

IN THE MATTER of Proposed Plan Change 2 –
Intensification to the Kāpiti Coast
District Plan

AND Submission by on Proposed Plan
Change 2 (PPC(N)) – Intensification
by R P Mansell; A J Mansell, & M R
Mansell

**BRIEF OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN ON BEHALF OF
R P MANSELL; A J MANSELL; & M R MANSELL**

10 March 2023

1. INTRODUCTION

Qualifications

1.1 My full name is Christopher Adrian Hansen. My qualifications are a Bachelor of Regional Planning (Hons.) from Massey University, 1980. I am a full Member of the New Zealand Planning Institute and a certified Hearings Commissioner.

Experience

1.2 I am a Director in my own Company, Chris Hansen Consultants Ltd, which I established in 2010. I have over 40 years' experience in planning and resource management working for government agencies and multi-disciplinary consultancy companies. I provide a wide range of planning consultancy services including: advice and input into policy and plan preparation; preparation of resource consents; and advice on statutory processes. I have provided planning advice to a range of commercial and industrial sectors including transport; irrigation; utilities; hydro electricity generation; fertiliser; quarrying; retail and commercial; residential and coastal marine.

1.3 In have a long history of involvement in planning projects in the Kāpiti area, including with the Ministry of Works and Development in the 1980s; Department of Conservation in the early 1990s, and as a planning consultant since the mid-1990s. I have been involved in major roading

projects, commercial and retail developments, quarrying and residential subdivision and development for a range of clients in the District during this time. I have also reviewed, lodged submissions, attended hearings, drafted appeals, attended expert planner conferencing, and advised on appeal resolution in the Proposed Kāpiti Coast District Plan process for several clients.

Background

- 1.4 The Kāpiti Coast District Council (the Council) has prepared proposed Plan Change 2 – Intensification (PC(N)) as an Intensification Planning Instrument (IPI) under s.80E of the RMA that responds to Governments requirements to change the District Plan to accommodate more residents, businesses and community services in Kāpiti. It also intends to implement the Council's growth Strategy: Te Tupu Pai – Growing well.
- 1.5 PC(N) incorporates the Government's Medium Density Residential Standards (MDRS) into the District Plan; enables increased levels of development; rezones some areas to General Residential; introduces new Land Development Minimum Requirements; and provides qualifying matters where development is less enabled.
- 1.6 Particularly relevant to the Mansell submission, it rezones 2 areas currently zoned Rural Lifestyle Zone to General Residential Zone.
- 1.7 Prior to the finalising of PC(N) the Council requested comments on a draft of PC(N), and the Mansell's provided comments in a letter form dated 02 May 2022 (refer to **Annexure 1**). In that letter the Mansell's indicated their support for the growth principles, priorities and aspirations included in the Council's District growth strategy Te Tupu Pai, the recognition of greenfield sites, and the intention of PC(N) to rezone two Rural Lifestyle zoned sites to General Residential. The Mansell's sought their site at Otaihanga to also be rezoned from Rural Lifestyle to General Residential by PC(N). The Mansell's also offered to meet and discuss the comments on the draft PC(N) with Council officers.
- 1.8 PC(N) was subsequently notified without change to the zoning of the Mansell property¹, and the Mansell's lodged a submission seeking that same outcome, and amendments to a number of the provisions of the

¹ S.32 Evaluation Report; Appendix b – draft PC2 feedback; Ref. 154; page 70

plan change to better align it with the NPS-UD and proposed Plan Change 1 (PPC1) to the Wellington Regional Policy Statement (RPS).

- 1.9 To support this rezoning request, supportive information is provided by a number of experts to demonstrate the site is suitable for intensive residential development anticipated by the National Policy Statement – Urban Development (NPS-UD), and the outcomes sought by PC(N) as an IPI. I can confirm I have read the briefs of other experts and rely on their advice for my planning assessment provided in this statement of evidence.

2. CODE OF CONDUCT

- 2.1 Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the hearing committee. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE AND STRUCTURE OF EVIDENCE

- 3.1 I have structured my evidence as follows:
- (a) Overview of Mansell's interests
 - (b) A statutory and policy context
 - (c) A review of key PC(N) provisions
 - (d) A review of the supporting s.32 evaluation report
 - (e) Summary of Mansell's submission points
 - (f) Summary of supportive information provided
 - (g) Summary of s.42A Report matters
 - (h) Planning Assessment
 - (i) Concluding statement

4. OVERVIEW OF THE MANSELL'S INTERESTS – SUBMITTER S023

- 4.1 The Mansell site is approx. 18 ha and is located east of Otaihanga, north of Paraparaumu (refer to **Figure 1** below). The site was originally part of the larger Mansell Farm severed by the Kāpiti Expressway, which runs along the eastern boundary of the site. The site is rural in character, with one existing house located in the southern eastern corner that has access from Otaihanga Road. The Mansell's progressively purchased portions of the site from mid-1984 through the 1990's to add to their larger property to the east.
- 4.2 The land was grazed since 1984 by Bruce Mansell who ran about 40 head of Simmental cattle, breeding bulls for sale. Being sand country it dried out over summer and a lot of supplementary feed was required so stock numbers needed to be kept low. In winter the land was very wet in the lower areas so grass growth was always a problem. Farming the land for higher productive uses was not viable because it was either too wet or too dry. As a result of the Kāpiti Expressway severing this portion off from the larger farm, it has become even more uneconomic for farming purposes.



Figure 1: location of Mansell site

- 4.3 In June 2021 the Mansell's applied for resource consent to subdivide and undertake the earthworks and provide the infrastructure for residential

development on the site. In November 2022 the Mansell's were granted publicly notified, non-complying resource consent [RM210147] from Council that provides for 46 lots – 22 larger lots in the north part of the site accessed from the end of Tieko Street, and 24 smaller lots in the southern part of the site accessed from Otaihanga Rd. I have provided in **Annexure 2** a copy of the resource consent decision and consented conditions that includes an approved scheme plan that also shows internal roads and a Shared Use Path linking the northern and southern areas; a reserve to be vested in Council; a constructed wetland to manage stormwater (in the southern area); and the protection of natural wetlands, kanuka stands, sand dunes and a lizard habitat. Resource consent [RM210147] has been appealed, and is subject to mediation by the Environment Court.

- 4.4 The resource consent application [RM210147] was supported by a range of technical reports, including:
- (a) A Landscape and Visual Impact Assessment
 - (b) A Transport Assessment Report
 - (c) A Geotechnical Report
 - (d) A Flood Hazard Report
 - (e) An Engineering Infrastructure Report; and
 - (f) An Archaeological Assessment Report
- 4.5 Additional information on a range of matters was also provided to Council by way of two s.92 requests for further information.
- 4.6 In June 2021 the Mansell's also gained for resource consent from Greater Wellington Regional Council (GWRC) to discharge stormwater from the roofs and land from the large lots within 100m of a natural inland wetland, to discharge stormwater from the new subdivision, and a land use consent for the use of land associated with the discharge of sediment-laden runoff into water or onto or into land where it may enter water from earthworks. In October 2021 the Mansell's were granted non-complying resource consents [WGN210352] [37614] [37803] and [37804] for the discharge and land use activities on a non-notified basis. A copy of that consent decision and conditions is at **Annexure 3**.

- 4.7 The Mansell's were also granted an Archaeological Authority [No. 2020/378] in October 2020 by Heritage New Zealand for the earthworks associated with the proposed subdivision.

5. A STATUTORY AND POLICY CONTEXT

- 5.1 I note Section 3 of the Council's planning evidence and Section 2 of the s.32 evaluation report accompanying PC(N) provide a comprehensive overview of statutory and policy context for consideration of PC(N), and I do not intend to repeat the various statutory provisions in my Statement of evidence. Notwithstanding this, I do wish to provide comment on a number of statutory and policy matters of particular relevance to the Mansell submission.

Requirements of the Resource Management Act 1991 (RMA)

- 5.2 In considering the Mansell submission requesting that their land in Otaihanga be rezoned to General Residential in PC(N), an evaluation of the change is required under s.32AA of the RMA and must be in accordance with s. 32 (1) to (4) and at a level of that corresponds to the scale and significance of the changes. I will provide a s.32AA evaluation in my planning assessment later in my statement of evidence, drawing on the expert evidence supporting the Mansell's submission request.

National Policy Statement – Urban Development (NPS-UD)

- 5.3 The NPS-UD is a higher order document that came into effect in August 2020, and was updated in May 2022. The NPS-UD recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety now and in the future. It also recognises the need to provide for sufficient development capacity to meet different needs of people and communities.

- 5.4 Of particular relevance to the request to rezone the Mansell land are:
- (i) Objective 1 relating to having well-functioning environments;
 - (ii) Policy 1 relating to having planning decisions that contribute to well-functioning urban environments;

- (iii) Policy 2 relating to Tier 1, 2 and 3 local authorities at all times to have at least sufficient development capacity to meet expected demand for housing over the short, medium and long term;
- (iv) Policy 3 relating to Tier 1 urban environments (which applies to Kāpiti) requiring RPS and district plan to introduce MDRS provisions;
- (v) Policy 6 relating to planning decisions that affect urban environments, matters to have particular regard to.

5.5 The definition of 'urban environment' included in the NPS-UD is also of relevance and means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (i) is, or is intended to be, predominantly urban in character; and
- (ii) is, or is intended to be, part of a housing and labour market of at least 10,000 people

National Policy Statement – Highly Productive Land (NPS-HPL)

5.6 The NPS-HPL came into effect on 17 October 2022 and provides policy direction to improve the way highly productive land (namely LUC 1 – 3 land) is managed under the RMA. The NPS-HPL is not relevant to the Mansell site as it is identified in the Council's Land Use Capability mapping as have capability of 6 – non-arable land with moderate limitation for use under perennial vegetation such as pasture or forest.

Te Tupu Pai – Growing Well (March 2022)

5.7 Te Tupu Pai sets out a vision and roadmap for how Council and Mana Whenua will work together with the community to achieve sustainable development for the District in the 30 years to 2051.

5.8 Te Tupu Pai is not a FDS for the purposes of part 4 of the NPS-UD, and is not a statutory document.

5.9 I note Section 1 Overview of Te Tupu Pai states: *“The growth strategy applies Government direction and new laws – notably the requirements for greater intensification in the National Policy Statement on Urban Development. It takes account of planning for development of the region and our contribution to the Wellington Regional Growth Framework and its impact on our district”.*

- 5.10 In my opinion the growth strategy has been prepared in the context of the NPS-UD (2020), and provides clear direction to the implementation of the intensification requirements of Policies 3 and 4 through proposed PC(N).
- 5.11 While not a statutory document, Te Tupu Pai does provide a possible future context to consider the proposed development should the Mansell land be rezoned General Residential. In particular, it includes the following:
- (a) A number of the priorities and aspirations are included in “*Our Vision for growing well*”², and in particular improving walkability, neighbourhoods and well-being; achieving climate neutral living, and enabling the possibility of affordable and efficient urban form;
 - (b) The main elements of the Council’s approach³ that includes “*growing both up and out, with an emphasis on intensification and opening up some greenfields progressively over time, and our greenfields also being denser and more connected to public transport*”;
 - (c) Delivering the strategy includes working with developers to achieve the growth objectives⁴; part of this work with developers is making sure sufficient infrastructure is in place to enable developers (and others) to explore development opportunities⁵;
 - (d) The strategy recognises that Kāpiti still has space to develop – within the existing urban centres and on their edges⁶;
 - (e) Cycleways, walkways and bridleways network will be important for ensuring greenfield developments can make use of alternative transport options⁷;
 - (f) A flexible approach is adopted – if growth is faster or slower than expected, development can be brought forward or pushed further back⁸;
 - (g) Otaihanga is shown as a medium-priority greenfield growth area on the approach to sustainable growth plan⁹ and included in the list in the “*how we will grow summary*”¹⁰; the reason for this is because all of the identified greenfield areas require further investigation to assess constraints and infrastructure needs – how quickly and cost effectively an area could be

² Page 6 of Te tupu pai

³ Page 8 of Te tupu pai

⁴ Page 8 of Te tupu pai

⁵ Page 9 of Te tupu pai

⁶ Page 10 of Te tupu pai

⁷ Page 11 of Te tupu pai

⁸ Page 12 of Te tupu pai

⁹ Page 16 of Te tupu pai

¹⁰ Page 17 of Te tupu pai

developed is heavily dependent on the level of infrastructure required to support growth¹¹;

- (h) Key activities in delivering the growth strategy indicate an urban development plan change – greenfields focus being prepared from the end of the first quarter of 2023 through to the end of 2024 and possibly beyond.

5.12 In my opinion, the matters above provide a reasonable level of confidence that greenfield development, and in particular the Otaihanga area, are intended to address the District's housing requirements going forward, along with intensification provisions. I note the two key reasons for identifying medium-priority greenfield development relates to an assessment of constraints, and the need to provide sufficient infrastructure.

5.13 In the case of the proposed rezoning of the Mansell land, the constraints have been identified and assessed through the technical assessments undertaken as part of the recent resource consent application, and the infrastructure is already available to service the proposed development. I therefore consider the Mansell land can be appropriately considered now as a high-priority area in terms of Te Tupu Pai, as is able to be developed sooner rather than later.

5.14 My opinion is further supported by the amendments to the provisions of RPS through proposed PPC1 which establishes an interim period before a FDS is released, as discussed below.

Plan Proposed Change 1 (PPC1) to the Wellington Regional Policy Statement (RPS)

5.15 Proposed Plan Change 1 (PPC1) to the RPS was publicly notified in August 2022, and submissions and further submissions have been received. PPC1 responds to new national direction, including the NPS-UD by enabling urban development and infrastructure in appropriate locations and encouraging more intensive urban development that is sensitive to the environment and meets the needs of more people. Of particular relevance to the request to re-zone the Mansell land to General Residential are the following

¹¹ Page 17 of Te tupu pai

provisions (I have provided the full wording of these provisions in **Annexure 4**):

- (a) **Objective 22** which is proposed to be re-written to enable urban development where it demonstrates the characterises and qualities of well-functioning urban environments, which are defined in clauses (a) to (k) in the amended objective. Objective 22 is to be implement through a number of policies, including Policy 55 (Providing for appropriate urban expansion).
- (b) **Objective 22B** which is a new policy ensuring development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in the RPS and managed effectively. Objective 22B is to be implemented through Policy FW.7 (water attenuation and retention – non-regulatory) and Policy 56 (Manging development in rural areas).
- (c) **Policy 55** which is proposed to be amended from 'maintaining a compact, well designed and sustainable regional form' (as a consideration), to providing for appropriate urban expansion (as a consideration). PPC1 also amends the matters that shall be given particular regard to when considering an application for a resource consent or a change, variation or review of a district plan for urban development beyond the regional's 'urban areas', which include:
 - (i) The urban development contributes to establishing or maintaining the qualities of a well-functioning urban environment (relating to connectivity and the management and protection of values or resources identified in the RPS as listed in Clause (ii) 1. – 8.);
 - (ii) The urban development is consistent with any Future Development Strategy (FDS), or the regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the Future Development Strategy be yet to be released;
 - (iii) A Structure Plan has been prepared; and/or
 - (iv) Any urban development that would provide for significant development capacity(in this case in the context of the Otaihanga area), regardless of if the development was out of sequence or unanticipated by growth or development strategies.

The explanation to the amended Policy 55 specifies that clause (b) provides an interim period where the FDS is in development. I also note Policy 56 (discussed below) is amended to also refer to local strategic growth and/or development framework or strategy.

- (d) **Policy 56** which intends to manage development in rural areas and lists particular matters that shall be given regard to when considering an application for a resource consent or a change, variation or review of a district plan in rural areas. Clause (d) is amended by referring to whether the proposal is consistent with any FDS or regional or local strategic growth and/or development framework or strategy that addresses future rural development, should the FDS be yet to be released. The explanation states that Policy 56 recognises the tension that exists between urban and rural development on the fringe of urban areas and seeks to manage this tension such that well-functioning urban environments and urban areas are established and maintained.

5.16 I provide an assessment of the proposed amendments to the RPS and the implications of considering the request to rezone the Mansell land in my planning assessment below.

5.17 I note the Mansell's have submitted on PPC1 supporting the amendments proposed to the RPS and the recognition of local strategic growth strategies, such as Kāpiti's Te Tupu Pai (a copy of the Mansell submission is provided in **Annexure 5**). Council has submitted against the PPC1 amendments, and the Mansell's have filed a further submission in opposition to the Council's submission (provided in **Annexure 6**).

6. A REVIEW OF KEY PC(N) PROVISIONS

6.1 The key provisions of PC(N) relevant to the Mansell's request to have their land rezoned General Residential in Otaihanga are:

- (a) **Objective DO-03 – Development Management** which is proposed to be amended by:
- (i) Including in the objective the intention to provide for the development of new urban areas where these can be efficiently serviced and integrated with existing townships;
 - (ii) Including a new Clause 3 with the intention of having an urban environment that enables more people to live in it;
 - (iii) Amending Clause 6 to require the management of development in areas of special character of amenity to have regard to those special values;

- (iv) Include a new Clause 10 this the intention of having an urban environment that support reductions in greenhouse gas emissions and are resilient to current and future climate change.
- (b) **Objective DO-011 – Character and Amenity Values** – which is proposed to be amended by:
- (i) Changing the objective to ‘recognise’ (rather than ‘maintain and enhance’) unique character and amenity value while providing for change over time in response to diverse and changing needs of people, communities and future generations;
 - (ii) Amending the explanation to acknowledge Objective 4 of the NPS-UD provides for the district’s urban environment, including amenity values, to develop and change over time;
 - (iii) Amending the explanation referring to Otaihanga and in particular the need to provide for increased housing variety and choice while managing the change in existing character that may result from development.
- (c) **Policy UFD-P1 – Growth Management** – which is proposed to be amended by:
- (i) Deleting Clause 3 a. – c. and replacing these provisions with a new a. that provides for a variety of housing types and densities in the General Residential Zone, and a new b. that identifies where increased housing densities will be enabled;
 - (ii) Amending Clause 5 identifying new urban development can be undertaken where it is integrated with the planned capacity of public services and infrastructure.
- (d) **Policy UFD-P3 – Managing Intensification** – which is proposed to be deleted and replaced with a new policy that requires residential intensification to give consideration to the effect of subdivision and development on character and amenity values, where these are provided for in the District Plan.
- (e) **Policy UFD-P4 – Residential Density** - which is proposed to be amended by:
- (i) Deleting Clause 2 that restricted medium density to specific precincts and replace it with a new Clause 2 that identifies where higher density development will be provided for;
 - (ii) Deleting Clause 3 that encouraged infill in specific areas and replace it with a new Clause 3 that provides for a variety of densities in the General Residential Zone;

(iii) Deletes Clauses 5 – 8 and includes a new Clause 5 that requires residential densities to be integrated with existing or planned infrastructure capacity.

(f) **Policy UFD-P11 – Amenity Values** – which is proposed to be amended by amended Clause 2 require new subdivision, use and development (outside of significant areas with high amenity values) to consider effects on amenity while recognising the District's urban environments, including the amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.

6.2 Appendix A to PPC1 included a set of District Plan Zone & Precinct Planning Maps that showed areas to rezoned General Residential zones. Appendix D to PPC1 (provided for information purposes only) shows the proposed new areas of General Residential Zone on aerial photos. There are 14 areas identified ranging in size from 0.08 ha to 19.63 with a range of current zoning including: General Rural; Open Space; Future Urban; Rural Lifestyle; Rural Production; and Local Centre.

7. SUPPORTING SECTION 32 EVALUATION REPORT

7.1 PPC1 is supported by a s.32 evaluation report that includes a series of technical reports. I note the s.32 evaluation report is undertaken prior to PPC1 to the RPS. The purpose of the evaluation is to determine the effectiveness and efficiency of the options identified, and whether the option chosen is the most appropriate way to achieve the relevant objective(s).

7.2 There are three matters I wish to cover regarding the s.32 evaluation report:

- (a) Criteria to identify sites to be added to the General Residential Zone
- (b) The evaluation of the proposed provisions;
- (c) The evaluation of the Mansell land in Appendix n.

Criteria to identify sites to be added to the General Residential Zone

7.3 Section 5.2.3 (page 138-139) outlines that Council is authorised under s.77G(4) of the RMA to create new residential zones. A number of areas (32) have been identified to be rezoned General Residential on the basis that:

- (i) they are located next to an urban area that is connected to infrastructure services;
- (ii) they have a relatively low degree of constraints (and any existing constraints can be managed through existing District Plan rules);
- (iii) they are not sufficiently large or complex enough to require a “structure planned” approach;
- (iv) they would provide a notable contribution to plan-enabled housing supply, or where this is not the case, rezoning is appropriate to regularise the area into the surrounding zoning pattern.

Evaluation of the proposed provisions

7.4 Section 8.3 of the s.32 evaluation report identified 3 options to incorporate the MDRS and give effect to Policy 3 and 4 of the NPS-UD. This includes:

- (a) Option 1 - the proposed approach involving:
 - (i) policies and rules to incorporate the MDRS;
 - (ii) new qualifying matters;
 - (iii) rezoning a number of areas located adjacent to existing urban areas as General Residential Zone;
 - (iv) adding new design guides to the District Plan; and
 - (v) incorporating references to the Council’s Land Development Minimum Requirements April 2022 document.
- (b) Option 2 – Enable intensification, but do not rezone any areas as General Residential Zone – this is same as Option 1 but excludes rezoning of any areas.
- (c) Option 3 – Enable a greater level of intensification in existing urban environments – this is the same as Option 1 but includes changes in height limits and increasing the size of walkable catchments in the Centres Zones.

7.5 A status quo option was not evaluated as this was not considered to be a reasonable option to implement Policies 3 and 4 of the NPS-UD. Option 1 is assessed as the most appropriate method of achieving the relevant objectives of the Plan Change and the purpose of the RMA for the following reasons:

- (a) It is the most effective option for providing an increased supply and variety of housing (and commercial activities and community services in the District's centres zones);
- (b) It enables a broad range of benefits associated with enabling increased levels of urban development to be realised, while providing for the management of many of the costs associated with urban development (where it is appropriate to manage these costs within the District Plan);
- (c) The development of this option has taken into account the feedback of iwi and the community;
- (d) It is consistent with, and supports the implementation of *Te tupu pai*, the District growth strategy;
- (e) It provides for the Council to meet its statutory obligations to incorporate the MDRS into the District Plan and give effect to policies 3 and 4 of the NPS-UD, in accordance with s77G and s77N of the RMA.

7.6 I note the assessment of the costs and benefits and the risk of acting/not acting of the various options is at a high level, and assesses the principle of rezoning areas General Residential "in principle" and did not apply to any particular areas that is proposed to be rezoned.

Evaluation of the Mansell Site in Appendix n

7.7 Appendix n accompanying the s.32 evaluation report identifies and assesses the potential for greenfield sites to meet the demand for 16,185 new dwellings that results from the predicted population growth by 32,000 people by the year 2051. The assessment estimates 54,680 dwellings could be enabled over 32 study areas and ranks them into 4 priority groups as shown in **Figure 1**¹² below:

¹² Page i from the Executive Summary, Appendix n

Priority group	Description	Theoretical dwelling estimate
1	The area is a good candidate for short or medium term urban development.	2,550 dwellings ²
2A	The area is a candidate for medium or long term urban development, although there are a number of constraints that need to be overcome.	11,830 dwellings
2B	The area is a potential candidate for medium or long term urban development, however there are several constraints to overcome that may require significant strategic decision-making.	28,720 dwellings
3	The area is an unlikely candidate for long term urban development, on the basis that there are numerous and significant constraints that are unlikely to be overcome.	11,850 dwellings
Total theoretical dwelling estimate		54,680² dwellings

Figure 1 – Priority grouping of potential greenfield sites

7.8 The assessment found the greenfield study areas were subject to a unique combination of constraints that would need to be overcome in some way to determine development. Key issues that would apply related to:

- (a) Flood hazard and storm water management;
- (b) Waterbodies;
- (c) Water and wastewater infrastructure;
- (d) Transport;
- (e) Highly productive land;
- (f) Liquefaction;
- (g) Responding to climate change.

7.9 The prioritisation of areas outlined in the assessment is based on a qualitative assessment of the relative degree of constraints associated with each area. As a result, developing those areas identified as priority 1 and 2A would result in the following overall approach to urban form:

- (a) Consolidation of existing urban areas by developing greenfield sites located within existing urban areas (such as the airport site);

- (b) Incremental extension of existing urban environments to the north and east of Paraparaumu, to the north-east of Waikanae and to the east of Ōtaki.

7.10 I note the Mansell land has been included in the assessment of a larger area identified as Otaihanga OH-01 (as shown in **Annexure 7**) that has a theoretical dwelling estimate of 3,510 and is included in Priority Group 2A. Appendix n includes a series of mapping of the 32 areas, and Part 2 of Appendix n includes the following summary of the assessment of Otaihanga OH-01 (refer to **Figure 2**):

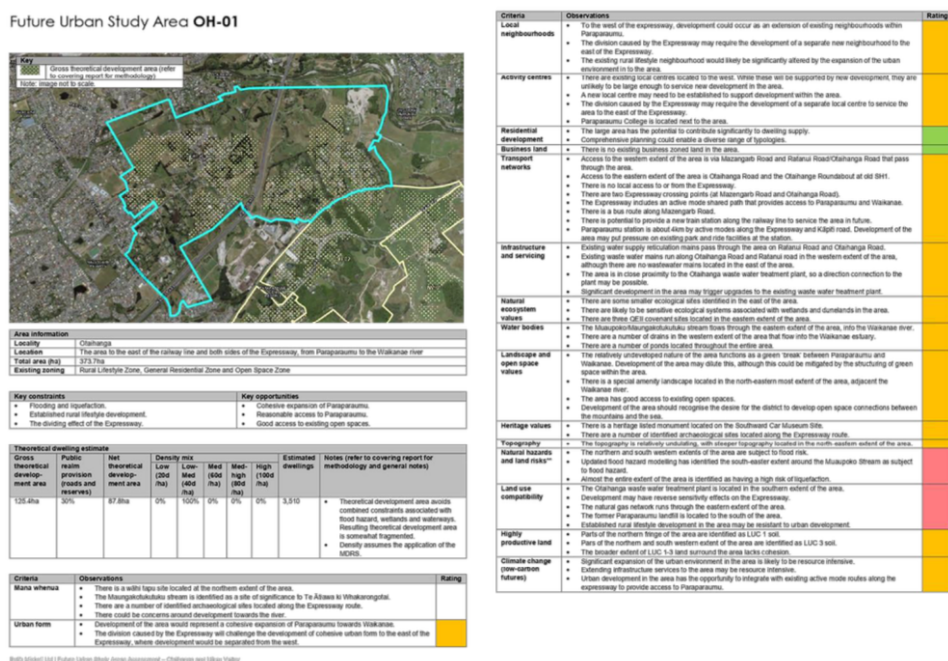


Figure 2: Assessment of future urban study area Otaihanga OH-01

7.11 The assessment uses a 'traffic light' assessment of Otaihanga OH-01 and identifies natural hazards and land risks, and land use capability, as the only 'red' lights for any future urban development.

7.12 I refer to this assessment further in my planning assessment below.

8. SUMMARY OF MANSELL'S SUBMISSION (#SO23) POINTS

8.1 The following summarises the key submission points from the Mansell submission on PC(N):

- (a) The Mansell's highlighted the importance of the policy directions included in the NPS-UD, the intention to include greenfield developments as part of the solution to address housing needs in Te Tupu Pai Growth Strategy, and the directives included in PPC1 to the RPS;
- (b) Requested the rezoning of their site to General Residential and amendments to plans and any relevant provisions where other sites are to be rezoned from Rural Lifestyle to General Residential accordingly (#S023.01);
- (c) Requested an amendment to Objective DO-03 to reflect the broader 'urban environment' approach in NPS-UD, PPC1 to the RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation should be the basis for the amendments to the Objective; amend Clause 6 in respect of the reference to amenity to bring it into line with NPS- UD Policy 6; include a definition of 'urban areas' in District Plan (#S023.02/.03);
- (d) Requested the proposed amendments to Objective OD-011 to be adopted as written (or similar intent), with the exception of amending the explanation to refer to the 'Otaihanga area' (#S023.04/.05);
- (e) Requested an amendment to Policy UFD-P1 to change the narrow consolidation of existing urban areas approach to reflect the broader 'urban environment' approach included in the NPS-UD, PPC1 to the RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation in Objective DO-03 should be the basis for the amendments to the Policy (#S023.06);
- (f) Requested an amendment to Policy UFD-P3 to reflect properly the intent of Policy 6 (b) of the NPS-UD when considering the changes planned urban form may have on amenity values, and the proposed amendments to Objective DO-011 (#S023.07);
- (g) Requested an amendment Policy UFD-P4 to change the narrow consolidation of existing urban areas approach to reflect the broader 'urban environment' approach included in the NPS-UD, PPC1 to the RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation in Objective DO-03 should be the basis for the amendments to the Policy (#S023.08).
- (h) Requested an amendment to Policy UFD-P11 to reflect properly the intent of Policy 6 (b) of the NPS-UD when considering the changes planned urban form may have on amenity values (#S023.09).

8.2 Council received three further submissions to the Mansell submission:

- (a) Ātiawa ki Whakarongotai Charitable Trust (S100.FS.1) supported in part:

- (i) Mansell submission point #S023.01 that sought to rezone their land to General Residential subject to a further assessment of environmental effects, including s.6 RMA matters and cumulative effects of deferring for a future plan change;
 - (ii) Mansell submission points #S023.02 and #S023.06 that sought to widen Objective DO-03 and Policy UFD-P1 to reflect the broader 'urban environment' approach in higher order documents as the Trust supports development while recognising and providing for s.6 RMA matters.
- (b) Malu Jonas (S054.FS.1) supported Mansell's submission points #S023.01 seeking to have their land rezoned and #S023.02 seeking to amend Objective DO-03.
 - (c) Brent and Leanne Morris (S235.FS.1) opposed Mansell's submission point S023.01 seeking to have their land rezoned General Residential as the request would create residential pockets in the Rural Lifestyle Zone in Otaihanga; other concerns expressed included: NPS-Highly Productive Land will limit any further rural lifestyle blocks being created; effects on character; more planning needed; lose low night pollution; effects on native birds; complaints about rural animals; not enough infrastructure in Otaihanga.

9. SUMMARY OF SUPPORTIVE INFORMATION PROVIDED

- 9.1 In Minute 1 to submitters and the Council (11 November 2022) the Commissioners to receive supporting information from submitters who have sought new areas to be rezoned in PPC(N). In response to this request, supportive information has been provided by a number of technical experts who had previously provided expert input into the resource consent application for the subdivision and associated earthworks and infrastructure [RM210147].
- 9.2 These technical experts were asked to:
 - (a) Consider a hypothetical scheme plan prepared using the MDRS provisions of a General Residential Zone as included in PPC(N) for the Mansell site to determine what the effects might be associated with their area of expertise;
 - (b) Review their previous assessment of the Mansell site to determine whether a change of zoning to General Residential would mean their previous assessment was either not appropriate or needed to be amended;
 - (c) Where relevant, review the higher order planning instruments (including the NPS-UD, PPC1 to the RPS, and Te Tupu Pai) to ensure their assessment considers the directives they provide;

- (d) Make a determination regarding whether there are likely to be solutions available in their area of expertise to manage any additional effects that might arise if the Mansell site was rezoned General Residential and the MDRS provisions of PPC(N) were applied.

9.3 The key points from the technical assessments outlined more detail in the expert evidence are:

- (a) Dave Compton-Moen has determined a realistic scheme plan has the potential yield from the Mansell site if it was subject to the MDRS provisions as being 124 lots and 372 residential units; the characteristics and constraints of the site are well understood through the landscape and visual assessment undertaken for the resource consent process, and mitigation measures are available to protect the natural features of the site.
- (b) Derek Foy has determined that if a realistic scheme plan was constructed, this would account for 29% of Paraparaumu's total demand in the medium term which would be a significant share of development capacity; he concludes the development of the Mansell site for residential activity would contribute to a well-functioning urban environment.
- (c) Harriet Fraser has determined that the positive transport effects identified as part of the recent resource consent are also valid with more intensive residential development on the site with pedestrian and cycling facilities able to tie-in to existing shared path networks, improved connectivity to Paraparaumu, increasing the viability of a bus route with mode choice benefits; any transport matters could be dealt with at the resource consent stage, and from a transport perspective, there is no need to wait for a Structure Plan of the wider area to be developed
- (d) Craig Martell has determined the site is well located regionally for more intensive development as it is close to key infrastructure (wastewater treatment plant; water treatment plant; road infrastructure); it takes advantage of large on-site sand dunes that will allow properties to be developed with on-site drainage; and it is not flood prone; while some upgrade of existing infrastructure may be required, any infrastructure issues can be resolved through design.
- (e) Nick Goldwater has confirmed the natural habitats and ecological values of the Mansell site have been assessed and are well-known; similar solutions as proposed for the recent resource consent proposal would have to be developed to manage any adverse effects of any more intensive residential development allowed if the site is zoned General Residential, including low-impact urban design principles incorporated into stormwater assets to avoid adverse effects on water quality and the hydrological and ecological integrity of the natural wetlands.
- (f) Cam Wylie has confirmed from the earlier geotechnical assessment undertaken on for the resource consent process

that the site is clear of liquefaction risk and suitable for residential development using shallow NZS3604:2011 compliant foundations, with buildings setback of 5m from crest of slope.

- 9.4 The key findings of the technical expert's assessments forms the basis for the s.32AA evaluation I have included in the Planning Assessment below.

10. SUMMARY OF S.42A OFFICER REPORT MATTERS

- 10.1 I have reviewed the s.42 Officer Report and wish to make the following comments specific to the consideration of the matters raised in the Mansell submission.

Weight to be given to PPC1 to the RPS

- 10.2 I note in Section 3.2.2 (page 24/25) the Council Officer identifies PPC1 to the RPS is at the submission stage with many of the submissions challenging the provisions of PPC1 meaning the proposed RPS will be subject to change. The Council Officer therefore considers the provisions of the RPS should be given minimal weighting until it has progressed further through the Schedule 1 process, and no amendments to PC(N) are necessary.

- 10.3 I also note in Section 4.4.3 (pages 75 & 76) of the s.42 Officer Report that the Council Officer recommends not accepting the requests by GWRC to amend PC(N) as part of having regarding to PPC1 to the RPS.

Rezoning - Scope

- 10.4 I note in Section 4.14 (pages 220 – 236) the Council Officer assesses whether the submissions that requested rezoning is within scope. In section 4.14.2 Legal Principles, there are two 'tests' identified that are used to determine whether a submission is 'on' a plan change. The first test asks if the proposed plan change is altering the status quo. Paragraph (603) identifies the criteria used to evaluate the sites to be included in the s.32 evaluation report of PC(N) (as discussed in paragraph 7.3 of above). This criteria were designed based on Council's understanding (and informed by legal opinion) about the type of rezoning that could be included within an IPI. These sites would be appropriate

to simply rezone as General Residential Zone without any further amendments to the District Plan.

- 10.5 The second test is whether affected persons have had a real opportunity to participate in the process. Paragraph (610) (page 222) identifies that the first opportunity for the public to participate was on the draft PC2 which was notified 4 April 2022 and open for submissions for a month – all submissions were considered and addressed in Appendix B of the Section 32 evaluation report, and included submissions on parcels of land not originally included in the draft. Following this PC(N) was open for submissions under Schedule 1 of the RMA. These submissions were summarised and further submissions sought.
- 10.6 In Section 4.14.3 (page 223) an assessment is made regarding whether a submission requesting rezoning of a site is within scope, based on the two tests discussed above. Paragraph (615) summarises this assessment in table form, and determines the Mansell request S023.01 meets both test and is within scope, but only marginally passes the second test because the site is of such a size that it is uncertain how many people are affected by the change and whether they have had sufficient opportunity to participate (page 236/237). The Council Officers' reasons for this determination are:
- (a) In relation to Test 1:
 - (i) PC(N) does not propose to alter the status quo of the site;
 - (ii) The submission does not request a consequential amendment to adjacent zoning;
 - (iii) The site is not considered within the body of the s.32 evaluation report, specific consideration was given to rezoning of the site in Appendix B¹³.
 - (b) In relation to Test 2:
 - (i) The scale and significance of the request is moderate because the size is similar to those proposed to be rezoned by PC(N);
 - (ii) Affected persons could have submitted in support or opposition to the recommendation in Appendix B, although they would have had to be aware of that particular recommendation; following this, they also

¹³ Specifically point 154 (Page 70) of Appendix B of the s.32 evaluation report

had an opportunity to participate at the further submission stage.

Rezoning – Other Rezoning Requests

10.7 In Section 4.16, paragraph (632) (page 251) the Council Officer assesses the Mansell request to rezone their land in Otaihangā to General Residential. I note the Council Officer refers to submission S023.01 Otaihangā as “*the western side of Tieko St*” – this is incorrect as the Mansell site is on the eastern side of Tieko St. The evaluation against the assessment criteria (discussed in paragraph 7.3 above) determined:

- (i) The site is not next to an urban area that is connected to infrastructure services;
- (ii) The site has a relatively low degree of constraints, and any constraints on-site can be addressed by the existing District Plan rules;
- (iii) The site is sufficiently large and complex enough to require a structure planned approach;
- (iv) The site would potentially provide a notable contribution to plan-enabled housing supply.

10.8 The Council Officer concludes that the site does not meet two of the assessment criteria – it is sufficiently large to require a structure planned approach and it is not next to an urban area that is connected to infrastructure services. The Council Officer therefore does not find it appropriate to be rezoned as part of PPC(N).

Appendix B: Recommendations tables organised by primary submission number

10.9 **Table 1** below summarises the recommendations on the Mansell submission #S023 included in Table B3:

Submission #	PC(N) provision	Officer Assessment	Officer Recommendation	Amendment to PC(N)
S023.01	Rezone	Refer to Sections 11.7 and 11.8 above.	Not accepted	None
S023.02	DO-03	Do not agree DO-03 has a narrow focus on existing urban area; do not agree Clause 6 is inconsistent with Policy 6 of NPD-UD	Not accepted	None

S023.03	Urban Environment definition	Term ' <i>existing urban area</i> ' already defined in operative District Plan; do not consider it is necessary to include definition of urban environment as defined in s.77F of RMA	Not accepted	None
S023.04	DO-011	Support is noted	Accept in part noting amendments in response to other submissions	None
S023.05	DO-011 explanatory text	Description of locations general in nature and not necessary to amend text	Not accepted	None
S023.06	Policy UFD-P1	Agree some inconsistency between policy and DO-03 which does not reflect intention of DO-03 to provide for development of new urban areas	Accept	Amend Policy UFD-P1 (as per section 2.2 of PC(R1))
S023.07	Policy UFD-P3	Do not agree policy inconsistent with Policy 6(b) of NPS-UD or DO-11 of PC(N); Policy 6(b) does not direct decision-makers to disregard changes to amenity values	Not accepted	None
S023.08	Policy UFD-P4	Do not agree amendments to policy inconsistent with NPS-UD, PPC1 or Te Tupu Pai; s.32 evaluation not an RMA planning document, or a plan or strategy prepared under RMA	Not accepted	None
S023.09	Policy UFD-P11	Do not agree policy inconsistent with Policy 6(b) of NPS-UD or DO-11 of PC(N); Policy 6(b) does not direct decision-makers to disregard changes to amenity values	Not accepted	None

Table 1 - summary the recommendations on the Mansell submission #S023

10.10 **Table 2** below summarises the recommendations on the further submissions to the Mansell submission:

Submission #	F/S Point	Officer Assessment	Officer Recommendation	Amendment to PC(N)
S054.FS.1 (Jonas)	Supported S023.02	Do not agree DO-03 has a narrow focus on existing urban area; do not agree Clause 6 is inconsistent with Policy 6 of NPD-UD	Not accepted	None
S100.FS.1 (Ātiawa)	Supported S023.02	Do not agree DO-03 has a narrow focus on existing urban area; do not agree Clause 6 is inconsistent with Policy 6 of NPD-UD	Not accepted	None
S100.FS.1 (Ātiawa)	Supported S023.06	Agree some inconsistency between policy and DO-03 which does not reflect intention of DO-03 to provide for development of new urban areas	Accept	Amend Policy UFD-P1 (as per section 2.2 of PC(R1))
S235.FS.1 (Morris)	Opposed S023.01	Refer to Sections 11.7 and 11.8 above.	Accepted	None
S054.FS.1 (Jonas)	Supported S023.01	Refer to Sections 11.7 and 11.8 above.	Not accepted	None
S100.FS.1 (Ātiawa)	Supported S023.01	Refer to Sections 11.7 and 11.8 above.	Not accepted	None

Table 2 - summary the recommendations on the further submissions to the Mansell submission

11. PLANNING ASSESSMENT

11.1 I have divided my planning assessments into two parts:

- (a) Part One addresses the request by the Mansell's to rezone their land General Residential;
- (b) Part Two addresses the other submission points that seek amendments to several provisions of PC(N).

Part One – Addressing the Request to Rezone the Mansell Land General Residential

11.2 There are two matters to consider regarding the Mansell request to rezone their land in Otaihanga:

- (a) Is the submission request 'on' a plan change; and
- (b) Whether the Mansell land should be rezoned in PPC(N).

Is the submission request 'on' a plan change and is there scope to consider the request

11.3 The first test involves asking the question whether PPC(N) proposes to alter the status quo under the operative plan and does the submission point address the alteration to the status quo. For the reasons outlined in paragraph 10.6 (a) above, the Council Officer determines the Mansell submission meets the first test as it is 'on' a plan change, and therefore is within 'scope' to consider the rezoning request. I concur with this assessment.

11.4 The second test is whether affected parties have had a real opportunity to participate in the process. As I have summarised in paragraph 10.5 above, the Council Officer outlines the consultation undertaken as part of the PC(N) preparation process, which included seeking comments on a draft. I note when considering the second legal test¹⁴ the Council Officer¹⁵ expresses caution in para. (613) when she states:

"There needs to be careful consideration of a submission that seeks rezoning though, as it would not have gone through the level of consultation outlined above."

11.5 The Council Officer goes on to say later in the same paragraph that:

"While some submitters requesting rezoning did submit on the draft PC2, and were therefore considered in the Section 32 Report, those affected by the draft rezoning requests were unlikely to submit on this in PC(N) given most of these requests were discounted due to various reasons and resulted in no changes made."

11.6 I finding these two statements contradictory as the first sentence implies that careful consideration needs to be made of a submission that has not gone through the level of consultation outlined in paras (608) to (612) (which in principle I agree with), and yet in the second statement the

¹⁴ Paras (608) – (613) (pages 222-223) of the s.42A Officer Report

¹⁵ Katie Maxwell

Council Officer says that even if the submitter had gone through that level of consultation, this is not enough for an affected party to have realised a rezoning had been requested.

- 11.7 I disagree with this proposition as the Mansell's request for rezoning at the draft PC2 stage had been identified in the main body of the s.32 evaluation report,¹⁶ and any affected party had the opportunity to support by way of a submission the fact that the notified PC(N) that did not make any changes, and had a further opportunity to review the summary of submissions and file a further submission in opposition to submissions that did seek a change in zoning.
- 11.8 As I summarised in para. 1.8 above, the Mansell's took the opportunity to request that its land be rezoned General Residential in response to Council's request for comments on the draft PC2¹⁷. The Mansell's also lodged a submission seeking their land to be rezoned General Residential and one further submitter did take the opportunity to oppose this request.
- 11.9 In my opinion, affected parties have been given more opportunity to participate in the PC(N) preparation process than required by the Schedule 1 process as comments on a draft PC(N) were made available to them in the s.32 evaluation report¹⁸ and the rezoning request can be considered in that context.
- 11.10 I also note that the recent resource consent process undertaken by the Mansell's for the same site that is subject to the rezoning request went through a publicly notified process, attracting 13¹⁹ submitters. At the Hearing, the fact that the Mansell's intended to make a submission seeking that their land be rezoned as part of PPC2 was referred to in my planning evidence and discussed with the Panel. The Panel requested a copy of the Mansell submission which was provided to the Hearings Manager and circulated to all submitters in that process, in advance of the closing date for submissions on PPC2. This is a relatively unusual situation where submitters on the Mansell's 46 lot subdivision consent, (some of whom considered themselves to be affected by those changes),

¹⁶ Table in Section 5.3.2 Consultation on Draft PC2; page 120 – 121 of s.32 Evaluation Report

¹⁷ Ref: 154; page 70 of Section 32 Evaluation Report: Appendix B – Summary of Public Feedback on Draft PC2

¹⁸ Section 32 Evaluation Report: Appendix B – Summary of Public Feedback on Draft PC2

¹⁹ 1 support; 5 oppose; 3 oppose in part; 1 support in part/oppose in part; 1 neutral in part; 1 neutral; 1 no position stated

were provided with a copy of the Mansell's PPC2 submission (including the rezone request), in advance of the close of submissions on PPC2 as part of the resource consent process. In the circumstances those parties likely to be concerned about the Mansell's rezone request were advised of this via the resource consent hearing process and had every opportunity to file a submission. Two parties to the resource consent process did (Ātiawa who supported the Mansell's resource consent application) and Leanne Morris (who was opposed).

- 11.11 The Council Officer also makes a proviso that states: *"However, I consider that this submission only marginally passes the second test, because the site is of such a size that it is uncertain how many people are affected by the change and whether they had sufficient opportunity to participate."*
- 11.12 I disagree that the submission only marginally passes the second test, for the reasons I have outlined in paragraph 10.6(b) above. I believe the Commissioners can have confidence that the Council's preparation process, which included soliciting comments from the public on a draft PC2, summarising the feedback as an appendix to the s.32 evaluation report, and the Schedule 1 notification provisions provide ample opportunity for an affected party to participate in the plan change, as the Morris, Ātiawa and Jonas further submissions demonstrate.

Should the Mansell site be rezoned as part of PPC(N)?

- 11.13 As I have outlined in Section 7 above, a number of areas (32) have been identified to be rezoned General Residential on the basis criteria used in Section 5.2.3 of the s.32 evaluation report. These criteria are fundamental to deciding whether a site is rezoned.
- 11.14 I note there is no source identified of where these criteria came from or how they were derived, although I note in the s.42A Officer Report²⁰ there is a reference to fact that these criteria were design based on Council's understanding (informed by legal advice) about the type of rezoning that could be included within an IPI. While I accept that Council is well within its rights to develop such criteria, and it makes good planning sense, I consider they should be open to scrutiny as they play such an important

²⁰ Paragraph (604); page 221 of the s.42A Officer Report

role in implementing the objectives and policies of the District Plan, and higher order planning instruments.

Criteria One: "They are located next to an urban area that is connected to infrastructure services".

- 11.15 Presumably the rationale for this criteria is connected to 'well-functioning' urban form, and I note lack of infrastructure is a qualifying matter. Notwithstanding this, it does seem to reflect the 'consolidation of the urban form approach' that was adopted by the early 2012 version of the proposed District Plan. I elaborate on this point below when I review the s.42A Officer Report assessment. This criteria is also open to interpretation (what does 'next to' an urban area mean) and has not been consistently applied – I note the site at 269-289 Ngarara Rd, Waikanae does not appear to be 'next to' an urban area, and other sites are only marginally 'next to' an urban area. This criteria does not seem to acknowledge that an area may be 'near' an urban area and in some cases Council infrastructure can be close to the site regardless of the zoning.
- 11.16 I note several of the 14 sites included in PC(N) are either across the road from an urban area,²¹ or a small part of the site touches an urban area.²² In the case of the Mansell site, the western most part of the site is directly across the road from the Otaihanga urban area (zoned General Residential) as shown on the map below in **Figure 3**.



²¹ 112 Ngarara Rd; Part 58 Ruahine St

²² 174-211 Ngarara Rd

Figure 3 – map showing location of Mansell site in relation to the Otaihanga urban area.

- 11.17 I fail to see how the Mansell site is different to several of the sites included in PC(N) when determining whether the site is ‘next to’ an urban area. I can confirm that the Otaihanga urban area is serviced by Council water and wastewater infrastructure from the northern end of Tieko Street (on the boundary of the Mansell property) to Ratanui Rd²³.

Criteria Two: “They have a relatively low degree of constraints (and any existing constraints can be managed through District Plan Rules).”

- 11.18 The Council Officer accepts the Mansell site can meet this criteria, and I concur with this conclusion. As I outline below, there have been extensive technical assessment undertaken on the Mansell site as part of the recent resource consent process that confirms there are no constraints that are unknown and cannot be managed.

Criteria Three: “They are not sufficiently large or complex enough to require a “structure planned” approach.”

- 11.19 I find it difficult to understand how the Council Officer arrives at this conclusion that this criteria is not met. The Mansell site is approx. 18 ha and as I have indicated in paragraph 6.2 above, the largest of the 14 sites that has been included in PC(N) is 19.63ha and as far as I can tell, no structure plan is required as part of including this site into the General Residential Zone. I consider it is an arbitrary determination. I also disagree with the Council Officer’s proposition that a structure planned approach is required for the site simply because of its size. I agree that a structure planned approach is required for the wider Otaihanga OH-01 area as it is divided by the Kāpiti Expressway and has a number of constraints (as assessed in the s.32 evaluation report Appendix n) that could be addressed through a structure plan. However, I do not agree the size of the Mansell site requires a structure planned approach, as a precursor to zoning as any constraints on the site are well known and assessed (as outlined in Section 9 above), development of the site, would not negate the ability of Council to prepare a structure plan for the wider Otaihanga OH-01 area in the future if this was desirable. This point

²³ As shown on the Councils Three Waters infrastructure maps <https://maps.kapiticoast.govt.nz/LocalMaps/Viewer/?map=627d29f22676457ca22bc92c19a095cc#>

was canvassed by the Commissioners who considered the resource consent application [RM210147] for the subdivision of the site, and they agreed in their decision with the view I have outlined above.

Criteria Four: "They would provide a notable contribution to plan-enabled housing supply, or where this is not the case, re-zoning is appropriate to regularise the area into the surrounding zoning pattern."

- 11.20 I note the Council Officer accepts that rezoning the Mansell site would provide a notable contribution to the housing supply of the District. This point is supported by the economic assessment undertaken by Mr Derek Foy, as to the benefits of rezoning the site and I summarise his findings below.
- 11.21 In my opinion, the Mansell site meets all 4 criteria that the Council has designed to assess whether a site should be rezoned as part of PC(N), and the Council Officer recommendation not to accept the Mansell request²⁴ should be rejected, and the Mansell site should be included into PC(N) as requested in the submission.

Section 32AA matters

- 11.22 For completeness, and if the Commissioners are of the mind to accept the Mansell's request to rezone their land to General Residential, then a s.32AA evaluation that must be in accordance with s.32(1)-(4) and at a level of detail that corresponds to the scale and significance of the change would be required as part of any decision. I note that this evaluation is at two levels – at the 'higher' options level and at the 'lower' individual site level.

S.32 (1) (b) assessment

- 11.23 Section 32(1)(b) requires examination as to whether the provisions of the proposal, in this case being the rezoning of the Mansell site to General Residential subject to the MDRS provisions included in PPC(N), are the most appropriate way to achieve the objectives. As I have outlined in paragraphs (7.4) – (7.6) above, the s.32 evaluation report identified three options to incorporate the MDRS and give effect to Policy 3 and 4 of the NPS-UD, with Option 1 which included rezoning a number of areas located adjacent to existing urban areas as General Residential Zone.

²⁴ Recommendation in Table in Appendix B to the s.42A Officer Report.

There is no change to the previous 'higher' evaluation undertaken by Council, and I concur with this evaluation and the reasons given for adopting Option 1 in the s.32 evaluation.

11.24 At the 'lower level', I consider including the Mansell site into PPC(N) supports the reasons given for adopting Option 1, including:

- (i) The effectiveness and efficiency and benefits;
- (ii) The fact the change is supported by iwi (Ātiawa ki Whakarongotai in their further submission);
- (iii) It is consistent with and supports the implementation of Te Tupu Pai; and
- (iv) It gives effect to Policies 3 and 4 of the NPS-UD.

11.25 While the s.32 evaluation did not assess the particular parcels of land that should be included in Option 1, I have assessed above the Mansell site against the 4 criteria designed by Council to determine whether a site should be incorporated into PC(N), and I conclude the Mansell site meets all 4 criteria.

11.26 Overall I conclude including the Mansell site into PPC(N) and rezoning the land General Residential and applying the MDRS provisions is the most appropriate way, and is an efficient and effective way, to achieve the objectives of the NPS-UD and District Plan (amended by PPC(N)).

S.32 (2) (a) – (c) assessment

11.27 While assessing the effectiveness and efficiency of the provisions against the objectives (s.32(1)(b)(ii)), an assessment must identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the provisions.

11.28 As per my evaluation above, at the 'higher' level evaluation of the costs and benefits and risk or acting/not acting included in the s.32 evaluation report remains unchanged, and I concur with the findings of that evaluation.

11.29 In terms of the 'lower' level evaluation of including the Mansell site into PPC(N), the costs and benefits have been identified and assessed in the expert technical evidence supporting the submission request (as summarised in paragraph 9.3 above. Overall the assessments determine

there are a range of positive effects including economic benefits; increased public access or open space for recreation; protection or enhancement of the natural environment; and the provision of community facilities. All of these benefits would lead to a well-functioning urban environment and would achieve the intended outcomes of the NPS-UD, PPC1 to the RPS, and the Te Tupu Pai growth strategy. While there are costs identified, the various experts are of the opinion that constraints associated with this site are well understood and assessed, and that any future resource consent process required under the District Plan provisions would be able to appropriately address these matters.

11.30 When assessing the change in environmental effects that may come about from a rezoning of the Mansell site into PPC(N) and applying the MDRS provisions, I consider the following matters are relevant:

- (a) Resource consent [RM210147], subject to the resolution of the appeal by one party, would provide a 'baseline' that would see the subdivision of the Mansell site to allow for 46 lots, 22 being rural lifestyle and 24 being more intensive residential lots (adjacent to Otaihanga Rd) – this means there will be a change in the current Rural Lifestyle character of the site that is in keeping with the neighbouring Otaihanga General Residential Zone;
- (b) The rezoning of the site to General Residential has the potential to provide for up to 80 lots and up to 372 dwellings – while this is a considerable increase in the number of lots/dwellings, the constraints associated with such a potential dwelling (infrastructure; traffic; landscape; geotechnical; and ecological) can be managed, as demonstrated by the supporting information of the technical experts summarised in Section 9 above;
- (c) There are regulatory provisions included in PPC(N) and the operative District Plan, proposed NRP and National Policy Statements and National Environmental standards, that would assist to reduce the environmental effects of the change in the environment – these include: regulations under the NPS-FW and NES-F; qualifying matters and standards, new rules and Land Development Minimum Requirements introduced by PPC(N); discharge rules included in the proposed NRP; and district wide rules in the operative district plan regulating vegetation removal and earthworks;
- (d) Not including the Mansell site in PPC(N) has the potential to delay more intensive subdivision and development in the Otaihanga area until a plan change and structure plan process is completed by Council for the wider Otaihanga OH-01 area – the timing and what would be provided for in a residential capacity perspective are unknown;

- (e) As discussed by Mr Foy, there is uncertainty regarding how much uptake will be achieved in the existing urban areas, such as the Otaihangā General Residential Zone, meaning the ability of PPC(N) to meet the predicted housing needs is also uncertain – developing a greenfield areas such as the Mansell site provides a higher level of certainty that a number and range of housing types will be provided in a short-term period.

S.32 (3) and (4)

- 11.31 The proposal to include the Mansell site into PPC(N) does not amend any objectives, or impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies.

Part Two – Addressing the other submission points that seek amendments to several provisions of PC(N)

- 11.32 I have summarised the Council Officer recommendations on the other submission points in **Table 1** above, and the recommendations on the further submissions in **Table 2** above. I address each one of these submission points below:

Submission #023.02 – Objective DO-03 – Development Management

- 11.33 There are two aspects regarding Objective DO-03 addressed in the Mansell submission.
- 11.34 Firstly, Objective DO-03 retains the consolidated urban form approach adopted by Council in the 2012 District Plan which effectively restricts growth outside the existing urban areas. This was particularly relevant for the subdivision consent the Mansell's have been granted, and appealed to the Environment Court. One of the key arguments by a submitter against the subdivision was that it was not consistent with the intentions of the District Plan objectives which promoted the maintenance of a consolidated urban form, and as a non-complying activity it was difficult for the application to get through the s.104D 'gateway' test that the activity is not contrary to the objectives and policies of a relevant plan. The Commissioners accepted the position that I put forward that the consolidated urban form approach was dated, and not consistent with the NPS-UD, and considered the application passed that gateway test. Notwithstanding this, the resource consent has been appealed to the Environment Court, and this is one of the matters on appeal.

- 11.35 I disagree with the Council Officer's view that Objective DO-03 is not narrow and does not have to be amended. I consider PC(N) is required to implement the NPS-UD, and be consistent with proposed enabling provisions included in PC1 to the RPS, of the Te Tupu Pai growth strategy prepared by Council. For the record, I do not agree with the Council Officer's view expressed in paragraph (79) of the s.42A Report that the provisions of the proposed RPS should be given minimal weighting at the stage it is in the Schedule 1 process. In my opinion, PPC1 correctly reflects and implements the requirements of the NPS-UD and should be given more weight than the Council Officer suggests. The retention of the focus of the objective on maintaining the consolidated urban form within existing areas is contrary to those higher level document planning instruments. I would seek the Commissioners to reject the Council Officer recommendation and amend Objective DO-03 as sought in the Mansell submission.
- 11.36 The second matter relates to the approach taken in Clause 6 of the Objective that requires the management of development in areas of special character or amenity that has regard to those special values. Policy 6(b) of the NPS-UD gives a clear directive to decision makers that significant changes to an area may occur from planned urban built form that may detract from amenity values appreciated by some people, but improve amenity values appreciated by other people, by providing increased and varied housing densities and types, and such changes are not of themselves an adverse effect.
- 11.37 I do not agree with the Council Officer who does not consider Clause 6 of the Objective as amended by PC(N) is inconsistent with Policy 6. In my opinion, the proposed wording of Clause 6 does imply development that changes areas of special character or amenity will be required to be managed to have regard to these values, as if they were an effect. This has the potential to either limit or make it more difficult to have a development pass through a consenting process on special character or amenity grounds, which would be contrary to the intention of Policy 6 of the NPS-UD. I would seek the Commissioners to reject the Officer Report recommendation and amend Clause 6 of Objective DO-03 to correctly reflect the intention of Policy 6 of the NPS-UD, as sought in the Mansell submission.

- 11.38 The Mansell submission sought the terms 'urban areas' and 'urban environment' included in the District Plan to assist the reader to clarify the intent of the amendments to the Objectives and other provisions. In particular the submitter sees the need to ensure the definition of existing urban areas is not narrow, but reflects the wider focus of the NPS-UD and proposed PC1 to the RPS on the urban environment, and not the consolidation of existing urban form as discussed above. While I accept the RMA and the NPS-UD includes a definition of urban environment, the District Plan should be able to be read and understood without having to go to other higher level documents to have clarity of what the objectives and other plan provisions may mean. I would seek the Commissioners to reject the Officer Report recommendation and include a broader definition of urban area and urban environment to reflect the intentions of the RMA, NPS-UD and proposed PC1 to the RPS, as sought in the Mansell submission.

Submission #S023.04 – Objective DO-011

The Council Officer notes the support for Objective DO-011, and points out that some amendments are proposed responding to other submitters. I have reviewed the recommended amendments in PC(R1) and can confirm they do not change the intent of the objective, and are acceptable. I would seek the Commissioners accept the Council Officers recommendation regarding the Mansell submission.

Submission #S023.05 – Objective DO-011

- 11.39 The Council Officer has indicated that they believe the description of the various locations are general in nature, and that it can be inferred from the general nature of the text that the description relates to the general Otaihanga area. I disagree with the Council Officer as the opening sentence in the paragraph states that Otaihanga is characterised by a quiet low density area set apart from the main urban area. In my reading of the explanation this paragraph is directed towards the urban area of Otaihanga zoned General Residential, rather than the wider 'urban environment' which can include non-residential area, such as the Rural Lifestyle Zone. The Mansell submission is seeking this wider commentary to be made, consistent with the NPS-UD, proposed PC1 to the RPS, and Te Tupu Pai growth strategy. I would seek the Commissioners to reject the Officer Report recommendation and include

the amendment sought in the Mansell submission to ensure Objective DO-011 cannot be interpreted as only relating to the existing Otaihangā urban area and encompasses intended urban areas.

Submission #S023.06 – Policy UFD-P1

- 11.40 The Council Officer recommends the Mansell submission point be accepted, and amends the policy in PC(R1). While the amendment proposed by the Council Officer goes some way to addressing some of the Mansell's concerns, it does not address the focus of the policy on maintaining a consolidated urban form. For reasons I have discussed above, PC(N) provides an opportunity for Council to move away from the previously 'outdated' urban consolidation approach adopted in the 2012 proposed District Plan which is now contrary to the intent of the higher order documents of the NPS-UD, PPC1 to the RPS and Te Tupu Pai strategy. I would seek the Commissioners to accept the amendment proposed by the Council Officer, but also amend the Policy to better reflect the matters raised in the Mansell submission to take the focus away from maintaining the consolidation of urban form approach and more on implementing the NPS-UD, PPC1 to the RPS, and Te Tupu Pai growth strategy directives.

Submission #S023.07 – Policy UFD-P3

- 11.41 This is a similar issue as discussed in paragraphs 11.31 – 11.32 in regards to amendments to Objective DO-03. In my opinion the Council Officer has not correctly interpreted the requirements of Policy 6(b) of the NPS-UD, and I consider the amendments to the Policy do not properly implement Policy 6(b). I would seek the Commissioners to reject the Officer Report recommendation and include amendments sought in the Mansell submission to ensure Policy UFD-P3 correctly implements Policy 6(b) of the NPS-UD by ensuring significant changes to an area from planned urban built form are not of themselves an adverse effect that needs to be given regard to.

Submission #S023.08 – Policy UFD-P4

- 11.42 As it is currently written, Policy UFD-P4 fails to properly implement Objective DO-03 and does not reflect Te Tupu Pai or assessments undertaken as part of the s.32 evaluation, proposed PC1 to the RPS, or the NPS-UD because it continues to restrict subdivision and

development to specific areas within the District. Earlier comments made above regarding the need for the provisions of PC(N) to move away from the outdated urban consolidation urban form approach and adopt a wider 'urban environment' approach apply. I disagree with the Council Officer that this Policy is not inconsistent with the higher order documents, or implements correctly Objective DO-03. I would seek the Commissioners to reject the Officer Report recommendation and include amendments sought in the Mansell submission to ensure Policy UFD-P4 correctly implements the directives of the NPS-UD and PPC1 to the RPS, and the future growth intentions of Te Tupu Pai.

Submission #S023.09 – Policy UFD-P11

- 11.43 This matter is the same as discussed above in relation to Policy UFD-P3 and Objective DO-011, and the same comments apply. Similar to above, I would seek the Commissioners to reject the Officer Report recommendation and include amendments sought in the Mansell submission to ensure Policy UFD-P11 correctly implements Policy 6(b) of the NPS-UD by ensuring significant changes to an area from planned urban built form are not of themselves an adverse effect that needs to be given regard to.

12. CONCLUSION

- 12.1 My planning assessment essentially addresses two key questions:
- (a) Should the request by the Mansell's to rezone their site Residential be accepted?;
 - (b) Should a number of PPC(N) provisions be amended to better implement the NPS-UD, PPC1 to the RPS and the directions of the Te Tupu Pai growth strategy as requested in the other submission points in the Mansell's submission.
- 12.2 In relation to the first matter, I concur with the Council Officer's assessment that the Mansell submission request to rezone their site is 'on' the plan change and within scope, but I disagree that it only marginally meets the second test as there may be affected parties that have not been involved in the process. In my opinion, there has been a robust process to prepare PPC(N) and the Mansell's request has been well documented in that process, and in the recent resource consent process for [RM210147].

- 12.3 I also agree with the Council Officer's assessment that the request meets two of the four criteria adopted by Council to determine whether a site should be rezoned General Residential in PPC(N), but I disagree that the site fails to meet the other two criteria for reasons I have discussed above. I consider including the Mansell site as General Residential and applying the MDRS provisions has demonstrable benefits as outlined by the supporting evidence of the various experts, and is the most appropriate way, and is an efficient and effective way, to achieve the objectives of the NPS-UD and District Plan (amended by PPC(N)).
- 12.4 In relation to the other amendments requested by the Mansell's in their submissions, I am of the opinion that these are necessary to ensure the intention of the NPS-UD and PPC1 to the RPS to create well-functioning urban environments, and the growth directions included in Te Tupu Pai, is achieved through PPC(N).



Christopher Adrian Hansen
10 March 2023

ANNEXURE 1 – Mansell Comments on draft PC2 (02 May 2022)

Chris Hansen Consultants Ltd

PO Box 16-531

Bethlehem

Tauranga 3147

New Zealand

Email: chris@rmaexpert.co.nz

Mobile: 02102645108

02 May 2022

District Planning Manager
Kapiti Coast District Council
Private Bag 60601
Paraparaumu 5032

Dear Sir

RE: COMMENTS ON DRAFT INTENSIFICATION PLAN CHANGE ON BEHALF OF THE MANSELL FAMILY

I refer to the Kapiti Coast District Council's request for comments on the draft proposed Plan Change 2 – Intensification (PPC2-I) that responds to the requirements of the National Policy Statement Urban Development (NPS-UD). I provide the following comments on behalf of the Mansell family who are currently in the process of seeking resource consent to subdivide their property in Otaihanga severed by the Kapiti Expressway [RM210147]. Comments are required to be provided to Council by 5pm Monday 2 May.

The Mansell's note that the Council's new growth strategy for the next 30 years, Te Pupu Pai, guides the proposals in the draft PPC2-I. The Mansell family generally support the growth principles, priorities and aspirations included in Pe Tupu Pai. In particular the Mansell family support the main elements of growth, and the emphasis of "*opening up some greenfields progressively over time, with our greenfield development also being denser and more connected into public transport*" (page 8 of Te Tupu Pai). The delivery approach includes how Council will work with (amongst others) developers and making sure the right infrastructure is available at the right time for achieving sustainable growth for Kāpiti. There is a clear direction in Te Tupu Pai that future growth in Kāpiti will be met through intensification of existing areas, and new greenfield developments.

Te Tupu Pai intends to enable greenfield development, and acknowledges how quickly a greenfield area could be developed is heavily dependent on the level of infrastructure required. Otaihanga, where the Mansell farm is located, is identified as a medium-priority greenfield growth area. Medium-priority greenfield areas are identified as needing further investigations of constraints, including what infrastructure would be required. High-priority greenfield sites are located within and adjoining existing urban areas. Te Tupu Pai recognises that some greenfield developments might be able to happen sooner, while others could be rescheduled for later or deferred. Much of this work is deferred until 2024, however, a small number of smaller greenfield sites that were formally rural residential have been rezoned as General Residential as part of PPC2 -1.

The Mansell's believe that the subdivision and development that they have sought resource consent for at Otaihanga has already been investigated and the constraints associated with a greenfield development on that site, and demonstrated that Council three waters infrastructure is able to service this proposed development. Greater Wellington has also issued regional consents for the project which would give Council a further level of comfort around re-zoning this area and that any constraints have been appropriately managed. The Mansell family also note that their proposed subdivision borders the western side of the northern part of Tieko Street, which is zoned General Residential and which will have intensification provisions applying to this land. Their proposed subdivision therefore meets the high-priority requirement for greenfield sites to be located adjoining to existing urban areas and PPC2-1 provides a good opportunity for Council to do so, allowing this land to be developed for housing now rather than deferring consideration on this area for until further planning work scheduled to take place in 2024.

The Mansell family therefore seek to have the PPC2-I rezone its property in Otaihanga from Rural Lifestyle to General Residential. The Mansell's note there are a number of areas PPC2-I intends to rezone, including 2 areas to be rezoned from Rural Lifestyle Zone to General Residential Zone. The Mansell family believe that their property in Otaihanga meet the criteria required to have this rezoning occur, and including their property in PPC2-I would meet the Policy 3 of the NPS-UD.

The Mansell family would therefore seek the following changes to PPC2-I:

- Include the Mansell farm west of the Kapiti Expressway in Otaihanga in maps in Appendix 1 – Map 09 Zones – General Residential Rezone
- Include reference to the Mansell farm in any relevant provisions subject to change by PPC2-I where other areas are being rezoned from rural lifestyle to General Residential are referenced

The Mansell family would be happy to provide any details of the legal descriptions of the land it seeks to be rezoned General Residential, and to meet and discuss with Council officers any specific provisions that may be relevant to including its request in the PPC2-I.

Please contact me in the first instance if you wish to discuss any of the above comments and request.

Yours sincerely



Chris Hansen

RMA Principal Planner

E-mail: chris@rmaexpert.co.nz

Mobile: 02102645108



ANNEXURE 2 – Resource Consent [RM210147] Decision and Conditions

*Hearing Before:
Kāpiti Coast District Council*

Resource Consent Application

Being in relation to the proposed subdivision and use of land zoned Rural Lifestyle

DECISION REPORT OF INDEPENDENT HEARING PANEL

Dated: 2 November 2022

Result: Land Use and Subdivision consents are granted subject to the conditions in Attachment 1.

Approved for release and publication on the website of Kāpiti Coast District Council by Mark Ashby (Chairperson) while reserving the power to make minor corrections and amendments to the grant of resource consent if required under the Resource Management Act s133A. If that occurs the corrections will be published and circulated.

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Attachment 1 Consent Conditions

Glossary

Acronym/Term Definition	Definition
KCDC	Kāpiti Coast District Council
GWRC	Greater Wellington Regional Council
RMA	Resource Management Act
RPS	Regional Policy Statement
NPS-UD	National Policy Statement- Urban Development

1 Overview

1.1 Introduction

- 1.1.1 Our decision is to **grant subdivision and land use consent** subject to conditions. Our reasoning and conclusions are contained in this report.
- 1.1.2 The conditions of consent are appended as Attachment 1. At various places we include references to the consent conditions. These references are typically in brackets and use the numbering system agreed between the Applicant and the consent authority planner.
- 1.1.3 The statutory aspects of the proposal are initially outlined in Section 3.2.3 below. The granting of resource consents is a process under the Resource Management Act (“the Act” or “RMA”).
- 1.1.4 The Project requires resource consents from Kāpiti Coast District Council (KCDC). The site is zoned Rural Lifestyle in the district plan. The Applicant has already obtained consent needed from Greater Wellington Regional Council (GWRC). In most situations, our report refers generically to the ‘proposal’, ‘project’, ‘works’ or similar variations.
- 1.1.5 To assist in our understanding of the environment and the Project, we undertook two site visits. The first (separately, on different days by each commissioner) occurred before the hearing. The second, undertaken together, took place on 11 August – a week after the hearing. For the first visit we focussed on the surrounding area and did not enter the subject land. For the second visit we walked through the subject land from the south to the north. On the return leg we walked south down Tieko Street, then along Otaihanga Road. On both occasions we visited the site unaccompanied by any other party.

1.2 Roles and responsibilities of the parties

- 1.2.1 The roles and responsibilities of the parties, other than submitters in opposition or support, were set out within various application and hearing documentation. It is, however, useful to repeat these here for the sake of clarity.
- 1.2.2 The Applicant is M R Mansell, R P Mansell and A J Mansell. The Applicant was supported by expert consultants in designing the proposed subdivision and assessing its effects. At the hearing, the Applicant’s consultant team presented expert written and oral evidence. Relevant Applicant experts also took part in witness conferencing, and discussions with KCDC staff, as directed by the commissioners. The Applicant’s Planning expert responded to information requests made in panel Minutes. As is standard practice for hearings, the Applicant was also afforded a ‘right of reply’, which was provided in written form by the Applicant’s legal counsel.
- 1.2.3 Being subject to limited notification, the application was made available to the owners / occupiers of specific properties in the surrounding area. Each of those persons had the opportunity to make a written submission and, if they chose, to also appear at the hearing. The Applicant or any submitter may appeal the decision, and the process for this is outlined in the Council’s cover letter accompanying the decision.

- 1.2.4 Consent under the district plan is required for various reasons (set out later) but overall the activity status is considered non-complying. KCDC is the consent authority that must determine whether to grant or decline the resource consent application. Resource consent has already been obtained from Greater Wellington Regional Council (GWRC) with regard to earthworks and stormwater discharge.
- 1.2.5 As independent commissioners, our remit provides us with full autonomy to make the necessary decisions and impose conditions of consent on behalf of KCDC. It is not within our authority to revisit the consent granted by GWRC.

2 Location and Proposed Works

Location and Works

- 2.1.1 A description of the existing environment and the project can be found in full within Sections 2 and 3 of the Applicant's AEE.
- 2.1.2 The proposed location of the works is set out in the Application documents, and Section 2 of the KCDC's s42A Officer's report prepared by Ms Rydon. In summary, the Project focuses on an approximately 18 hectare block of irregularly shaped land that lies between the Kāpiti Expressway, Tieko Street, and Otaihanga Road. The land has been farmed in the past as part of a larger block of land but is now separated from that land by the Expressway.
- 2.1.3 Our decision report concerns a proposal to subdivide approximately 18 hectares of land zoned Rural Lifestyle, with associated physical works to give effect to the project. The existing six lots would be subdivided into 53 lots. The proposal is characterised by 22 mostly larger residential lots in the north of the area, and a grouping of 24 mostly smaller residential lots at the southern end. The northern lots will be accessed via an extension of Tieko Street. The southern lots will be accessed via a new cul de sac off Otaihanga Road.
- 2.1.4 There is also a lot set aside as a small public reserve, and an access lot containing a Shared Urban Path (SUP)¹ between the southern and northern parts of the development. Another 4 lots provide for internal roading and widening of existing roading. There is also a lot for drainage and water storage in a constructed wetland adjoining Otaihanga Road.

Adjacent Community

- 2.1.5 Residents adjoining and near the proposed development mostly access their properties from Tieko Street. For a general sense of some key characteristics of the adjacent community we adopt the following descriptions provided in the evidence of (1) Mr Foy, the Applicant's economics expert, and (2) Ms Fraser, the Applicant's traffic expert.
- 1) "The PDP [proposed district plan] describes Otaihanga as 'a quiet low density area which is set apart from the main urban area'. It also notes that the area is strongly linked to the river. Much of Otaihanga is rural in nature, although the Site is directly adjacent to

¹ Providing for walking and cycle access between the otherwise separate northern and southern parts of the development

the General Residential Zone that is bounded by Tieko Street in the south, Otaihanga Road to the west, and rural land and the river to the north.”²

- 2) “Tieko Street would originally have been constructed as a rural road and has over many years been transitioning towards being a residential street as demonstrated by the development pattern along the northern side of the street. As a rural road serving a limited number of properties it was constructed with a narrow formed width and roadside drainage rather than kerb and channel. As traffic activity has increased and without kerbs to constrain vehicle paths, vehicles are meeting more frequently, and damage is occurring to the seal edge. This is an existing maintenance issue that will need to be addressed by Council regardless of the proposed subdivision.”³

Environmental Characteristics

- 2.1.6 For a general sense of the site environment, we adopt the following description provided in the evidence of Mr Goldwater, the Applicant’s ecologist, that is: *“The site largely comprises rank pasture with pine shelterbelts and four natural wetlands on highly modified dunes. Indigenous vegetation is restricted to several stands of kānuka, all of which meet the size threshold for significance under Schedule 3.2 proposed Kāpiti Coast District Plan. The overall ecological values are considered to be low.”*⁴
- 2.1.7 Mr Goldwater’s evidence acknowledges the presence of indigenous bird and lizard species. Potential effects on these species are considered in section 11 of our decision report.

Historic Heritage

- 2.1.8 The consent application included an Archaeology assessment that, among other matters, addressed the existence of a remnant dray⁵ track. The existence of a dray track is indicated on an 1870 survey office plan of the wider area. Today, in several locations, the Archaeology assessment identifies depressions, or a broad trench, that likely represent the dray track location. Those features are consistent with 1952 aerial photography of a more intact feature.
- 2.1.9 The Archaeological assessment notes that here is a high likelihood of there being unrecorded midden sites within the proposed subdivision, although no evidence was visible during a site inspection.

² Paragraph 5.5, Statement of Evidence of Derek Foy, 18 July 2022

³ Paragraph 8.10, Statement of Evidence of Harriet Fraser, 19 July 2022

⁴ Paragraph 2.1, Statement of Evidence of Nicholas Goldwater, 21 July 2022

⁵ Typically, a two-wheeled truck or cart without sides

3 The Consents Sought

3.1 Application History

3.1.1 As noted by the Applicant, the proposal to subdivide the land was triggered by development of the Kāpiti Expressway. In effect, the Expressway has divided the Applicant's land into two parts. The land subject to the proposal is immediately west of the new road which was officially opened in February 2017. Mr Hansen, the Applicant's Planner, told us that he has been involved in the project proposal since April 2017 – including initial scoping, identifying the required consents, and identifying the expert assessments required.

3.1.2 Ms Tancock, the Applicant's legal counsel, provided an outline of the consent application history⁶. It usefully summarises the changing planning policy environment over the period from the date of lodgement, up to August 2022. We have incorporated these, and other dates / matters of relevance provided to us in evidence, into the following timeline:

- 1) Application lodged: 30 June 2021
- 2) National Planning Standards Amendments⁷ in force: 30 June 2021
- 3) Further information process: 26 July – 12 October 2021
- 4) Limited Notification: 14 October 2021
- 5) RMA amendments (Enabling Housing Supply and Other Matters): December 2021
- 6) National Policy Statement on Urban Development (NPS-UD): May 2022
- 7) Council officer's report (s42A): 13 July 2022
- 8) Hearing dates: 3 and 4 August; 7 September 2022
- 9) Notification of Kāpiti Proposed Plan Change 2 – Intensification: 18 August 2022
- 10) Joint Witness Conferencing: 24 August 2022
- 11) Notification of GWRC Proposed Plan Change 1 to Regional Policy Statement: 25 August 2022

3.1.3 We note that at some point after lodgement, the Applicant held discussions with KCDC about matters such as the Tieko street works and the Shared Path. From the Applicant's perspective, discussions on those matters were unproductive, and the issues were revisited during the hearing and witness conferencing.

3.1.4 Ms Tancock described the 15 month timeline between lodgement and September 2022 as 'an unfortunate aspect' of the application processing. We agree with that sentiment. In particular, we note that the timing has coincided with significant changes (or proposed

⁶ 7 September 2022, *Memorandum of Counsel for the Applicant in Response to Matters Raised in Minutes 2 & 3*

⁷ The effect of this was a re-issued district plan, with numbering and naming conventions of the National Planning Standards adopted into the district plan. However, Zone names, and Policy and Rule numbers referred to in the application and other related documents (s42A report, hearing evidence), are based on the old nomenclature.

changes) to the national, regional, and local policy frameworks. The Applicant, Council, and we as the panel have each had to give serious consideration to implications arising from those changes.

3.2 District Plan Resource Consents

3.2.1 The matters sought to be covered by the consents are set out in the Application documents and Section 6.3 of the KCDC s42A Officer's report. In summary, as reported in Mr Hansen's evidence, the matters are as set out below.

Subdivision Consent

- 1) A Subdivision Consent under Rule 7A.5.3 as standard 4 for restricted discretionary activities in Rule 7A.3.2 cannot be met – **non-complying** activity.
- 2) A Subdivision Consent under Rule 9A.3.2 as the proposed subdivision is on a site where there is a ponding area – **restricted discretionary** activity (subject to standards).
- 3) A Subdivision Consent under Rule 9B.3.3 as the proposed subdivision is on peat or sand soils – **restricted discretionary** activity (subject to standards).
- 4) A Subdivision Consent under Rule 11B.5.1 as the proposed subdivision creates new lots in the rural zone and is not provided for in Rule 11B.3.2 – **non-complying** activity.

3.2.2 Based on the general principle that activities should be bundled and the most restrictive activity classification applied to the overall proposal, the subdivision consent application is overall considered to be **non-complying**.

Land Use Consent

- 1) A Land Use Consent under Rule 3A.3.4 as the permitted activity standards for earthworks in Rule 3A.1.6 cannot be met – **restricted discretionary** activity (not subject to any standards).
- 2) A Land Use Consent under Rule 9A.3.4 as the permitted activity standards for earthworks in ponding areas in Rule 9A.1.4 cannot be met – **restricted discretionary** activity (not subject to standards).
- 3) A Land Use Consent under Rule 3A.3.1 as the permitted activity standards for the trimming/modification of indigenous vegetation within 20m of a water body may not be met – **restricted discretionary** activity (not subject to standards)
- 5) A Land Use Consent under Rule 7A.3.1 as the permitted activity standards for yard setback requirements (for Lots 23 – 46) in Rule 9A.1.3(5) cannot be met – **restricted discretionary** activity (not subject to standards).
- 6) A Land Use Consent under Rule 11E.1.3(4) as the permitted activity standards for the maximum allowable width of access (to Lots 3 and 4) in Rule 11E.1.4 cannot be met – **discretionary** activity.
- 4) A Land Use Consent under Rule 11A.2.1 11 for new roads meeting the relevant standards – **controlled** activity.

- 3.2.3 Based on the general principle that activities should be bundled and the most restrictive activity classification applied to the overall proposal, the land use consent application is overall considered to be **restricted discretionary**.

Overall Status and Numbering Update

- 3.2.4 For clarity and consistency with the current version of the district plan, which has been updated to reflect the National Planning Standards, the reasons for the proposal being non-complying are:
- A Subdivision Consent under Rule SUB-RUR-56 as standard 2(a) for restricted discretionary activities in SUB-RUR-R51 cannot be met.
 - A Subdivision Consent under Rule SUB-DW-R23 as the proposed subdivision creates new lots in the rural zone and is not provided for in Rule SUB-DW-R4.
- 3.2.5 Considered separately, the subdivision and land use aspects are respectively non-complying and restricted discretionary. However, as the physical works are not separable from the subdivision (i.e., the subdivision relies on the physical works) the application overall is regarded as **non-complying** – being the most restrictive category. All of the Planning experts agreed on that point and the panel takes the same approach.

4 Regional Consents

4.1 Regional Consents Obtained

- 4.1.1 Regional consents were obtained on 28 October 2021.
- 4.1.2 Mr Hansen’s evidence in chief (section 1.6) lists the specific permits and consent. We repeat his listing below and do not consider it necessary to set out further detail:
- (a) Discharge permit for sediment laden runoff to land/water [WGN210352 (37614)]
 - (b) Discharge permit for operation stormwater to land where it may enter water including to land within 100m of a natural wetland [WGN210352 (37803)]
 - (c) Land use consent for earthworks/soil disturbance [WGN210352 (37804)]

5 Processes Around the Hearing

5.1 Public Notification and Submissions

- 5.1.1 The application was publicly notified on 14 October 2021, with the submission period closing 11 November 2021. We understand that the delay between the end of the submission period and the commencement of the in-person hearing is related to the further information process, and also to the Covid pandemic.
- 5.1.2 Thirteen submissions were received. Other than the submission of Waka Kotahi, all submissions were from owners / occupiers of land in the vicinity of the proposed development. Ten submissions were opposed to the development in full or part; two were in support in full or part; and the Waka Kotahi submission was considered to be neutral.

- 5.1.3 The most common submission points related to traffic. This includes safety effects on Tiekō Street arising during construction and over the longer term, as well as safety / delays when exiting onto Otaihangā Road. The next most common theme was overall effects rural character / amenity. Further specific amenity effects referred to included noise, light, and loss of vegetation. Some submitters also expressed concerns about effects on wildlife, and comments were also received about pest control and weed management.
- 5.1.4 A more detailed summary of the viewpoints expressed by submitters appearing at the hearing is set out in section 6.4.1.
- 5.1.5 The Applicant liaised with the Ātiawa ki Whakarongotai Charitable Trust regarding various scheme plans in the lead up to lodging the application. Post-lodgement, the Applicant provided confirmation from the Trust that the concerns of the Trust had been adequately satisfied. Further work continued with the Trust and we comment on that in section 7, with respect to historic Dray Track.

5.2 Commissioners' Minutes

- 5.2.1 We issued three Minutes, as follows:
- Minute 1 (11 July 2022) was a standard Minute regarding the exchange of evidence and hearing procedures.
 - Minute 2 (12 August 2022) directed provision of further evidence / advice to address:
 - Analysis from the Planners regarding the complex planning policy framework.
 - The provision of further plans / longsections related to the shared path grades.
 - Legal advice from the Applicant about various matters.
 - Directions to the Planning and Traffic experts to conference on consent conditions; matters related to the shared pathway; and the Tiekō Street improvements.
 - Minute 3 (19 August 2022) was an addition to the planning policy analysis we requested in Minute 2. We requested that the Planners also take into account the recently notified Plan Change 1 to the Regional Policy Statement.

5.3 Expert Conferencing

- 5.3.1 No formal expert conferencing was undertaken before the hearing. However, as noted earlier, there had been engagement between the Applicant and Council with regard to the shared pathway, and also on the potential Tiekō Street improvements (and possible developer agreement).
- 5.3.2 In Minute 2, we directed expert conferencing on the matters outlined in 5.2.1 above. As an outcome of conferencing we received Joint Witness Statements from the various experts, as outlined below.

Planning

- 5.3.3 The Planning experts conferenced on 24 August, discussing proposed consent conditions (if the consent were to be granted). The conferencing was attended by Mr Hansen for the Applicant, Ms Rydon for the Council, and Ms Blackwell for the submitter NZ Custodial Trustees (103) Ltd. (regarding 44 Tieko Street). Outcomes from Planning conferencing, in terms of condition wording, formed the basis for the final set of conditions provided to us, dated 7 September. The final set of conditions attached to this decision are largely the same as the 7 September version, subject to the amendments outlined in section 19 of our report. Other outcomes, including our ultimate findings in relation to 44 Tieko Street, are discussed in section 8 of our decision report.

Shared Urban Path

- 5.3.4 The Transport and Roding experts conference on 24 August. The conferencing was attended by Ms Fraser and Mr Taylor for the Applicant, and Mr Trotter for the Council. There was substantial agreement on a number of issues, but Mr Trotter retained concerns around several details. These included the shared path surfacing, the grade of the path, and its lighting.

Tieko Street Improvements

- 5.3.5 Conferencing also occurred in relation to proposed improvements of Tieko Street. As directed by our Minute 2, the intention of conferencing was work on agreeing a Development Agreement (which sits outside of the resource consent). Our Minute noted the panel's preliminary view that a Development Agreement was a preferable means of addressing issues related to necessary upgrades of the street – as opposed to this being enforced by consent conditions. As reported to us on the final hearing day (7 September) the parties were able to agree and conclude an Agreement. Like all Development Agreements, this is a private agreement between the developer and the Council. As such, we are not party to its contents and – with the issues having been resolved – the details of the Agreement are not relevant to our decision (although its existence is).

6 Hearing Overview

6.1 Hearing Schedule

- 6.1.1 The hearing was held over three days in Paraparaumu. The first two days (3 and 4 August) were held in a meeting room of the Kāpiti public library. The third day (7 September) was held in a Council meeting room. The hearing was considered closed after we received and considered all further information requested via other Minutes, as well as the Applicant's formal right of reply (20 September). Due to other commitments of the panel, a date of 2 November was agreed by the Applicant for the issue of our decision report.

6.2 Appearances

- 6.2.1 We record the following appearances of the various parties.

For the Applicant	Role / Expertise
• Richard Mansell	• Applicant
• Phernne Tancock	• Legal counsel
• Chris Hansen	• Planning
• Nick Taylor	• Engineering and Subdivision
• Cameron Wylie	• Geotechnical
• Derek Foy	• Economics
• Nick Goldwater	• Ecology
• Chris Greenshields	• CPTED
• Harriet Fraser	• Traffic
• Craig Martell	• Flooding and Stormwater
• David Compton-Moen	• Landscape
For Kāpiti Coast District Council	Role / Expertise
• Marnie Rydon	• Planning
• Neil Trotter	• Traffic
• Robin Simpson	• Landscape
• Emma Bean	• Hearing Administration
Submitters / Property	Position
• Gerard Earl / 31D Tieko Street	• Support
• Leanne Morris / 111 Otaihanga Road	• Oppose
• Paula Keene / 68 Tieko Street	• Support
• Alan Strawbridge / 44 Tieko Street	• Oppose
• Alice Blackwell / 44 Tieko Street	• Planning expert

6.3 Applicant Appearances and Overview

6.3.1 We heard from the Applicant and their expert witnesses on Days 1 and 2 of the hearing.

6.3.2 The Applicant's case was opened by Ms Tancock, legal counsel, who presented a general overview of the proposal and statutory matters. She referred to the desirability of the Council and the Applicant negotiating a developer agreement (under the Local Government Act), to resolve the nature of upgrades to Tieko Street. She also noted that upgrades to Tieko Street would provide public benefits over and above what is needed to address the effects of the proposal.

6.3.3 Mr Mansell (the Applicant) provided us with a history of the land's ownership by his family. He advised us that the farm had been split into three approximately equal areas by development of the Kāpiti Expressway, with one third now being occupied by Expressway land. The third to the west of the Expressway is the subject of the proposal. Another third lies to the east of the Expressway and is somewhat better land that will be retained by the Applicant. Mr Mansell told us that the proposal land is in poor condition due to being uneconomic to farm, and from the encroachment of weeds and rabbits. He noted that the Expressway had changed some drainage patterns.

6.3.4 Mr Taylor, a civil engineer and surveyor, provided evidence on engineering and subdivision design matters. He noted that earthworks for the design we were asked to consider are approximately 50% less than earlier iterations, reflecting a change in the design of the

sewerage system. Mr Taylor also outlined the nature of disagreement between himself and Mr Trotter (KCDC Traffic) in relation to construction standards for the proposed shared path between the northern and southern part of the subdivision.

- 6.3.5 Mr Wylie, a geotechnical engineer, provided geotechnical evidence covering the investigations that had informed subdivision and earthworks design.
- 6.3.6 Mr Foy, a specialist in economic effects, provided evidence on the demand for residential development. He drew out attention to Te Tupu Pai, the Council’s growth strategy, which we consider later in section 16.3, and other aspects of the policy framework covering urban growth. He also commented on the viability of the land for productive agricultural purposes.
- 6.3.7 Mr Goldwater, an ecologist, provided evidence about vegetation, natural wetlands, and other ecological features of the site. In particular, his evidence covered the identification of natural wetlands as per definitions in the National Policy Statement for Freshwater Management (‘NPS-FM’) and the Proposed Wellington Regional Natural Resources Plan. He also advised of a survey undertaken for lizards, and the inclusion of a defined area of protected lizard habitat. His evidence also responded to the ecology related concerns of some submitters.
- 6.3.8 Mr Greenshields, a landscape architect who specialises in CPTED⁸ assessment, provided evidence about design related safety of the shared path. His assessment of CPTED matters covered sight lines, landscaping, lighting, and the general layout. He noted the disagreement between Mr Taylor (for the Applicant) and Mr Trotter (for KCDC) about surfacing of the shared path – but overall, from a CPTED perspective, he expressed a neutral opinion about path surfacing.
- 6.3.9 Ms Fraser, a traffic engineer, provided evidence about a range of traffic / transport related matters. These included: construction traffic; the state of Tieko Street; traffic generation from the developed subdivision; and the nature and use of the shared path. She outlined areas of disagreement between herself and Mr Trotter, especially in relation to design parameters for the shared path, and the need for physical upgrades to Tieko Street.
- 6.3.10 Mr Martell, a hydraulic engineer, provided evidence about stormwater management within the subdivision. Stormwater management will mostly be via designed soakage. However, in the southern part of the subdivision, Mr Martell advised us about the use of a constructed wetland to provide the primary form of stormwater mitigation.
- 6.3.11 Mr Compton-Moen, a landscape architect specialising in urban design, provided evidence about effects of the subdivision. This included effects on urban form, landscape and natural character, landscape values, and visual amenity. His evidence had regard to mitigation planting and the constructed wetland. He also responded to visual amenity concerns raised by submitters – in particular the concerns of Mr Strawbridge in relation to 44D Tieko Street.
- 6.3.12 Mr Hansen, a planning expert appearing on Day 2 of the hearing, provided us with his evidence in chief before the hearing (as required) and a supplementary statement on Day 2. His supplementary evidence took us through proposed amendments to conditions and also

⁸ Crime Prevention Through Environmental Design

provided commentary on the evidence of Ms Blackwell (expert Planner for Mr Strawbridge – see paragraph 6.5.12 below). In particular he was critical of Ms Blackwell’s approach to the section 104D ‘gateway tests’ in assessing objectives and policies of the district plan. He also questioned her assessment of landscape and visual effects on 44 Tiekoo Street and the mitigation measures proposed by Mr Strawbridge to address those effects.

- 6.3.13 On the final day of the hearing (7 September 2022), we heard from the Applicant’s legal counsel, plus Ms Fraser (Traffic) and Mr Hansen (Planning). Those parties provide final observations about the project and matters that had either been resolved, or remained unresolved, via expert witness conferencing. One of the unresolved matters was the Shared Path where there still some disagreement between Mr Trotter (Council) and Ms Fraser regarding applicable design standards.

6.4 Council Appearances and Overview

- 6.4.1 We largely heard from the Council team on Day 2 of the hearing, although they were also present during the other days and provided us with occasional responses to matters raised by the Applicant and submitters.
- 6.4.2 On behalf of the Council, Ms Rydon, a consultant planning expert, prepared the section 42A officers report which incorporated advice from other council experts. We understand that Ms Rydon had been involved in liaising with the Applicant both before and after lodgement of the application – including managing the further information process. After the first two hearing days, she participated in conferencing with Mr Hansen in relation to the proposed consent conditions.
- 6.4.3 Mr Trotter, the Council’s Transport Safety Leader, provided evidence about the existing transport environment in the vicinity of the project site. Within that context, his focus was largely on two issues, being traffic effects in Tiekoo Street and development of the Shared Path between the northern and southern parts of the subdivision. With regard to Tiekoo Street, he was of the opinion that consent conditions were necessary to require physical improvement works. In witness conferencing (principally with Ms Fraser) he subsequently modified his position to accept that a Development Agreement between the Applicant and Council was an acceptable mechanism for achieving desirable safety outcomes along Tiekoo Street. With regard to the Shared Path, Mr Trotter’s evidence referenced various standards as grounds for requiring an approach to design outcomes that varied from that presented by the Applicant.
- 6.4.4 On behalf of the Council, Ms Simpson, a consultant landscape expert, provided a review of the Applicant’s landscape design that fed into Ms Rydon’s section 42A report. Ms Simpson also provided hearing evidence that outlined her liaison with the Applicant’s landscape expert Mr Compton-Moen during the course of developing the subdivision design. We understand that the ultimate outcome included various design modifications. Ms Simpson therefore found that the overall and individual nature of landscape and visual effects would be acceptable.

6.5 Submitter Appearances and Overview

6.5.1 Not all of those who lodged a submission appeared at the hearing. Regardless of whether a submitter attended the hearing, we have reviewed all submissions and taken them into account in reaching our decision. The submitters who did appear at the hearing, were all heard on Day two.

6.5.2 Gerard and Elizabeth Earl are landowners at 31D Tieko Street, on which they are developing a new home. Mr Earl appeared at the hearing via video link. The commissioners visited 31D Tieko Street after the hearing. At paragraph 10.4.1 we provide further comment about the Earl's site in our findings on landscape and character effects.

6.5.3 The submission of the Earls was supportive of the need for development, in relation to the provision of adequate housing supply. The submission also expressed support for the Tieko Street upgrades proposed by the Applicant (Ms Fraser's recommendations). The Earls support the shared pathway (Lot 104) being developed to standards that discourage / avoid its use by motorised vehicles.

6.5.4 The Earls' submission also noted concerns in relation to:

- Vegetation removal and its effects on noise mitigation and visual amenity, both matters being with respect to SH1.
- Traffic, with regard to the management of construction traffic, and in relation increased vehicle movements on Tieko Street on an ongoing basis.

6.5.5 In response to some of the matters covered by Mr Earl in the submission and his presentation, Ms Tancock referred us to draft conditions related to:

- The inclusion of a requirement for liaison with residents, as part of the Construction Traffic Management Plan (CTMP).
- The use of bollards on the shared path to avoid 'road' type use.
- Avoiding bird nesting season when removing vegetation.
- Replanting of trees within the Lot 19 'dog leg' if existing trees need removal when developing the access.

6.5.6 Leanne and Brent Morris live at 111 Otaihanga Road. Ms Morris appeared at the hearing. Their approximately 1 hectare lot does not adjoin but is relatively close (approx. 20m) to Lot 105 of the proposed subdivision, being the open space lot. The Morris property is also relatively close (approx. 50m) to the southern part of the proposed subdivision, which lies beyond Lot 105. Under section 10 of our report we provide further comment about the Morris property in our findings on a range of landscape and character effects.

6.5.7 The Morris submission opposed the proposed subdivision, specifically the higher density lots in the southern part of the development. The Morris submission, and Ms Morris' presentation to us as the hearing, drew our attention to potential matters of reverse sensitivity and other potential effects. The matters of concern included:

- Reverse sensitivity, with respect to the effects of noise that may be experienced by residents of the new subdivision. This was especially in relation to rural type noises, such as from geese kept on the Morris property.
- Light pollution arising from the southern, more intensive part of the subdivision

- Potential adverse effects on native birds and bats
- Any effects on council services / infrastructure
- Traffic effects on the rural character of the locality

6.5.8 In response to some of the matters raised in the submission and by Ms Morris in person at the hearing, Ms Tancock noted that the issues were addressed in Mr Goldwater’s evidence, and she also referred us to draft conditions related to:

- The existence of the reserve (Lot 105) as a buffer between the Morris property and the southern part of the subdivision.
- Restriction on lighting of the shared pathway.
- Closure of vehicle access onto Otaihangā Road in the vicinity of the Morris property.
- Landscape management plan.
- Protection of nesting birds.
- Enhancements of kānuka stands.

6.5.9 The submission of Paula Keene and John Rice (68 Tiekō Street) supported the application in full. In the words of Ms Keene, this is because the land ‘needs a purpose’ – and giving it a purpose is beneficial for immediate neighbours and the wider community. In the hearing, Ms Keene noted that appears to be in a bad state of decline, as viewed from Tiekō Street. She drew attention to the significant rabbit population (which we also observed during our site visit) and expressed support for the Applicant’s proposed pest control plan. She also noted support for the erosion control plan and the retention of kānuka stands.

6.5.10 In response to some of the matters raised in the submission and by Ms Keene in person at the hearing, Ms Tancock referred us to draft conditions related to:

- Pest control.
- A Construction Traffic Management Plan
- Control over the removal of vegetation and retention of kānuka.

6.5.11 The submission of NZ Custodial Trustees (103) Ltd and Pendennis Custodial Trustee Ltd opposed the application with respect to effects on the property at 44 Tiekō Street. The submitter was represented by Mr Alan Strawbridge, and supported by Ms Blackwell a consultant Planning expert.

6.5.12 Both Mr Strawbridge and Ms Blackwell appeared and spoke at the hearing. Ms Blackwell also provided a brief of written evidence. Her evidence largely covered direct effects on 44 Tiekō Street, arising from the development of proposed lots directly adjoining the boundaries. As such, her evidence focussed on proposed Lots 12 to 19, with a particular emphasis on proposed Lots 13, 18 and 19. The nature of the effects perceived by the submitter are covered in section 10 of our decision report.

6.5.13 Ms Blackwell’s evidence also drew our attention to Te Tupu Pai (the Council’s growth strategy). She disagreed with the evidence of Mr Foy that, in being identified as a medium priority growth area by Te Tupu Pai, the location was necessarily suitable for development

at this time. We address Te Tupu Pai in more detail at section 16.3. She also noted that KCDC draft plan change 2⁹ did not identify the site as an urban environment.

- 6.5.14 Ms Blackwell’s evidence provided analysis of district plan objectives and a policy that she considered the development would be contrary to. Based on her analysis of Objectives DO-03, DO-011, and Policy RLZ-P2, coupled with her conclusions about adverse environmental effects, her opinion was that the development would fail to pass both ‘gateway’ tests of section 104D. Ms Blackwell’s analysis of these provisions contributed to our decision to issue Minute 2, requesting the Applicant and Council to provide an analysis and summary of specific district plan provisions – including Objective DO-03 and Policy RLZ-P2.

7 Mana Whenua and Historic Heritage

- 7.1.1 We consider it important to record issues relevant to Mana Whenua. This is not required to resolve issues, but to explain that the Project is of course located within an area of interest to mana whenua. There is one group who are identified as exercising kaitiakitanga within the area affected by the proposal; Te Ātiawa ki Whakarongotai (Te Ātiawa).
- 7.1.2 Other than role of Te Ātiawa as kaitiaki and historic owner of the land, it is also the historic location of a dray track that was used by mana whenua which is of particular interest to the project. In part, the location of the proposed Shared Path reflects the historic location of the dray track.
- 7.1.3 The Applicant has provided a report prepared by Ra Higgott for the Te Ātiawa ki Whakarongotai Charitable Trust Taiao Unit. The report relates to the historical presence of the track which connected the hapū settlements of Kenakena, Paraparaumu and Waikanae and the role of the track in relation to growth of the iwi economy in the colonial period. The Te Ātiawa report supports retention of the track and particularly notes that the installation of lighting would detract from its historic value. The report anticipates being able to work alongside the developer with respect to effects on the track and the possibility of history boards. Mr Hansen’s evidence told us that a ‘key element’ of the proposal development is “In cooperation with iwi, ways (including interpretative signage relating to the Dray Track) for the identify of Ātiawa to be reflected through the development”.
- 7.1.4 We note that the Applicant has gained a general archaeological authority (from Heritage NZ) to disturb land. The authority references the need to enable Te Ātiawa tikanga; provide the iwi with archaeological reports; and be informed in the event of the accidental discovery of kōiwi or taonga.
- 7.1.5 From information presented to us at that hearing, we understand that the Applicant has worked (and will work) with Mana Whenua to understand the issues of significance and translate them into the design. We appreciate that this may not result in complete avoidance of all adverse environmental and cultural effects on any physical remains of the Dray Track.

⁹ The non-statutory draft PC2 was issued for public feedback in May 2022 – before Ms Blackwell’s evidence was prepared. The statutory proposed PC2 was notified on 18 August 2022 – after Ms Blackwell’s evidence was written and presented to us.

- 7.1.6 Project design elements that avoid / rehabilitate natural wetlands or preserve kākūka stands are also generally consistent with kaitiakitanga.

8 Effects and Findings

8.1 Overview

8.1.1 This section of our report presents our key findings related to:

- Benefits and Positive Effects
- Project Design
- Landscape and Visual
- Ecology
- Traffic
- Construction

8.2 Joint Witness Statements

8.2.1 As noted in section 5.3 above, after the first two in-person hearing days we issued Minute 2. One of the purposes of that Minute was to direct expert conferencing on several matters. These were:

- 1) Planning experts – for the purpose of resolving, if possible, outstanding differences over wording or the inclusion / exclusion of particular conditions. An outcome from this conferencing was a set of consent conditions, marked up to show remaining areas of disagreement.
- 2) Traffic experts – for the purpose of resolving, if possible:
 - a. outstanding differences related to the Shared Path; and
 - b. the use of a Developer Agreement versus consent conditions for addressing issues related to improvements on Tiekō Street.

8.2.2 Arising from the witness conferencing we received three Joint Witness Statements. The matters of agreement and disagreement outlined in those Statements has influenced our findings on the nature of effects, set out in the following sections of our decision report.

8.3 Project Benefits and Positive Effects

8.3.1 An evaluation of the Project benefits and positive effects of the proposal can be found within the AEE.¹⁰

8.3.2 Comments about positive aspects have been highlighted by the Applicant's experts. Mr Hansen held the view that the additional mitigations to address landscape and amenity

¹⁰ AEE Mr Hansen, Page 47

effects will bring additional positive effects that need to be recognised.¹¹

- 8.3.3 Ms Fraser identified a number of positive transport effects, including the provision of a shared path within the site; ties-in with existing recreational active mode routes along Otaihanga Road and the Expressway, and the proximity of the existing SH1 route for ready access to Paraparaumu and Waikanae.¹²
- 8.3.4 Mr Foy considered the proposal will have some positive economic effects, and therefore net positive economic effects.¹³
- 8.3.5 Mr Goldwater identified that the proposed protection and enhancement of the four natural wetlands in particular will have a net positive effect on indigenous biodiversity through the provision of fauna habitat and enhanced floristic diversity.¹⁴

Council Expert Evidence – Benefits and Positive Effects

- 8.3.6 Council's experts also highlighted project benefits and positive effects the proposal will bring. Ms Rydon confirmed she concurs with Mr Hansen's evaluation of the project benefits and positive effects.¹⁵ Ms Rydon further concluded that in her opinion the proposal will result in more positive effects than adverse effects.¹⁶

Findings – Benefits and Positive Effects

- 8.3.7 Overall, we find that the proposal will contribute to positive social and economic benefits, including improving the natural wetlands on the site, increasing the mix of housing typology in Kāpiti, and community benefits with the additional mitigation measures proposed as conditions of consent. Community benefits will also accrue from the Developer Agreement reached (in principle) between the Applicant and the Council, in relation to physical improvements to the formation of Tieko Street.

9 Project Design – Shared Urban Path (Lot 104)

- 9.1.1 A key design feature of the development is the Shared Urban Path (SUP) which is to be vested in Council (Lot 104). The SUP has been designed to provide a pedestrian and cycle connection between the two parts of the subdivision.
- 9.1.2 Throughout the hearing there was much discussion on the final design of the SUP. The specific design matters in contention included the following:
- The final path surfacing and grade;

¹¹ EIC, Mr Hansen, Para 10.14

¹² EIC, Ms Fraser, Para 3.1(i)

¹³ EIC, Mr Foy, Para 9.4

¹⁴ EIC, Mr Goldwater, Para 8.10

¹⁵ Section 42A Report, Para 78

¹⁶ S42A Report, Para 200

- Whether the SUP should be lit to enable use during evenings and night-time.
- 9.1.3 A number of submitters put forward their view that the SUP should be a narrow non-metalled path, in keeping with the semi-rural character of the surrounding area and in line with CPTED standards. There was little to no support for a partially lit walkway due to concerns raised around illegal use by motorised vehicles including mopeds, motorbikes and cars where there are inadequate measures to prevent this (barriers, posts, signage, etc.).
- 9.1.4 Mr Taylor also outlined the nature of disagreement between himself and Mr Trotter (KCDC Traffic) in relation to construction standards for the proposed shared path between the northern and southern part of the subdivision.
- 9.1.5 The Transport and Roading experts conferencing on 24 August, as directed by our Minute 2, was attended by Ms Fraser and Mr Taylor for the Applicant, and Mr Trotter for the Council.¹⁷ There was substantial agreement on a number of issues, however Mr Trotter retained concerns around several details. These included the shared path surfacing, the grade of the path, and its lighting.
- 9.1.6 In the Applicant's right of reply, Ms Tancock summarised the disagreement between the Applicant and Council noting that there have been several attempts at resolving the differences.¹⁸ Specifically, Ms Tancock submits that Mr Trotter's views on surface and lighting and not supported by Ms Simpson (Council's Landscape expert), nor is it supported by iwi or submitters. We further note Ms Tancock's submission that Mr Trotter is not a CPTED¹⁹ expert and that the evidence of Mr Greenshields (the Applicant's COTED expert) confirmed that with no lighting proposed, and the use of an unsealed surface, the SUP design is appropriate from a CPTED perspective.

9.2 Findings – Shared Urban Path (Lot 104)

- 9.2.1 We find that the Applicant's submitted SUP design is acceptable in the context of the surrounding semi-rural character. We place more weight on the evidence of Ms Fraser with regard to the design of the SUP. We consider that the design preference of Mr Trotter is more of a straight 'application of standards' approach, as opposed taking a more holistic view and incorporating the character of the proposal and surrounding environment. We record that we accept the evidence of Mr Greenshields with regard to CPTED national guidelines noting that there was no other expert evidence submitted with regard to CPTED guidelines. In reaching our overall conclusion we have had regard to the following matters:
- 1) There is no desire from submitters for a lit, fully sealed SUP.
 - 2) The evidence of Ms Fraser has confirmed that the design of the SUP will be safe for the shared use of pedestrians and cyclists.

¹⁷ JWS – Transport and Roading Experts – 24 August 2022

¹⁸ Applicant's Reply Submissions, Para 30-37

¹⁹ Crime Prevention Through Environmental Design

- 3) The evidence of Mr Greenshields has confirmed that the lack of lighting proposed and use of an unsealed surface is appropriate.

9.2.2 In conclusion, we prefer the Applicant’s position with regard to the design of the SUP and have amended the draft conditions accordingly – specifically condition 7 and condition 72.

10 Landscape and Visual

10.1.1 A number of submitters raised the issue of landscape character and visual amenity effects. The main concerns raised include:

- loss of rural character through increased density from the creation of residential sized allotments and smaller rural residential allotments,
- a reduction of visual amenity and loss of privacy, including from the removal of vegetation,
- reverse sensitivity and light spill effects from newly created residential allotments.

10.2 Loss of Character

10.2.1 The submissions received from Matthew and Marie Andrews, Sheryn McMurry, Brett and Leanne Morris, NZ Custodial Trustee (103) Ltd and Pendennis Custodial Trustee Ltd, Brian and Stephanie Middleton all raised concerns about the loss of the rural and rural residential character through increased density. These matters have been addressed in evidence by Mr Compton-Moen on behalf of the Applicant and by Ms Simpson on behalf of the Council. No other expert landscape evidence was submitted.

10.2.2 Mr Compton-Moen in his evidence considered that aspects of rural character can and will be maintained through the fencing types/position and landscape planting, noting that the character of existing housing is typically detached dwellings, which the proposal intends to continue, albeit at a slightly higher density.²⁰ In regard to the southern area, Mr Compton-Moen concluded that overall the character and land use of the area will shift from open, undulating grass paddocks to a more concentrated, high amenity development but that the combination of the constructed wetland (Lot 200) along Otaihanga Road, and native planting and fencing controls, will ensure that the open character is retained.²¹

10.2.3 Overall Mr Compton-Moen considered that the effects on Landscape and Natural Character will be low to very low (minor or less than minor in RMA terms) due to the modified rural-residential character of the receiving environment and key landscape elements being retained. Specific mention was made of the Expressway which in his opinion had a major effect on the character of the area with substantial earthworks undertaken, the installation of road related infrastructure including signs, and the imposition of traffic.²²

²⁰ EIC, Mr Compton-Moen, Para 7.4

²¹ EIC, Mr Compton-Moen, Para 7.6

²² EIC, Mr Compton-Moen, Para 7.7

10.2.4 Following amendments made to the development proposal prior to the hearing, Ms Simpson confirmed in evidence that she was in agreement. Ms Simpson concluded that the changes made to the southern area are acceptable and that views of the buildings would be obscured to an acceptable level by retention of more of the natural dune and additional tree planting.²³

10.3 Effects on Visual Amenity and Privacy

10.3.1 The submissions of Gerard and Elizabeth Earl, Brett and Leanne Morris, and NZ Custodial Trustee (103) Ltd / Pendennis Custodial Trustee Ltd (owners of 44 Teiko Street) raised concerns about the effects on visual amenity and loss of privacy, specifically from the removal of existing vegetation. The vegetation that is the subject of the Earl's submission is a row of pine trees along the dogleg access to proposed Lot 19. The management of this vegetation is also of concern to 44 Teiko Street, as is the row of trees along its northern boundary shared with Lot 19.

10.3.2 The loss of privacy from vegetation removal and earthworks was a particularly significant issue for the owners of 44 Teiko Street, who called expert planning evidence (Ms Blackwell), with the issue being examined throughout the course of the hearing.

10.3.3 Dealing first with the submission of Gerard and Elizabeth Earl, and the more general visual amenity effects of the overall development, Mr Compton-Moen in evidence submitted that the most likely adverse effects after mitigation will be experienced by those residential properties closest to the proposal, along Otaihanga Road and Tieko Street with views often blocked by either vegetation or topography or a combination of both.²⁴

10.3.4 Mr Compton-Moen further confirmed his opinion that the proposal's retention of existing shelter belts where possible will assist in maintaining privacy for existing properties, noting that the District Plan yard setbacks will achieve an appropriate level of separation between existing and new dwellings to ensure privacy is maintained.²⁵ Overall Mr Compton-Moen considers any residual visual amenity effects to be very low to low (less than minor in the RMA sense) at most.²⁶ No contrary evidence was provided by Ms Simpson on behalf of the Council.

10.3.5 The submission from Brett and Leanne Morris raised concerns related to reverse sensitivity effects due to animals contained within the adjoining lifestyle allotments. Concerns relating to light spill from the proposed residential allotments were also raised.

10.3.6 Ms Rydon in her Section 42A report address the issue of reverse sensitivity concluding that in her opinion adverse reverse sensitivity effects will be less than minor.²⁷

²³ Section 42A report, Appendix F, Para 15

²⁴ EIC 7.10

²⁵ EIC 7.13

²⁶ EIC 7.15

²⁷ Section 42A report, Section 6.3

- 10.3.7 Turning to potential effects on the owners of 44 Teiko Street, the issues are the existing pine trees on Lot 19 (along the northern boundary and along the dogleg access) and the potential for loss of privacy from the closeness of development on proposed lots 12-19. It appears there is a secondary issue of the trees being a safety risk as they are nearing their end of life and could fall leading to damage.²⁸
- 10.3.8 Mr Compton-Moen addressed the removal of the pines on Lot 19 in his evidence confirming that the intention is to retain the trees if possible while noting that over time they will need replacing as they reach a size and age where they will need replacing, and that they could be replaced with native species.²⁹
- 10.3.9 Ms Blackwell, in her supplementary evidence and on behalf of the owners of 44 Teiko Street, proposed a number of amendments and mitigations if we were of a mind to grant consent. Those amendments specifically related to proposed lots 12-19 and include a reduction in the number of allotments, specific building platforms, and the restriction of the number and size of dwellings. Ms Blackwell has also provided her view of the management of the trees along the northern boundary shared with Lot 19.
- 10.3.10 In his supplementary evidence, Mr Compton-Moen carefully stepped out his views on the receiving environment and addressed the changes in topography of Lot 19 following earthworks asserting that the change in elevation, being a lowering of finished ground level, will be a positive change for 44 Teiko Street.³⁰ Mr Compton-Moen also considers other aspects of the development and their impact on 44 Teiko Street in his supplementary evidence. Paragraph 10 of his supplementary evidence concludes that in light of Ms Blackwell's supplementary evidence, the view expressed in his EIC remained the same.
- 10.3.11 Much debate has taken place with respect to conditions concerning the management of the trees adjoining 44 Teiko Street. There are two separate conditions addressing this matter. Condition **XX** which was proposed in an earlier version of draft suggested conditions to manage vegetation along Lot 44's northern boundary with Lot 19, and Condition 85 which relates to the existing vegetation along the dogleg access to Lot 19.
- 10.3.12 Dealing firstly with Condition **XX**, there remains disagreement between the Applicant and owners of 44 Teiko Street as to the wording and intent of the condition. Ms Blackwell considers that if felled, the trees should be replanted, and that their ongoing maintenance should be the responsibility of the owner of Lot 19. The Applicant considers this unreasonable due to the significant cost and burden on the future owner³¹ Ms Tancock submits that the intention of Condition **XX** was only ever to bind tree removal and replacement during the construction phase of the development due to tree removal being permitted under the District Plan.

²⁸ Supplementary evidence of Mr Strawbridge

²⁹ EIC 8.3

³⁰ Supplementary evidence of Mr Compton-Moen

³¹ Applicant Reply Submissions. Para 13

- 10.3.13 As agreement was unable to be reached, the Applicant has revised their position and no longer proposes a condition for management of the trees along the northern boundary, noting they do not consider there are any effects of other reasonable basis to burden the future of Lot 19, as well as accepting the enforceability concerns raised by Ms Rydon.³²
- 10.3.14 Turning to Condition 85 of the post-hearing set of conditions, the condition has been offered up by the applicant on an *Augier* basis to address replanting of the pine shelterbelt along the dogless access of Lot 19 if removed.³³ A reworded version has been offered in the Applicant’s right of reply. Via the Council hearing administrator, we sought clarification from Ms Rydon and Ms Tancock as to whether the condition is intended as specific to the entire shelterbelt needing to be removed, or only to those parts of the shelter belt that require removal during road construction. Ms Tancock has confirmed the Applicant’s intention that the condition would only be activated if the entire shelterbelt is to be removed.
- 10.3.15 We consider the appropriateness of the above conditions in our findings below.

10.4 Findings – Landscape Character and Visual

- 10.4.1 Having considered the concerns regarding landscape character and visual effects and the expert evidence submitted, we find that the proposal is acceptable in the context of the existing modified rural-residential environment. We accept that the conditions will be effective in achieve mitigation of all adverse effects to a level that is less than minor or minor. In reaching our overall conclusion we have had regard to the following matters:
- 1) Loss of Character – We accept the expert evidence from the Applicant and Council who are in agreement the existing environment is a modified rural-residential environment and on this basis the subdivision layout and design, incorporating appropriate fencing and building setback controls and establishment of native vegetation, will have no more than minor effects on the environment.
 - 2) Effects on Visual Amenity and Privacy – We record that during our site visit we visited 31D Tieko Street to view the proposed development from the Earl’s property. We further record that that the existing trees could be removed as a permitted activity.³⁴ We therefore confirm any visual amenity effects on 31D to be less than minor. We also noted during our site visit that some background noise from the Expressway is already evident.

We rely on the evidence of Mr Compton-Moen and Ms Simpson with regard to the effects of overall visual amenity and loss of privacy in determining that associated effects will be no more than minor.

In relation to the imposition of conditions, we accept that the Applicant declined to propose a condition in relation to the management of the treeline on northern boundary shared by Lot 44 and proposed Lot 19. We accept the expert evidence that

³² Applicant Reply Submissions, Para 16-17

³³ Applicant Reply Submissions, Para 26

³⁴ Applicant Reply Submissions, Para 20

the adverse effects along that boundary will be less than minor and therefore we do not consider a tree management condition to be necessary.

Regarding Condition 85, we accept the submission of Ms Tancock that the intent is for the condition to be activated only if the entire existing shelterbelt is removed, and accept the reworded version provided in her right of reply. Again we accept the expert evidence provided, that the removal of these trees is a permitted activity under the District Plan and that any adverse effects associated with their removal can, and in this instance should, be disregarded. We also accept that this is an *Augier* condition and so we see no reason to go beyond the level of mitigation that is offered.

- 3) Effects from reverse sensitivity and light spill – Relying on the expert evidence of Ms Rydon and through our own observations while on site, we find that there is adequate separation from lifestyle allotments and the residential component of the subdivision, specifically the changes in elevation and the buffer created by Lot 105 to be vested as local purpose reserve, to ensure that effects from reverse sensitivity and light spill will be avoided.
- 4) Proposed amendments/mitigation offered by Ms Blackwell – Relying on the expert evidence of Mr Compton-Moen and Ms Simpson we find that the development amendments and additional mitigations proposed by Ms Blackwater are not justified.

11 Ecology

- 11.1.1 The principal ecological issues that were raised by submissions concerned loss of bird and wildlife habitat and pest management.
- 11.1.2 The submissions of Gerard and Elizabeth Earl, Matthew and Marie Andrews, Paula Keene and John Rice, Sheryn McMurray and Brett and Leanne Morris have raised concerns with respect to ecological effects associated with the proposed earthworks and vegetation removal, specifically the loss of natural habitat for wildlife and the current infestation of rabbits across the site.
- 11.1.3 Mr Goldwater in his EIC submitted that with proper implementation of the mitigation measures he has proposed, the overall effects of the proposed development on existing indigenous vegetation, dune habitat and function, pest management and natural wetlands would be less than minor. Similarly, potential adverse effects of the loss of exotic vegetation and effects on indigenous birds would be less than minor, noting effects have been further reduced by the Applicant's offer to retain the exotic shelterbelt on lot 19 and along Tiekoo Street, where possible.
- 11.1.4 Mr Goldwater concluded that the proposed protection and enhancement of the four natural wetlands will have a net positive effect on indigenous biodiversity through the provision of fauna habitat and enhanced floristic diversity. He also concluded that there should be a net gain in lizard population once the lizard habitat area has been established in Lot 5.
- 11.1.5 In his supplementary statement provided at the hearing, Mr Goldwater further addressed the concerns raised by submitters with respect to the proposal's ecological effects. Mr Goldwater confirmed that the assessment in his EIC sufficiently addressed the concerns

raised, noting that the mitigation and compensation measures proposed were adequate to protect and enhance natural wetland and habitat.³⁵

11.1.6 For completeness, we record that no other expert ecological evidence was presented at the hearing.

11.2 Findings – Ecology

11.2.1 We accept the evidence of Mr Goldwater that the proposed development, with the proposed mitigation package, will avoid adverse ecological effects. We accept that the conditions will be effective in mitigating adverse effects to the extent that they are less than minor or minor, specifically through the provision of an Ecological Management Plan to be certified by Council, lizard habitat restoration, wetland enhancement restoration through native planting, and the control of rabbits.

12 Traffic

12.1.1 All but one submission raised concerns with respect to traffic effects. The primary concern for many submitters is increased vehicle movements on Teiko Street on an ongoing basis and its current poor standard of formation. Concerns were also raised about traffic effects on the rural character of the locality, and construction traffic effects (considered separately in section 13 of our decision).

12.1.2 A key matter for our consideration is the effects of additional traffic generated by the development and how these fit in the context of the District Plan. We heard from both Ms Rydon and Mr Hansen who are in agreement that the vehicle movements generated will comply with relevant permitted activity standards in the District Plan and therefore effects associated with vehicle movements can be disregarded under the permitted baseline.

12.1.3 Regarding the current state of Teiko Street, it is clear to us that there is much concern among submitters as to its poor level of service due to underinvestment, and that additional traffic from the development will exacerbate this concern. The Applicant's position, through Ms Fraser, is that:

- 1) this is an existing issue that should be remedied by the Council; and
- 2) because future traffic movements generated by the development are permitted under the District Plan, requiring upgrades via conditions of consent is not required (or reasonable).

12.1.4 Ms Fraser's opinions were not shared by Mr Trotter who was of the view that improvements to Teiko Street were required to mitigate potential effects of the development.

12.1.5 In light of the differing opinions, and following adjournment of the hearing, a Development Agreement has been agreed between the Applicant and Council which we understand addresses issues related to necessary upgrades of Teiko Street (as discussed in paragraph

³⁵ Supplementary evidence of Mr Goldwater

5.3.5 of our decision). The specific details of the Agreement cannot be relied on for our decision and so are not considered further in this section. However, it stands that with this Development Agreement having been agreed in principle, Mr Trotter has confirmed that his concerns relating to upgrades of Tieko Street have been addressed. We note that a condition is proposed (Condition 67) requiring a Developer Agreement to be entered into between the two parties to for the improvement works to Tieko Street.

- 12.1.6 Regarding traffic effects on the wider transport network, Ms Fraser in her EIC, has concluded that overall the roading infrastructure associated with the proposed subdivision, including the shared urban path, can operate safely and efficiently. She also considered that the additional vehicle activity resulting from the subdivision can be accommodated within the local road network with less than minor changes to the safety and efficiency for existing road users. We accept her opinions on those matters.

12.2 Findings – Traffic

- 12.2.1 We find that potential traffic effects of the development have been appropriately assessed and considered. We accept that the conditions agreed by the Applicant and Council will be effective in addressing the matters of concern raised by submitters. In reaching our overall conclusion we have had regard to the following matters:

- 1) The need for improvements to Tieko Street is an existing circumstance.
- 2) The evidence of Ms Fraser that the volume of new traffic using Tieko Street once the subdivision is completed and occupied will not create new significant issues.
- 3) The evidence of Ms Rydon and Mr Hansen that the traffic generated by the proposal will comply with the permitted activity standards in the District Plan and can therefore be disregarding applying the permitted baseline.
- 4) That a condition of consent has been agreed to by the Applicant and Council, to enter into a Development Agreement to address Tieko Street upgrades.

- 12.2.2 In conclusion we determine traffic effects from the proposal will be acceptable.

13 Construction Effects

- 13.1.1 The principal issues relating to construction and earthworks effects are construction traffic, and sediment and erosion control during earthworks.

13.2 Construction Traffic

- 13.2.1 The submission of Gerard and Elizabeth Earl raised concerns about the increase in truck movements along Teiko Street for a period of up to 6 months. Their submission indicated they would support a traffic management plan that limited daily heavy construction traffic in Teiko Street, with the alternative being to use approaches from Otaihanga Road.

- 13.2.2 Paula Keene and John Rice (68 Tieko Street) requested that access is provided to their property throughout construction. The provision of a CTMP to give effect to that request was accepted by Paula Keene in an email to the Applicant dated 16 June 2022.

- 13.2.3 Brian and Stephanie Middleton (34 Tiekō Street) were of the opinion that Tiekō Street does not adequately accommodate existing users and they also had concerns regarding construction traffic.
- 13.2.4 Trevor and Sally Sutton (31A Tiekō Street) were also concerned about construction traffic activity on Tiekō Street and requested that construction access is from Otaihanga Road. They also recommended that the proposed footpath along the existing section of Tiekō Street should be on the eastern side of the road where there are fewer driveways.
- 13.2.5 Travis and Andrea Palmer stated that the increase in heavy construction vehicles will cause damage to their driveway, where it joins Tiekō Street.
- 13.2.6 Ms Fraser has considered the potential construction traffic effects in her EIC, submitting that the earthworks have been designed to be contained within the site, resulting in no truck movements on the public road network involving the removal of cut or delivery of fill.
- 13.2.7 Mr Trotter in his EIC has addressed the submitters' concerns with regard to construction traffic and commented that the provision of a CTMP will limit and manage heavy vehicles on the road during construction. His overall conclusion was that with the mitigation measures in place, transportation effects from this development will be less than minor.³⁶

13.3 Earthworks

- 13.3.1 Concerns in relation to sediment run off from earthworks were raised in the submission from Paula Keene and John Rice, specifically relating to the sedimentation of natural wetlands.
- 13.3.2 This matter was addressed by Mr Taylor who considered construction effects, including erosion and sediment runoff, and he was of the opinion that these can be managed appropriately through conditions of consent to ensure the effects of the development are no more than minor.³⁷

13.4 Findings – Construction and Earthworks

- 13.4.1 We find that the experts from both the Applicant and the Council are in agreement and have both concluded that effects from Construction Traffic and Earthworks will be appropriately managed and acceptable. We accept that the conditions will be effective in achieving those outcomes, specifically the provision of a Construction Traffic Management Plan and a Construction Management Plan which must be adhered to during site development. We further note that consents from Greater Wellington Regional Council have been secured which include the requirement to prepare and implement an Erosion and Sediment Control Plan to manage the discharge of sediment laden runoff.
- 13.4.2 In summary we consider that the adverse effects from construction and earthworks will be no more than minor.

³⁶ EIC, Mr Trotter, Para 12.1

³⁷ EIC, Mr Taylor, Para 3.3

14 Section 104 Consideration of Applications

14.1.1 Section 104 requires us to have regard to the following matters:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

14.1.2 We address effects on the environment in section 8 of our report. Statutory instruments (as required by s104(b)) are considered below in section 15. ‘Other matters’ (as required by s104(1(c)) are addressed in section 16.

14.1.3 Section 104(ab), which relates to offsetting or compensation measures, is relevant to one specific condition (Condition 85) which we refer to in paragraph 10.3.14.

14.1.4 Section 104 also requires us, in having regard to the matters outlined above, to undertake our decision making subject to Part 2 of the Act. That is, subject to the overriding sustainable management purpose of the Act; specific matters of national importance set out in RMA section 6; specific ‘other matters’ set out in RMA section 7; and the Treaty of Waitangi. We address Part 2 of the RMA in section 18 below.

14.1.5 Additionally, being a non-complying activity, we must be satisfied that the particular decision making restrictions set by RMA s104D are met. We address s104D in section 17 below.

15 Section 104(1)(b) Consideration of Statutory Instruments

15.1.1 We accept that relevant provisions from the following statutory instruments have been appropriately identified by the planning experts. We have had regard to these in reaching our decision and making our recommendation.

15.1.2 The policy framework has been a significant part of our decision making process. Evidence and evolving circumstances have made it clear to us that the policy framework, both recently and over the last several years, has added complexity to assessment of the proposal.

15.2 New Zealand Coastal Policy Statement (NZCPS)

- 15.2.1 The site is approximately 2.5km from the coast, and the Council’s district plan shows a coastal environment overlay covering the entire site. Planners for the Applicant and the Council both acknowledged that the site is within the coastal environment, and therefore that the NZCPS is relevant. Ms Rydon’s report reviewed various aspects of the coastal environment in the context of the NZCPS and under the RPS (addressed in section 15.4 below).
- 15.2.2 Ms Rydon identified and briefly commented on the relevance of NZCPS Objectives 1, 2, 3, 5 and 6 and Policies 1, 2, 6, 11, 13, 15, 17, 22, 24 and 25. Overall, we agree with her conclusion that the site and landform, after development, will retain some degree of coastal character. However, we observe that coastal character and other elements covered by the NZCPS policy framework are not especially strong or distinguishing aspects of the site.
- 15.2.3 For the purposes of our decision, NZCPS provisions of particular relevance include:
- Objective 3 and Policy 2 in relation to Te Tiriti o Waitangi and consultation with manawhenua.
 - Objective 2 and Policy 13 in relation to preserving natural character by avoiding significant adverse effects on the dune landforms.
 - Policy 17 in relation to the historic dray track route.
 - Policy 11 in relation to remnant stands of kānuka and other indigenous vegetation; habitat for lizard species; and mitigation through pest control.
 - Policy 14 in relation to the restoration of natural character, including through the creation of lizard habitat and development of a wetland fronting Otaihanga Road.
 - Policy 18 in relation to the provision of public open space, including Lot 105 and the shared pathway.
- 15.2.4 Policies 14 and 18 were not specifically referred to in evidence but we think their applicability is self-evident. The landscape evidence of Mr Compton-Moen noted that the development will avoid adverse effects on natural wetlands, including through the provision of a 10m wide fenced buffer. He also noted that the development avoids “the larger dune forms which provide a degree of natural character to the coastal environment”³⁸.
- 15.2.5 Mr Compton-Moen also noted, with respect to the Shared Path, that “keeping this path in as natural a form as possible reflects both the dray track, helps preserve the underlying topography of the site and natural/rural character of the development”³⁹.
- 15.2.6 Overall, we find that the development will not be inconsistent with the New Zealand Coastal Policy Statement.

³⁸ Paragraph 7.5(b), David Compton-Moen, Evidence in Chief

³⁹ Paragraph 11.2(c), David Compton-Moen, Evidence in Chief

15.3 National Policy Statement on Urban Development

- 15.3.1 Planners for the Applicant and the Council both acknowledged the relevance of the NPS-UD in their initial statements (Hansen evidence in chief; Rydon s42A report). In response to matters arising during the hearing, and our Minute 2 specifically, Mr Hansen and Ms Rydon provided further evidence which we also refer to below.
- 15.3.2 We issued Minute 2 which requested the Applicant and Council’s Planners to provide us with a summary and analysis of the NPS-UD in relation to the following matters:
- NPS-UD provisions that refer to well-functioning urban environments
 - the NPS-UD definitions of an urban environment and a Tier 1 urban environment (if different).
 - the implications of NPS-UD Policy 6 in relation to planning decisions.
 - the Council’s district growth strategy (Te Tupu Pai).
- 15.3.3 We cover matters related to the fourth bullet point (Te Tupu Pai) in section 16.3.
- 15.3.4 In relation to the first three bullet points, Ms Rydon and Mr Hansen provided us with supplementary evidence in response to our Minute.
- 15.3.5 For the Applicant, Mr Hansen drew the following conclusions about the development:
- That it will achieve a well-functioning urban environment, as measured against NPS-UD objectives 1, 3, 4 and 6.
 - That Kāpiti is a “Tier 1” urban environment because it is listed in Appendix 1 of the NPS-UD. An “urban environment” is not limited by size of area or jurisdictional boundaries but it must be, or be intended as, part of a housing and labour market of more than 10,000 people. Kāpiti as a whole meets this threshold.
 - That we must have particular regard to each of the matters in Policy 6, with no difference in relative weight to any of them. Mr Hansen provided an analysis of those matters, including in relation to Policy 6 (c) which cross-refers to meeting certain outcomes listed by Policy 1⁴⁰. We are in general agreement with Mr Hansen’s analysis of the development in relation to those Policy 1 matters.
- 15.3.6 For the Council, Ms Rydon agreed that the development would create a well-functioning urban environment. With regard to defining an urban environment, she provided further context by referring to the Statistics NZ definition of a “functional urban area”. Specific to Kāpiti, she informed us that the district has two Functional Urban Areas (Kāpiti Coast Functional Urban Area and Otaki Functional Urban Area), and that Otaihanga is included in the Kāpiti Coast Functional Urban Area. That information could be seen to provide support to regarding the site as part of an urban environment. However, we do not rely on the Statistics NZ definition of functional urban area for reaching that conclusion – as the NPS-UD definition must be the overriding determinant.

⁴⁰ See 15.3.9 below, which sets out the matters in Policy 1

- 15.3.7 Our own conclusion is that, based on a plain reading of the NPS-UD, “Wellington” is the Tier 1 urban environment in question and the Kāpiti Coast District (as a whole) is part of that environment. We derive this interpretation from the NPS-UD definitions section which cross-refers to Table 1 in the NPS-UD Appendix.
- 15.3.8 That said, we note that “urban environment”, as a standalone term, has wider applicability than just the Tier 1 and 2 urban environments listed in NPS-UD Appendix Table 1. It applies NZ wide⁴¹, provided that the housing and labour market qualifier referred to by Mr Hansen is met. The policies of the NPS-UD are split between those that apply solely to Tier 1 and 2 urban environments, and those that apply to all urban environments.
- 15.3.9 Most of the NPS-UD provisions provide direction to policy statements and planning documents. However, some apply directly to “planning decisions” – and those are the relevant objectives and policies for us to consider in our decision making. The specific provisions that refer to planning decision making are as follows:
- “Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.”
 - “Objective 5: Planning decisions relating to urban environments, and FDSs⁴², take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”
 - “Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.”
 - “Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
 - (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
 - (e) support reductions in greenhouse gas emissions; and
 - (f) are resilient to the likely current and future effects of climate change.”
 - “Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:
 - (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement

⁴¹ Objective 1 NPS-UD

⁴² Future Development Strategies

- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.”

15.3.10 We have taken the requirements of the NPS-UD into account in making our decision. In summary, we find that the NPS provides support for the development. In concert with other regional and local instruments, the NPS is part of an integrated approach that encourages and informs the development of new, well-functioning urban environments.

15.4 Wellington Regional Policy Statement

15.4.1 Planners for the Applicant and the Council both acknowledged the relevance of the RPS in their initial statements (Hansen evidence in chief; Rydon s42A report). In response to matters arising during the hearing, and our Minute 3 specifically, Mr Hansen and Ms Rydon provided further evidence on RPS Plan Change 1, which we also refer to below.

15.4.2 Ms Rydon’s s42A report commented on and drew our attention to Policies 35, 38, 14, 15, 51 and 48. For the purposes of our decision, RPS provisions of particular relevance arising from the s42A report include:

- Policy 35 in relation to natural character.
- Policy 15 in relation earthworks and vegetation clearance.
- Policy 48 in relation to Te Tiriti.

15.4.3 We have considered those particular policies in reaching findings about specific effects (see section 8 above).

RPS Plan Change 1

15.4.4 Greater Wellington Regional Council notified proposed Plan Change 1 (PC1) to the RPS on 19 August 2022. The proposed RPS amendments (with supporting explanations and section 32 analysis) cover urban and rural development issues that we considered could be of relevance to the Tiekō Street consent application. The Applicant’s legal counsel confirmed that we must take PC1 into account.

15.4.5 For that reason, we issued Minute 3 which requested the expert Planners⁴³ (Ms Rydon, Mr Hansen) to consider the following provisions from proposed Plan Change 1 and, where relevant, any RPS explanations and section 32 analysis that support those provisions:

- Policy 55.
- Policy 56 – particularly the implications of 56(d).
- The proposed amendment to the RPS definition of “urban areas”.
- The proposed new definition of “urban environment”.
- The proposed amendment to the RPS definition of “rural areas”.
- Any other related or relevant matters in the RPS in general, or the proposed plan change in particular.

15.4.6 Mr Hansen provided an analysis of RPS proposed PC1 in his supplementary evidence. As requested by the panel, a focus of that analysis was on Policies 55 and 56. As noted by Mr Hansen the proposed changes to Policy 55 reorient it away from maintaining a compact, well designed and sustainable regional form, to providing for appropriate urban expansion⁴⁴. He advised us that the amended Policy 55 (once in force), which deals with “urban expansion”, will provide for the interim period when a FDS has not yet been prepared.

15.4.7 Policy 56 (once in force), which deals with “managing development in rural areas”, takes a similar approach. That is, both of the policies allow us to consider the Council’s growth strategy (Te Tupu Pai) in the absence of a FDS.

15.4.8 We initially had some reservations about consenting the proposal in the absence of a fully resolved growth strategy such as a FDS. However, we have chosen to rely on the direction provided by the NPS-UD and its expression at a Regional level through RPS proposed Plan Change 1, as explained by Mr Hansen. On this matter, we adopt a position summarised by the Applicant’s legal counsel in paragraph 65 of her legal submissions responding to our Minutes 2 and 3.

“The Policy direction of the RPS proposed [by] PC1 Policy 55 (set out in Mr Hansen’s Addendum at Appendix 1 page 31) also assists here in that it confirms that a proposed development which achieves the outcomes sought in the NPS-UD and RPS proposed PC1 should not be deferred or put off by the Commissioners because a Council has not yet completed all its planning under the NPS-UD, and provides a decision-making framework for use in the current circumstances. That framework places weight on Te Tupu Pai, despite KCDC not yet releasing a Future Development Strategy. The proposal has been assessed by Mr Hansen as being suitable using that framework.”

⁴³ We also invited, but did not require, Ms Blackwell (the Planning expert acting for Mr Strawbridge) to respond to our Minute. We did not receive a response from her on that matter.

⁴⁴ Paragraph 7.2, Second Supplementary Statement of Evidence, Chris Hansen, 2 September 2022

- 15.4.9 We also accept Ms Tancock’s submission (her paragraph 66) that RPS proposed PC1 should be afforded greater weight than Kāpiti proposed Plan Change 2. In particular we note her contention that “is not unreasonable to expect further changes to KCDC proposed PC2 to bring it into line with RPS proposed PC1 as the higher order planning document”. We accept that view and comment on KCDC proposed PC2 below, from paragraph 15.6.6.
- 15.4.10 Overall, Ms Tancock concludes that RPS proposed PC1 can be given a “moderate degree of weight” in our decision making. Although the plan change has only recently been notified, and the detail of eventual outcomes from the submission and hearing process are uncertain, we agree with Ms Tancock’s view about weight. That is because, as she puts it, RPS proposed PC1 “advances a coherent pattern of implementation of the NPS-UD directions”.

15.5 Proposed Natural Resources Plan and Operative Regional Plans

- 15.5.1 The Applicant has successfully gained any regional consents required for the proposed works. For that reason we make no finding in relation to the regional plans.

15.6 Kāpiti Coast District Plan

- 15.6.1 As noted in sections 3.2 and 1616910106.1458728 the proposed subdivision is non-complying and the land use is restricted discretionary. Overall, the proposal must be assessed as non-complying. There was no substantive disagreement between the planning experts about the applicable provisions of the District Plan – but some disagreement about the nature of effects to be considered within the rule and policy framework.
- 15.6.2 In Minute 2 we asked the Applicant and Council’s Planners to advise us about a specific objective and policies from the District Plan and, where relevant, any District Plan explanations that support those provisions. The objective and policies were:
- DO-O3 Development Management: including in relation to the terms “existing urban areas” and “identified growth areas”.
 - UFD-P1 Growth Management: particularly in relation to part (d) of the policy.
 - UFD-P4 Residential Density: particularly in relation to part (7) of the policy.
 - RLZ-P2 Rural Character: including in relation to parts (a) and (c) of the policy.
 - RLZ-P9 Rural Lifestyle Zone: particularly in relation to part (d) of the policy.
 - INF-GEN-P7: particularly in relation to part (f) of the policy, and in relation to the focus of intensification being in “existing urban areas” as defined by the district plan.
- 15.6.3 Mr Hansen responded and provided us with a full analysis of the specified provisions in his Second Supplementary Statement of Evidence. We did not receive a similar statement from the Council, although Ms Rydon’s s42A report does comment on the district plan’s objectives and policies – essentially by adopting the Mr Hansen’s original summary from pages 70 to 75 of the consent application.
- 15.6.4 Through his analysis, Mr Hansen drew the conclusion that the objectives and policies we asked to him review reflect the Council’s ‘consolidation approach’ taken to urban form / areas when the plan was prepared prior to 2012. For that reason, he concluded that those

specific provisions are unhelpful – although the proposed development would still not be contrary when undertaking an overall RMA Part 2 assessment. In Mr Hansen’s opinion, these provisions (which reflect a consolidation approach) are no longer appropriate, and “a broader urban environment approach is now required to address the housing challenges facing the district, and the requirements of the NPS-UD.”⁴⁵

- 15.6.5 We accept Mr Hansen’s opinion that those provisions must be viewed in light of their age, and the previous approach to growth – which was not informed by a National Policy Statement.

Proposed Plan Change 2

- 15.6.6 During the course of the hearing, on 18 August 2022, the district council notified proposed Plan Change 2 (PC2) to the District Plan. The notification of the plan change occurred 1 day before that of RPS proposed PC1 (see paragraph 15.4.4 above). KCDC proposed PC2 is intended to implement the government legislated medium density residential standards (MDRS)⁴⁶, and give effect to Policies 3 and 4 of the NPS-UD.

- 15.6.7 We understand that among other locations, the MDRS will apply to the General Residential Zone at Otaihanga (an area between Otaihanga Domain and Otaihanga Road/Tieko Street). This includes part of the western side of Tieko Street, close to but not directly opposite the Mansell subdivision site.

- 15.6.8 In Minute 2 we asked the Applicant and Council’s Planners to advise us about KCDC proposed PC2, including in relation to:

- the continued zoning of the application site as Rural Lifestyle Zone.
- no identification of the application site, in whole or part, as a site by Appendix “A” of the plan change, being a range of sites proposed to be added to the General Residential Zone as part of incorporating the MDRS into the District Plan, or giving effect to policy 3 of the NPS-UD.

- 15.6.9 With respect to KCDC proposed PC2, Mr Hansen advised that it is supported by an Urban Greenfields Assessment that identified avoidance criteria for selecting future greenfields sites. We have referred to that document as also informing Te Tupu Pai, the Council’s growth strategy. As noted earlier, the subdivision site falls within an area identified as OH-01. Mr Hansen informed us that the Applicant has lodged a submission on KCDC proposed PC2 seeking that the subdivision site be included for investigation as a greenfields development area. Mr Hansen’s opinion, expressed elsewhere in his evidence and the consent application, is that the investigations leading up to lodgement of the Mansell consent application are effectively the kind of investigation flagged by proposed PC2.

⁴⁵ Paragraph 8.2(d), Second Supplementary Statement of Evidence, Chris Hansen, 2 September 2022

⁴⁶ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, December 2021

15.6.10 Mr Hansen stated that:

“In my opinion, the Commissioners can have some level of confidence that the application site will be investigated in the future to be part of a greenfield development assessment and plan change. What the outcome of such an investigation cannot be certain. However, it is likely that any future greenfield development will provide for more intensification than the Otaihangā Estates project proposes. From this perspective, granting consent for the subdivision (including earthworks and infrastructure) proposal before you now will not impede or inhibit any future plan change or structure plan process as the proposal is serviced by existing infrastructure, provides its own internal roads and connections to the existing roading network, and manages any future climate change flood events on-site. The proposed subdivision also has lot sizes that may be able to be subdivided further in the future, should further intensification of this area be considered appropriate.”⁴⁷

15.6.11 Mr Hansen’s opinion that granting consent now “will not impede or inhibit any future plan change or structure plan process” appears consistent with Ms Rydon’s opinions which we refer to below in paragraphs 16.3.8 and 16.3.10. We agree with both experts on this matter.

16 Section 104(1)(c) Consideration of Other Matters

16.1.1 The Act requires us to ‘have regard’ to any other matter we consider relevant and reasonably necessary to determine the application. Both Ms Rydon’s s42A report and Mr Hansen’s evidence in chief considered there were no other relevant matters under s104(1)(c) of the RMA. That is, nothing that falls outside the categories of being:

- An effect on the environment [104(1)(a)]; or
- A measure proposed or agreed by the Applicant to offset or compensate for an adverse effect [104(1)(ab)]; or
- A relevant provision of a national, regional or local level policy statement or plan prepared under the RMA [104(1)(b)].

16.1.2 However, during the course of the hearing it became clear that several matters could be considered to fall under 104(1)(c). We have addressed these below, being:

- A Developer Agreement (via the Local Government Act) related to improvements on Tieko Street; and
- Te Tupu Pai, the Council’s district growth strategy, which is a document not required by either the RMA or any other legislation and is not covered by s.104(1)(b).

16.2 Developer Agreement

16.2.1 In our Minute 2, we indicated to the parties (Applicant and Council) that the panel had formed preliminary view that a Developer Agreement was the appropriate mechanism for

⁴⁷ Paragraph 5.6, Second Supplementary Statement of Evidence, Chris Hansen, 2 September 2022

addressing the nature of any desirable upgrade works for Tiekö Street. In the particular circumstances, we considered a Developer Agreement to be preferable to resource consent conditions.

- 16.2.2 As outlined under section 8.2, as part of Joint Witness Conferencing, the Applicant and Council met to discuss the possibility concluding a Developer Agreement. We understand that Agreements of this nature are not unusual, and the Council’s mandate for concluding an Agreement arises via the Local Government Act.
- 16.2.3 As an outcome of conferencing (24 August), the parties reported to us via a Joint Witness Statement (dated 26 August) that an in-principle Developer Agreement had been reached. The main aspects of the in-principle Agreement were that:
- 1) The Tiekö Street improvement package proposed by the Applicant is appropriate as designed.
 - 2) The Council will likely undertake community consultation, confirm the final design, and undertaken construction of those works themselves.
 - 3) The cost of the upgrade will be shared between the Applicant and Council. NB: the cost is a confidential matter between the two parties. The commissioners are not party to it, and this has no bearing on our decision.
 - 4) The timing of the Tiekö Street upgrade works will be at the discretion of the Council but concluded in a reasonable timeframe. The timing will be unrelated to the resource consent conditions or development timeframe for the subdivision enabled by our decision.
- 16.2.4 Notwithstanding the matters outlined above, we accept the Applicant’s contention that the need for improvements to Tiekö Street is an existing circumstance. We therefore consider it would have been inappropriate to address that need via conditions of consent placed on the Applicant. We accept the evidence of Ms Fraser (the Applicant’s traffic expert) that:
- Development and implementation of the Construction Traffic Management Plan required by conditions of consent can effectively avoid, mitigate, or remedy issues that might arise during the construction period; and
 - The volume of new traffic using Tiekö Street once the subdivision is completed and occupied will not create new significant issues.
- 16.2.5 For the record, we find that matters addressed by this particular Agreement are not for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. In other words, the Agreement not something required or agreed to by the Applicant under section 104(1)(ab). We find that the Developer Agreement is an ‘other matter’ under section 104(1)(c) of the RMA; we have had regard to its benefits when considering the overall context of the consent applications and the state of the existing environment.

16.3 Te Tupu Tai

- 16.3.1 The Council has developed a district growth strategy – Te Tupu Pai⁴⁸. The strategy articulates the Council’s vision for growth, including priorities and locations for supporting an anticipated population increase of 32,000 people in the next 30 years. We therefore considered clarity about Te Tupu Pai to be important, including in regard to its status under the NPS-UD⁴⁹. For that reason, in our Minute 2 we asked the Planners to consider:
- whether Te Tupu Pai is a Future Development Strategy (FDS) as mandated by sub-part 4 of the NPS-UD; or
 - whether it is intended as a step in progress towards a FDS; and
 - the implications of the relationship between Te Tupu Pai and the proposed development.
- 16.3.2 Ms Rydon’s supplementary evidence, in response to our Minute 2, provided background on the Te Tupu Pai, the Council’s Growth Strategy. She noted advice received from the Council’s Manager of Research and Policy that Te Tupu Pai is not a Future Development Strategy (FDS) as defined by the NPS-UD. Instead, we were told that Te Tupu Pai is precursor document. It will be used to inform the review of the Wellington Regional Growth Framework (WRGF) to meet the FDS requirements of the NPS-UD. Following the WRGF review, a FDS will be developed – covering the entire Tier 1 Wellington urban environment (including the Kāpiti Coast). It will be completed in time to inform 2024 Long Term Plans.
- 16.3.3 Ms Rydon also noted that Te Tupu Pai was informed by planning and environmental assessments undertaken by external consultants and advised us that the site forms part of an area defined as “OH-1”. The OH-1 area, through an assessment of various criteria, was classified as being “Priority Group 2A” – which means that it is a candidate for medium to long term development, subject to any constraints being overcome. The development site (18 hectares) sits in approximately the centre of the wider OH-1 area (374 hectares) which, as a whole, has a theoretic capacity for 2,100 dwellings.
- 16.3.4 Mr Foy, the Applicant’s economics expert, had introduced us to Te Tupu Pai in his evidence. During questioning he gave his opinion that there would be no economic loss through ‘developing early’, i.e., in advance of the medium to long term timeframe we refer to above. However, we understand that he had not considered the wider implications that could be explored through work on a future development strategy.
- 16.3.5 Both Ms Rydon and Mr Hansen noted the role of ‘high level constraints’ that have informed Te Tupu Pai. Ms Rydon informed us that the identification of capacity in theoretical development areas (such as OH-1) took account of avoiding high level constraints such as flood hazards, ecological sites, wetlands and other matters.
- 16.3.6 Mr Hansen also leans on the point that evolution of the proposal has required an assessment of various constraints, and that it can readily connect to available infrastructure.

⁴⁸ *Te Tupu Pai – Growing Well, Our Strategy for Enabling Sustainable Growth in Kāpiti*, March 2022

⁴⁹ We address the NPS-UD above, under section 15.3

Both of these elements are consistent with statements in Te Tupu Pai. We accept these things as standalone matters of fact. However, we note that this site specific approach divorces those matters from the question of a wider development strategy⁵⁰. In that regard we note Ms Rydon’s caution to us that the areas identified via the Te Tupu Pai work should not “be interpreted as ‘proposed’ areas for urban development, as they have not been developed as part of a structure planning or similar process”⁵¹.

16.3.7 For these reasons we do not accept Mr Hansen’s opinion that “the proposal can be appropriately considered now as a high-priority area in terms of Te Tupu Pai, as [it] is able to be developed sooner rather than later”⁵². We favour Ms Rydon’s more balanced view (paragraph 16.3.8 below) that, with regard to the district-wide question of residential capacity (and strategy), consenting and developing the site now will have pluses and minuses.

16.3.8 Ms Rydon’s advice concluded that⁵³:

- 1) “The proposed subdivision has the potential to remove capacity from the area identified as OH-1 to provide maximum yield in meeting the predicted housing shortfall and with less anticipated capacity available, the wider OH-1 Area could drop on the priority list of areas to consider for intensification.”
- 2) “However, with the lot sizes proposed, there is also the potential for further subdivision and development to occur should Council proceed with the direction established by the Boffa Miskell assessment given infrastructure will be installed as part of this application, should consent be granted.”

16.3.9 For the Applicant, Mr Hansen provided his own analysis, reaching some similar conclusions to those of Ms Rydon. In particular, we note his opinions that Te Tupu Pai:

- Is not a FDC for the purposes of the NPS-UD.
- Provides direction to the intensification requires of Policies 3 and 4 in proposed Plan Change 2.
- Is consistent with various aspects of the proposed development.
- Provides some confidence that the Otaihanga area is part of the Council’s intended future approach to meeting Kāpiti’s housing requirements.

⁵⁰ Mr Hansen advises us that the Council’s delivery of a strategy / plan change is not certain. It may not occur until 2024 or beyond. Paragraph 4.4(h), Christopher Hansen on Behalf of the Applicant, Second Supplementary Statement of Evidence, 2 September 2022

⁵¹ Paragraph 2.7, *Memorandum on behalf of Kāpiti Coast District Council Regarding Minutes 2 and 3*, 1 September 2022

⁵² Paragraph 4.7, Christopher Hansen on Behalf of the Applicant, Second Supplementary Statement of Evidence, 2 September 2022

⁵³ Paragraphs 2.13 and 2.14, *Memorandum on behalf of Kāpiti Coast District Council, Regarding Minutes 2 and 3*, 1 September 2022

16.3.10 Broadly, we agree with the scope of the conclusions drawn by Ms Rydon and Mr Hansen. We note Ms Rydon’s caution that the large lots in the northern part of the subdivision have the potential reduce the maximum capacity of lots that may be anticipated for the wider OH-1 area. However, we also acknowledge and accept her opinion that this would not entirely remove the possibility of future, more dense subdivision, if the Council choose to proceed with that approach at some later date (we assume via a plan change giving effect to a development strategy).

17 Section 104D – Non-Complying Activity

- 17.1.1 Following accepted legal and planning practice, the consent activities that make up the Project have been ‘bundled’ with respect to activity status. As noted in section 3.2 of our decision, the status of the various activities include those which are controlled, restricted discretionary, discretionary, and non-complying. When bundled, the overall activity status of a proposal must adopt the most restrictive activity status – which in this case is non-complying.
- 17.1.2 Land use consent for the development is restricted discretionary under the district plan. However, the subdivision aspect is non-complying in respect of two rules. These are:
- 1) Rule SUB-RUR-56 as standard 2(a) for restricted discretionary activities in SUB-RUR-R51 cannot be met.
 - 2) Rule SUB-DW-R23 as the proposed subdivision creates new lots in the rural zone and is not provided for in Rule SUB-DW-R4.
- 17.1.3 As the physical works are not separable from the subdivision (i.e., the subdivision relies on the physical works) the application overall is regarded as non-complying – being the most restrictive category.
- 17.1.4 As the application falls for consideration as a non-complying activity, pursuant to Section 104D of the Act, a ‘gateway test’ is required to be met before a decision is made on whether consent can be granted. Section 104D prescribes that the consent authority may proceed to the substantive assessment (s104), and make a decision on whether to grant a resource consent application for a non-complying activity, only if it is satisfied that either:
- 1) the adverse effects of the activity on the environment will be minor; or
 - 2) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan (in this case, the Kāpiti Coast District Plan).
- 17.1.5 In Ms Rydon’s s42A report she concludes that the proposal is not contrary to the district plan objectives and policies, and that adverse effects can be mitigated to be minor. Mr Hansen reaches a similar conclusion, although noting that some specific provisions are “unhelpful” although not necessarily contrary (see paragraph 15.6.4 above).
- 17.1.6 Based on the evidence and analysis, we are satisfied that the proposal can meet both gateway tests under s104D. We therefore find that we are in the position of being able to grant resource consent if we so wish.
- 17.1.7 Overall, with respect to section 104 and section 104D. We conclude that the application should be granted for the reasons set out in section 20 below.

18 Part 2 RMA Assessment

18.1 Part 2 Analysis

- 18.1.1 In making a consent decision, Section 104(1) of the RMA requires our consideration to be subject to Part 2 of the Act (being Sections 5 to 8).
- 18.1.2 In their assessment and expert evidence, the planners provided robust analyses of the application against Part 2 of the RMA.
- 18.1.3 RMA Section 6 identifies matters of national importance including natural character, significant indigenous vegetation, historic heritage, and relationships of Māori with their culture and traditions. The expert planners all considered the proposal is consistent with the relevant Section 6 provisions. We note that the project design, and mitigation implemented via conditions, will address potential concerns related to the natural environment. Historic heritage and Treaty of Waitangi considerations will be address through design elements related to the historic remnants of the dray track. The Panel therefore considers that the proposal is consistent with Section 6 of the RMA.
- 18.1.4 RMA Section 7 ‘other matters’ requires the consideration of the proposal relating to the management, use, development, and protection of natural and physical resources. This includes maintenance and enhancement of amenity value, intrinsic value of the ecosystem, quality of the local environment and the effects on climate change. We consider that the project design, and associated mitigation measures, effectively address any section 7 matters.
- 18.1.5 RMA Section 8 identifies the principles of the Treaty of Waitangi. The Applicant has engaged with Ātiawa ki Whakarongotai and aspects of the design take relevant matters into account.
- 18.1.6 Overall, we conclude that a Part 2 analysis raises no matters that would otherwise negatively impact on our decision to grant consent.

19 Conditions

19.1 Conditions

- 19.1.1 The Applicant’s closing legal submissions / right of reply provided tracked changes versions of draft conditions for the resource consents. These condition sets included changes agreed between the expert planners on behalf of the parties they represent, and some instances of differing or disputed conditions or wording. As noted earlier in our report, we have accepted a rewording of Condition 85 set out by Ms Tancock in her right of reply.
- 19.1.2 We have accepted the draft conditions provided to us with refinements agreed to by the expert planners on behalf of the parties they represent. We have also made decisions about conditions wording that was in dispute between the parties.
- 19.1.3 The conditions are issued as a separate document (Attachment 1 to the decision).

20 Decision

20.1.1 We consider after having regard to all relevant matters that the single purpose of the RMA is best served by KCDC granting the resource consents on terms set by the conditions contained in Attachment 1.

20.1.2 Key reasons for our decision include:

- 1) The effects of the development are either no more than minor and / or will be mitigated by specific design elements.
- 2) Environmental effects are not contrary to relevant district plan objectives and policies.
- 3) Historic heritage and manawhenua concerns will be provided for.
- 4) Some strategic effects, related to urban form, are not fully consistent with the district plan policy framework. However, we judge those provisions to have lesser relevance in light of existing national direction (NPS-UD) and proposed regional and local direction on urban form – which themselves must be consistent with the national direction.
- 5) Traffic effects (volume increase) within Tieko Street are permitted, and the physical environment of the street will be improved via the Developer Agreement to be concluded between the Applicant and the Council.
- 6) In granting consent to a non-complying activity, the Act does not require all provisions of the district plan to be ‘not contrary’ with respect to a proposed development.

21 Acknowledgements

21.1.1 We would like to thank the participants for their constructive engagement in the process. Although the outcomes of our decision and recommendation may not be what some submitters sought, we acknowledge the effort that they have put into engaging with the process. We also acknowledge all individual written submissions and personal appearances which we found valuable in providing additional.

21.1.2 The careful assessment, investigation and response to individual issues and environmental effects by the Applicant and other parties was appreciated, especially in relation to matters we raised via directions in Minutes.

21.1.3 We would also like to acknowledge the collaborative work of the technical experts and planners involved in this matter. Finally, we gratefully acknowledge the assistance to the Panel provided by the hearing administrator before, during and after the hearing.

Mark Ashby (Chairperson)



Phillip Hindrup



Date: 2 November 2022

General

1. The proposed activity shall be undertaken in general accordance with the following plans:

Cuttriss Consultants Limited:

- i. Scheme Plan – Development Overview, Drawing No. 22208 SCH1, Revision R, Sheet 1 of 21
- ii. Scheme Plan – Ecological Constraints & Earthworks, Drawing No. 22208 SCH1, Revision R, Sheet 3 of 21
- iii. Scheme Plan – Earthworks 01, Drawing No. 22208 SCH1, Revision R, Sheet 4 of 21
- iv. Scheme Plan – Earthworks 02, Drawing No. 22208 SCH1, Revision R, Sheet 5 of 21
- v. Scheme Plan – Earthworks 03, Drawing No. 22208 SCH1, Revision R, Sheet 6 of 21
- vi. Scheme Plan – Earthworks Cross Sections 01, Drawing No. 22208 SCH1, Revision R, Sheet 7 of 21
- vii. Scheme Plan – Earthworks Cross Sections 02, Drawing No. 22208 SCH1, Revision R, Sheet 8 of 21
- viii. Scheme Plan – Landscape Constraints, Drawing No. 22208 SCH1, Revision R, Sheet 9 of 21
- ix. Scheme Plan – Legal 01, Drawing No. 22208 SCH1, Revision R, Sheet 10 of 21
- x. Scheme Plan – Legal 02, Drawing No. 22208 SCH1, Revision R, Sheet 11 of 21
- xi. Scheme Plan – Services, Drawing No. 22208 SCH1, Revision R, Sheet 12 of 21
- xii. Scheme Plan – Roading, Drawing No. 22208 SCH1, Revision R, Sheet 13 of 21
- xiii. Scheme Plan – Cul-De-Sac Detail, Drawing No. 22208 SCH1, Revision R, Sheet 14 of 21
- xiv. Scheme Plan – Right of Way Detail, Drawing No. 22208 SCH1, Revision R, Sheet 15 of 21
- xv. Scheme Plan – Shared Path Detail, Drawing No. 22208 SCH1, Revision R, Sheet 16 of 21
- xvi. Scheme Plan – Shared Path Longsection, Drawing No. 22208 SCH1, Revision R, Sheet 17 of 21
- xvii. Scheme Plan – Otaihanga Road Intersection Detail, Drawing No. 22208 SCH1, Revision R, Sheet 18 of 21
- xviii. Scheme Plan – Otaihanga Road Sight Line Detail, Drawing No. 22208 SCH1, Revision R, Sheet 19 of 21
- xix. Scheme Plan – Road Longsection & Cross Section Detail, Drawing No. 22208 SCH1, Revision R, Sheet 20 of 21
- xx. Scheme Plan – Typical Road Cross Sections, Drawing No. 22208 SCH1, Revision R, Sheet 21 of 21

DCM Urban

- a. Landscape Concept Plan, project no./drawing no. 2020_142/LA/001, Revision D
- b. Elevated Perspective, project no./drawing no. 2020_142/LA/002, Revision D
- c. Entrance Perspective, project no./drawing no. 2020_142/LA/003, Revision D
- d. Photo Simulation 1, project no./drawing no. 2020_142/LA/004, Revision D
- e. Photo Simulation 2, project no./drawing no. 2020_142/LA/005, Revision D
- f. Street Pinch Point, project no./drawing no. 2020_142/LA/006, Revision D
- g. Material/Plant Palette, project no./drawing no. 2020_142/LA/007, Revision D

All stamped as 'Final Approved Plans' on 2 November 2022 and the information and specifications lodged with the application RM210147 and the further information supplied by Chris Hansen Consultants Limited and Pherne Tancock (Barrister) on 15 and 17 September and 5 and 12 October 2021 and 8 and 13 April, 3 June and 3 and 13 July 2022, except where modified by conditions of consent.

2. The land transfer plan shall be in general conformity with the Cuttriss Consultants Limited plans:
 - Scheme Plan – Legal 01, Drawing No. 22208 SCH1, Revision R, Sheet 10 of 21
 - Scheme Plan Legal 02, Drawing No. 22208 SCH1, Revision R, Sheet 11 of 21

Stamped as 'Final Approved Plans' on 2 November 2022, except where modified by conditions of consent.

3. Easements are required over any rights of way and communal, private and public services where these pass through the lots in the subdivision. This consent is conditional on the easements being granted or reserved and they must be subject to section 243 of the Resource Management Act 1991.
4. Prior to the lodgement of a section 223 certification application, the consent holder shall provide a copy of the Record of Title for Lot 5 DP 570061 to Council.
5. A benchmark level reference point, with respect to Mean Sea Level (Wellington) shall be provided within close vicinity of the subdivision.
6. Lot 200 shall be vested in Council as Local Purpose Reserve (stormwater).

Note: The consent holder must meet any requirements of GWRC consent [WGN210352] conditions relevant to Lot 200 prior to vesting in Council.

7. Lots 100, 101, 102, 103 and 104 shall be vested or dedicated as road in Council.

Note: Dedication will only be accepted where vesting is not possible and evidence of this has been provided by the consent holder to Council.
8. Lot 105 shall be vested in Council as Local Purpose Reserve (recreation).
9. The consent holder shall enter into a fencing covenant with respect to Lots 11, 12, 20, 21, 22 and 46 to ensure that Council shall not be liable for, or called upon to, erect or maintain or contribute towards the cost of the erection or maintenance of any fence along the boundaries of Lots 104 and 105.

The consent holder shall enter into a bond or cash deposit of \$500.00 per lot (total **\$3,000.00**) subject to the covenant on application for the section 224(c) certificate. The bond will be refunded once satisfactory evidence is submitted demonstrating that the covenants have been registered on the appropriate Records of Title.

10. No buildings within Lots 1-22 shall be constructed with zinc or copper roofing materials or use lead paints.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 1-22 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

11. With respect to Lot 35, any noise sensitive activity (as defined in the Operative District Plan 2021) shall be located more than 40m from the edge of the MacKays to Peka Peka Expressway carriageway.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lot 35 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

12. The 10m fenced wetland buffer identified on Lots 1, 2, 5, 14-18 (inclusive), and 20, the 5m landscape strip on Lots 37-43 (inclusive) and the earthworks building exclusion zone on Lots 42-46 (inclusive) shown on Cuttriss Consultants Limited plan *Scheme Plan – Ecological Constraints & Earthworks, Drawing Number 22208 SCH1, Sheet 3 of 21, Revision R*, shall be identified on the Land Transfer Plan using normal surveying methods.

13. With respect to Lots 1, 2, 5, 14-18 (inclusive), 20 and 37-43 (inclusive) the following activities are prohibited within the areas identified in condition 12 above:

- The placement of rubbish or green waste;
- The construction of any building or structure;
- Earthworks; and,
- The removal of any indigenous vegetation and/or planting of any exotic vegetation.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 1, 2, 5, 14-18 (inclusive), 20 and 37-43 (inclusive) to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

14. The earthworks and building exclusion areas on Lots 5-11 (inclusive), 21, 22, 29, 30 and 46 shown on the Cuttriss Consultants Limited plan: *Scheme Plan – Ecological Constraints & Earthworks Drawing No. 222089 SCH1, Sheet 3 of 21, Revision R*, stamped as 'Final Approved Plans' on 2 November 2022 shall be identified on the Land Transfer Plan using normal surveying methods.

15. Following the completion of the works shown on the Final Approved Plans detailed in Condition 1 above to give effect to the consent, the following activities will be prohibited within Lots 5-11 (inclusive), 21, 22, 29, 30, and 46, in the areas identified in condition 14 above:

- Earthworks; and,
- The erection of any building or structure

Note: A Consent Notice under section 221 of the RMA will be issued for Lots 5-11 (inclusive), 21, 22, 29, 30, and 46 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

16. With respect to Lots 23-46, the following yard setbacks for buildings shall apply unless the relevant zone permitted activity standards of the District Plan are less restrictive at the time the building is constructed:

- 4.5m from the road boundary;
- 3m from the rear boundary;
- 3m from one side boundary;
- 1.5m from all other boundaries.

Note: The condition above must be the subject of a Consent Notice under section 221 of the RMA and registered against the new Records of Title for Lots 23-46. The section 221 Consent Notice shall be prepared by Council at the cost of the consent holder. The section 221 Consent Notice shall be issued with the section 224(c) certificate to facilitate the recording of this condition which is to be complied with on an on-going basis.

17. With respect to Lots 11, 21 and 30, the unsuitable fill material areas shown on the Cuttriss Consultants Limited plan: *Scheme Plan – Ecological Constraints & Earthworks Drawing No. 222089 SCH1, Sheet 3 of 21, Revision R*, stamped as 'Final Approved Plans' on 2 November 2022, shall be identified on the Land Transfer Plan using normal surveying methods.
18. With respect to Lots 11, 21 and 30, the following activities are prohibited within the areas identified in condition 17 above:
 - The erection of any building or structure unless a geotechnical report prepared by a geo-professional is supplied to Council for certification that details compliance with NZS 4431:1989.

Note: The condition above must be the subject of a Consent Notice under section 221 of the RMA and registered against the new Records of Title for Lots 11, 21 and 30. The section 221 Consent Notice shall be prepared by Council at the cost of the consent holder. The section 221 Consent Notice shall be issued with the section 224(c) certificate to facilitate the recording of this condition which is to be complied with on an on-going basis.

19. The Lizard Habitat identified on Lot 5 on the Cuttriss Consultants Limited plan: *Scheme Plan – Ecological Constraints & Earthworks Drawing No. 222089 SCH1, Sheet 3 of 21, Revision R*, shall be identified on the Land Transfer Plan using normal surveying methods.
20. With respect to Lot 5, the following activities are prohibited within the area identified in condition 19 above:
 - Earthworks; and,
 - The erection of any building or structure.

Note: The condition above must be the subject of a Consent Notice under section 221 of the RMA and registered against the new Record of Title for Lot 5. The section 221 Consent Notice shall be prepared by Council at the cost of the consent holder. The section 221 Consent Notice shall be issued with the section 224(c) certificate to facilitate the recording of this condition which is to be complied with on an on-going basis.

21. With respect to Lot 5, it is the responsibility of the future Lot owner to maintain the lizard habitat area to be free of blackberry, gorse, and other pest plants.

Note: A consent notice under section 221 of the RMA will be issued with respect to the above condition which is to be complied with on an on-going basis.

22. With respect to Lots 23-46 fencing along rear boundaries and within the areas identified in condition 25 below shall be post and wire only and no higher than 1.2m from the ground level established by the approved earthworks as shown on the Final Approved Plans detailed in Condition 1 above.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 23-46 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

23. With respect to Lots 23-46, fencing alongside boundaries shall be post and rail and no higher than 1.2m from the ground level established by the approved earthworks as

shown on the Final Approved Plans detailed in Condition 1 above and shall not be located within 4.5m of the road boundary.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 23-46 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

24. With respect to Lots 23-28 (inclusive), 31-34 (inclusive), and 36-46 (inclusive) no fencing is permitted along the road boundary.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 23-28 (inclusive), 31-34 (inclusive), and 36-46 (inclusive) to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

25. With respect to Lots 23, 24, 32, 34, 38, 39, 41 and 42, the areas of planting shown as F1 and F2 on the DCM Urban plans detailed in Condition 1 above, shall be identified on the land transfer plan using normal surveying methods.

26. With respect to Lots 23, 24, 32, 34, 38, 39, 41 and 42, ongoing maintenance of the vegetation within the areas identified in condition 25 above is required and the responsibility of the lot owners.

Any dead vegetation shall be replaced within the next planting season.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 23, 24, 32, 34, 38, 39, 41 and 42 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

27. The flood hazard areas on Lots 2, 3 and 5 shall be identified on the Land Transfer Plan using normal surveying methods.

28. With respect to Lots 2, 3 and 5 above, the following activities shall be prohibited within the areas identified in condition 27 above:

- Earthworks; and,
- The erection of any building or structure, excluding minor buildings, as defined by the Kāpiti Coast Operative District Plan 2021.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 2, 3 and 5 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

29. The consent holder shall supply a copy of the land transfer plan with the application for section 224(c) certification and shall list and indicate how each condition has been met to the satisfaction of the Council.

Fees and Contributions

30. A Reserve Contribution is payable and has been assessed at \$7,184.43, inclusive of GST per additional allotment (total **\$280,192.77** GST inclusive for 39 additional allotments).

The contribution must be paid prior to the issue of any certificate pursuant to section 224(c) of the Resource Management Act 1991 unless a Development Agreement has been entered into prior to the lodgement of an application for Section 224(c) certification.

Note: A credit will be applied to the above contribution following a valuation of the recreation reserve (Lot 105) to vest with Council by Council's preferred valuer and based on Council's valuation process or as detailed in the agreed upon Development Agreement.

31. 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 \$668.00 plus \$334.00

per lot (total **\$17,702.00** GST inclusive) 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.

Engineering

32. The consent holder shall comply with the requirements of the Kāpiti 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.

33. 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 Kāpiti 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 Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012 and to enable accurate construction.

34. 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 Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.

35. 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 Kāpiti 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
- Foundation Design
- 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 holder's expense.

36. 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.

Earthworks

37. All construction shall proceed in general accordance with the Construction Management Plan (CMP) to be prepared by a suitably qualified person and certified by Council's Development Engineer under RM210147 prior to any construction activity being undertaken. The Development Engineer is to confirm certification within 20 working days of receipt of the CMP.
38. The CMP shall be submitted to Council for certification at least 20 working days prior to the commencement of works and include how the following construction effects will be managed through the construction period and how the construction related conditions of consent shall be complied with:
 - a) Construction traffic (as required by condition 73)
 - b) Earth-worked material tracking onto the road
 - c) Dust
 - d) Noise and hours of operation
 - e) Stormwater runoff
 - f) Animal pest control prior to, during and post construction (until the lots are sold). This will include two night-shoots of rabbits within 1 month prior to the commencement of earthworks, with at least 1 week between the shoots.
 - g) Provision of ongoing access to 68 Tieko Street

Note: The purpose of the CMP is to ensure that construction activities are undertaken in a way that any adverse effects are managed in accordance with Operative District Plan 2021 and other relevant conditions in this decision.
39. The certified CMP shall be implemented and maintained throughout the entire earthworks and construction period, any proposed amendments to the plan shall be submitted to the Council's Development Engineer for consideration and approval.
40. All earthworks staging, stabilisation and monitoring are to be undertaken in accordance with the Preliminary Erosion & Sediment Control Plan (ESCP) provided with RM210147 in Appendix C of the Infrastructure Engineering Report prepared by Cuttriss Consultants Limited and dated 29 June 2021, further information provided in the s92 response, or any subsequent updated version agreed with Council.
41. 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

“Geotechnical investigation report for Mansell farm subdivision, Otaihanga Road, Paraparaumu” prepared by RDCL and dated 10 March 2022.

42. Upon completion of the earthworks the consent holder shall provide a geotechnical completion report and a certificate in the form of Schedule 2A of NZS 4404:2010 by the geo-professional and a certificate in the form of Appendix A of NZS 4431:1989 by the inspecting engineer to the Council’s Development Engineer.
43. After the completion of earthworks and prior to the issue of a Section 224(c) certificate the consent holder shall supply to the satisfaction of the Council’s Development Engineer a report by a suitably qualified person detailing site investigation work and findings together with recommendations for foundation design for Lots 1-46. This report should include commentary of setback requirements for each lot in respect to condition 44 below.

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

44. The consent holder shall ensure:
 - A minimum batter slope of 1V:2H for permanent batters in loose material and 1V:1.5H in dense material
 - A minimum batter slope of 1V:1.5H for temporary batters in loose material and 1V:1H in dense material
 - A nominal building, restriction zone of 5m is established from natural slopes exceeding 15° (from the top and base of slopes);
 - Building within these zones must have specific engineering design and take into consideration the potential for slope instability;
 - NZS 3604:2011 setbacks are met for fill batters.

Note 1: A Consent Notice under Section 221 of the RMA will be issued to facilitate the recording of this condition which is to be complied with on an on-going basis.

Note 2: Any building or structure within the nominal building restriction zone must have specific engineering designed foundations considering the risk of shallow slope instability. The report required by Condition 43 shall specify which lots this consent notice will be applicable to.

45. The consent holder shall ensure all silt fences shall be installed and maintained in accordance with the GWRC ESC Guidelines.
46. The consent holder shall ensure the location of topsoil stockpile sites shall be identified using criteria included in the Preliminary Erosion and Sediment Control Plan (ESCP) provided with RM210147 prior to commencement of construction activities; the management of the topsoil stockpile sites shall be undertaken in accordance with the measures included in the Preliminary ESCP provided with RM210147.
47. Earthworks must be undertaken to provide a flood free building area on Lots 6 and 7. The section 224(c) certification application must contain documentation that proves the earthworks have been undertaken and the resulting ground level is above the 1% AEP.
48. All earthworks are subject to the Archaeology Management Plan (AMP) prepared under Archaeology Authority #2020/378 and the roles and responsibilities and discovery protocols included in the AMP should any archaeological remains be found; monitoring of all earthworks shall be consistent with the AMP and with Appendix A of the Te Ātiawa Kaitiakitanga Plan.
49. 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

Stormwater

50. At least 20 working days prior to the commencement of works, the consent holder shall submit copies of the plans and specifications for the engineering development to the Council's Development Engineer for approval. The engineering development must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of Council's SDPR: 2012 and the technical reports prepared by Awa and Cuttriss as part of the resource consent application, including information provided by the applicant in part of the S92 response. The Development Engineer is to confirm certification within 20 working days of receipt of the engineering plans and specifications.

Note 1: Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with Council's SDPR: 2012 and to enable accurate construction.

Note 2: The consent holder shall provide hydraulic modelling of the detail design of the stormwater devices to demonstrate they will achieve the outcomes intended in the Awa Technical Report.

Note 3: The consent holder shall undertake the detailed design in consultation with GWRC and provide evidence to the Council's Development Engineer of the consultation undertaken and GWRC's agreement to the final design.

51. For Lot 1-22 (inclusive), the consent holder shall ensure:
- a. The discharge of stormwater within Lot 101 from the access road into swales, through an under-drain bio-filtration device prior to discharge to land as per the Awa preliminary design included in the Awa Technical Report accompanying the application.
 - b. The discharge of stormwater within Lots 1-22 the consent holder shall ensure the discharge of stormwater from roofs into an appropriately designed and sized on-site soakage pit and the discharge of stormwater from access roads into swales, through an under-drain bio-filtration device prior to discharge to land as per the Awa preliminary design included in the Awa Flood Hazard Report (Appendix H dated 29/6/2021) which accompanied the consent application.
 - c. The consent holder may propose alternatives that would need to be accepted by the Council's Development Engineer. An updated report must be provided for an alternative solution.

Note 1: In the event that the certified stormwater disposal design is not installed prior to the issue of the 224(c) certificate, a Consent Notice under Section 221 of the RMA 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:

- i. The certified stormwater disposal design as an option for compliance;
- ii. The owners' responsibility to construct a system to meet the above performance standard;
- iii. 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.

Note 2: The consent holder shall undertake the detailed design required for the discharge of stormwater from roofs in consultation with GWRC and provide evidence to the Council's Development Engineer of the consultation undertaken and GWRC's agreement to the final design.

52. For Lots 23-46 (inclusive), the consent holder shall ensure:
- a. discharge of stormwater from roofs, driveways and access road to be collected and conveyed using traditional curb and channel into the proposed controlled compensatory storage area (constructed wetland) located in Lot 200;
 - b. the open channel adjacent to Otaihanga Road is modified as part of the formalisation of the compensatory storage area;
 - c. a non-return valve is installed as per the Awa preliminary design included in the Awa Technical Report accompanying the application.
53. The consent holder shall provide appropriate planting of constructed wetland area in Lot 200 to filter out potential contaminants from stormwater discharge in accordance with the Planting Plan provided in the Landscape & Visual Assessment Technical Report accompanying the application, or an amended Planting Plan that will achieve the same or better outcomes, prior to the vesting of Lot 200 with Council.

Note: The consent holder shall prepare the Planting Plan in consultation with GWRC and provide evidence to the Council's Development Engineer of the consultation undertaken and GWRC's agreement to the Planting Plan.

54. In consultation with KCDC's Stormwater Team, continue to undertake pest control in the constructed wetland to ensure plants are established and maintained for 5 years after it is vested in KCDC (in recognition of applicant's obligations under the GWRC consents).
55. The consent holder shall install of an overflow pipe in the Otaihanga Road reserve adjacent to the Waka Kotahi (NZ Transport Agency) property immediately east of the southern area of the site to allow discharge from that site of ponding caused in a 100-year flood event as shown in the Awa Technical Report accompanying the application.
56. The consent holder shall provide Council with a comprehensive Maintenance and Operations Manual for the stormwater disposal systems prior to vesting with Council. The Operations and Management Plan shall include details of the operation and maintenance of the Constructed Wetlands Swales, including a programme for inspection and maintenance of vegetation associated with the stormwater devices including the replacement of plants and the control of pest plants and animals to be undertaken by the consent holder for a minimum of 5 years after vesting with Council.

Note: The consent holder shall prepare the Maintenance and Operations Manual for the stormwater disposal system in consultation with GWRC and provide evidence to the Council's Development Engineer of the consultation undertaken and GWRC's agreement to the final manual.

Wastewater

57. The subdivision shall be serviced by a Pressure Sewer System designed in accordance with the Council's SDPR:2012, as well as any other relevant Council policy relating to the design and construction of Pressure Sewer Systems.
58. At least 20 working days prior to the commencement of works, engineering drawings supported by hydraulic calculations shall be sent to the Development Engineer for engineering acceptance in writing. The Development Engineer is to confirm certification within 20 working days of receipt of the engineering drawings.
59. The Approved Sanitary Sewer outfall for the common Council pressure sewer main shall be the manhole KWWN004946.
60. Each lot shall have a Boundary Kit located within the legal Road, or Right of Way outside the boundary of the lot. The pressure lateral from the Boundary Kit is to extend at least 600mm into the lot. The Boundary Kit and lateral shall be installed for all properties in a pressure zone prior to section 224(c) certification.
61. Installation of the common pressure sewer main and boundary kits in roads to vest shall be carried out by a Council Authorised Drainlayer.
62. Transfer of ownership (vesting) of reticulated pressure system to the Council will occur at the time of section 224(c) certification.
63. The consent holder shall provide Council with a comprehensive Maintenance and Operations Manual for the wastewater disposal systems that includes specifying the responsibilities of the property owner for their respective part of the system (including the Boundary Kit and lateral infrastructure) prior to vesting with Council.
64. The following conditions shall be recorded pursuant to Section 221 of the RMA in a Consent Notice registered on the Records of Title for Lots 1-46:
 - a. Each residential lot shall be served by a local pressure sewer unit comprising a pump and storage chamber which can accommodate at least 24 hours average

dry weather flow to be supplied by Aquatec, EcoFlow or another Council approved supplier.

- b. The property owner shall retain ownership of the local pressure sewer unit complete with pump, chamber and control equipment. The property owner will be responsible for the operation and maintenance of the complete system, including the lateral, up to the boundary kit, in accordance with the Maintenance and Operations Manual prepared by the consent holder as required by Condition 58.
- c. The electricity supply for the local pressure sewer unit shall be from the dwelling and metered to the dwelling serviced by the pump unit. The property owner shall be responsible for paying the power costs of operating the unit.
- d. Installation of the pressure sewer unit must be carried out by a Registered Drainlayer.
- e. The registered proprietor of the Lot agrees, in relation to the Pressure Sewer System to be bound by and comply with Council's standards, policies and requirements in relation to Pressure Sewer Systems.
- f. If the registered proprietor of a Lot leases the Lot or enters into a tenancy agreement in relation to the Lot or otherwise gives occupation of the Lot to a party other than the registered proprietor, then the registered proprietor shall ensure the occupier is aware of the obligations contained herein.

Note: This is an on-going condition, and a Consent Notice will be issued under section 221 of the RMA at the time of section 224(c) certificate. The Council is responsible for the infrastructure in the road, up to and including the boundary kit.

Water

65. At least 20 working days prior to the commencement of works, the consent holder shall submit copies of the plans and specifications for the water infrastructure for certification to the satisfaction of the Council's Development Engineer. The water infrastructure must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of Council's SDPR:2012 and the technical reports prepared by Awa and Cuttriss as part of the resource consent application, including information provided by the applicant in part of the S92 response. No works shall commence until the plans are approved by the Council's Development Engineer. The Development Engineer is to confirm certification within 20 working days of receipt of the engineering plans and specifications.
66. Firefighting requirements shall comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Roading

67. Prior to an application being lodged for section 224(c) certification, a developer agreement shall have been signed by Council and the Applicant and a financial contribution be paid to Council for improvement works to Tieko Street.
68. Final design details of Lots 100, 101 and the new Otaihanga Road intersection shall be submitted to Council for certification in writing by the Access and Transport Manager at least 20 working days prior to the commencement of works. The Access and Transport Manager is to confirm certification within 20 working days of receipt of the final design plans.
69. Detailed Design and Post Construction road safety audits are required for the following:
 - All proposed access roads;
 - The intersection of the proposed access road with Otaihanga Road; and

- The proposed Lot 104 path linking the proposed access roads.

These road safety audits are to be carried out in accordance with the Waka Kotahi (NZTA) Road Safety Audit Procedures for Projects May 2013 by a suitably qualified road safety audit team with a specialism and track record in undertaking walking and cycling road safety audits.

70. Any signage / road markings must be in accordance with TCD's, The Manual for Traffic Signs and Signals: 2010 and Traffic Control Devices Manual: 2008.
71. Prior to an application being lodged for section 224(c) certification, the existing redundant driveway on Otaihanga Road adjacent to Lot 105 is to be removed and reinstated to line and level footpath and grass berm.
72. Prior to an application being lodged for section 224(c) certification, street lighting columns and Luminaire shall be provided to service the development roads, accordance with KDC's Standard Details and Specifications for Road Lighting Infrastructure Version 1.1: 2018 (<https://www.KapitiCoast.govt.nz/media/34265/streetlighting-design-guidelines.pdf>). The street lighting layout shall comply with AS/NZS 1158 (Category P) including all referenced standards including NZTA M30, Specification and Guidelines 2014. Any streetlight installed within the development shall be provided with a separate street lighting system.

Note: This condition does not apply to the Shared Urban Pathway (Lot 104).

73. At least 20 working days prior to the commencement of works, a Construction Traffic Management Plan (CTMP) shall be submitted to and certified in writing by the Access and Transport Manager. The Access and Transport Manager is to confirm certification within 20 working days of receipt of the CTMP. The CTMP shall cover the following topics:
 - a. Details of the traffic management of Tiekō Street and Otaihanga Road
 - b. Details of control of mud and detritus from the site onto the road – onsite wheel washing and off-site road sweeping
 - c. Details of on-site turning for delivery vehicles
 - d. Site compound location shown on a plan
 - e. Identified areas for site offices and site operative parking
 - f. Methods to minimise the use of Tiekō Street by construction traffic; inclusion of forecasts of vehicle types and daily volumes (typical & peak) using each site access point during the various stages of construction
 - g. Ensuring additional damage by construction traffic to the road pavement on Tiekō Street is avoided; a baseline pavement condition inspection will be undertaken prior to construction and the CTMP would provide a mechanism for the repair of the road pavement back to baseline standard
 - h. Ensuring the safe turning of construction traffic to and from Otaihanga Road and any site access points; truck access to the site at the southern end of the Otaihanga Road frontage will only be allowed once the proposed new Otaihanga Road intersection is constructed
 - i. Construction traffic movements on Tiekō Street during daylight hours only given the lack of lighting
 - j. Avoid construction traffic activity on weekends and public holidays when recreational use of the existing Otaihanga Road shared path can be expected to be busier

- k. All construction traffic to park within the site
- l. Record of communication undertaken with Tieko Street residents to identify any specific access requirements or constraints that need to be accommodated
- m. Description of how construction traffic activity will be communicated to local residents along with an incident reporting process.

Note: The purpose of the CTMP is to ensure the safe interaction between all road users (including pedestrians) on Tieko Street and construction traffic, with particular consideration of pedestrians and cyclists and the safe crossing of the site accesses on Otaihangā Road with particular regard to the existing frontage shared path.

- 74. No works shall commence until the CTMP is certified in writing.
- 75. With respect to Tieko Street, construction vehicle movements shall be restricted to 200 vehicle movements per day. Vehicle movements per day shall be calculated based on the following rates as defined in the Operative District Plan 2021:
 - i. 1 car moving to and from a site comprises two vehicle movements;
 - ii. 1 truck moving to and from a site comprises six vehicle movements; and
 - iii. 1 truck and trailer moving to and from a site comprises ten vehicle movements.

Note: The consent holder is required to keep a record of Tieko Street construction vehicle movements to demonstrate compliance with the above condition that will be available to Council upon request.

Lot 104

- 76. The shared path shall be constructed in accordance with the Final Approved Plans detailed in Condition 1 above, and shall include:
 - a. Measures (i.e., bollards or similar) at the northern and southern ends of the shared path preventing access by motorised vehicles; and
 - b. Clear and legible wayfinding and directional signage to/from the shared path that shall be approved by Council's Access and Transport Manager prior to installation.

Landscaping and Natural Environment

- 77. A Landscape Management Plan (LMP) shall be provided at least 20 working days prior to the purchasing of plants for certification by Council's Development Engineer and be implemented in the first planting season following completion of the civil works. The LMP shall achieve the outcomes contained within the approved Landscape Concept Plan referenced in Condition 1, and as a minimum contain the following:
 - Existing vegetation to be retained;
 - Any vegetation to be removed;
 - The extent of planting, paved (impermeable) surfaces and other landscaping elements;
 - Details of plant species that shall be native to the Foxton Ecological District;
 - Location of plants;
 - Number of plants;
 - Plant grade sizes;
 - Identification of areas where early planting can occur (i.e., immediately after earthworks have been completed)

- An implementation plan describing the methods of soil preparation, details of drainage, fertilising, mulching, spraying, irrigation, staking tree pits, ongoing maintenance, replacing of dead/poorly performing plants and weed and pest management;
 - Scheduling of work, including maintenance to ensure successful establishment; and,
 - The location, height, and type of fencing.
78. The consent holder shall provide an onsite 1ha northern grass skink habitat area to be fenced and planted around northern most wetland on Lot 5 as shown on the Final Approved Plans detailed in condition 1.
- Note:** The consent holder shall prepare a Lizard Management Plan to meet any requirements of the Wildlife Act to establish the skink habitat area and provide a copy to Council for information purposes.
79. The consent holder shall undertake animal pest control in the Lizard Habitat area in Lot 5 within 1 month prior to and during construction targeting mustelids, hedgehogs, and rats.
80. Prior to lodging an application for section 224(c) certification, the consent holder shall ensure natural wetlands on Lots 1, 2, 5, 14-18 and 20 are fenced to provide a 10m buffer (except where already fenced or the wetland and/or buffer area would exceed the site boundary); undertake pest plant control; and undertake planting with appropriate wetland species.
- Note:** A Consent Notice under Section 221 of the RMA will be issued for any lot that include natural wetlands to ensure the long-term management of the 10m buffer by the new lot owner. Where practicable, the edges of wetlands are to be retained as natural as possible.
81. At least 20 working days prior to the commencement of works, the consent holder shall provide to Council for certification an Ecological Management Plan in respect to the 10m natural wetland buffers. The Ecological Management Plan shall detail:
- Pest plant species to be removed and methodologies for removal
 - Animal pest control
 - Plant schedules with indigenous species appropriate for wetland habitats
 - Records of consultation with Ātiawa ki Whakarongotai in relation to appropriate plant species
 - Maintenance of planted wetland buffers
- Note:** The purpose of the Ecological Management Plan is to enhance the biodiversity values of the four natural wetlands.
82. Prior to making an application for section 224(c), the consent holder shall ensure the kānuka stands identified in the Wildlands Report (Appendix G accompanying the application) have pest plant management and underplanting within the groves undertaken, where required.
- Note:** A Consent Notice under Section 221 of the RMA will be issued for any lot that include kānuka stands that requires the new Lot/s owner to undertake pest plant management on an ongoing basis.
83. The consent holder shall ensure all woody vegetation to be removed during construction is undertaken outside of the bird breeding season (September – March inclusive).

Note: If removal of woody material occurs within the bird breeding season is required, a suitably qualified ecologist shall undertake a visual survey for active bird nesting within 48 hours from the commencement of the works. If active nests are observed these should be taped off and clearing should not occur until such time as fledglings have left the nest.

84. The existing kānuka stands identified within Lots 1, 2, 5 and 20 on the Final Approved Plans detailed in Condition 1 above, shall not be modified or removed, other than for:
- a. the removal of pest species;
 - b. the control of fire or other hazards;
 - c. the removal of kanuka that are damaged, dead or dying, or have sustained storm damage, or are fatally diseased such that:
 - o the kānuka are no longer independently viable;
 - o the kānuka present a risk of serious harm to people or property; or
 - o the kānuka risk damaging surrounding vegetation.

Where it is proposed to modify vegetation under (c) above, an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification must certify in writing that the standards detailed have been met. This certification must be provided to Council at least five working days prior to the commencement of works and the works must be carried out by an arborist with the relevant qualifications.

Note: A Consent Notice under Section 221 of the RMA will be issued for Lots 1, 2, 5 and 20 to facilitate the recording of this condition, which is to be complied with on an ongoing basis.

85. If it becomes necessary to remove the existing shelterbelt on the Lot 19 dogleg between 44 Tieko Street and Lot 101 as shown on the Scheme Plan during the construction process of the new road, the Applicant will undertake the following replanting, to be completed prior to the issue of the s224 RMA certificate. The planting will be exclusively located on the Lot 19 dogleg and must not be located on the proposed road reserve (Lot 101)
- a. Removal of the stumps
 - b. Soil conditioner/compost mixed through the top 400mm of soil to improve the soil's nutrient levels.
 - c. Plant the following species at 1200mm centres on the bank:
 - o Phormium tenax (flax)
 - o Pittosporum tenuifolium (black mapou)
 - o Kunzea ericoides (kānuka)
 - o Griselinia littoralis (broadleaf)
 - o Pseudopanax arboreus (seven-finger, whauwhaupaku)
 - o Cordyline australis (cabbage tree, ti kōuka)
 - d. Rabbit proofing and 100mm of mulch to get established.
 - e. All landscaping required for this consent shall be maintained for the first 3 months following planting. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of the same species to the planted landscaping.

Power and Telecommunications

86. 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.

Completion Requirements

87. 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 roads/access ways are to be included in RAMM as part of the roading as-built data transfer.

Advice Notes:

- In the first instance, all management plans shall be submitted electronically to development.engineers@Kāpiticoast.govt.nz for certification. While individual conditions may require certification by other Council officers, this process will be managed by the Development Engineers.
- 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@Kāpiticoast.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 Kāpiti 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 Kāpiti 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 10 years from the date of the decision, 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.
- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:
 - a. 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.
 - b. 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.
 - c. Work must be undertaken in accordance with Councils guides and standard drawings. Examples of forms, guides and standards drawings (engineering plans) are available for download or print from the Council website and examples include:
 - a. Vehicle Installation Information;
 - b. Vehicle Crossing Application Form;
 - c. Roding Standard Drawings; and
 - d. Vehicle Crossing Guidelines.
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's Development Contribution Policy 2020 when creating new 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:

Items	Fees including GST(NZD)
Roading & Transport - Districtwide	\$2,063.83
Stormwater - Districtwide	\$512.30
Community Infrastructure - Districtwide	\$1,754.36
Subtotal	\$4,330.49
Total (39 additional allotment)	\$168,889.11

There are 39 additional allotments 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) unless a Development Agreement has been entered into with the Council, prior to the lodgement of an application for Section 224(c) certification.

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 - COORDINATES ARE IN TERMS OF NEW ZEALAND GEODETIC 2000 DATUM, WANGANUI CIRCUIT.
 - LEVELS ARE IN TERMS OF MEAN SEA LEVEL WELLINGTON VERTICAL DATUM 1953. ORIGIN OF LEVELS: OIT II DP 82978 RL 5.806, ELLIPSOIDAL HEIGHT CONVERSION, 18 JULY 2019
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 - SERVICES HAVE BEEN LOCATED ON SITE WHERE POSSIBLE, OTHERWISE SHOWN FROM KCDC RECORDS, AND SHOULD BE VERIFIED ON SITE
 - CONTOUR INTERVAL: 1.0m
 - SURVEYED BY: N TAYLOR & S TURKINGTON, 18 JULY 2019
 - INSTRUMENT USED: TRIMBLE GPS RTK R10 VRS & DJI PHANTOM 4 PRO
 - BOUNDARY LEVELS FOR DETERMINATION OF CRITICAL RECEPTION PLANES MUST BE CONFIRMED PRIOR TO ANY APPLICATION FOR BUILDING CONSENT
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 - NATURAL WETLAND EXTENT & KĀNUKA EXTENT TAKEN FROM INFORMATION SUPPLIED BY WILDLANDS ECOLOGY, RECEIVED 22-09-2020.
 - PART LOT 2 DP 57614, PART LOT 5 DP 84524, PART LOT 2 DP 303764 & SECTION 4 SO 469849 ARE TO BE AMALGAMATED AND ARE INTENDED TO BECOME LOT 5 DP 570061



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

- LEGEND**
- BOUNDARY EASEMENT
 - 40m OFFSET FROM EDGE OF HIGHWAY
 - 80m OFFSET FROM EDGE OF HIGHWAY
 - DEVELOPMENT SITE
 - NOTIONAL 20m BUILDING CIRCLE
 - NATURAL WETLAND EXTENT



REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

ISSUED



PROJECT
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
SCHEME PLAN - DEVELOPMENT OVERVIEW
 CLIENT
MANSELL

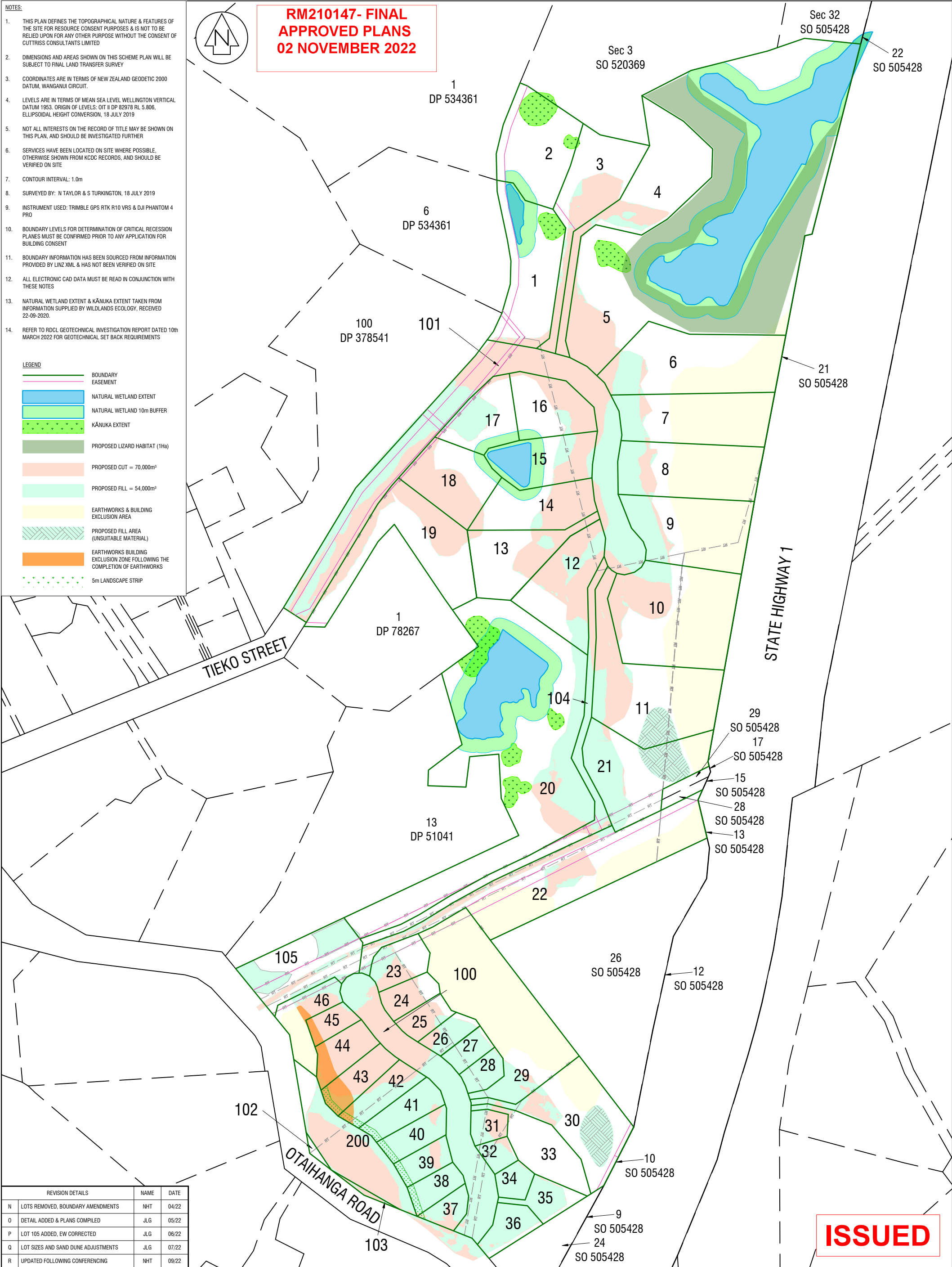
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FIELDWORK	NHT	DATE	07/19	DRAWING NUMBER	
DESIGNED	NHT	DATE	11/20	22208 SCH1	
DRAWN	NHT	DATE	11/20	SHEET	1 OF 21 SHEETS
CHECKED	NKT	DATE	11/20	REVISION	R

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 - CONTOUR INTERVAL: 1.0m
 - SURVEYED BY: N TAYLOR & S TURKINGTON, 18 JULY 2019
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 - REFER TO RDCL GEOTECHNICAL INVESTIGATION REPORT DATED 10th MARCH 2022 FOR GEOTECHNICAL SET BACK REQUIREMENTS



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

- LEGEND**
- BOUNDARY EASEMENT
 - NATURAL WETLAND EXTENT
 - NATURAL WETLAND 10m BUFFER
 - KĀNUKA EXTENT
 - PROPOSED LIZARD HABITAT (1Ha)
 - PROPOSED CUT = 70,000m³
 - PROPOSED FILL = 54,000m³
 - EARTHWORKS & BUILDING EXCLUSION AREA
 - PROPOSED FILL AREA (UNSUITABLE MATERIAL)
 - EARTHWORKS BUILDING EXCLUSION ZONE FOLLOWING THE COMPLETION OF EARTHWORKS
 - 5m LANDSCAPE STRIP



REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

ISSUED



PROJECT
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
SCHEME PLAN - ECOLOGICAL CONSTRAINTS & EARTHWORKS

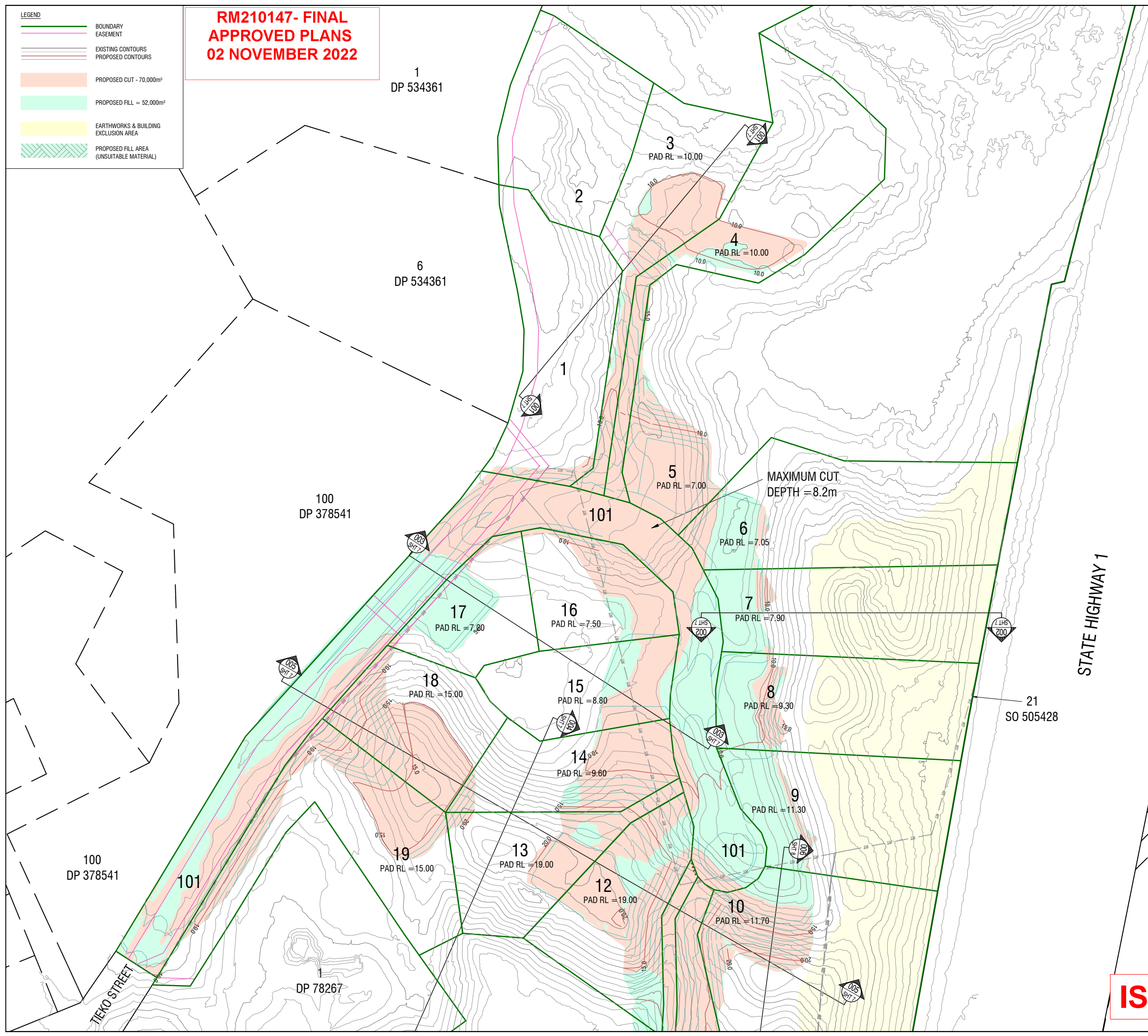
CLIENT
MANSELL

SCALE	A1 1:1250	REDUCED SCALE	A3-1:2500
FIELDWORK	NHT 07/19	DESIGNED	NHT 11/20
DESIGNED	NHT 11/20	DRAWN	NHT 11/20
DRAWN	NHT 11/20	CHECKED	NKT 11/20
DRAWING NUMBER		22208 SCH1	
SHEET		3 OF 21 SHEETS	
REVISION		R	

LEGEND

	BOUNDARY EASEMENT
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED CUT - 70,000m ³
	PROPOSED FILL = 52,000m ³
	EARTHWORKS & BUILDING EXCLUSION AREA
	PROPOSED FILL AREA (UNSUITABLE MATERIAL)

**RM210147- FINAL APPROVED PLANS
02 NOVEMBER 2022**



REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

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 - EXTENT OF UNSUITABLE MATERIAL DISPOSAL AREAS TO BE CONFIRMED DURING CONSTRUCTION.
 - REFER TO RDCL GEOTECHNICAL INVESTIGATION REPORT DATED 10th MARCH 2022 FOR GEOTECHNICAL SET BACK REQUIREMENTS

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PROJECT
PROPOSED SUBDIVISION
PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428
131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
EARTHWORKS 01**

SCALE A1 - 1:750		REDUCED SCALE A3 - 1:1500	
FIELDWORK	NHT	07/19	DRAWING NUMBER 22208 SCH1
DESIGNED	NHT	11/20	
DRAWN	NHT	11/20	SHEET 4 OF 21 SHEETS
CHECKED	NKT	11/20	
REVISION			R

ISSUED



**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**

100
DP 378541

101

TIEKO STREET

DP 78267

19
PAD RL = 15.00

13
PAD RL = 19.00

12
PAD RL = 19.00

101
PAD RL = 11.30

10
PAD RL = 11.70

004
SHT 7

006
SHT 8

005
SHT 7

006
SHT 8

104
PAD RL = 16.00

MAXIMUM
FILL DEPTH
= 7.4m

007
SHT 8

21
PAD RL = 14.80

20
PAD RL = 14.80

13
DP 51041

22
PAD RL = 12.70

007
SHT 8

ISSUED

LEGEND	
	BOUNDARY EASEMENT
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED CUT - 70,000m³
	PROPOSED FILL = 52,000m³
	EARTHWORKS & BUILDING EXCLUSION AREA
	PROPOSED FILL AREA (UNSUITABLE MATERIAL)

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERRING	NHT	09/22

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PROJECT
PROPOSED SUBDIVISION
PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
EARTHWORKS 02**

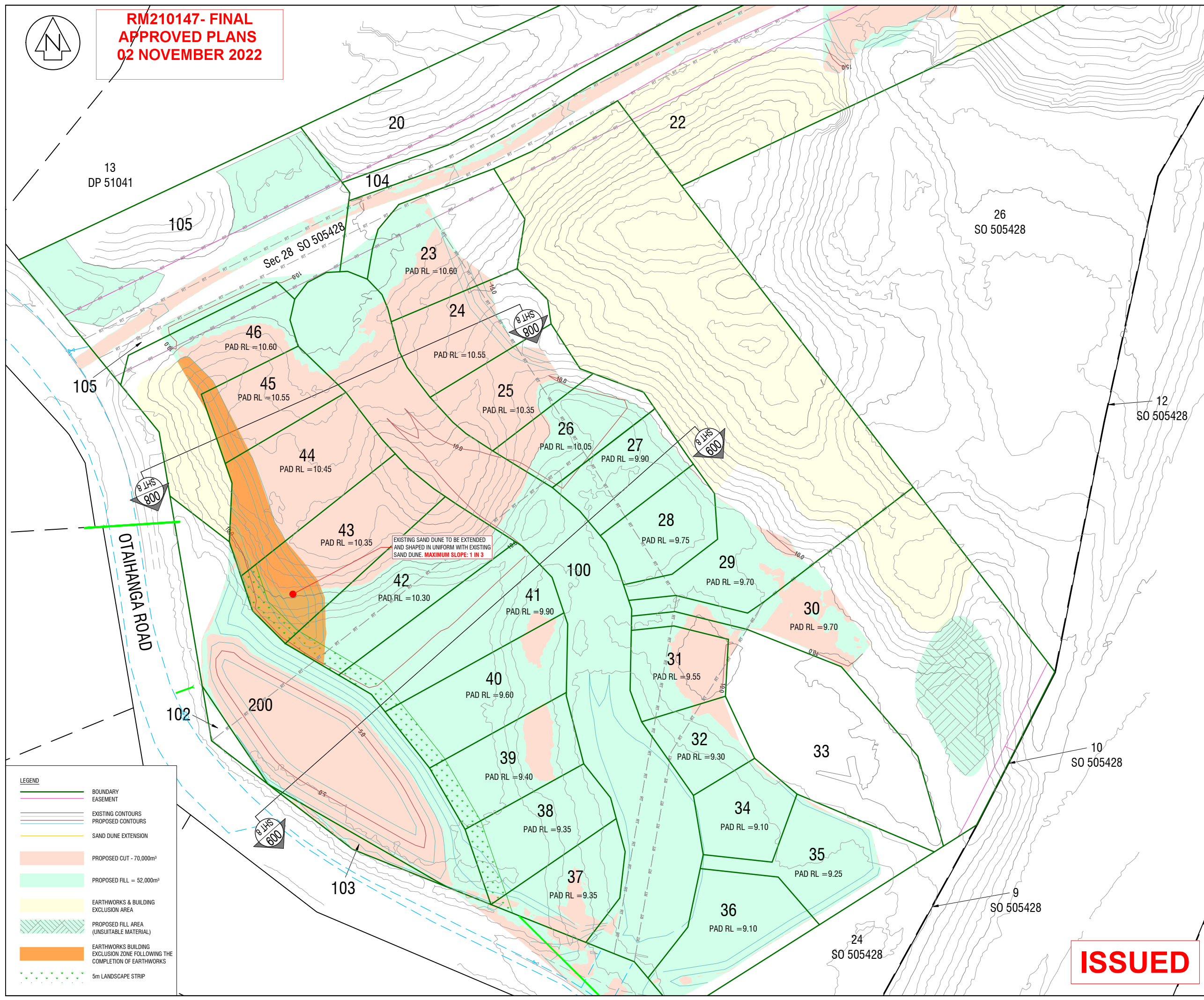
SCALE
A1 - 1:500

REDUCED SCALE
A3 - 1:1000

NAME	DATE	DRAWING NUMBER
FIELDWORK	NHT 07/19	22208 SCH1
DESIGNED	NHT 11/20	
DRAWN	NHT 11/20	SHEET 5 OF 21 SHEETS
CHECKED	NKT 11/20	REVISION R



**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**



REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

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PROJECT
PROPOSED SUBDIVISION
PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428
131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
EARTHWORKS 03**

SCALE
A1 - 1:500

REDUCED SCALE
A3 - 1:1000

NAME	DATE	DRAWING NUMBER
FIELDWORK	NHT 07/19	22208 SCH1
DESIGNED	NHT 11/20	
DRAWN	NHT 11/20	SHEET 6 OF 21 SHEETS
CHECKED	NHT 11/20	
REVISION		R

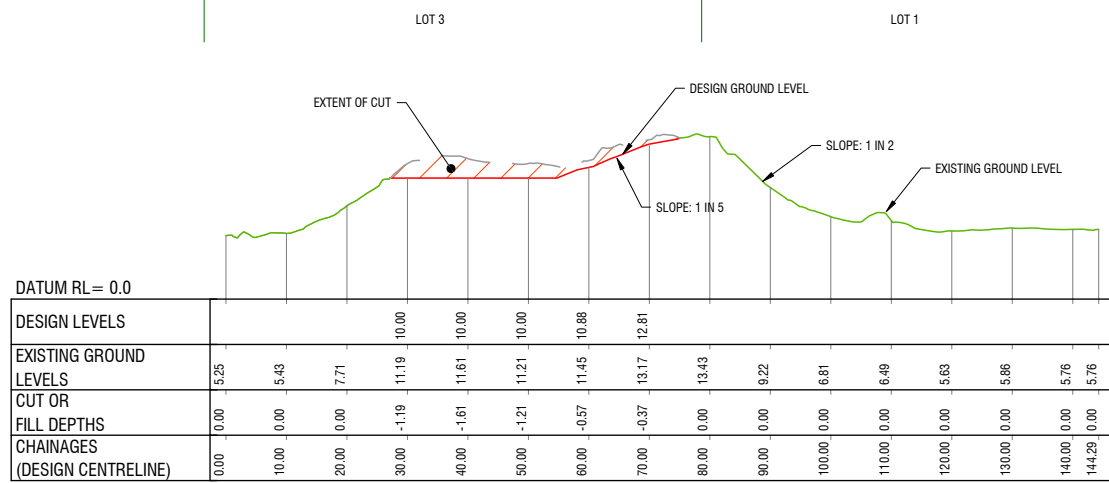
LEGEND

	BOUNDARY EASEMENT
	EXISTING CONTOURS
	PROPOSED CONTOURS
	SAND DUNE EXTENSION
	PROPOSED CUT - 70,000m³
	PROPOSED FILL = 52,000m³
	EARTHWORKS & BUILDING EXCLUSION AREA
	PROPOSED FILL AREA (UNSUITABLE MATERIAL)
	EARTHWORKS BUILDING EXCLUSION ZONE FOLLOWING THE COMPLETION OF EARTHWORKS
	5m LANDSCAPE STRIP

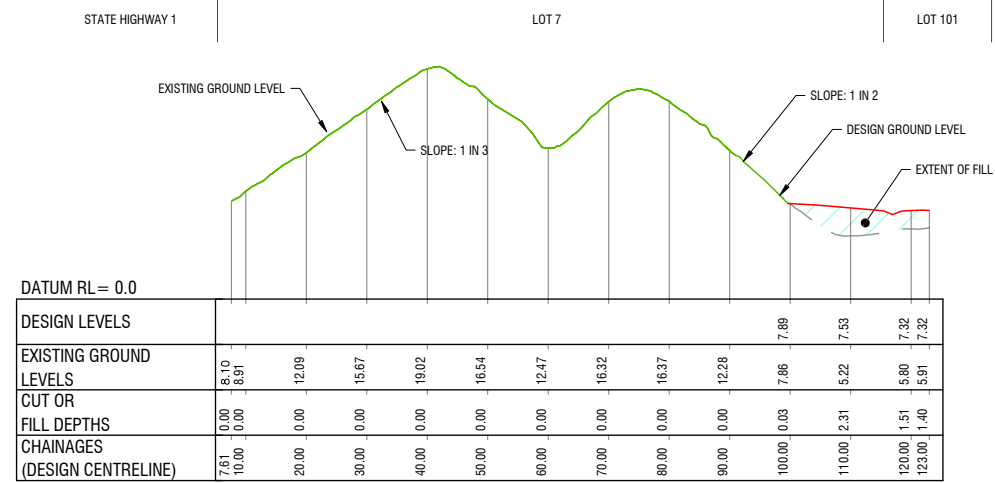
ISSUED



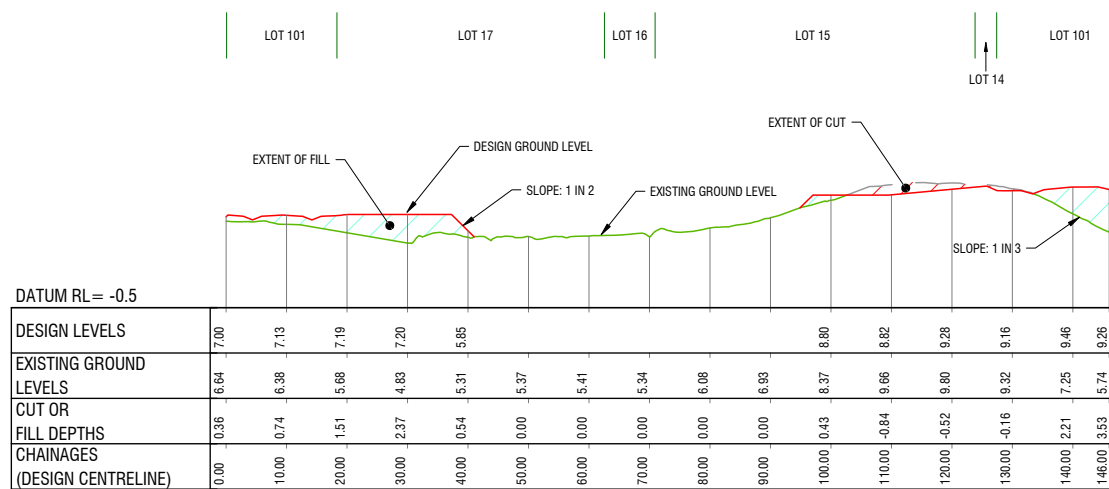
**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**



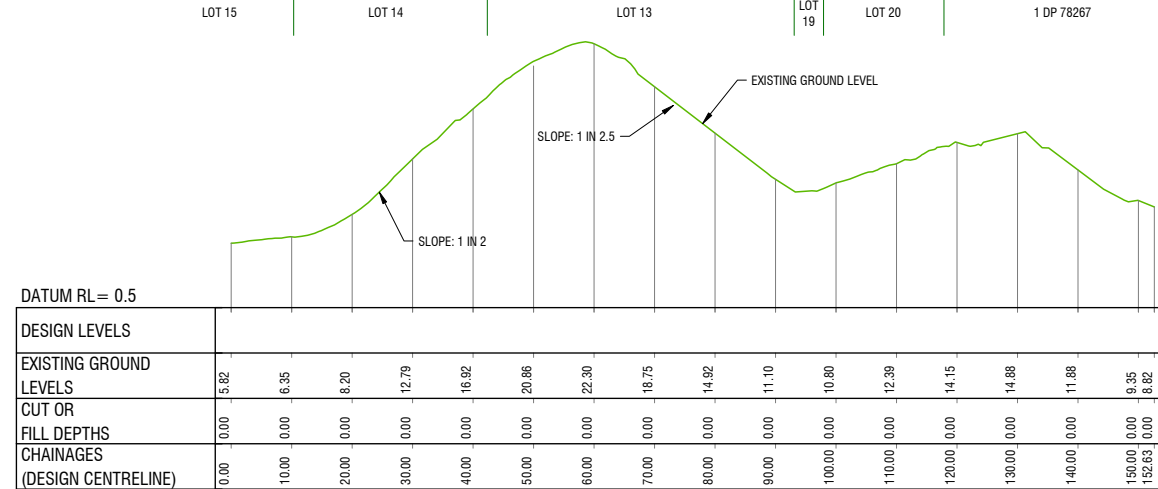
01 EW CROSS SECTION
SHT 4 HORIZONTAL SCALE: 1:500
VERTICAL SCALE 1:250



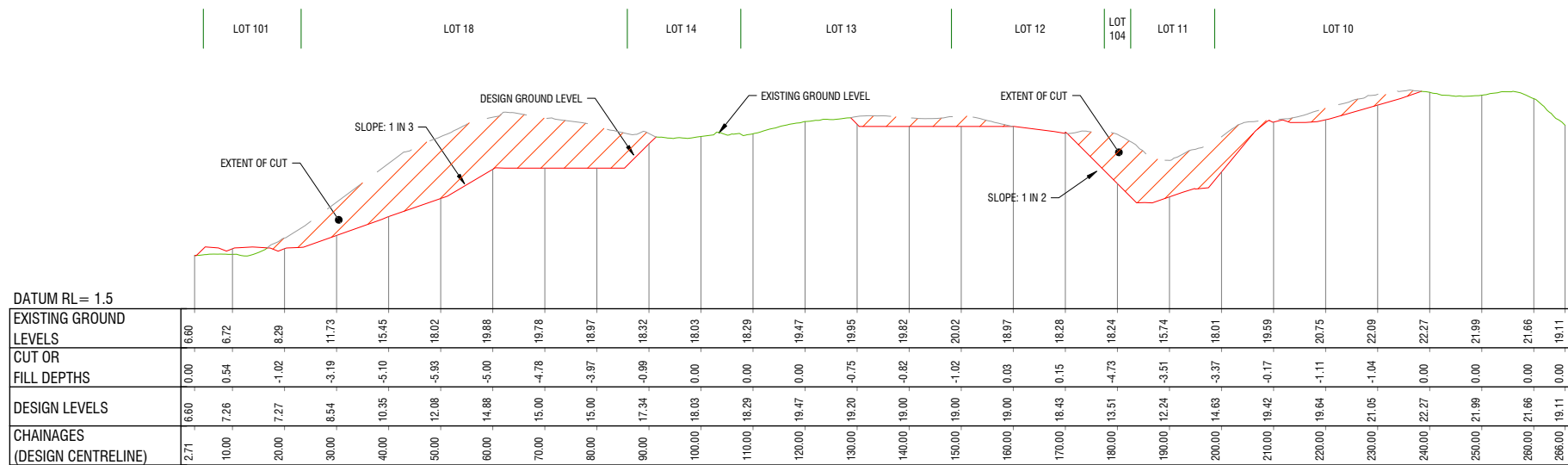
02 EW CROSS SECTION
SHT 4 HORIZONTAL SCALE: 1:500
VERTICAL SCALE 1:250



03 EW CROSS SECTION
SHT 4 HORIZONTAL SCALE: 1:500
VERTICAL SCALE 1:250



04 EW CROSS SECTION
SHT 4 HORIZONTAL SCALE: 1:500
VERTICAL SCALE 1:250



05 EW CROSS SECTION
SHT 4 HORIZONTAL SCALE: 1:500
VERTICAL SCALE 1:250

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
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 - CONTOUR INTERVAL: 1.0m
 - SURVEYED BY: N TAYLOR & S TURKINGTON, 18 JULY 2019
 - INSTRUMENT USED: TRIMBLE GPS RTK R10 VRS & DJI PHANTOM 4 PRO
 - BOUNDARY LEVELS FOR DETERMINATION OF CRITICAL RECESSON PLANES MUST BE CONFIRMED PRIOR TO ANY APPLICATION FOR BUILDING CONSENT
 - BOUNDARY INFORMATION HAS BEEN SOURCED FROM INFORMATION PROVIDED BY LINZ XML & HAS NOT BEEN VERIFIED ON SITE
 - ALL ELECTRONIC CAD DATA MUST BE READ IN CONJUNCTION WITH THESE NOTES
 - WETLAND EXTENT & KĀNUKA EXTENT TAKEN FROM INFORMATION SUPPLIED BY WILDLANDS ECOLOGY, RECEIVED 22-09-2020.
 - EXISTING EASEMENTS TO BE SURRENDERED AS NECESSARY.
 - EXTENT OF UNSUITABLE MATERIAL DISPOSAL AREAS TO BE CONFIRMED DURING CONSTRUCTION.
 - REFER TO RDCL GEOTECHNICAL INVESTIGATION REPORT DATED 10th MARCH 2022 FOR GEOTECHNICAL SET BACK REQUIREMENTS

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PROJECT
PROPOSED SUBDIVISION
PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428
131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
EARTHWORKS
CROSS SECTIONS 01**

SCALE		REDUCED SCALE	
A1 - AS SHOWN		A3 - AS SHOWN	
DRAWING NUMBER		DRAWING NUMBER	
FIELDWORK	NHT 07/19	22208 SCH1	
DESIGNED	NHT 11/20	SHEET 7 OF 21 SHEETS	
DRAWN	NHT 11/20	REVISION R	
CHECKED	NHT 11/20		

ISSUED

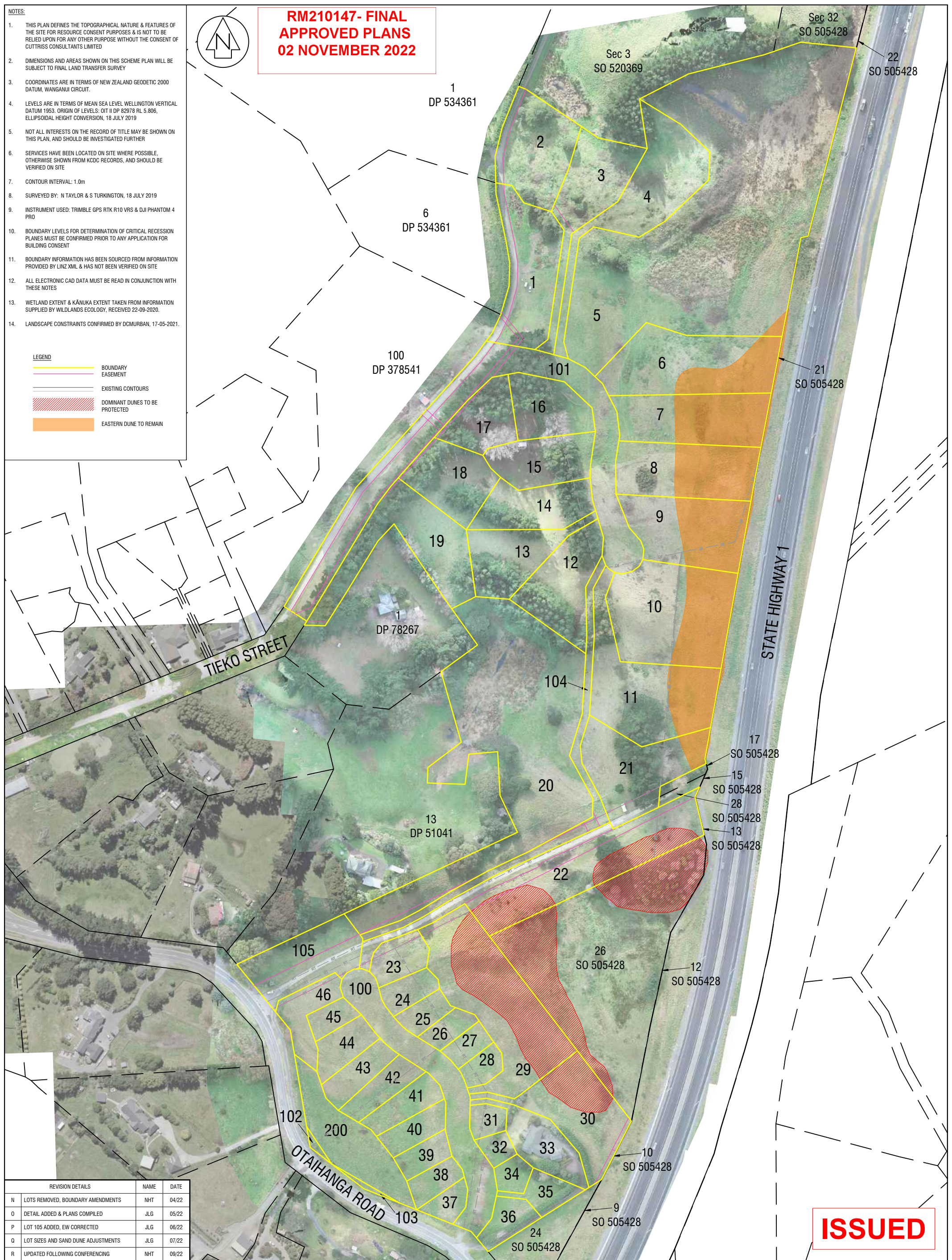
- NOTES:**
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 - DIMENSIONS AND AREAS SHOWN ON THIS SCHEME PLAN WILL BE SUBJECT TO FINAL LAND TRANSFER SURVEY
 - COORDINATES ARE IN TERMS OF NEW ZEALAND GEODETIC 2000 DATUM, WANGANUI CIRCUIT.
 - LEVELS ARE IN TERMS OF MEAN SEA LEVEL WELLINGTON VERTICAL DATUM 1953. ORIGIN OF LEVELS: OIT II DP 82978 RL 5.806, ELLIPSOIDAL HEIGHT CONVERSION, 18 JULY 2019
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 - CONTOUR INTERVAL: 1.0m
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 - INSTRUMENT USED: TRIMBLE GPS RTK R10 VRS & DJI PHANTOM 4 PRO
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 - LANDSCAPE CONSTRAINTS CONFIRMED BY DCMURBAN, 17-05-2021.



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

LEGEND

	BOUNDARY EASEMENT
	EXISTING CONTOURS
	DOMINANT DUNES TO BE PROTECTED
	EASTERN DUNE TO REMAIN



REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

ISSUED



PROJECT
 PROPOSED SUBDIVISION
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
SCHEME PLAN - LANDSCAPE CONSTRAINTS

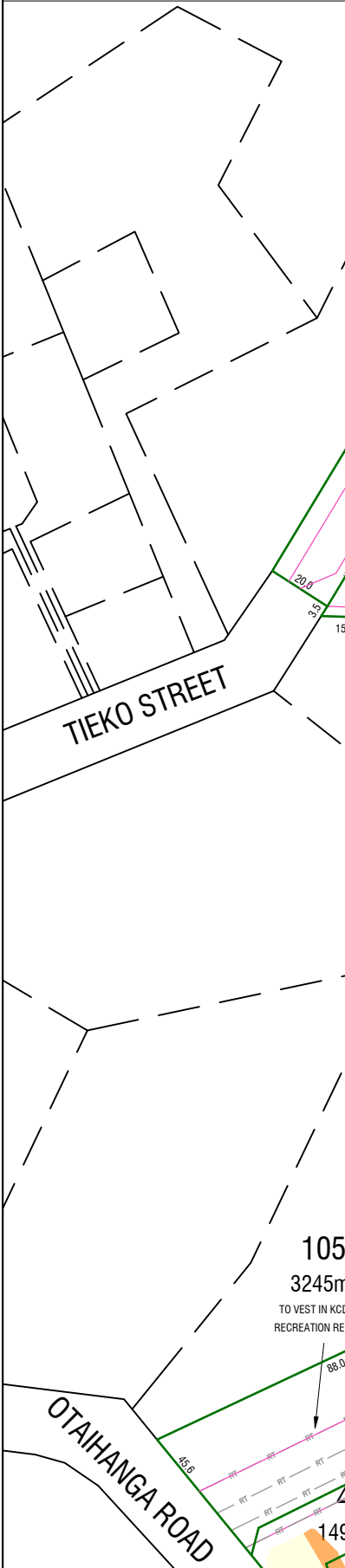
CLIENT
MANSELL

SCALE	A1 1:1250	REDUCED SCALE	A3-1:2500
FIELDWORK	NHT 07/19	DRAWING NUMBER	
DESIGNED	NHT 11/20	22208 SCH1	
DRAWN	NHT 11/20	SHEET	9 OF 21 SHEETS
CHECKED	NKT 11/20	REVISION	R

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 - EXISTING EASEMENTS TO BE SURRENDERED AS NECESSARY.
 - EASEMENTS TO BE CREATED FOR SERVICES AND ACCESS AS REQUIRED
 - PART LOT 2 DP 57614, PART LOT 5 DP 84524, PART LOT 2 DP 303764 & SECTION 4 SO 469849 ARE TO BE AMALGAMATED AND ARE INTENDED TO BECOME LOT 5 DP 570061



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022



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PROJECT
 PROPOSED SUBDIVISION
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 SCHEME PLAN - LEGAL 01

CLIENT
 MANSELL

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERRING	NHT	09/22

SCALE			REDUCED SCALE		
A1 1:1000			A3 1:2000		
FIELDWORK	NAME	DATE	DRAWING NUMBER		
DESIGNED	NHT	07/19	22208 SCH1		
DRAWN	NHT	11/20	SHEET	10	OF 21 SHEETS
CHECKED	NKT	11/20	REVISION		R

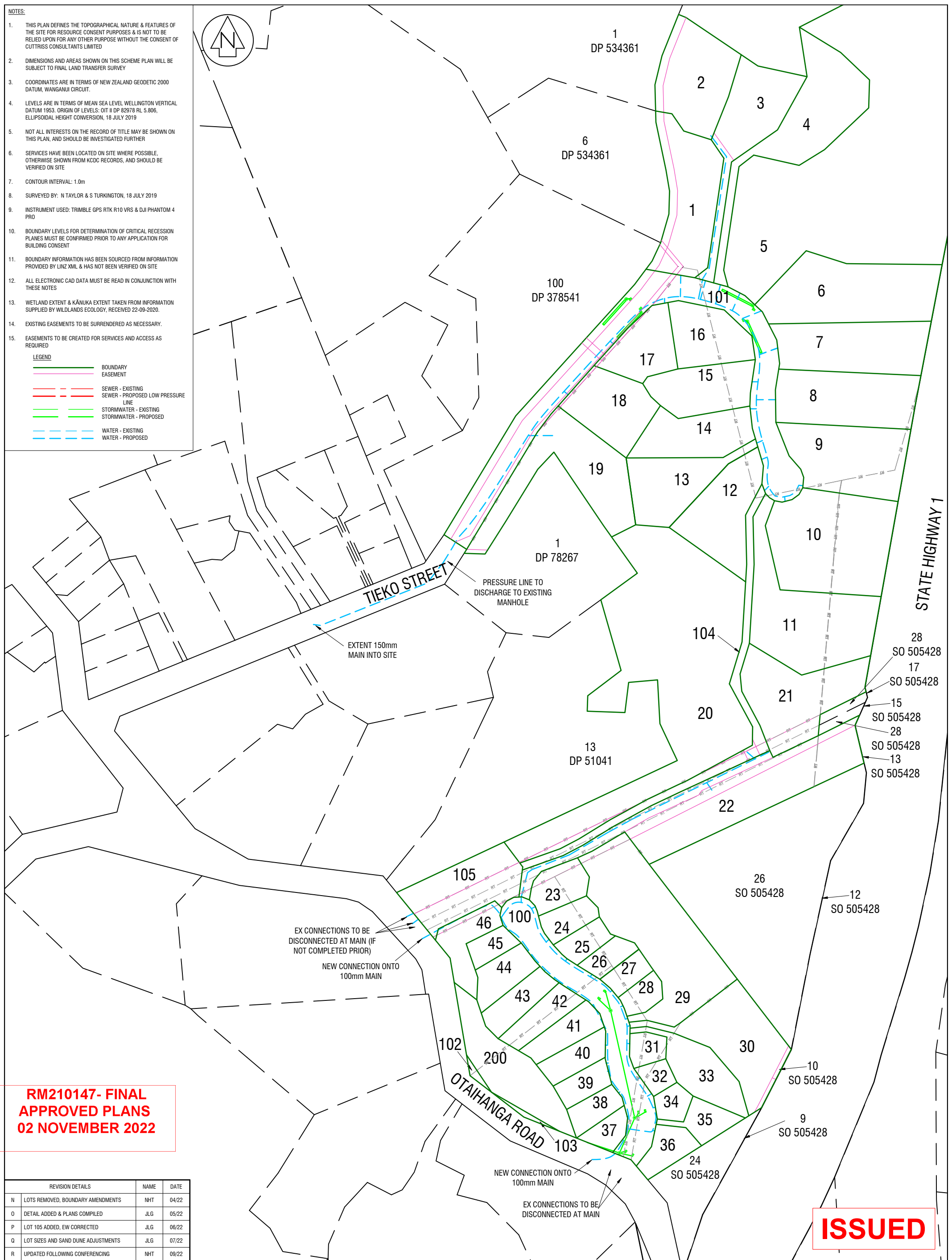
ISSUED

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 - EASEMENTS TO BE CREATED FOR SERVICES AND ACCESS AS REQUIRED



LEGEND

	BOUNDARY
	EASEMENT
	SEWER - EXISTING
	SEWER - PROPOSED LOW PRESSURE LINE
	STORMWATER - EXISTING
	STORMWATER - PROPOSED
	WATER - EXISTING
	WATER - PROPOSED



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

ISSUED



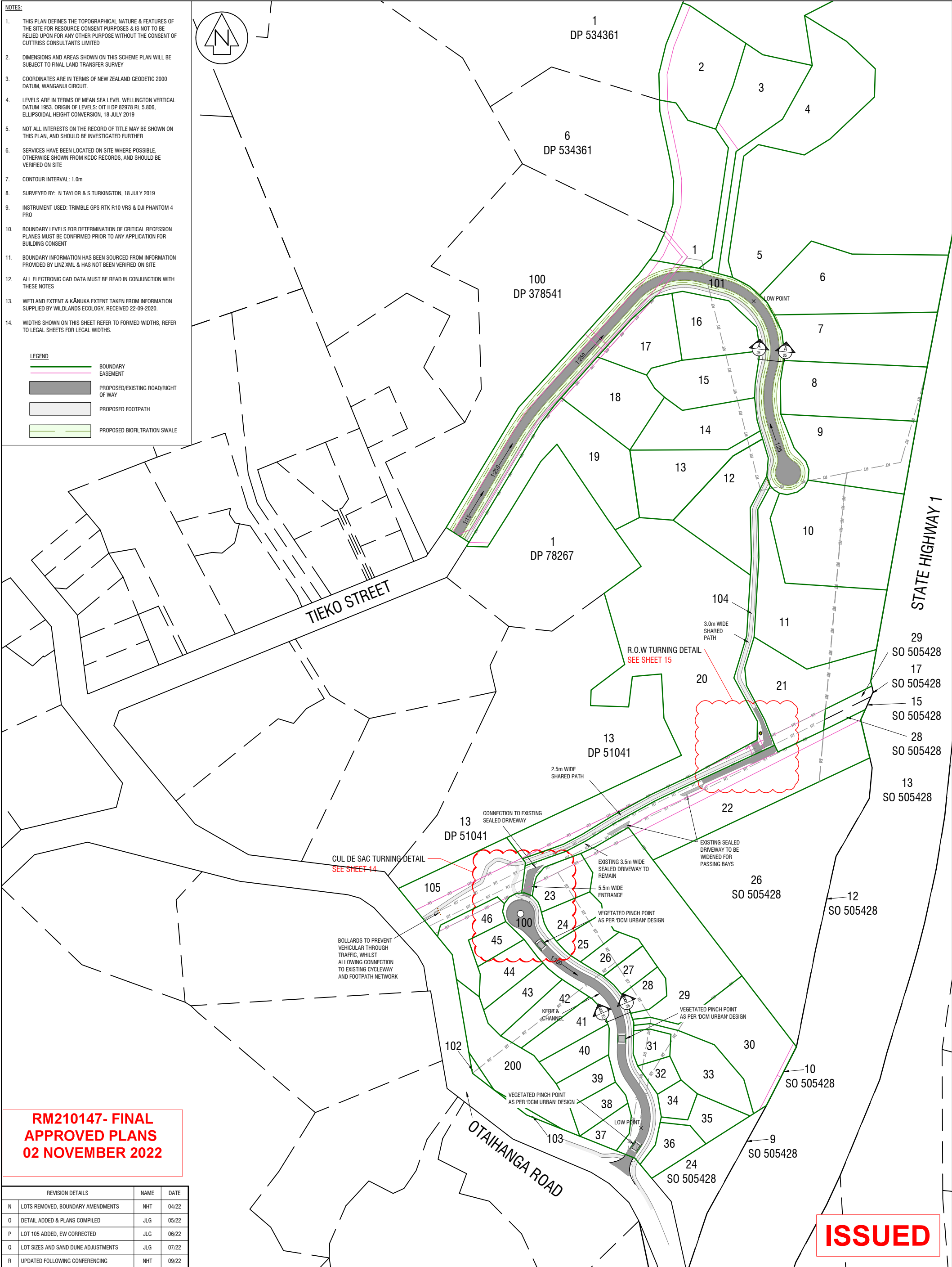
PROJECT
 PROPOSED SUBDIVISION
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
 SCHEME PLAN - SERVICES
 CLIENT
 MANSELL

SCALE A1 1:1250			REDUCED SCALE A3-1:2500		
FIELDWORK	NHT	07/19	DRAWING NUMBER 22208 SCH1		
DESIGNED	NHT	11/20	SHEET 12 OF 21 SHEETS		
DRAWN	NHT	11/20	REVISION R		
CHECKED	NKT	11/20			

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 - WIDTHS SHOWN ON THIS SHEET REFER TO FORMED WIDTHS, REFER TO LEGAL SHEETS FOR LEGAL WIDTHS.



- LEGEND**
- BOUNDARY EASEMENT
 - PROPOSED/EXISTING ROAD/RIGHT OF WAY
 - PROPOSED FOOTPATH
 - PROPOSED BIOFILTRATION SWALE



RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

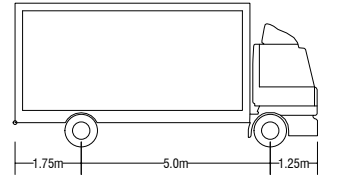
REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

ISSUED



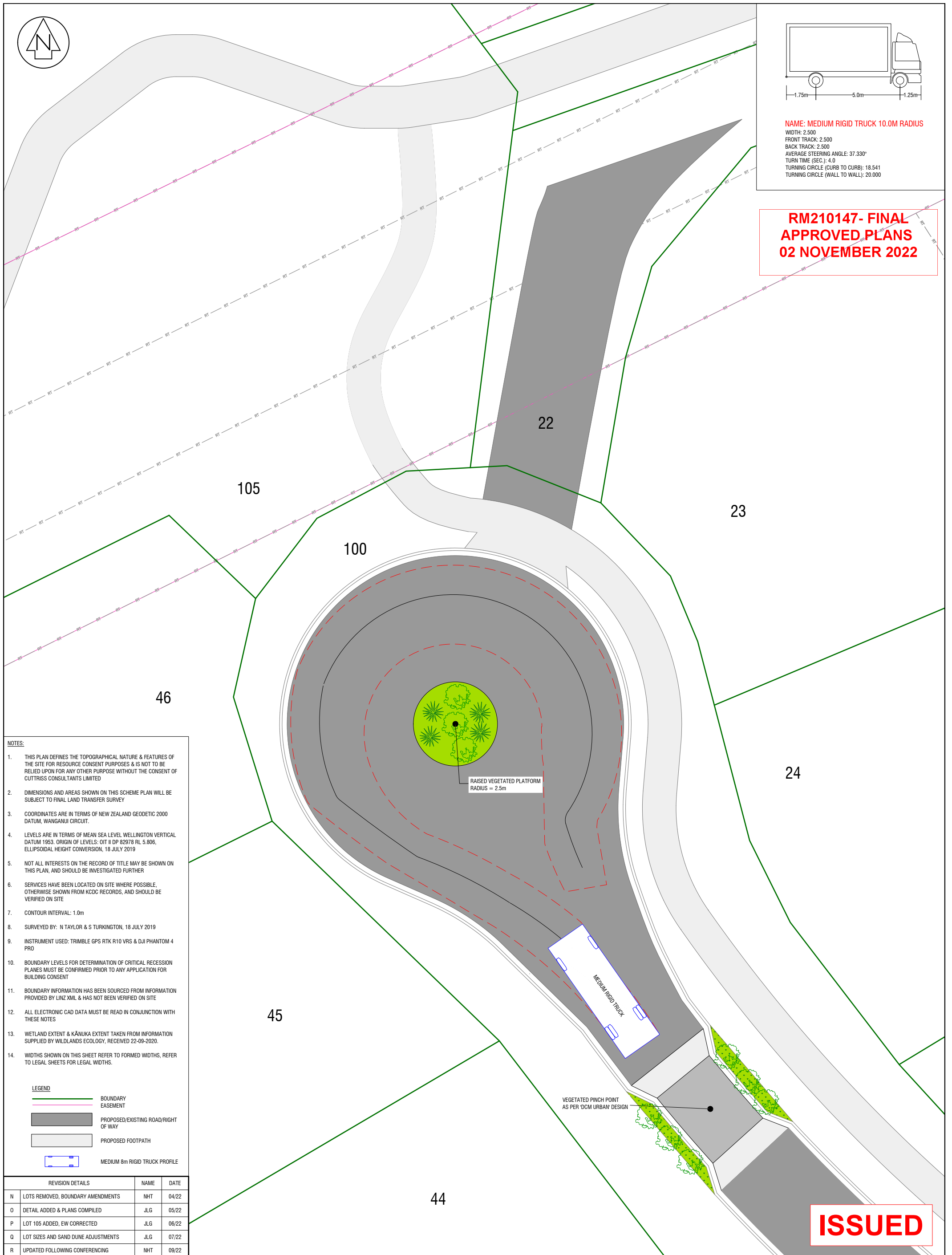
PROJECT
 PROPOSED SUBDIVISION
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
 SCHEME PLAN - ROADING
 CLIENT
 MANSELL

SCALE	NAME	DATE	DRAWING NUMBER
A1 1:1250	NHT	07/19	22208 SCH1
REDUCED SCALE A3-1:2500	NHT	11/20	SHEET 13 OF 21 SHEETS
	NHT	11/20	REVISION R
	NKT	11/20	



NAME: MEDIUM RIGID TRUCK 10.0M RADIUS
 WIDTH: 2.500
 FRONT TRACK: 2.500
 BACK TRACK: 2.500
 AVERAGE STEERING ANGLE: 37.330°
 TURN TIME (SEC): 4.0
 TURNING CIRCLE (CURB TO CURB): 18.541
 TURNING CIRCLE (WALL TO WALL): 20.000

**RM210147- FINAL
 APPROVED PLANS
 02 NOVEMBER 2022**



NOTES:

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9. INSTRUMENT USED: TRIMBLE GPS RTK R10 VRS & DJI PHANTOM 4 PRO
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14. WIDTHS SHOWN ON THIS SHEET REFER TO FORMED WIDTHS, REFER TO LEGAL SHEETS FOR LEGAL WIDTHS.

LEGEND

	BOUNDARY
	EASEMENT
	PROPOSED/EXISTING ROAD/RIGHT OF WAY
	PROPOSED FOOTPATH
	MEDIUM 8m RIGID TRUCK PROFILE

REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERENCING	NHT	09/22

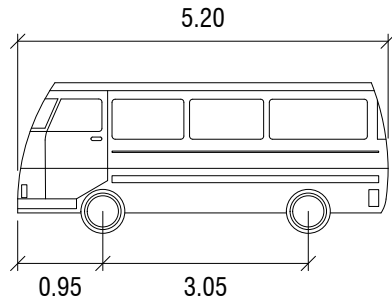
ISSUED



PROJECT
 PROPOSED SUBDIVISION
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971,
 SECS 25, 27 & 31 SO 505428, 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA
 CLIENT
MANSELL

SCALE	A1 1:100	REDUCED SCALE	A3-1:200
FIELDWORK	NHT 07/19	DESIGNED	NHT 11/20
DRAWN	NHT 11/20	CHECKED	NKT 11/20
DRAWING NUMBER		22208 SCH1	
SHEET 14 OF 21 SHEETS		REVISION R	

**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**



PASSENGER-VAN DETAILS

WIDTH : 1.94m
 TRACK : 1.84m
 LOCK TO LOCK TIME : 6.0
 STEERING ANGLE : 33.6



REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
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LEGEND

	BOUNDARY
	EASEMENT
	FENCE
	VEHICLE PROFILE
	POST AND RAIL FENCE W/ REFLECTORS

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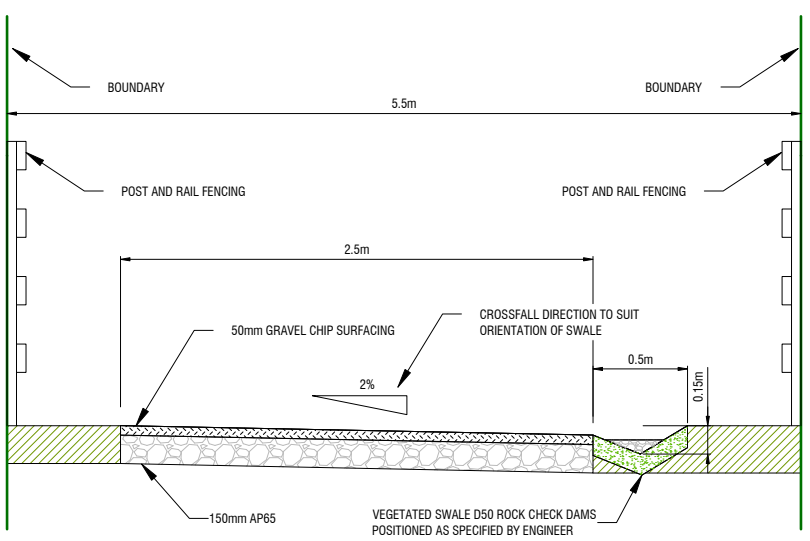
CLIENT
MANSELL

PROJECT
PROPOSED SUBDIVISION
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 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
RIGHT OF WAY DETAIL**

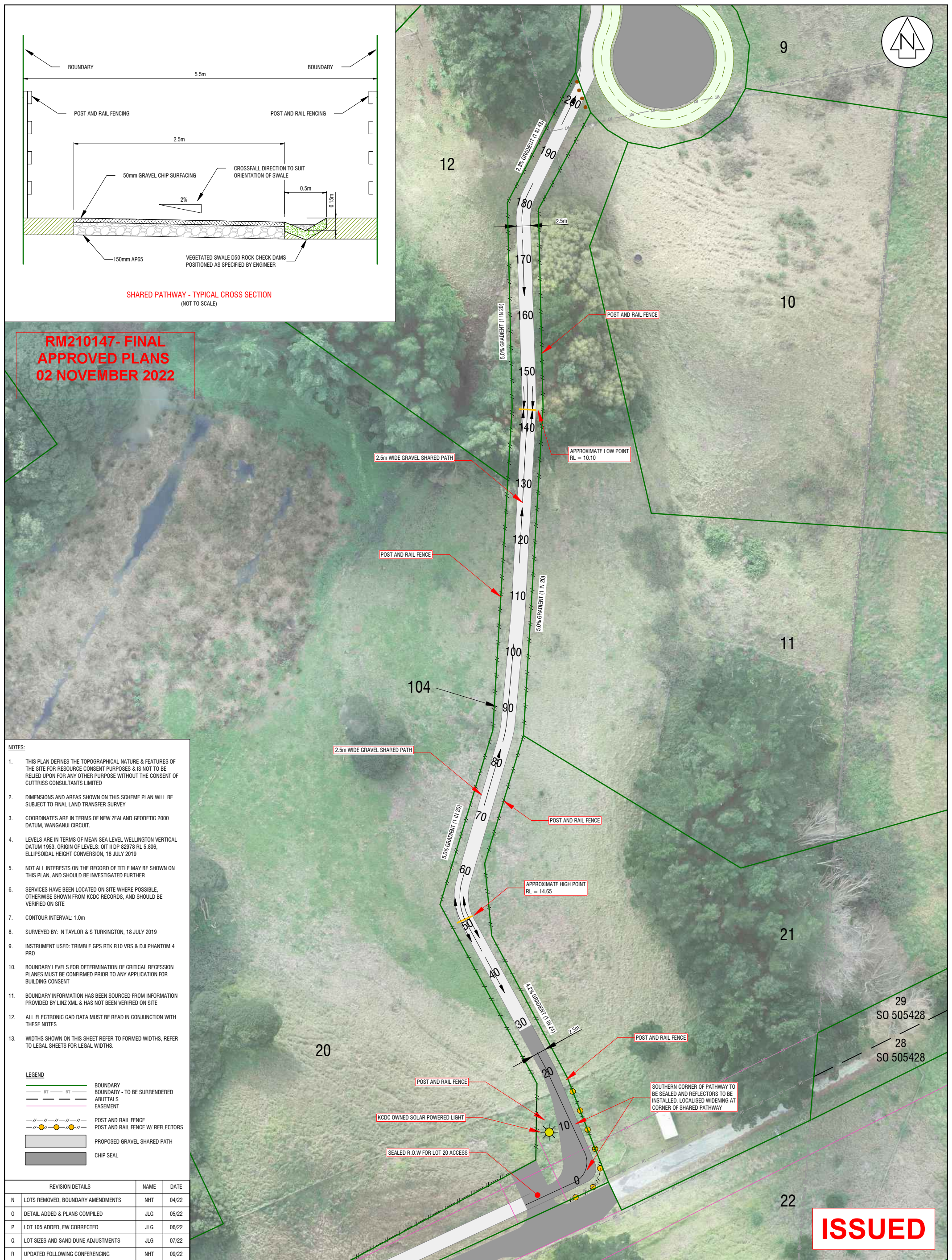
SCALE		REDUCED SCALE	
A1 - 1:100		A3 - 1:200	
NAME	DATE	DRAWING NUMBER	
FIELDWORK	NHT 07/19	22208 SCH1	
DESIGNED	NHT 11/20		
DRAWN	NHT 11/20	SHEET 15 OF 21 SHEETS	
CHECKED	NKT 11/20	REVISION	R

ISSUED



SHARED PATHWAY - TYPICAL CROSS SECTION
(NOT TO SCALE)

RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022



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LEGEND

	BOUNDARY
	BOUNDARY - TO BE SURRENDERED
	ABUTTALS
	EASEMENT
	POST AND RAIL FENCE
	POST AND RAIL FENCE W/ REFLECTORS
	PROPOSED GRAVEL SHARED PATH
	CHIP SEAL

REVISION DETAILS	NAME	DATE
N LOTS REMOVED, BOUNDARY AMENDMENTS	NHT	04/22
O DETAIL ADDED & PLANS COMPILED	JLG	05/22
P LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R UPDATED FOLLOWING CONFERRING	NHT	09/22

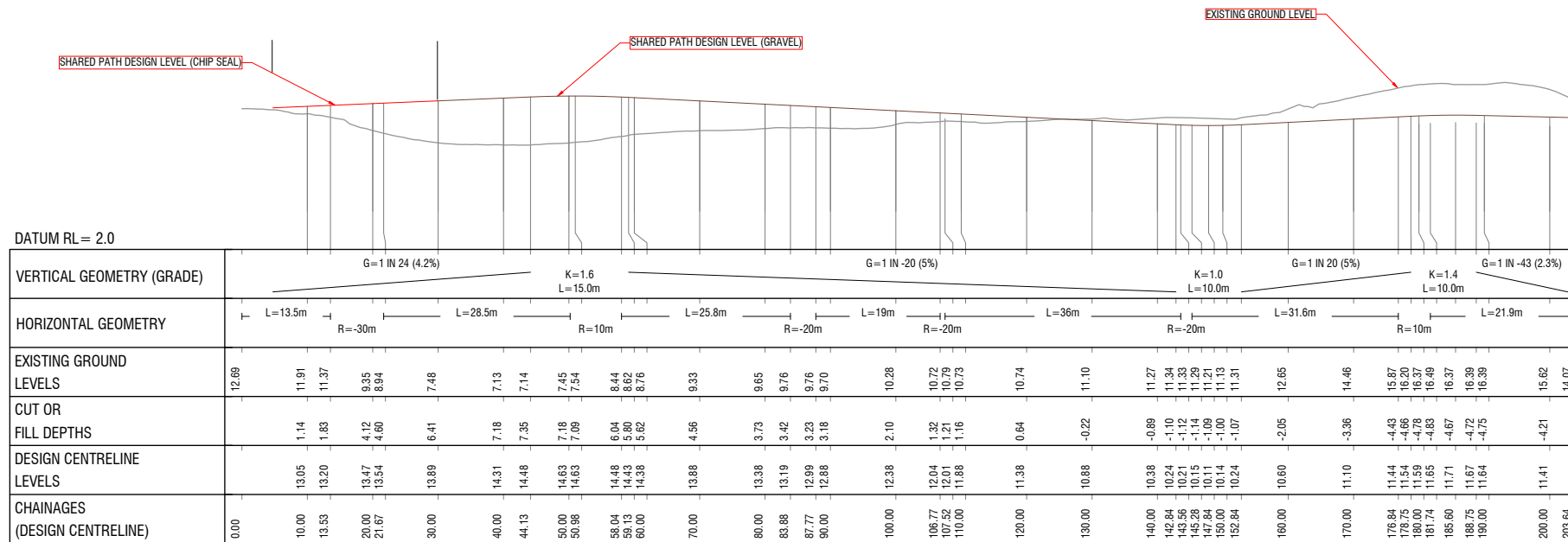
ISSUED

PROJECT
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SCHEME PLAN - SHARED PATH DETAIL

CLIENT
MANSELL

SCALE	A1 1:300	REDUCED SCALE	A3 - 1:600
FIELDWORK	NHT 07/19	DESIGNED	NHT 11/20
DRAWN	NHT 11/20	CHECKED	NKT 11/20
DRAWING NUMBER		22208 SCH1	
SHEET 16 OF 21 SHEETS		REVISION R	

**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**



SHARED PATH LONGSECTION
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:500

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

- NOTES:**
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 - COORDINATES ARE IN TERMS OF NEW ZEALAND GEODETIC 2000 DATUM, WANGANUI CIRCUIT.
 - LEVELS ARE IN TERMS OF MEAN SEA LEVEL WELLINGTON VERTICAL DATUM 1953. ORIGIN OF LEVELS: OIT II DP 82978 RL 5.806, ELLIPSOIDAL HEIGHT CONVERSION, 18 JULY 2019
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 - SERVICES HAVE BEEN LOCATED ON SITE WHERE POSSIBLE. OTHERWISE SHOWN FROM KDC RECORDS, AND SHOULD BE VERIFIED ON SITE
 - BOUNDARY INFORMATION HAS BEEN SOURCED FROM INFORMATION PROVIDED BY LINZ XML & HAS NOT BEEN VERIFIED ON SITE
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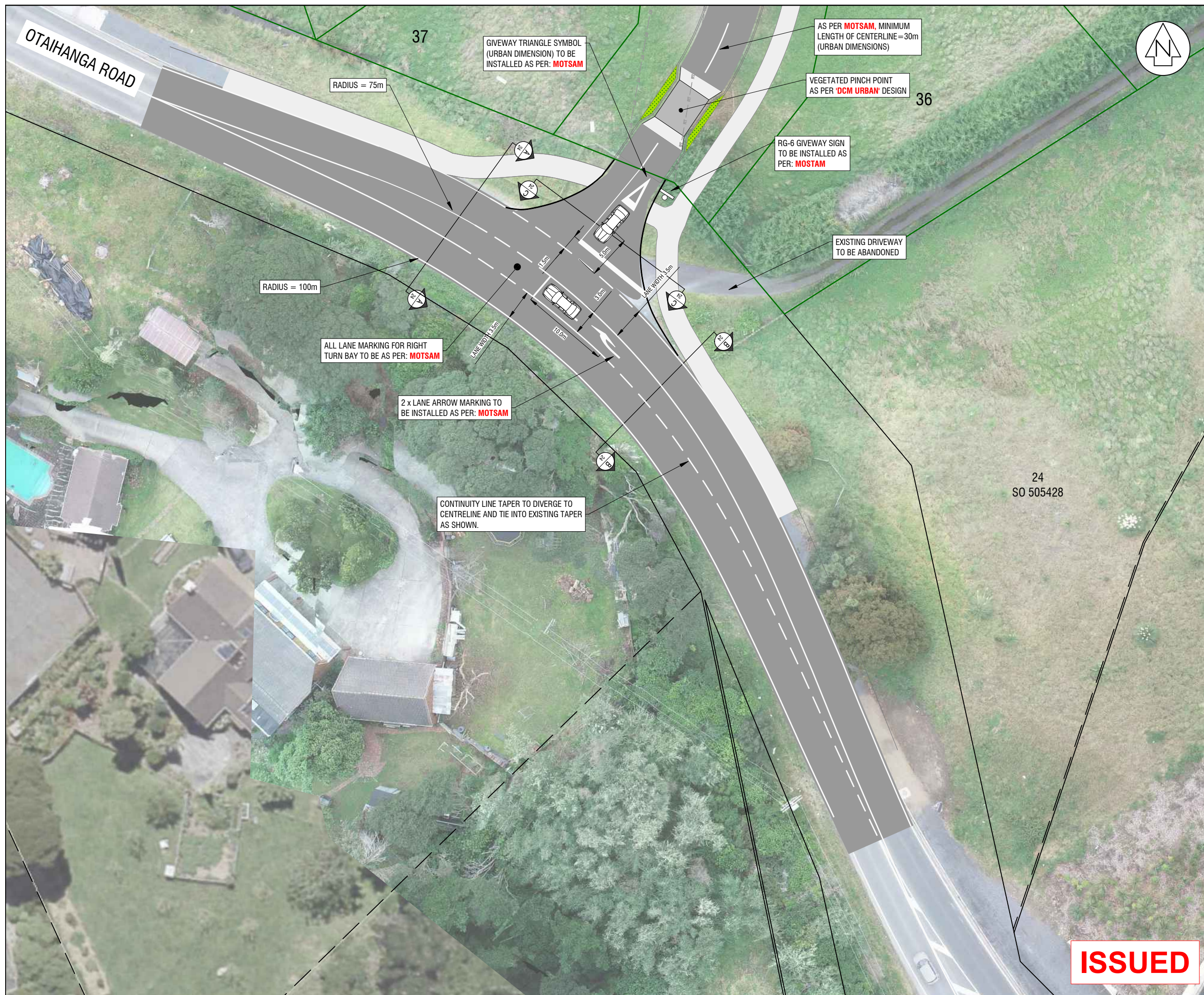
CLIENT
MANSELL

PROJECT
PROPOSED SUBDIVISION
PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428
131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
SHARED PATH
LONGSECTION**

SCALE		REDUCED SCALE	
A1 - 1:500		A3 - 1:1000	
NAME	DATE	DRAWING NUMBER	
FIELDWORK	NHT 07/19	22208 SCH1	
DESIGNED	NHT 11/20	SHEET 17 OF 21 SHEETS	
DRAWN	NHT 11/20	REVISION R	
CHECKED	NKT 11/20		

ISSUED



GIVEWAY TRIANGLE SYMBOL (URBAN DIMENSION) TO BE INSTALLED AS PER: **MOTSAM**

AS PER **MOTSAM**, MINIMUM LENGTH OF CENTERLINE=30m (URBAN DIMENSIONS)

VEGETATED PINCH POINT AS PER '**DCM URBAN**' DESIGN

RG-6 GIVEWAY SIGN TO BE INSTALLED AS PER: **MOSTAM**

EXISTING DRIVEWAY TO BE ABANDONED

ALL LANE MARKING FOR RIGHT TURN BAY TO BE AS PER: **MOTSAM**

2 x LANE ARROW MARKING TO BE INSTALLED AS PER: **MOTSAM**

CONTINUITY LINE TAPER TO DIVERGE TO CENTRELINE AND TIE INTO EXISTING TAPER AS SHOWN.

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

- NOTES:**
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LEGEND
 BOUNDARY
 EASEMENT

RM210147- FINAL APPROVED PLANS 02 NOVEMBER 2022

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 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

SCHEME PLAN OTAIHANGA ROAD INTERSECTION DETAIL

SCALE A1 - 1:200		REDUCED SCALE A3 - 1:400	
NAME	DATE	DRAWING NUMBER	
FIELDWORK NHT	07/19	22208 SCH1	
DESIGNED NHT	11/20	SHEET 18 OF 21 SHEETS	
DRAWN NHT	11/20	REVISION R	
CHECKED NKT	11/20		

ISSUED



REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

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LEGEND

	BOUNDARY
	EASEMENT
	SIGHTLINES - TURNING OUT

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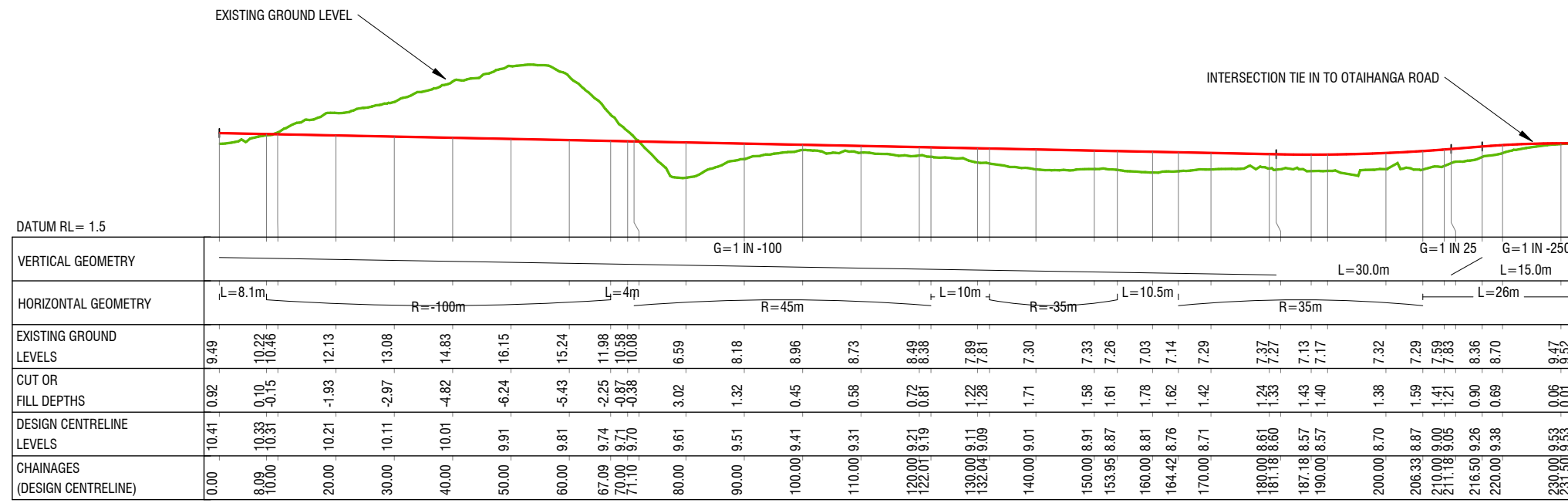
PROJECT
PROPOSED SUBDIVISION
 PT LOT 6 DP 53191, LOTS 2-4 & PT LOT 5 DP 84524, PT LOTS 1 & 2 DP 303764, SECS 5, 7 & 12 SO 404971, SECS 25, 27 & 31 SO 505428
 131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

SCHEME PLAN OTAIHANGA ROAD SIGHT LINE DETAIL

SCALE **A1 - 1:400** REDUCED SCALE **A3 - 1:800**

NAME	DATE	DRAWING NUMBER
FIELDWORK	NHT 07/19	22208 SCH1
DESIGNED	NHT 11/20	
DRAWN	NHT 11/20	SHEET 19 OF 21 SHEETS
CHECKED	NKT 11/20	REVISION R

ISSUED



ROADING LONGSECTION (LOT 100)
HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:250

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERRING	NHT	09/22

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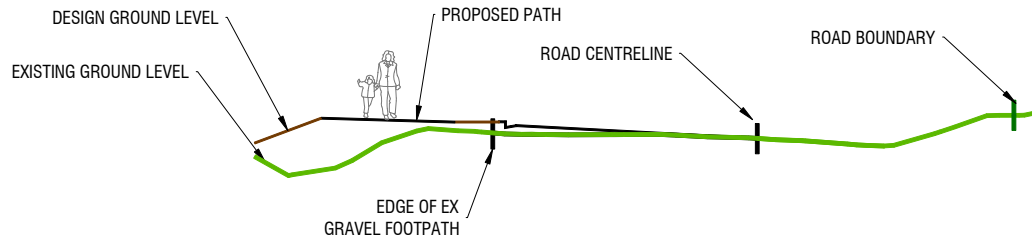
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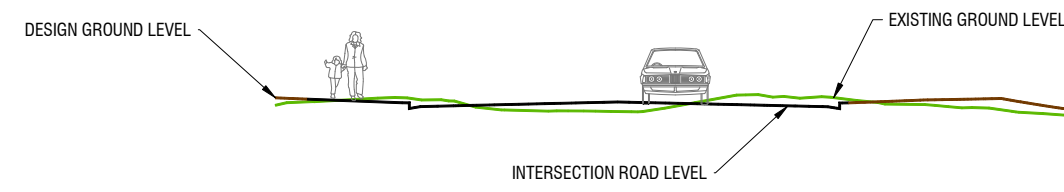
PROJECT
PROPOSED SUBDIVISION
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131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
ROAD LONGSECTION
& CROSS SECTION DETAIL**

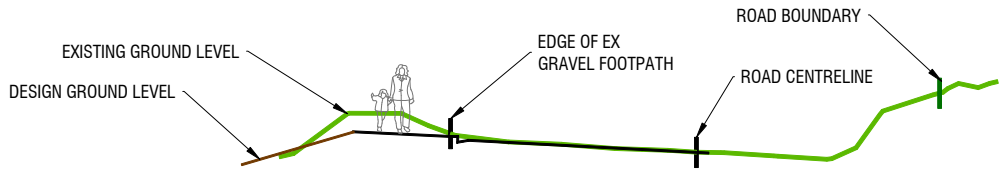
SCALE		REDUCED SCALE	
A1 - AS SHOWN		A3 - AS SHOWN	
NAME	DATE	DRAWING NUMBER	
NHT	07/19	22208 SCH1	
DESIGNED	11/20	SHEET 20 OF 21 SHEETS	
DRAWN	11/20	REVISION R	
CHECKED	11/20		



A OTAIHANGA ROAD INTERSECTION
SHT 22 1:100 (1:200 @ A3)



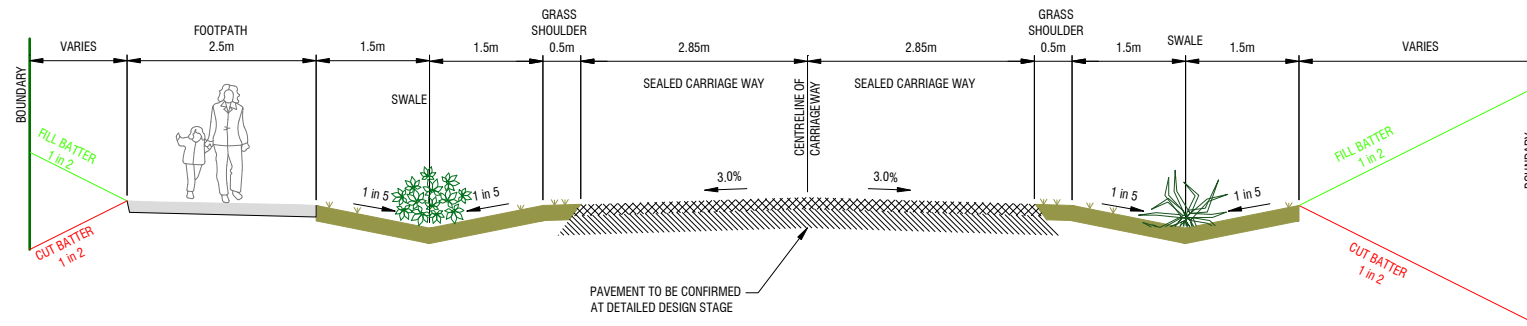
C OTAIHANGA ROAD INTERSECTION
SHT 22 1:100 (1:200 @ A3)



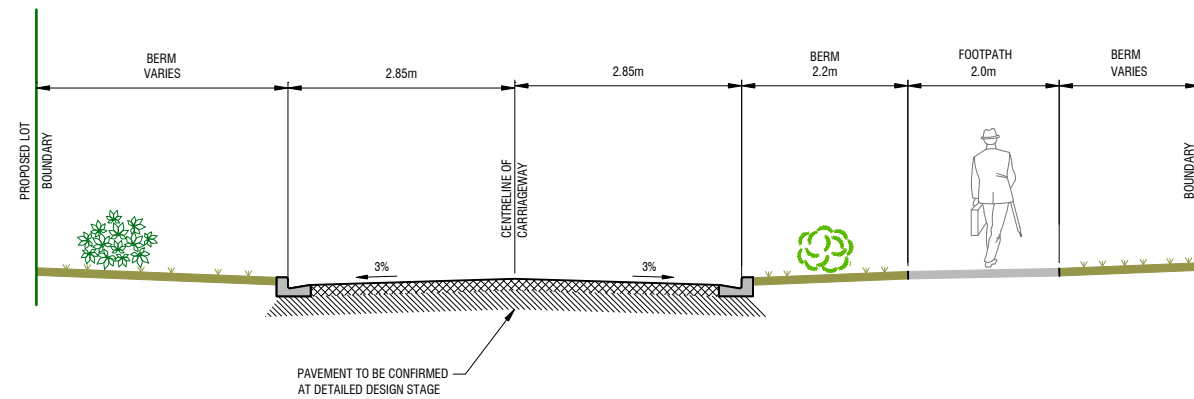
B OTAIHANGA ROAD INTERSECTION
SHT 22 1:100 (1:200 @ A3)

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**RM210147- FINAL
APPROVED PLANS
02 NOVEMBER 2022**



A TYPICAL ROAD CROSS SECTION - SWALE
SHT 13 1:50 (1:100 @ A3)



B TYPICAL ROAD CROSS SECTION - KERB & CHANNEL
SHT 13 1:50 (1:100 @ A3)

REVISION DETAILS		NAME	DATE
N	LOTS REMOVED, BOUNDARIES AMENDED	NHT	04/22
O	DETAIL ADDED & PLANS COMPILED	JLG	05/22
P	LOT 105 ADDED, EW CORRECTED	JLG	06/22
Q	LOT SIZES AND SAND DUNE ADJUSTMENTS	JLG	07/22
R	UPDATED FOLLOWING CONFERENCING	NHT	09/22

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 - CONTOUR INTERVAL: 1.0m
 - SURVEYED BY: N TAYLOR & S TURKINGTON, 18 JULY 2019
 - INSTRUMENT USED: TRIMBLE GPS RTK R10 VRS & DJI PHANTOM 4 PRO
 - BOUNDARY LEVELS FOR DETERMINATION OF CRITICAL RECESSON PLANES MUST BE CONFIRMED PRIOR TO ANY APPLICATION FOR BUILDING CONSENT
 - BOUNDARY INFORMATION HAS BEEN SOURCED FROM INFORMATION PROVIDED BY LINZ XML & HAS NOT BEEN VERIFIED ON SITE
 - ALL ELECTRONIC CAD DATA MUST BE READ IN CONJUNCTION WITH THESE NOTES
 - PLANTING DETAIL TO BE CONFIRMED BY LANDSCAPE ARCHITECT

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131-155 OTAIHANGA RD & 48-58 TIEKO ST, OTAIHANGA

**SCHEME PLAN
TYPICAL ROAD
CROSS SECTIONS**

SCALE		REDUCED SCALE	
A1 - 1:50		A3 - 1:100	
NAME	DATE	DRAWING NUMBER	
FIELDWORK	NHT 07/19	22208 SCH1	
DESIGNED	NHT 11/20	SHEET 21 OF 21 SHEETS	
DRAWN	NHT 11/20	REVISION	
CHECKED	NKT 11/20	R	

ISSUED



LEGEND

- A** A 10m wide landscape strip is proposed along the northern edge of the constructed wetland overlapping in the private lots. Three rows of planting are proposed consisting of species: Titoki, kanuka, pittosporum eugenioides and flax (see palette)
- B** Existing kanuka trees along Otaihangia Road will be retained and supplemented with additional kanuka plantings at 3m centres. Totara trees are also proposed along this frontage.
- C** No build area - Existing topography and vegetation will be protected to screen views into the site and retain a degree of natural character. The dune will be extended in length, shaped to marry in with the existing landform and to appear natural. Fencing in this area is to be post and wire only. Refer to engineer's drawing for the exact location.
- D** Fencing is limited to open style treatments to retain an open character characterised by landscape planting.
 - - Post and rail fence + hedge
 - - Post and wire fence
- E** Vegetated pinch points to slow traffic and provide amenity
- F** Pockets of native planting are proposed on private lots, consisting of kanuka, libertia and flax species.
 - F1 - 9m² plant bed, 3 kanuka trees underplanted with libertia and flaxes
 - F2 - 16m² plant bed, 1 totara tree + 3 kanuka trees underplanted with libertia and flaxes.
- G** 2m wide berm planted with native grasses to reduce maintenance

**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**

A. LANDSCAPE CONCEPT PLAN (1:750 @ A3)

Note: Refer to engineer's plan for exact locations

client / project name:	MANSELL / OTAIHANGA ESTATES
drawing name:	LANDSCAPE CONCEPT PLAN
designed by:	Dave Compton Moen
Drawn by:	Jeremy Ross
original issue date:	5 APRIL 2022
scales:	1:750

revision no:	amendment:	approved	date
A	COUNCIL RFI - ADDENDUM	DCM	05/04/2022
B	POST CONFERENCING DESIGN	DCM	01/07/2022
C	POST MEETING WITH ROBIN SIMPSON	DCM	02/07/2022
D	REMOVAL OF +5.5.M ANNOTATION	DCM	06/07/2022

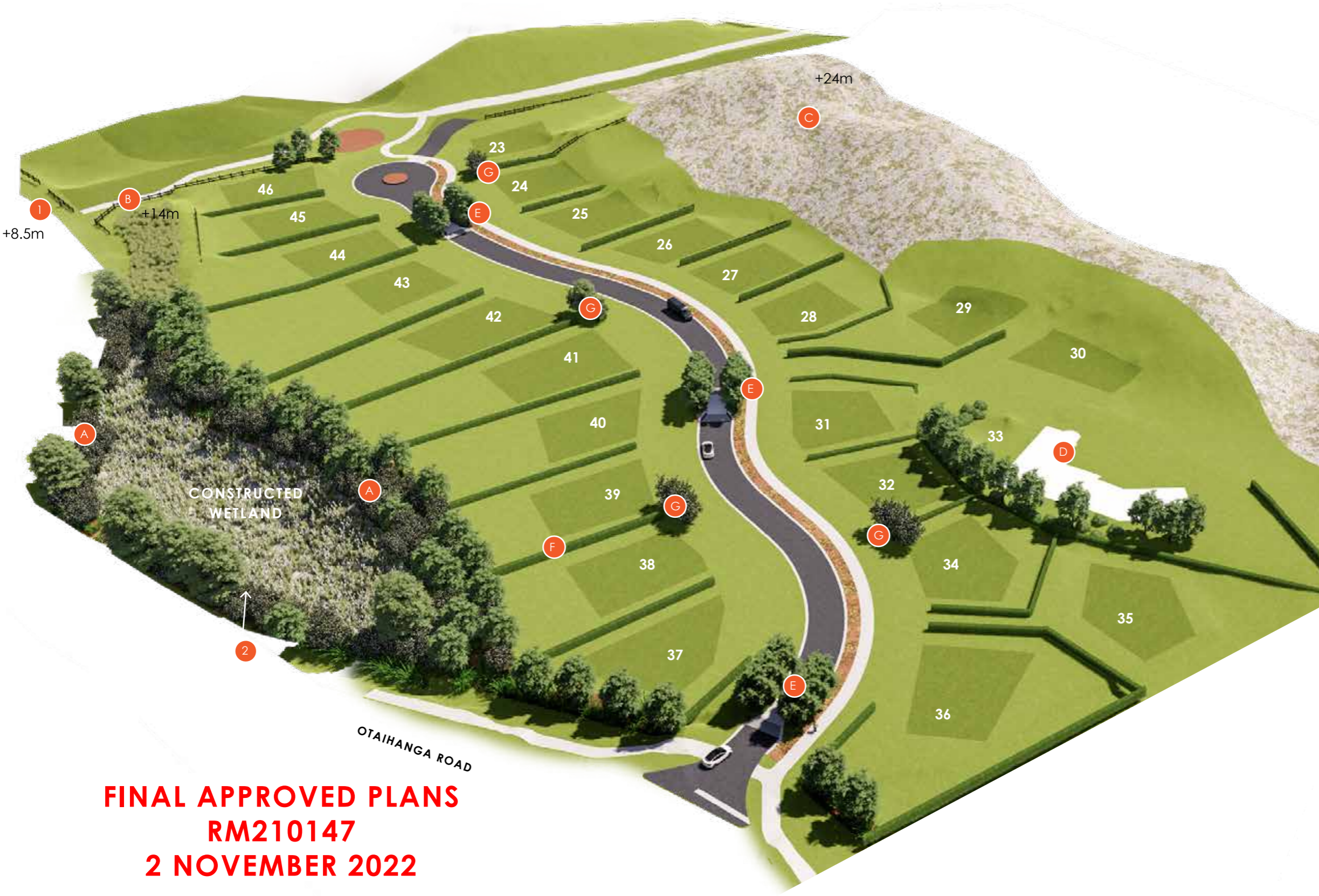


REGISTERED LANDSCAPE ARCHITECT



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CHRISTCHURCH 8011
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**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**

LEGEND

- A** VIEWS INTO THE SITE FROM OTAIHANGA ROAD WILL BE SCREENED/SOFTEN BY EXISTING KANUKA PLANTINGS COMBINED WITH ADDITIONAL PLANTINGS ON THE ROAD EDGE AND ON THE NORTHERN EDGE OF THE CONSTRUCTED WETLAND/ SOUTHERN EDGE OF LOTS 38-44
- B** THE RETENTION OF THE EXISTING LANDFORM AND VEGETATION ON THE CORNER OF THE RESERVE AND LOT 47 WILL SCREEN THE MAJORITY OF VIEWS FROM THE WEST INTO THE SITE
- C** THE EXISTING TOPOGRAPHY AT THE REAR OF LOTS 23-28 (WITHIN LOT 29) WILL BE RETAINED TO ENSURE THE EXISTING DUNE-CHARACTER IS MAINTAINED, PROVIDING A BREAK BETWEEN THE PROPOSAL AND THE EXPRESSWAY. NO ADDITIONAL PLANTING IS PROPOSED IN THIS LOCATION.
- D** LOT 33 CONTAINS AN EXISTING HOUSE AND VEGETATION WHICH WILL BE RETAINED
- E** PINCH POINTS AND NATIVE CLUMP PLANTINGS HAVE BEEN INCORPORATED INTO THE ROAD RESERVE AS TRAFFIC CALMING MEASURES AND TO PROVIDE AMENITY.
- F** FENCING IS RESTRICTED TO OPEN STYLE FENCES NO HIGHER THAN 1200MM WITH HEDGE PLANTING BETWEEN PROPERTIES. NO FENCING IS PROPOSED IN FRONT YARDS TO CREATE AN OPEN, SPACIOUS FEEL TO THE DEVELOPMENT.
- G** ADDITIONAL PLANTING IS PROPOSED ON PRIVATE LOTS

A. ELEVATED PERSPECTIVE (NTS)

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **ELEVATED PERSPECTIVE**
designed by: Dave Compton Moen
Drawn by: Jeremy Ross
original issue date: 5 APRIL 2022
scales: NTS

revision no: **amendment:**
A COUNCIL RFI - ADDENDUM
B POST CONFERENCING DESIGN
C POST MEETING WITH ROBIN SIMPSON
D REMOVAL OF +5.5.M ANNOTATION

approved **date**
DCM 05/04/2022
DCM 01/07/2022
DCM 02/07/2022
DCM 06/07/2022

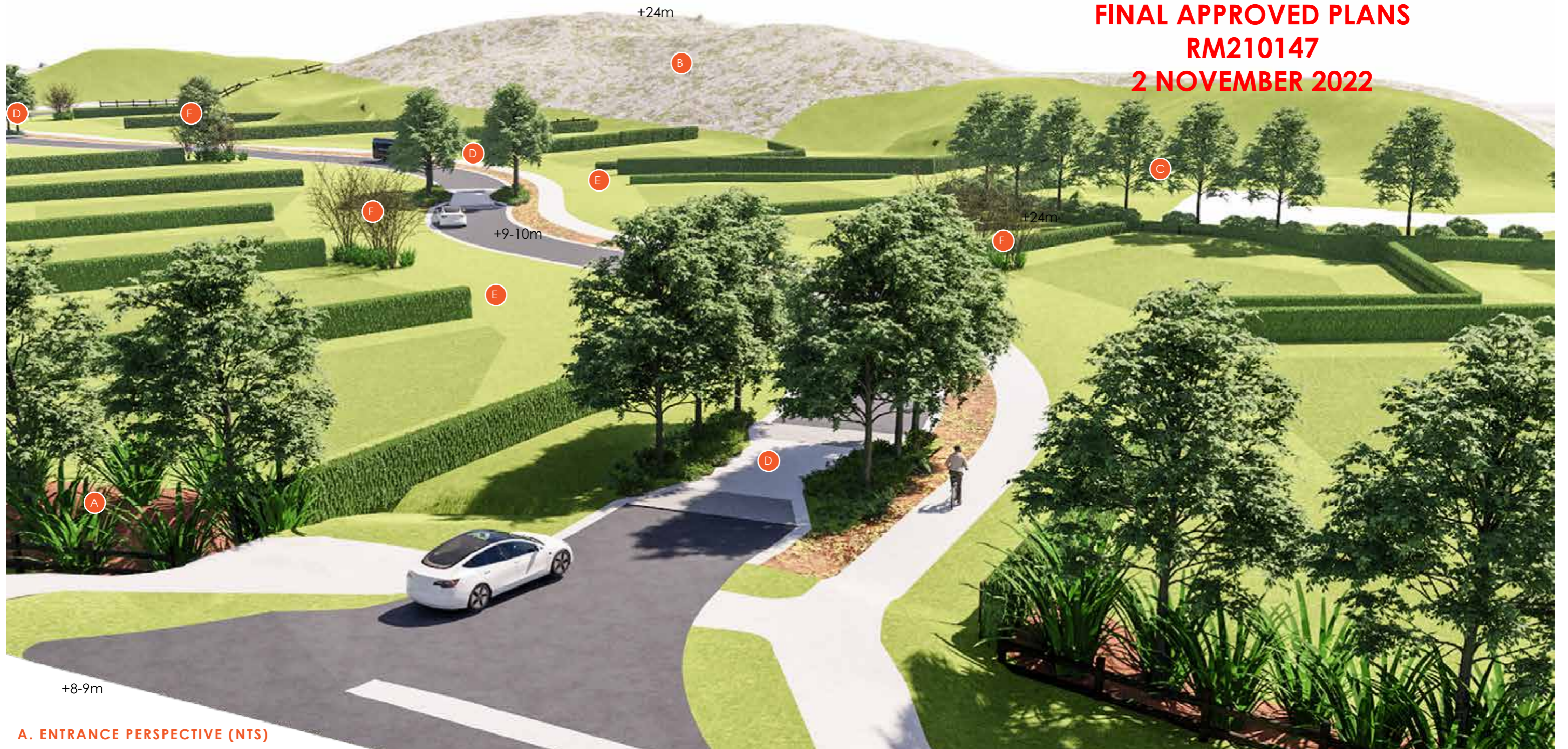


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**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**



A. ENTRANCE PERSPECTIVE (NTS)

LEGEND

- A** VIEWS INTO THE SITE FROM OTAIHANGA ROAD WILL BE SCREENED/SOFTEN BY EXISTING KANUKA PLANTINGS COMBINED WITH ADDITIONAL PLANTINGS ON THE ROAD EDGE AND ON THE NORTHERN EDGE OF THE CONSTRUCTED WETLAND, SEE PALETTE ON FIGURE 7)
- B** THE EXISTING TOPOGRAPHY AT THE REAR OF LOTS 23-28 (WITHIN LOT 29) WILL BE RETAINED TO ENSURE THE EXISTING DUNE-CHARACTER IS MAINTAINED, PROVIDING A BREAK BETWEEN THE PROPOSAL AND THE EXPRESSWAY. NO ADDITIONAL PLANTING IS PROPOSED IN THIS LOCATION.
- C** LOT 33 CONTAINS AN EXISTING HOUSE AND VEGETATION WHICH WILL BE RETAINED
- D** PINCH POINTS AND NATIVE CLUMP PLANTINGS HAVE BEEN INCORPORATED INTO THE ROAD RESERVE AS TRAFFIC CALMING MEASURES AND TO PROVIDE AMENITY (REFER TO FIGURE 6)
- E** FENCING IS RESTRICTED TO OPEN STYLE FENCES NO HIGHER THAN 1200MM WITH HEDGE PLANTING BETWEEN PROPERTIES. NO FENCING IS PROPOSED IN FRONT YARDS TO CREATE AN OPEN, SPACIOUS FEEL TO THE DEVELOPMENT.
- F** ADDITIONAL PLANTING IS PROPOSED ON PRIVATE LOTS

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **ENTRANCE PERSPECTIVE**
designed by: Dave Compton Moen
Drawn by: Jeremy Ross
original issue date: 5 APRIL 2022
scales: NTS

revision no: **amendment:**
A COUNCIL RFI - ADDENDUM
B POST CONFERENCING DESIGN
C POST MEETING WITH ROBIN SIMPSON
D REMOVAL OF +5.5.M ANNOTATION

approved **date**
DCM 05/04/2022
DCM 01/07/2022
DCM 02/07/2022
DCM 06/07/2022



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project no / drawing no: **2020_142/LA/003**

revision: **D**



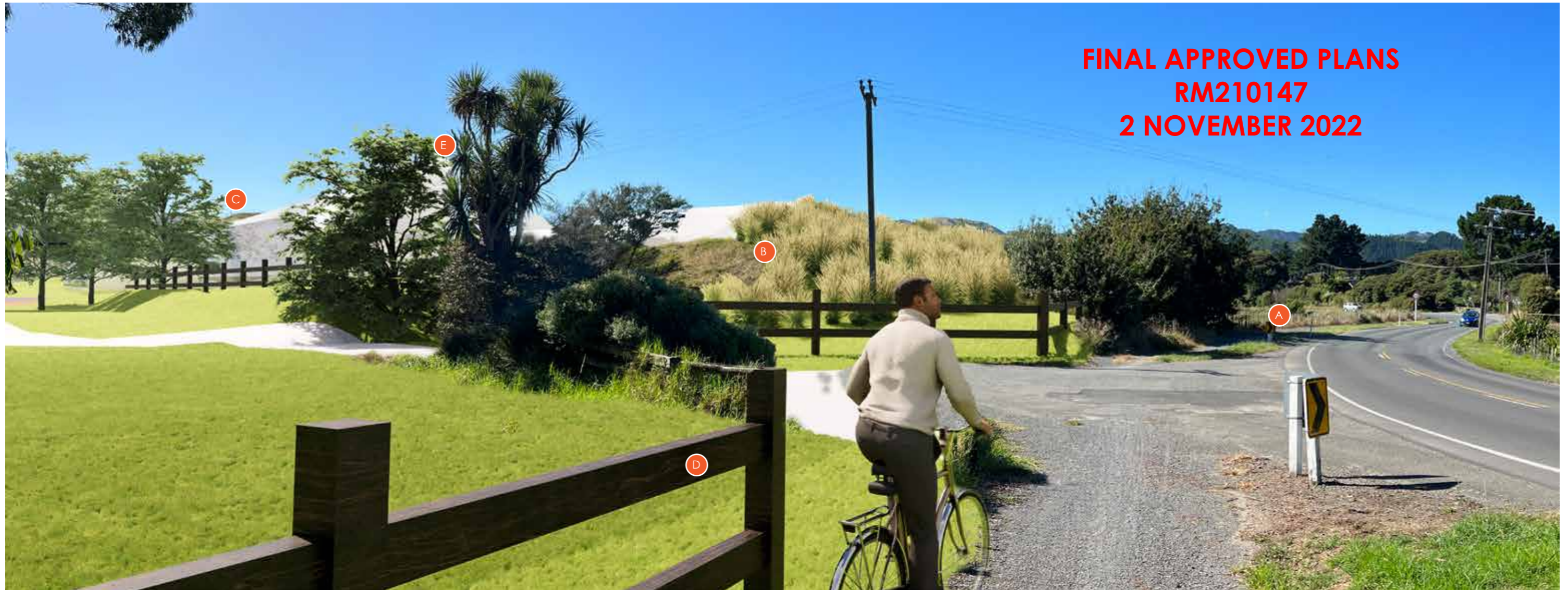
A. EXISTING VIEW



B. ILLUSTRATION GENERATED FROM SKETCHUP MODEL USING ENSCAPE

LEGEND

- A** VIEWS INTO THE SITE FROM OTAIHANGA ROAD WILL BE SCREENED/SOFTEN BY EXISTING KANUKA PLANTINGS COMBINED WITH ADDITIONAL PLANTINGS ON THE ROAD EDGE AND ON THE NORTHERN EDGE OF THE CONSTRUCTED WETLAND
- B** THE RETENTION OF THE EXISTING LANDFORM AND VEGETATION ON THE CORNER OF THE RESERVE AND LOT 47 WILL SCREEN THE MAJORITY OF VIEWS FROM THE WEST INTO THE SITE
- C** THE EXISTING TOPOGRAPHY AT THE REAR OF LOTS 23-28 (WITHIN LOT 29) WILL BE RETAINED TO ENSURE THE EXISTING DUNE-CHARACTER IS MAINTAINED, PROVIDING A BREAK BETWEEN THE PROPOSAL AND THE EXPRESSWAY. NO ADDITIONAL PLANTING IS PROPOSED IN THIS LOCATION.
- D** FENCING IS RESTRICTED TO OPEN STYLE FENCES NO HIGHER THAN 1200MM TO CREATE AN OPEN, SPACIOUS FEEL TO THE DEVELOPMENT.
- E** INDICATIVE ONLY - BUILDING ENVELOPES



**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**

C. PHOTO-ILLUSTRATION DEVELOPED FROM MODEL AND PHOTOSHOP COMBINING (A) AND (B) ABOVE

PHOTO SIMULATION 1 FROM OTAIHANGA ROAD LOOKING EAST

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **PHOTO SIMULATION 1**
designed by: Dave Compton Moen
Drawn by: Jeremy Ross
original issue date: 5 APRIL 2022
scales: NTS

revision no: **amendment:**
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approved **date**
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DCM 01/07/2022
DCM 02/07/2022
DCM 06/07/2022



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project no / drawing no: **2020_142/LA/004**

revision: **D**



A. EXISTING VIEW



B. ILLUSTRATION GENERATED FROM SKETCHUP MODEL USING ENSCAPE

LEGEND

- A** VIEWS INTO THE SITE FROM OTAIHANGA ROAD WILL BE SCREENED/SOFTEN BY EXISTING KANUKA PLANTINGS COMBINED WITH ADDITIONAL PLANTINGS ON THE ROAD EDGE AND ON THE NORTHERN EDGE OF THE CONSTRUCTED WETLAND AND WITHIN THE PRIVATE LOTS
- B** THE EXISTING TOPOGRAPHY AT THE REAR OF LOTS 23-28 (WITHIN LOT 29) WILL BE RETAINED TO ENSURE THE EXISTING DUNE-CHARACTER IS MAINTAINED, PROVIDING A BREAK BETWEEN THE PROPOSAL AND THE EXPRESSWAY. NO ADDITIONAL PLANTING IS PROPOSED IN THIS LOCATION (NOT VISIBLE).
- C** FENCING IS RESTRICTED TO OPEN STYLE FENCES NO HIGHER THAN 1200MM WITH HEDGE PLANTING BETWEEN PROPERTIES. NO FENCING IS PROPOSED IN FRONT YARDS TO CREATE AN OPEN, SPACIOUS FEEL TO THE DEVELOPMENT.
- D** THE CONSTRUCTED WETLAND PROVIDES A HIGH AMENITY BUFFER BETWEEN THE DEVELOPMENT AND OTAIHANGA ROAD



**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**

C. PHOTO-ILLUSTRATION DEVELOPED FROM MODEL AND PHOTOSHOP COMBINING (A) AND (B) ABOVE

PHOTO SIMULATION 2 FROM OTAIHANGA ROAD LOOKING NORTH

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **PHOTO SIMULATION 2**
designed by: Dave Compton Moen
Drawn by: Jeremy Ross
original issue date: 5 APRIL 2022
scales: NTS

revision no:	amendment:
A	COUNCIL RFI - ADDENDUM
B	POST CONFERENCING DESIGN
C	POST MEETING WITH ROBIN SIMPSON
D	REMOVAL OF +5.5M ANNOTATION

approved	date
DCM	05/04/2022
DCM	01/07/2022
DCM	02/07/2022
DCM	06/07/2022



REGISTERED
LANDSCAPE
ARCHITECT



DCM URBAN DESIGN LIMITED
10/245 ST ASAPH ST
CHRISTCHURCH 8011
WWW.DCMURBAN.COM

project no / drawing no: **2020_142/LA/005**

revision: **D**

**FINAL APPROVED PLANS
RM210147
2 NOVEMBER 2022**



LEGEND

- A** THE 4M WIDE PINCH POINTS RESTRICT VEHICLE ACCESS TO ONE VEHICLE AT A TIME
- B** PLANTING IS A MIX OF LOW GROWING NATIVE GROUNDCOVERS AND KANUKA TREES WITH A 'CLEAN' STEM UP TO 2.0M IN HEIGHT. THIS IS TO ENSURE VISIBILITY IS MAINTAINED.

A. STREET 'PINCH POINT' / TRAFFIC CALMING

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **STREET PINCH POINT**
designed by: Dave Compton Moen
Drawn by: Jeremy Ross
original issue date: 5 APRIL 2022
scales: 1:750

revision no:	amendment:	approved	date
A	COUNCIL RFI - ADDENDUM	DCM	05/04/2022
B	POST CONFERENCING DESIGN	DCM	01/07/2022
C	POST MEETING WITH ROBIN SIMPSON	DCM	02/07/2022
D	REMOVAL OF +5.5.M ANNOTATION	DCM	06/07/2022



REGISTERED
LANDSCAPE
ARCHITECT



DCM URBAN DESIGN LIMITED
10/245 ST ASAPH ST
CHRISTCHURCH 8011
WWW.DCMURBAN.COM

project no / drawing no: **2020_142/LA/006**

revision: **D**

FINAL APPROVED PLANS RM210147

2 NOVEMBER 2022

A. SPECIMEN TREES (STREET AND RESERVE)



Kunzea robusta
Kanuka

Podocarpus totara
TOTARA

Plagianthus regius
Ribbonwood

Sophora microphylla
Kowhai

B. WETLAND BUFFER MIX A



Carex geminata
Rautahi

Coprosma propinqua
Mingimingi

Coprosma robusta
Karamu

Cordyline australis
Cabbage Tree, ti kouka

Juncus usitatus
Juncus



Kunzea robusta
Kanuka



Coprosma rugosa
NZ Coprosma



Muehlenbeckia complexa
Pohuehue

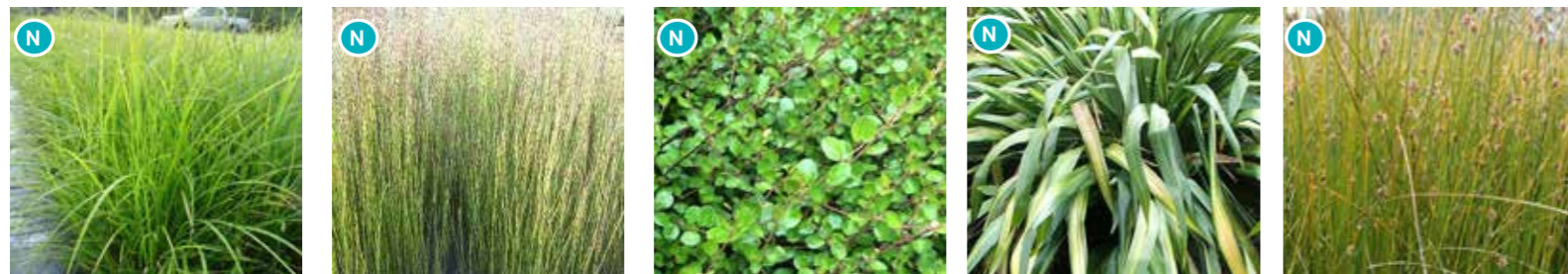


Phormium tenax
NZ flax



Ficinia nodosa
Knobby club rush

C. CONSTRUCTED WETLAND MIX



Carex geminata
Rautahi

Apodasmia similis
Oioi, Jointed Rush

Muehlenbeckia complexa
Pohuehue

Phormium tenax
NZ flax

Ficinia nodosa
Knobby club rush

D. SCREEN PLANTING ADJACENT TO OTAIHANGA ROAD AND ALONG NORTHERN EDGE OF THE CONSTRUCTED WETLAND

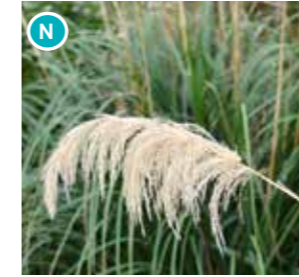


Kunzea robusta
Kanuka

Cordyline australis
Cabbage Tree, ti kouka

Phormium tenax
NZ flax

Hebe salicifolia
Koromiko



Austroderia richardii
South Island Toetoe



Pittosporum eugenioides
Lemonwood



Pittosporum tenuifolium
Black mapou

E. STREET - PINCH POINT SPECIES

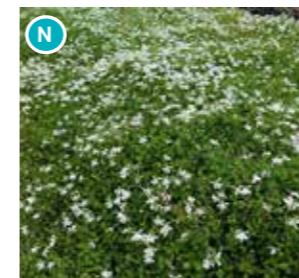


Kunzea robusta
Kanuka (clean stem to 2.0m)

Libertia peregrinans
NZ Iris

Muehlenbeckia axillaris
Creeping wire vine

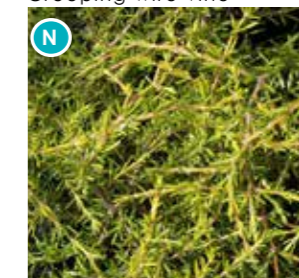
Ficinia nodosa
Knobby club rush



Pratia angulata
Pratia



Pimelia prostrata
Pimelia

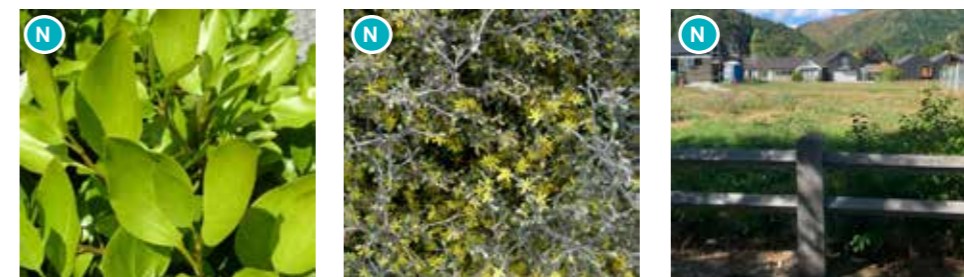


Coprosma acerosa 'Hawera'
Groundcover coprosma



Carex testacea
New Zealand Sedge

F. HEDGING - PROPERTY BOUNDARY TREATMENT



Griselinia littoralis
Kapuka, Broadleaf

Corokia cotoneaster
Corokoia

Open style post and
rail fence

client / project name: MANSELL / OTAIHANGA ESTATES
drawing name: **MATERIAL / PLANT PALETTE**
designed by: Dave Compton Moen
Drawn by:
original issue date: 14 MARCH 2022
scales: 1:1250

revision no: **amendment:**
A COUNCIL RFI - ADDENDUM
B POST CONFERENCING DESIGN
C POST MEETING WITH ROBIN SIMPSON
D REMOVAL OF +5.5.M ANNOTATION

approved **date**
DCM 05/04/2022
DCM 01/07/2022
DCM 02/07/2022
DCM 06/07/2022



DCM URBAN DESIGN LIMITED
10/245 ST ASAPH ST
CHRISTCHURCH 8011
WWW.DCMURBAN.COM

E = Exotic
N = Native

project no / drawing no: 2020_142/LA/007

revision: D




ANNEXURE 3 – GWRC Resource Consents and decision

Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WGN210352	
Consent ID(s)	[37614] Discharge permit (sediment laden runoff to land/water)	
	[37803] Discharge permit (operational stormwater to land where it may enter water including to land within 100m of a natural wetland)	
	[37804] Land use consent (earthworks/ soil disturbance)	
Name	R P Mansell and A J Mansell	
Address	48 and 58 Tieko Street; 131, 139 and 147 Otaihanga Road, Paraparaumu	
Decision made under	Section 104B, 104D and 108 of the Resource Management Act 1991	
Duration of consent	Granted: 28 October 2021	Expires: 28 October 2026 [37614] and [37804] 28 October 2036 [37803]
Purpose for which consent(s) is granted	<p>To discharge operational stormwater to land where it may enter water from a new rural development associated with earthworks exceeding 3,000m² and to discharge operational stormwater from roofs and roads to land within 100m of a natural inland wetland.</p> <p>To undertake earthworks exceeding 3,000m², including the discharge of sediment-laden runoff to land where it may enter water.</p>	
Location	48 and 58 Tieko Street; 131, 139 and 147 Otaihanga Road, Paraparaumu at or about map reference NZTM 1770233.5472485	
Legal description of land	PT LOTS 1 & 3 DP 303764 PT LOT 6 DP 53191 LOT 3 DP 84524 LOT 2 DP 84524 LOT 4 DP 84524 ROAD RESERVE	
Conditions	See below	

Decision recommended by:	Genevieve Walker	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Kirsty van Reenen	Resource Management Consultant to Environmental Regulation	
Decision approved by:	Anna McLellan	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	02/06/21	Application officially received:	02/06/21
Application stopped:	21/06/21	Application started:	20/10/21
Applicant to be notified of decision by:	03/11/21	Applicant notified of decision on:	28/10/21
Time taken to process application:	17 working days		

Consent Conditions and Interpretations for WGN210352 [37614], [37803] [37804]

INTERPRETATION

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

Compliance Officer means officer or agent of the Wellington Regional Council.

ESC Guidelines for Wellington Region means the current revision of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021)*, available on the Wellington Regional Council's website.

Manager means the Manager, Environmental Regulation, Wellington Regional Council

Stabilised means inherently resistant to erosion, or rendered resistant to erosion through the application of the proven methods of stabilisation, specified in Section E3 of the *ESC Guidelines for Wellington Region*, or alternative methods with the prior agreement of Wellington Regional Council. Where seeding, grassing or hydroseeding is used, the surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

Earthworks means the disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.

Earthworks do not include:

- a) cultivation of the soil for the establishment of crops or pasture, and
- b) the harvesting of crops, and
- c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and
- d) the construction, repair, upgrade or maintenance of:
 - pipelines, and
 - electricity lines and their support structures, including the National grid, and
 - telecommunication structures or lines, and
 - radio communication structures, and

- firebreaks or fence lines, and
 - a bore or geotechnical investigation bore, and
- e) repair or maintenance of existing roads and tracks, and airfield runways, and
 - f) maintenance of orchards and shelterbelts, and
 - g) domestic gardening, and
 - h) repair, sealing or resealing of a road, footpath, driveway, and
 - i) any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, and
 - j) discharge of cleanfill material to a cleanfill area.

Consent Conditions for WGN210352 [37614], [37804]

To undertake earthworks exceeding 3,000m², including the discharge of sediment laden water to land where it may enter water.

General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 2 June 2021, and further information, as listed below:
 - Response to s92 request (received via email on 8 July 2021).
 - 9 August 2021 (email from Awa Environmental with further information requested in meeting)
 - 15 September 2021 (Wetland concept design received via email)
 - Updated Sheets 8 and 9 of the Scheme Plans 22208 SCH1 Revision M (Appendix C to the AEE accompanying the application)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager shall be given a minimum of **2 working days** (48 hours) notice prior to the works commencing.

Note: Notifications must be emailed to notifications@gw.govt.nz. Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the proposed works.

3. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking the works authorised by this consent, prior to the works commencing.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

4. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.

Pre-construction meeting

5. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of **5 working days'** notice, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Erosion and Sediment Control Plan

6. The Consent Holder shall submit a final Erosion and Sediment Control Plan (ESCP) to the Manager for certification. The ESCP shall be in general accordance with the ESC Guidelines for Wellington Region and be:
 - a) prepared in consultation with the contractor undertaking the works, and a suitably qualified and experienced person;
 - b) includes a staging and stabilisation plan which details how open areas will be limited;
 - c) submitted to the Manager at least **20 working days** prior to the proposed date of commencement of the works

Earthworks shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.

7. Unless otherwise agreed in writing by the Manager, the consent holder shall undertake all works, including staging of earthworks, in accordance with the Erosion and Sediment Control Plan (ESCP) certified by the Manager under Condition 2.

As-builts

8. Prior to earthworks commencing, the consent holder shall provide the Manager with "As-builts", signed by a suitably qualified and experienced person, to confirm that the erosion and sediment controls have been constructed in accordance with the ESCP.

Note: As-built check sheets are available on the Greater Wellington Regional Council's website at the following link: gw.govt.nz/earthworks.

Flocculation Management Plan

9. If flocculation is to be used on site, the consent holder shall prepare, in consultation with a suitably qualified and experienced person, a Flocculation Management Plan (FMP). The FMP shall be submitted to the Manager for certification at least **10 working days** prior to the proposed use of flocculant. The FMP must include as a minimum:

- a) Specific design details of the chemical treatment dosing system based on a rainfall activated methodology for the decanting earth bunds (DEBs)/sediment retention ponds (SRPs);
- b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
- c) Details of optimum dosage (including assumptions);
- d) Results of initial chemical treatment trial;
- e) A spill contingency plan; and
- f) Details of the person or bodies that are responsible for long-term operation and maintenance of the chemical treatment system and the organisational structure that will support this system.

The use of flocculant shall not commence until the Consent Holder has received notice in writing that the FMP has been certified by the Manager.

- 10. The decanting earth bunds/sediment retention ponds must be treated in accordance with any FMP certified under Condition 9 if, in the opinion of a **compliance officer**, water quality is inadequate and flocculation is necessary to mitigate effects of the discharge of sediment-laden water.
- 11. The FMP must be reviewed prior to commencing each new stage of works or at minimum on a yearly basis. Reviews must reference monitoring data and/or further bench testing results to determine the effectiveness of the FMP and whether it needs to be amended to ensure on-going optimal performance. The findings of this review shall be submitted to the Manager upon request.

Amendments to Management Plans

- 12. The Consent Holder may **request amendments** to the certified management plans (ESCP, FMP) by submitting the amendments in writing for the certification of the Manager. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended management plan has been certified by the Manager.

Progressive stabilisation

- 13. The Consent Holder shall progressively stabilise all disturbed or unstabilised areas in accordance with the ESCP and to the satisfaction of the Manager.

Decommissioning

- 14. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion and sediment control measures shall be removed or decommissioned prior to receiving written confirmation that the relevant phase of works is stabilised to the satisfaction of the Manager.

Weekly site audits

- 15. The consent holder shall have the site audited by a suitably qualified and experienced person on a minimum of a **weekly basis** (unless a reduced frequency is agreed in writing by the Manager) to ensure that all erosion and sediment controls are operating effectively in accordance with the ESCP. The weekly audits shall be recorded in writing, submitted to the Manager upon request and cover at minimum:

- a) Date
- b) Name of auditor
- c) Site condition
- d) Weather conditions
- e) Sediment management (including identification of problem areas that are not being treated by sediment control measures, and any measures put in place to treat these areas)
- f) Runoff control (check of diversion channels and check sediment retention ponds)
- g) Condition of sediment control measures, including silt fences, contour drains and sediment retention ponds
- h) Maintenance required and the date this will be completed by
- i) Contractor responsible for the maintenance; and
- j) General comments

The frequency of the audits may be reduced if agreed in writing by the Manager. The audit reports required by this condition shall be submitted to the Manager upon request.

Note: Any audits carried out by Wellington Regional Council or its contractors do not constitute the weekly site audits required by this condition.

Rainfall triggered monitoring

16. The consent holder shall sample and record the following parameters as soon as practicable within daylight hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site – Waikanae River at Water Treatment Plant.

Para meter	Location (sediment retention device)			
	Inflow	Forebay (SRPs only)	Pond	Outflow
pH	✓	-	-	✓
Turbidity (NTU)	✓	-	-	✓

Note: The consent holder is only required to undertake outflow and downstream (reasonable mixing zone) monitoring if the device is discharging.

The monitoring requirement shall cease when the catchment has been completely stabilised and the device decommissioned, unless otherwise agreed in writing by the Manager.

17. The consent holder shall submit all monitoring data and information to the Manager within **5 working days** of the date the sampling is undertaken.

Exceedances and failures

18. In the event that:

- a) the monitoring required under the above **Rainfall triggered monitoring** Condition 16 indicates that, at the outflow, the pH of any chemically-treated sediment retention device is at or below 5.5 or above 8.5, and/or the NTU value is 170 NTU or greater; or
- b) there is a failure of any erosion and sediment control measure, or discharge from any non-stabilised area that is not treated by an erosion and sediment control measure, where any contaminants (including sediment) or material are released and enter any water body;

the consent holder shall:

- i. Immediately notify the Manager of the issue;
- ii. Immediately undertake onsite investigations to determine the cause of the issue, and what changes can be made to onsite management to prevent reoccurrence;
- iii. Re-establish control measures as soon as practicable where these have failed or have not been implemented in accordance with the ESCP
- iv. Liaise with the Manager to establish whether any additional remediation and/or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager;
- v. Record the date, time and weather conditions, details of investigations, probable cause of the issue, lessons learnt and actions taken or to be taken to prevent re-occurrence; and
- vi. Within 5 working days of the issue being recorded, provide the information required by (v) above to the Manager.

All measures to prevent a reoccurrence of the exceedance or failure shall be to the satisfaction of the Manager.

Winter works

19. All earthworked areas shall be stabilised during the period between 1 June to 30 September inclusive each year unless a later date is approved in writing by the Manager. The stabilised surface is to be maintained to the satisfaction of the Manager.
20. No earthworks authorised by this consent, other than those necessary for the maintenance of erosion and sediment controls, shall take place during the period of 1 June to 30 September inclusive each year, unless otherwise agreed in writing by the Manager.

Note: Requests to undertake earthworks during the period 1 June to 30 September inclusive shall be submitted in writing to the Greater Wellington Regional Council by 1 May and shall be in the form of an amendment to the certified ESCP in accordance with Condition 6 of this consent.

In considering a request for winter earthworks, the Greater Wellington Regional Council will consider a number of factors; including:

- a) *Scale and duration of proposed works;*
- b) *Methods of stabilisation to be used;*

- c) *The quality of the existing/proposed erosion and sediment controls;*
- d) *The compliance history of the site/contractor/consent holder;*
- e) *Sensitivity of the receiving environment; and*
- f) *Any other relevant factor.*

Note: Wellington Regional Council recognises that the soil properties of the site in Otaihanga are favourable for undertaking winter works and will not unreasonably withhold approval for a request to undertake earthworks during the winter period, nor create unnecessary delays in undertaking these works provided the above matters are addressed.

Fill material

- 21. All fill material used on site shall be restricted to natural material, such as clay, soil and rock, and inert material which, when buried will have no adverse effect on people or the environment such as concrete and brick.

Note: Rule R55 (Discharges from contaminated land) of the Proposed Natural Resource Plan will apply to any imported or insitu material worked on the site. If the activity does not meet the permitted standards under Rule R55 consent will be required under Rule R56 Investigation of, or discharges from contaminated land – discretionary activity.

- 22. All fill material shall be placed and compacted so as to avoid erosion and instability. Any erosion of soil including failure of cut and fill batters that is attributable to the works shall be contained, remedied and mitigated by the consent holder to the satisfaction of the Manager.

Discovery of artefacts

- 23. All earthworks are subject to the Archaeology Management Plan (AMP) prepared under Archaeology Authority #2020/378 and the roles and responsibilities and discovery protocols included in the AMP should any archaeological remains be found; monitoring of all earthworks shall be consistent with the AMP and with Appendix A of the Te Ātiawa Kaitiakitanga Plan

Completion of works

- 24. All works affecting the site, and tidy up on completion of the works, shall be to the satisfaction of the Manager.

Management plan review

- 25. The consent holder shall, if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the construction of the project, carry out a review of any management plan required by these conditions. The consent holder shall submit the reviewed management plan to the Manager for certification that:
 - a) The reason(s) for requiring the review have been appropriately addressed; and
 - b) Appropriate actions and a programme for implementation are provided for if required.

Review conditions

26. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
 - b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later
 - c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
 - d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced

Advisory Notes

- a) Where conditions require the submission of information to the **Manager**, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the information submitted
- b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- c) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council’s scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- e) Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Kapiti Coast District Council prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

Consent Conditions for WGN210352 [37803]

To discharge operational stormwater to land where it may enter water from a new urban development associated with earthworks exceeding 3,000m² and to discharge operational stormwater to land within 100m of inland natural wetlands.

General conditions

1. The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 2 June 2021, and further information, as listed below:
 - Response to s92 request (received via email on 8 July 2021).
 - 9 August 2021 (email from Awa Environmental with further information requested in meeting)
 - 15 September 2021 (Wetland concept design received via email)
 - Updated Sheets 8 and 9 of the Scheme Plans 22208 SCH1 Revision M (Appendix C to the AEE accompanying the application)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Northern area

2. In the northern area (lots 1 – 22 as shown on the subdivision plan submitted with the application), the consent holder shall ensure the discharge of stormwater from roofs into an appropriately designed and sized on-site soakage pit and the discharge of stormwater from access roads into swales, through an under-drain bio-filtration device prior to discharge to land as per the Awa preliminary design included in the Awa Technical Report (Appendix F dated 28/5/2021) which accompanied the consent application.

Southern Area – Constructed wetland

3. The consent holder shall prepare and submit detailed design and plans of the Constructed Wetland for Lot 200 to the Manager for approval at least 20 working days prior to earthworks authorised by WGN210352 [37614] and [37804] commencing. The detailed design and plans [together with the Wetland Planting Plan required under condition 4] shall be accompanied by confirmation by a suitably qualified hydrologist or hydraulic specialist that the plans implement the recommendations of the Awa Environmental Limited. The consent holder shall undertake the detailed design in consultation with Kapiti Coast District Council (KCDC) and provide evidence to the Manager of the consultation undertaken and KCDC's agreement to the final design.

No earthworks shall commence until the consent holder has received written notice that the detailed design has been approved by the Manager.

4. The consent holder shall prepare and submit a Wetland Planting Plan to the Manager for approval prior to earthworks authorised by WGN210352 [37614] and [37804] commencing. The Wetland Planting Plan shall include:

- A plan showing the location of all proposed areas to be planted, including but not limited to details of plant species, density and number;
- Details of pre-planting site preparation;
- A detailed timeline for the implementation of the wetland planting;
- Details of eco-sourcing and how plants are appropriate to the locality;

No earthworks shall commence until the consent holder has received written notice that the Wetland Planting Plan has been approved by the Manager.

Note 1: For the purpose of this condition, eco-sourcing refers to plants that have been sourced and propagated from those that grow naturally in the same ecological district.

Note 2: Details of the ongoing maintenance of the Wetland Planting are required to be provided in the Operations and Maintenance Plan required by Condition 6.

5. The consent holder shall install a constructed wetland in accordance with the detailed design as approved under condition 3 of this consent and undertake planting in accordance with the Wetland Planting Plan approved under condition 4.

As-built certification and plans

6. No later than three months after the construction of the stormwater treatment devices, the consent holder shall provide the Manager “As-built” certification and plans of the stormwater treatment systems, which are certified (signed) by a registered surveyor or chartered professional engineer as a true record of the stormwater management system.

The As-built plans shall display the entirety of the stormwater management system, and shall include:

- a) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
- b) Location, dimensions and levels of any overland flowpaths including cross sections and long sections;
- c) Plans and cross sections of all stormwater management devices, including confirmation of the water quality volume, storage volumes and levels of any outflow control structure; and
- d) Documentation of any discrepancies between the design plans and the As-built plans approved by the Modifications Approval condition.

Operations and Maintenance Plan

7. The consent holder shall prepare and submit an **Operation and Maintenance Plan** for approval to the Manager as part of the s.224 process at least 20 working days prior to making its application to the Kapiti Coast District Council (KCDC). The Operations and Maintenance Plan shall include details of the operation and maintenance of the Constructed Wetland and Swales including:
 - Who will hold responsibility for long-term maintenance of the stormwater infrastructure;
 - How and when water quality entering and exiting the wetland will be assessed;
 - A programme for regular maintenance and inspection of the wetland and swales;
 - A general inspection checklists for all aspects of the wetland and swales;

- A programme for inspection and maintenance of vegetation associated with the stormwater devices including the replacement of plants and the control of pest plants and animals for a minimum of 5 years;

The consent holder shall prepare the Operation and Maintenance Plan in consultation with KCDC and provide evidence to the Manager of the consultation undertaken and KCDC's agreement to the plan.

The vesting of the stormwater infrastructure in the KCDC shall not occur until the consent holder has received written notice that the Operation and Maintenance Plan has been approved by the Manager.

Review conditions

8. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
- To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
 - To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later
 - To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
 - To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the "exercise of the consent" is deemed to be once the works authorised by this consent have commenced

Advisory Notes

- Where conditions require the submission of information to the **Manager**, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN210352 and the name and phone number of a contact person responsible for the information submitted
- A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- e) Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Kapiti Coast District Council ~~Council~~ prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

Reasons for decision report

1. Background and proposal

The agent (Chris Hansen Consultants Ltd) on behalf of the applicant (R P & A J Mansell) has applied to Greater Wellington Regional Council (GWRC) for the following resource consents:

- A discharge consent to discharge stormwater to land within 100m of a natural inland wetland under the National Environmental Standard for Freshwater (NES-FW);
- A discharge consent for operational stormwater from a new subdivision where it may enter water; and
- A land use consent for the use of land, and the associated discharge of sediment laden runoff into water or onto land where it may enter water from earthworks over 3,000m².

The proposal relates to the redevelopment of an existing rural allotment, which was previously utilised for agricultural purposes and contains one existing residential dwelling only. The subject site is bounded by the new Mackays to Peka Peka expressway to the direct east, other rural/residential lots to the north, west, and south.

Bulk earthworks and discharge of sediment-laden water

Bulk earthworks are required to form the access road, access lots, and the building platforms for the smaller residential allotments. The total area of disturbance will be approximately 75,000m², with 70,000m³ of cut material and 54,000m³ of fill material. Approximately 2,500m³ of compacted material will be imported to the site.

It is anticipated that the earthworks will be completed within three months, with overall site works completed within six months, and not during the winter works season. Staging of earthworks shall be discussed prior to 'for construction' approval of the ESCP, however it is anticipated to occur in one stage.

The earthworks methodology is detailed in the Preliminary Erosion and Sediment Control Plan that was provided with the application, including details of the proposed erosion and sediment controls. The earthworks/ construction methodology is summarised below:

- Establishment of suitable access points with stabilised construction entrances;
- Construction of key sediment control measures for the duration of earthworks, including clean and dirty water diversion channels and bunds, stabilised entrances, surface roughening, silt fences and super silt fences.

Contour drains, decanting earth bunds, and silt socks or metal bunds will be constructed if required;

- Bulk earthworks cut and fill, including the disposal of unsuitable material within the site, and importing of suitable roading aggregate;
- Progressive stabilisation of all worked areas;
- Decommissioning of erosion and sediment controls.

Operational stormwater discharges

Figure 1 below shows the proposed subdivision design and Figure 2 shows the 'northern' and 'southern' extent of the development for the purposes of explaining operational stormwater discharges from the site once it has been developed.



Figure 1: Subdivision design (Source: consent application)

With respect to operational stormwater:

- Stormwater from the northern area (Lots 1 – 22) will be to on-site soakage pits with stormwater to the access road being into swales and to ground via a bio-infiltration device.
- Stormwater from proposed lots 23-49 (the 'southern area' shown in yellow in figure 2) will be discharged to a constructed wetland.
- Stormwater from the roading network off the new cul-de-sac connecting to Otaihanga Road will be collected via sumps and conveyed to a proposed constructed wetland.
- The road levels have been set to accommodate secondary overflow out to the constructed wetland in the event of a system failure.

Stormwater from roofs, driveways, and roads within the development will be discharged within 100m of the four natural wetlands on the site (see Figure 1).

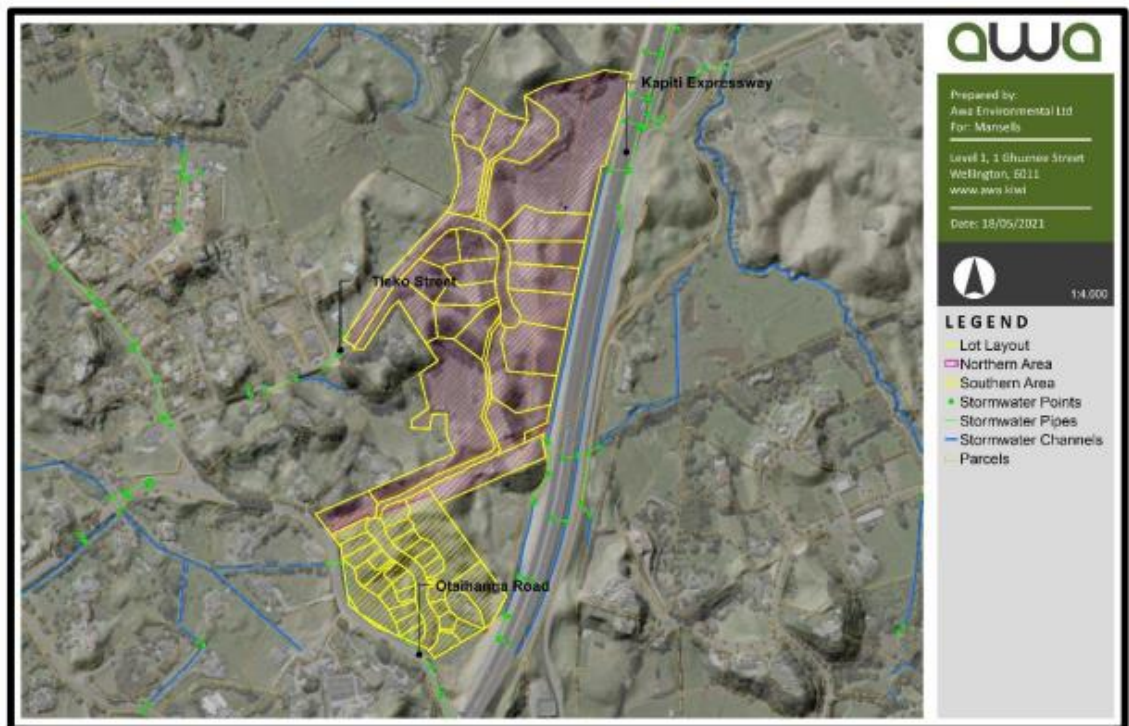


Figure 2: Proposed lot layout Otaihanga Estate (Source: Resource consent application)

2. Reasons for resource consent

2.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
Sediment-laden water from earthworks				
15	Regional Plan for Discharges to Land (RPDL)	1	Permitted	Rule 1 of the RPDL provides for discharges to land that will not enter water. The discharge of sediment-laden water will be to land, where it may enter water as there are identified wetlands on the subject site. As such, the discharge cannot be considered under Rule 1. There is no other rule which would provide for the proposed discharge as a permitted or controlled activity. As such, the discharge has been considered under Rule 2 which provides for discharges into or onto land not otherwise provided for, as a discretionary activity.
		2	Discretionary	
Operational stormwater discharges				
		3	Permitted	Rule 3 of the RPDL provides for stormwater discharges into or onto land as a permitted activity. The discharge of operational stormwater from the proposed subdivision is permitted by rule 3.

2.2 Proposed Natural Resources Plan

The Council's decision on the Proposed Natural Resources Plan (PNRP) was publicly notified on 31 July 2019. All rules in the PNRP (decisions version) have immediate legal effect under section 86B(1) of the Act. As the application was lodged after 31 July 2019, the PNRP (decisions version) is relevant to determining the resource consents required, their activity status, and the substantive assessment of the proposal under section 104(1)(b) and section 104D of the Act. The provisions of the PNRP as notified on 31 July 2015 have been superseded by the decisions version of the PNRP for assessing this proposal.

This is in addition to any consents required under the operative plans. Noting that under section 86F if there are no appeals on a relevant rule, the rule in the PNRP is treated as operative and the rule in the operative plan is treated as inoperative.

RMA section	Rule	Status	Comments
Operational stormwater discharges			
15	R48	Permitted	Rule R48A provides for discharges of stormwater onto or into land where it may enter a surface water body from a new urban subdivision or development. As the earthworks associated with the proposal exceed 3,000m ² in area and given that operational stormwater will be discharge onto or into land where it may enter a surface waterbody, consent is required for a restricted discretionary activity under rule R52A.
	R52A	Restricted Discretionary	
Discharge of sediment-laden water from earthworks			
9 and 15	R99	Permitted	The earthworks associated with the proposal will exceed 3,000m ² in area per 12-month period. Thus, the earthworks and associated discharges of sediment-laden stormwater to land where it may enter water requires consent for a discretionary activity under rule R101.
	R101	Discretionary	

The proposed activity is not located within or near a scheduled site in the PNRP.

2.3 National Environmental Standard for Freshwater (2020)

The National Environmental Standards for Freshwater (NES-FW) came into effect on 2 September 2020. All regulations in NES-FW prevail over Regional Plans in accordance with section 43B of the Act, unless the activity has a more stringent rule in an operative regional plan. As the application was lodged after 2 September 2020, the NES-FW is relevant to determining the resource consents required and their activity status.

RMA section	Plan	Rule	Status	Comments
15	NES-F	54	Non-complying	The discharge of operational stormwater from roofs and road to land within the proposed rural lifestyle lots is within 100m of a natural inland wetland. Therefore, consent is required as a non-complying activity under regulation 54.

2.4 Overall activity status

The activity must be assessed as a discretionary activity under the operative Regional Plan for Discharges to Land, a discretionary activity under the Proposed Natural Resources Plan (decisions version), and a non-complying activity under the National Environmental Standard for Freshwater (2020). In accordance with the bundling principle, overall the proposal must be assessed as a **non-complying** activity.

3. Consultation

Iwi authority	Comments
Te Ātiawa ki Whakarongotai Charitable Trust	<p>Te Ātiawa ki Whakarongotai Charitable Trust was provided with a copy of the application, in accordance with the agreement between the iwi and GWRC.</p> <p>Madie Davy, on behalf of Iwi, provided preliminary comment via email on 18 June 2021. In summary, Iwi had concerns around the proposed works and the possible negative impact on sites of significance in the surrounding environment, including the Waikanae River (located approximately 400m north of the subject sites northernmost boundary).</p> <p>Iwi provided a memorandum to the applicant on the 30th of June, which in summary, provided high level comments which intended to guide the applicant as to the issues which are still outstanding to the trust. The applicant provided a response to Iwi on the 14th of July.</p> <p>In summary, Iwi stated that provided the applicant adhere to the comments and recommendations provided by the Trust, then the Trust should have no reason to oppose the proposed works.</p> <p>As part of a further information request I asked for an update on consultation with the Trust. The applicant responded by stating that they have been liaising with Ra Giggott. Ra was interested in getting an understanding of the earliest possible owners of the land</p>

	to see if there are any iwi connections he can use to assist to bring a Te Atiawa presence into the development through street names or other opportunities. A site visit with Ra and the applicant was being arranged. The applicant has made a commitment to TAKW to continue this process including beyond the granting of any resource consent.
Other parties or persons	Comments
Gregor McLean, Southern Skies Environmental Limited	A copy of the application was provided to Mr Gregor Mclean to comment on matters relating to erosion and sediment control. Mr McLean’s comments are discussed in section 5 of this report.
Stu Farrant, Water Sensitive Design Lead, Morphum Environmental Ltd	A copy of the application was provided to Mr Farrant to comment on matters relating to operational stormwater, and water sensitive urban design. Mr Farrant’s comments are discussed in section 5 of this report.
Owen Spearpoint, Senior Environmental Monitoring Officer for GWRC	A copy of the application was provided to Mr Spearpoint to comment on matters relating to ecology, in particular for the inland wetlands. Mr Spearpoint was satisfied with the proposed subdivision design – which proposed to avoid and restore all wetland areas.
Hamish Smith, Senior Engineer for GWRC Flood protection Department	<p>A copy of the application was provided to Mr Smith to comment on matters relating to flood protection, including:</p> <ul style="list-style-type: none"> – Has sufficient analysis been done to prove potential flood impacts have been appropriately avoided, remedied or mitigated, and conveyance and crossings are appropriately sized – Have streambed and bank erosion effects resulting from the diversions or as a result in changes in stormwater inputs been appropriately considered? – Have the culvert and diversion channels have been appropriately sized? <p>The applicant provided responses to these questions, which satisfied Mr Smith. The email document is saved to ourspace.</p>
Rita O’Brien, Stormwater and Coastal Engineer, Kapiti Coast District Council (KCDC)	<p>KCDC have been assessed as an affected party to the application because the proposed stormwater infrastructure will be vested with the council and because KCDC have a global stormwater consent so the proposed treatment of stormwater may have implications for their consent.</p> <p>Ms O’Brien was provided with a copy of the resource consent application documents, further information</p>

	<p>received and assessment comments from Mr Farrant. Ms O'Brien wrote a memo to Sean Mallon, Group Manager Infrastructure Services recommended KCDC provide conditional support to the proposal subject to review of any proposed consent conditions and plans (specifically review of the wetland concept plan).</p> <p>Ms O'Brien was provided with a copy of the draft conditions and requested two minor amendments. Written approval was received from KCDC on 20 October 2021.</p>
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4. Notification decision

A decision was made to process the application on a non-notified basis. Further information on the notification decision is provided in document [WGN210352-1674635551-17](#).

5. Environmental effects

The applicant provided an Assessment of Environmental Effects (AEE) with the application.

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

5.1 Existing environment

The site measures approximately 17ha and consists of a variable topography, with a dune type landscape that supports wetlands and terrestrial vegetation. The majority of the vegetation onsite is characterised by pasture with shelterbelts and remnant Kanuka grove. Four areas onsite have been assessed and characterised as natural inland wetlands (in accordance with the NPS-FM). The site is rural in character, and has historically been used as a deer and cattle farm prior to the construction of the Kapiti expressway (which runs along the eastern boundary of the site), which severed the property in two. The site contains one existing dwelling, located in the south-eastern corner, with vehicle access from Otaihanga Road.

5.2 Effects of the earthworks and sediment-laden discharges on water quality

The proposal may result in the discharge of sediment-laden stormwater to land where it may enter surface water bodies. In this instance, the site contains four identified natural wetlands, which vary in their physical extent on the subject site. The Waikanae River is also located approximately 400m north of the subject site.

Sediment discharge to waterbodies cause a local and temporary increase in turbidity and suspended solid concentrations, reducing water quality. High

suspended solid concentrations can have adverse effects on aquatic ecology, especially if these conditions persist over a long period of time. This has the potential to be harmful to the current fish population as many fish are visual feeders.

The applicant has proposed measures to mitigate adverse effects relating to water quality in the preliminary Erosion and Sediment Control Plan (ESCP) prepared by Cuttriss Consultants. The ESCP has been reviewed on behalf of GWRC by Gregor McLean, ESC Specialist, Southern Skies Environmental Limited.

Mr McLean made the following comments on the consent application and questions to put to the applicant in a further information request:

- The ESCP states that the earthworks have been designed to be completed in one stage, but could be developed in two stages. Staging and stabilisation will be critical to ensure that sediment and dust discharges are appropriately managed. Stabilisation on these soils will need to be specifically focussed at areas when they are completed and the tools that could be used, for example attempting to grass in summer on sand soils without irrigation is difficult. Would the applicant accept a consent condition requiring a staging and stabilisation plan which was focussed on limiting the open areas?
- Do the silt fences and super silt fences comply with the length and slope requirements of the GWRC ESC guidelines?
- Any haul roads that are outside of the footprint of earthworks need to be shown on the ESCP, for example how is the unsuitable disposal area accessed?
- I would suggest we do not exclude flocculation from the consent conditions. In my experience, as compaction occurs so do changes to infiltration rates and also sand conditions (quality) vary through cut depth. In this regard the use of flocculation can be an important tool to have.

Mr McLean's questions were put to the applicant in a s92 request. The applicant addressed the matter raised by Mr McLean, specifically stating:

- The applicant agrees with the staging and stabilisation comments and agrees to a conditions requiring a staging and stabilisation plan which focusing on limiting open areas.
- Yes the silt fences and super silt fences comply with GWRC's ESC guidelines.
- The applicant accepts that the final ESCP will need to detail haul roads.
- The applicant accepts a condition that includes flocculation.

On review of the further information provided by the applicant, Mr McLean noted that the use of silt fences and super silt fences for large areas of earthworks such as this proposal can be problematic but the applicant is not excluding the use of other sediment control devices such as decanting earth bunds as a final ESCP will need to be developed with the contractor and certified by GWRC prior to works commencing. Mr McLean recommended the following conditions be imposed on any consent granted:

- The requirement for a pre-construction meeting
- A final ESCP to be submitted to GWRC for certification, including specific staging and stabilisation plans
- As-built plans of ESC devices to be provided
- Winter works restrictions
- A requirement for flocculation if, in the opinion of the compliance officer, water quality was inadequate
- Monitoring and reporting

Overall, taking into account the review comments from Mr McLean, I am satisfied that the environmental effects relating to the discharge of sediment on aquatic habitats and water quality can be appropriately managed through the recommended consent conditions, which include those recommended by Mr Mclean, such that they can be considered to be no more than minor.

All recommended consent conditions are standard for this activity type.

5.3 Effects of the ongoing discharge of operational stormwater

The proposal will result in changes in land use and increased impervious surfaces. These changes may result in the introduction of contaminants into stormwater run-off and increases in peak flow, run-off volume and frequency of run-off to the stormwater network from the development. If not managed these effects may impact downstream ecological values of the receiving environment including the wetlands on site.

Stu Farrant (Water Sensitive Design Lead, Morphem Environmental Ltd) reviewed the applicant's approach to stormwater management. In summary, Mr Farrant initially sought additional information and clarification on the proposed stormwater management systems. Mr Farrant's questions and concerns were:

- Further detail is required on the ongoing maintenance and management of the proposed stormwater devices
- Further detail is required on the covenanting mechanism for the areas to be protected.

Northern area

- More information is required about the proposed rainwater tanks including size, intended reuse profile, connected catchment assumptions and relationship with proposed soakage.
- All site derived stormwater will need pre-treatment prior to soakage due to expected windblown contaminants from the Expressway.
- It is unclear what is meant by 'under-drained bio-infiltration device'. The details shown appears to show a traditional swale with an underdrain included which would then be connected to a piped stormwater network or outfall rather than supporting infiltration to ground. This is not suitable to support long term water quality improvements and is unlikely to provide robust function over its lifespan. Further detail is required to show how it will support the required water quality function, maintain protection from peak flow rates and support infiltration to ground.
- Clarification is required about what implications of long term loss of infiltration capacity will be and provide confirmation for KCDC that all assets will be maintained.

Southern area

- Detail needs to be provided on lot scale rainwater tanks.
- No allowance appears to have been made for water quality in the Southern Area. Clarification is required on the function of the 'compensatory storage area' and how stormwater runoff from lots and roads in the southern area is proposed to be managed with regard to water quality.

Further information on the points above was received on the 8th of July. A meeting to discuss the s92 response and stormwater issues was held at GWRC on the 20th of July, information provided on the 9th August and the final s92 response was provided on 15th September 2021 which included a wetland concept design and draft conditions. In summary, the applicant's response to the questions raised by Mr Farrant was:

- Water quality treatment for the southern development area will be via a constructed wetland within lot 200. The wetland area has been sized to meet the run-off requirements of the southern development area for a 100 yr ARI climate change rainfall event.
- Under-drained bio-infiltration devices down Tieko Road have been sized to meet the run-off requirements for a 100 YR ARI climate change rainfall event and are not connected to an outfall or piped stormwater network. On-site soakage tests have been undertaken and a conservative soakage rate (including a safety factor of 4) has been used. This takes account of any loss of soakage rate over time.

- In both the northern and southern development areas lot scale rainwater tanks will be implemented in line with KCDC district plan requirements.
- The proposed development site is located to the west of the Expressway. Easterly wind conditions at Kapiti airport have only been recorded for 7% of the time between 1996 and 2021. The majority of the site is also shielded from the expressway by dunes and ridgelines. It is not considered necessary to provide pre-treatment prior to soakage.
- The swales capture discharge from the road allowing for sediment capture and treatment of run-off. In larger events run-off from the swales will enter the under-drained bio-infiltration devices via sumps and natural soakage providing additional soakage capacity along the length of the perforated pipe.
- KCDC will take over the ownership of stormwater assets and the ongoing management and maintenance of the stormwater devices will be developed for Council as asset managers.
- The applicant has offered up the placement of covenants on titles of relevant lots to:
 - protect identified dunes and ridgelines from earthworks and buildings
 - protect natural wetlands and 10m buffer areas on private lots
 - protect existing kānuka stands
 - protect the habitat for northern grass skink
 - control the use of roof materials and painting of roofs
 - control fencing types to ensure open character is retained.

The applicant is seeking KCDC to require these covenants to be placed on lot titles through a Consent Notice being placed on the subdivision consent.

Following a review of the concept wetland design and draft conditions Mr Farrant confirmed that the wetland design looked appropriate to achieve the water quality outcomes. Mr Farrant made the following points and suggested consent conditions:

- Can the applicant confirm that appropriate provisions have been made for maintenance access to the wetland including for cleanout of the forebay and inspection of all hydraulic structures.
- Can the applicant confirm that the hydraulic arrangement will enable bypass of flows which exceed the water quality volume/flowrate with engagement of flood detention only engaged at the desired pre development peak flowrate for specified event (Q10 and above).

- Can the applicant confirm that the wetland shall be vested to Council and maintained by them in accordance with an approved Operation and Maintenance plan.
- Suggest to include the following;
 - Detailed design of constructed wetland to be provided to GWRC for approval prior to commencement of earthworks
 - Operation and Maintenance plan to be provided to GWRC for approval prior to commencement of earthworks.

The applicant responded to Mr Farrant's questions with the following points:

- The wetland design would need to allow for an excavator to periodically access the forebay (once every few years). Maintenance access can be provided to the forebay and hydraulic structures via a new vehicle crossing and access track off Otaihanga Road. Design of the maintenance access will be provided at the detailed design stage.
- Exact hydraulic arrangement is to be confirmed and will depend on the expected flow rates and velocities in the wetland. The upstream catchment will bypass the wetland, except in flood events where the flood detention will be engaged. Runoff from the development can also be designed to bypass the wetland in events greater than the water quality volume/flow rate via a diversion chamber into the bypass network if necessary.
- The wetland will be vested in KCDC with operation and maintenance details provided to them.

Mr Farrant confirmed that the applicant had addressed all his concerns. He noted with respect to flows exceeding the water quality volume - it is definitely necessary to bypass these flows from the wetland so that needs to be included as a feature in the detailed design which council will review as part of consent conditions.

I recommend the conditions suggested by Mr Farrant be placed on the consent. I also recommend, as part of the operations and maintenance plan, the submission of planting details for the wetland including maintenance of planting for a period of 5 years. Overall, based on the advice from Mr Farrant and recommended consent conditions, I am satisfied that the effects from the ongoing discharge of operational stormwater from the development will be no more than minor provide.

5.4 Effects of the ongoing discharge of operational stormwater within 100m on a natural wetland

The proposal will result in ongoing stormwater discharge from roofs, driveways, and roads in the development within 100m of a natural inland wetland, which

have the potential to adversely affect the existing hydrological processes, ecology and water quality.

The applicant engaged Wildland Consultant to assess the impacts of the proposal (earthworks and infrastructure) on wetland hydrological processes. The outputs of the Wildland assessment were addressed during the design methodology development undertaken by Awa Environmental. The Awa report notes that the stormwater design for the development focusses on retaining the natural hydrological function of the wetland areas. To mitigate any negative impact of development, the design methodology seeks to:

- Discharge stormwater to ground, using soakage solutions;
- Undertake this in a distributed way, using swales along roads, and soakage fields at household rain tank overflows;
- Stormwater will be directed to swales for larger events, with under-drained bio-infiltration devices at low points in the road.

The intention of this approach is to return stormwater to ground as close to source as possible, to reduce stormwater flows being directed to the wetlands.

Mr Spearpoint, Senior Environmental Monitoring Officer for GWRC, undertook a brief review of the proposal, and considered the management of the natural inland wetland onsite to be satisfactory.

Overall, based on the advice from Mr Spearpoint, Mr Farrant, and the report from Awa Environmental, I am satisfied that the effects from the ongoing discharge of operational stormwater from the development will be no more than minor provided the design measures outlined in the Awa Environmental report are implemented.

5.5 Summary of effects

Given the assessment above, it is considered that the effects of the activity are, or will likely be no more than minor when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 of the Act outlines the purpose and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below.

As the application falls for consideration as a non-complying activity (under either operative plans or PNRP or both), pursuant to section 104D of the Act a 'gateway test' is required to be met before a decision on whether consent can be granted can be made. Section 104D prescribes that the consent authority may only proceed to the substantive assessment (s104), and make a decision on whether to grant a resource consent application for a non-complying activity, only if it is satisfied that either:

- (a) the adverse effects of the activity on the environment will be minor;
or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the operative Regional Plan for Discharges to Land and the Proposed Natural Resources Plan (decisions version), and the National Policy Statement for Freshwater Management.

If the application cannot meet either of the gateway tests outlined above the consent application must be declined.

With regards to the first limb of the gateway test, section 5 has provided a comprehensive assessment of environmental effects of the proposed development, and it is considered that any potential adverse effect will be less than minor. As such, the proposal meets section (a) of the gateway test.

With regards to the section limb of the gateway test, the table in section 6.2 below provides an assessment of the proposal against the objectives and policies of the NPS-FM, the Regional Plan for Discharges to Land, and the Proposed Natural Resources Plan. Based on the assessment provided below, it is considered that the proposal is not contrary to the objectives and policies of these three plans.

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.

RMA section	Matter to consider	Comment
104(1)(b)(iii)	National Policy Statement for Freshwater Management	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the NPS-FM.
	<i>Objective/ Policy</i>	<i>Comment</i>
	Objective 1	<p>The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> a) first, the health and well-being of water bodies and freshwater ecosystems; b) second, the health needs of people (such as drinking water); and c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. <p>The proposal provides for all three of these objectives. The subdivision scheme plan has provided for the health and well-being of freshwater as a priority, by avoiding all areas identified as natural inland wetlands, and providing for their restoration outside of residential allotments. The development will provide for drinking water to meet the health needs of people, and rainwater attenuation tanks to re-use water and implement water sensitive urban design. It is considered that the proposal provides for people and communities social, economic, and cultural well-being, for now and into the future. Overall, the proposal is consistent with the objectives of the NPS-FM.</p>

RMA section	Matter to consider	Comment
	Policy 1	This policy aims to ensure freshwater is managed in a way which gives effect to Te mana o te Wai. The proposal recognises the fundamental importance of water, and how the protection of water ensures the health and well-being of the wider environment. The proposal recognises te mana o te wai by protecting and restoring the natural inland wetlands onsite, and ensuring appropriate setback of activities from the wetland areas onsite.
	Policy 2	This policy ensures Tangata whenua are actively involved in freshwater management. Iwi have been actively involved in the application and decision making process, and have worked with the applicant to ensure the freshwater values of the wider environment have been recognised and provided for.
	Policy 3, 4, and 5	The proposal recognises policies 3 and 4, which ensure freshwater is managed in an integrated way and in response to climate change. The proposal provides for the health and wellbeing of freshwater ecosystems, and via the wetlands improvements, ensures consistency with policy 5.
	Policy 6	This Policy aims to ensure there is no further loss of natural inland wetlands, their values are protected and their restoration promoted. The wetlands onsite have been identified, and no further loss of extent is proposed. The wetlands are to be protected and restored as part of the proposed ecological management for the site.

RMA section	Matter to consider	Comment
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/ Policy</i>	<i>Comment</i>
	Objective 12	This objective aims to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonable foreseeable needs of future generations. Sediment and erosion control measures will be implemented on site to treat sediment-laden stormwater from earthworks prior to being discharged to land where it may enter water.
	Policy 15	This policy relates to minimising the effects of earthworks. Earthworks will be undertaken in the shortest time period possible (anticipated to be three months), and erosion and sediment controls implemented to minimise the effects of sediment laden stormwater discharges during earthworks.
	Policy 40 & 43	The proposal (with recommended conditions) safeguards aquatic ecosystem health and ensures aquatic ecological function of water bodies is protected.
	Policy 48 & 49	The principles of the Treaty of Waitangi and matters of significance to tangata whenua have been recognised and provided for.
104(1)(b)(v)	Operative Regional Plan for Discharges to Land	I consider that, with the application of the recommended conditions of consent, the proposed activity is

RMA section	Matter to consider	Comment
104(1)(b)(vi)		consistent with the Regional Plan for Discharges to Land.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.3	The adverse effects of discharges of sediment-laden stormwater during earthworks will be managed through the implementation of erosion and sediment controls, which will ensure that the effects of such discharges will be no more than minor.
	Policy 4.2.11	The proposal will be allowed to temporarily discharge solid contaminants to land as the effects are minimised through erosion and sediment controls.
	Policy 4.2.19	The proposal will discharge to land instead of directly to surface water. The implementation of erosion and sediment controls will ensure that there are no adverse effects on soil, water quality and amenity values as a result of discharging to land.
	Policy 4.2.24A	I consider that, with the application of the recommended conditions of consent, the proposal is consistent with this policy.
	Proposed Natural Resources Plan (decisions version)	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan (decisions version).
	<i>Objective/Policy</i>	
	Objectives O3 & O4	The proposal recognises the mauri and intrinsic values of nearby freshwater. The life supporting capacity of freshwater will be safeguarded through the implementation of erosion and sediment controls

RMA section	Matter to consider	Comment
		to prevent discharges of sediment-laden run-off to the stream.
	Objective O15	<p>A copy of the application was circulated to Te Ātiawa ki Whakarongotai Charitable Trust via the Te Wāhi Platform. Te Ātiawa provided comprehensive comments via a memorandum, of which the applicant responded to. Iwi concluded that subject to their recommendations in the memorandum being upheld, the Trust has no reason to oppose the consent.</p> <p>As such, the proposal is considered to be consistent with Objective 15.</p>
	Objective 17 and 19	<p>The natural character of natural wetlands and their margins are to be preserved and protected through this proposal, by ensuring all wetlands are fenced, there is a 10m planting buffer to protect the wetlands from works on adjacent areas of the site, and the wetlands shall be legally protected via covenants.</p> <p>The mauri of freshwater and cultural relationship of Maori with water has been recognised.</p>
	Objective 20 and 21	<p>The flood hazard risk on the site has been adequately mitigated via compensatory storage on the floodplain. Modelling results also show the subdivision can be implemented with less than minor effects on surrounding flood levels, and thereby reducing the flood hazard on the surrounding environment. Proposed building areas in flood ponding overlays</p>

RMA section	Matter to consider	Comment
		have been designed with elevated building platforms.
	Objectives O23, O24, and O25	The proposal maintains the quality of water within, and safeguards the biodiversity, aquatic ecosystem health and mahinga kai associated with adjacent or nearby surface waterbodies. Onsite wetlands are
	Objectives O42, O44 and O47	Erosion and sediment controls will be implemented on site to minimise soil erosion and sediment-laden run-off entering adjacent or nearby surface waterbodies from earthworks.
	Policy P31	Aquatic ecosystem health will be maintained.
	Policy 38	The proposed wetland restoration is in line with this policy, which aims to restore natural wetlands. The habitat for indigenous flora and fauna within the wetlands will be improved through pest plant control, buffer planting, and fencing.
	Policy P66	I consider this proposal is consistent with the NPSFM for discharge permits.
	Policy P67	The proposal seeks to minimise the discharges through the implementation of erosion and sediment controls.
	Policy P73	The proposal incorporates appropriate water sensitive urban design features to minimise the adverse effects of stormwater discharges from the proposed subdivision to the smallest amount reasonably practicable.
	Policy P79	Stormwater discharges from the proposed subdivision avoids scour and erosion of stream

RMA section	Matter to consider	Comment
		beds and banks and does not increase the risk to human health or safety or increase the risk of inundation, erosion or damage to property or infrastructure.
	Policy P98	The proposal has appropriate measures (including consent conditions) to minimise the risk of accelerated soil erosion, control silt and sediment runoff, and ensure the site is stabilised.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The proposed discharge of sediment-laden stormwater from earthworks will be discharged to land but has the potential to enter water. The discharge to land is an alternative method of discharge and as such, it is considered acceptable under section 105.
107	Restrictions on grant of certain discharge permits	If the discharge to land from earthworks then enters water, it is noted that this would only be a temporary discharge, and would therefore be acceptable under section 107.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA.

6.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative Regional Plan for Discharges to Land Plan assessment is consistent with that reached under the Proposed Natural Resources Plan, and the National Environmental Policy for Freshwater Management there is no need to undertake a weighting exercise between the two Plans.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement and the Operative Regional Plan for Discharges to Land Plan, the Proposed Natural Resources Plan (decisions version), and the National Environmental Policy for Freshwater Management.
3. The proposed activity is not contrary to the objectives and policies of the Regional Plan for Discharges Plan, the Proposed Natural Resources Plan (decisions version), and the National Environmental Policy for Freshwater Management.
4. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
5. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

8. Duration of consent

The applicant has stated that the earthworks will commence upon the grant of this consent. However, to cover for any unforeseen circumstances, I consider a consent duration of five years to be appropriate for the land disturbance and associated discharge. A consent duration of 10 years has been recommended for the discharge of operational stormwater from the development and within 100m of an inland wetland.

9. Monitoring

9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

Monitoring assessment:	<input type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input checked="" type="checkbox"/> Other:
Monitoring will be undertaken during and upon completion of the earthworks.			
Monitoring input:	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
Other notes			
Compliance group	Large earthworks		

9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$40. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
Customer service charge	Three consent(s)	\$120.00	
Monitoring charge	Yes	*Variable	DL1
SOE charge	Earthworks	\$900	5.3.5.2
	Operational stormwater	\$500	4.3.4.3
Further notes (if applicable)			

*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent.

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.

ANNEXURE 4 – Full wording of key PPC1 to RPS provisions

Full wording of PPC1 to Wellington RPS provisions referred to in paragraph 5.15 of Hansen Statement of Evidence

Objective 22

Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well- functioning *urban environments*, which:

- (a) Are compact and well designed; and
- (b) Provide for sufficient development capacity to meet the needs of current and future generations; and
- (c) Improve the overall health, well-being and quality of life of the people of the region; and
- (d) Prioritise the protection and enhancement of the quality and quantity of freshwater; and
- (e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and
- (f) Support the transition to a low-emission and climate-resilient region; and
- (g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and
- (h) Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and
- (i) Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and
- (j) Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and
- (k) Are well connected through multi-modal (private vehicles, public transport, walking, micro-mobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.

Objective 22B

Development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.

Policy 55

Amend Policy 55 as follows:

Policy 55: Providing for appropriate urban expansion ~~Maintaining a compact, well designed and sustainable regional form—~~
consideration



When considering an application for a resource consent, or a change, variation or review of a district plan for *urban* development beyond the region's *urban areas* (as at ~~March 2009~~ August 2022), particular regard shall be given to whether:

- (a) the *urban* proposed development is the most appropriate option to achieve Objective 22 contributes to establishing or maintaining the qualities of a well-functioning *urban environment*, including:
 - (i) the *urban development* will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;
 - (ii) the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:
 1. Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,
 2. Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,

3. Protecting outstanding natural features and landscape values as identified by Policy 25,
 4. Protecting historic heritage values as identified by Policy 22,
 5. Integrates Te Mana o Te Wai consistent with Policy 42,
 6. Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.
 7. Recognises and provides for values of significance to mana whenua / tangata whenua,
 8. Protecting Regionally Significant Infrastructure as identified by Policy 8; and
- (b) the proposed urban development is consistent with any Future Development Strategy, or the Council's regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the Future Development Strategy be yet to be released; and/or
- (c) a structure plan has been prepared; and/or
- (d) Any urban development that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.

Explanation

Policy 55 gives direction to the matters that must be considered in any proposal that will result in urban development occurring beyond the region's existing urban areas. This includes ensuring that the qualities and characteristics of a well-functioning urban environment are provided for through clause (a), which includes recognising values or resources identified elsewhere in the RPS.

Clause (b) requires consideration to be given to the consistency of the development with the Future Development Strategy which will look to deliver well-functioning urban environments through a regional spatial plan. To provide for the interim period where the Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional strategic growth and/or development framework which is currently the Wellington Regional Growth Framework.

Clause (c) requires consideration to be given to whether a structure plan has been provided. A structure plan is a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features and constraints that influence how the effects of development are to be managed.

Clause (d) requires consideration of any proposal that would add significantly to development capacity, regardless of whether it is out of sequence or unanticipated by growth or development strategies. This clause gives effect to Policy 8 of the National Policy Statement on Urban Development. Clause (d) should be considered in conjunction with Policy UD.3.

Policy 56

Amend Policy 56 as follows:

Policy 56: Managing development in rural areas – consideration

When considering an application for a resource consent or a change, variation or review of a district plan, in *rural areas* (as at ~~March 2009~~ August 2022), particular regard shall be given to whether:

- (a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of *aggregate* minerals;
- (b) the proposal will reduce aesthetic and open space values in *rural areas* between and around settlements;
- (c) the proposals location, design or density will minimise demand for non-renewable energy resources; and
- (d) the proposal is consistent with any *Future Development Strategy*, or the city or district regional or local strategic growth and/or development framework or strategy that addresses future rural development, should the *Future Development Strategy* be yet to be released; or
- (e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.

Explanation

Policy 56 recognises the tension that exists between urban and rural development on the fringe of urban areas and seeks to manage this tension such that well-functioning *urban environments* and urban areas are established and maintained.

~~Policy 56 addresses development in the region's rural areas. This policy relates to urban development and rural residential development.~~

~~Rural areas (as at March 2009) include all areas not defined as the region's urban areas (as at March 2009).~~

~~The region's urban areas (as at March 2009) include urban, residential, suburban, town centre, commercial, community, business and industrial zones identified in the Wellington city, Porirua city, Lower Hutt city, Upper Hutt city, Kāpiti coast and Wairarapa combined district plans.~~

ANNEXURE 5 – Mansell submission to PPC1 to RPS

Form 5

Submission on notified proposal for plan change

Clause 6 of Schedule 1, Resource Management Act 1991

To: Greater Wellington Regional Council

Name of submitters: R P Mansell; A J Mansell, & M R Mansell

This is a submission on the following plan change proposed to the Operative Regional Policy Statement for the Wellington Region (the **proposal**):

- Proposed Plan Change 1 (PPC1)

The submitters could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

- New resource management issue for the Wellington Region relating to housing and infrastructure
- Introduction to Chapter 3.9
- Objective 22
- Objective 22B
- Policy 55
- Policy 56

We seek the following decision from the regional authority:

Refer to submission attached.

We wish to be heard in support of our submission.



Signature of submitters
(or person authorised to sign
on behalf of submitters)

Date: 14 October 2022

Electronic address for service of submitters: chris@rmaexpert.co.nz

Telephone: 021 026 45108

Contact person: Chris Hansen, RMA Planning Consultant

Submission on notified Proposed Plan Change 1 (PPC1)

Overview

The following submission is on behalf of R P, A J and M R Mansell (the submitters) who own property in Otaihanga, Paraparaumu. The submitters have applied for subdivision (including earthworks and infrastructure) resource consent from the Kāpiti Coast District Council for part of their property severed by the Kāpiti Expressway.

National Policy Statement – Urban Development (NPS-UD)

A key Objective of the NPS-UD is to ensure New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. The NPS-UD has directives for regional policy statements/plans and district plans to achieve this objective. PPC1 to the RPS for the Wellington Region intends to implement and support the NPS-UD by introducing (amongst other things) a new overarching resource management issue specific to urban development; new overarching objectives, and amendments to key policies.

Te Tupu Pai – District Growth Strategy

The submitter's property is identified in the Kāpiti Coast District Council's Te Tupu Pai district growth strategy as a medium-priority future greenfields development area. Te Tupu Pai identifies the main elements of growth, and the emphasis of “*opening up some greenfields progressively over time, with our greenfield development also being denser and more connected into public transport*” (page 8 of Te Tupu Pai). The delivery approach includes how Council will work with (amongst others) developers and making sure the right infrastructure is available at the right time for achieving sustainable growth for Kāpiti. There is a clear direction in Te Tupu Pai that future growth in Kāpiti will be met through intensification of existing areas, and new greenfield developments. Te Tupu Pai is not a Future Development Strategy in terms of the NPS-UD.

The above context is important to understand the submission points being made below to PPC1.

Submission Points

The submitters makes the following submission points on PPC1:

Submission Point #1 – New resource management issue for the Wellington Region relating to housing and infrastructure

The submitters support the introduction of the *new overarching resource management Issue 2* into Chapter 3 of the RPS that recognises increasing pressure on housing and infrastructure

capacity in the Wellington Region. This issue is considered to be consistent with the intent and requirements of the NPS-UD.

Decision Sought

The submitters seek the intent of the new overarching resource management Issue 2 to be retained as currently written.

Submission Point #2 – Introduction to Chapter 3.9: Regional form, design and function

The submitters note a number of amendments are proposed to the Introduction to Chapter 3.9 to recognise well-function urban environments, and reference to the Western Growth Corridor – Tawa to Levin (included in the Wellington Regional Growth Framework). The submitters generally support that amendments proposed to the introduction to Chapter 3.9 and consider they are consistent with the intent and requirements of the NPS-UD.

Decision Sought

The submitters seek the intent of the amendments to the introduction to Chapter 3.9 to be retained as currently written.

Submission Point #3 – Objective 22

The submitters note Objective 22 is proposed to be re-written to enable urban development where it demonstrates the characterises and qualities of well-functioning urban environments, which are defined in clauses (a) to (k) in the amended objective. Objective 22 is to be implemented through a number of policies, including Policy 55 (Providing for appropriate urban expansion).

The submitters generally support that amendments proposed to Objective 22 and the implementation of the objective through Policy 55, and consider they are consistent with the intent and requirements of the NPS-UD.

Decision Sought

The submitters seek the intent of the amendments to Objective 22 and implementation through Policy 55 to be retained as currently written.

Submission Point #4 – Objective 22B

The submitters note the proposed new Objective 22B that reads:

“Development in the Wellington Region’s rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.”

Objective 22B is to be implemented through Policy FW.7 (Water attenuation and retention - non-regulatory) and Policy 56 (Managing development in rural areas – consideration).

The submitters generally support the proposed new Objective 22B and the implementation of this objective through Policy 56, and consider they are consistent with the intent and requirements of the NPS-UD.

Decision Sought

The submitters seek the intent of the proposed new Objective 22B and the implementation of this objective through Policy 56 to be retained as currently written.

Submission Point #7 – Policy 55: Providing for appropriate urban expansion - consideration

The submitters note the following amendments are proposed to Policy 55:

- The policy is renamed to: “*Providing for appropriate urban expansion*”;
- Changing the region’s urban areas to be as at August 2022;
- Amending Clause (a) by requiring urban development to contribute to establishing or maintaining the qualities of a well-functioning urban environment, and listing the qualities in sub-clause (i) and (ii);
- Amending Clause (b) to require urban development consistent with any Future Development Strategy, or the regional or local strategic growth strategy and/or development framework should the Future Development Strategy be yet to be released;
- Adding a new Clause (d) providing for any urban development that would provide significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.

The Explanation to Policy 55 is also amended to give guidance to how the policy is to be interpreted, including the intent of Clause (b) to provide an interim period where the Future Development Strategy is in development.

The submitter’s note in the explanation referring to Clause (b) that the intent is also to give consideration to the regional strategic growth and/or development framework. However, the actual wording of the proposed Clause (b) refers also to giving consideration to a local strategy and/or development framework, and the submitters would seek an amendment to the Explanation to accurately reflect the proposed new wording of Clause (b).

The submitters generally support the proposed amendments to Policy 55 and the proposed new Explanation, subject to an amendment to the reference to local strategies and/or development frameworks in the second paragraph of Clause (b) (as outlined above), and consider the amendments are consistent with the intent and requirements of the NPS-UD.

Decision Sought

The submitters seek the intent of the proposed amendments to Policy 55 and Explanation be retained as currently written, with an exception being an amendment to the second sentence in paragraph two of the Explanation to read (words sought to be added (or similar) are underlined):

“To provide for the interim period where the Future Development Strategy is in development, clause (b) also requires consideration to be given to the consistency with any regional strategic growth and/or development framework which is currently the Wellington Regional Growth framework, or any local strategic growth and/or development framework or strategy that describes where or how future urban development should occur in a District.”

Submission Point #8 – Policy 56 – Managing development in rural areas - consideration

The submitters note amendments to Clause (d) to provide for the interim period where the Future Development Strategy is in development, similar to Policy 55 above. The Explanation to Policy 56 is also proposed to be amended by deleting the previous wording and adding a new paragraph that recognises the tension that exists between urban and rural development on the fringe of urban areas.

The submitters generally support the amendments proposed to Policy 56 and the Explanation.

Decision Sought

The submitters seek intent of the proposed amendments to Policy 56 and the Explanation to be retained as currently written.

ANNEXURE 6 – Mansell’s further submission to Council submission on PPC1 of RPS

Form 6

Further submission on notified proposed plan change

Clause 8 of Schedule 1, Resource Management Act 1991

To: Greater Wellington Regional Council

Name of persons making further submission: R P Mansell; A J Mansell, & M R Mansell

This is a further submission opposing a submission on the following plan change proposed to the Operative Regional Policy Statement for the Wellington Region (the **proposal**):

- Proposed Plan Change 1 (PPC1)

We are persons who have an interest in the proposal that is greater than the interest the general public has, as we own land that we consider should be the subject of the provisions of PPC1.

We oppose the following submission, as identified in the attached table:

- S16 - Kāpiti Coast District Council

The particular parts of the submissions we oppose are identified in the attached table.

The reasons for our opposition are identified in the attached table.

We seek that the part of the submission we oppose be disallowed as identified in the attached table.

We wish to be heard in support of our further submission.

If others make a similar further submission, we will consider presenting a joint case with them at a hearing.



Signature of person making further submission
(or person authorised to sign
on behalf of person making further
submission)

Date: 19 December 2022

Electronic address for service of person making further submission:

Telephone: 02102645108

Email address: chris@rmaexpert.co.nz

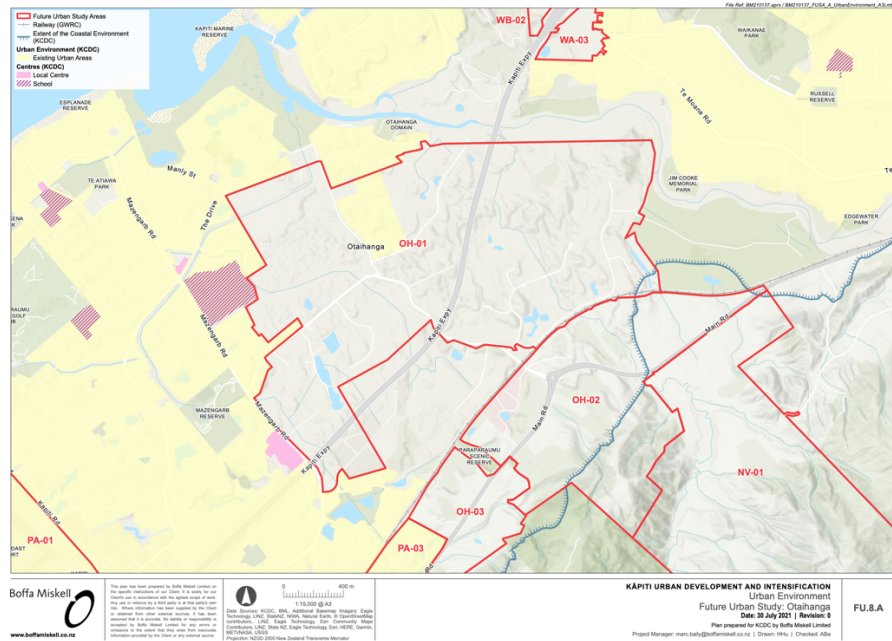
Contact person: Chris Hansen; Planning Consultant

Submitter ID/Point No./ Name	Submission / Plan Provision	Support / Oppose	Relief Sought	Reason
S16.075 - Kāpiti Coast District Council	<p>General comment – urban development.</p> <p>The submitter notes there is no statutory requirement for the RPS to direct how city and district councils are to give effect to all other RPS provisions. The submitter opposes much of the content of the RPS Change 1 content in the regional form, design and function chapter directing how city and district councils are to meet their responsibilities under the NPS-UD.</p> <p>The submitter seeks all non-mandatory provisions that are intended to direct city and district councils on how to give effect to the NPS-UD to be deleted.</p>	Oppose	R P Mansell; A J Mansell, & M R Mansell seek for the relief sought by the submitter to delete all non-mandatory provisions that are intended to direct city and district councils on how to give effect to the NPS-UD be disallowed, and seek the intent and provisions in Proposed Plan Change 1 to implement the NPS-UD be retained.	<p>R P Mansell; A J Mansell, & M R Mansell supported the intent and provisions included in the RPS through Proposed Plan Change 1 to implement the NPS-UD in its submission, and consider the RPS provisions correctly provide direction for further urban development to implement the outcomes sought by the NPS-UD, and meet the sustainable management purpose of the RMA.</p> <p>R P Mansell; A J Mansell, & M R Mansell do not agree with the submitter that the RPS cannot provide direction to city and district councils on how the NPS-UD should be implemented, from a regional perspective.</p>
S16.094 - Kāpiti Coast District Council	<p>Introduction 3.9: Regional form, design and function</p> <p>The submitter opposes all references to the Wellington Regional Growth Framework (WRGF) within the RPS, and in particular the suggestion it forms the interim strategic growth direction for the region</p>	Oppose	R P Mansell; A J Mansell, & M R Mansell seek for the relief sought by the submitter to delete all references to, and information from, the WRGF throughout the Proposed RPS Change 1, and the replacement reference to a Future Development Strategy, be disallowed, and seek the provisions in	R P Mansell; A J Mansell, & M R Mansell supported the intent of the amendments to the introduction to Chapter 3.9 and sought they be retained as currently written in its submission, and consider the RPS reference to the WRGF is appropriate and necessary to implement the outcomes sought by the NPS-UD, and to meet the sustainable management purpose of the RMA.

	<p>prior to the development of a Future Development Strategy (FDS) under the NPS-UD.</p> <p>The submitter considers the development of the WRGF was not significantly robust and did not follow the special consultative procedure required for a plan or strategy under the Local Government Act, and it therefore lacks any statutory weight under the RMA as a document prepared under other legislation.</p> <p>The submitter seeks the deletion of all references to, and information from the WRGF throughout proposed RPS Change 1; and to replace all references to the WRGF with placeholder references to a Future Development Strategy that has been prepared and published in accordance with the requirements of Subpart 4 of the NPS-UD.</p>		<p>Proposed Plan Change 1 to implement the NPS-UD be retained.</p>	<p>R P Mansell; A J Mansell, & M R Mansell do not agree with the submitter that the WRGF was not significantly robust and lacks any statutory weight under the RMA.</p>
<p>S16.077 - Kāpiti Coast District Council</p>	<p>Objective 22</p> <p>While the submitter supports in part the new Objective 22, they consider the objective proposes to introduce policy-level direction on what well-functioning urban environments are. The submitter considers</p>	<p>Oppose</p>	<p>R P Mansell; A J Mansell, & M R Mansell seek for the relief sought by the submitter to delete clauses (a) – (k) of the new Objective 22 to be disallowed, and seek the current wording of Objective 22 to be retained.</p>	<p>R P Mansell; A J Mansell, & M R Mansell supported the intent of the new Objective 22 and sought for its current wording to be retained as defining well-functioning urban environments is appropriate and necessary to implement the outcomes sought by the NPS-UD, and meet the sustainable management purpose of the RMA.</p>

	<p>this level of detail should be deleted from the objective, with the objective retaining a high-level goal.</p> <p>The submitter seeks for Objective 22 to be amended by deleting proposed clauses (a) - (k).</p>			<p>R P Mansell; A J Mansell, & M R Mansell do not agree with the submitter that the detail contained in clauses (a) – (k) of the new Objective 22 should be deleted.</p>
S16.040 - Kāpiti Coast District Council	<p>Policy 55</p> <p>While the submitter supports the intent of the policy, it raises a number of concerns specific to how the policy is drafted.</p> <p>Based on the concerns raised, the submitter seeks a range of amendments including additional wording and the deletion of parts of the policy as notified, and the deletion of the Explanation</p>	Oppose	<p>R P Mansell; A J Mansell, & M R Mansell seek for the relief sought by the submitter to amend Policy 55 by adding to and deleting parts of the policy, and the Explanation, be disallowed, and seek the current intent of Policy 55 to be retained, with the minor amendment sought to the Explanation as per their submission.</p>	<p>R P Mansell; A J Mansell, & M R Mansell supported the intent of the Policy 55 and sought for its current wording to be retained (with a minor amendment sought to the Explanation) as providing for appropriate urban expansion is appropriate and necessary to implement the outcomes sought by the NPS-UD, and meet the sustainable management purpose of the RMA.</p> <p>R P Mansell; A J Mansell, & M R Mansell do not agree with the submitter the range of amendments including additional wording and the deletion of parts of the policy, and the Explanation, are appropriate or necessary. These amendments to not retain the intent of Policy 55, which the submitter indicated they supported.</p>
S16.041 - Kāpiti Coast District Council	<p>Policy 56</p> <p>The submitter opposes the intent of the policy to place legal weight on the WRGF under the RMA and seeks deletion of the reference to the WRGF in clause d).</p>	Oppose	<p>R P Mansell; A J Mansell, & M R Mansell seek for the relief sought by the submitter to delete reference to the WRGF from Clause d) of Policy 56 be disallowed, and seek the current intent of Policy 56 to be retained.</p>	<p>R P Mansell; A J Mansell, & M R Mansell supported the intent of Policy 56 and sought for its current wording to be retained as managing development in rural areas is appropriate and necessary to implement the outcomes sought by the NPS-UD, and meet the sustainable management purpose of the RMA.</p> <p>R P Mansell; A J Mansell, & M R Mansell do not agree with the submitter that Policy 56 attempts to place legal weight on the WRGF, and that reference to the WRGF in Clause d) need to be deleted</p>

ANNEXURE 7 – Future Urban Study: Otaihangā OH-01



Future Urban Study Area; Spatial Influences and Constraints Mapping – Urban Environment