

24 June 2025

File No: WGN250152 [40115][40116][40117][40119]

Cannon Point Development Ltd
101 Endeavour Drive
Whitby
Porirua, 5024

Wellington Office
100 Cuba Street
Te Aro, Wellington 6011
PO Box 11646
Manners Street
Wellington 6142
T 04 384 5708
F 04 385 6960
www.gw.govt.nz

For: Simon Zhang (sent via email to gsdmanagementnz@gmail.com)

Dear Simon

WGN250152 non-notified resource consent application: notice of decision

I am pleased to inform you that on 24 June 2025 undertake earthworks and associated discharges, and discharge stormwater from an unplanned greenfield development was granted. I have enclosed a copy of the report outlining the reasons for this decision¹. If you have any questions or concerns about any aspect of your consents, I would be happy to discuss them with you.

Consent term and conditions

Your land use consents [40116][40117] expire on 24 June 2030, discharge consent [40115] expires on 24 June 2060 and land use consent [40119] is granted in perpetuity. Please note that, under section 125 of the Resource Management Act 1991 your consents will lapse in five years unless you begin to use them before then.

Charges to expect

Consent processing charges

All final processing costs are generally determined by the 20th of the following month. If there are additional processing charges you will be sent an invoice. Alternatively, if processing costs are less than your application fee, you will receive a refund. It is estimated that the final costs

¹ You have the right to object to our decision under section [s357A](#) of the Resource Management Act 1991. Your objection must be in writing and be made within 15 working days of receiving this letter.

170999-971342186-24

of processing your application will be more than the application fee you submitted with your application.

Consent monitoring

Consents are monitored in accordance with GW's [Compliance Monitoring and Enforcement Policy 2024](#), and any subsequent updates to this policy.

Monitoring programme

The following compliance monitoring programme will be undertaken during the consent term:

Compliance group	Earthworks		
Risk categorisation	High		
Monitoring assessment:	☒ Annual	☐ Three-yearly	☐ Other:
Monitoring input:	☐ Audit	☐ Site inspection	☒ Other: Management plan certification
Other notes			

Monitoring charges

Consent monitoring charges apply to the approved consent(s). Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$75². This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

² Where there are multiple consents for the same activity, a discount of \$20 per consent will apply for any additional consents.

		Amount	Charge code(s)
Customer service charge	4 consent(s)	\$240	
Monitoring charge	Variable*	\$-*	
Stormwater SOE charge	Yes	\$1,000	4.3.4.2
Earthworks SOE charge	Yes	\$4,000	4.3.3.1A
Further notes (if applicable)			

*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GW Resource Management Charging Policy is reviewed on an annual basis and may alter these charges.

Consent transfers

If you sell or transfer management of the property, it is important that you complete a [Transfer of Permit](#) form so that future owners can take responsibility for the consents. If you do not complete a transfer, you will continue to be liable for the annual consent monitoring charges associated with the consents.

Consent surrenders

If you no longer need your resource consent, you can request to surrender your consent. You can provide written notice requesting the surrender of your consent using our [Surrender of Permit](#) application form. Any application to surrender a consent will be reviewed and either accepted or refused³. Any monitoring costs incurred prior to surrender need to be paid prior to any surrender being accepted.

Please feel free to contact me on s 9(2)(a) or Richard Percy, Team Leader, Environmental Regulation, if you have any questions or concerns.

Yours sincerely

E. Gorton

Ella Gorton

Resource Advisor, Environmental Regulation

Copy: Charlie Hopkins, s 9(2)(a)

Encl: Officer's report

³ Criteria for refusing a surrender of consent is outlined in section 138 of the Resource Management Act 1991

Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No.	WGN250152	
Consent ID(s)	[40115] Discharge Permit – Stormwater to Land	
	[40116] Discharge Permit – Earthworks to Land/Water	
	[40117] Land Use Consent – Soil Disturbance	
	[40119] Land Use Consent – New Impervious Surface	
Name	Cannon Point Development Limited	
Address	101 Endeavour Drive, Whitby, Porirua, 5024	
Decision made under	Sections 104B, 104C, 105, 107, 108 of the Resource Management Act 1991 (RMA)	
Duration of consent	Granted: 24 June 2025	Expires:
		[40115] 24 June 2060 [40116] 24 June 2030 [40117] 24 June 2030 [40119] Granted in perpetuity
Lapse date:	24 June 2030	
Purpose for which consent(s) is granted	[40116] [40117] To undertake approximately 50,000m2 of earthworks and discharge sediment laden water associated with a new housing development. [40115] [40119] To create impervious surfaces and the ongoing discharge of stormwater from a new housing development.	
Location	4 Colorado Road at or about map reference NZTM 1775337.5447811	
Legal description of land	Lot 2001 DP 588162 held in Record of Title 1. Lot 6 Deposited Plan 46315 held in Record of Title 912278 Lot 301 Deposited Plan 588162 held in Record of Title 1137297 Lot 2 Deposited Plan 52931 held in Record of Title WN43B/53	
Conditions	See below	

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	
-----------------------	---------------	--	---

Consent conditions WGN250152

[40116] *Discharge permit to discharge sediment laden water from earthworks*

[40117] *Land use consent to undertake earthworks over an area of approximately 50,500m²*

Earthworks consent conditions

INTERPRETATION

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

Earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, of Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (October 2023), 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

ESC Guide for Land Disturbing Activities in the Wellington Region means Revision 1 (February 2021) of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*.

Manager means the Manager, Environmental Regulation, Wellington Regional Council.

Stabilised means inherently resistant to erosion, or rendered resistant to erosion through the application of the proven methods of stabilisation specified in Section E3 of the ESC Guide for the Wellington Region, unless alternative methods are approved by the Manager. Where seeding, grassing or hydroseeding is used the surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

SQEP means a suitably qualified and experienced person (or persons) who can provide sufficient evidence to the Manager to demonstrate their suitability and competence in the relevant field of expertise for a particular task or action directed by a condition.

Warranted Officer means any person authorised under section 38 of the Resource Management Act 1991.

General conditions

1. The location, design, implementation and operation of the works authorised by this consent shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council, including application documents received on 20 December 2024, and further information received on:
 - 10 February 2025 – full s92 response
 - 18 March 2025 – further s92 response
 - 3 April 2025 – teams meeting discussing stormwater aspects
 - 9 May 2025 – provision of ground soakage tests, updated civil plans and three waters report
 - 13 May 2025 – confirmation of raingarden details and on-lot hardstand treatment (via email)
 - 23 May 2025 – confirmation of oversized retention tanks (via email)

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

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

2. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent are:
 - provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
 - kept on site at all times during the construction period and presented to any Warranted Wellington Regional Council Officer upon request

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

Pre-construction site meeting

3. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing and invite, with a minimum of **5 working days'** notice, the Manager.

The pre-construction meeting must not occur before the following management plans have been certified by the Manager:

- Erosion and Sediment Control Plan (ESCP)
- Flocculation Management Plan (FMP)

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

Erosion and Sediment Control Plan

4. The consent holder must submit an Erosion and Sediment Control Plan (ESCP) to the Manager for certification at least **20 working days** prior to the proposed date of commencement of the works authorised by this consent. The purpose of the ESCP is to show what measures, procedures and methodologies will be put in place to manage the actual and potential erosion and sediment discharge related risks and effects.

The ESCP must be prepared by a SQEP and must be in accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region.

The ESCP must include the following information, plans and details as a minimum:

- a) Responsibilities and contact details of all parties responsible for the construction, inspection or maintenance of erosion and sediment controls;
- b) The locations of any rivers, streams, wetlands, waterbodies and stormwater drainage;
- c) Areas and cross-sections of cut and fill;
- d) The extent of soil disturbance and vegetation removal;
- e) Any areas that will remain undisturbed, including riparian vegetation to be retained;
- f) Locations of all temporary stockpiles, permanent spoil deposition areas, access roads and stabilised construction entrances;
- g) Nature of progressive site rehabilitation proposed;
- h) All erosion and sediment control measures, including diversion channels, and staging details for those measures;
- i) The catchment boundaries and areas of all sediment control devices;
- j) The specific locations of all points of discharge to the receiving environment, including to the stormwater network;
- k) Details of the methodology for undertaking any monitoring required by conditions of this consent, including location for upstream and downstream (at zone of reasonable mixing) water quality monitoring; and
- l) Any other relevant site or information required to demonstrate compliance with the ESC Guide for the Wellington Region or consent conditions.

Note: It is recommended that the ESCP is prepared with input from the contractor undertaking the works.

5. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.

6. The consent holder shall undertake all works and install, operate, monitor and maintain all erosion and sediment controls in accordance with the certified ESCP, unless otherwise approved in writing by the Manager.

As-builts

7. At least 2 working days prior to the commencement of works authorised by this consent, the consent holder shall provide the Manager with 'as-built' plans and details, which have been prepared and signed by a SQEP, confirming that the erosion and sediment controls have been constructed in accordance with the ESCP.

Note: For sediment retention ponds, as-built check sheets are available on the Wellington Regional Council's website at the following link: gw.govt.nz/earthworks.

For other ESC measures, as-built information for the purpose of this condition may include:

- *A signed copy of the certified ESCP with a statement that the ESC measure has been constructed in accordance with the certified ESCP. This statement may include the relevant construction quality check sheet for the ESC measure from Appendix C1.0 of the ESC Guidelines for the Wellington Region; and*
- *Photographs of each control measure as constructed.*

Flocculation Management Plan

8. The consent holder must submit a Flocculation Management Plan (FMP) to the Manager for certification at least **20 working days** prior to the proposed date of commencement of the works authorised by this consent.

The purpose of the FMP is to demonstrate how flocculation will be used, monitored and managed appropriately.

The FMP must be prepared by prepared by a SQEP in consultation with the contractor undertaking the works and party who will be responsible for the operation and maintenance of the system and must be in accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region.

The FMP must include as a minimum:

- a) Specific design details of the chemical treatment dosing system, based on a rainfall activated methodology for decanting earth bunds (DEBs) and sediment retention ponds (SRPs);
- b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
- c) Details of optimum dosage, including assumptions;
- d) Results of initial chemical treatment trials;
- e) A spill contingency plan; and

- f) Details of the person or bodies that are responsible for the operation and maintenance of the chemical treatment system and the organisational structure that will support this system.
- 9. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the FMP has been certified by the Manager.
- 10. The consent holder shall undertake flocculation in accordance with the certified FMP, unless otherwise approved in writing by the Manager.
- 11. The consent holder must review the FMP prior to commencing each new stage of works, or at minimum on a yearly basis. Reviews must reference monitoring data and/or further bench testing results to determine the effectiveness of the FMP and whether it needs to be amended to ensure on-going optimal performance. The findings of each review shall be submitted to the Manager upon request.

Flocculation Monitoring and Maintenance Reports

- 12. The consent holder shall submit flocculation monitoring reports as required by Flocculation Management Plan to the Manager. These reports must be submitted each week and include:
 - a) Dates and results of operation and maintenance undertaken by a SQEP
 - b) Flocculation testing undertaken (record sheets)
 - c) Any corrective measures taken where a device has been found to not be functioning effectively

Amendments to Management Plans

- 13. The consent holder may request amendments to the management plans (ESCP or FMP) by submitting the amended management plan to the Manager for the certification. Any amendments must be in accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region and other conditions of this consent. The amendments sought shall not be implemented until the consent holder has received notice in writing amendments have been certified by the Manager. All works shall be carried out in accordance with the certified amendments.

Stabilisation

- 14. The consent holder must progressively stabilise all disturbed or un-stabilised areas in accordance with the staging plan and progressive site rehabilitation details set out in the ESCP and ESC Guide for Land Disturbing Activities in the Wellington Region. Upon completion of works authorised by this consent, the entire site shall be stabilised.

Site audits

- 15. During works authorised by this consent, and until the site has been permanently stabilised, the consent holder shall have the site and erosion and sediment control measures audited by a SQEP.

The audits must identify whether all erosion and sediment controls have been installed, operated and maintained in accordance with the ESCP and ESC Guide for Land Disturbing Activities the Wellington Region, and identify any steps or measures required to ensure compliance is achieved.

The audits required by this condition must be undertaken:

- a) on a minimum of a weekly basis (unless a reduced frequency is approved in writing by the Manager); and
- b) as soon as practicable and within 24 hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours.

Each audit must be recorded in writing and submitted to the Manager within 2 working days of completing the audit, unless an alternative timeframe is approved by the Manager.

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

Sediment Treatment Device Monitoring

16. The consent holder shall sample and record the parameters set out in Table 1 below as soon as practicable in the following instances as a minimum:
- a) following a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site Hutt River at Savage Park;
 - b) following the commencement of the discharge from each Sediment Retention Pond (SRP) and/or Decanting Earth Bund (DEB), and daily for duration of the discharge

The sampling and recording must be undertaken in accordance with the methodology included in the ESCP.

Table 1: Sampling Parameters for Device

Parameter	Inflow	Outflow
pH	✓.	✓.
Turbidity (NTU)	✓.	✓.

The consent holder must submit all monitoring data and information collected to the Manager within **5 working days** of the date the sampling is undertaken, unless an alternative timeframe is approved by the Manager.

The monitoring required by this condition may only cease once the catchment has been completely stabilised and sediment control measures decommissioned, unless otherwise approved by the Manager.

Monitoring Response

17. In the event that any of the following incidents occur:

- a) the sediment treatment device monitoring required under Condition 16 confirms that:
 - at the outflow of the device, the NTU value is 170 NTU or greater, and/or
 - for any flocculated device the pH is at or below 5.5 or above 8.5, or
- b) there is a failure or malfunction of any erosion and sediment control measure, or any other unauthorised discharge of contaminants, that has resulted in a discharge either directly or via land to a waterbody or local authority stormwater infrastructure;

the consent holder shall:

- i. Immediately notify the Manager of the incident;
- ii. Immediately investigate the cause of the incident and implement changes required to prevent a reoccurrence;
- iii. Take photographs of the discharge point, and upstream and downstream of the discharge point;
- iv. Re-establish erosion and sediment control measures as soon as practicable in accordance with the ESCP;
- v. Within **5 working days** of any of the issues in a)-c) above occurring, provide a written report to the Manager including the following information:
 - Date and time of the incident;
 - Weather conditions prior to and during the incident;
 - Photographs required by iii
 - Investigations undertaken;
 - Cause of the incident;
 - Response actions taken;
 - Lessons learnt and actions taken to prevent a recurrence.

Works During Winter (1 June to 30 September)

- 18. All earthworked areas shall be stabilised prior to 1 June each year and be maintained in a stabilised state until at least 30 September. The stabilised surface shall be maintained in accordance with the ESCP.
- 19. No earthworks authorised by this consent, other than those necessary for the maintenance of erosion and sediment controls, shall take place during the period of 1 June to 30 September inclusive each year.

Decommissioning

- 20. The consent holder must not remove or decommission any erosion or sediment control measure until the contributing catchment for the erosion or sediment control measure is

completely stabilised. Written notice must be provided to the Manager prior to the removal or decommissioning of each erosion or sediment control measure. Written notice must include evidence of stabilisation and be signed off by SQEP confirming that the contributing catchment for the erosion or sediment control measure is completely stabilised.

Cuts and Fill

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

Note: Rule R82 (Discharges from contaminated land) of the Natural Resources Plan will apply to any imported or insitu material worked on the site. If the activity does not meet the permitted standards under Rule R82, consent will be required under Rule R83 (Investigation of, or discharges from contaminated land – discretionary activity).

22. All permanent or final cut and fill surfaces must be completed and stabilised so as to prevent erosion or instability. Any erosion of soil, including failure of cut and fill batters, that is attributable to the works shall be contained, remedied and/or mitigated by the consent holder.

Discovery of artefacts

23. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, the consent holder must immediately cease all work and within 12 hours notify the Manager, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc and Heritage New Zealand Pouhere Taonga in writing. If human remains are found, the New Zealand Police must also be notified immediately. The consent holder shall allow the above parties to inspect the site and, in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to;

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand Pouhere Taonga, information@heritage.org.nz
- Port Nicholson Block Settlement Trust, taiao@portnicholson.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitoa.iwi.nz

Heritage New Zealand Pouhere Taonga must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has provided to the Manager written notification that consultation with the parties identified above has been undertaken.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Complaints

24. At all times from the commencement of works authorised by this consent until the works are complete and the site is stabilised, the consent holder shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent. The record shall include:

- a) the name and address of the complainant;
- b) the nature of the complaint;
- c) location, date and time of the complaint and of the alleged event;
- d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality;
- e) the outcome of the consent holders investigation into the complaint;
- f) measures taken to respond to the complaint; and
- g) any other activities occurring in the area at the time of the complaint.

The consent holder shall also keep a record of any remedial actions undertaken. This record shall be maintained on site and shall be made available to the Manager, upon request. The consent holder shall notify the Manager of any such complaints as soon as practicable and within 24 hours after the complaint is received by the consent holder.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN250152 [40116] and [40117] shall expire on 24 June 2030.

CONSENT LAPSE

Pursuant to section 125 of the Act, consent WGN250152 [40116] and [40117] shall lapse on 24 June 2030.

Stormwater consent conditions

[40115] Discharge permit to discharge stormwater from newly create impervious surfaces

[40119] Land use consent to create 9332m² of new impervious surfaces

INTERPRETATION

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

Manager means the Manager, Environmental Regulation, Wellington Regional Council.

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN250152) and the name and phone number of a contact person responsible for the proposed works.

Warranted Officer means any person authorised under section 38 of the Resource Management Act 1991.

Consent conditions WGN250152 [40115] [40117]

1. The location, design, implementation and operation of the works authorised by this consent shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 20 December 2024, including:
 - 10 February 2025 – full s92 response
 - 18 March 2025 – further s92 response
 - 3 April 2025 – teams meeting discussing stormwater aspects
 - 9 May 2025 – provision of ground soakage tests, updated civil plans and three waters report
 - 13 May 2025 – confirmation of raingarden details and on-lot hardstand treatment (via email)
 - 23 May 2025 – confirmation of oversized retention tanks (via email)

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

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

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, is:
 - Provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
 - Kept on site at all times and presented to any Wellington Regional Council Warranted Officer upon request.

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

Stormwater Detailed Design

3. The consent holder shall finalise and provide the Detailed Design, including drawings, specifications, design report and calculations for the stormwater management devices to the Manager at least 20 working days prior to proposed installation of the stormwater management devices.

The Detailed Design shall be in general accordance with the plans lodged on 14 February 2025 and further information provided.

The Detailed Design shall include (but not necessarily be limited to):

- a) Contributing catchment size and impervious percentage;
- b) Specific locations of bioretention raingarden/s, the stormwater management area and attenuation tanks;
- c) Supporting calculations, including sizing capacity of stormwater management devices;
- d) Detail on water storage in rain gardens.

Stormwater Maintenance Plan

4. The consent holder shall prepare and submit a final Stormwater Maintenance Plan (SMP) to the Manager for certification at least **20 working days** prior to discharges commencing from any stormwater management devices.

The objective of the SMP is to ensure that all stormwater management devices are operated and maintained according to best practice, and in accordance with the *Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Design Guideline (the Guideline) December 2019*; and the application documents.

The SMP shall include (but not necessarily be limited to):

- a) Details of the person or organisation that will hold responsibility for long-term maintenance of the stormwater management devices;
- b) A programme for regular maintenance and inspection of the stormwater management devices;
- c) A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- d) A programme for post storm inspection and maintenance;
- e) A requirement to retain records of all inspections and maintenance for the stormwater management system, for the preceding three years.

5. Discharges from the stormwater treatment devices shall not commence until the Consent Holder has received notice in writing that the SMP has been certified by the Manager.
6. The consent holder shall ensure that the stormwater management system is managed in accordance with the certified Stormwater Management Plan.

As-built plans

7. No later than **20 working days** after the construction of the stormwater management devices, the consent holder shall provide the Manager with “as-built” certified plans of the stormwater management devices, detailing that the stormwater management devices have been built in accordance with condition 1.
8. The as-built plans shall be certified (signed) by a suitably qualified and experienced engineer.

Inspections and maintenance

9. The consent holder shall inspect and maintain the stormwater management devices in accordance with the certified SMP.
10. The consent holder shall provide an inspection and maintenance report to the Manager on request. The report shall be provided no more than one week after the request to do so.

The maintenance report shall include (but not necessarily be limited to) the following information:

- a) Details of the person or bodies that are responsible for the operation and maintenance of the stormwater management system and the organisational structure supporting this process;
- b) Details of all inspections completed for the preceding three years; and
- c) Details of all maintenance undertaken for the preceding three years.

Amendments to Detailed Design and/or Stormwater Management Plan

11. The consent holder may request amendments to the Stormwater Management Plan or Detailed Design by submitting the amendments in writing for the certification of the Manager. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended Stormwater Management Plan has been certified by the Manager.

Financial Contributions – Stormwater Discharges

12. The consent holder shall pay a financial contribution to offset the residual adverse effects of stormwater discharges in accordance with Schedule 30: Financial Contributions of the Natural Resources Plan: Proposed Plan Change 1 (October 2023) for Whaitua Te Whanganui-a-Tara, being the following level of contribution:

Category	Financial Contribution Payable
Equivalent Household Units (EHU)	\$4240 Per EHU
Non-residential greenfield development, including but not limited to new commercial, industrial or town centre areas	\$858 per 100m ²
New roads and state highways (not in direct support of a new greenfield development) Financial Contribution	\$360 per 100m ²

**Dwellings with <55m² of roof site coverage shall be charged at 0.6 of the financial contribution rates*

The calculation of the financial contribution will be based on the area and EHUs specified in the certified Stormwater Management Plan for that stage. The financial contribution for each stage shall be paid to Greater Wellington Regional Council on the 20th of the month following the issue of an invoice by the Council. For the avoidance of doubt, the financial contribution can be paid in stages, in the line with stages set out in the certified SMP.

An invoice for the financial contribution relating to each stage of the development will be issued following the certification of the Stormwater Management Plan for the relevant stage of the SMP. Contributions have been calculated in accordance with Schedule 30: Financial Contributions of the Natural Resources Plan: Proposed Plan Change 1 (October 2023) for the Whanganui-a-Tara Whaitua. If the amount of financial contributions payable changes through the PC1 hearing process, the applicant may apply for a change of condition under s127.

If the financial contributions requirement is amended through the PC1 hearings process so that the requirement no longer applies, this condition will no longer apply.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN250152 [40115] and [40119] shall expire on 24 June 2060.

CONSENT LAPSE

Pursuant to section 125 of the Act, consent WGN250152 [40115] and [40119] shall lapse on 24 June 2030.

GENERAL NOTES

- a) Where conditions require the submission of information to the Manager, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN250152 and the name and phone number of a contact person responsible for the information submitted.
- b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991, is payable to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource

consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.

- c) The Wellington Regional Council is entitled to recover from the consent holder the costs of any s128 RMA review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- d) The granting of this resource consent does not provide the consent holder with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent can be exercised.
- e) Additional resource consents from your local city or district council may be required. You are advised to contact your local city or district council prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to enter the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

CONSENT REVIEW

Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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

Note: For the purposes of this note the "exercise of the consent" is deemed to be once the discharge authorised by this consent has commenced.

Reasons for decision

1. Background and proposal

Cannon Point Development Ltd (the applicant) has applied to Wellington Regional Council (Greater Wellington) for land use consent to undertake bulk earthworks, a discharge permit for the associated discharge of sediment laden water, a land use consent for new impervious surfaces and the associated discharge permit for stormwater discharges from a greenfield residential development.

1.1 Proposed works

1.1.1 Earthworks and associated discharges

Earthworks are required for the creation of building platforms and roading, including access roads. Earthworks will occur over an area of 50,500m², and will consist of:

- 53,400m³ of cut,
- 77,600m³ of fill,
- Resulting in 24,200m³ of excess cut to be transported off site via truck and trailer.

The applicant proposes the management of sediment laden discharges from areas of open earthworks via an Erosion and Sediment Plan received 27 September 2024, updated on 9 December 2024 and 18 March 2025. The ESCP is in accordance with the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (Revision 1, February 2021)* and includes the following measures:

- Sediment retention pond
- Decanting earth bunds
- Stabilised entranceways
- Dirty water diversions
- Clean water diversions

Earthworks related discharges will be to Te Awa Kairangi (Hutt River) via the stormwater network. The site will be stabilised with aggregate or grassing to achieve 80% coverage. The applicant has not applied for winter works. No earthworks are proposed within 100m of the wetland on site.

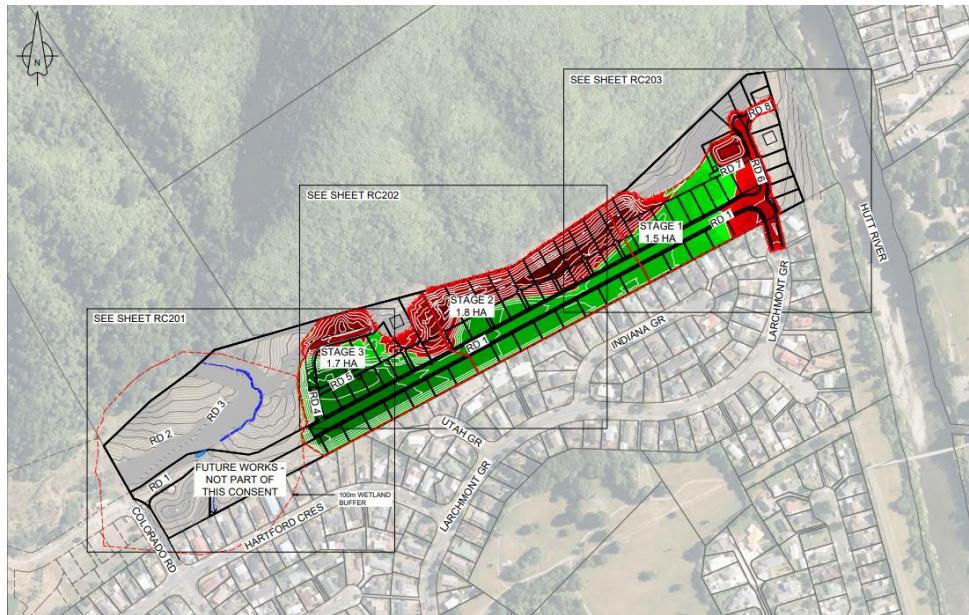


Figure 1: Earthworks extent (from Civil Engineering Design Revision C dated 4 April 2025)

1.1.2 Stormwater discharges

The site will result in the creation of new impervious surfaces. The applicant has stated that the creation of 72 new homes with a roof area of approximately 200m² each. These dwellings will be fitted with 2000L retention tanks plumbed for internal reuse and therefore are not considered impervious surfaces under the NRP-PC1.

The proposal will result in 9332m² of impervious surfaces associated with roading. A raingarden has been proposed to act as a bioretention device and treatment for these areas.

Stormwater discharges from the site will ultimately be to Te Awa Kairangi

1.1.3 Previous proposed works

The application initially involved the placement of a culvert in the unnamed stream on site and earthworks within 100m of the natural inland wetland on site. Following a conversation between Greater Wellington and the applicant, it was determined that there was not a consenting pathway for these activities under the NES-F. The applicant amended the proposal to remove these activities, and these activities are not considered within this consent.

1.2 Location and site description

The works are proposed to take place at 4 Colorado Road, Upper Hutt. The site is located on a terrace below a 137h bush and forested catchment area known as Akatarawa Forest. Te Awa Kairangi sites to the east of the property, with residential development to the south and west.



Figure 2: Subject site (from application)

The proposed activity is located adjacent to Te Awa Kairangi, a site identified in the following NRP schedules:

- Schedule B – Ngā Taonga Nui a Kiwa
- Schedule D - Statutory acknowledgement area
- Schedule F1 – Threatened/at risk fish habitat and migratory fish habitat
- Schedule H1 – Regionally significant primary contact recreation
- Schedule I – Important trout fishery rivers and spawning waters

The proposal is located within the Te Whanganui-a-Tara Whaitua.

2. Reasons for resource consent / activity status

2.1 Natural Resources Plan (NRP)

The Natural Resources Plan (NRP) was made operative on 28 July 2023, and those provisions are relevant to this activity. Proposed Plan Change 1 of the Natural Resources Plan (NRP-PC1) was publicly notified by the Council on 30 October 2023. All rules in the NRP-PC1 have immediate legal effect under section 86B(3) of the RMA. As the application was lodged after 30 October 2023, the NRP-PC1 is relevant to determining the resource consents required, activity status, the notification decision and the substantive assessment of the proposal under section 104 of the RMA.

RMA section	Rule	Activity Status	Comments
Natural Resources Plan (NRP)			
S15	R49	Permitted	
	R50	Restricted Discretionary	R49 provides for the discharge of stormwater from new urban development associated with earthworks up to a total area of 3,000m ² per property per 12-month period. The earthworks associated with the urban development will exceed 3,000m ² per property per 12-month period therefore the activity must be assessed as a restricted discretionary activity pursuant to R50 of the NRP.
S9, S15	R101	Permitted	The proposed earthworks will exceed 3,000m ² per property in a 12-month period. Therefore, the earthworks and associated discharges of sediment laden runoff to land where it may enter water must be assessed as a discretionary activity pursuant to R107 of the NRP.
	R107	Discretionary	
Natural Resources Plan – Plan Change 1 (NRP-PC1)			
S9, S15	WH.R23	Permitted	The proposed earthworks will exceed 3,000m ² per property in a 12-month period. Therefore, the earthworks and associated discharges of sediment laden runoff to land where it may enter water must be assessed as a discretionary activity pursuant to WH.R24 of the NRP-PC1.
	WH.R24	Restricted Discretionary	
S9, S15	WH.R5	Permitted	The proposal cannot meet the requirements of WH.R5 as the total impervious area of the site will exceed 1000m ² . The proposal cannot meet the requirements of WH.R7 as the total impervious area of the site will exceed 3000m ² . Therefore, the creation of impervious surfaces must be assessed as a discretionary activity pursuant to WH.R11 of the NRP-PC1.
	WH.R7	Controlled	
	WH.R11	Discretionary	

RMA section	Rule	Activity Status	Comments
Natural Resources Plan (NRP)			
S15	WH.R13	Prohibited	NRP-PC1 does not provide for stormwater discharges from unplanned greenfield development. This rule has a Prohibited status under PC1. However, under the s87B of the RMA, a rule must be treated as a discretionary activity if the proposed plan describes the activity as prohibited and the rule has not yet become operative. As such, consent is required as a discretionary activity under WH.R13.

2.2 Overall activity status

The activity is considered a Restricted Discretionary Activity under the NRP and a Discretionary Activity under the proposed NRP-PC1. Overall, the activity must be assessed as a Discretionary Activity.

3. Notification decision

A decision was made on 30 May 2025 to process the application on a non-notified basis as the effects of the activity are considered to be less than minor under s95D. Further information on the notification decision and potentially affected persons is provided in document #[WGN250152 - notification decision.docx](#). For this application it is considered that there are no affected persons.

4. Consultation

Iwi authority	Comments
Port Nicholson Settlement Block	Port Nicholson Block Settlement Trust was provided a summary and access to the application documents for review and comment. At the time of writing this report, no comments have been received.
Ngāti Toa Rangatira	Te Rūnanga o Toa Rangatira was provided summary and access to the application documents for review and comment. Comments from Ngāti Toa Rangatira are discussed in Section 5 of this report.

5. Environmental effects

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

The application was assessed on behalf of Greater Wellington by the following technical experts:

- Gregor Mclean - Erosion and Sediment Control Expert, Southern Skies
- Amanda McLaren and Stu Farrant - Senior Environmental Engineers, Morphum Environmental

5.1 Effects of earthworks and discharges on water quality

During earthworks, sediment has the potential to be mobilised and discharge to land where it may enter water. If sediment enters any waterbody, it is likely to cause a local and temporary increase in turbidity and reduce the overall water quality. High suspended solid concentrations can have adverse effects on instream and coastal ecology, especially if these conditions persist over a long period of time. Earthworks related discharges will ultimately be to Te Awa Kairangi.

The application was reviewed by Mr. Mclean in relation to the effectiveness of proposed erosion and sediment controls. Mr Mclean requested further information on the following points:

- An assessment of proposed ESC's against GWRC ESC Guidelines
- Contributing catchment areas and sizing for all ESC devices
- Staging details

The applicant provided this information in a s92 response on 10 February 2025. Mr. Mclean stated that there were two outstanding points relating to the SPR emergency spillway discharge and SPR sizing. I have included a condition requiring a final ESCP to be submitted post granting.

Based on this advice, I am satisfied that the environmental effects from bulk earthworks and associated sediment laden discharges can be appropriately managed through the recommended consent conditions and will be less than minor.

5.2 Effects of ongoing stormwater discharges

As a result of new impervious surfaces, there is the potential for contaminants to enter the stormwater system, and increase contaminant loads and stormwater volumes in the Te Awa Kairangi, and ultimately Te Whanganui-a-Tara. Discharges of contaminants from urban environments, including heavy metals and hydrocarbons, may result in contamination of coastal water. If not managed correctly stormwater may impact on the ecological values of Te Awa Kairangi, and ultimately Te Whanganui-a-Tara.

The application was reviewed by Amanda McLaren and Stu Farrant in regard to proposed stormwater management. Ms. McLaren requested further information on the following points:

- Sizing of retention tanks
- Proposed treatment and hydrological controls for road areas
- Bioretention sizing and maintenance details

The applicant provided a response to this, and Ms. McLaren stated that she still had outstanding concerns with the proposal. On 3 April 2025 a meeting was held with the applicant to discuss stormwater management devices and sizing. Following this, the applicant provided updated soakage testing, civil plans and a three waters report.

Ms. McLaren requested further information on proposed hydrological controls for on-lot hardstand impervious areas. The applicant stated that the 2000L tank associated with the proposal were oversized to account for on-lot hardstand areas. Ms. McLaren confirmed that the 2,000L tank is appropriate for a 100m² roof with up to 40m² of unconnected impervious area, however, if larger impervious areas are proposed than a larger tank will be required.

Ms. McLaren was ultimately satisfied with the application, provided the following points were addressed via consent conditions:

- Detailed design is provided reflecting the provision of internal water storage depth beneath the underdrains of the raingarden

Based on Ms. McLaren and Mr. Farrant's comments, I am satisfied that the environmental effects from stormwater discharges will have less than minor effects on Te Awa Kairangi subject to compliance with the recommended consent conditions.

5.3 Effects on mana whenua values

5.3.1 Ngāti Toa Rangatira

Te Awa Kairangi has been identified as a schedule B (Ngā Taonga Nui a Kiwa) and schedule D (statutory acknowledgement area) for Ngāti Toa Rangatira. Ngāti Toa were provided a copy and summary of the application on the 5th of January 2025. Jaquan Nin provided comment on behalf of Ngāti Toa and stated that they were satisfied with the proposed mitigation measures and procedures.

Based on the effects of the proposal and proposed mitigation measures, and on the basis that Ngāti Toa did not raise any concerns with the proposal, it was determined that Ngāti Toa were not an affected party under section 95E of the Act.

5.3.2 Port Nicholson

Te Awa Kairangi has been identified as a schedule B (Ngā Taonga Nui a Kiwa) and schedule D (statutory acknowledgement area) for Port Nicholson. Port Nicholson were provided a copy and summary of the

application on the 5th of January 2025. At the time of preparing the report, Port Nicholson had not provided comment on the application. Based on the effects of the proposal and proposed mitigation measures, it was determined that Port Nicholson were not an affected party under section 95E of the Act.

5.4 Summary of effects

Given the assessment above, it is considered that the effects of the activity on the environment will likely be less than minor when undertaken in accordance with the consent conditions.

6. Statutory assessment

6.1 Part 2

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

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

6.2 Matters to be considered – Sections 104-108AA

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

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment, however I have included a financial contributions condition in accordance with the Schedule 30 requirements of the NRP-PC1 to compensate for the residual effects of stormwater discharges from the proposed unplanned greenfield development.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	
	This national policy statement applies to all freshwater and relates to the management of freshwater and the protection of natural wetland and river values and habitats.	

RMA section	Matter to consider	Comment
	In accordance with section 104(2F) of the RMA, I have not had regard to clauses 1.3(5) or 2.1 of the NPS-FM. Relevant policies are discussed below.	
	Policy 2	The application was sent to Te Rūnanga o Toa Rangatira and Port Nicholson Block to provide the opportunity to identify any concerns they may have with the proposal and to assist with determining if they are an affected party. This provides the opportunity for mana whenua input at the resource consent decision making level. Te Rūnanga commented and stated that they are satisfied with the proposed mitigation procedures. No comments were received from Port Nicholson on this occasion. The proposal is therefore consistent with this policy.
	Policy 3	This policy relates to managing freshwater in an integrated way. In considering this proposal, I have considered the effects of sediment laden discharges and stormwater discharges and consider it meets this policy as it has been demonstrated how the activity will be managed in a way that will ensure the impacts on the receiving environment are less than minor. I consider the proposal consistent with this policy.
	Policy 5	This policy relates to the management of freshwater in a manner that ensures that the health and well-being of water bodies and freshwater ecosystems are maintained or improved. I consider this policy is met as the proposal includes appropriate erosion and sediment controls and stormwater management to ensure discharges are managed so the health and well-being of the Te Awa Kairangi will be maintained.

RMA section	Matter to consider	Comment
	Policy 6	There is a wetland located just outside of 100m of the proposed activity. However, it has been concluded that the values of the wetland will be protected and there will be no loss of extent. The proposal is therefore consistent with this policy.
	Policies 9 and 10	These policies relate to the management of habits of indigenous freshwater species and trout and salmon. I consider these policies will be met as the measures proposed by the applicant to avoid, remedy or mitigate adverse effects, together with the consent conditions, means that the habitats of indigenous freshwater species and trout will be protected.
104(1)(b)(iii)	National Policy Statement on Urban Development 2020 (NPS-UD)	I consider that the proposed activity is consistent with the NPS-UD. I have considered, in particular, the benefits of this proposed urban development and how it will enable a well functioning urban environment, and improve housing affordability (Objectives 1, 2 and 6 and Policies 1, 6, and 9).
104(1)(b)(v)	Regional Policy Statement (including proposed Change 1) Following the decision on proposed Change 1, the freshwater provisions, denoted by an FW, of the RPS Change 1 are now deemed operative. I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the objectives of the RPS (including proposed change 1).	
	<i>Objective 12</i> <i>Policies 40, 42</i> <i>Policy IM.1, FW.3</i>	These policies relate to maintaining and improving the health and well-being of water bodies and freshwater ecosystems, including effects on receiving environments from urban development and earthworks. The applicant has proposed an appropriate stormwater design, as well as erosion and sediment controls, to form part of this application. I consider that these,

RMA section	Matter to consider	Comment
		along with the conditions of consent, will sufficiently manage adverse effects on the environment to be less than minor. The proposal is therefore consistent with these policies.
	<i>Policy 41</i>	These policies relate to maintaining and improving the health and well-being of water bodies and freshwater ecosystems through the management of earthworks and associated discharges. The applicant has proposed an appropriate erosion and sediment controls, to form part of this application. I consider that these, along with the conditions of consent, will sufficiently manage adverse effects on the environment to be no more than minor. The proposal is therefore consistent with these policies.
	<i>Policy 55</i>	This policy relates to the management of greenfield developments in a manner that contributes to well-functioning urban and rural areas. The proposal is for unplanned greenfield development however, the development is adjacent to existing residential areas. I therefore consider that the proposal is aligned with this provision.
104(1)(b)(vi)	Natural Resources Plan	
	<i>Objectives/Policies</i>	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Natural Resources Plan.
	<i>Objectives O1, O2, O3, O4</i> <i>Policy P1</i>	These provisions relate to the holistic and integrated use and management of resources. I have recognised and considered these objectives while assessing this application.

RMA section	Matter to consider	Comment
	<i>Objectives O12, O13</i> <i>Policies P18, P20, P21</i>	These provisions relate to recognising kaitiakitanga and Māori relationships with the environment and protecting sites with significant mana whenua values. The application was sent to Port Nicholson Block and Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira to provide the opportunity to identify any concerns they may have with the proposal and to assist with determining if they are an affected party. This provides the opportunity for mana whenua input at the resource consent decision making level. Te Rūnanga commented and stated that they are satisfied with the proposed mitigation measures. No comments were received from Port Nicholson on this occasion. The proposal is therefore consistent with these provisions.
	<i>Objectives O33, O34, O36, O37</i> <i>Policies P107</i>	These provisions relate to minimising the effects on soil and water from land use activities. I consider that with the proposed erosion and sediment controls, along with the conditions of consent, the proposal is consistent with these provisions.
	<i>Objective O38</i> <i>Policies P83, P84</i>	These provisions relate to minimising adverse effects of stormwater discharges and managing land use impacts on stormwater. The applicant has proposed stormwater design with raingardens for hardstand roading areas. With the recommended conditions of consent, I consider that the proposal is consistent with these provisions.
104(1)(b)(vi)	Natural Resources Plan – Proposed Plan Change 1	
	NRP-PC1 includes objectives, policies, rules, and other methods to manage activities, such as earthworks and stormwater discharge, to achieve water quality and ecological health objectives within the Te Whanganui-ā-Tara and Te Awarua-o-Porirua whaituas.	

RMA section	Matter to consider	Comment
	The application site is located within the Te Whanganui-ā-Tara whaitua. I consider that, with the application of consent conditions, the proposed activity is consistent with PC1.	
	<i>Policy WH.P2</i>	This policy details methods to achieve target attribute states, including via prohibiting unplanned greenfield development and through the implementation of financial contributions. The proposed activity is being assessed under a prohibited rules under PC1, however under s87B of the RMA a rule must be treated as a discretionary activity if the rule has not yet become operative. The proposed activity will include financial contributions for all roading in accordance with Schedule 30 of PC1. The proposal is therefore not fully consistent with policy WH.P2(a) however, under s87B of the RMA, the activity must be treated as discretionary activity if the proposed plan describes the activity as prohibited and the rule has not yet become operative.
	<i>Policies WH.P9, WH.P10, WH.P13</i>	These policies relate to managing stormwater discharges through a range of methods, and to reduce the adverse effects of stormwater discharges from new impervious surfaces to the extent practicable. The applicant has proposed stormwater design with retention tanks as hydrological controls for the individual lots, and raingardens for hardstand areas. With the recommended conditions of consent, I consider that the proposal is consistent with these provisions.
	<i>Policies WH.P29, 30 and 31</i>	These policies relate to the management of sediment discharge from earthworks.

RMA section	Matter to consider	Comment
		Based on Mr. McLean's comments, I can consider that the proposed works are consistent with these policies and will adequately minimise soil erosion and silt/sediment runoff. The applicant has not applied for works during the winter period. I consider that the proposal is consistent with these provisions.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	I have had regard to the matters in s105(1)(a) – (c) of the RMA when considering this application.
107	Restrictions on grant of certain discharge permits	The proposed discharges are not expected to result in any of the effects listed in s107(1) of the RMA after reasonable mixing. In the event that any of the effects listed in s107(1) do arise, the discharge will be temporary and so will meet the requirements of section 107(2).
108 – 108AA	Conditions on resource consents	All the conditions of consent meet s108 and s108AA of the RMA. I have assessed the conditions against the criteria in s108AA and consider that they: • have been agreed to by the applicant, and so meet s108AA(1)(a); and/or • are directly connected to an adverse effect of the activity on the environment, a regional rule or an NES, and so meet s108AA(1)(b); and/or • relate to an administrative matter of the resource consent and so meet s108AA(1)(c).

7. Main findings

In conclusion:

1. The proposed activity is consistent with the purpose and principles of the Resource Management Act 1991.

2. The proposed activity is consistent with the relevant objectives and policies of the National Policy Statement for Freshwater, Regional Policy Statement (including proposed Change 1) and the Natural Resources Plan (including proposed Plan Change 1).
3. The actual or potential adverse effects of the proposed activity on the environment are likely to be less than minor.
4. The proposal incorporates appropriate mitigation measures to manage the adverse effects of the proposal.
5. Conditions of the consent(s) require that the adverse effects of the activity on the environment are appropriately avoided, remedied or mitigated.

8. Duration of consent

Under section 123 of RMA, I propose the following consent durations:

- I consider that a consent term of 5 years is suitable for the land use permit [40117] and discharge permit [40116] associated with the proposed earthworks, factoring in any contingencies relating to unforeseen circumstances.
- I consider that a consent term of 35 years is suitable for discharge permit [40115] to allow for the ongoing discharge of stormwater from impervious surfaces.
- I consider that land use consent [40119] shall be granted in perpetuity.

Decision recommended by:	Ella Gorton	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Joseph Medyckyj-Scott	Resource Advisor, Environmental Regulation	
Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	20/01/24	Application officially received:	10/01/25
Application stopped (s91/92/95):	27/01/25	Application started:	23/05/25
Applicant to be notified of decision by: 24/06/25		Applicant notified of decision on: 24/06/25	
Time taken to process application:	30 working days		

The applicant provided written agreement ([WGN250152 - section 37.msg](#)) on 4 June 2025 for an extension of timeframes under s37(1) to process the application. The extension is for 10 working days under sections s37A(4) of the RMA.

The reason for the extension is:

- To allow time for the applicant to review the draft conditions, and then finalisation of the consent.

In making this decision, the Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the RMA:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; and
- The Council's duty under section 21 of the RMA to avoid unreasonable delay.

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	
-----------------------	---------------	--	---

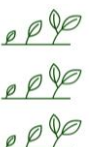
APPLICATION FOR RESOURCE CONSENT

Cannon Point Development, Upper Hutt

Abstract

Cannon Point Development Ltd hereby applies for resource consents to undertake subdivision, earthworks, and land development at 4 Colorado Road (Lot 2001 DP 588162). The land area is 8.4544 ha, in Te Awa Kairangi catchment. Supporting information includes scheme plan, engineering plans, ecological report, geotech report, Form 9, record of title.

Derive Consulting Group Ltd.
20 December 2024
East Block
Cannon Point Development Ltd



Contents

Contents	1
Executive Summary	6
Quality control.....	7
Applicability	7
Introduction	8
Subject site and existing environment	8
Planning Controls	11
Receiving environment.....	12
Records of title	13
Lot 2001 Deposited Plan 588162	13
Lot 2 Deposited Plan 52931.....	17
Lot 6 Deposited Plan 46315.....	17
Lot 301 Deposited Plan 588162	17
Proposed activities	18
Urban development	18
Subdivision	18
Roding.....	19
Dwellings	19
Threewater and utilities	20
Earthworks and sediment control	22
Creation of new impervious surfaces	23
Installation of new roading culvert.....	24
Proffered conditions.....	25
Financial Contributions (GWRC)	26
Development Contributions (UHCC)	27
Other consents	28

Region-wide matters	29
District-wide matters.....	29
Planning context: Natural Resources Plan.....	30
Earthworks under the NRP	31
Earthworks under PC1 to the NRP.....	31
Immediate legal effect of PC1 earthworks rules	32
Stormwater management under PC1.....	33
Culverts under the NRP	34
Wetlands under the NRP	35
Conclusion (NRP Rules)	35
Planning context: National Environmental Standards	36
National Environmental Standards for Freshwater Regulations 2020 (NES-F).....	36
Conclusion (NES-F Regulations).....	38
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011	39
Conclusion (NES - Other)	39
Planning context Upper Hutt District Plan.....	40
District-wide Matters: Subdivision	40
Plan Change 47: Subdivision.....	42
General Rural Zone: Residential development and use of land.....	43
General District-wide matters: Earthworks	45
Plan Change 47: Earthworks.....	47
District-wide matters: Transport	48
District-wide matters: Network utilities	49
District-wide matters.....	51
Conclusion (DP Rules).....	52
Assessment of Environmental Effects	53
Positive effects	54

Water quality and quantity	55
Ecological effects.....	57
Terrestrial	57
Aquatic	58
Natural hazard (Slope Hazard Overlay)	Error! Bookmark not defined.
Traffic effects.....	59
National Grid	60
Structural Integrity of the transmission line	60
Effects on operation, maintenance and upgrades.....	61
Electrical hazards.....	61
Earthworks	61
Visual Effects	61
Consultation	62
Conclusion (Transpower).....	62
Residential neighbours	63
Earthworks effects.....	65
Soil effects	66
Other persons.....	66
Conclusion (AEE).....	67
Planning assessment	68
National Environmental Standards for Freshwater Regulations 2020.....	68
National Environmental Standards Electricity Transmission Activities Regulations 2009	69
National Environmental Standards for Sources of Human Drinking Water Regulations 2007.	69
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011	70
National Environmental Standards – Other.....	70
National Policy Statements	71
National Policy Statement for Freshwater Management 2024	71

National Policy Statement on Urban Development 2020.....	72
National Policy Statement for Indigenous Biodiversity 2023.....	73
National Policy Statement on Electricity Transmission 2008.....	74
National Policy Statement on Highly Productive Land 2024	74
Other National Policy Statements	74
Conclusion (NPS)	75
Operative Regional Policy Statements for the Wellington Region 2013	76
Proposed Change 1 to the Regional Policy Statement for the Wellington Region	78
Natural Resources Plan (NRP).....	79
Plan Change 1 to the Natural Resources Plan	80
Upper Hutt District Plan	81
District Plan Change 50	83
District Plan Change 47	84
Other regulations	85
Other matters.....	85
Part 2 of the RMA 1991.....	85
Section 95 Notification	86
Section 95A public notification.....	86
Section 95A limited notification	86
Notification conclusion.....	86
Section 104 Consideration	88
Section 104G Additional controls on drinking water.....	91
Section 105: Additional controls on discharges.....	92
Section 106: Additional controls on subdivision.....	93
Section 107: Additional controls around discharges	94
Section 176: Written consent of UHCC as a requiring authority.	95
Conclusion	96

Appendices..... 97

Appendix 14: Allotment configuration table. Prepared by Derive Consulting Group Ltd (derived from on Vecta Scheme Plan 24094-S4-SCH001-B), dated 17/12/24, reference 23759832, pages: 4. 98

Executive Summary

Applicant name	Cannon Point Development Ltd
Landowner (y/n)	Yes
Street address	4 Colorado Road, Upper Hutt
Legal description	Lot 2001 Deposited Plan 588162 (1146505) Lot 301 Deposited Plan 588162 (1137297) Lot 6 DP 46315 Lot 2 DP 52931
Council name	Greater Wellington, Upper Hutt City
Land area (ha)	8.5444
FMU Catchment and sub-catchment	Te Whanganui-a-Tara Te Awa Kairangi urban streams
Zoning (operative)	Rural (General)
Zoning (proposed)	Residential (General)
Proposal	Subdivision 112 lots inc balance, access lots, and reserves to vest Earthworks up to 69,000 m ² Stormwater generation Placement of a new roading culvert. Urban development adjacent to wetland (< 10 m)
Consents sought	Land use consent, subdivision consent
Activity status	Discretionary
Address for contact (agent)	Derive Consulting Group Ltd Attn: Charlie Hopkins contact@derive.nz
Address for invoicing	Simon Zhang 101 Endeavour Drive, Porirua 5024 gsdmanagementnz@gmail.com
UHCC fee paid	\$4,350.00 including GST
GWRC fee paid	\$6,854.00 including GST
Financial contributions (GWRC)	\$398,560.00 including GST
Development contributions (UHCC)	\$2,223,006.00 including GST
Date of this application	20/12/2024
Reference number of this report	946097832

Quality control

Date	Version	Name	Notes
28 June 2024	Template	Charlie Hopkins	Internal
18 October 2024	Draft	Charlie Hopkins	Internal
16 December 2024	Peer review	Sebastian Barrett	Internal
20 December 2024	Final	Charlie Hopkins	Internal
20 December 2024	As lodged	Charlie Hopkins	External

Applicability

This report is prepared for the exclusive use of the Applicant and their agents for the sole purpose of obtaining resource consent from the Council. The report is based on the information provided by the Applicant and the best professional judgement of Derive Consulting Group Ltd (the Consultant). The Consultant accepts no liability or responsibility for any use of this report without the prior written agreement of the Consultant. Any reliance on this report by a third party is at that party's own risk and the Consultant disclaims all liability in this respect. Any copy, distribution, or reuse of this report can only be done with the written approval of the Consultant.

Introduction

This application for resource consent is made to Greater Wellington Regional Council (GWRC) and Upper Hutt City Council (UHCC), filed under section 88 of the Resource Management Act 1991 (RMA). The application is being prepared on behalf of Cannon Point Development Ltd, who is the landowner of the property (the Applicant) at 4 Colorado Road, Upper Hutt (the subject site). The Applicant is seeking resource consents to undertake residential land development and subdivision. This involves earthworks of approximately 69,000 m² on the subject site. Following this, there will be construction of new retaining structures, landscaping, and new infrastructure. The new infrastructure includes roads, three water mains, telecoms, and electricity networks. The Applicant is seeking land use resource consent to create new impervious surfaces which will generate stormwater that will enter a surface water body (being Te Awa Kairangi) independent of the Council stormwater network. The Applicant is seeking subdivision resource consent to produce 112 new allotments (94 residential), two new road reserves, and new local purpose reserve, and two super lots (balance lots).

Subject site and existing environment

The subject site is located within Te Whanganui-a-Tara Freshwater Management Unit (FMU), and Te Awa Kairangi catchment. The subject site is located at the end of Colorado Road and Larchmont Grove Upper Hutt; the primary land parcel is legally described as Lot 2001 Deposited Plan 588162. The subject site has an area of 8.4544 hectares more or less, and is zoned as General Rural under the Upper Hutt City District Plan (the District Plan). The proposal relies on the use of three parcels of City Council owned land to be used as legal road (Lot 6 DP 46315) and drainage reserve (Lot 301 DP 588162 and Lot 2 DP 52931).

The subject site is an old fault escarpment and/or river terrace on the true-right (northern) extent of the flood plain and valley floor, at the toe of the western hills (being Cannon Point). The subject site is accessed from Colorado Road to the east, which connects into California Drive via either Tacoma Drive or Hartford Crescent. There is currently no formed access into the western end of the site.

No. 61 Larchmont Grove (Lot 6 DP 46315) is at the northern end of the Larchmont Grove cul-de-sac and is anticipated for the future extension of that road into the subject site.

Lot 301 DP 588162 is a Local Purpose Reserve that has been vested in Hutt City Council.

Lot 2 DP 52931 is a river esplanade adjoining the Te Awa Kairangi and is vested in Council as a Local Purpose Reserve (Esplanade and River Protection)

Street Address	Legal description	Record of title	Ownership	Area (ha)	District Plan Zoning
2 Colorado Road	Lot 301 Deposited Plan 588162	1137297	Upper Hutt City Council	0.2977	General Rural
4 Colorado Road, Upper Hutt	Lot 2001 Deposited Plan 588162	1146505	Cannon Point Development Ltd	8.4544	General Rural
61 Larchmont Grove Upper Hutt	Lot 6 Deposited Plan 46315	912278	Upper Hutt City Council	0.0471	General Residential
64A Larchmont Grove Upper Hutt	Lot 2 Deposited Plan 52931	WN43B/53	Upper Hutt City Council	0.5100	Open Space
			Sum	9.3092	

The subject site does contain a wetland, and does contain a river in surface water sub-catchment 6; these are described in the ecological assessment prepared by Blue Green Ecology Ltd.

The subject site is traversed by the Transpower NZ Ltd National Grid, as recorded in the District Plan and shown in the infrastructure report prepared by Vecta Ltd.

The site is not mapped on GWRC SLUR as being contaminated or potentially contaminated.



Figure 1: Aerial view of the subject site (UHCC GIS)

The surrounding environment consists of:

1. To the north, this land is mostly native, regenerating bush owned and administered by GWRC as Akatarawa Forest.
2. To the east of the subject site is Te Awa Kairangi corridor.
3. Immediately to the west are stages 1 and 2 of this development, which are residential in nature, further to the east is existing residential land in Tōtara Park.
4. To the south is predominantly residential dwellings and allotments, on the northern edge of Tōtara Park, accessed from Hartford Crescent, Utah Grove, Larchmont Grove, and Indiana Grove.
5. The surrounding environment does not contain any hazardous facilities.

Te Awa Kairangi is 50+ linear metres to the east of the eastern most extent of the earthworks footprint.

Planning Controls

In terms of the Operative Natural Resources Plan (NRP) and Plan Change 1 (PC1), the subject site is identified as being:

- Map 79: urban streams catchment, upstream of Riverstone.
- Map 83: a tributary of Te Whanganui-a-Tara harbour and estuaries coastal water management unit.
- Map 85: Located upstream of the Poets Block primary contact site and downstream of the Māoribank Corner primary contact site.
- Map 88: Unplanned Greenfield Area – Upper Hutt City.
- Maps: 93, 94, 95: isolated pockets of highest erosion risk land (woody vegetation).
- Maps 96, 97: Not within the Makara or Mangaroa catchments.

The subject site is not identified on PC1 Maps:

- 27 (insert 2) and 77 (other than to the extent that the site is within the catchment area), or
- 78, 80, 81, 82, 84, 86, 87, 89, 90, 91, 92, 96, 97.

The soil classification on site is LUC-4, which is not highly productive, versatile, or elite.

The District Plan regulates residential land development, earthworks subdivision in the rural zones. A full planning context is set out later in this report.

The subject site is in the General Rural Zone (GRZ), and is subject to the following District Plan features, overlays, or designations:

1. High Slope Hazard Overlay.
2. Transpower HVTL Overlay (Note: this is not a designation).

Generally, the subject site does not / is not:

- a Site and Area of Significance to Māori.
- subject to the Reserves Act 1977.
- contain any historic heritage, or subject to any heritage order.
- contain any areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- contain a notable tree, or group of trees.
- contain an outstanding natural feature or landscape.
- within the coastal marine area.

Receiving environment

The proposal includes the construction of new impervious surfaces, being roof areas and a new road, which will generate stormwater. New stormwater from the new road corridors will be directed to the piped network towards the northeast, where it will discharge to Te Awa Kairangi via treatment device.

Stormwater from sub-catchment 6 will remain unaltered and will discharge into the UHCC piped network (750 mm dia concrete pipe behind 45 Hartford Cres) which ultimately discharges into Te Awa Kairangi via a concrete drainage system. Runoff from sub-catchments 1 through 5 currently flows overland as sheet flow and is either accepted into the existing stormwater inlets (225 mm dia stormwater inlet pipe at 59 Hartford Crescent, and a 375 mm dia stormwater culvert pipe at 17 Indiana Grove) or flows overland into Tōtara Park properties. There is currently no active bed directing flow to these inlets.

As part of this proposal, stormwater from sub-catchments 1 to 5 will be intercepted up-slope from the development and drained to Te Awa Kairangi thereby reducing flood risk to those properties.

Sub-catchments 1-6 are characterised as follows:

Subcatchment	Area (ha)	Peak 1% AEP flow (L/s)
1	3.091	507
2	2.975	488
3	2.032	333
4	1.300	213
5	1.110	182
6	20.114	2904

The ultimate receiving environment is Te Awa Kairangi through a variety of pathways including UHCC piped network, upslope cleanwater intercept drain, and stormwater treatment pond.

Records of title

Lot 2001 Deposited Plan 588162

4 Colorado Road is legally described as Lot 2001 Deposited Plan 588162 (1146505). The following table sets out an assessment of 1146505 (Lot 2001 DP 588162) and interests contained within:

Instrument Number	Instrument	Details	Comment
N/A	Coal, Gold, and Silver Reservations	As set out in No. 516880.	The Crown's coal, gold and silver reservations are unaffected. No mining is proposed.
95094	Right of Way (Deed of Easement)	Created by Deed of Easement 95094 (DR 154/185) - 28.11.1906 at 11:00 am.	Not relevant to this application.
211984	Right of Way, Poles, Wires, Pipes, and Drains	Created by Transfer 211984 - 30.4.1931 at 2:30 pm.	These lines will be taken underground. Wellington Electricity has been engaged pre-app.
12190520.3 12640076.1 12811157.1	Mortgage and mortgage variations	N/A	Not relevant to this application.
12397629.8	Water and Sewage Drainage Easement (Gross)	Over part marked F on DP 588162 in favour of Upper Hutt City Council (Easement Instrument 12397629.8 - 13.7.2022 at 10:07 am).	The proposal will not affect the existing easements.

Instrument Number	Instrument	Details	Comment
N/A	Section 243(a) Resource Management Act 1991 Easement Subject	Easements created by Easement Instrument 12397629.8.	
12789690.4	Consent Notice	Pursuant to Section 221 Resource Management Act 1991 - 25.9.2023 at 10:10 am.	See the detailed assessment below.
12789690.6	Right to Drain Water and Right of Way (Gross)	Over part marked G (drain water) and F & G (right of way) on DP 588162 in favour of Upper Hutt City Council (Easement Instrument 12789690.6 - 25.9.2023 at 10:10 am).	These easements are taken into account in the new design.
12789690.7	Fencing Covenant	Subject to Section 6(2) of the Fencing Act 1978 in Deed 12789690.7	The fencing covenant can be carried forward to the new allotments.

Assessment of consent notice **12789690.4** is as follows:

Condition Number	Condition Description	Applies to Lot 2001	Comment
1	As part of the development stormwater management system, Lots 12 - 27 and 31 - 36 shall be provided with individual stormwater management systems.	No	
2	Bare galvanised, zinc alum or unpainted metal (including copper) may result in contamination of stormwater runoff upon corrosion of surfaces and therefore shall not be used for exterior construction, including but not limited to roofing, cladding, gutters and downpipes	Yes	Proffered as a condition of consent to be carried forward on to the proposed lots.
3	Any vehicle access constructed at building stage that adjoins the public road shall comply with the following: 1. The design of vehicle crossings shall be in accordance with Council's Engineering Standards, Drawing Number 5904 Figure 6, Appendix B, Maximum Design Gradients for Vehicular Access to Property or CM1005-93R (Maximum Design for Vehicular Access to Property) 2. Any residential vehicle crossing from the carriageway to the road/property boundary shall be located such that the vehicle crossing is clear of: • Street lighting columns. • Street berm trees	Yes	Proffered as a condition of consent to be carried forward on to the proposed lots.

Condition Number	Condition Description	Applies to Lot 2001	Comment
	- The connection points of underground utility service connections to the property - Utility service junction boxes or underground service pits - Drainage sumps.		
4, 5	Geotechnical conditions requiring specific foundation design and slope stability analysis.	No	A geotechnical report for this specific subdivision is provided with the application and it is expected that similar geotechnical conditions will be applied as consent notices to the proposed new allotments matching the recommendations of the new geotechnical report.
6	Lot 2001 is an unserviced lot, not intended for development at this stage. If development of this site were to be undertaken in the future it will be the developer's responsibility to provide the lot with water supply, stormwater and wastewater service connections appropriate for the nature of the development.	Yes	Three water connections are proposed as part of this application.
7	Protection of vegetation	No	The condition does not apply to Lot 2001.

The application also involves civil works in three parcels of land owned by City Council as set out in the table below. Copies of the records of title are appended to this application.

Lot 2 Deposited Plan 52931

Lot 2 DP52931 is an esplanade reserve located between the subject site and Te Awa Kairangi.

Its purpose recorded on the record of title is local purpose (Esplanade and River protection) reserve.

It is owned by UHCC and is subject to the Reserves Act 1977.

Lot 6 Deposited Plan 46315

Lot 6 DP46315 is a 471 m² fee simple allotment owned by UHCC, with no recorded interests.

Lot 301 Deposited Plan 588162

Lot 301 DP 588162 is a 2,977 m² drainage reserve owned by UHCC.

Proposed activities

The proposed activity is primarily to undertake land development and earthworks to create building platforms and new roads, install new water services and telco and electricity utilities, install a stormwater treatment device, including a new rain garden, install erosion control measures, retaining walls, and landscaping, and place a new open bottom box culvert.

There is no reclamation and or piping of river(s). Likewise, there is no activity within a natural inland wetland; all works are within 100 m of the wetland but not within the wetland.

No activities pursuant to sections 12, 13, and 14 RMA 1991 are proposed.

Urban development

The urban development consists of land development for residential use, subdivision, construction of new road to be vested, new water supply and drainage infrastructure to be vested, new electrical and telecom infrastructure to be vested, earthworks to cut and fill, and landscaping.

Subdivision

The land development will produce 112 allotments, of which 94 are for new dwellings, with the remainder are for infrastructure, or road reserve, or drainage reserve. These allotments are shown on Vecta scheme plan 24094-S4-SCH001 to 24094-S4-SCH009. These proposed allotments are also shown in table form, which is appended to this AEE.

There is no subdivision proposed of Lot 301 Deposited Plan 588162, Lot 6 Deposited Plan 46315, Lot 2 Deposited Plan 52931. All subdivision is contained within Lot 2001 DP 588162.

Allotment type	Count	Lot id
Residential	94	Lots 1 to 117
Road to vest	2	Lots 1000, 1001
Reserve	3	Lots 300, 301 and 303
Access lots	11	Lots 200, 201, 202, 203, 204, 205, 206, 208, 209, 210, 211
Balance Lot	2	Lots 38, 110
Sum	112	

Roading

The proposal includes the construction of a new road, to be vested as a public road; these are shown on Vecta Plans RC300 to RC304. The new roads are summarised as follows:

Road-ID	Length	Width
1	760	15
2	120	9
3	30	6
4	90	9
5	90	6
6	100	9
7	40	6
8	20	6
ROW/JOAL	160	3.6

The proposal includes installing an open-bottom roading culvert around chainage CH80 to CH90. A footpath is being provided on Roads 1, 2, 4, and 6, details of which are shown on Vecta plan RC310. Eight jointly owned access lots (JOALs) are provided to access allotments; these JOALs are accessed directly from the main thoroughfare. Private accessway are also provided on Lots 200, 210, 211.

Road geometry (e.g. curve widening, road width) has been designed to allow bus transit through the site.

Roading details are present in section 9.1 of the Infrastructure Report (Vecta, 2024).

Streetlighting are present in section 9.4 of the Infrastructure Report (Vecta, 2024).

Dwellings

The proposal includes the development of new building pads on 94 allotments, although dwellings are not being proposed at this time, they can occur either as a permitted activity or further land use consent can be sought. This proposal includes land use consent for building within 32 m (but not 12 m) of the National Grid.

Threewater and utilities

A new three-water infrastructure is proposed to be built and vested in the council; details of such are set out in Civil Infrastructure Report (Vecta, 2024a) and Threewaters Design Report (Vecta, 2024b).

Wastewater is proposed to discharge into two separate networks. The lots on Roads 2 to 4 and Road 1 west of Road 3 will discharge to the Stage 1 connection point via the existing manhole at the boundary. The rest of the site will discharge to an existing manhole at Larchmont Grove. Lots 1-25 do not require sewer pumping. Wastewater mitigation is not being proposed for the reasons in section 5.2 of the Civil Infrastructure Report (Vecta, 2024). Details of the wastewater network, including capacity modelling, are presented in section 5 of the Vecta (12/11/24) Civil Infrastructure Report.

Stormwater will ultimately be discharged from the subject site to the main stem of Te Awa Kairangi The Hutt River. Runoff from the road reserve will be treated by directing it to a rain garden before discharging to Te Awa Kairangi. The primary treatment device is a rain garden bioretention system at the downstream end of the network, which will provide water quality treatment for runoff from road and roof surfaces. Runoff from the 30ha of bush uphill of the development site currently flows through the site overland and concentrated flow paths towards the existing network in Tōtara Park; this will be intercepted and diverted by bund and swale to Te Awa Kairangi. Runoff from residential lots will be attenuated using on-site detention tanks issued on the titles as consent notices. Rainwater collection and reuse will provide additional storage and attenuation, benefiting water quality. Details of the stormwater network, including neutrality, attenuation, and treatment, are presented in section 6 of the Vecta (12/11/24) Civil Infrastructure Report.

Vecta plans to show a stormwater device on Lot 301, Deposited Plan 588162. That does not form part of this proposal.

With regard to water supply, the network constructed in Stage 1 and the existing network at Larchmont Grove will be extended with a 200 mm principal main and DN50 rider mains can provide water supply and firefighting service for the development compliant with the relevant standards. Details of the stormwater network including neutrality, attenuation, and treatment are presented in section 7 of the Vecta (12/11/24) Civil Infrastructure Report.

The existing Wellington Electricity (WE) overhead network on the site will be brought underground. WE* provided the following comment:

“The pole (#366893) on the eastern end of the site development need remain to terminate new underground HV cable. It locates just outside the development within Upper Hutt City Council reserve land, you may need include it and new U/G HV cable route in your RC application. The pole

needs to conduct a load check/design to see if upgrade required to be an end line pole with new U/G cable termination. Based on your proposal of 120 lots to 150 lots development, 2x 300kVA berm subs (transformers) will be required and installed at approx. 150 meters & 550 meters position to feed the whole development. The detailed plans need be provided to discuss further how to underground existing overhead HV lines and reticulate the development. ”

This proposal includes the placement of 2x 300kVA transformers in the legal road (berm) at approximately Chainage CH150 and CH550 and the under-grounding of existing lines from Pole 366893 CH550.

Utilities including electricity, natural gas, and telecoms (including UFB) will be installed to each residential allotment.

Earthworks and sediment control

The proposed activity is to undertake earthworks to establish building platforms and physical access on the site. The earthworks will involve the excavation of approximately 107,400 m³ of soil and the placement of approximately 100,900 m³ of fill. The earthworks will enable a new road through the middle of the site, with building platforms on each side of the road. The earthworks will also include the drainage, and erosion and sediment control measures. Earthworks will be undertaken progressively in a series of stages to ensure that the amount of open ground at any one time is minimised and is remedied as the works progress. A staging plan will be provided prior to works.

The parameters of the earthworks are set out below in the following table:

	Volume (m ³)	Area (m ²)	Mean depth (m)	Max depth (m)
Cut	-107,400	30,530	3.5178	-14
Fill	100,900	38,470	2.6228	7
Sum	+6500	69,000		

The following volumes of earth will be transported to and from the site:

- Export volume (m³): 6,500 m³.
- Import volume (m³): 0 m³.

The scale and extent of earthworks is such that an erosion, dust, and sediment control plan (EDSCP) is needed.

Many construction and demolition activities are inherently noisy. However, noise generated during construction, maintenance, and demolition work is generally of a temporary nature. The adverse effects can generally be avoided or mitigated if ongoing noise does not occur at inconvenient times. All noise from proposed construction, maintenance, earthworks and demolition activities will be measured, assessed, managed and controlled in accordance with the requirements of NZS6803:1999 Acoustics Construction Noise.

An erosion, dust, and sediment control plan has been developed and appended to this application. A final EDSCP will be provided to GWRC and UHCC before the commencement of works.

Creation of new impervious surfaces

There are 94 new homes would be enabled to be constructed as part of this proposal. Schedule 30 says that each “*average-sized*” new dwelling shall create one equivalent household unit (EHU). There are no dwellings < 55 m² proposed. For the purpose of Table D1, it is assumed that there are 94 EHUs; financial contributions are calculated below. Assuming each EHU has a roof area of 200 m², the amount of new impervious surface is likely to be 18,800 m². Some dwellings are likely to be smaller than 200 sqm; therefore, this calculation is considered to be an upper limit.

Eight new roads (plus private ROW) are proposed to create 13,838 m² of new impervious surface, as set out in the following table:

Road-ID	Length	Width	Impervious %	New impervious road area (m ²)
1	760	15	85%	9652
2	120	9	100%	1080
3	30	6	83%	150
4	90	9	100%	810
5	90	6	83%	450
6	100	9	100%	900
7	40	6	83%	200
8	20	6	83%	100
ROW/JOAL	160	3.6	86%	496
			SUM	13,838

Installation of new roading culvert

The proposal includes the installation of a new culvert at approximately between Chainage 80 - 90 (CH80 - CH90) to provide for a new road platform to be installed, as set out below.

- Temporary relocation of the existing bed materials
- Temporary diversion of water, and temporary discharge of sediment during works.
- Installation of new, open-bottomed box culvert on, in, and over the bed of the stream. The culvert has a span of 3.25 m.
- Fill on top of box culvert, and install roading platform.
- Permanent diversion of water.

The unnamed stream in sub-catchment 6 does not connect to Te Awa Kairangi, instead it discharges into an UHCC drainage channel UHCC_SWCH000080. Sub-catchment 6 does not currently have fish passage.

The culvert is shown on engineering plans to be parallel to the bed and direction of flow. The culvert has been sized so as to not change water velocities, and sediment transport rates. The culvert design is open bottomed to allow substrate to be present on the bed. Further details are present in the Vecta Stormwater Management Plan pages 24-25.

Proffered conditions

The proposal includes the proffering of the following conditions or similar conditions to the same effect.

The consent holder shall:

- give no less than 48 hours' notice to Council compliance monitoring enforcement team of works commencing.
- give to council the name and contact details of the site manager.
- ensure that a chartered professional engineer (CPEng) will supervise all works authorised by this consent.
- ensure that the activity authorised by this resource consent do not allow dirt to be tracked onto the road.
- ensure that the activity authorised by this resource consent do not allow dust to escape beyond the property boundary to the extent it causes a nuisance.
- ensure that the hours of machinery operation are limited to only 7 am to 7 pm Monday to Saturday, and no machinery works to occur on Sunday and public holidays.
- without unreasonable delay, install retaining, building, and or landscaping to remedy any open earthworks faces.
- Provide each allotment with legal and physical access via frontage or ROW.
- Provide each residential allotment with a connection to water supply, wastewater, stormwater, electrical connection, telecoms and UFB.
- Provide each new dwelling with a stormwater tank or install a stormwater hydraulic neutrality device in accordance with *Managing stormwater runoff v5* (Wellington Water Ltd, 2024).
- The consent holder shall development and implement an erosion, dust, and sediment control plan (EDSCP). All works shall be undertaken in accordance with the EDSCP. A copy of the EDSCP shall be kept on site at all times. A copy of the EDSCP shall be sent to the consents manager prior to the commencement of physical works.
- Prior the commencement of works, provide an earthworks staging plan for certification from the Manager.
- Register appropriate easements on allotments within 32 m of the National Grid duly granting Transpower NZ Ltd the right to enter land and undertaken maintenance works on the National Grid.
- Prior to any vegetation clearance during the nesting season, check for nesting indigenous avifauna and, if found, measures put in place to ensure the nest is not disturbed.
- Avoid introducing exotic weed species into the native bush area present in Akatarawa Forest (Part Section 421 Hutt DIST), but excluding the subject site.
- Prepare a lizard monitoring and rescue plan for the areas of mahoe. The LMRP shall be prepared by an appropriately qualified and experienced person. The LMRP shall be submitted to the Manager to certification prior to the clearance of woody vegetation.
- Develop a planting plan for Lot 301. The planting plan shall be prepared by an appropriately qualified and experienced person.
- Development and implement a landscape plan to mitigate edge effects on properties on Hartford Crescent, Utah Grove, Larchmont Grove, and Indiana Grove.

These conditions form part of the proposal.

Financial Contributions (GWRC)

The site is also subject to the GWRC financial contributions policy, as Schedule 30 to PC1. This application seeks consent in relation to a greenfield development. On that basis, the financial contributions in Schedule 30 to PC1 are applicable here.

A financial contribution is required for all greenfield development and new roads requiring a resource consent to offset residual contaminant load from stormwater discharges entering freshwater receiving environments to ensure the maintenance or improvement of water quality within Whaitua Whanganui-a-Tara. Financial contributions are calculated on equivalent household units (EHU).

- Table D1:

There are 94 new homes being built in Stage 4. Schedule 30 says that each “*average-sized*” new dwelling shall create one EHU. There are no dwellings < 55 m² proposed. For the purpose of Table D1, it is assumed that there are 94 EHU. At a rate of \$4,240 FC per EHU, the gross liability is \$398,560.00

As demonstrated in Threewaters Design Report section 5.4 (Vecta Ltd, 2024, 23 pages) each new title for residential allotment will be appended with a consent notice that a rainwater tank shall be installed, sized appropriately to achieve neutrality; tanks will be fitted with re-use facilities. Therefore, as per the PC1 definition of ‘impervious surface’, these new roof areas do not attract financial contributions in Schedule 30.

On that basis, there is no FC for dwellings on Stage 3.

- Table D2:

The total impervious area of new road is 13,838 m². That means there are 138 units of 100 sqm of new road. At a rate of \$360 FC per 100 m² of new road, the gross liability is \$49,680.00.

As per Schedule 30, the new road is “*in direct support of a new greenfield development*”. On that basis, a FC is not required under Table D2 for the new road.

No FCs are required for this proposal because:

1. Stormwater capture and re-use is employed on all new roof areas. and
2. The new road is “in direct support of a new greenfield development”. and
3. All stormwater from the development is being treated by a stormwater system.

Development Contributions (UHCC)

Within Upper Hutt City, there are:

- District-wide development contributions for transport and community infrastructure;
- water, wastewater and stormwater development contributions for areas serviced by these networks; and
- rural transport development contributions for areas within the rural transport catchment.

The site is subject to the UHCC 2024 Development Contributions Policy (DC), which requires payment for the provision of network infrastructure and community facilities. The site is located in the serviced catchment of the policy map. The Policy requires a payment of \$23,649 per EHU in serviced areas. The subdivision of 94 EHUs would generate a gross liability of \$2,223,006. In this case, if the existing allotment is not serviced with water and drainage services.

The Applicant is constructing considerable water, drainage, and transport infrastructure, which can be taken into special consideration when calculating DCs.

On that basis, the Applicant can either pay development contributions or seek a development agreement be entered into.

Other consents

The Applicant will seek separately all other building consents that the City Council may require regarding the activity.

The Applicant will apply to UHCC for CAR before works in the legal road.

The Applicant will apply for a wildlife permit if needed.

The applicant will apply to Transpower NZ Ltd for a Permit to Dig before commencing earthworks near the pylon towers.

No application need be made to NZ Transport Agency for works in or adjacent to their horizontal networks.

No application need be made to Heritage New Zealand Pouhere Taonga for the modification of an archaeological site or any heritage item listed on Rārangi Kōrero.

Region-wide matters

This proposal does not include any:

- Works in the coastal marine area, or margins.
- Discharge to air from burning, combustion, chemical processing, cremation, abrasive blasting.
- Fuel storage, or creation of new contaminated land.
- Discharge of wastewater.
- Works in the bed of a lake.
- Farming activities.
- Take, use, damming, allocation of water.
- Storage, use, handling, or disposal of hazardous substances.
- Emission of dust, vibration, or light beyond permitted levels.
- Modification of any site or area of significance to Māori, or papakāinga.
- Generation or transmission of electricity.
- Creation or modification of infrastructure of national significance.

District-wide matters

The proposal does not include any:

- Storage, use, handling, or disposal of hazardous substances.
- Emission of dust, vibration, or light beyond permitted levels.
- Erection of any sign.
- Modification of any heritage building or structure.
- Modification of any notable tree.
- Modification of any site of significance to Māori, or papakāinga.
- Works or structures in the coastal environment or riparian margins.
- Renewable generation of electricity
- Temporary activities including emergency response training exercises, or filming.
- Activities on the surface of waterbodies.

Planning context: Natural Resources Plan

The Natural Resources Plan (NRP) alongside Plan Change 1 (PC1) regulate earthworks in the Te Awa Kairangi catchment (FMU). A full planning context is set out below.

As set out above, in terms of the NRP and PC1, the subject site is identified as being:

- Within Te Whanganui-a-Tara Whaitua.
- Within Te Awa Kairangi urban streams part-FMU.
- Map 79: Urban streams catchment, upstream of Riverstone.
- Map 83: A tributary of Te Whanganui-a-Tara harbour and estuaries coastal water management unit.
- Map 85: Located upstream of the Poets Block primary contact site and downstream of the Māoribank Corner primary contact site.
- Map 88: Unplanned greenfield area – Upper Hutt City.
- Maps: 93, 94, 95: isolated pockets of highest erosion risk land (woody vegetation).
- Maps 96, 97: Not within the Makara or Mangaroa catchments.

Earthworks under the NRP

Earthworks are classified as a permitted activity in the Te Awa Kairangi catchment under NRP Rule R101, provided they comply with the standards set out in that rule. Non-compliance triggers Rule R107, which regards the activity as discretionary. This assessment evaluates compliance with the permitted activity rule standards. Since the total earthworks area is 69,000 m², it exceeds the limit of 3,000 m² per property per 12-month period specified in NRP Rule R101 and therefore cannot be considered under this rule.

For clarity:

- There is no vegetation clearance on erosion-prone land, plantation forestry, or woody vegetation which is mapped in the NRP.
- The activity is not a new farm track.
- The works are not associated with a renewable energy project.

On that basis, the proposed earthworks are a discretionary (unrestricted) activity under Rule R107. There are no compliance standards under Rule R107.

Under NRP Rule R107, the Council is not precluded or mandated to notify this application either publicly or a limited basis.

Any ancillary vegetation clearance as part of earthworks does not occur on erosion prone land and therefore does not trigger Rules R104 or R107 under PC1.

Earthworks under PC1 to the NRP

Earthworks is a classified as a permitted activity in the Te Awa Kairangi catchment under PC1 Rule WH.R23, subject to compliance with standards set out under that Rule. Any non-compliance would trigger the restricted discretionary activity status Rule WH.R24. Compliance with permitted activity rule standards is assessed here. The total earthworks area is 47,820 m² and therefore cannot be considered under PC1 Rule WH.R23(c) which is capped at *“does not exceed 3,000m² per property in any consecutive 12-month period”*.

On that basis, the proposed earthworks are a discretionary (restricted) activity under Rule WH.R24, subject to performance standards.

- The concentration of total suspended solids (TSS) will comply with the standard.
- Earthworks will not occur between 1st June and 30th September in any year.

The Council is restricted in its discretion to the matters set out in that Rule. Those matters are not replicated here but are adopted in full.

Under PC1 Rule WH.R24, the Council is not precluded or mandated to notify this application either publicly or a limited basis.

Any ancillary vegetation clearance as part of earthworks does not occur on high risk erosion land and therefore does not trigger Rules WH.R17 or WH.R18.

Immediate legal effect of PC1 earthworks rules

As set out above, both the NRP and PC1 have rules that regulate the proposed earthworks. Under the RMA 1991, the rules of PC1 have immediate legal effect as they relate to soil conservation and water quality. On that basis, PC1 contains Appendix 1 which lists the NRP provisions that no longer apply to Whaitua Whanganui-a-Tara. The NRP Rules R101 and R107 are named in PC1 Appendix 1 and, therefore, are *superseded* by those rules in PC1.

Likewise, when it comes to the clearance of woody vegetation on erosion prone land in Te Awa Kairangi Catchment, NRP Rules R104 and R105 are superseded by PC1 Rules WH.R17 and WH.R18.

On that basis, NRP Rules R101, 104, 105, and R107 are not considered further.

Stormwater management under PC1

The creation and redevelopment of impervious surfaces create stormwater, which PC1 regulates to manage adverse effects on water quality and its life-supporting capacity in the environment.

There are two new stormwater discharges proposed under this development. The first is a cleanwater cut-off drain to intercept stormwater from the up-slope environment to the north of the subject site, that would typically run off sub-catchments 1 to 5 as sheet flow heading south towards the subject site. This clean stormwater will be intercepted and discharged into Te Awa Kairangi via a vegetated overland swale. The second is an outfall from the rain garden treatment device on Lot 303, which captures and treats all stormwater from new roads and roofs.

Plan Change 1 introduces the following instruments into the planning environment as it relates to impervious surfaces.

- Schedule 28: Stormwater Treatment
- Schedule 29: Stormwater Impact Assessment
- Schedule 30: Financial Contributions for stormwater CAPEX projects in Whaitua.
- Rule WH.R13: The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development directly into water or onto land where it may enter a surface water body including through a proposed stormwater network, is a prohibited activity.

The use of land to create new impervious surfaces associated with new, unplanned, greenfield development is a prohibited activity. This is taken to mean roofs and paved areas such as roads, driveways, parking areas, sidewalks/foot paths or patios, but excluding permeable areas such as grassed lawns, gardens, decks, and impervious surfaces that have a stormwater capture and re-use system attached to them.

At the time of making this application, PC1 hearings are underway. This means that the rules of PC1 have immediate legal effect as they relate to water quality and soil conservation and are coming through the Freshwater Planning Process. As a result, they are not operative.

Section 87B(1) of the RMA 1991 says that an application be treated as a discretionary activity if a rule in a proposed plan describes the activity as a prohibited activity and the rule has not become operative. This is the case for Rule WH.R13, which has legal effect but is not operative.

On that basis, consent is able to be granted under Rule WH.R13, despite having a prohibited activity status in the proposed plan as notified.

Culverts under the NRP

The proposal includes the placement of an open bottom box culvert under Road-1 in sub-catchment 6 between CH80 – CH90. The relevant rule is NRP Rule R126. Rule R126 is not replaced by PC1 Appendix 1.

Sub-catchment	Area (ha)	Peak 1% AEP flow (L/sec)	Changes proposed	Consents required (NRP)
6	20.114	2904	New roading culvert installed.	R145

The proposal is able to fully comply with the standards of Rule R126 with the exception of R126(i)(iii) due to the width of the culvert needing to exceed 0.3 m to ensure that it can convey flows without choking.

Land use consent is therefore **sought under NRP Rule R145** for non-compliance with R126(i)(iii) and the size of the structure.

For completeness in an assessment of Rule R126:

- (g) The subject site is not Schedule C.
- (h) There are not multiple culverts.
- (i)(iv) the culvert width is 1.3x the bed width.
- (j) the culvert is open bottomed.
- (k) bed substrate can be placed in the open bottom culvert.
- (l) gradients will remain unchanged.
- (m) the culvert has been designed so as to not change velocity.
- (n) the culvert has been designed for a 1% AEP event.
- (o) erosion and scour protection can be installed.
- (p) there is no ancillary structures (wing walls).
- (q) an ESCP will be in place during works.
- (r) the culvert can be designed and installed to maintain sediment transport functions.
- (s) the culvert has been designed so as to not change hydrology in the catchment. 45 Hartford Crescent will experience no change in upstream flow rates entering the UHCC piped network on that boundary.
- (t) the culvert can be designed and installed to maintain sediment transport functions.
- (u) Regulation 63 information requirements will be fulfilled post-consent at the engineering approval detailed design stage.

Wetlands under the NRP

NRP Rules R113 - R121 regulate activities within wetlands. In this case, no works are proposed within a wetland, so these rules are not triggered. PC1 does not introduce any new wetland activity rules.

Conclusion (NRP Rules)

In conclusion:

- Land use consent is sought as a discretionary (unrestricted) activity under NRP Rule R107 and PC1 Rule WH.R24 for earthworks above 3000 sqm p.a.
- Land use consent is sought as a discretionary (unrestricted) activity under NRP Rule R145 for a new open-bottom box culvert under Road-01 in sub-catchment 6.
- Land use consent is sought as a discretionary (unrestricted) activity under section 87B of the RMA 1991 for the generation of stormwater as a prohibited activity under PC1 Rule WH.R13.
- There is no reclamation and or piping of streams proposed in sub-catchment 6.

In this instance, it would be inappropriate to bundle the permitted and prohibited activities. The application has an activity status of **discretionary**.

Planning context: National Environmental Standards

The following is an assessment of how the proposal sits within the current suite of operative NES.

National Environmental Standards for Freshwater Regulations 2020 (NES-F)

- *Urban development*

Urban development is proposed within 10 m of a naturalised wetland (sub-catchment 6). Urban development is regulated under the NES-F by way of Regulation 45C as a restricted discretionary activity (RDA). In this case, earthworks are occurring under Regulation 45C(2) Activities under Regulations 45C(1), (3), (4), (5) are not proposed.

Matters are restricted to those matters in Regulations 45C(11) and 56, which are not replicated here, but are adopted in full.

In order to grant consents, council must be satisfied of the matters listed in Regulation 45C(6) and (7).

These matters are assessed later in this application.

- *Culvert*

Culverts are regulated under the NES-F by way of Regulation 70 as a permitted activity.

The placement of a new roading culvert is proposed in sub-catchment 6, as follows:

Sub-catchment	Area (ha)	Peak 1% AEP flow (L/sec)	Changes proposed	NES-F Regulation
6	20.114	2904	Placement of new roading culvert installed.	70

The following table provides an assessment of the relevant standards under Regulation 70.

Regulation 70(2)	Standard	Compliance	Assessment
A	culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert.	Yes	Sub-catchment 6 does not currently have fish passage due to the nature of the UHCC piped drainage network. The proposed culvert will not prevent fish passage to be restored in future should the UHCC piped network be remedied to provide for passage.
B	culvert must be laid parallel to the slope of the bed of the river or connected area.	Yes	The culvert is shown on engineering plans to be parallel to the bed and direction of flow.
C	mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches	Yes	The culvert has been sized (details in the Vecta Stormwater Management Plan pages 24-25) so as to not change water velocities.
D	culvert's width where it intersects with the bed of the river must be more than 1.3 times the width of the bed at that location.	Yes	W is < 3 m. S is > 1.3w. Culvert width is 3.25 m; Vecta Stormwater Management Plan pages 24-25.
E	culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed	Yes	Culvert design is open bottomed to allow substrate to be present.
F	bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time	Yes	
G	culvert provides for continuity of geomorphic processes	Yes	The culvert has been sized (details in the Vecta memo) so as to not change sediment transport rates.
H	Regulation 63 information requirements	Yes	Regulation 63 requirements will be fulfilled post-consent at the engineering approval detailed design stage.

The above table demonstrates that the proposed roading culvert in sub-catchment 6 can be a permitted activity, subject to correct detailed design and construction. This will be confirmed as per Regulation 63 post-consent.

Conclusion (NES-F Regulations)

The proposal requires consent under the NES-F as follows:

- Urban development within 10 m of a wetland in surface sub-catchment 6, requires resource consent (as an RDA) under NES-F Regulation 45C.
- Placement of a new roading culvert in sub-catchment 6 is **permitted** by NES-F Regulation 70.
- No reclamation and or piping of existing streams is proposed under the NES-F.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

Regulation 7 of the NES-CS describes the land covered by the NES. The site is not considered to be covered under those provisions because there is no known current or previous HAIL activity known to have occurred on the site. The site is not registered on SLUR as being contaminated or potentially contaminated. It is *more like than not* that a HAIL activity has not occurred on the site.

Accordingly, the NES-CS does not apply and a rules assessment of the NESCS 2011 has not been undertaken.

Conclusion (NES - Other)

There is no other National Environmental Standard that is relevant to this application for the reasons that:

1. There is no storage of waste car tyres.
2. No air discharge permit is sought.
3. No pine forestry is present.
4. No industrial process heat activities are proposed.

Planning context Upper Hutt District Plan

The Upper Hutt District Plan (the District Plan) regulates residential land development and subdivision in the rural zones. In brief, the proposed activities are not able to comply with the relevant controlled activity standards of the District Plan, and resource consent is, therefore, sought on that basis. A full planning context is set out below.

The subject site is in the General Rural Zone (GRUZ), and is subject to the following District Plan features, overlays, or designations:

1. High Slope Hazard Overlay
2. Transpower HVTL overlay (note: this is not a designation).

District-wide Matters: Subdivision

Subdivision is classified as a controlled activity in the General Rural Zone under District Plan Rule SUB-RUR-R1, subject to compliance with standards set out in SUB-RUR-S1 and SUB-RUR-S2. Any non-compliance would trigger the RDA Rule SUB-RUR-R5. Compliance with controlled activity rule standards is assessed in the table, below.

Standard SUB-RUR-Sx	Compliance	Notes
SUB-RUR-S1: minimum allotment size and shape factor	No	The proposed subdivision does not achieve compliance with the minimum allotment size of 20 ha.
SUB-RUR-S2: legal and physical access	Yes	Legal and physical access will be provided.

The above table demonstrates that compliance with the relevant standards is not achieved. Consent is sought as a discretionary activity under Rule SUB-RUR-R11 for non-compliance with minimum allotment sizes in SUB-RUR-S1.

Below is further assessment of other District Plan rules as they relate to subdivision:

1. Subdivision consent is sought for the proposal under Rule SUB-GEN-R1 to create allotments 110 and 302 to accommodate Transpower pylon towers.
2. Subdivision of land is within the National Grid subdivision corridor (32 m); subdivision consent is sought under Rule SUB-RUR-R7.
3. The site is subject to natural hazards, being slope failure risk; this is addressed below in the PC47 assessment.
4. The subject site is not within an SNA, ONFL, or SAL.

5. The site is not contaminated land.
6. The site is not within the Southern Hills Overlay Area.
7. The site is not within the Blue Mountains Area.
8. The site is not within a Special Activity Zone.
9. The site is not within any Structure Plan Development Plan Area.
10. The site is not within the Pinehaven Catchment Overlay.
11. The site is not within the Mangaroa Flood Hazard Extent.
12. The site does not contain scheduled heritage and or notable trees (Schedules HH-SCHED1 or TREE-SCHED1).

The proposed subdivision is, therefore, considered to a discretionary activity under Rules SUB-RUR-R11 and SUB-RUR-R7 of the District Plan for subdivision below minimum lot sizes and subdivision of the national grid yard, respectively. The proposed subdivision is also a controlled activity under Rule SUB-GEN-R1 for the create of allotments for network utilities. On a bundle basis, the subdivision can be considered as a discretionary activity.

Rule SUB-RUR-R11 gives no direction on notification.

Rule SUB-RUR-R7 precludes public notification under section 95A; limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

Plan Change 47: Subdivision

At Ordinary Council on 25 September 2024, Council resolved to adopt all of the Independent Hearing Panel's recommendations on PC47. The subject site has areas of Slope Hazard Overlay (2024); subdivision within the Slope Hazard Overlay may require consent. The site is not in the Mangaroa Peatlands; the site is not on the Wellington Fault Band. Subdivision will not occur within the Wellington Fault, or in the Mangaroa Peatlands as a result of this application.

Under PC47 Rule SUB-GEN-R4, subdivision that creates a building platform in the Slope Hazard Overlay is an RDA.

Subdivision consent is sought under PC47 Rule SUB-GEN-R4 for the creation of new dwelling platforms within the Slope Hazard Overlay.

General Rural Zone: Residential development and use of land

New residential dwellings are classified as a permitted activity in the GRUZ under District Plan Rule GRUZ-R4, subject to compliance with standards set out in GRUZ-Sx. Any non-compliance would trigger the RDA Rule GRUZ-R14. Compliance with permitted activity rule standards is assessed in the table, below.

Standard GRUZ-Sx	Compliance	Notes
GRUZ-S1: Access	No	For most allotments, access to each allotment will be within 20 m from access on an adjoining allotment. Some allotments share a JOAL.
GRUZ-S2: Setbacks	No	The subdivision will create allotments on which it is impracticable to construct a residential unit as a permitted activity due to the 12 m front yard setback.
GRUZ-S3: Height	Yes	Future owners will be able to construct a dwelling under the 8 m height limit or seek further land use consent.
GRUZ-S4: HIRB	Yes	Future owners will be able to construct a dwelling within the HIRB or seek further land use consent.
GRUZ-S5: Three waters	Yes	Each residential allotment is provided with three waters, and therefore, each future dwelling can make connections as per the COP.
GRUZ-S6: Forestry	Yes	N/A none proposed
GRUZ-S7: Home Business	Yes	N/A none proposed

The above table demonstrates that compliance is not achieved with the relevant standards.

Resource consent is required under GRUZ-R15 for buildings or structures within 12-32 m of high voltage transmission lines (HVTL, being 110 kV or greater) as a restricted discretionary activity.

Land use consent is therefore sought for the following activities:

- To construct future dwellings with non-compliant accessway under Rule GRUZ-R14.
- To construct future dwellings with non-compliant front yard setback under Rule GRUZ-R14.
- To construct future dwellings within 12-32 m of HVTLs GRUZ-R15.

For completeness, land use consent is not sought under Rule GRUZ-R25.

The Council is not restricted in its discretion to the matters set out in District Plan rules.

Under District Plan Rule GRUZ-R15, UHCC is directed to notify this application on a limited basis to Transpower.

The overall activity status for district level land use consent is restricted discretionary.



General District-wide matters: Earthworks

Earthworks is classified as a permitted activity in the General Rural Zone under District Plan Rule EW-R1, subject to compliance with standards set out in EW-S1 to EW-S17. Any non-compliance would trigger the RDA Rule EW-R9. Compliance with permitted activity rule standards is assessed in the table, below.

Standards from EW-S	Compliance	Comments
EW-S1: cutting by a vertical height of more than 1.5 m, or filling by a vertical height of more than 0.5 m.	Yes	This standard does not apply to the rural zone.
EW-S2: Existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.	No	Cut and fill exceed 1.5 m. Max cut depth is 14 m. Max fill depth is 7 m.
EW-S3: 150 sqm p.a.	No	EW exceed 150 sqm. EW area is 69,000 m ² .
EW-S4: 28 degrees.	Yes	No works are proposed on land exceeding 28 deg slope.
EW-S5: 10 m from waterbody	Yes	The earthworks footprint is > 10 m from any water course.
EW-S6: Sediment retention and run-off controls	Yes	Stormwater will be controlled during works as per the ESCP.
EW-S7: Exposed earthworks to be hydroseeded within 3 months	Yes	Earthworks will be stabilised in time for winter shut down as per GWRC rules.
EW-S8: COP	Yes	Earthworks will be undertaken in accordance with the COP.
EW-S9: Stormwater	Yes	Stormwater will be controlled during works as per the ESCP.
EW-S10: HVTLS	No	A 6 m earthworks buffer has been provided around all towers. Earthworks are proposed within 12m of the HVTLS but meet the conditions of the standard: 1. An earthworks exclusion zone of 6m around the outer extent of the pylons is provided for. 2. No cut or fill exceeding a height/depth of 3m is proposed within 12m of the outer extent of the pylons. 3. Earthworks will not create an unstable batter. 4. Areas of fill under the line will reduce the existing conductor clearance with finished ground level.

EW-S11: Southern Hills Overlay Area	Yes	The subject site is not in the Southern Hills.
EW-S12: Southern Hills Overlay Area	Yes	
EW-S13: Pinehaven or Mangaroa Flood Hazard Extents	Yes	The subject site is not within Pinehaven or Mangaroa.
EW-S14: Pinehaven or Mangaroa Flood Hazard Extents	Yes	
EW-S15: Pinehaven or Mangaroa Flood Hazard Extents	Yes	

The above table demonstrates that compliance is not achieved with the relevant standards 2, 3, and 10.

Below is further assessment of other District Plan rules as they relate to earthworks.

1. The site contains no Schedule HH-SCHED1 or affecting a tree identified in TREE-SCHED1 or UTG-SCHED1.
2. The site is not within the
 - a. Southern Hills Overlay Area.
 - b. Mangaroa Flood Hazard Area.
 - c. Pinehaven Flood Hazard Extent.

The proposed earthworks are, therefore, considered to a Restricted Discretionary Activity under EW-R10 of the District Plan.

Note that operative rule EW-R10 was recently amended from EW-R9 following PC47 becoming operative.

Plan Change 47: Earthworks

At Ordinary Council on 25 September 2024, Council resolved to adopt all of the Independent Hearing Panel's recommendations on PC47. The subject site has areas of Slope Hazard Overlay (2024); earthworks for building platforms for identified Hazard Sensitive Activities may need resource consent in the Slope Hazard Overlay. The site is not in the Mangaroa Peatlands. The site is not on the Wellington Fault Band.

Plan Change 47 introduces new Rule EW-R9 for earthworks for a building platform within the Slope Hazard Overlay. The proposed activity (residential development) is a Hazard Sensitive Activity in the Slope Hazard Overlay.

Earthworks consent is sought under PC47 Rule EW-R9 which is now operative.

District-wide matters: Transport

Permitted activities in the district are subject to rules and standards in the Transport Chapter of the District Plan. Compliance with permitted activity rule standards is assessed in the table, below. Rules TP-R2, TP-R3, and TP-R4 do not apply to rural zones.

Colorado Road is a local road in TP-Schedule-1 Roading Hierarchy.

Standards for Permitted Activities	Compliance	Notes
TP-S1: Access	Yes	1. accessways and manoeuvring areas are provided in accordance with COP. 2. practical vehicle access to car parking is provided. 3. The site is not a corner lot. 4. The site is not a corner lot. 5. The site is not adjacent to any intersection with rail level crossing. 6. The site does not have direct access to a State Highway.
TP-S2: Loading provisions for non-residential activities	Yes	N/A there are no 'non-residential activities' proposed. TP-S2 does not apply to rural zones.
TP-S3: Dust, mud, stone chip	Yes	The driveway will be sealed to prevent nuisance effects.
TP-S4: Multiple owners	Yes	There is no shared car parking area.
TP-S5: Rural	No	The site is in the General Rural Zone. Not all allotments will have on site manoeuvring.
TP-S6: COP	Yes	The driveway will be completed as per the COP.
TP-S7: State Highway	Yes	The site does not have frontage onto any state highway.
TP-S8: parking	Yes	No allotment is designed to have more than give parking spaces.

The above table demonstrates that compliance is not achieved with the relevant standards.

The proposal is associated with 'construction works which are part of a subdivision' and therefore is excluded from Rules TP-R5 and TP-R6.

There appears to be no other TP rules that are triggered.

District-wide matters: Network utilities

Pre-application engagement with Wellington Electricity found that two types of works need to occur as part of this consent package. First is the placement of the existing overhead network into an underground configuration. This will be permitted by Rule NU-R8. The second is the installation of two new 300 kVA transformers at approx. locations CH150 and CH550 on Road-1. These transformers appear to be permitted by Rule NU-R5 which regulates 'network utility structures'. The district plan defines network utility structures which covers many matters, including transformers (other than pole mounted transformers). In this case, the transformers will be in the berm and therefore are not pole mounted. These transformers are a network utility structure and therefore fall within the bounds of Rule NU-R5.

The following is an assessment of the relevant standards for Rule NU-R5 as it relates to the two proposed transformers.

Standards for Permitted Activities	Compliance	Notes
NU-S1	Yes	The COP will be integrated into design.
NU-S2	Yes	Those health codes will be integrated into design.
NU-S3	Yes	The cabinet can be 3.5 m or less.
NU-S4	Yes	The cabinet can be 5 m ² or less.
NU-S5	Yes	Road-1 is wide enough that the cabinet can be 2.0 from a property boundary.
NU-S6	Yes	There are no temporary above ground lines proposed.
NU-S7	Yes	At the time of construction the road will not be a legal road.
NU-S8	Yes	CH150 and CH550 do not traverse a waterbody.

The above table demonstrates that compliance is achieved with the relevant standards.

The installation of two new 300 kVA transformers at approx. locations CH150 and CH550 on Road-1 is permitted by Rule NU-R5 as it complies with the relevant standards.

District-wide matters: Indigenous Biodiversity

Indigenous vegetation clearance up to 500 m² in total area on any one site that is not an Urban Environment Allotment, and is not an identified Urban Tree Group listed in UTG-SCHED1, within any continuous 5 year period, is a permitted activity subject to meeting the standards under ECO-S1.

The criteria in ECO-SCH1 and ECO-SCH2 are not present on site. The site is not an Urban Environment Allotment. There is no identified Urban Tree Group listed in UTG-SCHED1 on the subject site.

The proposed area of vegetation clearance is 0.20 ha and therefore exceeds the permitted activity standard of 500 m² (0.05 ha).

The proposal is therefore considered as a discretionary (unrestricted) activity under Rule ECO-R7.

District-wide matters

Other than has been set out above, the proposal does not relate to any of the following district-wide matters. Likewise, the proposal does not affect, or be affected by, any of the following district-wide matters. No consent is sought under the rules of these chapters.

District Plan Chapter	Compliance	Notes
Temporary activities	Yes	No temporary activities are proposed.
Signs	Yes	No signs are proposed.
Earthworks	No	Assessed above. Outcome: consent sought under Rule EW-R9.
Natural character	Yes	No buildings near a waterbody that is > 3 m in width.
Financial Contributions	Yes	A Reserves and Local Leisure Facilities Contribution may be required under Rule FC-R1.
Historic heritage	Yes	There is no historic heritage on the subject site.
Notable trees	Yes	There is no notable tree on the subject site.
Urban tree group	Yes	There is no urban tree group on the subject site.
Ecosystems and indigenous biodiversity	No	Assessed above. Outcome: consent sought under Rule ECO-R8.
Natural features and landscapes	Yes	The subject site is not a protected ridgeline, or within the southern hills overlay.
Public access	Yes	There are no rules in the public access chapter.
Papakāinga	Yes	No Papakāinga are proposed.
Activities on the surface of water	Yes	No activities are proposed on the surface of a waterbody.
Network utilities	Yes	Assessed above. Outcome: permitted.
Renewable electricity generation	Yes	No generation of electricity is proposed
Transport and parking	No	Assessed above at GRZ-S5. Outcome: Non-compliant. No rules in the Transport chapter are triggered.
Noise	Yes	All noise from construction will comply with NOISE-S1.
Natural hazards	Yes	The site is not subject to flood hazards in the Pinehaven or Mangaroa catchments.
Contaminated land	Yes	There is no evidence of contaminated land.
Hazardous substances	Yes	No hazardous substances are being stored or used on site.
Waste management	Yes	There are no rules in the waste management chapter.
Subdivision	No	Assessed above. Outcome: Consent required.

Air	Yes	Earthworks will be managed so as to comply with Rule AIR-S1.
Light	Yes	Construction will be managed so as to comply with Rule LIGHT-S1.

Conclusion (DP Rules)

In conclusion, under the District Plan the following consents are sought:

- Subdivision consent is sought as a controlled activity under Rules SUB-GEN-R1 of the District Plan for subdivision to create allotments that accommodate network utilities (towers).
- Subdivision consent is sought as a discretionary (restricted) activity under Rule SUB-RUR-R7 of the District Plan for subdivision of the national grid yard.
- Subdivision consent is sought as a discretionary (unrestricted) activity under Rules SUB-RUR-R11 of the District Plan for subdivision below minimum lot sizes.
- Subdivision consent is sought as a discretionary (restricted) activity under PC47 Rule SUB-GEN-R4 for the creation of new dwelling platforms within the Slope Hazard Overlay.
- Land use consent is sought as a discretionary (restricted) activity under Rule GRUZ-R14 for future buildings that will fail to comply with front yard setback requirements.
- Land use consent is sought as a discretionary (restricted) activity under Rule GRUZ-R15 for buildings or structures within 12-32 m of high voltage (110 kV or greater) electricity transmission lines.
- Land use consent is sought as a discretionary (restricted) activity under Rule EW-R9 for earthworks that creates a building platform in a Slope Hazard Overlay.
- Land use consent is sought as a discretionary (restricted) activity under Rule EW-R10 for earthworks above 150 sqm p.a., above 1.5 m cut depth, and under the HVTLS.
- Land use consent is sought as a discretionary (unrestricted) activity under Rule ECO-R7 for vegetation clearance exceeding 500 sqm not on an UEA and not within any UTG.
- The installation of two new 300 kVA transformers at approx. locations CH150 and CH550 on Road-1 is permitted by Rule NU-R5 as it complies with the relevant standards.
- The undergrounding of existing overhead lines is a permitted activity.

In this instance, it is appropriate to bundle the district plan consents into a single activity status of **discretionary (unrestricted)**.

Assessment of Environmental Effects

The application includes an assessment of environmental effects (AEE) that evaluates the potential and actual adverse and positive effects of the proposed activity on the environment and takes into account the permitted baseline. The AEE has been prepared in accordance with Schedule 4 of the RMA 1991 and the District Plan. As a bundled discretionary activity, both UHCC and GWRC do not have restriction on their discretion in considering this application.

Natural hazard (Slope Hazard Overlay)

The application is accompanied by a Site Suitability Report (19/11/24) and Slope Stability Assessment (05/12/24) prepared by Cohesive Ltd. The findings and recommendations of those reports are adopted here.

The reports confirm that natural slope hazards are acceptable for the proposed subdivision, provided the outlined geotechnical recommendations and conditions of consent are adhered to. Further confirmation through post-earthworks reporting (GCR) will finalise stability and platform suitability.

Whilst the site is within the Slope Hazard Overlay, site-specific testing as part of the geotechnical reports finds that there is low natural slope hazard risk for the site and the site is acceptable for development.

The geotechnical reports include various recommendations, including foundation design, site-specific geotechnical assessments at the building consent stage to inform dwelling design, and managing existing slopes through vegetation protection and erosion controls.

Subject to implementing the recommended conditions in the geotechnical reports, any slope hazard effects are considered to be less than minor.

Positive effects

Urban land development brings a range of positive effects, significantly contributing to the economic, social, and environmental well-being of communities. One of the most tangible benefits is the provision of much-needed housing, particularly in high-demand areas. Developing urban land to deliver 112 new allotments including 94 new homes directly addressing housing shortages, making it easier for people to find suitable, affordable living spaces. This is particularly important in urban areas where demand often outstrips supply, leading to rising property prices and rent.

Moreover, these new homes can be designed to be energy-efficient, dry, and safe, aligning with modern sustainability goals and improving the quality of life for residents. Energy-efficient homes reduce the environmental footprint of urban living by lowering energy consumption and greenhouse gas emissions. They also offer long-term cost savings for residents through reduced utility bills. Ensuring that homes are dry and safe further contributes to the health and well-being of occupants, reducing the incidence of respiratory illnesses and other health issues related to poor housing conditions.

Urban land development also stimulates local economies by creating jobs in construction, real estate, and related sectors. It can lead to improved infrastructure, such as better roads, public transport, and amenities, which benefit both new residents and the existing community. Additionally, well-planned urban developments can enhance social cohesion by creating vibrant, connected neighbourhoods that offer a mix of residential, commercial, and recreational spaces, fostering a sense of community and belonging.

Finally, allowing greenfield development on the subject site will have the positive effect of reducing market demand on other more marginal sites, including those which are more poorly connected to existing urban centres such as Mangaroa or Pinehaven and which require substantially more works to make viable. Considering the rural zoning of the site, the proposal represents a rare opportunity to produce 94 new homes without contributing to the fragmentation of highly productive land, or creating reverse sensitivity on neighbouring productive land uses. The proposal has a positive effect being the retention and protection of sub-catchment 6, aquatic and terrestrial habitats.

The proposal has significant positive effects in the production of additional housing stock, while achieving bottom lines.

Water quality and quantity

The ultimate receiving environment for stormwater on the subject site is Te Awa Kairangi. This proposal does not aim to change that receiving environment. This proposal will change the way in which water drains from the subject site and therefore may have adverse effects water quality and quantity in Te Awa Kairangi. Currently, stormwater from surface water sub-catchments 1-5 drains from the hillslope across the subject site as non-channelised sheet flow, either entering into UHCC stormwater inlets, or overland flow into the existing residential properties along the boundary. A 225 mm dia stormwater inlet pipe across 59 Hartford Crescent, and a 375 mm dia stormwater culvert pipe across 17 Indiana Grove. They are in reasonable condition and drain well. These pipes are connected to the public stormwater mains along Hartford Crescent and Indiana Grove. Currently stormwater from surface water sub-catchment 6 flows via a naturalised channel into a UHCC stormwater inlet; 750 mm dia culvert pipe immediately behind 45 *Hartford Crescent*. Ultimately, all stormwater runoff from the subject site will enter the UHCC piped underground network via roading sumps or other inlets. All of this stormwater is conveyed by a concrete-lined, open channel to the south of Tulsa Park, south to Te Awa Kairangi via horse paddocks. This is considered to be a low-quality environment.

There are two sources of stormwater from the subject site. The first is the clean water intercept drain upslope from the site, which will cut off overland flow and divert it towards the river via a vegetated swale. This is expected to have a net-positive impact on water quality, as this cut-off drain is rediverting water away from a contamination source, being the untreated UHCC stormwater network. Alternatively, to pipe this stormwater across the subject site would place it into a hard infrastructure environment with no controls or treatments in place. Either way, this stormwater still enters Te Awa Kairangi, and the proposed option avoids the UHCC piped network.

Stormwater in sub-catchment 6 remains unchanged by this proposal.

The second source of stormwater from the proposal is the raingarden used to capture, hold, and treat newly generated stormwater from all impervious surfaces, being new road and new roofs.

According to Vecta (2024), this flow represents 0.016% of a 2% AEP event, and therefore will have a less than minor adverse effect on the hydrology of Te Awa Kairangi. Section 5.3 of Vecta (2024) sets out the hydrology of the raingarden treatment device design for the primary stormwater treatment device.

Development stormwater from new roof areas and roads will be piped under Road-1 to a new purpose built rain garden, which will ultimately discharge into Te Awa Kairangi via pipe and rock riprap outfall during times of overflow. This rain garden is shown on Vecta Plan RC404 Rev A. Section 5.4 of Vecta (2024) sets out the water quality treatment design. The design ensures that first flush enters the rain garden as this is considered to contain contaminants that have accumulated on land surface. During infrequent events, the system is fitted with an overflow which will commence approximately five hours into the design 1% AEP storm when the raingarden inflow restriction of 28 L/s is exceeded. By this time, the first flush contaminants will be in the rain garden device.

Stormwater enters the pond from Road-6 via MH1200 B1-2 which has a design capacity of 28 L/sec. In flows above 28 L/sec the excess stormwater will back up and overflow via HW OUT B32-1 outfall. This overflow will only occur during storm events; after the first flush has entered the rain garden first (approx. 5 hours). A vertical separation is achieved in MH1200 B1-3 to ensure that smaller flows (i.e. < 25 L/sec) are not unnecessarily diverted to the river bypassing the pond. Likewise, during storm events there may be a high water overflow via HW OUT C1-1 which may intercept flows at MH1050 C1-3. This would only occur when the rain garden is at capacity. For daily operations of smaller flow events all water will be contained in the rain garden.

In conclusion, adverse effects on water quality and quantity are as follows:

1. For the cleanwater intercept drain, the potential and actual effects on water quantity are less than minor, and for quality the effects are net-positive.
2. For the raingarden treatment device, the actual adverse effects on water quantity will be less than minor, and for quality the adverse effects are net-neutral by way of mitigation through design. Significant adverse effects are avoided.

Moving away from stormwater:

- All wastewater will enter the public network. The UHCC LTP includes an upgrade of the Totara Park wastewater rising main and pump station upgrade to accommodate the proposed developments in Totara Park area.
- Provision of drinking water will not compromise any existing source.

Ecological effects

The following AEE relies on the following sources of information:

- Report from Blue Green Ecology Ltd (20/12/24).

The findings and recommendations of those reports are adopted here.

Terrestrial

There are three types of ecologically relevant feature on the subject site. These are:

1. The stream in surface sub-catchment 6
2. a small monkey musk wetland and
3. four areas of compact mahoe treeland (on escarpments and surrounding stream).

Starting with the Mahoe treeland, of the four areas, the two areas in the sub-catchment 6 stream are of ecological value. All effects from vegetation clearance and land disturbance on these areas in sub-catchment 6 stream are avoided. The remaining two areas of Mahoe do not contain mature trees or a high degree of community diversity. It is worth noting that District Plan ECO Chapter Schedules ECO-SCH1 and -SCH2 criteria are absent, meaning that there are no rare, threatened, or at-risk habitat types on the subject site. There is also no habitat on the subject site that meets criteria for an SNA; while acknowledging land to the north does have an SNA-type habitat the vegetation on the subject site does not meet this criteria. Vegetation clearance of the two mahoe areas outside of sub-catchment 6 falls within the permitted activity standard Rule ECO-S1 and, therefore, is less than minor.

Based on Blue Green Ecology (2024) the adverse effects on terrestrial vegetation are less than minor.

There is northern skink habitat under mahoe tree lands in the surface rocks present; the Applicant proffers a reptile management and rescue plan. Based on Blue Green Ecology (2024) the adverse effects on herpetofauna are less than minor subject to conditions which have been adopted.

Based on Blue Green Ecology (2024) there is no likelihood of bat presence and the adverse effects on bats are nil.

Based on Blue Green Ecology (2024) the adverse effects on avifauna are less than minor subject to conditions which have been adopted.

The Applicant proffers the following conditions to ensure that adverse effects on terrestrial biology are avoided, remedied, and mitigated.

- Prior to any vegetation clearance during the nesting season, check for nesting indigenous avifauna and, if found, measures put in place to ensure the nest is not disturbed.
- Avoid introducing exotic weed species into the native bush area present in Akatarawa Forest (Part Section 421 Hutt DIST), but excluding the subject site.
- Prepare a lizard monitoring and rescue plan for the areas of mahoe. The LMRP shall be prepared by an appropriately qualified and experienced person. The LMRP shall be submitted to the Manager to certification prior to the clearance of woody vegetation.
- Develop a planting plan for Lot 301. The planting plan shall be prepared by an appropriately qualified and experienced person.

In conclusion, the adverse effects on terrestrial ecology are less than minor.

Aquatic

Blue Green Ecology (2024) describes the stream in sub-catchment 6 as being perennial good condition, high macrophyte community, and low fish likelihood. All adverse effects from land disturbance on the aquatic values of sub-catchment 6 stream are avoided. No stream reclamation is proposed. Sediment controls will be installed around the stream catchment. The installation of a new roading culvert falls within the permitted activity standards of Regulation 70 and therefore are less than minor.

The Applicant proffers the following conditions to ensure that adverse effects on aquatic ecology are avoided, remedied, and mitigated.

- An erosion and sediment control plan is developed to specifically protect the waterbody in surface sub-catchment 6 from sediment runoff. The ESCP is submitted to the Manager for certification.
- Develop a planting plan for Lot 301.

Based on Blue Green Ecology (2024) the adverse effects on aquatic ecology are less than minor.

Traffic effects

The following AEE relies on the following sources of information:

- Report from Tim Kelly Transportation Planning Ltd (05/02/21) and
- Report from Vecta Ltd (12/12/24)

The findings and recommendations of those reports are adopted here.

UHCC is the road controlling authority for the Totara Park road network and the Bridge. NZTA is the requiring authority for State Highway 2, but not the Bridge.

To mitigate the traffic generation effects assessed in Kelly (2021) and Vecta (2024). In accordance with those reports, the Applicant is proposing to undertake upgrades to the Totara Park Road Bridge. Details of these upgrades are summarised in Kelly (2021) and provision for the works is presented on Page 136 of the 2018 – 2028 UHCC LTP.

In order to ensure that adverse effects are managed, the Applicant intends to correlate the release of allotments in stages, with the completion of bridge works. To give effect to this the Applicant proffers the following condition for enable UHCC to set appropriate thresholds in consent conditions.

The consent holder shall submit to the Resource Consents and Compliance Manager a staging plan to show the plan for releasing allotments in accordance with this condition.

Stage	Lot id numbers	Is the 223/224c for the allotments in this stage conditional on the Bridge works?
Stage 1	x	No
Stage 2	x	No
Stage 3	x	Yes
Stage 4	x	Yes

This will ensure that transport upgrades are in place before all new allotments come online.

This in turn ensures that the traffic generation effects of the proposal on the whole-of-network will be minor, and any adverse effects on NZTA specifically will be less than minor.

National Grid

The site is subject to a mapped national grid corridor and yard as shown in the Upper Hutt City District Plan. The National Grid Corridor and Yard are defined areas that were established to protect Transpower's high-voltage electricity transmission (HVTL) network and ensure public safety.

National Grid Corridor (NGC):

This corridor encompasses the land surrounding high-voltage transmission lines and substations. Its primary purpose is to manage land use and development near these critical infrastructures, minimising risks and ensuring the network's efficient operation. On the subject site, the NGC is established by way of Rule GRUZ-R15 as being 12 m – 32 m either side of the HVTL centreline. Activities within the National Grid Corridor are subject to NZECP 34:2001.

National Grid Yard (NGY):

Within the broader corridor lies the National Grid Yard, a narrower zone directly beneath and adjacent to transmission lines and their support structures. Typically, this yard extends 12 meters either side of the centreline of a National Grid line and 12 meters in any direction from the outer edge of a National Grid line structure. On the subject site, the NGY is established by way of Rule GRUZ-R25 as being 12 m either side of the HVTL centreline. The NGY is subject to stricter controls than the NGC to prevent activities that could compromise the network's safety and reliability. Activities within the National Grid Yard are subject to NZECP 34:2001.

In a pre-app capacity, the Applicant engaged with Lumen and Transpower NZ Ltd to receive feedback in the design. This consultation is ongoing and expected to result in written approval before council needs to make a decision.

Structural Integrity of the transmission line

By locating dwellings outside of the NGY, it is considered that any potential effects on structural integrity of the transmission line can be avoided.

The proposed earthworks have been designed to comply with EW-S10, so that no earthwork are proposed within 6 m of the outer edge of the pylons, and no cut is greater than 3 m within 12 m of the outer edge of towers.

Broader stability effects of the earthworks on the transmission lines will be managed through engineering design and supervision.

Accordingly, structural integrity effects can be appropriately managed.

Effects on operation, maintenance and upgrades

Through the proposed setbacks, conditions of consent allowing for Transpower access, and providing for pylons to be located in reserves (Lots 110, 302) to be vested, the proposed subdivision ensures that there is appropriate access for Transpower. This will ensure that the ongoing operation, maintenance and upgrades of the transmission lines will be protected. Any associated effects are considered to be less than minor.

Electrical hazards

Locating dwellings too close to transmission lines can cause electrical hazard risks to the public, individuals and property. These risks are managed in the District Plan and NZECP through setbacks from the transmission lines at a horizontal and vertical extent.

The proposal provides for dwellings to be constructed outside of the 12 m 'red zone' and height limits proffered as part of the application limit the height of the buildings within the 32 m 'orange zone'.

Relying on the horizontal and vertical separation distances provided by the NZECP and District Plan, it is considered that electrical hazards can be appropriately avoided and any potential adverse effects minor and actual adverse effects will become less than minor through design.

Earthworks

Earthworks have been designed to ensure compliance with EW-S10, and therefore any permanent effects of earthworks, such as stability will be consistent with the permitted activity standards of the District Plan and are therefore considered to be less than minor.

During the earthworks and construction phase of the project, the use of mobile machinery can present a risk to lines. It is proposed that conditions of consent and management plans can put in place appropriate precautionary measures, such as height limits and exclusion zones, to appropriately manage temporary risks. Subject to those conditions, it is considered that earthworks effects are less than minor.

Visual Effects

GRUZ-R15 requires a consideration of minimising the visual effects of the transmission line. The proposed development is not considered to change the visual effects of transmission lines and there is no apparent way that it could. It is noted that infrastructure networks such as transmission lines can be sensitive to reverse sensitivity effects. In this case, it is considered that the transmission lines will be obvious to future owners and residents, and restrictions will likely be recorded on the records of title. Accordingly, Transpower is not considered to be affected by way of reverse sensitivity visual effects as any future owner and or occupier of the site reasonably ought to be made aware.

Consultation

During pre-app, the Applicant engaged with Lumen and Transpower NZ Ltd. Written approval was not sought during this time, but technical feedback was received from engineers regarding “*span 24-25 (the northern part), houses up to approximately 12m are likely to be no issues, so 2 story dwellings should be OK*”. The Applicant has updated plans based on that consultation and resubmitted a plan bundle to Lumen for comment.

Conclusion (Transpower)

The proposed earthworks have been designed to comply with District Plan EW-S10, and therefore any permanent effects of earthworks, such as stability will be consistent with the permitted activity standards of the District Plan and are therefore considered to be less than minor.

Transpower can be provided with legal and physical access to the national grid for works purposes.

The proposal provides for dwellings to be constructed outside of the 12 m ‘red zone’ and height limits proffered as part of the application limit the height of the buildings within the 32 m ‘orange zone’.

Relying on the horizontal and vertical separation distances provided by the NZECP and District Plan, it is considered that electrical hazards can be appropriately avoided.

In this case, it is considered that the transmission lines will be obvious to future owners and residents, and restrictions will likely be recorded on the records of title. Accordingly, Transpower is not considered to be affected by way of reverse sensitivity visual effects as any future owner and or occupier of the site reasonably ought to be made aware.

The potential adverse effects on Transpower remain minor and it is expected that their written approval will be obtained.

Residential neighbours

The properties that will have a direct interface to the proposed development are:

- 45 to 63 Hartford Crescent
- 6A, 6B, 8, 9, 7A and 7B Utah Grove
- 25, 1/27, and 2/27, 57, 59 and 66 Larchmont Grove
- 5A, 5B, 7 to 23, 22 and 33A Indiana Grove.



Figure 2: the interface between the subject site and the existing suburban fringe.

Currently, these properties back on to the subject site and derive amenity from its rural openness albeit this amenity is being borrowed from private property. The proposed subdivision has been designed to minimise visual amenity effects on these properties by proposing:

- Lots at a similar size and density to the existing suburban environment
- Positioning the allotments perpendicular to the layouts of the existing suburban lots. Most existing properties have an interface to only one new allotment. Generally, each new allotment is adjacent to two existing allotments.
- Proffering conditions of consent for any new allotments to be developed in accordance with the permitted activity standards of the General Residential Zone.

Therefore, the level of amenity effects from the proposed subdivision on these existing allotments is the same as what would normally be expected in the GRZ.

Plan Change 50 has changed the future anticipated use of this site. It is reasonable to conclude that Stage 4 is a logical extension of the existing residential suburban locations of Hartford Crescent, Utah Grove, Larchmont Grove, and Indiana Grove. The proposed density is the same or similar to that in the GRZ and found elsewhere in Totara Park. This reflects the direction set by PC50. On that basis, any adverse visual amenity effect on those residential properties will be temporary and transitional until such a time that the GRZ zoning becomes operative at which time the proposal will be entirely consistent with the zoned use.

In order to ensure that adverse effects on these properties are avoided, remedied, and mitigated, the Applicant proffers a condition that the consent holder will develop and implement a landscape plan focused on edge effects. The landscape plan will be submitted to the Resource Consents and Compliance Manager for certification.

Earthworks effects

While the application is bundled into a discretionary activity status, as a result the councils discretion is not restricted to matters in WH.R24, they are used here as indicative assessment criteria.

1. The location, area, scale, and volume of works are shown on Civil Plans RC200, RC201, RC202, RC203, RC210, RC211, RC212, RC213, RC220, RC221, RC222, RC223. The duration, staging, and timing will be set out in the ESCP to comply with the 2021 Guidelines.
2. Suitable erosion of sediment control measures will be designed, installed, and maintained along with progressive staging and stabilisation to ensure that the risk of soil erosion is not worsened.
3. The Applicant will stockpile topsoil as a valuable natural resource. The Applicant will undertake 107,400 m3 of cut earthworks to create roading and building platforms. Top soil can be used in landscaped areas following the placement of fill.
4. There is a small river catchment on site (sub-catchment 6), the proposed earthworks footprint avoids these areas all together.
5. Adequate and efficient sediment stabilisation devices will be employed as shown on civil plans including but not limited to a decanting earth bund, clean water cut offs, and silt fences.
6. Any minor adverse effects on scheduled sites will be avoided by way of provision of separation distance, and careful and deliberate planning through an ESCP.
7. The duration of a land use consent is unlimited unless other specified, and must be given effect to within 5 calendar years otherwise will lapse. Once given effect to, the land use consent is perpetual through section 10 of the RMA.
8. The Applicant proffers a condition that preparations will be made where works are still active on 1 May of any year, to comply with the close-down period (from 1st June to 30th September each year). The ESCP will capture these preparation measures along with any maintenance activities required during this winter period.
9. The ESCP will outline monitoring and reporting requirements, in accordance with the Guidelines.

In conclusion, all and any potential or actual adverse effect will be temporary, and remedied upon completion of works. Any potentially potential adverse effect has been avoided through civil design and provision of an ESCP.

Soil effects

The proposed ~107,400 m³ of earthworks, followed by subdivision and urban development introduces the potential for an adverse effect on soil resources. In this case, the subject site is not mapped on SLUR and there is no evidence to suggest that an HAIL activity has occurred. Therefore, the changes of experiencing an adverse effect from the works and subdivisions of contaminated soil are negligible.

Mapping undertaken by Manaaki Whenua shows that the most likely soil type on the subject site is LUC-4 and therefore the soils are not highly productive land. The subdivision and urban development of the subject site will not lead to the fragmentation or loss of productive values in soils.

Finally, an erosion and sediment control plan based on Vecta Plan RC210 – RC233, will be in place during works. Under the ESCP, topsoil can be harvested and stock piled as a resource. Likewise, controls can be put in place to reduce erosion and reduce sedimentation of waterbodies.

Overall, the proposal will have less than minor adverse effects on soil resources, with little to no effect from contaminated soil and highly productive soils.

Other persons

The following organisations hold statutory functions under the RMA 1991:

- Wellington Water Ltd is responsible for threewater delivery in Totara Park. WWL is involved in the consent process as an expert advisor to the consent authority, and therefore cannot be considered to be an affected person.
- Waka Kotahi New Zealand Transport Agency: State Highway 2 is designated as NZTA1 in the District Plan. The designation does not relate to the Tōtara Park Road Bridge which is local road.
- Wellington Electricity Lines Ltd (WE*) provided comment in preapp consultation (copied above). WE* will be engaged in the detailed design of the subdivision.
- PowerCo, application will be made to PowerCo for new gas connections.
- New Zealand Defence Force, no impact.
- Department of Conservation, no impact.
- Heritage New Zealand, no impact.

There are no other identified person potentially affected by this proposal in a manner that is minor or more than minor.

Conclusion (AEE)

The Applicant has demonstrated that they have taken all reasonable steps to avoid, remedy, or mitigate any potential effects of the earthworks, and that they will comply with the relevant RDA rules and standards. This AEE concludes that the proposed activity will have no more than minor adverse effects on the environment, subject to the implementation of appropriate mitigation measures and conditions of consent.

Planning assessment

The following is an assessment of the planning hierarchy as it relates to land development, earthworks, and stream reclamation in Te Awa Kairangi FMU catchment.

National Environmental Standards for Freshwater Regulations 2020

The subject site does contain a river and natural inland wetland. An assessment of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF) is provided as follows:

- Regulation 38: The purpose of the proposed earthworks is not for the restoration, maintenance, and or biosecurity of natural inland wetlands.
- Regulation 40: The purpose of the proposed earthworks is not for scientific research.
- Regulation 43: The purpose of the proposed earthworks is not for the maintenance of wetland utility structures.
- Regulation 45A: The proposal does not relate to quarrying.
- Regulation 45B: The proposal does not relate to landfill.
- Regulation 45D: The proposal does not relate to mining.
- Regulation 46: The proposal does not relate to the maintenance and operation of specified infrastructure and other infrastructure.
- Regulation 50: The proposal does not relate to arable and horticultural land uses.
- Regulation 51: The proposal does not relate to natural hazard works.

This proposal does not relate to any of the specific situations listed in Regulations 38-45B and 46-51, and does not trigger any of the catch-all rules 52-54.

Regulation 45C: The proposal does relate to urban development within a 10 m of a natural inland wetland. Resource consent is required under NESF Regulation 45C. This is assessed further below.

The proposal will result in a well-functioning urban environment as it is well connected to an existing suburban centre, well serviced by infrastructure, adjacent to recreational amenities, protects the freshwater environment in sub-catchment 6, avoids significant adverse effects from natural hazard (geotechnical). Totara Park East Block will result in a better functioning environment than other recent Greenfield development examples in Upper Hutt City which are both less well connected to existing urban centres.

The proposal will provide significant district benefits being the creation of 94 new homes in a manner that contributes towards the housing bottom lines set by Council in RPS Table 9A.

A practicable alternative location would be to move the roading platform south, which would have equal effects on the natural inland wetland.

Under the operative district plan the subject site is zoned general rural, and under district plan change 50 the zoning is amended to general residential. Plan Change 50 places a focus on the NPSHPL; the subject site is not highly productive land and therefore under PC50 will be rezoned to general residential.

Regulations 45C(8) – (10) do not apply as the site is not in the BOP.

Overall, Council is able to be satisfied under Regulations 45C(6) and 45C(7).

National Environmental Standards Electricity Transmission Activities Regulations 2009

The National Grid traverses the subject site, with two towers (pylons) located within the site, straddled with HVTLS overhead. No works are proposed to the existing transmission lines. The proposal does not require any resource consent under the NESETA.

National Environmental Standards for Sources of Human Drinking Water Regulations 2007.

Greater Wellington abstracts raw water from a source in Te Awa Kairangi some 11 km to the north east, upstream of the subject site.

Greater Wellington also abstracts groundwater from a shallow, unconfined aquifer on the valley floor some 18 km to the south west, down-gradient from the subject site.

This proposal will not adversely affect either source of drinking water supply, or any other source of drinking water.

In conclusion the NES Drinking Water 2007 Regulation 7 does not prevent the granting of consent in this case.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The site is not registered on SLUR as being potentially contaminated and it is more likely that not, that a HAIL activity has not occurred on site. Therefore, the NESCS does not apply to the proposed change of use, subdivision, and land disturbance.

National Environmental Standards – Other

Other than the NES to the extent set out above, there are no other NES considered to be relevant to this application for the reasons that:

- The proposed activity does include the harvesting of plantation forestry, or afforestation, therefore, the NES for Commercial Forestry is not relevant.
- The proposed activity does include the outdoor storage of tyres.
- The proposed activity will not discharge pollutants, GHGs, or heat into air.
- The proposed activity is not marine aquaculture.

National Policy Statements

Currently there are several NPS which are operative in the planning environment. Below is an assessment of the NPS to which this proposal relates, namely those policies for freshwater, indigenous biodiversity, and urban development.

National Policy Statement for Freshwater Management 2024

The National Policy Statement for Freshwater Management 2020, NPSFM (amended 2024) applies to residential urban development, particularly in relation to managing the impact of such developments on freshwater bodies. The NPSFM sets objectives and policies that require councils to protect freshwater ecosystems, improve water quality, and manage water resources sustainably.

For residential land development, this means that stormwater management, wastewater systems, and land use planning must be designed and implemented to avoid, remedy, and mitigate degrading freshwater quality. Applicants must ensure that their projects do not increase pollution, sedimentation, or alter natural water flows in ways that harm freshwater ecosystems. Councils are required to integrate these considerations into their planning processes, making the NPSFM highly relevant to land development projects.

To achieve consistency with the policies of the NPSFM in residential land development, the following steps have been or will be taken:

1. Engage Early with Council: Pre-application meetings with Councils occurred early in the planning process to understand the specific freshwater objectives and policies applicable to this development.
2. Conduct a Freshwater Assessment: Blue Green Ecology has provided a description of the environment, and how the proposal sits within that environment. Blue Green Ecology then continues to provide an AEE of the proposal. Vecta Engineering has also provided a stormwater impact assessment and stormwater management plan.
3. Implement Water Sensitive Designs: Vecta has designed and incorporated water sensitive urban design tools such as a substantial rain garden to manage runoff and reduce contaminants entering Te Awa Kairangi.
4. Protect Riparian Zones: Erosion and scour protection will be provided at all stormwater outfalls so as to avoid drainage and loss of this environment, to filter pollutants, reduce erosion, and support aquatic ecosystems.
5. Mitigate and Offset Impacts: The Applicant is making a financial contribution of \$398,560.00 to the Regional Council for stormwater improvements within the whitua and thereby offsetting

and compensating for residual effects. This completes the implementation of the effects management hierarchy.

6. Adhere to water quality standards: Building materials have been chosen to reduce contaminant loads of zinc and copper entering the environment.

By following these steps, the proposed land development is entirely consistent with the NPS-FM 2024, thereby implementing the effects management hierarchy, and to protect and enhance freshwater resources.

The proposal is consistent with the sole objective 1 and policies 3 and 6 of the NPSFM.

National Policy Statement on Urban Development 2020

Delivering 94 new homes aligns with the NPS on Urban Development 2020 (NPS-UD) by addressing key objectives such as increasing housing supply to meet demand and promoting sustainable urban growth. These homes are planned in well-connected areas, ensuring access to public transportation, employment opportunities, and essential services, which supports efficient land use and reduces carbon footprints. The development incorporates affordable housing options, enhancing accessibility for diverse populations and fostering inclusive communities. Additionally, sustainable building practices and green spaces are integrated, promoting environmental stewardship and resilience. Overall, the project supports the policy's goals of creating vibrant, liveable, and equitable urban environments.

Under the NPS-UD, councils are required to respond to decision-making opportunities that would “add significantly” to development capacity and contribute to well-functioning urban environments. The NPS-UD provides for this even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. In this case, the land development of Stage 4 is the logical progression and sequence following stages 1 and 2, and while this is not provided for in the operative NRP or PC1, this is recognised and provided for in UHCC PC50. Stage 4 is also the logical progression of Hartford Crescent, Indianna Grove, and Larchmont Grove which would have developed in a very similar nature.

Granting of this consent would be consistent with Policy 8 and contribute towards achieving the state set in Objective 6 in so far as new infrastructure is being provided and this would bring a significant supply of development capacity online.

The proposal is consistent with the relevant objectives and policies of the NPS-UD.

National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023 primarily guides how councils in New Zealand prepare plans and policies to protect and manage indigenous biodiversity. It sets out objectives and policies that councils must incorporate into their regional and district plans to ensure the protection of significant natural areas (SNA) and the maintenance of indigenous biodiversity across the country.

While it does impact specific proposals, particularly those affecting significant natural areas, its main focus is on establishing a framework for long-term biodiversity management. This framework requires councils to identify, protect, and manage indigenous biodiversity through planning and decision-making processes. The NPS-IB ensures that councils adopt consistent and proactive approaches to biodiversity conservation, rather than addressing it on a case-by-case basis.

As the site is not an SNA, the NPSIB has a very limited application to any single resource consent, as follows:

- 3.8(6): Requires UHCC to include the site into any future SNA plan change.
- 3.13: the site is not a geothermal SNA.
- 3.1: the site is not Māori land.
- 3.21: UHCC can impose conditions relating to the restoration of indigenous biodiversity.
- 3.24: Requires UHCC to undertake a future plan change.

In this case, there are three areas of importance for ecological purpose. These are: the riverine environment and associated aquatic habitat in sub-catchment 6, four areas of mahoe tree land two of which are in the sub-catchment 6 valley, and a small area of wetland on the true-right of the sub-catchment 6 stream. For the purpose of the NPSIB, the area of most relevance is the mahoe treeland complex. Based on Blue Green Ecology (2024), the two areas of mahoe treeland inside the sub-catchment 6 stream are to be protected from vegetation clearance. The remaining two mahoe areas on the slope of the escarpment do not contain mature specimens and has a more community diversity.

For the reasons given above, the proposal is consistent with the objectives and policies of the NPS for Indigenous Biodiversity 2023 to the limited extent that it applies to a single application for resource consent.

National Policy Statement on Electricity Transmission 2008

The National Grid traverses the subject site, with two towers (pylons) located within the site, straddled with HVTs over head. The proposal requires consent under the rules of the district plan for subdivision of land within the national grid corridor.

The NPS-ET seeks to manage both the effect of the electricity transmission network on the environment, and the effects of other activities on the network. The NPS primarily relates to the effect of the network on other parties and the environment. Policies 9 and 10 relate to the adverse effects of third parties on the transmission network so are relevant to this application.

Policy 10 requires that decision-makers manage activities to avoid reverse sensitivity effects on the electricity network and ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. This policy is incorporated into GUZ-R15 as a matter of discretion and is assessed in the AEE above. It is concluded that through the proposed horizontal and vertical setbacks from the network and the provision of reserves around the pylons, the operation and maintenance of the network is not compromised.

Policy 11 requires Council to consult with Transpower to identify appropriate buffer zones. The 12m and 32m buffer zones are incorporated into the District Plan. This policy is considered to be achieved through the plan-making rather than the consenting process. However, through complying with the buffer requirements, the proposal is not considered to compromise the policy in the NPS.

National Policy Statement on Highly Productive Land 2024

Manaaki Whenua has mapped highly Productive land, and the subject site is not identified under any highly productive land class.

Consequently, the policies and protections outlined in the NPS for Highly Productive Land 2024 do not apply to this proposal, allowing it to proceed without related restrictions.

Other National Policy Statements

No other NPS is considered irrelevant to this application, including the NZCPS, as the subject site is not within the coastal marine area.

Conclusion (NPS)

The proposal is consistent with the policies of the NPS for Freshwater, Urban Development, Transmission Infrastructure, and Indigenous Biodiversity. The NPS for Highly Productive Land and the Coastal Policy Statement are not relevant.



Operative Regional Policy Statements for the Wellington Region 2013

The second-generation Regional Policy Statement for the Wellington Region (RPS-W) was made operative on 24 April 2013. The Regional Council has notified Proposed Change 1 to make changes to the RPS to give effect to the NPSFM and NPSUD, and to implement Whaitua Implementation Plans. The Regional Policy Statement (RPS) sets out the framework and priorities for resource management in the Wellington region. Compared to district plans, the RPS sets a focus on setting the direction and policies for regional and district plans to be prepared and changed within. The following is an assessment of the proposal in light of the relevant objectives and policies of the RPS-W.

1. Urban Form and Development (Objectives 21, 22A): The development aligns with the objective to achieve sufficient development capacity and to meeting expected housing supply (Table 9A), that supports sustainable urban development. This includes ensuring efficient use of land, reducing uncoordinated and poorly planned urban sprawl, and encouraging developments in areas with access to infrastructure and services.
2. Freshwater (Objective 12, Policy 14): Advanced stormwater management systems and erosion control measures will be implemented to protect freshwater quality, preventing sedimentation and pollution during and after construction. Earthworks will employ erosion, dust, and sediment control measures so as to avoid and mitigate effects on water bodies.
3. Indigenous Ecosystems (Objective 16, Policy 23): Recognizing the importance of Objective 16 and Policy 23, a thorough ecological assessment has been undertaken so as to preserve the wetland on site as a form of indigenous vegetation and habitat for animals. Where impacts are unavoidable, biodiversity habitat restoration work will be undertaken, and a financial contribution will be made for stormwater works.
4. Natural Hazards (Objective 19): The development including new infrastructure has been planned to avoid or mitigate the risks from natural hazards, such as landslides and earthquakes. A geotechnical report specifically addresses the risk of slope hazard failure from plan change 47.
5. Energy, Infrastructure, and Waste (Objective 10, Policy 8): The development incorporates energy efficiency, promote the use of renewable energy, and ensure sustainable waste management practices. New infrastructure will be resilient and support the region's long-term sustainability goals.
6. Tangata Whenua Values (Objectives 24, 25, 26): The development implements extensive stormwater green infrastructure to reduce contaminant loads entering Te Awa Kairangi and Te Whanganui-a-Tara, ensuring that their cultural values and resources are protected.
7. Earthworks (Objectives 2, 15, 16, 17): The development incorporates dust control measures during earthworks to maintain air quality standards, ensuring minimal disruption to the

surrounding community. The proposed earthworks will create scarring in any outstanding natural landscape or special amenity landscape.

The proposal is consistent with the objectives and policies of the RPS-W to the extent that it applies to a single application for resource consent.



Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Wellington Regional Council notified Proposed Change 1 to the Regional Policy Statement (RPS). Submissions on RPS-PC1 have since been heard, and decisions released. Some of these decisions are subject to appeal by Upper Hutt City Council and therefore are subject to change and should not be considered as part of this consenting process. Those provisions are listed in the appeal as being:

- *Objective 22*
- *Policy 32*
- *Policy 55*
- *Policy 56*
- *Policy UD.4*

In this case, while RPS-PC1 Policies 55 and 56 should only be considered with limited weight, the proposal is considered in light of the policies, as follows:

- the urban development will be well-connected to the existing Totara Park suburban area with a loop road connected at both ends; approximately 250 m from the nearest existing public bus stop, and the end of Larchmont Grove is a 5 minute walk to the Totara Park suspension bridge walk.
- The proposal avoids inappropriate subdivision, use and development in areas of high slope risk, and recommendations have been made by a geotechnical engineer as to how to build safely outside of those slope risk areas.
- The proposal protects indigenous ecosystems and habitats in the surface sub-catchment 6 area including aquatic (riverine) and terrestrial (Mahoe bush matrix) habitat types.
- There is no effect on any outstanding natural features and landscape values.
- There is no effect on historic heritage values.
- Supports a low carbon transport network as cycling, walking, and public transport are all available.
- Protects the Transpower National Grid by providing a 12 m set back for all building platforms.
- Will not result in a loss of productive capability of the rural area as the soils on the site are most likely LUC-4.
- Will not increase demand on threewater infrastructure beyond existing infrastructure capacity. There is no increase in stormwater demand. Sewer and water supply are within design parameters.

For the reasons given above, the proposal is consistent with the relevant objective and policies of RPS-PC1 to the limited extent that they apply while being subject to appeal.

Natural Resources Plan (NRP)

The most relevant planning document is the Natural Resources Plan which at Chapter 3 and 4 sets out objectives and policies that manage potential adverse effects from earthworks. The relevant policies are:

Topic	Reference
Beneficial use and development	O6, P6, P7, P8
Natural hazards	O15-O16, P25
Water quality	O17, P84
Biodiversity	O19-O21, P30, P31, P34, P110b
Soil	O33, P107
Discharges	O38, P83

The proposal is consistent with the above listed objectives and policies for the reasons that:

1. The proposal introduces significant social, economic and cultural benefits through the creation of housing.
2. The known natural hazard (geotech) risk is acceptable, and inappropriate use has been avoided by only building on the terrace and not on the slope risk areas identified by geotechnical engineers.
3. Water quality is maintained (and in some places enhanced) by the implementation of a stormwater management plan and creation of new infrastructure to address contaminants.
4. Works within the sub-catchment 6 stream is avoided and appropriate set back is provided.
5. Soil erosion is minimised and not accelerated.
6. There is no loss of aquatic habitat from piping or reclamation of streams in sub-catchment 6.
7. The proposal will provide public access to land that is currently in private ownership.

In conclusion, the proposal is consistent with the objectives and policies of NRP as they relate to natural hazards, earthworks, biodiversity, soil conservation, and water quality in the Te Awa Kairangi FMU catchment.

Plan Change 1 to the Natural Resources Plan

On 30/10/2023, Wellington Regional Council notified Plan Change 1 to the RPS and NRP. Plan Change 1, amongst other matters, implements the Whaitua Implementation Plan (WIP) into a statutory planning context. Plan Change 1 contains objectives, policies, rules, and methods relating spatially to Te Awarua-o-Porirua and Te Whanganui-a-Tara, in this case specifically Te Awa Kairangi. The relevant objectives and policies are list below:

Earthworks

- WH.O1, WH.O2, WH.P1, WH.P1, WH.P4, WH.P29, WH.P29, WH.P30, WH.P31.

The proposed earthworks have been designed and will be controlled by an ESCP in order to contribute towards the catchment-wide achievement of water quality and ecological health targets. Earthworks will be shut down from 1st June to 30th September each year and will be stabilised in accordance with the Guidelines.

An ESCP will be prepared and implemented in accordance with the *Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region* (2021), in order to achieve the discharge standard prescribed in Policy P.P28(a). A draft ESCP is appended to the civil plans (Vecta, 2024).

Stormwater

- WH.O1, WH.O2, WH.O8, WH.O9, WH.P1, WH.P9, WH.P10, WH.P14, WH.P15, WH.P16.

As a new greenfield development, the proposal will generate new stormwater from new roads and roof areas. The creation of new impervious area is minimised by retaining green spaces where possible. A new stormwater treatment system is proposed in the form of a rain garden / stormwater pond on Lot 303. Section 5.2 – 5.4 of the Stormwater Management Plan sets out how water quality will be maintained through the network. Hydrological controls will be installed on each dwelling, in the form of a roofwater tank, including further provisions to ensure that water capture and reuse is utilised. A consent notice can inform future selection of building materials relative to unstable copper and zinc finishes. Finally, the Applicant will make a Whaitua financial contribution thereby completing the effects management hierarchy by compensating for any residual adverse effects.

In conclusion, the proposal is consistent with the objectives and policies of PC1 as they relate to earthworks and water quality in the Te Awa Kairangi FMU catchment, with the exception of WH.P16. Submissions relating to Policy WH.P16 have not been heard and Policy WH.P16 is not currently operative; Policy WH.P16 does not prevent the granting of consent.

Upper Hutt District Plan

The following table sets out an assessment of the proposal in light of the relevant objectives and policies from the District Plan.

Chapter	Reference	Analysis
Strategic direction	UFD-O1 UFD-P1 UFD-P2	This development represents a significant supply of new homes to market in Upper Hutt City. Allowing greenfield development on this site will have the additional benefits of reducing demand on other more marginal sites, and subdivision of this rural land will neither result in fragmentation of highly productive land nor lead to reverse sensitivity effects on neighbouring rural land uses.
Network utilities	NU-P4	The Transpower National Grid traverses the subject site. There are two tower pylons which are connected by a conductor. The proposed subdivision of allotment does spatially overlay with the National Grid. As shown on civil plans, each allotment is capable of housing a 14 m by 14 m building pad outside of the Transpower 12 m Grid Yard. These building pads are deliberately set back from the 12 m National Grid Yard so as to reduce reverse sensitivity effects on the Grid. Each tower has also been provided with an earthworks buffer so as to not compromise the structural integrity of those towers.
Ecology	ECO-O1 ECO-P1	The subject site has a natural stream in sub-catchment 6, which is lined with two Mahoe stands; this environment is being protected by the proposal. There are two other Mahoe stands outside of sub-catchment 6, these standards are of lesser value and able to be removed with little to no ecological effect.
Transport	TP-O1 TP-P1 TP-P2 TP-P3 TP-P4 TP-P5 TP-P6	The proposal includes the provision of 2 new public roads and 11 private accessways (including JOAL). These roads have been designed in accordance with the COP and will provide a functional, safe, and efficient internal roading network. In terms of effects on the existing public network, the proposal includes joint upgrades to the Totara Park Road Bridge to lessen the delay effect caused by traffic generation.
Subdivision	SUB-GEN-O1 SUB-GEN-P1 SUB-GEN-P7 SUB-GEN-P10 SUB-RUR-P1 SUB-RUR-P3 SUB-RUR-P6	• Subdivision is well serviced by roading, threewaters, and utilities. • Each allotment has legal and physical access. • The subdivision both integrates well into the adjacent residential suburban environment and benefits from having recreational opportunities at Te Awa Kairangi and Akatarawa Park.

		• The proposal does not produce building pads on land that is subject to flooding hazard. • The proposal protects indigenous ecosystems and habitats in the surface sub-catchment 6 area including aquatic (riverine) and terrestrial (Mahoe bush matrix) habitat types. • The transmission lines and towers have been provided with a 12 m setback to ensure that they are not compromised through reverse sensitivity effects. • The subdivision does not lead to the fragmentation of Highly Productive Land.
Earthworks	EW-O1 EW-P1	Earthworks will be controlled through and erosion sediment control plan to ensure that nuisance dust and sediment effects are actively managed throughout construction. Earthworks are not occurring in any flood zone. Earthworks also avoid any significant areas of indigenous vegetation and habitats of indigenous fauna. Upon completion of earthworks, visual amenity effects will be remedied through the construction of houses including landscaping and also the installation of infrastructure such as roads which also includes landscaping.
General Rural Zone	GRUZ-O1 GRUZ-P1 GRUZ-P2 GRUZ-P3 GRUZ-P4 GRUZ-P6 GRUZ-P7 GRUZ-P8 GRUZ-P9 GRUZ-P10	The proposal represents a departure from the General Rural zoning, particularly around density as the GRUZ has a minimum allotment size of 200,000 m ² . The proposal aligns well to the GRZ zoning that is proposed under Plan Change 50.

The proposal is consistent with the relevant objectives and policies from the following chapters: Strategic direction, Network utilities, Ecology, Transport, Subdivision, and Earthworks. The proposal is not consistent with the objectives and policies of the General Rural Zone.

District Plan Change 50

Upper Hutt City Council publicly notified proposed Plan Change 50 – Rural Review (PC50) in the Upper Hutt Leader on 4 October 2023.

Plan Change 50 has been notified and submissions window has closed. Evidence on submissions has not been heard. The effect of PC50, is that the subject site is upzoned from General Rural Zone to General Residential Zone.

Plan Change 50 places a large focus on the NPS for Highly Productive Soils. In this case, the subject site does not contain elite or versatile soils, and Landcare mapping shows that the soils are LUC-4. The consequence of this, if that PC50 has a clear line of sight to upzone the subject site from gen rural to gen residential with little to no implications from the NPSHPL.

The District Plan states that the UH District is approximately 43,400 hectares, and approximately 92% of all land is rural zoned, with about 90% of that rural zone land being owned by GWRC and the DOC, and therefore having no development potential. Assuming that there is 40,000 hectares of rural land in Upper Hutt, only 4,000 hectares of that land is useable for any purpose other than conservation and as a source of human drinking water. This site represents 0.02% of the rural land in the district and 0.2% of the useable rural land. The rezoning of this land from rural to residential will represent a small loss of all rural land. This subject site is not highly productive land and therefore is an ideal candidate for a zoning change as proposed in the notified plan change.

This proposal represents the clear and logical extension of the existing residential zone of Hartford Crescent, Indiana Grove, and Larchmont Grove.

The proposal is consistent with the objective of Plan Change 50.

District Plan Change 47

Plan Change 47 is now operative. The subject site has areas of Slope Hazard Overlay (2024). The site is not in the Mangaroa Peatlands. The site is not on the Wellington Fault Band. Plan Change 47 introduced a definition of Hazard Sensitive Activity which includes residential activities. Plan Change 47 introduced new Objective NH-O1 and policies NH-P6 and NH-P7 with regard to the Slope Hazard Overlay.

To address slope hazard, this application includes two geotech reports, as follows:

- i. Site suitability report (Cohesive, 19/11/24). and
- ii. Slope stability assessment (Cohesive, 05/12/24).

The findings and recommendations of those reports are adopted here.

The proposal is consistent with the objective of Plan Change 47.

Other regulations

Te Awa Kairangi is not subject to any Water Conservation Order.

There are no *other regulations* that are considered to be relevant to this application.

Other matters

When considering an application for resource consent, the consent authority must have regard to statutory acknowledgements made in accordance with an Act specified in Schedule 11. In relation to this application, the relevant statutory acknowledgements are the:

- *Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.*
- *Ngāti Toa Rangatira Claims Settlement Act 2014.*

Upon review of these Settlement Acts, the subject site does not relate to any site or area of statutory acknowledgement other than that the subject site is within the catchment area for Te Awa Kairangi.

At the time of lodgement, a copy of this application has been sent to Ngāti Toa and Taranaki Whānui.

There are no *other matters* other legislation that direct decision making under the Resource Management Act 1991 that are considered to be relevant to this application.

Part 2 of the RMA 1991

There are no section 6 matters present. This proposal is consistent with Part 2 to the extent that it is applied by the above stated instruments, primarily the Natural Resources Plan and the Upper Hutt District Plan. The NRP and the DP are not known to be invalid, incomplete, or uncertain. Therefore, the proposal need not be extensively scrutinised in the context of Part 2. Alternatively, to do so would not add value to the evaluative outcome.

Section 95 Notification

The following sets out an assessment of the 8-step notification test presented in the RMA 1991.

Section 95A public notification

Step 1: Public notification is not mandatory. The Applicant has not requested that the application be publicly notified.

Step 2: The relevant rules in the plan do not preclude public notification and the activity is not a controlled activity.

Step 3: Public notification is not required due to the proposal generating adverse effects on the environment that are likely to be more than minor. There is no rule that mandates public notification.

Step 4: Special circumstances that warrant the application being publicly notified do not exist.

Outcome: Do not publicly notify the application, but determine whether to give limited notification of the application.

Section 95A limited notification

Step 1: There are no affected protected customary rights groups or affected customary marine title groups that are in need of limited notification. The proposed activity is not on land, or adjacent to land, that is the subject of a statutory acknowledgement.

Step 2: The proposal has an activity status of discretionary, and therefore not precluded under Step 2.

Step 3: No written approvals have been provided as part of the application. The adverse effects on any holder of a statutory acknowledgement will be *de minimis*. The Applicant requests that the application is placed on hold under section 88E(3) of the RMA 1991 while written approval is sought from Transpower NZ Ltd.

Step 4: Special circumstances that warrant notification of the application to any other persons (excluding persons assessed under section 95E as not being affected persons) do not exist.

Notification conclusion

- Public notification is not mandatory.
- Public notification is not precluded by a rule in the district plan.
- The adverse effects on the environment are minor or less than minor.

- Limited notification on Transpower NZ Ltd is mandatory. Consultation with Transpower NZ Ltd is ongoing.
- No other persons, including holders of customary rights or statutory acknowledgments, have been identified as being affected.
- No special circumstances exist that necessitate or justify public or limited notification.



Section 104 Consideration

When deciding on an application, Council must only consider the matters in Section 104 of the RMA 1991. The previous assessments have demonstrated that any actual and potential effects on the environment including of neighbouring property from permitting the activity will be less than minor, and that the proposal aligns with the objective and policies of the District Plan. Issuing this consent would result in considerable positive effect on the Applicant and increase the function of the site. For these reasons, it is asked that Council approves resource consent with reasonable conditions proffered elsewhere in this application.

For the reasons given below, resource consents are able to be granted under section 104 of the RMA 1991.

Clause	Test	Assessment
(1)(a)	any actual and potential effects on the environment of allowing the activity	An AEE is presented above. In summary, the effects are acceptable and within the scope of what can be consented under section 104(1) RMA.
(1)(ab)	any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects	New stormwater rain garden on Lot 303, new sewer and water mains, earthworks ESC and stabilisation, planting, and payment of financial contributions will all contribute to ensuring the positive effects will offset or compensate for adverse effects.
(1)(b)(i)	national environmental standard	Assessment of the NESDW, NESCS, NESF, and NESETA are given above. The outcome of that assessment is that consent is able to be granted under these NES, where required.
(1)(b)(ii)	other regulations	There are no other regulations which are considered to be relevant, other than what has been evaluated in this AEE document.
(1)(b)(iii)	national policy statement	Assessment of the NPSFM, NPSIB, NPSET, and NPSUD are given above. The outcome of that assessment is that the proposal is consistent with the objectives and policies of the NPSFM and NPSUD, and that the NPSIB has a limited applicability.
(1)(b)(iv)	New Zealand Coastal Policy Statement	The NZCPS has only limited applicability in this case to the extent that the site drains to Te Whanganui-a-Tara, and the coastal marine area.
(1)(b)(v)	Regional Policy Statement	Assessment of the Operative Regional Policy Statements for the Wellington Region 2013 is given above. The

		outcome of that assessment is that the proposal is consistent with the objectives and policies of that plan.
(1)(b)(v)	Proposed Regional Policy Statement	An assessment of RPS-PC1 finds that while the provisions are subject to appeal and therefore have limited applicability, the proposal is consistent with the relevant policies.
(1)(b)(vi)	Plan	Assessment of the Natural Resources Plan is given above. The outcome of that assessment is that the proposal is consistent with the objectives and policies of that plan. Assessment of the District Plan is given above. The outcome of that assessment is that the proposal is consistent with the objectives and policies of that plan.
(1)(b)(vi)	Proposed Plan	Assessment of Proposed Change 1 to the Natural Resources Plan is given above. The outcome of that assessment is that the proposal is consistent with the objectives and policies of that proposed plan with the exception of Policy WH.P16. Assessment of Proposed Change 50 to the District Plan is given above. The outcome of that assessment is that the proposal is consistent with the objectives and policies of that proposed plan change which a decision maker is able to have regard to but that does not have legal effect.
(1)(c)	Any other matter	Section 87B of the RMA 1991 allows for a rule which has a prohibited activity status in a proposed plan to be considered for consent as a discretionary activity. Lot 2 DP 52931 is subject to the Designation. Written approval is sought under Section 176(1) of the RMA 1991 for works on land (Lot 2 DP 52931) that is subject to designation. Lot 2 DP 52931 is subject to the Reserves Act 1977. An application will be made under the Reserves Act, post resource consent.
(2)	Permitted baseline	Council is able to disregard the adverse effects associated with a small amount of earthworks for track maintenance purposes, and the use of the subject site

		for low intensity farming activities. The types of effects associated with farming activities are the emission of noise from the use of machinery, odours from the use of products and management of wastewater.
(2A)	Section 124	This application does not relate to section 124 of the RMA.
(2B)	Marine and Coastal Area (Takutai Moana) Act 2011	MaCAA 2011 is not relevant.
(2C)	Marine and Coastal Area (Takutai Moana) Act 2011	MaCAA 2011 is not relevant.
(2D)	Wastewater Environmental Performance Standard	This proposal includes the construction and use of a new sewer. This proposal will not cause the breach of any wastewater environmental performance standard.
(2E)	Stormwater Environmental Performance Standard	This proposal includes the construction and use of a new stormwater treatment system. This proposal will not cause the breach of any stormwater environmental performance standard.
(3)(a)	Trade Competition	There are no effects of trade competition in this application.
(3)(c)(i)	Section 107	Assessed of section 107 is given below. Outcome: Section 107 does not hinder the granting of consent.
(3)(c)(ii)	Order in Council	There are no relevant OIC.
(3)(c)(iii)	Any regulations	There are no regulations which are considered to be relevant, other than what has been evaluated in this AEE document.
(3)(c)(iv)	customary marine title order or agreement	No customary marine title is relevant.
(3)(c)(v)	Marine and Coastal Area (Takutai Moana) Act 2011	MaCAA 2011 is not relevant.
(3A)	Urban Development Act 2020	This application does not relate to the UDA 2020.
(4)	Written approval	No written approvals have been provided.
(5)	Activity status	The activity is a discretionary (unrestricted) activity and is able to be granted as such.
(6)	Adequacy of information	This application <i>includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.</i>
(7)	Further information requests	To be determined by Council.

For the reasons given above, resource consents are able to be granted under section 104 of the RMA 1991.

Section 104G Additional controls on drinking water

When considering an application for a resource consent, the consent authority must have regard to the effects of the proposed activity on a source of a drinking water supply and any risks that the proposed activity may pose to the source including a source water risk management plan. Section 104G is relevant to the extent that:

- Greater Wellington abstracts raw water from a source in Te Awa Kairangi some 11 km to the north east, upstream of the subject site.
- Greater Wellington also abstracts groundwater from a shallow, unconfined aquifer on the valley floor some 18 km to the south west, down-gradient from the subject site.

This proposal will not adversely affect either source of drinking water supply, or any other source of drinking water.

This conclusion is consistent with the above conclusion that the National Environmental Standards for Sources of Human Drinking Water 2007 does not prevent the grant of consent in this case.

Section 105: Additional controls on discharges

The relevant rule (WH.R13) regulates the 'use of land' and therefore is a land use consent for the purpose of section 87 of the RMA 1991. The discharges of stormwater are ancillary to, or associated with the land use. Without the proposed land use (creation of impervious surfaces) the ancillary discharge would not occur. For that reason, this resource consent is not a discharge permit under s 87. Section 105 of the RMA 1991 is explicit that it applies to a discharge permit or coastal permit and therefore will have limited applicability to an application for land use consent. The following assessment is provided for completeness.

The proposal will generate two new discharge points as follows:

1. Clean stormwater will be intercepted from overland flow in sub-catchments 1-5 and channelled to Te Awa Kairangi via swale. and
2. The development of new road and roofs will generate stormwater that will ultimately end up discharging to Te Awa Kairangi after being treated in a rain garden device.

The relevant section 105 matters are considered below:

Section 105	Assessment
<i>the nature of the discharge and the sensitivity of the receiving environment to adverse effects</i>	Stormwater from impervious surfaces such as roof areas and new roads, will pass through a purpose-built rain garden treatment wetland. Stormwater from the intermittent catchments 1-5 above the development will discharge to the river via vegetated swale. The nature of the discharge is intercepted clean stormwater and clean treated stormwater from a rain garden. The ultimate receiving environment is Te Awa Kairangi regardless of which option is adopted (all options lead to Te Awa Kairangi). Te Awa Kairangi is highly sensitive to adverse effects.
<i>the applicant's reasons for the proposed choice</i>	The reasons for the proposal is to enable to delivery of new residential homes to market.
<i>any possible alternative methods of discharge, including discharge into any other receiving environment</i>	There are no possible alternative outfall locations, as all stormwater from Totara Park drains south into a concrete-lined drainage ditch. Even to drain far south would only still end up in Te Awa Kairangi, and would come at considerably greater costs. The proposed drainage down to the river is the closest proposal to replicating natural patterns from cannon point toward the valley floor.

To the limited extent that section 105 applies to this consent, section 105 does not prevent the granting of consent.

Section 106: Additional controls on subdivision

When making a decision on an application for subdivision consent, Council can consider the matters in section 106 of the RMA 1991 and may decline consent if either of those factors are present. Those factors are:

1. If there is significant risk from natural hazards, or
2. Sufficient provision has not been made for legal and physical access to each newly created allotment.

To address significant risk from natural hazards, this application includes two geotech reports, as follows:

- i. Site suitability report (Cohesive, 19/11/24). and
- ii. Slope stability assessment (Cohesive, 05/12/24).

The findings and recommendations of those reports are adopted here.

In this case, the risk from natural hazards cannot be considered to be *significant*, and sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision. Neither factor from Section 106 presents a reason to refuse to grant a subdivision consent. On that basis, Council may grant a subdivision consent subject to conditions it considers necessary to achieve these two tests. These conditions are:

- A consent notice on the 94 residential allotments that foundation design be presented at the time of building consent that gives effect to the recommendations in the geotech report from Cohesive dated 19/11/24 reference 1000-007-067. and
- That the subdivision consent be given effect to in general accordance with scheme plan prepared by Vecta Ltd, dated 13/12/2024, reference number 24094-S4-SCH001 to SCH009 REV-B showing that legal and physical access are provided to each allotment.

This gives Council certainty that section 106 tests are met and accordingly consent can be granted.

Section 107: Additional controls around discharges

Section 107 sets out that a consent authority shall not grant a discharge permit to allow a discharge of a contaminant which may enter water if, after reasonable mixing, the discharge is likely to give rise to any of the section 107 effects in the receiving waters. As noted at the assessment of s 105 above, this consent does not relate to a discharge permit. Section 107 has limited applicability insofar that the proposal relates to the discharge of a contaminant 'onto or into land in circumstances which may result in that contaminant entering water'.

The proposed stormwater solution can and will be undertaken in a manner that does not cause the s 107 effects in Te Awa Kairangi. Greater Wellington is able to be satisfied that the activity (by way of rain garden design being imposed as conditions) will contribute to a reduction in *significant adverse effects on aquatic life* over the duration of the consent. This is achieved through: 1. The cleanwater diversion which prevents clean water from entering the UHCC piped network, and 2. The construction of a raingarden on Lot 303 which will treat roof and road water before it enters the receiving environment.

For clarity, the proposal does not relate to any of the exceptions listed in section 107:

- (a) exceptional circumstances*
- (b) an activity of temporary nature;*
- (c) necessary maintenance work.*

Section 107 of the RMA 1991 does not prevent the granting of this land use consent for the creation of new impervious surfaces and the ancillary generation of stormwater.

Section 176: Written consent of UHCC as a requiring authority.

Cannon Point Development Ltd is seeking prior written consent from Upper Hutt City Council as a requiring authority to undertake works in Lot 2 Deposited Plan 52931 which is subject to Designation UHC47.

UHC47	Local Purpose (Esplanade)
Designation unique identifier	UHC 47
Designation purpose	Local Purpose (Esplanade)
Site identifier	Larchmont Grove / Wyoming Grove (Larchmont Esplanade Reserve) - Maps U6, U19, U20
Lapse date	Given effect
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	No
Additional information	n/a

Section 176(1) sets out that no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the designation that would *prevent or hinder* a public work or project or work to which the designation relates. In this case, this includes undertaking the use and development of the land in a manner that changes the character of the land; no subdivision of Lot 2 Deposited Plan 52931 is proposed.

The esplanade reserve is proposed to be used for:

1. Conveyance of stormwater from the cut off drain to Te Awa Kairangi via a vegetated swale. and
2. Conveyance of treated stormwater from the rain garden on Lot 303 to Te Awa Kairangi via two overflow outlets.

The public work associated with the designation, being public access, will be temporarily affected during the works period and then remedied upon completion. A small wooden foot bridge will be built over the vegetated swale; this is shown on civil plan RC414 (Vecta, 2024). Any effect on public access is temporary and will be remedied. Any effects on landscape and visual amenity values will be remedied through the planting of the swale, and the regressing of the trench.

Accordingly, it is considered appropriate for the Council in its capacity as the requiring authority to consent the proposed use of the esplanade.

Section 176 of the RMA 1991 does not prevent the independent granting of these resource consents.

Conclusion

This document is an application for resource consents filed under section 88 of the RMA 1991 to Greater Wellington and Upper Hutt City for approval. The application is being prepared on behalf of the Cannon Point Development Ltd, who is seeking resource consents to undertake land development, subdivision, earthworks and install infrastructure at 4 Colorado Road, Upper Hutt. This application includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. The AEE demonstrates that the proposed activity will have minor or less than minor adverse effects on the environment, subject to the implementation of appropriate mitigation measures and conditions of consent. The application also demonstrates that the proposed activity is consistent with the sustainability purpose and principles of the RMA as they are applied through the objectives and policies of the RPS-W, NRP, the District Plan, and plan changes 1, 47, and 50.

On this basis, Upper Hutt City Council and Wellington Regional Council can grant resource consents subject to the imposition of conditions.

Appendices

1. GWRC RM Form 9
2. UHCC RM Form 9
3. Records of Title 1146505; WN43B/53; 1137297; 912278. Pages: 52.
4. Scheme Plan. Prepared by Vecta Ltd, dated 13/12/2024, Reference 24094-S4-SCH001-B to 24094-S4-SCH009-B. Sheets: 9.
5. Civil Plan Bundle. Prepared by Vecta Ltd, dated 30/10/24, sheets: 81.
6. Geotechnical Site Suitability Report. Prepared by Cohesive Ltd, dated 19/11/24, Reference 1000-007-067, pages: 63.
7. Geotechnical Addendum Slope Stability Assessment. Prepared by Cohesive Ltd, dated 05/12/24, Reference 1000-007-067, pages: 25.
8. Residential Subdivision Assessment of Transportation Issues. Prepared by Tim Kelly Transportation Planning Ltd, dated 05/02/21, pages: 2.
9. Cannon Point Transportation. Prepared by Vecta Ltd, dated 12/12/24, pages: 2.
10. Ecology Report. Prepared by Blue Green Ecology Ltd, dated 20/12/24, pages: 38.
11. Threewaters Design Report. Prepared by Vecta Ltd, dated Dec 2024, pages: 23.
12. Civil Infrastructure Report. Prepared by Vecta Ltd, dated 13/12/24, pages: 18.
13. Stormwater Management Plan. Prepared by Vecta Ltd, dated Dec 2024, version 4, pages: 37.
14. Allotment configuration table. Prepared by Derive Consulting Group Ltd based on Vecta Scheme Plan 24094-S4-SCH001-B, dated 17/12/24, reference 23759832, pages: 4.

Appendix 14: Allotment configuration table. Prepared by Derive Consulting Group Ltd (derived from on Vecta Scheme Plan 24094-S4-SCH001-B), dated 17/12/24, reference 23759832, pages: 4.

Allotment ID number	Area of allotment (m ²)	Purpose of allotment	Does part of the allotment contain the 12 m setback from HVTL.
1	606	Residential	No
2	444	Residential	No
3	400	Residential	No
4	400	Residential	No
5	400	Residential	No
6	400	Residential	No
7	400	Residential	No
8	400	Residential	No
9	400	Residential	No
10	400	Residential	No
11	400	Residential	No
12	400	Residential	No
13	400	Residential	No
14	400	Residential	No
15	400	Residential	No
16	400	Residential	No
17	400	Residential	No
18	400	Residential	No
19	400	Residential	No
20	400	Residential	No
21	400	Residential	No
22	400	Residential	No
23	400	Residential	No
24	400	Residential	No
25	490	Residential	No

27	446	Residential	No
28	409	Residential	No
29	400	Residential	No
30	401	Residential	Yes
33	615	Residential	Yes
35	400	Residential	No
36	401	Residential	No
37	425	Residential	No
38	6528	Balance Lot	Yes
41	521	Residential	No
43	463	Residential	No
45	491	Residential	No
46	498	Residential	No
48	505	Residential	No
50	512	Residential	No
51	519	Residential	No
53	527	Residential	No
55	534	Residential	No
56	539	Residential	No
58	404	Residential	No
60	405	Residential	No
61	461	Residential	No
62	390	Residential	No
63	402	Residential	No
64	523	Residential	No
66	521	Residential	No
68	476	Residential	No
70	476	Residential	No
73	476	Residential	No
74	520	Residential	No
76	520	Residential	No
78	430	Residential	No
79	423	Residential	No
80	423	Residential	No
81	423	Residential	No
82	423	Residential	No
83	423	Residential	No

84	468	Residential	No
85	468	Residential	No
86	536	Residential	No
87	606	Residential	No
88	526	Residential	Yes
89	483	Residential	Yes
90	656	Residential	Yes
91	687	Residential	Yes
92	1273	Residential	Yes
93	584	Residential	Yes
94	494	Residential	Yes
95	529	Residential	Yes
96	536	Residential	Yes
97	970	Residential	Yes
98	848	Residential	Yes
99	934	Residential	Yes
100	1063	Residential	Yes
101	1171	Residential	Yes
102	790	Residential	Yes
103	601	Residential	Yes
104	577	Residential	Yes
105	642	Residential	Yes
106	644	Residential	Yes
107	454	Residential	Yes
108	409	Residential	Yes
109	451	Residential	No
110	6800	Super Lot	Yes
111	1511	Residential	Yes
112	517	Residential	Yes
113	573	Residential	Yes
114	527	Residential	Yes
115	473	Residential	Yes
116	410	Residential	Yes
117	797	Residential	Yes
200	540	Access	Yes
201	100	Access	No
202	100	Access	No

203	100	Access	No
204	100	Access	No
205	100	Access	No
206	100	Access	No
208	96	Access	No
209	85	Access	No
210	239	Access	No
211	159	Access	Yes
300	860	Reserve	Yes
301	3897	Reserve	Yes
303	839	Reserve	Yes
1000	12593	Road	Yes
1001	1034	Road	Yes

