



HEARINGS PANEL

29 November 2017

Order Paper for the meeting to be held in the
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,
on:

Thursday 21 December 2017 commencing at 9.00am

The purpose of the hearing is to consider a resource consent application for a two lot subdivision and construction of a second dwelling at 21 Mason Street, Moera, that does not comply with the net site area and bulk and location provisions of the District Plan.

Membership

Cr M Cousins (Chair)

Cr S Edwards (Deputy Chair)

Mr R Schofield (Independent Commissioner)

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

HUTT CITY COUNCIL

HEARINGS PANEL

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt

on

Thursday 21 December 2017 commencing at 9.00am.

ORDER PAPER

PUBLIC BUSINESS

1. **RESOURCE CONSENT APPLICATION FOR 21 MASON STREET,
MOERA, LOWER HUTT**
RM170076 (17/1815)

Report No. HSC2017/5/155 5

2. **SUBMISSION FROM MR P. GARRITY, 19 MASON STREET, MOERA,
LOWER HUTT** (17/1819)

Report No. HSC2017/5/156 83

3. **OFFICER'S SECTION 42A REPORT FOR RESOURCE CONSENT
APPLICATION TO UNDERTAKE A 2 LOT FEE SIMPLE SUBDIVISION
AND THE CONSTRUCTION OF A NEW DWELLING AT 21 MASON
STREET**
(RM170076) (17/1820)

Report No. HSC2017/5/157 by the Senior Resource Consents Planner 87

Susan Haniel
Committee Advisor

27 November 2017

File: (17/1815)

 Report no: HSC2017/5/155

Resource Consent Application for 21 Mason Street, Moera, Lower Hutt RM170076

Appendices

No.	Title	Page
1	Application - Subdivision and Land Use	6
2	Appendix 1 - Subdivision Scheme Plans	30
3	Appendix 2 - Dwelling Plans	32
4	Appendix 3 - Landscaping Plans	45
5	Appendix 4 - Certificate of Title	53
6	Appendix 5 - Written Approvals	57

RESOURCE CONSENT APPLICATION COVER SHEET



Ci No:

RM170076

Address:

21 Mason Street

Date Received:

31/03/17

Initial Check by:

Peri

Type of Consent:

- | | | | |
|-------------------------------------|---|--------------------------|---|
| <input type="checkbox"/> | Land Use | <input type="checkbox"/> | Remissions application received
<i>(send to Development Liaison Manager)</i> |
| <input type="checkbox"/> | Subdivision | | |
| <input checked="" type="checkbox"/> | Subdivision and Land Use | <input type="checkbox"/> | Remissions apply |
| <input type="checkbox"/> | Certificate of Compliance | | |
| <input type="checkbox"/> | Outline Plan | | |
| <input type="checkbox"/> | Sec 223/224 Certificate <i>(enter as new Event in Ci)</i> | | |
| <input type="checkbox"/> | Change of Condition <i>(enter as a child process)</i> | | |
| <input type="checkbox"/> | Cancellation of Condition <i>(enter as a child process)</i> | | |
| <input type="checkbox"/> | Right of Way | | |
| <input type="checkbox"/> | Other | | |

Comments:

Two lot subdivision and new dwelling



Subdivision and Land Use Consent Application - Assessment of Effects

21 Mason Street, Moera

Prepared for:

The McLean Trust

Ref: 28540

Cuttriss
Surveyors. Engineers. Planners.

CONTENTS

APPLICATION FORM	3
PROPOSED ACTIVITY	4
2.1 DESCRIPTION OF PROPOSAL	4
2.2 SITE DESCRIPTION	4
2.3 ASSESSMENT AGAINST THE RELEVANT RULES AND STANDARDS	5
2.4 PERMITTED BASELINE FOR THE SITE	9
2.5 NATIONAL ENVIRONMENTAL STANDARDS.....	9
2.6 OTHER CONSENTS	9
2.7 OVERALL STATUS OF APPLICATION	9
WORKS AND SERVICES.....	10
3.1 WATER SUPPLY	Error! Bookmark not defined.
3.2 SEWAGE DISPOSAL	Error! Bookmark not defined.
3.3 STORMWATER RETICULATION	Error! Bookmark not defined.
3.4 POWER AND TELECOMMUNICATIONS	Error! Bookmark not defined.
3.5 ACCESS.....	10
3.6 FINANCIAL CONTRIBUTIONS.....	10
NOTIFICATION ANALYSIS & CONSULTATION	10
4.1 SECTIONS 95A AND 95D PUBLIC NOTIFICATION ANALYSIS	10
4.2 SECTIONS 95B AND 95E LIMITED NOTIFICATION/AFFECTED PARTIES ANALYSIS.....	11
ASSESSMENT OF ENVIRONMENTAL EFFECTS.....	12
5.1 MATTERS TO CONSIDER	12
5.2 SECTION 104 OF THE ACT – ACTUAL OR POTENTIAL EFFECTS	12
5.3 NATIONAL POLICY STATEMENTS	16
5.4 OBJECTIVES AND POLICIES OF THE REGIONAL POLICY STATEMENT	17
5.5 OBJECTIVES AND POLICIES OF THE OPERATIVE DISTRICT PLAN	18
5.6 OBJECTIVES AND POLICIES OF THE PROPOSED PLAN CHANGE 39.....	20
5.7 SECTION 106 OF THE ACT – RESTRICTIONS ON SUBDIVISIONS	20
5.8 OTHER MATTERS	21
5.9 PART II OF THE RESOURCE MANAGEMENT ACT	21
CONCLUSION	22
INDEX TO APPENDICES.....	23

SECTION 1

21 Mason Street, Moera

2



APPLICATION FORM

APPLICANT	The McLean Trust
NAMES OF OWNER/S AND OCCUPIER/S OF THE SITE	Alexander and Mary McLean
SITE ADDRESS	21 Mason Street, Moera
LEGAL DESCRIPTION	Lot 102 Blk III Hutt Valley Settlement DP 8229
DISTRICT PLAN ACTIVITY ZONE	General Residential (Medium Density) Activity Area
TYPE OF RESOURCE CONSENT	Two Lot Subdivision and Land Use Consent for second dwelling and associated boundary encroachments .
ADDITIONAL RESOURCE CONSENT/S	None
DESCRIPTION OF APPLICATION	Two Lot Subdivision and the construction of a second dwelling on the site that does not comply with the bulk and location provisions of the District Plan.
DEPOSIT FEE	\$2100.00
ADDRESS FOR SERVICE	Sam Gifford C/- Cuttriss Consultants Ltd PO Box 30429 Lower Hutt, 5010 sam.gifford@cuttriss.co.nz
BILLING ADDRESS	The McLean Trust 48 Puketea Street, Eastbourne. sandy@ampro.co.nz

Please refer to the attached assessment of the effects that the proposed activity may have on the environment, in accordance with New Schedule 4 of the Resource Management Act 1991 ('the Act').

I have attached other information, as I have considered necessary, which is required to be included in the application by the City of Lower Hutt District Plan.

21 Mason Street, Moera

3



As this is an application for subdivision consent I have also attached the following information that is sufficient to adequately define:

- a. The position of all new boundaries; and
- b. The areas of the new allotments.

SECTION 2

PROPOSED ACTIVITY

2.1 DESCRIPTION OF PROPOSAL

The applicant is seeking resource consent to undertake a two lot subdivision and construct a second dwelling on the proposed rear lot, prior to titles being issued, at 21 Mason Street, Moera. The proposed subdivision will result in two allotments that do not comply with the minimum site area requirements of the General Residential (Medium Density) Activity Area.

Proposed Lot 1 will have a site area of 270m² and contain the existing dwelling that is sited approximately 4.15m from the road fronting (northern) boundary, 1.75m from the western, 2.2m from the eastern and 1.6m from the southern (rear) boundaries respectively. Vehicle access to proposed Lot 1 would be via an existing crossing in the north-western corner of the site to Mason Street. A carport would be located on the western aspect of the dwelling approximately 2m from the front boundary. Total site coverage (including decks over 0.5m in height) will be 56.6%.

Proposed Lot 2 will be a rear allotment with a site area of 308m² (inclusive of access) or a net site area of 246m². Vehicle access will be via the existing dual crossing in the north-western corner of the site from Mason Street. Prior to the titles being issued for the additional rear lot, it is proposed to begin construction of a two storey dwelling on the site that will be situated approximately 1.28m from the northern boundary, 1.74m from the western, 1.5m from the eastern and 2.93m from the southern (rear) boundary. A landscaping plan has also been proposed for the rear lot. This proposed dwelling will have several non-compliances with the prescribed recession planes; it will encroach 1.013m into the eastern, 0.523m into the western boundaries which are external to the application site. It will also encroach into the internal northern boundary by approximately 0.123m. A carport is proposed to be constructed within the access leg of the allotment that will result in an encroachment of an accessory building into more than 1 boundary setback. A second stacked carpark will be available to the rear of the proposed carpark. Site coverage for the proposed rear lot will comply, being 35.9%, and the permeable surface requirements with 31% of the net site area being permeable.

Plans of the proposed development and landscaping plans are attached at Appendix 1 - 3.

2.2 SITE DESCRIPTION

Physical Description

The subject site is a 579m² allotment on the southern side of Mason Street in Moera. The site contains an existing single story dwelling, located within the front half site, setback 4.15m from the street fronting (northern) boundary, 2.2m from the eastern side yard, 4.8m from the western side yard and 15m from the rear (southern boundary). A small existing

21 Mason Street, Moera

4



accessory building is located to the rear of the dwelling that provides an ancillary outdoor storage area for the occupants. A 2m high fence dissects the middle of the application site in an alignment that reflects the boundary arrangement of the proposed subdivision.

Legal Description

The application site is legally described as Lot 102 Blk III Hutt Valley Settlement DP 8229 held in Computer Freehold Register WN377/43.

A Building Line Restriction is registered on the title of the application site. A Building Line Restriction extends 33 feet from the centreline of the road which equates to a restricted area for buildings approximately 2.5m into the site, from the road fronting (northern) boundary. As the carport for proposed Lot 1 will be sited 2m from the front boundary, it is proposed to uplift the Building Line Restriction from the title of the application site.

There are no other restrictions or interests registered on the Computer Freehold Register which affect Council's ability to grant consent to this application.

A copy of the Computer Freehold Register and associated interests are attached at Appendix 4.

2.3 ASSESSMENT AGAINST THE RELEVANT RULES AND STANDARDS

District Plan Notations

The application site is situated within the General Residential (Medium Density) Activity Area. There are no other notations or restrictions registered in the District Plan that could affect this proposal.

District Plan Standards

The following provides an assessment of the proposal against the relevant District Plan standards:

District Plan Rule No.	District Plan Standard	Compliance
Chapter 4A - General Residential		
4A 2.1.1 (a)	Net Site Area	Does not Comply – Both proposed lot do not comply with the minimum net site area requirements (300m ²) Lot 1 will be 270m ² and Lot 2 will have a site area of 308m ² but a net site area of 246m ²
4A 2.1.1 (b)	Minimum Yard Requirements	Does not comply – Both dwellings comply with their required setbacks. However, both proposed carports don't comply. On proposed Lot 1 the carport will be located 2m from the front boundary, an encroachment of 1m into the front boundary setback.

		While less than 6m in length, the proposed carport on proposed Lot 2 will be located within 2 yard setbacks being the east and western setbacks respectively.
4A 2.1.1 (c)	Recession Planes	Does not Comply – The siting of the proposed rear dwelling will encroach into the northern, eastern and western boundary sunlight access planes. The existing dwelling will comply with all sunlight access planes.
4A 2.1.1 (d)	Maximum Height of Buildings	Complies – The existing dwelling on Lot 1 is less than 8m high and the new dwelling on proposed Lot 2 will be approx. 7.5m high
4A 2.1.1 (e)	Maximum Site Coverage	Does not Comply – The existing dwelling on proposed Lot 1 will have a site coverage of 44.2%.
4A 2.1.1 (f)	Maximum Length of Buildings	Complies – Neither dwelling will be longer than 20m in length
4A 2.1.1 (g)	Permeable Surface	Complies – Proposed Lot 2 will have approximately 170m ² or coverage, equating to 69% coverage by impervious surfaces
4A 2.1.1 (h)	Home Occupations	Not applicable – Both dwellings are to be used solely for residential purposes
4A 2.1.1 (i)	Child Care and Kohanga Reo Facilities	Not applicable – The proposal does not involve the operation of a childcare or Kohanga Reo facility.
4A 2.1.1 (j)	Dust	Will Comply – The proposal will not result in a dust nuisance at or beyond the boundary of the application site
4A 2.1.1 (k)	Odour	Will Comply – It is not anticipated that the proposal will result in any offensive odours being emitted from the subject site
4A 2.1.1 (l)	Light Spill and Glare	Will Comply – The proposal will not result in an artificial light spill which exceeds 8 lux when measured at the boundary
4A 2.1.1 (m)	Vibration	Will Comply – The proposal will not result in vibrations which are discernible beyond the boundaries of the application site
4A 2.1.1 (n)	General Rules	Complies

4A 2.1.1 (o - z)	Various site specific rules	Not Applicable – None of the listed site specific rules are relevant to the application site
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Chapter 11 - Subdivision

Allotment Design 11.2.2.1 (a)	Minimum size of allotment - 300m ² Minimum frontage – 3m to ensure there is drive on access Shape Factor – to maintain a rectangle of 9m by 14m clear of the required yard setbacks	Does not comply – Both proposed allotments have a net site area less than 300m ² and not comply with shape factor requirements
Engineering Design 11.2.2.1 (b)	Compliance with Engineering Standards pertaining to access, street lighting, stormwater, wastewater, water supply, telecommunications and electricity.	Complies
Contamination 11.2.2.1(c)	Compliance with Ministry for the Environment Contaminated Land Management Guidelines.	Complies
Earthworks 11.2.2.1(e)	Ground Level: the natural ground level may not be altered by more than 1.2m measured vertically Quantity: maximum volume of 50m ³ (solid measure) per site.	Complies
Other Provisions	Financial Contributions	Financial contributions will be payable as a result of the additional allotment created
	General Rules Compliance (refer to general rules discussed below)	Does not comply – see below

Chapter 14 – General Rules

14A(1)	Roading Hierarchy	Complies
14A(ii)	Property Access and Manoeuvring Space	Complies
14A(iii)	Car and Cycle Parking	Complies
14A(iv)	Loading and Unloading	Complies
14A(v)	Helicopter Landing Areas	Complies
14B	Signs	Complies

14C	Noise	Complies
14D	Hazardous Facilities	Complies
14E	Significant Natural, Cultural and Archaeological Resources	Not applicable – There are no known Significant Natural, Cultural or Archaeological Resources on the application site
14F	Heritage Buildings and Structures	Not applicable – No heritage buildings or structures are located on the application site
14G	Trees	Not applicable – There are no notable trees registered on the site
14H	Natural Hazards	Not applicable – The application site is not within an identified hazard area
14I	Earthworks	Complies – all earthworks will comply with the permitted activity standards

District Plan Status

Subdivision:

Under Rule 11.2.2(a) of the District Plan, all subdivisions (with the exception of minor boundary adjustments) are a Controlled Activity within the General Residential Medium Density Activity Area providing they comply with the standards and terms. The proposed subdivision does not comply with the standards and terms relating to the following:

- Allotment Design and Standards.

The allotment design and standards non-compliances, as outlined in the table above, result in the proposed subdivision being a **Discretionary Activity** under Rule 11.2.4 (i) which states: “Any subdivision which is not a Permitted, Controlled or Restricted Discretionary Activity.”

Land use:

The proposal does not comply with the following standards associated with the General Rules and General Residential Medium Density Activity Area:

- Net site area and shape factor;
- Yards;
- Recession planes; and
- Site coverage.



The land use component of this application is therefore considered to be a **Discretionary Activity** under Rule 4A 2.4(a) which states: “*Except where stated in the General Rules, any Permitted, Controlled or Restricted Discretionary Activity, which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.*”

2.4 PERMITTED BASELINE FOR THE SITE

The permitted baseline for subdivision is limited to minor boundary adjustments. All subdivisions which create additional lots are at least a Controlled Activity under the District Plan.

The permitted baseline for the application site, in relation to land use, is for one residential dwelling up to 8m in height, with associated accessory buildings. The dwelling would need to comply with the specified recession planes, be setback 3m from the front boundary and 1m from the side and rear boundaries. The proposed dwelling could not cover more than 40% of the net site area of the site and have a building length of up to 20 metres. If the building was over 20m in length then it would need to be within the 140° control rule, when applied from any boundary. The above building bulk and location standards also apply to accessory buildings constructed on the site with the exception that if the accessory building is located on a vacant site and is directly accessed from the street, then it is required to be setback 5m from the front boundary of the property. Furthermore, an accessory building up to 6m in length is permitted to be located within one of the yard setbacks of the site (excluding the front yard setback).

Given the above, the permitted baseline is of limited relevance to the application.

2.5 NATIONAL ENVIRONMENTAL STANDARDS

Under National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, a site is deemed to be contaminated if an activity which is identified on the Ministry for the Environment's Hazardous Activities and Industries List ('HAIL') has previously occurred on the property. It is our understanding that no previous activities have occurred on the site which are identified on the HAIL. As such, the site is considered to not be contaminated, and an assessment of the proposed activity against this National Environmental Standard is not required for this proposal.

It is also considered that the National Environmental Standards pertaining to air quality, telecommunication facilities, electricity transmission and water quality for human consumption are not applicable to this proposal.

2.6 OTHER CONSENTS

A land use consent is also sought with respect to the proposed second dwelling that will be built prior to titles being issued.

2.7 OVERALL STATUS OF APPLICATION

Overall both the subdivision and land use applications are considered to be Discretionary Activities.

SECTION 3

WORKS AND SERVICES

3.1 WATER SUPPLY

Water supply will be provided to Hutt City Council standards. The existing water connection will be retained for the front lot. A new water connection is to be made for the rear lot.

3.2 SEWAGE DISPOSAL

There is an existing Council sewer main in proposed Lot 2 that terminates at a buried chamber. Proposed Lot 1 will maintain its existing lateral that connects to the main within proposed Lot 2 and be covered by appropriate easements. A new "y" junction will be installed on the Council main to service proposed Lot 2.

3.3 STORMWATER RETICULATION

The front lot will retain its existing outlet to the kerb and channel. A connection will be new made to the Council reticulated system in Mason Street to service proposed Lot 2.

3.4 POWER AND TELECOMMUNICATIONS

Power and telecom services will be supplied off the reticulation in Mason Street to service the rear lot. The front lot will be serviced by existing reticulation.

3.1 ACCESS

The existing access arrangements will be maintained, a dual crossing provides separate access the respective lots.

3.2 FINANCIAL CONTRIBUTIONS

A financial contribution will be payable as a result of the additional allotment/dwelling being created by the proposal. The cost of installing and connecting the lot/additional dwelling to the reticulated services in the area will be borne by the consent holder.

SECTION 4

NOTIFICATION ANALYSIS & CONSULTATION

4.1 SECTIONS 95A AND 95D PUBLIC NOTIFICATION ANALYSIS

Section 95A specifies that applications may be notified if:

- Council decides (under section 95D) that the adverse effects of the activity on the environment may be more than minor; or
- the applicant requests public notification of the application; or
- a rule or national environmental standard requires public notification of the application.

In determining whether the adverse effects on the environment may be more than minor, a consent authority:

- must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur and/or any land adjacent to that land;

- *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect;*
- *in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion;*
- *must disregard trade competition and the effects of trade competition; and*
- *must disregard any effect on a person who has given written approval to the relevant application.*

It is considered that the proposal is not required to be publicly notified for the following reasons:

- The environmental effects associated with the proposal are considered to be less than minor (as explained in more detail in Sections 3.2 and 5.2 of this application);
- The applicant has not requested that the application is publicly notified;
- No rule or environmental standard requires the application be publicly notified; and
- It is considered that there are no special circumstances specific to this application that would require this proposal to be publicly notified.

4.2 SECTIONS 95B AND 95E LIMITED NOTIFICATION/AFFECTED PARTIES ANALYSIS

Section 95B states that if a consent authority does not publicly notify an application, it must decide if there are any affected persons.

Section 95E applies when a consent authority is deciding if a person is an affected person. A consent authority must decide that person is affected if the activity's adverse effects on the person are minor or more than minor but not less than minor.

In making this decision, the consent authority:

- *may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect;*
- *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*
- *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

The applicant has obtained the written approval of the following parties:

- Housing New Zealand – 28 Randwick Crescent

In accordance with Section 95E, Council is unable to consider those parties who have their written approval to the applicant as affected persons.



It should be noted that the applicant is currently engaged in consultation, with the intention of obtaining the written approvals for the below parties.

- Anna & Simon Taylor, Owner, 23 Mason Street
- Phillip Garrity, Owner/Occupier, 19 Mason Street

It is considered that any actual or potential adverse effects arising from the proposal on any adjacent/other party are less than minor for the following reasons:

1/28 & 2/28 Mason Street (located on the adjacent side of Mason St to the north)

- The existing single storey dwelling on proposed Lot 1 complies with the prescribed setbacks of the allotment.
- The minor encroachment of the carport will not be discernible as viewed from this adjacent property as discussed within section 5.2
- The site coverage exceedance of the existing dwelling is considered to have a less than minor adverse effect on these adjacent properties as the majority of the exceedance occurs as a result of the decks being more than 0.5m in height. These decks are still low in profile being only 0.65m in height and are required to suitably connect the dwelling with the curtilage area of the site. They are not visually prominent when viewed from the adjacent site. This existing dwelling complies with all its boundary setback and recession plane requirements. As such the proposal is considered to be directly comparable and not discernibly different from that of a complying dwelling on the site.

SECTION 5

ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 MATTERS TO CONSIDER

The relevant documents and statutory provisions to this application are as follows:

- Section 104 of the Act – Potential or Actual Effects;
- National Policy Statements;
- Objectives and Policies of the Greater Wellington Regional Policy Statement;
- Objectives and Policies of the Operative City of Lower Hutt District Plan;
- Section 106 of the Act – Restrictions Applying to Subdivisions;
- Other Matters; and
- Part II of the Resource Management Act.

5.2 SECTION 104 OF THE ACT – ACTUAL OR POTENTIAL EFFECTS

A consent authority must, subject to Part II of the Act, have regard to the actual and potential effects on the environment of allowing the proposed activity.



When undertaking an assessment of the environmental effects associated with the proposal, I have disregarded any potential adverse effects on the following parties as they have either provided their written approval to the application::

- Housing New Zealand – 28 Randwick Crescent
- Anna & Simon Taylor, Owner, 23 Mason Street
- Phillip Garrity, Owner/Occupier, 19 Mason Street

An assessment of the relevant environmental effects associated with this proposal is provided below:

Temporary Construction Effects

Any adverse construction effects associated with the second dwelling or the installation of services, such as noise, dust and increased traffic movements on Mason Street will be temporary, given the modest size of the proposal and comparative to the effects that are anticipated with the construction of additions or alterations to the existing dwelling on the site, or removing this dwelling and constructing a permitted dwelling on the lot. As such, any adverse construction effects associated with the proposal are considered to be less than minor.

Residential Character and Amenity Effects

The surrounding area is residential in nature, comprising primarily of established residential properties interspersed with mature street trees. There are a number of properties in the surrounding area which have been developed to a similar density as the proposed development.

The potential residential character and amenity effects assessment will be divided into the following categories:

- Building bulk and dominance effects;
- Privacy and shading effects; and
- Development density effects.

Building bulk and dominance effects

The District Plan seeks to ensure that building bulk maintains the amenity values and character of the residential environment. The way the District Plan seeks to achieve this is through a number of bulk and location standards.

As viewed from Mason Street, the additional building bulk associated with the second dwelling on the site is considered to not result in a built form that is out of character with the local environment. Both of the proposed dwellings comply with all their respective boundary setback requirements. The proposed second dwelling will be to the rear of the existing dwelling on the application site. As such, the only portion of the dwelling that will be the most visible when viewed from Mason Street is the second storey. However, this second storey will be setback approximately 20m from Mason Street. This setback distance is considered to be sufficient to ensure that the proposed dwelling is not perceived as bulky, or h dominates the street frontage of Mason Street.



With regard to the proposed encroachment of the carport into the front boundary setback of Lot 1; the building is an open structure with no sides. This will ensure that it is visually permeable and not perceived as a dominant building within the prescribed setback. As a permitted activity, the carport could be sited 1m further south and comply with the 3m front boundary setback. As such, the proposed encroachment the carport of 1m into the front boundary setback is not considered to be discernibly different from a complying carport.

The dwellings on the site are required to achieve a minimum floor height, to be clear of inundation from the Waiwhetu and Awamutu Streams during a 1% AEP event. The small deck areas that adjoin the existing dwelling are raised more than 0.5m above ground level, and as such are required to be included as part of the site coverage calculation for the front allotment. The exceedance of site coverage on proposed Lot 1 equates to approximately 16.6% (when the decks are included). If the decks are removed from the site coverage calculation, the resulting exceedance is reduced by some 12%, being 4.2% (or 11.5m²) above the permitted activity standard for the medium density activity area. Regardless, the presence of the raised decks does not result in a discernible increase to the site coverage of the dwelling on proposed Lot 1. This dwelling is not considered to be excessively large and is smaller than many other dwellings in the immediate area. The decks are required to connect the dwelling with its surrounding curtilage area, as its floor level is raised to meet a minimum floor height as specified by Greater Wellington Regional Council. The staggered façade of the dwelling and compliance with the front and side boundary setbacks ensure that the additional bulk associated that is generally associated with an exceedance of site coverage will not be discernible, when viewed from Mason Street or the surrounding properties.

Lot 2 complies with its respective site coverage requirements.

Overall, it is considered that any adverse effects arising from proposed non-compliance relating to site coverage on Lot 1 will be less than minor.

For the reasons discussed above, it is considered that any effects of the proposed development associated with building bulk and dominance will be less than minor.

Privacy and shading effects

With regard to the proposed recession plane infringements, it is considered that the majority of any potential adverse effects related to privacy and shading arising from the proposed rear dwelling are minor and generally restricted to the adjoining properties at 19 and 23 Mason, from who written approval is currently being sought.

It is considered that any potential privacy and shading effects on the adjoining properties are similar to that of the wider environment, and comparable to what is largely anticipated by the Plan. The proposal with respect to Lot 1, complies with all sunlight access planes, both internally and externally to the site. With regard to proposed Lot 2, the proposed dwelling has a second storey component to it, its encroachments are only very minor on the western façade and minor on the eastern aspect. The dwelling features a steep pitched roof that does not run parallel with the boundaries into which it encroaches. These factors greatly decrease the resulting effects of the non-compliances when viewed from the wider environment and adjoining sites. With regard to privacy, the area of encroachments do not contain any windows and as such no overlooking or loss of privacy to the adjoining sites will result. The proposed



dwelling is to the south of the existing dwelling on the adjoining sites, accordingly any shading effects from the proposed encroachments will not result in shading of the neighbouring dwellings and or the main outdoor living areas, in the case of 19 Mason Street, as this is to the front of the existing dwelling. As such, the effects beyond those anticipated by the Plan are considered to be less than minor and generally envisioned when considering privacy, overlooking or shading on adjoining or adjacent properties or the wider residential environment.

Development density effects

The District Plan seeks to ensure that residential lots are of a suitable size and shape to accommodate their intended use, while maintaining the character of the local environment. Situated within the local area are several properties which have been subdivided and/or developed in a manner similar to what is proposed in this application. These other properties are also situated in the General Residential (Medium Density) Activity Area. In this regard, the proposed development is considered to not be inconsistent with the existing character of the local residential environment.

While the existing and proposed dwellings have a number of bulk and location non-compliances with the District Plan, these non-compliances are generally small in size and do not result in development that is visually prominent or inconsistent with the established character of the local environment. Each lot has sufficient space around the existing and proposed dwellings for typical residential activities to be undertaken. In this regard, the proposed lots are considered to be a sufficient size and shape to accommodate their intended residential use, while maintaining the character of the local environment.

It is considered that any adverse effects associated with the proposed density of the subdivision and associated development will be less than minor.

Conclusion of character and amenity effects

Overall, it is considered that the proposal will not compromise the existing character and amenity values of the surrounding environment and any potential adverse effects related to character, density and amenity arising from the proposal will be less than minor.

Engineering Effects

The proposed lots will be able to be serviced in accordance with Council standards in relation to stormwater, sewer, water, telecommunications, and electricity. Given these factors, any potential engineering effects associated with the proposal are considered to be less than minor.

Natural Hazard Effects

The site is not situated within a known hazard area as identified within the District Plan. It is however known to be subject to inundation from the Awamutu and Waiwhetu Streams (as is the wider area) during a 1 in 100-year rainfall event. Accordingly, consultation has been undertaken with a Flood Protection officer from Greater Wellington Regional Council who has specified a minimum floor level for the proposed rear lot, being 2.2m (MSL) to the underside of the floor joists or base of the concrete slab. This equates to a height of 0.4 - 0.6m above existing ground level on proposed Lot 2. As such, it is proffered a condition of



consent that the future dwelling on proposed Lot 2, or the rear dwelling (in the instance that the subdivision is not complete prior to construction of the dwelling beginning), is constructed clear of the 1 in 100 inundation level of the Waiwhetu and Awamutu Streams, It is consider that with the imposition of this condition that the potential effects associated with inundation are effectively mitigated to a degree that they considered to be less than minor.

Protection of Significant sites

The application site is not situated in a Significant Natural Resource as identified in the District Plan and there is no ecologically significant vegetation situated on the site. Given these factors, it is considered that there are no natural features on the property that need to be protected as part of this proposal.

Esplanade Strips and Reserves

There are no rivers or streams located on the site. As such, there is no requirement for an Esplanade Strip or Reserve to be provided as part of this application.

5.3 NATIONAL POLICY STATEMENTS

The National Policy Statement pertaining to Urban Development Capacity is considered to be relevant to this proposal. The relevant policies that require consideration when assessing this proposal are policies PA1 – PA4. These are discussed in detail below:

PA1: Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:

- a) *Short term Development capacity must be feasible, zoned and serviced with development infrastructure.*
- b) *Medium term Development capacity must be feasible, zoned and either:*
 - *serviced with development infrastructure, or*
 - *the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.*
- c) *Long-term Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.*

The proposal is considered to be consistent with Policy PA1. The site is zoned for residential development and can be serviced by existing infrastructure. As such, the proposed development assists with Council meeting their short term development capacity.

PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

The proposal is considered to be consistent with Policy PA2. The proposed development is able to be serviced by the existing infrastructure in the local environment.

PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and



environmental wellbeing of people and communities and future generations, whilst having particular regard to:

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

The proposal is considered to be consistent with Policy PA3. The site is in the General Residential Zone, which allows for a range of housing developments to be provided. The proposal includes a compact three bedroom dwelling which will assist in providing meeting the housing demand of the community.

The site is in an existing urban environment and the proposed development is able to be serviced by the existing infrastructure in the local environment.

The proposal will not adversely impact the competitive operation of land.

PA4: When considering the effects of urban development, decision-makers shall take into account:

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*

The proposal is consistent with Policy PA4. The proposal represents the development of an urban site. The site is located close to public transport and shops and therefore is an appropriate site to be development. The proposed development design ensures that people and communities and future generations can provide for their social, economic, cultural and environmental wellbeing

Due to the small size of the site, it is considered that the benefits and costs associated with the proposal are limited to the district scale. In this regard, the proposal is considered to have benefits as the proposal would introduce additional housing into an area that is desired for development.

It is considered there are no other National Policy Statements relevant to this proposal.

5.4 OBJECTIVES AND POLICIES OF THE REGIONAL POLICY STATEMENT

The relevant objectives and policies from the Regional Policy Statement that are applicable to this application are considered to be:

Objective 22 - A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

(e) Urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;

Policies

(31) Identifying and promoting higher density and mixed use development – district plans

(54) Achieving the region's urban design principles – consideration

(55) Maintaining a compact, well designed and sustainable regional form – consideration

The proposal is considered to be consistent with the above objective and policies of the Wellington Regional Policy Statement. The proposed development is situated within an existing urban environment, is located close to public transport and shops, and can be serviced by the existing infrastructure in the local area.

5.5 OBJECTIVES AND POLICIES OF THE OPERATIVE DISTRICT PLAN

The relevant objectives and policies of the District Plan for this application are considered to be:

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.

While the proposed allotments do not comply with the net site area and shape factor requirements, they are considered to be of a sufficient size to provide for their proposed residential use, in that they are able to accommodate the existing and proposed dwellings and their typical associated residential activities. The proposed lots are consistent in size and shape as a number of other lots situated in the local environment.

As such, it can be considered the proposed lots are of a suitable size and shape to accommodate their proposed use for residential activities, while maintaining the amenity values and character of the local environment.

It is considered that the proposal is consistent with the intended outcomes of the above objective and policy of the District Plan.

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.

The proposal is considered to be consistent with the above objective and policy. The proposed lots will be serviced in terms of sewer, water, access, stormwater, power and telecommunications.



4A1.1.1 Residential Character and Amenity Values - Objective

To maintain and enhance the amenity values and residential character of the General Residential Activity Area.

Policies

- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.*

As discussed above, it is considered the proposed lots are of a suitable size and shape to accommodate their proposed use for residential activities, while maintaining the amenity values and character of the local environment. There is no significant vegetation located on the site that requires protection as part of this proposal. No vegetation in the road reserve or road frontage of the site is proposed to be removed as part of the proposal. As such, it is considered that the proposal is consistent with the intended outcomes of the above objective and policies.

4A1.1.2 Medium Density Residential Development – Objective

To ensure opportunity is made for medium density residential development around some commercial centres, along major transport routes, and where amenity values will not be adversely affected and where there is appropriate servicing of development.

Policies

- (b) To avoid, remedy, or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location. That opportunity for higher dwelling densities be made along major transport routes, and some commercial centres, in the residential area,*
- (c) That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (appendix 19) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.*

4A 1.2.1 Building Height, Scale, Intensity and Location – Objective

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Policies

- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.*
- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*

- (d) *To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*
- (e) *To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) *To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*

The intent of the above objectives and policies is that the character and amenity values of the surrounding residential environment are maintained. The proposed subdivision will result in a density that is suitable for the site and is consistent with that of a number of sites in the surrounding residential area.

The various non-compliances resulting from the proposed subdivision and associated development has been assessed above in section 5.0. It is considered that the proposal will maintain the character and amenity of the residential environment and results in an appropriate density and scale of development.

Overall it is considered that the proposal is consistent with the character of the area and that the proposal is generally consistent with the above Objectives and Policies.

5.6 OBJECTIVES AND POLICIES OF THE PROPOSED PLAN CHANGE 39

The relevant objectives and policies of the Proposed Plan Change 39 for this application are considered to be:

Objective 14A 3.1 A safe and efficient transport network that is integrated with land use patterns, meets local, regional and national transport needs and provides for all modes of transport

Objective 14A 3.5 Adverse effects on the safety and efficiency of the transport network from on-site transport facilities (vehicle access, parking, manoeuvring and loading facilities) are managed.

Policy 14A 4.2 Land use, subdivision and development should not cause significant adverse effects on the connectivity, accessibility and safety of the transport network

Proposed Plan Change 39 has just been publicly notified and therefore little weight should be applied to the above objective and policy. Regardless of this, the proposal complies with the on-site parking requirements of the District Plan. As such, the proposed is considered to maintain the safety and efficiency of the local transport network.

5.7 SECTION 106 OF THE ACT – RESTRICTIONS ON SUBDIVISIONS

Under Section 106 of the Act, a Territorial Authority may refuse to grant a subdivision consent if it considers that:

- *The land in respect of which a consent is sought, or an structure on the land, is or likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or*

- Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land or structure by erosion, falling debris, subsidence, slippage or inundation from any source; or
- Sufficient provision has not been made for legal and physical access to each lot created by the subdivision.

The property is known to be subject to inundation during a 1 in 100-year rainfall event from the Awamutu and Waiwhetu Streams. Accordingly, consultation has been undertaken with a Flood Protection officer from Greater Wellington Regional Council who has specified a minimum floor level for the proposed rear lot, being 2.2m (MSL) to the underside of the floor joists or base of the concrete slab. This equates to a height of 0.4 - 0.6m above existing ground level on proposed Lot 2. As such, it is proffered a condition of consent that the future dwelling on proposed Lot 2, or the rear dwelling (in the instance that the subdivision is not complete prior to construction of the dwelling beginning), is constructed clear of the 1 in 100 inundation level of the Waiwhetu and Awamutu Streams. It is considered that with the imposition of this condition that the potential effects associated with inundation are effectively mitigated. And the proposal is consistent with Section 106 of the Resource Management Act 1991.

Both legal and physical access can be provided to all allotments within this subdivision.

I therefore consider that the matters outlined in Section 106 of the Act have been met and that Council's ability to grant resource consent to the proposed subdivision is not impacted by Section 106 of the Act.

5.8 OTHER MATTERS

There are no other matters or non-statutory documents of particular relevance to the consideration of this application.

5.9 PART II OF THE RESOURCE MANAGEMENT ACT

Section 5: Purpose and Principles of the Resource Management

Section 5 identifies the purposes and principles of the Resource Management Act 1991 and states:

"sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

For the reasons outlined in Section 5.2 and 5.5 of this report, the proposal is considered to be consistent with the sustainable management purpose of the Act. It is considered appropriate that the site supports a higher density of housing, in accordance with the zoning of the area.



The proposed dwelling will provide additional housing within the existing urban fabric and will allow for the development potential of the site to be achieved.

A number of features have been included into the design of the proposed development to ensure that the buildings assimilate into the character of the local environment. The proposal also includes a number of mitigation measures to ensure that the environmental effects associated with the proposal are avoided or mitigated. Given these factors, it is considered that the proposal provides for the social and cultural wellbeing of the local environment and safeguards the life-supporting capacity of air, water, soil and ecosystems.

Section 6: Matters of National Importance

Section 6 of the Act identifies the matters of national importance which are required to be taken into account when assessing this application. It is considered that there are no relevant Section 6 matters that require consideration as part of this proposal.

Section 7: Other Matters

Section 7 of the Resource Management Act identifies the other matters that are required to be taken into account when assessing this application. Particular regard must be had to the maintenance and the enhancement of the amenity values 7(c), and the maintenance and the enhancement of the quality of the environment 7(f). Amenity is discussed in more detail under Section 5.2 of this assessment and the quality of the environment is discussed in Section 5.2 & 5.5. It is for these reasons that the proposal is consistent with section 7 of the Act.

Section 8: Treaty of Waitangi

Section 8 of the Resource Management Act requires applications to take into account the principles of the Treaty of Waitangi.

The application site is not identified as having any particular cultural or historic significance. It is therefore considered that the proposal does not impact on the principles of the Treaty of Waitangi.

SECTION 6

CONCLUSION

The applicant is seeking resource consent to undertake a two lot subdivision and construct a second dwelling on the proposed rear site, prior to titles being issued, at 21 Mason Street, Moera. The proposed subdivision will result in two allotments that do not comply with the minimum site area requirements of the General Residential (Medium Density) Activity Area. Several bulk and location infringements will also arise as a result of the proposal. Consent is also sought to uplift the building line restriction that sits on the title of the application site.

Written approvals have either been supplied or are currently being sought from the adjoining neighbours.

This report has considered all actual and potential adverse effects of the proposal and finds these to be less than minor. This report also finds that the proposal is consistent with the



relevant Objectives and Policies of the Operative District Plans as well as Part II of the Resource Management Act 1991. It is therefore considered that the Council can grant consent to the proposal on a non-notified basis, subject to the imposition of appropriate conditions.

We request that draft conditions be circulated to us prior to the release of the resource consent decision.

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Report prepared by

Sam Gifford
Senior Planner
Cuttriss Consultants Ltd

On behalf of the McLean Trust

31 March 2017

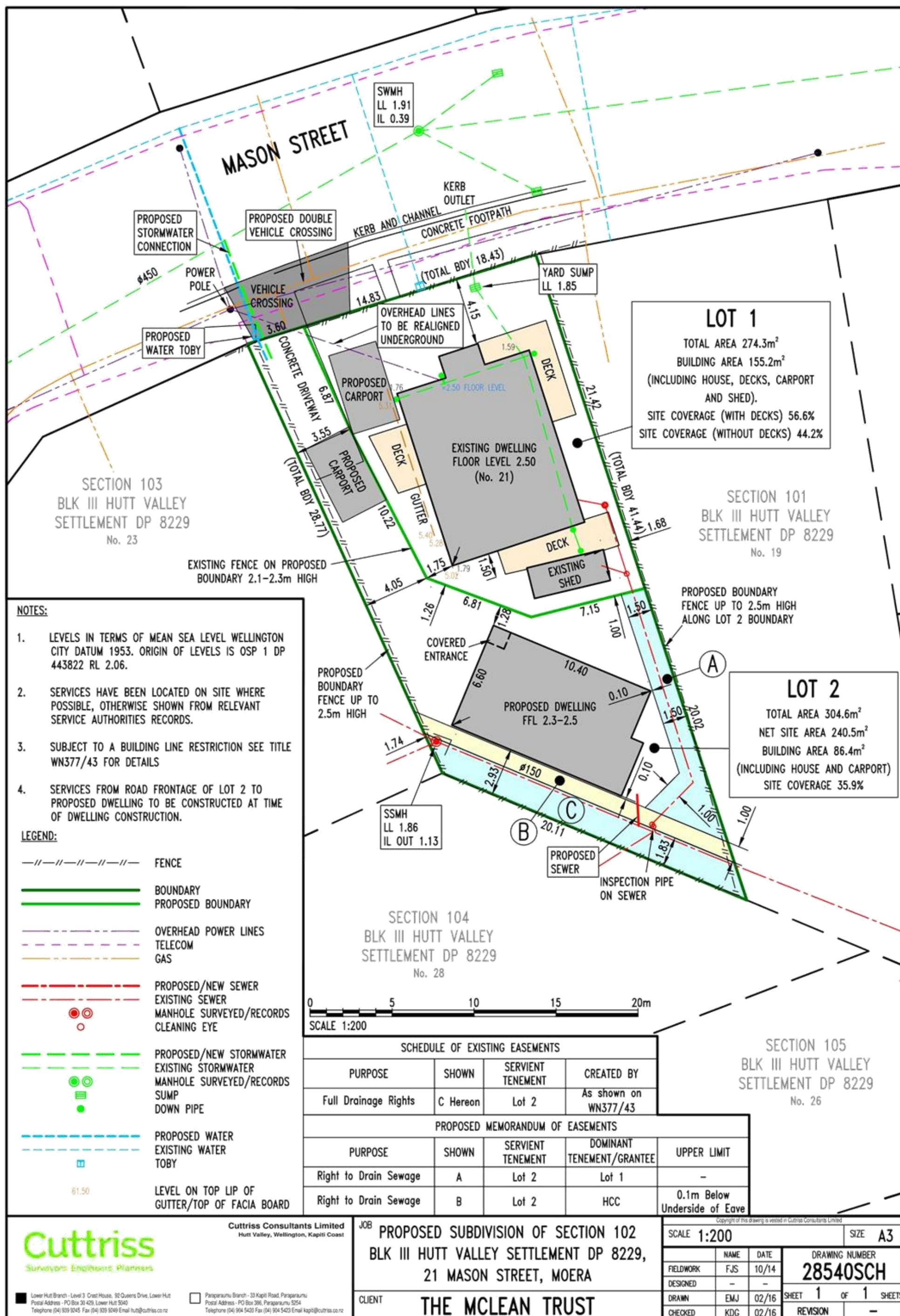
INDEX TO APPENDICES

1. Subdivision Scheme Plans
2. Dwelling Plans
3. Landscaping Plans
4. Computer Freehold Register
5. Written Approvals



Appendix 1 Subdivision Scheme Plan

Cuttriss
Surveyors. Engineers. Planners.



Site Notes

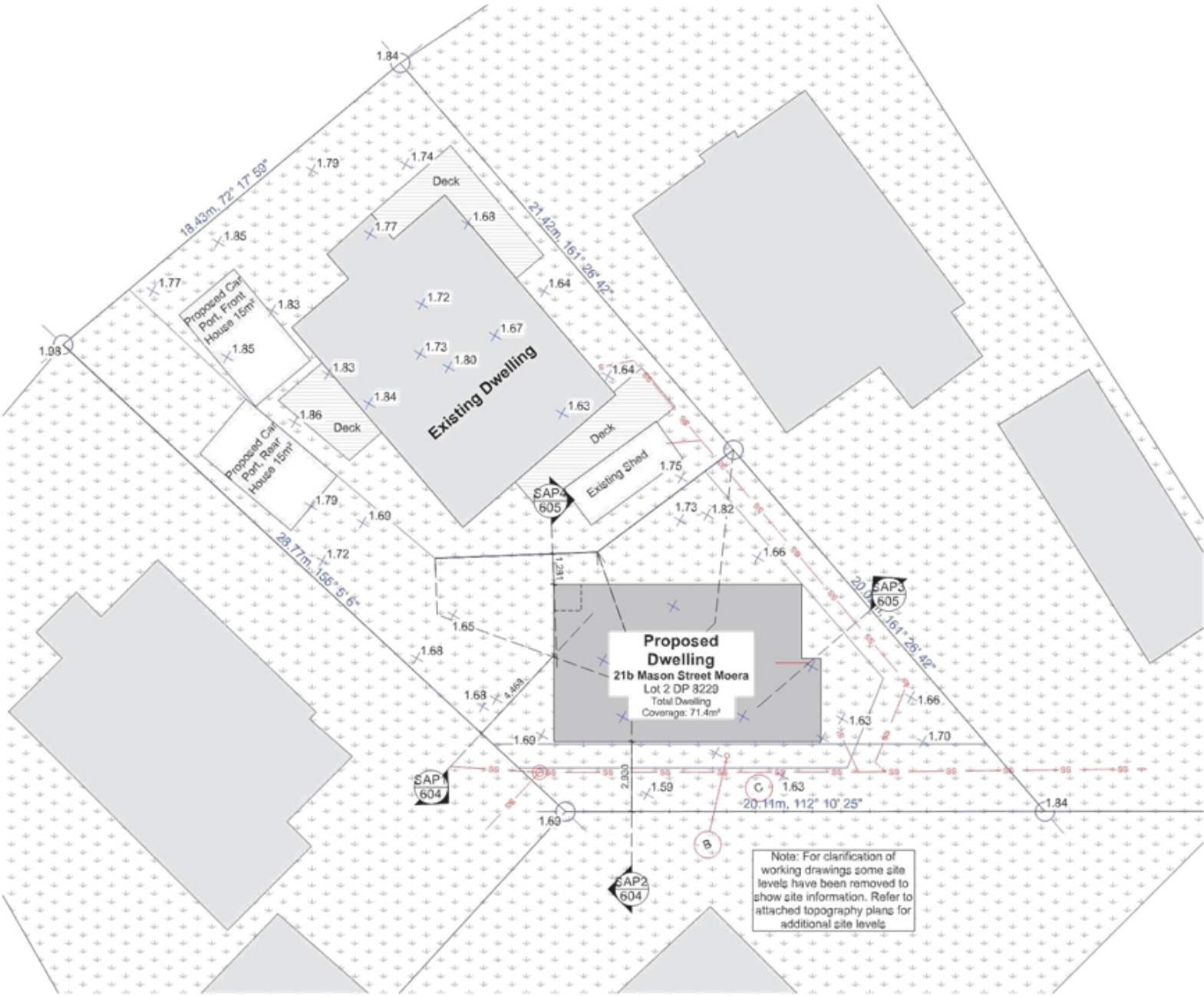
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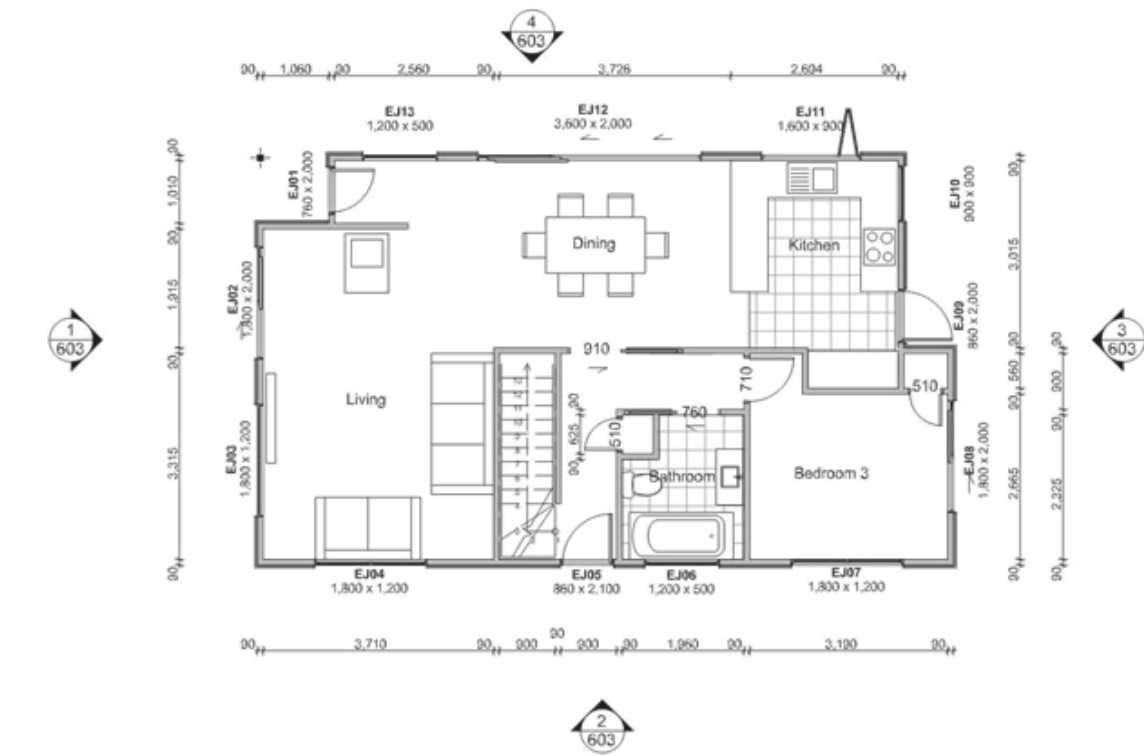
Site information
Legal description: Lot 2 DP 8229
Address: 21b Mason Street, Moera, Lower Hutt
Site area: 304.6sqm
Site Coverage: 86.4sqm
Site Coverage %: 28.3%
Wind zone: H
Earthquake zone: 3
Exposure zone: C

Permanent paving
Permanent paving including driveway, entry paths & patios to be 100mm thick 20MPa concrete. Ensure all concrete is laid to fall @ 1:25 away from house for a distance of at least 1 metre. Where site conditions do not readily allow such a 1m wide strip to be formed, then permanent paving shall be laid to the falls and dimensions shown in NZS3604:2011 figure 7.12

Site levels
Site levels and datum have been provided from the Topographical Survey plan via Cuttriss Consultants Limited. If there are any inaccuracies or inconsistencies please contact designer for clarification prior to commencing work

Boundary information
Boundary information has been provided from the Topographical Survey plan via Cuttriss Consultants Limited. If there are any inaccuracies or the building position in relation to district plan constraints is critical please consult designer prior to commencing work.





1 | Proposed Floor Plan
- | 1:100



2 | Proposed First Floor
- | 1:100

New Dwelling	Drawn By:	A Trotter
21b Mason Street	Date:	23/11/2017
Moera	Job No:	16135

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N

PROPOSED FLOOR AREA

= 70.1m²

Drawing Set:

Resource Consent

Scale:

1:100

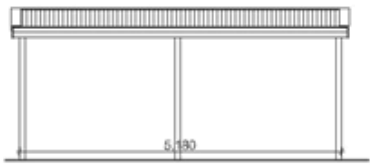
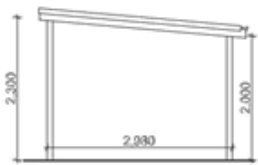
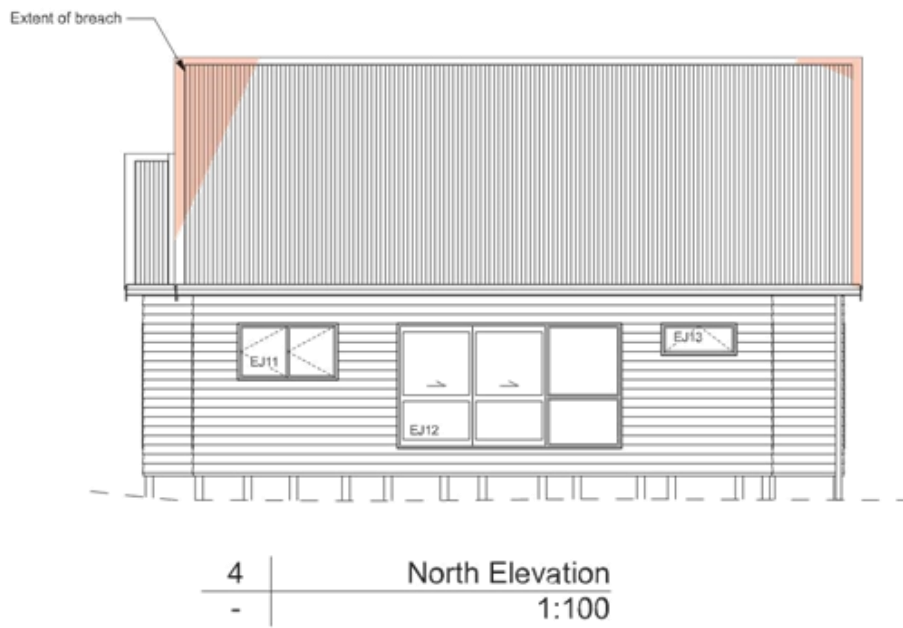
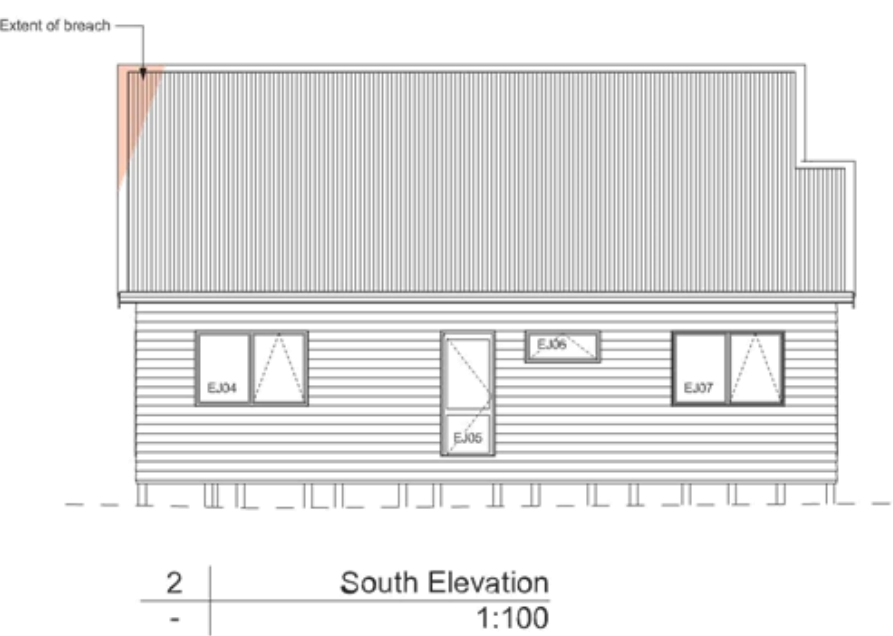
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Proposed Floor Plan

Drawing No:

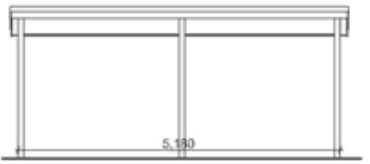
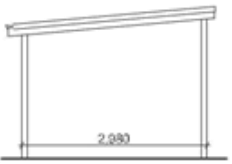
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5 | West Elevation
- | 1:100

6 | South Elevation
- | 1:100



7 | East Elevation
- | 1:100

8 | North Elevation
- | 1:100

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21b Mason Street	Date:	23/11/2017
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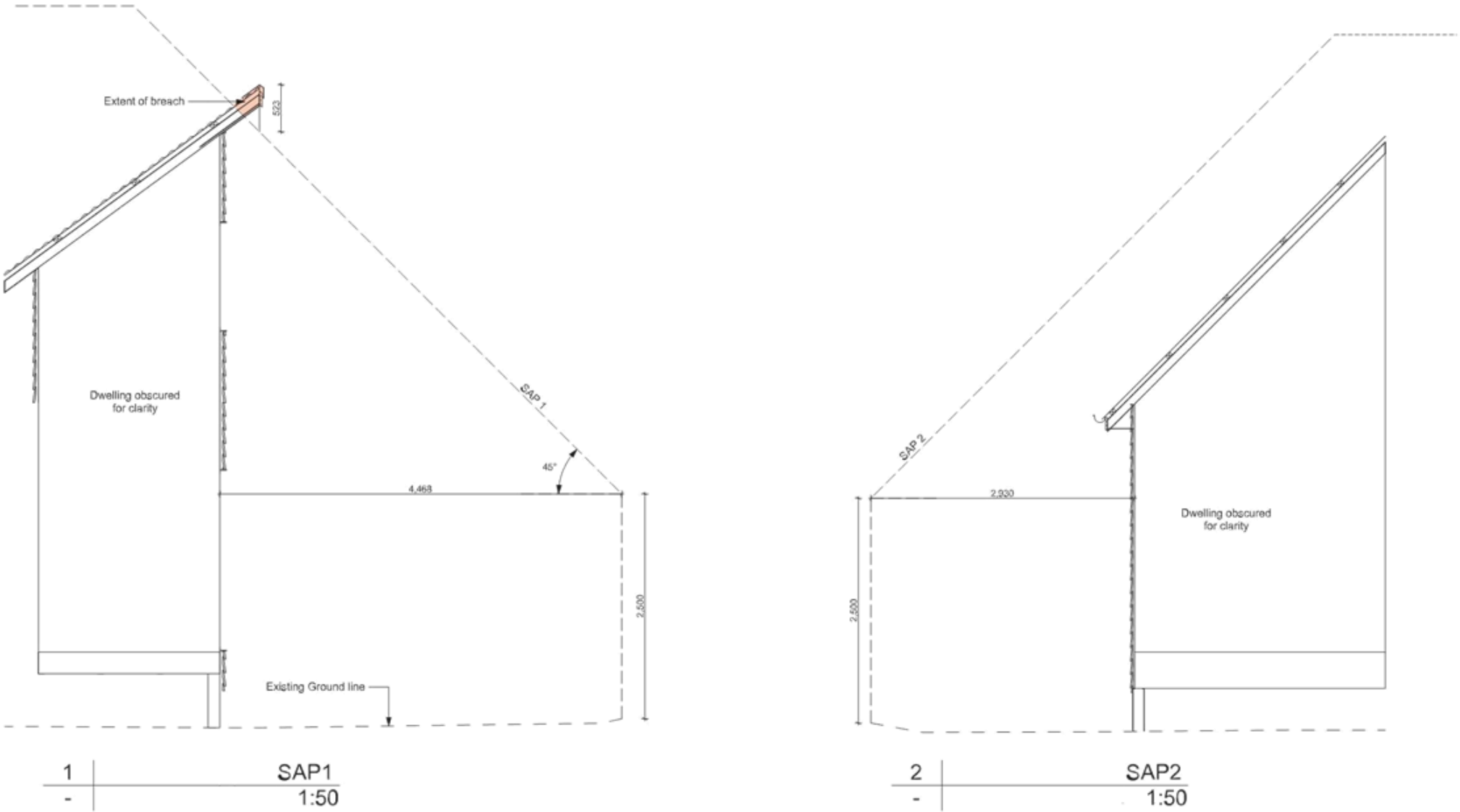
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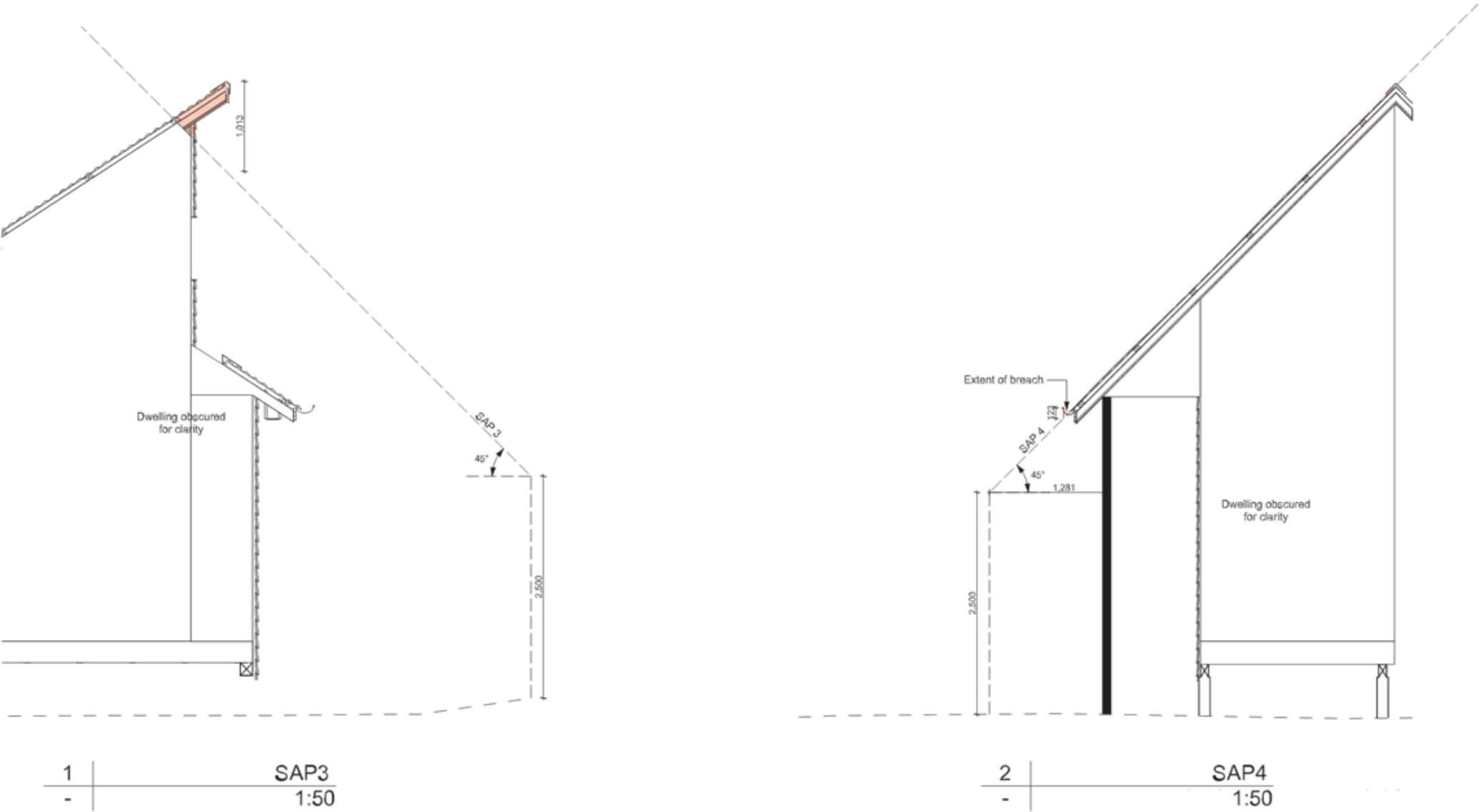
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		Drawing No: 603



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Moera	Job No:	16135

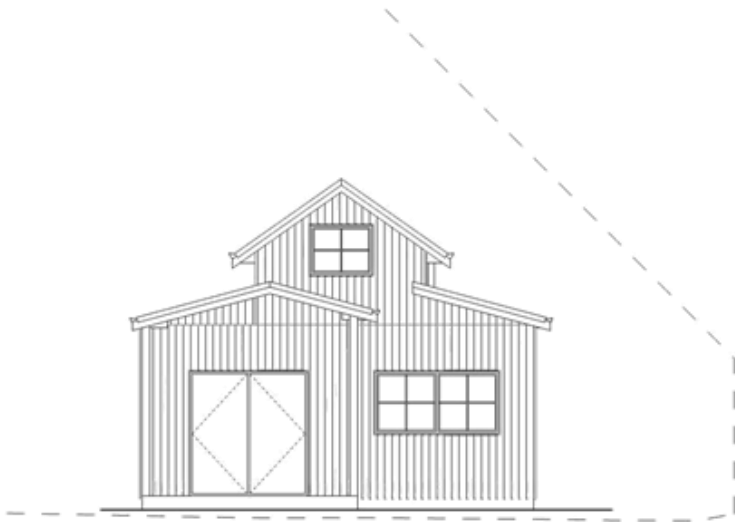
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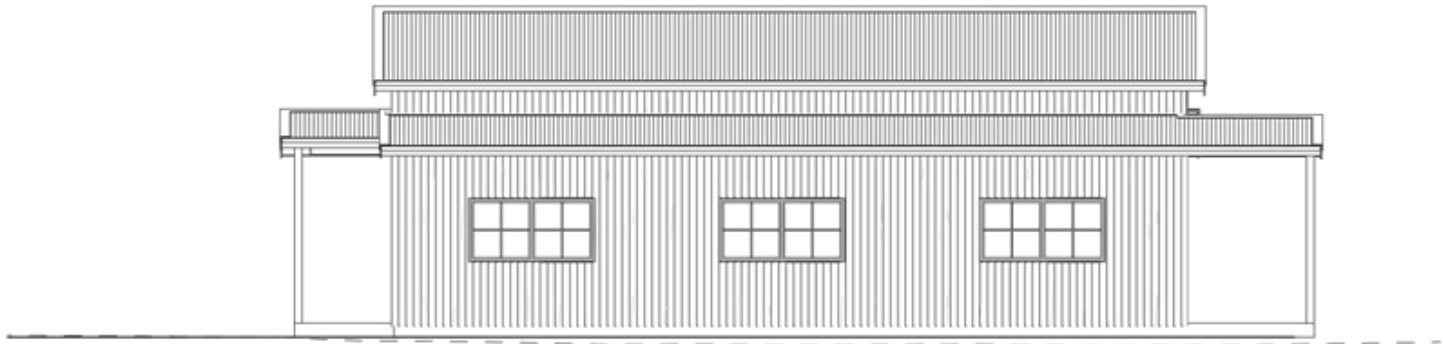
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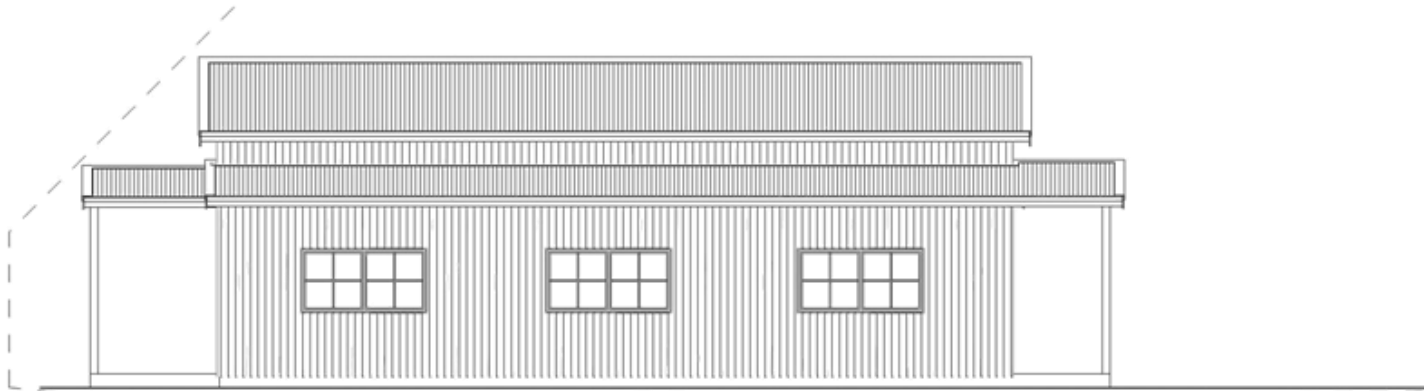
1 West Elevation 1:100



2 South Elevation 1:100



3 East Elevation 1:100



4 North Elevation 1:100

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Drawing Sheet:	Compliant House Elevations	
		Drawing No: 606



1 Permitted Baseline Building Envelope 1



2 Permitted Baseline Building Envelope 2

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21b Mason Street	Date:	23/11/2017
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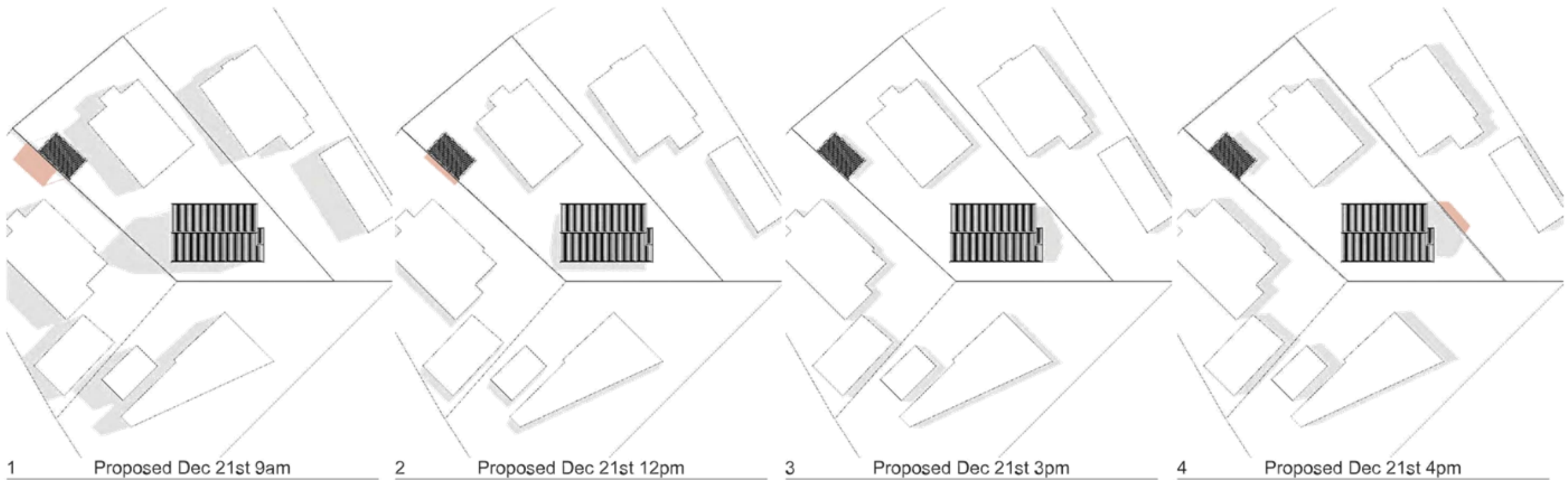
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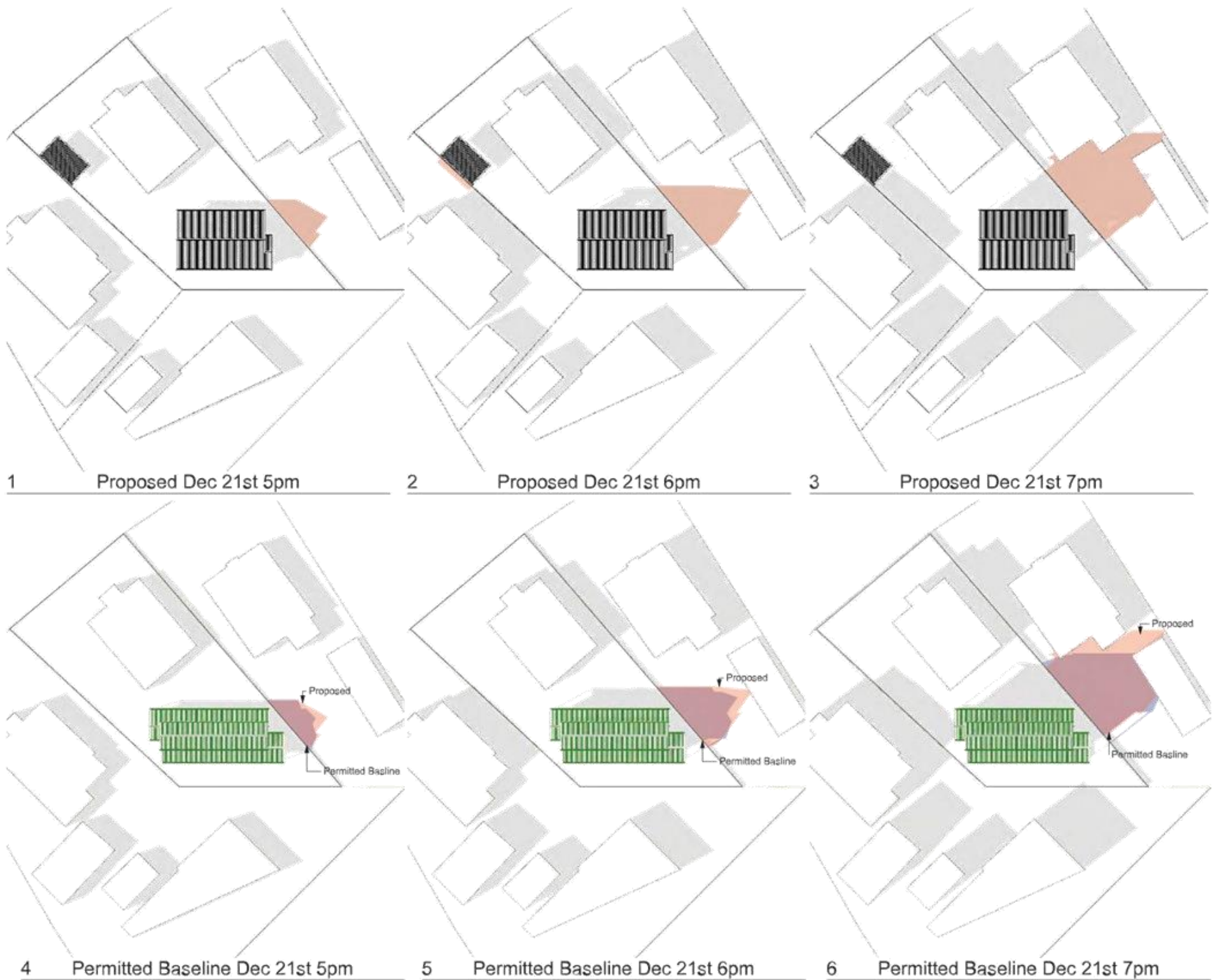


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	Permitted Baseline:	

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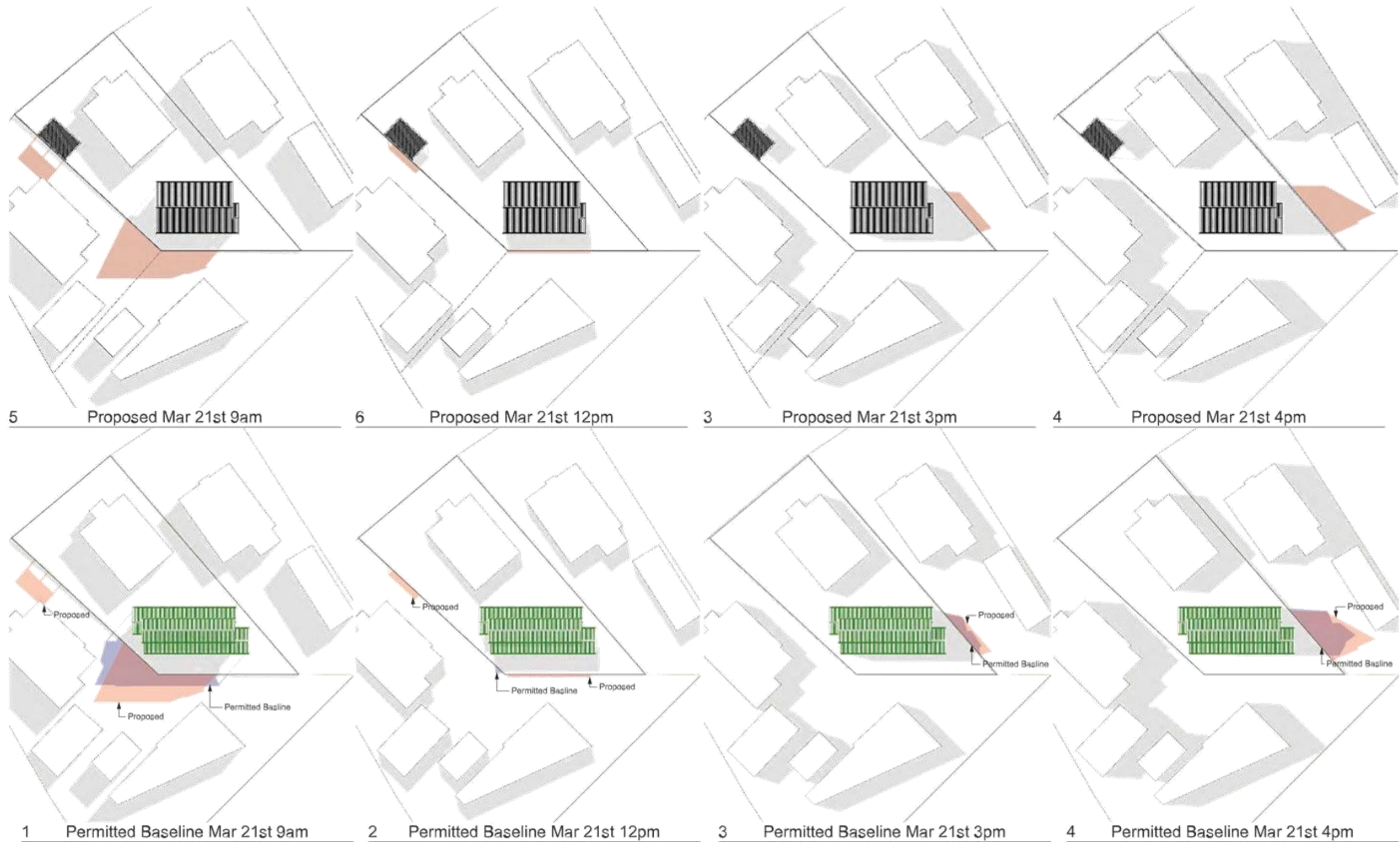
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Moera	Job No:	16135

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Proposed:

Permitted Baseline:

Drawing Set:

Resource Consent

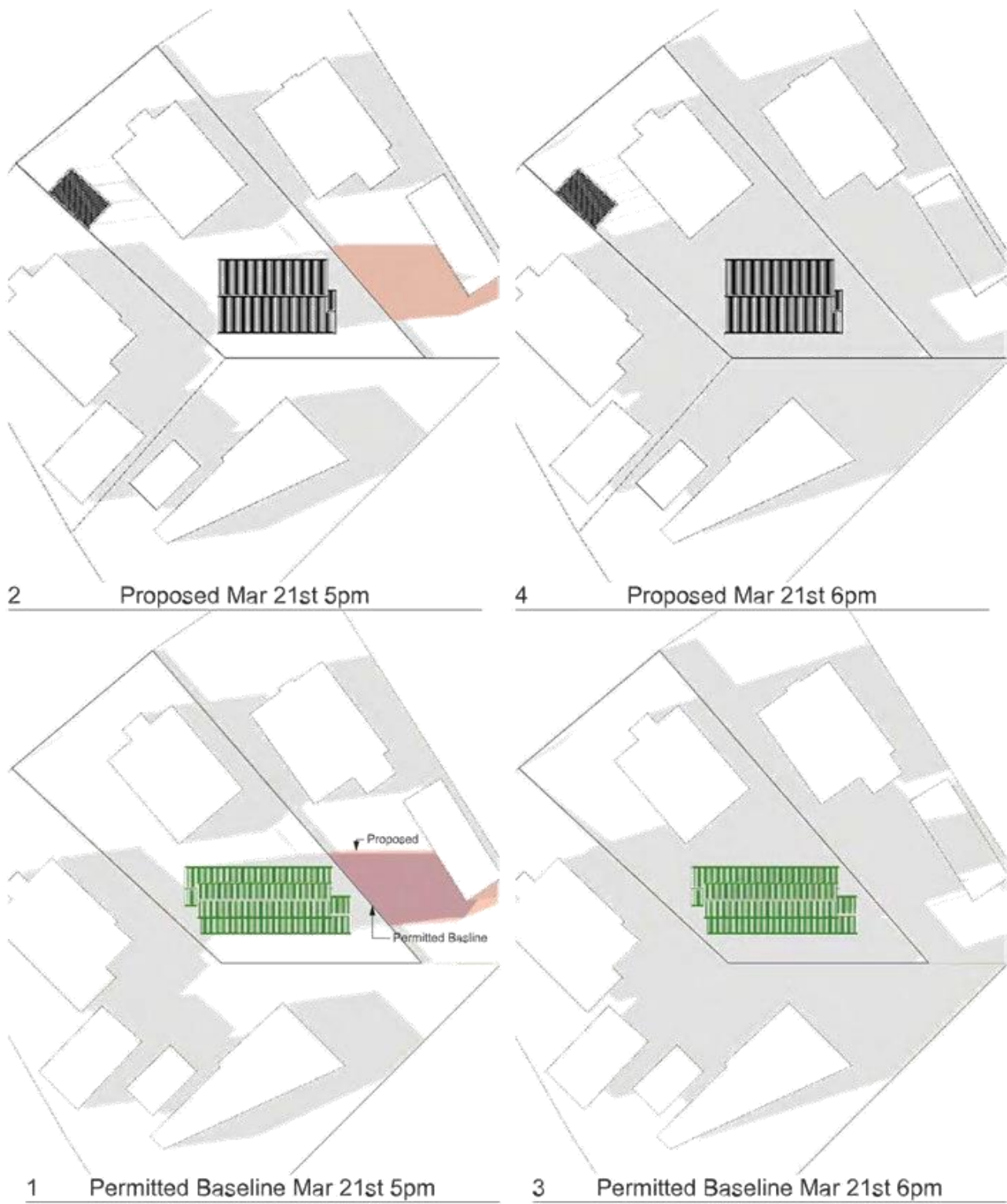
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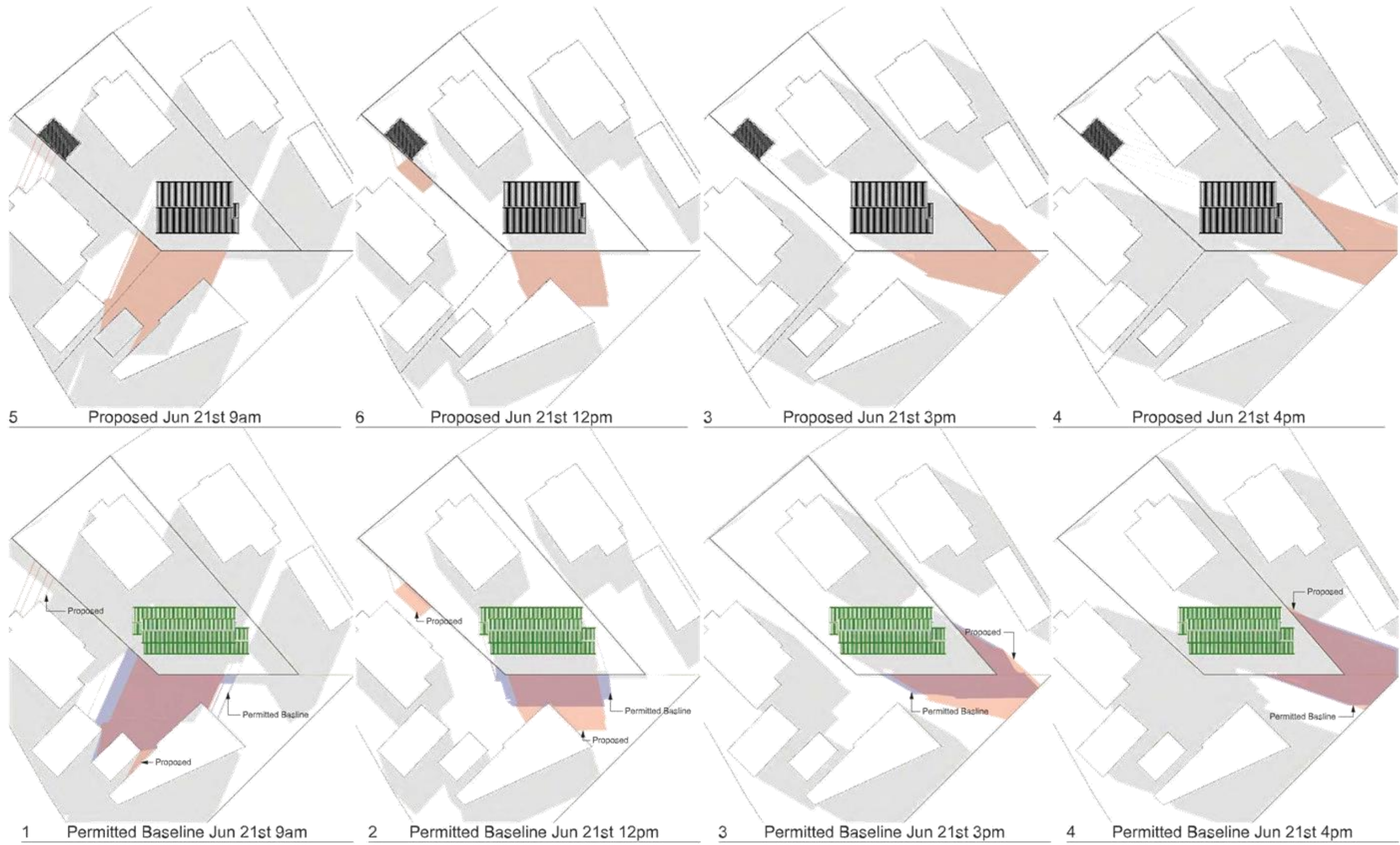
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Drawing Sheet:	Sun Studies Mar 21st	
		Drawing No: 611



New Dwelling	Drawn By:	A Trotter
21b Mason Street	Date:	23/11/2017
Moera	Job No:	16135

Prime

Designs

NEW HOMES AND RENOVATIONS

PO BOX 40781, Upper Hutt 04 528 8405 luke@primedesigns.co.nz

Legend:

Proposed:

Permitted Baseline:

Drawing Set:

Resource Consent

Scale:

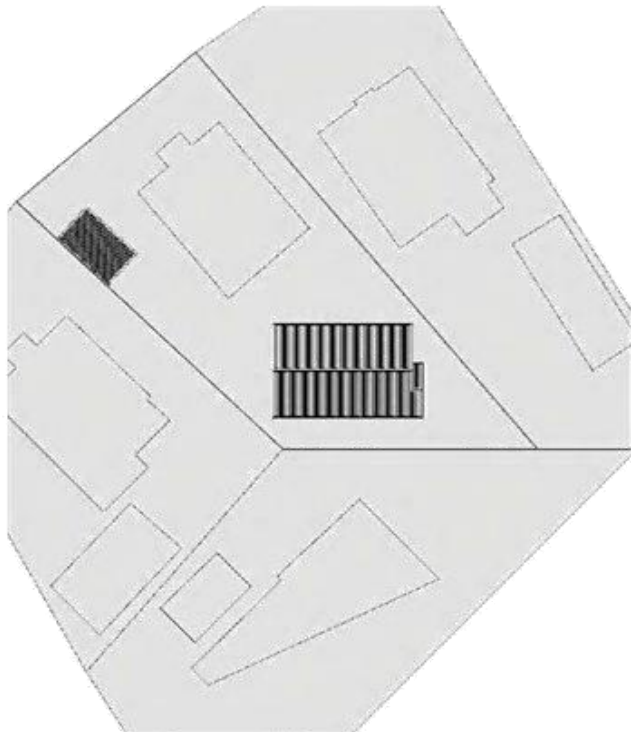
Drawing Sheet:

Sun Studies Jun 21st

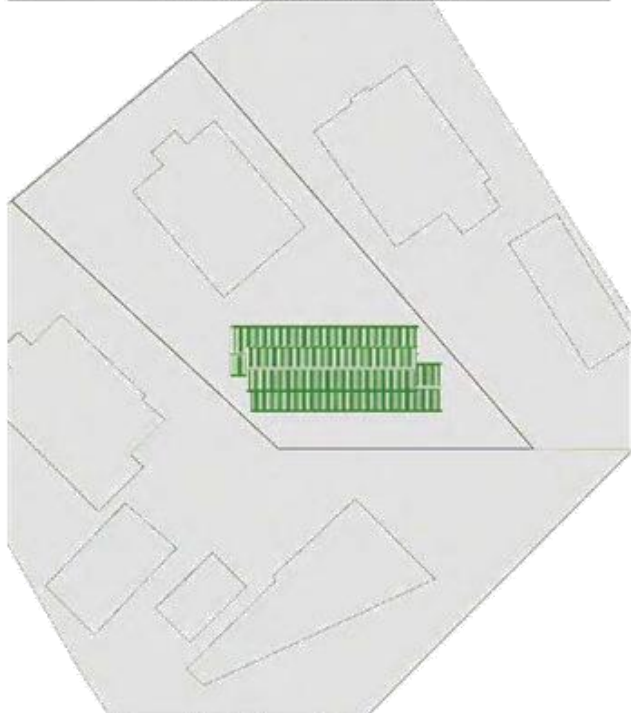
Drawing No:

612

All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by contractor prior to commencing work. Do not asile from drawings. If there are any inaccuracies with the drawings please contact designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.



2 Proposed Jun 21st 5pm



1 Permitted Baseline Jun 21st 5pm

New Dwelling	Drawn By:	A Trotter
21b Mason Street	Date:	23/11/2017
Moera	Job No:	16135

Prime

Designs

NEW HOMES AND RENOVATIONS

PO BOX 40781, Upper Hutt 04 528 8405 luke@primedesigns.co.nz

Legend:	Proposed:	<div></div>
	Permitted Baseline:	<div></div>

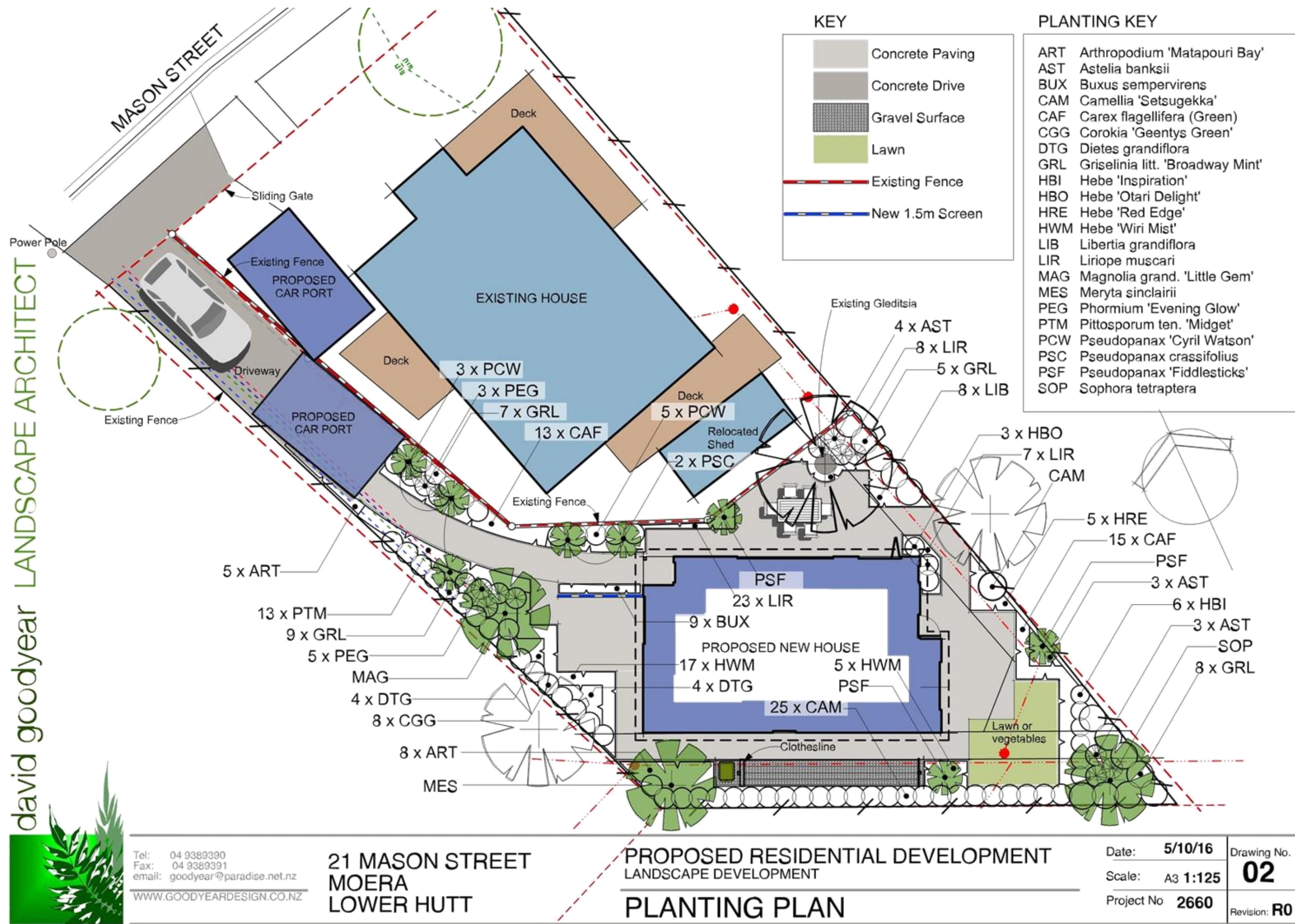
Drawing Set:	Resource Consent	<small>All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by contractor prior to commencing work. do not scale from drawings. If there are any inaccuracies with the drawings please contact designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.</small>
Scale:		
Drawing Sheet:	Sun Studies Jun 21st	
		Drawing No: 613



Appendix 3 Landscaping Plan

Cuttriss
Surveyors. Engineers. Planners.

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A PLANTING SCHEDULE

PAGE 1



**PLANTING SCHEDULE
21 MASON STREET, LOWER HUTT**

Plant Ref	Botanical Name	Common Name	Min. Size	Quantities
ART	Arthropodium cirri. 'Matapouri Bay'	Rengarenga Lily	PB5	13
AST	Astelia banksii		PB5	10
BUX	Buxus sempervirens	Box	PB5	9
CAM	Camellia 'Setsugekka'	Camellia	PB6.5	26
CAF	Carex flagellifera Green		PB5	28
CGG	Corokia 'Geentys Green'	Korokio	PB5	8
DTG	Dietes grandiflora	Wild Iris	PB5	8
GRL	Griselinia lit. 'Broadway Mint'	Kapuka	PB5	29
HBI	Hebe 'Inspiration'		PB5	6
HBO	Hebe 'Otari Delight'		PB5	3
HRE	Hebe 'Red Edge'		PB5	5
HWM	Hebe 'Wiri Mist'		PB5	22
LIB	Libertia grandiflora	NZ Iris	PB5	8
LIR	Liriope muscari	Turf Lily	PB5	38
MAG	Magnolia grand. 'Little Gem'	Evergreen Magnolia	PB40	1
MES	Meryta sinclairii	Puka	PB40	1
PEG	Phormium 'Evening Glow'	Mt. Flax cv.	PB5	8
PTM	Pittosporum ten. 'Midget'	Kohuhu	PB5	13
PCW	Pseudopanax 'Cyril Watson'		PB5	8
PSC	Pseudopanax crassifolius	Lancewood	PB18	2
PSF	Pseudopanax 'Fiddlesticks'		PB18	3
SOP	Sophora tetraptera	Kowhai	PB40	1

21 Mason Street, Moera, Lower Hutt

6/10/2016

PLANTING SPECIFICATION 21 MASON STREET, LOWER HUTT

GROUNDWORKS:

EXCAVATION

Excavation shall be carried out where necessary to achieve either of the following required soil profiles:

- a.) 150mm base soil (existing site soil)
150mm of topsoil with 50mm planting compost incorporated
75mm of mulch (to be maximum of 25mm below finished levels of surrounding kerbs and paving.

Total depth of excavation 400mm below surrounds

- b.) where no suitable existing soil exists (new planters, tops of retaining walls, etc.)
600mm of topsoil (min) with 50mm planting compost incorporated
75mm of mulch

All waste material shall be removed from site.

The subgrade of new planting shall be firm but free draining. Where excessive compaction exists, the subgrade shall be broken up to a depth sufficient to ensure free drainage through the underlying material

TOPSOIL:

Topsoil will consist only of the natural original surface layer (to 300mm maximum), when the vegetation has been removed, of grassland or cultivated agricultural land. Topsoil acquired from forest, drained peatlands, sandy soil, bog or from those areas impaired by industrial activity or contaminated by heavy metals or other pollutants will not be used.

Topsoil will be fertile, but free from excessive quantities of weed seed, roots of perennial plants, living vegetation or other extraneous material.

Topsoil will be of uniform composition throughout and will contain at least 6% organic matter, intimately mixed with mineral matter. Topsoil will be free from subsoil.

Topsoil will be of a medium loam texture, friable, with a crumb structure and will display a reasonable degree of porosity. Reaction will be between pH 6.0-7.0 unless otherwise specified.

Topsoil will have no more than 10% stone content by dry weight. The presence of any stones exceeding 10mm diameter will be unacceptable.

PLANTING COMPOST

Planting Compost shall comprise suitable humus-forming material such as leaf mould, spent mushroom compost, composted bark or other suitable organic material. Use of peat is to be avoided where possible.

MULCH

Mulch shall be coarse grade granulated bark with a particle size up to 50mm with no more than 25% smaller than 6mm, free from disease, dust, wood slivers and other foreign matter.

PLANTING SPECIFICATION

Page 3

PLANT MATERIAL:

All plants shall:

- be true to name
- have a sound true-to-type growth habit
- be in minimum container sizes as shown on the Planting Schedule
- have a root system well established in the current container, but not restricted or suffering from root curl
- be free from pests and diseases
- be grown under soil and climatic conditions that are not substantially different from that of the contract area. Plants sourced from outside the Wellington region shall be hardened off for at least 1 month in outside conditions.

PLANTING:**PREPARATION :**

Before commencement of the landscape and planting work, the Contractor shall remove from site all rubbish, debris and excavated materials and any material surplus to requirements.

3 weeks prior to planting, all areas to be planted shall be sprayed with Roundup or other approved non-residual contact herbicide, in accordance with the Manufacturer's instructions. A weed-free surface shall be attained.

ALL PLANTING

Planting operations shall be carried out during the period from 1 April to 30 September.

Planting holes shall be dug to at least twice the diameter and one and a half times the depth of the root ball and the sides and bottom of the planting hole broken up to allow root penetration into the existing soil. The plants shall be set upright to the same depth that they were growing at in the container and backfilled with a 50/50 mixture of excavated soil and planting compost, with incorporated fertiliser.

Approved 12 month slow release fertiliser shall be incorporated into the planting soil at the rate specified by the Manufacturer.

On sloping sites, create an area for water to pond around each plant.

Water all planted areas immediately after planting to ensure that the entire root zone is thoroughly saturated.

After watering, a 75mm deep layer of shredded bark shall be spread over all plant beds. After mulching, all stems, particularly of ground cover species, shall be arranged above the surface of the mulch.

Stake all trees with two stakes to ensure no rocking of the root ball. Wooden tree stakes shall be used for trees and shall be of the following type:

Tree stakes shall be straight 1500x50x50mm H4 treated *Pinus radiata* (or equivalent approved) stakes. Stakes shall be pointed at one end and set not less than 500mm above ground level, and shall be firm on completion. Tree ties shall be positioned to provide firm support for the tree and the ties shall be nailed to the stake to secure and prevent slipping.

No nylon rope, cord, or any tying material found, in cross section, to contain nylon shall be used.

PLANTING SPECIFICATION

Page 4

MAINTENANCE:**DEFECTS LIABILITY PERIOD**

The Defects Liability Period will extend from the date of Practical Completion of the Works for a period of twelve (12) months.

MAINTENANCE GENERAL:

All planted areas shall be maintained for a period of **12 months** after the date of Practical Completion. Maintenance operations shall include regular watering as necessary, weeding cultivation, pruning for form and cutting back of weed species, and any other operations necessary to assure good plant growth and attain a tidy weed free appearance.

The Contractor shall replace at his own expense any plants which are lost through whatever cause other than vandalism up to the end of the Defects liability Period. All replacement stock shall be to the same standard as described in this specification.

FINAL COMPLETION

Final Completion shall be certified at the end of the Defects Liability Period. At Final Completion, all failed plants (other than vandalised material) shall have been replaced and all other defects made good to the Principal's reasonable satisfaction. Mulch shall be left at a minimum of 75mm deep across all mulched beds and all stakes and ties properly positioned and tightened. The site shall be left tidy and weed free. The final weedkiller application shall be with a translocated weedkiller, unless otherwise instructed by the Principal.



Appendix 4 Certificate of Title

Cuttriss
Surveyors. Engineers. Planners.



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier **WN377/43**
Land Registration District **Wellington**
Date Issued 19 August 1927

Prior References

WA 5/176

Estate	Fee Simple
Area	579 square metres more or less
Legal Description	Lot 102 Block III Hutt Valley Settlement and Defined On Deposited Plan 8229

Proprietors

Alexander Leslie Duncan McLean, Mary Anne McLean and PML Trustees Limited

Interests

K5567 Section 5 Hutt Valley Lands Settlement Amendment Act 1937

Reserving nevertheless to the Lower Hutt Borough Council an easement of full drainage rights over a strip of land of a width of six feet running along the southern boundary of the said Lot and more particularly shown on the said Deposited Plan and forming the course of a drain now in use

Subject to a building line restriction as shown on DP 8229

Transaction Id

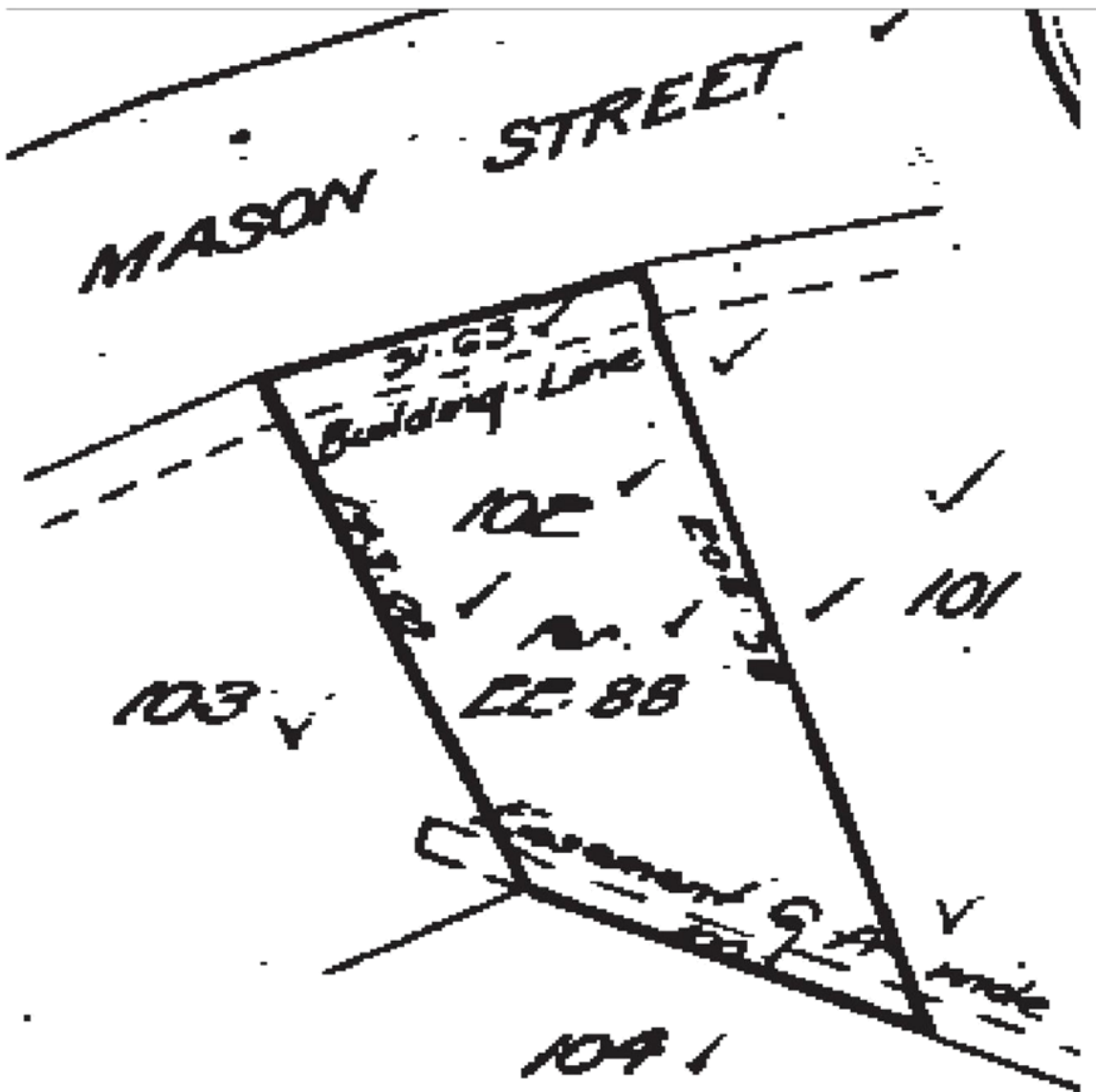
Client Reference 08540

Search Copy Dated 31/03/17 11:45 am, Page 1 of 2

Registrar Only

Identifier

WN377/43

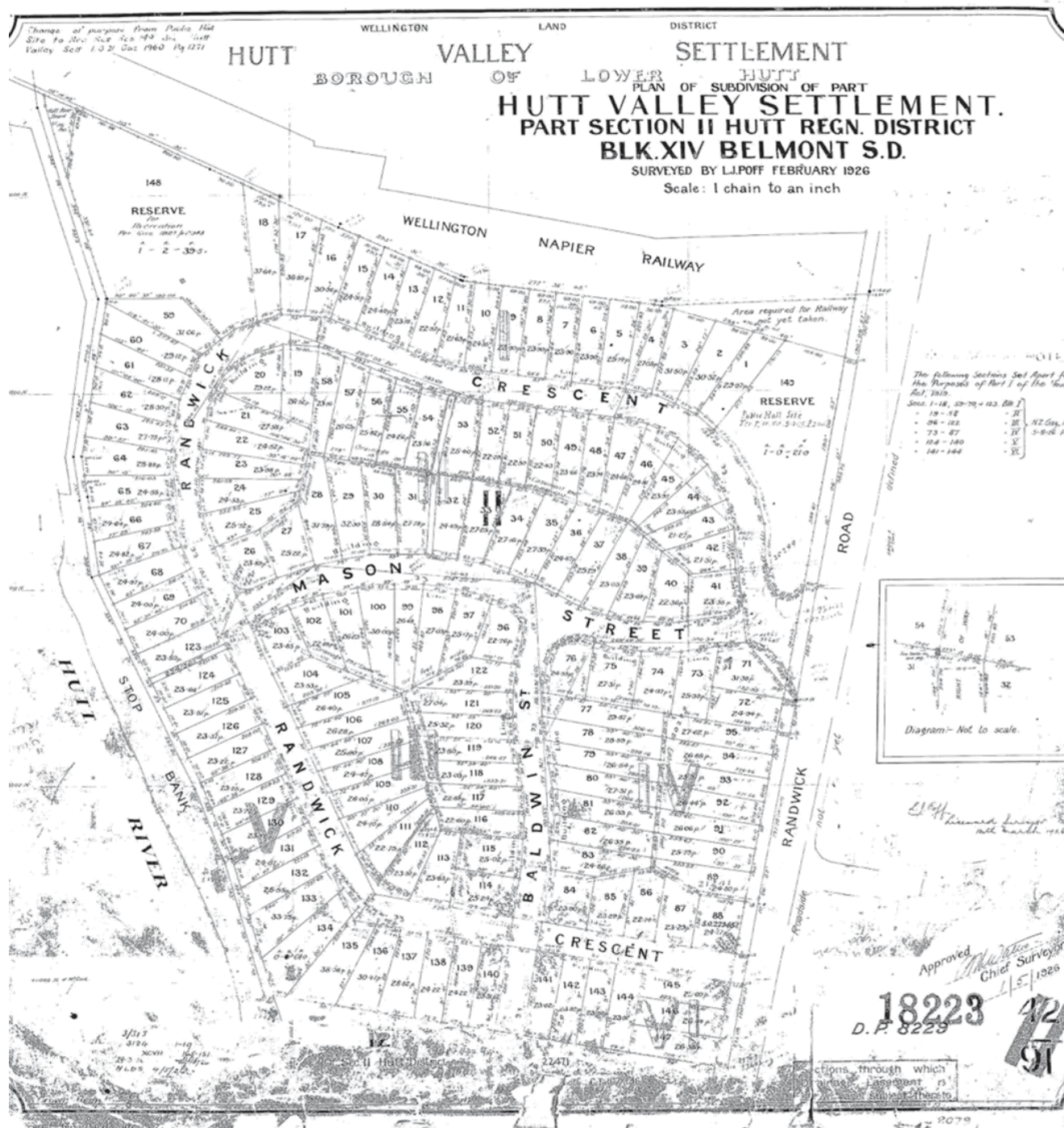


Transaction Id

Client Reference 78540

Search Copy Dated 31/03/17 11:45 am, Page 2 of 2

Register Only





Appendix 5 Written Approvals

Cuttriss
Surveyors. Engineers. Planners.

RMA FORM 8A

APPROVAL OF PERSON AFFECTED BY AN APPLICATION FOR RESOURCE CONSENT



Sec 95E, Resource Management Act 1991

For help with this form go to: www.huttcity.govt.nz/apply-online

An up-to-date version of Adobe Reader is required to fill this form

To Hutt City Council

<http://get.adobe.com/reader/>

I,

Please PRINT full name

Housing New Zealand Corporation

☐ am the owner and occupier☒ am the owner☐ am the occupier

Please note that Council requires the approval of ALL legal owners AND the occupiers of an affected property. If the owner and occupier are different, please use a separate form for each.

of the property at:

28 Randwick Crescent

I have the authority to sign on behalf of all the other: (please tick one)



owners and occupiers



owners



occupiers

of the property

I hereby give my approval to the following activity that is subject to a resource consent application at:

Description of proposal

Subdivision & second dwelling at 21 Mason Street.

I have read the full application for resource consent, the Assessment of Environmental Effects, and seen and signed a copy of the site plans.

In signing this written approval, I understand that Council must decide that I am no longer an affected person, and Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to Council before the hearing, if there is one, or if there is not, before the application is determined.

Signed:

Date:

18/10/2016

Contact phone (day)

(04) 439-3480

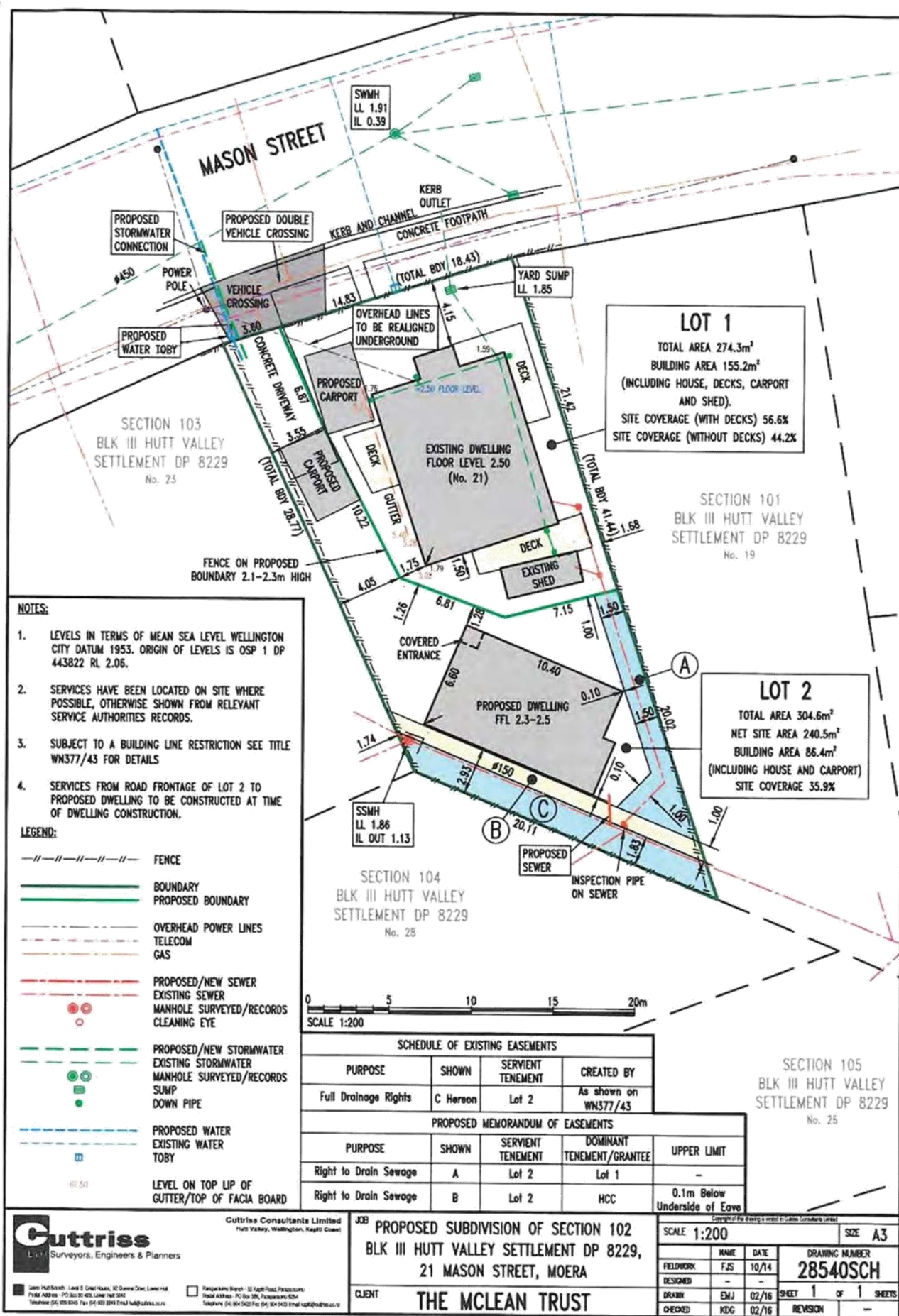
Email:

tim.gooker@hnzc.co.nz

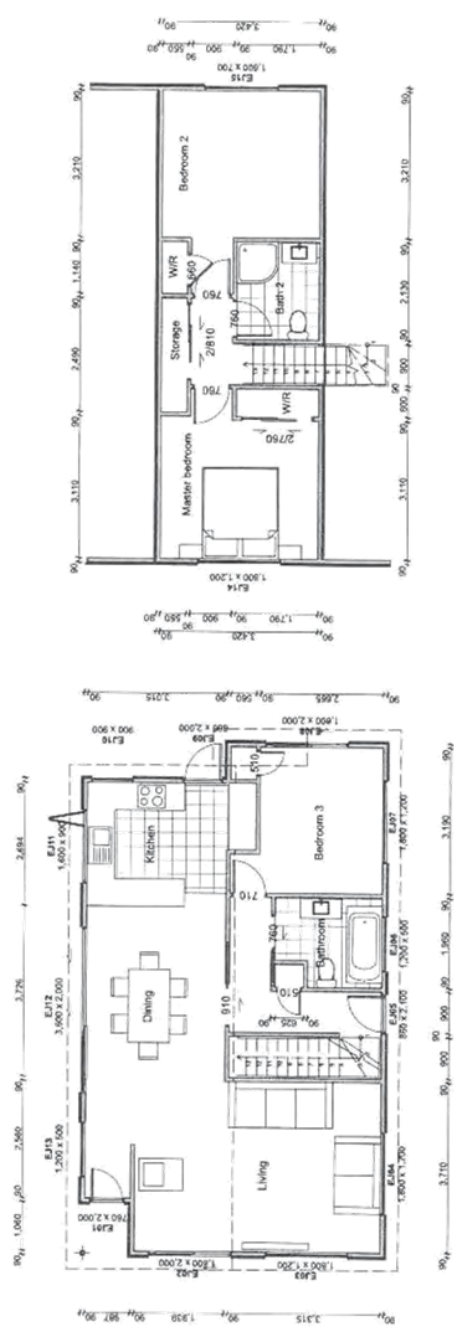
NOTES to affected person signing written approval:

- Conditional written approvals cannot be accepted.
- There is no obligation to sign this form, and no reasons need to be given
- If this form is not signed, the application may be notified with an opportunity for submissions.
- If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority

IF YOU ARE UNCERTAIN, DO NOT SIGN. Contact the Resource Consents Team



2



1 Proposed Floor Plan
1:100

2 Proposed First Floor
1:100



PROPOSED FLOOR AREA
≈ 100m²

Prime Designs
NEW HOMES AND RENOVATIONS
PO BOX 40781, Upper Hutt 04 528 8405
luka@primedesigns.co.nz

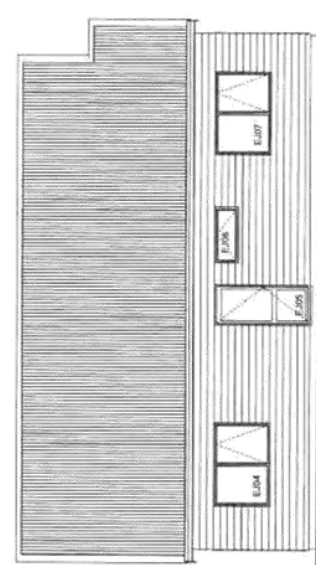
New Dwelling
21 Mason Street
Moera

Drawing Sheet:	Proposed Floor Plan
Drawing Set:	Concept Design
Scale:	1:100

Drawing No:
601

Drawn By:	L Hammington
Date:	16/08/2016
Job No:	#P'n

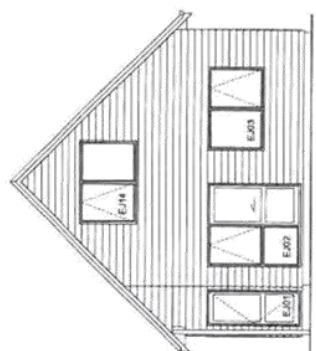
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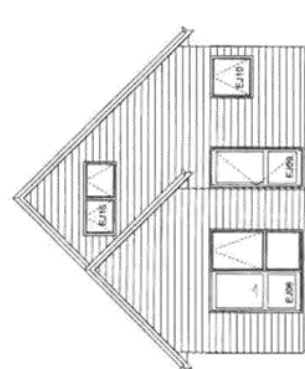
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-	1:100




4
+ North Elevation 1:100

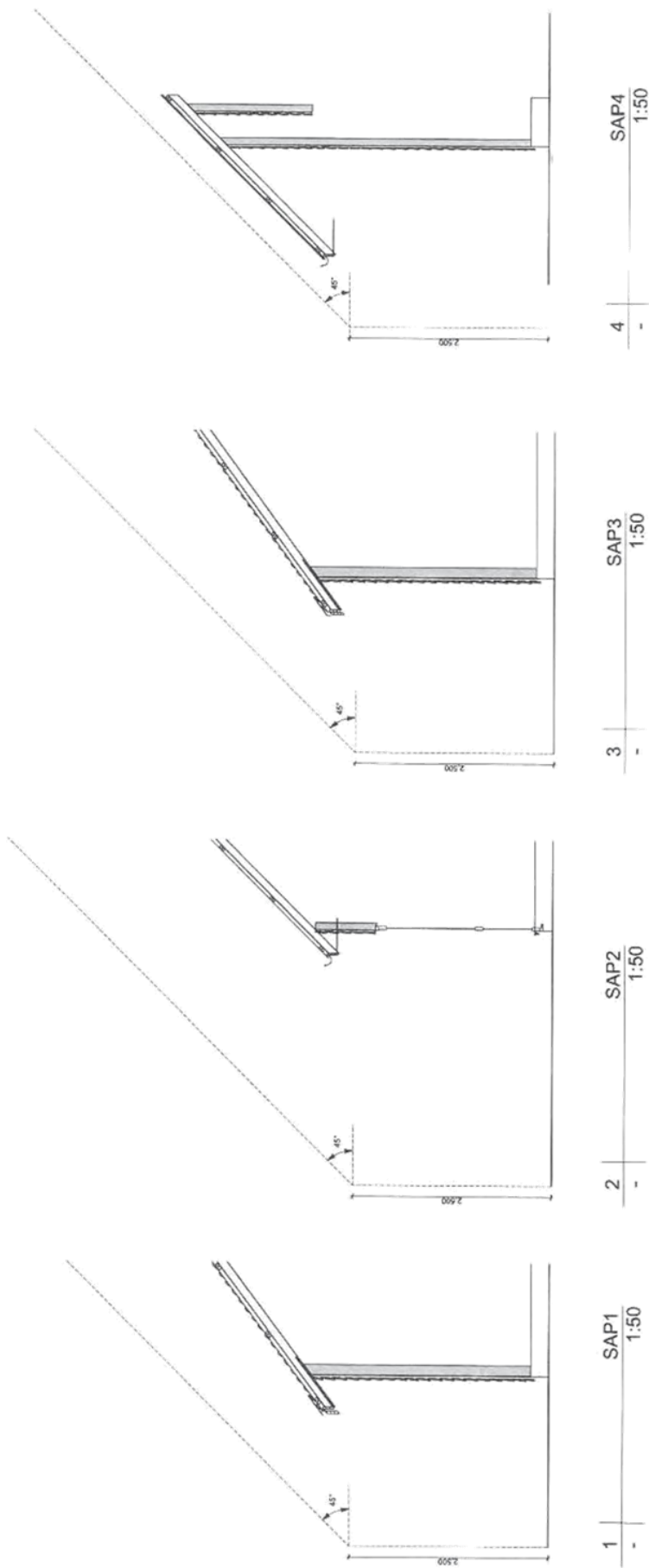


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-	1:100

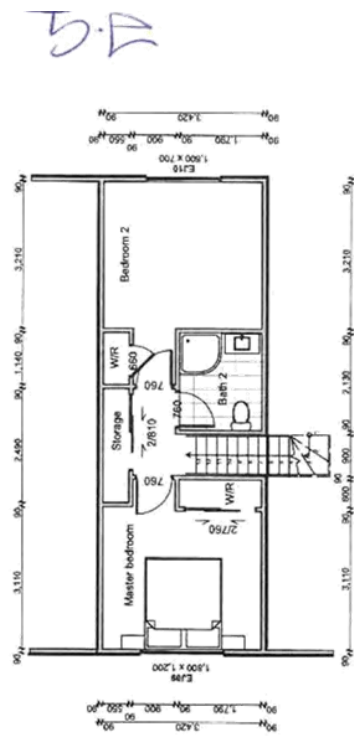


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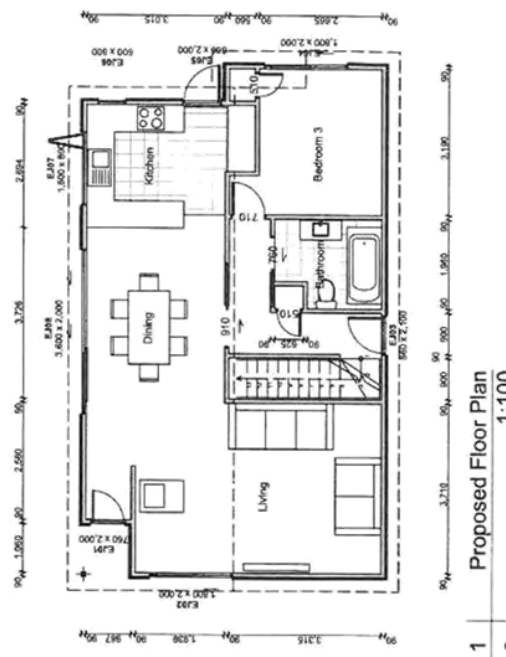
<div><p>PRIMEDESIGNS NEW HOMES AND RENOVATIONS PO BOX 40761, Upper Hut 04 528 8405 luke@primedesigns.co.nz</p></div>	New Dwelling 21 Mason Street Moera		Drawing Sheet: Proposed Elevations	Drawing No: 603	All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by contractor prior to commencing work. If there are any discrepancies with the drawings please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Ltd	Drawn By: L Hammington	
			Drawing Set: Concept Design				Date: 16/08/2016
			Scale: 1:100				Job No: #Pin




PRIME DESIGNS NEW HOMES AND RENOVATIONS PO BOX 40781, Upper Hut 04 528 8405 luluv@primedesigns.co.nz	New Dwelling 21 Mason Street Moera		Drawing Sheet: Proposed Sun Access Planes	Drawing No: 604	Drawn By: L. Hammington Date: 16/08/2016 Job No: #Pin
			Drawing Set: Concept Design		
			Scale: 1:50		



Proposed First Floor
1:100

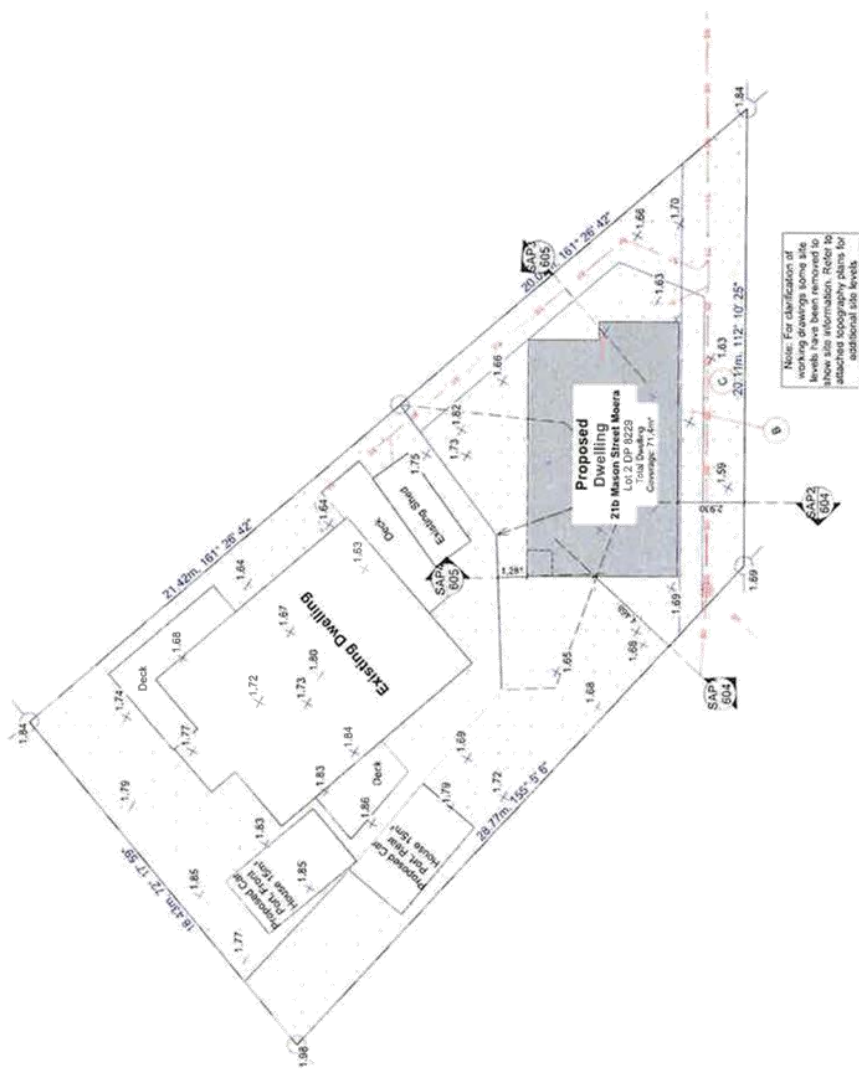
Proposed Floor Plan
1:100PROPOSED FLOOR AREA = 106m²

<div><div><div>NEW HOMES and RENOVATIONS</div><div>Designs</div></div><div><div>PO BOX 40781, Upper Hutt</div><div>04 528 8405</div><div>kul@newhomedesigns.co.nz</div></div></div>	New Dwelling 21 Mason Street Moera		Drawing Sheet: Proposed Floor Plan	Drawing No:	All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by contractor prior to commencing work. If there are any inconsistencies with the drawings please contact the designer immediately. This drawing is a preliminary drawing retained by Prime Design & Wgm Ltd.	
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			Scale: 1:100, 1:200			Date: 12/08/2016
						Job No: #Pin

Site Notes

Site

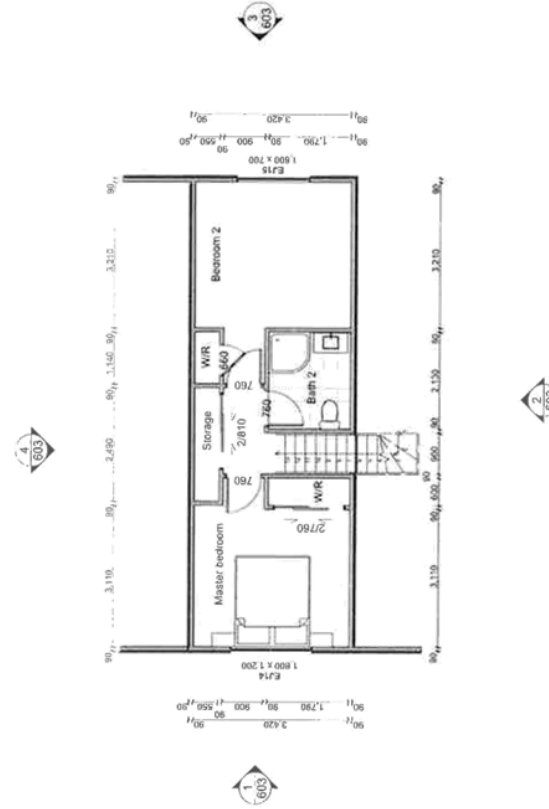
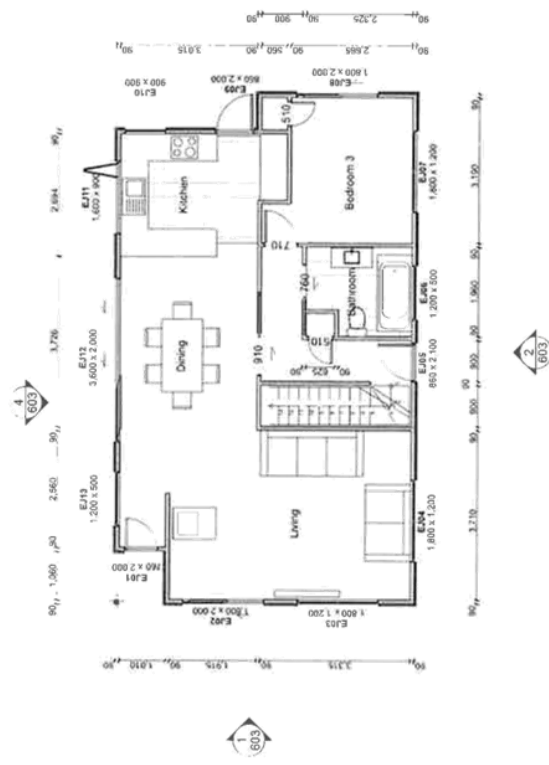
Site information
Legal description: Lot 2 DP 8223
Address: 21b Mason Street, Moera, Lower Hutt
Site area: 101.26 sqm
Site Coverage: 58.4sqm
Wind zone: H
Earthquake zone: C
Exposure zone: C
Permanent paving including driveway, entry, paths & carpark is to be 100mm thick 20MPa concrete. Ensure all concrete is laid to fall @ 1:25 away from house for a distance of at least 1 metre. Where site conditions do not readily allow such a 1m wide strip to be formed, the proposed paving shall be laid to the falls and dimensions shown in NZS3904:2011 figure 7.12.
Site levels
Site levels and datum have been provided from the Topographical Survey plan via Outerra Consultants Limited. If there are any inaccuracies or inconsistencies please contact designer for clarification prior to commencing work.
Boundary information
Boundary information has been provided from the Topographical Survey plan via Outerra Consultants Limited. If there are any inaccuracies or the building position in relation to district plan constraints is critical please consult designer prior to commencing work.



1 - Site Plan
1:200

Handwritten signature

PRIME Designs NEW HOMES AND RENOVATIONS PO BOX 40781, Upper Hutt 04 528 8405 lake@primedesigns.co.nz	New Dwelling 21b Mason Street Moera	Drawing Sheet: Drawing Set: Scale:	Proposed Site Plan Resource Consent 1:200	Drawing No: 601	All work must comply with relevant NZS & council requirements. It is the responsibility of the client to ensure that the drawings are used for the intended purpose. If the drawings are used for any other purpose, the client must obtain the consent of the designer. The designer is not responsible for any inaccuracies with the drawings please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.	Drawn By: A Trotter
						Date: 28/03/2017 Job No: 16135

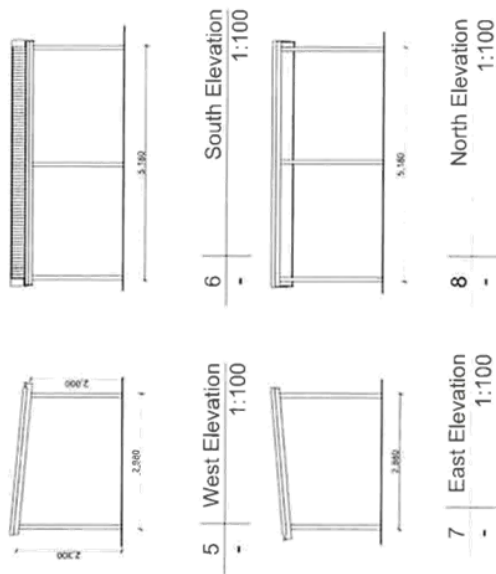


PROPOSED FLOOR AREA = 70 m²

1 | Proposed First Floor Plan 1:100

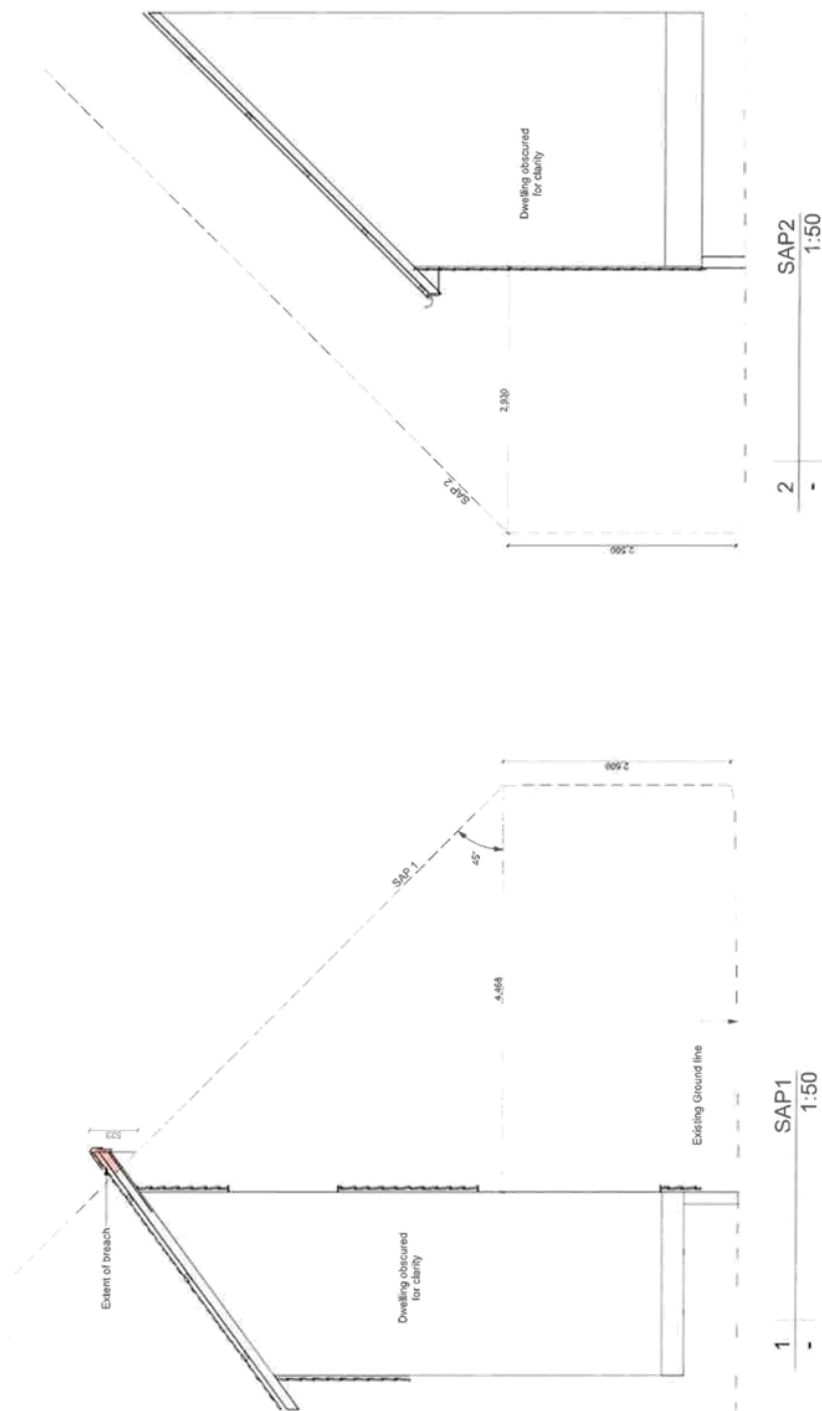
2 | Proposed First Floor Plan 1:100

PRIME Designs NEW HOMES AND RENOVATIONS PO BOX 40781, Upper Hut 04 528 8405 lisa@primedesigns.co.nz	New Dwelling 21b Mason Street Moera		Drawing Sheet: Drawing Set: Scale:	Proposed Floor Plan Resource Consent 1:100	Drawing No: 602	All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by the client. The client is responsible for ensuring any discrepancies with the drawings please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.	Drawn By: A Trotter Date: 28/03/2017 Job No: 16135



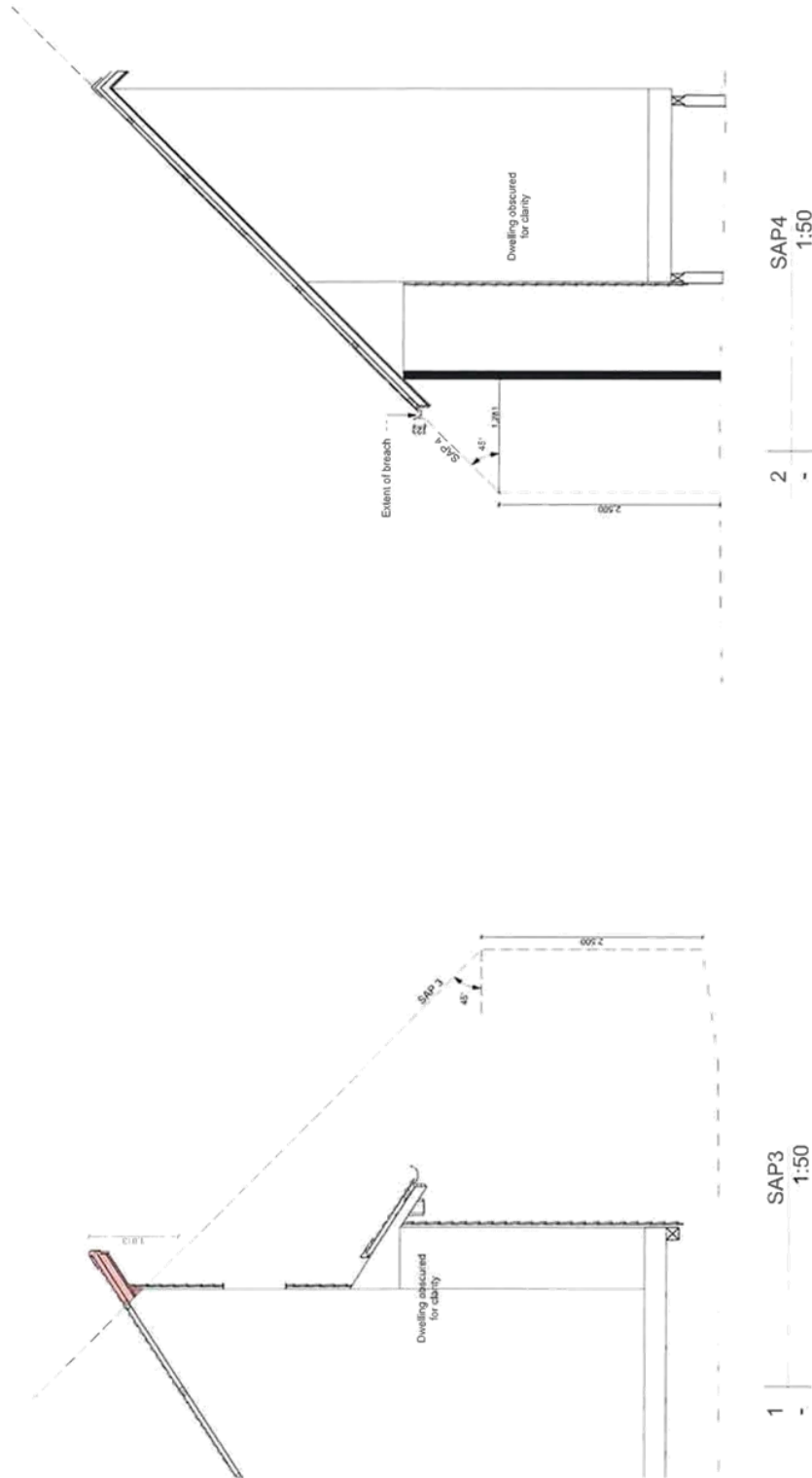
B.F.

<div>PRIME Designs</div> <div>NEW HOMES AND RENOVATIONS</div> <div>PO BOX 40781 Upper Hutt 04 528 8435 info@primedesigns.co.nz</div>	New Dwelling 21b Mason Street Moera			Drawing Sheet: Drawing Set: Scale:	Proposed Elevations Resource Consent 1:100	Drawing No: 603	All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by the designer. The designer shall be responsible for any inaccuracies with the drawings, please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Vigin Ltd.	Drawn By: A Trotter Date: 28/03/2017 Job No: 16135



BA

Prime Designs NEW HOMES AND RENOVATIONS PO BOX 40781 Upper Hutia 04 228 8405 kyle@primedesigns.co.nz		New Dwelling 21b Mason Street Moera		Drawing Sheet: Proposed Sunlight Access Planes Drawing Set: Resource Consent Scale: 1:50		Drawing No: 604	All work must comply with relevant NZS & council requirements. Dimensions to be verified on site by the contractor. The designer is not responsible for any inaccuracies with the drawings please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.		Drawn By: A Trotter Date: 28/03/2017 Job No: 16135
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B-L

Prime Designs NEW HOMES AND RENOVATIONS PO BOX 40781, Upper Hut 04 328 8405 luke@primedesigns.co.nz	New Dwelling 21b Mason Street Moera	Drawing Sheet: Proposed Sunlight Access Planes Cont. Drawing Set: Resource Consent Scale: 1:50	Drawing No: 605	All work must comply with relevant NZS & council requirements. It is the responsibility of the client to ensure that the design is suitable for the site and that the design is in accordance with the drawings. The designer is not responsible for any inaccuracies with the drawings. Please contact the designer immediately. Copyright for design & drawings retained by Prime Designs Wgtn Ltd.
	Drawn By: A Trotter Date: 28/03/2017 Job No: 16135			

RMA FORM 5A

APPROVAL OF PERSON AFFECTED BY AN APPLICATION FOR RESOURCE CONSENT

HUTT CITY
TE WHA KAHANGA

For help with this form go to: www.huttcity.govt.nz/apply-online An up-to-date version of Adobe Reader is required to fill this form
 Sec 56E, Resource Management Act 1991 <http://get.adobe.com/reader/>
 To Hutt City Council

I, Simon Douglas Faulkner

Please note that Council requires the approval of ALL legal owners AND the occupiers of an affected property. If the owner and occupier are different, please use a separate form for each.

☒ I am the owner and occupier
☐ I am the owner
☐ I am the occupier

of the property at: 23 Mason St, Moera

I have the authority to sign on behalf of all the other: ☒ owners ☐ occupiers of the property

I hereby give my approval to the following activity that is subject to a resource consent application at:

Two lot subdivision and second dwelling which doesn't comply with the rest site area requirements of the plan.

I have read the full application for resource consent, the Assessment of Environmental Effects, and seen and signed a copy of the site plans.

In signing this written approval, I understand that Council must decide that I am no longer an affected person, and Council must not have regard to any adverse effects on me.

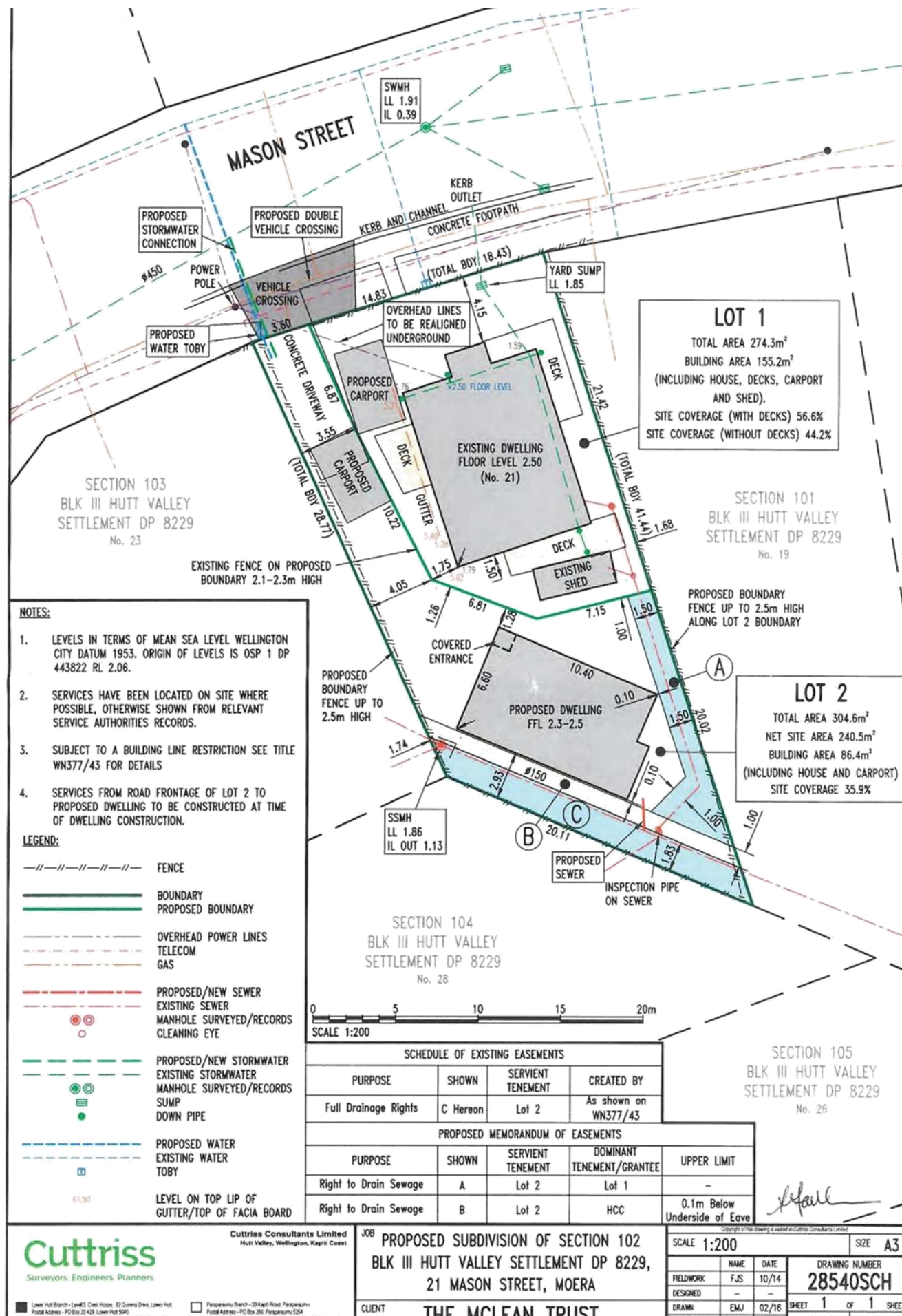
I understand that I may withdraw my written approval by giving written notice to Council before the hearing, if there is one, or if there is not, before the application is determined.

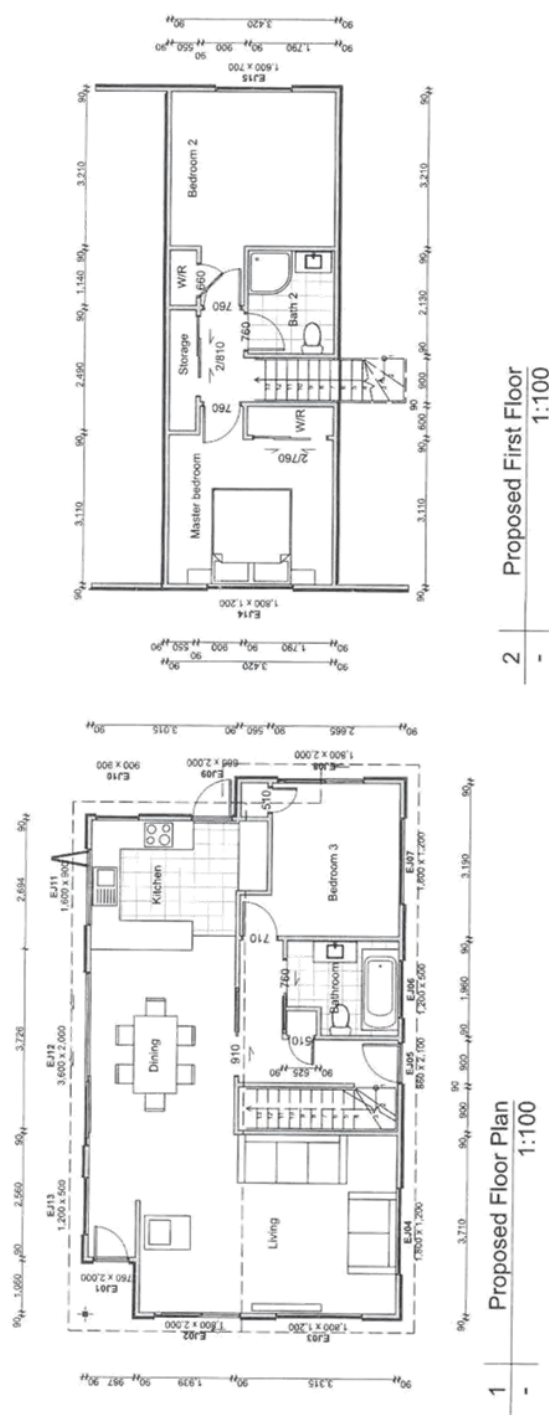
Signed: Simon Douglas Faulkner Date: 15.03.2017
 Contact phone: 021 863331 Email: Simon.faulkner@spartan.com

NOTES to affected person signing written approval:

- Conditional written approvals cannot be accepted.
- There is no obligation to sign this form, and no reasons need to be given
- If this form is not signed, the application may be notified with an opportunity for submissions.
- If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority

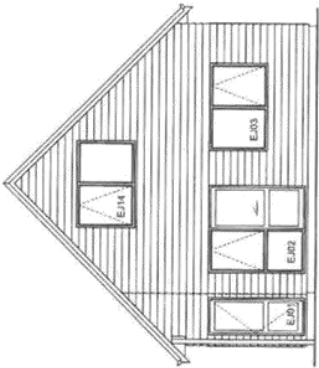
IF YOU ARE UNCERTAIN, DO NOT SIGN. Contact the Resource Consents Team



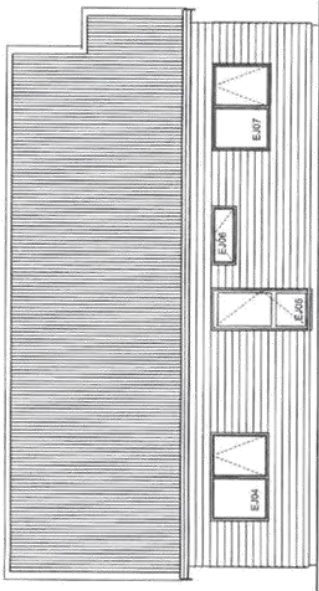


L. Hammington
PROPOSED FLOOR AREA
= 108m²

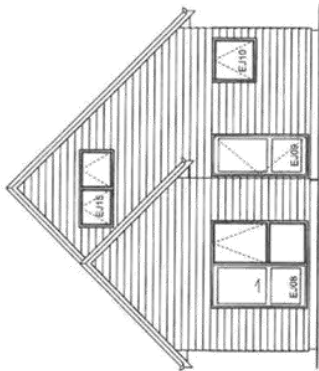
All work must comply with relevant NZS & council requirements. All dimensions to be verified on site prior to construction work. If there are any discrepancies with the drawings please contact	Drawing No:	2
	Drawing Set:	Proposed Floor Plan Concept Design
New Dwelling 21 Mason Street		
EW HOMES AND RENOVATIONS		
Date: 16/08/2016		
Drawn By: L. Hammington		



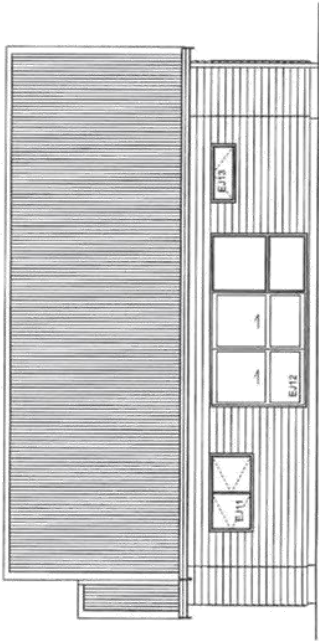
1 West Elevation
1:100



2 South Elevation
1:100



3 East Elevation
1:100



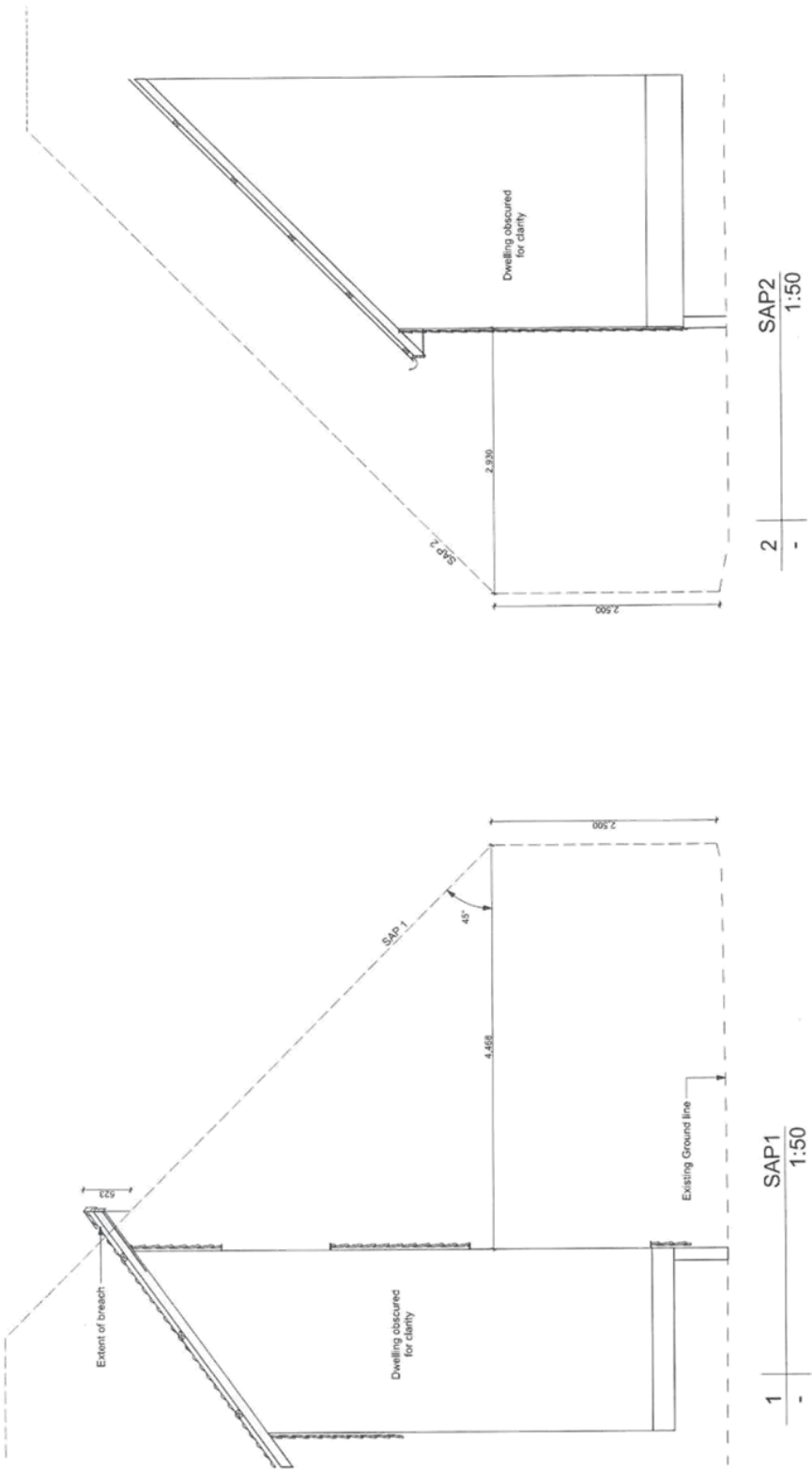
4 North Elevation
1:100

[Signature]

Prime Designs EW HOMES AND RENOVATIONS	New Dwelling 21 Mason Street	Drawing Sheet: Drawing Set:	Proposed Elevations Concept Design	Drawing No: EA2	All work must comply with relevant NZS & council requirements. All dimensions to be verified on site prior to construction. If there are any discrepancies with the drawings please contact:	Drawn By: L. Hammington
						Date: 16/08/2016



		All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by the client. The client is responsible for ensuring any inaccuracies with the drawings please contact	
Drawing No:		Drawing Sheet: Proposed Elevations	
803		Drawing Sat: Resource Consent	
New Dwelling		21b Mason Street	
Prime Designs		NEW HOMES AND RENOVATIONS	
Drawn By: A Trotter		Date: 28/03/2017	



A. Trotter

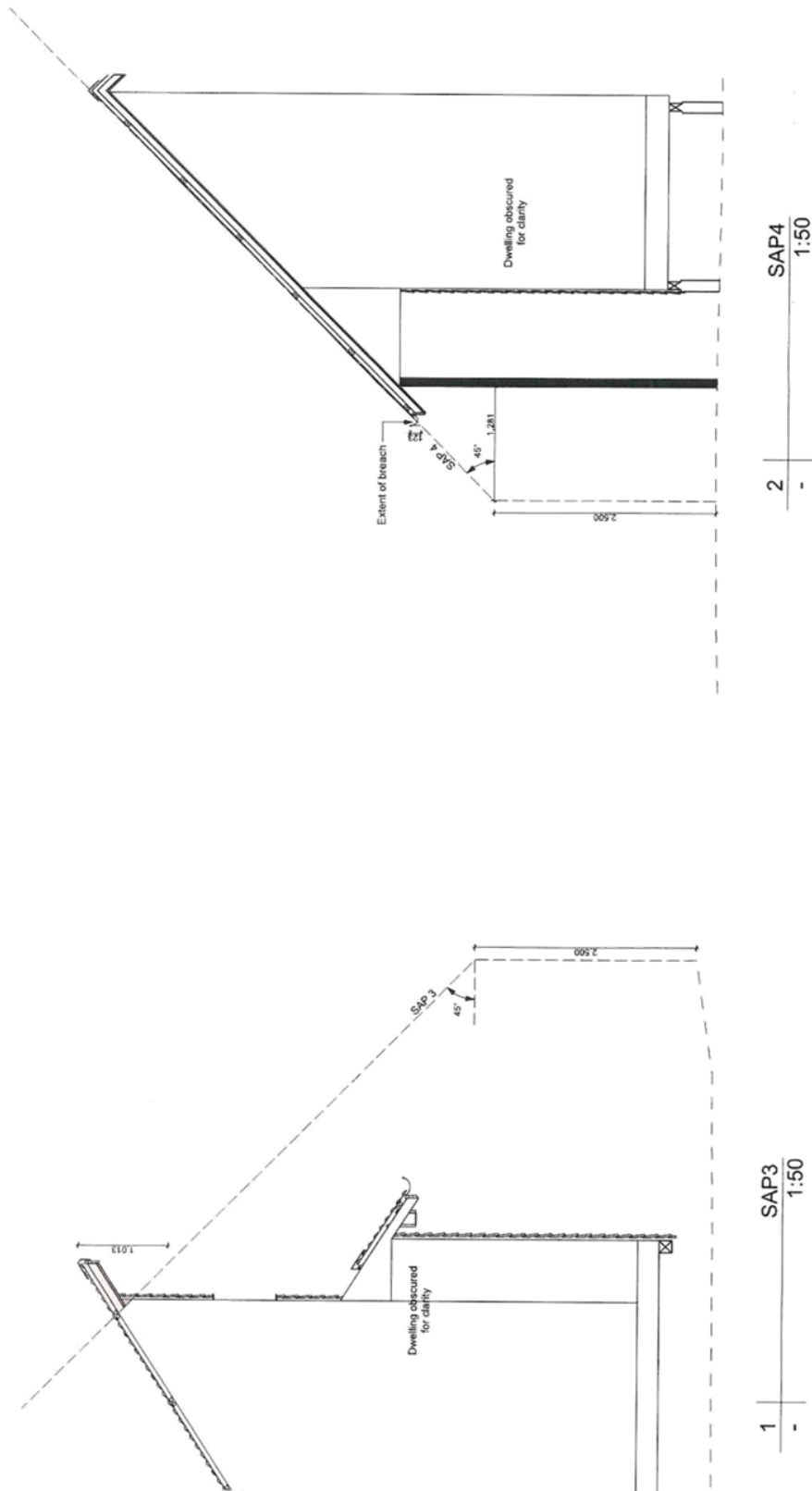
All work must comply with relevant NZS & council requirements. It is the responsibility of the contractor to ensure that the work is completed in accordance with the drawings and specifications. Any inaccuracies with the drawings please contact the designer for clarification.

Drawn By: A Trotter
Date: 28/03/2017

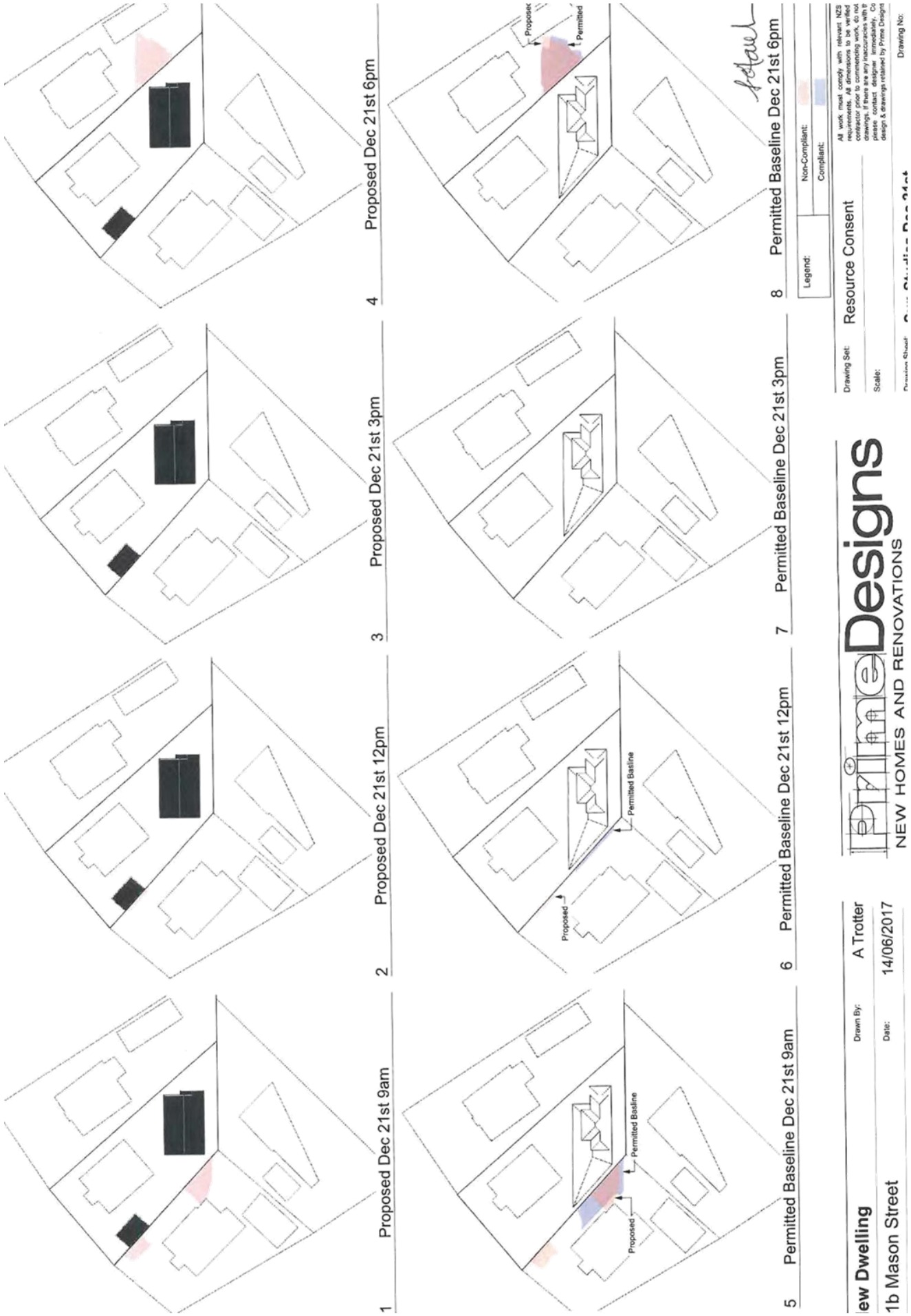
Drawing No: 604
Drawing Sheet: Proposed Sunlight Access Planes
Drawing Set: Resource Consent

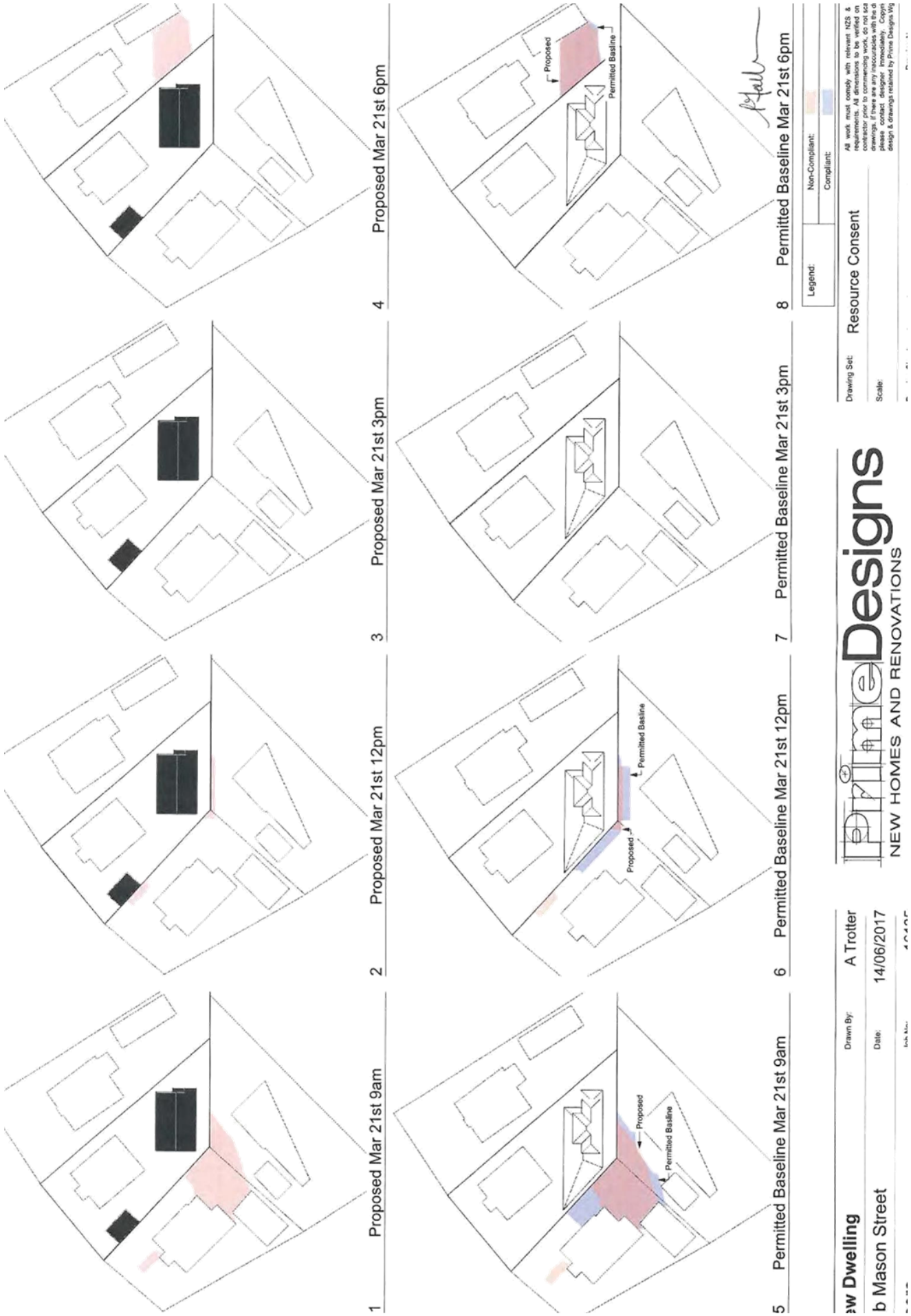
New Dwelling
21b Mason Street

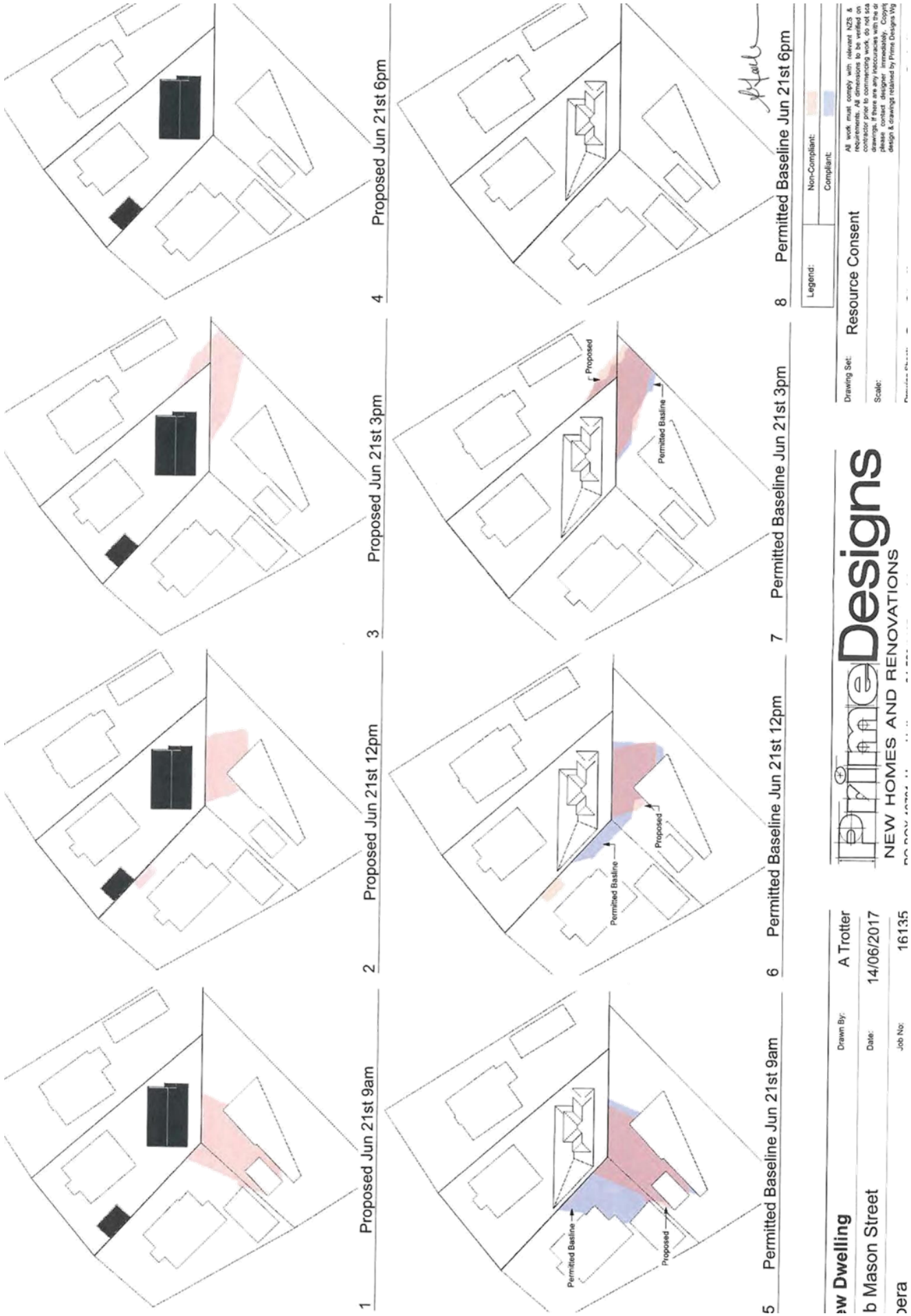
Pine Designs

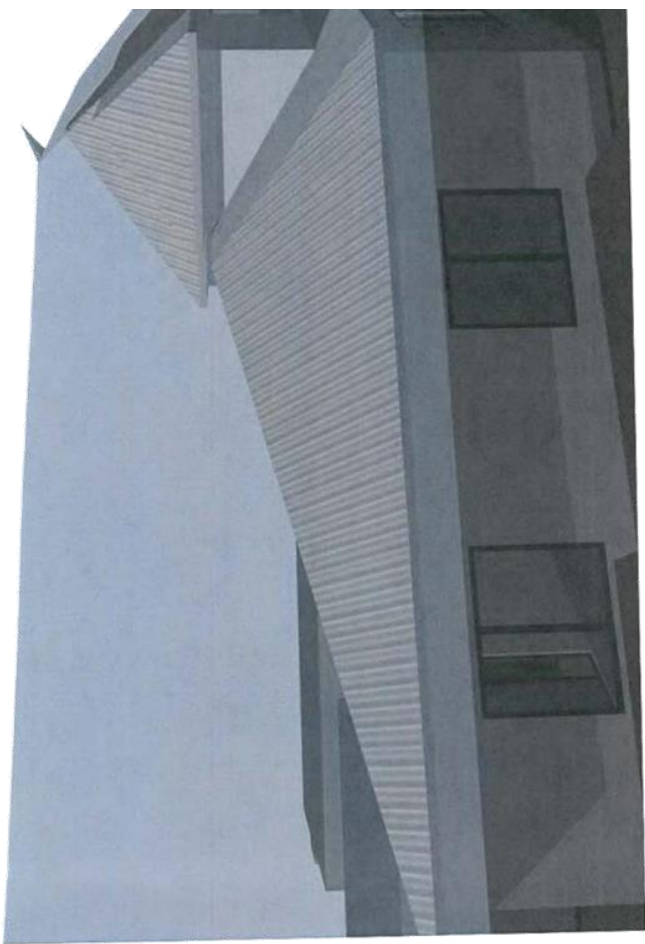


Prime Designs <small>NEW HOMES AND RENOVATIONS</small>	New Dwelling 21b Mason Street	Drawing Sheet: Proposed Sunlight Access Planes Cont. Drawing Set: Resource Consent	Drawing No: --- All work must comply with relevant NZS & council requirements. All dimensions to be verified on site by contractor prior to commencing work. If there are any discrepancies with the designer's design, contact the designer immediately.	Drawn By: A Trotter Date: 28/03/2017

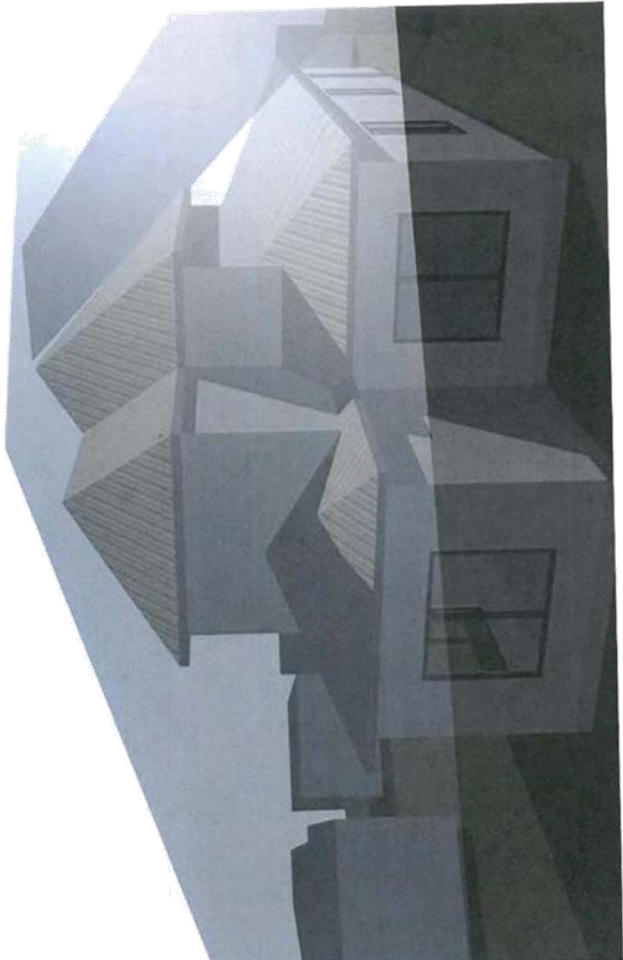








2 Compliant Building Envelope 2

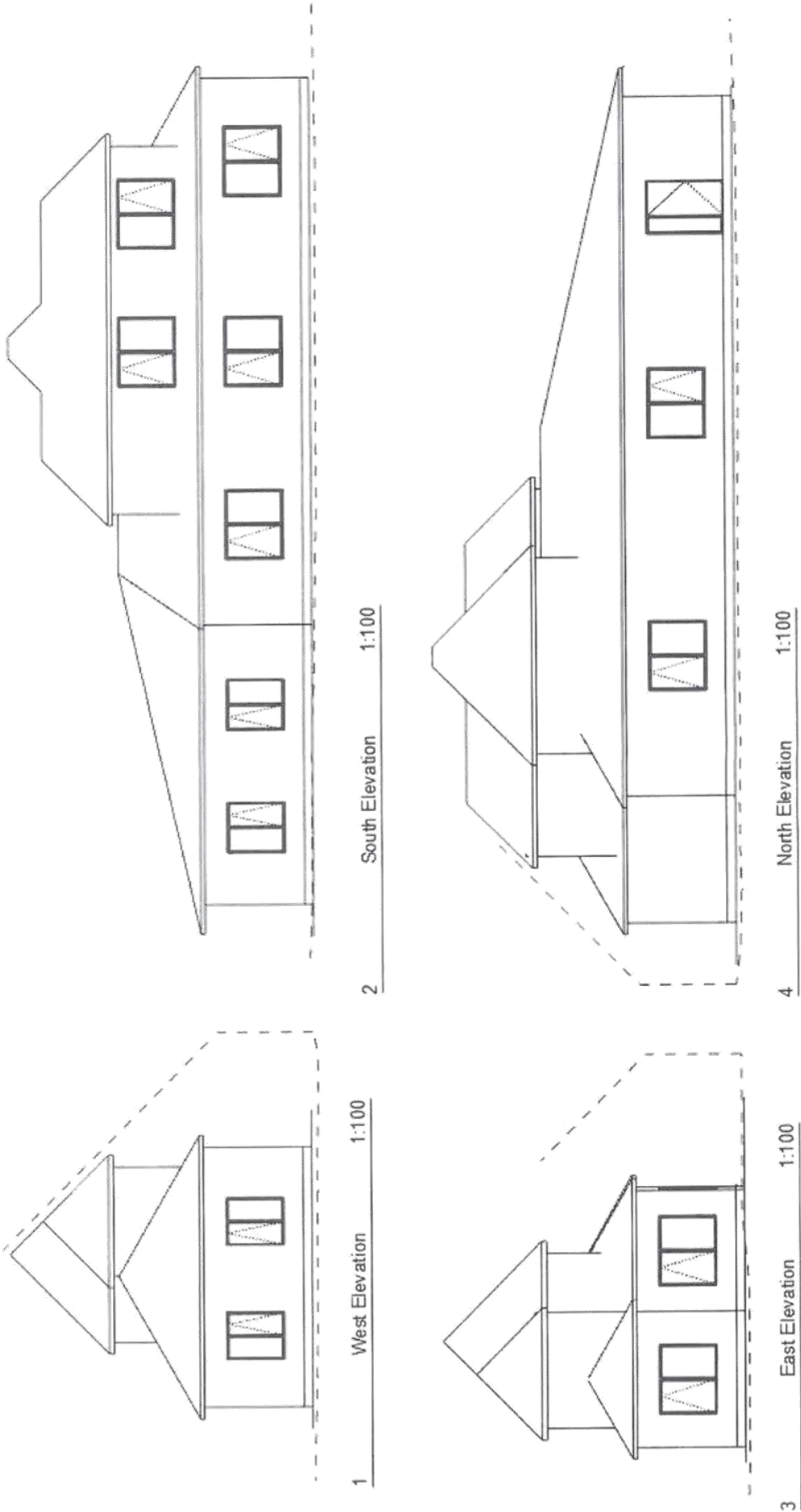


1 Compliant Building Envelope

Drawing Set: Resource Consent
Scale:
Drawing No:



New Dwelling
21b Mason Street
Drawn By: A Trotter
Date: 14/06/2017



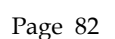
New Dwelling
1b Mason Street

Drawn By:	A Trotter
Date:	14/06/2017

Prime Designs
NEW HOMES AND RENOVATIONS

Drawing Set: Resource Consent
Scale: 1:0.7193
Drawing No: 41

All work must comply with relevant NZS requirements. All dimensions to be stated on drawings. If there are any inaccuracies with in please contact designer immediately. On design & drawings related by Prime Designs



27 November 2017

File: (17/1819)

Report no: HSC2017/5/156

**Submission from Mr P. Garrity, 19 Mason
Street, Moera, Lower Hutt**

Appendices

No.	Title	Page
1 ↓	Submission from P. Garrity	84

RMA FORM 13

SUBMISSION ON A NOTIFIED APPLICATION FOR A RESOURCE CONSENT



An up-to-date version of Adobe Reader is required to fill this form out online. Download for free get.adobe.com/reader/

To: Chief Executive, Hutt City Council

1. This is a submission from:

Full name	Last Garrity First Philip Maxwell	
Company/organisation		
Contact <i>if different</i>		
Address	Number 19 Street Mason Street	
	Suburb Moera	
	City Lower Hutt	Postcode 5010
Address for Service <i>if different</i>	Postal Address	Courier Address
Phone	Day	Evening
Fax		Mobile 021599582
Email	phil.garrity@xtra.co.nz	

2. This is a submission on an application from:

Name of applicant	The McLean Trust
-------------------	-------------------------

- For a
- ☐ Land use resource consent
- ☐ Subdivision resource consent
- ☐ Change or cancellation of a condition of a resource consent

3. The proposed activity and location of the application is:

If this is for a change or cancellation of a condition of a resource consent, please state the type and location of the resource consent, the relevant condition and proposed change.

21 Mason Street, Moera, Lower Hutt

Two lot subdivision and the construction of a second dwelling on the site that does not comply with the bulk and location provisions of the District Plan.

4. The specific parts of the application that my submission relates to are:

Give details

Assessment of Environmental Effects Ref 28540 Section 2.3 - Non-compliances with respect to Net Site Area, Shape Factor, Yards, Recession Planes and Site Coverage. Sections 5.2 through 5.7 regarding Consultation, Density, Engineering and Parking

Submission number
OFFICE USE ONLY

--

5. My submission is:

Include whether you support or oppose the specific parts of the application or wish to have them amended; and the reasons for your views (extra sheets maybe attached if you wish).

>I am not in support of this subdivision and land use consent application being granted. This subdivision will result in not one but two lots that have areas less than the minimum net site area allowable within the Hutt City Council District Plan. The application makes out that the effects of this subdivision will be minor or less than minor. However the outcome of this size breach is borne out by further non-compliances with the minimum yard requirements, recession planes, maximum site coverage and shape factor requirements of the District Plan. Further I do not believe that this application can be of minimal impact when the Hutt City Council has already deemed, through a publicly consulted District Plan process that the minimum lot size for this area for acceptable environmental impact and amenity value is a net area of 300m2.

>Section 5.2 of the AEE states that an assessment of the potential adverse effects on my property (19 Mason St) has been 'disregarded as they have either provided their written approval to the application'. This statement is not true, previous communication between myself and Cuttriss was that I would not be signing an approval as I am not in favour of the application. Please refer to the attached page.

6. I seek the following decision from the consent authority:

Give precise details, including the general nature of any conditions sought.

I seek that the HCC do not grant this subdivision and land use consent. I consider that the subdivision is beyond Hutt City Council's own assessment of what makes for good environmental and amenity value in this area and that the consequences of this are borne out by the cascade of non-compliances described within the Assessment of Environmental Effects. I believe that the wider issues of development density occurring at greater than the District Plan allowances have not been fully considered for this area and will impact on the quality of life for me and this local community.

7. I ☐ wish ☐ do not wish to be heard in support of my submission.8. If others make a similar submission, I ☐ will ☐ will not consider presenting a joint case with them at the hearing.

Signature of submitter:
(or person authorised to sign on
behalf of submitter)

Philip Garrity

Digitally signed by Philip Garrity
Date: 2017.08.14 22:04:37
+12'00'

Date **14 August 2017**

Note to submitter: You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

Electronic signatures

Hutt City Council Environmental Consents Division will accept this form with a digital signature created through Adobe or your existing digital signature. If you click on the pink arrow in the signature box, or choose 'Place signatures' from the tools menu on the right hand side, Adobe will prompt you to add your digital signature, or take you through the easy steps to create one.

Appendix 1

Further Information for my submission Item 5:

1. With respect to the statements about consistency with development density in the area I disagree. Most lots in the locality remain at their original size of 550-650m². Lots that have been subdivided e.g. 17/17A remain above the medium density activity minimum lot size after their subdivision. The high development density of this property will impact on my family's quality of life and reduce our privacy.
2. When we purchased our property we were aware that Lot 21 could not be subdivided as a permitted activity as we researched that it was only 579m². Therefore, we understood when we purchased our own property at No.19 how the sunlight, view and interaction with the neighbours would feel over the long term. The proposed development will impact on our sunlight, view, and there will be noise spill over of additional residential activity at No.21 which are all negative amenity impacts on our property.
3. With respect to Engineering Effects. Has the Hutt City Council assessed the potential consequences of up to doubling the density of land use in this area following this proposed subdivision precedent and the consequences on the existing infrastructure? I have made three reports in the last three years on blockages in the sewer main behind our property which the proposed new building will also connect in to. This will be on the Hutt City Council Service Logs. Also the roadside stormwater sump and kerb and channel outside our property ponds up in a high rainfall. These effects will only get worse with additional development including this subdivision proposal.
4. With respect to Access and Off and On Street Car-Parking. I observe that most properties with 3 bedrooms own two cars each. This will mean that there may be up to four cars servicing these two properties of which at least two will need to be parked on the adjacent road because there are only two carports. In fact, the occupiers may have a preference not to use their carports at all given that for Lot 1 the carport further reduces the usable site area and the dual vehicle crossing does not align well with the Lot 1 carport. For Lot 2 using the carport may inhibit the access for accessing the property. This will cause congestion in the streetscape back towards No.19 because traffic calming measures have recently been installed just down towards Randwick Crescent from No.21.
5. With respect to Health and Safety. The Lot 2 carport appears to restrict access to Lot 2 for the fire service and their fire-fighting requirements.

27 November 2017

File: (17/1820)

Report no: HSC2017/5/157

Officer's section 42A report for resource consent application to undertake a 2 lot fee simple subdivision and the construction of a new dwelling at 21 Mason Street (RM170076)

Appendices

No.	Title	Page
1	Section 42A - Planner's Hearing Report.	88
2	Appendix 1 to Planner's Report: Pre-hearing meeting - Chairperson's report	111
3	Appendix 2 to Planner's Report: Hudson Moody - Qualifications	114

Officer's section 42A report for resource consent application to undertake a 2 lot fee simple subdivision and the construction of a new dwelling at 21 Mason Street (RM170076)

Address: 21 Mason Street, Moera

Applicant: The McLean Trust

Proposal: Construction of a new two storey dwelling and 2 lot subdivision

1. Stephen Dennis states

- 1.1 I am a Senior Resource Consents Planner at Hutt City Council. I hold a Masters in Planning (MPLAN) and a Bachelor of Arts from the University of Otago. I am currently an Intermediate member of the New Zealand Planning Institute.
- 1.2 I have worked in the Resource Consents Team at Hutt City Council since December 2013. I have 4 years of planning experience.
- 1.3 I have visited the site and am familiar with the surrounding area.

2. Summary of the proposal

- 2.1 The proposal is to construct a new two storey dwelling to the rear of the application site and undertake a 2 lot subdivision around the proposed dwelling and existing dwelling located to the front of the site.
- 2.2 The new 3 bedroom dwelling will measure approximately 71.4m² and be sited perpendicular with the southern site boundary, located approximately 1.28m from the northern boundary, generally 2.93m from the southern boundary, 1.74m from the western boundary and 1.5m from the eastern boundary.
- 2.3 Each proposed lot is detailed below:
- Proposed Lot 1 will have a site area of 274.3m² and a frontage of approximately 14.83m to Mason Street. Proposed Lot 1 will accommodate an existing single storey dwelling and associated decks (131m²) a shed (9.5m²), and carport to the west of the site (15m²). An existing vehicle crossing to the west of the site will be widened to provide for access to both proposed lots. The proposed lot will accommodate 1 car parking space.
 - Proposed Lot 2 would be a rear site having a gross site area of 304.6m² and a net site area of 240.5m². This allotment will accommodate a new two storey dwelling unit (71.4m²). Proposed Lot 2 will have frontage of 3.6m to Mason Street via an access leg to the west of the application site. Car parking would be stacked; provided within the access leg and via a proposed carport (15m²).

- 2.4 The applicant proposes hard and soft landscaping associated with lot 2 as defined on the landscaping plan submitted with the application.
- 2.5 A copy of the application plans are provided in Appendices 1-5 of the application.

3 The site and locality

- 3.1 The application site is located at 21 Mason Street, Moera. The site of 579m² contains an existing single storey dwelling located to the front portion of the site which is currently fenced along all boundaries including an internal fence which segregates the existing dwelling from the rear of the site which is vacant (following the proposed lot boundaries). A number of shrubs are located along the site boundaries and one medium sized tree located on the eastern boundary of the site.
- 3.2 The site is relatively flat and is served by one vehicle crossing located to the west of the property. A part gravel driveway extends from the north-western corner of the site to the rear of the section.
- 3.1 The site adjoins residential properties to the east, west and south with further residential properties opposite Mason Street to the north. The surrounding area is also predominately defined by residential activities.
- 3.3 Housing typologies within the immediate and surrounding environment are mixed; including standalone and semi-detached dwellings, both single and double storey in height, with various forms of legal ownership (fee simple, cross-lease and unit title properties).
- 3.4 The site is located within the medium density general residential activity area of the city's District Plan. The site has no special notations or restrictions registered in the District Plan that may affect the proposal, however, it is located within the 1 in 100 year flood return area of the Waiwhetu Stream.
- 3.5 The application site is legally described as Lot 102 Block III Hutt Valley Settlement and Defined on DP 8229 within the Computer Freehold Register WN377/43. The sites' certificate of title lists interests relating to land settlement, a drainage easement, and a building line restriction. The proposed car port on lot 1 will encroach into this building line restriction; the applicant has proposed to apply to uplift this interest. There are no other interests registered on the Certificate of Title which may affect the proposal.

Site history

- 3.6 The site has a number of building permits/consents associated with development; these relate to additions to the existing dwelling in 1952 (BP11696) and re-location of the existing dwelling to the northern extent of the site in 2015 (BC150186). It is noted that there are no building plans or permit information relative to the establishment of the original dwelling although historical aerials illustrate that the dwelling was present prior to 1941.

4 Consents sought

- 4.1 The District Plan is the appropriate planning instrument for assessing the proposed activity is the City of Lower Hutt District Plan. The site is within the medium density general residential activity area. The relevant rules are contained within chapters 4A, 11 and 14.
- 4.2 The activity status of the proposal is Discretionary (unrestricted) under the following rules:
- The proposal would not comply with the relevant permitted activity conditions of the medium density general residential activity area. Rule 4A 2.4(a) states that except where stated in the general rules any permitted, controlled 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.
 - The proposed subdivision will not comply with the allotment design standards (including minimum allotment size, shape factor, compliance with permitted activity conditions) and terms (for controlled activities) and does not trigger any of the restricted discretionary rules under Rule 11.2.3. Rule 11.2.4(i) states that any subdivision which is not a permitted, controlled or restricted discretionary activity is a discretionary activity.
- 4.3 The proposal fails to comply with the following permitted activity conditions:
- *4A 2.1.1(a)(iii) On residential sites identified on the planning maps as Medium Density Residential, the minimum net site area per permitted activity (excluding home occupations and accessory buildings) shall be 300m²: the net site area for dwelling 1 would be 274.3m² (lot 1) and for dwelling 2 it would be 240.5m² (lot 2).*
 - *4A 2.1.1(b) Minimum 3m front yard and a minimum 1m side yard:* The proposed carports would be located within 1m of the side yard between the boundaries of lots 1 and 2. The proposed car port on lot 1 will be located approximately 2m from the front boundary.
 - *4A 2.1.1(c) Recession Planes (2.5m + 45°):* The proposed dwelling unit will breach the recession plane envelope when measured from the eastern and southern boundaries (respectively approximately 1.013m and 0.523m). It is noted that the extent of the recession plane non-compliance varies in its location/scale given the proposed dwellings proximity and orientation to the external boundaries (being at an oblique angle to the eastern and western boundaries of the site).
 - *4A 2.1.1(e): Maximum site coverage 40%:* the existing dwelling on proposed lot 1 will have a site coverage of approximately 56.6% (including decks over 0.5m in height).

5 Consideration under the Resource Management Act 1991

- 5.1 As a Discretionary Activity the application must be assessed in accordance with the provisions of sections 104 and 104B of the Resource Management Act 1991 (the Act). The process for considering a Discretionary Activity is as follows:
- (i) *To identify the relevant section 104 matters;*
 - (ii) *As part of the overall discretion in section 104B, weigh the relevant matters under section 104.*
- 5.2 I consider that the relevant section 104 matters are as follows:
- *Any actual and potential effects on the environment of allowing the activity;*
 - *The relevant provisions of the District Plan, objectives, policies and rules; and*
 - *Part II of the Act.*
- 5.3 The matters raised by submitters are summarised in section 6 below.
- 5.4 An assessment of effects of the proposal on the environment, including the matters raised in submissions, is provided in section 7.
- 5.5 The relevant objectives and policies and Part II criteria are set out and discussed in Sections 8 and 9 of this report.

6 Submissions

- 6.1 The application was Limited Notified to one property at 19 Mason Street on 25 July 2017.
- 6.2 A submission was received from Philip Maxwell Garrity (the owner and occupier of 19 Mason Street) on 18 August 2017. The submission is in opposition and the submitter wishes to be heard. A copy of the submission is provided in the Hearing order papers.
- 6.3 A summary of the key issues raised in the submission from the affected party at 19 Mason Street are as follows:
- The proposed lot sizes will not be consistent with the density character of the area where most lots remain at their original size of 550-650m² and those that have been subdivided are above 300m².
 - The proposal is beyond what could be expected to be developed on the application site which was investigated by the submitter at the time of purchasing their property.
 - The proposed density and district plan breaches will adversely affect amenity through loss of sunlight, view, privacy, general interaction with neighbours and will produce increased noise from additional residential activity.
 - The proposal will place further pressure on capacity of infrastructure to accommodate additional development given the density and previous reported events by the submitter; these include sewer blockages, and ponding around stormwater sump and kerb in the street. The subdivision will create a precedent where further pressure on services will result.
 - The carport on lot 1 will likely not be utilised due to its orientation to the street.
 - There will be congestion with respect to cars parking in the street.

- Health and safety will be adversely affected as the Lot 2 carport will restrict access for the fire service and associated fire fighting requirements.
- 6.4 The matters raised within the submissions will be addressed in the following section 7 of this report. With exception to the last matter relating to fire safety and access which is addressed below.
- 6.5 With respect to the submitters point relating to fire safety and access it is understood that this is a building code matter which would not require vehicular access for emergency vehicles to the dwelling of lot 2. Irrespective of this point comment has been sought from the New Zealand Fire Service for the sake of clarification; this is yet to be received.
- 6.6 A pre-hearing meeting was held on 19th October. The Chairperson's report is attached as Appendix 1 of this report.

7 Assessment of actual and potential environmental effects

An assessment of effects on the environment, including the issues/matters raised by submitters, is detailed within the assessment below. The District Plan's objectives, policies and rules are of particular relevance in terms of section 104(1)(b), and together with the Part II criteria listed in section 10 of this report, form the basis of any determination as to whether an adverse effect may be regarded as acceptable (or otherwise).

- 7.1 The following definitions contained in the Act apply in this case:

"Environment" is defined as

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

"Amenity values" are defined as

those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

- 7.2 The environmental effects which Council considers relevant when assessing this proposal are as follows:

- Residential amenity effects;
- Residential character effects;
- Streetscape amenity effects;
- Traffic and parking effects;

- Effects on existing natural features and topography;
- Servicing and engineering effects;
- Natural hazard effects;
- Effects on cultural and historical significance;
- Esplanade strips and reserves;
- Construction effects; and
- Positive effects

Permitted baseline

- 7.3 Section 104(2) states "...when forming an opinion for the purpose 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."
- 7.4 Minor boundary adjustments are permitted provided that the conditions for the activity area can be met and no additional allotments are created. The proposal creates an additional lot, so it is considered there is no permitted baseline for the subdivision.
- 7.5 With respect to land use the permitted baseline for the application site would include the construction of a two storey dwelling and associated accessory buildings providing such developments comply with all relevant permitted activity conditions of the medium density general residential activity area (including general rules of chapter 14); this would include buildings up to 7m in height covering up to 40% of the site and up to 20m in length (noting that they could be more than 20m providing they could fit within two 20° arms measured from a common point on any boundary). With respect to accessory buildings it is also noted that an accessory building may be located within 1m of a side or rear yard providing that it does not measure more than 6m in length. The applicant has provided plans of a permitted accessory building located to the rear of the application site as part of a suite of shading diagrams (see plans in Appendices 2-5 of the application). I accept that this illustrates a reasonable permitted development.

The existing environment

- 7.6 As identified in the proposal summary, the application site currently accommodates an existing dwelling located to the northern extent of the site. The rear portion of the site is physically separated from the existing dwelling by an internal fence which follows the proposed lot boundaries. The southern (rear) portion of the site is vacant with a number of shrubs and one medium sized tree located to the north-eastern corner.

Assessment of environmental effects as required by s104 of the Act

The following persons have provided written approval to the proposal, therefore this assessment must disregard any effects on these persons:

- Simon Douglas Faulkner, owner and occupier, 23 Mason Street, Moera;
- Tim Goodson, on behalf of Housing New Zealand Corporation, owner with authority to sign on behalf of occupiers, 28 Randwick Crescent.

Residential amenity effects

- 7.7 The District Plan seeks to protect residential amenity values from the adverse effects of higher dwelling densities. In this case the potential amenity effects are considered to relate to loss of sunlight, daylight, privacy, outlook, general activity and noise as well as the impacts of building bulk and density to the adjoining residential properties.

Shading

- 7.8 The proposed dwelling on lot 2 will not comply with the recession plane requirement of the District Plan when measured from the western and eastern boundaries of the application site which may have adverse effects relative to the shading of adjoining properties.
- 7.9 The applicant has provided shading diagrams to illustrate the extent of shading of the proposed dwelling on lot 2 compared to an appropriate permitted baseline development on the application site. For the sake of clarity the shading diagrams include information as to the shading of proposed car ports on each proposed lot. It is noted that the proposed carports comply with recession plane requirements of the District Plan.
- 7.10 The shading diagrams provided have been reviewed by Hudson Moody (cadastral surveyor and shading expert; refer to Appendix 2 of this report for his qualifications), who has provided the following assessment:

"Overall, the diagrams appear to be accurate. It should be noted that the shadow diagrams are not oriented with north up the page. There is no indication as to whether an hour has been applied for daylight saving. The December times appear to have been adjusted by +1hr whereas the March times have not. Given that daylight savings typically runs through until early April, the March times should have been adjusted too."

"The encroachments are quite small and the orientation of the proposed dwelling serves to mitigate their effects."

"As noted in the application, the proposed building lies to the south of the dwellings on No. 19. The shading effects generated by the proposed dwelling therefore only affect the yard space of that property. More importantly, the effects are generally occurring late in the day to the southern parts of that yard when the sun is low in the sky. The yard area is of sufficient depth that when compared to the size of the shadows, not all parts of the yard are affected at the same time."

"The covered area at the rear of No. 19 is located clear of the areas that will be affected by the proposed dwelling."

"Your summary of the likely effects is correct and that the only time when there is any additional shading of any note is at 7pm in the summer."

"The shading diagrams are sufficiently accurate to demonstrate the change in shading that will occur. That said, there are some technical details around the times shown which may need to be clarified by the applicant."

"In my opinion, the difference in shading effects between the permitted activity baseline and the proposed dwelling is minimal and the shading effects on the adjoining property will be no more than minor."

- 7.11 While the applicant has stated that daylight saving have been accounted for in the shading diagrams it is suggested that the applicant further clarify the timeframes for the March period as raised by Mr Moody. Irrespective of the correct time illustrated I agree with the assessment above. I acknowledge that there will be additional shading on the neighbouring site at 19 Mason Street, as raised by the submitter. In respect to shading effects I consider that the extent of shading over and above that of permitted the baseline development to be acceptable in line with Mr Moody's assessment above.

General activity and noise effects

- 7.12 The submitter has raised concern over the increase in noise and general activity associated with an increased density of development adjoining their property.
- 7.13 Access to and from both the additional lot (lot 2) and the existing dwelling (lot 1) are located to the west of the site removed from the submitters property to the east. Given this fact I consider movements and general activity to and from the sites will be restricted to the western extent of each proposed lot.
- 7.14 The private outdoor areas of the existing and proposed dwellings will be located to the north of their respective net site areas. Given the location of the submitters dwelling and associated outdoor areas (to the north and south of the dwelling) the submitter would only be exposed to the immediate activity and associated noise when utilising one of their respective outdoor areas at one time. Furthermore, the applicant has proposed landscaping treatments to the east of proposed lot 2 which adjoins the submitters western boundary and southern outdoor area; species are varied but notably includes *Griselinia* (a leafy hedge) which will aid in mitigating noise effects and general activity through screening of the private outdoor area of proposed lot 2.

Privacy

- 7.15 The proposed dwelling and subdivision has the potential to have privacy effects relative to the adjoining neighbour of 19 Mason Street over and above what may be anticipated on the application site given its two storey nature and more intensive use as an additional dwelling on an undersized lot.
- 7.16 With respect to the second floor of the proposed dwelling it is noted that there are no windows on the northern or southern elevation while the eastern elevation will accommodate a small set of windows (measuring 0.7m in height and 1.6m in width) and located within a bedroom. This window will face south west over the southern extent of the adjoining neighbouring site of 19 Mason Street. Given the size of the

window, the use of the room (generally being limited to certain hours when outdoor areas are not occupied), and orientation of the window to the south-east, I consider any potential privacy effects resulting from the second storey nature of the proposed dwelling to be acceptable.

- 7.17 While ground floor levels will be raised given the requirement to build above potential flood levels ground floor windows and private outdoor areas of the proposed dwelling will be partially screened by fencing and proposed landscaping. Given the orientation of the proposed dwelling to the north-east views into the neighbouring outdoor area and deck of no. 19 Mason Street across the eastern fence line and over landscaping would be at an oblique angle. I consider any such views to be fleeting in nature given the layout of the proposed dwelling (the closest windows/glass doors would be on the northern elevation of the kitchen and dining area).
- 7.18 Furthermore, the dwelling located at no. 19 Mason Street is located between the primary outdoor living areas of the existing and proposed dwelling at no. 21 Mason Street with grassed areas to the north and south of this neighbouring site. As noted in section 7.14 above the submitter would only be exposed to the immediate activity and therefore potential privacy effects when utilising one of their respective outdoor areas at one time.
- 7.19 Taking account of the above matters I consider that the potential adverse privacy and overlooking effects associated with the proposal to be acceptable.

Building bulk and density

- 7.20 Visually the bulk of the development will be most discernible from adjoining properties of lot 2 given that the existing dwelling will remain in its current location to the sites' northern frontage to Mason Street. The eastern recession plane non-compliance associated with the proposed dwelling of up to 1.013m is considered to be relatively small in scale that it will not be visually different from a permitted building given the nature of non-compliance; this is due to the orientation of the building to the eastern boundary whereby it essentially cuts through the north-eastern corner of the proposed building and is largely isolated to the gable end and roof apex of the proposed dwelling.
- 7.21 The western boundary recession plane non-compliance is considered to be small in scale and indiscernible when viewed from beyond the owners/occupiers of the immediate adjoining site to the west who have provided written approval to the proposal.
- 7.22 The proposed dwelling will be located approximately 1.28m from the northern boundary, generally 2.93m from the southern boundary, 1.74m from the western boundary and 1.5m from the eastern boundary (at its closest point). The proposed dwelling will comply with the yards, site coverage, building height and length requirements of the District Plan. While the proposed dwelling does not comply with the net site area permitted activity condition of the District Plan it is considered that the dwelling is modest in footprint, sufficiently separated from yards and of a height and

scale that is appropriate and proportionate with the area of proposed lot 2 (being 304.6m² with a net site area of 240.5m²). This is supported by the respective site coverage associated with proposed lot 2 being 35.9% including the proposed car port located to the north-west of the site.

- 7.23 The site coverage non-compliance associated with the existing dwelling on proposed lot 1 would be 16.6% above that permitted by the District Plan. With respect to this non-compliance it is noted that the majority contributing element in terms of site coverage is the existing dwellings' decks and proposed carport which considered cumulatively would cover approximately 16.7% of the site. It is noted that that the existing decks, while above 0.5m in height, will not contribute to building bulk when viewed from the adjoining properties or wider environment. The proposed carport will be open in character which, in terms of site coverage, will not contribute significantly to the building bulk exhibited within proposed lot 1.

Effects on outlook

- 7.24 The submission from the neighbour at 19 Mason Street refers to a loss of view relative to the proposed dwelling on lot 2. In light of the above assessment relating to building bulk it is acknowledged that the proposal involves the construction of an additional dwelling being 2 storeys in height which will affect the outlook from immediately adjoining properties of proposed lot 2.
- 7.25 The submitter has identified that their view would be adversely affected by the proposed dwelling. While it is acknowledged that views are a valued element associated with property, the District Plan does not set out any particular protection of private views within the medium density residential activity area. Notwithstanding this, for the reasons set out above (in paragraphs 7.20 and 7.22), I consider that any loss in view to the adjoining property at 19 Mason Street will be acceptable.

Amenity effects conclusion

- 7.26 Overall I consider any adverse amenity effects to the adjoining properties to be acceptable, and that all other properties are sufficiently separated from the proposed dwelling such that any adverse amenity effects will be negligible.

Residential character effects

- 7.27 The surrounding area is generally characterised by residential development comprising a mix of single storey and two-storey dwellings with densities ranging from low to medium.
- 7.28 The submitter has raised concern with the density of the proposed lots and associated dwellings stating that the majority of surrounding sites maintain their original size of 550-650m² and those that have been subdivided are above 300m² (being the minimum permitted size under the District Plan). This statement is true for those sites immediately abutting the application site and to the south of Mason Street within the residential block on which the site is located. Despite this fact it is noted that not all

residential sites within the local environment maintain a 300m² net site area as provided for by the District Plan.

- 7.29 On the matter of undersized site examples the sites of 8, 10, 22 and 26 Mason Street all contain undersized sites (ranging from 130m² to 287m²) with more examples located on surrounding road networks such as Randwick Road. The building typologies of undersized sites also range with examples of semi-detached units and standalone dwellings, some of which are two stories in height.
- 7.30 While the proposed lots and dwellings will be of a higher density than those immediately abutting residential sites (and more generally those to the south of Mason Street) they are considered to be consistent with, and comparable to, the wider character of the area. The proposed lots will contain individual dwellings situated on separate lots accommodating both a single storey and two storey dwelling in keeping with the residential character and density of residential development evident in the local environment.
- 7.31 Furthermore I do not consider the scale of non-compliance in terms of lot size is significant (respectively 25.7m² and 59.5m²) particularly when compared to other sites in the surrounding environment. Additionally it is noted that the proposed dwelling is modest in footprint (71.4m²) and is residential in nature and appearance.
- 7.32 On the basis of the above matters I consider any potential adverse effects on residential character are acceptable.

Streetscape amenity effects

- 7.33 The proposal will include two new carports (one on proposed lot 1 and one on proposed lot 2). The car ports will be staggered in terms of distance from the road with the car port on lot 1 being approximately 2m from the front boundary and the car port on lot 2 being approximately 6.6m from the front boundary.
- 7.34 In terms of the proposed carports while these will have an impact on streetscape amenity these structures are not considered to be overly bulky or dominant in form given their open nature. Furthermore I consider the proposed carport on lot 2 to be sufficiently set back from the street. The 1m non-compliance associated with the car port on proposed lot 1 is considered to be small in scale accounting for the open nature of the car port. Overall I consider the potential streetscape amenity effects to be less than minor.

Natural hazard effects

- 7.35 The proposal has the potential to create natural hazard effects on the surrounding environment as the site is located within the in 1:100 year flood return area for the Waiwhetu Streams identified by the Greater Wellington Regional Council. The proposed floor level of the new dwelling seeks to address the flood risk posed to the subject site by raising the minimum floor level of the dwelling (0.4m-0.6m in height above existing ground level). This will result in a floor level being at 2.2m (MSL) when

measured from the underside of floor joists/base of the concrete slab. This level was provided by and subsequently confirmed by James Flanagan, Senior Engineer, Greater Wellington Regional Council.

- 7.36 The applicant has proposed that a consent notice be placed on lots 1 and 2 requiring that any buildings be built above the 1:100 year flood return area. I consider such a condition to be appropriate and necessary to ensure that buildings are built to a minimum level as to mitigate any potential flood risk to the site and its owners/occupants. With registration of a consent notice relating to minimum floor levels and taking into account the matters raised within section 106 of the Resource Management Act I consider the natural hazard effects will be acceptable.

Effects on cultural and historical significance

- 7.37 There are no identified significant natural, cultural or archaeological resources located on the site. There is no significant vegetation located on the site that requires protection as part of this proposal. Given these factors, any potential cultural, archaeological or natural effects associated with this proposal are considered to be negligible.

Subdivision allotment design and layout

- 7.38 Proposed lots 1 and 2 will both measure below the 300m² requirement and will not meet the shape factor for the medium density general residential area. As part of this proposal the applicant has provided the design of the proposed dwelling that will be constructed on lot 2 while lot 1 will accommodate an existing dwelling. The provision of dwelling plans for proposed lot 2 show that the allotments are suitable in their size and shape to accommodate a good standard of residential development. The allotment design and layout effects will be less than minor.

Servicing and engineering effects relating to the subdivision

- 7.39 The proposal has been assessed by council's subdivision engineer who considers the proposal can be accommodated within the existing capacity of the infrastructure network subject to meeting council requirements.
- 7.40 The submitter has raised concern with the capacity of infrastructure and its respective ability to cope with additional development. Specifically the submitter has mentioned that they have previously reported events relating to street ponding and blockage of the sewer main. With respect to these matters comment has been sought from Wellington Water who manage council's stormwater and sewer assets, I am still awaiting feedback from Wellington Water in relation to a specific comment in relation to capacity.

- 7.41 I have received additional feedback from council's subdivision engineer, Philip Murphy. Mr Murphy has stated that previous blockages of the sewer main (which runs east to west through the rear yards of 21 and 19 Mason Street) were located downstream of the submitters property (east) and were caused by clean-wipes and fat and not related to any issue with capacity. Mr Murphy notes that the sewer main was flushed, checked and found to be clear also stating that as 21 Mason Street is at the head of the main any extra flow could be an advantage (additional flushing) rather than a source for additional problems.
- 7.42 With respect to stormwater capacity and ponding it is noted that proposal complies with the permeable surface permitted activity requirements whereby additional runoff is considered to be comparable to that expect by the District Plan. Mr Murphy has stated that the last report relative to stormwater was on 28.04.2004 where the main was found to be blocked and cleared.
- 7.43 While I am awaiting additional commentary from Wellington Water, on the basis of the above matters I consider that the proposal can be accommodated within the existing capacity of the infrastructure network subject to meeting conditions of consent recommended by council's subdivision engineer.

Traffic and parking effects

- 7.44 The proposal will comply with the parking requirements of the District Plan which requires one car parking space for existing dwellings and 2 parking spaces per new dwelling. Each lot will contain a single carport capable of accommodating a vehicle. Proposed lot 2 will have adequate area to the north of the car port to accommodate an additional car parking space.
- 7.45 The submitter has raised concern with the orientation of the car port on lot 1 noting that this may lead it to not be used while also stating that the dimensions of the parking space on lot 2 may cause occupants to park on the street due to ease of access to the dwelling. Furthermore, the submitter illustrates concern in relation to the parking of additional vehicles associated with the proposal within the street, specifically towards their property.
- 7.46 The proposal has been assessed by councils traffic consultant, Bill Barclay (BTP, MNZPI, MEngNZ, CPEng), who has provided the following comments:

"A two-lot subdivision is proposed for a residential site at 21 Mason Street, Moera, as shown on documents prepared by Cuttriss Consultants.

- 1. Access will be by two driveways immediately adjacent to each other. They will have a combined width no more than 6.0 metres, as required by the District Plan.*
- 2. Proposed Lot 1 will contain the existing dwelling, positioned near the front of the site. It will be served by the northern driveway. The southern driveway will give access to the side yard and vacant rear site.*

3. *Proposed Lot 1 will have a single car park on the front yard, as required by the District Plan for existing dwellings. Proposed Lot 2 will have room for two car parks, either on the rear part of the section or on the access leg.*
4. *I support the proposal."*

7.47 I agree with Mr Barclay's assessment above. The District Plan requires the provision of off-street car parking spaces and the proposal complies with these requirements. With respect to the orientation of the carport on lot 1 I do not consider it to be orientated to a degree where it would not be used. Furthermore it is noted that while the District Plan the provision of off-street car parking spaces any preference to parking in the street would be that of the owners/occupants as this is a public parking area.

7.48 On the basis of the above matters I consider the effects of servicing to be acceptable.

Site contamination effects

7.49 The property is not identified as being contaminated within the Greater Wellington Regional Council's Selected Landuse Register. Based on a review of council's historic aerial maps that indicate the site has been used for residential purposes which is not considered a typical land use that is likely result in site contamination, the effects will be less than minor.

Esplanade strips and reserves

7.50 As the site does not contain any natural watercourses over an average width of 3m, the provisions relating to esplanade strips and reserves are not applicable.

Construction effects

7.51 There will be effects occurring as a result of the earthworks and construction required for the erection of buildings, creation of access and the installation of services. The effects can result in noise, dust and general disturbance to the surrounding area. The District Plan anticipates residential development on the application site and with consideration of the permitted baseline (such as a permitted accessory building) I consider any construction effects associated with the proposal to be temporary in nature and less than minor.

Conclusion

7.50 My overall conclusion is that the environmental effects of the proposal will be acceptable.

8 Relevant plan provisions

8.1 The relevant objectives and policies are set out below along with an assessment of the proposal against them.

Objective 4A 1.1.1 Residential Character and Amenity Values

To maintain and enhance the amenity values and residential character of the General Residential Activity Area.

Policies

- (c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (d) That adverse effects arising from noise, dust, glare, light spill and odour be managed.*
- (e) That vegetation and trees which add to the particular amenity values of the area be retained where practicable.*

8.2 Medium Density Residential Development – Objective 4A 1.1.2

To ensure opportunity is made for medium density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely and where there is appropriate servicing of development.

Policies

- (a) That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely and where there is appropriate servicing of development.*
- (b) To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.*
- (c) That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (Appendix 19 of the Design Guide) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.*

Objective 4A 1.2.2 Building Height, Scale, Intensity and Location

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Policies

- (a) To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.*
- (b) To establish a minimum net site area and maximum site coverage to ensure opportunity is provided for higher density residential development where appropriate, without affecting adversely the amenity values.*
- (c) To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*
- (d) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*

- (e) *To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) *To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*
- (g) *To establish a minimum permeable surface area to assist with the sustainable management of stormwater.*

8.3 It is acknowledged that the District Plan also contains objectives and policies specific to medium density residential development, such policies illustrate that higher density development is appropriate where it is consistent with the Design Guide, and also that some impact on the character of an area is acceptable in association with new higher density development. As the District Plan does not require assessment against the design guide for singular additional dwellings/lots (as opposed to proposals for 3 or more dwellings) I have not considered it necessary to assess the proposal against the design guide.

8.4 The proposed dwellings and lots include various non-compliances with the permitted activity conditions, on assessing the effects of these non-compliances I have been able to conclude that the effects will be minor overall and therefore they will not be to a degree where the effects on residential character and amenity is unacceptable. It is acknowledged that the proposal also includes a number of non-compliances with the subdivision standards and terms, however, based on my effects assessment in section 7 of this report I consider the subdivision element of the proposal to also be consistent with District Plan objectives and policies. On this basis the proposal is considered to be consistent with the above objectives and policies.

8.5 Rule 4A 2.4.1 identifies that the matters contained in sections 104 and 105, and in Part II of the Act shall apply and the degree of compliance or non-compliance with any relevant Permitted Activity Conditions are assessment matters for discretionary activities. Assessment in accordance with section 104 and 105 of the Act is contained within section 7 of this report. Part II assessment can be found in section 9. The degree of non-compliance has been considered within section 4 and the effects of this non-compliance within section 7.

8.6 I am therefore satisfied that the proposal is consistent with the above objectives and policies.

Objectives and Policies Conclusion

8.7 My overall conclusion is that the proposals are consistent with the relevant objectives and policies of the District Plan.

Other plans

8.8 I have given regard to the relevant national environmental standards; other regulations; national policy statements; New Zealand Coastal Policy Statement 2010; regional policy statement/proposed regional policy statement; or plan/proposed plan.

Other matters

- 8.9 It is acknowledged that there is no explicit reference to 'precedent' in the Resource Management Act. However, the matter of precedent can be considered in respect of resource consent applications by virtue of s104(c) which allows consent authorities to have regard to 'any other matter' when determining an application for resource consent. Precedent is relevant where the granting of a resource consent would cause an expectation that similar consents would be granted on sufficiently similar circumstances. District Plan integrity can also be challenged where the granting of a resource consent is outside what the plan anticipates to the degree that a reasonable person would consider the integrity of the plan to be challenged.
- 8.10 The proposal is considered to generally be consistent with the intent of the Objectives and Policies for the medium density general residential activity area with an acceptable scale of environmental effects; on this basis it does not represent any potential to undermine the integrity of the District Plan if granted. Any potential future development of other residential sites will continue to be assessed on a case by case basis and on the merits of each subject application.
- 8.11 I do not believe there are any other matters that need to be taken into account in determining this application.

9 Part II of the Act

- 9.1 Part II sets out the purpose and principles of the Act (section 5); matters of national importance the consent authority must recognise and provide for when determining a resource consent (section 6); other matters the consent authority must have particular regard to (section 7); and provision for the principles of the Treaty of Waitangi (section 8).
- 9.2 The purpose of the Act as set out in section 5 is to promote "the sustainable management of natural and physical resources while managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while... avoiding, remedying, or mitigating any adverse effects of activities on the environment."
- 9.3 In determining the proposal against section 5 of the Act, I consider that the proposal will promote the sustainable use of natural and physical resources, as it involves creating multiple medium density dwelling units within an established urban area. The units will be compact in form, well designed and on balance will meet the aims of the design guide for medium density housing.
- 9.4 Given the above factors, the proposal is considered that the proposal is consistent with section 5 of the Resource Management Act 1991.

- 9.5 Section 6 of the Act lists matters of national importance. It is considered that none of the matters of national importance are relevant to this proposal; in particular it is not identified as an outstanding natural feature or landscape.
- 9.6 Section 7 of the Act lists a number of other matters that Council shall have particular regard to when considering such an application. Under section 7 the following matters are considered applicable:
- (b) *The efficient use and development of natural and physical resources:*
 - (c) *The maintenance and enhancement of amenity values:*
 - (f) *Maintenance and enhancement of the quality of the environment:*
- 9.7 It is considered that the proposal is not contrary to section 7 of the Act for the reasons set out in the assessment of effects, and that the proposal represents an efficient use of land that is supported by Part II of the Act.
- 9.8 Section 8 of the Act requires that the Council, in achieving the purpose of the Act, in managing the use, development and protection of the natural and physical environment, to take into account the principles of the Treaty of Waitangi. It is considered the proposal is not contrary to section 8 of the Act. It is noted the subject site is not adjacent to any land subject to the Port Nicholson Block Settlement Act 2009 or Ngati Toa Rangatira Claims Settlement Act 2014.

10 Conclusion

- 10.1 Resource consent is sought for a two lot subdivision and the construction of a new dwelling that does not comply with the minimum net site area, minimum front yard, side yard, maximum site coverage and recession plane requirements of the District Plan. The proposal is a Discretionary Activity within the General Residential Activity Area of the city's District Plan.
- 10.2 Whilst there was one submission in opposition to the proposal, I do not consider that it should be declined given the absence of any significant adverse environmental effects as identified in section 7 of this report.
- 10.3 I believe the proposal represents an appropriate use on this site and that it is consistent with the relevant objectives and policies of the District Plan and Part II of the Resource Management Act 1991.
- 10.4 My recommendation is therefore that resource consent may be granted under Section 104B of the act, subject to the following conditions.

11 Suggested conditions of consent

If the committee resolves to grant subdivision and land use resource consents, the following may be considered as conditions of that consent:

Land use (conditions apply to both stages of associated subdivision);

- 11.1 My recommendation is therefore that resource consent may be granted under Section 104B of the act, subject to the following conditions.
- 11.2 That the proposal is carried out substantially in accordance with the information and approved plans (ref: Drawing number 28540SCH, prepared by Cuttriss Consultants Ltd, dated February 2016; Drawing Nos.601-605, dated 23.11.17 prepared by Prime Designs Ltd; and Project No.2660 Drawing 02 prepared by David Goodyear dated 5.10.16) submitted with the application and held on file at the council.
- 11.3 That the consent holder keeps a copy of this decision on site when work starts and makes it available on request to council staff.
- 11.4 That the consent holder advises the council (enforcement@huttcity.govt.nz or (04) 560 1044) at least two working days before any work starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.
- Important note:** When giving notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on.
- 11.5 That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise.
- 11.6 That the consent holder ensures the landscaping detailed in the landscaping plans (Project No.2660 Drawing 02 prepared by David Goodyear dated 5.10.16) shall be undertaken and completed as soon as practicable within the next available planting season following completion of construction works of the proposed dwellings on lot 2. The consent holder shall replace any seeding or planting that fails to become fully established within 12 months of completing construction of the dwellings.
- Note: Should this require the replacement of certain species (where deep rooting systems are anticipated or corresponding to site conditions or location) the applicant may substitute particular species following consideration and approval of Team Leader, Resource Consents.*
- 11.7 That the consent holder replaces any dead or dying plants for a period of four years from the date of planting.
- 11.8 That the consent holder shall ensure that the layout of all car parks and manoeuvring areas shall comply with the provision of AS/NZS 2890.1-2004.

11.9 That the consent holder ensures that the underside of floor joists/base of the concrete slab of the proposed dwelling on proposed lot 2 will be built to 2.2m (MSL) or above the 1:100 Waiwhetu Stream flood extent as identified by Greater Wellington Regional Council.

Note: the purpose of this condition is to ensure floor levels are at an adequate height should subdivision and subsequent consent notice not be undertaken prior to construction of the dwelling.

Subdivision;

11.10 That the proposal is carried out substantially in accordance with the information and approved plans (ref: Drawing number 28540SCH, prepared by Cuttriss Consultants Ltd, dated February 2016; Drawing Nos.601-605, dated 23.11.17 prepared by Prime Designs Ltd; and Project No.2660 Drawing 02 prepared by David Goodyear dated 5.10.16) submitted with the application and held on file at the council.

11.11 The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 6.5% of the value of one additional residential allotment or capped at \$10,000 per allotment whichever is the lesser. The amounts required will be determined on the basis of a market value assessment from a registered valuer. It is the consent holder's responsibility to instruct the valuer and supply Council with this assessment. The amount to be paid will be determined when the consent holder submits the qualified valuer's assessment.

11.12 That the consent holder pays the council an engineering fee to meet the cost of work carried out by the council subdivision engineer in assessing, inspecting, testing and approving water, sewer and stormwater services, access or any other aspect of the proposal so assessed by the engineer or any representatives of the engineer (as distinct from work which must be monitored as a result of any building consent). That fee is 3.43 percent of the consent holder's construction costs (including GST) and is calculated using a scale of engineering fees based on the number of new lots created. The minimum fee is \$150.00, irrespective of whether any construction work is necessary. Payment is necessary before or at the time of applying for a section 224(c) certificate.

11.13 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

11.14 That the consent holder installs and connects 100mm sewer, 100mm stormwater and 20mm water service leads to the public mains for lot 2 (and adjust any existing services if necessary) in accordance with the council's codes and standards.

Note: The consent holder must apply for new water connections at the customer services counter of the Council Building, 30 Laings Road, Lower Hutt. GHD Ltd processes applications on behalf of Wellington Water Ltd, which is a council-controlled company in charge of council water and drainage assets. The GHD Ltd contact person is Tom Mulvihill (tel. (04) 495 5812). GHD Ltd may impose special requirements or conditions for new connections depending on, among other things, the existing reticulation system's condition and layout, flow rates, pressure zones and proposed future work. It is important the consent holder makes an application early in the design or construction phase. The council recommends that the consent holder makes this application before submitting engineering plans to the council subdivision engineer.

Please note that it is now council policy that only existing sewer and stormwater laterals less than 25 years old and only existing water connections of polyethylene material can be utilised for a new dwelling or new vacant lot, otherwise they (including the toby in the case of the water connection) are to be renewed and/or sealed off at the mains if not replaced in the same location.

- 11.15 That the consent holder submits a copy of the approved water connection application form (signed by GHD Ltd) when applying for the section 224(c) certificate.
- 11.16 That the consent holder arranges for a certifying drainlayer to inspect and verify that the section of existing sewer from lot 1 that will be within lot 2 is in sound condition and if not, to be made so; and that the consent holder provides written certification from the drainlayer before or at the time of applying for a section 224(c) certificate.
- 11.17 That the consent holder constructs a new standard concrete vehicle crossing to serve lot 1 and reinstates the existing cracked and broken vehicle crossing to lot 2 in accordance with the council's codes and standards.
- 11.18 That the consent holder severs all cross-boundary services, including the existing garden water tap, within lot 2.
- 11.19 That the consent holder submits two copies of engineering plans for the above construction work to the council subdivision engineer for approval; that the plans provide information on the materials to be used, including the size, type and class of pipes, as well as indicate pipe gradients; and that all this work is carried out in accordance with the approved plan. Please note that this condition is necessary, even for minor works, as the engineering approval letter will list further engineering requirements in regard to Corridor Access Requests, pipe materials, inspections, as-built information, etc.

- 11.20 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.
- 11.21 That the consent holder provides underground telephone and electrical services to lot 2 in accordance with the specifications and requirements of the relevant authority.
- 11.22 That the consent holder provides the council with written confirmation from Chorus (or the equivalent network supplier) and Wellington Electricity Lines Ltd that they are satisfied with the supply of their utilities to each lot.
- 11.23 That the consent holder provides the council with written confirmation from a surveyor that all existing services have been adjusted so they are contained within the lot (or are protected by an appropriate easement) and that the ends of all abandoned lines have been sealed in accordance with council requirements, or alternatively that the consent holder provides the council with written confirmation from a surveyor that no such adjustments and sealing are necessary.
- 11.24 That the consent holder provides appropriate easements for public and private services where necessary, with the easements shown as a memorandum of easement on the land transfer title plan. The consent holder must show easements for public services on a plan with a minimum three-metre width centred over the service, or twice the depth of the trench, whichever is greater; show the council as the grantee in gross; and engage a lawyer at the consent holder's expense to prepare easement documents.
- 11.25 That, in accordance with section 221 of the Resource Management Act 1991, the council registers a consent notice on the certificate of title of lot 2 to ensure any dwellings built on these lots have a minimum floor level above the 1 in 100 year flood level from the Waiwhetu Stream.
- 11.26 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 – on the as-built and title plans.
- 11.27 That the consent holder meets the cost of registering consent notices.
- 11.28 That the consent holder provides the council with two copies of the as-built plan, certified by a surveyor or engineer, showing, where applicable, the levels and alignment of all the mains and road work, and the location of all service connections (and, if applicable, new work within private property) relative to the lot boundaries.

12 Notes

If the committee resolves to grant resource consent, the following may be considered as notes on the consent:

- The applicant for resource consent, consent holder or any person who made a submission on the application may also appeal this decision to the Environment Court within 15 working days of notice of the decision being received.
- This resource consent is subject to payment of a Development Contribution Fee under the Council's Development and Financial Contributions Policy.
- In accordance with section 125 of the Resource Management Act 1991, the consent lapses if not given effect to within five years from the date of the application being granted.
- This resource consent is specific to the application received by Council. Any changes to the proposal may require a new resource consent and additional application fee.
- Plans submitted with the application have only been checked for compliance with the City of Lower Hutt District Plan.
- Any building work associated with the proposed activity should not commence until a building consent has been obtained under the Building Act 2004.
- The consent holder is reminded that this resource consent is not a licence to create adverse effects. You still have a duty under the Act to avoid, remedy or mitigate adverse effects. Notwithstanding any resource consents held, section 17 of the Act continues to apply and will take enforcement action where necessary.
- Council may issue an abatement notice if the conditions of this resource consent are not complied with. Contravention of an abatement notice may incur a fine up to \$300,000 or two years imprisonment for a natural person and a fine of up to \$600,000 to a person other than a natural person.

Appendix 1 – Prehearing Report

MINUTES OF PRE-HEARING MEETING FOR RESOURCE CONSENT APPLICATION AT 21 MASON STREET (RM170076)

19 October 2017 at 8.30am

Description of proposal: 2 lot subdivision and construction of a new dwelling

Present: Council representatives:

- Tim Johnstone, Team Leader Resource Consents (facilitator/chair)
- Stephen Dennis, Senior Resource Consents Planner (processing planner)

Applicant's representatives:

- Sandy Mclean, Applicant/Owner
- Sam Gifford, Cuttriss Consultants Ltd

Submitter:

- Philip Garrity of 19 Mason Street.

Overview of pre-hearing meeting and key points

- The meeting opened with introductions and a brief overview of an agenda for discussion was stated. This would involve an overview and explanation of the proposal by the applicant/agent followed by presentation by Philip Garrity of his submission points. Open discussion and exchange of ideas as to potential mitigation or solutions to issues was to follow and any questions as to process and matters moving forward.
- Sam started by explaining the general details/elements of the proposal.
- Phil then opened discussion as to District Plan requirements largely relative to the relationship between compliance with permitted activity conditions and the requirement for resource consent. Phil re-iterated that what was proposed did not meet the District Plan which sets the minimum requirements as approved by the public through the consultation process for the District Plan. Phil noted that in particular the proposal would be much more intensive than what could be anticipated on the application site.

OFFICERS SECTION 42A

- Phil then noted that other matters raised in his submission such as the sewer main would be subject to additional pressure and he has had prior problems with blockages. In addition Phil illustrated concern over the car ports and streetscape amenity effects resulting.
- While acknowledging a number matters raised in his submission Phil stated that his primary concerns were relative to the intensity/density of the proposal and the two-storey nature of the building which would overlook his outdoor area/property in addition to associated amenity effects such as level of activity and noise.
- Sandy provided reasoning as to the positioning of the dwelling and the planning behind the proposal including restoration of the existing house on-site. He stated that he wanted to produce a quality dwelling and the site design has been informed by this aspiration.
- Phil asked if the lots were to be sold or rented out. Sandy stated that while he would not rule out selling them this was not his initial intention.
- Discussion moved to an exchange of ideas which might alleviate Phil's concerns whereby both Sam and Sandy said they were willing to address concerns as far as possible. Tim added that it was important to note that the pre-hearing meeting is the best time to find potential solutions to issues within an informal setting and face to face with the applicant given that the next step is the hearing itself which does not provide this opportunity. Sam started by asking Phil if a fencing or landscaping solution might be an option. Tim also floated the suggestion of the dwelling being moved to the west – to this Sam stated that the dwelling was currently at an optimal location with respect to recession plane and bulk to boundary relationship. Phil reiterated that the two storey nature of the dwelling was really his key concern but was open to think about potential options. Tim suggested that perhaps meeting on Phil's property would provide an avenue for both parties to appreciate the situation and perhaps facilitate discussion.
- Phil was not willing to make any final decisions at the time of the meeting and he mentioned that he would need to discuss with his family.
- Tim briefly outlined the process from here with respect to a potential hearing and Stephen noted the timeframes around submitting of evidence by each party.
- It was agreed with Phil that a decision as to meeting on site for a discussion with the applicant was to be made by Tuesday of the following week (24th October).

Meeting closed at 9.20am on 19 October 2017.

Appendix 2 – Hudson Moody Qualifications

Hudson Moody

POSITION: Spencer Holmes Ltd, Director - Surveying & Planning
QUALIFICATIONS: BSurv (Distinction) Otago University Graduated 9 May 1992
SPECIALISATION: Cadastral Surveying & Shading Assessments

I have over forty years experience in land surveying covering a wide range of traditional aspects of surveying including land development, topographical surveys, construction set out, monitoring surveys, district plan compliance assessments and cadastral surveying for commercial, urban and rural developments.

Since the introduction of the Resource Management Act 1991, I have gained a wealth of experience in the field of resource management, resource consent applications and presentation of evidence at consent hearings and the Environment Court. I have developed an area of expertise specialising in the analysis of sunlight and shading in conjunction with district plan requirements and resource consent applications.

KEY AREAS OF RESPONSIBILITY:

Experienced in the following aspects of surveying:

- Subdivision design
- Small and large scale topographical surveys
- Cadastral surveys including urban, rural, commercial and unit title developments
- Resource management and associated environment court and consent hearings
- Sunlight studies
- Expert witness, particularly in relation to sunlight studies

RELEVANT EXPERIENCE WITH RESPECT TO SHADING ANALYSIS:

The following table summarises some of the more relevant shading related projects I have been involved with.

2003	152-156 Adelaide Road - accommodation block	Consent application
2003	19 Oriental Tce – Existing Dwelling	District plan review
2006	73 Jackson St – New apartment block	Notified application
2006	Hilton Hotel - Wellington	EC Appeal
2006	10 Customhouse Quay – Office block	Notified application
2008	109 Featherston St – Office block	Notified application
2009	148 Owen Street (Regent Park Redevelopment)	Notified application
2010	2 Stafford Street – Residential	Notified application
2010	90 Hanson St – Healthcare facility	Notified application
2010	Kate Sheppard Place – Office block	Notified application
2012	11 Ogilvie Tce – New dwelling	Consent application
2013	1 Palliser Rd – New dwelling	Consent application
2013	39 Tahi Street (Marshall Court)	Notified application
2015	10 Waterloo Quay (Site 10 – Office Block)	Notified application
2016	DPC 35 - Boulcott Village, Lower Hutt	Notified application