CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC260152
7 Mead Avenue, Cromwell

BACKGROUND

RC 260018 was approved on 26 May 2026 and granted the approval for a comprehensive residential development comprising 32 town house units, 33 on-site parking spaces (including two accessible spaces), and associated unit title subdivision, at 7 and 9 Mead Avenue, Cromwell. Being approved via the comprehensive development pathway, RC 260018 resulted in a consented density of development greater than that otherwise required by Standard MRZ-S1 (200m^2 site area per unit), and for this site resulted in an overall density of 121m^2 per residential unit, with individual unit title lot sizes predominantly less than 100m^2.





Scheduled Activity 101

Other relevant background to the consideration of this application is that the site (in addition to surrounding lots contained by Barry Ave, Neplusultra Street and Mead Avenue) is identified on the planning maps as ‘Scheduled Activity 101’, as shown.



Schedule 19.3.4 of the District Plan identifies Traveller's accommodation having status as a permitted activity, where it complies with the specified standards of Schedule 19.3.4. The standards specify bulk and location criteria, including a density of one person per 40 square metres, building coverage of 45% and minimum on-site parking requirements.

Plan Change 19 has since introduced the Medium Density Residential Zone framework over the land and had the effect of removing the previous specific rule cross-reference to scheduled activities. It is understood that the scheduled activity status was intended to no longer apply as a result of PC 19. However, recent legal advice obtained by Council confirms that Schedule 19.3 (and its component parts) remains part of the Operative Plan, and PC19 did not amend or delete that part of the schedule or its provision. Accordingly, until Schedule 19.3.4 is lawfully amended or removed, then it remains applicable to the site, in addition to the MRZ provisions.

DESCRIPTION OF ACTIVITY

The current application seeks land use consent to enable the use of the 32 residential units (consented under RC 260018) for visitor accommodation for up to 365 days per year. The application has the purpose to enable the flexible use of the units by individual landowners for either residential or visitor accommodation purposes, and for any length of rental period.

The approved 32 residential units comprise 24 x 3 bedroom units, and 8 x 2 bedroom units, with 33 parking spaces provided. The proposed arrangement results in 24 units with a maximum of 6 persons each, and 8 units with a maximum of 4 persons each; and a maximum of 176 visitors across the site.

No physical works are proposed by the visitor accommodation application. The approved comprehensive residential development (RC 260018) including built form, landscaping, access, parking, waste management and subdivision remains unchanged.

The visitor accommodation activity is proposed to be undertaken in accordance with an Operational Management Plan (OMP) which would apply to each unit. The purpose of the OMP is to ensure that the operation of traveller accommodation avoids, remedies, or mitigates any adverse effects on residential amenity, including noise, parking, refuse management, and

general neighbourhood character. The OMP outlines that the development will be established and governed under a body corporate structure, with a Travel Accommodation Compliance Manager to be appointed by the body corporate. The OMP specifies several controls for the management of the units, and a set of 'House Rules' for guests to adhere to, including:

- no more than one booking per unit
- no more than 2 persons per bedroom
- the use of outdoor areas is prohibited between 10pm and 7am
- Any noisy activities should only occur inside after 9 pm with windows and doors closed
- use of the units for parties, functions, events, or commercial gatherings is prohibited
- designated parking and waste disposal locations
- a complaints management and monitoring procedure
- specifying that no unit can be concurrently used for traveller and residential use at the same time.

As consented under RC 260018, a total of 33 on-site parking spaces were identified for the residential development, which complies with the District Plan minimum requirements of one space per unit where the units are used for residential use. The current proposal does not seek to alter the identified parking arrangement and, therefore, seeks to retain the same parking provision for the visitor accommodation activity. The District Plan specifies under Rule MRZ-S13 that where the activity is visitor accommodation, one *additional* carpark space per residential unit is required. Additionally, Table 12.3 (and Schedule 19.3.4) specifies that travellers' accommodation requires 1 space per bedroom, or 1 per 4 occupants whichever is the greater. The use of the units for visitor accommodation does not comply with these requirements and the application proposes a shortfall of 31 spaces under MRZ-S13 (which requires a total of 64 spaces) and 55 spaces under Table 12.3 (where a total of 88 spaces are required at a rate of 1 space per bedroom).

The parking provision is to stated be provided by allocating one dedicated parking space to each unit, rather than a shared arrangement.

SITE DESCRIPTION

The subject site is comprised of two adjoining lots located at 7 and 9 Mead Avenue, Cromwell. The properties are legally described as Lot 5 DP 20490 and Lot 6 DP 20490 respectively. The lots are vacant, with a relatively level topography and together comprise a land area of 3,882m^2.



The site is located within close proximity (less than 200m) to the Cromwell town centre and Anderson Park. The immediate area is characterised by a mix of visitor accommodation and residential activities, with several motels and accommodation units within the block contained by Barry Avenue, Neplusultra Street, and Mead Avenue.

As noted above, this block has status as Scheduled Activity 101 which has historically acknowledged and provided for Travellers Accommodation in this location as a permitted activity, subject to compliance with the specified standards. It is noted that other visitor accommodation developments have recently been approved or are being considered in the vicinity of the site including RC 250186 which approved the development of 3 Mead Avenue into 21 individual principal units via a unit title subdivision, for a maximum of 90 guests across the site; and RC 260174 currently being processed for to establish Travellers' Accommodation comprising a motel, manager's house and 41 associated residential units at 5 Mead Avenue, directly adjoining the site to the north.

Adjoining the site to the north presently is the Lake Dunstan Motel (subject to RC 260174 outlined above). To the south is a gated residential community, and to the east the site adjoins a linear Council reserve, and further east and north beyond this the Cromwell golf course. Further south of the site is established low density residential development, with some limited intensification occurring.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Medium Density Residential Zone of the Central Otago District Plan (the District Plan). The site is also identified as Scheduled Activity 101.

Rule MRZ-R8 – Visitor Accommodation

Provides for visitor accommodation as a permitted activity where certain conditions are met, including that at least one person resides permanently on the site and the maximum occupancy is 6 guests per night. In this instance the application proposes to authorise the exclusive use of the units for visitors' accommodation (i.e. no permanent resident). As such resource consent is required as a **discretionary activity** for non-compliance with MRZ-R8.2.

MRZ-S13 – Car Parking

Requires the following minimum carpark spaces shall be provided on the site:

1. *One carpark space per residential unit; and*
2. *Where the activity is a home business, one additional carpark space; and*
3. *Where the activity is visitor accommodation, one additional carpark space; and*
4. *Where the activity is a childcare service, one additional carpark space.*

In this particular case, the 32 consented residential units are provided with 33 on-site car parks. As such, this represents a shortfall of 31 carparks if the units are to be used for visitors' accommodation as no additional parking spaces are provided. As such, resource consent is required as a **discretionary (restricted) activity** for non-compliance with MRZ-S13.3.

Matters of discretion are restricted to:

1. *Any adverse effects on the safety and efficiency of the road network.*
2. *Effects on amenity values of neighbouring properties.*

Rule 12.7.2.i – Parking

Requires that every activity shall make sufficient provision for vehicular parking in accordance with Table 12.3 and the minimum dimensions stated in Figures 12.7 and 12.8 and that vehicles shall not be required to undertake more than one reverse manoeuvre when manoeuvring out of any parking space to depart the site. Table 12.3 specifies that travellers accommodation requires 1 space per bedroom, or 1 per 4 occupants whichever is the greater.

In this particular case, the proposal represents a shortfall of 55 spaces under the rates stipulated by Table 12.3. As such, resource consent is required as a **restricted discretionary activity** under Rule 12.7.2.iii of the Plan.

Under this rule, the exercise of Council's discretion is restricted to:

- *the effect on the adjoining roading network,*
- *the effect on any heritage values of the site, or the area, and*
- *the amenity values of the neighbourhood.*

Schedule 19.3.4

Rule 19.3.4 identifies a range of standards for travellers' accommodation. The application does not provide an assessment against this rule, however, the proposed design will not comply with many of the specified standards, including density and parking requirements, and therefore cannot be a permitted activity. Schedule 19 does not identify an activity status for a breach to standards of 19.3.4 and as consent is not sought under this schedule, the underlying zone provisions apply.

NATIONAL ENVIRONMENTAL STANDARDS

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

In this case, the NES-CS was considered as part of the previous subdivision consent decision RC 260018 and the land found to be suitable for residential purposes. I consider that the NES-CS has already been addressed. There are no other National Environmental Standards relevant to this application.

OVERALL STATUS

Under the particular circumstances of this case I consider it appropriate that the bundling principle established in Locke v Avon Motor Lodge (1973) is applied, and that the application be considered, in the round, as a **discretionary activity** pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

SECTION 95A ASSESSMENT

Step 1 – Mandatory public notification
Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c).

Step 2 – Public notification precluded
There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities and/or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

EXCLUSIONS FROM ASSESSMENT (S95D)

A: A consent authority must disregard effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).

B: A consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below).

C: In the case of a restricted discretionary activity, a consent authority must disregard any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).

D: A consent authority must disregard trade competition and the effects of trade competition (s95D(d)).

E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan or a national environmental standard permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this case the permitted baseline includes:

- Buildings are permitted subject to compliance with the relevant bulk and location standards.
- Residential development to the permitted density being two units per site, at a density of one unit per 200m^2, and one minor residential unit. In this scenario, as the site is comprised of two Titles, it is permitted to build a total of four units and associated minor units on the property without resource consent.
- Visitor accommodation undertaken within a residential unit or minor residential unit; where, at least one person resides permanently on the site; and the maximum occupancy is 6 guests per night. In this scenario, based on the permitted residential density, it is permitted to have a total of four units and four minor units associated minor units used for visitor accommodation (if compliant) without resource consent.
- The National Environmental Standard for DMRU's permits one 70m^2 minor household unit per principal unit.
- Scheduled Activity 101 and Section 19.3.4.g permits a density of one person per 40m^2 (250 persons per hectare) in terms of traveller's accommodation. In this scenario, it is permitted to develop both sites together with a comprehensive accommodation facility catering for up to 97 guests.

It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the relevant elements for consideration.

RECEIVING ENVIRONMENT

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises the development of 32 units for residential activity consented under RC 260018, provided with 33 parking spaces. It is considered that this consent is likely to be implemented.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises the ongoing operation of existing visitor accommodation activities, with further development of residential activity in accordance with the MRZ density provisions.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

As a discretionary activity, Council's discretion extends to any matters that it reasonably deems to be of relevance to the consideration of the proposal and its effects on the environment. As the built form, site layout and design, and use of the site for residential purposes has been previously considered as part of RC 260018, this assessment is limited to the effects of the visitor accommodation activity only.

(1) Residential character, amenity and social cohesion

The subject site is located within the Medium Density Residential Zone, which is intended to provide for more intensive, predominantly residential development, comprising a range of housing types, making efficient use of land and providing for growth needs. Objectives MRZ-O1 and MRZ-O2 emphasise the residential focus of the zone and the maintenance of high quality amenity values in a manner that supports the well-being of residents and the anticipated residential character of the zone. MRZ-O1 and MRZ-P6 further indicate that other non-residential activities should support and be compatible with the residential focus. A level of visitor accommodation is permitted in the zone, however this is required to be alongside residential use and with at least one person still residing at the site – thus maintaining the intended residential focus.

It is also acknowledged that the site and immediate surrounding area has historically been identified as appropriate for visitor accommodation, evidenced by being identified as Scheduled Activity 101, providing for travellers accommodation up to 97 guests on this particular site (comprised of two titles). This scheduled status remains applicable to the site, as it was not deleted as part of PC19. It is acknowledged that the site, and broader Mead Avenue area within the schedule, has locational attributes that are suited to visitor accommodation activity given the proximity to the Cromwell town centre, community facilities, reserves, and transport networks. Furthermore, the surrounding receiving environment is predominantly comprised of visitor accommodation activity at various scales; and within this relatively contained area, does not demonstrate a typical residential character. However, the schedule does not override the zoning of the site and instead provides for a limited scale of travellers accommodation as a permitted activity.

The schedule itself does not contain any objectives or policies applicable to the land. Recognising this, it is considered that although the schedule can be considered a relevant permitted baseline, the MRZ provisions carry the most weight with regards to the assessment of the effects of the proposal on anticipated outcomes for the zone. As indicated above, the MRZ indicates a focus on residential activity.

Visitor accommodation by its nature generates a transient occupancy pattern, with frequent arrivals and departures, irregular hours of activity, and a reduced sense of neighbourly familiarity compared with permanent residential use. The absence of permanent residents also diminishes opportunities for casual social interaction, passive surveillance, and a sense of shared responsibility within the community. Recognising the existing site context which includes several established visitor accommodation activities, and lack of residential adjoining neighbours, it is considered effects to locations external to the site typically associated with transient persons, are considered to be no more than minor. However, internally, within the foreseeable receiving environment, the potential combination and inconsistent mix of residential and visitor accommodation activity across the 32 units is considered to adversely affect the potential opportunities for social connections and a sense of amenity, security and companionship.

Additionally, the scale of the proposed visitor accommodation is greater than that anticipated by the zone and/or Schedule 101. Schedule 101 anticipates a lower density of travellers accommodation, for this site being 97 persons only (compared to the 176 persons that would be enabled by the current application). The current proposal, initially consented via a comprehensive development pathway, has maximised the residential intensity of the site under RC 260018, and now proposes a scale of visitor accommodation which is not anticipated by the zone, and is almost twice as intensive as what is enabled under the schedule.

For these reasons, I consider the scale and intensity of the proposed visitor accommodation will have more than minor adverse effects to residential character, social cohesion and amenity, on the existing and foreseeable environment.

(2) Operational and nuisance effects

The application proposes to enable the use of all 32 consented units for visitor accommodation, with no on-site resident or manager. Visitor accommodation is an activity of a similar scale and nature to residential uses, however, due to the nature of the activity and use of the unit by transient persons it can have different effects. For example, visitors use of the accommodation, including the outdoor areas and movements to and from the site, can occur at different times of the day. Additionally, visitors may demonstrate different behaviours due to having no permanent connection to the area. The lack of dedicated and on-site management has the potential to result in adverse amenity effects associated with a lack of oversight and real-time control over operational matters or complaints, particularly in the proposed arrangement whereby each unit can be owned and managed independently.

The applicant has provided a brief Operational Management Plan (OMP), which is intended to be administered by a body corporate and. As outlined above, the OMP includes operational measures for noise, parking, refuse management, and maintaining general neighbourhood character; and includes a set of House Rules for guests to adhere to. The OMP also specifies that the Body Corp will appoint a Traveller Accommodation Compliance Manager to manage the accommodation activities.

Whilst the OMP indicates a reasonable approach towards mitigating potential effects, it is considered the controls do not address a range of matters including a lack of clarity over whether there is a single or multiple accommodation managers intended, a lack of notification

to neighbours and limited complaints management process, no specified check in times, lack of clarity over the referenced noise and waste management plan. Given this, it is considered the present form of the OMP will not be sufficient to manage potential nuisance effects, particularly internal to the development which may comprise any mix of residential or visitor accommodation activity, and effects associated with potential haphazard management of visitor accommodation across the development are considered to be at least minor.

(3) Effects on residential housing supply

The MRZ is intended to provide for more intensive residential living and to contribute to the district's overall housing supply. The conversion of an entire medium-density residential development to visitor accommodation has the potential to affect housing supply in a location in which residential housing is demanded. Additionally, the same locational attributes that benefit the sites location for visitor accommodation, also support its use for residential activity, particularly for medium density developments with smaller unit sizes and limited on-site parking where proximity to services and amenities is also important.

In response to a request for further information, the applicant has provided an economic assessment by Market Economics. The assessment had the purpose to evaluate the economic implications of enabling traveller accommodation at the site. In particular, the assessment considered:

- the contribution that the Project could make to the Cromwell visitor economy,
- the extent to which it may support visitor expenditure and local employment,
- whether it is likely to complement or materially displace existing accommodation providers, and
- whether enabling traveller accommodation is likely to have any material implications for housing availability.

The assessment indicates that "*the Council's adopted growth projections identify the Cromwell Ward as the district's principal growth area. Under the recommended growth scenario, the ward's usually resident population is projected to increase from approximately 11,078 people in 2025 to around 21,241 people by 2055, representing an increase of more than 10,000 residents".* The assessment notes that this growth will generate ongoing demand for additional housing. It is assessed that the introduction of the MRZ through Plan Change 19 has significantly increased the development potential of many existing residential sites. Market Economics outline that 'The Cromwell Yield Assessment'[1] concluded that Cromwell township has feasible capacity for approximately 9,262 dwellings, representing a surplus of around 61% against the Medium growth scenario and 46% against the high growth scenario; and that the Cherry Orchard and Parkburn plan change areas will provide further capacity. Market Economics have concluded that "*the available evidence indicates that Cromwell has sufficient residential development capacity to accommodate projected long-term population growth. Accordingly, the proposal is unlikely to have any material implications for housing sufficiency*".

The assessment also discusses current occupancy rates for different visitor accommodation typologies and identifies occupancy rates of approximately 40% for short-term visitor accommodation provided through online booking platforms. It is discussed that the proposal does not permanently remove the dwellings from the residential housing stock. Rather, it provides owners with the flexibility to use each unit for either residential or visitor accommodation, with the dwellings remaining available for permanent residential occupation

[1] Rationale, *Cromwell Yield Assessment (5 September 2022, REV 2.0*); and Rationale, *Cromwell Yield Assessment – Addendum: Sensitivity Analysis (18 April 2023*), Table 7: Yield assessment sensitivity.

should market conditions favour that use or during periods when they are not used for visitor accommodation.

The assessment undertaken by Market Economics demonstrates that there is sufficient available residential capacity to provide for expected growth – however the assessment does not detail the time period of residential demand relative to the plan enabled and feasible capacity. It is considered that as a consented greenfield subdivision, the 32 units demonstrate a feasible development capacity that is able to be realised in the short term, providing for current housing supply needs. The effects associated with the loss of this short-term residential capacity to visitor accommodation are considered to be at least minor.

(4) Traffic and parking.

Although the application is for a discretionary activity, it is relevant to consider the identified matters of discretion associated with the breach to on-site parking standards, being:

1. *Any adverse effects on the safety and efficiency of the road network.*
2. *Effects on amenity values of neighbouring properties.*

The proposal seeks to authorise visitor accommodation across all 32 units of the development consented under RC 260018. That consent approved 33 on-site parking spaces to serve permanently occupied residential units. The layout and number of spaces were assessed and accepted on the basis of permanent residents who are familiar with the site and its access arrangements. Visitor accommodation has different parking characteristics, with transient occupants, less familiarity with the layout, and differences in parking demand. As such, the suitability of the existing layout and parking provision for a commercial visitor accommodation use requires further consideration of potential effects. Additionally, as there are other accommodation activities occurring and proposed within the vicinity of the site, there is the potential for cumulative effects.

<u>Parking demand, supply and overspill effects</u>

To assist Council in understanding the transport effects of the proposed change of use, the applicant's Transport Planning Consultants (TPC) assessment has been reviewed by Abley, engaged as an independent peer reviewer. Abley firstly note that the proposed parking provision of 33 spaces does not comply with the District Plan standards for visitor accommodation. To consider the effects of this, Abley's considered the traffic generation and parking demand associated with visitor accommodation activity.

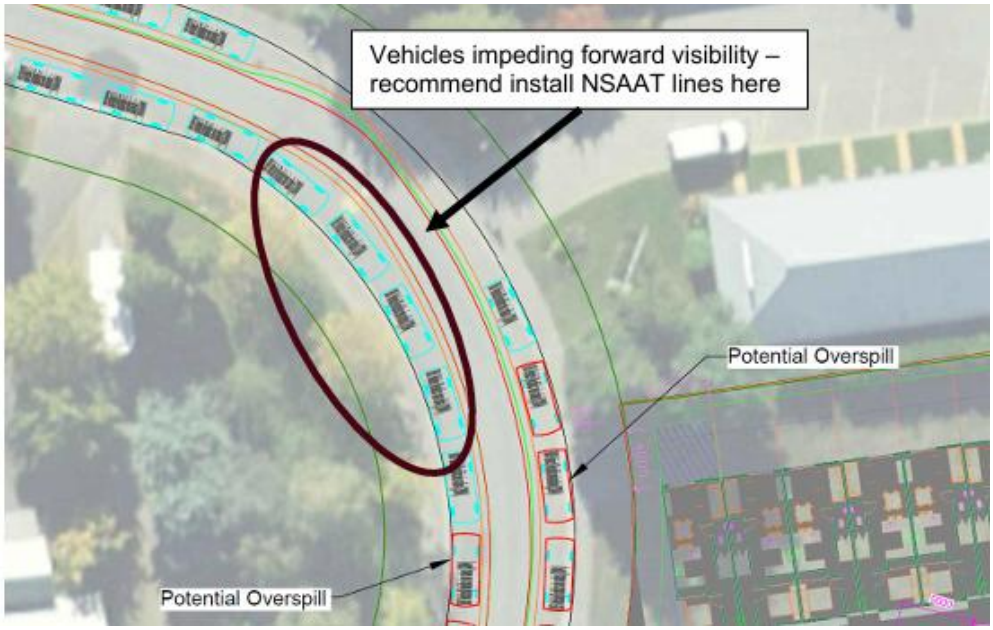
In terms of parking demand, Abley consider that based on available information and the assessment undertaken by TPC, considering the units may be used for mix of residential and visitor accommodation, an appropriate figure of parking demand associated with the activity is considered to result in an overspill of 19 vehicles to the surrounding road network (based on a total demand of 52 parking spaces). Abley's also identify that in their view residential usage has the potential to generate more parking demand than visitor occupancy, noting that the applicant has confirmed that each unit will not include an owner-occupied and a visitor at the same time.

Taking the potential overspill of 19 vehicles, Abley considered the potential effects of the parking overspill to Mead Avenue on the on-street parking availability and functionality, recognising the existing on street spaces currently typically utilised, in addition to the possible overspill generated by the development. As part of a request for further information TPC provided updated plans to demonstrate the physical extent of the parking overspill, and vehicle tracking to determine any accessibility constraints within the road corridor, including assessment to demonstrate access remains possible for service and emergency vehicles.

The plans provided indicate that an overspill of 19 vehicles from the site would result in 31 of 40 spaces being occupied which leaves limited additional on-street parking capacity available for other future developments and potentially pushing on street parking to surrounding roads. Additionally, the carriageway width of Mead Ave is 8.5m which means that the remaining width where two vehicles are parked opposite each other would be approximately 4.5m which is not sufficient to allow for two vehicles to pass safely. However, it is noted that further slow-speed passing would be feasible using vehicle crossings to pull aside along the corridor.

Abley recommends that no stopping lines be established alongside the site access, and also around the corner of Mead Ave where there is limited forward visibility, to enable sufficient visibility and vehicle passing space as shown below. The removal of parking on the bend indicated above has the potential to push vehicles further on to surrounding roads.





Parking Design, Layout and Accessibility

The parking design and layout has been reviewed by Abley for its suitability for unfamiliar users. In response to a request for further information, the TPC provided revised plans demonstrating the full dimensioned parking layout and vehicle tracking, as shown below.



The above plan is however not detailed as part of RC 260018 and nor is the number of car parks required, or specific details of the layout referenced in the conditions. The parking layout shown on the above plan is also different to the plans submitted with the application, and indicates 31 parking spaces, with two additional accessible spaces. It is assumed that the accessible spaces are not available to be allocated to a specific unit, and therefore this layout results in only 31 dedicated spaces provided for 32 units. It is also noted that the functionality of this layout requires the provision of additional blind aisle manoeuvring space at the northern and southern ends of the car park, to allow vehicles to enter and exit the four northern and southern parking spaces.



Irrespective of the lack of clarity over parking numbers, Abley have reviewed the above layout and confirm that it is appropriate, with all parking spaces have a width of 2.6m, depth of 5.0m and manoeuvring space of 7.0m, with additional width available for mobility parking.

Abley are comfortable no reversing will be required out of the site, and that the carpark will operate satisfactorily. Abley recommend that all carparks be numbered and allocated to individual units, and that bookings include details of the allocated parking space within the site for each unit to assist with wayfinding.

Overall conclusion on traffic and parking

Considering the application submitted, and the assessments undertaken by TPC and Abley, it is evident that the development will result in a level of on street parking demand estimated in the order of 19 vehicles and given the on-site parking provision is not able to be shared (i.e. with one dedicated space per unit) this parking demand cannot be mitigated on site and may extend to spillover to surrounding road networks, effecting functionality and amenity of surrounding streets and residential areas.

It is also not clear from the application documents if the accessible parking spaces indicated on the plans further reduce the stated 33 spaces of on-site provision. It is noted that Abley consider the parking demand for residential usage has the potential to generate more parking demand than the current proposed visitor occupancy. In this context, the consented residential development and the effects already enabled by this are a relevant consideration and the current proposed visitor accommodation may in fact reduce adverse effects.

However, the staged approach taken by the applications has maximised residential density under a comprehensive development proposal, therefore I consider it inappropriate to compare these effects to the consented residential development. It is noted that the permitted baseline applicable to the site under the MRZ provisions and/or Schedule 101 is of a scale much less than the current proposal, and the development does not provide the anticipated-on site parking provision required by the District Plan standards. Therefore, the effects of the parking breach and resulting spillover to the surrounding road network and associated functionality and amenity effects, over and above the permitted baseline, are considered to be more than minor.

(4) Servicing and financial contributions

The proposal relates to an already consented residential development for which servicing arrangements have been previously assessed and conditions imposed under RC 260018. At the time of writing final engineering comments have not been received, however, no adverse servicing effects are anticipated. Financial contributions have been assessed under Council's current Financial Contributions Policy and will be imposed, should consent be granted.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall, as assessed above, the proposed activity is likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is required under Step 3.

Step 4 – Public Notification in Special Circumstances
Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined 'special circumstances' as those *"outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or*

unique." The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC [(1997) NZRMA 433 (HC), Urban Auckland v Auckland Council [(2015) NZHC 1382, (2015) NZRMA 235*].

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is required as identified in the assessment above.

OVERALL NOTIFICATION DETERMINATION

Given the decision made under s95A, the application is able to be processed on a notified basis. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



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Date: 9 October 2026

Approved under Delegated Authority by:



Tim Anderson
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Date: 15 October 2026