



Ref: **RC7826 – SL0006-19**  
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Kenepuru Limited Partnership (KLP)  
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5<sup>th</sup> June 2020

Dear Brett,

**RESOURCE CONSENT – NOTICE OF DECISION – RC7826 – SL0006-19  
HOSPITAL DRIVE AND HALL ROAD, KENEPURU (BEING LOT 1508 DP 528689)**

**Proposal To:**

- **Subdivide that area of the Kenepuru Development Land known as Stage 2 into 129 Lots for residential purposes and carry out associated land development and infrastructure works;**
- **Construct and use 77 residential dwellings within stage 2; and**
- **Undertake additional earthworks over the stage 2 site to what was consented under RC7400 and**
- **Undertake earthworks within the Mitchell Stream Reserve (being Lot 11 DP 428849)**

I am pleased to inform you that your application for resource consent for the above proposal was granted on 5<sup>th</sup> June 2020. The decision and the consent conditions, which are outlined at the **start of the decision report**. The approved plans, reports and details are attached separately as Appendices A-K.

**Please review the conditions in the attached report as you will be required to comply with these. It is very important that you understand your obligations and undertake the necessary actions or work to comply with all the conditions of your consent.** If you have any questions or concerns about any aspect of your consent or its conditions, I would be happy to discuss them with you. Please also refer to the following general information for consent holders:

1. You may commence your activity in accordance with your consent conditions, unless you lodge an objection to Porirua City under section 357 of the Resource Management Act 1991. Your commencement date will then be the date on which the decision on the objection is determined.
2. This resource consent will expire five years after the date of commencement of consent unless:
  - a. it is given effect to before the end of that period; or
  - b. upon an application made before the consent lapses for an extension of consent. The statutory considerations, which apply to extensions, are set out in Section 125(1A)(b) of the Resource Management Act 1991.
3. If you are dissatisfied with any aspect of the decision on your consent application, you have the right to lodge an objection with the Council under section 357 of the Resource Management Act 1991. You have 15 working days from the date you receive this letter of notification within which to lodge your objection to the decision. Your objection should contain a statement as to what part of the consent you object to and should clearly explain the reasons for your objection. On receiving an objection in writing, the Council shall hear the objection and may uphold the objection wholly or partly.
4. The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 2004 and comply with all relevant Council bylaws.

Please feel free to contact me if you have any questions or concerns.  
Ngā mihi,

**Olivia Campbell**  
**SENIOR RESOURCE CONSENTS PLANNER**

## DECISION AND PLANNING REPORT

RESOURCE CONSENT RC7826 – SL0006-19  
HOSPITAL DRIVE AND HALL ROAD, KENEPURU (BEING LOT 1508 DP 528689)

### PROPOSAL TO:

- SUBDIVIDE THAT AREA OF THE KENEPURU DEVELOPMENT LAND KNOWN AS STAGE 2 INTO 129 LOTS FOR RESIDENTIAL PURPOSES AND CARRY OUT ASSOCIATED LAND DEVELOPMENT AND INFRASTRUCTURE WORKS;
- CONSTRUCT AND USE 77 RESIDENTIAL DWELLINGS WITHIN STAGE 2; AND
- UNDERTAKE ADDITIONAL EARTHWORKS OVER THE STAGE 2 SITE TO WHAT WAS CONSENTED UNDER RC7400

### AND

- UNDERTAKE EARTHWORKS WITHIN THE MITCHELL STREAM RESERVE (BEING LOT 11 DP 428849)

Applicant	Kenepuru Limited Partnership (KLP)
Application Received	14 February 2019
Reporting Planner	Gina Sweetman
Peer Reviewing Planner	Olivia Campbell
Site Inspection	Many, over several years.

## 0. RECOMMENDATION AND DECISION

That the application by Kenepuru Limited Partnership Ltd to:

- Subdivide that area of the Kenepuru development land known as Stage 2 into 129 lots for residential purposes and carry out associated land development and infrastructure works;
- Construct and use 77 residential dwellings within stage 2; and
- Undertake additional earthworks over the Stage 2 site to what was consented under RC7400,

at Hospital Drive and Hall Road, Kenepuru (being Lot 1508 DP 528689) and;

- Undertake earthworks within the Mitchell Stream Reserve (being Lot 11 DP 428849),

**be GRANTED** as a discretionary activity pursuant to sections 104, 104B and 108 of the Act for the following reasons:

1. *The activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land; and*
2. *All affected persons approvals have been obtained; and*
3. *The proposal is consistent with the objectives and policies of the District Plan, and is consistent with the Regional Policy Statement and the National Policy Statement on Urban Development Capacity; and*
4. *The proposal is consistent with the overall purpose of the Resource Management Act.*

**The consent shall be subject to the conditions listed below (A – Landuse Conditions 1-56, B-Subdivision Conditions 57-126):**

### **A - LAND USE CONDITIONS**

1. That the development be in general accordance with the information and plans submitted with the application and held on Council file RC7826 and stamped 'Approved Plans for Resource Consent RC7826' including:
  - A. The **Assessment of Environmental Effects** titled '*Earthworks, Subdivision and Land Use Stage 2 Kenepuru Landing*', prepared by Calibre Consulting Ltd, dated 5 February 2019 with addendums dated 28 July and 10 December 2019, including:

- B. **Appendix 2** – the Stage 2 Integrated Housing Design Report, prepared by Isthmus, dated 3 May 2019;
- C. **Appendix 3** – the architectural plans titled ‘*Stage 2 – Architecture [AR]*’ prepared by Isthmus, dated 17 December 2019;
- D. **Appendix 4** – the s92 Addendum Report titled “*Urban Design and Visual Effects Assessment*” prepared by Isthmus, dated 3 May 2019;
- E. **Appendix 5** – the landscape plans titled ‘*Kenepuru Landing Stage 2 Housing*’ Job No 4055, Revision C, prepared by Isthmus, dated 26 April 2019;
- F. **Appendix 6** - The report titled “Stage 2 Housing, Subdivision and Infrastructure Report” prepared by Calibre Consulting Ltd dated 15 January 2019 and amended by AEE Addendums dated 28 July and 10 December and plan set titled “Kenepuru Landing Stage 2 Infrastructure and Subdivision” Project Number 709306.006 prepared by Calibre and dated 26 July 2019, with the following sheets, all dated 04/12/19:
  - i. C200 v1 Fault Buffer Zone,
  - ii. C201 v1 Existing Services,
  - iii. C210 v3 Finished Levels
  - iv. C220 v3, C221 v1, C222 v1, C223 v3, Earthworks Depths and Cross Sections and Earthworks in PCC Reserves
  - v. C300 v2, C310 v1, C311 v1, C320 v1 Roading Plans, Long Sections and Typical Cross Sections
  - vi. C400 v2, C401 v1, C405 v2, Stormwater and Sewer Reticulation Plans
  - vii. C410 v1, C411 v1, C412 v1, Stormwater and Sewer Long-sections
  - viii. C420 v1, C421 Plans of Proposed Rd 20 Attenuation Pond
  - ix. C451 v1 Stormwater Secondary Overland Flowpaths
  - x. C510 v2 Water Supply Reticulation Plan
  - xi. C900 vC Hospital Drive Upgrade Plan
  - xii. V100 v3, V110 v3, V111 v2, V112 v2, V113 v2, V114 v3, V115 v2, V116 v2, V117 v2 Subdivision Scheme Plans
- G. **Appendix 8** – the plans and documentation titled ‘*Stage 2 – Integrated Housing Compliance Table and Shading Analysis (CS)*’ prepared by Isthmus, dated 17 December 2019;
- H. **Appendix 9** – the report titled ‘*Kenepuru Subdivision – Geotechnical Assessment*’, prepared by Coffey, dated 19 June 2017;
- I. **Appendix 10** – the *Remediation Action Plan* Job Number 1605050 RAP Rev A, prepared by Geohazard Environmental, dated 2-12-2016;
- J. The letter from Coffey to Kevin Alkema, dated 2 July 2019, subject line “*Kenepuru Landing – Fault Trench Investigation Assessment Report Addendum for Stage 2*”;
- K. The report titled ‘*Kenepuru Landing: Stormwater Modelling to support Stage 2 Resource Consent Application*’, prepared by Calibre Consulting Ltd, Ref 709306.006, dated 25 May 2020.

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.

## **Prior to Commencement of Works - General**

2. The consent holder shall contact the Council's compliance monitoring officer at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.
3. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
4. The consent holder shall ensure that a copy of this consent is kept in the office on site at all times and presented to any Porirua City Council officer on request.
5. Prior to the commencement of any works on the site, the consent holder must provide evidence to the Manager, Resource Consents that a suitably qualified chartered professional engineer has been appointed to carry out the design, supervision and certification of earthworks, including the stability of constructed cut batters.
6. Prior to commencement of works, the consent holder must provide evidence to the Manager, Resource Consents that a suitably qualified representative has been appointed to carry out the design and supervision of construction works, and certification upon completion, as provided by Sections 1.7 and 1.8 of NZS4404:2010. This representative shall carry out the duties described by Sections 1.7 and 1.8 of NZS4404:2010.
7. The consent holder shall forward the final Erosion and Sediment Control Plan as approved by the Greater Wellington Regional Council to Porirua City Council prior to the commencement of works.
8. The consent holder must ensure that prior to the commencement of any works on the site that all silt and sediment control measures are in place in accordance with the Erosion and Sediment Control Plan approved by the Greater Wellington Regional Council as referred to in Condition 7 of this resource consent. This includes the area of earthworks contained in Lot 11 DP 428849.
9. Prior to the commencement of works on the site, the consent holder shall submit for certification by the Manager Resource Consents, a final Construction Management Plan (CMP). The purpose of the CMP is to show how the following construction effects will be managed through the construction period and how the construction related conditions of consent shall be complied with:
  - a. Traffic entering and exiting the site during construction.
  - b. Management of cumulative effects of construction traffic with other construction projects also underway within the Kenepuru area.
  - c. Earthworked material tracking onto the road network.
  - d. Dust.
  - e. Noise and hours of construction.
  - f. Stormwater runoff.

The CMP shall be implemented through the duration of the construction period.

Any proposed amendments to the CMP shall be submitted for certification by the Manager, Resource Consents prior to those amendments being implemented.

10. Prior to the commencement of works on the site, the consent holder shall submit construction plans of the proposed Public stormwater Drainage work for certification by the Manager Resource Consents in consultation with the Wellington Water Land Development Team. All work shall be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.

11. Prior to the commencement of any works on the site, the consent holder shall provide for the approval of the Manager Resource Consents in consultation with the Wellington Water Land Development team, the stormwater detention design, which must be hydraulically modelled to achieve stormwater neutrality for all events up to the 1% AEP event (1 in 100 year event). The stormwater detention design must be designed so that the total stormwater discharge post development from all lots for all events up to the 1% AEP event must be less than or equal to the stormwater runoff flows prior to development. The design of the attenuation devices shall incorporate maintenance provisions and any structure shall be specifically designed and incorporate a design life of 100 years. All work shall be carried out in accordance with the approved plans.

Advice Note: Preference is for secondary overland flow paths to be located in public land, such as parks and roads.

12. Prior to the commencement of construction, the consent holder must provide for the approval of the Manager Resource Consents in consultation with the Wellington Water Land Development team, the specification and location of the secondary overland flow path for the public stormwater system which caters for the 1% AEP event if the primary system is not designed to meet this event. All construction must be completed in accordance with the approved construction plans.
13. Prior to the commencement of any works on the site, the consent holder shall submit construction plans of the proposed drainage work for approval by the Manager of the Resource Consents in consultation with the Wellington Water Land Development Team. All work is to be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.
14. Laterals to the wastewater main are to be provided by the consent holder. The cost of the laterals and the connection shall be met by the consent holder
15. Prior to the commencement of construction, the consent holder shall submit construction plans of the proposed public potable water work for approval by the Manager of the Resource Consents in consultation with the Wellington Water Land Development Team. All work is to be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.
16. The consent holder shall pay for all costs associated with connecting to the public potable water network and shall ensure that all trenches to be opened (if required) and reinstated post connection to a satisfactory condition.
17. Prior to the commencement of works, services plans showing the roading layout shall be submitted for Engineering Approval by the Manager Resource Consents and Manager Transport. All road works shall be carried out in accordance with the approved plan.
18. Prior to commencement of the civil works associated with road construction at each stage of the development, the consent holder shall submit a street lighting plan for approval by the Manager Transport and Manager Resource Consents. This street lighting plan shall include but not be limited to:
- (i) the types of lighting poles and luminaires;
  - (ii) details for street lighting at the ends of Roads 23 and 25 to supplement to bollard lighting; and
  - (iii) the lighting of intersections;
  - (iv) details to demonstrate that the lighting layout has taken into account the location of street trees, so that street trees do not restrict light spill;
  - (v) the illumination of the shared space at the end of Road 20;
- The street lighting shall be implemented at each stage of development, in accordance with the approved plan.

19. Prior to commencement of the civil works, the consent holder shall submit detailed construction drawings of the following matters for approval by the Manager Transport that demonstrates:
- (i) where provision has been made on Road 21 for the collection of rubbish bins from Road 24;
  - (ii) the drainage through the parking bays and past the planted berms;
  - (iii) that the sumps are cycle-friendly;
  - (iv) that kerb crossings are to be installed;
  - (v) that the kerb crossings comply with Section 15 of the Pedestrian Design and Planning Guide (NZTA);
  - (vi) that the shared flush crossing takes into account the guidance outlined in 'RTS 14 – Guidelines for blind and vision impaired pedestrians';
  - (vii) the proposed traffic calming measures, in particular at each end of the green corridor linking Roads 20 and 21.
20. Prior to works commencing in proximity to proposed Lots 145-166, Lot 200, Lots 241-256 and Lots 207-213, the consent holder must submit a plan showing fencing locations and typologies for each lot for approval by the Manager Parks. This plan must demonstrate the following:
- (ii) The use of pool style fencing with a maximum height of 1.2m along the common boundary of Lot 11 DP428849 and Lots 145-166.
  - (iii) That any fencing constructed at the top of the batters within Lots 239-241 and Lots 243-248 is pool style fencing. Solid timber fencing is not permitted due to the visual impact.

The fencing must be completed prior to the commencement of dwelling construction on Lots 145-166, 239-241 and 243-248.

21. Prior to the commencement of construction of dwellings on proposed Lots 169, 180, 181, 185-198 and 207-213, the consent holder shall submit a plan(s) showing the detailed treatment of landscape screening each lot, for approval of the Manager Resource Consents. The purpose is to ensure open space privacy between dwellings on adjacent lots is achieved, while also ensuring overlooking of the park and path is achieved. The consent holder shall implement the approved detailed landscape screening design for these lots.
22. Prior to the commencement of construction of any new dwelling on Lots 145-221, the consent holder shall submit a plan(s) for approval by the Manager Resource Consents showing that all bin storage areas located adjacent to the road frontage of a lot are located perpendicular to the road, rather than parallel. The purpose is to ensure that bin storage areas are not located parallel to the road frontage and reduce street presence. The consent holder shall implement the approved detailed bin storage area locations for these lots.
23. Prior to the commencement of works, the consent holder shall submit for approval of the Manager Parks and Manager Transport, detailed design of the shared space shown as Lots 2019 and 2021, which shall include details of the following:
- (ii) The road treatments proposed to slow vehicles;
  - (iii) Details of the proposed cycle ramp adjacent to the staircase; and
  - (iv) Details of the proposed staircase which must comply with NZ8630:2064 (track and outdoor visitor structures – stairs).
- The consent holder shall implement the approved detailed design.
24. Prior to civil works commencing, the consent holder shall submit a Landscape Planting and Mitigation Plan (LPMP) for certification by the Manager Parks for any batters with a height between 5-12 metres, the batter to the west of Lot 15 DP 42249, the batter to the south west of Lots 239-241, and 243-248 and the batter adjacent to the Raiha Boundary. The LPMP shall contain details of:
- (i) Plant species, plant numbers, size, spacing, layout and grade; and
  - (ii) Methods of ground preparation, fertilisation, mulching, spraying, ongoing maintenance and weed management (for example gorse, blackberry).



Note:

Cabbage trees are not used be planted by mown grass areas. Any strappy planting should also be set back at least 1 m from pathways and grass areas that requiring mowing.

25. Prior to any construction, alteration or modification of a structure or retaining wall occurring within Covenant Areas C, D or E shown on Calibre Plan 709306.006 V110 Revision 1 dated 26/07/19, the consent holder must submit a report or certificate for approval by the Manager Resource Consents, that confirms that the proposed works are in accordance with specific engineering design by a suitably qualified chartered professional engineer that takes into account the slope stability matters identified in the Geotechnical Completion Report submitted under condition 48 of this consent. The report or certificate must confirm that:
- (ii) The risk of the activity is no more than low; and
  - (iii) Associated works will not worsen or accelerate land instability on the site or surrounding area.
- No works may commence until such approval is provided.

### **Prior to Commencement of Works – Lot 11 Specific**

26. Prior to earthworks commencing within Lot 11 DP 428849 on the true right of the stream located behind Lots 147 – 159, the consent holder shall submit detailed earthworks design and levels and detailed design of maintenance access to Lot 11 DP 428849 for approval by the Manager Parks. The consent holder shall implement the certified detailed design.
27. Prior to earthworks commencing adjacent to Lot 11 DP 428849, the consent holder shall mark out the boundary of the proposed fill site shown on Plan C223 with high visibility material such as fluorescent netting and waratah fencing to prevent any unauthorised earthworks within the reserve boundary. No works shall commence until the Manager Parks has certified the fencing as being acceptable. Once certified, the fencing shall be maintained for the duration of the earthworks occurring adjacent to Lot 11 DP428849.  
Note: The consent holder is responsible for ensuring all workers on the site are aware of the boundary of approved works.
28. Prior to any works commencing in Lot 11 DP 428849 and Hall Road the consent holder shall submit a detailed design of the stabilisation proposed for the area between the two headwalls and the streambed for the approval of the Parks Manager and the Transport Manager. This must include any scour mitigation measures proposed. Works must not commence until the approval has been obtained.

### **During Construction**

29. The consent holder shall comply with the design, construction and as-built requirements of the PCC Code of Land Development and Subdivision Engineering 2010. Other alternative solutions may be implemented for those aspects where the standards are unable to be met or can be achieved in a different way. Details of any alternative solutions must be provided for the approval of the Manager Resource Consents prior to their implementation.

Advice note: The PCC Code of Land Development and Subdivision Engineering 2010 are the land development engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.

30. Within two months of works commencing, the consent holder shall submit a Streetscape Planting, Maintenance and Management Plan (SPMMP) for certification by the Manager Resource Consents and Parks Manager which shall show in detail the species, layout and spacing of street trees, planting methodology, maintenance methodology and the locations of any street gardens. The SPMMP shall contain details of:
- (i) The plant species, numbers, size, spacing, location, layout and grade; which shall meet the following requirements:

- a. Planting of street trees shall be limited to following species; Titoki (*Alectryon excelsus*), Kōwhai (*Sophora microphylla*), Nīkau Palm (*Rhopalostylis sapida*), Chinese Elm (*Ulmus parvifolia*).
- b. The specimen trees shall be a minimum of 45 litres grade and meet the following criteria (Any variation from these criteria must be agreed with Porirua City Council in writing prior to planting):
  - i. Tree shall be a minimum of 2 metres high and their stem and crown shall be sufficiently robust to be self-supporting without the assistance of nursery canes.
  - ii. The tree stock shall represent the typical form for the species and cultivar.
  - iii. The tree's crown shall be well-balance and proportionate to its overall height.
  - iv. Branch and stem unions shall be well-formed and free from inclusions.
  - v. Lateral branches shall be subordinate to the central leader and evenly spaced along the central stem
  - vi. The tree shall be free from crossing limbs and damaged.
- c. Street trees shall have the horizontal separation distances from services and structures specified in Table 1. Where these separation distances cannot be achieved, a root barrier that meets the following criteria shall be installed:
  - i. The root barrier shall be of the high-density polyethylene linear type and a minimum of 600mm deep.
  - ii. The root barrier shall be installed immediately adjacent to the edge of the kerb, footpath or vehicle cross for 1.50 metres either side the centre of the tree.
- d. Confirmation that all specimen street trees will be located centrally within the outer road berm (between the road curb and footpath and in a location that has considered road safety and impacts on sightlines at:
  - i. Traffic lights, signs and delineators
  - ii. Intersections
  - iii. Bus stops
  - iv. Pedestrian crossings
  - v. Vehicle crossings
- e. Confirmation that for all specimen trees:
  - i. The height of branches will achieve at least 2m clearance above a footpath and 3m clearance above traffic lanes and driveways;
  - ii. Any tree with a height of 3m or greater at maturity will be located away from powerlines; and
  - iii. Any tree planted by the road must be frangible.
- f. Methods of ground preparation, fertilising, mulching, spraying and ongoing maintenance including tree pruning in accordance with the International Society of Arboriculture guidance for pruning trees;
- g. Confirmation that any top soil used for planting will be:
  - i. suitable for healthy tree growth,
  - ii. of a volume that is sufficient to support the healthy, mature tree growth of each tree
  - iii. free from all chemical or other pollution, without excessive proportions of clay, sand, chalk or lime, nor may it include rubbish or other extraneous material.
- h. The location of any street tree pits, which shall be five metres away from light poles and no closer than one metre to driveways and other hardstand areas. Soil is not to be piled around the base of any tree;
- i. Confirmation that tree planting and maintenance will be completed in accordance with the International Society of Arboriculture tree planting specification and guidelines for new plantings and mulching found at

[http://www.treesaregood.org/portals/0/docs/treecare/New\\_TreePlanting.pdf](http://www.treesaregood.org/portals/0/docs/treecare/New_TreePlanting.pdf)  
and  
<http://www.treesaregood.org/portals/0/docs/treecare/propermulching.pdf>



- j. Specification for any tree pit edging, including that the top of any pit must be flush with the berm;
- k. Confirmation that all curbs adjacent to streetscape garden beds are a minimum of 100mm to prevent damage from vehicle movements;
- l. Confirmation that cabbage trees will not be located by any mown grass areas and that any strappy planting is set back at least 1m from any mown grass;
- m. Planting at the base of any retaining walls on land to be vested in the Council, including confirmation that there is no planting vertically within any crib wall and that any planting is planted in the ground at the base of the wall;
- n. Confirmation that street gardens will be graded in accordance with the PCC maintenance grading specification and maintained according. This is to ensure that that maintenance standard undertaken by the developer is the same as will be undertaken by Council so that no unrealistic expectations are set;
- o. Provision for a yearly walkover in April with the Parks team to confirm work required in that planting season which must be completed by August each year. The purpose of the walkover is to ensure that maintenance levels and the outcomes of the planting are being achieved;
- p. Confirmation that any hedging boundary treatments are within the residential allotments;
- q. The final location of all street gardens;
- r. Confirmation that any street gardens outside of the medium density area will comply with the following parameters:
  - i. There shall be no more than 150m<sup>2</sup> per street garden;
  - ii. There shall be a maximum of five separate gardens;
  - iii. The minimum garden size shall be 20m<sup>2</sup>; and
  - iv. All gardens are to be on the outside corner of the road

a. Table 1

Below ground service/utility type	Horizontal separation distance (m)
Man holes, drainage catchments & surface opening for underground services	3
Trunk water mains	3
Stormwater pipes >300mm in diameter	3
Sewer lines >300mm in diameter	3
High-pressure gas pipelines	4
Underground power lines, excluding service lines.	4
Hard surfaces (footpaths etc.)	1.5
Road curbs	1.5
Vehicle crossings	1.5
Lightly loaded structures (bus shelters, garages etc.)	3
Heavier structures (houses etc.)	3
Street lights (for light splay)	5

Advice Note:

Evergreens should be avoided for street trees to avoid shading of dwellings.

31. If any archaeological site(s) are uncovered during physical works, the applicant or the applicant's representative shall contact Te Rūnanga o Toa Rangatira Incorporated, Heritage New Zealand and Porirua City Council and must follow the following protocols:
- (ii) Work must cease immediately at the place of discovery
  - (iii) The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager;

- (iv) No materials relating to the artefact or site shall be removed;
- (v) If skeletal remains are uncovered, the project manager must advise the New Zealand Police;
- (vi) The consent holder must employ an archaeologist (whose appointment has been agreed with Te Rūnanga o Toa Rangatira Incorporated) at their own expense to examine and record the site;
- (vii) If, as a result of the site inspection and investigation, there is a need for an appropriate ceremony by Te Rūnanga o Toa Rangatira Incorporated (and or another iwi group), the consent holder must make the necessary arrangements for that ceremony to occur;
- (viii) The consent holder must ensure that any materials discovered that are of significance to Ngāti Toa Rangatira are only handled and removed by Ngāti Toa Rangatira representatives responsible for the tikanga appropriate to their removal and preservation, or re-internment.
- (ix) The consent holder must allow representatives of Te Rūnanga o Toa Rangatira Incorporated and the archaeologist appointed under e) all reasonable access to the site in order to comply with clauses e), f) and g) of this condition;
- (x) Works affecting the archaeological site must not resume until Te Rūnanga o Toa Rangatira Inc. and the New Zealand Police (in the case of skeletal remains only) have each given the appropriate consent, approval or authority for work to continue and overall approval to continue is given by the General Manager, Planning, Policy and Regulatory Services.

Notes:

- i. Te Rūnanga o Toa Rangatira Inc may at their discretion contact other iwi groups and organise a site inspection by appropriate tangata whenua advisors and the archaeologist referenced in e).
  - ii. Should archaeological site(s) be uncovered, the consent holder may also need to obtain any necessary approvals under the Heritage New Zealand Pouhere Taonga Act 2014. The consent holder is advised that if that is the case, works should not continue until any necessary approvals have been obtained under that Act.
32. Except where the application plans and report illustrate designs that are different, the consent holder shall comply with the design, construction and as-built requirements of the PCC Code of Land Development and Subdivision Engineering 2010. For clarity, if there is any conflict between the application plans and the Code of Land Development and Subdivision Engineering 2010, the application plans as approved take precedence. Other alternative solutions may be implemented for those aspects where the standards are unable to be met or can be achieved in a different way. Details of any alternative solutions must be provided for the approval of the Manager Resource Consents prior to their implementation.
  33. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment by entering either the kerb and channel, the storm water system, or a natural watercourse.
  34. The consent holder shall ensure that land disturbed by earthworks, trenching or building activities is regularly wetted or otherwise stabilised to ensure that dust nuisance is maintained within the site.
  35. All areas exposed by earthworks, trenching or building activities are to be re-grassed/hydro-seeded or otherwise stabilised at the earliest possible opportunity following excavation or as soon as practicable after completion of the earthworks.
  36. The consent holder shall, if necessary, provide wheel wash facilities onsite such that all vehicles and earthmoving machinery exiting the site do not carry earth worked materials onto the surrounding road network. In the event that some contaminant material is tracked on to the road the consent holder shall be responsible for cleaning and repairing the road back to its original condition. In doing this, the consent holder shall ensure that no materials are washed or swept into any stormwater drains or natural drainage systems.

37. The consent holder shall ensure that all fills are compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989.
38. The consent holder shall comply with the following hours for earthworks and infrastructure construction, including warm up and warm down of machinery:
- (i) Monday to Saturday between the hours of 7.00am and 6.00pm. No warm up of machinery is to occur before 6.30am Monday to Saturday. No cool down of machinery is to occur after 6.30pm Monday to Saturday; and
  - (ii) No construction works shall be permitted outside of these times or on Sundays or public holidays;
  - (iii) Heavy machinery or plant may only access/exit the site, warm up and operate on the site within the above start times;
  - (iv) Exceptions to the above-mentioned hours are permitted for emergency remedial works or in relation to general safety issues on the site or adjoining sites relative to the proposed earthworks and/or silt control installations, including repair after heavy rainfall.
39. Noise from all construction activities must be in accordance with:
- (ii) Section 16 [Duty to Avoid Unreasonable Noise] of the RMA during daytime hours (7am – 10pm); and
  - (iii) L<sub>10</sub> 45 dBA during night time hours (10pm-7am) at any point within the boundary of the Suburban Zone; and
  - (iv) NZS6803:1999 “Acoustics – Construction Noise”.
40. Mufflers shall be used on all earth working machinery to reduce the noise emanating from these machines and thus the effect on adjoining property owners/occupiers.
41. For the duration of the construction, the consent holder shall ensure that a person is available to respond to any reasonable requests and/or complaints made by the public and that a phone number at which that person can be contacted will be advised to the Porirua City Council Monitoring and Enforcement Officer prior to any construction commencing.
42. For compliance with Condition 41, the consent holder shall erect a sign, measuring 1m<sup>2</sup>, in a prominent and visible position on the Hospital Drive boundary of the site. The sign is to contain 24-hour contact details of persons who must be available to respond to any reasonable requests and/or complaints made and is to be maintained throughout the construction period. A register of all such complaints is to be maintained on site and must be available for inspection during normal office hours.

#### **During Construction – Lot 11 Specific**

43. Prior to 31st June 2021, unless a different timeframe has been agreed with the Manager Parks, the consent holder complete the earthworks and hydroseed the site as shown on Calibre Plan 709306.006 C421 entitled Regrading between detention pond & Mitchell Stream dated 20/02/2020 to the satisfaction of the Manager Parks.
44. Within two months of work commencing on site, the consent holder shall submit a Mitchell Stream Mitigation Plan (MSMP) for certification by the Manager Parks. The MSMP shall include the planting for
- (ii) the areas of Lot 11 DP428849 subject to earthworks;
  - (iii) for the new and existing batters on Calibre Plan 709306.006 C421 entitled Regrading between detention pond & Mitchell Stream dated 20/02/2020
  - (iv) mitigation planting in front of the proposed pond wall;
  - (v) the new esplanade reserve Lot 1002;
  - (vi) the platform between the attenuation pond and top of the batter adjacent to Mitchell Stream.

The MSMP will contain details of:

- (i) Plant species, numbers, size, spacing at 1 metre, layout and grade, eco-sourced from Porirua District;
- (ii) Methods of ground preparation, fertilising, mulching, spraying and ongoing maintenance including tree pruning in accordance with the International Society of Arboriculture guidance for pruning trees; and
- (iii) Confirmation that tree planting will be completed in accordance with the International Society of Arboriculture tree planting specification.

45. Prior to 31st August 2021, or otherwise approved by the Manager Parks, the consent holder shall complete all planting on Lot 11 DP 428849 as outlined in condition 44. above.

**Conditions which apply to any application for building consent before Section 224 RMA Certification and Computer Freehold Titles Issuing**

46. The consent holder shall have met all the following requirements prior to making any application for building consent under the Building Act:

- (i) The s223 certificate has been issued for the relevant stage of development, which shall include all of the following:
  - a. All easements;
  - b. All approved building platforms;
  - c. Any building constraint areas/setbacks that may have been identified in the earthworks Geotechnical Technical Report required under condition 48.
- (ii) A Street Naming Theme for the Kenepuru Landing area has been approved by Council and Street names for those streets within the relevant stage of development have been approved.  
Advice Note: It is recommended that the Street naming theme and street naming processes be commenced by the consent holder as soon as consent is issued to enable these processes to be completed in sufficient time.
- (iii) The detailed design of all roads and services for the relevant stage of development must have been completed and approved by the Manager Resource Consents.
- (iv) Engineering certification of shown finished ground levels and building platform heights has been provided to the satisfaction of the Manager Resource Consents.
- (v) The earthworks geotechnical completion reports referred to in a. above has been provided to the satisfaction of the Manager Resource Consents including any identified limitations on building and foundation design, a statement of suitability of any fill and soil testing results. If any retaining walls are proposed as part of the creation of building platforms then these and any associated subsoil drains must be accurately shown on plans submitted as part of any building consent application on any site affected by such retaining walls and a PS4 certification must be provided for those walls relevant to any surcharge proposed on any such wall.

Advice Note:

Any building consent application for a new dwelling must be accompanied by information relevant to the specific allotment proposed to be built on, that demonstrates how this condition has been complied with.

47. Prior to the issuing of any building consents, the consent holder shall provide certification from a Licensed Cadastral Surveyor that stormwater and wastewater drainage services have been constructed in accordance with approved detail design plans and are in the positions shown in those plans.

Advice Note:

The Council will not issue any Code Compliance Certificates until the Computer Freehold Register is issued for the allotment that the building is on.

## After Construction

48. Within six months of completion of the earthworks or prior to any application for Section 224 certification for each stage, whichever occurs first, (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the Manager, Resource Consents a report from a chartered engineer with geotechnical experience appointed under Condition 5 addressing:
- (i) the stability of the constructed cut batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development 2010; and
  - (ii) a schedule of the compaction tests which shall also show their location, together with a certificate prepared by the Chartered Professional Engineer appointed under Condition 5, stating the suitability of the earthworks for residential development.

### Advice Note

Where the report identifies development limitations, the Manager Resource Consents may require that a memorandum of encumbrance on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. Where the report identifies limitations and Council does not require a memorandum of encumbrance be registered on the title, those areas will be subject to a Section 221 Consent Notice at time of 224 Certification of any subsequent subdivision.

49. Within six months of completion of the earthworks hereby consented or application for Section 224 certification for each stage, whichever occurs first, a Foundation Completion Report shall be supplied to the satisfaction of the Manager Resource Consents including a schedule of the compaction tests which shall also show their location, together with a certificate prepared by a chartered professional engineer appointed under Condition 5, stating the suitability of the earthworks for residential development.

If accordance with NZS 4431:1989 is achieved and limitations need to be raised with future property owners, the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the Manager, Resource Consents shall retain discretion of whether consent notices are applicable in this regard.

50. The consent holder shall undertake the streetscape planting certified in the SPMMP under Condition 30 between 1 May and 31 September, immediately following the conclusion of construction works for each stage of the development, unless otherwise agreed with the Manager Parks. Any streetscape planting that occurs outside this period must have an adequate irrigation system or manual water programme, to the satisfaction of the Manager Parks. Where separation distances cannot be achieved in accordance with condition 30(c) photographic evidence of the installation of the required root barrier shall be provided to the Parks Team immediately for approval or alternatively the arborist can be on site for the installation of the first one to ensure that the barriers are being installed appropriately.
51. The consent holders shall maintain any streetscape planting set out in the certified SPMMP for no less than four years following it being planted. The maintenance shall include formative pruning, pruning to clear infrastructure and checking stakes, ties and mulch. Prior to the completion of the four year period, the consent holder shall:
- (i) complete any final maintenance;
  - (ii) ensure pruning has been undertaken by a NZ Arb approved contractor, and
  - (iii) contact the Parks Manager to organise a walkover.
- The consent holder shall remedy any damage to the streetscape planting during the four-year maintenance period.
52. The mitigation planting certified in the LPMP under Condition 24 shall be implemented as soon as it is seasonably practicable by the consent holder after the conclusion of construction works

for each stage of the development but must be completed within three months of construction being completed.

53. The consent holders shall maintain the mitigation planting set out in the certified LPMP for no less than four years following it being planted. Prior to the completion of the four year period, the consent holder shall complete any final maintenance and contact the Parks Manager to organise a walkover. The consent holder shall remedy any damage to the mitigation planting during the four-year maintenance period.

**After Construction – Lot 11 Specific**

54. The consent holder shall implement the planting certified in the Lot 11 MSMP under condition 44 in the planting season following the completion of earthworks within Lot 11 DP 428849, unless otherwise required under condition 45.
55. The consent holder shall maintain the mitigation planting set out in the certified Lot 11 MSMP for no less than four years following it being planted.
56. The consent holder shall maintain the area between the two headwalls and the streambed in Mitchell Stream Esplanade Reserve and Hall Road, which includes the proposed planting and remediating any erosion in this area for a period of three years. The maintenance will include ensuring the area is kept free of weeds and noxious plants.

End of Landuse conditions



## **B - SUBDIVISION CONSENT CONDITIONS**

57. That the development be in general accordance with the information and plan submitted with the application and held on Council file RC7826 and stamped 'Approved Plans for Resource Consent RC7826' including:
- A.** The **Assessment of Environmental Effects** titled '*Earthworks, Subdivision and Land Use Stage 2 Kenepuru Landing*', prepared by Calibre Consulting Ltd, dated 5 February 2019 with addendums dated 28 July and 10 December 2019, including:
  - B.** **Appendix 2** – the Stage 2 Integrated Housing Design Report, prepared by Isthmus, dated 3 May 2019;
  - C.** **Appendix 3** – the architectural plans titled '*Stage 2 – Architecture [AR]*' prepared by Isthmus, dated 17 December 2019;
  - D.** **Appendix 4** – the s92 Addendum Report titled "*Urban Design and Visual Effects Assessment*" prepared by Isthmus, dated 3 May 2019;
  - E.** **Appendix 5** – the landscape plans titled '*Kenepuru Landing Stage 2 Housing*' Job No 4055, Revision C, prepared by Isthmus, dated 26 April 2019;
  - F.** **Appendix 6** - The report titled "Stage 2 Housing, Subdivision and Infrastructure Report" prepared by Calibre Consulting Ltd dated 15 January 2019 and amended by AEE Addendums dated 28 July and 10 December and plan set titled "Kenepuru Landing Stage 2 Infrastructure and Subdivision" Project Number 709306.006 prepared by Calibre and dated 26 July 2019, with the following sheets, all dated 04/12/19:
    - i. C200 v1 Fault Buffer Zone,
    - ii. C201 v1 Existing Services,
    - iii. C210 v3 Finished Levels
    - iv. C220 v3, C221 v1, C222 v1, C223 v3, Earthworks Depths and Cross Sections and Earthworks in PCC Reserves
    - v. C300 v2, C310 v1, C311 v1, C320 v1 Roading Plans, Long Sections and Typical Cross Sections
    - vi. C400 v2, C401 v1, C405 v2, Stormwater and Sewer Reticulation Plans
    - vii. C410 v1, C411 v1, C412 v1, Stormwater and Sewer Long-sections
    - viii. C420 v1, C421 Plans of Proposed Rd 20 Attenuation Pond
    - ix. C451 v1 Stormwater Secondary Overland Flowpaths
    - x. C510 v2 Water Supply Reticulation Plan
    - xi. C900 vC Hospital Drive Upgrade Plan
    - xii. V100 v3, V110 v3, V111 v2, V112 v2, V113 v2, V114 v3, V115 v2, V116 v2, V117 v2 Subdivision Scheme Plans
  - G.** **Appendix 8** – the plans and documentation titled '*Stage 2 – Integrated Housing Compliance Table and Shading Analysis (CS)*' prepared by Isthmus, dated 17 December 2019;
  - H.** **Appendix 9** – the report titled '*Kenepuru Subdivision – Geotechnical Assessment*', prepared by Coffey, dated 19 June 2017;
  - I.** **Appendix 10** – the *Remediation Action Plan* Job Number 1605050 RAP Rev A, prepared by Geohazard Environmental, dated 2-12-2016;
  - J.** The letter from Coffey to Kevin Alkema, dated 2 July 2019, subject line "*Kenepuru Landing – Fault Trench Investigation Assessment Report Addendum for Stage 2*";

- K. The report titled '*Kenepuru Landing: Stormwater Modelling to support Stage 2 Resource Consent Application*', prepared by Calibre Consulting Ltd, Ref 709306.006, dated 25 May 2020.

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.

58. Individual certifications pursuant to sections 223 and 224(c) of the RMA may be issued for up to three Stages, as generally shown on Calibre Scheme Plan 709306.006 V100 provided that:
- Each individual allotment must be consistent with the proposal as approved;
  - All earthworks have been completed within the allotments and the general vicinity of any adjoining allotments;
  - Each residential allotment shown on any survey plan, must be adequately serviced as required by, and in terms of, these conditions and it must be demonstrated that adequate provision has been made to enable the servicing of the balance allotments;
  - Legal and physical access to each residential allotment has been established;
  - All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage.
59. The consent holder shall comply with the design, construction and as-built requirements of the PCC Code of Land Development and Subdivision Engineering 2010. Other alternative solutions may be implemented for those aspects where the standards are unable to be met or can be achieved in a different way. Details of any alternative solutions must be provided for the approval of the Manager Resource Consents prior to their implementation.

Advice note: The PCC Code of Land Development and Subdivision Engineering 2010 are the land development engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.

**Prior to commencement of construction:**

60. Prior to the commencement of works to install any services for each stage, the consent holder shall provide detailed Services Plans showing the layout and position of proposed services (water, storm water and sewer), relocation of existing services/branch mains, and any infrastructure site works, roading, driveways, construction (other than residential buildings) and street lighting for that stage for approval of the Manager Resource Consents. All works shall be carried out in accordance with the approved plans. The plan shall include reference to any existing pipes that are to be abandoned or retained on site under future fill areas and what measures will be used to avoid adverse effects on fill standards.

**Advice Note:**

The consent holder should submit this plan at a similar time to submitting the plans required for streetscape planting and surface treatment of the roads to vest. Council may approve construction plans for some services (eg drainage) in advance of other services being approved.

61. Prior to the commencement of works on the site, the consent holder shall submit construction plans of the proposed Public stormwater Drainage work for certification by the Manager Resource Consents in consultation with the Wellington Water Land Development Team. All work shall be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.
62. Prior to the commencement of any works on the site, the consent holder shall provide for the approval of the Manager Resource Consents in consultation with the Wellington Water Land

Development team, the stormwater detention design, which must be hydraulically modelled to achieve stormwater neutrality for all events up to the 1% AEP event (1 in 100 year event). The stormwater detention design must be designed so that the total stormwater discharge post development from all lots for all events up to the 1% AEP event must be less than or equal to the stormwater runoff flows prior to development. The design of the attenuation devices shall incorporate maintenance provisions and any structure shall be specifically designed and incorporate a design life of 100 years. All work shall be carried out in accordance with the approved plans.

63. Prior to the commencement of construction, the consent holder must provide for the approval of the Manager Resource Consents in consultation with the Wellington Water Land Development team, the specification and location of the secondary overland flow path for the public stormwater system which caters for the 1% AEP event if the primary system is not designed to meet this event. All construction must be completed in accordance with the approved construction plans.
64. Prior to the commencement of any works on the site, the consent holder shall submit construction plans of the proposed drainage work for approval by the Manager of the Resource Consents in consultation with the Wellington Water Land Development Team. All work is to be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.
65. Laterals to the wastewater main are to be provided by the consent holder, with the actual connection to the main provided by the Council. The cost of the laterals and the connection shall be met by the consent holder.
66. Prior to the commencement of construction, the consent holder shall submit construction plans of the proposed public potable water work for approval by the Manager of the Resource Consents in consultation with the Wellington Water Land Development Team. All work is to be carried out in accordance with the approved plans, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services.
67. The consent holder shall pay for all costs associated with connecting to the public potable water network and shall ensure that all trenches to be opened (if required) and reinstated post connection to a satisfactory condition.
68. Prior to civil works associated with construction of the park on Lot 1004 commencing, the applicant shall work with the Parks Team to prepare the detailed design for the development of the park, Lot 1004, and the final plan for Lot 1004 shall be submitted for certification by the satisfaction of the Manager Parks. The design shall include:
  - (i) Proposed "active play", target age group, any supplier details and any safety surfacing;
  - (ii) Confirmation that any proposed equipment will comply with NZS 5828:2015 Playground Equipment and Surfacing standards
  - (iii) All proposed planting (numbers, species, location)
  - (iv) All proposed park furniture (including specs & location)
  - (v) The details for the hard and soft landscaping;
  - (vi) Existing and proposed overland flow paths;
  - (vii) The design of any outlet structures; and
  - (viii) Details of stormwater design to ensure the runoff will not collect in adjacent properties (Lots 207-213).The certified plan shall be implemented thereafter, to the satisfaction of the Manager Resource Consents.
69. Prior to construction commencing on the park on Lot 1004 the consent holder shall provide the Manager Parks with the contact details of an appropriately qualified person who will certify the construction that any play equipment and any play surfacing have been installed in

accordance with NZS 5828:2014. That person will be responsible for completing installation inspections to confirm compliance with the standard and must be Level 3 ROSPA qualified.

70. The consent holder shall maintain the landscaping on Lot 1004 for four years from the date the planting is implemented in accordance with the plan certified under condition 69.
71. Prior to the commencement of civil works on the site, the consent holder shall submit details of the surface treatment to be used on Roads 23, 24 and 25 for certification by the Manager Resource Consents. The purpose of the surface treatment is to ensure that there is a varied surface (such as exposed aggregate, paved, low kerbs, etc) and avoid the exclusive use of asphalt.

#### **Prior to Section 223 Approval**

72. Prior to approval of the last stage plan under Section 223 of the Resource Management Act 1991, the Land Transfer Plan shall show proposed Lot 1004 to vest as Local Purpose Reserve (neighbourhood) Lot 2003 to vest as Local Purpose Reserve (drainage) and Lot 1002 to vest as Local Purpose Reserve (esplanade) in Porirua City Council.
73. Prior to approval under Section 223 of the Resource Management Act 1991, the Land Transfer Plan for each Stage shall show a covenant area for planting on Lots 239-241 and 243-248 which was approved under Condition 18 of RC7400 for Lot 1506 and is covered under Condition 24 of this consent (RC7826).
74. Prior to approval of any stage plan under Section 223 of the Resource Management Act 1991, the easements specified on the approved Overall Scheme Plan prepared by Calibre Limited numbered V100, relating to that stage, shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
75. Prior to approval under Section 223 of the Resource Management Act 1991, any utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband).
76. Prior to approval under Section 223 of the Resource Management Act 1991, the secondary overland flow path required by condition 63 must be protected by an easement in gross in favour of the Porirua City Council and which prevents the alteration of the ground surface and prohibits the location of structures that might impeded the flow of water across the land.  
  
Advice Note: The easement must cover the full extent of the secondary overland flow path and must not be less than 3 m wide.
77. The Land Transfer Plan for Stage 2A shall show Lot 2020 as "Road to Vest in Porirua City Council".
78. The Land Transfer Plan for Stage 2B shall show Lot 2022 as "Road to Vest in Porirua City Council".
79. The Land Transfer Plan for Stage 2C shall show Lot 2019 as "Road to Vest in Porirua City Council".

Minor changes to the Roads to vest shall be allowed between the different Stage Land Transfer Plans provided that all lots shown on each plan have the required legal and physical access to Roads to Vest also show on the plan.

### **Prior to Section 224 Approval**

80. Prior to approval under s224 certification of the Resource Management Act 1991 for each stage of the development, the consent holder shall undertake CCTV inspections in a DVD or alternative approved format on completion of all drainage and stormwater mains constructed and vested in Council within the development. The consent holder shall meet the costs of undertaking the inspections and provide these for approval to the satisfaction of the Manager Resource Consents.
81. Prior to approval under s224 certification of the Resource Management Act 1991 for each stage of the development, the consent holder shall submit “as built” drawings of the completed subdivision for approval to the satisfaction of the Manager Resource Consents. Positions of all Porirua City Council utility service connections for every proposed lot shall be shown on the “as built” drawings by a set of coordinates in terms of Land and Survey Datum 2000 GD. In all cases the depth to the connection point, measured from ground level, of all Porirua City Council service connections shall be shown on the “as built” drawings.
82. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall submit compliant as-built drawings of the public stormwater drainage, wastewater drainage and public potable water networks to the Manager Resource Consents and the Wellington Water Land Development Team and arrange for a final inspection to be carried out within 1 month of completion of the main drainage works.
83. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, all related works shall comply with the approved construction plans. Other alternative solutions may be implemented for those aspects where the standards are unable to be met or can be achieved in a different way. Details of any alternative solutions must be provided for the approval of the Manager Resource Consents prior to their implementation.

Advice note: The PCC Code of Land Development and Subdivision Engineering 2010 are the land development engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.

84. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall undertake construction of the proposed public stormwater drainage, wastewater drainage and public potable water work in accordance with the plans approved under conditions 61, 62, 63 and 66. For clarity, if there is any conflict between the application plans and the Code of Land Development and Subdivision Engineering 2010, the application plans as approved take precedence.
85. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, each allotment must be provided with a separate and direct connection to a public gravity stormwater network; at a location approved by the Manager Resource Consents in consultation with the Wellington Water Land Development Team.

Advice Note: The PCC Code of Land Development and Subdivision Engineering 2010 and the Regional Standard for Water Services, requires that each proposed dwelling on a lot shall be serviced by a separate connection to the public network at a location approved by the Wellington Water Land Development Team.

86. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall construct an extension of the public gravity stormwater network, which includes the requirement of high volume intake structures to capture the 1% AEP flow where required.
87. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall ensure that connection of stormwater laterals from lots shall be either to the kerb and channel (using Council approved materials) or to the Council main. The consent holder shall pay all associated costs.



88. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, each allotment must be provided with a separate and direct connection to a public gravity wastewater network; at a location approved by the Manager Resource Consents in consultation with the Wellington Water Land Development Team.

Advice Note: The PCC Code of Land Development and Subdivision Engineering 2010 and the Regional Standard for Water Services, requires that each proposed dwelling on a lot shall be serviced by a separate connection to the public network at a location approved by the Wellington Water Land Development Team.

89. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, each allotment must be provided with a separate and direct connection to a public potable water network; at a location approved by the Manager Resource Consents in consultation with the Wellington Water Land Development Team.

Advice Note: The PCC Code of Land Development and Subdivision Engineering 2010 and the Regional Standard for Water Services, requires that each proposed dwelling on a lot shall be serviced by a separate connection to the public network at a location approved by the Wellington Water Land Development Team.

90. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall construct an extension of the public potable water network to serve the development.

91. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall undertake CCTV inspections on completion of all drainage mains constructed and to be vested in Council within the development and provide these for the approval of the Manager, Resource Consents. These shall be produced at the cost of the consent holder.

92. Prior to approval under Section 224 of the Resource Management Act 1991, certification shall be supplied to the satisfaction of the Manager, Resource Consents and shall comprise:
- (i) NZS4404:2010 Schedule 1A (Design Certificate – Land Development/Subdivision) signed by a suitably qualified professional;
  - (ii) NZS4404:2010 Schedule 1B (Contractors Certificate upon completion of Land development/Subdivision) signed by the Contractor;
  - (iii) NZS4404:2010 Schedule 1C (Certification upon completion of Land development/Subdivision of Person Responsible for Inspection and Review of Construction) signed by a suitably qualified professional;
  - (iv) NZS4404:2010 Schedule 2A (Statement of Professional Opinion as to Suitability of Land for Building Construction), signed by a Chartered Professional Engineer experienced in geotechnical matters.

93. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall construct, seal and drain the roads shown on the relevant stage of the survey plan in accordance with the PCC Code of Land Development and Subdivision Engineering 2010 and Part H of the District Plan (except as approved by this resource consent and approved plans).

94. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall provide Council with a Road Assessment and Maintenance Management (RAMM) inventory of Assets to be handed over to Council ownership. The information shall be provided in an appropriate form to the satisfaction of the Manager Transport and be submitted by a person suitably qualified in RAMM data collection and analysis.

Advice Note

Please contact the Council's Manager Transport if further advice is required regarding the RAMM inventory and the provision of RAMM data.



95. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, a Foundation Completion Report (FCR) shall be supplied for approval to the satisfaction of the Manager Resource Consents, including a schedule of compaction tests, together with a certificate prepared by the inspecting chartered professional engineer appointed under Condition 5, stating the suitability of the earthworks for residential development (Statement of Suitability of Earthworks Report, SSER).

Advice Note

If accordance with NZS 4431:1989 is achieved and the FCR and/or SSER reports identify development limitations that need to be raised with future property owners, the Manager Resource Consents may require a consent notice to be registered on the Computer Freehold Register of the lot giving notice of the limitations or specific development requirements relating thereto. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the Manager Resource Consents shall retain discretion of whether consent notices are applicable in this regard.

96. Prior to any approval under Section 224 of the Resource Management Act 1991 or, if deemed necessary by Council, during the earthworks period) for each stage of the development, the consent holder shall provide to the satisfaction of the Manager, Resource Consents, a report from a Chartered Professional Engineer as appointed under Condition 5 with geotechnical experience addressing the stability of the constructed cut batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development 2010. The report shall include a NZS4404:2010 Schedule 2A (Statement of Professional Opinion as to Suitability of Land for Building Construction) signed by a Chartered Professional Engineer experienced in geotechnical matters.

Advice Note

Where the report identifies development limitations, the Manager Resource Consents may require that a consent notice on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any consent notices are to be met by the consent holder.

97. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall provide confirmation to the satisfaction of the Manager Resource Consents from the service authorities who will provide energy and communication services to the subdivision stating that their requirements have been met.
98. Prior to approval under Section 224 of the Resource Management Act for each stage of the development, all utility services (with the exception of any power distribution cabinets) shall be installed underground.
99. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall install suitable underground ducting for the national broadband reticulation.
100. Prior to approval under Section 224 of the Resource Management Act 1991, all silt and sediment control measures shall be decommissioned upon stabilisation of the earthworks areas. The silt and sediment control measures need not be decommissioned where Greater Wellington Regional Council and Porirua City Council require these measures to remain in use for future construction activities, provided they are not located within residential allotments at the time of approval under section 224.
101. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall install marker posts at the termination point of all sewer and stormwater connections within the residential allotments. The marker posts shall be at least 0.5m in height, but no higher than 1.0m, and shall be painted red for sewer and green for stormwater.

102. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, all areas exposed by earthworks, trenching or subdivision construction activities shall be re-grassed/hydro-seeded, except where the earthworks expose rock.
103. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, all street berms and lots are to be top-soiled to a minimum depth of 100mm unless otherwise agreed with Council. All road metal and other foreign material shall be removed from the berms prior to the final topsoil layer being laid. Soil shall be free draining and free of stones rocks or other foreign material and of a quality to ensure good grass growth.
104. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the street lighting network shall be installed and functioning in accordance with the requirements of AS/NZS 1158.3.1:1999, to the satisfaction of the Manager Resource Consents.
105. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage of the development, the consent holder shall have implemented the surface treatment for Roads 23, 24 and 25 approved under Condition 71.
106. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage, the consent holder shall submit "as built" drawings of the streetscape planning (gardens and trees) for approval to the satisfaction of the Manager Resource Consents. The as built drawings shall include GPS co-ordinates (NZTM) of all street trees and gardens and built assets. Final species lists, square metre area for each garden, and the date when the gardens are proposed to be handed over to Council shall also be provided.
107. The consent holder or future landowners of Lots along the common boundary of Lot 11 DP428849, Lots 145-166, Lots 239-241 and Lots 243-248 shall comply with the following;
- (i) The 7.5m strip within Lots 239-241 and Lots 243-248 from the boundary of Raiha Street must be planted as shown in the certified LPMP. This planting must be maintained and replaced by the consent holder for four years, no matter the loss. It is the consent holder's responsibility to ensure landowners do not remove vegetation.
  - (ii) Any mitigation planting shall not be removed or destroyed and species, other than those identified in the certified LPMP must not be planted in this area.
  - (iii) There are to be no structures or buildings constructed within the 7.5m strip from the boundary of Raiha Street.
  - (iv) Any fencing along the top of the batter within Lots 239-241 and Lots 243-248 shall be pool style fencing only. Solid timber fencing is not permitted due to the visual impact.
  - (v) Any fencing along the common boundary of Lot 11 DP428849 and Lots 145-166 shall be pool style fencing only with a maximum height of 1.2m.

Advice note:

At Lot 241, the notice only applies where the boundary directly adjoins to Raiha Street.

108. Condition 107 above shall be subject of a consent notice under Section 221 of the Resource Management Act registered against the new computer freehold Registers for Lots 239-241, Lots 243-248, Lots along the common boundary of Lot 11 DP428849 and Lots 145-166 which shall be prepared by Council at the cost of the consent holder.
109. The consent holder or future owners of proposed Lots 207-213 shall comply with the following:  
*The Porirua City Council shall not be responsible for the cost of erecting or maintaining any fence along a boundary of any land vested in the Council as reserve or any other land owned by the Council.*

110. Condition 109 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 207-213 which shall be prepared by Council at the cost of the consent holder.
111. Prior to approval under Section 224 of the Resource Management Act 1991 for the final stage of the development, the consent holder shall complete the construction of the neighbourhood reserve on Lot 1004 in accordance with the plans approved in Condition 68. The consent holder shall maintain the landscaping for four years from the date the planting has been implemented. Certification will be required by the person nominated in Condition 73 that any play equipment and any play surfacing has been installed in accordance with NZS 5828:2014.

Advice Note:

The play equipment and play surfacing will be maintained by Porirua City Council once the asset handover process is complete.

112. In the event that application is made to the Council for approval pursuant to Section 224 of the Resource Management Act 1991 before the maintenance period for all planting approved under Conditions 24, 28, 31, 45, 47 and 72 is completed, then a bond will be entered into which will be added to the bond register held by Porirua City Council.
113. Prior to the release of any bond entered into under Condition 112 above, the planted area subject to the bond shall have been planted and maintained in accordance with the prior-approved landscaping plan, and upon inspection by Council that area shall be free of weeds and noxious plants to the satisfaction of the Parks Manager.
114. The consent holder or future owners of proposed Lots 145-221 inclusive shall comply with the following:

*The planting in front of the medium density housing been established to mitigate the visual effects of medium density development. This planting is to be maintained for a minimum period of 4 years from the date of initial establishment and shall be retained in perpetuity. This planting shall not be removed or destroyed and other species, other than those identified in the approved Streetscape Planting plan approved in accordance with condition 31 held on resource consent file (RC7826), shall not be introduced onto the areas identified in this condition.*

115. Condition 114 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 145-221 which shall be prepared by Council at the cost of the consent holder.
116. The consent holder or future owners of proposed Lots 169, 180, 181, 185-198, 207-213 shall comply with the following:
- The planting and landscape screening for each lot approved in accordance with condition 21 held on resource consent file (RC7826) shall be maintained in perpetuity to ensure privacy between open space areas of each dwelling on adjacent lots is achieved, while also ensuring overlooking of the park and path is achieved.*
117. Condition 116 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 169, 180, 181, 207-213 which shall be prepared by Council at the cost of the consent holder.
118. The consent holder or future owners of proposed Lots 145 to 221 shall comply with the following:
- The bin storage for each lot approved in accordance with condition 22 held on resource consent file (RC7826) shall be maintained in perpetuity to ensure that bin storage areas are not located parallel to the road frontage and reduce street presence.*

119. Condition 118 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 145 to 221 which shall be prepared by Council at the cost of the consent holder.
120. The consent holder or future owners of proposed Lots 203-206, 225-240, 246-254 and 258-273 shall comply with the following:
- Any construction, alteration or modification of a structure or retaining wall located in restrictive covenant area C, D or E must be carried out in accordance with specific engineering design by a suitably qualified chartered professional engineer that takes into account the slope stability matters identified in the Geotechnical Completion Report submitted under condition 48 of RC7826. The report or certificate must confirm that:*
- (i) The risk of the activity is no more than low; and*
  - (ii) Associated works will not worsen or accelerate land instability on the site or surrounding area.*
121. Condition 120 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 203-206, 225-240, 246-254 and 258-273 which shall be prepared by Council at the cost of the consent holder.
122. The consent holder or future owners of proposed Lots 145 to 273 shall comply with the following:
- On all lots, bare galvanised, zinc aluminium coating or unpainted metal that would lead to contamination of stormwater runoff upon corrosion is not to be used for roofing or building materials.*
123. Condition 122 above shall be the subject of a consent notice under Section 221 of the Resource Management Act registered against the new Computer Freehold Registers for Lots 145 to 273 inclusive and shall be prepared by Council at the cost of the consent holder.

### **Lot 11 Specific**

124. If Section 224 of the Resource Management Act 1991 is applied for before the maintenance period in condition 55 has been completed, then the consent holder shall add this works to the bond surety schedule. The purpose of this bond shall be for ensuring compliance with this condition of the consent and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose.
125. Prior to the release of any bond entered into under Condition 114 above, the planted area subject to the bond shall have been planted and the plants maintained and replaced, and all erosion and scour monitored and remediated for 3 years in accordance with the prior-approved plan provided as part of conditions 58 and 60.
126. Prior to 224 for stage 2C (as illustrated in Calibre Drawing #709306.006 V100 Rev 0), the mitigation planting on Lot 11 DP 428849 must be completed in accordance to the Lot 11 MSMP under condition 44.

### **THE APPLICANT IS TO NOTE:**

#### **Section 357**

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

#### **Development Contributions**

Pursuant to s.198 and S.208 of the Local Government Act 2002 and the Council's adopted 'Development Contributions Policy' 2018, please be advised that prior to certification under s.224 of the Resource Management Act 1991, Council requires that the consent holder pay a Development Contribution. Should a development

agreement between the consent holder and the Council not be agreed and signed by both parties prior to the completion of any stage of subdivision then prior to the construction of each dwelling or approval under section 224 of the Resource Management Act for each stage, whichever comes first, the consent holder will be required to pay a Development Contribution for each new allotment being created in accordance with Council's adopted 'Development Contributions Policy' 2018. The rate payable is the rate at the time of Section 224(c) certification or Code of Compliance Certificate under the Building Act if it is in advance of Section 224.

**Building Act**

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

**Easements**

No structure shall be allowed over any easement.

**Engineering drawings**

Given the level of detail already provided with the application, there is no requirement within this consent to submit a set of detailed construction plans post grant of consent.

**Greater Wellington Regional Council consents**

The consent holder should ensure that they obtain all necessary consents from the Greater Wellington Regional Council prior to commencing works on the site.



Gina Sweetman  
**CONSULTANT PLANNER**

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Date 5 June 2020

**Decision of Council**

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



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Olivia Campbell  
**SENIOR RESOURCE CONSENTS PLANNER**

Date 5 June 2020



# PLANNERS REPORT

## 1.0 DESCRIPTION OF PROPOSAL

### 1.1 Summary of Proposal:

The applicant seeks resource consent for this Stage 2 site to:

- Undertake earthworks over the site that adjust the previously consented earthworks (RC7400), to suit the proposed housing and infrastructure;
- Subdivide the site to create 129 new lots for residential purposes;
- Undertake associated land development and infrastructure works to support the subdivision; and
- Construct and use 77 medium density residential dwellings on 77 of the lots to be created.



The total site area to be developed is 7.4275ha. The majority of the works are within Lot 1508; however, the applicant is also seeking to undertake works within the Mitchell Stream. The applicant also proposes to:

- vest a part of Lot 1508 in the Council as a local purpose reserve (esplanade) to allow for a 20m width of the entire stream length from the site; and
- build a detention pond within the area between proposed Road 20 and the stream (shown as Lot 1003), in order to provide for surplus attenuation to decrease stormwater runoff from the site. This would also vest in the Council.

The development is proposed to occur in three stages, as shown in the Scheme Plan image above and table below.

Stage	Residential Lots	Other
2A	50 lots – 15 standard density (above 450m <sup>2</sup> ), 35 medium density	Reserve Lot 1004 Lot 2020 (road to vest) Lot 1509 balance lot
B	37 lots – all “standard” density	Lot 2021 (road to vest) Lot 1510 balance lot
C	42 lots – 1 “standard” density, 41 medium density	Reserve Lots 1002 and 1003 Lot 2019 (road to vest)

Construction of the infrastructure to support the sub-stages is anticipated to commence in September 2019 and take approximately 12 months.

The residential lot sizes range from 93m<sup>2</sup> (Lot 158) to 1,367m<sup>2</sup> (Lot 239). The lot sizes generally increase from Mitchell Stream towards Raiha Street. The gross floor area of the proposed dwellings ranges from 100m<sup>2</sup> to 173m<sup>2</sup>.

#### *Residential dwellings*

Seventy-seven dwellings are proposed, which range from a row of townhouses, to duplexes and some standalone dwellings. Their typology, the number proposed and gross floor area of each are set out below:



ID	Typology	Gross Floor Area m <sup>2</sup>	Number of this type
Integrated (terrace)			
2A	2 bed with carpad	100	5
3A	3 bed with carpad	118	14
3B	3 bed with garage	145	10
3C	3 bed with garage	146	6
3D	3 bed with garage	142	7
3E	3 bed with garage	149	5
3F	3 bed with garage	120	4
4A	4 bed with garage	169	6
Standalone housing			
3G	3 bed with garage	143	2
3H	3 bed with garage	140	3
4B	4 bed with garage	164	3
4C	4 bed with garage	155	5
4D	4 bed with garage	157	4
4E	4 bed with garage	165	2
4F	4 bed with garage	173	1

Each dwelling would have an outdoor storage area accommodating the Council's three wheelie-bins, either towards the road frontage or at the rear of the garaging. The applicant has adopted a condition that any outdoor storage area would be located perpendicular to the road frontage, rather than parallel.

#### *Transportation and Traffic:*

The applicant proposes to construct approximately 1,106m of new legal road and approximately 150m of new lanes, which would also be legal road. The applicant also proposes to construct a 40m long jointly owned access lot (JOAL 23). Approximately 103 on-street parking spaces would be available. Lots 156-160, 191-194 and 214-221 in the Suburban Zone would only have one onsite parking space. Lots 101-104 and 214-221 in the Industrial Zone would only have one onsite parking space. Lots 167 and 168 which are split zoned would only have one onsite parking space.

Stage 2 would be accessed by two roads from Hall Road, Road 20 (Lot 2019) and Road 21 (Lot 2020), at the top of Hospital Drive. There would also be a pedestrian and cycle access to Raiha Street, through Road 24, which comes off Road 21 under Lot 2021. There would be no motor vehicle access from Road 20 up to Road 21, given the difference in topography; with Road 20 effectively being a cul-de-sac. Road 21 along with Road 22, forms a loop road, with Roads 23 and 25 acting as lanes.

A new pedestrian/cycle access way would link the site to Raiha Street. Raiha Street is also accessible through the Mitchell Stream cycle/walkway. There are also pedestrian and cycle connections through to the CBD and the train station through Bluff Road and Raiha Street, and through the Bishop Viard School Land. In the future, the bus route will go through the Kenepuru Landing site.

A new central island would be constructed in Hall Road, after the right-hand entry to the Hospital and before the proposed left-hand entry to Road 21. A new right-hand turn bay would be constructed to the north of this, for entry from Hospital Drive into Road 21. Another turning bay would be constructed before the main Hospital entry, providing entry into the Hospital.

#### *Mitchell Stream Works:*

The works within Mitchell Stream Reserve involving extending the fill from Lots 149 – 166 into the reserve area. The majority of the fill would be within land owned by KLP that would vest with the subdivision. The batter slope would be planted with riparian vegetation.

#### *Earthworks:*

The applicant proposes to undertake approximately 37,000m<sup>3</sup> of cut to fill; in addition to the approximately 480,000m<sup>3</sup> of earthworks consented in Stage 2 for Lot 1505 (the parent lot). The applicant states the additional earthworks are required as at the time of lodging the stage 2 earthworks consents, the ground levels for the stage 2 dwellings were not finalised and the finished earthworks levels were approximate only. At the worst case, the maximum cut is approximately 7m in

depth and the maximum depth of fill is approximately 5m. However, for the most part, the earthworks vary from a cut of 4m to a fill depth of 1m. Earthworks are also proposed within two reserves as follows:

Location	Area	Maximum width	Max cut depth
North of Road 20	90	2.2	1.0
Northwest of Road 21	400	5.0	4.7

The applicant also states that there will be a surplus of cut material of approximately 5,000m<sup>3</sup> taken from Lot 1508 to Lot 1503, north of Mitchell Stream. It would be transported across the temporary Bailey Bridge over Mitchell Stream (separately consented). At the time the application was made, approved earthworks were sought to be completed by the end of the 2018/19 earthworks season but may extend to late in 2019.

While earthworks are designed to have a cut and fill balance within the wider Kenepuru Landing site, the applicant advises that there may be some unsuitable material that will need to be trucked off the site. This is unlikely to exceed 10,000m<sup>3</sup> and would equate to no more than two truckloads per hour over one earthworks season.

The applicant proposes to extend the erosion and sediment control plan that applied to the Stage 2 earthworks to this application and seek it be imposed as a condition of consent.

The application also addresses managing dust, noise and construction traffic and proposes to adopt the same conditions imposed under previous consents.

As a result of further investigations to better define the fault zone and the identification of some soft soils, some areas have been shown as requiring specific foundation design and these areas will be the subject of restrictive covenants.

#### *Servicing:*

The applicant sets out the detail of infrastructure servicing in the Infrastructure Report.

#### *Stormwater*

In summary:

*The design contours and road layout reduce the Mitchell Stream catchment, instead diverting runoff to the east and south. The primary level of stormwater protection will be for a 10% AEP storm and will be achieved through an appropriately sized pipe network. The secondary level of protection will be for up to a 1% AEP storm and will be achieved through controlled overland flow and attenuation.*

*Primary and secondary stormwater flow from the Mitchell Stream catchment will be collected in a pipe network and discharge into the proposed detention pond adjacent to the stream. In the case where the pipe network overflow, runoff will be directed along the road and also discharge into Mitchell Stream. A small portion of runoff from properties bordering Mitchell Stream will discharge directly into the stream. A low flow outlet pipe in this pond will discharge directly into Mitchell Stream, 20 to 30 meters upstream of the Hall Road Crossing.*

*The Hospital Drive catchment contains several sub catchments which will cumulatively discharge into the existing detention pond at the corner of Hospital Drive and Raiha Street (within proposed Lot 1507). Primary stormwater flow will be conveyed to the detention pond via a pipe network. A low level outlet pipe in the pond will discharge into the downstream stormwater network in Rahia Street. Secondary stormwater flow will predominantly be conveyed via the internal roads to Hospital Drive. However, a constructed swale is required to allow secondary flow to traverse between an internal road low point and Hospital Drive. The cumulative flow entering Hospital Drive will travel south within the road corridor and discharge across the berm into the Lot 1507 detention pond. Proposed Lot 1506 (ABI site) and a small portion of proposed Lot 1508 will discharge secondary flow directly into the pond. A high level outlet pipe will discharge this flow to the vegetated area on the opposite side of Hospital Drive and subsequently into downstream receiving infrastructure.*

*All secondary flow paths are directed away from the proposed dwellings within the development as shown on Plan C451 in the Calibre Infrastructure set.*

*The existing stormwater detention pond has a storage capacity of approximately 2000m<sup>3</sup> and the proposed pond around 270m<sup>3</sup>. This will provide sufficient storage to achieve hydraulic neutrality from the*

*1:10 year rainfall event up to the 1:100 year rainfall event so that the peak runoff post development is less than or equal to the peak runoff pre-development. The existing pond in fact provides more storage than required which will relieve some of the existing downstream flooding issues.*

#### *Wastewater*

The existing private sewer mains servicing the site have already been decommissioned and will be removed through the earthworks. A network of new gravity sewer mains is proposed along the roads, which will discharge into the recently constructed Stage 1 sewer main north of the Hall Road culvert. These will be 150mm in diameter.

#### *Water*

A new connection is proposed from the water main in Hall Road. An internal reticulation

#### *Utilities*

Electricity, gas and telecommunications services are all available at the boundary of the site. The applicant has offered a condition of consent that a letter from Chorus and Wellington Electricity be provided to confirm that the new lots are adequately serviced. Lots will also be provided with a gas connection.

#### **Relevant Interests:**

The schedules on the scheme plan 709306.0046 V100 set out the actions relating to all existing and proposed easements and covenants. The following table from the scheme plan sets these out.

<b>MEMORANDUM OF EASEMENTS IN GROSS</b>			
<b>Purpose</b>	<b>Shown</b>	<b>Grantor (Burdened Land)</b>	<b>Grantee</b>
Right to drain water	AA	Lot 224	Porirua City Council
Right to drain water	A	Lot 225	Porirua City Council
Right to drain water	B	Lot 233	Porirua City Council
<b>SCHEDULE OF EASEMENTS</b>			
<b>Purpose</b>	<b>Shown</b>	<b>Burdened Land</b>	<b>Benefited Land</b>
Rights of Support and Rights of Access for Planting and Maintenance	F	Lot 169	Lots 168, 170
	G	Lot 170	Lot 169
	H	Lot 168	Lot 169
	B	Lot 200	Lot 199
<b>SCHEDULE OF EXISTING EASEMENTS TO BE EXTINGUISHED</b>			
<b>Purpose</b>	<b>Shown on DP 428849</b>	<b>Burdened Land</b>	<b>Creating Document</b>
Right to drain sewage	R1	516009	8475256.12
	R2	516008	8475256.12
	R3	516011	8475256.12
<b>SCHEDULE OF EXISTING RESTRICTIVE COVENANTS TO BE EXTINGUISHED AND CANCELLED</b>			
<b>Purpose and description</b>	<b>Shown</b>	<b>Burdened Land</b>	<b>Creating document</b>
Consent notice (Hazard) Above ground diesel tank	CR on LT528689	Lot 1508 LT528689	8475256.9
<b>SCHEDULE OF LOTS TO VEST</b>			
<b>Purpose</b>	<b>Shown</b>		
Recreation Reserve to Vest in Porirua City Council	Lot 1004		
Utility Reserve to Vest in Porirua City Council for Drainage Purposes	Lot 1003		
Roads to Vest in Porirua City Council	Lot 2019, 2020 and 2022		
<b>NEW RESTRICTIVE COVENANTS</b>			
<b>Purpose</b>	<b>Shown</b>	<b>Covenant Area</b>	
Specific House Design	Lots 246-254	C	
Specific House Design	Lots 225-240	D	
Specific House Design	Lots 206, 259-273	E	
<b>NEW JOINTLY OWNED ACCESS LOT</b>			
<b>Purpose</b>	<b>Shown</b>		
Jointly owned access lots held by Lots 178-183 as tenants in common	Lot 2021		

The subject site has been the subject of the following related previous applications:

<b>Application reference</b>	<b>Subject of application</b>	<b>Date approved</b>
RC7256	Bulk earthworks of 120,000m <sup>3</sup> , of which some occurred on the subject site; remediation of the entire Kenepuru site pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	March 2017
WGN170148 [34454] and [34455]	Discharge permits and land use consent for bulk earthworks	March 2017

(Greater Wellington Regional Council)		
RC7400	Bulk earthworks of 370,000m <sup>3</sup> over entire site. RC7400 also consented Stage 1 of the development, comprising a 144-residential lot subdivision, with associated new roads, and the construction of new dwellings on those lots. Stage 1 is located towards the centre of Kenepuru Landing.	February 2018
RC7577	Three lot subdivision at 8 Hospital Drive, to create Lots 1506, 1507 and 1508. Lot 1506 was created to accommodate the Acute Brain Injury Unit from the eastern part of the site. Lot 1507 is the stormwater attenuation area which will serve this development. Lot 1508 is the subject of this application.	29 March 2018

The application includes the following supporting information, technical reports and associated plans which further describes the proposal:

- The assessment of environmental effects titled “earthworks, subdivision and Land Use Stage 2 Kenepuru Landing, prepared by Calibre Consulting Ltd and dated 19 July 2019, including:
  - Appendix 2 – the Stage 2 Integrated Housing Design Report, prepared by Isthmus and dated 3 May 2019
  - Appendix 3 – the architectural plans titled “stage2 – Architecture [AR] prepared by Isthmus and dated 26 July 2019
  - Appendix 4 – the s92 Addendum Report titled “Urban Design and Visual Effects Assessment” prepared by Isthmus and dated May 2019
  - Appendix 5 – the landscape plans titled “Kenepuru Landing Stage 2 Housing” Job No 4055 Revision C prepared by Isthmus and dated 26 July 2019
  - Appendix 6 - The report titled “Stage 2 Housing, Subdivision and Infrastructure Report” prepared by Calibre Consulting Ltd dated 26 July 2019 and plan set titled “Kenepuru Landing Stage 2 Infrastructure and Subdivision” Project Number 709306.006 prepared by Calibre and dated 26 July 2019, with the following sheets, all updated as at 04/12/19:
    - C200 v1 Fault Buffer Zone,
    - C201 v1 Existing Services,
    - C210 v3 Finished Levels
    - C220 v3, C221 v1, C222 v1, C223 v3, Earthworks Depths and Cross Sections and Earthworks in PCC Reserves
    - C300 v2, C310 v1, C311 v1, C320 v1 Roothing Plans, Long Sections and Typical Cross Sections
    - C400 v2, C401 v1, C405 v2, Stormwater and Sewer Reticulation Plans
    - C410 v1, C411 v1, C412 v1, Stormwater and Sewer Long-sections
    - C420 v1, C421 Plans of Proposed Rd 20 Attenuation Pond
    - C451 v1 Stormwater Secondary Overland Flowpaths
    - C510 v2 Water Supply Reticulation Plan
    - C900 vC Hospital Drive Upgrade Plan
    - V100 v3, V110 v3, V111 v2, V112 v2, V113 v2, V114 v3, V115 v2, V116 v2, V117 v2 Subdivision Scheme Plans
  - Appendix 8 – the plans and documentation titled “Stage 2 – Integrated Housing Compliance Table and Shading Analysis (CS)” prepared by Isthmus and dated 17 December 2019
  - Appendix 9 – the report titled Kenepuru Subdivision – Geotechnical Assessment, prepared by coffey and dated 19 June 2017;
  - Appendix 10 – the Remediation Action Plan Job Number 1605050 RAP Rev A, prepared by Geohazard Environmental and dated 2-12-2016
  - The letter from coffey to Kevin Alkema dated 2 July 2019, subject line “Kenepuru Landing – Fault Trench Investigation Assessment Report Addendum for Stage 2”
  - The report titled “Kenepuru Landing: Stormwater Modelling to support Stage 2 Resource Consent Application, prepared by Calibre Consulting Ltd, Ref 709306.006 dated 25 May 2020.

The applicant provided written approvals from the following parties with the application:

- The Capital and Coast District Health Board
- Porirua City Council Parks Department, as owner of Mitchell Stream Reserve.

The applicant has suggested the following conditions:

- *Earthworks conditions similar to RC 7400 resource consent granted by PCC.*
- *Council's standard subdivision conditions.*
- *Landscape plan and planting schedule condition.*
- *To set requirements that will allow houses to be constructed prior to the issue of Titles*
- *Require letters from Chorus and Wellington Electricity that services are available*

## **2.0 DESCRIPTION OF SITE AND SURROUNDINGS AND BACKGROUND**

The legal description is Lot 1508 DP 528689 held in certificate 585364. The area of the site is 7.4277 ha.

The application site is within the Kenepuru Landing project, the "Overall Concept Plan" of which is included in the application. The site is vacant and is currently being earthworked in accordance with RC7400. It was previously part of the Kenepuru Hospital but was declared surplus to requirements some years ago, subdivided from the Hospital and was acquired by KLP in 2017. Subsequently, KLP have removed a number of buildings that were on the site, and most of the vegetation has also been removed.

As part of the Kenepuru Landing Stage 1 earthworks resource consent that was approved by PCC in March 2017 (RC7256), a Remedial Action Plan (RAP) was approved to allow some soil contamination from previous uses to be cleared. That RAP is being implemented and the site will be clear of contamination by the time this consent is implemented. Therefore, this application does not trigger the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).

The application site is surrounded by Mitchell Stream reserve to the north, Raiha Street to the west, Lot 15 DP 428849 to the north of proposed Lot 1506 and east of proposed Lot 1508, and Hospital Drive to the east. Lot 1508 previously had an access known as Gates Road through it, but this has been removed.

The topography of the application site is quite steep toward the west. From this high point, the land slopes down at similar grades in all directions but is steepest toward Mitchell Stream in the northwest. The lowest point in topography is in the southernmost part of the application site adjacent to the Hospital Drive and Raiha Street intersections. The land in the north east of the application site is flat then slopes down toward Mitchell Stream, Hospital Drive and Lot 15 DP 428849.

There is no native vegetation on the application site and no protective covenants for any vegetation on this site either. There is limited vegetation remaining on the site. A new stormwater detention pond has been constructed in Lot 1507. A Summerset Retirement Village is under construction in the eastern part of the wider site, accessed from Bluff Road and Lower Main Drive. The Acute Brain Injury Unit, which was previously in the location of the Summerset Retirement Village, has been relocated to a new building on Lot 15, to the south-east of the site.

## **3.0 RELEVANT PLANNING PROVISIONS**

### **3.1 Operative District Plan**

Lot 1508 is zoned Suburban and Industrial in the Operative Porirua City District Plan (which became operative on 1 November 1999).

There are no scheduled heritage items on the site. The site is shown within a board Seismic Hazard area.



The design of the subdivision and the location of the zone boundary means that many of the lots have split zonings between Suburban and Industrial. Proposed lots that are partly or wholly in the Industrial Zone are Lots 145-157, 168-198, 201-221 (all medium density) and 222-233 low density – a total of 77 lots. Of these, Lots 145-157, 168,201-206 and 229-233 straddle the boundary with the Suburban Zone. There are also two reserve lots to vest in PCC in the Industrial Zone – Lots 1003 and 1004. The plan titled “Zoning Lot Areas” sheet C203A, project number 7099306.003, prepared by Calibre Consulting Ltd shows the location of the split zoning and the area of the site within each of the zones.

### 3.2 Reasons for Resource Consent

#### 1. Residential development

Along with the subdivision of the site, the applicant seeks approval for the construction of 77 new dwellings on 77 of the 129 proposed new lots. The applicant has provided a spreadsheet, being Appendix 8 of the AEE, showing compliance of the proposed development in terms of the permitted activity standards for both the Suburban and Industrial Zones. This spreadsheet is to be relied upon for consent and compliance purposes.

##### *Suburban Zone*

Some of the proposed dwellings will not comply with the following permitted activity standards:

- site coverage (Rule D3.2.1(xvi)),
- front yard and other yard (Rule D3.2.1(xxii)),
- height recession plane (Rule D3.2.1(viii)),
- outdoor living area (Rule D3.2.1(xii)),
- number of carparks per dwelling, stacked parking and carparks in front yard (Rule D3.2.1(ii)(a))
- Earthworks (see below)

##### *Industrial Zone*

Residential dwellings are not listed activities in the Industrial Zone. Under Rule D2.1.1(i), all activities which are not a controlled, restricted discretionary, discretionary, or prohibited activities, and do not exceed any permitted activity standard, are a permitted activity. In this instance, many of the proposed dwellings will not comply with the following permitted activity standards in Rule D2.2.1:

- number of carparks (4.5 carparks per 100m<sup>2</sup>), stacked parking and carparks in front yard
- earthworks (see below)
- height recession plane
- height
- yards and other yards

Under Rule D2.1.4, all activities which are not a permitted, controlled, restricted discretionary, or prohibited activity, and are not specified in D2.1.5(ii) as a non-complying activity and which do not exceed any discretionary activity standard, are a discretionary activity.

The applicant seeks to begin construction of dwellings on site before new computer freehold registers are created for the new lots. Under Rule D3.1.1(ii), more than two dwellings on a site is a permitted activity where each dwelling meets all permitted activity standards. As outlined in this section, not all the dwellings will meet the permitted activity standards; however, they will comply with the discretionary activity standards. This is a discretionary activity in the Suburban Zone under Rule D3.1.4(i).

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

#### 2. Subdivision (both Zones)

Under Rule D3.1.2(ii), subdivisions are a controlled activity if:

- a) Public roads are available to serve the subdivision
- b) Public water supply, sanitary drainage and stormwater drainage systems are available to serve the subdivision and
- c) All controlled activity standards for subdivision are complied with.

Under Rule D2.1.2(ii), Subdivisions are a controlled activity if:

- (ii) For every allotment where there is no existing building(s), it shall be practicable to construct on all allotments, as a permitted activity, a building which does not contravene any permitted activity standards.

In respect of the Suburban Zone requirements, while the proposed subdivision meets b), it fails to meet (a) for the Roads being constructed within the subdivision and c) for many of the lots given the infringements sought for the proposed new dwellings. In respect of the Industrial Zone requirements, it fails to meet (ii).

It also fails to comply with some aspects of the roading standards contained in Part H3 of the Plan, which are set out in red in the following table:

<b>Kenepuru Stage 2 Street Typologies – Comparison with NZS4404:2010 and PCC District Plan Pt H Table 4</b>				
<b>Road 20 – East</b>	<b>Design</b>	<b>NZS 4404</b>	<b>PCC Pt H Table 4</b>	<b>Comments</b>
Movement Lane	5.8	5.7	7	Complies with PCC when parking is added (5.8 +2.2)
Pedestrians/Cyclists	1.5 x 2	1.5 x 2		
Parking	1 x 2.2 recessed	Shared	Shared	
Total Legal	14 min	15	15	Mostly exceeds 15 metres. All road functions satisfied within legal width
<b>Road 20 – West</b>				
Movement Lane	5.5	5.7	6	Complies with PCC when parking is added (5.8 + 2.2)
Pedestrians/Cyclists	1 x 1.5	shared		
Parking	1 x 2.2 recessed	shared	Shared	
Total Legal	10 varies	9	12	Mostly exceeds 10 metres. All road functions satisfied within legal width
<b>Road 21</b>				
Movement Lane	5.8	5.7	7	Complies with PCC when parking is added (5.8 + 4.2)
Pedestrians/Cyclists	2 x 1.8	1.5 x 2	1.5 x 2	
Parking	2 x 2.1	Shared	Shared	
Total Legal	16	15	15	
<b>Road 22</b>				
Movement Lane	5.8	5.7	7	Complies with PCC when parking is added (5.8 + 4.2)
Pedestrians/Cyclists	2 x 1.8	Shared	1.5 x 2	
Parking	2 x 2.1	Shared	Shared	

<b>Kenepuru Stage 2 Street Typologies – Comparison with NZS4404:2010 and PCC District Plan Pt H Table 4</b>				
Total Legal	16	9	15	
<b>JOAL 23 - Lane</b>				
Movement Land	5.5	5.7	5.0	
Pedestrians/Cyclists	Shared	Shared	Shared	
Parking	Shared	Shared	Shared	
Total Legal	5.8 min	9	6.0	All functions satisfied within legal width. Is only 25 metres long
<b>Road 24 - Lane</b>				
Movement Lane	5.5	5.7	5.0	Provides primary access to 6 houses
Pedestrians/Cyclists	1.8 x 1	Shared	Shared	Provides pedestrian link to Raiha St
Parking	Shared	Shared	Shared	
Total width	11 min	9	6.0	
<b>Road 25 - Lane</b>				
Movement Lane	5.5	3	5.0	Lane function only. Pedestrian access is from other side
Pedestrians/Cyclists	Shared	Shared	Shared	
Parking	Shared	Shared	Shared	
Total Legal	5.8	6	6.0	All functions served within legal width.
<b>Hall Road – Access to Stage 2 Roads – Bus Route - Collector</b>				
Movement Lane	3.5 x 2	4.2 x 2	3.0 x 2	Connector road. 7m carriageway set to handle bus route.
Pedestrians/Cyclists	2.5 x 2	2.0 x 2	1.5 x 2	Cycle and footpaths combined
Parking	2.25 x 2 recessed	Recessed	2.5 x 2	Total movement plus parking of 11.5m exceeds 11 metre PCC combined requirement
Total Legal	17.5	20	24	Berm width reduced to provide Main Street feel.

Subdivisions that are not a controlled, restricted discretionary or non-complying activity are a discretionary activity under Rule D3.1.4(i) and D2.1.4(iv).

### 3. Earthworks (both Zones)

The proposed earthworks will not comply with permitted activity standard D2.1.4 and D3.2.1(iii)(a) as the earthworks will exceed:

- (ii) 100m<sup>2</sup> / 400m<sup>2</sup> (an additional 42,000m<sup>3</sup> of cut and 35,000m<sup>3</sup> of fill is proposed)
- (iii) 1.5m in height or depth (a maximum height of approximately 7m and a maximum depth of approximately 5m).

This is a discretionary activity.

### Overall Status

Overall, the application is a discretionary activity.

### 3.3 Extinguishment of easements and covenants

Although not a reason for resource consent, as outlined earlier, the applicant proposes to extinguish the following easements and covenants for which approval is sought under s243 of the Act:

SCHEDULE OF EXISTING EASEMENTS TO BE EXTINGUISHED			
Purpose	Shown on DP 428849	Burdened Land	Creating Document
Right to drain sewage	R1	516009	8475256.12
	R2	516008	8475256.12
	R3	516011	8475256.12
SCHEDULE OF EXISTING RESTRICTIVE COVENANTS TO BE EXTINGUISHED AND CANCELLED			
Purpose and description	Shown	Burdened Land	Creating document
Consent notice (Hazard) Above ground diesel tank	CR on LT528689	Lot 1508 LT528689	8475256.9

### 4.0 SECTION 95 - NOTIFICATION

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).

#### 4.1 PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the four 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 residential activity with a restricted discretionary or discretionary activity status</li> <li>▪ A subdivision of land with a restricted discretionary or discretionary activity status</li> <li>▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status</li> <li>▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification (if any)</li> </ul>	<u>Yes</u>

Public notification is precluded under step 2.

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

Not relevant, as public notification is precluded under step 2.

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

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

Do special circumstances exist that warrant public notification?	No
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I consider that there are no special circumstances that would warrant public notification. There is nothing unusual or exceptional about the application that would otherwise warrant public notification.

### Conclusion

Public notification is not required.

## 4.2 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 either or both of the following, but no other, activities: <ul style="list-style-type: none"><li>• A controlled activity (other than a subdivision) under the District Plan</li><li>• An activity prescribed by regulations made under s360H(1)(a)(ii) precluding limited notification (if any)</li></ul>	No

Limited notification is not precluded under step 2.

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

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

Are any of the following persons 'affected' under s95E? <ul style="list-style-type: none"><li>• For 'boundary activities' an owner of an allotment with an 'infringed boundary'</li><li>• In the case of any activity prescribed under s360H(1)(b), a prescribed person in respect of the proposed activity.</li></ul>	No
For all other activities, are there any affected persons in accordance with s95E?	Yes (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 party”. The following persons have given written approval:

- The Capital and Coast District Health Board; and
- The Porirua City Council Parks Department

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

- The site does not share a common boundary with any other property from whom written approval has been obtained;
- Council’s traffic engineer, Ron Minnema, has carefully considered the traffic advice and report provided with the applicant, including the review by David Wanty, and is satisfied that the proposed development will not result in any adverse effects on the Kenepuru Interchange. Accordingly, I consider the New Zealand Transport Agency is not an affected party;
- Council’s Landscape Architect, Mr Andrew Gray, has confirmed that views are restricted into the site and where it is visible, that the development will seem relatively modest in comparison to the scale of the Hospital buildings. Any adverse visual amenity effects would be contained within the development itself. The applicant as landowner has inherently given written approval for any internal effects;
- Any adverse effects arising from further earthworks on the site are able to be internalised;
- Wellington Water have confirmed that:
  - There is adequate water flow and pressure to meet both domestic supply and firefighting requirements;
  - The applicant is providing an appropriate system for wastewater;
  - The stormwater system is appropriate; and
  - There will be less than minor adverse effects beyond the site, subject to the conditions of consent which the applicant has agreed to;
- The Seventh Day Adventist School is located sufficiently away; and
- The Bishop Viard and Seventh Day Adventist Schools are of a distance away that there will be no effects upon the school activity.

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 same reason as outlined earlier.

**Conclusion:** Limited notification is not required.

**RECOMMENDATION**

For the reasons set out in the above assessment, under sections 95A, 95B and 95C of the RMA this application be processed non-notified.

Gina Sweetman  
**CONSULTANT PLANNER**



Date: 5 June 2020

**NOTIFICATION DECISION**

Acting under delegated authority, and for the reasons set out in the above assessment, under sections 95A, 95B and 95C of the RMA this application shall be processed non-notified.

Olivia Campbell  
**Senior Resource Consents Planner**



Date 5 June 2020



## 6.0 SECTION 104 MATTERS TO BE CONSIDERED

**Section 104** of the Resource Management Act provides that:

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

**Section 104B** of the Resource Management Act provides that:

*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*

- “(a) may grant or refuse the application; and*
- “(b) if it grants the application, may impose conditions under section 108.*

### 6.1 Section 104(1)(a) – Effects Assessment

The relevant objectives and policies of the District Plan for the Suburban and Industrial Zone provide guidance for assessing the relevant effects of the proposal. These objectives and policies are set out later in this report.

I consider that the actual and potential effects of the proposal are:

- Amenity and character, open space and streetscape
- Landscape and biophysical
- Earthworks, civil and geotechnical
- Three waters, and flooding
- Traffic, roading and parking
- Construction, including noise
- Cultural
- Positive effects

I address each of these in turn below. In undertaking this assessment, I have considered whether it is appropriate to disregard an adverse effect of any part of the activity if a rule permits an activity with that effect<sup>1</sup>. The permitted effects envelope for the sites in question are for no more than three residential dwellings on each lot. Given the scale of the proposed development, I consider the permitted effects envelope to be generally irrelevant. I have also disregarded:

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<sup>1</sup> Section 95D(b)

- Any effects on persons who own or occupy the land on which the activity will occur and any land adjacent to that land<sup>2</sup>, and
- any effect on a person who has given written approval, while noting that this is more relevant to a limited notification assessment rather than public notification.<sup>3</sup>

### **Amenity and Character, Public Open Space and Streetscape Effects:**

I have sought input from Council's Parks Planner, Ms Jess Pullen, and Council's Consultant Urban Designer, Mr Andrew Burns in respect to these matters.

#### *Urban design*

Mr Burns has provided a peer review of the application in respect to urban design matters, which also includes a thorough assessment in respect of the relevant objectives and policies and the Medium Density Residential Policy Area Assessment Criteria (MDRPA).. I note that the MDRPA does not apply to this site; however, in the absence of any District Plan guidance for a medium density development, these provide general guidance.

Mr Burns' overall conclusion is that:

*From an urban design perspective and in relation to both the Suburban Zone and MDRPA (criteria) provisions I find the proposals perform well against many of the policies and criteria but also present compromises on various aspects of residential amenity, stream/road position and Road 21 access and, in some specific streets do not establish the best benchmark for medium density housing wrto<sup>4</sup> open space provision or car parking/garaging at the street edge (streetscape effects).*

*I acknowledge the revised designs following s92 matters have addressed the majority of concerns such that the Proposal can be supported overall.*

Mr Burns outlines a number of key positives, which I have addressed later in this report. He has also identified some negative aspects (in italics), some of which were resolved through the s92 process, and some for which he has recommended conditions. I address these below:

1. *The position of dwelling backs along the stream corridor (locating Lower Road against the stream would have provided a more public, visible and inviting relationship to the stream with better surveillance)*

I understand that there are topographical reasons for the approach taken; however, access will remain to the Reserve and the location of open space of the dwellings backing the reserve and the use of pool fencing along the boundaries will ensure that there is surveillance. The slope down to the stream from the residential lots will act to reduce potential security issues for residents.

2. *Extending the Road 21 axis 'into' the stream corridor via Lot 152 would have been beneficial as visual or physical link*

While I agree it could have been beneficial, I do not consider that there is any undue adverse effect that would require it be provided as a link. People will still be able to access the Mitchell Stream Reserve at each end of Road 20.

3. *Uncertainty over Mitchell Stream upgrade and exclusion from Stage 2*

The Mitchell Stream Reserve is not in the control of the applicant, given it is owned by the Council.

4. *Lots 155-159 with reduced open space areas less than District Plan minimums*

Mr Burns subsequently has confirmed that these are acceptable given they represent relatively few units overall and are two-bedroom types with lower occupancy.

<sup>2</sup> Section 95D(a)

<sup>3</sup> Section 95D(e)

<sup>4</sup> Wrto = with respect to

5. *Some blocks have concentrations of garages at the street / dominated by vehicles and crossings (however the location of bin storage has been addressed)*

Mr Burns subsequently advised that the garages are acceptable as the garages front onto a private lane, with less public visibility. He has recommended a condition of consent regarding rotating the bins 90 degrees to the street, which has been accepted by the applicant. While there is some concentration of garaging (for Lots 153-160), these occur to a limited extent and are acceptable.

6. *Some shading of the open spaces of Lots along the Mitchell Stream edge.*

I agree that there may be some shading of the open spaces by the planting in the Mitchell Stream reserve. However, this is a matter that the Plan does not control, and I consider it to be acceptable.

Mr Burns has recommended the following conditions (in italics) be imposed, which I comment on below:

1. *External façade design: In areas where fibre cement cladding is used the final design of window and door openings is to be a matter of condition.*

Mr Burns considers that the use of fibre cement cladding systems generally does not result in a quality appearance and results in 'mean' window details. The applicant's Urban Designer, Andre de Graaf, response was that this request for an architectural design feature has little to no bearing on matters of good urban design, safety, surveillance or legibility and is unreasonable. In his view, additional deep window reveals or other add-ons risks pastiche, as well as risking achieving good weathertightness solutions. He considers that while fibre cement is not necessarily considered a superior cladding material, it is an important material that is widely used on quality homes. He also notes that Linea Oblique is the only fibre cement product specified as primary cladding, providing a modern, visually pleasing cladding option. Other cement fibre products will be minor secondary elements.

Having considered both of these perspectives, as well as the relevant objectives, policies and design guidelines, I do not consider it necessary or appropriate to impose the condition sought by Mr Burns, and agree with Mr De Graaf's reasoning in this regard.

2. *Roads 23, 24, 25: Ensure these lanes have a varied surface (exposed aggregate, paved, low kerbs etc.), avoid use of asphalt and have attractive edge planting.*

I concur that the surface treatment should be subject to a condition of consent. The edge planting will be appropriately considered by the Parks Department, through the conditions of consent they have recommended. I note that the applicant has agreed to this condition, subject to minor amendments.

3. *Bin storage at street edges: such bin locations are to be rotated 90 degrees along the side boundary to reduce street presence.*

The applicant has agreed to a condition of consent requiring this occurs.

4. *Landscape screening: landscape screening for Lots 169, 180, 181, 207-213 and Block 3 is needed re open space privacy. This must also ensure overlooking of the park/path is still achieved.*

I consider a condition, including a consent notice, requiring screening is appropriate to ensure that there is privacy between dwellings, given this is a medium density development.

Mr Gray agreed with the conclusions and recommendations of the visual assessment provided and was of the view that the proposal:

- Any effects will generally be internalised;
- The development will seem relatively modest in comparison to the hospital buildings; and
- The visual effects will be in the bulk and scale anticipated by the Plan.

I accept Mr Gray's advice. I conclude overall that any amenity and character, public open space and streetscape effects will be less than minor.

### **Landscape and Biophysical Effects:**

The site has already largely been modified as a result of the prior earthworks and there is little vegetation remaining on it. The earthworks proposed within Mitchell Stream are minimal and any vegetation removal resulting from those earthworks will be addressed by the Council's Parks Department, as landowners. The vegetation with the Mitchell Stream Reserve is not identified as being protected or of ecological value within the District Plan.

Overall, I am satisfied that there will be no adverse landscape and biophysical effects.

### **Earthworks, Civil and Geotechnical Effects:**

The earthworks have the potential to generate erosion and sediment laden stormwater runoff if not properly managed. This has the potential to enter waterways which given the nearby presence of Mitchell Stream, Porirua Stream and then Porirua Harbour needs to be particularly carefully managed in this particular instance. I note that the applicant has also applied to GWRC for the necessary consents to undertake this stage of development. Alterations to the landform through the earthworks also have potential geotechnical effects, which need to be carefully addressed given the presence of the Fault in the north-western part of the site.

The applicant has offered to adopt the same conditions in respect to earthworks as were imposed with the earlier earthworks consent. I consider that these are appropriate to manage any potential effects beyond the site.

In respect of landform, this has already been modified through the earthworks undertaken on the site already. The effects of the earthworks proposed near the Mitchell Stream escarpment on slope instability have been considered by Doug Mason, Council's Consultant Senior Engineering Geologist, whose advice is attached to this report. Mr Mason has also considered the risk of the site's location in close proximity to the Ohariu Fault. Mr Mason's conclusion is:

*The areas of uncertainty identified in the initial review of fault rupture and slope instability hazards at the Stage 2 site have been addressed through subsequent investigations and inspections/mapping of the ground exposed by earthworks carried out for the subdivision at the site. Hazard zones and restrictive covenants have been developed for the proposed subdivision, and the risks associated with geotechnical and earthquake related natural hazards for the proposed development are therefore considered to be acceptably low with the proposed mitigation measures addressed in the resource consent application.*

*We recommend that the following become conditions in the Resource Consent for the proposed Stage 2 development:*

- 1 Construction, alteration or modification of any residential dwelling are excluded for sites within the fault buffer zone.*
- 2 Where construction, alteration or modification of a structure or retaining wall is proposed for Restricted Covenant (slope instability) areas, a report or certificate, which has been prepared by a suitably qualified and experienced geotechnical professional, shall be provided to the Council which indicates that:
  - (a) The risk of the activity is no more than low; and*
  - (b) Associated works will not worsen or accelerate land instability on the site or surrounding area.**

*These conditions need to be incorporated into the Building Consent process for new dwellings within the Stage 2 subdivision.*

I adopt and accept Mr Mason's advice in respect to slope instability and the risk in respect to the fault rupture. Subject to minor refinements, I consider that these conditions will suitably address the potential risk from these hazards.

### **Potable water, stormwater, wastewater and flooding**

Wellington Water have undertaken a detailed assessment of the information provided with the application, which has included a considerable amount of work to ensure that the proposed stormwater system including the new detention pond will function effectively and not result in any additional flooding downstream. Overall, Mr Aitchison has confirmed that he is satisfied that the conditions of consent will ensure that there are less than minor adverse effects beyond the site.

Taking into account Mr Aitchison's advice, I consider that any adverse effects on the water, stormwater and wastewater systems are acceptable.

### **Traffic, Rooding and Parking Effects:**

Council's Traffic Engineer, Ron Minnema, has reviewed the application in respect to traffic, roading and parking effects. Overall, Mr Minnema has advised that the Council's Transport Team accepts the proposal for Stage 2, as proposed and refined through the consent process.

Mr Minnema has requested that a condition be imposed to require detailed construction drawings to be provided to the Council's Transport Team prior to construction commencing, addressing:

- where provision has been made on Road 21 for the collection of rubbish bins from Road 24
- the drainage through the parking bays and past the planted berms;
- confirming the sumps are cycle friendly
- that kerb crossings are to be installed
- that the kerb crossing comply with Section 15 of the Pedestrian Design and Planning Guide (NZTA)
- that the shared flush crossing takes into account the guidance outlined in 'RTS 14 – Guidelines for blind and vision impaired pedestrians'
- the type of lighting pole and luminaires
- the street lighting to be provided at the ends of Roads 23 and 25 to supplement the bollard lighting
- the lighting of intersections
- whether the lighting layout has taken into account the location of street trees so that the trees do not restrict light spill
- the adequacy of illumination of the shared space at the end of Road 20
- the proposed traffic calming measures, in particular at each end of the green corridor linking Roads 20 and 21.

Taking into account Mr Minnema's advice, I consider that any adverse effects on traffic, the roading network and parking are acceptable.

### **Construction Noise, Dust and Traffic Effects:**

The earthworks construction period has the potential to generate adverse noise, dust and traffic effects on the surrounding area. The applicant has recommended consent conditions to assist with the offsite management of any potential effects, including the provision of Construction, Construction Noise and Construction Traffic Management Plans as conditions of consent.

The applicant has also obtained the written approval of all parties who may be potentially adversely affected by noise, dust and traffic generation.

Overall, I consider that the volunteered conditions are sufficient so that any potential adverse effects arising from construction will be appropriately mitigated so that they are less than minor and no other persons will be adversely affected.

### **Cultural Effects:**

The applicant has provided a letter from Te Rūnanga o Toa Rangatira, the mandated authority representing Ngāti Toa Rangatira, providing written approval, subject to the inclusion of recommendations. The applicant has adopted these recommendations as part of the application. These recommendations are:

- That the applicant will involve Ngāti Toa in revegetation planning phase to mitigate the loss of vegetation; and
- That Ngāti Toa and the applicant develop a kaitiaki monitoring framework to assess the health of the streams using cultural indicator; and
- Implementation of the Ngāti Toa Accidental Discovery Protocol.

I note that the second matter relates to Mitchell Stream and is beyond the scope of a land use consent. The other two matters have been addressed through the conditions of consent. Accordingly, I consider that any cultural effects are acceptable.

### Positive effects

I concur with the applicant that the proposal will generate the following positive effects:

- The increased population will assist to sustain businesses and community facilities in the City; and
- It will result in a large level of investment as a result of the construction activities.

Mr Gawn also notes that the proposal would significantly strengthen the Council's rating base. I also consider the proposal will have the positive effect of making use of what has been a vacant site for some time.

Mr Burns outlines the following positives about the development:

- *Modern higher density housing types (terraced forms are energy efficient) make good use of land.*
- *Attractively and varied design of buildings with good choices of materials (note except fibre cement).*
- *Activates and utilises an otherwise under-used part of Porirua.*
- *Enhanced landscape / new planting with (future) upgraded Mitchell Stream environment.*
- *Comprehensively planned Stage 2 as part of a wholistic masterplan.*
- *Makes good use of elevated north-facing sloping land with views and good access to new and upgraded public spaces / play areas.*
- *A street network that provides distinctive types of streets (upper, lower) and link spaces (corridor)*
- *Good proximity to buses / State Highway network / Porirua CBD and links to Wellington CBD.*

I concur with Mr Burns that these are all relevant positive outcomes from the proposed development.

### 6.2 Section 104(1)(ab) – Offsetting or compensating measures proposed or accepted by the applicant

Given the overall conclusion that there will be no more than minor adverse effects beyond the site, there are no effects that require offsetting or compensation. The applicant has proposed conditions of consent to manage any adverse effects arising from the proposed development.

### 6.3 Section 104(1)(b) – Objectives and Policies of the District Plan

In considering this application I have had regard to relevant provisions of the following planning documents:

- Any National Environmental Standard
- Any National Policy Statement
- The New Zealand Coastal Policy Statement (NZCPS)
- The Regional Policy Statement (RPS)
- The Operative and Proposed Regional Plans
- The Porirua City District Plan

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. It is my opinion that, other than the National Policy Statement on Urban Development



discussed below, there are no National Environmental Standards or other National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The applicant has already obtained consent for the remediation of contaminated land on the site.

I also note that the existing Suburban and Industrial provisions have not been comprehensively reviewed since they were made operative in 1999 and have yet to give effect to the Wellington Regional Policy Statement, the National Policy Statement on Urban Development Capacity and relevant amendments to the RMA. As such, while the District Plan provides some guidance as to the effects and the outcome sought, the higher level national instruments also inform the acceptability of this proposal.

I consider that the following objectives and policies are of particular relevance to this application:

### INDUSTRIAL

**C2.1 Objective**            **To promote the sustainable management of Porirua City's industrial resource by encouraging a wide range of activities to establish provided adverse effects are avoided, remedied or mitigated.**

C2.1.2 Policy            To recognise the importance of the sustainable management of the few remaining large industrial allotments in the City.

C2.1.3 Policy            To allow a wide range of activities in the Industrial Zone provided any adverse environmental effects on the environment are avoided, remedied or mitigated.

I concur with the applicant's evaluation that the Industrial Zone does not prevent or restrict residential activities occurring within it and that the location of the site and its characteristics means that it being used for residential purposes will not compromise industrial activities within the City. The applicant has demonstrated that residential activity can occur on the Industrially zoned part of the site while avoiding, remedying or mitigating any adverse effects.

**C3.1 Objective**            **To encourage suburban activities to utilise land most suitable for that purpose.**

**C3.1.2 Policy**            To encourage the maximum utilisation of the existing infrastructure and resources by encouraging suburban activities in areas which are already serviced.

The proposal makes use of an existing vacant site which is zoned for residential development in a manner that is demonstrated to be within the capacity of existing infrastructure. As such, I consider that the proposal is not contrary to this objective and policy.

**C3.1 Objective**            **To encourage suburban activities to utilise land most suitable for that purpose**

C3.1.2 Policy            To encourage the maximum utilisation of existing infrastructure and resources by encouraging suburban activities in areas which are already serviced.

**C3.2 Objective**            **To encourage an environment which continues to sustain Porirua City's Suburban Zone as an attractive, healthy and safe place in which to live.**

**C3.2.3 Policy**            To provide and maintain reserves and open space for the purposes of improving the amenity values of the Suburban Zone.

**C3.2.5 Policy** To enable the creation of a range of residential development types and densities to reflect the diversity of needs and housing choices in the community.

**C3.2.6 Policy** To ensure that medium density residential developments are well designed and contribute to the character and identity of the area in which they are located.

Policy C3.2.3 sets the scene for the taking of financial contributions for the provision of public open space and is not internal focussed as such.

In respect of policy C3.2.6, while this site is not located within the Aotea medium density residential area, the assessment criteria provide a guide to a medium density development within the wider Suburban Zone. The site is also not located in the Medium Density Residential Policy Area to which this assessment criteria only applies.

The overall objective is that development in the Suburban Zone is attractive, safe and healthy.

Having considered the above objective and policies, I am the view that the proposal is consistent with them for the reasons that:

- The applicant has designed the proposal so that it meets all relevant external “permitted activity standards”. This means that the proposal has a form and scale at its interface comparable to what would otherwise be anticipated within the Suburban Zone;
- The character and identity of the area have been considered through the design process and the form, scale and nature of the proposed development is consistent with existing, consented and proposed development within the Kenepuru area;
- The applicant proposes to vest a new recreation reserve in the Council which will provide amenity within the site;
- The development caters for a mixture of “standard” and medium density residential units of varying sizes and number of bedrooms, meaning it provides housing choice;
- Any adverse effects are internalised within the development itself and do not impact on the wider Suburban and Industrial Zones;
- The requirement for any additional open space will be considered through the Council’s development contributions policy, outside of this resource consent process.

**C6.1 Objective** To promote a pattern of land ownership which enhances the opportunities for the sustainable management of resources.

**C6.1.2 Policy** To ensure that all new allotments in the Industrial Zone are capable of accommodating a building which does not contravene the permitted activity standards.

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

**C6.1.4 Policy** To ensure continuity of transport, road links, open space, walkways, cycle routes, sewer lines, watermains and other infrastructure services through proposed new areas of development and subdivisions.

**C6.1.7 Policy** To ensure that opportunity is provided in the Suburban Zone for a wide range of residential allotment sizes without compromising the future development potential of the land.

The proposal has been approached comprehensively and holistically, to the satisfaction of Council’s Parks and Transport teams and Wellington Water. While there are internal infringements in respect of the proposed new dwellings, these have been carefully considered, and Mr Burns is satisfied that

there will be appropriate amenity afforded to future residents. The development has been laid out to provide good connectivity into and through the site.

**C7.1 Objective**                    **To achieve a safe and efficient transportation network that enables the people of the city and the wider community to provide for their social and economic well-being without creating significant adverse environmental effects.**

**C7.1.2 Policy**                    To ensure that the adverse effects of land use and development on the efficiency and safety of the transportation network are taken into account, and any intersection or frontage conflicts are avoided or minimised or remedied as appropriate.

**C7.1.6 Policy**                    To encourage major new developments and activities in a manner that makes best use of the City's existing and proposed transportation network.

**C7.1.9 Policy**                    To ensure that all activities provide adequate on-site visitor parking.

These provisions seek that the transport network is operated in a safe and efficient manner including that it is utilised to its maximum potential. In this case Mr Minnema is satisfied that the applicant has demonstrated that there is sufficient capacity in the existing roading network to accommodate the additional traffic movements generated by this proposal. He is also satisfied that there is more than sufficient parking provided on site so that there will be no spillover parking effects beyond the site. Further, the applicant has demonstrated that there are appropriate public transport links, close access to the CBD and pedestrian facilities.

**C12.1 Objective**                    **To minimise the risk from earthquakes to the wellbeing and safety of the community.**

**C12.1.1 Policy**                    To minimise the effect of earthquake ground shaking and amplified effects on soft ground through controls on the location and materials of pipelines and services.

**C12.1.2 Policy**                    To minimise the effects of ground damage from Ohariu fault movement in rock or very stiff soil types.

**C12.1.3 Policy**                    To minimise the effects of ground damage from Ohariu fault movement in intermediate and flexible, or deep soil.

**C12.1.4 Policy**                    To minimise the effects of ground damage from earthquake induced liquefaction of soils.

**C12.1.4 Policy**                    To minimise the effects of ground damage created by slope failures, earthquake induced slope instability and landslides.

**C12.2 Objective**                    **To avoid or mitigate the adverse effects associated with flood hazard on the well-being and safety of the community.**

**C12.2.1 Policy**                    To ensure the flood hazard is considered in the subdivision, use, development and protection of the land.

The engagement that has occurred between the applicant and the Council's geotechnical engineer and Wellington Water and the agreed conditions of consent will ensure that any potential earthquake related, ground stability and flooding hazards are appropriately avoided or mitigated through this development. Therefore, I consider the proposal is consistent with these objectives and policies.

**C10.1 Objective**            **To protect and enhance the spiritual, cultural, ecological and amenity values of the coast.**

**C10.1.5 Policy**            To manage the effects of activities likely to result in increased levels of contaminants and silt run-off so as to avoid and/or mitigate these effects on the coastal environment and coastal marine area.

These provisions seek to protect and enhance the coastal environment that surrounds Porirua City including by managing the effects of earthworks. As has been assessed previously, the effects of the proposed earthworks will be appropriately managed. I am therefore satisfied that the values of the coast will be protected by the proposed earthworks measures and recommended conditions. Therefore, I consider the proposal is consistent with this objective and policy.

#### Section 104(1)(b) Conclusion

I consider that the proposal is consistent with the objectives and policies of the District Plan.

### **5.4 Greater Wellington Regional Policy Statement (RPS)**

I consider it is relevant to consider the RPS as the Porirua City District Plan is yet to be reviewed to give effect to the RPS. The various policies within the RPS I consider to be relevant and should be had regard to in assessing this resource consent:

#### *Policy 40: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration*

The explanation for the policy states district and city councils could implement this policy by requiring setback distances between buildings and rivers, wetlands and the coastal marine area to protect riparian areas, limiting the amount of impervious surfaces allowed in new developments in some catchments, requiring rooftop rainwater collection for gardens, requiring roadside swales, filter strips and 'rain gardens' for stormwater runoff instead of kerb and channelling, encouraging advanced community sewerage schemes rather than septic tanks in areas where groundwater is vulnerable, and encouraging the treatment of stormwater at source in car parks and industrial yards.

I consider the proposed site methodology will act to both maintain and enhance aquatic ecosystem health, by appropriately managing stormwater within the site.

#### *Policy 41 – Minimising the effects of earthworks and vegetation disturbance*

This policy seeks to minimise the effects of silt and sediment runoff onto land that may run off into water to sustain healthy aquatic ecosystems. The effects of the proposed earthworks has been previously assessed to be no more than minor. As mentioned previously in the assessment of the effects of earthworks, the Greater Wellington Regional Council is considering this proposal also and no works will be able to be undertaken without their approval of resource consent.

#### *Policy 42 – Minimising contamination in stormwater from development*

This policy lists a range of measures that can be undertaken to assist in the reduction of adverse stormwater effects. I consider that this proposal is consistent with this policy as there are measures incorporated within this recommendation which will assist with the management of stormwater effects.

#### *Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values*

As outlined earlier, the proposal will appropriately manage ecological effects.

#### *Policy 49: Recognising and providing for matters of significance to tangata whenua*

Te Rūnanga o Toa Rangatira are satisfied with the proposed works. Any potential effects on unknown taonga and koiwi can be addressed through the Accidental Discovery condition.

#### *Policy 51: Minimising the risks and consequences of natural hazards*

As outlined earlier, any potential natural hazard risks will be appropriately avoided or mitigated.

*Policy 54: Achieving the region's urban design principles*

*The region's urban design principles seek to ensure developments, including infrastructure, consider the following design elements:*

- Context
- Character
- Choice
- Connections
- Creativity
- Custodianship
- Collaboration

I have addressed the urban design elements of this proposal earlier in this report.

*Policy 55: Maintaining a compact, well designed and sustainable regional form*

The proposed development is consistent with this policy given it involves the redevelopment of a brownfield site within the existing Porirua City urban area.

*Policy 57 – Integrating landuse and transportation*

This policy seeks to achieve a comprehensive set of transportation outcomes within the Wellington Regional Land Transport Strategy. In terms of this proposal the relevant outcome is whether traffic generated by the development can be accommodated within the existing transport network and impacts on its safe and efficient operation. As has been assessed previously the effects of the additional traffic movements on the safe and efficient operation of existing and proposed roading network associated with the development have been assessed to be of an acceptable level. Therefore, I consider that this proposal meets this provision.

*Policy 58 – Co-ordinating landuse with development and operation of infrastructure*

This policy seeks to make efficient and safe use of existing infrastructure and is co-ordinated with new infrastructure. It has been assessed previously that the existing infrastructure network can accommodate the additional demand associated with development. Therefore, I am satisfied that the proposal is consistent with this provision.

#### **5.4 National Policy Statement on Urban Development Capacity (NPSUDC)**

The NPSUDC requires councils to provide for future growth within their boundaries (and in some cases, cross boundaries with other councils). This application provides for additional residential development within Porirua City. I therefore consider that the proposal is consistent with the NPSUDC.

#### **5.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).**

The remediation of the contaminated soils on the site was dealt with through the previous application. Therefore, no further consideration of the NES is required.

#### **5.6 Section 104(1)(c)**

I consider that there are no other relevant matters relating to this application. I note that Ngāti Toa Rangatira have not formally lodged an iwi management plan with the Council.

#### **5.2 Section 106 Matters**

The applicant has advised that:

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

The applicant has confirmed that the Ohariu Fault zone does not extend into any of the building areas proposed by this subdivision. Coffey, the applicant's engineers, have investigated the overall Kenepuru site including Lot 8 and have not identified any concerns in relation to this application site in respect of s106(1)(a) and (1)(b). Given the land is elevated above surrounding land, I concur with the applicant that there is no likelihood of inundation. Following a revision of the plans, the applicant has confirmed that none of the lots would be landlocked and therefore s106(1)(c) is met.

## 5.8 Part 2 Evaluation

I consider that the proposal is consistent with the purpose and principles of the Act contained in Part 2 because:

- it will provide new housing within Porirua City, contributing to social and economic wellbeing;
- the development has been comprehensively developed and will provide an attractive environment;
- the application has been carefully considered in respect to the risks from natural hazards, which are considered acceptable;
- Wellington Water has confirmed that there will be less than minor adverse effects in respect to potential flooding.

## 6.0 CONCLUSION

My earlier analysis has established:

- There will be no adverse environmental effects beyond the subject land and adjacent land that are more than minor.
- The proposal is not contrary to and is generally consistent with the relevant objectives and policies of the Porirua City District Plan and will provide appropriate onsite amenity.
- The proposal is consistent with the Greater Wellington Regional Policy Statement.
- The proposal will assist the Council to achieve its requirements under the National Policy Statement for Urban Development Capacity.
- The proposed application is consistent with the overall purpose of the RMA.

On the above grounds, I therefore recommend that the Senior Resource Consents Planner grant consent to the resource consent application.



Gina Sweetman  
**CONSULTANT PLANNER**

Date 5 June 2020

### Decision of Council

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



Olivia Campbell  
**SENIOR RESOURCE CONSENTS PLANNER**

Date 5 June 2020