### NOTICE OF DECISION

<b><u>Site Address:</u></b>	52 Northland Road, Northland
<b><u>Legal Description:</u></b>	Pt Lot 1 DP 7299
<b><u>Applicant:</u></b>	Blackheath Trust c/- Urban Perspectives
<b><u>Proposal:</u></b>	Construction of new three-storey multi-unit development (8 household units)
<b><u>Owners:</u></b>	Martin David Shelton, Paula Jane Shelton and John Renwick Harkness
<b><u>Service Request No:</u></b>	433318
<b><u>File Reference:</u></b>	1042618
<b><u>District Plan Area:</u></b>	Centres Area
<b><u>Notations in District Plan:</u></b>	Secondary Frontage Sub zone: Northland Neighbourhood Centre
<b><u>Activity Status:</u></b>	Discretionary (Restricted)

#### **DECISION – Land Use Consent:**

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to construct three-storey multi-unit development (8 household units) at **52 Northland Road, Northland** (being Pt Lot 1 DP 7299), subject to the conditions below.

#### **Conditions of Consent:**

##### **General:**

- (a) The proposal must be in accordance with the information provided with the application Service Request No. 433318 and the following plans prepared by Solari Architects (Project No. 1830), all dated 10 September 2019:
- Site Plan – Ground Floor Plan, Drawing No. RC-063, Rev D
  - Site Plan – First Floor Plan, Drawing No. RC-064, Rev B
  - Site Plan – Second Floor Plan, Drawing No. RC-065, Rev B
  - Floor Plans – Type 1, Drawing No. RC-066, Rev B
  - Floor Plans – Type 2, Drawing No. RC-067, Rev B
  - Elevation – North, Drawing No. RC-090, Rev B
  - Elevation – East, Drawing No. RC-091, Rev C
  - Elevation – West, Drawing No. RC-092, Rev C
  - Elevation – South, Drawing No. RC-093, Rev B
  - Section, Drawing No. RC-094, Rev B

### Landscaping:

- (b) Prior to construction commencing, a copy of a Landscape Plan certified by a Landscape Architect registered with the New Zealand Institute of Landscape Architects must be provided to the Council's Compliance Monitoring Officer (CMO).

The Landscape Plan must show a scale; the individual location and species (with both scientific and common names); PB size of proposed plants; and details of plants to be removed or pruned generally in accordance with the Site Plan (Drawing RC-063) approved in condition (a) and the following:

- i. Provide design detail of the communal area to maximise the amenity of this space. This must include seating and consideration of ground cover materials;
  - ii. Include details of vegetation to be retained in at the southern, undeveloped part of the site. If any vegetation in this part of the site is to be removed, the Landscape Plan must include replacement planting.
- (c) On completion of works, the consent holder must provide the CMO with a copy certification from a Landscape Architect registered with the New Zealand Institute of Landscape Architects confirming that the landscaping works have been carried out in accordance with the Landscape Plan.
- (d) The completed landscaping must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the CMO. Within this period monitoring includes the removal of weeds within the vicinity of the plantings and the replacement of plants that die, or are removed unlawfully, with plants of the same species and original size. Any plants that fail must be replaced at the expense of the consent holder. All plantings must continue to be maintained by the consent holder thereafter.

### Notes:

- The purpose of this condition is for landscaping to be provided to provide on-site amenity; improve privacy of the ground floor units; provide streetscape amenity; and mitigate effects to No. 24 Governor Road through the retention/replacement of existing vegetation
  - Details of the planting must be provided prior to the commencement of work to the satisfaction of the CMO.
  - Plant species should be locally sourced from the Wellington area.
- (e) Any vegetation shown to be retained on the Landscape Plan must be retained on an ongoing basis.

### Screen Air Conditioning and Other Plant Enclosures:

- (f) Suitable screening to all air conditioning (heat pump), plant and service facilities located at the top of or on the external face of the building must be installed and maintained. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building. No fixed plant (e.g. external heat pump units) shall be placed on or within balconies or outdoor space areas.

### External Details:

- (g) External details of the building, façade treatment and external materials, colours and finished are to be generally consistent with the approved drawings and 3D imagery submitted with the resource consent.

### Noise Insulation:

- (h) The development must comply with the following noise requirements:
- Residential components of the building must be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:  $DnT,w + C_{tr} > 30 \text{ dB}$
  - Where habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.
- (i) Prior to, or at the time an application is made for building consent, the applicant must provide a report to the CMO from a suitably qualified person that demonstrates that the design of the building achieves the noise insulation and ventilation requirements of condition (e). Compliance must be achieved by ensuring habitable rooms are designed and constructed in a manner that:
- Accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the condition (e); **OR**
  - Accords with the schedule of typical building construction set out in standard 7.6.2.9.1; **AND**
  - Details the design of the ventilation system that complies with standard 7.6.2.9.2.

### Monitoring and Review:

- (j) Prior to starting work the consent holder must advise the CMO of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to [rcmonitoring@wcc.govt.nz](mailto:rcmonitoring@wcc.govt.nz).
- (k) The conditions of this resource consent must be met to the satisfaction of the CMO. The CMO will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:  
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

\* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

### Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.

3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
5. As the proposal has the potential to increase stormwater run-off or create sewage, the consent holder is advised to contact the Wellington Water Land Development Team (Wellington Water) to determine whether there is sufficient infrastructure capacity to accommodate the development and whether there will be any specific drainage requirements such as stormwater/wastewater neutrality.
6. It is the responsibility of the developer or owner to provide adequate fire appliance access and water supply for firefighting facilities. The water reticulation system's compliance with the SNZ PAS 4509:2008 will be considered at the building consent stage.
7. In accordance with the Council's Waste Management Bylaw 2016, the owner and/or the manager of a multi-unit development must make provision for the management of all recyclable materials and rubbish generated within the property, including identification of an adequate area on the premises for the storage of containers that is readily accessible to the occupier of units and to waste operators, to enable separate collection and transportation of recyclable materials, rubbish and/or organic materials.
8. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
9. As landowner the Council requires damaged areas of legal road vegetation or berm to be reinstated by the consent holder within three months of completion of construction and this includes suitable remedy of compacted areas, including removal of any building debris, ripping of compacted soil and new topsoil if required to ensure grass strike or planting success. Grass is acceptable for reinstatement if the area was previously grassed; however, it is preferable (and required if existing previously) that the berm is reinstated with Wellington native plant species planted at 900mm maximum spacing and mulched.
10. As far as practicable all construction activity related to the development must take place within the confines of the site. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council. Please note that land owner approval is required under a separate approval process and that this will need to be sought and approved prior to any works commencing.  
  
For more information on the traffic management process and what further separate land owner approvals may be required in relation to the logistics of working within the legal road either contact the Transport Asset Performance team or visit this link: <https://wellington.govt.nz/services/parking-and-roads/road-works/work-on-the-roads/permissions-and-approvals>
11. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practicable option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.

12. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Tā oga Act 2014. An archaeological site is defined as physical evidence of pre-1900 human activity. This can include above ground structures as well as below ground features. Below ground features can include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

It is the responsibility of the property owner and/or person undertaking the work to obtain an archaeological authority (consent) from Heritage New Zealand Pouhere Tā oga (HNZPT) for all work that modifies or destroys an archaeological site. The applicant is advised to contact HNZPT prior to works commencing if the presence of an archaeological site is suspected in the area of works. If archaeological features are encountered during works, the applicant is advised to stop and contact HNZPT.

13. This development will be assessed for development contributions under the Council's Development Contributions Policy. If a development contribution is required it will be imposed under section 198 of the Local Government Act 2002. If you want to obtain an indication of the amount of the development contribution payable you can:
  - Access the development contributions policy at [www.Wellington.govt.nz](http://www.Wellington.govt.nz); or
  - Contact the Council's Development Contribution Officer.
14. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

### **Reasons for Decision:**

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application and there is a preclusion that requires the application to be assessed without public notification or limited notification. There are no special circumstances.
  2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
  3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.
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# **DECISION REPORT**

## **SITE DESCRIPTION**

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report.

In short, the subject site is 447m<sup>2</sup> in area, and the front part of the site is developed with a single-storey dwelling, previously used as a medical centre. The land falls by approximately 10m from the northern street boundary to the site's southern boundary. The western boundary is formed by land in the legal road that is used as a pedestrian link from Northland Road to Governor Road. To the east is the former Northland Fire Station, which is a listed heritage building (Ref: 228) that has been converted into an apartment building

## **PROPOSAL**

The AEE also includes a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report. In short, it is proposed to redevelop the site with a three-storey multi-unit development building containing 8 household units.

## **ACTIVITY STATUS**

Resource consent is required under the following District Plan rule:

<p><b>Buildings and Structures</b></p> <p>Resource consent is required pursuant to <b>Rule 7.3.6</b> for the construction of a new building along a secondary frontage. The Council's discretion is restricted to:</p> <ul style="list-style-type: none"><li>• Design, external appearance and siting of buildings and structures;</li><li>• Site layout;</li><li>• Site access, pedestrian and vehicular access;</li><li>• Site landscaping; and</li><li>• The provision of amenity for any residential activities located on-site.</li></ul> <p>A non-notification clause applies to this rule.</p>	<p><b>Discretionary (R)</b></p>
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Overall, the proposal is assessed as a **Discretionary (Restricted) Activity**.

I note that the applicant's AEE includes an assessment of earthworks effects but that the application was amended so that the earthworks are a Permitted Activity.

## **WRITTEN APPROVALS**

No written approvals were provided with the application.

## **SECTION 95 ASSESSMENT AND DECISION**

## **Public Notification - Section 95A:**

### **Mandatory Public Notification:**

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

### **Preclusion to Public Notification:**

Public notification is precluded because the application requires resource consent under **Rule 7.3.6**, which precludes public notification [s95A(5)(a)].

### **Special Circumstances:**

There are no special circumstances that warrant public notification under section 95A(9). None of the circumstances of the application are exceptional or unusual.

## **Limited Notification - Section 95B:**

### **Customary Rights and Marine Title Groups, and Statutory Acknowledgements:**

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

### **Preclusions to Limited Notification:**

Limited notification is precluded because the application requires resource consent under **Rule 7.3.6**, which precludes limited notification [s95B(6)(a)].

### **Special Circumstances:**

I have considered whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

It is noted that neighbours have registered an interest in being notified of the application. Registration of interest in a proposal does not, in itself, constitute 'affected person' status under the Act or necessarily qualify as a 'special circumstance' under the Act. For the reasons outlined in the Assessment of Effects Section below, these neighbours are not considered to be adversely affected parties.

## **Public and Limited Notification Decision:**

For the reasons set out above, the application does not require either public or limited notification.

## **SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION**

## **Section 104(1)(a) – Effects Assessment:**

### **Potential Adverse Effects:**

Having regard to the discretion provided under Rule 7.3.6, I consider that the following effects need to be considered:

- Residential amenity effects
- Streetscape and character effects
- Heritage effects
- Vehicular access and parking effects

### **Residential Amenity Effects:**

The development has the potential to affect the residential amenity of the nearby residential properties and on this basis an assessment must be undertaken to determine the scale of effects. Residential amenity includes factors such as shading, privacy, character, bulk and dominance.

Having regard to the site context, I consider that there are two properties that could be affected by the proposed development – 54 Northland Road to the east, and 24 Governor Road to the south. I have considered effects to these properties below. Given the topography, which results in most of the building bulk being below street level, there will be limited visibility to the site from the north. To the south, east and west, I consider that any effects would be acceptable with consideration to the separation distances and buffer provided by other existing buildings.

#### *No. 24 Governor Road – to the south*

No. 24 Governor Road is located approximately 10m below Northland Road. The property is within the Outer Residential Area and is developed with a two-storey building oriented primarily towards the west.

The proposed building is set back 14m from the southern boundary. This allows for the bank and vegetation that provides a buffer between the two sites to be retained.

The applicant has not provided a shading assessment but I have carried out a simple shading assessment of a 10m high building on the subject site using online shading tool SunCalc (source: [suncalc.org](http://suncalc.org)). This assessment indicates that there would be no shading beyond the existing environment at the summer solstice or the equinoxes. If the land was flat, after 11am on the winter solstice SunCalc indicates that there would be shadow falling on the roof of No. 24. However, given that the dwelling is tucked into the hillside (see figure 1 below), I consider that any shadow likely to fall within the existing shadow. On this basis, I do not consider that the proposed building would cause any noticeable shading effect on No. 24.

Having regard to the steep bank at the southern end of the subject site, the existing vegetation to be retained, and the orientation of No. 24 towards the west, I consider that there would be minimal visibility of the proposed building. Accordingly, I do not consider that the proposal would result in any noticeable building bulk or privacy effects.





**Figure 1: No. 24 Governor Road viewed from the public accessway**



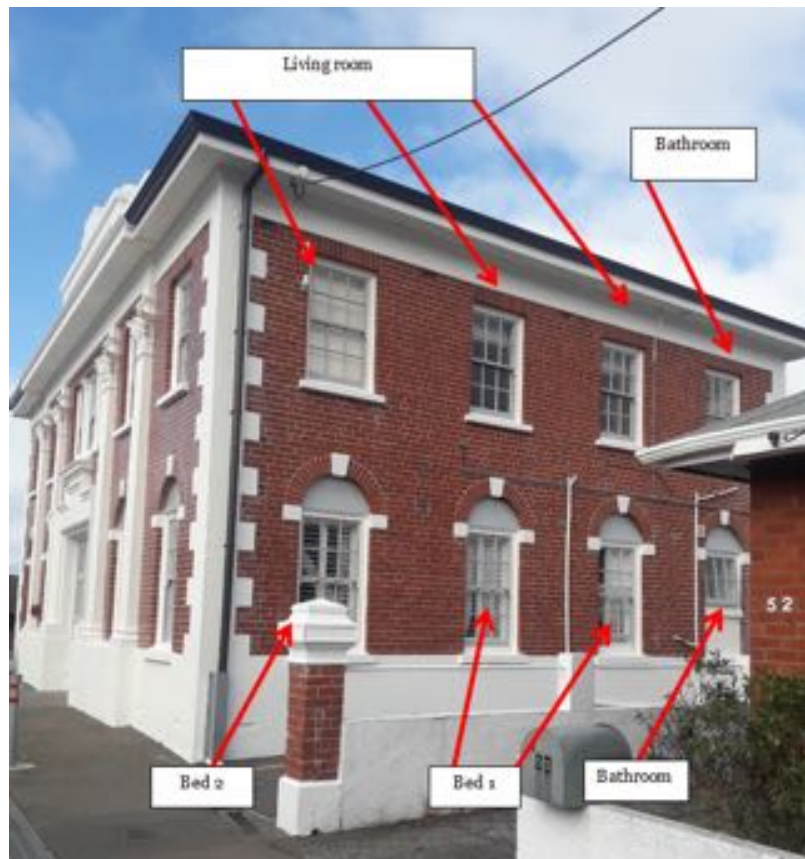
**Figure 2: No 24 Governor Road viewed from the subject site**

#### No. 54 Northland Road – to the west

No. 54 Northland Road is the former Northland Fire Station, which has been converted into apartments. The building is an L-shape, narrowing at the rear with open space provided for car parking. The rear apartments (Units 1 to 4) are roughly 12-13m to the east of the shared boundary and the front apartments (Unit 5 and 6) are approximately 3-4m from the shared boundary. I have searched the Council records<sup>1</sup> and found the floor plans for the front apartments (not shown for the rear apartments) and have illustrated the uses of the rooms behind the windows facing the subject site in the image below.

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<sup>1</sup> Based on building consent SR49857, lodged in December 1998.



**Figure 3 Western interface of No. 54 Northland Road**

In the absence of shading diagrams I have estimated shading effects from SunCalc and have observed the following:

- There will be a shading effect to Units 5 & 6 from approximately 2:30pm onwards at the winter solstice, 3pm at the equinoxes, and from 3:30pm at the summer solstice.
- To the rear apartments there would be a shading effect from 3pm at the winter solstice, 5pm onwards at the equinoxes, and 6pm on at the summer solstice

Given that the building is the similar height to the former fire station I estimate that the upper level windows (Unit 6) would continue to receive some sunlight during the above times and that at the rear apartments that any windows would at worst be partially shadowed.

As such, there will be a shading effect to No. 54 Northland Road and in particular to Unit 5, being the front ground floor apartment adjoining the subject site.



**Figure 4: No. 54 Northland Road viewed from the subject site**

In regards to privacy, the proposal results in the following overlooking opportunities:

- Bedroom windows facing No. 54 at the ground floor and first floor
- Dining room windows at the second floor.

I do not consider the bedrooms to cause a privacy effect as the use of these rooms do not tend to be areas of high occupancy, are typically used for sleeping and during occupation and are usually screened for climatic and internal privacy reasons by closing curtains, blinds or similar.

For proposed units 7 and 8, the living room windows are facing the rear apartments of No. 54. However, I consider that given that the proposed apartments are designed with the main outlooks to the west, with only relatively narrow windows provided towards the east, and the horizontal separation provided that any privacy effect would be minimal.

There will be potential views from the living areas of proposed apartments 5 and 6 to the upper level apartment of No. 54 that faces the subject site (Unit 6). Whilst aspects of the design (setback, primary outlook to the west, narrow windows, and its angled layout) reduce the potential effects to some degree there will be some intervisibility and as such I consider there would be a privacy effect to that apartment.

In regards to building bulk and dominance I note the following:

- The building has been built to the height limit and to the same height as the former Fire Station
- The eastern elevation is modulated and angled, with differentiation through materials and articulation of the upper levels.
- The rear of the site is proposed to be undeveloped and with existing vegetation to be retained.

Notwithstanding the above, the owner and occupiers of No. 54 currently benefit from having a generally unrestricted outlook towards the west. Compared to the existing environment, almost any development on the subject site that increases the height and footprint beyond the existing conditions will result in a building bulk and dominance effect.

In summary I consider that the proposal will result in the following effects to No. 54 Northland Road:

- A shading effect in the afternoons across the year, primarily affecting Unit 5.
- A privacy effect to Unit 6.
- A general building bulk and dominance effect from any views to the west.

### **Streetscape and Character Effects:**

The proposal has the potential to have adverse effects on the streetscape and character of the Northland Neighbourhood Centre and an assessment of those effects is necessary.

The application has been reviewed by the Council's Urban Design advisor, Ms Anna Wood. Ms Wood's assessment dated 17 June 2019 should be read in conjunction with this report. Ms Wood has assessed the proposal against the design guides and overall finds that proposed building will contribute positively to the centre. In summary, Ms Wood considers the former Northland Fire Station to be the key building in the Northland Centre. As such, the primary consideration is how the proposed building responds to that context. Ms Wood note that the building successfully responds to this through providing 'space' through positioning and front and side setbacks, and its height, roof line, extruding front form and windows, which make a 'gentle' reference to the station building. I accept Ms Wood's advice and consider any streetscape and character effects to be acceptable. I note that the plans were subsequently amended to comply with standard 7.6.2.2.2 but Ms Wood has confirmed that her advice remains unchanged.

### **Heritage Effects:**

The Northland Fire Station is a listed heritage building in the District Plan. New development on the subject site has the potential to affect the heritage values of the Fire Station and as such a consideration of those effects is necessary.

The application is accompanied by a heritage assessment dated April 2019 prepared by Ian Bowman. Mr Bowman's report assesses the proposal against the relevant provisions of the CDG and the ICOMOS guidelines. Mr Bowman concludes that the proposal would have a slight/neutral effect on the Fire Station building. Ms Wood's assessment also reviews the relevant sections of the CGD and agrees with the applicant's assessment. I have also sought advice from Ms Eva Forster-Garbutt, Council's Senior Heritage Advisor.

Ms Forster-Garbutt agreed with Ms Wood's assessment in relation to the alignment of the building and its setbacks respected the heritage values of the Fire Station building. Ms Forster-Garbutt suggested that it would be better for the 'rhythm' of the building to closer match the fire station (see drawing RC-080 B that shows the rhythm of the building relative to the fire station). Ms Forster-Garbutt also considered that the proposed smaller windows at the front façade detracted from the design intent of providing larger windows to refer to the Fire Station building. However, she considered that on balance the design is acceptable. I accept the advice from Mr Bowman, Ms Wood and Ms Forster-Garbutt and consider any heritage effects to be acceptable. Ms Forster-Garbutt has confirmed that changes to the plans to comply with standard 7.6.2.2.2 does not change her earlier advice.

### **Positive Effects:**

I consider the proposal to have the following positive effects:

- Intensification of a neighbourhood centre;
- Provision of additional housing supply. The National Policy Statement on Urban Development Capacity (NPSUDC) discussed in further detail below requires decision-makers to take into account the benefits of urban development;

- Provision of more diversified housing supply in the local area.

#### Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

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

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

In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

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

I have had regard to provisions of the following planning documents:

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

#### **Higher Order Planning Documents:**

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. It is my opinion that, other than the National Policy Statement on Urban Development discussed below, there are no National Environmental Standards or other National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

#### **National Policy Statement on Urban Development Capacity:**

The National Policy Statement on Urban Development Capacity (NPSUDC) came into effect on 1 December 2016 and is relevant to this proposal. The NPSUDC is about recognising the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments. The NPSUDC directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

The objectives of the NPSUDC most relevant to this proposal are:

- OA1 – To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
- OA2 – To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
- OA3 – To enable ongoing development and change in urban areas.

In addition to this Policies PA3 and PA4 in particular apply to all decision makers in all circumstances. The proposal has been assessed against these and any other relevant objectives and policies and is considered to achieve the outcome sought by the NPSUDC.

In particular, considering PA3 the proposal is consistent by adding additional housing choice and range of dwellings types through an increase in apartments in an area that is predominately characterised by larger detached residential dwellings. It also promotes the efficient use of urban land within the Centres Area Zone which is promoted by the District Plan as an area for intensification of activities and buildings and intended to accommodate population growth.

In considering PA4, I have considered the local effects and costs above. I have considered the proposal benefits by providing additional housing supply for future generations noting that residential dwellings are in short supply in Wellington currently. Further, adding additional housing supply that is compliant with Centres Area Standards in an area that is anticipated under the District Plan to provide for intensification may reduce pressures on other zones to meet growth demands.

### **District Plan:**

The following objectives and policies are considered relevant to the proposal:

- Objective 6.2.1 (Role and function of centres) and policy 6.2.1.4
- Objective 6.2.2 (Activities) and policy 6.2.2.1, 6.2.2.6 and 6.2.2.6
- Objective 6.2.3 (Built development, urban form and public space) and objectives 6.2.3.1, 6.2.3.4, 6.2.3.6, 6.2.3.7, 6.2.3.8, 6.2.3.9, and 6.2.3.13
- Objective 6.2.4 (Building efficiency and sustainability) and policies 6.2.4.1 and 6.2.4.2
- Objective 6.2.5 (Access and transport) and policy 6.2.5.8

Regard has been had for the objectives and policies listed above. Additional consideration of policies relating to activities, noise, internal amenity, and amenity effects are required and are assessed below.

### Activities:

Policy 6.2.1.4 promotes intensification of activities in centres and is considered to be achieved through a more intensive use of the land than currently exists.

Policy 6.2.2.1 seeks to enable and facilitate a wide mix of activities in centres. I note that the proposal is entirely residential but is at the periphery of the centre, is a lower-order centre and there is no requirement to have non-residential uses (unlike in other centres). The increase in residential activities close to the centre may also contribute to the viability of other non-residential uses.

### Noise:

Policies 6.2.2.5 and 6.2.2.6 seek to avoid reverse sensitivity effects of residential activities in centres by requiring noise insulation. I note that the applicant has not proposed a waiver of standard 7.6.2.9 (Noise insulation). The application has been reviewed by the Council's Senior Environmental Noise Officer, Mr John Dennison. Mr Dennison has recommended a condition of consent require compliance with standard 7.6.2.9, which the applicant has agreed to. Accordingly, I consider that the policy is met.

### Internal amenity:

Policy 6.2.3.7 calls for buildings incorporating a residential component to have “*an adequate standard of amenity and access to daylight and an awareness of the outside.*”

In the aforementioned assessment from Ms Wood, the amenity provided to the dwellings was found to be acceptable. Ms Wood however noted that the open space provision is limited in area and could have improved amenity through better visual privacy. The proposed balconies are less than what the Residential Design Guide recommends. The applicant has subsequently revised the design to:

- Include a communal open space at the southern end of the building and has agreed to a condition requiring that a landscape plan include detail of how the amenity of this space can be maximised. I consider that this is sufficient to complement the private open spaces.
- Increased the privacy of the private open spaces, through reducing the transparency of the balustrade at the upper level and screens at the ground level to provide a visual interruption between the private open spaces and the public realm. I consider that these mitigations are appropriate in providing improved privacy but without unnecessary loss of sunlight or outlook.

### External Amenity:

The proposal is consistent with policy 6.2.3.8 in that the proposal provides an appropriate transition to the Outer Residential Area and avoids amenity effects to those properties (see assessment of effects above).

Policy 6.2.3.9 seeks to “*Manage the height, bulk and location of buildings and developments so that they avoid, remedy or mitigate the adverse effects of shading, loss of daylight, privacy, scale and dominance and any other adverse effects on amenity values within Centre...*” The proposal is not consistent with this policy in that the height, bulk and location of the proposed building will have adverse effects in terms of shading, privacy, scale and dominance on No. 54 Northland Road as outlined above.

However, I do note that the pre-amble to the Centres zone in section 6.1 states standards are set to ensure a reasonable level of amenity is maintained and that standards have been imposed on Centres to avoid, remedy or mitigate the impact of development on Residential Area. Furthermore, whilst the effects have not been avoided, the design has included measures through its placement (angled siting and setback from No. 54), its eastern elevation (with minimal windows), and outlook that do reduce the amenity effects compared to a building that simply complies with the relevant standards.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

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

I note that there is no discretion under the rule triggered to consider servicing of the proposed development. The applicant was given the opportunity to provide additional information in order to obtain support and suggested standards required for connections and servicing of the development from Wellington Water, but this information was not provided. Therefore there may be servicing requirements applied at the building consent or subdivision stage that have not been identified during this resource consent process.

There are no other matters that the Council needs to consider when assessing the application.

## **LAPSING OF CONSENT – SECTION 125**

The applicant has requested a 7-year lapse period for the resource consent on the basis of:

- Current high building costs and shortages in the building market;
- Advantages of additional time for procurement and negotiations of building contracts; and
- Existing obligations of the applicant.

Section 125 of the Act states that “*a resource consent lapses on the date specified in the consent or, if no date is specified...(a) 5 years after the date of commencement of the consent.*”

Given that there is no guidance in the Act on providing an upfront extended period of time, I have considered if the extension would be fair and reasonable; and whether it would pass the tests for an extension of time application.

Aside from major projects, 5 years is the standard period applied to land use consents. The approved development, whilst subject to challenges typical to most developments in Wellington associated with access and topography, is not an unusually large project in scale. I also note that the AEE relies heavily on the positive effects of the proposal due to the shortage of housing in Wellington. Providing an extended timeframe would be contrary to those positive effects. On this basis, I consider that a 5-year lapse period is a fair and reasonable period in which to give effect to the consent.

Not providing an extended lapse period now does not preclude the applicant from applying for an extension under Section 125 in the future. If such an application were to be made, the following tests would apply:

- whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
- whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*
- the effect of the extension on the policies and objectives of any plan or proposed plan.*

At this point, we cannot know if the application would pass these tests in the future. For example, the Council is planning to publicly notify a proposed District Plan by 2021 and so we do not know if the application would pass test (iii).

Overall, I consider that an extended period of time is inconsistent with other similar consents issued, reduces the likelihood of new housing supply being made available within a reasonable time, and introduces uncertainty that could affect other property owners. Therefore, a 7-year lapse period has not been accepted and a standard lapse period has been imposed in accordance with the Act.

## **PART 2 – PURPOSE AND PRINCIPLES OF THE ACT**

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.



In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, I consider that consent should be when the proposal is assessed against the matters in section 104(1)(a) to 104(1)(c) of the Act. The planning and regulatory framework clearly indicates the outcome for this application. I have considered the objectives and principles in Part 2 of the Act and I do not consider that detailed evaluation of Part 2 matters would add anything to my evaluative exercise.

## **OVERALL CONCLUSION**

In the assessment above, I have acknowledged that the proposal will result in an adverse effect on the amenity of No. 54 Northland Road in regards to shading, privacy, bulk and dominance effects. However, I consider the proposal acceptable overall having taken account of the following matters:

1. It is consistent with the expected environmental outcomes of the Centres Area in that it is compliant with all height, bulk and location standards for the Centre;
2. It is broadly consistent with the relevant Centres Area policies and objectives.
3. The proposal is considered to respond positively to the site context and the adjoining heritage listed building.
4. While there is an inconsistency with policy 6.2.3.9, the Centres Area standards have been set to provide for an acceptable level of amenity as outlined in section 6.1. The design of the proposal is also consistent with policies relating to on-site servicing, character and the future amenity of occupants by providing an adequate standard of living through the provision of private open space to each unit and sufficient daylight to all living areas;
5. The proposal on balance meets Part 2 of the Act in that I consider it an efficient use of natural and physical resources by providing additional housing supply and a business and work opportunity on an underdeveloped site, while achieving acceptable levels of on and off site amenity, taking into account the District Plan standards; and
6. The proposal is in accordance with the objectives and policies of the National Policy Statement on Urban Development Capacity in that it is an effective and efficient use of the urban environment through the development of a site which is currently underutilised, will provide for additional housing supply and choice.

In considering all of the above matters, and weighing these against the adverse effects of the proposal, on balance the proposal is considered acceptable.

## **SECTION 108 CONDITIONS**

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Conditions relating to the monitoring of the resource consent.
- Noise insulation requirements
- A requirement to prepare and implement a landscape plan

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
  - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
  - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Condition (a) relates to mitigating possible effects on environment which may occur if the proposal is not built in accordance with the approved plans therefore meets s108AA(1)(b)(i).

The conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed in this report.

The applicant has agreed to the conditions. Therefore section 108AA(1)(a) is also satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

## CONCLUSION

The effects of this proposal are acceptable and the proposal is consistent with the objectives and policies of the District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

## REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application and there is a preclusion that requires the application to be assessed without public notification or limited notification. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is in accordance with the relevant objectives and policies of the District Plan and Part 2 of the Act.

---

Report prepared by: Sebastian Barrett



**Sebastian Barrett**  
Delegated Officer

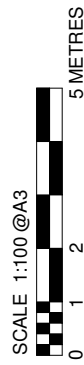
1<sup>st</sup> October 2019

Delegated Authority No. (1 & 2)



**Elliott Thornton**  
Delegated Officer

1<sup>st</sup> October 2019



1 : 100 @ A3

**RC-063 D**





Letter Boxes Refuse Area Bike Storage

COMMUNAL AREA

UNIT 8  
(TYPE 2)

UNIT 7  
(TYPE 2)

UNIT 6  
(TYPE 2)

UNIT 5  
(TYPE 1)

1

Site Plan - First Floor Plan

1 : 100 @ A3

SCALE 1:100 @A3



Project Number

**1830**

Project Northland Apartments

Client Blackheath Trust

Address 52 Northland Road, Wellington

Drawing Number/Revision

**RC-064 B**

Resource Consent

Site Plan - First Floor

Drawing

Date 10/09/19

Scale 1 : 100

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Revision B

Date 10/09/19

Description Updated RC Package

Issue

Drawing

Date 10/09/19

Scale 1 : 100





Letter Boxes Refuse Area Bike Storage

COMMUNAL AREA

UNIT 8  
(TYPE 2)

UNIT 7  
(TYPE 2)

UNIT 6  
(TYPE 2)

UNIT 5  
(TYPE 1)

BBQ

BBQ

BBQ

BBQ

1

Site Plan - Second Floor Plan

1 : 100 @ A3

SCALE 1:100 @A3



Project Number

**1830**

Project Northland Apartments

Client Blackheath Trust

Address 52 Northland Road, Wellington

Drawing Number/Revision

**RC-065 B**

Resource Consent

Site Plan - Second Floor

Drawing Date

10/09/19

Scale

1 : 100

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Revision Description

B

10/09/19

Updated RC Package

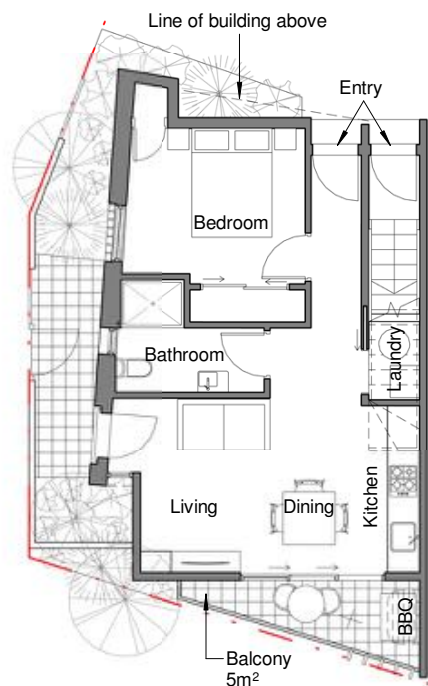
Issue

Drawing

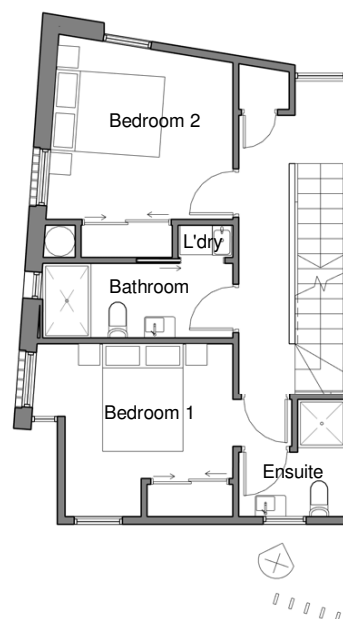
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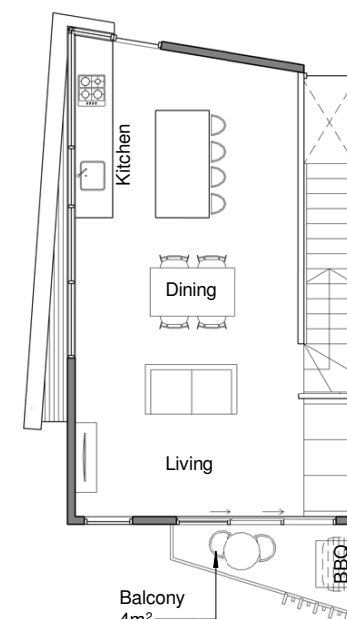
1 : 100



**1** **Ground Floor - Type 1**  
1 : 100 @ A3  
  
1 Bedroom Unit  
Unit 1



**2** **First Floor - Type 1**  
1 : 100 @ A3  
  
2 Bedroom Unit  
Unit 5



**3** **Second Floor - Type 1**  
1 : 100 @ A3  
  
2 Bedroom Unit  
Unit 5

SCALE 1:100 @A3  
0 1 2 5 METRES

Project Number  
**1830**

Project  
Northland Apartments

Client  
Blackheath Trust

Address  
52 Northland Road, Wellington

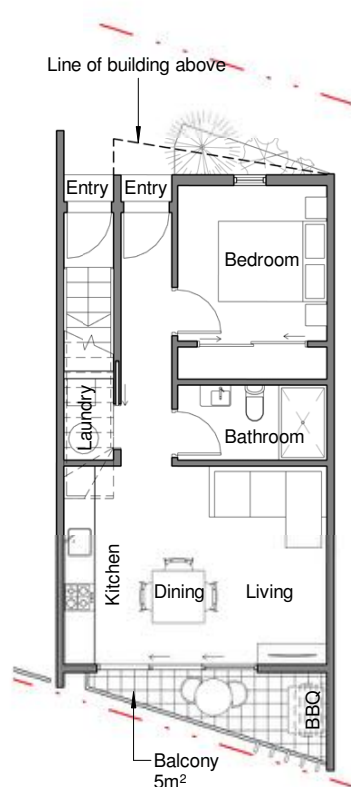
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Revision Date Description  
B 10/09/19 Updated RC Package

Issue Resource Consent  
Drawing Floor Plans - Type 1  
Date 10/09/19  
Scale 1 : 100

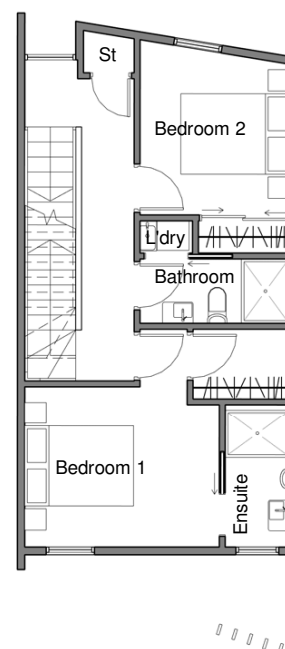
Drawing Number/Revision

**RC-066 B**



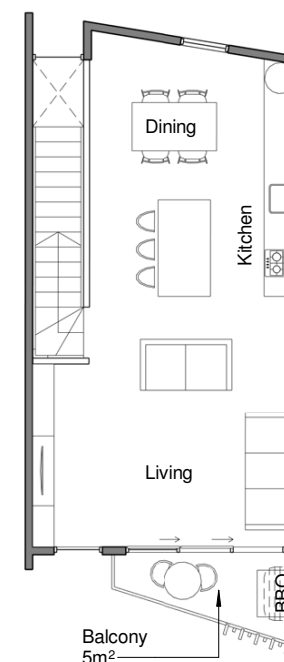
**1** **Ground Floor - Type 2**  
1 : 100 @ A3

1 Bedroom Unit  
Unit 2, 3, 4



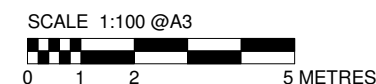
**2** **First Floor - Type 2**  
1 : 100 @ A3

2 Bedroom Unit  
Unit 6, 7, 8



**3** **Second Floor - Type 2**  
1 : 100 @ A3

2 Bedroom Unit  
Unit 6, 7, 8



11/09/2019 10:11:20 AM

Project Number  
**1830**

Project  
Northland Apartments

Client  
Blackheath Trust

Address  
52 Northland Road, Wellington

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Revision	Date	Description
B	10/09/19	Updated RC Package

Issue	Resource Consent
Drawing	Floor Plans - Type 2
Date	10/09/19
Scale	1 : 100

Drawing Number/Revision

**RC-067 B**



**3D Street View - North**

Project Number	Project	Client	Address	NOTE: This drawing is copyright and is the property of Solari Architects Limited and must not be used without written authorisation.	Revision	Date	Description	Issue	Resource Consent	Drawing Number/Revision
<b>1830</b>	Northland Apartments	Blackheath Trust	52 Northland Road, Wellington		B	10/09/19	Updated RC Package	Drawing Date Scale	3D Street View - North 10/09/19	<b>RC-070 B</b>

WCC Approved plans SR433318 : 2/10/2019 A copy must be kept on site





**1** North Elevation - Proposed  
RC-063 1 : 100 @ A3

SCALE 1:100 @A3  
0 1 2 5 METRES

Project Number	Project	Northland Apartments	NOTE: This drawing is copyright and is the property of Solari Architects Limited and must not be used without written authorisation.	Revision	Date	Description	Issue	Resource Consent	Drawing Number/Revision
<b>1830</b>	Client	Blackheath Trust		B	10/09/19	Updated RC Package	Drawing	Elevation - North	<b>RC-090 B</b>
	Address	52 Northland Road, Wellington					Date	10/09/19	
							Scale	1 : 100	

WCC Approved plans SR433318 : 2/10/2019 A copy must be kept on site



**1 East Elevation**

1 : 100 @ A3

*Revised Elevation Units 4 & 8.  
SK201022C*

SCALE 1:100 @ A3  
0 1 2 3 4 5 METRES

Project Number: **1830**  
Project: Northland Apartments  
Client: Blackheath Trust  
Address: 32 Northland Road, Wellington

Architect: SOLARI ARCHITECTS  
1001-1003 Northland Road  
Wellington, New Zealand

Version: 01  
Date: 10/09/19  
Description: Elevation - East

Scale: 1 : 100  
Drawing: Elevation - East  
Date: 10/09/19  
Sheet: 1 of 1

Drawing Number Revision

**RC-091 C**



**1** West Elevation  
 1" = 10' 0" 30

**Revised Elevation Units 4 & 8**  
**SK201022B**

SCALE: 1" = 10' 0" 30  
 0 1 2 3 4 5 METERS

Project Number: **1830**  
 Project: **Northland Apartments**  
 Client: **Blackwheat Trust**  
 Address: **32 Northland Road, Wellington**

Resource Contact:  
 Drawing: **Elevation - West**  
 Date: **10/01/19**  
 Scale: **1" = 10'**

Drawing Number/Revision:

**RC-092 C**



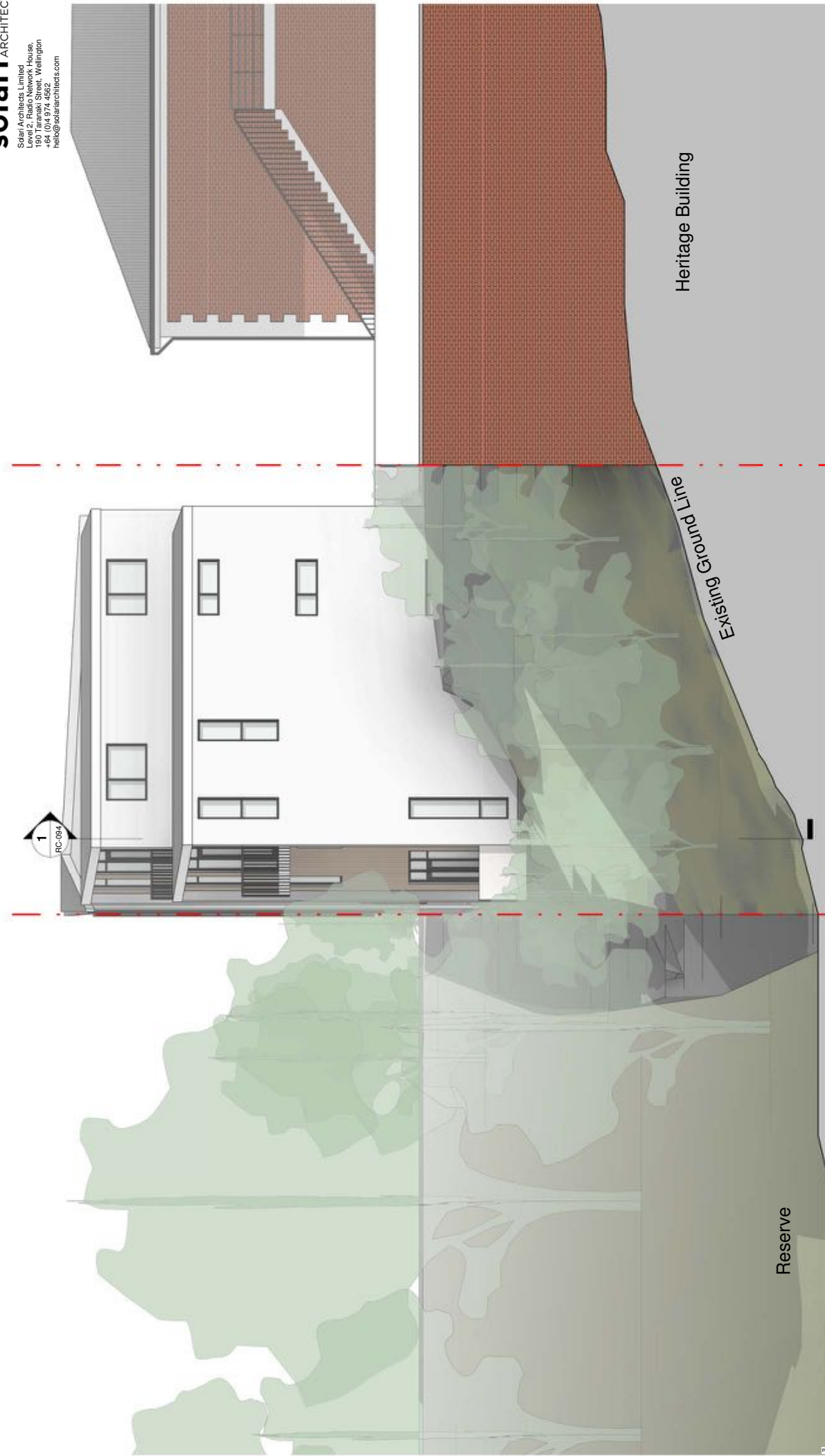
1 Section - Looking East  
 RC-094 1/200 (A1)

Revised Ceiling heights Unit 4.38.  
 Sk201022A

Project Number	Project	Northland Apartments	Resource Consent	Section	RC-094 B
Client	Blackheath Trust		Scale	1/200	
Address	82 Northland Road, Wellington				

WCC Approved plans SR433318 : 2/10/2019 A copy must be kept on site





**1** South Elevation  
1 : 100 @ A3

SCALE 1:100 @A3



Project Number <b>1830</b>	Project	Northland Apartments	Issue Drawing Date Scale	Resource Consent Elevation - South 10/09/19 1 : 100	Drawing Number/Revision	
	Client	Blackheath Trust			<b>RC-093 B</b>	
	Address	52 Northland Road, Wellington				

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Project Number <b>1830</b>	Project	Northland Apartments	Issue Drawing Date Scale	Resource Consent Elevation - South 10/09/19 1 : 100	Drawing Number/Revision	
	Client	Blackheath Trust			<b>RC-093 B</b>	
	Address	52 Northland Road, Wellington				