

3 February 2025

Ruth Hefford

s7(2)(a)

Dear Ruth Hefford

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

We refer to your official information request of 17 December 2024 for:

*I would appreciate if you can tell me what the conditions are in the resource consents issued to Raukawa Street that protect this waterway and people like me downstream. I have a right to access this information under the Local Government Official Information and Meetings Act 1987 (LGOIMA).*

Please find attached Information within the scope of your request. These are the addresses we have Resource consent decisions for.

Some Information has been withheld under section 7(2)(a) of the Act, to protect the Privacy of natural persons.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website. Please refer to the following link: [www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases](http://www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases)

Yours sincerely

Philip Rossiter

Senior Advisor, Official Information and Privacy

22 March 2022

Wolfbrook Property Group Limited  
C/- Urban Edge Planning Ltd  
PO Box 39071, Lower Hutt 5045  
Attn: [REDACTED]

Dear [REDACTED]

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Lower Hutt 5040  
New Zealand  
www.huttcity.govt.nz  
T 04 570 6666  
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Peter McDonald  
Environmental Consents  
T 04 570 6745  
peter.mcdonald@huttcity.govt.nz  
Our reference: RM210061

**Approval of resource consent application at 28 Raukawa Street, Stokes Valley (RM210061)**

I am pleased to advise that, acting under delegated authority from Hutt City Council, I have granted a resource consent for the proposal at the above property (Part Lot 124 DP 597 and Part Lot 124 DP 597).

As you know, the council considered it necessary to notify affected persons. By the end of the notification period, the council had received four submissions. As of 1 February 2022, each of the submitters had either withdrawn their submission, or advised that they did not wish to be heard in support of their submission. As such it was considered unnecessary to require a hearing to determine the consent application.

The reasons for granting the application have been set out in the report below and reference should be had to the assessment below for specific details and reasoning.

It is important to take note that this decision is subject to conditions which must be adhered to when giving effect to this consent, these are located in section 7 of this decision report.

## 1. PROPOSAL

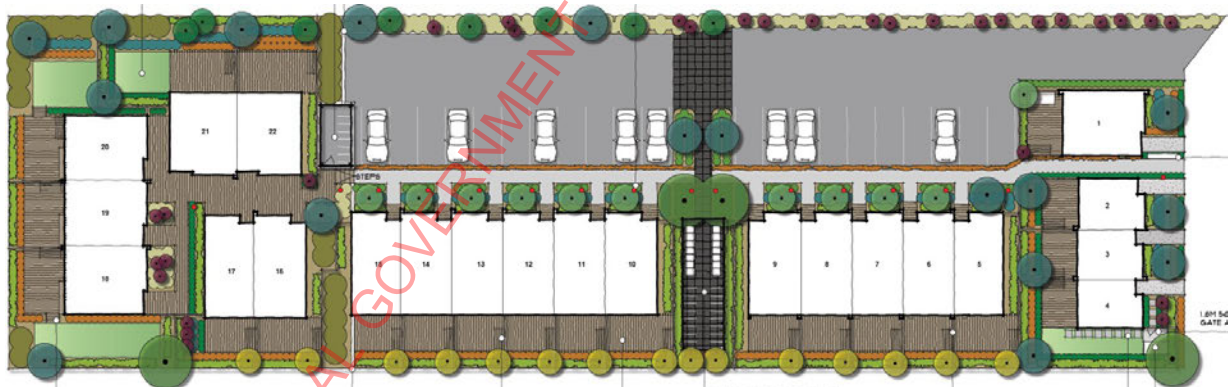
Land use and subdivision consent is sought for the comprehensive residential development at 28 Raukawa Street, Stokes Valley. The proposal will establish 22 terraced dwellings, followed by freehold subdivision around the new buildings and common access area, resulting in the creation of 23 allotments.

The application was lodged on 1 March 2021, and was limited notified to persons at four adjacent properties on 4 November 2021, for which four submissions in objection to the proposal were received prior to the submissions close period. The applicant subsequently partially amended the proposal in response to these submissions, with revised plans and proffered conditions submitted to Council by 16 February 2022. The changes did not relate to the size, number or arrangement of proposed dwellings, but rather the details of the design of boundary treatments, outdoor living areas and the provision of Juliet balconies.

In response to these changes each of the submitters either withdrew their submission, or their right to be heard in support of their submission.

The application is detailed as follows;

The proposal seeks to establish three one-bedroom dwelling units (Units 2 – 4) and 19 two-bedroom units. These dwellings will be arranged into seven separate building blocks, with the proposed site layout shown in **Figure 1** below. All dwellings are proposed to be two-storeys in height.



**Figure 1:** Proposed site layout.

21 parking spaces are proposed to be provided onsite, arranged in a linear form as shown above. Access to the site is proposed via a newly established vehicle driveway along the eastern boundary of the site, which is generally 5.832m in width, but narrowing to 5.0m. A separate 1.2m width pedestrian path running north to south centrally through the site will also provide direct access to Raukawa Street.

The proposed allotments and dwellings forming the proposal have been summarised by the applicant as follows:

| LOT    | AREA                    | BUILDING COVERAGE     |        | IMPERVIOUS COVERAGE     |        | LANDSCAPE AREA          |        |
|--------|-------------------------|-----------------------|--------|-------------------------|--------|-------------------------|--------|
| Lot 1  | 115.12                  | 41.35                 | 35.92% | 72.07                   | 62.6%  | 44.89                   | 38.99% |
| Lot 2  | 64.24                   | 26.32                 | 40.97% | 29.06                   | 45.24% | 36.52                   | 56.85% |
| Lot 3  | 60.64                   | 25.35                 | 41.8%  | 27.38                   | 45.15% | 34.15                   | 56.32% |
| Lot 4  | 109.30                  | 25.07                 | 22.94% | 27.06                   | 24.76% | 82.53                   | 75.51% |
| Lot 5  | 91.45                   | 38.85                 | 42.48% | 41.54                   | 45.42% | 49.90                   | 54.57% |
| Lot 6  | 67.22                   | 39.01                 | 58.03% | 40.61                   | 60.41% | 26.62                   | 39.6%  |
| Lot 7  | 67.22                   | 38.99                 | 58%    | 40.58                   | 60.37% | 26.64                   | 39.63% |
| Lot 8  | 67.22                   | 39.02                 | 58.05% | 40.51                   | 60.26% | 26.71                   | 39.74% |
| Lot 9  | 88.24                   | 39.12                 | 44.33% | 41.28                   | 46.78% | 46.93                   | 53.18% |
| Lot 10 | 88.60                   | 39.15                 | 44.19% | 41.25                   | 46.56% | 47.38                   | 53.48% |
| Lot 11 | 67.22                   | 39.00                 | 58.02% | 40.59                   | 60.38% | 26.64                   | 39.63% |
| Lot 12 | 67.22                   | 38.99                 | 58%    | 40.59                   | 60.38% | 26.64                   | 39.63% |
| Lot 13 | 67.22                   | 39.00                 | 58.02% | 40.58                   | 60.37% | 26.65                   | 39.65% |
| Lot 14 | 67.22                   | 39.00                 | 58.02% | 40.58                   | 60.37% | 26.66                   | 39.66% |
| Lot 15 | 100.92                  | 38.59                 | 38.24% | 41.21                   | 40.83% | 59.70                   | 59.16% |
| Lot 16 | 99.02                   | 39.47                 | 39.86% | 42.32                   | 42.74% | 56.71                   | 57.27% |
| Lot 17 | 96.28                   | 38.59                 | 40.08% | 42.50                   | 44.14% | 53.77                   | 55.85% |
| Lot 18 | 146.48                  | 41.42                 | 28.28% | 45.21                   | 30.86% | 101.28                  | 69.14% |
| Lot 19 | 78.91                   | 41.05                 | 52.02% | 44.10                   | 55.89% | 35.15                   | 44.54% |
| Lot 20 | 151.13                  | 40.67                 | 26.91% | 45.19                   | 29.9%  | 105.95                  | 70.11% |
| Lot 21 | 131.97                  | 41.41                 | 31.38% | 45.98                   | 34.84% | 86.00                   | 65.17% |
| Lot 22 | 107.74                  | 40.70                 | 37.78% | 44.88                   | 41.66% | 62.85                   | 58.33% |
| Lot 23 | 1,043.09                | 0.00                  | 0%     | 818.67                  | 78.49% | 372.50                  | 35.71% |
|        | 3,043.67 m <sup>2</sup> | 830.12 m <sup>2</sup> | 27.27% | 1,733.74 m <sup>2</sup> | 56.96% | 1,462.77 m <sup>2</sup> | 48.06% |

Lots 1-22 are residential allotments and will each contain one of the proposed dwellings. Proposed lot 23 will contain the communal access spaces and the 21 car parking spaces. The applicant has advised that parking spaces will be associated with individual residential allotments through subsequent land covenants.

The above table is taken from the architectural site plan, and it is noted that lot areas vary slightly from those shown on the subdivision scheme plan (which is taken as accurate). However these variances do not result in any additional non-compliances.

The proposal involves undertaking earthworks with a cut volume of 280m<sup>3</sup> and fill volume of 174m<sup>3</sup> over an area of 2,161m<sup>2</sup> for the purpose of establishing suitable building platforms and access areas. Maximum cut and fill depths will be 1.0m and 1.2m respectively.

Onsite landscaping is proposed, with a landscaping plan having been submitted in support of the application which provides a range of hard and soft landscaping treatments across the site. A communal waste storage and collection area is proposed centrally on the site, adjacent to the proposed communal onsite bike storage area.

It is proposed to connect all residential allotments to three waters infrastructure via existing and proposed drainage and sewage infrastructure. Appropriate easements have been provided to facilitate connections to the proposed services infrastructure and to allow for the conveyance of an onsite wastewater main.

## 2. SITE DESCRIPTION

The application site is located at 28 Raukawa Street, Stokes Valley. The site is legally described as Part Lot 124 DP 597 and Part Lot 124 DP 597, contained within Record of Title 508152. The title is subject to the following interests:



- Fencing covenant
- Subject to Conservation Act 1987 Part IVA
- Subject to Section 11 Crown Minerals Act 1991
- Caveat by Fix My Property Ltd 11970199.2

The above interests do not affect the processing of this decision or the proposed scheme.

The site is largely rectangular in shape with a length of approximately 104m and a width of approximately 30m. The site currently contains a residential dwelling with separated sheds, garage, swimming pool and paved driveway and footpath. The site is sloping from south to north and it is clear of any protected or scheduled vegetation. **Figure 2** below shows the site viewed aerially. As visible in this image, the northern third of the application site is currently segregated from the main portion of the site by fencing, and is used as a vacant grassed area as an informal reserve space. The proposal seeks to utilise this portion of the site.



**Figure 2:** Application site.

Vehicle access to the site is provided via existing vehicle crossing and accessway located along the eastern boundary, off Raukawa Street. A smaller secondary crossing is also located closer to the western boundary of the site.

Adjoining land uses are residential in all areas, with the surrounding environment characterised by low density detached dwellings to the west, south and east. Development to the north, at Poppy Watts Grove, is slightly higher density housing; however the vast majority of dwellings on this street remain single-storey detached dwellings.

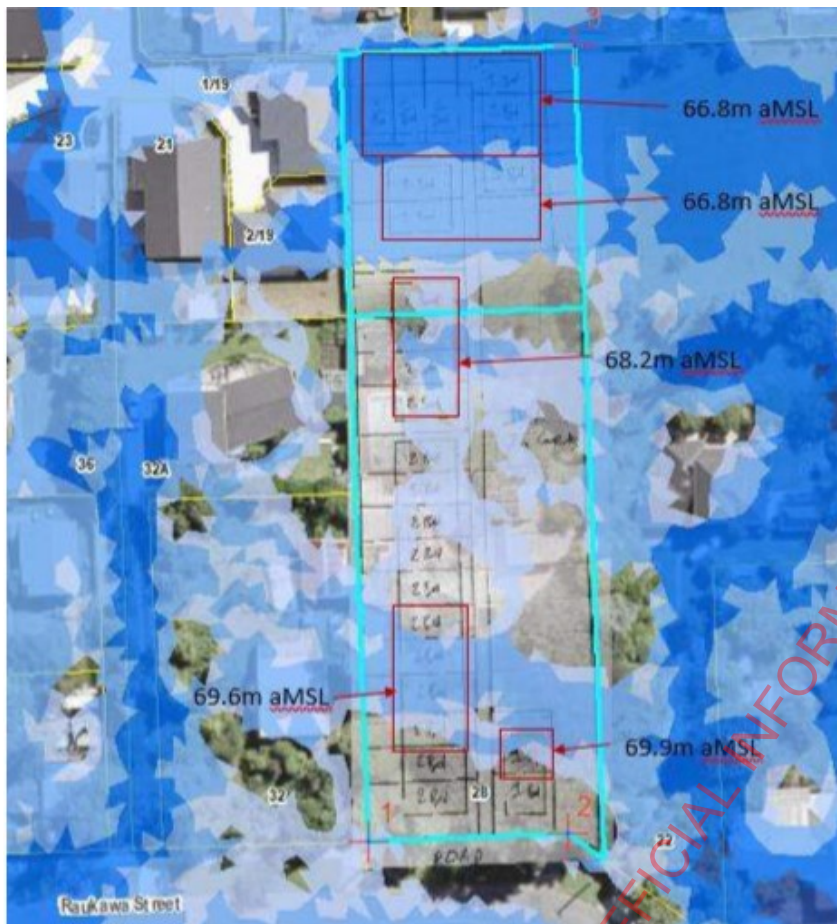
The subject sites are in close proximity to public stormwater, wastewater and water supply service connections. The site has an existing private wastewater lateral connection to the public wastewater main which traverses the rear of the site, as shown below. In terms of stormwater, public stormwater pipes and manhole is located to the south of the site. Water supply will be fed from the existing connection and is located south of the site.



**Figure 3:** Wastewater main traversing the northern rear of the application site.

The site is located within the General Residential activity area of the District Plan. There are no District Plan notations of relevance to this site. The site is not identified as contaminated under the GWRC Selected Land Use Register (SLUR). Wellington Water has provided modelling for the site which indicates that a significant overland flow path traverses the site, particularly toward the rear. This modelling is shown in **Figure 4** below, demonstrating that much of the site, particularly toward the north, is subject to flood hazard risk.





**Figure 4:** Flood hazard modelling of application site

A statutory acknowledgement site is also mapped as traversing the application site, as shown by the orange line in **Figure 5** below. Due to there being no watercourse onsite, it is considered that this line may represent a historical watercourse onsite.



**Figure 5:** Statutory acknowledgement site, orange line.

In an email dated 26<sup>th</sup> October 2021 the applicant also confirmed that the application site shall include the property at 13 Poppy Watts Grove, legally described as Lot 6 DP 464313. This site contains a single residential dwelling and is owned by the applicant. The site is zoned General Residential and is not subject to any interests or notations within the District Plan. This site will be traversed by the stormwater main proposed to service the development at 28 Raukawa

Street. This site is shown below in Figure 6. There are no changes proposed to 13 Poppy Watts Grove other installing the proposed stormwater main.

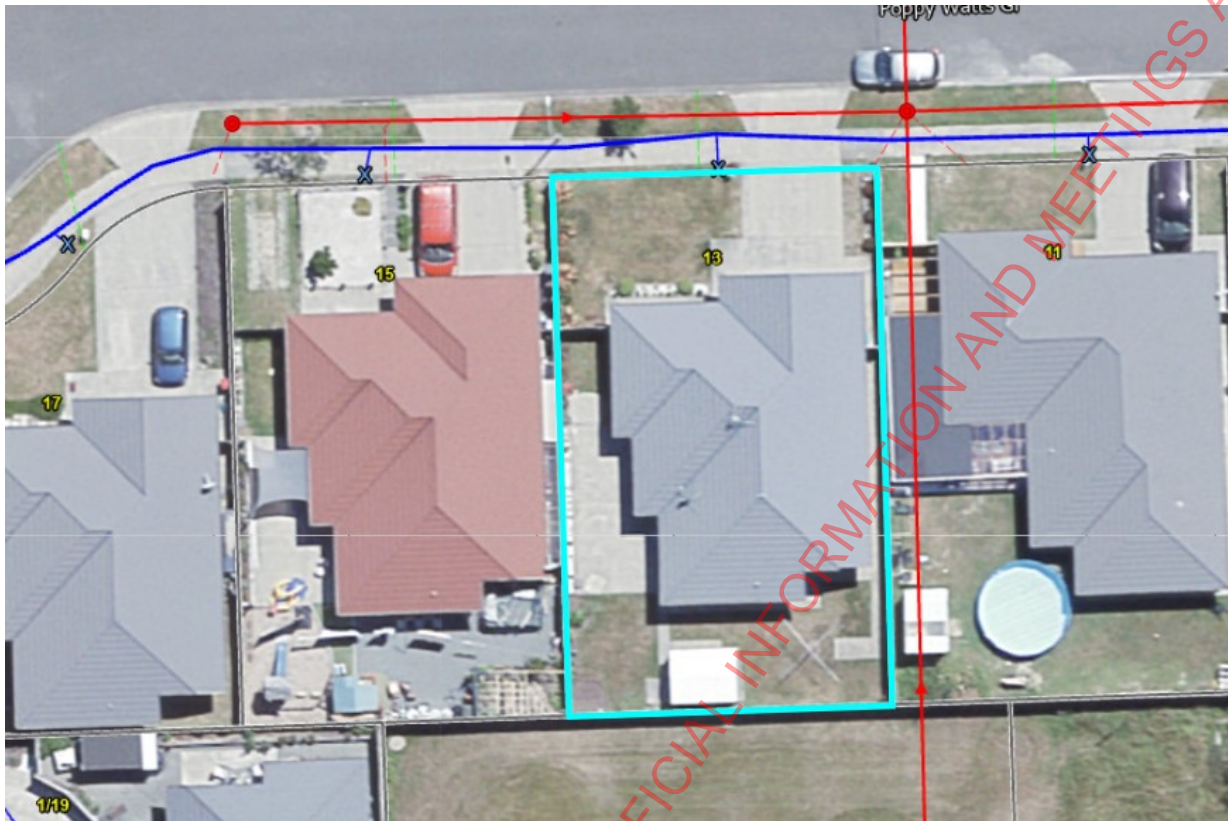


Figure 6: Site at 13 Poppy Watts Grove.

### 3. RELEVANT PLANNING RULES AND REGULATIONS

#### District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the General Residential activity area, which this proposal falls within, are contained in chapters 4A (General Residential), 11 (Subdivision), and 14 (General).

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

#### Land use consent

- *Rule 4A 4.1.10(a): Activities that would cause vibration are permitted if the activity is managed and controlled in such a way that no vibration from the activity is discernible beyond the boundary of the site.*

The applicant has failed to demonstrate that vibration effects from construction works will be indiscernible beyond the boundary of the site.

- *Rule 4A 4.2.10(a): Comprehensive Residential Developments are restricted discretionary activities if they comply with development standards (i) – (vii).*

The proposal is eligible for consideration as a Comprehensive Residential Development (CRD) on the basis that the application site exceeds 1,400m<sup>2</sup>, and the site has been designed in an integrated manner.



The proposal is ineligible for assessment as a restricted discretionary activity due to non-compliance with the following development standards:

- Standard (iii): Unit 4 breaches the height recession plane envelope by up to 0.15m on the western site boundary.
- Standard (v): Units 2, 3, 6 – 8, & 11 – 14 do not provide for a private outdoor living area with a minimum area of 20m<sup>2</sup> and a minimum 3m dimension. These outdoor spaces provided spans between 17 – 18.5m<sup>2</sup>.

- *Rule 14A 5.1(a): Any activity is permitted if it complies with the standards listed in Appendix Transport 1 and is not a high trip generator.*

The proposal cannot meet Standard 1(c) due to not meeting the site access requirement, which would require an access leg be formed to span 5.7m plus two 1.5m pedestrian paths on either side servicing the site (in accordance with NZS 4404:2010). As the access spans only 5m at its narrowest point, with one detached 1.2m pedestrian access path between units 1 and 2, this standard is not met. The proposal also does not comply with the requirement for a provision for a turning head under the same standard.

The proposal is also non-compliant with Transport Standard 2(c), due to insufficient manoeuvring space being provided for users visitors.

Finally, the proposal also breaches Transport Standard 5(c) due to no provision being made for a loading zone for onsite rubbish collection as required for a development including 20 or more dwellings. The applicant also fails to demonstrate tracking for a small right truck, to be used for onsite rubbish collection.

- *Rule 14I 2.1(a): Earthworks in all activity areas are permitted up to 50m<sup>3</sup> in volume and 1.2m vertical alteration per site in the General Residential activity area.*

The proposal seeks to undertake earthworks with a cut volume of 280m<sup>3</sup> and fill volume of 174m<sup>3</sup> over an area of 2,161m<sup>2</sup>. This is to a permitted maximum vertical depths of 1m (cut) and 1.2m (fill).

I consider the land use component of the proposal to be a discretionary activity under rule 4A 4.2.10(b), and a restricted discretionary activity under Rules 4A 4.1.10(b), 14A 5.1(b) and 14I 2.2(a). The overall activity of the land use consent is discretionary. I revisit bundling, below.

### **Subdivision consent**

- *Rule 11.2.2(a): All subdivision in the General Residential activity area is a controlled activity where all relevant standards and terms are complied with.*

The proposed subdivision, seeking to create 23 freehold allotments around 22 proposed dwellings and a common access area, is non-compliant with Standard 11.2.2.1(a) relating to allotment design. The application proposes 22 allotments of less than 400m<sup>2</sup>, and has failed to demonstrate that permitted dwellings could be constructed on any allotment. None of the allotments comply with the minimum 15m x 10m shape factor requirement.



The proposed subdivision is also non-compliant with Standard 11.2.2.1(b) due to a number of anticipated transport standard non-compliances, which are identified in the land use assessment above.

The proposed subdivision is non-compliant with Standard 11.2.2.1(e) relating to earthworks. The proposal seeks to undertake earthworks with a cut volume of 280m<sup>3</sup> and fill volume of 174m<sup>3</sup> over an area of 2,161m<sup>2</sup>. This is to a permitted maximum vertical depth (cut) of 1m.

I consider the subdivision component of the proposal to be a restricted discretionary activity under Rule 11.2.3(a) and a discretionary activity under Rule 11.2.4(i). The overall activity status of the subdivision consent is discretionary.

### Bundling

It is considered that the subdivision and land use components of the proposal are not mutually exclusive. It is therefore appropriate to bundle the subdivision and land use consents for the purpose of this decision. When bundled, the overall activity status of the proposal is **discretionary**.

### **National Environmental Standards**

The proposal does not require assessment under any National Environmental Standards, including the NESCS as the site is not located on SLUR.

## **4. PERMITTED BASELINE**

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

The permitted baseline in regards to subdivision for the application site includes minor boundary adjustments, provided that the permitted activity conditions can be met and no additional allotments are created. This subdivision creates new residential allotments and so cannot be considered a minor boundary adjustment. This permitted baseline is not relevant for assessing the effects of the proposed subdivision.

The permitted baseline in regards to built form onsite includes two 8m high dwellings per existing site, given Rule 4A 4.2.1(a) permits up to two dwellings per site provided they meet the relevant permitted activity conditions and development standards of the General Residential Activity Area and General Rules chapters of the District Plan. The dwellings would need to comply with 40% total site coverage, 8m height limit, be located within recession planes of 2.5m and 45 degrees, be located at least 1m from side and rear boundaries and be located 3m from the front boundary. Each dwelling would also need to have at least 50m<sup>2</sup> each of private outdoor space with a dimension of at least 4m. 30% of the site would also need to be of a permeable surface. It is noted that there is no minimum car parking requirements whereby no on-site parking is required by the District Plan.

Construction of an accessory building is also a permitted activity provided it complies with the development standards for site coverage, building height, recession planes, yards and permeable surfaces.

The applicant has provided a modelled 'permitted baseline' plan for the subject site, as shown below. This plan features 2 two-storey dwellings per site, with adequate area for shared access and onsite manoeuvring. Compliant outdoor living areas are also provided. I consider this plan to be non-fanciful and hence can be considered as a credible permitted baseline to be used in assessing effects from the proposal.



**Figure 7:** Permitted baseline scenario submitted by the applicant with the Raukawa Street frontage on the right.

The applicant also requested via email dated 06/10/2021 that an additional component to this permitted baseline scenario be considered. This addition would comprise a 54m<sup>2</sup> accessory building that is two-storeys in height located adjacent to the boundary with 1/19 and 2/19 Poppy Watts Grove. No plans were provided in support of this additional scenario, however the applicant noted an example of an accessory garage with a second story space. I agree that this accessory building represents a non-fanciful scenario for this site and hence have adopted it for consideration as part of this notification report. Council records for this structure at 1 Buick Street for this structure depict it as spanning 6m x 9m with a ground floor garage and loft space above, constructed to an A-frame. There are no windows in this particular structure overlooking the adjoining property. These features will be adopted for the purposes of this decision, and will be assessed as located onsite as per below.



**Figure 8:** Location of accessory building requested to be considered as forming the permitted baseline scenario for the site, as per email 06/10/2021.

Earthworks of up to a maximum volume of  $100\text{m}^3$  ( $50\text{m}^3$  per 'site' for 28 Raukawa Street and 13 Poppy Watts Grove) and 1.2m measured vertically from natural ground level are permitted. The permitted baseline is somewhat relevant will be taken into account.

## 5. NOTIFICATION

A decision to limited notify this consent application was made on 27 October 2021. This notification decision report is held on file and should be read in conjunction with this substantive decision report. The application was limited notified on 4 November 2021. Notification packs were delivered to the owners and occupiers of the following properties, inviting them to provide a submission on the proposal.

- 32A Raukawa Street, Stokes Valley
- 1/19 Poppy Watts Grove, Stokes Valley
- 2/19 Poppy Watts Grove, Stokes Valley
- 15 Poppy Watts Grove, Stokes Valley

At the close of the submissions period on 7 December 2021, four submissions were received. The submission received for 2/19 Poppy Watts Grove was withdrawn on 28 January 2022. The remaining three submissions are summarised below.

### Submission 1: 32A Raukawa Street

The submitter outlined that:

- They were generally opposed in all parts to the proposed development.
- They had concerns with the effects of shading on their outdoor living areas, which they note are frequently used, as well as on their hot house and vegetable growing areas.
- They had concerns with the effects of privacy on their outdoor living areas, and on the main bedroom and spare bedroom, citing the height of the proposed dwellings and the elevated decks.
- They had concern with the sufficiency of on-site parking to meet the parking demands of the site.

- They had concern that a large number of refuse bins would be placed on the frontage.

### **Submission 2: 1/19 Poppy Watts Grove**

The submitter outlined that:

- They “oppose certain aspects of the proposed development and wish for them to be considered for amending”.
- They were not against residential development in principle, but are concerned with the intensity of having 22 dwellings on the site, and that this would stand out with respect to the surrounding area.
- They noted they were happy that proposed dwelling 18 has been set further back from their boundary<sup>1</sup>.
- They were concerned that two large trees proposed to be located adjacent to the boundary will deposit large quantities of leaves onto their property.
- They noted a proposed boundary hedge is located over a manhole cover.
- They requested;
  - That the proposed dwellings be reduced to single storey;
  - That the proposed trees are not large, and are set back from the boundary fence.
  - To clarify if the drain in the corner is going to be removed for the hedge to be put in.

### **Submission 3: 15 Poppy Watts Grove**

The submitter outlined that:

- Their opposition to parts of the proposed development.
- They were concerned with potential flooding resulting from increased permeable areas.
- They were concerned with privacy effects related to the raised dwelling and deck levels and proposed Juliet balconies.
- They were concerned that the proposed development would block the morning sun which helps dry the wet ground
- They requested;
  - That the Juliet windows be “70% frosted” and “30%” openable.
  - That a privacy screen be installed on the edge of the deck.
  - That a surface water detention tank be provided to manage stormwater.

Following a pre-hearing meeting held on 20 January 2022, the applicant refined their proposal to address the concerns raised by the submitters. The revisions include the following:

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<sup>1</sup> In the initial proposal plans submitted with the application, proposed dwelling 18 was located adjacent to the shared boundary setback approximately 1m. In revised proposal plans received in August 2021, dwelling 18 is setback 4.75m.

- All outdoor decking adjacent to an external site boundary to be dropped in height by approximately 340mm (equivalent to two steps). However the applicant's architect has advised that the underside of the joists must be at least 150mm above the ground.
- All external fencing to be replaced to 2m in height, except in respect of that adjoining 32A Raukawa Street.
- That the upper level Juliet balconies are removed.
- The following proffered conditions;
  - A condition on the subdivision consent requiring the creation of a residents society to be responsible for the ongoing maintenance of communal outdoor areas and services.
  - Prior to construction commencing, an updated landscape plan must be prepared that amends proposed planting along the western boundary to evergreen species with a mature height of up to 2m.

Submitter 2 identified at the time of their submission that they did not wish to be heard in support of their submission. Submitters 1 and 3 withdrew their right to be heard on 28 January 2022 and 1 February respectively.

Section 100 of the Resource Management Act 1991 states:

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent... unless –*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

As no submitters requested to be heard in support of their submission (and therefore removing the mandatory requirement for a hearing) it is considered that pursuant to s100(b) of the Resource Management Act 1991 a hearing is not necessary to determine the application.

## 6. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that, subject to Part II of the Resource Management Act 1991, the council must have regard to:

- a. any actual and potential effects on the environment of allowing the activity; and*
- ab. any measure proposed or by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- b. any relevant provisions of-*
  - i. a national environmental standard;*
  - ii. other regulations;*
  - iii. a national policy statement;*
  - iv. a New Zealand coastal policy statement;*
  - v. a regional policy statement or proposed regional policy statement;*
  - vi. a plan or proposed plan; and*



- c. any other matter the consent authority considers relevant and reasonably necessary to determine the application*

Section 104B, which relates to discretionary activities, states:

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority (a) may grant or refuse the application; and (b) if it grants the application, may impose conditions under section 108.*

I will deal with these matters in the report sections below.

## **6.1 – PERMITTED BASELINE (S104(2)) AND WRITTEN APPROVALS (S104(3)(A))**

### **Permitted baseline**

In accordance with section 104(2), when forming an opinion on section 104(1)(a), the council may disregard the adverse environmental effect of an activity if the District Plan or a regional plan, or national environmental standard permits an activity with that effect. I have identified the permitted baseline in section 4 of this report and consider it relevant to the determination of this application.

### **Written approvals**

No written approvals were obtained in relation to this consent application.

## **6.2 – ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT (S104(1)(A))**

The following material has been relied on in informing the assessment of actual or potential effects:

- Proposal documents submitted by the applicant and subsequent information responses;
- Urban design assessment provided 9 September 2021, prepared by Alastair Upton, consultant urban planner, on behalf of Council. Mr Upton's assessment is relied on to inform the assessment of effects on residential character and streetscape, and amenity internal to the application site.
- Traffic assessment dated 6 October 2021, prepared by Harriet Fraser, consultant traffic engineer, on behalf of Council, and subsequent email advice provided by Ms Fraser. Ms Fraser's advice is relied on to inform the assessment of traffic effects.
- Email advice with regards to three waters infrastructure and flood hazard, dated 22 January 2021. Ms Zhou's advice is relied on to inform the assessment of three waters infrastructure capacity and natural hazard effects.
- Engineering memorandum from Council's subdivisions engineer Sylvio Leal, dated 11 November 2021. Mr Leal's advice is relied on to inform the assessment of the servicing of the proposed allotments.
- Notification decision made by Alicia Todd, Senior Resource Consents Planner, Hutt City Council, dated 27 October 2021.
- Properly made submissions objecting to the proposal either in full, or in part, as summarised in section 5 of this report.

I consider the relevant environmental effects to be as follows:

- Residential amenity, streetscape and character effects;
- Bulk and amenity
- Shading effects
- Privacy effects
- Internal amenity
- Allotment design and layout
- Traffic effects
- Natural hazards
- Infrastructure capacity
- Engineering matters
- Earthworks
- Construction effects; and
- Positive effects.

#### Residential amenity, streetscape and character effects

This effects assessment is informed by the context of the relevant objectives and policies in the District Plan. In particular, the following Plan provisions have formed context for the subsequent effects assessment under s104:

- Objectives 4A 2.3, 2.4, 2.5 & 2.6
- Policies 4A 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.11, & 3.12

These provisions set useful context for the intent of the residential zoning, being to support residential activities of a low-to-medium development density, where these activities do not appear 'dominant' (Policy 4A 3.4) or result in unreasonable privacy and shading effects (Policy 4A 3.5).

It is noted that the Raukawa Street frontage is the sole location for site access, and will be the public environment which interacts with the proposed residential development most significantly.

Units 1 – 4 will be the most visibly prominent part of the site from the streetscape, due to directly fronting the street. These units are arranged into two building blocks, at two-storeys in height. The dwellings are slightly recessed from the street environment, and all comply with the minimum front yard requirement and are designed to address the street with front facing entrance doors, vegetated frontages and no fencing.

The site's integration with the surrounding streetscape was assessed by consultant urban designer Alastair Upton, who noted that the site both activates and "*relates well to the street*", with features such as landscaping, a limitation on the width of the vehicle access point, and streetscape orientation assisting in activating the street frontage. The application proposes no

fencing at the street edge, instead opting to have a landscaped frontage to create positive interaction between the front site dwellings and the street environment, further softening the appearance of the site while adhering to appropriate crime prevention through environmental design (CPTED) principles. The vehicle access to the site is limited to the south-eastern corner of the site, provided access to a central parking area that is well screened by units 1 – 4 to avoid a car-centric frontage. Refuse collection for the rear units will be internal to the site, reducing amenity impacts from rubbish bins being located on the street frontage.

The building mass and bulk to be experienced within the streetscape, while substantially higher than that which is currently onsite, will have less than minor effects on the basis of proposed setbacks and landscaping, and what could be anticipated from a permitted baseline development. While it is acknowledged that a greater number of dwellings and physical building blocks are sited to the rear of these units, when viewed from the streetscape environment, these additional units will be largely screened or setback such that they will not represent a dominant feature of the site. I consider that character, while not consistent in form and grain of that surrounding the site, is appropriate as the development is clearly residential in nature and has been designed in accordance with the medium density design guide.

Overall, residential character, streetscape and amenity effects will be acceptable.

#### Bulk and amenity, shading and privacy effects

A comprehensive assessment of visual amenity (relating to building bulk), shading and privacy effects was undertaken as part of the notification decision for this application which I will not repeat in full in this section. The notification decision resulted in the persons at following properties being found affected due to effects being assessed as minor; 32A Raukawa Street (privacy effects), 15 Poppy Watts Grove (privacy effects), 1/19 Poppy Watts Grove (bulk and amenity, and shading effects) and 2/19 Poppy Watts Grove (bulk and amenity, shading and privacy effects). Submissions were received for each of these properties.

Subsequently the applicant sought to make changes to reduce the privacy and amenity effects in response to points raised in the submissions. To address privacy effects, the outdoor decks serving as the primary outdoor living spaces for each of the dwellings were lowered in height. With regards to the outdoor spaces for dwellings 5-15 facing the western boundary, raised decks were effectively replaced by patios placed at ground level. With regards to deck spaces for dwellings 16-17 facing the western boundary and dwellings 18-20 facing the northern boundary, these decks were reduced the height equivalent of one or two steps (up to 340mm). Fence heights on external boundaries were proposed to be raised to 2m in height (with the exception of the boundary shared with 2/19 Poppy Watts Grove due to the agreement reached with the owner of this property). As such boundary fencing will be more effective (when compared to the proposal assessed at the notification decision) in providing screening towards outdoor living areas. To mitigate overlooking from first floor spaces, the applicant revised the proposed design to remove Juliet balconies from first floor bedroom windows.

The applicant also provided an updated landscape plan to incorporate lower-height tree specimens along the external boundaries. Although the larger trees may have provided some

screening or softening towards the visual extent of the buildings, the changes are in response to concerns raised by the submitters with the potential deposition of leaves in their properties.

No changes are proposed the location or scale of the proposed dwellings, whereby shading effects are considered to be much the same as assessed in the notification decision.

It is noted that following these changes the submission for 2/19 Poppy Watts Grove was withdrawn.

In terms of the overall privacy, shading and amenity effects it is acknowledged that the site will present a change to neighbouring properties as buildings will be situated where there are currently none. The mitigations proffered by the applicant will reduce the extent that persons on neighbouring properties may be overlooked from ground floor indoor and outdoor living spaces. With regards to potential overlooking from first floor spaces, it is noted that all first floor windows on the northern and western elevation will be to either bedroom or bathroom spaces. The use of these spaces may be intermittent (as in the case for bathrooms) or focused to night-time hours (bedrooms), and particularly with the removal of Juliet balconies, the potential of overlooking from these spaces will be limited.

The permitted baseline concept presented by the applicant illustrates that a large two-storey dwelling could be situated adjacent to No 32A, whereby some adverse privacy effects similar to the proposal could be expected as a permitted activity. The applicant's permitted baseline concept does not include potential permitted dwellings adjacent to 15, 1/19 and 2/19 Poppy Watts Grove. In the case of No 15, it is noted that proposed dwelling 18 will be adjacent to a corner of the shared rear boundary, will comply with minimum yard and recession plane controls, with privacy effects mitigated through the reduced deck height, increased fence height and removal of the Juliet balcony. In the case of No 1/19, proposed dwelling 18 will be setback a minimum 4.7m, and in the case of 2/19 privacy effects will be mitigated by the proposed tinting of windows at the existing dwelling at this property.

With regards to shading effects, the notification decision assessed that 1/19 and 2/19 Poppy Watts Grove would receive an additional two hours of shade throughout the year. It is not considered that these would be reduced by any of the revisions to the proposal plans following the notification decision. The shading effects will be limited to the morning, with afternoon sunlight access to these properties not affected by the proposal. In the case of No 15, potential shading effects will be limited by the north position of this property relative to the application site. In the case of 32A Raukawa Street, the shading effects are considered comparable to what may expected in the applicant's permitted baseline concept.

With regards to visual amenity effects related to building bulk, it is noted the proposed dwellings incorporate modulation in bulk and roof forms, and variation in cladding and materials to promote visual interest. The revised landscaping, which although offering less screening towards the proposed buildings, has been negotiated to a level acceptable to persons at neighbouring properties. Although the proposed building bulk exceeds that which may be expected in a permitted activity, it is considered to be consistent with that anticipated by the District Plan, noting the extent of compliance with District Plan building bulk and location controls. With regards to amenity effects related to the concentration of outdoor living areas along external boundaries, the lowered deck height and raised fence height mitigations,

will provide more effective screening to activity within these spaces. The small size of these spaces will limit the extent that they can accommodate noisy activities such as gatherings or children playing.

The notification decision concluded that effects on persons at other properties (other than those identified above) were less than minor. These conclusions remain valid and are adopted for the purpose of this s104 assessment.

Following the above assessment, and with consideration to the policy direction of the District Plan and National Policy Statement for Urban Development, I consider the potential adverse related to bulk and amenity, shading and privacy to be acceptable.

#### Internal amenity

Each of proposed units 2, 3, 6 – 8, & 11 – 14 will not comply with the development standard for outdoor living space. However the proposal has been assessed as meeting the expected outcomes of the *Medium Density Design Guide*, including in relation to the outdoor living and internal amenity (refer to section 6.3 of this report for details), with the assessment noting the orientation, minimum dimension and separation to boundary ensuring sunlight access, outlook and privacy for these spaces. The size of outdoor areas for the non-compliant units will range in size between 17-18.5m<sup>2</sup>, which is not considered a significant quantum less than the minimum 20m<sup>2</sup> standard. Furthermore secondary private outdoor spaces are available at the front of these respective dwellings. Accordingly the provision of private outdoor living spaces are considered to be consistent with what is anticipated in the District Plan for comprehensive residential development. The proposal includes extensive proposed landscaping which will be of a high quality and will enhance the amenity of the site. The applicant has proffered a condition for the creation of a residents' society responsible for maintaining the communal areas of the development. It is considered this will help avoid future potential conflicts and will ensure the amenity values of the site are maintained. For the above reasons potential adverse effects related to internal amenity are considered to be acceptable.

#### Allotment design and layout

Each of the proposed residential allotments 1-22 do not comply with the allotment design standards for size and shape. However each of the proposed allotments is considered to be of a suitable size and shape to contain their respective dwellings and private outdoor space. Although there will be some non-compliances with General Residential development standards associated with the proposed dwellings, the potential adverse effects on amenity both internally and on adjacent sites have been assessed above as being acceptable. There is suitable provision for vehicle and pedestrian access to Raukawa Street via proposed lot 23. Accordingly the proposed allotments are considered to be suitable for their intended use, and adverse effects related to allotment design non-compliances are considered to be acceptable.

#### Traffic effects

The proposed layout has been designed on an iterative basis informed by feedback from Council's consultant traffic engineer Harriet Fraser. Following this process the final design did not comply with District Plan transport non-compliances for site access, on-site manoeuvring and on-site rubbish collection. Ms Fraser has reviewed the proposal and considers it acceptable subject to conditions of consent requiring;



- Entrance signage stating the access is for residents cars only and there is no on-site turning.
- Provision of secure gates to ensure the security of the proposed bike storage.

There is sufficient provision for residents accessing car parking spaces. As there is not provision for a turning head, the signage will ensure visitors are aware of limited available manoeuvring for visitors.

With respect to access width, although non-compliant with the District Plan a minimum 5m width will be maintained to enable two-way movement for the full length of the driveway. Footpath access will be provided separately.

With regards to on-site rubbish collection, an internal collection area has been provided however it does not provide for on-site turning for a collection vehicle. However noting the sightlines at the Raukawa Street vehicle crossing, Ms Fraser considers a truck would be able to suitably reverse into the site to access the collection point.

Following the above assessment, the potential adverse traffic effects are considered to be acceptable.

#### Natural hazards and infrastructure capacity

Wellington Water has advised that the site is located within a modelled flood hazard area. The applicant has designed the site to position dwellings above modelled flood depths, and has also undertaken additional modelling which confirms natural hazard effects related to displaced floodwaters will be less than minor.

It is noted that flooding / stormwater runoff was a particular matter raised in the submission for 15 Poppy Watts Grove. The proposed development is designed to be stormwater neutral such that peak post-development flows will not exceed pre-development levels. Sub-soil drains will be provided at the base of retaining walls to avoid seepage to adjacent sites. All manholes sumps will be located in accessible areas, and the proposed residents' society will ensure these will be maintained. For the above reasons potential adverse effects related to flooding, and stormwater runoff and ponding will be acceptable. The site is not known as being particularly prone to any other natural hazards.

With regards to the capacity of the wastewater and water supply networks, onsite wastewater mitigation is not required, in accordance with recommendations from Wellington Water. There is sufficient capacity within the existing network to provide for water supply requirements onsite.

With regards to the capacity of land transport infrastructure, there are no known limitations in the capacity of the local road network to absorb the additional transport demand from the development. Bus routes on Stokes Valley Road may encourage public transport use.

Accordingly potential adverse effects on the capacity of three waters and land transport infrastructure will be acceptable.

### Engineering matters

The application has been reviewed by Council's subdivisions engineer who has concluded it can meet the District Plan's engineering standards subject to adherence to conditions. I concur with this assessment and have included the engineer's recommended conditions with this consent.

### Earthworks effects

Proposed earthworks to level the site for building platforms and access areas total 454m<sup>3</sup> (280m<sup>3</sup> cut, 174m<sup>3</sup> fill), to a maximum cut and fill depths of 1m and 1.2m respectively. This is a compliant vertical alteration, but exceeds the maximum allowable volume for a site by 404m<sup>3</sup>. The applicant notes the following in respect of earthworks proposed:

*All areas exposed by earthworks will be built over, paved or subject to landscaping upon completion, ensuring that visual amenity effects will be less than minor. As the site does not contain any distinct or significant natural or topographical features any associated effects will be less than minor, and the modest depth and integration with existing ground levels will ensure long term site stability. Thus, any adverse earthworks effects are considered to be less than minor.*

I agree with the above statement and adopt it for the purpose of this assessment. The applicant has advised that silt and sediment control measures will be implemented in accordance with the, Erosion and Sediment Control Plan (ESCP), Earthworks Management Plan (EMP) and Sediment Control Management Plan (SCMP) submitted by the applicant in support of their application. Vibration effects will be managed via adherence to the vibration control measures detailed by the applicant. The applicant has also proffered a condition of consent that a Construction Management Plan (CMP) be developed for the site and approved by Council. This CMP will detail comprehensively the erosion, sediment and earthworks control measures to be installed and maintained for the duration of site works. The applicant has also confirmed a number of conditions which form part of their application relating to the management of potential earthworks 'nuisance' effects, such as dust and sedimentation.

As previously noted, potential adverse effects related to displaced floodwaters have been modelled and found to be acceptable. The site is not subject to any natural hazard risk nor is it the site of any natural, cultural or archaeological sites of significance. The proposed earthworks will only marginally alter the natural site topography by undertaking a combination of cut and fill across various pockets of the site to ensure a uniform ground level, however the key topographic feature in that the site is flat and sloped to the rear will be retained. Overall, earthworks effects will be acceptable.

### Construction effects

Construction effects from the proposal include those relating to earthworks, construction traffic, noise and other general amenity effects. Earthworks effects will be managed through adherence to the EMP and SCMP submitted by the applicant in support of their application. Vibration effects will be managed via adherence to the vibration control measures detailed by the applicant. Additional construction effects (such as noise and traffic) will be managed via adherence to a Construction Management Plan (CMP) which the applicant has confirmed is a condition forming a part of their application. This CMP will address measures to ensure compliance with the New Zealand standards relating to construction noise, as well as

stipulating hours of work and traffic management processes. Furthermore the effects resulting from construction will be temporary in nature, limited to certain hours and days and will cease following completion of the site works. All construction vehicles are to be parked onsite for the duration of works, which the applicant has confirmed is a condition forming a part of their application. Overall, considering the above measures and the effects from a permitted baseline development, the construction effects will be acceptable.

#### Positive effects

The supply of 22 new (21 additional) dwellings will increase housing supply, quality, and variety and will provide for economic well-being, which are considered to be positive effects.

### **6.3 - ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)**

#### **Design guide assessment**

The applicant's assessment of environmental effects includes an assessment of the proposal against Council's *Medium Density Design Guide*. Alastair Upton, Council's consultant urban design advisor, has provided a final peer review assessment on 9 September 2021. The applicant's and Mr Upton's assessment should be read in conjunction with this report.

Mr Upton's assessment is summarised as follows:

#### Design guide principles

- *Consolidate activities addressing the street* – four dwellings will face the street, and the driveway width will be relatively minor as a proportion of the frontage width. A consolidated bin storage area is provided within the development, avoiding large concentrations of bins on the street.
- *Respond to the environment* – the front dwellings have kitchen and bedroom windows providing passive surveillance of the street. The common parking area will be similarly overlooked by the internal units. The units are arranged such that related outdoor areas will have sunlight access. The concentration of outdoor living spaces along the western boundary may impact the amenity of adjacent sites.
- *Create a sense of place* – the development is logically laid out and revolves around the common areas on the eastern side of the site. The main common areas are utilitarian in nature and lacking in character, however the landscape plan will go some way in enhancing the amenity of these areas.
- *Integrate with the street and neighbourhood* – the development provides walking connections to the street edge to the greatest extent which may be expected. Units 1-4 relate well to the street.
- *Provide diversity and interest* – the arrangement of the proposed units is relatively homogenous however will contribute to an efficient land use. The development provides some interest by way of separated unit blocks, good quality landscaping and the juxtaposition in arrangement of the rear unit block.

#### Conclusions

Mr Upton concluded "Overall, the proposal is of a good standard and as such I provide urban design support for a Council decision to grant resource consent for the proposal".

Following Mr Upton's assessment, the proposal was revised to address concerns raised by submitters. Changes of relevance to the urban design assessment include the removal of Juliet balconies, the reduction in deck heights, the increase in height of boundary fencing, and the replacement of boundary specimen trees with lower height plantings.

With regards to the quality of outdoor living spaces, it is noted that the Juliet balconies were small supplementary spaces accessed from bedrooms. The outlook from these bedrooms will be maintained despite the loss of the balconies. The decrease in height of the decks will be equivalent to two steps down from the height of the internal living areas. It is not considered this will adversely impact the quality or function of these spaces. The step-down on the threshold between indoor and outdoor areas could function informally as a seating area. The increase in fence heights will not be of a extent to impact sunlight access to deck spaces and may enhance the perception of privacy for residents of the units. The proposed changes to specimen trees is considered a small change in the context of the overall landscaping plan, and will result in lower maintenance specimens.

Following Mr Upton's assessment and the additional assessment of urban design outcomes in relation to the revised proposal, I consider the proposal to align with the expected outcomes of Council's *Medium Density Design Guide*.

### **Objectives and policies of the District Plan**

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

#### Chapter 4A – General Residential Activity Area

- Objective 4A 2.1 – Residential Activities are the dominant activities in the General Residential Activity Area.
- Objective 4A 2.2 – Housing capacity and variety are increased.
- 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.
- 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.
- Objective 4A 2.5 – Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.
- Objective 4A 2.6 – Built development is located and designed to manage significant risk from natural hazards.
  - Policies 3.1-3.2, 3.4-3.12

The proposed comprehensive residential development is consistent with the objective that residential activities are the dominant activities in the General Residential Activity Area and will provide for increased capacity and diversity in the city's housing stock. Although an extensive form of development, the proposed development will mostly comply with District Plan controls for building bulk and location, and will incorporate extensive landscaping, whereby the amenity outcomes are considered consistent with those anticipated by the District Plan for comprehensive residential development. The design provides for suitably

sized and orientated and outdoor living spaces, to ensure high-quality on-site amenity for residents. The proposal can be suitably serviced by network infrastructure.

#### Chapter 11 – Subdivision

- *Objective 11.1.1 – Allotment standards – To ensure that land which is subdivided can be used for the proposed use or development.*
  - *Policies: (a)-(b)*
- *Objective 11.1.2 – Engineering standards – 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)*
- *Objective 11.1.3 – Natural hazards – To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.*
  - *Policy: (b)*

The proposal will not comply with allotment design standards for size and shape, however the proposed residential development has been assessed as being consistent with the expectations of Council's Medium Density Design Guide for comprehensive residential development, with suitable provision for internal amenity. There is suitable provision for pedestrian and vehicle access to each of the proposed allotments. Accordingly the proposed allotments are considered to be suitable for their intended residential use. Each of the allotments can be serviced by network infrastructure. The proposed dwellings will have suitable floor levels to mitigate inundation risk.

#### Chapter 14A – Transport

- *Objectives: 14A 3.1, 3.3, 3.4 & 3.5*
  - *Policies: 14A 4.2, 4.3, 4.4, 4.6 & 4.7*

The proposed development has been suitably designed with consideration to the integration with the surrounding land transport network. It is considered vehicles and pedestrians will be able to safely access the site without unduly impacting the safety and operation of the land transport network or safe access to adjacent sites. It is considered the proposal will not result in additional reverse sensitivity effects on the adjacent transport infrastructure, noting the application site is within an established residential area, and is not subject to any transport infrastructure buffer areas identified within the District Plan. Although the proposal does not include an on-site loading facility and manoeuvring for refuse collection, it is considered that refuse collection vehicles will be able to safely access the site. The proposed activity is not considered a high trip generating activity (as defined by the District Plan), and it is considered that additional traffic generated from the proposed development should be able to be readily accommodated within the road network.

#### 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)*

The application site does not include any visually prominent hillsides or features which contribute significantly to the City's landscape. There are no known features of historical or cultural significance associated with the site. The earthworks are considered generally sympathetic to the site topography and will not undermine site stability. Earthwork face areas will be covered by works completion and temporary adverse amenity effects can be suitably controlled through adherence to a construction management plan required through a condition of consent.

#### 14H – Natural Hazards

- *Objective 14H 1.1.1 – Risk associated with natural hazards – To avoid or reduce the risk to people and their property from natural hazards associated with seismic action, landslides, flooding and coastal hazards.*
  - *Policy: (a)-(e)*

The proposed dwellings will have been designed to achieve minimum floor levels recommended by Wellington Water to mitigate inundation risk. The proposed earthworks are low in form and are not expected to elevate flood risk on adjacent sites. The passage of the overland flow through for the site has been suitably accounted for whereby overland flows will not be displaced to any adjacent sites. The site is not known as being otherwise particularly prone to natural hazards such as seismic action, landslides or coastal hazards.

#### Conclusion

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

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

#### **National Policy Statement on Urban Development 2020 (NPS-UD)**

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

The proposal is for 22 residential units and related subdivision on a site zoned for residential development. The site is within an existing urbanised area that it is well serviced by infrastructure. It is considered the proposal is an efficient use of the site that will enable well-functioning urban environments and will increase the capacity and variety of housing supply in the city.

## **Regional Policy Statement for the Wellington Region (RPS)**

The proposed development is considered to be consistent with the Regional Policy Statement for the Wellington region (RPS), including Objective 19 and Policy 51 as it is considered that conditions of approval requiring the engineer design and certification of earthworks and retaining walls will suitably minimise the risks and consequences related to natural hazards.

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.

### **6.5 – 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.

### **6.6 - PART 2 OF THE RESOURCE MANAGEMENT ACT**

Part 2 of the Act comprises Section 5: Purpose and Principles, Section 6: Matters of National Importance, Section 7: Other Matters and Section 8: Treaty of Waitangi.

For the reasons outlined throughout this report, the proposal is considered to be consistent with the sustainable management purpose of the Act. Given the scale of the proposal, it is not deemed to relate to any matters of national importance.

Relevant other matters which have been considered include s7(b): the efficient use and development of natural and physical resources, s7(c): the maintenance and enhancement of amenity values and s7(f): the maintenance and enhancement of the quality of the environment. In making this determination, I have had particular regard to these matters.

Finally, the subject site is identified as containing a statutory acknowledgement area, which may represent a historical watercourse. Iwi representatives were contacted in relation to the statutory acknowledgement area and the proposal, however no responses were received. To the extent relevant to this proposal, I have had regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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

### **6.7 - 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 proposed dwellings will have been designed to achieve minimum floor levels recommended by Wellington Water to mitigate inundation risk. The proposed earthworks are

low in form and are not expected to elevate flood risk on adjacent sites. The passage of the overland flow through for the site has been suitably accounted for whereby overland flows will not be displaced to any adjacent sites. Earthworks fill will be engineer designed to ensure stability. The site is not known as being particularly prone to any other natural hazards.

Each allotment will have suitable legal and physical access to Raukawa Street.

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

## 6.8 - SUBSTANTIVE DECISION

I have considered the proposal in accordance with section 104 of the Resource Management Act 1991 and find the environmental effects to be acceptable, subject to the conditions set out below.

I have had regard to submissions received following notification of the application. Sections 5 and 6 of this report summarise the matters raised by submitters, the principal issues arising from the proposal, the evidence considered in the assessment and the key findings.

I consider the proposal to be consistent with the purpose and principles of Part II of the same act and generally consistent with the objectives and policies of the General Residential activity area chapters of the District Plan.

I therefore grant the consent under section 104B of the Resource Management Act 1991.

## 7. CONDITIONS OF RESOURCE CONSENT

In accordance with s108 and s220 of the Resource Management Act 1991, resource consent has been granted subject to the following conditions, which have been agreed to by the applicant:

### Subdivision consent

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.

#### Approved plans:

- Subdivision scheme plans, prepared by envivo, Ref # 31932-SUR-00-XX-DR-G-131-IF-E, and -132-IF-E, both dated 21.03.22
- Erosion and Sediment Control Plan prepared by Holmes Consulting, Ref # 141877.53 CSK-04 Rev 0, dated 29.01.2021
- Retaining Structure Plan prepared by Holmes Consulting, Ref # 141877.53 C30-01 Rev A, dated 11.02.2021
- Earthworks Cut and Fill plan prepared by Holmes Consulting, Ref # 141877.53 C21-01 Rev A, dated 11.02.2021
- Earthworks Management Plan prepared by Coastal Digger Services Ltd, and submitted to Council 07.09.21.

- Sediment Control Management Plan, submitted to Council 07.09.21.
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 \$175 per hour.
  - Notification of work commencing is separate to arranging building inspections.
  - Work outside what the District Plan permits is not to commence until all conditions that are to be signed off before work commences are complied with.
3. 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). The fee is charged at an hourly basis of \$175 per hour for an engineer or \$195.00 for a senior engineer. Payment is necessary before or at the time of applying for a section 224(c) certificate.
4. That the consent holder compacts all earthwork fill areas in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989).

**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.
  - Fill depths in excess of 0.6m below proposed buildings are outside the scope of foundation design under 'NZS 3604:Timber-Framed Buildings' and require specific engineering design by a suitably qualified professional engineer.
  - Retaining walls must be designed so that any pipes cross them perpendicularly, and so that the wall does not exert any force on the pipes. A design detail showing how the pipe goes through the wall is protected must be supplied at Engineering Approval stage.
5. That the consent holder engages a chartered professional 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 chartered

professional 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:**

- The certification shall also address all earthworks undertaken within the common areas and subject to traffic loads.

6. That the consent holder installs subsoil drains behind all retaining walls and connects to an appropriate stormwater outlet.

**Please note:**

- The proposed subsoil drains and outlet connection locations shall be clearly shown on the engineering drawings submitted for approval and the as-built drawings. Subsoils shall discharge via a sump unless otherwise approved.
- The retaining wall design shall ensure no additional surcharge is imposed on the public sewer main, and a minimum separation of 1.5m shall be maintained to the outside of the pipe barrel.

7. That earthworks are undertaken in accordance with the approved Erosion and Sediment Control Plan, Earthworks Management Plan and Sediment Control Plan.

**Please note:**

- It is noted that the proposed area of earthworks may be over 3,000m<sup>2</sup> and trigger the requirement for a resource consent from the Regional Council which in turn may trigger the requirement for the installation of permanent stormwater treatment facilities. It is recommended that the consent holder contact GWRC at an early stage to discuss this matter.

8. 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 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 development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise. Machinery operating hours, including machinery start-up times, shall be limited to between 7.30am and 6pm Monday to Saturday, with no work on Sundays or public holidays, in accordance with the noise level restrictions in the table below. Some activity is permitted on construction sites on



weekdays between 6.30am and 7.30am, however these shall be limited to preparation works and shall not include the operation of machinery.

| Time Period     | Weekdays |     |      | Saturdays |     |      | Sundays and Public Holidays |     |      |
|-----------------|----------|-----|------|-----------|-----|------|-----------------------------|-----|------|
| Hours Between   | L10      | L95 | Lmax | L10       | L95 | Lmax | L10                         | L95 | Lmax |
| 6:30am – 7:30am | 60       | 45  | 70   | *         | *   | *    | *                           | *   | *    |
| 7:30am – 6:00pm | 75       | 60  | 90   | 75        | 60  | 90   | *                           | *   | *    |
| 6:00pm – 8:00pm | 70       | 55  | 85   | *         | *   | *    | *                           | *   | *    |
| 8:00pm – 6:30am | *        | *   | *    | *         | *   | *    | *                           | *   | *    |

\* At these times the relevant provisions of NZS6802 shall apply. This may mean that no noisy work can take place during these hours.

10. 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:**

- 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.
- 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".

11. That the consent holder constructs the pedestrian pathway/right-of-way, including any necessary stormwater control, in accordance with Council's codes and standards.
12. That the consent holder removes the existing concrete vehicle crossing/s, reinstates the kerb, footpath and berm in accordance with Council's codes and standards.
13. That the consent holder installs the reticulation as necessary and connects separate minimum 100mm NB sewer and stormwater service leads to private or public mains for each residential lot (and adjust existing services where necessary) in accordance with Council's codes and standards.

**Please note:**

- All stormwater and 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>.

- It is now Council policy that only existing sewer and stormwater laterals less than 25 years old can be utilised for a new dwelling or new vacant lot, otherwise they are to be renewed or sealed off at the mains if not replaced in the same location.
  - 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.
  - The development of this site will require new drainage to be constructed through neighbouring private property/s in order to connect to the public stormwater network. The written permission of the owner(s) of any private property through which the new drain will pass is required to be obtained prior to submitting engineering plans for approval or prior to Building Consent.
  - The proposed stormwater main through the neighbouring property at 13 Poppy Watts Gr, and along the rear of lots 18-20 (up to the eastern boundary), is to be vested as public and therefore shall be a minimum of 300mm dia (instead of 225mm as indicated). This will require proposed manholes to be full sized, and a manhole where the pipe transitions to the private pipe/smaller size.
  - The manhole at the private/public juncture shall have a grated lid to manage any overland flow.
  - The preference is for the proposed decks along the rear of lots 18-20 to be clear of the required easement in gross. As a minimum, no private connections shall be installed under the decks and the decks shall be constructed so these are easily removed and the piles/foundations maintain a minimum clearance of 1.0m from the outside of the pipe barrel.
  - The preference is for the proposed decks to be clear of the required private drainage easements. As a minimum, no connections shall be installed under the decks, there must be rodding/inspection points outside the deck, the decks shall be constructed so they are easily removed, and the piles/foundations maintain a minimum clearance of 1.0m from the outside of the pipe barrel.
  - A stormwater connection is to be provided to the boundary of the neighbouring property at 22 Raukawa Street.
14. That the consent holder renew the existing public sewer main through the site, from the western boundary to the existing public manhole within the site. Renewal of the existing public sewer will not be required if it is determined at the engineering approval stage that the pipe is in an acceptable condition, as determined by the HCC Subdivisions team upon receipt of a CCTV investigations sourced and paid for by the applicant.
15. That the consent holder ensures the development is designed to be stormwater neutral to avoid impact on the downstream network. Stormwater neutrality is required for both a 10 year and a 100 year rainfall event. The development must therefore be provided with a stormwater management system(s). The stormwater management design must be approved in writing by the Wellington Water Land Development Team and the following aspects must be met:

- RELEASED UNDER THE OFFICIAL INFORMATION ACT 1987
- i. The consent holder must construct an approved stormwater management system or systems in accordance with plans approved under the Resource or Building Consent and agreed with the Wellington Water Land Development Team.
  - ii. The stormwater management system(s) must be designed so that the total stormwater discharge post-development from the site in both a 10 year and a 100 year rainfall event is less than or equal to the stormwater runoff flows prior to the development.
  - iii. The consent holder must ensure that all connections to the system(s) are trapped to minimise debris entering the system.
  - iv. Following construction of the stormwater management system(s), an as-built plan and a maintenance schedule must be made available for future property owners. The plan and schedule must be approved by the Wellington Water Land Development Team.
  - v. The owner(s) of appropriate lots must follow the required operation, maintenance and renewal of the system(s), set out in the maintenance schedule, to ensure it is in full working order at all times.
  - vi. The owner(s) of appropriate lots cannot increase stormwater discharge, through an increase in non-permeable areas, without Council approval; as an increase in stormwater discharge may result in failure of the stormwater detention systems.

Council will register a consent notice, in accordance with section 221 of the Resource Management Act 1991, on the record of title of appropriate lots specifying the requirements (iv -vi) above.

**Please note:**

- The attenuation tank outlet/overflow pipe shall have enough capacity to cater for the 1%AEP discharge from the internal catchment.
- Adequate access shall be provided to the orifice/outlet pipe.
- Any un-attenuated discharge shall be account for on the detailed design/calculations.
- Revised calculations to be submitted at engineering approval detailing overall pre-development discharge, post-develop discharge (clearly indicating what's being attenuated any not).

16. That the consent holder supplies 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:**

- All water (and stormwater and sewer) reticulation services shall be designed and constructed in accordance with the '*Regional Standard for Water Services*', the '*Regional Specification for Water Services*' and the '*Approved Products Register*', including all associated amendments. Copies of the latest version of these documents are available on the following website:  
<https://wellingtonwater.co.nz/contractors/technical-information>.

- It is now Council policy that only existing laterals of polyethylene material can be utilised for a new dwelling or new vacant lot. All existing non-polyethylene laterals, including the tobies, are to be renewed and sealed at the main if not replaced in the same position.
  - The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are processed by Wellington Water Ltd., 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.
  - Note the building consent requirement "if buildings that contain multi-unit dwellings with more than two units are located remotely from the street boundaries of a property, pavements situated on the property and necessary to be used for vehicular access to a hard-standing within 75m of any point in any unit contained in the building except if there is a sprinkler system complying with NZS 4515 have a minimum width of 4m.
  - Preliminary assessment indicated that a single feed supply 63mm OD reticulation may not be adequate to supply the development and a two-end-supply design may be required. The applicant is to provide flow and pressure results and calculations at the Engineering Approval stage to confirm this.
  - The applicant shall take into consideration the minimum clearances required as per section **6.7.3 Minimum clearances from other utilities** from the Regional Specification for Water Services, and the alignment of the electrical and telecommunication service leads within the development shall be indicated on the engineering plan for approval so adequate service separation can be demonstrated.
17. 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.
18. That the consent holder submits a copy of the approved water connection application form (signed by Wellington Water Ltd.) when applying for the section 224(c) certificate.



19. That the consent holder arranges for a certifying drainlayer or engineer to investigate and plot the alignment of the existing sewer and stormwater pipework to the extent that the location of existing connections to the public main can be determined in order that they can be sealed at the mains if not replaced in the same location. This information is to be plotted on both the required engineering plan and subsequent as-built plan.
20. That the consent holder arranges for a certifying drainlayer or engineer to investigate, CCTV inspect and plot the alignment of the public sewer mains through the rear of proposed lot 21 and 22 in order that this information is plotted on both the required engineering plan and subsequent as-built plan and that appropriate easements can be created, and to verify the condition of the mains prior to construction works start and ensure that no damage is made to these pipes; and that if such damage happen, the consent holder repairs the pipe as necessary.

**Please note:**

- The CCTV footage shall be submitted to Council at the time of applying for engineering approval.
  - A second CCTV inspection shall be carried out after completion of construction works to verify the condition of the public sewer main and ensure no damage has been done. The CCTV footage is to be submitted to Council at the time of applying for 224(c) certificate.
21. That the consent holder severs all abandoned cross-boundary services, including any water, sewer and stormwater pipes. Abandoned pipes within the property are to be sealed at the junction with the "live" pipe and at all ends (including where the line is broken through). In addition, where abandoned pipes have the potential to act as a cross-boundary field drain they are to be sealed at the boundaries. Abandoned property laterals (connections from the main or kerb) are to be severed and sealed at the main or kerb.

**Please note:**

- **The position of sealing of abandoned lines is to be shown on the final as-built plan.**
22. That the consent holder submits engineering plans for the above construction work to Council subdivision engineer for approval; that the plans provide information on the materials to be used, including the size, type and class of pipes, as well as indicate pipe gradients; and that all this work is carried out in accordance with the approved plan.

**Please 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, 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.

- Please provide construction details and design levels of the proposed private way.
  - **Please provide a trench cross section of the service locations demonstrating adherence to minimum clearance requirements in accordance with Wellington Water Regional Specification and other service authority requirements. The separation between sewer and water lines should be maximised.**
  - The proposed timber decking/walk-way over the new sewer manhole shall be designed to ensure that the manhole remains accessible at all times. An easily removable access-hatch shall be provided directly over the new manhole.
23. 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.
24. 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.
25. That the consent holder provides underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
26. 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.
27. 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.
28. 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 for stormwater and wastewater, or 1.8m for 63mm water

supply services; 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:**

- Council will not entertain taking over assets where appropriate easements in gross and clearance to other services are not provided.
- **It is noted that the position of the existing sewer main has been scaled and has not been confirmed by CCTV survey or potholing on site. Any required amendment to the subdivision scheme plan or any resource consent as a result of the sewer main not being in the correct location shall be the sole responsibility of the applicant.**
- The easement tables shall be reviewed to reflect the final servicing arrangement, noting that servicing easements are to be provided over the common access lot (lot 23) as applicable and appropriate drainage rights are to be provided in favour of lot 23 where the stormwater pipework serving this lot crosses other lots.
- The proposed decks over the private easements are not considered adequate.

29. 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:**

- Where a dwelling is constructed closer than one meter of the boundary, an easement for maintenance is to be registered on the record of title of the adjacent property to allow for reasonable access for maintenance.
- Where a dwelling shares a common wall which straddles a freehold boundary, a party wall easement is to be registered on the records of title accordingly.

30. That the consent holder moves all buildings clear of the new boundaries before applying for a section 224(c) certificate.

31. 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 that for this development, the following will apply:**

- Rider mains of 63mm dia. and above, including valves and hydrants and individual laterals up to and including the tobies off the main only;
- Stormwater mains (of 300mm dia. and above) and manholes, **but not individual laterals, sumps and leads.**

32. 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.
33. 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 to ensure future owners are aware that the properties share private sewer and stormwater drains, and stormwater attenuation systems as shown on the final as-built plans. Noting that it is anticipated this will apply as follow:
- Lots 1 to 15 share a private sewer lateral to the public mains.
  - Lots 16-22 share a private sewer lateral to the public mains.
  - All lots share a private stormwater attenuation system and lateral system.
34. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of each lot ensure any dwellings built on these lots 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.
35. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 18 to 22 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.

**Please note:**

- Any proposed retaining walls over the public mains shall be design to comply with the requirements of the 'Regional Standard for Water Services' clause 4.4.14 - 'Pipes near Buildings' and maintain a minimum separation of 1.0m between the outside of the pipe barrel and the outside of the retaining posts.
  - The foundations/piles shall maintain a minimum distance of 1.0m from the outside of the pipe barrel and shall be design in accordance with clause 4.4.14 Pipes near buildings of the Regional Standard for Water Services.
36. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of each lot to ensure any dwellings built on these lots have a minimum under-floor level of RLs as listed below (Local Vertical Datum - Wellington 1953) to mitigate possible flooding. This level refers to the underside of timber floor joists or, in the case of a concrete slab, add 100mm to obtain the required finished floor level.

| Lot Number | Minimum Floor Level to Underside of Joists (m RL Local Vertical Datum – Wellington 1953) |
|------------|--|
|------------|--|



|                  |      |
|------------------|------|
| 1                | 70.2 |
| 2                | 70.1 |
| 3                | 70.0 |
| 4                | 69.8 |
| 5                | 69.3 |
| 6                | 69.3 |
| 7                | 69.2 |
| 8                | 69.0 |
| 9                | 68.9 |
| 10               | 68.6 |
| 11               | 68.5 |
| 12               | 68.4 |
| 13               | 68.3 |
| 14               | 68.2 |
| 15               | 68.1 |
| Lot 16-17, 21-22 | 67.1 |
| Lot 18-20        | 67.0 |

**Please note:**

- The consent notice shall stipulate that, unless otherwise approved by Council, any new dwellings on lots 16 to 22 inclusive shall be constructed on raised piles foundation and the areas under the dwelling, around the raised piles, shall not be filled in or closed in with solid cladding so as to minimize obstruction to overland flow.
- The proposed floor levels for lots 16 to 22 may need to be raised slightly to comply with the minimum floor level requirement.

37. 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.

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

39. That the consent holder provides Council with the as-built plan, certified by a surveyor or engineer, showing, where applicable, the levels and alignment of all the mains and road work, and the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.

**Please note:**

- **Existing sump adjacent to the north-western corner, at the bottom of the retaining wall, is to be recorded on the as-built plan.**

40. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of each lot to ensure that future owners are aware that, due to the integrated nature of this development, the dwellings thereon must be built in accordance with condition (1) of the land use consent RM210061. This consent

notice may not apply if all of the dwellings have been substantially constructed prior to 223/224 being issued.

41. 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 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.
42. That Lot 23 hereon (legal access) must be held as to 21 undivided 1/21 shares by the owners of Lots 1, 2 and 4-22 hereon as tenants in common in the said shares and individual Records of Title be issued in accordance therewith (see LINZ request # 1777477).
43. A Residents Society Incorporated shall be formed and maintained to administer shared responsibility of the management and maintenance of the common open space areas, private lanes, and all associated on-going costs. This includes all landscaping (hard and soft), furniture, lighting and stormwater drainage. At the time of subdivision of the site, the administration of the Residents Society Incorporated shall be the shared responsibility of all lot owners.

#### **Land use consent**

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.

##### Approved plans:

- Architectural plans prepared by Foley Group, 'Raukawa St Development', Sheets RC.02 – RC.20, all dated 21.02.22, and RC.22, not dated.
  - 'Landscape plan for consent – 28 Raukawa Street, Lower Hutt', prepared by Innate Landscape Architecture, Sheets 1 and 2 Rev 7, dated 08.03.22.
  - Erosion and Sediment Control Plan prepared by Holmes Consulting, Ref # 141877.53 CSK-04 Rev 0, dated 29.01.2021
  - Retaining Structure Plan prepared by Holmes Consulting, Ref # 141877.53 C30-01 Rev A, dated 11.02.2021
  - Earthworks Cut and Fill plan prepared by Holmes Consulting, Ref # 141877.53 C21-01 Rev A, dated 11.02.2021
  - Earthworks Management Plan prepared by Coastal Digger Services Ltd, and submitted to Council 07.09.21.
  - Sediment Control Management Plan, submitted to Council 07.09.21.
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 \$175 per hour.
- Notification of work commencing is separate to arranging building inspections.
- Work outside what the District Plan permits is not to commence until all conditions that are to be signed off before work commences are complied with.

3. That conditions 4-5 of subdivision consent RM210061 are complied with prior to dwelling construction.
4. That earthworks are undertaken in accordance with the approved Earthworks Management Plan and Sediment Control Plan.
5. 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 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.
6. That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise. Machinery operating hours, including machinery start-up times, shall be limited to between 7.30am and 6pm Monday to Saturday, with no work on Sundays or public holidays, in accordance with the noise level restrictions in the table below. Some activity is permitted on construction sites on weekdays between 6.30am and 7.30am, however these shall be limited to preparation works and shall not include the operation of machinery.

| Time Period     | Weekdays |     |      | Saturdays |     |      | Sundays and Public Holidays |     |      |
|-----------------|----------|-----|------|-----------|-----|------|-----------------------------|-----|------|
| Hours Between   | L10      | L95 | Lmax | L10       | L95 | Lmax | L10                         | L95 | Lmax |
| 6:30am – 7:30am | 60       | 45  | 70   | *         | *   | *    | *                           | *   | *    |
| 7:30am – 6:00pm | 75       | 60  | 90   | 75        | 60  | 90   | *                           | *   | *    |
| 6:00pm – 8:00pm | 70       | 55  | 85   | *         | *   | *    | *                           | *   | *    |
| 8:00pm – 6:30am | *        | *   | *    | *         | *   | *    | *                           | *   | *    |

\* At these times the relevant provisions of NZS6802 shall apply. This may mean that no noisy work can take place during these hours.

- 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 construction hours;

- Detail how any adverse effects arising from construction will be managed to avoid effects from dust, noise and construction traffic;
- Specify vibration mitigation measures, including those measures outlined in the information response of 07/09/21, to manage vibration from earthworks and foundations construction including duration, or any other process which may give rise to detectable vibration effects within adjacent residential buildings.
- Identify what sediment and erosion control measures will be installed on-site to ensure that dust is prevented from blowing beyond site boundaries and sediment prevented from entering any stream or waterway. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006.
- 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 (including associated activities such as earthworks) shall be undertaken in accordance with the certified Construction Management Plan. No construction works are to proceed until certification has been given by the Team Leader Resource Consents.

8. The consent holder installs landscaping and fencing treatments in accordance with the approved Landscape Plan. All plantings must be installed as soon as the seasons make practicable, but must be finished within six months of the completion of construction. Any plant which fails to establish or perishes must be re-planted within 12 months of the completion of construction. The fencing treatments must be installed prior to the occupation of the units.
9. That signage is provided at the site entrance advising that vehicle access is for residents only and that there is no provision for on-site turning.
10. That bike storage areas are to provided with secure gates to provide for security and reduce potential theft.
11. That the consent holder arranges for a final inspection with Council's monitoring and compliance officer (enforcement@huttcity.govt.nz or 04 560 1044), to determine reasonable compliance with the above land use conditions to the satisfaction, prior to the occupation of dwellings onsite.


Processing Planner:





Peter McDonald  
Senior Resource Consents Planner

Peer reviewer:



Charlie Hopkins  
Principal Planner

Application lodged: 1 March 2021

Application approved: 25 March 2022

No of working days taken to process the application: 14

## 8. NOTES:

- The resource consent is subject to payment of a development contribution fee. Payment of this fee is required before receiving section 224(c) certification. The total payable charge is **\$130,777.24**.

| Dev. Con. Calc.                   |                                     | Current Price Index: 1294.53 |                     | GST rate: 15.00%                               |  | RESET |  |
|-----------------------------------|-------------------------------------|------------------------------|---------------------|--|--|-------|--|
|                                   |                                     | <b>Residential</b>           |                     | <b>Catchment</b>                               |  |       |  |
|                                   |                                     | Fee per lot                  | Total fee           |  |  |       |  |
| Number of additional lots         | 21                                  |                              |                     |  |  |       |  |
| Roading & Traffic                 | <input checked="" type="checkbox"/> | 344.04                       | 7,224.93            | <input type="radio"/> Western Hills            |  |       |  |
| Water Supply                      | <input checked="" type="checkbox"/> | 193.29                       | 4,059.03            | <input type="radio"/> Valley Floor             |  |       |  |
| Wastewater                        | <input checked="" type="checkbox"/> | 3,789.39                     | 79,577.13           | <input checked="" type="radio"/> Stokes Valley |  |       |  |
| Stormwater                        | <input checked="" type="checkbox"/> | 1,088.49                     | 22,858.24           | <input type="radio"/> Wainuiomata              |  |       |  |
| <b>Total</b>                      |                                     | <b>5,415.21</b>              | <b>113,719.34</b>   | <input type="radio"/> Eastbourne               |  |       |  |
| Total fee                         |                                     |                              | \$113,719.34        | <input type="radio"/> Rural                    |  |       |  |
| GST                               |                                     |                              | \$17,057.90         |  |  |       |  |
| <b>Total contribution payable</b> |                                     |                              | <b>\$130,777.24</b> |  |  |       |  |

- 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.

- 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 25 March 2027.
- 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.

**RM number:** RM210618  
**Date:** 19 October 2022  
**Applicant:** Raukawa Heights Ltd  
**Agent:** Urban Edge Planning  
**Address:** 33 and 43 Raukawa Street, Stokes  
Valley  
**Attention:** [REDACTED]

Nathan Keenan  
Consultant Planner  
T 0277005511  
Nathan.k@nkplanning.co.nz  
Our reference: RM210618

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**APPROVAL OF RESOURCE CONSENT FOR A MULTI-UNIT RESIDENTIAL DEVELOPMENT (33 NEW DWELLINGS) AND ASSOCIATED SUBDIVISION AT 33 AND 43 RAUKAWA STREET, STOKES VALLEY (PART LOT 136 DEEDS PLAN 567; LOT 2 DP 20337; LOT 9 DP 55013; AND LOT 2 DP 334366)**

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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).
- The proposal is consistent with the outcomes sought by Plan Change 56.
- Council's consultant urban design advisor has reviewed the proposal and considers it to meet the expectations of the *Medium Density Design Guide*.
- 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.

## 1. PROPOSAL

The Assessment of Environmental Effects (AEE) includes a description of the proposal that I adopt (page 9-12). The applicant's proposal description should be read in conjunction with this report. In short, consent is sought to undertake a multi-unit residential development (33 new dwellings), earthworks, and undertake a 35-lot fee simple subdivision. Figure 1 below shows the proposed site layout.



Figure 1 Layout of proposed development

Following the lodgement of the resource consent application there has been minor amendments to the design such as the straightening of the driveway. Given the minor nature of these amendments I consider the proposal description outlined in the application (pages 9-12) to remain valid.

## 2. SITE DESCRIPTION

The applicant's AEE includes a description of the site and its immediate surroundings. I consider that this description is accurate, and it should be read in conjunction with this report. Figure 2 below shows the site location.





Figure 2 Location of subject site

The site is zoned Medium Density Residential under Plan Change 56 with no qualifying matters present on the subject site.

### 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 General Residential Area, which this proposal falls within, are contained in Chapters 4 (Residential), 11 (Subdivision), and 14 (General Rules).

#### District Plan as modified by Plan Change 56

On 18 August 2022 Plan Change 56 (PC56) was notified which introduces 'medium density residential standards' (MDRS) as required by the Intensification Planning Instrument of the Resource Management Act 1991 (RMA). Under PC56 the application site is located within the Medium Density Residential Activity Area (Chapter 4F). The application site is not newly zoned for residential activity, nor is it within a qualifying matter area, whereby in accordance with s86BA(1) of the RMA, the MDRS permitted rules as incorporated by PC56 have taken legal effect from the time the plan change was notified. The non-compliances with the District Plan (including any MDRS standards incorporated within PC56) for which resource consent is required and any relevant assessment matters of the Operative District Plan are identified in the following assessment. Where any standard under the Operative District Plan enables more permissive development, then that standard is given greater weight due to the application being submitted prior to PC56 having legal effect.

#### Land use

The proposed land use will not comply with the following rules or standards:

*Plan Change 56 MDRS permitted standards which have taken legal effect -*

- Development Standard 4F 4.2.1AA (a) Number of Dwellings – the proposal is for 33 dwellings, exceeding the maximum permitted of six dwellings (three dwellings per lot).
  - Restricted Discretionary Activity under Rule 4A 4.2.1 (b) of the Operative District Plan.
- Development Standard 4F 4.2.1 (a) Building Coverage – the proposal results in a site coverage post subdivision exceeding the maximum site coverage allowed of 60% - Lot 1 (64%), Lot 2 and 3 (79%), Lot 4 (78%), Lot 5 (69%), Lot 12 and 13 (65%), Lot 14 (69%), Lot 15, and 19 (100%), Lot 16 to 18 (91%), Lot 21 and 22 (63%), Lot 25 (54%), Lot 26 (56%), Lot 27 (55%) Lot 28 to 30 (69%). Overall, the proposed site coverage pre-subdivision is 45.4%.
  - Restricted Discretionary Activity under Rule 4A 4.2.2 (b) of the Operative District Plan.
- Development Standard 4F 4.2.6 (a) Outdoor living space. Blocks A, B, D, Unit 23 and Block I do not comply with the minimum area requirement of 20m<sup>2</sup>. Block C meets the minimum area but has decks above.
  - Restricted Discretionary Activity under Rule 4A 4.2.7 (b) of the Operative District Plan
- Development Standard 4F 4.2.11 (a) Outlook Space (per unit). The proposed units do not comply with the minimum outlook requirements.
  - The Operative District Plan does not include an equivalent rule or assessment matters for the above development standard.
- Development Standard 4F 4.2.12 (a) Windows to Street – proposed dwelling 1 will not achieve the minimum required 20% glazing on its street-facing façade.
  - The Operative District Plan does not include an equivalent rule or assessment matters for the above development standard.
- Development Standard 4F 4.2.13 (a) Landscaped Area – the developed site will not achieve a minimum 20% of landscaping
  - The Operative District Plan does not include an equivalent rule or assessment matters for the above development standard.

*Operative District Plan permitted rules and standards which continue to have legal effect -*

- Permitted Activity Condition 4A 4.1.11(a) – Vegetation Removal. The proposal includes the removal of indigenous vegetation that does not appear to have been planted in a garden for amenity purposes and being more than 5m away from a dwelling.
  - Restricted Discretionary Activity under Rule 4A 4.1.11(e) for the removal of vegetation not otherwise provided for as a permitted activity.
- 14A Transport Standard 2 (a) Vehicle Access for non-compliances with the Appendix 1 Transport Standards, specifically the driveway width which reduces to 3.5m (which is below the required 4m) due to traffic calming measures, and that the driveway and parking areas do not comply with NZS 4404:2010.
  - Restricted Discretionary Activity under Rule 14A 5.1 (b) for a proposal that does not meet the standards in Appendix Transport 1.

- Permitted Activity Condition 14A 5.1(a) Quantity – proposed earthworks volumes comprise 5,088m<sup>3</sup>, exceeding the maximum permitted 100m<sup>3</sup> (50m<sup>3</sup> per lot) with cut heights of 7m is proposed.
  - Restricted Discretionary under Rule 14A 5.1(b) for earthworks which exceed permitted levels.

#### Subdivision

- Resource consent is required pursuant to Rule 11.2.4(i) for any subdivision which is not a permitted, controlled or restricted discretionary activity. The proposed subdivision does not comply with the following permitted activity standards:
  - Standard 11.2.2.1(a) All lots do not comply with minimum lot size of 400m<sup>2</sup> and shape factor. The applicant has not demonstrated that any of the proposed allotments could successfully accommodate permitted onsite dwellings.
  - Standard 11.2.2.1(b) The development does not comply with the access requirements as detailed in the land use consent above.
  - Standard 11.2.2.1(e) The proposal does not comply with earthwork permitted activity conditions in Chapter 14 as detailed in the land use consent above.

At the time the resource consent was lodged resource consent was also sought for building recession plane and building height breaches. Now that the MDRS standards now have legal effect, these elements are now compliant. As such, resource consent is no longer required for these breaches under plan change 56.

#### *Overall activity status*

The land use consent is assessed as a **Restricted Discretionary** Activity under the District Plan.

The subdivision consent is assessed as a **Discretionary** activity under of the District Plan.

#### **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 relevant permitted baseline for the subdivision component of the resource consent application.

Proposed Plan Change 56 (PC56) introduces 'Medium Density Residential Standards' (MDRS) to the District Plan, including permitted rules which take effect from the time the plan change was notified (18 August 2022), superseding any equivalent permitted rule of the operative District Plan. The land use permitted baseline allows for up to three dwellings per site and

accessory buildings if sited in accordance with the MDRS introduced by PC56, and other non-equivalent rules and standards of the Operative District Plan. The relevant MDRS include maximum building coverage (50%), recession planes (4m high at the boundary and a 60° inward angle), maximum height (11m), minimum provision of outdoor space (20m<sup>2</sup> with a minimum 3m dimension), outlook from windows, minimum landscaped area (20%). Other relevant Operative District Plan development standards for the General Residential Activity Area include minimum permeable surface coverage (30%) and stormwater detention. Further to the development standards, compliance is also required with the District Plan general rules including the transport standards (which require on-site manoeuvring) and earthworks (which allow a maximum 50m<sup>3</sup> volume per site with a maximum change to ground level of 1.2m).

As the subject site encompasses two Records of Title, a credible permitted baseline would be the construction of six residential dwellings constructed to a height of 11m with a site coverage of 50% (subject to compliance).

The nature and scale of effects anticipated within the permitted baseline have been deemed to be acceptable through the Schedule 1 process in the Act for the residential area generally, and there are no special circumstances applying to this site, or fanciful outcomes anticipated by the application of the permitted baseline that would not justify its application here. Accordingly, in assessing the effects of the proposal, I have focussed on the additional effects of the proposal beyond the effects of the permitted baseline as set out above.

## 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?<br><ul style="list-style-type: none"> <li>▪ A controlled activity</li> <li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li> </ul> | 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<br>(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:

- 29-31 Raukawa Street, Stokes Valley
- 37 A and B Raukawa Street, Stokes Valley
- 39 Raukawa Street, Stokes Valley
- 41 Raukawa Street, Stokes Valley
- 45A and B Raukawa Street, Stokes Valley
- 47 Raukawa Street, Stokes Valley
- 1/49 and 2/49 Raukawa Street, Stokes Valley
- 89A Raukawa Street, Stokes Valley

Having regard to the permitted baseline, it is noted that the applicant could construct six dwellings on the site provided that the proposal complied with the bulk and location requirements of the District Plan. Accordingly, the following assessment of effects gives some weight to the level of effects that would be provided for as a result of the permitted baseline scenario. The actual and potential effects of the proposal on the surrounding environment are considered as follows:

- Residential Character and Amenity Effects;



- Parking and Traffic Effects;
- Earthworks:
- Vegetation removal:
- Subdivision and servicing effects:
- Construction;

### **Residential Character and Amenity Effects:**

Given the scale of the development, the proposal needs to have regard to the established character of the locality. The proposal involves the construction of a multi-unit residential development, and this is an appropriate use of this land. It is acknowledged that the proposal represents a higher density form of development that differs from traditional responses to infill development in Lower Hutt. Despite this acknowledgement the District Plan does anticipate multi-unit residential developments and signifies that the character of areas will change as a result of the Medium Density Residential Standards that have been introduced.

The surrounding area is undergoing change with a number of multi-unit developments approved within the surrounding area. One of those being directly opposite the subject site at 28 Raukawa Street (28 units) which is currently under construction, and another at 20 Raukawa Street (40 units). While this level of change does represent a higher density than that existing, the District Plan provides guidance through objectives and policies and the Medium Density Residential Design Guide which outlines the expectations for the zone and method for ensuring that development relates to the context upon which its located. These provisions set a useful context for the intent of the residential zoning, being to support residential activities of a medium development density, where these activities do not appear dominant and significantly affect the character of the area.

Council's consultant urban designer Mr Alastair Upton has assessed the proposal and notes that while the development is quite intensive when considering the existing suburban context and forest edge, the modulation and site layout of the blocks adequately manages the scale and bulk of the development at the upper rear boundary. Given the site's orientation, the development has limited street presence albeit for Unit 33 which does front the street and achieves a good streetscape relationship in my opinion. Mr Upton's full assessment is held on the Council file and should be read in conjunction with this report.

Under the permitted baseline scenario, six dwellings could be constructed at a permitted activity (subject to compliance with yard setbacks, building height, and site coverage etc). Such a scenario would provide for dwellings to a height of 11m with building recession planes of 4m + 60 degrees. Although 33 residential units are proposed, the units largely lack a street presence due to the rear nature of the site. Notwithstanding that, units 31-33 which directly adjoining the eastern access to the site, and which are most visible have been directed to face the driveway and give a sense of address. Development to the rear of the site, rises above the properties of Nos. 37A, 37B, 39 and 41 Raukawa Street, with a backdrop of exotic trees remaining behind the development. Figure 3 and 4 below shows the views of the development from Raukawa Street.



Figure 3 View of development from Raukawa Street - eastern entrance



Figure 4 View of development from Raukawa Street - western entrance

The building mass and bulk to be experienced within the streetscape, while substantially higher than that which is currently onsite, will have no more than minor effects due to the set-back nature of the development, break up of built form, screening afforded by dwellings located along the Raukawa Street frontage, and what could be anticipated from a permitted baseline development. While it is acknowledged that a greater number of dwellings and physical building blocks are sited to the rear of these units, when viewed from the streetscape environment, these additional units will not represent a dominant feature of the site. I consider that character, while not consistent in form and grain of that surrounding the site, is appropriate as the development is clearly residential in nature and has been designed in accordance with the medium density design guide and the direction sought by the new Medium Density Residential Standards that have legal effect under PC56 which sets out what is considered an acceptable density.

Overall, residential character and amenity effects will be no more than minor on the environment.

#### **Parking and Traffic Effects:**

The proposed development provides 33 off-street car parking spaces however it is noted that no parking is required under the District Plan following the implementation of the National Policy Statement on Urban Development (NPS:UD). Under the NPS-UD all District Councils were required to remove the minimum parking requirements for all activities in District Plans. While no car parking is required under the District Plan, where parking is provided, these spaces must comply with District Plan standards relating to dimensions, driveway width, sightlines.

Council's consultant traffic engineer David Wanty has reviewed the proposal and has not identified any significant traffic safety effect resulting from the proposal. Mr Wanty's assessment is held on the Council file and should be read in conjunction with this report. With respect to any transport non-compliances, the proposal however does not comply with minimum access width and gradients. A number of iterations have been made through the consent process to address issues that Mr Wanty has raised with the following requirements still remaining:

- *Maximum 1 in 4.5 grade in all locations and including on the inside of the one-lane traffic signals controlled bend (plans need to note the traffic signals, signs, and show indicatively any proposed lighting poles)*
- *Widening of the main access by the refuse area to minimum 4.5 m with provision of a vertical traffic calming device*
- *Units 23 & 24 (accessed directly off Raukawa Street) consent notice*
- *Removal of any barrier/fence in the Unit 12/13 "Turn Area"*
- *Installation of "turning difficult", "residents only" signs and convex mirrors as proposed*

The applicant has reviewed Mr Wanty's comments and have accordingly provided a response from their traffic expert, Mr Gary Clark. I have reviewed both Mr Wanty's and Mr Clark's assessment and will discuss each issue below that remains:

#### *1. Maximum Grade*

Mr Wanty has assessed the proposal against NZS 4404 which Mr Clark considers should not be used as the private access is a road and will not be vested. Mr Clark considers that a more appropriate standard for multi-unit developments is AS/NZS 2890.1 which Mr Clark states is used as a guiding document by traffic engineering practitioners for multi-unit developments. This being, as NZS 4404 in Mr Clark's opinion does not lead to safe spaces and creates over designed carriageways for these types of developments. Mr Clark furthermore notes that both standards are a guide to design and not a compliance document, which Mr Wanty in his assessment has required. Rather than require compliance with these aforementioned documents, Mr Clark states that an assessment of the effect of the applied for non-compliance should be assessed. While I do not agree that NZS 4404 is not a compliance document, I agree with Mr Clark in this respect and irrespective of what standard is applied, ensuring the development is safe and functional should be paramount. As such, I have considered the assessment of effects provided by Mr Clark with respect to the maximum grade which comprises:

- *The steepest part of the grade is on the inside of the curve left hand side which is for the downhill side. As you move away from the inside curve the grade flattens. It is unlikely non-vehicular traffic will move hard against the access edge.*
- *There is an alternative access route provided for non-vehicular traffic via the main car park for users who do not want to use the driveway.*



- *The difference between a 1 in 4.2 grade and a 1 in 4.5 is indiscernible to all road users at 16 mm per metre travelled or 124 mm over the length of the access.*
- *In regard to access design, AS/NZS 4404 allows domestic driveways to have grades up to 1 in 4 and steeper with appropriate advice from a qualified engineer. The various standards allow for grades steeper than 1 in 4.5 as proposed.*
- *Accordingly, the difference in effects from 1 in 4.5 to the designed 1 in 4.2 grade is indiscernible to all road users.*

I have considered Mr Clark's assessment with respect to the associated traffic effects with the gradient proposed and accept his expert advice. While the grade may not meet compliance with the aforementioned standard, the effects of this non-compliance will be less than minor based on the advice of Mr Clark that in his opinion the grade difference between 1 in 4.5 and 1 in 4.2 will be indiscernible.

## 2. Access Widening

Mr Wanty outlines that the access needs to be widened to 4500mm near the refuse area along with a traffic calming measure such as a speed hump. Mr Clark states in his report that it is unclear why the additional 500mm is required as it provides no function change to the operation width of the access. In Mr Clark's opinion, "the restricted width is being used to encourage lower speeds and make it safer for non-vehicular traffic". Furthermore, the "reduced width also provides the opportunity to install landscaping to further enhance the space, apart from reducing the width to encourage lower speeds". Mr Clark considers that the shortened width and landscaping act as traffic calming measures and that the placement of a speed hump in this location will result in adverse noise, and not result in a measurable safety or efficiency benefit therefore considers it unnecessary. Based on the expert advice that the speed hump will provide no measurable safety effect, I consider, on balance, that the benefit of landscaping which provides amenity to the development, and a narrowing accessway to provide a comparable traffic calming measure and therefore any effect of the access width in this location to be acceptable.

## 3. Units 23 & 24 (accessed directly off Raukawa Street)

Mr Wanty states that manoeuvring for vehicles turning around outside units 23 and 24 is very tight and relies upon the good positioning of the neighbour's parked car, which could be longer than 4.9 m and/or not well parked. Mr Wanty considers that a suitable consent notice issued on both titles is suggested as a condition which the applicant accepts if required. I have considered Mr Wanty's recommendation however I do not consider such a requirement to be necessary as it does not mitigate an adverse effect. As Mr Clark has advised, tracking paths have been provided which show a workable solution for an 85<sup>th</sup> percentile designed vehicle. While an additional manoeuvre may be required for a vehicle exiting these parks, I consider this to be a small inconvenience and therefore consider such an effect to be less than minor.

## 4. Removal of Barrier fence in the Unit 12/13 "Turn Area"

Mr Wanty recommends the removal of any barrier/fence in the proximity of the turn around area of Units 12/13 which the applicant accordingly access and will be corrected at engineering design stage. A condition of consent accordingly is imposed which is accepted and forms a

volunteered condition of consent. Through the imposition of consent, it is considered that the barrier fence issue has been resolved

**5. Installation of "turning difficult", "residents only" signs and convex mirrors as proposed**

Mr Wanty recommends the installation of two signs and a convex mirror for vehicles travelling to Units 1-19 to mitigate adverse traffic safety effects due to limited access and manoeuvring areas. A condition of consent accordingly is imposed which is accepted and forms a volunteered condition of consent. Through the imposition of consent, it is considered that the signage/mirror issue has been resolved.

I have considered both assessments from the respective traffic experts, and note the mitigation provided for the development, either through design or volunteered conditions. Based on the assessment from the traffic experts, which has been well considered, I consider adverse traffic effects will be less than minor.

**Earthworks:**

Earthworks are proposed to create suitable building platforms and access totalling 5088m<sup>3</sup> with a maximum cut height of 7m respectively.

The applicant has advised that silt and sediment control measures will be implemented in accordance with the Earthworks Management Plan (EMP) submitted by the applicant in support of their application. The applicant has also proffered a condition of consent that a Construction Management Plan (CMP) be developed for the site and approved by Council. This CMP will detail comprehensively the erosion, sediment and earthworks control measures to be installed and maintained for the duration of site works. The applicant has also confirmed a number of conditions which form part of their application relating to the management of potential earthworks 'nuisance' effects, such as dust and sedimentation.

The proposed earthworks include cuts up to 7m in height which are a result of the topography rising up to the rear. These cuts will be screened by buildings and retaining thereby ensuring that any visibility of these cuts once buildings are constructed will be mitigated. Given the size of the site and scale of the development, most of the site will be earth worked to create suitable building platforms for the dwellings/access/parking areas. While these large, exposed areas can adversely affect residential amenity, such effects will be temporary, with these areas built upon and/or landscaped.

Overall, given the short duration of the works, and acceptance of condition (which now formed volunteered conditions, I consider adverse effects from the proposed earthworks will be less than minor

**Vegetation removal:**

Exotic vegetation to the rear of the site (pine trees) are to be removed from the site in order to set buildings into the site. While the loss of this vegetation will remove a vegetative backdrop to the site, these trees are exotic and will be replaced by replacement planting upon the completion



of construction. As such, I consider adverse effects from vegetation removal will be less than minor.

#### **Construction:**

Construction effects such as noise, vibration, traffic, dust, sedimentation and runoff are inherently temporary and can be controlled during the earthworks and construction phases through appropriate site management. Additionally, construction effects of the proposed development will be comparable to those generated by six dwellings constructed on the site with a similar footprint/building bulk. Accordingly, I consider construction effects to be less than minor.

#### **Subdivision and servicing effects:**

All of the proposed allotments are undersized with respect to the minimum 400m<sup>2</sup> area required for the General Residential activity area. Despite this, each allotment can comfortably contain the proposed dwellings, compliant outdoor living areas, and suitable dwelling access, with there being an additional common allotment for access, parking and utilities (refuse storage and collection, and bicycle storage).

The proposed subdivision and infrastructure has been reviewed by Council Engineers who are satisfied that the proposal can be serviced with respect to water supply and stormwater (noting that the applicant proposes stormwater neutrality and water sensitive design measures). With respect to wastewater, Council engineers have identified capacity issues with the existing network therefore recommends onsite retention with wastewater released at low peak times. Given the permitted baseline, such a requirement would comprise onsite retention for 27 residential units (as six dwellings could be constructed as a permitted activity). The applicant has accepted such a recommendation which now forms part of the application. As onsite retention mitigates adverse servicing effects with respect to wastewater discharge, I consider the development to be appropriately serviced. The proposed subdivision includes appropriate easements to ensure the onsite requirement for servicing are met.

Overall, it is considered that infrastructure effects will be no more 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 |
|--|----|

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 proposal relates to a multi-unit residential development. 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, 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.

### 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                           |
| For all other activities, are there any affected persons in accordance with s95E?   | No<br>(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. The following persons have given written approval:

- Glen Johns of 41 Raukawa Street
- Michael Dalton of 45A Raukawa Street
- Nathan Armer Blackburn and Madison Loreal Gunn of 45B Raukawa Street
- Dawn Fisher-Raxworthy of 29-31 Raukawa Street
- Madeleine Bingham of 37B Raukawa Street
- Melissa Alice Rosamond of 37 A Raukawa Street
- Rhonda Wilcox of 39 Raukawa Street
- Mark Andrews and Marissa Andrews of 47 Raukawa Street
- Vivienne Mary Sutton of 89A Raukawa Street

As written approval has been provided by the owner/occupiers of the above properties, adverse effects on these parties have been disregarded.



Figure 5 Written approvals obtained

#### No. 1/49 and 2/49 Raukawa Street

The properties of No. 1/49 and 2/49 are the only other properties that directly adjoin the subject site that have not provided written approval. These properties are located to the west of the subject site and is separated by two driveways (No. 43 and No. 45/47). These dwellings are two standalone flats with their own driveways being located on its eastern boundary with a carport located in the south-eastern part of No. 2/49. Outdoor living areas at No. 1/49 and 2/49 are located to the north and east of the respective dwellings.

- *Bulk and dominance*

I have considered the potential effects on the owner/occupiers of No. 1/49 and 2/49 and have undertaken a site visit to ascertain the relationship between the development site and the aforementioned properties. Having undertaken a site visit, it is noted that No. 1/49 and 2/49 are both orientated to the north and well separated by the accessways along its eastern boundary. Given the separation afforded by the accessways, and that any nature outlook will be to the north, I do not consider the development to appear overlay dominant on the properties of No. 1/49 and 2/49 Raukawa Street. Furthermore, a permitted baseline scenario comprising the construction of six residential dwellings constructed to a height of 11m with building recession planes of 4m + 60 degrees would result in a comparative degree of building bulk along the shared boundary.

When considering the permitted baseline scenario, separation distance afforded by the accessways, landscaping which softens built form, and the orientation of No. 1/49 and 2/49 which means their primary outlook is to the north, I consider adverse bulk and dominance effects on the owner/occupiers of No. 1/49 and 2/49 Raukawa Street will be less than minor.

- *Shading*

A shading analysis accompanies the application and compares the shading effects of a permitted baseline scenario (pre- PC56) against that proposed. While the permitted baseline scenario shown in the accompanied plans is no longer a 'true permitted baseline' in that the MDRS supersede previous standards, given the increase in height of the building recession planes (4m + 60 degrees from 2.5m + 45 degrees), I consider the conclusions reached to remain valid for a permitted baseline of six dwellings across both sites. As potential shading will be comparable to that of a permitted baseline scenario, I consider adverse shading effects on the owner/occupiers of No. 1/49 and 2/49 Raukawa Street will be less than minor.

- *Privacy*

Given the orientation of the site and primary outlook to the north, separation afforded by the access ways, and that any views would be interrupted by boundary fencing and landscaping, I consider any adverse effect on the amenity of the owner/occupiers of No. 1/49 and 2/49 Raukawa Street will be less than minor.

- *Intensity effects*

The proposed development results in 33 residential units constructed on the site which is over and above that permitted by the District Plan. In assessing intensity effects (such as increase in noise, activity, sense of overbearing, character), I have further sought guidance from the objectives and policies of the District Plan and the Medium Density Residential Design Guide which outlines the expectations for the zone and method for ensuring that development relates to the context upon which its located.

The subject site is zone Medium Density Residential (post-PC56) therefore the planning framework is set for an increased density on this site and the surrounding area subject to meeting the design criteria set out in the Medium Density Design Guide. Given the proposals

alignment with the design guide as confirmed by the Councils consultant urban design expert, I consider, the proposal to fit within the level for development expected for the zone. As the development is considered inline with that expected for the zone and that a permitted baseline scenario will screen a large number of units from No. 1/49 and 2/49, along with landscaping and separation distances further mitigating effects, I consider any adverse effect in terms of intensity on No. 1/49 and 2/49 Raukawa Street will be less than minor.

- *Conclusion*

Overall, I consider adverse effects on the residential amenity of the owner/occupiers of No. 1/49 and 2/49 Raukawa Street will be less than minor.

Any other person

Given the comparable effects of a permitted baseline scenario to that proposed, and that through variation in design, materiality, colour and landscaping, separation distance with any other property, and that the development can be adequately integrated into the site and surrounding neighbourhood based on the advice of the Councils urban design expert, I consider any effect on any other person to 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 |
|--|----|

I have considered whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

**Conclusion**

Limited notification is not required.

**5.3 - NOTIFICATION DECISION**

In accordance with the notification steps identified in section 5.1 and 5.2 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)**

An assessment of the effects on the environment has been made in my section 95A-95F assessment. The matters discussed and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act. In addition, to this assessment, further assessment is included below:

### Internal amenity

Each of proposed units 1-9, 15-19, 23, and 31-33 will not comply with the development standard for outdoor living space. However, the proposal has been assessed as meeting the expected outcomes of the *Medium Density Design Guide*, including in relation to the outdoor living and internal amenity (refer to section 6.3 of this report for details), with the assessment noting the orientation, minimum dimension and separation to boundary ensuring sunlight access, outlook and privacy for these spaces. The size of outdoor areas for the non-compliant units are not considered a significant quantum less than the minimum 20m<sup>2</sup> standard. Accordingly, the provision of private outdoor living spaces are considered to be consistent with what is anticipated in the District Plan for a multi-unit residential development. The proposal includes proposed landscaping which will be of a high quality and will enhance the amenity of the site. The applicant has proffered a condition for the creation of a residents' society responsible for maintaining the communal areas of the development. It is considered this will help avoid future potential conflicts and will ensure the amenity values of the site are maintained. For the above reasons potential adverse effects related to internal amenity are considered to be acceptable.

### Allotment design and layout

Each of the proposed residential allotments do not comply with the allotment design standards for size and shape. However, each of the proposed allotments are considered to be of a suitable size and shape to contain their respective dwellings and private outdoor space. Although there will be some non-compliances with General Residential development standards associated with the proposed dwellings, the potential adverse effects on amenity both internally and on adjacent sites have been assessed above as being acceptable. Accordingly, the proposed allotments are considered to be suitable for their intended use, and adverse effects related to allotment design non-compliances are considered to be acceptable.

### Waste Management:

With regards to on-site rubbish collection, an internal collection area has been provided. The internal accessway layout has also been reviewed by Rebecca Johnston, Council's Waste Management Officer, and she has confirmed that the layout is sufficient for rubbish collection and internal manoeuvring by a rubbish truck. Based on this advice, I consider adverse effects in terms of waste management will be acceptable.

### Natural Hazard Effects

Council holds no record of erosion or landslips for the application site and the site is not located within the Wellington Fault Special Study Area. Stormwater management has been imposed as a condition, and agreed to by the applicant, for the development, to allow for appropriate drainage of surface water. Overall, with the imposition of appropriate conditions, I consider the effects of the development with respect to natural hazards will be acceptable.

#### Site Contamination Effects

The property is not listed as a contaminated site in Greater Wellington Regional Council selected land use register (SLUR) 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.

#### 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:

The supply of 33 new (31 additional) dwellings will increase housing supply, quality, and variety and will provide for economic well-being, which are considered to be positive effects.

#### **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)**

#### **Design guide assessment**

The application has been assessed by Mr Alastair Upton, the Council's Consultant Urban Design Advisor, taking into account the Design Guide. I have adopted Mr Upton's full assessment which is held on file and should be read in conjunction with this report. From an urban design perspective, Mr Upton supports the proposal and considers the proposal to be consistent with the Design Guide.

The DGMDH recognises that medium density housing built should fit with the neighbourhood and provide acceptable levels of amenity to future residents. The design guide sets out the following principles:

- Consolidate activities addressing the street
- Respond to the environment
- Create a sense of place
- Integrate with the street and neighbourhood
- Provide diversity and interest
- *Outdoor living areas*
- *Open space and boundary treatments*
- *Onsite stormwater management*
- *Storage and Service Areas*
- *Privacy and Safety*

#### *Consolidate activities addressing the street*

The application site has two frontages albeit these frontages being narrow with one frontage solely used for an access strip to three units. The frontage to the west of the site is occupied by an access driveway and one unit (unit 33) fronting the street. Car parking for this unit and all rear units are located to the rear. Given that unit 33 has an outdoor living area and ground level living spaces that address the street, Mr Upton supports this arrangement given the site configuration. This advice is accepted therefore I consider the proposal to be in line with this principle.

#### *Respond to the environment*

The main leg accessing the rear part of the development is addressed by the western facades of units 31, 32 and 33 which in Mr Upton's opinion creates opportunities for interaction at ground level albeit is limited to a degree given the design. For Blocks A, B, and D, the ground level is occupied by garages and dwelling entrances. First floors are occupied by bedrooms with living areas on the top level. Balconies will overlook this space but in Mr Upton's opinion will feel quite separated from ground level especially at the bases of these blocks. As such, Mr Upton considers that the development will be quite reliant on surveillance and overlooking from the rear facades of Block C D and H respectively, although the areas around the base of Block H and Block D tend towards being isolated

A communal lawn is located between Blocks B/C and D which is central to the development and well connected via internal walkway routes. Mr Upton notes that adjoining buildings will overlook this space with kitchen and living area windows for Unit 22 directly addressing the main part of the lawn. Furthermore, Mr Upton states that the southern end between Units 14 and 15 is more enclosed

The rear of blocks A and B will face the privately owned property to the south which has established vegetation that connects with the wider forested area surrounding Stokes Valley. Visualisations have been provided with the application to demonstrate the visual impact of the building on this edge when viewed from the street edge (see figure 3 and 4). Mr Upton considers vertical scale of the dwellings appears to be low in comparison with the trees although it is unclear which if any of these are to be removed. With respect to the building design, Mr Upton states that the buildings will be subdivided into unit-sized modules by the roof and façade design creating variety and three-dimensional interest at the edge where they will be viewed against

the forest behind. This advice is accepted therefore I consider the proposal to be in line with this principle.

#### *Create a sense of place*

Mr Upton considers the design will provide an adequate sense of place for the development of this scale with the development incorporating a variety of different spaces in response to access and topography constraints, including a central car parking court. Mr Upton consider the communal area is well located within the development with shared bicycle parking and an outdoor table located on a central pedestrian axis through the site, shared laneways providing connectivity within the development while assisting with passive surveillance, and comprehensive landscaping incorporate swales and raingardens which in Mr Upton's opinion will add positive character and amenity to common areas. For these reasons, Mr Upton considers the development is successful in establishing a unique sense of place. This advice is accepted therefore I consider the proposal to be in line with this principle.

#### *Integrate with the street and neighbourhood*

As detailed above, Mr Upton considers the connectivity within the development which have varied edges and design elements to encourage lower speeds for vehicles and provide a shared space. As such, I consider the proposal to be in line with this principle.

#### *Provide diversity and interest*

The development provides a mix of 3- and 4-bedroom units in two and three storey formats, with three standalone units and one duplex. Mr Upton considers the larger unit size will contribute to diversity in a market with a tendency towards smaller one- and two-bedroom units. In terms of the modulation of the blocks of units, Mr Upton considers these blocks to be individually defined by roof forms and façade elements. With respect to the rear blocks, Mr Upton notes that there may be some issues with repetition particularly around the four rear blocks which each have a similar design, however in his opinion, vertical off-setting and siting should relieve this. This advice is accepted therefore I consider the proposal to be in line with this principle.

#### *Outdoor living areas*

Under the District Plan, all units require 20m<sup>2</sup> (post PC56) of unobstructed outdoor living space with a 3m minimum dimension. Units 15-19 and 31-33 do not comply with the area requirement, being between 10 and 18m<sup>2</sup>. Mr Upton notes that outdoor space for units 15-19 are located entirely above ground floor (in the form of balconies) and are more appropriate for an inner urban context. Notwithstanding that, the development does also include a communal lawn that in Mr Upton's opinion is of a good standard and will get good morning and midday sun throughout the year. Given this communal space provided and that the proposed balconies of Units 15-19 are 2.5m deep and 4.2m wide thereby be highly visible, Mr Upton supports this shortfall in District Plan outdoor space requirements. This advice is accepted.

With respect to Units 31-33, these areas are slightly below District Plan requirements. Given the dimensions provided, and communal space afforded, which offsets this shortfall, I consider the shortfall to be acceptable.

#### *Open space and boundary treatments*

Given the largely rear nature of the site, only unit 33 fronts the street. Unit 33 is a two-level townhouse with a bedroom overlooking the front yard. A 1.8m high visually open batten fence and 1.8m block wall is proposed. Mr Upton considers the 40mm spacings between the 75mm panels is probably the minimum degree of visual openness for this application at 1.8m high but is acceptable.

With respect to the communal outdoor area, the west side of of Unit 15 will provide some sense of overlooking of the common lawn area while to the west, the outdoor living space for Unit 14 is fronted by semi-open fencing along the side of the outdoor living area. In order to ensure a greater degree of visual openness, Mr Upton recommends that the fence be lowered to around 1.2m given that the total height will be increased by the retaining wall at the base.

#### *Onsite stormwater management*

The applicant includes water sensitive design elements into the design such as raingardens within the site to capture and filter runoff from the main car park areas. Mr Upton states in his report that this outcome is commendable.

#### *Storage and Service Areas*

A common bin storage area is located to the south of Unit 31. Mr Upton considers this area to be logically located to minimise nuisance issues and will not be visible to the street. I concur with Mr Upton and further note that the storage area has been assessed by the Councils waste management officer as being acceptable.

#### *Privacy and Safety*

In Mr Upton's report dated 8 August 2022 he raised the following design matters:

- *Inadequate visual connections between the side of Unit 14 and the common lawn area.*
- *Insufficient levels of passive surveillance potential in the access driveway outside Units 31-33.*
- *Inadequate activation at or near ground level around the southern and northern sides of Block D*
- *Ensure soffit downlighting at the base of Blocks A, B and D is a part of a common outdoor safety/amenity lighting plan.*

In response the applicant has provided the following information and changes:

- *Windows on the eastern façade of Unit 14 have been changed to increase the area of glazing and lower the sill heights. An upper floor window on Unit 22 is also expanded in size which will contribute towards a sense of overlooking in this area.*



- *Kitchen windows have been added to the ground floor western elevations of Units 31-33, as well as a tall format windows to stairwells. It is also noted that the entrance doors are visually open with a 'side light' as well as a vertical windowpane in the door itself.*
- *The relatively opaque ground and first floor treatment of the northern side of Block D has been somewhat relieved by the enlarging of the recessed full height windows to the bedroom at first and living at second floor levels.*
- *The applicant has confirmed that soffit downlighting will be provided on a communal basis.*

Mr Upton considers in light of the mitigating design changes made the design matters with respect to privacy and safety have been overcome and now has urban design support.

#### *Overall conclusion*

Overall, Mr Upton concludes the proposal to generally meet the requirements of the design guide and considers given mitigating design changes that have been provided, Mr Upton provides urban design support to the proposal. I accept Mr Upton's assessment and therefore based on this advice, I consider that proposal to be consistent with the Medium Density Residential Design Guide.

#### **Objectives and policies of the Operative District Plan**

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

##### Chapter 4A – General Residential Activity Area

- *Objective 4A 2.1 – Residential Activities are the dominant activities in the General Residential Activity Area.*
- *Objective 4A 2.2 – Housing capacity and variety are increased.*
- *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.*
- *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.*
- *Objective 4A 2.5 – Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.*
- *Objective 4A 2.6 - Built development is located and designed to manage significant risk from natural hazards.*
  - *Policies 3.1-3.2, 3.4-3.12*

The proposed multi-unit residential development is consistent with the objective that residential activities are the dominant activities in the General Residential Activity Area and will provide for increased capacity and diversity in the city's housing stock. Although an extensive form of development, the proposed development will mostly comply with District Plan controls for building bulk and location, and will incorporate extensive landscaping, whereby the amenity outcomes are considered consistent with those anticipated by the District Plan for multi-residential development. The design provides for suitably sized and orientated and outdoor

living spaces, to ensure high-quality on-site amenity for residents. The proposal can be suitably serviced by network infrastructure

#### Chapter 11 – Subdivision

- *Objective 11.1.1 – Allotment standards – To ensure that land which is subdivided can be used for the proposed use or development.*
  - *Policies: (a)-(b)*
- *Objective 11.1.2 – Engineering standards – 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)*
- *Objective 11.1.3 – Natural hazards – To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.*
  - *Policy: (b)*

The proposal will not comply with allotment design standards for size and shape, however the proposed residential development has been assessed as being consistent with the expectations of Council's Medium Density Design Guide for multi-residential development, with suitable provision for internal amenity. There is suitable provision for pedestrian and vehicle access to each of the proposed allotments. Accordingly, the proposed allotments are considered to be suitable for their intended residential use. Each of the allotments can be serviced by network infrastructure.

#### Chapter 14A – Transport

- *Objectives: 14A 3.1, 3.3, 3.4 & 3.5*
  - *Policies: 14A 4.2, 4.3, 4.4, 4.6 & 4.7*

The proposed development has been suitably designed with consideration to the integration with the surrounding land transport network. It is considered vehicles and pedestrians will be able to safely access the site without unduly impacting the safety and operation of the land transport network or safe access to adjacent sites. It is considered the proposal will not result in additional reverse sensitivity effects on the adjacent transport infrastructure, noting the application site is within an established residential area, and is not subject to any transport infrastructure buffer areas identified within the District Plan. Although the proposal does not include an on-site loading facility and manoeuvring for refuse collection, it is considered that refuse collection vehicles will be able to safely access the site (which is endorsed by the Council's Waste Management Officer). The proposed activity is not considered a high trip generating activity (as defined by the District Plan), and it is considered that additional traffic generated from the proposed development should be able to be readily accommodated within the road network.

#### 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)*

The application site does not include any visually prominent hillsides or features which contribute significantly to the City's landscape. There are no known features of historical or cultural significance associated with the site. The earthworks are considered generally sympathetic to the site topography and will not undermine site stability. Earthwork face areas will be covered by works completion and temporary adverse amenity effects can be suitably controlled through adherence to a construction management plan required through a condition of consent.

### Conclusion

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

### **Plan Change 56**

Section 77M of the Resource Management Act relates to the effect of the MDRS on new applications for resource consents and existing designations. Hutt City Council recently notified Proposed District Plan Change 56 to incorporate the MDRS into the City of Lower Hutt District Plan.

Under s77M, the provisions of a District Plan cease to have effect in relation to the consideration of a new application to the extent that the provisions referred to are inconsistent with the objectives and policies set out in the MDRS (clause 6 of Schedule 3A).

I have considered the proposal against the provisions of plan change 56 which seek to provide for social, economic, and cultural wellbeing, with built development being consistent with the planned medium density-built character. The planned medium density-built character being framed by the NPSUD and the new Medium Density Residential Standards which have legal effect. On balance, I consider the proposal to be consistent with the objective and policies of plan change 56.

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

#### **National Policy Statement on Urban Development 2020 (NPS-UD)**

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

The proposal is for 33 residential units and related subdivision on a site zoned for residential development. The site is within an existing urbanised area that it is well serviced by

infrastructure. It is considered the proposal is an efficient use of the site that will enable well-functioning urban environments and will increase the capacity and variety of housing supply in the city.

### **Regional Policy Statement for the Wellington Region (RPS)**

The proposed development is considered to be consistent with the Regional Policy Statement for the Wellington region (RPS), including Objective 19 and Policy 51 as it is considered that conditions of approval requiring the engineer design and certification of earthworks and retaining walls will suitably minimise the risks and consequences related to natural hazards.

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**

Part 2 of the Act comprises Section 5: Purpose and Principles, Section 6: Matters of National Importance, Section 7: Other Matters and Section 8: Treaty of Waitangi.

For the reasons outlined throughout this report, the proposal is considered to be consistent with the sustainable management purpose of the Act. Given the scale of the proposal, it is not deemed to relate to any matters of national importance.

Relevant other matters which have been considered include s7(b): the efficient use and development of natural and physical resources, s7(c): the maintenance and enhancement of amenity values and s7(f): the maintenance and enhancement of the quality of the environment. In making this determination, I have had particular regard to these matters.

Finally, the subject site is identified as containing a statutory acknowledgement area, which may represent a historical watercourse. Iwi representatives were contacted in relation to the statutory acknowledgement area and the proposal, however no responses were received. To the extent relevant to this proposal, I have had regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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 proposed subdivision has adequate legal and physical access to all lots and is not subject to any significant risk of natural hazards.

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

## 6.7 - SUBSTANTIVE DECISION

### Land Use:

With respect to the land use consent, in accordance with s104C I have considered the application for a restricted discretionary (Decision One) and have decided to grant the application subject to conditions under s108.

### Subdivision:

With respect to subdivision consent, in accordance with s104B I have considered the application for a discretionary activity (Decision Two) and have decided to grant the application subject to conditions under s108 and s220.

## 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:

### DECISION ONE – LAND USE CONSENT

1. That the proposal is carried out substantially in accordance with the information and approved plans (RM210618) submitted with the application and held on file at Council.
  - Architectural Plans prepared by Solari Architects, Project No. 2128:
    - 'Proposed Site Plan (Context)', Dwg RC-010 Rev B, dated 11/08/2022;
    - 'Proposed Site Plan (Ground)', Dwg RC-011 Rev B, dated 11/08/2022;
    - 'Proposed Site Plan – Car Parking', Dwg RC-012 Rev B, dated 11/08/2022;
    - 'Ground Floor Plan – Part I', Dwg RC-013 Rev B, dated 11/08/2022;
    - 'First Floor Plan – Part I', Dwg RC-014, dated 13/12/21;
    - 'Ground Floor Plan – Part II', Dwg RC-015 Rev B dated 11/08/2022;
    - 'First Floor Plan – Part II', Dwg RC-016 Rev A; dated 13 June 2022;
    - 'Second Floor Plan – Part II', Dwg RC-017, dated 13/12/21;
    - 'Ground Floor Plan – Part III', Dwg RC-018 Rev A, dated 11/08/2022;
    - 'First Floor Plan – Part III', Dwg RC-019 Rev A, dated 11/08/2022;
    - 'Second Floor Plan – Part III', Dwg RC020, dated 13/12/21;
    - 'Typical Plans – Block A', Dwg RC021, dated 13/12/21;
    - 'Typical Plans -Block A', Dwg RC022, dated 13/12/21;
    - 'Typical Plans -Block B', Dwg RC023, dated 13/12/21;



- 'Typical Plans -Block B', Dwg RC024, dated 13/12/21;
  - 'Typical Plans -Block C', Dwg RC025, dated 13/12/21;
  - 'Typical Plans -Block C', Dwg RC026, dated 13/12/21;
  - 'Typical Plans – Block D', Dwg RC-027 Rev A; dated 13/06/22
  - 'Typical Plans -Block D', Dwg RC028, dated 13/12/21;
  - 'Typical Plans -Block D', Dwg RC029, dated 13/12/21;
  - 'Typical Plans -Block E & H', Dwg RC030 Rev A, dated 11/08/2022;
  - 'Typical Plans -Block E', Dwg RC031, dated 13/12/21;
  - 'Floor Plan – Block F', Dwg RC032, dated 13/12/21;
  - 'Floor Plan – Block G', Dwg RC033, dated 13/12/21;
  - 'Typical Plans – Block I', Dwg RC034 Rev A, dated 11/08/2022;
  - 'Site Elevations 1', Dwg RC-040 Rev B; dated 11/08/2022;
  - 'Site Elevations 2', Dwg RC-041, dated 13/12/21;
  - 'Site Elevations 3', Dwg RC042 Rev B; dated 11/08/2022;
  - 'Site Elevations 4', Dwg RC-043 Rev B; dated 11/08/2022
  - 'Site Elevations 5', Dwg RC-044 Rev B; dated 11/08/2022
  - 'Site Elevations 6', Dwg RC-045, dated 13/12/21;
  - 'Site Elevations 7', Dwg RC-046 Rev A; dated 13/06/22
  - 'Site Elevations 8', Dwg RC-047 Rev A, dated 11/08/2022;
  - 'Site Elevations 9', Dwg RC-048, dated 13/12/21;
  - 'Site Sections', Dwg RC-050, dated 13/12/21;
  - 'Site Sections', Dwg RC-051 Rev A; dated 13/06/22
  - 'Site Sections', Dwg RC-052 Rev A; dated 13/06/2022;
  - 'Site Sections', Dwg RC-053, dated 13/12/21;
  - 'Site Sections', Dwg RC-054 Rev A; dated 13/06/2022; and
  - 'Way Finding Diagrams', Dwg RC-062 Rev A; dated 13/06/2022
- Landscape Plans by Site Landscape Architects
    - 'Landscape Masterplan', Dwg 337\_SK-000 Rev E, dated 08.06.22
    - 'Landscape Plan Sheet 1', Dwg 337\_SK-001 Rev E, dated 08.06.22
    - 'Landscape Plan Sheet 2', Dwg 337\_SK-002 Rev E, dated 08.06.22
    - 'Landscape Plan Sheet 3', Dwg 337\_SK-003 Rev E, dated 08.06.22
    - 'External Lighting Plan', Dwg 337\_SK-005 Rev A, dated 08.06.22
    - 'Planting Concept', Dwg 337\_SK-004 Rev C, dated 08.06.22
    - 'Fencing Plan' Dwg 337\_SK-010 Rev A, dated 08.06.22
  - Engineering Plans prepared by AR & Associates, Job No. P21-210:
    - 'General Notes', Dwg No. 010 Rev A;
    - 'Earthworks Design Contours & General Arrangement – Overview', Dwg 200 Rev D;
    - 'Earthworks Design Contours & General Arrangement – Sheet 1', Dwg 201 Rev D;
    - 'Earthworks Design Contours & General Arrangement – Sheet 2', Dwg 202 Rev D;
    - 'Earthworks Design Contours & General Arrangement – Sheet 3', Dwg 203 Rev D;
    - 'Earthworks Cut & Fill Plan – Overview', Dwg 210 Rev C;
    - 'Earthworks Cut & Fill Plan – Sheet 1', Dwg 211 Rev C;
    - 'Earthworks Cut & Fill Plan – Sheet 2', Dwg 212 Rev C;
    - 'Earthworks Cut & Fill Plan – Sheet 3', Dwg 213 Rev C;
    - 'Earthworks Sections – Sheet 1', Dwg 220 Rev C;
    - 'Earthworks Sections – Sheet 2', Dwg 221 Rev C;

- 'Earthworks Sections – Sheet 3', Dwg 222 Rev C;
- 'Earthworks Sections – Sheet 4', Dwg 223 Rev C;
- 'Proposed Retaining Wall Plan', Dwg 230 Rev D; and
- 'Earthworks Retaining Wall Longsection – Sheet 1', Dwg 240 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 2', Dwg 241 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 3', Dwg 242 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 4', Dwg 243 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 5', Dwg 244 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 6', Dwg 245 Rev C; and
- 'Earthworks Retaining Wall Longsection – Sheet 7', Dwg 246 Rev A.

2. That the consent holder advises Council ([enforcement@huttcity.govt.nz](mailto: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 \$180 per hour.
  - Notification of work commencing is separate to arranging building inspections.
  - Work outside what the District Plan permits is not to commence until all conditions that are to be signed off before work commences are complied with.
3. 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 construction hours;
    - Detail how any adverse effects arising from construction will be managed to avoid and mitigate effects from dust, noise, vibration and construction traffic. This includes how the proposal will comply with the NZS 6803:1999 Acoustics - Construction Noise. Please note that machinery operating hours, including machinery start-up times, are limited to between 7:30 am and 6 pm Monday to Saturday, with no work on Sundays or public holidays except for remedial or preventive work as required;
    - Identify what sediment and erosion control measures will be installed onsite to ensure that dust is prevented from blowing beyond site boundaries and sediment prevented from entering any stream, waterway, or the stormwater network. This shall include methods to prevent the deposition of any earth, mud, dirt or debris on any public road or footpath. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006.
    - Details of the proposed earthworks construction methodology

- Details of how stormwater and surface water will be controlled during site works to ensure they do not affect adjoining properties.
- Details of temporary traffic management measures for large truck loading and unloading.
- Details of a contact person available to take feedback/complaints.

All construction works (including associated activities such as earthworks) shall be undertaken in accordance with the certified Construction Management Plan. No construction works are to proceed until certification has been given by the Team Leader Resource Consents.

4. 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 to the Development Engineer the name and contact details of the person. Notice can be emailed to *subdivision@huttcity.govt.nz*.
5. That prior to any works commencing on site, the consent holder shall provide evidence to Councils Development Engineer that a suitably qualified Chartered Professional Engineer experienced in geotechnical matters has been appointed to carry out the design, monitoring, and certification of earthworks.
6. That when undertaking earthworks, the consent holder complies with the requirements and recommendations of the geotechnical report prepared by Engeo Limited Titled Geotechnical Investigation 33 Raukawa Street, Stokes Valley, Hutt City Dated 9 December 2021 and the Code of Practice for Earth Fill for Residential Development (NZS4431:1989).
7. Within 6 months of completion of the earthworks, the consent holder shall provide a Foundation Completion Report in accordance with Clause 2.6.1 of NZS4404:2010. The report shall include details of the specific site investigations, testing and construction monitoring undertaken and shall include a statement of professional opinion as set out in Schedule 2A of NZS4404:2010.
8. That the consent holder compacts all earthworks fill areas generally in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989). A completion certificate from an independent and qualified person (IQP) stating the earthworks have been completed to a standard that is compliant with NZS4431:1989 is to be provided upon completion of the earthworks.
9. All retaining structures are to have subsoil drains installed behind all retaining walls and make connections to an appropriate stormwater outlet. The proposed subsoil drains and outlet connection locations shall be clearly shown on the engineering drawings submitted for approval and the as-built drawings. Subsoils shall discharge via a sump unless otherwise approved.

10. A number of the retaining walls shown on drawing are more than 1.5 metres high. The consent holder must submit a design prepared by a chartered professional engineer (or an engineering geologist with recognised qualifications and experience in geotechnical engineering, and experience related to land development) with the building consent application, followed by a producer statement (PS4) on completion of the walls.
11. That the consent holder shall undertake all earthworks so that no sediment leaves the site or enters any drainage system 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 Guide for Land Disturbing Activities in the Wellington Region (Feb, 2021) and any erosion and sediment control plan or earthworks construction management plan.
12. That the consent holder stabilises all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within one month of completing earthworks to the satisfaction of Councils Development Engineer.
13. That the consent holder ensures all construction works including any earthworks are carried out in a manner that controls dust travelling beyond site boundaries to the extent that it does cause nuisance and hazard.
14. That the consent holder ensures vehicles and machinery leaving the site do not deposit earth or other material in or on road reserve or otherwise damage road surfaces and surrounds; if such spills or damage occurs, the consent holder shall clean or repair road surfaces to their original condition immediately and avoid discharge of any material into the stormwater system.
15. That prior to commencement of work a stabilised crossing shall be installed at the site entrance and/or establish suitable wheel wash facilities on site and that such installations shall be designed to ensure that earth material is not tracked onto the road.
16. That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise. Machinery operating hours, including machinery start-up times, shall be limited to between 7.30am and 6pm Monday to Saturday, with no work on Sundays or public holidays, in accordance with the noise level restrictions in the table below. Some activity is permitted on construction sites on weekdays between 6.30am and 7.30am, however these shall be limited to preparation works and shall not include the operation of machinery.

| Time Period     | Weekdays |     |      | Saturdays |     |      | Sundays and Public Holidays |     |      |
|-----------------|----------|-----|------|-----------|-----|------|-----------------------------|-----|------|
| Hours Between   | L10      | L95 | Lmax | L10       | L95 | Lmax | L10                         | L95 | Lmax |
| 6:30am – 7:30am | 60       | 45  | 70   | *         | *   | *    | *                           | *   | *    |
| 7:30am – 6:00pm | 75       | 60  | 90   | 75        | 60  | 90   | *                           | *   | *    |
| 6:00pm – 8:00pm | 70       | 55  | 85   | *         | *   | *    | *                           | *   | *    |
| 8:00pm – 6:30am | *        | *   | *    | *         | *   | *    | *                           | *   | *    |

\* At these times the relevant provisions of NZS6802 shall apply. This may mean that no noisy work can take place during these hours.

17. The consent holder installs landscaping and fencing treatments in accordance with the approved Landscape Plan. All plantings must be installed as soon as the seasons make practicable but must be finished within six months of the completion of construction. Any plant which fails to establish or perishes must be re-planted within 12 months of the completion of construction. The fencing treatments must be installed prior to the occupation of the units.
18. That signage is provided at the site entrance advising that vehicle access is for residents only and that there is no provision for on-site turning.
19. That a convex mirror be installed on the outside of the bend adjoining Unit 10 to improve visibility for vehicles turning.
20. That prior to occupation of Units 1-14, signage be installed near Unit 19 advising "turning difficult or residents' access only".
21. That any barrier/fence in the Unit 12/13 'Turn Around Area' be removed prior to any unit being occupied.
22. That the consent holder arranges for a final inspection with Council's monitoring and compliance officer (enforcement@huttcity.govt.nz or 04 560 1044), to determine reasonable compliance with the above land use conditions to the satisfaction, prior to the occupation of dwellings onsite.

## DECISION TWO – SUBDIVISION CONSENT

1. That the proposal is carried out substantially in accordance with the information and approved plans (RM210618) submitted with the application and held on file at Council.

Scheme Plan prepared by Realtime Survey, Dwg Number J2100175-12, J2100175-13, J2100175-14, dated 09/11/2021

Engineering drawings prepared by AR & Associates, Job No. P21-210;

- 'General Notes', Dwg No. 010 Rev A;
- 'Earthworks Design Contours & General Arrangement – Overview', Dwg 200 Rev D;
- 'Earthworks Design Contours & General Arrangement – Sheet 1', Dwg 201 Rev D;
- 'Earthworks Design Contours & General Arrangement – Sheet 2', Dwg 202 Rev D;
- 'Earthworks Design Contours & General Arrangement – Sheet 3', Dwg 203 Rev D;
- 'Earthworks Cut & Fill Plan – Overview', Dwg 210 Rev C;
- 'Earthworks Cut & Fill Plan – Sheet 1', Dwg 211 Rev C;
- 'Earthworks Cut & Fill Plan – Sheet 2', Dwg 212 Rev C;
- 'Earthworks Cut & Fill Plan – Sheet 3', Dwg 213 Rev C;
- 'Earthworks Sections – Sheet 1', Dwg 220 Rev C;
- 'Earthworks Sections – Sheet 2', Dwg 221 Rev C;
- 'Earthworks Sections – Sheet 3', Dwg 222 Rev C;
- 'Earthworks Sections – Sheet 4', Dwg 223 Rev C;
- 'Proposed Retaining Wall Plan', Dwg 230 Rev D; and
- 'Earthworks Retaining Wall Longsection – Sheet 1', Dwg 240 Rev C;



- 'Earthworks Retaining Wall Longsection – Sheet 2', Dwg 241 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 3', Dwg 242 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 4', Dwg 243 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 5', Dwg 244 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 6', Dwg 245 Rev C;
- 'Earthworks Retaining Wall Longsection – Sheet 7', Dwg 244 Rev A;
- 'Proposed Roding Plan – Overview', Dwg No. 300 Rev C;
- 'Proposed Roding Layout – Sheet 1', Dwg No. 301 Rev C;
- 'Proposed Roding Layout – Sheet 2', Dwg No. 302 Rev C;
- 'Proposed Roding Long Sections - Sheet 1', Dwg 310 Rev B;
- 'Proposed Roding Long Sections - Sheet 2', Dwg 311 Rev B;
- 'Proposed Roding Long Sections - Sheet 3', Dwg 312 Rev B;
- 'Proposed Roding Cross Section – Sheet 1', Dwg 320 Rev D;
- 'Proposed Roding Cross Section – Sheet 2', Dwg 321 Rev D;
- 'Proposed Roding Cross Section – Sheet 3', Dwg 322 Rev A;
- 'Proposed Stormwater Plan – Overview', Dwg 400 Rev D;
- 'Proposed Stormwater Plan – Sheet 1', Dwg 401 Rev D;
- 'Proposed Stormwater Plan – Sheet 2', Dwg 402 Rev D;
- 'Proposed Stormwater Plan – Sheet 3', Dwg 403 Rev D;
- 'Stormwater Long Sections – Sheet 1', Dwg 410 Rev D;
- 'Stormwater Long Sections – Sheet 2', Dwg 411 Rev C;
- 'Stormwater Details Raingarden Device', Dwg 420 Rev A;
- 'Proposed Wastewater Plan – Overview', Dwg 500 Rev C
- 'Proposed Wastewater Plan – Sheet 1', Dwg 501 Rev C;
- 'Proposed Wastewater Plan – Sheet 2', Dwg 502 Rev C;
- 'Proposed Wastewater Plan – Sheet 3', Dwg 503 Rev C;
- 'Wastewater Longsections', Dwg 510 Rev C;
- 'Proposed Water Supply – Overview', Dwg 600 Rev C;
- 'Proposed Water Supply Plan – Sheet 1', Dwg 601 Rev C;
- 'Proposed Water Supply Plan – Sheet 2', Dwg 602 Rev C;
- 'Proposed Utilities Plan – Overview', Dwg 700 Rev C;
- 'Proposed Utilities Plan – Sheet 1', Dwg 701 Rev C;
- 'Proposed Utilities Plan – Sheet 2', Dwg 702 Rev C; and
- 'Proposed Utilities Plan – Sheet 3', Dwg 703 Rev C.

2. Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 will be issued for this proposal in a series of stages provided that the following criteria are met:

- each individual allotment must be consistent with the proposal as approved and must have frontage, or legal access, to a legal road;
- each allotment shown on any survey plan, including any balance allotment must be adequately serviced as required by and in terms of the relevant conditions set out in this notice of decision;
- all engineering conditions pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the Act;

- any development contribution and reserves contribution must be paid, or a development agreement entered into prior to the execution of a certificate pursuant to section 224(c) of the Act.
3. The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 5.5-7.5% 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.
  4. That the consent holder pays Council an engineering fee to meet the cost of work carried out by Council Development 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). The fee is charged at an hourly basis of \$180.00 per hour for an engineer or \$200.00 for a senior engineer. Payment is necessary before or at the time of applying for a section 224(c) certificate.
  5. That prior to the commencement of physical works the consent holder submits detailed engineering plans to Council's development engineering team showing the layout of proposed services and roading including any earthworks and landscaping plans, and receives certification. The information shall include plans, specifications, and all necessary design and construction documentation. All work is to be carried out substantially in accordance with the approved plan(s).
  6. 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 to the Development Engineer the name and contact details of the person. Notice can be emailed to [subdivision@huttcity.govt.nz](mailto:subdivision@huttcity.govt.nz).
  7. The private road shown on plan P21-210 302 Rev C shall be provided with streetlighting.

**Advice Note:**

- The consent holder shall provide details of the design to Council as a Roading Authority for design approval.
  - In considering the street light design and construction, Council will consider AS/NZS 1158:2005.
  - For any private way/road, street lighting that is designed to achieve compliance with AS/NZS 1158:2005 shall be vested in Council.
  - Bollard lighting is considered acceptable.
8. All stormwater, sewer and water reticulation services shall be designed and constructed in accordance with Wellington Waters Regional Standard for Water Services 2021 and the Regional Specification for Water Services 2021 and all associated amendments.

9. That the consent holder installs sewer reticulation and connects separate laterals to the public main for each residential lot in accordance with the Regional Standard for Water Services 2021.

**Advice note:** Please note that HCC will not vest the entire wastewater system as indicated on the drawings. While no updated drawing indicating the attenuated system has been submitted the majority of the system will remain private. All attenuation will remain private and the new mains on private property will also remain private.

10. That the consent holder installs stormwater reticulation and connects separate service leads to the public or private mains or to the road kerb or other approved means of discharge for each residential lot in accordance with the Regional Standard for Water Services 2021.

**Advice note:** Please note that HCC will not vest the entire stormwater system as indicated on the drawings. The attenuation system, and all pipes upstream of this will remain private. The small section servicing Units 28-30 will remain private. The section servicing lots 23-27 will remain private until manhole SW5/3.

11. That the consent holder supplies water reticulation in accordance with the Regional Standard for Water Services 2021 and the Regional Specification for Water Services 2021.

**Advice note:** the RFI response stating that the 63mm watermain shall remain private is not accepted. All 63mm watermains in HCC are now vested in council and as such it is required that they meet the Wellington Water rules (including the 1.8 easement, terminal flushing points etc)

12. That the consent holder severs all abandoned cross-boundary services, including any water, sewer, and stormwater pipes. Abandoned pipes within the property are to be sealed at the junction. In addition, where abandoned pipes have the potential to act as a cross-boundary field drain they are to be sealed at the boundaries. Abandoned property laterals (connections from the main or kerb) are to be severed and sealed at the main or kerb.
13. The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. Applications are processed by Wellington Water. Their contact person is Chandra Koswatte (ph. 04 912 4534).
14. That the consent holder supplies water reticulation in accordance with the fire-fighting capability required under the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008).
15. That the consent holder arranges for an independent and qualified person to prepare a report containing details of any limitations on providing water reticulation to meet the Wellington Water Regional Standard for Water Services Dec. 2021. 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 may 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 of water supply availability.

16. The consent holder ensures that the development is designed to be stormwater neutral so that the stormwater runoff from the fully developed site is no more than existed prior to the development for both a 10 year and 100-year rainfall event. As such, **either**:
  - A suitably qualified engineer is to be engaged to provide a stormwater design report for the suitable disposal of stormwater from the site, including the design of the proposed stormwater attenuation within ponding areas, oversized pipes, or tanks, etc. **or**:
  - The installation of an appropriately sized (based on the house roof area) detention tank on each lot is undertaken at the time of building. The tank sizing and installation is to be in accordance with the Wellington Water's guidelines: **Managing Stormwater Runoff – The use of rain tanks for hydraulic neutrality**, which can be obtained from the following website: <https://www.wellingtonwater.co.nz/your-water/land-development/stormwater-neutrality-and-wastewater-control/>.
17. The consent holder shall prepare a maintenance schedule for the private stormwater detention system. The maintenance schedule shall include such details as size of tank required, orifice size, discharge outlet size and maintenance requirements. Council will register a consent notice on records of title for all lots as allowed for under Section 221 of the RMA to ensure that the maintenance schedule is available to the relevant lot owners.
18. Council will register a consent notice on records of title for all lots as allowed for under Section 221 of the RMA to ensure that the maintenance schedule required by Condition 17 is available to the relevant lot owners.
19. Prior to issue of the 224C certificate, 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 Manager Resource Consents for approval. The Operation and Maintenance plan is to include, but not be limited to:
  - a detailed technical data sheet
  - all the requirements as defined within the Regional Standard for Water Services and Water Sensitive Design for Stormwater: Treatment Device Guideline
  - 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 system
  - a programme for regular inspection and maintenance of the stormwater system

- general inspection checklists for all aspects of the sewer network, including visual checks
- 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

20. To mitigate impact on the downstream wastewater network Lots 1-27 shall be provided with a wastewater mitigation system so that wastewater can be captured, stored, and released at a controlled rate during off peak periods only. The system shall be designed and maintained in accordance with the Wellington Water Standard and Specification. Council may register a consent notice, in accordance with section 221 of the Resource Management Act 1991, on the titles of Lots 1-27 advising future owners in respect to the provision and ongoing operation and maintenance of the approved wastewater mitigation system(s).

**Advice note:**

- *Following construction of the wastewater management system, an as-built plan and a maintenance schedule must be documented and made available for future property owners.*
- *The proposed method of wastewater mitigation shall be submitted with the engineering plans for approval.*
- *Note that pressure sewers cannot discharge directly to the public system and must go through a section of gravity main to remove scouring issues.*

21. Prior to issue of the 224C certificate, the consent holder shall prepare a draft Operation and Maintenance Manual for the wastewater mitigation system, setting out the principles for the general operation and maintenance for the sewer system and the associated management devices. The Operation and Maintenance Manual shall be submitted to the Council's Manager - Resource Consents for approval. The Operation and Maintenance plan is to include, but not be limited to:

- a detailed technical data sheet
- all the requirements as defined within the Regional Standard for Water Services.
- details of who will hold responsibility for short-term and long-term maintenance of the sewer pump stations
- a programme for regular maintenance and inspection of the sewer system
- a programme for the collection and disposal of debris and sediment collected by the sewer system
- a programme for inspection and maintenance of attenuation tanks and individual pumps and control stations
- general inspection checklists for all aspects of the sewer network, including visual checks.

22. Prior to making any application for s223, that the consent holder prepares a memorandum of easements.



23. That the consent holder provides appropriate easements for public and private services, with the easements shown as a memorandum of easements on the land transfer plan. The consent holder must show easements for public services with a minimum three-metre width centred over the service, or twice the depth of the trench, whichever is greater and show Council as the grantee.

**Advice Note:**

- *See comments above re private ownership of services. This differs from the submitted scheme plans.*

24. That the consent holder prepares a document providing appropriate easements for right(s) of way, shown in a memorandum of easements on the land transfer title plan.
25. All stormwater secondary flow paths across land within the subdivision must be protected by an easement. The location of the secondary flow path must be submitted to the Hutt City Development Engineering team for approval prior to s223 certification. Preference is for secondary flow paths to be located in public land, such as parks, walkways and roads. The easement must cover the full extent of the secondary flow path or must not be less than 3 m wide (whichever is less), or such amendment as agreed as part of the engineering plan approval process. The easement shall be in favour of the Council and be duly granted, reserved, and shown on the survey plan.
26. All water rider mans within private property are to have at least 1.8 m wide easement created in gross, or width as agreed in the engineering approval process, to allow for access, repair, maintenance and renewal.

**Advice Note:**

- *In considering the installation of other services within this easement the Regional Standard for Water Services 2021 will be considered.*

27. That at the time of applying for s224 certification the consent holder provides Council the as-built plan, certified by a surveyor or engineer, showing the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.
28. That at the time of applying for s224 certification, the consent holder provides written notice to Council demonstrating that a separate electricity connection AND telecommunications connection has been or is to be provided to every lot.
29. That the consent holder shall construct a vehicle crossing on the private ways as shown on plan(s) P21-210 301 and P21-120 302 in accordance with Section 3 of NZS 4404:2010 Land Development and Subdivision Engineering. The vehicle crossing to the east of the site shall be a heavy-duty vehicle crossing.
30. That proposed lots 101 and 102 on plans P21-210 301 and P21-120 302 shall be constructed and sealed in accordance with the roading plans prepared by AR Associates and NZS4404:2010, or such other details as approved during the engineering plan approval process.

31. That the consent holder provides underground telecommunications and electrical services to each lot in accordance with the requirements of the relevant utility authority.
32. The consent holder shall demonstrate that the street light network has been installed and is functioning to the requirements of NZS1158.3.1:1999 and provides as built plans, an electrical certificate, and record of inspection of street light/bollard positions, pole and lantern types, and of the cabling to Council's traffic asset manager.
33. That the consent holder makes a payment of \$250.00 (incl GST) to Council, at time of application for the 224(c) certificate, to meet the cost of making and installing each street name sign. In this case 2 signs are required at a cost of \$ 500 (GST incl.).
34. Prior to issue of the s224C certificate, all maintenance items are required to be certified as complete including berm completion and mowed, carriageways and footpaths swept and sumps cleaned by the consent holders representative.
35. At the time of applying for certification under s 224 of the RMA 1991, that 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, etc, following the format set out in Council form RAS-FORM-014.
36. Within private rights of way and property the assets to vest in Council **generally** include:
- Street-lighting and cables (when required by Council).
  - Sewer mains (of 150mm dia. and above) and manholes agreed by the HCC engineers to be public, but not individual laterals.
  - Stormwater mains (of 300mm dia. and above) and manholes agreed by the HCC engineers to be public, but not individual laterals, attenuation devices, sumps and leads.
  - Watermains and ridermains of 63mm OD dia. and above, including valves and hydrants and individual laterals up to and including the tobies off the main
37. 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 agreed by the HCC engineers to be public, but not individual laterals.
  - All watermains, ridermains valves and hydrants, together with individual laterals up to and including the tobies.
38. 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.
39. That the consent holder shall paint the termination point of all sewer (red) and stormwater (green) laterals.

40. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 27 to ensure future owners are aware that a direct sewer connection is not available to the site, that sewage attenuation is necessary and that this is the responsibility of the property owner.
41. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 33 to ensure future owners are aware that the properties share private sewer and stormwater drains which they are required to operate, maintain, repair and renew. To facilitate the ongoing maintenance and eventual replacement of the shared private services the consent holder / future owner(s) of all residential lots shall form a Residents Association. The Residents Association shall be responsible for any damage that may occur in the receiving catchment as a result of failure to operate and maintain the shared private wastewater service to its design capacity.
42. That in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of all lots on all lots that share a common retaining wall on the boundary stating that they are jointly responsible for the ongoing maintenance of this wall.
43. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 11-14, 20-22, 25-29 and 31-33 to ensure any new dwellings built on this lot has 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 this lot.
44. The following amalgamation condition is to be endorsed on the Digital Title Plan:
- Lot 101 is a common access lot shared by Lots 1-22 and 25-33, held in equal undivided shares;
  - Lot 102 is a common access lot shared by Lots 23 and 24, held in equal undivided shares.
- (LINZ reference # 1815555)
45. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 33 inclusive. The consent notice shall state that due to the integrated nature of this development, the dwellings thereon must be built in accordance with condition (1) of Decision One. This consent notice may not apply if all of the dwellings have been substantially constructed prior to 223/224 being issued.
46. That the consent holder meets the cost of registering consent notice(s).

Reason for conditions:

In accordance with section 108 of the Act, I have included the following conditions on the decision:

- A requirement to undertake the development in accordance with the information provided within the application and the approved plans (condition (a)).
- Earthworks management conditions
- Traffic mitigation conditions
- A construction management plan
- Conditions recommended by Council engineers
- Landscaping requirements

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
  - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
  - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

The applicant has agreed to the conditions. Therefore section 108AA(1)(a) is satisfied.

In accordance with section 220 of the Act, I have also included the following conditions on the subdivision decision:

- A requirement that the survey plan must be in accordance with the scheme plan provided
- Requirement to supply as-built plans
- Amalgamation conditions
- Consent notices relating to stormwater design and maintenance
- Payment of reserve fees
- Easement and Right of Way conditions.

Processing Planner:



Nathan Keenan  
Consultant Planner

Peer reviewer:



Alicia Todd  
Consultant Resource Consents Planner

Delegated authority for approval:

*Aut*

Anna Martin  
Resource Consents and Compliance Manager

Application lodged: 21 December 2021  
Application on s92(1) hold: 3 May 2022  
Application off s92(1) hold 13 June 2022  
Application on s92(2) hold 12 April 2022  
Application off s92(2) hold 20 September 2022  
Application on hold at applicant's request – reviewing conditions – 28 September 2022  
Application off hold at applicant's request – conditions accepted – 18 October 2022  
Application approved: 19 October 2022

No of working days taken to process the application: 69

*Note: Assessment timeframes were extended by 20 working days in accordance with S37A(4)(b)(i). The high volume of applications and resourcing constraints are cited as special circumstances*

## 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 |  |
|-----------------------------------|-------------------------------------|------------------------------|---------------------|------------------|--|-------|--|
|                                   |                                     | <b>Residential</b>           |                     |                  |  |       |  |
|                                   |                                     | Fee per lot                  | Total fee           |                  |  |       |  |
| Number of additional lots         | 31                                  |                              |                     |                  |  |       |  |
| Transport                         | <input checked="" type="checkbox"/> | 2,171.30                     | 67,310.43           |                  |  |       |  |
| Water                             | <input checked="" type="checkbox"/> | 297.39                       | 9,219.13            |                  |  |       |  |
| Wastewater                        | <input checked="" type="checkbox"/> | 3,352.17                     | 103,917.39          |                  |  |       |  |
| Stormwater                        | <input checked="" type="checkbox"/> | 225.22                       | 6,981.74            |                  |  |       |  |
| <b>Total</b>                      |                                     | <b>6,046.09</b>              | <b>187,428.70</b>   |                  |  |       |  |
| Total fee                         |                                     |                              | \$187,428.70        |                  |  |       |  |
| GST                               |                                     |                              | \$28,114.30         |                  |  |       |  |
| <b>Total contribution payable</b> |                                     |                              | <b>\$215,543.00</b> |                  |  |       |  |

**Catchment**

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

- 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, 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, that is, by 19 October 2027.



- 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/)

**RM number:** RM210455  
**Date:** 6 April 2022  
**Applicant:** Raukawa Street Developments Ltd  
**Agent:** Spencer Holmes Limited  
**Address:** PO Box 588, Wellington 6140  
**Attention:** [REDACTED]

Peter McDonald  
Environmental Consents

T 04 570 6745

[peter.mcdonald@huttcity.govt.nz](mailto:peter.mcdonald@huttcity.govt.nz)

Our reference: RM210455

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**APPROVAL OF RESOURCE CONSENT FOR A 15-DWELLING COMPREHENSIVE RESIDENTIAL DEVELOPMENT, 28-LOT SUBDIVISION AND EARTHWORKS AT 71 – 73 RAUKAWA STREET, STOKES VALLEY (LOT 4 DP 55013, LOT 2 DP 543614)**

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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).
- With reference to the assessment and conclusions in sections 5.1 and 5.2 of this report the adverse effects on the environment and all persons are considered to be less than minor and overall the effects of the proposal are considered to be acceptable.
- Construction and demolition works will be undertaken in accordance with relevant plans to manage adverse effects associated with noise, earthworks, dust, and traffic to an acceptable extent.
- Council's urban design consultant has assessed the proposal and deemed it to be consistent with the provisions contained within the Medium Density Design Guide.
- A Council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions in section 7 of this report.
- 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

Land use and subdivision consent is sought to undertake a Comprehensive Residential Development (CRD) to establish 15 new dwellings and undertake a 28-lot subdivision at 71 – 73 Raukawa Street, Stokes Valley.

The proposed units, arranged across three building blocks, will feature 7 two-bedroom units and 8 three-bedroom units. All units will be two-storeyed in height, with living areas situated on the ground floor and bedrooms situated on the first floor of all units. A central internal parking area will provide 13 carparks, with an additional parking pad provided at the street frontage for Lot 1. Individual units will be provided with private outdoor living areas. Two communal refuse areas are provided onsite. The proposed site layout is shown in **Figure 1** below.



**Figure 1:** Proposed site layout.

15 of the proposed allotments will contain residential dwellings. 12 allotments will be car parks. The remaining one allotment will be the common access allotment. **Table 1** below provides a description of each dwelling and corresponding allotment.

**Table 1:** Proposed allotment and dwelling descriptors.

| Allotment number | Unit ID | Block | Allotment area m <sup>2</sup> | Site coverage % | No. of bedrooms | Outdoor living area m <sup>2</sup> |
|------------------|---------|-------|-------------------------------|-----------------|-----------------|------------------------------------|
| 1                | 1       | 1     | 122                           | 35.8            | 3               | 22.75                              |
| 2                | 2       | 1     | 78                            | 62.0            | 3               | 22.25                              |
| 3                | 3       | 1     | 57                            | 66.7            | 2               | 20.05                              |
| 4                | 4       | 1     | 72                            | 64.6            | 3               | 21.94                              |
| 5                | 5       | 2     | 80                            | 54.5            | 3               | 25.09                              |
| 6                | 6       | 2     | 65                            | 57.6            | 2               | 21.13                              |
| 7                | 7       | 2     | 66                            | 56.7            | 2               | 21.22                              |
| 8                | 8       | 2     | 87                            | 55.6            | 3               | 28.25                              |
| 9                | 9       | 2     | 65                            | 57.6            | 2               | 21.18                              |
| 10               | 10      | 2     | 81                            | 58.0            | 3               | 26.85                              |
| 11               | 11      | 3     | 102                           | 42.8            | 3               | 26.24                              |
| 12               | 12      | 3     | 68                            | 55.0            | 2               | 20.23                              |
| 13               | 13      | 3     | 68                            | 58.1            | 2               | 20.23                              |



| Allotment number                         | Unit ID                 | Block | Allotment area m <sup>2</sup> | Site coverage %                                 | No. of bedrooms | Outdoor living area m <sup>2</sup> |
|--|-------------------------|-------|-------------------------------|---|-----------------|------------------------------------|
| 14                                       | 14                      | 3     | 64                            | 60.2  | 2               | 19.57                              |
| 15                                       | 15                      | 3     | 132                           | 36.0  | 3               | 23.66                              |
| Common area (Access and outdoor lot 100) | N/A                     |       | 2553                          | N/A – common access area and rear outdoor space |                 |                                    |
| 16                                       | Amalgamated with Lot 2  | 12    |                               | N/A – carpark                                   |                 |                                    |
| 17                                       | Amalgamated with Lot 3  |       |                               |   |                 |                                    |
| 18                                       | Amalgamated with Lot 4  |       |                               |   |                 |                                    |
| 19                                       | Amalgamated with Lot 5  |       |                               |   |                 |                                    |
| 20                                       | Amalgamated with Lot 6  |       |                               |   |                 |                                    |
| 21                                       | Amalgamated with Lot 7  |       |                               |   |                 |                                    |
| 22                                       | Amalgamated with Lot 8  |       |                               |   |                 |                                    |
| 23                                       | Amalgamated with Lot 9  |       |                               |   |                 |                                    |
| 24                                       | Amalgamated with Lot 10 |       |                               |   |                 |                                    |
| 25                                       | Amalgamated with Lot 11 |       |                               |   |                 |                                    |
| 26                                       | Amalgamated with Lot 12 |       |                               |   |                 |                                    |
| 27                                       | Amalgamated with Lot 14 |       | 15                            |   |                 |                                    |

To facilitate construction of the proposed dwellings, earthworks to a combined cut and fill volume of 843m<sup>3</sup> (745m<sup>3</sup> cut, 98m<sup>3</sup> fill), and maximum cut and fill depth of 3.2m and 1.4m respectively are proposed.

The site is proposed to be connected to existing and proposed three waters infrastructure. Onsite stormwater neutrality is proposed via stormwater attenuation tanks proposed to be located within the common access area.

Construction works are proposed to last a duration of 12 months.

## 2. SITE DESCRIPTION



The applicant has provided the following site description which I adopt:

*The site is known as 71 and 73 Raukawa Street, Stokes Valley. These two sites have been purchased by the applicant and make up the 'subject site' of this proposal.*

*The subject site has an area of 3922m<sup>2</sup> and is currently contains a range of sheds, garden areas, a garage and a standalone dwelling. The southern end of the site is covered in vegetation. Part of this site is located within a proposed Significant Natural Area.*

*The site slopes upwards from Raukawa Street to the south. The rear of the site begins to rise more significantly.*

*The neighbouring site to the east is 65 Raukawa Street which contains a single dwelling, while the neighbouring site to the west is a small garden centre area. To the rear of the site is covered in bush while Raukawa Street is to the north of the site.*

The site is zoned General Residential within the District Plan. The site is adjoined by residential allotments to the north, east and west, and land zoned as Landscape Protection to the south. An aerial of the site and surrounding area is shown below.



**Figure 2:** Aerial image of application site.

71 Raukawa Street is legally described as Lot 4 DPD 55013, contained within Record of Title WN27A/585. There are no interests linked to this title which could affect the processing of this application.

73 Raukawa Street is legally described as Lot 2 DP 543614, contained within Record of Title 918829. This title is subject to a number of interests, including an easement to allow for the

conveyance of stormwater over part marked B (not affected by the proposal), and a consent notice 11659014.2. The consent notice relates to a requirement for stormwater detention tanks, and details relating to the design, maintenance, construction and information management for this stormwater system. The applicant has provided for this in their site design and will adhere to the requirements of this consent notice.

### 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 General Residential activity area, which this proposal falls within, are contained in chapters 4A (General Residential), 11 (Subdivision) and 14 (General).

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

#### Land use consent

The new rules introduced to Chapter 4A provide for comprehensive residential developments (CRD) to be established on the site as a restricted discretionary activity subject to compliance with the relevant development standards. The proposal is eligible for assessment as a CRD as it involves the development of more than three dwellings which have been designed and planned in an integrated manner on a site exceeding 1,400m<sup>2</sup>. In this instance, the proposal does not comply with the following development standards for CRDs under the District Plan:

- *4A 4.2.10(a): Comprehensive Residential Developments are restricted discretionary activities if they comply with all relevant development standards listed as (i) – (vii).*

The proposal is non-compliant with development standards (i), (iii) and (v), for reasons set out below.

- Site coverage within proposed lots 2 (62.0%), 3 (66.7%), 4 (64.6%) and 14 (60.2%), will exceed the maximum 60% under standard (i). Overall site coverage will 18%.
- The proposal cannot comply with standard (iii), which requires that all buildings fit within a recession plane envelope of 2.5m + 45 degrees from all side and rear boundaries. Proposed Unit 5 will breach this standard by 0.6m when measured vertically in respect of the eastern site boundary.
- The screening enclosing the rubbish storage area will be 1.5m high and will not comply with the minimum 1m separation from external side boundaries under standard (iv) being located up to two external boundaries.
- The proposal is also non-compliant with standard (v), which requires that all dwellings are provided a private outdoor living space with a minimum 20m<sup>2</sup> spanning a 3m dimension. Proposed Unit 14 is marginally undersized in respect of the minimum 20m<sup>2</sup>, at 19.54m<sup>2</sup>.

- *Rule 14A 5.1(a): Any activity is permitted if it complies with the standards listed in Appendix Transport 1 and does not exceed high trip generator thresholds.*

The proposal is non-compliant with a number of transport standards, including Standards 1(c), 2(a), and 4(d) as per below:

- 1(c) – the minimum access width for a site servicing up to 20 units is 9m legal width with a 5.7m carriageway. The proposed driveway spans between 4.3 – 5.1m with no pedestrian footpath.
  - 2(a) – the applicant has failed to successfully demonstrate compliance with Section 3 of AS/NZS 2890.1:2004 in respect of access width, access location, sight distance to frontage vehicles, pedestrian visibility splays and access leg gradient.
  - 4(d) – car parking spaces 14 and 15 do not comply with AS/NZS 2890.1:2004 in terms of their dimensions.
- *Rule 14I 2.1(a): Earthworks in all activity areas are permitted up to a total volume of 50m<sup>3</sup> and maximum vertical alteration of 1.2m.*
    - The proposal seeks to undertake earthworks to a combined cut and fill volume of 843m<sup>3</sup> (745m<sup>3</sup> cut, 98m<sup>3</sup> fill), and maximum cut and fill depth of 3.2m and 1.4m respectively.

I consider the proposal to be a restricted discretionary activity under Rules 14A 5.1(b) and 14I 2.2(a), and a discretionary activity under Rule 4A 4.2.10(b). Overall, the activity status of the land use consent is **discretionary**.

### **Subdivision consent**

The subdivision portion of the proposal must be considered in accordance with Chapter 11 of the District Plan. The proposal requires consent due to non-compliance with the following District Plan standards:

- *Rule 11.2.2.1(a): Subdivision in the General Residential activity area is a controlled activity subject to compliance with all relevant standards and terms.*

The proposed subdivision of the site is unable to comply with the minimum allotment size and shape requirements for new lots within this zone. The minimum allotment area is 400m<sup>2</sup>, which can accommodate a shape factor of 10m x 15m. This requirement can be waived if it is demonstrated that an undersized allotment could support a permitted dwelling. The applicant has failed to demonstrate that the proposed residential allotments (ranging in area from 57m<sup>2</sup> to 132m<sup>2</sup>) could conceivably accommodate permitted dwellings, hence there is no scope to waive the allotment design standard 11.2.2.1(a). The 3m frontage requirement is satisfied for each allotment, either through a direct road frontage, or a frontage to the internal access area.

The proposed subdivision is also non-compliant with subdivision standard 11.2.2.1(b) relating to transport. The proposal is non-compliant with Transport Standards 1(c), 2(a) and 4(d) for the reasons articulated in respect of land use consent above.

Finally, the proposal is also non-compliant with subdivision standard 11.2.2.1(e) requiring compliance with permitted activity conditions 14I 2.1.1 (earthworks). The proposal seeks to undertake earthworks to a combined cut and fill volume of 843m<sup>3</sup> (745m<sup>3</sup> cut, 98m<sup>3</sup> fill), and maximum cut and fill depth of 3.2m and 1.4m respectively.

The proposed subdivision therefore requires resource consent as a restricted discretionary activity under Rule 11.2.3(a), and a discretionary activity under Rule 11.2.4(i). The overall activity status of the subdivision consent is **discretionary**.

It is considered that the subdivision and land use consents are not mutually exclusive, and hence it is necessary to consider the effects of both subdivision and land use under a single assessment. On this basis, when bundled, the overall activity status of the proposal is **discretionary**.

### **National Environmental Standards**

The application site is identified as being at risk of potential contamination from asbestos and lead (from the age of existing onsite buildings, and heavy metals, fertilisers and pesticides (from the onsite plant nursery) however is not formally registered to Greater Wellington Regional Council's SLUR list. This activity is captured under the Ministry for the Environment Hazardous Activities and Industries List (HAIL) under categories I and A10. Consequently, the subdivision or change of use of the site is only a permitted activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NЕСS) if the following requirements are met:

- A Preliminary Site Investigation (PSI) exists for the site
- The PSI must state that it is highly unlikely that there will be a risk of human health if the activity is done to the piece of land
- The report must be accompanied by a relevant site plan to which the report is referenced
- The consent authority (in this instance, Hutt City Council) must have both the PSI and the plan.

The applicant submitted a PSI prepared by ENGEO in support of their application. This report summarised the likely sources and risk of contamination onsite. This PSI failed to confirm that it is highly unlikely that there will be a risk of human health if the activity is done to the piece of land, instead recommending that a Detailed Site Investigation (DSI) be undertaken to confirm actual onsite risk. No DSI has been submitted by the applicant.

Consequently, the proposal is ineligible for assessment as a permitted, controlled, or restricted discretionary activity and is hence to be assessed as a **discretionary activity** under Clause 11 of the NESCS.

## **4. PERMITTED BASELINE**

---

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

The permitted baseline in regards to subdivision for the application site includes minor boundary adjustments, provided that the permitted activity conditions can be met and no additional allotments are created. This subdivision creates new residential allotments and so

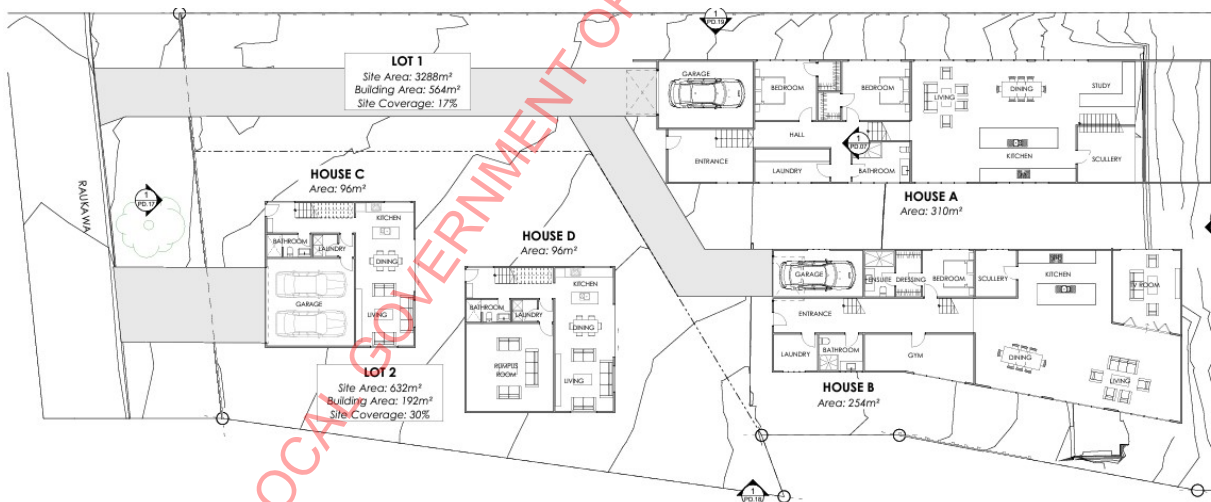


cannot be considered a minor boundary adjustment. This permitted baseline is not relevant for assessing the effects of the proposed subdivision.

The permitted baseline in regards to built form onsite includes two 8m high dwellings per existing site, given Rule 4A 4.2.1(a) permits up to two dwellings per site provided they meet the relevant permitted activity conditions and development standards of the General Residential Activity Area and General Rules chapters of the District Plan. The dwellings would need to comply with 40% total site coverage, 8m height limit, be located within recession planes of 2.5m and 45 degrees, be located at least 1m from side and rear boundaries and be located 3m from the front boundary. Each dwelling would also need to have at least 50m<sup>2</sup> each of private outdoor space with a dimension of at least 4m. 30% of the site would also need to be of a permeable surface. It is noted that there is no minimum car parking requirements whereby no on-site parking is required by the District Plan.

Construction of an accessory building is also a permitted activity provided it complies with the development standards for site coverage, building height, recession planes, yards and permeable surfaces.

In the context of the existing sites at 71 & 73 Raukawa Street, the applicant submitted a permitted baseline plan in support of their resource consent application. This permitted baseline featured 4 two-storeyed dwellings (2 per site). The dwellings spanned a footprint of up to 310m<sup>2</sup> (combined gross floor area across two floors of up to 720m<sup>2</sup>). This is copied in below.



**Figure 3:** Permitted baseline scenario submitted by the applicant.

It is assessed that the permitted baseline prepared by the applicant is fanciful, on the grounds that the gross floor area of dwellings A and B in particular is vastly greater than a typical dwelling in the General Residential activity area. The floor plan for dwelling A features 7 bedrooms, a media room, two living areas, a conservatory, study, gym, 4 bathrooms, and an entrance room and garage. The concept dwellings A and B are long in form and arranged lengthwise against the contour of the land, requiring a staggered approach to the floor levels and multiple stairwells. There are no known examples of dwellings with such large floor areas which respond to the topographical constraints of a site in this way. This is assessed as being a non-credible example of what would conceivably occur on the subject site, in the General



Residential activity area in Stokes Valley. Consequently, for the underlying site at 71 and 73 Raukawa Street the permitted baseline presented by the applicant has been disregarded for the purpose of this decision, and a standard permitted baseline applied (in the context of those District Plan parameters detailed above, scaled to be proportionate to a non-fanciful dwelling typologies for this zone and suburb across both subject sites). This credible permitted scenario could result in the concept dwellings 'A' and 'B' instead having dwelling floor areas and footprints more comparable to those shown for dwellings 'C' and 'D'.

Earthworks of up to a maximum volume of 50m<sup>3</sup> per underlying site (100m<sup>3</sup> across the two sites linked to the application works area) and 1.2m measured vertically from natural ground level are permitted. This permitted baseline is considered to be of relevance.

## 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><li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li></ul> | 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 62, 63, 65, 75, 77A, 89A Raukawa Street, Stokes Valley in making an assessment under s95D.

The adverse effects on the environment are considered to be less than minor for the following reasons:

**Residential character and amenity effects**

It is noted that the Raukawa Street frontage is the sole location for site access, and will be the environment which interacts with the proposed residential development most significantly.

Units 1 – 4 will be the most visibly prominent part of the site from the streetscape, due to directly fronting Raukawa Street. These units are arranged to form one large building block, with one vehicle crossing positioned in the north-easternmost corner of the site (servicing Unit 1), and the primary site access crossing in the north-westernmost site corner (servicing the balance of the site). The dwellings are slightly recessed from the street environment and sited above the street ground level by approximately 1m. These units all comply with the minimum front yard requirement and are designed to address the street with front facing entrance doors, outdoor living areas, and low fences.

The site's integration with the surrounding streetscape was assessed by consultant urban designer Dr Morten Gjerde, who noted that "*the street facing building helps to consolidate activities at the street edge, despite being set back from the boundary to allow for outdoor living*", with features such as landscaping, a large site access, and streetscape orientation assisting in activating the street frontage. The application proposes 1.2m high semi-permeable fencing to create positive interaction between the front site dwellings and the street environment, further softening the appearance of the site while adhering to appropriate crime prevention through environmental design (CPTED) principles. The main vehicle access to the site takes up a limited portion of the frontage, and provides access to a central parking area that is well screened by units 1 – 4 to avoid a car-centric frontage. All rear units will have refuse collected within the site via a private collection agency, reducing amenity impacts from rubbish bins. Extensive landscaping is also proposed along the street frontage, which will

assist in softening building bulk while also providing some variation between the repetitive style dwellings.

It is noted that the proposed development does not align with what could occur in a permitted baseline scenario for the two underlying sites at 71 and 73 Raukawa Street, given the irregular site shapes for these properties prohibiting extensive building mass from being developed at the street edge as a permitted activity. Despite this, I consider that character, while not consistent in form and grain of that surrounding the site, is appropriate as the development is clearly residential in nature and has been designed in accordance with the medium density design guide. In addition, the development is well-aligned with the rapidly emerging medium-density character of the Raukawa Street area.

Overall, residential character and amenity effects will be less than minor on the environment.

### **Privacy and shading effects**

The proposed buildings have been designed to comply with all yards, height and recession plane standards for the General Residential activity area. This is with the exception of recession plane breaches along the common boundary shared with 65 Raukawa Street. It is noted that assessment of shading and privacy impacts upon persons at adjoining properties is excluded from consideration under s95D and will be assessed later in this report. The wider environment, which is eligible for assessment under this section, is sufficiently setback from the application site, with interactions typically transient within the footpath or road carriageway, such that privacy and shading effects will be less than minor.

### **Transport effects**

Council's consultant traffic engineer Harriet Fraser has reviewed the proposal. Through an iterative process the proposed design was updated in response to Ms Fraser's advice to the point that the updated design is considered to be suitable for the intended residential and refuse collection function, including with regards to vehicle access width and manoeuvring. Ms Fraser recommended a number of conditions for this resource consent to manage all remaining transport effects, which have been adopted by the applicant as forming part of their application. Consequently, transport effects are less than minor on the environment.

### **Earthworks effects**

Proposed earthworks to level the site for building platforms and access total 843m<sup>3</sup> (745m<sup>3</sup> cut, 98m<sup>3</sup> fill), and maximum cut and fill depth of 3.2m and 1.4m respectively. The applicant notes the following in respect of earthworks proposed:

*The majority of the cut / fill areas within the site will be covered by either buildings, carparks, concrete or grass/planting. This will mean that the majority of the cuts will be screened. The exception to this is at the rear of the site and to the rear of lots 11-15, where the proposed cuts will be retained by retaining walls. These retaining walls will however be screened by the dwellings built on these lots. This will reduce any residential amenity effects that could have otherwise been created.*

*Raukawa Street sits off Stokes Valley Road which is the main road into this area. Therefore, the transportation of the cut / fill material will be appropriate and efficient and allow trucks to stick to main roads reducing any effect trucks could potentially have within residential areas to*

*transport materials to an approved location.*

*While there is a significant amount of earthworks above what is permitted on site, once the development is completed, these earthworks will have no lasting effects and instead allow for good building platforms, a flattened out driveway / carparking area and flat outdoor living areas.*

*There are no existing natural features and the site does not have any historical or cultural significance. The topography of the site slopes upwards towards the south. The areas of the cuts however do not disturb the ground once the slope really starts to get steep at the rear of the site.*

I agree with the above statement and adopt it for the purpose of this assessment. The applicant has advised that silt and sediment control measures will be implemented onsite, including the use of silt fencing. The applicant noted their assumption that a detailed Erosion and Sediment Control Plan would be imposed as a condition of consent for submission and has consequently agreed to a condition to this effect. Overall, earthworks effects will be temporary in nature and less than minor.

#### Contaminated Soil (NESCO)

The PSI submitted by the applicant highlighted the need to undertake further investigation of the soil onsite to clearly ascertain actual contamination levels and risk to human health onsite. The applicant has subsequently proffered an array of conditions in accordance with those recommendations in the ENGEO PSI, including the undertaking and submission of a DSI to Council, and if required, the preparation and implementation of a Remediation Action Plan (RAP) and Contaminated Land Management Plan (CLMP) to extract and safely dispose of contaminated soils onsite. Adherence to these conditions will mitigate risk of persons being exposed to contaminated soils such that effects on the environment will be less than minor.

#### **Construction effects**

Construction effects from the proposal will be somewhat similar to that of a potential permitted baseline dwelling of four large dwellings. Construction noise will be controlled through compliance with construction noise standards, dust suppression to avoid dust effects, and erosion and sediment control methods such as silt fencing. effects from works. Furthermore, the effects resulting from construction will be temporary in nature, limited to certain hours and days and will cease following completion of the site works. Accordingly potential adverse construction effects will be less than minor.

#### **Subdivision and servicing effects**

All of the proposed allotments are undersized with respect to the minimum 400m<sup>2</sup> area required for the General Residential activity area. Despite this, each allotment can comfortably contain the proposed dwellings, compliant outdoor living areas, suitable dwelling access, and space for onsite storage and bins.

Regarding servicing, Wellington Water has advised that the site is situated outside of the modelled flood hazard area. Despite this, in accordance with CRD requirements, the applicant has provided for onsite stormwater neutrality. Onsite wastewater mitigation has also been

provided, in accordance with recommendations from Wellington Water. There is sufficient capacity within the existing network to provide for water supply requirements onsite.

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 the comprehensive residential development of a site zoned for residential purposes. There are numerous nearby examples of residential intensification either recently approved or under assessment for resource consent. This reflects the provision within the District Plan for comprehensive residential development on larger sites, whereby the application is not considered an unusual proposal. While the development will result in a much higher dwelling density on the subject site than is existing or permitted by the District Plan, the District Plan is considered to provide clear policy direction and assessment matters relevant to the proposal (as well as others in the nearby area), 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: <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 person/s. The following persons have given written approval:

- Michael Friday (Friday Homes Developments Ltd), on behalf of owners of 63 & 65 Raukawa Street, Stokes Valley

In respect of the above approval, it was noted this was only on behalf of the future owner of the site, requiring that effects on the current owner and occupiers of both 63 and 65 Raukawa Street still be subject to assessment under s95E. Michael Friday (future owner of the aforementioned sites) then supplied a Sale and Purchase Agreement which provided confirmation that legally, the site occupiers would be required to exit the sites at 63 & 65 Raukawa Street upon settlement of the site in August 2022. Consequently, there is robust evidence that the site occupiers will cease to be onsite from August 2022 and hence an assessment of effects on the current owners and occupiers of 63 & 65 Raukawa Street can be focussed to the time between the consent being granted, and the date of settlement, as after this time the site owner will also be the sole site occupier. This equates to a period of approximately 6 months.

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:

### 63 & 65 Raukawa Street

As noted above, approval has been obtained from the future owner of these sites. Effects on the current owners and occupiers of these sites is still a relevant consideration, particularly for the duration they are legally entitled to occupy the site. These persons will hence only experience potential construction effects in this interim period, with the dwellings proposed to

be complete approximately 12 months following the issue of resource consent if granted, well after the current owners and site occupiers are obligated to have vacated the premises. Hence, these persons will not experience any permanent bulk, amenity, privacy or shading effects from the dwellings.

Consequently, I consider it appropriate that the only effect relevant to consider on the occupiers of the properties above is construction effects. Temporary construction effects include construction traffic, noise, vibration and dust. It is considered that these effects will be somewhat similar to that of a potential permitted baseline dwelling of four large dwellings. Construction noise will be controlled through compliance with construction noise standards, dust suppression to avoid dust effects, and erosion and sediment control methods such as silt fencing.

Overall, effects on the occupiers of 63 & 65 Raukawa Street will be less than minor.

### **75 Raukawa Street**

This is a residential property abutting the western boundary of the application site for the first 38m extending from the road frontage. The property contains a single storey detached dwelling.

The proposed buildings will generally be well separated from the boundary shared with No 75, with minimum setbacks of 5m for the front unit block, 14m for the middle block and 12m for the rear unit block. The applicant's permitted baseline concept included two dwellings located adjacent ('House C' and 'House D'), which are considered to be a non-fanciful representation of development which could be established in this location without resource consent. These concept dwellings are located closer to the boundary than the proposed dwellings. Considering the separation of proposed building bulk from the boundary, it is considered potential adverse effects of visual amenity, privacy and shading resulting will be less than what could result from the permitted baseline as presented by the applicant. It is further noted that boundary plantings (including several specimen trees) will soften the visual effect of buildings, and may interrupt some direct views between first floor windows and activity at No 75. For the above reasons, but particularly noting the comparison to the permitted baseline, potential adverse effects of visual amenity, shading and privacy will be less than minor on persons at 75 Raukawa Street.

The proposed development where it directly abuts the boundary shared with No 75, includes the shared driveway entrance, one car parking space and a communal bin storage area. The shared driveway will provide access to 13 car parking spaces (each associated with one of the proposed dwellings). Vehicle activity with this density of residential development will be more than can be typically expected from the existing environment or a permitted baseline. However the vehicle access areas are expected to be a low speed environment, with sufficient provision of vehicle manoeuvring which will further limit the audible extent of vehicle activity. Boundary fencing (1.8m high) will be supplemented by landscaping (which as noted above include several specimen trees) will provide a buffer to the visual effects of vehicle activity. The bin storage area adjacent the boundary will be within a screened enclosure. Boundary planting and fencing will further screen the visual effect of the bin storage area. The bins will be permanently stored within the enclosure. To manage odour effects the applicant has proffered a condition of consent requiring that the enclosure be regularly maintained. For

the above reasons potential adverse effects on residential amenity related to the intensity of the development will be less than minor.

When assessed cumulatively, adverse effects on general amenity with reference to the above assessment and the assessment on all persons and properties below, will be less than minor.

### **77A Raukawa Street**

This is a residential property which abuts the rear portion of the application site's western boundary. The property contains a recently constructed large, single-storey dwelling. Where adjacent to the shared boundary the dwelling is elevated by pole foundations with an elevated deck on the eastern elevation. Building consent plans for the dwelling are held on file by Council and indicate that were adjacent to the boundary the internal layout includes the main living area and master bedroom.

The proposed rear unit block (dwellings 11 and 15) will be adjacent to the established residential activity at No 77A. Views from No 77A towards this unit block will be primarily towards dwelling 15, with the other dwellings in the unit block arranged behind this dwelling and largely separated and screened from view. There will be visibility to other unit blocks, however these will be relatively well-separated from the boundary (13m for the middle unit block, and 24m for the front unit block). The development will comply with yard setback and recession plane controls in relation to this boundary. Proposed landscaping includes a specimen tree located between the boundary and the western elevation of dwelling 15, which will serve to soften the visual effect of building bulk. Existing vegetation planted along the boundary within No 77A will provide effective screening over the fence-line. Although the retention of this vegetation is not within the applicant's control, it is noted as being part of the existing environment and will serve to mitigate adverse effects related to building bulk.

As the length of the unit block will be arranged perpendicular to the boundary, the width of the building bulk adjacent to the boundary will be approximately 9m. The permitted baseline concept of building bulk in this location as presented by the applicant is considered to be fanciful and is not relied on for assessment of effects on persons at No 77A (refer to section 4 of this report for details). Notwithstanding, it is considered that a less extensive but credible permitted baseline development (for which resource consent would not be required) could result in a more continuous extent of two-storey building along the boundary than will result from the proposed development. Accordingly the visual extent of building bulk as well as shading effects will be less than what can be expected from a permitted baseline development. Although the unit block will have a two-storey height, proposed earthworks cut will set the building within the rising topography, thereby lessening the extent it would appear visually imposing. The proposed dwelling will be set hard within the retained cut face, limiting the extent of visibility towards permanent cut faces or retaining structures. For the above reasons potential adverse effects on visual amenity and shading will be less than minor.

With respect to privacy effects dwelling 15 will present one bedroom window on the second storey of the east elevation facing No 77A. Bedroom spaces are typically used primarily during night-time hours, limiting the extent they may result in overlooking. This is considered a lesser extent of second storey fenestration than could result from a permitted baseline development. The aforementioned existing and proposed vegetation near the boundary will provide some interruption of views between the window and persons at No 77A. Earthworks

cut will result in the ground floor of dwelling 15 and the primary outdoor space being lower than the site levels at the boundary, increasing the effectiveness of the 1.8m high boundary fencing in providing screening towards this activity. For the above reasons potential adverse privacy effects will be less than minor.

With the exception of dwelling 15, outdoor living spaces will be generally well separated from the boundary to No 77A. Only the end portion of the driveway will be adjacent to the shared boundary. This together with the low-speed environment, provision for vehicle manoeuvring and screening from the boundary, will limit the extent that adverse effects related to vehicle activity will be apparent. A bin storage area will be located adjacent to a small portion of the shared boundary, however separated from the residential activity at No 77A. As previously noted, the applicant has proffered a condition that the bin storage areas are maintained to manage adverse odour effects. Accordingly potential adverse effects on amenity related to the intensity of the development will be less than minor. When assessed cumulatively, adverse effects on general amenity with reference to the above assessment and the assessment on all persons and properties below, will be less than minor.

### **62 Raukawa Street**

This property is located opposite the application site to the north, separated by the Raukawa Street road carriageway, and contains a single detached residential dwelling. A 20m road carriageway separates the application site frontage from the frontages of the above address, meaning the dwellings above are at least 28m from the proposed dwelling units 1 – 4 at the street frontage (being the nearest component of the proposed development). The front units will not encroach within the minimum front yard. Proposed boundary treatments including 1.2m high semi-permeable boundary fencing and landscaping will help integrate the development with the streetscape. The proposed landscaping, which includes four specimen trees, will serve to soften the visual effect of the building bulk. For the above reasons, but particularly noting the separation afforded by the road reserve, potential adverse amenity effects on persons at 62 Raukawa Street will be less than minor.

### **89A Raukawa Street**

This property is located to the rear of the application site, situated approximately 18 vertical metres above the existing dwelling on the application site. It comprises a single residential dwelling, and a large area of vegetated land.

The proposal will establish five additional dwellings centrally on the site at 71 Raukawa Street, approximately in the same location as the existing onsite dwelling. Given the sloped topography of the application site, screening afforded via the dense vegetation buffer, and the height of 89A Raukawa Street above the application site, the new dwellings will be generally unperceivable for the owners and occupiers of this property. There are no non-compliances with respect to the common boundary shared with this site, including yards, building height, or recession planes. Consequently, effects on the owners and occupiers of 89A Raukawa Street will be less than minor.

### **General effects on all persons**

- The proposed design remains residential in nature, and will be of a size and scale that can be sufficiently separated or screened from all other surrounding dwellings/persons.

Persons who view the proposal from Raukawa Street in passing, either as pedestrians or persons in vehicles, will experience the site in a transient way for a limited duration, meaning effects from the site will be less than minor, despite the change in outlook toward the site.

- Proposed landscaping and design treatments at the site frontage will mitigate bulk and amenity effects for all persons, with the dwelling units interacting positively with the streetscape in terms of opportunities for passive surveillance and general neighbourhood integration.
- 14 carparking spaces are provided onsite, to service the 15 proposed dwellings. It is noted that this represents a parking shortfall or one space (when applying a 1:1 parking ratio), it is acknowledged that a minimum number of car parks is no longer required by the District Plan whereby the applicant has a certain level of discretion in deciding to provide any at all. Council has no scope to consider effects caused by the number of parking spaces provided onsite, nor is there scope to require parking onsite as the proposal does not trigger High Trip Generator thresholds within the District Plan, which are triggered where a development seeks to establish 60 or more dwellings. Effects relating to parking supply are hence irrelevant to this decision. It is, however, relevant to consider effects arising from the non-compliances with transport standards 1(c), 2(a) and 4(d). On this matter, the proposal has been reviewed by Council's transport consultant Harriet Fraser who confirmed her support for the scheme on the basis that the breaches would not compromise road traffic safety, subject to several conditions which have been agreed to by the applicant as forming part of their consent application. A detailed review of this assessment is provided in Section 5.1 above and should be referenced for avoidance of repetition.
- Adequate space for refuse collection has been provided onsite in the form of two landscaped communal refuse storage areas (one behind unit 1, the other centrally in the parking area). The applicant notes that this will be serviced via a private refuse collection agency.
- Construction effects from the proposal will be somewhat similar to that of a potential permitted baseline dwelling of four large dwellings. Construction noise will be controlled through compliance with construction noise standards, dust suppression to avoid dust effects, and erosion and sediment control methods such as silt fencing. effects from works. Furthermore, the effects resulting from construction will be temporary in nature, limited to certain hours and days and will cease following completion of the site works. All construction vehicles are to be parked onsite for the duration of works. In addition a certain level of construction can be expected through a permitted baseline development. Overall, considering the above measures and the effects from a permitted baseline development, the construction effects will be less than minor on all persons.
- Wellington Water have advised the site is outside their modelled 1 in 100 year flood plain. Furthermore proposed cut volumes (745m<sup>3</sup>) will greatly exceed proposed earthworks fill (98m<sup>3</sup>), whereby it is unlikely the proposed development will displace water to adjacent sites. Proposed earthworks will be engineer designed and certified to ensure stability. Accordingly potential adverse effects related to natural hazards will be less than minor.
- Effects associated with subdivision and servicing have been assessed as having a less than minor effect on the environment for the reasons set out in Section 5.1 above. This



assessment is applicable to the owners and occupiers of all adjoining properties and potentially affected persons, including those beyond adjacent properties.

- All other persons are sufficiently setback or screened such that effects from the proposal 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 above, this 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)**

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

less than minor. The conclusions made in section 5 of this report remain valid for the s104 assessment, whereby the following actual or potential effects of the proposed development to be acceptable:

- Residential character and amenity effects
- Privacy and shading effects
- Transport effects
- Earthworks effects
- Construction effects

Further to these matters, additional assessment is made with particular regard to effects internal to the application site. I consider the actual or potential effects of the proposed development to be acceptable for the following reasons:

- Internal amenity – each of the proposed dwellings will have a compliant sized outdoor living area, with the exception of proposed unit 14 which at 19.54m<sup>2</sup> will be marginally less than the minimum required 20m<sup>2</sup>. The proposal has been assessed against Council's Medium Density Design Guide (MDDG) by Council's consultant urban design advisor Dr Morten Gjerde (refer to section 6.2 of this report for details). With regard to outdoor living spaces Dr Gjerde commented the outdoor spaces seem '*appropriately sized and well-appointed*', are located '*to the north and east of the unit they serve*' (for sunlight access), and '*contribute significantly to the visual amenity of the site*'. I concur with Dr Gjerde's and note that due to the limited extent of the non-compliance for unit 14, I consider any adverse effects on amenity to be negligible. Further the proposal includes a pathway to the rear bush area, which may provide additional opportunities for outdoor recreation. For the above reasons I consider that potential adverse effects on amenity for future residents to be less than minor and acceptable.
- Allotment design – the proposed residential lots 1-15 will not comply with the District Plan allotment design standards for size and shape. However each of the allotments area suitably sized to contain their respective dwellings, with suitable provision for outdoor living, and pedestrian and vehicle access. Accordingly the proposed dwellings are considered to be suitable for their intended residential use, and adverse effects related to the non-compliant lot sizes are considered to be acceptable.
- Natural hazards – the application site is located outside the 1 in 100 year flood extent as modelled by Wellington Water who have not made any specific minimum floor level for the site. Proposed earthworks and retaining structures will be engineer designed and certified to ensure the stability of the site and adjacent properties. The site is not known to be particularly prone to any other natural hazards. For the above reasons potential adverse effects related to natural hazards will be less than minor and acceptable.
- Engineering matters – the application has been reviewed by Council's subdivisions engineer who has concluded it can meet the District Plan's engineering standards subject to adherence to conditions. I concur with this assessment and have included the engineer's recommended conditions with the consent.
- 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.

- Site contamination – the PSI submitted by the applicant highlighted the need to undertake further investigation of the soil onsite to clearly ascertain actual contamination levels and risk to human health onsite. The applicant has subsequently proffered an array of conditions in accordance with those recommendations in the ENGEO PSI, including the undertaking and submission of a DSI to Council, and if required, the preparation and implementation of a Remediation Action Plan (RAP) and Contaminated Land Management Plan (CLMP) to extract and safely dispose of contaminated soils onsite. Adherence to these conditions will mitigate risk of persons being exposed to contaminated soils such that effects on the environment will be less than minor and acceptable.
- Protecting significant sites – the bush area to the rear of the existing dwelling is identified by the District Plan as being within Significant Natural Resource # 50 'Stokes Valley Bush'. No development works are proposed within the portion of the site subject to this listing. It is further noted that there are no District Plan rules in relation to this listing which would limit development of the site. As a result, I consider any effects on sites of significance to be negligible.
- Regionally significant network utilities – effects on the capacity of three waters infrastructure has been considered in section 5 of this report. The conclusion that effects are less than minor remain valid for the section 104 report whereby the effects are considered to be acceptable. The site is not within proximity to any other regionally significant network utilities.
- Positive effects – The supply of 15 new dwellings (13 additional) will increase housing supply and variety and will provide for economic well-being which are considered to be positive effects.
- s108 and s220 matters – I have considered it appropriate and necessary to impose conditions, including those referenced in the above assessment, to avoid, remedy or mitigate the adverse environmental effects of the proposal. The conditions have been agreed to by the applicant.

## 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)

### Design guide assessment

As a comprehensive residential development, consideration of the proposal against Council's Medium Density Design Guide (MDDG) is a relevant assessment matter. The applicant submitted a comprehensive assessment against the MDDG within their application prepared by Novak & Middleton architects. This was then peer reviewed by Council's consultant urban designer Dr Morten Gjerde, alongside his own review of plans submitted in support of the consent application. The applicant's MDDG assessment is held on file and should be read in conjunction with this decision report. In response to this assessment, Dr Gjerde noted the following:

- *"The overall design principles consider the effect of the development proposal on the neighbourhood, the extent to which it will foster a positive sense of place and the*

quality of residential amenity on site, with particular emphasis on private outdoor spaces.

- the site plan is coherent and responds well to the site constraints and opportunities. The car parking space will, by default, become the primary common area within the site and help organise the buildings around it. The taller, vertical plant species within this space supplement the low planting around the edges and together can contribute to a positive sense of place.
- The outdoor living spaces would seem to be appropriately sized and well-appointed with areas of landscaping and of paving. As such, they would support a range of more sedentary outdoor activities and contribute significantly to visual amenity within the site. These are located to the north and east of the unit they serve.
- The palette of landscape materials is very rich and should deliver the richness and variation across the site that will help create a positive sense of place. Overall, the landscape development proposal is outstanding, and I agree with the applicant's assessment."

Dr Gjerde suggested that several minor amendments were made to the site design, including the amendment of fence heights at the street frontage, and clarification of fencing and retaining heights in relation to external site boundaries. These amendments were actioned, or clarity provided, by the applicant. Dr Gjerde concluded his assessment by noting that he could "now confirm that the proposed development meets the anticipated outcomes of the MDDG".

As a result, I consider the proposal aligns with the intent and provisions within the MDDG.

### **Objectives and policies of the District Plan**

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

#### **4A General Residential Activity Area**

##### **4A 2 Objectives**

###### **Objective 4A 2.1**

*Residential Activities are the dominant activities in the General Residential Activity Area. Any non-residential activities that locate in the General Residential Activity Area are compatible with the low to medium density residential development and high levels of amenity anticipated for the zone.*

###### **Objective 4A 2.2**

*Housing capacity and variety are increased.*

###### **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.*

###### **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.*

#### **Objective 4A 2.6**

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

#### **4A 3 Policies**

##### **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 efficient use of larger sites and combined sites by providing for comprehensive residential developments.*

##### **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.*

##### **Policy 4A 3.5**

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

##### **Policy 4A 3.6**

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

##### **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.*

##### **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.*

#### **Assessment**

The proposal will increase the available housing stock within Stokes Valley by 15 dwellings (13 additional dwellings to what was existing across the two underlying sites previously) and is an activity that is compatible with the increasingly medium-density character of this zone and street. The site provides for stormwater neutrality to minimise stormwater effects. The proposal also provides a reasonable area of outdoor living space for residents such that they



can enjoy a good level of onsite amenity, all of which have been enhanced by landscaping treatments to enhance amenity and functionality. With reference to the above comments and the assessment and conclusions within sections 5.2 and 6.1 of this report I consider the proposal to be consistent with the above objectives and policies.

## **11 Subdivision**

### **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 in lower density residential areas and rural zones have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.*
- b) *To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, General Residential and Medium Density Residential Activity Areas to enable diversity of commercial and residential development size and density.*

### **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.*

#### **Assessment**

A Council subdivision engineer has assessed the proposal and confirmed that subject to conditions, the proposal will comply with the relevant performance standards related to three waters, electricity, earthworks and telecommunication.

## **14A Transport**

#### **Objective 14A 3.1**

*A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.*

#### **Objective 14A 3.5**

*Adverse effects on the safety and efficiency of the transport network from on-site 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 4.6*

*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.*

#### Assessment

The proposed development has been suitably designed with consideration to the integration with the surrounding land transport network. It is considered vehicles and pedestrians will be able to safely access the site without unduly impacting the safety and operation of the land transport network or safe access to adjacent sites. Although the proposal does not comply with various District Plan transport standards including in relation to access, with the proposal has been reviewed and supported by Council's consultant traffic advisor and any related adverse effects have been assessed as acceptable.

### **14I Earthworks**

#### *14I 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.*

#### *14I 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.*

##### *Policy*

- 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.*

### Assessment

The proposed earthworks are not undertaken on a site of historical or cultural significance, nor does the site provide an important backdrop to the city. There are no notable topographical features onsite which will be affected by the proposal, with much of the site's key features being retained. Amenity effects associated with earthworks have been assessed in Sections 5.2 and 6.1 to this report as having a less than minor effect on all persons, and will be suitably mitigated through adherence to the erosion and sediment control methods detailed by the applicant and imposed through conditions to this resource consent.

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

### **National Policy Statement on Urban Development 2020**

The NPS-UD came into effect on 20 August 2020. This document sets a mandate for Local Authorities to improve housing affordability and provide for the development of a variety of homes which meet the needs (in terms of price, location, and typology) of various population groups. This is to be done through planning decisions, with the intent that housing density and supply is increased over time.

This proposal involves the establishment of 15 new residential dwellings on a site which previously contained 2 standalone dwellings across 2 separate titles. The application site is positioned within the suburb of Stokes Valley, situated just off a secondary collector road host to a multitude of bus routes. There is evidence of high demand for housing in Stokes Valley, particularly near key public transport connections, and the proposal is deemed consistent with the intent of the NPS-UD in that it will provide for increased housing availability in this area. By increasing available housing stock, the assumption is that housing affordability will also improve in tandem. It is hence concluded that the proposal is directly consistent with the objectives and policies in the NPS-UD.

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 entire application site is positioned outside the modelled flood hazard risk area such that minimum floor levels onsite are only required to be set in accordance with the Building Code. Stormwater neutrality has also been provided for. Earthworks and retaining walls will be engineer designed and certified to ensure site stability.

Each dwelling/allotment is afforded compliant legal access, with the option of both pedestrian and vehicular site access.

Consequently there is no reason to refuse consent under s106.

## **6.7 - SUBSTANTIVE 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**

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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**

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.

#### Approved plans:

- Scheme Plan prepared by Spencer Holmes Limited, Drawing Nos. S21-0261-(AP6-AP7) Rev. A, and (AP1 – AP3) Rev. B, all dated 30/07/2021.
  - Proposed Services Plan, Drawing Nos. S21-0261-(D0-D14), Rev A and dated 31/01/2022.
2. 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.

3. 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). The fee is charged at an hourly basis of \$175 per hour for an engineer or \$195.00 for a senior engineer. Payment is necessary before or at the time of applying for a section 224(c) certificate.

*Note: Conditions 1-3 address essential administrative matters.*

4. That the consent holder takes into account the geotechnical report prepared by *ENGEO*, titled '*Geotechnical Investigation 71-73 Raukawa Street, Stokes Valley Lower Hutt*', dated 28/07/2021 and follows any recommendations it contains when undertaking all earthworks.
5. That the consent holder compacts all earthwork fill areas generally in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989).

**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.
  - Fill depths in excess of 0.6m below proposed buildings are outside the scope of foundation design under 'NZS 3604:Timber-Framed Buildings' and require specific engineering design by a suitably qualified professional engineer.
6. That the consent holder engages a suitably experienced qualified engineer to monitor 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 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.
  7. That the consent holder installs subsoil drains behind all new retaining walls and connects the drains to an appropriate stormwater outlet, unless otherwise approved.



**Please note:**

- The proposed subsoil drains and outlet connection locations shall be clearly shown on the engineering drawings submitted for approval and the as-built drawings. Subsoils shall discharge via a sump unless otherwise approved.

*Note: conditions 4-7 will ensure that the earthworks are appropriately designed and certified to manage natural hazard and to ensure the site is suitable for residential development.*

8. 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 June 2006).
9. 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 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.
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 ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise; and that notwithstanding this standard, machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays.
12. 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, except for the variations outlined below.

**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".
- **The vehicle crossing edges shall flare directly from the property boundary through to the kerb to accommodate vehicles passing or waiting clear of the road frontage.**
- **The pedestrian strip shall be continued from the entrance of the driveway through to the kerb.**

- **The gradient of the vehicle crossing shall be no more than 5% for the first 6m from the kerb, and transition grades shall be in accordance with AS/NZS2890.1:2004.3, unless otherwise approved.**

13. That the consent holder constructs a 1.6m wide footpath along the property frontage between the two proposed vehicle crossings.
14. That the consent holder removes any redundant vehicle crossing/s and reinstates the kerb, footpaths, and berms in accordance with Council's codes and standards.
15. That the consent holder constructs a concrete vehicle crossing to serve Lot 1 in accordance with Council's codes and standards.
16. That the consent holder installs the reticulation as necessary and connects separate minimum 100mm NB sewer and stormwater service leads to the public mains (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>.
  - It is now Council policy that only existing sewer and stormwater laterals less than 25 years old can be utilised for a new dwelling or new vacant lot, otherwise they are to be renewed or sealed off at the mains if not replaced in the same location.
17. That the consent holder ensures the development is designed to be stormwater neutral to avoid impact on the downstream network. Stormwater neutrality is required for both a 10 year and a 100-year rainfall event. The development must therefore be provided with a stormwater management system(s). The stormwater management design must be approved in writing by the Wellington Water Land Development Team and the following aspects must be met:
    - i. The consent holder must construct an approved stormwater management system or systems in accordance with plans approved under the Resource or Building Consent and agreed with the Wellington Water Land Development Team.
    - ii. The stormwater management system(s) must be designed so that the total stormwater discharge post-development from the site in both a 10 year and a 100 year rainfall event is less than or equal to the stormwater runoff flows prior to the development.
    - iii. The consent holder must ensure that all connections to the system(s) are trapped to minimise debris entering the system.

- iv. Following construction of the stormwater management system(s), an as-built plan and a maintenance schedule must be made available for future property owners. The plan and schedule must be approved by the Wellington Water Land Development Team.
- v. The owner(s) of appropriate lots must follow the required operation, maintenance and renewal of the system(s), set out in the maintenance schedule, to ensure it is in full working order at all times.
- vi. The owner(s) of appropriate lots cannot increase stormwater discharge, through an increase in non-permeable areas, without Council approval; as an increase in stormwater discharge may result in failure of the stormwater detention systems.

Council will register a consent notice, in accordance with section 221 of the Resource Management Act 1991, on the record of title of appropriate lots specifying the requirements (iv -vi) above.

18. That the consent holder installs an approved method of wastewater mitigation to avoid impact on the downstream wastewater network. Lots 3 - 15 shall be provided with a wastewater management system so that wastewater can be stored and released at a controlled rate during off peak periods only. The wastewater management design must be accepted in writing by the Wellington Water Land Development Team. Council will register a consent notice, in accordance with section 221 of the Resource Management Act 1991, on the titles of 3 – 15 (plus any other lots in the case of a shared system) advising future owners in respect to the provision and ongoing operation and maintenance of the approved wastewater mitigation system(s).

**Please note:**

- Wastewater detention systems shall be fitted with an audio and visual high level alarm, audible and visible from the private way.
- Wastewater detention systems shall have SCADA capability.
- Following construction of the wastewater management system, an as-built plan and a maintenance schedule must be documented and made available for future property owners. The plan and schedule must be accepted by the Land Development Team.
- The consent notice will require the property owners to follow the required operation, maintenance and renewal of the system(s) as set out in the maintenance schedule, to ensure it is in full working order on an on-going basis. The wording on the consent notice will be dependent upon the approved mitigation measures adopted and whether or not these are individual or shared systems.
- The proposed method of wastewater mitigation shall be submitted with the engineering plans for approval.

19. That the consent holder supplies 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:**

- It is Council policy that only existing laterals of polyethylene material can be utilised for a new dwelling or new vacant lot. All existing non-polyethylene laterals, including the tobies, are to be renewed and sealed at the main if not replaced in the same position
- The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are processed by Wellington Water Ltd., which is a Council-controlled company in charge of Council water and drainage assets. Their contact person is Chandra Koswatta (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.

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

21. That the consent holder severs all abandoned cross-boundary services, including any water, sewer and stormwater pipes. Abandoned pipes within the property are to be sealed at the junction with the "live" pipe and at all ends (including where the line is broken through). In addition, where abandoned pipes have the potential to act as a cross-boundary field drain they are to be sealed at the boundaries. Abandoned property laterals (connections from the main or kerb) are to be severed and sealed at the main or kerb.

22. That the consent holder submits engineering plans for the above construction work to Council subdivision engineer for approval; that the plans provide information on the materials to be used, including the size, type and class of pipes, as well as indicate pipe gradients; and that all this work is carried out in accordance with the approved plan.

**Please 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, 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.
- Please provide construction details and design levels of the proposed private way.

23. 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.

24. 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.
25. That the consent holder provides underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
26. 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.
27. 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: Conditions 8-27 address the effects of the subdivision and will ensure each of the lots will be appropriately serviced.*

28. 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:**

- The proposed water 63mm OD ridermain shall be vested as public and accordingly will require a 1.8m wide easement in gross benefitting Hutt City Council.

29. That the consent holder moves all buildings clear of the new boundaries before applying for a section 224(c) certificate.



30. 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.**

31. 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.

32. That, in accordance with section 221 of the Resource Management Act 1991, Council registers consent notices on the records of title of the applicable lots to ensure future owners are aware that the properties share private sewer and stormwater drains and water pipes.

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

34. That the consent holder provides Council with the as-built plan, certified by a surveyor or engineer, showing, where applicable, the levels and alignment of all the mains and road work, and the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.

*Note: Conditions 28-34 address essential administrative matters.*

35. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 15 inclusive. The consent

notice shall state that due to the integrated nature of this development, the dwellings thereon must be built in accordance with condition (1) of the land use consent RM210455. This consent notice may not apply if all of the dwellings have been substantially constructed prior to 223/224 being issued.

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

36. That the consent holder complies with the following amalgamations (see: Land Information New Zealand request # 1749977).

- That Lot 100 hereon (legal access) be held as to fifteen undivided one fifteenth shares by the owners of Lots 1 - 15 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.
- That Lots 2 and 16 hereon be held in the same record of title.
- That Lots 3 and 17 hereon be held in the same record of title.
- That Lots 4 and 18 hereon be held in the same record of title.
- That Lots 5 and 19 hereon be held in the same record of title.
- That Lots 6 and 20 hereon be held in the same record of title.
- That Lots 7 and 21 hereon be held in the same record of title.
- That Lots 8 and 22 hereon be held in the same record of title.
- That Lots 9 and 23 hereon be held in the same record of title.
- That Lots 10 and 24 hereon be held in the same record of title.
- That Lots 11 and 25 hereon be held in the same record of title.
- That Lots 12 and 26 hereon be held in the same record of title.
- That Lots 14 and 27 hereon be held in the same record of title.

*Note: A condition to this effect has been proposed by the applicant and addresses the proposed amalgamation of parking spaces to residential allotments and the shared ownership of the access leg.*

#### **Land use consent**

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.

##### Approved plans:

- Architectural plans prepared by Novak + Middleton, Project No. 2113, Drawings Nos. PD.01 – 14 and dated 18/08/2021, and PD.21-22, dated 05/04/22.
- Landscaping Plan 71/73 Raukawa Street, sheets 01 – 09, and 'Planting Schedule and Specification', all Rev. B, prepared by Biome Ltd and dated 16/12/21.

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 \$175 per hour.
- Notification of work commencing is separate to arranging building inspections.
- Work outside what the District Plan permits is not to commence until all conditions that are to be signed off before work commences are complied with.

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

3. That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise. Machinery operating hours, including machinery start-up times, shall be limited to between 7.30am and 6pm Monday to Saturday, with no work on Sundays or public holidays, in accordance with the noise level restrictions in the table below. Some activity is permitted on construction sites on weekdays between 6.30am and 7.30am, however these shall be limited to preparation works and shall not include the operation of machinery.

| Time Period     | Weekdays |     |      | Saturdays |     |      | Sundays and Public Holidays |     |      |
|-----------------|----------|-----|------|-----------|-----|------|-----------------------------|-----|------|
| Hours Between   | L10      | L95 | Lmax | L10       | L95 | Lmax | L10                         | L95 | Lmax |
| 6:30am – 7:30am | 60       | 45  | 70   | *         | *   | *    | *                           | *   | *    |
| 7:30am – 6:00pm | 75       | 60  | 90   | 75        | 60  | 90   | *                           | *   | *    |
| 6:00pm – 8:00pm | 70       | 55  | 85   | *         | *   | *    | *                           | *   | *    |
| 8:00pm – 6:30am |          | *   | *    | *         | *   | *    | *                           | *   | *    |

\* At these times the relevant provisions of NZS6802 shall apply. This may mean that no noisy work can take place during these hours.

4. 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 to the satisfaction of the Team Leader Resource Consents, being careful not to discharge the material into any stream, storm water system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
5. That during construction the consent holder takes measures to ensure stormwater and surface water run-off does not affect adjoining properties, and that afterwards surface water is controlled, to the satisfaction of Council's subdivision engineer, through the use of onsite management systems (which may include, but is not restricted to, the use of curbing, channelling, permeable surface and/or installation of drains and pipes) to an approved outlet.

*Note: The consent holder is advised that free-draining retaining walls are not considered an acceptable means of controlling stormwater where retaining walls are required; sub-soil drainage will be required behind retaining walls to satisfy the above condition.*

6. That the consent holder deposits all unwanted spoil at an appropriately authorised disposal facility by the conclusion of site works.

*Note: This condition is required to manage visual amenity and construction effects.*

7. That the consent holder designs and carries out all onsite earthworks, building foundations and retaining in accordance with the recommendations detailed in Sections 6.2 – 6.5 of the Geotechnical Investigation Report (Project No. 19052.000.001), prepared by ENGEO Ltd and dated 28/07/2021.
8. That the consent holder installs landscaping treatments in accordance with the approved landscaping plan (*Landscaping Plan 71/73 Raukawa Street, sheets 01 – 09, Rev. A, prepared by Biome Ltd and dated 02/08/2021*), unless otherwise approved by Condition 8 below. All plantings must be installed as soon as the seasons make practicable, but must be finished within six months of the completion of construction. Any plant which fails to establish or perishes must be re-planted within 12 months of the completion of construction. All specimen and narrow trees are to be a minimum height of 1.5m at the time of planting.
9. That the consent holder ensures that, unless written approval from Council's roading and traffic team is given, no construction vehicles or machinery park on the berm of the street frontage, with all vehicles and machinery required to be parked onsite or within the road carriageway throughout the duration of construction works.

*Note: This condition is required to prevent damage to the street berm during the construction period.*

10. That the consent holder submits a Construction Management Plan (CMP) to the Council for consideration and approval, which details:
  - 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 of the proposed work including the location of a large (greater than 1m<sup>2</sup>) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
  - c. A communication and complaints procedure for adjoining property owners/occupiers, passers-by and the like;
  - d. safety fencing and associated signage for the construction site;
  - e. Details of the locations of any temporary construction hoardings to be erected;
  - f. Specific consideration for loading areas, truck waiting areas and access to the site;
  - g. Details of methods to mitigate vibration effects beyond the property boundary;
  - h. A traffic management diagram showing the physical layout of any proposed traffic management procedures;
  - i. Earthworks management, including:

- i. Confirmation of final earthworks specifications;
- ii. Earthworks methodology and sequencing, including any temporary and permanent methods for stabilising areas of cut and fill;
- iii. An illustrated plan that records the key features of the earthworks management procedures;
- iv. A description of the broad approaches to be used to prevent erosion, and minimise problems with dust and water-borne sediment;
- v. Measures to limit the area of earthworks exposed to the weather at any one time (sources of dust and sediment);
- vi. Measures to ensure dirt, mud or debris or other materials are not left on the road;
- vii. Measures to control dust, silt and sediment and to minimise the associated nuisance effects of earthworks (including in relation to the Council's stormwater system);
- viii. The type and location of silt fences to control water-borne sediment; and
- j. The covering of soil and other material to trucked on or off the site;
- k. Specific consideration for the potential for cumulative effects occurring as a result from other construction work in the area and how these can be mitigated.
- l. Nomination of a site person responsible for the implementation and administration of the CMP.

*Note: Compliance with Conditions 9 & 10 does not nullify the requirement to apply for a Corridor Access Request (CAR) from Hutt City Council's roading and traffic department should works or machinery obstruct the legal road or pedestrian footpath at any point during works.*

11. Prior to earthworks commencing and after demolition of the existing building, an adequate Detailed Site Investigation (DSI) must be submitted to and certified by the Council's Compliance Monitoring Officer (the CMO). The DSI must be:
  - a. Carried out in accordance with the Ministry for the Environment's (MfE) Contaminated Land Guidelines No.5 (CLMG 5).
  - b. Prepared by suitably qualified and experienced practitioner in general accordance with MfE Contaminated Land Guideline No. 1 (CLMG 1).
12. If the DSI confirms a risk to human health, a remediation action plan (RAP) and contaminated land management plan (CLMP) must be prepared by a suitably qualified and experienced practitioner and certified by the CMO prior to earthworks commencing.
13. Soil disturbance works must be undertaken in accordance with the approved RAP or CLMP.
14. Once soil disturbance works commence, if unexpected soil conditions, such as staining, odorous material or evidence of potentially asbestos containing materials, are encountered; work in that area must cease and the CMO must be notified immediately.
15. If remedial works are required, a Site Validation Report must be prepared in general accordance with MfE CLMG No. 1 and must be provided to the CMO within 3 months of completion of the soil disturbance activities. The Site Validation Report must include the following:



- a. The location and dimensions of the excavations carried out, including a relevant site plan.
- b. Records of any unexpected contamination encountered during the works.
- c. Soil validation results, if applicable (i.e. if remediation is carried out or unexpected contamination is encountered).
- d. Copies of the disposal dockets for the material removed from the site and any clean fill imported onto the site.
- e. Specify the requirements for ongoing monitoring and management (if required).

The report must also comment on the site's suitability for the intended residential use.

*Note: Conditions 10 – 15 were proffered by the applicant.*

16. That the consent holder arranges for a final inspection of the site, to determine reasonable compliance with the above land use conditions, prior to the occupation of dwellings onsite.

*Note: This condition is required to enable Council officers to access throughout the site with the express permission of the consent holder, to avoid the need to obtain permission to access each property from individual dwelling owners/occupiers.*

17. That the consent holder ensures that rubbish storage areas are regularly maintained to manage visual amenity and odour effects and to avoid vermin being attracted to these areas.

*Note: This condition is required to manage amenity effects related to rubbish storage areas.*

Processing Planner:

Peter McDonald  
Senior Resource Consents Planner

Peer reviewer:

Stephen Dennis  
Principal Resource Consents Planner

Application lodged: 5 September 2021

Application approved: 6 April 2022

No of working days taken to process the application: 63

*Note: Assessment timeframes were extended by 20 working days in accordance with S37A(4)(b)(i). The high volume of applications and resourcing constraints are cited as special circumstances.*

## 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. Two-bedroom dwellings are considered a small residential unit in accordance with Council policy, whereby development contributions are levied at a rate of 0.75 Equivalent Household Units (EHU). A credit of 2 EHUs was applied for the two existing titles ( $8 * 1.0 \text{ EHU} + 7 * 0.75 \text{ EHU}$ , less 2 EHUs = 11.25 EHUs). The total payable charge is **\$78,221.25**.

| Dev. Con. Calc.                   |                                     | Current Price Index: 1294.53 |                    | GST rate: 15.00%                               |  | RESET |  |
|-----------------------------------|-------------------------------------|------------------------------|--------------------|--|--|-------|--|
|                                   |                                     | <b>Residential</b>           |                    | <b>Catchment</b>                               |  |       |  |
|                                   |                                     | Fee per lot                  | Total fee          |  |  |       |  |
| Number of additional lots         | 11.25                               |                              |                    |  |  |       |  |
| Transport                         | <input checked="" type="checkbox"/> | 2,171.30                     | 24,427.17          | <input type="radio"/> Western Hills            |  |       |  |
| Water                             | <input checked="" type="checkbox"/> | 297.39                       | 3,345.65           | <input type="radio"/> Valley Floor             |  |       |  |
| Wastewater                        | <input checked="" type="checkbox"/> | 3,352.17                     | 37,711.96          | <input checked="" type="radio"/> Stokes Valley |  |       |  |
| Stormwater                        | <input checked="" type="checkbox"/> | 225.22                       | 2,533.70           | <input type="radio"/> Wainuiomata              |  |       |  |
| <b>Total</b>                      |                                     | <b>6,046.09</b>              | <b>68,018.48</b>   | <input type="radio"/> Eastbourne               |  |       |  |
| Total fee                         |                                     |                              | \$68,018.48        | <input type="radio"/> Rural                    |  |       |  |
| GST                               |                                     |                              | \$10,202.77        |  |  |       |  |
| <b>Total contribution payable</b> |                                     |                              | <b>\$78,221.25</b> |  |  |       |  |

- 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 and 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, that is, by 6 April 2027.
- 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/)

**RM number:** RM230264  
**Date:** 29 January 2023  
**Applicant:** [REDACTED]  
**Address:** 91 Raukawa Street,  
Stokes Valley, Hutt City  
[REDACTED]  
**Attention:** [REDACTED]

Vincent Ashman  
Environment and Sustainability  
T 027 316 5479  
Vincent.Ashman@huttcity.govt.nz  
Our reference: RM230264

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**APPROVAL OF RESOURCE CONSENT FOR BOUNDARY ADJUSTMENT AND A TWO LOT FEE SIMPLE SUBDIVISION AT 89C & 91 RAUKAWA STREET, STOKES VALLEY LEGALLY DESCRIBED AS BEING LOT 2 DP 562624 & LOT 3 DP 13723**

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

- The subdivision will create a vacant allotment that can facilitate future residential development as a permitted activity, outside of the Flood Hazard – Stream Corridor Overlay.
- 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 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 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. PROPOSAL

Resource Consent is sought for a two – stage subdivision consent that will first see a small boundary adjustment between 91 Raukawa Street and 89C Raukawa Street. This is proposed to see that 7m<sup>2</sup> of 91 Raukawa Street will be adjusted to 89C Raukawa Street and 5m<sup>2</sup> of 91 Raukawa Street will be adjusted to 89C Raukawa Street, this will create Lot 1 and Lot 2 respectively within stage 1 (see figure 1). The purpose of this boundary adjustment is to result in 91 Raukawa Street being rectangular in nature to correct the configuration from a previous subdivision.

The second stage will see a two-lot fee simple subdivision of 91 Raukawa Street (Stage 1, Lot 2). This will see the new 1,016m<sup>2</sup> allotment being separated into the vacant Lot 3 which is 400m<sup>2</sup> and Lot 4 which is 616m<sup>2</sup> in area and contains an existing dwelling. Lot 3 will be the front allotment with direct access and frontage to Raukawa Street to the north, while Lot 4 will be the rear allotment and will be accessed via a 3.5m wide vehicle access that crosses the waterbody located within the property.

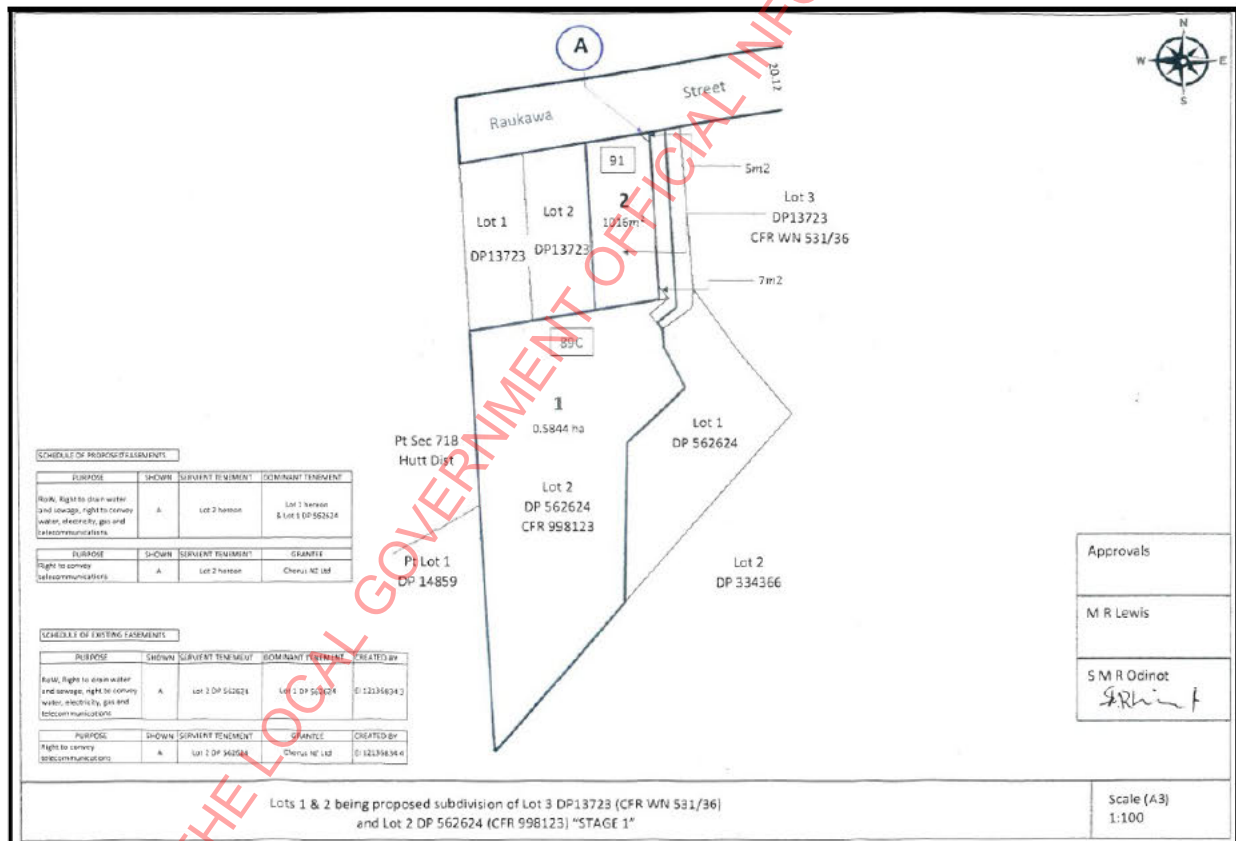


Figure 1: Stage 1 boundary adjustment scheme plan



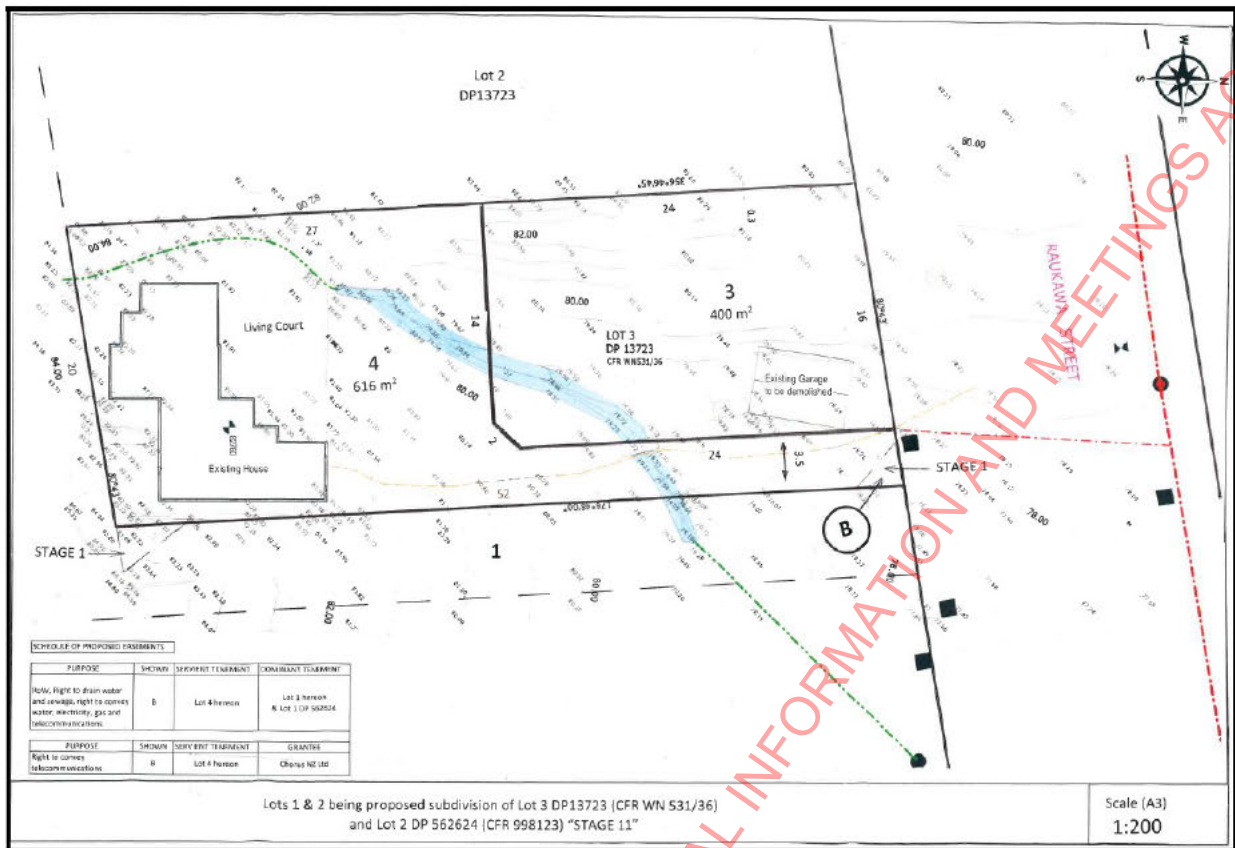


Figure 2: Stage 2 scheme plan

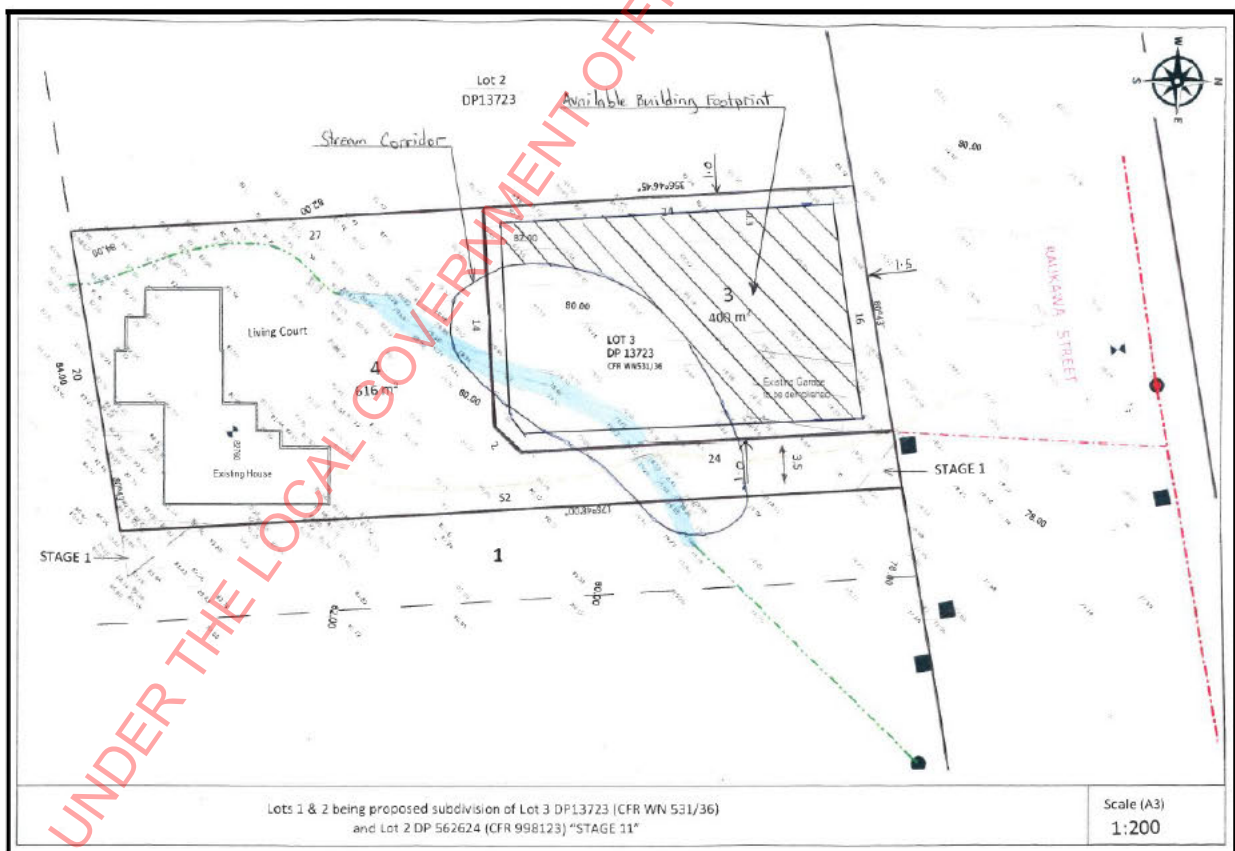


Figure 3: Stream Corridor and building platforms

## 2. SITE DESCRIPTION

The application site is located at 89C Raukawa Street (Lot 2 DP 562624) and 91 Raukawa Street (Lot 3 DP 13723), which are both located at the western end of Raukawa Street, with 91 Raukawa Street being the front allotment and 89C being a rear allotment.

91 Raukawa Street is located within the Medium Density Residential Activity Area with a gradual upwards slope towards the rear of the property where the existing dwelling is situated. 91 Raukawa Street has an area of 1,018m<sup>2</sup> and is mostly rectangular in nature with a slight obtrusion in the southeastern corner of the site. 91 Raukawa Street gains direct vehicle access from Raukawa Street.

89C Raukawa Street is a rear allotment that is situated entirely within the Landscape Protection Residential Activity Area. The property is 5,842m<sup>2</sup> in area being an unusual configuration that extends to the south. The southern portion of the property is covered by steep sloping stokes valley bush being SNR 50, with a single dwelling being located at the northeastern corner of the property. 89C Raukawa Street is provided with vehicle access via a right-of-way that is shared with 89B Raukawa Street.

The character of the surrounding area is largely residential, with majority of the properties being within the Medium Density Residential Activity Area and a small portion being within the Landscape Protection Residential Activity Area. The exception to this being 7N Page Grove located to the west, being recreation land located within the Passive Recreation Activity Area.

91 Raukawa Street also has the following natural hazards present within the property:

- Flood Hazard Overlay – Flood Inundation
- Flood Hazard Overlay – Stream Corridor

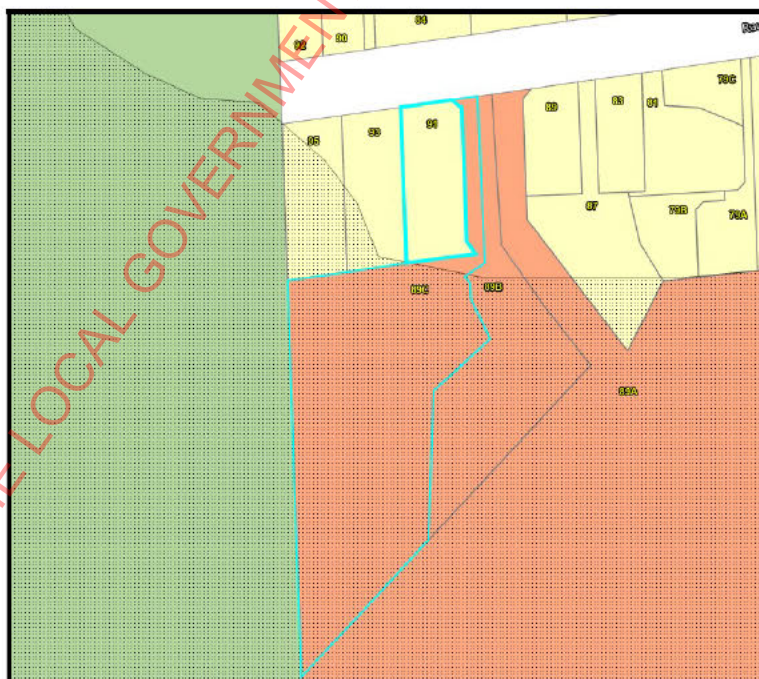


Figure 4: Application site





Figure 5: Application Site Flood Hazards

### 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 Medium Density Residential Activity Area and the Landscape Protection Residential Activity Area which this proposal falls within, are contained in the following chapters:

- Chapter 4E – Landscape Projection Residential Activity Area
- Chapter 4F – Medium Density Residential Activity Area.
- Chapter 11 – Subdivision
- Chapter 14 – General Conditions.

The proposal requires resource consent for the following District Plan non-compliance(s):



## Chapter 4E – Landscape Protection Residential Activity Area

| Rule  | Condition  | Compliance  |
|---|--|---|
| <b>4E 2.1.1 – Permitted Activity Conditions</b> |  |   |
| <b>4E 2.1.1(a)</b>                              | Maximum Site Coverage: 15%.  | <b>Will Comply</b> – The proposal will still see 89C Raukawa Street having less than 15% site coverage.   |
| <b>4E 2.1.1(b)</b>                              | (i) The minimum net site area per Permitted Activity (excluding home occupations and accessory buildings) shall be 2000m <sup>2</sup> .  | <b>Will Comply</b> – Stage 1 will still ensure that 89C Raukawa Street will have in excess of 2000m <sup>2</sup> for the existing dwelling.   |
| <b>4E 2.1.1(c)</b>                              | Front Yard: 3.0m<br>All Other Yards: 1.0m  | <b>Will Comply</b> – The proposal will not involve the construction of any new dwellings within the Landscape Protection Residential Activity Area and the existing dwelling on 89C Raukawa Street will comply. |
| <b>4E 2.1.1(d)</b>                              | 2.5m + 45° from all side and rear boundaries   | <b>Will Comply</b> – The existing dwelling within Lot 1 will be within this   |
| <b>4E 2.1.1(e)</b>                              | Maximum Height of Buildings and Structures: 8m<br>Maximum overall height may not exceed 13m  | <b>N/A</b> – No new buildings are proposed.   |
| <b>4E 2.1.1(f)</b>                              | No part of any building exceeding 20m in length may fall outside two arms meeting at a common point on the boundary and each making an angle of 20 degrees with that boundary.   | <b>N/A</b> – No new buildings are proposed within the Landscape Protection Residential Activity Area  |
| <b>4E 2.1.1(g)</b>                              | Any accessory building may encroach into the front yard requirement provided that the length of the building which encroaches onto the yard shall not exceed 25% of the length of the boundary parallel to that yard. Side and rear yard restrictions shall apply. | <b>N/A</b> – There are no existing or proposed accessory buildings within the Landscape protection Residential Activity Area  |
| <b>4E 2.1.1(h)</b>                              | A minimum of 30% of the net site area shall be of permeable surface. This includes decks provided the surface material of the deck allows water to drain through to a permeable surface.   | <b>Will Comply</b> – Following stage 1, the permeable surface area of Lot 1 will be in excess of 30%.   |
| <b>4E 2.1.1(q)</b>                              | Compliance with all matters in the General Rules - see Chapter 14.   | <b>Will Comply</b> – As assessed below, the proposal will comply with the provisions of Chapter 14.   |

## Chapter 4F – Medium Density Residential Activity Area

| Rule                                  | Condition  | Compliance  |
|---------------------------------------|--|---|
| <b>4F 4.2 – Development Standards</b> |  |   |
| <b>4F 4.2.1AA(a)</b>                  | Up to three dwellings per site are a permitted activity.   | <b>N/A</b> – No new dwellings are proposed  |
| <b>4F 4.2.1(a)</b>                    | (ii) The building coverage does not exceed 50%.  | <b>Will Comply</b> – post subdivision, Lot 4 will contain the existing dwelling within Lot 4. The dwelling has a footprint of 130m <sup>2</sup> , being less than 50% coverage. |
| <b>4F 4.2.2(a)</b>                    | Construction or alteration of a building is a permitted activity if:<br><br>(i) The building does not exceed a maximum height of 11m except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more, or<br><br>(ii) The building is within a specific 18m height control overlay shown on the District Plan maps and does not exceed the maximum height shown for that | <b>N/A</b> – No new buildings are proposed.   |

|                    |   |  |
|--------------------|---|--|
|                    | overlay.  |  |
| <b>4F 4.2.3(a)</b> | (i) 4m +60° from all side and rear boundaries, or<br>(ii) Within areas subject to an 18m height control overlay:<br>(a) 6m +60° along the first 21.5m of the side boundary as measured from the road frontage; and<br>(b) 4m +60° at any side boundary further than 21.5m from the road frontage, on the rear boundary, and along any common boundary with a site within the MDRAA that is located outside the height control overlay.  | <b>Will Comply</b> – No new non-compliance from existing buildings will result from the proposed buildings.                            |
| <b>4F 4.2.4(a)</b> | Construction or alteration of a building is a permitted activity if:<br>(i) Buildings are set back from the relevant boundary by the minimum depth listed below <ul style="list-style-type: none"> <li>• Front yard: 1.5m</li> <li>• Side yard: 1m</li> <li>• Rear yard: 1m</li> </ul>  | <b>Will Comply</b> – The existing dwellings will not be located within the yard setbacks due to the new boundaries.                    |
| <b>4F 4.2.5(a)</b> | A minimum of 30% of the site area is a permeable surface.   | <b>Will Comply</b> – Lot 3 will be a vacant allotment and Lot 4 will have in excess of 30% permeable surfaces.                         |
| <b>4F 4.2.6(a)</b> | (iii) Each residential unit at ground floor level has an outdoor living space that is at least 20m <sup>2</sup> and comprises ground floor, balcony, patio, or roof terrace space that: <ol style="list-style-type: none"> <li>1. Where located at ground level, has no dimension less than 3m;</li> <li>2. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m;</li> <li>3. Is accessible from the residential unit; and</li> <li>4. May be:               <ol style="list-style-type: none"> <li>(i) Grouped cumulatively by area in one communally accessible location, or</li> <li>(ii) Located directly adjacent to the unit; and</li> </ol> </li> <li>5. Is free of buildings, parking spaces, and servicing and manoeuvring areas.</li> </ol> (iv) Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that: <ol style="list-style-type: none"> <li>1. Is at least 8m and has a minimum dimension of 1.8m; and</li> <li>2. Is accessible from the residential unit; and</li> <li>3. May be:               <ol style="list-style-type: none"> <li>(i) Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or</li> <li>(ii) Located directly adjacent to the unit.</li> </ol> </li> </ol> | <b>Will Comply</b> – The outdoor living spaces for the existing dwelling will still be in excess of 20m <sup>2</sup> post subdivision. |
| <b>4F 4.2.7(a)</b> | Construction or alteration of an accessory building is a permitted activity if:<br>(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  | <b>N/A</b> – No accessory buildings are proposed.  |



|                     |  |  |
|---------------------|--|--|
|                     | complied with.   |  |
| <b>4F 4.2.8(a)</b>  | Construction or alteration of a building is a permitted activity if:<br>(i) All outdoor storage and servicing areas are screened so that they are not visible from a road or public space.   | <b>N/A</b> – No outdoor stage areas are proposed.  |
| <b>4F 4.2.10(a)</b> | (i) 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:<br><ul style="list-style-type: none"> <li>• Roof area of 100m<sup>2</sup> or less - 2,000 litre capacity.</li> <li>• Roof area of 100m<sup>2</sup> to 200m<sup>2</sup> - 3,000 litre capacity</li> <li>• Roof area of more than 200m<sup>2</sup> - 5,000 litre capacity.</li> </ul>   | <b>N/A</b> – No new buildings are proposed to be constructed.  |
| <b>4F 4.2.10(a)</b> | (i) Outlook space is provided for each residential unit as specified in this rule.<br>(ii) Outlook space is provided from habitable room windows<br>(iii) The minimum dimensions for a required outlook space are:<br><ul style="list-style-type: none"> <li>(a) A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</li> <li>(b) All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</li> </ul> (iv) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.<br>(v) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.<br>(vi) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.<br>(vii) Outlook spaces may be under or over a balcony.<br>(viii) Outlook spaces required from different rooms within the same building may overlap.<br>(viii) Outlook spaces must:<br><ul style="list-style-type: none"> <li>(a) Be clear and unobstructed by buildings; and</li> <li>(b) Not extend over an</li> </ul> | <b>Will Comply</b> – The existing dwelling will still have sufficiently outlook space post-subdivision.            |
| <b>4F 4.2.12(a)</b> | (i) Dwellings 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.   | <b>N/A</b> – The proposal does not involve any street-facing units.  |
| <b>4F 4.2.13(a)</b> | (i) A minimum of 20% of a developed site is landscaped with grass or plants. The landscaped area can include the canopy of trees regardless of the ground treatment below them.<br>(ii) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.  | <b>Will Comply</b> – Lot 3 is proposed to be a vacant allotment while Lot 4 will be have over 20% landscaped area. |

#### Chapter 14A – Transport

| Rule                                    | Condition | Compliance |
|---|-----------|------------|
| <b>Appendix Transport 1 - Standards</b> |           |            |

|                      |  |  |
|----------------------|--|--|
| <b>Standard 1(c)</b> | 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.  | <b>Will Comply</b> – The right-of-way servicing proposed Lot 1 will remain the same, servicing the same number of dwellings, therefore, is considered to have existing use rights under s 10 of the Act. Lot 3 is street facing, while Lot 4 will be serviced by a 3.5m accessleg. |
| <b>Standard 2(a)</b> | No more than two separate crossings for any front site. The total width of such crossings must not exceed 50% of the road frontage. There must be a separation distance of at least 1m between crossings measured at the kerb/carriageway edge. Site access must be designed and constructed in accordance with Section 3 of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking. Where a vehicle access serves three or more dwellings, it must have a minimum width of 4m to allow for fire service vehicles. | <b>Will Comply</b> – Lot 4 will utilise the existing vehicle crossing. Lot 3 is street facing, enabling enough space to provide a compliant vehicle crossing.  |
| <b>Standard 2(c)</b> | 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).                                  | <b>Will Comply</b> – All allotments will have sufficient space to exit in a forward direction.   |

#### Chapter 14I – Earthworks

| Rule   | Condition   | Compliance                              |
|--|---|---|
| <b>14I 2.1.1 – Permitted Activity Conditions</b> |   |   |
| <b>14I 2.1.1(a)</b>                              | The natural ground level may not be altered by more than 1.2m, measured vertically. | <b>N/A</b> – No Earthworks are proposed |
| <b>14I 2.1.1(b)</b>                              | Maximum volume of 50m <sup>3</sup> (solid measure) per site.                        | <b>N/A</b> – No Earthworks are proposed |

#### Chapter 11 – Subdivision

For the purpose of the proposal, stage 1 is considered to be a 'minor boundary adjustment' and therefore, I considered a permitted activity under Rule 11.2.1(a).

It should also be noted that while the Flood Hazard – Stream Corridor Overlay is present through the application site, the applicant has demonstrated that a building platform can be placed outside this overlay. Therefore, the provisions of Rule 11.2.5(c) are not considered relevant to this application.

| Rule                                    | Condition   | Compliance  |
|---|---|---|
| <b>11.2.2.1 – Subdivision Standards</b> |   |   |
| <b>11.2.2.1(a)</b>                      | <p>For any resulting allotment where there is no existing residential unit:</p> <ul style="list-style-type: none"> <li>A. It is practicable to construct a residential unit on the allotment as a permitted activity, or</li> <li>B. Land use consent has been granted for the proposed use of the site (including built development), or</li> <li>C. The subdivision application is accompanied by a land use application for the proposed use of the site that will be determined concurrently with the subdivision application.</li> </ul> | <b>Will Comply</b> – Lot 4 will contain the existing dwelling while Lot 3 has demonstrated sufficient space for a dwelling to be constructed. |



|                          |  |   |
|--------------------------|--|---|
|                          | 3m to ensure that there is drive-on access to the allotment. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).   |   |
| <b>11.2.2.1(b)(i)</b>    | Compliance with Chapter 14A - Transport.   | <b>Will Comply</b> – The proposal will comply with chapter 14A – Transport as assessed above.   |
| <b>11.2.2.1(b)(ii)</b>   | Compliance with Chapter 14A - Transport.   | <b>Will Comply</b> – The proposal will comply with chapter 14A – Transport as assessed above.   |
| <b>11.2.2.1(b)(iii)</b>  | Compliance with AS/NZS 1158:2005 Code of Practice for Road Lighting.   | <b>N/A</b> – No new streetlights are proposed.  |
| <b>11.2.2.1(b)(iv)</b>   | Compliance with the stormwater standards for new drains in an existing area  | <b>Will Comply</b> – The stormwater infrastructure will comply with the standards.  |
| <b>11.2.2.1(b)(v)</b>    | Compliance with the following requirements: <ul style="list-style-type: none"> <li>ADWF – 270 l/h/d</li> <li>PDWF – 540 l/h/d</li> <li>MWWF – 1080 l/h/d</li> </ul>  | <b>Will Comply</b> – The wastewater infrastructure will be designed in accordance with the corresponding requirements.                            |
| <b>11.2.2.1(b)(vi)</b>   | Compliance with the following requirements: <ul style="list-style-type: none"> <li>NZS PAS 4509:2008 NZ Fire Service Code of Practice for Fire Fighting Water Supplies.</li> <li>Hutt City Council Bylaw 1997 Part 17 Water Supply.</li> <li>Part 6 NZS 4404:2004 (Land Development and Subdivision Engineering).</li> </ul>   | <b>Will Comply</b> – The water infrastructure will be designed in accordance with the corresponding requirements.                                 |
| <b>11.2.2.1(b)(vii)</b>  | Compliance with the requirements of the relevant network utility operator.   | <b>Will Comply</b> – Each allotment will be supplied with network utilities in accordance with the requirements of the network utility operator.  |
| <b>11.2.2.1(b)(viii)</b> | Compliance with the following: <ul style="list-style-type: none"> <li>NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering</li> <li>Erosion and Sediment Control Guidelines for the Wellington Region and Small Earthworks Erosion and Sediment Control for small sites, 2003, Greater Wellington Regional Council.</li> </ul> | <b>N/A</b> – No earthworks are proposed   |
| <b>11.2.2.1(c)</b>       | Contamination  | <b>N/A</b> – The application site is not listed in the GWRC's SLUR register   |
| <b>11.2.2.1(d)</b>       | Esplanade Reserves, Strips and Access Strips   | <b>N/A</b> – The subdivision does not require esplanade reserves or strips.   |
| <b>11.2.2.1(e)</b>       | Earthworks   | <b>N/A</b> – No earthworks are proposed   |
| <b>11.2.2.1(f)</b>       | Financial Contributions and Chapter 14   | <b>Will Comply</b> – As assessed above, the proposal will comply with the requirements of Chapter 14.<br><br>Financial contributions will be met. |

Therefore, the proposed subdivision will require resource consent under Rule 11.2.2(a) as a Controlled Activity for stage 2.

The matters of controls are specified under Rule 11.2.2.2(a) – (j) and are as follows:

- (a) *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;*

- (b) *The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;*
- (c) *Management of construction effects, including traffic movements, hours of operation and sediment control;*
- (d) *Provision of esplanade reserves, esplanade strips and access strips;*
- (e) *Site contamination remediation measures and works;*
- (f) *Protection of significant sites, including natural, cultural and archaeological sites;*
- (g) *Avoidance or mitigation of any natural hazard risk in accordance with Policy 11.1.3;*
- (h) *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;*
- (i) *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; and*
- (j) *Those matters described in Section 108 and 220 of the Resource Management Act 1991.*

### **National Environmental Standards**

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

## **4. PERMITTED BASELINE**

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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.<sup>1</sup>

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 only subdivision which are provided for are 'minor boundary adjustments', which is relevant in assessing the proposal as a whole and as it relates to the first stage boundary adjustment that forms part of the proposal.

## **5. NOTIFICATION ASSESSMENT**

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Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under section 95A) and limited notification (under section 95E).

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

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<sup>1</sup> *Smith Chilcott Ltd v Auckland City Council* [2001] 3 NZLR 473 (CA)

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?   | Yes |
| Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"><li>▪ A controlled activity</li><li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li></ul> | Yes |

Public notification is precluded under step 2.

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

Step 3 sets out criteria where public notification must be undertaken in certain circumstances. However as public notification is precluded under step 2, assessment under step 3 is not required.

#### 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 boundary adjustment and a two lot fee simple subdivision that will create lots of a size that is anticipated by the District Plan. 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.

#### 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?   | Yes |
| 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 precluded under step 2.

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

Step 3 sets out criteria where limited notification must be undertaken in certain circumstances. However as limited notification is precluded under step 2, assessment under step 3 is not required.

### 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)

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

#### Actual or Potential Environmental Effects:

Due to the proposed subdivision being a controlled activity, an assessment against the matters of control will be undertaken below:

- (a) 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 proposed subdivision will result in allotments that are of a suitable size and shape to sufficiently contain the existing dwellings and a new dwelling within the boundaries of Lot 3. All allotments will be supplied with sufficient access from Raukawa Street with rear allotments having sufficient space for vehicles to exit and enter in a forward direction.

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

All the proposed allotment will be serviced with water, wastewater and stormwater as well as telephone and electricity. Conditions will be imposed in such regard.

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

The proposal is for subdivision consent only, with no extensive construction work being proposed. Conditions will be imposed to ensure that sediment erosion controls are in place and that hours of operation for any construction work is limited to reasonable hours.

- (d) Provision of esplanade reserves, esplanade strips and access strips;*

No esplanade strip, esplanade reserves and access strips are proposed or required.

(e) *Site contamination remediation measures and works;*

The site is not subject to any contaminants and no history of HAIL activities have been undertaken on the application site.

(f) *Protection of significant sites, including natural, cultural and archaeological sites;*

The site is not subject to any identified significant natural, cultural or archaeological sites.

(g) *Avoidance or mitigation of any natural hazard risk in accordance with Policy 11.1.3;*

Proposed Lot 3 is partially located within the Stream Corridor Overlay but is sufficiently sized that a permitted dwelling can be established outside of this overlay. Therefore, I consider that the proposed subdivision will not increase the risk of natural hazards.

(h) *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;*

No allotments will have access to any regionally significant networks utilities.

(i) *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; and*

There is no regionally significant network utilities in proximity to the application site.

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

Conditions will be imposed in accordance with Section 108 and 220 of the Resource Management Act 1991.

#### Positive Effects:

When assessing the effects of an activity, positive effects on the environment should be included. This was reinforced by the High Court in its decision in *Elderslie Park v Timaru District Council*, stating that:<sup>2</sup>

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

The proposal will result in the existing properties of 89C and 91 Raukawa Street having a more regular allotment shape through stage 1, while stage 2 will result in a new allotment which can facilitate a dwelling as a permitted activity. Therefore, I consider that the proposal will have the ability to add to the much needed housing stock.

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<sup>2</sup> *Elderslie Park Ltd v Timaru District Council* [1995] NZRMA 433 (HC) at 18.

## Conclusion

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

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

### Objectives and policies of the District Plan

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

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

**Policy 11.1.1(b)** – 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.

All proposed allotment will be sufficiently sized to be residentially developed and contain a permitted dwelling within the allotment boundaries. Lot 3 and Lot 1 will contain existing dwellings while Lot 4 will be sized accordingly to ensure that a dwelling can be constructed outside of the Stream Corridor Overlay. Therefore, I consider that the proposal is consistent with Objective 11.1.1 and Policy 11.1.1(b).

**Objective 11.1.2** – 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 11.1.2(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.

All allotments will be provided with water, wastewater and stormwater connections as well as utilities. Council's Development Engineer has assessed the proposal and has raised no concerns with the ability for all allotments to be sufficiently serviced. Therefore, I consider that the proposal is consistent with Objective 11.1.2 and Policy 11.1.1.

**Objective 11.1.3(a)** – To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.

**Objective 11.1.3(b)** – Subdivision does not increase the risk from natural hazards, including coastal hazards.

**Policy 11.1.3(b)** – Subdivision shall ensure that any building platform is not located within an identified Stream Corridor.

Proposed Lot 4 will be located partially within the Flood Hazard Overlay – Stream Corridor. The location of this hazard overlay will still allow for a permitted dwelling to be constructed outside of this overlay with a building platform outside of this overlay. Therefore, I consider that the subdivision has been designed to mitigate any potential natural hazard effects and to not increase the risk from natural hazards.

### **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**

In the Davidson v MDC 2018 Court of Appeal case, it was determined that If a plan has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to Part 2 because doing so would not add anything to the evaluative exercise.<sup>3</sup> As there are no known uncertainties or incompleteness with the relevant part of the District Plan, I consider that no further assessment against Part 2 of the RMA is necessary.

### **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 proposal will result in all allotments being supplied with legal and physical access, being in the form of accesslegs with proposed Lot 3 having frontage to Raukawa Street to facilitate direct access. While proposed Lot 3 has Flood Hazards present within the allotment boundaries, there is sufficient space to facilitate a permitted dwelling outside of these hazard overlays within Lot 3. Therefore, I consider that the proposed subdivision will not increase the risk of natural hazard and is unlikely to cause material damage as a result of the proposed subdivision. Therefore, there is no grounds to refuse the proposed subdivision under s 106 of the Resource Management Act 1991.

### **6.7 – SUBSTANTIVE DECISION**

In accordance with section 104A, after considering an application for resource consent for a controlled activity, a consent authority must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity.

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<sup>3</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316 at 75



As sufficient information has been provided to determine the activity is a controlled activity the resource consent is granted under s104A.

I impose the following conditions under s108 and s220 for those matters over which control is reserved in national environmental standards or other regulations; or over which it has reserved its control in its plan or proposed plan.

## 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:

### **GENERAL CONDITIONS (APPLY TO ALL STAGES)**

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:
  - Lots 1 & 2 being proposed subdivision of Lot 3 DP 13723 (CFR WN 531/36) and Lot 2 DP 562624 (CFR 998123) – “Stage 1”, produced by S M R Odinot
  - Lots 1 & 2 being proposed subdivision of Lot 3 DP 13723 (CFR WN 531/36) and Lot 2 DP 562624 (CFR 998123) – “Stage 2”, produced by S M R Odinot
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.

#### **Advice notes:**

- *When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$220 per hour.*
  - *Notification of work commencing is separate to arranging building inspections.*
3. Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 may be issued for this proposal in up to 2 stages that consist of the following:
    - Stage 1 – creation of Lot 1 and Lot 2
    - Stage 2 – creation of Lot 3 and Lot 4

**Advice note:** Stage 1 and 2 may be certified in a single Land Transfer Plan.

4. The consent holder must ensure that construction, earthworks and any demolition activities are managed and controlled so that the noise received at any site does not exceed the limits set out in Table 2 and Table 3 of ‘NZS6803:1999 Acoustics – Construction’ noise when measured and assessed in accordance with that standard, and that notwithstanding this standard, machinery operating hours, including machinery start-up times, are limited to between 7:30am and 6pm Monday to Saturday, with no work on Sundays or public holidays.

Where it is found that a specific construction activity cannot or does not comply with the limits set out in 'NZS6803:1999 Acoustics – Construction' the consent holder shall cease the activity and submit to the Council's Compliance Monitoring Officer:

- Acoustic monitoring results;
  - Details of any complaint received; and
  - An assessment of the physical and managerial noise control methods that have been adopted and all other physical and managerial noise control methods that haven't been adopted including a statement of reasons why they haven't been adopted.

Works must not re-commence until the Council has confirmed in writing that Best Practice Option has been implemented on site, in line with section 16 of the Act, or that a Construction Noise and Vibration Management Plan has been prepared by the applicant, approved by Council's Compliance Monitoring Officer and that suitable mitigation measures have been implemented.

### **Section 223 Conditions**

5. For each stage, the consent holder provides appropriate easements for public and private services, with the easements shown as a memorandum of easements on the land transfer plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.

### **Section 224 Conditions**

#### **Miscellaneous**

6. That the consent holder severs all abandoned cross-boundary services, including any water, sewer and stormwater pipes. Abandoned pipes within the property are to be sealed at the junction with the "live" pipe and at all ends (including where the line is broken through). In addition, where abandoned pipes have the potential to act as a cross-boundary field drain they are to be sealed at the boundaries. Abandoned property laterals (connections from the main or kerb) are to be severed and sealed at the main or kerb. The location of sealing of abandoned lines shall be clearly indicated on the final as-built plans.

### **STAGE 2 CONDITIONS (ONLY APPLY TO STAGE 2)**

7. That prior to the commencement of physical works the consent holder submits detailed engineering plans to Councils development engineering team via [subdivision@huttcity.co.nz](mailto:subdivision@huttcity.co.nz) showing the layout of proposed services and roading including any earthworks and landscaping plans and receives certification. The information shall include plans, specifications, and all necessary design and construction documentation for all stages. All work is to be carried out substantially in accordance with the approved plan(s).
8. 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.

## Section 224 Conditions

### Three-waters

9. Prior to Section 224(c) certification for stage 2, the consent holder shall ensure that Lot 3 and Lot 4 have water, wastewater and stormwater connections in accordance with the approved engineering plans specified in condition 7.
10. Prior to Section 224(c) certification for stage 2, the consent holder must submit a copy of the approved water connection application form (signed by Wellington Water Ltd.)
11. The consent holder ensures that each stage of the development is designed to be stormwater neutral so that the stormwater runoff from the fully developed site is no more than existed prior to the development for both a 10% annual exceedance probability (AEP) and 1% AEP rainfall event. As such, either:
  - A suitably qualified engineer is to be engaged to provide a stormwater design report for the suitable disposal of stormwater from the site, including the design of the proposed stormwater attenuation within ponding areas, oversized pipes, or tanks, etc. or:
  - The installation of an appropriately sized (based on the house roof area) detention tank on each lot is undertaken at the time of building. The tank sizing and installation is to be in accordance with the Wellington Water's guidelines: Managing Stormwater Runoff – The use of rain tanks for hydraulic neutrality, which can be obtained from the following website: <https://www.wellingtonwater.co.nz/your-water/land-development/stormwater-neutrality-and-wastewater-control/>.
  - The consent holder shall ensure that the development achieves stormwater neutrality so that the stormwater runoff from the consented development is no more than existed prior to the development for both a 10% AEP and 1% AEP rainfall event.

### Access

12. Prior to Section 224(c) certification for stage 2, the consent holder shall construct a standard concrete vehicle crossing to serve Lot 3; and renews the vehicle crossing for Lot 4 clear off an existing power pole in accordance with Council's codes and standards.

**Advice note:** All new vehicle crossings shall be checked for compliance with HCC Standard drawing CM1005-93R to ensure that vehicles won't scrape. This shall be checked by both the designer and contractor and Hutt City Council accepts no responsibility for any required re-work in this regard.

### Utilities

13. Prior to Section 224(c) certification for stage 2, the consent holder shall provide separate underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
14. That the consent holder provides Council's Development Engineering 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.

#### Miscellaneous

15. That the consent holder provides Council the as-built plan, certified by a surveyor or engineer, showing the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.
16. 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.
17. That the consent holder pays any outstanding fees, and a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 5% of the value of one additional residential allotment 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.

#### Consent Notices

Pursuant to Section 221(1) of the Resource Management Act 1991, the following conditions shall be registered on the title of Lot 3 to ensure compliance on an on-going basis:

##### *In respect to Lot 3 on the plan*

18. That, in accordance with Section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of Lot 3 ensuring that any future dwellings built on Lot 3 have a minimum under-floor level of RL 79.4 m (Local Vertical Datum - Wellington 1953) to mitigate possible flooding. This level refers to the underside of timber floor joists or the underside of a concrete slab.
19. That, in accordance with Section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of Lot 3 specifying that any dwellings built on Lot 3 must have foundations designed by a chartered professional structural or geotechnical engineer.

**Advice note:** *This geotechnical report should accompany any future building consent applications.*

Processing Planner:

VBAshman

Vincent Ashman  
Senior Resource Consents Planner

Peer reviewer:



Nancy Gomez  
Senior Resource Consents Planner

Application lodged: 2 November 2023  
Payment received date: 17 December 2023  
Application approved: 29 January 2024  
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: 1629

|                                   |                                     | Residential     |                   |
|-----------------------------------|-------------------------------------|-----------------|-------------------|
|                                   |                                     | Fee per lot     | Total fee         |
| Number of additional lots         | 1                                   |                 |                   |
| Transport                         | <input checked="" type="checkbox"/> | 2,522.74        | 2,522.74          |
| Water                             | <input checked="" type="checkbox"/> | 357.92          | 357.92            |
| Wastewater                        | <input checked="" type="checkbox"/> | 4,030.11        | 4,030.11          |
| Stormwater                        | <input checked="" type="checkbox"/> | 272.43          | 272.43            |
| <b>Total</b>                      |                                     | <b>7,183.19</b> | <b>7,183.19</b>   |
| Total fee                         |                                     |                 | \$7,183.19        |
| GST                               |                                     |                 | \$1,077.48        |
| <b>Total contribution payable</b> |                                     |                 | <b>\$8,260.67</b> |

- 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, consent holder, or any person who made a submission on the application 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 holder and future residents of the development should be aware that there is no right or assurance to on-street parking within the vicinity of the development. The availability of on-street may change at any time based on the council's requirements and priorities. The developer is explicitly advised not to advertise units with the inclusion of on-street parking as a feature.
- 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: <https://www.huttcity.govt.nz/services/roads-and-parking/roads/vehicle-crossings>