

**RM number:** RM210086  
**Date:** 21 September 2021  
**Applicant:** [REDACTED]  
**Agent:** [REDACTED]  
**Address:** [REDACTED]  
**Attention:** [REDACTED]

[REDACTED]  
Environmental Consents  
T 570 6905

[REDACTED]  
Our reference: R [REDACTED]

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**APPROVAL OF RESOURCE CONSENT FOR THREE DWELLINGS AND ASSOCIATED SUBDIVISION COMBINED AT [REDACTED] WHITES LINE EAST, WAIWHETU (LOT 8 DP 1849)**

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

- The allotments will be generally of a sufficient size and shape to support their intended dwellings, with access and outdoor living; amenity effects are comparable to the permitted baseline or less than minor. A full assessment of these matters is provided in section 5 and 6 of this report; reference should be made to the matters and conclusions of these sections.
- The proposal has been reviewed and supported by [REDACTED], Council's Urban Design Consultant. The development is generally consistent with the provisions of the Medium Density Design Guide.
- The proposal has been reviewed and supported by [REDACTED], Council's Transport Engineer Consultant.
- A Council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards, subject to the conditions shown below.
- Conditions imposed on the consent under section 108 and 220 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the subdivision.
- Council considers the proposal to be consistent with section 106 of the same act.
- The property does not appear on Greater Wellington Regional Council's selected land use register as a contaminated site or as having been the site of a verified hazardous activity. As a result, Council considers the likelihood of earthworks uncovering contamination at the site to be negligible.
- The proposal is consistent with the policies and objectives of the city's District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.

- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

## 1. PROPOSAL

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The applicant is applying for 3 new dwellings with associated four-lot fee simple subdivision at ■■■ Whites Line East, Waiwhetu.

The existing dwelling and structures will be demolished on the site with three two storey residential dwellings to be constructed on site. Dwelling 1 will be a stand-alone dwelling located at the front of the site. Dwellings two and three will sit behind and will be duplex houses connected with a common wall.

The dwellings will be arranged with living, dining and kitchen on the ground floor with bed rooms on the first floor. Dwelling 1 will be 3 bedrooms with dwellings 2 & 3 each 2 bedrooms.

The development is described as follows:

Lot	Allotment size – m <sup>2</sup>	Foot print - m <sup>2</sup>	Site Coverage - %
1	148	75.42	51
2	138	58.3	42.2
3	146	59.53	40.7
100	74	Right of way	
Total	506	193.25	38

Earthworks will be at compliant levels. The proposed dwellings will be provided with compliant 2000 Litre storm water retention tanks; with each dwelling lot and the development overall compliant with 30% permeability.

## 2. SITE DESCRIPTION

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The application site is ■■■ Whites Line East, Waiwhetu which is 506m<sup>2</sup> in area with the property currently containing a single storey dwelling and car port located towards the front of the site.

The property is on the southern side of Whites Line East. The property is surrounded by other residential properties that are similar in nature.

The site is situated within the General Residential Activity Area of the City of Lower Hutt District Plan. The site is not subject to any designation, heritage protections, identified natural hazards or significant natural, cultural or archaeological resources under the District Plan. The site is also not identified as contaminated under the GWRC Selected Land Use Register (SLUR). The site contains long term residential uses and is not known to have contained uses that may trigger the National Environmental Standard pertaining to contamination. The very rear of the site is within a 1 in 440 AEP flood event as identified by Greater Wellington Regional Council. It is noted that Wellington Water updated flood advice with regard 100 year ARI including Climate Change scenario in that minimum floor levels should be set on the building code.

The application site is legally described as Lot 8 Deposited Plan 1849, held in Record of Title WN166/295. There is one interest on the title which does not impact this application.

### **3. RELEVANT PLANNING RULES AND REGULATIONS**

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#### **District Plan**

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

#### Subdivision

The proposed subdivision requires consent as follows:

- Restricted Discretionary Activity pursuant to Rule 11.2.3 (a) as the subdivision will not comply with the standards and terms for a Controlled Activity under Rule 11.2.2.1 in respect of (b) Engineering Design.
- Consent is also required for the subdivision as a Discretionary Activity pursuant to Rule 11.2.4 (i) as the subdivision does not comply with the standards and terms for Controlled Activity under Rule 11.2.2.1 in respect of (a) Allotment Design.

The proposed subdivision fails to comply with the following standards and conditions of the District Plan:

- Rule 11.2.2.1 (a) Allotment Design – All lots fail to meet the 400m<sup>2</sup> minimum allotment size and shape factor of 10m by 15m clear of any yard or right of way. It is noted that it has not been demonstrated that it is practicable to construct on all allotments as a permitted activity, as such exemption for allotment size and shape factor does not apply. All lots meet the 3m minimum frontage, lot 2 and 3 achieved through shared ownership over lot 100.
- Rule 11.2.2.1 (b) Engineering Design – The proposal does not comply with the relevant access provision in Chapter 14A of the District Plan, this relates to Standard 2 (see Land Use, below).

The subdivision requires resource consent as a Discretionary Activity under rule 11.2.4 (i).

#### **Land use**

The proposed development requires land use consent under the following rules:

- Pursuant to Rules 4A 4.2.1(b), 4A 4.2.2(b), 4A 4.2.4(b), and 4A 4.2.7(b) development that does not comply with the relevant permitted activity conditions requires consent as a Restricted Discretionary Activity.

- Pursuant to Rule 14A 5.1 (b), development that does not meet the standards of Appendix Transport 1 requires consent as a Restricted Discretionary Activity.

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

- *Rule 4A 4.2.1(b) – Up to two dwellings per site.*  
Three dwellings are proposed.
- *4A 4.2.2(a) – Site Coverage – Does not exceed 40%.*  
Lot 1: 51%  
Lot 2: 42.2%  
Lot 3: 40.7%  
Overall site coverage will be compliant at 38%.
- *4A 4.2.4(a) – Recession Planes – 2.5m +45° from all side and rear boundaries.*  
Dwelling 1 breaches the eastern boundary at a maximum height of 0.34m measured vertically.  
Dwelling 3 breaches the eastern boundary at a maximum height of 0.05m measured vertically.  
Dwelling 3 breaches the southern boundary at a maximum height of 0.23m measured vertically.  
Dwelling 2 & 3 breaches the western boundary at a maximum height of 0.25m measured vertically.
- *Rule 4A 4.2.7(a) - Outdoor Living- Has a minimum area of 50m<sup>2</sup> and a minimum dimension of 4m.*  
Lot 1: 42m<sup>2</sup> with a minimum dimension 1.5m.  
Lot 2: 36m<sup>2</sup> with a minimum dimension 1.5m.  
Lot 3: Compliant area with a minimum dimension 1.5m.
- *Rule 14A 5.1 (b) Standard 1 (c) - Access - 3 dwellings: legal width of 4m, with formation width of 3m carriageway.*  
Minimum legal & formation width 3m.
- *Rule 14A 5.1 (b) Standard 2 (a) – Vehicle Access - Where a vehicle access serves three or more dwellings, it must have a minimum width of 4 metres to allow for fire service vehicles.*  
Vehicle Access has a width 3m.
- *Rule 14A 5.1 (b) Standard 2 (c) – Manoeuvring Area - Sufficient area must be provided to allow vehicles to enter and exit the site in a forward direction.*  
Vehicles will be required to reverse out from unit 3.

#### *Overall activity status*

The proposed subdivision will have a Discretionary Activity Status and the Land Use will have a Restricted Discretionary Activity Status given they each have different pathways under the District Plan.

## **National Environmental Standards**

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

## **4. PERMITTED BASELINE**

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

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

The permitted baseline in regards to built form on site includes two double-storey dwellings given rule 4A 4.2.1(a) permits up to two dwellings per site provided they meet the relevant permitted activity conditions and development standards of the General Residential Activity Area and General Rules chapters of the District Plan. The dwellings would need to comply with 40% total site coverage, 8m height limit, be located within recession planes of 2.5m and 45 degrees, be located at least 1m from side and rear boundaries and be located 3m from the front boundary. Each dwelling would also need to have at least 50m<sup>2</sup> each of private outdoor space with a dimension of at least 4m. 30% of the site would also need to be of a permeable surface.

Construction of an accessory buildings are also a permitted activities provided they comply with the development standards for site coverage, building height, recession planes, yards and permeable surfaces.

Earthworks of up to a maximum volume of 50m<sup>3</sup> and 1.2m measured vertically from natural ground level are permitted.

This permitted baseline is relevant and will be taken into account.

## **5. NOTIFICATION ASSESSMENT**

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

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

Pursuant to section 95A of the Resource Management Act, this section follows the 4 step process to determine if public notification is required.

### Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

### Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"><li>▪ A controlled activity</li><li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li></ul>	No

Public notification is not precluded under step 2.

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

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

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

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

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

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

- [REDACTED] Whites Line East
- [REDACTED] Heath Grove

In making an assessment under s95D the adverse effects on the environment are considered to be less than minor for the following reasons:

- The applicant is seeking land use consent for 3 dwellings (within two buildings) with associated subdivision. There are a number of non-compliances with regard to allotment design standards, site coverage, recession planes, outdoor living standards and the vehicle access.
- However it is noted that the site is compliant overall in terms of site coverage at 38% and there are no yard infringements with neighbouring properties or building height non-compliances. Further the proposal is supported by Council Urban Design consultant Alastair Upton who assessed the scheme and noted the development is of a scale where it will contribute to the current urban environment. Each unit has a clearly defined entrance and the site layout is legible. The development can readily integrate into the environment supported by a good quality landscape plan. It is also noted that any other properties are well separated from the application site and as such it is considered that any adverse effects on streetscape, character or amenity would be less than minor.
- The rear of the site is within the 1:440 floodplain (as modelled by Greater Wellington Regional Council). This has been reviewed by the Subdivision engineer and Wellington Water (Wellington Water updated flood advice with regard 100 year ARI including Climate Change scenario required that minimum floor levels should be set on the building code); both are in support of the proposal. The Subdivision engineer is also supportive of the ground levels and finished floor levels. It is noted that the proposed development is to be stormwater neutral which will insure peak stormwater runoff does not exceed the existing situation. For these reasons it is considered that potential adverse effects related to stormwater ponding, runoff/ displacement and the capacity of the stormwater network and flooding will be less than minor. Wellington Water has also not identified any limitations in the capacity of the local wastewater and water supply networks and as such related effects will be less than minor.
- Councils Transport Engineer considered that while there are some non-complying transport aspects to the development overall he considered it acceptable on traffic and safety grounds. This is given tracking curves were provided that showed there is sufficient manoeuvring for vehicles to enter and exit the site from the car parks within Lot 1 and 2; the car will be required to reverse out from the car park within Lot 3 which was found acceptable in this instance. Obstruction should also not be above 1m in height within the pedestrian sight visibility triangle. It is considered that the additional load on the road infrastructure could be comparable to the permitted baseline. As such any adverse effects on the efficiency or safety of the roading network arising from the proposal are considered acceptable and thus less than minor.
- Construction effects such as noise, dust, vibration and construction traffic will be limited in duration. Sediment control measures will be installed for the site development works and the proposal will comply with the New Zealand standard relating to construction noise. Combined with the temporary basis as mentioned above, it is considered that any adverse construction effects will be similar in scope



and duration to those anticipated under the permitted baseline and are thus less than minor.

Public notification is not required under step 3.

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

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

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The current application relates to consent for 3 dwelling units and subsequent subdivision around the new dwellings on a site zoned for this use. The District Plan provides clear policy direction for the assessment of such activities where resource consent is required. Public notification is not considered to reveal any additional matters or new insights relevant for determining this application. As such I do not consider there to be any special circumstances warranting public notification of this proposal.

**Conclusion**

Public notification is not required.

**5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B**

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4 step process must therefore be followed to determine if limited notification is required.

**Step 1 – Certain affected groups/persons must be notified**

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No

Limited notification is not required under step 1.

**Step 2 – Limited notification is precluded in certain circumstances**

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

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: <ul style="list-style-type: none"> <li>▪ A controlled activity (other than a subdivision) under the District Plan</li> </ul>	No

Limited notification is not precluded under step 2.

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

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

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

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

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

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

#### Whites Line East

This property shares the eastern side boundary with the application site with a single- storey dwelling located towards the front within the site. It is considered that this site could potentially contain a permitted second dwelling in the rear garden, which is noted as a future environment of relevance to this assessment.

As identified above the applicant is seeking consent for 3 dwellings (within two buildings) with associated subdivision. There are a number of non-compliances with regard to allotment design standards, site coverage, recession planes, outdoor living standards and the vehicle access. These breaches have the potential to impact on amenity however there are mitigating aspects as follows:

- It is noted that the proposed development is compliant overall in terms of site coverage (acknowledging the site coverage breaches with each individual allotment) and building height (approx. 0.8m below) and there are no yard infringements with the shared boundary with 139 Whites Line East; with the buildings set off the shared boundary by approximately 1.5m at ground floor level and further at first floor. It is noted that dwelling 1 has a recession plane breach with the eastern boundary at a maximum height of 0.34m measured vertically. This is considered generally a slight breach largely limited to eaves when viewed from the frontage and a small amount of roof as it moves through the horizontal plane with a total breach of 3.9m<sup>2</sup>. It is noted that dwelling 3 has an even slighter recession plane breach with the eastern boundary at a maximum height of 0.05m measured vertically with a total breach of 0.08m<sup>2</sup>. It is noted that a permitted baseline development could contain two, two storey dwellings with similar site coverage located 1m off the shared boundary (with the first floor modulated back to comply with the recession plane) with the overall height increased by a further approx. 0.8m.

- When considering this permitted baseline in conjunction with the fact that none of the buildings exceed permitted height, yard, and limited extent of recession plane breaches with the shared boundary, it is considered that the building bulk and mass proposed on the site and associated adverse visual effects could be comparable to a permitted activity. Further, the proposal is supported by Council Urban Design consultant Alastair Upton who assessed the scheme and noted the development is of a scale where it will contribute to the current urban environment and overall gave his support. Given this any resulting adverse visual effects related to building bulk and dominance are considered to be comparable to the permitted baseline or less than minor on persons at [REDACTED] Whites Line East.
- With regard to privacy as noted above the residential units are well set back from the shared boundary. With the first floor windows facing 139 Whites Line East located at least 3m off the shared boundary with windows at first floor level being bathrooms or hall areas which are largely transient areas. It is also noted there are no windows in recession plane breach areas. Three outdoor areas are located along this eastern boundary; however the main outdoor area of unit 3 is largely orientated towards the west away from this shared boundary. A 1.8m high timber paling fence is also proposed along this boundary with plating of hedging which will provide a buffer. Given these mitigating aspects above while also taking into account the permitted baseline which could accommodate two large dwellings with multiple bedrooms with more potential for outdoor living it is considered that privacy and general amenity effects will be less than minor on persons at 139 Whites Line East.
- As noted above dwelling 1 has a recession plane breach with the eastern boundary at a maximum height of 0.34m measured vertically; the breach is largely limited to eaves when viewed from the frontage and a small amount of roof as it moves through the horizontal. Dwellings 2 is compliant with this boundary in terms of recession plane dwelling 3 has a slight recession plane breach with the eastern boundary at a maximum height of 0.05m measured vertically with a total breach of 0.08m<sup>2</sup>. It is noted that overall the building form of the dwellings (as a footprint) will comply with site coverage of 40% for the whole site with the two storey dwellings situated off the shared boundary by over 1.5m at ground floor and 3m at first floor. Shading from the recession plane breach of dwelling 1 will be greater in summer with shading from midday until 4pm largely falling on the roof of the existing dwelling and carport at 139 Whites Lines East with any further shading until sunset extended through the fall of the shading towards the front of the site away from the main outdoor living area. It is noted that through equinox and winter shading will be progressively less with any shading during winter largely over [REDACTED] Whites Line East's roof. Given the slight recession plane breach of dwelling 3 with the eastern boundary it is considered that any shading effects would not be discernible from the permitted baseline. Further to this it is considered overall shading effects would largely be comparable to the permitted baseline given the compliant site coverage, set back from boundaries, limited extent of recession plan breach and overall compliance of building height (0.8m below limit) and as such considered shading effects are less than minor in this instance.

For these reasons outlined above, it is considered that the potential adverse effects on residential (visual, shading or privacy) and general amenity including when considered cumulatively are comparable to the permitted baseline or less than minor in this instance on persons at [REDACTED] Whites Line East.

### **[REDACTED] Whites Line East**

This property shares the western side boundary with the application site with a single- storey dwelling located centrally within the site. It is considered that this site could potentially contain a permitted second dwelling in the rear garden, which is noted as a future environment of relevance to this assessment.

As identified above the applicant is seeking consent for 3 dwellings (within two buildings) with associated subdivision. There are a number of non-compliances with regard to allotment design standards, site coverage, recession planes, outdoor living standards and the vehicle access. These breaches have the potential to impact on amenity however there are mitigating aspects as follows:

- It is noted that the proposed concrete driveway is adjacent to [REDACTED] Whites Line East and provides a buffer to dwellings 1 and 2 which are set back over 3m from the shared boundary. Dwelling 3 largely follows the lines of dwelling 2 with the exception of its entrance; although this entrance is single story set 1.4m off the side yard and compliant with recession planes reducing its bulk. It is noted that overall the development is compliant with site coverage and below the building height limit by approximately 0.8m. Dwellings 2 & 3 breach the western boundary at a maximum height of 0.25m measured vertically. This is considered generally a slight breach largely limited to eaves and a small amount of roof it is noted that this breach reduces as moves through the horizontal with a total breach of 1.76m<sup>2</sup>. It is noted that a permitted baseline development could contain two, two storey dwellings with similar site coverage located 1m off the shared boundary (with the first floor modulated back to comply with the recession plane) with the overall height increased by a further 0.8m. It is noted that a permitted baseline development could contain two, two storey dwellings with similar site coverage located 1m off the shared boundary (with the first floor modulated back to comply with the recession plane) with the overall height increased by a further approx. 0.8m.
- When considering the permitted baseline in conjunction with the fact that none of the buildings exceed permitted height, yard, and limited extent of recession plane breach with the shared boundary and that overall the development is compliant with site coverage, it is considered that the building bulk and mass proposed on the site and associated adverse visual effects could be comparable to a permitted activity. Given this any resulting adverse visual effects related to building bulk and dominance are considered to be comparable to the permitted baseline or less than minor on persons at [REDACTED] Whites Line East.
- With regard to privacy as noted above the residential units are well set back from the shared boundary. With the first floor windows facing [REDACTED] Whites Line East located at

least 3m off the shared boundary with windows at first floor level being to bedroom which are largely transient areas or used at night. It is also noted there are no windows in recession plane breach areas. Only one outdoor area is located along this western boundary with a 1.8m high timber paling fence and some proposed plating of hedging along this boundary with which will provide a buffer. Any vehicle movements are considered will be comparable to the permitted baseline. Given these mitigating aspects above while also taking into account the permitted baseline which could accommodate two large dwellings with multiple bedrooms with more potential for outdoor living it is considered that privacy and general amenity effects will be less than minor on persons at 135 Whites Line East.

- As noted above dwelling 2 & 3 have a recession plane breach with the western boundary at a maximum height of 0.25m measured vertically; the breach largely limited to eaves and a small amount of roof it is noted that this breach reduces as moves through the horizontal with a total breach of 1.76m<sup>2</sup>. Dwellings 1 is compliant with this boundary in terms of recession planes and overall building form (as a footprint) will comply with site coverage of 40% with the two storey dwellings situated off the shared boundary by over 3m at first floor. Shading from the recession plane breach will be greater in summer with shading until midday on 139 Whites Lines East rear garden; shading at equinox and winter progressively less. However it is considered shading effects would largely be comparable to the permitted baseline given the compliant site coverage, set back from boundaries, limited extent of recession plane breach and overall compliance of building height (0.8m below limit); as such it is considered shading effects are less than minor in this instance.

For these reasons outlined above, it is considered that the potential adverse effects on residential (visual, shading or privacy) and general amenity including when considered cumulatively are comparable to the permitted baseline or less than minor in this instance on persons at [REDACTED] Whites Line East.

## ■ Heath Grove

This property shares the southern rear boundary with the application site with a single- storey dwelling located centrally within the site. It is considered that this site could potentially contain a permitted second dwelling in the rear garden, which is noted as a future environment of relevance to this assessment.

The proposed development has mitigating aspects on [REDACTED] Heath Grove as follows:

Dwelling 3 is set back from the shared boundary by 3.5m at first floor and 2.5m at ground floor with dwellings 1 & 2 largely screened from view. Dwelling 3 breaching the recession plane with southern shared boundary at first floor level by a maximum height of 0.23m measured vertically. This is considered generally a slight breach largely limited to eaves and a small amount of roof with a total breach of 1.37m<sup>2</sup>. Further when considering the permitted baseline in conjunction with the fact that none of the buildings exceed permitted height (0.8m below limit), yard, and the limited extent of the recession plane breach with the shared boundary and that overall the development is compliant with site coverage, it is considered that the building bulk and mass proposed

on the site and associated adverse visual effects could be comparable to a permitted activity. Given this any resulting adverse visual effects related to building bulk and dominance are considered to be comparable to the permitted baseline or less than minor on persons at ■ Heath Grove.

- With regard to privacy there is only one high level first floor window which serves a bedroom facing ■ Grove located at least 3m off the shared boundary; with bedrooms largely transient areas or used at night. There is also only one outdoor area located along this shared boundary with a 1.8m high timber paling fence and some proposed plating of hedging along this boundary with which will provide a buffer. All other outdoor living areas are well separated from this shared boundary. Given these mitigating aspects above while also taking into account the permitted baseline which could accommodate two large dwellings with multiple bedrooms with more potential for outdoor living it is considered that privacy and general amenity effects will be less than minor on persons at ■ Whites Line East.
- As noted above dwelling 3 has a recession plane breach with the southern boundary at a maximum height of 0.23m measured vertically; the breach largely limited to eaves and a small amount of roof with a total breach of 1.37m<sup>2</sup>. Dwellings 1 and 2 are well separated from the shared boundary and screened by dwelling 3. Shading from the recession plane breach will be greatest in winter reducing during equinox to a very limited extent during summer on ■ Heath Grove. However it is considered shading effects would largely be comparable to the permitted baseline given the compliant site coverage, set back from boundaries, limited extent of recession plane breach and overall compliance of building height (0.8m below limit); as such it is considered shading effects are less than minor in this instance.

For these reasons outlined above, it is considered that the potential adverse effects on residential (visual, shading or privacy) and general amenity including when considered cumulatively are comparable to the permitted baseline or less than minor in this instance on persons at ■ Heath Grove.

## General

- It is considered that the proposed development will be sufficiently separated from any other properties whereby it is considered that the potential adverse amenity effects arising from the development on any other property owners or occupiers are less than minor. Further it is considered that any other persons experiencing potential adverse effects will do so in a transient manner, as such amenity effects arising from the development are less than minor on all persons.
- The rear of the site is within the 1:440 floodplain (as modelled by Greater Wellington Regional Council) this has been reviewed by the Subdivision engineer and Wellington Water (Wellington Water updated flood advice with regard 100 year ARI including Climate Change scenario required that minimum floor levels should be set on the building code); both are in support of the proposal. The Subdivision engineer is also supportive of the ground levels and finished floor levels. It is noted that the proposed

development is to be stormwater neutral which will insure peak stormwater runoff does not exceed the existing situation. For these reasons it is considered that potential adverse effects related to stormwater ponding, runoff/ displacement and the capacity of the stormwater network and flooding will be less than minor on all persons. Wellington Water has also not identified any limitations in the capacity of the local wastewater (noting no works for upgrade will be undertaken on neighbouring properties) and water supply networks and as such related effects will be less than minor on all persons.

- Councils Transport Engineer considered that while there are some non-complying transport aspects to the development overall he considered it acceptable on traffic and safety grounds. This is given tracking curves were provided that showed there is sufficient manoeuvring for vehicles to enter and exit the site from the car parks within Lot 1 and 2; the car will be required to reverse out from the car park within Lot 3 which was found acceptable in this instance. Obstruction should also not be above 1m in height within the pedestrian sight visibility triangle. It is considered that the additional load on the road infrastructure could be comparable to the permitted baseline. As such any adverse traffic effects arising from the proposal are considered acceptable and thus less than minor on all persons.
- Construction effects such as noise, dust, vibration and construction traffic will be limited in duration. Sediment control measures will be installed for the site development works and the proposal will comply with the New Zealand standard relating to construction noise. Combined with the temporary basis as mentioned above, it is considered that any adverse construction effects will be similar in scope and duration to those anticipated under the permitted baseline and are thus less than minor on all persons.

Limited notification is not required under step 3.

**Step 4 – Limited notification is required under special circumstances**

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

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

**Conclusion**

Limited notification is not required.

**5.3 - NOTIFICATION DECISION**

In accordance with the notification steps identified above the application shall proceed on a non-notified basis.



## **6. DETERMINING THE APPLICATION**

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

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

#### **Subdivision**

##### *Engineering design*

The proposed development will be served by adequate infrastructure that can be accommodated by public stormwater, water and wastewater (noting no works for upgrade will be undertaken on neighbouring properties) services in the area.

It is noted that the site is compliant with regard to permeability with proposed complaint stormwater retention tanks; with the proposed development to be stormwater neutral in accordance with Wellington Waters recommendations.

Council's Transport Engineer considered that while there are some non-complying transport aspects to the development overall he considered it acceptable on traffic and safety grounds. This is given tracking curves were provided that showed there is sufficient manoeuvring for vehicles to enter and exit the site from the car parks within Lot 1 and 2; the car will be required to reverse out from the car park within Lot 3 which was found acceptable in this instance. Obstruction should also not be above 1m in height within the pedestrian sight visibility triangle. It is considered that the additional load on the road infrastructure could be comparable to the permitted baseline. As such any adverse effects on the efficiency or safety of the roading network arising from the proposal are considered acceptable and thus less than minor on all persons.

The proposed development has been assessed and is supported by Steve Mann, Council's subdivision engineer as well as Wellington Water who made a number of recommendations around stormwater neutrality, water supply and waste water, all of which will be implemented through proposal design or adherence to resource consent conditions imposed on this consent. Subject to compliance with a number of conditions to address these services I consider the three waters will be acceptable. I consider these conditions are necessary and thus shall be imposed under s220 of the Resource Management Act 1991.

Based on the above I consider that the proposed engineering arrangements are acceptable.

##### *Allotment Design*



The applicant is applying for the construction of 3 dwelling and associated subdivision at 137 Whites Line East.

All lots fail to meet the 400m<sup>2</sup> minimum size of allotment and the shape factor of 10m by 15m clear of any yard or right of way. All lots met the 3m minimum frontage with lots 2 & 3 achieved through shared ownership over lot 100.

In terms of allotment design the development is considered acceptable given all the allotments will be of a sufficient size to support their intended dwellings, they have acceptable access and outdoor living that is generally acceptable, orientated for good sun light with landscaping. The proposed allotments are hence appropriate for the facilitation of high quality urban residential environments.

On this basis I consider the proposed subdivision design and site layout is acceptable; the allotments will be fit for their intended residential purpose.

#### *Contamination*

The site is not known to be contaminated or to have had activity on the site that may have led to contamination.

#### *Esplanade Reserves, Strips and Access Strips*

No esplanade reserves, strips or access strips are required or proposed as part of this proposal.

#### *Protecting significant sites*

The site is not within or adjacent to any statutory acknowledgement areas. The application site is not known to contain any other features of historical or cultural significance.

#### *Natural hazards*

The rear of the site is within the 1:440 floodplain (as modelled by Greater Wellington Regional Council) this has been reviewed by the Subdivision engineer and Wellington Water (Wellington Water updated flood advice with regard 100 year ARI including Climate Change scenario required that minimum floor levels should be set on the building code); both are in support of the proposal. It is noted that the proposed development is to be stormwater neutral which will insure peak stormwater runoff does not exceed the existing situation. For these reasons it is considered that potential adverse effects related to stormwater ponding, runoff/ displacement and the capacity of the stormwater network and flooding will be less than minor on all persons. Given the above any natural hazard related effects are considered to be acceptable.

### **Land use**

#### *Residential character and amenity*

The site is within the General Residential Activity Area with the local residential character of this wider area containing a bit of a mix of densities with dwellings of varying styles and designs.

The applicant is seeking consent for 3 dwellings within two buildings with associated subdivision. There are a number of non-compliances with regard to allotment design standards, site coverage, outdoor living standards and the vehicle access.

However it is noted that the site is compliant overall in terms of site coverage (acknowledging there are site coverage breaches with each individual allotment) and there are no yard infringements with neighbouring properties or building height non-compliances. Further the proposal is supported by Council Urban Design consultant Alastair Upton who assessed the scheme and noted the development is of a scale where it will contribute to the current urban environment. Each unit has a clearly defined entrance and the site layout is legible. The development can readily integrate into the environment supported by a good quality landscape plan. All the allotments are also of a sufficient size to support their intended dwellings, and have acceptable access and outdoor living that is generally acceptable.

It is considered relevant to acknowledge that the character of the residential area is likely to change over time as Plan Change 43 provided greater density with new multi-unit development and two, two storey dwellings permitted per site within the General Residential Activity Area.

The visual or amenity effects of the proposal have largely been assessed in section 5.1 and 5.2 above and I consider (the conclusion therein that such effects were less than minor for all persons) the conclusions remain relevant for the purposes of this s104 assessment.

On this basis any adverse visual amenity and character effects are considered to be acceptable.

#### *Construction effects*

Construction effects such as noise, dust, vibration and construction traffic will be limited in duration. Sediment control measures will be installed for the site development works, and that the proposal will comply with the New Zealand standard relating to construction noise; the applicant also submitting a Construction Management Plan which will assist in monitoring the development. On this basis I consider that any adverse construction effects will be similar in scope and duration to those anticipated under the permitted baseline and are thus acceptable

#### **Conclusion**

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

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

### **Design guide assessment**

As the proposal is for three dwellings within the General Residential Activity Area, the Medium Density Design Guide applies. The intent of the design guide is to ensure that higher density development provides quality living spaces that meet the needs of inhabitants whilst maintaining and enhancing the amenity values and character of the surrounding area. The proposal was assessed by Council's consultant urban design advisor, Alastair Upton, whose

assessment dated 26 July 2021, is held on file and should be read in conjunction with this report.

Alastair Upton noted the development is of a scale where it will contribute to the current urban environment. Each unit has a clearly defined entrance and the site layout is legible. The development can readily integrate into the environment supported by a good quality landscape plan.

Further he noted that in general, the proposal has outdoor living areas which are very well designed for privacy, usability, and sun. Outdoor living areas are spaced evenly throughout the site and should not unduly concentrate outdoor living activity near any neighbouring living areas. He considered the open space and boundary treatments, end/side wall treatments, height, setbacks, and building materials included in the application and was satisfied that the proposal meets the intention and outcomes sought by the design guide in these respects. Overall the proposal meets the intentions or requirements of the design guide in its response to the environment and integration with the street and neighbourhood.

I support Mr Upton's findings and as such overall I consider the proposal will reasonably meet the requirements of the Medium Density Design Guide.

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

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

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

*Objective 4A 2.1 Residential Activities are the dominant activities in the General Residential Activity Area.*

*Objective 4A 2.2 Housing capacity and variety are increased.*

*Objective 4A 2.3 Built development is consistent with the planned low to medium density built environment and is compatible with the amenity levels associated with low to medium density residential development.*

*Objective 4A 2.4 Built development provides high quality on-site amenity for residents as well as high quality residential amenity for adjoining properties and the street.*

*Objective 4A 2.5 Built development is adequately serviced by network infrastructure or addresses any network infrastructure constraints on the site.*

*Objective 4A 2.6 Built development is located and designed to manage significant risk from natural hazards.*

*Policy 4A 3.1 Provide for residential activities and those non-residential activities that support the community's social, economic and cultural well-being and manage any adverse effects on residential amenity.*

*Policy 4A 3.2 Enable a diverse range of housing types and densities.*

*Policy 4A 3.4 Manage the effects of built development on adjoining sites and the streetscape and minimise visual dominance on adjoining sites by controlling height, bulk and form of development and requiring sufficient setbacks.*

*Policy 4A 3.5 Require built development to maintain a reasonable level of privacy and sunlight access for adjoining sites.*

*Policy 4A 3.6 Require built development to provide useable and accessible outdoor living space to provide for outdoor amenity.*

*Policy 4A 3.7 Encourage high quality built development to contribute to attractive and safe streets and public open spaces by providing for buildings that address the streets and public open spaces, minimise visual dominance and encourage passive surveillance.*

*Policy 4A 3.8 Require medium density built development and comprehensive residential development to be of a high quality design.*

*Policy 4A 3.9 Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.*

*Policy 4A 3.11 Discourage medium density residential development in areas of high risk from natural hazards unless the development mitigates the risk from the natural hazard.*

*Policy 4A 3.12 Promote floor levels for new development to be above the 100 year (ARI) flood extent, where sufficient information is available.*

#### **11.1.1 Allotment Standards**

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

*Policy (a) - To ensure that allotments have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.*

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

#### **11.1.2 Engineering Standards**

*Objective – To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupiers.*

*Policy (a) – To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.*

#### **Assessment**

The above General Residential objective/ policies relate to the form of buildings and the need to minimise the height and bulk of development to protect onsite amenity, as well as the

amenity of the street and surrounding properties. With reference to the assessment and conclusions provided in sections 5 and 6 of this report it is considered that the proposal will maintain the amenity values and residential character of the area. The subdivision will also not adversely impact infrastructure. Further any potential adverse effects from the proposal will be less than minor on all persons and acceptable for the reasons described in section 5 and 6 of this report. As such the proposal is considered consistent with the objectives and policies of the General Residential Activity Area and General Rules as outlined above.

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

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

The proposed three dwellings and subdivision will facilitate an increase in housing supply and variety on a site which is able to be serviced with the surrounding infrastructure.

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

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

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

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

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

### **6.6 - IN ACCORDANCE WITH S106 A CONSENT AUTHORITY MAY REFUSE SUBDIVISION CONSENT IN CERTAIN CIRCUMSTANCES**

A consent authority may refuse subdivision consent or may grant a subdivision consent subject to conditions if it considers that there is significant risk from natural hazards or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

The rear of the site is within the 1:440 floodplain (as modelled by Greater Wellington Regional Council) this has been reviewed by the Subdivision engineer and Wellington Water

(Wellington Water updated flood advice with regard 100 year ARI including Climate Change scenario required that minimum floor levels should be set on the building code); both are in support of the proposal. It is noted that the proposed development is to be stormwater neutral which will insure peak stormwater runoff does not exceed the existing situation. For these reasons it is considered that potential adverse effects related to stormwater ponding, runoff/ displacement and the capacity of the stormwater network and flooding will be less than minor on all persons. Given the above any natural hazard related effects are considered to be acceptable.

As such I do not consider that there is any significant risk from natural hazards which will ensue from the granting of this consent application. All proposed allotments will have appropriate physical and legal access. As such I do not consider there is any reason to refuse subdivision under s106 of the Act.

## **6.7 - SUBSTANTIVE DECISION**

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

In accordance with s104B I have considered the subdivision application for a discretionary activity and have decided to grant the application subject to conditions under s220.

## **7. CONDITIONS OF RESOURCE CONSENT**

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

### **Land use**

1. That the proposal is carried out substantially in accordance with the information and approved plans (TAD works: Sheet: DS02 Rev B, DS04 Rev A, DS06 Rev B (dated 17/9/21), DS07- DS09 Rev A, dated 30/7/21. Envelope Engineering: Drawing number: 100 R2, 101 R2, 200 RC3, 400 RC2 dated 13/8/21; RC2 26/5/21, RC3 13/8/21. Align: TAD-DRG-LA-100 Rev 1.3, TAD-DRG-LA-300 Rev 1.3, TAD-DRG-LA-310 Rev 1.3, TAD-DRG-LA-400 Rev 1.3, dated 4/6/21) submitted with the application and held on file at Council.

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

2. That the consent holder advises Council (enforcement@huttcity.govt.nz or 04 560 1044) at least two working days before any work starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

### **Important notes:**

- When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as

possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$170 per hour.

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

*Note: This condition addresses an essential administrative matter*

3. That, prior to the commencement of works onsite, the consent holder shall prepare and submit a Construction Management Plan prepared by a suitably qualified person for approval by the Team Leader Resource Consents. The plan must address, but is not limited to, the following matters:
  - Detail construction hours;
  - Detail how any adverse effects arising from construction will be managed to avoid and mitigate effects from dust, noise, vibration and construction traffic. This includes how the proposal will comply with the NZS 6803:1999 Acoustics - Construction Noise. Please note that machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays except for remedial or preventive work as required;
  - Identify what sediment and erosion control measures will be installed onsite to ensure that dust is prevented from blowing beyond site boundaries and sediment prevented from entering any stream, waterway, or the stormwater network. This shall include methods to prevent the deposition of any earth, mud, dirt or debris on any public road or footpath. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006.
  - Details of the proposed earthworks construction methodology
  - Details of how stormwater and surface water will be controlled during site works to ensure they do not affect adjoining properties.
  - Details of a contact person available to take feedback/complaints.
4. That the consent holder ensures earthworks do not affect the stability of adjoining properties.
5. That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise.
6. That the consent holder carries out all earthworks in a way that prevents dust blowing beyond site boundaries. Control measures may include applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
7. That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)

8. That the consent holder installs and maintains sediment control measures in compliance with Greater Wellington regional council's erosion and sediment control guidelines (issued in September 2002 and reprinted in 2006).
9. That the consent holder installs landscaping treatments in accordance with the approved landscaping plan (Align: TAD-DRG-LA-100 Rev 1.3, TAD-DRG-LA-300 Rev 1.3, TAD-DRG-LA-310 Rev 1.3, TAD-DRG-LA-400 Rev 1.3, dated 4/6/21). All plantings must be installed as soon as the seasons make practicable, but must be finished within six months of the completion of construction. Any plant which fails to establish or perishes must be re-planted within 12 months of the completion of construction. Plants are to be as per the grades specified in the Planting Schedule (Align: TAD-DRG-LA-310 Rev 1.3, dated 4/6/21) and all trees are to be a minimum height of 1.5m at the time of planting.
10. Obstruction on site should not be above 1m in height within the pedestrian sight visibility triangle.
11. The finished floor levels for the three dwellings are to be FSL +3,750 as per the approved site plan TAD works: Sheet DS04 dated 30/7/21.

### **Subdivision**

1. That the proposal is carried out substantially in accordance with the information and approved plans (Envelope Engineering: Drawing number: 100 R2, 101 R2, 200 RC3, 400 RC2 dated 13/8/21; RC2 26/5/21, RC3 13/8/21.) submitted with the application and held on file at Council.

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

2. The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 5% of the value of the additional residential allotments or capped at \$10,000 per allotment whichever is the lesser. The amounts required will be determined on the basis of a market value assessment from a registered valuer. It is the consent holder's responsibility to instruct the valuer and supply Council with this assessment. The amount to be paid will be determined when the consent holder submits the qualified valuer's assessment.

### *Amalgamation Condition*

3. Lot 100 (Access) hereon to be held as to three undivided one third shares by the owners of lots 1, 2 & 3 as tenants in common in the said shares and that individual certificates of title to be issued in accordance therewithin.
4. That the consent holder pays Council an engineering fee to meet the cost of work carried out by Council subdivision engineer in assessing, inspecting, testing and approving water, sewer and stormwater services, access or any other aspect of the proposal so assessed by the engineer or any representatives of the engineer (as distinct from work which must be monitored as a result of any building consent). The fee is charged at an hourly basis of \$175 per hour for an engineer or \$195.00 for a senior engineer. Payment is necessary before or at the time of applying for a section 224(c) certificate.



5. That the consent holder compacts all earthwork fill areas in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989).
6. That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that no sediment leaves the site or enters streams or the stormwater system; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington Regional Council's erosion and sediment control guidelines (issued in June 2006).
7. That the consent holder paves, metals, re-grasses, hydro-seeds or plants all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within a month of completing earthworks to the satisfaction of Council subdivision engineer; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.
8. That the consent holder ensures all earthworks are carried out in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
9. That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
10. That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise; and that notwithstanding this standard, machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays.
11. That the consent holder constructs the private way, including a heavy-duty vehicle crossing and necessary stormwater control in accordance with Council's codes and standards.
12. That the consent holder removes the existing concrete vehicle crossing, reinstates the kerb, footpath and berm in the position indicated on the submitted scheme plan and in accordance with Council's codes and standards.
13. That the consent holder installs the reticulation as necessary and connects separate minimum 100mm NB sewer and 100mm NB stormwater service leads to the public mains (or to the road kerb or other approved disposal point in the case of stormwater) for each residential lot (and adjust existing services where necessary) in accordance with Council's codes and standards.

**Please note:**

- All stormwater and sewer and water reticulation services shall be designed and constructed in accordance with the '*Regional Standard for Water Services*', the '*Regional Specification for Water Services*' and the '*Approved Products Register*', including all associated amendments. Copies of the latest version of these

documents are available on the following website:

<https://wellingtonwater.co.nz/contractors/technical-information>.

- It is now Council policy that only existing sewer and stormwater laterals less than 25 years old can be utilised for a new dwelling or new vacant lot, otherwise they are to be renewed or sealed off at the mains if not replaced in the same location.
- The preference would be to upgrade the 100mm sewer connection into 9 Health Street to 150mm diameter however we understand the existing property owner is opposed to this. Therefore in this instance the sharing of the short section of existing 100mm sewer lateral will be permitted however this is not a precedent for this type of work going forward.

14. The consent holder ensures that the development is designed to be stormwater neutral so that the stormwater runoff from the fully developed site is no more than existed prior to the development. As such, **either**:

- A suitably qualified engineer is to be engaged to provide a stormwater design report for the suitable disposal of stormwater from the site, including the design of the proposed stormwater attenuation within ponding areas, oversized pipes or tanks, etc. **or**:
- The installation of an appropriately-sized (based on the house roof area) detention tank on each lot is undertaken at the time of building. The tank sizing and installation is to be in accordance with the Wellington Water's guidelines: ***Managing Stormwater Runoff – The use of raintanks for hydraulic neutrality***, which can be obtained from the following website: <https://www.wellingtonwater.co.nz/your-water/land-development/stormwater-neutrality-and-wastewater-control/>.

In accordance with section 221 of the Resource Management Act 1991, a consent notice shall be placed on the record of title of the affected lots including details of the size of the storage pipes, tank or pond, the size of the discharge pipe (orifice) and maintenance requirements.

**Please Note:**

- The stormwater detention tanks shall be plumbed in accordance with HCC standard plan LD1002 unless otherwise approved.
- The Consent holder shall ensure there is sufficient hydraulic head to discharge the detention tanks to the kerb and channel and this shall be shown on the engineering plans for approval.

15. That the consent holder supplies separate minimum 20mm NB connections for each residential lot that meets Council's code for domestic supply and standards.

**Please note:**

- All water (and stormwater and sewer) reticulation services shall be designed and constructed in accordance with the '*Regional Standard for Water Services*', the '*Regional Specification for Water Services*' and the '*Approved Products Register*', including all associated amendments. Copies of the latest version of these documents

are available on the following website:

<https://wellingtonwater.co.nz/contractors/technical-information>.

- It is now Council policy that only existing laterals of polyethylene material can be utilised for a new dwelling or new vacant lot. All existing non-polyethylene laterals, including the tobies, are to be renewed and sealed at the main if not replaced in the same position.
- The consent holder must apply for new water connections at the customer services counter of Council Building, 30 Laings Road, Lower Hutt. These applications are processed by Wellington Water Ltd., which is a Council-controlled company in charge of Council water and drainage assets. Their contact person is Chandra Koswatte (ph. 04 912 4534). Wellington Water Ltd. may impose special requirements or conditions for new connections depending on, among other things, the existing reticulation system's condition and layout, flow rates, pressure zones and proposed future work. It is important the consent holder makes an application early in the design or construction phase. Council recommends that the consent holder makes this application before submitting engineering plans to Council subdivision engineer.
- The water connection in the road reserve for lots 2 and 3 shall consist of a 32mm NB common water lateral split into two 20mm NB meter manifolds installed in a jumbo toby box.

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

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

**Please Note:**

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

**Please note:**

- This condition is necessary (even for minor works) as the engineering approval letter will list further engineering requirements in regard to Corridor Access Requests, pipe materials, inspections, as-built information, etc.
- Engineering approval of the proposed services and access up to the individual lot boundaries is completely separate from any approval given under building consent and must be requested prior to installation, irrespective of any building consent being issued.
- Please provide construction details and design levels of the proposed private way, including the drainage provisions and gradients.

19. That the consent holder appoints a suitably qualified contractor or contractors to complete the works to the approved design; and that the consent holder submits to Council subdivision engineer for approval the name, contact details and experience of the contractor(s) at the time of submitting engineering plans for approval or at least a minimum of 7 days in advance of commencing the construction works. The approved contractor(s) must give a minimum of 48 hours' notice to Council subdivision engineer before starting work.
20. That the consent holder provides underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
21. That the consent holder provides Council with written confirmation from Chorus (or the equivalent network supplier) and Wellington Electricity Lines Ltd that they are satisfied with the supply of their utilities to each lot.
22. That the consent holder provides Council with written confirmation from a surveyor or suitably qualified engineer that all existing services have been adjusted so they are contained within the lot (or are protected by an appropriate easement) and that the ends of all abandoned lines have been sealed in accordance with council requirements, or alternatively that the consent holder provides Council with written confirmation from a surveyor or suitably qualified engineer that no such adjustments and sealing are necessary.
23. That the consent holder provides appropriate easements for private services where necessary, with easements shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.

**Please note**

- The sewer and stormwater mains serving the development shall be private.
  - Where a Unit 2 and 3 shares a common wall which straddles a freehold boundary, a party wall easement is to be registered on the records of title accordingly.
  - A maintenance easement over lot 3 shall be provided for lot 2 adjacent to the carpark to ensure a minimum width of 1.0m for maintenance.
24. That the consent holder provides appropriate easements of rights of way, shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.
  25. That the consent holder moves all existing buildings (not including those proposed as part of this development) clear of the new boundaries before applying for a section 224(c) certificate.
  26. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 3 as necessary to ensure future owners are aware that the properties share private sewer and stormwater drains and water pipes.
  27. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 1 to 3 to ensure any dwellings built

on these lots have foundations designed by a chartered professional structural or geotechnical engineer; and that the design and details of these foundations are submitted as part of any building consent applied for on these lots. This consent notice may not apply if all of the dwellings have been substantially constructed prior to 223/224 being issued.

28. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lots 2 to 3 inclusive. The consent notice shall state that due to the integrated nature of this development, the dwellings thereon must be built in accordance with condition (1) of the land use consent being: substantially in accordance with submitted plans (TAD works: Sheet: DS02 Rev B, DS04 Rev A, DS06 Rev B (dated 17/9/21), DS07- DS09 Rev A, dated 30/7/21. Envelope Engineering: Drawing number: 100 R2, 101 R2, 200 RC3, 400 RC2 dated 13/8/21; RC2 26/5/21, RC3 13/8/21. Align: TAD-DRG-LA-100 Rev 1.3, TAD-DRG-LA-300 Rev 1.3, TAD-DRG-LA-310 Rev 1.3, TAD-DRG-LA-400 Rev 1.3, dated 4/6/21). This consent notice may not apply if all of the dwellings have been substantially constructed prior to 223/224 being issued.
29. That the consent holder meets the cost of registering consent notices.
30. That the consent holder provides Council the as-built plan, certified by a surveyor or engineer, showing the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.

Processing Planner:



██████████  
Senior Resource Consent Planner

Peer reviewer:



██████████  
Senior Resource Consent Planner

Application lodged: 18 March 2021  
Application approved: 21 September 2021  
No of working days taken to process the application including s37: 31  
No of working days taken to process: 20

## 8. NOTES:

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- The subdivision resource consent is subject to payment of a development contribution fee. Payment of this fee is required before receiving section 224(c) certification.
- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant, consent holder, on the application or review of consent conditions may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 21/09/2026.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See [huttcity.govt.nz](http://huttcity.govt.nz) for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: [beforeudig.co.nz](http://beforeudig.co.nz) or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.

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