

PLANNING REPORT

PROPOSAL TO:

- **UNDERTAKE APPROXIMATELY 370,000M³ OF EARTHWORKS ON THE KENEPURU DEVELOPMENT LAND BEYOND THAT CONSENTED THROUGH STAGE 1 EARTHWORKS RC7256**
- **SUBDIVIDE THAT AREA OF THE KENEPURU DEVELOPMENT LAND KNOWN AS STAGE 1 INTO 145 LOTS, AND CARRY OUT ASSOCIATED LAND DEVELOPMENT AND INFRASTRUCTURE WORKS**
- **CONSTRUCT AND USE RESIDENTIAL DWELLINGS WITHIN THE AREA KNOWN AS STAGE 1 AND**
- **PROVIDE FOR A NON-RESIDENTIAL BUILDING AND ACTIVITY ON PROPOSED LOT 1000**

REFERRED TO AS THE KENEPURU DEVELOPMENT (BEING LOTS 3, 5 and 8 DP 428849) AND

- **UNDERTAKE EARTHWORKS ON PART OF BISHOP VIARD COLLEGE, WITHIN THE MITCHELL STREAM RESERVE AND ON THE ENVIRONMENTAL SCIENCE AND RESEARCH LAND (BEING PT LOT 1 DP 54751, LOT 18 DP 428849 AND PT SECTION 1 SO 36948)**

RESOURCE CONSENT RC7400 – SL0047/17

Applicant	Kenepuru Limited Partnership
Application Received	25 September 2017
Reporting Planner	Gina Sweetman
Site Inspection	25 October 2017

1.0 DESCRIPTION OF PROPOSAL

1.1 Summary of Proposal:

The applicant seeks resource consent for:

- land use consent to undertake approximately 370,000m³ of earthworks as Stage 2 of a three stage earthworks programme on the Kenepuru Landing site.
- Land use consent to stockpile approximately 10,000m² of topsoil and unsuitable material in the north-eastern part of the site, with each stockpile having a final height between 4 to 5m.
- Subdivision consent for 145 proposed new lots for development (Lots 1 – 144 for residential purposes and Lot 1000 for non-residential purposes, one reserve to vest (Lot 1001), 15 lots (2000-2014) to vest as road, a balance lot (Lot 1503), and another lot that will be further subdivided as part of a later stage.
 - Subdivision consent to extinguish some existing easements and covenants
 - Land use consent for the construction and use of residential dwellings on proposed lots 1 – 144
 - Land use consent for the construction and use of a non-residential activity on proposed Lot 1000 which infringes the front yard setback

Stage 1 earthworks was approved through a previous resource consent application (RC7256), which also included remediation over the entire site and included obtaining necessary consents under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

This application is the first stage of the development of the “Kenepuru Landing” site, beyond the previous consent RC7256. The proposal forms the first stage of the master plan for the entire site, which forms the non-statutory basis for the site redevelopment. I note the scheme plan shows proposed Lots 1501, 1502 and 1503. These do not form part of this subdivision application and will be created through a subsequent subdivision application.

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

Supporting information and technical reports:

- The assessment of effects on the environment, earthworks, subdivision and land use, Kenepuru Site, Porirua, dated June 2017, prepared by Urban Perspectives Limited
- The addendum to the assessment of effects on the environment, dated 7 August 2017, prepared by Urban Perspectives Limited
- The response to the Council s92 request for information, dated 25 October 2017, prepared by Calibre Consulting Ltd
- The following emails:
 - The email from Peter Coop to Gina Sweetman titled “KLP and Lot 1000” dated 8 November 2017
 - The email from Brett Gawn to Gina Sweetman titled “Covenant Area” dated 13 December 2017
 - The email from Peter Coop to Gina Sweetman titled “Bus stops and stacked parking” dated 15 December 2017
- Kenepuru Landing Project Stage 2 Earthworks and Stage 1 Housing Earthworks, Subdivision and Infrastructure Report, dated June 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Construction Management Plan – Stage 1 Civil Works and House Construction, dated 25 July 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Earthworks Noise and Vibration Assessment, Rp 001 2016893, dated 15 December 2016, prepared by Marshall Day Acoustics and the letter from Marshall Day Acoustics dated 27 July 2017;
- Kenepuru Subdivision – Geotechnical Assessment, Resource Consent for Earthworks, dated 19 June 2017, prepared by Coffey Ltd
- Traffic Modelling – Proposed Intersection and Existing Network (including appendices), dated June 2017, prepared for Kenepuru Landing by Calibre Consulting Ltd, including:
 - the Kenepuru Landing Additional Traffic Modelling Advice, prepared by Jacobs dated 24 August 2017
- Ecological Assessment titled “Ecological Aspects of Proposed Stage II Earthworks and the Stage 1 Development Plan for Kenepuru Landing”, dated

June 2017, prepared by Astrid Van Meeuwen-Dijkgraaf of Wildland Consultants

- The following prepared by Isthmus:
 - Kenepuru Landing Stage One Development Urban Design + Landscape + Visual Assessment Report dated June 2017 and supporting documentation,
 - Kenepuru Landing – Addendum Development Urban Design + Landscape + Visual Assessment Report dated 31 July 2017,
 - The response to the Council s92 request for information, dated 25 October 2017
 - Housing Compliance Table, Job No 3691, Version 180125 and associated Kenepuru Landing Housing Sheet

Plans:

- The following plans prepared by Calibre Consulting (title, project no., sheet No., revision, date):
 - Overall Subdivision Scheme Plan, 709306.005, V211, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements to be Extinguished, 709306.005, V211.1, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements and Covenants to be Retained, 709306.005, V211.2, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing proposed new and Retained Easements and Covenants, 709306.005, V211.3, Rev A, 8 January 2018
 - Lots 1 – 144 Being a Subdivision of Lot 5 DP 428849, 709306.005, V212, Rev A, 9 January 2018
 - Existing site plan with aerial photo, 709306.005, C101, Rev B, 19 June 2017
 - Earthworks [sic] Plan Proposed Finished Levels, 709306.005, C200, Rev B, 19 June 2017
 - Roading Plan Overall, 709306.005, C300, Rev D, 11 January 2018
 - Roading Plan Sheet 1 of 2, C301, Rev C, 11 January 2018
 - Roading Plan Sheet 2 of 2, C302, Rev D, 11 January 2018
 - Road Long Sections Sheet 1, C310, Rev C, 2 June 2017
 - Road Long Sections Sheet 2, C311, Rev C, 2 June 2017
 - Road Long Sections Sheet 3 – 9, C312 – C318, Rev B, 9 May 2017
 - Road Long Sections Sheet 10, C319, Rev A, 9 May 2017
 - Typical Road Cross Sections Sheet 1, C320, Rev B, 19 June 2017
 - Typical Road Cross Sections Sheet 2 to 5 , C321 - C324, Rev B, 2 June 2017
 - Stage 2 Earthworks Proposed Contours, 709306.003, C02, Rev A, October 2017
 - Earthworks Cut and Fill Depths, 709306.003, C03, Rev B, 18 October 2017
 - Earthworks Sections, 709306.003, C05, Rev A, October 2017
 - Earthworks Sections AA'-DD', 709306.003, C06, 20 June 2017
 - Earthworks Sections EE'-HH', 709306.003, C06, 20 June 2017
 - Stage 2 Erosion and Sediment Control Plan, 709306.003, C10, December 2017

- Proposed Earthworks within Mitchell Stream Reserve, 709306.005, C20, 16 July 2017
- Mitchell Stream Cross Sections, 709306.005, C21 – C25, 16 June 2017
- Intersection Concept Bluff Road, 709306, C08 Rev A, 14 June 2017
- Overall drainage plan, 709306.005, C400, Rev E, 31 July 2017
- Stormwater Plan Sheet 1, 709306.005, C401 Rev C, 31 July 2017
- Stormwater Plan Sheet 2, 709306.005 C402, Rev C, 30 July 2017
- Stormwater Plan, 709306.005, C402 Rev C, 31 July 2017
- Wastewater Plan Sheet 1, 709306.005, C403, Rev C, 27 July 2017
- Wastewater Plan Sheet 2, 709306.005, C404, Rev C, 27 July 2017
- Stormwater Long Sections Sheets 1-5, 709306.005, C405 – C409, Rev A, 3 August 2017
- Stormwater [sic] Long Sections Sheet 6, 709306.005, C410, Rev A, 3 August 2017
- Wastewater Long Sections Sheet 1, 709306.005, C415, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 2, 709306.005, C416, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 4, 709306.005, C418, Rev A, 27 July 2017
- Stormwater Catchment Zone Plan Stage 1, 709306.005, C425, Rev A, 19 June 2017
- Water Supply Plan, 709306.005, C500, Rev D, 19 June 2017
- The following plans prepared by Isthmus (title, job no., drawing No., revision, date):
 - Lots and Types, 3691, 0.060, Rev 2, 23 January 2018
 - Detail Page 08, 3691, 0.027, Rev 1, 11 January 2018
 - Resource Consent Layout – Key Plan, 0.010, Rev 2, 23 January 2018
 - Resource Consent Detail Plan 01 - 08, 3691, 0.020 – 0.027, Rev 2, 23 January 2018
 - Trees / planting to be retained, 3691, 1.010, Rev 1, 25 October 2017
- The plan titled “Non-residential development on Lot 1000” dated 26.1.2018

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

- Bishop Viard School
- The Environmental Science Research unit; located to the south-east of the site
- The Acute Brain Injury Unit (occupant on the site)
- Capital and Coast District Health Board for Kenepuru Hospital, located to the north, south and east of the site, including the Marae
- Powerco (for the easements).

The Porirua City Council Parks Department has also explicitly given written approval for the works to be undertaken within the Mitchell Stream Reserve and adjacent to the Porirua Cemetery. I note that the Council is not the landowner of the Porirua

Cemetery. The Cemetery is owned by the Department of Conservation; however, it is vested in the Council for management under section 5 of the Burial and Cremations Act 1963, which is outlined in the Cemetery Management Plan.

The proposed right-hand turn bay in Kenepuru Drive to Bluff Road is located within Designation K0409 – Transmission Gully, New Zealand Transport Agency (NZTA). The NZTA has given their written authority under s176 of the RMA for this to occur.

The previous application included a letter from Te Rūnanga o Toa Rangatira Inc. confirming that Te Rūnanga is not aware of any archaeological resources within the Stage 1 earthworks area. The current application is accompanied by a letter from Kevin Alkema, the project manager for Kenepuru Landing, identifying that Te Rūnanga is one of the partners of the Kenepuru Limited Partnership and that they will be taking an active interest in the proposal, including regular monitoring.

The legal descriptions and owners of the land covered by the application is set out below:

Legal description	Title	Owner	Comments
Lot 3 DP 428849	CFR 761435	Kenepuru LP	Bluff Road houses
Lot 5 DP 428849	CFR 760716	Kenepuru LP	Main underlying lot
Lot 8 DP 428849	CFR 715826	Kenepuru LP	Earthworks only for this application
Lot 18 DP 428849	CFR 516005	Porirua City Council	Local purpose reserve including Mitchell Stream
Pt Lot 1 DP 54751	CRF WN26A/57	Roman Catholic Archbishop of Archdiocese of Wellington	Part of Bishop Viard College land being acquired by Kenepuru LP
Pt Section 1 SO 36948	CFR WN42B/669	Institute of Environmental and Science Research Ltd	Part of ESR land being transferred to PCC for roading purposes

The overall indicative construction programme is set out below:

Stage	Indicative Timing
Stage 1 earthworks	September 2017 – February 2018
Mitchell Stream - earthworks	November 2017 – February 2018
Lot 8 Industrial area earthworks	October 2017 – February 2018

Lot 8 to Stage 2 cut to fill	February 2018 – May 2018, October 2018 – May 2019
Stage 3 – Phase 1 earthworks	February 2018 – May 2019
Stage 3 – balance earthworks	January 2019 – December 2019
Stage 1 – drainage works	November 2017 – March 2018
Stage 1 – roading	January 2018 – October 2018
Stage 1 – water and services	March 2018 – December 2018
Stage 1A – house construction	July 2018 – January 2019
Stage 1B – house construction	October 2018 – April 2019

It is noted that some of the indicative dates provided in the application have passed at the time of writing of this report and are treated as a guide only.

1.2 Proposed Earthworks:

The applicant is taking a three-stage approach to earthworks on the entire site. This application is limited to the second stage of earthworks to be undertaken over three earthworks seasons.

The proposed earthworks are described as follows:

- An area of approximately 26.4 hectares (10.3 hectares was consented through stage 1, meaning a total area of 36.7 hectares.
- Approximately 370,000m³ cut to fill on the site (meaning a total of 480,000m³ over the entire site including stage 1)
- A maximum fill depth of 9 metres in Lot 8
- A maximum cut depth of 13 metres in Lot 8

In addition, the applicant also proposes to:

- remove approximately 10,000m³ of unsuitable material from the site, comprising organic or construction waste, and
- stockpile approximately 10,000m² of topsoil and unsuitable material in the north-eastern part of the site, with each stockpile having a final height between 4 to 5m.

The applicant advises that the plans submitted with the application show the proposed finished ground levels for the entire site, except for the eastern area of the site adjacent to Kenepuru Drive where there may be minor modifications to ground levels to suit the housing design when developed. The applicant advises that the earthworks are required to reshape the existing landform to allow the proposed

roads and drainage systems to be graded to comply with the PCC Land Development Code of Practice. Earthworks are also necessary for the creation of building platforms that provide for the form of development proposed. The topsoil stockpile will be for the temporary stockpiling of topsoil to be reused on site. The unsuitable material stockpile will be removed from the site in due course.

The staging of the earthworks is set out in section 4.3 of the Calibre Consulting Report dated June 2017 and titled "Kenepuru Landing Project. Stage 2 Earthworks and Stage 1 Housing Earthworks, Subdivision and Infrastructure Report for Resource Consent Applications". A summary table of the works proposed is set out below:

2017 – 2018 season	
Stage 1 earthworks to allow Stage 1 houses	Already consented
Mitchell Stream edge earthworks	Includes PCC owned land Streamside footpath/cycleway, stormwater attenuation area, rehabilitation of streamside planting Approximately 0.5ha, 3,000m ³ , max depth 2.5m, min fill slopes 1:3. No works closer than 5m to stream banks.
Lot 8 Industrial Area filling	Taking cut from high ground to create flat platform for new industrial site at corner of Hospital Drive and Raiha Street. Involves establishment of stormwater attenuation adjacent Hospital Drive.
Commencement of cut from Lot 8 to fill on Lot 5 west of Hall Road	
2018 - 2019 season	
Retirement village area	Cut to fill earthworks to create upper platform of village and recreation areas.
Completion of earthworks Lot 8	Excavating balance of the Lot 8 cut and placing the fill at west end of Lot 5
2019 – 2020	
Complete earthworks in the west of Lot 5	Involves cutting and filling within the Lot
Complete cut-fill between Lower Main Drive and Upper Main Drive and on the Bishop Viard College land	

Some of the earthworks are proposed on land that is not owned by Kenepuru Partnership Limited. Specifically, the following earthworks are proposed:

- Earthworks within the Mitchell Stream Reserve involving an area of approximately 0.5ha and a fill volume of approximately 3,000m³. Maximum fill depths would be approximately 2.5 metres, and maximum fill slopes of 1:3. No disturbance is proposed within 5 metres of the stream bank. The

earthworks are proposed to allow construction of a stream side footpath/cycleway and stormwater attenuation area, and the rehabilitation of the streamside planting.

- Earthworks to provide for a new access to the Bishop Viard School (note separate subdivision consent)
- Earthworks to provide for a new road to the south-east corner with Kenepuru Drive on part of the site owned by Environmental Science and Research (ESR)

In terms of the second bullet point above, the applicant proposes to create a new access to the Bishop Viard College from Lower Main Drive and a new public pedestrian link across the College land to link up with the existing Council cycle/walking track on the northern side of the College land. This will involve the applicant acquiring some of the College land in the southwest corner of the school. This is subject to a separate subdivision application. This application deals with the associated earthworks only.

The applicant has the written approval of all the property owners to undertake works on their land.

The applicant proposes to resurface exposed areas at the completion of the earthworks with either polymer product, mulched vegetation, topsoil and hydroseeding or base metal in the future roading areas. The applicant advises that earthworks will only be carried out in limited areas, on a catchment basis, at any one time to minimise the area of exposed soils susceptible to erosion.

Erosion and sediment controls for the two stockpiles include silt fences located downstream from the stockpiles, and the stockpiles being progressively stabilised with hydroseeding. The stockpiles will be kept moist to prevent dust generation. The access road to the stockpiles will be stabilised with a base course material.

The noise report submitted with the application proposes that the earthworks be undertaken between 0730 to 1830 Monday to Friday and 0730 to 1800 on Saturday. No works are proposed on Sundays or public holidays. The applicant seeks that quiet set up or set down is provided for outside of the earthwork hours.

The earthworks are further described in the earthworks report submitted with the application. As part of the application, the applicant has recommended the imposition of Council's standard earthworks conditions to ensure any potential adverse effects arising from the earthworks are avoided, remedied or mitigated.

The applicant has applied for a resource consent for the earthworks and associated discharges from the Greater Wellington Regional Council (GWRC) (reference WGN 180127).

1.3 Subdivision:

The applicant proposes to undertake a subdivision of proposed Stage 1, which comprises:

- 144 proposed new lots for development (Lots 1 – 144) ranging from 143m² (Lot 80) to 359m² (Lot 43) for residential purposes,
- One lot (Lot 1000) being 489m² in area for a non-residential activity;
- one reserve to vest (Lot 1001),
- 15 lots (Lots 2000-2014) to vest in Council as road,
- a balance lot (Lot 1503) which will be the subject of further stages of the Kenepuru Landing development, and
- another lot (Lot 1504) that will be further subdivided for residential development as part of a later stage. This application does not include the further subdivision or development of that lot.

As part of the subdivision, the applicant also proposes to realign Bluff Road and its intersection with Kenepuru Drive. To do so, the applicant has negotiated the transfer of a triangle of the ESR land to the applicant, which will then vest with the Council as road.

The Stage 2 Earthworks and Stage 1 Housing Report prepared by Calibre Consulting states that the applicant will be developing Stage 1 in more than one sub-stage. The application states that it is likely that there will be two stages 1A and 1B; however, they seek approval to create the new titles in three or four stages, if they choose, provided that any balance land is capable of being serviced and has adequate legal frontage. Stages 1A and 1B are set out below:

- 1A of approximately 88 lots would include new legal road 1 from Bluff Road intersection, and would likely include Lots 1 – 87, Lot 1000, all of Roads 1, 4 and 5, part of Roads 2, 3 and 8, and Lanes A, B, C, D and H
- 1B would be the balance 56 lots and their associated roads and lanes, and would provide the second legal frontage to exiting legal Hall Road.

Lots 1500 – 1502 shown on the scheme plan do not form part of this application . The applicant advises that they are intended to be created via a separation application for subdivision resource consent prior to the completion of the deposit of the first stage of this application and are related to the establishment of a retirement village in that area. Similarly, the retirement village does not form part of this application.

The applicant also proposes to extinguish some existing easements and covenants, retain some existing easements and covenants, and create some new easements. These are all set out in the table below.

The applicant has obtained the approval of Powerco for the changes shown below, given they also involve works to realign some of the gas line. In respect of the other easements, these are being extinguished as they will be located within new legal road. Easement D in respect of Novagas directly replaces S6 being extinguished, and

as such their written approval has not been sought. The applicant will need to obtain the approval of the easement holders a part of the subdivision process and have offered a condition of consent in this regard.

EXISTING EASEMENTS TO BE EXTINGUISHED Pursuant to Sec 243 RMA 1991				
Purpose	Shown on DP 428849	Servient Tenement	Dominant Tenement	Name of Dominance Tenement
Right of way, right to drain sewage, right to drain water, right to convey water, right to convey electricity, gas, telecommunications and computer media	H, H2 and H3	Lot 5 DP 428849	Lots 1, 2, 15 and 8 DP 428849	Capital Coast District Health Board (CCDHB) and KLP
Right to drain sewage	I	Lot 5 DP 428849	Lots 1 and 2 DP 428849	CCDHB
Right to drain water	Z1 and J2	Lot 5 DP 428849	Lot 1 DP 428849	CCDHB
Right of way	O, Q	Lot 3 DP 428849	Section 224 (SO 15730) and Section 396 Porirua District	ESR and PCC
Right to drain sewage	R	Lot 5 DP 428849	Lot 8 DP 428849	KLP
Right of Support	P	Lot 5 DP 428849	Section 1 SO 36948	ESR
Right to convey water, right to drain sewage	C	Lot 12 DP 428849	Lot 5 DP 428849	KLP
Right to drain sewage	F	Lot 5 DP 428849	Lot 12 DP 428849	KLP
Right to convey water	G	Lot 12 DP 428849	Lot 5 DP 428849	KLP
Right to drain sewage		Lot 12 DP 428849	Lot 5 DP 428849	KLP

EXISTING EASEMENTS IN GROSS TO BE EXTINGUISHED				
Purpose	Shown on DP 428849	Servient Tenement	Grantee	
Right to convey gas	H, J, J1 and J2	Lot 5 DP 428849	Powerco Limited	
Right to convey gas	S6	Lot 5 DP 428849	Nova Energy	
Right to convey gas	H3	Lot 5 DP 428849	Powerco Ltd, Nova Energy	
EXISTING RESTRICTIVE COVENANTS TO BE EXTINGUISHED				
Purpose	Shown	Servient Tenement	Description	
Hazard	CVE	Lot 5 DP 428849	Above ground diesel tank	
Hazard	CVF, CVG, CVI, CVJ, CVK, CVQ, CVAZ	Lot 5 DP 428849	Diesel tank sites	
NEW EASEMENTS				
Purpose	Shown	Servient Tenement	Dominant Tenement	Owner
Right of way, right to drain sewage, right to drain water, right to convey water, right to convey electricity, gas, telecommunications and computer media	A, B	Lot 1503	Lots 1, 12 DP 428849	CCDHB and KLP
NEW EASEMENTS IN GROSS				
Purpose	Shown	Servient Tenement	Grantee	
Right to drain water and sewage	C	Lot 1503	Porirua City Council	

Right to convey gas	B	Lot 1503	Powerco Ltd
Right to convey gas	D	Lot 1503	Nova Energy

1.4 Land use – residential development:

The applicant proposes a comprehensive medium density residential development on the Stage 1 development area, involving a mix of standalone dwellings, duplex houses and terraced housing. However, there would not be more than one dwelling per lot. The housing typologies proposed are:

- A mix of single and two storeys with no dwellings exceeding 8 metres in height
- A mixture of two and three-bedroom dwellings (three two-bedroom dwellings and 141 three-bedroom dwellings)
- Each would have open living and dining connecting to private outdoor space, with the primary living on the north, east or west, and
- A mixture of front or rear loaded, one to two stacked car garages and one on site car park

Due to the density of development and the typologies proposed, there are many lots on which dwellings infringe the Suburban Zone Permitted Activity Standards. These are set out in the table provided by the applicant, referenced as 'Housing Compliance Table, Job No 3691, Version 180125 and associated Kenepuru Landing Housing Sheet', which forms part of the application.

1.5 Land use – non-residential activity:

The applicant also proposes to locate a temporary sales office on proposed Lot 1000. The applicant originally proposed to obtain consent for a future mixed use commercial and residential development; however, as the applicant could not confirm the exact nature and scope of the activity, they chose to defer this to a future stage. The temporary sales office would be in the form of a prefab, and able to be relocated off the site. There is sufficient on-site parking available and the sales office would generate less than 30 vehicle movements per day. The proposed sales office would infringe the front yard setback on the Road 1 boundary.

1.6 Servicing

The Stage 2 Earthworks and Stage 1 Housing Report prepared by Calibre Consulting sets out how the site will be serviced. In summary:

- Roads to vest include approximately 1.85km of new road and 630m of laneway
- Approximately 87 on-street carparks would be available to 144 dwellings and their visitors, as well as proposed Lot 1000. There are six 90-degree angle

parking spaces proposed directly outside Lot 1000 which would provide parking for the non-residential activity on this lot.

- The proposed stormwater system includes a combination of a piped system and raingardens. Each lot is provided with a connection to the piped system and the expansion of the piped system has been suitably design and hence meets the Regional Standard for Water Services. The piped system is divided into three parts. The first is the area south of Road 2 but north of Mitchell Stream. This section discharges into Mitchell Stream via a number of attenuation ponds. The second section is the area south of Mitchell Stream. This section has a small volume of stormwater (from the road only) which discharges into the existing system in Kenepuru Drive. The last section is North of Road 2 and discharges into the covenant area in the east.
- Wastewater will be via a normal gravity system, constructed in accordance with the PCC Land Development Code of Practice¹. The proposed development would connect to the existing sewer network in two places –to a new sewer manhole at the Bluff Road entrance and the existing sewer main within Lower Main Drive which connects to Kenepuru Drive. A new gravity main would be constructed up new Road 1 from Bluff Road, along new Road 3 to the Hall/Road 2 intersection. Another sewer main would be constructed connecting the existing inflows from the Psychiatric Hospital via Future Road 10, along Lanes G&H, across new Roads 8 7 9. To connect into the existing private sewer main in Lower Main Drive. The applicant notes that the design of the new network would allow for subsequent stages to continue with the gravity network or alternative systems if that is what is agreed for those stages in future. The applicant has also recommended a condition that allows for alternative designs, as agreed between the applicant and the Council.
- There is an existing water supply network running through the site from Kenepuru Drive along Lower Main Drive, Hall Road, and Hospital Drive to Raiha Street. The applicant proposes to construct a new watermain from the Bluff Road intersection with Kenepuru Drive, along new Road 1, a new loop around new Roads 2 and 3 and connect to the existing public connection at Hall Road. That connection would also serve new Lots 1500 and 1501. Internal reticulation will be constructed along the local streets to serve the individual houses. They offer detailed design as a condition of consent.
- The electricity substation covered by easement M2 on DP 428849, which also serves other parts of the surrounding neighbourhood, would be relocated adjacent to the eastern boundary of the site.
- The new development would be reticulated with electricity from a new connection to Kenepuru Drive at the Road 1 intersection. All existing internal reticulation would be abandoned, and new electricity cables provided in the new roads.
- The existing easements for the telecommunications cables that traverse the site, including the fibre-optic cable linking the CCDHB sites, would be

¹ Email from Brett Gawn dated 13.12.2017

extinguished as new roads constructed and vested, and new easements created.

- In respect to gas, the Powerco gas lines are to be upgraded and realigned to be in new legal road when it is vested back, or back in the balance of the previous easement. The existing gas pumping station will be relocated on site. There are no changes proposed to the existing Novagas line.

The following table sets out the typologies of the roads to vest. It also includes information on compliance with Part H of the District Plan. The applicant's position is that items in italics in the Design Column comply with Table 4 in Part H of the Plan. Items underlined in the Design Column do not comply with Table 4. The applicant's explanation as to why non-compliance should be accepted is underlined.

Kenepuru Street Typologies					
Road 1 – Lower area	Design	NZS4404	Table 3.1 PCC Code of Subdivision	Table 4 Part H DPlan	Comments
Movement Lane	<u>3 x 2m</u>	5.7 or 4.2 x 2	3.5 x 2	<u>3 x 2</u>	Part H Collector Status. Provides link function only
Pedestrians/cyclists	<u>3m one side – no houses front</u>	2m	1.2 x 2	n/a	Combined cycle/pedestrian link to Kenepuru Train Station
Parking	<i>None</i>	Recessed	n/a	2.5 x 2	<u>No houses front road</u>
Total legal	<i>14m min</i>	15	18	20	<u>No houses front road</u>
Road 1 – Upper Area	Design	NZS4404	Table 3.1 PCC Code of Subdivision	Table 4 Part H DPlan	Comments
Movement Lane	<u>3.0 x 2</u>	5.7 or 4.2 x 2	3.5 x 2	<u>3 x 2</u>	Part H collector status
Pedestrians/cyclists	<u>3m and 1.8</u>	1.5 x 2	1.5 x 2	n/a	
Parking	<u>2.5 x 2</u>	Recessed	2.5 x 2	<u>2.5 x 2</u>	
Total legal	<i>18m min</i>	15 or 20	18	20	<u>All functions of road met – complies with Codes of Practice</u>
Road 2 – Main Street and Bus	Design	NZS4404	Table 3.1 PCC Code	Table 4	Comments

Route			of Subdivision	Part H DPlan	
Movement Lane	<u>3.5 x 2</u>	4.2 x 2	3.5 x 2	<u>3 x 2</u>	Part H Collector status. 7m carriageway set to handle bus route
Pedestrians/cyclists	<u>1.5 x 2</u>	2.0 x 2	1.5 x 2	n/a	Pedestrians provided for in Lanes and on separate pathways
Parking	2.25 x 2 recessed	Recessed	2.5 x 2	2.5 x 2	<u>Moving lane is wider than Part H requirement so parking width can be less</u>
Total legal	17.5	20	24	20	<u>Berm width reduced to provide Main Street feel. No driveways.</u>
Road 3 – Stream Side Local Road	Design	NZS4404	Table 3.1 PCC Code of Subdivision	Table 4 Part H DPlan	Comments
Movement Lane	5.8	5.5 – 5.7	3.5 x 2	3.5 x 2	Part H status is Residential Minor Access road
Pedestrians/cyclists	1.8	1.5 x 2	1.5 x 2	n/a	Houses one side only. 3m pedestrian/cycleway stream side reserve
Parking	2.2 x 1 recessed	Recessed	2.5 x 1	2.5 x 2	<u>Houses only one side</u>
Total legal	<u>10m</u>	15	15.5	<u>None</u>	<u>Reserve on one side</u>
Roads 4 – 8 – Minor Streets	Design	NZS4404	Table 3.1 PCC Code of Subdivision	Table 4 Part H DPlan	Comments
Movement Lane	5.9	5.7	3.5 x 2	3.5 x 2	<u>Complies with NZS4404:2010</u>
Pedestrians/cyclists	1.8 x 2	1.5 x 2	1.5 x 2	n/a	
Parking	2.2 x 1	Shared in movement lane	2.5 x 1	2.5 x 2	<u>Complies with NZS4404:2010</u>
Total legal	<u>14m</u>	9	15.5	<u>None</u>	

Lanes A – H	Design	NZS4404	Table 3.1 PCC Code of Subdivision	Table 4 Part H DPlan	Comments
Movement Lane	5.5	3	5.0	3.5 x 2	<u>Functions as a Lane</u> <u>– complies with</u> <u>NZS4404:2010</u>
Pedestrians/cyclists	Shared	Shared	Shared	n/a	
Parking	<i>Shared</i>	Shared	Shared	2.5 x 2	<u>Functions as a Lane</u> <u>– complies with</u> <u>NZS4404:2010</u>
Total legal	<u>5.8m</u>	6m	6m	<u>None</u>	

1.7 Overall development:

The application states that when the full development is completed, it will have footpaths and cycleways connecting through to Kenepuru Drive to the east and south, Raiha Street to the west and Titahi Bay Road to the north. The latter will also provide good access to the CBD for pedestrians and cyclists. The connection along Lower Main Drive to Kenepuru Drive will provide good access for pedestrians and cyclists to Porirua Station and the CBD. There will also be an access through to the Kenepuru Station via Bluff Road. In parallel to the Bluff Road intersection improvement works being undertaken by the developer, PCC has committed to some footpath upgrade works in the vicinity, to assist Stage 1 residents to access the Kenepuru rail station. These works include pavement widening and the introduction of a pedestrian refuge on Kenepuru Drive, west of Bluff Road, to enable pedestrians to undertake a staged crossing of the carriageway. While not part of the application, the completion of new cycleway connections near the development site, including the Ti Awa Tawa (Wellington-Porirua) cycleway, will provide dedicated access routes for cyclists to/from the city centre.

The occupants and users of the Stage 1 development would use Hall Road and the new Bluff Road intersection as access until the balance of the overall project is completed. The application states that until it is upgraded and vested as legal road, as part of a future stage, the existing formation of Lower Main Drive would provide right of way access for the CCDHB to Upper Main Drive; and until that time, KLP would ensure that there is safe pedestrian access to the Porirua CBD for Stage 1 residents.

The applicant proposes to undertake construction noise in accordance with NZS6803:1999 Acoustics – Construction Noise. Therefore, the hours of construction would be undertaken between 0730 to 1830 Monday to Friday and 0730 to 1800 on Saturday. No works would occur on Sundays or public holidays.

The applicant has also offered a second condition regarding construction noise, as follows:

Noise from construction activities must be in accordance with:

- a. *Section 16 (Duty to avoid unreasonable noise) of the RMA during day time hours (7am to 10pm); and*
- b. *L₁₀45 dBA during night time hours (10pm to 7am) at any point within the boundary of the Suburban Zone.*

All construction traffic would enter and exit the site via Kenepuru Drive to Lower Main Drive. The applicant estimates the most intense construction period would be during pavement construction, where it is anticipated that about 600m³ of materials would be imported over approximately 100 days; resulting in approximately two to three truck movements/hour at the peak. The applicant also estimates up to 50 people working on-site at any one time, with associated traffic movements.

The applicant has advised that they will accept a condition requiring a construction management plan to be approved by Council prior to the commencement of construction.

In respect to the construction of dwellings on the site, the applicant has sought that this may commence prior to the issue of S224C and the issue of new Computer Freehold Registers for the new residential lots. The applicant and Council staff have agreed to conditions that enables the applicant to apply for building consent and for building consents to be issued for new dwellings, subject to certain requirements.

2.0 DESCRIPTION OF SITE AND SURROUNDINGS AND BACKGROUND

2.1 Description

The applicant has not provided a description of the site in the AEE, beyond that it comprises two areas of land separated by Mitchell Stream.

The overall site is large being bounded by Raiha Street to the west and Kenepuru Drive to the southeast. To the east and southeast, the site adjoins Kenepuru Hospital, the Environmental Science Research centre, the Porirua Cemetery, the IHC School and Ko Te Whare Marie Te Marae (which is associated with the Kenepuru Hospital). To the north, the site adjoins Bishop Viard College and a plantation, beyond which is industrial zoned land and the Porirua City Centre. To the north is the mental health unit associated with the Kenepuru Hospital. The site also encompasses Lot 8 located on the western side of Hospital Drive. Beyond the site to the west is Rangituhi/Colonial Knob recreational reserve.

The site is a highly modified landscape due to the previous 150 years of human occupation. The site is generally undulating in topography, rising more gently from the south and west, and more steeply from the eastern boundary with Kenepuru Drive. There are extensive views of the site and surrounding area from the north-west corner of the site.

The wider Kenepuru site has been occupied since approximately 1884. The Porirua Lunatic Asylum was founded in 1884 when the Government purchased 53 hectares

of what was then rural land. The land was developed to accommodate a range of mental health care services, some of which still exist on site, and other activities from 1887, operating as a 'hospital farm' with patients working the land.

On appearance, the site is large and spacious, with an English park-like feel to it, albeit in an institutional sense. It has many large open spaces containing established planting of predominantly large exotic trees, as well as some native bush. Many of these open spaces have been used for waste disposal from historic internal site operations, resulting in an unkempt appearance. The site has in the past contained a soccer field, bowling green and grazing land for Riding for the Disabled. Mitchell Stream, which is vested in Council as an esplanade reserve, traverses the site, running from west to east. For the most part, this stream is open and bounded by vegetation. The stream is culverted over part of the site and the Ohariu fault scarp.

The only remaining activity on the site is the Acute Brain Injury rehabilitation unit (the ABI) which the applicant advises that the ABI will most likely be relocated within the wider site during the development of the site.

Stage 1 of the earthworks, approved under previous resource consent, is in the central part of the site; immediately to the north of Mitchell Stream and Kenepuru Hospital and the ESR beyond the stream. It is bound by the intersection of Lower Main Drive and Upper Main Drive and is to the west of the ABI. Bulk earthworks consented under RC7256 are currently underway.

2.2 Background

The applicant provides a brief background to the site in 2.2 of the AEE.

The overall site was formally all owned by the Crown for hospital purposes. It was subdivided in 2009 by the CCDHB to dispose of surplus land. Given the land was Crown land, right of first refusal went to Ngāti Toa Rangatira. Ngāti Toa Rangatira accepted the purchase of the land. The land is now in the ownership of Kenepuru Developments Limited, a limited partnership comprised of four directors².

3.0 RELEVANT PLANNING PROVISIONS

3.1 Operative District Plan

Lot 5 in the centre of the site is zoned Suburban in the Operative Porirua City District Plan (which became operative on 1 November 1999). Lot 8 adjacent to Hospital Road is zoned Industrial.

There are no scheduled heritage items on the site. That part of Kenepuru Drive where a right hand turn bay is proposed into Bluff Road is located within K0409, Transmission Gully designation by NZTA.

² Paul and Scott Adams (Carrus Properties Limited) and Francis Freemantle and Ta Matiu Rei (Te Rūnanga o Toa Rangatira). Te Taku Parai is also legally associated with the company.

3.2 Reasons for Resource Consent

1. Earthworks

As the earthworks over the Stage 2 area part of the site are proposed as a standalone activity, they cannot be considered as a residential activity now. In that regard, I consider that they fall within the definition of a non-residential activity. Rule D3.1.1(v) provides for non-residential activities as a permitted activity, subject to compliance with permitted activity standards. There will also be some minor earthworks within Stage 1 associated with the new dwellings.

In this instance, the proposed earthworks will not comply with permitted activity standard D3.2.1(iii)(a) as the earthworks will exceed:

- (ii) 100m² (370,000m³ proposed)
- (iii) 1.5m in height or depth (a maximum height of 9m and a maximum depth of 13m).

The applicant also proposes to remove approximately 10,000m³ of organic and construction waste from the site and to stockpile topsoil and unsuitable material over an area of approximately 10,000m² to a maximum height of 5m.

The applicant has stated the other earthworks permitted activity standards will be met.

Under Rule D3.1.4(i) all activities which are not a permitted, controlled, restricted discretionary activity, or prohibited activity and are not specified as a non-complying activity and do not contravene any discretionary activity standards, are discretionary activities. Therefore, the proposed bulk earthworks are a discretionary activity.

2. Residential development

Along with the subdivision of the site, the applicant also seeks approval for the construction of new dwellings on the 144 proposed new lots. The applicant has provided a spreadsheet showing compliance of the proposed development in terms of the permitted activity standards for height recession plane, coverage, yards and outdoor living areas.

The following table sets out those lots where the proposed dwellings will not comply with 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)), stacked parking and carports in front yard (Rule D3.2.1(ii)(a)) permitted activity standards. This information is taken from the spreadsheet provided by Mr Daniel Males of Isthmus, for the applicant, which forms part of the application.

Permitted Standard	Activity	Lots	Indicative range beyond permitted standard activity
Site coverage		1, 6-16, 18-39, 44-46, 49-	36 – 59% (Lot 24)

	56, 59-60, 62-64, 66, 68-70, 73-74, 77-83, 85-86, 88-89, 91-92, 94-112, 115-117, 119, 123-137, 139-144	
Front yard	1-4, 6-12, 15-16, 21-51, 53-69, 70-74, 77-83, 88-97, 99, 102-111, 113-116, 119-144	1676 (Lot 47) - 4985mm (Lot 106)
Other yard	One side yard: 2, 7, 16, 20, 23, 31, 35, 36, 43, 45, 47, 49, 52, 56, 59, 61, 67, 70, 83, 93, 100, 103-105, 125, 137, Two side yards: 1, 6, 12-15, 21-22, 50-51, 60, 66, 73-74, 77, 89, 94-95, 97-98, 102, 106, 126, 129-136, 139, 141-144	810 (Lot 7) – 1478mm (Lot 13)
Height recession plane	17, 20, 25-26, 31, 40-42, 45, 47-50, 56-57, 61, 70, 75-76, 84, 87, 90, 93, 100-101, 112-113, 120-123	96mm – 2699mm (Lot 20)
Carparks in front yard	2-6, 22, 43-46, 59-77, 89-98, 104-107, 113-114, 126-127, 129	
Minimum car manoeuvring (stacked parking)	All lots	

In respect of site coverage of the proposed new dwellings,

- 32 (22.2%) will comply (less than 35%);
- 26 (18.1%) would be between 36-40%;
- 66 (45.8%) would be between 41 – 50% - 66; and
- 20 (13.9%) would be between 51-60%

The following table sets out those lots that do not comply with one or more of the requirements for the outdoor living area permitted activity standards:

Outdoor living area	Lots
Does not comply with 50m ² minimum, but provides over 50m ² split	6-10, 21, 26-40, 66, 68-70, 82, 99, 103-105, 108-112, 115, 119, 125, 131, 133, 135, 137, 139-144
Does not comply with 50m ² minimum or 4m minimum, but complies for 50m ² split	23, 25, 53, 56, 78, 102, 124
Does not comply with 50m ² minimum or	24, 54, 55, 79-81

Under Rule D3.1.3(iii), any building that does not meet one of more of the permitted activity standards for height recession plane and yards is a restricted discretionary activity. In considering any applications, the Council restricts its discretion to the following matters:

- a) The impact of those parts of the building that exceed permitted activity standard(s) on the outlook and privacy of adjacent sites and the surrounding residential environment.
- (b) The degree to which non-compliance results in a development density that is not consistent or compatible with the surrounding residential environment.
- (c) The extent to which the non-compliance leads to better or more efficient use of the site and/or creates a higher level of on-site amenity.
- (d) The extent to which the impact of those parts of the building that exceed permitted activity standard(s) may be mitigated by screening, landscaping or other treatment.
- (e) Where a proposal involves breaches of more than one permitted activity standard, the extent to which the cumulative effects of those breaches results in a development that is out of scale with the surrounding residential neighbourhood and whether it will create adverse effects on residential neighbourhood amenity.
- (f) Whether the shape or topography of the site or the location of any built or natural feature(s) on the site or other requirements such as easements, rights-of-way, formed carriageways, footpaths or services within the road impose constraints that make compliance impracticable.

Height Recession Plane

- (a) The extent of the impact of those parts of the building that exceed the permitted activity standard(s) on shading, having regard to the size of the shadow cast and the period of time a part of an adjacent site(s) is affected.
- (b) The extent to which the additional height of the building will shade or physically dominate adjacent sites.

Front Yards

- (a) The extent to which the setback of the building will create any adverse effects on the streetscape and neighbourhood character.
- (b) Any adverse effect on traffic visibility, pedestrian and road traffic safety.
- (c) The need to ensure that the use or safety of any adjacent public road or footpath is not restricted.

Under Rule D3.1.3(iv), any building that does not meet one of more of the permitted activity standards for outdoor living areas and car parks in front yards is a restricted discretionary activity. In considering any applications, the Council restricts its discretion to the following matters:

- (a) The degree to which non-compliance results in a development density that is out of character with the surrounding residential environment.

- (b) The extent to which the non-compliance leads to better or more efficient use of the site and/or creates a higher level of on-site amenity.
- (c) Where a proposal involves breaches of more than one permitted activity standards, the extent to which the cumulative effects of those breaches results in a development that is out of scale with the surrounding residential neighbourhood and whether it will create adverse effects on residential neighbourhood amenity.
- (d) Whether the shape or topography of the site or the location of any built or natural feature(s) on the site or other requirements such as easements, rights-of-way, formed carriageways, footpaths or services within the site or adjacent road impose constraints that make compliance impracticable.

Outdoor Living Area

- (a) The extent to which the outdoor living area is accessible and of a useable size and slope.
- (b) The extent to which daylight and sunlight is provided to the outdoor living area.
- (c) The availability of alternative public outdoor space such as parks and reserves adjacent or near to the site.
- (d) The extent of a suitable alternative outdoor living area or permeable surfaces otherwise provided on the site.

Car parks located in the front yard

- (a) The extent to which the location of parking spaces in the front yard will create any adverse effects on the streetscape and neighbourhood character.
- (b) Any adverse effect on traffic visibility, pedestrian and road traffic safety.
- (c) The need to ensure that the use or safety of any adjoining public road or footpath is not restricted.
- (d) The extent that the visual impacts of parking space(s) may be mitigated by screening, landscaping, or other treatment.

In respect of the stacked parking this is a Discretionary Activity under Rule D3.1.4(i). In situations where there is differing levels of activity status, the most severe applies.

In addition, the applicant also 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. This is a discretionary activity under Rule D3.1.4(i).

Therefore, in this case the proposed residential activities on all 144 lots are a Discretionary Activity under Rule D3.1.4(i) in which it is noted they will comply with the Discretionary Activity Standards:

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.

3. Non-residential development

The applicant seeks consent for a non-residential activity on proposed Lot 1000 which infringes the 5m front yard setback (Rule D3.2.1(xxii)) from Road 1. The proposed building complies with all other development controls, including parking, height recession plane, vehicle movements and site coverage. Under Rule D3.1.3(iii), any building that does not meet one of more of the permitted activity standards for height recession plane and yards is a restricted discretionary activity.

The site is intended in the long term to be a retail shop (dairy or foodmarket) serving the local community; but would in the interim be used as a sales office, for no longer than a five-year period. The applicant has agreed to a condition with that limitation.

4. Subdivision

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.

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

Road	District Plan	Proposal
Road 1 Lower Road – Collector	20m min legal road width 2 x 2.5m parking	14m width No parking provided
Road 1 Upper Road – Collector	20m min legal road width	18m width
Road 2 - Collector	20m min legal road width 2 x 2.5m parking	17.5m width 2 x 2.25m parking
Road 3 – Residential Minor Access Road	2 x 3.5m traffic	5.8m width for traffic 2.2 x 1 parking ³
Roads 4 – 8 – Minor Streets	2 x 3.5m traffic	5.9m width for traffic 2.2 x 1 parking ⁴
Lanes A – H – Minor	2 x 3.5m traffic	5.5m width for traffic

³ The applicant identifies that there is an infringement with the provision of parking – however, Table 4 does not require street parking to be provided.

⁴ The applicant identifies that there is an infringement with the provision of parking – however, Table 4 does not require street parking to be provided.

Streets		Shared parking ⁵
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The part of Kenepuru Drive, which is a Major Urban Arterial Road, where it intersects with Bluff Road also fails to meet the requirements under Part H3 of the District Plan. The road carriageway dimensions required under the District Plan are four driving lanes and two parking lanes, totalling 20m wide, and an overall legal width of 30m.

The existing carriageway in Kenepuru Drive along the section bracketed by the Kenepuru Landing development has an overall carriageway width of 13m, in which there are two driving lanes, two parking lanes and a central flush median.

The Code of Land Development also specifies design standards for roads based on vehicle count and in the case of Kenepuru Drive, the road is classified as a Primary Regional Arterial with an overall carriageway width of 18m required, incorporating two driving lanes, two parking lanes, two cycle lanes and a flush median all within an overall legal width of 27m. Kenepuru Drive does not currently meet the Code specification for Arterial roads.

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

Overall, the application is a discretionary activity.

3.3 Extinguishment of easements

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

EXISTING EASEMENTS TO BE EXTINGUISHED Pursuant to Sec 243 RMA 1991			
Purpose	Shown on DP 428849	Servient Tenement	Dominant Tenement
Right of way, right to drain sewage, right to drain water, right to convey water, right to convey electricity, gas, telecommunications and computer media	H, H2 and H3	Lot 5 DP 428849	Lots 1, 2, 15 and 8 DP 428849

⁵ The applicant identifies that there is an infringement with the provision of parking – however, Table 4 does not require street parking to be provided.

Right to drain sewage	I	Lot 5 DP 428849	Lots 1 and 2 DP 428849
Right to drain water	Z1 and J2	Lot 5 DP 428849	Lot 1 DP 428849
Right of way	O, Q	Lot 3 DP 428849	Section 224 (SO 15730) and Section 396 Porirua District
Right to drain sewage	R	Lot 5 DP 428849	Lot 8 DP 428849
Right of Support	P	Lot 5 DP 428849	Section 1 SO 36948
Right to convey water, right to drain sewage	C	Lot 12 DP 428849	Lot 5 DP 428849
Right to drain sewage	F	Lot 5 DP 428849	Lot 12 DP 428849
Right to convey water	G	Lot 12 DP 428849	Lot 5 DP 428849
Right to drain sewage	X	Lot 12 DP 428849	Lot 5 DP 428849

EXISTING EASEMENTS IN GROSS TO BE EXTINGUISHED

Purpose	Shown on DP 428849	Servient Tenement	Grantee
Right to convey gas	H, J, J1 and J2	Lot 5 DP 428849	Powerco Limited
Right to convey gas	S6	Lot 5 DP 428849	Nova Energy
Right to convey gas	H3	Lot 5 DP 428849	Powerco Ltd, Nova Energy

EXISTING RESTRICTIVE COVENANTS TO BE EXTINGUISHED

Purpose	Shown	Servient Tenement	Description
Hazard	CVE	Lot 5 DP 428849	Above ground diesel tank

Hazard	CVF, CVG, CVI, CVJ, CVK, CVQ, CVAZ	Lot 5 DP 428849	Diesel tank sites
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4.0 SECTION 95 - NOTIFICATION

Section 95A of the Resource Management Act 1991 (as it was at the time the application was lodged⁶) provides that:

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

Section 95B of the Resource Management Act provides that:

- (1) *If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E to 95G) whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.*
- (2) *The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.*

Section 95D of the Resource Management Act provides that:

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

- (a) *must disregard any effects on persons who own or occupy –*
 - (i) *the land in, on, or over which the activity will occur; and*
 - (ii) *any land adjacent to that land; and*
- (b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *in the case of a controlled activity or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for*

⁶ Sections 95 – 95G of the RMA were amended on 18 October 2017. Because this application was lodged prior to this date, the RMA as it stood on the date of lodgement applies.

- which a rule or national environmental standard reserves control or restricts discretion; and*
- (d) must disregard trade competition and the effects of trade competition; and*
- (e) must disregard any effect on a person who has given written approval to the relevant application.*

Section 95E of the Resource Management Act provides that:

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

The relevant objectives and policies of the District Plan for the Suburban Zone and matters of discretion for the relevant restricted discretionary activities provide guidance for assessing the relevant effects of the proposal.

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

- Amenity and character
- Public open space and streetscape
- Landscape
- Ecological
- Earthworks, civil and geotechnical
- Three waters, and flooding
- Traffic, roading and parking
- Construction
- Cultural

Firstly, I note that the applicant has provided the written approval of the following parties:

- The Environmental Science Research unit; located to the south-east of the site
- The Acute Brain Injury Unit
- Capital and Coast District Health Board; located to the north, south and east of the site

- Bishop Viard College
- Powerco

The Porirua City Council Parks Department has also explicitly given written approval for the works to be undertaken within the Mitchell Stream Reserve and the Porirua Cemetery⁷. NZTA has also given written authority under s177 of the RMA for works within the Transmission Gully designation K0409.

I do not consider Nova Energy to be adversely affected, as the proposal simply involves cancelling one easement and replacing it with a new one. In respect of other easements and covenants to be extinguished, the grantees have all given written approvals.

The applicant to all extent has also given written approval to themselves for the internal infringements relating to the proposed development (the permitted activity standards for the new dwellings and the sales office.

Therefore, in accordance with sections 95D and 95E of the RMA, in considering the effects of the proposed activity, I am unable to consider any potential effects upon the above-listed parties.

In respect of this application, having considered the nature of the proposed activity and the relevant objectives and policies of the District Plan which provide guidance on the effects that the Council is seeking to manage and the outcomes it is seeking to achieve through the Plan and the NES, I consider that amenity and character, public open space and streetscape, landscape, ecological, earthworks, flooding, cultural, contamination, construction noise, dust and traffic effects are relevant. I assess each of these matters in turn.

Amenity and Character, Public Open Space and Streetscape Effects:

Firstly, I note that this is a comprehensive development of an area which does not adjoin any other Suburban zoned land beyond that from whom written approval has been obtained⁸. I note that none of the Suburban Zoned land that is adjacent is used for residential purposes. In respect to the ABI unit, they are a tenant of the applicant and gave approval to the previous stage of development. This stage of development will see the demolition of that building and earthworks over that part. This will require the ABI unit to move before this occurs. Accordingly, they will not be impacted by the proposed works and I do not consider them to be adversely affected party as such.

I consider any potential amenity, character, public open space and streetscape effects to be internal to the site and are not effects on the wider environment (beyond adjacent sites). The effects of any coverage, yard, height recession plane

⁷ Note earlier discussion that the land is owned by the Department of Conservation but is vested in the Council under the Burial and Cremations Act 1963.

⁸ Ibid.

and open space area infringements are internalised to future residents of the development. In the case of the front yard infringement arising from the sales office, this is a temporary infringement, limited to five years. The applicant has proposed a comprehensive approach to streetscape and open space provision which will provide a changed look and appearance to the roads within the area. However, I do not consider that this change is a more than minor adverse effect on the environment. As such, for the purposes of s95, I consider that the effects are no more than minor in nature.

Landscape Effects:

The applicant proposes to change the contour of the site by undertaking cut and fill earthworks. The site is unusual in the wider Porirua context in that while it is zoned Suburban, it is not located near any other Suburban Zoned land that is used for residential purposes. The nearest Suburban Zoned land within Porirua City used for residential purposes is approximately 185 metres away to the south-east, on the other side of State Highway 1 and approximately 230m to the north-west along Raiha Street, beyond the CCDHB owned land. The other nearest residential land is approximately 300 metres to the south, and within Wellington City Council's jurisdiction. As such, there is no nearby residential viewing audience of the site, with any views to the site over a long distance. Otherwise, the viewing audience comprises Industrial Zoned land located to the south, south-west and north, and the elevated open space zoned land on the other side of Raiha Street to the west.

Council's landscape architect, Mr Andrew Gray, has reviewed the application and has concluded:

The site appears to be a greenfields site but historically has had significant changes over the years and the land form has been extensively changed. It currently sits as an island within a necklace of urban development.

The site sits on an elevated platform with an embankment that often limits the near views to it.

The two CCDHB sites and ESR, being sited in the foreground, limit views into the site from many sides.

Views from residential areas are reasonable distances from the development and the views tend to be relatively flat. As a result the application site makes up only a portion of their wider view.

The interface of the flattened platforms along the gradient of Raiha Street means that there will be retained green embankment edges along most of the length. It will be important to carefully consider how the boundaries of properties adjoining Raiha Street are fenced but this will be more appropriate at a later consent stage.

The biggest visual impact will be the loss of mature trees over the site but these are not protected by the district plan. There will be large scale

earthworks which will have a short term visual effect but the development proposes significant replacement tree planting over the site as part of the development.

The Mitchell Stream riparian corridor and the bush covenant area will retain some bush within the site. The mature trees on the two hospital sites either side of the development will be retained.

So in my opinion the visual effects are considered to be less than minor

A full copy of his report is attached as Appendix 1.

I concur with Mr Gray that the visual landscape effects of the proposed development would be less than minor.

Ecological Effects:

The applicant submitted a report by Astrid Van Meeuwen-Dijkgraaf of Wildlands Consultants as part of the AEE. This report focusses on the Mitchell Stream Riparian Reserve and the Conservation Covenant area east of Lower Main Drive. I note that any works in the Conservation Covenant area have now been excluded from this application.

The works proposed in the Mitchell Stream Riparian Reserve include some earthworks and removal of some vegetation. The AEE states that vegetation within 5 metres of the top of the stream bank would be retained, including mature weedy species such as willows. Earthworked slopes are proposed to be no steeper than 1:3; with any steeper slopes planted. Ms Van Meeuwen-Dijkgraaf has identified individual plants and groups of trees and shrubs for retention, as well as exotic species which are to be removed. In summary, Ms Van Meeuwen-Dijkgraaf considers that the works proposed are ecologically appropriate and are supported.

Council's Parks Manager has given written approval for this work within the Reserve, which includes an agreed set of conditions, offered by the applicant. Accordingly, I am required to disregard any potential adverse effects within the Mitchell Stream Reserve, while noting that these effects will be appropriately managed through the agreed and offered conditions.

The proposed works also have the potential to adversely affect a part of Holm Oaks which are protected by way of a covenant. The applicant has agreed to a condition which would see their ongoing protection through the construction period. I consider that any potential adverse effects will be appropriately managed so that there are no adverse effects on the trees.

Overall, I conclude that any adverse ecological effects will be less than minor.

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.

This application includes consent for earthworks over the balance of the site including lot 8 for future development and is designed principally to smooth out the existing surface ready for roading and housing. This involves cuts and fills in a balanced earthworks volume model and will change existing ground levels by up to 12m.

Firstly, I note that Porirua City Council has given written approval for all works within the Mitchell Stream Reserve. The applicant has offered conditions of consent (which have been agreed with the Council) for how works within the Mitchell Stream Reserve will be managed. Accordingly, I am required to disregard any potential adverse effects within the Mitchell Stream Reserve, while noting that these effects will be appropriately managed through the agreed conditions.

Council's Principal Advisor, Land Use and Subdivision Engineering, Mr Phil Rhodes, has reviewed the erosion and sediment control plan submitted with the application. A copy of his comments is attached as Appendix 2.

In summary, in terms of earthworks, Mr Rhodes advises that:

Silt control uses standard sediment retention ponds spread around the site at suitable locations, close to natural outlets for the decant pipework. All the ponds appear to be in locations that have low risk of failure with sufficient clearance from outlets for secondary silt retention such as silt fences. The Erosion and Silt control plans shows Mitchell Stream protected by silt fence which would provide acceptable means of silt control. Internal slopes are not steep and velocity of runoff water will not be high supporting the use of silt fences as the principal means of control. The Calibre E and SC plans supplied (C10) is broadly conceptual only and there are areas on the plans not subject to any apparent controls.

Mr Rhodes has recommended a condition of consent to ensure that all erosion and silt control drawings and the associated consent from the GWRC are provided to the Council. The applicant has agreed to and offered this condition.

In terms of geotechnical matters, Mr Rhodes advises that:

The June 2017 Coffey report has identified a number of issues relating to the variety of soils found across the site during their ground investigations and summarises their report by stating that the site is suitable for residential purposes subject to general engineering control and design. It is considered that specific consent conditions requiring the appointment of an engineer and certification at the appropriate times will ensure that suitable standards will be met for future building activities. Given that the earthworks model for this application anticipates changing ground levels to close to final levels, receipt of a certification report on completion of the consented earthworks would be appropriate as a condition of consent. Three stages of earthworks are planned, Stage 1 for the stage 1 residential development, Stage 2 for lot 8 and stage 3 for the balance and a certification report for each stage would be appropriate within three months of completion.

In respect of civil works (in respect to the existing network of infrastructure and associated easements across the site), Mr Rhodes advises that:

An extensive underground network of drainage and water supply pipe systems criss-crosses this earthworks area that formerly served the old buildings and road network and are no longer required. These networks are primarily under future fill areas and will generally be abandoned or removed. The standard approach to determining the future use of any redundant pipework in earthworks areas is to work through and consider each of the pipe assets as construction proceeds and determine whether any individual pipe should be removed, abandoned or modified depending on its location in relation to future surface levels, other infrastructure and any effect on the structural strength of the fill soils and implications for future building development. Responsibility for these decisions principally lies with the geotechnical consultants and the engineer.

Underground assets in cut areas would automatically be removed as would any near surface pipelines in fill. There is some justification for retention of stormwater pipelines in some cases where underfill drainage is necessary and there is some advantage in pipe retention and typically this is not decided on until pipes are visually inspected for condition and their future usefulness for in ground subsoil drainage determined.

The typical process also includes as built recording of any existing underground assets that are abandoned or otherwise used and also the geotechnical consultants offering explanations in the Foundation Completion Report about the status of any pipe retained post development.

A very general analysis will be made through the detailed engineering design process of what specific underground services can be abandoned and which should be excavated and removed in order to preserve fill integrity but this can only be at the level of general intent. Plan C01 (Existing Site Information) is the basis for redundant pipe analysis and future reference for compliance with consent conditions.

Overall, Mr Rhodes considers that:

The extent of earthworks covers most of, and wholly within, the site area and it is considered that the effects of construction and the intent to produce a final earthworked surface that is suitable for residential building can be managed effectively with the appropriate set of consent conditions.

I note that the applicant has adopted Council's standard conditions as part of their application. I consider that subject to compliance with these, there will be no adverse earthworks, civil or geotechnical effects arising from the proposal.

Potable water, stormwater, wastewater and flooding

The proposed development has been reviewed by Mr Ryan Rose and Mr Ben Fountain of Wellington Water. A copy of their report is attached as Appendix 3. The key findings from the Wellington Water review are set out as follows:

- The applicant has provided concept plans for all three water services, showing that the required outcomes of the Regional Standard for Water Services and the PCC Code of Land Development can be met on the site, subject to some refinement and detailing prior to construction.
- There are known downstream flooding issues in Mitchell Stream and as such flow attenuation will be required. An initial modelling report has been provided from Awa Environmental which confirms that this can be achieved on the site, with no increase in adverse effects beyond the site.
- That the modelling has demonstrated that there will be no flooding of the proposed residential lots provided that the system is constructed as proposed. This will be reconfirmed at the pre-engineering approval stage.
- There are known downstream capacity issues within the wastewater network. These issues cause overflows at the Central City pump station in times of wet weather flow. The applicant has demonstrated that the flow from Stage 1 is below that which would have been discharged from the existing overall site, and hence this stage can progress without attenuation. However, future stages will require attenuation.
- Wellington Water undertook modelling of the water supply system and confirmed that there is adequate flow and pressure to meet both domestic supply and firefighting requirements for Stage 1.

Part of the stormwater management would require undertaking changes to the Hall Road bridge and clearing out the culvert and stream. This would need to occur prior to the construction of any dwellings on the site, as otherwise there is an associated flood risk. This works will need a separate consent from the Regional Council. The applicant has agreed to a condition requiring this work prior to the construction of dwellings commencing.

Overall, Wellington Water is satisfied that the conditions of consent will ensure that there are less than minor adverse effects beyond the site. The applicant has agreed to the adoption of these conditions. I concur with and adopt Mr Rhodes and Mr Fountain's recommendations and conclude that any potential adverse potable water, stormwater, wastewater and flooding effects on the wider environment will be no more than minor. I also note that the Council as landowner of Mitchell Stream and the ESR have given written approval.

Traffic, Roothing and Parking Effects:

The proposed development has the potential to generate traffic effects beyond the site, associated with the addition of 144 residential lots to the site. There are also potential roading effects, associated with the proposed realignment of Bluff Road and its intersection with Kenepuru Drive, in proximity to the pending Kenepuru Interchange. It is also important to assess any potential roading and parking effects on the site. I note that written approval has been obtained from all adjacent property owners, and therefore I must disregard any adverse traffic, roading and parking effects upon them. Further, NZTA has given its s176(1) approval for works within designation K0409, Transmission Gully, Kenepuru Interchange.

Council's Consultant Traffic Engineer, Mr Mark Georgeson, and Roothing Manager, Mr Geoff Marshall, have reviewed and assessed the application, and undertaken meetings and discussions with the applicant. A copy of their joint report is attached as Appendix 4.

In summary, Mr Georgeson and Mr Marshall:

- are satisfied with the proposed internal road network design, including truck access, and will function with no adverse effects, which would include traffic visibility, pedestrian and road traffic safety;
- consider that the on-street public parking is suitable for this form of development, and will function with no adverse effects;
- that no changes are proposed or needed to the intersection of Hospital Drive and Raiha Street;
- that the upgrading of Bluff Road and its intersection will better provide for the anticipated future function of this route and the increased traffic flows it will accommodate;
- have raised no concerns with the cyclist and pedestrian links proposed consider that the modest quantum of additional trips coupled with the form of the existing Hospital Drive / Raiha Street intersection is not expected to adversely affect the safety or efficiency of this intersection;
- consider that given the majority of Stage 1 traffic is expected to route via Bluff Road to Kenepuru Drive, any additional delay at the Raiha Street / Kenepuru Drive intersection cause by increasing turning movements from development traffic is not likely to result in any appreciable change to the intersection. I note that they have stated that this will need improvement beyond Stage 1;

- consider that the Bluff Road / Kenepuru Drive intersection (with the provision of a right-hand turn bay) will be capable of adequately accommodating the additional development traffic, at an equivalent or better Level of Service than that existing;
- consider that there will be minor temporary traffic effects at the Kenepuru Drive/Titahi Bay Road roundabout, in the form of additional delays. They note that the effect will be temporary for the period before Transmission Gully opens, beyond which traffic patterns will change. The Council accepts the temporary effects.

Mr Georgeson and Mr Marshall have expressed no concerns about the ongoing functioning of Kenepuru Drive, which is identified as being under width in terms of Part H of the District Plan. They have recommended conditions of consent to be imposed, which the applicant has accepted, and adopted. Accordingly, I can consider them as mitigation to any adverse effects.

Council's Parks Senior Planner, Ms Julia Bates, and Landscape Architect, Mr Andrew Gray, have also reviewed the proposed development in terms of the proposed shared pathway and potential adverse effects arising from the relinquishing of the right of way the Council has over Bluff Road to its adjacent cemetery. A copy of the Parks Report is attached as Appendix 5. The applicant has agreed to a condition which will ensure that there will be no adverse effects on all users of the shared pathways, and in particular, to ensure that there is a useable gradient. The applicant has also agreed to a condition which will ensure that there are no adverse effects on users of the cemetery and ensure ongoing access.

Council's Principal Advisor, Land Use and Subdivision Engineering, Mr Rhodes, has also addressed the potential effect on the crib retaining wall that is located in close proximity to the ESR boundary, which will be in proximity to the realigned Bluff Road. The applicant has offered a condition of consent which would require an inspection by a Chartered Engineer and preparation of a condition statement to assure its stability. I note that ESR have given their written approval.

In respect to the reduced front yards, parking in some front yards and stacked parking, I note the additional comments beyond the experts' assessment:

- the applicant has designed the development so that it will be a low speed environment, using the laneways, street planting and footpath treatment, and will encourage pedestrian movements.
- Most driveways access laneways, which will be low speed environments, given their width and orientation.
- There are no driveways which access the two main roads, Road 1 and Road 2, reducing the opportunity for vehicle and pedestrian conflict.

I concur with and adopt Mr Georgeson, Mr Marshall, Ms Bates, Mr Gray and Mr Rhodes' recommendations, and overall conclude that any potential adverse traffic, roading and parking effects on the wider environment will be no more than minor.

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 an updated Construction Management Plan as a condition 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. I note that there is a school at the other side of Raiha Street, down from the Hospital Drive / Raiha Street intersection. I consider that the construction management plan, as offered by the applicant, will ensure that any adverse effects on this school and other properties accessed off Raiha Street are less than minor, and will also be temporary in nature.

Mr Rhodes has provided the following advice:

The Calibre Plan C02 shows a cut to fill balance across the entire development (including Stage 1) with the total cut to fill volume of approximately 480,000 cubic metres. An allowance has been made in the Stage 1 works for transporting of unsuitable fill off site which includes any contaminated material unable to be used for on site fill. Any unsuitable fill is expected to be of modest volume and largely confined to organic fill found in some selected areas. Any fill requiring transport from the site should be taken out via either Raiha St using an informal construction entrance or from Hospital Rd. A condition limiting general construction access to this road would be appropriate. The cut zone on lot 8 appears to produce a larger amount of material than is available to fill within that site and any balance will be taken across to the main site for fill in the third stage earthworks. Route choices for transport for this fill include Hospital Dr, Raiha St and a proposal from Calibre to place a temporary bridge over Mitchell stream at the site of a former pedestrian bridge. The temporary bridge may need a GWRC consent and because it is only one of three options, does not need to be part of this consent in order to provide access.

In respect of the bridge Mr Rhodes refers to, I note that this would also require landowner approval from Porirua City Council. Irrespective, this does not form part of this consent.

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 not provided a separate cultural assessment with the application; however, they have provided a letter from Te Rūnanga o Toa Rangatira confirming that there are no known archaeological resources on the site. The applicant has also proposed the adoption of Te Rūnanga o Toa Rangatira recommended Accidental

Discovery Protocol as a condition of consent. Given this recommended condition of consent, I consider that any potential adverse cultural effects will be less than minor.

S95 Conclusion and Recommendation

I consider that the activity will not have any adverse effects on the environment beyond the subject land and adjacent land that are more than minor. Further, I consider that written approval has been obtained from all persons who are potentially adversely affected.

Based on the above assessment, in this case I consider that it is not necessary to give public or limited notification of this application because;

(a) It is not considered that the activity will have or is likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land for the following reasons:

- The silt and sediment effects of the earthworks will be no more than minor;
- The landscape and visual effects of the earthworks will be generally limited to the site and any alteration to the landform will be no more than minor;
- The potential character, amenity, streetscape and public open space effects will be internal to the site and no more than minor beyond the subject site;
- Adequate measures are proposed to manage any effects on vegetation and fauna;
- The roading network has sufficient capacity for the construction period and the subsequent residential development of the site;
- There is sufficient infrastructure capacity to accommodate this stage of the development;
- There will be no change to flooding effects beyond the site and no residential lots within the site will be flooded; and
- The applicant has offered a suite of consent conditions which will ensure any potential adverse effects are appropriately mitigated.

(b) Written approval has been given from all those persons considered to be adversely affected.

(c) No other persons are considered to be affected because;

- Of the distance of the site from any other activities; and
- The management measures proposed by the applicant will ensure that any effect on any person will be less than minor.

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: 20 February 2018

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.



Richard Watkins
Team Leader Resource Consents

Date: 20 February 2018

5.0 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

“(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 –

(ii) any effect on a person who has given written approval to the application:

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

Section 104B of the Resource Management Act provides that:

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

“(a) may grant or refuse the application; and

“(b) if it grants the application, may impose conditions under section 108.

5.1 Environmental Effects

I have undertaken an assessment of the potential adverse effects arising from the proposed development in section 4 of this report, whereby I have concluded that any adverse effects on the wider environment will be no more than minor.

As I outlined in Section 4, I considered that any potential amenity, character, public open space and streetscape effects would be internal to the site, rather than effects on the wider environment. Therefore, consideration of any potential amenity, character, open space and streetscape effects is limited to onsite effects on future residents and those who may access the site, albeit noting that the applicant has effectively given written approval to “internal effects”. However, I think it appropriate to consider future effects on residents in accordance with the definition under s3 RMA.

As outlined earlier, the applicant proposes to construct 144 new dwellings on the Stage 1 site, many of which will not comply with the Suburban Zone permitted activity standards. I have set out the relevant matters of discretion earlier relating to height recession plane, yards, outdoor living area and parking in front yards. I note however that building coverage is a discretionary activity and overall the proposal is a discretionary activity, so the Council’s discretion is not restricted as such. The matters of discretion however provide a useful guide for the matters that the Council is concerned about in achieving the objectives and policies for new development in the Suburban Zone. I also note that the applicant has referred to the Medium Density Residential Guide which applies to the Aotea Zone, as a guide to managing effects of medium density development.

Firstly, while I turn my mind to s104(1)(b) later, I find it useful to now set out the relevant objectives and policies of the District Plan, as they provide the guidance as to the outcomes expected for the Suburban Zone.

C3.2 OBJECTIVE

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

C3.2.1 Policy

To protect and enhance the amenity and character of the residential resource by defining standards for the bulk and location of buildings, and the nature and scale of activities.

C3.2.2 Policy

To allow non-residential activities which do not detract from the amenity values of the Suburban Zone.

C3.2.3 Policy

To provide and maintain reserves and open spaces 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.

While this site is not located within the Aotea medium density residential area, the guidelines provide a guide to a medium density development within the wider Suburban Zone. I also note that the existing Suburban 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 effects of this proposal.

There are potential adverse effects associated with the impact of the density of development on the streetscape, and on future residents, if adequate public open space is not provided in the development.

Council's Parks Senior Planner, Ms Julia Bates, and Landscape Architect, Mr Andrew Gray, have reviewed the potential open space and streetscape effects, particularly considering the needs of and impact on future residents. As noted elsewhere, the Council has given written approval to the proposed works within the Mitchell Stream Reserve, which will include some seating and walkways, which will provide open space amenity to the development.

In terms of streetscape, they note that *"extensive streetscape planting has been shown by the applicant on the landscape concepts provided in the application. This includes planting in laneways, street trees with gardens underneath the trees, raingardens and other gardens beside footpaths. This level of streetscape planting has been considered necessary by the applicant to mitigate effects from the development and to provide amenity for the future residents of the site"*. They have also commented on the proposed laneway planting and for the rain gardens, which also intended to afford amenity to residents, the latter also assisting with stormwater management on the site. They have recommended conditions of consent to ensure the successful implementation of these measures, which the applicant has agreed to. Accordingly, I consider that any potential streetscape effects will be less than minor.

In terms of public open space, the applicant is proposing to vest a neighbourhood pocket park of approximately 515m² in the Council. This, along with the Mitchell Stream Reserve, is intended to provide of the public open space needs of future residents and ensure that there are no health and wellbeing effects arising from a lack of access to public open space. Ms Bates and Mr Gray are satisfied with the amount of public open space to be provided at this stage of development, noting that more open space will be provided with future stages. Ms Bates has recommended a series of

conditions, which the applicant has accepted and adopted as part of the application. As such, I can consider the mitigation offered through those conditions.

I concur with and adopt Ms Bates and Mr Gray's recommendations and conclude that any adverse public open space effects will be less than minor.

The urban design performance and outcomes of the application have been reviewed by Mr Andrew Burns, for the Council. A copy of his report is attached as Appendix 6. His review has involved several meetings and discussions with the applicant's advisors both pre-and post-lodgement. This collaboration has meant that Mr Burns is generally satisfied that there will be no overshadowing effects or loss of sunlight between dwellings. Mr Burns has advised he cannot give his full urban design support to the proposal as there remain aspects of the application he does not support; the reasons why I outline below.

Firstly, in terms of positive effects, Mr Burns identifies the following:

- A significantly transformed and enhanced landscape with upgraded Mitchell Stream environment.
- Opens up use and activity on an otherwise derelict part of Porirua.
- Comprehensively planned Stage One area as part of a wider / wholistic masterplan (i.e. not piecemeal).
- Makes good use of elevated topography and views and good access to upgraded public space.
- A well-connected and hierarchical street network that supports the intended land use activity.
- Good proximity to services and facilities / State Highway network and links to Wellington CBD.
- Modern housing stock provided with use of efficient 2 storey terraced forms.

Mr Burns identifies the following potential adverse amenity and character effects on future residents:

- The proposal is at odds with what is generally considered to be medium density, given it involves predominantly single storey detached dwellings on small lots;
- Housing choice is limited on site with the small number of two-bedroom dwellings proposed;
- There is uncertainty over non-residential Lot 1000. Its use to support the residential dwellings is important to achieve medium density principles;
- Many dwellings have open space less than the Plan permits, and some of which are split, limiting their usability for families;
- Some of the lots position garaging to the north, and present their backs to the public street edge; and
- There is reliance on improved connections to be achieved through subsequent stages, leading to uncertainties.

Mr Burns provided 14 recommendations in his report to address his concerns in respect of onsite amenity and character for the residents. Of these, several have been accepted by the applicant and conditions agreed to address the potential effects. These include:

- Requiring a surface treatment plan for the Laneways
- Ensuring that all dwellings have a sheltered entry
- Privacy screening for dwellings that have their outdoor living area adjacent to a road or laneway
- Treatment of rear boundaries between dwellings to ensure privacy
- Providing windows overlooking of laneways for security purposes
- Ensuring bin locations are screened from public / street view.

His areas of concern which the applicant has not addressed are:

- a) That those lots that have severely compromised private outdoor spaces be allocated to smaller two bed type dwellings
- b) That there is a greater balance/range of bed sizes (more 2-bedroom dwellings) to achieve a greater mix of housing types and sizes
- c) Provision of other small pocket parks / doorstep playable spaces to offset the loss of outdoor space
- d) Position of dwellings and garages of Lots 139 – 144 so that there is more habitable space to the north that is not being taken up by garaging
- e) Losing a lot on Lots 139-144 to ease the area in respect to outdoor living and coverage.

These are matters that go to overall character effects of the development as well as onsite amenity for future residents. Mr Burns is also concerned that the applicant is not progressing the development of a retail outlet on Lot 1000. However, the uncertainties about the potential effects that may arise meant it was not a matter able to be progressed at this stage. I consider that limiting the site's use as a sales office for five years and the advice note associated with the condition will ensure that the applicant is mindful of the need to apply for a retail development on this lot in the near future. I have no concerns with the use of Lot 1000 as a temporary sales office and consider it will not adversely affect the amenity or character of the area. It will be small and scale and complementary to the activities occurring in the area; realising that this site will be under development for some time.

The applicant's response to the outstanding matters is set out in their document of the 18 December. In summary:

- a) The design of open space in the development is to offset smaller private garden spaces with increased public space amenity. No dwelling would be more than 2 minutes' walk to Mitchell Stream reserve, a pocket park or the neighbourhood park. The third bedroom provides for flexibility of use for occupants. The intended residents would not want large outside spaces, preferring smaller more maintainable and intimate ones, with access to good public space.
- b) The overall wider development will achieve a diversity of housing types and sizes.

- c) The provision of open space within this stage complies with general guidelines that pocket parks should not be located within 100m of other open spaces and that neighbourhood parks should be within 400m in medium density areas. The open space provision for the development is in excess of 10% of the land and is in addition to the smaller green spaces within the road reserve.
- d) The applicant has in part addressed Mr Burns concerns in respect to Lots 130 – 144 by moving some of the dwellings closer to Road 2, allowing greater outdoor space to the north, albeit with all vehicle access still also from the north. Road 2 is designed as a main street, with a more urban character and layout. To promote the main streets as pedestrian linkages, there are no driveways along these routes. Removing the laneway and having access from Road 2 would remove parking and planting from Road 2, introduce vehicle movements over the footpath, create less useable northfacing gardens (due to the gradient), prevent future development to the north of the laneway from having north facing gardens without driveways and remove rooms and windows from overlooking the street.
- e) The dwellings along these streets have a more urban character and layout. 65% of dwellings adjacent to these streets are 2 storey with the single level housing generally slightly elevated (half a metre) to the north of road 2. Front doors and smaller 'courtyard' gardens open onto Road 2, providing activity and natural surveillance of the street environment. The increased urban character of the road is also achieved through the containment created by a more continuous built edge. This pattern of tight single storey development along key streets can be seen in many historic neighbourhoods such as those in Petone.

In respect of these matters, I accept the applicant's position in terms of the level of amenity and the overall character on future residents. Firstly, I note in respect of Policy C3.2.5, that it is an enabling policy, rather than a requiring policy. It provides for dwellings on different sizes and scales, rather than requiring a mix to occur. As I noted earlier, the Council Parks Department considers that the provision of public open space for the development is appropriate.

I accept in respect to the development of the dwellings to the North of Road 2 that there will be some reduced amenity in respect of their onsite outdoor space. I also accept that many of the dwellings will have onsite outdoor areas which are less than the Suburban Zone requirements. However, I consider that this is offset by the proximity of the new dwellings to public open space, amenities such as the pending café and retail as part of a subsequent stage, public transport, and the CBD, and that the attractive streetscape will also provide them with amenity. I also consider that the applicant's approach to Road 2 (and Road 1) will provide an overall amenity to the wider development. While it is not ideal that garaging is not to the south, amenity effects can be addressed by occupants by trellising or similar to separate the driveway from the outdoor living area. I also consider that the applicant has carefully considered the creation of a particular streetscape character along Roads 1 and 2, where dwellings are closer to the roads and will overlook the footpaths,

creating a higher level of safety and security, while ensuring amenity is provided through streetscape planting.

In respect to the site coverage, the comprehensive approach to the development, coupled with the proposed streetscape planting and the agreed conditions in respect to privacy, will ensure that any adverse effects are internalised to the development. The increased site coverage will also not impact on achieving hydraulic neutrality of the overall development.

Overall, I accept that there will be adverse internal amenity and character effects; however, I think that these are offset by the comprehensive approach to the development, its proximity to the Porirua CBD, and the provision of public open space and treatment of the streetscape.

I have also considered the positive effects arising from this development and concur with the applicant that the proposal will:

- Provide for residential development of a generally underutilised site
- Generate some level of economic activity within the City, associated with the construction period, and new population
- Assist to clean up Mitchell Stream Reserve by removing weed species and improve indigenous biodiversity through revegetation and enhancement
- Provide for better linkages through the site.

I also concur with Mr Burns comments on positive effects.

5.2 Plan Provisions - Objectives & Policies

The District Plan has a number of objectives and policies that require consideration in assessing a resource consent. These include specific zone related objectives and policies as well as policies relating to general issue areas for Porirua. The following are relevant to the Suburban Zone:

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.

These provisions seek, in part, to provide for the establishment of new residential activities within existing areas that are already provided with services. In this case the proposal is consistent with these provisions as it is within the Suburban Zone and there is existing infrastructure in place to serve the subdivision which can accommodate the additional demand. I am therefore satisfied that the proposed

subdivision and new residential dwellings are a suitable use of this site. I note that there are likely to be servicing issues at future stages of this development.

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.

C2.1.3 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.

The application involves preparatory earthworks on the Industrial Zoned Lot 8. These earthworks will provide for future development of the site for industrial activities. I consider any potential effects arising from the earthworks will be appropriately managed.

C3.2 OBJECTIVE

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

C3.2.1 Policy

To protect and enhance the amenity and character of the residential resource by defining standards for the bulk and location of buildings, and the nature and scale of activities.

C3.2.2 Policy

To allow non-residential activities which do not detract from the amenity values of the Suburban Zone.

C3.2.3 Policy

To provide and maintain reserves and open spaces 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.

These provisions seek to ensure that residential activities are established in a manner that results in an acceptable level of environmental effect.

As outlined earlier, this application has been developed in a comprehensive manner, and as a stage of a wider Master Plan for the site. While this means that there are infringements to some of the permitted activity standards, these infringements have been considered in the wider realm of the comprehensive development. I have addressed the effects of the proposed development in respect of amenity, character, streetscape, landscape and public open space earlier, where I have concluded that the effects will be no more than minor in the wider sense. There may be some internal adverse effects on future residents, and I concur with Mr Burns that the overall urban design of the development is not optimal in some areas, I consider that any adverse effects will be appropriately addressed through the agreed conditions which will provide for the final design and layout to be approved by the Council. Further, future residents will move into the area knowing what the amenity and character of the overall development and any individual site will be. While it may not be an optimum outcome from an urban design perspective, this is in the absence on any clear policy guidance within the District Plan.

The development provides for the partial development of a disused residential zoned land resource that will provide a new housing choice not otherwise represented in the Porirua market, in a location well positioned for access to the CBD, the road network, open space and public transport.

On the face of the Plan as it stands now, I am satisfied that the proposed subdivision and residential development will contribute towards Porirua, and the Kenepuru development, as being an attractive, healthy and safe place to live.

C6.1 OBJECTIVE

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

C6.1.3 Policy

To promote the creation of new allotments in the suburban zone which are capable of accommodating a complying dwelling.

C6.1.4 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 subdivision

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 application involves both subdivision of the site and the construction of new dwellings on newly created lots. While all the dwellings will not comply with the Suburban zone permitted activity standards, the site overall has been comprehensively developed in a manner that will provide for the sustainable management of the site. The development also provides a range of lot sizes.

The roads and services infrastructure that are proposed to be constructed will be able to accommodate the demands generated by residential activities within this Stage. The applicant has also worked closely with the Council's Parks and Roding Teams and Wellington Water to ensure that there is continuity of transport, road links, open space, walk ways, cycle routes, sewer lines, watermain and other infrastructure services through the development area. As demonstrated in the application, there will be good connections to the Kenepuru and Porirua train stations.

I am therefore satisfied that the proposed subdivision and residential development will result in the sustainable management of the Suburban zoned land resource.

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.

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 the proposed roading infrastructure have been assessed as being sufficient for the needs of the residential activities that will be utilising them. The existing roading network has also been assessed as being able to accommodate the demands that will be created by this subdivision, noting that a new right turning bay will be required to be in place on Kenepuru Drive at the Bluff Road intersection to ensure road user safety.

The applicant has also worked with the Council to ensure that there is appropriate cycle and pedestrian connection through this part of the site to public transport and

to the City CBD. The applicant has also engaged with Greater Wellington Regional Council on the provision of a bus service through the site.

I am therefore satisfied that the proposed subdivision will contribute towards a safe and efficient transport network.

C12.1 OBJECTIVE
TO MINIMISE THE RISK FROM EARTHQUAKES TO THE WELLBEING AND SAFETY OF THE COMMUNITY

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 and the agreed conditions of consent will ensure that any potential hazards are appropriately avoided or mitigated through this development.

C9.1 OBJECTIVE
TO MANAGE IN A SUSTAINABLE MANNER THE LANDSCAPE AND ECOLOGICAL SYSTEMS WITHIN PORIRUA CITY.

C9.1.12 Policy
To protect and enhance the spiritual, cultural, ecological and amenity values of rivers and the coast.

C9.1.14 Policy
To encourage the protection and enhancement of ecological integrity throughout Porirua City.

The works that will be undertaken within the Mitchell Stream Reserve will act to improve the ecological integrity of the Stream, while protecting existing ecological values.

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.

5.4 Greater Wellington Regional Policy Statement (RPS)

Section 104(b) requires regard to be had to the Regional Policy Statement. 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 ensuring hydraulic neutrality, the stormwater system, removal of weed species in the Reserve and new planting.

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 which the applicant has included an Earthworks & Sediment Control Plan have 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. The applicant has provided an analysis of this policy in point 22 of their letter dated 25 October 2017.

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 of this subdivision.

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

As outlined earlier, the proposal will protect existing indigenous biodiversity and also enhance the Mitchell Stream Reserve by the removal of inappropriate species.

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

While Mr Burns has not provided full urban design support to the proposed development, I consider that overall the proposal is generally consistent with the urban design principles. The proposal adds a new type of housing to the Porirua market, it has been comprehensively designed, providing a higher level of streetscape amenity than is otherwise typical, has easy access to public open space, the CBD, employment centres, and public transport, provides connectivity through the site and incorporates custodianship and collaboration of future residents over the ongoing maintenance of the laneway streetscape and hydraulic neutrality. While it is not "optimum", this is in the absence of any directional guidance as to what would be optimum.

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 subdivision 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 residential activities on the proposed allotments have been assessed to be of an acceptable level. Therefore, I consider that this proposal meets this provision. Further, the site has been designed to enable a public bus service and cycle and pedestrian access.

Policy 58 – Co-ordinating land use 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 future residential activities on the proposed allotments. Therefore, I am satisfied that the proposed subdivision is consistent with this provision.

5.4 Regional and Proposed Regional Plans

There are no relevant matters for consideration in either the Operative or Proposed Regional Plans.

5.5 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 an additional 144 new residential dwellings along with earthworks for the development of more of the wider site for 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 ki Rangatira have not formally lodged an iwi management plan with the Council.

5.7 Section 106

I am satisfied that legal and physical access to the subdivision will be provided from Kenepuru Drive and Raiha Street. The roads and right of way's proposed to be constructed as part of this subdivision will ensure that appropriate levels of legal and physical access will be provided to all allotments.

As discussed previously, the Principal Advisor, Land Use and Subdivision Engineering agrees with the geotechnical report supplied with the application. The fault line across the site is not located within this stage of development, and development in its proximity will be addressed through a future application for the balance Lot 1503.

I therefore consider that there are no 'geotechnical' related issues as to why this proposal should be declined.

Wellington Water has also confirmed that the modelling undertaken by the applicant has demonstrated that there will be no flooding of the proposed residential lots provided that the system is constructed as proposed. A condition of consent will ensure that this is reconfirmed at the pre-engineering approval stage. I therefore consider there are no natural hazard related issues as to why this proposal should be declined.

5.8 Part 2 Evaluation

While it is not always necessary to consider Part 2 in light of recent case law, I consider that it is appropriate to assess this application in respect to Part 2 of the RMA, given that the District Plan has yet to be reviewed to give effect to the RPS or NPS UDC, and Part 2 of the RMA has been amended since the District Plan was made operative. I note my opinion differs to the applicant's planner as to the applicability of Part 2 as I do consider that the District Plan provisions are invalid in respect of not reflecting higher level planning documents. However, the applicant's planner has gone on to assess Part 2.

In this instance, I agree with the applicant's evaluation against Part 2 contained in 4.5.4 of the AEE, and add the following points:

- The proposal will provide for the amenity of residents on site,
- The quality of the existing environment will be enhanced through the proposed planting and removal of weed species,
- The works being undertaken on the site will ensure that there is no flooding of residential lots and no change in flooding effects beyond the site,
- The proposal will encourage the use of public transport and alternative modes of transport to driving, and
- The existing ecology within the Mitchell Stream Reserve will be enhanced.

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 generally consistent with the relevant objectives and policies of the Porirua City District Plan
- 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 Team Leader, Resource Consents – Planning, Policy and Regulatory Services grant consent to the resource consent application.

7.0 RECOMMENDATION

That the application by Kenepuru LP for land use and subdivision resource consents:

1. To:

- Undertake approximately 370,000m³ of earthworks on the Kenepuru Development Land beyond that consented through stage 1 earthworks RC7256
- Subdivide that area of the Kenepuru Development Land known as Stage 1 into 145 lots, and carry out associated land development and infrastructure works
- Construct and use 144 residential dwellings within the area known as Stage 1 and
- Provide for a non-residential building and activity on proposed lot 1000 that does not meet the front yard setback

referred to as the Kenepuru Development (being Lots 3, 5 and 8 DP 428849) and

2. To undertake earthworks on part of Bishop Viard College, within the Mitchell Stream Reserve and on the Environmental Science and Research land (being PT Lot 1 DP 54751, Lot 18 DP428849 and PT Section 1 SO 36948)

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. The proposal is consistent with the objectives and policies of the District Plan and the Regional Policy Statement; and
3. The proposal is consistent with the overall purpose of the Resource Management Act.

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

A-Land Use Consent Conditions

1. That the development be in general accordance with the information and plans submitted with the application and held on Council file RC7400 and stamped 'Approved Plans for Resource Consent RC7400'

Supporting information and technical reports:

- The assessment of effects on the environment, earthworks, subdivision and land use, Kenepuru Site, Porirua, dated June 2017, prepared by Urban Perspectives Limited
- The addendum to the assessment of effects on the environment, dated 7 August 2017, prepared by Urban Perspectives Limited
- The response to the Council s92 request for information, dated 25 October 2017, prepared by Calibre Consulting Ltd

- The following emails:
 - The email from Peter Coop to Gina Sweetman titled “KLP and Lot 1000” dated 8 November 2017
 - The email from Brett Gawn to Gina Sweetman titled “Covenant Area” dated 13 December 2017
 - The email from Peter Coop to Gina Sweetman titled “Bus stops and stacked parking” dated 15 December 2017
- Kenepuru Landing Project Stage 2 Earthworks and Stage 1 Housing Earthworks, Subdivision and Infrastructure Report, dated June 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Construction Management Plan – Stage 1 Civil Works and House Construction, dated 25 July 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Earthworks Noise and Vibration Assessment, Rp 001 2016893, dated 15 December 2016, prepared by Marshall Day Acoustics and the letter from Marshall Day Acoustics dated 27 July 2017;
- Kenepuru Subdivision – Geotechnical Assessment, Resource Consent for Earthworks, dated 19 June 2017, prepared by Coffey Ltd
- Traffic Modelling – Proposed Intersection and Existing Network (including appendices), dated June 2017, prepared for Kenepuru Landing by Calibre Consulting Ltd, including:
 - the Kenepuru Landing Additional Traffic Modelling Advice, prepared by Jacobs dated 24 August 2017
- Ecological Assessment titled “Ecological Aspects of Proposed Stage II Earthworks and the Stage 1 Development Plan for Kenepuru Landing”, dated June 2017, prepared by Astrid Van Meeuwen-Dijkgraaf of Wildland Consultants
- The following prepared by Isthmus:
 - Kenepuru Landing Stage One Development Urban Design + Landscape + Visual Assessment Report dated June 2017 and supporting documentation,
 - Kenepuru Landing – Addendum Development Urban Design + Landscape + Visual Assessment Report dated 31 July 2017,
 - The response to the Council s92 request for information, dated 25 October 2017
 - Housing Compliance Table, Job No 3691, Version 180125 and associated Kenepuru Landing Housing Sheet

Plans:

- The following plans prepared by Calibre Consulting (title, project no., sheet No., revision, date):
 - Overall Subdivision Scheme Plan, 709306.005, V211, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements to be Extinguished, 709306.005, V211.1, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements and Covenants to be Retained, 709306.005, V211.2, Rev A, 8 January 2018

- Overall Subdivision Scheme Plan showing proposed new and Retained Easements and Covenants, 709306.005, V211.3, Rev A, 8 January 2018
- Lots 1 – 144 Being a Subdivision of Lot 5 DP 428849, 709306.005, V212, Rev A, 9 January 2018
- Existing site plan with aerial photo, 709306.005, C101, Rev B, 19 June 2017
- Earthworks [sic] Plan Proposed Finished Levels, 709306.005, C200, Rev B, 19 June 2017
- Roding Plan Overall, 709306.005, C300, Rev D, 11 January 2018
- Roding Plan Sheet 1 of 2, C301, Rev C, 11 January 2018
- Roding Plan Sheet 2 of 2, C302, Rev D, 11 January 2018
- Road Long Sections Sheet 1, C310, Rev C, 2 June 2017
- Road Long Sections Sheet 2, C311, Rev C, 2 June 2017
- Road Long Sections Sheet 3 – 9, C312 – C318, Rev B, 9 May 2017
- Road Long Sections Sheet 10, C319, Rev A, 9 May 2017
- Typical Road Cross Sections Sheet 1, C320, Rev B, 19 June 2017
- Typical Road Cross Sections Sheet 2 to 5 , C321 - C324, Rev B, 2 June 2017
- Stage 2 Earthworks Proposed Contours, 709306.003, C02, Rev A, October 2017
- Earthworks Cut and Fill Depths, 709306.003, C03, Rev B, 18 October 2017
- Earthworks Sections, 709306.003, C05, Rev A, October 2017
- Earthworks Sections AA'-DD', 709306.003, C06, 20 June 2017
- Earthworks Sections EE'-HH', 709306.003, C06, 20 June 2017
- Stage 2 Erosion and Sediment Control Plan, 709306.003, C10, December 2017
- Proposed Earthworks within Mitchell Stream Reserve, 709306.005, C20, 16 July 2017
- Mitchell Stream Cross Sections, 709306.005, C21 – C25, 16 June 2017
- Intersection Concept Bluff Road, 709306, C08 Rev A, 14 June 2017
- Overall drainage plan, 709306.005, C400, Rev E, 31 July 2017
- Stormwater Plan Sheet 1, 709306.005, C401 Rev C, 31 July 2017
- Stormwater Plan Sheet 2, 709306.005 C402, Rev C, 30 July 2017
- Stormwater Plan, 709306.005, C402 Rev C, 31 July 2017
- Wastewater Plan Sheet 1, 709306.005, C403, Rev C, 27 July 2017
- Wastewater Plan Sheet 2, 709306.005, C404, Rev C, 27 July 2017
- Stormwater Long Sections Sheets 1-5, 709306.005, C405 – C409, Rev A, 3 August 2017
- Stomwater [sic] Long Sections Sheet 6, 709306.005, C410, Rev A, 3 August 2017
- Wastewater Long Sections Sheet 1, 709306.005, C415, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 2, 709306.005, C416, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 4, 709306.005, C418, Rev A, 27 July 2017

- Stormwater Catchment Zone Plan Stage 1, 709306.005, C425, Rev A, 19 June 2017
- Water Supply Plan, 709306.005, C500, Rev D, 19 June 2017
- The following plans prepared by Isthmus (title, job no., drawing No., revision, date):
 - Lots and Types, 3691, 0.060, Rev 2, 23 January 2018
 - Detail Page 08, 3691, 0.027, Rev 1, 11 January 2018
 - Resource Consent Layout – Key Plan, 0.010, Rev 2, 23 January 2018
 - Resource Consent Detail Plan 01 - 08, 3691, 0.020 – 0.027, Rev 2, 23 January 2018
 - Trees / planting to be retained, 3691, 1.010, Rev 1, 25 October 2017
- The plan titled “Non-residential development on Lot 1000” dated 26.1.2018

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

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. 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.
7. 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 6 of this resource consent and the Erosion and Sediment Control Plan (ref: Calibre

Erosion and Sediment Control Plan: Sheet C10) and stamped Approved Plans for Resource Consent RC7400.

8. Prior to the commencements of works within Council's road reserve, the consent holder shall ensure that a Corridor Access Request and a Traffic Management Plan is submitted for approval to the satisfaction of the Chief Operating Officer, City and Community Infrastructure.
9. Prior to the commencement of works on the site, the consent holder shall submit for approval to the satisfaction of the Manager Resource Consents, a final Construction Management Plan which shall include 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. Earthworked material tracking onto the road network
 - c. Dust
 - d. Noise and hours of construction
 - e. Stormwater runoff.
10. Prior to the earthworks commencing adjacent to Mitchell Stream Esplanade Reserve the boundary on the site adjacent to Mitchell Stream Esplanade Reserve (on the western side of Hall Road) shall be marked out with high visibility material such as fluorescent netting and waratah fencing to prevent any earthworks over the reserve boundary to the satisfaction of the Manager, Parks. The consent holder shall ensure that all workers on the site are aware of the reserve boundary where no work is to be carried out.
11. Prior to earthworks commencing within Mitchell Stream Esplanade Reserve on the eastern side of Hall Road or on the piece of land immediately adjoining this Reserve, the consent holder shall provide the detailed earthworks design and levels for approval to the satisfaction of the Manager, Parks.
12. Prior to the earthworks commencing in proximity to the Holm Oaks (CVA and CVB), the consent holder shall ensure that these shall be protected by the erection of suitable construction fencing) at the outer edge of the dripline of the trees. A sign shall be placed on the fence stating that it is a "Tree Protection Zone – this fence cannot be removed during construction unless authorised by Porirua City Council's Manager, Parks".
13. Prior to the commencement of any works on the site, the consent holder shall provide for the approval of the Manager Resource Consents and 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.

14. Prior to the commencement of any works on the site, the consent holder shall prepare and provide for the approval of the Manager Resource Consents and the Wellington Water Land Development Team a Stormwater Asset Maintenance Plan (SAMP). The purpose of the SAMP is to avoid impact on downstream properties and shall set out measures to demonstrate that:
 - a. The frequency and severity of floods within Sec 1 SO36948 will not be increased; and
 - b. The existing banks and bed of Mitchell Stream and associated weir within Sec 1 SO36948 will not be affected by increased water flows and / or speeds; and
 - c. That on-going stormwater neutrality on the site is achieved.

The SAMP must also demonstrate how the following requirements will be met during and after construction, so as to achieve on-going stormwater neutrality:

- i. The consent holder must follow the required operation, maintenance and renewal of the stormwater systems including the frequency of maintenance, to ensure they are in full working order on an on-going basis; and
- ii. The owner(s) of the development cannot increase stormwater discharge, through an increase in non-permeable areas above that assumed in the modelling calculations without Council approval; as an increase in stormwater discharge may result in failure of the stormwater detention system(s).

Advice Note:

For the purpose of clause i. above, the Council will become the consent holder for all stormwater assets contained within Council land once these have been vested in Council, and will be responsible for the ongoing operation, maintenance and renewal of stormwater systems within Council land (including the road reserve and Mitchell Stream).

Prior to construction of any dwellings

15. Prior to the construction of any new dwelling on the site, the culvert beneath Hall Road shall have been cleaned out and stream works within Mitchell Stream undertaken in accordance with any consent granted by the Greater Wellington Regional Council.

Advice Note:

It is important that the methodology and design of these works are undertaken taking into consideration the stream profile as a whole (up and down stream 100 metres in each direction from the culvert) to ensure that the works do not create a bank profile that will result in erosion and bank instability.

16. Prior to the commencement of construction of any new dwelling on the site where the outdoor living area for that dwelling is located adjacent to a road boundary or Laneways A, B, F, G and H, the consent holder shall submit a plan(s) showing the detailed design for the screening of the outdoor living area for approval to the satisfaction of the Manager Resource Consents. The purpose is to ensure that the screening provides the users of the outdoor living area a level of privacy from the road or Laneway.
17. Prior to the commencement of construction of any new dwelling on the site, the consent holder shall submit a plan(s) showing the detailed treatment of rear yard boundaries and planting between each lot, for approval to the satisfaction of the Manager Resource Consents. The purpose is to ensure sunlight access and privacy between dwellings on adjacent lots.

During Earthworks and Construction

18. Within two months of work commencing on the site, the consent holder shall provide a Landscape Planting and Mitigation Plan (LPMP) for approval to the satisfaction of the Manager Resource Consents which shall address:
 - a. The area of Mitchell Stream Esplanade Reserve between ESR and Hall Road (true left bank);
 - b. The mitigation planting proposed on the batter around the attenuation pond at the Raiha Street/Hospital Drive and the batter to the west of Lot 15 DP42249;
 - c. Details of mitigation planting and grass proposed on the other batters with a height between 5-12 metres more specifically at the north-west perimeter of the site.
 - d. The location of the compensation weed control for the removal of the trees on the existing Council reserve.

The LPMP shall contain details of:

- a. Plant species, numbers, size, spacing, layout and grade; and
- b. Methods of ground preparation, fertilising, mulching, spraying, ongoing maintenance and weed management.
- c. The provision for a yearly walkover during the maintenance period with the Council Parks Team for the areas where the planting will be handed to Council at the completion of the maintenance period i.e Mitchell Stream and attenuation pond in road to vest.

Advice Notes:

Strappy planting (such as cabbage trees) is not to 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. Mitigation planting proposed on the batter around the attenuation pond at the Raiha Street/Hospital Drive and the batter to the west of Lot 15 DP42249 will be subject to a future condition

at time of subdivision consent requiring the vegetation to be protected in perpetuity.

The consent holder should submit this plan at a similar time as they submit plans relating to earthworks within Mitchell Stream.

19. Within two months of works commencing, the consent holder shall submit a Streetscape Planting Plan (SPP) for approval to the satisfaction of the Manager Resource Consents and Parks Manager which shall show in detail the layout and spacing of street trees, planting methodology, maintenance methodology, the locations of the rain gardens, and any other planting within the proposed roads to vest including the laneways. The SPP shall be generally in accordance with the Isthmus Plans Resource Consent Layout – Key Plan, 0.010, Rev 1, 11 January 2018 and Resource Consent Detail Plan 01 - 08, 3691, 0.020 – 0.027, Rev 1, 11 January 2018 and shall contain details of:
- a. Plant species, numbers, size, spacing, layout and grade; and
 - b. Methods of ground preparation, fertilising, mulching, spraying and ongoing maintenance.
 - c. The rain gardens, including species and a rain garden maintenance plan. The rain garden maintenance plan must describe the methods and frequency of the management of sediment build up, and management of the rain garden vegetation, including spraying.
 - d. The provision for a yearly walkover during the maintenance period with the Council 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.
 - e. The grading of each garden in accordance with the PCC maintenance grading specification.

The SPP shall also demonstrate how the following points have been addressed:

- a. Strappy planting is not to be located by mown grass areas. Any strappy planting should also be set back at least 1m
- b. All hedging boundary treatments must be within the residential allotments.
- c. Consideration should be given as to whether the parking bay edges need to be splayed to protect the planting from cars.

Advice Note:

The consent holder should submit this plan at a similar time as they submit plans for any surface treatment of the laneways and more detailed service plans for roading as required under condition 51.

20. All construction works shall comply with the Construction Management Plan approved under condition 9.

21. The consent holder shall comply with the following hours for earthworks and infrastructure construction, including warm up and warm down of machinery:
- 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
 - No construction works shall be permitted outside of these times or on Sundays or public holidays;
 - Heavy machinery or plant may only access/exit the site, warm up and operate on the site within the above start times;
 - 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.
22. Noise from all construction activities must be in accordance with:
- Section 16 [Duty to Avoid Unreasonable Noise] of the RMA during daytime hours (7am – 10pm); and
 - L_{10} 45 dBA during night time hours (10pm-7am) at any point within the boundary of the Suburban Zone; and
 - NZS6803:1999 “Acoustics – Construction Noise”.
23. Any fill requiring transport from the site shall be taken out via either Raiha Street using an informal construction entrance or from Hospital Road.
24. For the duration of the construction, the consent holder will 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.
25. For compliance with Condition 24, the consent holder shall ensure that a sign, measuring $1m^2$, is placed in prominent positions on the boundaries of the site (Hall Road, Hospital Drive, Bluff Road). 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.
26. The consent holder shall appoint a representative 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.
27. If any archaeological site(s) are uncovered during physical works, the applicant or the applicant's representative shall contact Te Rūnanga o Te

Rangatira Incorporated, Heritage New Zealand and Porirua City Council and must follow the following protocols:

- a. Work must cease immediately at the place of discovery
- b. The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager;
- c. No materials relating to the artefact or site shall be removed;
- d. If skeletal remains are uncovered, the project manager must advise the New Zealand Police;
- e. The consent holder must employ an archaeologist (whose appointment has been agreed with Te Rūnanga o Te Rangatira Incorporated) at their own expense to examine and record the site;
- f. If, as a result of the site inspection and investigation, there is a need for an appropriate ceremony by Te Rūnanga o Te Rangatira Incorporated (and or another iwi group), the consent holder must make the necessary arrangements for that ceremony to occur;
- g. 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.
- h. The consent holder must allow representatives of Te Rūnanga o Te 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;
- i. 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.

28. All fills shall be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989.
29. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated in accordance with the Erosion and Sediment Control Plan specific to that stage as approved under Condition 7 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 except as approved by Greater Wellington Regional Council or Sec 1 SO36948.

30. Land disturbed by earthworks, trenching or subdivision construction activities shall be wetted as required to ensure that dust nuisance is maintained within the site.
31. All areas exposed by earthworks, trenching or subdivision construction activities shall be re-grassed/hydro-seeded or otherwise stabilised at the earliest possible opportunity following excavation or at the latest within 1 month after completion of the earthworks, except where the earthworks expose rock.
32. 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.
33. The consent holder shall 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. If some contaminant material is tracked on to the road, the consent holder shall clean and repair 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.
34. Run-off from the site must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties or the legal road. Sediment, earth or debris must not collect on land beyond the site.
35. Throughout the construction period, the consent holder shall, in respect of the Holm Oaks (CVA and CVB), ensure that:
 - a. The fencing and sign required under Condition 12 is maintained.
 - b. No material is stored within their drip line
 - c. No vehicles drive over roots.
 - d. No chemicals, including fuels, are spilled over roots of trees.
 - e. No material on top of existing roots is compacted.
 - f. The levels at the roots must remain the same at all times.
 - g. If the stem of either tree needs protection it has to be done with suitable materials allowing circulation of air and not damaging or strangling the tree.
 - h. If roots or branches are to be cut back, the consent holder must obtain arborist advice and the works must be completed by a qualified landscaper or arborist with suitable tools and any items must be removed carefully and without causing damage after the works have been finalised.

36. The fencing and sign required in respect of Holm Oaks (CVA and CVB) under Condition 12 shall only be removed with the approval of the Manager, Parks at the completion of works in that area of the site.
37. The consent holder shall implement the LPMP approved in accordance with Condition 18 in the first planting season after the completion of earthworks for the batters. The planting and landscaping in Mitchell Stream Reserve shall be completed where practical in the planting season following earthworks. The remainder of the planting in the Mitchell Stream Reserve shall be completed in the planting season following the completion of civil works. All planting shall be maintained for four years after implementation is completed. Prior to the handover of the landscape and mitigation planting to the Council, the consent holder shall undertake a walkover with the Parks Team.
38. The consent holder shall implement the SAMP approved in accordance with Condition 14 throughout the construction period.
39. 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.
40. All dwellings shall be constructed in accordance with the plans referenced and approved in Condition 1, with the following amendments:
 - Each dwelling shall have a sheltered entry to the front door;
 - Any dwelling that has a side elevation to a laneway, shall provide a window on that side elevation that allows for overlooking from the dwelling to the laneway;
 - The plans approved under Conditions 16 and 17 shall be implemented.

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

41. The consent holder shall have met all the following requirements prior to making any application for building consent under the Building Act:
 - a. The s223 certificate has been issued for the relevant stage of development, which shall include all of the following:
 - All easements
 - All approved building platforms
 - Any building constraint areas/setbacks that may have been identified in the earthworks geotechnical report(s) subject to Conditions 43 and 44.

- b. 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.

- c. 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.
- d. Engineering certification of shown finished ground levels and building platform heights has been provided to the satisfaction of the Manager Resource Consents.
- e. 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.

- 42. Prior to the issuing of any building consents, the consent holder must 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

- 43. Within six months of completion of the earthworks or prior to any application for Section 224 certification 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 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.

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.

44. Within six months of completion of the earthworks hereby consented or application for Section 224 certification whichever occurs first, a Foundation Completion Report is to 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.

45. The consent holder shall ensure that there is a screened area provided on each residential lot which will screen any rubbish bins from any public or street views.
46. Prior to the occupation of any residential dwellings on the site, the right turn bay in Kenepuru Drive at the intersection with Bluff Road, including its road markings, shall be in place.
47. Following the completion of construction, the consent holder shall implement the SPP approved under Condition 19 and shall maintain the streetscape planting for four years after implementation in accordance with Condition 19 and the PCC grading specification for each garden. Prior to the handover of the streetscape planting to the Council, the consent holder shall complete final maintenance and undertake a walkover with the Parks Team.
48. Prior to the occupation of the proposed sales office on Lot 1000, the proposed access, manoeuvring and parking areas shall be constructed and sealed in compliance with the PCC's Code of Land Development 2010, Part H

of the District Plan and approved plan titled "Non-residential development on Lot 1000" dated 26.1.2018.

49. Under s123 of the Resource Management Act 1991, the duration of land use consent for the operation of a sales office from Lot 1000 is five years.

Advice Note:

The consent holder should progress obtaining a separate land use consent for the establishment and operation of a retail activity on Lot 1000 that will serve the newly established community.

B-Subdivision Consent Conditions

50. That the development be in general accordance with the information and plan submitted with the application and held on Council file RC7400 and stamped 'Approved Plans for Resource Consent RC7400'

(Ref: Supporting information and technical reports:

- The assessment of effects on the environment, earthworks, subdivision and land use, Kenepuru Site, Porirua, dated June 2017, prepared by Urban Perspectives Limited
- The addendum to the assessment of effects on the environment, dated 7 August 2017, prepared by Urban Perspectives Limited
- The response to the Council s92 request for information, dated 25 October 2017, prepared by Calibre Consulting Ltd
- The following emails:
 - The email from Peter Coop to Gina Sweetman titled "KLP and Lot 1000" dated 8 November 2017
 - The email from Brett Gawn to Gina Sweetman titled "Covenant Area" dated 13 December 2017
 - The email from Peter Coop to Gina Sweetman titled "Bus stops and stacked parking" dated 15 December 2017
- Kenepuru Landing Project Stage 2 Earthworks and Stage 1 Housing Earthworks, Subdivision and Infrastructure Report, dated June 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Construction Management Plan – Stage 1 Civil Works and House Construction, dated 25 July 2017, prepared by Calibre Consulting Ltd
- Kenepuru Landing Earthworks Noise and Vibration Assessment, Rp 001 2016893, dated 15 December 2016, prepared by Marshall Day Acoustics and the letter from Marshall Day Acoustics dated 27 July 2017;
- Kenepuru Subdivision – Geotechnical Assessment, Resource Consent for Earthworks, dated 19 June 2017, prepared by Coffey Ltd
- Traffic Modelling – Proposed Intersection and Existing Network (including appendices), dated June 2017, prepared for Kenepuru Landing by Calibre Consulting Ltd, including:
 - the Kenepuru Landing Additional Traffic Modelling Advice, prepared by Jacobs dated 24 August 2017

- Ecological Assessment titled “Ecological Aspects of Proposed Stage II Earthworks and the Stage 1 Development Plan for Kenepuru Landing”, dated June 2017, prepared by Astrid Van Meeuwen-Dijkgraaf of Wildland Consultants
- The following prepared by Isthmus:
 - Kenepuru Landing Stage One Development Urban Design + Landscape + Visual Assessment Report dated June 2017 and supporting documentation,
 - Kenepuru Landing – Addendum Development Urban Design + Landscape + Visual Assessment Report dated 31 July 2017,
 - The response to the Council s92 request for information, dated 25 October 2017
 - Housing Compliance Table, Job No 3691, Version 180125 and associated Kenepuru Landing Housing Sheet

Plans:

- The following plans prepared by Calibre Consulting (title, project no., sheet No., revision, date):
 - Overall Subdivision Scheme Plan, 709306.005, V211, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements to be Extinguished, 709306.005, V211.1, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing Easements and Covenants to be Retained, 709306.005, V211.2, Rev A, 8 January 2018
 - Overall Subdivision Scheme Plan showing proposed new and Retained Easements and Covenants, 709306.005, V211.3, Rev A, 8 January 2018
 - Lots 1 – 144 Being a Subdivision of Lot 5 DP 428849, 709306.005, V212, Rev A, 9 January 2018
 - Existing site plan with aerial photo, 709306.005, C101, Rev B, 19 June 2017
 - Earthworks [sic] Plan Proposed Finished Levels, 709306.005, C200, Rev B, 19 June 2017
 - Roading Plan Overall, 709306.005, C300, Rev D, 11 January 2018
 - Roading Plan Sheet 1 of 2, C301, Rev C, 11 January 2018
 - Roading Plan Sheet 2 of 2, C302, Rev D, 11 January 2018
 - Road Long Sections Sheet 1, C310, Rev C, 2 June 2017
 - Road Long Sections Sheet 2, C311, Rev C, 2 June 2017
 - Road Long Sections Sheet 3 – 9, C312 – C318, Rev B, 9 May 2017
 - Road Long Sections Sheet 10, C319, Rev A, 9 May 2017
 - Typical Road Cross Sections Sheet 1, C320, Rev B, 19 June 2017
 - Typical Road Cross Sections Sheet 2 to 5, C321 - C324, Rev B, 2 June 2017
 - Stage 2 Earthworks Proposed Contours, 709306.003, C02, Rev A, October 2017

- Earthworks Cut and Fill Depths, 709306.003, C03, Rev B, 18 October 2017
- Earthworks Sections, 709306.003, C05, Rev A, October 2017
- Earthworks Sections AA'-DD', 709306.003, C06, 20 June 2017
- Earthworks Sections EE'-HH', 709306.003, C06, 20 June 2017
- Stage 2 Erosion and Sediment Control Plan, 709306.003, C10, December 2017
- Proposed Earthworks within Mitchell Stream Reserve, 709306.005, C20, 16 July 2017
- Mitchell Stream Cross Sections, 709306.005, C21 – C25, 16 June 2017
- Intersection Concept Bluff Road, 709306, C08 Rev A, 14 June 2017
- Overall drainage plan, 709306.005, C400, Rev E, 31 July 2017
- Stormwater Plan Sheet 1, 709306.005, C401 Rev C, 31 July 2017
- Stormwater Plan Sheet 2, 709306.005 C402, Rev C, 30 July 2017
- Stormwater Plan, 709306.005, C402 Rev C, 31 July 2017
- Wastewater Plan Sheet 1, 709306.005, C403, Rev C, 27 July 2017
- Wastewater Plan Sheet 2, 709306.005, C404, Rev C, 27 July 2017
- Stormwater Long Sections Sheets 1-5, 709306.005, C405 – C409, Rev A, 3 August 2017
- Stormwater [sic] Long Sections Sheet 6, 709306.005, C410, Rev A, 3 August 2017
- Wastewater Long Sections Sheet 1, 709306.005, C415, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 2, 709306.005, C416, Rev A, 27 July 2017
- Wastewater Long Sections Sheet 4, 709306.005, C418, Rev A, 27 July 2017
- Stormwater Catchment Zone Plan Stage 1, 709306.005, C425, Rev A, 19 June 2017
- Water Supply Plan, 709306.005, C500, Rev D, 19 June 2017

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.

General:

Prior to commencement of construction:

51. Prior to the commencement of works to install any services, 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, including the Bluff Rd intersection realignment with Kenepuru Drive, driveways, construction (other than residential buildings) and street lighting for approval to the satisfaction 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 laneways.

52. Construction plans of the proposed public stormwater drainage, wastewater drainage and public potable water work must be submitted to the Manager Resource Consents and the Wellington Water Land Development team for approval prior to the commencement of works.
53. Prior to commencement of the civil works associated with road construction, the consent holder shall submit a street lighting plan for approval to the satisfaction of the Manager Resource Consents.
54. Prior to the commencement of any civil works, the consent holder must establish the condition of any existing private wastewater and stormwater drains to be reused by CCTV inspection in a DVD or alternative approved format. A copy of the CCTV inspection record and its report shall be submitted to the Manager Resource Consents and the Wellington Water Land Development Team for review prior to construction works.
55. If on considering the DVD (or alternative) and report produced under Condition 54, the Wellington Water Land Development Team is not satisfied with the condition of the existing private wastewater and stormwater drains, or section(s) of drain(s), then the consent holder at their own cost must upgrade or construct a new drain, or section of drain, as directed by and to the satisfaction of the Wellington Water Land Development Team. Any work required shall comply with all conditions of this consent.
56. Prior to the commencement of civil works on the site, the consent holder shall submit details of the surface treatment to be used in the laneways for approval to the satisfaction of the Manager Resource Consents. The purpose of the surface treatment is to ensure that there is a varied surface and avoid the use of tarmac, to achieve a useable and safe shared space between pedestrians and vehicles.
57. Prior to the commencement of civil works that directly relate to the new Bluff Road, the consent holder shall submit the detailed design and a plan of the

road markings for the installation of a right turn bay in Kenepuru Drive at the intersection with Bluff Road for approval to the satisfaction of the Manager, Resource Consents.

58. Prior to the construction of the shared pathway and stormwater detention ponds in Mitchell Stream Esplanade Reserve (Lot 18 DP 428849), the consent holder shall provide the final design plans for the streamside reserve, which includes the overland flow paths (existing and new) and details of any attenuation in reserve land to be vested, for approval to the satisfaction of the Manager Resource Consents and Manager, Parks. The final design proposed shall meet the following requirements;
- a. The shared pathway gradient shall be a maximum of 1 in 15; except for the first 40 metres from the intersection of Bluff Road with Kenepuru Drive, where the shared pathway gradient shall be a maximum of 1 in 12;
 - b. The shared pathway level and surrounding overland paths shall be designed to ensure that they are not flooded more than a 2-year flood return;
 - c. The stormwater outlets shall be sympathetic to the open space stream environment and safe for the public;
 - d. The stormwater outlets shall be designed at 30-degree angle to the stream banks rather than 90 degrees to minimise the erosion and dissipation may also be required;
 - e. Where attenuation is proposed in existing reserve or reserve to vest details must be provided showing the extent of attenuation, depth of water levels for different return events and the time period the attenuation is required.
 - f. The location of heavy duty crossings for maintenance vehicles (such as mowers) to access the areas which will need mowing and access to the culvert under Hall Road.
 - g. The construction specification for the concrete shared pathway to ensure that it is fit for purpose (maintenance vehicles as well as pedestrian/cycle use);
 - h. Details of the open space elements such as seating, platforms and the position of these in relation to the 1 in 10 and 1 in 2-year flood events.
59. Prior to civil works associated with construction of the pocket park on Lot 1001 commencing, the applicant shall work with the Parks Team to prepare the detailed design for the development of the pocket park, Lot 1001, and the final plan for Lot 1001 shall be submitted for approval to the satisfaction of the Manager, Parks. The design shall include:
- a. the proposed equipment, target age group, supplier details and safety surfacing;
 - b. the details for the hard and soft landscaping;
 - c. existing and proposed overland flow paths.

60. Prior to construction commencing on the neighbourhood park on Lot 1001 the consent holder shall provide the Manager, Parks with the contact details of an appropriately qualified person who will certify the construction that the play equipment and the 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.
61. Prior to civil works commencing the consent holder shall submit the construction plan for the cemetery parking and turning area for approval to the satisfaction of the Manager, Parks.
62. Prior to civil works commencing, the consent holder shall submit designs for realignment of Hall Road between the Hospital Road roundabout and Mitchell Stream for approval to the satisfaction of the Manager Resource Consents. The design must be in accordance with Austroads road design standards and the PCC Code of Land Development and Subdivision Engineering and meet the standard in the Regional Standard for Water Services for overland flow over roadways.
63. Prior to civil works commencing, the consent holders shall engage a suitably qualified Chartered Professional Engineer to undertake a condition assessment of the existing crib retaining wall along the ESR boundary supporting the realigned Bluff Road and prepare a report on its condition. This report shall include any recommendations for remedial works and suitability for supporting a future road in any surcharge zone of the wall. The report shall be provided for approval to the satisfaction of the Manager Resource Consents.

Advice Note:

The crib wall on the boundary between the application and Sec 1 S036948 will be vested in Council as legal road meaning that the wall will become a roading asset and the future maintenance will be the Council's responsibility.

Prior to Section 223 Approval

64. 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 1001 to vest as Recreation Reserve to vest in Porirua City Council.
65. 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 V211, relating to that stage, shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.

66. 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).
67. All stormwater secondary flow paths across land within the subdivision must be protected by an easement or in public land. The location of the secondary flow path(s) must be submitted to the Wellington Water Land Development team for approval prior to approval under Section 223 of the Resource Management Act 1991. A copy of the approval and the associated plan(s) showing the overland flowpath shall be included with the application for section 223 certification. Preference is for secondary flow paths to be located in public land, such as parks, walkways and roads. The easement must cover the full extent of the secondary flow path and must not be less than 3 m wide. The easement shall have the effect of preventing alteration of the ground surface and prohibit location of structures that might impede the flow of water across the land. The easement shall be in favour of the Council. The easement must be duly granted, reserved and shown on the survey plan.
68. Easements for public services are to be shown on a plan with a minimum of 3m in width centred over the services and shall be shown in gross with Porirua City Council as grantee.
69. The Land Transfer Plan shall show Lots 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 as "Road to Vest in Porirua City Council".

Prior to Section 224 Approval

70. Prior to approval under s224 certification of the Resource Management Act 1991, the consent holder shall undertake CCTV inspections in a DVD or alternative approved format on completion of all sewer 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.
71. Prior to approval under s224 certification of the Resource Management Act 1991, 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.

72. Prior to approval under Section 224 of the Resource Management Act 1991, 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.
73. Prior to approval under Section 224 of the Resource Management Act 1991, all related works shall comply with New Zealand Standard: Land Development, Subdivision Infrastructure NZS 4404:2010, and the PCC Code of Land Development and Subdivision Engineering 2010 and the Wellington Regional Water Standard 2016, except where approved otherwise under this resource consent.
74. Prior to approval under Section 224 of the Resource Management Act 1991 and after the completion of construction, the consent holder shall undertake pressure testing of all sewer and water mains at the consent holder's expense. Councils' engineer or a nominated representative must be present during the test and will sign the appropriate documentation provided by Council to verify the test results. The consent holder shall give the Council a minimum of 24 hours' notice prior to the test being carried out. The consent holder's contractor shall provide all fittings and materials to carry out the test. The water test must comply with the relevant Council standards and in compliance as per stated by the supplier and with NZS 4404:2010 and the Regional Standard for Water Services.
75. Prior to approval under Section 224 of the Resource Management Act 1991, 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 condition 51, the PCC Code of Land Development and Subdivision Engineering 2010, Regional Standard for Water Services, and Regional Specification for Water Services. 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.
76. Prior to approval under Section 224 of the Resource Management Act 1991 each allotment must be provided with a separate and direct connection to a public gravity stormwater network, public gravity wastewater network and a public potable water network; at a location approved by the Manager Resource Consents in consultation with the Wellington Water Land Development Team.

Note: The PCC Code of Land Development and Subdivision Engineering 2010–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.

77. 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 and public gravity wastewater network and public potable water network to serve the proposed lots.
78. 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.
79. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall provide laterals to the wastewater main, 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

Advice Note:

A wastewater capacity check has confirmed that the public gravity wastewater network downstream of the site is undersized and under capacity. Due to existing flows from the site, this stage can progress without the requirement for flow mitigation. For future stages, once assessment shows that the proposed flow exceeds existing flows, wastewater mitigation in the form of on-site attenuation will be required to be provided and be of a design agreed with the Council.

80. Prior to approval under Section 224 of the Resource Management Act 1991, 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.

Advice Note:

Council will carry out the connection to the existing Council main after the consent holder has submitted a connection application to Council and paid all associated costs.

81. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall undertake any necessary remedial works to the crib retaining wall along the ESR boundary as agreed with the Council under Condition 63. On completion of the remedial works, the consent holder shall submit a works completion report for approval to the satisfaction of the Manager Resource Consents.

Advice Note:

The crib wall on the boundary between the application site and Sec 1 SO36948 will be vested in Council as legal road meaning that the wall will

become a roading asset and hence the future maintenance will be the Council's responsibility.

82. Prior to the approval under Section 224 of the Resource Management Act 1991, the Bluff Rd intersection with Kenepuru Drive shall have been realigned in accordance with Calibre Roding plans C300 and C301 and Condition 57.
83. Prior to approval under Section 224 of the Resource Management Act 1991, the road markings shall be in place for a right turn bay in Kenepuru Drive at the intersection with Bluff Road.
84. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall undertake the realignment of Hall Road in accordance with the approved plans in Condition 62 above to the satisfaction of the Manager Resource Consents. Any new retaining structures shall be designed by a Chartered Professional Engineer and be subject to the issue of a PS4 certificate.
85. Prior to approval under Section 224 of the Resource Management Act 1991, the culvert beneath Hall Road shall have been cleaned out and stream works within Mitchell Stream undertaken in accordance with any consent granted by the Greater Wellington Regional Council.

Advice Note:

It is important that the methodology and design of these works are undertaken taking into consideration the stream profile as a whole (up and down stream 100 metres in each direction from the culvert) to ensure that the works do not create a bank profile that will result in erosion and bank instability.

86. 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.
87. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall construct, seal and drain Proposed Roads 1 – 7 and Laneways A to H 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).

88. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall install bus stops, shelters and relevant road marking and signage in accordance with Greater Wellington Regional Council requirements and the GWRC and NZTA Guidelines for Public Transport Infrastructure and Facilities.
89. 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 Chief Operating Officer: City & Community Infrastructure and be submitted by a person suitably qualified in RAMM data collection and analysis.

Advice Note

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

90. 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 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.

91. Prior to any approval under Section 224 of the Resource Management Act 1991 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 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.

92. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall have constructed an extension of the public gravity stormwater network and public gravity wastewater network and public potable water network to serve the proposed lots.
93. Prior to approval under Section 224 of the Resource Management Act, each new lot shall be supplied with an individual water supply connection and Toby at a location approved by the Wellington Water Land Development Team. Council will carry out connection to the existing Council main after submitting a connection application to Council and payment of all associated costs. The consent holder is to arrange for all trenches to be opened (if required) and reinstated to a satisfactory condition.
94. Prior to approval under Section 224 of the Resource Management Act, each new lot shall be provided with an individual 100mm diameter sanitary sewer connection within the lot at a location approved by the Wellington Water Land Development Team. Laterals are to be provided by the consent holder, with the actual connection to the main provided by the Council of which the actual cost shall be met by the consent holder
95. Prior to approval under Section 224 of the Resource Management Act, each new lot shall be provided with an individual 100mm diameter storm water connection within the lot at a location approved by the Wellington Water Land Development Team. Connection 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.

Advice Note:

The PCC Code of Land Development and Subdivision Engineering 2010–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.

96. Prior to approval under Section 224 of the Resource Management Act 1991, 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.

97. Prior to approval under Section 224 of the Resource Management Act, all utility services (with the exception of any power distribution cabinets) shall be installed underground.
98. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall install suitable underground ducting for the national broadband reticulation.
99. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder must provide Council with letters from the electricity, gas and telecommunications network providers for the project that state that all their requirements have been met.
100. Prior to approval under Section 224 of the Resource Management Act 1991, the electricity substation covered by easement M2 on DP 428849 shall have been relocated on the site.
101. Prior to approval under Section 224 of the Resource Management Act 1991, the existing gas pumping station shall be relocated on the site and the gas lines shall have been upgraded and realigned.
102. 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.
103. Prior to approval under Section 224 of the Resource Management Act 1991, 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.
104. Prior to approval under Section 224 of the Resource Management Act 1991, all areas exposed by earthworks, trenching or subdivision construction activities shall be re-grassed/hydro-seeded, except where the earthworks expose rock.
105. Prior to approval under Section 224 of the Resource Management Act 1991, 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.

106. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage 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.
107. Prior to approval under Section 224 of the Resource Management Act 1991 for each stage, the consent holder shall have implemented the surface treatment for laneways approved under Condition 56.
108. 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 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.
109. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall have completed the construction of the cemetery parking and turning area in accordance with the Plan approved in condition 61.
110. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall enter into a legal agreement with Council to continue to maintain the stormwater outlets and the stream banks in Mitchell Stream Esplanade Reserve for a period of three years following approval under Section 224 of the Resource Management 1991 to ensure that long term erosion and scour can be remedied appropriately by the consent holder. All costs associated with the preparation of the agreement shall be met by the consent holder.
111. The consent holder or future owners of proposed Lot 130 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.
112. Condition 111 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 Lot 130 shall be prepared by Council at the cost of the consent holder.
113. Prior to approval under Section 224 of the Resource Management Act 1991, the consent holder shall complete the construction of the neighbourhood

reserve Lot 1001 in accordance with the plans approved in Condition 60 and shall have maintained the landscaping for four years from the date the planting has been implemented. Certification will be required by the person nominated in Condition 60 that the play equipment and 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.

114. 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 18, 19, 59 and 113 of RC7400 is completed, then the applicant shall pay to the Porirua City Council a bond in the form of a refundable cash deposit. 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, and that 50% of the estimated cost for the maintenance periods has been added.
115. 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 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.
116. Prior to approval under Section 224c of the Resource Management Act 1991, the consent holder shall
 - demonstrate to the satisfaction of the Manager Resource Consents, how the SAMP approved under Condition 14 will be implemented on an ongoing basis;
 - implement any measures to ensure that the SAMP is implemented on an ongoing basis within a timeframe agreed with the Manager Resource Consents under a.

Advice note:

A variant of this condition was offered on an Augier basis by the applicant. The Manager Resource Consents may require that a consent notice on the title(s) shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any memorandum of consent notices are to be met by the consent holder.

117. The consent holder or future owners of Lot 1504 shall comply with the following:

Dwellings on proposed Lot 1504 and within 30 metres of ESR (Sec 1 SO36948) shall have 3-pass blackout curtains for all south orientated windows.

118. Prior to approval under Section 224c of the Resource Management Act 1991, condition 117 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lot 1504 and shall be prepared by Council at the cost of the consent holder.
119. The consent holder or future owners of Lot 1503 and Lot 1504 (or subsequent allotments if both or either is further subdivided) shall comply with the following:

For all dwellings within 50 metres ESR's boundary (Sec 1 SO36948), all rooms (excluding garages and bathrooms) shall have the following mitigation measures installed at the time of construction as set out below:

- a. *A ventilation system that:*
 - i. *achieves the requirements of Section G4 – Ventilation of the New Zealand Building Code 2011, and, while meeting this minimum requirement, the sound of the system shall not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser;*
 - ii. *provides ventilation at incremental rates controlled by the occupant up to a high air flow setting that provides at least 6 air changes per hour, and, while meeting this requirement, the sound of the system shall not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser; and,*
 - iii. *results in air pressure inside the habitable room that is no more than 10Pa above ambient external air pressure;*
- b. *Acoustic insulation that protects the occupants from noise arising from outside the building by ensuring the external sound insulation level achieves the minimum acoustic insulation performance of $D_{nT,W} + C_{tr} > 35\text{dB}$.*
- c. *Compliance with (b) above shall be achieved by ensuring habitable rooms are designed and constructed in accordance with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with the above performance standard. For the purposes of clarity, it is expected that several dwellings or an entire block of land could be addressed by one acoustic certificate.*

Except that the distance of 50 metres may be reduced in either of the following circumstances:

- a. *Written agreement between the landowner of the conditioned land and ESR (or subsequent owner/s of Sec 1 SO 36948) that the distance may*

be reduced, based on plans showing the location and floor plans of dwellings in the 50 metre area; or,

- b. A certificate from a suitably qualified and experienced acoustic specialist stating that a reduced distance can be applied because occupants of dwellings between the reduced distance and 50 metres from the boundary of Sec 1 SO 36948 will find any plant or vehicle noise emitted from Sec 1 SO 36948 indistinguishable in the night time environment against the background noise with the windows open.*

120. Prior to approval under Section 224 of the Resource Management Act 1991, condition 119 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Register for Lot 1503 and Lot 1504 and shall be prepared by Council at the cost of the consent holder.

Advice Note:

Porirua City Council notes that the consent holder has indicated that Lots 1503 and 1504 will be further subdivided. The Council will support the cancellation of the consent notice from those parts of the Lots that are not with the distance defined in condition 119, should subdivision proceed.

121. The consent holder or future owners of proposed Lots 1-144, 1000 and 1504 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.

122. Condition 121 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 1-144, 1000 and 1504 inclusive and shall be prepared by Council at the cost of the consent holder.

(B) Cancellation of Easements and covenants

That the Council grants approval to the partial surrender of easements 609834.2, 8505135.1, 8475256.13, 8475256.14, 8475256.17 and covenant 6419375.1 as follows:

EXISTING EASEMENTS TO BE EXTINGUISHED Pursuant to Sec 243 RMA 1991			
Purpose	Shown on DP 428849	Servient Tenement	Dominant Tenement
Right of way, right to drain sewage, right to drain water, right to convey water, right to	H, H2 and H3	Lot 5 DP 428849	Lots 1, 2, 15 and 8 DP 428849

convey electricity, gas, telecommunications and computer media			
Right to drain sewage	I	Lot 5 DP 428849	Lots 1 and 2 DP 428849
Right to drain water	Z1 and J2	Lot 5 DP 428849	Lot 1 DP 428849
Right of way	O, Q	Lot 3 DP 428849	Section 224 (SO 15730) and Section 396 Porirua District
Right to drain sewage	R	Lot 5 DP 428849	Lot 8 DP 428849
Right of Support	P	Lot 5 DP 428849	Section 1 SO 36948
Right to convey water, right to drain sewage	C	Lot 12 DP 428849	Lot 5 DP 428849
Right to drain sewage	F	Lot 5 DP 428849	Lot 12 DP 428849
Right to convey water	G	Lot 12 DP 428849	Lot 5 DP 428849
Right to drain sewage	X	Lot 12 DP 428849	Lot 5 DP 428849
EXISTING EASEMENTS IN GROSS TO BE EXTINGUISHED			
Purpose	Shown on DP 428849	Servient Tenement	Grantee
Right to convey gas	H, J, J1 and J2	Lot 5 DP 428849	Powerco Limited
Right to convey gas	S6	Lot 5 DP 428849	Nova Energy
Right to convey gas	H3	Lot 5 DP 428849	Powerco Ltd, Nova Energy
EXISTING RESTRICTIVE COVENANTS TO BE EXTINGUISHED			

Purpose	Shown	Servient Tenement	Description
Hazard	CVE	Lot 5 DP 428849	Above ground diesel tank
Hazard	CVF, CVG, CVI, CVJ, CVK, CVQ, CVAZ	Lot 5 DP 428849	Diesel tank sites

and sends a Notice of Cancellation to the District Land Registrar advising that these easements and covenants may be cancelled.

The recommendation is made for the following reasons:

1. That no adverse effects on the environment will result from this proposal; and
2. That no persons will be adversely affected by the proposal.

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 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. 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 – the rate from 1 July 2017 to 30 June 2018 is \$18,600 (incl. GST) per allotment.

Building Act

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

Section 125

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

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

Date 20.2.18

P.P. 

John Gibbons- Davies
SENIOR MONITORING & ENFORCEMENT OFFICER

20/2/2018

Date

Decision of Council

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



Richard Watkins
**TEAM LEADER RESOURCE CONSENTS
PLANNING, POLICY AND REGULATORY SERVICES
under Delegated Authority**

Date 20.2.18