

## **PLANNING REPORT**

**PROPOSAL TO CONSTRUCT NINE TOWNHOUSE UNITS AT 65 WHITFORD BROWN AVENUE,  
PAPAKOWHAI (BEING LOT 3 DP 53147 AND LOT 4 DP17838).**

**RESOURCE CONSENT RC7240 – SL0089/16**

<b>Applicant</b>	<b>Design Builders (Wellington) Ltd</b>
<b>Application Received</b>	<b>5 December 2016</b>
<b>Reporting Planner</b>	<b>Brendon Stone</b>
<b>Site Inspections</b>	<b>13 December 2016 and 5 January 2017</b>

### **1. DESCRIPTION OF PROPOSAL**

Resource consent approval is sought to construct nine two-storey townhouse units in two rows, of 4 and 5 units, and undertake a fee simple subdivision to create independent titles for each of the units. The two rows of "Aotea townhouses" both have shared party walls for which easements will be provided as appropriate. Construction of the four units at the rear of this large, elongated and vacant site would create vehicular access and parking areas for such units and enable them to be occupied, prior to construction of units 5-9 at the front of the site as seen from Whitford Brown Avenue.

As noted on page 5 of the Assessment of Environmental Effects submitted, the development would be subject to "specific design" to address earthworks and earth retention considerations on the site, as per relevant comments in Appendix E of the application. In particular, a report from John Klimenko (Chartered Professional Engineer) dated 20 November 2016 refers.

All nine units can provide three ancillary parking spaces within their respective lots; albeit the third such park would constitute a "stacked" (nose to tail) parking space in front of the garage. Four visitor parking spaces would be provided within the residential enclave, in two lots of two, parallel to the front boundary and to the rear of the front block of units. The proposed vehicular access arrangements would provide for 99 percentile manoeuvring for all 9 units, via a shared driveway down the eastern side of the site that would incorporate a passing bay. The minimum carriageway width would comprise 4m between the eastern boundary and units 5-9. The plans submitted show vehicular turning areas for each row of units such that all on-site vehicles have the capacity to turn on-site and enter Whitford Brown Avenue in a clearer and hence safer forward movement.

The units would reach a maximum building height of 7.6m and provide the required quantity and quality of north-facing outdoor living space on two levels, including ground floor space that will be 100% permeable, in order to provide for low impact on-site stormwater arrangements.

A proposed horizontal "boardwalk" comprising the covering of an existing ground depression at the northern end of units 3 and 4 would step down from finished ground level and extend out approximately 2m to a 1m safety barrier atop the existing wall that straddles the northern boundary. The boardwalk and associated safety balustrade would comply with the 3m/45° height recession plane control. [ Plan No 14 section EE refers ]

Physical and legal access is available for all of the proposed lots. An existing street crossing is located in the south-eastern corner of the site, which would be expanded by way of the removal of one section of an existing wall to provide better vehicular sight intervisibility for vehicles on exit, relative to passing vehicles and pedestrians.

The proposed subdivision would create nine fee simple titles with easements for shared areas for vehicular access and servicing. All water, wastewater and stormwater services will be installed (underground) as required, in accordance with the relevant utility operator requirements, consistent with existing connections in the area. Net site areas would range from 167m<sup>2</sup> to 264m<sup>2</sup>, with respective building coverage per lot ranging from 31.4% to 44.4%.

Site preparation would involve removal of some existing structures and foundations, plus some cut and fill earthworks to create appropriate legal and physical building platforms and to install foundations. Cuts to the existing ground level would involve 1600m<sup>2</sup> to a depth of 0.87m – and earth filling of 900m<sup>2</sup> for a height of 1.3m, for which specific land use consent is required.

The higher density style of development proposed for this large vacant site recognises the merits of a more compact; efficient and sustainable form of development that would likely prove attractive to many busy professional or retired residents seeking a less expansive and less high maintenance form of city living.

## **2. DESCRIPTION OF SITE & SURROUNDINGS**

The 2,645m<sup>2</sup> vacant and predominantly flat site fronts Whitford Brown Avenue and lies to the south of the NZ Police College and north of the Aotea Lodge and Functions centre - and affords views out over Aotea lagoon and Porirua harbour. Once a triangular tract of land comprising 140m<sup>2</sup> in front of the site along Whitford Brown Avenue vests as road, the proposed two visitor parks astride this new front boundary would constitute parking spaces within a front yard, for which specific consent is required.

Residential properties at 12; 14 and 16 Papakowhai Road are located to the north of the site, with the roofs of these dwellings being below the level of the subject site, as per photographs and an aerial photograph of the site on Councils planning file. Numbers 4; 6; 8 and 10 Papakowhai Road lie to the west of the site.

## **3. RECENT PLANNING HISTORY**

In 2003, resource consent approval (RC 3253) was granted for a 10 lot fee simple subdivision and associated land use consents, which included earthworks for the construction of seven townhouses on the area of vacant land comprising Lot 3 DP 5314, to the east of the motel. This project did not proceed and the consent has since lapsed. The consent holder received an extension of time approval (under SL 0010/08) with a new expiry date for the subdivision and land use being till September 2014. As part of the development approved under RC 3253, the applicant undertook earthworks, constructed retaining walls and carried out landscaping on the subject land. This earlier consent for multi-unit residential development of the site has since lapsed.

In 2016, under RC 6987, Council granted subdivision approval for the subject parcel of land for which conditions 7 and 8 addressed the foundation design of future buildings and the

status of the boundary retaining walls on Lot 3 LT 460854. The current proposal incorporates suitable separation distances from existing on-site retaining walls to address surcharge considerations from future buildings and driveways.

#### **4. RELEVANT PLANNING PROVISIONS**

##### **a. Operative District Plan**

The application site is within the Suburban zone of the Porirua City District Plan. The effects of activities and buildings within the zone are managed through the use of rules and standards. Where a proposal is unable to comply with one of these, resource consent is required. It is noted that once the need for resource consent is triggered, rules and activity standards act as guidelines only.

##### **b. Reasons for Resource Consent**

The proposal requires land use and subdivision consent as the subdivision does not comply with the Controlled Activity standards for subdivision and the development itself is not provided for as a permitted activity in the Suburban zone.

As a Discretionary Activity, the stated Permitted Activity Standards become guidelines by which Council can assess the anticipated environmental effects of a particular proposal, relative to the applicable land use zoning provisions of the District Plan. The Suburban zone rules provide for residential development as a permitted activity subject to the number of units complying with the permitted activity standards, although only two units can share a common wall as of right. On this basis, each unit would have its own title to land once the subdivision is approved and hence then comply with the "party wall" rule.

Although not listed as a permitted activity it is noted that the design of the proposed complex does not comply with the following District Plan permitted activity standards, which as outlined above can be used as guidelines for the assessment the application :

- The number of co-joined units exceeds one, if the units are constructed prior to separate titles being issued
- Yards – unit 9 does not comply with the side yard setback requirement, being 1m in lieu of 1.5m from the common boundary shared with the motel operation to the east, at 65 Whitford Brown Avenue. Parking within the front yard relative to the new boundary once a small triangular tract of land fronting Whitford Brown Avenue (Lot 10) is vested as road. Units 1 and 5 would encroach into the side yard setback requirement in the form of the communal driveway and turning head down the eastern side of the site
- In terms of the 3m/45° height recession plane control, for those parts of the units that extend along the lot boundaries relative to party walls, the application outlines the (technical) areas of non-compliance resulting from the future horizontal protrusions beyond the shared party walls, over and above breaches for units 4 and 9
- Earthworks disturbance in the form of cut and fill would exceed 100m<sup>2</sup> beyond the earthworks exclusion zone , by 960m<sup>2</sup>
- The driveway would be 4m in formed width in lieu of 5m under Part H of the District Plan
- Building site coverage in excess of 35% of the total site

### **Part D3.2.1 Permitted Activity Standards**

#### **(ii) Car Parks**

*All car parks to be located within the site. Where the assessment of the number of car parks results in a fractional space being involved, the fraction shall be rounded to the nearest whole number. Every car park shall comply with the technical standards in Part H of this plan.*

#### **H1 CAR PARKING, PRIVATE WAY AND DRIVEWAY TECHNICAL STANDARDS**

*The Council requires all car parks, private ways and driveways to meet the following standards:*

- (i) Minimum car manoeuvring and parking dimensions shall be in accordance with the dimensions specified in Figure 5, Figure 5a and Table 2 (found in Section H of Porirua City District Plan).*
- (v) Car parks are to be clear of front yard.*

The driveway formation is 1m short of the 5m required width for the four rear units as per table 4 of Part H; being the District Plan carriageway width requirements. Moreover, until such time as Lot 10 adjoining Whitford Brown Avenue is vested as Road, parking within the front yard, albeit behind an existing front fence relative to the new boundary, will require specific consent.

The proposed stacked (nose to tail) parking of vehicles related to the each household unit adds ancillary on-site parking capacity whilst still being workable in terms of the availability of keys to the various related car-drivers in each unit. Council's Manager of Land Use and Subdivision Engineering is accepting of this arrangement.

#### **(iii) Earthworks**

- (a) Earthworks in a 12 month period shall not exceed 100m<sup>2</sup> in area.*

The amount of earth to be moved to prepare the rear lot for access and occupation would extend to approximately 150m<sup>2</sup>.

#### **(vi) Height Recession Plane**

*All buildings must be within a building envelope of 3m height and a vertical angle of 45° into the site measured at right angles from any point along the boundary of the site with any other site in the zone.*

For those parts of the units that extend along the lot boundaries relative to party walls, the application outlines the (technical) areas of non-compliance resulting from the future horizontal protrusions beyond the shared party walls, over and above breaches for units 4 and 9.

#### **(xvi) Site Coverage**

- (a) The maximum site coverage shall be 35% of the net site area.*

The District Plan building site coverage limit is designed to manage building density and provide sufficient residue (open) private land to provide for on-site outdoor living space and landscaping – and help retain amenity to adjoining residents in terms of the permitted level of on-site building bulk. The amount of the site, minus the common areas for parking and access, amounts to 38.9% total, and ranging from 31.4% to 44.4% for the nine units per lot.

*(xxii) Yards*

*The minimum yard requirements for any site shall be:*

*(b) Other yards*

*Minimum other yard – 1.5m.*

*(iii) Where a party wall is proposed between two proposed dwellings on adjacent sites, then the other yard standard will not apply along the length of that party wall.*

Portions of the buildings would not comply with the 1.5m setback requirement where there are no party walls, whilst unit 9 would, at 1m, not meet the 1.5m setback rule relative to the western boundary.

Units 1 and 5 would encroach into the side yard setback requirement in the form of the communal driveway and turning head down the eastern side of the site. However, there would be no window or door openings in these two units that might otherwise present a safety matter astride the driveway beyond the landscaping strips, for passing vehicles and pedestrians. Such constitutes a technical (internal) breach of the permitted standard for a yard setback (plus for the height recession plane), for which written consent is implicit in the overall application.

In terms of the two blocks of units being co-joined by way of shared party walls (albeit each with building off-sets in a staggered fashion), as opposed to the more traditional setback of units from adjoining boundaries and adjoining properties, each unit would still have access to a good level of sunlight and daylight given the two-storey design and orientation of the individual units.

On this basis, and applying the strictest activity category, the entire application for land use and subdivision consent constitutes a Discretionary Activity in this Suburban zone.

## **5. THE RESOURCE MANAGEMENT ACT 1991**

**Section 104** of the Resource Management Act provides that:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part II, have regard to –*
- (a) any actual and potential effects on the environment of 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.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- (3) A consent authority must not –
- (a) when considering an application, have regard to”
  - (ii) any effect on a person who has given written approval to the application

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

**Section 104B** of the Resource Management Act provides that:

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

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

**Section 95A** of the Resource Management Act provides that:

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

**Section 95B** of the Resource Management Act provides that:

- (1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E to 95G) whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.

- (2) *The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.*
- (3) *The consent authority must give limited notification of the application to an affected protected customary rights group or affected customary marine title group even if a rule or national environmental standard precludes public or limited notification of the application.*
- (4) *In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.*

**Section 95D** of the Resource Management Act provides that:

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

- (a) *must disregard any effects on persons who own or occupy—
  - (i) the land in, on, or over which the activity will occur; or
  - (ii) any land adjacent to that land; and*
- (b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*
- (d) *must disregard trade competition and the effects of trade competition; and*
- (e) *must disregard any effect on a person who has given written approval to the relevant application.*

**Section 95E** of the Resource Management Act provides that:

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

**In this case** it is not considered necessary to give public or limited notification of this application because :

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

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

- Council does not consider that the Royal NZ Police College to the east at 24A Papakowhai Road – Lot 2 DP53147, and the owner and leasee of the motel to the west at 65 Whitford Brown Avenue and 4 Papakowhai Road – being Lots 3 and 9 DP 53147 and Lots 4; 5 and 6 DP 17838, would be affected by the proposal in general, and the aspects of non-compliance in particular. Having said that, it is noted that these two parties have provided their written approval as part of the resource consent application that was submitted to Council.
- The topography and separation distance that would be available for the proposed rear units relative to existing houses on the other side of the northern wall, namely at 14 and 16 Papakowhai Road, is such that it is considered that any amenity effects on these two parties would be less than minor. The development would not contravene any permitted activity standards in relation to the northern boundary shared with 14 and 16 Papakowhai Road. In particular, at a minimum of 7.5m back from the boundary wall as shown on plan 14 section EE, the units themselves would meet the rear height recession plane and yard setback controls. The residence at 12 Papakowhai Road is even further set back from the subject site and the future development, and by virtue of distance; orientation and topography/elevation, be even less likely to ever be affected.
- Council's Landscape Architect and Urban Designer (Andrew Gray) has reviewed the application and his supportive comments are outlined in section 6.4 of this report. In his report, Mr Gray concludes that the proposed development is not out of character with the surrounding existing amenity and character. The applicant is proposing to keep two of the existing semi mature Pohutukawa trees and relocate the other within the front yard to provide some softening and partial screening. While there will be a visual difference between the proposed units and normal suburban detached houses, he considers that the visual effects of the application are less than minor and in accordance to the scale of visual effects anticipated under the District Plan as a permitted activity.



- Council's Manager of Land Use and Subdivision Engineering (Phillip Rhodes) is satisfied that the anticipated effects of the proposal will, from an engineering and vehicular efficiency and safety perspective, be minor and acceptable for the host site and the surrounding area provided that recommended conditions as per Council's engineering comments in section 6.4 of this report are imposed on any Council consent in this matter.
- It is considered that any off-site amenity or environmental effects resulting from the multi-unit development will be less than minor. The applicant has attempted over a period of time to obtain the written approval of the owners of other adjoining residential properties, at 14 and 16 Papakowhai Road, without any response, as per a summary outline in the application to Council. However, the orientation of these two units is away to the north, with the proposed development behind. These two existing residential units are located at least 6m back from the boundary wall – and then at least a further 5m to the nearest cantilevered first floor deck on the subject site. This minimum distance of approximately 16m as shown on plan 14 section EE would provide a generous separation distance between the proposed units at 65 Whitford Brown Avenue and the two existing dwellings at 14 and 16 Papakowhai Road. Given the northern orientation of these dwellings relative to the harbour; lagoon and the afternoon sun, service windows (comprising laundry and bathroom) appear to occupy the rear of the houses that face the large existing retaining wall. [Refer to the photographs on the Council planning file ] Views from the proposed future units will be of the roof area of the dwellings at 14 and 16 Papakowhai Road, such that it is considered that any privacy and visual effects would be less than minor on these residential occupants. Moreover, existing outdoor living areas on these properties, comprising large north facing decks, would be unaffected by the proposed development.
- In terms of any effects beyond the site in terms of daylight and sunlight - and any visual dominance, the proposed townhouses will not exceed 7.6m in height, which is below the 8m building height allowance permitted as of right on this site.
- The "other yard" and height recession plane encroachments that will occur within the subject site would only potentially affect the site and the development itself, which by implication has been approved by the applicant.
- It is considered that the anticipated effects on existing privacy levels for the dwellings to the rear of the development site, particularly at 16 Papakowhai Road, would be less than minor. In terms of the retention of local privacy for existing dwellings to the rear, at 14 and 16 Papakowhai Road, relative to the proposed four rear units on the subject site, there is only the one upper window in the rear of the house at 16 Papakowhai Road that is not opaque that would potentially be affected by overlooking from proposed unit 1 in particular and

units 2-4 to a lesser extent. Having said this, the proposed wing walls extending from and separating units 1-4 and the stepped nature of these four integral units will assist with the preservation of an adequate level of privacy in the form of sight intervisibility to the adjoining residential properties to the north. Moreover, the large distance, of approximately 15.5m between unit 2 and the cantilevered outdoor deck space - and 16.5m to the same respective spaces for unit 1 would help mitigate any reciprocal line of sight privacy effects. Certainly, the main focus of the proposed rear units would be horizontally out to the lagoon, and the harbour; hills and afternoon sun beyond – as opposed to down to the existing adjoining dwellings at 12; 14 and 16 Papakowhai Road. This combined with the proposed mitigation planting as per the relevant condition of consent would assist with the protection of local privacy levels such that it is considered that anticipated privacy effects arising from the development, relative to dwellings to the rear of the site, will be less than minor.

- The proposed residential infill development would provide for good on-site vehicular arrangements comprising resident and visitor parking - plus full on-site vehicular turning.

On the basis of the above considerations, it can be concluded that this proposal can be assessed by Council on a non-notified basis and that written approval is not required to be obtained from any adjoining party, although it is acknowledged that the owners of the land either side of the development site have voluntarily provided their written approvals as part of the resource consent application submitted to Council.

## 6. SECTION 104 MATTERS TO BE CONSIDERED

### 6.1 Environmental effects

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

- Amenity values

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

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

In the case of this application, visual effects; privacy effects; vehicular access; parking and earthworks effects are considered relevant.

- Visual effects

The design of the residential enclave as seen from Whitford Brown Avenue would represent an attractive; compact and efficient occupation of such prime land, central to the Porirua area – and serviced by main roads. Council officers have negotiated the retention of two of the existing well established pohutakawa trees within the front yard of the site which would help soften the visual appearance of the townhouse development as seen from Whitford Brown Avenue.

Andrew Gray (Councils Landscape architect and urban designer) has assessed the design and appearance of the proposed development, predominantly as seen from Whitford Brown Avenue and advises that *“the proposed development is not out of character with the surrounding existing amenity and character. There are limited residential areas that have clear and easy views to the site due to the topography and distance in many instances. The main potentially affected areas are the houses below the development and those off Kepler Way. The rear line of the proposed units have a reasonable set back from the rear boundary in comparison to what is permitted under the district plan. Single story houses could be potentially located 1.5m of the rear boundary where all of the buildings are in excess of 5 metres from the rear boundary. So the effects of the proposed units are less than what could be permitted under the district plan.”*

- Vehicular access and parking

Two on-site parking spaces per unit would be provided, plus four communal visitor parks. All such spaces will comply with the required minimum dimensions and access widths.

The internal driveway, from an existing street crossing off Whitford Brown Avenue, would be 4m in lieu of the required formed width of 5m for part of its length, partly due to the setback from the existing eastern retaining wall to help address engineering surcharge conditions, with a further 1m setback to be provided for planting along this eastern boundary. A legal width of 6m would be available.

The under- width section of the driveway down the eastern side of the site would be straight and flat and incorporate a passing bay and provide for clear vehicular sightlines into and out of the site. Council's Manager of Land Use and Subdivision Engineering (Phil Rhodes) is supportive of the proposed vehicular arrangements. In particular, *“all the parking and manoeuvring movements comply with the 99 % tracking curve and enable all vehicles to exit the site forwards. The access to the northern group of units is along a 4m wide carriageway which is essentially a one way road. As it is short (20m long) with a resting bay provided adjacent to unit 5, it is considered that appropriate provision has been made to minimise waiting times and avoid potential congestion within the remaining parts of the proposed carriageway.”*

In terms of unit 1 and 6 abutting the communal driveway/turning area, as opposed to the relevant setbacks being provided, such makes efficient use of the available space and there are no doors opening out on to this vehicular drive or windows that would protrude beyond the landscaping strip bedside units 1 and 2, such that the safety and visual effects are satisfactory.

Only the four rear units would have vehicular access off the shared 4m wide driveway down the eastern side of the site, although provision has also been made for two rear (non-resident) visitor parks off this northern end of the driveway.

- Privacy effects

In terms of the retention of local privacy for the existing dwellings to the rear at 12; 14 and 16 Papakowhai Road, relative to the proposed four rear units on the subject site, there is only the one upper window in the rear of the house at 16 Papakowhai Road that is not opaque that would potentially be affected by overlooking from proposed unit 1 in particular and units 2-4 to a lesser extent.

Having said this, the proposed wing walls extending from and separating units 1-4 and the stepped nature of these four integral units will assist with the preservation of an adequate level of privacy in the form of sight intervisibility to the adjoining residential properties to the north. Moreover, the large distance, of approximately 15.5m between unit 2 and the cantilevered outdoor deck space - and 16.5m to the same respective spaces for unit 1 would help mitigate any reciprocal line of sight privacy effects. Certainly, the main focus of the proposed rear units would be horizontally out to the lagoon, and the harbour; hills and afternoon sun beyond – as opposed to down to the existing adjoining dwellings at 12; 14 and 16 Papakowhai Road – and the subject window in particular.

Moreover, the applicant has offered ground level planting to the rear of units 1 and 2, being the residential apartments that would be closet to this upstairs window in the house at 16 Papakowhai Road. As stated in further information submitted by the applicant dated 3 February 2017, *“the proposed planting will be a line of shrubs/trees to a maximum height of 1.2 metres sufficient to provide (line of sight) screening between the townhouse development Units 1 and 2 and the windows at the rear of the residential dwelling at 16 Papakowhai Road. The planting will be evergreen species, and shall be maintained to ensure the screening remains. This can be the subject of a consent notice registered on the Computer Freehold Register issued for townhouse Units 1 and 2. The planting offered will mitigate any potential or perceived adverse visual or privacy amenity effects of the proposal on the residents of 16 Papakowhai Road such that they are less than minor. The height offered is consistent with the top of the tree on the property at number 16, and is sufficient to screen views towards the windows at number 16. The plantings do not need to be higher than the existing tree on the property at number 16 to achieve screening of the windows. By planting along the rear of Units 1 and 2, if the tree at number 16 is ever removed, screening will remain in place on the application site.”*

On the basis of the above comments, it is considered that the anticipated effects on existing privacy levels for 16 Papakowhai Road would be less than minor. The dwellings at 12 and 14 Papakowhai Road are considered even less likely to be affected by privacy considerations by virtue of their location relative to their distance and northerly orientation to the prevailing sun and views – and so privacy effects to them are also considered to be less than minor.

- Earthworks effects

Some previous earthworks carried out at 65 Whitford Brown Avenue are subject to earlier determination by Council officers based on advice from various relevant consultant engineers, including John Klimenko, who have commented upon stability and surcharge

considerations. The applicant and their agent has been privy to such background information including the presence of compacted fill on the site - and is committed to complying with relevant planning conditions and consent notices in terms of future building design and location.

The necessary earthworks to prepare the site for occupation involve a cut at the distant northern end of the site and fill at the front. The elongated site would be lowered by 0.87m to the north and raised by up to 1.3m at the southern, front face.

A report prepared by John Klimenko and submitted as Appendix E of the application notes that fill on the site is uncertified as it was not monitored during deposition. It must be treated as unsuitable until such time as testing confirms otherwise as part of further detailed site investigations from an engineering perspective. Until testing confirms the ability of the subsoils to accept building loads, all foundation systems should be subject to specific engineering design. Information provided in the application demonstrates that the requirements of a relevant consent notice on the site as per an earlier consent (RC 6987) can be met.

The applicant has provided proposed silt and sediment control measures as per Appendix D to manage silt and sediment that may result from the proposed earthworks, measures that are supported by Councils Manager of Land Use and Subdivision Engineering. [ See section 6.1 ]

- Other considerations

- In terms of positive effects, this large site has been vacant for many years and the subject style of residential infill development proposed represents a more compact and efficient use of space, compared to more standard housing design that currently predominates in Porirua. Such would align with changing demographics generated by an aging population and smaller family units and for those seeking a less demanding lifestyle in terms of the maintenance required of a larger and more conventional house and garden design.
- For such large multi-unit residential complexes, it is useful for there to be provided on-site at the front of the complex or close by on road reserve land, an attractive storage area, in this case recessed from the driveway and Whitford Brown Avenue, for the weekly storage of rubbish and recycling bags and bins deposited by future on-site residents, for collection by passing Council rubbish trucks. Such a facility would contain such regular deposits from a visual (streetscape) and hazard (wind) perspective. [ As per a relevant condition of consent, this consideration has been discussed with the applicant who is supportive of investigating the provision of such a facility with relevant Council officers. ]

### Overall

It is considered that the activity will not have, or be likely to have, adverse effects on the environment that are more than minor beyond the subject land and adjacent land. Furthermore, it is considered that any potential adverse effects on the subject land or adjacent land will be less than minor.

## **6.2 Plan Provisions - Objectives & Policies**

The Suburban zone of the Operative Porirua City District Plan has a number of objectives and policies that require consideration in assessing a Discretionary Activity.

The following objectives and policies are relevant to subdivision:

### **C3.2 OBJECTIVE**

**TO ENCOURAGE AN ENVIRONMENT WHICH CONTINUES TO SUSTAIN PORIRUA CITY'S SUBURBAN ZONE AS AN ATTRACTIVE, HEALTHY AND SAFE PLACE IN WHICH TO LIVE.**

#### **C3.2.1 Policy**

**To protect and enhance the amenity and character of the residential resource by defining standards for the bulk and location of buildings, the provision of open space, and the nature and scale of activities.**

It is considered that the proposal would not detract from the existing amenities and character of the surrounding area. The proposed allotments will contain residential townhouses which will fit in with the adjoining motel operation on the corner. It has been assessed in section 6.1 that the environmental effects of the proposed subdivision and residential buildings are of an acceptable nature and scale. It is also considered that there is sufficient usable outdoor living areas per unit, particularly in terms of the quality of such space proposed.

### **C6.1 Objective**

**To promote a pattern of land ownership which enhances the opportunities for the sustainable management of resources.**

#### **C6.1.3 Policy**

**To promote the creation of new allotments in the Suburban Zone which are capable of accommodating a complying dwelling.**

#### **C6.1.7 Policy**

**To ensure that opportunity is provided in the Suburban Zone for a wide range of residential allotment sizes without compromising the future development potential of the land.**

It is proposed that all allotments would be fully self-contained, in terms of the utilities and services used by each site. Although the proposed subdivision is unable to comply with all of the permitted activity standards outlined in the District Plan, any resulting effects from the non-compliances are considered to be less than minor.

### **C7.1 Objective**

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

**C7.1.2 Policy**

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

The District Plan has a number of objectives and policies that require consideration in assessing a land use consent. These include specific zone related objectives and policies as well as policies relating to general issue areas for Porirua. The following are most relevant to this application:

**C3.2 OBJECTIVE**

TO ENCOURAGE AN ENVIRONMENT WHICH CONTINUES TO SUSTAIN PORIRUA CITY'S SUBURBAN ZONE AS AN ATTRACTIVE, HEALTHY AND SAFE PLACE IN WHICH TO LIVE.

**C3.2.1 Policy**

To protect and enhance the amenity and character of the residential resource by defining standards for the bulk and location of buildings, and the nature and scale of activities.

The environmental effects of the proposal will be less than minor and it is considered that the proposal is consistent with District Plan objectives and policies. The proposal will not detract from the character or quality of the host suburban environment.

**6.3 Section 106 assessment**

Section 106 of the Resource Management Act 1991 provides that:

*"(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subjects to conditions, if it considers that –*

*(a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*

*(b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*

*(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

*(2) Conditions under subsection (1) must be –*

*(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*

*(b) of a type that could be imposed under section 108."*

The land is not likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source. As discussed in section 5 of the report, the land stability effects as a result of the proposal will be less than minor. The proposed allotments will also inherit consent notices from its parent allotments which notify future owners of the development limitations on the site, as per an earlier consent for the site (RC 6987).

The applicant has demonstrated that the proposed lots will be provided with appropriate legal and physical access.

#### 6.4 Comments from Other Departments

This application has been circulated for comment to Council's Manager of Land Use and Subdivision Engineering; Council's Landscape Architect - and its Civic Development Contributions team. In response they advise as follows :

- Phillip Rhodes (Council's Manager of Land Use and Subdivision Engineering) has assessed the proposal and advises that :

*"The written sediment control plan will be satisfactory as the site is small and is well contained by the existing fence and walls and the only outlet for surface water runoff from the site is the vehicle crossing area. The cut and fill depths are not significant and this work can be completed quite rapidly which will assist with sediment runoff control. The applicants have advised that as soon as the final surface has been achieved the site will be covered with 100mm layer of basecourse metal which will prevent sediment from being removed from the site. Likewise, dust will be a minor issue as soon as the metal layer has been laid.*

*The applicants report discusses the stabilised crossing proposals which include grading the internal roading to fall towards the site interior. The stabilised crossing condition is not required as the existing crossing is a concrete surface and there is no need for additional rock cover.*

*The plans show the driveway close to the boundary retaining walls for the first 15m in from the road boundary. Presumably this means removing the existing concrete strip alongside the wall which would seem to be satisfactory as the ground would get covered up by the new driveway. The 5kPa design surcharge load provided by the engineer in the retaining walls allows for standard residential vehicles to pass along close to the wall and in John Klimenkos report attached to the application there are suggested methodologies for increasing the load bearing capacity of the area closest to the walls to a 10kpa loading which would overcome any load shortfall in the first 15m stretch. Possibly the approach for the consent may be to require the standard condition relating to providing detailed engineering drawings which would show in addition to some of the main drainage, any construction details for the roading. [ See conditions 6 - 12 ]*

*Drawing SC-01 shows the arrangement of easements and includes the rights of way access. These appear to be satisfactory and provide rights over appropriate lots for reverse manoeuvring and u turns for visitor vehicles. Formation conditions are appropriate here.*

*All the parking and manoeuvring movements comply with the 99 % tracking curve and enable all vehicles to exit the site forwards. The access to the northern group of units is*



*along a 4m wide carriageway which is essentially a one way road. As it is short (20m long) with a resting bay provided adjacent to unit 5, it is considered that appropriate provision has been made to minimise waiting times and avoid potential congestion within the remaining parts of the carriageways. "*

- Andrew Gray (Councils landscape architect and urban designer) has also assessed the proposed development from a design and appearance perspective and advises that *"the proposed development is not out of character with the surrounding existing amenity and character. There are limited residential areas that have clear and easy views to the site due to the topography and distance in many instances. The main potentially affected areas are the houses below the development and those off Kepler Way. The rear line of the proposed units have a reasonable set back from the rear boundary in comparison to what is permitted under the district plan. Single story houses could be potentially located 1.5m of the rear boundary where all of the buildings are in excess of 5 metres from the rear boundary. So the effects of the proposed units are less than what could be permitted under the district plan. At the front of the proposed development all of the front facades will be in excess of 10 metres from the front boundary fence. The applicant is proposing to keep two of the existing semi mature Pohutukawa trees and relocate the other within the front yard to provide some softening and partial screening. The proposed front units do not exceed the maximum height and the house that view it are separated by the road, mainly off to one side and elevated above the site. So while there will be a visual difference between the proposed units and normal suburban detached houses, the visual effects of the application are less than minor and in accordance to the scale of visual effects anticipated under the district plan as a permitted activity."*

On this basis, Council can support the proposed residential development from a visual and building design perspective.

- Councils Development Contributions Coordinator (Sakirin Sapeas) has calculated the Development Contribution fee payable by the consent holder, of \$66,709.20 including GST, as per an attached advice note.

## **7. CONCLUSION**

The earlier analysis has established that :

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

In addition, an assessment of the proposal in terms of any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement - and a regional policy statement, has been carried out. It is concluded that the proposal would not be inconsistent with any of these instruments.

The site has been the subject of an earlier Council approval in 2003 that has since expired, for a multi-unit residential development of a similar scale. This latest proposal for the site represents a more intensive style of residential living relatively close to, and midway between, Porirua city and Mana, and all the amenities; employment options; public transport options and services available there. The low maintenance units and compact grounds will be attractive to those who prefer not to have to maintain large houses and grounds. In terms of outlook and amenity, sunny outdoor space on two levels per unit is to be provided for future residents of the residential complex. The development would also provide a generous level of ancillary resident and visitor parking on a site that adjoins a busy road that provides for no on-street parking.

The aspects of non-compliance with the relevant permitted activity standards of the District Plan are considered to be minor and would predominantly be contained within the host site. In this regard, it is considered that any environmental effects as generated by construction and occupation of the various townhouse units, particularly when subject to relevant conditions of consent, would be less than minor.

This multi-unit development would be setback from constituent boundaries, particularly from Whitford Brown Avenue - and from adjoining properties to the rear (north) which are oriented away from the subject site such that they maximise exposure to sun and view. Development of the site would also usefully retain two mature pohutakawa trees along the front boundary with Whitford Brown Avenue such that the development would blend the old and established - with the new.

On the above grounds, it is therefore recommended that the Manager of the Resource Consents team grant consent to the resource consent application.

## **8. RECOMMENDATION**

That the application by Design Builders (Wellington) Ltd to construct 9 townhouse units and undertake a fee simple subdivision at 65 Whitford Brown Avenue (being Lot 3 DP 427132 and Lot 4 DP17838), where the proposal contravenes permitted activity standards specified in the District Plan, be considered as a non-notified application under sections 95A, 95D and 95E and that resource consent **be granted** for a Discretionary Activity pursuant to sections 104, 104B and 108 of the Resource Management Act 1991 for the following reasons :

1. It is considered that the activity will not have or be likely to have adverse effects on the environment that are more than minor beyond the subject land and adjacent land.
2. The effects are considered to be less than minor such that no persons have been identified as potentially affected.
3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions.

That this consent be subject to the following conditions :

**A Land use consent conditions**

- 1 That the development be in general accordance with the information and plans submitted with the application and held on Council file RC7240 and stamped 'Approved Plans for Resource Consent RC7240' (Ref: *Design Builders plans 1-14 and AdmansonShaw plans Project No SC-01; EW01/03*). Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.
- 2 Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified chartered engineer has been appointed to carry out the design, supervision and certification of the earthworks.
- 3 The consent holder shall ensure that prior to the commencement of any works on the site that all silt and sediment control measures are in place in accordance with the Erosion and Sediment Control Plan (Ref : 'Earthworks Plan : Appendix D and Sheet EW-03, dated 18/10/16') and stamped as approved as part of this application.
- 4 The consent holder shall have regard to all the recommendations contained within the technical report prepared by John Klimenko dated 20 November 2016 in relation to site preparation for buildings and vehicle access, to the satisfaction of the General Manager, Policy, Planning and Regulatory Services.
- 5 All fill shall be compacted in accordance with the Code of Practice for Earth Fill for Residential Development, NZS 4431:1989. Within 6 months of completion of the earthworks hereby consented, plans are to be supplied to the satisfaction of the General Manager, Policy, Planning and Regulatory Services showing the location of all compaction tests, together with a certificate prepared by an inspecting chartered engineer stating the suitability of the earthworks for residential development.
- 6 The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment by entering either the kerb and channel, the storm water system, or a natural watercourse.
- 7 Land disturbed by earthworks, trenching or building activities shall be subject appropriate methods of dust control to ensure that dust nuisance is maintained within the site.
- 8 The consent holder shall generally conform to the Wellington Regional Council 'Small Earthworks – Erosion and Sediment Control for small sites' (June, 2006), when designing sediment control options for the earthworks on the site. Note - Porirua Council's minimum expectations for erosion and sediment control on all small

building sites across the City can be seen at: <http://www.pcc.govt.nz/A-Z-Services/Resource-Consents/Silt-and-Sediment-Control/Small-Building-Sites-Minimum-Erosion-and-Sediment-Control-Requirements>. Please read these pages prior to commencing any works on the site.

- 9 If earthworked materials are carried onto the surrounding road network, the consent holder shall be responsible for cleaning and repairing the road back to its original condition each evening during the earthworks period. In doing this, the consent holder shall ensure that no materials are washed or swept into any stormwater drains or natural drainage systems.
- 10 Future planting to the rear of proposed units 1 and 2 must take place prior to occupation of these units and comprise a line of shrubs/trees to a maximum height of 1.2m, sufficient to provide line of sight screening between units 1 and 2 - and the windows at the rear of the residence at 16 Papakowhai Road. The planting shall be evergreen species and shall be maintained to ensure a level of privacy remains. This shall be the subject of a consent notice registered on the Computer Freehold Register issued for townhouse units 1 and 2.
- 11 The proposed communal on-site visitor parks must be formed; sealed and marked out in accordance with approved plan (*Ref: Design Builders plans 1-14 and AdmansonShaw plans Project No SC-01; EW01/03*) prior to occupation of the first unit in the complex (including for the occasional service; furniture and tradesmen vehicles), to the satisfaction of the General Manager, Policy Planning and Regulatory Services, such that these four spaces do not become de facto parking spaces for occupants of adjoining units.
- 12 Prior to occupation of any of the proposed dwellings, there shall be provided on-site at the front of the complex or possibly close by on Council road reserve land, to the satisfaction of the General Manager, Policy, Planning and Regulatory Services, an appropriately designed storage area recessed from the shared driveway and Whitford Brown Avenue, for the weekly deposition of rubbish and recycling bags and bins by future on-site residents, for collection by rubbish trucks. Such a facility shall be designed to minimise the likelihood of rubbish contained within being blown by the wind.

**B Subdivision consent conditions**

- 13 That the development be in general accordance with the information and plans submitted with the application and held on Council file RC7240 and stamped 'Approved Plans for Resource Consent RC7240' (*Ref: Design Builders plans 1-14 and AdmansonShaw plans Project No SC-01; EW01/03*). Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed.

- 14 Prior to the commencement of works, detailed engineering plans showing the layout and position of proposed services (water, storm water, sewer and roading), and any site works and construction (other than residential buildings), shall be submitted for Pre Engineering Acceptance to the satisfaction of the General Manager, Policy, Planning and Regulatory Services.

Prior to approval under Section 223 of the Resource Management Act (RMA)

- 15 Prior to approval under Section 223, the easements specified on the approved plan Project No 30559 DN SC-01 shall be created or reserved for the purpose specified and endorsed in a memorandum on the Land Transfer Plan.
- 16 Prior to approval under Section 223, easements for public services are to be shown on a plan with a minimum of 3m in width centred over the services, and shall be shown in gross with Porirua City Council as grantee.

Prior to approval under Section 224

- 17 Prior to approval under Section 224 of the Resource Management Act, all works shall be carried out in accordance with the various 'pre-engineering approval' plans to be approved .
- 18 Prior to approval under Section 224, all works approved under condition 14 shall be carried out in accordance with the approved plan.
- 19 Prior to approval under Section 224, all related works shall comply with New Zealand Standard: Land Development and Infrastructure Engineering NZS 4404:2010 the PCC Code of Land Development and Subdivision Engineering 2010 and the Wellington Water Regional Standard for Water Services 2012.
- 20 Prior to approval under Section 224, all utility services shall be installed underground.
- 21 Section 224 certification will not be considered until "as built" drawings of the completed subdivision have been submitted for approval to the satisfaction of the General Manager, Policy, Planning and Regulatory Services by the consent holder or his representative.
- 22 Prior to approval under Section 224, Lots 1 to 9 shall be supplied with an individual water supply connection and toby. Council will carry out connection to the existing Council main after submitting a connection application to Council and payment of all associated costs. The consent holder is to arrange for all trenches to be opened (if required) and reinstated to a satisfactory condition.

- 23 Prior to approval under Section 224 Lots 1 to 9 shall be provided with an individual 100mm diameter sanitary sewer connection within the lot. Laterals are to be provided by the consent holder, with the actual connection to the main provided by the Council of which the actual cost shall be met by the consent holder.
- 24 Prior to approval under Section 224, Lots 1 to 9 shall be provided with an individual 100mm diameter storm water connection within the lot. Connection shall be either to the kerb and channel (using Council approved materials) or to the council main. The consent holder shall pay all associated costs.
- 25 Prior to approval under Section 224 certification is to be supplied to the satisfaction of the General Manager, Policy, Planning and Regulatory Services on completion of the works, and shall comprise:
- (i) NZS 4404:2004 Schedule 1B (Certificate of Person Responsible for Construction), signed by the Contractor.
  - (ii) Signed copies of NZS 4404:2004 Schedule 1C (Certificate of Person Responsible for Inspection and Review of Construction) signed by a suitably qualified professional.
  - (iii) NZS 4404:2004 Schedule 2A (Statement of Professional Opinion as to Land for Building Construction), signed by a Chartered Professional Engineer experienced in geotechnical matters.
- 26 Prior to Section 224 certification, the Rights of Way identified as Areas A to K on easement plan SC - 01 shall be constructed and sealed in accordance with the PCC Code of Land Development and Subdivision 2010, Land Development and Subdivision Infrastructure - NZS 4404: 2010, and the vehicular manoeuvring requirements of Part H of the District Plan.
- 27 Prior to the issue of a Section 224c certificate, the consent holder shall construct a new vehicle crossing in compliance with PCC's Code of Land Development and Subdivision 2010 and PCC specification 12b as outlined at <http://www.pcc.govt.nz/DownloadFile/A-Z-Services/Roading/Vehicle-Crossing-Specifications>. Note - A copy of Specification 12b can be found at: <http://www.pcc.govt.nz/DownloadFile/A-Z-Services/Roading/Vehicle-Crossing-Specifications>
- 28 The requirement to provide and maintain the planting on proposed Lots 1 and 2 required by condition 10 of this consent shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new Computer Freehold Registers for the lots specified and shall be prepared by Council at the cost of the consent holder.

## THE APPLICANT IS TO NOTE

### Local Government Act 2002

Pursuant to s.198 and s.208 of the Local Government Act 2002 and the Council's 2015 'Policy on Development and Financial Contributions', please be advised that prior to certification under s.224 of the Resource Management Act 1991 or prior to the new connection(s) to the Council's water infrastructure (what-ever comes first), Council requires that the consent holder to pay a Development Contribution of \$66,709.20 inc. GST or at any other rate for this area that is applicable at the time of payment. This amount due is made up of the following:

Summary of Fees by Activity	Fees
City Landscape	\$ 1,416.00
New Reserves	\$
Sports Fields	\$ 872.00
Roading	\$ 14,392.00
Stormwater	\$ 11,432.00
Wastewater	\$ 832.00
Wastewater Treatment Plant	\$ 9,032.00
Water Supply	\$ 20,032.00
<b>Total Development Contribution Charges (GST excl)</b>	<b>\$ 58,008.00</b>
Plus GST @ 15%	\$ 8,701.20
<b>Total Development Contribution Charges (GST incl)</b>	<b>\$ 66,709.20</b>

### Section 357

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

### Building Act

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

### Section 125

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

### Earthworks

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

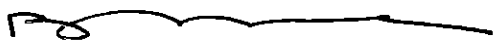
### Traffic Management Plan

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

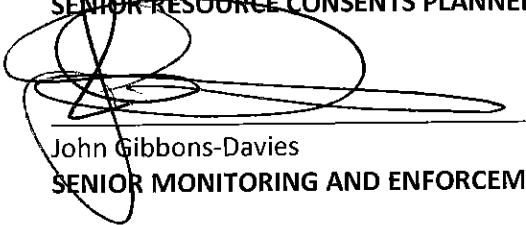
### Fees and charges

Should any additional fees charged for the processing of this application or any financial contributions, levies or bonds required by conditions of this consent not be paid within the deadlines set either through invoicing or consent conditions, this could ultimately lead to Council seeking to recover money owed through the debt

collection agency. Should the need arise to use a debt collection agency then the consent holder will be liable for and charged any extra expense that the debt collection service incurs.

  
\_\_\_\_\_  
Brendon Stone  
**SENIOR RESOURCE CONSENTS PLANNER**


14/2/17  
Date

  
\_\_\_\_\_  
John Gibbons-Davies  
**SENIOR MONITORING AND ENFORCEMENT OFFICER**

14/02/2017  
Date

**Decision of Council**

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

  
\_\_\_\_\_  
Adrian Ramage  
**MANAGER RESOURCE CONSENTS**  
**under Delegated Authority**

14/2/17  
Date