



27 May 2024

Craig Innes

fyi-request-26910-06251f63@requests.fyi.org.nz

Dear Craig Innes

Request for Information – Local Government Official Information and Meetings Act (the Act) 1987

We refer to your request of 21 May 2024 for records relating to consents granted in relation to 1044 Coast Road, Wainuiomata (Lot 5 DP 551868).

Response:

Please find attached the only consent Council has in regards to this address.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website. Please refer to the following link: www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases

Yours sincerely

Philip Rossiter

Senior Advisor, Official Information and Privacy



RM number: RM190236

Date: 6 December 2019

Applicant: Shayne and John Curtis

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Environmental Consents

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Our reference: RM190236

APPROVAL OF RESOURCE CONSENT FOR A SIX LOT SUBDIVISION AT 1044 COAST ROAD, WAINUIOMATA COAST (LOT 2 DP 380969)

Council granted consent for the following reasons:

- While the proposal will create four undersized allotments for residential use, the applicant has agreed to a maximum number of allotments that could be developed on balance lot 5 based on a hypothetical number of allotments that could be created through a controlled activity (a resource consent that council must grant). This will ensure that the creation of the undersized allotments will not give rise to the potential for a more intense development on the application site than could be expected at present.
- While the proposal will result in a likely cluster of buildings at the eastern end of the site, the applicant has agreed to provide landscaping to help visually screen the development from the road and adjacent properties.
- The applicant has agreed to conditions of consent requiring future dwelling units to be constructed outside of the Wainuiomata River erosion zone and to have minimum building levels if constructed within the 1:100 year flood event. These conditions are considered suitable to mitigate potential hazard risks from the Wainuiomata River.
- Public access to, and protection of the ecological system of, the Wainuiomata River will continue to be provided through the existing esplanade strip.
- A Council subdivision engineer assessed the proposal and concluded it can meet the necessary engineering standards or that engineering standards can be easily met at building consent stage, subject to specific conditions. I have reviewed and included these conditions.
- Conditions imposed on the consent under section 108 and 220 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the subdivision.
- Council considers the proposal to be consistent with section 106 of the same act.

- The property does not appear on Greater Wellington Regional Council's selected land use register as a contaminated site or as having been the site of a verified hazardous activity. As a result, Council considers the likelihood of earthworks uncovering contamination at the site to be negligible.
- The proposal is consistent with the policies and objectives of the city's District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL

The applicant is seeking resource consent to subdivide the application site into six allotments. A summary of the proposed allotments is shown in the below table:

Allotments	1	2	3	4	5 (balance lot)	6 (to vest as road)
Size	2.4ha	2.4ha	4.9ha	2.9ha	170.9ha	0.1ha
Frontage	81m	6m	6m	150m	~1.1km	~150m

Table 1: Proposed allotments

Allotments 1 to 4 are to be located at the eastern end of the site with frontage to Coast Road which wraps around the application site to carry on south. Access to Coast Road is to be shared for approximately 10m before individual driveways diverge. No buildings are proposed at this stage for these allotments however it is anticipated that they will be used for residential purposes. Future buildings would be subject to consideration against the requirements of the zone.

A portion of road is within the application site and this is to be subdivided off as lot 6 and vested as road. The balance lot is to continue its current use as farm land with the farmhouse located at the south-eastern corner of the site.

The applicant is seeking to drop down the existing esplanade strip.

The three waters services are to be privately supplied and discharged on the new lots. A central electricity point is to be provided within the right of way for future dwellings to connect to and telecommunications is to be provided at building consent stage.

2. SITE DESCRIPTION

The applicant has provided a comprehensive site description in their assessment of environmental effects (section 1). This description is largely adopted and should be read in conjunction with this report. In regards to the status of the site under the National Environmental Standard for Managing and Assessing Contaminants in Soil (NESCS) I consider the site to be subject to a hazardous activity identified in the Hazardous Activities and Industries List (HAIL) and this is discussed below in section 3 of this report.

In summary, the site is 183.6311ha in size and utilised as farmland. It is zoned General Rural in the District Plan and is adjacent to the Rimutaka Forest which is a statutory acknowledgement area. The site is also slightly within the significant natural resource areas 30 and 52 of the District Plan, however, the area of proposed development is not.

The site is legally described as Lot 2 DP 380969, held in Record of Title identifier 324081. An Esplanade Strip instrument is registered on the Title in relation to the Wainuiomata River that runs through the property. There are no other interests on the Title that are relevant to the application.

An erosion hazard zone and 1 in 100 year flood event are identified on the site by Greater Wellington Regional Council (GWRC).

3. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the General Rural activity area, which this proposal falls within, are contained in chapters 8B, 11 and 14.

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

Subdivision

11.2.2.1 (a) Allotment design

Minimum allotment size: 15ha

The proposed lots 1-4 and 6 will be between 0.1 to 4.9ha respectively (see table 1).

Minimum frontage: 150m or 6m for rear allotments

Lot 1 will have a frontage of 81m.

Shape factor: 30m by 20m

Lot 6 will not be able to fit a 30m by 20m box within boundary setbacks

Other: Compliance with the permitted activity conditions of the underlying zone

The proposal will not comply with net site area requirements as noted under the 'Land Use' heading

11.2.2.1(b) Engineering design

(vi) Water supply

It is proposed that firefighting provisions are made for each dwelling on lots 1 -4 at building consent stage.

(vii) Telecommunications and electricity

It is proposed that telecommunications are provided to each lot at the building consent stage.

11.2.2.1(d) Esplanade reserves, strips and access strips

(iii) In respect of lots over 4ha in size with the Wainuiomata River running through them, a 20m wide esplanade reserve or strip is to be provided along each bank

The existing 5m wide esplanade strip is to drop down to the new allotments.

Land Use

8B 2.1.1(b) Dwellings: maximum two dwellings, provided each has a minimum net site area of 15ha.

Proposed lots 1-4 are expected to accommodate one dwelling each and will be under 15ha in size (as per the table in section 1 of this report).

Activity status

I consider the subdivision consent to be a discretionary activity under rule 11.2.4(i) which relates to any subdivision which is not a Permitted, Controlled or Restricted Discretionary Activity.

I consider the land use consent to be a discretionary activity under rule 8B 2.3(a) which relates to any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 – General Rules, is a discretionary activity.

National Environmental Standards

The application site is utilised as a farmland, and contains a shed for the storage of fuels and chemicals on site. Farming operations take place on site which is not inherently an activity on the Hazardous Activities and Industries List (HAIL), particularly given there are no sheep dip or spray race operations on site.

Given the storage of fuel and chemicals on site, this would fall under A.17 (*Storage tanks or drums for fuel, chemicals or liquid waste*) of the HAIL; and the location of the storage would therefore be a 'piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).

Regulation 8(c) of the NESCS states that if the piece of land is production land, assessment of a subdivision under the NESCS is only required if it stops the land being production land. It is considered that the 'piece of land' would only encompass that southern portion of lot 5 where the fuel and chemical storage is located. As the proposal will not stop the piece of land from being productive, given the proposed continued use of the balance lot for farming operations, it is considered that the proposal does not trigger assessment under the NESCS.

The proposal does not require assessment under any other National Environmental Standard.

4. PERMITTED BASELINE

The permitted baseline for the application site in regards to land use would include two double storey dwellings and accessory buildings that complied with the permitted activity conditions of the General Rural chapter of the District Plan. General farming practices are a permitted activity that does not include intensive farming or turf farming.

The permitted baseline in regards to subdivision would include minor boundary adjustments that do not create new building sites or create/exacerbate a non-compliance. The proposal involves the subdivision to create four new building sites (or three above the permitted baseline for land use) and so cannot be considered a minor boundary adjustment.

The permitted baseline is considered to be of limited relevance to the assessment of the application.

Controlled activity development

It is noted that a subdivision creating allotments with a minimum size of 15ha, frontages of 150m or 6m for rear allotments, and can fit a 30m by 20m box within would be considered a controlled activity whereby Council would have to grant consent and notification would be

precluded. While resource consent would be required for this activity, this is considered to provide guidance on an anticipated development model of which I have drawn on in my assessment.

5. NOTIFICATION ASSESSMENT

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

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

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

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances

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

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

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

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> ▪ A controlled activity ▪ A residential activity with a restricted discretionary or discretionary activity status ▪ A subdivision of land with a restricted discretionary or discretionary activity status ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status ▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification (if any) 	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification precluded under step 2, public notification may be required in certain circumstances.

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

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

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

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties at 864, 865, 919, 925, 935, 965, 977, 993, 1048, 1066 and 1154 Coast Road, Wainuiomata Coast, 1025 Coast Road, Rimumtaka Forest Park, and 525 Muritai Road, Pencarrow Head, in making an assessment under s95D:

- While the proposed lots 1 to 4 will be undersize in terms of what the District Plan anticipates, the proposed lots will be consistent with the established character of the area with many examples of allotments 5ha in size or smaller in the area.
- The likely building sites on lots 1 to 4 will be largely screened to the surrounding area by proposed tall landscaping along the shared eastern boundary and partially along the south-eastern boundary with Coast Road. This landscaping strip is also to continue along the shared northern boundary with 864 Coast Road to help screen lot 1 from south traveling traffic. Further landscaping along approximately half of the southern boundary of proposed lot 4 will help to screen the development from north traveling traffic.
- The restriction of the development to a single entry and exit to proposed lots 1 to 4 will help to maintain the rural character of the area. The vehicle crossing will provide sufficient distance in each direction to allow for suitable sightlines to manoeuvring vehicles, thereby maintaining road safety.
- The creation of undersize allotments has the potential to lead to a greater level of future development of the balance lot 5. The applicant has agreed to a maximum number of allotments that could be developed on the balance lot based on a hypothetical number of allotments that could be created through a controlled activity (a resource consent that council must grant and cannot be notified). This will ensure that the creation of the undersized allotments will not give rise to the potential for a more intense development on the application site than could be expected at present.
- The potential construction effects will be temporary in nature and of a scale anticipated for a site of this size.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

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

Do special circumstances exist that warrant public notification?	No
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Conclusion

Public notification is not required.

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

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

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

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

The proposal is adjacent to a statutory acknowledgement area in regards to the Port Nicholson Block Settlement Trust and their interest in the Rimutaka Forest Park. The application was distributed to PNBST for comment and at the time of writing this report, none has been provided. In any case, it is considered that the proposal is sufficiently removed from the Rimutaka Forest Park which is on the opposite side of Coast Road, and as such any effects on any interested persons is considered less than minor. Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

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

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for either or both of the following, but no other activities: <ul style="list-style-type: none"> • A controlled activity (other than a subdivision) under the District Plan • An activity prescribed by regulations made under s360H(1)(a)(ii) precluding limited notification (if any) 	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

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

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

s95E?	(see below assessment)
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In accordance with s95E are there any affected persons?

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

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

865, 919, 925, 935, 965 Coast Road

- These properties are located to the north and east of the application site on the opposite side of Coast Road and the location of proposed lots 1 to 4. Given the clustered nature of the four undersized allotments and the erosion setback line from the Wainuiomata River, the proposal has the potential to result in four dwelling units in relatively close proximity to each other, which has the potential to impact the spread out nature and character of the rural area. Also given the low and flat nature of the application site in this location, the dwellings have the potential to be highly visible from these elevated neighbouring properties. Despite this, the intensity of development at this end of the property in regards to potential built form is considered to be consistent with what could be seen from a similar development whereby the proposed allotments extend to the 15ha requirement. Additionally, the proposed allotments will be of a similar size to many properties within the surrounding area with a number being under 5ha and some examples of properties smaller than that proposed. In saying this, many of the smaller properties are characterised by a shelterbelt of mature trees screening them from the road. The applicant has provided a landscaping plan of proposed plantings to help screen the clustered area of building platforms from the public road and adjacent properties. This is to extend along a stretch of shared boundary with 864 Coast Road and down along Coast Road and around the southern bend in the road, and will include poplars, pittosporums, griselinia, and corokia. This is considered will be sufficient to help screen the development from 865 Coast Road and the lower area of 919 Coast Road. As the properties directly to the east of the site are elevated above the application site, there will be potential to look over the road edge landscaping and have full views of the future development. As such, a stretch of taller plantings (pines) is to be provided along the southern boundary of proposed lot 4 from Coast Road to approximately half down the boundary. This is considered will be sufficient to screen or largely screen the extent of the development from these raised properties. It is noted that there could be potential for 919 Coast Road to view a large portion of the development from their respective living area, however, this will be an oblique view and it is considered that the poplars as they mature will help to obscure this. It is considered that the proposed landscaping will help to maintain the rural amenity and character of the area as well as provide privacy to these adjacent properties.
- The single entry and exit to and from the proposed lots 1 to 4 will help to maintain the rural character by keeping vehicle crossing numbers to a minimum.

864 Coast Road

- This property is located to the north of proposed lots 1 to 4. The proposed landscaping located along this shared boundary will help to screen the potential building platforms from the lowlands of this property. It is noted that this property shares the northern boundary of

the application site for approximately 2km. While there will be the potential to view the entirety of the development from this area of 864 Coast Road, it is noted that this land is predominantly hill and covered in scrub and regenerating forest and is therefore a transient and low use space.

977 and 993 Coast Road

- These properties are located to the south-east of the proposed lots 1 to 4 and will be located approximately 300m to 400m away from the corner southern corner of proposed lot 4. While the extent of the development may be able to be viewed from these properties, it is considered that they are sufficiently separated so as to mitigate any potential visual amenity, privacy and character effects.

Rimutaka Forest Park

- The entrance to the Rimutaka Forest Park is to the south of the proposed development. It is noted that this space is transient by nature with visitors coming and going. It is therefore considered to be less sensitive to potential amenity and character effects than residential activities.

All persons

- While the proposed lots 1 to 4 will be undersize in terms of what the District Plan anticipates, the proposed lots will be consistent with the established character of the area with many examples of allotments 5ha in size or smaller in the area.
- Any persons not specifically mentioned above are considered to be sufficiently separated from the application site so as for potential adverse effects to be mitigated to a less than minor degree.
- The creation of undersize allotments has the potential to lead to a greater level of future development of the balance lot 5. The applicant has agreed to a maximum number of allotments that could be developed on the balance lot based on a hypothetical number of allotments that could be created through a controlled activity (a resource consent that council must grant and cannot be notified). This will ensure that the creation of the undersized allotments will not give rise to the potential for a more intense development on the application site than could be expected at present.
- The potential construction effects will be temporary in nature and of a scale anticipated for a site of this size.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

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

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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Conclusion

Limited notification is not required.

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in sections 5.1 and 5.2, the application shall proceed on a non-notified basis.

6. DETERMINING THE APPLICATION

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

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

Amenity and rural character effects

The proposal involves subdivision of the application site into six allotments with four being intended for residential development, one for vesting as road reserve and the large balance lot to continue its use as farmland. The District Plan anticipates 15ha allotments within the General Rural activity area so as to maintain the amenity values and rural character of Coast Road. The proposed allotments 1 to 4 will be between 2.4ha and 4.9ha and will be located towards the eastern end of the application site with lot 1 also breaching the road frontage requirement. The proposed allotments proximity to the Wainuiomata River also means that development on the proposed allotments is relatively restricted and will likely lead to four dwellings being located fairly close to, and within view of the road, in a clustered formation. The proposal therefore has the potential to impact on the visual amenity and rural character of the area. Despite this, the potential effects associated with the proposal are considered will be mitigated by the landscaping proffered by the applicant which is to involve screening trees along the frontage to the eastern stretch of Coast Road and wrapping around the south-turning bend of the road as well as along the shared boundary with 864 Coast Road. A line of taller trees is to be provided approximately half way along the southern boundary of proposed lot 4 to help screen the proposed potential development sites from the elevated properties to the east and south-east of the proposed lots 1 to 4. It is considered that the proposed landscaping will help to screen the cluster of buildings to a degree that will obscure view from the road and surrounding properties thereby mitigating the potential visual impact of four potential dwellings in close proximity. The proposed landscaping will also help to maintain the privacy of the surrounding properties. While it may be possible for properties further to the south-east of the proposed landscaping to fully view the proposed development, it is considered that these properties will be sufficiently separated to mitigate any potentially adverse visual amenity, privacy and character effects. Further to the above, the proposed allotments will be serviced by one vehicle crossing to Coast Road which will help to minimise the perception of increased density on site. Proposed lot 6 presently encompasses part of Coast Road and is to be vested as road reserve therefore not resulting in a visual change to the site.

Additional to the above, it is noted that while the proposed lots 1 to 4 will likely be utilised as lifestyle blocks with minimal potential for other rural activities, this will be consistent with the character of this area of Coast Road which is characterised by relatively small allotments used for residential purposes. There are many examples of properties in the area below the 15ha requirement (1074, 1066, 1048, 1119, 1100A-C, 1091, 1069, 993, 977, 965, 935, 925, and 919 Coast Road) with many of those falling below 5ha and two examples of allotments smaller than that proposed (being 1 and 2/1100A Coast Road). Overall nine of these 16 properties are less than 5ha in area. Many contain dwellings visible from the road or screened by vegetation. It is therefore considered that the proposal will not be out of character with the surrounding area.

It must be noted that with the approval of undersized allotments on the application site, this gives rise to the potential for the balance lot to be developed to a degree greater than if the proposed allotments met their 15ha requirement. To ensure that any future development of the site is in line with what is anticipated by the District Plan, the applicant has proffered a condition of consent restricting any potential future development of the balance lot to eight dwellings/allotments. This is in line with the current development yield of the application site were it to be subdivided into twelve allotments that meet the allotment standards (and would therefore be a controlled activity which council would have to grant and could not notify).

Allotment design

The proposed allotments, 1 to 4 and 6 will not comply with the minimum allotment size and proposed lot 1 and 6 will not comply with frontage requirements. The applicant has provided plans indicating that allotments 1 to 4 will all be able to fit a 20m by 30m box within the 10m setback requirement from all boundaries and outside of the erosion setback line in regards to the Wainuiomata River. It is noted that the potential building platforms for lots 1 to 3 will likely be within the 1 in 100 year flood event for the Wainuiomata River, however the flood risk is considered can be sufficiently mitigated by providing minimum floor levels for the dwelling units (this is discussed further in the hazards section below). While lot 1 will have an 81m frontage as opposed to the required 150m, it is considered that the potential rural character effects will be mitigated (as mentioned above) by the proposed landscaping and one ingress/egress to the four allotments. Proposed lot 5 will comply with all subdivision standards. Allotment 6 is to be vested as road reserve and therefore the size, frontage and shape requirements set out by the District Plan are not necessary to achieve its purpose. The creation of this allotment will legalise the existing situation on site. Given the above, it is considered that the proposed allotments will be able to meet their intended use.

Traffic

There will be sufficient space within lots 1 to 5 to provide parking and manoeuvring space to turn around on site. The shared vehicle crossing to serve lots 1 to 4 will be separated from the southern bend of Coast Road as it wraps around the site and as such is considered to provide sufficient site lines for safe ingress and egress of the site.

Engineering design

The proposal will not comply with water supply requirements as owners will have to provide firefighting services at the building consent stage. The applicant has proffered conditions of consent requiring future owners to provide the three waters at the time of building a dwelling

on each lot. This is considered to be a practical solution as dwellings are not being constructed at this stage.

The applicant also requested that telecommunication services are not provided at this stage and that a central power hub be provided within the site for future residents to connect to. Given the large frontage of the proposed allotments it is considered acceptable that telecom is provided at a time when the location of the buildings is known, and the positioning of a central power hub will provide easy access to future dwellings.

The proposal has been assessed by a Subdivisions Engineer who has concluded that acceptable servicing will be able to be provided to the proposed allotments subject to the imposition of a number of conditions. I concur with this assessment and have adopted the recommended conditions.

Construction work

Construction effects that could affect the surrounding area include increased noise, vibration, dust, sedimentation and vehicle movements to and from the application site. The proposal will involve minimal works to provide for servicing but will create the opportunity for future construction effects by establishing building sites. As the proposed allotments will provide for a dwelling yield comparable to that of five allotments that would meet the allotment design standards; the construction effects will be consistent with what could be expected on a site of this size. Aside from this, the construction effects will be temporary in nature and construction noise will need to comply with the NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work."

Contamination effects

The application site is not listed on Greater Wellington Regional Council's (GWRC) Selected Land Use Register (SLUR), however does include a shed where fuel and chemicals are stored which is an activity on the Hazardous Activities and Industries List (HAIL). The location of the shed is in the south-western corner of the site away from the area of proposed development in the north-east corner and as such the risk to human health from contaminated materials is considered to be negligible.

Esplanade reserves, strips and access strips

The application site contains an existing 5m wide esplanade strip along the banks of the Wainuiomata River. The District Plan requires a 20m wide strip in relation to the Wainuiomata River. Section 229 of the RMA sets out the purposes of an esplanade reserve or strip:

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

(a) to contribute to the protection of conservation values by, in particular,—

(i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake;

or

(ii) maintaining or enhancing water quality; or

(iii) maintaining or enhancing aquatic habitats; or

(iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or

(v) mitigating natural hazards; or

(b) to enable public access to or along any sea, river, or lake; or

(c) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

It is considered that the existing 5m wide esplanade strip will be sufficient to provide for the continued maintenance and protection of the Wainuiomata River habitat and ecology, and access to the public for recreation. Further to the above, the erosion zone of the river and 20m building setback requirement of the District Plan will ensure buildings are constructed away from the river.

Protecting significant sites

The application site is not identified within the District Plan as being of historical or cultural significance. The site is slightly within the significant natural resource areas 30 (Link Bush) and 52 (Sugarloaf Bush) of the District Plan, however, the area of proposed development is removed from these identified areas.

Natural hazards

The application site has the Wainuiomata River running through it and as such, any further development of the land requires assessment in regards to potential hazards posed by the proximity to the river. The Greater Wellington Regional Council (GWRC) have flood modelling of the river which shows that the proposed lots 1 to 4 will largely fall within the 1 in 100 year flood event. It is likely that future development of lots 1 to 3 will completely or partially fall within the 1:100 year event and as such will be at risk from flooding. The applicant has agreed to a condition of consent requiring any future dwellings built within the 1:100 year event to be constructed with a minimum building level recommended by GWRC to mitigate this risk of flooding. GWRC have also identified an erosion zone associated with the river and have recommended no buildings be constructed within the modelled setback. The applicant has agreed to a condition of consent requiring no buildings be constructed in this zone. The application site is relatively flat (where proposed for further development) and is not identified within the District Plan as being subject to any other natural hazards. It is considered that the above conditions will be able to sufficiently mitigate the risk posed by the Wainuiomata River.

Conclusion

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

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

Objectives and policies of the District Plan

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

11.1.1 Allotment standards

Objective

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

Policy

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

11.1.2 Engineering standards

Objective

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

Policy

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

11.1.3 Natural hazards

Objective

To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.

Policies

(b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.

11.1.4 Special areas

Objective

To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision.

Policy

(a) To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.

11.1.5 General Rural and Rural Residential Activity Areas

Objective

To ensure that the amenity values and the efficient use of land in General Rural and Rural Residential Activity Areas are maintained by restricting subdivision of lands which could lead to greater intensity of use and development for urban related purposes, such as more intense residential development.

Policy

(a) The minimum size of allotments should be large so as to ensure that rural amenity values and an efficient land use pattern are maintained.

8B 1.1.1 Open space character and amenity values

Objective

To maintain and enhance the open character and amenity values which are prevalent in rural areas.

Policies

(a) To allow for those activities which are appropriate in rural areas and which maintain and enhance the open character and amenity values of rural areas together with the intrinsic values of ecosystems.

(b) To ensure that sites are of a size that the open space character and amenity values of rural areas are maintained and enhanced.

(c) The preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

8B 1.2.1 Minimum requirements for sites and buildings

Objective

To recognise those elements within the site that determine the character, amenity values and adverse effects of flood hazards of rural areas and manage them appropriately.

Policies

- (a) To ensure the character and amenity values of rural areas are retained and enhanced through specific minimum site area conditions for dwellings.*
- (b) To require minimum setback requirements and maximum site coverage for all buildings.*
- (c) To establish appropriate minimum conditions for the size and shape of sites.*
- (d) To manage the siting of all buildings and structures to mitigate the effects of a flood hazard on development.*

The objectives and policies largely speak to the maintenance of large site sizes away from hazardous and significant environments. The proposed lots 1-4 will not meet the anticipated size for providing for a range of rural activities but will likely be used as lifestyle blocks which is consistent with the character of the surrounding area. While the proposal will result in a cluster of buildings at the eastern end of the site, however the visual outcomes will be consistent with a development that met the 15ha minimum allotment sizes with building platforms in the same locations. Additionally, landscaping has been proposed to help screen the likely building platforms from the surrounding public areas and neighbouring properties. Each allotment has been demonstrated to be able to hold a building platform within boundary setbacks and outside of the Wainuiomata River erosion setback. Some building platforms will likely be located within the Wainuiomata River 1:100 year flood event, however, it is considered that the risk can be mitigated via minimum building levels. Each allotment will be able to meet its intended purpose and be adequately serviced. It is considered that the significant habitat of the Wainuiomata River will continue to be protected by the 5m wide esplanade strip

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

The applicant has provided an assessment of the relevant provisions of other statutory planning documents under section 6.2.2, 6.2.4 and 6.2.5 of their application. I adopt this assessment with one exception and it should be read in conjunction with this report. The only point of difference is I consider the application site to have a HAIL activity on the site, however for the reasons outlined in section 3 of this report, the proposal does not trigger assessment under the NESCS.

In summary, the application is consistent with the regional policy statement and there are no other relevant provisions of national environmental standard, other regulations, national policy statement, or the New Zealand Coastal Policy Statement that regard must be had.

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

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

6.5 - PART 2 OF THE RESOURCE MANAGEMENT ACT

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

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

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

While the proposed subdivision is in close proximity to the Wainuiomata River, for the reasons outlined in the 'Natural hazards' assessment in section 6.1 of this report, the potential hazard risks can be sufficiently mitigated through conditions of consent.

Each allotment will have legal and physical access to Coast Road.

For the reasons above, I do not consider there to be any reason to decline the application under s106.

6.7 - SUBSTANTIVE DECISION

In accordance with s104B I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108 and s220.

7. CONDITIONS OF RESOURCE CONSENT

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

Subdivision Conditions

1. That the proposal is carried out substantially in accordance with the information and approved plans ('Subdivision Scheme Plan' and 'Detailed Subdivision Scheme Plan', ref no. 1328F, and 'Indicative Complying Subdivision Layout', ref no. 1328G, all dated October 2019, prepared by Survey Insight) submitted with the application and held on file at Council.
2. The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 0.0-7.5% of the value of the additional residential allotments or capped at \$5,000 per allotment whichever is the lesser. The amounts required will be determined on the basis of a market value assessment from a registered valuer. It is the consent holder's responsibility to instruct the valuer and supply Council with this assessment. The amount to be paid will be determined when the consent holder submits the qualified valuer's assessment.

3. The consent holder shall submit a final landscaping plan to Council for approval in regards to the landscaping along the southern boundary of Lot 4 in the location shown on the detailed scheme plan (ref. no. 1328F) by Survey Insight. This landscaping is intended to provide adequate screening of future dwellings on Lots 1-4 when viewed from properties to the south-east of the application site along Coast Road. This planting therefore, is required to mature to a height that would provide screening of buildings in the likely locations they will be constructed. Pine trees are acceptable for this purpose, subject to Council approval of their spacing. The final landscaping plan is to incorporate that information around landscaping to be provided along the Coast Road frontage and northern boundary of lot 1 (held on Council file RM190236-39).
4. The consent holder shall implement the approved landscaping scheme referenced in condition 2 prior to the issue of s224 certification for the purposes of providing screening of future dwellings on these sites. The landscaping is to be undertaken within the areas shown on the detailed subdivision plan by Survey Insight being the Coast Road frontages of Lots 1 and 4, the identified area of the northern boundary of Lot 1, and the identified area of the southern boundary of Lot 4. The landscaping shall be in accordance with the approved planting species, location, spacing and height on the plans held on Council file RM190236-39. Any amendments to the approved plans are required to be submitted for consideration and approval to the Team Leader Resource Consents and thereafter maintained.
5. Pursuant to section 221 of the Resource Management Act, a consent notice shall be registered on the Records of Title for Lots 1 and 4 requiring that the planted landscaping in accordance with the approved plans of RM190236 is maintained for the duration that these lots contain residential dwellings in order to provide ongoing screening and softening of the buildings. Should plants need replacing, they shall be replaced like for like in accordance with the species detailed in the approved landscaping scheme, or variations may be approved in writing from Team Leader Resource Consents and thereafter maintained. Any variations to species already approved shall be chosen to provide a high degree of screening of building bulk when viewed from Coast Road. It is recommended species are chosen that are appropriate for local weather conditions and soil type.
6. That the consent holder pays the council an engineering fee of \$150.00, being the minimum fee for subdivision applications. Payment is necessary before or at the time of applying for a section 224(c) certificate.
7. That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes the shoulder, vehicle crossings and grass verge.)
8. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of 1 to 4 to ensure future owners are made aware that council water, stormwater and sewer services are not

available to these properties and that owners must collect water and dispose of stormwater and sewage on site and in an approved manner.

9. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of lots 1 to 5 requiring the construction of any buildings to be outside of the Wainuiomata River 'potential erosion hazard area' as identified by Greater Wellington Regional Council (GWRC). The consent holder may have a suitably qualified professional carry out a site specific review to determine a more accurate location of erosion setback lines than is identified by GWRC. If a site specific review is carried out, for the purpose of this condition the erosion setback identified by the suitably qualified professional would supersede that identified by GWRC. The site specific review, accompanied by a resume from the suitably qualified professional, is to be provided to the Team Leader Resource Consents for approval prior to application for building consent.

Please note: For the purposes of this condition a 'suitably qualified professional' means a qualified engineer with expertise in the field of morphodynamics.

10. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of lots 1 to 5 requiring any dwelling constructed within the identified 1% Annual Exceedance Probability flood event from the Wainuiomata River shall be built to the recommended building level (RBL) obtained from GWRC.

Please note: The recommended building level is given to the underside of the floor joists or to the base of the concrete slab floor, and shall take into consideration the effects from climate change.

11. That the consent holder provides a benchmark in the form of a new survey peg or other permanent mark so the site's minimum floor level can be easily determined; and that the consent holder records this benchmark and the known reduced level (Local Vertical Datum - Wellington 1953) on the as-built and title plans.

12. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of lots 1 to 4 requiring owners to commission a chartered professional engineer to submit the construction details and location of the septic tank, along with the effluent disposal method, at the time of applying for a building consent for the site. (The design must meet AS/NZS 1547:2012).

13. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of lots 1 to 4 requiring owners to fit a fire sprinkler system in any future dwelling which complies with standard NZS 4517:2010 (Fire Sprinkler Systems for Houses), or alternatively to fit a fire-fighting capability that meets the approval of the New Zealand Fire Service or Rural Fire Authority.

14. That the consent holder constructs the proposed vehicle entrance to comply with council requirements, including suitable horizontal and vertical curvature transitions, sealing in either a two-coat chip seal or a minimum 30mm depth of asphaltic concrete from the road carriageway edge to the end of the 10m long right of way section within

the lots, control of stormwater run-off and debris migration on to the road, and in such a way as not to obstruct any roadside drains; and that the consent holder submits a copy of engineering plans for this work to the council subdivision engineer for approval before starting work. A pre-seal inspection of the existing prepared base course and set-out will be necessary.

15. That the consent holder appoints an approved contractor or contractors to complete the works to the approved design; and that the consent holder submits to the council subdivision engineer for approval the name, contact details and experience of the contractor(s) at the time of submitting engineering plans for approval. The approved contractor(s) must give a minimum of 24 hours' notice to the council subdivision engineer before starting work.
16. That the consent holder arranges for the installation of a central electrical point within the proposed right of way to serve lots 1 to 4, and ensures that telecommunication services can be provided to lots 1 to 4.
17. That the consent holder provides Council with written confirmation from Wellington Electricity Lines Ltd that they are satisfied with the supply of their utility to lots 1 to 4, and from the relevant telecommunication provider that their utility is available to be provided to lots 1 to 4.
18. That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the records of title of lots 1 to 4 to ensure future owners are aware that telecommunication reticulation has not been provided to these allotments and is to be provided by the owners at building consent stage.
19. That the consent holder provides appropriate easements of rights of way, shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.
20. That the consent holder provides appropriate easements for private services where necessary, with easements shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.
Please note:
 - Rights to convey electricity are to be provided over the common electrical hub that will be constructed/installed and the easement boundaries shall ensure that the individual service leads can be extended to each separate lot.
 - It is recommended that rights to convey telecommunications are also provided over the electrical easements in case that a common point of supply is provided to all lots.
21. That the consent holder meets the cost of registering consent notices.
22. That the consent holder vests lot 6 as a road.
23. That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the record of title of lot 5 (as established under resource

consent RM190236) noting that further residential development of this lot is restricted to yield a total of eight allotments or dwellings (including the existing).

Note: The above conditions are required to address a number of matters including essential administrative, the provision of adequate servicing (including water, telecommunication, power and vehicular access), mitigation of amenity and character effects, mitigation of hazard effects, and protection of watercourses from sedimentation.

Land Use Conditions

1. That the proposal is carried out substantially in accordance with the information and approved plans ('Subdivision Scheme Plan' and 'Detailed Subdivision Scheme Plan', ref no. 1328F, both dated October 2019, prepared by Survey Insight) submitted with the application and held on file at Council.
2. That the consent holder advises Council (enforcement@huttcity.govt.nz or 04 560 1044) at least two working days before any work starts on site.
 - Notification of work commencing is separate to arranging building inspections.

Note: The above conditions address essential administrative matters.

Processing Planner:



Brad Greening
Intermediate Resource Consents Planner

Peer reviewer:



Stephen Dennis
Principal Resource Consents Planner

Application lodged: 9 July 2019

Application approved: 6 November 2019

No of working days taken to process the application: 20

S37A(4)(b)(i) extension of timeframe: 18 days

8. NOTES:

- An agreement has been reached between Council and the consent holder whereby lot 6 is to be vested as road reserve in lieu of the payment of a development contribution.
- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 6 December 2024.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: www.beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.

- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource/building consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information click the following link <http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=3702089> or contact the Transport Division via (04) 570 6881.