

13 October 2021

Notification assessment for resource consent(s) under the Resource Management Act 1991(RMA)

Application No:	RM210147
Applicant:	M R Mansell, R P Mansell & A J Mansell
Site Address:	48 and 58 Tiekō Street and 131, 139 and 147 Otaihanga Road, Paraparaumu
Legal Description:	Lots 1 and 3 DP 303764, Lot 6 DP 53191 and Lots 2, 3 and 4 DP 84524
Site Area:	14.8553ha, 7.4766ha, 1.0010ha, 1.0030ha and 1.0090ha
Applicant's Address for Service:	C/- Chris Hansen 220 Ross Road RD 7 Whakamarama 3179
Proposal:	Undertake earthworks that do not meet the permitted activity standards for a 49-lot rural residential subdivision, construction of a new road, reserves to vest with Council and land use consent for a reduction in yard setbacks and modification of indigenous vegetation and the surrender of easements
Operative District Plan Zone:	Rural
Proposed District Plan Zone:	Rural Residential
Activity Status:	Subdivision - Non-complying Land Use - Restricted Discretionary

Report prepared by: Marnie Rydon, Consultant Planner
Report peer reviewed by: Eloise Carstens, Resource Consents Team Leader

Deposit received: 5 July 2021
Section 92(1) further information requested: 26 July 2021
Section 92(1) further information received: 12 October 2021

1 PREAMBLE

This report provides a notification assessment on the application RM210147.

2 THE PROPOSAL

2.1 Description of Proposal

The Applicant is proposing to undertake a subdivision of the properties at 48 and 58 Tiekō Street and 131, 139 and 147 Otaihanga Road, Paraparaumu. The subdivision proposes the following:

• Lot 1 of 4280m ²	• Lot 26 of 690m ²
• Lot 2 of 3780m ²	• Lot 27 of 615m ²
• Lot 3 of 3530m ²	• Lot 28 of 650m ²
• Lot 4 of 4805m ²	• Lot 29 of 7130m ²
• Lot 5 of 2.78ha	• Lot 30 of 4030m ²
• Lot 6 of 5530m ²	• Lot 31 of 595m ²
• Lot 7 of 4100m ²	• Lot 32 of 490m ²
• Lot 8 of 4130m ²	• Lot 33 of 2115m ²
• Lot 9 of 4255m ²	• Lot 34 of 585m ²
• Lot 10 of 6330m ²	• Lot 35 of 950m ²
• Lot 11 of 6470m ²	• Lot 36 of 1015m ²
• Lot 12 of 2705m ²	• Lot 37 of 650m ²
• Lot 13 of 2815m ²	• Lot 38 of 820m ²
• Lot 14 of 2650m ²	• Lot 39 of 760m ²
• Lot 15 of 2525m ²	• Lot 40 of 800m ²
• Lot 16 of 2350m ²	• Lot 41 of 525m ²
• Lot 17 of 2095m ²	• Lot 42 of 665m ²
• Lot 18 of 2795m ²	• Lot 43 of 580m ²
• Lot 19 of 4660m ²	• Lot 44 of 940m ²
• Lot 20 of 1.64ha	• Lot 45 of 950m ²
• Lot 21 of 4260m ²	• Lot 46 of 580m ²
• Lot 22 of 7390m ²	• Lot 47 of 1080m ²
• Lot 23 of 1205m ²	• Lot 48 of 1010m ²
• Lot 24 of 880m ²	• Lot 49 of 950m ²
• Lot 25 of 765m ²	

All proposed allotments will be vacant with Lots 1 – 19 being accessed via the Tiekō Street extension with right of way easements created where necessary. Lots 20 – 49 will be accessed via the new road with right of way easements created where necessary.

The extension to Tiekō Street shown as Lot 101 is proposed to be vested with Council as is the new road shown on the plans as Lot 100.

The Applicant is also proposing to vest the following:

- Lot 104 as local purpose reserve (walkway)

- Lot 105 as local purpose reserve (recreation)
- Lot 200 as local purpose reserve (stormwater)

Power and telecommunications services will be provided to Lots 1-49 via the extension of existing services located within Otaihanga Road and Tieko Street into Lots 100 and 101. Where necessary, easements will be created to protect these services to individual allotments.

Extensions to the Council's water and wastewater networks are proposed to serve Lots 1-49.

Earthworks involving a total of approximately 124,000m³ of earthworks are proposed, involving approximately 70,000m³ of cut and 54,000m³ of fill are proposed.

Consent has also been sought for a reduction of the required yard setbacks of Lots 23-49 from 10m front yard (road) setback and 5m side and rear yard setbacks to a 4.5m front yard (road) setback, 3m and 1.5m for side yards and 3m for rear yard setbacks.

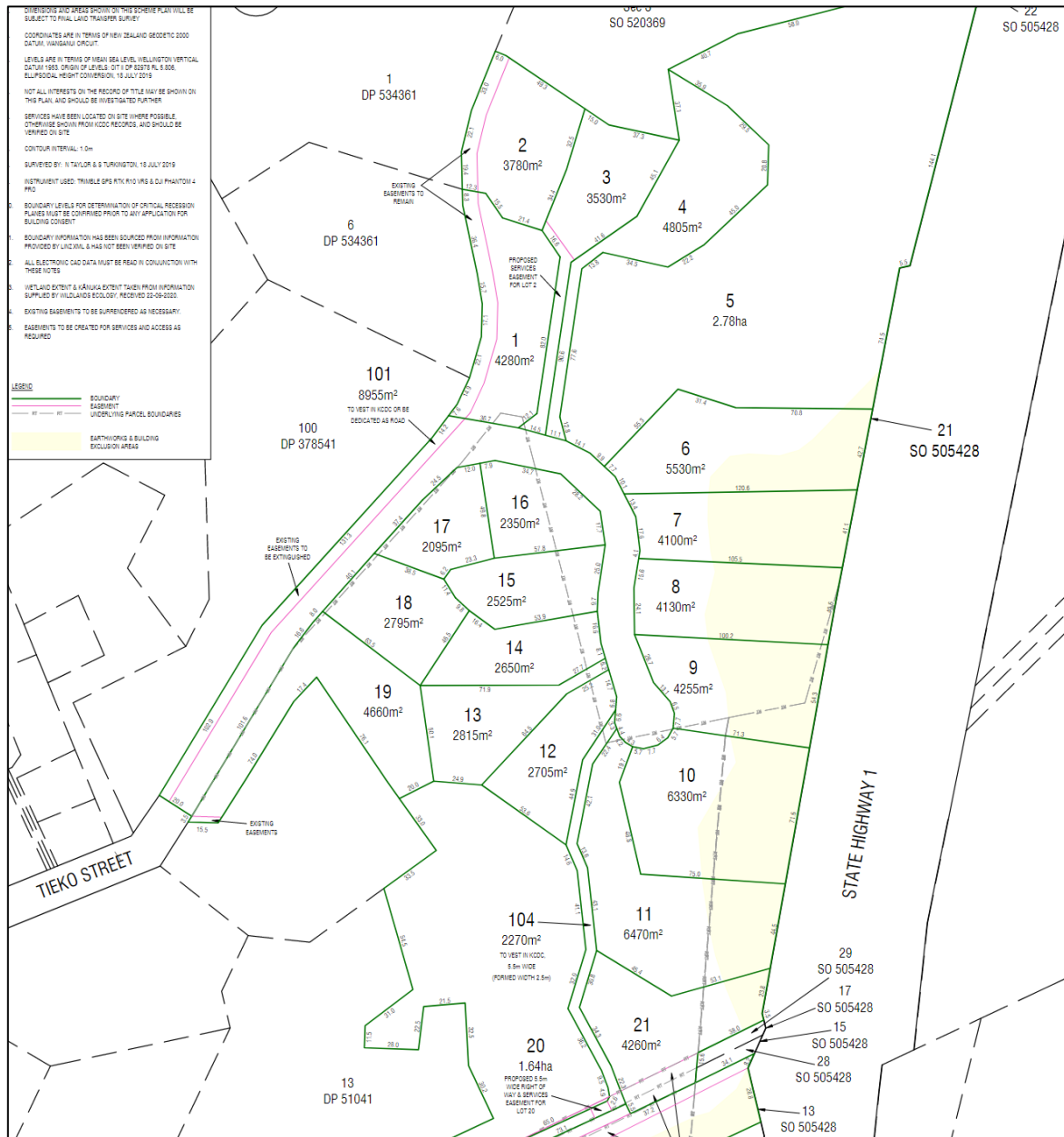


Figure 1: Scheme plan of the proposed lots accessing from Tieko Street

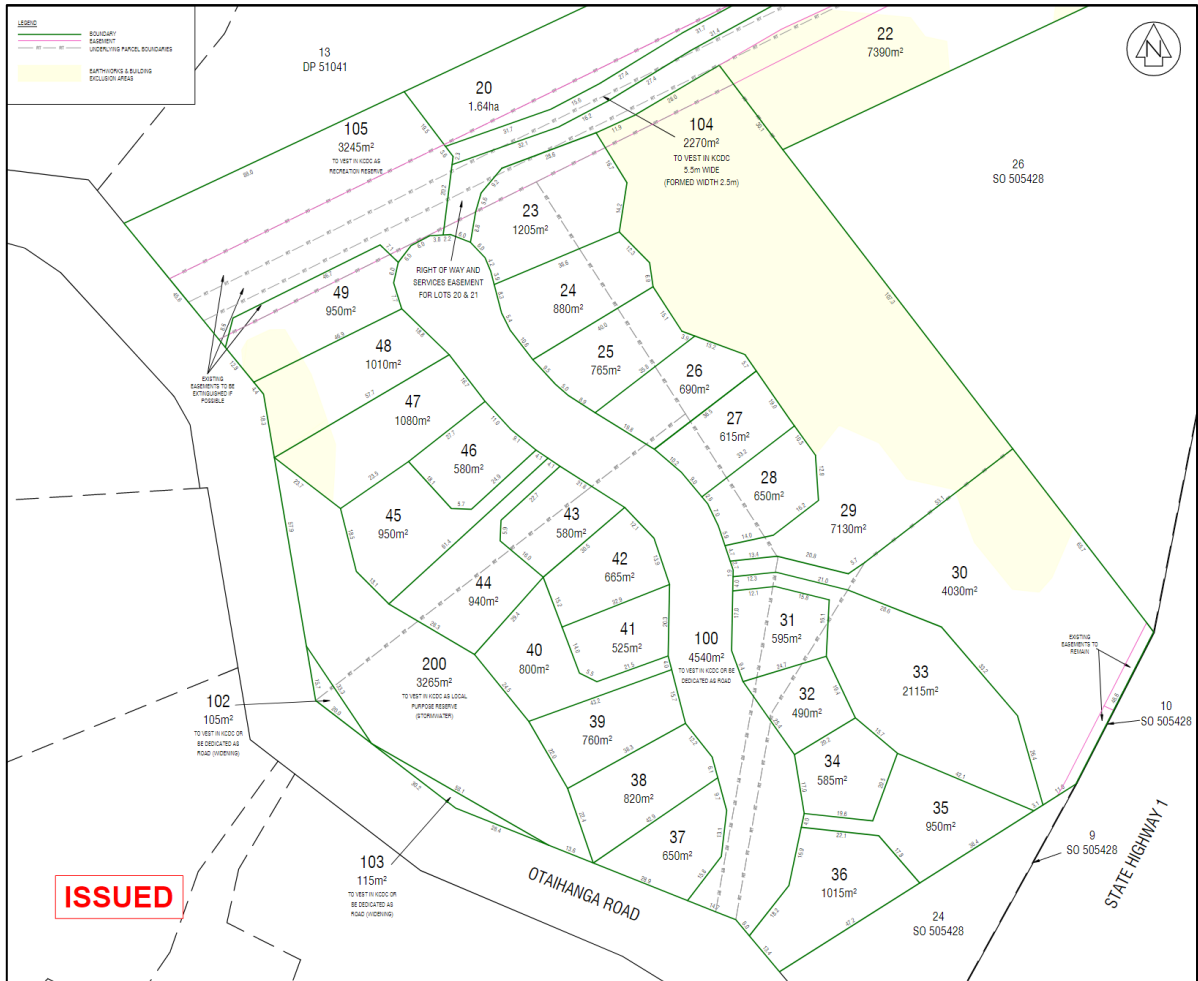


Figure 2: Proposed scheme plan showing the lots accessing from Otaihanga Road

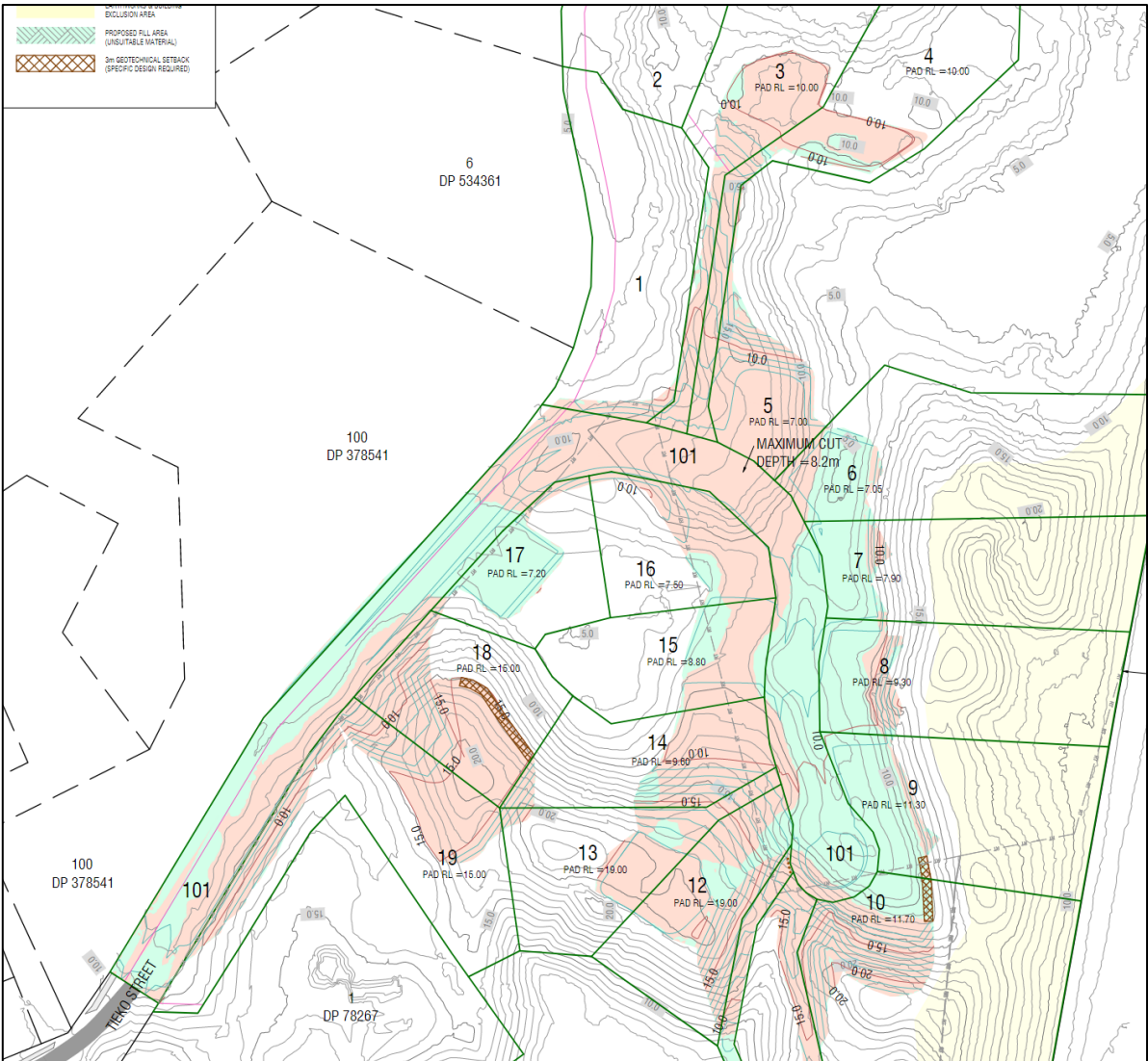


Figure 3: Plan showing the proposed earthworks for the northern portion of the proposed subdivision

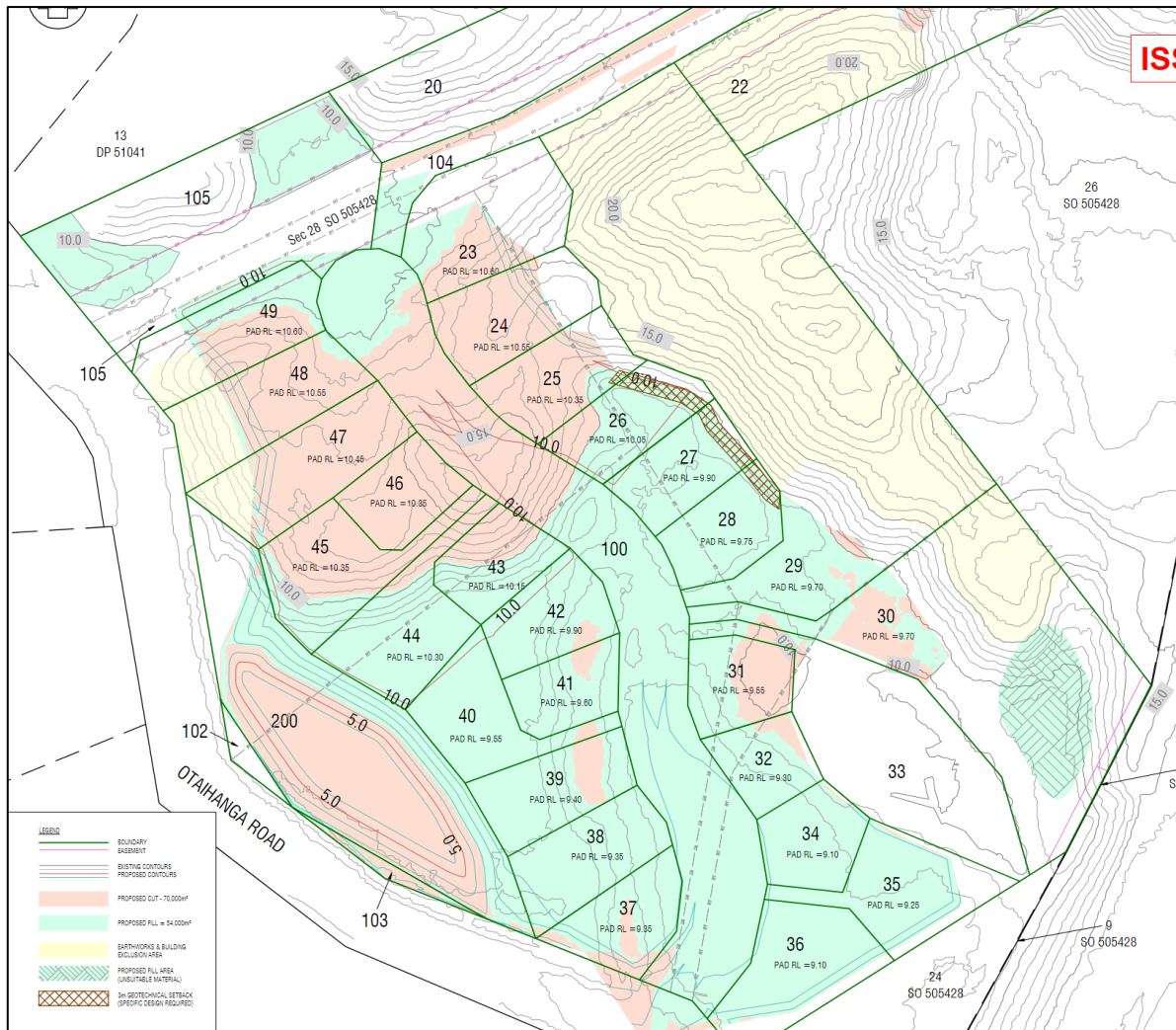


Figure 4: Plan showing the proposed earthworks on the southern portion of the site

2.2 Application, Supporting Information and Further Information Requested

The Applicant has provided an assessment of effects of the activity on the environment (AEE) prepared by Chris Hansen Consultants Ltd. The AEE concludes that the effects are considered to be no more than minor.

The AEE was accompanied by the following supporting information:

- Records of Title
- Photographs of the site
- Plans prepared by Cuttriss Consultants Limited
- Landscape and Visual Impact Assessment prepared by DCM Urban Design Limited and dated 29 June 2021
- Transportation Assessment prepared by Harriet Fraser Traffic Engineering & Transportation Planning and dated 29 June 2021
- Geotechnical investigation Report prepared by Resource Development Consultants Ltd and dated 22 February 2021
- Assessment of Ecological Effects prepared by Wildland Consultants Ltd and dated June 2021

- Flood Hazard Assessment of Effects Report prepared by Awa and dated 29 June 2021
- Engineering Infrastructure Report prepared by Cuttriss Consultants Limited and dated 29 June 2021
- Preliminary Erosion & Sediment Control Plan prepared by Cuttriss Consultants Limited and dated 29 June 2021
- Revised Archaeological Assessment prepared by Kevin L. Jones Archaeologist Ltd and dated 22 February 2021
- PDP Objectives and Policies Assessment prepared by Chris Hansen Consultants and dated June 2021

Further information relating to 26 matters was requested on 26 July 2021. These matters related to concerns raised by iwi, usability of the lots for their intended future purpose, existing consent notice, a number of traffic and open space concerns and the earthworks proposed.

In response to the further information request, the following documents were provided:

- Section 92(1) response prepared by Chris Hansen Consultants Ltd, dated 15 September 2021
- Suggested draft conditions prepared by Chris Hansen Consultants Ltd
- Email from Dr. Mahina-a-rangi Baker, Pou Takawaenga Taiao, Environmental Manager for Ātiawa ki Whakarongotai Charitable Trust to Chris Hansen dated 20 July 2021
- Tieko Street Upgrade plans prepared by Cuttriss Consultants Limited
- Updated Sight Line plans for Otaihanga Road prepared by Cuttriss Consultants Limited
- Updated Road Long Section and Cross Section plans prepared by Cuttriss Consultants Limited
- Updated Scheme plans prepared by Cuttriss Consultants Limited
- Landscaping plans prepared by DCM Urban
- Revised Geotechnical Investigation prepared by RDCL
- Right of Way Turning Details plan prepared by Cuttriss Consultants Limited and received 12 October 2021

Following a review by Council officers it was determined that the responses provided satisfied the further information request.

2.3 Written Approvals

No written approvals have been obtained.

3 SITE AND SURROUNDING ENVIRONMENT

3.1 Site Description



Figure 5: Image of the site highlighted pink and taken from the application

There are five properties that make up the application site:

48 Tiekō Street

Legally described as Lots 1 and 3 DP 303764 and held in Record of Title 15068, the property known as 48 Tiekō Street it shown to contain an area of 14.8553ha. There are a number of interests registered on the Record of Title including easements and consent notice 5269965.3. Consent notice 5269965.3 does not contain any items that impact the processing of this application.

The site has steep hills and low gullies and is currently vacant paddocks with mature pine trees. The property is currently used for grazing.

58 Tieko Street

Legally described as Lot 6 DP 53191 and held in Record of Title WN23A/206, 58 Tieko Street is shown to contain an area of 7.4766ha. There are a number of interests registered on the Record of Title including easements that will be surrendered as necessary for the proposed works.

The site has high hills and low gullies and currently used for grazing.



Figure 6: Image showing the topography of the sites on Tieko Street looking towards the south

131 Otaihanga Road

Legally described as Lot 3 DP 84524 and held in Record of Title WN52A/677, 131 Otaihanga Road contains an area of 1.0010ha. There are a number of easements and a consent notice (B663195.2) registered as interests on the Record of Title. The consent notice does not contain any items that impact the processing of this consent.

The site has a steep topography, is vacant and is currently used for grazing.



Figure 7: View looking east at one of the low-lying wetland areas

139 Otaihanga Road

Legally described as Lot 2 DP 84524 and held in Record of Title WN52A/676, 139 Otaihanga Road contains an area of 1.0030ha. There are a number of easements and a consent notice (B663195.2) shown as interests registered on the Record of Title. The consent notice does not contain any items that impact the processing of this consent.

The site is currently a vacant paddock that sits lower than the adjoining road carriageway.



Figure 8: View of 139 Otaihanga Road looking towards 131 Otaihanga Road. The low-lying area is where the stormwater reserve is proposed to be located

147 Otaihanga Road

Legally described as Lot 4 DP 84524 and held in Record of Title WN52A/678, 147 Otaihanga Road is shown to contain an area of 1.0090ha. The Record of Title contains a number of registered interests including easements and a consent notice. The consent notice does not contain any items that impact the processing of this consent. The site is currently vacant and has an undulating topography.



Figure 9: View from the properties on Otaihanga Road looking to the southeast

3.2 Surrounding Environment

The surrounding environment contains the MacKays to Peka Peka Expressway State Highway One) directly to the east of the subject site which includes the associated walkway/cycleway/bridleway.

The sites immediately adjoining the subject sites have a similar topography and are of similar rural residential sizes. A number of these properties contain dwellings, large paddocks and mature vegetation that is common in rural areas. Further to the northwest is the suburb known as Otaihanga that is zoned residential and thus is made up of allotments significantly smaller than the subject sites that contain dwellings, landscaping typical of a residential environment and accessory buildings.

The Southward Car Museum and Otaihanga Transfer Station are located along Otaihanga Road to the southeast as well as a range of other small commercial/industrial operations.

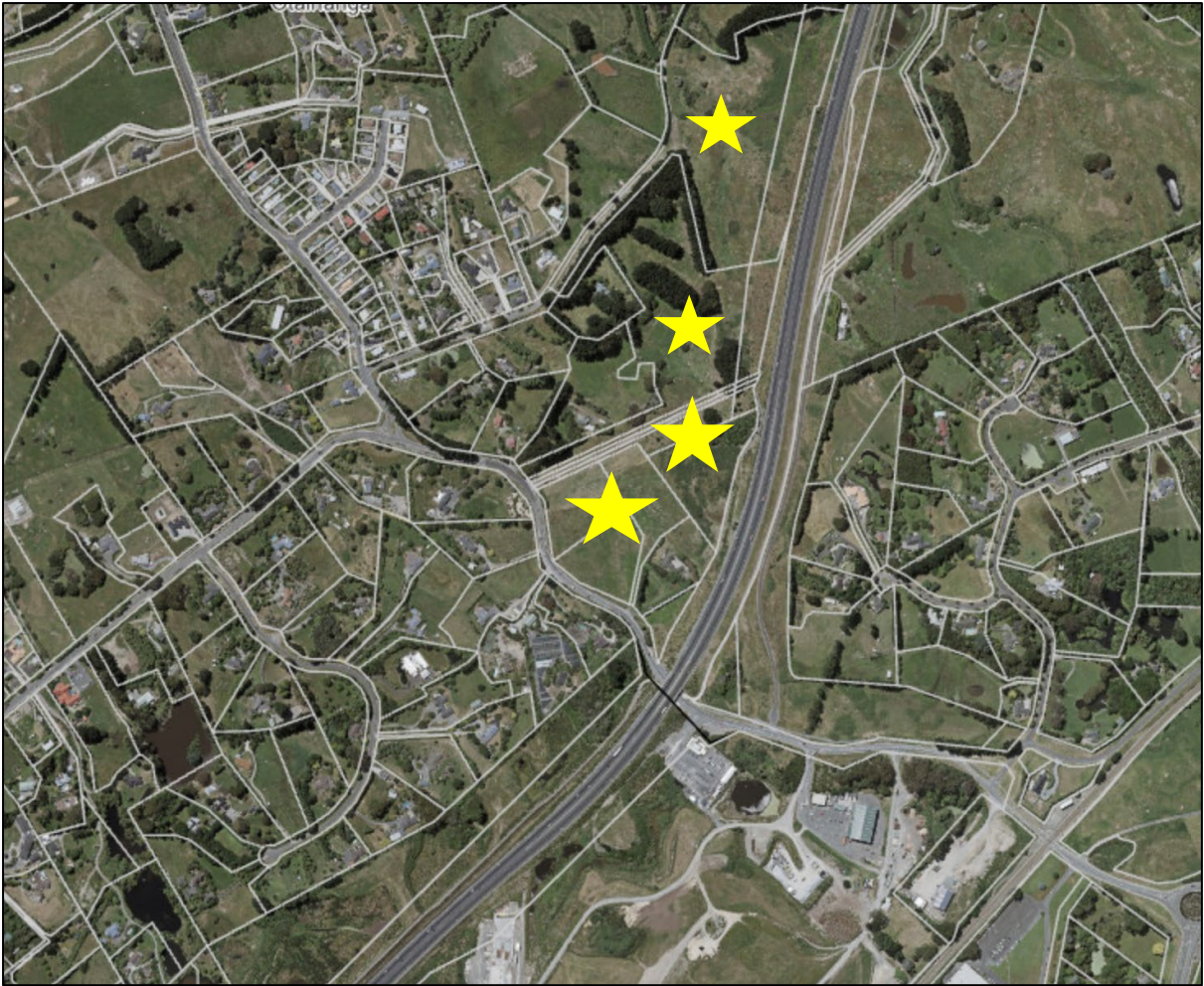


Figure 10: Aerial image of the subject sites (indicated by yellow stars) and wider surrounding environment

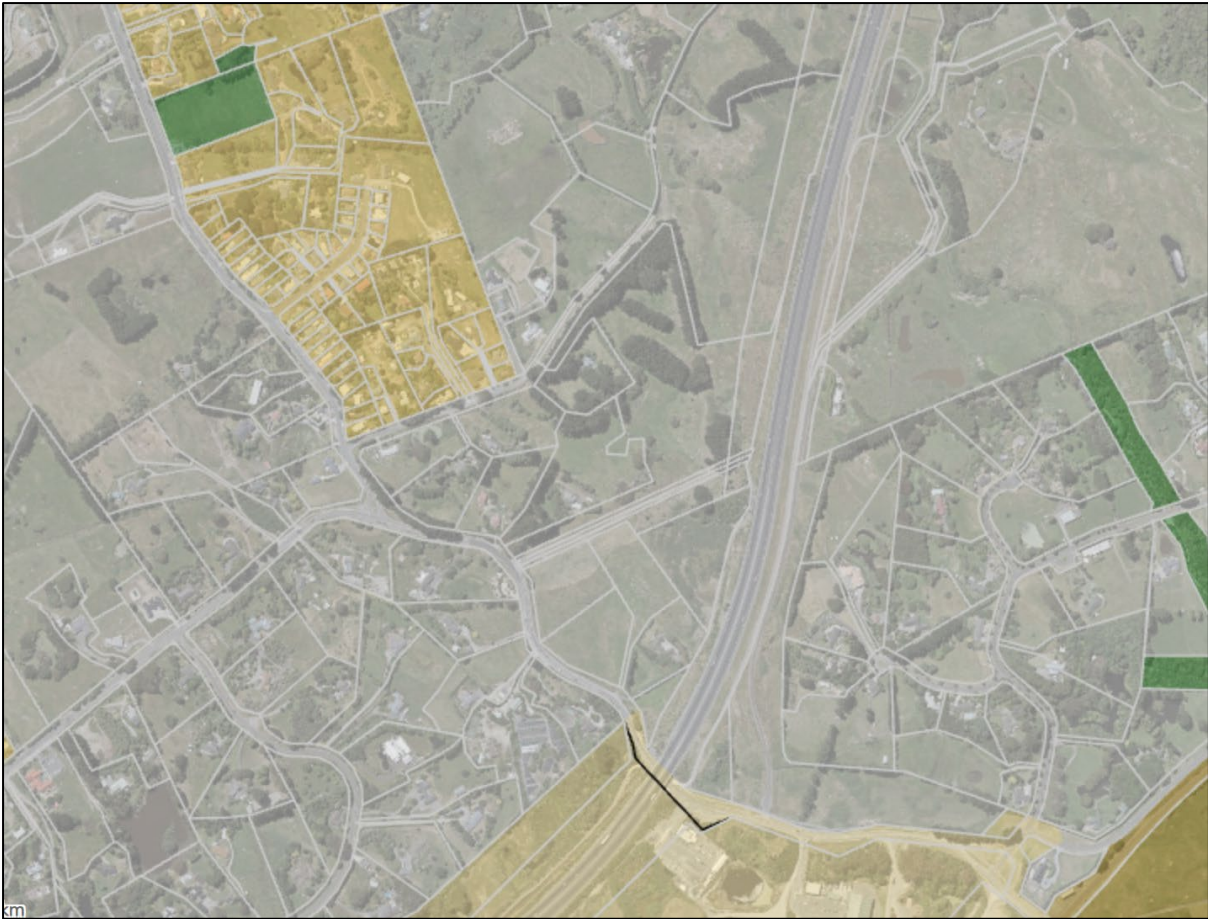


Figure 11: Zoning map showing rural residential in grey, residential in yellow, open space (local parks) in green

3.3 Consent History

The following consents have been lodged for the subject site:

Application Number	Proposal	Status Date
RM210172	Undertake a boundary adjustment between Lot 6 DP 57614 and Part Lot 5 DP 84524 and undertake a five-lot rural lifestyle	Decision issued 2/09/2021

4 DISTRICT PLANS

In November 2012, Council notified the Proposed District Plan (PDP). Following submissions, hearings and the releasing of decisions on 22 November 2017, there was an appeals period. The appeals period closed on 25 January 2018.

As of 26 January 2018, any provisions of the PDP not appealed are operative and the corresponding provisions of the Operative District Plan (ODP) 1999 fall away. The ODP objectives, policies and maps still have legal effect and must be considered when processing applications.

The District Plans are assessed below.

5 OPERATIVE DISTRICT PLAN PROVISIONS

5.1 Kapiti Coast Operative District Plan 1999

The Kapiti Coast District Plan sets out the status of the activity within rules, that is whether they are permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making as they are to be taken into account in the evaluation of the activities.

5.2 Operative District Plan Zoning and Overlays

The properties are zoned Rural under the Kapiti Coast Operative District Plan and within the Rural Residential Rural Subdivision Policy Area. The subject site is shown to be affected by the flood hazard ponding and Otaihanga Road is shown as a Secondary Arterial Road in the Road Hierarchy as per the Operative District Planning Maps.

5.3 Operative District Plan Rules and Standards

None of the Operative District Plan rules and standards still having legal effect are relevant to the proposal.

6 PROPOSED KAPITI COAST DISTRICT PLAN 2012

6.1 The 'Proposed Plan'

On 29 November 2012, the Council publicly notified the Proposed District Plan 2012 (the Proposed Plan). The Proposed Plan included a full review of the Operative Plan provisions and marks a major shift in the Council's approach to resource management in the District.

6.2 Proposed District Plan Zoning and Overlays

The properties are zoned Rural Residential under the Kapiti Coast Proposed District Plan. The subject site is affected by the flood hazard ponding, is within the Coastal Environment and Otaihanga Road is shown to be a Local Community Connector in the Transport Network Hierarchy as per the Proposed District Planning Maps.

6.3 Proposed District Plan Rules and Standards

The following Rules and Standards of the PDP are relevant to the subdivision component of the proposal:

Chapter 7 Rural Zones		
Table 7A.3 Restricted Discretionary Activities	Standards	Compliance
2. Subdivision in all Rural Zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.2	1. General standards: a) all lots must meet natural hazard subdivision standards in Chapter 9 Hazards, including Rule 9B.3.3, and the relevant natural and coastal environment standards in Chapters 3 Natural Environment and 4	Does not comply – as set out in this table

	<p>Coastal Environment, and the relevant historic heritage standards in Chapter 10;</p> <p>b) all lots must meet access and transport and infrastructure standards for subdivisions in Chapter 11;</p> <p>c) each lot must have a notional building area (capable of containing at least a 20-metre diameter circle) and access identified on the site plan; and</p> <p>d) A firefighting water supply must be provided which complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p> <p>e) Compliance with Table 12A.1-financial contributions.</p> <p>f) The Esplanade Reserve and Esplanade Strip provisions of Schedule 8.1 must be complied with.</p> <p>g) The maximum number of lots gaining legal and physical access via a right of way shall be 6.</p> <p>2. Additional standards for the Rural Residential Zone:</p> <p>a) Subdivisions must create lots with a minimum average area of 1ha across the subdivision and a minimum individual lot area of 4000m².</p>	<p>Does not comply – as set out in this table</p> <p>Does not comply – 20m diameter circles are not shown for Lots 23-49</p> <p>Will comply – detail on the provision of firefighting water is detailed in the Engineering Infrastructure Report submitted with the application</p> <p>Will comply – if consent is granted, a condition will be imposed requiring the payment of financial contributions</p> <p>Not applicable – no Esplanade Reserves or Strips are required</p> <p>Complies – the maximum number of lots gaining access over a right of way is three</p> <p>Does not comply – only 15 of the proposed allotments (Lots 1, 4-11, 19-22, 29 and 30) have a minimum lot size of 4000m² or more, the remaining allotments range in size from 490m²-3780m²</p> <p>The minimum average area across the subdivision is 0.3205ha</p>
--	--	--

Table 7A.4 Discretionary Activities

1. Any activity listed as a restricted discretionary activity in Rules 7A.3.2 – 7A.3.9, except subdivision listed as a non-complying activity, that does not comply with one or more of the associated standards.

Table 7A.5 Non-Complying Activities

3. Subdivision in any Rural Zone which does not comply with one or more of the restricted discretionary activity subdivision Standards 2 to 7 in Rule 7A.3.2 or Standards 1, 2 and 4 in Rule 7A.3.7

Chapter 9 Hazards

9.2 Flood Hazards	Standards	Compliance
Table 9A.3 Restricted Discretionary Activities		
2. Subdivision where any part of the land contains flood storage, ponding, residual ponding or shallow surface flow areas	<ol style="list-style-type: none"> Each lot shall have a building area located outside any river or stream corridor, overflow path or residual overflow path. Each building area shall be located above the estimated 1% AEP flood event level. Formed vehicle access does not adversely affect the 1% AEP flood hazard risk on other properties in the same flood catchment. Compliance with all other relevant subdivision rules and standards in other chapters. 	<p>Complies – none of the allotments contain a river or stream corridor, overflow path or residual overflow path</p> <p>Complies – each lot has a building area above the 1% AEP. This will be achieved for Lots 6 and 7 by way of earthworks</p> <p>Complies – no works within the 1% AEP is necessary for access with the exception of Lots 6 and 7 for which compensatory storage will be provided</p> <p>Does not comply – as set out elsewhere in this table, not all relevant subdivision rules and standards are complied with</p>

Table 9A.4 Discretionary Activities

2. Subdivision where any part of the land contains an overflow path or residual overflow path and any subdivision which does not comply with any of the restricted discretionary activity standards under Rule 9A.3.2.

9.3 Earthquake Hazards	Standards	Compliance
Table 9B.3 Restricted Discretionary Activities		
3. Subdivision (excluding boundary adjustments or subdivision of land where no additional lots are created) of land with peat or sand soils.	<ol style="list-style-type: none"> Geotechnical information must be provided by a suitably qualified and experienced person (to building consent level) on liquefaction risk. Proposed building areas with a minimum dimension of 20 metres must be identified for each lot. 	<p>Complies – a geotechnical report was provided with the application that includes an assessment on liquefaction risk</p> <p>Does not comply – building areas are not identified for each lot</p>

Table 9B.4 Discretionary Activities

1. Any activity listed as restricted discretionary in Rules 9B.3.2 – 9B.3.4 that does not comply with one or more of the associated standards, unless otherwise specified.

Chapter 11 Infrastructure, Services and Associated Resource Use

11.4 Managing Demand on Network Utilities - Water Supply, Sanitation and Stormwater

Table 11B.5 Non-Complying Activities

1. Subdivision that does not comply with one or more of the activity standards for water, wastewater and stormwater or electricity and telecommunications under rules 11B.3.2 and 11B.3.3.

11.7 Access and Transport

Table 11E.1 Permitted Activities	Standards	Compliance
2. Vehicle movements	2. In all other zones, any activity must not generate more than 100 vpd	Complies – with respect to truck movements during construction, 48-64 vehicle movements are generated as per the transportation assessment provided with the application
3. Property access and loading for vehicles	<p>2. Access - every property must provide vehicular access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with Diagram A2 (Schedule 11.1)</p> <p>3. Access - all vehicle accesses must be designed, constructed and maintained to ensure that:</p> <ul style="list-style-type: none"> a) they are able to be used in all weather conditions; b) they have no adverse impact on the roadside drainage system; and c) surface water and detritus (including gravel and silt) does not migrate onto the highway pavement <p>4. Access - all accesses must meet the following:</p> <ul style="list-style-type: none"> a) be a minimum of 3.5 metres wide b) be a maximum of 9 metres wide <p>11. The minimum separation distances between vehicle access to/from a state highway/rural road and an intersection on that state highway/rural road, between a vehicle access to/from a local road and the intersection of that local road with a state highway/rural road and between vehicle</p>	<p>Will comply – either direct access is provided to the Tieko Street extension of the new proposed road, or this is provided via a right of way.</p> <p>Will comply – not all accesses will be constructed as part of the subdivision works as access does correlate to the location of dwellings on the sites which is not currently known. The proposed rights of way will be constructed in accordance with Council's standard drawings</p> <p>Does not comply – access for Lots 3 and 4 are 14.5m and 11.1m in width. All other accesses comply</p> <p>Will comply</p>

	<p>accesses to/from a state highway/rural road must be the following (where m = metres, km/h = kilometres per hour, and vpd= vehicles per day): 60km/h, minimum distance between access and nearest intersection = 30m</p>	
Table 11E.2 Controlled Activities	Standards	Compliance
1. New roads including where they are to serve a subdivision (including boundary adjustments).	<ol style="list-style-type: none"> All roads in the Centres Zones must have foot paths on both sides of the road carriageway. Cycle paths must be provided either as onstreet cycle lanes, off-street shared paths or off-street dedicated cycle paths. 	<p>Not applicable – the sites are not within the Centres Zones</p> <p>Complies – off-street shared paths are proposed</p>
Chapter 12 General Provisions		
12.1 Financial Contributions	Standards	Compliance
Table 12A.1 Permitted Activities		
4. Subdivision of land that results in the creation of an additional lot(s)	<ol style="list-style-type: none"> A financial contribution to the equivalent of one HUE shall be payable per each new additional computer register (lot) as set out in Table 12.1 and shall take into account any credits provided in Table 12.1. The financial contribution shall be imposed as a condition of consent of any subdivision consent and: <ol style="list-style-type: none"> where money is to be taken, shall be payable prior to the issue of a certificate under Section 224 of the RMA. Where land is to be taken, shall be vested on deposit of the survey plan 	<p>Will comply – if consent is granted, it will be subject to a condition requiring payment of financial contributions or the vesting of proposed Lot 105 or a mixture of both</p>

The following Rules and Standards of the PDP are relevant to the land use component of the proposal:

Chapter 3 Natural Environment

Table 3A.1 Permitted Activities	Standards	Compliance
<p>6. Earthworks, excluding those listed in Rule 3A.1.8, in all areas except areas subject to flood hazards, outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character, areas of high natural character.</p>	<p>1. Earthworks must not be undertaken:</p> <ul style="list-style-type: none"> a) on slopes of more than 28 degrees; or b) within 20 metres of a waterbody, including wetlands and coastal water. <p>2. In all other areas except as provided for in Standard 3, earthworks must not:</p> <ul style="list-style-type: none"> b) disturb more than 100m³ (volume) of land per site in rural zones within a 5 year period; and c) alter the original ground level by more than 1 metre, measured vertically. <p>5. Any earthworks must ensure that:</p> <ul style="list-style-type: none"> a) Surface runoff from the site is isolated from other sites and existing infrastructure; and b) The potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the site, is minimised; and c) Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary <p>6. Accidental Discovery Protocol (Schedule 10.2) to be followed for any accidental discovery of a waahi tapu or other cultural site.</p> <ul style="list-style-type: none"> a) Accidental Discovery Protocol –should a waahi tapu of other cultural site be unearthed during Earthworks the contractor and/or owner must:- <ul style="list-style-type: none"> i. cease operations; ii. inform local iwi; iii. inform Heritage New Zealand and apply for the 	<p>Does not comply – earthworks are being undertaken 10m from a wetland</p> <p>Does not comply – a total of approximately 124,000m³ of earthworks are proposed, involving approximately 70,000m³ of cut and 54,000m³ of fill</p> <p>Does not comply – the ground level will be altered by a maximum of approximately 8.5m</p> <p>Will comply</p> <p>Will comply</p>

	<p>appropriate authority if required;</p> <p>iv. take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.</p>	
8. Earthworks in all areas associated with:	<p>1. Any earthworks must ensure that:</p> <p>a) surface runoff from the site is isolated from other sites and existing infrastructure; and</p> <p>b) the potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the site, is minimised; and</p> <p>c) erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.</p> <p>2. Accidental Discovery Protocol to be followed for any accidental discovery of a waahi tapu or other cultural site.</p> <p>a) Accidental Discovery Protocol –should a waahi tapu or other cultural site be unearthed during Earthworks the contractor and/or owner must:-</p> <p>i. cease operations;</p> <p>ii. inform local iwi;</p> <p>iii. inform Heritage New Zealand and apply for the appropriate authority if required;</p> <p>iv. take appropriate action, after discussion with Heritage New</p>	<p>Will comply</p> <p>Will comply</p>

		Zealand, Council and Iwi to remedy damage and/or restore the site.	
Table 3A.2 Controlled Activities	Standards		Compliance
2. The modification of any indigenous vegetation, that is: e) in or within 20 metres of a water body or the coastal marine area where it not within the urban environment	1. The modification of indigenous vegetation must be limited to: a) modification of vegetation that is damaged, dead or dying; or has sustained storm damage; or is fatally diseased such that: i. the indigenous vegetation is no longer independently viable or presents a risk of serious harm to people or property or risks damaging surrounding protected vegetation; and ii. an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that Condition (i) above is met; or b) Modification of planted indigenous vegetation where the applicant can demonstrate that it was not planted for ecological restoration or enhancement purposes or as a biodiversity offset		Does not comply – indigenous vegetation within 20m of a waterbody may be modified and it is not dead, diseased or dying
Table 3A.3 Restricted Discretionary Activities			
1. Trimming or modification of any indigenous vegetation that: e) is in or within 20 metres of a water body or the coastal marine area where is it not within an urban environment (excluding planted vegetation)			
4. Earthworks not complying with one or more of the permitted activity standards in Rule 3A.1.6 or Rule 3A.1.8			
Chapter 7 Rural Zones			
Table 7A.1 Permitted Activities	Standards		Compliance

<p>3. Buildings and structures in all Rural Zones except in the Paraparaumu North Rural Precinct:</p> <p>a) including habitable buildings and accessory buildings on any lot.</p>	<p>5. The minimum yard requirements for any site shall be:</p> <p>a) front yard</p> <p>i. all buildings must be set back at least 10 metres from a road boundary; and</p> <p>ii. intrusions of eaves up to 0.6 metres are excluded.</p> <p>b) side and rear yards</p> <p>i. all buildings (other than intensive farming buildings) must be set back at least 5 metres from a side or rear yard boundary; and</p> <p>ii. intrusions of eaves up to 0.6 metres are excluded.</p>	<p>Does not comply – the section 92(1) response received 15 September 2021 seeks consent to reduce yard setbacks for Lots 23-49</p>
---	--	--

Table 7A.3 Restricted Discretionary Activities

1. Any activity listed as a permitted or controlled activity which does not comply with one or more of the associated standards (unless otherwise stated).

Chapter 9 Hazards

9.2 Flood Hazards

Table 9A.1 Permitted Activities	Standards	Compliance
<p>4. Earthworks</p>	<p>2. In ponding areas (excluding residual ponding areas) and shallow surface flow areas, earthworks:</p> <p>a) shall not involve the disturbance of more than 20m³ (volume) of land in any 10 year period; and</p> <p>b) shall not alter the original ground level by more than 1.0 metre, measured vertically</p>	<p>Does not comply – a total of approximately 124,000m³ of earthworks are proposed, involving approximately 70,000m³ of cut and 54,000m³ of fill</p> <p>Does not comply – the ground level will be altered by a maximum of approximately 8.5m</p>

Table 9A.3 Restricted Discretionary Activities

4. In a ponding or shallow surface flow area, earthworks which do not comply with one or more of the permitted activity standards under Rule 9A.1.4.

6.4 Activity Status

The proposed subdivision is a:

- **Discretionary activity** under Rule 7A.4.1 as it does not comply with the requirements of Rule 7A.3.2(1)
- **Non-complying activity** under Rule 7A.5.3 as it does not comply with the requirements of Rule 7A.3.2(2)
- **Discretionary activity** under Rule 9A.4.2 as it does not comply with the requirements of Rule 9A.3.2(4)
- **Discretionary activity** under Rule 9B.4.1 as it does not comply with the requirements of Rule 9B.3.3(2)
- **Controlled activity** under Rule 11E.2.1 as it complies with the associated standards.

The land use component of the application is a:

- **Restricted discretionary activity** under Rule 3A.3.4 as it does not comply with the requirements of Rule 3A.1.6(1) and 3A.1.6(2)
- **Restricted discretionary activity** under Rule 3A.3.1 as it does not comply with the requirements of Rule 3A.2.2
- **Restricted discretionary activity** under Rule 7A.3.1 as it does not comply with the requirements of Rule 7A.1.2(5)
- **Restricted discretionary activity** under Rule 9A.3.4 as it does not comply with the requirements of Rule 9A.1.4(2).

7 OVERALL ACTIVITY STATUS

As the components of the application are inextricably linked, they will be bundled and processed as a **non-complying activity** as this is the more restrictive activity status.

8 NOTIFICATION

In considering whether or not notification is required, Sections 95A to 95E of the Resource Management Act 1991 must be considered. Sections 95F and G are not relevant to this application. Sections 95 to 95E are referenced below:

95 Time limit for public notification or limited notification

95A Public notification of consent applications

95B Limited notification of consent applications

95C Public notification of consent application after request for further information or report

95D Consent authority decides if adverse effects likely to be more than minor

95E Consent authority decides if person is affected person

For the full text of the above provisions, please refer to the Resource Management Act 1991.

8.1 Determining if Notification is Required

There are two key steps in the process of determining whether an application should be publicly notified, or be processed on a limited or non-notified basis.

Step 1 requires the Council to decide if an application should be publicly notified (as set out below). If the Council determines that the activity should not be publicly notified then they revert to the next step in the process, which is to determine if there are any affected persons who need to be limited notified of the application.

A full list of the provisions for public notification is provided below. In summary, an application should be publicly notified if the adverse effects on the environment are more than minor (but not less than minor or minor) or special circumstances exist that warrant public notification.

A person is considered to be an affected party, for the purpose of limited notification, if the effects on them are minor or more than minor, but not less than minor.

The steps for determining public notification, as set out in s95A is provided below.

8.2 s95A Public Notification

(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.

Step 1: mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

8.3 Public Notification Recommendation

That pursuant to section 95A(3)(a), at the request of the Applicant, the application shall be publicly notified.

Reported and Recommended by:



Marnie Rydon

Consultant Planner

Decision: *"That the above recommendation be adopted."*

Delegated Officer:



Eloise Carstens

Resource Consents Team Leader

It is considered necessary that the application be directly served to the following parties/persons:

- Atiawa ki Whakarongotai Charitable Trust
- Greater Wellington Regional Council
- Owners of 111, and 163 Otaihanga Road
- Owners of 2, 5, 7, 9, 13A, 13B, 15, 17, 19A, 19B and 19C, 24, 25, 31A-31F, 33, 34, 35, 37, 39, 44, 68 Tieko Street