

RM number: RM230018
Date: 27 January 2025
Applicant: Rosco Ice Cream Ltd
Agent: Spencer Holmes Ltd
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Our reference:RM230018

S133A AMENDED – APPROVAL OF RESOURCE CONSENT FOR EARTHWORKS RELATED TO THE CONSTRUCTION OF ROADING, INSTALLATION OF CIVIL INFRASTRUCTURE, A ROADING INTERSECTION UPGRADE WITHIN THE BOUNDARIES OF STATE HIGHWAY 2 AND UPGRADES TO KIWIRAIL LEVEL CROSSING ADJACENT TO AND WITHIN 30 BENMORE CRESCENT, MANOR PARK, LEGALLY DESCRIBED AS BEING SECTION 1, 6 SURVEY OFFICE PLAN 493901

Council granted consent for the following reasons:

- Everyone Council considers may be adversely affected by the proposal has given written approval to the application. (Council is therefore unable to consider any effects of the proposal on those who have given their written approval).
- For the reasons outlined in section 5.1 and 5.2 of this report, the proposal will have less than minor effects on the wider environment and individual persons. Please refer to these sections for reasoning and assessment details.
- The consent is assessed as a discretionary activity. Section 6 of this report has assessed the actual or potential environmental effects. Please refer to this section for the details of that assessment.
- The proposed upgrading works will not facilitate any additional activities to operate on 30 Benmore Crescent beyond those that are permitted by the District Plan.
- A Council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions shown below.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the development.
- The proposal is consistent with the policies and objectives of the city's District Plan.

- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part 2 of the Resource Management Act 1991.

1. PROPOSAL

Rosco Ice Cream Ltd ('the Applicant') has employed the services of David Gibson of Spencer Holmes Ltd ('the Agent') to apply for a resource consent for earthworks relating to the construction of roading, installation of civil infrastructure and upgrading works to the intersection of Benmore Crescent and Manor Park Road. On 16 October 2024, a revised application was received from Mr Gibson which included an updated design and earthworks for the upgrading works.

The proposed work will facilitate servicing and access to potential future leases on 30 Benmore Crescent, however it is important to note that no land-uses associated with these future lease areas are proposed as part of this application. Any such activities will be subject to a further resource consent application where such activities breach District Plan rules. The intended lease areas will be around the proposed roading arrangement as depicted in figure 1 but noting that these indicative lease areas may be subject to change.

For clarity, it is acknowledged that a resource consent application for a resource recovery park has been lodged with Council within the confines of lease area 1 (Council reference RM230019). This resource consent application is separate to the proposal of this current application.

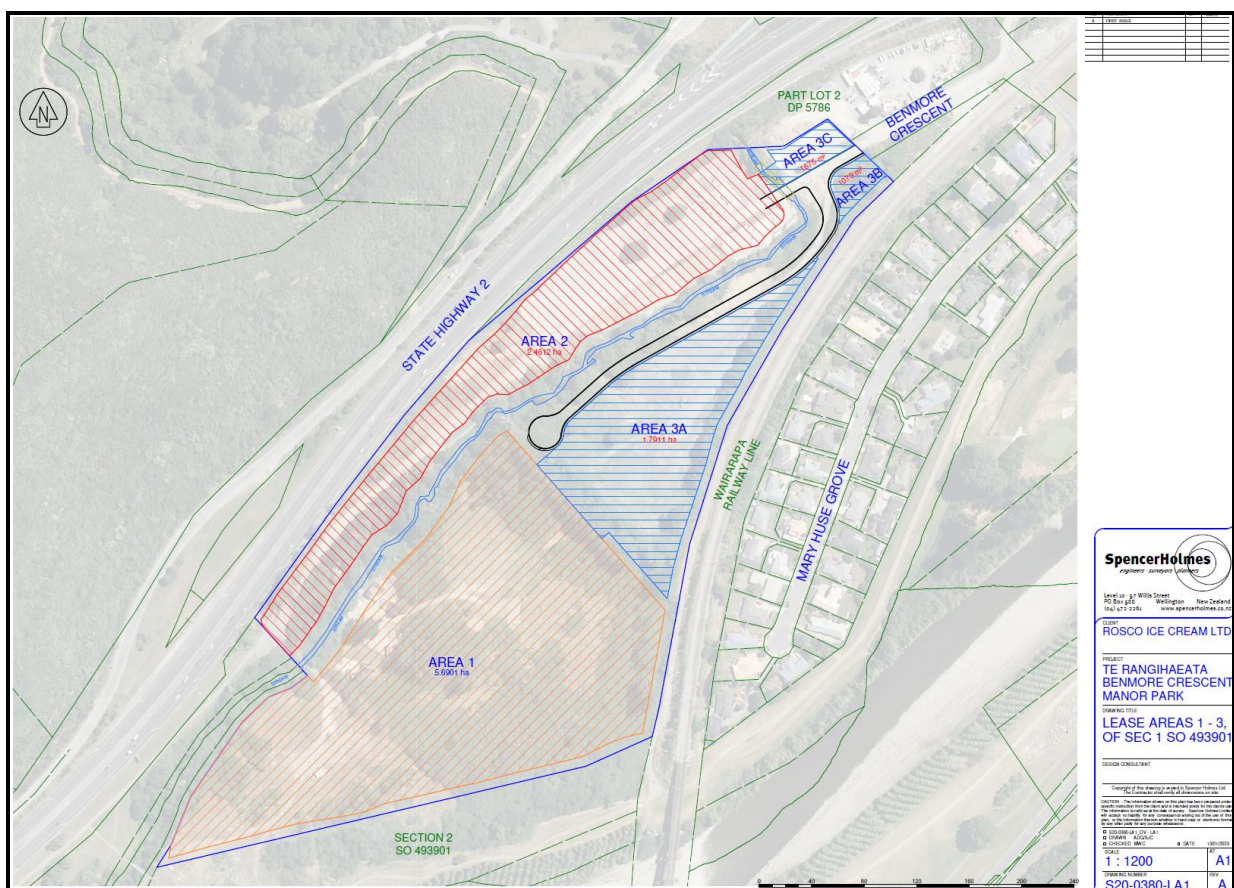


Figure 1: Potential lease sites at 30 Benmore Crescent

The proposed upgrading of the intersection of Benmore Crescent and Manor Park Road will consist of the creation of a dedicated righthand turn-bay suitable for vehicles entering Benmore Crescent from Manor Park Road. The design intends to upgrade the intersection to be suitable for potential heavy vehicle use.¹ The applicant has consulted with Waka Kotahi – New Zealand Transport Agency ('NZTA') with regard to the design of the righthand turn-bay. As a result, the proposal now includes an increased width across the road corridor, allowing for larger profile trucks and trailer to sit within the confines of the proposed turn-bay. The intersection upgrade will be located within the boundaries of State Highway 2 ('SH2') and the local road owned by Hutt City Council ('HCC'), in addition to including safety improvements to KiwiRail level crossing. The new boundaries and details of the roading arrangement is discussed further in section 2 of this report. The upgrades to the Benmore Crescent / Manor Park Road intersection will predominantly consist of widening of the northwestern side of the existing intersection to allow for more room for vehicles turning left out of Benmore Crescent and sufficient room for a dedicated righthand turn-bay from Manor Park Road onto Benmore Crescent. The intersection upgrades will also include safety upgrades such as beam barriers and median islands within and either side of the rail crossing (see figure 2).

It is also proposed to undertake upgrades to Benmore Crescent. This will include the re-sealing and widening of the road as well as the construction of a new 1.5m wide concrete footpath located off the south-eastern edge of the road. This footpath will follow Benmore Crescent in a northern direction before a new pedestrian rail crossing to Manor Park Road. Extra heavy duty vehicle crossings will be installed / re-instated to access the Downers yard at 10 Benmore Crescent and the gravel yard on the southern side of Benmore Crescent (see figure 3).

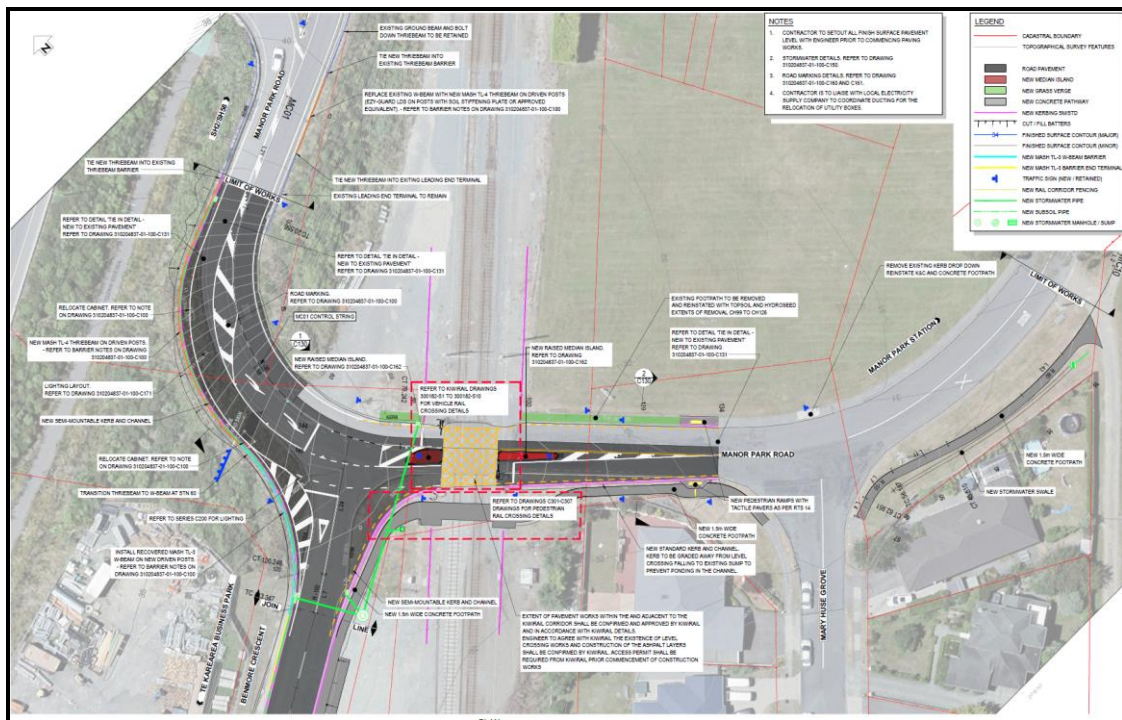


Figure 2: Proposed Benmore Crescent / Manor Park Road intersection upgrades

¹ It is noted that resource consent (RM230019) for a resource recovery park has been submitted to Council, but as no decision has been made; does not form part of the existing environment.

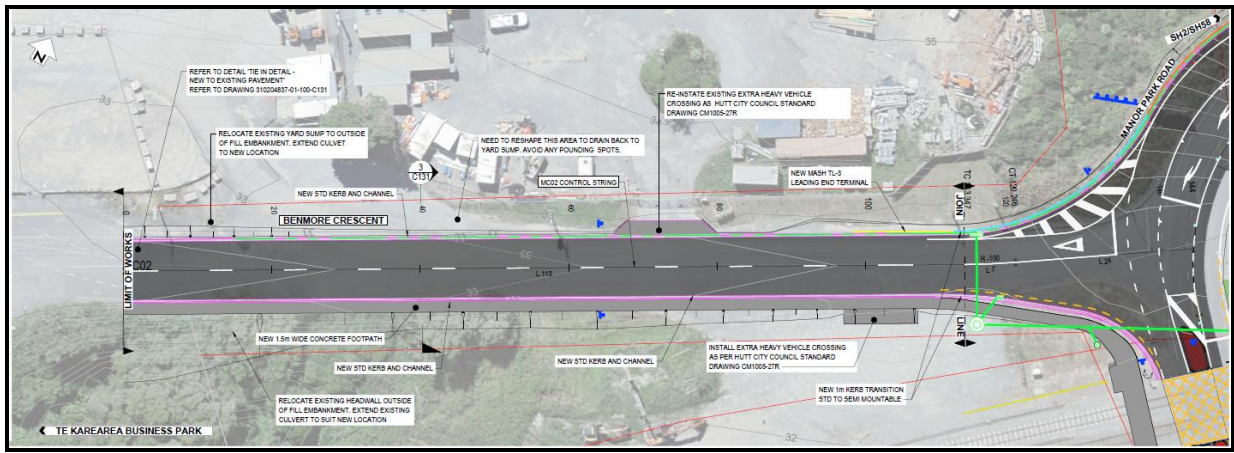


Figure 3: Proposed upgrading of Benmore Crescent

Level Crossing Upgrades

As part of the upgrading to the Benmore Crescent / Manor Park Road intersection, it is also proposed to upgrade the level crossing over the Hutt Valley section of the Wairapa Railway Line which is located to the east of the intersection. The full details of the proposed level crossing upgrade are specified in 'attachment 7' of the application, which I adopt for the purposes of this report; in summary, the proposed upgrade works will involve widening of the vehicle carriageway of the level crossing, median islands and constructing a pedestrian crossing across the rail line (see figure 4).

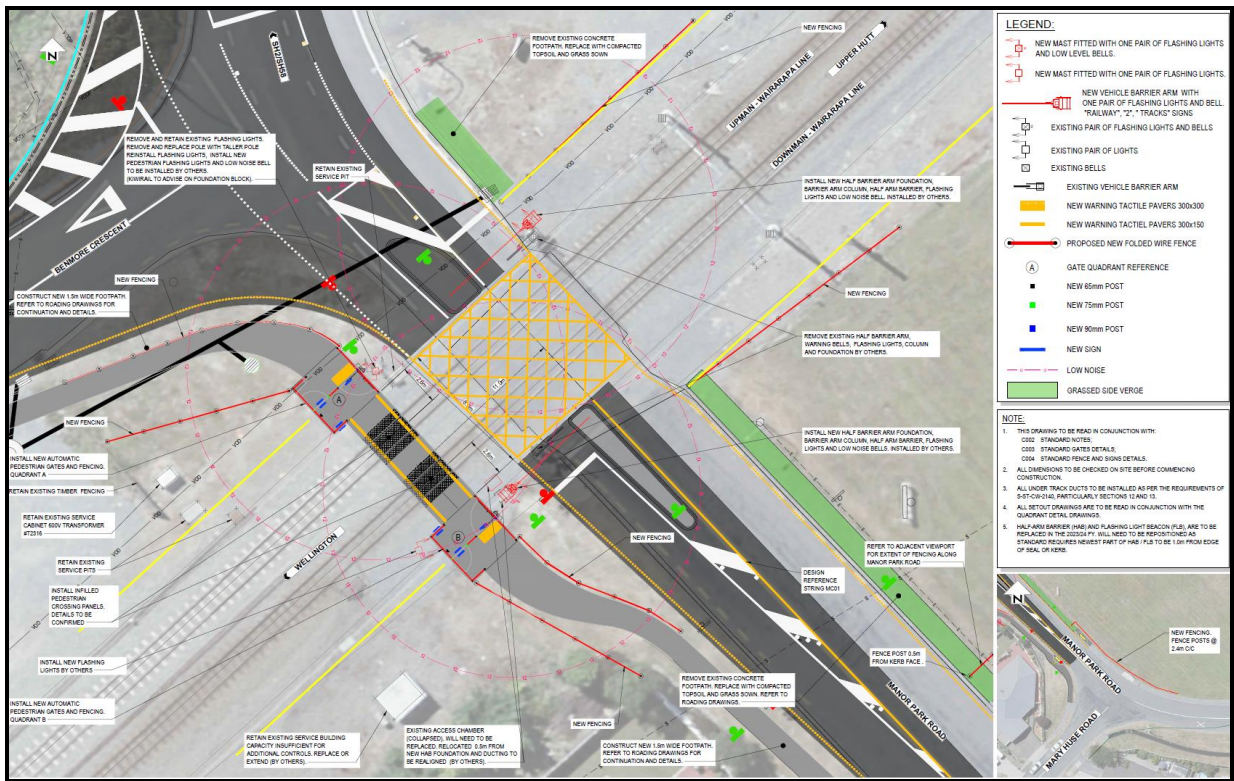


Figure 4: Proposed pedestrian rail crossing

Internal Access

It is proposed to form a private access road as an extension of Benmore Crescent within the boundaries of 30 Benmore Crescent. The proposed access will extend from Benmore Crescent until reaching a 'T' intersection. Continuing to the southwest will be the access which

will service future lease area 2, while the southeastern access will extend approximately halfway into the site to service future lease areas 1 & 3. The internal access road will be constructed with a carriageway width of 8.4m, a 1.5m footpath along the eastern side and 0.15m kerbs. The configuration of the internal access is depicted in figure 7 below.

Three Waters Servicing

In conjunction with the intersection upgrading works, it is also proposed to undertake servicing works to facilitate water, wastewater and stormwater services within 30 Benmore Crescent. Detailed engineering drawings for these services have been provided within 'attachment 4' of the application and should be viewed in conjunction with this report. But to summarise:

Wastewater

The applicant proposes a new trunk sewer main (Ø825mm) that will run through 30 Benmore Crescent. The trunk main will pass from Mary Huse Grove under the rail corridor and Dry Creek.

Stormwater

To service the potential future lease areas within 30 Benmore Crescent, it is proposed to separate stormwater networks on either side of Dry Creek, which discharge into the stream.² It is proposed to treat the quality of the stormwater run-off via the use of swales beside the internal road access as well as two proprietary treatment devices that will be installed on the stormwater pipes. Both the swales and treatment devices are proposed in anticipation that potential future tenants of the lease areas will seal portions of the site with impervious materials.

Water

It is proposed to install a new watermain (Ø200mm), which will extend into 30 Benmore Crescent from Manor Park Road. This proposed watermain will commence at the eastern side of the rail corridor, passing under the railway lines then running along Benmore Crescent until reaching 30 Benmore Crescent. Within 30 Benmore Crescent, the watermain will then follow the new private road and will feed a number of storage tanks within each lease area for both water supply and firefighting purposes.

Landscaping

Landscaping is proposed around the periphery of 30 Benmore Crescent around the intersection of Benmore Crescent/Manor Park Road in addition to Riparian planting for the restoration of Dry Creek. Details of this are specified in 'attachment 8 & 9' of the application and should be viewed in conjunction with this report.

The landscaping around the exterior of 30 Benmore Crescent is depicted in figure 5 which will predominantly be within the Hutt River Corridor to the south as well as planting along the eastern boundary adjoining the railway corridor.

² Greater Wellington Regional Council reference WGN230031

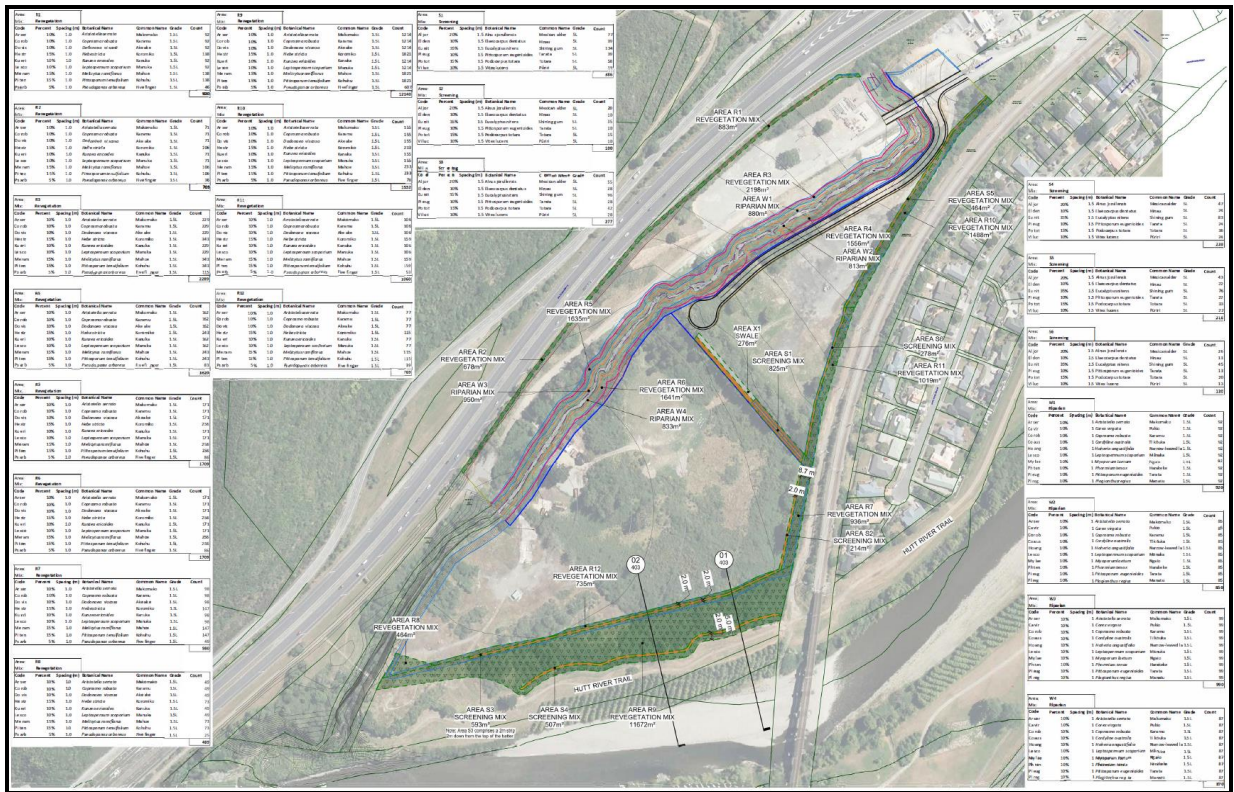


Figure 5: Proposed landscaping prepared by Boffa Miskell

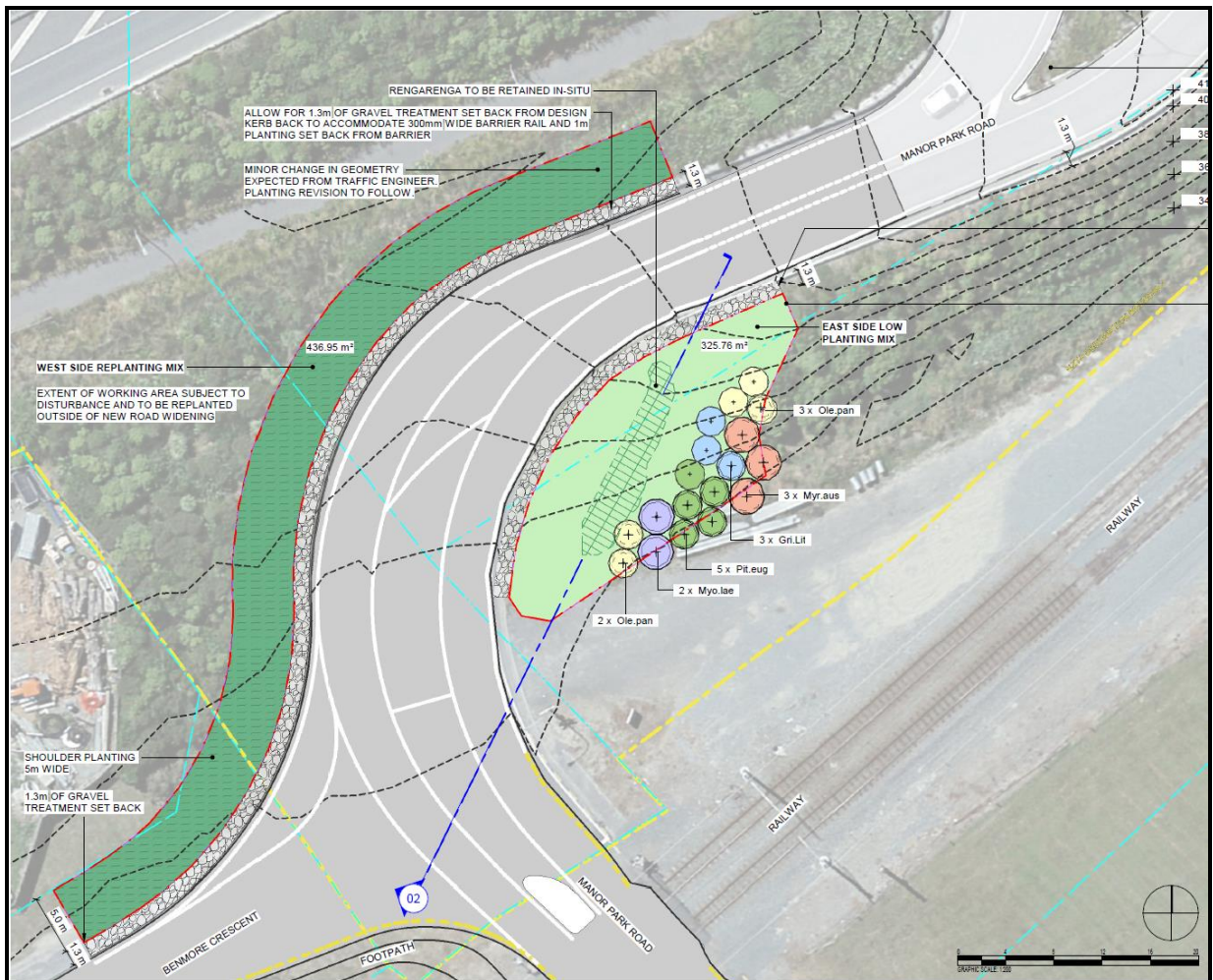


Figure 6: Replanting of Benmore Crescent / Manor Park Road intersection

Earthworks

To facilitate all the proposed work, a total earthworks volume of 1,650m³ is proposed over an area of 8,210m² both within 30 Benmore Crescent and in the legal road. It should also be noted that the AEE specifies that erosion and sediment control measures will be in place during the earthworks period and the applicant has proposed conditions with respect to earthworks management (detailed further below in section 1.1 of this report). The earthworks within 30 Benmore Crescent will be as follows (see figure 7):

- Cut – 600m³, maximum depth of 0.6m measured vertically; and
- Fill – 50m³, maximum depth of 0.3m measured vertically.

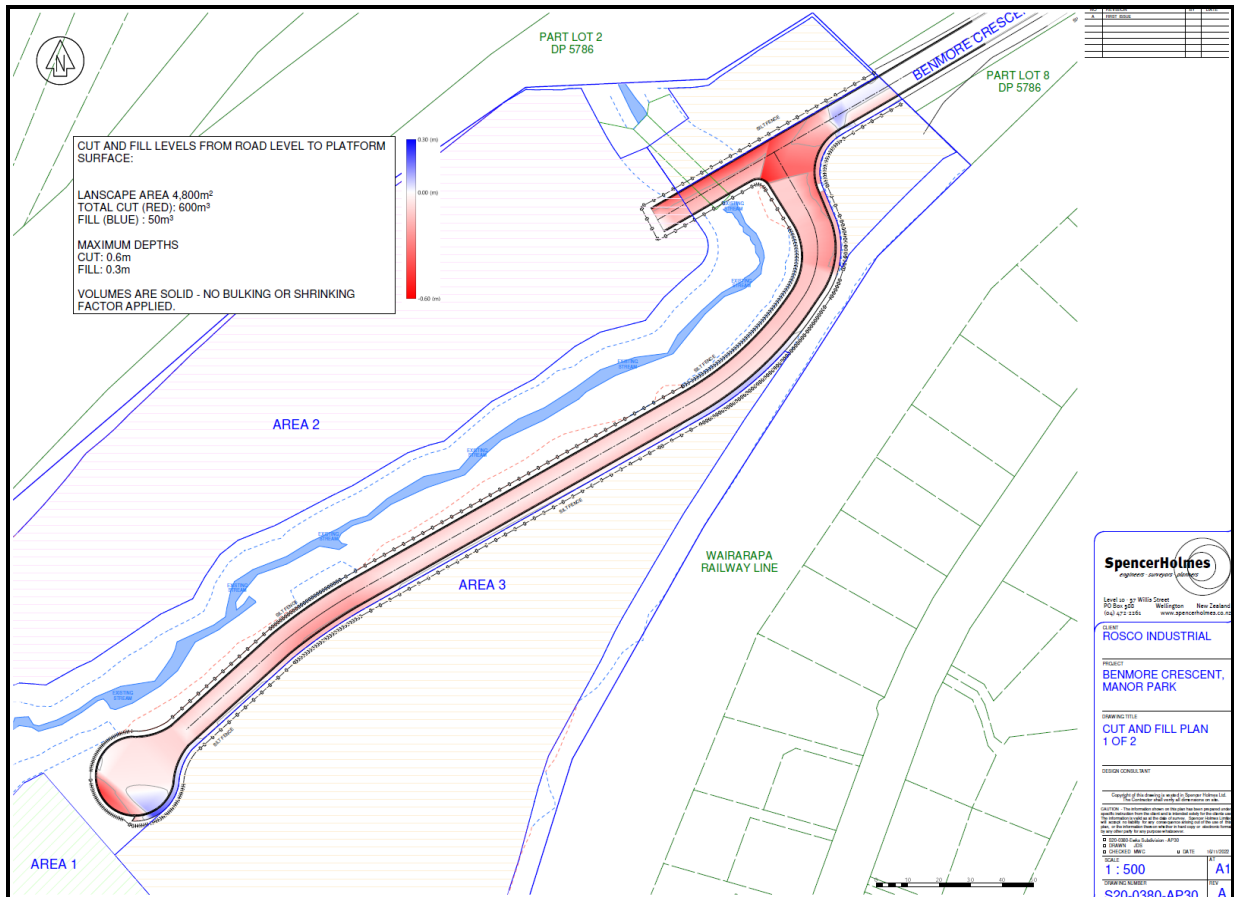


Figure 7: Proposed earthworks within 30 Benmore Crescent

The earthworks that are proposed within the legal road (both on Manor Park Road and Benmore Crescent) will comprise of the following (see figure 8):

- Cut – 520m³, maximum depth of 1.7m measured vertically; and
- Fill – 480m³, maximum depth of 1.3m measured vertically.

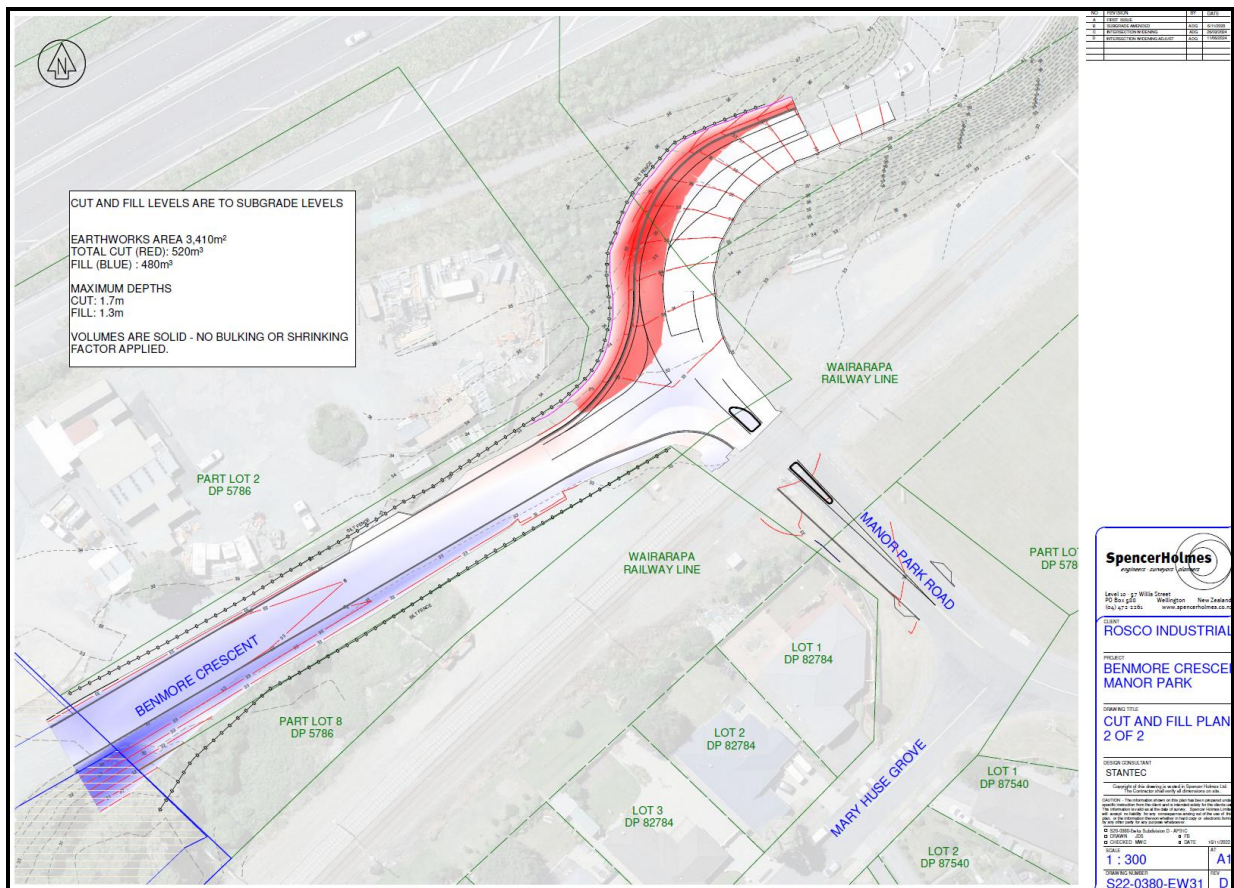


Figure 8: Proposed earthworks with the road boundaries

1.1 – PROFFERED CONDITIONS

Section 5 of the AEE specifies conditions which are proposed by the applicant for this consent and are detailed below:

1. The proposed civil infrastructure and roading works must be in accordance with the plans and information provided with the application.
2. The extent of earthworks carried out in relation to the right turn bay construction works, shall be limited to that shown on Spencer Holmes drawing titled Earthworks Plan Benmore Crescent Manor Park – Cut and Fill Plan 2 of 2, S22-0380-EW31 REV D dated 11.06.24.
3. A Construction Traffic Management Plan (CTMP) must be submitted to the Compliance Officer for approval, at least 10 working days prior to any work commencing. The CTMP must include, but not be limited to, the following matters:
 - Location where vehicles relating to the construction activities will park, load / unload and manoeuvre;
 - Times and days of construction activities;
 - Expected duration of construction activities;
 - Expected volume and frequency of heavy vehicle movements;
 - How complaints from the public will be able to contact site manager (a sign should be placed on Benmore Crescent with site manager's contact details);
 - How dirt on vehicles leaving the site will be controlled;

- All transport corridor traffic management must be to the NZTA COPTTM and must be in conjunction with a Work Access Permit issued by HCC via Submitica as necessary.
4. A final Earthworks Management Plan (EMP), agreed to by the NZ Transport Agency, must be submitted to the HCC Compliance Officer for approval, at least 10 working days prior to any work commencing. The plan must include methods to address erosion, silt and dust control measures and be relied on at all times. The EMP must include:
- Erosion and Sediment Control methods to be used on the site, including but not limited to a silt fence around the perimeter of the works site; stormwater detention areas if required; and methods to protect existing stormwater intakes (which are part of the road infrastructure) from silt and sediment runoff to prevent any discharge during construction.
 - A requirement to maintain the silt and sediment controls in good working order at all times, and to fix any breaches or address any problems as soon as practicable after issues arise.
 - A requirement to inspect the silt and sediment controls after major weather events.
 - A requirement that all dust is controlled and exposed areas regularly wetted down to avoid dust nuisance to the highway road surface and to motorists.
 - A requirement that all vehicles (including trucks) are to be substantially cleaned of dust, mud or other nuisance material before exiting the works site.
 - An accidental discovery protocol.
5. The consent holder shall submit to Council's Development Engineer a road safety audit in accordance with the New Zealand Transport Agency's publication 'Safe System audit guidelines for transport projects' for the roading upgrades during the following stages of construction.
- Detailed design stage when engineering drawings are submitted for approval. The detailed design of the road and intersection shall take into account the findings of the Safe System audit report.
 - Post construction stage. A post-construction Safe System audit report shall be submitted for acceptance.
6. The earthworks and other work must be carried out in accordance with the EMP to the satisfaction of the Compliance Officer. The erosion and sediment control measures must not be removed until the site is remediated to the satisfaction of the Compliance Officer.
- Note:** *If necessary, the Compliance Officer may require changes to the implementation of the EMP, to address any problem that occurs during the work or before the ground surface protected by grass or other materials.*
7. Working hours for the earthworks and construction are to be as follows:
- Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays)

8. Silt and stormwater run-off must be controlled for the duration of the works. Earth or debris must not collect on land beyond the site. Untreated stormwater runoff must not enter the Council's stormwater system.
9. Any soil or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the Council's Compliance Monitoring Officer.
10. The consent holder must ensure that the discharge of dust created by the earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance. The controls must be implemented for the duration of the site works and continue until the ground surface has been stabilised by construction, paving or planting.
11. Dust from carrying out the earthworks shall be reduced through appropriate means so that dust does not become a nuisance to motorists or the state highway pavement surface. Dust will be deemed a nuisance if either the contractor or NZTA receive complaints from the motoring public about dust; or if advised by the Wellington Transport Alliance.
12. A landscape plan must be submitted for approval prior to landscape works commencing. The landscape works must be implemented by the consent holder within 3 months of completion of construction. The plantings must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the Council's Compliance Monitoring Officer. 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.
13. The areas where vegetation has been cleared, shall be remediated with landscape planting upon completion of the works. The Landscape Plan by Boffa Miskell, BM210903, Revision E dated 17.06.2024, shall be adhered to and the NZTA P39 Standard Specifications for highway landscape treatments (NZTA P39:2013) followed for both removal and replacement of all plants within the earthworks area.
14. In order to manage traffic movements from the site at 30 Benmore Crescent (Section 1 SO 493901 held in Record of Title 738223), and not exceed the design capacity of the roading upgrades at the intersection of Benmore Crescent and Manor Park Road, the maximum traffic movements (two-way) are limited to 2,900 movements per day, which is measured on a seven day average.
15. To secure ongoing compliance with Condition 14, the consent holder must enter into a section 108 Resource Management Act 1991 covenant in favour of Lower Hutt Council over Section 1 SO 493901 held in Record of Title 738223. The consent holder shall contact Council to initiate the preparation of the covenant.

A copy of the updated Computer Register (Record of Title) showing that the covenant has been registered must be provided to Council prior to commencement of any activities on the site.

16. To monitor ongoing compliance with Condition 14, the consent holder must provide a report to Council's Compliance Monitoring Officer outlining the various activities being undertaken at the site (30 Benmore Crescent) and their anticipated traffic movements. The consent holder shall submit the report to Council on an annual basis at the anniversary of the consent, and also upon a new and/or any change of any tenant or activity being undertaken at the site.

17. A general monitoring condition.

In addition to the above proposed conditions of consent, the applicant has also proposed that a covenant be imposed on the title that shall set an upper limit for the traffic volumes generated across future lease areas on 30 Benmore Crescent.³ This upper limit is proposed to be set using a 7 day average with the estimated upper limit for traffic volumes specified in the Stantec Transportation Assessment Report. The applicant has proposed that the drafting and registration of this covenant form a condition of consent.

On 17 January 2024, Mr Gibson also proposed an additional proffered condition of consent that specifies the following:

18. That vibrating rollers within 30 Benmore Crescent are not to operate within a zone of 20m 30m wide from the north-western railway corridor boundary. No vibration shall exceed 0.3mm/s PPV as measured from within any residentially zoned property in relation to works within 30 Benmore Crescent (Sec 1 SO 493901).

Works within the public road / rail corridors (Benmore Crescent & Manor Park Road) must adopt the BPO with respect to vibration generation. Details of which must be provided in accordance with the management plans under conditions 4 & 5.

Advice note: A sheepsfoot roller may operate within the 30m wide zone.

1.2 – WRITTEN APPROVALS

On 5 November 2024, written approval from Kathryn St Amand, Principal Planning Consultant for NZTA was supplied to HCC for the proposal; including the conditions of consent which form part of the proposal specified above in section 1.1 of this report.⁴ Most notably Ms St Amand specified that those conditions 2, 4, 11 & 13 above should reference the full and legal name of NZTA being "New Zealand Transport Agency".

On 20 November 2024, written approval from Michelle Grinlinton-Hancock (Manager RMA Team for KiwiRail Holdings Limited) on behalf of KiwiRail Holdings Ltd was supplied to HCC for the proposal.

³ Assessment of Environmental Effects, p. 20

⁴ Written approval for the purposes of s 95E(3)(a) and s 104(3)(a)(ii) of the Resource Management Act 1991

1.3 – SECTION 92(2) REPORT COMMISSIONED

Written notice was supplied to Mr Gibson on 17 February 2023 that formally notified HCC's intention for a report to be commissioned in relation to the potential traffic / transport effects. Mr Gibson did not refuse the commissioning of this report and retrospectively confirmed agreement to the commissioning of the traffic report on 12 July 2023. Luke Benner ('Mr. Benner'), Councils Consultant Traffic Engineer, of Luke Benner Consulting Ltd was commissioned to peer review the application and the traffic report prepared by the applicants' traffic engineers (Steven Jiang and Mark Georgeson of Stantec New Zealand Ltd). Mr Benner's report was received on 17 April 2023.

Upon receiving a revised AEE and updated traffic / transport plans, written notice was supplied to Mr Gibson on 11 August 2023 of Council's intention for a revised peer review report to be commissioned by Mr Benner. Mr Gibson confirmed agreement to the commissioning of this report on 14 August 2023.

1.4 – SECTION 92(1) REQUEST FOR FURTHER INFORMATION

Written notice was supplied to Mr Gibson on 18 April 2023 which requested the following further information be provided:

Traffic (HCC Consultant)

1. The assessment provided by Stantec regarding the existing transport environment fails to consider the crash history of the SH2/SH58 interchange. It is my assessment, that the Transportation Assessment Report needs to consider this as almost all traffic coming and going from the proposed development will travel through the interchange. This would then result in Waka Kotahi being an affected party.
2. In order to ensure a clear understanding of the baseline traffic environment, it is not clear if there are other granted resource consents within the vicinity of the proposed development that should be taken into consideration particularly where this may result in higher traffic volumes along Manor Park Road.
3. Within the Transportation assessment Report, Stantec have undertaken baseline intersection modelling as well as future state modelling using Sidra. The report details that the traffic generation rates are particularly conservative and have utilised trip generation rates from Waka Kotahi Research Report 453. Can the applicant please provide details of the different land uses tested in the modelling.
4. This RFI question relates back to RFI 1, an assessment is required with respect to the future state modelling carried out and how this will affect safety at the SH2/SH58 interchange.
5. Can the applicant please provide the completed Level Crossing Safety Impact Assessment Report (LCSIA) & provide assurances that there has been no professional conflict between the Stantec staff who have completed the transport assessment and those that were engaged by KiwiRail to carry out the LCSIA.

6. Based on the proposed changes to the rail level crossing and proposed intersection upgrade of the Benmore Crescent/ Manor Park Road intersection, this necessitates the need for a safe system audit to be carried out in line with Waka Kotahi's 2022 guidelines. The safe system audit should be carried out by a suitably qualified third party.
7. It is noted that of the interventions identified to improve safety at the level crossing, only cater for pedestrians at the southern side of the crossing, when there is also a footpath along the northern side of Manor Park Road approaching the level crossing. No crossing facility is proposed from this footpath to the southern side footpath. This results in a heightened risk for pedestrians approaching the crossing along this footpath. Can the applicant please confirm whether a crossing facility will be provided.
8. It is proposed to construct a private road within the boundary of the applicant site featuring two 4.2m lanes and being of a similar formation to the rest of Benmore Crescent. The current form of Benmore Crescent is more rural than urban and does not include formed kerb lines. Can the applicant please confirm that the existing public road formation section of Benmore Crescent will be upgraded as part of the subdivision.
9. Applicant is proposing substantial upgrades to the Benmore Cres/manor Park Road intersection. Can the applicant please provide the concept drawing set including full vehicle tracking drawings.
10. No assessment has been provided by the applicant with respect to the effects the level crossing will have on the modelling at the upgraded Benmore Cres/Manor Park Road intersection especially in considering any increased frequency scenarios of trains on the line and how this might affect queuing. Can the applicant please provide an assessment on this matter.
11. Can the applicant provide the data sets used to inform the traffic modelling.
12. How have the number of HGV's been estimated for the tenancy areas other than the resource recovery centre.
13. There has been no mention of construction traffic and any assessment around this. Can the applicant please consider this as part of the transport assessment.

Transport (HCC Internal)

14. The report didn't clarify Stantec's conflict of interests representing an affected party, KiwiRail, and the developer. Please provide clarity on how Stantec has managed this conflict of interest.
15. The traffic data is required particularly at the connection of Benmore Cres/Manor Park Rd to assess the impacts of the proposal.

16. Please provide data showing a “before – now- and after” – which shows the proposed design/plans for the intersection upgrade which is designed to achieve road safety audit based on Waka Kotahi’s guidelines.
17. There is no road classification included. More recently, Waka Kotahi determined a new road hierarchy based not only on traffic volumes but introducing the movement and place. Please provide this classification as this could influence how council assesses the effects of the development with regard to the required upgrade and the effects. This can be found at <https://nzta.govt.nz/planning-andinvestment/planning/one-network-framework/>
18. The traffic volumes presented are scars and no data on pedestrian/cycling facilities or numbers are presented. Please provide further information as this needs to be seriously considered as it presents a link from Manor Park Rd to HCC’s cycling plan(s). See comment above re ONF.

An addendum to the above information request was sent to Mr Gibson on 11 May 2023, which requested the following information be added to the original request for further information under s 92(1):

19. Please provide new stormwater management plans which show a swale flanking the main road of the site, and another plan in the southern lease are showing the swale for the truck parking area in addition to the already proposed swale.

All of the above additional information requested were answered in a satisfactory manner on 12 March 2024. The assessment in this report takes into consideration all the responses received to the above questions.

2. SITE DESCRIPTION

The application site consists of five separate parcels of land, each with different ownership arrangements, sizes and purposes. It is noted that all the below parcels of land are located within the General Rural Activity Area of the District Plan.⁵ The applicant has provided an aerial image detailing the extent of the application sites, with the following sections of this report going into more specifics regarding each parcel of land.

⁵ This includes roads, which have the zoning of the adjacent property under the District Plan.

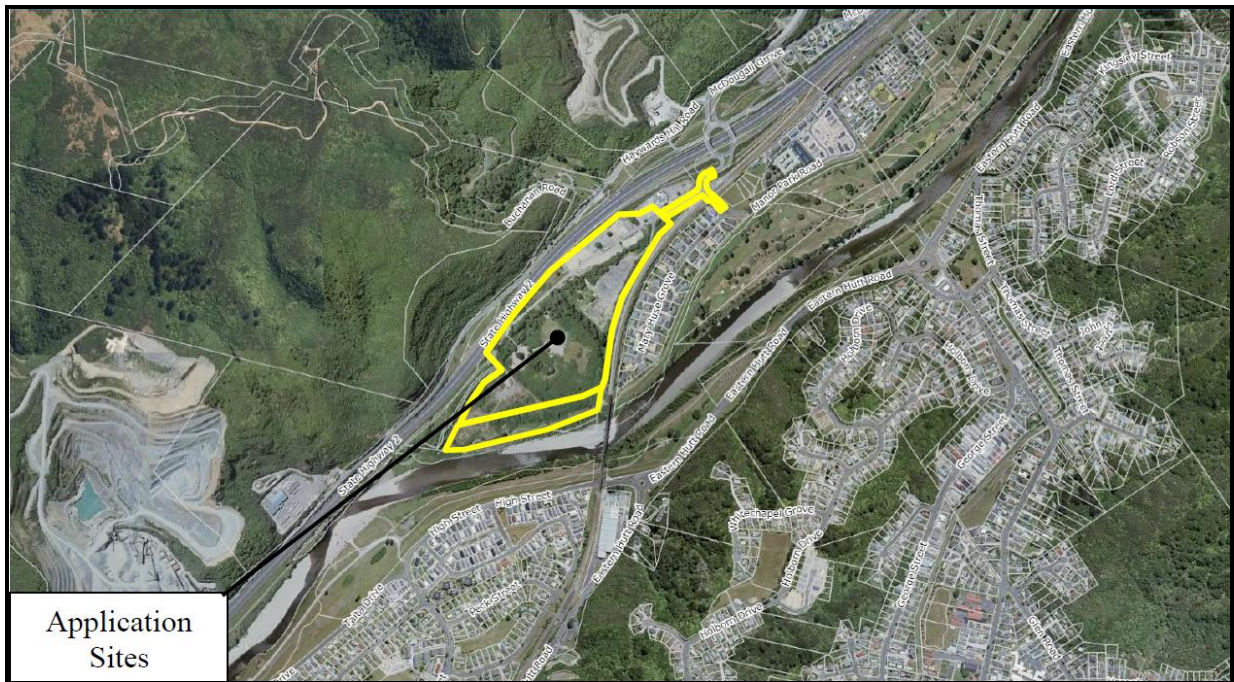


Figure 9: Application site boundaries

2.1 – 30 Benmore Crescent, Section 1, 6 SO 493901 (RT 738223)

The first parcel of land forming the application site is known as 30 Benmore Crescent containing a total area of 135,192m², legally described as Section 1, 6 SO 49390 within Record of Title 738223. It is noted that RT 738223 specifies that it has been part cancelled, as Section 6 SO 493901 has been gazetted for local purpose reserve, resulting in Section 1 SO 49390 having an area of 132,121m². This part of the application site has been altered by RM220258, which is discussed in further detail in section 2.8 of this report. 30 Benmore Crescent also contains a stream, known as Dry Stream, that dissects the property from north-east to south-west (see figure 10).

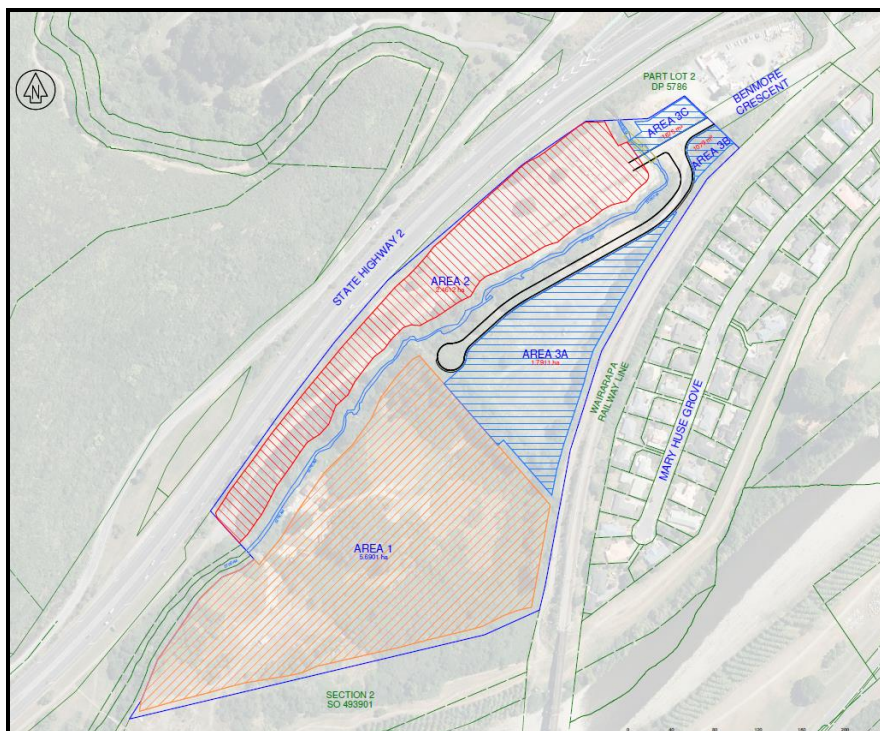


Figure 10: Location of Dry Stream

30 Benmore Crescent is located within the General Rural Activity Area of the Operative District Plan and has a number of additional District Plan notations/overlays such as:

- Secondary River Corridor Overlay (blue in figure 11)
- State Highway and Railway Corridor Buffer Overlay (red dashed line in figure 11)
- Wellington Fault Overlay (red hatched area in figure 11)

Mr Gibson provided a history of the use of 30 Benmore Crescent on p.7 of the lodged AEE, which can be summarised as follow:

- The site was originally used for horticultural activities.
- By the 1970's the southern portion was used for gravel and concrete batching.
 - Housing associated with this was located at the northern portion of the site.
- By the mid 1990's the site was used for yard based industrial activities.
- During the late 1990's to early 2000's, the eastern part of the site was filled, and the site largely remained vacant with the exception of a paintball activity.
- From the mid 2000's to 2010's the site was used for industrial yard based activities, which continued during the late 2010's for the construction of the Hutt Expressway.



Figure 11: 30 Benmore Crescent with District Plan notions

2.2 – Benmore Crescent (LINZ Parcel ID 4067826)

This parcel within the application site is currently known as 'Benmore Crescent' and is a road which is accessed from Manor Park Road. Benmore Crescent currently only provides access

to three allotments, being 30 Benmore Crescent (described above), 10 Benmore Crescent (Part Lot 2 DP 57686) which is a Downers yard owned by NZTA and Part Lot 8 DP 5786 being the gravel patch located to the south.

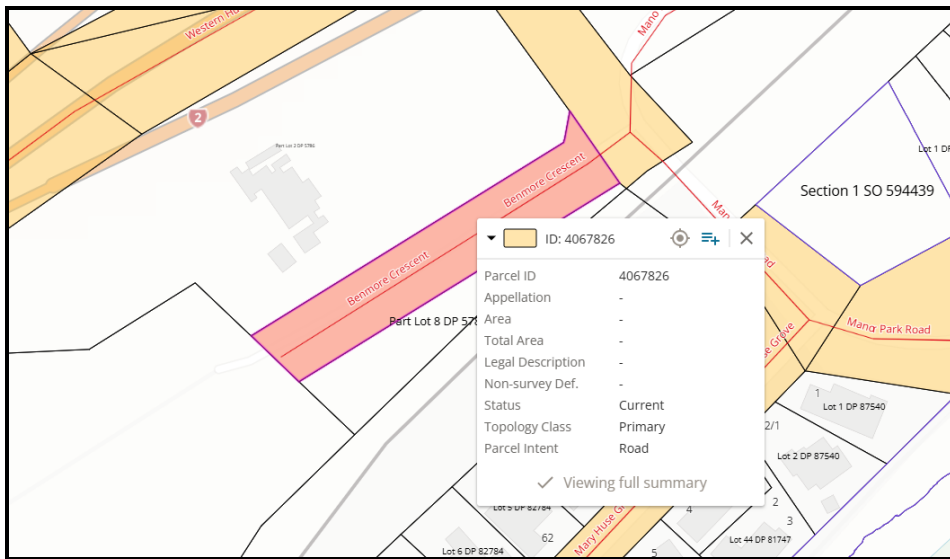


Figure 12: Location of LINZ Parcel ID 4067826

Benmore Crescent is currently formed with a width of 9.2m, with a legal width of 24.1m. The parcel of land and the formation of the road is flat in topography. This parcel of land is also noted to be entirely within the Wellington Fault Rupture Hazard Overlay of the District Plan (see figure 13).

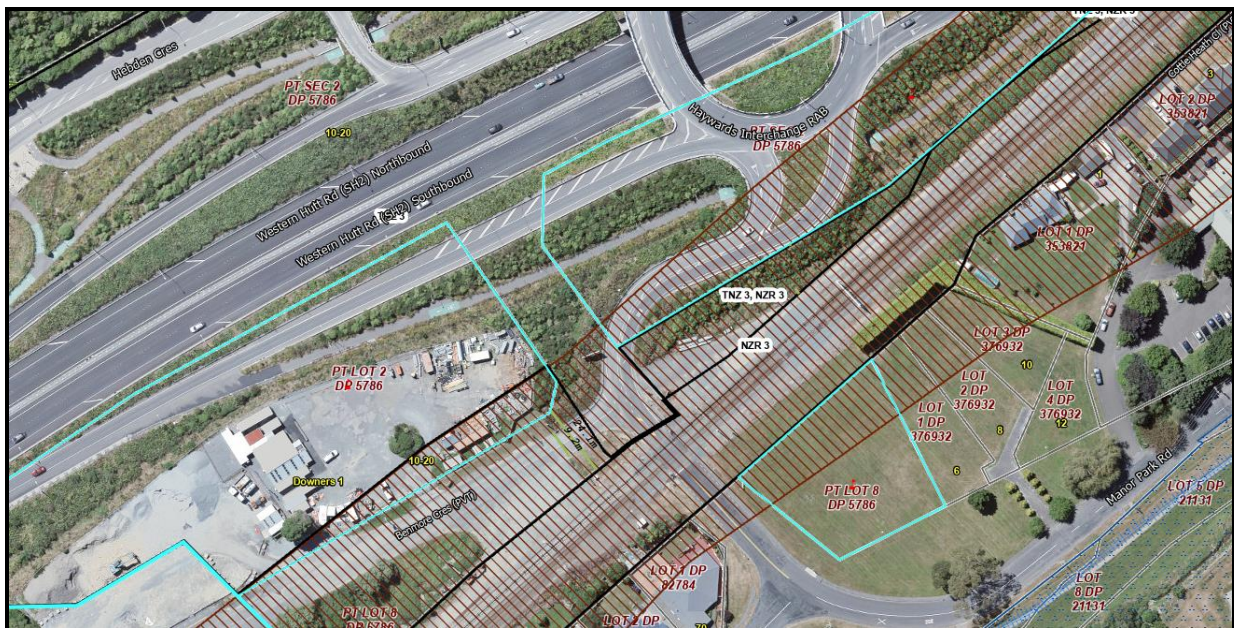


Figure 13: Road parcels with Wellington Fault Rupture Hazard Overlay

2.3 – Manor Park Road (LINZ Parcel ID 4091476)

This parcel of land consists of the intersection between Manor Park Road and Benmore Crescent as well as the rail corridor and rail crossing located to the south. This parcel is entirely within the boundaries of designation TNZ 3, which is for “state highway purposes” and NZTA is the Requiring Authority.

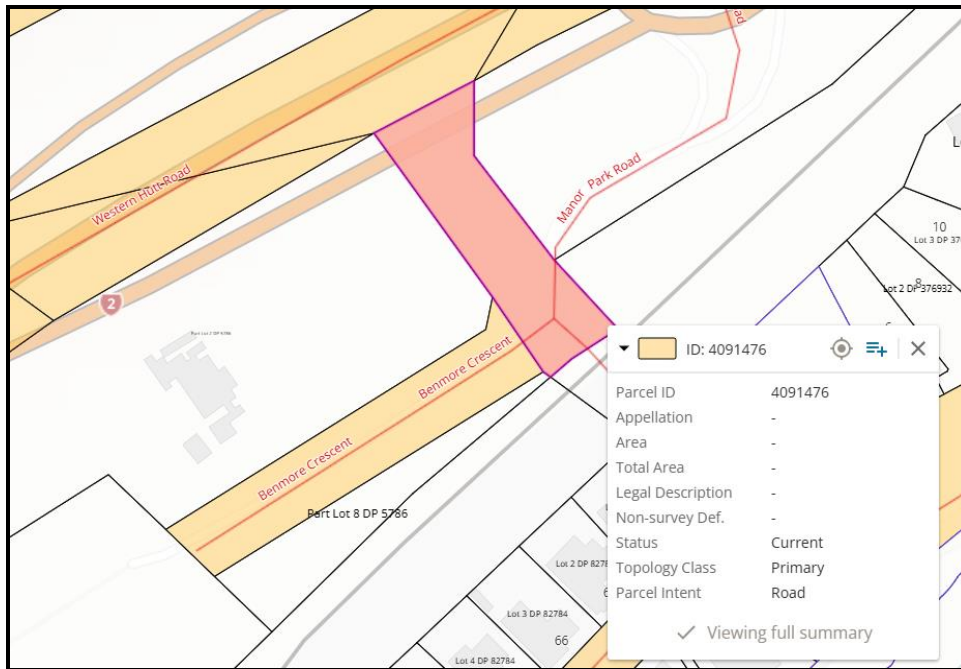


Figure 14: Boundaries of LINZ Parcel ID 4091476

The intersection between Benmore Crescent and Manor Park Road is located within the Wellington Fault Rupture Hazard Overlay of the District Plan (see figure 13).

2.4 – Part Lot 2 DP 5786

This parcel of land partially contains the SH 58 / SH 2 intersection, including the off ramp from this intersection into Manor Park. The parcel of land is entirely administered by NZTA however HCC undertakes the maintenance of the on/off ramp. The parcel has been gazetted by the Crown for motorway purposes under s 52(1) of the Public Works Act 1981 and is also located within designation TNZ 3 which is for “state highway purposes” whereby NZTA is the Requiring Authority.⁶

Figure 13 above also illustrates that the southern portion of this parcel will be within the Wellington Fault Rupture Hazard Overlay of the District Plan.

⁶ Gazette Notice B1302127.1

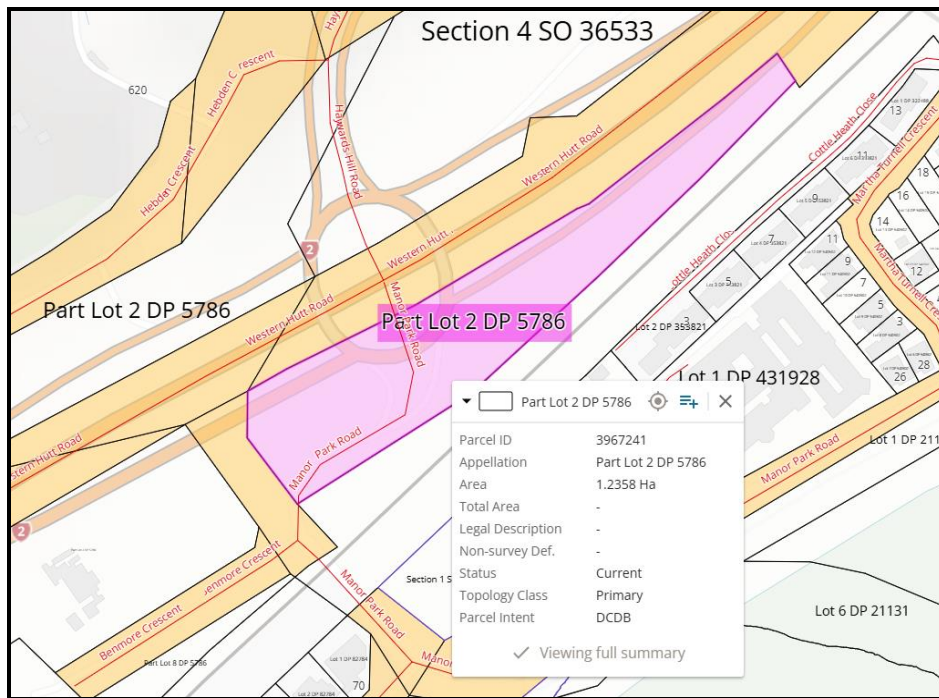


Figure 15: Boundaries of Part Lot 2 DP 5786

2.5 – Rail Corridor (LINZ Parcel ID 4067006)

This parcel of land contains the Wairarapa rail line and partially contains some existing vegetation for both SH 2 and the rail corridor. Figure 13 above indicates that this parcel of land is subject to the following district plan notations/overlays:

- Wellington Fault Rupture Hazard Overlay
- State Highway and Railway Corridor Buffer Overlay
- Designation NZR 3 – Railway Purposes (Wairarapa Railway)
- Designation TNZ 3 – State Highway Purposes

The portion of this parcel of land that is subject to both TNZ 3 and NZR 3 contains the vegetation located between the SH 2 / SH 58 offramp and the rail line.

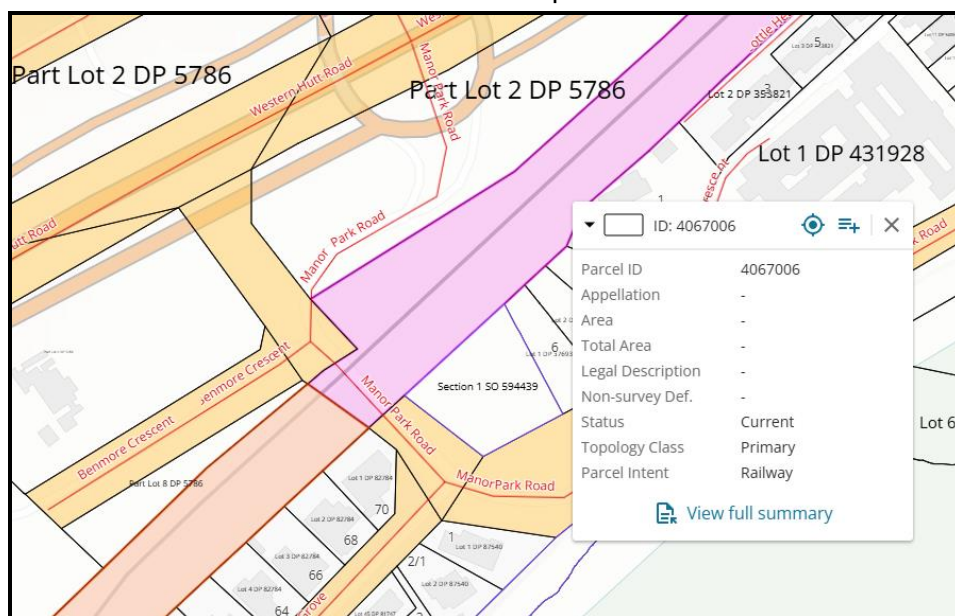


Figure 16: Boundaries of LINZ Parcel ID 4067006

2.6 – 50 Benmore Crescent (Section 2 SO 493901)

This parcel of land is located to the south of 30 Benmore Crescent and is identified as 50 Benmore Crescent in terms of HCC property records. Section 2 SO 493901 is 2.3655ha in area and is the parcel of land which the proposed landscaping / planting will be undertaken, but it is noted that it is held on record of title 741714, the boundaries of which are depicted in figure 18, but for the purposes of this report only Section 2 SO 493901 will be described as no works are proposed within any other portion of record of title 741714.

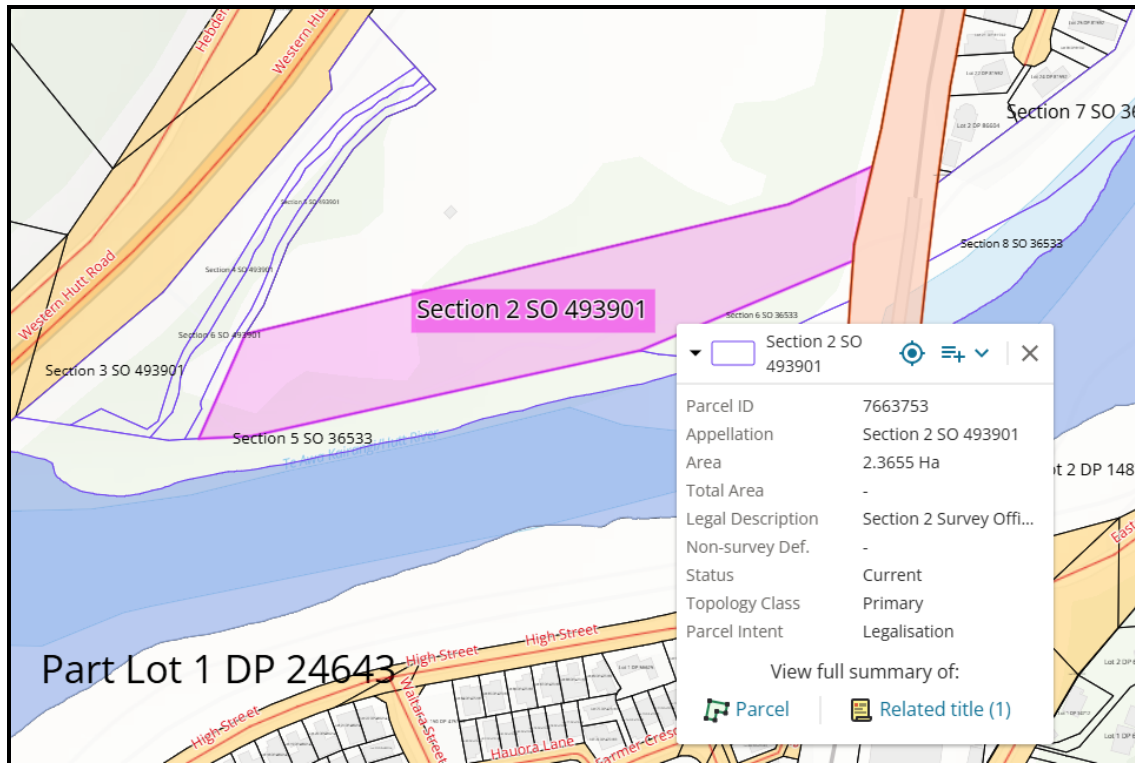


Figure 17: Boundaries of Section 2 SO 493901

This parcel of land is owned by Greater Wellington Regional Council ('GWRC') and is gazetted for soil conservation and river control purposes, with the parcel currently having a public access walking / cycling track within its boundaries.⁷ The majority of Section 2 SO 493901 is located within the Primary River Corridor with a small portion of the north of the parcel being within the Secondary River Corridor. The western portion is located within the Wellington Fault Rupture Hazard Overlay and the eastern portion is located within the State Highway and Railway Corridor Buffer Overlay.

⁷ Gazette Notice 10397118.1

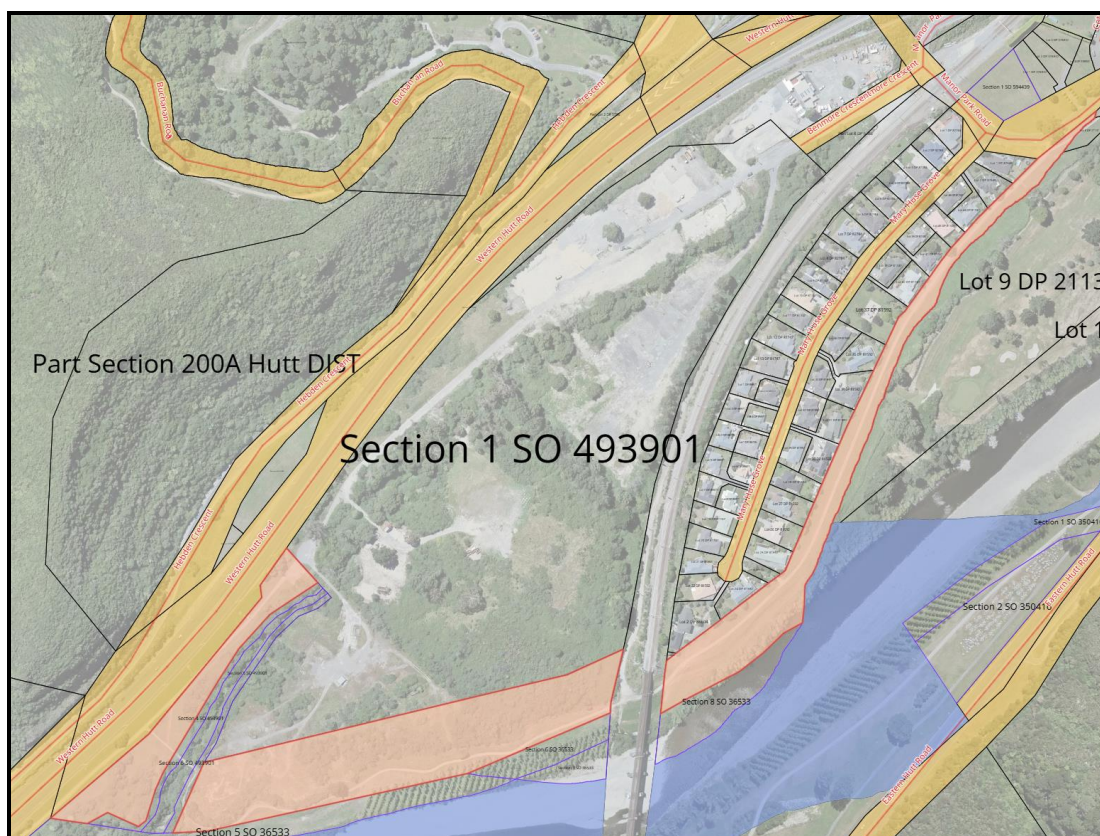


Figure 18: Boundaries of title 741714

2.7– RECORD OF TITLES AND INTERESTS

30 Benmore Crescent

30 Benmore Crescent is legally described as Section 1, 6 Survey Office Plan 493901 and held in Record of Title 738223. It is noted that record of title 738223 is 'part-cancelled' with Section 6 SO 493901 now being owned by Her Majesty the Queen as specified within GN 11032732.1. There are a number of interests registered on the title which are as follows:

- Subject to Part IV A Conservation Act 1987
- Subject to Section 11 Crown Minerals Act 1991
- GN B645270.1 Gazette Notice (1997/1066) declaring that portion of State Highway 2 adjoining hereto to be a Limited Access Road
- GN 11032732.1 Gazette Notice (2018- In 656) declaring Section 6 SO 493901 to be set apart for Local Purpose Reserve (Soil conservation and river control purposes) and shall remain vested in Her Majesty the Queen
- Fencing Covenant in Transfer 11676592.2
- ENC 11676592.3 – Encumbrance to New Zealand Transport Agency (Waka Kotahi)

ENC 11676592.3 is a private encumbrance which Council is not party to. The New Zealand Transport Agency is the encumbrancee and 'Te Runanga o Toa Rangatira Incorporated' being the encumbrancer. This encumbrance holds Te Runanga o Toa Rangatira Incorporated (being the encumbrancer) to meet a number of requirements across the site. These being as follows:

Noise and Vibration – Requirements for new buildings containing noise sensitive activities within either 40m or 100m from the State Highway edge line.

Lighting – Requirement for lighting on the site to be installed so that it is directed of shielding form the State Highway.

Signage – Any signage facing or is visible by traffic utilising the State Highway must get written approval from the encumbrancee.

State Highway Effects – The encumbrancer acknowledges that the State highway is capable of adversely affect from State Highway activities.

RMA Objections – The encumbrancer agrees not to object under the RMA which relate to State Highway activities and to sign written approvals in relation to any such authorisations.

50 Benmore Crescent

50 Benmore Crescent is legally described as Section 2 Survey Office 493901 and held on record of title 741714. There are 3 interests registered on the title which are as follows:

- RFR 9861836.1 Certificate under section 211(1) of the Ngāti Toa Rangatira Claims Settlement Act 2014 that the within land is RFR land as defined in section 184 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) - 9.10.2014 at 7:00 am (Affects Section 2 & 3 SO 493901)⁸
- Subject to Part IVA of the Conservation Act 1987
- Subject to s 11 Crown Minerals Act 1991

The remaining parcels of land forming part of the application site do not have record of titles. It is considered that none of the above interests are of relevance to the processing of this resource consent application.

2.8– CONSENT HISTORY

The application site has been subject to a number of previous resource consents. I don't intend to list these here, however, consider it appropriate to identify those of relevance. Land use consent (reference RM220258) was granted by HCC on 21 December 2022 which included bulk earthworks, vegetation clearance and upgrades of culverts. RM220258 consented a maximum of 229,320m³ of earthworks, comprising of 74,200m³ of cut with a vertical depth of up to 6m and 155,120m³ of fill with a height of up to 6m. While the majority of the earthworks consented under RM220258 have been completed, the consent holder has yet to fully complete these works.

A resource consent has also been granted by Greater Wellington Regional Council in relation to RM220258 with the reference WGN230031. WGN230031 was granted for:

- Bulk earthworks
- Vegetation clearance on erosion-prone land
- Discharge to land, air and water
- Discharge to air
- Discharge to water
- Water takes.

2.9– SURROUNDING ENVIRONMENT

The surrounding environment contains a mixture of different uses. The properties located to the east of the application site accommodate residential activities on Mary Huse Grove. These consist of predominantly single storey residential dwellings located on each site, with the

⁸ RFR stands for 'Right of First Refusal'

exception of 2, 18, 39 & 46 Mary Huse Grove which are two stories and 11 Mary Huse Grove which is a recreational playground. The Wairapara Railway Line is located between the application site and the residential properties of Mary Huse Grove with the Manor Park Railway Station located approximately 420m to the north. Further to the east and northeast is the Manor Park Golf Course. The surround environment to the northeast predominantly consists of residential properties with the exception of the Golf Course and Manor Park Private Hospital located at 14 Manor Park Road.

The Hutt River is located to the south, with Western Hutt Road, known as State Highway 2 and Hebden Crescent being located to the west of the application site.

Located to the north of the application site is the Haywards Interchange, which is an elevated roundabout intersection between State Highway 2 and State Highway 58.

3. RELEVANT PLANNING RULES AND REGULATIONS

3.1 – OPERATIVE DISTRICT PLAN

The District Plan is the appropriate planning instrument with which to assess the proposal. The application site is located within the General Rural Activity Area and within the legal road adjacent to the General Rural Activity Area. Therefore, the proposal is subject to the following District Plan provisions:

- General Rural Activity Area
- Primary River Corridor
- Secondary River Corridor
- Wellington Fault Rupture Hazard Overlay
- State Highway and Railway Corridor Buffer Overlay
- Designation TNZ 3 – State Highway Purposes (NZTA)
- Designation NZR 3 – Railway Purposes – Wairarapa Railway (KiwiRail)

The application site is also adjacent to the following Designations:

- TNZ 1

To determine the activity status of the proposal, it must first be assessed against the relevant rules and conditions of the District Plan. Due to the “General Rural” zoning of the application site, I consider that the following chapters of the District Plan are of relevance:

- Chapter 8B – General Rural Activity Area
- Chapter 14 – General Rules
- Chapter 13 - Network Utilities

For the purpose of the below assessment, it is important to note the following definitions as specified within Chapter 3 of the District Plan:

Building / Structure – means any building or structure or part of a building or structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

- (a) any fence or wall not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;

- (c) satellite dishes with a diameter not exceeding 0.6m;
- (d) decks less than 500mm in height;
- (e) all structures less than 1.2 metres in height;
- (f) all signs, as defined in this Plan;
- (g) any scaffolding or falsework erected temporarily for construction or maintenance purposes.

Flood Protection Structure – physical assets (including land) managed and maintained by the Wellington Regional Council or approved (including managed and maintained) by the Wellington Regional Council for the purpose of flood protection, such as stopbanks, flood gates, debris traps, river berms, bank-edge works and plantings.

Network Utility – means any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

- (a) distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel or geothermal energy; or
- (b) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
- (c) radiocommunications as defined in section (2)(1) of the Radiocommunications Act 1989; or
- (d) works as defined in section 2 of the Electricity Act 1992 for the conveyancing of electricity; or the distribution of water for supply including irrigation; or
- (e) sewerage or drainage reticulation; or
- (f) construction, and operation of roads and railway lines; or
- (g) the operation of an airport as defined by the Airport Authorities Act 1966; or
- (h) the provision of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertaking a project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991

and includes:

- (a) lighthouses, navigation aids, beacons, signal and trig stations and natural hazard emergency warning devices;
- (b) meteorological services;
- (c) all associated structures; and
- (d) regionally significant network utilities.

The proposal consists of the upgrading and construction of the road and rail corridor. Therefore, it is considered that the applicant can meet the definition of a 'network utility operator'.⁹ As the proposed road construction is being undertaken by a network utility operator, those works relating to the public road and railway lines are considered to meet the definition of network utility, as defined under Chapter 3 of the District Plan.

⁹ Resource Management Act 1991, s 166

Chapter 8B – General Rural Activity Area (8B 2.1 Assessment)

Chapter 13 of the District Plan specifies that the rules for network utilities “override all zone rules”. Therefore, as the works within the public road are considered to be a network utility and Chapter 13 applies, only the works within 30 Benmore Crescent will be assessed against Chapter 8B of the District Plan (as these works are not a network utility).

Rule	Rule / Condition	Compliance
8B 2 – Rules		
8B 2.1 – Permitted Activities		
8B 2.1(a)	Any activity complying with the permitted conditions of Chapter 8B and not specified as a Permitted, Restricted Discretionary, Discretionary or Non-Complying Activity.	Will not Comply – The proposed works cannot comply with the permitted activity conditions of Chapter 8B. Therefore, is not considered to be a permitted activity under rule 8B 2.1(a).
8B 2.1(b)	A single dwelling on each of the proposed lots shown on Drawing No. 469SCH4C by Lucas Surveys, shown in Appendix General Rural 2, within defined building areas and within the specified maximum roof heights both shown on that drawing. All Permitted Activity Conditions excluding 8B 2.1.1.a and 8B 2.1.1.c must be satisfied, except in respect of Lot 5 where 8B 2.1.1.c applies to part of the lot	N/A – The application site is not within Appendix General Rural 2.
8B 2.1(c)	Baring Head, Pt 1A2 Parangarahu, shown in Appendix General Rural 3 a single building for the purpose of accommodating a single or two household unit.	N/A – The application site is not located at Baring Head, Pt 1A2 Parangarahu.
8B 2.1(d)	On the land identified in DP 72284 but excluding that area identified as ‘G’ and shown in Appendix General Rural 4, extraction activities limited to extraction, processing, storage, removal, ancillary earthworks, removal and deposition of overburden and rehabilitation works, and ancillary administrative activities.	N/A – The application site is not identified in DP 72284.
8B 2.1.1 – Permitted Activity Conditions		
8B 2.1.1(a)	Dwellings: a) Maximum of two dwellings, provided that each must have a net site area of 15ha.	N/A – No dwellings are proposed.
8B 2.1.1(b)	Minimum Yard Requirements: (i) Principal Buildings: 10.0m (ii) Accessory Buildings: 5.0m (iii) For all buildings and structures: 20m minimum set back from water bodies, where the average width of the water body is greater than 3.0m measured from natural bank to natural bank; or 3.0m minimum set back from water bodies, where the average width of the water body is less than 3.0m measured from natural bank to natural bank.	N/A – No buildings or structures are proposed.
8B 2.1.1(c)	Maximum Height: For any principal or accessory building: 8.0m.	N/A – No buildings or structures are proposed
8B 2.1.1(d)	Recession Planes: For any principal or accessory building, and from all site boundaries - (i) From the north facing site boundary: 2.5m + 45°. (ii) From the north-east and north-west site boundary: 2.5m + 41° (iii) From all other site boundaries: 2.5m + 37.5° provided the recession plane angles shall not apply to television aerials, flagpoles and chimneys.	N/A – No buildings or structures are proposed

8B 2.1.1(e)	Maximum Site Coverage: 1000m ² .	N/A – No buildings or structures are proposed
8B 2.1.1(f)	All outside areas shall be surfaced, or managed appropriately so that there shall be no dust nuisance at or beyond the boundary of the site.	Will Comply – The proposed earthworks will not result in dust or nuisance at or beyond the site of works, being for the works within 30 Benmore Crescent.
8B 2.1.1(g)	All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.	Will Comply – The proposal will involve construction and upgrading of access, roading and civil services. The proposed works will not involve offensive odours.
8B 2.1.1(h)	(i) Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling on a neighbouring site. (ii) All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary. (iii) All activities, buildings and structures shall avoid glare (light reflection) beyond the site boundary.	Will Comply – Resource consent is sought for the earthworks for services and the upgrading of an intersection. No lights are proposed.
8B 2.1.1(i)	All activities that cause vibration shall be carried out in such a manner that no vibration is discernible beyond the site boundary.	Will Comply – The proposal will not cause discernible vibration beyond the site boundaries.
8B 2.1.1(j)	Home Occupations	N/A – No home occupation activities are proposed
8B 2.1.1(k)	Piggeries	N/A – No piggeries are proposed
8B 2.1.1(l)	Commercial Forestry	N/A – No commercial forestry activities are proposed
8B 2.1.1(m)	Recreation	N/A – No recreation activities are proposed
8B 2.1.1(n)	Visitor Accommodation	N/A – No visitor accommodation activities are proposed
8B 2.1.1(o)	Prospecting and Exploration	N/A – No prospecting or exploration activities are proposed
8B 2.1.1(p)	Compliance with all matters in the General Rules - see Chapter 14.	Will not Comply – As assessed below, the proposal will not comply with all matters within Chapter 14.
8B 2.1.1(q)	Benmore Cres, Manor Park, Section 1 SO 36533, in addition to the other Permitted Activity Conditions, the development of buildings and structures may only occur on land above 28.0 msl (mean sea level).	N/A – While part of the application site consists of historic Section 1 SO 36533, no buildings or structures are being proposed as part of this resource consent application.
8B 2.1.1(r)	Baring Head, Pt 1A2 Parangarahu	N/A – The application site is not located at Baring Head.
8B 2.1.1(s)	On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix General Rural 4.	N/A – The application site is not located on DP 72284
8B 2.1.1(t)	All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m ² or less and with a setback of 20m or more from a flood protection structure.	N/A – No buildings or structures are proposed within the Primary or Secondary River Corridor as part of this resource consent application.

Therefore, the proposal cannot meet permitted activity condition 8B 2.1.1(p). Further assessment against Chapter 8B can be found below.

Chapter 8B – General Rural Activity Area (8B 2.2 – 2.4 Assessment)

Rule	Condition	Compliance
8B 2 – Rules		
8B 2.2 – Restricted Discretionary Activities		
8B 2.2(a)	Commercial recreation.	N/A – No commercial recreation activities are proposed
8B 2.2(b)	Visitor accommodation with a visitor occupancy for more than ten persons excluding h.vi below.	N/A – No visitor accommodation activities are proposed
8B 2.3(c)	Cafes and restaurants.	N/A – No cafes or restaurants are proposed

8B 2.3(d)	Residential accommodation for the elderly.	N/A – No residential activities are proposed
8B 2.3(e)	Urupa and cemeteries.	N/A – No urupa or cemeteries are proposed
8B 2.3(f)	Intensive farming.	N/A – No intensive farming activities are proposed
8B 2.3(g)	Any activity which would otherwise be a Permitted Activity but is in the area bounded by the coast, Coast Road and the Rimutaka Forest Park as shown on Appendix General Rural 5.	N/A – The proposal is not located within the Rimutaka Forest Park.
8B 2.3(h)	In the Quarry Protection Area (as shown on Appendix General Rural 1)	N/A – The proposal is not located within the Quarry Protection Area
8B 2.3(i)	All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m ² or with a setback less than 20m from a flood protection structure.	N/A – While portions of the application site are located within the primary and secondary river corridors, no buildings or structures are proposed.
8B 2.3 – Discretionary Activities		
8B 2.3(a)	Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.	Applicable – The proposal is unable to comply with some of the relevant requirements under Chapter 14 (as assessed below), these are specified within the general rules and the activity is to be assessed overall as a discretionary activity.
8B 2.3(b)	Turf farming.	N/A – No turf farming is proposed
8B 2.3(c)	Top soil removal.	N/A – While the proposal will see 600m ³ of cut being undertaken for the formation of the access road, the earth that is proposed to be disturbed has already been altered under RM220258. Therefore, it is considered that no topsoil will be removed.
8B 2.3(d)	Exploration and mining of minerals.	N/A – No mining activities are proposed
8B 2.3(e)	Landfills and transfer stations.	N/A – No landfill or transfer station is proposed
8B 2.3(f)	Any activity within the identified coastal environment as shown on Map Appendices 2A, 2B and 2C.	N/A – The application site is not located within the coastal environment
8B 2.3(g)	Brothels and commercial sexual services not falling within the ambit of home occupation.	N/A – No brothel or commercial sexual services are proposed
8B 2.4 – Non-Complying Activities		
8B 2.4(a)	Any other retailing activity.	N/A – No retail activities are proposed
8B 2.4(b)	Service stations.	N/A – No service stations are proposed
8B 2.4(c)	Any industrial activity.	N/A – No industrial activities are proposed
8B 2.4(d)	Other residential activities.	N/A – No residential activities are proposed
8B 2.4(e)	Places of public assembly.	N/A – No places of assembly are proposed

The proposal requires resource consent as a Discretionary Activity under Rule 8B 2.3(a) of the District Plan.

Chapter 13 – Network Utilities

When undertaking the below assessment of the provisions of Chapter 13 of the District Plan, the following definition under Chapter 3 is considered of importance:

Upgrading – As it applies to network utilities, upgrading means the improvement or physical works that result in an in carrying capacity, operational efficiency, security or safety of existing network utilities but excludes:

- (a) 'maintenance' (as it relates to network utilities);
- (b) 'minor upgrading'; and
- (c) any activity specifically provided for under Rules 3.1.9 to 13.3.1.41.

Rule	Activity Status	Standards	Assessment
Removal, Maintenance and Upgrading			
13.3.1.4 The upgrading of existing network utilities, excluding: <ul style="list-style-type: none"> Electricity and telecommunication lines; Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals. 	Permitted	Health and Safety: 13.3.2.1 Earthworks: 13.3.2.5 Vegetation: 13.3.2.6 Noise: 13.3.2.7	N/A – As the proposed works are provided for specifically under Rule 13.3.1.38, the intersection upgrading of Benmore Crescent / Manor Park Road intersection does not fall within the District Plan definition of “upgrading”.
Roading and Traffic and Transport Structures			
13.3.1.38 The construction, alteration or diversions of roads, excluding any such construction works which is part of a subdivision is a Discretionary Activity.	Discretionary	N/A	As the proposal will involve alteration and construction of roads, the proposed alterations / intersection is a Discretionary Activity.

The proposal requires resource consent as a Discretionary Activity under Rule 13.3.38 of the District Plan.

Chapter 14A – Transport

Rule 14A 5.1(a) provides for activities as a permitted activity if it:

- Complies with the standards listed in Appendix Transport 1; and
- Does not exceed the high trip generator thresholds specified in Appendix Transport 2.

Therefore, an assessment against these appendices is provided below:

Rule	Condition	Compliance
Appendix Transport 1 - Standards		
Standard 1 -Standards for New Roads		
Standard 1(b)	All roads must be designed and constructed in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure.	Will not Comply – The proposed intersection upgrading, and access road have a carriageway width compliant with NZS 4404:2010, but noting that a footpath is only provided on the eastern side. Therefore, as NZS 4404:2010 requires that a footpath be provided on both sides of the roads, proposal cannot comply with NZS 4404:2010.
Standard 1(c)	Service lanes, private ways, pedestrian accessways and walkways must be designed and constructed in accordance with Section 3 of NZS 4404:2010 Land Development and Subdivision Engineering, except that Table 2-1 replaces the formation requirements for private ways detailed in NZS 4404.	Will Comply – The proposed new accessways are designed to comply with NZS 4404:2010.
Standard - 2 - Site Access and Manoeuvring Area		
Standard 2(a)	No more than two separate crossings for any front site. The total width of such crossings must not exceed 50% of the road frontage. There must be a separation distance of at least 1m between crossings measured at the kerb/carriageway edge. Site access must be designed and constructed in accordance with Section 3 of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-	Will Comply – The proposal has no residential component, with no new vehicle crossings being proposed on Benmore Crescent as the access road acts as an extension to Benmore Crescent. Regardless the proposed new access road from Benmore Crescent will not exceed 50% of the frontage.

	street car parking. Where a vehicle access serves three or more dwellings, it must have a minimum width of 4m to allow for fire service vehicles.	
Standard 2(b)	Separation Distances from Intersections and Rail Level Crossings: <ul style="list-style-type: none"> • Access Road: 10m The distance between new vehicle accesses and all rail level crossings must be at least 30m.	Will Comply – The proposed access road and any new vehicle crossings will be in excess of 10m from the intersection with Benmore Crescent and Manor Park Road. The new access road will be 132.8m from the level crossing located on Manor Park Road.
Standard 2(c)	Sufficient area must be provided for vehicles to stand, queue and make all necessary manoeuvres without using the public road reserve, and without using the area provided for parking, servicing, loading or storage purposes. Sufficient area must be provided to allow vehicles to enter and exit the site in a forward direction except where the access is to a single dwelling and accesses an Access, Secondary Collector or Primary Collector road (as listed in Appendix Transport 3).	Will Comply – The proposal will allow for all sufficient space for all vehicles to enter and exit the site in a forward direction.
Standard 2(d)	Site access and manoeuvring space for service stations must also be designed, constructed and maintained in accordance with RTS13 Guidelines for Service Stations.	N/A – No service stations are proposed.
Standard 3 - Minimum Sight Distances at Railway Level Crossings		
Standard 3(a)	New buildings, structures and activities that would obstruct drivers seeing approaching trains must be designed, located and constructed in accordance with New Zealand Transport Agency Traffic Control Devices Manual 2008, Part 9 Level Crossings and the Australian Level Crossing Assessment Model (ALCAM).	N/A – No new buildings are proposed.
Standard 4 - Car and Cycle Parking and End of Trip Facilities		
Standard 4(b)	Off-street car parking for people with disabilities must be provided in accordance with Section 5 of NZS 4121:2004 Design for Access and Mobility – Buildings and Associated Facilities.	N/A – No new off-street car parks are proposed.
Standard 4(d)	Car parking spaces and facilities must comply with the requirements of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking.	N/A – No car parks are proposed.
Standard 4(e)	For all activities in new buildings and developments (including the redevelopment of existing buildings), cycle parking and showers must be provided in accordance with the minimums stated in Tables 4-2.	N/A – No new activities or buildings are proposed under this consent.
Standard 5 - Loading and Unloading		
Standard 5(a)	For non-residential activities the number of loading spaces to be provided on-site must not be less than that shown in Table 5-1.	N/A – No new activities are proposed that will require loading spaces.
Standard 5(b)	Loading facilities must be designed, constructed and maintained in accordance with AS 2890.2:2002 Parking facilities Part 2: Off-street commercial vehicle facilities, based on the minimum vehicle design stated in Table 5-1.	N/A – No loadings facilities are proposed.
Standard 5(c)	For residential developments of 20 or more dwelling houses, an on-site loading facility must be provided for rubbish collection vehicles. For the purpose of determining the design of the loading facility (under Standard 5.b), the minimum design vehicle for the loading facility is a Small Rigid Vehicle.	N/A – No residential activity / development is proposed
Standard 6 - Development within the State Highway and Railway Corridor Buffer Overlays		
Standard	Within the 40-metre wide State Highway and Railway	N/A – No new buildings or noise

6(a), (b) & (c)	Corridor Buffer Overlays, all new buildings containing noise sensitive activities, or existing buildings with new noise sensitive activities*, must be designed, constructed and maintained (at the level of installation) to meet standards (a), (b) & (c).	sensitive activities are proposed.
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The proposed intersection upgrade and civil infrastructure works are not listed as a specific activity under Appendix Transport 2, with the proposal not exceeding 500 vehicle trips per day.

Therefore, the proposal requires resource consent under Rule 14A 5.1(b) as a restricted discretionary activity.

Chapter 14I – Earthworks

Rule 14I 2(i) – specifies that the provision of Chapter 14I do not apply to “*Earthworks associated with the establishment of network utilities in accordance with Chapter 13 - Network Utilities, including the National Grid.*” Therefore, only the earthworks located within 30 Benmore Crescent are subject to Chapter 14I.

Rule	Condition	Compliance
14I 2.1 – Permitted Activities		
14I 2.1(a)	Earthworks in all activity areas except Special Recreation Activity Area, Passive Recreation Activity Area, Hill Residential Activity Area and Landscape Protection Residential Activity Area and in Maire Street, Eastbourne, Lot 4 DP 14002 as shown on Appendix Earthworks 1.	Will not Comply – The application site is located within the General Rural Activity Area, but cannot comply with the permitted activity conditions below
14I 2.1(b)	Baring Head, Pt 1A2 Parangarahu, earthworks for the purpose of creating a building platform as shown on Appendix Earthworks 2.	N/A – The application site is not at Baring Head, Pt 1A2 Parangarahu.
14I 2.1.1 – Permitted Activity Conditions		
14I 2.1.1(a)	The natural ground level may not be altered by more than 1.2m, measured vertically.	Will Comply – The proposed earthworks will result in a maximum cut of 0.6m and a maximum fill of 0.3m
14I 2.1.1(b)	Maximum volume of 50m ³ (solid measure) per site.	Will not Comply – The proposed earthworks will see 600m ³ of total cut and 50m ³ of total fill.
14I 2.1.1(d)	In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.	Will Comply – Although a small amount of earthworks are proposed within the Secondary River Corridor boundary, this will be over 20m from any flood protection structure.

Therefore, the proposed earthworks within 30 Benmore Crescent cannot comply with the permitted activity conditions specified under 14I 2.1.1(b) whereby resource consent is required as a restricted discretionary activity under Rule 14I 2.2(a).

Summary

I consider the proposal to require resource consent under Rules 14I 2.2(a) and 14A 5.1(b) as a Restricted Discretionary Activity and Rule 13.3.1.38 and 8B 2.3(a) as a Discretionary Activity. I consider that the proposed works are not mutually exclusive whereby it is inappropriate to adopt the bundling principle. As a result, the proposal shall adopt the most onerous activity status, being a Discretionary Activity and shall be assessed as such.

3.2– NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards for Assessing and Managing Contaminant in Soil to Protect Human Health

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NЕСS') is implemented in order to ensure that land affected by contaminated soil is appropriately assessed and made safe for human use. The NESCS applies to land where an activity on the Hazardous Activities and Industries List ('HAIL'), has or is more likely to have been undertaken on a piece of land. A detailed site investigation ('DSI') was prepared by ENГEO Ltd for the undertaking of bulk earthworks under RM220258. This DSI specified that through an initial preliminary site investigation ('PSI'), the following uses and HAIL activities have been undertaken within 30 Benmore Crescent:

- Horticulture/ nursery activities
- Potential fuel storage for quarrying
- Timber storage yard
- Metal blasting and protective coating
- Uncontrolled demolition of former buildings
- Concrete truck storage, quarrying vehicles and equipment
- Clean-fill operations, undocumented fill
- Burn-off Areas

The above historic activities within 30 Benmore Crescent fall within the following HAIL classifications:

A10 – Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds.

A17 – Storage tanks or drums for fuel, chemicals or liquid waste.

A18 – Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside.

D1 – Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material.

D3 – Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds.

E1 – Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

F8 – Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

G5 – Waste disposal to land (excluding where biosolids have been used as soil conditioners)

I – Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

The activities to which the NESCS applies are outlined within Regulations 5(2) – 5(6). These activities include removing a fuel storage system (Subclause 2), soil sampling (Subclause 3), disturbing the soil (Subclause 4), subdivision (Subclause 5) and changing the use of a site to a use where the site may cause harm to human health (Subclause 6).

Therefore, as the proposal consists of disturbing the soil (an activity described in Regulation 5(4)), and HAIL activities have been undertaken within 30 Benmore Crescent (a piece of land

described in Regulation 5(7)(b)); the regulations of the NESCS will apply. As the proposal is for the upgrading of an intersection and civil services, no change in use that is likely to harm human health is occurring as a result of the proposal. It is noted that the resource consent application RM230019, which is being processed separately, is for a change of use for 30 Benmore Crescent, however, this does not form any part of this application. Any change of use per regulation 5(6) of the NESCS will be captured and considered as part of any future determination under RM230019.

Therefore, an assessment against the provisions of the NESCS can be found below:

Regulation	Standard	Compliance
Regulation 8 – Permitted Activities		
Regulation 8(3) – Disturbing Soil	<p>Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</p> <p>(a) controls to minimise the exposure of humans to mobilised contaminants must—</p> <p style="padding-left: 40px;">(i) be in place when the activity begins:</p> <p style="padding-left: 40px;">(ii) be effective while the activity is done:</p> <p style="padding-left: 40px;">(iii) be effective until the soil is reinstated to an erosion-resistant state:</p> <p>(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:</p> <p>(c) the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500m²:</p> <p>(d) soil must not be taken away in the course of the activity, except that,—</p> <p style="padding-left: 40px;">(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</p> <p style="padding-left: 40px;">(ii) for all other purposes combined, a maximum of 5m³ per 500m² of soil may be taken away per year:</p> <p>(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</p> <p>(f) the duration of the activity must be no longer than 2 months:</p> <p>(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</p>	<p>Will not Comply – The proposed earthworks being undertaken within 30 Benmore Crescent will be 650m³ over an area of 4,800m². The proposed construction work will also be longer than a 2 month period of time. Therefore, the proposal cannot meet the permitted activity conditions of Regulation 8(3)</p>
Regulation 9 – Controlled Activities		
Regulation 9(1) – Removing or replacing fuel storage system, sampling soil, or disturbing soil	<p>If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</p> <p>(a) a detailed site investigation of the piece of land must exist:</p> <p>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</p> <p>(c) the consent authority must have the report:</p> <p>(d) conditions arising from the application of subclause (2), if there are any, must be complied with.</p>	<p>Will Comply – a DSI exists for the piece of land, which HCC has on council records. The DSI concludes that no human health criteria were exceeded. Therefore, the proposal can comply with the requirements of Regulation 9(1).</p>

Therefore, the proposal is assessed as being a controlled activity under the NESCS regulation 9(1). The matters of control are specified in regulation 9(2) and are as follows:

- (a) the adequacy of the detailed site investigation, including—
- (i) site sampling:
 - (ii) laboratory analysis:
 - (iii) risk assessment:

- (b) *how the activity must be—*
- (i) *managed, which may include the requirement of a site management plan:*
 - (ii) *monitored:*
 - (iii) *reported on:*
- (c) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- (d) *the timing and nature of the review of the conditions in the resource consent:*
- (e) *the duration of the resource consent.*

3.3– OVERALL ACTIVITY STATUS

Overall, it is considered that the proposed works requires resource consent for the following activities:

- Discretionary Activity – Rule 13.3.1.38 (Network utility)
- Restricted Discretionary Activity – Rule 14A 5.1(b) (Transport)
- Restricted Discretionary Activity – Rule 14I 2.2(a) (Earthworks)
- Controlled Activity – NESCS Regulation 9(1) (Contaminants)

Therefore, when bundled together, the proposal will require resource consent as a Discretionary Activity.

4. PERMITTED BASELINE

The permitted baseline test has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.¹⁰

Using the permitted baseline test, Council has the discretion to disregard any effects that could be established from that of a permitted activity. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering who is 'affected' and whether effects are considered to be more than minor. This is reflected in sections 95D(b) and 95E(2)(a) of the RMA.

Under the District Plan, earthworks can be undertaken as a permitted activity subject to complying with the following standards under Rule 14I 2.1.1:

- The natural ground level may not be altered by more than 1.2m, measured vertically.
- Maximum volume of 50m³ (solid measure) per site.

Given the indication of historical HAIL activities being undertaken within 30 Benmore Crescent, any earthworks would also need to meet the permitted standards of Regulation 8(3) which are as follows:

- (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:

¹⁰ *Smith Chilcott Ltd v Auckland City Council* [2001] 3 NZLR 473 (CA)

- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500m²:
- (d) soil must not be taken away in the course of the activity, except that,—
 - (i) or the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - (ii) for all other purposes combined, a maximum of 5m³ per 500m² 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.

Therefore, earthworks can be undertaken as a permitted activity, subject to the above conditions. While this is acknowledged, given the scale of the earthworks proposed and that no alterations of roads can be undertaken as a permitted activity under Chapter 13, it is considered that this permitted baseline is not relevant to this assessment.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under sections 95-95G of the RMA to determine whether a resource consent application should be notified. The RMA details a four step process that must be followed and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under s 95A) and limited notification (under s 95B).

5.1 – PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to s 95A of the Act, this section follows the 4 step process to determine if public notification is required.

Step 1 – Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s 95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s 15AA of the Reserves Act 1977?	No

Public notification is not mandatory under step 1.

Step 2 – Public notification is precluded in certain circumstances

If public notification is not required under step 1, it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non- 	No

complying activity status	
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Public notification is not precluded under step 2.

Step 3 – Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s 95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s 95D of the Act?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

For the purpose of determining if an activity will have more than minor adverse effects on the environment, a consent authority must follow the requirements of the Act. This requires that a consent authority disregard the following matters:¹¹

- (a) *must disregard any effects on persons who own or occupy—*
 - (i) *the land in, on, or over which the activity will occur; or*
 - (ii) *any land adjacent to that land; and*
- (b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*
- (d) *must disregard trade competition and the effects of trade competition; and*
- (e) *must disregard any effect on a person who has given written approval to the relevant application.*

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded as well as any persons who have given written approval for the proposal. I have therefore disregarded the effects on the persons and persons who own or occupy the following properties in making an assessment under s 95D:

- Te Runanga O Toa Rangatira – Owners of 30 Benmore Crescent (Section 1 SO 493901)
- KiwiRail Holdings Limited – Given written approval and owners of Rail Corridor (LINZ Parcel ID 4067006)
- New Zealand Transport Agency Waka Kotahi – Given written approval and owners of Part Lot 2 DP 5786, Part Lot 8 DP 5786 & Part Lot 2 DP 5786

¹¹ Resource Management Act 1991, s 95D

- Greater Wellington Regional Council – Owners of Section 2 SO 493901.
- His Majesty the King – As owner of Section 1 SO 594439
- 70 Mary Huse Grove (Lot 1 DP 82784) – Owned by Mahesh Joshi; and any occupiers.

Landscape and Visual Amenity Effects

It is acknowledged that the existing amenity and landscape values of the application site have been altered from the implementation of RM220258. It is also noted that the District Plan provides for any amount of vegetation clearance removal to occur as a permitted activity within the General Rural Activity Area. The proposal includes landscaping to be undertaken along the southern boundary of 30 Benmore Crescent shared with 50 Benmore Crescent (Section 2 SO 493901). The applicant has also proffered conditions of consent requiring that all areas of vegetation that have been cleared during the construction period are to be replanted upon completion of works.

With the replanting of vegetation and the proposed additional planting at 50 Benmore Crescent, upon completion there will be a net increase in planting around the application site. In comparison to the existing landscape and visual amenity values that are present across the application site, the addition of the proposed access road and intersection upgrading works will be in keeping with the already altered landscape present. The net increase in vegetation around the site, as proposed by the applicant, will also aid in mitigating adverse effects with respect to landscape and visual amenity values associated with the proposed works.

Therefore, I consider the proposal to have less than minor landscape and visual amenity effects on the wider environment.

Construction Effects

It is anticipated that the proposal will have a 6 month construction period until completion, with proffered condition 7 specifying that construction hours being from 7.30am to 6pm Monday to Saturday with no work on public holidays. It is acknowledged that during this period there will be potential construction effects; such as dust, noise construction traffic and erosion. As the proposal will involve upgrading of the Manor Park/Benmore Crescent intersection the sole accessway into Manor Park will be affected while works are undertaken. The applicant has proffered the preparation of a Construction Traffic Management Plan ('CTMP') which will ensure that all traffic management put in place during the construction period will be in accordance with NZTA Code of practice for temporary traffic management ('COPTTM') as specified in section 1.1 of this report. The proffered condition in relation to construction and traffic management will ensure that while some traffic disruption will occur, that appropriate traffic management practices can be put in place to reduce the potential for congestion and delays resulting from the construction works. On the basis of the above, I consider the potential construction traffic effects can be mitigated to a less than minor degree.

In conjunction with the proffered CTMP conditions, the applicant has also proffered an Earthworks Management Plan ('EMP') proposed to be submitted 10 days prior to construction work being undertaken. This EMP will ensure the erosion and sediment control measures are put in place, maintained and inspected following major weather events. Therefore, through the imposition of the proffered conditions of consent, the proposal will have less than minor construction earthworks effects on the environment.

Proffered condition 10 will ensure that dust mitigation measures are in place during the construction period to mitigate the potential dust nuisance that can arise this period. This dust mitigation will be in place until the ground surface has been paved or planted.

Therefore, the proposal will have less than minor construction effects on the wider environment.

Traffic Effects

The construction traffic effects resulting from the vehicle movements during the construction of the proposed access road and intersection upgrades have been assessed above. Beyond construction traffic it is noted that the proposal will not facilitate any additional activities on 30 Benmore Crescent which form part of another resource consent application and will be considered as part of the assessment for that application. The proposal is limited to the upgrading of the access and is not directly related to future activities which form part of an alternative consent application. Therefore, as no additional activities are proposed under this consent, the proposal will see the Manor Park Road / Benmore Crescent intersection being operated in a safer and more efficient manner; with Benmore Crescent and Manor Park Road being wider and a dedicated righthand turn-bay being provided from Manor Park Road onto Benmore Crescent. The potential traffic effects from future activities on 30 Benmore Crescent that require resource consent (with traffic effects within scope of the consent) will be considered under a separate resource consent application.

Therefore, I consider that upon completion the proposed work will not facilitate any additional activities when compared to the existing arrangement, albeit with upgraded access. Therefore, the proposal will have less than minor traffic effects on the wider environment.

Servicing Effects

The applicant has provided a servicing report in Attachment 10 of the application which has been prepared by Rob Jack ('Mr Jack') of Vecta Ltd. This report has been reviewed in conjunction with the proposal by Council's Principal Development Engineer, Mr Rhodes.

It is proposed to service 30 Benmore crescent and mitigate potential stormwater effects by use of swales and traditional stormwater pipes that discharge into Dry Creek. The stormwater pipes will also have additional treatment systems prior to discharge to Dry Creek.

It is noted that the existing reticulated water supply and reservoir around Manor Park has constraints from the sizing and diameter of the existing pipes. To mitigate the potential effects on the water network, a water supply system has been designed to trickle feed to on-site water tanks, thus not causing strain on the existing water network. It is also proposed to supply a new watermain from Manor Park Road which will trickle feed to the on-site tanks.

It is proposed to provide a new sewer branch that will run along the eastern side of Dry Creek which will connect into the trunk main.

The proposed servicing arrangement has been assessed by Mr Rhodes, who assessed that it will be sufficient to service 30 Benmore Crescent while the existing stormwater, water and wastewater mains have capacity to facilitate the arrangement. I concur with Mr Rhodes'

assessment. Therefore, I consider the proposal will have less than minor services effects on with wider environment.

Contamination Effects

The DSI that was submitted under RM220258 specified that 30 Benmore Crescent does include contaminated land, but notes that no human health criteria were exceeded in the testing undertaken. Ms Roz Cox of ENGEO Ltd concluded in her DSI report that the site was suitable for the use of the site for industrial / commercial purposes. Ms Cox concluded that white asbestos (chrysotile) was found within the samples but were below the human health requirements.

Ms Cox also concluded that total organic carbon ('TOC') concentrations indicate that the gas protection measures should be implemented during construction; but notes that the more intensive gas generation period is likely to already have passed due to the age of the waste. Ms Cox specified that monitoring of gas is not required unless a building will be constructed on top of the fill material. The proposed development will not consist of any building being constructed on the fill.

Ms Cox also specified that due to the presence of asbestos-containing material ('ACM') and presumed asbestos-containing material ('PACM') that work should be undertaken in accordance with the Remedial Action Plans ('RAPs') prepared by ENGEO in areas identified as containing ACM. Ms Cox also specified that Site Management Plans ('SMPs') should be prepared prior to work in zones 1 & 2 (orange and blue respectively in figure 19). It is noted that no earthworks are proposed under this consent to occur within any ACM areas or within zones 1 & 2. Combined SMPs and RAPs exist for areas 12, 13 & 14 as well as areas 7 & 8 (see figure 20). No proposed earthworks will be undertaken within areas 7 & 8, but the end of the proposed access road will be constructed partially within areas 12, 13 & 14

It is noted that the DSI that HCC has on file for 30 Benmore Crescent was undertaken prior to the earthworks being undertaken as consented under RM220258. Condition 9 of RM220258 requires that the earthworks be undertaken in accordance with the SMPs for 30 Benmore Crescent. This indicates that the earthworks undertaken under RM220258 was done in a manner that did not increase the contaminants present on 30 Benmore Crescent.

Overall, I concur with Ms Cox's conclusion that "no human health criteria are being exceeded" with respect to the works proposed under this application. Therefore, I consider the proposal to have less than minor contamination effects on the environment.



Figure 19: SMP & RAP zones



Figure 20: SMP & RAP areas

Natural Hazard Effects

The proposed earthworks will be largely located in the northern portion of 30 Benmore Crescent, outside of the identified flood areas but with a portion at the southeastern side of the site being within the Secondary River Corridor, of which the proposed access road will be constructed within. It is also noted that RM220258 (forming part of the existing environment)

has raised the ground levels of 30 Benmore Crescent. The final contours of 30 Benmore Crescent will remain consistent with that approved under RM220258 but with the proposed access road resulting in additional impervious surfaces. RM220258 was accompanied by a flooding report prepared by Mr Philip Wallace of River Edge Consulting Ltd which concluded that through the undertaking of works proposed under RM220258 (forming part of the existing environment) would reduce all the mapped flooding on 30 Benmore Crescent to be contained within the Dry Stream Corridor. Given that the proposed earthworks will largely retain the existing ground levels (as altered by RM220258), I consider that the conclusion reached by Mr Wallace to remain true for the proposed access road. Therefore, it is considered that the construction of the access road within 30 Benmore Crescent will not result in an increase in natural hazard risks on the environment. It is also noted that while being located within the Wellington Fault Rupture Hazard Overlay that no buildings are being proposed as part of this application. Therefore, I consider the proposal to have less than minor natural hazard effects on the wider environment.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. The proposal relates to the upgrading of Benmore Crescent / Manor Park Road intersection, the construction of an access road within 30 Benmore Crescent and the installation of civil services. It is considered that none of these activities which form the proposal are unusual, with alterations and upgrading to roading network utilities being provided for within the District Plan. While I note that the wider redevelopment of the site has garnered interest from the local community, the potential future land-uses within 30 Benmore Crescent do not form part of this resource consent application and will be subject to further resource consent applications beyond those activities permitted by the District Plan. It is considered that the District Plan provides clear policy direction and assessment matters relevant to the proposal and it is considered that public notification will not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publicly notify the application due to special circumstances.

Conclusion

Public notification is not required.

5.2 – LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to s 95B of the Act, a four step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under s 95E?	No

Te Awa Kairangi (Hutt River) is a statutory acknowledgement along with its tributaries as specified under the Ngāti Toa Rangatira Claims Settlement Act 2014 and the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. A tributary of the Hutt River dissects 30 Benmore Crescent at the north of the site in the approximate location of the proposed access road. Te Rūnanga o Toa Rangatira (Te Rūnanga) as the iwi authority for Ngāti Toa Rangatira (Ngāti Toa) have provided feedback in support of the wider development of 30 Benmore Crescent, which includes the potential future development of a resource recovery park (which falls outside of this consent) as well as the proposed works under this consent. This resource consent application was sent to both Ngāti Toa and Port Nicholson Block for any additional comments on the proposal. As of the writing of this report, no additional comments have been received by Port Nicholson Block. On 15 January 2025, Te Rūnanga o Toa Rangatira provided written confirmation of the general support of this resource consent application. Therefore, I consider that the proposed intersection upgrade, access road and civil services will have less than minor effects on Te Rūnanga o Toa Rangatira and Port Nicholson Block.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: <ul style="list-style-type: none"> ▪ A controlled activity (other than a subdivision) under the District Plan 	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s 95E.

Are any of the following persons 'affected' under s 95E? <ul style="list-style-type: none"> ▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary' 	N/A – The proposal is not a boundary activity
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) of the Act stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. The following persons have provided written approval for the proposal:

- New Zealand Transport Agency – Waka Kotahi
- KiwiRail Holdings Limited

In accordance with s 95E, I have considered whether the proposal could adversely affect any other persons. I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

Effects on all persons

Landscape and Visual Amenity Effects

Upon completion of works, the proposed Benmore Crescent / Manor Park Road intersection will have a similar appearance to that of the existing intersection as far as its impact and contribution in terms of landscape and amenity values. While the intersection and roading configuration will be wider, the applicant will undertake landscaping including replacing any landscaped areas removed as part of the proposed works. The internal access road within 30 Benmore Crescent will largely be screened from view when viewed from any private property and primarily visible to road users passing the site on Manor Park Road. As such, I do not consider there will be a substantial change with respect to landscape and amenity values resulting from the proposal. I also consider there to be sufficient separation and/or screening from residential persons who own/occupy property in the immediate surrounding area to sufficiently mitigate potential effects.

Upon completion, the finished ground levels will be similar to that of the existing ground levels, albeit will be sealed with the proposed access road and upgraded intersection, which will avoid any permanent scarring from the proposed earthworks upon completion.

Therefore, I consider the proposal to have a less than minor effect on landscape and visual amenity values for all persons.

Construction Effects

The proposed upgrading is anticipated to be undertaken over a 6 month construction period, over which time there is potential for construction effects from dust, noise, traffic and erosion. As previously noted, the applicant has proposed a number of conditions of consent requiring that:

- a CTMP be prepared; and
- an EMP be prepared and work be undertaken in accordance with these plans; and
- That undertaking construction and earthworks are limited to between 7.30am to 6pm Monday to Saturday with no works on a Sundays and Public Holidays; and
- Silt and stormwater run-off be controlled; and
- Discharge of dust be controlled until the ground surface has been stabilised.

The CTMP will ensure that appropriate traffic management practices are in place during the construction period. It is also noted that the proposed work will be compliant with NZS 6803:1999, which will ensure that the potential construction noise effects from the proposal comply with New Zealand standards. Mr Steve Arden of Marshall Day Acoustics prepared a memo in relation to what 'discernible' vibration is with reference to British Standard BS 5228-

2:2009 “Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration”. Mr Arden specified that utilising this standard a vibration of 0.3mm/s PPV is just perceptible in normal residential environments, hence ensuring that vibration levels are below this will result in no vibration being discernible beyond the site boundaries. Mr Arden specified that vibration level of less than 0.3mm/s PPV is achieved at 60m from the source of vibration.¹² The KiwiRail corridor provides a buffer of between 32 – 35m from the boundary of 30 Benmore Crescent to the residential properties on the western side of Mary Huse Grove. Mr Arden specified that no residential dwellings are within 40m from the boundary of 30 Benmore Crescent, and with the buffer that the rail corridor provides, all residential site boundaries are in excess of 30m separation from 30 Benmore Crescent. Therefore, the proffered condition of consent specifying that no vibration rolling shall occur within 30m of the boundary with the Rail Corridor will ensure that a minimum of 60m separation is provided, while also ensuring that the no vibration will exceed 0.3mm/s PPV and that no vibration will be discernible from the proposed work within 30 Benmore Crescent.

The proffered condition of consent also specifies that for construction works within the public road (Benmore Crescent and Manor Park Road) that the best practice option (‘BPO’) will be implemented. As these works are a network utility (as defined under Chapter 3 of the District Plan), the provisions of Chapter 8B do not apply and therefore, there is no expectation of vibration being indiscernible for these works. The BPO will ensure that potential vibration effects from the construction of the public roads are mitigated to a less than minor degree.

It is also noted a condition of consent is proffered restricting the construction hours to between 7.30am to 6pm Mondays to Sundays. This proffered condition will minimise the construction times, but some construction will still occur during the ‘peak’ traffic times while persons are going to; and coming back from work and school. It is considered that through the appropriate traffic management measures as required by the CTMP (and in accordance with COPTTM) that the potential disruption from the construction traffic can be mitigated to a less than minor degree.

Therefore, the proffered conditions of consent will mitigate the potential construction effects to a less than minor degree on all persons.

Traffic Effects

The potential construction traffic effects from the proposed work have been assessed above, but noting that once completed, the proposal will not facilitate additional traffic generation over what the District Plan provides for at 30 Benmore Crescent. The proposed Benmore Crescent / Manor Park intersection will allow for vehicle movements which could occur as a permitted activity at 30 Benmore Crescent in a safer, more efficient manner and with less potential for congestion from vehicles turning right into Benmore Crescent. It is noted that the only vehicle access for residents/visitors of the Manor Park suburb will be through the new intersection and rail crossing. The proposal will result in an improved intersection being wider allowing more room for manoeuvring for all vehicles and less congestion for persons accessing Manor Park. It is considered that the provisions of the district plan are sufficient to mitigate any potential future land-uses that will occur on 30 Benmore Crescent.

Therefore, I consider the proposal to have less than minor traffic effects on all persons.

¹² A level of 0.24mm/s PPV was measured at 60m from the source of vibration.

Servicing Effects

Council's Principal Development Engineer, Mr Rhodes, has assessed the new servicing arrangement that is proposed for water, wastewater and stormwater. All the residential properties on Mary Huse Grove have connections to Council's water and wastewater mains which the proposed servicing arrangement will utilise but noting that those properties discharge stormwater to the Hutt River via Mary Huse Grove. The proposal will see 30 Benmore Crescent being serviced by new water and wastewater mains that are an extension of these existing Council mains, which the properties of Mary Huse Grove also utilise.

The proposed servicing contains mitigation measures for the water supply, noting the constraints to the water supply for Manor Park specified under section 5.1 of this report. These measures include a trickle feed system to on-site water tanks, also noting that future buildings will have the ability to utilise roof water collection. The trickle feed system will ensure that the site can be suitably serviced by existing water infrastructure without undue pressure on the existing capacity of the network.

The wastewater networks servicing Manor Park do not have any no known constraints with respect to capacity. The proposal includes a new trunk sewer main (Ø825mm) and a branch (Ø300mm) to be installed in order to service 30 Benmore Crescent. The proposed sewer mains are considered to be suitable to service any future development of the site.

Mr Rhodes has reviewed the application and the "three-water servicing report" prepared by Vecta Ltd and has raised no concerns with the functionality of the proposed servicing arrangement. Therefore, while the proposed servicing cannot comply with the servicing requirements of NZS 4404:2010 it can functionally service 30 Benmore Crescent without impacting the servicing of any other persons within Manor Park or the surrounding environment.

Therefore, I consider that the proposal will have less than minor effect on servicing and network capacity on all persons.

Contamination Effects

The application was accompanied with a Detailed Site Investigation prepared by Ms Cox of ENGEO Ltd, which specified that while contaminants were present on the site, contaminants do not exceed the applicable standards/levels to affect human health whereby the contaminants on-site do not pose an unacceptable risk to human health both on-site or off-site as a result of the proposed works.

In addition to this, it is noted that the above DSI was provided and prepared prior to the undertaking of bulk earthworks under RM220258 which has subsequently been undertaken. Through the undertaking of work under RM220258, earth containing contaminants have been removed from 30 Benmore Crescent. It is noted that any additional soil disposal sought under this consent will see the contaminated soil being suitable for disposal at a Class A landfill.

The sites of earthworks and soil disturbance being undertaken on 30 Benmore Crescent are setback from the southern boundary with adjacent properties, while also being separated from the residential properties by the width of the KiwiRail owned rail corridor, being some 32 – 35m in width. This setback being a mitigation measure to potential spread of contaminants to adjacent properties.

I concur with Ms Cox assessment and therefore consider the proposal to have less than minor potential effects with respect to contamination on all persons.

Natural Hazard Effects

The proposal does not consist of any buildings but will see an increase in impervious area within 30 Benmore Crescent mainly being situated within the northern portion of the property. It is noted that through the works undertaken as part of RM220258 the site has been raised whereby the ground level is now above RL 28.0 MSL, being above the requirements of Rule 8B 2.1(q) of the District Plan.

All persons at the residential properties to the east of the site on Mary Huse Grove are separated from the location of the intersection and access road by at least the width of the rail corridor, which sees a progressive bund in a southern direction which will act as a barrier from 30 Benmore Crescent to persons in properties on Mary Huse Grove. As specified in section 5.1 of this report, a flood impact assessment was prepared by Mr Wallace of River Edge Consulting Ltd. Mr Wallace concluded that through the undertaking of the earthworks under RM220258, that during a modelled flooding event that flooding extent will be contained within the confines of the Dry Creek. The addition of the proposed access road is not considered to alter the ground level of 30 Benmore Crescent. Therefore, I concur with Mr Wallace's assessment and the proposed works will not increase the potential flooding risk.

It is noted that while being located within the Wellington Fault Rupture Hazard Overlay, the proposal does not consist of any buildings whereby the proposed works do not trigger any consenting requirements in the District Plan relating to this hazard overlay.

Overall, given the raised ground level from RM220258 (which forms part of the existing environment), the finished ground levels upon completion of the proposal will be similar to that of the existing and the proposed works are largely contained in the northern portion of 30 Benmore Crescent away from the river corridor; it is considered that the proposal will not increase the risk from flood and will have less than minor natural hazard effects on all persons.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

5.3 – NOTIFICATION DECISION

In accordance with the notification steps identified in sections 5.1 and 5.2 of this report the application shall proceed on a non-notified basis.

6. DETERMINING THE APPLICATION

Section 104 of the Act requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 – ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

Section 104(1)(a) of the Act states that when considering an application for a resource consent, the consent authority shall have regard to any actual and potential effects on the environment prior to authorising the activity.

Landscape and Visual Amenity Effects

The applicant has proffered a condition of consent requiring that where areas of vegetation have been cleared, that these are to be replanted in accordance with the Boffa Miskell Ltd plans submitted with the application. This condition of consent will provide mitigation to the potential landscaping and visual amenity effects of the proposal, predominantly as it relates to the vegetation located within the TNZ 3 designation. Conditions of consent will also be imposed ensuring that hydroseeding is undertaken on all areas of exposed earthworks. Upon completion of the proposed work, the amenity values of the Benmore Crescent / Manor Park Road intersection will be similar in nature to that of the existing environment albeit being wider. It is noted that landscape values of 30 Benmore Crescent have already been altered by the undertaking of bulk earthworks under RM220258, but the proposed access road will not detract from the remaining landscape values present. The proposal will also see landscaping being undertaken at 50 Benmore Crescent, providing visual screening from the south.

Overall, it is considered that any potential adverse landscape and visual amenity effects relative to the construction the new road, intersection and associated earthworks can be appropriately managed through conditions of consent. As a result, I consider that any actual or potential landscape or visual amenity effects are considered to be less than minor and will be acceptable.

Construction Effects

As specified in section 5.1 of this report, the proposal is anticipated to have a 6 month construction period whereby there will be potential construction effects through dust, noise, sediment erosion and traffic to occur. Conditions of consent will be imposed ensuring that a CTMP be prepared, which will detail the volumes of construction traffic expected, times of day for construction activities, temporary traffic management measures, vehicle tracking mitigation and the 'phases' of construction including heavy traffic. Traffic management is required to be

developed in accordance with the NZTA CoPTTM under the CTMP. It is considered appropriate for CTMP condition proffered by the applicant to include additional mitigation measures for potential construction effects including the contact details for the suitably qualified individual and the 'key phases' of construction activities detailing the level of heavy vehicles expected for each phase.

In relation to the potential sediment erosion and dust effects, a condition of consent will be imposed requiring the production of an EMP. The EMP will require details of compaction methodology, specific earthworks heights and volumes, site preparation works as well as requiring sediment erosion measures in accordance with the GWRC's erosion sediments control guidelines 2006 and NZS 6803:1999 'Acoustics – Construction Noise'. The EMP will require that all dust be controlled to avoid nuisance to the State Highway, road users and the adjacent residential properties.

A condition of consent restricting the operation and construction hours to Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays) will also ensure that no construction work occurs outside of the typical construction timeframes anticipated by the District Plan.

As specified in section 5 of this report, Mr Arden of Marshall Day Acoustics prepared a memo in relation to what 'discernible' vibration is with reference to British Standard BS 5228-2:2009 "*Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration*". Mr Arden specified that utilising this standard a vibration of 0.3mm/s PPV is just perceptible in normal residential environments, hence ensuring that vibration levels are below this will result in no vibration being discernible beyond the site boundaries of 30 Benmore Crescent. Mr Arden specified that vibration level of less than 0.3mm/s PPV is achieved at 60m from the source of vibration.¹³ The KiwiRail corridor provides a buffer of 32 – 35m from between the site boundary of 30 Benmore Crescent to the residential properties on the western side of Mary Huse Grove. The proffered condition of consent will ensure that no vibration rollers are to operate within 30m of the common boundary with the KiwiRail Corridor and therefore, an excess of 60m separation to the residential boundaries will be ensured. The proffered condition of consent also ensures that no vibration for works within 30 Benmore Crescent will exceed 0.3mm/s PPV and therefore, will be indiscernible.

Therefore, the condition of consent specifying that no vibration rolling shall occur within 30m of the boundary with the Rail Corridor and no vibration will exceed 0.3mm/s PPV as measured from within residential boundaries is considered to sufficiently mitigate the potential vibration effects to a less than minor and acceptable degree in relation to works within 30 Benmore Crescent. The design of the internal access road within 30 Benmore Crescent is such that majority of the road will be located outside of 30m from the boundary with the Rail Corridor, albeit the eastern bend will be within this setback. Therefore, no vibration rollers are to be used for this section of the access road, but non-vibration compaction can occur to ensure that construction can be undertaken within this 30m buffer area.

In relation to the proposed works within the public road and rail corridor, a condition of consent will be imposed to ensure that the best practice option ('BPO') be adopted in relation

¹³ A level of 0.24mm/s PPV was measured at 60m from the source of vibration.

to vibration generation. As the proposed works within Benmore Crescent and Manor Park Road are a 'network utility', these works are not subject to compliance with the provisions of Chapter 8B of the District Plan.¹⁴ Therefore, in relation to the construction of 'network utilities' there is no requirement to ensure that vibration is not 'discernible' beyond the site boundaries. Therefore, ensuring that the BPO is adopted for the construction works within the public road and rail corridor will ensure that the potential vibration effects during the construction period are mitigated to an acceptable degree.

Overall, it is considered that any adverse construction effects relative to the construction the new access road, intersection and associated earthworks can be appropriately managed through conditions of consent (whether proffered or imposed). As a result, I consider that any actual or potential construction effects will be less than minor and will be acceptable.

Traffic Effects

The application, including the design of the proposed roading upgrading works have been assessed by Mr Benner, Council's consultant traffic engineer, whose assessment should be read in conjunction with this report. Mr Benner concluded that the potential traffic effects from the proposal are likely to be acceptable subject to the imposition of conditions of consent. Mr Benner recommended that conditions of consent requiring that a detailed design of the proposed roading arrangement (both public and private) and that a safe system audit ('SSA') be prepared prior to the detailed design as well as after the completion of construction; but noting that similar conditions of consent were proffered by the applicant. Through the imposition of these recommended conditions of consent (noting that the production of an SSA were also proffered by the applicant) it is considered that the design of the proposed roading will be suitable for potential future uses and safe for all road users without compromising the wider roading network.

The applicant has proffered a condition of consent requiring that a land-covenant be registered on the title of 30 Benmore Crescent specifying that a maximum limit of 2,900 vpd can be generated by future site activities; as this is the maximum indicated number of vehicle movements that the proposed Benmore Crescent / Manor Park Road intersection can facilitate. Mr Benner raised no concerns with a 2,900 vpd maximum limit being imposed on 30 Benmore Crescent. Therefore, I consider the proffered land-covenant condition is appropriate and can be imposed without change.

In relation to the internal traffic safety effects that the proposed access road and public Benmore Crescent Road will have, it is considered that a condition of consent ensuring that street lighting be provided in accordance with Council's code and the New Zealand Standard for Lighting Roads and Public Spaces (AS/NZS 1158.3.1:2020 / AS/NZS 1158:2005), adherence to this standard will ensure that potential amenity effects for future users of these roads will be sufficiently mitigated.

Overall, it is considered that any potential adverse traffic effects relative to the construction the new road, intersection and associated earthworks can be appropriately managed through conditions of consent (whether proffered or imposed). As a result, I concur with Mr Benner's

¹⁴ As specified on page 26 of this report

assessment and consider that any actual or potential traffic effects will be less than minor and therefore are acceptable.

Servicing Effects

The proposed servicing arrangement has been reviewed by Mr Rhodes, Council's Principal Development Engineer. Mr Rhodes provided recommended conditions of consent to be imposed to ensure that potential servicing effects from the proposal are acceptable. These conditions of consent include the production engineering plans detailing all the three waters pipelines, fitting, flow restrictors for the water supply as well as the materials, type and size of the pipes. Wellington Water Ltd ('WWL') have provided information specifying that a maximum flow of 5.2L/s be implemented due to the restricted water supply within Manor Park. The inclusion of flow restrictors in the engineering plan approval will ensure that the limits of the existing water supply for Manor Park is not exceeded.

Due to the indicated water flow restrictions that are present within Manor Park, a condition of consent will be imposed to ensure that sufficient water supply for firefighting purposes is provided for 30 Benmore Crescent. The Vecta Three Water Servicing Report submitted with the application and Mr Rhodes specified that a minimum storage volume of 120,000L be provided for suitable firefighting water supply and to meet SNZ PAS 4509:2008. Therefore, a condition of consent will be imposed requiring water storage be provided within 30 Benmore Crescent. Due to the water supply restrictions, it is also considered appropriate for a land-covenant condition to require that a maximum flow rate of 5.2L/s is available for the wider site (unless upgrades to the reservoir is undertaken) in addition to the installation of a trickle feed to the 120,000L water supply on site.

Due to the nature of the earthworks being proposed to facilitate the construction of roads, it is also considered appropriate to ensure that a suitably qualified individual certifies the earthworks upon completion in accordance with Clause 2.6.1 of NZS 4404:2010.

A verbal agreement has been reached between council and the applicant to vest the proposed water and wastewater infrastructure in addition to street-lighting in the public section of Benmore Crescent. Therefore, conditions of consent will also be imposed to ensure that the vesting of these assets occur.

Mr Rhodes raised no concerns with the wastewater and stormwater servicing that is proposed as part of this application. I concur with Mr Rhodes assessment.

Overall, I consider that through the imposition of the above mentioned conditions of consent, that the potential servicing effects can be sufficiently mitigated whereby any adverse effects will be less than minor and therefore acceptable.

Contamination Effects

A combined SMP & RAP is held on Council file for the areas 12, 13 & 14 within 30 Benmore Crescent as submitted with RM220258 (see figures 19 & 20). It is considered that this combined SMP and RAP for these areas are still relevant as it pertains to the proposed internal access road within 30 Benmore Crescent. These plans identify appropriate controls to mitigate potential contamination effects during soil disturbance. Therefore, a condition of consent will be imposed to ensure that all work is undertaken in accordance with the

combined SMP & RAP for areas 12, 13 & 14. No other areas of identified contamination will be disturbed during the construction of the proposed access road.

A condition of consent will also be imposed requiring that a site validation report or long-term site management plan be prepared by a SQEP and provided to Council. The imposition of this condition of consent will ensure that details of the post-construction contaminants are investigated with the appropriate long-term requirements being outlined to ensure that potential contamination effects on human health are mitigated. A condition of consent will also be imposed ensuring that a A2 sign be erected specifying the potential contamination hazards present on the site.

Overall, it is considered that any potential adverse contamination effects relative to the construction the new road, intersection and associated earthworks can be appropriately managed through conditions of consent. As a result, I consider that any actual or potential contamination effects will be acceptable.

Natural Hazards Effects

It is noted that the location of the proposal will be within the Wellington Fault Rupture Hazard Overlay of the District Plan, but with no buildings being proposed as part of this application. The construction of the proposed access road and righthand turn-bay at the Benmore Crescent / Manor Park Road intersection is not considered to increase the risk of flooding hazards from the earthworks proposed given that the final road height will be comparable to that of the existing ground levels. As specified under section 5 of this report, while 30 Benmore Crescent is located within the Secondary River Corridor Overlay of the District Plan, this is located in the southern portion of the property, closest to the Hutt River. This results in the Benmore Crescent / Manor Park Road intersection being outside of this overlay as well as majority of the proposed access road.

It is also noted that through the undertaking of bulk earthworks under RM220258, that the ground level of 30 Benmore Crescent has been raised to be predominantly above 28.0m aMSL (being the permitted standard for building construction on 30 Benmore Crescent within the District Plan). While the property at 50 Benmore Crescent forms part of the application site, this property is proposed to be planted, with no buildings or earthworks proposed.

Therefore, I consider that the proposal will have less than minor and acceptable natural hazard effects.

Positive Effects:

When assessing the effects of an activity, positive effects on the environment should be included. This was reinforced by the High Court in its decision in *Elderslie Park v Timaru District Council*, stating that:¹⁵

“To ignore real benefits that an activity for which resource consent is sought would bring necessarily produces an artificial and unbalanced picture of the real effect of the activity”.

¹⁵ *Elderslie Park Ltd v Timaru District Council* [1995] NZRMA 433 (HC) at 18.

Upon completion of the proposed work, the Benmore Crescent / Manor Park Road intersection will be wider, enabling a dedicated righthand turn-bay into Benmore Crescent as well as Benmore Crescent being wider. The upgrading of these roading assets will enable vehicles utilising the Benmore Crescent / Manor Park Road intersection to do so with greater manoeuvring area and with vehicles turning right onto Benmore Crescent being able to do so while other vehicles can continue straight to Manor Park. Therefore, upon completion, the proposal will represent a safer and more efficient roading network into Manor Park.

The proposal will also see the KiwiRail level crossing being upgraded to enable pedestrian / cyclist to cross the rail corridor in a safe manner through a dedicated crossing.

Therefore, for the reasons outlined above I consider that the proposal will have positive effects on the roading network.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

6.2 – ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Objectives and policies of the District Plan

An assessment against the relevant District Plan objectives and policies can be found below:

Chapter 8B – General Rural Activity Area

Objective / Policy	Assessment
<u>Objective 8B 1.1.1</u> – <i>To maintain and enhance the open character and amenity values which are prevalent in rural areas.</i>	It is noted that due to the extensive earthworks being undertaken within 30 Benmore Crescent that the open character of the rural area has already been diminished. Regardless, upon the completion the proposal will see the introduction of an access road within 30 Benmore Crescent, with no buildings being proposed. Therefore, it is considered that the open character and amenity values that are present on 30 Benmore Crescent will be retained. The proposal is consistent with Objective 8B 1.1.1.
<u>Policy 8B 1.1.1(a)</u> – <i>To allow for those activities which are appropriate in rural areas and which maintain and enhance the open character and amenity values of rural areas together with the intrinsic values of ecosystems.</i>	The proposal will consist of the upgrading of the existing Benmore Crescent / Manor Park Road intersection as well as an access road within 30 Benmore Crescent. No activities or buildings are proposed under this consent application. Therefore, once completed only activities enabled by the District Plan can occur without a resource consent. Therefore, the proposal is consistent with Policy 8B 1.1.1(a)
<u>Policy 8B 1.1.1(b)</u> – <i>To ensure that sites are of a size that the open space character and amenity values of rural areas are maintained and enhanced.</i>	No subdivision is proposed under this consent, resulting in the size of the site remaining the same. Therefore, the proposal is consistent with Policy 8B 1.1.1(b).
<u>Policy 8B 1.1.1(c)</u> – <i>The preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</i>	It is noted that portions of the application site are considered to be 'margins' of the Hutt River, therefore Policy 8B 1.1.1(c) considers that these margins have their natural character preserved. 50 Benmore Crescent (SEC 2 SO 493901) is the southernmost portion of the application site and will see planting being undertaken which is considered to at least retain the existing natural character that this 'margin' to the Hutt River. The remainder of the earthworks and civil services will be located in the northern portion of 30 Benmore Crescent, which is considered not to be a margin of the Hutt River. Therefore, I consider the proposal to be consistent with Policy 8B 1.1.1(c).

<p>Objective 8B 1.1.3 – To ensure that adverse effects arising from activities are appropriately managed to ensure slope stability and soil conservation.</p>	<p>The proposed earthworks will largely see the finished ground level of the existing site being retained, albeit with some slight variation in height. No earthworks are proposed on slopes, but noting that a condition of consent will be imposed requiring that an EMP be prepared and works to be undertaken in accordance with the supplied EMP. Therefore, I consider the proposal to be consistent with Objective 8B 1.1.3.</p>
<p>Policy 8B 1.1.3(a) – To manage the use of land characterised by steep topography and poor soils so as to ensure slope stability and soil conservation.</p>	<p>The proposal will not see any work being undertaken on land that is characterised by steep topography. Therefore, I consider the proposed to be consistent with Policy 8B 1.1.3(a).</p>

Chapter 13 – Network Utilities

For the purposes of the assessment against the provisions of Chapter 13 of the District Plan, the following definition under Chapter 3 of the District Plan is considered of relevance:

Regionally Significant Network Utilities means:

- a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b. the National Grid;
- c. facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Industry Act 2010;
- d. the local authority water supply network and water treatment plants;
- e. the local authority wastewater and stormwater network, systems and wastewater treatment plants; and
- f. the Strategic Transport Network, as detailed in Appendix 1 to the Wellington Regional Land Transport Strategy 2010-2040.

Therefore, under the above definition HCC stormwater, wastewater and water network is considered to be regionally significant network utility. Appendix 1 of the Wellington Regional; Land Transport Strategy also specifies that the Wairarapa Rail Line, SH 2 and SH 58 within appendix 1. Therefore, these also fall within the above definition.

Objective / Policy	Assessment
<p>Objective 13.1.1 – To recognise and protect the benefits of regionally significant network utilities.</p>	<p>It is not considered that the proposed Benmore Crescent / Manor Park Road intersection upgrades to be a regionally significant network utility. While the intersection upgrades itself is not regionally significant, it will form part of the off ramp to SH 2 which is considered to be regionally significant. The design of the proposed intersection is such that upon completion, there is less potential for traffic 'back-up' onto SH 2 from vehicles turning right onto Benmore Crescent. The potential traffic construction effects are considered to be sufficiently mitigated through the imposition of conditions of consent requiring that a CTMP be prepared.</p> <p>HCC water, wastewater and stormwater networks are also considered to be 'regionally significant network utilities'. Mr Rhodes has assessed the design of the proposed new connections to services for 30 Benmore Crescent, noting that the HCC network will have capacity for the servicing arrangement.</p> <p>Therefore, I consider that the benefits of SH 2 and the HCC water, wastewater and stormwater network are considered and protected, and the proposal is consistent with Objective 13.1.1.</p>
<p>Policy 13.1.1.1(b) – To recognise the national, regional and local benefits of regionally significant network utilities.</p>	<p>It is acknowledged the benefits that the regionally significant infrastructure provides nationally, regionally and more locally to those in Manor Park.</p>
<p>Objective 13.1.4 – To manage any</p>	<p>The proposal consists of proffered conditions of consent that will</p>

<p><i>adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.</i></p>	<p>ensure that dust is not a nuisance beyond the application site boundary, with conditions of consent also being imposed requiring that a CTMP and EMP being prepared. It is also proffered that the landscaping be replanted upon completion. The imposition of these conditions of consent will mitigate and manage the potential effects from the upgrading of the Benmore Crescent / Manor Park Road intersection. Therefore, the proposal is consistent with Objective 13.1.4.</p>
<p><u>Policy 13.1.4(a)</u> – <i>To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.</i></p>	<p>As assessed above, conditions of consent will be imposed regarding CTMP, EMP, landscaping, dust management, construction times and safe system audit upon completion. Therefore, it is considered that the potential effects from the construction and upgrading of the Benmore Crescent / Manor Park Road intersection will be sufficiently mitigated. Therefore, the proposal will be consistent with Policy 13.1.4(a).</p>
<p><u>Policy 13.1.4(b)</u> – <i>To manage effects on health and safety by ensuring network utilities are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.</i></p>	<p>It is noted that the design of the proposal will not comply with the requirements of NZS 4404:2010 due to a footpath only being located along the eastern side of Benmore Crescent. Mr Benner, traffic consultant for HCC assessed the proposal and the effectiveness of the design of the proposed Benmore Crescent / Manor Park Road to be fit for purpose. Mr Benner concluded in that the design of the intersection is functional, but that a safe system audit ('SSA') should be undertaken on the Benmore Crescent / Manor Park Road intersection both before and after construction. The SSA should be undertaken in accordance with the Waka Kotahi Safe System Audit Guidelines 2022. Therefore, I consider that while the proposal is unable to comply with NZS 4404:2010 that the undertaking of SSA's will ensure that the potential effects on the environment are managed. The proposal is consistent with Policy 13.1.4(b).</p>
<p><u>Policy 13.1.4(d)</u> – <i>To require the underground placement of new network utilities unless</i></p> <ul style="list-style-type: none"> <i>i. there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable;</i> <i>ii. they are of a temporary nature and required for emergency purposes or critical events; and</i> <i>iii. they are of a nature that they can only operate aboveground.</i> 	<p>The proposed intersection upgrading of the Benmore Crescent / Manor Park Road intersection will be required to be above ground by nature, but the proposal will see the servicing of water, wastewater and stormwater being provided underground. It is noted that the proposed wastewater trunk main will be above ground when passing over the stream, which is considered to be a natural feature requiring it to be above ground. Therefore, I consider the proposal to be consistent with Policy 13.1.4(d).</p>
<p><u>Policy 13.1.4(e)</u> – <i>To encourage the use of roads as network utility corridors in accordance with the National Code of Practice for Utility Operators'; Access to Transport Corridors.</i></p>	<p>As the proposed network utility consists of the upgrading of the intersection of Benmore Crescent / Manor Park Road, which is in its nature a road. Therefore, the proposal is consistent with Policy 13.1.4(e).</p>
<p><u>Policy 13.1.4(f)</u> – <i>To encourage network utility providers to consult with local communities, landowners and the Regional Council (where relevant) on the appropriate placement, location and design of new network utilities.</i></p>	<p>The applicant has undertaken consultation with both NZTA and KiwiRail in relation to the design of the proposed intersection of Benmore Crescent / Manor Park Road as these entities are the landowners with designations in place over the location of the intersection. The design of the intersection has been through alterations to such that it is in its current form with both NZTA and KiwiRail written approval for the current design. It is unclear if any consultation with local communities has been undertaken. The application specifies that consultation has been undertaken with the GWRC in relation to the proposed planting at 50 Benmore Crescent.</p>

Therefore, the proposal is consistent with Policy 13.1.4(f).

Chapter 14A – Transport

Objective / Policy	Assessment
<u>Objective 14A 3.1</u> – A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.	The proposal will consist of upgrading the existing Benmore Crescent / Manor Park Road intersection. The new intersection design will see a dedicated righthand turn-bay into Benmore Crescent enabling vehicles (including truck and trailer) to use the bay without inhibiting traffic continuing east on Manor Park Road. It is noted that while the proposal does not consist of any additional activities, or consent for a high trip generator, that the upgraded intersection is designed to facilitate 2,900 vehicle movements per day for potential future land-uses (assessed under potential separate resource consent applications). The proposal will also see a level crossing and footpath being constructed across the rail corridor and extending down Benmore Crescent; thus providing for active modes of transport. A condition of consent will be imposed to ensure that a SSA will be provided both before and after construction to ensure that the proposed intersection upgrade will maintain the safety of the roading system. Therefore, I consider the proposal to be consistent with Objective 14A 3.1.
<u>Objective 14A 3.2</u> – Adverse effects from the construction, maintenance and development of the transport network on the adjacent environment are managed.	The proposal will see a construction period which is anticipated to be 6 months, during which time there is the potential for disruption to the transport network. The proposal consists of a proffered condition of consent requiring that a CTMP be prepared, which will detail the traffic management to undertake the construction to minimise the effects on the transport network. It is noted that the location of the proposed upgrading is the only access route for Manor Park via vehicle. The imposition of the CTMP will mitigate the potential effects of the construction onto the transport network. Therefore, the proposal is consistent with Objective 14A 3.2.
<u>Objective 14A 3.3</u> – Reverse sensitivity effects on the transport network from sensitive activities are managed.	No sensitive activities are proposed. Therefore, the proposal is consistent with Objective 14A 3.3.
<u>Objective 14A 3.4</u> – Adverse effects on the safety and efficiency of the transport network from land use and development that generate high volumes of traffic are managed.	The proposal consists of upgrading to the existing transportation network, providing an access road within 30 Benmore Crescent and providing civil services to 30 Benmore Crescent. While the proposed intersection of Benmore Crescent / Manor Park Road has been designed to facilitate 2,900 VPD, the proposal will not see any activities, land-uses or development that will generate high volumes of traffic. Therefore, the proposal is consistent with Objective 14A 3.4.
<u>Objective 14A 3.5</u> – Adverse effects on the safety and efficiency of the transport network from on-site transport facilities (vehicle access, parking, manoeuvring and loading facilities) are managed.	No on-site transport facilities are proposed. Therefore, the proposal is consistent with Objective 14A 3.5.
<u>Policy 14A 4.1</u> – Additions and upgrades to the transport network should seek to improve connectivity across all modes and be designed to meet industry standards that ensure that the safety, efficiency and resilience of the transport network are maintained.	It is noted that the proposal will be unable to comply with the requirements of NZS 4404:2010, due to no pedestrian walkway being provided along the northern side of the access road. While non-complaint with the New Zealand Standard, it is noted that the existing formation of Benmore Crescent does not provide any pedestrian access, resulting in the proposal providing a greater variety in transportation modes than the existing environment. Mr Benner assessed that the proposed intersection design is appropriate but specifying that a SSA upon detailed design to be conditioned. Additionally, it is also noted that the activities which can occur within 30 Benmore Crescent as a permitted activity largely consist of those activities that require vehicle access. Thus, the proposal is considered to at least maintain the safety of the Benmore Crescent / Manor Park Road intersection. Therefore, I the proposal will be consistent with Policy 14A 4.1.
<u>Policy 14A 4.2</u> – Land use, subdivision and development should not cause	No subdivision or land-uses are being proposed as part of this consent, but noting that the development of the Benmore Crescent /

<p><i>significant adverse effects on the connectivity, accessibility and safety of the transport network, and, where appropriate, should:</i></p> <ul style="list-style-type: none"> • <i>seek to improve connectivity within and between communities; and</i> • <i>enable walking, cycling and access to public transport.</i> 	<p>Manor Park Road intersection and Benmore Crescent has the potential to cause potential effects on the transport network during the construction period. The potential construction traffic effects are considered to be sufficiently mitigated through the imposition of a condition of consent requiring a CTMP, traffic management in accordance with NZTA CoPTTM and specified hours of construction. Upon completion, the new intersection will be an upgrade of the existing intersection, facilitating the same land-uses but in a safer manner with additional pedestrian access down Benmore Crescent and across the rail corridor. Therefore, the proposal is consistent with Policy 14A 4.2.</p>
<p><u>Policy 14A 4.3</u> – <i>The transport network should be located and designed to avoid, remedy or mitigate adverse effects on the adjacent environment.</i></p>	<p>The proposal will involve upgrading works being undertaken, but with the location of the intersection and level rail crossing remaining the same; albeit being a wider formation. The location is also such that it is located between the rail corridor and the SH 2 / SH 58 intersection. Therefore, I consider that the location of the proposed works will retain the location of the existing transport network and is consistent with Policy 14A 4.3.</p>
<p><u>Policy 14A 4.4</u> – <i>Land use, subdivision or development containing noise sensitive activities should be designed and located to avoid, remedy or mitigate adverse effects which may arise from the transport network.</i></p>	<p>No land-use, subdivision or development of noise sensitive activities are proposed. Therefore, the proposal is consistent with Policy 14A 4.4.</p>
<p><u>Policy 14A 4.5</u> – <i>Any activity that is a High Trip Generator must be assessed on a case by case basis. Adverse effects of High Trip Generators on the safety and efficiency of the transport network should be managed through the design and location of the land use, subdivision or development.</i></p>	<p>No high trip generator activity is proposed. Therefore, the proposal is consistent with Policy 14A 4.5.</p>
<p><u>Policy 14A 4.6</u> – <i>Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.</i></p>	<p>While no parking or manoeuvring and loading facilities are proposed under this consent, the proposal will see that each of the vehicle accesses off Benmore Crescent be re-instated as heavy duty vehicle crossings. The existing vehicle accesses off Benmore Crescent are not formed and are general gravel or dirt. The formation of these to Council standards as heavy duty crossings represents a safer and more efficient transport network. Therefore, the proposal will be consistent with Policy 14A 4.6.</p>
<p><u>Policy 14A 4.7</u> – <i>The transport network, land use, subdivision and development should provide for all transport modes.</i></p>	<p>The existing Benmore Crescent Road formation does not provide for pedestrian access. The proposal will see a single pedestrian footpath being provided along the eastern side of Benmore Crescent and across the rail corridor. Benmore Crescent will also be widened, allowing potential cyclists to access the road in a safer manner. Therefore, the proposal will be consistent with Policy 14A 4.7.</p>

Chapter 14I – Earthworks

Objective / Policy	Assessment
<p><u>Objective 14I 1.1</u> – <i>To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.</i></p>	<p>The proposed earthworks required for the formation of the private access road will see 600m³ of cut being undertaken at a maximum depth of 0.6m with 50m³ of fill and a depth of 0.3m. Upon completion it is anticipated that the road will be located at a level similar to that of the existing environment, albeit, being sealed. It should also be noted that the natural ground level has been altered by the work undertaken of work under RM220258. In addition, neither 30 Benmore Crescent (as it forms part of the existing environment) and that of the Benmore Crescent / Manor Park Road intersection contribute to the city's landscape in a notable way. Therefore, I consider that the natural features that contribute to the city's landscape are maintained. The proposal is consistent with Objective 14I 1.1.</p>
<p><u>Policy 14I.1.1(a)</u> – <i>To ensure that</i></p>	<p>As assessed above under Objective 14I 1.1, the natural topography of</p>

<p><i>earthworks are designed to be sympathetic to the natural topography.</i></p>	<p>30 Benmore Crescent has been altered by works undertaken under RM220258. The proposed earthworks have been designed to consider the existing ground level and topography as altered by RM220258. This design provides for the construction of a private access road which will be comparable in ground level to the remained of 30 Benmore Crescent. The earthworks proposed to facilitate the construction of the Benmore Crescent / Manor Park Road intersection will see larger cut and fill, being 1.7m and 1.3m respectively. While having larger depths, the proposal will see the widening of the existing intersection and on/off-ramp from SH 2. Therefore, I consider that the proposal is consistent with Policy 14I 1.1(a).</p>
<p><u>Policy 14I.1.1(b)</u> – <i>To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.</i></p>	<p>It is not considered that the proposal is a significant escarpment, steep hill or being located within the coastal area. Therefore, the proposal is consistent with Policy 14I 1.1(b).</p>
<p><u>Objective 14I 1.2</u> – <i>To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.</i></p>	<p>The application site has no listed cultural or historic heritage values but noting that some of the proposed earthworks will be undertaken close to a statutory acknowledgement area. Regardless, the applicant has proffered a condition of consent requiring that an EMP be prepared which will detail an accidental discovery protocol. Therefore, through the proffered condition of consent I consented that the proposal is consistent with Objective 14I 1.2.</p>
<p><u>Policy 14I.1.2(a)</u> – <i>To protect the visual amenity values of land which provides a visual backdrop to the City.</i></p>	<p>While 30 Benmore Crescent, being a larger site, is visible from some areas on the eastern hill side of Stokes Valley and Manor Park; it is not considered that the application site provides for a visual backdrop to the city. Therefore, I consider the proposal to be consistent with Policy 14I 1.2(a).</p>
<p><u>Policy 14I.1.2(b)</u> – <i>That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.</i></p>	<p>The application consists of a proffered condition of consent requiring that the replanting occur in accordance with the landscaping plan prepared by Boffa Miskell Ltd. A condition of consent will also be imposed to ensure that a Site Management Plan ('SMP') be prepared as was recommended in the DSI lodged with the application. Through the imposition of these conditions of consent, I consider the proposal to be consistent with Policy 14I 1.2(b).</p>
<p><u>Policy 14I.1.2(c)</u> – <i>To protect any sites with historical significance from inappropriate earthworks.</i></p>	<p>The application site has no known historical significance, as indicated by Council's GIS systems. Regardless a condition of consent will be imposed ensuring that an accidental discovery protocol be in place. Therefore, the proposal is consistent with Policy 14I 1.2(c).</p>
<p><u>Policy 14I.1.2(d)</u> – <i>To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.</i></p>	<p>The proposal will involve the construction of an access road over a statutory acknowledgement within the Ngāti Toa Rangatira Claims Settlement Act 2014 and the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. As specified in section 5.1 of this report, Ngāti Toa have provided general support of development at 30 Benmore Crescent as well as written support for the works undertaken in this resource consent application. As of the writing of this report, no response has been received by Port Nicholson Block. Therefore, I consider that the proposal is consistent with Policy 14I 1.2(d).</p>
<p><u>Objective 14I 1.4</u> – <i>To ensure earthworks in the Primary or Secondary River Corridor of the Hutt River do not affect adversely flood protection structures.</i></p>	<p>The proposal will consist of earthworks being undertaken in parts of 30 Benmore Crescent that is within the Secondary River Corridor. The majority of the earthworks will be located outside of the secondary river corridor but noting that all the areas of earthworks within the secondary river corridor will be compliant with the district plan setbacks from river protection structures. Therefore, the proposal is consistent with Objective 14I 1.4.</p>
<p><u>Policy 14I.1.4(a)</u> – <i>To ensure that earthworks in the Primary or Secondary River Corridor have no more than minor adverse effects on flood protection structures.</i></p>	<p>The assessment and conclusions reached above are also relevant to Policy 14I 1.4(a). Therefore, the proposal will have less than minor effects on floor protection structures and is consistent with Policy 14I 1.4(a).</p>

Therefore, I consider that the proposal will be consistent with all the relevant objectives and policies of the Operative District Plan.

6.3 – ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

New Zealand Coastal Policy Statement 2010

The proposal is not located within the coastal environment. Therefore, the provisions of the New Zealand Coastal Policy Statement 2010 are not considered to be relevant to this application.

National Policy Statement on Urban Development 2020

The proposed land use consent is considered to be generally in accordance with the National Policy Statement on Urban Development ('NPS:UD'). This NPS came into effect on 20 August 2020, replacing the previous National Policy Statement on Urban Development Capacity ('NPS:UDC'). The NPS:UD directs Council's to enable well-functioning urban environments that provide for the social, economic and cultural wellbeing of people. To do this consideration is required to allow change in urban environments over time, including through ensuring adequate supply of land for development, and by allowing flexibility in terms of building form and density to provide variation within the housing market and to encourage good accessibility and connectivity.

The proposal is for the upgrading of the Benmore Crescent / Manor Park Road intersection, which will be widened and be provided with a dedicated right hand turn-bay onto Benmore Crescent. The proposal will also provide for services for; and an internal access road within 30 Benmore Crescent. The proposal will see an increase in accessibility for people between housing and jobs, contributing to a well-functioning urban environment.

Operative Regional Policy Statement for the Wellington Region 2013

The proposal requires an assessment against the operative provisions of the Regional Policy Statement for the Wellington Region 2013 ('RPS'). The RPS sets out the framework and priorities for resource management in the Wellington region. On 19 August 2022 Greater Wellington Regional Council notified Proposed Change 1 to the Regional Policy Statement to the Wellington Region ('RPS-PC1'). One of the purposes of the RPS-PC1 is to implement and support the NPS:UD. RPS-PC1 directly inserts the housing bottom lines for the Wellington Tier 1 urban environment into the operative RPS, with immediate effect from 19 August. Remaining changes to the RPS are currently proceeding through the standard Schedule 1 process. Currently RPS-PC1 is currently in the appeal stage of the Schedule 1 process, with hearings undertaken and a decision being issued.

The provisions in relation to regional form, design and function are contained within Table 9 of the RPS, while the provisions of natural hazards are located within Table 8. I consider that the following provisions of the RPS are not relevant to this resource consent application; and therefore, do not require an assessment:

- Table 1: Air Quality
- Table 2: Coastal Environment
- Table 3: Energy, Infrastructure and Waste
- Table 4: Fresh Water
- Table 5: Historic Heritage

- Table 6(a): Indigenous Ecosystems
- Table 6(b): Indigenous Biodiversity
- Table 7: Landscape
- Table 10: Resource Management with Tangata Whenua
- Table 11: Soils and Minerals
- Table 12: Allocation of Responsibilities for Land Use Controls for Natural Hazards
- Table 13: Allocation of Responsibilities for Land Use Controls for Hazardous Substances
- Table 14: Objectives and the Anticipated Environmental Results from Implementing the Policies and Methods in the Regional Policy Statement
- Table 15: Rivers and Lakes with Significant Amenity and Recreational Values
- Table 16: Rivers and Lakes with Significant Indigenous Ecosystems

Natural Hazards

Objective 19 – *The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.*

Objective 20 – *Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.*

Objective 21 – *Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.*

Policy 29 – *Avoiding inappropriate subdivision and development in areas at high risk from natural hazards – district and regional plans.*

Policy 51 – *Minimising the risks and consequences of natural hazards – consideration*

Policy 52 – *Minimising adverse effects of hazard mitigation measures – consideration*

As specified in section 5 of this report, Mr Wallace of River Edge Consulting Ltd undertook a flood analysis of 30 Benmore Crescent, which indicated that there would be limited flooding given the ground level has been increased following works under RM220258 (forming part of the existing environment). The proposed works under this consent are not considered to increase the potential risk of flooding as assessed by Mr Wallace, noting that majority of the earthworks undertaken will be situated outside of the Secondary River Corridor Overlay of the District Plan. While the proposed works will not increase the resilience to natural hazards of the community or reduce the risk of natural hazards, the resilience and the potential risk of natural hazards to people will be maintained; and therefore the proposal considered to not be inconsistent with Objective 19 and 21. No buildings are being proposed as part of this consent application and therefore, there is considered to be no increased risk to people from a Faultline rupture event. The proposal is not considered to be located in a high natural hazard risk area, with the proposal not increasing the risk of natural hazards. Therefore, the proposal is considered to be consistent with the Objective 20 and Policies 29, 51 and 52 of the RPS in respect to natural hazards while not being inconsistent with Objective 19 and 21.

Regional Form, Design and Function

Objective 22 – *A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*

- (a) *a viable and vibrant regional central business district in Wellington city;*

- (b) *an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;*
- (c) *sufficient industrial-based employment locations or capacity to meet the region's needs;*
- (d) *development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;*
- (e) *urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (f) *strategically planned rural development;*
- (g) *a range of housing (including affordable housing);*
- (h) *integrated public open spaces;*
- (i) *integrated land use and transportation;*
- (j) *improved east-west transport linkages;*
- (k) *efficiently use existing infrastructure (including transport network infrastructure); and*
- (l) *essential social services to meet the region's needs.*

Objective 22A – *To achieve sufficient development capacity to meet expected housing demand in the short-medium and long term in any tier 1 urban environment within the Wellington Region, the housing bottom lines in Table 9A are to be met or exceeded in the short-medium and long term in the tier 1 urban environment.*

Policy 30 – *Maintaining and enhancing the viability and vibrancy of regionally significant centres – district plans*

Policy 31 – *Identifying and promoting higher density and mixed use development – district plans*

Policy 32 – *Identifying and protecting key industrial-based employment locations – district plans*

Policy 33 – *Supporting a compact, well designed and sustainable regional form – Regional Land Transport Strategy*

Policy 54 – *Achieving the region's urban design principles – consideration*

Policy 55 – *Maintaining a compact, well designed and sustainable regional form – consideration*

Policy 56 – *Managing development in rural areas – consideration*

Policy 57 – *Integrating land use and transportation – consideration*

Policy 58 – *Co-ordinating land use with development and operation of infrastructure – consideration*

Policy 60 – *Utilising the region's mineral resources – consideration*

Policy 67 – *Maintaining and enhancing a compact, well designed and sustainable regional form – non-regulatory*

As assessed under sections 5.1, 5.2 and 6.1 of this report, Mr Benner concluded that through the imposition of conditions of consent requiring that a safe system audit be undertaken that the proposal will represent a wider and safer intersection between Benmore Crescent and Manor Park Road. The applicant has also proffered a condition of consent specifying that a land covenant be registered on the title of 30 Benmore Crescent that vehicle movements shall not exceed 2,900 vpd ensuring that potential future vehicle movements shall not exceed the designed limit of the proposed new righthand turn-bay onto Benmore Crescent from Manor Park Road. The proposal will not consist of any residential dwellings or houses, but the location of the proposed internal access road within 30 Benmore Crescent, as an extension to the public road, is considered to integrate with and be an efficient use of the existing transport

network as well as retaining the existing urban form. The proposal is not located in a regionally significant centre and as no buildings are proposed; it is considered that the proposal meets the regions urban design principles and will retain a compact, well designed and sustainable regional form. The proposal is located within the General Rural Activity Area of the District Plan, and as assessed under sections 5.1, 5.2 and 6.1 of this report, is managed such that the potential effects are mitigated to a less than minor and acceptable degree. No activity is proposed to operate on the application site under this resource consent application, but noting that wastewater, stormwater and water services will be provided to 30 Benmore Crescent. Therefore, I consider that the proposal is consistent with the above objectives and policies of the RPS.

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, or New Zealand Coastal Policy Statement.

6.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

I consider there are no other matters relevant and reasonably necessary to determine the application.

6.5 – PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

In the *Davidson v Marlborough District Council* 2018 Court of Appeal case, it was determined that if a plan has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to Part 2 because doing so would not add anything to the evaluative exercise.¹⁶ As there are no known uncertainties or incompleteness with the relevant part of the District Plan, I consider that no further assessment against Part 2 of the Act is necessary.

6.6 – SUBSTANTIVE DECISION

In accordance with s 104B of the Resource Management Act 1991, I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s 108.

7. CONDITIONS OF RESOURCE CONSENT

In accordance with s 108 of the Resource Management Act 1991, resource consent has been granted subject to the following conditions:

1. That the proposal is carried out substantially in accordance with the information and approved plans submitted with the application and held on file at Council:
 - Earthworks Plans – Project Titled “Benmore Crescent, Manor Park”, produced by Spencer Holmes Ltd, Drawing Number S20-0380-AP30 (rev A) dated 16/11/2022 & S22-0380-EW31 (rev D), revision dated 11/06/2024

¹⁶ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [75]

- Services Plans – Project Titled “Te Karearea Benmore Crescent, Manor Park”, produced by Spencer Holmes Ltd, Drawing Numbers S20-0380, Sheets D1 to D55 as listed on Drawing Number S20-0380-D0 (rev D) revision dated 26/07/2023.
- Services Bridge Plans – Project Titled “Services Bridge & Culvert Head, Benmore Crescent”, produced by Spencer Holmes Ltd, Drawing Number E21-0101-00 to E21-0101-25 as listed on Drawing Number E21-0101-00 (rev B) revision dated 14/12/2022.
- Civil Engineering Drawing for Roading & Rail Crossing Upgrades – Titled “Te Karearea Business Park, Benmore Crescent and Manor Park Road Upgrades”, produced by Stantec Ltd, drawing numbers 310204837-01-100-C001 to C222 and 310204837-01-200-C003 to C307 as listed on drawing number 310204837-01-100-C001 (rev 1) dated 16/05/2024.
- Road and Pedestrian Level Crossing Plans – Titled “Road and Pedestrian Level Crossings”, prepared by KiwiRail Ltd, Drawing No. 300182, Sheets S1 to S6

Advice note: *This condition addresses an essential administrative matter.*

2. That the consent holder advises Council (enforcement@huttcity.govt.nz) at least two working days before any work authorised by this consent starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

Advice notes:

- *When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$255 per hour.*
 - *Notification of work commencing is separate to arranging building inspections.*
3. The extent of earthworks carried out in relation to the right turn bay construction works, shall be limited to that shown on Spencer Holmes drawing titled Earthworks Plan Benmore Crescent Manor Park – Cut and Fill Plan 2 of 2, S22-0380-EW31 REV D dated 11.06.24.
 4. A Construction Traffic Management Plan (CTMP) must be submitted to the Manager resource consents and compliance for certification at least 15 working days prior to any work authorised by this consent commencing. No construction work may commence prior to written notice of certification. The CTMP must include, but not be limited to, the following matters:
 - Roles and responsibilities of traffic management staff, including the overall manager responsible for works authorised by this consent.
 - Location where vehicles relating to the construction activities will park, load / unload and manoeuvre;
 - Times and days of construction activities;
 - Expected duration of construction activities;
 - Details of work phases key activities and expected volume and frequency of heavy vehicle movements;

- How complaints from the public will be able to contact site manager and how a register will be managed to record all complaints and actions outcomes.
- Mitigation measures to prevent vehicles tracking earth off site and procedures if it does occur. How dirt on vehicles leaving the site will be controlled;
- All transport corridor traffic management must be to the NZTA COPTTM and must be in conjunction with a Work Access Permit issued by HCC via Submitica as necessary.
- Temporary traffic management measures required to manage and minimise impacts on all road corridor users.

Advice note: The purpose of the CTMP is to confirm traffic management procedures to be used in order to avoid, remedy or mitigate potential adverse effects arising from Construction Works.

5. A final Earthworks Management Plan (EMP), agreed to by the New Zealand Transport Agency, must be submitted to the HCC Manager resource consents and compliance for certification, at least 15 working days prior to any work commencing. No construction work authorised by this consent may commence prior to written notice of certification. The EMP must include:

- Roles and responsibilities of earthworks staff, including the overall manager responsible for works authorised by this consent.
- Site preparation, enabling works, equipment to be utilised and laydown area for machinery.
- Earthworks programme and methodology.
- Details of the Earthworks cut and fill volumes, substrate, locations, heights/depths and sequencing, including potential stockpiling activities.
- Compaction methods for each area of earthworks
- General site layout and the location of construction site infrastructure including site offices, site amenities, locations of refuelling activities, locations of plant maintenance activities, equipment unloading, stockpiling sites and storage areas.
- Proposed hours of work and key construction periods throughout the duration of earthworks that require specific management procedures or methods (e.g. seasonal restrictions).
- Specify monitoring and mitigation measures to manage noise and vibration from construction or any other process to ensure compliance with NZS 6803:1999 'Acoustics – Construction Noise'.
- Identify specific erosion sediment and dust control measures to be utilised to minimise as far as reasonably practical any dust from blowing beyond site boundaries, and that sediment is minimised as far as reasonably practical from discharging off site and procedures to follow if sediment is accidentally discharged. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006.
- A requirement to perform weekly inspections and maintain the silt and sediment controls in good working order at all times, and to fix any breaches or address any problems as soon as issues arise.

- A requirement to inspect the silt and sediment controls after major weather events, in particular periods of heavy rain fall or high winds.
 - A requirement that all dust is controlled and mitigation measures applied to any areas of potential dust generation to avoid dust nuisance to the highway road surface, motorist and neighbouring properties.
 - Mitigation measures to prevent vehicles tracking earth off site and procedures if it does occur. How dirt on vehicles leaving the site will be controlled;
 - An accidental discovery protocol.
6. The earthworks and other work must be carried out in accordance with the certified EMP under Condition 5 to the satisfaction of the Hutt City Council Resource Consents and Compliance Manager. The erosion and sediment control measures must not be removed until the site is remediated to the satisfaction of the Hutt City Council Resource Consents and Compliance Manager.

Advice note: *If necessary, the Hutt City Council Resource Consents and Compliance Manager may require changes to the implementation of the EMP, to address any problem that occurs during the work or before the ground surface protected by grass or other materials.*

7. Working hours for the earthworks and construction are to be as follows:
- Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays)
8. Silt and stormwater run-off must be controlled for the duration of the works. Earth or debris must not collect on land beyond the site. Untreated stormwater runoff must not enter the Council's stormwater system.
9. Any soil or demolition material that falls on the road, footpath, berm or neighbouring property, must be cleaned up immediately. The material must not be swept or washed into street channels or stormwater inlets, or dumped on the side of the road. The clean-up must be carried out to the satisfaction of the Council's Compliance Monitoring Officer.
10. The consent holder must ensure that the discharge of dust created by the earthworks, transportation and construction activities is suitably controlled to minimise dust hazard or nuisance. The controls must be implemented for the duration of the site works and continue until the ground surface has been stabilised by construction, paving or planting.
11. Dust from carrying out the earthworks shall be reduced through appropriate means so that dust does not become a nuisance to motorists or the state highway pavement surface. Dust will be deemed a nuisance if either the contractor or NZTA receive complaints from the motoring public about dust; or if advised by the Wellington Transport Alliance.
12. That vibrating rollers within 30 Benmore Crescent are not to operate within a zone of 30m wide from the north-western railway corridor boundary. No vibration shall exceed 0.3mm/s PPV as measured within any residentially zoned property in relation to works within 30 Benmore Crescent (Sec 1 SO 493901).

Works within the public road / rail corridors (Benmore Crescent & Manor Park Road) must adopt the BPO with respect to vibration generation. Details of which must be provided in accordance with the management plans under conditions 4 & 5.

Advice note: *A sheepsfoot roller may operate within the 30m wide zone.*

13. A landscape plan, addressing Dry Creek and the site boundaries (including GWRC land Section 2 SO 493901) as indicated on Boffa Miskell drawings "Proposed Landscape Plan" (Map 3 Rev 0 dated 12 January 2023) must be submitted for certification to Hutt City Council Resource Consents and Compliance Manager prior to landscape works commencing. The landscape works must be implemented by the consent holder within 3 months of completion of construction. The plantings must be monitored for 18 months from time of planting in order to allow for plant establishment to the satisfaction of the Council's Compliance Monitoring Officer. 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.
14. The areas where vegetation has been cleared, shall be remediated with landscape planting upon completion of the works. The Landscape Plan by Boffa Miskell, BM210903, Revision E dated 17.06.2024, shall be adhered to and the NZTA P39 Standard Specifications for highway landscape treatments (NZTA P39:2013) followed for both removal and replacement of all plants within the earthworks area.
15. In order to manage traffic movements from the site at 30 Benmore Crescent (Section 1 SO 493901 held in Record of Title 738223), and not exceed the design capacity of the roading upgrades at the intersection of Benmore Crescent and Manor Park Road, the maximum traffic movements (two-way) are limited to 2,900 movements per day, which is measured on a seven day average.
16. To secure ongoing compliance with Condition 15, the consent holder must enter into a Section 108 Resource Management Act 1991 covenant in favour of Lower Hutt Council over Section 1 SO 493901 held in Record of Title 738223. The consent holder shall contact Council to initiate the preparation of the covenant.

A copy of the updated Computer Register (Record of Title) showing that the covenant has been registered must be provided to Council prior to commencement of any activities (excluding earthworks and construction activity) on the site.

17. To monitor ongoing compliance with Condition 15, the consent holder must provide a report to Council's Compliance Monitoring Officer outlining the various activities being undertaken at the site (30 Benmore Crescent) and their anticipated traffic movements. The consent holder shall submit the report to Council on an annual basis at the anniversary of the consent, and also upon a new and/or any change of any tenant or activity being undertaken at the site.

Safe System Audit

18. Prior to the submission of detailed design drawings under Condition 20, a detailed design stage safe system audit shall be carried out in accordance with Waka Kotahi's Safe System Audit Guidelines 2022. This needs to include the proposed private road(s) and public roads (both inside and outside of the New Zealand Transport Agency's designation).
19. Within 4 weeks of the completion of intersection and roading construction works, a post construction safe system audit shall be carried out in accordance with Waka Kotahi's Safe System Audit Guidelines 2022 at the completion of each stage of the development.

Advice note: *The post construction safe system audit (SSA) should ideally be carried out by the same auditors who have undertaken the detailed design stage SSA.*

Roading detailed design approval (Public & Private Roads)

20. Detailed Roading Design drawings must be prepared and submitted to Council for approval and to the satisfaction of Hutt City Council Resource Consents and Compliance Manager, including the following:

- Locations of pavement markings and signage.
- Stormwater asset types and locations.
- Road reserve cross section drawings and long-section drawings. Including changes in gradients, K-values, and roading chainage
- Pavement detailed design, including how the thickness and values have been calculated.
- Street lighting Details of any other above ground assets within the road reserve.
- To demonstrate complying sightlines at driveways, fence heights must be shown as low, i.e.: The height of fences and vegetation must be no higher than 1.0m above the road surface within 2.5m of the road carriageway edge. All pedestrian ramps must have tactile pavers.
- Detailed Design of the proposed level crossing on Manor Park Road.

Advice note: *This information can be provided in conjunction with the engineering approvals under condition 27.*

Contaminated Land Conditions

21. That the consent holder undertakes the works in general accordance with the following Site Management Plans & Remedial Action Plans prepared by ENGEO:

- Combined Site Management Plan / Remedial Action Plan for Areas 12, 13 and 14, 30 Benmore Crescent, Manor Park, Lower Hutt; dated 14.02.2022

A qualified professional with experience with contaminated sites shall supervise all earthworks undertaken within 30 Benmore Crescent.

22. That prior to any soil disturbance the applicant shall erect a notice which shall be visible to all persons entering the site noting the contamination hazard. The sign shall be a minimum of A2 size, laminated and replaced as necessary such that it remains onsite until the disturbance of earth and soil stabilisation is completed.

23. That 1 month upon completion of the earthworks, a site validation report or a long-term site management plan will be prepared in general accordance with the Contaminated Land Management Guidelines No. 1- Reporting on Contaminated sites in New Zealand and provided to Council to hold on Record.

Engineering Conditions

24. That, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a report from a qualified geotechnical engineer in accordance with Clause 2.6.1 of NZS4404:2010. This report shall include details of the specific site investigations, design work, testing and construction monitoring undertaken and shall include a statement of professional opinion as set out in Schedule 2A of NZS4404:2010. The report shall be submitted to Council within three months of completion of bulk earthworks.
25. That, prior to any works commencing on site, the consent holder provides evidence to the Hutt City Council Resource Consents and Compliance Manager that a suitably qualified Chartered Professional Engineer experienced in geotechnical matters has been engaged to carry out monitoring/supervision and certification of earthworks.

Construction Management

26. That the consent holder paves, metals, re-grasses, hydro-seeds or plants all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within a month of completing earthworks to the satisfaction of Council's Development Engineer Team Lead; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.

Engineering Approval

27. That, prior to the commencement of physical works, the consent holder submits engineering plans for the public and private drainage construction work to Council's Development Engineer Team Lead via subdivision@huttcity.govt.nz for approval; that the plans provide information including but not limited to street lighting, three waters pipelines and fittings, flow restrictors for water supply, the materials to be used, including the size, type and class of pipes, as well as indicate pipe gradients, invert levels, pipe cover, trench profile, service clearance dimensions; and that all this work is carried out in accordance with the approved plan.

Advice notes:

- *This condition is necessary (even for minor works) as the engineering approval letter will list further engineering requirements in regard to Corridor Access Requests, pipe materials, inspections, as-built information, CCTV etc.*
- *Council accepts no responsibility for any physical works required at the acceptance of works stage where engineering plan(s) were not submitted by the consent holder and approved by Council's Development Engineer Team Lead.*
- *Where there are discrepancies in information, the most recently dated Council stamped plans will take precedence.*

- *Any required CCTV footage shall be submitted with appropriate log sheets/reports.*
- *Confirmation of public utility service details (location and invert levels)*

28. That the consent holder appoints a suitably qualified and experienced person to carry out the design and supervision of construction work, as well as certification upon completion, as provided for by clause 1.7.1 of NZS 4404:2010. The consent holder shall submit the name and contact details of the appointed representative to the Resource Consents and Compliance Manager for approval before or at the time of submitting engineering plans; notice can be emailed to subdivision@huttcity.govt.nz.
29. That the consent holder appoints a suitably qualified contractor or contractors to complete the works to the approved design; and that the consent holder submits to Council subdivision engineer for approval the name, contact details and experience of the contractor(s) at the time of submitting engineering plans for approval or at least a minimum of 7 days in advance of commencing the construction works. The approved contractor(s) must give a minimum of 48 hours' notice to Council subdivision engineer before starting work.

Access

30. That the consent holder constructs the private roadway extension of Benmore Cres to the boundary of Area 1 including the cul de sac turning area, a heavy duty vehicle crossing and all necessary stormwater control in accordance with Spencer Holmes drawings S20-0380-D2 to S20-0380-D5 (all Rev C), S20-0380-D16 (Rev A) and Council's codes and standards.
31. That the consent holder:
- (i) provides street lighting for Benmore Cres and the private roadway extension of Benmore Crescent that meets Council's code and AS/NZS 1158:2005 (unless otherwise approved);
 - (ii) submits design plans from a recognised streetlight designer to Councils Resource Consents and Compliance manager (via subdivision@huttcity.govt.nz) for design approval;
 - (iii) provides a certificate of compliance, record of inspection and as-built plan of streetlight positions, pole and lantern types, and of the cabling to Council's Development Engineer Team Lead, and
 - (iv) forwards to Council's Development Engineering team at subdivision@huttcity.govt.nz copies of all required certifications at the time of submitting as built plans to Council.

Three Waters

32. That the consent holder installs wastewater, water supply and stormwater networks for Areas 1, 2, 3A, 3B and 3C in accordance with Spencer Holmes plans S20-0380-D20 Rev C to S20-0380-D55 Rev B and Stream Crossing and culvert drawings E21-0101-00 Rev B to E21-0101-25 Rev A and the Vecta Three Waters Servicing Report dated Dec 2022 Version 2 in accordance with Council's codes and standards and the approved engineering plans.

33. Water quality treatment shall be provided within the development in accordance with the Spencer Holmes plans S20-0380-D16 to S20-0380-D33 approved under condition 1. Swales used to provide for treatment are to be designed to accommodate a 10 year storm event.
34. At the detailed engineering approval stage under condition 27, the consent holder shall prepare a draft Operation and Maintenance Manual for all stormwater treatment devices including swales and any other contamination removal devices setting out the principles for the general operation and maintenance for the stormwater system. The Operation and Maintenance Manual shall be submitted to the Council's Resource Consent and Compliance Manager for approval. The Operation and Maintenance plan is to include, but not be limited to:
- a) a detailed technical data sheet
 - b) all the requirements as defined within the Regional Standard for Water Services and Water Sensitive Design for Stormwater: Treatment Device Guideline
 - c) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices
 - d) a programme for regular maintenance and inspection of the stormwater system
 - e) a programme for the collection and disposal of debris and sediment collected by the stormwater system
 - g) a programme for regular inspection and maintenance of the stormwater system
 - h) general inspection checklists for all aspects of the sewer network, including visual checks
 - (i) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
 - (j) a programme for post storm maintenance
 - (k) a programme for inspection and maintenance of outfall erosion
35. For any pipe bridges proposed to be constructed across any stream corridor, the support structure must be approved by Council via a building consent and designed and constructed in accordance with the relevant rules and standards in the Regional Standard for Water Services 2021. PS1 and PS4 certificates shall be supplied to Council within one month of completion of the structure and attachment of the sewer main and prior to acceptance of the sewer main by Council.
36. That the consent holder supplies water reticulation as necessary that meets Council's code for domestic supply and the fire-fighting capability required under the New Zealand Fire Service code of practice (SNZ PAS 4509:2008), unless otherwise agreed with Council.
37. Prior to final connection of the water network in Manor Park Rd by Wellington Water, the consent holder shall ensure that a suitable water restrictor limiting the water supply of 30 Benmore Crescent (Sec 1 SO 493901) to no more than 5.2L/s is installed. This restrictor may be removed when a new public water supply reservoir has been constructed and commissioned to supplement the existing Manor Park reservoir supply.

Advice note: Wellington Water have advised that the site (Sec 1 SO 493901) shall be limited to a supply of no more than 5.2L/s and that a suitable restrictor shall be installed to ensure this flow is not exceeded.

38. Water for fire fighting supplies shall be installed in accordance with the recommendations in the Vecta Three Waters Servicing Report dated Dec 2022 Version 2 and the Three Waters Servicing Report, updated by Spencer Holmes dated July 2023 in which a minimum storage volume of 120,000 litres shall be provided prior to the issue of any building consent for any building to be erected in Area 1, 2 3A, 3B and 3C on a pro rata or other calculation basis as agreed with Hutt City Council and Wellington Water.
39. All water (and stormwater and sewer) reticulation services shall be designed and constructed in accordance with the 'Regional Standard for Water Services', the 'Regional Specification for Water Services' and the 'Approved Products Register', including all associated amendments, unless otherwise agreed by Council in writing. Copies of the latest version of these documents are available on the following website: <https://wellingtonwater.co.nz/contractors/technical-information>.
40. The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are processed by Wellington Water Ltd. Their contact person is Chandra Koswatte (ph. 04 912 4400). Wellington Water Ltd (connections@wellingtonwater.co.nz). Wellington water may impose special requirements or conditions for new connections depending on the existing reticulation system's condition and layout, flow rates, pressure zones and proposed future work. The connection application can be made upon completion of pipe construction testing and chlorination.
41. A land covenant shall be placed on the record of title for Sec 1 SO493901 (Record of Title No 738223) stating that;
 - (i) Water supply to the title shall be limited to a maximum flow rate of 5.2L/s until such time as additional water storage becomes available from a new local HCC reservoir with sufficient capacity to service the site,
 - (ii) A flow restrictor shall be installed on the water supply pipeline to the site and shall be maintained by the consent holder until such time as the fitting is no longer required
 - (iii) Fire fighting water supplies for Sec 1 SO493901 are to be supplied from a trickle fed storage tank farm that is privately owned and to be maintained and operated by the consent holder until such time as an alternative approved supply is available. To ensure that sufficient fire fighting water volumes are available, the tank farm is to provide for a minimum of 120,000 litres of permanent storage or other pro rata calculation basis as agreed with Hutt City Council and Wellington Water.
 - (iv) Potable water supplies shall be provided by the installation of suitable storage tanks and pumps making available a minimum of 48 hours storage for each tenancy in Areas 1, 2, 3A, 3B and 3C.
42. Upon completion of all services connections, CCTV inspections of all public and private sewer and stormwater mains constructed within the development is to be supplied to the

Hutt City Council Resource Consents and Compliance Manager. These shall be produced at a cost to the developer and presented to Council for acceptance at the time of submission of all certification documentation and within three months of completion of construction.

43. Prior to any connection of a private water supply and acceptance by Council, all sewer and water mains will be pressure tested upon completion of construction at the applicants expense. Councils Development Engineer or a nominated representative will be present during the test and will sign the appropriate documentation provided by Council to verify the test results. A minimum of 24 hours notice is required to be given to Council prior to the test being carried out. The contractor shall provide all fittings and materials to carry out the test. The water test will comply with the relevant Council standards and in compliance as per stated by the supplier and with NZS 4404:2010 and the Regional Standard for Water Services 2021.
44. That, within three months of the date of issue of the contractors Practical Completion certificate, the consent holder provides a schedule of assets detailing each item to be transferred to Council ownership; and that the consent holder supplies a full description of the item, material type, size, length, area, volume, et cetera, following the format set out in Council form RAS-FORM-014.

For this development, the following assets are anticipated to be vested:

- (i) Watermains and ridermains of 63mm OD dia. and above, including valves and hydrants and individual laterals and tobies through to the terminal end of the 200mm main.
 - (ii) Sewer main SSMH A to SSMH B and the SS line from manholes 1 to 7 through to the connection on the existing main and manholes on Spencer Holmes plans S20-0380-D22 to D28 Rev C but not individual laterals.
 - (iii) Stormwater mains of 300mm dia. and above and manholes and sumps within public road reserve but not individual laterals, sumps, leads, treatment and attenuation devices on private property
 - (iv) Street-lighting & cables within the public section of Benmore Cres.
 - (v) All roads, footpaths, berms, vehicle crossings, signage, sumps and leads within existing public road areas
45. That the consent holder sets out the value of the services to be taken over by Council to enable the creation of a buyer-created tax invoice, with the details provided to be in accordance with Council buyer-created tax invoice form RAS-FORM-015. The tax invoice shall be submitted to Council at the same time as the as built plans.
 46. That a 5% maintenance bond be paid in respect of the additional roading and street light assets constructed or upgraded to be vested in Council. The maintenance period shall extend to 12 months from the date of issue of the contractors Practical Completion Certificate. The bond shall be calculated using the total of the road upgrading and street light installation costs, being exclusive of GST, unless otherwise agreed by Council in writing.
 47. That at the end of the maintenance period all maintenance items are required to be certified as complete including berms completed and mown, carriageways and footpaths

repaired and swept as necessary and sumps cleaned by the consent holders representative all to Councils satisfaction

48. That the Consent Holder shall submit a set of Roding Assessment and Maintenance Management (RAMM) data for the new public road in Council within the road corridor. The RAMM data shall be collected by a suitably qualified RAMM practitioner and be submitted to Council in a format approved by Councils Resource Consents and Compliance Manager.
49. That the consent holder, within three months of the date of the contractors Practical Completion, provides Council an as-built plan, certified by a surveyor or engineer, showing the new road formation of Manor Park Road and Benmore Cres, the location of all public and private pipelines, manholes and lateral connections, pipe bridge service connections, street lights and all other stormwater assets in Benmore Cres relative to the lot boundaries.

Processing Planner:



Vincent Ashman
Senior Resource Consents Planner

Peer reviewer:



Stephen Dennis
Principal Resource Consents Planner

Application lodged: 30 January 2023
Payment Received: 14 February 2023
Application approved: 27 January 2025
Section 37A(4)(b)(ii) extension: 19 Working Days
No of working days taken to process the application: 39
Section 133A issue date: 5 February 2025

8. NOTES:

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant or consent holder may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: <https://www.huttcity.govt.nz/services/roads-and-parking/roads/vehicle-crossings>