S19-0774-SUB H4

06 August 2026

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Resource Consents Team
Environmental Consents Division
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Dear Commissioners,

Information Requested for Hearing 4 - Kelson Heights -S190774

We refer to Minute 10 – Proposed District Plan – Hearing Stream 4 – Additional Information dated 30 July 2026, requesting additional information in respect to the submission and hearing on the proposed district plan.

We provide the requested information herewith and discuss the additional information in the same order as per to the Minute as follows:

27. *Can we please have clearer mapping of the submitters request. This should include the most up to date lot boundaries and the submitters preferred zoning apportionment between Medium Density Residential Zone and the Natural Open Space Zone.*

    Please see attached plan S19-0774-H4-Z1. This plan shows the current allotments boundaries that have been created (in green) which is Stage 1 and 2A, B, the approved resource consent allotments (in blue) which is Stage 2D and currently lodged for consent allotments (in grey) in Stage 4. The approved earthwork contours from RM180513 are shown also shown.

    However, it is noted that the boundaries of Stage 4 are still subject to change as the earthworks have been redesigned to achieve a better cut to fill balance and avoid wetlands in the area. This includes a layout for Stage 4 which will fit on the earthworks as sought under RM260025, however it is noted that the final boundary layout has not been lodged for a resource consent. Therefore, we have attached a second plan, S19-0774-H4-Z2.

    These two plans and change of scheme highlights the current challenge with Stage 4 and why the submitter requires that the NOS is zoned MDRZ until the legal boundaries are finalised. However, if the Council / Commissioners are not willing to rezone the whole reserve allotment, the submitter would accept a 10m 'buffer' strip of MDRZ around proposed Stage 4. This will ensure that the final legal allotments will be appropriately zoned. This will also allow the majority of the allotment that will be vested as reserve will remain as NOZ which is the most appropriate zone for the area.

    We would reiterate that the final development would also likely that in a future plan change as other allotments within the subdivision are to be vested as reserve and have not been identified as a reserve area within this plan change. However, of note, Lot 302 should be rezoned as MDRZ.

Spencer Holmes Ltd
Directors: Mark Cooney, Jon Devine, Ian Leary, Shayne McKenna, Hayden Milburn
Technical Director: John McNaughton, David Gibson
Associates: Simon Conway, Cameron de Leijer, Thomas Smith, Rowan Tailby
Consultant: Hudson Moody

28. *Please provide correspondence with the Council in regard to the Parks and Reserves Departments preference for land to be held as reserve.*

The land to be held as a reserve is determined by the consent RM180513. This is seen on page 33 of the consent, with the extract provided below.

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^2 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.

Figure 1: RM180513 GRZ effects.

Whilst the consent has now lapsed, we understand that there is no change in Councils desire to have this land vested as reserve.

The creation of Lot 302 and removing this area from being vested in Council as reserve was a result of the change of conditions to RM180513, under RM240100 which was approved on 24/07/2025. This is seen on page 33 and 34 of the change of conditions with the extract below.

Lot 302

The creation of Lot 302 has been proposed after HCC's Parks and Reserves staff confirmed they did not wish to have this area of land vested with HCC due to the steepness of the site. The applicant has raised the possibility of using Lot 302 for residential purposes despite it being zoned General Recreation Activity Area. The further information request dated 18 June 2024 stated:

> *"Proposed Lot 302 is a small Lot that you are requesting to not be vested as reserve. The Lot is zoned General Recreation Activity Area and as such there are restrictions as to what can be undertaken on this site and your application notes that "…it is likely that a resource consent will be required due to the design of houses as the permitted activity conditions are quire restrictive … ". I can confirm that any residential use or residential building will require resource consent on land zoned General Recreation Activity Area.*
>
> *While it may be the intention of the consent holder to construct a dwelling on this land there is no certainty that approval will be granted given the zoning. In other words, even if Lot 302 is allowed to be created via this s127 approval this should not be taken as any form of indication that residential use of the site will be permitted. "*

The RFI response dated 1.11.2024 stated "*We accept that it is not guaranteed that residential dwellings are granted.*"

I consider that the potential for adverse effects to occur due to creating Lot 302 are avoided given that there is no residential activity on this allotment proposed as part of this application, hence it is not within scope for consideration. Any future proposal to undertake residential activity on Lot 302 would be subject to a consent requirement due to the recreation zoning, and the effects would be considered as part of any future resource consent proposal and assessment.

Figure 2: Extract from RM240100

We note that RM180513, and thus RM240100 has expired, however a separate resource consent under RM250229 was sought and approved, on the 20/11/2025, on the basis that these discussions had already been confirmed recently by the Parks and Reserves Team.

We have attached all three consents of note which should satisfy the request for the communication with the HCC Parks and Reserves Team preference for land.

29. *Please provide a copy of the current resource consent application and outline from the submitters perspective as to what the remaining issues and time frame for resolution are.*

There are a number of resource consent applications that are currently being sought at Kelson Heights. A significant portion of these area 'oh hold' due to the requirement of the earthworks needing to be approved. RM180513, and RM240100 had authorised the earthworks for the whole site, however as noted it has lapsed. As such a number of resource consent applications remain 'on hold' until the earthworks for the site have been reconsented. The consent also authorises the construction to the stormwater management system. This is currently being sought under RM260025 which is currently on hold under S92 of the RMA.

The outstanding s92 matters are in relation to:

- Stormwater Treatment Raingarden Location and Design
- Confirmation that the proposed earthworks will not affect any existing geogrid within Lot 66 and Lot 102.

However, during this process, HCC has informed that there are potentially affected neighbours, which we are currently in the process of obtaining written approval from. Thus this is the current item on the critical path.

Once the earthworks consent has been obtained the remainder of the subdivision consents will be taken off hold and processed concurrently.

The following consents are currently lodged with Council:

- **RM260025** – Earthworks Consent and Stage 2E Stormwater Pond – Currently on hold S92.
- **RM180520 –** Stage 3 and 4 Subdivision Consent – on hold until RM260025 is approved.
- **RM240184 –** Stage 5 Subdivision Consent - on hold until RM260025 is approved.
- **RM240247 –** Super Lot 90 and 121 on Stage 3 subdivision consent - on hold until RM260025 is approved.
- **RM 240212 –** Super Lot 150 in Stage 4 subdivision consent - on hold until RM260025 is approved.
- **RM 240213 –** Super Lot 121 in Stage 3 subdivision consent - on hold until RM260025 is approved.

We trust this additional information is satisfactory and addresses the information requested by the Commissioners.

If you have any questions regarding this information please contact me to discuss on 472 2261.

Yours faithfully
Spencer Holmes Limited

Cameron de Leijer

cpd@spencerholmes.co.nz

NO	REVISION	BY	DATE
A	FIRST ISSUE		

ALLOTMENT TO BE VESTED
AS RESERVE IN STAGE 4

STAGE 2D

300 3,786m²
TO BE VESTED
IN HCC
AS RESERVE

302
694m²

KAITANGATA CRES

10m

10m

STAGE 4

STAGE 1
(COMPLETED)

TAKAPO GR

WAIPOUNAMU
DRIVE

KAIRAUMATI
CRESCENT

STAGE 2A
(COMPLETED)

LEGEND:

- PROPOSED NATURAL OPEN SPACE ZONE
- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- APPROVED RESOURCE CONSENT BOUNDARIES
- PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE
- STAGE 4 BOUNDARIES (REDESIGN)
- PDP RESERVE / MDRZ BOUNDARY

Grip / Landonline:
Boundaries shown on this plan have been sourced from either Grip or Landonline in electronic form. Their positional and dimensional accuracy remains subject to survey verification.

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CLIENT
KELSON HEIGHTS RESIDENTIAL LTD

PROJECT
KELSON HEIGHTS

DRAWING TITLE
PROPOSED PDP ZONING

DESIGN CONSULTANT

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The Contractor shall verify all dimensions on site.

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- S190774 Scheme Plans Stage 2D alter - Z1
- DRAWN CPD
- CHECKED ITL
- FB
- DATE 03/08/2026

SCALE	AT
1 : 500	A1
DRAWING NUMBER	REV
S19-0774-H4-Z1	A

RESOURCE MANAGEMENT - LAND PLANNING - SURVEYING - STRUCTURAL - CIVIL - FIRE

NO	REVISION	BY	DATE
A	FIRST ISSUE		

ALLOTMENT TO BE VESTED
AS RESERVE IN STAGE 4

STAGE 2D

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TO BE VESTED
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(COMPLETED)

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CLIENT
KELSON HEIGHTS RESIDENTIAL LTD

PROJECT
KELSON HEIGHTS

DRAWING TITLE
PROPOSED PDP ZONING (STAGE 4 RE DESIGN)

DESIGN CONSULTANT

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- S190774 Scheme Plans Stage 2D alter - Z2
- DRAWN CPD — FB
- CHECKED ITL — DATE 03/08/2026

SCALE	AT
1 : 500	A1
DRAWING NUMBER	REV
S19-0774-H4-Z2	A

RESOURCE MANAGEMENT - LAND PLANNING - SURVEYING - STRUCTURAL - CIVIL - FIRE

Hutt City Council
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T 04 570 6666
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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
Our reference:RM18053

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)

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

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^3 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

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 (14l 2.1.1).

Rule 11.2.4 (l) 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.

<u>Landuse</u>

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 if 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^2. The development may incorporate accessory buildings, infrastructure, landscaping, communal open space and communal carparking."* The site is larger than 1400m^2 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

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^3 and 1.2m in vertical modification. The proposal is for bulk earthworks (267,188m^3) 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^2 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^2. 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

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

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? ▪ A controlled activity ▪ A residential activity with a restricted discretionary or discretionary activity status ▪ A subdivision of land with a restricted discretionary or discretionary activity status ▪ A boundary activity with a restricted discretionary, discretionary or noncomplying activity status ▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification (if any)	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

<u>95A - assessment of effects</u>

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.

<u>Landscape, Amenity and Design Effects</u>

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 prepare 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.

<u>Ecological effects</u>

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 outs 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 asses 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.

<u>Speedy's Stream and the onsite wetland</u>

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.

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: ▪ A controlled activity (other than a subdivision) under the District Plan ▪ An activity prescribed by regulations made under s360H(1)(a)(ii) precluding limited notification.	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? ▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary' ▪ In the case of any activity prescribed under s360H (1) (b), a prescribed person in respect of the proposed activity.	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

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 onto 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^2 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^2 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^2 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^2 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^2 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 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 though 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 minimse 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 they 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 detraction from the character and visual attractiveness of the surrounding residential activity area.
(f) To manage the siting of all buildings so as to minimise detraction 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

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 $160per hour.*

- *Notification of work commencing is separate to arranging building inspections.*

<u>Earthworks</u>

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 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.

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 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.)

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.

<u>Construction</u>

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 $1m^2$) 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 Envirosock 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 an 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:
    a) clearly identify which stages of development are being catered for.
    b) 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.
    c) how the stormwater management and mitigation system is proposed to integrate subsequent stages of development.
    d) how the stormwater management and mitigation system will function until the subsequent stages come online.
    e) 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:
    a) 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.
    b) Provide a statement that the proposed stormwater management and mitigation system has been designed with the long term operation and maintenance of the asset.
    c) 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:
    a) be prepared by a suitably qualified landscape architect;

    b) identify all new planting to be undertaken on the site;

    c) identify all hard and soft landscape works (and taking into account potential future shared pathways alongside the green infrastructure corridors)

    d) include specifications for plant condition and planting methodology; and

    e) 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 × 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.

<u>Post construction monitoring</u>

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 radaii 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 alterative) 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 pubic 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:
    - Street-lighting & cables (when required by Council).
    - Sewer mains (of 150mm dia. and above) and manholes, **but not individual laterals**.
    - Stormwater mains (of 300mm dia. and above) and manholes, **but not individual laterals, sumps and leads.**
    - 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:
    - All roads, footpaths, berms, vehicle crossings, street-lighting and cables, signage, sumps and leads.
    - All sewer and stormwater mains and manholes, **but not individual laterals.**
    - 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 ridermains 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:

- 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 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 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://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=3702089

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24 July 2025

Genesis Residential Limited
C/O Spencer Holmes Ltd
L6, 8 Willis Street
Wellington

Dan Kellow
Environmental Consents
dan.kellow@huttcity.govt.nz
Our reference: RM240100

Attn: Cameron de Leijer

APPROVAL OF A CHANGE TO THE CONDITIONS IMPOSED UNDER RM180513 AND AS AMENDED BY RM200328 AND RM210151 AT 64 WAIPOUNAMU DRIVE, KELSON (LOT 1 DP 91313).

I am pleased to advise that, acting under delegated authority from Hutt City Council, I have approved the application to change conditions 1, 20, 51, 56, 59, 66, 67, 80, 83, 84, 85, 87, 88, 89, 90, 91, 92, 96, 99, 102, 112, 113 of the subdivision consent. In addition, I consider it necessary to create conditions 1D, 1E, 56A, 56B, 56C, 56D, 56E, 80A, 80B and 92A which relate to the subdivision approval.

The request to change conditions broadly relates to amending the conditions that relate to Earthworks Wall 5 (EW5), stormwater infrastructure, monitoring of Speedy's Stream, proposed staging and vesting and landscaping was granted under Section 127 of the Resource Management Act 1991.

I considered it unnecessary to notify neighbouring property owners and occupiers or the wider public before reaching my decision.

1. CONDITIONS

Additional wording to the condition or a new condition is shown in <u>underlined text</u> and deleted text is shown as ~~strikethrough~~ text. The amended and new conditions shown below differ from the changes originally sought by the applicant as a result of discussion between HCC and the applicant during the assessment process. The applicant has confirmed agreement with all of the conditions that follow.

Condition 1

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*~~

Spencer Holmes Plan Sets

- *S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025*
- *S19-0774-2B-D0-D21 Civil Engineering Plans (Approved by HCC Engineering Team 28/02/2024)*
- *S19-0774-2D-D1 Civil Engineering Plans, (Stormwater Only)*
- *S19-774-S1/2-PD1 Rev A - undated*
- *S19-774-S1/2-XS-1 - 4 Rev A - all undated*
- *S19-0774-FEW1 Rev A dated 22.07.2024*
- *S19-0774-EWXS6*
- *S19-0774-2C-D0-D21 Rev H Civil Engineering Plans (Approved by HCC Engineering Team 08/05/2025)*

Macroventures Plan Set

- *P0246 Stage 1 Manapouri Grove Rev 1 Civil Engineering Design (Approved by HCC Engineering Team)*

Vecta Plan Set

- *P0246 Stage 2A Manapouri Grove Rev B Civil Engineering Design (Approved by HCC Engineering Team 14/03/2023)*

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: The landscaping elements of the Boffa Miskell Plan are limited to the extents of Stage 1 and Stage 2, including all substages (excluding Stage 2D and Stage 2E).

Additional Plans:

Macroventures 'Proposed EW-04' and 'Proposed Cross Sections for Stage 4' DWG Numbers SK34-01 and SK34-02, dated 26/03/2021, Revision 1.

Additional documents

- *Design Report for Mechanically Stabilised Earth (MSE) Wall EW04;*
- *Appendix 1: Design Drawings;*
- *Construction Specifications for Mechanically Stabilised Earth Embankments by ENGEO Ltd., dated 27 December 2020.*

1A *The geogrid wall and associated earthworks referred to as EW01 on the ENGEO plan dated 11/12/2020, titled 'Embankment EW01 Location Plan', shall extend to the extent shown on this plan. The retaining wall that extends through the rear of Lots 23 - 30 shall be located as shown on this plan. Lots 16 – 22 shall be as shown on this plan.*

Note: condition 1A was imposed via RM200328

1B *The ground conditions at the foundation of the MSE wall should be confirmed during construction by a suitably qualified geotechnical professional and the assumptions of the design reviewed and revised as required, as per RM180513 conditions 11 and 12 of the subdivision approval. Relevant documentation confirming that the above process has been carried out should be provided to the Council as required by condition 11.*

1C *The structures, i.e., houses and potentially retaining walls, as well as the underground services supported by Earthworks Retaining Wall EW04 should be designed to tolerate the vertical and lateral displacements estimated by the ENGEO Design report under seismic loading. The displacements to be taken into account in the final design*

should be the ones estimated with the application of the topographical amplification factor, as the MSE wall itself is almost 30 m high in some sections and has a steep slope angle.

Note: conditions 1B and 1C were imposed via RM210151

Additional Conditions:

1D That, in accordance with Section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of the Balance Lot specifying the following ongoing requirements:

a. No structures may be erected in the area annotated 'A' on the Scheme Plan S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025
b. Only single storey buildings may be erected in the area annotated 'B' on the Scheme Plan S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025. All buildings in area B must be located no closer than 5m from the top of EW5.

1E That the consent holder meets the cost of registering the consent notice.

Condition 20

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.*
- A Building Consent will be required for all retaining walls over 1.5m high or supporting surcharge loads OR a Schedule-1 Exemption-2 (TA Discretionary Exemption) must be obtained for the RSS or MSE walls

Condition 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.

Condition 51

51. The permanent *stormwater management and mitigation system treatment devices in* Lots 300 and 301 *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 an including the critical 10 percent annual exceedance*
b) *be designed using runoff coefficients and other hydrological parameters agreed by Council's HCC Manager Consents and Compliance at detailed design phase.*
c) *have batter slopes of 1 vertical in 3 horizontal average or flatter.*
d) ~~*have an maximum stormwater storage depth of 1 metre of less*~~*.*
e) *discharge via a restricted outlet at flow rates to be agreed by Council's HCC Manager Consents and Compliance Consents at detailed design phase*
f) *Incorporate suitably designed secondary overflow provisions*
g) *The permanent stormwater management and mitigation pond in Stage 2E (lot 301) shall be designed to accommodate a 1% AEP event for Stages 2, 3 and 6.*

Note: the 'permanent' devices do not include the interim works within proposed Lot 300 and the temporary SW management for Stage 2 contained within the balance Lot.

Condition 56

Prior to approval under Section 224 (for Stage 2E) *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*.

Condition 56A

Prior to certification under Section 224c **(for Stage 2C)** of the Resource Management Act 1991, the works shown on the following plans must be completed and certified under condition 50.

Stage 2 Temporary SW infrastructure plans

- S19-0774-2C-D90 (Rev A) 10.02.2025
- S19-0774-2C-D91(Rev A) 10.02.2025
- S19-0774-2C-D92 (Rev B) 10.04.2025
- S19-0774-2C-D93 (Rev F) 21.05.2025
- S19-0774-2C-D94 (Rev C) 10.04.2025

The consent holder shall operate and maintain the Stage 2 Temporary SW infrastructure until a 224c certificate is issued for Stage 2E. The maintenance must ensure the performance of the Stage 2 Temporary SW infrastructure does not materially diminish.

Condition 56B

That, prior to the commencement of any interim physical works relating to the Stage 1 stormwater treatment area, the consent holder submits engineering plans for certification, to Council's Resource Consents and Compliance Manager via subdivision@huttcity.govt.nz for approval of the detailed design. The Stage 1 interim treatment design shall be based on the Stage 2C knockout pit design.

Condition 56C

The Stage 1 interim works approved under Condition 56B must be constructed, and certified in accordance with condition 50, prior to applying for s224 certification for Stage 2C.

Condition 56D

The consent holder shall operate and maintain the Stage 1 interim treatment and detention pond in good condition until such time as the permanent SWMS treatment device in Lot 300 is installed and 224c issued for Stage 2D

Condition 56E

Prior to certification under Section 224c (for Stage 2D) of the Resource Management Act 1991, the permanent stormwater management mitigation systems and associated planting within proposed Lot 300 shall be constructed and certified in accordance with condition 50.

Condition 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.*~~

Following the issue of the section 224(c) certificates for Stage 2D and 2E, the consent holder shall operate and maintain the respective stormwater management and mitigation systems for a minimum of 2 years at the consent holder's expense. At the end of each 2-year maintenance period the treatment and attenuation device shall be inspected by the consent holder's engineers and a suitable Council representative(s) to ensure it is appropriately

established and maintained and that all landscaping is established. The reserve shall be maintained in a tidy condition throughout the 2-year maintenance period and be free of litter and refuse. Any vegetation that dies or declines during the maintenance period shall be replaced in the earliest planting season after the initial planting. The consent holder shall provide a written report in this regard, including any recommendations for ongoing 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 engineer that the treatment device has been constructed and maintained in accordance with the approved design and the certification accepted by Council.

~~*Condition 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.*~~

Condition 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 × 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.*~~

A maintenance bond for the stormwater management and mitigation system and associated landscaping shall be payable at the time of issuing certificate a pursuant to Section 224c for Stage 2D and 2E. The amount of the bond shall be 1.5 times the contracted rate for maintenance plus an allowance for any damage that may occur throughout the maintenance period. The bond will be held for a period of two years from the date of the Section 224c certificate. The bond will only be released upon written certification from the consent holders engineer that the stormwater assets and attenuation pond are in good working order, that all rubbish and any other debris has been cleaned out from the treatment device and pond, the operation of the device is working in accordance with the approved engineering drawings and suppliers specifications and final acceptance of the landscaping planting by Council.

Condition 80

~~Lot 300 shall be vested with Hutt City Council as part of Stage 1 and 2 subdivision.~~

Lot 300 shall be vested with Hutt City Council as part of Stage 2D.

Condition 80B

Lot 301 shall be vested with Hutt City Council as part of Stage 2E.

~~*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.*~~

Condition 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 postconstruction*~~
- ~~*Allow for assessment of the macroinvertebrate community health in response to any potential discharges (contaminants, sediment, etc) from the construction site.*~~

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

During construction of the Stage 1 & 2 subdivision and during bulk earthworks across the wider site, the macroinvertebrate community and sediment (fine sediment cover, physical habitat and spot water quality measurements) will be sampled to monitor aquatic health trends in Speedy's Stream.

The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

The monitoring program will:

- Provide long-term trends of aquatic health throughout the project
- Allow for assessment of the macroinvertebrate community health in response to any potential sediment discharges from the construction site.

Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 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.*~~

There are two monitoring frequencies associated with the construction phase monitoring required by Condition 87. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.

The Construction Phase Initial Monitoring shall commence within 1 month of this Decision and shall include 12 months of monitoring. During this period the frequency of sediment monitoring shall be monthly. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur within this period.

There are two types of reporting required of the Construction Phase Initial Monitoring. These are the Construction Phase Initial Monitoring Quarterly Reports and the Construction Phase Initial Monitoring Annual Report.

Construction Phase Initial Monitoring Quarterly Report:

The Construction Phase Initial Monitoring Quarterly Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the end of each quarter. The report shall include, but not be limited to:

- Date of survey
- Results of Sediment Monitoring
- Basic analysis of data trends

Construction Phase Initial Monitoring Annual Report:

The Construction Phase Initial Monitoring Annual Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summarise the results from the monthly sediment monitoring,
- Include at least one round of macroinvertebrate data with multivariate analysis.
- Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to construction site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Recommendations for change to 'Ongoing Monitoring' Frequency & Reporting.
- Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 90.

The Annual Report will provide the guidance on next steps and when Condition 89 – Ongoing Monitoring Frequency & Reporting comes into effect. The consent holder shall request written confirmation from Hutt City Council to finish Condition 88 and commence Condition 89. Condition 89 monitoring shall not commence until the HCC Manager Resource Consents and Compliance provides confirmation.

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 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.*~~

There are two monitoring frequencies associated with the construction phase monitoring required by Condition 87. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.

The Ongoing Monitoring Phase is defined as the monitoring frequency post the initial monitoring phase. During this period the frequency of sediment monitoring will be at least biannually (6-monthly), with the frequency determined by the recommendation within Construction Phase Initial Monitoring Annual Report. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur annually.

An annual report is required during the Construction Phase Ongoing Monitoring.

Construction Phase Ongoing Monitoring Annual Report:

The Construction Phase Ongoing Monitoring Annual Report will be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summary of results (sediment, physical habitat and macroinvertebrates)
- Include at least one round of macroinvertebrate data with multivariate analysis.
- Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to construction site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Recommendations including but not limited to site management or ongoing monitoring adjustments.
- Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 90.

Condition 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*~~.

The following triggers shall be used to determine if further investigation or management actions are required.:

a. A greater than 25% difference in sediment deposition cover between the control SS-01 and SS-02 impact site, persisting for more than two consecutive monitoring occasions.

b. A greater than 15% decrease between the control SS-01 and impact site SS-02 in either MCI, QMCI, EPT% or density, persisting for more than two consecutive monitoring occasions.

When a trigger parameter is breached, an adaptive management process will be initiated as follows:

i. Notification:
Where macroinvertebrate and/or deposited sediment impacts are detected (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.

ii. Collaboration: The consent holder (or their agents) will discuss & collaborate with the HCC Manager Resource Consents and Compliance, to develop an adaptive management strategy. Key points to discuss include, but are not limited to:

- Summary of trigger breach
- Potential cause of the trigger breach to determine if related to the site.
- Identify mitigation measures. The strategies may include:
    - Adjustments to management practices to prevent further sedimentation issues.
- Identify timing for implementing mitigation measures, if repeat monitoring will occur and timing for review of adaptive management strategy

The purpose of the collaborative discussion is to reach an agreement on the adaptive management strategy to address the potential issue that resulted in the trigger parameter being breached.

iii. Implementation & Monitoring
The adaptive management strategy will be implemented and monitored in accordance with the adaptive management strategy agreed to in 90(ii)

Condition 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*~~

Post Construction, the following monitoring of Speedy's Stream is required.

Post construction of the Stage 1 & 2 subdivision means when the civil construction is completed and/or people are residing in dwellings within the subdivision stage. The purpose of this monitoring is to assess the quality of stormwater exiting the subdivision.

The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 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 postconstruction 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.*~~

The post construction stormwater quality monitoring will be conducted biannually, once in Summer (Dec – Mar) when there are low flows and once in Winter (June to September) when flows/rainfall are higher. The Post-Construction Stormwater Monitoring will occur for a minimum of two years, until the consent holder is cleared of their maintenance responsibilities of the stormwater assets as per Condition 59.

Post Construction Stormwater Reporting - Stormwater Run-off Monitoring Report:

The Post Construction Stormwater monitoring results shall be collated into an annual Stormwater Run-off Monitoring Report (SRMR). The SRMR will be provided to the HCC

Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summarise the results of the water quality monitoring samples collected
- Any notable changes to the subdivision site that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Assessment of Trigger Parameters. The Trigger Parameters are identified in Condition 92A

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

New Condition 92A

If results of the Post Construction Stormwater Quality Monitoring required per Condition 92 show elevated contaminant levels above the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018) guidelines for each sampled contaminant, then the following process will be initiated:

i. Notification:
Where contamination levels are detected beyond the trigger parameter (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.

ii. Recommencement of Ongoing Monitoring & Reporting:
Recommencement of Ongoing Monitoring & Reporting (as per condition 89) for a minimum of two years after a breach of the trigger parameter. This includes biannual sediment quality and quantity (cover) sampling and annual macroinvertebrate. The recommencement of Ongoing Monitoring & Reporting is in addition to continuing with the monitoring & reporting required by Condition 92.

iii. Trigger Breach Assessment & Reporting:
Trigger breach assessment of ongoing monitoring results to macroinvertebrates health (Condition 90(b)) and implementation of associated adaptive management process if breach detected as per Condition 90.

Condition 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.

Note: This condition does not apply to Stage 2E and 2D

Condition 99

There must be no vehicle access from Waipounamu Drive for Lots 75-78 inclusive and this restriction is to be registered as a consent notice on the title of each allotment.

Condition 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. Calculations by an engineer are to be submitted at the time of engineering approval to indicate the required dimensions for any overland flow path.

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.* The easement will be 3m wide where possible, but where local restrictions (i.e. buildings) are located a reduction of width will be considered taking into account the impact of the reduced width and any proposed mitigation. ~~*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. 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.*~~

Condition 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.

Note: This condition is not relevant to Stage 2E and 2D

Condition 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.

Note:

Easements ~~shall~~ may *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.

Hutt City Council agree to cancel any easement pursuant to S243 of the Resource Management Act over services/infrastructure and redundant pipes that will be vested to the Hutt City Council in the future.

2. THE COUNCIL HAS APPROVED THE APPLICATION FOR THE FOLLOWING REASONS:

- The proposed alteration to the approved earthworks will have less than minor adverse visual effects due to the modest change in height and location of Earthworks Wall 5 (EW5).

- The location of the building platforms and future development enabled by the altered location of EW5 will not give rise to materially different effects on adjacent sites due to the building bulk and location restrictions proposed by the applicant.

- The proposed staging clarifies and formalises when Lots will be vested with HCC and does not generate adverse effects.

- The changes relating to the management of stormwater and introduction of interim measures are supported by Council's Principal Development Engineer.

- The changes to the monitoring conditions associated with Speedy's Stream are supported by HCC's consultant ecologist.

- The proposal does not alter the construction effects of the proposal in a material way due to the earthworks occurring in the same location and at a similar scale.

- The creation of Lot 302 is supported by HCC Parks and Reserves staff who did not want the land within Lot 302 vested with HCC. The s127 does not allow any activities on the site besides those already permitted by the current zoning of General Recreation.

- The proposal is consistent with the policies and objectives of the city's District Plan and Proposed 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.

3. NOTES:

1. All other conditions of the resource consent remain unchanged.

2. In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to the council within 15 working days of the date of this decision. A fee is payable when lodging an objection.

3. The variation has been assessed against the requirements of the city's District Plan. Bylaws may apply to the revised proposal that may require separate approval from the council before starting any site works. See www.huttcity.govt.nz for a full list of bylaws.

4. The consent applies to the amended 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.

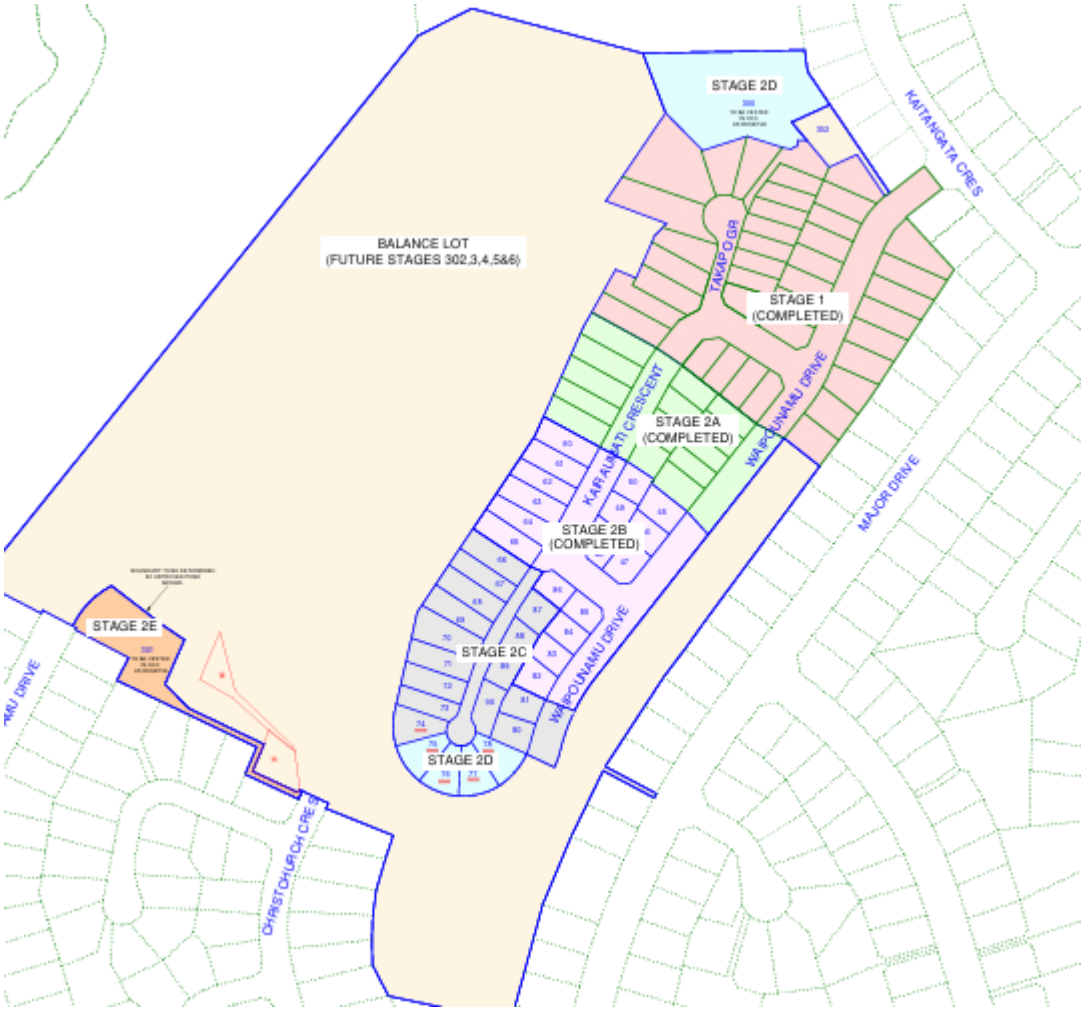
5. The plans have not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.

6. The consent is 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.

7. Failure to comply with an abatement notice may result in the council imposing an infringement fine or initiating prosecution.

4. THE PROPOSAL:

The proposal is made under section 127 of the Resource Management Act 1991 and seeks to alter the conditions of consent 1, 2, 20, 51, 56, 59, 66, 67, 80 - 85, 87, 88 - 91, 102, 113 attached to the decision issued under reference RM180513. The application notes that s127 approvals have also been issued under references RM200328 and RM210151 which have amended the conditions originally imposed via RM180513.

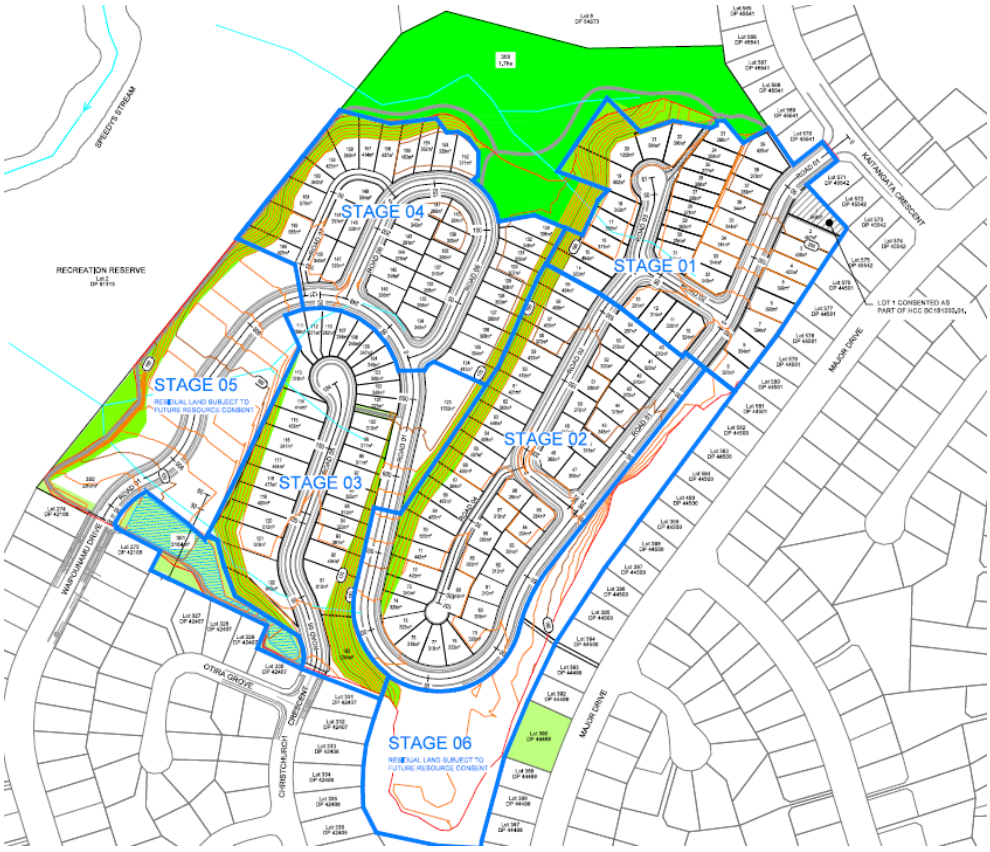


Above: Proposed staging and consent notice areas – Scheme Plan S19-0774-AP1 Rev D.

Stages 1 and 2A of RM180513 are complete with titles issued. Stage 2B is under construction and Stage 2C, 2D and 2E are not yet under construction. Civil works are nearly complete for Stage 2C with a s224C application expected to be lodged when this decision report is released. At the time of lodging the s127 the application stated that the majority of the retained structures in Stage 2 and 3 were complete but were yet to start in Stage 4.

The original Scheme Plan is shown below and contained Stages 1 – 6. The proposed Scheme Plan removes Stages 3 – 6 and instead creates a super lot. There are currently several applications lodged with HCC that relate to Stages 3 – 6 but these are on hold at the applicant's request. Once this application is determined it is expected that the assessment of the proposals below will recommence.

- RM240184 – stage 5 - 30 Lot subdivision application - on hold.
- RM240212 - stage 4 - 11 lot subdivision and 11 dwellings application - on hold.
- RM240213 - stage 3 - 10 lot subdivision and landuse application - on hold.
- RM240247 - stage 3 - 27 Lot subdivision and landuse application for 11 dwellings - on hold.
- RM240198 - stage 6 - 29 Lot subdivision application - on hold.
- RM180520 - stage 3 (30 dwellings) and 4 (40 dwellings) subdivision and landuse application on hold.



Above - Scheme Plan approved under RM180513

Numerous amendments to the requested condition changes have occurred post lodgement after discussion between council officers and the applicant. The Section 92(1) RFI response dated 1.11.2024 and emails contained within the HCC 'Application' folder of RM240100 should be referred to for context.

Staging

The scheme plan approved under RM180513 only approved Lots within Stages 1 and 2 and no sub-stages. The sub-stages of Stages 2A, 2B, 2C occurred during construction and those stages are now proposed to be formalised by this application along with the creation of Stages 2D and 2E. The application seeks to define the remaining stages of the subdivision to provide greater clarity as to when certain conditions will be met. The AEE describes what works will occur within each stage on pages 4 and 5 as follows:

> *"Stage 2B consists of the construction of the lots 45-50, 60-65, and 82-86. This involves the continuing the creation of Waipounamu Drive from outside Lot 44 DP 589202 through to the southern boundary of Proposed Lot 82. Furthermore, this stage completes the construction of Kairaumati Crescent which connects to the Stage 2A road and connects through to the intersection of Waipounamu Drive. This stage also creates the intersection to the private road (road 4), Mohua Way. The Stage also requires the earthworks to be constructed so buildable platforms are created. Stage 2B also creates the public and private servicing infrastructure needed to support the lots. This also involves the creation of the private infrastructure for Stage 6. These engineering plans have been approved by Hutt City Council and have been attached to this application.*
>
> *Stage 2C consists of the construction of the lots 66-81 and 87-90. This requires the construction of earth wall 2 as well as the cut batters which will help shape the future road to Stage 4. Stage 2C constructs the rest of the private road, Mohua Way, as well as forming Waipounamu Drive to outside Lot 80. This is the point where the road will be vested with Hutt City Council. New public services will be installed down Mohua way, with a sewer and stormwater main within Lot 79. A secondary overflow path will be required through Lot 76. The stormwater will discharge to the previously approved temporary outlet from Stage 2B. The sewer discharge here differs from the approved Macroventure Plans from RM180513. The Macroventure Plans indicated that the sewer would continue down Waipounamu Drive, however the approved engineering plans for Stage 2B show the sewer connecting into the public main in Major Drive. This has been constructed. This is essentially the final stage of the residential development for this consent.*
>
> *Stage 2D consist of the final part of the subdivision which deals with the vesting of the stormwater treatment devices to Council. The first stormwater treatment device is a pond that is located in the northern part of Stage 1 and was originally conditioned to be vested in Council along with rest of the reserve. Discussions on site with Hutt City Council have concluded that part of this original allotment that is located close to the residential dwellings was not desirable and would be difficult to maintain for HCC. Therefore a separate allotment, Lot 302, is being created that will not be vested as a reserve. Furthermore the boundaries for the original reserve are still being determined due to minor variations to the Stage 4 design. Therefore Lot 300 is proposed which will allow*

for the vesting of the final part of the reserve at a more appropriate time (i.e. Stage 4). Lot 301 is the stormwater mitigation system for Stage 2 and is designed around the toe of the embankment as well as design for the stormwater pond. The boundary for the lot on the northern side is dependent on the final design of the stormwater pond which is currently nearing completion. This has been noted on the application plan."

The underlined text is no longer relevant. The applicant amended the proposal via an email dated 27.01.2025 and lodged a revised scheme plan (S19-0774-AP1 Rev B) to vest Lot 300 as part of Stage 2C. Lot 302 will be defined as a separate parcel and will remain in the ownership of the developer. The scheme plan was revised again 26.05.2025 with Lots 300, 302 and 75 – 78 to form Stage 2D and Stage 2E was added which relates to Lot 301. The revised scheme plan also includes two 'areas in the balance lot. No buildings are permitted in area A and any buildings in area B can only be single storey and must be setback 5m from the top of the EW5. An explanation of the design changes sought in regard to EW5 is made on the following page. The further amendments to the scheme plan received via an email dated 26.05.2025 were made following discussion relating to the timing of vesting of the stormwater infrastructure and interim works on the stormwater infrastructure. The amendment sought is to amend Condition 1 by replacing plans as shown in section 1 of this report.

Stormwater Infrastructure

The development of the site was meant to include the stormwater infrastructure in Lots 300 and 301 being operational when the first dwellings were constructed. This has not occurred, and temporary stormwater infrastructure is in place. Upgrades to the interim stormwater infrastructure within the balance Lot that serves Stage 2 must occur prior to s224c for Stage 2C. Upgrades to the stormwater infrastructure that serves Stage 1 will occur prior to s224c for Stage 2C and the completion of the stormwater infrastructure serving Stage 1 is required for Stage 2D s224c certification to be issued.

Bush tracks and open public space

The AEE in section 2.2 stated "*The requirement to construct the bush tracks throughout the reserve has been discussed with Hutt City Council (Parks and Reserves Department) by previous consultants. As the reserve is intended to be vested upon completion of Stage 4 of the development, when the final boundaries are determined and not within Stage 1 and 2, it is proposed that this conditioned in that consent. As such conditions relating to the vestment of the reserve and creation of bush tracks are requested to be removed from this consent."*

The RFI response dated 1 November 2024 stated that confirmation by the current manager of HCC Parks and Reserves that the bush tracks were not required was not obtained and that the path within Lot 300 would be provided.

Conditions 83 and 84 require a Recreational Park Plan to be prepared and that the park, that was within Lot 300 before Lot 300 was altered, had to be constructed prior to vesting with HCC. The s127 seeks to remove both of these conditions due to the changes to the size and shape of Lot 300 and notes that the resource consent for Stage 4 will deal with these matters.

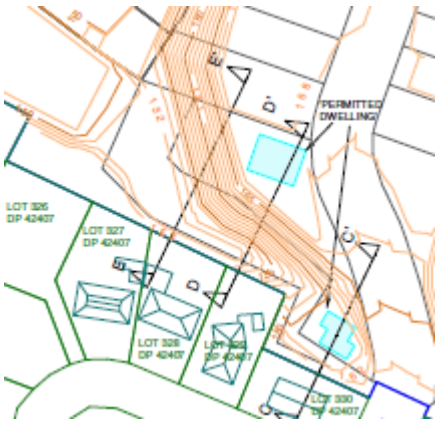
Condition 85 relates to a perimeter track and related to Lot 300 prior to the amendment to Lot 300's size and shape. The 'on hold' applications relating to Stages 3 - 5 will reassess the requirements for the track(s).

Revision of Earthworks Plans

The AEE states in section 2.3 that as the designs for individual stages have been refined the associated earthworks have been amended. In regard to EW5 the bulk works are complete so this aspect of the s127 is retrospective.

Section 2.3.1 of the AEE describes the works as: "*The changes in stage 3 specifically relate to Earth Wall 5 (EW05). This wall is located between the existing properties of Otira Crescent and wraps around to the boundary between Stage 3 and 5. The earth wall has shifted in position upon detailed design to remove the two 45-degree kink and now runs parallel to the boundary between Otria Cres before taking a 90 degree turn to be located between the boundary of stage 3 and stage 5. It is noted that the earth wall now straddles the boundary between these two stages instead of being located entirely in Stage 3. However the final legal boundaries will be determined in the consent of Stage 3. The consent that is lodged with HCC with respect to Stage 3 shows the new position of EW05 and this was designed by Vecta at the time. This design has been incorporated in the design plans.*"

Above: EW5 as sought under this s127[1].



Above: Approved EW5

[1] The 'Permitted Dwelling' annotation is incorrect. Only the middle building is 'permitted' with no dwelling permitted where the eastern dwelling is located and only single storey dwellings, setback 5m from top of EW5, are permitted where the western dwelling is shown. This is controlled via a consent notice condition.

Further information was sought which required greater detail on the plans showing the proposed and consented EW5. This allowed an assessment of change in actual and potential effects.

The AEE states in section 2.3 that: *Similar to the changes in Stage 3, the Stage 4 earthworks have been refined and altered to better reflect the topography and the future use of Stage 4. The final earthworks to this stage have been designed by Torlesse and the updated reflected in the updated earthworks plans. The changes relate to the contours in the northwest part of Stage 4.*

Further information was sought which required greater detail on the plans showing the proposed and consented works within Stage 4. This allowed an assessment of the change in actual and potential effects.

Speedy's Stream Monitoring

Conditions 87-92 relate to the monitoring of Speedy's Stream to ensure the stormwater management is not negatively affecting the ecological values of the stream. The application is seeking to amend the monitoring suite of conditions. A new monitoring regime has been proposed which amends conditions 87 – 92 and result in condition 92A being created.

Landscaping

The applicant is seeking to replace the existing landscaping plan set, that applies to all stages, with new plans that apply to stages 1 and 2 or to confirm via a note, that the approved landscaping plans only apply to Stage 1 and 2.

5. THE SITE

The original site was a 14.1-hectare site that was legally described as Lot 1 DP 91313, held in register WN59A/795. There were several interests on the record of title for the site that related to sewer, stormwater and fencing. The site comprised land zoned General Residential and General Recreation at the time of the approval in 2019. The site is now zoned Medium Density Residential and General Recreation under both the ODP and PDP. Site specific subdivision provisions apply in the ODP but these have not been carried through to the PDP. The PDP rules do not have legal effect at the time of issuing this report.

Since RM180513 was approved sixty-one titles have been issued for Lots in Stage 1 and 2A and numerous dwellings have been constructed and are occupied.

Bulk earthworks had occurred under RM170114 at the time RM180513 was issued and additional bulk earthworks (authorised by RM180513) have occurred since 2019. The

unconsented earthworks which relate to EW5, that this s127 is seeking to regularise, have not been considered as part of the existing environment.

A s127 application was approved (RM200328) which related to earthworks and roading in the northern portion of the site. Another s127 (RM210151) was approved which related to Earthworks Wall 4.

6. ACTIVITY STATUS:

I consider the proposed change to be a Discretionary Activity under section 127 of the Resource Management Act 1991, which states:

Change or cancellation of consent condition on application by consent holder -

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and

(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

(3) Sections 88 to 121 apply, with all necessary modifications, as if -

(a) the application were an application for a resource consent for a discretionary activity; and

(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

(4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who -

(a) made a submission on the original application; and may be affected by the change or cancellation.

Section 127 does not directly address staged subdivisions where titles have not been issued for later stages which is the case with this proposal.

Stage 1 of the proposal has been implemented in that new RoT's have been issued and the proposed changes to conditions will not affect any of these Lots. The only link to Stage 1 is the vesting of Lot 300 which contains stormwater infrastructure which serves Stage 1.

Stage 2 is partially completed and similarly the proposed changes relate to the timing of stormwater infrastructure and other matters not directly associated with Stage 2. In essence the proposed changes to conditions relate to future stages and do not alter any existing residential Lots. As such it is considered that a s127 application can be assessed due to the nature of the changes sought.

When determining whether to process a variation to an approved consent as a s127 change of condition, case law[2] directs that there are three key areas to consider; whether the proposal is for a fundamentally different activity; whether it will have materially different effects; and whether the proposal expands the scope of the original consent.

The proposal is considered to meet the tests required as a s127 change of condition for the following reasons:

The amended proposal is clearly not for a fundamentally different activity as the proposal continues to be a large scale site development that includes bulk earthworks as well as housing within Stage 1 and 2.

The most significant change relates to one of several earth walls within the site. EW5 has changed in shape to remove two 45 degree corners and the wall now runs parallel to the boundary with Otira Crescent for a longer distance before taking a 90 degree turn into the site. EW5 is proposed to be marginally lower and as result creates a marginally lower building platform within the super lot but the height difference is so small it is immaterial. The batter face is closer to the southern boundary and steepens toward the western end of the face. Conditions of consent require the batter face to be vegetated in accordance with a Landscape Management Plan resulting in a vegetated batter slope that must have 90% canopy coverage.

[2] *Body Corporate 97010 v Auckland City Council (2000) 6 ELRNZ 183 (HC); this approach was upheld by the Court of Appeal in Body Corporate 97010 v Auckland City Council [2000] 3 NZLR 513 (CA).*

A more detailed description of the changes to EW5, in relation to the southern boundary in particular, is contained on page 38 of this report.

The earthworks just beyond the eastern end of EW5 will also be altered with a raised platform being constructed instead of the cut that formed the top of the upper stormwater ponds that are now not proposed to be constructed.

While EW5 is moving closer to the southern boundary this does not introduce any new effects or effects that are materially different. The type of potential effects remain similar in that a tall, vegetated batter slope will be formed albeit closer to the boundary. For example, cross section C (S19-0774-S1/2-XS-2) shows the top of the batter slope to be 14m from the boundary instead of the approved 18.5m. The effect of a vegetated batter slope located between 3.9m sloping up to a point 14m from the boundary instead of 9m sloping up to 18m from the boundary is not considered to be materially different. Cross section D (S19-0774-S1/2-XS-2) presents a very similar change to cross section C.

Cross section E (S19-0774-S1/2-XS-3) is steeper than the approved batter slope and brings the platform approximately 17m closer to the southern boundary with the edge of the platform 17m from the boundary instead of approximately 34m. This is the area formed by the altered EW5 having a 90 degree corner instead of two 45 degree corners so the western corner of the building platform has been extended. The applicant has agreed to have a minimum setback of 5m from the top of the batter slope as well as restricting any building to single storey in area B. These restrictions ensure any adverse effects stemming from the bulk and location of future dwellings are not materially different from the approved scheme. The vegetated batter slope, while being closer to southern boundary, is still well setback from the boundary and will result in a similar visual outcome.

The raised earthworks platform to the north of 19 Otira Grove cannot be built upon due to the restriction proffered by the applicant. The approved earthworks would have lowered the ground through cross section A (S19-0774-S1/2-XS-1) in order to form the upper stormwater management ponds. The s127 seeks to raise this area by 2.1m at the closest point to the boundary which is approximately 3.3m from the boundary. The platform is essentially flat with very minor steps up to the north. Given the low height of the earthworks, that are only just higher than a 2m boundary fence, the visual effects are not considered to be materially different.
In accordance with Section 127(3) and 221(4) of the RMA 1991, I consider it appropriate to assess any actual or potential environmental effects arising from the proposed changes and will address these effects below.

Operative District Plan
The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the Medium Density Residential Activity Area, which this proposal falls within, are

contained in Chapter 4F – Medium Density Residential and 14 – General Rules. The Subdivision Chapter (Chapter 11) is also relevant.

The consent RM180513 was applied for and granted when the site was zoned General Residential Activity Area with several non-compliances. 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.

A s127 application was approved (RM200328) which related to earthworks and roading in the northern portion of the site. Another s127 (RM210151) was approved which related to Earthworks Wall 4.

Subdivision consent was 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. The subdivision component became a Non-Complying activity due to the subdivision and earthworks occurring within the National Grid Corridor. There is a site-specific policy (11.1.2 (b)) applying to this site.

There are no new non-compliances due to this s127. As this is a s127 application, the application as a whole will be assessed as a Discretionary Activity.

Proposed District Plan

On the 6th of February 2025 Hutt City Council notified the Proposed District Plan; this is the result of a full review of the Operative District Plan which came into force in 2005. As such the proposed plan is in the early stages of the Schedule 1 process which is yet to advance to the hearing stage. While the proposed plan requires consideration with regard to any resource consent decision it is noted that the majority of the proposed plan provisions do not have legal effect whereby only certain rules apply at the time of public notification. The relevant rules which have legal effect are determined by s86B of the RMA and in the case of the proposed plan only relate to the protection of historic heritage which includes new Sites and Areas of Significance to Māori (SASM) identified as category 1 or category 2 and notable trees. The application site is not identified as a site of historic heritage or containing a SASM. As such, no rules within the Proposed District Plan are applicable to this application.

Notably, the site is no longer scheduled under the PDP so there are no site-specific subdivision policies or rules. There are no rules that have legal effect in relation to this site.

National Environmental Standards

The proposal does not require assessment under any National Environmental Standards.

7. NOTIFICATION ASSESSMENT

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).

7.1 - 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? ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances
Public notification is not precluded under step 2; an assessment under s95D in accordance with step 3 is therefore required.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. Adjacent sites 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. I have therefore disregarded the effects on the persons who own or occupy properties those properties in making an assessment under s95D.

Permitted Baseline

At the time of making a decision on this consent application the 'site' (being Lot 101 DP601682) did not contain any dwellings. Building works within Stage 2C had not commenced. Accordingly, the permitted baseline consists of three dwellings that must comply with the following.

- A maximum building coverage of 50%, and
- Maximum building height of 11m, and
- Height in relation to boundary that is a maximum of 4m + 60^{o} from all side and rear boundaries, and
- A minimum setback of 1.5m from the front yards, 1m from the side yards and 1m from the rear yards, and
- A minimum permeable surface coverage of 30%; and
- A minimum outdoor area of 20m^2 with a minimum dimension of 3m from each dwelling.

Each of the three permitted dwellings would also be required to comply with rules in the General Rules Chapter.

The permitted baseline does not include locating any dwelling or its curtilage within any of the extended area of EW5.

In regard to the ground level at which to consider the permitted baseline it is the existing building platform. The point at which to measure building height is, in this case, from the finished level of the ground of an approved subdivision as set out in the District Plan definition of Height. When RoT's were granted for Stage 1 Lots the existing balance Lot was created as part of an approved subdivision so height is measured from the finished (existing) ground level. For this assessment I consider three dwellings up to a height of 11m could be constructed close to the top of the consented EW5 in locations directly north of 17 and 18 Otira Grove.

The proposed changes are not considered to have adverse effects on the environment that are minor or more than minor for the following reasons:

Staging

The introduction of staging by amending the Scheme Plan is proposed to provide clarity about when various conditions will be met. The amendment to the Scheme Plan also introduces Lot 302. The introduction of stages, the introduction of Lot 302 and associated changes to other conditions alters when the stormwater infrastructure will be completed and vested with HCC as well as upgrading of temporary stormwater infrastructure. The formalisation of staging does not generate external effects except as discussed below.

Stormwater

The consented development proposed to have the stormwater infrastructure in place and operational in order to serve the first dwellings constructed on site. This did not occur and instead the stormwater treatment for Stage 1 has been partially constructed and is operational but has not been vested. The proposal to now have the northern stormwater system completed and vested as part of 2D has been agreed to by Councils' Principal Development Engineer. Interim works will upgrade the infrastructure serving Stage 1 prior to Stage 2C receiving s224 certification. There will be no adverse effects from this change.

There is a temporary stormwater management system in place for Stages 2A and 2B which has not been authorised by the previous s127 applications although engineering approval has been obtained. This application originally sought to have Lot 301 (southern stormwater Lot) vested under Stage 2D. The RFI response dated 1.11.2024 states Stage 2D will be vested no later than the completion of Stage 3. There is however no proposed timeframe for when Stage 3 will be constructed. Notably, the s127 scheme plan removes Stage 3 from the scheme plan and instead creates a balance Lot that comprises what were Stages 3 – 6. Stages 3 – 6 have not been consented although applications have been lodged. HCC's Principal Development Engineer considered that it would be preferable to have the earthworks for Stage 3 completed before Lot 301 and the associated stormwater infrastructure is vested with HCC to ensure construction activity does not compromise the stormwater infrastructure. I agree with the Principal Development Engineer's concern given the steepness of the batter slopes surrounding proposed stormwater infrastructure.

Due to the above this proposal now seeks to formalise the use of the temporary stormwater infrastructure serving Stage 2 for an indefinite period. Advice from council's consultant engineer, David Wilson, provides assurance that the interim stormwater infrastructure serving Stage 2 will be adequate. Additional conditions require that the consent holder operates and maintains the temporary stormwater infrastructure until the permanent infrastructure is in place. The amendments to the temporary stormwater management system for Stage 2 will not generate adverse environmental effects.

Sewer

Stage 2C consists of the construction of the lots 66-81 and 87-90. There is a change to the sewer discharge for these Lots in that the sewer was consented to continue down Waipounamu Drive however approved engineering plans for Stage 2B has the sewer connecting into the public main in Major Drive and this has been constructed. This change will have no adverse environmental effects.

Lot 302

The creation of Lot 302 has been proposed after HCC's Parks and Reserves staff confirmed they did not wish to have this area of land vested with HCC due to the steepness of the site. The applicant has raised the possibility of using Lot 302 for residential purposes despite it being zoned General Recreation Activity Area. The further information request dated 18 June 2024 stated:

> *"Proposed Lot 302 is a small Lot that you are requesting to not be vested as reserve. The Lot is zoned General Recreation Activity Area and as such there are restrictions as to what can be undertaken on this site and your application notes that "…it is likely that a resource consent will be required due to the design of houses as the permitted activity conditions are quire restrictive … ". I can confirm that any residential use or residential building will require resource consent on land zoned General Recreation Activity Area.*
>
> *While it may be the intention of the consent holder to construct a dwelling on this land there is no certainty that approval will be granted given the zoning. In other words, even if Lot 302 is allowed to be created via this s127 approval this should not be taken as any form of indication that residential use of the site will be permitted. "*

The RFI response dated 1.11.2024 stated "*We accept that it is not guaranteed that residential dwellings are granted."*

I consider that the potential for adverse effects to occur due to creating Lot 302 are avoided given that there is no residential activity on this allotment proposed as part of this application, hence it is not within scope for consideration. Any future proposal to undertake residential activity on Lot 302 would be subject to a consent requirement due to the recreation zoning, and the effects would be considered as part of any future resource consent proposal and assessment.

The alteration to Lot 300, making it much smaller, means the public open space that was to be vested at the conclusion of Stage 2, but maintained by the consent holder until legal road access was formed, is no longer secured. However, this land will be considered as part of Stage 4 resource consent application. HCC Parks and Reserves staff have accepted this change[3]. The potential adverse effect is that an area of public open space will not be vested until a later stage

[3] Email dated 4.06.2024 from HCC Head of Parks held on file RM240100/Assessment

of the wider site development. Because access to the public open space was dependent on the road being formed from Stage 2 down through Stage 3 into Stage 4, it was not certain when access to the public open space would have been possible. As such, legal and physical access to the public open space may not actually be delayed due to this change so any adverse effects are considered to be less than minor.

Bush track conditions

The applicant had originally sought approval to remove the bush track conditions (81 and 82) from being linked to the vesting of the amended Lot 300 and noted that the bush tracks would be considered and vested in relation to Stage 4. The applicant subsequently changed this request and has confirmed that a landscaping plan will confirm the paths within Lot 300 to enable connections to the future reserve in Stage 4. The amendment to the stages and Lot 300 means the bush tracks will only need to be constructed within the amended Lot 300 by the conclusion of Stage 2 rather than throughout the portion of the site zoned General Recreation. The primary access into the tracks will be from the public open space which will be accessed from Stage 4. As such, the delay in constructing the bush tracks will not necessarily delay when they can be accessed which is dependent on Stage 4 being constructed and the change does not impact upon the construction timeframe. There are less than minor adverse effects in relation to this change.

Revision of Earthworks Plans

The changes to EW5 are shown on S19-0774-FEW1 Rev A and cross sections S19-0774-S1/2-XS1 to XS4 Rev A which were provided as a result of a further information request. The plans should be referred to for a full understanding of the changes to EW5. I note that the cross sections A-A and B-B shown on S19-0774-EWXS1 and S2 Rev A were approved under RM210151. In brief, the altered EW5 is proposed to be closer to the southern boundary with a 90-degree corner instead of two shallower corners.

Several conditions of consent remain unaltered which require geotechnical engineering oversight and certification of the earthworks and retaining structures so site stability related effects due to the change in EW5's location are considered to be less than minor. In regard to visual effects the adjacent sites are considered to provide separation and screening to the extent that the change in effects due to the bulk and location of EW5 are less than minor on the wider environment. This conclusion relies on the fact that the bulk earthworks implemented via RM170114 modified the site considerably as do the additional earthworks authorised under RM180513. Only the effects of the change sought by this s127 can be considered and given the highly modified state of the site, the minor location changes sought by this application result in less than minor adverse effects on the topography, natural features and visual amenity values associated with the existing environment. I also note that the site is not subject to any sites of natural or cultural significance within the District Plan. This conclusion has taken into account the requirement for EW5 to be landscaped in accordance with condition 18 and 41 – 44.

Monitoring requirements

The application is seeking to amend the manner in which monitoring of the effects of stormwater runoff on Speedy's Stream and the onsite wetland is undertaken. There is general agreement between the applicant's ecologist and HCC's monitoring staff, with input from an independent ecologist, that a revision to the monitoring conditions is appropriate in continuing to manage potential ecological effects. New conditions are proposed which have been agreed by HCC's monitoring staff and consultant ecologist. The change to the monitoring conditions will not result in adverse effects.

Landscaping

The applicant is seeking to replace the existing landscaping masterplan set, that applies to all stages, with new plans that apply to Stages 1 and 2 or to confirm via a note, that the approved landscaping plans only apply to Stage 1 and 2.

The potential effect of this change relates to Stages 3, 4 and 5. Subdivision consent has not been granted for these sites and landscaping plans will be required as part of the respective applications to develop these stages. There will be less than minor adverse effects due to this change as the landscaping would only be completed when the roading is constructed within the future stages. These will be subject to landscaping requirements stipulated under the yet unconsented future stages. Consistency of landscaping through Stages 1 – 6 will be a matter to be addressed when Stages 3 – 6 are assessed.

Notes to various conditions

A number of changes are proposed to clarify how conditions apply to the staged subdivision to make eh s223 and s224 certification process more certain. The proposed notes also include a provision that certain conditions, have a S243 approvals.

None of these changes will generate adverse offsite effects.

In summary, the adverse effects from the proposed changes, beyond adjacent sites, will not generate minor or more than minor adverse effects.

Step 4 – Public notification is required in special circumstances

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

Do special circumstances exist that warrant public notification?	No

The proposed changes are expected to be result in less than minor adverse effects. Special circumstances have been defined as circumstances that are unusual or exceptional but may be

less than extraordinary or unique. Special circumstances are not considered to exist with respect to the current application. The District Plan is considered to provide clear policy direction and assessment matters, and it is considered that public notification of the proposal will not reveal any new information relevant to determination. On the basis of the above matters it is not considered necessary to notify the application due to special circumstances.

Conclusion
Public notification is not required.

7.2 - 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

Speedy's Stream is a tributary to the Hutt River. Speedy's Stream is located to the west of the site (#75N Waipounamu Drive) that adjoins the application site. Onsite management of stormwater proposed via this s127 ensures the ecological values of Speedy's Stream are maintained and therefore Ngati Toa Rangatira, via the Ngati Toa Rangatira Claims Settlement Act 2014, which identifies the Hutt River and its tributaries as a statutory area, are not considered to be an affected party under section 95E.

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: • A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E? • For 'boundary activities' an owner of an allotment with an 'infringed boundary' •	N/A (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

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

Section 127(4)(a) requires that, for the purposes of determining who is adversely affected by the change of condition proposed, the consent authority must consider every person who made a submission on the original application, and may be affect by the proposal. The original consent (RM180513) was granted on a non-notified basis therefore no submissions were made or received. As per s127(4)(b) consideration must be had to any person who may be affected by the proposed change. In accordance with section 95E and section 127(4)(b) I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

Staging and Lots

The introduction of staging by amending the Scheme Plan reduces both Lot 300 and 301, introduces Lot 302 and creates a single balance Lot rather than five balance Lots. The potential effects of these changes are assessed below.

Lot 302 is adjacent to 9, 11 and 13 Kaitangata Crescent, 169 Waipounamu Drive and 16 Takapo Grove. As discussed earlier this Lot has been proposed as HCC Parks and Reserve no longer wish to have the land vested with HCC due to its steepness and inability to accommodate a pedestrian path from Waipounamu Drive down into the site. The application does not seek any landuse consent for the proposed site and any use, besides for recreation purposes, requires landuse consent and the consent holder is aware of this restriction. Due to the General Recreation Activity Area zoning and associated District Plan restrictions any adverse effects due to the subdivision and potential permitted future effects are considered to be less than minor.

The size and shape of Lot 301 is changing but the intended use, which is to accommodate stormwater infrastructure is not changing. The reduction in size of Lot 301 will not in itself

generate any adverse effects on persons owning/occupying sites along Otira Grove, Christchurch Crescent and Waipounamu Drive that are adjacent to Lot 301.

The reduction in size of Lot 300 and effective delay in constructing the public open space will not adversely affect person(s) occupying sites adjacent to the site as the change does not actually delay when access to the public open space was to be provided, which was reliant on roads being constructed through Stages 3 and 4.

Other staging effects, such as when stormwater infrastructure will be vested, will not directly affect person(s) owing/occupying adjacent sites due to the stormwater treatment (temporary and permanent) only serving the development site.

Bush track conditions

For the reasons given in the s95 assessment there are less than minor adverse effects on person(s) owning occupying sites adjacent to the development area.

Revision of Earthworks Plans

The changes to Earthwork Wall 5 are shown on S19-0774-FEW1 Rev A and cross sections S19-0774-S1/2-XS 1 to XS4 Rev A which were provided as a result of a further information request. The plans should be referred to for a full understanding of the changes to EW5.

The required landscaping of EW5 has not changed. The current dust suppression hydroseeded rye grass will be replaced by a mix of natives in accordance with the Landscaping Management Plan (LMP) required by condition 41. The LMP has already been submitted to HCC. The final outcome of a vegetated batter slope is not changing.

The steepness of EW5 is not increasing but the length of the wall is. Stormwater running off EW5 will be managed by the works within Lot 301 which are yet to be designed. Currently, as shown below, stormwater is channelled to a pond to the west of EW5 and this effectively manages stormwater runoff.

Above: Looking west along the southern side of EW5. Note the face has been hydroseeded with grass to assist with dust suppression. The face will be landscaped in accordance with the Landscape Management Plan require by condition 41.

The earthworks at cross sections A and B (S19-0774-S1/2-XS-1) are changing as follows. The approved earthworks would have lowered the ground through cross sections A and B in order to form the upper stormwater management ponds. At cross section A the s127 seeks to raise this area by 2.2m from natural ground level and 3.6m from the consented level at the closest point to the boundary with 19 Otira Grove which is approximately 3.3m from the boundary. The platform at cross section A is essentially flat with very minor steps up to the north. Cross section B slopes gently downward away from the boundary. Given the modest height of the earthworks through cross sections A and B, that are not significantly higher than a 2m boundary fence, the associated effects of the earthworks are considered to be less than minor on person(s) owning/occupying 18 and 19 Otira Grove and 37 Christchurch Crescent.

The batter slope of EW5, at cross sections C and D, will be approximately 5.5m closer to the southern boundary with the grade remaining unchanged with the finished platform having a very marginal reduction in height. The height reduction is less than 0.20m. The toe of the batter slope is approximately 3.4m from the boundary with the top of the slope being 14.6m from the boundary. 18 Otira Grove aligns with cross section C with the dwelling on this site 7m from the north eastern boundary it shares with the application site. 17 Otira Grove aligns with cross sections D and E with the dwelling on this site 13.3m from the common boundary. A garage adjoins the boundary.

At cross section E the toe of the batter slope will be 8.4m closer to the southern boundary with the batter slope notably steeper than the approved batter slope. The toe of the batter slope is approximately 3.1m from the boundary with the top of the slope 17m from the boundary.

Cross section F aligns with the 90-degree corner which is where the proposed EW5 has been extended compared to the approved EW5 and results in a batter slope which starts 6m from the southern boundary and rises at 45 degrees. 16 Otira Grove aligns with cross section F with the dwelling on this site 17m from the common boundary with a garage/workshop area 8.5m from the boundary.

The applicant proffered a condition of consent, to be imposed via the decision for RM180520 limiting the height of dwellings on areas where the revised earthworks result in a higher landform than the consented landform. At the time of writing this report the assessment of RM180520 was on hold as it is reliant on the stormwater scheme within this s127 proposal being found acceptable. While I understand the reasoning for proposing a condition/consent notice under RM180520 I cannot take this into account as part of this assessment as RM180520 has not been approved and therefore clearly RM180520 has not been implemented. Dwellings could be constructed in the locations discussed below without resource consent being required once the earthworks under this s127 are complete and without RM180520 having been approved.

The revised Scheme Plan now includes one ‘no build’ area (annotation ‘A’) that prevents the construction of structures(s) adjacent to 19 Otira Grove’s northern boundary and 18 Otira Grove’s eastern boundary. Under the approved scheme, dwelling(s) could not have been constructed in this area because the upper stormwater ponds were to have been located in that area. The no build area means the potential for new adverse effects due to buildings being constructed in this area are avoided.

Development within area ‘B’ of the Scheme Plan is limited to single storey and buildings are required to be set back 5m from the top of the batter slope. This restriction, when compared with a permitted 11m high dwelling, constructed at the top of the approved batter slope, will result in similar effects in relation to privacy and building dominance.

Visual dominance

In relation to potential visual dominance related effects of the earthworks the sections of the wall depicted on cross sections C and D are moving approximately 5.5m closer to the boundary and these sections align with the eastern side of 17 Otira Grove and 18 Otira Grove. The crest of EW5 will be approximately 14.6m from the boundary. As stated previously EW5 will be vegetated with native plants that must achieve 90% canopy coverage in accordance with condition 41.I consider the vegetation will help mitigate the adverse effects of EW5 stemming from its uniform grade in contrast to more varied natural topography. The vegetation will provide some visual amenity to the owners/occupants of the sites to the south. I note this aspect of the development is not changing.

The site has been highly modified under RM170114 and RM180513 but in accordance with s127 (3) (b) it is only the effects of the change being sought that can be considered as part of this assessment. The change from the original landform is not relevant under s127. The only change to consider is the adverse effects of EW5 being moved closer to the adjacent sites. The change, for cross sections C and D, is that instead of a vegetated wall located 20m from the boundary at the crest, it will be located 14.4m from the boundary. The separation distance, especially when the location of the dwellings' on the adjacent site's is taken into account which adds another several metres, remains considerable. For comparison, the width of the frontages of 17 and 18 Otira Grove is approximately 15m. I note that the dwelling on # 17 is approximately 4m above the common boundary and the dwelling and north facing deck on # 18 is positioned higher than # 17 so the outlook from these sites is across toward EW5 rather than up EW5. This relationship, along with the modest relative change in location and required landscaping results in the adverse effects due to the change in EW5 around cross sections C and D, as they relate to 17 and 18 Otira Grove in particular, to be less than minor.

Cross Sections E and F represent the largest change to EW5 as it is the area depicted in these cross sections where EW5 extends further west instead of angling away from the southern boundary. A portion of the outlook from # 17 will change, in addition to the change described in the paragraph above, in that instead of having an outlook toward a vegetated batter slope that extends away from # 17 to the north, at a point starting in line with their western boundary, EW5 will extend across to a point aligned with the middle of # 16. In regard to # 17's internal layout, information held on HCC's property file under Building Consent 190193 shows there is a bedroom, bathroom, laundry, kitchen and dining area on the northern side of the dwelling facing EW5. The lounge is on the southern side of the dwelling. The bathroom windows are obscured and the door from the laundry leads to a small enclosed landing that screens the outlook toward EW5 from the laundry. The kitchen window is modest with the largest window being sliding doors serving the dining room. The double garage in the rear yard limits outlook toward the north west to some extent.

The consented EW5 and skyline would be the main feature of the northern outlook from the kitchen and dining room. This remains the case with the amended EW5, although a section of it will be more prominent due to the change in the design where instead of taking a turn to the northwest at 45 degrees the wall is extended before a 90 degree turn. The proposed change does not alter the fact that a large earthwall, despite turning to a north-western direction part way opposite the northern boundary of this site, was still within the outlook from this property.

I consider that because of the overall separation distance, required planting that must occur within 3 months of the wall being completed and relative heights of EW5 with the dwelling on # 17, the scale of adverse effects due to the change in EW5, in regard to visual dominance is less than minor. I acknowledge that the proposed vegetation coverage is via a seed application rather than planting and will take time to establish due to the method that will be used to establish vegetation. The approved method of landscaping involves spraying an 'Enviroblanket'

on the batter slope which is sown with native seeds. The Enviroblanket is a proprietary mixture of compost and mulched wood that is sprayed onto the surface at high pressure. This mix consolidates and adheres to the surface as a growing media and seedbed for the native seed. After a year plants can be expected to be between 5cm and 50cm and even at this modest height will provide visual amenity due to the variety in species and the varied heights and will only increase with respect to screening over time. The dwelling on # 16 is set approximately 17.5m back from the common boundary and has a large flat rear yard. The dwelling on this site is orientated toward the corner of the revised EW5. In regard to the effects on person(s) owning/occupying # 16 part of their outlook would be toward and across the corner of EW5's batter slope rather across the batter slope that would have been set further into the site under the approved scheme. The lower half of EW5 would be below the outlook from the dwelling on #16 with the outlook largely being over the corner of EW5. As such, the extension of EW5 is not going to dominate this site and therefore will not generate adverse effects that minor or greater on # 16.

Noting the separation distance remains considerable from the top of EW5 to the sites to the south and the permanent planting on EW5 will add amenity to the outlook from the sites to the south, I consider the combined change in effects due to the location of EW5 and the buildings that could be constructed on the building platform will be less than minor.

Shading

In relation to shading, the effects from the change to EW5 are less than minor for the following reasons. The shading diagrams provided 15/07/2025 compare the consented EW5 with the proposed EW5 which includes a 4.3m high dwelling set back 5m from the top of EW5. A proffered consent notice condition restricts buildings to be single storey and setback 5m from the top of EW5. The building on the 'consented design' shading diagrams could be constructed on the platform formed by the consented EW5 and I note this same building could also have been included on the 'mitigation measures' diagram In fact three buildings could have been included on the 'mitigation measures' diagram as long as they complied with the proposed Consent Notice restriction. The shading cast by the building at the eastern end is irrelevant as buildings cannot be constructed in this area due to a condition proffered by the applicant.

In mid-winter, when shading is at its most prominent, the additional shading from the earthworks and dwelling located on the extended building platform at 9am is a small area of additional shadow (approximately $9m^2$) cast on the northeastern corner of the roof of # 18, shading of $20m^2$ on # 17 and the western corner (approximately $20m^2$) of the roof of # 16. There is no additional shading caused by the earthworks or dwellings at 10am on the dwellings to the south but there is some shading on the garage at the northern end of # 16 and # 17. There is no additional shading at 11am at the winter equinox. The very limited area of additional shading due to the changes to EW5, during a short period of the day in midwinter, means the shading effects from the earthworks are less than minor.

I note that the amended EW5 remains compliant with recession plane (2.5m + 45 degrees) that was relevant at the time the consent was granted and is compliant with the current, less onerous, height in relation to boundary (4m + 60 degrees) development standard.

In regard # 19, the restriction of no structures within area A means the shading effects are limited to the earthworks alone. These are in the order of 2.2m – 2.6m above the consented level so shading effects will be less than minor when the permitted baseline of a 2m boundary fence is taken into account.

Several conditions of consent remain unaltered which require geotechnical engineering oversight and certification of the earthworks and retaining structures so site stability related effects due to the change in EW5's location are considered to be less than minor.

Construction effects on all persons

EW5 has been constructed so the construction effects are mostly retrospective with the exception of the final planting of the batter slope. Remaining works in this area include replacing the grass on the face of EW5 with native plants in accordance with the Landscape Management Plan required by condition 41 and completing the path and stormwater infrastructure along the toe of EW5. Under the approved scheme machinery would have worked adjacent to the boundary with 17, 18 and 19 Otira Grove but would have been set further back from # 16'sboundary when constructing EW5. However, there would have been additional works due to constructing the series of stormwater ponds that were to be located in this area but that are now being replaced by a single pond.

It is acknowledged that there were dust nuisance and sediment control issues due to the works in this area. These effects are managed by consent conditions. There is no information to suggest that the dust and sedimentation issues were due to, or exacerbated by, the amended design and location of EW5 or whether they would have occurred in the construction of the approved wall where consent conditions were not followed. Nevertheless, Council required the applicant to rectify the issues and this occurred to a satisfactory degree such that any cumulative historical, enduring and potential future effects are overall, less than minor

I note that there have been minor slips along EW5 in June 2025 that have been remedied by the consent holder. The slips did not impact adjacent sites with slip material caught by the bund at the bottom of EW5. Overall, the changes to the design and location of EW5 did not give rise to additional adverse effects that were minor or more than minor.

Stability

Part of the amended EW5 results in a steeper batter face than as approved. This is shown on cross sections E and F. The batter slopes shown on cross sections E and F are not steeper

than the approved batter slopes shown on cross sections C and D so from a geotechnical perspective there is no change to stability related effects and the extensive set of conditions remain that relate to engineer design, oversight and certification of the earth wall. EW5 remains an acceptable design subject to compliance with conditions and there will not be adverse effects associated with instability.

Limited notification is not required under step 3.

8. DETERMINING THE APPLICATION

8.1 ENVIRONMENTAL EFFECTS

The effects due to the proposed changes have been considered above in the s95D and 95E assessments and as such the assessments in section 7.0 (95D) and 7.1 (s95E) are considered to be relevant to the s104 assessment and I adopt them accordingly, reference should be made to these sections for those conclusions. I consider it appropriate to address the additional assessment matters as follows.

Staging effects

As originally proposed the s127 introduction of additional stages introduced uncertainty around when permanent stormwater infrastructure will be constructed and operational by decoupling Lot 301 from s224c for Stage 2C. While HCC had allowed some temporary stormwater management this was not a formalised agreement. Since lodging the s127 the proposal has been amended with an upgrade to both the interim stormwater infrastructure serving Stage 2 and the permanent but not yet completed infrastructure serving Stage 1 and this approach has been accepted HCC's Principal Development Engineer. In addition, David Wilson (consultant engineer to Wellington Water) has provided advice to HCC on the upgrade works. Mr Wilson has had direct involvement with reviewing the proposed upgrades and the related amended and new conditions. The upgrade must be completed before s224C certification for Stage 2C will be granted and this will ensure suitable stormwater management is in place for Stage 1 and 2C until the permanent stormwater infrastructure within Stage 2E is constructed and the stormwater infrastructure in Stage 1 is completed.

Cumulative effects

Cumulative effects are actual effects that occur due to successive proposals where individually a proposal may generate insignificant effects but cumulatively the effects may become significant. I note that on this site there are no unimplemented consents to take into account. I have considered whether this s127 is an example of environmental creep which is where an application relies on a previous development establishing an existing environment which the

new proposal can be then assessed against or rely on. While the existing environment remains relevant when assessing cumulative effects equally relevant is whether there is a maximum limit that needs to be recognised. In this case I do not consider a maximum limit has been breached in terms of adverse effects on sites to the south although the development must be very close to this limit in regard to visual dominance.

The amendments relating to stormwater management ensure stormwater is being managed appropriately across the site in a way that allows the site to be developed in stages. This is considered a positive effect.

Overall, I consider any effects on the environment to be acceptable for the reasons provided in sections 7.0 and 7.1 and those matters addressed above.

8.2 ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER 104(B)

Objectives and policies of the District Plan

I consider the below District Plan objectives and policies to be relevant.

14L 1.1 Natural Character
Objective - 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*

14L 1.2 Amenity, Cultural and Historical Values
Objective – To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.

a) *To protect the visual amenity values of land which provides a visual backdrop to the City.*
b) *That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.*
c) *To protect any sites with historical significance from inappropriate earthworks.*
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*

I consider the proposal to be consistent with the above objectives and policies. As discussed earlier it is considered the change to the proposed earthworks, in regard to the change in resulting landform and associated visual amenity, is acceptable as appropriate mitigation is in place for the changes that do have the potential to generate adverse effects.

Subdivision

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

Policy

- *To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, Medium Density Residential and High Density Residential Activity Areas to enable diversity of commercial and residential development size and density.*

The proposal does not seek to alter the size of the residential allotments in stage 1 and 2 but creates a single super lot instead of Lots 3 – 6 which were also super lots. This change is acceptable and I note the super lot is the subject of existing, but suspended, consent applications that are contingent on this s127 being granted due to the reliance on the stormwater system. The proposal is consistent with this objective and associated policies.

11.1.2 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

- *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.*

- *Use 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 non 3-waters utilities the proposal is not changing the proposal. In regard to the stormwater the amendments have been discussed at length above and the s127 allows for formalisation and upgrade of the temporary stormwater management infrastructure which has been agreed to by HCC's Principal Development Engineer and a review has also been undertaken by David Wilson. In addition, updated monitoring conditions have been proposed, with full support from HCC's consultant ecologist, and these will allow for greater understanding of the impacts of the development on Speedy's Stream.

11.1.3 Objective:

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

Subdivision does not increase the risk from natural hazards, including coastal hazards.

Policy

- *Subdivision shall ensure that any building platform is not located within an identified Stream Corridor.*

- *Subdivision where building platforms are within overland flow paths shall ensure that overland flowpaths are not impeded and mitigation measures are incorporated into the subdivision to avoid any increase in risk to people or property, including neighbouring properties.*

- *Subdivision where the building platforms are within the Inundation Area shall include mitigation measures to avoid any increase in risk to people or property, including neighbouring properties.*

- *Subdivision where the building platforms are within the Medium Coastal Hazard Overlays shall include mitigation measures to avoid any increase in risk to people or property, including neighbouring properties.*

- *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 proposal does change the location of Lots and therefore there is no change in relation to natural hazards. The altered position of EW5 does not increase the likelihood of slope instability and associated impacts as there is no change proposed to the conditions relating to the design, construction and certification of EW5.

Objectives and policies of the Proposed District Plan

I consider the Proposed District Plan (PDP's) objectives and policies to be of limited relevance. On the 6th of February 2025 Hutt City Council notified the Proposed District Plan; this is the result of a full review of the Operative District Plan which came into force in 2005. As such the proposed plan is in the early stages of the Schedule 1 process with any hearing yet to commence. While the proposed plan requires consideration limited weight is given to the objectives and policies due to the early stage of the plan change process.

This site is zoned Medium Density Residential and Natural Open Space with the following overlays: Low Flood and High Flood Hazard, Slope Assessment and National Grid Yard Corridor.

Both of the flood hazard areas are within the Natural Open Space zone which is not affected by this s127. The part of the site that is within the National Grid Yard corridor is also not affected by the s127. The Slope Assessment overlay applies to the area where EW5 is located.

The objectives and policies relating to earthworks, subdivisions and natural hazards are the most relevant for this s127.

Earthworks

EW-01 Earthworks

Earthworks are undertaken in a manner that:

1. *Is consistent with the anticipated scale and form of development in the underlying zone,*
2. *Minimises adverse effects on the natural environment, including changes to natural landforms,*
3. *Minimises adverse effects on visual amenity values,*
4. *Minimises adverse effects on cultural and historic heritage values,*
5. *Minimises erosion, dust, and sediment effects beyond the site boundary,*
6. *Does not cause or exacerbate risks from natural hazards,*
7. *Minimises risks associated with slope instability, and*
8. *Protects the safety of people and property.*

Policies

EW-P2 Appropriate earthworks

Enable earthworks associated with subdivision, land use, and development where:

1. *The earthworks are coordinated and integrated with the associated subdivision, land use, and development to ensure the finished landforms are fit for the future intended purpose, including ensuring future land use and development for development sites is feasible,*
2. *The scale of the earthworks is consistent with the scale and form of development anticipated within the underlying zone,*
3. *The stability of land is maintained, including the stability of land on adjoining sites,*
4. *The structural integrity of infrastructure, buildings, and structures on the site and on adjoining sites is not compromised,*
5. *The area, height or depth, location, and slope of the earthworks ensure that:*
    a. *Adverse effects on visual amenity resulting from cut or fill faces, retaining structures, and alterations of natural landforms and features are minimised, and*
    b. *Effective measures are adopted to manage the potential for erosion and the movement of dust, silt, and sediment beyond the site,*

6. *The transport of earth and cleanfill material to and from any site is undertaken in a way that:*
    a. *Minimises adverse effects on amenity values,*
    b. *Minimises the deposition of sediment on footpaths, roads, and into stormwater systems, and*
    c. *Ensures the safe and efficient operation of the transport network,*
7. *The area where earthworks have occurred is reinstated to a condition which minimises adverse effects on land stability, erosion, and the visual amenity in a timely manner.*

EW-P7 Earthworks on slopes

On slopes greater than 34 degrees, where the 34 degree slope angle is sustained over a distance of at least 3m, measured horizontally, provide for earthworks where a geotechnical assessment confirms that:

1. *The proposed earthworks will minimise the risk from slope instability to people and buildings, and*
2. *The proposed earthworks will not increase the risk of slope failure on adjacent sites.*

EW-P8 Earthworks in the Slope Assessment Overlay

Provide for earthworks in the Slope Assessment Overlay, where a geotechnical assessment confirms that:

1. *The earthworks will minimise the risk from slope instability to people and buildings, and*
2. *The earthworks will not increase the risk of slope failure on adjacent sites.*

The bulk earthworks approved via RM170114 and RM180513 have allowed significant earthworks across the site including the creation of the large Reinforced Soil Structure (RSS) batter slopes, such as EW5. These consents have been implemented so the existing environment is already a heavily modified site. The s127 is not fundamentally changing the bulk earthworks already approved but is allowing a variation to one of the batter slopes. The extensive conditions requiring geotechnical engineering design, oversight and certification remain which ensure slope stability is appropriately managed. There are also adequate existing conditions that manage erosion, dust and sediment effects. Overall, given the degree of change being sought by this s127 and the existing conditions that manage adverse effects the proposal is considered to be consistent with the above objectives and policies.

<u>Subdivision</u>

SUB-O1 - Subdivision

Subdivision results in a well-functioning environment that enables all people and communities to provide for their social, economic, and cultural wellbeing while safeguarding the life-supporting capacity of the environment.

SUB-O2 Subdivision design

Subdivision results in development patterns and allotments that:

1. *Maintain or enhance Lower Hutt's compact urban form,*
2. *Are compatible with the purpose, scale, and intensity anticipated for the underlying zone,*
3. *Enable appropriate future use and development of land and buildings,*
4. *Provide for and protect identified natural environment, historical and cultural values, and*
5. *Manages the risk from natural hazards.*

SUB-O3 Servicing of allotments

Development enabled through subdivision is adequately serviced and supported by infrastructure and the transport network

SUB-P1 Benefits of subdivision

Recognise the benefits of subdivision in providing sufficient residential and business development capacity, facilitating a variety of development forms and activities, and c contributing to housing affordability.

SUB-P4 Subdivision design and layout

Provide for subdivision and the creation of new allotments where:

1. *The subdivision reflects the intended pattern of development of the underlying zone,*
2. *The subdivision is consistent with the anticipated purpose, character, and density of development of the underlying zone,*
3. *The allotments are of a size and dimension that is sufficient to accommodate the intended activities and development forms for the underlying zone, and*
4. *The design and layout encourage the efficient use of renewable electricity and other natural and physical resources and deliver well-connected, resilient communities through development patterns and sustainable designs.*

SUB-P7 Servicing and access

Require all allotments created by any subdivision to be adequately serviced as follows:

1. *Require new infrastructure and upgrades to existing infrastructure to meet the relevant Council engineering standards.*
2. *Require sufficient infrastructure capacity to accommodate development in accordance with the planned purpose of the zone.*
3. *Where upgrades to existing infrastructure or new infrastructure are required ensure that the upgraded or new infrastructure have sufficient capacity to accommodate future development and densities anticipated by the underlying zone.*
4. *Require new roads and new vehicle access to sites to meet minimum design standards to:*
    a. *Allow for safe and efficient traffic movements,*
    b. *Provide for pedestrian amenity, and*
    c. *Safely accommodate the intended number of users.*

5. *Require suitable access and connections to reticulated water supply, wastewater, and stormwater networks in urban areas that meet the requirements of the Wellington Water Regional Standard for Water Services v3, December 2021.*
6. *Where reticulated services are not available require allotments to be of sufficient size and shape with appropriate soil conditions to accommodate on-site wastewater, stormwater and water supply infrastructure, including water supply for fire-fighting purposes.*
7. *Require the provision of suitable connections to telecommunications and electricity.*

SUB-P9 Subdivision for infrastructure

Control the creation of allotments for the purposes of infrastructure to ensure that:

1. *Any allotments are of a sufficient size, design, and layout to accommodate its required use,*
2. *There is adequate access to any proposed allotments, and*
3. *Infrastructure with sufficient capacity is provided to service any proposed allotment.*

SUB-P10 Subdivision in residential zones

Provide for subdivision in residential zones where:

1. *The subdivision enables flexibility, innovation, and choice for future development, and*
2. *Allotments are of a size, shape, and orientation that is compatible with the nature, scale, and intensity anticipated for the underlying zone.*

SUB-P22 Subdivision of land in natural hazard risk areas

Take a risk-based approach to the management of subdivision of land affected by natural hazards identified in the District Plan based on:

a. *The sensitivity of activities to the impacts of natural hazards, and*
b. *The hazard posed to people's lives and wellbeing and property by considering the likelihood and consequences of differing natural hazard events*

The s127 does not alter any of the approved residential lots and instead amends proposed Lots that will accommodate stormwater infrastructure and land that will be vested with HCC as reserve. A large balance Lot is retained that is subject to existing consent applications for subdivision lodged with HCC which have not yet determined. These proposals will determine the use of the balance Lot which will need to meet the outcomes sought by SUB-01 and 02.

In regard to servicing, the s127 alters how stormwater will be managed with the approach to stormwater management now reflecting the staged approach of the site development. This approach is supported by Council's Principal Development Engineer.

While EW5 is steep this form of batter slope has been approved across the site with extensive conditions applying that require geotechnical engineering design, oversight and certification.

EW5 remains setback from the site boundary which avoids potential adverse effects on adjacent sites in the unlikely event of slope failure.

Three Waters

THW-O1 Infrastructure-enabled urban development

Future use and development of land in urban areas is sufficiently supported by existing or planned three waters infrastructure capacity at an appropriate level of service. Alternative means to service use and development are considered where necessary and appropriate.

THW-O2 Hydraulic neutrality and stormwater management

Future use and development in urban areas incorporates measures to manage stormwater runoff so it does not increase offsite stormwater peak flows compared to current levels, does not increase flood risks, and improves stormwater quality.

THW-P3 Hydraulic neutrality

Require new development in urban areas to achieve hydraulic neutrality. Any hydraulic neutral devices shall be designed, constructed and maintained to manage the rate of discharge of stormwater to the receiving environment so that the rate of offsite stormwater discharge is reduced to be at or below the modelled peak flow for each site prior to the development commencing.

THW-P4 Water sensitive design

Require new development in urban areas (except for commercial and mixed use zones) to incorporate water sensitive design methods and to be designed, constructed and maintained to:

1. *Avoid or mitigate off-site effects from surface water runoff, and*
2. *Be in accordance with best practice solutions for the management of stormwater quality and quantity from the development the development.*

The s127 alters the management of stormwater to align with the staged approach to the site's development with upgrade works proposed to the interim stormwater management via this s127. Amended methods of monitoring the effects on Speedy's Stream have also been proposed and agreed to as the new monitoring reflects current practice. These changes are consistent with TWH-02 and THW-P4 in particular.

Natural Hazards

NH-O2 Risk from natural hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays

Subdivision, use and development within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays minimise the risk from natural hazards to people, buildings and infrastructure.

NH-P1 Risk-Based Approach

Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:

1. *The sensitivity of the activities to the impacts of natural hazards,*
2. *The hazard posed to people's lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events, and*
3. *The operational need or functional need for some activities to locate in Natural Hazard Overlays.*

NH-P2 Levels of Risk

Subdivision, use and development manages the natural hazard risk to people, buildings and infrastructure by:

1. *Avoiding buildings and activities in the High Natural Hazard Overlays (with the exception of the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development maintains or reduces the existing risk from the natural hazard to people, buildings and infrastructure.*
2. *Within the General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these areas minimises the risk from flood hazards in the High Flood Hazard Overlay to people, buildings, and infrastructure.*
3. *Requiring subdivision, use, or development to minimise the risk to development from natural hazards to people, buildings and infrastructure in the Low Hazard Overlays and Medium Hazard Overlays, and*
4. *Enabling use, or development that have either low occupancy or low replacement value within the Natural Hazard Overlays.*

NH-P12 Subdivision in the Slope Assessment Overlay

Provide for subdivision that creates additional building platforms in the Slope Assessment Overlay where:

1. *A geotechnical assessment confirms that the site is suitable for subdivision, use and development, and that the risk from slope instability can be avoided, remedied or mitigated.*
2. *The subdivision does not cause land instability on the site or adjoining properties.*

The suitability of the RSS walls was assessed as part of determining RM180513 with a geotechnical assessment provided with that application. External experts were engaged by HCC to review the proposal with several conditions imposed to manage the design and construction of the earthworks and RSS walls. The proposed amendment to EW5 does not introduce a new form of wall that has not already been assessed and considered to be acceptable. The revised location, in terms of the toe of the batter slope being closer to the

external boundaries, remains acceptable due to there still being a minimum setback of 3.1m from the external boundary.

Overall, the proposal is consistent with the relevant PDP objectives and policies.

8.3 ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(B)

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had. I acknowledge that since the decision was granted in 2020 that there have been changes to the RPS in particular. I do not consider that any of the requested changes to conditions are contrary to the RPS or RPS as revised by PC1.

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

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

8.5 PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991. Specifically, the proposal is consistent with section 7(c) the maintenance and enhancement of amenity values and section 7(f) maintenance and enhancement of the quality of the environment and section 8 Treaty of Waitangi.

8.6 SUBSTANTIVE DECISION

The proposed changes to the development are acceptable and do not create materially different adverse effects and continue to result in an acceptable form of residential development.

- The changes formalise the staging and the staged development of the stormwater infrastructure which adds certainty to the effects associated with the ongoing development of the site.
- Adverse effects associated with altering EW5 have been avoided by restricting development within parts of future Stage 3.
- Monitoring conditions relating to Speedy's Stream have been amended to reflect current best practise.

- The creation of Lot 302 is supported as HCC no longer wish to own this land and the applicant has acknowledged that there is no certainty that residential development will be permitted on this site.
- The amendment of Lot 300 and removal of conditions requiring vesting of the proposed public park as part of Stage 2 is supported HCC's Parks and Reserves team.

The proposal is also generally consistent with the objectives and policies of the District Plan and Part 2 of the Resource Management Act 1991.

I consider the environmental effects of the proposed variation to be acceptable and consistent with the objectives and policies of the District Plan. Pursuant to section 127 of the Resource Management Act 1991. I therefore grant the approval of an amendment to conditions 1, 20, 51, 56, 59, 66, 67, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 102, 113 of the subdivision consent. In addition, I consider it necessary to create conditions 1D, 1E, 56A, 56B, 56C, 56D, 56E, 80A, 80B and 92A which relate to the subdivision approval

9. CONDITIONS OF RESOURCE CONSENT

The amended and additional conditions are as follows:

Subdivision consent

Condition 1

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

   Spencer Holmes Plan Sets
   - S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025
   - S19-0774-2B-D0-D21 Civil Engineering Plans (Approved by HCC Engineering Team 28/02/2024)

- S19-0774-2D-D1 Civil Engineering Plans, (Stormwater Only)
- S19-774-S1/2-PD1 Rev A - undated
- S19-774-S1/2-XS-1 - 4 Rev A - all undated
- S19-0774-FEW1 Rev A dated 22.07.2024
- S19-0774-EWXS6
- S19-0774-2C-D0-D21 Rev H Civil Engineering Plans (Approved by HCC Engineering Team 08/05/2025)

Macroventures Plan Set

- P0246 Stage 1 Manapouri Grove Rev 1 Civil Engineering Design (Approved by HCC Engineering Team)

Vecta Plan Set

- P0246 Stage 2A Manapouri Grove Rev B Civil Engineering Design (Approved by HCC Engineering Team 14/03/2023)

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: The landscaping elements of the Boffa Miskell Plan are limited to the extents of Stage 1 and Stage 2, including all substages (excluding Stage 2D and Stage 2E).

Additional Plans

Macroventures 'Proposed EW-04' and 'Proposed Cross Sections for Stage 4' DWG Numbers SK34-01 and SK34-02, dated 26/03/2021, Revision 1.

Additional documents

- Design Report for Mechanically Stabilised Earth (MSE) Wall EW04;
- Appendix 1: Design Drawings;
- Construction Specifications for Mechanically Stabilised Earth Embankments by ENGEO Ltd., dated 27 December 2020.

1A The geogrid wall and associated earthworks referred to as EW01 on the ENGEO plan dated 11/12/2020, titled 'Embankment EW01 Location Plan', shall extend to the extent shown on this plan. The retaining wall that extends through the rear of Lots 23 - 30 shall be located as shown on this plan. Lots 16 – 22 shall be as shown on this plan.

Note: condition 1A was imposed via RM200328

1B The ground conditions at the foundation of the MSE wall should be confirmed during construction by a suitably qualified geotechnical professional and the assumptions of the design reviewed and revised as required, as per RM180513 conditions 11 and 12 of the subdivision approval. Relevant documentation confirming that the above process has been carried out should be provided to the Council as required by condition 11.

1C The structures, i.e., houses and potentially retaining walls, as well as the underground services supported by Earthworks Retaining Wall EW04 should be designed to tolerate the vertical and lateral displacements estimated by the ENGEO Design report under seismic loading. The displacements to be taken into account in the final design should be the ones estimated with the application of the topographical amplification factor, as the MSE wall itself is almost 30 m high in some sections and has a steep slope angle.

Note: conditions 1B and 1C were imposed via RM210151

1D That, in accordance with Section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of the Balance Lot specifying the following ongoing requirements:

a. No structures may be erected in the area annotated 'A' on the Scheme Plan S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025
b. Only single storey buildings may be erected in the area annotated 'B' on the Scheme Plan S19-0774-AP1 Subdivision Staging Plan Rev D dated 26.05.2025. All buildings in area B must be located no closer than 5m from the top of EW5.

1E That the consent holder meets the cost of registering the consent notice.

Note: conditions 1D and 1E were imposed via RM240100

Condition 20

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.*

- *A Building Consent will be required for all retaining walls over 1.5m high or supporting surcharge loads OR a Schedule-1 Exemption-2 (TA Discretionary Exemption) must be obtained for the RSS or MSE walls*

Condition 50

The consent holder shall engage suitable qualified professional engineer(s) 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.

Condition 51

51. The permanent stormwater management and mitigation system treatment devices in Lots 300 and 301 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 an including the critical 10 percent annual exceedance
b) be designed using runoff coefficients and other hydrological parameters agreed by Council's HCC Manager Consents and Compliance at detailed design phase.
c) have batter slopes of 1 vertical in 3 horizontal average or flatter.
d) discharge via a restricted outlet at flow rates to be agreed by Council's HCC Manager Consents and Compliance Consents at detailed design phase
e) Incorporate suitably designed secondary overflow provisions
f) The permanent stormwater management and mitigation pond in Stage 2E (lot 301) shall be designed to accommodate a 1% AEP event for Stages 2, 3 and 6.

Note: the 'permanent' devices do not include the interim works within proposed Lot 300 and the temporary SW management for Stage 2 contained within the balance Lot.

Condition 56

Prior to approval under Section 224 (for Stage 2E) 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.

Condition 56A

Prior to certification under Section 224c (for Stage 2C) of the Resource Management Act 1991, the works shown on the following plans must be completed and certified under condition 50.

Stage 2 Temporary SW infrastructure plans

- *S19-0774-2C-D90 (Rev A) 10.02.2025*
- *S19-0774-2C-D91(Rev A) 10.02.2025*
- *S19-0774-2C-D92 (Rev B) 10.04.2025*
- *S19-0774-2C-D93 (Rev F) 21.05.2025*
- *S19-0774-2C-D94 (Rev C) 10.04.2025*

The consent holder shall operate and maintain the Stage 2 Temporary SW infrastructure until a 224c certificate is issued for Stage 2E. The maintenance must ensure the performance of the Stage 2 Temporary SW infrastructure does not materially diminish.

Condition 56B

That, prior to the commencement of any interim physical works relating to the Stage 1 stormwater treatment area, the consent holder submits engineering plans for certification, to Council's Resource Consents and Compliance Manager via subdivision@huttcity.govt.nz for approval of the detailed design. The Stage 1 interim treatment design shall be based on the Stage 2C knockout pit design.

Condition 56C

The Stage 1 interim works approved under Condition 56B must be constructed, and certified in accordance with condition 50, prior to applying for s224 certification for Stage 2C.

Condition 56D

The consent holder shall operate and maintain the Stage 1 interim treatment and detention pond in good condition until such time as the permanent SWMS treatment device in Lot 300 is installed and 224c issued for Stage 2D.

Condition 56E

Prior to certification under Section 224c (for Stage 2D) of the Resource Management Act 1991, the permanent stormwater management mitigation systems and associated planting within proposed Lot 300 shall be constructed and certified in accordance with condition 50.

Condition 59

Following the issue of the section 224(c) certificates for Stage 2D and 2E, the consent holder shall operate and maintain the respective stormwater management and mitigation systems for a minimum of 2 years at the consent holder's expense. At the end of each 2-year maintenance

period the treatment and attenuation device shall be inspected by the consent holder's engineers and suitable Council representative(s) to ensure it is appropriately established and maintained and that all landscaping is established. The reserve shall be maintained in a tidy condition throughout the 2-year maintenance period and be free of litter and refuse. Any vegetation that dies or declines during the maintenance period shall be replaced in the earliest planting season after the initial planting. The consent holder shall provide a written report in this regard, including any recommendations for ongoing 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 engineer that the treatment device has been constructed and maintained in accordance with the approved design and the certification accepted by Council.

Condition 66 – deleted.

Condition 67

A maintenance bond for the stormwater management and mitigation system and associated landscaping shall be payable at the time of issuing certificate a pursuant to Section 224c for Stage 2D and 2E. The amount of the bond shall be 1.5 times the contracted rate for maintenance plus an allowance for any damage that may occur throughout the maintenance period. The bond will be held for a period of two years from the date of the Section 224c certificate. The bond will only be released upon written certification from the consent holders engineer that the stormwater assets and attenuation pond are in good working order, that all rubbish and any other debris has been cleaned out from the treatment device and pond, the operation of the device is working in accordance with the approved engineering drawings and suppliers specifications and final acceptance of the landscaping planting by Council.

Condition 80

Lot 300 shall be vested with Hutt City Council as part of Stage 2D.

Condition 80B

Lot 301 shall be vested with Hutt City Council as part of Stage 2E.

Condition 83 - deleted

Condition 84 - deleted

Condition 85 - deleted

Condition 87

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

During construction of the Stage 1 & 2 subdivision and during bulk earthworks across the wider site, the macroinvertebrate community and sediment (fine sediment cover, physical habitat and spot water quality measurements) will be sampled to monitor aquatic health trends in Speedy's Stream.

The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

The monitoring program will:

- Provide long-term trends of aquatic health throughout the project
- Allow for assessment of the macroinvertebrate community health in response to any potential sediment discharges from the construction site.

Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 88

There are two monitoring frequencies associated with the construction phase monitoring required by Condition 87. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.

The Construction Phase Initial Monitoring shall commence within 1 month of this Decision and shall include 12 months of monitoring. During this period the frequency of sediment monitoring shall be monthly. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur within this period.

There are two types of reporting required of the Construction Phase Initial Monitoring. These are the Construction Phase Initial Monitoring Quarterly Reports and the Construction Phase Initial Monitoring Annual Report.

Construction Phase Initial Monitoring Quarterly Report:

The Construction Phase Initial Monitoring Quarterly Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the end of each quarter. The report shall include, but not be limited to:

- Date of survey
- Results of Sediment Monitoring

- Basic analysis of data trends

Construction Phase Initial Monitoring Annual Report:

The Construction Phase Initial Monitoring Annual Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summarise the results from the monthly sediment monitoring,
- Include at least one round of macroinvertebrate data with multivariate analysis.
- Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to construction site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Recommendations for change to 'Ongoing Monitoring' Frequency & Reporting.
- Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 90.

The Annual Report will provide the guidance on next steps and when Condition 89 – Ongoing Monitoring Frequency & Reporting comes into effect. The consent holder shall request written confirmation from Hutt City Council to finish Condition 88 and commence Condition 89. Condition 89 monitoring shall not commence until the HCC Manager Resource Consents and Compliance provides confirmation.

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 89

There are two monitoring frequencies associated with the construction phase monitoring required by Condition 87. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.

The Ongoing Monitoring Phase is defined as the monitoring frequency post the initial monitoring phase. During this period the frequency of sediment monitoring will be at least biannually (6-monthly), with the frequency determined by the recommendation within the Construction Phase Initial Monitoring Annual Report. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur annually.

An annual report is required during the Construction Phase Ongoing Monitoring.

Construction Phase Ongoing Monitoring Annual Report:

The Construction Phase Ongoing Monitoring Annual Report will be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summary of results (sediment, physical habitat and macroinvertebrates)
- Include at least one round of macroinvertebrate data with multivariate analysis.
- Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to construction site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Recommendations including but not limited to site management or ongoing monitoring adjustments.
- Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 90.

Condition 90

The following triggers shall be used to determine if further investigation or management actions are required.:

a. A greater than 25% difference in sediment deposition cover between the control SS-01 and SS-02 impact site, persisting for more than two consecutive monitoring occasions.

b. A greater than 15% decrease between the control SS-01 and impact site SS-02 in either MCI, QMCI, EPT% or density, persisting for more than two consecutive monitoring occasions.

When a trigger parameter is breached, an adaptive management process will be initiated as follows:

i. Notification:
Where macroinvertebrate and/or deposited sediment impacts are detected (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.

ii. Collaboration: The consent holder (or their agents) will discuss & collaborate with the HCC Manager Resource Consents and Compliance, to develop an adaptive management strategy. Key points to discuss include, but are not limited to:

- Summary of trigger breach
- Potential cause of the trigger breach to determine if related to the site.
- Identify mitigation measures. The strategies may include:
    - Adjustments to management practices to prevent further sedimentation issues.
- Identify timing for implementing mitigation measures, if repeat monitoring will occur and timing for review of adaptive management strategy

The purpose of the collaborative discussion is to reach an agreement on the adaptive management strategy to address the potential issue that resulted in the trigger parameter being breached.

iii. Implementation & Monitoring
The adaptive management strategy will be implemented and monitored in accordance with the adaptive management strategy agreed to in 90(ii).

Condition 91

Post Construction, the following monitoring of Speedy's Stream is required.

Post construction of the Stage 1 & 2 subdivision means when the civil construction is completed and/or people are residing in dwellings within the subdivision stage. The purpose of this monitoring is to assess the quality of stormwater exiting the subdivision.

The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 92

The post construction stormwater quality monitoring will be conducted biannually, once in Summer (Dec – Mar) when there are low flows and once in Winter (June to September) when flows/rainfall are higher. The Post-Construction Stormwater Monitoring will occur for a minimum of two years, until the consent holder is cleared of their maintenance responsibilities of the stormwater assets as per Condition 59.

Post Construction Stormwater Reporting - Stormwater Run-off Monitoring Report

The Post Construction Stormwater monitoring results shall be collated into an annual Stormwater Run-off Monitoring Report (SRMR). The SRMR will be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- Summarise the results of the water quality monitoring samples collected
- Any notable changes to the subdivision site that has occurred in the 12 months preceding the monitoring (including photos, where possible).
- Provide any potential links to site discharges
- Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.
- Photos of each monitoring location.
- Assessment of Trigger Parameters. The Trigger Parameters are identified in Condition 92A.

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Condition 92A

If results of the Post Construction Stormwater Quality Monitoring required per Condition 92 show elevated contaminant levels above the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018) guidelines for each sampled contaminant, then the following process will be initiated:

i. Notification:
Where contamination levels are detected beyond the trigger parameter (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.

ii. Recommencement of Ongoing Monitoring & Reporting:
Recommencement of Ongoing Monitoring & Reporting (as per condition 89) for a minimum of two years after a breach of the trigger parameter. This includes biannual sediment quality and quantity (cover) sampling and annual macroinvertebrate. The recommencement of Ongoing Monitoring & Reporting is in addition to continuing with the monitoring & reporting required by Condition 92.

iii. Trigger Breach Assessment & Reporting:

Trigger breach assessment of ongoing monitoring results to macroinvertebrates health (Condition 90(b)) and implementation of associated adaptive management process if breach detected as per Condition 90.

Condition 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.

Note: This condition does not apply to Stage 2E and 2D

Condition 99

There must be no vehicle access from Waipounamu Drive for Lots 75-78 inclusive and this is to be registered as a consent notice on the title of each allotment.

Condition 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. Calculations by an engineer are to be submitted at the time of engineering approval to indicate the required dimensions for any overland flow path.

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. The easement will be 3m wide where possible, but where local restrictions (i.e. buildings) are located a reduction of width will be considered taking into account the impact of the reduced width and any proposed mitigation.*

Condition 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.

Note: This condition is not relevant to Stage 2E and 2D

Condition 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.

Note:
Easements may 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.

Hutt City Council agree to cancel any easement pursuant to S243 of the Resource Management Act over services/infrastructure and redundant pipes that will be vested to the Hutt City Council in the future.

Processing planer:

Dan Kellow
Environmental Planner (contractor)

Peer reviewer:

Stephen Dennis
Principal Resource Consents Planner

Application lodged: 29 May 2024
Application approved: 24 June 2025

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RM number: RM250229
Date: 18 June 2026
Applicant: Genesis Residential Kelson Limited
Agent: Spencer Holmes
Address: Level 10
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Wellington 6012
Attention: Cameron de Leijer
cpd@spencerholmes.co.nz

Pepa Moefili
Environment and Sustainability
Pepa.Moefili@huttcity.govt.nz
Our reference:RM250229

APPROVAL OF RESOURCE CONSENT FOR A 7-LOT SUBDIVISION (STAGE 2D WAIPOUNAMU DRIVE) AT 64 WAIPOUNAMU DRIVE AND 9 MOHUA WAY (LOTS 102 AND 103 DP 617318) AND THE RETROSPECTIVE LAND USE CONSENT FOR STORMWATER DETENTION TANK NON-COMPLIANCES FOR LOTS 66 – 72, 80 – 81, 87 – 90 DP 601682.

Council granted consent for the following reasons:

- The proposal is considered to have less than minor effects on all persons and the wider environment. A detailed assessment is provided in sections 5.1, 5.2 and 6.1 of this report. Overall, the proposal is considered to have an acceptable scale of effects on the environment with adherence to conditions as provided in section 7 of this report.
- A Council Development Engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions shown below.
- Conditions imposed on the consent under section 108 and 220 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the development.
- Council considers the proposal to be consistent with section 106 and section 106A of the Resource Management Act 1991.
- 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 City's Operative and Proposed District Plans.
- 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. PROPOSAL

Genesis Residential Kelson Ltd ('the Applicant') has engaged the services of Mr Cameron de Leijer of Spencer Holmes Limited ('the Agent') to apply for a subdivision and land use consents, known as 'Stage 2D', to undertake a 7-lot subdivision, vesting Lot 300 with Council, an associated land use consent for the non-compliant stormwater tank provision related to the dwellings on Lots 66 – 72, 80 – 81, 87 – 90 DP 601682, and the construction of dwellings on Lots 75 – 79, at 64 Waipounamu Drive, Kelson, and 9 Mohua Way, Kelson. Further details of the proposal are provided below:

Subdivision

The proposal includes a 7-lot subdivision. The following table depicts further details of the proposed lots:

Lot No.	Size	Purpose
75	381m^2	Residential development
76	374m^2	Residential development
77	381m^2	Residential development
78	397m^2	Residential development
300	3,786m^2	Reserve (to be vested in Council)
102	9.108ha	Balance lot
302	694m^2	Balance lot

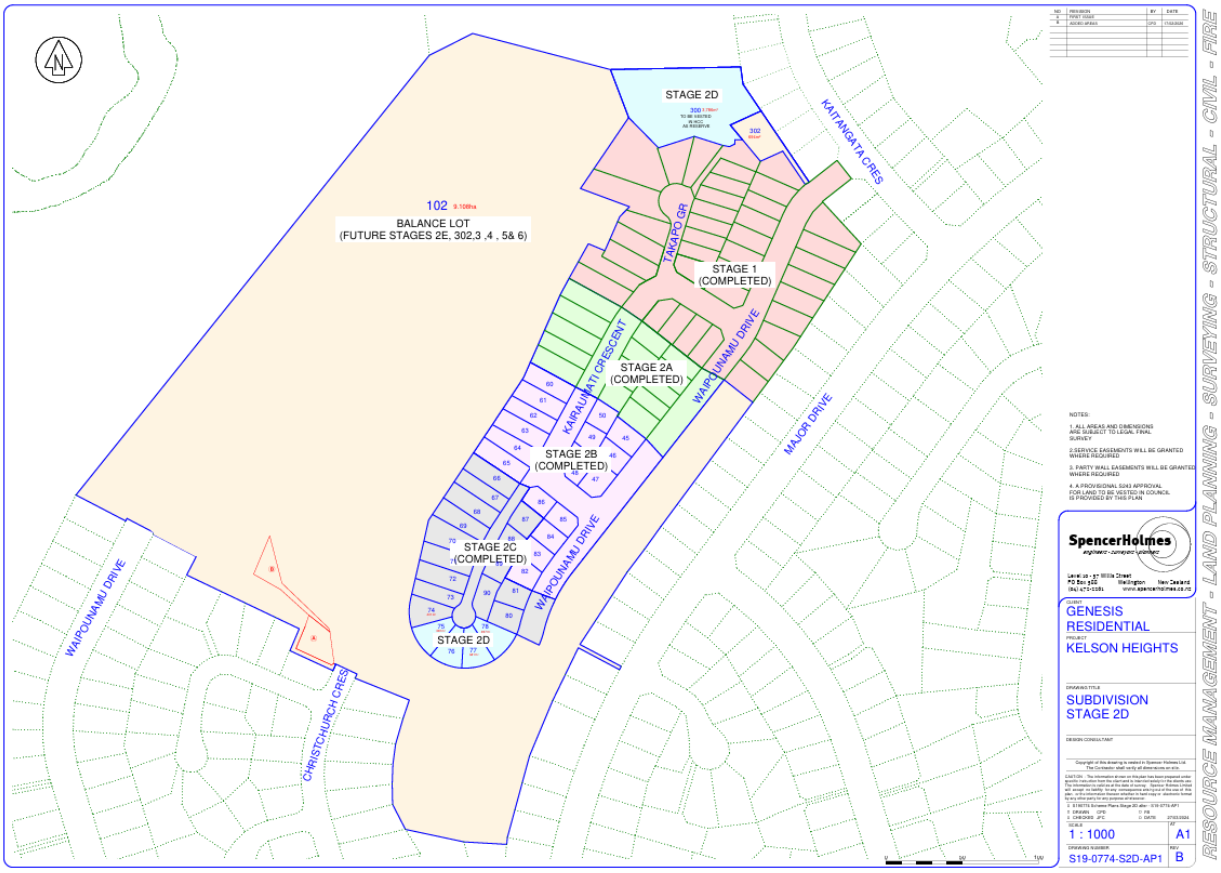

Figure 1: Scheme plan depicting the proposed subdivision at 64 Waipounamu Drive, Lower Hutt

Residential Development

Lots 66 – 72, 80 – 81, and 87 – 90 will be occupied by dwellings of differing typologies such as Franz Josef, Cromwell and Cromwell 2, Fox, Tekapo 2, Rakaia, Ohau, Waiponamu, Marlborough, Hokitika and Aoraki. The table below provides a summary of the proposed dwellings to occupy these lots:

Lot No.	Lot Size (m^2)	Dwelling Style	No. of Bedrooms	Building Footprint (m^2)	Car Parking
66	456	Franz Josef	3	157	Double garage
67	384	Cromwell	3	127	Single garage
68	457	Fox	4	146	Double garage
69	435	Cromwell 2	3	127	Single garage
70	554	Tekapo 2	4	155	Double garage
71	442	Fox	4	146	Double garage
72	426	Franz Josef	3	157	Double garage
80	325	Ohau	3	147	Double garage
81	310	Waiponamu	3	147	Double garage
87	314	Marlborough	3	140	Double garage
88	295	Hokitika	3	122	Single garage
89	263	Hokitika	3	122	Single garage
90	342	Aoraki	3	153	Double garage

The proposed dwellings to be constructed on Lots 75 – 78 are single-storey, 4-bedroom dwellings with linea weatherboards and includes attached garaging. Vehicle access is provided directly from Mohua Way. Each of the proposed dwellings will be serviced via existing services established in previously approved resource consents. Access to individual outdoor areas and servicing areas (which consists of a washing line, shed, and refuse bins) are also provided. Landscaping for each of these lots will be domestic gardens and trees.

Legal and physical vehicular access to Lots 75 – 78 (Stage 2D) are provided with individual single vehicle crossings directly from Mohua Way. The reserve lot (Lot 300) is provided both legally and physically by a Right of Way in gross over Lot 23 DP 572724. Lot 302 is provided with access via a proposed access leg from Waipounamu drive (as depicted in Figure 1 above).

Earthworks (Stormwater Pond)

The proposal includes earthworks to complete the final levels for the stormwater pond in Lot 300. This is minor shaping and essentially filling in the temporary solution. The area for earthworks is 430m², with a total volume of earthworks of 80m³ of fill required for this. However, this does not account for the space the biofiltration device with occupy. The maximum cut level is 0.7m depth with 1.3m of fill.

Proffered Conditions

In accordance with p.28 – p.38 of the Resource Consent Application, the Applicant proffers the following conditions, that were imposed as part of approving RM180513 and altered by RM240100, RM250032, RM200328 and RM210151:

Subdivision Conditions

General:

1. *The Consent Holder must undertake the work authorised by resource consent RMXXXXXX 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:
   - *Spencer Holmes Plan Sets*
     - *S19-0774-S2D-AP1 Subdivision Staging Plan.*
     - *S19-0774-S2D-AP2 Stage 2D Residential Subdivision Plan*
     - *S19-0774-1B-D1, D2, D4 & D5 Stage 1 Pond (all revision B).*
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 $X per hour.*
   - *Notification of work commencing is separate to arranging building inspections.*

Earthworks:

3. *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.*
4. *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:*
   - *Site enabling works and preparation;*
   - *Earthworks sequencing and placement;*
   - *Management of surface and subsurface water;*
   - *Compaction methods;*
   - *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;*
   - *An Erosion and Sediment Control Plan. Erosion and sediment control measures must not be removed unless the site is stabilised to the satisfaction of the Compliance Monitoring Officer.*
5. *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 4.*
6. *All works on site shall be undertaken in accordance with the Earthworks Management Plan certified under condition 4 of this consent.*
7. *That upon completion of the earthworks and pond the contractor provides a completion certificate in accordance with Schedule 1 B of NZS 4404:2010.*

8. *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*
    - *Identifying the locations that the design of cut slopes has changed (i.e. change of slope angles) or stabilisation measures have been implemented*
9. *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 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).*
10. *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.)*
11. *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.*

<u>Construction:</u>

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

<u>Stormwater Management & Mitigation System</u>

13. *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.*
14. *The consent holder shall engage suitable qualified professional engineer(s) 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.*

15. *The permanent stormwater management and mitigation system treatment devices in Lot 300 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:*
    - *ensure developed peak flows do not exceed pre-developed 'greenfield' peak flows for all storm events up to an including the critical 10 percent annual exceedance*
    - *be designed using runoff coefficients and other hydrological parameters agreed by Council's HCC Manager Consents and Compliance at detailed design phase.*
    - *have batter slopes of 1 vertical in 3 horizontal average or flatter.*
    - *discharge via a restricted outlet at flow rates to be agreed by Council's HCC Manager Consents and Compliance Consents at detailed design phase*
    - *Incorporate suitably designed secondary overflow provisions*
16. *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.*
17. *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.*

      Note: HCC have approved the design for the Stage 2D pond. This condition is to allow for HCC to review any changes that may potentially arise due to the comments on the Environmental Stormwater Management Strategy by GWRC. If there is no change in design, the system will be installed as approved.
18. *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.*

19. *As part of the application for Engineering Plan Acceptance 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.*
20. *Prior to certification under Section 224c (for Stage 2D) of the Resource Management Act 1991, the permanent stormwater management mitigation systems and associated planting within proposed Lot 300 shall be constructed and certified in accordance with condition 18.*
21. *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.*
22. *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 permanent 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:*
    - *detailed technical data sheet*
    - *all the requirements as defined within the Water Sensitive Design for Stormwater: Treatment Device Design Guideline.*
    - *all the requirements as defined within regional discharge consent or subsequent variations, and*
    - *details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices*
    - *a programme for regular maintenance and inspection of the stormwater system a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices*
    - *a programme for post storm maintenance*
    - *a programme for inspection and maintenance of outfall erosion*
    - *general inspection checklists for all aspects of the stormwater system, including visual check of roadside sumps and outfalls*
    - *a programme for inspection and maintenance of vegetation associated with the stormwater devices.*
    - *recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas*
23. *Following the issue of the section 224(c) certificates for Stage 2D, the consent holder shall operate and maintain the respective stormwater management and mitigation systems for a minimum of 2 years at the consent holder's expense. At the end of each 2-year maintenance period the treatment and attenuation device shall be inspected by the consent holder's engineers and suitable Council representative(s) to ensure it is appropriately established and maintained and that all landscaping is established. The reserve shall be maintained in a tidy condition throughout the 2-year maintenance period and be free of litter and refuse. Any vegetation that dies or declines during the maintenance period shall be replaced in the earliest planting season after the initial planting. The consent holder shall provide a written report in this regard, including any recommendations for ongoing 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 engineer that the treatment device has been constructed and maintained in accordance with the approved design and the certification accepted by Council.

24. *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.*

Stormwater Management and Mitigation System Landscape Planting

25. *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.*
26. *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,*
27. *A maintenance bond for the stormwater management and mitigation system and associated landscaping shall be payable at the time of issuing certificate a pursuant to Section 224c for Stage 2D. The amount of the bond shall be 1.5 times the contracted rate for maintenance plus an allowance for any damage that may occur throughout the maintenance period. The bond will be held for a period of two years from the date of the Section 224c certificate. The bond will only be released upon written certification from the consent holders engineer that the stormwater assets and attenuation pond are in good working order, that all rubbish and any other debris has been cleaned out from the treatment device and pond, the operation of the device is working in accordance with the approved engineering drawings and suppliers specifications and final acceptance of the landscaping planting by Council.*
28. *Lot 300 shall be vested with Hutt City Council as part of Stage 2D.*
29. *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.*

Speedy's Stream Monitoring & Construction Monitoring:

30. *During Construction, the following monitoring of Speedy's Stream is required.*

During construction of the Stage 1 & 2 subdivision and during bulk earthworks across the wider site, the macroinvertebrate community and sediment (fine sediment cover, physical habitat and spot water quality measurements) will be sampled to monitor aquatic health trends in Speedy's Stream.

The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

The monitoring program will:

- *Provide long-term trends of aquatic health throughout the project*
- *Allow for assessment of the macroinvertebrate community health in response to any potential sediment discharges from the construction site.*

Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

Speedy's Stream monitoring is being undertaken in accordance with the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)'.

31. *There are two monitoring frequencies associated with the construction phase monitoring required by Condition 30. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.*

The Construction Phase Initial Monitoring shall commence within 1 month of this Decision and shall include 12 months of monitoring. During this period the frequency of sediment monitoring shall be monthly. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur within this period.

There are two types of reporting required of the Construction Phase Initial Monitoring. These are the Construction Phase Initial Monitoring Quarterly Reports and the Construction Phase Initial Monitoring Annual Report.

<u>Construction Phase Initial Monitoring Quarterly Report:</u>
The Construction Phase Initial Monitoring Quarterly Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the end of each quarter. The report shall include but not be limited to:

- *Date of survey*
- *Results of Sediment Monitoring*
- *Basic analysis of data trends*

<u>Construction Phase Initial Monitoring Annual Report:</u>
The Construction Phase Initial Monitoring Annual Report shall be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- *Summarise the results from the monthly sediment monitoring,*
- *Include at least one round of macroinvertebrate data with multivariate analysis.*
- *Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).*
- *Provide any potential links to construction site discharges Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.*
- *Photos of each monitoring location.*
- *Recommendations for change to 'Ongoing Monitoring' Frequency & Reporting.*
- *Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 33.*

The Annual Report will provide the guidance on next steps and when Condition 32 – Ongoing Monitoring Frequency & Reporting comes into effect. The consent holder shall request written confirmation from Hutt City Council to finish Condition 31 and commence Condition 32. Condition 32 monitoring shall not commence until the HCC Manager Resource Consents and Compliance provides confirmation.

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

32. *There are two monitoring frequencies associated with the construction phase monitoring required by Condition 30. These are defined as the 'Initial Monitoring' frequency and 'Ongoing Monitoring' frequency.*

    The Ongoing Monitoring Phase is defined as the monitoring frequency post the initial monitoring phase. During this period the frequency of sediment monitoring will be at least biannually (6-monthly), with the frequency determined by the recommendation within the Construction Phase Initial Monitoring Annual Report. At least one round of macroinvertebrate sampling and a physical habitat assessment will occur annually.

    An annual report is required during the Construction Phase Ongoing Monitoring.

    <u>Construction Phase Ongoing Monitoring Annual Report:</u>
    The Construction Phase Ongoing Monitoring Annual Report will be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:
    - *Summary of results (sediment, physical habitat and macroinvertebrates)*
    - *Include at least one round of macroinvertebrate data with multivariate analysis.*
    - *Any notable changes to the subdivision that has occurred in the 12 months preceding the monitoring (including photos, where possible).*
    - *Provide any potential links to construction site discharges*
    - *Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.*
    - *Photos of each monitoring location.*

- *Recommendations including but not limited to site management or ongoing monitoring adjustments.*
- *Assessment against Trigger Parameters. The Trigger Parameters are identified in Condition 33.*

33. *The following triggers shall be used to determine if further investigation or management actions are required.:*
    - *a) A greater than 25% difference in sediment deposition cover between the control SS-01 and SS-02 impact site, persisting for more than two consecutive monitoring occasions.*
    - *b) A greater than 15% decrease between the control SS-01 and impact site SS-02 in either MCI, QMCI, EPT% or density, persisting for more than two consecutive monitoring occasions. When a trigger parameter is breached, an adaptive management process will be initiated as follows:*
    - *Notification:*
      Where macroinvertebrate and/or deposited sediment impacts are detected (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.
    - *Collaboration:*
      The consent holder (or their agents) will discuss & collaborate with the HCC Manager Resource Consents and Compliance, to develop an adaptive management strategy. Key points to discuss include, but are not limited to:
        - *Summary of trigger breach*
        - *Potential cause of the trigger breach to determine if related to the site.*
        - *Identify mitigation measures. The strategies may include:*
        - *Adjustments to management practices to prevent further sedimentation issues.*
        - *Identify timing for implementing mitigation measures, if repeat monitoring will occur and timing for review of adaptive management strategy*
        - *The purpose of the collaborative discussion is to reach an agreement on the adaptive management strategy to address the potential issue that resulted in the trigger parameter being breached.*
    - *Implementation & Monitoring:*
      The adaptive management strategy will be implemented and monitored in accordance with the adaptive management strategy agreed to in 90(ii).

34. *Post Construction, the following monitoring of Speedy's Stream is required.*

    Post construction of the Stage 1 & 2 subdivision means when the civil construction is completed and/or people are residing in dwellings within the subdivision stage. The purpose of this monitoring is to assess the quality of stormwater exiting the subdivision.

    The methods of the monitoring shall be in accordance with the HCC approved 'W027170004 Ecological Monitoring Plan – Speedy's Stream' dated April 2025.

    Any amendment to the HCC approved monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an

assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

The post construction stormwater quality monitoring will be conducted biannually, once in Summer (Dec – Mar) when there are low flows and once in Winter (June to September) when flows/rainfall are higher. The Post-Construction Stormwater Monitoring will occur for a minimum of two years, until the consent holder is cleared of their maintenance responsibilities of the stormwater assets as per Condition 27.

<u>Post Construction Stormwater Reporting - Stormwater Run-off Monitoring Report:</u>
The Post Construction Stormwater monitoring results shall be collated into an annual Stormwater Runoff Monitoring Report (SRMR). The SRMR will be provided to the HCC Manager Resource Consents and Compliance, no later than 20 working days following the receipt of all laboratory results. The report shall include, but not be limited to:

- *Summarise the results of the water quality monitoring samples collected*
- *Any notable changes to the subdivision site that has occurred in the 12 months preceding the monitoring (including photos, where possible).*
- *Provide any potential links to site discharges*
- *Physical habitat assessment results and include descriptions of any notable changes at the monitoring locations.*
- *Photos of each monitoring location.*
- *Assessment of Trigger Parameters. The Trigger Parameters are identified in Condition 35.*

Any amendment to the reporting associated with monitoring plan 'W027170004 PDP Ecological Monitoring Plan – Speedy's Stream (dated April 2025)' must be supported by an assessment and recommendation by a suitably qualified and experienced ecologist. Any variations must be approved by the HCC Manager Resource Consents and Compliance after consultation with a suitably qualified and experienced ecologist.

35. *If results of the Post Construction Stormwater Quality Monitoring required per Condition 34 show elevated contaminant levels above the 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018) guidelines for each sampled contaminant, then the following process will be initiated:*
    - *Notification:*
      Where contamination levels are detected beyond the trigger parameter (trigger breach), the HCC Manager Resource Consents and Compliance, shall be notified within 10 working days of the consent holder receiving all relevant results.
    - *Recommencement of Ongoing Monitoring & Reporting:*
      Recommencement of Ongoing Monitoring & Reporting (as per condition 32) for a minimum of two years after a breach of the trigger parameter. This includes biannual sediment quality and quantity (cover) sampling and annual macroinvertebrate. The recommencement of Ongoing Monitoring & Reporting is in addition to continuing with the monitoring & reporting required by Condition 34.
    - *Trigger Breach Assessment & Reporting:*

Trigger breach assessment of ongoing monitoring results to macroinvertebrates health (Condition 33(b)) and implementation of associated adaptive management process if breach detected as per Condition 33.

Civil Construction:

36. *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 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 0.77 per cent for stage 1 (39 lots) and 0.7 per cent for stage 2 (51 lots) 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.*
37. *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.*
38. *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.*
39. *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.*

    Note:
    Easements may 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.

Hutt City Council agree to cancel any easement pursuant to S243 of the Resource Management Act over services/infrastructure and redundant pipes that will be vested to the Hutt City Council in the future. 40.

40. *That the consent holder vests the new reserves as agreed with Council.*
41. *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, etcetera, 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:

    - *Street-lighting & cables (when required by Council).*
    - *Sewer mains (of 150mm dia. and above) and manholes, but not individual laterals.*
    - *Stormwater mains (of 300mm dia. and above) and manholes, but not individual laterals, sumps and leads.*
    - *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:*
    - *All roads, footpaths, berms, vehicle crossings, street-lighting and cables, signage, sumps and leads.*
    - *All sewer and stormwater mains and manholes, but not individual laterals.*
    - *All watermains, ridermains valves and hydrants, together with individual laterals up to and including the tobies.*
42. *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.*
43. *That the consent holder meets the cost of registering consent notices.*
44. *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 New Zealand Vertical Datum 2016 and all co-ordinates shall be in terms of the New Zealand Geodetic 2000 Datum, Wellington Circuit.*

Land Use Conditions

General Accordance

1. *All proposed dwellings must be constructed and landscaped in accordance with the following plans:*
    - *Prime Designs drawing set titled 'Stage 2 Resource Consent' drawings 702 – 718 and 726 – 748 dated 11/12/2018.*
    - *Prime Designs drawing set titled 'Proposed Dwellings – 24126 - Lot 74-78 Kelson Heights, drawings 101-122 dated 28.05.25.*

- *Untitled Stage 2 Landscaping Plans Lots 40 – 73 and 80-90 dated February 2019 contained in HCC file reference RM180513-22*
  Note: Landscaping for Lots 74-48 now included in the Prime Design plans and condition 3 does not apply to Lots 74-78.
- *Landscape plans L1.01, L1.74 – L1.78, L2.01, L3.01 and L3.02 all Rev B dated 17.03.20*

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 Engeo reports titled 'Bulk Earthworks Specification' dated 12 November 2019 and follows the methodologies, requirements and recommendations it contains when undertaking all earthworks.*
5. *All works on site shall be undertaken in accordance with the Earthworks Management Plan certified under condition 4 the subdivision consent decision.*
6. *That upon completion of the earthworks the earthworks contractor provides a completion certificate in accordance with Schedule 1 B of NZS 4404:2010.*
7. *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*
8. *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).*
9. *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.)*
10. *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.*
11. *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.*

These are to be assessed in the proceeding sections of this report.

S92(1) of the Resource Management Act 1991 Processing
Section 92(1) of the Resource Management Act 1991 states the following:

> *(1) A consent authority may, at any reasonable time before the hearing of an application for a resource consent or before the decision to grant or refuse the application (if there is no hearing), by written notice, request the applicant for the consent to provide further information relating to the application.*

Throughout the processing of this resource consent application, Council exercised its right in issuing a s92(1) request to the Applicant in order to acquire further information regarding the proposed development. This section seeks to provide a brief overview and context to the s92(1) process undertaken as part of processing of this application.

On 12 February 2026, Council issued a s92(1) request to the agent, requiring for further information related to updated scheme and architectural plans and an updated assessment against the relevant provisions (performance standards, objectives and policies) of the Operative District Plan (ODP). The Applicant formally responded to and satisfied Council's further information request on 24 March 2025. The information provided as part of this response from the Applicant shall be read as an addendum to this report and held on Council file RM250209.

2. SITE DESCRIPTION

Application Site
The agent has provided a site description (p.6 – 7) and for brevity, has been adopted below:
"The wider site is known as 64 Waipounamu Drive. Two remaining allotments contain the future stages 2D, 2E, and 3-6. These are Lot 102 and 103 DP 617318 which has a total area of 9.7108ha. Figure 2 below is an aerial photograph that outlines the proposal area for this consent.

Lots 66-73 DP 617318, Lots 80 and 81 DP 617318, Lots 87-90 DP 617318, Lot 103 DP 617318, Lot 102 and Lot 103 DP 617318. There are no registrations on the title that would impact on the proposal. There are a number of easements registered on the title that relates generally to drainage discharge around site. There is a consent notice registered on Lot 103 DP 617318, which restricts entrance from Waipounamu Drive to Lots 75-78. This will be retained and passed onto the new titles".

Figure 2: Aerial of application sites at 64 Waipounamu Drive and 9 Mohua Way (Source: HCC ODP Maps)

In accordance with the Operative District Plan (ODP), the application site is located within the Medium Density Residential Activity Area (MDRAA) and the General Recreation Activity Area (GRAA). It is not subject to any overlays.

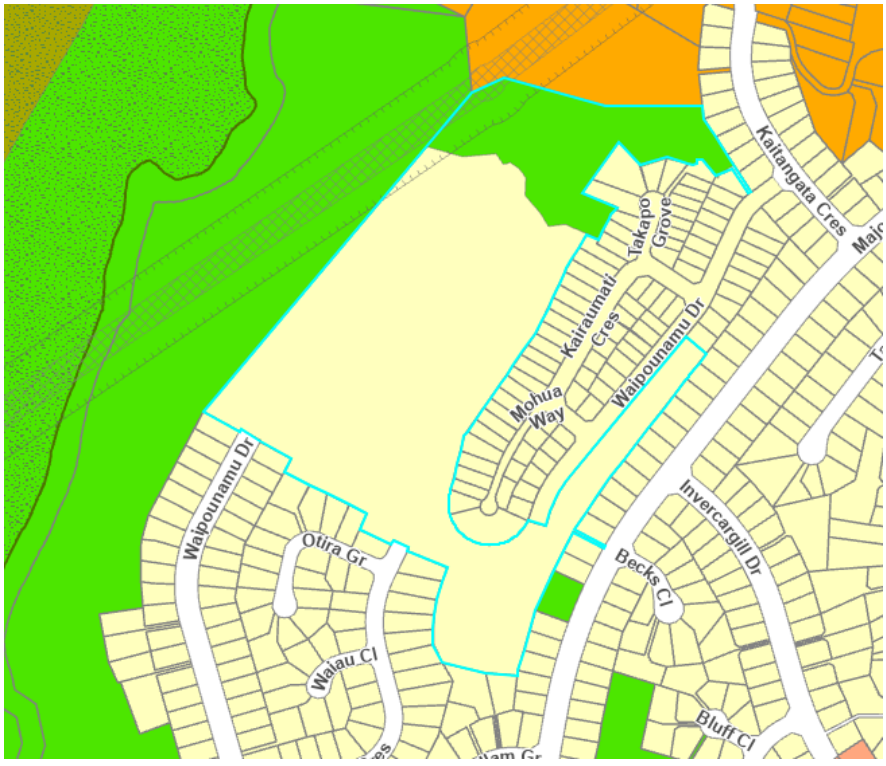

Figure 3: Extent of the ODP notations (Source: HCC ODP Maps)

HCC notified the Proposed District Plan ('PDP') on 6th February 2025. Under the PDP, the application site will be located within the Medium Density Residential Zone and the Natural Open Space Zone. It is also subject to the Flood Hazard Overlay (low; high), Slope Assessment Overlay, National Grid Subdivision Corridor and National Grid Yard. There are no rules with immediate legal effect in the PDP that are triggered by the proposal.

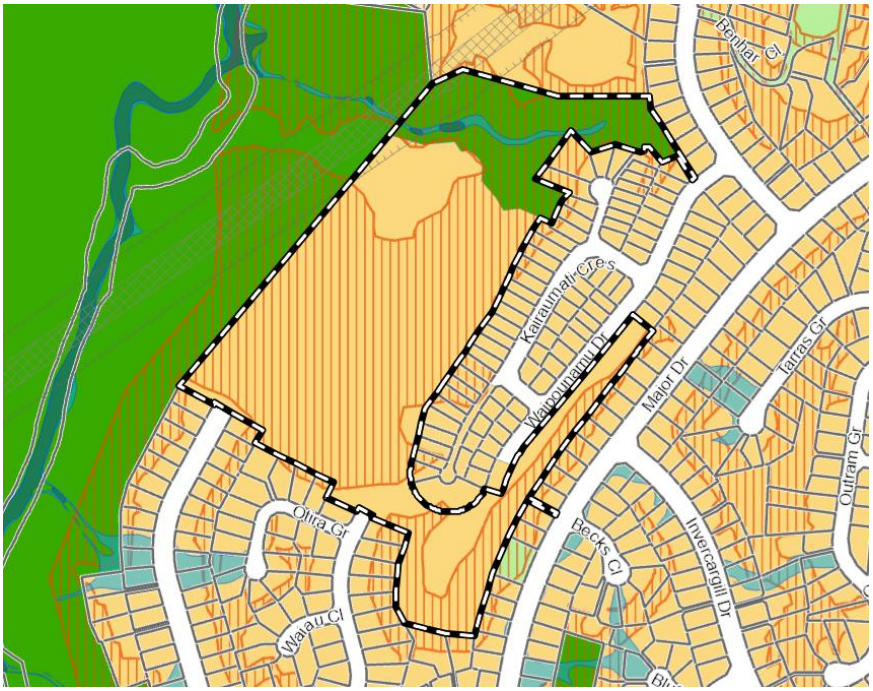

Figure 4: Extent of the PDP notations (Source: HCC PDP Maps)

A site visit was undertaken on 18 December 2025. The photos held on Council file shall be read as an addendum to this planning report.

Existing Environment

The surrounding environment is predominantly developed for residential purposes to the north, south and east, with neighbouring properties occupied by a variety of housing typologies. Immediately adjoining and neighbouring sites to the north along Mohua Way, Waipounamu Drive, Kairaumati Crescent, and Takapo Grove are occupied by single- and two-storey dwellings with attached and detached accessory buildings. These sites were a result of previously approved stages of the overall development, known as Stages 1, 2A, and 2B. Further south (along Christchurch Crescent, Otira Grov, and Ilam Grove), to the east (Major Grove, Invercargill Drive) and to the north (Kaitangata Crescent) are all similarly developed to the previously approved stages of the overall Waipounamu subdivision development, with single- and two-storey dwellings with attached and detached accessory buildings and single accesses to the their respective road frontages. There are also some immediate adjoining properties to the west that are larger undeveloped blocks of land occupied by bush, trees and shrubs, more specifically, 75N Waipounamu Drive and 260 Hill Road.

3. RELEVANT PLANNING RULES AND REGULATIONS

Operative District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the Medium Density Residential Activity Area and General Recreation Activity Area, which this proposal falls within, are contained in chapters 4F (Medium Density Residential Activity Area), 7A (General Recreation Activity Area), 11 (Subdivision), and 14 (General Rules).The following table summarises the rules and conditions considered to be relevant to this application and whether the proposal complies with each of these criteria:

Rule 4F – MDRAA

Rule 4F 4.1 – Activities		
Rule/Condition		**Compliance**
4F 4.1.1	Residential Activities are permitted activities.	**Complies** The proposal is for a residential development.
4F 4.1.10(a)	Activities that would cause vibration are permitted activities if: i. The activity is managed and controlled in such a way that no vibration from the activity is discernible beyond the boundary of the site.	**Does not comply** Given that the proposed earthworks extend to the boundary of the subject site, the proposal has the potential to generate vibration beyond the boundary.

Rule 4F 4.2 – Development Standards in Medium Density Residential Areas		
Rule/Condition		**Compliance**
4F 4.2.1AA(a)	Number of Residential Units per Site – up to three	**Does not comply** Four dwelling units are to be sited on the application site, 9 Mohua Way.
4F 4.2.1(a)	Building Coverage – 50% maximum.	**Complies** Pre-subdivision certification under s224c of the Act, building coverage for the overall development is 43.14%. Post-subdivision certification under s224c of the Act, building coverages for Lots 75 – 78 are provided below: • Lot 75 – 41.99% • Lot 76 – 44.12% • Lot 77 – 43.83% • Lot 78 – 43.07%
4F 4.2.2(a)	Building Height – a maximum height of	**Complies**

	11m except that 50% of a building's roof in elevation.	The proposed dwellings to be constructed on Lots 75 – 78 shall not exceed Council's 11m height limitation.
4F 4.2.3(a)	Height in Relation to Boundary – from all site boundaries 4m + 60°. This standard does not apply to: a. A boundary with a road, b. Existing or proposed internal boundaries within a site, and c. Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed. d. Boundaries adjoining a commercial or business zone activity area e. Chimney structures not exceeding 1.1m in width on any elevation, provided these do not exceed the height in relation to boundary by more than 1m, and f. Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g., finials, spires), provided these do not exceed the height in relation to boundary by more than 3m measured vertically.	**Complies** The dwelling units to be constructed on Lots 75 – 78 will comply with the required height in relation to boundary provisions.
4F 4.2.4(a)	Setbacks – Front yard 1.5m; All other yards 1m. This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed. Eaves may encroach into any yard by up to 0.6m. One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.	**Complies** The dwelling units to be constructed on Lots 75 – 78 will comply with the required setback provisions.
4F 4.2.5(a)	Permeable Surface – A minimum of 30% of the site area is a permeable surface.	**Complies** The parent lot will have a permeable surface of 545.7m^2, equating to 35.50%.

		Post-subdivision certification under s224c of the Act, permeable surface for Lots 75 – 78 are provided below: • Lot 75 – 36.27% • Lot 76 – 35.07% • Lot 77 – 34.72% • Lot 78 – 35.96%
4F 4.2.6(a)	Outdoor Living Space – A minimum area of 20m^2 and dimension of 3m. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m^2 and has a minimum dimension of 1.8m.	**Complies** Lots 75 – 78 are of sufficient size and shape to provide compliant 20m^2 outdoor living space on the ground floor.
4F 4.2.7(a)	Accessory Building – Construction or alteration of an accessory building is a permitted activity if: (i) Development Standards 4F 4.2.1 (Building Coverage), 4F 4.2.2 (Building Height), 4F 4.2.3 (Height in Relation to Boundary), 4F 4.2.4 (Setbacks) and 4F 4.2.5 (Permeable Surface) are complied with.	**Not applicable** The proposal does not include the construction of any accessory buildings.
4F 4.2.8(a)	Screening and Storage – All outdoor storage and servicing areas are screened so that they are not visible from a road or public space.	**Complies** All rubbish bin areas for Lots 75 – 79 are screened by proposed fencing and landscaping.
4F 4.2.9(a)	Demolition.	**Not applicable**
4F 4.2.10(a)	Stormwater Detention – Construction of a roofed building, excluding accessory buildings or additions to an existing building, is a permitted activity if: A rainwater tank is provided for the building that collects all rainwater from the roof of the building. The rainwater tank must have the following volumes: • Roof area of 100m^2 to 200m^2 – 3,000 litre capacity.	**Does not comply** In accordance with the proposed plans, the proposed dwellings to be constructed on Lots 75 – 78 do not include the provision of any onsite stormwater detention tanks. This application also includes a retrospective land use consent for Lots 66 – 73, 80 – 81, 87 – 90 which also do not provide any onsite stormwater detention tanks.
4F 4.2.11(a)	Outlook Space (Per Unit) – Principal living room with minimum 4m in depth and 4m in width. All other habitable rooms with	**Complies** The proposed dwellings to be constructed on Lots 75 – 78

	minimum 1m in depth and 1m in width.	shall provide outlook spaces (per unit) in compliance with the requirements of this provision.
4F 4.2.12(a)	Windows to Street – Residential units facing the street have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.	**Does not comply** The proposed dwellings to be constructed on Lots 75 – 78 do not provide compliant windows to street (per unit) as listed below: • Lot 75 – 6.1% • Lot 76 – 6.9% • Lot 77 – 8.8% • Lot 78 – 8.6%
4F 4.2.13(a)	Landscaped Area – A residential unit at ground floor level has a landscaped area of a minimum of 20% of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them. The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.	**Complies** The overall development site achieves a 32.7% landscaped area. Post-subdivision certification under s224c of the Act, landscaped area for Lots 75 – 78 are provided below: • Lot 75 – 33.40% • Lot 76 – 32.06% • Lot 77 – 29.38% • Lot 78 – 35.96%

Rule 7A – GRAA

The proposed development includes the establishment of a stormwater pond on Lot 300. Given this aspect does not meet the definitions of the permitted or restricted activities listed in Rules 7A 2.1 of 7A2.2, the applicant has assessed this aspect to be a **discretionary activity** pursuant to Rule 7A 2.3(b). I concur with this assessment.

Other relevant provisions of the ODP, such as Rules 11 and 14 have been assessed below.

Rule 14 – General Rules

Chapter 14A – Relevant Transport Rules		
Standard 1(c)	Service lanes, private ways, pedestrian accessways and walkways must be designed and constructed in accordance with Section 3 of NZS 4404:2010 Land Development and Subdivision Engineering, except that Table 2-1 replaces the formation requirements for private ways detailed in NZS 4404: 1 dwelling: • 3m legal width	**Complies** – As depicted in the proposed plans, Lots 75 – 78 will be accessed via separate vehicle crossings directly from Mohua Way, each of which will be at least 3m wide thus complying with the legal width requirement.
Standard 2(a)	No more than two separate crossings for any front site. The total width of such crossings must not	**Does not comply –** Each of the four proposed

	exceed 50% of the road frontage. There must be a separation distance of at least 1 metre between crossings measured at the kerb/carriageway edge. Site access must be designed and constructed in accordance with Section 3 of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking. Where a vehicle access serves three or more dwellings, it must have a minimum width of 4 metres to allow for fire service vehicles	crossings to serve Lots 75 – 78 will exceed the 50% maximum road frontage of each lot, being: • Lot 75 – 51.78% • Lot 76 – 52.63% • Lot 77 – 51.78% • Lot 78 – 50.85% Each proposed vehicle crossing complies with the required 1m separation distance between consecutive vehicle crossings.
Standard 2(c)	Sufficient area must be provided for vehicles to stand, queue, and make all necessary manoeuvres without using the public road reserve, and without using the area provided for parking, servicing, loading or storage purposes. Sufficient area must be provided to allow vehicles to enter and exit the site in a forward direction except where the access is to a single dwelling and accesses an Access, Secondary Collector or Primary Collector Road (as listed in Appendix Transport 3).	**Complies** – Lots 75 – 78 are to be accessed via Mohua Way which is anticipated to be an Access Road, given Waipounamu is currently an Access Road. Therefore, each of Lots 75 – 78 are exempt from providing onsite manoeuvrability.
Chapter 14I – Relevant Earthworks Rules		
14I 2.1.1(a)	Ground Level: The natural ground level may not be altered by more than 1.2m, measured vertically.	**Does not comply** – The area for earthworks is 430m², with a total volume of earthworks of 80m³ of fill required for this. The maximum cut level is 0.7m depth with 1.3m of fill.
14I 2.1.1(b)	Quantity: Maximum volume of 50m³ (solid measure) per site.	

Rule 11 – Subdivision

Rule 11.2.2.1 – Rules for Subdivision in the Medium Density Residential Zone		
Rule/Condition		**Compliance**
11.2.2.1(a)	Allotment Design	There are no minimum lot sizes that apply in this zone. Land use consent is being sought for the non-compliances for the proposed residential development to be determined concurrently with the subdivision application for Lots 1 - 6. As no land-use consent is

		being sought regarding Lot 7, which is not exempt from the lot size requirements.
11.2.2.1(b)(i)	Access – Compliance with Chapter 14A	**Does Not Comply** As per the assessment above, the proposal does not comply with the relevant provisions of Chapter 14A.
11.2.2.1(b)(ii)	Service Lanes, Private Ways, Pedestrian Accessways and Walkways – Compliance with Chapter 14A	**Does Not Comply** As per the assessment above, the proposal does not comply with the relevant provisions of Chapter 14A.
11.2.2.1(e)	Earthworks	**Does Not Comply** As per the assessment above, the proposal does not comply with the relevant provisions of Chapter 14I.
11.2.2.1(f)	Other Provisions – (i) Financial Contributions (ii) General Rules	**Does Not Comply** Please refer to the above assessment, related to the relevant provisions of Chapter 14.

Summary

Chapter 4F – Medium Density Residential Activity Area:

- The proposal does not comply with the provisions related to vibration, number of residential units per site, stormwater detention, and windows to street. Therefore, the proposal shall proceed as a restricted discretionary activity, pursuant to **Rules 4F 4.1.10(b), 4.2.1AA(b), 4F 4.2.10(b), and 4F 4.2.12(b).**

Chapter 7A – General Recreation Activity Area:

- The proposed development includes the establishment of a stormwater pond. Given this aspect does not meet the definitions of the permitted or restricted activities listed in Rules 7A 2.1 of 7A2.2, the proposal shall proceed as a discretionary activity, pursuant to **Rule 7A 2.3(b)**.

Chapter 14 – General Rules:

- The proposal does not comply with the provisions related transport and earthworks.
- Therefore, the proposal shall proceed as a restricted discretionary activity, pursuant to **Rules 14A 5.1(b) and 14I 2.2(a).**

Chapter 11 – Subdivision:

- The proposal will not comply with Rules 11.2.2.1(b)(i) and (ii), 11.2.2.1(e), and 11.2.2.1(f), related to compliance with Chapters 14A and 14I.

- Therefore, the proposal shall proceed as a restricted discretionary activity pursuant to **Rule 11.2.3(a)**.

Overall Application Status

The residential subdivision and some associated land use components of the proposal is a **restricted discretionary activity**. However, the proposed stormwater pond to be established on Lot 300 of the land use proposal is to proceed as a **discretionary activity**. Considering that Council's discretion is for the most part restricted and that each of the activities is not considered to have flow on effects, I am not utilising the 'bundling principle' to combine the land use and subdivision aspects of the proposal.

Accordingly, the land use consent will be assessed as a **discretionary activity**, and the subdivision consent will be assessed as a **restricted discretionary activity**.

Proposed District Plan ('PDP')

On the 6th of February 2025 HCC notified the PDP; this is the result of a full review of the ODP which came into force in 2025. As such the PDP is in the early stages of the Schedule 1 process with public submissions having closed on the 2nd of May 2025. While the PDP requires consideration with regard to any resource consent decision it is noted that the majority of the PDP provisions do not have legal effect whereby only certain rules apply at the time of public notification. No rules within the PDP are applicable to this application.

National Environmental Standards

The following NES are currently in force:

- NES for Air Quality 2004
- NES for Sources of Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)
- NES for Telecommunications Facilities 2016
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021
- NES for Commercial Forestry 2023
- NES for Greenhouse Gas Emissions from Industrial Process Heat 2023
- NES for Detached Minor Residential Units (NES-DMRU)

The proposal does not require consent under any NES.

Assessment Matters

The table below outlines Council's Matters of Discretion in accordance with the non-compliances listed above:

Non-Compliance	Council's Matters of Discretion:
Rule 4F 4.1.10(b) Vibration	i. The effects on the amenity of the surrounding residential area.

Rule 4F 4.2.1AA(b) Number of Residential Units per Site	i. The planned urban built character for the Medium Density Residential Activity Area. ii. The matters in Policies 4F 3.2B, 4F 3.2E, and 4F 3.8. iii. The extent to which the development, building design, siting, and external appearance achieves an urban design outcome that: a. Contributes to attractive and safe streets and public open spaces, and provides safe pedestrian access to buildings from the street; and b. Achieves quality on-site living environments. iv. The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development. v. Any positive effects, including positive effects of increasing housing capacity and variety. vi. The effects on the safety and efficiency of the transport network (including pedestrians, cyclists, and vehicles). vii. Provision for access to active modes, including bike and mobility vehicle parking, storage, and service areas.
Rule 4F 4.2.10(b) Stormwater Detention	i. The effects on the stormwater system. ii. The potential for increased surface ponding and flooding. iii. The mitigation of additional stormwater runoff through other means.
Rule 4F 4.2.12(b) Windows to Street	i. The planned urban built character for the Medium Density Residential Activity Area. ii. The matters in Policy 4F 3.8.
Rule 7A 2.3.1	a. The matters contained in sections 104 and 105, and in Part II of the Act shall apply. b. The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.
Rule 14A 5.1(b) Vehicle Access and Manoeuvring Area	i. The effects generated by the standard(s) not being met.
Rule 14I 2.2.1(a) Earthworks	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.
Rule 11.2.3.1(a) Subdivision	i. Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects. ii. The matters of control under Rule 11.2.2.2. iii. 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. iv. Existing Natural Features and Topography: The extent to which the proposed earthworks reflect natural landforms, and are sympathetic to the natural topography. v. Historical or Cultural Significance: The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance. vi. Natural Hazards: Consideration should be given to those areas prone to erosion, landslip, coastal hazards and flooding. Earthworks 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. vii. Construction Effects: The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment. viii. 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). ix. Erosion and Sediment Management: The extent of compliance with the "Erosion and Sediment Control Guidelines for the Wellington Regional 2003" and "Small Earthworks – Erosion and Sediment Control for small sites" by Greater Wellington Regional Council. x. Contaminated Land: The extent to which works are consistent with the Ministry for the Environment, Contaminated Land Management Guidelines 1 – 5. xi. Vegetation protection and presence: The extent to which protection is given and how the safe, continuous presence of vegetation is provided for in the area as shown in Appendix Subdivision 5 by using an appropriate legal mechanism. xii. Visual effects of built development on the wider area (Appendix Subdivision 6): Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 6 on visual amenity of the wider area (ie the valley floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment's findings shall be taken into account. For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

4. PERMITTED BASELINE

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

The ODP provides for residential development on an application site in the MDRAA as a permitted activity, if compliant with the relevant rules of the ODP, which includes:

- Up to three dwellings per site.
- A maximum site coverage of 50%.
- Height thresholds for wind assessments in Chapter 14M limits buildings to a maximum height of 12m.
- Height in relation to boundary that is a maximum of 8m + 60° along the first 21.5m of the side boundary as measured from the road frontage and 4m + 60° along all other boundaries where four or more units occupy the site.
- A minimum setback of 1.5m from the front yards, 1m from the side and rear yards.
- A minimum permeable surface coverage of 30%.

- A minimum outdoor living space of 20m^2 with a minimum dimension of 3m for each dwelling.
- Accessory buildings comply with building coverage, building height, height in relation to boundary, setbacks and permeable surface provisions.
- Each proposed building is provided with a rainwater tank of a storage capacity sized commensurate with the roof area of that building.
- Each residential unit is provided outlook space of 4m x 4m from principal living areas, and 1m x 1m from all other habitable rooms.
- 20% of all street-facing residential units comprise glazing at their street-facing faced.
- The developed site comprises a minimum 20% landscaped area.
- Compliance with required floor levels for residential units within a 1% AEP Inundation Area.
- Earthworks up to 1.2m in height and 50m^3.

The NES-DMRU also provides for a situation where there is the 3 residential units provided for by the ODP's zoning, plus a detached minor residential unit within the limitations of the DMRU to occur as a permitted activity.

Using the permitted baseline test, Council has the discretion to disregard any effects that could be established from that of a permitted activity. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering who is 'affected' and whether effects are considered to be more than minor. The aforementioned permitted baseline is considered non-fanciful and will be utilised in Council's assessment where appropriate.

Only minor boundary adjustments are provided for as a permitted activity in the ODP. There is no relevant permitted baseline for subdivision consents, with any subdivision which creates additional residential sites requiring resource consent by default.

Therefore, the proposal is assessed factoring in this relevant permitted baseline, and in relation to the identified non-compliances, that the effects of these beyond that permitted baseline are to be considered with respect to decision making.

5. NOTIFICATION ASSESSMENT

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? ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	No

Public notification is not precluded under step 2.

Step 3 – Public notification is required in certain circumstances

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

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

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

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties at the following properties in making an assessment under s95D:

- 2 Mohua Way
- 3, 4, 5, 7, 9, 11, 13, 15, 17, 19, 21, 24, 25, and 27 Kairaumati Crescent
- 62, 75, 75N, 129, 131, 133, 135, 138, and 169 Waipounamu Drive
- 193, 195, 197, 199, 201, 205, 207A, 207B, 209, 211, 211, 213, 215, 217, 219, 221, 223, 225, 227, and 229 Major Drive
- 23A, 23B, and 24 Ilam Grove
- 25, 27, 29, 31, 33, 35, and 37 Christchurch Crescent
- 15A, 15B, 16, 17, 18, and 19 Otira Grove

- 9, 11, 13, 15, 17, and 21 Kaitangata Crescent
- 1, 3, 5, 7, 9, 11, 13, and 16 Takapo Grove

For the purpose of s95A, the relevant actual and potential adverse environmental effects resulting from the proposal are generally limited to those matters that are listed and assessed below:

- Residential Amenity, Streetscape and Design Effects
- Stormwater Effects
- Traffic Effects
- Earthworks Effects
- Subdivision Effects

Notably, when undertaking this assessment of actual and potential adverse environmental effects for the purpose of public notification, I have disregarded those effects identified by the permitted baseline, as prescribed in s95D(b). It is also limited to those assessment criteria from the restricted discretionary activity that are identified above.

Residential Amenity, Streetscape and Design Effects

With specific regards to residential amenity, streetscape and design, the proposed development breaches standards relating to vibration, number of residential units, and windows to street requirements.

Vibration

Any potential construction and earthworks effects may result in additional vibrations beyond the boundaries of a property. The extent of the construction works is limited to the proposed earthworks and the installation of new service and utility connections.

The effects will be temporary and of short duration, being limited to the construction period. Vibration effects are to be anticipated as part of any permitted residential development, and the potential effects associated with this particular development are not expected to be any greater than those arising from a compliant development. Any actual or potential adverse effects are largely disregarded under s95A.

It is intended for construction to be undertaken during daytime hours, as outlined in NZS 6803:1999 Acoustics – Construction Noise, to ensure that potential noise arising from construction does not occur during typically noise-sensitive times. It is also noted that the applicant has proposed to install sediment control measures for the duration of works on-site which will mitigate any potential visual amenity and dust related effects. Accordingly, it is considered that construction effects will be less than minor.

Number of Residential Units per Site & Windows to Street

The surrounding area is predominantly utilised for residential purposes, with adjoining properties occupied by single-storey standalone dwellings.

The four proposed single-storey dwellings to be utilised for residential purposes are considered appropriate for the predominant residential character of the surrounding area. With the site in the MDRAA, the planned urban built character is a mix of low to medium

density development, including detached dwellings, terraced housing and low-rise apartments. Some areas in the MDRAA have been identified as being suitable to accommodate a more intensive form of residential development catered for by way of a height control overlay, subject to scale and design.

With respect to the number of proposed dwelling units, the development would result in 4 total dwelling units on the application site, equating to 1 additional dwelling above the 3 dwelling thresholds outlined in Rule 4F 4.2.1.1AA(a). However, as established in Section 4, the permitted baseline provides for a situation where 3 residential units and one detached minor residential unit within the limitations of the DMRU can be constructed as a permitted activity. The proposed dwellings to be constructed on Lots 75 – 78 do not comply with the required windows to street provision. The extent of the non-compliance ranges between 6.1% and 8.8%, in lieu of the required 20% minimum outlined in Rule 4F 4.2.12.

Building materials are robust and low maintenance with the avoidance of blank or monotonous facades. The proposal comprises modulation and articulation to reduce the associated building bulk and dominance. The proposed landscape plan contributes towards the functionality of onsite open spaces, by including suitable species with well-integrated planting and visual amenity, enhancing the streetscape, providing shade and shelter, biodiversity, and visual privacy.

The matters in Policies 4F 3.2B, 4F 3.2E, and 4F 3.8, refer to:

- enable housing to be designed to meet the day-to-day needs of residents.
- provide for residential intensification of a site where it achieves positive urban design outcomes and living environments; and
- encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

As discussed in Section 1 of this report, the proposed dwellings to be constructed on the application site have been designed to be self-contained, with a living area, kitchen, shower, toilet, and appropriate servicing areas such as laundry and basin. They are also provided with individual outdoor living amenity areas with satisfactory exposure to the sun, with each dwelling having individual 20m^2 outdoor spaces.

Whilst positive effects are not within scope of Council's assessment for notification purposes, it is acknowledged the proposal will have the positive effect of four new residential dwelling units released into the New Zealand housing market, thus increasing the housing stock and providing a much needed asset. The design of the proposal includes direct pedestrian access from Mohua Way to the north, which further promotes the use of active transport.

Overall, while the intensification will be apparent the proposal is compatible with the planned urban character of the MDRAA, and any adverse amenity and streetscape effects are less than minor on the environment.

Stormwater Effects

The proposed residential development on Lots 75 – 78 do not include the provision of individual onsite stormwater tanks. Additionally, this application also includes the

retrospective consent as the existing residential dwellings on Lots 66 – 73, 80 – 81, 87 – 90 also does not include individual onsite stormwater tanks. As discussed above, Council's discretion is limited to the effects on the stormwater system, the potential for increased surface ponding and flooding, and the mitigation of additional stormwater runoff through other means.

The applicant has stated that "*the subdivision requires the stormwater ponds that are adequately sized to accommodate the stormwater detention for Stage 1 and 2. Thus negating the need for onsite detention. The current temporary stormwater pond for Stage 2 is sized appropriately for these four dwellings which will remain until the final pond is constructed for Stage 2E*".

The applicant has proffered numerous conditions relating to the proposed stormwater pond, in order to mitigate any actual or potential adverse effects of not providing stormwater tanks on the lots identified above. These proffered conditions include the following:

- *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.*
- *The consent holder shall engage suitable qualified professional engineer(s) 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.*
- *The permanent stormwater management and mitigation system treatment devices in Lot 300 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:*
    - *ensure developed peak flows do not exceed pre-developed 'greenfield' peak flows for all storm events up to an including the critical 10 percent annual exceedance*
    - *be designed using runoff coefficients and other hydrological parameters agreed by Council's HCC Manager Consents and Compliance at detailed design phase.*
    - *have batter slopes of 1 vertical in 3 horizontal average or flatter.*
    - *discharge via a restricted outlet at flow rates to be agreed by Council's HCC Manager Consents and Compliance Consents at detailed design phase*
    - *Incorporate suitably designed secondary overflow provisions*
- *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.*
- *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.*
  Note: HCC have approved the design for the Stage 2D pond. This condition is to allow for HCC to review any changes that may potentially arise due to the comments on the Environmental Stormwater Management Strategy by GWRC. If there is no change in design, the system will be installed as approved.

- *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.*
- *As part of the application for Engineering Plan Acceptance 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.*
- *Prior to certification under Section 224c (for Stage 2D) of the Resource Management Act 1991, the permanent stormwater management mitigation systems and associated planting within proposed Lot 300 shall be constructed and certified.*
- *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.*
- *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 permanent 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:*
  - *detailed technical data sheet*

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

- *Following the issue of the section 224(c) certificates for Stage 2D, the consent holder shall operate and maintain the respective stormwater management and mitigation systems for a minimum of 2 years at the consent holder's expense. At the end of each 2-year maintenance period the treatment and attenuation device shall be inspected by the consent holder's engineers and suitable Council representative(s) to ensure it is appropriately established and maintained and that all landscaping is established. The reserve shall be maintained in a tidy condition throughout the 2-year maintenance period and be free of litter and refuse. Any vegetation that dies or declines during the maintenance period shall be replaced in the earliest planting season after the initial planting. The consent holder shall provide a written report in this regard, including any recommendations for ongoing 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 engineer that the treatment device has been constructed and maintained in accordance with the approved design and the certification accepted by Council.*
- *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*.

This application and proffered conditions provided by the applicant has been reviewed by Council's Consultant Development Engineer, Mr Matt Aitchison, who has confirmed the proposal and proffered conditions to be an acceptable solution. The imposition of these proffered conditions ensures that Lots 66 – 73, 75 – 78, 80 – 81, and 87 – 90 are provided with appropriate stormwater servicing, sufficiently mitigating any potential or actual effects on the stormwater system and any additional stormwater runoff. Therefore, any actual or potential adverse effects are less than minor.

Traffic Effects

Each of the four proposed crossings to serve Lots 75 – 78 will exceed the 50% maximum road frontage of each lot, being:

Access is provided for the proposed residential development on Lots 75 – 78 are provided separate vehicle crossings directly from Mahua Way. It has been demonstrated that the proposed access arrangements will exceed the 50% maximum road frontage of each lot, as outlined in Rule 14A 5.1(a)(i) (Standard 2(a)) of the ODP. The extent of the non-compliances is listed below, with the vehicle crossings serving Lots 75 – 78 occupying their respective road frontages:

- Lot 75 – 51.78% (1.78% exceedance)
- Lot 76 – 52.63% (2.63% exceedance)
- Lot 77 – 51.78% (1.78% exceedance)
- Lot 78 – 50.85% (0.85% exceedance)

Council's discretion regarding this non-compliance, in accordance with Rule 14A5.1(b), is limited to the effects generated by the standards not being met. The District Plan requirements regarding access are implemented to ensure safe ingress and egress to and from the application site and provide sufficient access for fire service vehicles. As depicted in the proposed plans, the legal width of each vehicular access will be 3m. This complies with Council's provisions regarding the legal width, formation width, and to allow for fire service vehicles to access each of the lots. These crossings also provide compliant visibility splays form each direction and comply with he onsite manoeuvring requirements.

Although the proposed widths do not comply with the District Plan requirements, it has been demonstrated the vehicle crossings to serve Lots 75 – 78 would comply with all other ODP requirements. On this basis, I consider that any adverse effects are less than minor on the environment.

Earthworks Effects

Although the proposed 80m^3 earthworks will exceed the 50m^3 maximum volume, the effects will be temporary and of short duration, being limited to the construction period, specifically to complete the final levels for the stormwater pond in Lot 302. Construction effects are to be anticipated as part of any permitted residential development, and the potential effects associated with this particular development are not expected to be any greater than those arising from a compliant development. The application site is not identified to have any historical or cultural significance.

The applicant proffered a condition requiring all earthworks to be undertaken in accordance with an Earthworks Management Plan (EMP), prepared by a suitably qualified chartered professional engineer and approved by Council, GWRC's latest Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region, and that all earthworks to be constructed in accordance with Engeo reports titled 'Bulk Earthworks Specification' dated 12 November 2019. The EMP will set out, but not limited to, site enabling works and preparation, earthworks sequencing and placement, management of surface and subsurface water, compaction methods, 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. This also includes the requirement for the applicant to lodge an Erosion and Sediment Control Plan (ESCP), which ensures that control measures must not be removed unless the site is stabilised to the satisfaction of the Compliance Monitoring Officer. This will ensure that construction is undertaken on site in a

way that minimises nuisance and effects on surrounding properties and the surrounding roading and stormwater system.

The implementation of the EMP and ESCP will ensure that any adverse erosion, dust and sedimentation effects which may arise in relation to the proposed earthworks will be less than minor.

Subdivision Effects
The proposed subdivision will result in a 7-lot subdivision, with Lots 75 – 78 to be residentially developed as proposed herein, Lot 300 to retain the stormwater pond to be vested in Council, Lots 302 and 102 to be retained for future development.

Lots 75 – 78 are of suitable size and shape for their intended use. Appropriate easements are provided to ensure servicing for each allotment. Access for Lots 75 – 78 are provided via separate vehicular access directly from Mohua Way. Council's Development Engineer has assessed the application and has determined the proposed development can be adequately serviced with respect to three waters. Lot 300 shall retain the stormwater pond which was approved in previous a resource consent (RM180513). Lot 302 will remain in the same ownership as it currently is with no change in land use proposed as part of this application. Lot 102 will be retained for future residential development, depicted in the proposed scheme plan as future stages 2E, 302, 3, 4, 5, and 6.

The site is not known to be subject to contamination or is likely to have contained contamination based on historical activities such that any anticipated contamination effects are negligible. The site is not identified as having any sites of natural, cultural or archaeological significance. The site does not border or contain a waterbody where esplanade reserves, strips or access strips are required. Overall, the subdivision effects will be less than minor.

Summary
Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances
If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No

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 7-lot subdivision and associated land use consent within application sites located within the MDRAA and GRAA. The ODP and PDP are 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

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

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances
Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: ▪ A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified
If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E? ▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary'	No (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?
Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. No persons have given written approval.

In accordance with s95E, I have considered whether the proposal could adversely affect any other persons. Notably, when undertaking this assessment of actual and potential adverse effects for the purpose of limited notification, I have disregarded those effects identified by the permitted baseline, as prescribed in s95E(2)(a). I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

2 Mohua Way; 5, 7, 9, 11, 13, 15, 17, 19, 21, 24, 25, and 27 Kairaumati Crescent; 1, 3, 5, 7, and 9 Takapo Grove

These properties directly adjoin the subject site at 64 Waipounamu Drive, to the east. Regarding these neighbouring properties, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), are considered to have less than minor effects on these persons noting these neighbouring properties are not subject to any non-compliances assessed in Section 3 above and are located approximately 101m – 318m from Lots 75 – 78 (9 Mohua Way). The absence of stormwater tanks for Lots 66 – 73, 75 – 78, 80 – 81, 87 – 90 would not have any visual effects on these properties.

Any actual or potential adverse effects of the proposed earthworks to be undertaken on Lot 300 have been disregarded for these neighbouring properties also given the separation distance between these sites and they do not directly adjoin the proposed boundaries of Lot 300. 1, 3, 5, 7, and 9 Takapo Grove are sites in proximity to Lot 300, being located 24m – 87m away. However, given the extent of the proposed earthworks, being 30m^3 above the permitted baseline, it is considered that this increase would not be noticeable. The earthworks would be sufficiently managed, given the applicant has proffered conditions to be imposed related to providing an EMP and ESCP, as assessed in Section 5.1 above. Any actual or potential adverse effects on these persons are less than minor.

3 Kairaumati Crescent

This property directly adjoins Lot 87 (1 Mohua Way), sharing its southern boundary. Regarding this neighbouring property, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), and the proposed earthworks on Lot 300, are considered to have less than minor effects on these persons noting this neighbouring property is not subject to any non-compliances assessed in Section 3 above and are located approximately 93m from Lots 75 – 78 (9 Mohua Way) and 213m from Lot 300. The absence of stormwater tanks on Lot 87 would not have any visual effects on this property. The stormwater tank non-compliance would be sufficiently managed, given the applicant has proffered conditions to be imposed, as assessed in Step 3 of Section 5.1 above. Any actual or potential adverse effects on these persons are less than minor.

62 and 75 Waipounamu Drive; 15A, 15B, 16, 17, 18, and 19 Otira Grove; 25, 27, 29, 31, 33, 35, and 37 Christchurch Crescent; 23A, 23B, and 24 Ilam Grove; 193, 195, 197, 199, 201, 205, 207A, 207B, 209, 211, 211, 213, 215, 217, 219, 221, 223, 225, 227, and 229 Major Drive; 138 Waipounamu Drive

These properties directly adjoin the subject site at 64 Waipounamu Drive, to the north, east and south. Regarding these neighbouring properties, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), the proposed earthworks on Lot 300, and the absence of stormwater tanks for Lots 66 – 73, 75 – 78, 80 – 81, 87 – 90, are considered to have less than minor effects on these persons noting these neighbouring properties are not subject to any non-compliances assessed in Section 3 above. Furthermore, given the topography of the subject sites and distance, these neighbouring sites are not able to view these subject properties. The stormwater tank non-compliance would be sufficiently managed, given the applicant has proffered conditions to be

imposed, as assessed in Step 3 of Section 5.1 above. On this basis, any actual or potential adverse effects on these persons are less than minor.

75N Waipounamu Drive

This vacant neighbouring property directly adjoins the subject site at 64 Waipounamu Drive, to the west. Regarding this neighbouring property, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), the proposed earthworks on Lot 300, and the absence of stormwater tanks for Lots 66 – 73, 75 – 78, 80 – 81, 87 – 90, are considered to have less than minor effects on these persons noting this neighbouring property is not subject to any non-compliances assessed in Section 3 above. Furthermore, given the topography of the subject sites and distance, this neighbouring site is not able to view these subject properties. The stormwater tank non-compliance would be sufficiently managed, given the applicant has proffered conditions to be imposed, as assessed in Step 3 of Section 5.1 above. On this basis, any actual or potential adverse effects on these persons are less than minor.

129, 131, 133, and 135 Waipounamu Drive

These properties directly adjoin the subject sites at Lot 81 (127 Waipounamu Drive), Lot 87 (1 Mohua Way), Lot 88 3 Mohua Way), and Lot 89 (5 Mohua Way), to the east. Regarding these neighbouring properties, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), and the proposed earthworks on Lot 300, are considered to have less than minor effects on these persons noting these neighbouring properties are not subject to any non-compliances assessed in Section 3 above. Furthermore, given the topography of the subject sites and distance, these neighbouring sites are not able to view these subject properties. The stormwater tank non-compliance for Lots 81, 87, 88, and 89 would be sufficiently managed, given the applicant has proffered conditions to be imposed, as assessed in Step 3 of Section 5.1 above. The absence of stormwater tanks would not have any visual effects on these properties. On this basis, any actual or potential adverse effects on these persons are less than minor.

11, 13, and 16 Takapo Grove; 169 Waipounamu Drive; 9, 11, 13, 15, and 17 Kaitangata Crescent; 21 Kaitangata Crescent

These properties directly adjoin the subject site at 64 Waipounamu Drive, to the north, east and south. Regarding these neighbouring properties, the non-compliances of vibration, number of residential units per site, windows to street, and transport, in relation to the proposed dwellings to be constructed on Lots 75 – 78 (9 Mohua Way), and the absence of stormwater tanks for Lots 66 – 73, 75 – 78, 80 – 81, 87 – 90, are considered to have less than minor effects on these persons noting these neighbouring properties are not subject to any non-compliances assessed in Section 3 above. Furthermore, given the topography of the subject sites and distance, these neighbouring sites are not able to view these subject properties.

These properties either directly adjoin Lot 300 or are in proximity. Given the extent of the proposed earthworks, being 30m^3 above the permitted baseline, it is considered that this increase would not be noticeable. Any actual or potential adverse effects of the proposed earthworks to be undertaken on Lot 300 have been mitigated given the applicant has

proffered conditions to be imposed related to providing an EMP and ESCP, as assessed in Section 5.1 above. On this basis, any actual or potential adverse effects on these persons are less than minor.

Effects on All Persons

In terms of the vibration, number of residential units per site, stormwater detention, and windows to street, transport, earthworks, and servicing/infrastructure related effects, I note that these will be addressed below:

- The ODP allows for a certain scale and density of development as a permitted activity; in this case this could include up to 3 dwellings. Although the proposal exceeds the permitted baseline, the existing environment is developed for residential purposes which the proposal directly aligns with.
- Any potential vibration effects are limited to the proposed earthworks and the installation of new service and utility connections. The effects will be temporary and of short duration, being limited to the construction period. Any actual or potential adverse effects are less than minor.
- Any potential adverse effects regarding stormwater detention will be mitigated as per the proffered conditions listed in Section 2 and assessed in Section 5 above. Any actual or potential adverse effects are less than minor.
- Any potential adverse effects regarding windows to street have been mitigated through the design of the proposed dwelling, onsite landscaping and open space on each of the proposed lots (Lots 75 – 78), and sufficient passive surveillance. Any actual or potential adverse effects are less than minor.
- Although the proposed widths do not comply with the District Plan requirements, it has been demonstrated the vehicle crossings to serve Lots 75 – 78 would comply with all other ODP requirements, more specifically, separation of vehicle crossings, onsite manoeuvring, and the provision of compliant visibility splays. Thus, providing safe ingress and egress utilising the proposed vehicular access. Any actual or potential adverse effects are less than minor.
- The effects arising from earthworks, civil works and building construction may result in noise, dust, and general disturbance to the surrounding area in addition to an increase level of traffic. It is noted that there is a certain level of construction related effects anticipated by the District Plan which is permitted through District Plan noise standards and in this case, this would be associated with the construction of four dwellings on Lots 75 – 78 and proposed earthworks on Lot 300. Despite this fact, construction will not be permanent, the applicant has proposed to comply with the Council requirements relating to the management of earthworks, including the requirement to carry out earthworks in accordance with GWRC's latest Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region, submission of an Environmental Management Plan (EMP) and Erosion and Sediment Control Plan (ESCP) and adherence to the certified EMP and ESCP. This includes matters such as hours of operation, dust management, and site rehabilitation. This will ensure that potential noise arising from construction does not occur during typically noise-sensitive times. Considering the above matters, any potential adverse construction and vibration effects can be managed appropriately, are temporary in nature, and are therefore considered to be less than minor on all persons.

- The application site is not identified as a significant site within the District Plan whereby any potential effects on heritage, cultural or archaeological significant sites are considered to be less than minor on all persons.
- Beyond the natural hazard risk, Councils Development Engineer has also reviewed the proposed three water/servicing arrangements of the development. The Council's Development Engineer supports the proposed subdivision and considers all allotments can be appropriately serviced to Council standards whereby any potential effects with respect to servicing will be negligible on all persons.
- Beyond those persons immediately adjoining, all persons are considered to be sufficiently separated and/or screened from the site whereby any adverse environmental effects will be less than minor.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances
If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No

For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion
Limited notification is not required.

5.3 – NOTIFICATION DECISION

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

6. DETERMINING THE APPLICATION

Section 104 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)

I have undertaken a detailed effects assessment in section 5 of this report. While that assessment was for the purpose of notification, I consider that the assessment matters and conclusion therein are relevant for the purpose of the s104 effects assessment. To avoid

repetition, I adopt the assessment and conclusions of the effects assessment under section 5 above with further additional commentary and consideration of positive effects.

Residential Amenity, Streetscape and Design Effects

The proposed development includes the construction of 4 new dwelling units on Lots 75 – 78 with provisions of sufficient outdoor amenity areas, onsite landscaping and onsite parking. The proposal also includes the omission of stormwater tanks for the existing dwellings on Lots 66 – 73, 80 – 81, and 87 – 90 as well as the proposed dwellings on Lots 75 – 78.

While the proposal does not adhere to all the relevant District Plan standards as assessed above in Section 3, I consider any actual or potential adverse effects are less than minor. The proposed development provides for sufficient vehicular access with sufficient pedestrian access directly from Mohua Way. It is noted that within the Medium Density Residential Activity Area allotments are not required to meet any minimum design standards (i.e. in terms of area or shape) since the subdivision is accompanied with a land use application. The allotments follow a logical layout to accommodate the proposed dwelling units, and appropriate easements will be established to ensure all future sites are fully serviced.

While bulk onsite will be noticeably higher than what is existing, the Operative District Plan requires that any consideration of effects from building location, form, and appearance, be undertaken in the context of the *planned urban built character* for this zone.

The planned character of this zone is to enable housing of at least 3-storeys, and to provide for residential intensification of a site where it achieves positive urban design outcomes and living environments, taking into consideration the urban design principles, development type, and the planned urban environment of the zone (refer Policy 4F 3.2E). Considering the proposed development density in this context, as well as taking into account the existing residential developments in proximity setting the urban built character, the building bulk and density which is proposed aligns with what could reasonably be anticipated for this zone. The number of dwelling units alone, and their associated effects, would need to be significantly inconsistent with the outcomes sought by the District Plan to be declined solely based on unit numbers. For this proposal, construction of 4 residential units on a 1,537m^2 property is not considered inconsistent with the outcomes sought.

An assessment of the number of units must also be tempered with the scale of compliance and individual non-compliances in considering their associated effects particularly those associated with dominance, amenity and privacy. With respect to this point the proposal has a high degree of compliance with the relevant bulk and location standards. Where there are non-compliances with the stormwater detention and windows to street, these are localised to the immediate environment and do not detract from the wider character or the outcomes sought by the District Plan.

Overall, the proposal is compatible with the planned urban character of the zone, and the development is consistent with Policy 4F 3.2E of the District Plan. Conditions of consent will be imposed to ensure that the proposal will be constructed in accordance with the architectural and landscape plans submitted as part of this application. Accordingly, the proposed allotments are considered suitable for their intended residential use in line with the planned urban built character of the Medium Density Activity Area.

Stormwater Effects

The extent of the stormwater non-compliance is limited to Lots 75 – 78 (proposed as part of this application), as well as Lots 66 – 73, 80 – 81, and 87 – 90 (which were previously approved allotments as part of Stage 2C), which do not provide individual onsite stormwater detention tanks. The proposal also includes the completion of the stormwater pond on Lot 300 to service the previously approved stages (Stage 1). The current temporary stormwater pond will service the proposed dwellings within this stage (Stage 2D), the dwellings constructed under previously approved Stage 2C, and the proposed dwellings to be constructed under Stage 2E (RM260025). This is confirmed by the Stormwater Report prepared by Awa Environmental Limited, dated 6 March 2024 (Doc Number J000794). The applicant has proffered conditions to mitigate any actual or potential adverse effects as addressed in the s95A assessment. This has been reviewed by Council's Consultant Engineer, Matt Aitchison, who has confirmed this aspect of the proposal, being the introduction of a proposed stormwater pond to offset the stormwater for Stages 1 and 2, to be an acceptable solution. This lot (Lot 300) shall be vested in Council upon completion of this stage (Stage 2D). On this basis, I consider any potential effects as a result of the breaches will be acceptable in terms of s104 of the RMA.

Traffic Effects

The transport matters are largely addressed in the s95A assessment. The application has been reviewed by Council's Consultant Engineer who considers the proposed vehicular and pedestrian access is acceptable subject to consent conditions to ensure the access arrangements meet Council's standards. I concur with those conditions and consider them appropriate to impose.

Earthworks Effects

The earthworks matters are largely addressed in the s95A assessment. The effects will be temporary and of short duration, being limited to the construction period. Construction effects are to be anticipated as part of any permitted residential development, and the potential effects associated with this particular development are not expected to be any greater than those arising from a compliant development. A condition requiring that all earthworks to be undertaken in accordance with GWRC's latest Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region, submission of an Earthworks Management Plan (EMP) and Erosion and Sediment Control Plan (ESCP), and adherence to the certified EMP and ESCP will be imposed. The imposition of these requirements as conditions of consent would assist in mitigating any actual or potential adverse effects. As a result, it is considered that any effects are acceptable.

Subdivision Effects

The subdivision matters are largely addressed in the s95A assessment. The application has been reviewed by Council's Development Engineer who considers the proposed subdivision is acceptable subject to consent conditions to ensure the servicing arrangement meets Council's standards with regards to three waters, construction, telecommunications, and electricity supply. I concur with those conditions and consider them appropriate to impose. A condition of consent requiring the applicant to pay a reserves contribution for the additional allotments will be required.

Significant Natural, Cultural and Archaeological Sites

The subject site is not a site of significance, and does not have any significant cultural, natural, or archaeological District Plan notations. The site is not a statutory acknowledgement area. I therefore consider that the proposal will have negligible impact on any significant site. Esplanade Strips and Reserves The subject site does not contain any watercourses, nor is it located within the Coastal Marine Area. No esplanade strips or reserves are therefore required.

Positive Effects

When assessing the effects on an activity, positive effects on the environment should be included. This was reinforced by the High Court in its decision in *Elderslie Park v Timaru District Council*, stating: "*To ignore the benefits that an activity for which resource consent is sought would produce an artificial and unbalanced picture of the real effects of the activity*". The proposal will see an additional 4 new residential dwelling units being added to the Kelson area, adding to a much-needed housing stock in Lower Hutt. The proposed development will result in an efficient use of a residential property and assist in increasing the District's supply of housing stock as well as complementing the District's consolidated urban form. Enabling the development will also of the benefit of providing additional construction work opportunities within the community.

Conclusion

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

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

Objectives and policies of the Operative District Plan

I consider the proposal is consistent with the relevant Operative District Plan's objectives and policies identified below:

ODP	Objectives	Policies
Medium Density Residential Activity Area	4F 2.1AA, 2.1, 2.3, 2.3A, 2.4, 2.5, 2.6	4F 3.1, 3.2, 3.2A, 3.2B, 3.2C, 3.2D, 3.2E, 3.3, 3.6, 3.8, 3.9, 3.10
General Recreational Activity Area	7A 1.1.4	7A 1.1.4
Subdivision	11.1.1, 11.1.2, 11.1.3	11.1.1(b), 11.1.2, 11.1.3(d) & (e)
Transport	14A 3.1, 3.2, 3.3 and 3.5	14A 4.1, 4.2, 4.3, 4.4 and 4.6
Earthworks	14I 1.1	14I 1.1(a)

With respective to provisions of Chapter 4F, the proposal for 4 lots and 4 total residential units is consistent and directly aligns with the objective that residential activities are the dominant activities in the Medium Density Residential Activity Area and will increase the capacity and diversity to the city's housing stock. The built development is considered consistent with medium/high density amenity levels. Existing and proposed landscaping and

boundary treatments will integrate the development into the streetscape. The proposal includes landscaping areas within each of the respective allotments. The design provides for suitable indoor and outdoor living spaces to ensure high-quality on-site amenity for residents. Given the proposed design, the proposed development and existing neighbouring sites are provided with sufficient access to sunlight. Effects on the amenity of adjoining properties are considered generally consistent with what is provided for by the District Plan as a permitted activity also noting that adequate sunlight access and privacy of adjoining properties will be maintained. The proposal can be suitably serviced by network infrastructure.

Chapter 7A seeks to ensure that non-recreational activities have adverse effects which are no more than minor and restrict the range and nature of non-recreational activities to those which will not affect adversely the open space character and amenity values of Recreation Activity Areas. Although the proposed stormwater pond to be formally established within Lot 300 will be sited on land subject to the GRAA zoning, it is located at a location of the subject property where its visibility is restricted. Based on a site visit undertaken on 18 December 2025 and site visit photos held on Council file, existing vegetation around the location if the proposed stormwater pond is to be retrained. The applicant has also proffered a condition regarding the submission of a landscape plan be approved by Council. This will ensure that Lot 300 be provided with sufficient planting and landscaping, creating an attractive place with open spaces, for people to enjoy.

Regarding Chapter 11, the proposed residential development has provided allotments that have been demonstrated to be sufficiently accessed and serviced. There is suitable provision for access for the proposed development, with provision for personal vehicles to enter and exit the application sites. All lots would have direct access from Mohua Way. Accordingly, the proposed subdivision is considered to be suitable for their intended residential use (Lots 75 – 79). As demonstrated in the proposed scheme plans, Lots 102 and 302 shall be parent lots, subject to future stages of residential development. Lot 300 will retain the proposed stormwater pond and be vested in Council upon completion. The development can be suitably serviced by network infrastructure via existing and proposed connections from Council's reticulated infrastructure available from Mohua Way, with conditions of consent being imposed to ensure this. For these reasons, the proposal aligns with relevant Objectives and Policies in Chapter 11.

Chapter 14A seeks to provide a safe, efficient transport network for the social and economic wellbeing of the City's residents. Direct access is provided via the vehicle crossings from Mahua Way for Lots 75 – 78. Legal and physical ingress and egress have been designed to provide sufficient access for personal vehicles, service vehicles (waste collection, emergency services) and pedestrian access for future residents. For these reasons, the proposal aligns with relevant Objectives and Policies in Chapter 14A.

Chapter 14I ensures earthworks do not adversely affect the visual amenity values of the of an area of site. The proposed ancillary earthworks are limited to the provision of the proposed stormwater pond within Lot 300. Due to its temporary nature and being generally low in height, the overall amenity values can be retained. For these reasons, the proposal aligns with relevant Objectives and Policies in Chapter 14I.

For the reasons set out above, as well as those detailed in Sections 5.1, 5.2 and 6.1 above, I consider the proposal is generally consistent with the relevant District Plan objectives and policies.

Objectives and policies of the Proposed District Plan

As previously identified HCC publicly notified the Proposed District Plan ('PDP') on the 6th of February 2025 under Clause 5 of Schedule of the Act. As such the proposed plan is in the early stages of the Schedule 1 process with submissions closing on the 4th of April 2025. Given that the provisions of the proposed plan have scope to be altered and amended as part of the Schedule 1 process, it is considered that little weight should be given to the objectives and policies within. Irrespective of the above, as the proposed plan has been notified, it is necessary to identify the relevant objectives and policies under this proposed plan as they relate to this application. Section 104(1)(b)(vi) of the Resource Management Act 1991 specifies that the consent authority must have regard to any relevant provisions of "a plan or proposed plan". Therefore, an assessment against any relevant provisions of the PDP is required. I consider the following objectives and policies are relevant to the current application:

- Subdivision: SUB-O1, SUB-O2, SUB-O3, SUB-P1, SUB-P4, SUB-P5, SUB-P6, SUB-P7, SUB-P10.
- Medium Density Residential Zone: MRZ-O1, MRZ-O3, MRZ-O4, MRZ-P4, MRZ-P5, MRZ-P6.
- Earthworks: EW-O1, EW-P2, EW-P8.
- Natural Hazards: NH-O2, NH-P1, NH-P2, NH-P12.
- Transport: TR-O1, TR-P1, TR-P2, TR-P7.

I adopt the applicant's assessment of the proposal against the relevant objectives and policies of the PDP, as set out in Section 4.2 of the application (p. 19 – 27). In addition to the applicant's adopted assessment, I provide an assessment against the following provisions of the PDP:

- Natural Open Space Zone: NOSZ-O1, NOSZ-O2, NOSZ-O3, NOSZ-O4, NOSZ-P1, NOSZ-P2, NOSZ-P3, NOSZ-P4.

The objectives and policies within the Natural Open Space Zone (NOSZ) chapter of the PDP ensures that land is primarily used for conservation and a range of recreation activities, including walking and tramping, running, mountain biking and picnicking. It also seeks to limit any built development on properties within the zone, primarily the development necessary to support conservation and recreation activities as well as infrastructure with a functional or operational need to be in a location within the zone. The proposal described herein on Lot 300 is limited to the establishment of a stormwater pond, to service existing and proposed lots within stages 1 and 2 of the overall Waipounamu development. The applicant has proffered a condition regarding the submission of a landscape plan be approved by Council, to ensure sufficient planting and landscaping is undertaken once the stormwater pond has been completed. This would create an attractive place with open spaces for people within proximity to enjoy. On this basis, I consider the proposal to align with the relevant objectives and policies of the NOSZ chapter of the PDP.

- Three Waters: THW-O1, THW-O2, THW-P1, THW-P2, THW-P3.

The Three Waters (THW) chapter of the PDP seeks to ensure future use and development of land in urban areas is sufficiently supported by existing or planned three waters infrastructure, incorporates measures to manage stormwater runoff, and require new development in urban areas to achieve hydraulic neutrality. The proposal omits the requirement for onsite stormwater tanks for Lots 66 – 72, 75 – 78, 80 – 81, and 87 – 90. However, it does include the establishment of a stormwater pond to be constructed on Lot 300 and to be vested with Council upon completion. The proposed stormwater pond will be constructed in accordance with Council requirements, ensuring it is constructed to adequately accommodate for the stormwater detention for dwellings approved as part of the previous stages (Stage 1, 2A, 2B, and 2C) and this current stage of the development (Stage 2D). I consider the proposal to align with the relevant objectives and policies of the THW chapter of the PDP.

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

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

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

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

6.5 – PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

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 application sites are not subject to any natural hazard overlay. It is considered that the proposed subdivision does not need to be declined pursuant to section 106 of the RMA for the reasons outlined above.

6.7 – IN ACCORDANCE WITH S106A A CONSENT AUTHORITY MAY REFUSE LAND USE CONSENT IN CERTAIN CIRCUMSTANCES

In accordance with s106A introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025, a consent authority may refuse land use consent or

may grant a land use consent subject to conditions if it considers that there is a significant risk from natural hazards. An assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:

a) the likelihood of natural hazards occurring (whether individually or in combination):
b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:
c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):
d) whether the proposed use of the land would result in adverse effects on the health or safety of people.

The application sites are not subject to any natural hazard overlay. On this basis, I consider that the proposal will not result in significant risk from natural hazards and there is no reason to refused consent under s106A.

6.8 – SUBSTANTIVE DECISION

In respect of the subdivision decision, in accordance with section 104C, I have considered those matters over which discretion is restricted in a national environmental standard or other regulations or plan or proposed plan and have decided to grant the application subject to conditions under s108 and s220 relating to those matters over which discretion is restricted.

In respect of the land use decision, in accordance with s104B, I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108 and s220.

7. CONDITIONS OF RESOURCE CONSENT

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

LAND USE CONDITIONS

General Accordance

1. That the proposal is carried out substantially in accordance with the information and approved plans submitted with the application and held on file at Council, being:
    a. Architectural Plans, Title “Manapouri Grove – 64 Waipounamu Drive, Kelson”, Drawing Set Stage 2 Resource Consent, Job Number 18072, prepared by Design Prime Designs, dated 2/4/2019, Drawing Numbers 711 – 714, 716 – 747; and
    b. Architectural Plans, Title “Proposed Dwellings, Lot 74-79, Kelson Heights Lower Hutt”, Job Number 24126, prepared by Design Prime Designs, dated 14/03/2025, Drawing Numbers 102 – 122; and
    c. Landscape Plans, Title “Lot 74-79, Kelson Heights, Lower Hutt”, Job Number 24126, prepared by Design Prime Designs, Rev B, dated 17/03/2025, Sheet Numbers L0.00, L1.01, L1.74, L1.75, L1.76, L1.77, L1.78, L2.01, L3.01, L3.02, L3.03, L3.04, L3.05, and L3.06.
    d. Engineering Plans:

i. Title “Stormwater Pond Filterra® Bioscape Custom Design”, Project “Kelson Heights Stage 1B”, drawing number S19-0774-1B-D1, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1
ii. Title “Stormwater Pond Earthworks”, Project “Kelson Heights Stage 1B”, drawing number S19-0774-1B-D2, Rev B, prepared by Spencer Holmes, drawn date 11/11/2025, Sheet 1 of 1
iii. Title “Stormwater Pond Services Details”, Project “Kelson Heights Stage 1B”, drawing number S19-0774-1B-D4, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1
iv. Title “Stormwater Pond Stage 1 Long Sections”, Project “Kelson Heights”, drawing number S19-0774-1B-D5, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1.

2. That the Consent Holder advise Council (enforcement@huttcity.govt.nz) 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 the applicable hourly rate within the financial year that the visit is undertaken – details of fees are available on the Hutt City Council website.
- Notification of work commencing is separate to arranging building inspections.

Construction Management

3. That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that avoids sediment entering streams or drainage systems; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington Regional Council’s Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (Feb. 2021) and any erosion and sediment control plan or earthworks construction management plan.
   Advice note:
   It is recommended that, prior to commencement of work, a stabilised crossing be installed at the site entrance and/or suitable wheel wash facilities to ensure that earth material is not tracked onto the road.

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

5. That the consent holder ensures all construction works, including earthworks, are carried out in a manner that prevents dust blowing beyond site boundaries to the extent that is does not cause nuisance and/or hazard.

6. That the consent holder 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, avoiding discharge into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
   Advice note:
   - *The consent holder is advised that the District Plan requires all earthworks undertaken (including those associated with trenching and servicing) adhere to Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, and Small Earthworks Erosion and Sediment Control for Small Sites.*
   - *To give effect to the above District Plan requirement, the consent holder is advised of their obligation to undertake earthworks in a manner that:*
     - *avoids sediment entering streams or drainage systems; and*
     - *stabilises, covers, and/or seals (via planting, paving, or other surfacing) areas of exposed earth as soon as practicable; and*
     - *prevents dust blowing beyond site boundaries to the extent that is does not cause nuisance and/or hazard; and*
     - *ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and*
     - *features appropriate erosion and sediment control measures onsite to ensure compliance with the District Plan.*
   - *The consent holder is advised that the District Plan requires all construction works to be undertaken to comply with NZS 6803:1999 Acoustics - Construction noise. Practicably, to ensure compliance with this requirement of the Plan, machinery operating hours, including machinery start-up times, should be limited to between 7:30am and 6pm Monday to Saturday, with no work on Sundays or public holidays.*

SUBDIVISION CONDITIONS

General Accordance

7. That the proposal is carried out substantially in accordance with the information and approved plans submitted with the application and held on file at Council, being:
   - Scheme Plan, Title "Subdivision Stage 2D", drawing number S19-0774-S2D-AP1, Rev B, prepared by Spencer Holmes, drawn date 17/02/2026, Sheet 1 of 1.
   - Engineering Plans:
     - Title "Stormwater Pond Filterra® Bioscape Custom Design", Project "Kelson Heights Stage 1B", drawing number S19-0774-1B-D1, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1
     - Title "Stormwater Pond Earthworks", Project "Kelson Heights Stage 1B", drawing number S19-0774-1B-D2, Rev B, prepared by Spencer Holmes, drawn date 11/11/2025, Sheet 1 of 1
     - Title "Stormwater Pond Services Details", Project "Kelson Heights Stage 1B", drawing number S19-0774-1B-D4, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1
     - Title "Stormwater Pond Stage 1 Long Sections", Project "Kelson Heights", drawing number S19-0774-1B-D5, Rev B, prepared by Spencer Holmes, drawn date 18/09/2024, Sheet 1 of 1.

8. That the Consent Holder advise Council (enforcement@huttcity.govt.nz) 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 the applicable hourly rate within the financial year that the visit is undertaken – details of fees are available on the Hutt City Council website.*
   - *Notification of work commencing is separate to arranging building inspections.*

Reserves Contributions

9. The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 5.5% 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.

Construction Management

10. That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that avoids sediment entering streams or drainage systems; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (Feb. 2021) and any erosion and sediment control plan or earthworks construction management plan.
    Advice note:
    It is recommended that, prior to commencement of work, a stabilised crossing be installed at the site entrance and/or suitable wheel wash facilities to ensure that earth material is not tracked onto the road.

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

12. That the consent holder ensures all construction works, including earthworks, are carried out in a manner that prevents dust blowing beyond site boundaries to the extent that is does not cause nuisance and/or hazard.

13. That the consent holder 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,

avoiding discharge into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)

Advice note:

- *The consent holder is advised that the District Plan requires all earthworks undertaken (including those associated with trenching and servicing) adhere to Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, and Small Earthworks Erosion and Sediment Control for Small Sites.*
- *To give effect to the above District Plan requirement, the consent holder is advised of their obligation to undertake earthworks in a manner that:*
    - *avoids sediment entering streams or drainage systems; and*
    - *stabilises, covers, and/or seals (via planting, paving, or other surfacing) areas of exposed earth as soon as practicable; and*
    - *prevents dust blowing beyond site boundaries to the extent that is does not cause nuisance and/or hazard; and*
    - *ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and*
    - *features appropriate erosion and sediment control measures onsite to ensure compliance with the District Plan.*
- *The consent holder is advised that the District Plan requires all construction works to be undertaken to comply with NZS 6803:1999 Acoustics - Construction noise. Practicably, to ensure compliance with this requirement of the Plan, machinery operating hours, including machinery start-up times, should be limited to between 7:30am and 6pm Monday to Saturday, with no work on Sundays or public holidays.*

Three Waters

14. That the consent holder installs the reticulation as necessary and connects separate minimum 100mm DN sewer and stormwater service leads to public and/or private 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.

    Advice note:

    - *The consent holder is advised that the design and construction of all water, stormwater and sewer reticulation services is assessed in the context of 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.*

15. At the detailed engineering approval stage required under Condition 17, the consent holder shall prepare a draft Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system and the associated management devices. The Operation and Maintenance Manual shall be submitted to the Council's Resource Consents and Compliance Manager for certification that the document includes the following:
    a) a detailed technical data sheet
    b) all the requirements as defined within the Regional Standard for Water Services and Water Sensitive Design for Stormwater: Treatment Device Guideline

c) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices
d) a programme for regular maintenance and inspection of the stormwater system
e) a programme for the collection and disposal of debris and sediment collected by the stormwater system
f) a programme for regular inspection and maintenance of the stormwater system
g) general inspection checklists for all aspects of the sewer network, including visual checks
h) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
i) a programme for post storm maintenance
j) a programme for inspection and maintenance of outfall erosion

16. That the consent holder supplies water reticulation and supplies separate minimum 20mm DN 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), as per the plans approved under Condition 17.
Advice note:
- *The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are processed by the Water Connections Team at Wellington Water Ltd. 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.*
- *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.*

Engineering Approval

17. That, prior to the commencement of physical works, the consent holder submits engineering plans for the construction work authorised under this consent, to Council's Resource Consents and Compliance Manager via subdivision@huttcity.govt.nz for approval of the detailed design; that the plans provide information, including:
a) the three waters infrastructure servicing, with details on but not limited to –
    i. materials
    ii. the size, type and class of pipes
    iii. pipe gradients
    iv. invert levels including at the point of connection with the public mains
    v. pipe cover
    vi. trench profile
    vii. service clearance dimensions
    viii. final design surface levels
b) Greater Wellington Regional Council acceptance of the proposed Stormwater treatment pond and ancillary devices

All construction work must be carried out in accordance with the engineering plans certified under this condition.
Advice note:

- *This condition is necessary (even for minor works) as the engineering approval letter will list further engineering requirements in regard to Corridor Access Requests, pipe materials, inspections, as-built information, CCTV etc.*
- *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.*
- *To avoid any potential conflict or further amendments to the servicing and engineering design of the proposal it is strongly recommended that the consent holder applies for, and attains, Engineering Approval prior to the submission of any building consents for the approved development.*
- *Council accepts no responsibility for any physical work required upon processing of application for section 224(c) certification where engineering plan(s) was not submitted by the consent holder and approved by Council's Resource Consents and Compliance Manager.*
- *Where there are discrepancies in information*, the most recently dated Council stamped plans will take precedence.

18. That the consent holder appoints a suitably qualified and experienced person to carry out the design and supervision of construction work, as well as certification upon completion, as provided for by clause 1.7.1 of NZS 4404:2010. The consent holder shall submit the name and contact details of the appointed representative to the Resource Consents and Compliance Manager for record-keeping before or at the time of submitting engineering plans; notice can be emailed to subdivision@huttcity.govt.nz.

19. The certification of subdivision works, undertaken by the person appointed per Condition 18 above, must include confirmation that the materials, installation and testing meet the relevant Council codes and standards. Written certification must be submitted to Council via subdivision@huttcity.govt.nz prior to application for the section 224(c) certification.

20. That the consent holder appoints a suitably qualified contractor or contractors to complete the works to the approved design; and that the consent holder submits to Council subdivision engineer for approval the name, contact details and experience of the contractor(s) at the time of submitting engineering plans for approval or at least a minimum of 7 days in advance of commencing the construction works. The approved contractor(s) must give a minimum of 48 hours' notice to Council subdivision engineer before starting work.

Power and Telecommunications

21. That the consent holder provides separate underground telecommunication and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.

22. That the consent holder provides Council's Resource Consents and Compliance Manager with written confirmation from Chorus (or the equivalent network supplier) and Wellington Electricity Lines Ltd that they are satisfied the supply of their utilities for separate lots meet their requirements.

Certification and Easements

23. That the consent holder provides appropriate easements for public and private services, and/or access, 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.

24. That the consent holder provides appropriate easement in gross for overland flow path(s), with the easements shown as a memorandum of easement on the land transfer title plan. The consent holder must show the easement as per the approved engineering plan certified under Condition 17; show Council as the grantee in gross; and engage a lawyer at the consent holder's expense to prepare easement documents. The ongoing maintenance and/or repair of the overland flow path infrastructure shall remain responsibility of the property owners; this is to be outlined on the easement documentation.

25. That, at the time of applying for section 224(c) certification, 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.

    For this development, the following will apply:

    - Stormwater Treatment Pond and ancillary devices)

26. That a 5% maintenance bond be paid in respect of the Lot 300 Stormwater treatment pond and ancillary devices. The maintenance period does not exceed 24 months from the issue of the section 224(c) certificate.

27. That at the end of the maintenance period all maintenance items are required to be certified as complete any scour repair.

28. That the consent holder provides Council the as-built plan, certified by a surveyor or engineer, showing the location and details of the stormwater pond.

Consent Notices

29. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of the allotments specified below, specifying ongoing requirements in relation to this consent. Consent notices shall be registered to manage the following aspects:

    a. Lots 75 to 76 – 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 3.8 - 'Building in close proximity to public pipelines' or any replacement of that standard. The design and details of these foundations shall be submitted as part of any building consent applied for on these lots.

b. Lots 75 to 76 – to ensure that in the likelihood of any blockage of the piped watercourse, an overland flow-path, as depicted on the submitted plan, is protected to ensure it is free of any obstructions at all times.

30. That the consent holder provides a benchmark in the form of a new survey peg or other permanent mark so the site's minimum floor level can be easily determined; and that the consent holder records this benchmark and the known reduced level (Local Vertical Datum - Wellington 1953) on the as-built plans.

31. That the consent holder meets the cost of registering consent notices.

- Notification of work commencing is separate to arranging building inspections.

  Note: This condition addresses an essential administrative matter

Processing planner:

Pepa Moefili
Senior Resource Consents Planner

Peer reviewer:

Dan Kellow
Environmental Planner (contractor)

Approved by:

Baylee O'Sullivan
Resource Consents Lead

Application lodged:	20 November 2025
Application approved:	18 June 2026
Working days to approve:	37

Note: Section 37A(4)(b)(i) extension of time for 20 additional working days was applied on 15 January 2026 due to the complexity of this application.

8. NOTES:

- The processing planner will advise separately of any development contributions required for this proposal.

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.

- In accordance with section 120 of the Resource Management Act 1991, consent holder on the application or review of consent conditions may appeal to the Environment Court against the whole or any part of this decision by the consent authority.

- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years.

- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.

- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.

- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.

- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.

- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.

- Advice note from Heritage New Zealand: Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.

- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.

- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/