

IN THE MATTER OF:

Sections 104, 104B, 106 and 108 of the Resource Management Act 1991

AND

The Operative City of Lower Hutt District Plan

IN THE MATTER OF:

Three resource consent applications made by Urban Edge Planning Ltd on behalf of UPL Limited Partnerships for a comprehensive 34-unit residential development and subdivision of the site at 96A Witako Street, 79B Copeland Street and 51 Hall Crescent, Lower Hutt, including earthworks and signage.

(Legally described as Pt Lot 11 DP 25931 and Lot 7 DP 25931 held in computer freehold registers WN27D/700 and WN51D/831 and proposed Lot 3 of RM180167)

Council References: RM180215, RM180236 & RM180275

HEARING BY INDEPENDENT COMMISSIONER MR ROBERT SCHOFIELD

Hearing for the above matter, held in the Council Chambers, Hutt City Council, Lower Hutt on 26 February 2019.

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Decision

1.1 In accordance with a delegation by Hutt City Council (HCC), pursuant to the provisions of section 34 of the Resource Management Act 1991 (RMA), I, Robert Schofield, had power to act as an Independent Commissioner in determination of the following proceedings.

1.2 The following resolution represents Council's decision on resource consent applications RM180215, RM180236 and RM180275:

*That, as Independent Commissioner acting under delegated authority from Council and pursuant to sections 104, 104B, and 108 of the Resource Management Act 1991, **CONSENT IS GRANTED**, subject to conditions, to the resource consent applications made by Urban Edge Planning Ltd on behalf of UPL Limited Partnerships to undertake a comprehensive redevelopment and subdivision of the site at 96A Witako Street, 79B Copeland Street and 51 Hall Crescent, Lower Hutt.*

1.3 The reasons for the decision are outlined in the following report.

The Site and Locality



Figure 1: Location of application site (highlighted in yellow)

The Application Site

- 1.4 The location of the application site is shown in Figure 1 above.
- 1.5 The application site comprises two lots legally described as Pt Lot 11 DP 25931 (1.2254ha in area) and Lot 7 DP 25931 (445m² in area), with street addresses of 96A Witako Street, 79B Copeland Street and 51 Hall Crescent, Lower Hutt.
- 1.6 Most of the application site has traditionally had a recreational use, being known as Copeland Reserve, which contained the former Lower Hutt Women's Bowls Club with associated clubrooms and two bowling greens. The Reserve also contained two open grassed spaces on either side of the bowling club. Since the notification of the subject applications, the clubrooms and accessory building located in the middle of the lot have been removed. The two former bowling greens remain but in a state of disrepair.
- 1.7 The two buildings in the southwest of the allotment are occupied by the IHC and Wellington Early Intervention Trust (WEIT). Both buildings are accessed via a driveway from Copeland Street, with a joint shared car parking area.
- 1.8 A Scout Hall is located in the northeastern part of the Copeland Reserve, outside the application site.

- 1.9 51 Hall Crescent contains a single storeyed semi-detached dwelling that is in the process of being demolished.

Zoning

- 1.10 The zoning of the subject properties was changed under Plan Change 49, which rezoned an 8,288m² portion of Copeland Reserve from General Recreation Activity Area to General Residential Activity Area – Medium Density. This rezoning included the accessway from Hall Crescent as well as the IHC and WEIT premises. Previously vested under the Reserves Act 1977 as reserve, the Department of Conservation revoked the land's reserve status of the rezoned land on 14 September 2016. The northeastern part of the Reserve was retained for recreation purposes and remains zoned as General Recreation Activity Area and vested as a reserve.
- 1.11 The Plan Change also rezoned 53 and part of 51 Hall Crescent (Lots 6 and 7 DP 25931) from General Residential Activity Area to General Recreation Activity Area: this will enable a new public access from Hall Crescent to Copeland Reserve. The remaining part of 51 Hall Crescent was rezoned from General Residential Activity Area to General Residential Activity Area – Medium Density.
- 1.12 Plan Change 49 became operative on 29 June 2018.
- 1.13 The zoning of the site and its immediate environs is shown in Figure 1 above: hatching indicates land zoned General Residential Activity Area – Medium Density, while green is General Recreation Activity Area.

Previous Resource Consents

- 1.14 Resource consent RM180167 was granted on 23 July 2018 for a five-lot fee simple subdivision and land use consent. The consent effectively was to subdivide around the new activity areas resulting from the plan change and to recognise existing uses on the site. However, at the time of the Hearing for the current resource consent applications, the process for creating the new titles had not yet been completed, with no s223 titles issued.
- 1.15 As the former bowling greens have been confirmed as containing contaminated soil, consent RM180167 included conditions requiring remediation of the soil to a level acceptable for residential use prior to any titles being certified. To date, a site validation report has yet to be provided. The titles consented under this consent have yet to be issued.

The Environs

- 1.16 The application site is located within a predominantly residential neighbourhood. Surrounding properties are residential, containing single and double-storeyed detached and semi-detached residential dwellings. The exceptions to this are the WEIT and IHC premises which directly adjoin the application site: these comprise two separate single-storeyed buildings within which healthcare, therapy, social and caregiving activities occur.

- 1.17 The density of the immediate area is currently low, although there are few instances of infill development in the neighbourhood, including on properties adjoining the site. Although there are multi-unit developments elsewhere in the wider neighbourhood, these are generally of a smaller scale than that proposed on the application site.

The Applications

- 1.18 The proposal comprises three separate resource consent applications:
- (a) RM180215: a development of 34 semi-detached or terraced townhouses contained in 10 blocks, and associated earthworks;
 - (b) RM180236: a 45-lot fee simple subdivision comprising 34 residential lots, 10 car parking lots and one access lot, including associated earthworks and a s127 change of conditions of existing resource consents RM180167 and a s221 variation of consent notices; and
 - (c) RM180275: two temporary signs of 8.64m² in face area each to advertise the proposed development.
- 1.19 Full details of the proposal are contained in the applications and in the s42a Council planner's report.
- 1.20 In summary, application RM180215 proposes the development of 34 two-storey semi-detached townhouses arranged in blocks of between two and five units, using nine different housing typologies. Each unit would have either two or three bedrooms, and each townhouse would have an associated outdoor living area accessed directly from the unit. Car parking will be provided for each unit as either an on-site garage, on-site car-pad or car park located adjacent to the shared internal driveway, which provides access to all units in the development. The internal driveway will have two access point to the local road network: an entrance via 51 Hall Crescent and one at 79B Copeland Street. Six visitor parks will also be provided.
- 1.21 Earthworks will be undertaken across most of the site to create the proposed building platforms, yard areas and internal driveway, and will consist of a mix of cut and fill to 0.3m in depth/height. Because the earthworks and subsequent new residential land use affect land with contaminated soil (the former bowling greens), and no site validation report to confirm the former bowling greens have been remediated to a level acceptable for residential use has yet not been received, the proposed earthworks also trigger consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is also required.
- 1.22 Application RM180236 proposes a 45-lot fee simple subdivision to contain each of the townhouses proposed under RM180215 within its own allotment. The proposed subdivision consists of 34 residential lots, 10 car parking lots and one access lot. The car parking lots will be amalgamated with 10 of the residential allotments. Proposed Lot 100 will contain the internal access road, which will connect the development with Copeland Street and Hall Crescent. Infrastructure will be provided for each of the residential allotments. The applicant has requested the flexibility to stage the subdivision and

confirmed that the required services would be installed to service the dwellings as part of any staging.

- 1.23 The earthworks proposed as part of application RM180215 are also proposed under RM180236 to provide a greater degree of flexibility around whether the earthworks are completed when the dwellings are constructed, or in the implementation of the subdivision. Due to uncertainty over timing, the application also includes a request for a s127 cancellation of conditions and s221 variation of consent notices relating to RM180167, described in paragraph 2.11 above. The applicant applies to either cancel conditions 15, 16 and 17 relating to access and servicing of the earlier subdivision if the titles have not been certified, or the cancellation of the consent notices related to those conditions if the titles have been issued, recognising that one of these steps will not be required.
- 1.24 Application RM180275 proposes two temporary signs to advertise the development proposed under applications RM180215 and RM180236, the signs to be removed once the townhouses and sections had been sold. One sign would be located in the front yard of 51 Hall Crescent and the other on the Copeland Street access driveway of 96A Witako Street. Each of the two signs would be a single panel sign measuring 3.6m wide and 2.4m high, giving a total face area of 8.64m², and will be erected at a height of 2m above ground level.

Consents Sought

- 1.25 Under the RMA, subdivision and land use are managed under the City of Lower Hutt District Plan (“the Plan”). As outlined above, the development site is within the General Residential Activity Area – Medium Density; however, one of the proposed temporary signs will be located on that part of 51 Hall Crescent zoned General Recreation Activity Area, adjacent to the proposed new driveway into the site.
- 1.26 The relevant rules are contained within:
- Chapter 4A – General Residential Activity Area
 - Chapter 7A – General Recreation Activity Area
 - Chapter 11 – Subdivision, and
 - Chapter 14 – General Rules.
- 1.27 Under the City of Lower Hutt District Plan, resource consent is required for a number of reasons:
- (a) As a development proposing more than two dwellings (i.e. a multi-unit development) as a restricted discretionary activity under Rule 4A 2.3(a);
 - (b) For a range of non-compliances with development and subdivision standards that are outlined in detail in the application and confirmed in the s42A report (these non-compliances were not under dispute): in brief, the proposal requires resource consent for non-compliance with the permitted activity development standards in Chapter 4A 2.1.1(b) for yards (building to boundary setbacks), 4A 2.1.1(c) height recession planes, 4A 2.1.1(e) site coverage, and 4A 2.1.1(g) minimum areas of

permeable surfaces. Collectively, these non-compliances require resource consent as a discretionary activity, pursuant to Rule 4A 2.4(a)

- (c) For non-compliance with the permitted activity standards under Chapter 14A in respect of road and footpath width, pedestrian visibility splays, on-site car parks and on-site loading facilities for rubbish collection vehicles, non-compliances for which it requires consent as a restricted discretionary activity pursuant to Rule 14A 5.1(b).
- (d) As the proposed signs do not meet permitted activity conditions under Chapter 14B for temporary signs, they require consent as a discretionary activity pursuant to Rule 14B 2.4 (a)(i).
- (e) As the proposed volume of cut and fill across the wider site will be approximately 1,130m³ and 230m³ respectively, thereby exceeding the permitted volume of 50m³, consent is required for the proposed earthworks as a restricted discretionary activity, pursuant to Rule 14I 2.2(a).
- (f) As the proposed subdivision will not meet the standards and terms for a controlled activity subdivision with respect to allotment design and standards (minimum lot size, shape factor and compliance with permitted activity conditions), engineering design (internal driveway width, pedestrian visibility splay, car parking and loading facility) and earthworks, consent is therefore required both as a restricted discretionary activity under Rule 11.2.3(a) and as a discretionary activity, pursuant to Rule 11.2.4(l).
- (g) The change of condition sought in regard to conditions 15, 16 and 17 of the subdivision consent approved under RM180167 must be determined as a discretionary activity in accordance with s127(3)(a) of the Act; and
- (h) The cancellation of the consent notices associated with conditions 15, 16 and 17 of RM180167 registered at certification of the subdivision approved under RM180167 must be determined as a resource consent under s221(3A) of the Act.

1.28 As part of the site has been occupied by bowling greens, an activity on the Hazardous Activities and Industries List has taken place on the site and testing has revealed contamination to be present. As a condition of consent RM180167, the site must be remediated prior to the earlier subdivision being certified. A site validation report required by RM180167 and RM180402 has not been provided to confirm that the site has been remediated to an acceptable level for residential use, with soil contaminants being at background concentrations. Therefore, consent is still required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). The proposed change of use and subdivision requires consent under NESCS as a discretionary activity.

1.29 The proposed subdivision and land use components of these applications, as well as the s127 cancellation of conditions/s221 cancellation of consent notices, are considered to be mutually inclusive, with any of the consents being unlikely to proceed without the other consents being obtained. Therefore, in accordance with the 'bundling' principle, the overall activity status must be assessed and determined as a **discretionary activity**. There was no dispute as to this position.

Notification and Submissions

- 1.30 In accordance with s95A and s95B of the Act, being a residential subdivision and development proposal, notification of the proposal was limited to the owners and occupiers of immediately surrounding properties. The application was notified on 6 November 2018 to the owners and occupiers of –
- 45A, 47, 58, 60 and 62 Hall Crescent
 - 76, 78, 84 and 2/90 Witako Street, and
 - 77 and 79B Copeland Street.
- 1.31 Two submissions in opposition were received from:
- Ying Qu, owner and occupier of 60 Hall Crescent; and
 - Sujesh Nair, owner and occupier of 2/90 (or 90A) Witako Street.
- 1.32 Ying Qu subsequently withdrew her submission on the day prior to the hearing. However, it was agreed by the planners at the Hearing that the assessment of effects from the proposal on her property still required to be considered, as she had not provided her written approval.

Summary of the Key Concerns

- 1.33 Key concerns raised in the submission of Mr Nair can be summarised as follows:
- Loss of privacy
 - Blocked sunlight affecting health/building maintenance/property value
 - Adverse effects on the quality of the built and natural environment
 - Effects associated with the amount of impermeable surfaces proposed
 - Health and safety risks associated with the internal road space and partial pedestrian splays, and
 - Visual effects associated with the proposed signs.

The Hearing

- 1.34 The resource consent application was heard by Independent Commissioner Robert Schofield, with delegated authority to hear and decide on the resource consent applications.
- 1.35 The hearing was held at the Council Chambers, in the Council Building at Laings Road, Lower Hutt, on Tuesday 26 February 2019. The Commissioner had undertaken a site visit the previous week.
- 1.36 The following people presented submissions and evidence to the hearing:

For the applicant: Mr James Beban, Planning Consultant, Urban Edge Planning Ltd on behalf of UPL Limited Partnerships

Ms Jaime Devereux, Urban Design Consultant, Urban Edge Planning Ltd

Ms Harriet Fraser, Harriet Fraser Traffic Engineering and Transport Planning

Mr Daniel Moriarty, Senior Development Manager, Urban Plus Limited

Mr Nick Taylor, Cuttriss Consulting

Submitters: Mr Sujiesh Nair, owner and occupier of 2/90 Witako Street

For Council: Ms Anna Hanson, Senior Resource Consents Planner
Mr Bill Barclay, Consultant Traffic Engineer

- 1.37 A number of people attended the hearing as observers.
- 1.38 Following a review to determine whether any further information was required in order to make a decision, the hearing was officially closed on 26 February 2019 through Minute #1, which was circulated on 27 February 2019.

Statutory Requirements for Assessment

Relevant Statutory Provisions

- 1.39 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:
- To identify the relevant section 104 matters;
 - As part of the overall discretion in section 104B, weigh the relevant matters under section 104.
- 1.40 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.
- 1.41 Section 108 sets out the requirements for imposing conditions of consent.
- 1.42 Section 106 sets out the circumstances in which a subdivision must be declined:
- If there is a significant risk from natural hazards; or
 - If sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

Existing Environment and Permitted Baseline

- 1.43 The effects of the proposed development must be considered by reference to the nature of

the existing environment. Under Section 104(2), a consent authority may disregard an

adverse effect of the activity on the environment if the District Plan permits an activity with that effect: this is referred to as the permitted baseline.

- 1.44 The nature of the existing environment is outlined above under Section 2, and described more fully in the resource consent applications and s42A report. The main attribute of the local environment area is that it is characterised by predominantly single storeyed residential properties, with some two-storeyed houses, in a generally well vegetated setting including mature pohutukawa street trees. Even the two institutional uses on the site (WEIT and IHC) are residential in character and scale, occupying two single storeyed residential style buildings. It is against this context that the effects of the proposed 34-unit development need to be assessed.
- 1.45 In addition, the assessment of effects may be informed by the nature of effects that could occur as-of-right by development that would fully comply with the permitted activity conditions of the District Plan, and not require resource consent. 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”.
- 1.46 Subdivisions that create new allotments and that are not minor boundary adjustments require resource consent, and so do not form part of the permitted baseline. Similarly, any multi-unit development (of two or more units) requires resource consent and therefore cannot taken into consideration as part of any permitted baseline.
- 1.47 The only permitted baseline of relevance under the current District Plan rules is the development of two dwelling houses – one on each of the current lots – and accessory buildings that comply with the development standards of the District Plan. In addition, the permitted baseline includes:
- (a) Earthworks of up to 50m³ and 1.2m in height;
 - (b) Soil disturbance for testing; and
 - (c) In Witako Street, freestanding signs with a face area of 1m² per site and maximum height of 3m are permitted, while on Hall Crescent, freestanding signs with a maximum face area of 3m² per site and maximum height of 3m are permitted
- 1.48 I find, however, this permitted baseline to be of limited relevance or assistance, given it provides for a density of development that is considerably less than the existing residential development in the neighbourhood.
- 1.49 The applicant’s planner put forward the concept of an ‘anticipated development form’ in his evidence, based on the proposition that, as a controlled activity under the District Plan, any subdivision that complies with the subdivision standards has to be granted consent under s104A of the Act. He postulated that this indicates the density of development anticipated by the District Plan. Within the General Residential – Medium Density Activity Area, the subdivision standards would enable 13 lots to be created on the site as a controlled activity, with a minimum size of 300m². Each of these lots could accommodate a complying dwelling that covers 40% of each site (i.e. a building footprint of 120m²), 8m in

height, located 1m from the boundaries (subject to compliance with recession plane standards). This approach was accepted by the Council's reporting planner.

- 1.50 This comparative model of development is not a permitted baseline, as it relies upon a controlled activity subdivision consent being granted. However, I acknowledge that it does demonstrate the maximum density and scale of development that the District Plan foresees for the site through a 'standard' individual lot and dwelling development. Accordingly, I consider the use of this 'standard development model' to be an acceptable method of assessing the effects of the proposed development on the surrounding environment, given the substantial size of the application site and its associated potential capacity for containing greater development than two standard-sized residential dwellings as-of-right. I address the level of subdivision and development for the site that could be achieved through a standard development approach in paragraph 9.10 below.

District Plan Criteria

- 1.51 While it is agreed that the resource consent applications should be assessed as a full discretionary activity, some guidance is provided by the assessment criteria under Rule 4A 2.3.1, which sets out the matters of discretion for assessing residential development of 3 or more dwelling houses, as below:

Residential development of 3 or more dwelling houses.

(i) Design Guide:

Consideration shall be given to how the proposal addresses the Design Guide for Medium Density Housing (Appendix 18).

(ii) Amenity Values:

Consideration shall be given to adverse effects upon the amenity values both within the site concerned and upon surrounding residential area, including:

- The separation distance between buildings, structures and outdoor living areas on site.*
- The provision made for outdoor service and living areas for residents, and aural and visual privacy for dwelling units both on the site concerned and on adjacent sites.*
- The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular, the impact of building density (net site area, coverage), location (yards), recession planes, height and length.*

(iii) Landscaping:

The extent to which landscaping is incorporated within the overall proposal, and existing vegetation is retained to mitigate any adverse effects which may arise.

A landscape plan will be required to ensure that any adverse effects of the proposal are kept within the site concerned. This may include landscaping of any on site parking areas. Landscaping may also be used to soften the impact

of any building upon the surrounding area, adjacent sites and buildings, or to screen private living and service courts.

A landscape plan is to show the extent of the vegetation to be retained and the extent of planting to be undertaken.

- 1.52 These matters were thoroughly considered by the planners and urban designers for both the applicant and the Council, and have been taken into account in my assessment of effects from the proposal.

Assessment of Actual and Potential Environmental Effects

Scope of Assessment

- 1.53 Written approval was provided by or on behalf of the owners and occupiers of the following properties, and accordingly, under section 104(3)(a)(i), any effects arising from the proposal on those parties should be disregarded:
- Owners and occupiers of 79 and 81 Copeland Street
 - Owners and occupiers of 80, 82, 86, 88, 92, 94, 96 and 98 Witako Street
 - Owners and occupiers of 49 Hall Crescent.
- 1.54 In addition, the written approval of the following parties was also obtained:
- Occupier of 79A Copeland Street (Wellington Early Intervention Trust)
 - Owner of 76 Witako Street.
- 1.55 However, upon enquiry at the Hearing, it was determined that the owner of 79A Copeland Street had not supplied written approval, and neither had the occupier of 76 Witako Street (which is owned by Housing NZ which did provide written approval for all of its properties adjoining the site). While I was informed that, while the owner of 29A Copeland Street is currently the Hutt City Council, there is a Sale and Purchase Agreement in place with the WEIT, who did give their approval, I cannot fully disregard effects of the proposal on that property as the owner is still, in law, the City Council, nor on 76 Witako Street, although I note no submission was made by either of these parties.
- 1.56 Furthermore, as noted earlier, while the submission from Ying Qu, owner and occupier of 60 Hall Crescent, was withdrawn prior to the hearing (having reached agreement with the applicant on measures that would mitigate the effects of the development on her property), Ms Qu did not provide written approval to the proposal, and therefore the effects of the proposal on her property have to be taken into consideration in reaching a decision.
- 1.57 Accordingly, in my assessment of the effects of the proposed development, I must have regard to the effects on all of the neighbouring properties with the exception of those eleven properties listed in paragraph 9.1.
- 1.58 The submission of Sujesh Nair, owner and occupier of 2/90 (or 90A) Witako Street, outlined a broad range of concerns with the proposed development, that were addressed in the s42A report and the evidence of the applicant's planner, Mr Beban. At the hearing,

Mr Nair stated that is principal remaining concern was about the effect of construction on his property, particularly as he and his wife are expecting their first child in May.

1.59 Therefore, in terms of issues still in contention, the management of construction effects, particularly noise, is the only principal unresolved issue. As a discretionary activity, however, I am obliged to consider all relevant effects of the proposed development and subdivision, pursuant to s104. The environmental effects of the proposal were addressed comprehensively in the resource consent applications, Council's s42A report and in evidence of the Council's and applicant's planners and other advisers. I will not repeat those assessments in any detail, as I rely on the evidence for the assessment of effects on specific properties. I will, though, pay particular attention to the effects of construction, as this was the principal issue in contention, and the scale of the development is relatively large and of a long duration (I was advised 18-24 months at the Hearing).

1.60 The principal effects to consider are:

- Character and visual amenity effects
- Shading effects
- Traffic and parking
- Infrastructure and Services
- Sites of Significance
- Soil contamination
- Positive effects
- Bulk and dominance effects
- Privacy and overlooking effects
- Internal Lot Design and Layout
- Natural hazards
- Effects of earthworks
- Effects of construction
- Other matters

Character and Visual Amenity Effects

1.61 The surrounding area is generally characterised by residential development that comprises a mix of mostly detached one or two-storeyed dwellings, with a few examples of higher density housing in the neighbourhood, as well as a number of consents that have been granted for multi-unit development with undersize lots.

1.62 It was acknowledged that the density of the development is higher than anticipated by the District Plan, with most of the lots being substantially smaller than the minimum 300m² standard in the District Plan, as well as many of the dwellings having site coverage higher than the permitted 40% per net site area. The total number of units proposed (34) is well above that provided by the District Plan through a 'standard' subdivision and development as postulated by the applicant (up to 13 dwellings). However, the proposed units are not 34 separate buildings but contained within 10 buildings with between two and five units within each: a 'standard' subdivision could also yield 10 lots that could accommodate 10 larger sized dwellings of a scale comparable to the 10 buildings proposed. The proposed development will use nine different house design typologies, and so will be clearly read as different buildings.

1.63 While the scale and density of the development will be noticeable from adjoining properties, the setback of proposed buildings from the local streets as well as the screening provided by the existing intervening houses and vegetation will mean that the development will have no more than a minor impact the streetscape of Copeland Street, Hall Crescent, Witako Street or Mitchell Street, and the density of the development will not be apparent from the wider area. Views from the street to the inside of the development

area will be only directly obtained down the two proposed driveways, from which only partial views would be possible due to the configuration of the buildings and internal road.

- 1.64 As the site is zoned specifically for medium density residential use, multi-unit development can reasonably be expected for the site. When viewed from the adjoining sites, the intensity of use of the site will be noticeably greater than the development of two permitted dwellings, but the proposed buildings are of a similar scale and location on the site to what could be constructed under a standard development, in which up to 13 large dwellings could be constructed, closer to shared boundaries with adjoining properties than as proposed, and have comparable bulk to the proposed buildings. The associated visual effects will be mitigated by the setback of the buildings (at least 3.3m), screening by fencing and landscaping, modulation of buildings and gable roof form, and the layout of buildings on the site. I consider that, with the arrangement of the 34 units in 10 blocks, the bulk of the buildings would not be dissimilar to 10 larger two-storeyed residential dwellings.
- 1.65 I note that Council's consultant urban designer has reviewed the proposal and supports the proposal in terms of its fit with the Design Guide for Medium Density Housing. Dr Gjerde considers that the development will fit in well with the character of the established neighbourhood, noting that the site configuration will help to ameliorate the visual effects arising from the increased density, and I accept this advice, which concurs with the opinion of the applicant's urban designer.
- 1.66 A condition has been included allowing for Council to sign off on the final cladding and roofing materials to be used, to ensure that the materials used fit into the character of the area. I was informed that Dr Gjerde would likely provide advice to the Council on the final choice of cladding and roofing to be approved.
- 1.67 The proposed earthworks will be covered by buildings, hard surfacing or landscaping, and as such, any adverse visual effects from earthworks will be temporary.
- 1.68 The proposed signs, while larger than typical real estate signs, will not be able to be viewed at the same time, due to their separate locations. The signs will be temporary and removed when marketing of the development has been completed. A condition was recommended to require the removal of the sign following the sale of the final unit.
- 1.69 Overall, I find that the adverse character and visual effects of the proposed development will be no more than minor.

Bulk and Dominance Effects

- 1.70 The site is an internal property, with only adjoining properties being able to easily view the built form of the units. All of the proposed units comply with the 8m height limit. The tops of the gable roofs will protrude slightly into the recession plane from the site's external northwestern and northeastern external boundaries, and there will also be slight intrusions into the southeastern recession plane. However, I am satisfied that these protrusions are only minor, and will not make the buildings obtrusive in bulk and visually dominant.
- 1.71 The buildings are well modulated, articulated, and set back from external boundaries. Bulk and dominance effects of the proposal on adjoining residential properties would be similar

to those that could be generated by a more standard development of 10 to 13 dwelling houses which could be located much closer to shared external site boundaries than the proposed buildings.

- 1.72 Overall, I find that the bulk and dominance effects of the proposed buildings will be no more than minor.

Shading Effects

1.73 The proposed units breach recession planes from the internal boundaries of the proposed lots, as well as some modest encroachments on recession planes from the site's external boundaries. The application includes shading diagrams demonstrating the extent of shading generated by the proposed units at different times of the year at different times of the day. It also included the same analysis of shading that would be generated by a 'standard' development of 13 dwellings for comparison.

- 1.74 The s42a report analysed in detail the shading that will be generated by the development on individual adjoining properties and concludes that shading generated by the proposal on adjoining residential properties will either be limited in extent and duration or will be comparable to what would be generated by a standard comparative development.

1.75 While adjoining non-residential properties at 79B Copeland Street (IHC and WEIT) and the adjacent public reserve will receive more shading, the non-residential activities taking place within the sites are less sensitive than residential activities. Block F does not protrude the recession planes from the southwestern boundary. During periods where these properties are shaded, there are other parts of these properties that can be utilised for outdoor use.

1.76 Mr Nair advised that he has been provided with a computer assessment of the shading effects on his property, which has largely satisfied his concerns regarding shading.

1.77 Overall, I find that the shading effects of the proposal on any adjoining properties are no more than minor.

Privacy Effects

1.78 The proposed units are all two-storeyed, but have been designed so that all of the indoor living spaces are provided at the ground floor. Timber fences of between 1.8m to 2m high will be constructed on the external northern, southern and western boundaries of the site, which, combined with proposed landscaping, will provide screening of the ground floor internal and outdoor living spaces as viewed from adjoining properties. Upper storeys will contain bedrooms and bathrooms, which are typically used in a transitory fashion. Opportunities for overlooking will therefore be minimised. In comparison, up to 13 standard residential buildings could be developed on the site, closer to the external boundaries and with no controls on windows or the use of rooms that may overlook neighbouring properties.

1.79 Mr Nair had expressed concerns regarding potential loss of privacy to 2/90 Witako Street, given the two-storey nature of the proposed dwellings. In response, the applicant has redesigned the northwest facing windows of the upstairs bedrooms of Townhouses 16 and

17 to include a louvre system to minimise views into Mr Nair's property from these bedrooms. Mr Nair advised that this change would largely satisfy his concerns regarding privacy.

- 1.80 Overall, I find that the privacy effects of the proposed development are considered acceptable.

Traffic and Parking

- 1.81 Each of the proposed units will have an associated car park, either located within their respective allotments, or alongside the internal access driveway. Therefore, the development will provide parking within the development at the rate required by the District Plan (one per dwelling). Six visitor parks are also to be provided. Vehicles will access the site from either the Copeland Street or Hall Crescent driveway. The applicant's traffic consultant considered that traffic flows onto the street to/from the development should be split 50/50, spreading the amount of traffic movements generated by the development between these two streets.

1.82 The traffic and parking components of the development have been assessed by the applicant's traffic engineer and the Council's traffic consultant, and both find the proposed design and layout to be acceptable from a traffic movement and safety perspective.

- 1.83 The demand for street parking as overspill from the development will largely be during evenings and weekends, at which times there is sufficient space to accommodate any overspill of cars on surrounding streets.

- 1.84 I am satisfied that the sharing of six visitor car parks by the IHC and WEIT during working hours would be a workable arrangement, as most residential visitors would come outside normal working hours.

1.85 Mr Nair's submission raised concerns with increased traffic volumes on the local streets resulting from the proposed development. Ms Fraser provided a report with the application that details the expected traffic volumes from the development, noting that, at the busiest times, each of the two-way accesses is expected to have 15 to 20 vehicle movements per hour, with the site lending itself to vehicles exiting via the closer of the two exits to the residents' car parks. Over the course of an hour, Ms Fraser was satisfied that 15 to 20 additional vehicle movements will not contribute substantially to overall traffic volumes of either Hall Crescent or Copeland Street, particularly noting their secondary collector function. Night-time use of these accesses is expected to be low, given the proposed residential use of the site. The proximity of the site to the Eponi railway station and bus routes should also assist in reducing traffic generation from the site. A comparative 'standard' development of 13 dwellings on the site would also generate traffic movements on and off the site onto the local roads.

- 1.86 Mr Nair's submission expressed concern over the potential loss of safety associated with increased vehicle movements and reduced pedestrian splays. Ms Fraser's report details the existing traffic safety environment, and recommended that pedestrian splays be provided to as close to the full requirement as possible. The applicant subsequently updated the plans to provide the landscaping strip recommended in Ms Fraser's report to

improve the pedestrian splay of the Copeland Street access. Council's traffic consultant considers that the splays as proposed will be acceptable, noting that reduced pedestrian splays do not tend to result in substantial hazards.

- 1.87 Although a differentiated footpath will be provided, it will be at the same level as the road way and thus the internal accessway will act as a shared space for pedestrians and vehicles. Both traffic experts were satisfied that the variety of pavement treatments proposed, and presence of angle parking, would raise visual awareness by drivers and contribute to lower travel speeds within the site. They were satisfied that the access road would safely act as a shared space.
- 1.88 Truck use of the accessways was discussed at the hearing, and I note that rubbish collection will be the main truck usage, with trucks encouraged to use the Copeland Street accessway. The road was designed to enable two-way traffic to negotiate the bends on-site. Should a large truck need to park on the access road temporarily, residents would be able to use either street entrance to exit or enter to reach their car park.
- 1.89 On the basis of the information and advice provided by Mr Barclay and Ms Fraser, I consider that the proposal will not result in an inappropriate loss of pedestrian, cyclist or motorist safety. I am also satisfied that the proposed width of the internal access road will be acceptable, allowing for adequate passage and manoeuvring of vehicles and pedestrians.
- 1.90 I note that Mr Nair indicated at the hearing that his concerns regarding traffic and related safety issues had largely been satisfied.
- 1.91 Overall, I find that the traffic and parking effects of the proposed development are no more than minor and acceptable, subject to the imposition of the recommended conditions.

Subdivision Design and Layout

- 1.92 All of the proposed dwellings will have suitable legal and physical vehicle and pedestrian access to the Hall Crescent and Copeland Street carriageways via the access lot, which will be managed via a Residents' Society Incorporated. The proposed lots will be of a suitable size and shape to accommodate the proposed dwellings, car parking (either within residential lots or as car parking lots to be amalgamated with residential allotments), outdoor living areas and landscaping. Outdoor living spaces have been orientated to receive an adequate amount of sunlight/daylight. Dr Gjerde has assessed the proposal as being consistent with the Design Guide for Medium Density Housing.
- 1.93 I find that the design and layout of the subdivision will be acceptable and provide an acceptable quality of environment for its residents.

Infrastructure and Services

- 1.94 The proposed subdivision will be serviced utilising existing infrastructure, with new services being provided where required. The servicing of the proposed subdivision has been reviewed by the Council's subdivisions engineer, who considers that the units can be serviced appropriately, subject to the imposition of appropriate conditions.

- 1.95 The proposed development will be stormwater neutral, with attenuation tanks aiding in the appropriate stormwater management on the site. Neither Council nor Wellington Water engineers have raised concerns with the development's impact on infrastructure capacity, with new infrastructure being provided where existing is not suitable.
- 1.96 Mr Nair's submission raised some concerns with respect to the potential strain of the development on existing infrastructure, stormwater runoff, the amount of impermeable surfaces within the development, pollution of surface water and erosion of stream banks, flooding of surface water, impact on the water table and the heat island effect. Mr Nair indicated at the hearing that his concerns had largely been satisfied.
- 1.97 I accept the evidence presented that the proposed units are capable of being appropriately serviced, and that the engineering/infrastructure components of the proposal will have negligible effects.

Natural Hazards

- 1.98 The proposed earthworks will have a low depth/height (approximately 0.3m at most), spread across the site. Council holds no record of erosion or landslips for the application site and the site is not located within the Wellington Fault Special Study Area. The advice I received was that the earthworks will neither exacerbate an existing hazard, nor create any new natural hazard.
- 1.99 In regard to flooding risks, part of the Copeland Street accessway is within the 23% Annual Exceedance Probability area (1:440-year flood overlay). Greater Wellington Regional Council do not require minimum floor levels outside of the 1:100 flood extents, and the area of the site to which the flooding overlay extends is not in that part of the site to contain residential dwellings. Given these factors as well as the proposed stormwater management system and the low height of proposed earthworks, I find that the proposed development will not exacerbate existing natural hazards, and that risk to the development from natural hazards is low.

Protection of Significant Sites

- 1.100 The site is not a recorded site of significance, nor does it have any significant cultural, natural or archaeological District Plan notations. The site is not a statutory acknowledgement area. It is considered that the likelihood of development disinterring any objects of taonga of significance to iwi is minimal.

Effects of Earthworks

- 1.101 While a large volume of earthworks is proposed (1,130m³ of cut and 230m³ of fill), the depth/height will be low (an average of 0.3m across the site). Such earthworks are commonly required to ensure suitable building platforms.
- 1.102 Following construction, the earthworks areas will be screened by buildings, hardscaping or landscaping, and there will be no visible scarring post construction. The construction effects of earthworks can be managed during the construction phase to ensure that dust and runoff are controlled.

- 1.103 I accept that conditions of consent relating to earthworks management, landscaping and a construction management and earthworks plan will suitably manage and mitigate any temporary earthworks effects during the earthworks and construction phase, to an acceptable level.

Soil Contamination

- 1.104 A portion of the application site (the former bowling greens) is listed on the Hazardous Activities and Industries List (HAIL) and has testing has found this site to contain contaminated soil. Remediation of the site has been carried out, in accordance with resource consent RM180402 that was granted consent on 6 December 2018. However, the site validation reports have not yet been provided to confirm that soil contaminants are at background concentrations and the site is suitable for residential use.
- 1.105 As a condition of consent, prior to certification of the earlier subdivision (RM180167), a site validation report will need to be provided confirming that the soil has been remediated. As such, the site will need to be remediated prior to the current subdivision or residential development taking place. The applicant has proffered a similar condition requiring remediation of the site.
- 1.106 I am satisfied that this is an appropriate approach to minimise risks, and that the site can be remediated to be suitable for the residential use proposed.

Effects on Recreational Values

- 1.107 The proposal includes the use of two temporary advertising signs, one at each of the entrances to the site. The proposed sign at 51 Hall Crescent will be located within that part of the property that is zoned General Recreation and which will provide access to the Reserve from Hall Crescent. Given the temporary nature of the signs, I consider that any adverse effects on the recreational values and use of the reserve will be less than minor.
- 1.108 In terms of any effects of the proposed development on the amenity and use of the Reserve, only Blocks H and I will be adjacent to the park. These two blocks will be set back from the boundary with the Reserve, which is located to the northeast of the proposed development. The buildings will therefore have little shading effect on the proposed park, except late in the day; such shading would be comparable to those effects generated by a 'standard development' occurring on the site. The proposed pedestrian accessway between Blocks H and I will enable access to the Reserve, thereby promoting its use and value to local residents.
- 1.109 While some of the units will have views of the park, such views are comparable to any two-storeyed dwelling adjoining the Reserve and would have the benefit of providing passive surveillance of the park.
- 1.110 Therefore, I am satisfied the any adverse effects of the proposed development on the amenity values and open space character of the Reserve will be less than minor.

Temporary Construction Effects

- 1.111 Mr Nair's primary remaining concern related to the potential construction effects associated with the undertaking of earthworks and construction of 34 dwellings and the effects on the amenity of his property. Mr Nair elaborated on these concerns at the hearing, noting the quiet nature of the area at the time he and his wife moved there around 12 months ago with the intention of starting a family. The couple are now expecting their first child in May 2019 and are very concerned at the prospect of getting baby to sleep while construction noise continues for possibly up to two years.
- 1.112 In response, Mr Beban and Mr Moriarty representing the applicant advised that the staging of the project would be compressed as much as possible to minimise the construction effects, with the main noise effects being those associated with the civil works required at the start of the project, which is planned to commence as soon as possible. Framing for the buildings will be undertaken off-site, and erecting the framing on-site is expected to take three or four days per building, based on Urban Plus's experience with a similar development. The construction of each building is expected to take four to six months, depending on available resources.
- 1.113 For Mr Nair's property, the noise effects of construction will be largely confined to the building of blocks D and E, the latter directly in line of sight with his property. In comparative terms, a 'standard' subdivision and development of the site would likely bring the construction of buildings close to Mr Nair's property, particularly if the buildings were as close to 1m from the boundary as permitted by the District Plan. The other blocks in the proposed development are at a greater distance from Mr Nair's property, reducing any noise effects. Overall, I am satisfied that the the construction effects of the proposed development would not be unusually deleterious or distressing than those that would occur through a standard development of the site, which could also occur over two or more years if developed individually by separate owners.
- 1.114 The effects of construction, including traffic, noise, vibration, dust and sediment runoff, are temporary and able to be managed through appropriate on-site construction practices. All construction must be carried out in accordance with NZS 6803:1999 Acoustics – Construction Noise, a nationwide standard to which all construction must adhere. Noise and vibration effects are also controlled by s16 of the Act, which requires that the best practicable option be adopted to ensure that the emission of noise and vibration does not exceed a reasonable level.
- 1.115 Through the conditions recommended by the applicant and Council, Mr Nair will be able to comment on the draft Construction Management Plan for the site, and Council will be able to take these comments into account when approving the plan.
- 1.116 On this basis, and with the imposition of conditions with respect to the approval of and adherence to a Construction Management Plan, earthworks management, construction noise and traffic management, I consider that the effects of construction will be mitigated to an acceptable level.

Positive Effects

- 1.117 The proposed development will provide an additional 34 dwellings to the local housing market on a site specifically zoned for medium density residential use. It will provide another choice in the types of housing available in the City. It is also noted that the site is situated close to public transport routes and other amenities and would promote their use.

Other Matters

- 1.118 The applicant seeks to cancel conditions 15, 16 and 17 of RM180167 if the survey plans for those lots have not been deposited at the time consent to the current resource consent applications is granted, or if they have, vary the consent notices associated with those same conditions under section 221. The applicant has confirmed that the reason for applying for both the s127 cancellation and s221 cancellation is that it is uncertain what stage the certification of RM180167 will be at when the titles for the subject development are applied for. If s224(c) for RM180167 has not been sought, then the s127 to vary the decision through cancellation of conditions will apply. If s224(c) has been sought for RM180167, then the s221 cancellation of the consent notice to approved Lot 3 will apply.
- 1.119 I consider that it is appropriate to cancel these conditions/consent notices as the matters which they seek to control can be managed through the current proposed subdivision. The cancellation of the conditions/consent notices will have negligible effects on any specific persons, as the matters to which the conditions/consent notices relate will effectively be transferred to the current application process.

Assessment against Relevant Planning Instruments

City of Lower Hutt District Plan

- 1.120 The relevant objectives and policies of the City of Lower Hutt District Plan relate to the following matters:
- Residential character and amenity values
 - Providing for medium density development in areas around commercial centres, and along major transport routes where developments can be appropriately serviced
 - Avoiding, mitigating or remedying effects of higher density development, building height and location on amenity values of the surrounding area
 - Maintaining the open space character and amenity values of recreation areas
 - Allotment design and engineering
 - Avoiding or mitigating effects on natural hazards
 - Managing the effects of earthworks
 - Maintaining the safety and efficiency of the transport network, and
 - Minimising the effects of signage on amenity values and traffic safety.

- 1.121 I have set out the relevant objectives and policies below with an assessment of the proposal against them.

4A 1.1.1 – Residential Character and Amenity Values

Objective

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

Policy

a) That opportunity be provided for a diversity of residential activities. ...

c) To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.

- 1.122 The proposed development is residential in character, with the multi-unit typology being consistent with the type of development foreseen for the site by its General Residential Activity Area – Medium Density zoning. While the density of the proposed development is in contrast to the low-density form of existing residential development in the neighbourhood, the medium density zoning anticipates a higher density than an average standard residential development under its former General Residential zoning, provided it meets the guidelines in the Design Guide for Medium Density Housing.
- 1.123 Dr Gjerde, consultant urban designer to the Council, has undertaken an assessment of the proposal against this Design Guide, in addition to that provided by the applicant. The proposed development is supported by Dr Gjerde as being generally consistent with the provisions of the Design Guide. While he had some initial concerns regarding the lack of landscaping provided in favour of vehicle parking and circulation, these were alleviated by replacement of two of the visitor car parks with landscaping.
- 1.124 While the proposal does not comply with the net site area under the permitted activity standards for dwelling houses, both the applicant's and Councils urban design advisers considered the layout, orientation, use of outdoor living spaces together with the proposed landscape treatment will provide an acceptable level of amenity for its residents.
- 1.125 I accept the evidence that the development aligns with the Design Guide for multi-unit development and should fit well within the established neighbourhood, and accordingly find that the proposal meets Objective 4A 1.1.1 and associated relevant policies.

4A 1.1.2 – 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 affected adversely and where there is appropriate servicing of development.

Policy

- 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) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.*

- 1.126 The application site has good public transport connections, being located within close walking proximity to bus stops on Oxford Terrace and the Epuni train station.
- 1.127 While the proposal does not fully comply with the bulk and location standards, many of these non-compliances are minor in nature or are internal, and the proposed buildings are set back from external boundaries to provide sufficient separation distance between the proposed development and any neighbouring properties. The grouping of the units, coupled with the modulation of units and roofs, as well as screening provided by fencing and landscaping will sufficiently mitigate the density and scale of the development. The proposal is consistent with the intentions and criteria of the Design Guide, as confirmed by Dr Gjerde.
- 1.128 I find that the development will be consistent with Objective 4A 1.1.2 and associated policies.

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.

Policy

- 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.

h) To ensure that the developments are in general accordance with the Design Guide for Medium Density Housing (Appendix 19) to control other aspects of design, such as quality of on-site amenity, integration of buildings and landscaping in respect to open space and compatibility with surrounding development patterns and low environmental impact.

- 1.129 Compliance with permitted activity standards, including net site area, is not a matter of discretion under the assessment criteria for multi-unit development (Rule 4A 2.3.1, outlined in paragraph 8.13). Irrespective of this, while the density of the development is higher than that of the surrounding area, the zone foresees multi-unit housing for the application site, with the use of a design guide to determine the suitability and acceptability of any proposal. Against that Guide, Council's urban designer considers the proposed net site areas are of sufficient size and shape to support their intended use and provide an acceptable level of amenity for future residents. Additionally, the reporting planner has assessed the non-compliances in detail, concluding that, while some properties will be affected by the proposal to a minor degree, on balance the effects of the development on character, visual amenity, privacy and shading are acceptable.
- 1.130 The minimum permeable surface standard will not be met by the proposal. In response, the applicant proposes to attenuate the effects of additional stormwater runoff effects of the impermeable surfaces will be managed through the provision of adequate stormwater infrastructure (attenuation tanks and stormwater collection points). Council engineers have confirmed the feasibility of this solution as a means to satisfactorily mitigate the stormwater runoff.
- 1.131 The landscaping of the site has been assessed by Dr Gjerde as appropriate, following changes to the proposal.
- 1.132 Properties in the surrounding neighbourhood largely contain single storeyed dwellings, and some two-storeyed properties. The proposed dwellings will be two storeys, with a height of up to 8m, the maximum permitted height in the zone. While the net site areas of the properties are smaller than the District Plan prescribes, all of the units will meet the height standards of the Plan. The development has been laid out in a way that the proposed dwellings will be adequately sited within their respective lots, with sufficient yard and car parking areas provided. The proposed development will meet the design guidelines for multi-unit residential development and will appropriately integrate into the surrounding character, noting also that the surrounding character is likely to evolve over time to reflect the District Plan's policies to enable medium density development in this part of the City.
- 1.133 Overall, I find that the development is consistent with Objective 4A 1.2.1 and associated policies in respect of building height, scale, intensity and location.

7A 1.1.4 – Non-Recreational Activities [in the General Recreation Activity Area]

Objective

To ensure that non-recreational activities have adverse effects which are no more than minor.

Policy

To restrict the range and nature of non-recreational activities to those which will not affect adversely the open space character and amenity values of Recreation Activity A

- 1.134 The proposal to erect a temporary advertising sign by the proposed Hall Crescent entrance will occupy a very small part of this part of the General Recreation Activity Area. This activity will have no permanent adverse impact on the recreational use of the land, its open space character or amenity values.
- 1.135 The development of 34 new residential units, together with a formed accessway to the Reserve between Blocks H and I, will promote the recreational use of the land, and provide passive surveillance of the park, promoting safety.
- 1.136 Overall, I therefore find that the development is consistent with the objectives and policies for the General Recreation Activity Area.

– 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.

- 1.137 The proposed lots will not meet the minimum lot size (300m²) or shape factor requirements of the District Plan, many by a significant amount. However, the applicant has provided dwelling designs with the application that demonstrate that the development has been comprehensively designed and laid out to make efficient use of the site, while also providing for specific residential units suitable for residential use, with appropriate outdoor yard spaces. Although the minimum standards will not be met, I am satisfied that the design and layout of the development ensures that the land can be used for the proposed use and development. Accordingly, I find that the proposed subdivision is

consistent with Objective 11.1.1 and its associated policy.

- 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.

- 1.138 Each of the lots will be adequately served by stormwater, water supply and wastewater infrastructure. Conditions of consent suggested by the Council's subdivisions engineer will ensure compliance with the performance standards for stormwater, water supply, wastewater, gas and telecommunications. The proposed development is therefore consistent with Objective 11.1.2 and its associated policy.

- Natural Hazards

Objective

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

Policy

- a) Subdivision of land within the Wellington Fault Special Study Area should be managed to ensure that the allotments are of sufficient size and shape so that buildings and structures are not sited within twenty metres of a faultline.*
- b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.*
- c) Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.*

- 1.139 The Council holds no record of erosion or landslips for the application site and the site is not located within the Wellington Fault Special Study Area. A portion of the Copeland Street accessway is within a flood hazard area, but this does not extend to the portion of the site where residential units are proposed. Council's subdivisions engineer has not highlighted any concerns with the proposed development changing or exacerbating flooding in the area. Stormwater management has been designed for the development to allow for appropriate draining of surface water.

- 1.140 Accordingly, I find that the proposal is consistent with Objective 11.1.3 and associated policies.

14A 3 - Transport - Objectives

Objective 14A 3.1

A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.

Objective 14A 3.2

Adverse effects from the construction, maintenance and development of the transport network on the adjacent environment are managed.

Objective 14A 3.3

Reverse sensitivity effects on the transport network from sensitive activities are managed.

Objective 14A 3.4

Adverse effects on the safety and efficiency of the transport network from land use and development that generate high volumes of traffic are managed.

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.

14A 4 – Transport - Policies

Policy 14A 4.1

Additions and upgrades to the transport network should seek to improve connectivity across all modes and be designed to meet industry standards that ensure that the safety, efficiency and resilience of the transport network are maintained.

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 and, where appropriate, should:

- *seek to improve connectivity within and between communities; and*
- *enable walking, cycling and access to public transport.*

Policy 14A 4.3

The transport network should be located and designed to avoid, remedy or mitigate adverse effects on the adjacent environment.

Policy 14A 4.4

Land use, subdivision or development containing noise sensitive activities should be designed and located to avoid, remedy or mitigate adverse effects which may arise from the transport network.

Policy 14A 4.5

Any activity that is a High Trip Generator must be assessed on a case by case basis. Adverse effects of High Trip Generators on the safety and efficiency of the transport network should be managed through the design and location of the land use, subdivision or development.

Policy 14A 4.6

Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.

Policy 14A 4.7

The transport network, land use, subdivision and development should provide for all transport modes.

- 1.141 Each of the proposed 34 residential units will have an associated car park will have at least one carpark located either on-site or located adjacent, on the internal access road. This meets the requirements of the District Plan. Six visitor car parks will be provided. While the internal accessway is under width in relation to the District Plan standards, and full pedestrian splays will not be provided at the Copeland Street or Hall Crescent entrances, both the applicant's and Council's traffic experts are satisfied the design of the internal road, parking and entrances will provide safe and efficient access to and from the site. The location of the development is such that bus stops and train stations are located within close walking distance, thus reducing the reliance on private vehicle use.
- 1.142 Overall, I find that the proposal is consistent with the objectives and policies of Chapter 14A - Transport.

Signs

14B 1.1 – Amenity Values

Objective

To provide for appropriate signs, while avoiding, remedying or mitigating any significant adverse effects on visual amenity values of the area in which they are located.

Policy

- a) *To allow a wide range of signs within the commercial and business activity areas, while protecting visual amenity values.*
- b) *To restrict the size, location and frequency of signs in activity areas where visual amenity values are sensitive.*
- c) *To manage the size, location, frequency and appearance of signs at the interface between commercial/industrial activity areas, and all other activity areas.*
- d) *To manage illuminated signs to ensure the containment of light spill and glare within the boundaries of the site concerned.*
- e) *To ensure that lettering on signs is neat in appearance, and legible.*
- f) *To protect identified Urupa sites from inappropriate signs on neighbouring sites.*
- g) *To manage the adverse effects of off-site signs in residential areas.*

14B 1.2 – Traffic Safety and Visibility

Objective

To ensure that signs do not interfere with the safe and efficient use of all roads, cycle ways and pedestrian ways.

Policy

- a) *To discourage all signs being located where they will obstruct a roadway, pedestrian, cycle way, or obstruct drivers' vision of an intersection or driveway.*
- b) *To encourage the use of directory boards to avoid a visual clutter of signs on one site.*
- c) *To manage the illumination of signs to ensure they do not distract drivers.*

14B 1.4 – Temporary Signs

Objective

To ensure that temporary signs do not affect adversely visual amenity values or traffic safety.

Policy

- a) *To manage the location, appearance and frequency of temporary signs.*
- b) *To discourage the location of temporary signs where they may physically obstruct the roadway, cycle ways and pedestrian ways.*

- 1.143 The proposal includes the erection of two 8.64m² temporary signs to advertise the proposed development, one by the side of each entranceway. The signs will not be illuminated, and their size will allow for legibility of the advertising message. There are no urupā in the vicinity that would be affected by the signage. While the signs are admittedly larger than typical real estate signs, the separation between the two will mean that there is no proliferation of signage from most viewpoints. The primary mitigating factor for the signs is that they will only be in place for a temporary period, while the units are being advertised for sale. Any associated effects on visual amenity will therefore be temporary.
- 1.144 The signs will be located on the side of each entrance so as not to obstruct pedestrians or vehicles entering or exiting the site. The signs will not obstruct visibility of intersections or driveways. Given their size, the signage will be legible, thereby not being a safety hazard.
- 1.145 Accordingly, I find that the proposed signage is consistent with the objectives and associated policies for signs.

Earthworks

14I 1.1 – Natural Character

Objective

To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.

Policy

- a) *To ensure that earthworks are designed to be sympathetic to the natural*

topography.

- b) To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.*

14I 1.2 - Amenity, Cultural and Historical Values

Objective

To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.

Policy

- a) *To protect the visual amenity values of land which provides a visual backdrop to the City.*
- b) *That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.*
- c) *To protect any sites with historical significance from inappropriate earthworks.*
- d) *To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.*

- 1.146 The proposed earthworks consist of cuts and fill with a maximum change in level of 0.3m. Given the low depth/height of the earthworks across the site, the earthworks will not adversely impact on natural topography of the area. There are no significant escarpments, steep hillside areas or coastal environment within the subject site.
- 1.147 The site is not registered as having any cultural, archaeological or historical significance. The low height of the earthworks and the screening provided by the proposed dwellings and hard and soft landscaping will mean that any visual amenity effects of earthworks will be temporary and therefore acceptable.
- 1.148 Accordingly, I find that the proposal is consistent with the objectives and policies for earthworks.

Other Planning Instruments

- 1.149 For the reasons outlined in the s42 report, I am satisfied that the proposal is consistent with the relevant provisions of the following documents:
- Regional Policy Statement for the Wellington Region
 - National Policy Statement on Urban Development Capacity 2016
- 1.150 In particular, the proposal is consistent with the policies of the National Policy Statement on Urban Development Capacity, which seeks to have urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide 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.
- 1.151 There are no relevant National Environmental Standards or other regulations.

1.152 The application has been assessed against the objectives and policies set out in Proposed Change 43 to the City of Lower Hutt District Plan relating to the provision of medium density housing while managing the effects associated with the height, form, bulk and location of medium density buildings on surrounding sites. While these provisions do not

have legal effect, as no decision has yet been made, I am satisfied that the proposal is aligned with the objectives and policies of that Plan Change.

Other Matters

Residents' Society

1.153 The common assets of development are proposed to be managed and maintained by a residents' society, including the stormwater retention system, the hard and soft landscaping, the road and footpaths.

1.154 I was informed that the use of resident's societies as a mechanism to provide for the management and maintenance of shared services such as car parking, access, landscaping and stormwater drainage is increasingly used elsewhere in the Hutt Valley and NZ to deal with common freehold multi-unit developments such as this proposal. It is the equivalent to Body Corporates used for unit title developments. The applicant provided some examples around New Zealand, including Kensington Mews in Petone, one of the applicant's recent developments. I was advised that the society would be formed once the first 15 sale and purchase agreements for the units become unconditional.

1.155 I was satisfied that the requirement to form a residents' society for the proposed development was an appropriate and feasible mechanism for managing the common assets.

S106 Natural Hazards

1.156 Section 106 of the Act provides that a territorial local authority may refuse to grant subdivision consent if it considers that:

- a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or
- b) 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
- c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

1.157 Based on the evidence before, I consider that there is no justification to refuse to grant consent under s106.

Part 2 of the Resource Management Act

1.158 Finally, in considering these applications for resource consent and the submissions received, I turn to Part 2 of the Act.

1.159 Part 2 includes –

- The overarching purpose of the Act (section 5)

- Matters of national importance for which the consent authorities must recognise and provide (section 6)
- Other matters to which the consent authority must have particular regard (section 7), and
- The principles of the Treaty of Waitangi which must be taken into account (section 8).

1.160 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”. In considering all of the evidence before me, I find that the proposal will provide additional housing while managing the natural and physical resources and also meet the needs of future generations, consistent with the intent of Part 2. The proposal also has positive effects, particularly with regard to the provision of additional residential units to the local housing market to provide additional housing choice, and making efficient use of serviced and flat land specifically zoned for medium density housing.

1.161 None of the matters of national importance under section 6 of the Act are relevant to the proposal.

1.162 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.

1.163 The proposal represents an efficient use and development of the site, would provide a good level of amenity values through the application of urban design principles to well-designed dwellings and comprehensive landscaping, thereby maintaining the quality of the local environment.

1.164 Section 8 of the Act requires that Council shall take into account the principles of the Treaty of Waitangi in undertaking its functions. In this regard, the application site does not form part of, nor is it adjacent to, any land that is subject to the Port Nicholson Block Settlement Act 2009. There are no registered sites of significance to iwi on the land.

1.165 Overall, I consider the proposal to be consistent with Part 2 of the Resource Management Act 1991.

Conclusion and Decision

1.166 Having considered all the evidence and information before me, I have concluded that the proposed 34-unit development with associated earthworks, signage and subdivision would promote the sustainable management of the City’s natural and physical resources.

1.167 Accordingly, acting under delegated authority from Council and pursuant to sections 104, 104B, and 108 of the Resource Management Act 1991, my decision is to **GRANT CONSENT**, subject to conditions, to the resource consent applications made by Urban Edge Planning Ltd on behalf of UPL Limited Partnerships to undertake a comprehensive redevelopment of the site at 96A Witako Street, 79B Copeland Street and 51 Hall Crescent, Lower Hutt.

1.168 This decision is made for the reasons discussed above and, in summary, because:

- (a) The proposal is a well-designed multi-unit development that is consistent with the Councils Design Guide;
- (b) The proposed development would enable people and communities to provide for their well-being and their health and safety;
- (c) The activity is unlikely to have any significant adverse effects on the environment, subject to compliance with the conditions;
- (d) The activity is consistent with the policies of the operative City of Lower Hutt District Plan; and
- (e) The activity is consistent with the purpose and principles of the Resource Management Act 1991.

1.169 The resource consent conditions are set out in **Appendix 1**.



Robert Schofield
Commissioner

Dated this 14th day of March 2019

APPENDIX 1 – CONDITIONS OF CONSENT

Subdivision Conditions

- 1) That the proposal is carried out substantially in accordance with the information and the following approved plans submitted with the application and held on file at Council:
 - Plans by Cuttriss entitled, “Proposed Subdivision of Lot 3 LT 526416 (RM180167) 79 Copeland Street Epuni, Lower Hutt”, all Rev. B, all dated 02/19.
 - Overall Layout, Plan 22183 SCH, Sheet 1 of 20;
 - Existing Site, Plan 22183 SCH, Sheet 2 of 20;
 - Earthworks Plan, Plan 22183 SCH, Sheet 3 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 4 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 5 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 6 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 7 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 8 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 9 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 10 of 20;
 - Sewer Plan, Plan 22183 SCH, Sheet 11 of 20;
 - Sewer Plan – Long Sections, Plan 22183 SCH, Sheet 12 of 20;
 - Stormwater Plan, Plan 22183 SCH, Sheet 13 of 20;
 - Stormwater Plan – Long Sections, Plan 22183 SCH, Sheet 14 of 20;
 - Water Plan, Plan 22183 SCH, Sheet 15 of 20;
 - Roading Plan, Sheet No. 22183 SCH, Sheet 16 of 20;
 - Roading Cross Sections, Plan 22183 SCH, Sheet 17 of 20;
 - Roading Long Sections, Plan 22183 SCH, Sheet 18 of 20;
 - Vehicle Turning Path, 85% Car, Plan 22183 SCH, Sheet 19 of 20; and,
 - Vehicle Turning Path, 8m Rigid Truck, Plan 22183 SCH, Sheet 20 of 20.
 - Earthworks Plans by Cuttriss entitled, “Lot 11 DP 25931 Copeland Street Epuni, Lower Hutt”, Sheets 1 of 5, to 5 of 5, all Rev B, all dated 07/2018.
 - Plans by Solari Architects entitled, “Copeland Street Townhouses”, Project No.1806:
 - Existing Site and Demolition Plan, Plan A-011A, dated 05/07/2018;
 - Proposed Site Plan – Wider Context, Plan A-020A, dated 05/07/2018;
 - Proposed Site Plan – Ground Floor, Plan A-021B, dated 27/08/2018;
 - Proposed Site Plan – GF Part 2, Plan 022B, dated 27/08/2018;
 - Proposed Site Plan – First Floor, Plan A-023A, dated 05/07/2018;
 - Proposed Site Plan – FF Part 2, Plan A-024A, dated 05/07/2018;
 - Proposed Hardscaping, Plan A-025A, dated 05/07/2018;
 - Proposed Hardscaping Part 2, Plan A-026A, dated 05/07/2018;
 - Proposed Boundary Treatment, Plan A-027A, dated 05/07/2018;
 - Proposed Boundary Treatment Part 2, Plan A-028A, dated 05/07/2018;
 - Block B Ground Floor Plan, Plan A-040A, dated 05/07/2018;
 - Block B First Floor Plan, Plan A-041A, dated 05/07/2018;
 - Block E Ground Floor Plan, Plan A-042A, dated 05/07/2018;
 - Block E First Floor Plan, Plan A-043A, dated 05/07/2018;
 - Block F Ground Floor Plan, Plan A-044A, dated 05/07/2018;
 - Block F First Floor Plan, Plan A-045A, dated 05/07/2018;
 - Block G Ground Floor Plan, Plan A-046A, dated 05/07/2018;

- Block G First Floor Plan, Plan A-047A, dated 05/07/2018;
 - Block I Ground Floor Plan, Plan A-048A, dated 05/07/2018;
 - Block I First Floor Plan, Plan A-049A, dated 05/07/2018;
 - Block A Elevations, Plan A-050A, dated 05/07/2018;
 - Block B Elevations, Plan A-051A, dated 05/07/2018;
 - Block C Elevations, Plan A-052, dated 05/07/2018;
 - Block D Elevations, Plan A-052, dated 05/07/2018;
 - Block E Elevations, Plan A-054A, dated 05/07/2018 (version including louvres to upstairs windows of Townhouses on Lots 16 and 17);
 - Block F Elevations, Plan A-055A, dated 05/07/2018;
 - Block G Elevations, Plan A-056A, dated 05/07/2018;
 - Block H Elevations Plan A-057A, dated 05/07/2018;
 - Block I Elevations, Plan A-058A, dated 05/07/2018;
 - Site Elevations, Plan A-070A, dated 05/07/2018;
 - Site Elevations, Plan A-071A, dated 05/07/2018;
 - Recession Planes, Plan A-080A, dated 05/07/2018;
 - Recession Planes, Plan A-081A, dated 05/07/2018;
 - 3D Height Plane, Plan A-082A, dated 05/07/2018;
 - Signage Location, Plan A-114B, dated 27/08/2018;
 - Proposed Site Plan – Compliance, Plan A-115A, dated 05/07/2018 (note this doesn't show the revised landscaping and car parking in the internal accessway);
 - Permeability Plan, Plan A-132, dated 30/08/2018; and,
 - Site Plan – Ground Floor, Plan A-133, dated 12/09/2018.
- Plans by David Goodyear Landscape Architect entitled, “Copeland Street Townhouses”, Project No. 2762, Plan Nos. 1 and 2, both dated 15/09/2018”.

Possible Staging:

Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 will be issued for this proposal in a series of stages provided that the following criteria are met:

- Each individual allotment must be consistent with the proposal as approved and must have legal access to a legal road;
- Each allotment shown on any survey plan, including any balance allotment, must be adequately serviced as required by the Hutt City Council Subdivisions Engineer and in terms of the relevant conditions set out in this decision; and,
- Relevant engineering conditions must be met as decided by the Subdivision Engineer and payment of any applicable development contribution pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a certificate pursuant to s224(c) of the Act.

Note: This condition addresses an essential administrative matter.

2) The following amalgamation condition is to be endorsed on the Digital Title Plan:

That individual Computer Freehold Registers be issued in accordance therewith.

To be imposed under s220(1)(b)(iii):

- *Lots 6 and 35 hereon must be held in one Computer Freehold Register.*
- *Lots 7 and 36 hereon must be held in one Computer Freehold Register.*

- Lots 9 and 37 hereon must be held in one Computer Freehold Register.
- Lots 10 and 38 hereon must be held in one Computer Freehold Register.
- Lots 11 and 39 hereon must be held in one Computer Freehold Register.
- Lots 21 and 40 hereon must be held in one Computer Freehold Register.
- Lots 22 and 41 hereon must be held in one Computer Freehold Register.
- Lots 23 and 42 hereon must be held in one Computer Freehold Register.
- Lots 24 and 43 hereon must be held in one Computer Freehold Register.
- Lots 25 and 44 hereon must be held in one Computer Freehold Register.
- LINZ Request No. 1575173

Note: This condition is necessary to legally tie residential and car parking lots together.

3) The consent holder shall pay a contribution to Council's Reserves Purchases and Development Account at Council's standard rate of 7.5% of the value of the additional residential allotments or capped at \$10,000 per allotment whichever is the lesser. The amounts required will be determined on the basis of a market value assessment from a registered valuer. It is the consent holder's responsibility to instruct the valuer and supply Council with this assessment. The amount to be paid will be determined when the consent holder submits the qualified valuer's assessment.

Note: This condition addresses an essential administrative matter.

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

Important notes:

- *When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$150 per hour.*
- *Notification of work commencing is separate to arranging building inspections.*

Note: This condition addresses an essential administrative matter

5) That the consent holder pays Council an engineering fee to meet the cost of work carried out by Council subdivision engineer in assessing, inspecting, testing and approving water, sewer and stormwater services, access or any other aspect of the proposal so assessed by the engineer or any representatives of the engineer (as distinct from work which must be monitored as a result of any building consent). That fee is 1.19% 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. Payment is necessary before or at the time of applying for a section 224(c) certificate.

6) That the consent holder constructs the street entrance, private way, including heavy-duty vehicle crossings at the entrances, individual lot standard vehicle crossings where required,

car parks and necessary stormwater control in accordance with Council's codes and standards.

Please note:

The existing road pavements and vehicle crossings on the vehicle accesses from both Hall Crescent and Copeland Street are in poor condition and it is assumed these will be renewed in their entirety as part of the construction works.

- 7) That the consent holder installs the reticulation as necessary and connects separate minimum 100mm NB sewer to the public mains for each residential lot and disposes of stormwater to an approved outlet from each residential lot (and adjust existing services where necessary) in accordance with Council's codes and standards.

Please note:

All water, stormwater and sewer reticulation services shall be designed and constructed in accordance with the 'Regional Standard for Water Services', the 'Regional Specification for Water Services' and the 'Approved Products Register', including all associated amendments. Copies of the latest version of these documents are available on the following website: <https://wellingtonwater.co.nz/contractors/technical-information>.

It is now Council policy that only existing sewer and stormwater laterals less than 25 years old can be utilised for a new dwelling or new vacant lot, otherwise they are to be renewed or sealed off at the mains if not replaced in the same location.

It is recommended that individual stormwater connections be provided to each lot from the private or public systems. Where shared connections are proposed a consent notice may be required advising the property owners that they share stormwater connections.

- 8) The consent holder arranges for a suitably qualified engineer to provide a stormwater design report for the suitable disposal of stormwater from the site, including the design of any proposed stormwater attenuation and consideration of the capacity of the receiving stormwater networks, including secondary flow paths. The proposed development shall be designed to be stormwater neutral so that the stormwater runoff from the fully developed site is no more than existed prior to the development. Where storage attenuation tanks, pipes or similar are proposed a consent notice, in accordance with section 221 of the Resource Management Act 1991, shall be placed on the affected lots (lot 100 in this case) including details of the size of the tank, the size of the discharge pipe (orifice), maintenance requirements et cetera.

Please note:

The Council may consider taking over ownership of the new 300mm stormwater pipes downstream of the proposed detention tanks.

Given the existing site levels some of the pre-development runoff is retained on site and this shall be taken into consideration in the runoff and attenuation calculations due to the small size of the receiving Council stormwater mains. The existing 225mm stormwater main out to Copeland Street may need to be upsized.

The resident society agreement (or similar) set up for Lot 100 shall include details that the residents share private stormwater pipes and stormwater detention tanks.

- 9) That the consent holder arranges for a certifying drainlayer to inspect and verify that any sections of existing sewer, stormwater and water that are to continue to be utilised by Lots

1 and 2, LT 526416 and are outside those particular lots are 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. It may be more practical to provide new sewer, stormwater and water connections to the new mains instead.

- 10) That the consent holder supplies water reticulation as necessary and supplies separate minimum 20mm NB connections for each residential lot that meets Council's code for domestic supply and the fire-fighting capability required under the New Zealand Fire Service code of practice (SNZ PAS 4509:2008).

Please note:

- *It is now Council policy that only existing laterals of polyethylene material can be utilised for a new dwelling or new vacant lot. All existing non-polyethylene laterals, including the tobies, are to be renewed and sealed at the main if not replaced in the same position.*
- *The consent holder must apply for new water connections at the customer services counter of the Council Building, 30 Laings Road, Lower Hutt. These applications are processed by Wellington Water Ltd., which is a Council-controlled company in charge of Council water and drainage assets. Their contact person is Chandra Koswatte (ph 04 912 4534). Wellington Water Ltd. may impose special requirements or conditions for new connections depending on, among other things, the existing reticulation system's condition and layout, flow rates, pressure zones and proposed future work. It is important the consent holder makes an application early in the design or construction phase. Council recommends that the consent holder makes this application before submitting engineering plans to Council's subdivisions engineer.*
- *As stated above, it may be practical to provide new connections to Lots 1 and 2, LT 526416 at the same time.*

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

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

Please note:

- *This condition is necessary, even for minor works, as the engineering approval letter will list further engineering requirements in regard to Corridor Access Requests, pipe materials, inspections, as-built information, etc.*
- *Engineering approval of the proposed services and access up to the individual lot boundaries is completely separate from any approval given under building consent and must be requested prior to installation, irrespective of any building consent being issued.*
- *The engineering approval plans shall include details of the proposed stormwater*

detention crates, including minimum cover requirements, access and maintenance considerations.

- *All manholes greater than 2.0m deep shall be 1200mm diameter. Please update your engineering approval drawings to reflect this requirement.*
- *The engineering plans shall show where the streetlights, tobies, power and telecom tuds will be positioned and this should tie in with the updated easements plan.*
- *The engineering plans shall include details of those services to be disconnected from the Council mains that previously served the houses at 51-53 Hall Crescent.*

- 13) That the consent holder appoints a representative to carry out the design and supervision of construction work, as well as certification upon completion, as provided for by clause 1.7.1 of NZS 4404:2010; and that the consent holder submits the name, contact details and experience of the representative to Council's subdivisions engineer for approval before submitting engineering plans. The consent holder must document the representative's experience in a resume and show the relevance of that experience to the works and services required under this consent. The certification must include confirmation that the materials, installation and testing meet Council's codes and standards.
- 14) That the consent holder installs the landscaping strip along the eastern boundary of the access leg from Copeland Street to improve the pedestrian visibility as recommended in the traffic engineering report prepared by Harriet Fraser Traffic Engineering and Transport Planning, dated 6 July 2018.
- 15) That the consent holder appoints an approved contractor or contractors to complete the works to the approved design; and that the consent holder submits to Council's subdivisions 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 Council's subdivisions engineer before starting work.
- 16) That the consent holder provides underground telephone and electrical services to each lot in accordance with the specifications and requirements of the relevant authority.
- 17) That the consent holder provides Council with written confirmation from Chorus (or the equivalent network supplier) and Wellington Electricity Lines Ltd that they are satisfied with the supply of their utilities to each lot.
- 18) That the consent holder provides 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 Council with written confirmation from a surveyor that no such adjustments and sealing are necessary.
- 19) 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 Council as the grantee in gross; and engage a lawyer at the consent holder's expense to prepare easement documents. In accordance with the

Regional Standard for Water Services, the easement width shall be increased where there is more than one service within that easement. The power and telecom tuds/pods, the water tobies and the streetlight poles shall be located outside of the carriageway and

footpath (unless otherwise approved) and therefore easements shall be created where necessary on private property to ensure this occurs.

Please note:

- *A 2m easement shall be provided over Lot 5, in addition to the 2m wide easement over Lot 4, for the sewer main through Lot 4, which is in the order of 2.5m deep, and the sewer main shall be positioned close to the boundary between Lot 4 and 5.*
- *Council is prepared to take over ownership of the streetlights, subject to approved design, and the memorandum of easements shall be updated accordingly.*

- 20) That the consent holder provides appropriate easements of rights of way, shown as a memorandum of easements on the land transfer title plan; and that the consent holder engages a lawyer at the consent holder's expense to prepare easement documents.
- 21) That the consent holder gives the new private access road a name after first contacting Council's road and traffic administration co-ordinator about the procedures to follow to formalise the suggested name. (This is now a requirement of LINZ, which states "A private road, private way, right of way, or access lot needs to be named if six or more addressable sites are accessed off it - or are likely to be accessed off it in the future"). The process can take several months, so an early application is encouraged. A payment of **\$500.00** (GST incl.) to meet the cost of making and installing two street name signs (@ \$250.00 each) is to be made to Council at time of application for the 224(c) certificate.
- 22) That the consent holder: i) provides street lighting that meets Council's code and is not less than required by AS/NZS 1158:2005; ii) consults Council's traffic asset manager about this matter; iii) provides a certificate of compliance and as-built plan of street light positions and of the cabling to Council's streetlight maintenance contractor (currently Fulton Hogan Ltd); and iv) forwards a copy to Council's subdivisions engineer before or when applying for a section 224(c) certificate. Fulton Hogan Ltd will arrange for Wellington Electricity Ltd to activate the lighting.
- 23) That the consent holder moves all buildings clear of the new boundaries before applying for a section 224(c) certificate.
- 24) That the consent holder supplies and installs the parking restriction signs and road marking associated with the Wellington Early Intervention Trust within Lot 100.
- 25) That, at the time of requesting a section 224(c) certificate, the consent holder provides a schedule of assets detailing each item to be transferred to Council ownership as part of the subdivision process; and that the consent holder supplies a full description of the item, material type, size, length, area, volume, et cetera, following the format set out in Council form RAS-FORM-014.
- 26) That the consent holder sets out the value of services to be taken over by Council to enable the creation of a buyer-created tax invoice, with the details provided to be in accordance with Council buyer-created tax invoice form RAS-FORM-015.
- 27) That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the certificate of title of all lots as necessary where the lots

require the foundations to be designed by a chartered professional structural engineer to comply with the requirements of the 'Regional Standard for Water Services' clause 4.4.14 -

'Pipes near Buildings'. The design and details of these foundations shall be submitted as part of any building consent applied for on these lots.

Please note:

- *The consent holder shall confirm where/if this condition is required when the final servicing drawings are submitted for engineering approval.*
- *It may be better to move the proposed sewer main adjacent to Lot 19 rather than installing specific piling.*

28) That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the certificate of title of Lots 29 to 34 and Lot 100, which share a boundary with Council reserve land, in order to exclude Council from the cost of shared fencing under the Fencing Act 1978 or equivalent legislation.

29) That, in accordance with section 221 of the Resource Management Act 1991, Council registers a consent notice on the title of Lot 100 stating that the maximum fence height for the first 2m of the right-of-way from the boundary with Hall Crescent shall be 1.0m so as not to obscure sight lines.

Please note:

- *Currently there are no side fences in the first 2.0m from the Hall Crescent boundary and this consent notice is to protect the sight lines if the fence is ever replaced (understanding that there is no consent notice on 49 Hall Crescent – Lot 8DP25931).*

30) That the consent holder meets the cost of registering consent notices.

31) That the consent holder provides 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.

Note: Conditions 5 to 33 are imposed to ensure appropriate servicing of and access to the proposed allotments.

32) Prior to works commencing on the site a detailed Earthworks and Construction Management Plan (ECMP) must be submitted to, and approved by, the Team Leader – Resource Consents. The ECMP must establish acceptable performance standards regarding public safety and amenity protection during the construction phase of the development. The ECMP must include, but is not limited to, the following:

- A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- A communication and complaints procedure for adjoining property owners/occupiers, passers-by and the like;
- Suitable safety fencing and associated signage for the construction site, noting the proximity of Wellington Early Intervention Trust and IHC;

- Dust mitigation measures to be implemented to prevent dust effects beyond the construction site boundary;
- Measures to manage the effects from construction traffic, including where construction vehicles and machinery will be parked during the site works.
- Noise and vibration control measures;
- Measures to ensure dirt, mud or debris is not left on the road;
- An Erosion and Sediment Control Plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region.

The ECMP must be implemented for the duration of earthworks and construction occurring on the site, with any deviations approved by the Team Leader – Resource Consents.

- 33) That the consent holder provides to the party at 90A Witako Street a copy of the ECMP for comment. The ECMP shall be provided to this party no less than 10 working days prior to the plan being submitted to the Council for certification. The consent holder shall consider the comments of 90A Witako Street when preparing the final ECMP for certification to Council and shall also provide the Council with a copy of comments received.
- 34) That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that no sediment leaves the site or enters streams or the stormwater system; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington Regional Council's erosion and sediment control guidelines (issued in April 2003).
- 35) That the consent holder paves, metals, re-grasses, hydro-seeds or plants all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within a month of completing earthworks to the satisfaction of Council's subdivisions engineer; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.
- 36) That the consent holder ensures all earthworks are carried out in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
- 37) That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
- 38) That the consent holder ensures all development and construction work complies with the provisions of NZS 6803:1999 Acoustics - Construction noise; and that notwithstanding this Standard, machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays.

- 39) That the consent holder compacts all earthwork fill areas in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989) and meets the Code's

obligations on final documentation and certification, which state the suitability of earthworks for residential development.

- 40) That, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a report from a qualified geotechnical engineer on the stability of the constructed cut or fill works. This report shall identify and address any development limitations (such as specific foundation design). Council may register a consent notice regarding this on the certificates of title of any affected lots, as allowed for under section 221 of the Resource Management Act 1991.
- 41) A Residents' Society Incorporated shall be formed and maintained to administer shared responsibility of the management and maintenance of the private common open space areas and all associated on-going costs. This includes all landscaping (hard and soft), and stormwater drainage. It shall also include details of the ongoing maintenance of the pathway connecting the internal accessway and the Copeland Street Reserve. At the time of subdivision of the site, the administration of the Residents' Society Incorporated shall be the shared responsibility of all lot owners.

Note: Conditions 6 to 42 are imposed to ensure appropriate servicing of, and legal and physical access to each of the lots. The conditions also are imposed to ensure site conditions are appropriately provided for, and to mitigate the effects of subdivision and earthworks.

Land Use Conditions

- 1) That the proposal is carried out substantially in accordance with the information and the following approved plans submitted with the application and held on file at Council:
 - Plans by Cuttriss entitled, "Proposed Subdivision of Lot 3 LT 526416 (RM180167) 79 Copeland Street Epuni, Lower Hutt", all Rev. B, all dated 02/19.
 - Overall Layout, Plan 22183 SCH, Sheet 1 of 20;
 - Existing Site, Plan 22183 SCH, Sheet 2 of 20;
 - Earthworks Plan, Plan 22183 SCH, Sheet 3 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 4 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 5 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 6 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 7 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 8 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 9 of 20;
 - Scheme Plan – Legal, Plan 22183 SCH, Sheet 10 of 20;
 - Sewer Plan, Plan 22183 SCH, Sheet 11 of 20;
 - Sewer Plan – Long Sections, Plan 22183 SCH, Sheet 12 of 20;
 - Stormwater Plan, Plan 22183 SCH, Sheet 13 of 20;
 - Stormwater Plan – Long Sections, Plan 22183 SCH, Sheet 14 of 20;
 - Water Plan, Plan 22183 SCH, Sheet 15 of 20;
 - Roading Plan, Sheet No. 22183 SCH, Sheet 16 of 20;
 - Roading Cross Sections, Plan 22183 SCH, Sheet 17 of 20;
 - Roading Long Sections, Plan 22183 SCH, Sheet 18 of 20;

- Vehicle Turning Path, 85% Car, Plan 22183 SCH, Sheet 19 of 20; and,
- Vehicle Turning Path, 8m Rigid Truck, Plan 22183 SCH, Sheet 20 of 20.

- Earthworks Plans by Cuttriss entitled, “Lot 11 DP 25931 Copeland Street Epuni, Lower Hutt”, Sheets 1 of 5, to 5 of 5, all Rev B, all dated 07/2018.
- Plans by Solari Architects entitled, “Copeland Street Townhouses”, Project No. 1806:
 - Existing Site and Demolition Plan, Plan A-011A, dated 05/07/2018;
 - Proposed Site Plan – Wider Context, Plan A-020A, dated 05/07/2018;
 - Proposed Site Plan – Ground Floor, Plan A-021B, dated 27/08/2018;
 - Proposed Site Plan – GF Part 2, Plan 022B, dated 27/08/2018;
 - Proposed Site Plan – First Floor, Plan A-023A, dated 05/07/2018;
 - Proposed Site Plan – FF Part 2, Plan A-024A, dated 05/07/2018;
 - Proposed Hardscaping, Plan A-025A, dated 05/07/2018;
 - Proposed Hardscaping Part 2, Plan A-026A, dated 05/07/2018;
 - Proposed Boundary Treatment, Plan A-027A, dated 05/07/2018;
 - Proposed Boundary Treatment Part 2, Plan A-028A, dated 05/07/2018;
 - Block B Ground Floor Plan, Plan A-040A, dated 05/07/2018;
 - Block B First Floor Plan, Plan A-041A, dated 05/07/2018;
 - Block E Ground Floor Plan, Plan A-042A, dated 05/07/2018;
 - Block E First Floor Plan, Plan A-043A, dated 05/07/2018;
 - Block F Ground Floor Plan, Plan A-044A, dated 05/07/2018;
 - Block F First Floor Plan, Plan A-045A, dated 05/07/2018;
 - Block G Ground Floor Plan, Plan A-046A, dated 05/07/2018;
 - Block G First Floor Plan, Plan A-047A, dated 05/07/2018;
 - Block I Ground Floor Plan, Plan A-048A, dated 05/07/2018;
 - Block I First Floor Plan, Plan A-049A, dated 05/07/2018;
 - Block A Elevations, Plan A-050A, dated 05/07/2018;
 - Block B Elevations, Plan A-051A, dated 05/07/2018;
 - Block C Elevations, Plan A-052, dated 05/07/2018;
 - Block D Elevations, Plan A-052, dated 05/07/2018;
 - Block E Elevations, Plan A-054A, dated 05/07/2018 (version including louvres to upstairs windows of Townhouses on Lots 16 and 17);
 - Block F Elevations, Plan A-055A, dated 05/07/2018;
 - Block G Elevations, Plan A-056A, dated 05/07/2018;
 - Block H Elevations Plan A-057A, dated 05/07/2018;
 - Block I Elevations, Plan A-058A, dated 05/07/2018;
 - Site Elevations, Plan A-070A, dated 05/07/2018;
 - Site Elevations, Plan A-071A, dated 05/07/2018;
 - Recession Planes, Plan A-080A, dated 05/07/2018;
 - Recession Planes, Plan A-081A, dated 05/07/2018;
 - 3D Height Plane, Plan A-082A, dated 05/07/2018;
 - Signage Location, Plan A-114B, dated 27/08/2018;
 - Proposed Site Plan – Compliance, Plan A-115A, dated 05/07/2018 (note this doesn’t show the revised landscaping and car parking in the internal accessway);
 - Permeability Plan, Plan A-132, dated 30/08/2018; and,
 - Site Plan – Ground Floor, Plan A-133, dated 12/09/2018.
- Plans by David Goodyear Landscape Architect entitled, “Copeland Street Townhouses”, Project No. 2762, Plan Nos. 1 and 2, both dated 15/09/2018”.
- Concept Development (Landscape) Plan by David Goodyear Landscape Architect entitled, “Residential Development: 83 Seddon Street, Naenae, Lower Hutt”, Project No. 2733, Drawing No. 1, Rev. R0, dated 06/10/2017.

Note: This condition addresses an essential administrative matter.

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

Important notes:

- *When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$150 per hour.*

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

Note: This condition addresses an essential administrative matter

- 3) No works shall commence on site until soil remediation works have been completed. Following completion of the remediation works, a validation report must be prepared and submitted to the Team Leader – Resource Consents for approval. It must outline the remedial works undertaken and present the findings of the works and soil disposal documentation. Interpretation of results and assessment must be in accordance with Ministry for the Environment guidelines for reporting on contaminated sites. The validation report must be provided to the Hutt City Council and Greater Wellington Regional Council to be included in their records for the site.

- 4) Prior to works commencing on the site a detailed Earthworks and Construction Management Plan (ECMP) must be submitted to, and approved by, the Team Leader – Resource Consents. The ECMP must establish acceptable performance standards regarding public safety and amenity protection during the construction phase of the development. The ECMP must include, but is not limited to, the following:

- A contact (mobile) telephone number(s) for the on-site manager where contact could be made 24 hours a day / 7 days a week;
- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- A communication and complaints procedure for adjoining property owners/occupiers, passers-by and the like;
- Suitable safety fencing and associated signage for the construction site, noting the proximity of Wellington Early Intervention Trust and IHC;
- Dust mitigation measures to be implemented to prevent dust effects beyond the construction site boundary;
- Measures to manage the effects from construction traffic, including where construction vehicles and machinery will be parked during the site works.
- Noise and vibration control measures;
- Measures to ensure dirt, mud or debris is not left on the road;

- An Erosion and Sediment Control Plan, conforming to the requirements of the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region.

The ECMP must be implemented for the duration of earthworks and construction occurring on the site, with any deviations approved by the Team Leader – Resource Consents.

- 5) That the consent holder provides to the party at 90A Witako Street a copy of the ECMP for comment. The ECMP shall be provided to this party no less than 10 working days prior to the plan being submitted to the Council for certification. The consent holder shall consider the comments of 90A Witako Street when preparing the final ECMP for certification to Council and shall also provide the Council with a copy of comments received.
- 6) That the consent holder compacts all earthwork fill areas in accordance with the Code of Practice for Earth Fill for Residential Development (NZS4431:1989) and meets the code's obligations on final documentation and certification, which state the suitability of earthworks for residential development.
- 7) That, on completion of earthworks (or during earthworks if Council considers it necessary), the consent holder provides a report from a qualified geotechnical engineer on the stability of the constructed cut or fill works. This report shall identify and address any development limitations (such as specific foundation design).
- 8) That the consent holder undertakes all earthworks (including for trenching purposes) in such a way that no sediment leaves the site or enters streams or the stormwater system; and that the consent holder installs and maintains sediment control measures in compliance with Greater Wellington Regional Council's erosion and sediment control guidelines (issued in April 2003).
- 9) That the consent holder carries out all earthworks in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
- 10) That the consent holder paves, metals, re-grasses, hydro-seeds or plants all areas exposed by earthworks, trenching or building work as soon as possible after excavation or, at the latest, within a month of completing earthworks to the satisfaction of Council's subdivisions engineer; and that the consent holder repeats any seeding or planting that fails to become fully established within 12 months of the completion of earthworks.
- 11) That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms.)
- 12) That the consent holder ensures all development and construction work complies with the

provisions of NZS 6803:1999 Acoustics - Construction noise and that notwithstanding this Standard, machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays, except for remedial or preventive work as required.

Note:

- *Compliance may not be achieved with this standard if the duration of works exceeds a number of weeks.*
- *Conditions (4) to (12) are imposed to manage the effects of earthworks and construction on-site, and ensure the site is suitable for residential use.*

- 13) The external cladding and roofing materials of each dwelling must be approved by the Team Leader – Resource Consents, prior to the commencement of construction.

Note: This condition is to ensure that materials selected are an appropriate fit within the residential context that the dwellings will sit within and ensure consistency with the guidelines of the Design Guide for Medium Density Housing.

- 14) Landscaping must be undertaken in accordance with the landscape plans by David Goodyear Landscape Architect approved in Condition (1) of this land use decision. Detailed landscaping plans for each dwelling must be prepared and approved by the Team Leader – Resource Consents prior to the completion of construction of the dwellings. The detailed landscaping plans must be prepared in accordance with the preliminary landscaping plans approved in Condition (1) above. Landscaping associated with each dwelling must be completed within one month of the completion of construction of the dwelling to which the landscaping relates. Landscaping in areas of common property must be completed within two months of completion of construction of the last dwelling approved by this consent. Landscaping within lots and in common areas must be maintained in perpetuity, with any plants that fail to thrive being replaced with the same or comparable species and size.

Note: Landscaping is an essential component of integrating the proposal into the site context, provides screening and aids in mitigating the effects of higher density.

- 15) The two non-permanent advertising signs must be removed from the site within one week of the final dwelling being sold.

Advice Notes

- 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.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: www.beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information click the following link <http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=3702089> or contact the Transport Division via (04) 570 6881.
- If street parks within Hall Crescent are to be removed to accommodate the widened Hall Crescent accessway, prior approval must be obtained from the Council's roading and traffic team.
- If services are proposed to utilise the Copeland Street reserve, prior approval must be obtained from the Council's Parks and Gardens team.