

Appendix 1

Peka Peka north rural-residential development area

Scope of discretion relating to Rule D.2.1.3A(ii) the subdivision and related earthworks to 'Peka Peka north rural-residential development area'.

In relation to Rule D.2.1.3A(ii) and for the purposes of sections 104C, 108 and 220 of the Act the Council's discretion is restricted to the following:

- (1) The extent to which the size of the lots and their configuration are consistent with the structure plan, Appendix One to Section D.2.
- (2) Whether it is intended to register a covenant on the certificate of title (of) each lot prohibiting further subdivision excluding boundary adjustments.
- (3) Whether it is necessary to register covenants relating to conservation of the coastal environment; building design and location; lake maintenance and aquatic enhancement; site landscaping; and the provisions of those covenants.
- (4) Whether each lot within the subdivision will have adequate legal access and the extent which the physical access arrangements are consistent with the structure plan, Appendix One to Section D.2.
- (5) Arrangements for the treatment and disposal of wastewater, and the discharge of stormwater.
- (6) The extent to which the earthworks are required to give effect to the subdivision, and the development concept shown on the structure plan, Appendix One to Section D.2.
- (7) Whether the earthworks have been designed to avoid significant visual effects, and the extent to which erosion can be avoided and adverse effects of sediment discharge will be mitigated.
- (8) Whether each lot is able to accommodate a building platform sufficiently elevated to avoid inundation, and the extent to which flood effects resulting from changes to the ground contours and related work can be avoided or mitigated.
- (9) Proposals for undertaking landscaping within any land to be vested as reserve and within land located closer than 3 metres to the normal water level in any lake, and the contents of a corresponding management plan.

For the purposes of item (9) above the Council will give particular consideration to the following matters:

(a) Kowhai Stream

- The subdivision proposal should include a plan for the landscaping of this waterbody with the objective of reducing erosion, improving its annual flow, reducing the risk of flooding, naturalising its margins, and improving its habitat values.
- The subdivision proposal should include a report from a suitably qualified ecologist confirming the design of the channel is appropriate and will achieve the objective stated above.
- The subdivision proposal should include a management plan prepared by a suitably qualified ecologist for the revegetation and ongoing monitoring and maintenance of this waterbody.

(b) Lakes

Whether the landscape designs for the proposed dune lakes are consistent with the Greater Wellington Regional Council's design guidelines (2005), and whether a report from a suitably qualified ecologist confirming the design of the lakes is appropriate has been provided.

(c) Reserve

The proposal should include a draft management plan for land to vest as reserve with the plan including provisions relating to:

- The formation and use of pathways that would affect the stability of the dunes;
- The control of pest plants and pest animals;
- Planting and plant maintenance; and
- The prevention of erosion.

- (10) Proposals for the provision and formation of public access within reserves, and fencing of lot boundaries where contiguous with reserve land except where this might conflict with other objectives such as those relating to the open space character of the coastal environment.

Note: When exercising its discretion in this respect the Council will have regard to the wildlife values of Kowhai Stream mouth and the impacts of some recreational activities on these wildlife values, and in particular whether:

- Access point design restricts or if possible prevents access to the beach and dunes by trail bikes and other recreational vehicles.
 - Comprehensive interpretation of the wildlife values of Peka Peka beach to encourage community involvement in their protection is provided at the access point.
- (11) Whether avoidance of damage to the potential archaeological resource has been considered or appropriate mitigation of damage to the potential archaeological resource has been considered by use of test pitting or other sampling, and the formulation of a research strategy to determine archaeological research.
- (12) Whether the roading, access and servicing for the proposed subdivision will be consistent with the Council's subdivision and development principles and requirements.
- (13) Whether provision will be made for the underground reticulation of telecommunications and electrical services.

Notes: As the land within the 'Peka Peka north rural-residential development area' is likely to be subdivided in stages, Council's discretion under matters (1), (2) and (3) does not relate to any balance lot shown on a plan of proposed subdivision.

In the context of items (1) and (2), the term covenant includes conditions requiring ongoing compliance and registered as consent notices under the provisions of section 221 of the RMA.

For the purpose of item (3) above the Council will give particular consideration to the following matters:

(a) Building Location

The subdivision plan, and the subsequent survey plan, should identify specific areas within which all buildings must be located. These areas should accord with the curtilage areas shown on the approved structure plan, and be no greater than 1200 square metres in area.

The subdivision proposal should include mechanisms for ensuring that subsequent habitable buildings and driveway access are sufficiently elevated above the estimated 1 in 100 year flood event, including a margin for the anticipated effects from climate change.

(b) Building Design

The subdivision proposal should include provisions relating to subsequent building construction and design with these including, but not necessarily limited to:

- Colour schemes that are in harmony with the natural landscape;
- Construction materials that have architectural merit;
- Integration between the design of the dwelling and outbuildings;
- Design that harmonises with the natural landscape;
- Cladding that has low reflective qualities; and
- Construction timetabling

(c) Site Landscaping

(1) Inside Curtilage Area

The subdivision proposal should include mechanisms for ensuring each individual lot is appropriately landscaped by subsequent owners undertaking planting that:

- Visually reduces the bulk of the building;
- Integrates the building form into the landscape;
- Provides shade and windbreaks;
- Protects or maintains visual privacy; and
- Uses plants indigenous to the Foxton Ecological District where those plants have the ability to grow higher than 3 metres.

(2) Outside Curtilage Area

The subdivision proposal should include mechanisms for ensuring any landscaping uses plants indigenous to the Foxton Ecological District.

The subdivision proposal should include provisions relating to fencing with these incorporating:

- The preclusion of the Council from any obligation to contribute to the erection or maintenance of fencing along reserve boundaries; and
- Mechanisms for ensuring any closed board fence or similar structure erected by lot owners is not located outside the relevant curtilage area.

The subdivision proposal should include mechanisms for ensuring subsequent uses of subdivided lots abutting a reserve recognise and provide for the protection and enhancement of the open-space character by:

Avoiding the following uses where undertaken outside a curtilage area:

- The erection of buildings;
- Earthworks except those for the planting and maintenance of vegetation;
- Vehicles except vehicles using an approved driveway;
- Animal grazing
- Fire
- Damage, removal, destruction or felling of indigenous vegetation;
- The establishment of lawns;
- The erection of fences and/or the establishment of hedging; and
- Introduction of any substance injurious to indigenous plant or animal life.

(d) Lake Maintenance and Aquatic Enhancement

The subdivision proposal should include mechanisms for ensuring each subsequent lot owner having an interest in part of any of the lakes are a party to an approved management plan, with the plan including provisions relating to

- Planting within the lake and in the lake margins;
- Preventing contamination by stormwater and sewerage, or fertiliser runoff;
- The management of irrigation;
- Avoiding erosion and sediment discharge;
- The control of pest plants; and
- Monitoring water quality and remedial measures.

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