

# Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

## Privacy Statement

Your submission must include your name, and an address for service (preferably email, but you can use a postal address). All information you include in this submission, including your name and address for service, will be provided to other submitters and published on Hutt City Council's website. Paper copies may also be made available. Hutt City Council is required to collect and publish this information to carry out its functions under the Resource Management Act 1991 and to enable others to take part in the district plan process. The Council, other submitters, and the Environment Court may need to contact you during this process.

If your submission does not include your name and an address for service, it will be rejected.

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To: Chief Executive, Hutt City Council

Via email to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from Spencer Holmes (Cameron de Leijer) – on behalf of Kelson Heights Ltd on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is [cpd@spencerholmes.co.nz](mailto:cpd@spencerholmes.co.nz)
3. I could not gain an advantage in trade competition through this submission.
4. I am not directly affected by an effect of the subject matter of the submission that:
  - a. Adversely affects the environment, and
  - b. Does not relate to trade competition or the effects of trade competition.
5. The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the below table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
6. I wish to be heard in support of my submission.
7. If others make a similar submission, I will not consider presenting a joint case with them at the hearing.

## Introduction

8. Kelson Heights Limited owns the site at 64 Waipounamu Drive. This site is currently subject to a number of resource consents that allow for the development of this site into a number of residential allotments. Whilst the development is ongoing there are a small number of changes within the Proposed District Plan that may potentially hinder the future stages of the subdivision. A number of these changes should have been addressed in previous plan changes, however this plan changes provides for these changes now.
9. The required changes to the plan are in response to the zones as shown on the Proposed District Plan as well as the Slope Assessment Overlay. A brief description and requested changes are outlined below. However, the main portion of explanation is found in the expert evidence as provided by Spencer Holmes.
10. The subdivision requires a significant amount of earthworks that improve the site which requires input from geotechnical engineers in terms of design. The resource consent which enables the earthworks require that the earthworks are supervised regularly by experienced geotechnical experts, with this cumulating in a final completion report with respect to the earthworks. As this is required for the vast majority of the site, the Slope Assessment Overlay is not required in these areas. The slope assessment overlay will cause require the future owners to undertake work that is not required on each individual site as the slope hazard overlay is no longer appropriate. Thus the overlay should be removed from the MDRZ.
11. There is a portion of the site that is proposed to be zoned *Natural Open Space* within the Proposed District Plan. It is proposed that this Natural Open Space area be rezoned to MDRZ whilst the development is being undertaken. There is a number of reasons for this and they are outlined in the expert evidence supplied by Spencer Holmes.

## Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
1	Maps	64 Waipounamu Drive	Amend	Slope Assessment not required due to development on site.	Remove Slope Assessment Overlay from 64 Waipounamu Drive.
2	Maps	64 Waipounamu Drive	Amend	The Natural Open Space should be rezoned to MDRZ to assist in the final development of the site.	Rezone Natural Open Space to MDRZ that is shown on 64 Waipounamu Drive.

**Submission on Proposed District Plan of Hutt City Council.**

**In the matter of**

Proposed District Plan review incorporating the Intensification Streamlined Planning Process (ISPP), and the first schedule of the Resource Management Act.

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**Expert Evidence of Cameron Peter de Leijer on behalf of Kelson Heights Limited**

**Date: 28/04/2025**

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**Next Event Date:** TBD  
**Hearing Chair:** TBD  
**Hearing Pannel:** TBD



## Introduction

- 1 My full name is Cameron Peter de Leijer. I am a Senior Surveyor and Planner at Spencer Holmes Ltd. I specialise in Cadastral Surveying, Resource Management, and Land development.
- 2 I am planning evidence on behalf of Kelson Heights Limited.
- 3 I am authorised to provide this evidence on their behalf.

## QUALIFICATIONS

- 4 My qualifications and experience are as follows:
  - 4.1 I have a Bachelor of Surveying from the University of Otago and Bachelor of Science from the University of Canterbury.
  - 4.2 I have 7 years post graduate experience as a surveyor in private practice at Spencer Holmes Limited. During that time, I have worked on a variety of survey projects. I now work closely in the land planning field which includes the preparation of resource consent applications, as well as developing land use strategies for clients.
  - 4.3 In October 2021 I achieved the requirements to be a Licensed Cadastral Surveyor under the Cadastral Survey Act 2002, which is a rigorous set of exams that require knowledge in the law surrounding Cadastral Surveying. Upon obtaining my license to undertake cadastral surveys, I became full member of the surveying professional body, Survey and Spatial New Zealand. I am also an associate member of the planning professional body, New Zealand Planning Institute.
- 5 My involvement in these proceedings (via Spencer Holmes Ltd) has been to prepare the submission for Kelson Heights Limited, as well as provide this evidence to support the submission and hearing.

- 6 I have been involved in the project as a cadastral surveyor and planner for 5 years and am very familiar with the development.

### **CODE OF CONDUCT**

- 7 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. Whilst this is a Council hearing, I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the commissioners. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

### **THE SUBMISSION**

- 8 The original submission was to amend the portion of the site from Natural Open Space to Medium Density Residential Zone and to remove the Slope Assessment Overlay from the MDRS Zone at 64 Waipounamu Drive.

### **BACKGROUND**

- 9 The site at 64 Waipounamu Drive, Kelson is a large site which is approximately 10.4201 ha and is the subject to further development which is being undertaken in 6 stages. The below figure gives quick references to these stages.

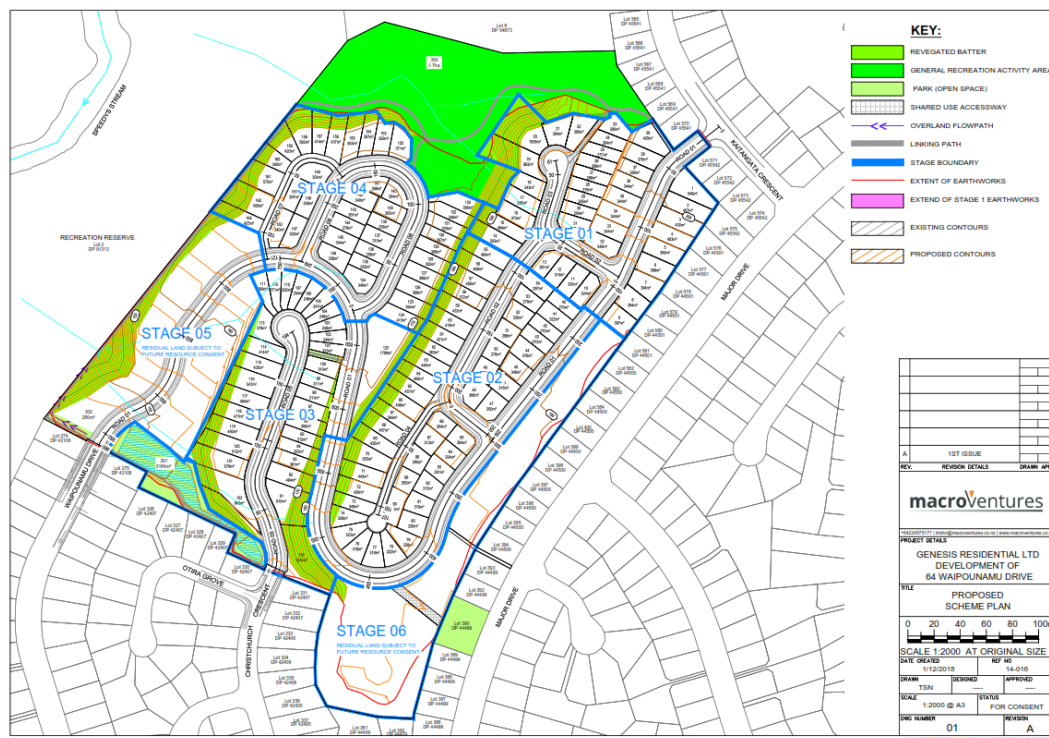


Figure 1: Staging for Subdivision at 64 Waipounamu Dr

- 10 A resource consent, RM180513, was granted to undertake the earthworks for the whole site, except stage 6, as well as facilitate the subdivision of Stage 1 and 2. The consent is provided with this evidence, as well as the approved application plans.
- 11 The first stage of the development was completed in November 2022, with Stage 2A and Stage 2B following in May 2023 and August 2024 respectively. Stage 2C is currently under construction and scheduled to finish in 2025.
- 12 Due to the complexity of the site, due to the size and progression of the works involved, conditions relating to the subdivision were required to be changed. There have been two changes of conditions. One approved under RM 200328 which altered earthworks conditions and one currently being process under RM 240100, which allows for the change in earthworks and other conditions to finalise Stage 2C.

### Natural Open Space Zoning.

- 13 The site at 64 Waipounamu Drive was rezoned from General Hill Residential to General Residential and General Recreation Area as an outcome of District Plan Change 48 (DPC 48), which was operative on the 27 March 2018. This allowed for greater development that enabled RM180513 to be granted.

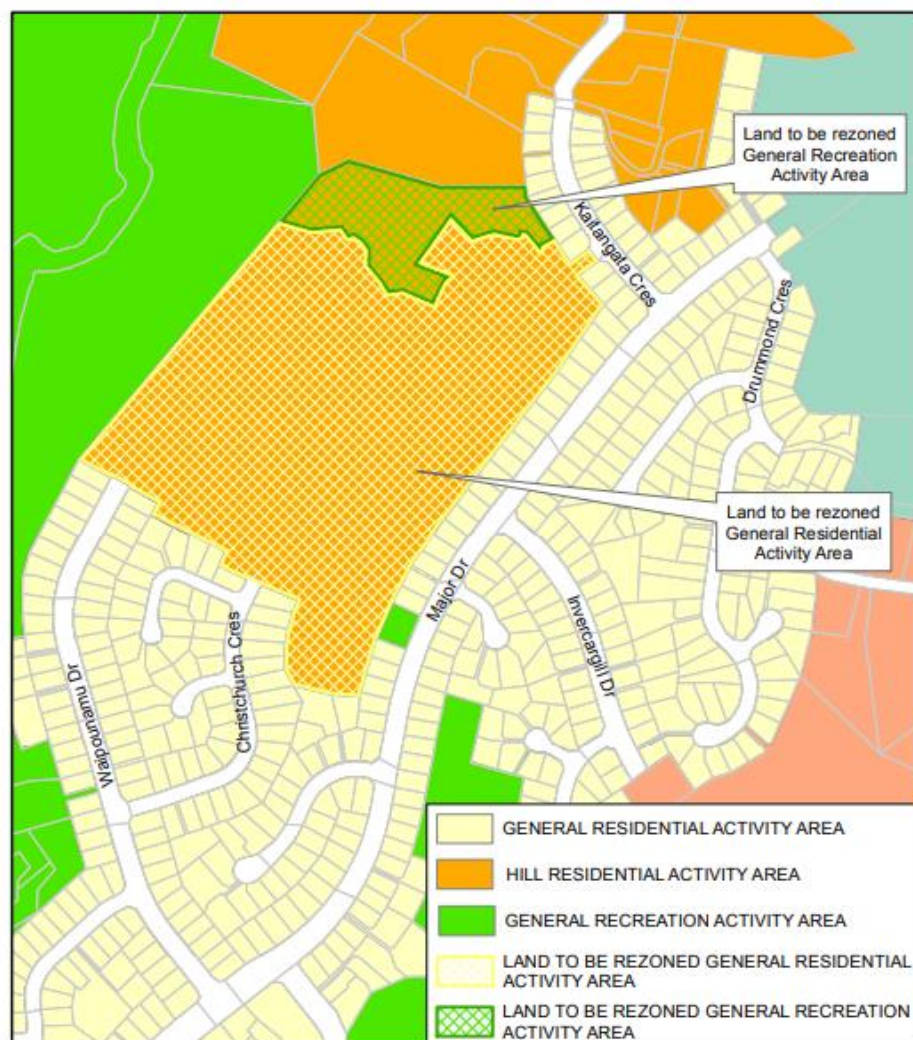


Figure 2: Plan Change 48

- 14 The area within the Proposed District Plan that is subject to Natural Open Space (shown in Green in Figure 3) is the same area that is currently zoned as 'General Recreation' under the Operative District Plan (shown in green in Figure 4). As shown in the screenshots below.

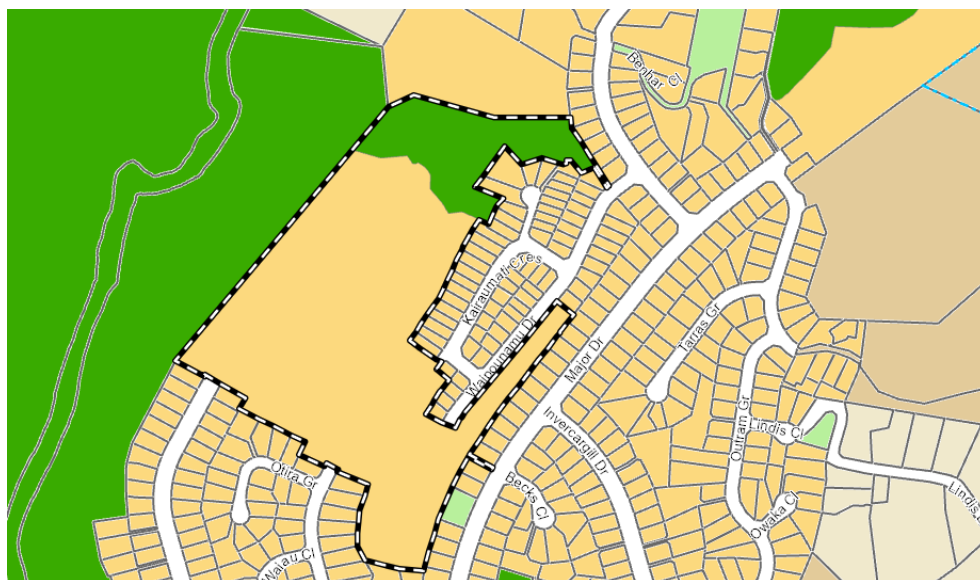


Figure 3: Proposed District Plan.

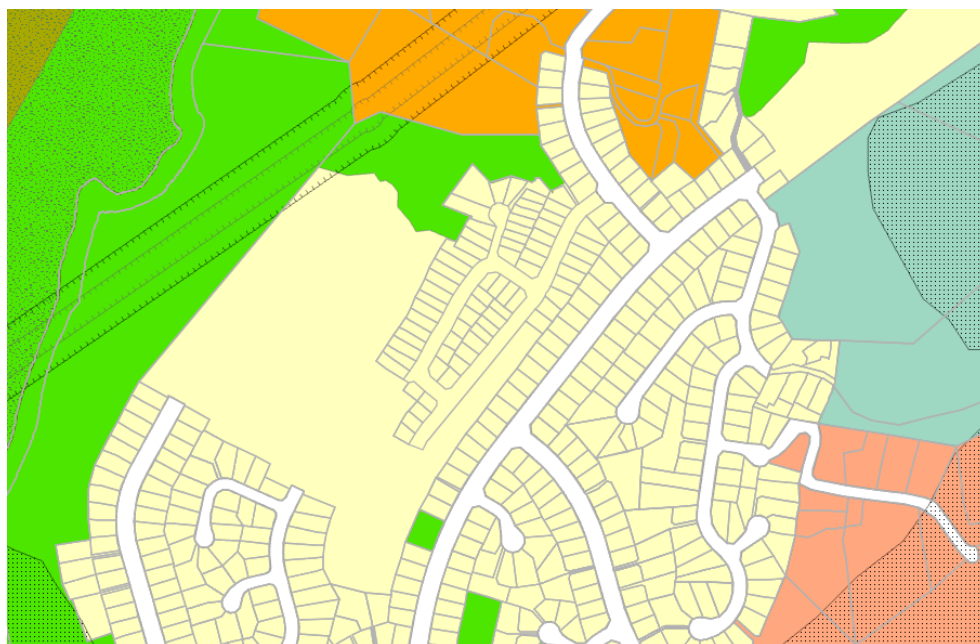


Figure 4: Operative District Plan Zone Maps

- 15      The Natural Open Space/General Recreation Area was defined by the outcome of a scheme plan that was provided by Curtiss as part of the DPC48.



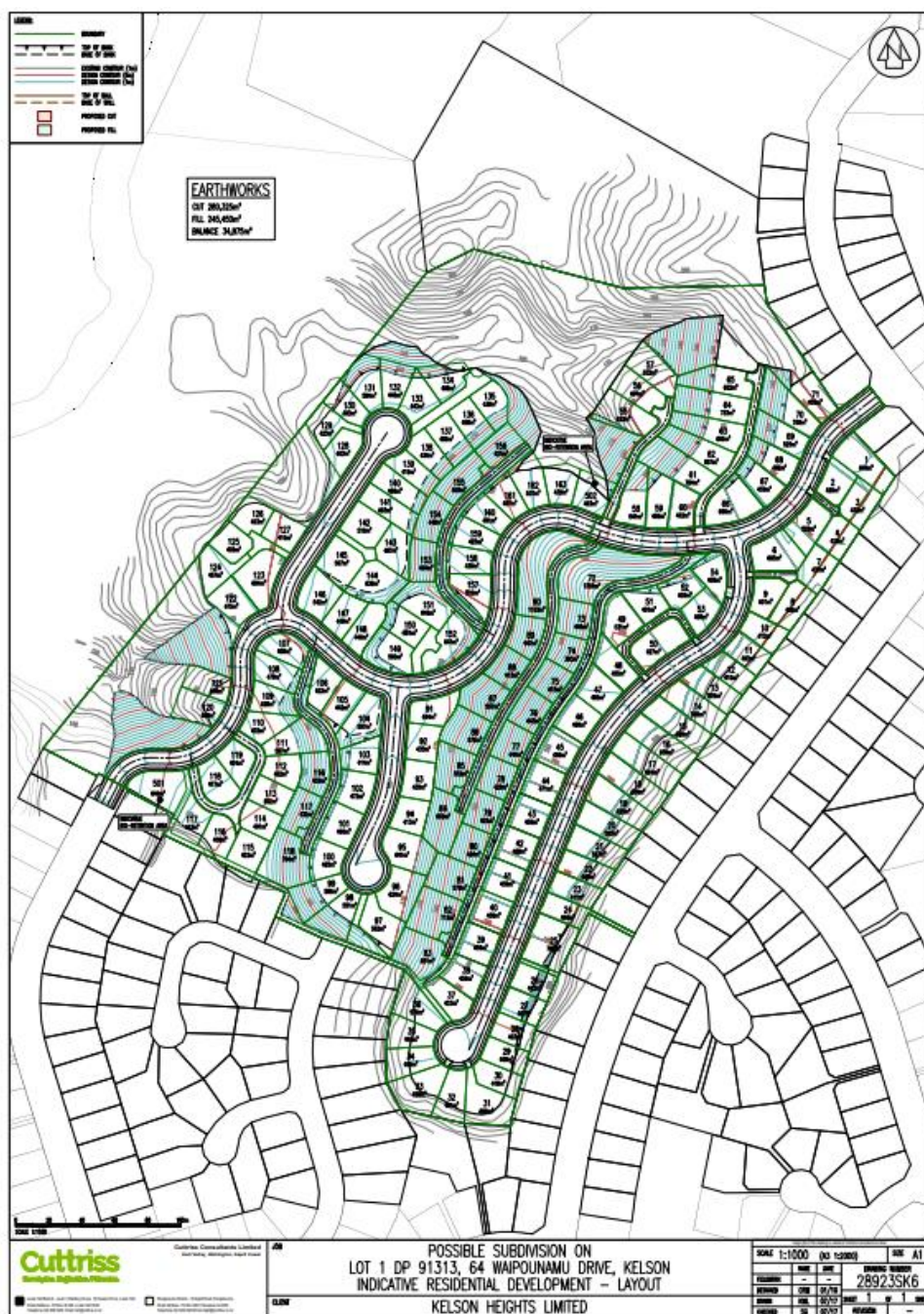


Figure 5: Scheme Plan associated with DPC 48

- 16 DPC 48 concluded that the area in the north that was rezoned to General Recreational was required to protect the natural wetlands and ecological values in this area. We agree that these natural wetlands and ecological areas need to be protected, and the best way to limit the development in this area is by zoning this area to be Natural Open Space.

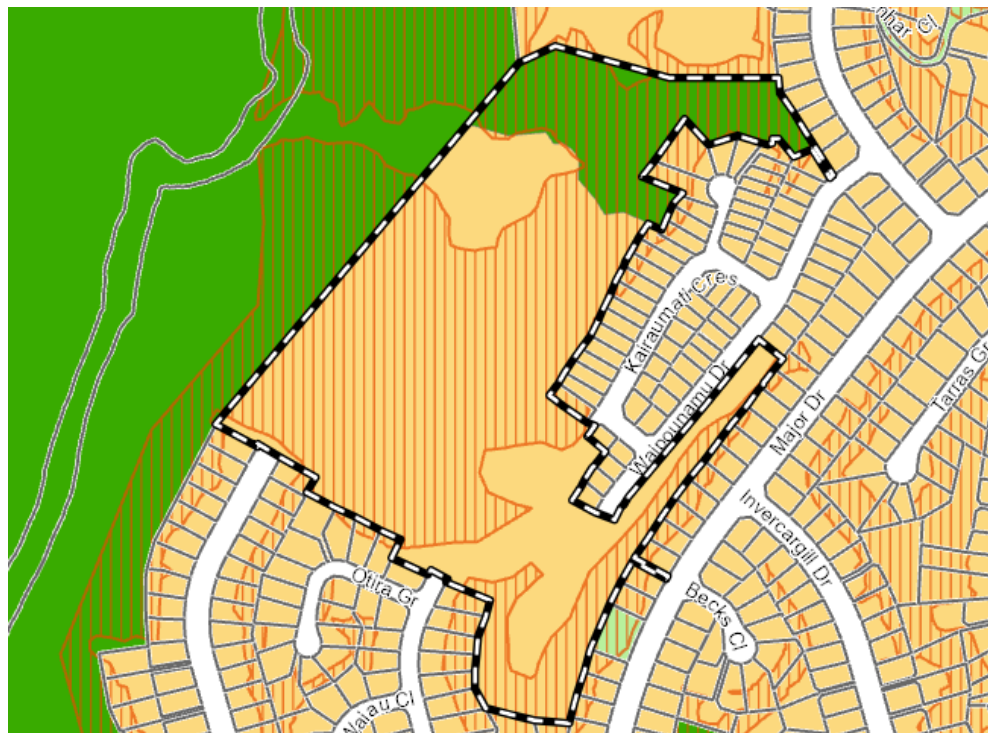
- 17 However, as the development has progressed and more information around the topography in this area has come to light, it has come apparent that this hardline boundary will cause issue with the construction of the retaining or earthworks structures in this area. As the detailed design in this area has progressed, it has been noted that the earthworks will need to encroach minimally into the natural area to retain the approved yield and earthworks allowed under RM180513.
- 18 It is noted that in this scheme plan that the earthworks that are approved under RM180513 encroach into the Natural Open Space/ General Recreation Area. As this area is to be vested, it will require the Council to be responsible for the maintenance and of this small section of earthworks/structure as this land will be vested to Council upon completion of the subdivision.
- 19 To ensure that any issues in any further processing of consents or change of conditions, especially in relation the boundary between the vegetated and residential area, will be avoided the change from Natural Open Space to MDRZ is required.
- 20 The MDRZ rules, objectives and policies allows for a greater level of development and less earthworks restrictions and whilst minimal this change will reduce the cost of preparation and processing of any changes required along this boundary. The Natural Open Space/General Recreation Area makes the necessary works and land use more difficult, thus becomes more costly.
- 21 Once the earthworks have been completed and the legal boundaries are defined, the area will be vested in Council as reserve and therefore function as Natural Open Space with the same protections for the vegetation.
- 22 We recognise that there is a potential risk by rezoning this land to MDRZ as the protections discussed in DPC 48 will be stripped away. However, as RM 180513 requires that this area to be vested in Council as reserve, the protections will remain as no further development will be allowed by Council as a change of conditions or a new consent as they have the

discretion to restrict this. It is unlikely that this area can be developed without a resource consent due to the landform and other district plan overlays (flooding).

- 23 It is proposed that the Natural Open Space area be rezoned to MDRZ until the legal boundaries below the earthworks are defined. Once the land is vested to Council as a reserve, this area can be rezoned to Natural Open Space by Council as a result of a private or public plan change.

#### **Removal of Slope Assessment Overlay.**

- 24 The Proposed District Plan seeks to add a Slope Assessment Overlay to a significant portion of the site as shown in the figure below.



*Figure 6: Slope Assessment Overlay.*

- 25 It is noted that the overlay has been removed from the surrounding properties that were once of the parent site and where the earthworks have been completed as part of RM180513.
- 26 Conditions 3 – 31 outline the earthworks requirements associated with the earthworks from a design, monitoring and completion for the works



associated with RM180513. These conditions would constitute a slope assessment required under the PDP.

- 27 A significant amount of earthworks have been completed within the Slope Assessment Area already as part of RM180513. Whilst there is no geotechnical completion report, many of the certificates have been prepared for the Stage 3 earthworks.
- 28 The remaining earthworks on site will require to comply with the conditions of RM180513, which has a rigorous requirement for design, monitoring and post construction monitoring regime before requiring sign off by a qualified geotechnical engineer.
- 29 The overlay does not take into account the future works authorised under RM180513 and the requirements associate with the conditions.
- 30 As this, in effect, will be a Slope Assessment for the building platforms as they are constructed, a separate overlay is not required for the site.

## CONCLUSION

- 31 The PDPs Slope Assessment Overlay applied to 64 Waipounamu Drive does not take into account the work completed on site to date or the rigorous earthworks conditions required by RM180513. Therefore we strongly recommend that the Slope Assessment Overlay needs to be removed from the site.
- 32 With respect to the Natural Open Space, as the boundary between the residential area and the area required to be protected was originally defined by a scheme plan, and not legal boundary. We ask that the Natural Open Space is rezoned to MDRZ. The final legal allotment will be vested in HCC as reserve.

Date: 02/05/2025

Review and Agreed by: Ian Leary

Signed: Cameron de Leijer

**RM number:** RM180513  
**Date:** 23 June 2020  
**Applicant:** Genesis Residential Ltd  
**Agent:** Spencer Holmes  
**Address:** PO Box 588  
Level 10, 57 Willis Street  
Wellington 6140

Dan Kellow  
Environmental Consents  
[dan.kellow@huttcity.govt.nz](mailto:dan.kellow@huttcity.govt.nz)  
Our reference: RM18053

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**APPROVAL OF RESOURCE CONSENT FOR THE CONSTRUCTION OF 89 DWELLINGS, BULK EARTHWORKS, VEGETATION REMOVAL, CIVIL WORKS, CREATION OF ROADS, SITE WIDE LANDSCAPING AND STAGED SUBDIVISION AT 64 WAIPOUNAMU DRIVE, KELSON (LOT 1 DP 91313)**

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**Council granted the subdivision consent for the following reasons:**

- A council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions imposed.
- Wellington Water and their consultant engineer have assessed the design of the proposed stormwater system and have concluded that subject to conditions of consent requiring detailed design that follows Wellington Water guidelines that the proposal will be acceptable.
- Potential effects on Speedy's Stream and the on-site wetland will be appropriately managed through the creation of two separate areas of stormwater treatment on site.
- Council's consultant traffic engineer has assessed the proposal and raised no concerns with the development's internal roading layout or impacts upon the surrounding road network.
- The loss of vegetation will be adequately remedied by off site rehabilitation planting within Belmont Regional Park.
- The bulk earthworks have been extensively peer reviewed by Opus consultants who have concluded that the earthworks and site stability will be appropriate for residential development.
- The proposal includes an outdoor public space area that will provide good amenity to future residents.
- Regard has been given to Policy 47 of the RPS in relation to the effects on indigenous ecosystems and habitats with significant indigenous biodiversity values.
- Conditions imposed on the consent under section 108 and 220 of the Resource Management Act 1991 will control, mitigate and remedy any environmental effects caused by the development.
- Council considers the proposal to be consistent with section 106 of the same act.

- The property does not appear on Greater Wellington Regional Council's selected land use register as a contaminated site or as having been the site of a verified hazardous activity. As a result, Council considers the likelihood of earthworks uncovering contamination at the site to be negligible.
- The proposal is consistent with the objectives and policies of the General Residential Activity Area, Subdivision and General Rules of the 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 II of the Resource Management Act 1991.

**Council granted the landuse consent for the following reasons:**

- Council's consultant urban design advisor has assessed the proposal against the Design Guide and has given support, with some qualifications, to the proposal.
- Mitigation of visual effects will be provided to the sites to the east on Major Drive via landscaping along the eastern boundary of the site and this will be secured via consent notices.
- The proposed housing includes a variety of housing styles and materials and detailed landscaping plans have been developed which demonstrate that the development will have acceptable visual effects.
- The dwellings have been arranged to take advantage of views and main living spaces will receive good sunlight.
- 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 property does not appear on Greater Wellington Regional Council's selected land use register as a contaminated site or as having been the site of a verified hazardous activity. As a result, Council considers the likelihood of earthworks uncovering contamination at the site to be negligible.
- 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 II of the Resource Management Act 1991.

## 1. DESCRIPTION OF THE SITE AND PROPOSAL

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The 14.1 hectare site is legally described as Lot 1 DP 91313, held in register WN59A/795. There are several interests on the record of title for the site that relate to sewer, stormwater and fencing. The site comprises land zoned 'General Residential Activity Area' and 'General Recreation Activity Area'. The site is fully and accurately described in the applicant's assessment of effects (including technical reports). I adopt the applicant's site description which should be read in conjunction to this report. The site description is contained in section 2.2 (page 2) of the AEE.

The proposal is in addition to bulk earthworks and vegetation removal that has been undertaken on the site in 2018 and 2019 across the eastern and south western corner of the site. The bulk earthworks and vegetation removal were approved by a resource consent granted December 2018 (RM170114). There is a show home present on the site in the north eastern corner immediately south of 3 and 5 Kaitangata Crescent.

In general terms the proposal comprises site wide bulk earthworks, vegetation removal, subdivision, civil works including the construction of through roads, landscaping and the construction of 89 dwellings and subdivision around these dwellings which comprise stages 1 and 2 only. Stage 1 includes Lots 1 – 39 and stage 2 includes Lots 40 – 90. The dwellings and associated residential subdivision for stages 3 and 4 are included within a separate application (RM180520) which has been suspended at the applicant's request. No application has been made for the subdivision within stages 5 and 6. The current proposal includes an onsite stormwater system involving retention ponds located at the southern end of the site. Because the current proposal is only for stages 1 and 2, with the remaining land comprised of balance Lots, the conclusions reached within this decision about the adequacy of stormwater system do not extend beyond managing stormwater for stages 1 and 2. In other words, future applications for subdivision will have to demonstrate that the stormwater system is adequate for the additional residential lots and associated ecological effects related to Speedy's Stream. The proposed stormwater system was altered in May 2020 in response to HCC's concerns about potential effects on the existing northern wetland. The change resulted in some of the stormwater captured within stages 1 and 2 being released back into the wetland's catchment rather than all being sent to the southern detention ponds.

The application proposes that the area of land contained within the General Recreation Activity Area (Lot 300) will be vested with Hutt City Council as will Lot 301 which is the area that will contain the constructed stormwater ponds.

The proposed subdivision is potentially going to be staged with stage 1 comprising 39 residential lots and 38 houses and stage 2 comprising 51 residential lots and houses. Balance lots are formed that outline stages 3 – 6 and roads. A 'show home' dwelling has already been erected in the area of the site that will become lot 1 (hence why only 38 houses are comprised within Stage 1).

The proposal was amended in a letter dated 3 September 2019 from Incite Ltd (note the agent changed from Incite Ltd to Spencer Holmes Ltd in late 2019). The proposed earthworks are 267,188m<sup>3</sup> over an area of 4.79 hectares. No earthworks, in addition to those approved under RM170114, are proposed in the 'stage 6' area. The area of earthworks includes areas of the site already subject to earthworks under RM170114 as well as extending into new areas, predominantly on the western side of the site. Earthworks are also proposed within a part of the General Recreation Activity Area zoned land.

The proposal in general terms involves creating flat or gently sloping residential building platforms with large batter slopes bisecting the site which falls from east to west. The application plans by 'Macroventures'; 01B, 02B, 03B, 04B, 05A and 06A, all dated 16/08/2019, show the extent of the earthworks. The Macroventures report (appendix D) "Earthwork, Geotechnical Management Plan and Infrastructure Design Features Report" states "*Progressive stabilisation of the disturbed area will be made immediately after the earthworks are complete. All cut and fill batters will be stabilised with ground covers such as grass, turf, mulch or hydroseed.*"

*Hardfill consisting of GAP65 (or equivalent) at a nominal depth of 100mm will be placed over all lots and roads when the bulk earthworks are finished."*

The AEE states that mitigation includes "*Hardfill sealing once sections of earthworks are completed.*"

The extent of vegetation clearance is confirmed in a letter from Spencer Holmes Ltd dated 4 December 2019 and confirms that approximately 1.84 hectare of native vegetation will be removed. In addition to the native vegetation, gorse and other exotic species are being removed. The proposal includes off-site planting of 1.7ha to offset the loss of vegetation on the application site.

Drawings 202 – 210, all dated 14/10/2019, show civil works and related information. A report from Boffa Miskell Ltd (BML) dated April 2019 outlines the proposed Environmental Stormwater Management Strategy (ESMS), which involves creation of stormwater detention ponds. The ESMS includes monitoring and reporting of effects on Speedy's Stream.

Landscaping is proposed within road reserve, on batter slopes, around the interface of vegetated and cleared areas as well as within individual Lots. Site wide landscaping is shown on a BML Landscape Masterplan dated 30 August 2019. The plan shows a 2m wide strip of buffer planting along the site's north eastern boundary to the rear of 229 – 241 Major Drive. The proposed planting within road reserve is subject to final approval of detailed design of the road corridor and may vary from the proposed plans but in general the proposal includes planting within berms and street trees. A key component of the landscaping scheme is the vegetation to be planted along constructed earth batters. Individual landscaping plans have been prepared for each residential site.

All of the internal roads are going to be formed as part of the stage 1 and 2 development, however, only roads within the bounds of stage 1 and 2 will be sealed and vested with Hutt City Council.

### Background

Resource consent for vegetation removal, bulk earthworks and subdivision of the site was granted 19 March 2009 with a 10-year timeframe imposed. This proposal was not implemented and the consent has now expired.

The bulk earthworks and vegetation removal that have been recently undertaken on site were approved by a resource consent granted December 2018 (RM170114). The applicant confirmed in April 2020 that approximately one months work was required to complete the earthworks and vegetation removal.

The site had the zoning changed via Plan Change 48 in 2018. The zoning change meant the site's zoning changed from Hill Residential Activity Area to General Residential Activity Area and a northern section changed to General Recreation Activity Area. No submissions were lodged on PC48. More recently parts of PC43 have become operative which impact upon all sites zoned General Residential Activity Area. The implications of PC43 are discussed below.

## **2. CITY OF LOWER HUTT DISTRICT PLAN**

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The proposal requires resource consent for landuse and subdivision with numerous triggers for resource consent. The application site includes General Residential Activity Area and General Recreation Activity Area. The North West corner of the site is also within the National Grid Corridor.

### Subdivision

Subdivision consent is required under rule 11.2.3(d) which is a site specific rule. The rule requires consent for a Restricted Discretionary Activity for any subdivision within Appendix Subdivision 7. The application site is the entire area shown in Appendix Subdivision 7.

Bulk earthworks are required to form the allotments, roads, batter slopes, stormwater attenuation ponds and recreation areas. The earthworks are an inherent part of the proposal and fall under the subdivision resource consent application.

The matters of discretion are listed under 11.2.3.1 (c).

*Any subdivision of the site identified in Appendix Subdivision 7.*

*(i) Amenity Values:*

*The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.*

*The effects on the amenity values of neighbouring properties including dust and noise.*

*The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.*

*(ii) Existing Natural Features and Topography:*

*The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography.*

*(iii) Historical or Cultural Significance:*

*The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.*

*(iv) Construction Effects:*

*The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.*

*(v) Engineering Requirements:*

*The extent of compliance with NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development).*

*The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).*

*(vi) Erosion and Sediment Management:*

*The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Region 2002" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council.*

*(vii) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;*

*(viii) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;*

*(ix) Management of construction effects, including traffic movements, hours of operation and sediment control;*

*(x) Avoidance or mitigation of natural hazards;*



(xi) *The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;*

(xii) *The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;*

(xiii) *Those matters described in Section 108 and 220 of the Resource Management Act 1991;*

(xiv) *The engineering measures proposed to manage stormwater runoff to ensure the ecological health of Speedy's Stream and the onsite wetland. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:*

*i. The existing ecological values of Speedy's Stream and the onsite wetland;*

*ii. The stormwater runoff rates for both the onsite wetland and Speedy's Stream to maintain these ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events) ;*

*iii. The acceptable level of contaminants in the stormwater to maintain the ecological values of both the onsite wetland and Speedy's Stream;*

*iv. The engineering practices (for example, bioretention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are at least maintained and the stormwater runoff rates and treatment identified in the points above are achieved. These engineering practices shall control all runoff generated by the 8590th percentile rainfall depth. This is defined as treating the stormwater volume generated by the 27mm rainfall depth; and*

*v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.*

Rule 11.2.3.2 (a) requires that any subdivision within a National Grid Corridor “shall comply with the Standards and Terms for a Controlled Activity in Rule 11.2.2.1 ...and demonstrate that each new residential allotment can provide a complying Shape Factor as required under Rule 11.2.2.1(a)”. In this case the proposal does not comply with the standards and terms for a Controlled Activity as earthworks do not comply with the rule 11.2.2.1(e) which requires compliance with the permitted activity conditions for earthworks (14I 2.1.1).

Rule 11.2.4 (I) states that any subdivision within the application site (scheduled in appendix 7) that does not comply with the standards and terms for Controlled Activity under rule 11.2.2.1 in respect of (a) Allotment Design is a Discretionary Activity.

Rule 11.2.5 states that any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.2 is a Non Complying Activity. Because the proposal does not comply with the standards and terms (earthworks permitted activity conditions of the General Residential Activity Area) the subdivision is a **Non Complying Activity**.

Under Plan Change 43 the proposed subdivision remains a Non Complying Activity due the National Transmission Network related rules.

### Landuse

When the application was lodged (December 2018) the proposal triggered Restricted Discretionary rules 14I 2.2 (a) and (b) (earthworks), 4A 2.3 (b) (vegetation removal), 14A 5.1(b) (transport high trip generator) as well as 4A 2.3 (a) for three or more dwellings on a site. The proposal also triggered Discretionary Activity rule 4A 2.4(a) for net site area, yards, recession planes and maximum site coverage permitted activity condition breaches within the General Residential Activity Area resulting in the landuse consent being a Discretionary Activity.

The Restricted Discretionary matters of discretion are shown below as they provide guidance when considering adverse effects.

The matters of discretion in relation to earthworks are as follows:

- (i) *Amenity Values:*  
*The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent. The extent to which replanting or rehabilitation works are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas.*
- (ii) *Existing Natural Features and Topography:*  
*The extent to which the proposed earthworks reflect natural landforms, and be sympathetic to the natural topography.*
- (iii) *Historical or Cultural Significance:*  
*The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.*
- (iv) *Natural Hazards:*  
*Consideration should be given to those areas prone to erosion, landslip and flooding. Excavation should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.*

The matters of discretion in relation to removal of vegetation are as follows:

- (i) *Amenity Values:*  
*The extent to which the proposal will affect adversely the visual amenity values of the site and surrounding area. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.*
- (ii) *Site Stability:*  
*The adverse effects upon the stability of the site caused by the removal of trees or vegetation.*
- (iii) *The Intrinsic Values of Ecosystems:*  
*The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area*

The proposal will involve constructing dwellings prior to the subdivision occurring so the proposal is caught by rule 4A 2.3(a) which requires resource consent for a Restricted Discretionary Activity for any activity involving more than two dwellings per site. In regard to the permitted activity conditions the proposal has numerous side yard breaches and recession plane breaches because the proposal includes semi-detached dwellings which result in the technical non compliances. Tables 2 and 3 within the application AEE list the specific site sizes for stages 1 and 2 as well as details of the dwelling design, height, site coverage, outdoor area and permeability. The tables should be referred to for specific details pertaining to individual lots and accompanying dwellings. All sites and dwellings comply with permeability and building height. The proposal does not comply with minimum site size and site coverage across many sites. The detached houses all comply with side yard conditions.

The work within the General Recreation Activity Area involves earthworks and vegetation removal, the construction of walking tracks and an informal recreation area and planting of vegetation. The earthworks require consent under rule 14A 2.2(a) and vegetation removal requires resource consent for a Discretionary Activity under rule 7A 2.3(b). The activity of planting and any landscape furniture will not require resource consent.



## Plan Change 43

PC43 was publicly notified 7 November 2017 with the Council decision on the PC43 provisions and submissions released 6 November 2019. Therefore under Section 86B (1) of the RMA at the time of lodging the application the rules introduced by PC43 did not have legal effect.

Section 88A of the RMA acts as a shield and means the activity status of the proposal remains the same as when it was first lodged irrespective of whether the new rules have a more restrictive activity status. In this case there is no change in activity status of the proposal.

The provisions against which the proposal must be assessed are those that exist at the time the proposal is determined. For the substantive assessment there are new rules introduced by PC43 that are now operative as well as some of the old permitted activity condition rules due to appeals. The rules introduced by PC43 that were appealed, and therefore cannot be considered operative, are;

- 4A 4.2.2 (site coverage)
- 4A 4.2.4 (recession plane)
- 4A 4.2.5 (yards)
- 4A 4.2.7 (outdoor living space)
- 4A 4.2.X (stormwater retention)
- 11.2.2.1(a) (subdivision)

When PC43 was notified in 2017 it did not include a rule about vegetation removal however when the Decision on submissions was released rule 4A 4.1.x had been introduced which stated “*The removal of vegetation (whether indigenous or exotic) is a permitted activity.*” Therefore all vegetation removal is now permitted within the General Residential Activity Area but vegetation removal does require resource consent within the General Recreation Activity Area.

PC43 introduced provisions relating to activities that fall within the definition of ‘*Comprehensive Residential Development*’ which is defined as “*a development of three or more dwellings that is designed and planned in an integrated manner, on a site of at least 1400m<sup>2</sup>. The development may incorporate accessory buildings, infrastructure, landscaping, communal open space and communal carparking.*” The site is larger than 1400m<sup>2</sup> so the proposal is captured by the definition of Comprehensive Residential Development (CRD).

The landuse proposal does not have a Restricted Discretionary activity status under CRD rule 4A 4.2.10 because it will not achieve stormwater neutrality as required by 4A 4.2.10(vi). The proposal becomes fully discretionary under rule 4A 4.2.10(b).

The restricted discretionary matters for a CRD shown below were taken account of during the effects assessment.

Discretion is restricted to:

- (viii) *The effects on the amenity of the surrounding residential area.*
- (ix) *The extent to which the site layout and any proposed landscaping ensure adverse effects will be contained within the site, avoiding or minimising impacts on surrounding residential areas, the streetscape and adjoining public space.*
- (x) *Whether the site for the Comprehensive Residential Development is subject to any hazards, including being within any natural hazard overlay area.*
- (xi) *The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.*
- (xii) *The achievement of stormwater neutrality*
- (xiii) *The treatment of stormwater where required by (vii).*
- (xiv) *Any positive effects including positive effects of increasing housing capacity and variety.*
- (xv) *The following mixed use and medium density residential development design elements:*

1. *Building height*
2. *Recession planes and setbacks*
3. *Indoor and outdoor living spaces*
4. *Open space and boundary treatments*
5. *Entrances, carparking and garages*
6. *On-site stormwater management*
7. *End / side wall treatment*
8. *Building materials*
9. *Bike parking, storage and service areas*
10. *Privacy and safety*
11. *Landscaping*
12. *Historic character in Petone-Moera*

*When considering the matters in (xv), the Council will be principally guided by its Medium Density Design Guide.*

Consequential amendments due to PC43 to the Transport, Earthworks and Subdivision chapters do not alter the activity classification.

### **National Environmental Standards**

The site is not listed on the SLUR register and there is no known history of activity on the site that falls under the NES for Soil Contamination. The proposal does not require assessment under any other National Environmental Standards.

## **3. PERMITTED BASELINE**

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### Subdivision

All subdivision requires resource consent, besides minor boundary adjustments, so there is no relevant permitted baseline in relation to subdivision. The earthworks are considered part of the subdivision and earthworks are permitted up to 50m<sup>3</sup> and 1.2m in vertical modification. The proposal is for bulk earthworks (267,188m<sup>3</sup>) so the permitted baseline in relation to earthworks is of little consequence.

### Landuse

The permitted baseline is limited in its extent that adverse effects can be disregarded in relation to residential activity and the construction of dwellings within the General Residential Activity Area. Two dwellings could be erected without resource consent whereas up to 89 additional dwellings will result across the site as a whole from the proposal. One dwelling has already been erected onsite so only one additional dwelling could be constructed. PC43 has changed various bulk and location rules but these do not materially change the effects that can be disregarded due to the permitted baseline limiting development to two dwellings given the scale of the proposal.

In regard to vegetation removal the permitted baseline has changed since the application was lodged. At the time of lodgement resource consent was required due to rule 4A 2.3 (b) which required resource consent for any vegetation removal in excess of 500m<sup>2</sup> or 35% of the site. This 'blanket tree protection' rule was valid due to the size of the 'urban site' being in excess of 4000m<sup>2</sup>. PC43 was notified 7 November 2017 which was prior to the lodgement of the application. At the time of notification PC43 did not include any rules in relation to vegetation removal. However, as a result of a submission when the Hearing Panel's Decision was publicly notified PC43 included the following rule "4A 4.1.x *Vegetation Removal (a) The removal of vegetation (whether indigenous or exotic) is a permitted activity.* " The rule has not been appealed so is operative at the time of writing this decision. In the background is Plan Change 36 which relates to 'Notable Trees and Vegetation Removal'. The decision on PC36 was released 31 May 2016 and was appealed with

mediation still occurring in 2020. As part of the mediation HCC has agreed to amend rule 4A 4.1.x and reintroduce a limitation on the amount of vegetation removal permitted before the requirement for a resource consent is triggered. It is anticipated that a Court order will be released in mid-2020 requiring this change to be made. Accordingly, while technically vegetation removal is permitted given that HCC has agreed to replacing the rule within a short time frame the permitted baseline in relation to vegetation removal is not going to be taken into account.

Within the General Recreation Activity Area zoned part of the site the same earthwork rules apply. Vegetation removal requires resource consent and any use besides recreation activity requires resource consent.

Overall the permitted baseline is of limited consequence in regard to the landuse consent given the scale of the proposal and small amount of permitted development.

#### 4. EXISTING ENVIRONMENT

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At the time of writing this decision the site had been extensively altered due to earthworks and vegetation undertaken RM170114. The photo below is dated 27 August 2019 and was taken from Benhar Close. At the time of writing this report, according to the applicant, additional work is still able to be carried out under RM170114.



The existing environment is considered to include the site as altered by works authorised under RM170114. The site clearly has the appearance of a site under development with cut platforms and removal of vegetation. The cut platforms are largely in a finished form. The eastern ridgeline has been lowered along the northern section and some gullies have been filled. A showroom is also now present on site in the north eastern corner of the site which is the white dwelling in the centre left of the photo.

#### 5. NOTIFICATION ASSESSMENT

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Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 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 section 95A) and limited notification (under section 95E).

### 5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management 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 s95C?	No.
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	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"> <li>▪ A controlled activity</li> <li>▪ A residential activity with a restricted discretionary or discretionary activity status</li> <li>▪ A subdivision of land with a restricted discretionary or discretionary activity status</li> <li>▪ A boundary activity with a restricted discretionary, discretionary or noncomplying activity status</li> <li>▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification (if any)</li> </ul>	No.

Public notification is not precluded under step 2. The proposal includes a subdivision of land with a Non-Complying Activity status. Accordingly, an assessment of effects is required to determine whether public notification is required.

### Step 3 - Public notification is required in certain circumstances

#### 95A - assessment of effects

The permitted baseline has been considered in section 2 and is of limited use when considering the scale of effects of the proposal.

The proposal is considered to have minor or less than minor effects on the wider environment, beyond adjacent sites for the reasons set out below. Adjacent site are considered to be all those that abut the site along Major Drive, Christchurch Crescent, Waipounamu Drive, Kaitangata Crescent and Otira Grove as well as the 75N Waipounamu Drive which is GWRC reserve land.

#### Landscape, Amenity and Design Effects



A further information request resulted in the provision of a 'Landscape and Visual Effects Landscape Assessment' (LVA) prepared by Boffa Miskell Ltd (BML) dated 30 August 2019. The report was prepared by a registered NZILA Landscape Architect. The LVA accurately describes the proposal and surrounding area. One outcome of the LVA was the applicant removing stage 6 from the proposal due to the scale of effects the proposed earthworks and development would have had due to the prominence of that part of the application site.

I have not had the LVA peer reviewed due to the highly modified existing state of the site. In its current form the site is clearly an area under development with large areas of recently earthworked land visible and substantial cutting and filling having already occurred. The assessment includes photomontages of the site from several viewpoints which along with site visits allow the landscape and visual effects to be understood.

The LVA differentiates between the adverse effects that will be generated during construction and post construction.

The LVA concludes in paragraph 7.1.1 that the resultant effects on the landscape would be neutral once construction is complete due to the development being *"a recognisable extension of dwellings beyond the existing dwellings on Major Drive, Waipounamu Drive and Christchurch Crescent, viewed against a more distant backdrop of the Belmont Hills"*.

The conclusion goes on to state in paragraph 7.1.2 that *"The layout of development, measures to control building envelope height and design controls on building materials and colours would further limit the potential introduction of obtrusive development seen from the surrounding area. Proposed planting and retained vegetation along the eastern boundary will filter views of the development, integrating the development with its surroundings, reducing the effect on the Western escarpment and Belmont Hills landscape character areas over time to neutral."*

Finally, paragraph 7.1.5 of the LVA states that *"Publicly accessible views towards the proposed development are limited by surrounding topography, vegetation and built development. Where views are available, the proposed development will generally be viewed in the context of development across the wider Kelson area."*

I have viewed the site from the various locations around Kelson and concur with the comments above. The surrounding residential area is comprised largely of single storey dwellings on sites that are flat to moderately sloping. The proposal will have a similar character.

The LVA relies on the planting proposed throughout the development to integrate the development into the residential backdrop, as well as building coloration and materials to integrate the proposal into the wider environment. Conditions of consent have been proffered in regard to street tree planting, individual site landscaping, batter slope planting and the 2m wide eastern buffer strip. In regard to colours the applicant has confirmed that the housing contractor intends to use a colour consultant for each dwelling and has proffered a condition requiring colour schemes for the site to be recessive, subject to approval by Council officers. In addition to the above, the fact that there are over 20 different house designs means there will be variety in the appearance of the final development.

Table 5.1 in the LVA assesses the effects of the proposal on several locations during and after construction is completed. I note that the LVA concludes that there will be some moderate-low adverse effects during construction when viewed from Invercargill Drive and 'moderate adverse', when viewed from Benhar Close. 'Moderate adverse' equates to a 'minor' adverse effect as outlined in the 'Landscape and Visual Effects Assessment Methodology' contained in appendix of the LVA. None of the conclusions in relation to sites beyond abutting sites are that there will be a more than minor adverse landscape or visual effect. I concur with the conclusions reached in the LVA regarding the wider landscape and visual effects.

The proposal includes dwellings for 90 residential sites. The dwellings are a modern design and have been found to be acceptable by Peter Parkes council's urban design peer reviewer. In terms of the potential for adverse visual effects (beyond the adjacent sites) due to the design of the dwellings I consider that the adverse effects will be less than minor. The surrounding area does not have any particularly strong character that needs to be reflected or respected by the development. Despite that the form of development is similar to the surrounding area in terms of dwelling size and most dwellings being single storey. The dwellings in the surrounding area are relatively modern due to the area being developed post 1970.

Given the existing environment, proposed landscaping and modest (mostly) single storey dwellings along the eastern and northern side of the development I consider the wider landscape and visual effects to be no more than minor.

### Transport related effects

The application included a Road Design Assessment (RDA) from Tim Kelly, director of Tim Kelly Transportation Planning Limited. The application also included the transportation assessment prepared by Harriet Fraser Traffic Engineering and Transportation Planning for PC48.

The traffic assessment and further information was peer reviewed by Bill Barclay, director of Barclay Traffic Planning, on behalf of HCC. Mr Barclay's assessment of the proposal was based on 160 residential Lots. For clarity, Mr Barclay's assessment was based on 160 lots because two applications were lodged at the same time. The second application was for stages 3 and 4 and Mr Barclay's assessment included that proposal also although the application for that proposal has been on hold for several months and remains on hold as identified in the proposal section of this report.

I also consulted with NZTA.

The proposal, when initially lodged, did not meet three matters within NZS 4404:2004. Namely carriageway width of Road 1, sight distances and target operating speed, and footpaths and access ways. Since lodgement there has been correspondence between the applicant and HCC subdivision engineer in regard to carriageway width and road widths. A Traffic Safety Audit was also sought by HCC's subdivision engineer. Engineering approval is concurrently being sought for roading design. HCC's subdivision engineer has confirmed that the legal road widths proposed are acceptable with the formed road being subject to engineering approval.

The sight distance non-compliance is a matter that can be reviewed at the final design stage and if deemed necessary speed controls can be applied to mitigate any adverse safety effects caused by this non-compliance. All roads will be vested with HCC so speed controls, if required, will be able to be implemented.

The RDA did not include an Integrated Transport Assessment (ITA) as required by the district plan due to an ITA being completed for PC48. PC48 changed the zoning of the site and considered the effects of allowing the site to be developed with up to 163 dwellings. I raised this with Bill Barclay who considered that it was an acceptable approach to rely on the 2017 ITA. Given that this proposal is for 73 fewer dwellings the conclusion reached in the ITA that *"the forecast traffic activity can be readily accommodated at each of the Major Drive intersections with Kaitangata Crescent, Waipounamu Drive and SH2"* is considered to remain valid. NZTA were also consulted as part of PC48 which was based around an estimated yield of 163 dwellings.

Mr Barclay's assessment stated;

*"Beyond the immediate project site, traffic can be expected to travel to and from the development along Major Drive. For most of its length Major Drive has ample capacity for additional traffic from the development, but there may be concerns about operation of the intersection with State Highway 2 at the bottom of the hill. Currently traffic volumes at this point are approximately 6,000*

*veh/day. For residential dwellings trip generation is typically in the range five to ten vehicle movements per day per dwelling. For the 160 new dwellings in the development this indicates an additional flow in the order of between 800 and 1,600 veh/day. This means flow on Major Drive near SH2 will increase from the present 6,000 veh/day to around 7,000. This is a significant increment, but in my estimation it is likely the increase can be accommodated comfortably within the present road layout. Nevertheless New Zealand Transport Agency as highway road controlling authority may wish to consider whether changes to the intersection layout, turn bays or signal phasing could be needed."*

NZTA highlighted that the phasing of traffic lights at the intersection with SH2 could not be lengthened. Bill Barclay did not expect that there would be a change in safety characteristics while the intersection was under signal control.

Council's subdivision engineer has proposed conditions 93 to 98 which adequately control roading related effects. These conditions have all been reviewed and agreed to by the applicant.

The external effects of the proposal are going to be an increase in traffic travelling on Major Drive and feeder roads into the application site. The expert assessment did not raise any concerns in terms of capacity and safety and accordingly it is considered that the proposal will not have more than minor adverse effects on this part of the transport network. In regard to the intersection with SH2 the effect is going to be an increase in waiting times but no change in safety characteristics.

Overall the traffic related effects are expected to be no more than minor.

#### Construction activity related effects

The proposal has the potential to generate adverse effects due to construction activity. The effects could include noise from construction activity such as house building, noise from machinery undertaking earthworks and the construction of roads and storm water ponds. Construction vehicle entering and leaving the site also have the potential to create noise and disturbance. The applicant confirmed in a further information response that all construction activity will comply with the construction noise standard (NZS 6803P "Measurement and Assessment of Noise from Construct and Demolition Work").

Dust nuisance has occurred during the earthworks approved by RM170114 and the consent holder was slow to implement dust mitigation. The nuisance occurred to the east of the site within residential sites around Major Drive. The earthworks along the eastern boundary of the application site are essentially complete (confirmed by the applicant) so the dust nuisance is less likely to occur to the same extent in this location. The new areas of earthworks toward the southern end of the site could potentially cause a dust nuisance to sites beyond the abutting sites on Waipounamu Grove, Otira Grove and Christchurch Crescent in northerly winds. The work in this area is largely filling rather than cutting.

In response to a further information request the applicant has provided a Dust Mitigation Plan prepared by RST Environmental Solutions. The applicant has also proffered a condition of consent that requires the measures within the DMP to be implemented. While the measure outlined within the DMP are appropriate the DMP does not adequately specify which measures are most appropriate for this site. A site and project specific DMP is required to be submitted to HCC prior to earthworks commencing. The applicant has agreed to this.

The application proffers a condition of consent that requires that a 'Construction Management Plan' to be developed and submitted to HCC for certification prior to works commencing. The measures set out in the application that the CMP must cover are extensive and typical of a proposal of this scale.

Further information was requested in regard to the scale of construction that may be occurring at any one time. Further information was received 15/01/20 from Spencer Holmes Ltd which stated

that the scale of residential construction is a function of sales and builder capacity. The applicant estimated that 10 -15 dwellings may be construction at any time. I acknowledge that an exact level of residential construction is difficult to provide. The layout of stages one and two means there are only 9 proposed sites that adjoin existing residential sites. These are Lots 2 – 9 and Lot 39. Beyond the abutting sites the construction effects are mitigated to a significant extent by the separation distance, topography and scale of the site. The large scale of the site means much of the construction activity takes place a considerable distance from the boundary and from many locations the topography within the site and outside of the site will screen construction activity.

The movement of construction vehicles to and from the site on the existing road network was not raised as a concern by Bill Barclay and as such it is anticipated construction vehicles will be able to be accommodated within the roading network without creating adverse effects that are more than minor in scale.

Overall with the development of, and adherence to, a comprehensive Construction Management Plan the adverse effects of the construction activity on the wider environment will be no more than minor.

#### Earthworks – site stability and sediment discharge

The proposal includes large areas of cut and fill and the creation of 45 degree batter slopes. Residential sites are proposed at the base (stage 3 onwards) and top of batter slopes with proposed dwellings on some of the sites close to the top of the batter slopes.

The applicant engaged Engeo Ltd to undertake geotechnical design. I engaged WSP-Opus to peer review the geotechnical information including the proposed reinforced soil structure method proposed for the batter slopes.

After several further information requests adequate information was received and WSP-Opus provided final comments on the proposed design in a peer review report dated 20 February 2020.

The documents WSP-Opus reviewed are as follows:

- Design Philosophy for Reinforced Soil Structures, 64 Waipounamu Drive Development Kelson, Wellington, ENGEO, 18/03/2019.
- Design Report for Reinforced Soil Structures, Manapouri Grove (64 Waipounamu Drive), Kelson, Lower Hutt, ENGEO, 12/11/2019.
- Bulk Earthworks Specification, Manapouri Grove, Kelson, Lower Hutt, ENGEO, 12/11/2019
- Construction Specifications for Reinforced Soil Structure, Manapouri Grove, Kelson, Lower Hutt, ENGEO, 12/11/2019

The peer review addressed the following matters:

- Adequacy of ground investigations and ground model.
- Assumed geotechnical parameters.
- Bearing capacity and settlements of the proposed fills.
- Stability assessment of new fill and cut slopes.
- The design of the proposed Reinforced Soil Structures.
- Construction methodology.

The 'technical' comments are recorded on a spreadsheet held on an appendix to the peer review.

The geotechnical review states *"Most of the issues raised by WSP have been satisfactorily addressed by ENGEO, either by their responses or by supplying additional information."* The peer review then goes on to list 7 conditions of consent that should be imposed. These conditions have been included within this decision with draft conditions of consent having been circulated and accepted by the applicant.



One area of concern related to fact that some of the proposed dwellings are proposed to be built very close to the top of the batter slopes. Condition 26 requires the appointed engineer to provide a Final Geotechnical Completion Report in accordance with NZS 4404:2010. This report will identify limitations, including specific design for stability and foundations as well as building setback distances. This will ensure the final location for all dwellings has been appropriately assessed and noted on the record of title.

The WSP-Opus review of the RSS planting resulted in further information being sought and received with a final peer review received in a report dated 23 October 2019. The peer review included detailed comments on the probable long term success of the planting proposed for the 1v/1h steep slopes. The peer review noted the importance of the proposed micro-trial to confirm an appropriate methodology specific for the site. The peer review concluded by stating:

*Further steps could be considered that would contribute towards increased chances of success. This can be adopted within proposed conditions and would include the following;*

- *Increasing the variety of native species for seeding. Ecological advice on further species such as manuka.*
- *Assessing each site and include species suitable to the individual environmental conditions*
- *Additional planting of small grade native 'plugs' into the blanket, to supplement and compensate for unsuccessful seed germination*
- *Assess trial results for this site to confirm revegetation methodology*
- *Intensive monitoring and maintenance / weed clearance, to enhance native regeneration*
- *Adoption of performance standards outlined in the product information 7.01. and 7.03 including 90% canopy coverage at the time of completion.*

Condition 41 addresses the matters above and includes an appropriate monitoring regime.

One key effect of the earthworks is the potential for stormwater discharge of sediment laden water into waterways. Paragraph 7.4.1 of the BML Ecological Impact Assessment dated 2 September 2019 states:

*"Stage 1 earthworks are already underway within the Site. Sediment discharges in stormwater runoff from the Site (as part of Stage 1) are evident within the Northern Tributary, between the edge of earthworks and the confluence with the main stem of Speedy's Stream. This shows sediment discharge from the Site into the receiving waterways is of considerable concern. Freshly deposited fine sediment can be observed covering at least 50% of the streambed in all habitats except riffles. We cannot predict the quantity of loss of sediment from Stage 2 earthworks, or separate Stage 1 and Stage 2 sediment release quantities. However, the evidence suggests the current earthwork discharge defences (sediment control devices) do not adequately protect the receiving waterways from sediment release(s). Stage 2 earthworks, in conjunction with Stage 1 earthworks will increase the strain on the sediment management and result in increasing risk to the receiving waterways. Therefore, Stage 2 earthworks, when considering sediment releases from Stage 1 and the added strain Stage 2 will have, are likely to have a high magnitude of effect to a moderate value (southern tributary) one downstream. Therefore, the level of effect is considered to be Moderate. The risk depends on the effectiveness of the sediment control devices; for this assessment we have adopted a conservative approach."*

The BML assessment states in section 8.1 *Avoid and Minimise*:

*Sediment discharge to the northern stream and wetland and upon Speedy's stream can be minimised by enhanced sediment management above Regional Council guidelines.*

I note the requirement for **enhanced** management **above** Regional Council Guidelines. This statement conflicts with paragraph 4.2.2 of the AEE and the Macroventures report which proposes

sediment control in accordance with GWRC guidelines. Neither the AEE nor the Macroventures Report states why the expert advice from BML is not reflected in the proposed sediment control methods. Given the fieldwork by BML which observed sedimentation I prefer their advice and have amended the condition proffered by the applicant and require enhanced sediment control methods.

Sediment discharge is also part of the consideration by GWRC as part of assessing the bulk earthworks. The consent application to GWRC was on hold pending further information at the time of writing this decision. I raised the issue of sediment being found in streams as a result of stage 1 earthworks in an email to GWRC dated 31 March 2020. GWRC considered that the sedimentation is a result of non compliance rather than inadequate conditions being attached to GWRC resource consent decision for stage 1(WGN170358). GWRC went on to say that

*“The erosion and sediment control conditions that we are likely to recommend will be very similar to those that were granted for the stage one bulk earthworks consents referenced WGN170358. I and our consultant erosion and sediment control experts consider that the erosion and sediment control measures that are required by the GWRC ESCP guidelines, the existing GWRC stage one bulk earthworks resource consents – WGN170358, and the approved erosion and sediment control plan for the site (as required by WGN170358); are adequate”*

I accept the reasoning by GWRC and have imposed a condition requiring a sediment control plan to be submitted prior to development commencing.

Overall, given the extensive peer reviews undertaken, the high degree of supervision and certification required by Chartered Professional engineers and the extensive conditions of consent it is considered that site stability can be appropriately managed. Any adverse effect related to site stability and sediment runoff are considered to be less than minor as long as sediment control is implemented to the extent required.

### Ecological effects

The application included an Ecological Impact Assessment (EIA) from BML. The original EIA was replaced by a version dated 3 September 2019. The updated version reflected the change made to the proposal when stage 6 was withdrawn. During the process the applicant amended the proposal by proffering a condition of consent that required a lizard management plan to be developed and carried out prior to the clearance of vegetation.

The EIA, including the original version, was peer reviewed on HCC's behalf by Wildlands Consultants. There were several areas where the peer reviewer thought additional analysis was required which the applicant responded to throughout the assessment process, with some instances of not providing the information, but by stating why, in their opinion, the information was not necessary. See BML memo dated 5 March 2019 contained in file doc/19/55187. There are in fact several peer reviews which resulted in further information being sought and then peer review of further information responses. In addition, a telephone meeting was held 24 May 2019. The final peer review on behalf of HCC is dated October 2019. This reviewed the EIA dated 2 September 2019. The final peer review set out what matters needed to be addressed. The peer review also set out two conditions of consent that should be included if consent was to be granted. I am comfortable that enough information was eventually provided to allow a decision to be made and conditions of consent imposed that will satisfactorily manage adverse effects.

The key effects are loss of vegetation and therefore habitat and effects on Speedy's Stream and the onsite wetland through vegetation removal, earthworks and stormwater capture changing the hydrological properties of the site.

In the assessment below I am mindful of the current situation which allows vegetation removal and consequently the absence of objectives and policies that relate to vegetation protection. I am also aware of the difficulty is apportioning effects to either earthworks or vegetation removal when an effect, such as sediment runoff, is a result of both earthworks and vegetation removal.

One area of disagreement between the EIA and HCC's ecology assessment is the method used to determine ecological significance as required under section 6(c) and the RPS. The Regional Policy Statement Policy 23 set out that district and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity habitats using criteria set out in Policy 23. The District Plan, as the time of lodging and currently, does not identify the area as significant because assessment under Policy 23 has not been undertaken by HCC as directed by Policy 24 which requires the local authorities implements policies, rules and methods to protect areas with significant indigenous biodiversity values from inappropriate use, subdivision and development.

The applicant used the RPS Policy 23 criteria as directed by the RPS Policy 47 to assess significance. This is set out in section 5 of the BML EIA which concluded that, *"...using the RPS criteria, the indigenous communities (Communities 1, 2, 3 & 7) are "areas of significant indigenous vegetation, and significant habitats of indigenous fauna."*

Policy 47 which sets out criteria against which to assess the proposal to determine whether the proposal is (in)appropriate. The BML EIA assessed the proposal against RPS Policy 47 and this is contained in section 9 of the EIA.

The proposal results in the loss of 1.84 hectares of indigenous forest. The applicant proposed to mitigate the loss of 0.14 ha of Rewarewa/Mahoe via planting off site at a rate of 3:1. A ratio of 1:1 was proposed for the remaining 1.7ha of seral vegetation. Wildlands disagree with the compensation ratio that the applicant has proposed for the seral forest and recommended 2:1. The two professional opinions on this matter were not reconciled during the assessment process. I have not sought the opinion of a third ecologist and instead have imposed a condition that requires a 'middle ground' ratio of 1.5:1 be applied to the seral forest mamaku – mahoe tree fernland. Accordingly 2.5 hectares of off set planting will be required and is secured through a condition of consent and this has been agreed to by the applicant.

The applicant proffered a condition of consent that requires a Lizard Management Plan to be developed and implemented. This came after the EIA authors became aware, after HCC informed them, of the number of lizards and geckos relocated during stage 1. The EIA does not reflect this but the applicant confirmed in correspondence dated 4 December 2019 that a LMP will be developed.

#### Speedy's Stream and the onsite wetland

Potential effects relating to Speedy's Stream are due to a change in hydrology and sediment discharge. Hydrology will be impacted by stormwater capture and the rate of discharge, release of contaminants as well as water temperature changes. The potential adverse effect due to sediment discharge has been considered above in the assessment of earthworks.

Please refer to page 66 of this report for an assessment of ecological effects on Speedy's Stream and the onsite wetland. The conclusion is adverse effects on ecology of Speedy's Stream will be less than minor. The proposal was amended in May 2020 after the applicant confirmed that the northern wetland was going to have its catchment reduced by 40% with stormwater not discharged back into the catchment. The amended scheme now releases stormwater into the catchment with the pre and post development flows very similar for a 10 year AEP. Wellington Water's consultant engineer (David Wilson – The Urban Engineers) has peer reviewed the information and confirms that the conclusions are reasonable. Because the pre and post development hydrological inputs are so similar the adverse effects on ecology are considered to be less than minor in terms of hydrological volume.

HCC's consultant ecologist has confirmed that bio retention designed in accordance with Wellington Water Guidelines will result in acceptable effects on the existing wetland. Access to the bio retention device will be confirmed at detailed design stage.

The stormwater discharge into the catchment has also had bio retention included in the design following an assessment of the impacts on the wetland of releasing stormwater directly into the wetland's catchment without some form of bio retention. A concept plan has been prepared which shows the location and size of the bio retention structure. Wellington Water's consultant engineer has reviewed the concept design of the bio retention system and agrees with the concept and considers that detailed design can be finalised via conditions of consent. A condition of consent has been imposed which requires detailed design based on the Wellington Water Guidelines.

In regard to ecological effects Wildlands listed six factors that would need to be included in the Wetland Restoration Plan in order to mitigate effects on the wetland. The six points are as follows:

- *A proven method for preventing channelisation within the 1.29ha natural wetland such as a flow dissipator between the stormwater outlet and the wetland, and scour protection at the bottom of the flow dissipator; and a combination of vegetation and structures, such as contour bunding, that will spread out and slow stormwater flows entering the wetland from the earthworks batter.*
- *Buffer planting on the batter slope immediately below any perforated stormwater pipes above the wetland to include plants chosen for their high shade qualities, even when young or low in stature, and proven ability to trap fine sediment eg Carex geminata. There should be no potential for this planting to shaded out in the future. Phormium tenax must not be used on the batter slope as it will block the spread and flow of water and resulting in preferential flow paths that are likely to cause erosion and high velocity flows.*
- *Label any roadside sumps that discharge anywhere in the wetland catchment with plaques stating 'drains to wetland, rainwater only'.*
- *A planting plan including any plans to protect plants from browsing by pest animals including a site preparation and pest plant control section and noting herbicides suitable for use near waterways.*
- *Monitor the wetland and the land surrounding it, including the earthworks batter, for signs of deteriorating conditions such as incursion by pest plants or browsing animals, channelisation and scour, erosion of the batter slope or valley below the existing stormwater outlet, or environmental contamination.*
- *Any such plan must be written by an ecologist with proven qualifications and experience in wetland restoration.*

The Wetland Restoration Plan is a requirement of condition 33 of the GWRC resource consent for stage 1 earthworks. GWRC have confirmed that imposition of the 6 points via consent condition would not be inconsistent with the WRP. Condition 33 sets out what must be included in the WRP and only the third point regarding labelling of sumps is not part of the matters that condition 33 requires. Accordingly a condition of consent relating to roadside sumps has been included. It is noted that the WRP must be prepared in consultation with HCC.

In summary conditions have been imposed that relate to lizard capture, batter slope planting and on-going maintenance, planting at the margins and on-going maintenance, off site mitigation, sediment discharge and stormwater discharge. Overall, effects on the ecological values are not expected to be more than minor.

#### Natural hazard effects

The stability of the site has been discussed above under the earthworks section with the conclusion being that the ongoing stability of the site will be acceptable.

The sloping site will not be subject to flooding and the proposal will not exacerbate flooding below the site. The ESMS has been reviewed by Wellington Water who accept the manner in which the system will manage the range of rainfall events. The proposed stormwater ponds are below neighbouring residential sites to the south so do not pose a threat to those sites.

The site is well removed from the Wellington faultline which is to the east of the site.

In summary the proposal will not exacerbate natural hazards on surrounding sites and the developed site will not be subject to adverse natural hazard effects in a manner that could be considered a minor or more than minor adverse effect.

#### Historic and Cultural effects

The site is not located within any Significant Cultural or Archaeological Resource as identified by the district plan. The applicant has proffered that an accidental discovery protocol be a condition of consent.

Ngati Toa were informed of the application and did not raise any concerns.

The potential for adverse effects related to cultural or archaeological resources are considered to be less than minor.

#### Servicing

The applicant provided confirmation of the consultation undertaken with the network utility operators (Chorus, Wellington Electricity Limited, Powerco and HCC). Each provider confirmed that there is capacity within their respective network for the overall residential development.

The three waters have been considered by Wellington Water and found to be acceptable subject to the compliance with conditions recommended by Wellington Water. The applicant has agreed to the conditions of consent that will be imposed.

#### Summary

Overall, the adverse effects of the proposal, beyond adjacent sites, are considered to be no more than minor in the short or long term.

#### **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 a subdivision and construction of dwellings on a site which permits residential activity. It is noted that the proposed development exceeds a number of District Plan provisions. However, the District Plan is considered to provide 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**

For the reasons outlined in section 5.1 above, 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 section 95B of the Resource Management Act, a 4 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 section 95E?	No.

There are no customary right or customary marine title groups who may be affected by the proposed development. The proposal potentially impacts upon tributaries to the Hutt River, which is part of the Ngati Toa statutory acknowledgment area. Ngati Toa were informed of the resource consent application and did not raise any concerns. Limited notification is thus 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 either or both of the following, but no other activities: <ul style="list-style-type: none"> <li>▪ A controlled activity (other than a subdivision) under the District Plan</li> <li>▪ An activity prescribed by regulations made under s360H(1)(a)(ii) precluding limited notification.</li> </ul>	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 s95E.

Are any of the following persons 'affected' under s95E? <ul style="list-style-type: none"> <li>▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary'</li> <li>▪ In the case of any activity prescribed under s360H (1) (b), a prescribed person in respect of the proposed activity.</li> </ul>	N/A
For all other activities, are there any affected persons in accordance with s95E?	No - see below.

### In accordance with s95E are there any affected persons?

Section 95E (3) (a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an "affected person". No persons have given their written approval.

In accordance with section 95E, I have considered whether the proposal could adversely affect any persons. The relevant test in determining the effects on persons is the scale of environmental effects being minor or greater. The existing environment has been taken into account which includes a large portion of the site already being subject to bulk earthworks as well as the show home that is present on the site.

### 227 – 241 Major Drive

These residential sites are to the east of stage 1 and directly adjoin the site. The applicant confirmed in a letter dated 15 January 2020 that earthworks adjacent to these sites were essentially complete. Any additional work would be minor earthworks to bring the site to final design levels and this, according to the applicant, is in the order of 0.1m to 0.3m. A 2m landscaping strip (with maximum height of planting of 5m) is to be planted along this boundary with the landscaping strip protected via consent notice. A 1.2m high fence will be constructed at the top of the slope to give protection to the planting. The dwellings in this area will all be single storey with a patio each at the rear.

The permitted baseline has some relevance in regard to effects on individual sites as one dwelling, in addition to the existing showhome, could be erected on the site adjacent to the boundary. The existing earthworks are part of the previous proposal and are considered part of the existing environment.

As discussed earlier the application includes a Landscape and Visual Effects Assessment (LVA) by BML dated 30 August 2019. In regard to these sites the LVA considers that the visual effects on these sites will be 'low adverse' once the site integrated into the residential setting of the area. Low adverse equates to 'less than minor' in the Landscape and Visual Effects Assessment methodology – see appendix 1 of the LVA. I concur with the assessment that the visual effects once completed, along with the 2m landscaping, will be less than minor. The landscaping will, according to the LVA, provide a landscaping strip separating residential sites which is a feature of this area. A condition of consent requires the landscaping to be undertaken within 6 months of the resource consent being granted.

Any adverse visual effect during construction will be temporary and from each dwelling (227 – 241 Major Drive) there will likely only be two dwellings under construction that are directly visible to the west. The other dwellings under construction will only be visible at an oblique angle. The LVA describes the removal of vegetation and earthworks as a temporary 'moderate adverse' effect (on no.s 229 – 241) but doesn't comment on the visual effects during construction. Other construction effects are considered later in this assessment. It is considered that the single storey houses are unlikely to require a particularly long build time. Overall, because the construction period will be temporary and only a small number of dwellings will be visible from any particular person, the adverse visual effects are considered to be less than minor.

### **3 – 11 Kaitangata Crescent**

These sites adjoin the northern boundary of the site and some have a view of the extensive earthworks that have already occurred. The existing showhome is adjacent to no's 5 and 7. Proposed Lot 39 will contain a single storey dwelling located 1m from the external boundary. Between the boundary and the sites to the north will be an access path to the General Recreation Activity Area.

The LVA describes the visual effects when viewed from between no.s 5 to 11 as 'moderate – high' adverse while construction is occurring reducing to 'low adverse' when the site is developed into residential. I disagree with the LVA to an extent as the showhome effectively screens much of the site when viewed from 3, 5 and 7.

No.s 9 and 11 adjoin the dwelling on proposed Lot 39. The single storey dwelling will be mostly adjacent to no.7 with only a small area adjacent to no. 11's boundary. The proposed dwelling will have adverse effects no more significant than a permitted dwelling that could be erected in this location. Because the dwelling is single storey its bulk is potentially less than a compliant two storey dwelling.

The dwelling will block much of the application site from no. 9 so there will be a loss of long views across the site which as previously mentioned could happen as of right on the site. Depending on when the dwelling on Lot 39 is constructed it may block outlook toward the site while development is occurring. I consider that the existing outlook has already been considerably changed and the

enlargement of the area of earthworks will not result in minor or more than minor adverse effects. The Macroventures report (appendix D) "Earthwork, Geotechnical Management Plan and Infrastructure Design Features Report" states "*Progressive stabilisation of the disturbed area will be made immediately after the earthworks are complete. All cut and fill batters will be stabilised with ground covers such as grass, turf, mulch or hydroseed.*"

*Hardfill consisting of GAP65 (or equivalent) at a nominal depth of 100mm will be placed over all lots and roads when the bulk earthworks are finished."*

The AEE states that mitigation includes "*Hardfill sealing once sections of earthworks are completed.*" In my opinion these measures will mean the site's appearance will improve from its current state particularly as hydroseeded areas establish. These will mitigate the temporary visual effect during construction. I concur with the LVA in that once the proposal is completed the adverse visual effects will be 'low adverse' or less than minor.

The access to the site from Kaitangata Crescent will be in between 7 and 9 Kaitangata Crescent. The road width will be approximately 8m with footpaths and berms on both sides adjacent to no.s 7 and 9. There will be an increase in vehicle noise with vehicles moving between these sites. Vehicle noise is a typical part of suburban residential neighbourhoods and is an unavoidable consequence of development. The noise from the additional vehicles serving the 89 additional houses is likely to be noticeable but because vehicle noise is temporary and already part of the environment any effects on the owners/occupants of 7 and 9 Kaitangata Crescent are likely to be less than minor.

The outlook from both sites, and from 8, 10, 12 and 14 Kaitangata Crescent, toward the road will change from the current environment which is a construction site access way with a shipping container located close the boundary with no 7. The formed road obviously does not add bulk and the berms are likely to contain grass and possibly street tree planting. The change from a construction site access to a formed road is not considered to generate adverse effects that are minor or more than minor on any of the sites with an outlook toward this area.

### **13 – 23 Kaitangata Crescent**

These sites adjoin the General Recreation Activity Area and have longer views into the site over vegetation which will remain. The current outlook includes the earthworked site. The separation distance and elevation change means adverse visual effects will be less than minor during construction, relative to the existing situation, and in the long term as the site evolves into a residential site.

### **East of Major Drive**

The LVA includes assessment from viewpoints 2, 3 and 4 (as shown on the LVA Site Location Plan) and these are all east of the site. The LVA considers there will be 'moderate – low' adverse effects or 'low adverse' effects, depending on the viewpoint, during construction which will reduce to 'low adverse' or 'very low adverse' post construction of dwellings. The visual simulation within the LVA indicate the site's appearance post construction and I concur that long terms effects are less than minor.

### **Sites abutting stage 6**

Stage 6 is the south eastern portion of the site and includes the vegetated spur that is highly visible from Major Drive, Ilam Grove and Christchurch Crescent. The application was amended post lodgement with stage 6 no longer having any earthworks beyond those consented under RM170114. Consequently the proposal is screened by the escarpment from many of these sites with the exception of 33 and 35 Christchurch Crescent which will have an oblique view to the north toward the site. The site is however at a lower level so the outlook is over the top of the site so visual effects will be largely avoided. Any effect on these sites is considered to be less than minor.



## **1, 15 - 19 Otira Grove, 37 Christchurch Crescent and other nearby sites**

The LVA includes an assessment from a viewpoint at the corner of Otira Grove and Christchurch Crescent. The current view is toward a vegetation covered escarpment although this area has extensive earthworks approved under RM170114. The proposal will result in a batter slope being constructed to the north of 37 Christchurch Crescent. The batter slope will be 1:1 and planted extensively as development of the batter slope occurs. Christchurch Crescent itself will be extended into the site from the end of the existing road.

The wetland area will be raised/filled but once constructed it will still be several metres below the sites along the northern side of Otira Grove so the outlook from those sites will be above the wetland toward residential sites some 25m away.

The outlook from 37 Christchurch Crescent and 19 Otira Grove toward the Christchurch Crescent extension will change but will be a less than minor adverse effect due to the fact the road does not wrap around either site with both sites retaining open space on their northern boundaries. Revegetated native buffer planting will be undertaken around the wetland which will enhance outlook to the north from the sites on the northern side of Otira Grove. The species listed in the draft LMP are kahikatea, Puketa, Cordyline Australis (cabbage tree). Approval of a final LMP was proffered by the applicant so the species of planting chosen for this area will be confirmed and therefore appropriate to provide screening and amenity.

Because the proposal does not include subdivision along the extended Christchurch Crescent there is no certainty on the number of additional vehicle movements in the area or when this development may occur. Vehicles passing along Christchurch Crescent are not likely to be an adverse effect that is more than minor as this is a typical, and excepted, feature of any suburban area. The application has also been reviewed by Council's Consultant Traffic Engineer who did not raise any concerns in relation to the extended Christchurch Crescent.

The LVA describes the view into the site during construction as 'moderate-high adverse' with the visual effect dropping to 'low adverse' as the vegetated areas establish, including within the road reserve. I concur with the LVA and consider the proffered conditions of consent relating to planting of the batter slope progressively will ensure visual effects are mitigated appropriately. The potential adverse effects relating to site stability, in relation to 37 Christchurch Crescent, will be less than minor given the detailed design that has been provided and peer review which supports the proposal subject to conditions. Overall I concur with the LVA that the effects on these sites will be less than minor.

## **60, 62, 73 and 75 Waipounamu Drive**

These sites are located close to the south western corner of the site. Waipounamu Drive will extend into the site to the north of these sites. Cross section 4 on Macroventures Drawing 03 B shows the site will be raised, to form the wetland ponds, but will remain at least 5m below the sites to the south. The LVA for these sites considers that views during construction are 'moderate-high' adverse before reducing *"to 'low adverse' over time as planting within the site including tree planting along roadways and with gardens contributes to the residential setting."*

Because the proposal does not include subdivision along the extended Waipounamu Drive there is no certainty on the number of additional vehicle movements in the area or when this development may occur. Vehicles passing along Waipounamu Drive are not likely to be an adverse effect that is more than minor as this a typical, and excepted, feature of any suburban area.

## **75N Waipounamu Drive**

This site is to the west of the site and is reserve land owned by GWRC. The site is covered in indigenous vegetation and does not have formal recreation infrastructure. The site slopes down to

the west toward Speedy's Stream. Adverse effects relating to sedimentation of tributary streams has been discussed in relation to earthworks. Conditions of consent are proposed that will minimise sedimentation so ecological effects will be less than minor. Resource consent is also required from GWRC for the bulk earthworks. GWRC have confirmed that the conditions likely to be imposed by GWRC on the current application are likely to be very similar to those imposed on the first stage earthworks consent approved by GWRC (ref WGN170358).

The batter slopes constructed close to the western boundary are separated from the site to the west by the walking/maintenance path around the western boundary. A condition of consent requires details of the planting required along this interface to minimise 'edge' effects due to the removal of vegetation along this boundary.

Overall any effects on this site are considered to be less than minor.

## **Transpower**

The National Transmission Network lines cross the North West corner of the site. This area of the site is largely within the General Recreation Activity Area. The residential component is a balance Lot with no residential sites proposed. Correspondence from Transpower is held on council file DOC/20/3743 and states;

*Thank you for providing Transpower the opportunity to comment on the proposed subdivision. Transpower holds no concerns and has no comments with respect to Stages 1-3 of the subdivision. However, Transpower would like to assess the detailed design for Stage 4 when it becomes available, although it is noted from the concept plan that almost all of the land over which the lines pass will be contained in a proposed reserve.*

*Once greater detail of residential lot boundaries is available for Stage 4, Transpower will be able to assess the available clearances for future residential use on the small number of lots that may be near or in the National Grid Yard.*

Given the comment above from Transpower it is considered that the proposal will have less than minor adverse effects on Transpower's network.

## **Construction effects on all persons**

The applicant had estimated 10 to 15 houses could be under construction at any one time although this is subject to demand for housing and the availability of construction workers. The construction of dwellings obviously follows earthworks being undertaken to form building platforms and suitable compaction/stability being achieved. Adverse construction effects typically include noise, dust, increased traffic movements and the temporary visual effect of an exposed area. The applicant has proffered a suite of management plans that will document how mitigation will be undertaken.

- The applicant has proffered a condition of consent that requires the development of a Construction Management Plan in accordance with condition 32. The CMP will include contact details of the site manager; details of signage and fencing; details on noise, dust, construction logistics and traffic and sedimentation mitigation. The CMP also references the Dust Mitigation Plan and Construction Traffic Management Plan and Site Logistics Plan. For consistency I have added to the proffered CMP condition a reference to the Noise Management Plan that the application includes.
- Dust associated with Stage 1 earthworks were not mitigated appropriately by the applicant which resulted in dust nuisance to some sites to the east along Major Drive. In regard to this particular area the earthworks have been largely completed. The application includes a Dust Mitigation Plan prepared by RST Environmental Solutions which outlines numerous possible methods of mitigation. This plan has been peer reviewed and it is proposed to require the submission of a more site specific DMP that takes into account site specific

factors. If the measures outlined are appropriately implemented dust nuisance should be avoided.

- The applicant has proffered a condition of consent that requires the development of a Construction Traffic Management and Site Logistics Plan (CTMSLP). The large site will be able to accommodate on site construction vehicles away from external boundaries with site access at the northern end of the site via Kaitangata Crescent. The existing access runs between 7 and 9 Kaitangata Crescent.
- The applicant has confirmed that all construction works will comply with NZS 6803:1999. The applicant has proffered a condition of consent that requires the development of a Construction Noise Management Plan by a suitably qualified person experienced in Acoustic Engineering.

The temporary construction effects on all of the persons above are considered to less than minor for the following reasons;

- Due to the size and shape of the site much of the work will occur away from external boundaries or close to the western boundary which abuts uninhabited land.
- The work along the eastern boundary is essentially complete in regard to earthworks.
- A DMP prepared by a specialist has been included in the application which, if implemented appropriately, will mitigate dust nuisance.
- The construction vehicles will, according to the applicant, comply with the construction noise standard.
- In relation to any individual neighbouring site the building work only relates to single storey dwellings which are unlikely to have a particularly long build time.
- The permitted baseline allows the construction of an additional dwelling on the site so in relation to any individual neighbour the effects of constructing a permitted large dwelling would to an extent be similar to building one or two single storey dwellings adjacent to the individual external residential sites.
- Construction hours are limited as outlined in the construction management plan.

### **Cumulative effects**

- The assessment above has focused on the individual effects arising from the proposed development. However I acknowledged that the environmental effects cannot be considered in isolation, but must be viewed on a cumulative basis. Accordingly, I have turned my mind to cumulative effects.
- Different combinations of effects will be experienced throughout the development. Initially, the effects will be attributable to construction works including completion of earthworks under RM170114, installation of services and laying of roads within the site, and construction of the proposed dwelling houses. However, these effects will be temporary in nature. As the proposal is progressively completed construction effects will be replaced by more permanent effects from alterations to the site contours, visual amenity and character attributable to the combined building bulk across the site, and traffic effects as the new road is utilised by residents. Nevertheless, and for the reasons outlined under step 3 in section 5.2 above, it is considered that the combination of effects experienced both during construction and following occupation of the dwelling units will be less than minor for all persons.

In terms of effects on visual amenity and character all other persons not identified above are considered to be sufficiently separated or screened from the application site, also taking account of the post-construction planting, whereby any adverse effects will be less than minor.

For the reasons stated above limited notification is not required under step 3.

#### **Step 4 – Limited notification is required under special circumstances**

Step 4 requires limited notification of a proposal where special circumstances apply. Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The proposal relates to a residential subdivision and construction of dwellings on a site which permits residential activity. It is noted that the proposed development exceeds a number of District Plan provisions. However, the District Plan is considered to provide 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**

Limited notification is not required as adverse effects on the persons described above are less than minor.

## **6. DETERMINING THE APPLICATION**

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Section 104 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)**

The principal issues associated with the proposal have to a large extent been considered above when considering the need to notify (sections 5.1 and 5.2 of this report) however there are several matters not covered or where further discussion is required.

Rule 11.2.3.1(c) within the Subdivision Chapter provides guidance, but does not limit, matters of consideration for the subdivision of the site. The assessment that follows addresses the matters set out in appendix 7 as well as other matters.

#### *(i) Amenity Values:*

*The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.*

*The effects on the amenity values of neighbouring properties including dust and noise.*

*The extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.*

*(ii) Existing Natural Features and Topography:*

*The extent to which the proposed earthworks reflect natural landforms, and be sympathetic to the natural topography.*

The proposal was assessed in regard to the visual impact briefly in the AEE and in more detail in the LVA prepared by BML dated 30 August 2019. Works already undertaken under the 2017 consent established the modified form of the site by filling gullies and lowering spurs. The most visible part of the site had been modified significantly already with the lower section less visible. As the LVA states in paragraph 5.4.1 *“Views of the proposed development are limited by the steep hilly landform of the surrounding area which limits opportunities for potential long distance views of the site. Hilly landform also limits the proportion of the site visible from any one area. Vegetation and surrounding development also limits potential impacts.”* I concur with this assessment that views of the site are limited at a broader scale and that there are limited more local views which have been assessed above in the notification decision.

The proposal will not result in long term exposure of any excavated faces with rehabilitation occurring over the entire area of earthworks in the form of housing, individual site landscaping, roading, batter slope planting and grass.

In regard to the proposal reflecting natural topography the LVA states (para 4.2.3) that *“The proposed earthworks follow the same pattern as the consented earthworks. The earthworks will ensure that the site falls to the west, in line with the natural topography.”* The LVA goes on to say in paragraph 4.2.5 that *“The landform of Kelson has been extensively modified by large scale earthworks carried out during the 1970’s residential subdivision of the area. In the longer term, the visible effects of the proposed earthworks would be concealed by the roads and building forms and integrated into the site, creating a residential setting of a similar nature to the surrounding 1970s subdivision to the north, east and south.”* I concur with this statement and consider that the effects to the natural topography are acceptable.

*(iii) Historical or Cultural Significance:*

*The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.*

The site is not known to have any historical or cultural significance. The application was notified to Ngati Toa with no response being received. An accidental discovery protocol condition of consent has been imposed which will ensure an appropriate process is followed if taonga are discovered. Accordingly, the proposal is considered to have acceptable effects in relation to the cultural or historical significance of the land.

*(iv) Construction Effects:*

*The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.*

Construction effects have been considered in the notification assessment and will be managed through the formation of and adherence to a Construction Management Plan, a Dust Management Plan, a Construction Traffic Management and Site Logistics Plan and a Construction Noise Management Plan above boundary.

*(v) Engineering Requirements:*

*The extent of compliance with NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development).*



*The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).*

The engineering components of the proposal have been assessed by HCC's senior subdivision engineer, WSP Opus (geotechnical matters) as well as Wellington Water.

The application states all proposed earthworks have been designed in accordance with the relevant provisions of NZS 4431:1989 and NZS 4404:2010. The construction of the RSS batter slopes and on going maintenance has been a key part of the assessment and WSP-Opus and HCC's Senior Subdivision Engineer have recommended several conditions relating to the design, monitoring and reporting of earthworks. The conditions will be imposed on the consent and will ensure that the site is suitable for residential development.

The design and construction of the stormwater system has also been a key and challenging part of the assessment. The system was altered by removing individual site stormwater detention tanks which required alteration to the system. One key area of contention has been the sizing of the constructed wetlands. This decision solely relates to approving the dwellings within stages 1 and 2. Nothing within this decision should be conferred as acceptance of the stormwater system to adequately manage stormwater for the future dwellings with Stages 3 onwards whereby effects created by these stages will require additional assessment when or if they are lodged.

A series of conditions have been recommended by HCC's Senior Subdivision engineer and Wellington Water in relation to services. These conditions have been imposed and will ensure the stormwater system will adequately cater for the development while maintaining the ecological values of Speedy's Stream and the onsite wetland.

The application included correspondence from other relevant network utility providers that confirmed the future dwellings will be adequately serviced.

*(vi) Erosion and Sediment Management:*

*The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Region 2002" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council.*

Erosion and Sediment Control has been discussed earlier in the earthworks section of the notification assessment. Compliance with the conditions of consent will ensure that sediment management will be acceptable.

*(vii) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;*

The roading system has been assessed by HCC's subdivision engineer who sought advice from a Transport Engineer (David Wanty). This expert advice was in addition to the earlier comments sought from Bill Barclay. The roading corridor has been considered to be sufficient to cater for the proposed traffic volumes. Engineering approval will require final detailed design of road widths and footpaths. Conditions of consent will be imposed that ensure that the roading is acceptable.

In regard to lot sizes they have been designed in conjunction with specific housing designs. Many of the sites within stages 1 and 2 are considerably under the 400m<sup>2</sup> minimum section size permitted activity condition that had legal effect at the time the application was lodged. The proposal sets out the outdoor living areas in table 2 on page 13 of the AEE as well as within the urban design assessment (page 374 of the AEE). All sites achieve the 35m<sup>2</sup> outdoor space requirement that applied when the proposal was lodged. It is noted that there is now no minimum site size permitted activity condition due to PC43. PC43 did introduce a development standard of 50m<sup>2</sup> for outdoor living spaces although this is under appeal. This proposal would be considered a

CRD if it was lodged today and CRD has a 20m<sup>2</sup> outdoor living area requirement which the proposal complies with.

*(ix) Management of construction effects, including traffic movements, hours of operation and sediment control;*

As discussed previously the applicant has proffered a range of consent conditions which require development of management plans relating to construction and associated effects. If the measures outlined in the management plan are implemented then adverse construction effects can be mitigated to an acceptable level.

*(x) Avoidance or mitigation of natural hazards;*

The proposal included an assessment by a Chartered Professional Geotechnical engineer which was peer reviewed on behalf of council by WSP-Opus Consultants. Further information was requested in regard to several matters relating to earthworks and this includes post construction stability.

The potential main effect in relation to natural hazards relates to land stability. The applicant proffered conditions of consent which ensure the proposed earthworks will be undertaken and tested in accordance with the Code of Practice for Earth Fill for Residential Development NZS4431:1989. WSP-Opus Consultants recommended further conditions and these have been imposed. Because the proposal will be overseen and certified by an appropriately qualified and experienced chartered professional engineer and several conditions have been imposed it is considered that any potential adverse effects relating to site stability will be avoided.

*(xi) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;*

*(xii) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;*

The consultation undertaken with the regionally significant network utility providers is set out in the AEE appendix P. Each of the network utility providers confirmed there is capacity within their networks to provide for the overall proposed residential development. Given the positive response from the network utility providers there is not considered to be adverse effects on the safe and effective operation of the relevant regionally significant network utilities.

*(xiii) Those matters described in Section 108 and 220 of the Resource Management Act 1991;*

Section 108 sets out parameters in relation to setting resource consent conditions and section 220 is specific to subdivision conditions. A range of conditions have been imposed and these have been in many instances proffered by the applicant. The applicant has reviewed the entire set of conditions and agreed to these prior to the decision being released.

*(xiv) The engineering measures proposed to manage stormwater runoff to ensure the ecological health of Speedy's Stream and the onsite wetland. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:*

- i. The existing ecological values of Speedy's Stream and the onsite wetland;*
- ii. The stormwater runoff rates for both the onsite wetland and Speedy's Stream to maintain these ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events);*
- iii. The acceptable level of contaminants in the stormwater to maintain the ecological values of both the onsite wetland and Speedy's Stream;*
- iv. The engineering practices (for example, bioretention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are at least*

*maintained and the stormwater runoff rates and treatment identified in the points above are achieved. These engineering practices shall control all runoff generated by the 8590th percentile rainfall depth. This is defined as treating the stormwater volume generated by the 27mm rainfall depth; and*

*v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.*

The design, construction and operation of the stormwater system has been a key and complex part of the assessment of this application. The applicant engaged BML to develop the Environmental Stormwater Management Strategy which was updated in April 2020 following redesign of the scheme in mid 2019.

The ecological values of Speedy's Stream and onsite wetland were assessed by BML and are set out in appendix 1 to the ESMS dated 8 April 2020. The values were assessed by Wildlands and those comments are set out in an email held on HCC file doc/19/132397. The assessment of ecological values did not change between the original ESMS (reviewed by Wildlands) and the April 2020 ESMS.

Wildlands commented:

*The Boffa survey results indicate very high habitat and biodiversity values in Speedy's Stream. This is confirmed by an earlier (2005) survey undertaken by Kingett Mitchell and by GWRC Stream Ecological Valuation scores of 0.81 for the mainstem and 0.77 for a tributary. Speedy's Stream is used a reference stream for streams in the Wellington region of similar size and topography to indicate the value of such a stream when it is in almost pristine condition. Speedy's Stream and its second order tributaries are listed in the Proposed Natural Resources Plan Schedule F as having significant indigenous biodiversity values. However, the Boffa overall assessment is that the stream and tributaries have only moderate ecological values, a conclusion which is at odds the Kingett Mitchell and GWRC assessments.*

There was no concern raised with the survey methods and survey results although the conclusion that the stream and tributaries have moderate ecological values was commented upon. I consider that the application adequately surveyed the ecological values of the site notwithstanding the differing professional views on the conclusion.

The 'Three Waters Ltd Drainage and Water Supply Infrastructure Concept Report' and subsequent updates outline the stormwater conveyancing measures proposed for the site. The updated ESMS is a requirement of condition 36 of the GWRC consent (ref WGN170358 [34847]) for the stage 1 resource consent.

Condition 36 is shown below and I have underlined key statements:

### ***Environmental Stormwater Management Strategy***

36. *The consent holder shall engage a suitably qualified and experienced person to prepare and submit a Final Environmental Stormwater Management Strategy (ESMS) to the Manager, Environmental Regulation, Wellington Regional Council for approval.*

*The preparation and implementation of an ESMS forms part of the mitigation package for the proposed development. If not managed appropriately the development of the site may cause ongoing degradation and ecological impacts on the receiving environment beyond the physical impacts within the development boundary (and offset by the riparian planting). The purpose of the ESMS is to detail how the effects of stormwater discharges on water quality in Speedy's Stream and its tributaries, post development of the site, The ESMS shall be submitted to Council within 6 months of the completion of the bulk earthworks and detail*

*how operational stormwater post development of the site will be managed to mitigate impacts on the receiving environment. The objectives of the ESMS shall include:*

- a) To prioritise the protection of the existing perched wetland in the north catchment from changes in hydrology and water quality including during winter.;*
- b) To mitigate potential adverse impacts from changes in frequent flow hydrology on the south tributary;*
- c) To reduce pollutant loads from urban development;*
- d) To reduce temperature impacts on downstream receiving environments.*

*The ESMP shall include, but not be limited to:*

- e) The objectives/outcomes implementation of the strategy will achieve*
- f) Performance standards to be achieved by the implementation of the strategy*
- g) Collection – design details and plans of the stormwater collection system, including the use of options such as rainwater tanks, soak-pits, swales, filter strips, rain gardens, treatment trench/rock filters, permeable and porous pavement, and how land parcels will be designed to meet the objectives of the ESMS.*
- h) Storage – design details, location and calculations of storage volumes to achieve objectives relating to changes in flow hydrology*
- i) Treatment – details of what treatment options are proposed whether ‘in-line’ or ‘end-of-line’ to treat collected stormwater and what contaminants the system treatment is designed to remove*
- j) Discharge - Details of all stormwater catchment discharges and details of any erosion control required at the outlets*
- k) Details of consultation with Wellington Water Limited.*

Compliance with condition 36 clearly has significant overlap with the requirements above in appendix 7. It is noted that the GWRC consent decision relates to ‘development’ of the site and not just the earthworks that stage 1 involved. GWRC have confirmed that the existing resource consent assessment process will consider the effects on the onsite wetland only during construction and not operational discharges post development (HCC doc/20/39463).

Taken together the “Three Waters Ltd Drainage and Water Supply Infrastructure Concept Report” and the ESMS address the matters set out in 11.2.3 (xiv). Wellington Water has reviewed the application and have been involved in several discussions with the applicant over the design of the stormwater system. The assessment by David Wilson (The Urban Engineers Ltd) on behalf of WW, is held on file at HCC doc/20/35897.

The peer review concludes that proposed constructed wetland is undersized when assessed against Wellington Waters Limited’s Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019 Version 1.1 and that the concept design is not expected to perform as required by the District Plan. The assessment goes on to state that the proposed stormwater park could accommodate a wetland to service the first stage of development or bio-retention system for the ultimate development.

The assessment and recommendation by Wellington Water includes 19 conditions that will ensure, in their view, that the stormwater system will perform to the standard required by the District Plan to maintain or improve the ecological values of Speedy’s Stream, including its tributaries. I

consider that the refinement of the stormwater system through conditions of consent, though not ideal, is acceptable and will ensure the ecological values of the Speedy's Stream are maintained through control of stormwater flow and quality. The conditions of consent that have been suggested by WW have been reviewed and accepted by the applicant following some minor amendments.

The ESMS in section 4.2 proffers several conditions relating to the monitoring of the Speedy's Stream. The conditions relate to during and post construction and state adaptive management could be utilised if the monitoring finds that "*there is found to be a detectable adverse assemblage difference*". The conditions have been imposed and will ensure, via adaptive management if necessary, that the ecological values of Speedy's Stream are maintained and therefore adverse effects will be less than minor.

Overall the effects on Speedy's Stream and the onsite wetland are considered to be acceptable as the system will contain contaminants to an acceptable level and will manage stormwater runoff rates.

### Other matters

#### Effects on the General Recreation Activity Area and provision of recreation space

The proposal includes earthworks and vegetation removal within the General Recreation Activity Area as well as the construction of walking tracks. It is unusual for General Recreation Activity Area zoned land to be privately owned. This has occurred through PC48 which changed the zoning of the site from being all Hill Residential to a combination of General Residential and General Recreation. The change in zoning occurred with the owners (the applicant) agreement and effectively stopped the potential for development on part of the site while increasing development potential on the remainder of the site.

The earthworks allow a cut and fill balance to be achieved on the site and allows for the creation of an open public space area of 1876m<sup>2</sup> in addition to the vegetated area. This area is very gently sloping and a condition of consent requires the Landscaping Master Plan to be approved which includes a 5 – 10m vegetated edge with incorporated natural play elements, seating under canopies and a walkway.

This area will only be accessible by road or footpath once the roading within stages 3 and 4 is constructed. The area will be accessible via the basic bush tracks within Lot 300 that will start between Lots 22 and 23 and between Lot 39 and the existing sites on Kaitangata Crescent. HCC Parks and Reserve staff have assessed the proposal and are satisfied with the provision of the recreation space. The space will be developed and Lot 300 vested with HCC with the applicant responsible for maintenance of the area until legal access via a road is established. This will occur when stages 3 and 4 are established.

### Urban Design

The application included an urban design assessment using the Design Guide Medium Density Housing that had legal effect when the proposal was lodged. The assessment was peer reviewed by Dr Peter Parkes (peer review dated 13 February 2019) with further information requested in relation to colour schemes, house orientation, landscaping and road materials. Additional comments have been provided by Dr Peter Parkes on 22 November 2019 and 16 May 2019 (HCC doc/19/157153). The main response to the further request is dated 20 March 2019 with a further response from Spencer Holmes dated 4 December 2019.

Dr Parkes comments in regard to the DGMDH 'Fitting in the Neighbourhood' section were:

*As noted above, the proposed development would appear as a more intensive, new version of the development that appears to have taken place around the site over the last 20 years. The key*



*differences are in the overall density. The provision for vehicle access is not too different and layout or detail to others on surrounding sites. The proposed landscaping treatment, particularly in the front garden area facing the street, would help integrate the new development over time and it grows and matures. The use of fences between the properties will provide an appropriate sense of security and privacy. Most of the front yards to the existing houses along the street are all fenced and appropriately landscaped for security, visual privacy and passive surveillance of the street and neighbouring properties.*

The above comments are generally positive and I concur with the comments.

Dr Parkes comments in regard to the DGMDH 'Integrated building and spaces' section were:

*In most of the houses, the lounge spaces and outdoor living are located with northerly aspects. The longest dimensions of most of the houses face North which is appropriate for solar gain. However, some have minimal North exposure to the lounge areas and do not comply with the intent of the design guidelines (refer recommendations below). As stated above, it is acknowledged that some garages have to be located in the northern areas of a particular lot for traffic safety reasons in order to reduce distances of reversing cars from intersections and bends in the road.*

*While the common areas of the development including all the new streets and footpaths appear to be highly paved, other Council experts will check that the site permeability rules of the District plan are complied with for each individual lot. Notwithstanding that a few houses have poor North facing orientation (refer recommendation below), overall, the project appears to satisfy the criteria under this heading.*

I generally concur with Dr Parkes comments. In relation to locating rooms to achieve good levels of sunlight I note the DGMDH refers to 'living areas'. The DGMDH does not define 'living areas'. The applicant's position is that the combined living room and kitchens are the 'living areas' and more weight should be given to the location of these areas rather than bedrooms. The new design guide introduced by PC43 states in the 'Comprehensive Residential Development' section that "Buildings should be orientated to the street and should have internal layouts and outdoor living spaces positioned to maximise the amount of sunlight they receive". In the 'Multi Unit Development' section the guide only refers to sunlight to the outdoor living areas.

Dr Parkes noted two dwellings (lot 1 and 39) where living rooms would not receive good sunlight. Lot 1 is a show home that has already been constructed. Lot 39 has a southwest facing living area that takes advantage of long western views rather than facing the rear fence of the site to the north. This room would receive afternoon sun. I concur with the applicant's justification of the orientation of this dwelling.

Dr Parkes made the following comments in relation to the location of garages:

*Garages are poorly located on some Lots and occupy good north facing land. Please reconsider these in the case of houses on Stage 01 Lots 14, 15, 17, 18 and Stage 02 Lots 10, 11, 13, 15, 16, 19, 34, 38, 40, and 41. The applicant is encouraged to locate garages on the south side of the property to maximise the opportunity for using north facing land and solar gain to principal indoor living spaces including bedrooms.*

The applicant responded with alternative designs for the 'Cromwell' and 'Tekapo' designs (doc/19/55187). The alternatives did provide additional sunlight to one or two of the smaller bedrooms but resulted in additional hallway space or having to locate the master bedroom on the southern elevation. Another result of re-orientating the dwellings is all dwellings will have garages and driveways in the same locations so from the streetscape there will be increased uniformity to the streetscape and a lack of individuality. On balance, because the combined living/kitchen room and master bedrooms all receive good sunlight the proposal is considered acceptable.

In regard to colour schemes the applicant has confirmed that the house owner gets to choose colours. It is considered unlikely that the owners will choose the same colours so variety in house and roof colours will be achieved. In addition because there are 26 house designs there will be variety in the appearance of the development. The applicant has proffered a condition of consent to require dwellings to have recessive colours and this has been imposed.

Dr Parkes comments were supportive in regard to the 'Vehicles' and 'Fences and Walls' components of the DGMDH. Dr Parkes was not supportive of the loose gravel and/or grass beneath clothes lines as well as the location of clothes lines.

The further information response dated 20 March 2019 described why in some cases washing lines were located as proposed due to retaining walls and proposed fence heights. I accept the justification provided by the applicant. In other cases however the application has been amended to have washing lines closer to laundries and gravel has been replaced by paving stones and screens provided where appropriate as outlined in the further information response (see table on page 2 of FI). Overall the applicant has improved the proposal to an acceptable extent and the changes have been incorporated into the latest landscaping drawings prepared by House of Orange (rev 3).

In regard to the 'Privacy and Safety' and 'Landscape and Vegetation' components of the DGMDH Dr Peter Parkes is generally supportive.

In conclusion Dr Parkes states

*"As reviewed, the project achieves a level of residential amenity on site and integration with the surrounding neighbourhood that are reasonably anticipated by the design guide. Accordingly, many of the urban design outcomes will be compliant."*

The matters raised in the urban design assessment have been adequately dealt with through variation where necessary or will be via conditions of consent. Overall urban design outcomes will be acceptable.

#### Effects on the National Electricity Transmission network

The subdivision is a Non-Complying Activity due to the proximity to the National Transmission Network lines that cross the North West corner of the site. This area of the site is largely within the General Recreation Activity Area. The residential component is a balance Lot with no residential sites proposed. Correspondence from Transpower is held on council file DOC/20/3743 and states;

*Thank you for providing Transpower the opportunity to comment on the proposed subdivision. Transpower holds no concerns and has no comments with respect to Stages 1-3 of the subdivision. However, Transpower would like to assess the detailed design for Stage 4 when it becomes available, although it is noted from the concept plan that almost all of the land over which the lines pass will be contained in a proposed reserve.*

*Once greater detail of residential lot boundaries is available for Stage 4, Transpower will be able to assess the available clearances for future residential use on the small number of lots that may be near or in the National Grid Yard.*

Given the comment above from Transpower it is considered that the proposal is acceptable in regard to effects on National Transmission Network.

#### Vegetation removal

The restricted discretionary activity status of vegetation removal that applied at the time of lodgement had the following matter of discretion:

- (i) *Amenity Values:*  
*The extent to which the proposal will affect adversely the visual amenity values of the site and surrounding area. The visual prominence of the vegetation and any replacement planting to be undertaken will be taken into consideration.*

The earlier discussion above in relation to the visual effects of the proposed earthworks cannot be separated from the visual effect of the vegetation removal and LVA assessment takes this approach.

The application notes the vegetation to be removed is a mixture of gorse dominated scrub and predominantly native vegetation. The district plan was clear in that pest plants could be removed without resource consent so accordingly a large amount of the vegetation that will be removed does not require resource consent. A significant amount of the native species that will be removed are growing within the lower gullies and these areas are less widely visible.

The batter slopes will be fully planted, as this is a requirement to ensure their on going stability, and this planting will assist in mitigating the loss of existing vegetation as will individual site landscaping. The planting along the eastern side of the site will further assist in mitigating vegetation loss when viewed from the east.

As stated in the LVA (paragraph 4.2.12) the “*scale of the change to the vegetation pattern of the site during construction will be small in the scale of the vegetation of the western escarpment area. Removal of vegetation will result in an overall low adverse effect to the vegetation pattern of the immediate area.*”

Overall I consider that the proposed planting and the retained vegetation within stage 6 and the General Recreation Activity Area result in adverse effects at a level where they are acceptable and in accordance with the development of a residentially zoned site.

- (ii) *Site Stability:*  
*The adverse effects upon the stability of the site caused by the removal of trees or vegetation.*

As discussed above the stability of the site has been assessed by the applicant and peer reviewed by an engineer on behalf of council. The proposed conditions are considered to adequately address the matter of site stability as discussed above.

- (iii) *The Intrinsic Values of Ecosystems:*  
*The extent to which the proposal will adversely affect the intrinsic value of ecosystems on the site and surrounding area*

The site is not listed in the District Plan as a ‘significant natural resource’ however the ecological values have been established through the ecological report provided by the applicant.

The proposal includes retaining the most significant vegetation on the site and wetland at the north-western end of the site.

A Lizard Management Plan is a proffered condition of consent in correspondence dated 4 December 2019 from Spencer Holmes (HCC ref RM180513-21). This will essentially be the stage 1 LMP revised for stage 2. A Wildlife Act Authority will be required from the Department of Conservation.

Mitigation for vegetation loss via 2.3ha of off-site mitigation in the form of planting is outlined in a Memo from the applicant dated 5/06/2019 and held on HCC file doc/19/132402. In the time since the Memo was written the amount of off-site planting has been reduced, due to stage 6 being removed, to 1.7ha. As discussed earlier there is a difference in professional opinion on what is the correct compensation ratio to apply and a middle ground of 1.5:1 has been imposed. The area of planting is within Belmont Regional Park (shown on the Memo) and a condition of consent will require this planting to be completed within 6 months of development commencing.

The implementation of the Lizard Management Plan mitigates the adverse effects on the lizard population. In conjunction with the retained vegetation at the northern end of the site the overall effect on the ecosystems is considered to be acceptable.

#### Positive effects

The proposal will provide a large number and variety of new homes increasing the housing supply in the Hutt Valley.

## **6.2 ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN AND OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)**

### ***Policy Statements and Plan Provisions***

In considering this application, the Council has had regard to the matters outlined in section 104 of the Act. In particular, the Council has had regard to the relevant provisions of the following planning documents:

#### National Policy Statements

The National Policy Statement on Freshwater Management is relevant to this proposal given the sites connection to Speedy's Stream. The NPS-FM has been given effect to through the PNRP and resource consent is required under the PNRP. This will ensure that the overall proposal will give appropriate regard to the relevant provisions of the NPS-FM.

The National Policy Statement on Urban Development Capacity is relevant to this proposal. The NPS-UDC recognises the significance of ensuring there is sufficient housing capacity to allow communities to develop by having sufficient development capacity. The NPS-UDC seeks to ensure that planning decisions enable the supply of housing needed to meet sufficient development capacity. This proposal is allowing development to occur at a medium density level and will provide an additional 89 dwellings to the Hutt Valley area.

The NPS on Electricity Transmission has been given effect to in the District Plan which includes objectives, policies and rules that relate to the electricity transmission network. Transpower was consulted on the proposal and raised no concerns.

#### National Environmental Standards

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health does not apply as there is no known history of activities occurring on the site that could result in soil contamination.

#### Greater Wellington Regional Policy Statement:

The following objectives and policies from the GWRC – RPS were particularly relevant to this application.

Section 3.1 Air Quality objective 1 and policies 1 and 2 seeks to manage the adverse effects of odour smoke and dust.

The proposal is consistent with this objective as dust control measures are required as part of the development.

Section 3.2 Energy, Infrastructure and Waste objective 10 and policy 8 relates to recognising and protecting the benefits of regionally significant infrastructure.

The national transmission lines and pylon that is adjacent to the site will not be affected as there will not be any building near the north-western corner of the site during stage 1 and 2.

Section 3.4 Freshwater policy 42 requires a consideration of how to minimise contamination from stormwater runoff. Policy 43 relates to protecting the aquatic ecological function of water bodies.

Section 3.6 Indigenous Ecosystems objective 16 and policies 23, 24, 47 and 64 seek to ensure that ecosystems with significant biodiversity values are maintained and restored to a healthy function in state.

The Lizard Management Plan, off-site mitigation, retention of on-site vegetation in some areas, new planting, sediment control and stormwater management will result in the proposal being consistent with the objective and policies.

Extensive conditions have been imposed in addition to the design which took these matters into account.

Section 3.7 Landscape objectives 17 and 18 and policies 25 and 26 seek to protect outstanding and special amenity natural features and landscapes from inappropriate development.

The site is not identified as an outstanding natural landscape or special amenity landscape. The proposal is considered to alter the site in an acceptable way given the zoning and the altered form of the surrounding landscape.

Section 3.8 Natural Hazards objective 19 and 21 and policies 29 and 51 aim to reduce the risks and consequences of natural hazards.

The site is not identified as being subject to any specific natural hazard. The geological assessment and peer review did not raise any concerns regarding site stability that could not be appropriately managed through appropriate design and monitoring by an appropriately qualified and experienced chartered professional engineer. Conditions of consent will ensure that this occurs.

Section 3.1.1 Soils and Minerals objective 29 and policies 42, 43 seek to control stormwater and to protect the aquatic ecological function of water bodies.

Extensive conditions have been imposed in addition to the design which took these matters into account.

### City of Lower Hutt District Plan

The citywide objectives filter down into the objectives below. The residential objectives (4A) below are those that existed at the time the application was lodged and are only included in this report as they are the objectives and policies that the applicant had to assess the proposal against in the AEE. An assessment against the new residential objectives and policies introduced by PC43 is undertaken in the next section. The objectives and policies introduced by PC43 are given more weight as they are not operative and the objectives and policies below are inoperative.



#### **4A 1.1.1 Residential Character and Amenity Values**

*Objective – To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.*

*Policies -*

- (a) That opportunity be provided for a diversity of residential activities.*
- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.*
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.*
- (f) That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effects on the intrinsic values of ecosystems.*

#### **4A 1.2.1 Building Height, Scale, Intensity and Location**

*Objective - To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.*

*Policies -*

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.*
- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.*
- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*
- (d) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*
- (e) To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*
- (g) To establish a minimum permeable surface area to assist with the sustainable management of stormwater.*
- (j) To ensure that the developments are in general accordance with the Design Guide for Medium Density Housing (Appendix 19) to control other aspects of design, such as quality of onsite amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns and low environmental impact.*

#### **11.1.1 Allotment Standards**

*Objective - To ensure that land which is subdivided can be used for the proposed use or development.*

*Policy -*

- (a) To ensure that allotments have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.*

While minimum Lot sizes are not met for many of the proposed sites resource consent for dwellings is also being sought and the level of amenity for future residents is considered to be acceptable.

#### **11.1.2 Engineering Standards**

*Objective - To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupiers.*

*Policy -*

*(a) To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.*

*(b) The engineering practices to maintain the ecological values of Speedy's Stream and the onsite wetland from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 7.*

In regard to the ecological effects on Speedy's Stream and the onsite wetland please refer back to the comments made on page 53.

**11.1.3 Natural Hazards**

*Objective - To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.*

*Policy (c)*

*Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.*

The proposed dwellings are all at the top of the RSS batter slopes and cuts. The sites at the bottom of the slopes are balance Lots with no dwellings proposed as part of this application. One of the conditions of consent requires that a geotechnical engineer reports on any limitations in regard to the location of dwellings (at the top of the RSS batter slopes). This will ensure the slope stability is appropriately considered and dwelling setbacks will be specified if required.

**14A3 Transport**

*Objective 14A 3.4 - Adverse effects on the safety and efficiency of the transport network from land use and development that generate high volumes of traffic are managed.*

*Objective 14A 3.5 - Adverse effects on the safety and efficiency of the transport network from onsite transport facilities (vehicle access, parking, manoeuvring and loading facilities) are managed.*

*Policy 14A 4.2 - Land use, subdivision and development should not cause significant adverse effects on the connectivity, accessibility and safety of the transport network, and, where appropriate, should:*

- seek to improve connectivity within and between communities; and*
- enable walking, cycling and access to public transport.*

*Policy 14A 4.5 – 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.*

*Policy 14A 4.6 - 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.*

*Policy 14A 4.7 - The transport network, land use, subdivision and development should provide for all transport modes.*

The proposal has been assessed by a transport engineer who has considered that the proposal is acceptable. The existing road network can accommodate the increased number of vehicles that the proposal will result in. Legal road widths and gradients are appropriate with detailed design underway at the time of writing this decision. Council's subdivision engineer has recommended conditions of consent that ensure the roads vested to HCC are acceptable.

**14L Earthworks**

*Objective 14I 1.1 - To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.*

*Policy*

- (a) To ensure that earthworks are designed to be sympathetic to the natural topography.*
- (b) 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.*

*Objective 14I 1.2 - To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.*

*Policies*

- (b) That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.*
- (d) 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.*

The earthworks will be fully mitigated once the development is complete in terms of all excavated faces being planted or becoming road reserve or residential sites. The proposal is an extension of the site in a manner that is consistent with the surrounding residential area.

A condition of consent has been imposed that will ensure that if any cultural materials disinterred during excavation requires the applicant to stop work and contact the two iwi authorities that have statutory acknowledgments that relate to this area.

## **7A General Recreation Activity Area**

*1.1.2 Objective - To ensure that recreation activities carried out are compatible with the physical characteristics of the land.*

- a) To encourage land of suitable topography to be developed and used for formal and active forms of recreation.*
- b) To avoid bush-clad areas of high amenity values from being used and developed for formal and active forms of recreation.*
- c) To ensure that bush-clad areas are protected from inappropriate use and development.*
- d) To ensure that recreation activities carried out in bush-clad areas do not compromise visual amenity values*

A small portion of the General Recreation Activity Area part of the site will be used for informal recreation while the bulk of this land will be retained in its current state. The informal recreation area will provide an open space for informal recreation for the local community on reasonably flat land. Bush tracks will be formed through the bush clad part of General Recreation Activity Area. The vegetation that is being removed is to be mitigated through off site planting. Overall, because the bulk of this land is remaining untouched and the area that is being altered is for informal recreation the proposal is considered to be consistent with the objectives and policies relating to the General Recreation Activity Area.

## **Conclusion**

The proposal is assessed in greater detail against the objectives and policies introduced by PC43 as these are operative however the proposal is considered to be consistent with the above objectives and policies of the District Plan for the reasons given in the effects assessment.

## **Operative Objectives and Policies**

## General Residential

### *Objective 4A 2.1*

- *Residential Activities are the dominant activities in the General Residential Activity Area.*

The proposal is a residential activity so complies with this objective.

### *Objective 4A 2.2*

- *Housing capacity and variety are increased.*

The proposal includes semi detached as well as the more traditional detached housing forms so will increase the variety of housing available in Lower Hutt.

### *Objective 4A 2.3*

- *Built development is consistent with the planned low to medium density built environment and is compatible with the amenity levels associated with low to medium density residential development.*

The proposal is a comprehensive design with dwellings chosen specifically for each site. The outdoor space for each site is acceptable and results in an acceptable level of amenity.

### *Objective 4A 2.4*

- *Built development provides high quality on-site amenity for residents as well as high quality residential amenity for adjoining properties and the street.*

The proposal results in acceptable amenity for residents with living rooms orientated to receive good sunlight. Some houses have been arranged to have garages on the northern elevation and a condition of consent requires these dwellings to be revised to have garages on the southern side. Because the dwellings are largely single storey there is minimal shading from dwellings onto adjacent sites.

### *Objective 4A 2.5*

- *Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.*

The proposal can be adequately serviced by the required infrastructure.

### *Objective 4A 2.6*

- *Built development is located and designed to manage significant risk from natural hazards.*

Extensive supervision by an engineer will ensure that the site is developed in a manner that means slope instability is avoided.

### *Policy 4A 3.1*

- *Provide for residential activities and those non-residential activities that support the community's social, economic and cultural well-being and manage any adverse effects on residential amenity.*

### *Policy 4A 3.2*

- *Enable a diverse range of housing types and densities.*

### *Policy 4A 3.3*

- *Enable the efficient use of larger sites and combined sites by providing for comprehensive residential developments.*

The proposal is a Comprehensive Residential Development under the provision introduced by PC43 and clearly includes a range of housing typologies.

*Policy 4A 3.4*

- *Manage the effects of built development on adjoining sites and the streetscape and minimise visual dominance on adjoining sites by controlling height, bulk and form of development and requiring sufficient setbacks.*

The proposal complies with all bulk and location development standards on external boundaries. With reference to sections 5.2 and 6 of this report the effects on adjoining sites are considered to be less than minor and acceptable.

*Policy 4A 3.5*

- *Require built development to maintain a reasonable level of privacy and sunlight access for adjoining sites.*

The dwellings are largely single storey so the potential for adverse privacy effects are to a large extent avoided. Council's consultant urban designer considered privacy effects were acceptable. The proposed topography avoids large changes in height between sites so sunlight for each site is acceptable with only limited shading from the adjacent (mostly) single storey houses possible.

*Policy 4A 3.6*

- *Require built development to provide useable and accessible outdoor living space to provide for outdoor amenity.*

The proposal provides suitable outdoor space as outlined in table 2 of the applicants AEE. As noted above the proposal has also been reviewed by Council's consultant urban designer who considered outdoor living areas were acceptable.

*Policy 4A 3.7*

- *Encourage high quality built development to contribute to attractive and safe streets and public open spaces by providing for buildings that address the streets and public open spaces, minimise visual dominance and encourage passive surveillance.*

The landscaping proposed for the individual residential sites allows for passive surveillance of the public realm as all of the front boundary fencing is no higher than 1.2m.

*Policy 4A 3.9*

- *Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.*

*Policy 4A 3.10*

- *Require comprehensive residential development to be stormwater neutral and encourage comprehensive residential development to contribute to the maintenance or improvement of water quality.*

The site has specific provisions relating to stormwater management that are contained in the subdivision chapter and these were considered earlier. The stormwater system is a bespoke design with on-site stormwater ponds being constructed that will manage the discharge off site into Speedy's Stream. Every site meets permeable surface area requirements. The scheme has been assessed and agreed to by Wellington Water.

Overall the proposal is considered to be consistent with the objectives and policies identified above.

The relevant objectives and policies relating to the Subdivision, Transport, Earthworks and General Recreation chapters did not alter under PC43 so the earlier assessment applies.



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

There are considered to be no other relevant matters that require consideration to determine this application.

### **6.4 PART II MATTERS**

It is considered that for this site and proposal, the applicable District Plan provisions are not invalid, incomplete or uncertain. Accordingly, consistent with the High Court's decision in *RJ Davidson Family Trust v Marlborough District Council (2017) NZHC 52*, it is unnecessary for there to be an assessment of the proposal under Part 2 of the RMA.

The Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in section 5.

### **6.5 SECTION 104D**

Section 104D states that an application for a Non-Complying activity may only be granted if it is considered that the adverse effects of a proposal are no more than minor or if the proposal is not contrary to the objectives and policies of the 'relevant plan'. In this case the proposal is considered to not be contrary to the objectives and policies of the district plan. Accordingly the proposal can be considered under 104(2).

### **6.6 - IN ACCORDANCE WITH S106 A CONSENT AUTHORITY MAY REFUSE SUBDIVISION CONSENT IN CERTAIN CIRCUMSTANCES**

A consent authority may refuse subdivision consent or may grant a subdivision consent subject to conditions if it considers that there is significant risk from natural hazards or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

The site is not identified as being subject to any particular hazards within Council's databases for flooding or slippage and is not located within the Wellington Fault Special Study Area. As previously discussed the proposal does include 45 degree batter slopes that use 'Reinforced Soil Structures' to maintain stability. The proposal has been extensively peer reviewed and the applicant has agreed to a swathe of conditions that require extensive engineer oversight and certification of the earthworks. As such I do not consider that there is any significant risk from natural hazards that will ensue from the granting of this consent application.

All proposed allotments will have appropriate physical and legal access. As such I do not consider there is any reason to refuse subdivision under s106 of the Act.

### **6.7 OVERALL EVALUATION**

The proposal has been appropriately designed and allow the residential development of this site subject to the conditions of consent being complied with. The proposal will meet the sustainable management purpose of the Act. It represents an efficient use of the residentially zoned land and will provide additional housing.

Appropriate mitigation has been provided which effectively mitigates and offsets the effects on the ecological values of the site.

The proposal is generally consistent with the objectives and policies of the RPS and District Plan.

### **6.8 SUBSTANTIVE DECISION**

Pursuant to section 104D of the Act, the Council **GRANTS** resource consent, subject to conditions. In reaching this decision, the Council considers that the adverse effects of the proposed activity on the environment will be acceptable, and that it is generally consistent with the objectives and policies contained in Chapters 4, 11 and 14 of the City of Lower Hutt District Plan as well as with the Regional Policy Statement.

## 7. CONDITIONS OF RESOURCE CONSENT

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In accordance with s108 and s220 of the Resource Management Act, resource consent has been granted subject to the following conditions:

### SUBDIVISION STAGES 1 AND 2

*Note: All conditions have been reviewed and agreed to by the applicant.*

#### General

1. The Consent Holder must undertake the work authorised by resource consent RM180513 in general accordance with the application except as otherwise required by the conditions of the resource consent. Where there is inconsistency between the application and the conditions of the resource consent, the conditions prevail.

Specifically, the works must be in accordance with the following documents and plans:

Geogrid embankments - 'Engeo' Plans sheets 1 – 18 all dated 4/11/19 and the Engeo document titled '*Construction Specifications for Reinforced Soil Structure Manapouri Grove, Kelson*' dated 12.11.2019.

Earthworks: Engeo document titled "Bulk Earthworks Specification, Manapouri Grove, Kelson, Lower Hutt", 12/11/2019

Macroventures plans all dated 16/08/2019:

- Proposed Scheme Rev B;
- Earthworks Plan Rev B;
- Earthworks Volume Rev B;
- Earthworks Section Rev B;
- Road Long Sections Rev A;
- Typical Road Cross Sections Rev A;
- Sewer Layout Rev A;
- Water Layout drawing 09 Rev A;
- Water Layout drawing 10 Rev A;

Macroventures 'Drainage Overall Plan' set drawings 201 – 210; 220 – 225 all dated 14/10/2019 (HCC doc/19/157588).

Macroventures cross section plans drawing 01B, 02B, 03A and 04A all dated 21/7/2019 (HCC doc/19/1151205)

Macroventures Proposed Concept Stormwater and Sewer Design for Stage 1 drawing number SK04-01 Stage 1 17/06/2020

Boffa Miskell Ltd Landscape Master Plan Rev 01 L-01, L-02, L-03, L10, L-11, L12 all dated 30 August 2019 and associated Landscape Master Plan Memorandum dated 27 August 2019.

*Note: This condition addresses an essential administrative matter.*

2. That the consent holder advises Council (enforcement@huttcity.govt.nz or 04 560 1044) at least two working days before any work 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.

*Important 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 \$160 per hour.*
- *Notification of work commencing is separate to arranging building inspections.*

### Earthworks

3. Prior to the commencement of any works on the site the consent holder shall provide evidence to the Team Leader Resource Consents that a suitably qualified Chartered Professional Geotechnical Engineer has been appointed to carry out the design, supervision, reporting and certification of all earthworks.
4. That the consent holder takes into account the geotechnical report prepared by Cook Costello Geotechnical Report for Earthworks Suitability of Lot 1 DP 9131364, 64 Waipounamu Drive, Kelson, dated 29 November 2017. This report forms the basis of the preliminary site investigations and design assumptions to be checked and confirmed during the construction works.
5. That the consent holder takes into account the Engeo Report titled 'Design Report for Reinforced Soil Structures' and 'Construction Specifications for Reinforced Soil Structures' both dated 12 November 2019 and follows the methodologies, requirements and recommendations they contain when undertaking all earthworks.
6. That the consent holder takes into account the Engeo reports titled 'Bulk Earthworks Specification' dated 12 November 2019 and follows the methodologies, requirements and recommendations it contains when undertaking all earthworks.

7. Prior to the commencement of any earthworks an Earthworks Management Plan (EMP), prepared by a suitably qualified chartered professional engineer as set out by NZS 4404:2010 must be submitted to the Team Leader Resource Consents. The EMP must address, but is not limited to, the following matters:

- (a) Site enabling works and preparation;
- (b) Earthworks sequencing and placement;
- (c) Management of surface and subsurface water;
- (d) Compaction methods;
- (e) Testing, validation and construction hold point requirements including monitoring of settlements of fill embankments especially at areas where deep and/or alluvial soil deposits are identified;
- (f) An Erosion and Sediment Control Plan, which aligns and enhances those measures detailed in the Macroventures report attached as Appendix D to RM180513. Erosion and sediment control measures must not be removed unless the site is stabilised to the satisfaction of the Compliance Monitoring Officer.

*Note: Hutt City Council will engage an engineer to review the various reports that must be submitted regarding earthworks. The cost of this will be passed on to the applicant.*

8. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the Earthworks Management Plan fulfils the requirements of condition 7.
9. All works on site shall be undertaken in accordance with the Earthworks Management Plan certified under condition 7 of this consent.
10. That the consent holder engages a suitably experienced Contractor to construct the Reinforced Soil Structures. The suitability of the contractor shall be assessed and approved by the consent holder's geotechnical engineer monitoring the earthworks and evidence of this approval shall be provided to the Team Leader Resource Consents prior to commencing work on the reinforced soil structures.
11. The ground conditions at the foundation subgrade shall be assessed by a suitably qualified geotechnical engineer / engineering geologist at the time of excavation who will confirm that the required foundation criteria are met prior to construction of the reinforced soil structures (i.e. reinforced soil structures founded on Moderately Weathered Greywacke bedrock and including comparison against the assumed subsoil class B as per NZS 1170.5:2005). Plate load or other suitable testing (Scala Penetrometer, Pilcon shear vane) shall be carried out at the base of embankments, to confirm the strength characteristics of the founding material, including those areas where engineered fill is required. Confirmation of the suitability of the ground conditions and testing carried out at the foundation subgrade at the location of all fill

embankments and Reinforced Soil Structures shall be included in the required monthly and final geotechnical completion reports.

▪ *Reason for condition:*

*The proposed foundation areas for many of the Reinforced Soil Structures are on steep ground that is covered in dense vegetation. Investigation of these areas was not carried out by the Applicant in the design stage, as it was impracticable and potentially unsafe. Therefore, in lieu of investigations targeted at the proposed foundations, the Applicant has set the foundation criteria as "Moderately weathered Greywacke" and has stipulated that excavation should continue until this requirement is met. Once encountered, this space will be backfilled with Geogrid stabilised foundations, with geogrid placed at 0.5m vertical centres.*

12. Groundwater conditions at the subgrade and within the embankments shall be confirmed during construction by a geotechnical engineer. If groundwater conditions are found to be different than the conditions assumed in the original design then additional drainage measures may need to be installed (e.g. additional subsoil drains, drainage blankets etc.). The geotechnical engineer shall report of the investigation findings and any additional drainage measures installed as part of the required monthly and final geotechnical completion reports.

Please note:

- All subsoil drains shall discharge via a manhole or sump before entering the drainage network or other suitable disposal location
- All swales at the base of embankments adjoining proposed lots shall discharge through the individual lots.

13. A Settlement Monitoring Programme is required for all embankments in accordance with section 6.9 of the 'Construction Specifications for Reinforced Soil Structure Manapouri Grove, Kelson'. No services or permanent infrastructure shall be placed within the fill on site until the recorded settlement, over a three month period, indicates the fill settlement is within tolerable limits and this must be confirmed in writing by the Chartered Professional Engineer to the Team Leader Resource Consents.

14. In addition to condition 13 the consent holder's contractor shall monitor the horizontal and vertical movement of the Reinforced Soil Structure by surveying method, using suitable measurement points on the facing element or on the surface of the retained soil. The monitoring data shall be provided to the Chartered Professional Engineer appointed under condition 6 on a weekly basis for a period of three months following construction of each geogrid batter slope.

*Reason for condition; This condition stems from page 11 of the 'Construction Specifications for Reinforced Soil Structure Manapouri Grove, Kelson'*

15. During excavation of all cut slopes, geological mapping of rock mass quality and defects shall be carried out by a suitably qualified engineering geologist. Specific hold points shall be included in the earthworks specification to allow for this geological mapping. The results of this mapping shall be included in the required monthly reports and final geotechnical completion reports.



16. During construction of the cut slopes the geotechnical engineer shall assess the possibility of defect-controlled slope failures, or other rock mass failures, for all loading cases and recommend any required mitigation measures which shall be implemented by the consent holder. The details of the investigations and mitigation measures undertaken shall be included in the required geotechnical monthly and final and geotechnical completion reports.
17. The geotechnical engineer shall undertake an assessment of the need for catch fences in all areas below rock cuts. If necessary a suitably qualified engineer shall be engaged to design any required permanent catch fences and this design shall be supported by field trials (unless otherwise approved). The details of locations where any catch fences are required (temporary or permanent) shall be included in the geotechnical completion report for each stage of construction and any required permanent catch fences shall be constructed prior to application for a section 224 (c) certificate.

***Please note:***

*It is generally accepted that permanent catch fences may not be required until subsequent stages of the development when houses are built below the proposed cut batters however there is still the requirement to address any health and safety risks where there is the possibility that people will be working below cut faces.*

18. Erosion protection along the face of the Reinforced Soil Structure embankments and cuts to achieve 100% coverage (unless otherwise approved) shall be in accordance with the approved Landscaping Plan (condition 41). The consent holder shall maintain for a period of 5 years including monitoring after a larger rainfall event or moderate earthquake. At the end of the maintenance period the consent holder shall only be released from their maintenance responsibilities if 100% coverage has been achieved (unless otherwise approved). The appointed geotechnical engineer must approve the preparation of all RSS embankments and cut slopes prior to planting and this approval shall be confirmed in the required monthly and final geotechnical completion reports.
19. An operation and maintenance manual shall be prepared for the provision of erosion protection and regular monitoring of the Reinforced Soil Structures by the property owner. The property owner shall be responsible for the Reinforced Soil Structures after handover at the end of the required 5 year maintenance period by the consent holder and acceptance of handover to the property owners by the Council. In accordance with section 221 of the Resource Management Act, Council registers a consent notice on the record of title of those lots that include planted Reinforced Soil Structures advising owners that there are private Reinforced Soil Structures on the property and that these slopes must be maintained in accordance with the approved operation and maintenance manual.
20. All retaining walls shall be designed by a Chartered Professional engineer, including the impact on the Reinforced Soil Structures as applicable. Subsoil drains shall be installed behind all retaining walls adjoining a residential lot unless otherwise approved.

***Please note:***

- Before building any retaining walls subject to traffic loadings or other surcharge or more than 1.5m high, the consent holder must obtain a building consent. The consent holder

must submit a building consent application, followed by a producer statement upon completion of the walls.

21. That in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of the relevant lots that share a common retaining wall on the boundary advising owners that they are jointly responsible for the on going maintenance of this wall.
22. That in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of any lots that share a common subsoil drain and that this pipe is not to be disturbed or utilised for any additional drainage.
23. Monthly Geotechnical Reporting - Earthworks construction monitoring shall be undertaken in accordance with IPENZ Level CM4. Construction monitoring monthly reports to include, but is not limited to:
  - Dates of inspections
  - Description and location of construction work being undertaken on site, including volumes and areas
  - Comparison against design assumptions and where further investigation, mitigation or stability measures are required.
  - Assessment of construction, testing undertaken and compliance to required specifications, including identifying and certifying those areas (including the lots) where the installation of services or other permanent infrastructure is proposed.
  - Non complying work and remedial actions
  - Details of instructions to the contractor
  - Erosion and sediment control measures
  - Any accidents or incidents

The monthly reporting shall continue until the receipt and approval of the final earthworks completion report for each subdivision stage by the Team Leader Resource Consents.

24. In addition to condition 23 separate geotechnical reporting will be required during the excavation and inspection / testing of the subgrade of each Reinforced Soil Structure (RSS) proposed at the site. This report should confirm the criteria set in the design for ground and groundwater conditions at the foundation of the RSS, or otherwise outline any changes in the design justified by appropriate geotechnical testing and analyses. These reports should be provided to the Council upon completion of the excavation of subgrade of each RSS, or as otherwise approved by the Council, and before construction of the body of the RSS commences.
25. That upon completion of the earthworks the earthworks contractor provides a completion certificate in accordance with Schedule 1 B of NZS 4404:2010.
26. Final Geotechnical Completion Report - That, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a geotechnical

completion report from a qualified geotechnical engineer in accordance with Clause 2.6.1 of NZS 4404:2010. 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 NZS 4404:2010. Where the report identifies development limitations, such as specific design for stability or foundation design or building setback distances, Council will register a consent notice regarding this on the certificates of title of any affected lots, as allowed for under section 221 of the Resource Management Act 1991. A completion report is required for each stage of the subdivision and is to be provided no later than at the time of application for the 224c certificate.

*Please Note:*

- *The geotechnical completion report shall identify those areas that provide good ground as defined in NZS 3604 and those areas requiring specific design for stability and foundation design*
- *Where the consent holder intends to install services or other permanent infrastructure in advance of providing the final completion report then the relevant information shall be included in the required monthly reports and approved by the Team Leader Resource Consents prior to any construction works proceeding.*
- *The interference of the dwelling foundations, retaining wall foundations and services with the top geogrid layers of the RSS structures shall be specifically addressed for all lots*
- *Where the minimum setback requirements under NZS 3604 are not met, specific engineering design of foundations shall prove that it is appropriate to build close to the top of the slope.*
- *Foundation design shall take into consideration the displacement estimated in the reinforced soil slopes during earthquake events.*
- *Bearing capacity calculations and any specific foundation requirements for the retaining walls or dwellings have not been provided as part of the consent application documents. Specific engineering design for walls higher than 1.5 m and for the foundations of the dwellings will be required in the detailed design of structures stage.*

27. That the consent holder provides earthworks as-built plans which shall include, but is not limited to:

- Compliance with NZS 4404:2010
- Final contour maps
- Location and heights of Reinforced Soil Structures
- Cross sections through Reinforced Soil Structures detailing the types and position of the primary and secondary geogrid layers
- The location and type of geogrid in other areas of reinforced earthworks
- Face protection such as biocoir or biowool on embankments
- The position of all subsoil and swale drains

- Identifying the locations that the design of cut slopes has changed (i.e. change of slope angles) or stabilisation measures have been implemented
  - Location of any required catch fences
28. That in accordance with section 221 of the Resource Management Act, Council registers a consent notice on the record of title of those lots that include geogrid layers stating the purpose and location of these geogrid layers and that these geogrid layers shall not be altered or damaged whatsoever without the permission of the Team Leader Resource Consents in writing.
29. The consent holder shall ensure any areas of exposed soil resulting from the earthworks, trenching or vegetation clearance shall be re-grassed/hydro-seeded/planted or otherwise stabilised (for future building platforms) at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the bulk earthworks (except where the earthworks expose rock).
30. That the consent holder provides such facilities on site to ensure vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or natural drainage system in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
31. If Taonga (treasure or prized possessions, including a natural resource, having tangible or intangible value and being irreplaceable in a spiritual sense) is discovered in any area or if any skeletal remains or similar material are uncovered, the applicant or the applicant's representative are to contact Ngati Toa Rangatira (through Te Runanga o Te Rangatira Incorporated), Port Nicholson Block Trust Heritage New Zealand and Hutt City Council. All work in that area is to cease until a site inspection is carried out by Ngati Toa and Port Nicholson Block Trust representatives and Council staff and approval to continue is given by the Team Leader, Resource Consents.

### Construction

32. Prior to works commencing on the site a detailed Construction Management Plan (CMP) must be submitted to the Team Leader Resource Consents. The CMP must consider all appropriate measures as outlined in the resource consent application including the appendices submitted with that application. The CMP must establish acceptable performance standards regarding public safety and amenity protection during the construction phase of the development. The CMP must include, but is not limited to, the following:
- (a) A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
  - (b) Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m<sup>2</sup>) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;

- (c) A communication and complaints procedure for adjoining property owners/occupiers, passer-bys and the like;
- (d) Safety fencing and associated signage for the construction site;
- (e) Noise control measures;
- (f) Measures to ensure dirt, mud or debris is not left on the road;
- (g) A Construction Traffic Management and Site Logistics Plan (CTMSLP), as detailed in Condition 38 below;

Note: The Team Leader Resource Consents will certify the Construction Management Plan following consultation with, and acceptance from, appropriate officers within the Council.

*This condition was proffered by the applicant.*

- 33. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the Construction Management Plan fulfils the requirements of condition 32.
- 34. All works on site shall be undertaken in accordance with the Construction Management certified under condition 32 of this consent.
- 35. Prior to works commencing on site a Dust Management Plan (DMP), addressing each stage of earthworks, must be submitted to the Team Leader Resource Consents prior to the commencement of all work on site. The DMP must outline how the best practice methods outlined in the RST Mitigation Plan (as submitted as part of the further information response dated 2 September 2019) will be implemented. The specific controls that will be employed during each stage of the earthworks must be implemented for the duration of the site works and continue until the site stops producing dust.

*Note: This condition ensures an adverse environmental effect hazard is mitigated.*

- 36. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the Dust Management Plan fulfils the requirements of condition 35.
- 37. All works on site shall be undertaken in accordance with the Dust Management certified under condition 35 of this consent.
- 38. Prior to works commencing on the site a detailed Construction Traffic Management and Site Logistics Plan (CTMSLP) must be submitted to the Team Leader Resource Consents. The CTMSLP must include methods to avoid, remedy or mitigate adverse construction traffic effects during the development of the site.

The CTMSLP must include, but not be limited to, the following matters:

- (a) Temporary pedestrian safety measures, including directional signage (where



applicable);

- (b) The size of trucks involved;
- (c) Delivery and removal routes;
- (d) Expected frequency of movements specific to the construction phase, with the hours and days of week;
- (e) Numbers of vehicles to be accommodated on or near the site;
- (f) Road space required for deliveries and or construction purposes;
- (g) An emergency (24/7) contact telephone number;
- (h) A public complaints register; and
- (i) Measures to deal with any collateral damage to vehicles and property.

*This condition was proffered by the applicant.*

39. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the Construction Traffic Management and Site Logistics Plan fulfils the requirements of condition 36.

40. All works on site shall be undertaken in accordance with the Construction Traffic Management and Site Logistics Plan certified under condition 36 of this consent.

41. Prior to works commencing a Landscape Management Plan (LMP) shall be submitted to the Team Leader Resource Consents. The LMP must take into account recommendations contained in the peer review of batter slope planting by WSP-Opus dated 23 October 2019 (held on HCC file doc/19/140208) and include, but is not limited to;

- A programme of work
- Detailed planting plans for all Reinforced Soil Structures and stormwater ponds.
- Plant seed collection, application rates and seed mix ratios (noting an increased variety of native species is recommended.)
- Detailed specification for the Enviroblanket and Envirosack materials
- Installation procedures
- Plant establishment and maintenance procedures to 90% canopy coverage at the time of completion
- Confirmation of a temporary water system
- Confirmation of the rope anchors that will be installed to facilitate maintenance on the 1:1 slopes.

- Confirmation that the seed sourcing complies with 'Eco-sourcing Code of Practice and Ethics'
- Reporting procedures following the micro trial to confirm the planting methodology
- Confirmation that additional planting of small grade native 'plugs' into the blanket will be undertaken, to supplement and compensate for unsuccessful seed germination
- Adoption of performance standards outlined in the product information 7.01. and 7.03 including 90% canopy coverage at the time of completion.

42. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the LMP fulfils the requirements of condition 41.

43. All works on site shall be undertaken in accordance with the LMP certified under condition 42 of this consent.

44. The Landscape Management Plan, approved under Condition 41, must be completed by the consent holder within 3 months of construction of each batter slope. The plantings must be monitored for 18 months from the time of planting to allow for plant establishment to the satisfaction of the 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. All plantings must continue to be maintained by the consent holder thereafter.

#### 45. Construction Noise

Prior to works commencing a Construction Noise Management Plan (CNMP) must be prepared by a suitably qualified person experienced in Acoustic Engineering or construction management practices (experience TBC) and submitted to the Team Leader Resource Consents. The CNMP must describe the methods by which noise associated with the work will comply in all aspects with the controls set out in NZS 6803:1999 and how all persons undertaking day-to-day activity management will adopt the best practical option at all times to ensure the emission of noise from the site does not exceed a reasonable level in accordance with section 16 of the Resource Management Act 1991. The CNMP must detail how work before 8.30am and after 5.30pm will not occur near boundaries with residential sites to mitigate noise effects. The CNMP must be implemented for the duration of the site works.

Note: Guidance on the preparation of an CNMP can be found in the guidance document enclosed with this decision, and in Annexure E2 of New Zealand Standard NZS 6803:1999 Acoustics— Construction Noise.

*This condition was proffered by the applicant.*

46. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the CNMP fulfils the requirements of condition 45.

47. All works on site shall be undertaken in accordance with the CNMP certified under condition 45 of this consent.

48. Hours of work

The working hours for the carrying out of construction works on the site and transport of material from (or to) the site as enabled under RM180513, are restricted to:

- (a) Monday to Saturday 7:30am to 6pm.
- (b) Quiet setting up of site (not including running of plant or machinery) may start at 6:30am.
- (c) No work is to be carried out on Sundays or public holidays.

*This condition was proffered by the applicant.*

### **Stormwater Management and Mitigation System**

49. The stormwater management and mitigation systems shall be comprised of channels, sumps, pipes, swales, forebays, detention basins and treatment devices. In addition to the conditions of consent, the design of the stormwater management and mitigation system shall be in accordance with the relevant parts of Wellington Water Limited's Regional Standard for Water Services– May 2019 and the Regional Specification for Water Services– May 2019 and shall be in accordance with the Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019 Version 1.1.

50. The consent holder shall engage suitable qualified professional engineers, landscape architects and ecologists to design and supervise the construction of the Stormwater Management and Mitigation Systems and to provide the required certifications and reports in accordance with the conditions of consent.

51. The stormwater management and mitigation system treatment device shall capture and treat all the runoff resulting from the first 27mm of rainfall (first flush) prior to discharge. The stormwater management and mitigation system detention basin shall

- a) ensure developed peak flows do not exceed pre-developed 'greenfield' peak flows for all storm events up to and including the critical 10 percent annual exceedance
- b) be designed using runoff coefficients and other hydrological parameters agreed by Council's Team Leader Resource Consents at detailed design phase.
- c) have batter slopes of 1 vertical in 3 horizontal average or flatter.
- d) have an average stormwater storage depth of 1 metre or less.
- e) discharge via a restricted outlet at flow rates to be agreed by Council's Team Leader Resource Consents at detailed design phase
- f) Incorporate suitably designed secondary overflow provisions

52. Safe and reasonable access to all of the stormwater management and mitigation systems for operation and maintenance, including sediment and aquatic weed removal, shall be provided and designed in accordance with the Water Sensitive Design for Stormwater: Treatment Device Design Guideline.

*Advice Note:*

*All works required for maintaining the stormwater management and mitigation system must be able to be completed clear of the road reserve (other than vehicles entering and exiting the site)*

53. Prior to any construction works commencing on site (other than those approved under other earthworks consents), engineering plans, specifications and calculations for the design and construction of the stormwater management and mitigation systems are to be submitted for acceptance by Council's Team Leader Resource Consents. The application for Engineering Plan Acceptance shall:
- clearly identify which stages of development are being catered for.
  - clearly identify the calculated flows through the stormwater management and mitigation system and how it is proposed to manage these flows to ensure the required stormwater treatment and attenuation requirements are met, including consideration of the staging of the development works.
  - how the stormwater management and mitigation system is proposed to integrate subsequent stages of development.
  - how the stormwater management and mitigation system will function until the subsequent stages come online.
  - Include certification by a suitable qualified geotechnical engineer that all geotechnical aspects of the design have been considered and that any geotechnical recommendations have been incorporated into the final design of the structures, including consideration of lining and dam safety requirements.
54. As part of the application for Engineering Plan Acceptance, a suitably qualified and experienced engineer shall:
- Certify that the proposed stormwater management and mitigation system has been designed in accordance with Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline.
  - Provide a statement that the proposed stormwater management and mitigation system has been designed with the long term operation and maintenance of the asset.
  - Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.
55. As part of the application for Engineering Plan Acceptance 1991 the consent holder shall provide an updated Environmental Stormwater Management Strategy to support the final Council approved design of the stormwater management and mitigation system.
56. Prior to approval under Section 224 of the Resource Management Act 1991, the treatment device shall be constructed, and all planting shall be established in accordance with the treatment device design approved in accordance with the Condition above.
57. Prior to approval under Section 224 of the Resource Management Act 1991 as built plans of stormwater management and mitigation system, including planting, are to be forwarded to the Council's Team Leader Resource Consents together with capacity calculations to confirm that the works have been constructed in accordance with the accepted engineering plans and comply with the Regional Standard for Water Services.
58. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the subdivision development, the consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall submit to the Council's

Team Leader Resource Consents 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 Water Sensitive Design for Stormwater: Treatment Device Design Guideline.
- c) all the requirements as defined within regional discharge consent or subsequent variations, and
- d) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices
- e) a programme for regular maintenance and inspection of the stormwater system
- f) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
- g) a programme for post storm maintenance
- h) a programme for inspection and maintenance of outfall erosion
- i) general inspection checklists for all aspects of the stormwater system, including visual check of roadside sumps and outfalls
- j) a programme for inspection and maintenance of vegetation associated with the stormwater devices.
- k) recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas

59. Following the issue of the section 224(c) certificate, the consent holder shall operate and maintain the stormwater management and mitigation systems for a minimum of 2 years at the consent holder's expense. At the end of the 2 year maintenance period the treatment devices shall be inspected by the consent holder's ecologist to ensure it is appropriately established and maintained. The ecologist shall provide written report in this regard, including any required maintenance work. The consent holder shall only be released from their maintenance responsibilities, or any associated bond, upon written certification by the consent holder's ecologist that the treatment device has been constructed and maintained in accordance with the approved design.
60. The consent holder shall provide easements in gross over all stormwater infrastructure that is located outside of legal road or utility reserve areas to be vested in Council. Access easements shall also be provided where necessary.
61. The stormwater management and mitigation systems shall be located in a Local Purpose (Utility) Reserve. The utility reserve shall be sufficiently sized to accommodate the treatment and attenuation devices required by the conditions above.
62. Any roadside sumps that discharge anywhere in the existing wetland catchment shall have plaques stating 'drains to wetland, rainwater only'



## Stormwater Management and Mitigation System Landscape Planting

63. The consent holder shall provide a detailed landscaping plan for approval by the Council's Team Leader Resource Consents, showing all landscape planting, trees and landscape works associated with the stormwater management and mitigation system. In particular, the plans shall:
- be prepared by a suitably qualified landscape architect;
  - identify all new planting to be undertaken on the site;
  - identify all hard and soft landscape works (and taking into account potential future shared pathways alongside the green infrastructure corridors)
  - include specifications for plant condition and planting methodology; and
  - include details of the intended species, spacing, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged, established and maintained.

*Advice Note:*

*It is recommended that discussion be held with Parks staff prior to submitting the planting plan in order to obtain advice on the most appropriate species and landscaping elements to use.*

64. The approved landscape planting plan shall be implemented by the consent holder prior to issue of the s224(c) certificate. The consent holder shall notify Council Council's Consents Manager once the planting is completed.
65. All planting shall be carried out on suitably contoured and prepared ground including a minimum 300mm topsoil. The consent holder shall provide a report from a suitably qualified and experienced landscape architect certifying that the ground preparation and planting has been met to the satisfaction of the Council's Team Leader Resource Consents.
66. Following the issue of section 224c approval the stormwater management and mitigation system and associated landscaping areas shall be maintained to the same standard for a minimum of 2 years at the consent holder's expense. Any maintenance issues deemed unsuitable by Council's Team Leader Resource Consents during this period shall be remedied by the consent holder at their expense.
67. A maintenance bond for the stormwater management and mitigation system and associated landscaping shall be payable if a certificate pursuant to section 224(c) of the Resource Management Act 1991 is to be issued within the 2 year maintenance period. The amount of the bond shall be 1.5 x the contracted rate for maintenance plus an allowance for any damage that may occur through the maintenance period, and shall be agreed with the Council's Team Leader Resource Consents. The bond will be held by Council for a period of 2 years from the date of the release of the 224(c) certificate and shall cover the cost of implementation of the maintenance plan, an allowance for damage, and replacement planting. The bond shall only be released upon written certification by the consent holder's ecologist that the wetland has been constructed and maintained in accordance with the approved design and acceptance of the landscape planting by the Council.

## Mitigation planting

### 68. Offset Mitigation

Within three months of the commencement of the earthworks enabled under Condition 1, the consent holder shall provide an off-site mitigation planting plan for approval by the Team Leader Resource Consents. The plan must be for 2.5 hectares of planting and shall detail the location and planting methodology.

*This condition was proffered by the applicant.*

69. The consent holder shall implement the off-site mitigation planting, required to offset the loss of terrestrial habitat on site, in accordance with Condition 67, in the first planting season after the completion of bulk earthworks and provide written evidence that this has been completed within 2 weeks of completion.

*This condition was proffered by the applicant.*

70. A planting plan relating to the 2m planting strip on proposed Lots 2 – 9 as shown on untitled House of Orange landscaping plans (Rev 3 Dec 2019) must be submitted to the Team Leader Resource Consents for certification prior to works commencing. The planting proposed must provide the screening implied in the application.

71. The planting approved under condition 69 must occur in the first planting season after the completion of the batter earthworks.

72. A consent notice shall be placed on the record of title of lots 2 – 9 that requires the planting approved and implemented under conditions 69 and 70 is maintained at a height no greater than 5m.

*This condition was proffered by the applicant.*

73. At the conclusion of the bulk earthworks, within the next planting season, a 2m wide buffer will be planted at the vegetated edge of all cut and fill batters toes where they adjoin the remaining bush. The planting shall consist of *Coriaria arborea* (tutu) planted at 1m centres. Plants shall be supplied as small stock (root trainers) and planted with inclusion of granular slow release fertilizer (such as osmocote) at time of planting. Additional specimens of *Sophora microphylla* (Kowhai), *Cordyline australis* (Cabbage tree) and *Austroderia toetoe* (toe toe) shall be planted throughout.

74. A suitably qualified and experienced ecologist shall modify any relevant parts of the Stage 1 Lizard Management Plan (held on council file RM170114) to address stages 2 to 5 where relevant. The revised Lizard Management Plan must be submitted to the Team Leader Resource Consents prior to the commencement of earthworks and vegetation clearance.

75. No work authorised by this consent shall commence until the Team Leader Resource Consents has certified in writing that the LMP fulfils the requirements of condition 73.

76. All works on site shall be undertaken in accordance with the LMP certified under condition 74 of this consent.

77. The street tree and berm planting shown on the Landscape Masterplan dated 30 August 2019 Rev A shall not proceed until a revised planting plan has been submitted and certified by the Team Leader Resource Consents.

*Note: Metrosideros mistral is not recommended unless a tree root barrier is installed. Alternative species could include Sophora Microphylla, S. Godleyi, S. Chathamica or Kunzea robusta. Please note that for new developments HCC has purchased and planted trees as part of the HCC winter tree planting programme. This is subject to the developer providing an agreed sum with HCC to cover cost for tree purchase, planting, staking and establishment.*

78. Any approved tree planting should be carried out between May to the end of September (at the latest). Trees should be double staked & tied using 1.8 mtr high, 50mmX50mm wide, H3 tanalised timber and hessian tie and tree mulch placed 100mm in depth to cover the root zone.

79. The street tree and berm planting shall be implemented prior to vesting with Hutt City Council

80. Lot 300 shall be vested with Hutt City Council as part of the stage 1 and 2 subdivision.

81. The bush tracks within Lot 300 shall be constructed in accordance with DOC Standard (SNZHB8630:200) prior to vesting Lot 300 with Hutt City Council.

82. The final route of the bush tracks required by condition 80 shall be determined in consultation with Hutt City Councils Park and Reserves Team.

83. A 'Recreational Park Plan' shall be submitted to the Team Leader Resource Consents for approval prior to development of the open public space area within proposed lot 300 commencing. The revised plan shall specify the vegetated edge planting, natural play features, seating and walkway.

*Note: The revised plan should be developed in consultation with Hutt City Council Parks and Reserves Division*

84. The open public space area within Lot 300 shall be developed prior to vesting with Hutt City Council but must be maintained by the consent holder until legal road access is established.

85. The perimeter track shown on the 'Landscape Master Plan' dated 30 August 2019 Rev A must be constructed in accordance with DOC Standard SNZ HB8630:200 prior to the subdivision of stages 1 and 2. The perimeter path shall be maintained by the consent holder.

86. The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 6% of the value of the additional residential allotments or capped at \$10,000 per allotment whichever is the lesser. The amounts required will be determined on the basis of a market value assessment from a registered valuer. It is the consent holder's responsibility to instruct the valuer and supply

Council with this assessment. The amount to be paid will be determined when the consent holder submits the qualified valuer's assessment.

*Note: This condition deals with an essential administrative matter and will help to provide and/or maintain open space for residents. It is acknowledged that a remission policy agreement exists for this proposal.*

## **Speedy's Stream Monitoring**

### Construction Monitoring

87. During construction, the following monitoring of Speedy's Stream is required.

Prior to the completion of Stage 1 of the subdivision (during construction), and for one year following the completion of Stages 1 and 2 of the subdivision, the macroinvertebrate community will be sampled twice-yearly (biannual monitoring), during Autumn and Spring, to monitor macroinvertebrate community trends in Speedy's Stream. The methods of the monitoring shall be in accordance with the methods set out in Appendix 1 of the ESMS. The macroinvertebrate sampling programme will:

- Provide long-term trends of aquatic health throughout the project and for one-year post-construction
- Allow for assessment of the macroinvertebrate community health in response to any potential discharges (contaminants, sediment, etc) from the construction site.

### Biannual monitoring reporting

88. A Biannual Monitoring Report (BMR) will be provided to the Team Leader Resource Consents, Hutt City Council, no later than 20 working days following the receipt of all laboratory results. The BMR shall include, but not be limited to:

- Details of the results of monitoring, including any notable changes to the subdivision that has occurred in the 6 months preceding the monitoring
- The details of the Physical Habitat Assessment including descriptions of any notable changes at the monitoring locations
- Photos of each monitoring location
- Photos, where possible, of any notable changes that have occurred within the subdivision
- Recommendation, which include, but are not limited to, whether follow-up monitoring is required
- If triggers have been breached, the BMR shall include details of when the follow-up monitoring is to occur

In the event, follow-up monitoring is required, a Supplementary Biannual Monitoring Report (SBMR) will be submitted to the Team Leader Resource Consents, Hutt City Council, no later than 10 working days following the receipt of all laboratory results. The SBMR will include a recommended ecological adaptive management approach.

### Biannual macroinvertebrate monitoring triggers

89. A statistical assessment will be made following each survey comparing the results from the two impact sites (SS-02 and SS-03) against the control site (SS-01). The following macroinvertebrate indices will be calculated as part of each monitoring occasion:

- Macroinvertebrate Community Index (MCI)
- Quantitative MCI (QMCI)
- Taxa richness
- EPT (Ephemeroptera, Plecoptera, Tricoptera) sensitive taxa richness.

If there is a statistically significant ( $P < 0.05$ ) difference between the control site and one, or both, of the impact sites in any three of the four indices, then the following will occur:

- Macroinvertebrate sampling will be repeated one month following the initial sampling occasion at the control site and the affected site to determine if the adverse effect persists.
- If, following the second round of sampling, the statistically significant difference remains, contaminant sampling and deposited sediment monitoring will be undertaken at the relevant monitoring locations.

If the contaminant results indicate elevated levels which may have adverse ecological effects (using ANZECC guidelines), contaminant levels at the monitoring location where macroinvertebrate impacts were detected, and / or deposited sediment percentage cover is >25% greater at the impact site than the control site, The Team Leader Resource Consents, Hutt City Council, shall be notified within 10 working days of receiving all relevant results. Following consultation between The Team Leader, the Project Ecologist, the Project Stormwater Engineer, and the Consent Holder, a decision will be made as to what adaptive management and / or additional mitigation is required.

#### Post construction monitoring

90. All post-construction monitoring of the ecological value of Speedy's Stream will include the following parameters:

- Physical habitat
- Deposited sediment
- Benthic contaminants
- Macroinvertebrate community (when triggered by contaminant(s))

The below monitoring programme will commence one year following completion of the first stage of the subdivision.

The above parameters will be monitored (following the methods outlined in Appendix 1 of the ESMS held on HCC file (doc/20/30450)) annually following the completion of Stage 1 of the subdivision until all stages of the subdivision are complete, and for five years following completion of the subdivision.

Following the completion of the five years of annual post-subdivision monitoring, the above monitoring shall be completed every three years for a minimum of three occasions, or until it is confirmed the stormwater run-off from the subdivision is not adversely affecting the ecological value of Speedy's Stream.



### Post construction monitoring triggers

91. If possible, a statistical assessment will be made following each survey comparing the results from the two impact sites (SS-02 and SS-03) against the control site (SS-01), and/or data be compared to the ANZEEC guidance threshold values.

- If the contaminant results indicate elevation to levels which may have adverse ecological effects (to the point of reducing values), then this will trigger macroinvertebrate sampling at the effect and control sites.
- These data will then be compared (to the baseline) to ascertain if there is a distinguishable difference.
- Where there is found to be a detectable adverse assemblage difference (to the baseline condition) the Team Leader Resource Consents, Hutt City Council, shall be notified within 10 working days of receiving all relevant results. Following consultation between the Team Leader Resource Consents, the Project Ecologist, the Project Stormwater Engineer, and the Consent Holder, a decision will be made as to what adaptive management and / or additional mitigation is required.

### Post construction monitoring reporting

92. A Stormwater Run-off Monitoring Report (SRMR) will be provided to the Team Leader Resource Consents Hutt City Council, no later than 20 working days following the receipt of all laboratory results. The SRMR shall include, but not be limited to:

- Details of the results of monitoring, including any notable changes in the catchment (not limited to the Kelson Heights subdivision) that has occurred since the last post-construction monitoring occasion
- The details of the Physical Habitat Assessment including descriptions of any notable changes at the monitoring locations
- Photos of each monitoring location
- Photos, where possible, of the notable changes in the catchment
- Any recommendations, which include, but are not limited to, any recommended adaptive management approaches if a potential adverse ecological effect is detected.

### Civil Construction

93. That the consent holder pays Council an engineering fee to meet the cost of work carried out by Council subdivision engineer in assessing, inspecting, testing and approving water, sewer and stormwater services, access or any other aspect of the proposal so assessed by the engineer or any representatives of the engineer (as distinct from work which must be monitored as a result of any building consent). That fee is [number] per cent of the consent holder's construction costs (including GST) and is calculated using a scale of engineering fees based on the number of new lots created. The minimum fee is \$150.00, irrespective of whether any construction work is necessary. Payment is necessary before or at the time of applying for a section 224(c) certificate. (Change % for stages)

### **Road and Traffic**

94. That the consent holders engages a suitably qualified traffic/roading engineer to prepare a detailed design report for the design of the roads taking into consideration the concept design stage audit titled 'Waipounamu Drive, Kelson Heights Subdivision Stages 1 to 4, Design Safety Audit' prepared by Wanty Transportation Consultancy dated 23 April 2019 which shall include, but is not, limited to, consideration of the following:

- Design philosophy statement
- The ability for Road 1 to achieve a target speed of 40km/hr and measures to achieve this, including traffic calming measures
- Consideration and protection of sight lines, both horizontal and vertical, including at intersections, driveways and at likely locations where pedestrians will cross the road
- Maximum ( 12.5%) and minimum (0.33%) road gradients
- Curve radii and superelevation
- carriageway widths, including vehicle swept paths on corners, on street parking and road markings
- Road signage and safety barriers

The above report shall include details on all the proposed road designs for stages 1 and 2, as well as consideration the entire length of Road 1 between Waipounamu Drive and Kaitangata Crescent to ensure the consistency of the design throughout the entire development, including targeted speeds, intersection designs, maximum and minimum gradients etc.

This report shall be submitted at the time of, or prior to, submitting the engineering plans for approval for stage 1. Where this report requires limitations on fence or vegetation heights to protect sight lines, then in accordance with section 221 of the Resource Management Act 1991, Council shall register a consent notice on the record of title of the relevant lots to maintain these.

**Please note:**

It is recommended that the applicant hold discussions with members of the Hutt City Council Road and Traffic division to discuss the proposed road design, traffic calming considerations and the location of services, including the future servicing of stage 6 in advance of preparing the construction drawings.

95. That the consent holder engages a suitably qualified traffic engineer with experience in road safety engineering to undertake an independent road safety audit of the proposed roads at detailed design stage prior to construction. The report shall be submitted with the engineering plans for approval and the cost of this report shall be met by the consent holder. Any recommendations of the road safety audit must be implemented by the consent holder prior to the roads being available for public use.

96. That the consent holder engages a suitably qualified traffic engineer with experience in road safety engineering to undertake an independent road safety audit at the pre-opening / post construction stage. This report shall be submitted to the team Leader Resource Consents prior to the road opening or prior to the application for a 224c Certificate, whichever comes first.

97. That the consent holder constructs the roads (including footpath, berm and standard concrete vehicle crossings where the position is known or obvious), along with necessary stormwater control, in accordance with Council's codes and standards.

98. That the consent holder constructs the private way, including a heavy-duty vehicle crossing and necessary stormwater control in accordance with Council's codes and standards.

Please note:

- If applicable, any exposed aggregate method is to be in accordance with the NZ Ready Mixed Concrete Association's Safe Environmental Guidelines - "On Site Management of Concrete Wash-water".

99. That the consent holder includes an isolation strip to prevent vehicle access from Road 1 to lots 75-79 inclusive.

### **Stormwater and Wastewater Reticulation**

100. That the consent holder designs and installs the reticulation as necessary and connects separate minimum 100mm NB sewer and stormwater service leads to the public mains (or to the road kerb or other approved disposal point in the case of stormwater) for each residential lot (and adjust existing services where necessary) in accordance with Council's codes and standards.

**Please note:**

- All stormwater, sewer and water 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. Copies of the latest version of these documents are available on the following website: <https://wellingtonwater.co.nz/contractors/technical-information>.
- In the case of a rear section, any new services are to be laid beyond a shared right-of-way section of the access leg and not just to the road boundary.
- Where applicable the runoff from hill sides /embankments shall be collected by the stormwater infrastructure within the individual lots rather than common shared drains/swales.
- Careful consideration will be required in respect to the future servicing of stage 6 of the development to minimise the potential for excavation in the new carriageway. This issue shall be addressed in the design and engineering information submitted for approval.
- Side entry chambers (or an approved alternative) shall be installed in advance of all sumps where the gradient on the carriageway exceeds 5% (to avoid water jumping the sumps) unless otherwise approved.
- All public stormwater mains shall be a minimum of 300mm diameter.

101. Prior to engineering acceptance, the designer of the stormwater reticulation network shall prepare plans and provide a report which identifies all secondary flow paths proposed to manage flows beyond the capacity of the stormwater reticulation network or in the event of

blockage. The report shall identify the depth, extent and duration of any ponding of stormwater on road reserves, recreation reserves or private property prior to, and during, the activation of secondary flow paths. The design report shall also specify the freeboard above the secondary flow depth to any adjacent building finished floor levels. In accordance with section 221 of the Resource Management Act 1991, Council shall register a consent notice on the record of title on all lots where secondary flow path is identified on the approved engineering plans to ensure it is protected. This shall include any details required to ensure the secondary flow path is maintained at all times, such as the use of permeable fencing or similar approved.

102. All secondary or emergency stormwater flow paths through private property required by condition (100) above must be protected by an easement in gross in favour of the Hutt City Council. In accordance with section 221 of the Resource Management Act 1991, Council shall also register a consent notice on the record of title on all lots where a secondary flow is required to prevent the alteration of the ground surface and prohibit the location of structures that might impede the flow of water across the land and any other specific requirements e.g.: the requirement for permeable fencing.

**Please note:**

- The preference is for secondary overland flow paths to be located in public land, such as parks and roads.
- The easement must cover the full extent of the secondary overland flow path and must not be less than 3 m wide.
- The proposed stormwater pipe through lot 79 and the sump capacity within Road 4 shall both be designed to cater a 1% annual exceedance probability given the nature of the secondary flow path through private property.

103. Prior to engineering acceptance, the designer of the stormwater reticulation, shall provide plans, calculations and a report on the proposed systems for the conveyance of stormwater from the outlets from the stormwater management and mitigation systems (stormwater treatment and attenuation devices) through to the existing southern tributary located on the at the western boundary of the development site. This shall include any required culvert, pipe, secondary flow path and open channel capacity calculations and erosion, scour, access for maintenance, landscaping and geotechnical considerations.

**Please note:**

- Any proposed open drain/watercourse shall be vested as local purpose reserve with the Hutt City Council and shall include a minimum of a 4.5m wide access strip for maintenance unless otherwise approved.

**Water Reticulation**

104. That the consent holder designs and installs water reticulation as necessary and supplies separate minimum 20mm NB connections for each residential lot 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).

**Please note:**

- The consent holder must apply for new water connections / reticulation at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are

processed by Wellington Water Ltd., which is a Council-controlled company in charge of Council water and drainage assets. Their contact person is Chandra Koswatte (ph. 04 912 4534). Wellington Water Ltd. may impose special requirements or conditions for new connections depending on, among other things, the existing reticulation system's condition and layout, flow rates, pressure zones and proposed future work. It is important the consent holder makes an application early in the design or construction phase. Council recommends that the consent holder makes this application before submitting engineering plans to Council subdivision engineer.

- In the case of a rear section, any new services are to be laid beyond a shared right-of-way section of the access leg and not just to the road boundary.

105. That, where found to be necessary (upon applying for a water connection or other such circumstances), the consent holder arranges for a suitably qualified engineer to prepare a report containing details of any limitations on providing water reticulation to meet the above codes. This will include investigation of the available water supply, including existing condition, pressure and flow tests, provision of calculations and analysis and recommendations. Any limits in regard to height or distance from the existing or proposed reticulation for any lot are to be indicated on the submitted engineering drawings. Where the engineer finds such limitations, Council will register a consent notice, in accordance with section 221 of the Resource Management Act 1991, on the record of titles of affected lots advising future owners of limitations on water supply or of special facilities needed to achieve the code standards or where conditions cannot be met.

106. That the consent holder submits a copy of the approved water connection application form (signed by Wellington Water Ltd.) for each stage of the development when applying for the section 224(c) certificate.

107. That the consent holder submits engineering plans and design calculations/information for construction work to Council subdivision engineer for engineering acceptance/approval. The required information shall include:

- The engineering plans
- Information on the materials to be used, including the size, type and class of pipes, as well as the proposed pipe gradients;
- Construction specifications
- A catchment study for both the stormwater and wastewater reticulation, including the impact on the existing stormwater and/or wastewater network capacity. Note: The capacity of the existing 150mm wastewater reticulation the vicinity of 39 to 59 Waipounamu Drive will need to be checked and upgraded as necessary prior to the all the stages of subdivision being completed.
- Identification and calculations for secondary flow paths
- Water reticulation calculations (including any pressure and flow monitoring requirements), and consideration of any PRV requirements, taking into consideration the report prepared by Three Water Ltd titled 'Drainage and Water Supply Infrastructure Concept Report' dated November 2018.



- The required design information and plans associated with the stormwater management and mitigation systems (stormwater treatment and attenuation) and the proposed infrastructure for the conveyance of stormwater from these devices to the southern tributary at the development boundary.
- Include a copy of the safety in design documentation generated in response to the legal requirements under the Health and Safety at Work Act (2015) section 39.
- Consideration of the future servicing of stage 6 to avoid excavation in the new carriageway.
- A staging report identifying the extent of the works to be undertaken under each stage of the construction works, including the works associated with the stormwater management and mitigation systems, and consideration of any requirement for turning head at the end of the roading network.
- Design certificates in accordance with Schedule 1A (Design Certificate – Land Development / Subdivision) of NZS4404:2010.

The consent holder shall employ suitably qualified and experienced engineers to undertake all design work and no construction shall commence on site prior to the engineering plans, designs and specifications in relation to water supply, stormwater or wastewater drainage, being accepted in writing by the Hutt City Council.

**Please note:**

- Scheme and other indicative layout plans and reports that were submitted as part of the application will be used by Council for information purposes only. These plans and reports will not be used for granting approval under the condition above. Approvals will only be given based on the detailed engineering plans and designs submitted for approval.
- Engineering approval of the proposed services and access up to the individual lot boundaries is completely separate from any approval given under building consent and must be requested prior to installation, irrespective of any building consent being issued.

108. That the consent holder appoints a representative 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; and that the consent holder submits the name, contact details and experience of the representative to Council subdivision engineer for approval before or at the time of submitting engineering plans. The consent holder must document the representative's experience in a resume and show the relevance of that experience to the works and services required under this consent. The certification must include confirmation that the materials, installation and testing meet Council's codes and standards and shall be submitted at the time of, or prior to, applying for a section 224 (c) certificate.

109. 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 14 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. Construction works shall be certified by the contractors in accordance with Schedule 1B of NZS4404:2010. These certifications shall be submitted at the time of, or prior to, applying for a section 224 (c) certificate.

110. That the consent holder provides underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
111. That the consent holder provides Council with written confirmation from Chorus (or the equivalent network supplier) and Wellington Electricity Lines Ltd that they are satisfied with the supply of their utilities to each lot.
112. That the consent holder provides Council with written confirmation from a surveyor or suitably qualified engineer that all existing services have been adjusted so they are contained within the lot (or are protected by an appropriate easement) and that the ends of all abandoned lines have been sealed in accordance with council requirements, or alternatively that the consent holder provides Council with written confirmation from a surveyor or suitably qualified engineer that no such adjustments and sealing are necessary.
113. That the consent holder provides appropriate easements for public and private services where necessary, with the easements shown as a memorandum of easement on the land transfer title plan. The consent holder must show easements for public services on a plan with a minimum three-metre width centred over the service, or twice the depth of the trench, whichever is greater; show Council as the grantee in gross; and engage a lawyer at the consent holder's expense to prepare easement documents. Please note that, in accordance with the Regional Standard for Water Services, the easement width shall be an increased where there is more than one service within that easement.
- Please note:
- Easements shall be provided over balance lots to gain access to the stormwater treatment and attenuation devices as necessary until such time as future roads or access provisions are completed.
- Pedestrian access and maintenance access for the stormwater treatment device (as necessary) is required over the private way serving lots 22 to 26.
114. That the consent holder provides appropriate easements of rights of way, shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.
115. That the consent holder vests the new the roads as agreed with Council.
116. That the consent holder vests the new reserves as agreed with Council.
117. That the consent holder supplies at least two preferred street name options (for each new street/ road and right of way serving 6 or more lots) to council's administration co-ordinator so they can be checked for appropriateness and approval.

**Please note:**

- At least two naming options per street should be provided to prevent delays if one suggested name is deemed unacceptable.
- Council has a list of acceptable street names for the consent holder to choose from if so desired.

- The process can take several months, so an early application is required. Failing to do so will delay the provision of lot addresses which could impact on effective lot marketing but most importantly on emergency responses (fire, ambulance, etc.) and mail deliveries.
- New public road names require public consultation with the community.
- Although there is an emphasis on the names proposed by the consent holder (as long as they met LINZ requirements) the final decision is up to the Community Committee/Board (unless the naming becomes controversial, requiring a full Council decision).
- Names with an important connection to the city, land or events are favoured.

118. That the consent holder makes a payment of \$250.00 (GST incl.) to Council, at time of application for the 224(c) certificate, to meet the cost of making and installing each street name sign.

119. That the consent holder: i) provides street lighting that meets Council's code and is not less than required by AS/NZS 1158:2005; ii) consults Council's Traffic Asset Manager for design approval; iii) provides a certificate of compliance, record of inspection **and as-built plan of street light positions and of the cabling** to Council's Traffic asset Manager and iv) forwards a copy of the same to Council's subdivision engineer before or when applying for a section 224(c) certificate. Council will then arrange for an audit and for Wellington Electricity Ltd to activate the lighting.

120. That, at the time of requesting a section 224(c) certificate, the consent holder provides a schedule of assets detailing each item to be transferred to Council ownership as part of the subdivision process; 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.

**Please note:**

- Within private rights of way and property the assets to vest in Council generally include:
  - o Street-lighting & cables (when required by Council).
  - o Sewer mains (of 150mm dia. and above) and manholes, **but not individual laterals**.
  - o Stormwater mains (of 300mm dia. and above) and manholes, **but not individual laterals, sumps and leads**.
  - o Watermains of 100mm dia. and above, including valves and hydrants and individual laterals up to and including the tobies off the main only, **but not ridermains or individual laterals off ridermains**.
- Within road reserve the assets to vest in Council generally include:
  - o All roads, footpaths, berms, vehicle crossings, street-lighting and cables, signage, sumps and leads.
  - o All sewer and stormwater mains and manholes, **but not individual laterals**.
  - o All watermains, ridermains valves and hydrants, **together with individual laterals up to and including the tobies**.

Council's current policy is not to take over ownership of 50mm NB rider mains on private property however this policy may change and may influence the above required assets to vest. Council will advise accordingly.

121. That the consent holder sets out the value of 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.
122. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of those lots as applicable to ensure future owners are aware that the properties share private sewer, stormwater or water pipes as necessary.
123. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title on those lots as applicable to ensure any dwellings built on these lots have foundations designed by a chartered professional structural engineer to comply with the requirements of the 'Regional Standard for Water Services' clause 4.4.14 - 'Pipes near Buildings'. The design and details of these foundations shall be submitted as part of any building consent applied for on these lots.
124. That the consent holder meets the cost of registering consent notices.
125. That the consent holder provides Council with as-built plans, certified by a surveyor or engineer, showing, where applicable, the levels, alignment and gradient of all the mains and road work, the location of all service connections and subsoils (and, if applicable, new work within private property) relative to the lot boundaries and any required construction details. As-built plans shall be provided in both PDF and Autocad format. All levels shall be in terms of the Wellington Mean Sea Level Vertical Datum 1953 and all co-ordinates shall be in terms of the New Zealand Geodetic 2000 Datum, Wellington Circuit.

### **Stage 1 and 2 Land Use Consent Conditions**

#### **1. General Accordance**

All proposed dwellings must be constructed and landscaped in accordance with the following plans:

Prime Designs drawing set titled 'Stage 1 Resource Consent' drawings 702 – 713 and 722 - 738, dated 10/12/2018.

Prime Designs drawing set titled 'Stage 2 Resource Consent' drawings 702 – 718 and 726 – 748 dated 11/12/2018.

Untitled Stage 1 Landscaping Plans by House of Orange, revision 3 Lots 2 – 9 dated December 2019.

Untitled Stage 1 Landscaping Plans by House of Orange, revision 2 Lots 10 – 39 dated February 2019

Untitled Stage 1 Landscaping Plans showing details of fencing contained in HCC file reference DOC/20/6090.

Untitled Stage 2 Landscaping Plans Lots 40 - 90 dated February 2019 contained in HCC file reference RM180513-22

2. The use of building or roofing materials that leach contaminants such as lead, copper and zinc are prohibited for all proposed houses under Condition 14. These include any bare galvanised, zincalume or unpainted metal which can corrode.
3. Individual Lot landscaping shown on the House of Orange landscaping plans must be completed within 6 months of each dwelling being constructed. Any plants that fail to establish within the first 12 months of planting must be replaced.
4. That the consent holder takes into account the geotechnical report prepared by Cook Costello Geotechnical Report for Earthworks Suitability of Lot 1 DP 9131364, 64 Waipounamu Drive, Kelson, dated 29 November 2017. This report forms the basis of the preliminary site investigations and design assumptions to be checked and confirmed during the construction works. The consent holder must follow the methodologies, requirements and recommendations contained within the report when undertaking all earthworks
5. That the consent holder takes into account the Engeo Report titled 'Design Report for Reinforced Soil Structures' and 'Construction Specifications for Reinforced Soil Structures' both dated 12 November 2019 and follows the methodologies, requirements and recommendations they contain when undertaking all earthworks.
6. That the consent holder takes into account the Engeo reports titled 'Bulk Earthworks Specification' dated 12 November 2019 and follows the methodologies, requirements and recommendations it contains when undertaking all earthworks.
7. All works on site shall be undertaken in accordance with the Earthworks Management Plan certified under condition 9 the subdivision consent decision.
8. That the consent holder engages a suitably experienced Contractor to construct the Reinforced Soil Structures. The suitability of the contractor shall be assessed and approved by the consent holder's geotechnical engineer monitoring the earthworks and evidence of this approval shall be provided to the Team Leader Resource Consents prior to commencing work on the reinforced soil structures.
9. The ground conditions at the foundation subgrade shall be assessed by a suitably qualified geotechnical engineer / engineering geologist at the time of excavation who will confirm that the required foundation criteria are met prior to construction of the reinforced soil structures (i.e. reinforced soil structures founded on Moderately Weathered Greywake bedrock and including comparison against the assumed subsoil class B as per NZS 1170.5:2005). Plate load or other suitable testing (Scala Penetrometer, Pilcon shear vane) shall be carried out at the base of embankments, to confirm the strength characteristics of the founding material, including those areas where engineered fill is required. Confirmation of the suitability of the ground conditions and testing carried out at the foundation subgrade at the location of all fill embankments and Reinforced Soil Structures shall be included in the required monthly and final geotechnical completion reports.



- *Reason for condition*

*The proposed foundation areas for many of the Reinforced Soil Structures are on steep ground that is covered in dense vegetation. Investigation of these areas was not carried out by the Applicant in the design stage, as it was impracticable and potentially unsafe. Therefore, in lieu of investigations targeted at the proposed foundations, the Applicant has set the foundation criteria as "Moderately weathered Greywacke" and has stipulated that excavation should continue until this requirement is met. Once encountered, this space will be backfilled with Geogrid stabilised foundations, with geogrid placed at 0.5m vertical centres.*

10. Groundwater conditions at the subgrade and within the embankments shall be confirmed during construction by a geotechnical engineer. If groundwater conditions are found to be different than the conditions assumed in the original design then additional drainage measures may need to be installed (e.g. additional subsoil drains, drainage blankets etc.). The geotechnical engineer shall report of the investigation findings and any additional drainage measures installed as part of the required monthly and final geotechnical completion reports.

Please note:

- All subsoil drains shall discharge via a manhole or sump before entering the drainage network or other suitable disposal location
  - All swales at the base of embankments adjoining proposed lots shall discharge through the individual lots.
11. A Settlement Monitoring Programme is required for all embankments in accordance with section 6.9 of the 'Construction Specifications for Reinforced Soil Structure Manapouri Grove, Kelson'. No services or permanent infrastructure shall be placed within the fill on site until the recorded settlement, over a three month period, indicates the fill settlement is within tolerable limits and this must be confirmed in writing by the Chartered Professional Engineer to the Team Leader Resource Consents.
  12. In addition to condition 11 the consent holder's contractor shall monitor the horizontal and vertical movement of the Reinforced Soil Structure by surveying method, using suitable measurement points on the facing element or on the surface of the retained soil. The monitoring data shall be provided to the Chartered Professional Engineer appointed under condition 6 on a weekly basis for a period of three months following construction of each geogrid batter slope.

*Reason for condition; This condition stems from page 11 of the 'Construction Specifications for Reinforced Soil Structure Manapouri Grove, Kelson'*

13. During excavation of all cut slopes, geological mapping of rock mass quality and defects shall be carried out by a suitably qualified engineering geologist. Specific hold points shall be included in the earthworks specification to allow for this geological mapping. The results of this mapping shall be included in the required monthly reports and final geotechnical completion reports.
14. During construction of the cut slopes the geotechnical engineer shall assess the possibility of defect-controlled slope failures, or other rock mass failures, for all loading cases and

recommend any required mitigation measures which shall be implemented by the consent holder. The details of the investigations and mitigation measures undertaken shall be included in the required geotechnical monthly and final and geotechnical completion reports.

15. Erosion protection along the face of the Reinforced Soil Structure embankments and cuts to achieve 100% coverage (unless otherwise approved) shall be in accordance with the approved Landscaping Plan. The consent holder shall maintain for a period of 5 years including monitoring after a larger rainfall event or moderate earthquake. At the end of the maintenance period the consent holder shall only be released from their maintenance responsibilities if 100% coverage has been achieved (unless otherwise approved). The appointed geotechnical engineer must approve the preparation of all RSS embankments and cut slopes prior to planting and this approval shall be confirmed in the required monthly and final geotechnical completion reports.
16. An operation and maintenance manual shall be prepared for the provision of erosion protection and regular monitoring of the Reinforced Soil Structures by the property owner. The property owner shall be responsible for the Reinforced Soil Structures after handover at the end of the required 5 year maintenance period by the consent holder and acceptance of handover to the property owners by the Council.
17. All retaining walls shall be designed by a Chartered Professional engineer, including the impact on the Reinforced Soil Structures as applicable. Subsoil drains shall be installed behind all retaining walls adjoining a residential lot unless otherwise approved.

Please note:

- Before building any retaining walls subject to traffic loadings or other surcharge or more than 1.5m high, the consent holder must obtain a building consent. The consent holder must submit a building consent application, followed by a producer statement upon completion of the walls.
18. Monthly Geotechnical Reporting - Earthworks construction monitoring shall be undertaken in accordance with IPENZ Level CM4. Construction monitoring monthly reports to include, but is not limited to:
    - Dates of inspections
    - Description and location of construction work being undertaken on site, including volumes and areas
    - Comparison against design assumptions and where further investigation, mitigation or stability measures are required.
    - Assessment of construction, testing undertaken and compliance to required specifications, including identifying and certifying those areas (including the lots) where the installation of services or other permanent infrastructure is proposed.
    - Non complying work and remedial actions
    - Details of instructions to the contractor
    - Erosion and sediment control measures

- Any accidents or incidents

The monthly reporting shall continue until the receipt and approval of the final earthworks completion report for each subdivision stage by the Team Leader Resource Consents.

19. In addition to condition 18 separate geotechnical reporting will be required during the excavation and inspection / testing of the subgrade of each Reinforced Soil Structure (RSS) proposed at the site. This report should confirm the criteria set in the design for ground and groundwater conditions at the foundation of the RSS, or otherwise outline any changes in the design justified by appropriate geotechnical testing and analyses. These reports should be provided to the Council upon completion of the excavation of subgrade of each RSS, or as otherwise approved by the Council, and before construction of the body of the RSS commences.
20. That upon completion of the earthworks the earthworks contractor provides a completion certificate in accordance with Schedule 1 B of NZS 4404:2010.
21. Final Geotechnical Completion Report - That, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a geotechnical completion report from a qualified geotechnical engineer in accordance with Clause 2.6.1 of NZS 4404:2010. 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 NZS 4404:2010.

*Please Note:*

- *The geotechnical completion report shall identify those areas that provide good ground as defined in NZS 3604 and those areas requiring specific design for stability and foundation design*
- *Where the consent holder intends to install services or other permanent infrastructure in advance of providing the final completion report then the relevant information shall be included in the required monthly reports and approved by the Team Leader Resource Consents prior to any construction works proceeding.*
- *The interference of the dwelling foundations, retaining wall foundations and services with the top geogrid layers of the RSS structures shall be specifically addressed for all lots*
- *Where the minimum setback requirements under NZS 3604 are not met, specific engineering design of foundations shall prove that it is appropriate to build close to the top of the slope.*
- *Foundation design shall take into consideration the displacement estimated in the reinforced soil slopes during earthquake events.*
- *Bearing capacity calculations and any specific foundation requirements for the retaining walls or dwellings have not been provided as part of the consent application documents. Specific engineering design for walls higher than 1.5 m and for the foundations of the dwellings will be required in the detailed design of structures stage.*

22. That the consent holder provides earthworks as-built plans which shall include, but is not limited to:
- Compliance with NZS 4404:2010
  - Final contour maps
  - Location and heights of Reinforced Soil Structures
  - Cross sections through Reinforced Soil Structures detailing the types and position of the primary and secondary geogrid layers
  - The location and type of geogrid in other areas of reinforced earthworks
  - Face protection such as biocoir or biowool on embankments
  - The position of all subsoil and swale drains
  - Identifying the locations that the design of cut slopes has changed (i.e. change of slope angles) or stabilisation measures have been implemented
  - Location of any required catch fences
23. The consent holder shall ensure any areas of exposed soil resulting from the earthworks, trenching or vegetation clearance shall be re-grassed/hydro-seeded/planted or otherwise stabilised (for future building platforms) at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the bulk earthworks (except where the earthworks expose rock).
24. That the consent holder provides such facilities on site to ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or natural drainage system in the process. (The term “road” includes footpaths, vehicle crossings and berms.)
25. If Taonga (treasure or prized possessions, including a natural resource, having tangible or intangible value and being irreplaceable in a spiritual sense) is discovered in any area or if any skeletal remains or similar material are uncovered, the applicant or the applicant's representative are to contact Ngati Toa Rangatira (through Te Runanga o Te Rangatira Incorporated), Port Nicholson Block Trust Heritage New Zealand and Hutt City Council. All work in that area is to cease until a site inspection is carried out by Ngati Toa and Port Nicholson Block Trust representatives and Council staff and approval to continue is given by the Team Leader, Resource Consents.
26. All works on site shall be undertaken in accordance with the Dust Management Plan certified under condition 35 of the subdivision application decision.
27. All works on site shall be undertaken in accordance with the Construction Management certified under condition 32 of the subdivision application decision.
28. All works on site shall be undertaken in accordance with the Construction Traffic Management and Site Logistics Plan certified under condition 36 of the subdivision application decision.

29. All works on site shall be undertaken in accordance with the LMP certified under condition 42 of the subdivision application decision.
30. The Landscape Management Plan, approved under Condition 41 of the subdivision application decision, must be completed by the consent holder within 3 months of construction of each batter slope. The plantings must be monitored for 18 months from the time of planting to allow for plant establishment to the satisfaction of the 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. All plantings must continue to be maintained by the consent holder thereafter.
31. All works on site shall be undertaken in accordance with the CNMP certified under condition 46 of the subdivision application decision.

32. Hours of work

The working hours for the carrying out of construction works on the site and transport of material from (or to) the site as enabled under RM180513, are restricted to:

- (a) Monday to Saturday 7:30am to 6pm.
- (b) Quiet setting up of site (not including running of plant or machinery) may start at 6:30am.
- (c) No work is to be carried out on Sundays or public holidays.

Processing Planner:



Dan Kellow  
Resource Consent Planner (contractor)



Stephen Dennis  
Principal Resource Consents Planner

Application Lodged: 20 December 2018

Application amended: May 2019 stormwater system, 7 September 2019 removal of stage 6, June 2020 stormwater system.

Further information sought (s91(1): 28 December 2018

Further information sought (s91(2): January 2019

Further information supplied: multiple responses

Decision: 23 June 2020

## 7. NOTES:

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- The subdivision resource consent may be subject to payment of a development contribution fee. Payment of this fee is required before receiving section 224(c) certification.
- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consents. The consent holder must submit reasons in writing to the council within 15 working days of the date of this decision.
- The consents lapse, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 23 June 2025.
- The consents apply to the application as approved by the council. The consent holder should notify the council if there are changes to any part of the plans. The 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 the council before starting any site works. See [www.huttcity.govt.nz](http://www.huttcity.govt.nz) for a full list of bylaws.
- 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.
- 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 consents are not a licence to create adverse effects such as unwarranted dust, noise, disruption and so on. It does not change the legal duty to avoid, remedy or minimise such effects. The 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 the 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](http://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:  
<http://portal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=3702089>

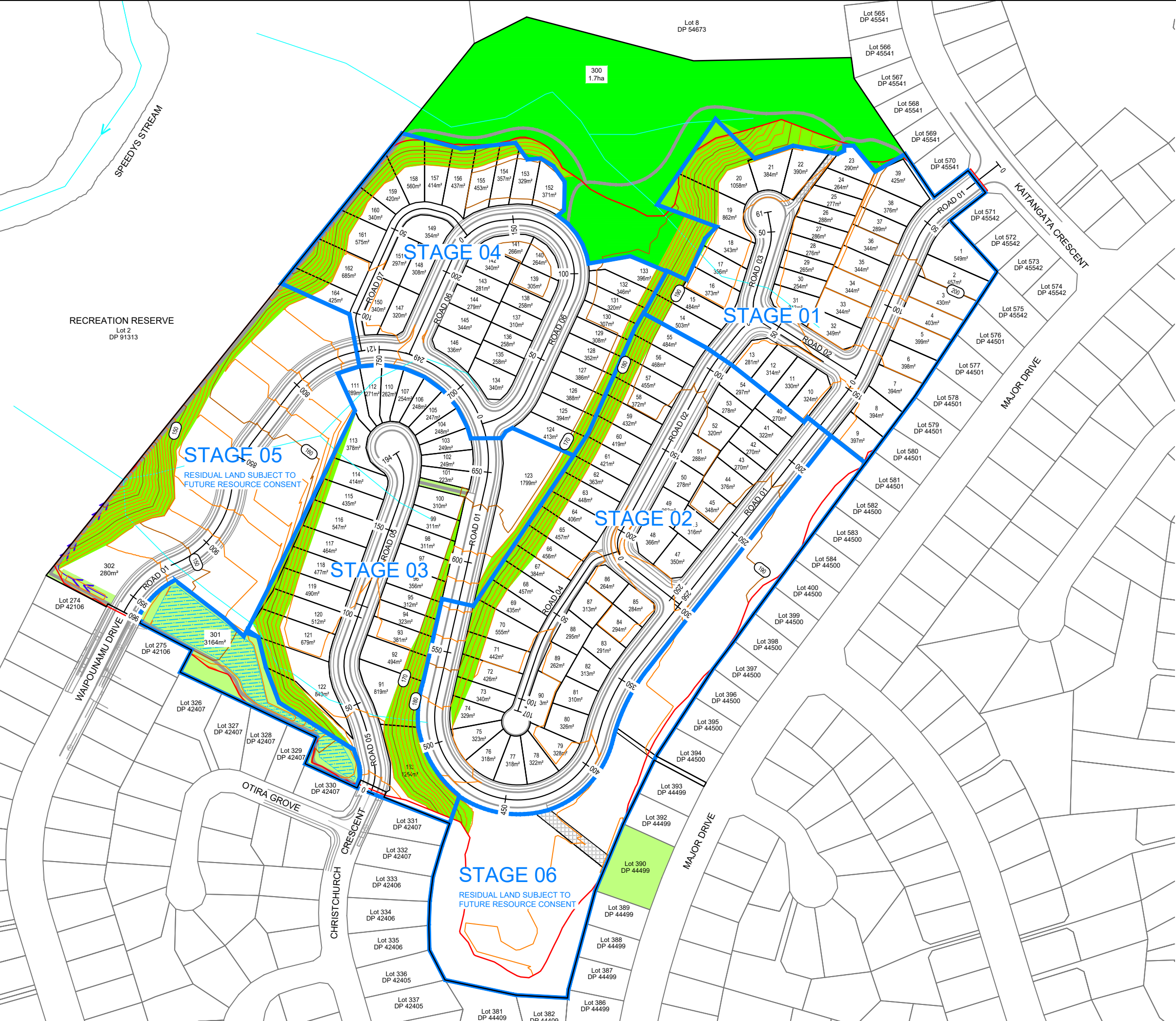


CONCEPT CIVIL DESIGN  
GENESIS RESIDENTIAL LTD  
64 WAIPOUNAMU DRIVE

PROJECT REF:14-016

SCHEDULE OF DRAWINGS		
SHEET #	TITLE	REV
0	COVER SHEET	A
1	PROPOSED SCHEME PLAN	A
2	EARTHWORKS PLAN	A
3	EARTHWORKS VOLUME	A
4	EARTHWORKS SECTIONS	A
5	ROAD LONGSECTIONS	A
6	TYPICAL ROAD CROSS SECTIONS	A
7	STORM WATER LAYOUT	A
8	SEWER LAYOUT	A
9	WATER LAYOUT	A
10	LOCATION OF GEOGRID WALLS	A

A	1ST ISSUE		
REV.	REVISION	DETAILS	DRAWN APP.
<div>macroventures</div>			
+64224875171   trishn@macroventures.co.nz   www.macroventures.co.nz			
PROJECT DETAILS			
GENESIS RESIDENTIAL LTD DEVELOPMENT OF 64 WAIPOUNAMU DRIVE			
TITLE PROPOSED SCHEME PLAN			
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DATE CREATED 1/12/2018		REF NO 14-016	
DRAWN TSN	DESIGNED ----	APPROVED ----	
SCALE 1:2000 @ A3		STATUS FOR CONSENT	
DWG NUMBER COVER		REVISION A	



KEY:

- REVEGATED BATTER
- GENERAL RECREATION ACTIVITY AREA
- PARK (OPEN SPACE)
- SHARED USE ACCESSWAY
- OVERLAND FLOWPATH
- LINKING PATH
- STAGE BOUNDARY
- EXTENT OF EARTHWORKS
- EXTEND OF STAGE 1 EARTHWORKS
- EXISTING CONTOURS
- PROPOSED CONTOURS

A	1ST ISSUE	
REV.	REVISION DETAILS	DRAWN APP.

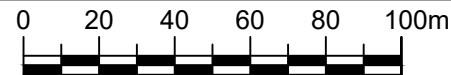
macroVentures

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PROJECT DETAILS

GENESIS RESIDENTIAL LTD  
DEVELOPMENT OF  
64 WAIPOUNAMU DRIVE

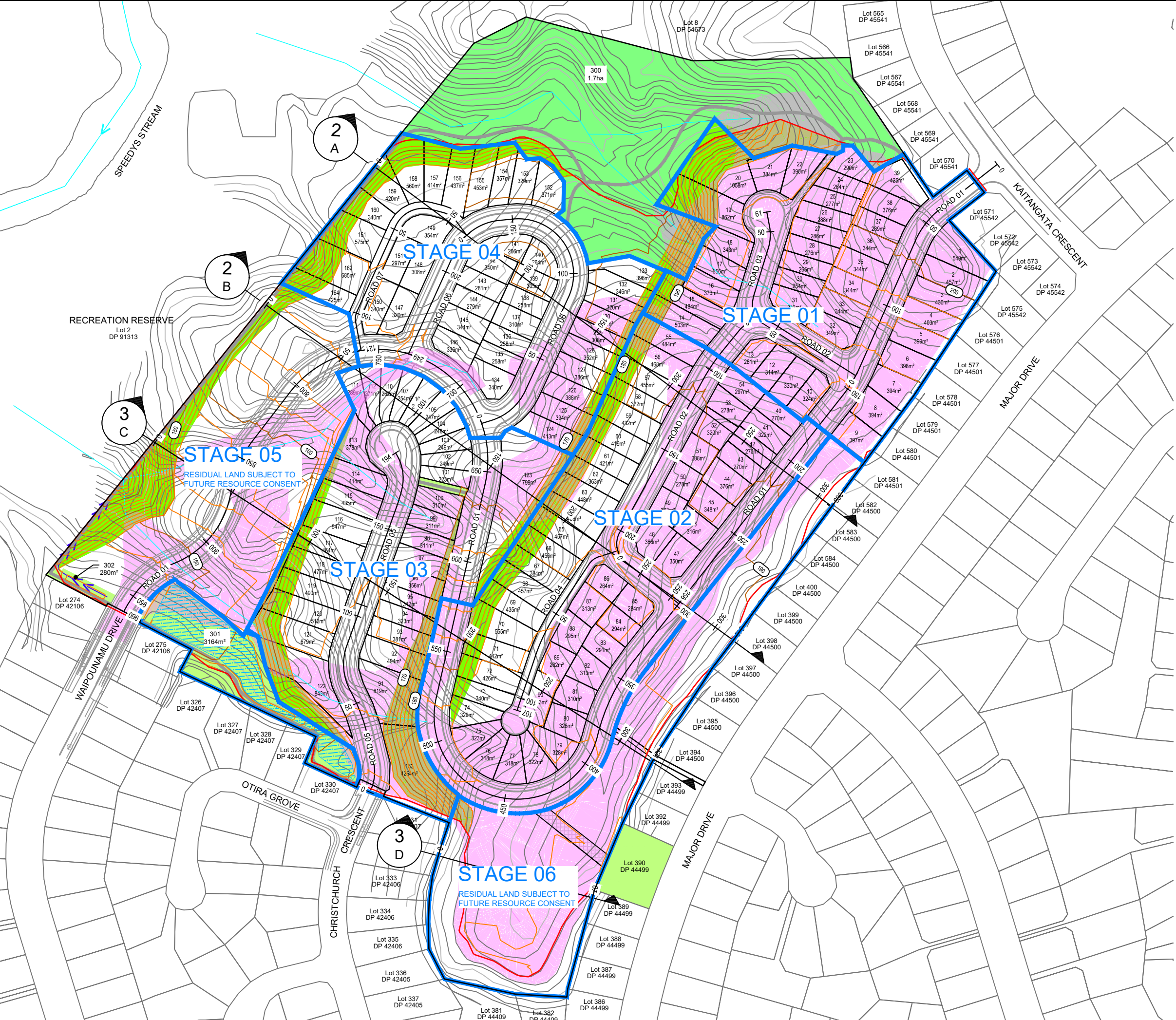
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SCHEME PLAN



SCALE 1:2000 AT ORIGINAL SIZE

DATE CREATED 1/12/2018	REF NO 14-016
DRAWN TSN	DESIGNED ----
SCALE 1:2000 @ A3	STATUS FOR CONSENT
DWG NUMBER 01	REVISION A





KEY:

- REVEGATED BATTER
- GENERAL RECREATION ACTIVITY AREA
- PARK (OPEN SPACE)
- SHARED USE ACCESSWAY
- OVERLAND FLOWPATH
- LINKING PATH
- STAGE BOUNDARY
- EXTENT OF EARTHWORKS
- EXTEND OF STAGE 1 EARTHWORKS
- EXISTING CONTOURS
- PROPOSED CONTOURS

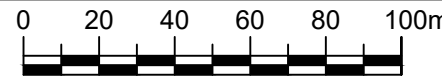
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PROJECT DETAILS

GENESIS RESIDENTIAL LTD  
DEVELOPMENT OF  
64 WAIPOUNAMU DRIVE

TITLE  
EARTHWORKS PLAN

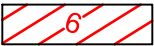


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DRAWN TSN	DESIGNED ----
SCALE 1:2000 @ A3	STATUS FOR CONSENT
DWG NUMBER 02	REVISION A



KEY:



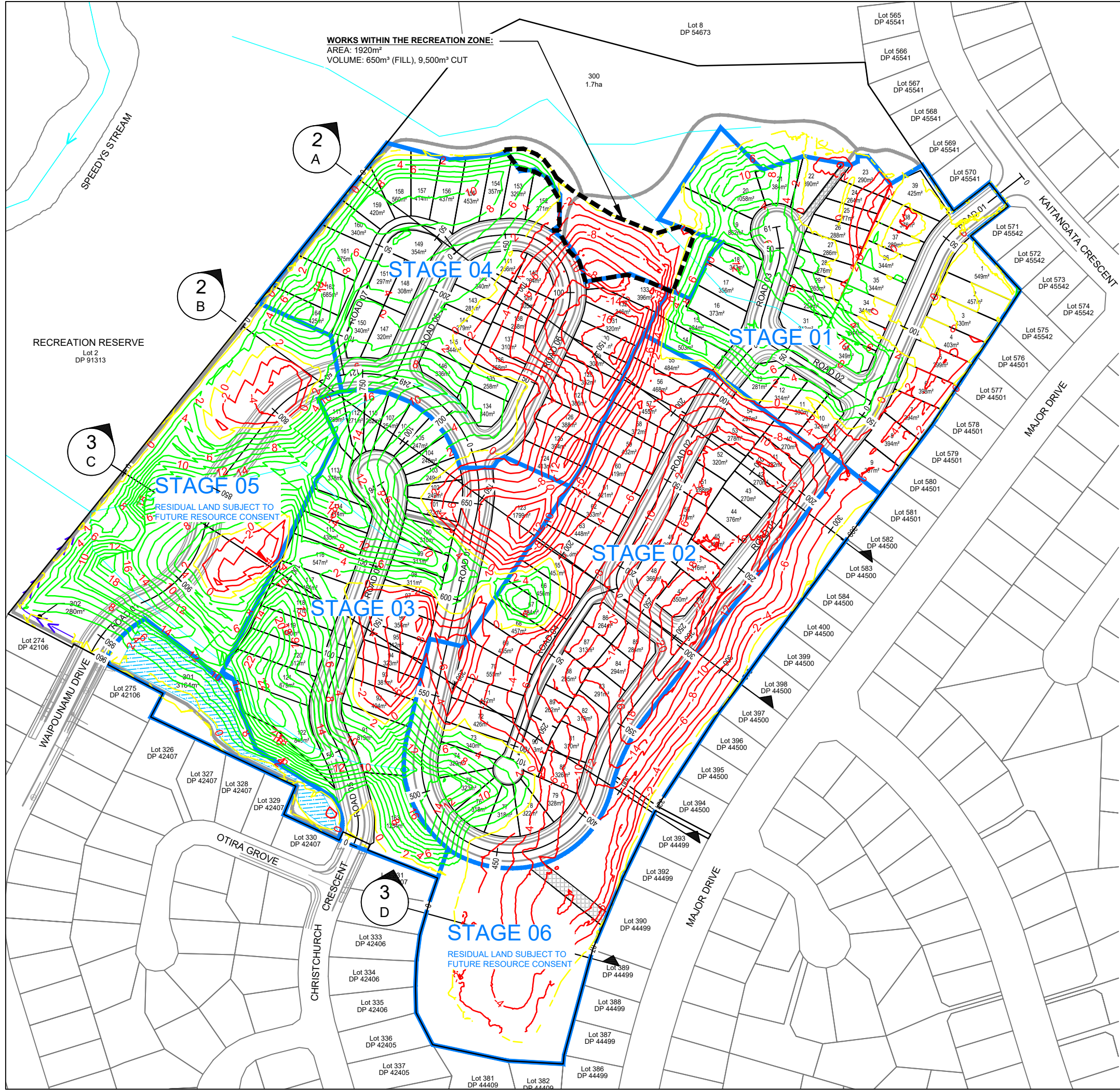
CUT CONTOUR



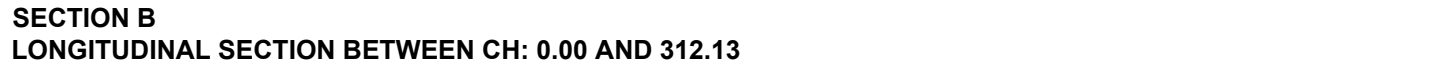
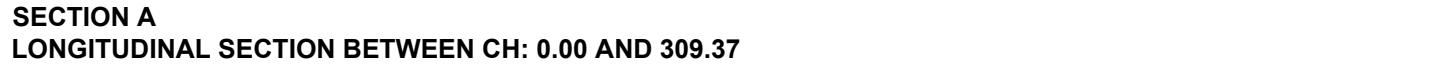
FILL CONTOUR

QUANTITIES:  
TOTAL BULK EARTHWORKS CUT TO FILL = 417,000m³

TOTAL SITE AREA TO BE DISTURBED AND VEGETATION REMOVED = 12.39 HA  
STAGE 1 APPROVED AS PART OF STAGE 1 CONSENT IS = 7.19 HA  
STAGE 2 TOTAL AREA AND VEGETATION REMOVABLE REQUIRED = 5.20 HA

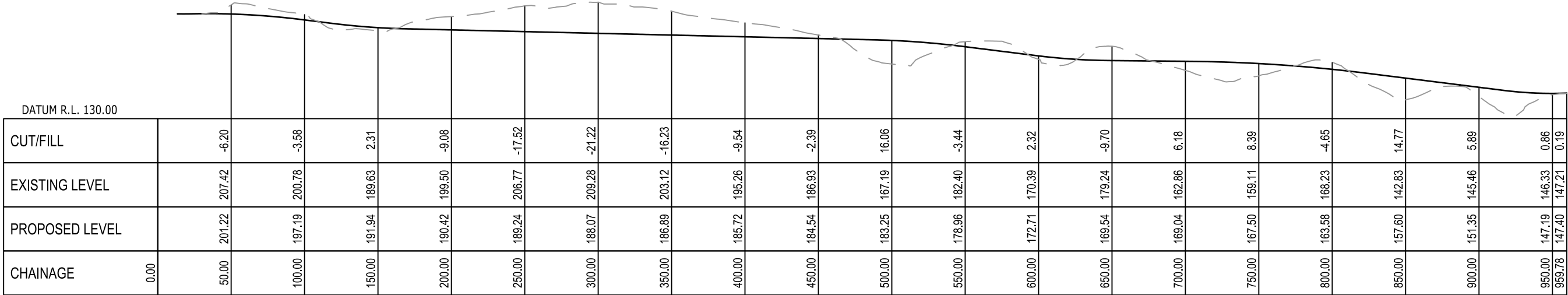


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GENESIS RESIDENTIAL LTD DEVELOPMENT OF 64 WAIPOUNAMU DRIVE			
TITLE			
EARTHWORKS VOLUME			
<div>020406080100m</div>			
SCALE 1:2000 AT ORIGINAL SIZE			
DATE CREATED		REF NO	
1/12/2018		14-016	
DRAWN		DESIGNED	APPROVED
TSN		----	----
SCALE		STATUS	
1:2000 @ A3		FOR CONSENT	
DWG NUMBER			REVISION
03			A

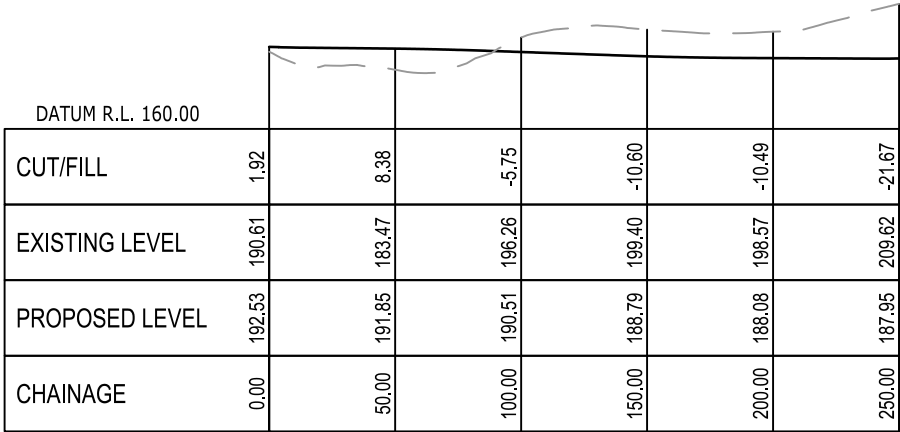


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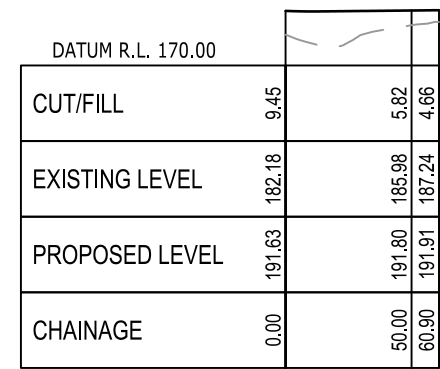




ROAD 01  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 959.78

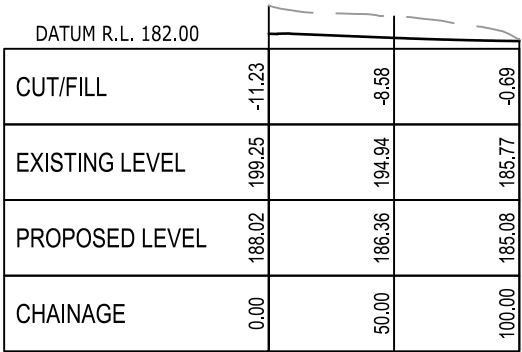


ROAD 02  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 250.00

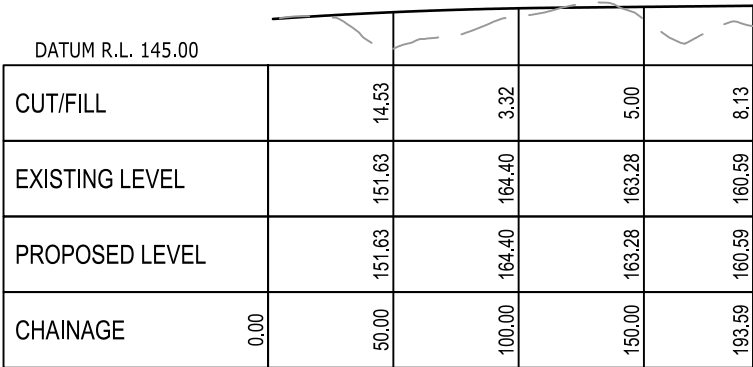


ROAD 03  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 60.90

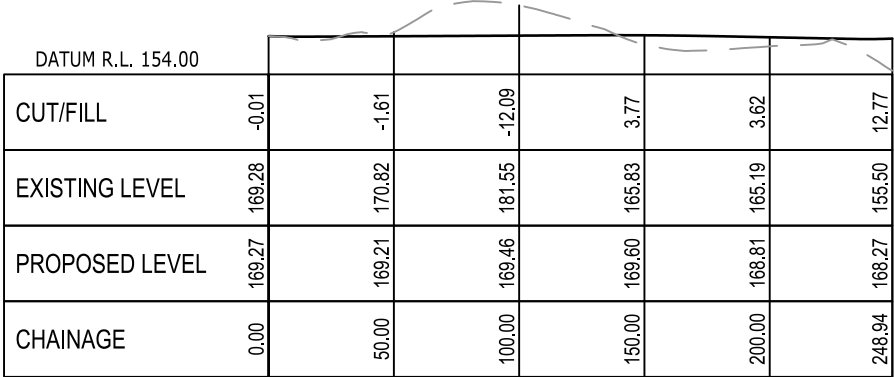
KEY  
--- EXISTING GROUND LEVEL  
—— PROPOSED GROUND LEVEL



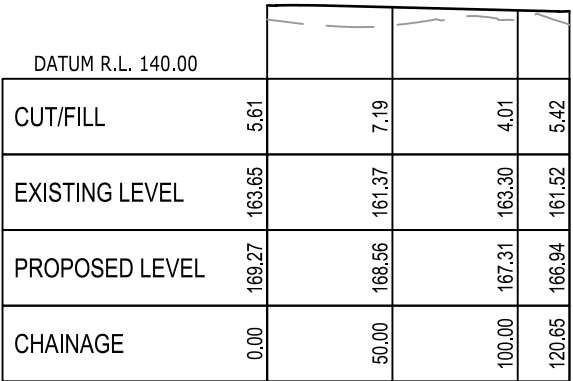
ROAD 04  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 100.00



ROAD 05  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 193.59

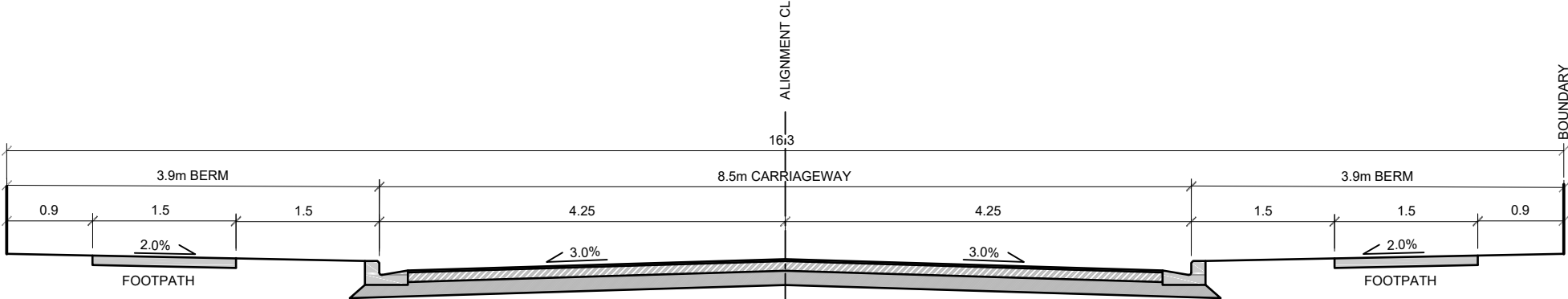


ROAD 06  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 248.94

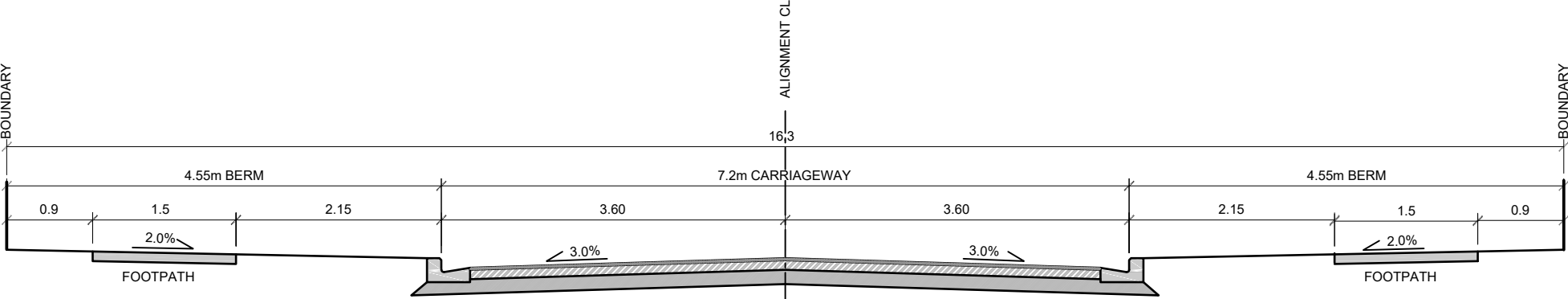


ROAD 07  
LONGITUDINAL SECTION BETWEEN CH: 0.00 AND 120.65

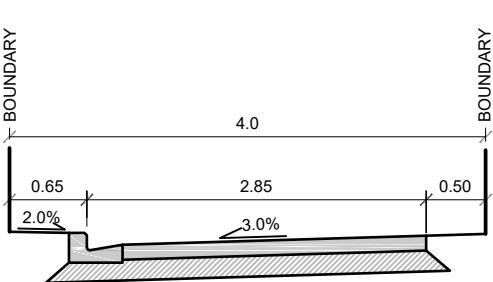
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GENESIS RESIDENTIAL LTD DEVELOPMENT OF 64 WAIPOUNAMU DRIVE		
TITLE ROAD LONG SECTIONS		
SCALE 1:2500 AT ORIGINAL SIZE		
DATE CREATED 1/12/2018		REF NO 14-016
DRAWN TSN	DESIGNED ----	APPROVED ----
SCALE 1:2000 @ A3		STATUS FOR CONSENT
DWG NUMBER 05		REVISION A



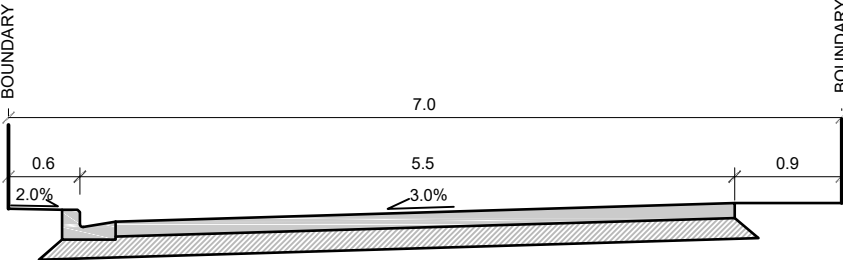
TYPICAL SECTION FOR ROAD 01.  
SCALE 1:50



TYPICAL SECTION ROAD 02, ROAD 03, ROAD 05 & ROAD 06  
SCALE 1:50

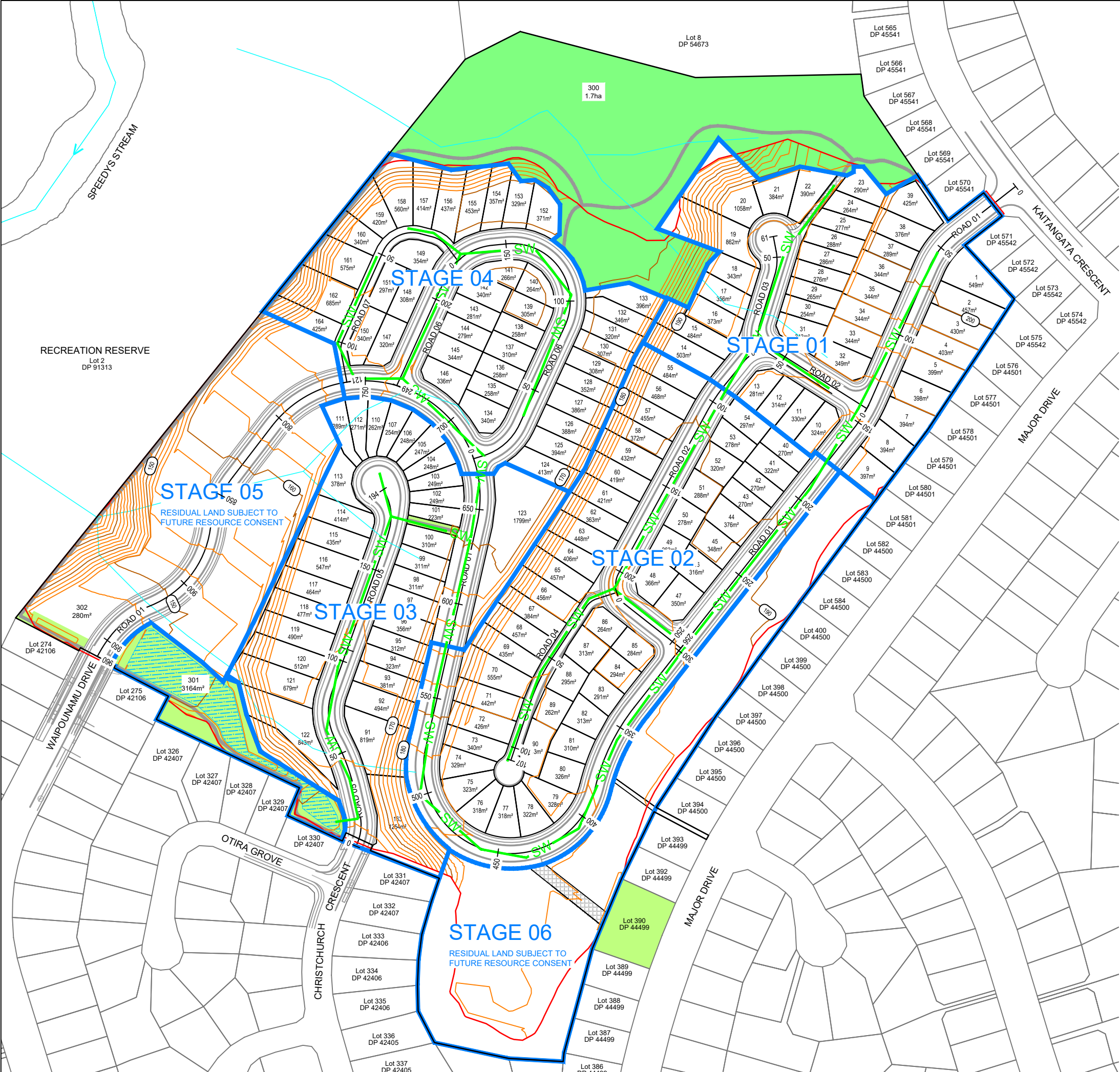


RIGHT OF WAY FOR LOTS 23, 24 & 25  
SCALE 1:50



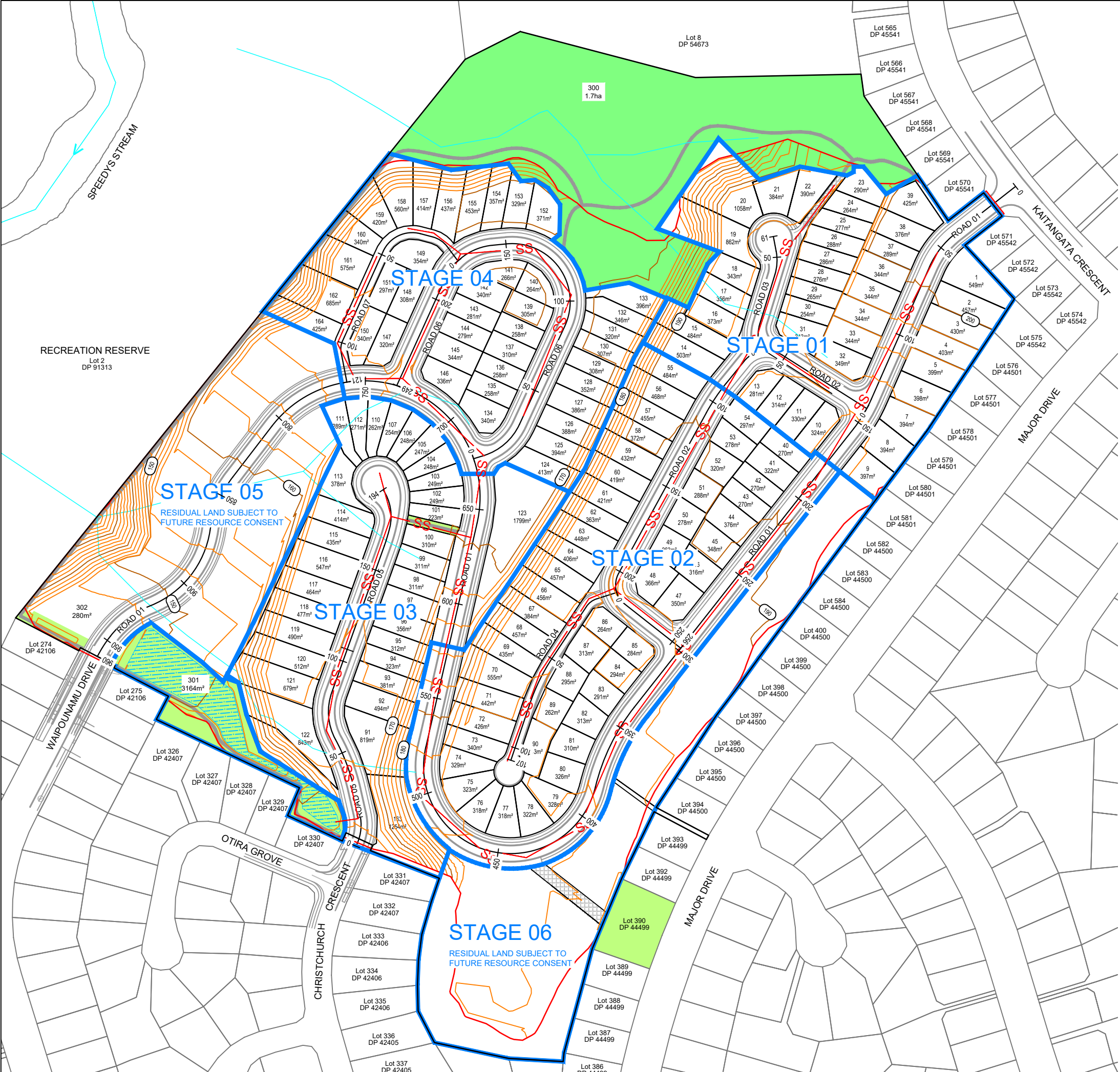
TYPICAL SECTION FOR ROAD 04 & ROAD 07  
SCALE 1:50

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GENESIS RESIDENTIAL LTD DEVELOPMENT OF 64 WAIPOUNAMU DRIVE			
TITLE			
TYPICAL ROAD CROSS SECTIONS			
<div>00.51.01.52.02.5</div> <div>SCALE 1:50 AT ORIGINAL SIZE</div>			
DATE CREATED 1/12/2018		REF NO 14-016	
DRAWN TSN	DESIGNED ----	APPROVED ----	
SCALE 1:2000 @ A3		STATUS FOR CONSENT	
DWG NUMBER 06		REVISION A	



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GENESIS RESIDENTIAL LTD DEVELOPMENT OF 64 WAIPOUNAMU DRIVE		
TITLE		
STORMWATER LAYOUT		
<div>020406080100m</div>		
SCALE 1:2000 AT ORIGINAL SIZE		
DATE CREATED	REF NO	
1/12/2018	14-016	
DRAWN	DESIGNED	APPROVED
TSN	----	----
SCALE	STATUS	
1:2000 @ A3	FOR CONSENT	
DWG NUMBER	REVISION	
07	A	





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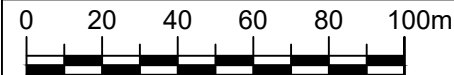
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PROJECT DETAILS

GENESIS RESIDENTIAL LTD  
DEVELOPMENT OF  
64 WAIPOUNAMU DRIVE

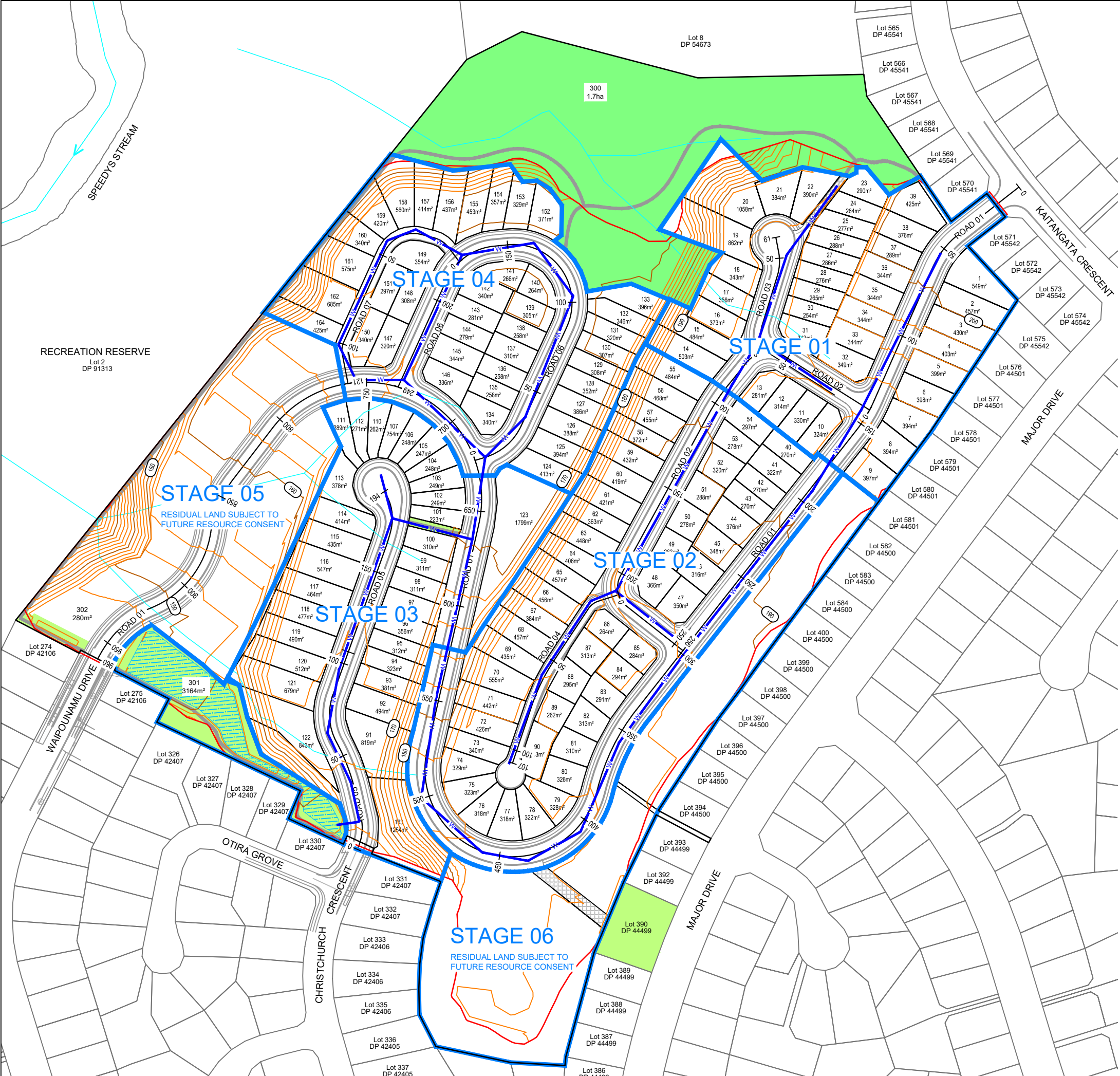
TITLE  
SEWER LAYOUT



SCALE 1:2000 AT ORIGINAL SIZE

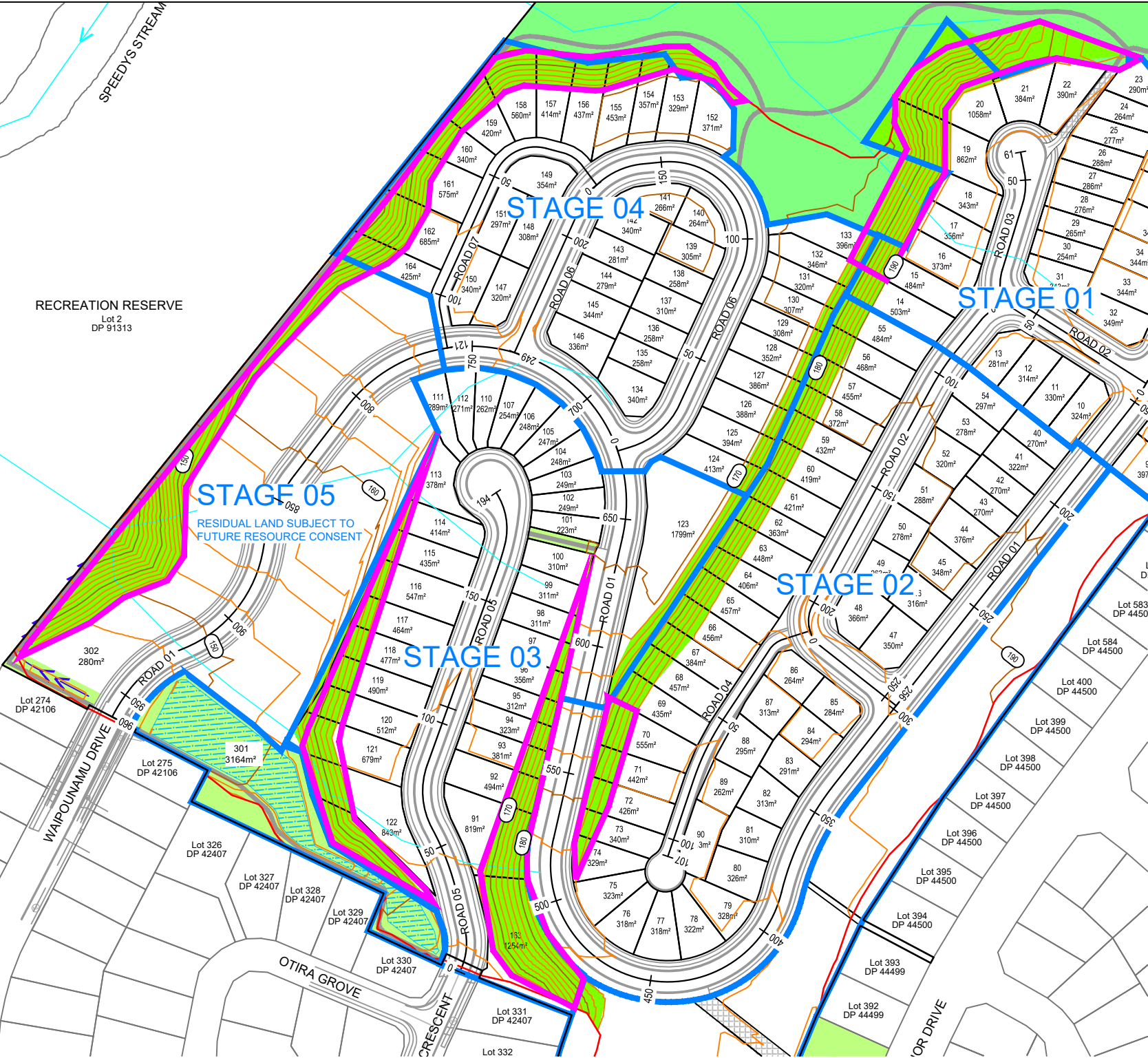
DATE CREATED 1/12/2018		REF NO 14-016	
DRAWN TSN	DESIGNED ----	APPROVED ----	
SCALE 1:2000 @ A3		STATUS FOR CONSENT	
DWG NUMBER 08		REVISION A	





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KEY:

INDICATIVE LOCATION OF GEOGRID WALL IN FILL BATTER. REFER TO GEOTECHNICAL REPORT

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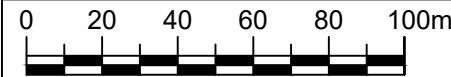
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PROJECT DETAILS

GENESIS RESIDENTIAL LTD  
DEVELOPMENT OF  
64 WAIPOUNAMU DRIVE

TITLE

WATER LAYOUT



SCALE 1:2000 AT ORIGINAL SIZE

DATE CREATED 1/12/2018		REF NO 14-016	
DRAWN TSN	DESIGNED ----	APPROVED ----	
SCALE 1:2000 @ A3		STATUS FOR CONSENT	
DWG NUMBER 10		REVISION A	