



Residential Land Information Memorandum

**11 Gordon Place, Newtown
AKA 13 Gordon Place**

7 August, 2026

Wei-min Lu
Unit 9
11 Gordon Place
Newtown
Wellington 6021

Service Request No: 574523
File Reference: 0600 1810777

Land Information Memorandum (LIM)

Please refer to the attached LIM for 11 GORDON PLACE, Newtown, as requested by you.

On 14 March 2024 and 12 June 2025, Wellington City Council made decisions on parts of the Proposed District Plan. These have been incorporated into the 2024 Wellington City District Plan (2024 District Plan) from 7 July 2025.

Until appeals are resolved on the 2024 District Plan, both it and the 2000 District Plan may need to be consulted to determine the classification of any existing or proposed activity on the subject property.

Please refer to District Plan section of the LIM for more information.

Yours sincerely

Connor McCashin

LIM Team
City Consenting and Compliance
Wellington City Council
Phone: 04 801 4303

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Contacts

For general queries, please contact the LIM Team: lims@wcc.govt.nz, phone 04 801 4303.

For queries about a specific section of the LIM, please refer to the contact details below.

Department	Email	Phone
Rates	rates@wcc.govt.nz	04 499 4444
Encroachments	encroachments@wcc.govt.nz	04 801 4266
Wellington City Archives and Building Consent Search Service <i>(for copies of building permits and building consents)</i>	consentsearch@wcc.govt.nz	04 801 2096
Building Compliance & Consents	bcc@wcc.govt.nz	04 801 4311
Building Resilience	buildingresilience@wcc.govt.nz	04 499 4444
Building Complaints	bcc@wcc.govt.nz	04 801 4311
Resource Management Complaints	rcmonitoring@wcc.govt.nz	
Swimming Pools	bccpoolaudits@wcc.govt.nz	04 499 4444
Water & Drainage	customer@wellingtonwater.co.nz	04 912 4470
Leaks & Faults	customer@wellingtonwater.co.nz	04 912 4470
Vehicle Access	vehicleaccess@wcc.govt.nz	04 499 4444
Resource Consents	planning@wcc.govt.nz	04 801 3590
Heritage	heritage@wcc.govt.nz	04 499 4444
Climate Change		04 499 4444
Multi-Unit Development Waste Plans	wasteplans@wcc.govt.nz	04 383 7460
Worksafe NZ	info@worksafe.govt.nz	0800 030 040
Greater Wellington Regional Council <i>(including Hazardous Substances)</i>	info@gw.govt.nz	0800 496 734

For further context on the information included in this LIM, refer to:

- [Section 44A of the Local Government Official Information and Meetings Act 1987](#)
- [Sections 121, 123, 133AA & 133AB of the Building Act 2004](#) (buildings which are deemed to be dangerous, earthquake prone and insanitary)
- [Sections 100, 101, 103, 105, 108 & 110 of the Building Act 2004](#) (compliance schedules and building warrants of fitness)

Land Information Memorandum

Address	11 GORDON PLACE, Newtown AKA 13 GORDON PLACE – Unit 9
Legal Description	LOT 1 DP 398006 – Principal Unit 9 DP 438900
Record of Title	542847

This LIM contains information Wellington City Council is required to provide in accordance with s 44A of the Local Government Official Information and Meetings Act 1987, alongside information the Council deems relevant for the property. It contains information the Council holds on record. Although every effort has been taken to provide accurate information within the LIM, a LIM is only able to report relevant information on the property if the Council has record of it.

No site visits or further investigation into the property have taken place in preparing this LIM. Records may not show any illegal or unconsented work to the land if the Council has not been notified. The property's current and any known prior legal descriptions and addresses have been used to compile the information.

Wellington City Council deems the information in the LIM accurate only to its date of issue. The Council does not accept liability for any errors in this LIM.

The LIM letter is intended to be read in conjunction with the attached documents. For any queries on the content of this LIM, please contact the relevant department. Contact details can be found on page 4 of the LIM.

Note: The land which is the subject of this LIM is part of a cross lease or a unit title subdivision. The Council is required to include in the LIM all relevant information relating to the underlying land. There are multiple units located on the property, and there may be consents or other information included in this LIM relating to different units to the one identified in the Record of Title provided with the application. Council property records consulted in preparing this LIM relate to the underlying land known as Lot 1 DP 398006.

Natural Hazards

Please note, additional natural hazard information can be found in the maps in the LIM attachments.

Climate change is causing natural hazards to become more severe, occur more often, and affect a wider range of areas. For further information on the impacts of climate change on natural hazards, see [Natural Hazards Portal: Climate change](#).

Earthquakes

Information in the 2024 District Plan:

- None.

Information Relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- None.

Wind

Information in the 2024 District Plan:

- None.

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- The Wind Zone for this property is recorded as “Medium”. Refer to the attached Wind Map.
 - The Wind Zone in terms of NZS3604:2011 for this property was determined by the CLC Consulting Group Limited, Auckland.

Coastal Hazards

Information in the 2024 District Plan:

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- Sites are classified as being in an exposure zone B, C or D depending on the severity of exposure to wind-driven sea salt or geothermal gases. These zones are defined in NZS3604:2011, the NZ Standard for light framed buildings.
- For Wellington City, most sites are either in exposure zone D, which includes the area within 500 metres of the sea, or exposure zone C in terms of NZS3604:2011.

Flooding

Information in the 2024 District Plan:

- This property is located within an Inundation Area (Flood Hazard Overlay).

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- The Council holds record of potential flooding issues with this property:
 - This property has been identified as possibly at risk of flooding during severe storm events (1 in 100 year Annual Return Interval + 20% Climate Change Intensity). The accompanying coloured legend is an indicator of the potential flood risk depth for a given area. This risk has been identified from either historic flooding records or flood modelling compiled by Wellington Water. Please contact Tiaki Wai if you require more information.
 - If new construction is contemplated on this property this flood risk information will be taken into consideration and may have implications on minimum floor levels and natural hazard assessments. Please contact Building Compliance and Consents for more information regarding what these implications could be.
 - An on-site survey by an engineer is recommended if a more detailed site evaluation is needed.
 - Refer to the attached map.
- Please note the Leaks and Faults section of the LIM may include records of any flooding events that have been reported at this property.

Landslips, Subsidence, Sedimentation, and Erosion

Information in the 2024 District Plan:

- None.

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- None.

Tsunamis

Information in the 2024 District Plan:

- None.

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- None.

Other Natural Hazards

Including Fire, Drought, and Volcanic and Geothermal Hazards

Information in the 2024 District Plan:

- None.

Information relating to the Building Act 2004:

- None.

Other information held by Wellington City Council:

- None.

Information provided by Greater Wellington Regional Council

- [Report \[Wellington Region Climate Change Projections and Impacts\]](#)
- [NIWA - Climate Change and Variability - Wellington Region](#)
- [Digital maps + Report and Summary Info](#)
- [Greater Wellington — LIM hazard information](#)
- [Wellington Region Hazards LIM Map](#)

Hazard information

Greater Wellington Regional Council holds information on natural hazards relevant to the region. Greater Wellington's hazard information has been developed to help the public, local authorities and others manage risk and make informed decisions about their exposure to natural hazards.

Please note this information has been produced at a range of scales and may not be property specific. Local Council District Plans may hold more detailed hazard information and rules on how they are applied in your area. This information is periodically updated as new studies and modelling is carried out.

- Fluvial (river) flood hazard
- Coastal flood hazard
- Tsunami hazard
- Wildfire hazard
- Seismic hazard

Climate change has the potential to exacerbate some of these hazards. More information about future changes to the regional climate can be found on the Greater Wellington website:

<https://mapping1.gw.govt.nz/gw/ClimateChange/> and

https://mapping1.gw.govt.nz/GW/ClimateChange_StoryMap/#

Please contact Greater Wellington Regional Council at info@gw.govt.nz for more information.

For information on fluvial flood hazard please contact the Greater Wellington Regional Council's Flood Advisory Team <https://www.gw.govt.nz/your-region/emergency-and-hazard-management/floodprotection/flood-hazard-advice/>.

Be prepared

If your home, or place of work is vulnerable to a natural hazard we advise that you are prepared, with enough supplies for 7 days and an effective emergency plan. For further guidance please visit the Wellington Regional Emergency Management Office for more information <https://www.wremo.nz/>. It is also recommended that you check that your insurance cover is appropriate for the hazards present.

Drainage and Water

Refer to the attached drainage map and plan for details of private and public drainage.

Refer to the attached water services map.

There are public wastewater and stormwater mains located within this property.

This property has an individual domestic connection to the Council's water supply.

The Council holds no record regarding cross connections at this property.

Refer to the attached computer records for public drainage permits SR 115837 and SR 220308.

Approval to build any structure over public drains or water mains is subject to conditions.

Leaks and Faults

This section of the LIM includes any record the Council holds of reported leaks and/or faults on the property or its accessway.

Note, records of leaks and/or faults may be referenced within consent documentation.

On 24 January 1997 a blocked drain was reported to the Council. Council investigated and determined this to be a private fault.

On 11 April 2007 water seeping from the driveway of the building site at 11-15 Gordon Place was reported to the Council. Council investigated and completed work.

On 06 December 2012 third party damage to the water main outside the property was reported to the Council. Council investigated and completed work.

On 14 January 2022 sewage seepage from a manhole running onto the property was reported to the Council. Council investigated and completed work.

Hazardous Substances

No record of hazardous substances exists for this property

For your information, this property is located adjacent to a property that has a record of hazardous substances. Refer to the attached aerial map.

For further details on this site, please see GWRC's SLUR map available at this link: <https://www.arcgis.com/apps/dashboards/e39d66c0b39642c7b9a019758b8dff5d>

It is advisable to have any possible contamination investigated and a mitigation plan prepared as necessary, by a suitably qualified person, or organisation. Greater Wellington Regional Council holds information regarding issues around site contamination. WorkSafe NZ holds information regarding the Test Certificates issued for sites storing and using hazardous substances.

Footpath and Roding

Refer to the attached footpath and roading maps.

District Plan

Please see the link for the District Plan information on this property. The 'property report' is available to download from the left side bar.

2024 District Plan Zone:

The property is partially located in a High Density Residential Zone.

The property is partially located in a Local Centre Zone.

This property is partially located in a Height Control Area: 22m.

This property is partially located in a Height Control Area: 27m.

Designations:

This property is located within Designation WIAL1 - Wellington Airport Obstacle Limitation Surfaces.

Note: Please refer to the Natural Hazard section of the LIM for information on the District Plan's natural hazard material.

Please note, the above information only identifies zones and designations applying to this property. For information about other planning controls applying to this site and the wider area, please refer to the 2024 District Plan.

Until appeals are resolved on the 2024 District Plan, both it and the 2000 District Plan should be consulted to determine the classification of any existing or proposed activity on the subject property. Please see the following webpage for more information:

[Decision making and status of provisions - Plans, policies and bylaws - Wellington City Council](https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/decision-making-and-status-of-provisions) - <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/decision-making-and-status-of-provisions>

Resource consents may be necessary for activities that are not permitted activities. The District Plan can be viewed online at Wellington City Libraries, or visit the Wellington City Council website (see link below).

[2024 District Plan ePlan](https://eplan.wellington.govt.nz/proposed/) - <https://eplan.wellington.govt.nz/proposed/>

[2000 District Plan ePlan](https://eplan.wellington.govt.nz/eplan/) - <https://eplan.wellington.govt.nz/eplan/>

District Plan Changes

From time to time the Council makes amendments to the contents of the District Plan by publicly notifying District Plan changes. These changes are relevant on the date they are publicly notified. When they are first released, the changes are referred to as 'proposed Plan Changes'. Once the plan change process is completed, they become 'operative plan changes'.

For details of any plan changes that may affect this property, please visit the Wellington City Council website (as above).

Plan change 1 to the 2024 District Plan

On 20 November 2025 the Council notified Plan Change 1 to the 2024 District Plan. This plan change involves:

- Minor amendments to provisions to support clear plan implementation and fix minor errors;
- Specific changes to zoning of some properties; and
- Updated documents incorporated into the District Plan by reference - Code of Practice for Land Development 2025 and Wellington Water Regional Standard v3.1 December 2024.

In addition, Plan Change 1 involves amendments to flood hazard mapping.

If there are flood hazard or zoning mapping amendments proposed for this property they will be shown on the district plan property report included in this LIM.

Modifications to flood hazard mapping and natural hazards provisions have legal effect.

The rest of the plan change does not have legal effect.

Information on the plan change is available on the Council's website: [Plan Change 1 - Plans, policies and bylaws - Wellington City Council](#)

Historic Heritage and Notable Trees

Scheduled Historic Heritage and Notable Trees in the 2024 District Plan

Including heritage buildings, heritage structures, heritage areas, sites and areas of significance to Māori, and notable trees.

There are no scheduled historic heritage items in the 2024 District Plan affecting this property.

Heritage New Zealand Pouhere Taonga Identification

The Council has not been given notice that this property is included in the New Zealand Heritage List of Historic Places, Historic Areas, Wāhi Tūpuna, Wāhi Tapu, and Wāhi Tapu areas.

Heritage Orders Under Part 8 of the Resource Management Act 1991

There are no heritage orders on this property.

Heritage New Zealand Pouhere Taonga Archaeological Sites

There is a recorded archaeological site on this property – NZAA Site: R27/270 – Thomas Ward Survey Map – 1891.

This is based on data from the New Zealand Archaeological Association.

To find out more about archaeological sites in Wellington, legal implications for your property and FAQs, go to [Advice and guidance - Heritage - Wellington City Council](#) or contact WCC on 04 499 4444.

For further information, go to www.heritage.org.nz/archaeology: [Archaeology in Aotearoa New Zealand | Heritage New Zealand Pouhere Taonga](#).

The Thomas Ward Survey Map was created in 1891 by surveyor Thomas Ward. It maps Wellington city's boundaries from 1840, along with roads, buildings and structures that existed in 1891. It was regularly updated until circa 1900, with a new version created in 1901. Both versions of the map are included in the archaeological site record. It's important to note that:

- Although it's a paper map, not a physical site, the Thomas Ward Survey Map is recorded as an archaeological site because it documents pre-1900 occupation.
- The Thomas Ward Survey Map indicates *areas where there may be archaeological remains*, but it doesn't confirm their presence.

Resource Consents

There are Subdivision consents for this property.

There are Land Use consents for this property.

There are no other types of consents for this property.

Resource Consents for adjoining properties: SR 42749, 84227, 95946, 104653, 116941, 531812, 548419.

Subdivision and Land Use

5 March 2003 - SR 97910

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a three-lot fee simple subdivision, with associated land use consent and Right of Way over lot 10 DP 806 (15 Gordon Place). Refer to the attached documents for further details.

12 December 2002 – SRs 95936, 95939, & 95944

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a two-lot fee simple subdivision and unit title subdivision of Lots 1, 2 and 3, with land use consent for new residential buildings (site coverage), and right-of-way over Lot 10 DP 806 (No.15 Gordon Place). The surrender of these consents was accepted by Council on 11 August 2003. No documents relating to these consents are included. They can be requested if required.

Unit Title Subdivision and Land Use

5 December 2012 - SR 270597

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a unit title subdivision (13 units) with associated land use consent. Refer to the attached documents for further details.

Land Use

24 July 2002 - SR 89195

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for the construction of two new residential buildings and their use for 12 household units. The surrender of this consent was accepted by Council on 11 August 2003. Refer to the attached documents for further details.

31 May 2006 - SR 133333

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a multi-unit development (13 townhouses). Refer to the attached documents for further details (including Change of Condition SRs 164655 and 218529 and Time Extension SR 233661).

27 September 2013 - SR 292054

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, to make good an existing fence on boundary of 11-13 Gordon Place and 67 Rintoul Street. Refer to the attached documents for further details.

Note: If a consent has not been given effect to, then it may have lapsed. Contact planning@wcc.govt.nz for more information.

Town Planning and/or Local Government Act 1974

The Council holds information regarding the subdivision of this property prior to 1990.

No documents relating to this consent have been attached. If required, they can be requested from the Wellington City Archives: <https://wellington.govt.nz/arts-and-culture/archives>

Legal Documents

There are legal documents attached.

- Easement Instrument (Right to Convey Water).

Rates and Levies

Rates

There are outstanding rates for this property.

The current rates balance for this property is \$931.12.

Water Rates This property does not have water rates associated with it.

Sludge Levy The annual sludge levy for this property is \$210.97.

As of 1 July 2026, water charges are no longer included in Wellington City Council general rates bills. Customers will now receive separate water services bills from Tiaki Wai.

The type of bill you receive will depend on whether your property has a water meter. Non-metered properties will receive a council rates bill plus a Tiaki Wai water bill; metered properties will receive a Council rates bill, a Tiaki Wai drinking water bill (based on usage), and a Tiaki Wai wastewater/stormwater bill.

Please see <https://www.tiakiwai.co.nz/billing> for further information.

Properties in the rating categories BGR1, BGR2, BGC1, and BGC2 are subject to an annual sludge levy for the purpose of funding certain costs relating to the construction of a sludge minimisation facility at Moa Point, Wellington. The levy period is 1 July 2024 to 30 July 2057. Liability for the levy is assessed in accordance with clauses 13 to 19 of the Infrastructure Funding and Financing (Wellington Sludge Minimisation Facility Levy) Order 2023.

For information on the sludge levy billing and rating categories, please see: [Billing categories - Rates - Wellington City Council and Rates for 2024/2025 - Rates - Wellington City Council](#).

Refer to attached report for further information on rates and levies.

For valuation information, please contact Quotable Value: [QV - Discover your property value](#).

Building

Building Permits

There is a record of building permits for this property.

Please refer to the attached copies of computer details for building permits.

Building, plumbing, and drainage permits issued under the bylaws made pursuant to the Local Government Act 1974 have now expired. The bylaws relating to building permits were superseded by the Building Act 1991 and subsequently by the Building Act 2004.

Unauthorised or incomplete building, plumbing and drainage permitted work done prior to the implementation of the Building Act 1991 in January 1993, now has the status of “an existing situation”. Unless the building is either dangerous or insanitary, as defined under sections 121 and 123 of the Building Act 2004, the Council is precluded from taking any further action to require the owner to complete the work in accordance with the original building permit.

It is not practical to copy the information relating to permits and/or completed consents held at Wellington City Archives. If you want to order copies of the permits and/or consents please order through [Building consent search - Property - Wellington City Council](#).

Building Consents

There is a record of building consents for this property.

There are three outstanding building consents relating to this property.

There is a record of lapsed building consents for this property.

The following consents are outstanding, meaning they have no Code Compliance Certificate:

1. SR 127335: - To demolish the existing warehouse.
Status: Building Work Started
2. SR 163270: - Residential – Demolition of existing houses and garage on No 11 and 13 Gordon Place, Newtown.
Status: Unable to Issue CCC (no Application)
3. SR 169887: - Residential - Site Works - Bulk EIW excavation approximately 600m³ and retaining structures. AKA 11-13 Gordon Place.
Status: Unable to issue CCC (BA04) – no response.

Please refer to attached copies of computer details for all building consents.

Building Consent Status Definitions:

- **“Completed”** means a Code Compliance Certificate has been issued.
- **“Lapsed”** means the Council has not been notified that work has started and is unable to ascertain that work has started. The consent has now lapsed under the legislation it was issued.
- **“Building Work Started”** means the Council have been notified that work has begun but inspections have yet to be called for.
- **“Unable to issue CCC”** means a CCC cannot be issued until outstanding issues are resolved.

Building consents replaced building permits following the implementation of the Building Act 1991, and subsequently the Building Act 2004.

Under Schedule 1 of both Acts, some types of building work are exempt from the need to obtain a building consent. If building work that needs consent was carried out after January 1993 without consent first being obtained, that work is not authorised and the Council may require the property owner to:

- Demolish or remove the work,
- Upgrade to building code requirements (consent may be required, contact Building Compliance and Consents on 04 801 4311),
- Apply for Certificate of Acceptance (refer to the Certificate of Acceptance section below).

The Council may prosecute persons who contravene or fail to comply with the Act or with a notice issued under the Act (for example a notice to rectify issued under the Building Act 1991 or a notice to fix issued under the Building Act 2004).

Under section 52 of the Building Act 2004, a building consent lapses and is of no effect if the building work has not been commenced within 12 months of the date of issue, or any further period that the building consent authority may allow.

An owner must apply on the prescribed form for a Code Compliance Certificate when all building work covered by the building consent is complete. A Code Compliance Certificate will be issued once the Council is satisfied that the building work has been completed in accordance with the building consent and complies with the Building Code.

There may be outstanding or additional fees relating to incomplete building consents. Please contact Building Compliance and Consents for more information about building consent fees.

Where a Building Consent was issued more than 5 years ago and does not have a Code Compliance Certificate (CCC), the Building Consent will be subject to the Old Consent Process to determine if a CCC can be granted. You can email bccmajorprojects@wcc.govt.nz for information on the old consent process.

Certificates of Acceptance

There is no record of a Certificate of Acceptance relating to building work at this property.

Section 96 of the Building Act 2004 provides for a territorial authority (i.e. a council) to issue a Certificate of Acceptance in certain circumstances. A Certificate of Acceptance is limited to the extent to which the territorial authority was able to inspect the building work in question.

Application for a Certificate of Acceptance may be made in the following circumstances:

- Work was carried out without a building consent, where a building consent was required but not obtained
- Work was carried out under urgency
- A private building certifier refuses or is unable to issue a Code Compliance Certificate, and no other building consent authority will agree to issue a Code Compliance Certificate.

Compliance Schedule and Building Warrant of Fitness

There is no compliance schedule or building warrant of fitness for the buildings on this property.

Swimming Pools

There is no record of a swimming pool or spa pool at this property.

The Building Act 2004 requires the property owner to ensure that every residential pool that is filled or partly filled with water must have physical barriers that restrict access to the pool by unsupervised children under 5 years of age.

Definitions of what constitutes a pool and details of the safety requirements are set out in the Act.

A building consent is required for the installation of a pool fence and may be required for the installation of any pool itself.

The Council has a programme to audit the on-going compliance of pool fences and so pools will be subject to periodic inspections to confirm compliance. Property owners will be charged for time spent by Council officers in audits.

Complaints

There is no record of unresolved complaints for this property.

Building Resilience

Earthquake Prone Buildings

Information reviewed currently indicates the building falls outside of the criteria for assessment under the active earthquake-prone building legislation. Therefore, Council does not have a rating for this building on file.

The national framework for managing earthquake-prone buildings took effect in July 2017 via changes to the Building Act 2004, along with regulations and the Earthquake-prone Building Methodology. This change has removed the requirement for councils to have individual earthquake-prone building policies and creates a single national policy.

These earthquake-prone building provisions apply to non-residential buildings and some residential buildings if they are:

- Two storeys or more and have three or more household units, or
- Two storeys or more and used as a hostel, boarding house or other specialised accommodation

Other specific exclusions include farm buildings, retaining walls, fences, certain monuments, wharves, bridges, tunnels and storage tanks.

Under the Council's previous Earthquake-prone Building Policy 2009, any pre-1976 commercial building or any pre-1976 residential building which is two or more stories high and contains three or more residential units was assessed to determine an earthquake-prone status. The status resulting from these assessments remains active.

If there are changes to legislation, the loading standard, or if the Council receives further information, a building may require an assessment or reassessment to consider whether it is earthquake prone.

It should also be noted that where a change of use is proposed for the building, structural strengthening work is required to most buildings to upgrade the building to meet current codes.

Verandahs

Wellington City Council is undertaking assessments of verandahs in Wellington City in accordance with the Public Places Bylaw 2022.

The intention of the verandah-related rules in the bylaw is to ensure that all verandahs are maintained in a waterproof condition and in a good state of repair.

Unreinforced Masonry Buildings

Following the Hurunui/Kaikōura earthquake on November 2016, the Ministry of Business Innovation & Employment (MBIE) set up an initiative to improve the seismic performance of unreinforced masonry buildings (URM) in high-risk areas, including Wellington. The initiative requires owners of certain buildings to take action to secure unreinforced masonry parapets and facades by March 2018. This is an amendment to the Building Act 2004 and was passed February 2017 under an Order in Council.

This relates to unreinforced masonry buildings with street-facing parapets and/or facades on busy, high-traffic areas (pedestrian or vehicles) that are already known to be vulnerable in the event of an earthquake.

Weathertightness

The Council has not received any formal notification of Weathertightness issues for this property.

Pursuant to section 124 of the Weathertight Homes Resolution Services Act 2006, the Council will report formal notification of possible water ingress issues at a property from one of the following sources:

- Ministry of Business Innovation and Employment (MBIE)
- Weathertight Homes Tribunal

The Council may also include information in this section where it has received a notification that it considers relates to water ingress issues from one of the following sources:

- High or District Court
- Written notification from the owner of the property or their agent
- Where the owner has applied to MBIE for a Determination and the report carried out by MBIE has identified areas of water ingress

The Council may hold other information about possible weathertight issues with the dwelling, e.g. via notes of phone calls, emails, or other correspondence or documents such as building consent applications. The Council may, at its discretion, include this information under the "Unresolved Complaints" section of this LIM.

If you have any concerns, we recommend that you seek independent advice from a suitably qualified person such as a building surveyor, and/or speak to the owners of the property.

Encroachments and Licences

There is no encroachment licence for this property.

Property owners are legally required under cl 19 of the Public Places Bylaw to have a valid encroachment license for any private occupation of legal road. Encroachments typically require an annual fee, and when a property changes ownership an administration fee is charged.

Properties with multiple units under a cross lease or unit title subdivision may have encroachment licenses relating to specific units. A LIM is required to include information for all units on the underlying land, so these encroachment licenses are included under this section.

Note: Encroachments are not permitted on parks or reserve land. If one exists, owners are required to contact the Council and remove the encroachment at the owner's cost. In some instances, dwellings may have historically encroached on an adjacent reserve. In these instances, removal will be required at the time of any future demolition or major reconstruction. For more information see: [Encroachments - Wellington City Council](#).

Land and Structure

The maintenance of the common property is the responsibility of the owners.

Refer to the attached Preliminary Geotechnical Assessment dated 15 November 2002.

Refer to the attached Wellington City Council Bylaws Consent for Earthworks dated 26 November 2002 and 24 October 2007.

Access

Refer to the attached Vehicle Access Authorisation dated 24 December 2002, 14 June 2004 and 19 November 2010.

The maintenance of the Right-of-Way is the responsibility of the owners of the properties using the Right-of-Way.

The owner is responsible for maintaining the vehicle accessway and/or path out to and including the kerb crossing.

Trade Waste

Trade waste refers to any liquid non-domestic waste, excess oil or grease, or large quantities of domestic-type waste produced by a business or trade that is or may be discharged to a sewer.

Any premises discharging or proposing to discharge trade waste to the sewer must apply for a Trade Waste Discharge Consent pursuant to the Wellington City Council Trade Waste Bylaw. Dependent on the nature and quantity of the trade waste the discharge may be made the subject of a Trade Waste Consent. In addition, the trade waste may require pre-treatment before discharge to the sewer. This includes the use of a grease trap.

In respect of this LIM:

There is no Trade Waste Consent for the discharge of trade waste to the sewer associated with this address.

Please contact Leon Chen, Tiaki Wai. Phone: 021 820 943

Health

There are 0 (zero) food/health registered premises at this property:

The premises mentioned above has no Registration/Health Certificates for their approved use only. Any new business owner must apply for their own registration.

There are no outstanding complaints.

Restrictions on any change of use may apply. For more details, please contact Luke J Dirks, Environmental Health Officer, Public Health Group. Phone: 021 401584.

Alcohol Licence/Pavement Permission

There are no Alcohol Licences in place:

There are no Pavement Permissions in place:

Restrictions on any change of use may apply. For more details, please contact Luke J Dirks, Environmental Health Officer, Public Health Group. Phone: 021 401584.

Invoice Attachments

Tax Invoice

GST Number 53-204-63

Wei-min Lu
Unit 9
11 Gordon Place
Newtown
Wellington 6021

Date: 3-Aug-26
Reference: TW 574523 - 1
Land Information Memorandum

Property Address
11 Gordon Place, Newtown

Owners**Fees Payable**

Description	Reference	Fee	GST	Total
LIM Application Fee	RES LIM	\$500.43	\$75.07	\$575.50
Total		\$500.43	\$75.07	\$575.50

The Council's Terms and Conditions for Supply of Goods and Services require that you pay all invoices by the 20th day of the month following the date it is issued. If payment is not made by that time, you will be liable for:

- interest calculated daily at a rate of 15% pa on the overdue Invoice amount
- an administrative fee of either 10% of the overdue Invoice amount or \$300 (whichever is less), and
- all costs and expenses incurred by the Council in seeking to recover the overdue Invoice amount

Payment Advice*Please return this section with your payment*

Wei-min Lu
Unit 9
11 Gordon Place
Newtown
Wellington 6021

WELLINGTON CITY COUNCIL
PO BOX 2199 WELLINGTON

3-Aug-26

Reference:	TW 574523 - 1
Amount Due:	\$575.50
AMOUNT PAID:	PLEASE COMPLETE

Payment can be made by:

- Direct Credit to a/c 060582 01 06111 00 with ref. no. noted
- Online at wellington.govt.nz/payments/online

STATEMENT

GST Number 53-204-635

Wei-min Lu
Unit 9
11 Gordon Place
Newtown
Wellington 6021

Date: 4-Aug-26
Reference: TW 574523
Land Information Memorandum
Property Address: 11 Gordon Place, Newtown

Reference	Code	Date	Debit	Credit
N0000215049-001	PAY	31/07/2026		575.50
574523 - 1	INV	03/08/2026	575.50	
			575.50	575.50

Amount Due: 0.00

Note: Due to system changes invoices issued prior to 11/10/2006 will show on this statement as dated 11/10/2006.

Codes: INV: Invoice CN:Credit Note PAY:Payment TFR:Transferred Payment RFD:Refunded Payment INT:Internal Invoices
DIS:Dishonoured Cheque/Cancelled Payment BAD:Bad Debt Write-off REV:Bad Debt Write-off Revenue

The Council's Terms and Conditions for Supply of Goods and Services require that you pay all invoices by the 20th day of the month following the date it is issued. If payment is not made by that time, you will be liable for:

- interest calculated daily at a rate of 15% pa on the overdue Invoice amount
- an administrative fee of either 10% of the overdue Invoice amount or \$300 (whichever is less)
- all costs and expenses incurred by the Council in seeking to recover the overdue Invoice amount

Payment Advice

Please return this section with your payment

WELLINGTON CITY COUNCIL
PO BOX 2199 WELLINGTON

Wei-min Lu
Unit 9
11 Gordon Place
Newtown
Wellington 6021

4-Aug-26

Reference:	TW 574523
Amount Due:	0.00
AMOUNT PAID:	PLEASE COMPLETE

Payment can be made by:

- Direct Credit to a/c 060582 01 06111 00 with ref. no. noted
- EFTPOS, Credit Cards or Cash at Council Offices
- Online at wellington.govt.nz/payments/online

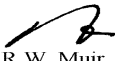
Property Summary



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
UNIT TITLE**

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R. W. Muir
Registrar-General
of Land

Identifier **542847**
Land Registration District **Wellington**
Date Issued 13 June 2013

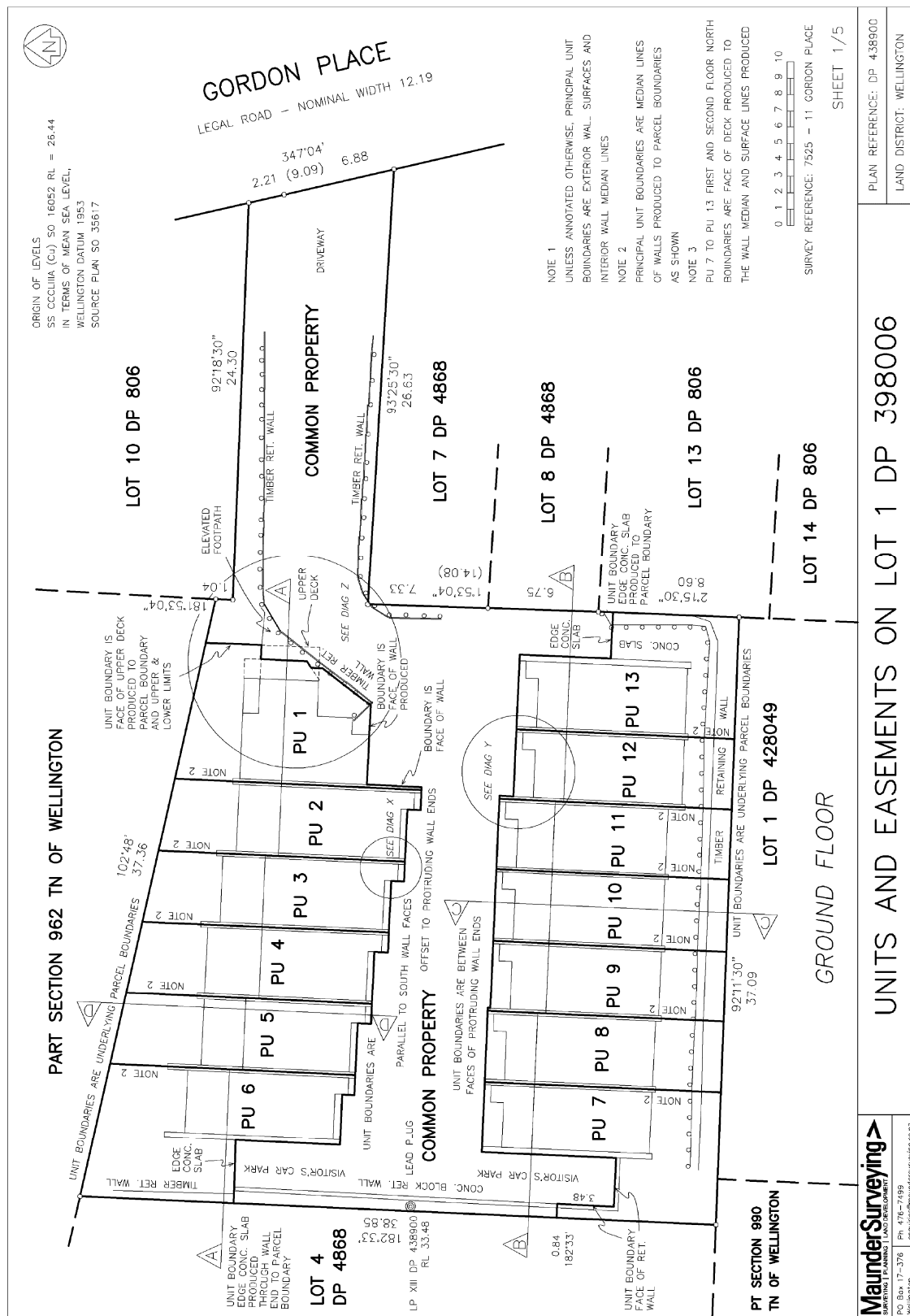
Prior References
391330

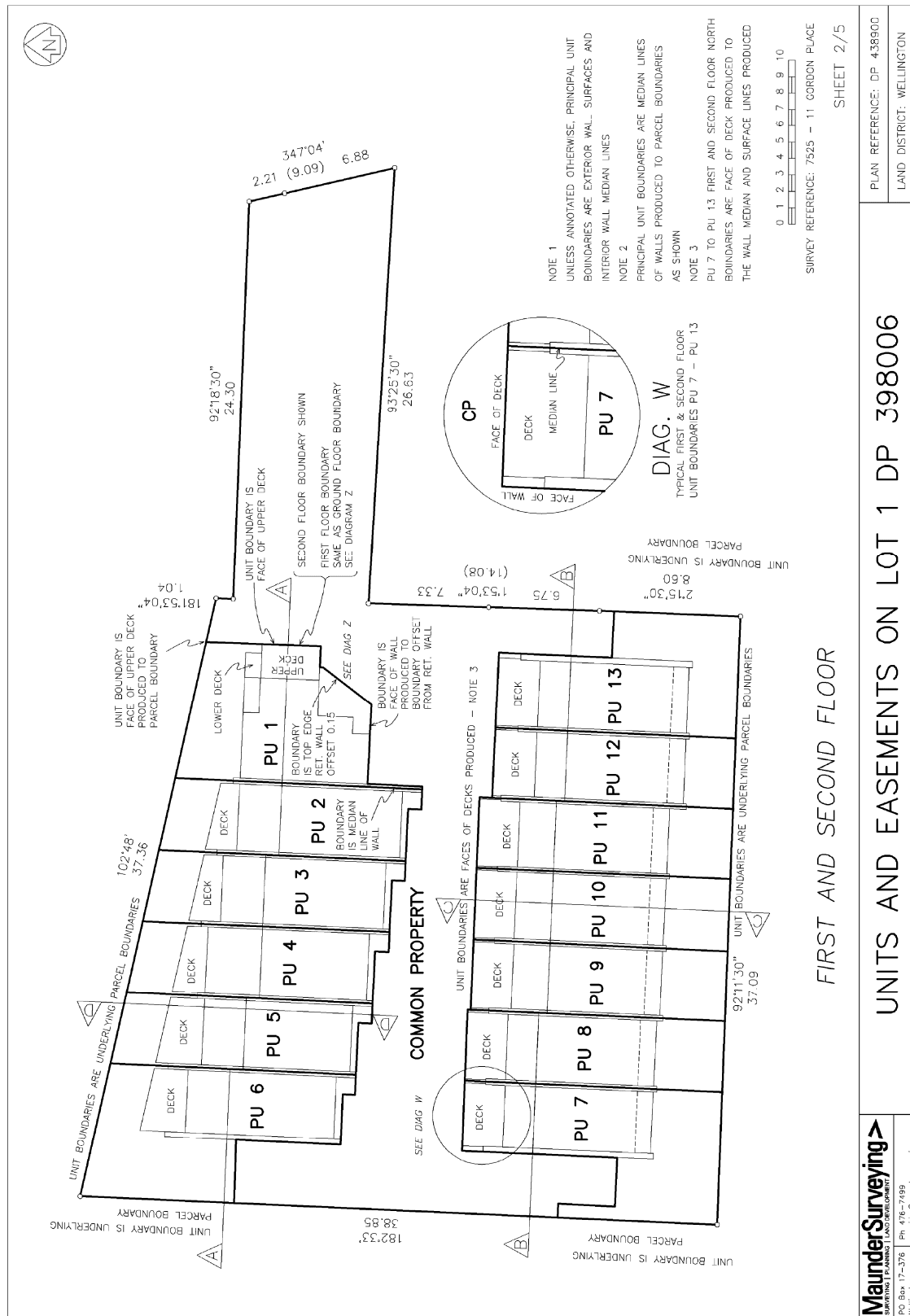
Supplementary Record Sheet
542852

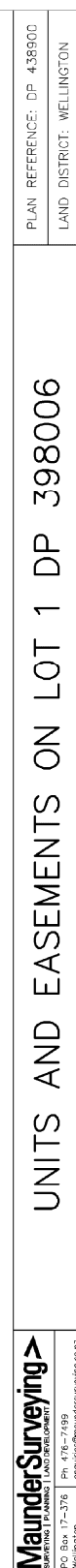
Estate Stratum in Freehold
Legal Description Principal Unit 9 Deposited Plan 438900
Registered Owners
Wei-Min Lu

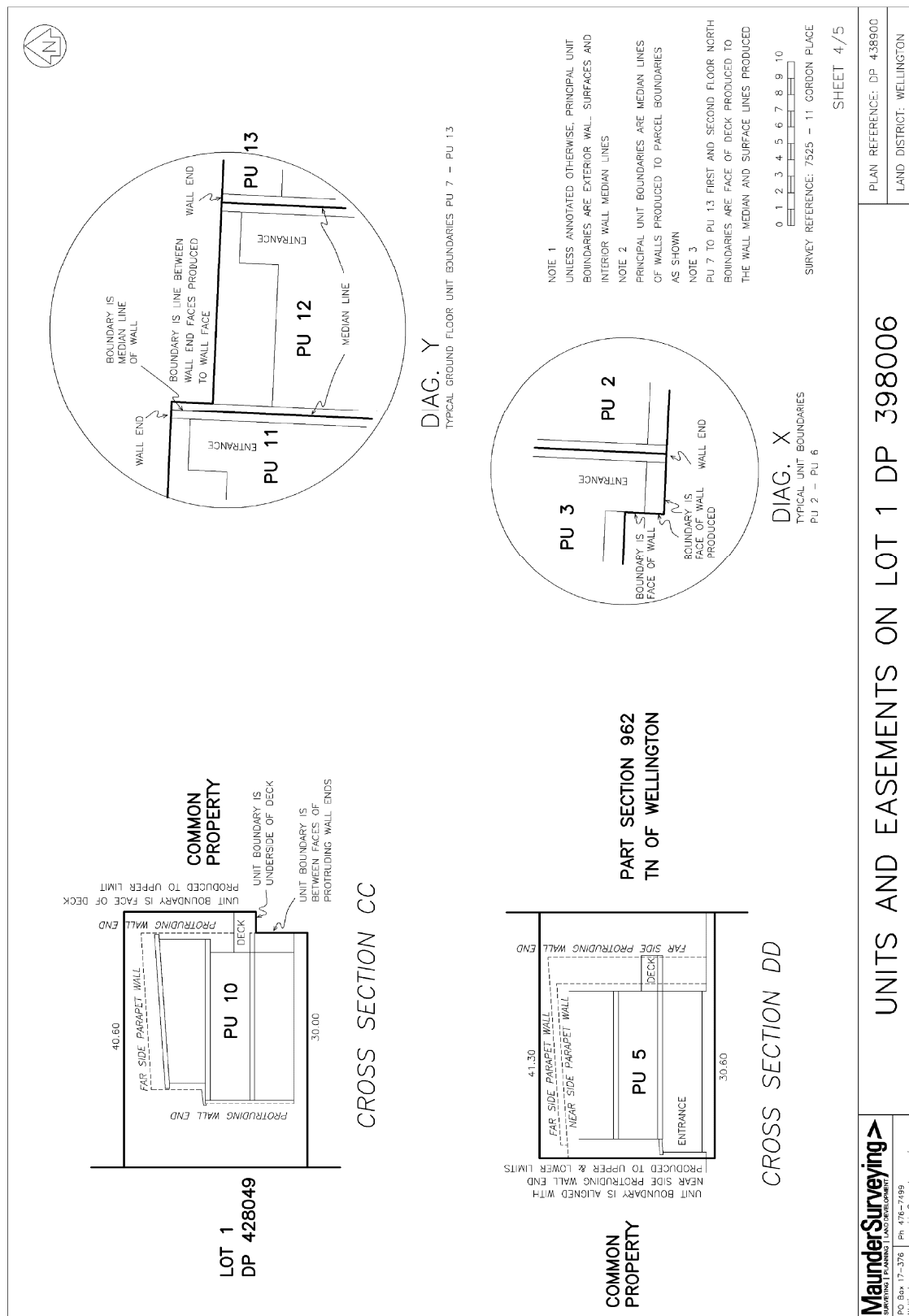
**The above estates are subject to the reservations, restrictions, encumbrances, liens and interests noted below and
on the relevant unit plan and supplementary record sheet**

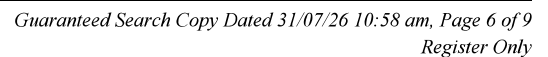
13486833.3 Mortgage to Loan Investment Trustees Limited - 15.12.2025 at 2:53 pm











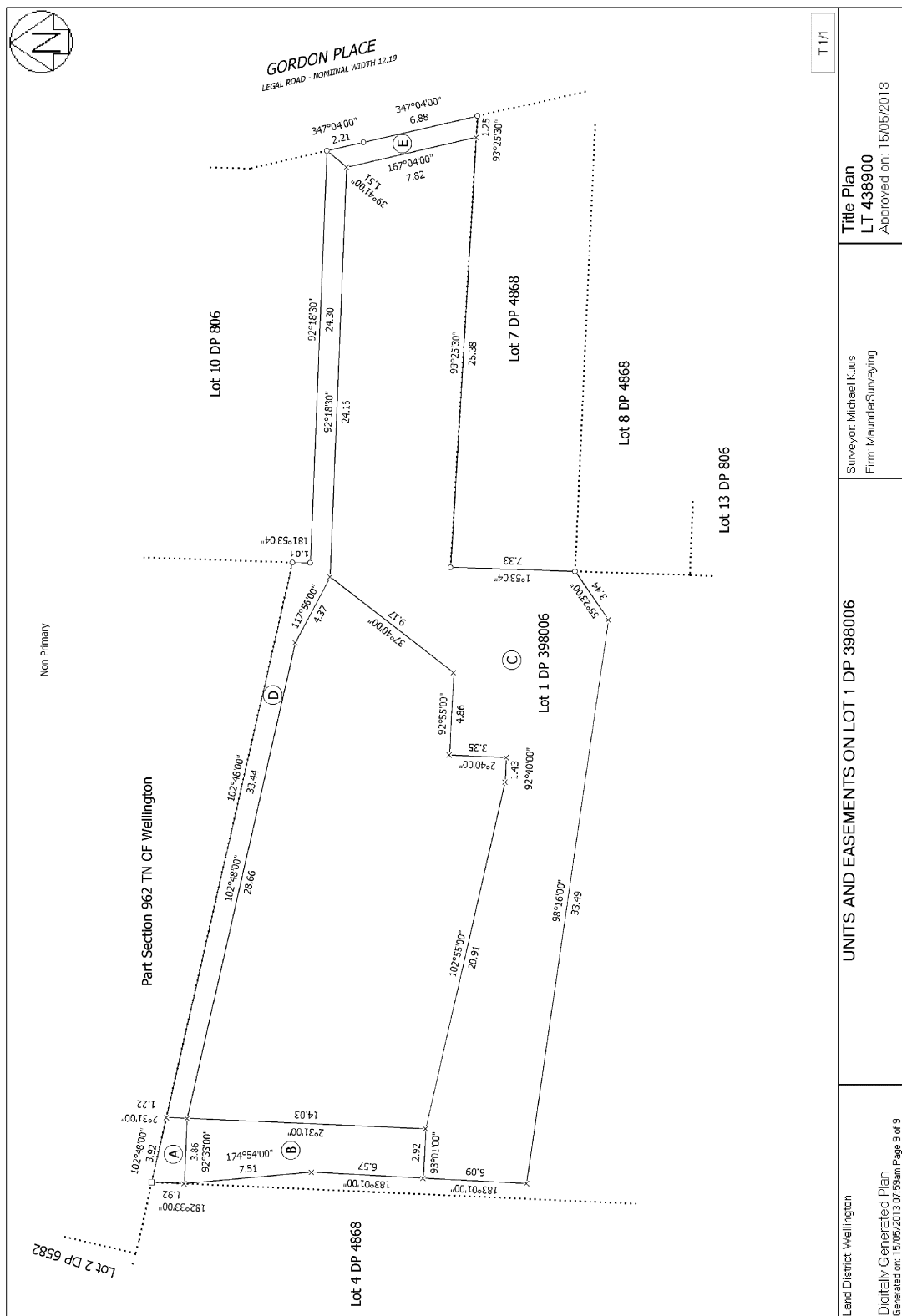
Schedule / Memorandum

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
WATER SUPPLY	C & E	LOT 1 DP 398006	WELLINGTON CITY COUNCIL

SCHEDULE OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
TELECOMMUNICATIONS	A, D & E	LOT 1 DP 398006	CHORUS NZ LIMITED
	C & E	LOT 1 DP 398006	VODAFONE FIXED LIMITED
POWER SUPPLY	A, B, C & E	LOT 1 DP 398006	WELLINGTON ELECTRICITY LINES LIMITED

Survey Reference: 7525 – 11 Gordon Place

TA Reference: Wellington City Council SR 270597





SUPPLEMENTARY RECORD SHEET UNDER UNIT TITLES ACT 2010

Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017

Identifier 542852
Land Registration District Wellington
Date Issued 13 June 2013
Plan Number DP 438900

Subdivision of
Lot 1 Deposited Plan 398006

Prior References
391330

Unit Titles Issued

542839	542840	542841	542842
542843	542844	542845	542846
542847	542848	542849	542850
542851			

Interests

OWNERSHIP OF COMMON PROPERTY

Pursuant to Section 47 Unit Titles Act 2010 -

(a) the body corporate owns the common property and

(b) the owners of all the units are beneficially entitled to the common property as tenants in common in shares proportional to the ownership interest (or proposed ownership interest) in respect of their respective units.

853 Order in Council imposing Building Line Restriction - 6.9.1920 at 9:00 am (affects part formerly Lot 6 DP 4868)

Subject to a right (in gross) to convey telecommunications and computer media over parts marked C and E on DP 438900 in favour of Vodafone New Zealand Limited created by Easement Instrument 9419158.1 - 13.6.2013 at 3:02 pm

Subject to a power supply easement (in gross) parts marked A, B, C and E on DP 438900 in favour of Wellington Electricity Lines Limited created by Easement Instrument 9419158.2 - 13.6.2013 at 3:02 pm

Subject to a right (in gross) to convey telecommunications and computer media over parts marked A, D and E on DP 438900 in favour of Chorus New Zealand Limited created by Easement Instrument 9419158.3 - 13.6.2013 at 3:02 pm

Subject to a right (in gross) to convey water over parts marked C and E on DP 438900 in favour of Wellington City Council created by Easement Instrument 9419158.4 - 13.6.2013 at 3:02 pm

The easements created by Easement Instrument 9419158.4 are subject to Section 243 (a) Resource Management Act 1991
9419158.6 Certificate of assessment of ownership interest pursuant to Section 32 Unit Titles Act 2010 - 13.6.2013 at 3:02 pm

9419158.7 Notice of body corporate operational rules pursuant to Section 105 Unit Titles Act 2010 - 13.6.2013 at 3:02 pm

Valuation Property Details

The information below has been obtained from selected computer records held by Wellington City Council, as supplied by third parties, in relation to the address provided by you and in relation to the matters requested by you. The accuracy of this information cannot be guaranteed.

Wufi	Property Status	Address	Area (m2)
1884348	C	13 Gordon Place	1525.0000
1884348	C	11 Gordon Place	1525.0000

Legal Description: LOT 1 DP 398006
Apportionment: 6
Valuation Ref: 17350-60800-

Valuation Usage

Land Use Zone	9X
Garage And Parking	13
Land Usage	92
Building Construction	WI
Building Condition	GG
Building Age	Unknown
Building Floor Area (m2)	1550
Building Site Area	520
Units Of Use	13
Building Category	RF21B

Property Addresses

Full Address	Source	WCC Assigned	WCC Accepted
13 Gordon Place	W	N	Y
11 Gordon Place	W	N	Y

Valuation Property Details

The information below has been obtained from selected computer records held by Wellington City Council, as supplied by third parties, in relation to the address provided by you and in relation to the matters requested by you. The accuracy of this information cannot be guaranteed.

Wufi	Property Status	Address	Area (m2)
1884357	C	11U Gordon Place	0.0000
1884357	C	Unit 9 11 Gordon Place	0.0000

Legal Description: UNIT 9 DP 438900
Apportionment: 2
Valuation Ref: 17350-60800-I

Valuation Usage

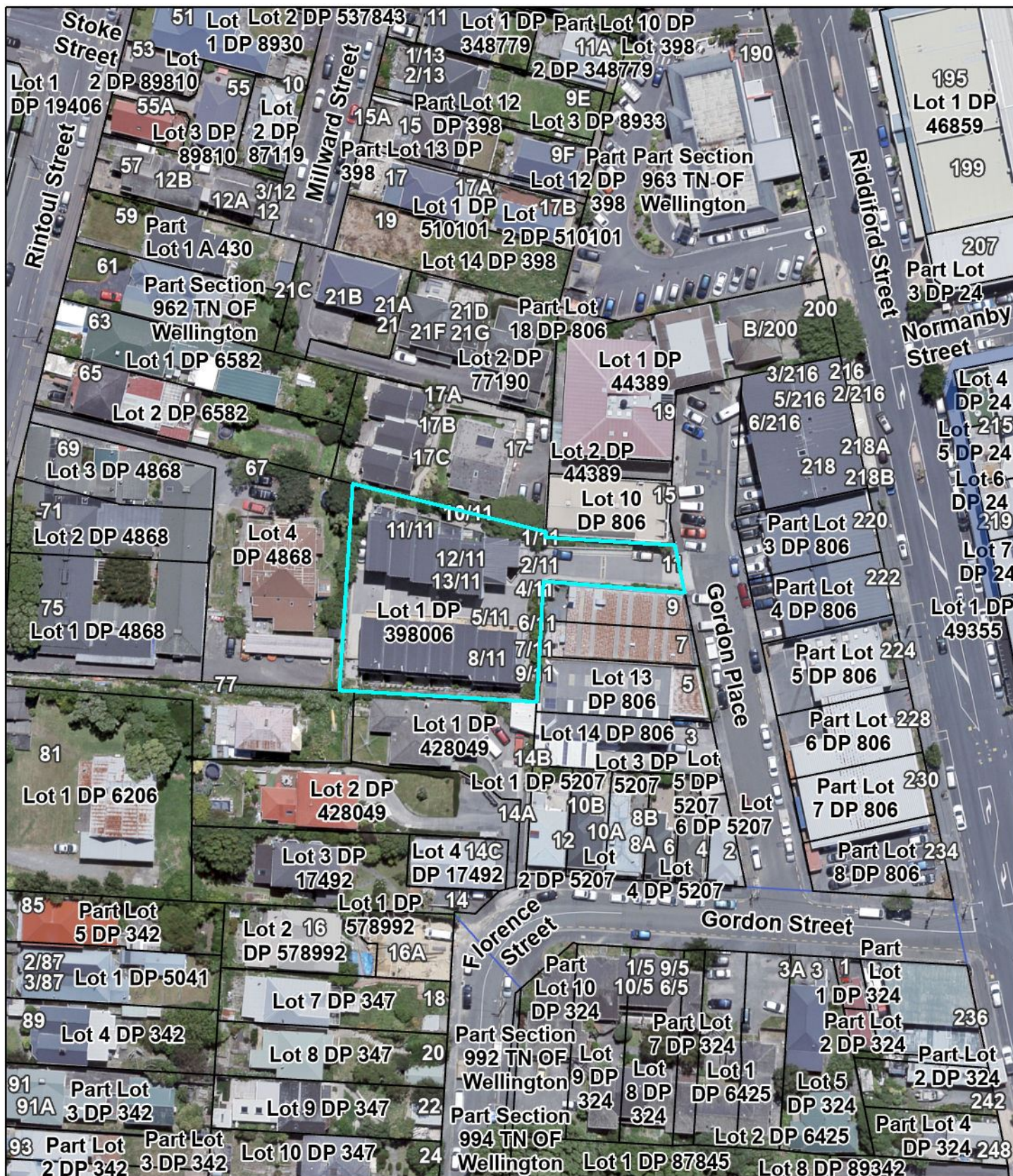
Land Use Zone	9B
Garage And Parking	1
Land Usage	91
Building Construction	WI
Building Condition	GG
Building Age	Unknown
Building Floor Area (m2)	115
Building Site Area	39
Units Of Use	1
Building Category	RF21B

Property Addresses

Full Address	Source	WCC Assigned	WCC Accepted
11U Gordon Place	E	N	N
Unit 9 11 Gordon Place	W	N	Y

Maps

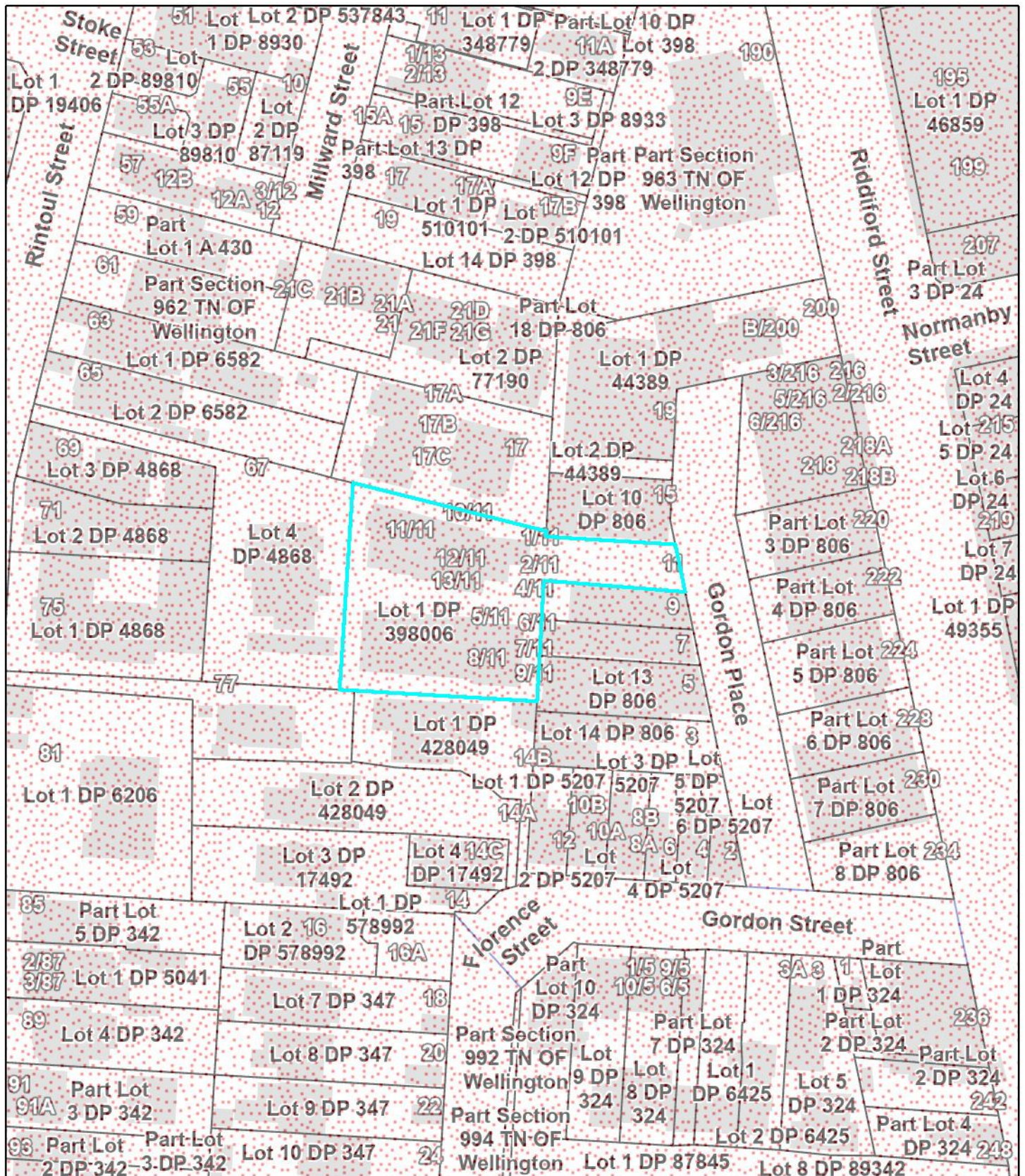
Aerial Photo



Legend

-  Parcels (LINZ)
-  Titles
-  Building Footprints
- Encroachments**
- Encroachment Subtype**
-  Accessway
-  Airspace
-  Building
-  Car Parking
-  Fences and Walls
-  Land
-  Point Objects
-  Subsoil
-  Park and Reserve Encroachments

Wind Zone



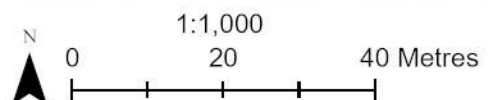
August 4, 2026

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Data Statement:
Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information NZ. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m. Crown Copyright reserved.

Property Boundaries Accuracy:
+/-1m in urban areas
+/-30m in rural areas

Data Source:
Census data - Statistics NZ.
Postcodes - NZ Post.

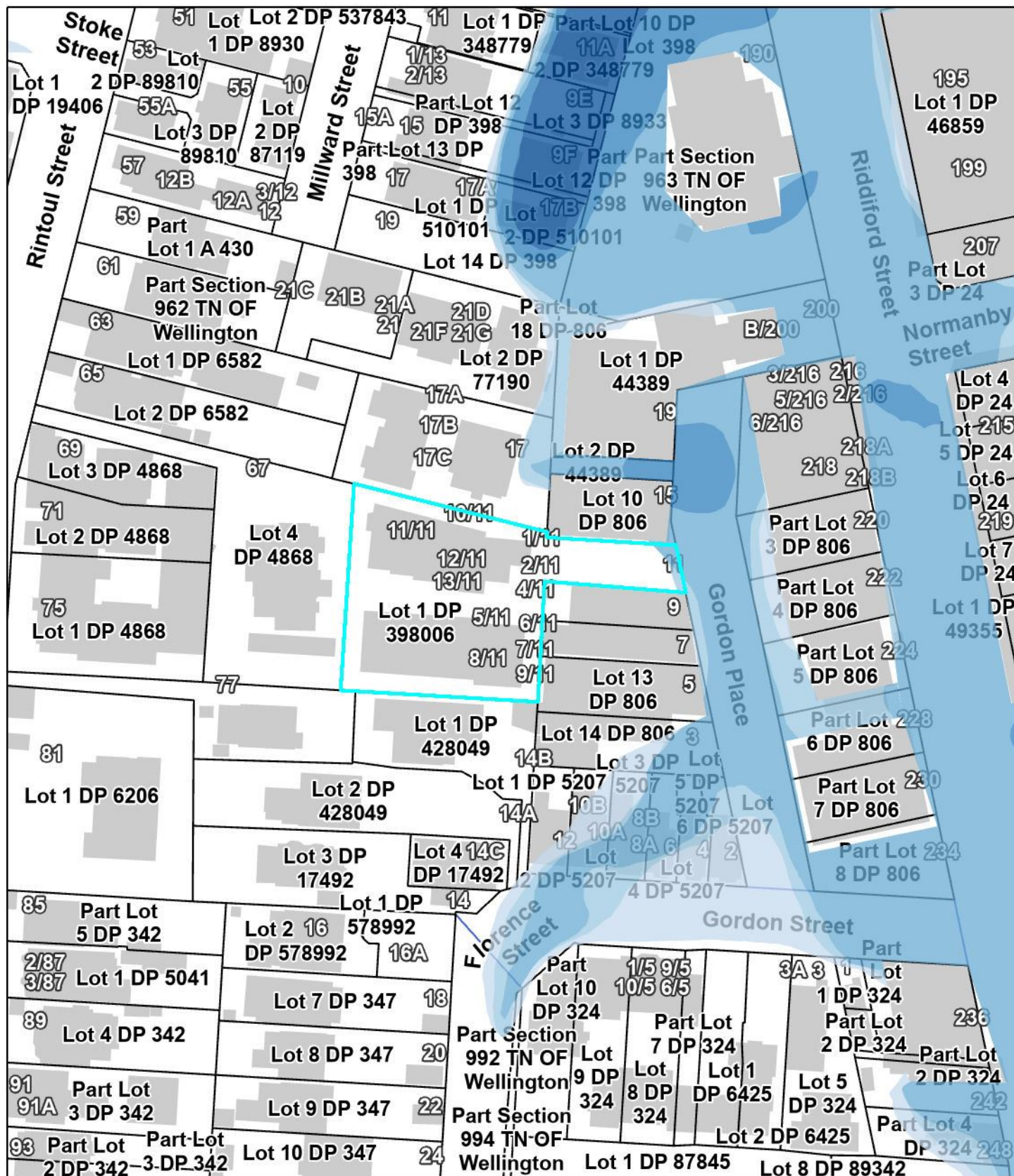


**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

Legend

-  Parcels (LINZ)
-  Titles
-  Building Footprints
- Wind Zone**
- Wind zone**
-  Extra High
-  Very High
-  High
-  Medium
-  Specific Engineered Design
-  Unknown

Potential Flood



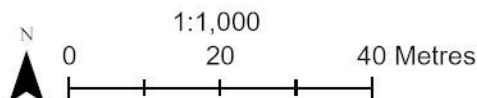
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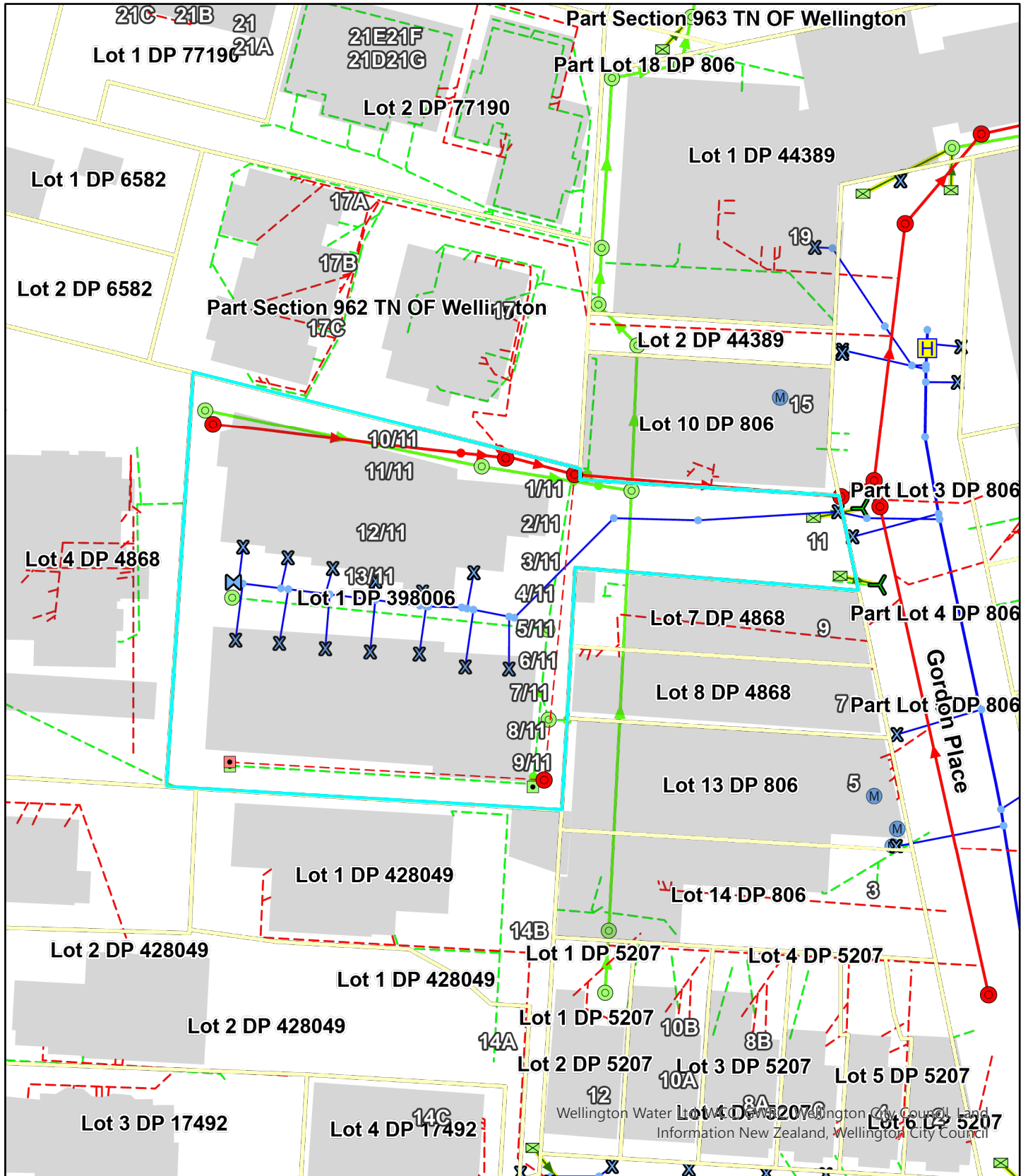
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Legend

100yr Climate Change Freeboard 2025 Flood Depths

-  0.01 - 0.05m
-  0.05 - 0.10m
-  0.10 - 0.25m
-  0.25 - 0.50m
-  0.50 - 1.00m
-  > 1.00m
-  Parcels (LINZ)
-  Titles
-  Building Footprints

Plumbing and Drainage



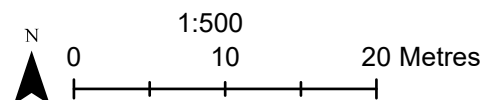
August 5, 2026

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+/-1m in urban areas
+/-30m in rural areas

Data Source:
Census data - Statistics NZ.
Postcodes - NZ Post.

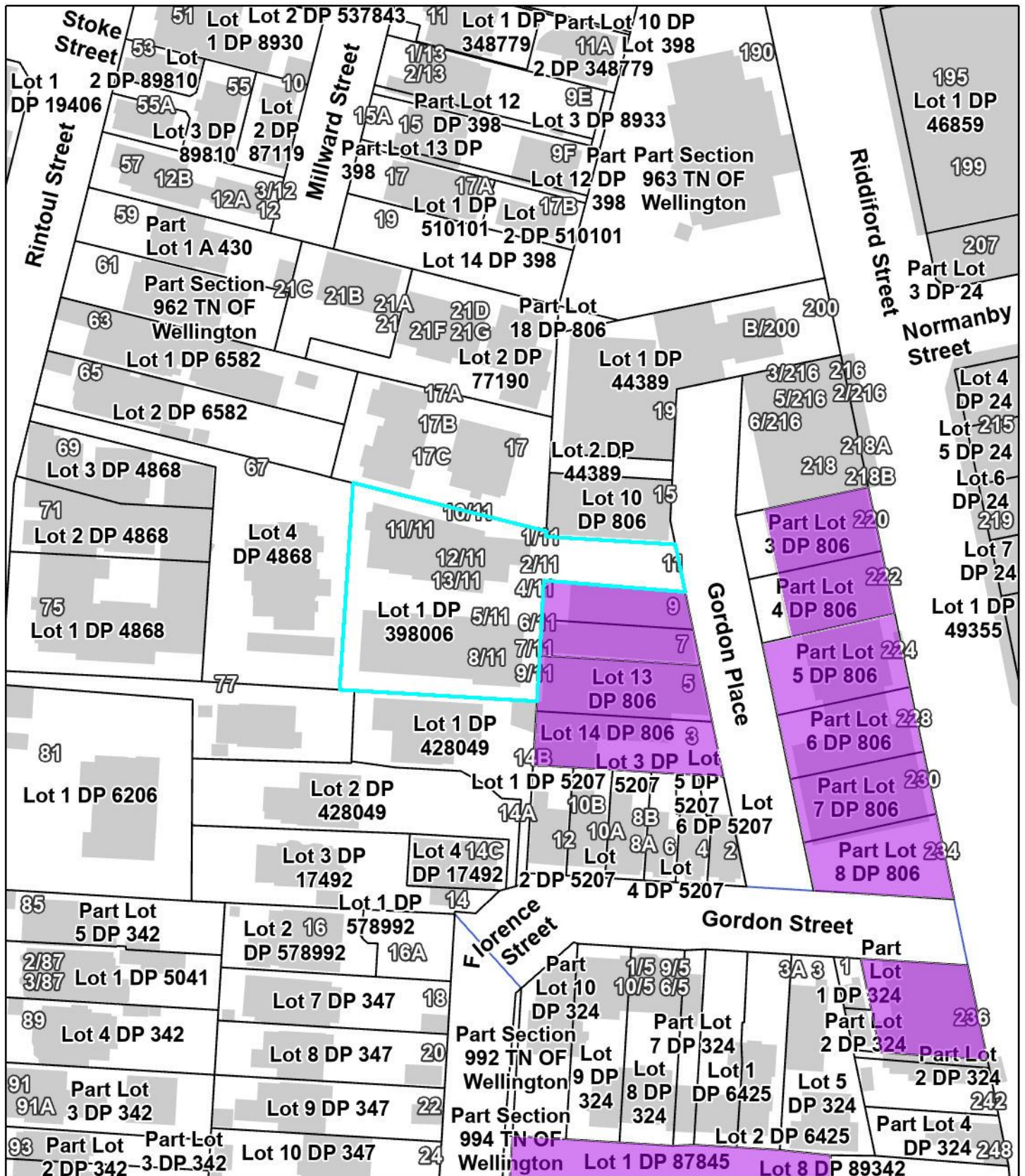


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Me Heke Ki Pōneke

Legend

	Abandoned Wastewater Pipe		WCC Emergency	Bulk Water Pipe		Bulk Water Transmission Main
	Abandoned Stormwater Pipe		All other values			Bulk Water Intake Main
	Wastewater Pumpstation		Water Pumpstation			Bulk Water Discharge Pipe
	Wastewater Pump		Water Pump			Bulk Water Other Pipe
Wastewater Node			Water Meter			Abandoned Bulk Water Pipe
	Manhole	Water Pipe				Virtual Bulk Water Pipe
	Lamphole		Transmission Main			All other values
	Valve		Water Main			Stormwater Pumpstation
	Pump Station		RIDER Main	Stormwater Node		
	Minor WW Node		Fire Service			Manhole
	All other values		Service Connection			Sump
Wastewater Pipe_Arrow			Service Connection Private			Lamphole
	Trunk Main		All other values			Inlet
	Rising Main	Water Reservoir				Outlet
	Main	Operational Status				Minor SW Node
	Service Connection		In Use			All other values
	All other values		Abandoned	Stormwater Pipe_Arrow		
	Water Hydrant		All other values			Main
Water Valve			Bulk Water Hydrant			Sump Lead
	Water Valve	Bulk Water Valve				Service Connection
	Backflow Preventer		Closed			All other values
	Pressure Control or Relief Valve		Open			Stormwater Open Channel
	All other values		Other			Parcels (LINZ)
Water Reservoir or Tank			Bulk Water Pumpstation			Titles
	WCC Reservoir		Bulk Water Meter			Building Footprints
	Private Reservoir					

Hazardous Substances



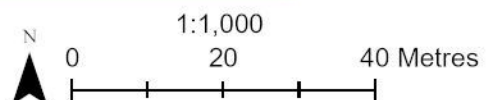
August 4, 2026

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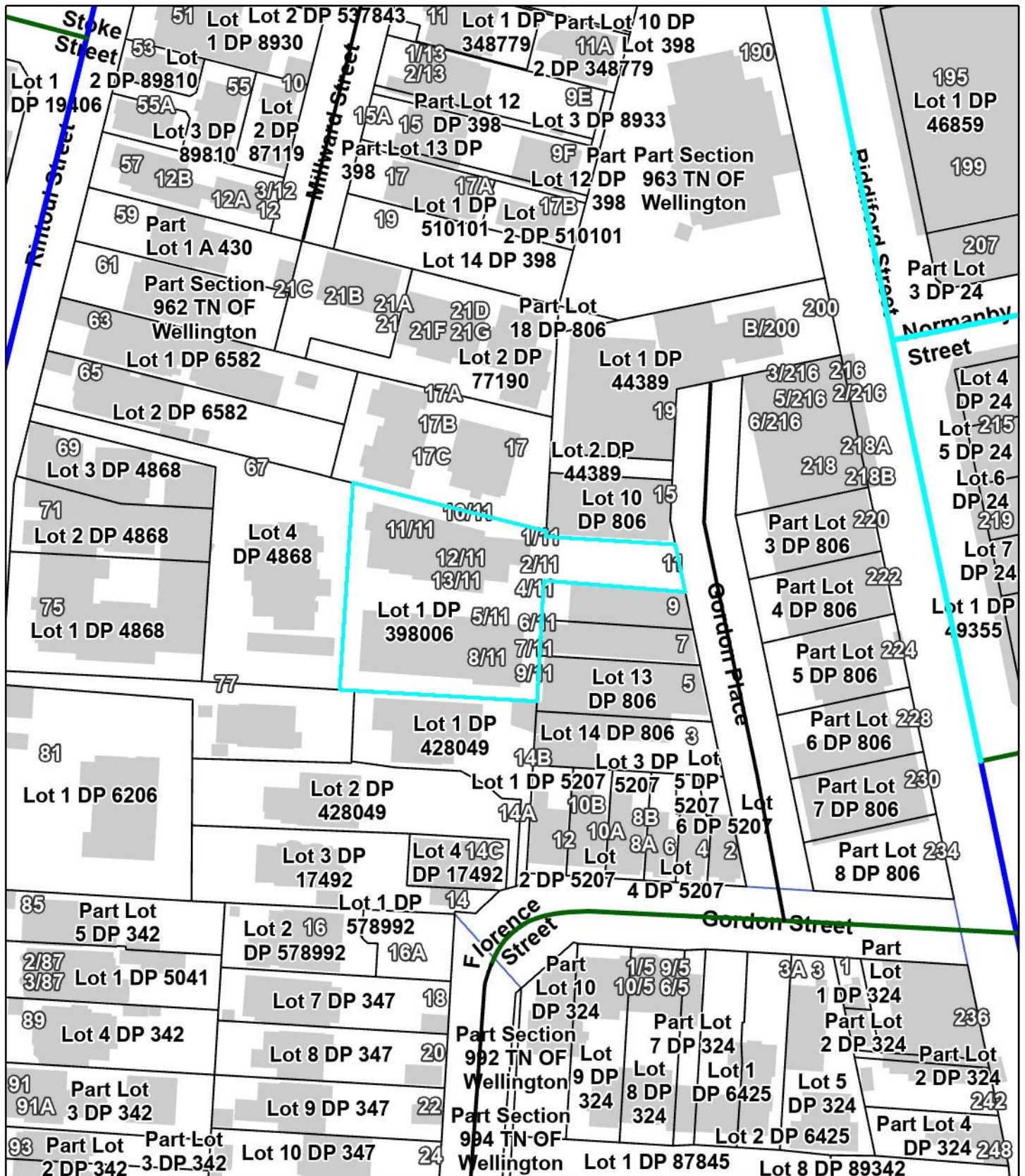


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Legend

-  Parcels (LINZ)
-  Building Footprints
- GWRC Selected Land Use Register (SLUR)**
- Selected Land Use Register**
-  Contamination Acceptable Managed/Remediated for
-  Contamination Confirmed
-  Entered on Database in Error
-  No Identified Contamination
-  Unverified History of Hazardous Activity or Industry
-  Verified History of Hazardous Activity or Industry

Access - Roading



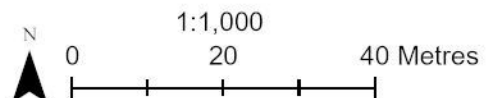
August 4, 2026

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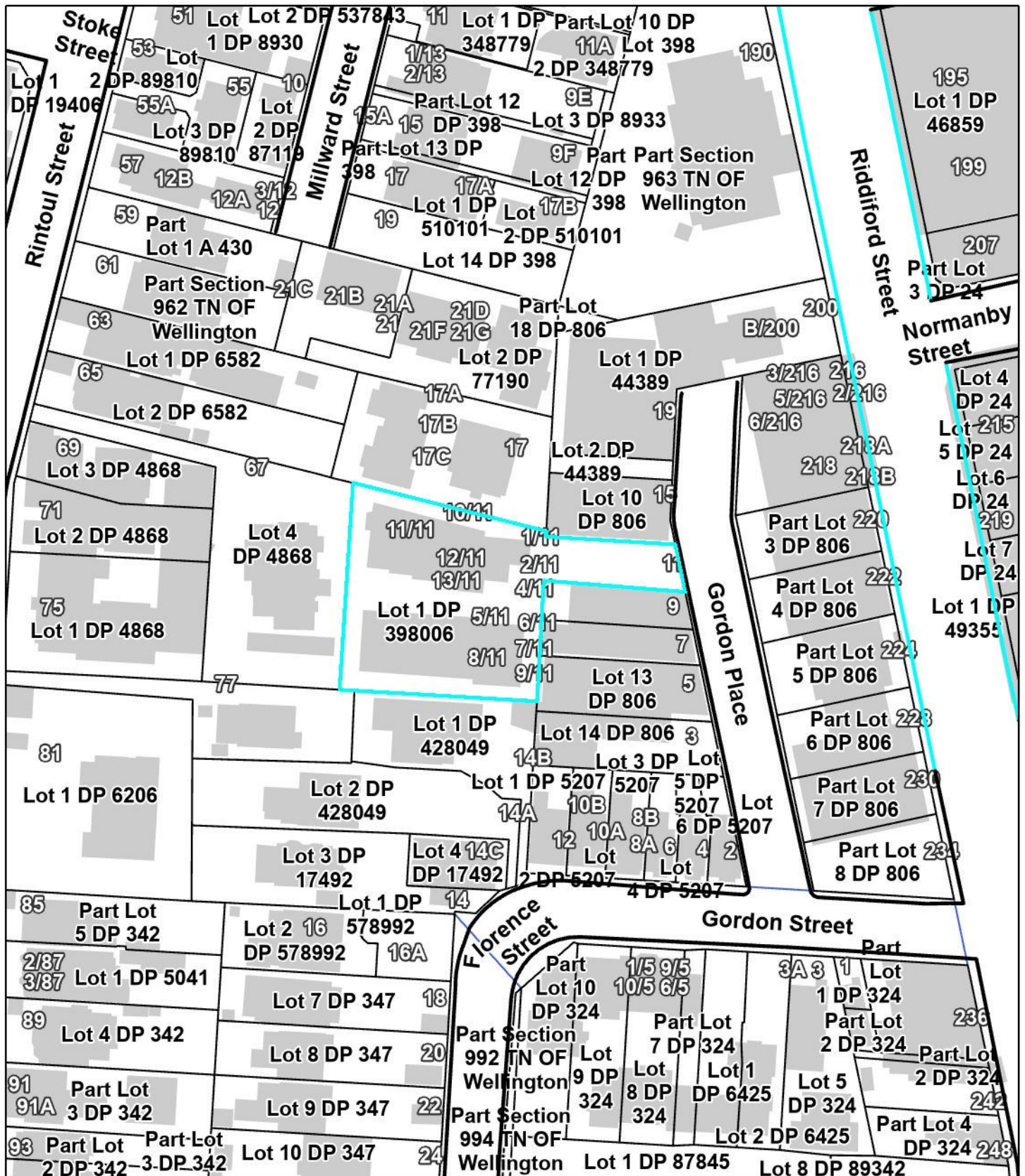
Property Boundaries Accuracy:
+/-1m in urban areas
+/-30m in rural areas

Data Source:
Census data - Statistics NZ
Postcodes - NZ Post.



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Access - Footpath



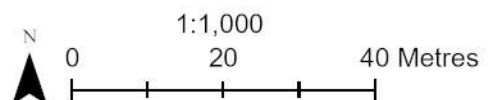
August 4, 2026

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+/-30m in rural areas

Data Source:
Census data - Statistics NZ
Postcodes - NZ Post.



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Legend

Footpath

	Golden Mile Pedestrian Route
	Shopping/Entertainment Pedestrian Route
	Business Pedestrian Route
	Commuter/Recreational Pedestrian Route
	Pedestrian Mall
	Suburban Shopping
	Through Path
	Cul de Sac 1
	Cul de Sac 2
	Suburban Path
	Public Path/Private Driveway
	Private Path/Public Access
	Half Cost Path
	Private Path
	Public Path not Maintained by Roading
	Walking Track
	Tramping Track
	Walking Route/No Formed Path
	<all other values>

Road Category

Category

	Motorway
	State Highway
	SH On/Off Ramp
	Arterial

	Principal
	Collector
	Sub-Collector
	Local
	Residential
	Rural 1
	Rural 2
	Rural 3
	Central City Golden Mile
	Central City Shopping
	Central City Business
	Suburban Shopping
	Service Lane
	Tawa Driveway
	Private Street
	Private Access on Legal Road
	Proposed Road
	Unformed Public Road
	Unformed Private Street
	Walkway
	Council Road - Non-Transport
	To Be Vested
	Carpark
	Parcels (LINZ)
	Building Footprints

Additional Plumbing and Drainage Attachments

vacant

BUCK TRAP

SEWER

Storm water

Storm water to be taken care of by inspector

11 GORDON PLACE
Hawthorn

T U G S.

SINK

W.C

CT

IC

14' 2"

12' 6"

Passage
Right of way
To House at Rear

Pence

Gymnasium

18' 8"

Datum 66 gr

Line leading to way to house?

Side

PT SEC 962 TOWN OF WELLINGTON

SCAN CODE: ALDP
SR No.: 169887
ADDRESS: 11-13 Gordon Place
WUFI:
DOC:

WELLINGTON CITY COUNCIL
12 AUG 2011
RECEIVED
MAKELAND ST. WELLINGTON



LOT 4 DP 4868
67 RINTOUL STREET

LOT 10 DP 806

LOT 1 DP 398006

LOT 7 DP 4868

LOT 8 DP 4868

LOT 13 DP 806

LOT 1 DP 428049

- NOTES
1. LEVELS ARE IN TERMS OF M.S.L. WELLINGTON DATUM 1953
BENCHMARK SURVEY STANDARD SS CCCLIIIA SO 16052 RL 26.44
 2. GROUND LEVELS SHOWN ARE PROPOSED & UNDER CONSTRUCTION
 3. DRAINAGE LAID NOVEMBER 2010
 4. BUILDINGS SHOWN UNDER CONSTRUCTION
 5. EARTHWORKS AND DRAINAGE CONTRACTOR TERRA FIRMA
 6. AS-BUILT DRAINAGE SURVEYED NOV 2010 - JAN 2011

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

FIELDWORK	MK	3/11/10	PROJECTION	WELLINGTON DATUM 2000	AMENDMENTS	DATE
DRAWN	MK	2/02/11	COORD ORIGIN	SS CCCLIIIA(CU) SO 16052		
CHECKED	PAM		LEVEL DATUM	MSL WLGTHN DATUM 1953		
SURVEY FILE			BENCHMARK	SS CCCLIIIA(CU) SO 16052		
ACAD FILE	7525_mauder_dra.dwg		NOTE:	DO NOT SCALE - PLEASE ASK.		
ISSUE	ORIGINAL		COPYRIGHT IN THIS DRAWING SHALL SUBSIST IN PETER A MAUNDER LTD			

Peter A Maunders Ltd.
Licensed Cadastral Surveyors
PO Box 17-376 Wellington
Ph 476-7499
enquiries@maundersurvey.co.nz

DEVELOPER: 710 TRADING & CONSTRUCTION LTD
AS-BUILT DRAINAGE OVER
11 & 13 GORDON PLACE BEING LOT 1 DP 398006

JOB NO. 7525
SHEET No. 2 A
SCALE 1:100 (A1)
1:200 (A3)
DATE ISSUED 2/02/2011

GORDON PLACE
LEGAL ROAD - NOMINAL WIDTH 12.19

Service Request 115837 (Pub Dge Permit) Item 1 (Application)
Service Request Item

Item: 1

SR Location: 13 GORDON PLACE Newtown

Designated Wufi: 1132458 Valuation Historic - 13 Gordon Place

File Reference: 0600 SR115837

Contact: 1041088 Wynne Paterson Ltd

Contact Address:

Attention:

Status: Created

Status Date: 1-Jun-04 11:44 AM SR Status: On-going

Owner: Member: Max Radovich Extn: 801 3639

Team:

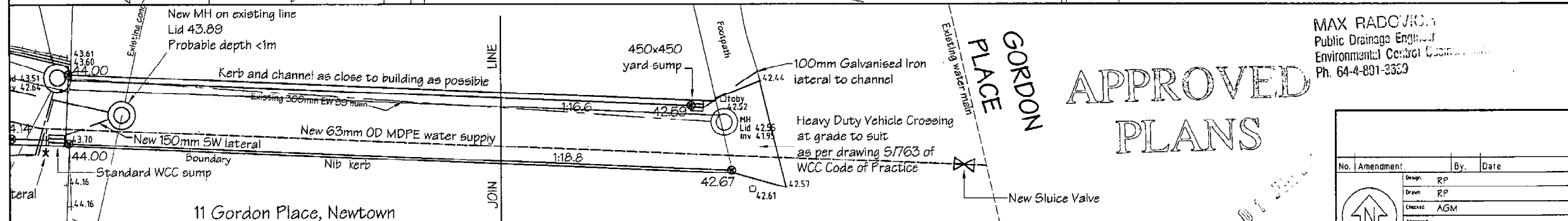
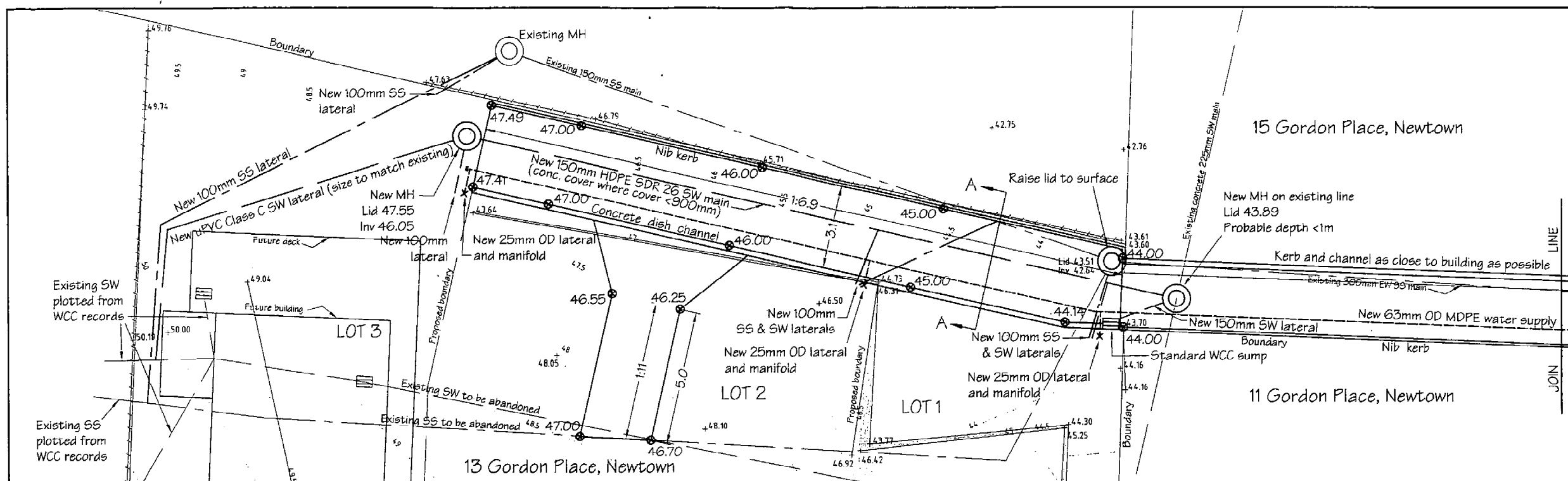
Due Date: Days Remaining :

Days Elapsed :

Description: new public drains for proposed development

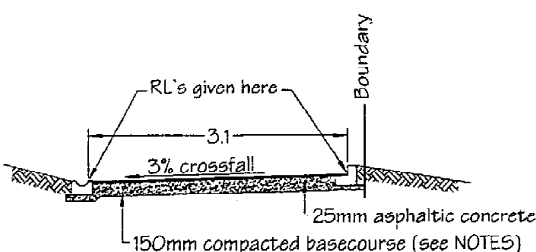
Extended:
Description

Special
Conditions or
Comment



MAX RADOVIC
Public Drainage Engineer
Environmental Control Specialist
Ph. 64-4-891-3333

APPROVED
PLANS



SECTION A-A
SCALE 1:50

KEY:

- + 43.61 = existing ground level
- 44.00 = design level
- 48.05 = existing contour

NOTES-

- Driveway formation to be either:
25mm asphaltic concrete on 150mm compacted basecourse (achieving a Benkleman Beam test max. deflection of 1mm prior to surfacing)
or 150mm concrete (20MPa at 28 days) on 50mm fine subbase.
- All disrupted services to be reinstated to WCC required standards. Service lids to be finished flush with new surface.
- All underground services are not necessarily shown.
- CONTRACTOR SHALL CONFIRM DEPTH AND POSITION OF ALL SERVICES PRIOR TO EXCAVATION.
- Contractor must provide 48 hours notice to WCC Water Inspector Kevin Bell (Ph: 025 274 7800), prior to the commencement of water supply construction.
- All water supply laterals to be 25mm OD.
- All drainage laterals to be uPVC Class C equivalent except as noted.
- Detector Tape to be laid above all water pipes, including laterals.
- Minimum barrel to barrel clearance to water mains for all services other than sewer or stormwater is:
300mm for a main 100 - 200mmØ and
250mm for a main upto 63mmØD.

All work is to be carried out in accordance with the WCC Code of Practice for Land Development (1994) and WCC water Supply Technical Specification (6th Edition, June 2003). WCC Water Inspector to instruct contractor if any ambiguities arise.

No.	Amendment	By	Date
	Design	RP	
	Drawn	RP	
	Checked	AGM	
	Approved		
	Date	APRIL 2004	

WYNNE PATERSON McLEOD
Consulting Surveyors
P.O. Box 50 599, PORIRUA
Ph: 0 4 237 4275 Fax: 0 4 237 9810
E-mail: WPM.surveyors@xtra.co.nz

PROPOSED
ENGINEERING FOR
SUBDIVISION OF
13 GORDON PLACE,
NEWTOWN

Scale	1:100
Drawing no.	02/105/12

Service Request 115837 (Pub Dge Permit) Item 1 (Application)
Service Request Item

Item: 1

SR Location: 13 GORDON PLACE Newtown

Designated Wufi: 1132458 Valuation Historic - 13 Gordon Place

File Reference: 0600 SR115837

Contact: 1041088 Wynne Paterson Ltd

Contact Address:

Attention:

Status: Created

Status Date: 1-Jun-04 11:44 AM SR Status: On-going

Owner: Member: Max Radovich Extn: 801 3639

Team:

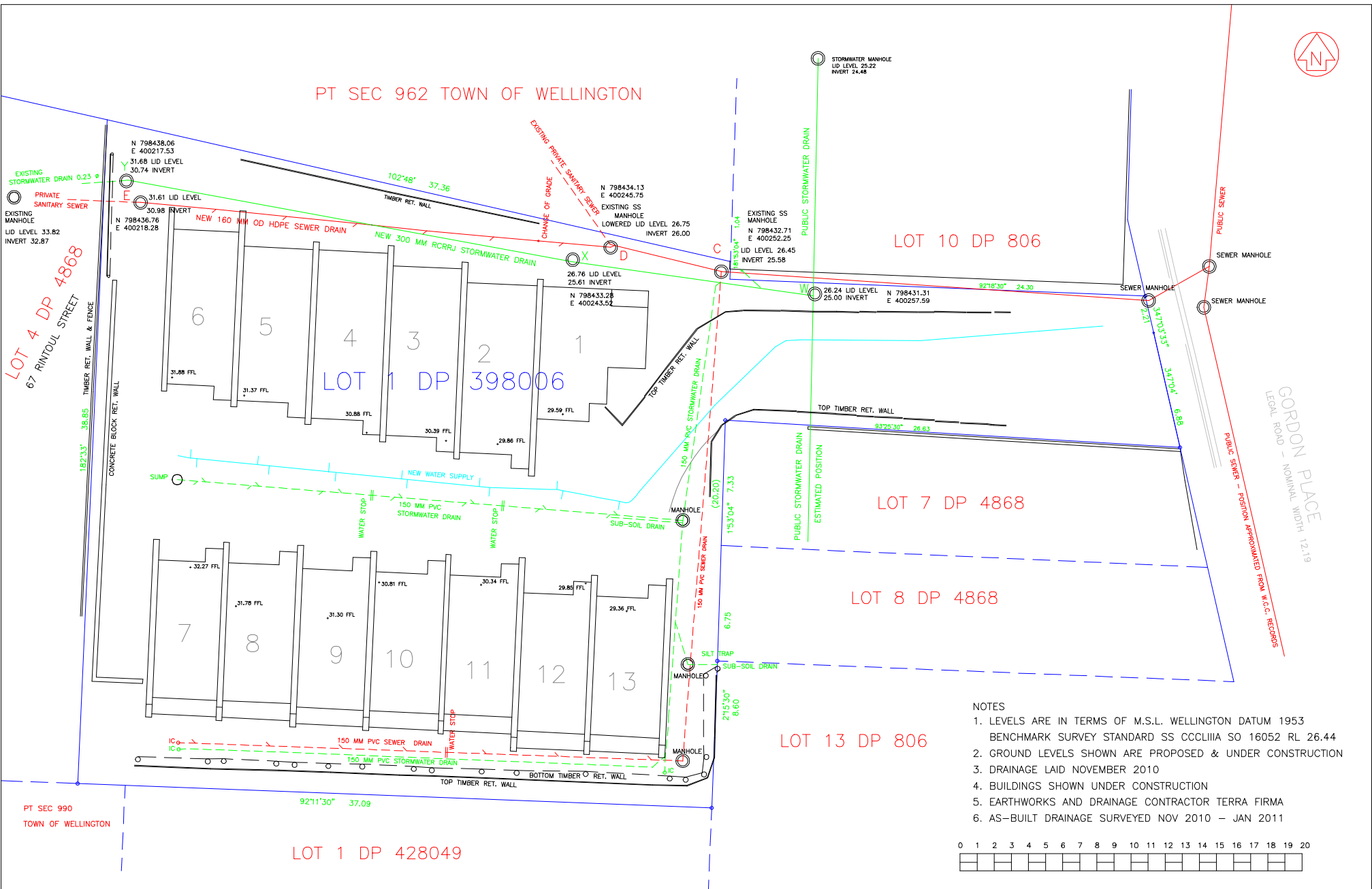
Due Date: Days Remaining :

Days Elapsed :

Description: new public drains for proposed development

Extended:
Description

Special
Conditions or
Comment



- NOTES
1. LEVELS ARE IN TERMS OF M.S.L. WELLINGTON DATUM 1953
BENCHMARK SURVEY STANDARD SS CCCLIIIA SO 16052 RL 26.44
 2. GROUND LEVELS SHOWN ARE PROPOSED & UNDER CONSTRUCTION
 3. DRAINAGE LAID NOVEMBER 2010
 4. BUILDINGS SHOWN UNDER CONSTRUCTION
 5. EARTHWORKS AND DRAINAGE CONTRACTOR TERRA FIRMA
 6. AS-BUILT DRAINAGE SURVEYED NOV 2010 – JAN 2011

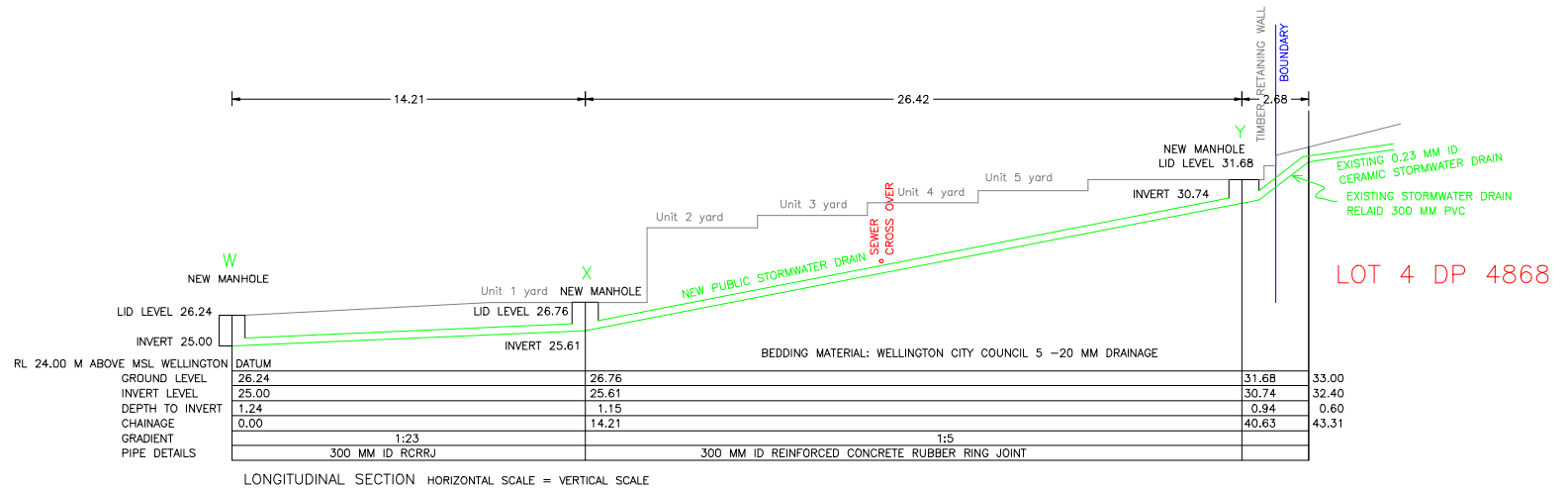
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FIELDWORK	MK	3/11/10	PROJECTION	WELLINGTON DATUM 2000	AMENDMENTS	DATE
DRAWN	MK	2/02/11	COORD ORIGIN	SS CCCLIIA(CU) SO 16052		
CHECKED	PAM		LEVEL DATUM	MSL WLGTH DATUM 1953		
SURVEY FILE			BENCHMARK	SS CCCLIIA(CU) SO 16052		
ACAD FILE	7625_110111_110111.dwg		NOTE:	DO NOT SCALE – PLEASE ASK.		
ISSUE	ORIGINAL		COPYRIGHT IN THIS DRAWING SHALL SUBSIST IN PETER A MAUNDER LTD			

Peter A Maunder Ltd.
Licensed Cadastral Surveyors
PO Box 17-376 Wellington
Ph 476-7499
enquiries@maundersurvey.co.nz

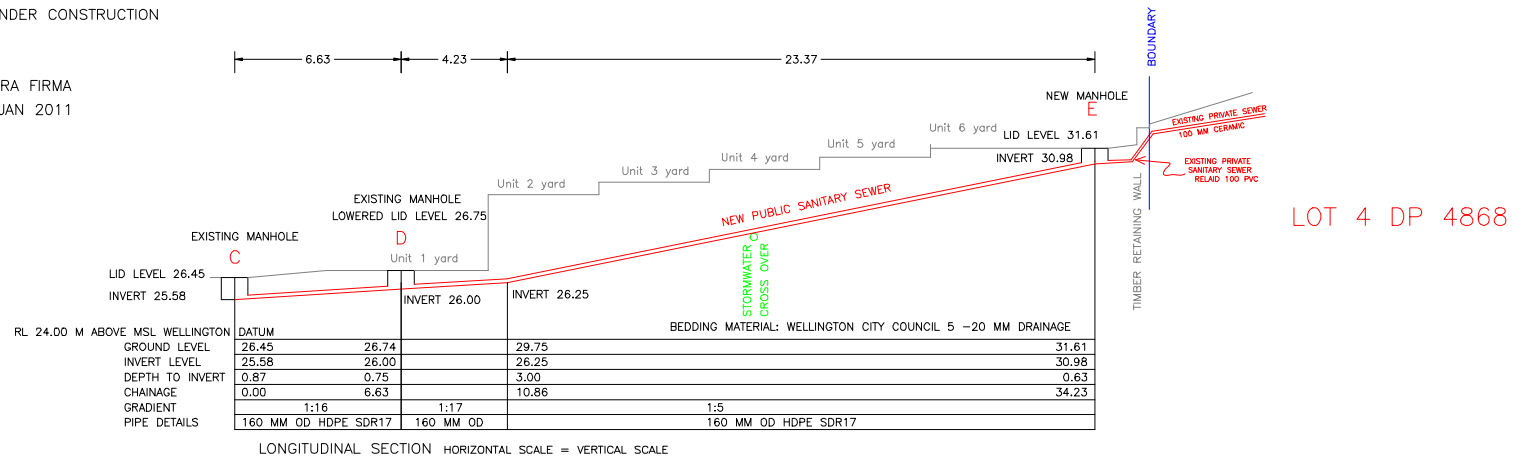
DEVELOPER: 710 TRADING & CONSTRUCTION LTD
AS-BUILT DRAINAGE OVER
11 & 13 GORDON PLACE BEING LOT 1 DP 398006

JOB NO.	7525
SHEET No.	2 A
SCALE	1:100 (A1) 1:200 (A3)
DATE ISSUED	2/02/2011



NOTES

1. LEVELS ARE IN TERMS OF M.S.L. WELLINGTON DATUM 1953
BENCHMARK SURVEY STANDARD SS CCCLIIIA SO 16052 RL 26.44
2. GROUND LEVELS SHOWN ARE PROPOSED & UNDER CONSTRUCTION
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0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

FIELDWORK	MK	3/11/10	PROJECTION	WELLINGTON DATUM 2000	AMENDMENTS	DATE	Peter A Maunder Ltd. Licensed Cadastral Surveyors		DEVELOPER: 710 TRADING & CONSTRUCTION LTD	JOB No.	7525
DRAWN	MK	2/02/11	COORD ORIGIN	SS CCCLIIA(CU) SO 16052					AS-BUILT DRAINAGE OVER	SHEET No.	2 B
CHECKED	PAM		LEVEL DATUM	MSL WLGTHN DATUM 1953			PO Box 17-376 Wellington		11 & 13 GORDON PLACE BEING LOT 1 DP 398006	SCALE	1:100 (A1) 1:200 (A3)
SURVEY FILE			BENCHMARK	SS CCCLIIA(CU) SO 16052						DATE ISSUED	2/02/2011
ACAD FILE			NOTE:	DO NOT SCALE - PLEASE ASK.			Ph 476-7499 enquiries@maundersurvey.co.nz				
ISSUE	ORIGINAL		COPYRIGHT IN THIS DRAWING SHALL SUBSIST IN PETER A MAUNDER LTD								

District Plan Attachments

13 Gordon Place, Newtown



Area 1,525.00 m²

Aerial View Map



District Plan Zoning



Zones

High Density Residential Zone

Local Centre Zone

Zone Details

Status: Operative

Specific Controls

Height Control Area

Height Control: 27m

Status: Operative

Description: Height measured from Ground Level, as defined in the WCC District Plan.

Height Control Area

Height Control: 22m

Status: Operative

Description: Height measured from Ground Level, as defined in the WCC District Plan.

More information about the rules that apply to these developments, and details of other developments, are available at <https://wellington.govt.nz/>

Disclaimer: Other relevant District Plan provisions: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

Energy Infrastructure and Transport

8 km Bird Strike Risk Activity Management Area 
Status: Operative

13 km Bird Strike Risk Activity Management Area 
Status: Operative

Hazards and Risks Overlays

Flood Hazard Overlay - Inundation Area 
Status: Operative

General District-Wide Matters Overlays

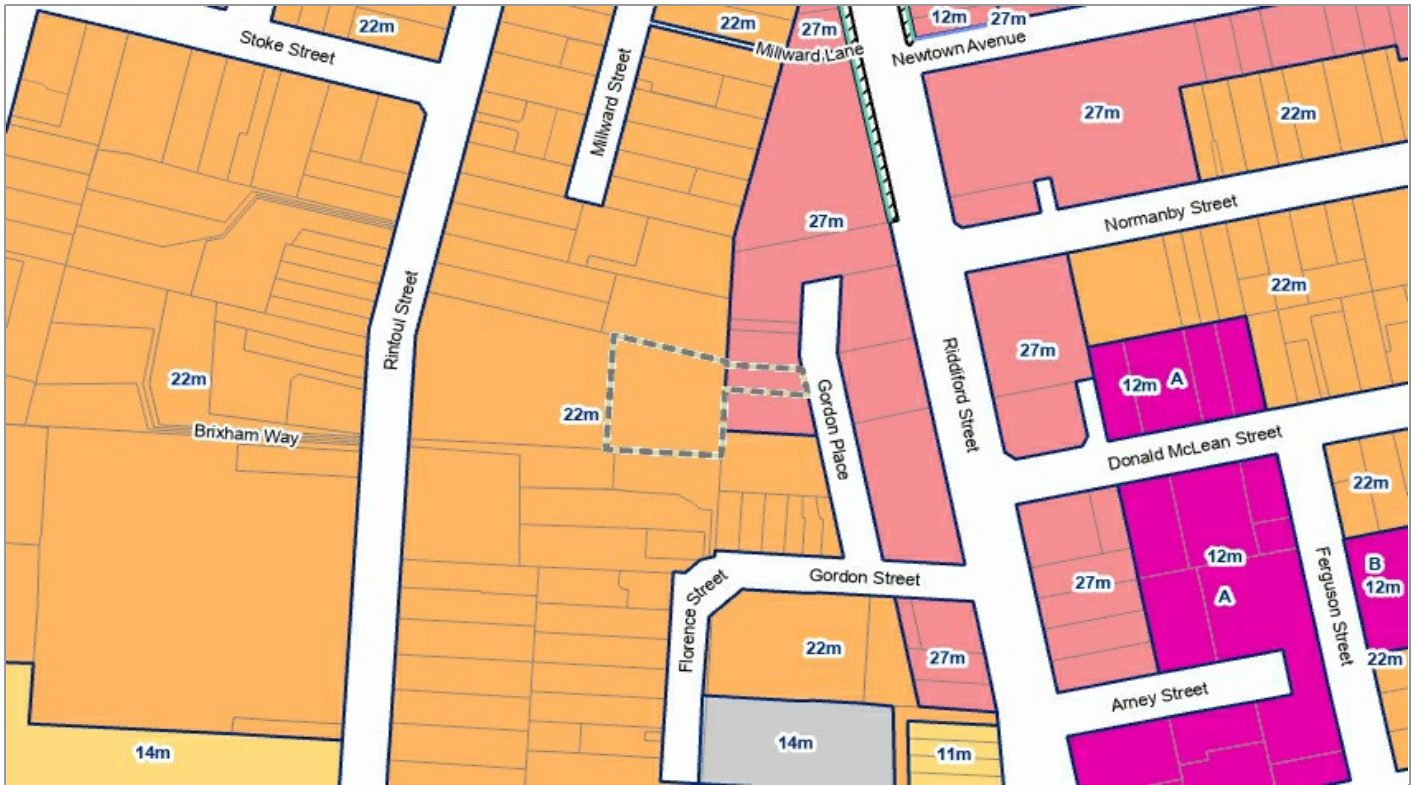
Centres 
Category: Moderate Noise Area
Name: Local Centre Zone
Status: Operative

Designations

WIAL - Wellington International Airport Ltd 
Name: Wellington Airport Obstacle Limitation Surfaces
Designation ID: WIAL1
Status: Operative

WIAL - Obstacle Limitation Surface (OLS)
OLS Surface: Inner Horizontal
Highest Ground Elevation: 35m
Lowest OLS Elevation: 57m
OLS height above or below the ground elevation: 22m
Notification: Approval required from Wellington International Airport Limited (WIAL) for buildings and structures exceeding 22m in height.
Status: Operative

Additional Map – Specific Controls and Nearby Zonings



Additional Map - Precincts



Additional Map – Historical and Cultural Values



Additional Map - Hazards and Risks



Additional Map – Natural Environment Values



Additional Map – Other DP Overlays



LEGEND FOR PLANNING MAPS

DISTRICT PLAN ZONING

Large Lot Residential	Neighbourhood Centre	Metropolitan Centre	Open Space
Medium Density Residential	Local Centre	City Centre	Sport and Active Recreation
High Density Residential	Commercial	General Industrial	Special Purpose (See Label)
General Rural	Mixed Use	Natural Open Space	

PRECINCTS

Character Precincts	Inner Harbour Port Precinct	Makara Beach and Makara Village Precinct	Mt Victoria North Townscape Precinct
Curtis Street Precinct	Kiwipoint Quarry Precinct	Miramar/Burnham Wharf Precinct	Multi-User Ferry Precinct
Horokiwi Quarry Precinct			

SPECIFIC CONTROLS

Height Control Area (See Map Label)	Active Frontage	40dBA Noise Contour Line	East Side
Verandah Control	Non-Residential Activity Frontage	Rail Setback Area	Miramar South
Minimum Sunlight Access Requirement	Old St Paul's - Building Line Restriction	Airport Specific Control Area	Rongotai Ridge
Waterfront Areas of Change	Moa Point Road Seawall Area	Airside	South Coast
Waterfront Public Open Space	Specific Control (See Label)	Bridge Street	Terminal
		Broadway	West Side

ENERGY, INFRASTRUCTURE, AND TRANSPORT OVERLAYS

National Grid Transmission Lines	Gas Transmission Network Setback Advisory Layer	Road Classification	Peri-urban Roads
National Grid Corridor Advisory Layer	8 km Bird Strike Risk Activity Management Area	Activity Streets	Rural Connectors
Gas Transmission Lines	13 km Bird Strike Risk Activity Management Area	City Hubs	Rural Roads
		Civic Spaces	Transit Corridors
		Local Streets	Urban Connectors
		Main Streets	

HAZARDS AND RISKS

Medium Coastal Inundation Hazard	Low Coastal Tsunami Hazard	Inundation Area Flood Hazard	Fault Hazard Overlay
High Coastal Inundation Hazard	Medium Coastal Tsunami Hazard	Overland Flowpath Flood Hazard	Distributed
Liquefaction Hazard Overlay	High Coastal Tsunami Hazard	Stream Corridor Flood Hazard	Uncertain Constrained
			Uncertain Poorly-Constrained
			Well-Defined
			Well-Defined Extended

HISTORICAL AND CULTURAL VALUES OVERLAYS

Heritage Building (SCHED1)	Heritage Building Extent (SCHED1)	Notable Tree Indicative Root Protection Area (SCHED6)	SASM (Extent)
Heritage Structure (SCHED2)	Heritage Structure Extent (SCHED2)	Sites and Areas of Significance to Māori (SCHED7)	Category A
Heritage Area - Contributing Building (SCHED3)	Heritage Area (SCHED3)	Category A	Category B
Heritage Area - Non-heritage Building (SCHED3)	Viewshaft (SCHED5)	Category B	Category C
Notable Tree (SCHED6)	Archaeological Site (SCHED4)	Category A	Mana Whenua Statutory Acknowledgements
		Category B	

LEGEND FOR PLANNING MAPS (cont'd)

NATURAL ENVIRONMENT VALUES

 Ridgelines and Hilltops	 Outstanding Natural Features (SCHED10)	 Special Amenity Landscapes (SCHED11)	 Very High Coastal Natural Character (SCHED12)
 Significant Natural Areas (SCHED8)	 Outstanding Natural Landscapes (SCHED10)	 High Coastal Natural Character (SCHED12)	

GENERAL DISTRICT-WIDE MATTERS

 Air Noise Boundary	 Coastal Environment	 Noise Area Overlay	 Rail Vibration Advisory Overlay
 Port Noise Control Line	 Coastal Margin Advisory Layer	 Helicopter Noise Effects Advisory Overlay (HNEAO)	

DEVELOPMENT AREAS

 Development area boundary	 Local centre	 Bus stop	 Indicative local street
 Community sports and active recreation	 Medium density residential	 Potential connection	 Large lot residential zone
 Clean fill	 Natural open space	 School and community hub	 Marshall's Ridge
 General industrial	 Neighbourhood park (approx. location)	 Walking track	 No Build Area
 Key local road	 Neighbourhood park catchment	 Urban Connector	 Open space

DESIGNATIONS

 Designation	OLS and Ground Height Differences		
	 Penetrates OLS	 5-10 metres clearance	 15-20 metres clearance
	 0-5 metres clearance	 10-15 metres clearance	 20 plus metres clearance

Resource Management Act 1991 - Subdivision and Land Use

Service Request 97910 (RC - a Res.Con) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 13 GORDON PLACE Newtown

Designated Wufi: 1132458 Valuation Historic - 13 Gordon Place

File Reference: 0600

Contact: 1041088 Wynne Paterson Ltd

Contact Address: 25945580

Attention: A G McLeod

Status: Passed to Holding

Status Date: 5-Mar-03 10:56 AM SR Status: On-going

Owner: Member: Extn:

Team: 1997 Q1/Gov Team 77

Due Date: Days Remaining :

Days Elapsed :

Description: 2: three lot fee simple subdivision, with land use consent

Extended:
Description

Special
Conditions or
Comment

SH 10.02.03
due 24.02.03

5 March, 2003

Wynne Paterson McLeod
P O Box 50 599
Porirua

Service Request No: 97910
Link No: 0600 450270

Attention: A G McLeod

Dear Alex,

APPLICATION FOR RESOURCE CONSENT 97910 GRANTED

Service Request Type:	Resource Consent	
Site Address:	13 Gordon Place	Pt Sec 964 DP 5782
Consent Type:	Land Use Subdivision	
Consent Description:	Three lot fee simple subdivision, with land use consent	

Please refer to Service Request No. 97910.

I refer to your recent Resource Consent application in which you seek consent for a three lot fee simple subdivision, with associated land use consents, and a right-of-way over 15 Gordon Place.

The application was considered by officers acting under delegated authority on 5 March 2003. I advise that under section 105(1)(b) of the Resource Management Act 1991 (the Act), consent to the application is hereby granted subject to the conditions listed in the attached Notice of Decision.

Please note that under the provisions of section 125 of the Act, this consent will expire at the end of a two (2) year period, commencing from the date of this decision. If you have not given effect to this consent by then, you may either make an application for an extension of time, within three (3) months of the expiry, or lodge a fresh resource consent application.

The new addresses, which are enclosed in the attached schedule, have now been allocated to this development. Please note that these are provisional until all conditions of the resource consent have been complied with and the section 224 certificate issued.

If you would like to discuss this application further please contact me on 801 -3296.

Yours sincerely,

Jeffrey T C Loo
Resource Consent Planner
Environmental Control Business Unit
Wellington City Council
Pp: Lisa Hayes

Notice of Decision

<u>Date:</u>	5 March, 2003
<u>Site Address:</u>	13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 1 DP 5782
<u>Applicant:</u>	Wynne Paterson McLeod on behalf of Norwich Trust
<u>Proposal:</u>	Three Lot Fee Simple Subdivision and associated Land Use Consent, and Right-of-Way over Lot 10 DP 806 (15 Gordon Place)
<u>Owner:</u>	13 Gordon Place - Norwich Trust 15 Gordon Place - Lizzy Quinn and Norwich Trust
<u>Plan No:</u>	Wynne Paterson McLeod Plan No. 02-105-5, dated 28 January 2003

Decision One: Subdivision

That officers acting under delegated authority from Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the District Plan to the proposal to a fee simple subdivision at 13 Gordon Place (Lot 1 DP 5782), and right-of-way approval over Lot 10 DP 806, subject to the following conditions:

Survey plan:

- (a) The survey plan must conform with the subdivision consent proposal shown on Wynne Paterson McLeod Plan No. 02-105-5, dated 28/01/03 submitted with Application SR No. 97910.

Development Impact Fee:

- (b) In order to make appropriate contribution to upgrading the City's infrastructure and reserves, a development impact fee is payable and this has been assessed at \$1,002.00 inclusive of GST. The development impact fee shall be paid before the issue of a certificate pursuant to Section 224(c) or evidence produced that the payment has already been made in connection with other development on the site.

Note: Part or all of the development impact fee may already have been paid under the building consent process or as the result of a condition on another resource consent.

There are two (2) additional allotments created under the subdivision. The total fee is made up as follows:

A traffic impact fee of:	\$303 per allotment	x 2	= \$606
A city wide reserves fee of:	\$198 per allotment	x 2	= \$396
Total Fee			= \$1,002

Engineering Standards:

- (c) The consent holder shall comply with the design, construction and as-built requirements of the Council's Code of Practice for Land Development 1994 (either its current version or replacement document). These are the land development engineering standards for mitigating adverse effects on the environment from traffic (roading and vehicle access), sewage and stormwater drainage, and water supply.

Other alternative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

Construction plans must be submitted to the Council and its approval sought. This may be for specific engineering consent or building consent.

All construction plans must be approved by the Council prior to commencement of any construction on the site.

As-built plans that meet the requirements of the Code of Practice (A.5.2 As-built Details) for vehicle access, sewage and stormwater drainage and water supply must be supplied to, and approved by, the Council. These must be certified as being correct by a suitably qualified person.

Exception In the following circumstances as-built plans will not be required prior to certification in terms of s224(c)

1. As-built plans (only) for works completed under a Building Consent, except for drainage connections on fee simple subdivisions, must be submitted for approval as part of the Code of Compliance Certificate for the Building Consent.
2. As-built plans for any water service pipe(s) that the Council's Water Supply Department constructs.

Construction:

- (d) At least one of the carparking areas within Lot 2, as shown on Wynne Paterson McLeod Plan No. 02-105-5 must be constructed. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.
- (e) The vehicle access and manoeuvring areas contained within the right-of-way areas shown on Wynne Paterson McLeod Plan No. 02-105-5 must be paved or sealed with permanent materials and must incorporate appropriate stormwater control, in accordance with the relevant sections of the Code of Practice, prior to the issue of a section 224(c) certificate. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.

Water Supply:

- (f) Each allotment must be provided with a water service pipe connected to a water main connected to the water supply system. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above. (see E.1.1.2 & E.2.1.3 of the Code of Practice respectively)
- (g) No water supply pipe(s) shall pass through a new lot, or cross a proposed boundary between lots, to serve another lot being created by the subdivision, except where it is within an associated right of way or access lot.

The Surveyor shall certify in writing that, at the time of certification, this has been achieved. (see E.1.1.2 & E.1.7.2.3 of the Code of Practice)

Sewerage / Stormwater:

- (h) The existing private sewer and stormwater drains which serve 67 Rintoul Street and are located within the site, must be constructed clear of the building site within all lots.
- (i) Each allotment must be provided with a stormwater connection to a gravity stormwater system connected to an existing public stormwater drain or other approved outfall. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.
- (j) Each allotment must be provided with a sanitary sewer connection to a gravity sewer system connected to an existing public sewer drain. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.

Legal:

- (k) The easements are to be duly granted and reserved, as shown on the Memorandum of Proposed Easements on the subdivision consent proposal plan.
- (l) This approval is conditional on the Right-of-Way over Lot 10 DP 806 being duly granted and reserved.

Consent Notice:

- (m) Lots 2 and 3 shall be limited to one household unit per allotment.

Note: Upon the issue of the Certificate pursuant to Section 224 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition (m) above to be registered against the Certificates of Title to issue in respect of lots 1, 2 & 3 of this subdivision.

Condition (m) has been imposed to ensure that the proposed vehicular access to Lots 1, 2 and 3 remains adequate for the use in terms of the provisions of the Code of Practice for Land Development relating to carriageway width.

Notes:

1. As Lots 2 and 3, Wynne Paterson McLeod Plan No. 02-105-5 do not possess frontage to legal road, a certificate pursuant to Section 321 of the Local Government Act 1974 is required. Upon the issue of a certificate pursuant to Section 224 or at such earlier time as may be required, an appropriate resolution in accordance with Section 321(3)(c) of the Local Government Act 1974 will be made available.
2. An earthworks bylaw consent is required under the WCC Consolidated Bylaw 1991 section 8 if the volume of cut or fill exceeds 10 cubic metres or the ground level is changed by more than 600mm.
3. The Survey Plan must be certified in accordance with Section 223 within 2 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
4. A certificate pursuant to Section 224 will be issued following compliance with all of the conditions of consent set out above, and payment of all relevant charges and levies.
5. All payments including development impact fees and water connection fees, called for in the above conditions of consent should be made through the Environmental Control Business Unit.
6. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as Council in any special case may allow.

Decision Two: Land Use Consent

That officers acting under delegated authority from Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the Wellington City District Plan to the proposal for the existing house to encroach the internal subdivision boundaries at 13 Gordon Place (Lot 1 DP 5782), as shown on Wynne Paterson McLeod Plan No. 02-105-5 dated 28 January 2003 and the information provided with application Service Request No. 97910, with no conditions.

Reasons for the Decision:

1. The adverse effects of the proposal on the environment will be negligible, and there are no parties considered to be adversely affected by the proposal.
2. This proposal is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.

**Environmental Control Business Unit
Decision Report for Subdivision & Land Use Consent**

Service Request No: 97910
Link No: 0600 450270

5 March 2003

Non-Notified Application

<u>Site Address:</u>	13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 1 DP 5782
<u>Applicant:</u>	Wynne Paterson McLeod on behalf of Norwich Trust
<u>Proposal:</u>	Three Lot Fee Simple Subdivision and associated Land Use Consent, and Right-of-Way over Lot 10 DP 806 (15 Gordon Place)
<u>Owners:</u>	13 Gordon Place - Norwich Trust 15 Gordon Place - Lizzy Quinn and Norwich Trust
<u>Plan No:</u>	Wynne Paterson McLeod Plan No. 02-105-5, dated 28 January 2003

District Plan:

1 **Planning Maps**

In part Inner Residential and in part Suburban Centre and not within a character area or subject to designations.

On 27 April 2002, District Plan Change No 6 (as it relates to a number of residential rules and associated definitions) and on 27 July 2002, District Plan Change No. 11 (as it relates to Controlled and Discretionary Activities under the Residential Area Rules), were publicly notified.

2 **Activity – Subdivision**

- The proposed **fee simple subdivision** is a **Discretionary Activity (Unrestricted)** under Rule 5.4.5, as the proposal is for a development which also requires a land use consent.

3 The standards and terms require any subdivision incorporating new roads to provide underground reticulation of services.

In this case we are satisfied that these standards and terms can be complied with, as no new roads are proposed.

- 4 The relevant assessment criteria are set out under Rules 5.4.5.1 - 5.4.5.3 and have been discussed below.

Activity – Land Use Consent

- 5 In addition to the subdivision, the proposal is for a land use consent which also requires consent as a Discretionary Activity (Restricted) under Rule 5.3.3 for a sunlight access plane encroachment.
- 6 Under rule 5.3.3 Council's discretion has been restricted to:
 - 5.3.3.1 yards
 - 5.3.3.2 site coverage
 - 5.3.3.3 building height and
 - 5.3.3.4 sunlight access
- 7 The standards and terms states that with the exception of the matters specified in Rule 5.3.3 this activity must comply with all the conditions specified for activities in Rule 5.1.3.

The conditions specified in Rule 5.1.3 may be waived totally except that:

- Rule 5.1.3.5 relating to sunlight access may only be exceeded by a maximum of 3 metres.

We consider that the proposal complies with all the relevant standards and terms.

- 8 The assessment criteria for this aspect of this proposal are set out under rules 5.3.3.5-5.3.3.9 and this proposal has been assessed against the relevant criteria below. It is noted that condition 5.1.1.3.2. under Rule 5.1.1. is not met but also that this is not applicable as that part of the site is within Suburban Centre.

Background:

- 9 The site is subject to a previously granted a subdivision and land use consent. The consent related to the development of the subject site, and adjoining allotment to the north (17 Gordon Place). The consent was granted on 12 December 2002 and is known as SR 95936, 95939, 95944 and 95946. The applicant submits that it is now unlikely that the consented development will proceed and has indicated that his client now wishes to proceed with the proposed 3 lot subdivision instead.
- 10 Part of the site (leg-in strip) is contained within the Suburban Centre area of the District Plan. However, as the majority of the site, and in particular the area which contains the majority of the land to which this application relates, is within the Inner Residential Area the proposal will be considered in terms of the residential area rules rather than the suburban centre rules.

The Site:

- 11 The site is known as 13 Gordon Place and is 1361 square metres in area. The site is a rear allotment, which is accessed via a 25m long (approx) driveway. The land in front (east) of the site is occupied by commercial buildings. The driveway is currently partially contained within a neighbouring allotment, namely 15 Gordon Place (Lot 10 DP 806). The driveway rises at a gentle to moderate gradient from the carriageway of Gordon Place, and is un-sealed. The site contains a single storey residential building and separate garage. A concrete retaining wall surrounds a flat area in the northeast corner of the site. The retaining wall appears to be the remnants of a small building. The site falls at a gentle gradient from west to east and is vegetated in unkempt garden and lawn.

The Proposal:

- 12 It is proposed to subdivide the site by way of a three-lot fee-simple subdivision. Proposed Lot 1 will have a net site area, excluding the land contained in a right-of-way easement, of 305m² and will be vacant. Proposed Lot 2 will have a net area of 476m² and will contain the existing house. Proposed Lot 3 will have a net area of 402m². The existing single garage within Lot 3 is to be removed, and the lot will be vacant. Proposed Lots 2 and 3 will not have frontage to legal road.
- 13 The existing house will encroach through the sunlight access plane relative to the eastern boundary with Lot 1 by a maximum of 1.7m and along the western boundary relative to Lot 3 by 1.5m (max). The applicant has submitted a design brief of two indicative dwellings, which could be constructed within proposed Lots 1 and 3 in accordance with the bulk and location requirements of the District Plan.
- 14 The occupants of the site appear to have used the driveway, including the section of land contained in the adjoining lot (Lot 10 DP 806), to provide physical vehicle access to the property for some years. It is proposed to create a right-of-way easement over the neighbouring land to allow the owners of proposed Lots 1, 2 and 3 a continuing legal right to use the driveway. The driveway does not meet the Code of Practice requirements in terms of boundary-to-boundary width.

Plan Change No. 6:

- 15 From the date of notification, the proposed changes have effect. In terms of weighting or the degree of consideration, Plan Change 6 has greater weighting to the operative plan as Council has made decisions on submissions. Though these have been appealed in terms of the definition of site coverage. In terms of Plan Change 11, the longstanding and fully operative rules retain predominance at this early stage.
- 16 We do not anticipate that proposed Rule Change 11 will have a bearing on this application. Proposed Plan Change 6 is relevant in this case as it excludes land contained in right-of-way easements will be excluded from the site coverage calculation. However, as the proposed change has been appealed the operative rules must still be considered.

Section 94 Analysis:

- 17 Pursuant to section 94(2) of the Act, the application, being a Discretionary Activity (Unrestricted), can be considered on a non-notified basis provided that the adverse effects on the environment will be minor and that the written approval of any person who may be adversely affected has been obtained.
- 18 Overall we consider that the adverse effects of the proposal on the environment are negligible. This conclusion has been reached on the basis that land use consent is only required in respect an internal sunlight access plane encroachment. No new building development is proposed and the proposal is basically a means of subdividing around an existing house to create two new developable allotments. As no physical change to the building will occur no actual effects will be generated by the sunlight access plane encroachment.
- 19 The applicant has submitted a design brief showing how proposed Lots 1 and 3 can contain permitted buildings in accordance with the bulk and location requirements of the District Plan. We are therefore satisfied that the subdivision will not have adverse effects on residential amenity.
- 20 The proposed development has been reviewed by Council's Vehicle Access Engineer. The Vehicle Access Engineer is satisfied that the proposed under-width driveway will provide practical vehicle access to the site without resulting in adverse effects on traffic, safety or amenity.
- 21 In addition, there are no special circumstances under section 94(5) of the Act which warrants the public notification of this application. Accordingly this application has been processed on a non-notified basis.

Assessment:

Subdivision:

- 21 This proposal has been assessed against the relevant assessment criteria as follows:

5.4.5.1 the requirements of section 106 of the Act;

The site is not listed in the Wellington City Council Restrictions and Hazards Register. It is also not located within a Hazard Zone (fault-line) or Hazard Zone (flooding), in the District Plan. We are not aware, nor is there any evidence to indicate, that the land is likely to be unduly subject to material damage by erosion, falling debris, subsidence, slippage or inundation. We do not believe the subdivision will worsen the situation. The proposal creates the potential for additional residential development. It is noted that an additional dwelling(s) could be constructed on the site as of right. The land within site rises at only a moderate grade and the existing house has stood on the site for some time.

Therefore, the site is considered suitable for development and we are not aware of any reason under s106 of the Act why consent should not be granted.

5.4.5.2 whether proposed allotments are capable of accommodating Permitted Activities in compliance with the residential area rules; and

The applicant has submitted a design brief of two indicative permitted buildings, which could be constructed within proposed Lots 1 and 3 in accordance with the residential area rules of the District Plan. The buildings would comply with the site coverage requirements when the area of the right-of-way is excluded from site area, in accordance with Proposed Change 6. The developments on all three proposed allotments are able to comply with the sunlight access plane requirements relative to the external boundaries.

The existing house on proposed Lot 2 will fail to comply with the internal sunlight access requirements. The house will encroach through the sunlight access plane relative to the proposed internal boundary separating Lot 2 from Lot 1 to the east and Lot 2 from Lot 3 to the west. The effects of the sunlight access plane encroachment are existing and any potential effects will be internalised within the site, and will not adversely affect the residential amenity of any property beyond the peripheral boundaries of the site.

A discussion of the land use assessment criteria for the sunlight access plane encroachment is outlined below.

5.4.5.3 the extent of compliance with the relevant parts of the Subdivision Design Guide and the Code of Practice for Land Development.

The majority of the Design Guide is not relevant to this proposal and we have not identified any issues of conflict.

The Vehicle Access Engineer has assessed the application, including the reference in the Code of Practice to access strips having a boundary to boundary width of 3.2m. She has concluded that provided only one residential dwelling is constructed within each of the subdivided allotments the proposed carriageway width (2.7m approx) is considered suitable for the proposed use. A condition restricting development on Lots 2 and 3 to one household unit has been included.

The Vehicle Access Engineer has also advised that plans showing the parking arrangement for proposed Lot 2 be submitted to Council prior to construction commencing.

The Public Drainage Engineer has advised that the existing private sewer and stormwater drain which pass through neighbouring 6 Rintoul Street and the site must be constructed clear of the building sites within Lots 2 and 3. Additionally, proposed Lots 1, 2 and 3 must be connected separately to the public sewer and stormwater mains and the proposed easements must be duly granted and reserved.

Wellington City Water have advised that each allotment must be connected separately to the public water main and that none of the private laterals may cross a proposed boundary within the site.

Development Impact Fees:

- 22 With each new subdivision, the consent holder is required to contribute toward the cost of upgrading the City's infrastructure and reserves. The legal basis for the payments is Section 108(9) of the Resource Management Act 1991, which allows Council to impose a variety of financial contributions to achieve the purposes of the Act. The mechanism for setting and imposing the contributions is detailed in section 3.4 of the District Plan.
- 23 The subdivision would create three new allotments. There is one existing single allotment therefore there will be a total of two additional allotments created.

In accordance with the 'Guide to Development Impact Fees', the total development impact fee is made up as follows:

A traffic impact fee of:	\$303 per allotment	x 2	= \$606
A city wide reserves fee of:	\$198 per allotment	x 2	= \$396
Total Fee			= \$1,002

An appropriate condition has been included in the decision section of this report.

Frontage To Legal Road:

- 24 Proposed Lots 2 and 3 do not have frontage to a legal road in compliance with s321 of the Local Government Act 1974. A right-of-way over the driveway within Lots 1 and 2 and over Lot 10 DP 806 will provide Lots 2 and 3 with vehicle access to legal road and a certificate pursuant to section 321(3)(c) of the Local Government Act can be issued.

Land Use Consent:

- 25 The aspects of the proposal that require land use consent have been assessed against the relevant criteria below:

5.3.3.5 *whether a better standard of development can be achieved by varying the specified conditions;*

Other than what is proposed, we do not believe a better standard of development can be achieved by varying the specified conditions, as the encroachment is a result of the location of the house relative to the proposed internal subdivision boundaries.

5.3.3.6 *whether the topography of the site or the location of any built feature(s) on the site or other requirements such as easements or rights-of-way impose constraints that make compliance impracticable;*

The topography of the site is such that it cannot be considered a factor of the non-compliance. The encroachment will occur as a result of the placement of the new freehold subdivision boundaries relative to the existing house.

5.3.3.7 *whether the form, scale and character of the new building is compatible with that of buildings in the immediate vicinity of the site, and streetscape amenities can be maintained...*

The proposal does not involve the construction of a new building and the development will therefore not adversely affect streetscape amenity.

5.3.3.8 *whether new building work will cause significant loss of sunlight, daylight or privacy to adjoining sites; and*

An existing dwelling creates the encroachment, no new building work is being proposed. Therefore, no adjoining properties will suffer any loss of sunlight, daylight or privacy as a result of the proposal.

5.3.3.9 *the extent to which it can be demonstrated that buildings adjoining conservation sites will have no adverse effects on the ecological values of the conservation site.*

The subject site does not adjoin a conservation site.

Objectives and Policies

26 The relevant objectives and policies of the District Plan are as follows:

Development Impact Fees:

Objective 3.4.2.1 *To ensure that the costs of serving development with infrastructure and reserves is included in the cost of development in a fair and equitable manner.*

Subdivision & land use:

Objective 4.2.1 *To promote the efficient use and development of natural and physical resources in Residential Areas.*

Policy 4.2.1.3 *Encourage subdivision design and housing development that optimises resource and energy use and accessibility.*

Objective 4.2.2 *To maintain and enhance the amenity values of Residential Areas.*

Policy 4.2.2.1 *Control the potential adverse effects of residential activities.*

Objective 4.2.4 *To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.*

Policy 4.2.4.1 *Allow infill subdivision within suburban areas subject to conditions or criteria which ensure adverse effects, including cumulative effects, are avoided, remedied or mitigated and that sites are suitable for intended uses.*

Policy 4.2.4.3 *Ensure the sound design, development and servicing of all subdivisions.*

Objective 4.2.9 *To enable efficient, convenient and safe access for people and goods within the Residential Area.*

Policy 4.2.9.3 Require appropriate parking, loading and site access for activities in Residential Areas.

- 27 Essentially the relevant objectives and policies and the rules which flow from them, have been devised to ensure that the adverse effects of subdivisions are remedied, avoided or mitigated. This also includes ensuring the sound design, development and servicing of all subdivisions so they are of a high standard, that maintains the existing character and amenities of residential areas. The proposed development is an intensification of the land in accordance with the District Plan's infill policy.
- 28 We therefore believe that the proposed subdivision and land use proposal is consistent with the above objectives and policies.

Conclusion:

- 29 In conclusion, we believe that the adverse effects of the proposal are negligible. The proposal also meets the relevant objectives, policies and assessment criteria. Having regard to the matters set out in section 104 and 105 of the Act, we believe consent can be granted under the District Plan.

Decision One: Subdivision

That officers acting under delegated authority from Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the District Plan to the proposal to a fee simple subdivision at 13 Gordon Place (Lot 1 DP 5782), and right-of-way approval over Lot 10 DP 806, subject to the following conditions:

Survey plan:

- (a) The survey plan must conform with the subdivision consent proposal shown on Wynne Paterson McLeod Plan No. 02-105-5, dated 28/01/03 submitted with Application SR No. 97910.

Development Impact Fee:

- (b) In order to make appropriate contribution to upgrading the City's infrastructure and reserves, a development impact fee is payable and this has been assessed at \$1,002.00 inclusive of GST. The development impact fee shall be paid before the issue of a certificate pursuant to Section 224(c) or evidence produced that the payment has already been made in connection with other development on the site.

Note: Part or all of the development impact fee may already have been paid under the building consent process or as the result of a condition on another resource consent.

There are two (2) additional allotments created under the subdivision. The total fee is made up as follows:

A traffic impact fee of:	\$303 per allotment	x 2	= \$606
A city wide reserves fee of:	\$198 per allotment	x 2	= \$396

Engineering Standards:

- (c) The consent holder shall comply with the design, construction and as-built requirements of the Council's Code of Practice for Land Development 1994 (either its current version or replacement document). These are the land development engineering standards for mitigating adverse effects on the environment from traffic (roading and vehicle access), sewage and stormwater drainage, and water supply.

Other alternative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way.

Construction plans must be submitted to the Council and its approval sought. This may be for specific engineering consent or building consent.

All construction plans must be approved by the Council prior to commencement of any construction on the site.

As-built plans that meet the requirements of the Code of Practice (A.5.2 As-built Details) for vehicle access, sewage and stormwater drainage and water supply must be supplied to, and approved by, the Council. These must be certified as being correct by a suitably qualified person.

Exception In the following circumstances as-built plans will not be required prior to certification in terms of s224(c)

1. As-built plans (only) for works completed under a Building Consent, except for drainage connections on fee simple subdivisions, must be submitted for approval as part of the Code of Compliance Certificate for the Building Consent.
2. As-built plans for any water service pipe(s) that the Council's Water Supply Department constructs.

Construction:

- (d) At least one of the carparking areas within Lot 2, as shown on Wynne Paterson M^cLeod Plan No. 02-105-5 must be constructed. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.
- (e) The vehicle access and manoeuvring areas contained within the right-of-way areas shown on Wynne Paterson M^cLeod Plan No. 02-105-5 must be paved or sealed with permanent materials and must incorporate appropriate stormwater control, in accordance with the relevant sections of the Code of Practice, prior to the issue of a section 224(c) certificate. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.

Water Supply:

- (f) Each allotment must be provided with a water service pipe connected to a water main connected to the water supply system. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above. (see E.1.1.2 & E.2.1.3 of the Code of Practice respectively)
- (g) No water supply pipe(s) shall pass through a new lot, or cross a proposed boundary between lots, to serve another lot being created by the subdivision, except where it is within an associated right of way or access lot.

The Surveyor shall certify in writing that, at the time of certification, this has been achieved. (see E.1.1.2 & E.1.7.2.3 of the Code of Practice)

Sewerage / Stormwater:

- (h) The existing private sewer and stormwater drains which serve 67 Rintoul Street and are located within the site, must be constructed clear of the building site within all lots.
- (i) Each allotment must be provided with a stormwater connection to a gravity stormwater system connected to an existing public stormwater drain or other approved outfall. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.
- (j) Each allotment must be provided with a sanitary sewer connection to a gravity sewer system connected to an existing public sewer drain. All construction must be completed in accordance with the approved construction plans, as required under Condition (c) above.

Legal:

- (k) The easements are to be duly granted and reserved, as shown on the Memorandum of Proposed Easements on the subdivision consent proposal plan.
- (l) This approval is conditional on the Right-of-Way over Lot 10 DP 806 being duly granted and reserved.

Consent Notice:

- (m) Lots 2 and 3 shall be limited to one household unit per allotment.

Note: Upon the issue of the Certificate pursuant to Section 224 or at such earlier time as may be required, a Consent Notice pursuant to Section 221 will be issued. The Consent Notice will specify Condition (m) above to be registered against the Certificates of Title to issue in respect of lots 1, 2 & 3 of this subdivision.

Condition (m) has been imposed to ensure that the proposed vehicular access to Lots 1, 2 and 3 remains adequate for the use in terms of the provisions of the Code of Practice for Land Development relating to carriageway width.

Notes:

1. As Lots 2 and 3, Wynne Paterson McLeod Plan No. 02-105-5 do not possess frontage to legal road, a certificate pursuant to Section 321 of the Local Government Act 1974 is required. Upon the issue of a certificate pursuant to Section 224 or at such earlier time as may be required, an appropriate resolution in accordance with Section 321(3)(c) of the Local Government Act 1974 will be made available.
2. An earthworks bylaw consent is required under the WCC Consolidated Bylaw 1991 section 8 if the volume of cut or fill exceeds 10 cubic metres or the ground level is changed by more than 600mm.
3. The Survey Plan must be certified in accordance with Section 223 within 2 years of the granting of this Consent, or within such extended period of time pursuant to Sections 125 and 37, as Council may allow.
4. A certificate pursuant to Section 224 will be issued following compliance with all of the conditions of consent set out above, and payment of all relevant charges and levies.
5. All payments including development impact fees and water connection fees, called for in the above conditions of consent should be made through the Environmental Control Business Unit.
6. Rights of objection to the conditions specified above may be exercised pursuant to Section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as Council in any special case may allow.

Decision Two: Land Use Consent

That officers acting under delegated authority from Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the Wellington City District Plan to the proposal for the existing house to encroach the internal subdivision boundaries at 13 Gordon Place (Lot 1 DP 5782), as shown on Wynne Paterson McLeod Plan No. 02-105-5 dated 28 January 2003 and the information provided with application Service Request No. 97910, with no conditions.

Reasons for the Decision:

1. The adverse effects of the proposal on the environment will be negligible, and there are no parties considered to be adversely affected by the proposal.
2. This proposal is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.

Jeffrey TC Loo
Delegated Officer

Brian Warburton
Delegated Officer

Delegated Authority Code: (1, 2 & 7)

**Resource Management
Act 1991 - Unit Title
Subdivison**

Service Request 270597 (RC - a Res.Con - SDV) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1810777 Survey Current - 11 Gordon Place

File Reference: 0600 1810777

Contact: 53570348 Maunday Surveying

Contact Address: 25742890

Attention: Peter Maunday

Status: Passed to Holding

Status Date: 5-Dec-12 9:24 AM

SR Status: On-going

Owner: Member:

Extn:

Team: 1997 Q1/Gov Team 77

Due Date:

Days Remaining :

Days Elapsed :

Description:	1. Subdivision: Unit titles for 13 units
Extended: Description	
Special Conditions or Comment	

5 December, 2012

Maunder Surveying
PO Box 17376
Karori
Wellington 6147

Service Request No: 270597
File Reference: 1810777

Attention: Peter Maunder

Dear Peter,

Application for Resource Consent SR No. 270597 Granted

Service Request Type:	Resource Consent
Site Address:	11-13 Gordon Place
Legal Description:	Lot 1 DP 398006
Consent Type:	Land Use & Subdivision

I refer to your recent Resource Consent application in which you seek resource consent to undertake a unit title subdivision of an approved multi-unit development, with associated land use consent, on the site at 11-13 Gordon Place, Newtown.

The application was considered by officers acting under delegated authority on 5 December 2012. I advise that under sections 104A, 104B and 104C of the Resource Management Act 1991 (the Act), resource consent for the application is granted subject to the conditions listed in the attached Notice of Decision.

The new addresses, which are enclosed in the attached schedule, have now been allocated to this development. Please note that these are provisional until all conditions of the resource consent have been complied with and the section 224 certificate issued.

A copy of the full Notice of Decision and Decision Report is attached. If you would like to discuss this application further please contact me on the number below.

Yours Sincerely

Lisa Hayes
Consents Planner
Development Planning and Compliance
Wellington City Council
Phone: 801 3685
Fax: 801 3165

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 1 DP 398006
<u>Applicant:</u>	710 Trading and Construction Limited C/- Maunders Surveying
<u>Proposal:</u>	Unit title subdivision (13 units) with associated land use consent
<u>Owners:</u>	Sing Wei Developments Limited
<u>SR No:</u>	270597
<u>File Ref:</u>	1810777
<u>District Plan Area:</u>	11 Gordon Place (to the east) – Suburban Centre Area (Operative District Plan) & Centres Area (Plan Change 73) 13 Gordon Place (to the west) - Inner Residential Area (Operative District Plan & Plan Change 72)
<u>Notations in District Plan:</u>	Appendix 9 – Operative District Plan Appendix 1 – Plan Change 72 IR4 – Plan Change 72
<u>Activity Status – Subdivision:</u>	Discretionary (Unrestricted) - Operative District Plan Controlled - Plan Change 72 Controlled – Plan Change 73
<u>Activity Status – Land Use:</u>	Discretionary (Restricted) - Operative District Plan Discretionary (Restricted) - Plan Change 72

Decision One - Subdivision:

That officers acting under delegated authority from the Wellington City Council (the Council) and pursuant to sections 104A and 104B of the Resource Management Act 1991 (the Act) **grant consent** to the proposal to undertake a unit title subdivision at **11-13 Gordon Place, Newtown** (being Lot 1 DP 398006) subject to the following conditions:

Conditions of Consent:

Survey Plan:

- (a) The survey plan must conform to the subdivision consent proposal shown on the plans by Maunders Survey Limited entitled 'Units on Lot 1 DP 398006', plan reference 438900, survey reference 7527 – 13 Gordon Place, sheets 1 to 4 of 4, dated 30/08/2012 submitted with SR No. 270597.

Water Supply:

- (b) An easement in gross in favour of the Wellington City Council must be duly granted and reserved over any new water main and public water services constructed on private land.

Decision Two - Land Use:

That officers acting under delegated authority from the Council and pursuant to section 104C of the Resource Management Act 1991 **grant consent** land use consent for infringements into the sunlight access/building recession planes along the southern and eastern boundaries of the site at **11-13 Gordon Place, Newtown** (being Lot 1 DP 398006), with no additional conditions.

Note: These infringements are shown on the photographs and As-built plans provided to the Council on 26 November 2012.

Subdivision and Land Use Notes:

1. The survey plan must be certified in accordance with section 223 of the Act, and land use consent must be given effect to, within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 as the Council may allow.
2. Additional fees will be required by the Council with the application(s) for the section 223 and 224 certificates. The section 224 certificate will be issued following compliance with all conditions of consent set out above, and payment of any development contribution that may be payable.
3. The consent holder shall provide certification from a suitably qualified person that the building(s) to which the unit title plan relates complies with or will comply with the provisions of the Building Code specified in section 116A of the Building Act 2004 prior to the issue of the certificate pursuant to section 224(f) of the Resource Management Act 1991.

Council regards the following persons as fulfilling the requirements for being “suitably qualified” with respect to the above:

- Members of the Association of Consulting Engineers of New Zealand (Incorporated);
 - Members of the Institute of Professional Engineers of New Zealand (I.P.E.N.Z.);
 - Members of the New Zealand Institute of Architects (N.Z.I.A.)
 - Registered Clerks of Works.
4. This development will be assessed and may be required to pay development contributions under the Council’s Development Contributions Policy.
 5. Rights of objection to the conditions specified above may be exercised pursuant to section 357A(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. The effects of the proposal on the environment will be less than minor and no parties will be adversely affected.
 2. Under Plan Changes 72 and 73 the proposal comprises a Controlled Activity and the resource consent must be granted.
 3. The proposal is in accordance with the relevant objectives and policies of the Wellington City District Plan, Plan Change 72 and Plan Change 73, and Part 2 of the Act.
 4. There are no special circumstances.
-

DECISION REPORT

RELEVANT PLAN CHANGES

Plan Change 72 - Residential Areas & Plan Change 73 – Centres and Business Areas:

Plan Change 72 is a review of the Residential Area chapters of the District Plan, whereas Plan Change 73 is a review of the Suburban Centre chapters. Plan Change 72 is relevant to the rear part of the site, which is zoned within the Inner Residential Area. Plan Change 73 is only applicable to the front (eastern) part of the site.

The Council's decisions on Plan Changes 72 and 73 were notified by the Council on 28 September 2010; however, both plan changes remain subject to various appeals and will not become operative until such time as all appeals are resolved.

As the application was lodged after the notification of the decisions on Plan Changes 72 and 73, the decision versions of the plan changes apply in determining the activity status, the notification decision and the substantive assessment of the proposal under section 104 of the Resource Management Act 1991 (the Act).

It is noted that the residential units are entirely contained within the residential portion of the site.

SITE DESCRIPTION & BACKGROUND

The subject site comprises numbers 11 and 13 Gordon Place. The two sites are now held in one Computer Freehold Register but were originally separate parcels of land. Number 11 Gordon Place is to the east, with frontage to the road. This land is zoned within the Suburban Centre Area under the Operative District Plan and a Centres Area under Plan Change 73. Number 11 is relatively flat and is used for access to the rear part of the site.

Number 13 Gordon Place comprises a large rectangular section behind numbers 5, 7, 9 and 11 Gordon Place. Number 13 Gordon Place is located within the Inner Residential Area (Operative District Plan and Plan Change 72). This part of the site slopes upwards towards the south-west and contains 13 residential units that have recently been constructed.

Previous resource consents have been approved by the Council in relation to the 13 unit development on the subject site. The details of these applications are as follows:

- SR No. 133333 – Land use consent for a 13 unit multi-unit development approved on 31 May 2006. The consent was granted subject to conditions relating to general conformity, landscaping, construction / earthworks, monitoring and review.
- SR No. 164655 – Change of conditions application approved on 18 September 2007. This application allowed for minor amendments to the plans approved under condition (a) of SR No. 133333.
- SR No. 218529 – Change of conditions application approved on 18 October 2010. This application was also for amendments to condition (a) and superseded SR 164655. The approved changes provided for improvements to the functionality of Unit 1 and changes to the window configurations on some units.

The 13 units have now essentially been constructed in accordance with the plans approved under SR No. 218529. Each unit has a garage at ground floor level, with living areas above. Two visitor parks are provided within the site. Landscaping has not yet commenced.

PROPOSAL

The applicant seeks consent to undertake a unit title subdivision of the buildings approved under SR Nos. 133333 and 218529. Each of the 13 units and their associated garage and open space area will be a Principal Unit. The remaining parts of the site, comprising the access, shared pedestrian and vehicle areas, and visitor car-parks will be Common Property. The unit boundaries are depicted on the plans submitted with this application.

All stormwater, sewer, water supply and other services will be private and will be protected as common property as is required under the provisions of the Unit Titles Act.

Land Use consent is sought concurrently for minor infringements of the sunlight access/building recession plane requirements of the District Plan. These infringements have been identified following the construction of the units. The units adjacent to no. 7 Gordon Place create a maximum infringement of 14cm along this common boundary, whereas the units adjacent to 14B Gordon Street create a maximum infringement of 10cm.

Further details of the application are provided within the applicant's Assessment of Environmental Effects (AEE), which can be read in conjunction to this report. Details of the proposed sunlight access/building recession plane infringements are provided within an emailed Addendum to the AEE, dated 26 November 2012.

ACTIVITY STATUS

Operative District Plan:

Land Use – Outer Residential Area The proposal breaches condition 5.1.3.5.8 in relation to sunlight access planes. Therefore consent is required under Rule 5.3.3 . The relevant standards and terms are met.	Discretionary (Restricted)
Subdivision – Outer Residential Area The proposed unit title subdivision fails to meet the standards and terms under Rules 5.2.5b and 5.3.14b of the Outer Residential Area chapter in that the terms of the resource consent SR No. 133333 are not met (ie not all of the conditions have yet been satisfied). Consequently the proposal must be assessed as a Discretionary (Unrestricted) Activity under Rule 5.4.5 . The relevant standards and terms under rule 5.4.5 have been met.	Discretionary (Unrestricted)
Subdivision – Suburban Centre Area The unit title subdivision for the portion of the site zoned within the Suburban Centre Area also comprises a Discretionary (Unrestricted) Activity under Rule 7.4.5 . The relevant standards and terms under rule 7.4.5 have been met.	Discretionary (Unrestricted)

Overall, the proposal must be assessed as a Discretionary (Unrestricted) Activity under the provisions of the Operative District Plan.

Plan Change 72:

Land Use – Outer Residential Area The proposal breaches standard 5.6.2.8.1 in relation to building recession planes. Therefore consent is required under Rule 5.3.4 . The relevant conditions are met.	Discretionary (Restricted)
Subdivision – Outer Residential Area Rule 5.2.4 states that a unit title subdivision may be assessed as a Controlled Activity provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act, or in the case of unit title subdivision, concurrently seek and obtain land use consent for the building or buildings to be subdivided, <u>or if land use consent for the building or buildings has already been granted</u> . As land use consent for the building has been granted under SR No. 133333 (amended by SR No. 218529) the proposal requires consent as a Controlled Activity under Plan Change 72.	Controlled

Plan Change 73:

Subdivision – Centres Area Rule 7.2.2 states that a unit title subdivision may be assessed as a Controlled Activity provided that all activities, buildings, structures and signs meet the standards specified in section 7.6, and that the requirement to meet these standards may be waived if resource consent has been sought or granted for those aspects that do not meet these standards. As details above, this requirement is met.	Controlled
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Overall, the proposal must be assessed as a Controlled Activity under the provisions of both Plan Change 72 and Plan Change 73.

WRITTEN APPROVALS

No written approvals were provided with the application.

SECTION 95 ASSESSMENT - NOTIFICATION ANALYSIS

Land Use Effects:

As detailed in the email dated 26 November 2012, the recently constructed multi-unit will create various small sunlight access/building recession plane infringements that had not previously been identified. Unit 13, at the eastern end of the southern block of units, will create a maximum infringement of 14 cm along the site's eastern boundary, where this adjoins the site at 7 Gordon Place. This site is zoned Suburban Centre/Centres Area under the District Plan. With respect to the effects of this assessment I concur with the applicant's assessment that these will be less than minor on the adjacent sites. Any shading generated by this infringement would fall on the rooftop of a warehouse within the site at 7 Gordon Place. Any shading falling on the Inner Residential Area site to the south-east, being 5 Gordon

Place, would also fall on a large concrete warehouse that has no windows or outdoor spaces that would experience a reduction in sunlight or daylight.

There will also be a 10 cm infringement along the site's southern boundary, adjacent to the Inner Residential site at 14B Gordon Street. I consider that, in comparison to the consented development (that complies with the sunlight access/building recession plane requirements), any additional shading generated by this infringement will be indiscernible from within any residential property to the south. Therefore any shading generated by this infringement will be less than minor in comparison to the shading generated by the overall development on the subject site.

For the above reasons, I consider that the effects associated with the sunlight access/building recession plane infringements that have been identified by the applicant are less than minor. No parties will be affected by the proposed land use consent.

Subdivision Effects:

The proposed unit title subdivision will provide for individual tenure of the residential units that have recently been constructed on the site. The effects associated with the construction of the units were previously assessed under SR Nos. 133333 and 218529. While all of the conditions of the resource consent have not yet been met (for example the landscaping has not been completed), the units have essentially been constructed in accordance with the plans approved under these decisions and the associated conditions.

The proposal will not result in any physical changes to the consented buildings or servicing arrangements. It will not alter the existing physical environment in a discernable way. Each unit will be provided with at least one on-site parking space, being an internal access garage at the ground floor level of the unit. Hence the unit title subdivision will not generate any new non-compliances with the permitted activity provisions of the District Plan.

With the exception of the units, the remainder of the subject site, including the visitor car-parking, will be held as common property. This is considered appropriate as it allows for shared access to this land.

For the above reasons I conclude that the effects of the proposed unit title subdivision will be less than minor, with no parties adversely affected.

Notification Decision:

- ☒ Section 95A(2)(a)/95D Adverse effects on the environment are less than minor and public notification is not required.
- ☒ Section 95B/95E Adverse effects on any person are less than minor and no parties will be adversely affected.
- ☒ Section 95A(4) There are no special circumstances relating to this proposal which requires it to be publicly notified.
- ☒ On this basis the application will be assessed on a non-notified basis.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

A consideration of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a)

considerations. Likewise, the above assessment addresses all matters relevant to the assessment of the application under the provisions of Plan Changes 72 and 73. Hence no further assessment is required.

Positive Effects:

I consider the proposal to have the positive effect of enabling an appropriate use of the urban land resource that will provide for the needs of the current land owner and enable the new units to be held in separate ownership. The proposal will also formalise minor sunlight access/building recession plane infringements that have been identified following the construction of the units.

Summary:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

Higher Order Planning Documents:

In considering this application regard has been had for the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that there are no National Environmental Standards or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of The Wellington Regional Policy Statement and proposed Regional Policy Statement.

District Plan:

The following objectives and policies and assessment criteria are considered relevant to the proposal:

Operative District Plan:

- Assessment criteria 5.3.3.5 to 5.3.3.8, 5.3.3.13 (Residential Buildings)
- Assessment Criteria 5.4.5.1 to 5.4.5.4 and 7.4.5.1 to 7.4.5.5 (Subdivision)
- **Objective 4.2.1** Policies 4.2.1.1, 4.2.1.3
- **Objective 4.2.2** Policies 4.2.2.1, 4.2.2.1A
- **Objective 4.2.4** Policies 4.2.4.1, 4.2.4.1A, 4.2.4.3
- **Objective 4.2.9** Policies 4.2.9.3
- **Objective 6.2.4** Policy 6.2.4.1

Plan Change 72:

- **Objective 4.2.1** Policy 4.2.1.1
- **Objective 4.2.4** Policy 4.2.4.1
- **Objective 4.2.6** Policies 4.2.6.1, 4.2.6.2
- **Objective 4.2.12** Policy 4.2.12.4

Plan Change 73:

- **Objective 6.2.7** Policy 6.2.7.1

I have given regard to the objectives, policies and assessment criteria listed above. In assessing the application against the abovementioned District Plan requirements I have consulted with the following experts:

Rod Drumm, Vehicle Access Engineer:

Mr Drumm notes that the site access and parking arrangements for the development generally match those approved under SR Nos. 133333 and 218529 and are acceptable. Additionally, changes to the pedestrian access are acceptable due to the wider driveway width. He has not requested any conditions of consent.

Chandra Koswatte of Capacity, Water Engineer:

Mr Koswatte has requested that a standard condition relating to water supply easements be imposed.

Samir Hermiz, Drainage Engineer:

Mr Hermiz has not requested any conditions relating to drainage.

I accept the Engineer's recommendations and these conditions will be imposed accordingly.

Section 104(1)(c) - Other Matters

Development Contributions will not be required with respect to this subdivision.

There are no other matters that the Council needs to consider when assessing the application.

SECTION 106

The previously consented proposal to construct the buildings on the site requires earthworks, which have now been completed (although not yet landscaped). Conditions were imposed on the land use consent in relation to earthworks, so as to ensure that the earthworks were undertaken safely and that any stability issues associated with the site are effectively managed. Given that these conditions were adhered to during the construction period, there is nothing to suggest that the proposed unit title subdivision will increase the risks of the site in relation to erosion, falling debris, subsidence, slippage or inundation.

The proposed unit title subdivision will not result in a change in the use of the site or lead to an increase in development potential. The proposal provides for adequate legal physical access to each unit and adequate vehicle servicing. Accordingly the proposal is considered to meet section 106 of the Act.

SECTION 108 AND 220 CONDITIONS

Resource consent is granted subject to conditions. The subdivision conditions include that the survey plan must be in accordance with the scheme plan provided with this application SR No. 270597. I have included the easement condition requested by the Council's Water Engineer.

The conditions on the original land use consent are considered to suitably address all land use matters. Hence no further land use conditions are required.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 (sections 5, 6 and 7) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is "*to promote the sustainable management of natural and*

physical resources”. Section 5 goes on to state that sustainable management should enable “people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the Act.

CONCLUSION

Operative District Plan and Plan Changes 72 & 73

The effects of this proposal are considered to be acceptable and the proposal is consistent with the objectives and policies of the Wellington City District Plan and Plan Changes 72 and 73. Having considered the matters set out in section 104 and Part 2 of the Act, I am of the opinion that consent can be granted subject to appropriate conditions.

Report prepared by: Lisa Hayes

Lisa Hayes
Delegated Officer

(5 December 2012)

Delegated Authority No. (1 & 2)

Brett Smith
Delegated Officer

(5 December 2012)



TA Approvals

Territorial Authority	Wellington City Council TA Certification Division	TA Reference	SR 270597
Survey Number	LT 438900	Survey Purpose	Standard Unit Plan with Survey Sheet
Surveyor Reference	7525 - 11 Gordon Place	Land District	Wellington
Surveyor	Michael Kuus		
Surveyor Firm	MaunderSurveying		
Dataset Description	UNITS AND EASEMENTS ON LOT 1 DP 398006		

TA Certificates

I hereby certify that plan 438900 was approved by the Wellington City Council pursuant to section 223 of the Resource Management Act 1991 on the 5th day of March 2013. ☒

The approval of the Council under Section 223 of the Resource Management Act 1991 is subject to the granting or reserving of the easement set out in the Memorandum of Easements attached as a supporting document to plan 438900 ☒

Pursuant to Section 224(c) Resource Management Act 1991 I hereby certify that all the conditions of the subdivision consent have been complied with to the satisfaction of the Wellington City Council. Dated this 5th day of March 2013. ☒

Pursuant to Section 224(f) of the Resource Management Act 1991 I hereby certify that the Wellington City Council is satisfied on reasonable grounds that every building [or part of a building] shown on this plan 438900 complies with [or will comply with] the provisions of the building code specified in Section 116A of the Building Act 2004 ☒

Pursuant to section 32(2)(a) of the Unit Titles Act 2010 I hereby certify that (i) every building (if any) shown on Unit Plan number 438900 or the amendment to the unit plan has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the unit plan or the amendment to the unit plan to be physically measured and (ii) every principal unit (if any) shown on the unit plan or the amendment to the unit plan conforms to the definition of principal unit in section 7. ☒

Signature

Signed by Fiona Pocock, Authorised Officer, on 05/03/2013 08:29 AM

Receipt Information

Transaction Receipt Number 6918633
Signing Certificate (Distinguished Name) Pocock, Fiona
Signing Certificate (Serial Number) 1292402674
Signature Date 05/03/2013

*** End of Report ***

SB 19533
RC 270597
SDU 275240



Title Plan - LT 438900

Survey Number LT 438900
Surveyor Reference 7525 - 11 Gordon Place
Surveyor Michael Kuus
Survey Firm MaunderSurveying
Surveyor Declaration

Survey Details

Dataset Description UNITS AND EASEMENTS ON LOT 1 DP 398006
Status Initiated
Land District Wellington
Submitted Date
Survey Class Class A
Survey Approval Date
Deposit Date

Territorial Authorities

Wellington City

Comprised In

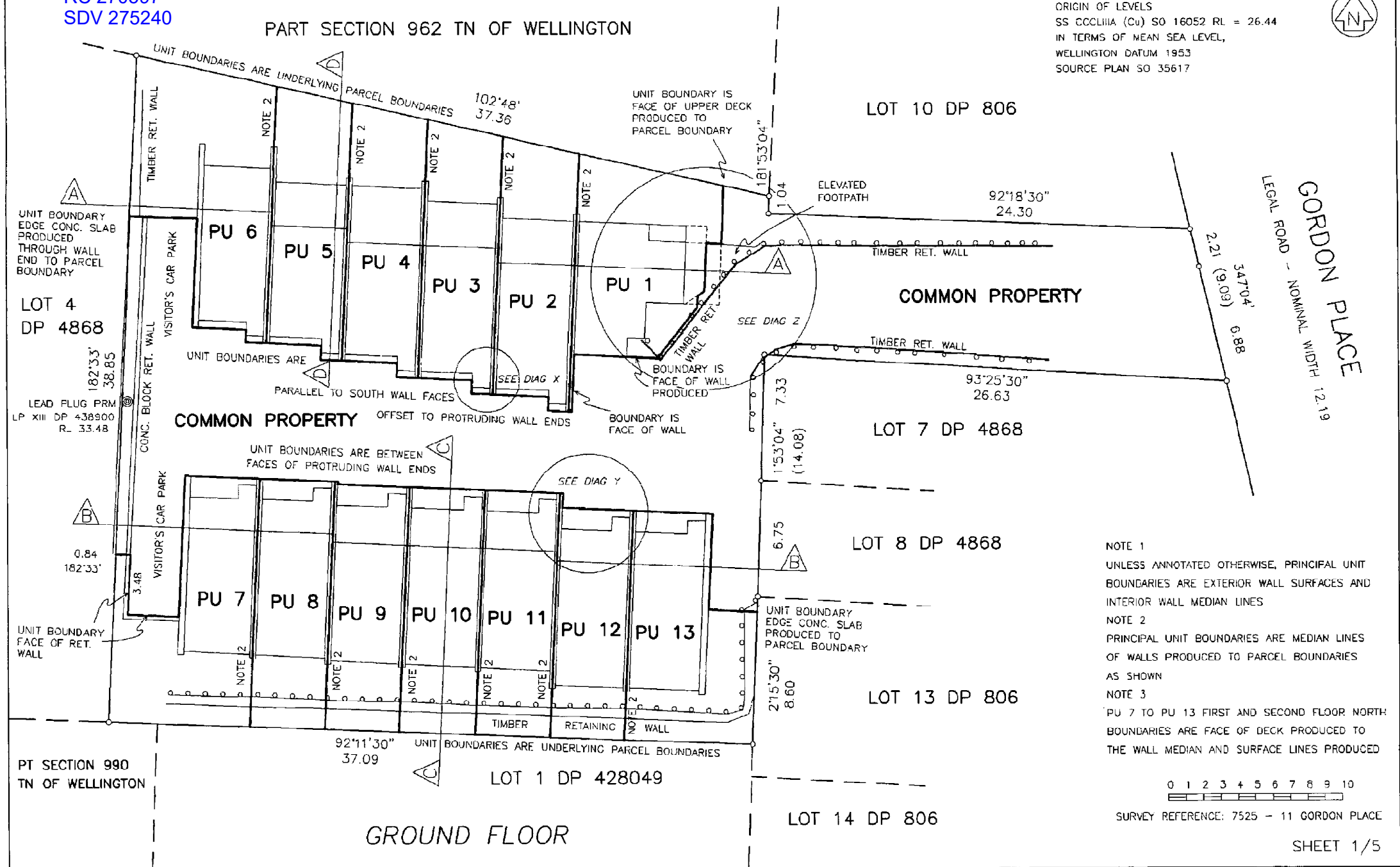
CT 391330

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area A Deposited Plan 438900	Easement		
Area B Deposited Plan 438900	Easement		
Area C Deposited Plan 438900	Easement		
Area D Deposited Plan 438900	Easement		
Area E Deposited Plan 438900	Easement		
Principal Unit 1 Deposited Plan 438900	Principal Unit		542839
Principal Unit 2 Deposited Plan 438900	Principal Unit		542840
Principal Unit 3 Deposited Plan 438900	Principal Unit		542841
Principal Unit 4 Deposited Plan 438900	Principal Unit		542842
Principal Unit 5 Deposited Plan 438900	Principal Unit		542843
Principal Unit 6 Deposited Plan 438900	Principal Unit		542844
Principal Unit 7 Deposited Plan 438900	Principal Unit		542845
Principal Unit 8 Deposited Plan 438900	Principal Unit		542846
Principal Unit 9 Deposited Plan 438900	Principal Unit		542847
Principal Unit 10 Deposited Plan 438900	Principal Unit		542848
Principal Unit 11 Deposited Plan 438900	Principal Unit		542849
Principal Unit 12 Deposited Plan 438900	Principal Unit		542850
Principal Unit 13 Deposited Plan 438900	Principal Unit		542851
Total Area		0.0000 Ha	

SB 19533
RC 270597
SDV 275240

ORIGIN OF LEVELS
SS CCCLIII (Cu) SO 16052 RL = 26.44
IN TERMS OF MEAN SEA LEVEL,
WELLINGTON DATUM 1953
SOURCE PLAN SO 35617



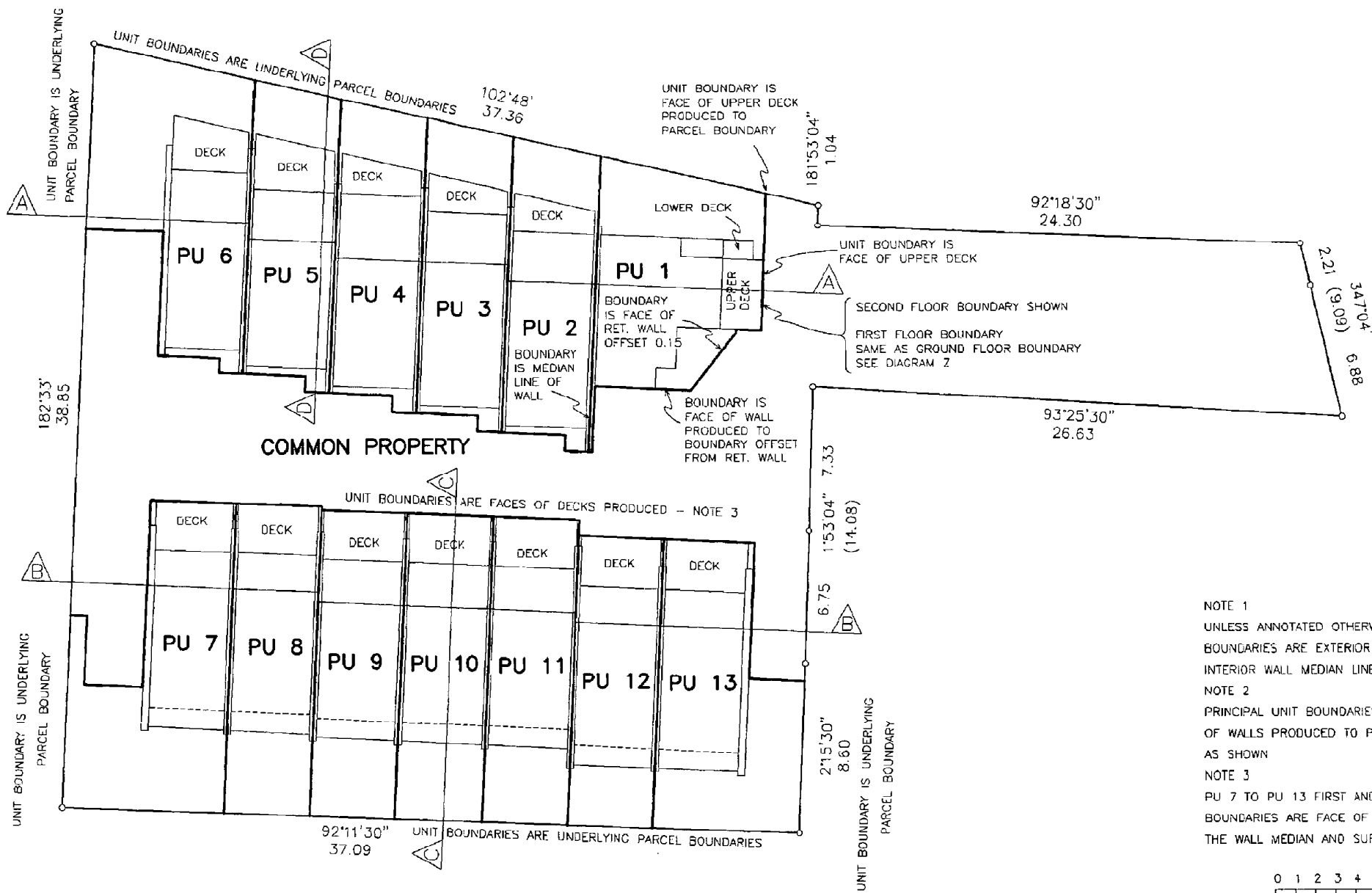
Maunder Surveying >
SURVEYING | PLANNING | LAND DEVELOPMENT

PO Box 17-376 Wellington	Ph 476-7499 enquiries@maundersurveying.co.nz
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UNITS AND EASEMENTS ON LOT 1 DP 398006

PLAN REFERENCE: DP 438900

LAND DISTRICT: WELLINGTON



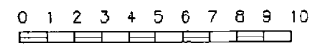
COMMON PROPERTY

UNIT BOUNDARIES ARE FACES OF DECKS PRODUCED - NOTE 3

UNIT BOUNDARIES ARE UNDERLYING PARCEL BOUNDARIES

FIRST AND SECOND FLOOR

- NOTE 1
UNLESS ANNOTATED OTHERWISE, PRINCIPAL UNIT BOUNDARIES ARE EXTERIOR WALL SURFACES AND INTERIOR WALL MEDIAN LINES
- NOTE 2
PRINCIPAL UNIT BOUNDARIES ARE MEDIAN LINES OF WALLS PRODUCED TO PARCEL BOUNDARIES AS SHOWN
- NOTE 3
PU 7 TO PU 13 FIRST AND SECOND FLOOR NORTH BOUNDARIES ARE FACE OF DECK PRODUCED TO THE WALL MEDIAN AND SURFACE LINES PRODUCED



SURVEY REFERENCE: 7525 - 11 GORDON PLACE

SHEET 2/5

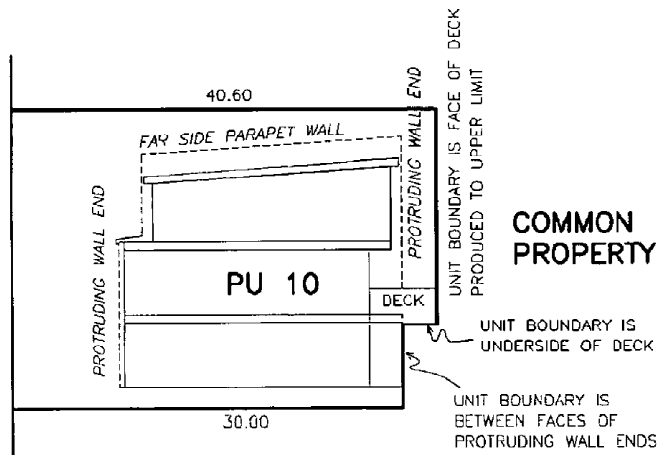
MaunderSurveying
SURVEYING | PLANNING | LAND DEVELOPMENT
PO Box 17-376 Wellington Ph 476-7499
enquiries@maundersurveying.co.nz

UNITS AND EASEMENTS ON LOT 1 DP 398006

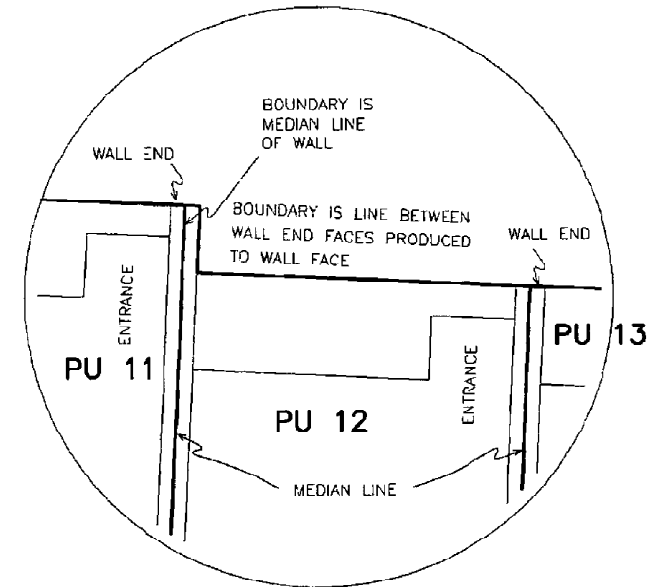
PLAN REFERENCE: DP 438900
LAND DISTRICT: WELLINGTON



LOT 1
DP 428049



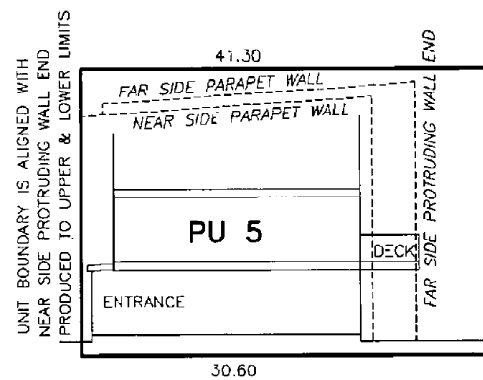
CROSS SECTION CC



DIAG. Y

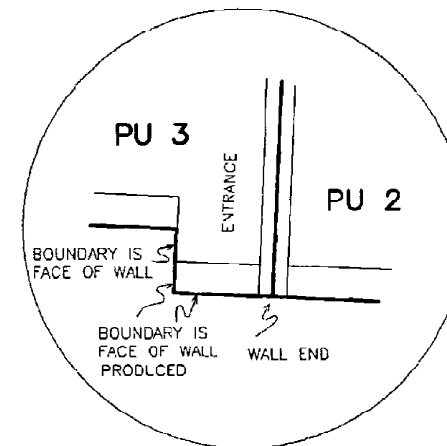
TYPICAL GROUND FLOOR UNIT BOUNDARIES PU 7 - PU 13

COMMON
PROPERTY



CROSS SECTION DD

PART SECTION 962
TN OF WELLINGTON



DIAG. X

TYPICAL UNIT BOUNDARIES
PU 2 - PU 6

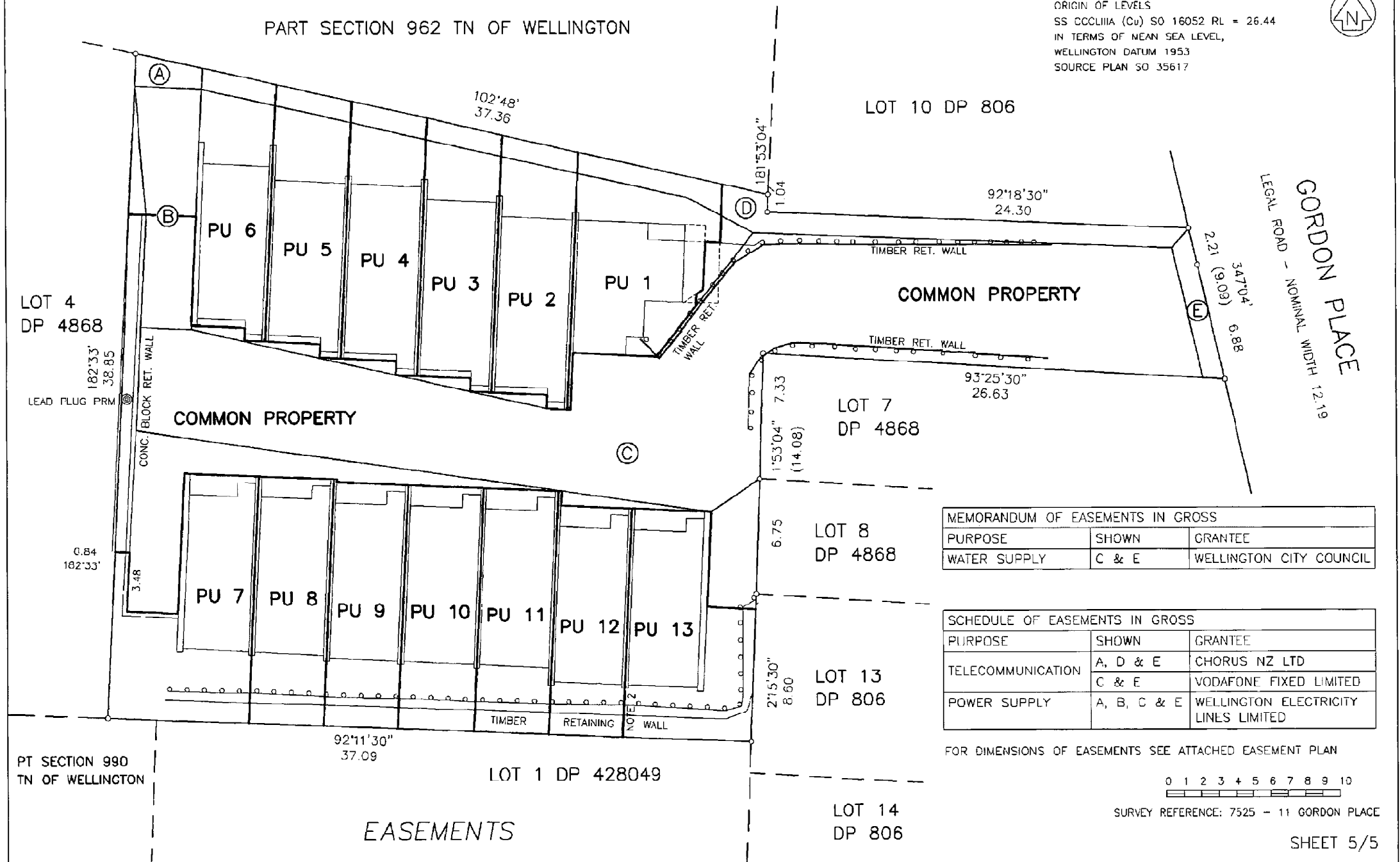
- NOTE 1
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0 1 2 3 4 5 6 7 8 9 10

SURVEY REFERENCE: 7525 - 11 GORDON PLACE

SHEET 4/5

ORIGIN OF LEVELS
SS CCCIIIA (Cu) SO 16052 RL = 26.44
IN TERMS OF MEAN SEA LEVEL,
WELLINGTON DATUM 1953
SOURCE PLAN SO 35617



MaunderSurveying >
SURVEYING | PLANNING | LAND DEVELOPMENT

P0 Box 17-376 Wellington	Ph 476-7499 enquiries@maundersurveying.co.nz
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UNITS AND EASEMENTS ON LOT 1 DP 398006

PLAN REFERENCE: DP 438900
LAND DISTRICT: WELLINGTON

Schedule / Memorandum

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
WATER SUPPLY	C & E	LOT 1 DP 398006	WELLINGTON CITY COUNCIL

SCHEDULE OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
TELECOMMUNICATIONS	A, D & E	LOT 1 DP 398006	CHORUS NZ LIMITED
	C & E	LOT 1 DP 398006	VODAFONE FIXED LIMITED
POWER SUPPLY	A, B, C & E	LOT 1 DP 398006	WELLINGTON ELECTRICITY LINES LIMITED

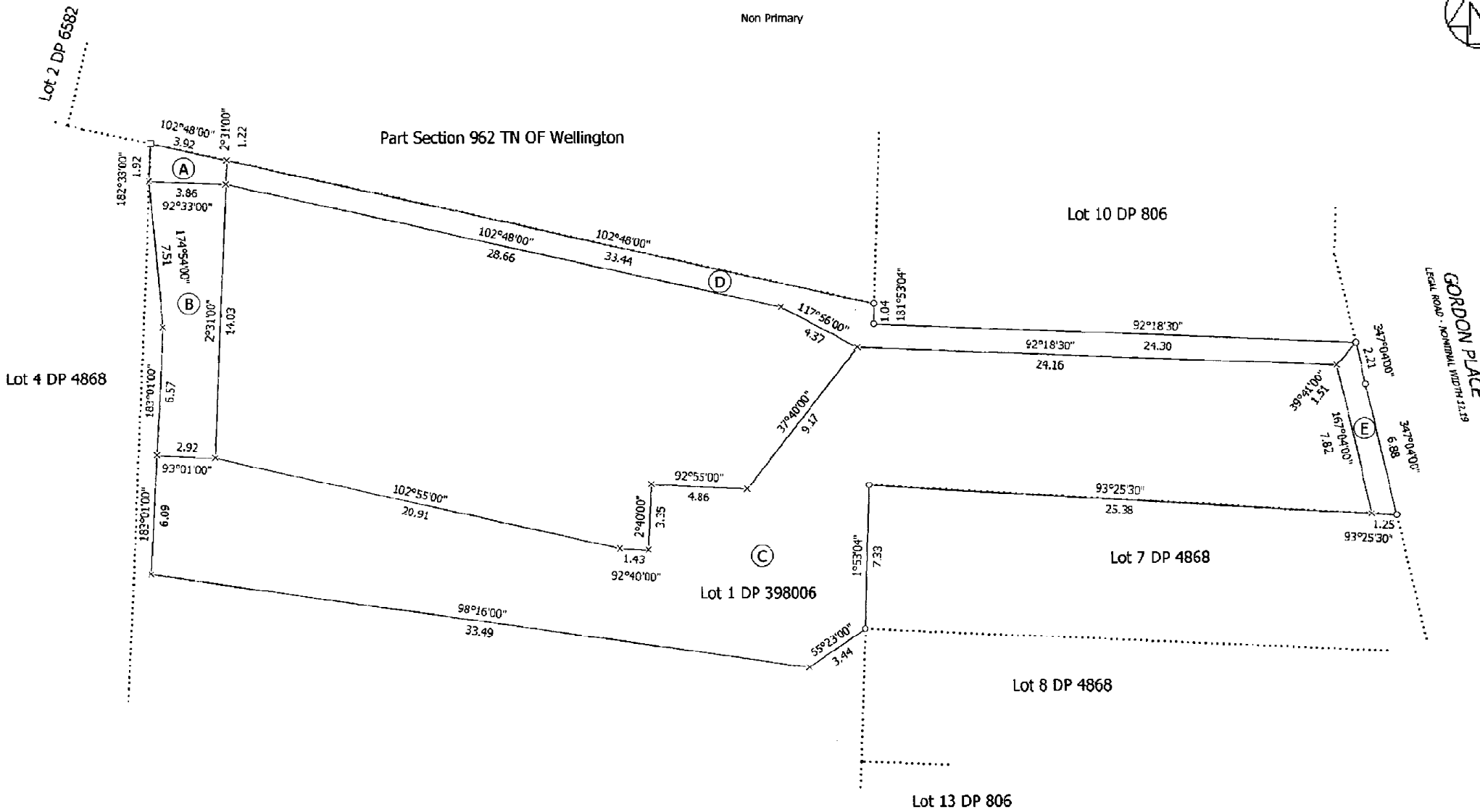
Survey Reference: 7525 – 11 Gordon Place

TA Reference: Wellington City Council SR 270597



Non Primary

Part Section 962 TN OF Wellington



T 1/1

Land District Wellington	UNITS AND EASEMENTS ON LOT 1 DP 398006	Surveyor: Michael Kuus Firm: Maundersurveying	Title Plan LT 438900 DRAFT
Digitally Generated Plan Generated on: 04/03/2013 6:11pm Page 8 of 8			

Resource Management Act 1991 - Land Use

Service Request 89195 (RC - a Res.Con) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: 13 GORDON PLACE Newtown

Designated Wufi: 1132458 Valuation Historic - 13 Gordon Place

File Reference: 0600

Contact: 51360702 Designslope Limited

Contact Address: 25100206

Attention: Parag Manu Chagan & Aruna c/o

Status: Surrendered

Status Date: 12-Aug-03 8:15 AM SR Status: Cancelled

Owner: Member: Paul Duffin Extn:

Team: 1996 Q4/Comp Mon/Enf Team 74

Due Date: Days Remaining :

Days Elapsed :

Description: G: Land Use - construction of 12 two bedroom townhouses

Extended:
Description

Special
Conditions or
Comment

24 July, 2002

Designscope
53 Box Hill
Khandallah
Wellington

Service Request No: 89195
Link No: 0600 450270

Attention: **Mr S Lawless**

Dear Shaun,

APPLICATION FOR RESOURCE CONSENT 89195 GRANTED

Service Request Type:	Resource Consent	
Site Address:	13 Gordon Place	Lot 1 DP 5782
Consent Type:	Land Use	
Consent Description:	Construction of new residential buildings and use for 12 household units	

Please refer to Service Request No. 89195.

I refer to your recent Resource Consent application in which you seek consent to undertake a new residential development.

The application was considered by officers acting under delegated authority on 24 July 2002. I advise that under section 105(1)(b) of the Resource Management Act 1991 (the Act), consent to the application is hereby granted subject to the conditions listed in the attached notice of decision.

Please note that under the provisions of section 125 of the Act, this consent will expire at the end of a two (2) year period, commencing from the date of this decision. If you have not given effect to this consent by then, you may either make an application for an extension of time, within three (3) months of the expiry, or lodge a fresh resource consent application.

If you would like to discuss this application further please contact me on 801-3901.

Yours sincerely,

Brian Warburton
Resource Consent Planner
Environmental Control Business Unit
Wellington City Council

Notice of Decision

<u>Date:</u>	24 July 2002
<u>Site Address:</u>	13 Gordon Place
<u>Legal Description:</u>	Lot 1 DP 5782
<u>Applicant:</u>	Shaun Lawless of Designslope
<u>Proposal:</u>	Construction of two new residential buildings, and their use for 12 household units.
<u>Owner:</u>	M C, A, A and J Parag
<u>Plan No:</u>	Shaun Lawless plans - Site Development/Access Plan No. 01 - Ground, First and Second Floor Plan No. 02 - Plan of Cross Sections No. 03 - Plan of Elevations No. 4 - Site Development/Landscaping Plan No.4 - Driveway Fence/Wall Details (numbered A/2 by WCC)

District Plan:

Planning Maps

In part Inner Residential and in part Suburban Centre but not within a character area or subject to a designation.

Activity

- 1 The use of the land for the construction of the new residential buildings, and their use for 12 household units, is not a permitted activity as the requirement under Rule 5.1.3.1 that the site contains no more than two household unit is not met. Under Rule 5.3.4 the activity must comply with the relevant conditions specified for activities in Rules 5.1.1 and 5.1.3. This will be the case, and proposal is a discretionary activity [restricted] under Rule 5.3.4 of the District Plan.. In addition, the extent of the earthworks for building excavations will be such that the permitted limits under Rule 5.1.9 will not be met, and consent is required under Rule 5.3.9.
- 2 The use of the balance of the land, and part of Lot 2 DP 44389 and part Sec 962 Town of Wellington (No. 17 Gordon Place), for access to the part which is zoned residential is a discretionary activity (restricted) under Rule 7.3.1 as the proposal relates to a development which does not satisfy the vehicle access requirements under Rule 7.1.1 in respect of site access [Condition 7.1.1.7.7], and because the standards and terms under Rule 7.3.1 are met.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the District Plan to use the land at 13 Gordon Place (being Lot 1 DP 5782) for:

- the construction of additional residential buildings; and,
- the use of the land and buildings for residential activities (resulting in a total of 12 household units) with sub-standard vehicle access within the application site and within Lot 2 DP 44389 and part Sec 962 Town of Wellington (No. 17 Gordon Place);

subject to the following conditions:

General

- (a) The proposal must proceed in accordance with Shaun Lawless plans and other relevant information lodged with the application SR No.89195.

The approved plans are:

- Site Development/Access Plan No. 01
- Ground, First and Second Floor Plan No. 02
- Plan of Cross Sections No. 03
- Plan of Elevations No. 4
- Site Development/Landscaping Plan No.4
- Driveway Fence/Wall Details (numbered A/2 by WCC)

For the avoidance of doubt, where there is inconsistency between the approved plans and the landscaping shown on the approved plan required by Conditions (e), (f) and (g) below, then the latter shall prevail.

Development Impact Fee:

- (b) In order to make appropriate contribution to upgrading the City's infrastructure and reserves, a development impact fee is payable and this has been assessed at \$5,511 (GST incl.). The development impact fee shall be paid on, or prior to the issue of the building consent; or evidence shall be produced that the payment has already been made in connection with other development on the site.

Note:

Part or all of the development impact fee may already have been paid under earlier building consents or to meet a condition of another resource consent. The development impact fee is made as follows:

A traffic impact fee of:	\$303 per unit	x 11	= \$3,333
A city wide reserves fee of:	\$198 per unit	X 11	= \$2,178
Total Fee			= \$5,511

Construction and Access

- (c) Before the use of the units for residential activities, the following provisions must be made/installed, and to the satisfaction of the Compliance Monitoring Team.
- surfacing of the vehicle access, parking and manoeuvring areas with permanent materials;

- roadmarking relating to the directional use (e.g. “No entry” and “Entry”) of the accesses;
- a speed hump/judderbar; and,
- a sign at the entrance driveway stating that the entrance for trucks shall be via the northern exit driveway.

Note: The proposed mirror should be deleted from the proposal.

- (d) A suitable right-of-way must be created in favour of the application site and the adjoining site to the north (Lot 2 DP 44389 and part Sec 962 Town of Wellington) and over that part of the land at No. 15 Gordon Place (Lot 10 DP 806) which is hatched on the site plan submitted with the application (number by WCC as A/1). Evidence must be submitted to the Council of the registration of the required right-of-ways before the use of the site for residential activities.

Landscaping and Fencing

- (e) The consent holder shall undertake landscaping and fencing on the site.

A landscape development plan and written specification must be prepared by a suitably qualified professional and submitted to the Council and its approval sought within 3 months of this consent being exercised [refer Condition (h) below]. In any event the landscape development plan must be approved by the Council before the new building work is roofed. The landscape plan must include details of and satisfy the following requirements:

- all new planting to be undertaken on the site;
- species to be planted, plant numbers and the minimum grades of plant material;
- the retention of any existing trees or other vegetation on the site;
- how planting will be staged, established and maintained;
- a commitment to replacing planting if initial work fails; and,
- a schedule of quantities and costs for the above work.

The landscape works must be established and constructed in accordance with the approved landscape development plan and written specification, and completed before the use of the new building for residential activities.

Note: The landscaping plan should incorporate the following.

- The general concept submitted with the application particularly the use of specimen trees;
- A mix of trees both evergreen and deciduous that give height, screening and aesthetic appeal;
- Exclusion of *Pittosporum crassifolium* which has no value as a specimen tree;
- Edge planting along the eastern edge of fenceline of Unit 12 to include plants that soften the fence line;
- Inclusion of taller species into the mix of plants; and,
- An increase in the number of plants along the southern boundary.

Planting Establishment

- (f) All plants and tree specimens must be successfully established on the site for six months. Progress must be monitored at regular intervals by Council officers and remedial works carried out by the applicant if required.

The Council may undertake a review of Condition (f) under s128 of the Resource Management Act to address any adverse effects of the exercise of the consent in respect of unsuccessful establishment of plants, trees and planting areas. The review may be undertaken within six months of the establishment and construction of the landscaping.

Fencing

- (g) Before the use of the site for residential activities boundary fencing no lower than 1.8 metres must be installed along the northern and southern boundaries. Details about the design of this fencing must be included in the landscaping plan required by Condition (e) above.

Monitoring Condition/Review of Consent Conditions

- (h) The consent holder shall notify the Compliance and Monitoring Officer a minimum of 48 hours before the consent is to be exercised by telephone (801 4017) or facsimile (801 3100) quoting the address of the property and the service request number.
- (i) That the consent holder shall pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

*Please refer to ECBU's current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent.
2. A vehicle access bylaw approval is required for the construction of kerb crossings, driveways and parking facilities.
4. An earthworks bylaw consent is required if the volume of cut or fill exceeds 10 cubic metres or the ground level is changed by more than 600mmm. This consent is required under the "WCC Consolidated Bylaw 1991; Part 8, EARTHWORKS."
5. The Council's "General Conditions of Excavation and Transport of Excavated Materials", December 1993, shall apply and remain in force for the duration of the site development works.
6. Any excess soil or other waste materials produced as a result of excavation, clearing or demolition, must be removed from the site to an approved disposal site.

7. Placement of the excess material on the disposal site may necessitate the need for a Land Use Consent for earthworks with respect to that site.
8. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
9. The land use consent must be given effect to within 2 years of the granting of this consent, or within such extended period of time pursuant to sections 125 and 37, as the Council may allow.
10. Rights of objection to the conditions specified above may be exercised pursuant to section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.
11. If it is the developer's intention to subdivide the property then the following may be imposed as conditions of such a subdivision consent in terms of ensuring satisfactory water and drainage servicing.
 - The existing private stormwater and sewer drains within the site should be constructed clear of the proposed building sites, and the existing public sewer and stormwater mains extended to as far as the boundary with No. 67 Rintoul Street.
 - Each unit should be provided with a water service pipe connected to a water main connected to the water supply system, and the pipes should be laid within common areas, or other areas that are for the purpose of access.

Reasons for Decisions:

1. The proposal is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.
 2. The applications for consents under Rules 5.3.4 and 7.3.1 do not need to be notified pursuant to section 94(1A) of the Act.
 3. The effects on the environment will be minor and there are no persons who are considered to be adversely affected parties.
-

**Environmental Control Business Unit
Decision Report For Land Use Consent**

Service Request No: 89195

Link No: 0600 450270

24 July, 2002

Non-Notified Application

<u>Site Address:</u>	13 Gordon Place
<u>Legal Description:</u>	Lot 1 DP 5782
<u>Applicant:</u>	Shaun Lawless of Designslope
<u>Proposal:</u>	Construction of two new residential buildings, and their use for 12 household units.
<u>Owner:</u>	M C, A, A and J Parag
<u>Plan No:</u>	Shaun Lawless plans - Site Development/Access Plan No. 01 - Ground, First and Second Floor Plan No. 02 - Plan of Cross Sections No. 03 - Plan of Elevations No. 4 (Two Sheets) - Site Development/Landscaping Plan No.4 - Driveway Fence/Wall Details (numbered A/2 by WCC)

District Plan:

1 Planning Maps

In part Inner Residential and in part Suburban Centre but not within a character area or subject to a designation.

2 Activity

- 2.1 The use of the land for the construction of the new residential buildings, and their use for 12 household units, is not a permitted activity as the requirement under Rule 5.1.3.1 that the site contains no more than two household unit is not met. Under Rule 5.3.4 the activity must comply with the relevant conditions specified for activities in Rules 5.1.1 and 5.1.3. I am satisfied that this will be the case, and proposal is a discretionary activity [restricted] under Rule 5.3.4 of the District Plan.. In addition, the extent of the earthworks for building excavations will be such that the permitted limits under Rule 5.1.9 will not be met.

The Design Guide for Multi-Unit Development is the only assessment criteria under Rule 5.3.4 and is referred to below. The assessment criteria under Rule 5.3.9 are also considered below.

- 2.2 The use of the balance of the land, and part of Lot 2 DP 44389 and part Sec 962 Town of Wellington (No. 17 Gordon Place), for access to the part which is zoned residential is a discretionary activity (restricted) under Rule 7.3.1 as the proposal relates to a development which does not satisfy the vehicle access requirements under Rule 7.1.1 in respect of site access [Condition 7.1.1.7.7], and because the standards and terms under Rule 7.3.1 are met.

The relevant assessment criteria under Rule 7.3.1 are referred to below.

Site Description:

- 3 The application site is described as Lot 1 DP 5782 and has a total land area of 1361 square metres. The bulk of the site is more or less square with dimensions of about 36 metres. This part of the site is located to the rear of the properties with frontage to Gordon Place, and which are zoned 'Suburban Centre'. The remainder of the site comprises a 23 metre long and 2.6 metre wide access strip, which provides the property with access to Gordon Place. The properties adjoining the site to the north, west and south are within the residential area and currently have residential buildings erected upon them. The site to the north is under going residential development for which resource consent was granted on 15 March 2002 under SR 84227.

The site currently accommodates a single -storey dwelling which has a half basement and single vehicle garaging. This building will be demolished/relocated should the development proceed. The balance of the land surrounding this dwelling has a grade of about 1:10 rising up towards the south-west, and is currently in grass and scattered shrubs and trees.

The Proposal:

- 4 The applicant has sought land use consent to erect new residential buildings in two blocks. The southern block will have dimensions of about 34 by 10.5 metres, will be three-storeys high and divided into 6 house hold units. The northern block will have dimensions of about 10 by 28 metres, will be two-stories high and divided into 5 household units. Each unit will have single vehicle garaging which will be accessed via a 4.5 metres wide driveway (with footpaths on both sides) located between the two blocks. The total footprint area of the new buildings will be about 632 square metres which results in a site coverage of about 46.5 percent.

Plans drawn by Shaun Lawless of Designslope are attached to the application and show the bulk and location for these buildings, and a landscaping plan is also included showing proposed planting, fencing and paving. Vehicle ingress will be via the access strip, and egress via the access strip to the adjoining site – No. 17 Gordon Place. The developer has an agreement with the owner of No. 15 Gordon Place to create a right-of-way over part of that site. This would increase the width of that access to 3.4 metres where it meets Gordon Place and to 2.5 metres at its western end.

Section 94 Analysis:

- 5 Pursuant to section 94 of the Act, applications being for discretionary activities [restricted] can be considered on a non-notified basis where the District Plan expressly

permits consideration of the application without written approvals under section 94(1A), or in other cases where the adverse effects are minor and all affected parties have given approval. I believe the tests in section 94 of the RM Act are met and note the following:

- The size of the new buildings, and its position, on the site are such that all the relevant bulk and location standards relative to the external boundaries of the underlying lot are complied with, and two building such as these can be erected as a permitted activity.
- The Council's Urban Designer has assessed the proposal and considers that the development meets the objectives of the Multi-Unit Design Guide.
- Under Rule 5.3.4 and pursuant to section 94(1A) of the RM Act, that application can be processed without affected persons approval.
- The proposal has been considered by Gary Clark, traffic engineer. He is happy that the proposal does not raise issues in terms of safety and efficiency of the transportation network which would warrant notification.
- The application for the land use consent under Rule 7.3.1 in respect of site access can be considered on a non-notified basis pursuant to section 94(1A) of the Act.
- The proposed earthworks will be located below the surrounding residential properties, and in any event the visual effects of proposed earthworks will be avoided once the cut faces are hidden by the new building work and hard surfacing, and other effects mitigated by earthworks regulatory mechanisms.
- Any construction effects from the proposal will only be temporary
- The proposed access to the site is able to meet the intentions of the Code of Practice for shared access.
- With 1361 square metres of land which is zoned for residential purposes and an average of about 113 square metres of land for each of the proposed residential units, the proposal is consistent and compatible with the recent developments in the Inner Residential Area.
- There is no reason to consider that special circumstances exist relevant to section 94(5).

Accordingly the application has been dealt with on a non-notified basis.

Assessment:

- 6 The proposed land use within that part of the site which is zoned Inner Residential is a discretionary activity [restricted] under Rule 5.3.4, with the discretion being restricted to design, external appearance and siting, site landscaping, and parking and site access. Rule 5.3.4 states:

In determining whether to grant consent and what conditions, if any, to impose the Council will have regard to the Design Guide for Multi-Unit Development.

Aspects relevant to the assessment criteria under Rules 5.3.4 [multi-unit development] are considered by the applicant.

The proposal has been assessed by Yvonne Weeber - ECBU's urban designer and she is satisfied that the intent of the urban design guide is met, although she also considers that further attention to landscaping and fencing is required. The applicant has confirmed that this will be addressed and considers conditions of consent are acceptable. I agree with this conclusion.

- 7 The earthworks aspects of the proposal have been assessed against the relevant criteria under Rule 5.3.9 below:

5.3.9.6 *The extent to which any earth cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to soil erosion or affect existing natural features such as water bodies.*

Some vegetation within the site will be removed but this predominantly comprises lawns with a few suburban trees and shrubs. Although the site might contained some indigenous species, these are not known to be of any significance.

The effects from the earthworks will only be temporary and during the construction period, and these will be controlled by the Wellington City Council 'General Conditions of Excavation and Transport of Excavated Materials', December 1993. Earthworks by-law approval will be required. Conditions of that approval will be adequate to ensure minimal environmental effects in this regard. Overall, I consider that the proposal will not affect water quality, cause or contribute to soil erosion or affect existing natural features, such as watercourses.

5.3.9.7 *The extent to which any cut or fill can be restored or treated to resemble natural landforms. Council will seek to avoid the creation of unnatural scar faces.*

All cut area will be covered by the new building work. As the work is specifically required for building construction it is not possible for the natural landform to be restored. Nonetheless, building construction will ensure that the cut faces are only visible for a short time.

5.3.9.8 *The extent to which any earthworks may impact on prominent or visually sensitive situations, including the coastal marine area, ridgelines, cliffs, escarpments and waterbodies.*

The site is not within the coastal marine area, or located on a prominent landscape. It is considered that there is sufficient vegetation within the site and around the area which will be earthworked to ensure that sediment run-off will be kept to a minimum.

5.3.9.9 *The necessity for carrying out the works.*

All the proposed earthworks are required for building platform excavations. No unnecessary earthworks are proposed.

5.3.9.10 *Whether the earthworks proposed increase or decrease flood hazards.*

Most of the earthworked ground will be covered by buildings and other hard surfacing. Stormwater run-off will be better controlled by collection with drains and channels.

5.3.9.11 *Rule 5.3.9 shall not apply to a subdivision where earthworks is controlled or subject to a discretion in the grant or refusal of a subdivision consent.*

Not applicable – land use consent has been specifically sought.

5.3.9.12 *Where the activity is within a Maori precinct, the outcome of consultation with tangata whenua and other Maori.*

Not relevant.

5.3.9.13 *The effects on any water body or the coastal marine area arising from the contamination associated with earthworks.*

Not relevant.

- 8 The proposed land use within that part of the site which is zoned Suburban Centre for vehicle access is a discretionary activity [restricted] under Rule 7.3.1, with discretion being restricted to the conditions which are not met, which in this case is vehicle access. Each of the relevant assessment criterion under Rule 7.3.1 is commented upon in turn and below:

7.3.1.12.1 *Whether the activities undertaken or proposed on the site will not generate a demand for the required parking or servicing facilities or require compliance with the site access provisions.*

With respect to the site access arrangements over which Council has discretion, the Council's traffic engineer, Gary Clark, has viewed the application details and advises that he has no objection to the proposed vehicular access arrangements. He has however recommended a minor change in respect of the proposed mirror.

7.3.1.12.2 *The extent to which topography, size and shape of the site, the location of any natural features on the site, or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance difficult.*

The size of the buildings already on the adjoining sites are such that it is not possible for access from the site to be undertaken in compliance with Rule 7.1.1.

7.3.1.12.3 *Whether suitable alternative provision for parking or servicing or site access can be made.*

The part of the application site which is within the Suburban Centre area is used for access to the balance of the land only. As such the use of this land for access will create no demand for parking or servicing within it.

7.3.1.12.4 *The extent to which the standards for parking, servicing or site access can be varied without endangering public safety, or the amenities of any shopping street.*

Gordon Place is a short and relatively wide street with adequate room for manoeuvring. As it is a no-exit 'road' traffic volumes and speeds are comparatively low. The use of the buildings fronting the street for commercial activities is established. The proposal will result in an increase in the degree of adverse effects in this regard. However, given the nature of the site and the development within it, I consider that the access condition can be varied with no likelihood that public safety

or efficient traffic operation will be compromised. This has been confirmed by support of the traffic engineer.

Objectives and Policies:

- 9 The objectives and policies of the District Plan which are relevant to the building, multi-unit residential use, and earthwork aspects of the proposal are as follows:

Objective 3.4.2.1 *To ensure that the costs of serving development with infrastructure and reserves is included in the cost of development in a fair and equitable manner.*

Policy 3.4.2.1.2 *Identify the instances where fees will be imposed to mitigate the impacts of development on city infrastructure and on the wider environment.*

Objective 4.2.2 *To maintain and enhance the amenity values of Residential Areas.*

Policy 4.2.2.1 *Control the potential adverse effects of residential activities.*

Objective 4.2.3 *To maintain and enhance the physical character of Residential Areas and identified areas of special streetscape or townscape character.*

Policy 4.2.3.1 *Control the siting, scale and intensity of new residential buildings to reflect the differences between older and more recent suburban residential areas.*

Objective 4.2.5 *To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.*

Policy 4.2.5.2 *Encourage the protection of undeveloped skylines and ridges that make an important contribution to the landscape of Wellington.*

Policy 4.2.5.3 *Ensure that any approved earthworks are designed and engineered to reflect natural landforms.*

Policy 4.2.5.4 *Encourage retention of existing vegetation, established trees and existing native vegetation.*

With the provisos of managing effects and adequate utility servicing, the Council's general policy direction for residential areas is obliging and encouraging towards activities that use land for residential purposes and towards more efficient use of residential land (refer Objectives 4.2.1 and 4.2.4; and Policies 4.2.1.3, 4.2.4.1, and 4.2.4.3).

For residential buildings the Council policy direction is also permissive providing new developments respect and do not detract from established amenity values or landscape aspects, or unduly impact upon the roads and other public areas within residential area (refer Objectives 4.2.2, 4.2.3 and 4.2.10).

Objective 3.4.2.1 and Policy 3.4.2.1.2 relating to ensuring the effects of developments upon the public infrastructure and reserves are adequately mitigated by payment of financial contributions.

Whilst the objectives encourage effective use of land, it is recognised that multi unit housing can significantly alter neighbourhood amenities. The Council seeks to promote

excellence in design to ensure new development is compatible with existing residential development and maintain local amenities and character.

The proposed residential development is consistent with the thrust of these provisions of the Council as expressed in the District Plan.

- 11 The relevant provisions of the District Plan which are relevant to the vehicle access aspect of the proposal are outlined under Objectives 6.2.1, 6.2.2, 6.2.3, 6.2.4 and 6.2.8, and their related policies. Essentially the relevant policies and objectives and the rules which flow from them, have been devised to ensure that the adverse effects of subdivision and land use are remedied, avoided or mitigated. This also includes ensuring the sound design, development and servicing of all subdivisions so they are of a high standard, and that activities maintain the existing character and amenities of suburban centre areas.

I believe that the proposal is also consistent with these provisions of the District Plan applicable to the Suburban Centre.

Section 108 of the RM Act

- 12 Matters over which discretion has been restricted

Under Rules 5.3.4, 5.3.9 and 7.3.1, and section 105(1)(b) of the Act, conditions are able to imposed over: design, external appearance and siting; site landscaping; parking and site access; the alteration or disturbance of the ground; and, the degree of slope.

The urban designer considers that the proposal should include more details in respect of the landscaping proposed for the site, and fencing on the boundaries with adjoining sites. I consider that these are matters covered by the Act and the district plan, and that a corresponding conditions can be imposed.

General condition relating to earthworks and vehicle access will address all other relevant matters.

- 13 Development impact fees

Where a development creates a new household unit, or an additional residential allotment, or additional floor area, the consent holder is required to contribute toward the cost of upgrading the City's infrastructure and reserves. The legal basis for the payments is section 108(9) of the Resource Management Act 1991, which allows Council to impose a variety of financial contributions to achieve the purposes of the Act. The mechanism for setting and imposing the contributions is detailed in section 3.4 of the District Plan.

The development relates to 12 household units. The land is currently held in one certificate of title and enjoys the benefit of a credit for one reserves contributions already paid. Development impact fees are required for the 11 additional units.

In accordance with the 'Guide to Development Impact Fees', the total development impact fee is made up as follows:

A traffic impact fee of:	\$303 per unit	x 11	= \$3,333
A city wide reserves fee of:	\$198 per unit	X 11	= \$2,178
Total Fee			= \$5,511

An appropriate condition has been included in the decision section of this report.

Conclusion:

- 14 Application has been made for resource consent to construct new residential buildings on the land at 13 Gordon Place, and to use the new buildings for 12 household units with associated sub-standard site access and earthworks. Land use consent is required under Rules 5.3.4, 5.3.9 and 7.3.1 which all relate to discretionary activities [restricted].

The proposal has been evaluated under the relevant provisions of the RM Act and it is considered that under section 94 the application for consents does not need to be notified, and that consent can be granted under sections 105(1)(b). Appropriate conditions have been recommended

Decision:

That officers acting under delegated authority from the Council and pursuant to section 105(1)(b) of the Resource Management Act 1991, grant consent under the District Plan to use the land at 13 Gordon Place (being Lot 1 DP 5782) for:

- the construction of additional residential buildings; and,
- the use of the land and buildings for residential activities (resulting in a total of 12 household units) with sub-standard vehicle access within the application site and within Lot 2 DP 44389 and part Sec 962 Town of Wellington (No. 17 Gordon Place);

subject to the following conditions:

General

- (a) The proposal must proceed in accordance with Shaun Lawless plans and other relevant information lodged with the application SR No.89195.

The approved plans are:

- Site Development/Access Plan No. 01
- Ground, First and Second Floor Plan No. 02
- Plan of Cross Sections No. 03
- Plan of Elevations No. 4 (Two Sheets)
- Site Development/Landscaping Plan No.4
- Driveway Fence/Wall Details (numbered A/2 by WCC)

For the avoidance of doubt, where there is inconsistency between the approved plans and the landscaping shown on the approved plan required by Conditions (e), (f) and (g) below, then the latter shall prevail.

Development Impact Fee:

- (b) In order to make appropriate contribution to upgrading the City's infrastructure and reserves, a development impact fee is payable and this has been assessed at \$5,511 (GST incl.). The development impact fee shall be paid on, or prior to the issue of the building consent; or evidence shall be produced that the payment has already been made in connection with other development on the site.

Note:

Part or all of the development impact fee may already have been paid under earlier building consents or to meet a condition of another resource consent. The development impact fee is made as follows:

A traffic impact fee of:	\$303 per unit	x 11	= \$3,333
A city wide reserves fee of:	\$198 per unit	X 11	= \$2,178
Total Fee			= \$5,511

Construction and Access

- (c) Before the use of the units for residential activities, the following provisions must be made/installed, and to the satisfaction of the Compliance Monitoring Team.
- surfacing of the vehicle access, parking and manoeuvring areas with permanent materials;
 - roadmarking relating to the directional use (e.g. “No entry” and “Entry”) of the accesses;
 - a speed hump/judderbar; and,
 - a sign at the entrance driveway stating that the entrance for trucks shall be via the northern exit driveway.

Note: The proposed mirror should be deleted from the proposal.

- (d) A suitable right-of-way must be created in favour of the application site and the adjoining site to the north (Lot 2 DP 44389 and part Sec 962 Town of Wellington) and over that part of the land at No. 15 Gordon Place (Lot 10 DP 806) which is hatched on the site plan submitted with the application (number by WCC as A/1). Evidence must be submitted to the Council of the registration of the required right-of-ways before the use of the site for residential activities.

Landscaping and Fencing

- (e) The consent holder shall undertake landscaping and fencing on the site.

A landscape development plan and written specification must be prepared by a suitably qualified professional and submitted to the Council and its approval sought within 3 months of this consent being exercised [refer Condition (h) below]. In any event the landscape development plan must be approved by the Council before the new building work is roofed. The landscape plan must include details of and satisfy the following requirements:

- all new planting to be undertaken on the site;
- species to be planted, plant numbers and the minimum grades of plant material;
- the retention of any existing trees or other vegetation on the site;
- how planting will be staged, established and maintained;
- a commitment to replacing planting if initial work fails; and,
- a schedule of quantities and costs for the above work.

The landscape works must be established and constructed in accordance with the approved landscape development plan and written specification, and completed before the use of the new building for residential activities.

Note: The landscaping plan should incorporate the following.

- The general concept submitted with the application particularly the use of specimen trees;
- A mix of trees both evergreen and deciduous that give height, screening and aesthetic appeal;
- Exclusion of *Pittosporum crassifolium* which has no value as a specimen tree;
- Edge planting along the eastern edge of fenceline of Unit 12 to include plants that soften the fence line;
- Inclusion of taller species into the mix of plants; and,
- An increase in the number of plants along the southern boundary.

Planting Establishment

- (f) All plants and tree specimens must be successfully established on the site for six months. Progress must be monitored at regular intervals by Council officers and remedial works carried out by the applicant if required.

The Council may undertake a review of Condition (f) under s128 of the Resource Management Act to address any adverse effects of the exercise of the consent in respect of unsuccessful establishment of plants, trees and planting areas. The review may be undertaken within six months of the establishment and construction of the landscaping.

Fencing

- (g) Before the use of the site for residential activities boundary fencing no lower than 1.8 metres must be installed along the northern and southern boundaries. Details about the design of this fencing must be included in the landscaping plan required by Condition (e) above.

Monitoring Condition/Review of Consent Conditions

- (h) The consent holder shall notify the Compliance and Monitoring Officer a minimum of 48 hours before the consent is to be exercised by telephone (801 4017) or facsimile (801 3100) quoting the address of the property and the service request number.
- (i) That the consent holder shall pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

*Please refer to ECBU's current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. Out of courtesy, it is suggested that you advise your nearest neighbours of your intention to proceed with this land use consent.
2. A vehicle access bylaw approval is required for the construction of kerb crossings, driveways and parking facilities.

4. An earthworks bylaw consent is required if the volume of cut or fill exceeds 10 cubic metres or the ground level is changed by more than 600mmm. This consent is required under the “WCC Consolidated Bylaw 1991; Part 8, EARTHWORKS.”
5. The Council's "General Conditions of Excavation and Transport of Excavated Materials", December 1993, shall apply and remain in force for the duration of the site development works.
6. Any excess soil or other waste materials produced as a result of excavation, clearing or demolition, must be removed from the site to an approved disposal site.
7. Placement of the excess material on the disposal site may necessitate the need for a Land Use Consent for earthworks with respect to that site.
8. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
9. The land use consent must be given effect to within 2 years of the granting of this consent, or within such extended period of time pursuant to sections 125 and 37, as the Council may allow.
10. Rights of objection to the conditions specified above may be exercised pursuant to section 357(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.
11. If it is the developer's intention to subdivide the property then the following may be imposed as conditions of such a subdivision consent in terms of ensuring satisfactory water and drainage servicing.
 - The existing private stormwater and sewer drains within the site should be constructed clear of the proposed building sites, and the existing public sewer and stormwater mains extended to as far as the boundary with No. 67 Rintoul Street.
 - Each unit should be provided with a water service pipe connected to a water main connected to the water supply system, and the pipes should be laid within common areas, or other areas that are for the purpose of access.

Reasons for Decisions:

1. The proposal is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.
2. The applications for consents under Rules 5.3.4 and 7.3.1 do not need to be notified pursuant to section 94(1A) of the Act.
3. The effects on the environment will be minor and there are no persons who are considered to be adversely affected parties.

Brian Warburton
Delegated Officer

Trevor Garnett
Delegated Officer

Delegated Authority Code: (1 and 2)

11 August, 2003

PIC1 Properties Limited
P O Box 92
Paekakariki

Service Request Nos: 104653,
89195, 95936, 95939, and 95944
Link Nos: 450296 and 450270

Attn: Craig Debreceeny

Dear Craig,

**SURRENDER OF LAND USE AND SUBDIVISION CONSENTS GRANTED UNDER SRs
89195, 95936, 95939, and 95944 – 13 GORDON PLACE**

I have received a copy of your facsimile to Colin Kelly (owner of No. 17 Gordon Place) dated 4 August 2003 in which you ask the Council to accept the surrender of the land use and subdivision consents granted under SRs 89195, 95936, 95939, and 95944. This relates to a proposal by Mr Kelly to revise the parking arrangements for the development on the site at No. 17 Gordon Place, which if approved, would inhibit your ability to effect these resource consents.

I have discussed these matters with Bill Stevens, senior resource consents planner ECBU, and we envisage no difficulties with your intention to relinquish the consents.

This letter is, therefore, formal confirmation that the Council has, pursuant to section 138 of the Resource Management Act 1991, accepted the surrender of the resource consents:

- to use the land within Lot 1 DP 5782 for a multi-unit development which was granted on 24 July 2002 under service request SR 89195;
- to the fee-simple subdivision of Lot 1 DP 5782 along with Lot 2 DP 44389 and Part Sec. 962 Town of Wellington which was granted on 12 December 2002 under service request SR 95936; and
- to the unit-title subdivision of Lots 1 and 2 in the fee-simple subdivision which were granted on 12 December 2002 under service requests SRs 95939 and 95944.

Thank you for your co-operation in this matter, and if you require any clarification about this letter please contact me on the number below.

Yours faithfully,

Brian Warburton
Resource Consent Planner
Environmental Control Business Unit
Wellington City Council
Ph: 801-3901

cc: Colin Kelly c/- Wynne Paterson McLeod, Porirua

Service Request 133333 (RC - a Res.Con) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: -13 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 1051082

Contact: 53442897 Sing Wei Developments Limited

Contact Address: 25690907

Attention:

Status: Being Monitored

Status Date: 20-May-11 4:51 PM SR Status: On-going

Owner: Member: Ben Brown Extn: 803 8307

Team: 1996 Q4/Comp Mon/Enf Team 74

Due Date: Days Remaining :

Extension: Yes Days Elapsed :

Description:	3: multi-unit development (13 townhouses) NOD sent 1.6.06
Extended: Description	
Special Conditions or Comment	Applicant away, any questions planner please contact M Sahib 027 248 1077 Note: s.127 change of condition A - SR164655

31 May, 2006

Mohammed Yunus Sahib
c/- Housescapes
44 Bassett Rd
Johnsonville
Wellington 6004

Service Request No: 133333
File Reference: 1051082

Attention: Warwick Janes

Dear Sir,

APPLICATION FOR RESOURCE CONSENT 133333 GRANTED

Service Request Type:	Resource Consent	
Site Address:	11-13 Gordon Place	Lot 6 DP 4864 & Lot 1 DP 5782
Consent Type:	Land Use	
Consent Description:	Multi-unit development (13 townhouses)	

Please refer to Service Request No. 133333. I refer to your recent Resource Consent application in which you seek consent for the construction of thirteen new townhouses at the above address.

The application was considered by officers acting under delegated authority on 31 May 2003. I advise that under section 104C of the Resource Management Act 1991 (the Act), consent to the application is hereby granted subject to the conditions listed in the attached Notice of Decision.

A copy of the full decision report can be made available on request. If you would like to discuss this application further please contact me on 801 3296.

Yours sincerely

Jeffrey TC LOO

Resource Consent Planner
Strategy and Planning
801 3296
e-mail: jeffrey.loo@wcc.govt.nz

visit our web-site at <http://www.wellington.govt.nz>

Notice of Decision

<u>Date:</u>	31 May, 2006
<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	LOT 6 DP 4868 and Pt Town Section 964 City of Wellington and defined on DP 5782.
<u>Applicant:</u>	Mohammed Yunus Sahib c/- Housescapes
<u>Proposal:</u>	Multi-unit development (13 townhouses)
<u>Owner:</u>	Sahib Developments Ltd
<u>Plan No:</u>	Housescapes Plans titled ' <i>Proposed Development of 13 Dwellings at 11 & 13 Gordon Place, Newtown for M Sahib</i> ', Nos.A1 to A11, undated, stamped as received by Council on 18 April 2006 and A12, undated, stamped as received by Council on 19 May 2006.

Operative Plan:

- 1 The site is located in the Inner Residential and Suburban Areas of the District Plan. The subject site is subject to Plan Change 38. There are two pre-1930s dwelling to be demolished via this proposal.

Plan Change 38:

- 2 Plan Changes proposes to make the removal or demolition of pre-1930s buildings in the suburb of Newtown, Berhampore and Mt Cook a Discretionary Activity (Restricted).

Plan Change 38 was notified on 9 July 2005. This application was lodged with the Council on 21 July 2005. Proposed Plan Change 38 is considered relevant and has been through the submissions stage, which closed on 11 November 2005. A hearing date for the plan change has not however been set, as it's waiting to be heard together with Plan Change 39. While not fully operative, the proposed plan change carries some weight as it has been publicly notified, and the submission period has closed.

Plan Change 39:

- 3 Plan Change 39 introduces a revised set of planning provisions for new residential developments in the Inner Residential Areas of Newtown, Berhampore, and Mt Cook to help ensure that these developments maintain and enhance the historical residential

character of these suburbs. The plan change includes a revision of the bulk and location standards for buildings to bring them into line with the existing physical characteristics of the area.

District Plan Change No. 39 was publicly notified on 15 December 2005. This application was lodged with the Council on 21 July 2005. Plan Change 39 is therefore not relevant.

Activity Status – Operative District Plan:

4 The proposal requires consent for the following:

- Thirteen new dwellings (multi unit development);
- Earthworks that affect an area greater than 250 m²;

5 The proposed **multi-unit housing development** is a Discretionary Activity (Restricted) by Rule 5.3.4 for the following:

- 5.3.4.1 design, external appearance and siting;
- 5.3.4.2 site landscaping; and
- 5.3.4.3 parking and site access.

The standards and terms for the activity are that all activities, buildings and structures must meet the conditions for parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3.2 – 5.1.3.6 and 5.1.3.9) unless consent is concurrently sought and granted for the condition(s) not met.

The proposal complies with all of the bulk and location rules as they relate to external boundaries of the development site (Conditions 5.1.3.2 – 5.1.3.6 and 5.1.3.9). I am therefore satisfied that the standards and terms can be met.

6 The proposal also involves earthworks over an area of approximately 1525m². This aspect of the proposal requires consent under Rule 5.3.9 as a Discretionary Activity (Restricted) in respect of:

- 5.3.9.1 the alteration or disturbance of the ground;
- 5.3.9.2 the degree of slope;
- 5.3.9.3 the undertaking of earthworks in a Hazard (Flooding) Area; and
- 5.3.9.4 the undertaking of earthworks within 5 metres of a waterbody

There are no standards and terms applicable to earthworks.

Activity Status – Plan Change 38:

7 Plan Change 38 makes the removal or demolition of pre-1930s buildings within the subject site a **Discretionary Activity (Restricted)** in respect of:

- 5.3.11.1 the contribution of the building to the streetscape character of the neighbourhood.

There are no standards and terms.

- 8 The overall activity status of this application is therefore **Discretionary Activity (Restricted)**. The Multi-Unit Design Guide, the assessment criteria set out under 5.3.9.5 – 5.3.9.12 (earthworks) and 5.3.11.2 – 5.3.11.8 (Plan Change 38) are relevant to the consideration of this application and have been referred to below.

Decision:

That officers acting under delegated authority from Council and pursuant to section 104C of the Resource Management Act 1991, grant consent for the construction of thirteen new residential dwellings at 11-13 Gordon Place, Newtown (LOT 6 DP 4868 and Pt Town Section 964 City of Wellington and defined on DP 5782), subject to the following conditions:

Conditions of Consent

General:

- (a) That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:
- Housescapes Plans titled '*Proposed Development of 13 Dwellings at 11 & 13 Gordon Place, Newtown for M Sahib*', Nos.A1 to A11, undated, stamped as received by Council on 18 April 2006 and A12, undated, stamped as received by Council on 19 May 2006.

Landscaping:

- (b) The proposed landscape plans No.A8 and A12 as submitted is approved in principle, subjected to the following conditions / amendments:
- All specimen trees eg, *Prunus sato-zakura* be a minimum height of 2 metres at time of planting. All other trees/shrubs to be a minimum size of PB8 at time of planting.
 - A planting schedule must be provided for clarity to monitor the proposal, showing the total number of each species to be planted.
- (c) Work must not commence until the above final landscaping plan is approved by the Council. The approved landscaping must be completed to the satisfaction of the Compliance and Monitoring Officer, Strategy and Planning (in liaison with the Council's Landscape Architect) within twelve (12) months of site works commencing. A bond/cash deposit may be utilised for any outstanding landscaping works. Should any plants fail, they are to be replaced by the consent holder, at the consent holder(s) expense.
- (d) Prior to the occupation of the dwellings, the surfacing of the vehicle access, parking spaces and manoeuvring areas which serve theses units must be completed with

permanently materials to the satisfaction of the Compliance and Monitoring Officer, strategy and Planning, WCC.

Construction / Earthworks:

- (e) A detailed earthworks and construction plan is to be developed once the final design is completed and be submitted to, and be approved by, the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate, WCC, prior to the commencement of work on site.

The earthworks and construction plan will establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include but not be limited to the following:

- A contact (mobile) telephone number for the on-site manager;
- Hours and days of construction work and deliveries
- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- Safety fencing and associated signage for the construction site;
- Storm water/sediment control measures for the site including the temporary earthworks stockpile;
- Dust mitigation measures to be implemented to prevent dust moving beyond the construction site boundary
- Noise control measures;
- Measures to ensure dirt, mud or debris is not left on the road;
- Measures and methodology in relation to the removal of the two pre-1930s buildings from the site;
- Measures to deal with any collateral damage to vehicles and properties

Please Note:

The Compliance Monitoring Officer will approve the Construction Management Plan following consultation with, and acceptance from, appropriate officers within the Wellington City Council.

- (f) The Construction Management Plan approved under condition (e) above shall be implemented and maintained throughout the entire construction period.
- (g) The Council's 'General Conditions of Excavation and Transport of Excavated Materials' dated December 1993, shall apply and remain in force for the duration of the site development works or as determined by the Compliance Monitoring & Enforcement Team, Strategy and Planning.
- (h) Silt and storm water run-off must be controlled for the duration of the works. The adjacent road must be kept safe, clear and clean for normal use at all times and sediment must be prevented from entering the stormwater system. Construction works must not cause a nuisance or damage to adjoining properties.

Monitoring and Review:

- (i) The consent holder shall provide certification from a surveyor that all buildings are consistent with the plans referred to condition (a) above and that the building will comply with the Sunlight Access Plane (SAP) controls on all its boundaries under the provisions of the District Plan. This certification shall include supporting documentation (including site plans with detailed levels and offsets), to the satisfaction of the Compliance Monitoring and Enforcement Team Officer, Strategy and Planning, and must be provided at the following stages:
 - (i) Upon completion of the lowest finished floor level; and
 - (ii) Upon completion of framing.
- (j) Prior to starting work, the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Wellington City Council's Compliance & Monitoring Team (Strategy and Planning), by either telephone (801 4017) or facsimile (801 3165), and must include the address of the property and the service request number.
- (k) That the consent holder shall pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

- 1 The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to sections 125 and 37 as the Council may allow.
- 2 Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to Council.
- 3 This resource consent is not a consent to build. Such a consent must be obtained under the Building Act 2004 prior to commencement of construction.
- 4 A vehicle access bylaw consent is required for the construction of the kerb crossings, driveways and parking facilities under Part 17 of the Wellington City Council Consolidated Bylaw 1991. The use of mirrors for Unit 1 is not a requirement.
- 5 An earthworks bylaw consent is required if the volume of cut or fill exceeds 10 cubic metres or ground level is changed by more than 600 mm under Part 8 of the Wellington City Council Consolidated Bylaw 1991.

- 6 Development contributions will be levied for this development and will be assessed and invoiced separately from this decision.
- 7 Rights of objection to the conditions specified above may be exercised pursuant to section 357A(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. The effects of the proposal on the environment will be no more than minor and no parties, greater than the public generally are considered to be affected by this proposal.
 2. The proposal is in accordance with the relevant objectives, policies and assessment criteria of the District Plan.
-

**Strategy and Planning Directorate
Decision Report for Land Use Consent**

31 May, 2006

Service Request No: 133333
File No.1051082

Non-Notified Application

<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	LOT 6 DP 4868 and Pt Town Section 964 City of Wellington and defined on DP 5782.
<u>Applicant:</u>	Mohammed Yunus Sahib c/- Housescapes
<u>Proposal:</u>	Multi-unit development (13 townhouses)
<u>Owner:</u>	Sahib Developments Ltd.
<u>Plans:</u>	Housescapes Plans titled ' <i>Proposed Development of 13 Dwellings at 11 & 13 Gordon Place, Newtown for M Sahib</i> ', Nos.A1 to A11, undated, stamped as received by Council on 18 April 2006 and A12, undated, stamped as received by Council on 19 May 2006.

Site Description

- 1 The subject site being Nos.11 and 13 Gordon Place, is located on the western side of Gordon Place in the suburb of Newtown. No. 11 Gordon Place (Lot 6 DP 4868) is a front site and 'zoned' suburban centre. No.13 Gordon Place (Lot 1 DP 5782) is a rear site and within the Inner Residential Area. No. 11 is a reasonably flat site and has an exiting non-residential activity operating from it. No.13 slopes upwards towards the south-west and contains an existing residential building. Both the buildings on No.11 and 13 are built prior to the 1930s.

Proposal

- 2 Both the existing buildings on Nos.11 and 13 Gordon Place will be removed for the construction of thirteen new residential dwellings, at No.13 as shown on the submitted plans. The development basically consists of two rows of terrace housing positioned in the east-west direction. All living areas and usable outdoor spaces in the form of terraces and / or decks will be oriented north-facing. All the units will have their own internal access garage for one vehicle. Two extra parking spaces will be located at the western end of the site. The property known as No.11 will serve as an entry / driveway to the development. No building(s) will be built on the site at No.11 Gordon Place (Lot 6 DP 4868). I concur with the applicant's description and should be read in-conjunction with this report.

District Plan

Operative Plan:

- 3 The site is located in the Inner Residential and Suburban Areas of the District Plan. The subject site is subject to Plan Change 38. There are two pre-1930s dwelling to be demolished via this proposal.

Plan Change 38:

- 4 Plan Changes proposes to make the removal or demolition of pre-1930s buildings in the suburb of Newtown, Berhampore and Mt Cook a Discretionary Activity (Restricted).

Plan Change 38 was notified on 9 July 2005. This application was lodged with the Council on 21 July 2005. Proposed Plan Change 38 is considered relevant and has been through the submissions stage, which closed on 11 November 2005. A hearing date for the plan change has not however been set, as it's waiting to be heard together with Plan Change 39. While not fully operative, the proposed plan change carries some weight as it has been publicly notified, and the submission period has closed.

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- 5 Plan Change 39 introduces a revised set of planning provisions for new residential developments in the Inner Residential Areas of Newtown, Berhampore, and Mt Cook to help ensure that these developments maintain and enhance the historical residential character of these suburbs. The plan change includes a revision of the bulk and location standards for buildings to bring them into line with the existing physical characteristics of the area.

District Plan Change No. 39 was publicly notified on 15 December 2005. This application was lodged with the Council on 21 July 2005. Plan Change 39 is therefore not relevant.

Activity Status – Operative District Plan:

- 6 The proposal requires consent for the following:
 - Thirteen new dwellings (multi unit development);
 - Earthworks that affect an area greater than 250 m²;
- 7 The proposed **multi-unit housing development** is a Discretionary Activity (Restricted) by Rule 5.3.4 for the following:
 - 5.3.4.1 design, external appearance and siting;
 - 5.3.4.2 site landscaping; and
 - 5.3.4.3 parking and site access.

The standards and terms for the activity are that all activities, buildings and structures must meet the conditions for parking (5.1.1.2), site access (5.1.1.3) and building (5.1.3.2 – 5.1.3.6 and 5.1.3.9) unless consent is concurrently sought and granted for the condition(s) not met.

The proposal complies with all of the bulk and location rules as they relate to external boundaries of the development site (Conditions 5.1.3.2 – 5.1.3.6 and 5.1.3.9). I am therefore satisfied that the standards and terms can be met.

- 8 The proposal also involves earthworks over an area of approximately 1525m². This aspect of the proposal requires consent under Rule 5.3.9 as a Discretionary Activity (Restricted) in respect of:

- 5.3.9.1 the alteration or disturbance of the ground;
- 5.3.9.2 the degree of slope;
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There are no standards and terms applicable to earthworks.

Activity Status – Plan Change 38:

- 9 Plan Change 38 makes the removal or demolition of pre-1930s buildings within the subject site a **Discretionary Activity (Restricted)** in respect of:

- 5.3.11.1 the contribution of the building to the streetscape character of the neighbourhood.

There are no standards and terms.

- 10 The overall activity status of this application is therefore **Discretionary Activity (Restricted)**. The Multi-Unit Design Guide, the assessment criteria set out under 5.3.9.5 – 5.3.9.12 (earthworks) and 5.3.11.2 – 5.3.11.8 (Plan Change 38) are relevant to the consideration of this application and have been referred to below.

Notification Analysis and Determination

- 11 Pursuant to section 94(2) and 93(1)(b) of the Act the application can be considered non-notified and without service provided that the adverse effect on the environment will be minor and that the written approvals of all parties that could be adversely affected have been obtained.
- 12 In forming the opinion outlined below as to whether the adverse effects will be no more than minor and who is affected, and effects of activities that the plan permits (permitted baseline) were disregarded. Disregarding permitted activity effects was appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2. In this case the site within the Inner Residential Area where in-fill residential activities are encouraged. For example, two residential

dwellings that comply with the overall bulk and location rules could occupy the site without requiring resource consent. This would form a credible permitted baseline.

Affected Parties

- 13 I do not consider that there are any parties that would be adversely affected (greater than the public generally) by the proposal for the reasons outlined below.

Effects

- 14 The actual and potential effects of this proposal are considered to be:

- Effect on the amenities of adjoining landowners;
- Effect on streetscape and character of the area;
- Visual effects of the proposed earthworks;
- Traffic and safety;

Streetscape and Character

- 15 The proposed thirteen unit residential dwellings in the form of two blocks as shown on the submitted plan will not be dominantly visible from any public spaces / legal roads, as the site is a rear allotment at the end of a cal-de-sac (Gordon Place). There will therefore be little change to existing streetscape amenities. Morten Gjerde, Council's Urban Design Advisor, has assessed the proposal in relation to the Multi Unit Design Guide (MUDG) and has concluded that the proposal can be supported in terms of meeting the MUDG.
- 16 It is not considered that the loss of the two pre-1930s building from the site will be noticeable. The existing small building on No.11 is in a deteriorating condition and is not occupied. The larger residential dwelling on No.13 is within a rear site and not visible from public spaces / legal roads. Gordon Place is dominated by light industrial (bulky) buildings. Its streetscape will be maintained by the removal of this two pre-1930s building.
- 17 I concur with the assessment by Mr Gjerde, and consider that the proposal will be compatible with the character and scale of development anticipated within the general locality. I therefore consider the effect on streetscape and character to be minor. Additionally, it should be noted that this aspect as it relates to multi-unit development, has express approval to be considered on a non-notified basis.

Effect on Residential Amenities – density and building bulk

- 18 The subject site is surrounded with other residential properties to the north, west and south. The closest residential building to the development site is approximately 5 metres away to the south. The proposal complies with the overall bulk and location rules with this Inner Residential Area. Therefore its density and building bulk is one that is anticipated by the district plan. It is therefore not considered that this property will be disadvantaged in terms of loss of sunlight/daylight, visual impact, views or privacy as a result of this proposal.

- 19 I do not consider that any other properties are affected by the proposal compared to an alternative complying activity that could have been anticipated by the district plan.
- 20 Accordingly, I am satisfied that effects of the building bulk proposed under this application on the amenities of adjoining properties are *de minimis* when compared to an alternative complying development.

Earthworks

- 21 The proposed earthworks will involve minimal excavation of the site to create the building platforms for the proposed thirteen residential units as shown on the submitted plans. The proposed earthworks will not exceed a vertical height of 2.5m, however the ground disturbances will be in the order of 1525m². All cut faces will be screened by the proposed building, associated retaining walls and landscaping and there will be few visible reminders of the earthworks that have taken place once the proposed buildings have been completed and landscaping undertaken.
- 22 While the works will alter the existing landform, it is not considered that the works will result in unnatural forms or unsightly scars being created, nor is it considered that the excavation will affect water quality, cause or contribute to soil erosion, or affect existing natural features.
- 23 I am satisfied that the proposed earthworks will only have an impact during construction and that these effects will be *de minimis*.

Traffic and Safety

- 24 Council's transportation and traffic engineer and the vehicle access engineer have assessed the proposal and both are in a position to support the proposal as submitted. The traffic and safety effects are considered to be *de minimis* as well.

Summary

- 25 Notwithstanding the expressed approval provisions for dealing with this application on a non-notified basis and without the need to serve notice on any potentially affected parties, the Council must consider whether there are any special circumstances that warrant public notification under section 94C(2) of the Act. Special circumstances are circumstances that are unusual or exceptional, but may be less than extraordinary or unique. There is nothing to suggest that there are unusual or exceptional circumstances relevant to the proposal. Accordingly, the proposal has been processed on a non-notified basis and without service.

Assessment under section 104

Multi Unit

5.3.4.4 *Compliance with the Design Guide for Multi-Unit Development*

- 26 Through numerous further information and changes to the proposal, the final results of the proposal, as submitted now, is deemed to have met the Multi Unit Design Guideline (MUDG), as assessed by Council's Urban Designer, Mr Morten Gjerde. I concur with Mr Gjerde assessment and conclusion, and his report, which can be found on property file No.1051082, should be read in conjunction with this report.
- 27 Council's Landscape Architect Angela McArthur has considered the Landscaping Plan and information submitted, and is approved in principle. Ms McArthur has recommended the standard conditions for planting and etc. I concur with this and a condition has been imposed to the consent to ensure that landscaping is undertaken in accordance with this plan. I also concur with her assessment and conclusion. Her report, which can be found on property file No.1051082, should also be read in conjunction with this report.
- 28 Upon the advice of the Council's Urban Designer, and Landscape Architect, I am satisfied that the on-site amenity in relation to the proposed units, as well as visual effects on streetscape/character are acceptable and meets this assessment criterion.

Earthworks

- 29 The proposed earthworks enable the creation of suitable building platforms for the proposed buildings, its driveway, manoeuvring areas and the creation of suitable private open areas/gardens.
- 30 I have addressed the actual and potential effects of the proposal in relation to earthworks above (notification analysis), and have concluded that the earthworks will not result in unnatural forms or unsightly scars being created, nor is it considered that the excavation will affect water quality, cause or contribute to soil erosion, or affect existing natural features.
- 31 Either buildings and/or landscaping will cover the earthworks. With these mitigating factors, the earthworks proposed will not detract from the character of the area, or result in any unsightly scars being created.

Construction Effects

- 32 There will be temporary adverse effects arising from the earthworks and the construction of the new buildings as well as landscaping. Generally during the construction period, the temporary adverse effects will potentially include dust, run-off, traffic effects and noise, but all of these activities will be of short duration. A standard construction management plan condition will be imposed as part of the conditions of consent.
- 33 The proposed earthworks are considered to be minimal compared to Wellington standard. The areas and cut / fill of the proposal are shown on Plan A11 as submitted in the application. The total volume of earthworks will be approximately 1,785m³, with

172m³ to be used as fill within the site and 1,613m³ to be removed from the site. I believe the scale of the proposed can be adequately mitigated via the standard earthworks and construction conditions.

- 34 In addition, it should be noted that appropriate working practices as will be imposed on the building consent, should ensure no more than minor adverse effects. The Wellington City Council 'General Conditions of Excavation and Transport of Excavated Materials', December 1993 will control the temporary effects of earthworks during the construction period. The stability of the cuts and any engineering requirements will be dealt with under the Wellington Consolidated Bylaw 1991 - Part 8, Earthworks at the Building Consent stage.

Demolition of Pre-1930's Building:

- 35 The site is identified as being within the Newtown Area in Appendix 9 of Proposed District Plan Change 38. The site is therefore subject to the provisions of the proposed plan change.
- 36 The demolition of two pre-1930 buildings on the subject site was assessed by Council's Heritage Planner, Ms Theresa Cooper. Ms Cooper has no objection to the removal of these two building. I concur with her conclusion. The loss of the two pre-1930s building from the site is not considered to be noticeable. The existing small building on No.11 is in a deteriorating condition and is not occupied. The larger residential dwelling on No.13 is within a rear site and not visible from public spaces / legal roads. Gordon Place is dominated by light industrial (bulky) buildings, its streetscape will be maintained by the removal of this two pre-1930s building.

Objectives and Policies:

- 37 The relevant objectives and policies of the District Plan are as follows:

Residential:

Objective 4.2.2 *To maintain and enhance the amenity values of Residential Areas.*

Policy 4.2.2.1 *Control the potential adverse effects of residential activities.*

Policy 4.2.2.5 *Manage any adverse effects of earthworks.*

Objective 4.2.3 *To maintain and enhance the physical character of Residential Areas and identified areas of special streetscape or townscape character.*

Policy 4.2.3.2 *Maintain the special character of identified residential character areas.*

Policy 4.2.3.3 *Control the potential adverse effects of multi-unit residential development.*

Objective 4.2.9 *To enable efficient, convenient and safe access for people and goods within the Residential Area.*

Policy 4.2.9.3 *Require appropriate parking, loading and site access for activities in Residential Areas.*

- 38 Essentially the relevant objectives and policies, and the rules which flow from them, have been devised to control the scale, location and intensity of building development in Residential Areas. While the objectives encourage effective use of land, it is recognised that multi-unit housing can significantly alter neighbourhood amenities. Council seeks to ensure new development is compatible with existing residential development and maintain local amenities and character. The proposed thirteen dwellings will comply with the bulk and location rules under the district plan. I believe the proposed new buildings are consistent with the objectives and policies and also that of Plan Change 38.

Other Matters:

- 39 Council's Transportation and Traffic engineer, Mr Gary Clark has assessed this proposal in terms of its traffic and safety issues and has no objection to the proposal. I consider that all relevant matters have been discussed above, and that no other issues are relevant to the consideration of this proposal.

Conclusion:

- 40 I consider the proposal will have no more than minor adverse effects on the environment and that it will be consistent with the relevant objectives, policies and assessment criteria of the District Plan. Having considered the matters set out in section 104 of the Act, I am of the opinion that consent can be granted subject to appropriate conditions.

Decision:

That officers acting under delegated authority from Council and pursuant to section 104C of the Resource Management Act 1991, grant consent for the construction of thirteen new residential dwellings at 11-13 Gordon Place, Newtown (LOT 6 DP 4868 and Pt Town Section 964 City of Wellington and defined on DP 5782), subject to the following conditions:

Conditions of Consent

General:

- (a) That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:
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- (b) The proposed landscape plans No.A8 and A12 as submitted is approved in principle, subjected to the following conditions / amendments:

- All specimen trees eg, *Prunus sato-zakura* be a minimum height of 2 metres at time of planting. All other trees/shrubs to be a minimum size of PB8 at time of planting.
 - A planting schedule must be provided for clarity to monitor the proposal, showing the total number of each species to be planted.
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- (d) Prior to the occupation of the dwellings, the surfacing of the vehicle access, parking spaces and manoeuvring areas which serve these units must be completed with permanently materials to the satisfaction of the Compliance and Monitoring Officer, strategy and Planning, WCC.

Construction / Earthworks:

- (e) A detailed earthworks and construction plan is to be developed once the final design is completed and be submitted to, and be approved by, the Manager of the Compliance and Monitoring Team, Strategy and Planning Directorate, WCC, prior to the commencement of work on site.

The earthworks and construction plan will establish acceptable performance standards regarding public safety and amenity protection during the construction process of this development. Such standards are expected to include but not be limited to the following:

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- Details of appropriate local signage/information on the proposed work including the location of a large (greater than 1m²) noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager, including cell-phone and after-hours contact details;
- Safety fencing and associated signage for the construction site;
- Storm water/sediment control measures for the site including the temporary earthworks stockpile;
- Dust mitigation measures to be implemented to prevent dust moving beyond the construction site boundary
- Noise control measures;
- Measures to ensure dirt, mud or debris is not left on the road;
- Measures and methodology in relation to the removal of the two pre-1930s buildings from the site;
- Measures to deal with any collateral damage to vehicles and properties

Please Note:

The Compliance Monitoring Officer will approve the Construction Management Plan following consultation with, and acceptance from, appropriate officers within the Wellington City Council.

- (f) The Construction Management Plan approved under condition (e) above shall be implemented and maintained throughout the entire construction period.
- (g) The Council's 'General Conditions of Excavation and Transport of Excavated Materials' dated December 1993, shall apply and remain in force for the duration of the site development works or as determined by the Compliance Monitoring & Enforcement Team, Strategy and Planning.
- (h) Silt and storm water run-off must be controlled for the duration of the works. The adjacent road must be kept safe, clear and clean for normal use at all times and sediment must be prevented from entering the stormwater system. Construction works must not cause a nuisance or damage to adjoining properties.

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 - (i) Upon completion of the lowest finished floor level; and
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- (j) Prior to starting work, the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Wellington City Council's Compliance & Monitoring Team (Strategy and Planning), by either telephone (801 4017) or facsimile (801 3165), and must include the address of the property and the service request number.
- (k) That the consent holder shall pay to the Wellington City Council the actual and reasonable costs associated with the monitoring of conditions [or review of consent conditions], or supervision of the resource consent as set in accordance with section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

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- 5 An earthworks bylaw consent is required if the volume of cut or fill exceeds 10 cubic metres or ground level is changed by more than 600 mm under Part 8 of the Wellington City Council Consolidated Bylaw 1991.
- 6 Development contributions will be levied for this development and will be assessed and invoiced separately from this decision.
- 7 Rights of objection to the conditions specified above may be exercised pursuant to section 357A(2) by the consent holder. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. The effects of the proposal on the environment will be no more than minor and no parties, greater than the public generally are considered to be affected by this proposal.
2. The proposal is in accordance with the relevant objectives, policies and assessment criteria of the District Plan.

Jeffrey TC Loo
Delegated Officer

Jo Lester
Delegated Officer

Delegated Authority Code: (1 & 2)

Service Request 164655 (RC-ChangeCondns) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 1051082

Contact: 52294077 Doug Weir Architectural Services Limi

Contact Address: 25190745

Attention: Doug Weir

Status: Issued

Status Date: 18-Sep-07 11:54 AM SR Status: On-going

Owner: Member: Helen Lingard Extn:

Team: 1996 Q1/Permissions Team 30

Due Date: Days Remaining :

Extension: Yes Days Elapsed :

Description:	1.5. Change of Condition (a)
Extended: Description	
Special Conditions or Comment	ProcessingPlanner = Jeff Loo (ext 3296)

18 September, 2007

Richard Domanski
c/- Doug Weir (Architectural Services)
4 Lyall Parade
Lyall Bay
Wellington 6022

Service Request No: 164655

File Reference: 1051082

Attention: Doug Weir

Dear Doug,

***APPLICATION FOR CHANGE OF CONDITION PURSUANT TO
SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991***

Service Request Type:	Change of Condition.	
Site Address:	11-13 Gordon Place, Newtown	Lot 6 DP 4868; Lot 1 DP 5782
Consent Description:	Change of Condition (a).	

I refer to your Change of Condition Application in which you seek a change to condition (a), due to the changes to some of the approved units. Please refer to Service Request No. 164655.

The application was considered by officers acting under delegated authority on 18 September 2007. I advise that under section 127 of the Resource Management Act 1991 (the Act), the application is hereby granted as detailed in the attached Notice of Decision.

If you would like to discuss this application further please contact me on the number below.

Yours sincerely,

Jeffrey TC LOO

Senior Planner, Development Guidance
Planning and Urban Design
801 3296
e-mail: jeffrey.loo@wcc.govt.nz

visit our web-site at <http://www.wellington.govt.nz>

Notice of Decision

Change of Condition Pursuant to Section 127 of the Resource Management Act 1991

<u>Date:</u>	18 September 2007
<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 6 DP 4868; Lot 1 DP 5782
<u>Applicant:</u>	Doug Weir (Architectural Services) on behalf of Richard Domanski.
<u>Owner:</u>	Domanski Property Developments Ltd
<u>Original Proposal:</u>	Multi-unit development (13 townhouses) – SR 133333
<u>Proposed Change:</u>	Minor changes to configuration and design of units – condition (a) to be changed.
<u>Amended Plan No:</u>	Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled ' <i>Ground levels at south boundary</i> ', submitted by Architectural Services, dated 9 August 2007.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 127 and 104B of the Resource Management Act 1991, grant consent to a change to condition (a) of the Land Use Consent, Service Request No. 133333, granted on 31 May 2006. The following condition replaces the original conditions imposed:

- (a) **That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:**
- **Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled '*Ground levels at south boundary*', submitted by Architectural Services, dated 9 August 2007, submitted under SR 164655.**

Note:

All other conditions of consent in the notice of decision dated 31 May 2006 in relation to SR No. 133333 remain unchanged.

Reasons for Decision:

1. The effects of the change of condition will be no greater to the previous approval and no parties are considered to be adversely affected.
2. This change of condition is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.

Planning and Urban Design
Decision Report for Change of Conditions (Section 127 RMA)

18 September 2007

Service Request No: 164655
File No. 1051082

Application

<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 6 DP 4868; Lot 1 DP 5782
<u>Applicant:</u>	Doug Weir (Architectural Services) on behalf of Richard Domanski.
<u>Owner:</u>	Domanski Property Developments Ltd.
<u>Original Proposal:</u>	Multi-unit development (13 townhouses) – SR 133333
<u>Proposed Change:</u>	Minor changes to configuration and design of units – condition (a) to be changed.
<u>Amended Plan No:</u>	Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled ‘Ground levels at south boundary’, submitted by Architectural Services, dated 9 August 2007.

Background:

- 1 No. 11 Gordon Place (Lot 6 DP 4868) is a front site and ‘zoned’ suburban centre. No.13 Gordon Place (Lot 1 DP 5782) is a rear site and within the Inner Residential Area. On 31 May 2006 the Council granted resource consent SR No. 133333 to an application for a thirteen unit multi unit development. The application was processed on a non-notified basis. Consent was granted subject to conditions relating to general conformity, landscaping, construction / earthworks, monitoring and review.
- 2 The original proposal as described in the decision report for SR No.133333 is as follows:
Both the existing buildings on Nos.11 and 13 Gordon Place will be removed for the construction of thirteen new residential dwellings, at No.13 as shown on the submitted plans. The development basically consists of two rows of terrace housing positioned in the east-west direction. All living areas and usable outdoor spaces in the form of terraces and / or decks will be oriented north-facing. All the units will have their own internal access garage for one vehicle. Two extra parking spaces will be located at the western end of the site. The property known as No.11 will serve as an entry / driveway

to the development. No building(s) will be built on the site at No.11 Gordon Place (Lot 6 DP 4868).

Proposed Change:

- 3 This request is for a change of the original condition (a). The conditions as imposed on the current resource consent are as follows:
- (a) *That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:*
- *Housescapescapes Plans titled 'Proposed Development of 13 Dwellings at 11 & 13 Gordon Place, Newtown for M Sahib', Nos.A1 to A11, undated, stamped as received by Council on 18 April 2006 and A12, undated, stamped as received by Council on 19 May 2006.*
- 4 The requested change is to amend the conditions as follows:
- (a) **That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:**
- **Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled 'Ground levels at south boundary', submitted by Architectural Services, dated 9 August 2007, submitted under SR 164655.**
- 5 The changes to the proposal are as follows,
- Changes to the coved ceiling to Units 7 to 13.
 - Changes to the design of Units 2 and 3 and its relation to the respective outdoor spaces / terrace levels to alleviate fence height encroachments along the northern boundary.

During site development / investigation by the consent holder based on the approved consent, it was discovered that the coved ceiling could be avoided thus providing a more practicable and habitable room space, by moving the top levels of these units away from the south boundary and dropping the units by 0.5 to 0.8m in overall height.

Units 2 and 3 outdoor terrace garden / levels will be dropped so that the fence heights along the northern boundary are complied with. This will create a higher ceiling level / volume to the study / bedroom area on the lower level of these two units.

District Plan and Resource Management Act

Planning Maps

- 6 The site is partially located in the Suburban Centre and Inner Residential Area of the District Plan as described above. It is not subject to any special character rules or designations.

Activity

- 7 The original proposal to the thirteen units multi unit development was processed as a Discretionary Activity (Restricted) under Rule 5.3.4. Pursuant to section 127(3)(a), this application for a change of conditions is processed as a Discretionary Activity.

Scope of Assessment

- 8 Pursuant to section 127(3) of the Act, the consideration of effects is limited to the effects of the change only. This assessment does not revisit or reassess the original proposal in its entirety.

Notification Analysis and Determination

- 9 Pursuant to sections 127(3), 127(4), 94(2) and 93(1)(b) of the Act the application can be considered non-notified and without service provided that the adverse effect of the change will be minor and that the written approvals of all parties that could be adversely affected by the change have been obtained.
- 10 In forming the opinion outlined below as to whether the adverse effects will be minor and who is affected, only effects of the change were considered and effects of activities that the plan permits (permitted baseline) were disregarded. Disregarding permitted activity effects was appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2. Permitted base line is not relevant in this instance, as the effects of the proposed changes are assessed only in relation to the current consented approval, SR 133333.

Written Approvals/Affected Parties

- 11 There are no parties considered to be adversely affected by the proposal because of the reasons outlined below.

Effects

- 12 The actual and potential effects of this change are basically in relation to the visual appearance / design of the proposed units. The design of Units 7 to 13 will be lowered some 0.5m to 0.8m and the upper levels will be move slightly back from the southern boundary in order to complying with the sunlight access planes along this southern boundary, without having a coved ceiling design. The volume (stud height) to Units 2 and 3 will be increased to lower the finished ground floor level of these units to access to the proposed lowered terrace level. The terraces (with its retaining structures / fences) are needed to be lowered in order to comply with the fence height rules in relation to the site's northern boundary.

These changes are all internal to the development and will only have a minor visual impact on these units. The overall bulk and scale of the development will be maintained and will comply with the bulk and location rules of the District Plan. The proposed change have been reviewed and assessed by Council's Urban Designer, Sarah Duffell, and through the further information and changes to the proposal, she is now in a position to support these changes and concluded that the proposal is satisfactory in term of the Multi Unit Design Guide. I concur with her conclusion.

Summary

- 13 Overall, on the basis of the above, the effects on the environment of the change are considered to be no different to the previous approval and no persons will be affected. In addition, there are no special circumstances under section 94C(2) of the Act that warrant the public notification of this application. Accordingly, the application has been processed on a non-notified basis.

Assessment

Effects

- 14 Consideration of the effects on the environment resulting from the change to the condition has been made in the report above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a) considerations, and it is considered that overall the proposed amendment to the condition will have no additional environmental effects.

District Plan Provisions

- 15 I believe the proposed change of condition of the consent will not result in any inconsistencies with the provisions of the District Plan, and that the proposal can be satisfactorily considered against the relevant objectives, policies and assessment criteria in the District Plan.

Other Matters

- 16 All issues have been discussed above; there are no other matters that need to be considered.

Conclusion:

- 17 I consider the change of conditions will have no greater effects compared to the previous approval and that it will be consistent with the relevant objectives, policies and assessment criteria of the District Plan. Having considered the matters set out in section 104 and 127 of the Act, I am of the opinion that the conditions can be changed as requested by the applicant.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 127 and 104B of the Resource Management Act 1991, grant consent to a change to condition (a) of the Land Use Consent, Service Request No. 133333, granted on 31 May 2006. The following condition replaces the original conditions imposed:

- (a) That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:**

- **Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled ‘Ground levels at south boundary’, submitted by Architectural Services, dated 9 August 2007, submitted under SR 164655.**

Note:

All other conditions of consent in the notice of decision dated 31 May 2006 in relation to SR No. 133333 remain unchanged.

Reasons for Decision:

1. The effects of the change of condition will be no greater to the previous approval and no parties are considered to be adversely affected.
2. This change of condition is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.

Jeffrey TC Loo
Delegated Officer

Brett Smith
Delegated Officer

Delegate Authority Code: (4)

Service Request 218529 (RC-ChangeCondns) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 1051082

Contact: 53442897 Sing Wei Developments Limited

Contact Address: 25723773

Attention:

Status: Issued

Status Date: 26-Oct-10 3:44 PM SR Status: On-going

Owner: Member: Extn:

Team: 1996 Q1/Permissions Team 30

Due Date: Days Remaining :

Days Elapsed :

Description: 1. Change of Condition (a) on SR133333 relating to internal layout

Extended:
Description

Special
Conditions or
Comment

26 October, 2010

Sing Wei Developments Ltd
c/- Esme Mulligan
61 Atkinson Avenue
Otaki Beach
Otaki 5512

Service Request No: 218529
File Reference: 1051082

Dear Sir / Madam,

***APPLICATION FOR CHANGE OF CONDITION PURSUANT TO
SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991***

Service Request Type:	Change of Conditions	
Site Address:	11 – 13 Gordon Place, Newtown	Lot 6 DP 4868; Lot 1 DP 5782
Consent Description:	Change of Condition (a) on SR 164655	

Please refer to Service Request No. 218529.

I refer to your Change of Condition Application in which you seek the change to condition (a), approved under SR 164655.

The application was considered by officers acting under delegated authority on 26 October 2010. I advise that under section 127 of the Resource Management Act 1991 (the Act), the application is hereby granted as detailed in the attached Notice of Decision.

If you would like to discuss this application further please contact me on the number below.

Yours sincerely,

Jeffrey Loo

Senior Planner | Property, Housing, Consents & Licensing Directorate | Wellington City Council
ddi: 803 8318 | mobile: 021 227 8318 | fax: 801 3165 | email: jeffrey.loo@wcc.govt.nz

Notice of Decision

Change of Condition Pursuant to Section 127 of the Resource Management Act 1991

<u>Date:</u>	26 October 2010
<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 6 DP 4868; Lot 1 DP 5782
<u>Applicant:</u>	Esme Mulligan On behalf of Sing Wei Developments Ltd
<u>Owner:</u>	Sing Wei Developments Ltd
<u>Original Proposal:</u>	Multi-unit development (13 townhouses) – SR 133333
<u>Proposed Change:</u>	Minor changes to configuration and design of units – condition (a) to be changed.
<u>Amended Plan No:</u>	▪ Drawing Titled 'Site Plan', Project Titled '13 Gordon Place', Drawing No. 103 Rev OA; ▪ Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 127 and 104B of the Resource Management Act 1991, grant consent to a change to condition (a) of the consent, Service Request No. 133333 and SR164655, granted on 31 May 2006 and 18 September 2007 respectively. The following condition replaces the original condition imposed:

(a) That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans submitted under SR 218529:

- **Drawing Titled 'Site Plan', Project Titled '13 Gordon Place', Drawing No. 103 Rev OA;**
- **Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010.**

Note:

The above condition supersedes condition (a) approved under SR 164655. All other conditions of consent in the notice of decision dated 31 May 2006 in relation to SR No. 133333 remain unchanged.

Reasons for Decision:

1. The effects of the change of condition will be no greater than the previous approval and no parties are considered to be adversely affected.
 2. This change of condition is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.
-

**Property, Housing, Consents and Licensing
Decision Report for Change of Conditions (Section 127 RMA)**

Service Request No: 218529
File No. 1810777

18 October, 2010

Application

<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 6 DP 4868; Lot 1 DP 5782
<u>Applicant:</u>	Esme Mulligan On behalf of Sing Wei Developments Ltd
<u>Owner:</u>	Sing Wei Developments Ltd
<u>Original Proposal:</u>	Multi-unit development (13 townhouses) – SR 133333
<u>Proposed Change:</u>	Minor changes to configuration and design of units – condition (a) to be changed.
<u>Amended Plan No:</u>	▪ Drawing Titled ‘Site Plan’, Project Titled ‘13 Gordon Place’, Drawing No. 103 Rev OA; ▪ Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010.

Background:

- 1 On 31 May 2006 the Council granted resource consent SR No. 133333 to an application for a multi unit development of 13 townhouses units. The application was processed on a non-notified basis. Consent was granted subject to conditions relating to general conformity, landscaping, construction / earthworks, monitoring and review.
- 2 The original proposal as described in the decision report for SR No. 133333 is as follows:

Both the existing buildings on Nos.11 and 13 Gordon Place will be removed for the construction of thirteen new residential dwellings, at No.13 as shown on the submitted plans. The development basically consists of two rows of terrace housing positioned in the east-west direction. All living areas and usable outdoor spaces in the form of terraces and / or decks will be oriented north-facing. All the units will have their own internal access garage for one vehicle. Two extra parking spaces will be located at the western end of the site. The property known as No.11 will serve as an entry / driveway to the development. No building(s) will be built on the site at No.11 Gordon Place (Lot 6 DP 4868).
- 3 A Change of Condition application was approved on 18 September 2007 under SR 164655 to condition (a) of the original consent. This application if approved will supersede condition (a) of SR 164655.

Proposed Change:

- 4 This request is for a change to the present condition (a), approved under SR 164655. The condition as imposed on the current resource consent is as follows:
- (a) *That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans:*
- Sheets 1 to 29, submitted by Architectural Services, dated 9 August 2007; Plan No. DS 5001, titled 'Ground levels at south boundary', submitted by Architectural Services, dated 9 August 2007, submitted under SR 164655.*
- 5 The requested change is to amend the conditions as follows:
- (a) *That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans submitted under SR 218529:*
- *Drawing Titled 'Site Plan', Project Titled '13 Gordon Place', Drawing No. 103 Rev OA;*
 - *Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010.*
- 6 The reasons why this change is requested is to improve the functionality and practicability to proposed Unit 1 and the changes to windows configurations to some of the units as shown on the submitted plans.

District Plan and Resource Management Act

Planning Maps

- 7 The site is partially located in the Suburban Centre and Inner Residential Area of the District Plan. It is not subject to any special character rules or designations.

Activity

- 8 The original proposal to the thirteen units multi unit development was processed as a Discretionary Activity (Restricted) under Rule 5.3.4. Pursuant to section 127(3)(a), this application for a change of conditions is processed as a Discretionary Activity.

Scope of Assessment

- 9 Pursuant to section 127(3)(b) of the Act, the consideration of effects is limited to the effects of the change only. This assessment does not revisit or reassess the original proposal in its entirety.

Notification Analysis and Determination

- 10 Pursuant to sections 127(3), 127(4) and 95A of the Act the application can be considered non-notified and without service provided that the adverse effect of the

change will be minor and that the written approvals of all parties that could be adversely affected by the change have been obtained.

Written Approvals/Affected Parties

- 11 There are no parties considered to be adversely affected by the proposal. This is because the actual and potential effects of this change are basically in relation to the visual appearance / design of the proposed units within the development. The changes to the proposal will not create any additional non compliance compared to the original approved consent, under SR 133333.

Effects

- 12 As discussed above, the actual and potential effects of this change are all internal to the development and will only have a minor visual impact on these units. The proposed change have been reviewed and assessed by Council's Urban Designer, Tom Beard, who supports these changes and concluded that the proposal is satisfactory and can be supported on urban design grounds. I concur and accept his conclusion.

Summary

- 13 Overall, on the basis of the above, the effects on the environment of the change are considered to be no more than minor and no persons will be affected. In addition, there are no special circumstances that warrant the public notification of this application. Accordingly, the application has been processed on a non-notified basis.

Assessment

Effects

- 14 Consideration of the effects on the environment resulting from the change to the condition has been made in the report above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a) considerations, and it is considered that overall the proposed amendment to the condition will have no additional environmental effects.

District Plan Provisions

- 15 I believe the proposed change of condition of the consent will not result in any inconsistencies with the provisions of the District Plan, and that the proposal can be satisfactorily considered against the relevant objectives, policies and assessment criteria in the District Plan.

Other Matters

- 16 All issues have been discussed above; there are no other matters that need to be considered.

Conclusion:

- 17 I consider the change of condition will have no more than minor adverse effects and that it will be consistent with the relevant objectives, policies and assessment criteria of the District Plan. Having considered the matters set out in section 104 and 127 of the

Act, I am of the opinion that the conditions can be changed as requested by the applicant.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 127 and 104B of the Resource Management Act 1991, grant consent to a change to condition (a) of the consent, Service Request No. 133333 and SR 164655, granted on 31 May 2006 and 18 September 2007 respectively. The following condition replaces the original condition imposed:

(a) That the proposal must be in accordance with the information provided with Application Service Request No. 133333 and the following plans submitted under SR 218529:

- **Drawing Titled 'Site Plan', Project Titled '13 Gordon Place', Drawing No. 103 Rev OA;**
- **Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010.**

Note:

The above condition supersedes condition (a) approved under SR 164655. All other conditions of consent in the notice of decision dated 31 May 2006 in relation to SR No. 133333 remain unchanged.

Reasons for Decision:

1. The effects of the change of condition will be no greater than the previous approval and no parties are considered to be adversely affected.
2. This change of condition is in accordance with the relevant objectives, policies and assessment criteria of the Wellington City District Plan.

Jeffrey Loo
Delegated Officer
18 October 2010

Lisa Hayes
Delegated Officer
18 October 2010

Delegate Authority Code: (4)

Service Request 233661 (RC Time Extn) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 1051082

Contact: 53442897 Sing Wei Developments Limited

Contact Address:

Attention:

Status: Issued

Status Date: 27-Jun-11 11:41 AM SR Status: On-going

Owner: Member: Jeffrey Loo Extn: 803 8318

Team: 1996 Q1/Permissions Team 30

Due Date: Days Remaining :

Days Elapsed :

Description:	1. Time Extension for SR133333
Extended: Description	
Special Conditions or Comment	

27 June, 2011

Sing Wei Developments Ltd
c/- Thomas Lowe
PO Box 10434
Wellington

Service Request No: 233661
File Reference: 1051082

Dear Sir/Madam,

Application for Time Extension Granted

Service Request Type:	Time Extension
Site Address:	11-13 Gordon Place, Newtown
Legal Description:	Lot 1 DP 398006 Time Extension for SR133333 - Land Use Consent for 13 Townhouses.

I write in relation to your application for an extension of time in relation to the resource consent that was approved under SR No. 133333 on 31 May 2006.

The application was considered by officers acting under delegated authority on 31 May 2006. The application has been assessed under section 125 of the Resource Management Act 1991, and is approved.

A full copy of the Decision Report setting out the reasons for the decision is attached. An extended time period of 2 years applies and the consent will now lapse on **31 May 2013**.

If you would like to discuss this application further please contact me on the number below.

Yours Sincerely

Jeffrey Loo

Senior Planner | Property, Housing, Consents & Licensing Directorate | Wellington City Council
ddi: 803 8318 | mobile: 021 227 8318 | fax: 801 3165 | email: jeffrey.loo@wcc.govt.nz

Property, Housing, Consents and Licensing
Decision Report for an Extension of Time Pursuant to Section 125 of the
Resource Management Act 1991

27 June, 2011

Service Request Number: 233661

File Reference: 1051082

Application Details:

<u>Site Address:</u>	11 – 13 Gordon Place
<u>Legal Description:</u>	Lot 1 DP 398006
<u>Applicant:</u>	Sing Wei Developments Ltd
<u>Original Proposal:</u>	Extension of time to the resource consent for a Multi-unit development (13 townhouses) – SR 133333
<u>Owner:</u>	Sing Wei Developments Ltd.
<u>Plan Reference:</u>	▪ Drawing Titled 'Site Plan', Project Titled '13 Gordon Place', Drawing No. 103 Rev OA; ▪ Esme Mulligan Architect Project No. 10018, Drawing Nos. A200 to 207 and A300, all dated 15 September 2010; Approved under SR 218529, as Change of Condition.
<u>District Plan Area:</u>	Suburban Centre & Inner Residential Area
<u>District Plan Notations:</u>	Nil

Consent Sought:

Pursuant to section 125 of the Resource Management Act 1991 (the Act) the applicant seeks consent for an extension of time to the resource consent for the multi unit development of 13 townhouses assessed under SR No. 133333.

Background Information:

On 31 May 2006 the Council granted resource consent SR No. 133333 to an application for the construction of 13 townhouses. The original proposal as described in the Decision Report is as follows:

Both the existing buildings on Nos.11 and 13 Gordon Place will be removed for the construction of thirteen new residential dwellings, at No.13 as shown on the submitted plans. The development basically consists of two rows of terrace

housing positioned in the east-west direction. All living areas and usable outdoor spaces in the form of terraces and / or decks will be oriented north-facing. All the units will have their own internal access garage for one vehicle. Two extra parking spaces will be located at the western end of the site. The property known as No.11 will serve as an entry / driveway to the development. No building(s) will be built on the site at No.11 Gordon Place (Lot 6 DP 4868).

The existing consent specified a period of five years for the consent to be given effect to, which lapsed on 31 May 2011.

The consent holder has now applied for a two year extension to the resource consent within the required time frame as specified under section 125. The consent holder applied for the extension on 31 May 2011.

Statutory Criteria:

In order to grant an extension of time to the resource consent the Council must be satisfied that the application meets following criteria under section 125(1)(b) of the Act,

- (i) *Whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
- (ii) *Whether the applicant has obtained approval persons who may be adversely affected by the granting of an extension; and*
- (iii) *The effect of the extension on the policies and objectives of any plan or proposed plan.*

Assessment:

Section 125(1)(b)(i) - Substantial Progress or Effort

The application includes a detailed list of the work undertaken on the project to date. I agree with the applicant that this list provides suitable evidence that progress towards implementing the consent has occurred, and therefore I consider that suitable progress or effort has been made towards giving effect to the consent and that the test of section 125(1)(b)(i) has been met.

In addition I also note that the present owners only took over the property and its development on July 2010. Prior to this there were no works undertaken on the subject site. Hence, the present consent holder has made significant progress within the last 12 months.

It is therefore considered that substantial progress or effort has been made towards giving effect to the consent and that the test of section 125(1)(b)(i) has been met.

Section 125(1)(b)(ii) - Written Approvals

In assessing whether the second requirement of section 125(1)(b) has been met, direction has been provided by relevant High Court and Court of Appeal decisions. These decisions have stated that consideration of persons that may be adversely affected is restricted to those effects that may be created by the extension of the consent only. Such an approach

does not allow for the consideration of any effects that may be created by the proposal and have been considered during the processing of the original consent. Essentially, it is necessary to consider whether sufficient time has lapsed so that the surrounding property owners could have reasonably concluded that the development will not progress, and as a result have planned additions or alterations which may now be affected by the development.

I have also given thought as to whether there have been any changes in the physical environment or nature of activities in the area such that there are any persons that may be adversely affected by granting an extension to the consent. In addition, I have considered whether granting an extension to the consent would create unreasonable uncertainty to the extent that persons may be adversely affected.

The development on the site is about 40% completed, under appropriate building consent(s). The proposed time extension will allow the consent holder to complete the development, which they have only started some 12 months ago, since they took over the property. The consent holder has requested for a further 2 years for this time extension. I believe this is a fair and reasonable timeframe for this scale of development.

It is therefore my opinion that there are no parties considered to be potentially affected by the proposed time extension, and accordingly that the test of section 125(1)(b)(ii) has been met.

Section 125(1)(b)(iii) - Objectives and Policies

Section 125(1)(b)(iii) requires an assessment of effects of the proposal for a time extension on the objectives and policies of any plan or proposed plan.

Operative District Plan

For the reasons outlined in the Decision Report prepared in respect to the original application, SR No. 133333, the original proposal was not considered to be contrary to the objectives and policies of the Wellington City District Plan, which was the Operative Plan at the time that the consent was issued. I agree with this assessment.

Proposed Plan Changes

A number of plan changes have been notified since the original consent was approved on 31 May 2011. Of particular relevance to this application are Plan Change 70 (now operative) and Plan Change 72. The relevant consideration under section 125(1)(b)(iii) is whether granting the extension of time will undermine or fundamentally conflict with the objectives and policies that have been introduced by the plan change(s).

Plan Change 70 (now part of Operative District Plan):

Objective 29.2.1 - Policies 29.2.1.2., 29.2.1.3., 29.2.1.4. and 29.2.1.11.

Plan Change 72:

Objective 4.2.1 - Policies 4.2.1.1 and 4.2.1.5

Objective 4.2.3 - Policies 4.2.3.1, 4.2.3.5 and 4.2.3.7

Objective 4.2.4 - Policies 4.2.4.1 and 4.2.4.2

Objective 4.2.7 - Policy 4.2.7.1

Objective 4.2.12 – Policy 4.2.12.4

Plan Change 73:

Objective 6.2.1 – Policies 6.2.1.1, 6.2.1.2 and 6.2.1.4.

Objective 6.2.2 – Policies 6.2.2.1, 6.2.2.4, 6.2.2.5 and 6.2.2.6.

Objective 6.2.3 – Policies 6.2.3.1, 6.2.3.4, 6.2.3.6, 6.2.3.7, 6.2.3.8, 6.2.3.9 and 6.2.3.13.

Objective 6.2.5 – Policies 6.2.5.2 and 6.2.5.6.

I note that PC 73 only applies to the front portion (pan-handle shaped) of the subject site, which constitutes the access-leg to the property. There will not be any buildings on this area of the site. This portion of the site is crucial in providing and maintaining the vehicular and pedestrian access to and from the residential development on the site. I consider the above objective and policies are met.

Overall, I do not consider that the proposal will have an adverse effect on the objectives and policies of the Operative District Plan, or those introduced by Plan Changes 70, 72 and 73. Hence, I consider that section 125(1)(b)(iii) is met.

Summary

For the reasons outlined above, it is considered appropriate to grant the proposed time extension.

Decision:

That officers acting under delegated authority from the Council and pursuant to section 125 of the Resource Management Act 1991, grant a two (2) year extension of time to the resource consent granting approval for the construction of 13 units on the site at 11 – 13 Gordon Place (Lot 6 DP 4868 and Lot 1 DP 5782), that was granted by the Council under SR No. 133333. The consent will now lapse on **31 May 2013**.

Jeffrey Loo

Delegated Officer

27 June 2011

Andy Christofferson

Delegated Officer

27 June 2011

Delegated Authority Code: (4)

15 November 2012

Sing Wei Developments Ltd
PO Box 7033
Newtown
Wellington 6242

Service Request: 133333
File Reference: 1051082

Dear Madam/Sir

**Compliance with Land Use Consent for a Multi-unit Development
– 11 Gordon Place**

On 31 May 2006 land use consent was granted for a multi-unit development. I also note that on 18 September 2007 and 26 October 2010 change of conditions were granted. I also note that revised plans were submitted to Council on 28 February 2011. Site inspections have been undertaken to check compliance with consent conditions.

I note that construction of the units is close to completion. It was observed that there have been several changes to the unit elevations, from what was shown on the revised plan set. It is requested that a set of complete elevation plans is provided to Council, in order for it to be determined whether the changes are within scope of the existing land use consent. Please be aware that a change of conditions may be required to formally reflect these changes. This is the second time that this information has been requested. Please provide this information by 15 December 2012.

In accordance with condition (i) of the land use consent, a certification from a surveyor has been provided to Council. This certification, prepared by Michael Kuus of Maunder Surveying, has identified that the development breaches the sunlight access planes along the southern and eastern boundaries. The units, therefore, must be modified to comply with the sunlight access plane provisions of the District Plan (refer to rule 5.1.3.5 of the District Plan). These modifications must be made no later than 15 December 2012. If you feel this timeframe is unfeasible, please contact me to discuss an alternative.

Council received a revised landscape plan, prepared by David Goodyear, on 18 October 2012. This has been reviewed, with feedback being provided on 13 November 2012. A copy of the feedback is enclosed with this letter and requires your attention prior to the planting being undertaken.

Please be aware that further inspections will be undertaken to ensure this consent is fully complied with.

An invoice for compliance monitoring will be sent shortly. This fee covers the costs associated with the monitoring of this consent to date. Condition (k) outlines this fee which covers administration, site visits and material costs.

Please do not hesitate to contact me if you have any questions.



Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ben Brown', with a long horizontal flourish extending to the right.

Ben Brown
Development Planning & Compliance
Wellington City Council
Telephone 803 8307
Fax 801 3165

Service Request 292054 (RC - a Res.Con - LU) Item 1 (Appl Form)
Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1810777 Survey Current - 11 Gordon Place

File Reference: 0600 1810777

Contact: 53608388 Moore Design & Draughting Ltd

Contact Address: 25852902

Attention:

Status: Passed to Holding

Status Date: 27-Sep-13 2:57 PM SR Status: On-going

Owner: Member: Extn:

Team: 1997 Q1/Gov Team 77

Due Date: Days Remaining :

Days Elapsed :

Description: 1. Land Use: Making good the timber boundary fence

Extended:
Description

Special
Conditions or
Comment

27 September, 2013

Moore Design and Draughting
46 Victoria St
Alicetown
Lower Hutt 5010

Service Request No: 292054
File Reference: 1810777

Attention: - Cameron Moore

Dear Cameron,

Application for Resource Consent SR No. 292054 Granted

Service Request Type:	Resource Consent
Site Address:	11 Gordon Place, Newtown
Legal Description:	Lot 1 DP 398006
Consent Type:	Land Use

I write in relation to your Resource Consent application for making good a timber boundary fence to a height of 2.1 metres at 11-13 Gordon Place, Newtown.

The application was considered by officers acting under delegated authority on 27 September 2013. I advise that under section 104C of the Resource Management Act 1991 (the Act), resource consent for the application is granted subject to the conditions listed in the attached Notice of Decision.

Rights of objection to the consent conditions may be exercised under section 357A(2) by the consent holder. Any objection must be made in writing, with the reasons for the objection within 15 working days of this notification (or within such extended period as the Council in any special case may allow).

A copy of the full Notice of Decision and Decision Report is attached. If you would like to discuss this application further please contact me on the number below.

Yours sincerely

Sarah Bevin
Consents Planner
Resource Consents Team
Wellington City Council
Phone: 801 3858
Fax: 801 3165

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	11-13 Gordon Place, Newtown
<u>Legal Description:</u>	Lot 1 DP 398006
<u>Applicant:</u>	HCNZ Construction Ltd, c/- Moore Design and Draughting Ltd
<u>Proposal:</u>	To make good an existing fence on boundary of 11-13 Gordon Place and 67 Rintoul Street, Newtown
<u>Owners:</u>	Various
<u>Service Request No:</u>	292054
<u>File Reference:</u>	1810777
<u>District Plan Area:</u>	Inner Residential
<u>Notations in District Plan:</u>	Appendix 1: Pre-1930s demolition controls
<u>Activity Status:</u>	Discretionary (Restricted) - Operative District Plan

DECISION – Land Use Consent:

That officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act 1991 (the Act), **grant resource consent** to the proposal to make good the existing boundary fence at **11-13 Gordon Place, Newtown** (being Lot 1 DP 398006), subject to the following conditions:

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. **292054** and the plan by Lowe Architects, Project No. Sim 13G2012, dated 15/08/2012.

Monitoring and Review:

- (b) Prior to starting work the consent holder must advise of the date when work will begin. This advice must be provided at least 48 hours before work starts to the Council's Compliance Monitoring Officer either by telephone (801 4017), facsimile (801 3165) or email (rcmonitoring@wcc.govt.nz) and must include the address of the property and the Service Request Number.
- (c) The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs* may

include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.

* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

Notes:

1. The land use consent must be given effect to within 5 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
3. This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.
4. This resource consent does not authorise any works which also require consent from the Greater Wellington Regional Council. If necessary, separate consent will need to be obtained prior to commencing work.
5. No buildings, vehicles, materials or debris associated with construction may be kept on Council land, including the road, without prior approval from the Council.
6. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council in any special case may allow.

Reasons for Decision:

1. The effects of the proposal on the environment will be acceptable and no parties will be adversely affected.
 2. The proposal is in accordance with the relevant objectives and policies of the District Plan, and Part 2 of the Act.
 3. There are no special circumstances.
-

DECISION REPORT

RELEVANT PLAN CHANGES

Plan Change 72 - Residential Areas

The decision on Plan Change 72 was notified by the Council on 28 September 2010. There are a number of outstanding appeals on the decision; however, these relate to specific sites and have no bearing on this application. Consequently the remaining provisions of the plan change are beyond challenge and are deemed operative under section 19 of the Act. The Plan Change 72 provisions supersede the provisions within the Operative District Plan. Therefore, the application will only be assessed against the provisions as introduced by the plan change.

References to the 'Operative District Plan' in this report are to be read as the Operative District Plan as modified by the Plan Change 72.

SITE DESCRIPTION

The site is located in Newtown, and is zoned Inner Residential. The site was recently the subject of a unit title development to establish 13 units on the site, all of which have since been constructed.

The applicant's Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report.

PROPOSAL

The applicant proposes to make good an existing boundary fence of 2100 millimetres in height, between the property at 11-13 Gordon Place and the neighbouring property at 67 Rintoul Street. The fence is subject to a current outstanding notice to fix (SR 169887).

The AEE also includes a description of the proposal that I adopt. The applicant's proposal description should be read in conjunction with this report.

ACTIVITY STATUS

Operative District Plan:

Consent is required as a Discretionary (Restricted) Activity, pursuant to Rule 5.3.4 . The boundary fence will be 2100mm in height, and therefore breaches standard 5.6.2.10 relating to maximum fence height. ☒ There are no relevant Conditions.	Discretionary (R)
---	--------------------------

Overall, the proposal is assessed as a **Discretionary (Restricted) Activity** under the Operative District Plan.

WRITTEN APPROVALS

The following written approval was provided with the application:

Name	Address	Location/Orientation
Mr Martin Rooke	67 Rintoul Street, Newtown	To the west

Pursuant to sections 95D(e), 95E(3) and 104(3)(a)(ii) the Council must disregard any effect on the above mentioned persons who have provided their written approval and must not consider them affected when making its decision on whether to notify the application nor any effect on them when making a decision under section 104 of the Act.

SECTION 95 ASSESSMENT - NOTIFICATION ANALYSIS

Pursuant to sections 95 to 95F of the Act the application can be considered non-notified and without service provided that the adverse effects on the environment will be no more than minor and that the written approvals of all affected parties have been obtained.

Permitted Baseline:

In the assessment below the adverse effects of activities that are permitted by the relevant District Plan rules were disregarded. Disregarding permitted activity effects was appropriate in this case as use of the permitted baseline is consistent with the wider context of the District Plan and Part 2 of the Act.

Potential Adverse Effects – Operative District Plan

Residential Amenity Effects:

The development has the potential to affect the residential amenity of the nearby residential properties and on this basis an assessment must be undertaken to determine the scale of effects. Residential amenity includes factors such as shading, privacy, character, bulk and dominance.

The Council holds records of correspondence from the owner of the neighbouring property, 67 Rintoul Street, regarding the slumping of an area adjacent to boundary between their property and 11-13 Gordon Place. The Gordon Place property was excavated as part of the earthworks relating to the 13 residential units constructed on the site. Around this time part of the backyard area at 67 Rintoul Street slumped and collapsed. A stepped retaining wall consisting of concrete blocks and timber was constructed as part of the works associated with development of the site. The concrete block wall, the timber retaining wall, and the wooden fence are currently existing on the boundary. This consent relates only to the 100 millimetre breach of the maximum fence height rule in the Operative District Plan.

The written approval of the owner of the property at 67 Rintoul Street (the property to the west), was received with the application. Accordingly, this party cannot be considered to be adversely affected. The northern end of the fence is visible from the property at 17C Gordon Place, but as this is where the fence terminates, and is on the south facing boundary, this property is not considered affected by the additional 100mm fence height.

Bulk and Dominance Effects:

The Operative District Plan permits fences of up to two metres in height within one metre of any side or rear boundary. The proposal is to make good an existing timber fence to assist

with screening of the units developed at 11-13 Gordon Place. The fence subject to this application is proposed to be 2100mm (2.1 metres) in height, as viewed from 67 Rintoul Street.

The effects on bulk and dominance of the additional 100mm are considered negligible. The fence does not dominate the surrounding area, as the fence is located at a lower position than the dwelling at 67 Rintoul Street and the units at 11-13 Gordon Place. This is shown in the photographs taken during the site visit. The slope of the land in this area results in both the dwelling at 67 Rintoul Street and the units at 11-13 Gordon Place being able to see over the fence. However, the fence does provide privacy for the occupants of 67 Rintoul Street while using their backyard.

Therefore the effects are considered less than minor.

I therefore conclude the overall likely and potential bulk and dominance effects to be less than minor, and the affected neighbour has provided written approval.

Sunlight and Shading Effects:

The proposed fence complies with the 2.5 metre sunlight access plane. Therefore no sunlight or shading effects result from this proposal beyond those anticipated by the District Plan.

I therefore conclude the overall likely and potential sunlight and shading effects to be less than minor with no persons being adversely affected.

Notification Decision:

- ☒ Section 95A(2)(a)/95D - Adverse effects are no more than minor and public notification is not required.
- ☒ Section 95B/95E - Adverse effects on any person are less than minor and no parties will be adversely affected.
- ☒ Section 95A(4) - There are no special circumstances relating to this proposal which requires it to be publicly notified.

It is noted that neighbours have registered an interest in works occurring on the subject site. Neighbour interest does not deem them to be affected parties under the tests of the Act or qualify as special circumstances under the Act.

- ☒ On this basis the application will be assessed on a non-notified basis.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

Adverse effects:

A consideration of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a) considerations.

Positive Effects:

In addition to the above mentioned environmental effects I consider the proposal to have the following positive effects:

- The fence replaces an existing fence subject to an outstanding notice to fix. This results in a better quality boundary fence for both the 11-13 Gordon Place and 67 Rintoul Street properties.

Conclusion:

Overall, I consider that the effects of the proposal on the environment will be less than minor.

Section 104(1)(b) - Relevant Planning Provisions:

In considering this application the Council has had regard to provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Wellington City District Plan and the relevant plan changes

Higher Order Planning Documents:

In considering this application regard has been had for the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that there are no National Environmental Standards or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of The Wellington Regional Policy Statement.

District Plan:

The following objectives and policies are considered relevant to the proposal:

Operative District Plan:

- Objective 4.2.2; Policy 4.2.2.1,
- Objective 4.2.3; Policy 4.2.3.1 and
- Objective 4.2.4; Policy 4.2.4.1

Regard has been had for the relevant objectives, policies and assessment criteria listed above.

Overall, for the reasons discussed in this Decision Report, I consider that the proposal is consistent with the objectives and policies as set out above.

Section 104(1)(c) - Other Matters:

There are no other matters that the Council needs to consider when assessing the application.

PART 2 – PURPOSE AND PRINCIPLES OF THE ACT

Part 2 (sections 5, 6 and 7) of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the Act.

SECTION 108 CONDITIONS

Resource consent is granted subject to conditions. These conditions include that the proposal must be constructed in accordance with the information provided within the application and the approved plans as set out under condition (a). There are also conditions relating to the monitoring of the resource consent.

CONCLUSION

Operative District Plan

The effects of this proposal are acceptable and the proposal is consistent with the objectives and policies of the Operative District Plan. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

Report prepared by: Sarah Bevin

Amanda Moore
Delegated Officer

27 September 2013

Delegated Authority No. (1 & 2)

Martin Gregory
Delegated Officer

27 September 2013

Legal Attachments

PUBLIC CORPORATE CLIENT AUTHORITY AND INSTRUCTION FOR AN ELECTRONIC TRANSACTION

*(This form is approved by the New Zealand Law Society and the Registrar-General of Land.
For use by a publicly listed company, territorial authority or government department etc.)*

1. TO LAW FIRM: Davidson & Associates (Christchurch)

2. CLIENT: Wellington Clty Council

(Registered name of corporate as per Certificate of Incorporation or Statutory Designation. Referred to as 'the Client'.)

Full Names of Authorised Signatory(s):

FIONA POLOCK

Authorised Signatory A

Authorised Signatory B

Authorised Signatory C

3. TRANSACTION:

Property Address: 11- 13 Gordon Place, Newtown, Wellington

Date and Nature of Base Document: Schedule of Easements in Gross on DP 438900

Instruments:

- Easement Instrument

Title Reference(s): 391330

Name of Other Party: Sing Wei Developments Limited

Nature/Purpose: Easement in Gross for right to convey water

DP Number: Area "C" & "E" on DP 438900

4. AUTHORITY AND INSTRUCTION:

I confirm that:

- (a) I am properly and duly authorised by law to sign this Authority on behalf of the Client;
- (b) this authority is binding on the Client;
- (c) this form is for the transaction noted above;
- (d) the Client is not subject to any statutory management order, the appointment of a receiver or liquidator, or similar;
- (e) the Client has passed the necessary resolutions as required by its empowering constitution, rules or statute to authorise the transaction noted above;
- (f) as required by s164A of the Land Transfer Act 1952 I irrevocably authorise and instruct you on behalf of the Client to register the instruments above as an electronic e-dealing; and
- (g) I understand that by signing this form the Client is legally bound by the electronic instruments certified and registered on its behalf pursuant to this authority and instruction as if such instruments had been signed by me personally on behalf of the Client;
- (h) I understand that the authorised transaction will become a matter of public record upon registration.

Signature of Authorised Signatory A

Date

Signature of Authorised Signatory B

Date

Signature of Authorised Signatory C

Date



(Important note: **Each Signatory named must sign personally.** 'For and on behalf' is not acceptable.)

Notes:

- 1. Where the person who is signing this form is doing so under a Power of Attorney the identification required to be established is that of the attorney.
- 2. Attach certificate of non-revocation of power of attorney if required.
- 3. The full legal name of the corporate as registered must be used.
- 4. A faxed copy of this form is acceptable (refer to NZLS e-dealing Guideline J).
- 5. The consent of prior mortgagees, lessors, etc may be necessary to avoid a breach of covenants.

Easement instrument to grant easement or *profit á prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Grantor

Sing Wei Developments Limited

Grantee

Wellington City Council

Grant of easement or *profit á prendre* or creation or covenant

The Grantor, being the registered proprietor of the Servient Tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule if required.

Purpose (nature and extent) of easement, <i>profit</i> , or covenant	Easement Land Shown (plan reference)	Servient tenement (Computer Register)	Dominant tenement (Computer Register) <i>or</i> in gross
Right to Convey Water	Area "C" & "E" on DP 438900	Computer Freehold Register 391330	In Gross

Easements or *profit á prendre* rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required. Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the fifth schedule of the Property Law Act 2007.

The implied rights and powers are [varied] [negated] [added to] or [substituted] by:

Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].

the provisions set out in Annexure Schedule 2.

Covenant provisions

Delete phrases in [] and insert memorandum number as required. Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule 2].

*Insert instrument type***Easement***Continue in additional Annexure Schedule, if required.***Continuation of the implied rights and powers for the right to convey water (in gross) in favour of Wellington City Council “:****1** Definitions:

- a. “Schedule 4” means Schedule 4 of the Land Transfer Regulations 2002 as amended by the Land Transfer Amendment Regulations (No 2) 2007;
- b. “Right to convey Water” means the right as set out in clause 3 of Schedule 4 varied to the extent that:
 - i. The easement facility excludes (unless and only to the extent the Grantor shall otherwise permit in writing) pumps, pumpsheds, storage tanks and water purifying equipment; and
 - ii. Water must be conveyed in underground pipes.

2 Right and Powers

The rights and powers implied in easements by clauses 10 to 14 inclusive of Schedule 4 shall be implied in this Easement Instrument.

3

The Grantor may not without specific written consent of the Grantee erect any building or other structure on that part of the servient land being that part marked “C” and “E” on DP 438900. The issue of a Building Consent by the Grantee pursuant to the Building Act 2004 (or any subsequent replacement legislation) or a Resource Consent under the Resource Management Act 1991 (or any subsequent replacement legislation) will not for the purposes of this clause be considered written consent.

Rates Attachments

Wellington City Property Rates Record

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Wellington City Council maintains property rating information and manages the collection of rates for Wellington city on behalf of itself and Greater Wellington Regional Council.

This information is provided as at **4 August 2026** and may not include all of this day's transactions. Please check the Account Details carefully to ensure this is the property record you require, particularly if the property is a recent subdivision.

Rates & Billing Services

Email: rates@wcc.govt.nz
Phone: 499 4444
Fax: 04 801 3011

11 Gordon Place Newtown 6021

1 July 2026 - 30 June 2027

Details

Rate Account:	1884348	Area:	11525 m ²
Account Status:	Current	Improvement:	OI 13 TOWN HOUSE
Rateable Status	Not (ZAPCS)	Diff. Rating Category:	Not rated
Valuation Ref:	17350-60800	Billing Category:	ZAPCS - Special Apportionment Code Properties

Flags

Legal Description:

New rate account from 1 July coming
Apportionment Code 6 - S
LIT Change of Owner/Ratepayer Details
LIT Change to Usage

LOT 1 DP 398006

Rates Account Summary

Rates Splits	Annual Rates (2026 - 2027)	\$ 0.00
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Instalments (Due for Payment)

Installment no	Due Date	Amount
1	1 Sep 2026	\$0.00
2	1 Dec 2026	\$0.00
3	1 Mar 2027	\$0.00
4	1 Jun 2027	\$0.00

Opening Balance - 01 Jul 2026	\$0.00
Instalments YTD	\$0.00
Paid YTD	\$0.00
Penalties YTD	\$0.00
Adjustments YTD	\$0.00
Current Balance	\$0.00

Water Account Details

No Associated Water Property.

Wellington City Property Rates Record

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Wellington City Council maintains property rating information and manages the collection of rates for Wellington city on behalf of itself and Greater Wellington Regional Council.

This information is provided as at **4 August 2026** and may not include all of this day's transactions. Please check the Account Details carefully to ensure this is the property record you require, particularly if the property is a recent subdivision.

Rates & Billing Services

Email: rates@wcc.govt.nz

Phone: 499 4444

Fax: 04 801 3011

Unit 9 11 Gordon Place Newtown 6021

1 July 2026 - 30 June 2027

Details

Rate Account:	1884357	Area:	0m ²
Account Status:	Current	Improvement:	OI TOWN HOUSE
Rateable Status	Current	Diff. Rating Category:	Base
Valuation Ref:	17350-60800-I	Billing Category:	A1C - Base - Full services SLC

Flags

Legal Description:

New rate account from 1 July coming

UNIT 9 DP 438900

LIT Change to Usage

Apportionment Code 2 - M

Overdue letter sent

ODS instalment 3 2016

Overdue Statement

Overdue inst 4 2018

Instalment 1 Pens 25-26

Instalment 3 Pens 25-26

Rates Account Summary

Rates Splits	Annual Rates (2026 - 2027)	\$ 3,226.29
WCC	\$2,154.37	
GWRC	\$860.95	
Sludge Levy	\$210.97	

Instalments (Due for Payment)

Installment no	Due Date	Amount
1	1 Sep 2026	\$806.54
2	1 Dec 2026	\$806.54
3	1 Mar 2027	\$806.54
4	1 Jun 2027	\$806.67

Wellington City Property Rates Record

Opening Balance - 01 Jul 2026	\$113.25
Instalments YTD	\$806.54
Paid YTD	\$0.00
Penalties YTD	\$11.33
Adjustments YTD	\$0.00
Current Balance	\$931.12

Water Account Details

No Associated Water Property.

Permits and Consent Information Held at WCC Archives

Wellington City Council

Building Consent Search Item List

LIM: SR 574523
 Property: 11 Gordon Place
 Legal description: Lot 1 DP 398006

Digital copies of these records, which usually include plans, can be accessed through the Building Consent Search Service. Charges and turnaround times apply. <https://digital.wellington.govt.nz/services/building-consents/search>

Series	Title	Description	Date
00053-3985	Rintoul Street [11 Gordon Place], additions to dwelling and new dwelling	Legal description: Part Town Acre 964 [Lot 1 DP 398006]. Applicant and owner: William James. Note: Previously known as 13 Gordon Place.	1900
00432-19107	11 Gordon Place, private drainage connections	Legal description: Lot 1 DP 398006. Applicant: W James.	1902
00053-5409	Right of Way off Gordon Street [11 Gordon Place], dwelling	Legal description: Lot 11 Town Acre 965 [Lot 1 DP 398006]. Applicant and owner: W James.	1903
00058-C2290	13 Gordon Place [11 Gordon Place], garage	Legal description: Lot 5 Town Acre 964 DP 9868 [Lot 1 DP 398006]. Owner and builder: E Hager. Application value: £200.	1957
00058-C36149	13 Gordon Place [11 Gordon Place], garage	Legal description: Lot 5 Town Acre 964 DP 9868 [Lot 1 DP 398006]. Owner: I J Hager. Builder: Unit Construction Limited. Application value: \$1,000. Floor area: 240 square feet.	1972
00078-93820	13 Gordon Place [11 Gordon Place], Earthworks Consent, foundations and sub floor areas for new townhouses and driveway	Legal description: All DP 5782 [Lot 1 DP 398006].	2002
00078-95873	13 Gordon Place [11 Gordon Place], LAPSED, 13 new townhouses	Legal description: DP 5782 [Lot 1 DP 398006]. Project value: \$1,440,000. New floor area: 1205 square metres.	2002
00078-116093	13 Gordon Place [11 Gordon Place], driveway to serve a proposed subdivision	Legal description: Lot 1 DP 5782 [Lot 1 DP 398006]. Note: Resulting in 3 attachments.	2004
00078-127335	11 Gordon Place, demolish existing warehouse	Legal description: Lot 6 DP 4868 [Lot 1 DP 398006]. Project value: \$8,000.	2005
00078-163270	11-13 Gordon Place, demolition of existing houses and garage	Legal description: Lot 6 DP 4868 [Lot 1 DP 398006]. Project value: \$20,000.	2007
00078-169887	11-13 Gordon Place, site works	Legal description: Lot 6 DP 4868. Project value: \$60,000. Note: bulk EIW excavation approximately 600m3 and retaining structures.	2008
00078-220647	11 Gordon Place, Units 1-13, 13 new townhouses	Legal description: Lot 1 DP 398006. Designer: Mulligan. Project value: \$2,000,000. New floor area: 1,098 square metres.	2011

Complete Building Consent Attachments

Service Request 220647 (aBLDG CONSENT - Regular Over) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1810777 Survey Current - 11 Gordon Place

File Reference: 0600 SR220647

Contact: 53442897 Sing Wei Developments Limited

Contact Address: 25793245

Attention:

Status: Completed

Status Date: 18-Mar-13 11:10 AM SR Status: On-going

Owner: Member: Irene Cole Extn: 801 3834

Team: 1999/CCC-Compliance Team 113

Due Date: Days Remaining :

Days Elapsed :

Description: 2.3 Multi-residential - 13 new townhouses, each with 3 levels, decks, 3 bedrooms, 2 bathrooms and attached garages with amendment

Extended:
Description

Special
Conditions or
Comment

Code Compliance Certificate (Form 7)

Section 95, Building Act 2004

Service Request No. 220647

The Building			
Street address of building:	13 Gordon Place	Building name:	Townhouses x13
Current, Lawfully established, use:	SR (Sleeping Residential)	Location of building within site/block number:	-
Level/unit number:	-	Intended life of the building if 50 years or less:	50.0
Legal description of land where building is located:	LOT 1 DP 398006	Year first constructed:	2010/2011
The Owner			
Name of owner:	Sing Wei Developments Ltd	Street address /registered office:	-
Contact person:	-	Phone numbers:	
Mailing address:	23 Daniell St Newtown Wellington 6021	Landline:	891 0488
Email address:	-	Mobile:	0-21-287 3338
Website:	-	Daytime:	-
		After hours:	-
		Facsimile number:	-
First point of contact for communications with the Wellington City Council:			
Name:	Roy Ai	Phone numbers:	
Mailing address:	37-232 Middleton Rd Glenside Wellington	Landline:	-
Email address:	h2homes@hotmail.com	Mobile:	0-21-384 6262
Website address:	-	Daytime:	-
		After hours:	-
		Facsimile number:	-
Building Work			
Building Consent No:	220647	Issued by:	Wellington City Council
Project Description:	Multi-residential - 13 new townhouses, each with 3 levels, decks, 3 bedrooms, 2 bathrooms and attached garages with amendment – Amended Plan#1 - Units 2-6 reduced in width by 100mm, small change to eastern facade.		

Code Compliance

The building consent authority named below is satisfied, on reasonable grounds, that -

(a) the building work complies with the building consent.

Ken Binns – Building Officer

On behalf of Wellington City Council

Date: 18 March, 2013

Incomplete Building Consent Attachments

Service Request 127335 (aBLDG CONSENT - Regular Under) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 SR127335

Contact: 51545036 Warwick Andrew Janes

Contact Address: 25131520

Attention:

Status: Building Work Started

Status Date: 26-Jun-06 2:35 PM SR Status: On-going

Owner: Member: Peter Hodgson Extn: 801 3368

Team: 1996 Q1/Comp Mon/Enf Team 36

Due Date: Days Remaining :

Days Elapsed :

Description:	To demolish the existing warehouse.
Extended: Description	
Special Conditions or Comment	26/6/06 Owner advised work started demolition of interior. Peter H

Service Request 163270 (aBLDG CONSENT - Regular Under) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 11 & 13 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 SR163270

Contact: 53012716 Domanski Property Developments Lin

Contact Address: 25406473

Attention: Richard Domanski

Status: Unable to issue CCC (no Appln)

Status Date: 18-Aug-09 9:50 AM SR Status: Completed

Owner: Member: Barrie Collins Extn: 801 3286

Team: 1996 Q1/Comp Mon/Enf Team 36

Due Date: Days Remaining :

Days Elapsed :

Description: 1.1 Residential - Demolition of existing houses and garage on No 11 & 13 Gordon Place Newtown

Extended:
Description

Special
Conditions or
Comment

3 August, 2009

Domanski Property Developments Ltd
23 Jordan St
Island Bay
Wellington 6023

Service Request No.163270
Property ID: 1051082

Attention: Richard Domanski

Dear Sir

Progress of work on Building Consent No.163270

Service Request Type:	Building Consent
Site Address:	11 Gordon Place
Legal Description:	LOT 6 DP 4868 , LOT 1 DP 5782
Project Description:	1.1 Residential - Demolition of existing houses and garage on No 11 & 13 Gordon Place Newtown

Under section 92 of the Building Act 2004, the building owner must apply for a Code Compliance Certificate (CCC) after all building work to be carried out under a building consent has been completed.

If no CCC application is received from the owner, section 93 of the Building Act 2004 requires the Council to decide whether to issue a CCC following the 2 year anniversary of the date the building consent was granted. The anniversary of this consent was **02/07/2009**. To date we have not received a CCC application form or a request to undertake a final inspection.

If your building work is finished please complete and return the enclosed application for a CCC and ring 801-3813 to arrange a final inspection.

If your building work is still ongoing please complete the response page enclosed and return it to the Council.

If we do not receive a reply by **17/08/2009** the Council may be unable to issue a CCC as it may not be able to establish whether your building work complies with the building consent and the Building Code. This can have on-going implications for you, which may include difficulty obtaining insurance or selling your property in the future.

If you would like to discuss this matter please contact me.

Yours faithfully

Barrie Collins
Building Consents and Licensing Services
Wellington City Council
Telephone 801 3286

To: Building Consents and Licensing Services
Wellington City Council
Fax: 801 3100

Building Consent No: 163270
Service Request Type: Building Consent
Site Address: 11 Gordon Place
Legal Description: LOT 6 DP 4868 , LOT 1 DP 5782
Project Description: 1.1 Residential - Demolition of existing houses and garage on
No 11 & 13 Gordon Place Newtown

Please select one of the following options:

- ☐ Enclosed is an application for a CCC and I have rung 801-3813 to arrange a final inspection. Inspections are carried out between 8.00 am and 3.30 pm Monday to Friday.
- ☐ I wish to apply to the Council for an amendment to this building consent to cover only those parts of the work that have been completed within the 2-year time frame. I have included the documentation required and the deposit fee of \$197.50.
- ☐ A letter applying for an extension of time to complete the building work is enclosed. I understand that an inspection fee (usually 15 – 30 minutes @ \$135.00 per hour) will be charged for reviewing the file and that an inspection may be required to assess progress.

Name: _____ Daytime
Contact
Number: _____

Signature: _____ Date: _____

NOTE: To apply for an amendment to a building consent you will need to complete an Application for Amendment to Building Consent form and attach the required documentation. The form is available on www.wellington.govt.nz or from our reception on 1st floor Civic Administration Building, Wakefield St, Wellington.

Service Request 169887 (aBLDG CONSENT - Regular Under) Item 1 (Appl Form)

Service Request Item

Item: 1

SR Location: 11 GORDON PLACE Newtown

Designated Wufi: 1051082 Survey Historic - 11 Gordon Place

File Reference: 0600 SR169887

Contact: 53442897 Sing Wei Developments Limited

Contact Address: 25901521

Attention:

Status: Unable to issue CCC (BA04) - no response

Status Date: 18-Feb-25 2:12 PM SR Status: On-going

Owner: Member: Sarah Gilligan Extn:

Team: 1999/CCC-Compliance Team 113

Due Date: Days Remaining :

Days Elapsed :

Description:	1.1 - Residential - Site Works - Bulk EIW excavation approx 600m3 and retaining structures. AKA 11-13 Gordon Place
Extended: Description	Body Corpoarte 438900 - escalation requested - 7/5/15 - fees required \$1538.75 - letter sent 12/5/2015
Special Conditions or Comment	Email query re advice for moving forward sent to Pete Geraghty - SAP 10/12/18

18 February, 2025

Domanski Property Developments Limited
23 Jordan St
Island Bay
Wellington 6023

Service Request No.169887
Property ID: 1051082

Kia ora

CODE COMPLIANCE CERTIFICATE HAS NOT BEEN APPROVED

Site Address:	11 Gordon Place
Legl Description:	LOT 6 DP 4868 , LOT 1 DP 5782
Project Description	1.1 - Residential - Site Works - Bulk EIW excavation approx 600m3 and retaining structures. AKA 11-13 Gordon Place

Wellington City Council refuses to issue a Code Compliance Certificate (CCC) for your project. This refusal sits under Section 95a of the Building Act 2004, which requires the Council to give written notice of a refusal with reasons.

The reasons for the refusal:

- The building work has not been completed
- The following documentation has not been supplied which will assist us in being satisfied, on reasonable grounds, that the building work complies with the building consent: A complete application for code of compliance certificate

Until the Code Compliance Certificate is issued, any land information memorandum (LIM) or building status report for your property will show an incomplete building consent.

You will need to apply for a Code Compliance Certificate for this project, and inspection of the work will need to be undertaken and additional fees may be incurred.

Please note: a Code Compliance Certificate application must be submitted under Section 92 of the Building Act 2004 when all building work under this building consent is completed.

Please contact us to assist you with any queries you may have or information that will enable us to rectify this matter.

Ngā mihi
Building Consents and Compliance



bccinspectors@wcc.govt.nz



101 Wakefield Street
Wellington 6011
Phone 04 499 4444

SITE NOTICE

Consent No: **169887** Date Printed: **8 June 2015**
 Applicant: **Sing Wei Developments Ltd**
 Site Address: **11 GORDON PLACE**
 Work Type: **1.1 - Residential - Site Works - Bulk EIW excavation approx 600m3 and retaining structures.**
AKA 11-13 Gordon Place

Inspection Type: **Old Consents**
 Inspection Outcome: **Fail**
 Inspected By: **Tim Watson**
 Inspection Date: **8 June 2015**

Passed Items

General

Who attended

Vincent Lu
Tim Watson and Peter Geraghty for WCC.

Consented documents sighted

Previous inspections passed and satisfactory

Work ready for inspection

Old consent inspection for work carried out around 2008.

The purpose of the inspection was to assess the building work to see if a Code compliance certificate can be issued.

See failed items/documents required below for items to be completed for CCC.

Notes completed at WCC after inspection.

See photos of areas/items inspected.

Sea spray zone

Work completed as a percentage

100%

Retaining walls

Within the boundary

Drainage coil discharge point verified

Verified at the first inspection.

Plumbing signed off by Charles Puha 28/01/2011. No changes since then noted.

Engineer monitoring

Yes
PS4 required.

Timber treatment

Mechanical fixings / durability

Galv noted on consent.

Failed Items

Retaining walls

Barrier requirements

Balustrade battens on driveway ret. wall to be nailed off securely as are loose.

Support Documentation

Status

Application for CCC	Required
As-built drainage plan	Required
Construction review PS4 statement for structural engineering	Required

Notice to fix (Form 13)
Sections 164 and 165, Building Act 2004
Issued by Wellington City Council

Service Request No. 169887

To: Domanski Property Developments Ltd
 23 Jordan St
 Island Bay
 Wellington 6023

And to:

The Building			
Street address of building:	11 Gordon Place	Legal description of land where building is located:	LOT 6 DP 4868 , LOT 1 DP 5782
Building name:			
Level/unit number:	11—13 Gordon place Newtown	Location of building within site/block number:	-
Particulars of contravention or non-compliance			
On the 10/1/11 the above property was inspected by a council officer. Building work, namely the rear timber retaining fence has been built and does not comply with resource conditions in height (fence currently 3.000meters, the maximum allowable height is 2.000 meters) has been done without a building consent. Section 40 of the building act 2004 requires that a building consent must be obtained prior to undertaking any building work.			
Required remedial action			
To remedy the contravention or non-compliance you must: Apply for a C.O.A (CERTIFICATE OF ACCEPTANCE) supply any supporting documentation confirming design and building etc. Cut the fence down to a height of 2.000 meters maximum. Resource consent will be required also if fence left at current height. The following inspections are required with respect to the remedial work; Inspections required on completion of any remedial works. This notice must be complied with by; 13/3/11			

Further particulars

- You must contact the Council on completion of the required building work.
- [The following building work must cease immediately until the Council is satisfied that you are able and willing to resume operations in compliance with the Building Act](#)

2004 and regulations under that Act: Rear timber fence retaining wall on west boundary.

- If you do not comply with this notice you commit an offence under section 168 of the Building Act 2004 and may be liable to a fine of up to \$200,000 and a further fine of up to \$20,000 for each day or part of a day that you fail to comply with this notice.

Signature

Position

On behalf of Wellington City Council

Date: 13 January, 2011

Building Consents and Licensing Services
Wellington City Council
PO Box 2199
Wellington

Lapsed Building Consent Attachments

Service Request 95873 (aBLDG CONSENT) Item 1 (Appl Form)
Service Request Item

Item: 1 ▼

SR Location: 13 GORDON PLACE Newtown

Designated Wufi: 1132458 Valuation Historic - 13 Gordon Place

File Reference: 0600 SR95873

Contact: 52723469 Norwich Trust

Contact Address: 25316444 ▼

Attention:

Status: Lapsed

Status Date: 31-Mar-03 1:34 PM SR Status: Completed

Owner: Member: Lorraine Coe Extn: 801 3997

Team: 1996 Q1/Comp Mon/Enf Team 36

Due Date: Days Remaining :

Days Elapsed :

Description: 13 New Townhouses

Extended:
Description

Special
Conditions or
Comment

Refund to accounts 11/04/03LC

Land and Structure Attachments



MWH Reference: 801/005809-03

15 November 2002

Archeffects Ltd
3 Box Hill
Khandallah
WELLINGTON

Attention: Shaun Lawless

Dear Shaun

Re: Preliminary Geotechnical Assessment - 13 Gordon Place, Newtown

MWH New Zealand Limited have been engaged by Archeffects Ltd to undertake a preliminary geotechnical assessment for a proposed residential development comprising the construction of twelve new townhouses at 13 Gordon Place, Newtown. The legal description of the property is Lot 1 DP 5782.

Our investigation and this report were undertaken under the terms of the ACENZ/IPENZ model short form agreement for consultant engagement (September 1998).

Scope of work

As part of the geotechnical assessment, we undertook the following work:

- Review of geological map information relevant to the area¹.
- An engineering geological walkover assessment.
- Subsurface investigation using a Scala penetrometer.
- Photographic logging of existing site features.
- Report preparation.

The site investigation work conducted by MWH was undertaken on 14 November 2002. We have not been asked, nor have we undertaken, to provide specific foundation design that we understand is to be carried out at the detail design stage of the project.

¹ Reference: Begg, J.G. and Johnston, M.R. (compilers) 2000. *Geology of the Wellington area*. Institute of Geological and Nuclear Sciences 1:250,000 geological map 10.



Site Description

Lot 1 DP 5782 consists of an area of approximately 1,360 m². The ground slopes were variable with the general slope towards the east.

Structures on the site at the time of the investigation included a house (weatherboard construction on masonry perimeter foundation and timber subfloor) and garage. The area behind the house was flat terraces with a low (<1m) retaining wall before rising towards a fence on the property boundary. A retaining structure was present on the southern boundary, with the neighbouring property at a lower level. There were various other retaining structures/walls on the property (including a 2m high concrete retaining wall supporting a carpark above the SW corner of the property). None showed any significant evidence of cracks or instability.

Ground surface coverings were predominantly grassed areas with paved paths around the house and a gravel driveway.

An annotated site plan and photographs are appended.

Geotechnical Assessment

Geology

The geology of the property and its environs comprises Rakaia terrane overlain by superficial deposits.

The Rakaia terrane consists of grey sandstone-mudstone sequences and poorly bedded sandstone. The superficial deposits comprise of undifferentiated weathered, poorly sorted loess-covered alluvial gravel deposits (Begg and Johnston, 2000).

At the time of the investigation, a trench had been excavated adjacent to the existing driveway for the installation of a sewer main. Material exposed in this trench consisted of orange to brown clayey material. An outcrop of the loess material was exposed on a slope in front of the existing house.

No seepages were observed on the property at the time of our investigation.

Penetrometer Testing

Five Scala Penetrometer Tests were carried out on the property, in apparent original ground, during the site investigation. Due to the existing house on the site, the test locations were limited to areas behind and in front of the building. Three tests were conducted behind the house, near the property boundary, and two in the area in front of the house. The test locations are shown on the attached site plan and test results are also appended.



Test results indicate firm to stiff subsurface strata at depths greater than 800 mm, indicating good bearing material for foundation construction.

Slope stability

A visual inspection of the site did not identify any signs of slope instability. The existing house is approximately 50 years old and did not show any evidence of movement due to ground subsidence. Some minor movement of the footpath in front of the house was apparent. This may be attributed to leakage from the adjacent downpipe and is not considered to be of concern.

Recommendations

The proposed development of twelve townhouses on Lot 1 DP 5782 is evaluated by MWH New Zealand Ltd as geotechnically suitable for constructing residential dwellings upon, provided the following conditions are adhered to:

- All foundations must be designed and constructed under the supervision of a qualified engineer and must penetrate fill, topsoil and subsoil to bear onto competent ground.
- If NZS 3604:1999 is adopted for design, "good ground" (as defined in the Standard) is indicated at depths of between 0.8 and 2.0 metres but must be confirmed by specific foundation investigation as per the Standard.

Foundations for buildings outside the scope of NZS 3604:1999 must have specific investigation and design by a registered engineer experienced in foundation design.

- All retaining walls should be adequately and appropriately drained and constructed under the supervision of a suitably qualified engineer.
- Subsoil drains should be placed behind and at bases of retaining walls and at upslope edges of building platforms or cuts.
- All seepages encountered, including those discovered in excavations or during site development, must be conveyed away from dwellings and must be discharged in a controlled manner.
- Fill removal, foundation elements placed through fill, cut excavations and foundation excavations shall be carried out under the supervision of a geotechnical engineer.



This document has been prepared for the benefit of Archeffects Ltd. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to Wellington City Council and other persons for an application for permission or approval to fulfil a legal requirement.

Yours sincerely
MWH NEW ZEALAND LIMITED

Kristel Turton
Environmental Scientist

Reviewed: Julian Chisnall REng
Geotechnical Engineer

Encl.: Site Plan
Photographs
Scala Penetrometer Test Results (5 sheets)

Wellington City Council

By-laws Attachments

26 Nov. 02

Archeffects
3 Box Hill
Khandallah
Wellington

Service Request No: 93820
Link No: 0600 450270

Attention: Shawn Lawless

Dear Sir/Madam

WCC BYLAWS CONSENT TO CARRY OUT EARTHWORKS

Service Request Type: Earthworks Bylaw Consent
Site Address: 13 Gordon Pl DP 5782

You are given WCC Bylaws Consent to carry out earthworks according to the following:

- *your application submitted to Council and,*
- *plans 01-05 with specification and,*
- *geotechnical report recommendations 1-6 and,*
- *general conditions*

The geotechnical report recommendations 1-6 are as following:

1. *All foundations must be designed and constructed under the supervision of a qualified engineer and must penetrate fill, topsoil and subsoil to bear onto competent ground.*
2. *If NZS 3604:1999 is adopted for design “good ground” (as defined in the standard) is indicated at depths of between 0.8 and 2.0 metres but must be confirmed by specific foundation investigation as per the standard.
Foundations for buildings outside the scope of NZS 3604:1999 must have specific foundation investigation as per the standard.*
3. *All retaining walls should be adequately and appropriately drained and constructed under the supervision of a suitably qualified engineer.*
4. *Subsoil drains should be placed behind and at bases of retaining walls and at upslope edges of building platforms or cuts.*
5. *All seepage encountered, including those discovered in excavations or during site development, must be conveyed away from dwellings and must be discharged in a controlled manner.*
6. *Fill removal, foundations elements placed through fill, cut excavations and foundation excavations shall be carried out under the supervision of a geotechnical engineer.*

General conditions to apply to this Consent are:

- You must notify Council in writing of any changes to your plans or earthworks.
 - This is a WCC Bylaws Consent is for earthworks only. It does **NOT** give you consent to construct any buildings. Separate Consents will be necessary for building construction, retaining walls over 1.5 metres high, for water rights and for any drainage work or alterations to existing drains other than site drainage in conjunction with the earthworks design.
 - You are responsible for **all** aspects of the design, supervision, construction and satisfactory completion of the earthworks on your property. This Consent does not permit you to undermine, trespass on, or cause a nuisance to your neighbouring properties, or permit you to put your property into a condition that may cause injury to future purchasers of your property. You may be personally liable for any breach of your responsibilities.
 - This Earthworks Consent does not give or imply any rights to transgress beyond your legal boundaries. Any work that is required beyond your legal boundaries can only be undertaken with the affected owners permission and a separate Earthworks Consent will be required to be uplifted by them.
 - I note that a resource consent has already been granted in Service Request No 89195 and advise that all work must proceed in accordance with the approved plans, information and all the conditions of that consent.
 - You have 6 months in which to complete the earthworks.
 - Any excess soil or other waste materials produced as a result of excavation must be removed from the site to an approved landfill.
 - Boundaries to be set out by Registered Surveyor where earthworks are within a metre.
- In accordance with the construction noise standard NZS 6803 P in the Proposed District Plan - except in the case of emergencies **no work with noisy equipment is to be carried out before 7.30am or after 6pm Monday to Saturday**. During the week there may be workers on the site from 6.30am quietly preparing for work . **Work with noisy equipment is also not permitted on Sundays and Public Holidays.**
- A copy of the Earthworks Bylaws Consent is to be retained on site and made available upon request.
 - Excavated area is not to be used for vehicle access or parking without specific further application.
 - All earthworks operations must be carried out in such a way as to minimise the effect of noise on adjacent properties and the contractor will be required to comply with any direction from a Council Noise Control Officer forthwith.

- The adjacent streets and footpaths must be kept safe, clear and clean for normal use at all times. Spillage of any kind onto the street or footpath must be cleared away immediately.
 - Silt and stormwater run-off must be adequately controlled.
 - Damages:
 - 1) Any damage to the adjacent streets, kerbing, footpaths or other Council's property as a result of the works is the owner's liability.
 - 2) On completion of the development, all affected areas of road reserve shall be promptly made good and tidied to Council's satisfaction.
 - All excavated material disposed on site must not cause a nuisance to adjoining properties.
 - The owner is responsible for the location and protection of any services within the affected area or on Road Reserve and is to notify the respective Authority and all network providers including Electricity, Gas, Drainage, Water, Transportation, Telecommunications and Cable Television of any services that may be affected at least 7 days prior to the commencement of the work to enable the necessary disconnection to be carried out.
- | |
|---|
| <ul style="list-style-type: none"> • Excavations shall be executed safely with respect to standard safety requirements, council bylaws and specific site conditions which must be determined by the applicants engineer. |
|---|

Issued on behalf of and for the Wellington City Council

Rod Drumm
 Vehicle access and earthworks engineer
 Environmental Control Business Unit
 Wellington City Council
 Telephone 801-3536
 E-mail roddrumm@wcc.govt.nz
 Visit our web site www.wcc.govt.nz

24 October, 2007

Douglas Robert Weir
4 Lyall Pde
Lyall Bay
Wellington 6022

Service Request No: 169887
Property ID:1051082

Attn: -

Dear Sir/Madam

WCC BYLAWS CONSENT TO CARRY OUT EARTHWORKS

Service Request Type: Building Consent
Site Address: 11 Gordon Place
Legal Description: LOT 6 DP 4868, LOT 1 DP 5782

You are given WCC Bylaws Consent to carry out earthworks to create building platforms according to your application as submitted to Council.

Documents referred to are: Sawrey Consulting engineers drawing 7513 sheet S100 to S106

This WCC Bylaws consent is issued subject to the following:

1. A copy of the Earthworks Bylaws Consent is to be retained on site and made available upon request. This is a WCC Bylaws Consent is for earthworks and does not give the owner/developer consent to construct any buildings.
2. Earthworks operations, fill placement and compaction, testing, engineering control/supervision, excavation and fill construction and documentation to conform to **NZS 4431** and requirements of WCC, 'Code of Practice for Land Development', Amended May 1998. The Council's "General Conditions of Excavation and Transport of Excavated Material" December 1993, shall apply and remain in force for the duration of the site development works.
3. The owner/developer to engage a suitably experienced chartered Engineer to control all engineering aspects of the design, construction and sitework. A copy of this consent to be provided to the Engineer, and site work may progress with the designer/Engineer's acceptance of their responsibility to comply with relevant conditions of this consent.

4. On completion of the earthworks the owner/developer to furnish Wellington City Council with a completion statement/certification, to Council satisfaction, from their Engineer, before building work shall begin. **Fill constructions are to be certified in accordance with NZS 4431, and certification to verify construction is completed in accordance with the conditions of this consent.**

Specific conditions to apply to this Consent are:

1. You have six months in which to complete the earthworks.
2. It is a condition of this consent that work or construction does not undermine, trespass on, or cause a nuisance to neighbouring properties. This Earthworks Consent does not give or imply any rights to transgress beyond legal property boundaries.
3. Property boundaries to be set out by a Registered Surveyor.
4. Contractors are responsible for keeping the road and adjacent streets and footpaths safe, clear and clean for normal use at all times from trucks/vehicles tracking mud and rubble from the site. This process may include washing down the roadway, stormwater inlet protection and draining nearby sumps, or repairing damage, as appropriate, to council satisfaction. Spillage of any kind onto the street or footpath must be cleared away immediately.

- | |
|--|
| <ol style="list-style-type: none">5. In accordance with the construction noise standard NZS 6803:1984 in the District Plan - except in the case of emergencies no work with noisy equipment is to be carried out before 7.30am or after 6pm Monday to Saturday. During the week there may be workers on the site from 6.30am quietly preparing for work. Work with noisy equipment is also not permitted on Sundays and Public Holidays. |
|--|

6. All earthworks operations must be carried out in such a way as to minimise the effect of noise on adjacent properties and the contractor will be required to comply with any direction from a Council Noise Control Officer forthwith.
7. **Silt laden water, dust and storm water run-off must be adequately controlled, in accordance with the Greater Wellington – Wellington Regional Council “Erosion and Sediment Control Guidelines”, which shall apply to all areas and the area thresholds shall not apply. All excavated material must not cause a nuisance to adjoining properties.**
8. This consent does not allow or give consent for construction of a landfill for waste and hazardous material. Excavated soil proposed to remain on site shall be contained/retained to avoid erosion and instability. Any excess soil, unsuitable or waste materials produced as a result of the excavations must be removed from the site to an approved landfill.
9. **The owner/developer must ensure their Engineer verify to Council satisfaction design soil strength parameters, that foundations are secured in stable, competent ground, and stability (FOS>1.5) of excavations, adjacent hill slopes and fills prior to**

the start of building work. Separate consent application for design and or construction changes must be approved by Council, prior to the start of building work.

10. The Consenting Authority shall not accept risk associated with private developments, and the present owner/developer must protect Council from the construction causing or instigating damage, harmful influence and injury to neighbouring property, persons and or buildings. By progressing site work, the present owner/developer and their Engineer shall make lawful an agreement to rectify and or 'make good' damage and or adverse influence, associated with instability of foundations, excavations and fills and or worsening of existing stable adjacent hillside conditions, related to construction of the development. And all rectification notices issued during construction to be addressed to Council satisfaction at the owner/developer expense.
11. Prior to commencing works, a Resource Consent may/will be required especially in Rural, Open Space, Conservation, Character Areas and Precincts. In the Inner and outer Residential Areas, a Resource Consent may be required if the work changes the ground level by more than 2.5 metres measured vertically, or disturb an area greater than 250m², or are within 5 metres of a water body, or on a slope greater than 45 degrees. All earthworks must comply with either the specific area based requirements or have land use consent.
12. Earthworks must comply with all relevant resource consent conditions related to the concerned development. Earthworks and resource consents are different and other geotechnical engineering information may be required as part of a resource consent application.
13. Damages: Any damage to the adjacent streets, kerbing, footpaths or other Council's property as a result of the works is the present owner's liability. On completion of the development, all affected areas of road reserve shall be promptly made good and tidied to Council's satisfaction.
14. The owner is responsible for the location and protection of any services within the affected area or on Road Reserve. They are responsible for notifying the respective Authority and all network providers including Electricity, Gas, Drainage, Water, Transportation, Telecommunications and Cable Television of any services that may be affected at least 7 days prior to the commencement of the work to enable the necessary disconnection to be carried out.
15. Prior to the start of earthworks, Council should be informed of the contact details and liability insurance of the earthworks' Contractor(s) and insured amount.

Issued by, for and on behalf of Wellington City Council,

Mohan Mistry
Vehicle Access/Earthworks Engineer
Building Consents and Licensing Services
Wellington City Council
Telephone 801 3728
E mail mohan.mistry@wcc.govt.nz
Visit our web site www.wcc.govt.nz

Access Attachments

24 December, 2002

Archeffects Ltd
Level 1, No2 Ganges Rd
Khandallah
Wellington

Service Request No: 95873
Link No: 450270

Dear Sir/Madam

RE: APPROVAL OF VEHICLE ACCESS AUTHORISATION - 95873

Service Request Type: Building Consent greater than \$500,000
Site Address: 13 Gordon Pl DP 5782

This is to confirm that:

- 1) The proposed work may be undertaken, subject to any conditions set out below or subject to any authorisations set out below being obtained.
- 2) This AUTHORISATION has been processed and issued based on the information submitted. Issuing of this authorisation will not preclude Council from taking enforcement actions if field inspections demonstrate that the material submitted for the authorisation is inaccurate or incorrect.

ITEM: VEHICLE ACCESS

NOTE 1: For the proposed **off-street parking/single garages** the conditions are as follows:

- A 3.0m **heavy duty** kerb crossing allowed. Construction to comply with the WCC Code of Practice for Land Development 1994.
- The directional use of the driveways shall be clearly marked with roadmarking. e.g. "No entry" and "Entry", as indicated on the site plan.
- A sign shall be installed at the entrance driveway stating that the entrance for trucks shall be via the northern exit driveway, as indicated on the site plan.
- A speed hump shall be installed to slowdown vehicles as they exit the site.
- The mirror shall be placed to warn the drivers of pedestrian approaching the exit area. It will be so placed that no glare or other interference will be caused to be vehicles on the public roadway adjacent.

- **All work must comply with the Wellington City Council Code of Practice for Land Development 1994, the Wellington City Council District Plan and the Australian Standard 2890.1 1993 & 2890.2 1989 requirements.**

Other approvals required: Earthworks Bylaw Consent issued under SR 93820
Building consent

NO CONSTRUCTION MAY START ON SITE UNTIL ALL APPROVALS ABOVE HAVE BEEN OBTAINED

GENERAL CONDITIONS

010 APPROVAL:

The following conditions are set pursuant to the relevant portions of the:

- * Wellington City Council District Plan
- * Local Government Act 1974 (Sections 319, 335, 357)
- * Wellington City Council Consolidated Bylaws 1991 (Part 17.9)
- * Building Act 1991 (Section 6(2)(d))
- * Building Regulations 1992 (Clauses D1,E1)

The conditions apply to the entire vehicle access including parts on legal road and on private property. This Vehicle Access Approval is valid for two years only, after which it will be deemed to lapse unless an extension is granted.

This approval does not:

- (a) Create or imply the existence of any right-of-way
- or
- (b) relieve property owners of responsibilities they may have to other property owners (e.g. Under terms of a cross-lease).

020 LEVELS:

The access shall be finished flush with the existing level at the back edge of the public footpath. No alteration is permitted to the level, extent or surfacing type of the existing public footpath.

032 GRADIENTS:

The access gradient shall be as shown on the drawing.

040 PERMANENT SURFACING:

All trafficked areas shall be surfaced in permanent materials. This includes access, parking & turning areas. Acceptable surfacing options include concrete, chipseal, asphalt, interlocking pavers & treated timber decking.

- **Asphalt shall be TNZ M10 Mix 10 25mm minimum thickness on 100mm minimum compacted depth of basecourse.**

- **Concrete shall be 20mpa strength of 100mm minimum reinforced or 150mm unreinforced laid on 75mm minimum compacted depth of basecourse.**

The driveway width shall be not less than 2.7m. Widening shall be provided at corners to allow easy access by a 90-percentile car.

052 STORMWATER CONTROL:

Rainwater control shall be constructed as such so that no stormwater from the site discharges onto adjacent properties including legal road.

070 TURNING AREA:

Turning facilities to District Plan standard shall be provided for each carparking space. Vehicles must not reverse out onto the street.

080 KERB CROSSING:

- The owner/agent is responsible for the location and protection of any services within the affected area or on Road Reserve. The owner is to notify the respective Authority and all network providers including Electricity, Gas, Drainage, Water, Transportation, Telecommunications and Cable Television of any services that may be affected at least 7 days prior to the commencement of the work to enable the necessary disconnection to be carried out.
- Enquiries regarding the removal/relocation of parking meters, road markings or street signs in the vicinity of the crossing works shall be directed to Council Roading and Traffic Management Services. Two weeks notice required.
- Any redundant kerb crossings identified in **NOTE 1** shall be removed.
- The owner is to locate the vehicle crossing clear of any street sumps.

156 BOUNDARIES:

The owner/applicant/contractor is to ensure that structures, fences, nibs, are located clear of the legal road boundaries.

160 SAFETY:

The applicant/contractor is to protect Council property and make good any damage at no expense to Council.

Adjacent public footpaths & streets must be kept safe, clean & clear at all times. Spillage & obstructions must be removed without delay.

Council reserves the right to inspect the works at any time. If the works are endangering the public or causing significant nuisance, Council will follow normal procedures to rectify the situation at the Applicant's expense.

170 COMPLETION:

The off-street parking/access works shall be completed within 2 years of the date of issue of this approval.

180 MAINTENANCE:

Maintenance of the entire access is wholly the responsibility of the private property owners served by it. This includes maintenance of surfacing, sumps, barriers, batters & retaining walls. Council will not maintain batters above & below the access even if located on legal road.

Issued by, for and on behalf of the Wellington City Council.

Mohan Mistry
Vehicle access and earthworks engineer
Environmental Control Business Unit
Wellington City Council
Phone 801 3728

14 June, 2004

Wynne Paterson McLeod
P O Box 50 599
Porirua 6215

Service Request No: 116093
Property ID: 1020757

Dear Sir/Madam

RE: APPROVAL OF VEHICLE ACCESS AUTHORISATION - 116093

Service Request Type: Vehicle Access
13 Gordon Place
LOT 1 DP 5782

This is to confirm that:

1. The construction of the proposed **vehicular crossing, driveway and off-street parking** may be undertaken as shown on the drawings subject to any conditions set out below or subject to any authorisations set out below being obtained.
2. The following conditions are set pursuant to the relevant portions of the:
 - * Local Government Act 1974 (Sections 319, 335, 348, 357)
 - * Wellington City Council District Plan and Code of Practice for Land Development 1994
 - * Wellington City Council Consolidated Bylaws 1991 (Part 17.9)
 - * Building Act 1991 (Section 6)
 - * Building Regulations 1992 (Clauses D1,E1), AS/NZS 2890.1,2890.2
 - * Code of Practice for working on the Road.

The conditions apply to the entire vehicle access including parts on legal road and on private property. This Vehicle Access Approval is valid for two years only, after which it will be deemed to lapse unless an extension is granted.

3. This approval does not:
Create or imply the existence of any right-of-way or
relieve property owners of responsibilities they may have to other property owners (e.g. Under terms of a cross-lease).
4. A 3 metre wide **heavy duty** vehicle crossing is permitted. Construction shall comply with the WCC Code of Practice for Land Development 1994. Council's vehicle access engineers can select the most suitable vehicle crossing type for the site, using the given information and vehicle scraping criteria. Contact Council for further details. Non-standard vehicle

crossings such as “Takapuna” crossings are generally not permitted. “Raised channel” vehicle crossings are an acceptable alternative to “Takapuna” crossings when there is sufficient slope on the road.

5. EXISTING PRIVATE ACCESSES:

Existing private drives or paths on legal road affected by the proposed works shall be reinstated to a standard equal to or better than the original facility and to Council's satisfaction.

Safe passage to adjacent properties must be provided by the owner/applicant at all times.

While the existing facility is disturbed, the owner/applicant shall provide and maintain alternative/temporary access unless every affected party specifically agrees otherwise.

The contractor/owner must plan the work to ensure that the facility is fully restored and operable within a maximum period of **one** month, unless otherwise agreed by the affected parties and/or Council.

<i>NO CONSTRUCTION MAY START ON SITE UNTIL ALL APPROVALS ABOVE HAVE BEEN OBTAINED</i>
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GENERAL CONDITIONS

1. LEVELS:

The access shall be finished flush with the existing level at the back edge of the public footpath. No alteration is permitted to the level, extent or surfacing type of the existing public footpath.

2. SAFETY:

All construction work on the public road must be in accordance with the WCC “Code of Practice for Working on the Road”.

The applicant/contractor is to protect Council property and make good any damage at no expense to Council.

Adjacent public footpaths and streets must be kept safe, clean and clear at all times. Spillage and obstructions must be removed without delay.

Council reserves the right to inspect the works at any time. If the works are endangering the public or causing significant nuisance, Council will follow normal procedures to rectify the situation at the Applicant's expense.

3. GRADIENTS:

The access gradient shall not exceed **1 in 10** at any location. **The access gradient shall allow for adequate transitions (minimum of 2metres) at the public road and carpark to ensure the vehicle does not scrape.**

4. SUMPS

The owner is to locate the vehicle crossing clear of any street sumps. If this is not practicable then the sump must be relocated at council's discretion and at the owner's expense.

5. PERMANENT SURFACING:

All trafficked areas shall be surfaced in permanent materials. This includes access, parking and turning areas. Acceptable surfacing options include **concrete, chipseal, asphalt and interlocking pavers.**

- * Asphalt shall be TNZ M10 Mix 10 25mm minimum thickness on **100mm** minimum compacted depth of base-course.
- * Concrete shall be 20mpa strength of 100mm minimum reinforced or **150mm** unreinforced laid on 75mm minimum compacted depth of base-course.

6. DRIVEWAY WIDTH

The driveway width shall be not less than **2.7m**. Widening shall be provided at corners to allow easy access by a 90-percentile car.

7. STORMWATER CONTROL:

Rainwater control shall be constructed as shown on Wayne Patterson McLeod drawings **number 02/105/12 dated April 2004** so that no stormwater from the driveway discharges onto adjacent properties including legal road.

8. TURNING AREA:

Turning facilities to the requirements of the Australian Standard 2890.1 "Parking facilities Part 1: Off-street car parking" shall be provided for each carparking space. Vehicles must not reverse out onto the street.

9. KERB CROSSING:

The owner/agent is responsible for the location and protection of any services within the affected area or on Road Reserve. The owner is to notify the respective Authority and all network providers including Electricity, Gas, Drainage, Water, Transportation, Telecommunications and Cable Television of any services that may be affected at least 7 days prior to the commencement of the work to enable the necessary disconnection to be carried out.

Enquiries regarding the removal/relocation of parking meters, road markings, street signs and furniture at the vehicle crossing shall be directed to Council Roading and Traffic Management Services. This work is carried out at the owner's expense and two weeks notice is required.

10. BOUNDARIES:

The owner/applicant/contractor is to ensure that structures, fences, nibs and drains are located clear of the legal property and road boundaries.

11. MAINTENANCE:

Maintenance of the entire access is wholly the responsibility of the private property owners served by it. This includes the section within legal road. **Maintenance of surfacing, sumps, barriers, batters and retaining walls is included. Council will not maintain batters above or below the access even if they are located on legal road.**

Issued by, for and on behalf of the Wellington City Council,

Mohan Mistry

Vehicle access and earthworks engineer
Building Consents and Licensing Services
Wellington City Council
Telephone 801-3536
E-mail mohan.mistry@wcc.govt.nz
Visit our web site www.wcc.govt.nz

19 November 2010

Esme Mulligan
Flat 4
62 Old Karori Rd
Karori
Wellington 6012

Service Request No: 220647
Property ID: 1810777

Dear Sir/Madam

***RE: APPROVAL OF VEHICLE ACCESS AUTHORISATION - 220647
Construction of thirteen town houses with single garages for each unit
Reference drawing nos. Esme Mulligan drawing 10018 sheet A103 to
A807series***

Service Request Type: Building Consent
Site Address: 11 Gordon Place
Legal Description: LOT 1 DP 398006

This is to confirm that:

1. The construction of the proposed **vehicular crossing, driveway and off-street parking/single garages** may be undertaken as shown on the drawings subject to any conditions set out below or subject to any authorisations set out below being obtained.
2. OTHER APPROVALS REQUIRED:
 - A Building consent may be required for the retaining wall/other.
 - A Resource Consent has been granted under SR 133333 for Land Use
3. The following conditions are set pursuant to the relevant portions of the:
 - Local Government Act 1974 (Sections 319, 335, 348, 357)
 - Wellington City Council District Plan and Code of Practice for Land Development 1994 and amendments 1998.
 - Wellington City Council Consolidated Bylaws 1991 (Part 5/16)
 - Code of Practice for working on the Road.
 - The conditions apply to the entire vehicle access including parts on legal road and on private property. This Vehicle Access Approval allows construction to take place within two years. After this period, it will be deemed to lapse unless an extension of time is granted.
4. VEHICLE CROSSING:

A 6 metre wide heavy duty vehicle crossing is permitted. Construction shall comply with the WCC Code of Practice for Land Development 1994. Council's vehicle access engineers can select the most suitable vehicle crossing type for the site, using the given information and vehicle scraping criteria. Contact Council for further details.

Non-standard vehicle crossings such as "Takapuna" crossings are generally not permitted. "Raised channel" vehicle crossings are an acceptable alternative to "Takapuna" crossings when there is sufficient slope on the road.

5. PREPOUR INSPECTION:

It is the owner's responsibility to ensure the vehicle crossing is constructed to council standards and to request council for a prepour/paving inspection.

6. GARAGE DOOR OPENER:

A remote-operated automatic garage door opener must be installed on the proposed garage to prevent obstruction of the footpath and minimize vehicles queuing on the public road.

GENERAL CONDITIONS

1. LEVELS:

The access shall be finished flush with the existing level at the back edge of the public footpath. No alteration is permitted to the level, extent or surfacing type of the existing public footpath.

2. SAFETY:

All construction work on the public road must be in accordance with the WCC "Code of Practice for Working on the Road".

The applicant/contractor is to protect Council property and make good any damage at no expense to Council.

Adjacent public footpaths and streets must be kept safe, clean and clear at all times. Spillage and obstructions must be removed without delay.

Council reserves the right to inspect the works at any time. If the works are endangering the public or causing significant nuisance, Council will follow normal procedures to rectify the situation at the Applicant's expense.

3. GRADIENTS:

The access gradient shall be as shown on the drawings received on 18 November 2010.

4. STREET SUMPS

The owner must locate the vehicle crossing clear of any street sumps. If this is not practicable then the sump must be relocated at council's discretion and at the owner's expense.

5. PERMANENT SURFACING:

All trafficked areas shall be surfaced in permanent materials. This includes access, parking and turning areas. Acceptable surfacing options include concrete, chipseal, asphalt and interlocking pavers.

- Asphalt shall be TNZ M10 Mix 10 25mm minimum thickness on 100mm minimum compacted depth of base-course.
- Concrete shall be 20Mpa strength of 100mm minimum reinforced or 150mm un-reinforced laid on 75mm minimum compacted depth of base-course.

6. STORMWATER CONTROL:

Rainwater control shall be constructed as shown on the drawings so that no stormwater from the driveway discharges onto adjacent properties including legal road.

7. EARTHWORKS:

Earthworks shall be carried out in accordance with the WCC Code of Practice for Land Development 1994 Part 8 and/or the associated Resource Consent for Earthworks. Silt & stormwater runoff must be adequately controlled as per Greater Wellington Regional Council guidelines. Excavated material shall not be disposed of on Council road or other reserve without written Council authorisation.

8. SERVICES/STREET FURNITURE:

The owner/applicant is responsible for determining from the respective authorities and network providers whether the proposed work will affect their services.

Enquiries regarding the removal/relocation of parking meters, road markings, street signs and furniture at the vehicle crossing shall be directed to Council Roading and Traffic Management Services. This work is carried out at the owner's expense and two weeks notice is required.

9. EXISTING PRIVATE ACCESSES:

Existing private drives or paths on legal road affected by the proposed works shall be reinstated to a standard equal to or better than the original facility and to Council's satisfaction.

Safe passage to adjacent properties must be provided by the owner/applicant at all times.

While the existing facility is disturbed, the owner/applicant shall provide and maintain alternative/temporary access unless every affected party specifically agrees otherwise.

The contractor/owner must plan the work to ensure that the facility is fully restored and operable within a maximum period of 1 month, unless otherwise agreed by the affected parties and/or Council.

10. BOUNDARIES:

The owner/applicant/contractor is to ensure that structures, fences, nibs and drains are located clear of the legal property and road boundaries.

11. MAINTENANCE:

Maintenance of the entire access is wholly the responsibility of the private property owners served by it. This includes the section within legal road.

Issued by, for and on behalf of the Wellington City Council,

Mohan Mistry
Vehicle Access/Earthworks Engineer
Development Planning & Compliance
Wellington City Council
Telephone 801 3728
E-mail mohan.mistry@wcc.govt.nz
Visit our web site www.wellington.govt.nz