

PLANNING REPORT

PROPOSAL TO UNDERTAKE A SUBDIVISION TO CREATE FIVE ‘RURAL – RESIDENTIAL ALLOTMENTS’ AND A LAND USE CONSENT FOR THE FUTURE CONSTRUCTION OF DWELLINGS AT 320 - 380 PIKARERE STREET, COLONIAL KNOB (BEING LOTS 1- 3 DP 62408, LOT 3 DP 373530 & LOT 7 DP 373530).

RESOURCE CONSENT RC6818 – SL0001/15

Applicant	Pikarere Farm Ltd
Application Received	23/12/2014
Reporting Planner	Robinson Dembetembe
Site Inspection	29/01/2015

1.0 DESCRIPTION OF PROPOSAL

Summary of Proposal:

The applicant seeks subdivision consent to subdivide Lots 1 - 3 DP 62408, Lot 3 DP 737530 & Lot 7 DP 373530 at 320- 380 Pikarere Street which are currently held in five certificates of title into 12 allotments for the purposes of creating five rural-residential sites and three balance allotments. As part of the proposed subdivision various allotments will be amalgamated such that all sites will have a minimum total area of 5 hectares. The proposed subdivision will overall result in a total of 8 sites. The subdivision is proposed to be undertaken in two stages.

The applicant is seeking land use consent for the future construction of buildings including dwellings on the five rural-residential sites that are proposed to be created as part of this application. The future buildings will be constructed within the identified development areas shown on the site plan. The applicant has volunteered suite of recommendations contained in the submitted two supporting technical reports which are discussed below, to be imposed as consent notices on the Freehold Registers to provide sufficient control over future development on the proposed five rural-residential sites. The applicant is not proposing to construct dwellings as part of the proposed subdivision. There are no specific house plans for these future dwellings, and the applicant is not proposing to undertake earthworks associated with the creation of building platforms on these development areas for future buildings as part of the subdivision.

Subdivision

Stage 1

Stage 1 will involve subdividing Lots 1 - 3 DP 62408 into proposed Lots 1 - 5, 8, 9, & 10 and Lots 3 & 7 DP 373530 into proposed Lots 6, 7, 11 & 12. As part of this, by way of proposed amalgamation conditions, Lots 1 & 9 are to be held in one Computer Freehold Register (CFR), Lots 3 & 8 in one CFR, and Lots 7, 11 & 12 in one CFR.

The proposed allotment sizes are as follows:

- a) Lot 1: 62.01 hectares
- b) Lot 2: 10 hectares

- c) Lot 3: will be amalgamated with an adjoining proposed Lot 8 to give a total of 5 hectares.
- d) Lot 4: 5 hectares
- e) Lot 5: 5 hectares
- f) Lot 6: 6.32 hectares
- g) Lot 7: will be amalgamated with adjoining proposed lots 11 & 12 to give a total of 121.70 hectares.
- h) Lot 10: Area AA to provide Right of Way to Lots 1, 2 (stage1),4, 6,7 &.10

Stage2

The second stage of the subdivision involves the subdivision of proposed Lot 2 created in stage 1 into two lots (proposed lots 1 & 2) each having 5 hectares.

Access

Proposed Lots 3, 4 and 5 will be accessed by a right of way (easement I) which will be 10m legal width, and will be formed to a standard specified in the Porirua City Council's Code of Land Development and Subdivision 2010. Access to all the other proposed lots will be via a right of way to be created over the existing main farm track which commences at the end of Pikarere Street. The lower lots of the proposed subdivision will be accessed over the proposed right of ways shown as "A", "B", "C" DP 373530 on the submitted Scheme Plan. All the proposed right of ways will be formed to a standard specified in the Porirua City Council's Code of Land Development and Subdivision 2010, as part of the subdivision to provide legal and physical access to each proposed site.

Plans Submitted:

The proposal is shown on various plans prepared by Land Matters Property Consultants as follows:

- *Development Plan Rural Residential Subdivision and Boundary adjustment, Drawing SC Pik1 Rev 2 dated 22/12.*
- *Stage 1: Subdivision of Lots 1,2, & 3 DP 62408 into Lots 3-5, 8, 9 & 10 Subdivision of Lots 3 & 7 DP 373530 into Lots 6, 7, 11 and 12*

Stage 2: Subdivision of former Lot 1 DP 62408 (Lot 2) into Lots 1 & 2, Drawing No DP Pik1 Rev 03.

The applicant has provided two supporting technical reports. ABuild Consulting Engineers Ltd has prepared a report addressing earthworks, site suitability for rural residential development, on-site effluent and stormwater disposal, and the provision of potable water. This report also assessed the suitability for rural residential development for five proposed building sites shown on the submitted plans as "development areas". The submitted ABuild report section relating to the development areas is only applicable to those development areas identified on the site plan, and any future developments outside the designated "development areas" apart from vehicle access construction associated with the subdivision works will require a new resource consent application.

The applicant's landscape architect, Linda Kerkmeester, Report made recommendations on following matters;

- Building exclusion zone and structures to be sited as to avoid skyline effects;
- To minimise the potential impact of earthworks, and to avoid the need for retaining walls.
- Higher retaining walls over 1.5m are to be screened.
- To restrict building height and promote single storey, or step down in split level form, roof pitch, colour of external cladding and roof.
- Boundary fencing styles and gates to match the existing post and wire fencing.
- Landscaping to mitigate earthworks, retaining walls, vehicle access and parking.

The building exclusion zones stated by the applicant on the proposed five rural-residential sites are to protect the main ridgeline/skyline. The building exclusion zone has also been termed skyline exclusion zone in the condition offered by the applicant. The building exclusion zones restrict any building above stated contour lines on Lots 1 & 2, stage II and Lots 3, 8, 4 & 5 Stage I of the subdivision. These building exclusion zones recommended by the applicant's landscape architect to be imposed as consent condition are to keep future buildings below the main ridgeline so as to avoid skyline effects.

The applicant's landscape architect comments relate to development anywhere on the proposed five rural-residential sites that are proposed to be created as part of this application. It should be noted that although the applicant's landscape architect's report only refers to lot 3, the recommendations/restrictions also include that part being Lot 8 to be amalgamated with Lot 3 to create a 5 hectare site (post amalgamation).

Conditions offered by the applicant

The applicant has volunteered/offered the recommendations in the above provided two supporting technical reports to be imposed as consent conditions to mitigate adverse effects that may result due to the proposed subdivision, and also to provide sufficient control over future development such that it will not be necessary to control the future land use consents provided that development occurs within the highlighted development areas.

Earthworks and future rural dwellings (Land Use Components)

The applicant is not proposing to construct any dwellings as part of the proposed subdivision. The applicant has shown designated development areas on each proposed rural-residential site. There are no specific plans for proposed dwellings or any other buildings on these sites. The applicant is seeking land use consent for the future construction of dwellings to be constructed on proposed Lots 1 & 2 (to be created in Stage 2 of the subdivision) and lots 3, 4 & 5 of stage 1 subdivision. The applicant is seeking land use consent so that future landowners will not have to apply for resource consent for future dwellings, accessory buildings, water tanks, car parking and earthworks provided that;

1. These elements are proposed to be constructed wholly within the identified development areas that are covered by the Abuild Consulting Engineers Report referred to above.
2. Any such future development can be demonstrated to comply with all consent notice requirements that are imposed on the Computer Freehold Titles including (but not limited to) those associated with the Abuild Consulting Engineers

recommendations, and the applicant's Landscape Architect, Linda Kerkmeester.

Earthworks will be undertaken as part of the subdivision to form the proposed right of ways to a standard specified in the Porirua City Council's Code of Land Development and Subdivision 2010.

Easement to be discharged

The application is also to surrender easement "B" on DP 62408 registered for a Right of Way in favour of the Council. This was previously agreed by Council as part of the Sale and Purchase agreement to access a piece of Porirua Scenic Reserve.

Amalgamation of the proposed lots

Consultation with the Office of the Registrar in pursuant to Section 220(3) of Resource Management Act 1991 has been undertaken. The request was approved, and the request number in the condition is 1269838.

2.0 DESCRIPTION OF SITE & SURROUNDINGS

The land that is the subject of the application is contained in five CFR's being Lot 1 DP 62408 having 16.242 hectares, Lot 2 DP 62408 having 12.992 hectares, Lot 3 DP 62408 having 60.994 hectares, Lot 3 DP 373530 having 7.9514 hectares and Lot 7 DP 373530 having 120.868 hectares. The application site is part of Pikarere Farm, and it is presently being used as agricultural farmland. The application site is located at the end of Pikarere Street, and contains a farm track which runs through it. Adjoining to the north is the Porirua Sewer Treatment Plant, and to the east is the Porirua Scenic Reserve. Adjacent to the north-west is the Tasman Sea. The application site is situated to the north of Colonial Knob. The topography of the application site is undulating, and the surrounding area is zoned rural apart from Porirua Scenic Reserve which is zoned Open Space. It is also noted that further to the north along Pikarere Street are residential dwellings which have a zoning of Suburban.

There are several existing land covenants and consent notices registered on the CFR's. As outlined in the applicant's AEE, the land covenants and consent notices will not be affected by the proposal. *"There are four ecological sites identified within the titles that are the subject of this application – three are 101a, b and c and the fourth is the Queen Elizabeth II covenanted area within proposed lot 6 – stage I. The covenanted area is fenced and managed under the agreement with the National Trust. The remaining three ecological sites are located to the north of proposed lot 1 – stage I and lots 1 and 2 – stage II. They are located in steep gullies and are not accessible by stock".¹* The covenanted areas are identified on the scheme plan as areas "F, G, H, Y & Z". The covenanted bush areas are proposed to be retained and neither any of the proposed building sites or future earthworks are within these areas.

¹ AEE Page 34 Objectives comments



3.0 RELEVANT PLANNING PROVISIONS

3.1 Operative District Plan

The application site is within the Rural Zone of the Porirua City District Plan (which became operative on 1 November 1999). The effects of activities and buildings within the Zone are managed through the use of rules and standards. Where a proposal is unable to comply with one of these, a resource consent is required. It is noted that once the need for a resource consent is triggered, rules and activity standards act as guidelines only.

3.2 Reasons for Resource Consent

In the case of this application, the proposal is treated as two applications for resource consent:

1. Subdivision Consent (Fee Simple)
2. Land Use Consent

Subdivision

In the Rural Zone, subdivision creating allotments between 5 hectares and 40 hectares is a discretionary activity under Rule D4.1.4 (ii):

D4.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (ii) *Subdivision where any of the resultant allotments are 5 hectares or more in area and less than 40 hectares.*

In this case however several of the allotments are under 5ha based on the definition contained in S218(2) of the Act which is what the District Plan relies on². This is despite them being amalgamated such that the resultant sites created will be a minimum of 5ha.

The subdivision application falls for consideration as a Non-Complying Activity in terms of Rule D4.1.5 of the District Plan which states:

“Any one or more of the following are non-complying activities:...

(vi) Any subdivision which would result in any allotment of less than 5Ha (except as provided for in Rule D4.1.2(vii)).”

Land use consent

The applicant is seeking land use consent for the future construction of dwellings on the five rural-residential sites that are proposed to be created as part of this application. The applicant is seeking land use consent so that future landowners will not have to apply for resource consent for future dwellings, accessory buildings, water tanks, car parking and earthworks provided that;

1. These elements are proposed to be constructed wholly within the identified development areas that are covered by the Abuild Consulting Engineers Report referred to above.
2. Any such future development can be demonstrated to comply with all consent notice requirements that are imposed on the Computer Freehold Titles including (but not limited to) those associated with the Abuild Consulting Engineers recommendations, and the applicant’s Landscape Architect, Linda Kerkmeester.

As part of the subdivision, earthworks will be undertaken to construct right of ways to access proposed sites.

Earthworks as part of a subdivision are not listed as a permitted activity in the Rural Zone, and are also not listed as a controlled, limited discretionary, non-complying or prohibited activity. Proposed Lot 5 is within Landscape Protection Area, and construction of a dwelling on Lot 5 will be a discretionary activity under Section D4.1.4 (iii) of District Plan. Construction of dwellings on other lots will be a controlled activity under Section D4.1.2 (i) of District Plan. It is the most onerous activity status to be applied to the land use application. The construction of the dwelling on proposed Lot 5 and earthworks therefore fall for consideration as a discretionary activity, in accordance with Rule D4.1.4(i):

D4.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

² Allotment shall have the same meaning as set out in section 218 of the Resource Management Act 1991.

- (i) *All activities which are not a permitted, controlled, limited discretionary, or prohibited activity, and are not specified in D4.1.5 (ii), (iii) or (v) as a non-complying activity.*

Overall, it is concluded that the proposal is a non-complying activity.

4.0 THE RESOURCE MANAGEMENT ACT 1991

Section 104 of the Resource Management Act provides that:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part II, have regard to the following relevant matters*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of*
 - (i) *a national policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.*
- (3) *A consent authority must not –*
 - (a) *when considering an application, have regard to –*
 - (ii) *any effect on a person who has given written approval to the application:*

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

Section 104B of the Resource Management Act provides that:

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

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

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*

- (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Section 95A of the Resource Management Act provides that:

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

Section 95B of the Resource Management Act provides that:

- (1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under section 95E and 95F) if there are any affected persons or affected order holders in relation to the activity.*
- (2) The consent authority must give limited notification of the application to affected person unless a rule or national environmental standard precludes limited notification of the application.*

Section 95D of the Resource Management Act provides that:

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

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

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

Section 95E of the Resource Management Act provides that:

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

Section 243 of the Resource Management Act 1991 sets out the process for cancelling an easement. This section states:

243 Survey plan approved subject to grant or reservation of easements

Where a subdivision consent is granted [or any certificate of title is issued] subject to a condition that any specified easements be granted or reserved, the following provisions apply:

- (a) *No such easement shall—*
 - (i) *Be surrendered by the owner of the dominant tenement; or*
 - (ii) *In the case of an easement in gross, be surrendered by the grantee of the easement; or*
 - (iii) *Be merged by transfer to the owner of the [dominant or] servient tenement; or*
 - (iv) *Be varied—*
 - except with the written consent of the territorial authority:*
 - (e) *The territorial authority may at any time, whether before or after the survey plan has been deposited in the Land Registry Office or the Deeds Register Office, revoke the condition in whole or part:*
 - (f) *When a territorial authority cancels a condition in whole or in part, then—*
 - (i) *Where the survey plan has not been approved by the Chief Surveyor, a memorandum of the cancellation shall be endorsed on the survey plan:*
 - (ii) *Where the survey plan has been approved by the Chief Surveyor or deposited, the territorial authority must forward to the District Land Registrar or Registrar of Deeds a certificate signed by the [chief executive] or other authorised officer of the territorial authority to the effect that the condition has been cancelled in whole or in part, and the District Land Registrar or the Registrar of Deeds must note the records accordingly.*

In this case it is not considered necessary to publicly notify this application or serve notice of this application on any person because;

- (a) It is not considered that the activity will have or is likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
- (b) The effects are considered to be less than minor such that no persons have been identified as potentially affected.

The following reasons are given as justification for the answers to (a) and (b) above.

- Any potentially adverse environmental effects can be avoided, remedied or mitigated through the imposition of appropriate conditions. In particular the following is noted with regard to the avoidance and/or mitigation of potential and actual adverse effects:
- A consent notice is recommended (as volunteered by the applicant and supported by the Council's Manager Land Use & Subdivision Engineering) to be imposed to require a suitably qualified engineer to specifically design water supply by way of roof collection including treatment systems for individual dwellings at the time of building consent application stage.
- A consent notice is recommended to be imposed (as volunteered by the applicant and supported by the Council's Manager Land Use & Subdivision Engineering) to require a suitably qualified engineer to specifically design on-site storm water and wastewater disposal systems on the proposed lots at the time of building consent application stage.
- Proposed Lot 5 will be located within the Landscape Protection Area, and more stringent controls are recommended by the applicant for any development on this lot. A planting plan is also recommended by the applicant for this lot to largely mitigate any development such as a future dwelling, earthworks, retaining walls, vehicle access and parking areas. Furthermore development restrictions are recommended (by the applicant's landscape architect, and supported by the Council's Leisure Assets and Services, Landscape Architect, Andrew Gray and Resource Planner, Jaydine Keenan) to be imposed on matters such as building design, location and appearance on all proposed lots where dwellings are being proposed. In my opinion this will provide sufficient control over future development such that it will not be necessary to control the future land use consents provided that development occurs within the highlighted development areas.
- Recommendations in the submitted Abuild Report have been offered by the applicant to be imposed as consent notices in regard to the following matters as discussed in Section 5 of this report;
 - a) Developing sites within the constraints provided by the existing site topography and in accordance with the engineering recommendations outlined in Section 9.2 of the Abuild Report.
 - b) A suitably qualified engineer to design, supervise and certify the earthworks, retaining walls and batter slopes.

- c) A suitably qualified engineer to design, and certify the proposed dwelling foundations.
- d) Right of Ways and Driveways recommended to be constructed as outlined in Section 9.8 of the Abuild Report, and to comply with Porirua City Council's Code of Land Development and Subdivision 2010, Land Development and Subdivision Engineering NZS 4404:2004.
- e) During and after construction drainage (stormwater) is recommended to be designed as specified in Section 9.9 of the Abuild Report so not to trigger slope instability.

And Council's Manager Land Use & Subdivision Engineering is satisfied with these recommendations in the Abuild Report.

- The provided Geotechnical Report was prepared by a suitably qualified engineer from Abuild Consulting Engineers Ltd who indicated that the subject site can be developed for rural residential use provided the recommendations in the report are complied with in regard to any developments on the subject site. This is satisfactory to the Council's Manager Land Use & Subdivision Engineering, Phillip Rhodes. A condition will be imposed if consent is granted that any developments on the subject site are to follow the recommendations outlined in the submitted Abuild Stability Report dated December 2014.
- Subject to the imposition of the recommended conditions of consent as advised by the Council's Manager Land Use & Subdivision Engineering, the proposed lots will be self-sufficient in terms of potable water supply, wastewater disposal and storm water drainage such that the adverse effects will be less than minor on environment.
- Council's Manager Land Use & Subdivision Engineering Phillip Rhodes (MLSE) is satisfied that any traffic, safety and access effects on Pikarere Street to be less than minor as a result of this proposal as discussed in Section 5.1 of this report. MLSE has advised that the proposal will provide adequate access to each proposed lot provided the recommended conditions are imposed as discussed in Section 5.1 of this report, in regard to formation and to metal accesses to comply with Porirua City Council's Code of Land Development and Subdivision 2010, Land Development and Subdivision Engineering NZS 4404:2004.
- The adjoining site to the east is Council's Reserve Land owned by Porirua City Council, and managed by Leisure Assets and Services Business Unit. Council's Leisure Assets and Services Resource Planner and Landscape Architect have considered the adverse effects of the proposal to be less than minor on the adjoining reserve, as discussed in Section 5 of this report.
- There are no non compliances in regard to the subject site property boundaries, and the applicant is not proposing to construct dwellings on the created lots to the south and west, and therefore do not consider the owners of the adjoining property to the west and south to be adversely affected by the proposal.

- The adjoining site to the north is Council's land, and contains Porirua Sewage Plant. The designated building sites on the proposed lots will not be viewed from this adjoining site to the north due to pine trees that screen the subject site.
- The visual separation distance of more than 300m from the residential areas of Titahi Bay will largely mitigate any adverse visual effects of the proposed development when viewed from those sites.
- It is noted that the future owners of the dwellings on proposed development areas on Lots 1 & 2 (stage 2) will be in full view of each other. The applicant is aware of this and it is considered that the applicant is the only affected party as a result of this reduced amenity, in my opinion.
- As part of the proposed subdivision various allotments will be amalgamated such that all sites will have a minimum total area of 5 hectares. The proposed subdivision will not be out of character with the pattern of development in the rural area where other rural sites have been subdivided down to 5 hectares as a Discretionary Activity. The District Plan envisages rural allotments of 5 hectares in appropriate locations where the subdivision maintains the character and quality of the rural environment. Furthermore the five proposed designated development areas are situated so that the dwellings will be set into the existing landscape and will not sit above the ridgeline. The designated development areas are also supported by the Council's Landscape Architect.
- With the imposing of the above recommendations in the submitted Abuild Report and Landscape Report as consent notices to be registered on the proposed Lots, any adverse visual, amenity, earthworks, stability, access effects are considered to be mitigated to a level that is less than minor on the environment, in my opinion. The adverse effects on the adjoining neighbors will be less than minor, and therefore do not consider owners of the adjoining and adjacent properties to be adversely affected by the proposal.
- I am therefore satisfied with the imposing of the suite of recommendations contained in the Abuild Consulting Engineers Ltd and from the applicant's landscape architect, the adverse effects will be contained within the subject site and will not adversely affect the owners of the adjoining or adjacent properties, and the adverse effects will be less than minor on them. The suite of the recommended consent notices will ensure that the effects of future development on the proposed development areas can be appropriately controlled to a level that is less than minor without the need to consider future development proposals on the 5 proposed rural residential sites via future resource consent application processes.
- Adjoining to the north is the Porirua Sewage Treatment Plant, and there is potential for odour from it drifting in the direction of the subject site. Council's Manager Land Use & Subdivision Engineering (MLSE), Phillip Rhodes on behalf of AMO has made the following conclusion; *"Overall, it is considered that there is not a direct relationship between the location of odours at the treatment plant and the proposed house sites. Many other factors exist that combine to present a low risk of odours from the plant reaching the lots. The*

conditions under which this subdivision is being promoted and designed seem therefore to be acceptable.” Given that the Sewage Treatment Plant is under the control of Council’s Asset Management and Operations Group, and that the MLSE who works for that group has made the above comments, I consider that, any reverse sensitivity effects on the Sewage Treatment Plant will be less than minor, and it is therefore not necessary to identify AMO as potentially affected party.

5.0 SECTION 104 MATTERS TO BE CONSIDERED

5.1 Environmental Effects

The relevant objectives and policies of the District Plan for the Rural Zone provide guidance for assessing the relevant effects of the proposal. The actual and potential effects of the proposal are related to effects on the amenity and character of the neighbouring properties.

Amenity Values

Section 2 RMA, defines amenity values as meaning a number of interrelated factors: *“those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*.

The District Plan refers to “pleasantness and character” as being constituents of amenity. Because of their broad application, amenity values can be affected by such things as daylight entry and shading effects, visual dominance of structures near the site boundary, levels of privacy, general visual appearance effects, lighting levels, background noise levels and traffic effects. The local combination of these sets the character and atmosphere that residents come to “expect” in their neighbourhood.

In the case of this application, visual and amenity effects, traffic, servicing and stability effects and earthworks are considered relevant.

Visual and Amenity Effects:

Subdivision

As part of the proposed subdivision various allotments will be amalgamated such that all sites will have a minimum total area of 5 hectares. The proposed subdivision will not be out of character with the pattern of development in the rural area where other rural sites have been subdivided down to 5 hectares as a Discretionary Activity allowing rural life style blocks. The District Plan envisages rural allotments of 5 hectares in appropriate locations where the subdivision maintains the character and quality of the rural environment. The rural zone is also characterised by rural lifestyle properties and rural dwellings have been constructed on these lifestyle properties.

The proposal will increase the visual intensification of the application site but is in line with other sites within the Rural Zone. In this case the proposed design, layout of the subdivision and density of development is consistent with the character of the rural environment. In saying this, it is acknowledged that this rural zone area in the west of Porirua City is somewhat isolated from the balance of the Rural Zone. However with the controls over future development proposed by the applicant it is considered that visual and amenity effects on the adjoining and adjacent properties and the wider

environment will be appropriately avoided, remedied or mitigated. I therefore consider the design and layout of the proposed subdivision to be appropriate in this case.

Future construction of dwellings on the five rural-residential sites and earthworks

The applicant has shown potential house sites on the scheme plan. The applicant is seeking consent to construct future dwellings on the five rural-residential sites within 5 years of issuing of individual titles of each lot. In case the future owners want to construct dwellings/buildings outside the shown building sites a resource consent will be required.

The applicant's Landscape Architect, Linda Kerkmeester, made the following analysis and recommendations in the submitted report as part of this application;

- “30. *Given the sloping topography, some earthworks will be required to create building platforms and outdoor living areas associated with construction of dwellings. Earthworks that cannot be finished to resemble natural landforms and regrassed or screened with planting will be visually prominent and should be avoided. Retaining walls would need to be kept to a minimum (both height and length) and use natural materials and colours or screened with planting to allow them to recede into the landscape.*
31. *House sites for proposed Lots 1 and 2 Stage II are proposed relatively close to the top of a broad, open ridge. There is potential for these new dwellings to have a skyline effect where the building silhouette is seen against a sky backdrop. This effect will be more pronounced (attract the eye) if the roofline is pointed with a steep pitch and is light in colour or highly reflective. Hence a low-pitched roof with darker, muted colours is preferable to help recede the structure into the landscape. A planted backdrop would also assist in reducing any skyline effect and should be considered in these instances.*
32. *It will be important that any boundary fencing remains rural in character, using post and wire fencing and timber gates to match the existing style of fencing with vegetation for screening rather than solid timber fences. Planting will also help to screen any retaining walls or earthwork cuts that cannot be blended back into the surrounding landform.*
33. *Shelter planting around existing dwellings is also part of the existing rural character. It is expected that shelter planting will be a priority around the living areas of houses and that this will be balanced against the desire to retain coastal views. Over time it is expected that new patterns of vegetation would be established that would follow the existing patterns as they occur in gullies and around dams where there is more shelter and moisture for successful plant establishment. This will help reduce the visual effects of any new structures and earthworks so they will gradually recede and blend into the rural landscape.*
34. *This gradual planting approach from initial shelter to a more diverse planting pattern, is likely to occur on all lots over time - as has occurred around the*

current homestead with it's associated cluster of farm buildings. In the case of Lot 5 - Stage I within the Landscape Protection area, it will be important that this occurs in a planned manner to provide greater certainty of planting occurring in a reasonably short time frame as part of the site development. Any planting for Lot 5 - Stage I should seek to extend the bush up towards the house so that it appears as a continuation of the reserve vegetation. This would help blend the new dwelling into it's surroundings, thus minimizing effects on rural character.

35. *The existing established exotic trees on and around the site form part of the rural character of the area and would be appropriate to continue some planting of shelterbelts along the boundaries in some areas, as this would reinforce the rural character of the surrounding farm.*³

Landscape Architect, Linda Kerkmeester has suggested the following potential mitigation measures to be implemented;

- Building exclusion zone and structures to be sited as to avoid skyline effects;
- Minimising the potential impact of earthworks, and to avoid the need for retaining walls.
- Retaining walls which are over 1.5m in height are to be screened.
- To restrict building height and promote single storey, or step down in split level form, roof pitch, colour of external cladding and roof.
- Boundary fencing styles and gates to match the existing post and wire fencing.
- Landscaping to mitigate earthworks, retaining walls, vehicle access and parking.

Council's Leisure Assets and Services, Landscape Architect, Andrew Gray and Resource Planner, Jaydine Keenan have reviewed this application and made the following comments;

“Reserves

The proposal involves the subdivision of three lots (1, 2 and 3 DP 62408 which are adjoining the Council’s land (Stuart Park, Porirua Scenic Reserve and the wastewater treatment plant).

The reserves will not be adversely affected as a result of this proposal as the house sites are well setback from the reserve’s boundaries.

Any proposed lots with boundaries against the Council’s land should include a fencing covenant that excludes Council from contributing to the cost of fencing along the boundary.

Landscape

In principle we agree with the visual assessment methodology and recommendations and the proposed house sites. However minor aspects of the proposed conditions could be improved.

³ Landscape Architect, Linda Kerkmeester - Landscape & Visual Effects Assessment page 9 paragraph 30-35

1. *From a visual aspect the proposed house sites for lots 1 to 4 could be shown slightly larger to give future owners slightly more flexibility. However the site should only be extended down or slightly sideways along the contour where not sensitive, but should not rise up the contour. Note there maybe engineering requirements that limit the parameters.*
2. *From the visual assessment Lot 5 is more sensitive and so the current parameters are appropriate.*

Suggest condition (from page 35 of application) is changed from “no building shall extend at or above the relative contour line....” to “no part of the building shall extend at or above the relative contour line.... “This is to avoid confusion if the condition is intended to be measured from the ground plane of the building site or any part of the building. There should also be a note that this condition applies to the roof line of the building but there is flexibility for chimneys and tv aerials outside of this condition.

We would prefer the first set of conditions offered as they are more concise, achieve the desired outcome, give the future owners more certainty and are more measurable for the Council to assess.

There could be issues with the 1B conditions as some of the existing pine trees located around this area are stunted by the local micro climate and exposure at the site. So meeting the tight planting requirements that the planting has to meet the height of the house in five years could be difficult for future owners to easily obtain and introduces buildings above the skyline that might or might not be adequately visual mitigated.

The proposed conditions for the design of the houses are appropriate and supported.

Recommendation

- *Prior to approval under Section 224 of the Resource Management Act, the consent holder shall enter into a registerable agreement with the Council, specifying that the Porirua City Council shall not be responsible for the cost of erecting or maintaining any fence along a boundary of any land owned by the Council.*
- *Suggest condition is changed from “no building shall extend at or above the relative contour line....” to “no part of the building shall extend at or above the relative contour line.... “*
- *Advice note included- that this condition (above) applies to the roof line of the building but there is flexibility for normal chimneys and tv aerials outside of this condition.*
- *The proposed house sites for lots 1 to 4 could be shown slightly larger to give future owners slightly more flexibility. However the site should only be extended*

down or slightly sideways along the contour where not sensitive, but should not rise up the contour.

- *That the first set of conditions offered by the applicant if used- they are more concise, achieve the desired outcome, give the future owners more certainty and are more measurable for Council to assess.*

The first 2 points raised above by the Council's Landscape Architect and Resource Planner will be imposed as consent conditions, and the first set of conditions offered by the applicant will be used, and the third point will be imposed as advice note as suggested above.

In terms of point 4, the development areas will not be enlarged on the subject site as the findings and recommendations of the ABuild report would not be applicable beyond the areas identified in that report.

As assessed above, the first set of conditions offered by the applicant in terms of restricting the location of future buildings will be imposed as consent conditions, if consent is granted because they are more concise, achieve the desired outcome, give the future owners more certainty and are more measurable for Council to assess

The visual separation distance of more than 300m from the residential areas of Titahi Bay will largely mitigate any adverse visual effects of the proposed development when viewed from those sites.

As discussed above, the AEE includes a number of design principles such as minimising the visual impact of dwellings, siting of buildings in accordance with site topography, screening and re-grassing of any cut areas. In line with the application a number of consent conditions are recommended as offered by the applicant to restrict building form, building height and fencing and to require painting of buildings in recessive colours and a low reflectivity standard, to mitigate potential adverse visual and amenity effects. The proposed house sites and recommended land use restrictions outlined in the application are to maintain a coastal outlook from each site and keeping building sites below the main ridgeline to avoid skyline effects if viewed from beyond the subject site.

The proposed building sites on the five additional rural-residential sites will comply with the yard setback requirements of the District Plan for Rural Zone, and the proposed development areas sites on each proposed lot will avoid skyline effects provided the maximum recommended building heights in the application are adhered to. The proposal promotes single storey or step down in split form dwellings to reduce visibility of structures from adjacent residences and public places.

Planting and grassing is to be recommended as a consent notice as offered by the applicant on proposed lots as a mitigation measure to blend the proposed future dwellings, and earthworks into the surrounding landscape.

Conditions will be imposed as consent notices on the proposed lots as recommended by the applicant's landscape architect and supported by the Council's landscape architect as stated above, in order to mitigate adverse visual and amenity effects, and

earthworks effects to a level that is less than minor on the environment, and on the owners of the adjoining and adjacent properties. It is noted that the Council's Landscape Architect and Resource Planner agree with the recommendations in the applicant's landscape architect report.

Visual and Amenity effects Conclusion

The low reflectivity of building cladding, low roof pitch, height restrictions, building exclusion zone will largely mitigate the visual effects and the potential obtrusiveness of the future dwellings on each proposed lot if viewed from the adjoining and adjacent properties or the wider environment.

It is noted that the future owners of the dwellings on proposed development areas on Lots 1 & 2 (stage 2) will be in full view of each other. The applicant is aware of this and it is considered that the applicant is the only affected party as a result of this reduced amenity, in my opinion.

Proposed Lot 5 is within the landscape protection area and more stringent controls are recommended for any development on this lot. A planting plan is recommended to be implemented for this lot to largely mitigate any development such as a dwelling, earthworks, retaining walls, vehicle access and parking areas on this lot.

The proposed designated development areas and building restrictions are to avoid skyline effects by keeping future buildings below the main ridgeline. Future dwellings on the proposed Lots will be designed or restricted to be set into the existing landscape. Considering comments from the Council's Leisure Assets and Services, and recommendations from the applicant's landscape architect to be imposed as consent notices as stated above, and the visual separation distance from the adjoining properties, no one besides the applicant is considered to be adversely affected by the proposal. Any potential adverse visual and amenity effects on any owners of the neighbouring properties and the wider environment are considered to be less than minor, in my opinion. I am therefore satisfied that the proposal will not have detrimental effects on the amenity values associated with this rural area provided the recommended consent notices are registered as discussed above in this report. In my opinion this will provide sufficient control over future development such that it will not be necessary to control the future land use consents provided that development occurs within the highlighted development areas.

As part of the proposed subdivision various allotments will be amalgamated such that all sites will have a minimum total area of 5 hectares. The District Plan envisages rural allotments of 5 hectares in appropriate locations where the subdivision will maintain the character and quality of the rural environment. The proposed character and intensity of development is consistent with the density of development envisaged by the District Plan in the Rural Zone, in my opinion.

Traffic Effects, Servicing Effects, and Stability Effects

The proposal will create additional traffic on Pikarere Street. Proposed Lots 3, 4 and 5 will be accessed by a right of way (easement I) which will be 10m wide, and all the other proposed lots will be accessed via a right of way to be created over the existing main farm track at the end of Pikarere Street.

Council's Manager Land Use & Subdivision Engineering, Phillip Rhodes has made the following comments;

- (i) *“With regard to the traffic impacts of the development, the effects are related to creating 5 additional lots only – while the application seeks consent for twelve lots the balance of 7 are mainly related to farm activities and create no additional impacts on the roading network.*

The road network leading up to the Pikarere farm is a local road and ends in a typical rural cul de sac turning head. The points of access onto the turning area are well positioned in terms of visibility and manoeuvring. The crossing location of the proposed new right of way is a just a cattle crossing at present but the grades and alignment are very well placed for upgrading and future access for the new lots.

The addition of 5 new lots is equivalent to about 50 additional vehicle movements per day on the external local roading network. This is well within the capacity of the network for the additional loading.

- (ii) *Access. The existing main farm access road leads through the subdivision to give access to proposed lots 1 and 2 and access to lots 3, 4 and 5 will be provide over a new Right of way along an existing farm track formation starting at the end of Pikarere St. Table 3.2 (Rural road standards) in the Code of land Development outlines formation standards for 1 to 3 lots as a single lane with shoulders, metalled overall 4.5m wide carriageway. The formation of the right of way to lots 3 to 5 is wide enough for this carriageway already so no earthworks are required, only surfacing so a condition of consent to require the construction of the road in accordance with the Code should be sufficient. There will be no issues with road drainage in this case as the catchment is the same and there are large areas of grassed paddock downstream from the road that will handle all stormwater. Table 3.2 also covers road standards for when an access serves 4 plus properties and an increased formation width is required at 5.0m. In this case the main farm road is approximately 3 to 4m wide and is sufficient for all access needs for this application. Right of way “I” serves lots 3, 4 and 5 with a 10m wide boundary width which complies with the Code. The existing rights of way along the main farm track are 8m minimum and acceptable for all servicing needs for the subdivision.*
- (iii) *The applicant advises that confirmation from service providers for power and telecom are still being sought and a condition of consent seeking evidence that these services will suffice.*
- (iv) *The ABuild report has covered the issues of wastewater disposal, stormwater disposal and suitability of the building sites as indicated on the scheme plans in sufficient depth for Council to be satisfied that the 5 sites are suitable for dwellings and can be serviced adequately subject to professional design. The report findings indicate that the building sites have been chosen well with suitable flanks at low to moderate grades for wastewater disposal fields and stormwater disposal areas. It would not be*

advisable to depart from the selected building sites due to the variable topography and the possibility of changing ground conditions and slopes that might make the findings and recommendations of the ABuild report not applicable. I suggest a consent notice condition that anyone building follow the recommendations of the ABuild report which will cover all geotech issues relating to retaining, batters, earthworks, stormwater disposal and wastewater disposal. An additional condition requiring compliance with the Code of LD will cover any other issues with regard to geotech.”

Traffic & access

Overall Council's Manager Land Use & Subdivision Engineering is satisfied that Pikarere Street is capable of and has the capacity to absorb any additional traffic generated by the applicant's proposed subdivision. He is satisfied that any adverse access and traffic implications of the proposal will be less than minor on the safe and efficient operation of adjoining Pikarere Street.

The proposed Right of Ways within the subject site are wide enough to sufficiently provide accesses to the proposed lots provided they are all formed to a standard specified in the Porirua City Council's Code of Land Development and Subdivision 2010. A consent condition will be imposed in regard to this. For the above reasons I am therefore satisfied that access and traffic implications of the proposal will be less than minor provided the recommended conditions are imposed as discussed above.

Power and telecom

A condition will be imposed to ensure power and telecom services are available prior to issuing of the Section 224 of the RMA.

On-site Storm water Disposal, On-site wastewater treatment and disposal, and On-site water supply

As the application site is within the Rural Zone, the new lots are required to be self-sufficient in terms of potable water supply, wastewater disposal and stormwater drainage. If these services are not adequately provided for, they can result in adverse health effects and adverse effects on neighbouring properties.

The submitted ABuild Report has concluded that;

- *“Soakage pits are considered appropriate for on-site stormwater disposal;*
- *On-site wastewater systems will require specific engineering design due to soil conditions;*
- *A cost effective solution for on-site water supply is likely to comprise roof collection and treatment systems for individual dwellings”.*⁴

The Council's Manager Land Use & Subdivision Engineering is satisfied with the ABuild Report conclusions and therefore the following should be imposed as consent notices if consent is granted;

⁴ Abulid Report Page 18 Rev B 09.12.2014

- (a) A consent notice be imposed with regard to requiring an appropriately qualified engineer to specifically design water supply by way of roof collection including treatment systems for individual dwellings.
- (b) A consent notice be imposed with regard to requiring a geotechnical engineer to specifically design On-site storm water and wastewater disposal systems on the proposed lots at the time of building consent application stage. The geotechnical engineer to confirm the permeability for on-site disposal for waste and storm water and a plan be provided showing the location and size of the soakage field.

The specific details of waste water systems, storm water disposal and particular requirements for potable water supply would be reviewed when a building consent for specific dwellings is applied for. A consent notice will be imposed to ensure that the proposed lots are self-sufficient in terms of potable water supply, wastewater disposal and storm water drainage. Subject to the imposition of the above recommended consent notices, I am satisfied that the proposed lots will be self-sufficient in terms of potable water supply, wastewater disposal and stormwater drainage such that the adverse effects will be less than minor on the environment and on the neighbouring properties.

The submitted Abuild Report assessed the suitability of the subject site for the proposed development. The report concluded that rural residential development on the proposed Lots is feasible provided the development is carried out in accordance with the engineering recommendations outlined in the report, and Council's Manager Land Use & Subdivision Engineering is satisfied with these recommendations. The development recommendations are outlined with the following headings in the Abuild Report in Section 9.3 – 9.9;

- **Proposed development of sites**
- **Foundations and Settlement**
- **Earthworks and safe batter slopes**
- **Retaining**
- **Subsoil Permeability**
- **Right of Ways and Driveways**
- **Drainage and Erosion**

Conditions are recommended as consent notices to be imposed if consent is granted to ensure that any rural residential development on the application site is carried out in accordance with the recommendations outlined in the Abuild Consulting Engineers Engineering Report held on Council's file RC6818. Any stability, drainage, access, and earthworks effects will be adequately addressed provided the recommendations of the Abuild Report are imposed as consent notices, and these consent notices are complied with when the sites are further developed.

Conditions as consent notices are recommended to be imposed on this consent for the design, supervision and certification of earthworks and retaining walls, by a suitably qualified chartered professional engineer, to address issues related to stability, subsidence, slippage, and erosion as advised by the Council's Manager Land Use & Subdivision Engineering. I am therefore satisfied that the effects of the earthworks will be less than minor on the environment as they can be appropriately managed provided the recommended consent notices above are imposed if consent is granted and they are complied with.

Staging and extension to give effect to the consent

The applicant has requested that the subdivision is to be undertaken in two stages as shown on the submitted subdivision Scheme Plan *DP PIK1 REV 03*. The applicant is seeking a term of ten years in which to give effect to the consent rather than the standard five years. It is considered appropriate to provide for a term of ten years, as the conditions of consent will not be rendered inadequate in that period, and the project needs time to be implemented as it will be done in two stages. This will give the applicant an opportunity to seek approval for the certification of the approved subdivision in stages.

It is noted that the boundaries of each stage are positioned so that each stage will be able to be adequately serviced independently of the works within the other stages. Also all the necessary accesses or right of ways would be in place. I am therefore satisfied that the request for staging is appropriate, in this case.

Reverse sensitivity Issue:

Adjoining to the north is the Porirua Sewage Treatment Plant and there is potential for odour drifting in the direction of the subject site.

Council's Manager Land Use & Subdivision Engineering, on behalf of AMO - City Infrastructure Development made the following comments;

“The predominant wind in Porirua is the north westerly wind. With the almost north/south alignment of the plant valley, wind will tend to enter this valley at a slight angle and swirl along and upwards through the pine tree filters with the updraft forced by the elevation change and pine trees helping to disperse any smelly air, forcing swirling air upwards into the overhead air that is flowing across the smoother hills to right and left. There is another phenomenon that often happens with the air/land interface – the smooth hills allow air to accelerate and with slower moving air coming up from the valley there are good topographical conditions for air to mix rapidly.

There is a distinctive valley to the east of the plant that allows for an easy escape route for the main body of lower air that lies in a south east direction well away from the house sites. This is seen as an advantage for encouraging the wide dispersal of air coming from around the plant. There is also a wide valley to the immediate west of lots 1 and 2 that will help to direct air from lower elevations away from the building sites and encourage dispersal.

Having regard to the significant change in elevation from the treatment plant to the house sites, the distance between sites and the plant, the variable landform above and to the south of the pine tree shelter belt and the valley systems to each side of the house sites, the conditions for dispersal of north westerly flowing air is considered to be reasonably significant under most wind conditions which will help to avoid odours at the sites marked on the plans, and any that are experienced are likely to be brief and of low intensity and duration. The intensity of odours crossing the plant site boundary is very low to very low under most conditions.. In low wind speed conditions it could be expected that smelly air will reach the house sites – this can never be ruled out, but the frequency of low wind conditions along this coast line is low so it could be expected

that any incidence of odour laden air reaching the house site is a rare event and of short duration.

NIWA wind data shows at the Mana Island recording station that approximately 50% of the time wind speeds are in excess of 33 knots for the period from 2012 to 2014. Wind speeds vary considerably throughout the year and vary from 5 knots to 15knots on a daily basis with wind gusts recorded up to 45knots. The northerly quarter wind direction of the highest gusts appears to be reasonably constant across this period from between 149 to 183 degrees consistent with a north westerly flow. The direction from the plant building to the house site of lot 2 is 180 degrees and for lot 2 it is 185 degrees so the lot 2 house site is on the edge of the main wind direction downwind from the plant, the house on lot 1 just outside the main wind flow. The mean wind speed for the years 2012 to 2014 is 15 knots which is the speed which generates up to 1 metre high sea waves with numerous whitecaps and is relatively windy conditions.

Hadley Bond, the plant manager at Wellington Water, and Des Scrimgeour have advised that there have never been an odour complaint relating to the plant. Complaints have been made in the past but were found to be related to strong odours from other parts of the network eg the Titahi Bay sewer tunnel on the Titahi Bay side and pump stations around Porirua experiencing low flows and also from rotting vegetation such as seaweed and sea lettuce on the beaches. Hadley does advise also that the owner of the farm has noticed smells from time to time and it would be expected that this would be in very low wind conditions and he does not know the actual location of the smell identification. One measure of odour is offensiveness and at the plant the odour could not be considered by most to be offensive, its more like unpleasant and that seems to be a common observation among those associated with the plant.

To summarise, the smell at the plant is considered to be low intensity as it disappears quickly with distance from the building. The wind conditions show that the two sites are not directly downwind of the plant building, but at the edge and just off the edge, the concentration of the smell in air must be low as it disappears quickly, the strong and regular winds provide effective and immediate mixing at an exposed coastal site, the topography means that additional mixing is promoted and dispersed rapidly, the frequency of low wind conditions that might permit odour laden air to reach the house sites is considered to be low to very low and the duration of any unpleasant smell lingering is considered to be low at highly exposed house sites nears the top of the hills.

Overall, it is considered that there is not a direct relationship between the location of odours at the treatment plant and the proposed house sites. Many other factors exist that combine to present a low risk of odours from the plant reaching the lots. The conditions under which this subdivision is being promoted and designed seem therefore to be acceptable.”

Porirua Sewage Treatment Plant is located on a considerably lower elevation than the subject site. There are pine trees located on the southern side of the Treatment Plant, and these provide mitigation of windblown odour from the Treatment Plant. The Treatment Plant is more than 225m from the common boundary shared with the subject site. The area adjoining the Porirua Sewer Treatment Plant site to the north on the subject site is covenanted, and no buildings will be constructed in the covenanted area

or earthworks undertaken. The proposed development areas on the subject site are well removed from the common boundary shared with Porirua Sewer Treatment Plant site.

Taking all the above matters into consideration, any reverse sensitivity effects are considered to be less than minor on the environment and on any future owners of the proposed subdivision.

Easement to be discharged:

Council's Leisure Assets and Services, Resource Planner, Jaydine Keenan, has made the following comments in relation to the ROW easement to be discharged;

“A ROW easement is to be discharged from Lot 3 DP 623408. This was previously agreed by Council as part of the Sale and Purchase agreement to access a piece of Porirua Scenic Reserve. The access is no longer needed by the Council.”

The removal of the existing easement “B” on DP 62408 will not result in any adverse environmental effects, since access to the adjoining reserve to the east will not be required over the application site. The Council’s reserves now have access from Pikarere Street, as advised above by the Council's Leisure Assets and Services Resource Planner, Jaydine Keenan.

Overall:

I consider that the activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land. Further, I consider that any potential adverse effects on the subject land or adjacent land will be less than minor.

5.2 Plan Provisions - Objectives & Policies

The rural zone of the Operative Plan has a number of objectives and policies that require consideration in assessing a discretionary activity.

***C4.1 OBJECTIVE
TO IDENTIFY A RURAL ZONE AND CONTINUE ITS MANAGEMENT SO AS
TO AVOID, REMEDY OR MITIGATE THE EFFECTS OF THE ACTIVITIES
WITHIN IT.***

***C4.1.3 Policy
To ensure that activities within the Rural Zone do not detract from the character or
quality of the rural environment.***

***C4.1.6 Policy
To ensure that non-primary production activities do not make it necessary to upgrade
rural roads beyond the level needed to service rural and recreational activities.***

***C4.1.8 Policy
To protect the long term potential of the rural land resource by ensuring that the new
allotments for which a certificate of title can be issued are capable of accommodating
a range of primary production activities.***

The proposed subdivision would maintain the contrast between the rural and urban areas of Porirua City by creating sites of at least 5ha in area. The proposed lot sizes would maintain a degree of openness and maintain the character and quality of the rural environment. The proposed lot sizes would not unduly restrict primary production activities from occurring on them. Given the sizes of the allotments proposed, the long-term potential of the rural land resource would not be significantly compromised. Council's Manager Land Use & Subdivision Engineering has not advised it to be necessary to upgrade rural roads beyond the level needed to service rural activities. Overall, I consider that the proposal would not be inconsistent with the above objective and associated policies.

C4.2 OBJECTIVE
TO AVOID OR REDUCE THE ADVERSE EFFECTS OF ACTIVITIES ON ECOSYSTEMS AND THE CHARACTER OF THE RURAL ZONE.

C4.2.3 Policy
To require a high standard of wastewater disposal at all times.

C4.2.4 Policy
To encourage the maintenance and enhancement of the ecological integrity and natural character of the Rural Zone.

The potential visual effects of future dwellings being located on the proposed building sites have been assessed to be less than minor on the environment, provided the recommended consent conditions are imposed as discussed above in this report. Conditions of consent would be imposed to ensure high standard of wastewater disposal would be achieved on the proposed new lots. Overall, I consider that the proposal would not be inconsistent with the above objective and associated policies.

Objectives and policies relating to Subdivision are also relevant to this application and are considered below.

C6.1 OBJECTIVE
TO PROMOTE A PATTERN OF LAND OWNERSHIP WHICH ENHANCES THE OPPORTUNITIES FOR THE SUSTAINABLE MANAGEMENT OF RESOURCES.

C6.1.5 Policy
To protect the long-term potential of the rural land resource by controlling subdivision which does not directly contribute to the long-term sustainable management of the rural resource.

As stated above although some of the proposed allotment areas will be less than 5 hectares, the proposed resultant land title areas are a minimum of 5 hectares with the proposed amalgamations and would maintain a degree of openness and maintain the character and quality of the surrounding rural environment. The proposed land title areas would not unduly restrict primary production activities from occurring on them. I consider that the proposal would not compromise the long-term potential of the rural land resource. It is my opinion that the subdivision would be consistent with the principle of sustainable management.

C7.1 OBJECTIVE
TO ACHIEVE A SAFE AND EFFICIENT TRANSPORTATION NETWORK THAT ENABLES THE PEOPLE OF THE CITY AND THE WIDER COMMUNITY TO PROVIDE FOR THEIR SOCIAL AND ECONOMIC WELL-BEING WITHOUT CREATING SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS.

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

As assessed in section 5.1 of this report, any potential adverse traffic, access and safety effects of the proposal will be less than minor on the safe and efficient operation of adjoining Roading network.

Overall:

Therefore the proposal is not inconsistent with District Plan Objectives and Policies, in my opinion.

5.3 Section 106 Assessment.

Section 106 of the Resource Management Act 1991 provides that:

- "(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subjects to conditions, 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.
- (2) Conditions under subsection (1) must be –
- (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
 - (b) of a type that could be imposed under section 108."

Section 5.1 of this report has discussed the Section 106 matters applicable to the development, these being ground stability and legal and physical access.

As stated above, the applicant has provided a Geotechnical Investigation & Assessment report from ABuild Consulting Engineers Ltd dated December 2014. The report assessed the suitability of the subject site for the proposed earthworks and future rural residential development on proposed Lots 1-5. This report contains a series of recommendations relating to the undertaking of the earthworks and geotechnical matters and the applicant has proposed to include these as consent conditions that would be applied through consent notices. It is considered that imposing these consent conditions, and monitoring compliance with these conditions, will ensure that any stability issues will be avoided.

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

As discussed above, sufficient provision will be made for legal and physical access to each proposed allotment to be created by this subdivision. A condition will be imposed in this regard. Overall, I consider that there is no reason why Council could not grant consent based on Section 106 of the RMA, provided conditions of consent are imposed as discussed in Section 5.1 of this report.

5.4 Comments from Other Departments

This application has been circulated for comment to Council's Asset Management and Operations Group. Council's Manager Land Use & Subdivision Engineering recommended a number of conditions of consent. These conditions have been included.

In addition to the comments discussed in the body of the report, Council's Leisure Assets Services Resource Planner (Jaydine Keenan) has made the following comments;

“Reserves

Any proposed lots with boundaries against the Council's land should include a fencing covenant that excludes Council from contributing to the cost of fencing along the boundary.

Recreation and Civic Development Contribution

A Recreation and Civic Development Contribution of \$1621.48 (incl GST) shall be payable for each new dwelling to be constructed. Rural dwellings are only charged 25% of the amount charged for a new dwelling in the Suburban Zone, to reflect the fact that residents in the Rural Zone place less pressure on the City's recreation resources.”

The above recommended conditions are relevant and will be imposed if consent is granted.

5.5 Regional Policy Statement

Section 104(b) requires regard to be had to the Regional Policy Statement and Proposed Regional Policy Statement. The second generation Regional Policy Statement for the Wellington region (RPS) was made operative on 24 April 2013. There are various policies within the Proposed Regional Policy Statement and the following are considered relevant and regard should be had to them in assessing this resource consent application:

Policy 15: Minimising the effects of earthworks and vegetation clearance

Policy 41 – Minimising the effects of earthworks and vegetation disturbance

These policies are intended to minimise erosion and silt and sedimentation effects associated with many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies.

The applicant has provided a report from Abuild outlining measures to control earthworks effects to ensure that silt and sediment runoff is retained on the subject site and does not enter surrounding sites and water bodies. The recommendations in the Abuild are to be imposed as consent conditions. Council's Manager, Land Use and Subdivision Engineering, Phillip Rhodes has reviewed the submitted Abuild Report and has confirmed they are satisfactory. It is therefore considered the proposal is consistent with the above policies.

Policy 42 – Minimising contamination in stormwater from development

The policy is to reduce adverse effects of subdivision and development on the quantity and quality of stormwater. The proposal is only to create 5 additional lots and the amount of stormwater discharged as a result of the proposed impervious surfaces will be minimal on the receiving environments such as Porirua harbour and the adjacent ocean to the north. Furthermore, conditions as consent notices are recommended to be imposed on the resource consent if granted to mitigate potential adverse effects associated with silt/sediment runoff, and stormwater effects, to a level that is less than minor on the surrounding environment.

Policy 57 – Integrating landuse and transportation

This policy seeks to ensure subdivision, use and development of land makes progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy. Of particular relevance to this proposal is "*whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network*". As assessed the proposal will have adverse effects that are less than minor on the surrounding road network. Therefore the proposal is not inconsistent with above policy.

Overall it is considered that the proposal is not inconsistent with the provisions of the Regional Policy Statement.

6.0 CONCLUSION

The earlier analysis has established:

- The environmental effects, adverse or otherwise, of allowing the activity to proceed, beyond the subject land and adjacent land will not be more than minor.
- The proposal is not inconsistent with the relevant objectives and policies of the Porirua City District Plan.

In addition, assessment of the proposal in terms of the relevant provisions of the regional policy statement and regional plans has been carried out. It is concluded that the proposal would not be inconsistent with any of these instruments. Additionally, there are no other matters relevant to this application.

It is therefore considered that the proposal meets the ‘gateway’ tests set under section 104D of the Act in that the effects of the activity on the environment are less than minor provided the recommended conditions are imposed if consent is granted, and that it is not contrary to the relevant District Plan objectives and policies. In addition an assessment of the proposal in terms of any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, a regional policy statement or proposed regional policy statement, has been carried out. It is concluded that the proposal would not be inconsistent with any of these instruments.

Part II of the Act

Part II of the Act sets out the Purpose (Section 5) and Principles of the Act which is the sustainable management of natural and physical resources:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

As previously assessed in Section 5 of this report, the proposal is not inconsistent with the Resource Management Act Part II matters in Section 5 above, in my opinion.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights.*

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

In regard to Section 7 of the Resource Management Act 1991, the proposal promotes the efficient use and development of natural and physical resources. The adverse visual effects will be less than minor and the potential adverse effects of the proposal will be at acceptable level provided recommended conditions to provide mitigation measures are imposed. In this case the proposal will continue to maintain the quality of the environment expected in the Rural Zone. The proposal is not inconsistent with the relevant matters under section 7 of the Resource Management Act in my opinion.

The proposed subdivision will not be out of character with the pattern of development in the rural area where other rural sites have been subdivided down to 5 hectares as a Discretionary Activity. The District Plan envisages rural allotments of 5 hectares in appropriate locations where the subdivision can maintain the character and quality of the rural environment. Furthermore the five proposed designated development areas are situated so that the dwellings will be set into the existing landscape and will not sit above the ridgeline. The proposal leads to a better or more efficient use of the subject site and is considered an efficient use and development of this physical resource (Section 7(b)) as it will allow for the use of the site without adversely affecting the environment. The proposal is not considered to have any effects on Matters of National Importance (Section 6) nor is it a site of significance to Tangata Whenua (Sections 7(a) and 8). It is considered that the principles of the Treaty of Waitangi have been satisfactorily taken into account with respect to this application and that there will be no adverse effects on Tangata Whenua as a result of this application.

Conclusion:

On the above grounds, it is therefore recommended that the General Manager - Environment and Regulatory Services grant approval to the resource consent application as it is considered that the activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land, any potential adverse effects on the subject land or adjacent land will be less than minor, the proposal is not contrary to the relevant objectives and policies and it meets the tests set out under Part II of the Act in terms of being a sustainable use of an existing physical resource.

7.0 RECOMMENDATION

That the application by **Pikarere Farm Ltd** for subdivision and land use resource consents:

1. To Subdivide the properties at 320- 380 Pikarere Street, Colonial Knob (Being Lots 1- 3 DP 62408, Lot 3 DP 373530 & Lot 7 DP 373530) to create 3 additional titles with minimum area of 5 hectares in each title.
2. For Land Use for earthworks and dwellings on Lots 1 and 2 (stage 2 of the subdivision) and Lots 3-5 (stage 1 of the subdivision),

be considered as a non-notified application under sections 95A, 95D and 95E and that resource consent **be granted** for a non-complying activity pursuant to sections 104, 104B, 104D and 108 and 220 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the activity will not - have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
2. The effects are considered to be less than minor such that no persons have been identified as potentially affected.

3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions.
4. The proposal meets both the gateway tests of Section 104D of the Resource Management Act.

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

A-Subdivision Consent Conditions

1. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6818 and held on Council file RC6818 (*Development Plan Rural Residential Subdivision and Boundary adjustment, Drawing No. SC Pik1 Rev 02, and Stage 1: Subdivision of Lots 1, 2, & 3 DP 62408 into Lots 3-5, 8, 9 & 10 Subdivision of Lots 3 & 7 DP 373530 into Lots 6, 7, 11 and 12, Drawing Number DP Pik1 Rev 04*), although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.
2. In carrying out subdivision works, the consent holder shall follow all relevant recommendations contained within the Geotechnical Report prepared by Abuild Consulting Engineers Ltd, REF 9924; dated December 2014 REV B held on Council File RC6818.
3. In carrying out subdivision works, the consent holder shall follow all relevant recommendations contained within the Pikarere Farm Landscape and Visual Assessment Report dated December 2014 prepared by Linda Kerkmeester held on Council File RC6818.

Prior to commencement of construction:

4. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design and supervision of earthworks.
5. Prior to the commencement of works, a services plan showing the layout and position of any services to be reticulated (eg roading), and any site works and construction (other than residential buildings), shall be submitted for Pre Engineering Acceptance to the satisfaction of the General Manager Asset Management and Operations. All works shall be carried out in accordance with the approved plan.

During Construction:

6. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the

discharge does not cause adverse effects on the environment by entering a natural watercourse.

General – Applying to all Stages:

7. Individual certifications pursuant to sections 223 and 224(c) of the RMA may be issued for this subdivision in a series of stages as follows:
- Stage I – Lots 1-5, 8, 9 & 10 and subdivision of Lots 3 & 7 DP 373530 into Lots 6, 7, 11 & 12. Then the following lots will be amalgamated to be held in one Computer Freehold Register: Lots 1, 9 and 10 in one CFR, Lots 3 & 8 in one CFR, and Lots 7, 11 & 12 in one CFR
 - Stage II – Subdivision of Lot 2 in Stage 1 into two Lots 1 & 2;

provided that:

- Each individual allotment must be consistent with the proposal as approved;
- All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage.

Prior to certification under Section 223:

8. Prior to approval under Section 223 of the Resource Management Act 1991, the easements specified on the approved scheme plan DP PIK1 Rev 04 shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
9. Prior to approval under section 223 of the Resource Management Act 1991 the identified development areas shown on Drawing Number SC Pik 1 Rev 02 dated 22/12 drawn by Land Matters Property Consultants shall be surveyed and marked on the Land Transfer Plan.
10. That pursuant to section 220(1)(b)(i) & (ii) of the Resource Management Act 1991, that;
 “Lots 1, 9 and 10 are held together in one CFR;
 Lots 3 and 8 are held together in one CFR;
 Lots 7, 11 and 12 are held together in one CFR.”
 (Request number in the condition is 1269838). This shall be recorded on the Transfer Plan submitted for this stage under Section 223 of the Resource Management Act.

Conditions to be registered as consent notices

11. The consent holder or future owners of Lots 1 & 2, Stage II and Lots 3, 4 and 5 (lot 3 being held together with lot 8), Stage I may construct future dwellings, accessory buildings, water tanks, car parking and associated earthworks without the need to apply a resource consent provided that:

- They are proposed to be constructed wholly within the development areas identified on the Land Transfer Plan and;
- Any such future development can be demonstrated to comply with all consent notice requirements that are imposed on the Computer Freehold Registers.

Note: Full Rural Zone provisions will apply to any proposal to develop outside of an identified development area including the need to apply for a resource consent (if applicable at the time). Consent notices required by conditions 13 - 22 of RC6818 will still apply to any such development.

PROTECTION OF SKYLINE

13. The consent holder or future owners shall ensure that within each lot, no part of any building shall extend at or above the relative contour levels described below for an area described as a 'building exclusion zone' for the purpose of avoiding buildings being built on the skyline. The levels are relative to a recognised datum.
- within Lot 1 – stage II the skyline exclusion zone is RL190m
 - within Lot 2 – stage II the skyline exclusion zone is RL 185m
 - within Lot 3 & Lot 8 (to be amalgamated) – stage I the skyline exclusion zone is RL 176m
 - within Lot 4 – stage I the skyline exclusion zone is RL 167m
 - within Lot 5 – stage I the skyline exclusion zone is RL 160m

and, at the time of building consent, plans are to be supplied to the satisfaction of the General Manager, Environment & Regulatory Service, that all parts of all buildings are located below the Skyline Exclusion zone relative to a recognised datum.

BUILDING DESIGN CONDITION

14. The consent holder or future owners shall ensure that buildings (and for the purpose of this condition buildings include water tanks and retaining walls) within Lots 1 and 2 – Stage II and Lots 3 (Lot 3 being held together with lot 8) and 4– Stage I shall be designed as follows:
- That no part of any building shall be higher than 6.5m above finished ground level and all buildings, shall be located below the building exclusion zone;

Note: finished ground level means the level of the ground after completion of all earthworks.
 - That the roof on any building, including a dwelling shall be of a low pitch with an angle of 30 degrees or less;

- iii. That a building, including a dwelling, any accessory building, and any retaining walls shall be finished in materials (including the exterior paint or stain) that has a reflectivity value of 60% R_V or less as per BS5252 colour chart, in muted tones within greyness Groups A to B. Roof to be of a generally darker shade than the walls and preference to be given to natural materials and colours found in the surrounding landscape such as timber, stone and earth.
- iv. That any retaining wall greater than 1.5m in height which is not screened by a dwelling or accessory building, shall be screened by vegetation that will grow to at least the height of the retaining wall within 5 years.

CONDITIONS IN RESPECT OF LOT 5 – STAGE I

15. The consent holder or future owners shall ensure the following shall apply to any developments on proposed lot 5;

- i. That no part of the dwelling shall be higher than 5m above finished ground level and broken down into differing heights (to reduce the visual bulk of the structure) and all parts of the building to be located below the Building Exclusion Zone.

Note: finished ground level means the level of the ground after completion of all earthworks.

- ii. That the roof on any building, including a dwelling shall be of a low pitch and have an angle no greater than 30 degrees;
- iii. That a building, including a dwelling and associated landscaping including retaining walls shall be finished in materials (including the exterior paint or stain) that has a reflectivity value of 60% R_V or less as per BS5252 colour chart, using muted tones within greyness Groups A to B. Roof shall be of a generally darker shade than the walls and preference to be given to materials and colours found in the natural landscape such as timber, stone and earth. Non-permeable surfaces (such as driveway and parking areas) shall use low-reflective colours or materials;
- iv. That any retaining wall greater than 1.5m in height which is not screened by a dwelling or accessory building, shall be screened by vegetation that will grow to at least the height of the retaining wall within 5 years.
- v. A landscaping plan shall be submitted to the Council prior to the commencement of any works begun as part of a Building Consent issued under the Building Act on Lot 5, to mitigate any adverse visual effects that might result due to the proposed dwelling, buildings, earthworks including retaining walls and

shall be subject to the approval of the Council's Landscape Architect. Planting and works related to the landscaping plan shall be undertaken as soon as seasonally practicable (April-September) after the construction works but must be within twelve months of the works associated with the Building Consent being completed. The objective of the landscape plan is to minimise the effect the development has on the surrounding rural landscape.

EARTHWORKS CONDITION (FOR LOTS 1 and 2 – STAGE II AND LOTS 3, 4 AND 5 – STAGE I)

16. The consent holder or future owners shall ensure the following shall apply to any earthworks associated within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I;
- i. That all earthworks within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I shall be stabilised with either metal (if it is for a right of way and/or access); or planted out with grass-seed or other suitable vegetation within 3 months of the earthworks being completed and stabilised within 12 months of the earthworks being undertaken;
 - ii. Earthworks construction shall ensure that safe batter slopes are formed. In the short term cut batters which are less than 3.0 metres high through very stiff silty soils shall not exceed 50 degrees to the horizontal. Higher short term cut batters will require specific engineering input and may require temporary support in the form of anchors. Long term cuts should be reduced to profiles of 40 degrees to horizontal.
 - iii. All fills shall be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989. Within 6 months of completion of the earthworks hereby consented, plans shall be supplied to the satisfaction of the General Manager, Environment & Regulatory Services showing the location of all compaction tests, together with a certificate prepared by an inspecting chartered engineer stating the suitability of the earthworks for residential development.
 - iv. Retaining walls, other than those not requiring building consent, shall be designed by a suitably qualified engineer and any design shall take into account appropriate surcharge loads and seismic loads as required. Depending on the proposed dwelling layout suitable retaining walls could comprise standalone timber pole walls, or concrete block walls which are incorporated as an integral part of any dwelling.

PROTECTION OF DEVELOPMENT AGAINST SLOPE FAILURE

17. The consent holder or future owners shall ensure the following shall apply to any developments within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I;
- i. No buildings or earthworks within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I shall be located within 4m (horizontally) from the crest of gully slopes that exceed 30 degrees to horizontal upon unless they have specific foundations (in respect of buildings) and/or retaining walls (in respect of both buildings and earthworks);
 - ii. The suitability of any exposed foundation soils, within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I, shall be confirmed by an experienced engineer who shall verify that actual ground conditions are consistent with the Abuild Consulting Engineers Ltd Report (titled, “Geotechnical investigation proposed subdivision Pikarere Elsdon, Porirua. Rev B” dated December 2014 Reference 9924)
 - iii. Vegetation cover shall be maintained over sloping ground at the site to reduce erosion potential and the potential for slope instability. Sloping ground which is clear of vegetation during construction shall be replanted to bind surface soils together and reduce erosion and slip potential. A suitably qualified landscape gardener shall be consulted to select the most appropriate plant species for both the slope and soil conditions at the site.

FENCING

18. The consent holder or future owners shall ensure that boundary fences (excluding right of way boundaries) shall be restricted to standard 7 wire farm fencing or up to 2m deer fencing, with any temporary wind cloth only to be used as required for plant establishment.
19. Prior to approval under Section 224 of the Resource Management Act, the consent holder shall enter into a registerable agreement with the Council, specifying that the Porirua City Council shall only contribute to the cost of erecting or maintaining any fence along a boundary of any land owned by the Council to the rural standard specified in the Fencing Act 1978.

SERVICES

20. The consent holder or future owners of proposed Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1) shall comply with the following:

“Any on-site water supply (which may be from roof rainwater collection) including treatment systems for individual dwellings, shall be to the satisfaction of the General Manager, Environment & Regulatory Services. A minimum of 2 x 25,000 litre water tanks per dwelling shall be installed prior to the occupation of any dwelling on each allotment. These tanks shall meet internationally recognised standards for use as a potable water storage vessel and shall be located such that there is driving access to the tanks to provide access by fire fighting appliances and water supply delivery trucks.”

21. The consent holder or future owners of proposed Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1) shall comply with the following:

That any dwelling erected on the land shall be connected to its own individual and specifically designed system for the treatment and disposal of household sewage and waste water which shall prior to its installation be supported by the submission to the Porirua City Council of the site investigation information on soil suitability for the type of effluent disposal system proposed

22. The consent holder or future owners of proposed Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1) shall comply with the following:

"At the time of application for building consent for a new dwelling on Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1), details of the proposed method of stormwater disposal from the lot shall be submitted for approval to Council's General Manager, Environment and Regulatory Services. The information submitted shall show by way of an appropriate design carried out by a suitably qualified engineer experienced in stormwater disposal that the lot is capable of complying with Building Code E1 – On-site Storm Water Disposal. Stormwater disposal shall then be in accordance with the approved method.

23. The consent holder or future owners of proposed Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1) shall comply with the following site's development criteria as outlined in Section 9.3 – 9.9 of the Abuild held on Council File RC6818;

- a) Proposed development of sites
- b) Foundations and Settlement
- c) Earthworks and safe batter slopes
- d) Retaining
- e) Subsoil Permeability
- f) Right of Ways and Driveways
- g) Drainage and Erosion

24. Conditions 12 - 23 above shall be the subject of consent notices under Section 221 of the Resource Management Act registered against the new Certificate of Title for Lots 1-5 inclusive as appropriate and will be prepared by Council at the cost of the consent holder. All costs associated with the preparation and registration of the consent notices shall be met by the consent holder.

GENERAL 224 CONDITIONS

Prior to certification under Section 224:

25. All conditions pertaining to the specific allotments shown in the particular stage on the survey plan must be satisfied prior to the execution of a certificate pursuant to section 224(c) of the RMA in respect of that stage of the subdivision as follows:

- a. All utility services shall be installed underground and the consent holder shall provide confirmation from the service providers of energy and communication services to the subdivision stating that their requirements have been met.
 - b. All related works shall comply with New Zealand Standard: Land Development, Subdivision Engineering NZS 4404:2004, and the PCC Code of Land Development and Subdivision Engineering 2010 and the Wellington Water Regional Standard for Water Services 2012.
 - c. Proposed Right of Ways identified as “I” on Land Matters plan DPPik1 Rev 03 shall be formed and drained in accordance with the PCC Code of Land Development and Subdivision 2010, Land Development and Subdivision Infrastructure - NZS 4404: 2010, and Part H of the District Plan.
 - d. Due to the age and condition of the existing access A on DP 32408, the formation shall be reconstructed where required in order to achieve uniform, consistent continuous surface, and then metalled in compliance with the Land Development and Subdivision Engineering - NZS 4404: 2004, PCC's Code of Land Development and Subdivision 2010 and all works shall be to the satisfaction of the General Manager, Environment and Regulatory Services.
26. The consent holder shall construct a new vehicle crossing at the end of Pikarere Street entrance to ROW “I” with a sealed formation between the existing cul de sac seal and a point 5m inside the lot all in compliance with PCC's Code of Land Development and Subdivision 2010 and PCC specification 12b as outlined at <http://www.pcc.govt.nz/DownloadFile/A-Z-Services/Roading/Vehicle-Crossing-Specifications>.
 27. The lapsing period pursuant to section 125 of the RMA for stage I of the subdivision shall be 5 years from the date of the consent being granted;
 28. That the lapsing period pursuant to section 125 of the RMA for stage II of the subdivision shall be 10 years from the date of the consent being granted.

B-Land Use Consent Conditions

29. That the development be in general accordance with the information and plans submitted with the application stamped Approved Plans for Resource Consent RC6818 and held on Council file RC6818 (*Development Plan Rural Residential Subdivision and Boundary adjustment, Drawing No. SC Pik1 Rev 02, and Stage 1: Subdivision of Lots 1, 2, & 3 DP 62408 into Lots 3-5, 8, 9 & 10 Subdivision of Lots 3 & 7 DP 373530 into Lots 6, 7, 11 and 12, Drawing Number DP Pik1*

Rev 04) although minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

Prior to commencement of construction for the land use consents:

30. That the consent holder shall contact the Council's compliance monitoring officer at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.
31. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design and supervision of earthworks.
32. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
33. The consent holder shall ensure that a copy of this consent is kept in the office on site at all times and presented to any Porirua City Council officer on request.
34. Prior to the commencement of the earthworks, the consent holder shall submit an Erosion and Sediment Control Plan to the satisfaction of the General Manager, Environment and Regulatory Services. The consent holder and agents shall comply with the plan submitted. The plan shall include:
 - i) Details of methods proposed to treat sediment on site,
 - ii) Erosion control; and
 - iii) Details of proposed monitoring measures.

Building sites

35. That any development within Lots 1 and 2 – stage II and Lots 3, 4 and 5 – Stage I, associated with the construction of a building/dwelling, which includes earthworks, an accessory building, water tanks or retaining walls will be limited to that area identified on the Land Matters Ltd Plan titled, 'Development Plan Pikarere Land Use Consent.

“Any dwelling/building on the above allotments shall be located within the development areas identified as areas (insert letters for Lots 1 & 2 (stage 2), Lots 3 – 5 (stage 1) identified on Land Transfer Plan as required by Condition 9) identified on Deposited Plan (insert DP number).”

During construction of the subdivision works:

36. During construction of the subdivision, the consent holder shall follow all the recommendations contained within the Geotechnical Report prepared by Abuild

Consulting Engineers Ltd, REF 9924; dated December 2014 REV B held on Council File RC6818.

37. During construction of the subdivision, the consent holder shall follow all the recommendations contained within the Pikarere Farm Landscape and Visual Assessment Report dated December 2014 prepared by Linda Kerkmeester held on Council File RC6818.
38. The consent holder shall ensure that all culvert outlets are attached to an outlet sock. The socks are to help to reduce water velocities and erosion at the culvert outlet.
39. Mufflers shall be used on all earthworking machinery to reduce the noise emanating from these machines and thus the effect on residents.
40. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment by entering a natural watercourse.
41. All fills shall be designed and constructed under the supervision of a suitably qualified chartered engineer. The consent holder shall follow all the recommendations contained within Abuild Report (Abuild Report Ref 9924 dated December 2014 Rev B) held on Council File RC6818.

If accordance with the earthworks design is achieved and/or limitations need to be raised with future property owners the consent holder shall apply for consent notices at the time of Section 224 certification. The limitations and ability to identify the limitations on consent notices will be considered by Council at the time of Section 224 certification and the General Manager, Environment and Regulatory Services shall retain discretion of whether consent notices are applicable in this regard.

After construction of the subdivision works:

42. Upon completion of the earthworks (or, if deemed necessary by Council, during the earthworks period) the consent holder shall provide to the satisfaction of the General Manager, Environment & Regulatory Services, a report from a chartered engineer with geotechnical experience addressing the stability of the constructed cut and fill batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development 2010.
43. If cuts are stabilised by a retaining wall within 6 months of completion of the earthworks hereby consented or application for Section 224 certification whichever occurs first then the requirement for a report from a chartered engineer with geotechnical experience shall not apply (as per condition 20). Where retained cuts are over 1.5m in height, a producer statement – construction review PS4 for the retaining wall shall be provided to the satisfaction of the General Manager- Environment and Regulatory Services.

44. Land disturbed by earthworks, trenching or building activities shall be regularly wetted to ensure that dust nuisance is maintained within the site.
45. All areas exposed by earthworks, trenching or building activities are to be re-grassed/hydro-seeded at the earliest possible opportunity following excavation or at the latest within 3 months after completion of the earthworks.
46. The consent holder shall generally conform to the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region, September 2002, when designing sediment control options for the earthworks on this site.

General land use

47. Prior to the commencement of construction of each of the proposed dwellings on Lots 1 & 2 (stage 2) Lots 3 – 5 (stage 1), the consent holder shall pay to Council a Recreation and Civic Development contribution of \$ 1621.48 incl GST pursuant to Part E1.3.2 (a)(ii) of the Porirua City District Plan (being 25% of the maximum amount under this clause of the District Plan).

6.0 CONCLUSION AND RECOMMENDATION UNDER SECTION 243 OF THE RESOURCE MANAGEMENT ACT

As discussed in Section 5 of this report it is appropriate to cancel easement identified as 'B' on DP 62408. It is therefore recommended that Council grants approval to surrender an easement identified as 'B' on DP 62408, and sends a Notice of Cancellation to the District Land Registrar advising that the easement has been partially cancelled.

THE APPLICANT IS TO NOTE:

Advice Note.

A recreation and civic development contribution will be payable to the Council when a house is built on the new proposed Lots.

Section 357

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

Building Act

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

Section 125

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

Earthworks

The consent holder should generally conform with the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region September 2002, when designing sediment control options for any earthworks on the site.

Traffic Management Plan

If the intended work that is covered by this consent includes any activities within the road reserve, then a Temporary Traffic Management Plan is to be prepared by a person who is certified in accordance with 'Temporary Traffic Management for Local Roads – Supplement to NZTA COPTTM', and submitted to the Manager Roading – Asset Management and Operations Group for review and approval before any physical works within the road reserve are started.

Fees and charges

Should any additional fees charged for the processing of this application or any financial contributions, levies or bonds required by conditions of this consent not be paid within the deadlines set either through invoicing or consent conditions, this could ultimately lead to Council seeking to recover money owed through the debt collection agency. Should the need arise to use a debt collection agency then the consent holder will be liable for and charged any extra expense that the debt collection service incurs.

Robinson Dembetembe
RESOURCE CONSENTS PLANNER

Date

John Harold
MONITORING AND ENFORCEMENT OFFICER

Date

Decision of Council

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

The application to surrender easement identified as 'B' on DP 62408 and, a certificate be signed by the General Manager – Environment & Regulatory Services pursuant to Sections 243(a) & (e) of the Resource Management Act 1991.

Adrian Ramage
MANAGER RESOURCE CONSENTS

Date

D. Rolfe
**GENERAL MANAGER
ENVIRONMENT & REGULATORY SERVICES
under Delegated Authority**

Date

From: Jenny Grimmett <JGRIMMETT@pcc.govt.nz>
Date: Tuesday, 11 July 2017 at 5:15 PM
To: Ronnie Rochel <ronnie@tearatikadrilling.com>
Cc: Markus Rochel <markus@tearatikadrilling.com>, Jenny Grimmett <jenny.k.grimmett@gmail.com>
Subject: 2017 07 11- Copies of Documents approving subdivision on Pikarere Farm

Hi Ronnie and Markus

It was lovely to meet you this afternoon. I have attached copies of some of the documents I gave you after our meeting.

These are:

1. The planners report and decision letter for the original subdivision (sorry these are word documents and not signed as the scanned files are huge and too big to email);
2. The planners report and decision letter for the change of conditions (both signed);
3. Approved plans for the latest decision.

Please don't hesitate to contact me if you have any further queries.

Kind regards

Jenny Grimmett
Consultant Planner
Porirua City Council
Contact: **029-200-3057**



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08.11.20

Ronnie Rochel
Gerod Brader
Warwick Vernon

PROPOSED PORIRUA CITY DISTRICT PLAN

1. **Attached** are:

1.1 Letter from the Porirua City to Pikarere Farm Limited dated 2 September 2020.

1.2 Plan showing proposed zoning for part of the Farm.

2 The proposed plan provides for two types of rural zoning.

2.1 Rural – Permitting minimum subdivisional lot size of 5 hectares.

2.2 Rural Residential – Permitting minimum subdivisional lot size of 2 hectares.

3 I understand the proposed zoning of your lot(s) is rural.

4 You may wish to make a submission that your lot(s) be zoned rural residential so as to provide for possible smaller subdivisional lots.

5 See the attached plan.

The proposed plan provides for the area to the south of the airstrip to the coast to be zoned rural.

Areas further to the south and on the “top flats” to be zoned rural residential.

I propose to make a submission that the area from the airstrip to the coast be zoned rural residential.

6 You will note that the final date for submissions is Friday 20 November 2020.

7 I suggest you consult your lawyer but I am happy to discuss matters with you.

With best wishes and regards.

Dan Stevenson



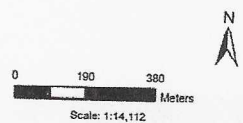
Porirua City Maps



Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors, LINZ, Eagle Technology

LEGEND

- | | |
|-------------------------------------|---|
| Zone | Special Amenity Landscapes |
| Rural Lifestyle Zone | Sites And Areas Of Significance To Māori |
| General Rural Zone | Significant Natural Areas |
| Open Space Zone | Outstanding Natural Features and Landscapes |
| Ngāti Toa Rangatira Statutory Areas | Coastal High Natural Character Areas |
| Designation | Coastal Environment Inland Extent |



Created on 2 November 2020

DISCLAIMER

Sourced from Land Information New Zealand. CROWN COPYRIGHT RESERVED.
The information displayed in the map has been taken from Porirua City Council's databases and GIS.

porirua city

Pikarere Farm Ltd
Attn Dan Stevenson
PO Box 52016
Titahi Bay
Porirua 5242

2 September 2020

Tēnā koe,

The Proposed Porirua District Plan has rules with immediate legal effect that apply to your property

The Council is pleased to announce that our new Proposed District Plan has been publicly notified, and we invite you to have your say by making a submission.

You should have already received a letter advising that the Proposed District Plan has been notified. We are sending you this further letter regarding rules that have immediate legal effect.

Rules with immediate legal effect

The rules in the Proposed District Plan do not have immediate legal effect except for rules that relate to:

- Historic Heritage;
- Sites and Areas of Significance to Māori; and
- Significant Natural Areas.

Your property has been identified as containing:

- Site(s) and Area(s) of Significance to Māori

The presence of these site(s) or area(s) on your property may restrict the ability to develop your property. The relevant rules that apply are identified in the Proposed District Plan by a red 'gavel' icon and a shaded red background.

Maps and guidance

To view what Site(s) and Area(s) of Significance to Māori are located on your property, and the relevant rules, you can search the e-plan and maps at:

www.porirua.govt.nz/proposeddistrictplan

In addition, check out the 'Quick Guide to Historic Heritage and Sites and Areas of Significance to Māori' attached to this letter for an overview of what the presence of a Site(s) and Area(s) of Significance to Māori may mean for your property.

Need a hand?

To find out more about these rules, you can make an appointment to talk to a member of our friendly planning team. Please email or call us on:

- dpreview@pcc.govt.nz
- 04 237 5089

How do I make a submission?

You can make a submission in the following ways:

- **e-Plan portal:** www.porirua.govt.nz/proposeddistrictplan
- **Email:** dpreview@pcc.govt.nz
- **Post:** Proposed District Plan, Environment and City Planning, Porirua City Council, PO Box 50-218, PORIRUA CITY
- **Delivery:** Ground Floor, Council Administration Building, Cobham Court, Porirua City, marked "Attention: Proposed District Plan, Environment and City Planning"

If you would like help making your submission, an independent 'Friend of the Submitter' service is available. Please email or call:

- FriendofSubmittersPDP@porirua.govt.nz
- 021 532 284

Submissions can be made from Friday 28 August 2020 and must be received by 5pm, Friday 20 November 2020.

Further information is also available on our Proposed District Plan webpage: www.porirua.govt.nz/proposeddistrictplan

Ngā mihi



Stewart McKenzie
Manager Environment and City Planning
Kaiwhakahaere Taiao me te Whakamahere Tāone