

**BEFORE A HEARING COMMISSIONER  
APPOINTED BY KĀPITI COAST DISTRICT COUNCIL**

Under the Resource Management Act 1991

In the matter of an application for resource consent by Gresham Trustee Limited under section 88 of the Act, to undertake a 302-lot fee simple subdivision, the construction of 135 dwellings, and associated earthworks at 240 Kāpiti Road, Paraparaumu.

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**STATEMENT OF EVIDENCE OF EMMA COURTNEY MCLEAN (PLANNING) ON  
BEHALF OF THE APPLICANT**

Dated: 26 October 2022

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## **INTRODUCTION**

1. My name is **Emma Courtney McLean**.
2. I am a Senior Planner at Cuttriss Consultants Ltd, with over five years' experience in planning on the Kāpiti Coast.
3. I prepared the application for resource consent and the accompanying Assessment of Effects on the Environment (**AEE**) lodged with Kāpiti Coast District Council (**Council**) in March 2022 in respect of the residential development on Kapiti Road, Paraparaumu (**Project**).
4. I hold a Bachelor of Regional and Urban Planning, with second class honours, from the University of the Sunshine Coast. I am currently an Intermediate member of the New Zealand Planning Institute.
5. I have been involved in the Project since August 2021. In drafting the AEE and preparing my evidence I have:
  - (a) been involved in the initial scoping of the proposal and identifying the resource consents and expert assessments required;
  - (b) coordinated the expert assessments required to support the resource consent applications;
  - (c) prepared the resource consent application and associated AEE for district resource consents;
  - (d) assisted the applicant to respond to further information requests by the Kāpiti Coast District Council (as consent authority) prior to the application being notified (in July 2022); and
  - (e) undertaken site visits on 28 January 2022 and 1 March 2022.
6. This evidence has been prepared with support from Elliott Thornton, Principal Planner at Cuttriss Consultants Ltd, with over 18 years planning experience. Elliott has a Bachelor of Urban and Environmental Planning from Griffith University and is a Full Member of the New Zealand Planning Institute.

## **Code of conduct**

7. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. This evidence has been prepared in compliance with that Code, as if it were evidence being

given in Environment Court proceedings. Unless I state otherwise, this evidence is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### **Purpose and scope of the evidence**

8. My evidence addresses planning matters, and proposed consent conditions.
9. The application materials (including the AEE, which considers relevant objectives and policies) and the section 42A report prepared by Ms Banks contain detailed evaluation of the Project against the relevant planning instruments, including the Kāpiti Coast District Plan (**District Plan**), the Regional Policy Statement for Wellington (**RPS**), the New Zealand Coastal Policy Statement (**NZCPS**), the National Policy Statement for Urban Development 2020 (**NPS-UD**), and the Resource Management Act 1991 (the **Act** or **RMA**).
10. Since the AEE was lodged there have been eight proposed plan changes to the District Plan. Proposed plan changes 1A – Accessible Car Parking, 1C – Cycle Parking and 2 – Intensification are all relevant to the application. These are further addressed in paragraphs 155 - 163.
11. My evidence highlights a number of key aspects of note, adopting the following structure:
  - (a) an executive summary of my evidence;
  - (b) an overview of the proposal, the site, the consent sought, and the relevant planning framework;
  - (c) a summary of the Project's actual and potential effects on the environment, including a brief overview of the existing environment and the relevance of a permitted baseline to the analysis;
  - (d) an evaluation of the Project against the planning framework and relevant other matters;
  - (e) section 104D of the Act;
  - (f) part 2 of the Act;
  - (g) comments on issues raised in submissions relevant to planning matters and conditions; and

(h) comments on the section 42A report.

## **EXECUTIVE SUMMARY**

12. The applicant is seeking resource consent for the construction of 135 dwellings, the associated 302-lot fee simple subdivision, and associated earthworks at 240 Kāpiti Road, Paraparaumu.
13. The Council's planning officer, consultant landscape architect, consultant urban designer, consultant traffic engineer and council development engineer have all reviewed the proposal and consider that the environmental effects associated with the proposal are no more than minor, acceptable, and can be mitigated by the recommended conditions of consent.
14. I agree with the conclusion reached in the s42A report, in that I am also of the opinion that given the design of the Project, and the suggested conditions of consent, any potential environmental effects associated with the proposal are no more than minor, and are acceptable, and therefore, the Project is appropriate for the site.
15. I consider the Project is not contrary to the objectives and policies of the relevant District Plan mechanisms, nor the RPS, and NPS-UD.
16. Based on my assessment of the proposal, I also consider that the proposal is not contrary to the objectives and policies of the District Plan, including those which form part of the Intensification Planning Instrument (**IPI**) that have immediate legal effect.
17. The Project therefore successfully meets both of the two section 104 'gateway tests' and can be considered under the requirements of section 104 of the RMA.
18. I also consider that the proposal is in keeping with the purpose and principles of the Act as set out with Part 2.
19. I therefore consider resource consent can be granted subject to the imposition of appropriate consent conditions.

## **OVERVIEW OF THE PROPOSAL, THE SITE, THE CONSENT SOUGHT, AND THE RELEVANT PLANNING FRAMEWORK**

### **The Site**

20. The application site, 240 Kāpiti Road, represents a 1.89ha parcel on the northern side of the road. As described in the section 42A report, the site contains a single dwelling and associated garage, located toward the south-western (Kāpiti Road) boundary.
21. The topography of the site is reflective of the historic coastal dune system, with undulating dunes and varying stands of vegetation.
22. The site is legally described as Lot 1 DP 88870 held in Record of Title WN56D/9. There are no interests on the title which are relevant to, or would impact on, this project.
23. The existing environment is largely residential in scale, with predominantly detached dwellings of one to two storey's and constructed in the 1990's and early 2000's. St Paul's Anglican Church is to the south, Kāpiti Airport on the southern side of Kapiti Road, Sevenoaks Retirement Village is on the western side of Cedar Drive, and a mix of commercial and light industrial to the east and west.

### **The Project**

24. The proposal is described in the AEE and is summarised in the section 42A report. I do not propose to repeat in detail the description of the application, however I outline a key point below.
  - (a) Since the application was lodged, a number of submitters (and the landscape architect and urban designer advising the consent authority, Ms McRae and Ms Moore) have commented on the potential for the Project to have adverse effects on amenity values from bulk and dominance. As discussed further below, the applicant now proposes a reduction in dwellings, additional breaks in the perimeter blocks, variation in roof form and greater variation of façade colours, in order to minimise any potential adverse effects on neighbours.

## **The relevant planning framework**

25. The RMA restricts any person from using land in a manner that contravenes a district rule unless a resource consent expressly allows the activity, or it is allowed under the existing use rights provisions.<sup>1</sup>
26. The site is zoned General Residential in the District Plan. There are five notations identified in the District Plan that are relevant to this proposal, namely:
- (a) Flood Hazard – Ponding;
  - (b) Major Community Connector – Kapiti Road;
  - (c) Coastal Environment;
  - (d) Transportation Noise Effects Route; and
  - (e) Airport Plan: Runways Height Surfaces.
27. As a non-complying activity, the application must be assessed in accordance with the provisions of section 104D of the Act, where a consent authority may only grant consent if it is satisfied that either the adverse effects on the environment will be no more than minor or the activity will not be contrary to the objectives and policies of relevant plans. These are commonly referred to as the 'gateway tests'.
28. The application and section 42A report contain an analysis of the Project against the relevant planning instruments, as relevant to determining the resource consent application under section 104 of the RMA. Later in this evidence I summarise key points of that analysis. As noted above, the main instruments are the District Plan, the RPS, the NZCPS, and the NPS-UD.

## **Consents applied for**

29. The resource consent application identifies the District Plan consent rules triggered by the proposal at the time of lodgement,<sup>2</sup> and therefore I will not repeat that detail in my evidence. I note that Ms Banks has not identified any further non-compliances associated with the rules and standards at the time of lodgement.

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<sup>1</sup> RMA s9(3)

<sup>2</sup> On pages 19 and 20 and Appendix 9 of the AEE.

30. Overall, the proposal is a non-complying activity. This status is triggered by the proposed subdivision, being outside a Medium Density Housing Precinct.

## **THE PROJECT'S ENVIRONMENTAL EFFECTS**

### **Existing environment and permitted baseline**

31. S104(2) of the RMA allows a consent authority to disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is commonly referred to as the permitted baseline and can be a useful tool to understand the degree of built environment effects relating to the application.
32. Ms Banks has not discussed the relevance, or irrelevance, of a permitted baseline with regards to the Project. The permitted baseline regarding the built form onsite is set out within the lodged AEE<sup>3</sup> and, in summary, would allow for up to four dwellings (three additional) to be constructed as a permitted activity. I consider that this is not comparable to the proposed development of this site.
33. With regard to the earthworks, the District Plan restricts this to 50m<sup>3</sup> and 1.0m in vertical height over a five-year period. I consider that this is also not comparable to the proposed development of this site.
34. Therefore, I consider the permitted baseline is not useful in considering this application.
35. In considering effects, while there is no permitted baseline, it is worth considering the nature of development that could be carried out in the future. In the case of a controlled activity subdivision, this would enable 26 allotments, each able to accommodate up to three residential units of up to 11m in height (or three storeys), with a higher degree of site coverage and decreased yard setbacks (1.5m road, and 1m on all other boundaries).

### **Assessment of Environmental Effects**

36. When assessing environmental effects, these should not be considered narrowly, or individually, but should be considered as a whole. In considering the adverse effects of the Project, I have also had regard to the NPS-UD and the IPI. It is considered appropriate to have regard to these two higher planning documents as they relate to urban environments and housing

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<sup>3</sup> On page 21 of the AEE.

supply. In particular, the IPI is required of Council to respond to the e Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, the purpose of which is to “rapidly accelerate the supply of housing where the demand for housing is high” and “address some of the issues with housing choice and affordability that Aotearoa New Zealand currently faces”<sup>4</sup>.

37. Council’s IPI forms part of Plan Change 2, which incorporates the Government’s Medium Density Residential Standards (MDRS). Whilst the site is in an identified qualifying matter area, it is considered appropriate to address the provisions which have immediate legal effect as they relate to the General Residential Zone of the Site and surrounding properties.
38. In particular, it should be specifically noted that the qualifying matter on the site relates to suitability of density within a mapped hazard, but not character, height or built form.
39. Both the NPS-UD and the IPI are useful to inform the value or nature of the environment including the anticipated environment and effects on those values. In particular, in informing the nature of effects, I have specifically had regard to Policy 6 of the NPS-UD which directs decision makers to have regard to the ‘planned urban built form’ anticipated by the IPI and that the planning urban built form may involve significant changes to an area which may detract from amenity values appreciated by some people, but that change should not, of themselves, be considered an adverse effect.
40. The potential environmental effects of the Project are addressed in the AEE. My evidence below concentrates on the key environmental effects associated with the Project.

### **Residential Amenity Effects**

41. “Amenity” is made up of numerous constituent parts, including bulk and dominance, visual amenity and outlook, privacy, and shading. In their submissions, Mr and Mrs Grout, Ms Arcus, Mr and Mrs Thompson, Mr and Mrs Jackson and Ms Bloemgarten, have raised concerns relevant to loss of visual amenity and outlook due to the scale, density and intensity of development, including through bulk and dominance, loss of privacy, and

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<sup>4</sup> Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. Refer Explanatory Note, page 1.



loss of sunlight and shading. The following considers these aspects of amenity in respect to these properties and the wider area.

*Bulk and dominance*

42. Neither the RMA nor the District Plan provide specific protection of views, however the District Plan through standards regulates, the bulk, height, location and density of a proposal serve to manage effects upon outlook and visual amenity. The proposed earthworks, and construction of 135 dwellings will influence outlook and visual amenity for immediately adjacent sites, as well as the wider area.
43. With respect to the earthworks, these are not considered to result in any long-term scarring or exposed surfaces, with all areas to be screened by retaining walls, paving, landscaping, or the dwellings themselves. Whilst the proposed earthwork will further modify the existing site contours with lengths of retaining visible, adverse amenity visual amenity effects will be mitigated by tying the retaining walls into the proposed fencing.
44. To mitigate the extent of the proposed earthworks, soft and hard landscaping structures have been incorporated into the earthworks design. The use of retaining walls will alter the overall landform by introducing vertical steps which are not present naturally along the external boundaries. These walls are to create flat building sites and to ensure land stability but inevitably will result in a visual change to the landform.
45. The applicant has also altered the fence and wall structure along the western and northern boundaries. To address concerns on privacy raised by a number of submitters, it is proposed to be a 1.8m high fence around the perimeter of the subject site. Privacy effects are addressed further below. This interface is supported by Ms White, as outlined in her assessment dated September 2022. It is my opinion, that the additional 0.8m above a permitted boundary treatment provides suitable mitigation for real and perceived privacy effects and does not directly affect primary outdoor living spaces.
46. The proposed dwellings must also be considered in terms of visual amenity and outlook, whilst accounting for the fact that the altered ground level may compound effects of building bulk and dominance. In terms of its presence, the proposed residential dwellings are setback from external boundaries and incorporates breaks between blocks of dwellings.

47. Accordingly, where primary outdoor living spaces are limited on adjacent properties the block is in alignment with that provided through the District Plan and similar to a typical two-storey dwelling.
48. Nevertheless, this type of activity is supported by the objectives and policies which in turn inform the nature of visual character and amenity effects. Policy UFD-P1 in particular encourages new urban development within existing urban areas to consolidate urban form where it can be efficiently serviced and integrated.
49. The proposal is also considered acceptable for this site by **Ms White** and Ms Moore.
50. Visual effects upon adjacent persons will be further mitigated with suitable design consideration which has been given to materials, shape, and facade treatment. In combination, these influence the overall proportions of building bulk.

#### *Intensity*

51. Intensity effects associated with development are typically associated with a greater level of activity than what is otherwise permitted. On this Project, this is experienced through a likely greater presence of people and vehicles including associated light and noise effects primarily around the use of outdoor areas.
52. With regards to vehicles, within the site all vehicle movements are contained to an internal circulation area. Visually, adjacent properties are unlikely to notice a significant increase in vehicle movement as these will be screened by the perimeter buildings. I therefore consider any intensity effects associated with vehicle movements to be less than minor and acceptable.
53. With regards to the presence of people, primarily being experienced in the outdoor areas, by virtue of their small size, it is considered that the outdoor living areas are restricted in their use, whereas the permitted baseline being a relatively large dwelling and large open space could accommodate gatherings of a greater number of people.
54. The proposal includes measures to partially mitigate these some of these effects by setting the paved area of the open space 3m from the boundary, and a 1.8m fence which will provide for some visual screening. This means

that people using the outdoor spaces would have limited views and therefore their presence less noticeable from the adjacent properties.

55. I also note that the building blocks have also been further broken up along the western and north-eastern boundaries, from what was originally submitted. This has the effect of providing visual breaks between buildings and adjacent outdoor living areas and a corresponding reduction in the presence of people and activity.
56. Overall, I consider the intensity effects from density on adjoining properties minor, and acceptable.

### *Privacy*

57. Privacy for adjacent sites will be influenced by the raised building platforms for proposed dwellings (No. 1 – 24 and 74-92). The number and proximity of dwellings, combined with the raised site levels, are likely to exacerbate perceptions of overlooking and loss of privacy. However, through the design, there are number of elements for mitigation including: louvres, window treatment, and boundary treatment. All dwellings are set back at least 3m from the boundary and have a 1.8m high timber fence along the boundary, ensuring no actual overlooking or privacy effects will be experienced from the ground level.
58. Perceived, or real, overlooking from the Project will be largely attributed to the first floor windows on the rear façade, which are for bedrooms. These rooms are considered areas of lower utility than living areas and are typically occupied at night when curtains or blinds are closed for privacy and warmth. All primary living areas are located on the ground floor.
59. The outdoor living areas associated with the properties along Cedar Drive are primarily oriented toward their north-eastern or western boundary – away from the Site. The properties at 8 and 10 Cedar Drive, 2 Regent Drive and 2 Halsey Grove have western oriented outdoor living areas and therefore more likely to value privacy and therefore privacy screening has been included where there is a direct overlooking towards these dwellings.
60. As changes to the Project, sent 6 October, louvres are added to a number of first floor windows to reduce real and perceived overlooking from internal rooms (typically bedrooms). Irrespective, Ms Moore, for Council, while comfortable with the changes also suggested additional treatment to eight further dwellings. **Ms White** has addressed this in her evidence and largely

agrees with the recommendations made by Ms Moore. As a result, eight additional dwellings will have a window treatment by way of opaque treatment applied to the window. I concur with the outcomes reached by the urban designers.

61. Given the ground level change along the south-eastern boundary, the 1.8m fence along the external boundary will screen the windows on the first floor, thereby mitigating overlooking into the properties at 5 and 5A Langdale Avenue.
62. Overall, and subject to recommended conditions of consent, adverse privacy effects are considered to be acceptable for all persons.

### *Shading*

63. Daylight access and shading effects are relevant to the determination of this proposal. Shading diagram formed part of the application documents at Appendix 3. These diagrams demonstrate shading effects during the June (winter) and December (summer) solstice, and March and September equinox.
64. It is considered that, for the properties at 10 Cedar Drive, 2, 12 and 14 Regent Drive, and 2 Halsey Grove, will experience shading from the Project after 5pm during the summer solstice.
65. For the properties at 2C – 2E, and 4C – 4E Cedar Drive, these properties will experience additional shading 7am for approx. 1 hour during the summer solstice. I consider that the shading will fall on areas where sunlight is less valued, and therefore unlikely to affect the properties to a more than minor degree. Additionally, this additional shading is limited in both time during the day, and during the year.
66. There will be additional shading experienced at 5, 5A and 11C Langdale Avenue from approximately 3pm onwards during the winter solstice. Since the Project was revised to include a greater number of breaks between the blocks, this allows for small areas of sunlight to reach the outdoor living areas of these three adjoining properties. The altitude of the Sun on this day (winter solstice) remains the lowest in the sky therefore the shadows extend further, and the available sunlight is the least amount for the year. During this period of the year, the available sunlight is less due to the weather which will reduce the ability to perceive these areas of additional shade. It is also

considered that at this time of the year, occupants typically spend less time outside which further reduces the time residents would spend in these areas.

### *Conclusion*

67. I consider the resultant Project will be of a design and scale similar to modern residential developments and other integrated residential developments while being in an area that is typically representative of lower density development.
68. Overall, when considering the amenity effects as a whole (visual, privacy, and shading), they are considered to be no more than minor, and acceptable.

### **Streetscape**

69. The proposed dwellings will have limited adverse streetscape effects (as seen from Halsey Grove and Regent Drive), due in part to the location of the site at the end of a short cul-de-sac with minimal residential dwellings, and the design of the Project arranged around an internal loop road, with up to five units fronting this intersection. Irrespective, it is considered that the proposal will ensure a cohesive streetscape as the proposal incorporates street trees, which are of a similar species already planted along Halsey Grove. This will assist in integrating the proposal with the wider streetscape as they mature. Combined with the inclusion of lower-level planting and limited fencing along this 'road boundary', the proposal is considered to foster a positive relation with the street.
70. Much the same will be experienced along the Kāpiti Road frontage. Existing, mature, pohūtukawa trees will be unaffected and will soften the proposed residential dwellings, along with additional lower-level planting across the frontage of the units.
71. While the proposal may be visible from streets within the wider area, for instance further north along Cedar Drive or Regent Drive, any adverse streetscape effects will be mitigated due to separation distance as the bulk of the Project will reduce as distance increases, and by viewing of the proposed dwellings within the context of adjacent residential development.
72. With respect to the wider environment, I disagree with Ms Banks at para 188 where she incorrectly states the scale of effects on the surrounding area to be moderate (or more than minor). Ms McRae has assessed the visual effects would be contained to the immediately adjoining sites, and as a result of existing built development screening the proposal, effects would reduce to

low/none (equating to less than minor in an RMA sense). Additionally, Ms McRae specifically addresses the effects on Kāpiti Road users, including pedestrians. Her conclusion is that there would be moderate-low (or minor). I concur with the conclusions reached by Ms McRae.

73. Overall, I consider adverse effects on streetscape on the wider environment will be less than minor, on directly adjacent neighbours (particularly those along Regent Drive and Cedar Drive) to be minor, and overall acceptable.

### **Internal Residential Amenity Effects**

#### *Legibility*

74. I consider that the Project provides a clear entrance and circulation that is logical and legible to residents and visitors. The layout of the Project will have the communal park in the central area of the Project, which is clearly visible and legible as a private communal recreation space, distinctly for the use of residents rather than the general public. The internal road network is designed with a logical circulation route and car parking for residents and visitors clearly marked and visible. The entry to each dwelling is clearly defined by design with a door, weather protection cover, a pedestrian pathway and low-level planting which clearly identifies this as a distinctly residential entrance. Each entrance is oriented toward the private loop road, so that it is clearly visible. The dwellings along Kāpiti Road are provided with a secondary access, to provide a frontage to both road networks and provide a sense of passive surveillance and overlooking to Kapiti Road so that it appears to front the road, however primary access is still via the internal circulation road.
75. Each unit has been designed to provide a sense of individuality via variations in material colours, window treatments, roof forms, and internal floor layouts. As outlined **Ms White's** evidence, and the advice by Ms Moore, the varied roof form, additional breaks in the unit blocks, and colour strategy, reduce the building bulk and allows the units to be read as multiple individual homes.

#### *Outdoor living area*

76. Best practice urban design usually requires that outdoor living areas should be designed with direct access to living areas of a dwelling, for the exclusive use of the dwelling, and maximise sunlight where possible. All dwellings are positioned with outdoor living areas to the north, east or west, with the dwellings along the northern and western boundaries (dwellings 1 – 49)

toward their respective external boundary. All dwellings will obtain direct sunlight access to indoor and outdoor living areas.

77. There is limited to no soft landscaping within the outdoor living areas of the proposed units, therefore providing the entirety of this area to be useable outdoor living space. However, this provides room for occupiers to personalise their space, with elements such as outdoor furniture or potted plants used to provide a softening of the built environment.
78. Each dwelling is also smaller than a typical residential dwelling<sup>5</sup> of 182m<sup>2</sup>, being 72m<sup>2</sup>, 75m<sup>2</sup>, 106m<sup>2</sup> or 109m<sup>2</sup>. Accordingly, the associated outdoor living area will be smaller to reflect the use of the dwelling and its occupants. The space is considered suitable size to meet the recreational needs of the occupants being typically 2-3 people and corresponding guests and is more than sufficient to provide for a table and chairs seating six people, space for a few pot plants, an area for outdoor drying and circulation area to meet the needs of the future occupants. In addition, given the smaller outdoor spaces, to compensate, the proposal incorporates a communal park, and the subject site is within proximity to Regent Drive Reserve (6min walk). The community park will be limited to use by the residents and their guests and provide sufficient space for informal play such as kicking around a ball, having a picnic or outdoor BBQ where guests can't fit within the smaller private outdoor areas. It will not be for public use.

### *Privacy*

79. I consider that each dwelling will be afforded a suitable level of privacy through 1.8m boundary fencing between units, and window treatments (such as louvres) obscure direct overlooking into private living areas of the dwellings.
80. It is proposed to erect a 1.8-metre-high timber fence along the external boundary of the subject site, with 1.8-metre-high timber fencing between the proposed dwellings. This level of fencing is considered to ensure a level of privacy is maintained within the private outdoor living areas.
81. For dwellings where their outdoor living space is oriented toward the street front, these areas are raised above the footpath. By raising this area above

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<sup>5</sup> [New homes around 20 percent smaller | Stats NZ](#)

direct eye level, it is considered to minimise privacy effects on occupiers, while providing a level of passive surveillance over common areas.

*Crime Prevention Through Environmental Design (CPTED)*

82. Where possible the dwellings are oriented towards the internal road network providing a level of passive surveillance over the vehicle areas, pedestrian walkways and open spaces, overall improving communal safety and liveability.

*Visual amenity*

83. With regard to effects on amenity from the proposed earthworks, the use of retaining walls will alter the overall landform by introducing vertical steps which are not present naturally. These walls are to create flat building sites and to ensure land stability but inevitably will result in a visual change to the landform. Ms Moore raises concerns on the effects of the eastern retaining wall, and I defer to the evidence of **Ms White** regarding the outcomes on internal amenity.

*Conclusion*

84. I concur with Ms McRae in her original assessment of the application, where she states that the Project has “utilised the large site well by creating a perimeter block, locating a cluster of units in the middle and providing open space with a pocket park”.
85. The type of development that makes up the Project is also considered acceptable for this site by **Ms White** and Ms Moore.
86. It is acknowledged that the subdivision has been designed around the buildings. As such, I consider that the proposed lots are of a suitable size and shape to accommodate their proposed use for residential activities, and do not result in any subdivision effects.
87. Overall, I consider that the Project is suitably located within Paraparamu, and any adverse effect on internal amenity arising the proposal, with incorporated design measures throughout the layout, will be less than minor and overall, acceptable.



## Traffic effects

88. Traffic effects associated with the Project have been identified and assessed in the 240 Kapiti Road Residential Development, Paraparaumu Integrated Transport Assessment (**ITA**) appended as Appendix 13 to the AEE and summarised in Section 4.2 of the AEE<sup>6</sup>. Additional information on traffic matters have been provided in response to both the section 92(1) request for further information and in **Mr Whittaker's** expert evidence.
89. **Mr Whittaker** concludes in his expert evidence that the Project can be established appropriately and safely, and that any potential adverse effects related to the Site can be appropriately mitigated through the adoption of consent conditions.
90. Mr Shields, consultant for the Council, agrees with the view of **Mr Whittaker** as noted in the section 42A report by Ms Banks.
91. Having considered **Mr Whittaker's** assessment and Mr Shield's advice, I concur with their finding and consider the traffic effects to be acceptable and, in section 104D terms, no more than minor.

## Construction Effects

92. To address the temporary construction effects associated with the proposal, the applicant offered a Preliminary Construction Environmental Management Plan (**CEMP**) to be adheres to during the site works. Typically, a CEMP outlines measures the contractor proposed to manage potential adverse construction effects such as the hours of operation and measures to minimise noise, dust and parking of construction vehicles during construction. This management plan has been suggested to be imposed as a condition of consent by Ms Banks, should consent be granted.
93. With regard to undertaking earthworks, associated effects relate to erosion, dust and sediment. These are often also detailed in a CEMP which the applicant proposes and accepts as a proposed condition. Typically, the CEMP includes relevant erosion and sediment control measures to manage effects such as the potential for sediment and wind-blown sand to leave the works area. Section 3 of the preliminary CEMP lodged with the application set out control measures that could be employed, where applicable to manage these effects. These include, but are not limited to:

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<sup>6</sup> On page 40 and 41 of the AEE.

- (a) A stabilised entrance and turning areas to minimise dirt/sand being tracked from the site onto the road network;
  - (b) Silt fences to reduce sediment run-off from the site; and
  - (c) Undertaking regular inspections, audits, and monitoring of the CEMP measures.
94. It is also noted that this management plan has been prepared in accordance with Greater Wellington Regional Council's "*Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*" and it is expected the final CEMP would also be prepared in accordance with the same guidelines to manage effects.
95. In addition to the CEMP, it is to be accompanied by a Construction Traffic Management Plan (CTMP). A CTMP details how road users will be directed around a work site to minimise inconvenience while providing safe conditions for both the road user and those carrying out the works. This is also proposed to be imposed as a condition of consent.
96. I consider that these management plans, through way of conditions which require certification, are sufficient to ensure that any potential construction effects associated with the proposal are appropriately mitigated and overall acceptable.

### **Effects on Natural Character**

97. It is stated at paragraphs 29 and 134 of the s42A report that the site is within the coastal environment overlay. The District Plan defines the coastal environment as '*the area mapped in the District Plan Maps*'. Within Paraparaumu, the coastal environment extends from the Beach in the west to the old State Highway 1 in the east. Therefore, covering a variety of developed and undeveloped areas including the Kāpiti Airport, General Residential Zone and the Paraparaumu Metropolitan Centre.
98. I consider that the degree of naturalness at the site – while higher than the surrounding properties – is exceptionally low, particularly as the land is not directly attributed to the coast. The natural character in this area is primarily limited to the site, as an undeveloped parcel of residentially zoned land, completely surrounded by land that is built, doesn't represent any natural forms and completely residential or commercial in character

99. In my view, the project has no effect on natural character any it's setting amongst a very built and un-natural character is unusual and not in any way coastal by nature, and the proposal, being for residential development is more in keeping with the prevailing character completely surrounding the site.
100. Overall, I consider the effects on the natural character to be less than minor, and overall acceptable.

## **Natural Hazard Effects**

### *Flood hazard*

101. Flood hazard effects of the new buildings and associated earthworks have been identified and assessed in section 4.2 of the AEE<sup>7</sup>.
102. Two pockets of the site are situated within an identified flood hazard area, related to low-lying areas. To address the risks associated with this hazard, the proposed buildings have a floor level of at least 6.1m above mean sea level (**AMSL**) to the underside of the floor joists on areas shown to be subject to the flood hazard. This floor level will ensure that the proposed buildings are above the 1% AEP event level for the site, being RL4.7 and RL5.2. As noted by policy NH-FLOOD-P8, these flood event levels include projected climate change and precautionary freeboard.
103. I consider the flood hazard risk to be acceptable and the effects to be no more than minor. The dwellings will be more resilient to floods than much of the surrounding road network, which would be inundated during 1% AEP flood events, and it's unlikely to affect the occupant's property.
104. Council's consultant engineers, Jacobs, raised the question of whether stormwater disposal would impact on the flood hazard mapped within Halsey Grove.
105. In his evidence, **Mr Johnstone** concludes that the stormwater/flood impacts associated with the Project can be mitigated through the proposed on-site design of stormwater disposal. I concur with **Mr Johnstone's** conclusion on this matter. It is my view that the proposed conditions are appropriate and ensure the potential risk to human health is appropriately addressed during high rainfall events. The mapped flood levels are such that the depth will not

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<sup>7</sup> On pages 42-44 of the AEE

result in a risk to material damage to adjacent properties. Therefore, the risk is considered acceptable and no more than minor.

#### *Earthquake hazards*

106. The geotechnical properties of the land on which the proposed new buildings will be situated have been assessed in the ENGEO assessment accompanying the application, and by **Mr Charters** in his expert evidence.
107. The findings of the geotechnical assessment indicated there is risk for liquefaction in an Ultimate Limit State event, and that suitable foundation options are geotechnically feasible for the site.
108. Ms Banks' section 42A report advises the proposal has been reviewed by Council's consultant geotechnical engineer, Martin Williams, Principal Geotechnical Engineer at CGW, and there is no reason to question the conclusions of the report prepared by ENGEO. These conclusions include:
  - (a) Site won sands could be suitable for excavation and recompaction;
  - (b) Ground improvement, through earthworks, are an appropriate method for foundations to be constructed upon; and
  - (c) Slope instability will be mitigated through site earthworks.
109. I consider the proposal is acceptable with regard to earthquake hazard risk.
110. Both the reporting officer and I have reached the same conclusion that subject to the imposition of suitable conditions of consent any effects from the proposed earthworks and associated aspects will be acceptable.
111. In considering the above factors, any potential natural hazard effects associated with this proposal are acceptable and less than minor.

#### **Effects relating to the provision of services**

112. As outlined in the AEE and the section 42A report, the site is able to be appropriately serviced by water supply, wastewater and stormwater disposal, and electricity and telecommunications connections.
113. Water supply, and wastewater disposal networks are all located at the site boundary. No issues have been raised with the capacity of the water supply or wastewater disposal networks by the Council's Development Engineer.

114. Council's consultant engineers, Jacobs, have raised a number of questions with regard to stormwater disposal.
115. Stormwater effects identified by Jacobs have been assessed by **Mr Johnstone** in his expert evidence. He concludes that the stormwater can be managed on site so as not to cause a nuisance for increased hazards downstream.
116. Effects relating to water re-use and the provision to not include individual water tanks for the dwellings have been assessed by **Ms Todd** in her expert evidence. She concludes that the Project will not adversely impact on water use by not providing individual water re-use tanks.
117. Ms Bank's report identifies a number of conditions pertaining to servicing that would need to be imposed on the resource consent, if it was to be granted. It is considered that these suggested engineering conditions are largely appropriate, except for those addressed in **paragraphs XX** below. Overall, they will address any potential engineering-related effects associated with the proposal.
118. Having considered **Mr Johnstone's** assessment and the Jacobs advice, I concur with their finding and consider the infrastructure effects to be acceptable and, in section 104D terms, no more than minor.

### **Positive effects**

119. The meaning of 'effect' as set out in section 3 of the Act, includes positive effects. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.
120. I consider that the proposal includes the positive effects of providing:
- (a) 135 new dwellings in Paraparaumu during a time when housing supply and urban land is a scarce resource resulting in high levels of housing unaffordability;
  - (b) Dwellings that are affordable by design;
  - (c) a new housing choice in an existing neighbourhood; and
  - (d) a residential development within proximity to the full range of retail, commercial, recreational and transport options within Paraparaumu.

## OVERVIEW OF EVALUATION AGAINST THE RELEVANT PLANNING INSTRUMENTS

### National Policy Statements

#### *National Policy Statement on Urban Development 2020 (NPS-UD)*

121. I consider the National Policy Statement on Urban Development 2020 (**NPS-UD**) to be of relevance due to the Project being undertaken on a site within the Residential Zone and an urban environment as defined by the NPS-UD, being “*any area of land [...] that is, or is intended to be, predominantly urban in character...*”.
122. The proposal would support the Kāpiti Coast region in providing more housing into the market aiding in a competitive market and being a different type of housing form not widely available in this residential area. (Objective 2).
123. The NPS-UD guides, through objective 4 and policy 6 that there is not an expectation that the environment will remain the same; it is subject to change over time and those changes may reasonably include the establishment of the whole Project. It states that within urban environments, the planned urban built form may involve significant changes which “*may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations...*”. While it has been acknowledged by Ms Banks and Council’s consultant landscape architect and urban designer, that the Project will be a change to the existing character pattern, the NPS-UD directs that change is inevitable and cannot be considered an adverse effect.
124. In my opinion, the concerns raised by some submitters regarding amenity values should be considered in light of this direction. Moreover, while I acknowledge that the proposal will detract from current amenity values experienced at some of the properties along Cedar Drive, Regent Drive and Halsey Grove, I consider that the Project will provide a level of amenity appreciated by occupants, and those that enjoy a low-maintenance lifestyle.
125. The proposal is considered to provide a response to the housing capacity needs of the Kāpiti Coast by provide at least 2% of the short-medium term residential dwellings. In an area where there is little to no other large Residential Zone greenfield sites, this Project is considered to supply a significant increase of infill development capacity, that may otherwise be

challenging as much of the residentially zoned land has already been developed. (Objective 6 and Policy 7).

126. The Project is consistent with Policy 1 by contributing to a well-functioning urban environment, in which a new variety of housing is provided to the “typical” standalone dwelling. The Project is serviced by public transport and includes pedestrian and cycle links to the north (Halsey Grove) and south (Kāpiti Road).
127. It is also considered to take into account the effects of climate change, through modern building design elements (e.g. insulation and double glazing), the provision for electric vehicle charging at every carpark, proximity to services and public transport, and being sufficiently located away from the coast and with sufficient freeboard to dwellings to be free from flooding accounting for any increase in rainfall attributed to climate change.
128. Despite Policy 11 directing tier 1, 2 and 3 councils to remove minimum car parking rates, the applicant is mindful of the residential market and people’s preference for private vehicles. The Project includes 166 carparks, providing for at least one carpark per dwelling.
129. The Project is considered to be consistent with the national movement towards higher density development of properties within proximity to public transportation and town centres that conveniently include shops and other required services (i.e. medical practitioners). In terms of proximity,
  - (a) Bus stop 1274 on the 260 bus route (heading east) is on the northern side Kāpiti Road, which is approximately 250m from the furthest dwelling (No. 49), with bus stop 1220 (heading west) a further 75m west along Kāpiti Road on the southern side. This bus route links Paraparaumu with Paraparaumu Train Station.
  - (b) New World Kāpiti is a 10min walk/2min drive, with two other chain supermarkets within the nearby Coastlands complex. There are also a number of convenience stores to the west and east.
  - (c) A number of medical practitioners are within a 2.5km, or 5min drive. These include pharmacies, medical centres, dentists, and other medical specialists.
  - (d) There are also a range of public open spaces within a short drive (~5min).

- (e) The Kāpiti Expressway is a 3min drive to the east.
130. Overall, I consider the Project is not contrary to the objectives and policies of the NPS-UD.

*New Zealand Coastal Policy Statement (NZCPS)*

131. I have addressed the effects on natural character of the Project, and in particular the site in paragraphs 97 - 100 above. In conclusion, I consider the site to have low natural character values.
132. I agree with Ms Banks at paragraph 137 where she states that the site does not contain any protected features/ecological sites and that there are no matters of significance to Te Ātiawa ki Whakarongotai<sup>8</sup>.
133. As such, I consider the NZCPS to have little relevance to this Project.
134. There are no other relevant National Policy Statements.

**Regional Policy Statement**

135. The policies of the Wellington RPS have been taken into consideration and are addressed in section 4.4 of the AEE.
136. In my view the Project accords with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.
137. On 19 August 2022, Greater Wellington Regional Council notified Proposed RPS Change 1. Submissions on Plan Change 1 closed on 14 October 2022.
138. I have reviewed the content of this change, and it proposes some minor changes to Objectives 19 and 22 of the relevant provisions.
139. The changes sought to Objective 19 are to recognise the natural environment is also impacted by natural hazards and the effects of climate change, and to strengthen the desired outcome to minimise risks.
140. The changes sought to Objective 22 are to give effect to the concept of a well-functioning urban environment as articulated by the National Policy Statement on Urban Development 2020.

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<sup>8</sup> Refer to the Mana Whenua Assessment, dated 15 March 2022, provided as further information on 25 May 2022.



141. Proposed Change 1 also introduces new policies regarding climate change. I consider the following to be relevant to the resource consent application:

(a) Objective CC.7: Awareness of climate change;

142. In terms of how Proposed Change 1 affects the subject resource consent application, the hearing for the resource consent application will be held prior to Proposed Change 1 being heard. However, as Proposed Change 1 has been publicly notified in my view the relevant provisions outlined above need to be considered, albeit with limited legal weight.

## **District Plan**

### *Objectives and Policies*

143. I have had regard to the objectives and policies of the District Plan. I do not consider the proposal to be contrary to any of the District Plan objectives or policies. Further, the section 42A report prepared by Ms Banks identifies the relevant objectives and policies that apply to this proposal. Ms Banks considers that the proposal is generally consistent with the objectives and policies that she has identified.

144. Section 77M of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 describes how a consent authority should consider the provisions of the IPI for *new applications*, which are considered to be those lodged on or after the day notification date of the territorial authority's IPI. This is applicable where the activity for which the MDRS will apply, in a relevant residential zone. In this case, the corresponding provisions of the operative district plan would cease to have legal effect [s77(M)(2)(a)].

145. This application was lodged prior to the notification date, and comprises a qualifying matter area, therefore the above does not apply. However, it is considered appropriate to consider the proposed provisions alongside the operative District Plan objectives and policies as per the usual process when a proposed plan is notified. In this case, we consider this particularly pertinent given the significant shift in Council policy (to align with national direction). For ease of reference, the objectives, and policies from Plan Change 2 are italicised.

146. While I largely agree with the conclusions reached by Ms Banks, I would like to draw attention to the following objectives and policies:

147. The explanation provided within the District Plan for DO-O3 explicitly states that “*The natural and physical characteristics of the District have been subject to significant change over a relatively short period of time, with a large proportion of this change attributed to human settlement and development.*” It is acknowledged that the Project will result in a change to the characteristics of the existing built form within this immediate area. However, the site is within an existing urban area, maintaining a consolidated urban by provided a residential development on appropriately zoned land (General Residential Land).
148. DO-O11 recognises character as the distinct, recognisable, and consistent pattern of natural or human elements. The Project is located within the Residential Zone, and consistent with modern residential developments. With regard to the blocks of townhouses, these are considered sympathetic to a standalone dwelling form, taking aspects of the existing character of the Paraparaumu sub-area. (UFD-P1)
149. It is noted that the proposed changes to DO-O11 allow for character and amenity values to develop and change over time by providing a variety in housing choice. Medium density development of this scale is still relatively ‘new’ to the Kāpiti Coast. It has been an aspect of development within Lower Hutt and Wellington for a number of years, and by providing medium density development on the Kāpiti Coast invites new people to an area serviced by public transport or direct links to public transport. This is further supported by DO-O12, and *UFD-P2, UFD-P3, UFD-P4, and UFD-P11* (within Plan Change 2).
150. The Project represents an increase to the housing availability within the Paraparaumu area, assisting in achieving the housing bottom lines outlined in DO-O19. The Wellington Regional Housing and Business Development Capacity Assessment<sup>9</sup>, which has informed this objective, states that the strongest demand for residential housing is in Waikanae and Paraparaumu, and the demand for standalone dwellings has dropped from 84% to 57% and for joined housing it has increased from 12 to 43%. The Project will contribute 2% of the additional residential units over the short-medium term.
151. Given the location of the Project to public transport routes and local retail, it is considered that alternative options of transport are readily available reducing

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<sup>9</sup> Chapter 5: Kāpiti Coast District Council, [Housing and Business Capacity Assessment Chapter 5 with Appendices \(wrlc.org.nz\)](https://www.wrlc.org.nz)

the demand on private car usage. The traffic assessment, and peer review, demonstrates the immediate surrounding road network is capable of accommodating additional vehicles without compromising the function or safety of the network. (TR-P1)

152. The subdivision is designed to ensure future occupiers have adequate on-site amenity areas relating to the residential use of the dwellings. (SUB-RES-P1)
153. I acknowledge that the proposal is not consistent as the proposed medium density housing will be outside of the areas identified within the operative District Plan (GRZ-P1). However, is consistent with the overall outcomes sought by points 1 to 4. It is also important to note that Plan Change 2 proposes to remove this policy and include five new policies in relation to medium density residential standards (*GRZ-Px1 to GRZ-Px5*). The proposal will be consistent with these policies in that it:
- (a) Will provide for a variety of housing typology to the current surrounding residential area at a density not presently provided for;
  - (b) Is on a site that will be capable of applying the MDRS;
  - (c) Will achieve an attractive private streetscape, and enhance the values along Kāpiti Road;
  - (d) Meets the day-to-day needs of residents, being close to public amenities, is low maintenance, designed to provide solar gain to outdoor living areas, and allow for private vehicle ownership; and
  - (e) Will be a development that won't meet the permitted activity standards but is design to be of high-quality, with appropriate materials and finishes to buildings and landscaped areas.
154. I therefore consider the proposal to be not contrary overall with the relevant outcomes of the District Plan, and anticipated outcomes of Plan Change 2, in that the site is within an established residential area, and the character and amenity values of those sites nearby are not adversely compromised

#### *Plan Change 1A – Access Car Parking Provisions*

155. On 17 February 2022, KCDC notified Proposed Plan Change 1A. Submissions on Plan Change 1A closed on 17 March 2022. Further

submissions were invited on 22 September 2022 and closed on 6 October 2022.

156. I have reviewed the content of this change, and it proposes to provide “provisions requiring accessible car parking in new developments and adding a requirement for multi-unit residential so as to fully meet the needs of all people within the Kāpiti community.”<sup>10</sup>
157. TR-PARK-R18 has immediate legal effect from notification, and the Project meets the minimum requirements set by this Plan Change as addressed by **Mr Whittaker** in his expert evidence. It is also not contrary to Policy TR-PARK-P8.

#### *Plan Change 1C – Cycle Parking Provisions*

158. On 17 February 2022, KCDC notified Proposed Plan Change 1C. Submissions on Plan Change 1C closed on 17 March 2022. Further submissions were invited on 22 September 2022 and closed on 6 October 2022.
159. I have reviewed the content of this change, and it proposes to “replace the Plan’s current provisions for cycle parking in new developments, to enable and encourage cycling as a transport mode within Kāpiti district.”<sup>11</sup>
160. A communal bicycle shed/locker is to be added to the Project. As such, the Project will meet the minimum requirements set by this Plan Change. It is also not contrary to Policy TR-PARK-P8A by providing for safe, sufficient, and appropriately located cycle parking facilities on-site.
161. In terms of how Proposed Plan Change 1C affects the subject resource consent application, this evidence is being prepared prior to a decision being made on submissions. However, as Proposed Change 1C has been publicly notified in my view the relevant provisions outlined above need to be considered, albeit with limited legal weight.

#### *Plan Change 2 – Intensification*

162. On 18 August 2022, KCDC notified Proposed Plan Change 2. Submissions on Plan Change 2 closed on 27 September 2022.

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<sup>10</sup> Page 5 of the s32 evaluation report [section-32-evaluation-report-on-proposed-plan-changes-1a-1b-1c.pdf \(kapiticoast.govt.nz\)](#)

<sup>11</sup> Page 6 of the s32 evaluation report [section-32-evaluation-report-on-proposed-plan-changes-1a-1b-1c.pdf \(kapiticoast.govt.nz\)](#)

163. Plan Change 2 incorporates the Government's Medium Density Residential Standards (MDRS). Council has identified flood hazard categories as a qualifying matter, and as the site is subject to a ponding flood hazard the MDRS do not have immediate legal effect. As such, the built environment must be assessed against the Operative District Plan standards.

#### **Other Matters**

164. It is my understanding that Mr and Mrs Ward are concerned about the impact of the Project on the existing neighbourhood and as such have requested a social impact assessment be undertaken. While these are not a common assessment, I understand them to identify and manage the social issues of developments. Social impacts are changes to things such as people's way of life, their environment, and their personal and property rights.

165. The lodged application, along with my evidence above, consider the usability of the directly adjoining properties, in particular their outdoor living areas, the level of hazard or risk, dust and noise effects, and the cohesion and character of the community. I concluded that the effects are no more than minor on their amenity values and are overall not significantly affected.

#### **SECTION 104D OF THE ACT**

166. As explained above in my evidence, in my assessment the adverse effects of the Project on the environment will be no more than minor. In particular:

- (a) effects on residential amenity values will be no more than minor;
- (b) effects on streetscape will be no more than minor;
- (c) effects on internal amenity will be less than minor;
- (d) traffic effects will be no more than minor;
- (e) effects resulting from construction will be less than minor;
- (f) effects on natural character will be less than minor;
- (g) any potential natural hazard effects (including flood, and earthquake) will be less than minor; and
- (h) effects on infrastructure will be no more than minor.

167. With regard to how the application sits with the objectives and policies of the District Plan, and the IPI, I consider the application to be not contrary with these provisions, with the exception of operative policy GRZ-P1.
168. It is, therefore, my view that the Project satisfies the first test of section 104D, and there is no reason to refuse consent under this section of the Act.

## **PART 2 OF THE ACT**

169. I have adequately assessed the proposal against sections 5 – 8 as contained in Part 2 of the Act within the application.
170. For completeness, I consider the Project meets Part 2 of the Act in that:
- (a) it represents sustainable management of a physical resource by providing residential housing on a scarce resource being supply of large scale residentially zoned land during a time of land scarcity and housing unaffordability and thereby enabling people and the community to meet their social and economic needs;
  - (b) The site does not comprise cultural values; and
  - (c) it will not increase the risk to the health and wellbeing of people, or the risk of damage to property.
171. In considering section 6, the site features two matters of national importance being:
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area) (...) and the protection of them from inappropriate subdivision, use, and development;*
  - (h) the management of significant risks from natural hazards.*
172. The proposed works will be undertaken outside of any waterbody and largely in keeping with the predominant character of the wider Paraparaumu environment, with very low coastal character values.
173. The Project has taken into consideration the risk of natural hazards on the site and appropriately mitigated adverse effects through building design and positioning.
174. The Project has considered section 7 in that it provides an efficient use and amenity of a land resource being supply of urban development.

175. The proposal has no effects on climate change by supporting a consolidated urban form in an area largely surrounded by residentially zoned land.

## **SECTION 106**

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

177. I consider the proposal is consistent with Section 106 as the proposal will not increase the likelihood of natural hazards occurring, and with appropriate mitigation measures, can mitigate any risk to human life through design, including:

- (a) Setting a minimum floor level above the 1% AEP flood event;
- (b) Providing a suitable foundation design based on geotechnical information; and
- (c) Provides flood free access without impacting on the existing flood hazard mapped within Halsey Grove, Regent Drive and Cedar Drive.

178. With regard to legal and physical access, this will be provided to each allotment by way of right of way to Halsey Grove.

179. On this basis, there is no reason to decline consent under s106.

## **PROPOSED CONSENT CONDITIONS**

180. I note that the other expert witnesses for the applicant (**Mr Brenstrum, Mr Johnstone, Ms Todd and Mr Whittaker**) have stated that they are comfortable with the conditions provided by Ms Banks in her section 42A report, subject to some additional comments **Ms Todd, Mr Whittaker, and Mr Johnstone** make in respect of engineering.

181. A revised set of conditions, incorporating changes discussed above in my evidence, and in the evidence of the applicant's other witnesses, is included as **Appendix 1** to my evidence. My recommended changes to Ms Banks' condition set are shown in manual tracking (strike-through and underlined text).

182. Most of my recommended changes are minor and self-explanatory, however I wish to draw particular attention to:

- (a) In general, we require two decisions; a subdivision consent and a land use consent.
- (b) Condition 1 (General): I have removed reference to the architectural plans and provided them in the land use decision, Decision Two.
- (c) Condition 5 (Transport): For consistency of wording, I have included 'prior to works commencing' and revised the wording to ensure it is consistent with the Kāpiti Coast District Council engineering approval process. I have also included car park and pedestrian/cycling route design as specific details to be provided with the detailed design drawings for roading.
- (d) Included a new Condition 6 (Transport): This is a standard KCDC condition of consent relating to road safety audits, which provides certainty to the consent holder as it was loosely referenced in Condition 5.
- (e) Condition 7 has been removed in its entirety as it relates to permitted activity standards which are illustrated on the 'approved' consent plans.
- (f) Condition 16: deleted in its entirety for reasons outlined earlier in my evidence.
- (g) Condition 21 (Prior to works commencing): For consistency of wording, I have included 'prior to works commencing'.
- (h) Condition 26 (Water Supply): I have removed note 2 as it does not relate to any units on this project.
- (i) Condition 32 (Stormwater): I have removed the second bullet point of the note. All outdoor taps will be connected to a non-potable water supply. There is no risk to the potable water supply which requires a backflow preventer on these taps at the communal bin storage areas.
- (j) Condition 37 (Easements): I have changed the wording to read Prior to the issue of a Section 223 certificate, to be consistent with the wording of other conditions.
- (k) Condition 38: I have included the words 'to vest in Kāpiti Coast District Council' within the note provided. RAMM data is only required for roading assets vesting in Council. This is a private development with no roading assets to vest in Council.



## RESPONSE TO SUBMISSIONS

183. As stated in Ms Banks' section 42A report, the application was limited notified to the owners and occupiers of the following properties on 29 July 2022:

- (a) 2C, 2D, 2E, 4C, 4D, 4E, 8 and 10 Cedar Drive, Paraparaumu;
- (b) 2, 12 and 14 Regent Drive, Paraparaumu;
- (c) 2 Halsey Grove, Paraparaumu; and
- (d) 1, 5, 5A and 11C Langdale Avenue, Paraparaumu.

184. The deadline for these submissions was 26 August 2022. A total of seven submission were received following the limited notification of the application from the owners at properties 2C, 2D and 4C Cedar Drive, 2 Halsey Grove, and 2, 12 and 14 Regent Drive Parade were received. All seven submissions were in opposition to the proposal. Issues raised in the submissions were also summarised in paragraph 38 of the section 42A report by Mrs Banks.

185. I also note that individual witnesses have addressed specific matters raised in submissions in their evidence, and in particular I defer to the expert evidence of **Ms White, Mr Whittaker and Mr Brenstrum**.

186. I make the following comments in response to the issues raised in the submissions relating to matters of planning:

### **Character, amenity and location of proposal (Mr and Mrs Grout, Ms Arcus, Mr and Mrs Thompson, Mr and Mrs Jackson and Ms Bloemgarten)**

187. An assessment has been carried out of the proposal with regard to density and intensity effects as a result of the location of the proposal within the General Residential Zone under paragraphs 41 to 73 above.

### **Determining the extent of adverse effects (Mr and Mrs Grout and Mr and Mrs Gilden)**

188. Two submissions questioned the conclusion reached and the terminology use, being 'minor'.

189. Planning has an element of professional judgement inherent in the process. It is typically good practice to consider the level of effects along a continuum and it is not standard practice to refer to the level of effects as being 'major'.

When considering 'minor' effects, these are typically adverse effects that are noticeable but will not cause any significant adverse impacts, with the next level of effects considered 'more than minor' effects which are typically noticeable, may cause an adverse impact but could potentially be mitigated or remedied.

### **Limited notification decision (Mr and Mrs Grout)**

190. Mr and Mrs Grout raised the decision for the application to be limited notified. These submitters state that the application should have been more widely notified, and section 104(3)(d) of the RMA states that a consent authority must not grant a resource consent if the application should have been notified and was not.
191. Section 95A of the Act requires the consent authority to decide whether the activity will have or is likely to have adverse effects on the environment. While the Act does not explicitly state these are to be considered on the wider environment, section 95D prescribes that a consent authority must disregard persons who own or occupy, the land in, on, or over which the activity will occur, or any adjacent land to that land.
192. The term adjacent has a common meaning of *"close to, but not necessarily adjoining another site"*. It can include land that is near or next to the subject site, such as land with a common boundary, or land close enough to be considered to form part of the context of the project site (i.e. separated by a road or watercourse). In terms of adjacent properties to the works site, it is considered that the following are included; 2C – 2E, 4C-4D, 8, and 10 Cedar Drive, 2, 12 and 14 Regent Drive, 2 and 3 Halsey Grove, 1, 5, 5A and 11C Langdale Avenue, and 60 Toru Road (Kāpiti Coast Airport).
193. Therefore, when considering effects on the environment it is section 95D which directs that these effects are to be considered on the wider environment given that consideration must be disregarded to the subject site and all adjacent persons.
194. It was concluded by Council, Council's landscape architect, and the applicant's Planner and landscape architect that the effects on the wider environment were no more than minor, at worst. As such, the application passed Step 3 of section 95A.
195. In accordance with Step 4 of section 95A, there were no special circumstances that warranted public notification under the Act.

196. Consideration was had to limited notification under section 95B, and it was concluded that effects upon potentially affected all persons were minor. No special circumstances were found to warrant a wider limited notification process. I consider that notification to those specified persons of this report remains valid, and that section 104(3)(d) does not apply.

#### **RESPONSE TO COUNCIL OFFICER'S SECTION 42A REPORT**

197. I have reviewed the section 42A Report and have already identified above where I concur with the findings of the report and have also identified where I think additional matters are relevant to these topics.

198. I concur with most of Ms Banks' report with regard to environmental effects, and my evidence provides assessment against additional environmental effects associated with the proposal. My evidence also identifies the appropriate objectives and policies of the District Plan, and we agree that consent should be granted for the Project.

199. Ms Banks has recommended several conditions be imposed on the resource consent as part of her section 42A Report. Unless otherwise identified in my evidence (or in **Appendix 1**), I consider that the wording of the recommended conditions of consent is appropriate.

**Emma Courtney McLean**

**26 October 2022**

## **APPENDIX 1: APPLICANT'S RECOMMENDED CONSENT CONDITIONS**

## APPENDIX 1: APPLICANT'S RECOMMENDED CONSENT CONDITIONS

### Decision One: Subdivision

#### General

1. The proposed activity shall be undertaken in general accordance with the plans, information and specifications lodged with the application and the information and further information supplied by the consent holder and held on the file RM220070 except where modified by conditions of consent with reference to the following plans stamped as "Final Approved Plans" at the date of the decision being made by the commissioner;

● ~~Prepared by Design Group Stapleton Elliott dated 5/10/2022:~~

- ~~○ Locality Plan RC01 Rev.6;~~
- ~~○ Context Plan RC02 Rev.6;~~
- ~~○ Reference Plan RC03 Rev.6;~~
- ~~○ Reference Plan - Ground Floor Design Changes RC04 Rev.6;~~
- ~~○ Reference Plan - First Floor Design Changes RC05 Rev.6;~~
- ~~○ Reference Plan - Block Plan Ground Floor RC06 Rev.6;~~
- ~~○ Block Plan First Floor RC07 Rev.6;~~
- ~~○ Type Plan Ground Floor RC08 Rev.6;~~
- ~~○ Type Plan First Floor RC09 Rev.6;~~
- ~~○ Unit Plan - Ground Floor RC10 Rev.6;~~
- ~~○ Unit Plan - First Floor RC11 Rev.6;~~
- ~~○ Context Plan Ground Floor RC12 Rev.6;~~
- ~~○ Context Plan - Level 1 RC13 Rev.6;~~
- ~~○ Site Plan - Ground Floor Rev.6;~~
- ~~○ Site Plan - First Floor RC15 Rev.6;~~
- ~~○ Elevations RC16 Rev.6;~~
- ~~○ Elevations RC17 Rev.6;~~
- ~~○ Elevations RC18 Rev.6;~~
- ~~○ Elevations RC19 Rev.6;~~
- ~~○ Elevations RC20 Rev.6;~~
- ~~○ Elevations RC21 Rev.6;~~
- ~~○ Elevations RC22 Rev.6;~~
- ~~○ 2 Bedroom Unit - Type A RC23 Rev.6;~~
- ~~○ 2 Bedroom Unit - Type B RC24 Rev.6;~~
- ~~○ 2 Bedroom Unit - Type C RC25 Rev.6;~~
- ~~○ 2 Bedroom Unit - Type D RC26 Rev.6;~~
- ~~○ 3 Bedroom Unit - Type E RC27 Rev.6;~~

- ~~○ 3 Bedroom Unit Type E Bath Option RC28 Rev.6;~~
- ~~○ 3 Bedroom Unit Type F RC29 Rev.6;~~
- ~~○ 3 Bedroom Unit Type G RC30 Rev.6;~~
- ~~○ 2 Bedroom Unit Type A RC31 Rev.6;~~
- ~~○ 2 Bedroom Unit Type A RC32 Rev.6;~~
- ~~○ 2 Bedroom Unit Type A RC33 Rev.6;~~
- ~~○ 2 Bedroom Unit Type A RC34 Rev.6;~~
- ~~○ 2 Bedroom Unit Type B RC35 Rev.6;~~
- ~~○ 2 Bedroom Unit Type B RC36 Rev.6;~~
- ~~○ 2 Bedroom Unit Type B R37 Rev.6;~~
- ~~○ 2 Bedroom Unit Type B RC38 Rev.6;~~
- ~~○ 2 Bedroom Unit Type C RC39 Rev.6;~~
- ~~○ 2 Bedroom Unit Type C RC40 Rev.6;~~
- ~~○ 2 Bedroom Unit Type C RC41 Rev.6;~~
- ~~○ 2 Bedroom Unit Type C RC42 Rev.6;~~
- ~~○ 2 Bedroom Unit Type D RC43 Rev.6;~~
- ~~○ 2 Bedroom Unit Type D RC44 Rev.6;~~
- ~~○ 2 Bedroom Unit Type D RC45 Rev.6;~~
- ~~○ 2 Bedroom Unit Type D RC46 Rev.6;~~
- ~~○ 3 Bedroom Unit Type E RC47 Rev.6;~~
- ~~○ 3 Bedroom Unit Type E RC48 Rev.6;~~
- ~~○ 3 Bedroom Unit Type E RC49 Rev.6;~~
- ~~○ 3 Bedroom Unit Type F RC50 Rev.6;~~
- ~~○ 3 Bedroom Unit Type F RC51 Rev.6;~~
- ~~○ 3 Bedroom Unit Type F RC52 Rev.6;~~
- ~~○ 3 Bedroom Unit Type G RC53 Rev.6;~~
- ~~○ Landscape Masterplan RC54 Rev.6;~~
- ~~○ Landscape Plans Units 1-17 RC55 Rev.6;~~
- ~~○ Landscape Plans Units 18-29 RC56 Rev.6;~~
- ~~○ Landscape Plans Units 30-39 RC57 Rev.6;~~
- ~~○ Landscape Plans Units 40-49 RC58 Rev.6;~~
- ~~○ Landscape Plans Units 50-61 RC59 Rev.6;~~
- ~~○ Landscape Plans Units 62-73 RC60 Rev.6;~~
- ~~○ Landscape Plans Units 74-82 RC61 Rev.6;~~
- ~~○ Landscape Plans Units 83-92 RC62 Rev.6;~~

- ~~Landscape Plans Units 93-98 RC63 Rev.6;~~
- ~~Landscape Plans Units 99-105 RC64 Rev.6;~~
- ~~Landscape Plans Units 106-112 RC65 Rev.6;~~
- ~~Landscape Plans Units 113-118 RC66 Rev.6;~~
- ~~Landscape Plans Units 119-127 RC67 Rev.6;~~
- ~~Landscape Plans Units 128-135 RC68 Rev.6;~~
- ~~Landscape Plans Central Park RC69 Rev.6;~~
- ~~Planting Palette RC70 Rev.6;~~
- ~~Material Palette RC71 Rev.6;~~
- ~~Typical Planting Details RC72 Rev.6;~~
- ~~Typical Refuse Plan RC73 Rev.6;~~
- ~~Transformer RC74 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 75 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 76 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 77 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 78 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 79 Rev.6;~~
- ~~Sections Height in Relation to Boundary RC 80 Rev.6;~~
- ~~Sections Typical Unit Retaining Wall RC81 Rev.6;~~
- ~~Sections Typical Unit Retaining Wall RC81 Rev.6;~~
- ~~Sections Typical Unit Retaining Wall RC82 Rev.6;~~
- ~~Sections Neighbouring Property Assess RC83 Rev.6;~~
- ~~Sections Neighbouring Property Assess RC84 Rev.6;~~
- ~~Sections Neighbouring Property Assess RC85 Rev.6;~~
- ~~Sun Studies RC86 Rev.6;~~
- ~~Sun Studies RC87 Rev.6;~~
- ~~Sun Studies RC88 Rev.6;~~
- ~~Aerial Overview RC89 Rev.6;~~
- ~~Aerial Overview RC90 Rev.6;~~
- ~~Street View Halsey Grove RC91 Rev.6;~~
- ~~Street View Kapiti Road RC92 Rev.6;~~
- ~~Street View Kapiti Road RC93 Rev.6;~~
- ~~Street View Kapiti Road RC94 Rev.6;~~
- ~~Exterior View Kapiti Road Entrance RC95 Rev.6;~~
- ~~Exterior View Kapiti Road Entrance RC96 Rev.6;~~

- ~~○ Exterior View Kapiti Road Entrance RC97 Rev.6;~~
- ~~○ Exterior View Halsey Grove Entrance RC98 Rev.6;~~
- ~~○ Exterior View Central Spine South RC99 Rev.6;~~
- ~~○ Exterior View Central Spine South RC100 Rev.6;~~
- ~~○ Exterior View Central Spine North RC101 Rev.6;~~
- ~~○ Exterior View Central Spine North RC102 Rev.6;~~
- ~~○ Exterior View Blocks G2 and H1 RC103 Rev.6;~~
- ~~○ Exterior View Blocks F1 and F2 RC104 Rev.6;~~
- ~~○ Exterior View Loop Road RC105 Rev.6;~~
- ~~○ Exterior View Block F2 and Central RC106 Rev.6;~~
- ~~○ Exterior View Central RC107 Rev.6;~~
- ~~○ Exterior View Central RC108 Rev.6;~~
- ~~○ Exterior View Central RC109 Rev.6;~~
- ~~○ Exterior View Central RC110 Rev.6;~~
- ~~○ Exterior View Central RC111 Rev.6;~~
- ~~○ Exterior View Central RC112 Rev.6;~~
- ~~○ Exterior View Blocks A1 & A2 RC113 Rev.6;~~
- ~~○ Exterior View Blocks A1 & A2 RC114 Rev.6;~~
- ~~○ Exterior View Blocks C2, C3 and D1 RC115 Rev.6;~~
- Prepared by Cuttriss dated 10/2022;
  - Scheme Plan set 22930SCH1 sheet 1 Rev. B;
  - Scheme Plan Development Layout 22930SCH1 sheet 2 Rev. B;
  - Scheme Plan Legal Overall 22930SCH1 sheet 3 Rev. B;
  - Scheme Plan Proposed Development (Easements) 22930SCH1 sheet 4 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 5 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 6 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 7 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 8 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 9 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 10 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheets 11 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheets 12 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheet 13 Rev. B;
  - Scheme Plan Legal 22930SCH1 sheets 14 Rev. B;



- ~~Scheme Plan Existing site 22930SCH1 sheet 15 Rev. B;~~
- Scheme Plan Earthworks set 22930SCH1 sheet 16 Rev. B;
- Scheme Plan Services Overall 22930SCH1 sheet 17 Rev. B;
- Scheme Plan Services Water 22930SCH1 sheet 18 Rev. B;
- Scheme Plan Services Sewer 22930SCH1 sheets 19 - 27 Rev. B;
- Scheme Plan Services Stormwater 22930SCH1 sheet 20 - 27 Rev. B;
- Scheme Plan Services Stormwater 22930SCH1 sheet 21 Rev. B;
- Scheme Plan Services Water 22930SCH1 sheet 22 Rev. B;
- Scheme Plan Services Water 22930SCH1 sheet 23 Rev. B;
- Scheme Plan Roding 22930SCH1 sheet 24 Rev. B;
- Scheme Plan Roding 22930SCH1 sheet 25 Rev. B;
- Scheme Plan Long Section 22930SCH1 sheet 26 Rev. B;
- Scheme Plan Roding 22930SCH1 sheet 27 Rev. B;

2. The e-survey dataset shall be in general conformity with the Scheme Plan set 22930 SCH1 sheets 1-27 Rev. B prepared by prepared by Cuttriss Consultants and dated October 2022 with the application RM220070, except where modified by these conditions of consent.

**Note:** Individual certifications pursuant to sections 223 and 224(c) of the Resource Management Act 1991 will be issued for stages and sub-stages of the subdivision, provided that the following criteria are met:

- Each individual allotment must be consistent with the proposal as approved and must have frontage or legal access to legal road by way of the private way/road.
- Each allotment shown on any survey plan, including any balance allotment, must be adequately serviced as required by and in terms of the relevant conditions of this consent;
- All conditions pertaining to the allotments shown on the survey plan must be satisfied prior to the execution of a section 224(c) certificate.

#### Fees, Levies and Contributions

3. A Reserve Contribution for the 134 additional residential lots is payable and has been assessed at \$15,223.67 including GST per lot (total to pay \$2,039,971.78).

The contribution must be paid prior to the issue of any certificate pursuant to section 224(c) of the Resource Management Act 1991.

4. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall pay Council Engineering Fees of \$628 plus \$314 per lot (totalling \$42,704.00) for work that may be required for plan approvals, site inspections and consent compliance monitoring, plus any further monitoring charge or changes to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

## Transport

5. Prior to works commencing, the consent holder shall ~~provide~~ submit detailed design drawings of the site layout, in particular traffic and transport related details and landscape planting/maintenance for driveway access visibility, ~~are submitted to for approval by the~~ Kāpiti Coast District Council's Access and Transport Team ~~for Engineering Plan Approval (EPA)~~. ~~To also~~ Detailed design shall include design of speed reduction measures and pedestrian crossing measures supported through a safe system assessment to establish and agree the format that these should take and detailed design and post construction road safety audits (carried out in accordance with Waka Kotahi standards). These plans must include, at a minimum:
  - a. car park designs in compliance with the District Plan standards, in particular the requirements of the AS/NZS2890.1 Parking Facilities standard, unless an alternative is agreed to by the consent authority.
  - b. links to external pedestrian/cycling routes and bus stops in accordance with Drawing numbers SK002-1 A, SK002-2 A and SK002-3 A.
6. The consent holder shall submit to Council's Development Engineer a road safety audit in accordance with the New Zealand Transport Agency's publication 'Road Safety Audit Procedures for Projects Guidelines' for the development during the following stages of construction:
  - a. detailed design stage when engineering drawings are submitted for approval. The detailed design of the road and intersections shall take into account the findings of the road safety audit report.
  - b. Post construction stage. A post-construction road safety audit report shall be submitted for acceptance prior to the issue of the section 224(c) certificate.

Both reports shall be undertaken by a suitably qualified person and audit recommendations incorporated into the works, unless otherwise accepted by the Council's Development Engineer.
- ~~7. The consent holder shall ensure that car parks are designed in accordance with ASNZS2890.1 Parking Facilities standard. Any departures shall require consideration through the EPA approvals process above.~~
- ~~8. The consent holder shall provide accessible carparking and cycle parking within the site, as envisaged by the proposed Plan Changes 1A and 1C.~~
- ~~9. The consent holder shall provide links to external pedestrian/cycling routes and bus stops in accordance with Drawing numbers SK002-1 A, SK002-2 A and SK002-3 A.~~
10. The consent holder shall meet the costs of the creation of the road marking and signage, which includes:
  - a. No Stopping At All Time (NSAAT) lines (broken yellow lines) proposed at the Regent Drive/Halsey Grove intersection to maintain safe sightlines for turning traffic and to prevent the risk of vehicles blocking residential driveways.
  - b. Converting the current uncontrolled Halsey Grove / Regent Drive tee-intersection to a give-way (with priority given to traffic on the latter) to formalise the traffic priorities at the intersection.

- c. remark / extend the green coloured surfacing of the cycle lane at the tee-intersection of Kāpiti Road and Cedar Drive across the full intersection.

11. The consent holder shall include wayfinding signage is provided for in the development.
- ~~12. The consent holder shall ensure that a Construction Traffic Management Plan is approved by Kāpiti Coast District Council prior to the commencement of works.~~
- ~~13. The consent holder shall provide a Car Park Management Plan to identify role and responsibilities of the Residents Society and also include a Ride Share initiative.~~
14. The consent holder shall provide a communal space for cycle parking that is secure/enclosed, with good passive surveillance, that is not obscured by vegetation and is well lit.

#### Prior to Works Commencing

15. The consent holder shall comply with the requirements of the Kapiti Coast District Council's (KCDC's) Subdivision and Development Principles and Requirements 2012 (SDPR: 2012) unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.
16. Prior to works commencing, the consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council's Development Engineer. The engineering development must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012. No works shall commence until the plans are approved by KCDC's Development Engineer.

***Note:*** *Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012 and to enable accurate construction.*

- ~~17. Prior to commencement of any works on the site, amended engineers plans are required. These are to demonstrate, at a minimum, the following:-~~
- ~~• Collection of rainwater from roofs of the wholly developed site, and;~~
  - ~~• Storage of collected rainwater, and;~~
  - ~~• Reticulation of stored rainwater to form a non-potable supply to all (OR a majority of) dwellings across the entire site. For the avoidance of doubt, this is to provide a supply to water closets and outdoor taps at each dwelling, and;~~
  - ~~• Means of maintenance and longevity of the collection, storage and reticulation.~~
18. Prior to works commencing, the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.
19. The consent holder shall advise the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kapiti Coast District Council's Subdivision and Development Principles and Requirements 2012.

Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

- Civil Engineering;
- Stormwater Design and construction;
- Street Lighting Design;
- Earthworks design & construction;
- Road design & construction;
- Geotechnical Engineering;
- Water and wastewater design & construction;
- Landscape design and construction; and
- Road Safety Audits.

**Note:** *If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holders cost.*

20. Prior to works commencing, the consent holder or their authorised representative, shall submit a Quality Assurance Plan (QA plan) for approval to the satisfaction of the Council's Development Engineer.
21. The consent holder shall notify Council's Development Engineer prior to commencement of the following stages of work, so that the Council's Development Engineer, or their authorised representative, are present on site to inspect certain stages of the works. These stages are as follows:
  - Commencement of works or recommencement after a substantial lapse;
  - Water reticulation connections and services prior to back fill;
  - Wastewater services and construction of new manholes prior to back fill;
  - Completed earthworks and prepared subgrade (roading and footpaths);
  - Finished base course before the commencement of road sealing;
  - Roads during Benkelman Beam testing (and NDM if required);
  - Road sealing – waterproof and final seal coat;
  - Final inspection.
22. Prior to works commencing, the consent holder shall prepare and submit ~~to the Council's Development Engineer~~ a final Construction Environmental Management Plan for approval to the satisfaction of the Council's Development Engineer, which shall include how the construction effects will be managed throughout the construction period.
23. All earthworks and construction activities shall be undertaken in accordance with the approved construction environmental management plan (CEMP) under Condition XX above. Any proposed amendments to the CEMP shall be submitted to the Council's Development Engineer for consideration and approval. No work shall commence until amendments to the CEMP has been approved by the Council's Development Engineer.
24. Prior to works commencing the consent holder shall ensure that a Construction Traffic Management Plan is approved by Kāpiti Coast District Council prior to the commencement of works.

## Earthworks, Retaining structures & Foundation Design

25. The consent holder shall undertake earthworks in accordance with Part 3C & Part 4 Schedule 2 of the SDPR:2012 and the requirements & intents of report titled "Site investigation and Geohazard Assessment" by ENGEO dated 28/012022 Upon completion of the earthworks the consent holder shall provide geotechnical completion report and a certificate in the form of Schedule 2A of NZS4404:2010 by the geo-professional and a certificate in the form of Appendix A of NZS4431:19892022 by the inspecting engineer to the Council's Development Engineer.

**Note:** *If the report identifies development limitations that need to be raised with future property owners, the Manager Resource Consents may require a consent notice to be registered on the Computer Freehold Register of the lot giving notice of the limitations or specific development requirements relating thereto. The limitations and ability to identify the limitations on consent notices will be considered by Council prior to the of issuing of a Section 224(c) certificate under the Resource Management Act 1991 and the Manager Resource Consents shall retain discretion of whether consent notices are applicable in this regard.*

26. Construction of retaining wall(s) and earthworks (cut/fill) along the boundary line shall be in general accordance with the Geotechnical response provided by ENGEO as part of Further information response dated 24 May 2022.
27. Foundation design and construction for any new building or additions and alterations to a building on each lot shall take into account the findings and recommendations within the Geo-Technical Engineering Report Re: "Site investigation and Geohazard Assessment" by ENGEO dated 28/012022.

**Note:** *A Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of this condition which is to be complied with on an on-going basis.*

## Water Supply

28. The water mains shall have a meter and an RPZ at the boundary as shown on approved Scheme Plan set 22930SCH1 sheets 1-27 Rev. B and each lot/unit shall have a metered water supply which complies with the requirements of OIML R49 (International Organization of Legal Metrology R49:2006 Water Meters Intended for the Metering of Cold Potable Water and Hot Water - Parts 1 to 3).

**Note 1:** *The Consent Holder's attention is drawn to the 'Approved Water Supply Products & Materials List, WS-10: Water Meters (<http://www.kapiticoast.govt.nz/Planning/Resource-Consents/Standard-Drawing/Water-Standard-Drawings>). Installing an approved water meter is a means of compliance with this condition.*

**Note 2:** *~~One primary meter for the apartments (PU3 – PU18) is to be provided at the boundary. Council will read this primary meter and it will be the responsibility of the Residents Society to distribute the respective charges to units.~~*

29. Firefighting requirements shall comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
30. The construction of water reticulation systems shall only be undertaken by an approved contractor as defined in Part 3, section F(ix) of the Subdivision and Development Principles and Requirements, 2012.

31. The consent holder shall ensure that existing water service connections to the lots that are being abandoned shall be capped on the main.

#### Wastewater

32. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the consent holder shall provide each residential lot with a new wastewater lateral which complies with the Council wastewater standard drawings and Part 3, section F & Part 4 Schedule 5 of SDPR: 2012.
33. The construction of wastewater reticulation systems shall only be undertaken by an approved contractor as defined in Part 3, section F(ix) of the Subdivision and Development Principles and Requirements, 2012.

#### Stormwater

34. The stormwater water from for the communal bin storage area shall be treated and disposed separately and no discharge from the communal bin storage area shall enter the overall stormwater system.

#### **Note:**

- *Following cleaning of the bin area, the discharge shall be free of debris and rubbish prior to discharging into the wastewater system;*
- ~~*If a tap is provided for the communal bin storage area then it must have fitted with*~~  
*backflow preventers; and*
- *The wastewater design for the bin's washdown shall exclude stormwater from beyond the communal bin area entering the wastewater system.*

#### Power and Telecommunications

35. Prior to the issue of a Section 224(c) certificate under the Resource Management Act 1991, the subdivision shall be serviced with electric power & telecommunication to the boundary of each individual allotment complying with the Part 3 Section I & Part 4 Schedule 8 of SDPR: 2012.

**Note:** *For the avoidance of doubt, 'serviced to lot boundary' shall mean that the supply of electric power is available from an underground system, and for telecommunications, shall mean that the reticulation of telecommunications facilities is available, which can be satisfied by a direct installation, or a fibre ready network facility being available.*

#### Nuisance effects

- ~~36. The consent holder must ensure that no nuisance effect, including dust, may be caused by discharge of material beyond the boundary of the subject site. For the avoidance of doubt material includes but is not limited to silt, sediment, vegetation, and aggregate.~~

- ~~37. The consent holder shall ensure that the hours of work for the construction will be between the hours of 7am and 7pm and must comply with the Acoustics – Construction Noise Standard NZ3803:1999.~~
- ~~38. The consent holder shall ensure that should there be potential for wind-blown sand, soil or other material to be transported onto other properties the consent holder shall erect suitable fabric fencing (sarlou cloth or similar) or take other acceptable mitigation measures, to the satisfaction of Council's Enforcement Officer.~~

#### Easements

39. Prior to approval ~~the issue of a~~ Section 223 certificate of under the Resource Management Act 1991, any rights-of-way and utility services serving an allotment within the subdivision, where contained within another allotment of this subdivision, must have appropriate easements duly granted or reserved. The easements, as necessary and subject to other conditions of this consent, are to ensure that the lots can be serviced for water supply, drainage, domestic energy supply, and telecommunications (including broadband) and that access is provided to lots. Any easement must be subject to Section 243 of the Resource Management Act 1991.

#### Completion Requirements

40. Completion documentation, including operation and maintenance manuals, shall be submitted in support of an application for Section 224(c) certification in accordance with Part 1 of NZS 4404:2010 and Part 4, Schedule 1 of KCDC's SDPR: 2012. The consent holder shall provide Council with an itemised schedule of quantities and costs, and the CCTV inspection reports for the services.

**Note:** *As-built of new road/ access way to vest in Kapiti Coast District Council to be included in RAMM as part of Roading as-built data transfer.*

41. The consent holder shall supply a copy of the title sheets of the e-survey dataset and shall list and indicate how each condition has been met to the satisfaction of the Council.
42. The consent holder shall form a resident's society this will detail the ownership and use of communal facilities, scheduled maintenance as detailed/submitted in the resource consent application.

**Note:** *This condition shall be complied with on an ongoing basis and shall be included on a consent notice for all the proposed lots.*

#### Stormwater Coastal conditions

43. The consent holder shall arrange and conduct a pre-construction on site meeting prior to any work authorized by this consent commencing and must invite, with a minimum of 10 working days' notice, the Development Control Engineer (or its representative) and a representative from each key contractor undertaking the works.
- ~~44. The consent holder shall provide a flood mitigation and stormwater disposal design shall be submitted with the engineering drawings for certification. The stormwater disposal design shall be in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements 2012; and~~

conform to the 'Resource Consent Application (RCA) RM220070 for 240 Kāpiti Road, Paraparaumu' Memo by Jacobs dated October 2022.

a) ~~The following design criteria apply:~~

- ~~• all roads and vehicle carriageways will have a primary system designed to convey the Q10 rainfall event with a secondary overflow system designed to convey the Q100 rainfall event;~~
- ~~• elimination of the increase in flood depth within Halsey Grove, and the properties at the North-western boundary of the site.~~

b) ~~The flood mitigation and stormwater disposal design shall include, but not be limited to, the following:~~

- ~~○ device selection and design approach;~~
- ~~○ detailed design of all components (with supporting calculations);~~
- ~~○ provision for effective operation and maintenance;~~
- ~~○ an indicative design (with supporting calculations) as a means of compliance for individual properties [if required];~~
- ~~○ appropriate control structures, strategies and/or performance standards to ensure the stormwater discharging from individual lots meet the parameters specified in the design criteria (i.e. means of compliance for individual property owners); and~~
- ~~○ protect and maintain existing and proposed flow paths, and natural drainage paths (including vehicular access for maintenance and operational activities), unless otherwise certified by Council's Development Engineer.~~

~~**Note 1:** Prior to the issue of the approval of consent drawings, the finalised stormwater design and report shall be re-submitted that includes:~~

- ~~○ The finalised stormwater design; and~~
- ~~○ Hydraulic modelling of the pipe network and overland flow paths for the 1% AEP event.~~

~~Hydraulic modelling undertaken by persons other than a suitably qualified hydrologist or hydraulic modelling specialist will only be accepted if accompanied by a peer review from a suitably qualified hydrologist or hydraulic modelling specialist.~~

~~**Note 2:** In the event that the certified stormwater disposal design denoted in Note 1 above is not installed prior to the issue of the 224(c) certificate, a Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of this condition, which is to be complied with on an on-going basis. The Consent Notice shall include reference to the following:~~

- ~~• the certified stormwater disposal design as an option for compliance;~~
- ~~• the owners' responsibility to construct a system to meet the above performance standard; and~~
- ~~• the owners' responsibility to maintain the system on an on-going basis to meet the above performance standard as it applied at the time of approval.~~

45. On completion of earthworks and prior to commencing construction of the stormwater disposal system, further soakage testing should be carried out in the location of the



stormwater disposal system for the purpose of confirming the soakage rate used to determine the size of the stormwater disposal system.

46. Prior to works commencing the consent holder shall submit a detailed stormwater design for approval to the satisfaction of the Council's Development Engineer. The detailed stormwater design shall be in accordance with the principles contained in Part 3 Section E of the Council's Subdivision and Development Principles and Requirements 2012 and should align with the conceptual stormwater design lodged with the resource consent and updated as following:
- a. Updated calculations to confirm final roof and impervious areas;
  - b. Updated calculations to confirm pipe capacities for a 10 minute duration rainfall event;
  - c. Confirmation that the design solution accounts for water table fluctuations;
  - d. Confirm the performance of the collection network (pipes and overland flow paths) for the 1% AEP event through hydraulic modelling;
  - e. Provision of details required by conditions (a-d) above will confirm the performance of the stormwater disposal system and if any further detailed design criteria provided impact the performance then an alternative solution which may include surface storage within the site will be provided;
  - f. Confirm finished floor levels are at or above the 1% annual exceedance probability water levels along overland flow paths within the site (including climate change allowance) and confirm compliance with the Building Code Clause E1 Surface Water.
47. ~~Each lot shall have a suitable building site located above the Q100 flood event. All residential buildings/units shall be established so that the underside of the floor joists and/or floor slab is above the minimum build level as defined in condition 42.~~

**Note:** *A Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the recording of the minimum building level to the underside of the floor joist or under side of the slab for lot the respective denoted lots, which is to be complied with on an on-going basis.*

48. Detailed 'as-built' plans shall be provided of all earthworks and overflow paths on application for the 224(c) certificate to confirm they are constructed as designed.

**Note:** *Fences crossing the overflow path shall be either farm type post and wire fences or pool type metal bar fences with a minimum gap of 100mm between the vertical bars.*

49. Overflow paths identified under condition 42 shall be maintained free from obstructions or impediments that prevent the overland flow path from conveying water in the manner which is was designed.

**Note:** *A Consent Notice under Section 221 of the Resource Management Act will be issued to facilitate the compliance with this condition.*

50. ~~The stormwater system shall be independent of the communal bin storage water (tap and hose) cleaning system.~~

**Note:**

- ~~Suitable drainage treatment from the washdown area shall discharge to the wastewater system.~~
- ~~Taps with backflow preventers shall be available for use by residents/cleaners to wash out domestic bins and transport containers.~~
- ~~The wastewater design for the bin's washdown shall exclude stormwater from entering the wastewater system.~~

**Advice Notes:**

- Evidence of archaeological sites may include kōiwi (human skeletal remains), taonga Māori (Māori artefacts), oven stones, charcoal, shell middens, ditches, banks, pits and old building foundations. If any archaeological site(s) are uncovered during physical works, Ātiawa ki Whakarongotai Charitable Trust will require the contractor to adopt the following protocols:
  - a. Work shall cease immediately within 100 metres of the site of discovery.
  - b. The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager.
  - c. No materials relating to the artefacts or site shall be removed.
  - d. The project manager shall promptly advise Ātiawa ki Whakarongotai Charitable Trust.
  - e. If skeletal remains are uncovered, the project manager will also advise New Zealand Police.
  - f. An archaeologist approved by Ātiawa ki Whakarongotai Charitable Trust shall be employed at the expense of the contractor to examine and record the site.
  - g. Ātiawa ki Whakarongotai Charitable Trust will at their discretion contact other iwi groups and organise a site inspection by appropriate tangata whenua advisors and the archaeologist.
  - h. If as a result of the site inspection and investigation there is a need for an appropriate ceremony, Ātiawa ki Whakarongotai Charitable Trust will arrange such at the contractor's expense.
  - i. Materials discovered will be handled and removed by the Ātiawa ki Whakarongotai Charitable Trust representatives responsible for the tikanga appropriate to their removal and preservation, or re-interment.
  - j. Works affecting the archaeological site shall not resume until Ātiawa ki Whakarongotai Charitable Trust, and the New Zealand Police in the case of skeletal remains, have given the appropriate consent, approval or authority for work to continue. The contractor and subcontractor(s) will allow representatives of Ātiawa ki Whakarongotai Charitable Trust and the archaeologist all reasonable access to the site to carry out their respective responsibilities or activities under this protocol.

Contact details for iwi representatives are as follows:

Ātiawa ki Whakarongotai Charitable Trust  
 PO Box 509  
 Waikanae 5250

- The consent holder shall notify the Council's RMA Compliance Officer of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at

compliance.dutyofficer@kapiticoast.govt.nz, or by fax to (04) 2964 830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.

- The consent holder shall pay to the Kapiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs\* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

\*Please refer to Kapiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's Development Contributions Policy when creating additional allotments. The contributions will be calculated and levied for each additional allotment created by this resource consent in accordance with the fees that apply at the time the consent was lodged. The fees are listed below:

<b>Items</b>	<b>Fees including GST(NZD)</b>
<b>Roading &amp; Transport - Districtwide</b>	<b>\$2,075.00</b>
<b>Water Treatment - Paraparaumu</b>	<b>\$6,266.00</b>
<b>Water Reticulation - Paraparaumu</b>	<b>\$1,616.00</b>
<b>Wastewater Treatment - Paraparaumu</b>	<b>\$527.00</b>
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<b>Stormwater Collection &amp; Management - Paraparaumu</b>	<b>\$470.00</b>
<b>Community Infrastructure - Districtwide</b>	<b>\$1,789.00</b>
<b>Subtotal</b>	<b>\$13,178.00</b>

<b>Total based on 134 residential units</b>	<b>\$1,765,852.00</b>
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There are 134 additional allotments and associated dwellings created by this Resource Consent.

The contributions must be paid prior to the issue of any certificate pursuant to Section 224(c) of the Resource Management Act 1991 (please refer also to Section 208 of the Local Government Act 2002).

- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:

Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:

  - trenching works;
  - footpaths and entranceways;
  - work within the berm or shoulder of the road; and
  - tree work scaffolding and crane work.
- Before any excavations are undertaken a "Before U Dig" inquiry must be made to check for locations of any underground services. This is a web based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations. Corridor Access Requests require 5 working days' notice before work can commence and Traffic Management Plans for road closures and events must be received 42 working days in advance of the closure or event. Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.
- Work must be undertaken in accordance with Councils guides and standard drawings. Examples of forms, guides and standards drawings an information sheet, application form and standard drawings (engineering plans) are available for download or print from the Council website and examples include:
  - Vehicle Installation Information;
  - Vehicle Crossing Application Form;
  - Roding Standard Drawings; and
  - Vehicle Crossing Guidelines.

## **Decision Two: Land Use**

### **General**

51. The proposed activity shall be undertaken in general accordance with the plans, information and specifications lodged with the application and the information and further information supplied by the consent holder and held on the file RM220070 except where modified by conditions of consent with reference to the following plans stamped as "Final Approved Plans" at the date of the decision being made by the commissioner;

- Prepared by Design Group Stapleton Elliott dated 5/10/2022:
  - ~~Locality Plan RC01 Rev.6;~~
  - ~~Context Plan RC02 Rev.6;~~
  - Reference Plan RC03 Rev.6;
  - Reference Plan -Ground Floor Design Changes RC04 Rev.6;
  - Reference Plan - First Floor Design Changes RC05 Rev.6;
  - Reference Plan – Block Plan Ground Floor RC06 Rev.6;
  - Block Plan First Floor RC07 Rev.6;
  - Type Plan Ground Floor RC08 Rev.6;
  - Type Plan First Floor RC09 Rev.6;
  - Unit Plan – Ground Floor RC10 Rev.6;
  - Unit Plan – First Floor RC11 Rev.6;
  - Context Plan Ground Floor RC12 Rev.6;
  - Context Plan – Level 1 RC13 Rev.6;
  - Site Plan – Ground Floor Rev.6;
  - Site Plan – First Floor RC15 Rev.6;
  - Elevations RC16 Rev.6;
  - Elevations RC17 Rev.6;
  - Elevations RC18 Rev.6;
  - Elevations RC19 Rev.6;
  - Elevations RC20 Rev.6;
  - Elevations RC21 Rev.6;
  - Elevations RC22 Rev.6;
  - 2 Bedroom Unit – Type A RC23 Rev.6;
  - 2 Bedroom Unit – Type B RC24 Rev.6;
  - 2 Bedroom Unit – Type C RC25 Rev.6;
  - 2 Bedroom Unit – Type D RC26 Rev.6;
  - 3 Bedroom Unit – Type E RC27 Rev.6;
  - 3 Bedroom Unit – Type E Bath Option RC28 Rev.6;
  - 3 Bedroom Unit – Type F RC29 Rev.6;
  - 3 Bedroom Unit – Type G RC30 Rev.6;
  - 2 Bedroom Unit – Type A RC31 Rev.6;
  - 2 Bedroom Unit – Type A RC32 Rev.6;
  - 2 Bedroom Unit – Type A RC33 Rev.6;
  - 2 Bedroom Unit – Type A RC34 Rev.6;

- 2 Bedroom Unit – Type B RC35 Rev.6;
- 2 Bedroom Unit – Type B RC36 Rev.6;
- 2 Bedroom Unit – Type B R37 Rev.6;
- 2 Bedroom Unit – Type B RC38 Rev.6;
- 2 Bedroom Unit – Type C RC39 Rev.6;
- 2 Bedroom Unit – Type C RC40 Rev.6;
- 2 Bedroom Unit – Type C RC41 Rev.6;
- 2 Bedroom Unit – Type C RC42 Rev.6;
- 2 Bedroom Unit – Type D RC43 Rev.6;
- 2 Bedroom Unit – Type D RC44 Rev.6;
- 2 Bedroom Unit – Type D RC45 Rev.6;
- 2 Bedroom Unit – Type D RC46 Rev.6;
- 3 Bedroom Unit – Type E RC47 Rev.6;
- 3 Bedroom Unit – Type E RC48 Rev.6;
- 3 Bedroom Unit – Type E RC49 Rev.6;
- 3 Bedroom Unit – Type F RC50 Rev.6;
- 3 Bedroom Unit – Type F RC51 Rev.6;
- 3 Bedroom Unit – Type F RC52 Rev.6;
- 3 Bedroom Unit – Type G RC53 Rev.6;
- Landscape Masterplan RC54 Rev.6;
- Landscape Plans Units 1-17 RC55 Rev.6;
- Landscape Plans Units 18-29 RC56 Rev.6;
- Landscape Plans Units 30-39 RC57 Rev.6;
- Landscape Plans Units 40-49 RC58 Rev.6;
- Landscape Plans Units 50-61 RC59 Rev.6;
- Landscape Plans Units 62-73 RC60 Rev.6;
- Landscape Plans Units 74-82 RC61 Rev.6;
- Landscape Plans Units 83-92 RC62 Rev.6;
- Landscape Plans Units 93-98 RC63 Rev.6;
- Landscape Plans Units 99-105 RC64 Rev.6;
- Landscape Plans Units 106-112 RC65 Rev.6;
- Landscape Plans Units 113-118 RC66 Rev.6;
- Landscape Plans Units 119-127 RC67 Rev.6;
- Landscape Plans Units 128-135 RC68 Rev.6;
- Landscape Plans Central Park RC69 Rev.6;

- Planting Palette RC70 Rev.6;
- Material Palette RC71 Rev.6;
- Typical Planting Details RC72 Rev.6;
- Typical Refuse Plan RC73 Rev.6;
- Transformer RC74 Rev.6;
- ~~○ Sections Height in Relation to Boundary RC 75 Rev.6;~~
- ~~○ Sections Height in Relation to Boundary RC 76 Rev.6;~~
- ~~○ Sections Height in Relation to Boundary RC 77 Rev.6;~~
- ~~○ Sections Height in Relation to Boundary RC 78 Rev.6;~~
- ~~○ Sections Height in Relation to Boundary RC 79 Rev.6;~~
- ~~○ Sections Height in Relation to Boundary RC 80 Rev.6;~~
- ~~○ Sections Typical Unit Retaining Wall RC81 Rev.6;~~
- ~~○ Sections Typical Unit Retaining Wall RC81 Rev.6;~~
- ~~○ Sections Typical Unit Retaining Wall RC82 Rev.6;~~
- ~~○ Sections Neighbouring Property Assess RC83 Rev.6;~~
- ~~○ Sections Neighbouring Property Assess RC84 Rev.6;~~
- ~~○ Sections Neighbouring Property Assess RC85 Rev.6;~~
- Aerial Overview RC89 Rev.6;
- Aerial Overview RC90 Rev.6;
- Street View Halsey Grove RC91 Rev.6;
- Street View Kapiti Road RC92 Rev.6;
- Street View Kapiti Road RC93 Rev.6;
- Street View Kapiti Road RC94 Rev.6;
- Exterior View Kapiti Road – Entrance RC95 Rev.6;
- Exterior View Kapiti Road – Entrance RC96 Rev.6;
- Exterior View Kapiti Road – Entrance RC97 Rev.6;
- Exterior View Halsey Grove – Entrance RC98 Rev.6;
- Exterior View Central Spine South RC99 Rev.6;
- Exterior View Central Spine South RC100 Rev.6;
- Exterior View Central Spine North RC101 Rev.6;
- Exterior View Central Spine North RC102 Rev.6;
- Exterior View Blocks G2 and H1 RC103 Rev.6;
- Exterior View– Blocks F1 and F2 RC104 Rev.6;
- Exterior View– Loop Road RC105 Rev.6;
- Exterior View – Block F2 and Central RC106 Rev.6;

- Exterior View – Central RC107 Rev.6;
  - Exterior View – Central RC108 Rev.6;
  - Exterior View – Central RC109 Rev.6;
  - Exterior View – Central RC110 Rev.6;
  - Exterior View – Central RC111 Rev.6;
  - Exterior View – Central RC112 Rev.6;
  - Exterior View – Blocks A1 & A2 RC113 Rev.6;
  - Exterior View – Blocks A1 & A2 RC114 Rev.6;
  - Exterior View - Blocks C2, C3 and D1 RC115 Rev.6;
52. An opaque treatment must be applied to the first-floor windows on the rear facade on dwellings 23, 25, 26, 28, 30, 32, 34, 35, 37 and 39 up to a height of 900mm from the finished first-floor level.
53. Prior to works commencing, the consent holder shall prepare and submit a final Construction Environmental Management Plan for approval to the satisfaction of the Council's Development Engineer, which shall include how the construction effects will be managed throughout the construction period.
54. All earthworks and construction activities shall be undertaken in accordance with the approved construction environmental management plan (CEMP) under Condition XX above. Any proposed amendments to the CEMP shall be submitted to the Council's Development Engineer for consideration and approval. No work shall commence until amendments to the CEMP has been approved by the Council's Development Engineer.

#### Nuisance effects

55. The consent holder must ensure that no nuisance effect, including dust, may be caused by discharge of material beyond the boundary of the subject site. For the avoidance of doubt material includes but is not limited to silt, sediment, vegetation, and aggregate.
56. The consent holder shall ensure that the hours of work for the construction will be between the hours of 7am and 7pm and must comply with the Acoustics – Construction Noise Standard NZ3803:1999.
57. The consent holder shall ensure that should there be potential for wind-blown sand, soil or other material to be transported onto other properties the consent holder shall erect suitable fabric fencing (saron cloth or similar) or take other acceptable mitigation measures, to the satisfaction of Council's Enforcement Officer.

#### Earthworks, Retaining structures & Foundation Design

58. The consent holder shall undertake earthworks in accordance with Part 3C & Part 4 Schedule 2 of the SDPR:2012 and the requirements & intents of report titled "Site investigation and Geohazard Assessment" by ENGEO dated 28/012022 Upon completion of the earthworks the consent holder shall provide geotechnical completion report and a certificate in the form of Schedule 2A of NZS4404:2010 by the geo-professional and a certificate in the form of Appendix A of NZS4431:2022 by the inspecting engineer to the Council's Development Engineer.



59. Construction of retaining wall(s) and earthworks (cut/fill) along the boundary line shall be in general accordance with the Geotechnical response provided by ENGEO as part of Further information response dated 24 May 2022.

#### Water Demand Management

60. Water re-use for the development shall take the form of the following:
- a. Installation of a minimum of 80,000L tank(s) for water re-use on site to be utilised for communal garden irrigation and dwelling washing as required.
  - b. The proposed tank(s) shall collect all roof areas within the development.
  - c. Management of the communal water supply shall be the responsibility of the resident's society.
  - d. No outdoor taps are permitted to be connected to the potable water supply.
  - e. All dwellings will be fitted with water efficient plumbing fixtures which are marked as 3 stars or more under the Water Efficient Labelling Scheme.
  - f. Outdoor taps at refuse areas must have signage to state that tap water is not for human consumption.

#### Landscaping

61. All landscaping provided shall be native vegetation.
62. Root barriers shall be installed around specimen tress to protect services and carriageways from potential root spreading.

#### **Advice Notes:**

- Evidence of archaeological sites may include kōiwi (human skeletal remains), taonga Māori (Māori artefacts), oven stones, charcoal, shell middens, ditches, banks, pits and old building foundations. If any archaeological site(s) are uncovered during physical works, Ātiawa ki Whakarongotai Charitable Trust will require the contractor to adopt the following protocols:
  - k. Work shall cease immediately within 100 metres of the site of discovery.
  - l. The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager.
  - m. No materials relating to the artefacts or site shall be removed.
  - n. The project manager shall promptly advise Ātiawa ki Whakarongotai Charitable Trust.
  - o. If skeletal remains are uncovered, the project manager will also advise New Zealand Police.
  - p. An archaeologist approved by Ātiawa ki Whakarongotai Charitable Trust shall be employed at the expense of the contractor to examine and record the site.
  - q. Ātiawa ki Whakarongotai Charitable Trust will at their discretion contact other iwi groups and organise a site inspection by appropriate tangata whenua advisors and the archaeologist.
  - r. If as a result of the site inspection and investigation there is a need for an appropriate ceremony, Ātiawa ki Whakarongotai Charitable Trust will arrange such at the contractor's expense.

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Waikanae 5250

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<b>Subtotal</b>	<b>\$13,178.00</b>
<b>Total based on 134 residential units</b>	<b>\$1,765,852.00</b>

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The contributions must be paid prior to the issue of any certificate pursuant to Section 224(c) of the Resource Management Act 1991 (please refer also to Section 208 of the Local Government Act 2002).

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Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:

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  - work within the berm or shoulder of the road; and
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form and standard drawings (engineering plans) are available for download or print from the Council website and examples include:

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