



16 September 2025

Julie Sylvester

s7(2)(a)

Tēnā koe Julie,

**Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987**

We refer to your official information request dated 19 August 2025, seeking information regarding the consent to use a property as a clean fill site and associated concerns about truck activity and road safety. Specifically, you requested:

*Please may I have a copy of the consent to use this property as a clean fill. There are many unmarked trucks going in each day with loads of soil, clay, stones, and I suspect tar seal.*

**Answer:**

Hutt City Council does not hold any resource consents for clean fill operations at 161 Upper Fitzherbert Road, Wainuiomata. However, there is a resource consent in place for a subdivision at this site, which includes a significant volume of earthworks to create a road and building platforms. As a result, clean fill material such as soil, clay, and stones is being brought onto the site as part of those approved works.

We have provided a copy of the resource consent, including the approved plans and decision report, as it is the closest relevant information we hold.

If you would like our Resource Consents Compliance team to investigate in response to your concerns about truck activity and road conditions, please email: [enforcement@huttcity.govt.nz](mailto:enforcement@huttcity.govt.nz), and they will undertake a compliance visit to this site.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at: [How to make a complaint | Ombudsman New Zealand](#), or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website: [Proactive releases | Hutt City Council](#).

Ngā mihi nui



Rebekah van der Splinter

**Senior Advisor, Official Information and Privacy**

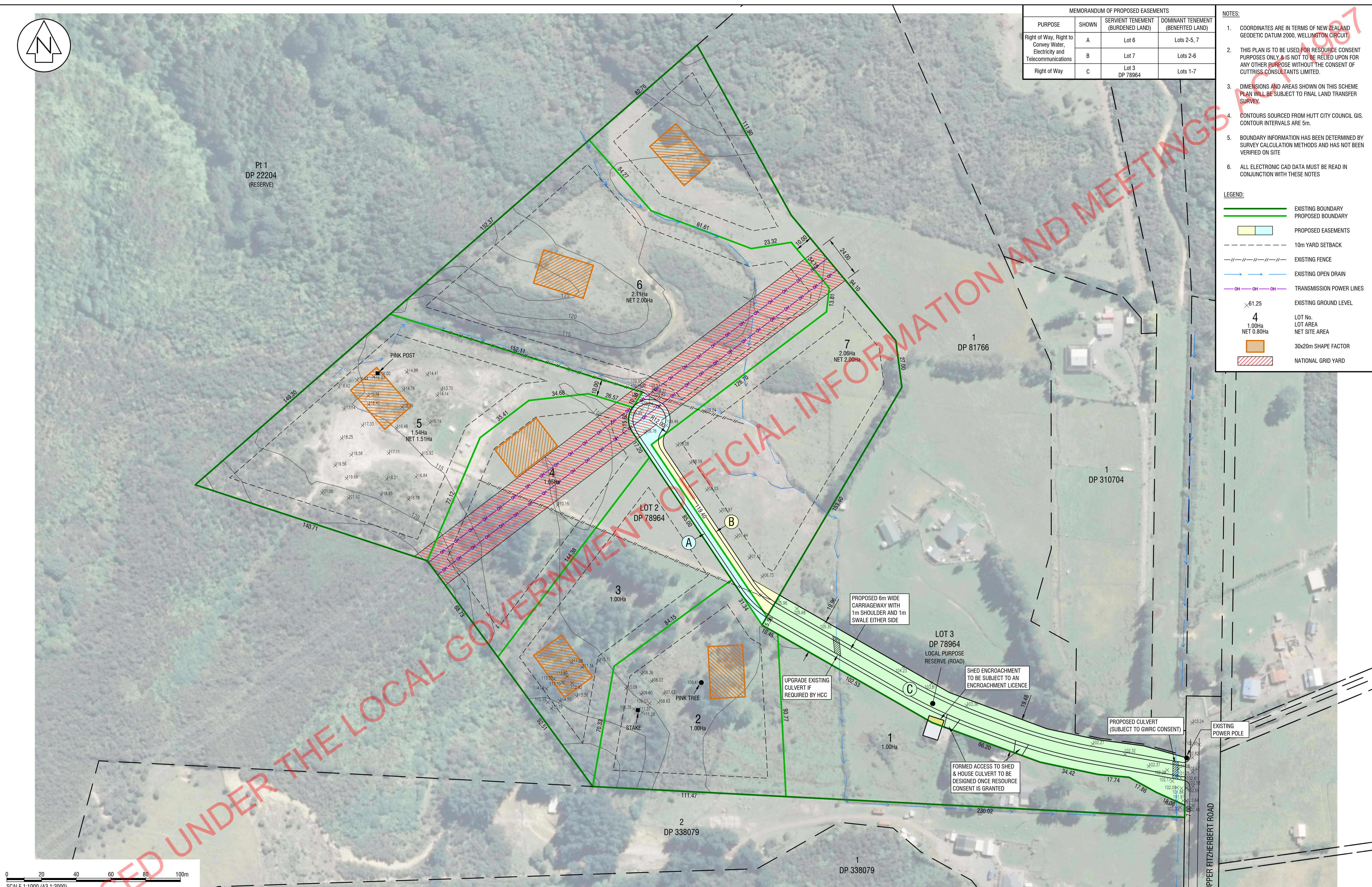


MEMORANDUM OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)
Right of Way, Right to Convey Water, Electricity and Telecommunications	A	Lot 6	Lots 2-5, 7
	B	Lot 7	Lots 2-6
Right of Way	C	Lot 3 DP 78964	Lots 1-7

- NOTES:
- COORDINATES ARE IN TERMS OF NEW ZEALAND GEODETIC DATUM 2000, WELLINGTON CIRCUIT.
  - THIS PLAN IS TO BE USED FOR RESOURCE CONSENT PURPOSES ONLY & IS NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.
  - DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO FINAL LAND TRANSFER SURVEY.
  - CONTOURS SOURCED FROM HUTT CITY COUNCIL GIS. CONTOUR INTERVALS ARE 5m.
  - BOUNDARY INFORMATION HAS BEEN DETERMINED BY SURVEY CALCULATION METHODS AND HAS NOT BEEN VERIFIED ON SITE
  - ALL ELECTRONIC CAD DATA MUST BE READ IN CONJUNCTION WITH THESE NOTES

LEGEND:

	EXISTING BOUNDARY
	PROPOSED BOUNDARY
	PROPOSED EASEMENTS
	10m YARD SETBACK
	EXISTING FENCE
	EXISTING OPEN DRAIN
	TRANSMISSION POWER LINES
	EXISTING GROUND LEVEL
	LOT No.
	LOT AREA
	NET SITE AREA
	30x20m SHAPE FACTOR
	NATIONAL GRID YARD



0 20 40 60 80 100m  
SCALE 1:1000 (A3 1:2000)



PROJECT  
**PROPOSED SUBDIVISION OF  
LOT 2 DP 78964, 161 UPPER FITZHERBERT ROAD, WAINUIOMATA, LOWER HUTT**  
**LEGAL BOUNDARIES**  
CLIENT  
**TERAMO DEVELOPMENTS LTD**

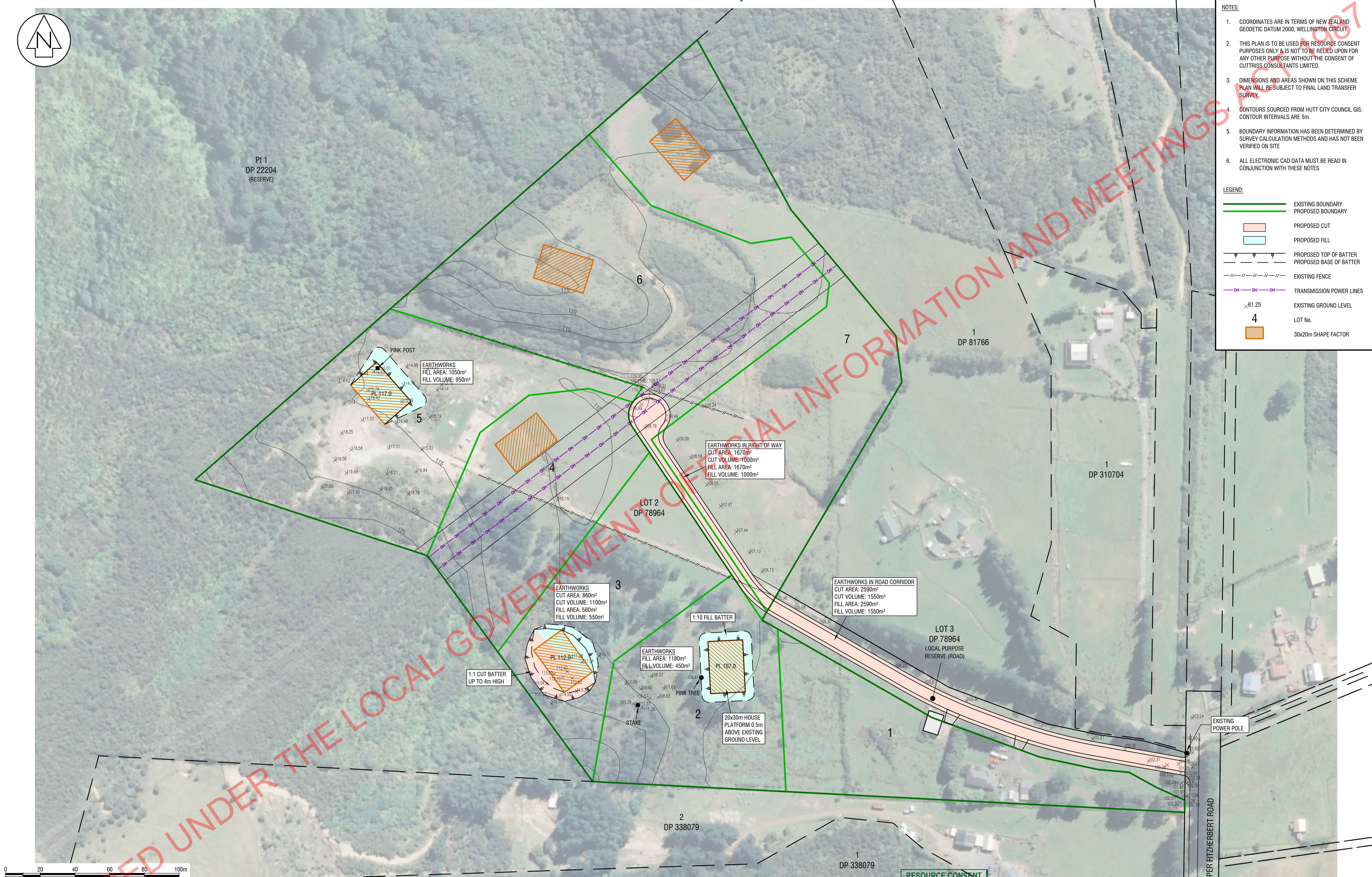
RESOURCE CONSENT  
**GRANTED  
30/04/2021**  
HUTT CITY COUNCIL

AMENDMENT	NAME	DATE
A ROAD DETAIL ADDED	SRG	02/21
B VEHICLE TURNING ADDED	DR	02/21
C EXISTING OPEN DRAINS & EASEMENT C ADDED	EMJ	02/21

SCALE A1 1:1000		REDUCED SCALE (A3 1:2000)	
FIELDWORK	DS	12/20	DRAWING NUMBER <b>29997SCH</b>
DESIGNED	CRM	12/20	
DRAWN	EMJ	12/20	
CHECKED	CRM	12/20	SHEET <b>1</b> OF <b>3</b> SHEETS
REVISION			<b>C</b>



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- LEGEND:**
- EXISTING BOUNDARY
  - PROPOSED BOUNDARY
  - PROPOSED CUT
  - PROPOSED FILL
  - PROPOSED TOP OF BATTER
  - PROPOSED BASE OF BATTER
  - EXISTING FENCE
  - TRANSMISSION POWER LINES
  - EXISTING GROUND LEVEL
  - LOT No.
  - 30x20m SHAPE FACTOR



0 20 40 60 80 100m  
SCALE 1:1000 (A3 1:2000)

PROJECT  
**PROPOSED SUBDIVISION OF  
LOT 2 DP 78964, 161 UPPER FITZHERBERT ROAD, WAINUIOMATA, LOWER HUTT**  
**EARTHWORKS LAYOUT**  
CLIENT  
**TERAMO DEVELOPMENTS LTD**

**RESOURCE CONSENT**  
**GRANTED**  
30/04/2021  
**HUTT CITY COUNCIL**

AMENDMENT	NAME	DATE	SCALE	REDUCED SCALE
A	ROAD DETAIL ADDED	SRG	02/21	A1 1:1000 (A3 1:2000)
B	VEHICLE TURNING ADDED	DR	02/21	
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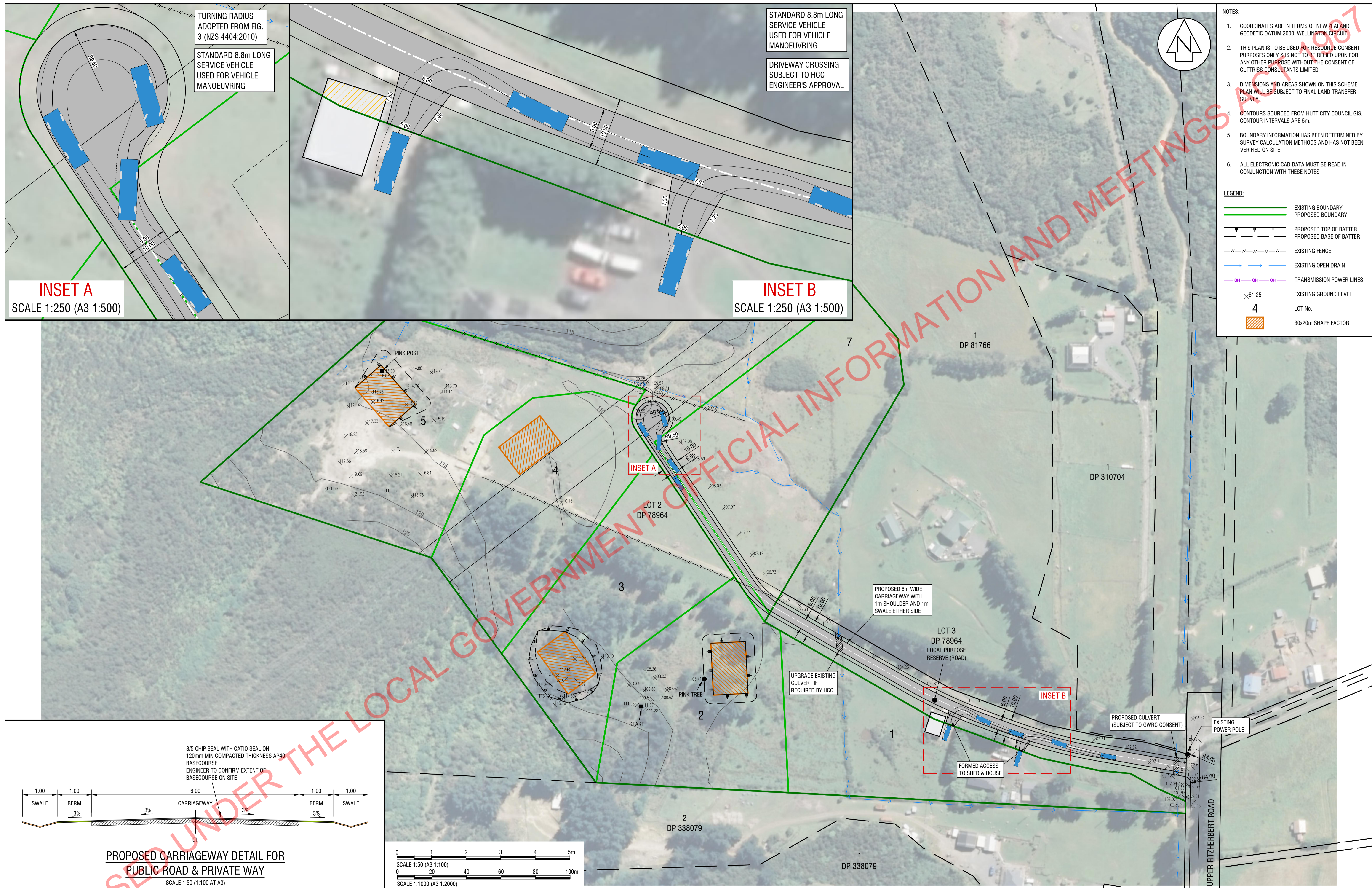
FIELDWORK	NAME	DATE	DRAWING NUMBER
DESIGNED	DS	12/20	29997SCH
DRAWN	CRM	12/20	
CHECKED	EMJ	12/20	
	CRM	12/20	

SHEET	OF	SHEETS	REVISION
2	3		C

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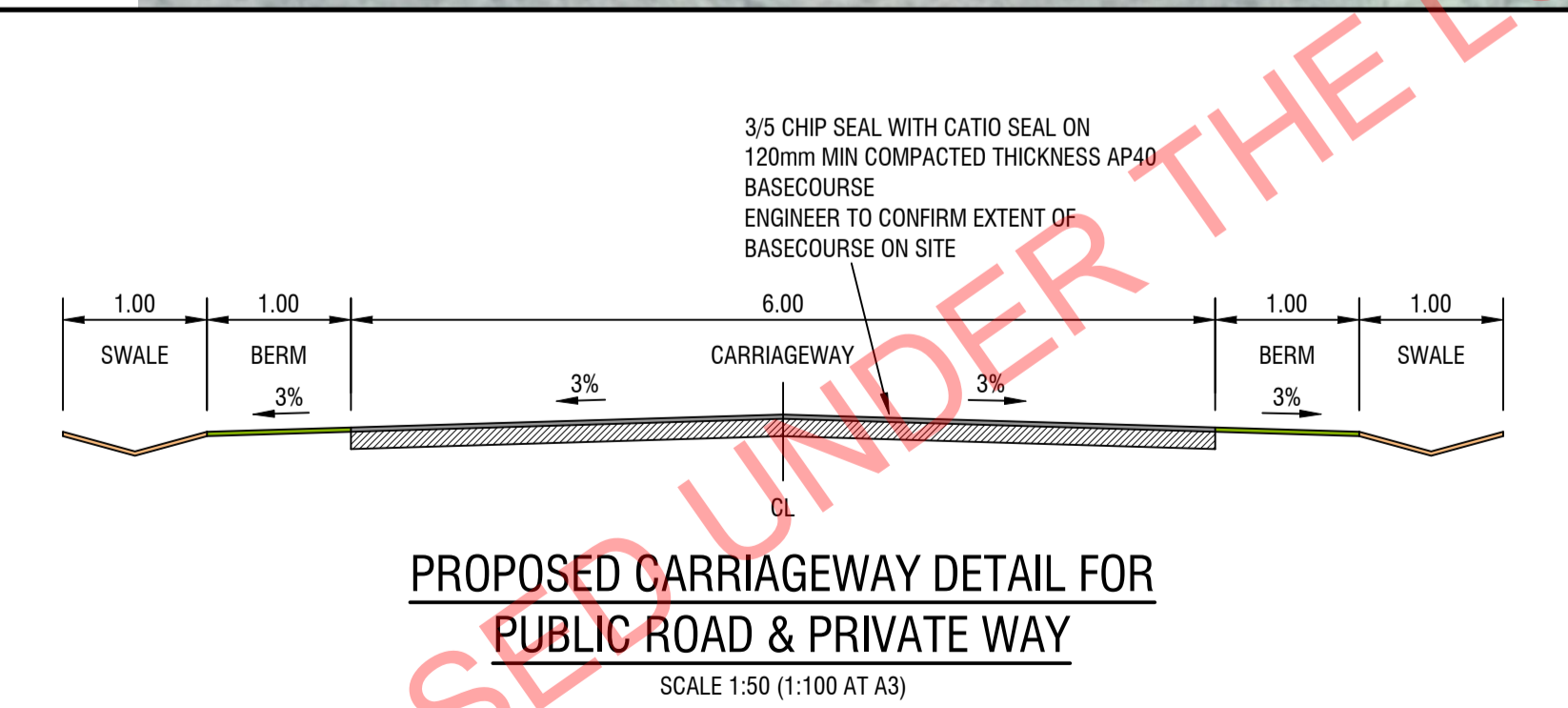
TURNING RADIUS ADOPTED FROM FIG. 3 (NZS 4404:2010)  
STANDARD 8.8m LONG SERVICE VEHICLE USED FOR VEHICLE MANOEUVRING

STANDARD 8.8m LONG SERVICE VEHICLE USED FOR VEHICLE MANOEUVRING  
DRIVEWAY CROSSING SUBJECT TO HCC ENGINEER'S APPROVAL

**INSET A**  
SCALE 1:250 (A3 1:500)

**INSET B**  
SCALE 1:250 (A3 1:500)

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  - LOT No.
  - 30x20m SHAPE FACTOR



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PROJECT  
CLIENT

**PROPOSED SUBDIVISION OF LOT 2 DP 78964, 161 UPPER FITZHERBERT ROAD, WAINUIOMATA, LOWER HUTT**  
**ROADING LAYOUT**  
TERAMO DEVELOPMENTS LTD

**RESOURCE CONSENT**  
GRANTED 30/04/2021  
HUTT CITY COUNCIL

AMENDMENT	NAME	DATE
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SCALE A1 1:1000	REDUCED SCALE (A3 1:2000)
FIELDWORK DS 12/20	DRAWING NUMBER 29997SCH
DESIGNED CRM 12/20	SHEET 3 OF 3 SHEETS
DRAWN EMJ 12/20	REVISION C
CHECKED CRM 12/20	

**RM number:** RM200475  
**Date:** 30 April 2021  
**Applicant:** Teramo Developments Ltd  
**Agent:** Cuttriss Consultants Ltd  
**Address:** PO Box 30429, Lower Hutt 5010  
**Attention:** Marc Zablotny

Peter McDonald  
Environmental Consents  
T 04 570 6745  
[peter.mcdonald@huttcity.govt.nz](mailto:peter.mcdonald@huttcity.govt.nz)  
Our reference:RM200475

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## **APPROVAL OF RESOURCE CONSENT FOR A SEVEN LOT SUBDIVISION AT 161 UPPER FITZHERBERT ROAD WAINUIOMATA (LOT 2 DP 78964 AND LOT 3 DP 78964)**

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

- Everyone Council considers may be adversely affected by the proposal has given written approval to the application. (Council is therefore unable to consider any effects of the proposal on those who have given their written approval).
- Despite being undersized, each proposed allotment is considered to be a suitable size and shape to contain a residential dwelling with sufficient rural amenity space.
- The existing dwelling and curtilage located towards the front of the site will be retained as proposed lot 1, whereby the existing character as viewed from the street will remain largely unchanged. Proposed lots 2-7 will be well separated and screened from the street and from adjacent properties (other than those for which written approvals have been obtained), thereby avoiding adverse effects on rural residential amenity and character.
- The Housing and Business Capacity Assessment (HBA), undertaken in accordance with the National Policy Statement for Urban Development Capacity (NPS-UDC), specifically identifies a 24ha area of land in Upper Fitzherbert Road that partially includes the application site. This area is identified as one of the few areas in Hutt City that has the potential to provide greenfield land for housing development to assist in addressing the undersupply of housing. The proposed subdivision is consistent with the HBA and aims of the NPS-UDC.
- The proposal, including the formation of the local purpose reserve road (LPRR) and right-of-way, is deemed to comply with the District Plan transport standards.
- A Council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions shown below.
- Conditions imposed on the consent under section 108 and 220 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the subdivision.

- 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 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.

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

## 1. PROPOSAL

The applicant is seeking resource consent for a seven lot fee simple subdivision of 161 Upper Fitzherbert Road, Wainuiomata, and land use consent for associated earthworks to establish building platforms and to form vehicle access. The details of the proposed development are as follows:

<i>Proposed allotment</i>	<i>Lot size</i>
Lot 1	1ha
Lot 2	1ha
Lot 3	1ha
Lot 4	1.05ha
Lot 5	1.54ha (1.51ha Net)
Lot 6	2.11ha (2.00ha Net)
Lot 7	2.06ha (2.00ha Net)

Proposed lot 1 will be a front allotment (with 7m frontage to Upper Fitzherbert Road) and will contain the existing dwelling and curtilage. Proposed lots 2-7 will be located to the rear and will be vacant allotments (the applicant has shown indicative building platforms on the subdivision scheme plan). A vacant strip of land, owned by Hutt City Council and identified as being Local Purpose Reserve Road (LPRR) is located on the northern boundary of lot 1, and part of the north boundary of lot 2. This is proposed to be formed to a 6m carriageway width with 1m shoulder and 1m swale on either side. The LPRR is not legal road and the applicant proposes to establish a right-of-way easement with the future maintenance of the LPRR becoming the responsibility of the owners of lots 1-7. The LPRR will provide direct access to lot 1. From the termination of the LPRR, a private access leg will extend via right-of-way easements over lots 6 and 7 to provide access to lots 2-7. The private access leg will continue the proposed formation dimensions of the LPRR and will terminate with a 9.5m radius turning head.

The following earthworks are proposed for vehicle access formation and to provide suitable building platforms:

<i>Earthworks location</i>	<i>Cut area</i>	<i>Cut volume</i>	<i>Fill area</i>	<i>Fill volume</i>
<b>Subdivision</b>				
Local Purpose Reserve Road	2590m <sup>2</sup>	1500m <sup>3</sup>	2590m <sup>2</sup>	1550m <sup>3</sup>
Right of way	1670m <sup>2</sup>	1000m <sup>3</sup>	1670m <sup>2</sup>	1000m <sup>3</sup>
<b>Land use</b>				
Lot 2 building platform	-	-	1180m <sup>2</sup>	450m <sup>3</sup>
Lot 3 building platform	860m <sup>2</sup>	1100m <sup>3</sup>	580m <sup>2</sup>	550m <sup>3</sup>
Lot 5 building platform	-	-	1050m <sup>2</sup>	950m <sup>3</sup>
Totals	5120m <sup>2</sup>	3600m <sup>3</sup>	7070m <sup>2</sup>	4500m <sup>3</sup>

The earthworks to form the lot 3 building platform includes a cut batter of up to 4m in height. The earthworks in all other locations will not result in changes to ground levels exceeding 1.2m in height. The applicant has advised that a lesser extent of earthworks may be required than what is proposed, noting the indicative building platforms have dimensions of 20m x 30m (to indicate a compliant shape factor). Proposed lots 2-7 will be vacant allotments with no dwellings or other buildings proposed as part of this application.

With regards to servicing the applicant proposes to connect to the reticulated water supply or otherwise utilise rainwater storage tanks. Sewage disposal is proposed to be achieved via on-site systems, and stormwater is proposed to be discharged to existing watercourses on site.

The applicant has requested under s221(3)(a) of the RMA the cancellation the existing consent notices on the record of title (refer to section 2 of this report for details).

## 2. SITE DESCRIPTION

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The application site is located at 161 Upper Fitzherbert Road, Wainuiomata. The site has an irregular shape and a land area of 9.7675 ha. The site is mostly rectangular in shape other than a narrow spur extending from its south-eastern extremity which provides frontage to Upper Fitzherbert Road. In this part of the site a single storey residential dwelling is located, 105m from its eastern frontage to Upper Fitzherbert Road, along with various ancillary agricultural buildings located within the curtilage of the dwelling. The dwelling is located at the low part of the site, with the land topography rising generally towards the west. There are bush-clad hills located in the south-west and north-west. The intervening land contains grassland and tussock land with a relatively gentler gradient and which has been used for grazing. There are water courses which drain in a south-east direction from the north-west hill (within proposed lots 5-7) towards Upper Fitzherbert Road via proposed lot 1. Overhead power lines associated with the National Grid intersect the site from the south-west to north-east (primarily located over proposed lots 4 and 6).

The site is located within the Rural Residential Activity Area of the District Plan. The District Plan identifies the National Grid yard and corridor traversing the site associated with the overhead power lines. The western periphery of the property (aligning with the elevated portions of the site) is identified as being within Significant Natural Resource #58 – Wainuiomata West Bush, described as 'lowland forest on hill country'. Surrounding properties to the south and east are similarly zoned and can be described as lifestyle properties with typically a single dwelling on a generously sized allotment. The land abutting the west of the site is reserve land zoned as Passive Recreation. The property is near the northern extent of the Wainuiomata urban area with General Residential zoned properties located less than 300m away to the south. Council's Urban Growth Strategy 2012-2032, and the *Housing and business development capacity assessment* (HBA) have both identified land to the south of the local purpose road reserve as for future urban growth.

The application site includes the north abutting local purpose road reserve which is rectangular in shape with a land area of 5255m<sup>2</sup>. N<sup>o</sup> 161 is legally described as Lot 2 Deposited Plan 78964, contained within record of title WN45B/709. The local purpose road reserve is legally described as Lot 3 Deposited Plan 78964, contained within record of title

WN45C/493. Consent notice B401065.1 is registered to both record of titles and advises owners of the land parcels are subject to the following requirements;

1. Future dwellings are to be connected to the reticulated water supply when available within 60m of the dwelling, and at the owners' expense.
2. Council is not to contribute to fencing of the Road Reserve.
3. Council may acquire the local purpose road reserve at no cost, should it be desirable for Council to form the road.
4. Owners will not object to the road stopping of Upper Fitzherbert Road when alternative road access is provided.
5. Will provide septic tanks in terms of an engineering report dated 22 November 1993.
6. Will provide housing foundations in terms of an engineering report dated 10 June 1994.

The applicant has requested the consent notice and all requirements be cancelled, stating the provisions are either out of date or will be superseded by conditions or consent notices associated with this application. There are no other interests registered to either of the titles which are considered of relevance to this assessment.

### 3. RELEVANT PLANNING RULES AND REGULATIONS

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#### District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the Rural Residential Activity Area, which this proposal falls within, are contained in chapters 8A (Rural Residential), 11 (Subdivision) and 14 (General).

#### Subdivision

The proposed subdivision does not comply with the following standards and terms of the District Plan:

- Rule 11.2.2.1 (a) Allotment Design – proposed lots 1-5 will have allotment sizes ranging from 1ha to 1.51ha, less than the minimum 2ha. Each of the proposed allotments 1-7 will achieve a compliant 20m x 30m shape factor for a suitable building platform. Proposed lot 1 will have a 7m frontage to Upper Fitzherbert Road. This is consistent with the existing situation, but will be less than the minimum 100m frontage for new front allotments. Proposed lots 2-7 will have no frontage width, as they will gain vehicle access to Upper Fitzherbert Road via a right-of-way over the LPRR (which is not legal road), and will thereby not achieve the minimum 6m frontage for rear allotments.
- Rule 11.2.2.1 (e) Earthworks – the proposal will not comply with the permitted activity conditions 14I 2.1.1. Earthworks assessed as part of the subdivision include those required to form the vehicle access within the LPRR and right of way. This includes cut and fill volumes of 2550m<sup>3</sup> and 2550m<sup>3</sup> respectively, for a combined volume of 5100m<sup>3</sup>.
- Rule 11.2.3.2 (a) National Grid Corridor – proposed lots 4-7 are each partially located within the National Grid Corridor and will each contain a compliant shape factor clear of the National Grid Yard. However proposed lots 4 and 5 will not comply with the standards and terms under Rule 11.2.2.1 (a) with respect to minimum allotment size.

The proposal requires resource consent for the following District Plan non-compliances:

- The proposed subdivision requires consent as a Restricted Discretionary Activity pursuant to Rule 11.2.3 (a) as the subdivision will not comply with the standards and terms under Rule 11.2.2.1 in respect of (e) Earthworks.
- Consent is also required for the subdivision as a Discretionary Activity under Rule 11.2.4 (i) as the subdivision does not comply with the standards under Rule 11.2.2.1 in respect of (a) Allotment Design.
- Pursuant to Rule 11.2.5 the subdivision of land within the National Grid Corridor that does not comply with the standards and terms of Rule 11.2.3.2 is a Non-Complying Activity.

#### Land use

The proposed land use does not meet the following District Plan standards and conditions:

- Permitted Activity Condition 8A 2.1.1 (a) – the dwelling on proposed lot 1 will have a net site area reduced to 1.0ha as a result of the subdivision, less than the minimum required 2ha. Although proposed lots 2-5 will be vacant they will each be intended for residential development, and will have non-compliant net site areas ranging from 1.0ha to 1.51ha. These net site area non-compliances are considered as part of this assessment. (Proposed lots 6 and 7 will each comply with the minimum net site area requirement).
- Permitted Activity Standard 14I 2.2.1 (a) Ground Level – a cut batter up to 4m in height, may be required to form a suitable building platform for proposed lot 3, exceeding the maximum permitted 1.2m change to ground level.
- Permitted Activity Standard 14I 2.2.1 (b) Quantity – proposed cut and fill volumes required for future building platforms at lots 2, 3 and 5 comprise respective cut and fill volumes of will be 1100m<sup>3</sup> and 1950m<sup>3</sup> respectively for a combined volume of 3050m<sup>3</sup>, exceeding the maximum permitted 50m<sup>3</sup>.

The proposal requires resource consent for the following District Plan non-compliances:

- Discretionary Activity for an activity which will not comply with the Rural Residential Permitted Activity Conditions under Rule 8A 2.3 (a).
- Restricted Discretionary Activity under Rule 14I 2.2 (a) for earthworks which exceed permitted levels.

#### Overall activity status

Following a bundling approach, I have given regard to the higher activity status and as such, the overall activity status is considered to be Non-Complying.

#### **National Environmental Standards**

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

#### **4. PERMITTED BASELINE**

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The permitted baseline allows a consent authority to disregard environmental effects that are the same as could arise from a permitted development.

The District Plan does not allow subdivision which creates new lots as a permitted activity, therefore there is no permitted baseline of relevance to the subdivision component of the resource consent application.

The land use permitted baseline allows for up to four dwellings at 161 Upper Fitzherbert Road, provided they comply with the Rural Residential permitted activity conditions and the general rules of the District Plan. These include a minimum 2ha net site area per dwelling, maximum site coverage of 450m<sup>2</sup> (for all dwellings and accessory buildings), minimum setbacks of 10m from all boundaries for all principal buildings (such as dwellings) and 5m for accessory buildings, and 3m setbacks for all buildings from watercourses with a width less than 3m. It is considered that a permitted baseline development for the site could feasibly include up to four dwellings, and this permitted baseline is considered to be of relevance to this assessment. The permitted baseline permits earthworks of up to 50m<sup>3</sup> in volume in each of N<sup>o</sup> 161 and the LPRR. Given the extent of the proposed earthworks (with a proposed combined volume of 8100m<sup>3</sup>), this permitted baseline is considered of limited relevance to this assessment.

## 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? <ul style="list-style-type: none"> <li>▪ A controlled activity</li> </ul>	No

<ul style="list-style-type: none"> <li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li> </ul>	
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Public notification is not precluded under step 2.

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

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

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with 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 159, 160, 165, 165A and 167 Upper Fitzherbert Road in making an assessment under s95D:

The potential adverse effects are rural character and amenity, traffic effects, infrastructure capacity effects, natural hazard effects, earthworks effects and effects on National Grid infrastructure.

*Rural residential amenity, streetscape and character*

Proposed allotments 1-4 are each approximately 1ha in size and lot 5 is 1.54 ha in size, well under the District Plan requirement for a minimum 2ha net site area for new dwellings or allotments. Overall the subdivision is proposed to yield 7 lots, which is well above the maximum yield of 4 dwellings or allotments, which would result if the proposal was designed to comply with the net site area requirements. Accordingly the proposed development will result in higher residential densities and fragmentation of rural residential land than is provided for by the District Plan, and may result in adverse effects on rural residential character and amenity.

The application site has an irregular shape with the bulk of the land setback from the road frontage and a narrow spur extending to Upper Fitzherbert Road. This 'spur' contains the existing dwelling and curtilage which will be retained as proposed lot 1. Although only 1ha in size, proposed lot 1 will contain the entirety of the land 'spur' extending 230m back from the road frontage, while the development of proposed lots 2-7 will be well setback. There will be some loss to shelter-belt vegetation along the frontage to enable the new access. However remaining mature vegetation along the frontage, side boundaries and within the application

site, coupled with the topography of the land will ensure the proposed house sites on the rear allotments will be well screened from the public street environment. The proposal includes the formation of the carriageway within the LPRR. The LPRR is existing reserve land set aside for access purposes. The vehicle crossing to Upper Fitzherbert Road serving the existing residential activity will be removed, ensuring there will not be an over-dominance of vehicle access areas along the frontage. Aside from the new vehicle access, it is considered that the due to the setback and screening of lots 2-7, as viewed from the public street environment, the proposed development will appear substantially similar to the existing situation, and consistent with the character of adjacent rural residential zoned properties (which typically have narrow allotments with residential activities located towards the Upper Fitzherbert Road frontage). Potential adverse effects on rural residential character, amenity and streetscape will be less than minor.

#### *Traffic effects*

The proposed formation of the LPRR and right-of-way has been reviewed by Council's consultant traffic engineer who supports the proposal. The applicant has accepted a condition of consent requiring that a suitably qualified engineer undertake the detailed design of the access formation and submitted engineering plans to Council. The proposal is deemed to comply with the District Plan transport standards whereby potential adverse traffic effects will be less than minor.

#### *Infrastructure capacity*

Wellington Water have advised the existing public main along Upper Fitzherbert Road is insufficient to support a trickle-feed supply for the proposed additional lots without affecting existing users. The applicant has proffered that alternatively rainwater storage tanks can supply water for any future dwellings. On-site septic and disposal systems are proposed to manage wastewater, and stormwater will be discharged to the existing water course on site. These systems have been assessed by Council's subdivisions engineer and are considered suitable. Accordingly the proposed additional lots will not rely on any additional loading on public three waters mains infrastructure. With regards to land transport infrastructure it is noted that vehicle access to the proposed lots will comply with the relevant District Plan transport standards, whereby vehicles will be able to safely the proposed lots from the road network. Upper Fitzherbert Road is not a high volume road and is expected it can safely absorb the additional traffic generated from the proposed subdivision. For the above reasons potential adverse effects on infrastructure capacity will be less than minor. Effects on national grid infrastructure are assessed separately further below.

#### *Effects related to on-site effluent disposal*

Greater Wellington Regional Council are the responsible authority under their Proposed Natural Resources Plan, for on-site wastewater treatment systems. Potential adverse effects related to on-site effluent disposal are therefore considered out of scope for this assessment.

#### *Natural hazards effects*

The application site is not identified within the Wellington Fault study area or within the Greater Wellington Regional Council mapped flood hazard areas. There are no recorded instances of flooding or slips associated with the site. The applicant has accepted a condition of consent that all earthworks are engineer design designed and certified. Accordingly potential adverse natural hazard effects will be less than minor.

### *Earthworks and road construction*

Earthworks involving 3220m<sup>3</sup> of cut and 3220m<sup>3</sup> of fill are proposed to form the carriageway within the LPRR and right of way. These earthworks involve the backfilling of excavated areas with equivalent volumes, whereby the works will be sympathetic to the topography of the land. The earthwork face areas will be covered by road seal by works completion limiting the long term visual amenity effects. Earthworks with a combined volume of 2060m<sup>3</sup> are also proposed to establish suitable building platforms for proposed lots 2, 3 and 5. The earthworks within proposed lot 3 will involve a 45° cut batter up to 4m in height. Although not sympathetic to the topography of the site in this location, the applicant has advised the earthworks will be suitably retained, and has accepted a condition requiring engineer design and certification. Due to the surrounding topography of the site and screening provided by mature vegetation, it is considered there will be limited visibility to the cut batter from the public street environment. The proposed earthworks across the site will otherwise not result in changes to existing ground levels exceeding 1.2m in height. The applicant has proffered conditions for an erosion and sediment control plan and construction management plan, which is considered will suitably manage temporary adverse effects related to the earthworks including dust, sedimentation, noise and traffic. There are no known features of cultural or historical significance associated with the site. For the above reasons potential adverse effects related to the proposed earthworks will be less than minor.

### *Effects on National Grid infrastructure*

A 110kV transmission line associated with the National Grid intersects the site from the south-west to north-east, primarily affecting proposed lot 4. The applicant has indicated lot 4 will have sufficient size to accommodate a shape factor of 30m by 20m for a potential future dwelling clear of the National Grid yard (measured 12m from transmission line's centreline).

Transpower, as operator of the National Grid, have been consulted on the proposal. Transpower have advised that during high wind, that at the mid-span point of conductor wires (estimated as approximately above the turning head of the private way), the line can blow out up to 79m from the centreline. Accordingly Transpower have requested the inclusion of the following condition;

- 1. All houses, structures and vegetation within 80m of the transmission centre line must not exceed 15m above existing ground level. This condition shall be applied by consent notice to any parcel located 80m or closer to the transmission centreline, being the point drawn from the centre of one transmission line support tower to the next.*

Transpower have advised that subject to the inclusion of the above condition, provided that any dwellings or other sensitive activities are outside the 12m National Grid Yard, and noting that future activities will be subject to compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34), that they support the proposal. Following this advice, I consider potential adverse effects on the operation of National Grid infrastructure to be less than minor.

### *Cancellation of consent notice*

The consent notice on the existing titles mostly relate to matters internal to the application site, and any items considered still relevant will be replaced by equivalent consent notices. Accordingly any adverse effects related to the proposed cancellation of the consent notices will be less than minor.

Based on the above assessment, I consider the potential adverse effects on the environment to be less than minor.

Public notification is not required under step 3.

**Step 4 – Public notification is required in special circumstances**

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

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The resource consent application for a seven lot subdivision on land within the Rural Residential Activity Area is not considered an unusual proposal. Although the proposal allotments will not comply with District Plan requirements with regards to minimum allotment size, earthworks and subdivision of land containing National Grid infrastructure, it is considered the District Plan provides clear policy direction and assessment matters. For the reasons outlined in section 6.4 of this report, it is not considered there will be effects of precedence arising from this proposal which would warrant public interest from a broad base. Nor is it considered that public notification will reveal any new information relevant to the determination. On this basis, it is not considered necessary to publically 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: <ul style="list-style-type: none"> <li>▪ A controlled activity (other than a subdivision) under the District Plan</li> </ul>	No

Limited notification is not precluded under step 2.

**Step 3 – Certain other persons must be notified**

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

Are any of the following persons ‘affected’ under s95E? <ul style="list-style-type: none"> <li>▪ For ‘boundary activities’ an owner of an allotment with an ‘infringed boundary’</li> </ul>	No (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

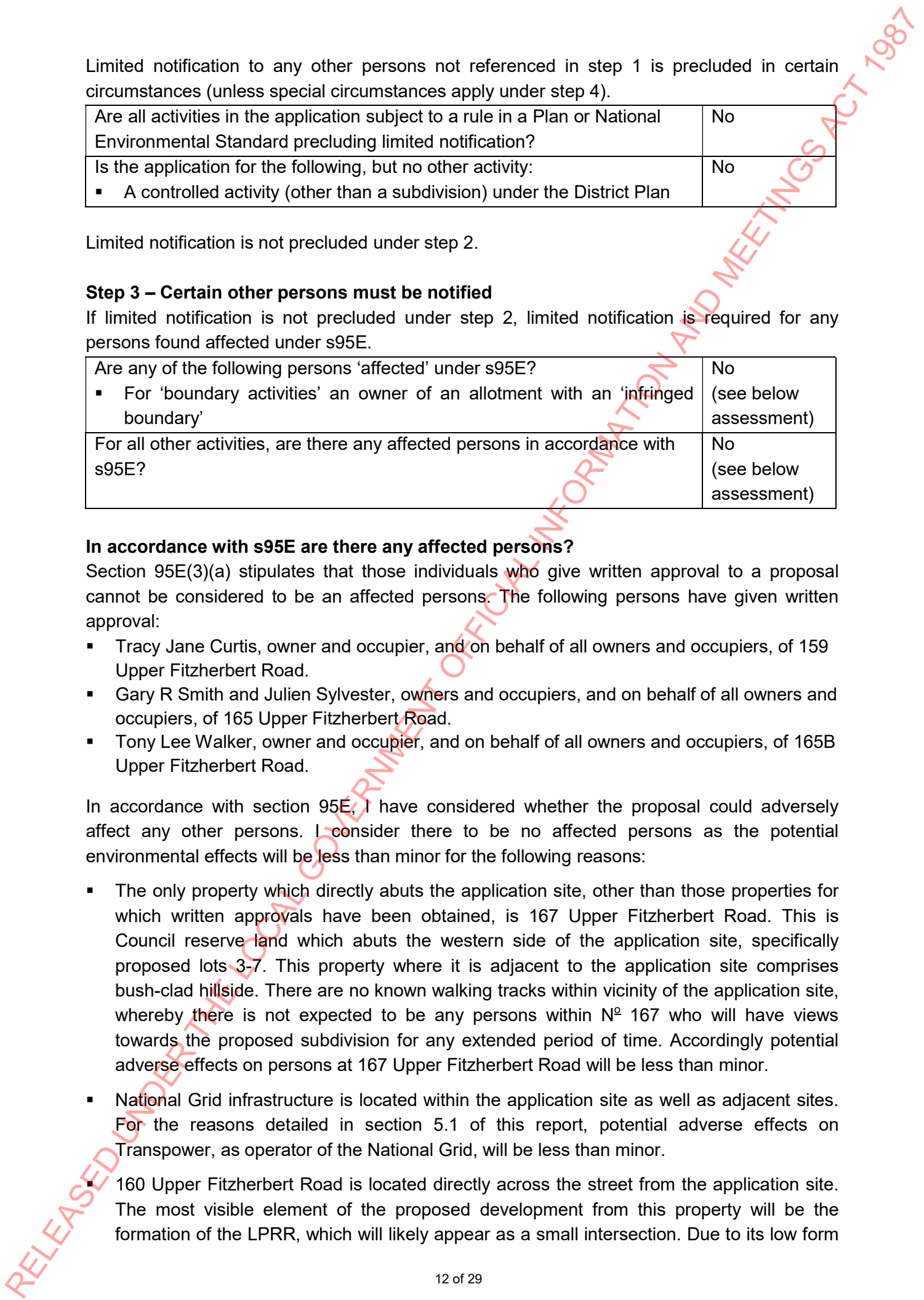
**In accordance with s95E are there any affected persons?**

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected persons. The following persons have given written approval:

- Tracy Jane Curtis, owner and occupier, and on behalf of all owners and occupiers, of 159 Upper Fitzherbert Road.
- Gary R Smith and Julien Sylvester, owners and occupiers, and on behalf of all owners and occupiers, of 165 Upper Fitzherbert Road.
- Tony Lee Walker, owner and occupier, and on behalf of all owners and occupiers, of 165B Upper Fitzherbert Road.

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

- The only property which directly abuts the application site, other than those properties for which written approvals have been obtained, is 167 Upper Fitzherbert Road. This is Council reserve land which abuts the western side of the application site, specifically proposed lots 3-7. This property where it is adjacent to the application site comprises bush-clad hillside. There are no known walking tracks within vicinity of the application site, whereby there is not expected to be any persons within N<sup>o</sup> 167 who will have views towards the proposed subdivision for any extended period of time. Accordingly potential adverse effects on persons at 167 Upper Fitzherbert Road will be less than minor.
- National Grid infrastructure is located within the application site as well as adjacent sites. For the reasons detailed in section 5.1 of this report, potential adverse effects on Transpower, as operator of the National Grid, will be less than minor.
- 160 Upper Fitzherbert Road is located directly across the street from the application site. The most visible element of the proposed development from this property will be the formation of the LPRR, which will likely appear as a small intersection. Due to its low form



the vehicle crossing will not appear visually intrusive. The residential activity at N° 160 is well setback from the boundary and shelterbelt vegetation along the frontage of this property will screen views towards the application site and vehicle access. The additional development of proposed lots 2-7 in particular will be well separated and screened from N° 160. There will be limited visibility towards earthwork areas for persons at N° 160, and temporary adverse effects related to earthworks and site development will be controlled through the erosion and sediment control and construction management plans proffered by the applicant. For the above reasons potential adverse effects on persons at 160 Upper Fitzherbert Road will be less than minor.

- The consent notice on the existing titles mostly relate to matters internal to the application site, and any items considered still relevant will be replaced by equivalent consent notices. Accordingly any adverse effects related to the proposed cancellation of the consent notices will be less than minor on all persons.
- All other persons and properties will be sufficiently screened and separated from the proposed development, whereby adverse 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
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For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

**Conclusion**

Limited notification is not required.

**5.3 - NOTIFICATION DECISION**

In accordance with the notification steps identified in sections 95A and 95B the application shall proceed on a non-notified basis.

**6. DETERMINING THE APPLICATION**

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

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

In accordance with section 104(2), when forming an opinion on the actual and potential effects on the environment, Council may disregard the adverse environmental effect of an activity if the District Plan or a regional plan, policy statement or national environmental standard permits an activity with that effect. I have already identified the permitted baseline for the proposal and its relevance, and have taken these factors into account when determining the application.

As discussed in section 5 of this report, I consider the adverse effects on persons at adjacent properties to be less than minor and other potential adverse effects on the environment to be no more than minor. Further to this assessment, I consider the actual or potential effects of the proposed development to be acceptable for the following reasons:

- Allotment design – Proposed allotments 1-4 are each approximately 1ha in size and lot 5 is 1.54ha in size, less than the District Plan minimum requirement of 2ha. The applicant has demonstrated that each allotment could contain a minimum shape factor of 20m by 30m for a suitable building platform with clearance from the National Grid yard and boundary setbacks. Each allotment will have sufficient size for outdoor living and rural amenity space. There will be sufficient provision for access to Upper Fitzherbert Road for each of the allotments through the proposed formation of the LPRR and right of way. Accordingly the proposed allotments are considered to be suitable for their intended use.
- Rural residential character, amenity and streetscape – Overall the subdivision is proposed to yield 7 lots, which is above the maximum yield of 4 dwellings or allotments, which would result if the proposal was designed to comply with the net site area requirements. However the site is within the Rural Residential Activity Area, Council's Urban Growth Strategy 2012-2032, and the *Housing and business development capacity assessment* (HBA) have both identified land to the south of the local purpose road reserve as for future urban growth.

Although proposed lot 1 will be undersize at 1ha, it will extend to a depth of 230m from the road frontage and contain the existing residential dwelling and curtilage. Proposed lot 1 will provide separation between the road and proposed lots 2-7, the development of which will be screened by the site topography and mature vegetation on the site boundaries and within the site. Accordingly the site as visible from the street will appear consistent with the existing situation, with there being limited visibility towards the rear allotments. The formation of the LPRR will appear as small intersection and is noted as being consistent with the purpose of this reserve (whereby its formation at some point could reasonably be expected). Each of the adjacent Rural Residential zoned properties to which the undersize rear allotments will be most visible, have provided their written approval, whereby effects on persons at these properties must be disregarded.

For the above reasons potential adverse effects on rural residential character, amenity and streetscape will be less than minor and acceptable.

- Traffic effects – The proposed formation of the LPRR and right-of-way has been reviewed by Council's consultant traffic engineer who supports the proposal. The applicant has accepted a condition of consent requiring that a suitably qualified engineer undertake the

detailed design of the access formation and submitted engineering plans to Council. The proposal is deemed to comply with the District Plan transport standards whereby potential adverse traffic effects will be less than minor.

- Infrastructure capacity – Each of the allotments are proposed to be serviced by non-reticulated on-site systems, whereby there will be no additional loading onto Council three waters infrastructure. Upper Fitzherbert Road is not a high volume road and it is expected it can safely absorb the additional traffic which will be generated from the proposed subdivision. For the above reasons potential adverse effects on infrastructure capacity will be less than minor and acceptable
- Natural hazards – The site is not known as being particularly subject to natural hazard risk. Conditions on the consent will ensure earthworks are engineer designed and certified to ensure stability. Accordingly adverse effects related to natural hazards will be less than minor and acceptable.
- Earthworks – Proposed earthworks for the LPRR formation will be low in height and sympathetic the site topography. Earthworks required for building platforms will require cut batters up to 4m in height, but these will be required to be engineer designed and certified and will not be visually prominent from adjacent sites (other than those which have provided written approval). Temporary adverse effects related to earthworks including dust, sedimentation, noise and traffic, will be suitably controlled through adherence to erosion and sediment control and construction management plans, which are required through conditions included with this consent. There are no known features of historical or cultural significance associated with the site. For the above reasons adverse effects related to earthworks will be less than minor on all persons.
- Contaminated sites – The site is not listed as a contaminated site in Greater Wellington Regional Council's selected land use register or as having been the site of a verified hazardous activity and a search of Council records shows that there is no information to indicate that a HAIL activity or industry is, has, or is more likely than not to have been undertaken on the site.
- Sites of significance – The application site is not an identified site of significance within the District Plan. As a result, I consider any effects on sites of significance to be negligible.
- Positive effects – The supply of seven new (six additional) rural residential allotments will increase potential housing supply and variety and provide for economic well-being which are considered to be positive effects.
- Cancellation of consent notice – The consent notice proposed to be cancelled, was registered on the titles of the application site in 1994. The consent notice items relate to matters such as site servicing, restraining objections to the potential road stopping of Upper Fitzherbert Road (in the event alternative access is provided) and foundation design. The items on the consent notice are considered to be no longer relevant or will be replaced by equivalent consent notices as a result of the proposed subdivision. Accordingly adverse effects related to the consent notice cancellation will be less than minor and acceptable.

### **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)

### Esplanade strips and reserves

The subject site contains a watercourse, however it is understood the average width of the stream bed does not exceed 3m. The site is not within the Coastal Marine Area. Therefore no esplanade strips or reserves are required.

### Objectives and policies of the District Plan

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

#### Chapter 8A – Rural Residential Activity Area

- *Objective 8A 1.1.1 – To ensure that the character and amenity values of rural residential areas are maintained and enhanced.*
  - *Policies (a) – (d)*
- *Objective 8A 1.1.2 – To retain land as rural residential, recognising that it may be appropriate to utilise the land for urban expansion in the future if demand justifies it.*
  - *Policy (a)*
- *Objective 8A 1.2.1 – To recognise those elements within a site that determine the character and amenity values of rural residential areas and manage them appropriately.*
  - *Policies (a) – (d)*

Although some of the proposed allotments of the rural residential subdivision will be undersized, it is in an area identified for future urban expansion, and the proposed undersize allotments will be setback from the frontage and screened by the site topography whereby the rural residential character of the site will be maintained.

#### Chapter 11 – Subdivision

- *Objective 11.1.1 – Allotment design standards*
  - *Polices: (a)-(b)*
- *Objective 11.1.2 – Engineering standards*
  - *Policy: (a)*
- *Objective 11.1.3 – Natural hazards*
  - *Policy: (b)*

The proposal will not comply with allotment design standards for size, however will be suitable for their intended use and can be suitably serviced by non-reticulated systems. The site is not known as being particularly prone to natural hazards.

#### Chapter 14I – Earthworks

- *Objective 14I 1.1 Natural Character – To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.*
  - *Policy – (a)*
- *Objective 14I 1.2 Amenity, cultural and historical values – To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.*
  - *Policies – (a)-(b)*

Some earthworks required for future building platforms will not sympathetic to the site topography however will not occur on visually prominent landscapes and will be suitably retained. The earthworks required for the access formation will be low in form and sympathetic to site topography. Management plans proffered by the applicant will suitably control the temporary effects of earthworks during site development. There are no known features of historical or cultural significance associated with the site.

Due to the above assessment, and with regard to the assessment and conclusions provided in sections 5 and 6.1 of this report, I consider the proposal to be consistent with the relevant District Plan objective and policies identified above.

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

The National Policy Statement on Urban Development Capacity (NPS-UDC) recognises the national significance of urban environments and the need to enable those environments to develop and change, and of providing sufficient development capacity to meet the needs of people, communities and future generations.

As part of the NPS-UDC, Councils are required to undertake a Housing and Business Development Capacity Assessment (HBA). The HBA reports on demand for, and supply of, residential development capacity over 30 years.

The 2019 Hutt City HBA report identified moderate on-going population growth and a potential shortfall of between 6105 and 11,256 dwellings by 2047 (for a high growth series projection) beyond the current housing stock.

The report identified a lack of 'development feasible' greenfield land in the City due to topographical constraints. The report specifically refers to a 24ha rural residential Upper Fitzherbert area above Wise Street and below the LPRR; which is also referred to in Hutt City's Urban Growth Strategy. This area is categorised as plan-enabled development despite not having an urban zoning as this area has been signalled in the District Plan as being for future urbanisation. The application site subject to subdivision is located to the west and south of the LPRR and is therefore considered partially within the area identified as being subject to future urbanisation. As such it is considered that the proposal will enable further provision of housing on land identified for future growth, and is therefore consistent with the NPS-UDC.

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 have considered potential effects of precedence that may arise through granting this consent, particularly whether the approval of undersize allotments within the Rural Residential Activity Area may have implications for the assessment of future similar resource consent

applications. This assessment has had regard to the specific circumstances of the resource consent application which include the location of the site partially within an area identified (if not zoned) for future urban growth, the arrangement of the subdivision and the topography of the site whereby the adverse effects related to the density of the subdivision will be screened and the rural residential character maintained, and that written approval have been obtained from all directly abutting Rural Residential zoned properties. Although the proposal has a Non-Complying activity status, this relates entirely to the passage of National Grid infrastructure through the site, and Transpower as operator of the National Grid have reviewed and supported the proposal subject to conditions included within the consent. It is considered that these circumstances specific to this proposal may limit the potential for future comparable proposals. Future subdivision consent applications for undersize allotments in the Rural Residential Activity Area will be assessed with respect to their merits and potential adverse effects in each particular case. It is further noted that this application has been assessed in a way consistent with a previous resource consent approval (RM200123, granted 18 June 2020), for undersize subdivision in the Rural Residential Activity Area. This previous example was similar in that it granted approval for lots as small as 1ha, with the application site also being on Upper Fitzherbert Road and 'beneath the paper road'. As such I do not consider that any effects of precedence are sufficient to warrant declining 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 site is not known as being particularly prone to natural hazards, and is not considered that significant risk from natural hazards will result from this subdivision. Sufficient provision has been made for each allotment to have legal and physical access to Upper Fitzherbert Road.

I consider there is no reason to refuse subdivision consent under s106 of the RMA.

#### **6.7 - SUBSTANTIVE DECISION**

In accordance with s104D a resource consent for a non-complying activity may be granted if either the adverse effects on the environment will be minor (other than any effect to which section 104(3)(a)(ii) applies); or the proposal will not be contrary to the objectives and policies of relevant plan. As outlined in sections 5 and 6 I consider the adverse effects on the environment will be minor and that the proposal will not be contrary to the objectives and

policies of relevant plan. I therefore grant the application under s104B subject to conditions under s108 and s220.

I also grant the cancellation of existing consent notices B401065.1 pursuant to section 221(3) of the Resource Management Act.

## 7. CONDITIONS OF RESOURCE CONSENT

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

### **Subdivision consent (including earthworks for access formation)**

1. That the proposal is carried out substantially in accordance with the information and approved plans (Plans prepared by Cuttriss Consultants, Dwg No. 29997SCH, Sheets 1 to 3, all Rev C and dated 02/21) submitted with the application and held on file at Council.

#### Possible staging:

- Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 may be issued of this proposal in a series of stages (Stage 1 – Lot 1, Stage 2 – Lots 2-5, Stage 3, Lots 6-7) provided that the following criteria are met:
  - Each individual allotment must be consistent with the proposal as approved and must have legal access to a legal road;
  - Each allotment shown on any survey plan, including any balance lot, must be adequately serviced as required by Council's Subdivisions Engineer and in terms of the relevant conditions set out in this Decision; and
  - Relevant engineering conditions must be met as decided by the Subdivisions Engineer and payment of any applicable development contribution pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to s224(c) of the Act.
  - Council must also be consulted prior to any preferred staging is decided upon by the consent holder (other than that identified above) to ensure the staging is appropriate and acceptable.
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 \$170 per hour.

- Notification of work commencing is separate to arranging building inspections.
3. 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.
  4. That the consent holder pays the council an engineering fee to meet the cost of work carried out by the 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 **3.08** 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.

*Note: Conditions 1-4 essential administrative matters.*

5. That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that no sediment leaves the site or enters streams or the stormwater system; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington regional council's erosion and sediment control guidelines (issued in April 2003).
6. That the consent holder submits an erosion and sediment control plan for approval by the council subdivision engineer before starting any earthworks; and that the consent holder and the consent holder's agents comply with the plan, which must include the following:
  - calculations of run-off from stripped land, based on a rate of 0.14 m<sup>3</sup>/second per hectare;
  - calculations showing time of retention in sediment ponds;
  - details of methods proposed to treat sediment on site;
  - erosion control; and
  - details of proposed monitoring measures.
7. Prior to the commencement of any works on site, the consent holder shall submit a Construction Management Plan to the Council for certification by the Team Leader Resource Consents. The plan must address, but is not limited to, the following matters:
  - Detail timing and duration of works, and construction hours;

- Detail how any adverse effects arising from construction will be managed to avoid effects from dust, noise, vibration and construction traffic;
- Confirmation of the earthworks methodology to be followed;
- Details of how stormwater and surface water run-off will be controlled during site works to ensure they do not affect adjoining properties;
- Outline the process by which complaints will be managed, including contact details for the appropriate person to respond to such complaints.

All construction works (and associated activities such as earthworks) shall be undertaken in accordance with the approved Construction Management Plan. No construction works are to proceed until approval has been obtained.

8. That the consent holder 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 the council subdivision engineer; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.
9. That the consent holder ensures all earthworks are carried out in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
10. 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, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
11. That the consent holder engages a qualified geotechnical engineer to supervise the earthworks and that, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a report from a qualified geotechnical engineer in accordance with Clause 2.6.1 of NZS4404:2010. This report shall include details of the specific site investigations, design work, testing and construction monitoring undertaken and shall include a statement of professional opinion as set out in Schedule 2A of NZS4404:2010. 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.

**Please note:**

- Before building any retaining walls subject to traffic loading (or other surcharge) or are more than 1.5 metres high, the consent holder must obtain a building consent. The consent holder must submit a design prepared by a chartered professional engineer

with the building consent application, followed by a producer statement on completion of the walls.

12. That the consent holder clears the existing drains/watercourses through the site of weed growth and debris prior to application for a 224 (c) certificate.
13. The consent holder is advised that an encroachment licence is required where the existing shed on lot 1 encroaches into the local purpose reserve. The consent holder shall make application to Council and obtain an encroachment licence for this shed or alternatively remove the portion of the shed that is located within the reserve land.
14. That the consent holder engages a suitably qualified engineer undertakes the design and sizing of any road culverts in accordance with the Wellington Water 'Regional Standard for Water Services', including consideration of both primary and secondary flow, and that the consent holder submits engineering plans and calculations for the culverts to the council subdivision engineer as part of the required engineering approval application.

**Please note:**

- This will apply to the proposed culvert adjacent to the Local Purpose Reserve/Road Reserve boundary, the existing 575mm culvert at the top end of the Local Purpose Reserve and potentially any bridge replacement or culvert at the entrance of lot 6.
15. If it is determined that the existing 575mm culvert has sufficient capacity then the consent holder shall arrange for a certifying drainlayer or engineer to inspect and verify that the existing 575mm stormwater culvert at the top end of the Local Purpose Reserve is in sound condition and if not, to be made so; and that the consent holder provides written certification from the drainlayer before or at the time of applying for a section 224(c) certificate.
  16. That the consent holder engages a chartered professional engineer to undertake any required further testing and to design an adequate on-site wastewater disposal system for lot 1 that complies with NZS1547:2012, taking into consideration the recommendations in the report prepared by **NZET Consulting Engineers Ltd**, titled ***On-site Effluent Disposal Suitability Assessment – Lot 6, DP78964, 161 Upper Fitzherbert Road, Wainuiomata***, dated 26 March 2021. The consent holder shall construct a new (or upgrade the existing one if the outcome of further investigation allows) on-site wastewater disposal system to serve lot 1 and provides the building consent code of compliance for this system prior to applying for section 224(c) certificate.

**Please note:**

- The consent holder is responsible for obtaining all necessary building consents to undertake this work
17. That the consent holder constructs the proposed private-way (including access to each lot beyond the shared access area) to comply with Council's requirements, including suitable vertical curvature transitions, control of stormwater run-off and debris migration on to the road, and in such a way as not to obstruct roadside drains; and that the consent holder

submits two copies of engineering plans for this work to the council subdivision engineer for approval before starting work.

18. That the consent holder employs a suitably qualified engineer to assess the suitability of the existing bridge serving lot 6 (adjacent to the right-of-way cul-de-sac) and either upgrades this bridge as necessary or installs a suitable sized culvert to provide access prior to applying for section 224(c) certificate.
19. 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 1.4.1 of NZS 4404:2010; and that the consent holder submits the name, contact details and experience of the representative to the council subdivision engineer for approval before 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 the council's codes and standards.
20. That the consent holder appoints an approved contractor or contractors to complete the works to the approved design; and that the consent holder submits to the council subdivision engineer for approval the name, contact details and experience of the contractor(s) at the time of submitting engineering plans for approval. The approved contractor(s) must give a minimum of 24 hours' notice to the council subdivision engineer before starting work.
21. That the consent holder provides electrical services to each lot and ensures telephone services can be connected to each lot.
22. That the consent holder provides the 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 (unless otherwise approved).
23. That the consent holder provides appropriate easements for private services where necessary, with easements 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.

*Note: Conditions 5-23 address the effects of the subdivision and will ensure each allotment is suitably serviced.*

24. 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.

**Please note:**

- Right-of-way easements are to be provided over Council's Local Purpose Reserve land.

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

25. That, in accordance with section 221 of the Resource Management Act 1991, Council registers consent notices on the record of title of the affected lots as follow:

- **Affected lots** – to ensure future owners are aware that it is the landowners' responsibility to maintain the open watercourses through the site, including ensuring the drains are kept clear, the capacity of the drain is maintained, and ensuring that no significant planting or other works are undertaken that will reduce the capacity of the drain. This consent notice will refer to the required as-built plan showing the existing drains;
- **Each lot** – to ensure future owners are made aware that Council's water, stormwater and sewer services are not available to these properties and that owners must dispose of stormwater and sewage on site and in an approved manner;
- **Lots 2 to 7** – requiring owners to fit a fire sprinkler system in any dwelling they build that complies with standard NZS 4517:2010, or alternatively fit a firefighting capability that meets the approval of the New Zealand Fire Service or Rural Fire Authority;
- **Lots 2 to 7** – requiring owners to commission a chartered professional engineer to undertake any further testing as required and submit the method, location, and construction details for the required on-site wastewater disposal system at the time of applying for a building consent for the site. (The design must meet AS/NZS 1547:2012 and have regard to the recommendations in the report by **NZET Consulting Engineers Ltd**, titled **On-site Effluent Disposal Suitability Assessment – Lot 6, DP78964, 161 Upper Fitzherbert Road, Wainuiomata**, dated 26 March 2021.)

**Please note:**

- The performance of the proposed systems is to be verified by a test report from an approved agency to demonstrate that adequate effluent quality and nutrient removal can be achieved. This report is to be submitted as part of any building consent applied for these lots.
- **Lots 4 to 7** – to ensure no sensitive activities, such as houses, are located within the National Grid Yard (12m either side of the transmission centreline – to be shown on the final as-built plan), being the point drawn from the centre of one transmission line support tower to the next. Other activities such as non-habitable buildings and structures may be appropriate subject to the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34);
- **Lots 3 to 7** – requiring that all new houses, structures and vegetation within 80m of the transmission centre line **do not exceed 15m above existing ground level**;
- **Lots 2 to 7** – that the consent holder engages a suitably qualified engineer to assess the minimum floor level and set back requirements in relation to existing streams/drains and overland flow paths and provide recommendations (including foundation type) in respect to these when applying for building consent unless otherwise deemed as not being required by Council's building consent processing officer.
- **Lots 2 to 7** – required that any dwellings built on these lot have foundations designed by a chartered professional structural or geotechnical engineer; and that the design

and details of these foundations are submitted as part of any building consent applied for on these lots;

- **Lots 1 to 7** – which share a boundary with Council reserve land, in order to exclude the council from the cost of shared fencing under the Fencing Act 1978 or equivalent legislation
- **Lots 1 to 7** – to ensure that future owners will not object to the road stopping of Upper Fitzherbert Road when alternative road access is provided in terms of the Transitional District Plan.
- **Lots 1 to 7** – to exclude Council from the maintenance costs, or any other costs, associated with the private right of way over the local purpose reserve, including the culverts, and to require the owners to relinquish their rights of way over the local purpose reserve should the Council wish to change the designation of this land to road reserve in the future.

*Note: This condition will ensure future owners are aware of limitations or requirements related to the proposed allotments.*

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

27. That the consent holder provides Council with the as-built plan, certified by a surveyor or engineer, showing the following:

- The new on-site disposal system for lot 1, including the size of the disposal area and the location relative to the lot boundaries
- All new / existing culverts, including the size and length
- The new roading works
- The alignment of all the existing watercourses

*Note: Conditions 26 and 27 address essential administrative matters.*

#### **Land use consent (earthworks for building platforms)**

1. That the proposal is carried out substantially in accordance with the information and approved plans (Plans prepared by Cuttriss Consultants, Dwg No. 29997SCH, Sheet 2 Rev C, dated 02/21) submitted with the application and held on file at Council.
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 \$170 per hour.

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

*Note: Conditions 1 and 2 address essential administrative matters.*

3. That the consent holder engages a qualified geotechnical engineer to supervise the earthworks and that, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a report from a qualified geotechnical engineer in accordance with Clause 2.6.1 of NZS4404:2010. This report shall include details of the specific site investigations, design work, testing and construction monitoring undertaken and shall include a statement of professional opinion as set out in Schedule 2A of NZS4404:2010.

**Please note:**

- Before building any retaining walls subject to traffic loading (or other surcharge) or are more than 1.5 metres high, the consent holder must obtain a building consent. The consent holder must submit a design prepared by a chartered professional engineer with the building consent application, followed by a producer statement on completion of the walls.
4. That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that no sediment leaves the site or enters streams or the stormwater system; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington regional council's erosion and sediment control guidelines (issued in April 2003).
  5. That the consent holder submits an erosion and sediment control plan for approval by the council subdivision engineer before starting any earthworks; and that the consent holder and the consent holder's agents comply with the plan, which must include the following:
    - calculations of run-off from stripped land, based on a rate of 0.14 m<sup>3</sup>/second per hectare;
    - calculations showing time of retention in sediment ponds;
    - details of methods proposed to treat sediment on site;
    - erosion control; and
    - details of proposed monitoring measures.
  6. Prior to the commencement of any works on site, the consent holder shall submit a Construction Management Plan to the Council for certification by the Team Leader Resource Consents. The plan must address, but is not limited to, the following matters:
    - Detail timing and duration of works, and construction hours;
    - Detail how any adverse effects arising from construction will be managed to avoid effects from dust, noise, vibration and construction traffic;
    - Confirmation of the earthworks methodology to be followed;

- Details of how stormwater and surface water run-off will be controlled during site works to ensure they do not affect adjoining properties;
- Outline the process by which complaints will be managed, including contact details for the appropriate person to respond to such complaints.

All construction works (and associated activities such as earthworks) shall be undertaken in accordance with the approved Construction Management Plan. No construction works are to proceed until approval has been obtained.

7. That the consent holder 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 the council subdivision engineer; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.
8. That the consent holder ensures all earthworks are carried out in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
9. 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, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)

*Note: Conditions 3-9 address the effects of the development.*

Processing Planner:



Peter McDonald  
Senior Resource Consents Planner

Peer reviewer:



Alicia Todd  
Intermediate Resource Consents Planner

Application lodged: 23 December 2020  
Application approved: 30 April 2021  
No of working days taken to process the application: 19

**8. NOTES:**

- The subdivision resource consent is subject to payment of a development contribution fee. Payment of this fee is required before receiving section 224(c) certification.

Dev. Con. Calc.
Current Price Index: 1294.53
GST rate: 15.00%
RESET

		Residential	
		Fee per lot	Total fee
Number of additional lots	6		
Roading & Traffic	<input checked="" type="checkbox"/>	432.48	2,594.88
Water Supply	<input type="checkbox"/>	29.48	0.00
Wastewater	<input type="checkbox"/>	3,823.75	0.00
Stormwater	<input type="checkbox"/>	25.55	0.00
<b>Total</b>		<b>4,311.26</b>	<b>2,594.88</b>
Total fee			\$2,594.88
GST			\$389.23
<b>Total contribution payable</b>			<b>\$2,984.11</b>

Catchment

- Western Hills
- Valley Floor
- Stokes Valley
- Wainuiomata
- Eastbourne
- Rural

- All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) or any subsequent revision of the code.
- The applicant is advised that consent may be required from Greater Wellington Regional Council for bulk earthworks or for any works within the bed of a stream. It is recommended that Greater Wellington Regional Council be contacted directly for further advice on any necessary consenting requirements.
- No structures are permitted to be located within the road reserve without a current encroachment license. Contact Hutt City Council’s roading and traffic team for information relating to an application for an encroachment license at [contact@huttcity.govt.nz](mailto:contact@huttcity.govt.nz).
- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant or consent holder may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 30 April 2026.

- 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](http://huttcity.govt.nz) for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: [beforeudig.co.nz](http://beforeudig.co.nz) or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: [huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/](http://huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/)