

## **PLANNING REPORT**

### **AMENDMENT OF CONDITIONS OF RESOURCE CONSENT TO UNDERTAKE ADDITIONAL EARTHWORKS, WIDEN SERVICE BERMS AND RIGHT OF WAYS, UPDATE MEMORANDUM OF EASEMENTS, AMEND THE LOCATION OF ACCESS TO WATER RESERVOIR AND THE LOCATION FOR THE WATER RESERVOIR, AND INCLUDE PROPOSED LOT 5 IN STAGE 2 OF THE SUBDIVISION (BEING LOT 1 DP 474663 AND LOT 2 DP 358205)**

#### **RESOURCE CONSENT RC6601 – SL0021/15**

<b>Applicant</b>	<b>Progeni Limited</b>
<b>Application Received</b>	<b>16 April 2015</b>
<b>Reporting Planner</b>	<b>Chyi Sim</b>

#### **1.0 DESCRIPTION OF PROPOSAL**

Resource Consent RC6601 was approved on 6 June 2014 to create nine additional fee simple titles from the two existing fee simple titles (known as LOT 1 DP 426821, and LOT 2 DP 358205 in the original subdivision). This approved subdivision will be carried out in three separate stages, and subdivision earthworks was also granted to create suitable access to the proposed allotments, construct indicative building platform for proposed Lot 2, construct building platform for the proposed water reservoir located in Lot 101/102 (balance lot in Stage 2 and Stage 3 respectively), and remove uncertified fill from proposed Lot 5. An additional land use consent for the earthworks to create indicative building platforms for Lots 1, 3, 4, 5, 8 and 102 was also granted under RC6601. These additional earthworks do not form part of the subdivision, and do not need to be completed prior to certification of s224c of the RMA 1991.

The consent holder has requested the following amendments to the original resource consent,

- To create wider right of ways (easements A, B, C, D, E, F G, H and L) and new vehicle turning areas.
  - Easement A and H to have a minimum width of 12m
  - Easement B to have a minimum width of 8m
  - Easements C, D and E to have a minimum width of 7m
  - Easement F and G to have a minimum width of 4m
  - Easement L to have a minimum width of 5.5m
- To amend the location of access to the water reservoir and the location of the water reservoir (from balance lot to proposed Lot 9).
- To include proposed Lot 5 in Stage 2 of the Development
- To adjust the proposed boundaries for Lot 101 (balance lot for Stage 2) to include easements 'E' and 'F' which were previously over proposed Lot 9.
- To adjust the proposed boundaries of Lot 9 in order to align with the forestry right of way easements
- To allow proposed Lot 9 to have legal rights to use the forestry right of way easements.
- To extend the western right of way by an additional 20m in length to the south
- To construct cut batters which exceed 1:1.5 on proposed Lots 7 and 8.

- To create rights of way 'A, B and D' in favour of Greater Wellington Regional Council to allow future maintenance of the water infrastructure located on the site.
- To create easements 'L' and 'M' - rights to convey water and drain water in gross over proposed Lot 9 in favour of Porirua City Council
- To undertake additional earthworks as part of the subdivision to allow the creation of wider rights of way, vehicle turning areas, and amendments to the location of access to the water reservoir, and the location of the water reservoir.
- Moving the intersection of the eastern and western right of ways by approximately 15m further to the south.

As a result of the proposed amendments above, there will also be subsequent changes to the proposed boundaries of the vegetation protection areas, sewer and water reticulation layout as a result of the proposed amendments above.

As stated above, the applicant has proposed to undertake additional earthworks as part of the subdivision due to the proposed amendments to the original subdivision that relate to the dimensions of right of ways, creation of vehicle turning areas, and location of access to the water reservoir and the location of the water reservoir.

The original subdivision was approved for the consent holder to undertake earthworks up to 9,940m<sup>2</sup> in area, with a maximum cut depth of 2.5m and fill height of 2.5m. Out of the 9,940m<sup>2</sup> of consented earthworks area, the approved area of earthworks which relate to the subdivision is 6440m<sup>2</sup>, with a maximum fill height of 2.5m and cut depth of 2.4m.

In this application, the applicant has proposed to increase the scale of the earthworks that form part of the subdivision from 6,440m<sup>2</sup> to 9,620m<sup>2</sup> in area. The additional earthworks will have a maximum fill height of 3.45m and a maximum cut depth of 2.72m, and the proposed earthworks, where it is highest at 3.45m, will be located at the chainage of 33.04m of the right of way (shown as A).

The amended plans that have been submitted to the Council as part of the change of condition of consent (s127) application are as follows,

- *Vegetation Protection Areas, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16*
- *Carriageway Layout, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16*
- *Carriageway long sections, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-01-14*
- *Sewer Layout, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16*
- *Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27*
- *Consented lots vs Proposed lots, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-01*
- *Scheme Plan Stage 3, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27*
- *Subdivision Earthworks Consented Vs Proposed, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-24*
- *Cross Section Right of Way Intersection, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-28*



## 2.0 RELEVANT PLANNING PROVISIONS

### 2.1 Section 127 RMA

Section 127 of the Resource Management Act provides for the change or cancellation of conditions of a resource consent as follows:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
  - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
  - (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *[Repealed]*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if—*
  - (a) *the application were an application for a resource consent for a discretionary activity; and*
  - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (3A) *If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
  - (a) *made a submission on the original application; and*
  - (b) *may be affected by the change or cancellation.*

## 3.0 ASSESSMENT

### 3.1 Conditions to be amended

The applicant has proposed to amend conditions no. 17, 18, 23, 31, 35, 36, 37, 43, 45, 47, 51, 52, 54, 55, 56, 60, 63, 64, 65, 66, 68, 69, 71, 74, 77, 78, 79 and 80. The amendments to the wordings of the original conditions are provided in a document titled 'RC6601 – Conditions SL0055-13 with variation inclusions.doc', received via email on 29 April 2015.

The practicality and acceptability of the proposed amendments to the original conditions, as proposed in the document mentioned above, will be further discussed in Section 3.3 of the report.

### **3.2 Comments from other Council Departments**

The proposed changes to the original consent have been referred to Council's Parks Resource Planner, Ms Jaydine Keenan (PARKS) and Council's Manager Land Use and Subdivision Engineering, Mr Philip Rhodes (MLSE). Their comments will be discussed in Section 3.3 of the report.

### **3.3 Assessment**

Section 127(3) of the RMA 1991 states that the consent authority must only assess the effects that may arise from the change of conditions of consent. This section of the report will provide an assessment of the additional effects that may arise from the change of conditions of consent, and the assessment of the additional effects on the identified affected parties in the original consent is as follows,

The proposed amendments to the subdivision component will only give rise to additional effects that are less than minor on the affected parties identified in the original consent - Silverwood Forest Cooperation Limited, Raymond de Moulin – owner of 55 Exploration Way, and Michael Street and Birthe Rugaard-Street – owners of 57 Exploration Way.

In the original consent, Silverwood Forest Corporation (SFC) was identified as an affected party as the applicant intended to re-align the existing forestry right of ways that are in favour of Silverwood Forest Corporation's properties. It is noted that SFC owned part of the subject site, which at the time of the subdivision RC6601 was identified as Lot 1 DP 426821. Lot 1 DP 426821 was subdivided into two fee simple titles – Lot 1 DP 474663 and Lot 2 DP 474663 (under RC6660) after the original subdivision (RC6601) was granted. The applicant has since bought the land parcel - Lot 1 DP 474663, while SFC holds ownership to Lot 2 DP 474663.

As a result of the completion of subdivision under RC6660, the new title - Lot 2 DP 474663 inherited the right of way easements (contained in easement instrument - 8447908.10), and a new easement instrument number – 9739329.2 was created for Lot 2 DP 474663, as the dominant tenement had changed. Having this in mind, even though the applicant has updated the schedule of easements to be surrendered (which includes the surrender of easement instrument 9739329.2) on the submitted Stage 2 scheme plan (*ref: Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27*), the applicant is only updating the schedule on this scheme plan to reflect the current context. Therefore, the applicant is not introducing new easements to be cancelled in this application that have not been assessed in the original consent.

It is noted that this application is a change of conditions of resource consent under section 127 of the RMA 1991, and therefore any proposal to cancel easements that have not been assessed in the original consent have to be assessed under a separate application (under section 243 of the RMA 1991).



Although the applicant has not listed Lot 2 DP 474663 as one of the dominant tenements for forestry right of way easements in the table titled proposed memorandum of easements on the plan (ref: *Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27*), the applicant has clarified on this scheme plan that the '*dominant tenement rights will be different by subdivision completion, but new dominant tenement rights equivalent to pre-subdivision are to be provided to all forestry lots as still required depending on Transmission Gully Link Road progress.*' It is understood, from the applicant's clarification above, that the forestry right of way easements which are in favour of Lot 2 DP 474663 which will be cancelled during Stage 2 of the subdivision, will be replaced by the forestry right of way easements which will be created when Stage 2 of the Subdivision is completed. Having this in mind, I note that the forestry right of way easements in favour of SFC properties will remain similar or the same and therefore, SFC is not considered to be affected party in this application.

For the two other affected parties identified in the original consent, the reasons why any additional effects on them will be less than minor will be further discussed in the later paragraphs in this section of the report.

***Effects associated with the proposed changes to the consented right-of-ways and the earthworks (as detailed in the bullet points below)***

- *To create wider rights of ways and new vehicle turning areas.*
- *To extend the western right of way by an additional 20m in length to the south*
- *To construct cut batters which exceed 1:1.5 on proposed Lots 7 and 8.*
- *To undertake additional earthworks as part of the subdivision to allow the creation of wider right of ways, vehicle turning areas, and amendments to the location of access to the water reservoir, and the location of the water reservoir.*
- *Moving the intersection of the eastern and western right of ways by approximately 15m further to the south.*

Council's MLSE has been asked to comment on the practicality of the proposed earthworks and its associated land stability, silt and sediment run off, and stormwater run-off effects on the adjacent/adjoining properties and the environment. The MLSE has also discussed in his comments about the acceptability of the new location of vehicle accesses to the proposed allotments, proposed amendments to the consented boundaries of the right of way easements, and the creation of vehicle turning areas.

***Land Stability Effects***

In terms of potential land stability effects, Council's MLSE has commented as follows,

- *There is a slight amendment to the vertical alignment of this private way in the vicinity of the watercourse fill zone but the difference between consented height and this proposal is less than 0.5m and does not lead to additional issues with being able to engineer this fill structure appropriately. Due to the widening, the cut batter heights will increase from 3m to 4m immediately west of the lot 8 building site and will require geotech engineer certification.*
- *The individual access points to lot 7 and 8 have required some design amendment to make them function better resulting in the new earthworks proposals. The location of the lot 8 access has shifted about 10 to 15m south from the consented location which has made a substantial improvement to the design by reducing the*



*height difference between private way and building platform level by about 2m. The grade of the private access is 1 in 5. This will require some battering of a different shape than in the consented proposal up to 4m face height at one point and will require certification by a geotech engineer at the 224c stage. Access to lot 7 changes also and has been reduced in length by approximately 50% and the final grade is 1 in 5 overall. The building platform earthworks will leave a 3.5m high batter face at the back of the platform which will require certification by a geotech engineer as it is proposed to be at a grade of 1:1.*

- Conditions requiring hydroseeding of all batters are necessary. Hydroseeding is the only practical option to get 100% coverage and immediate growth provided the rainfall patterns help.*

In the MLSE comments above, he has discussed in various sections that certification from a geotechnical engineer will be required due to the construction of the batters on the site. However, He has not recommended any additional conditions which require certification from geotechnical engineers in his comments as he considers the original conditions (no. 49, 50, 72 and 73, which already require certification from geotechnical engineer for compaction of fill and all cut/fill batters) will be able to address any potential land stability concerns addressed in his comments above. There is also a condition – condition no. 29 in the original decision which requires any areas disturbed by earthworks to be hydro-seeded or re-grassed, which will be adequate to address the concerns stated in the last bullet point of the MLSE comments above.

I agree with the MLSE comments relating to land stability and I am satisfied that the original conditions are sufficient to mitigate any additional land stability effects on the site to less than minor.

As noted earlier, the consent holder has also proposed to create new vehicle turning bays on the site, and this will create additional areas of earthworks on the site. The MLSE considers the proposed locations for the vehicle turning bays shown on the amended plans to be appropriate as the *'locations are in such places where additional cut and fill is either not necessary or in a thin layer.'*

Having the above in mind, any potential land stability effects as a result of the additional earthworks on the site will be less than minor, in my opinion.

#### *Silt and Sediment runoff Effects*

Council's MLSE has reviewed the potential silt and sediment runoff that could be generated from the additional earthworks on the site. He has not recommended any additional conditions which relate to silt and sediment runoff from the site as he considers the additional silt fence, proposed and illustrated on the amended plan (ref: *Subdivision Earthworks Consented Vs Proposed, prepared by Progeni Ltd, drawn by Harpham (Porgen), dated 2015-04-24*) and the original conditions which relate to silt and sediment control on the site to be adequate to address any additional silt and sediment runoff effects that may arise from the proposed earthworks.

I agree with the Council's MLSE comments, and therefore I consider any potential effects associated with silt and sediment runoff effects can be addressed adequately via the original conditions of consent and no further conditions will be required.



### *Stormwater runoff Effects*

Due to the topographical nature of the subject site, Council's MLSE has been asked to review and provide comments if the proposed amendments will give rise to additional stormwater runoff effects that are minor or more than minor on the adjoining properties and adjacent properties, and the environment. His comments relating to additional stormwater run-off effects as a result of the proposed amendments to the original subdivision are as follows,

- More fill being required on the eastern side within lots 2 and 3 which seems to alter the shape of the overland flow path that traverses these lots at the moment but the sideways shift is only about 3m to create a suitable berm and is not significant in any way. The earth shaping will still permit the overland flow path to be created well clear of the building platforms on these lots which are well elevated above the overland flow area so the general shape of the existing cross section through these lots will be retained.*
- The new intersection design has been shifted closer to the western boundary of the site by the introduction of a slight curve. The nearest kerb will be 0.5m from the boundary and as the cross section shows, the outside of the carriageway will be built on existing ground level with the main road pavement structure built up above the ground. The cross fall of the pavement is sloping downward to the east, away from the side boundary, which will mean that the existing natural surface rainfall flows that currently cross the boundary will be substantially reduced. The overland surface catchment effectively becomes a 0.5 to 1m wide strip for about 20m whereas the current catchment extends up to around the building platform on lot 5 and around to the existing concrete driveway pavement. The pavement crossfall will act as a form of cutoff drain with water being channelled away to Exploration Way and to the small watercourse previously consented to for water disposal to the south. The cross section drawings show a reverse crossfall away from the carriageway which will enable as much water as possible to be directed to grassed areas for infiltration and treatment and reduce direct channelling to Exploration Way.*
- The new design does not mean an increase in stormwater flows to any outlet –the catchment areas remain the same as previously.*

Based on the MLSE comments above, it is understood that any additional stormwater run off will be able to be accommodated on the site, and that the new design will not give rise to an increase of stormwater flows to any outlet. Most importantly, the stormwater catchment areas, as assessed in the original consent, will remain the same.

### *Stormwater Effects on the adjoining and adjacent properties (SW runoff)*

As the additional earthworks to construct the rights of way will be located closest to the adjoining property at 67 Exploration Way, I have also sought additional comments from the Council's MLSE to ensure that any additional effects in terms of stormwater run off on this adjoining property at 67 Exploration Way that may arise from the proposed amendments to the designs of the rights of way has been addressed adequately. His comments are as follows,

- I do not see any change to the way in which stormwater is managed in the roadway between Exploration way and the GWRC watermain ridge other than it will be collected by the roadway and taken to roadside discharge. As I indicated previously the road will channel water towards Exploration Way for pickup. There is a section in that first 50m that is filled up to 3m deep and there will be a small batter slope between the boundary and road edge. This will form a v shaped section that will channel water to the Exploration Way boundary as overland flow. The cross section at chainage 32 on drawing P1.025 shows a small collection swale just inside Mr Harphams site that will act*



*as the collector. The amount of water collected in this is insignificant because the V section is narrow and no more than about 40m long. This will not affect the neighbour as the land in the neighbour's property slopes downwards from the driveway in that property all the way across the boundary down to Mr Harpham's existing driveway. Mr Harpham receives overland flow from the neighbour all the way up the boundary to the GWRC ridge. There is no water discharge across to the neighbour's property from Mr Harpham's property and this will not change with the new roadway design.*

I concur with the MLSE assessment above and therefore I consider any potential stormwater run off effects as a result of the proposed amendments to the right of way designs will be less than minor on this adjoining property at 67 Exploration Way.

Considering there will be no increase in stormwater flows to any outlets, and that the catchment areas will remain the same, I consider any potential stormwater run off effects on the adjoining and adjacent properties have already been addressed adequately in the assessment of environmental effects in the original consent.

Having the above paragraphs in mind, any potential stormwater run off effects as a result of the proposed amendments to the original consent will be less than minor, in my opinion.

#### *Traffic Effects*

Council's MLSE has provided the following comments, which relates to potential traffic effects that may arise from the proposed changes to the design of the right of ways.

- . David has submitted a plan showing more detail of the tee intersection of the pair of private ways and the design is a substantial improvement on the initial design. The new design can be called just a development from a concept to a detailed design process. The throat is opened up and permits much improved visibility to the left and right and the vertical geometry will be easier to construct and will also remove some of the potentially awkward solutions that were possible in the earlier design. The flanks of the carriageway are now wider to permit all underground services to be laid outside the carriageway which accords with my request to have all Council owned services -water main and sewer, away from the pavement.*
- . The Overlay plan shows that there is some slight sideways shifts of the consented carriageways from the consented alignments. These look to be refinement of detail only and there is no change to the essential design parameters- grade etc from the original proposal*
- . Access to lots 2, 3 and 4 remain in the same place as the consented plans. The additional fill shown on the overlay plan is only thin layers and transitioning from the main fill to the outer edges.*
- . Mr Harpham proposes to widen the pavement by around 1.5m along the access past lot 6, 7 and 8 to an overall width of 5.5m. This is supported as it offers better amenity and allows two way traffic which will improve general access.*
- . The access from the main carriageway to lot 5 building platform is in the same location as the consented proposal and with the new tee intersection design the visibility from this driveway entrance will be improved.*
- . The new roading design incorporates turning bays at the boundary between lots 5 and 7 and secondly at lots 7 and 8. They are capable of two cars being parked at 90 degrees in each bay. There is merit in these and the locations are in such places where additional cut and fill is either not necessary or in a thin layer.*
- . All the roading shown on the new set of plans meets minimum grade criteria of 1 in 5 or better.*



It is understood from the MLSE comments above that the new design has an improved access, better traffic visibility, and is capable of accommodating all underground services. Moreover, the new design of the roads will also allow the creation of vehicle turning bays which can provide additional on-street car parks, and all the roads on the site will meet the minimum grade criteria of 1 in 5.

It is noted that the applicant is not proposing to increase the number of allotments on the site in this application, in spite of the proposed widening of right of ways and service berms. Therefore, no additional traffic movements will be generated from the proposed change of conditions of consent.

Having the above in mind, I consider any potential traffic effects associated with the proposed amendments to the original subdivision to be less than minor.

### *Visual Effects*

The additional cut depth will not give rise to any additional visual effects that are minor or more than minor, considering the existing ground level will be lowered and this can help to reduce visual bulk of the right of way at the completion of the works. Any potential visual effects as a result of the proposed excavation will be temporary, and the original condition which requires re-grassing and hydroseeding on areas disturbed by earthworks will be able to mitigate any additional visual effects associated with the excavation to less than minor.

The visual effects that may arise from the additional fill on the site 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.

The consent holder has provided a plan with the long sections of the proposed right of ways (ref *Carriageway long sections, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-01-14*). It is understood from this plan that the proposed fill height of the rights of way has increased in height from the consented fill height of 2.5m to 3.45m as a result of the proposed amendments. I have sought comments from the MLSE for the reasons behind the 0.95m height differences between the consented fill height and the proposed fill height and his comments are as follows,

*We have discussed previously the apparent change in design of the initial 50m of the private way past lot 1. There is no change to the design in this section as the pavement has always been intended to start at ground level at the Exploration Way road boundary then lead upwards at the minimum grade possible with minimum cover across the GWRC watermain. The long sections show that the crown level of the road across the watermain is RL81.2 at a very diagrammatic level in the consented plans and RL81.7 in the new proposal. This not a change but a reflection of more accurate information and as Mr Harpham has pointed out, with improved contour data and using more sophisticated software he has been able to refine the design detail and show the same solution in a different and improved way.*

Although it is understood that the 'changes' to the height of the fill is due to a more updated and improved contour data collected on the site, the additional effects associated with the increase of the height of the fill will still have to be assessed in this application.



As noted earlier, the maximum height of the fill within the right of way is located at the 33m chainage of the rights of way (this also means that the maximum height of the fill is located approximately 33m away from the boundary shared with Exploration Way), and is located closest to the adjoining property at 67 Exploration Way. The portion of the adjoining property at 67 Exploration Way, located closest to the rights of way is currently being used as a driveway, and contains easements for services and rights of way. The owner of this adjoining property will only have fleeting views of the elevated driveway as he drives past. It was also observed during the site visit that the existing driveway on this adjoining property is located on a much higher elevation than the existing ground level of the subject site. The proposed rights of way on the subject site, once completed will have a similar elevation to the driveway on this adjoining property.

Based on the submitted plan, it is noted that the fill height at the chainage of 72.28m and 76m of the right of way (western) will be 1.85m and 2.82m respectively. These fill heights at the chainage of 72.28m and 76m of the western right of way are up to 1.3m higher than the consented height in the original consent. The rights of way diverge at the chainage of 53m (approximate) into western and eastern right of way, and the western right of way gradually moves away from the shared boundary with 67 Exploration Way at the chainage of 60m, the fill where it exceeds 1.5m in height (at the chainage of 72.28m and 76m of the western right of way on the subject site) will be located a minimum of 5m away from the western shared boundary with the adjoining property at 67 Exploration Way.

The 5m separation distance from the shared boundary with 67 Exploration Way can help to reduce any additional visual effects that may arise from the increased height of the fill due to the amendment to the design of the rights of way. Furthermore, the house site on the adjoining property at 67 Exploration Way is located a minimum of 90m away from its front boundary shared with Exploration Way, and is not directly adjacent to the areas of fill where they exceeds 1.5m in height. Having the above in mind, it is noted that there is a generous separation distance between the areas of fill where the fill height exceeds 1.5m and the house site on the adjoining property at 67 Exploration Way. This distance can help to mitigate any additional visual effects as a result of the proposed amendments to the design of the right-of-way and its associated earthworks to be less than minor on this adjoining property at 67 Exploration Way.

The adjoining properties at 49, 51, 53, 55, 57 and 59 Exploration Way are located to the east of the subject site. The rights of way (at its 0m to 53m chainage, before it diverges into western and eastern rights of way) are located a minimum of 25m to 50m away from the eastern shared boundary with the above adjoining properties. The eastern right of way (closest to the eastern adjoining properties) that is located a minimum of 10m away from the closest shared boundary with these eastern adjoining properties will not be elevated for more than 0.825m in height from its existing ground level as a result of the proposed amendments.

From the plan (ref *Subdivision Earthworks Consented Vs Proposed, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-24*), the applicant has shown additional earthworks to the east of the eastern right of way and located within proposed Lot 3 and Lot 4. It is understood from the submitted plan that these fill areas are required to create a 1:2 batter slope from the right of way easements (after the inclusions of service berms). These batter slopes that are gentle sloping do not have a large visual bulk, and will be re-grassed, as required by the original conditions, to reduce any associated visual effects that may arise from the construction of these batters. Furthermore, these additional areas of fill are located a



minimum of 6m away from the closest shared boundary with the eastern properties. It was observed during the site visit that there is a driveway which runs parallel with the eastern side boundary on the adjoining properties, which provides additional separation distance from the additional areas of fill on the subject site for these eastern adjoining properties.

Having the above paragraphs in mind, considering the separation distance and re-grassing condition (original condition), I consider any additional visual effects that may arise from the proposed earthworks to construct the re-designed right of ways will be less than minor on these adjoining properties at 49, 51, 53, 55, 57 and 59 Exploration Way.

Having the above in mind, I consider any potential visual effects that may arise from the proposed amendments to the design of the rights of way and its additional earthworks on the site to be less than minor.

***Effects associated with the amendment of the location of access to the water reservoir and the location of the water reservoir within proposed Lot 9***

There is an existing Greater Wellington Regional Council (GWRC) water main located on the subject site, and this is a key piece of infrastructure for the region. The proposed amendments to the original consent will result a different scale of earthworks to be undertaken on top of the GWRC water main. Mr John Duggan from Wellington Water Limited (WWL), on behalf of GWRC, via an email dated 8 May 2015, has accepted the variation to the works that will be undertaken above the GWRC main, as long as the consent holder complies 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. Condition no. 45 of the original decision requires the consent holder to comply with the conditions contained in the GWRC document, dated 27 February 2014, submitted to Council on 20 March 2014 as Further Information Appendix 3.1. This condition will remain unchanged, apart from amendments to the references to the easements and plan. Given that GWRC have already approved these works and the applicant has agreed to comply with the relevant conditions, GWRC are not considered to be an affected party.

Council's MLSE has also commented on the proposed amendments to the location of the water reservoir (identified as water tanks in his comments) and the access to the water reservoir. His comments are as follows,

*The location of the water tanks has been shifted northward slightly, 5m or so, and will remain at the same elevation (RL130m) due to cut and fill enabling the same elevation to be retained. The alignment of the access to the tanks has been redesigned with a new alignment generally 20m to the west. This is a much improved location as it will avoid the sidling cut that was necessary for the consented location and the earthworks needed to create the access will be slightly less. This new alignment also avoids drainage issues from a sidling location and concentration of water and simplifies water dispersal from the new alignment. The grade of this access is 1 in 5 for most of the length and Geoff Marshall has asked for an all weather surface to be laid. This could be either chip coat or hotmix and is covered satisfactorily in Condition 43.*

Based on the MLSE comments above, he considers the proposed amendments to the location of the water reservoir and its access to be acceptable. The original conditions, which will only



be amended to include the updated plan reference, will be able to mitigate any potential effects associated with the amendments adequately.

Having the above in mind, I consider any potential effects on the water supply that may arise from the proposed amendments to the original subdivision will be less than minor.

***Effects associated with the inclusion of Lot 5 in Stage 2 of the Subdivision, the proposed amendments to the proposed boundaries and the proposed memorandum of easements (detailed in the bullet points below)***

- To adjust the proposed boundaries for Lot 101 (balance lot for Stage 2) to include easements 'E' and 'F' which was previously over proposed Lot 9.
- To adjust the proposed boundaries of Lot 9 in order to align with the forestry right of way easement
- To allow proposed Lot 9 to have legal rights to use the forestry right of way easement.
- To include proposed Lot 5 in Stage 2 of the Development
- To create right of ways 'A, B and D' in favour of Greater Wellington Regional Council to allow future maintenance of the water infrastructure located on the site.
- To create easements 'L' and 'M' - rights to convey water and drain water in gross over proposed Lot 9 in favour of Porirua City Council

The applicant has proposed to amend the position of the consented boundary which simultaneously amends the allotment sizes of proposed 1, 2, 3, 5, 6, 7 and 8. The proposed allotment sizes for Lots 1, 2, 3, 5, 6, 7 and 8 will not differ significantly from the consented size (as shown on the table of the submitted plan ref: *Consented lots vs Proposed lots, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-01*), and will still remain generous sizes for suburban uses. The proposed allotment sizes are capable of accommodating future dwellings that can comply with all the relevant permitted activity standards for the Suburban Zone, and will not result excessively dense level of residential development within the Suburban Zone.

The applicant has also proposed to include Lot 5 in the Stage 2 of the development, instead of Stage 3 of the development. Council's MLSE does not have further concerns about including Lot 5 in the Stage 2 of the development, and considers the applicant's proposed amendments to the original Stage 2 conditions to be sufficient to address any potential effects that may arise from including Lot 5 in Stage 2 Development. It is noted that the recreation and civic contribution fee to be paid in Stage 2 of the Development, are required by a condition of consent, will be updated in this application as well.

Council's MLSE has also reviewed the proposed amendments to the memorandum of easements (which gives lot 9 rights to use the forestry right of ways, and GWRC and PCC rights over the subject site to maintain the relevant infrastructure), and considered them to be acceptable and does not have any concerns for the amendments.

***Effects associated with the subsequent changes to the area of vegetation protection area, sewer and water reticulation layout, and other services***

The applicant has provided an amended vegetation protection areas plan (ref: *Vegetation Protection Areas, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16*). Council's Resource Planner - Ms Jaydine Keenan from Parks (PARKS) has commented on the proposed amendments to the vegetation protection areas on the subject site. Her comments are as follows,



*There may be minor alterations to the boundaries of the vegetation protection areas but the general location and areas of vegetation to be protected are the same as originally proposed. Any vegetation within these areas that may be affected by earthworks is proposed to be replanted. The effects of these changes to the vegetation protection areas will be less than minor as the scale of vegetation protection remains the same.*

As stated in Ms Keenan comments, she considers any potential effects associated with the alterations to the vegetation protection area to be less than minor. I agree with Ms Keenan's comments and therefore the original conditions which relate to vegetation protection areas will only be amended to include the amended plan.

The applicant has also provided an amended plan to show an updated sewer layout for the subdivision as a result of the proposed amendments to the original subdivision. Council's MLSE is generally satisfied with the new sewer layout plan which shows pipeline in optimum locations, and recommended that the original conditions to be amended to include this updated plan.

Although the consent holder has not included an updated water reticulation layout plan, Council's MLSE is generally satisfied that an updated plan is not required as long as the water reticulation network is in general accordance with the original plan, and that they are located within the easements shown on updated scheme plans submitted with this s127 application. I agree with the MLSE assessment and therefore the relevant conditions will only be amended to include the updated plans.

Due to the subsequent changes to the proposed boundaries, the plan (*ref: Drawing: 2014-P1-SWTanks, Drawn: 2013-06-03, By: Progeni Limited*) which relates to the location of stormwater detention tanks in the original conditions no. 56 and 77 (subject to protection by consent notices) is now outdated, and the applicant has not provided an updated plan in this application. Council's MLSE has been asked to comment on the necessity to update this plan, and his comments are as follows,

*I would like to recommend deleting the statement 'the stormwater tanks are to be positioned as indicated on the attached plan (ref: Drawing: 2014-P1-SWTanks, Drawn: 2013-06-03, By Progeni as there is no need to specify the exact location on these site for tanks. Storage tanks come in many different sizes and configurations - under the house, attached to the side of the house wall or separate and it is better to leave the decision as to what type and where to the building designers and let the building consent process offer a check that the location is safe. The statement the nearest natural overland flow path with the discharge point as far as possible from the nearest boundary could also be modified by adding or roadway because it would be acceptable to have a kerb outlet onto the road pavements.*

I agree with the MLSE assessment above as the amendment to the conditions no. 56 and 77, albeit have not been requested by the applicant, will allow a better design of stormwater tanks on the site. The original conditions no. 56 and 77 will be amended as per recommended by the MLSE.



Although the applicant has not proposed to amend condition no. 48, Council's MLSE has been asked to comment on condition no. 48, which relates to the detention basin P1 located within Lot 2 as the proposed amendments to the original decision may necessitate consequential changes to this condition. The MLSE comments are as follows,

*The stormwater retention pond in Lot 2 is retained at the same location but the bed level appears to be raised slightly by the fill shown on the Subdivision Earthworks Plans. This pond is intended to be a dry basin and the design depth is a matter of detail for pre Engineering Acceptance. It is clear from the drawings though that the basin can be designed effectively to be lower than the road and retains the overland flowpath to Exploration Way.*

Having the above MLSE comments in mind, it is noted that this condition no. 48 will remain the same, and will not be amended in this application.

For the reasons discussed above, there will only be minor amendments to the wordings of the conditions from the original decision, and no additional conditions will be imposed in the decision of the s127 application.

The table below summarises the amendments to the original conditions as a result of the proposed amendments to the original subdivision. The amendments to the conditions will remain similar to what have been proposed by the applicant in the document titled 'RC6601 – Conditions SL0055-13 with variation inclusions.doc', received via email on 29 April 2015, apart from the wordings for the plan references and the conditions relating to stormwater tanks.

<b>no</b>	<b>Changes to the original conditions</b>
<b>17</b>	Amend the condition to include the amended plans
<b>18</b>	Amend the condition to include Lot 5 as the creation of this lot will now be undertaken in Stage 2 of the development.
<b>23</b>	Amend the condition to include the amended plans
<b>31</b>	Amend the conditions to include the amended plans
<b>35</b>	Amend the conditions to include Lot 5 as it will now be undertaken in Stage 2 of the development.
<b>36</b>	
<b>37</b>	
<b>43</b>	Amend the conditions to include the amended plans
<b>45</b>	Amend the conditions to include the amended plans
<b>46</b>	
<b>47</b>	
<b>49A</b>	Insert condition no.71 below condition no. 49 as 49A, as this condition which is relevant to proposed Lot 5 is required to be complied with in Stage 2 of the subdivision and not Stage 3 of the subdivision.
<b>51</b>	Amend the conditions to include the amended plans
<b>52</b>	
<b>54</b>	
<b>55</b>	
<b>56</b>	Amend the condition to include Lot 5 as it will now be undertaken in Stage 2 of the development. This condition will also be amended as per recommended by



	the MLSE, as discussed in Section 3.3 of the report.
60	Amend the condition to include the amended plans
63	Amend the condition to include the amended plans
64	Amend the condition to include Lot 5 as the creation of this lot will now be undertaken in Stage 2 of the development.
65	Amend the condition to include the amended plans
66	Update the total fee for recreation and civic contribution as Lot 5 will now be created in Stage 2 of the development and in not Stage 3 of the development
68	Amend the conditions to include the updated plan which have new references to the vegetation protection areas
69	Amend the condition to include the amended plans
71	Deletion of condition no.71 as this condition has now been inserted under Stage 2 conditions as condition no. 49A
74	Amend the condition to exclude Lot 5 as the creation of this lot will now be undertaken in Stage 2 of the development.
77	Amend the condition to exclude Lot 5 as the creation of Lot 5 will now be undertaken in Stage 2 of the development. This condition will also be amended as per recommended by the MLSE, as discussed in Section 3.0 of the report.
78	To amend the condition to exclude Lot 5 as the creation of this lot will now be undertaken in Stage 2 of the development.
79	Amend the conditions to include the updated plan which have new references to the vegetation protection areas
80	Update the total fee for recreation and civic contribution as Lot 5 will now be created in Stage 2 of the development and in not Stage 3.

## 4.0 CONCLUSION

I consider that the provisions of Section 127 of the Resource Management Act 1991 have been met, and that it would be appropriate to amend the conditions of the original decision in this instance.

As discussed in Section 3.3 of the report, no additional conditions will be imposed in the decision of this application as it is considered that the original conditions, once amended to include the updated plans and references, will be adequate to mitigate any additional effects as a result of the proposed amendments to the original consent to less than minor.

Additionally, as discussed in Section 3.3 of the report, the condition no. 56 and 77 which relates to stormwater detention tanks on proposed allotments – Lots 2, 3, 4, 5, 6, 7, 8 and 10 will be amended to enable better designs at the time of the construction of dwellings on these proposed allotments.

There will be no amendments to conditions no.1 to 16 as these are the land use conditions of the original decision, and the proposed amendments to the original subdivision will not affect the land use components of the development.

Subject to the recommended amended conditions, any potential effects that may result from the proposed amendments to the original decision will be less than minor. As discussed in Section 3.3 of the report, GWRC are not considered to be an affected party as WWL on behalf of GWRC have already approved the variations to the works on the GWRC main and the applicant has agreed to comply with the relevant conditions contained in the GWRC



document, dated 27 February 2014. No affected parties have been identified in this application, and I am satisfied there are no new adverse effects on the environment beyond those considered in the approved decision.

## 5.0 RECOMMENDATION

On the above grounds, it is recommended that the General Manager Environment and Regulatory Services approve the proposal:

That the request for change of conditions of resource consent- RC6601 pursuant to Section 127 of the Resource Management Act 1991, to undertake additional earthworks, widen of service berms and rights of way, update memorandum of easements, amend the location of access to water reservoir and the location for the water reservoir, and include proposed Lot 5 in Stage 2 of the subdivision.

**Conditions no. 17, 18, 23, 31, 35, 36, 37, 43, 45, 46, 47, 49A, 51, 52, 54, 55, 56, 60, 63, 64, 65, 66, 68, 69, 71, 74, 77, 78, 79 and 80 shall now read as follows,**

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 2013-12-15; 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), with the exception of the proposed amendment to the original decision for which information and amended plans (Vegetation Protection Areas, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16; Carriageway Layout, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16; Carriageway long sections, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-01-14; Sewer Layout, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16; Scheme Plan Stage 1 Title Plan LT 478324, generated on 10/02/2015; Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-27; Consented lots vs Proposed lots, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-01; Scheme Plan Stage 3, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-27; Subdivision Earthworks Consented Vs Proposed, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-24 and Cross Section Right of Way Intersection, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-28), were received on 16 April 2015 and 29 April 2015. 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, 5, 9, 10 and 101
- Stage 3- Lots 6, 7, 8 and 102

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 and plan ref Subdivision Earthworks Consented Vs Proposed, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-24, received via email on 29th April 2015).

31. Prior to approval under Section 223 of the Resource Management Act 1991, the easements specified on the approved plans (ref Scheme Plan Stage 1 Title Plan LT 478324, generated on 10/02/2015, Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27 and Scheme Plan Stage 3, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27); shall be created, reserved and/or cancelled for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.

35. Prior to approval under Section 224 of the Resource Management Act 1991, Lot 1 for Stage 1, Lots 2, 3, 4, 5, 9, 10 and 101 for Stage 2 and Lots 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, 5, 9, 10 and 101 for Stage 2 and Lots 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, 5, 9, 10 and 101 for Stage 2 and Lots 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.

43. The consent holder shall show the design details of an all weather metal surface that is 3m wide within easement 'L' for the purposes of vehicular access to the water reservoir in easement 'M' (shown on Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27) 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.

45. The consent holder shall ensure that the proposed water supply works for the water main that is to be located within the easements 'J', 'E', 'L' and 'M' (shown on 'Exploration Heights P1.020.2 Scheme plan stage 2.pdf, dated 2015-05-27) 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.
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 Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27, and the schedule of easements to be surrendered shown on plan ref: Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27
47. The vegetation protection area on Lots 2, 3, 5 and 10, as shown on the plans (ref Vegetation Protection Areas, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16) to be shown as CVA.2 on Lot 2 and CVA.3 on lot 3, and CVC.5 on lot 5 and CVB.10 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.
- 49A. 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.
51. Prior to Certification under Section 224 of the Resource Management Act 1991, rights of way easements 'A', 'B', 'C', 'D' and 'E' shown on approved plan ref: Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27 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.
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', 'D' and 'E' 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', 'D' and 'E' 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, 5 and 10 to require the consent holder or the future owners of Lots 2, 3, 4, 5 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 or roadway. 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.

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 and located within the easements shown on approved plan ref Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27 to serve Lots 2, 3, 4, 5, 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 by undertaken by Council and the applicant shall advise Councils Manager, Waterworks when the trenching and new main is ready for such connection.

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 'L' shown on approved plan ref Scheme Plan Stage 2, prepared by Progeni



Ltd, drawn by Harpham (Progeni), dated 2015-05-27 to the satisfaction of Council for the purposes of vehicular access to the water reservoir in easement 'M'.

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, 5 and 10, and will be prepared by Council at the cost of the consent holder.
65. That the vegetation in the areas identified on the survey plan as 'CVA.2', 'CVA.3', 'CVC.5' and 'CVB.10' 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.
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 \$31,910.85 (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.
68. The vegetation protection areas on Lots 5, 6, 7 and 8, as shown on the plan Vegetation Protection Areas, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16 to be shown as 'CVC.7' and 'CVE.7' on Lot 7, 'CVD.6' on Lot 6, as 'CVE.8' on Lot 8, and 'CVF.102' 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.
69. Prior to Certification under Section 224 of the Resource Management Act 1991, rights of way easements - 'H and N' shown on approved plan Scheme Plan Stage 3, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27 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 with the exception of the proposed amendment to the original decision for which information and amended plans ref: (Carriageway Layout, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-16; Carriageway long sections, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-01-14 and Cross Section Right of Way Intersection, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-04-28) were received on 16 April 2015 and 29 April 2015,
- ~~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.~~




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 and located within the easements shown on approved plan ref Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27* 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.
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 or *roadway*. 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.
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.7*', '*CVE.7*' '*CVD.6*', '*CVE.8*', '*CVD.102*' and '*CVF.102*' 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
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 *\$19,146.51* (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 indicated on approved plan *Scheme Plan Stage 2, prepared by Progeni Ltd, drawn by Harpham (Progeni), dated 2015-05-27*



  
\_\_\_\_\_  
Chyi Sim  
**RESOURCE CONSENTS PLANNER**

29/05/15  
Date

  
\_\_\_\_\_  
Adrian Ramage  
**MANAGER RESOURCE CONSENTS**

29/5/15  
Date

### **Decision of Council**

That conditions no. 17, 18, 23, 31, 35, 36, 37, 43, 45, 47, 51, 52, 54, 55, 56, 60, 63, 64, 65, 66, 68, 69, 71, 74, 77, 78, 79 and 80 be amended from the original decision of resource consent RC6601 as stated in the above recommendation.

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

29.5.15  
Date