

PLANNING REPORT

PROPOSAL TO UNDERTAKE AN ELEVEN LOT SUBDIVISION AND UNDERTAKE EARTHWORKS TO CONSTRUCT RIGHT-OF-WAY ACCESSES, AND BUILDING PLATFORMS AT 61 AND 68 EXPLORATION WAY, WHITBY (BEING LOT 1 DP 426821 AND LOT 2 DP 358205).

RESOURCE CONSENT RC6601 – SL0055/13

Applicant	Progeni Limited
Application Received	19 December 2013
Reporting Planner	Chyi Sim

1.0 DESCRIPTION OF PROPOSAL

Summary of Proposal:

The applicant has proposed to create nine new fee simple titles, from the subject site. The subject site comprises two allotments, and is held in two separate Certificates of Title. All the proposed allotments (Lot 1 to Lot 10) will be located within the Suburban Zone, while the balance allotment (referred as Lot 100 in Stage 1, Lot 102 in Stage 2 and Lot 102 in Stage 3) will be located within the Rural and Suburban Zone. It is noted that the proposed subdivision will be completed in 3 separate stages. This will be discussed further in the latter section of the report. The earthworks and removal of vegetation will be located within the portion of the site which has an underlying Suburban Zone.

As part of the subdivision, the applicant has proposed to undertake earthworks in order to create suitable access to these proposed allotments, construct an indicative building platform for the proposed Lot 2, and to construct a building platform for the proposed water reservoir located within the proposed Lot 101/102. In addition to the proposed earthworks illustrated on plan *ref: 2013-P1-R Rev E*, the applicant has also proposed to undertake earthworks on proposed Lot 5 to remove the uncertified fill, as shown on plan *ref: 2013 201311-P1-E Rev B*, as part of the subdivision. The applicant has clarified that this uncertified fill will be used for other earthworks required on the site. This will be further discussed in the latter sections of the report. The applicant has also proposed earthworks on top of the Greater Wellington Regional Council water main. The applicant has sought approval from Greater Wellington Regional Council (GWRC) to undertake these earthworks, and this approval has been provided by GWRC (dated 27 February 2014 and held on file RC6601). These earthworks will form part of the subdivision, and will have to be completed prior to the section 224(c) certification.

There will also be additional earthworks that will be undertaken to create indicative building platforms on the proposed Lots 1, 3, 4, 5, 8 and 102. These earthworks will be undertaken in parallel with the works required with the subdivision and the construction of accesses. However, these earthworks will not form part of the earthworks required for the subdivision.

The applicant has not proposed any retaining structures for all the earthworks measures proposed on the site. The applicant has proposed to install silt and sediment control measures as detailed in *Further info Appendix 6 Silt Plan*, received 20 March 2014.

The applicant has proposed to remove up to 2200m² of vegetation to allow the construction of the proposed accesses and services on the site. The applicant has also proposed vegetation protection areas, which will be created during Stage 2 and Stage 3 of the subdivision. These vegetation protection areas have been clearly illustrated on plan ref: *2013-P1-V Rev D*

Given the applicant is getting their water supply from GWRC main, the applicant has applied for a development contribution waiver for water supply from Porirua City Council as part of the subdivision consent. This will be further discussed in Section 5.1 of the report.

The applicant has also proposed to cancel the existing right-of-way easements, and replace them with new right-of-way easements in order to accommodate the proposed boundaries. The easements that will be cancelled, and created are clearly illustrated on plan ref: *'Scheme Plan' Drawing No: 2013-P1-S Rev E, dated 2013-12-16 and 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23*

It is noted that the original stormwater plan ref: *2013-P1-SW Rev C* indicates that Lots 8 and 10 to discharge stormwater via flow dissipator. The further information received (*Further info Appendix 2*) has now illustrated stormwater attenuation tanks will be installed on these two lots. The original stormwater conceptual design ref *2013-P1-SW Rev C* has been superseded by the drawings and information received on 20 March 2014.

Plans Submitted:

The proposal is shown on various plans prepared by Progeni Limited, and drawn by DWH

- 'Site Location and possible transmission gully designation' Drawing No: *2013-P1-D Rev D, dated 2013-12-13*
- 'Scheme Plan' Drawing No: *2013-P1-S Rev E, dated 2013-12-16*
- 'Scheme Plan Stages' Drawing No: *2013-P1-SS Rev D, dated 2013-12-23*
- 'Overall Road Layout and Earthworks' Drawing No: *2013-P1-R Rev E, dated 2013-12-16*
- 'Earthworks extents for additional building site/ section development' Drawing No: *2013-P1-E Rev B, dated 2012-12-14.*
- Proposed Vegetation Protection Areas Drawing No: *2013-P1-V Rev D, dated 2014-05-13*
- Water Reticulation Layout, Drawing No: *2013-P1-H Rev B, dated 2013-12-15*
- Sewer Layout, Drawing No: *2013-P1-W Rev C, dated 2014-05-02*
- Drawings and information contained in *Further information received on 20 March 2014*

As stated earlier, the applicant is proposing to stage the proposed subdivision into three separate stages. The stages are clearly illustrated in plan *ref: 2013-P1-SS Rev D*. The additional details of the three stages are listed as follows,

Stage 1

Lot 1 which will have an area of 800m² will be created from the land parcel (Lot 1 DP 42681). Lot 1 has a direct frontage to Exploration Way.

The applicant originally proposed a stormwater attenuation tank on Lot 1 in his *Further Information Appendix 2*, received on 20 March 2014. Council's Manager Land Use and Subdivision Engineering (MLSE) considers this to be unnecessary as the stormwater system on Exploration Way has been designed to handle flows without additional detention on this allotment. The proposed lot 1 will discharge stormwater directly to the kerb on Exploration Way.

The proposed lot 1 will also have separate connections to the Council's water and sewer mains within Exploration Way.

The existing boundaries of Lot 2 DP 358205 (68 Exploration Way) will remain unchanged while the balance lot of Lot 1 DP DP 42681 (61 Exploration Way) will be identified as Lot 100.

Lot 1 will have a direct access from Exploration Way. All the existing easements will remain unchanged. No new easements will be created.

It is noted that there is an existing forestry right-of-way easement (illustrated in green on plan *ref: 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23*) that runs along the proposed north-eastern boundary of Lot 1, which will be retained in the Stage 1 of the subdivision. This forestry right of way easement will not be running through the indicative building platform on the proposed Lot 1. The applicant has confirmed via email dated 23 May 2014 that this forestry right of way will be surrendered concurrently with the proposed replacement easements during the Section 223 Certification of the Stage 2 Subdivision.

Stage 2

Stage 2 of the subdivision will involve the creation of Lots 2, 3, 4, 9 and 10.

<i>Proposed Lots</i>	<i>Allotment size</i>
Lot 2	1002m ²
Lot 3	1012m ²
Lot 4	1004m ²
Lot 9	1.3003Ha
Lot 10	4137m ²
Lot 101	Balance allotment

Easements

The applicant has proposed to cancel the existing easements on the subject site, and replace them with the new easements as illustrated on plan ref: *2013-P1-S-Rev E and 2013-P1-SS Rev D*. It is noted that the easements for the right to convey water in gross (in favour of Greater Wellington Regional Council) will also be created. The existing right-of-way easement for the forestry will be cancelled, and replaced by the proposed easements listed on plan ref: *2013-P1-SS Rev D, dated 2013-12-23*.

This has been considered to be satisfactory by Council's Manager Land Use and Subdivision Engineering (MLSE).

Earthworks associated with Stage 2

The overall earthworks in Stage 2 subdivision will have an area of 4,302 m², with a maximum fill height of 2.5m and a maximum cut depth of 2.4m. The maximum slope for the fill and cut batters will be 1:2 and 1:1.5 respectively.

The proposed earthworks in Stage 2 are intended to construct the eastern right of way (easements *a, b, c, d, e and f*), to construct the building platforms for the proposed water reservoir that will be located within Lot 101, and to create an indicative building platform for Lot 2. The proposed carriageway will have a width of 3.5m to 6m in width, and has a gradient of 1:5 to 1:10.

Further details of the proposed earthworks are illustrated in the plan in ref 'Overall Road Layout and Earthworks' Drawing No: *2013-P1-R Rev E, dated 2013-12-16*), in the Further Information - appendix 4 Cross Sections and Long Section, received 20 March 2014. The material to undertake these works will be provided from the subject site via a cut and balance exercise.

The applicant has stated in the AEE that there will be a silt pond approximately 30m away from the road boundary, and within the proposed Lot 2. This silt pond will be cleaned up and converted into a stormwater detention pond after the completion of the earthworks in Stage 2 of the subdivision and prior to the Certification of 224(c) (as described in Further info Appendix 6 received 20 March 2014).

Services

Sewer

The applicant is proposing to provide the proposed allotments with a gravity sewer system. New sewer mains will be constructed and vested to the Council. The proposed sewer layout is indicated on plan ref: *2013-P1-W Rev C*.

Water Supply

The applicant has proposed to obtain water supply from the GWRC main located within Lot 10. A water reservoir, comprising three 30m³ plastic water tanks, with a total volume of 90m³ will be constructed within Lot 101, at elevation 130m. There will be a water supply pipe to be connected to the water reservoir from the GWRC water main. The water supply pipe will be vested with GWRC. There will also be a water pipe from the proposed water reservoir to Exploration Way which will be vested with Porirua City Council. The details of the proposed water reservoir and its

water reticulation layout are detailed in plan ref: 2013-P1-H Rev B, and in appendix 10 of the resource consent application. This water reservoir will be protected by easement 'm' shown on the scheme plan, which will be created during the Stage 2 of the subdivision.

The applicant has proposed to register consent notices which relate to low water pressure to the resultant titles of Lot 9 and 10, as they are at a similar elevation to the water reservoir.

Stormwater

The stormwater arrangement on the proposed Lot 9 will remain unchanged. The applicant has proposed stormwater attenuation tanks on the proposed Lots 2, 3, 4 and 10. There will also be a stormwater attenuation tank, approximately 30m away from the road boundary and that will be located within the eastern right of way. These tanks will store the excess stormwater from the any new impervious surfaces, which is discharged later to the natural overland flowpath through the proposed vegetation protection areas and Exploration Way kerb. The applicant has also proposed to create a stormwater basin on Lot 2. This stormwater basin is identified as P1 on drawings of *Further Information Appendix 2. Received 20 March 2014.*

The details of the stormwater design have been illustrated on the drawings of *Further Information Appendix 2, received 20 March 2014.* The applicant has also proposed consent notices for the proposed stormwater attenuation tanks, and the stormwater basins to be maintained by the future owners of the proposed allotments.

Vegetation Protection Area

The applicant has also proposed vegetation protection areas on Lot 2, Lot 3 and Lot 10, that have areas of 240m², 219m², and 1181m² respectively.

Stage 3

Stage 3 is the further subdivision of the balance lot – Lot 101 (created in Stage 2) to create Lots 5, 6, 7 and 8.

<i>Lots</i>	<i>Allotment size</i>
<i>Lot 5</i>	<i>2542m²</i>
<i>Lot 6</i>	<i>1686m²</i>
<i>Lot 7</i>	<i>2972m²</i>
<i>Lot 8</i>	<i>2132m²</i>
<i>Lot 102</i>	<i>24.6966Ha</i>

Easements

The applicant is proposing to create easements *a, h & n* in this stage 3 subdivision to secure services for the proposed allotments and to allow maintenance for the services secured by the easements. The easements *a, h* and *n* also form the western right of way, which will be constructed in this stage 3 subdivision.

The easements that will be created in Stage 3 are clearly listed out in the plans ref *2013-P1-S-Rev E and 2013-P1-SS Rev D*.

Earthworks associated with Stage 3

The overall earthworks in Stage 3 will have an area of 2,138m², with a maximum fill height of 2.5m, and a maximum cut depth of 2.5m. These earthworks will be undertaken to construct the western right of way, indicative building platform of Lot 5, and the individual lots' driveways.

Although the proposed earthworks for the indicative building platform on Lot 5 were not proposed at the initial lodgement of the resource consent application, the applicant has confirmed on 15 May 2014 that the earthworks on Lot 5 as illustrated on plan *ref: 2013-P1-R Rev E, dated 2013-12-16* will be undertaken as part of the Stage 3 subdivision. This includes the removal of the uncertified fill currently on the site. The applicant has clarified in the email dated 3 June 2014 that the fill will not be removed offsite. The MLSE has recommended a condition requiring certification from a geotechnical engineer that Lot 5 is free from any uncertified fill, and if this uncertified fill is removed to a location within the subject site that constitutes uncertified fill, the geotechnical engineer shall record the location on a plan prior to the issue of the section 224 Certificate. Any such fill area will be subject to condition requiring that a consent notice is registered against the relevant title/s identifying the presence of uncertified fill. In my opinion, this will mitigate any potential adverse land stability effects associated with this uncertified fill to less than minor.

Services

The applicant has proposed to install water main which will be vested to Porirua City Council underneath the western right of way. The proposed allotments will obtain water supply from this GWRC main, via the water reservoir discussed on page 4 and 5 of this report.

The applicant has proposed to install sewer mains in the Stage 3 subdivision to provide service for the proposed allotments in Stage 3. The applicant has also shown potential future sewer extension on plan *ref: 2013-P1-W Rev C* and in the *Further Infor Appendix 5, received on 20 March 2014*. This information shows that it is possible for the balance allotment – Lot 102 to get connected to the Council's sewer system in the future when it is required.

Lots 5, 6, 7 and 8 will have their own stormwater attenuation tanks, which will discharge to natural overland flow paths through the protected vegetation area. The drawings on *Further Information Appendix 2, received on 20 March 2014* illustrate that there will be a stormwater basin within Lot 6, and is identified as P2.

Vegetation Protection Area

The applicant is proposing vegetation protection area of 917m² within the proposed Lot 5 and Lot 7, 856m² within the proposed Lot 7 and Lot 8, 330m² within the proposed Lot 6 and 702m² within the proposed Lot 102.

Other Earthworks that will not form part of the subdivision

The applicant has also proposed to undertake earthworks, with a combination of fill and excavation on Lots 1, 3, 4, 7, 8 and 102 in order to create a suitable building platform. These earthworks will not form part of the subdivision but are being considered for land use consent concurrently with the subdivision proposal. The details of these earthworks are clearly illustrated on plan ref 201311-P1-E Rev B.

The total area of these "Other Earthworks" will be approximately 2,950m². Based on the further information provided (Further info Appendix 4), the maximum height of the fill for these earthworks will be 2.5m (located within the proposed Lot 102) while the maximum depth of the cut will be 2.5m (located within the proposed Lot 8).

2.0 DESCRIPTION OF SITE & SURROUNDINGS

The subject site has an overall size of 27.7255Ha, and consists of two land parcels - Lot 2 DP 358205 (1.3003Ha) being 68 Exploration Way and Lot 1 DP 426821 (26.4252Ha) being 61 Exploration Way. The subject site is held in two separate Certificates of Titles. The subject site has a rolling topography, but generally slopes upwards from the Exploration Way towards the South.

The subject site appears more rural in character than residential. There is a two storey residential dwelling located on 68 Exploration Way, while 61 Exploration Way is currently heavily vegetated and does not have any buildings on the site.

There is an existing Greater Wellington Regional Council water main that runs across the subject site. There are two encumbrances on the subject site. The encumbrance (ref 8447908.13) is an agreement between the owners of the subject site with New Zealand Transport Agency. The approximate location of the transmission gully link road is identified on plan ref: 2013-P1-D Rev D. The encumbrance (ref 787992.22) is an agreement with Hutt County Council and this encumbrance specifies building sites, servicing restrictions, and requirements of planning ordinances in place at the time. This encumbrance will be superseded by this consent process and the encumbrance will be surrendered and replaced by relevant consent notices.

There is an existing consent notice (ref 8447908.6) registered to Lot 1 DP 426821. This consent notice is related to the transmission line which traverses the south eastern corner of the allotment. The proposed works will not be located in close vicinity to this transmission line.

RC6600 has been granted on 12 May 2014 for a two lot fee simple subdivision of 61 Exploration Way (Lot 1 DP 426821). The subdivision is based on the boundaries of the Porirua City Council designation for the Waitangirua Link Road, which links to the Transmission Gully designation. The boundaries proposed under this application (RC6601) do not conflict with RC6600 and there is also no conflict with the existing and proposed easements.

The subject site is identified as an ecologically significant site and contains bush area that has been identified by the Council to be significant vegetation. This area of bush

is part of an ecological area identified in Boffa Miskell's "Inventory of Ecological Sites in Porirua City", a document prepared for the Porirua City Council.

The portion of the site which has an underlying rural zone (within Lot 1 DP 426821) is identified as a Landscape Protection Area by the District Plan. A certificate of compliance (RC6561) has been granted on 18 November 2013 to remove all the vegetation on the subject site, pertaining area zoned Suburban.

The surrounding properties are residential. The directly adjoining properties have allotment sizes larger than typical suburban allotments. For instance the directly adjoining property at 55 Exploration Way has an allotment size of 1215m², and 57 Exploration Way has an allotment size of 3,158m². The directly adjoining property to the west has an allotment size of 3.8365Ha. A three lot fee simple subdivision has been granted on 21 April 2008 for this directly adjoining property, and section 223 has also been approved for this property on 26 March 2013. The works for the realignment of the driveway in this subdivision (RC3725) have already been completed, and the house site on Lot 1 of this subdivision is located close to the indicative building platform of proposed Lot 6 of this subdivision.

The majority of the directly adjoining properties have a narrow legal frontage to Exploration Way, and their house sites are accessible either via a right of way, or via a leg in access.

3.0 RELEVANT PLANNING PROVISIONS

3.1 Operative District Plan

The application site is within the Suburban Zone and Rural Zone of the Porirua City District Plan (which became operative on 1 November 1999). The effects of activities and buildings within the Zone are managed through the use of rules and standards. Where a proposal is unable to comply with one of these, a resource consent is required. It is noted that once the need for a resource consent is triggered, rules and activity standards act as guidelines only.

3.2 Reasons for Resource Consent

In the case of this application, the proposal is treated as two applications for resource consent:

- 1) Subdivision Consent (Fee Simple)
- 2) Land Use Consent
 - a) Earthworks associated with the 11 lot fee simple subdivision
 - b) Earthworks associated with the creation of building platforms, but will not form part of the subdivision

In the Suburban Zone, subdivision is a Controlled Activity provided that it meets the criteria of D3.1.2(ii). In this case the proposal cannot comply with the following Controlled Activity Standard:

- (ii) *For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently*

granted (in the case of joint land use and subdivision applications), it shall be practicable to construct on all allotments, as a permitted activity, a dwelling which does not contravene any permitted activity standard.

The subdivision does not meet the following permitted activity standards relating to earthworks.

Part D3.2.1 Permitted Activity Standards

(iii) Earthworks

(a) Earthworks, in a 12 month period, shall not exceed:

- (i) 100m² in area elsewhere in the Suburban Zone, or*
- (ii) 0.5 metres in height or depth in a riparian setback and 1.5 metres in height or depth elsewhere.*

In the further information received on 20 March 2014, the applicant has confirmed that the proposal complies with the earthworks height recession plan and no earthworks will be undertaken on land with a slope in excess of 45 degrees. The total earthworks which relate to the subdivision will have an area of 6440m², with a maximum fill height of 2.5m and cut depth of 2.4m. The earthworks to create the proposed building platforms that will not form part of the subdivision will have a total earthworks area of approximately 3,500m², and a maximum cut depth of 2.5m and maximum fill height of 2.5m.

Overall, the proposed earthworks on the site have an area of 9,940m², with a maximum cut depth of 2.5m and fill height of 2.5m, and therefore do not comply with the above permitted activity standard for earthworks.

D3.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (i) All activities which are not a permitted, controlled, limited discretionary, or prohibited activity, and are not specified in D3.1.5 (ii), (iii) or (v) as a non-complying activity and do not contravene any discretionary activity standard.*

D3.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (i) All activities which are not a permitted, controlled, limited discretionary, or prohibited activity, and are not specified in D4.1.5 (ii), (iii) or (v) as a non-complying activity.

The proposal complies with the Discretionary Activity Standards. The proposals for Land Use and for Subdivision are therefore both Discretionary Activities in the Suburban Zone under Rule D3.1.4(i).

Rule D4.1.4 - Rural Zone Discretionary Activities

- (ii) *Subdivision where any of the resultant allotments are 5 hectares or more in area and less than 40 hectares*

The balance allotment (Lot 102) which also has an underlying rural zone will have an allotment size of 24.6966Ha, and therefore is classified as a Discretionary Activity under Rule D4.1.4 of the District Plan. There is no Discretionary Activity Standards for Rural Zone.

Overall, the proposal is classified as a Discretionary Activity.

4.0 THE RESOURCE MANAGEMENT ACT 1991

Section 104 of the Resource Management Act provides that:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part II, have regard to the following relevant matters*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of*
 - (i) *a national policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.*
- (3) *A consent authority must not –*
- (a) *when considering an application, have regard to –*
 - (ii) *any effect on a person who has given written approval to the application;*

The actual and potential effects of the proposal, and the relevant provisions of the District Plan, will be discussed in detail below in section 5.

Section 104B of the Resource Management Act provides that:

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.*

Section 95A of the Resource Management Act provides that:

- (1) *A consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent for an activity.*

- (2) *Despite subsection (1), a consent authority must publicly notify the application if—*
 - (a) *it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or*
 - (b) *the applicant requests public notification of the application; or*
 - (c) *a rule or national environmental standard requires public notification of the application.*
- (3) *Despite subsection (1), a consent authority must not publicly notify the application if—*
 - (a) *a rule or national environmental standard precludes public notification of the application; and*
 - (b) *subsection (2)(a) and (b) do not apply.*

Section 95B of the Resource Management Act provides that:

- (1) *If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under section 95E and 95F) if there are any affected persons or affected order holders in relation to the activity.*
- (2) *The consent authority must give limited notification of the application to affected person unless a rule or national environmental standard precludes limited notification of the application.*

Section 95D of the Resource Management Act provides that:

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor –

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

Section 95E of the Resource Management Act provides that:

- (1) *A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in making its decision, –*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or*

- national environmental standard permits an activity with that effect; and*
 - (b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
 - (3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if—*
 - (a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons;*

In this case it is not considered necessary to publicly notify this application or serve notice of this application on any person because;

- (a) It is not considered that the activity will have or is likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.*
 - Council's Manager Land Use and Subdivision Engineering (MLSE) Philip Rhodes has reviewed the proposed stormwater arrangement for the proposed subdivision. Further discussions relating to the potential stormwater effects will be discussed in Section 5.1 of the report. Subject to the imposition of appropriate conditions, any potential stormwater effects as a result of the proposal as discussed in Section 5.1 of this report have been considered to be less than minor on the environment.
 - Council's MLSE has reviewed the proposed services arrangements for the proposed allotments, and is generally satisfied with them. He has also recommended the imposition of conditions which relate to engineering approvals and other associated matters. These conditions will be imposed in the decision, should the consent be granted, and will help to mitigate any potential adverse effects on Council's infrastructure to a level that is less than minor.
 - Council's MLSE has reviewed the proposed private ways and accesses and considered them to be sufficient to cater for the proposed allotments, and any potential adverse traffic and access effects as a result of the proposed subdivision will be less than minor, subject to conditions. This will be further discussed in Section 5.1 of the report.
 - Council's MLSE has commented on the potential land stability concerns on the subject site as a result of the proposal. Any potential land stability effects as a result of the proposed subdivision will be mitigated by the imposition of appropriate conditions. This will be further discussed in Section 5.1 of the report.
 - Council's MLSE has reviewed the proposed silt and sediment control plan, and considered it to be adequate to address any potential adverse silt and sediment run off effects. The MLSE has recommended additional conditions which relate to silt and sediment control to mitigate any potential silt and sediment run off effects to less than minor. The reasons

for making this conclusion will be further discussed in Section 5.1 of the report.

- (a) No persons are considered to be affected because although the persons listed below have been identified as persons upon which the adverse effects of the activity will be minor or more than minor [pursuant to Section 95E(1) of the RMA], those persons have given their written approval to the activity and therefore [pursuant to Section 95E(3) of the RMA], must be considered as not affected.

- Silverwood Forest Cooperation Limited – owner of Lot 401 DP 448831, Lots 5 and 6 DP 426821
- Raymond de Moulin – owner of 55 Exploration Way
- Michael Street and Birthe Rugaard-Street – owners of 57 Exploration Way
- Any potential adverse residential character and amenity effects will be less than minor on the adjoining and adjacent properties, as discussed in Section 5.1 of the report.
- The proposal will undertake earthworks on top of the existing GWRC water main, and the applicant has proposed to obtain water supply directly from the GWRC water main. GWRC through a separate approval (dated 27/02/2014) process with the applicant has agreed to permit the earthworks and water connection, and have imposed conditions as part of their consideration which the applicant has agreed to comply with. Given that GWRC have already approved these works and that the conditions imposed by them that the applicant has agreed to comply with will also be imposed as conditions of the consent, GWRC are not considered to be an affected party.
- The applicant has proposed to realign existing right-of-ways which belong to a different owner – Silverwood Forest Corporation Limited (SFC). The applicant has noted in his further information, received on 20 March 2014 that SFC has agreed to the proposed variation to the right-of-way during Stage 2 of the subdivision. The applicant has also provided an affected party approval from Silverwood Forest Corporation Limited and therefore any potential adverse effects on this owner must be disregarded.
- The applicant will also be realigning the right-of-way in favour of Lot 5 DP 426821, which belongs to New Zealand Transport Agency (NZTA). This land parcel forms part of the designation for Transmission Gully (K0408 on the District Plan). NZTA has not been identified to be an affected party in this instance as this parcel of land is not intended to be developed for any residential or primary production purposes as it has been designated for state highway purposes. Considering the future nature of this land parcel, the proposed changes to the right-of-way in favour of this property will only have a less than minor effects on them.
- Any potential adverse traffic effects associated with the earthworks and the creation of the additional nine fee simple allotments have been considered to be less than minor, subject to the imposition of

appropriate conditions as advised by MLSE. Council's MLSE comments have been discussed in Section 5.1 of the report.

- Any potential adverse visual effects on the adjacent and adjoining properties, apart from the properties at 55 and 57 Exploration Way will be less than minor, as discussed in Section 5.1 of the report.
- Any potential stormwater effects on the adjoining and adjacent properties will be less than minor, for the reasons discussed in Section 5.1 of the report.

5.0 SECTION 104 MATTERS TO BE CONSIDERED

5.1 Environmental Effects

The relevant objectives and policies of the District Plan for the Rural and Suburban Zone provide guidance for assessing the relevant effects of the proposal. The actual and potential effects of the proposal are related to effects on the amenity and character of the neighbouring properties.

Amenity Values

Section 2 RMA, defines amenity values as meaning a number of interrelated factors: *“those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*.

The District Plan refers to “pleasantness and character” as being constituents of amenity. Because of their broad application, amenity values can be affected by such things as daylight entry and shading effects, visual dominance of structures near the site boundary, levels of privacy, general visual appearance effects, lighting levels, background noise levels and traffic effects. The local combination of these sets the character and atmosphere that residents come to “expect” in their neighbourhood.

In the case of this application, earthworks effects, traffic effects, adverse effects on Council's infrastructure, stormwater effects, residential character and amenity effects and visual effects are relevant.

Earthworks Effects

Land Stability Effects

The MLSE comments below have discussed the main potential land stability effects which relate to the construction of the proposed accesses and the building platforms.

The main earthworks effect is related to the raising of the eastern arm of the driveway for a short distance and cutting out building platforms for lots 1 to 8. The cross sections show cut depths along the cross section in the order of between 1m for lot 1 to 3m for lot 2. The main purpose of the excavations is to reduce the earthworks associated with future dwelling construction and minimise other effects of earthworks at the time of house building. The cut platforms in each lot will result in sites with a typical platform with longitudinal slope of approx. 1 in 8. At the back of each cut platform a batter will be formed

and the cross sections shows the batter slope to be approximately 1 in 1 for the PQ cross section and 1 to 1.5 for the batter at the back of the lot 2 cut.

The Coffey geotech reports have observed that ground material is Grade V to Grade VI greywacke. In the Code of Land Development and for Grade V material, batter slopes up to 6m in height are permitted to have 1 to 1 slopes without specialist geotech advice. Grade VI is not specified but requires a more relaxed angle of slope and 1 in 1.5 would be consistent with the trend for slope angles in the table. The Coffey report suggests that no cut batter slope shall be steeper than 1 in 1.5. This seems to be ok and consistent with the Code but a condition that any slope greater than 1 to 1.5 shall be certified by a Chartered Engineer will be necessary. Fill batter slopes of 1 in 2 are specified in the Code and continued into the Coffey report. I note that in some areas on the earthworks plans that there are minor fill slopes steeper than 1 in 2. The Code permits this subject to certification by an engineer so a condition requiring certification will be required.

There are locations where fill batters will be created up to title boundaries and it will be necessary to ensure correct and proper placement and compaction of fill. The detail of this can be considered at engineering approval stage and by ensuring that conditions of consent require a geotech engineer to design, supervise and certify all earthworks for all earthworked sites.

Based on his comments above, the MLSE is generally satisfied with the potential land stability effects on the site can be adequately mitigated by conditions requiring all earthworks to be supervised by a suitably qualified geotechnical engineer, and requiring certification from an engineer for fill batters steeper than 1:2. He has also identified the need for the fill batters near the title boundaries to be compacted sufficiently, and to be addressed during the engineering approval stage of the resource consent. A condition of consent relating to the compaction of the fill batters near the title boundaries will be imposed in the decision if the consent is granted.

The geotechnical report, prepared by Coffey Geotechnics (NZ) Limited, noted that the Lot 4 mentioned in the MLSE comments below is now known as Lot 5 on the submitted scheme plan. The original Coffey Report, submitted during the lodgement of the resource consent application refers to the superseded plans. An updated geotechnical report dated 11 February 2014 has been provided to the Council on 20 March 2014. The MLSE has reviewed all the information received and provided the following comment relating to the site's suitability for further residential development.

I note that the Coffey report is quite clear about removal of uncontrolled and potentially unstable fill on lot 4. A condition requiring its removal to a safe site or remediation in situ is necessary. There may be options available for this material eg mixing with other material or disposal elsewhere that would be dictated by the geotech engineer at the appropriate time.

The note at the end of the Coffey report dated 3/12/13 to analyse and decide on how to address the uncertified fill in the horse arena requires attention. The applicant should be asked to clarify what he intends to do about this site as the

report makes it clear that lot 6 is not currently suitable for building without further investigation and remedial work. Further testing and /or information should be required so that a proper consent notice could be written and any earthworks required to remediate the site can get consent within the current application.

Subsequently, the applicant has engaged Coffey Geotechnics (NZ) Limited confirm on the suitability of the proposed Lot 6 for residential development. An email from Nicholas Clendon from Coffey Geotechnics (NZ) limited, relating to the uncertified fill on Lot 6, was received on 24 April 2014. Nick Clendon had undertaken a trial pit and scale test to inspect the fill material, and identified that the fill on Lot 6 does not meet the guidelines in NZS3604. In the email, Nick has recommended that specific design at the building consent stage for the proposed building is required. It is noted in his email that remedial works are not required considering the clean nature of the fill material. Having the above in mind, it is noted that the applicant has also proposed in his email dated 15 May 2014 that the uncertified fill will be removed on Lot 5 prior to obtaining the s224(c) Certificate during Stage 3 of the subdivision.

The MLSE has reviewed the Nicholas Clendon's comments regarding the uncertified fill on Lot 6, and has acknowledged the applicant's proposal to remove the uncertified fill on Lot 5 as part of the subdivision. His comments are as follows,

It is correct that the applicant has proposed to remove uncertified and weak fill on lot 5. This will still have to be certified by a geotech engineer as it means that the engineer would have to observe the work to make sure all the weak fill was removed and then issue another revision to the geotech report.

The MLSE has recommended a condition which states '*The consent holder shall remove all uncertified fill within the north west corner of lot 5 as identified in the Coffey Geotechnical report dated 3 Dec 2013 and obtain certification from a chartered professional engineer that the lot is free from any such fill. If the fill is removed to a location within the subject site that constitutes uncertified fill, the geotechnical engineer shall record the location of the uncertified fill on a plan prior to the issue of a section 224c certificate.*'

The first part of the condition, recommended by the MLSE, will be a separate condition to the second part of the recommended condition which states '*If the fill is removed to a location within the subject site that constitutes uncertified fill, the geotechnical engineer shall record the location of the uncertified fill on a plan prior to the issue of a section 224c certificate*'. The second part of the recommended condition will form part of the standard subdivision condition that requires plans and certification from a chartered engineer stating the suitability of the earthworks for residential development, and requires the registration of consent notice(s) on title(s) if limitation, including the presence of uncertified fill on the relevant title(s) needs to be raised with future property owners. The imposition of these two conditions will help to mitigate any potential adverse land stability effects associated with the uncertified fill on Lot 5 to less than minor.

As for the uncertified fill on Lot 6, Council's MLSE has advised that a consent notice condition which requires a chartered engineer to design the foundations for any buildings constructed on the proposed Lot 6 should be imposed in the decision.

Considering the applicant will undertake earthworks to construct a building platform for the reservoir site as well, the MLSE has also recommended that a condition requiring the foundations for the proposed reservoir tank sites to be designed by a qualified engineer be imposed in the decision. This has also been recommended by Sarah Martin, the author of the geotechnical report from Coffey Geotechnics (NZ) Limited, dated 29 December 2013.

The MLSE is generally satisfied with the site's suitability for residential development, and stated the following.

The Coffey reports have been written to outline general subdivision suitability and seem to be adequate for this purpose, largely due to the small area of individual earthwork sites within the property. I am satisfied that the reports adequately outline the feasibility of individual sites for residential building as long as their recommendations are carried out and appropriate conditions of consent are imposed to ensure the proper geotech certification.

I am of the view that the condition requiring following the recommendations of the Coffey reports will be sufficient here.

Having the above MLSE comments in mind, a condition requiring the consent holder to follow the recommendations in the Coffey Geotechnical Report has been recommended by the MLSE and will be imposed in the decision, should the consent be granted. I agree with the above MLSE recommendations regarding to the overall earthworks that will be undertaken on the subject site, and support his recommendations to impose conditions of consent which can help to mitigate any potential adverse land stability effects to less than minor in the decision should the consent be granted. With the imposition of appropriate conditions, it is considered that any potential adverse land stability effects as a result of the proposal will be less than minor.

Silt and Sediment Run off Effects

After reviewing the further information relating to the silt and sediment control, the MLSE has advised as follows,

Mr Harpham has proposed quite detailed silt and erosion control measures for this subdivision using variety of tools including silt traps, silt fences and infiltration and detention basins.

The main features are

- (i) stabilised entrance to trap stormwater from the eastern driveway construction work to ensure filtered water discharges to Exploration Way*
- (ii) silt fences where required for small work areas*

All earthworks areas require erosion and silt control. The applicant has submitted a 4 page report outlining the measures to be taken to control silt across the site. I am satisfied that the combination of the recommendations outlined in the Coffey report for silt control plus the 4 page report are sufficient to ensure that proper standards of silt control will be achieved.

A lot of the stabilised crossing in the roadway will be removed for final road construction and the final construction of pond P1. The actual design of P1 will be provided to Council at the time of detailed engineering design approval and at 224c time we get the chance to check its operation and installation.

It is noted that in the original MLSE silt and sediment control comments, he has referred to P2 being one of the main features for the silt and sediment control on the site. However, this has been reconsidered by the MLSE on 6 June 2014. His comments are as follows,

After our reconsideration of P2 and diversion of Catchment F down along the access road to another discharge area I think you could remove any reference to P2 as being a "main feature". This will become a small element in the treatment and control of water especially once the fill batters are constructed to support the road. The road will become a form of water diversion from catchment F making P2 of much less importance in the overall stormwater design.

I suggest deleting the yellow highlighted clauses below to address this change of circumstances.

He has also added the following comments about the significance of this P2 in silt and sediment control on the site in a separate email (also dated 6 June 2014),

The significance test can be how much catchment area the P2 pond would have to accept and whether the size of pond is large or small. In the formation of the western accessway, fill will encroach into the P2 pond if we accept the accuracy of Davids drawings. The fill batter for the accessway will drain into P2 so will serve some useful purpose but this fill batter is a small area, probably only about 50m², no more than a runoff area as opposed to a pond. It is unlikely also that any other catchment area will contribute to P2 if the accessway drainage diversion to the south gets built. So overall P2 is a very small feature in the subdivision roading and drainage scheme.

The yellow highlighted clauses mentioned above are related to the original MLSE comments which refer to the detention basin – P2. His comments above have clearly identified that this P2 will not be a main feature of the silt and sediment control measures on the site, and therefore, he has recommended that his previous comments relating to P2 being part of the silt and sediment control measures be deleted. It is noted that the diversion of catchment 'F' mentioned above will be discussed in the MLSE comments relating to stormwater runoff in the latter section of this report. It is also noted that the above amendments to the MLSE comments are subsequent

changes from his assessment relating to detention basin - P2 on 5 June 2014 in the stormwater runoff effects section of this report.

Conditions which require the consent holder to install silt and sediment control measures as recommended in the geotechnical report, prepared by Coffey Geotechnics (NZ) limited and proposed in the *Further Information Appendix 6* received 20 March 2014 via email will be imposed in the decision should the consent be granted. Subject to suggested conditions from the MLSE, any potential adverse silt and sediment run off effects will be less than minor.

Traffic Effects

Traffic Effects associated with the construction of accesses, right of ways and indicative building platforms

Based on the earthworks plan, it is understood that the cuts and fills will be carried out in each lot as a cut and cover exercise. There appears to be a balance more or less in overall cut/fill quantities across the subdivision. Council's MLSE has commented on the potential traffic effects during the construction period, and he *considers any off site earthworks traffic to be minimal if at all*. His detailed comments are as follows,

The restricted working areas in this subdivision and the small number of internal construction sites means only a very modest amount of construction machinery will be used meaning that there will only be a low volume of traffic accessing this site. The main activities will be construction of the eastern and western access ways, trenching for services and some small site earthworks to create building platforms. These will take place over a long period of time due to the staged nature of the subdivision.

In stage one, construction traffic will be limited to minor projects to install domestic drainage and water connections at the end of the street. In stage two construction traffic will be more extensive due to the road building going on, with truck and digger traffic working internally in the site. It is unlikely that there will be much construction traffic movement using Exploration Way during the day as each phase of this construction program is only for short periods while each step in the road building and trenching, service installation takes place. Once the main access way has been completed, the drainage and service installation will follow and it is unlikely that there will be much traffic generated by contractors for this phase, being limited to the site workers and the occasional delivery truck. Stage three is similar, the road can be built with just one digger, one truck and a roller with delivery trucks occasionally for material supply.

Overall, traffic effects on Exploration Way will be noticeable, mainly due to the type of vehicle using the road, but to be very low volume and of short duration with frequent intervals over the life of this subdivision where there is no construction traffic.

I concur with the MLSE comments above and it is in my opinion that any potential traffic effects associated with the construction of the accesses, right of ways, and indicative building platforms will be less than minor.

Traffic Effects associated with the creation of an additional nine fee simple titles and the proposed driveway (right-of-way) which do not comply with the Part H of the District Plan

The MLSE comments regarding to the proposed private ways design are as follows,

I have checked the gradient of the individual lot driveways and all achieve a minimum grade of 1 in 5 in compliance with the Code.

The western driveway serves lots 6, 7 and 8 plus any future development at the rear. The first 20m is at about 1 in 10 to get closer to the ramp over the GWRC main, then it has a steeper section at 1 in 5.5, then over the hump to a falling grade of 1 in 9 to meet the existing flat terrain across the horse arena. The grade around the extension to lot 8 steepens slightly to 1 in 8 up to the lot 8 entrance. All entrances comply with the Code grades .

The Code of land Development permits private ways to be constructed at grades up to 1 in 5 where there are straight lengths and 1 in 8 where entrances exist. It is not possible in this subdivision to comply with the exact grade requirements in the Code due to the existing topography. In this case the road that is proposed largely complies with the minimum grade and the applicant has attempted to ease the grade in the lower section of the eastern driveway with raising the ground levels by up to 2.5m to produce a far better solution. The extent of the regrading is from chainage 0 to about 180m and a grade of 1 in 7.1 from 0 to 50m, 1 in 5.3 from 50 to 100m, 1 in 5.9 from 100 to 150m and 1 in 6.25 from 150 to 200m has been achieved. These are satisfactory for this site and the best that can practically achieved.

The MLSE is satisfied with the general design of the individual lot drive ways and the proposed access ways, considering the existing topography on the site.

The MLSE has also engaged Council's Manager, Roading – Geoff Marshall to comment on the potential traffic effects associated with the proposal. Their comments are as follows,

The first 30m of the entrance from Exploration Way is a combined 6m carriageway. This will fit between all the existing restrictions at the road boundary ok. We may consider what effects there are at the entrance to this subdivision from the creation of a new subdivision access for up to 10 or so lots. Consulting with Geoff Marshall, the possible effects are from vehicles simultaneously entering or exiting the private properties at the head of the cul de sac. The possibility exists for all types of vehicles and at any time of day or night.

Geoff considers that a speed bump at the entrance inside the boundary will be beneficial to slow drivers exiting the site. The applicant has offered to

incorporate a bump in the design when engineering approval is sought to the detailed design of the roadways etc and this can be made a condition of consent. For drivers entering the site the existing kerb has a substantial jump that slows drivers at present so overall, with the combination of relatively narrow driveway width, kerb bump and speed bump internal to the site these measures will impose sufficient controls on the entry area to mitigate the downhill run to the boundary and entry to the street.

The rest of the road widths comply with the Code and drop to 3.5m wide where the carriageway serves three lots as in lots 9 and 10 and lots 6, 7 and 8. Drawing 2013-P1-R Rev shows a table of carriageway widths. This drawing should be referred to in a condition requiring compliance with the road design standards shown on this drawing.

Council will take over watertanks uphill of Lot 9 and the access as proposed will be sufficient for any vehicle type associated with maintenance that facility. A right of way easement will permit legal entry for GWRC and PCC to access the tanks and control valves.

All the access specs are fine and covered by the condition requiring them to be built in accordance with the plans and Code of Land Development. All the access network complies with the Code standards for private ways both in width and grade. Add a condition requiring a speed hump to be incorporated in the driveway design in the Stage two conditions...

Based on the comments above, it is understood that the proposed private way is sufficient to cater for the uses of the future owners of the proposed allotments, and to allow Council to maintain the utilities on the site. Any potential adverse traffic safety effects on the users of Exploration Way can be further mitigated by the installation of a speed bump as it slows down the traffic as it exits from the private way onto Exploration Way. The MLSE has also recommended a condition requiring the speed hump to be installed at the entrance of the site within easement 'a', and is subject to pre-engineering acceptance for Stage 2 prior to the Stage 2's s224(c) Certification.

As there will be an increased amount of traffic movements to Exploration Way due to the creation of the nine additional allotments, the MLSE has also been asked to comment on the potential traffic effects on the existing roading network. His comments are as follows,

Internal traffic generation is not considered to create any negative effects. The residential zoning of this site has been based on the capacity of Exploration Way to absorb residential development on the site. The fact that the developer only wishes to create 9 new lots is a plus as this is a lower volume than might otherwise be the case with a more intense subdivision that the residential rules permit. Trip generation from 9 new lots is modelled at an additional 90 vehicle movements per day. Spread over 12 hours, say from 7am to 7pm, this is an average of 8 to 9 per hour and this is very low volume traffic.

In the upper third of Exploration Way there are thirty lots so an increase of 9 to that section means a 30% increase in traffic movements. This apparently large increase is partly due to the fact that the site is at the end of a cul de sac so has no through traffic. The only real effect of this is noise from passing traffic. At the intersection of Exploration way and Discovery Drive the additional 9 lots means a 7% increase in possible traffic movements. Each road has the capacity to absorb this increase without adverse effects.

The carriageway in Exploration Way is 7.3m wide in the upper section and widens to 9.5m in the section below Furneaux Grove which helps with traffic flows and on street parking. Additional traffic from this subdivision will have no effect on the operating conditions in this stretch of road.

Based on the Council's MLSE comments above, it is understood that the existing road – Exploration Way is capable of handling and absorbing the additional traffic movements as a result of the subdivision. Any potential adverse traffic effects on the existing roading will be less than minor.

Having the above in mind and subject to the imposition of the recommended appropriate conditions, any potential traffic effects associated with the proposal will be less than minor, in my opinion.

Effects on Council's infrastructure

It is noted that the boundaries of each stage are positioned so that each stage will be able to be adequately serviced independently of the works within the other stages. Also all the necessary roading connections would be in place. I am therefore satisfied that the request for staging is appropriate, in this case.

Water Supply

The applicant has proposed to obtain water supply from the GWRC main located within Lot 10, and a supply pipe will be laid up the hill to the proposed reservoir. This water reservoir will be protected by easement 'm' shown on the scheme plan, which will be created during the Stage 2 of the subdivision.

All lots will have standard water reticulation from new tanks installed above lot 9. The supply will be from the GWRC main located inside lot 10 and a supply pipe laid up hill to the tank site. GWRC have accepted this proposal and will take over ownership of the valves and pipeline up to the new tanks. The water pressure for dwellings in this subdivision will be from gravity feed from the tanks with an internal reticulation to each lot. The tank location is at approximately RL 130m. Council standards for water supply pressure in the Code of land development specify that the minimum working pressure shall not be less than a 35m head of water. Applying this to each site, the level at which no pressure restrictions would occur is any lot below an RL of 95m. Lots lower than this are 2, 3, 4, 5, 6, 7, and 8 and will comply with Code requirements.

Lot 1 will be able to source water directly from Exploration Way. The existing house on lot 9 is at a floor RL of about 117m and it will be necessary to add a

consent notice advising that the water supply may be of lower than standard pressure. The same applies to the balance lot (102) which has some potential sites at reasonably high elevations and also lot 10.

The procedures and commitments that the developer has to abide by for connection to the GWRC main are set out in the GWRC letter dated 27 Feb 2014. They appear to be clear and extensive enough to cover all the work required in order to make the connection. The water reticulation layout is fine and will be covered by the easements shown on the scheme plan. The actual location, generally within the private ways will be more detailed in the engineering approval process and is sufficient for the issue of a consent at this stage.

The water reticulation plans shows the proposed location of all the watermains. The actual reticulation at the reservoir is matter of technical detail not required at this consent stage. I am satisfied that all the information shown in the application relating to water reticulation is the optimum solution.

Council's MLSE has also reviewed the proposed position of hydrants and valves, and has advised that the hydrants and valves comply with the requirements of the Code of Land Development. He has also recommended a condition that all hydrants are fed from a 100m main, and this condition will be imposed in the decision should the consent be granted.

As mentioned in the earlier section of the report, there is a historic encumbrance which relates to building sites, servicing restrictions, and requirements of planning ordinances in place at the time on the subject site. Council's MLSE has provided a comment relating to the validity of this encumbrance as the applicant has proposed new water reticulation system to handle the low water pressure within the subject site. The MLSE comments are as follows,

The encumbrance is superseded by the water reticulation system to be installed in this subdivision and in particular the supply of water from the GWRC main within the site. Recommend surrender of the encumbrance after Stage 2 when the storage tanks are in place. For lots 9, 10 and some parts of lot 102 the intent of the encumbrance remains but will be covered by the consent notices for those lots.

Having the above in mind, it is noted that this encumbrance can now be uplifted by the Council, as long as a condition requiring consent notices relating to the low water pressure to be registered to the resultant title of Lots 9, 10 and 101 (Stage 2)/102 (Stage 3) during the time of the s224(c) Certification be imposed. It is noted that any consent notices imposed on Lot 101, which will be created in Stage 2, will be carried over to Lots 5, 6, 7 and 8 during the Stage 3 subdivision. Consent notices relating to low water pressure are not required on Lots 5, 6, 7 and 8. In order to avoid unnecessary cancellation of consent notices in the future, it is recommended that this encumbrance be partially discharged at Stages 1 and 2 of the subdivision, and discharged in full at Stage 3 of the subdivision. Council's processing officer can prepare the documentation for signing when requested at the application for

Certification under Section 224 of the RMA 1991. This will be inserted as part of the advice note

The applicant has applied for a waiver of development contribution for water reticulation from Porirua City Council. Any waiver of development contribution fee is being administered by Council's Assets Management and Operations Group and falls under the jurisdiction of Local Government Act 2002, and cannot be assessed under this resource consent application. This resource consent application cannot approve or decline a waiver for this development contribution fee.

The applicant's request for the waiver of development contribution for water supply has been referred to Council's Asset Management and Operations Group Manager Waste and Water Services by the MLSE. The MLSE's email dated 27 May 2014 has noted that the proposed subdivision will not create any additional demand on the existing Council water supply network and therefore a development contribution for water supply will not be required in this instance. A development contribution is not required for the creation of Lot 1 as the 1HEU credit for the parent lot in the proposed subdivision will be applied to Lot 1.

An advice note to inform the applicant about the waiver of this development contribution will be inserted in the consent. The MLSE has also suggested that an additional advice note to be inserted in the consent as follows,

The Water Reticulation layout plan 2013-P1-H Rev B shows a 100mm pipe extension between the toby to be supplied for lot 2 and the berm in Exploration Way. This pipe extension is for the purpose of connecting the internal subdivision network to Councils existing water supply network. The installation cost of this length of pipe will be reimbursed by Council upon satisfactory completion and testing of the pipe and certification of the costs by a Chartered Professional Engineer. The pipe installation is to include such bends and fittings as necessary to enable termination of the pipe at least two metres clear of any private way vehicle crossing formation to enable Council to make such connections to the network in Exploration Way as necessary. These design details are to be shown on the drawings submitted to Council for Pre Engineering Acceptance by the General Manager Asset Management and Operations.

Sewer system

The applicant has proposed to extend the existing Council sewer system, and vest it to Council for maintenance when completed. Council's MLSE has commented on the practicality of the proposed sewer layout. His comments are as follows,

The sewer alignment shown on the consent plans is sufficient to show how and where the mains are to be placed. The final location will probably not be exactly as shown on the drawings but close to what has been submitted. The difference at this stage is immaterial. The sewer reticulation will probably be completed in three parts. In stage 1 a new manhole and short connecting pipe will be laid in the berm in the road area of Exploration Way to connect to lot 1. In stage 2 this will be extended up the eastern arm of the access roads to connect to lots 2,3 4 9

and 10. In stage 3 the western sewer will be laid to serve lots 5, 6, 7 and 8 with a stub for a future extension deeper into lot 102. The sewer layout is all gravity fed and workable for all lots.

Conditions which relate to sewer mains that will be vested to the Council will be imposed in the decision to ensure that the sewer mains constructed by the consent holder will be able to meet Council's requirements. Having the above MLSE comments in mind and subject to appropriate conditions, I consider any potential adverse effects on Council's sewer system to be less than minor.

Stormwater Runoff Effects

There are no existing Council stormwater mains located close to the subject site. The applicant has proposed on site detention for all lots to restrict the stormwater into existing gullies, to attenuate and treat for stormwater collected by the roadways before discharging to the public system in Exploration Way, and to restrict or reduce cross boundary surface flows to adjoining properties.

The MLSE has observed that there are two existing stormwater outlets on proposed Lot 1 and therefore the MLSE has recommended a condition to seal off one of the stormwater outlets to the kerb in a manner which does not allow any further uses of this outlet. This condition is imposed to ensure that proposed Lot 1 will only have one stormwater outlet, in accordance with Council's Bylaws.

The detention basin for Lot 2 has been referred as P1 in the conditions of consent, in order to be consistent with the drawings on *Further Information Appendix 2, received on 20 March 2014*. The general configuration and location of the detention basins are considered to be acceptable by the MLSE. Further design details of the detention basin will be submitted to Council for approval, prior to the commencement of construction. It is noted that the drawings on *Further Information Appendix 2, received on 20 March 2014* also illustrates a detention basin P1. It is noted that this detention basin P1 is an existing infiltration basin, and does not have to be designed and constructed.

Council's MLSE has reviewed the applicant's stormwater disposal proposal, and commented as follows,

On site detention will be covered by consent notices on each title. The applicant has offered sets of calculations for each site based on Whangarei District Council design parameters. We cannot use these for Porirua City but the Whangarei calcs are accepted as being adequate and comparable guidelines for this consent and to show that detention is feasible. The consent notice should not include specific storage volumes in this case but be based on the characteristics of each site at the time of Building Consent. General advice as to the requirement for detention tanks will be sufficient.

The treatment and detention basin in lot 2 is considered to be an acceptable solution. Its long term operation depends on the owner of lot 2 carrying out suitable maintenance. A consent notice is necessary to outline the terms of such maintenance.

The applicant has proposed a consent notice which relates to the detention basin located within the proposed Lot 2 to be registered against the resultant title. Council's MLSE has reviewed the wording of the consent notice (from the applicant on May 2014), and has suggested the wording for the consent notice condition be as follows,

- 1) *A privately owned stormwater detention basin is situated in covenant area shown on the land transfer plans in lot 2 for the purposes of treatment and attenuation of stormwater flows from easements A, B, C and D and from a watercourse within lots 2, 3 and 4.*
- 2) *The water storage capacity of the detention basin is designed to accommodate a storage volume for a one in ten year storm event which must be available and maintained at all times by the owner of lot 2 and if reduced by the build up of siltation material or other debris, must be cleaned out at the sole expense of the lot owner*
- 3) *The owners are to take care that the detention basin should not be used for any purpose inconsistent with occasional flooding and must keep the flow paths onto the private roadway clear and unobstructed.*
- 4) *It is the responsibility of the owner to ensure that all pipework including any inlet and outlet structures is maintained in good working order and that all outlets are kept clear at all times.*
- 5) *Council reserves the right to inspect the pond at any time for the purposes of ensuring the operation and storage capacity of the pond is in accordance with the original design.*

MLSE has also recommended a condition which requires the stormwater basin P1 (ref: Further information Appendix 2 Stormwater Analysis) to be constructed prior to the s224(c) Certification.

In the email dated 26th May 2014, the MLSE originally recommended a similar condition which applies to the detention basin (P2) located within Lot 6 to be imposed in the decision. However, further discussions between the applicant and MLSE via email on 4th and 5th June 2014 have concluded that it is impractical to impose conditions related to this detention basin - P2 as it is currently a natural infiltration basin, making it difficult to maintain, design and treat it. The MLSE has therefore suggested a condition which requires, *'Stormwater flows from catchment F shall be directed to catchment I on plan "Hydrological Analysis For Whitby Lakes Stream Discharge". The attenuated discharge from the revised I catchment is to maintain pre development flows to the discharge gully. Appropriate calculations supporting such solution shall be submitted for Pre Engineering Acceptance by the General Manager Asset Management and Operations.'* This condition is intended to maintain pre-development flows to the natural overland flow path. The MLSE has also confirmed that the introduction of this condition will not be contradictory with his stormwater runoff effects assessments on the directly adjoining properties/ adjacent properties and the environment, which will be discussed in the latter paragraphs in this section of the report.

Council's MLSE has also recommended a consent notice to be registered on the proposed Lot 9 to advise the future owners of Lot 9 that any increase of impervious

surfaces on this allotment will require on-site attenuation tank or similar to maintain the stormwater flow on this site at pre-consent rate. These conditions will be imposed in the decision should the consent be granted.

Having the above in mind, subject to the imposition of appropriate conditions, any potential adverse stormwater effects on the environment are considered to be less than minor.

There will be earthworks undertaken on the subject site which would alter the existing topography on the site, and may give rise to additional stormwater effects on the directly adjoining properties. Council's MLSE has been asked to comment on the potential adverse stormwater effects on the directly adjoining and adjacent properties.

Additional comments have been sought from the Council's MLSE regarding the directly adjoining properties at 59 Exploration Way and 67 Exploration Way. This is mainly because it is understood that the adjoining property at 59 Exploration Way is already experiencing existing stormwater runoff issues, while the directly adjoining property to the west at 67 Exploration Way is located closest to the proposed driveways that will be elevated to a maximum of 2.5m in height from the existing ground level, and may or may not experience additional stormwater runoff from the driveways and the resultant allotments.

Council's MLSE assessment regarding to the potential stormwater runoff on the directly adjoining property at 59 Exploration Way is as follows.

Cross boundary stormwater flows currently exist around all boundaries of this site and the applicant has, via the detention tank requirement for each site, provided a means to control water flows to a minimum. I have explained the situation with regard to 59 Exploration Way previously and subsequent to that, Mr Harpham has provided a drawing that shows the magnitude of the catchment area reduction to that property due to works associated with this consent. (Drawing contained in email dated 6/5/2014). In my view this reduction is about the maximum that can be achieved on site by reasonable means and results in a reduction of the catchment area from 2150m² to 940m². This is not likely to absolutely cure the drainage problems in 59 Exploration Way but may help a lot. This is because no one knows exactly what the cause of the drainage problems is and as explained previously could be from multiple causes.

The means of achieving the reduction are a diversion trench and bund along the boundary (already partially completed), redirection of surface flows away from the boundary by reversing the driveway crossfall and thirdly, surface trimming above the bund area to direct surface water to the gully and driveway.

Based on the comments above, the applicant has proposed works which will help to reduce the magnitude of stormwater run off to this adjoining property at 59 Exploration Way by reducing the catchment area from 2150m² to 940m². The MLSE and the applicant are confident that there will be a reduction of stormwater runoff to this adjoining property due to the proposed works, and will subsequently have a positive benefit on the existing stormwater issues that are currently being experienced by the adjoining property owners at 59 Exploration Way. A condition requiring the

existing catchment above this property to be modified to the proposed catchment 'L' (as illustrated on Further Information Appendix 2, received on 20th March 2014 and After Drainage Plan, received on 6 May 2014), and certification by a qualified engineer that this has been completed prior to the Certification under section 224c, will be imposed in the decision.

I agree with the MLSE stormwater runoff assessment and therefore I consider any potential adverse effects in terms of stormwater run off, if any, will be less than minor on these property owners at 59 Exploration Way. Having this in mind, the property owners on this directly adjoining property at 59 Exploration Way have not been identified as affected persons for matters associated with the stormwater runoff.

The following paragraphs are comments from MLSE regarding to the potential stormwater runoff to the adjoining property at 67 Exploration,

This property is almost entirely below Mr Harphams in terms of contour level. In the basin region below lots 5, 6 7 and 8, there is an existing watercourse, dry most of the time, that discharges across the boundary and into No 67. The low point in this catchment is in No 66 Exploration Way and is a broad watercourse that leads toward Whitby Lakes to the north.

In Mr Harphams catchment analysis he shows that the existing catchments that contribute to No 67 will not change upon completion of this subdivision mostly due to the nature of the topography which makes any alteration of catchments extremely difficult and also unnecessary. The nature of what happens in each catchment will change though due to the road construction and any future building platform and driveways which will accelerate discharge of water from existing patterns via impermeable surfaces.

I have discussed the potential for water to cross the boundary for that first 30 to 40m of the driveway in from Exploration Way and the likelihood of water being discharged cross the boundary. It will be very unlikely and we will be able to check and ensure that in the detailed design of the driveway and drainage in that area that this will be the end result. From the GWRC watermain south, the road will act as a cut off drain with water being collected from upper slopes before being managed by a piped drainage system and final discharge across the boundary into No 67. The rainfall intercept by the road will slow surface water flow down the gullies and will be controlled by two detention basins as shown on an further Information Appendix 4 plan Building Site and Detention Pond cross sections location diagram and further in a set of cross sections on p12 of 15. These establish a control mechanism for onsite water flows. Other plans and catchment calculations focus on sizing the detention basins for pre and post development flows. Calculations are by the Rational method which is satisfactory for small catchments.

The results of the pre and post development rainfall runoff volume show an increase of about 8% in the 10 year storm event for post development flows. This however will be compensated for by the detention basins for the road that will reduce peak flows with further reductions with detention tanks for dwellings.

The existing catchments for No 67 are mainly concentrated into two broad gullies and the subdivision proposes to use the same outlets. This means that with peak flow reduction and infiltration of detention basin P2 in lot 6 the potential for erosion downstream of the outlets is reduced due to the extended concentration time resulting from the overall detention tank regime.

I am satisfied that this overall detention formula will lead to improved stormwater flows ie an overall reduction in flow rates and erosion potential across the boundary than the current situation.

The MLSE comments above have provided a clear conclusion that any potential stormwater run off effects will be reduced as a result of the proposed stormwater discharge methods that will be installed on the site as part of the subdivision. Appropriate conditions relating to stormwater as discussed earlier will also be imposed to further mitigate any potential adverse stormwater effects to less than minor.

Having the MLSE comments in mind, I consider any potential adverse stormwater run off effects on the adjoining property at 67 Exploration Way will be less than minor, and therefore the property owners of 67 Exploration Way have not been identified as affected persons for matters associated with the stormwater runoff.

Subject to the imposition of the recommended appropriate conditions, any potential adverse stormwater run off effects will be less than minor on the adjoining/adjacent properties and the environment.

Residential Character and Amenity Effects

The proposed new lots will be of generous sizes (800m² to 13,003m² for Lots 1-9 and over 20Ha for Lot 102). The proposal will relate well to the character of the surrounding area. The proposal will increase the visual intensification of the subject site but is in line with other lots within this Suburban area. Most importantly, the proposal will not be visually incoherent from the surrounding pattern of development and therefore will not be out of character with the surrounding neighbourhood.

A relevant consideration in the assessment of the proposal is the design and layout of the subdivision. *The configuration of residential allotments dictates the amount of usable area. Inappropriate subdivision design can affect future uses on the land. In locating new boundaries, it is appropriate to consider existing topographical features, and existing land activities.* In short, the practicality of new boundaries shall be considered.

In this case, the design and layout of the subdivision is consistent with the character of the surrounding environment and the density of development envisaged by the District Plan, in my opinion. The proposed subdivision will result in better utilisation of the suburban zoned property. Due to the size of the proposed allotments, it is considered that the future dwellings on the resultant titles can comply with all the relevant permitted activity standards for the Suburban Zone, which in my opinion is not considered to be an excessively dense level of residential development within the Suburban Zone. In this case, the design and layout of the subdivision is consistent

with the character of the surrounding environment and the density of development envisaged by the District Plan, in my opinion.

Having the above in mind, it is my opinion that the proposed subdivision will only have adverse effects in terms of residential character and amenity that are less than minor on the environment.

Visual Effects:

The potential adverse visual effects of this proposal are associated with the initial construction of the subdivision including earthworks to construct the accesses and the building platforms for the proposed allotments. The subsequent visual effects will be at the completion of the subdivision through allowing for additional residential dwellings to be constructed on the proposed allotments.

It is noted that the application site is zoned suburban and residential dwellings are anticipated in the suburban landscape. The proposal will result nine additional allotments to be created, and it can be anticipated that a dwelling will be built on each of these new allotments. The proposed Lot 1 has the smallest allotment size of 800m², whilst other residential allotments have a minimum of 1000m². The proposed allotment sizes are generally larger than average residential allotment sizes in the Whitby neighbourhood. After the subdivision, the residential density will still be relatively low when compared with most suburban areas in the city. The applicant has also proposed vegetation protection areas on the subject site which can help to provide some screening of the future dwellings from the adjacent and adjoining properties. The visibility of the future dwellings due to the subject site being heavily vegetated and the proposed indicative platforms complying with yard setbacks on the resultant allotments will be mitigated on the directly adjoining properties.

Any potential adverse visual effects associated with earthworks will be less than minor, in my opinion, and can be adequately mitigated by a condition requiring regrassing on any area disturbed by earthworks. The proposed earthworks to construct the eastern right of way, water reservoir site, building platforms for Lots 5, 6, 7, 8 and 102 are well setback from the adjoining properties. For the reasons discussed in the latter paragraphs of this section, any potential adverse visual effects associated with the earthworks on the directly adjoining properties will be less than minor, subject to the relevant consent conditions which will mitigate any such effects.

A more detailed potential adverse visual effects associated with the visibility of the future dwellings and the earthworks on the directly adjoining property owners – 67 Exploration Way (to the west) and 49, 51, 53, 55, 57 and 59 Exploration Way (to the east) will be discussed below.

Visual effects on the adjacent properties

The subject site is heavily vegetated and the majority of the proposed allotments will be rear allotments, apart from Lot 1 that will gain access directly from Exploration Way. The adjacent properties to the north on Exploration Way will not be able to view the development within the subject site, apart from any potential development on Lot 1 which has a direct frontage to Exploration Way. The proposed earthworks on

Lot 1 consist of a combination of fill and excavation. The proposed fill on Lot 1 will be no more than 0.5m in height, which is minimal and will be regrassed via a condition of consent. The visual effects associated with the earthworks will be temporary and it is considered that the proposed earthworks will have adverse visual effects that are less than minor on the adjacent properties to the north on Exploration Way, subject to the relevant consent conditions which will mitigate any such effects.

The existing environment is characterised by single storey dwellings set well back from Exploration Way and access ways. Any construction of a complying dwelling on Lot 1 will have potential adverse visual effects that are less than minor on the adjoining/ adjacent properties and the environment.

Visual Effects on the directly adjoining property owners

67 Exploration Way (located close to the proposed western right of way and Lot 6).

The applicant has proposed fill in order to create the proposed rights of way (both eastern and western rights of way). The first 50m of the access way is a combination of the eastern and western rights of way before the rights of way diverge at approximately 50m away from the road boundary. The earthworks to create first 50m of the rights of way (when measured from the road boundary) and the first 10m of the western right of way do not have any setback from the western side boundary shared with this adjoining property at 67 Exploration Way. The maximum height of the fill within the rights of way is 2.5m, and is located approximately 30m away from the road boundary.

The further information provided on 20 March 2014 (Further info Appendix 4), indicates that the proposed earthworks will not encroach through the earthworks height recession plane along the western side boundary shared with this directly adjoining property at 67 Exploration Way. The proposed western right of way moves away from the western side boundary shared with this adjoining property at 67 Exploration Way at approximately 60m away from the road boundary. The proposed earthworks, apart from the earthworks associated with the construction of the first 60m (when measured from the road boundary) of the western right of way, are well setback from the western side boundary shared with this adjoining property and any exposed area by the earthworks will be regrassed as soon as practicable after the completion of construction via a condition of consent.

Based on the approved plan for the subdivision granted for this property (RC3725), it is noted the portion of Lot 1 of RC3725, being the approved subdivision of 67 Exploration Way, which is located closest to the western right of way is currently being used as a driveway, and contains easements for services and rights of way. It is not anticipated that any dwelling will be constructed on the portion of Lot 1 of RC3725, being approved subdivision of 67 Exploration Way closest to the proposed western right of way on the subject site. The property owners will only have fleeting views of the proposed access ways when they drive past.

It is noted that there is a small fill area located to the west of the proposed western right of way (approximately 70m away from the road boundary) on Lot 6 that is

relatively close to the proposed house site (indicated on the approved Lot 1 of RC3725) on this adjoining property. The cross section J-K of the fill area on Lot 6 in the Further Information Appendix 6 shows that the scale of the proposed fill that is located in close proximity to the house site is minimal, and will be no more than 0.5m in height. Any potential visual effects as a result of this 0.5m high fill can be adequately mitigated with a condition requiring regrassing on any areas exposed by earthworks. Subject to the regrassing condition, the proposed earthworks on the subject site will only give rise to less than minor adverse visual effects on this adjoining property, in my opinion.

As mentioned in Section 2.0 of the report, there is a proposed house site on the Lot 1 of RC3725, being the approved subdivision of 67 Exploration Way that is located close to the building platform indicated on Lot 6. Although the applicant has not proposed to lock in the building platform on the proposed Lot 6, it is noted that this allotment has an allotment size (1686m²) much greater than a standard suburban zoned allotment in Porirua. It is anticipated that this allotment will be able to accommodate a fully compliant residential dwelling easily. Any non-compliance with the District Plan will trigger the requirement of a new resource consent and can be assessed at that time if affected party is required. Furthermore, the mature vegetation located within the proposed boundary of Lot 6 which help to provide some visual mitigation measures, and screen the future dwelling from this adjoining property. Although the applicant has not proposed any protection of the existing trees closest to the shared boundary, it is noted that these existing trees can help to provide some privacy for the adjoining properties and the future owner of Lot 6. It should be noted that the site is zoned suburban and a complying dwelling can be constructed as of right, and there is more than adequate room to provide future landscape screening between the two sites if this is desired by the future owners.

Based on the reasons above, any potential visual effects associated with the construction of the right of ways and associated with the potential location of any dwelling on proposed Lot 6, on this adjoining property at 67 Exploration Way are considered to be less than minor and therefore the owners of this adjoining property have not been identified as affected parties in this resource consent, with regard to this matter.

55 and 57 Exploration Way (proposed Lot 2, 3 and 4 shares the same boundary with these properties)

Based on the proposed shape and the location of the indicative building platforms on the proposed Lots 2, 3 and 4, it is considered that the proposal will impose minor visual effects on the directly adjoining property owners at 55 and 57 Exploration Way. The dwellings on these properties are located in close vicinity to the indicative building platforms on Lots 2, 3 and 4. The future dwellings, when eventually constructed will obstruct the existing line of sight of the occupiers from their dwellings as these properties have a similar existing ground level with the subject site. Furthermore, the applicant has also proposed undertake some fill on Lots 3 and 4 which may give rise to additional adverse visual impacts on these adjoining properties. The owners of these properties have given their affected party approvals and therefore all adverse effects on them must be disregarded.

49, 51 and 53 Exploration Way (located close to proposed Lot 1 and 2)

The property owners at 49 and 51 Exploration Way may see the future dwellings on the proposed allotments of Lot 1 and Lot 2. It is noted that these adjoining properties are separated from these proposed allotments by an existing shared driveway. Most importantly, it was observed during the site visit that the portion of these properties located closest to the proposed allotments is identified as vehicle manoeuvring area or driveway, and the orientation of the main living area of the existing dwellings does not face towards the proposed allotments. It is noted that Lot 2 will be excavated as part of the subdivision process, and therefore will create a building platform building that sits below the actual ground level which reduces the future building's visual impact, when it is eventually constructed, when viewed from the wider environment and adjacent properties.

The property at 53 Exploration Way will not be able to see the development on the proposed allotments, apart from some fleeting views when the occupiers drive on the shared driveway located next to the subject site in order to access their dwelling. The occupiers of the dwelling on this property will not have a direct line of sight of the proposed developments on the subject site as it will be visually obstructed by the existing dwelling on the property at 55 Exploration Way. There is a large visual separation distance between the eastern side boundary of the subject site and the dwelling of this property.

Having the above in mind, any potential adverse visual effects on these adjoining property owners at 49, 51 and 53 Exploration Way will be less than minor, in my opinion.

59 Exploration Way (adjoining the proposed Lots 4 and 10)

Although the applicant has not proposed to lock in the location of the building platform on Lot 4, any potential building location on this allotment will not be directly aligned with the existing location of the dwelling on this adjoining property at 59 Exploration Way. Furthermore, it was observed that the southern portion of Lot 4, which is located closest to this adjoining property, is steeper in topography and narrower in shape than the northern portion of Lot 4, making it more difficult to design a fully compliant dwelling. Having this in mind and considering Lot 4 has an allotment size of 1004m² and is larger than a typical suburban allotment, any future compliant dwelling on this proposed allotment will not give rise to any additional adverse visual effects than those to be anticipated by the District Plan in the Suburban Zone.

Any future dwelling on Lot 10 will only give rise to adverse visual effects that are less than minor on these adjoining property owners, in my opinion. It is noted that the applicant has proposed a vegetation protection area with an area of 1,181m², and there is an existing GWRC water easement running across the middle of the proposed Lot 10. As a result, these will pose limitations to where a compliant future dwelling can be constructed within this allotment. It is anticipated that the future building location is very likely to be located within the southern portion of Lot 10, away from the northern corner of Lot 10, which is narrower and the middle portion, where the vegetation protection area and easement are located. Any future dwelling within the

southern corner of Lot 10 will be screened by the vegetation within the proposed vegetation protection area and will also have a large separation distance from the shared boundary with the adjoining property at 59 Exploration Way.

Having the above in mind, it is considered that any potential visual effects on these directly adjoining property owners at 59 Exploration Way will be less than minor, and therefore they were not considered to be potentially affected in terms of this matter, as concluded in Section 4.0 of the report.

Noise Effects:

Short term noise created during construction, can adequately be addressed through conditions of consent. Construction hours can be limited by a consent condition restricting noise generated by construction to identified times. Reasonable construction hours would be Monday to Saturday between the hours of 7.00am to 6.30pm which includes warm-up and warm-down periods. The inclusion of a condition will provide certainty as to when works can occur particularly if there are calm conditions in the evenings. In calm conditions the effects of noise may be potentially more noticeable. It is considered that such a condition is necessary given that there is a five year period to give effect to the resource consent and that there are residential dwellings located nearby to the subject site.

Construction noise is covered by Section 16 of the Resource Management Act 1991, and is also mentioned in section D3.2.1 of the Porirua City District Plan, which states:

- (iii) Construction, maintenance or demolition activities must be in compliance with the following:*
 - (a) section 16 [Duty to Avoid Unreasonable Noise] of the RMA during day time hours (7am-10pm); and*
 - (b) the noise levels specified in (ii) (d) above L_{10} 45 dBA during night time hours (10pm-7am) at any point within the boundary of the Suburban Zone.*
- This does not replace any general duty under section 16 [Duty to Avoid Unreasonable Noise] of the RMA.*

Subject to the imposition the appropriate conditions, any potential adverse noise effects will be less than minor.

Overall:

I consider that the activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land. Further, I consider that any potential adverse effects on the subject land or adjacent land will be less than minor other than for that properties at 55 and 57 Exploration Way where those identified affected persons have provided their written approvals.

5.2 Plan Provisions - Objectives & Policies

The Suburban and Rural Zones of the Operative District Plan have a number of objectives and policies that require consideration in assessing a discretionary activity.

C3.2 OBJECTIVE
TO ENCOURAGE AN ENVIRONMENT WHICH CONTINUES TO SUSTAIN PORIRUA CITY'S SUBURBAN ZONE AS AN ATTRACTIVE, HEALTHY AND SAFE PLACE IN WHICH TO LIVE.

C3.2.1 Policy
To protect and enhance the amenity and character of the residential resource by defining standards for the bulk and location of buildings, the provision of open space, and the nature and scale of activities.

As discussed in Section 5.1 of the report, it is considered that the proposal will not detract from the amenity and character of the site and surrounding area. The proposal will not affect the development potential of the Suburban zoned land within the subject site and compliant dwellings could be established on the proposed allotments.

C4.1 OBJECTIVE
TO IDENTIFY A RURAL ZONE AND CONTINUE ITS MANAGEMENT SO AS TO AVOID, REMEDY OR MITIGATE THE EFFECTS OF THE ACTIVITIES WITHIN IT.

C4.1.1 *To preserve the contrast between the rural and urban area of Porirua City.*

C4.1.2 *To encourage primary production activities in the Rural Zone.*

C4.1.3 *To ensure that activities within the Rural Zone do not detract from the character or quality of the rural environment.*

C4.1.8 *To protect the long term potential of the rural land resource by ensuring that the new allotments for which a certificate of title can be issued are capable of accommodating a range of primary production activities.*

The proposal is not inconsistent with these Policies and Objective because the balance allotment (Lot 102) which has an underlying rural zone is significantly larger than 5 hectares and the extra development potential (1 additional dwelling) will not detract from the character or quality of the rural environment. The lot is also more than capable of accommodating a range of primary production activities.

C6.1 OBJECTIVE
TO PROMOTE A PATTERN OF LAND OWNERSHIP WHICH ENHANCES THE OPPORTUNITIES FOR THE SUSTAINABLE MANAGEMENT OF RESOURCES.

C6.1.3 Policy
To promote the creation of new allotments in the Suburban Zone which are capable of accommodating a complying dwelling.

C6.1.5 Policy

To protect the long-term potential of the rural land resource by controlling subdivision which does not directly contribute to the long-term sustainable management of the rural resource.

The proposed lots are of generous sizes. The proposal aligns with these Policies and Objective because the proposed lot layout does not exacerbate any natural hazards or result in any conspicuous effects on the environment.

C7.1 **OBJECTIVE**
TO ACHIEVE A SAFE AND EFFICIENT TRANSPORTATION NETWORK THAT ENABLES THE PEOPLE OF THE CITY AND THE WIDER COMMUNITY TO PROVIDE FOR THEIR SOCIAL AND ECONOMIC WELL-BEING WITHOUT CREATING SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS.

C7.1.4 **Policy**
To protect the corridors of existing and proposed major transport routes in the City.

As discussed in the earlier sections of the report, Council's MLSE and Rooding Manager are generally satisfied with the proposed access arrangement and considers the existing rooding network is capable of handling the additional traffic movements that will be generated as a result of the subdivision. Any potential adverse traffic and access effects associated with the proposal will be less than minor on the environment. Additionally, the subdivision boundaries have been designed in a manner consistent with the Waitangirua Link Road and will not affect the implementation of the Link Road which forms a critical component of the Transmission Gully State Highway Project.

5.3 Section 106 Assessment.

The applicant has advised that the land is not or is not likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source. And that no subsequent use that is likely to be made of the land subject to this application will likely to accelerate, worsen, or result in material; damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.

As mentioned in the earlier sections of the report, the applicant is proposing to cancel the existing right-of-way easements registered on the title in Stage 2. New right of way easements have to be created as well to replace the existing rights of way easements in favour of Lot 401 DP 448831, Lots 4, 5 and 6 DP 426821 due to the realignment of the access ways as a result of the proposal.

These right of way easements that will be cancelled in Stage 2 of the subdivision also include a forestry right of way easement. This forestry right of way will run through the indicative building platforms of Lots 2, 3, 4 and 10 that will be created in Stage 2, and therefore is required to be cancelled and replaced by the appropriate easements (a, b, c, d, e, f, g) during the s223 Certification in Stage 2. The proposed cancellation of

the right of way easements has been reviewed by Council's MLSE. The MLSE advises that the cancellation of these easements to be acceptable.

5.4 Comments from Other Departments

This application has been circulated for comment to Council's Leisure Asset Services for comments. Council's Reserves Planner - Jaydine Keenan has commented as follows,

Reserves

N/A

Recreation and Civic Development Contribution

A Recreation and Civic Development Contribution of \$57,439.53 (incl. GST) is payable for the creation of 9 additional lots in the suburban zone.

Landscape

Leisure Assets and Services have previously reviewed the application and did not have any concerns regarding vegetation that will be removed.

Leisure Assets and Services have reviewed the updated plan showing the vegetation protection areas proposed, including the proposed area within Lot 2, and have no concerns.

Recommendation

Prior to the issue of approval under section 224 of the Resource Management Act, the consent holder shall pay a Recreation and Civic Development Contribution of \$57,439.53 (incl. GST), for the creation of 9 additional allotments in the Suburban Zone, pursuant to Section E1.3.2 (a)(i) of the Porirua City District Plan.

Conditions requiring the payment of the recreation and civic contribution fee will be imposed in the decision. However the condition relating to the amount of recreation and civic contribution fee will be modified to reflect the proposed staged subdivision.

Council's MLSE has also provided additional advice regarding any potential future subdivision of the balance allotment (Lot 102 in Stage 3). His advice is as follows,

With regard to future development of this site to the rear of the current proposal, the carriageway widths may create some restriction on the number of lots possible. The eastern arm narrows to 3.5m where it meets lot 10 so 2 lots will access the road with this width leaving one further lot possible on subdivision to the rear. The western arm has one lot (8) using a 3.5m wide carriageway which will permit two extra lots to be subdivided at the rear on this side and use this access route. The current carriageway width arrangement therefore permits three lots to be subdivided at some later stage to access Exploration Way through this subdivision.

5.5 Cancellation of Easements

The applicant has sought approval for various easements (E, W1 to W5, and RW1 to RW8) as outlined on plan ref: *Scheme Plan' Drawing No: 2013-P1-S Rev E, dated 2013-12-16; 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-*

23 to be cancelled. These easements will be obsolete due to the creation of the additional allotments and the rearrangement of title boundaries

The cancellation of right of way easements has been briefly discussed in the earlier sections of the report. The MLSE considered the request to cancel these easements to be acceptable, considering there will be new easements to be created to replace the existing easements that will be cancelled. The MLSE has also reviewed the existing and proposed easements that will be retained and created, and considered them to be sufficient to service the new allotments. Only one affected party - SFC who is the property owner of 61 Exploration Way, Lot 401 DP 44831, Lot 4 and 6 DP 426821 has been identified, and has given his affected party approval for this cancellation of easements. The reasons for considering other property owners to not be affected have been discussed in Section 4.0 of the report.

It is recommended that the easements proposed to be surrendered can be cancelled.

6.0 CONCLUSION

The earlier analysis has established:

- The environmental effects beyond the subject land and adjacent land, adverse or *otherwise*, of allowing the activity to proceed will be minor and any potentially adverse effects on persons other than persons, who have provided their written approval, will be less than minor.
- The proposal is not inconsistent with the relevant objectives and policies of the Porirua City District Plan.

In addition assessment of the proposal in terms of any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, a regional policy statement or proposed regional policy statement, has been carried out. It is concluded that the proposal would not be inconsistent with any of these instruments. Additionally, there are no other matters relevant to this application.

On the above grounds, it is therefore recommended that the General Manager - Environment and Regulatory Services grant approval to the resource consent application.

7.0 RECOMMENDATION

That the application by Progeni Limited for subdivision and land use resource consents:

1. To Subdivide the property at 61 and 68 Exploration Way, Whitby (Lot 1 DP 426821 and Lot 2 DP 358205) into 11 residential and rural allotments
2. For Land Use for:
 - Earthworks associated with the 11 lot fee simple subdivision
 - Earthworks associated with the creation of building platforms, but will not form part of the subdivision

be considered as a non-notified application under sections 95A, 95D and 95E and that resource consent **be granted** for a discretionary activity pursuant to sections 104, 104B and 108 and 220 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the activity will not - have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
2. That all persons identified as persons upon whom the adverse effects of the activity will be minor or more than minor have given their written approval.
3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions.

The Land Use consent shall be subject to the conditions listed under A and the Subdivision Consent shall be subject to the conditions listed under B below:

A-Land Use Consent Conditions

1. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6601 and held on Council file RC6601 (*Ref: 'Overall Road Layout and Earthworks' Drawing No: 2013-P1-R Rev E, dated 2013-12-16 and 'Earthworks extents for additional building site/ section development' Drawing No: 201311-P1-E Rev B, dated 2012-12-14, prepared by Progeni Limited, and Drawings and information contained in Further information received on 20 March 2014*), although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.
2. That the consent holder shall contact the Council's compliance monitoring officer at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.
3. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
4. The consent holder shall ensure that a copy of this consent is kept in the office on site at all times and presented to any Porirua City Council officer on request.
5. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design, supervision and certification of earthworks.
6. The consent holder shall follow all the recommendations contained within the Geotechnical Reports prepared by Coffey Geotechnics (NZ) dated 3 December 2013 and 11 February 2014.

7. Prior to the commencement of any works on the site, the consent holder shall ensure that all silt and sediment control measures are in place in accordance to what has been recommended in the Geotechnical Report prepared by Coffey Geotechnics (NZ) Limited and Further Information Appendix 6, received on 20 March 2014.
8. All fills are to be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989. Within 6 months of completion of the earthworks hereby consented, plans are to be supplied to the satisfaction of the General Manager, Environment & Regulatory Services showing the location of all compaction tests, together with a certificate prepared by an inspecting chartered engineer stating the suitability of the earthworks for residential development.
9. Upon completion of the earthworks (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the General Manager, Environment & Regulatory Services, a report from a Chartered Professional Engineer in Geotechnical Engineering addressing the stability of the constructed cut batters and fill batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development and Subdivision Engineering 2010. Where the report identifies development limitations, the General Manager, Environment and Regulatory Services may require that a memorandum of encumbrance on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any memorandum of encumbrances is to be met by the consent holder.
10. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment through the manner in which it enters either the kerb and channel, the storm water system, or a natural watercourse
11. Land disturbed by earthworks, trenching or building activities shall be regularly wetted to ensure that dust nuisance is maintained within the site.
12. All areas exposed by earthworks, trenching or building activities are to be re-grassed/hydro-seeded or sealed at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the earthworks.
13. The consent holder shall generally conform to the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region, September 2002, when designing sediment control options for the earthworks on this site.
14. The hours of construction shall be limited to Monday to Saturday between the hours of 7.00am to 6.00pm. No warm up of machinery shall occur before 7.00am Monday to Saturday. No cool down of machinery shall occur after 6.30pm Monday to Saturday.

15. Mufflers shall be used on all earth working machinery to reduce the noise emanating from these machines and thus the effect on adjoining property owners/occupiers.
16. The consent holder shall ensure that any construction, maintenance or demolition activities must be in compliance with section 16 [Duty to Avoid Unreasonable Noise] of the RMA during day time hours (7am-10pm).

B-Subdivision Consent Conditions

General – Applying to all Stages:

17. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6601. and held on Council file RC6601 (*ref 'Site Location and possible transmission gully designation' Drawing No: 2013-P1-D Rev D, dated 2013-12-13; 'Scheme Plan' Drawing No: 2013-P1-S Rev E, dated 2013-12-16; 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23; 'Overall Road Layout and Earthworks' Drawing No: 2013-P1-R Rev E, dated 2013-12-16; 'Earthworks extents for additional building site/ section development' Drawing No: 201311-P1-E Rev B, dated 2012-12-14; Proposed Vegetation Protection Areas Drawing No: 2013-P1-V Rev D, dated 2014-05-13; Water Reticulation Layout, Drawing No: 2013-P1-H Rev B, dated 013-12-15; Sewer Layout, Drawing No: 2013-P1-W Rev C, dated 2014-05-02, prepared by Progeni Limited, and Drawings and information contained in Further information received on 20 March 2014, and Diagram showing acceptable locations for stormwater detention tanks, drawing: 2014-P1-SWtanks, Drawn: 2014-06-03, by Progeni Ltd*), although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.
18. Individual certifications pursuant to sections 223 and 224(c) of the RMA shall be issued for this subdivision in a series of stages as follows:
 - Stage 1 – Lot 1
 - Stage 2– Lots 2, 3, 4, 9, 10 and 101
 - Stage 3- Lots 5, 6, 7, 8 and 102provided that:
 - Each individual allotment must be consistent with the proposal as approved;
 - All proposed earthworks required to complete the stages of the subdivision has been completed;
 - All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage.

19. The consent holder shall follow all the recommendations contained within the Geotechnical Reports prepared by Coffey Geotechnics (NZ) Limited dated 3 December 2013 and 11 February 2014.
20. The hours of construction shall be limited to Monday to Saturday between the hours of 7.00am to 6.00pm. No warm up of machinery shall occur before 7.00am Monday to Saturday. No cool down of machinery shall occur after 6.30pm Monday to Saturday.
21. Mufflers shall be used on all earth working machinery to reduce the noise emanating from these machines and thus the effect on adjoining property owners/occupiers.
22. The consent holder shall ensure that any construction, maintenance or demolition activities must be in compliance with section 16 [Duty to Avoid Unreasonable Noise] of the RMA during day time hours (7am-10pm).

Prior to commencement of construction

23. Prior to the commencement of any works on the site, the consent holder shall ensure that all silt and sediment control measures are in place in accordance to what has been recommended in the Geotechnical Report prepared by Coffey Geotechnics (NZ) Limited and Further Information Appendix 6, received on 20 March 2014.
24. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design, supervision and certification of earthworks.
25. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design, supervision and certification of any drainage works to be accepted by PCC as public drains.
26. Prior to the commencement of works, a services plan shall be submitted for Pre Engineering Acceptance showing the layout and position of proposed services (water, storm water and sewer), and any site works and construction (other than residential buildings), to the satisfaction and approval of the General Manager, Asset Management and Operations. All works shall be carried out in accordance with the approved plan.

During the construction

27. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment through the manner in which it enters either the kerb and channel, the storm water system, or a natural watercourse.

28. Land disturbed by earthworks, trenching or building activities shall be regularly wetted to ensure that dust nuisance is maintained within the site.
29. All areas exposed by earthworks, trenching or building activities are to be re-grassed/hydro-seeded or sealed at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the earthworks.
30. The consent holder shall generally conform to the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region, September 2002, when designing sediment control options for the earthworks on this site.

Prior to Certification under Section 223:

31. Prior to approval under Section 223 of the Resource Management Act 1991, the easements specified on the approved plans *ref Scheme Plan' Drawing No: 2013-P1-S Rev E, dated 2013-12-16 and 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23;* shall be created, reserved and/or cancelled for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
32. Easements for public services are to be shown on a plan with a minimum of 3m in width over the services, and shall be shown in gross with Porirua City Council as grantee.

Prior to certification under Section 224:

33. Positions of all Porirua City Council utility service connections for every proposed lot shall be shown on as built drawings to be submitted for the approval of the General Manager Asset Management and Operations. All PCC assets and service connections are to be shown on the plan together with a set of coordinates in terms of Land and Survey Datum 2000 GD, or by at least two measurements from known points e.g. boundary pegs or manholes. In all cases the depth to the connection point, measured from ground level, of all Porirua City Council service connections shall be shown on the "as built" drawings.
34. Prior to approval under Section 224 of the Resource Management Act, all related works shall comply with New Zealand Standard: Land Development, Subdivision Engineering NZS 4404:2010, and the PCC Code of Land Development and Subdivision Engineering 2010.
35. Prior to approval under Section 224 of the Resource Management Act 1991, Lot 1 for Stage 1, Lots 2, 3, 4, 9, 10 and 101 for Stage 2 and Lots 5, 6, 7, 8 and 102 for Stage 3 shall be supplied with power and telecoms services which shall be installed underground and to the satisfaction of the relevant supply authorities.
36. Prior to approval under Section 224 of the Resource Management Act 1991, Lot 1 for Stage 1, Lots 2, 3, 4, 9, 10 and 101 for Stage 2 and Lots 5, 6, 7, 8 and 102 for Stage 3 shall be supplied with an individual water supply and toby. Council will carry out connection to the existing Council main after payment of all associated costs. The consent holder is to arrange for all trenches to be opened (including

obtaining a trench opening notice if required) and reinstated to a satisfactory condition.

37. Prior to approval under Section 224 of the Resource Management Act 1991, Lot 1 for Stage 1, Lots 2, 3, 4, 9, 10 and 101 for Stage 2 and Lots 5, 6, 7, 8 and 102 for Stage 3 shall be provided with an individual 100mm diameter sanitary sewer connection within the lot. Laterals are to be provided by the consent holder, with the actual connection to the main provided by the Council. Connection costs shall be met by the consent holder. The consent holder is to arrange for all trenches to be opened (including obtaining a trench opening notice if required) and reinstated to a satisfactory condition.
38. All hydrants are to be installed according to the Code of Land Development and Subdivision Engineering and NZS4404:2010. All water reticulation supplying hydrants for fire fighting purposes shall be a minimum of 100mm or larger diameter unless otherwise agreed by Council.
39. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall submit to the General Manager Asset Management and Operations a GST barter invoice and list of any assets to be transferred to Council ownership together with an asset valuation for each item.

Stage 1

Prior to certification under Section 224:

40. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall seal off one of the existing stormwater outlet pipes at the kerb in front of Lot 1 in a manner that does not allow for any further uses. The consent holder shall produce evidence to the satisfaction of the General Manager Assets Management and Operations Group that the work has been completed, and to show that there will only be one stormwater outlet from Lot 1 to the kerb. This is to ensure that Lot 1 only has a single stormwater outlet in accordance with Council's Bylaws.
41. Prior to the issue of approval under section 224 of the Resource Management Act, the consent holder shall pay a Recreation and Civic Development Contribution of \$6,382.17 (incl. GST), for the creation of the one additional allotment in the Suburban Zone, pursuant to Section E1.3.2 (a)(i) of the Porirua City District Plan.

Stage 2

During the construction:

42. The foundation of the water reservoir (which comprises three water tanks) shall be designed by a Chartered Professional Engineer in Geotechnical Engineering, who shall provide specific design for foundations of the water reservoir, which takes into account the nature of the earth within proposed Lot 101.
43. The consent holder shall show the design details of an all weather metal surface that is 3m wide within easement '1' for the purposes of vehicular access to the

water reservoir in easement 'm' (shown on 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23) on the drawings for Pre-engineering Acceptance and submitted for approval of the General Manager Asset Management and Operations. Any part of the access with gradient greater than 1 in 8 shall be sealed in hot mix.

44. All fills are to be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989.
45. The consent holder shall ensure that the proposed water supply works for the water main that is to be located within the easements 'f', 'l' and 'm' in favour of Greater Wellington Regional Council comply with the conditions contained within the GWRC document, dated 27 February 2014, submitted to Council on 20 March 2014 as Further Information Appendix 3.1.

Prior to certification under Section 223:

46. The land transfer plan submitted for Section 223 certification shall include the memorandum of new easements for Stage 2 as shown on plan ref: 'Scheme Plan Stages' Drawing No: 2013-P1-SS Rev D, dated 2013-12-23, and the schedule of easements to be surrendered shown on plan ref: 'Scheme Plan' Drawing No: 2013-P1-S Rev E, dated 2013-12-16.
47. The vegetation protection area on Lots 2, 3 and 10, as shown on the plans ref: 'Proposed Vegetation Protection Areas Drawing No: 2013-P1-V Rev D, dated 2014-05-13), to be shown as CVA on Lots 2 and 3, and CVB on Lot 10 on the survey plan and referenced as areas subject to protection by consent notices prior to approval under section 223 of the Resource Management Act 1991. This consent notice shall be prepared by Council at the cost of the consent holder.
48. Prior to approval under Section 223 of the Resource Management Act 1991, the detention basin P1 on Lot 2, as shown on the drawings of *Further information Appendix 2, received 20 March 2014*, be shown as P1 on Lot 2 on the survey plan and referenced as an area subject to protection by consent notices.

Prior to certification under Section 224 at the completion of construction:

Earthworks

49. Prior to Certification under Section 224 of the Resource Management Act 1991, plans are to be supplied to the satisfaction of the General Manager, Environment & Regulatory Services showing the location of all compaction tests (required by condition no. 44), together with a certificate prepared by an inspecting Chartered Engineer stating the suitability of the earthworks for residential development. If accordance with NZS 4431:1989 is achieved and/or limitations need to be raised with future property owners the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the General Manager, Environment and Regulatory Services shall retain discretion of whether consent notices are applicable in this regard.

50. Upon completion of the earthworks (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the General Manager, Environment & Regulatory Services, a report from a Chartered Professional Engineer in Geotechnical Engineering addressing the stability of the constructed cut batters and fill batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development and Subdivision Engineering 2010. Where the report identifies development limitations, the General Manager, Environment and Regulatory Services may require that a consent notice on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any consent notices are to be met by the consent holder.

Traffic safety and access

51. Prior to Certification under Section 224 of the Resource Management Act 1991, rights of way easements 'a', 'b', 'c' 'd', 'e' and 'f' shown on approved plan ref: 2013-P1-S Rev E are to be formed, paved and drained generally in accordance with the Code of Land Development and Subdivision Engineering, the specifications and alignments shown on the drawings of Further Information Appendix 4 received 20 March 2014, and any plans submitted and approved for Pre-Engineering Acceptance.
52. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall install a "speed hump" at the entrance to the site within right of way easement 'a'. Final design details can be submitted for Pre Engineering Acceptance for Stage 2 which must allow for overland flow from the private way and detention basin to Exploration Way.
53. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall construct a new vehicle crossing at Exploration Way in compliance with PCC's Code of Land Development and Subdivision 2010 and PCC specification 12b as outlined at <http://www.pcc.govt.nz/DownloadFile/A-Z-Services/Roading/Vehicle-Crossing-Specifications>.

Stormwater

54. Detention basin P1 as shown on drawing "*Stormwater Catchment Analysis*" of *Further Information Appendix 2, received 20 March 2014* shall be constructed in conjunction with formation of rights of way a, b, c, and d and be fully operational prior the issue of a section 224c certificate for stage 2.
55. That a consent notice shall be registered on the title for Lot 2 under Section 221 of the Resource Management Act 1991, requiring the consent holder or future owners of Lot 2 to comply with the following:
- (1) A privately owned stormwater detention basin shown as P1 on the land transfer plans in Lot 2 for the purposes of treatment and attenuation of stormwater flows from easements a, b, c and d and from a watercourse within Lots 2, 3 and 4.

- (2) The water storage capacity of the detention basin is designed to accommodate a storage volume for a one in ten year storm event which must be available and maintained at all times by the owner of lot 2 and if reduced by the build up of siltation material or other debris, must be cleaned out at the sole expense of the lot owner
 - (3) The owners are to take care that the detention basin should not be used for any purpose inconsistent with occasional flooding and must keep the flow paths onto the private roadway clear and unobstructed.
 - (4) It is the responsibility of the owner to ensure that all pipework including any inlet and outlet structures is maintained in good working order and that all outlets are kept clear at all times.
 - (5) Council reserves the right to inspect the pond at any time for the purposes of ensuring the operation and storage capacity of the pond is in accordance with the original design.
56. That a consent notice under Section 221 of the Resource Management Act 1991 be registered on the computer freehold registers for Lots 2, 3, 4 and 10 to require the consent holder or the future owners of Lots 2, 3, 4 and 10 to install stormwater detention tanks upon the construction of any dwelling or building on those lots. The sizing of any detention tanks shall be in accordance with The Code of Land Development and Subdivision Engineering. The stormwater tanks are to be positioned as indicated on the attached plan (*ref: Drawing: 2014-P1-SWTanks, Drawn: 2013-06-03, By: Progeni Limited*) and discharged to the nearest natural overland flow path with the discharge point as far as possible from the nearest boundary. All pipes shall be properly constructed to ensure prevention of scouring, erosion and silt build up. This consent notice shall be prepared by Council at the cost of the consent holder.
57. That a consent notice under Section 221 of the Resource Management Act 1991 be registered on the computer freehold register for Lot 9 to advise the consent holder or the future owners of Lot 9 that any increase in impervious area within the lot carried out subsequent to the date of this consent be attenuated on site via a detention tank or similar means to ensure that stormwater flows from this site are maintained at pre consent flow rates. This consent notice shall be prepared by Council at the cost of the consent holder.
58. Prior to issue of approval under Section 224 of the Resource Management Act, the existing stormwater catchment area (*as illustrated on Before Drainage Plan, which is above the adjoining property identified as 59 Exploration Way- dated 6/5/2014*) shall be modified in order to achieve the contributing catchment area identified as 'L' (*as illustrated on Further Information Appendix 2 drainage plan received 20 March 2014*) and shall be certified as complying with that area by a Chartered Engineer, such that there are no adverse drainage effects on the adjoining property to the north.

Water Supply

59. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall install the water supply tanks within Lot 101 in the general location shown on approved plan *ref: 2013-P1-H Rev B*. Tanks and all

associated pipe and telemetry equipment are to be installed according to the Code of Land Development and Subdivision Engineering and NZS4404:2010 and the storage requirements for fire fighting purposes for all lots in this subdivision. Council will take over ownership of the tanks and fittings upon satisfactory testing and acceptance for section 224c certification.

60. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall install a water reticulation network in general accordance with approved plan *ref: 2013-P1-H Rev B* to serve Lots 2, 3, 4, 9 and 10 prior to the issue of a Section 224c certificate. All materials and fittings shall be in accordance with the Code of Land Development and Subdivision Engineering and NZS4404:2010. Connection to the existing water main in Exploration Way will be undertaken by Council and the applicant shall advise Councils Manager, Waterworks when the trenching and new main is ready for such connection.
61. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall install all necessary water supply equipment as outlined in GWRC agreement letter dated 27 February 2014 to enable a water supply to be provided to the storage tanks, all to the satisfaction of GWRC and Porirua City Council. All costs to be met by the subdivider and a 12 months defects liability period shall apply from the date of issue of the 224c certificate for all fittings, materials, valves, telemetry equipment and pipework. The consent holder shall ensure that GWRC receives full design details for the water supply system for their approval, and provides evidence that this has occurred.
62. A consent notice under Section 221 of the Resource Management Act shall be registered against the new computer freehold registers for Lots 9 and 10 advising that water supply pressures may be less than the working pressure specified in the Code of Land Development and Subdivision Engineering and that pumps may be required in each lot to achieve standard operating pressure, to be supplied by the individual owners of these sites and at their cost.
63. Prior Certification under Section 224 of the Resource Management Act 1991, the consent holder shall form an all weather metal surface that is 3 metres wide on easement '1' shown on the scheme plan to the satisfaction of Council for the purposes of vehicular access to the water reservoir in easement 'm'.

Vegetation Protection Area

64. Condition 65 below shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Certificates of Title for Lots 2, 3 and 10, and will be prepared by Council at the cost of the consent holder.
65. That the vegetation in the area identified on the survey plan as 'CVA' and 'CVB' shall be maintained by the land owners, and shall not be further developed or cleared with the exception of the following activities. Any removal of vegetation from these designated areas, the land owners must undertake replanting with suitable sourced species within the next planting season to the satisfaction of Porirua City Council.

- sustainable taking of dead wood;

- placement of storm water attenuation systems; and
- the placement of water storage for domestic water supply.

Recreation and Civic Contribution Fee

66. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall pay a Recreation and Civic Development Contribution of \$25,528.68 (incl. GST), for the creation of the four additional allotments in the Suburban Zone, pursuant to Section E1.3.2 (a)(i) of the Porirua City District Plan.

Stage 3

During Construction:

67. All fills are to be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989.

Prior to certification under Section 223:

68. The vegetation protection area on Lots 5, 6, 7 and 8, as shown on the plans *ref Proposed Vegetation Protection Areas Drawing No: 2013-P1-V Rev D, dated 2014-05-13*, to be shown as 'CVC' on Lots 5 and 7, 'CVD' on Lot 6, as 'CVE' on Lots 7 and 8, and 'CVF' on Lot 102, on the survey plan and referenced as areas subject to protection by consent notices prior to approval under section 223 of the Resource Management Act 1991. This consent notice shall be prepared by Council at the cost of the consent holder.

Prior to certification under Section 224:

Access

69. Prior to Certification under Section 224 of the Resource Management Act 1991, rights of way easements - 'h' and 'n' shown on approved plan *2013-P1-S Rev D* are to be formed, paved and drained generally in accordance with the Code of Land Development and Subdivision Engineering and the specifications and alignments shown on drawings in *Appendix 4 cross section and long section drawings, received on 20 March 2014*.

Land Stability

70. A consent notice under Section 221 of the Resource Management Act 1991 shall be registered on the title of proposed Lot 6, alerting future owners of the lot that there is uncompacted fill on Lot 6 and that any building construction or earthworks must be designed by a Chartered Professional Engineer in Geotechnical Engineering, who shall provide specific design for foundations of buildings, earthworks and retaining walls, which takes into account the nature of the earth within the lot, including the presence of uncompacted fill as identified in the geotechnical report by Coffey Geotechnics Limited.

71. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall remove all uncertified fill within the north west corner of Lot 5 as identified in the Coffey Geotechnical report dated 3 Dec 2013 and obtain certification from a chartered professional engineer that the lot is free from any such fill.
72. Prior to Certification under Section 224 of the Resource Management Act 1991, plans are to be supplied to the satisfaction of the General Manager, Environment & Regulatory Services showing the location of all compaction tests (required by condition no.67), together with a certificate prepared by an inspecting Chartered Engineer stating the suitability of the earthworks for residential development. If the uncertified fill on Lot 5 is removed to a location within the subject site (as required by condition no.71), the geotechnical engineer shall record the location of the uncertified fill on a plan and supply the plan to Porirua City Council. If accordance with NZS 4431:1989 is achieved and/or limitations need to be raised with future property owners, including the presence of the uncertified fill mentioned above, the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the General Manager, Environment and Regulatory Services shall retain discretion of whether consent notices are applicable in this regard.
73. Upon completion of the earthworks (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the General Manager, Environment & Regulatory Services, a report from a Chartered Professional Engineer in Geotechnical Engineering addressing the stability of the constructed cut batters and fill batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development and Subdivision Engineering 2010. Where the report identifies development limitations, the General Manager, Environment and Regulatory Services may require that a consent notice on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any consent notices are to be met by the consent holder.

Water Supply

74. Prior to Certification under Section 224 of the Resource Management Act 1991, the consent holder shall install a water reticulation network in general accordance with approved plans *ref 2013-P1-H Rev B* to serve lots 5, 6, 7 and 8. All materials and fittings to be in accordance with the Code of Land Development and Subdivision Engineering and NZS4404:2010.
75. A consent notice under Section 221 of the Resource Management Act 1991 shall be registered on the computer freehold register for Lot 102 stating that water supply pressures may be less than the working pressure specified in the Code of Land Development and Subdivision Engineering and that pumps may be required to achieve standard operating pressure, to be supplied by the owners of the land at

their cost. This consent notice shall be prepared by Council at the cost of the consent holder.

Stormwater

76. Stormwater flows from catchment F shall be directed to catchment I as illustrated on Drawing entitled '*Hydrological Analysis For Whitby Lakes Stream Discharge*' in *Further Information Appendix 2, received 20 March 2014*. The attenuated discharge from the revised catchment I shall be maintained to pre-development flows to the discharge gully. Appropriate calculations supporting this requirement shall be submitted for Pre Engineering Acceptance by the General Manager Asset Management and Operations.
77. That a consent notice under Section 221 of the Resource Management Act 1991 be registered to the computer freehold registers for Lots 5, 6, 7 and 8 to require the consent holder or future land owners to install stormwater detention tanks upon the construction of any dwelling or building on those lots. The sizing of any detention tanks shall be in accordance with The Code of Land Development and Subdivision Engineering. The stormwater tanks are to be positioned as indicated on the attached plan (*ref: Drawing: 2014-P1-SWTanks, Drawn: 2013-06-03, By: Progeni Limited*) and discharged to the nearest natural overland flow path with the discharge point as far as possible from the nearest boundary. All pipes shall be properly constructed to ensure prevention of scouring, erosion and silt build up. This consent notice shall be prepared by Council at the cost of the consent holder.

Vegetation Protection Area

78. Condition 79 below shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Certificates of Title for Lots 5, 6, 7, 8 and 102 will be prepared by Council at the cost of the consent holder.
79. That the vegetation in the area identified on the survey plan as 'CVC', 'CVD', 'CVE' and 'CVF' shall be maintained by the land owners, and shall not be further developed or cleared with the exception of the following activities. Any removal of vegetation from these designated areas, the land owners must undertake replanting with suitable sourced species within the next planting season to the satisfaction of Porirua City Council.
- sustainable taking of dead wood;
 - placement of storm water attenuation systems; and
 - the placement of water storage for domestic water supply

Recreation and Civic Contribution Fee

80. Prior to the issue of approval under section 224 of the Resource Management Act, the consent holder shall pay a Recreation and Civic Development Contribution of \$25,528.68 (incl. GST), for the creation of the four additional allotments in the Suburban Zone, pursuant to Section E1.3.2 (a)(i) of the Porirua City District Plan.

(C) Cancellation of Easements

That the Council grants approval of the proposed cancellation of easements in Stage 2 of this subdivision as follows:

Purpose	Shown	Servient Tenement	Dominant tenement	Created by Interest:
Right to convey water	E in DP 358205	Lot 2 DP 358205	Lot 3 DP 358205	6675234.7
Right to convey water in gross	W1 & RW2 on DP 426821	Lot 1 DP 426821	Greater Wellington Regional Council	6675234.6
Right of way; rights to convey gas, electricity, telecommunications and computer media; rights to drain water and sewage	RW1, RW2, RW3 on DP 426821	Lot 1 DP 426821	Lot 2 DP 358205	8257807.24
Right to convey water	RW1, RW2, RW3 & RW6 on DP 426822	Lot 1 DP 426821	Lot 2 DP 358205	8257808.24
Right of way	RW4, RW5, RW6, RW7 and RW8 on DP 426821	Lot 1 DP 426821	Lots 3 – 6 DP 426821	8447908.10
Right to convey water in gross	RW5, W2, W3, W4 and W5 on DP 426821	Lot 1 DP 426821	Greater Wellington Regional Council	8447908.11

The recommendation is made for the following reasons:

1. That no adverse effects on the environment will result from this proposal; and
2. That any potentially adverse effects on persons other than person – Silverwood Forest Corporation (owner of 61 Exploration Way), who has provided his written approval, will be less than minor

THE APPLICANT IS TO NOTE:

Section 243 Certification which relates to the cancellation of easements

Section 243 Certificate under RMA 1991 will be issued concurrently with the Section 224 Certificate of Stage 2 subdivision.

Local Government Act 2002

Pursuant to s.198 and s.208 of the Local Government Act 2002 and the Council's adopted 'Development Contributions Policy' 2009, please be advised that prior to certification under s.224 of the Resource Management Act 1991 or prior to the new connection(s) to the Council's water infrastructure (what-ever comes first), Council requires that the consent holder to pay a Development Contribution of \$87, 291.90 inc. GST or at any other rate for this area that is applicable at the time of payment.

This amount due is made up of the following:

As assessed under Policy dated:

		2012		
Activity	HEUs	Fees excl.	GST rate	Fees incl.
Water	9.00	\$0.00	15.0%	\$0.00
Wastewater	9.00	\$46,710.00	15.0%	\$53,716.50
Stormwater	9.00	\$29,196.00	15.0%	\$33,575.40
Total		\$75,906.00		\$87,291.90

Water Pipe Extension and reimbursement

The Water Reticulation layout plan 2013-P1-H Rev B shows a 100mm pipe extension between the toby to be supplied for lot 2 and the berm in Exploration Way. This pipe extension is for the purpose of connecting the internal subdivision network to Council's existing water supply network. The installation cost of this length of pipe will be reimbursed by Council upon satisfactory completion and testing of the pipe and certification of the costs by a Chartered Professional Engineer. The pipe installation is to include such bends and fittings as necessary to enable termination of the pipe at least two metres clear of any private way vehicle crossing formation to enable Council to make such connections to the network in Exploration Way as necessary. These design details are to be shown on the drawings submitted to Council for Pre Engineering Acceptance by the General Manager Asset Management and Operations.

Encumbrance (787992.22)

As stated in the earlier sections of the report, Council's Asset Management and Operations Group is supportive of uplifting this encumbrance as long as the consent notices relating to the low water supply pressure are registered on the relevant resultant titles. If that happens, Council will partially discharge the encumbrance at the time of section 224 Certification at Stages 1, 2 and 3 of the subdivision, corresponding with the registration of the consent notices on the relevant resultant titles.

Section 357

Under section 357 of the Resource Management Act 1991 you have the right to object in writing to all or part of this decision. Notice of this objection must be received by the Council within 15 working days of your receipt of this decision letter.

Building Act

This is NOT a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

Section 125

This consent is subject to section 125 of the Resource Management Act 1991 which states that a resource consent lapses on the expiry of 5 years after the commencement of the consent, unless an extension on time is granted by the Council prior to lapsing of the consent.

Earthworks

The consent holder should generally conform with the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region September 2002, when designing sediment control options for any earthworks on the site.

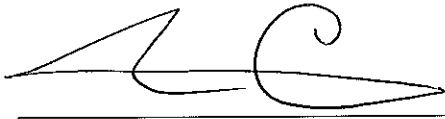
Traffic Management Plan

If the intended work that is covered by this consent includes any activities within the road reserve, then a Temporary Traffic Management Plan is to be prepared by a person who is certified in accordance with 'Temporary Traffic Management for Local Roads – Supplement to NZTA COPTM', and submitted to the Manager Roading – Asset Management and Operations Group for review and approval before any physical works within the road reserve are started.

Fees and charges

Should any additional fees charged for the processing of this application or any financial contributions, levies or bonds required by conditions of this consent not be paid within the deadlines set either through invoicing or consent conditions, this could ultimately lead to Council seeking to recover money owed through the debt collection agency. Should the need arise to use a debt collection agency

then the consent holder will be liable for and charged any extra expense that the debt collection service incurs.



Chyi Sim
RESOURCE CONSENTS PLANNER

9/6/14

Date



John Harold
MONITORING AND ENFORCEMENT OFFICER

9/6/14

Date

Decision of Council

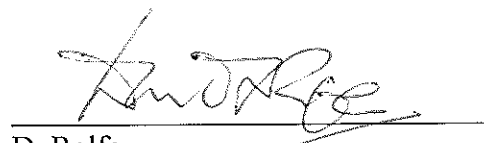
The consent be granted and be subject to the conditions specified in the above recommendation.



Adrian Ramage
MANAGER RESOURCE CONSENTS

9/6/14

Date



D. Rolfe
**GENERAL MANAGER
ENVIRONMENT & REGULATORY SERVICES
under Delegated Authority**

9.6.14

Date