

Public Notification of Decisions on Private Plan Change 52 to the Upper Hutt City Council District Plan (2004) - Rezoning of 20 Stroma Way, Mount Marua

Notice is given, as required by Clauses 10, 11 and 29 of the First Schedule of the Resource Management Act 1991, that the Upper Hutt City Council has made decisions on Private Plan Change 52 to the Upper Hutt City Council District Plan (2004), following a resolution by Council at a Full Council Meeting on 16 December 2020.

Private Plan Change 52 ("PPC 52") rezones the site at 20 Stroma Way in Mount Marua from Rural Hill Zone to Rural Lifestyle Zone. The site is subject to the Southern Hills Overlay Area. The Rural Lifestyle Zone provides for residential development at a rural lifestyle density level. To address the Southern Hills Overlay Area the Plan Change also introduces a Structure Plan for the site. The Structure Plan provides details regarding the intended form and layout of the envisaged subdivision, contains a Landscape Masterplan that identifies areas of vegetation retention and future regeneration and introduces three sets of site specific principles that need to be considered at subdivision stage, relating to Earthworks and Sediment Control, Landscape and Visual Impact and Stormwater and Natural Hazards.

Copies of Council's decisions are available on the Council website at consultation.upperhuttcity.com

The decisions on PPC 52 can also be inspected at any of the following locations:

LOCATION	ADDRESS
Upper Hutt City Council Offices	Level 1 Reception Civic Administration Building 838-842 Fergusson Drive Upper Hutt
Upper Hutt Library	844 Fergusson Drive Upper Hutt
Pinehaven Branch Library	Corner of Pinehaven Road & Jocelyn Crescent Pinehaven Upper Hutt

Pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991, appeals may be made to the Environment Court within 30 working days of this notice, i.e. by 5pm on 4 March 2021.

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20 January 2021

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ItemFile: 351/13-010

4 November 2020

Proposed Private Plan Change 52 to the Upper Hutt City Council District Plan (2004) Rezoning of 20 Stroma Way, Mount Marua

Purpose of report

1. The purpose of this report is to seek Council's decision on private Plan Change 52 lodged by Leith Consulting Ltd on behalf of Barretts Block Developments Ltd ['PPC52'].

The s42A Report and Recommended Decision is attached as Attachment 1 to this report.

Recommendations

It is recommended that Council:

- (i) Approves PPC52 with modifications in accordance with clause 29(4) of the First Schedule of the Resource Management Act 1991 for the reasons set out in the S42A Report and Recommended Decision (Attachment 1).
- (ii) Adopts the Recommended Decision on the provisions and matters raised in submissions on PPC52 in accordance with clause 29 of the First Schedule of the Resource Management Act 1991.
- (iii) Gives notice of its decision on PPC52 in accordance with clauses 11 and 29(5) of the First Schedule of the Resource Management Act 1991.
- (iv) Resolves that, if no appeals are received by the close of the appeal period, PPC52 be made operative in accordance with clause 20 of the First Schedule of the Resource Management Act 1991.
- (v) Authorises officers to correct minor errors to the operative Plan Change if required.

Background

2. In March 2020 Leith Consulting Ltd on behalf of Barretts Block Developments Ltd lodged a private Plan Change request seeking the rezoning of the land at 20 Stroma Way (the "site"). The proposed changes provide for limited additional development of the site at a rural lifestyle density level.
3. The site is located on the western side of Stroma Way in Mount Marua. It is legally described as Lot 101 DP 523671 and has a total area of 22.3ha. The site has been used for grazing in the past and is partly planted in pine trees. The site is elevated and gently rolling in topography. It accommodates a series of spurs and gullies, which generally fall in a north-westerly direction from the ridgeline to the north-western boundary of the site and beyond. According to the private Plan Change application the plan change site represents the final stage of possible development within the Mount Marua area.

4. The site is currently zoned Rural Hill Zone and is subject to the Southern Hills Overlay Area and Protected Ridgelines. The private Plan Change request proposes the rezoning of the site to Rural Lifestyle Zone with corresponding site specific provisions and the introduction of a Structure Plan for the site.
5. The private Plan Change provides a section 32 evaluation and an evaluation of environmental effects which have been informed by the following expert assessments:
 - Landscape and Visual Impact Assessment by Boffa Miskell Ltd (peer reviewed by Isthmus on behalf of Council);
 - Geotechnical Investigation by Abuild Consulting Engineers Ltd;
 - Infrastructure Assessment by Cuttriss Consultants Ltd; and
 - Transportation Assessment by Harriet Fraser Traffic Engineering & Transportation Planning.

Proposed Changes

6. Private Plan Change 52 seeks to rezone the subject site at 20 Stroma Way from Rural Hill Zone to Rural Lifestyle Zone and introduces a Structure Plan for the site.
7. The current Rural Hill zoning of the site requires a minimum net site area of 20ha per site and the site is also subject to the Southern Hills Overlay Area of the District Plan which provides additional protection for identified visual, landscape and ecological values and identifies protected ridgelines.
8. Under the proposed Rural Lifestyle zoning the minimum net site area requirement would be reduced to 1ha and the proposed Structure Plan provides for a 14 lot subdivision of the site.
9. The Structure Plan relates solely to the plan change site and provides certainty regarding the intended form and layout of future subdivision. It describes the intentions for development and the anticipated outcomes. It also contains three sets of principles that need to be considered at the subdivision and land use consents stage of the development. These sets of principles relate to Earthworks and Sediment Control, Landscape and Visual Impact and Stormwater and Natural Hazards. The Structure Plan Map shows the location of the access road as well as the location and access to identified building platforms. Finally the Structure Plan contains a Landscape Masterplan that identifies areas of vegetation retention and management as well as areas of future planting and revegetation.
10. The private Plan Change proposes changes to the following chapters:

District Plan Chapter	Proposed Amendments
Chapter 5 - Rural Zone	<ul style="list-style-type: none"> • Addition to explanatory text - Objective 5.3.1 • New Policy 5.4.13
Chapter 19 - Rural Zone Rules	<ul style="list-style-type: none"> • Additional controlled activity condition - Rule 19.6 • Additional access standard – Rule 19.8 • New standard for new buildings within the Structure Plan Area covering height, location and external appearance – new rule 19.11A • Additional water supply, stormwater and wastewater standard – Rule 19.12 • Additional matters for consideration for subdivision and scale, bulk, location and appearance of buildings – Rule 19.26

Chapter 23 - Rules for Earthworks	<ul style="list-style-type: none"> • Additional matter of discretion – Rules 23.18 and 23.19 • Additional matter for consideration – Rule 23.23
Chapter 28 - Southern Hills Overlay Area and Protected Ridgelines	<ul style="list-style-type: none"> • Additional matters of discretion – Rules 28.6 and 28.7 • Additional matter for consideration – Rule 28.8
Part 4 - Appendices	<ul style="list-style-type: none"> • Addition of a new chapter containing the Structure Plan to Part 4 (Chapter XX – Mount Marua Structure Plan)
Planning Maps	<ul style="list-style-type: none"> • Zoning Changes to Urban Map 21 and Rural Maps 19 and 26

11. No further changes are requested by private Plan Change 52.

The Statutory Process

12. On 10 June 2020 Council resolved to accept the private plan change request and thereby start the statutory process.
13. PPC52 was publicly notified on 15 July 2020. The submission period closed on 14 August 2020 and three submissions were received. The Summary of Decisions Requested (Summary of Submissions) was publicly notified on 9 September 2020 and the further submission period closed on 24 September 2020. No further submissions were received.

Submissions and Decisions Requested

14. As outlined above 3 submissions and no late or further submissions were received on PPC52.

Subm. No.	Submitter Name	Support / Oppose	Wish to be heard
1	Fire and Emergency New Zealand	Neutral	Yes
2	KiwiRail Holdings Limited	Support with Amendments	Yes
3	Andrew Mark	Support	No

15. Fire and Emergency New Zealand (FENZ) point out that the operative District Plan references the out of date Fire and Emergency New Zealand Code of Practice (1992) and therefore request the addition of a standard that references the current Fire and Emergency New Zealand Code of Practice SNZPAS 4509:2008.
16. KiwiRail support the private plan change in general but KiwiRail consider that it does not address potential reverse sensitivity effects and should therefore incorporate provisions that provide protection from adverse effects from established rail operations. KiwiRail therefore requested an amendment to the Structure Plan to include comprehensive provisions to manage potential reverse sensitivity effects within 100m of a Rail Network Boundary.
17. Mr Andrew Mark supports the private plan change as it is a local and natural extension of established lifestyle development in the area and requests that it be approved.
18. After the close of submissions the plan change requestor has been working with submitters to address and resolve the matters raised in submissions. As a result of these discussions the following confirmations have been received from submitters:

- On 30 October 2020 FENZ have advised that the matters raised in their submission have been sufficiently addressed and that they no longer wish to be heard.
- Also on 30 October 2020, KiwiRail confirmed that as a result of further information and clarification provided by the requestor the issues raised in their submission have been resolved and that they withdraw their submission on PPC52.

19. The plan change requestor has agreed to further amendments to the plan change as notified to incorporate an up to date reference to the relevant Fire and Emergency New Zealand Code of Practice as requested by FENZ.

Evaluation of the PPC52

20. Because PPC52 is a private plan change request it is subject to clause 29 of the First Schedule of the RMA. Under this clause Council is able to, and is obliged to, consider PPC52 in its entirety and is not restricted to considering only matters raised in submissions. The reason for this distinction from Council initiated plan changes is that a private plan change does not necessarily reflect a Council agreed position.
21. A full evaluation of PPC52 has been undertaken and is included in Attachment 1 to this report.
22. In summary the evaluation of the private plan change identifies two issues that arise from the proposed rezoning and require further consideration and management through the proposed Structure Plan. These issues relate to the recognition and better protection of identified draft Significant Natural Areas (SNA) on the site and the introduction of an additional principle to better provide for the mitigation of potential effects on the identified ridgeline on the site. It is considered that the proposed further amendments to the wording of the proposed new Policy and the proposed Structure Plan appropriately address these issues.
23. The plan change requestor accepted the issues raised by the further evaluation of the plan change and agreed to the proposed amendments to address these matters.

No Hearing Required

24. No hearing was required for PPC52 because:
- KiwiRail have withdrawn their submission on 30 October 2020;
 - FENZ have advised they no longer wish to be heard;
 - The issues raised by Council in the S42A report and the recommended further amendments were accepted by the plan change requestor.
25. None of the remaining two submitters wished to be heard and because there were no outstanding issues to be resolved, no hearing was required.

Recommended Decision on Submissions

26. For the reasons outlined in this report and in the attached S42A Report and Recommended Decisions, it is recommended that the following decisions are made in relation to the submissions received:

Subm. No.	Submitter Name	Relief Sought	Accept / Reject
1	Fire and Emergency New Zealand	Add reference to the current Fire and Emergency New Zealand Code of Practice SNZPAS 4509:2008	Accept

Subm. No.	Submitter Name	Relief Sought	Accept / Reject
2	KiwiRail Holdings Limited	Withdrawn	---
3	Andrew Mark	Approve the Plan Change	Accept

Recommendations

27. As required under clause 29 Council's processing officer has reviewed the Private Plan Change as notified, considered the matters raised in submissions the S42A and, in response, recommended amendments to PPC52. The following recommended modifications have been agreed upon by the plan change requestor and Council's consultant planner:

- Amend proposed Rule 19.11A New Buildings within the Mount Marua Structure Plan Area to include a standard that refers to the current Fire and Emergency New Zealand Code of Practice Standard;
- Amend the Structure Plan to better provide for the mitigation of potential effects on the identified ridgeline on the site;
- Amend proposed Policy 5.4.13 and the Structure Plan to better provide for the protection of identified draft SNAs on the site;
- Add a requirement to the Structure Plan to provide an updated Landscape Masterplan at the time of subdivision which includes the confirmed boundaries of SNAs on the site and provides for their ongoing protection.

28. Overall the attached S42A Report and Recommended Decision comes to the following conclusion:

Based on my assessment of the proposed private Plan Change and for the reasons provided within this report, I consider PPC52 to be consistent with Part 2 of the Act. I therefore recommend to Council that PPC52 be approved, subject to the further amendments set out in this report and summarised in Appendix 1 to this report.

I further recommend that the submissions received be accepted as outlined in this report.

29. The recommended amendments are outlined and assessed in more detail in Appendix 1 and 2 to the attached S42A Report and Recommended Decision.

30. It is therefore recommended that Council approve PPC52 with modifications.

Consultation

31. As outlined above full consultation was undertaken on PPC52 in accordance with the statutory requirements of Schedule 1 of the Resource Management Act 1991.

Legal and Financial Implications

32. There are no legal implications arising from Council's decision in this case, noting that Council's process is prescribed by the Resource Management Act 1991.

33. There are no financial implications if Council decides to adopt the S42 Report and Recommended Decision and approves PPC52 with the recommended amendments. In the very unlikely event of an appeal, significant professional and legal costs could potentially be incurred.

Conclusion

34. Private Plan Change 52 seeks to rezone the site at 20 Stroma Way, Mount Marua from Rural Hill to Rural Lifestyle Zone with the introduction of a Structure Plan. The rezoning would allow for a 14 lot subdivision of the site in accordance with the intentions and principles of the Structure Plan.
35. PPC52 was processed in accordance with the First Schedule of the RMA and Council may now either decline, approve or approve with modifications the private plan change request. As outlined above and in the accompanying S42 Report and Recommended Decision it is recommended that Council approve PPC52 with modifications.

Included attachments

1. S42A report and Recommended Decision

Prepared By
Corinna Tessendorf
Senior Planner (Consultant)

Reviewed By
Emily Thomson
Manager, Policy Planning

Approved By

Richard Harbord
Director, Planning and Regulatory Services



Proposed Private Plan Change 52: Rezoning of 20 Stroma Way, Mount Marua

S42A Report and Recommended Decision

File Number: 351-13-010
To: Upper Hutt City Council
From: Corinna Tessendorf (Consultant Planner)

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Introduction

1. In March 2020 Leith Consulting Ltd on behalf of Barretts Block Developments Ltd lodged a private Plan Change request seeking to rezone the site at 20 Stroma Way (“the site”).
2. The request was formally considered by Council on 10 June 2020 and Council resolved to accept the private plan change request and thereby start the statutory process.
3. Proposed Private Plan Change 52 seeks to rezone the site at 20 Stroma Way in Mount Marua from Rural Hill Zone to Rural Lifestyle Zone. The site is subject to the Southern Hills Overlay Area. The proposed Rural Lifestyle Zone would provide for increased residential development at a rural lifestyle density level. To address the Southern Hills Overlay Area the private Plan Change proposes the introduction of a Structure Plan for the site.
4. The Structure Plan:
 - Provides details regarding the form and layout of the envisaged subdivision, including the location of building platforms, access roads and earthworks;
 - Contains a Landscape Masterplan that identifies areas of vegetation retention and future regeneration; and
 - Introduces three sets of site specific principles that need to be considered at subdivision stage, relating to
 - Earthworks and Sediment Control;
 - Landscape and Visual Impact; and
 - Stormwater and Natural Hazards.
5. The private Plan Change application contains a section 32 evaluation and an evaluation of environmental effects which have been informed by the following expert assessments:
 - Landscape and Visual Impact Assessment by Boffa Miskell Ltd (peer reviewed by Isthmus on behalf of Council);
 - Geotechnical Investigation by Abuild Consulting Engineers Ltd;
 - Infrastructure Assessment by Cuttriss Consultants Ltd; and
 - Transportation Assessment by Harriet Fraser Traffic Engineering & Transportation Planning.
6. The purpose of this report is to:
 - Provide the context and background to Private Plan Change 52, including the statutory framework relevant for considering a request for a private plan change;
 - Summarise the public submission process that has occurred for Private Plan Change 52 and provide an analysis of submissions and further submissions received;
 - Provide an analysis of Private Plan Change 52 against the statutory framework;
 - Recommend further amendments to Private Plan Change 52 in response to submissions and matters identified in the above analysis;
 - Provide a s32AA analysis of recommended further amendments, and
 - Recommend a decision on Private Plan Change 52 to Council.

7. Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, (including the process undertaken, related issues and the submissions received) can be gained from the following documents:
 - The Section 32 Report and associated Plan Change documents as publicly notified 15 July 2020 (available from the Councils website¹); and
 - The Summary of Decisions Requested and the full set of submissions received (attached as Appendix 7 to this report).

Statement of Experience

8. My full name is Corinna Tessendorf. I am a Senior Planner at Urban Edge Planning Limited. I have over 22 years of experience in planning in New Zealand and Germany and I have worked for local government as well as in the private sector. My experience includes over 11 years of experience as a Senior Planner in New Zealand. I have led the preparation and processing of numerous District Plan Changes, been involved in the preparation of 2nd generation District Plans and have contributed to RMA policy development in general. Before my immigration to New Zealand I worked as a town planner for local government in Berlin, Germany. My work included the development of planning policies as well as the processing of consent applications under constantly changing legislations (due to the reunification process of former East and West Germany). I hold the equivalent of a masters degree in Urban and Regional Planning (Diplom-Ingenieur fuer Stadt- und Regionalplanung) from the Technical University in Berlin, Germany.
9. I have been engaged by Upper Hutt City Council to process Private Plan Change 52 and provide planning evidence and recommendations on the Council's behalf. I have visited and am familiar with the site and surrounding area.
10. I confirm that I have read, and am familiar with, the Code of Conduct for Expert Witnesses in the Environment Court of New Zealand Practice Note 2014. Unless where stated otherwise within this report, the evidence which I present is within my area of expertise.

Summary of Proposed Plan Change 52

11. Private Plan Change 52 ("PPC52") seeks the rezoning the subject site at 20 Stroma Way from Rural Hill Zone to Rural Lifestyle Zone and the introduction of a Structure Plan for the site.
12. The current Rural Hill zoning of the site requires a minimum net site area of 20ha per dwelling. Under the proposed Rural Lifestyle zone, the minimum net site area requirement per dwelling would be reduced to 1ha.
13. The site is subject to the Southern Hills Overlay Area of the District Plan which provides additional protection for identified visual, landscape and ecological values and identifies and protects significant ridgelines.
14. The site is located on the western side of Stroma Way in Mount Marua. It is legally described as Lot 101 DP 523671 and has a total area of 22.3ha. The site has been used for grazing in the past and is partly planted in pine trees. The site is elevated and gently rolling in topography. It accommodates a series of spurs and gullies, which generally fall in a north-westerly direction from the ridgeline to the north-western boundary of the site and beyond. The requestor confirmed that there are no streams, waterbodies or wetlands on the site.

¹ <https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/District-Plan/PPC-52>

15. According to the private Plan Change application, the plan change site represents the final stage of possible development within the Mount Marua area.



16. In earlier discussions between the requestor and Council it was agreed that the rezoning of the site combined with the introduction of a Structure Plan would be the most appropriate option to identify and achieve any further development potential of the site in a respectful and sympathetic way. The Structure Plan relates solely to the plan change site and provides certainty regarding the intended form and layout of future subdivision. It describes the intentions for development and the anticipated outcomes. It also contains three sets of principles that need to be considered at the subdivision and land use consents stage of the development. These sets of principles relate to Earthworks and Sediment Control, Landscape and Visual Impact and Stormwater and Natural Hazards. The Structure Plan Map shows the location of the access road as well as the location and access to identified building platforms. Finally the Structure Plan contains a Landscape Masterplan that identifies areas of vegetation retention and management as well as areas of future planting and revegetation.
17. The private Plan Change proposes changes to the following chapters:

District Plan Chapter	Proposed Amendments
Chapter 5 - Rural Zone	<ul style="list-style-type: none"> • Addition to explanatory text - Objective 5.3.1 • New Policy 5.4.13
Chapter 19 - Rural Zone Rules	<ul style="list-style-type: none"> • Additional controlled activity condition - Rule 19.6 • Additional access standard – Rule 19.8 • New standard for new buildings within the Structure Plan Area covering height, location and external appearance – new rule 19.11A • Additional water supply, stormwater and wastewater standard – Rule 19.12 • Additional matters for consideration for subdivision and scale, bulk, location and appearance of buildings – Rule 19.26

District Plan Chapter	Proposed Amendments
Chapter 23 - Rules for Earthworks	<ul style="list-style-type: none"> • Additional matter of discretion – Rules 23.18 and 23.19 • Additional matter for consideration – Rule 23.23
Chapter 28 - Southern Hills Overlay Area and Protected Ridgelines	<ul style="list-style-type: none"> • Additional matters of discretion – Rules 28.6 and 28.7 • Additional matter for consideration – Rule 28.8
Part 4 - Appendices	<ul style="list-style-type: none"> • Addition of a new chapter containing the Structure Plan to Part 4 (Chapter XX – Mount Marua Structure Plan)
Planning Maps	<ul style="list-style-type: none"> • Zoning Changes to Urban Map 21 and Rural Maps 19 and 26

18. No other changes to the Operative Upper Hutt District Plan (“District Plan” or “ODP”) are proposed by PPC52.

Public Consultation Process

19. PPC52 was publicly notified on 15 July 2020. The submission period closed on 14 August 2020 and three submissions were received. The Summary of Decisions Requested (Summary of Submissions) was publicly notified on 9 September 2020 and the further submission period closed on 24 September 2020. No further submissions were received.

Submissions

20. As outlined above three submissions were received for PPC52. The submitter number reflects the order in which submissions were received.

Submitter No.	Submitter Name
1	Fire and Emergency New Zealand (“FENZ”)
2	KiwiRail Holdings Limited (“KiwiRail”)
3	Andrew Mark

21. No further submissions or late submissions were received.
22. The Summary of Submissions as well as the full set of submissions to PPC52 are attached as Appendix 7 to this report.
23. Since the close of submissions the requestor has been working with submitters to address and resolve the matters raised in submissions with the following outcomes:
- On 30 October 2020, Fire and Emergency New Zealand have advised that their concerns are sufficiently addressed on the basis that a new standard be added as requested in their submission and therefore they no longer wish to be heard.
 - Also on 30 October 2020 KiwiRail have advised that the matters raised in their submission have been resolved through discussions and agreement as to action that will occur as part of the subsequent subdivision of the property and that they withdraw their submission. KiwiRail are therefore no longer a party to this plan change process.
24. The respective emails from FENZ and KiwiRail are attached as Appendix 3 to this report.
25. As a result of the pre-hearing discussions between the requestor and submitters no submitter wishes to be heard and therefore no hearing is required in response to submissions.

Analysis of submissions and recommendations

26. Submissions were received are from:
- Fire and Emergency New Zealand – neutral, with amendments
 - KiwiRail Holdings Ltd – general support with amendments
 - Andrew Mark – support
27. As outlined above KiwiRail have withdrawn their submission on 30 October 2020 and therefore the issues raised in their submission no longer need to be considered.
28. Due to the small number of submissions received and the lack of commonalities between submissions the issues raised by submissions will be discussed by submitter.

Fire and Emergency New Zealand

29. Fire and Emergency New Zealand has lodged a neutral submission on PPC52. If the private plan change was to be approved, FENZ seeks the addition of a standard to the proposed provisions relating to new buildings in the Mt Marua Structure Plan Area to address firefighting water supply.

Summary and Decision Requested

30. FENZ is neutral on PPC52. If the proposed plan change is approved, FENZ seeks that a standard be added to the proposed provision '19.11A New Buildings within the Mount Marua Structure Plan Area', to ensure that any future development needs to comply with the latest Code of Practice.
31. In their submission FENZ recognise the importance PPC52 in managing future rural lifestyle development within the Mount Marua area. FENZ consider that PPC52 provides an opportunity to better facilitate fire safety, fire prevention and fire extinction activities, by including appropriate rules which will enable people and communities to provide for their health and safety. FENZ is satisfied that the network will be constructed to provide sufficient firefighting water supply for all allocated dwellings. FENZ supports the intention to provide water supply, through the Code of Practice for Civil Engineering works guidelines, however this Code references the out of date Fire and Emergency New Zealand Code of Practice (1992) and not the current Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.
32. FENZ request an addition to the proposed provision that could read as follows:

19.11A New buildings within the Mount Marua Structure Plan Area

Building height

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.

Firefighting Water Supply

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008

Discussion

33. In response to the submission by FENZ and after discussion with the submitter, the requestor has confirmed that they accept the proposed amendment and agree to the changes as proposed by FENZ.
34. On 30 October 2020, FENZ confirmed that on the basis that the requested standard be added to 19.11A this would sufficiently address the issue raised in their submission and FENZ no longer request to be heard.
35. I accept and support the outcome of the discussions between the submitter and the requestor and the agreed position to amend proposed Rule 19.11A as requested by the submitter.

Recommendation

36. To accept the submission of FENZ and amend PPC52 accordingly.

Andrew Mark

37. Andrew Mark has made a submission in support of PPC52.

Summary and Decision Requested

38. In his submission Mr Mark states that the plan change site is a logical and natural extension of established lifestyle development in the locality of Mt Marua and that the development would add to the housing supply and better utilisation of land use in the Upper Valley.
39. The submitter requests that the application be approved.

Discussion

40. I agree with Mr Mark that the proposed rezoning in conjunction with the proposed structure plan would provide for the development of the site at a scale and density that aligns with the surrounding environment and provides for additional housing supply.

Recommendation

41. To accept the submission of Andrew Mark.

Summary

42. For the reasons outlined above I recommend the following decisions on submissions:

Subm. No.	Submitter Name	Relief Sought	Accept / Reject
1	Fire and Emergency New Zealand	Add reference to the current FENZ Code of Practice SNZPAS 4509:2008	Accept
2	KiwiRail Holdings Limited	Withdrawn	---
3	Andrew Mark	Approve the Plan Change	Accept

The Private Plan Change Process

43. Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b), Part 2 of the First Schedule applies.
44. Clause 29 of the First Schedule of the RMA states that:
- 29 *Procedure under this Part*
- (1) *Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).*
- (1A) *Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person's right to make a submission is limited by subclause (1B)*
- (1B) *A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—*
- (a) *adversely affects the environment; and*
- (b) *does not relate to trade competition or the effects of trade competition.*
- (2) *The local authority shall send copies of all submissions on the plan or change to the person who made the request.*
- (3) *The person who made the request has the right to appear before the local authority under clause 8B.*
- (4) *After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—*
- (a) *may decline, approve, or approve with modifications the plan or change; and*
- (b) *must give reasons for its decision.*
- (5) *In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.*
- (6) *The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.*
- (7) *Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.*
- (8) *Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.*
- (9) *With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.*
45. Under this clause, because the plan change is a private request, Council is able to, and is obliged to, consider PPC52 in its entirety and is not restricted to considering only matters raised in

submissions. The reason for this distinction from Council initiated plan changes is that a private plan change does not necessarily reflect a Council agreed position. There is also no legal requirement for the Council to respond to submissions directly as a result (clause 29(4) vs clause 10) although the submissions received are a relevant matter for the Council to consider as part of the decision making process. A full assessment and evaluation of PPC52 is provided below.

46. After reaching a decision on whether to decline, approve, or approve with modifications the plan or change, Council must publicly notify the decision.

Purpose and Principles of the RMA

47. Part 2 of the Act states the purpose and principles of the Resource Management Act.

Section 5

48. Section 5 states the purpose of the Act which is to “promote the sustainable management of natural and physical resources”. Sustainable management is defined under the Act as:

Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

49. The District Plan was developed under the Act and meets its purpose. Council is required to ensure that all proposed changes to the Plan will also result in outcomes that meet the purpose of the Act.

50. I consider PPC52 to be consistent with Section 5 of the RMA. The proposed rezoning would be consistent with the zoning of surrounding land with similar features and would be consistent with the development density and patterns of the wider area. The introduction of a structure plan provides additional certainty regarding the proposed development patterns and the management of potential adverse effects.

Section 6

51. Section 6 lists the matters of national importance that all persons exercising functions and powers under the RMA (including Council) shall recognise and provide for in achieving the purpose of the Act:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights.*
- (h) *management of significant natural hazard risk*

52. The Section 6 matters that are applicable to this proposed Plan Change are 6(b), 6(c) and 6(h).
53. The s32 evaluation report considers sections 6(b) and 6(c) to be relevant. I concur with the assessment provided in the s32.
54. I also consider section 6(h) to be of relevance. While not being located within a natural hazard overlay of the District Plan, the proposed plan change site is located on a slope and a potential increase in stormwater runoff from the development of the site could have an adverse impact on slope stability.
55. The proposed Structure Plan introduces three sets of principles to appropriately address the potential effects of development of the site relating to 'Earthworks and Sediment Control', 'Landscape and Visual Impact and 'Stormwater and Natural Hazards'. I consider that the principles relating to earthworks, sediment control, stormwater and natural hazards in combination with the underlying objectives, policies and rules provide a robust framework to manage the natural hazard risk.
56. Overall, the proposed zoning, including the proposed policy, rules and structure plan, are consistent with Section 6 of the Act.

Section 7

57. Section 7 lists other matters that all persons exercising functions and powers under the RMA (including Council) shall have particular regard to:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*

- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

58. The Section 7 matters that are applicable to this proposed Plan Change are 7(b), 7(c), 7(d), and 7(f). The s32 Evaluation Report provides an assessment against sections 7(b), 7(c), 7(d), 7(f) and 7(g) which I widely concur with. I do not fully agree with the evaluation that section 7(g) is of direct relevance to this plan change, as it does not affect finite resources such as freshwater or minerals and the reference to land as a finite resource can be argued.
59. Overall I consider PPC52 to have regard to the relevant matters in Section 7.

Section 8

60. Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.
61. As outlined in section 4.1 and section 5.1 of the s32 evaluation there appear to be no known sites of significance to tangata whenua at the site. This was confirmed by Te Rūnanga o Toa Rangatira in their pre-notification feedback. No feedback was received from Te Runanganui o Taranaki Whānui ki te Upoko o te Ika a Māui.

National, Regional and Local Policy Analysis

National Policy Statements

62. Under s74(1)(ea) of the RMA, Council must prepare and change the District Plan in accordance with national policy statements. In addition, under s75(3)(a) of the RMA, a district plan must give effect to any national policy statement.
63. Currently there are five National Policy Statements in effect:
- National Policy Statement on Urban Development
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Renewable Electricity Generation
 - National Policy Statement on Electricity Transmission
 - New Zealand Coastal Policy Statement
64. I consider the National Policy Statement on Urban Development 2020 (“NPS UD”) to be of relevance for the proposed private plan change. The NPS UD took effect on 20 August 2020. It replaced the National Policy Statement on Urban Development Capacity 2016 (“NPS UDC”) which was in force at the time this plan change was prepared and lodged.
65. The s32 evaluation that was submitted as part of the plan change request provides an assessment of the relevant provisions of the NPS UDC. I generally concur with the findings of this assessment.
66. Under the NPS UDC Upper Hutt City Council was required to prepare a Housing and Business Development Capacity Assessment (“HBA”). A combined HBA for the Wellington region was completed in 2019 by Upper Hutt City, Hutt City, Wellington City, Porirua City, and Kapiti Coast District Councils. The HBA estimates housing and business demand over a 30-year period and

compares the identified demand against available and feasible development opportunities for each city or district.

67. The HBA comes to the conclusion that Upper Hutt City could be faced with a shortfall of up to 2,100 homes by 2047. While PPC52 provides for limited development on the site it will assist Council in addressing the identified shortfall in development capacity.
68. The s32 evaluation further provides an assessment of the Draft NPS UD that was available at the time the s32 report was written. Since then the NPS UD has come into force and replaced both the NPS UDC and the Draft NPS UD.
69. I therefore provide an assessment of PPC52 against the relevant Objectives and Policies of the NPS UD.
70. As per the Ministry for the Environment’s website the NPS UD 2020 recognises the national significance of:

- *having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future*
- *providing sufficient development capacity to meet the different needs of people and communities.*

The NPS-UD 2020 requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes:

- *ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi)*
- *ensuring that plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth*
- *developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions*
- *aligning and coordinating planning across urban areas.*

71. In summary the NPS UD 2020 requires Councils to provide development capacity with sufficient infrastructure, and to consider the benefits of urban development. It requires the inclusion of housing bottom lines and the removal of parking requirements.
72. Under the NPS UD 2020 Upper Hutt City Council forms part of the Wellington urban environment which has been classified as a Tier 1 urban environment. The following objectives and policies are therefore considered to be of relevance to this plan change:

NPS-UD 2020 - Relevant Provisions
<p>Objective 1</p> <p>New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p>
<p>Objective 2</p> <p>Planning decisions improve housing affordability by supporting competitive land and development markets.</p>
<p>Objective 4</p>

NPS-UD 2020 - Relevant Provisions
<p>New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations</p>
<p>Objective 6</p> <p>Local authority decisions on urban development that affect urban environments are:</p> <ul style="list-style-type: none"> (a) Integrated with infrastructure planning and funding decisions; and (b) Strategic over the medium and long term; and (c) Responsive, particularly in relation to proposals that would supply significant development capacity.
<p>Policy 1</p> <p>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <ul style="list-style-type: none"> (a) have or enable a variety of homes that: <ul style="list-style-type: none"> (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and (e) support reductions in greenhouse gas emissions; and (f) are resilient to the likely current and future effects of climate change.
<p>Policy 2</p> <p>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term</p>
<p>Policy 3</p> <p>In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <ul style="list-style-type: none"> (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and (c) building heights of least 6 storeys within at least a walkable catchment of the following: <ul style="list-style-type: none"> (i) existing and planned rapid transit stops (ii) the edge of city centre zones (iii) the edge of metropolitan centre zones; and

NPS-UD 2020 - Relevant Provisions	
<ul style="list-style-type: none"> (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of: <ul style="list-style-type: none"> (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location. 	
<p>Policy 4</p> <p>Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.</p>	
<p>Policy 6</p> <p>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <ul style="list-style-type: none"> (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: <ul style="list-style-type: none"> (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity (e) the likely current and future effects of climate change. 	
<p>Policy 8</p> <p>Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <ul style="list-style-type: none"> (a) unanticipated by RMA planning documents; or (b) out-of-sequence with planned land release. 	
<p>Policy 11</p> <p>In relation to car parking:</p> <ul style="list-style-type: none"> (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with supply and demand of car parking through comprehensive parking management plans. 	
<p>Subpart 2 – Responsive Planning</p> <p>3.8 Unanticipated or out-of-sequence developments</p>	

NPS-UD 2020 - Relevant Provisions	
(1)	This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.
(2)	Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity: <ul style="list-style-type: none"> (a) would contribute to a well-functioning urban environment; and (b) is well-connected along transport corridors; and (c) meets the criteria set under subclause (3); and
(3)	Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

73. Overall the NPS UD 2020 has a strong focus on enabling additional housing development to meet existing and future demand. The proposed private plan change aligns with the NPS UD. It enables additional residential development that:
- Helps to meet expected demand;
 - Contributes to a well-functioning urban environment;
 - Is well connected along existing transport corridors;
 - Has good accessibility and connects well with existing residential development;
 - Considers and manages potential effects on values that are identified and protected under the Southern Hills Overlay Area of the District Plan.
74. The requestor also considers the National Policy Statement for Freshwater Management 2014 (“NPS FM 2014”) to be of relevance and provides a brief assessment. The NPS FM 2014 has since been replaced by the National Policy Statement for Freshwater Management 2020 (“NPS FM 2020”) which came into force on 3 September 2020. I consider both the NPS FM 2014 and the NPS FM 2020 to be of very limited to no relevance for the plan change for the following reasons:
- The NPS FM 2020 sets out national level objectives and policies that regional councils must ‘give effect to’ in their planning documents, including by setting targets and limits for maintaining or enhancing water quality and the ecological health of water bodies over time.
 - There are no known streams, waterbodies or wetlands on the site.

National Planning Standards

75. Under Section 75(3)(ba) of the RMA a district plan must give effect to National Planning Standards. The first set of National Planning Standards came into force on 3 May 2019 and are intended to improve the consistency of council plans. Given the limited scope of PPC52 it is considered appropriate that the proposed changes are integrated into the existing District Plan structure rather than proposing changes to reflect and align with the National Planning Standards. Council will implement the National Planning Standards as part of their ongoing rolling review of the Operative District Plan.

National Environmental Standards

76. Under Section 44 of the RMA, District Plans must avoid duplication of or conflict with provisions in National Environmental Standards (“NES”). There are currently seven NES in effect and one NES coming into force on 1 December 2020.

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standards for Marine Aquaculture (takes effect 1 December 2020)

77. I concur with the assessment of National Environmental Standards as provided by the requestor in section 5.4 of the Section 32 evaluation.

Regional Policy Statements

78. Under Section 75(3)(c) of the RMA, District Plans must give effect to any regional policy statement.

79. The Regional Policy Statement for the Wellington Region (“RPS”) became operative in 2013. It sets out the regional approach for managing the environment and providing for growth and associated effects. The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region’s natural and physical resources.

80. While I partially concur with the assessment provided by the requestor as part of the s32 evaluation accompanying the private plan change request, I consider it to be incomplete. I have therefore undertaken the following further assessment.

81. I consider the following sections to be the most relevant for this plan change. The full wording of the relevant objectives and policies can be found in Appendix 4 to this report.

Energy, Infrastructure and Waste

82. The following Objective and Policy relating to Energy, Infrastructure and Waste are considered relevant:

RPS Section 3.3 Energy, Infrastructure and Waste
<p>Objective 10 The social, economic cultural and environmental benefits of regionally significant infrastructure are recognised and protected.</p>
<p>Policy 8 Protecting regionally significant infrastructure.</p>

83. In May 2016 *Plan Change 38 - Network Utilities and Renewable Energy Generation* became operative. The provisions introduced by the plan change give effect to the National Policy Statement on Electricity Transmission (which relates to the National Electricity Grid) and the Wellington Regional Policy Statement.

84. The plan change site is located to the south of the North Island Main Trunk Line and adjoins the rail way corridor at its western and eastern ends. The railway corridor is subject to designation TZR1 which provides for railway corridor purposes.

- 85. Most of the plan change site is separated from the Railway corridor by 5 recently established lifestyle properties that directly adjoin the railway corridor. The proposed building platforms as identified by the Structure Plan for PPC52 are elevated above the railway line and are sufficiently set back and separated from the outer edge of the railway corridor.
- 86. I therefore consider that
 - The proposed rezoning does not provide for incompatible new subdivision directly adjacent to regionally significant infrastructure;
 - The proposed building platforms are sufficiently distanced from the railway corridor; and
 - Any specific requirements relating to noise and vibration mitigation can be addressed sufficiently at the time of subdivision.
- 87. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policy of the RPS.

Indigenous Ecosystems

- 88. The following Objective and Policy relating to Indigenous Ecosystems are considered relevant:

RPS Section 3.6 Indigenous Ecosystems
<p>Objective 16</p> <p>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</p>
<p>Policy 23</p> <p>Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values.</p>
<p>Policy 24</p> <p>Protecting ecosystems and habitats with significant biodiversity values.</p>
<p>Policy 47</p> <p>Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values.</p>

- 89. Under the current provisions of the ODP the plan change site has not been identified as containing any significant ecological areas. While a large proportion of the site is covered by the Southern Hills Overlay, this only refers to ‘high visual values’ and ‘high landscape values’. No ‘high ecological values’ have been identified on the site. Therefore, currently the more permissive indigenous vegetation clearance rules for non-urban environment allotments apply.
- 90. Upper Hutt City Council is currently in the process of identifying and protecting areas of indigenous biodiversity that qualify as Significant Natural Areas, using the criteria outlined in Policy 23 of the RPS.
- 91. The private plan change request does not provide an ecological assessment of the site but relies on the assessment undertaken by Council. By applying the policy 23 criteria of the RPS Council has identified three draft SNAs that are partially located on the plan change site. In section 5.5 of the s32 evaluation the requestor states that *“This Plan Change is sensitive to areas of the site identified by Council as potentially having ecological value by encompassing these areas within land identified by the Structure Plan as not being impacted by earthworks or building platforms”*.
- 92. A comparison of the Structure Plan with the draft SNA layer identified by Council shows that there are some minor infringements of earthworks adjacent to building platforms into draft

SNAs (building platforms 1, 2, 11 and 14). These infringements could be addressed by minor relocation or reduction of building platforms.

93. While it is acknowledged that the proposed areas of native vegetation retention identified in the Landscape Masterplan and the ‘no build/no earthworks’ areas identified in the structure plan cover all identified draft SNA’s it is also noted that the Structure Plan as currently proposed only refers to Landscape and Visual Impact Principles and that there is a lack of consideration of ecological values. I consider this could be sufficiently addressed by adding reference to ecological values to the structure plan principles where appropriate. These measures would be sufficient to provide interim protection to identified draft SNAs until Council proceeds with a Plan Change to provide appropriate protection to all identified SNAs.
94. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policies of the RPS.

Landscape

95. The following Objective and Policy relating to Landscape are considered relevant:

RPS Section 3.7 Landscape
<p>Objective 17</p> <p>The region’s outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision use and development.</p>
<p>Policy 25</p> <p>Identifying outstanding natural features and landscapes.</p>
<p>Policy 26</p> <p>Protecting outstanding natural features and landscape values.</p>
<p>Objective 18</p> <p>The region’s special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</p>
<p>Policy 27</p> <p>Identifying special amenity landscapes. Promoting discharges to land.</p>
<p>Policy 28</p> <p>Managing special amenity landscape values.</p>

96. The ODP identifies and protects areas of high visual values and high landscape values within the Southern Hills Overlay Area. Council is currently in the process of identifying and protecting Outstanding Natural Features and Landscapes (“ONFL”) and Special Amenity Landscapes (“SAL”), using the criteria outlined in Policies 25 and 27 of the RPS. No draft ONFL or SAL have been identified on or in close proximity to the plan change site.
97. A part of the private plan change application the requestor has provided a Landscape and Visual Impact Assessment undertaken by Boffa Miskell. The assessment has been peer reviewed by Isthmus on behalf of Council and was found to provide sufficient information to understand the landscape and visual effects. The peer review agreed with the conclusion of the Landscape and Visual Impact Assessment that the landscape and visual effects are acceptable in the context of the Southern Hills Overlay Area.
98. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objectives and policies of the RPS.

Regional Form, Design and Function

99. The following Objective and Policy relating to Regional Form, Design and Function are considered relevant:

RPS Section 3.9 Regional Form, Design and Function
<p>Objective 22</p> <p>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <ul style="list-style-type: none">(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region’s existing urban form;(g) a range of housing (including affordable housing);(h) integrated public open spaces;(i) integrated land use and transportation; and(k) efficiently use existing infrastructure (including transport network infrastructure);
<p>Policy 55</p> <p>Maintaining a compact, well designed and sustainable regional form.</p>
<p>Policy 56</p> <p>Managing development in rural areas.</p>

100. PPC52 provides for additional residential development at a rural lifestyle density which is consistent with surrounding development densities. A Structure Plan which outlines the intended development pattern and establishes development principles, forms part of the plan change. The plan change site represents the last stage of the development of the Mt Marua area. While the UHCC Land Use Strategy 2016 – 2043 does not identify the plan change site as an edge expansion, infill or intensification area, the proposed rural lifestyle zoning aligns with Council’s overall intentions.
101. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policies of the RPS.

Fresh Water

102. The following Objectives and Policies relating to Fresh Water are considered to be of limited relevance:

RPS Section 3.4 Fresh Water
<p>Objective 12</p> <p>The quantity and quality of fresh water:</p> <ul style="list-style-type: none">(a) meet the range of uses and values for which water is required;(b) safeguard the life supporting capacity of water bodies; and(c) meet the reasonably foreseeable needs of future generations.
<p>Policy 15</p> <p>Minimising the effects of earthworks and vegetation clearance.</p>
<p>Policy 41</p> <p>Minimising the effects of earthworks and vegetation disturbance.</p>

RPS Section 3.4 Fresh Water
Policy 42 Minimising contamination in stormwater from development.

- 103. The Structure Plan that is proposed as part of PPC52 proposes the introduction of Earthworks and Sediment Control Principles as well as Stormwater and Natural Hazards Principles that address the effects of earthworks, development and stormwater on the receiving environment including potential effects on freshwater quality.
- 104. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policies of the RPS.

Natural Hazards

- 105. The following Objectives and Policies relating to Natural Hazards are considered to be of limited relevance:

RPS Section 3.8 Natural Hazards
Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.
Policy 51 Minimising the risks and consequences of natural hazards.

- 106. The ODP does not identify any natural hazard areas on the site or within proximity of the site. Nonetheless the Structure Plan that is proposed as part of PPC52 proposes the introduction of specific Stormwater and Natural Hazards Principles that address the potential effects of use and development of the site on stormwater runoff, erosion and slope stability.
- 107. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policies of the RPS.

Resource Management with Tangata Whenua

- 108. The following Objectives and Policies relating to Resource Management with Tangata Whenua are considered to be of limited relevance:

RPS Section 3.10 Resource Management with Tangata Whenua
Objective 24 The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.
Policy 48 Principles of the Treaty of Waitangi.
Objective 25 The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region’s natural and physical resources.
Policy 49 Recognising and providing for matters of significance to tangata whenua.

109. The District Plan does not identify or protect any sites of significance to Māori on or in close proximity to the plan change site. Prior to lodgement the requestor invited feedback from Te Rūnanga O Toa Rangatira and Te Runanganui o Taranaki Whanui. The section 32 evaluation states that

Te Rūnanga o Toa Rangatira advised that their initial review found no major concerns with the proposed zoning change and confirmed no sites of significance would be affected.

Questions raised (and answered) centred on current ownership of the Plan Change site and any feedback received from Council given the location of the site being located at the top of the greenbelt corridor that traverses the district.

From an ecological point of view, they expressed an interest in vegetation clearance, sedimentation and effects on streams, and advised they may offer some comments around ecological values later on in the process.

110. The proposed Plan Change is therefore considered to be consistent with and give effect to the above objective and policies of the RPS.

Soil and Minerals

111. The following Objectives and Policies relating to Soil and Minerals are considered to be of limited relevance:

RPS Section 3.11 Soil and Minerals
Objective 29 Land management practices do not accelerate soil erosion.
Policy 15 Minimising the effects of earthworks and vegetation clearance.
Policy 41 Minimising the effects of earthworks and vegetation disturbance.

112. The Structure Plan that is proposed as part of PPC52 proposes the introduction of Earthworks and Sediment Control Principles as well as Stormwater and Natural Hazards Principles that address the effects of earthworks, development and stormwater on the receiving environment and provide best practice guidance.

Summary

113. Based on the above assessment PPC52 is considered to be consistent with and give effect to the relevant objectives and policies of the RPS.

Regional Plans

114. Under Section 75(4) of the RMA a District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).

115. There are currently five operative regional plans:

- Regional Coastal Plan;
- Regional Freshwater Plan;
- Regional Soil Plan;
- Regional Air Quality Management Plan; and

- Regional Plan for Discharges to Land.

116. The Regional Soil Plan is the only operative regional plan of relevance. It identifies issues to be addressed so that the effects of soil disturbance and vegetation clearance can be sustainably managed. Of particular relevance are objectives relating to vegetation cover and soil development.

RSP - General
<p>Objective 4.1.1 Land use practices reflect the inherent susceptibility of some landforms to erosion.</p>
<p>Policy 4.2.1 To promote land management practices that recognise the inherent susceptibility of some landforms to erosion.</p>
RSP – Vegetation Cover
<p>Objective 4.1.8 Any adverse effects of accelerated erosion are avoided, remedied or mitigated.</p>
<p>Objective 4.1.9 On erosion prone areas vegetative cover is maintained (including maintained through revegetation), enhanced or established; or where the retention of vegetation is not practical, other methods are used so that the adverse effects of erosion are avoided, remedied or mitigated.</p>
<p>Policy 4.2.14 To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting:</p> <ul style="list-style-type: none"> • the maintenance and enhancement of vegetation in erosion prone areas; • the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush; • riparian management, including where this will help safeguard the life supporting capacity of aquatic ecosystems; • compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or • the maintenance and retention of erosion control plantings.
RSP – Soil Disturbance
<p>Objective 4.1.11 Land management practices are adopted for the effective control of sediment runoff to water bodies.</p>
<p>Policy 4.2.15 To regulate soil disturbance activities to ensure that they are unlikely to have significant adverse effects on:</p> <ul style="list-style-type: none"> • erosion rates; • soil fertility; • soil structure;

<ul style="list-style-type: none"> • flood mitigation structures and works; • water quality; • downstream locations; • bridges, culverts and other water crossing structures; • aquatic ecosystems; and • historic sites with tangata whenua values.
<p>Policy 4.2.16</p> <p>To ensure that recognised erosion control and land rehabilitation techniques are adopted to avoid, remedy or mitigate any adverse effects resulting from soil disturbance activities.</p>

117. It is considered that the proposed rezoning in combination with the site specific structure plan are consistent with the matters identified above.

Proposed Natural Resources Plan

118. Section 74(2) of the RMA requires Councils, when preparing or changing a plan, to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4.

119. The Proposed Natural Resources Plan (“PNRP”) consolidates the five operative regional plans into one single regional resource management plan. Decisions on the PNRP were publicly notified on 31 July 2019 and is now partially under appeal. The Appeals version² identifies which parts of the PNRP are subject to appeals and therefore may change as a result of the appeals process. It also identifies which parts of the PNRP are not subject to any appeals and rules which are therefore deemed operative.

120. The following Objectives and Policies of the PNRP are considered to be of relevance to this plan change:

PNRP - Beneficial Use and Development
<p>Objective O12</p> <p>The social, economic, cultural and environmental benefits of regionally significant infrastructure, and renewable energy generation activities and the utilisation of mineral resources are recognised.</p>
<p>Policy P14</p> <p>Incompatible activities adjacent to regionally significant infrastructure, and renewable electricity generation activities and significant mineral resources Regionally significant infrastructure, and renewable energy generation activities and significant mineral resources shall be protected from new incompatible use and development occurring under, over or adjacent to it, by locating and designing any new use and development to avoid, remedy or mitigate any reverse sensitivity effects.</p>
PNRP - Natural Hazards
<p>Objective O20</p> <p>The hazard risk, and residual hazard risk, from natural hazards and adverse effects of climate change, on people, the community and infrastructure are acceptable.</p>

² <http://pnrp.gw.govt.nz/home/pnrp-appeals-version-2019/>

PNRP - Sites with Significant Values
<p>Objective O32</p> <p>Outstanding natural features and landscapes and their values are protected from inappropriate use and development.</p>
<p>Objective O35</p> <p>Ecosystems and habitats with significant indigenous biodiversity values are protected, and where appropriate restored to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</p>
PNRP - Land Use
<p>Objective O44</p> <p>The adverse effects on soil and water from land use activities are minimised.</p>
PNRP - Discharge to Land and Water / Stormwater
<p>Objective O47</p> <p>The amount of sediment-laden runoff entering water is minimised.</p>
<p>Objective O48</p> <p>The adverse quality and quantity effects of stormwater discharges from stormwater networks and urban land uses are improved over time.</p>
<p>Policy P95 Discharges to land</p> <p>The discharge of contaminants to land shall be managed to:</p> <ul style="list-style-type: none"> (a) minimise adverse effects on the life-supporting capacity of soil, and (b) avoid creating contaminated land, (c) not exceed the capacity of the soil to treat, use or remove the contaminant, (d) not exceed the available capacity of the soil to absorb the discharge, (e) avoid significant adverse effects on public health and amenity, and (f) not result in a discharge to water that causes more than a minor adverse effects.
<p>Policy P73: Minimising adverse effects of stormwater discharges</p> <p>The adverse effects of stormwater discharges shall be minimised to the smallest amount reasonably practicable, including by:</p> <ul style="list-style-type: none"> (a) using good management practice, and (b) taking a source control and treatment train approach to new activities and land uses, and (c) implementing water sensitive urban design in new subdivision and development, and (d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade.
<p>Policy P79: Managing land use impacts on stormwater</p> <p>Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:</p> <ul style="list-style-type: none"> (a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and (b) do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure, including by retaining, as far as

practicable, pre-development hydrological conditions in new subdivision and development.

121. Overall it is considered that the proposed Plan Change has regard to and is consistent with the objectives and policies of the Proposed Natural Resources Plan because:
- Where future subdivision and development of the site does not comply with the provisions of the PNRP resource consent from Greater Wellington Regional Council would be required, thereby providing sufficient opportunity to address and mitigate any potential adverse effects.
 - Any future subdivision and development of the site provided for by the proposed plan change would also require resource consent from Upper Hutt City Council, thereby providing sufficient opportunity to address and mitigate any potential adverse effects.
 - The proposed Structure Plan describes the intended outcomes for the site and provides appropriate guidance to ensure potential adverse effects will be addressed and managed appropriately at the time of subdivision and development.

District Plans in the Wellington Region

122. Section 74(2)(c) of the RMA requires territorial authorities to consider the extent to which a Plan Change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
123. PPC52 affects an area of land that is located well within the boundaries of Upper Hutt City. It would have no effect on the operative or proposed plans of any adjacent territorial authority and as such would not be inconsistent with them.

Upper Hutt City District Plan – Objectives and Policies

124. The requestor has provided an assessment of PPC52 against the objectives and policies of the Operative District Plan. I have reviewed that assessment and largely concur with its findings. I would like to provide the additional comments below. The full wording of all relevant objectives and policies can be found in Appendix 5 to this report.

Rural Zone

125. I concur with s32 assessment of Rural Zone Objectives and Policies provided by the requestor.
126. In addition I consider the following Rural Zone policies to be of relevance:

Chapter 5 - Rural Zone
Policy 5.4.9 To encourage new development of an urban nature to locate within the urban areas of the City.
Policy 5.4.11 To limit the potential adverse effects of rural and non-rural activities on each other and on rural amenity values.

127. The proposed changes do not provide for development of an urban nature but do provide for limited additional development that aligns with the rural character of the surrounding area.
128. The proposed changes provide for development at a rural lifestyle density level, thereby limiting the potential for adverse effects on existing rural activities in the area.

129. I therefore consider PPC52 to be consistent with the operative objectives and policies of the Rural Zone.

Landscape and Ecology

130. I concur with the requestor's identification and assessment of Landscape and Ecology Objectives and Policies in their s32.
131. However, I consider the assessment does not sufficiently address potential effects of the proposed development on the protected ridgeline.

Chapter 12 Landscape and Ecology

Policy 12.4.6

To ensure the ridgelines are identified as essential elements in Upper Hutt's landscape and are protected from visually obtrusive development which would detract from the natural skyline appearance.
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132. The identified ridgeline is partially located within the plan change site. The Landscape and Visual Impact Assessment provided by the requestor (and peer reviewed by Council) concludes that:

While the Site is recognised as having a high visual value by the Southern Hills Overlay of the District Plan, and parts of some proposed buildings will appear close to the ridgeline, development will not be obtrusive. The Structure Plan demonstrates that building platforms will typically be sited below the ridgeline with good separation between them and surrounding properties, in keeping with the Site's anticipated rural character as well as the ability to retain wider areas of existing vegetation. Further design controls associated with the Structure Plan will ensure buildings will maintain a low profile and recessive colour palette and will be well integrated into the surrounding landform and vegetation.

...

In middle to long distance views to the west, development facilitated by the Structure Plan will appear below a vegetated skyline and against a more distant backdrop of the Rimutaka Ranges. This is consistent with Permitted Activity Standard 28.4 of the District Plan which that requires any building or structure is to be located and designed so as not to project through the protected ridgelines identified on the planning maps, as viewed from any point on SH2.

133. I accept these findings. The Landscape and Visual Effects Assessment then makes recommendations on measures to be incorporated in the private plan change to manage potential adverse landscape and visual effects. While most of these recommendations have been included in the Structure Plan's 'Landscape and Visual Impact Principles' the following recommendation relating to the mitigation of potential effects on the identified ridgeline is not appropriately reflected in the principles:

Where any development as a result of the private plan change is visible along the ridgeline, additional 'backdrop' planting areas shown on Figure 4 and associated sections should be implemented to ensure development remains unobtrusive in the setting and recognised form of the Southern Hills

134. I therefore recommend the addition of a further principle covering the potential effects of development on the protected ridgeline to 2.2 Landscape and Visual Impact Principles of the Structure Plan as outlined in Appendix 1 to this report. The requestor has agreed to the recommended changes. A s32AA evaluation of the proposed changes is contained in Appendix 2 to this report.

Others

135. In addition to Objectives and Policies identified in the s32 evaluation I consider the following Objectives and Policies to be of relevance as well:

Chapter 9 Subdivision and Earthworks
<p>Objective 9.3.1</p> <p>The promotion of subdivision and development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.</p>
<p>Policy 9.4.1</p> <p>To ensure that earthworks are designed and engineered in a manner compatible with natural landforms, significant areas of indigenous vegetation and habitats of indigenous fauna, the amenity of an area, and the mitigation of natural hazards.</p>
<p>Policy 9.4.2</p> <p>To avoid, remedy or mitigate the contamination, degradation and erosion of soil from earthworks or vegetation removal through advocating responsible land use practices.</p>
<p>Policy 9.4.3</p> <p>To promote a sustainable pattern of subdivision and development that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.</p>

136. The proposed rezoning and structure plan provide for the subdivision and development of the site at an appropriate level. In particular, it allows for and requires the consideration of potential adverse effects on natural characteristics, landforms and visual amenity.
137. The Structure Plan describes the intentions and anticipated outcomes of the development and includes Earthworks and Sediment Control Principles that provide more detailed guidance and ensure that earthworks are in accordance with relevant policies.
138. The spatial structure plan in combination with the Landscape Masterplan provide certainty regarding the anticipated location and extent of earthworks required for the development.

Chapter 14 Natural Hazards
<p>Objective 14.3.1</p> <p>The avoidance, remedying or mitigation of the adverse effects of natural hazards on the environment.</p>

139. The site is not identified in the District Plan as being subject to natural hazards. Nonetheless the proposed Structure Plan includes Stormwater and Natural Hazards Principles that address and manage the potential effects of stormwater runoff on slope stability and erosion.

Chapter 16 Utilities
<p>Objective 16.3.1</p> <p>To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.</p>

Policy 16.4.3

Avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects including reverse sensitivity effects on regionally significant network utilities from inappropriate new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.

Policy 16.4.6

To ensure that the subdivision, use and development of land is served by safe and adequate access from the roading network.

140. The proposed development and the building platforms as identified in the Structure Plan are sufficiently set back from the nearby rail corridor and any specific requirements relating to noise and vibration mitigation can be addressed sufficiently at the time of subdivision.

Summary

141. Based on the assessment provided above I consider PPC52 (including the amendments proposed in response to submissions and further evaluation) to be consistent with the relevant Objectives and Policies of the ODP.

Evaluation of Private Plan Change 52

142. This section of my report analyses the potential environmental effects and the proposed policy and rule framework of the proposed private plan change.

Environmental Effects

Landscape and Visual Effects

143. As part of the private plan change request the applicant has provided a Landscape and Visual Impact Assessment. This assessment has been peer reviewed by Council’s landscape specialists and has been found to provide sufficient information to understand the potential effects of the development. The peer review also concurs with the initial assessment in that the landscape and visual effects arising from the proposal are acceptable. The peer review is attached as Appendix 6 to this report.
144. I accept the findings of the assessment provided as part of the private plan change and the peer review initiated by Council and concur with the requestor that any potential adverse visual and landscape effects of the development can be appropriately managed.
145. As outlined earlier in this report, I recommend the amendment of the Landscape and Visual Principles to include measures to better address the mitigation of any potential impacts of development on the identified ridgeline on the site. The proposed amendment has been discussed with and accepted by the requestor.
146. Since the lodgement of the private plan change request, Council has started consultation on Tiaki Taiao – Significant Natural Areas and Landscapes. As part of this project, Council has identified three Outstanding Natural Landscapes and five Special Amenity Landscapes. These draft areas do not cover or affect the proposed plan change site.

Ecological Effects

147. I concur with the assessment of ecological effects provided by the requestor, where it relates to existing provisions in the District Plan relating to significant ecological areas.
148. Since the lodgement of the private plan change request, Council has started consultation on Tiaki Taiao – Significant Natural Areas and Landscapes. As part of this project, Council has

identified draft Significant Natural Areas (“SNA”). These are areas with significant biodiversity values and have been identified using the criteria outlined in Policy 23 of the Wellington Regional Policy Statement.

149. There are three draft SNAs that are partially located on the plan change site: UH043 – Gentian Forest and Scrub, UH044 – Stroma Way Broadleaved Scrub and UH049 - Kingsley Heights Forest and Scrub.



150. At the time of writing this report the exact location and boundaries of these draft SNAs are still subject to confirmation by way of site visits and ground truthing. It is therefore recommended that the Structure Plan be amended to require the provision of an updated Landscape Masterplan identifying the confirmed SNA boundaries and any measures to provide protection of identified values at the time of subdivision
151. In summary the following changes to the Structure Plan are recommended in order to achieve appropriate protection of identified SNAs from subdivision, use and development:
- Amend Proposed Policy 5.4.13 to refer to ecological values as outlined in Appendix 1 to this report;
 - Amend the Structure Plan to include references to ecological values as outlined in Appendix 1 to this report; and
 - Amend the Structure Plan to require the provision of a revised Landscape Masterplan at the time of subdivision that identifies the exact location of Significant Natural Areas on the site and introduces measures for their ongoing protection.
152. The requestor accepted and agreed to the recommended amendments.

Traffic and Infrastructure Effects

153. I accept the findings of the Traffic Impact Assessment provided by the requestor and concur with the assessment of traffic related effects undertaken by the requestor.
154. I consider that the expected additional traffic movements triggered by the development of the site in accordance with the Structure Plan can be accommodated by the existing road network and that any potential concerns regarding the safe connection to the road network can be appropriately addressed at the time of subdivision.

Reverse Sensitivity Effects

155. I concur with the assessment of reverse sensitivity effects as provided by the requestor as part of the s32 evaluation.

Other Effects

156. I agree with the assessments of effects provided by the requestor relating to:
- Infrastructure Effects
 - Natural hazards and Contaminated Land
 - Character and Amenity Values
 - Heritage and Sites of Significance to Iwi
 - Positive Effects

Policy and Rule Framework

Proposed Policies and Rules

157. I have reviewed and assessed the proposed changes to the policy and rule framework sought by the private Plan Change. I generally agree with the assessment undertaken by the requestor within their s32 evaluation. I therefore support the proposed amendments, subject to the following amendments:
- Amend proposed Policy 5.4.13 to include reference to ecological values;
 - Amend proposed Rule 19.11A to include standard relating to Firefighting Water Supply (in response to submission by FENZ).
158. The proposed further amendments are supported by the private plan change requestor. A s32AA assessment of the proposed further amendment to the proposed rules is attached as Appendix 2 to this report.

Proposed Structure Plan

159. I have reviewed and assessed the proposed Structure Plan as provided by the requestor. As outlined above I support the Structure Plan in general, subject to the following amendments:
- Add reference to ecology and protection of biodiversity values to the wording of the structure plan;
 - Add the requirement to provide a revised Landscape Masterplan at the time of subdivision. The revised Landscape Masterplan must include the confirmed boundaries of SNA on the site and introduce measures for their ongoing protection.
 - Incorporate recommended mitigation measure relating to potential effects on the protected ridgeline as outlined in the Landscape and Visual Impact Assessment to the identified principles.

160. The proposed further amendments are supported by the private plan change requestor. A s32AA assessment of the proposed further amendments to the Structure Plan is attached as Appendix 2 to this report.

Overall Recommendation

161. Based on my assessment of the proposed private Plan Change and for the reasons provided within this report, I consider PPC52 to be consistent with Part 2 of the Act. I therefore recommend to Council that PPC52 be approved, subject to the further amendments set out in this report and summarised in Appendix 1 to this report.

162. I further recommend that the submissions received be accepted as outlined in this report.

Prepared by:



Corinna Tessendorf
Consultant Planner

04 November 2020

Reviewed by:

[Signature]

Emily Thomson
Manager, Policy Planning

Approved for Release:

[Signature]

Richard Harbord
Director, Planning and Regulatory Services

Appendix 1: Proposed Further Amendments

The following further amendments to the private plan change as notified have been agreed on by the requestor and Council officer. They are shown as red underline or ~~strikethrough~~.

AMENDMENT #2

- 5.4.13 To provide for limited development within the Mount Marua Structure Plan Area, which takes into account, the visual amenity and landscape character values of the land as well as the ecological values on the site, and avoids, remedies or mitigates the effects of uncontrolled stormwater run-off.

AMENDMENT #5

19.11A New buildings within the Mount Marua Structure Plan Area

Building height

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.

Firefighting Water Supply

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008

PROPOSED MOUNT MARUA STRAUCTURE PLAN

1 INTENTIONS & ANTICIPATED OUTCOMES

The Mount Marua Structure Plan applies exclusively to the 22.31 ha site legally described as Lot 101 DP 523671, as indicated on the Structure Plan Map contained in Section 4 below.

Intentions

- ◆ Rural-lifestyle development density, which makes efficient use of the land resource in this location, is compatible with other existing lifestyle areas along Mount Marua Drive and Stroma Way and wider areas of the Southern Hills.
- ◆ Development supports a built form which is respectful of the site's setting and character, the site's ~~vegetated native vegetation~~ and its naturally undulating landscape, and its contribution as a visual backdrop for the urban area.
- ◆ Best-practise engineering methods are adopted to ensure land stability is not compromised by earthworks, construction of buildings, or uncontrolled stormwater run-off.

Outcomes

- ◆ Earthworks to form access and building platforms are undertaken in a manner that avoids any confirmed Significant Natural Areas on the site and is sympathetic to the natural landform and the ridgeline.
- ◆ Dwellings are located within identified building platform areas, as defined on the Mount Marua Structure Plan Map, which ensures the elevations of buildings are not visually prominent or dominating of the skyline.
- ◆ Height controls and external colour schemes of buildings respect the high visual amenity value of the site.
- ◆ Confirmed Significant Natural Areas on the site are protected and existing vegetation outside of the identified building platform and access areas, as defined on the Mount Marua Structure Plan Map, is retained in a natural state.
- ◆ Native landscaping is undertaken, consistent with the Mount Marua Landscape Masterplan, following completion of building platform establishment and around constructed dwellings and earthworked areas.
- ◆ Stormwater is appropriately dealt with on-site to manage the impact of the built environment on the physical characteristics of the natural landform and the receiving environment.
- ◆ Appropriate access and servicing connections are made to Stroma Way.

2 PURPOSE & PRINCIPLES

The following provisions apply to the Mount Marua Structure Plan Area.

Any resource consent application for subdivision or development within this area shall provide information to sufficiently give effect to these principles. Where one or more of these principles needs to be adhered to on an on-going basis, Council may elect to impose Consent Notice conditions on the titles of new allotments created, pursuant to Section 221 of the Resource Management Act.

2.1 Earthworks and Sediment Control Principles

- ◆ Earthworks within the Mount Marua Structure Plan Area will be undertaken over undulating topography and limited to those necessary to facilitate the access and building platforms defined on the Mount Marua Structure Plan Map.
- ◆ The main access route will follow the existing access track.
- ◆ Earthworks are designed and undertaken in accordance with best practice to maintain slope stability, avoid erosion, and control stormwater run-off.
- ◆ Earthworks are undertaken in accordance with New Zealand Standard 4431:1989.
- ◆ Subgrade preparation shall comprise the removal of all vegetation and unsuitable soils including topsoil and any weak compressible soils.
- ◆ All subgrade soil is approved by a suitably qualified engineer. The subgrade footprint shall be benched so that the fill can be keyed into natural ground for the purpose of enhancing stability of any filling.
- ◆ Subsoil drainage comprises the construction of a subsoil drain and drainage blanket as appropriate to tap into any areas of seepage. Subsoil drains should discharge all collected water into an approved source.
- ◆ Fill soils are brought to the best practical water content and compacted in thin layers not exceeding 300 mm loose thickness using specific compaction machinery.

- ◆ During construction, all stormwater from any earthworked surface to be channelled and not allowed to discharge onto the site or any sloping ground below in an uncontrolled manner.
- ◆ Diversion of stormwater away from any earthworks and control of discharge over the sloping ground below the site to mitigate erosion and control silt runoff to be undertaken in accordance with Wellington Regional Council's "Erosion and Sediment Control Guidelines" (2006). This may comprise the construction of perimeter bunds, silt fences, and cut-off drains.
- ◆ After construction, all stormwater from any roof, paved area or impermeable surface is collected, and not allowed to discharge down over sloping ground in an uncontrolled manner.

2.2 **Ecology, Landscape and Visual Impact Principles**

- ◆ ~~Existing vegetation providing landscape or visual benefit as indicated on the Landscape Masterplan is retained, or subject to a revised landscape management plan, submitted to and approved by Council, demonstrating suitable alternatives which achieve an equivalent long-term green backdrop. For the avoidance of doubt, 'existing vegetation' relates to land outside of the areas identified on the Mount Marua Structure Plan Map as access or building platforms.~~
- ◆ Existing vegetation providing ecological, landscape or visual benefit is retained. A revised landscape management plan will be provided at the time of subdivision and is subject to approval by Council. The revised landscape management plan will:
 - > Identify the confirmed extent of Significant Natural Areas on the site and introduce measures for the ongoing protection of these identified Significant Natural Areas, and
 - > If required, demonstrate suitable alternatives to the current Landscape Masterplan, which achieve an equivalent long-term green backdrop.
- ◆ Native planting shall be undertaken to provide visual backdrop to dwellings, rehabilitate cut or fill batters, and to filter views of accesses, consistent with the Landscape Masterplan.
- ◆ Additional 'backdrop' planting areas shall be implemented if and where required to ensure the development remains unobtrusive and any potential effects of development on the identified ridgeline are avoided.
- ◆ Existing stands of pine and kanuka and other regenerating native vegetation as indicated on the Landscape Masterplan and located outside of building platforms and accessways, are managed to retain visual screening and a green backdrop to the valley floor.
- ◆ Prior to construction of access routes and building platforms identified within the Mount Marua Structure Plan Map, the limits of vegetation clearance are clearly identified 'on the ground' in order to be consistent with the Structure Plan Map and Landscape Masterplan, and to prevent vehicle access and unintended vegetation clearance or damage.
- ◆ Earthworks shall be undertaken as indicated on the Structure Plan Map.
- ◆ Building platforms are sited as indicated on the Structure Plan Map, with sufficient separation between them and surrounding properties to ensure built forms are not visually obtrusive.
- ◆ Buildings shall be single-storey and have a maximum height of 6m above finished building platform levels.
- ◆ Exterior cladding shall have a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less so that the built environment maintains a low profile and is well integrated into the surrounding landform and vegetation.

- ◆ All cut and fill batters associated with the creation of access and building platforms as indicated on the Structure Plan Map shall be formed at a gradient no steeper than 1:2 to enable remediation with planting once completed.
- ◆ Any retaining associated with building platforms and access routes shall be minimised, and otherwise located below the height, and to the rear, of future dwellings to minimise the visual presence of these.

2.3 Stormwater and Natural Hazards Principles

Access routes

- ◆ The main access route is graded and constructed with kerb and channel to collect and direct stormwater runoff away from sloping ground, to avoid erosion.
- ◆ Stormwater runoff once collected, is controlled, piped and discharged to the beds of established natural watercourses within the gullies on-site with suitable retentions, energy dissipation and anti-scouring measures implemented to ensure that the rate of discharge is controlled to pre-development levels, preventing erosion at the discharge points, in accordance with best practise, Council's Code of Practice for Civil Engineering Works, and through Greater Wellington Regional Council requirements. Retention devices may include rainwater tanks, swales, retention ponds and any other appropriate detention devices approved by Council.

Individual allotments

- ◆ Stormwater neutrality is achieved through on-site attenuation prior to discharge. Any application for subdivision or development shall demonstrate that post-development stormwater discharge flow rates do not exceed pre-development flow rates.
- ◆ Attenuation measures to control discharge rates could include:
 - > Laying over-sized stormwater pipes with smaller diameter outlets.
 - > Installing additional stormwater storage tanks with suitably sized outlet pipes.
- ◆ Excess stormwater runoff from individual house roofs or from private driveways is collected, controlled and piped to discharge to natural gullies on-site, with suitable energy dissipation and anti-scouring measures to ensure that the volume and rate of discharge is controlled to pre-development levels to prevent erosion at the discharge points, in accordance with best practise, Council's Code of Practice for Civil Engineering Works, and through Greater Wellington Regional Council requirements. Retention devices may include rainwater tanks, swales, retention ponds and any other appropriate detention devices approved by Council.

Appendix 2: Section 32AA Evaluation of Proposed Further Amendments

Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.

This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The section 32AA evaluation of the recommended changes to PPC52 is provided below.

1. Amendment #5

Recommended Change

Amend the new site-specific standard for new buildings within the Mount Marua Structure Plan Area as requested by FENZ:

19.11A New buildings within the Mount Marua Structure Plan Area

Building height

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.

Firefighting Water Supply

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008

Reason

The Code of Practice for Civil Engineering works guidelines reference the out of date Fire and Emergency New Zealand Code of Practice (1992) and not the current Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

Benefits including Opportunities for Economic Growth and Employment

The proposed amendment provides for increased certainty when processing subdivision and land use consents for the site by referring to the current version of the Fire and Emergency New Zealand Code of Practice.

Costs

There are no additional costs related to the proposed amendment.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

There are no risks around uncertain or insufficient information in relation to this provision.

Efficiency and Effectiveness

The efficiency of the recommended change is high because the benefits outweigh the costs.

The effectiveness of the recommended change is high because it replaces the reference to an outdated standard with an up to date reference.

Conclusion

The proposed amendment will not change the objectives of the plan change or fundamentally change the proposed framework.

The proposed amendment is consistent with higher order documentation, legislation and guidance.

Overall the proposed rezoning and associated provisions (including the proposed additions to the Structure Plan) remain the most efficient and effective way to achieve the purpose of the Act for the application site.

2. Amend Policy 5.4.13 and the Structure Plan to address identified Significant Natural Areas on the Site

Recommended Change

Amend the new proposed Policy 5.4.13 to refer to ecological values on the site.

5.4.13 To provide for limited development within the Mount Marua Structure Plan Area, which takes into account, the visual amenity and landscape character values and of the land as well as the ecological values on the site, and avoids, remedies or mitigates the effects of uncontrolled stormwater run-off.

Amend Structure Plan by adding references to ecology and Significant Natural Areas as detailed in Appendix 1 above and to require the provision of a new Landscape Masterplan that includes confirmed SNA boundaries.

Reason

Since the lodgement of the private plan change request Council has published the findings of a district wide ecological assessment to identify and protect Significant Natural Areas. Some of the identified SNAs extent onto the plan change site, however the exact boundaries are subject to confirmation at this stage of the project. The proposed Policy and Structure Plan as currently worded do not provide for the recognition and protection of these SNAs.

Benefits including Opportunities for Economic Growth and Employment

Provides policy direction and development principles relating to the recognition and protection of identified SNAs on the plan change site in the absence of district wide provisions.

Costs

Will not change the activity status of subdivision or development, thereby not increasing the underlying consenting costs.

There may be a small increase in costs for the applicant in having to provide an updated Landscape Masterplan and address potential effects on confirmed SNAs.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

There are no risks around uncertain or insufficient information in relation to this provision.

Efficiency and Effectiveness

The efficiency of the recommended change is high because the benefits outweigh the costs.

The effectiveness of the recommended change is high because it provides for the recognition of identified ecological values on the site in the absence of district wide protection provisions.

Conclusion

The proposed amendment will not change the objectives of the plan change or fundamentally change the proposed framework.

The proposed amendment is consistent with higher order documentation, legislation and guidance.

Overall the proposed rezoning and associated provisions (including the proposed additions to Policy, Structure Plan and Landscape Masterplan) remain the most efficient and effective way to achieve the purpose of the Act for the application site.

3. Amend Structure Plan to include reference to Protected Ridgeline

Recommended Change

Amend Structure Plan by adding references to the protected ridgeline as detailed in Appendix 1 above.

Reason

The operative District Plan identifies a protected ridgeline on the site. The proposed amendments are considered to better address and respond to the identified ridgeline and align with the recommendations of the Landscape and Visual Impact Assessment relating to the ridgeline.

Benefits including Opportunities for Economic Growth and Employment

Provides for the consideration and management of potential adverse effects of subdivisions and development of the site on the identified ridgeline.

Costs

Will not change the activity status of subdivision or development, thereby not increasing the underlying consenting costs.

There may be a small increase in costs for the applicant in having to address potential effects on SNAs.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

There are no risks around uncertain or insufficient information in relation to this provision.

Efficiency and Effectiveness

The efficiency of the recommended change is high because the benefits outweigh the costs.

The effectiveness of the recommended change is high because it provides for the management of potential adverse effects on the identified protected ridgeline on the site.

Conclusion

The proposed amendment will not change the objectives of the plan change or fundamentally change the proposed framework.

The proposed amendment is consistent with higher order documentation, legislation and guidance.

Overall the proposed rezoning and associated provisions (including the proposed additions to the Structure Plan) remain the most efficient and effective way to achieve the purpose of the Act for the application site.

Appendix 3: Emails from Submitters

Email from FENZ confirming they no longer wish to be heard:

Corinna Tessendorf

From: Alice Falloon [REDACTED]
Sent: Friday, 30 October 2020 9:30 AM
To: Corinna Tessendorf; Emily.Thomson@uhcc.govt.nz
Cc: Monique Leith
Subject: FENZ submission on proposed plan change 52

Mōrena Corinna and Emily,

Fire and Emergency New Zealand (FENZ) confirm that the matters raised in FENZ's submission have been resolved through discussions with the Requestor, and on the basis that a new standard has been added to 19.11A 'New Buildings within the Mount Marua Structure Plan Area' reading as follows:

Amendment #5

New site-specific standard for new buildings under rule 19.11A, as follows:

19.11A New buildings within the Mount Marua Structure Plan Area

Building height

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.

Firefighting Water Supply

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

FENZ confirms we withdraw our right to be heard at the hearing.

Ngā mihi,

Alice Falloon
Planner
Beca

www.becca.com



Email from KiwiRail confirming withdrawal of their submission:

Corinna Tessendorf

From: Michelle Grinlinton-Hancock [REDACTED]
Sent: Friday, 30 October 2020 6:40 AM
To: Corinna Tessendorf
Cc: Emily.Thomson@uhcc.govt.nz; Monique Leith
Subject: PC52 - Rezoning 20 Stoma Way, Mount Marua

Corinna,

As you may be aware following the close of submissions on the plan change to rezone 20 Stoma Way, Mount Marua, KiwiRail and the plan change proponent have been in discussions. As part of those discussions further information and clarification was provided that has resulted in the matters raised in KiwiRail's submission being resolved through those discussions and agreement as to actions that will occur as part of the subsequent subdivision of the property.

I can confirm that:

- 1) The matters raised in KiwiRail's submission have been resolved through discussions with the Requestor; and
- 2) KiwiRail therefore withdraws their submission on proposed PC 52.

Kind regards

Michelle

Michelle Grinlinton-Hancock | Senior RMA Advisor

[REDACTED]
Bunny Street, Wellington 6011 | PO Box 593, Wellington 6140, New Zealand



www.kiwirail.co.nz

Please consider the environment before printing.

The content of this message and any attachments may be privileged or confidential. If you have received this email in error please notify the sender and delete the email - unauthorised use is expressly prohibited. This email may have been corrupted or interfered with. KiwiRail does not warrant that this email and its contents are free from computer viruses or other defects.

Appendix 4: Wellington Regional Policy Statement - Relevant Objectives and Policies

Section 3.3 Energy, Infrastructure and Waste
<p>Objective 10</p> <p>The social, economic cultural and environmental benefits of regionally significant infrastructure are recognised and protected.</p>
<p>Policy 8: Protecting regionally significant infrastructure</p> <p>District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.</p>
Section 3.6 Indigenous Ecosystems
<p>Objective 16</p> <p>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state</p>
<p>Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values</p> <p>District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:</p> <ul style="list-style-type: none"> (a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and: <ul style="list-style-type: none"> (i) are no longer commonplace (less than about 30% remaining); or (ii) are poorly represented in existing protected areas (less than about 20% legally protected). (b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare. (c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area. (d) Ecological context of an area: the ecosystem or habitat: <ul style="list-style-type: none"> (i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or (ii) provides seasonal or core habitat for protected or threatened indigenous species. (e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori.

Section 3.6 Indigenous Ecosystems

Policy 24: Protecting ecosystems and habitats with significant biodiversity values

District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
- (c) managing wetlands for the purpose of aquatic ecosystem health;
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- (e) providing seasonal or core habitat for indigenous species;
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;
- (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

Section 3.7 Landscape

Objective 17

The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision use and development.

Policy 25: Identifying outstanding natural features and landscapes.

District and regional plans shall identify outstanding natural features and landscapes having determined that the natural feature or landscape is:

- (a) exceptional or out of the ordinary; and
- (b) that its natural components dominate over the influence of human activity, after undertaking a landscape evaluation process, taking into account the factors listed below
 - Natural science factors
 - Sensory factors
 - Shared or recognised factors

Section 3.7 Landscape

Policy 26: Protecting outstanding natural features and landscape values

Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.

Objective 18

The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

Policy 27: Identifying special amenity landscapes. Promoting discharges to land

District and regional plans may identify special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region. Any special amenity landscape evaluation process carried out to inform the identification of any such special amenity landscapes shall take into account the factors listed in policy 25.

Policy 28: Managing special amenity landscape values

Where special amenity landscapes have been identified in accordance with policy 27, district and regional plans shall include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:

- (a) existing land uses that contribute to these landscape values,
- (b) predominant existing land uses that are provided for within the underlying zoning, and
- (c) other lawfully established activities.

Section 3.9 Regional Form, Design and Function

Objective 22

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;
- (g) a range of housing (including affordable housing);
- (h) integrated public open spaces;
- (i) integrated land use and transportation; and
- (k) efficiently use existing infrastructure (including transport network infrastructure);

Policy 55: Maintaining a compact, well designed and sustainable regional form

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at March 2009), particular regard shall be given to whether:

- (a) the proposed development is the most appropriate option to achieve Objective 22; and
- (b) the proposed development is consistent with the Council's growth and/or development framework or strategy that describes where and how future urban development should occur in that district; and/or
- (c) a structure plan has been prepared.

Section 3.9 Regional Form, Design and Function

Policy 56: Managing development in rural areas

When considering an application for a resource consent or a change, variation or review of a district plan, in rural areas (as at March 2009), particular regard shall be given to whether:

- (a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;
- (b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements;
- (c) the proposal's location, design or density will minimise demand for non-renewable energy resources; and
- (d) the proposal is consistent with the relevant city or district council growth and/or development framework or strategy that addresses future rural development; or
- (e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.

Section 3.4 Fresh Water

Objective 12

The quantity and quality of fresh water:

- (a) meet the range of uses and values for which water is required;
- (b) safeguard the life supporting capacity of water bodies; and
- (c) meet the reasonably foreseeable needs of future generations.

Policy 15: Minimising the effects of earthworks and vegetation clearance

Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.

Policy 41: Minimising the effects of earthworks and vegetation disturbance

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

Policy 42: Minimising contamination in stormwater from development

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:

- (a) limiting the area of new impervious surfaces in the stormwater catchment;
- (b) using water permeable surfaces to reduce the volume of stormwater leaving a site;

Section 3.4 Fresh Water

- (c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;
- (d) collecting water from roofs for domestic or garden use while protecting public health;
- (e) using soakpits for the disposal of stormwater;
- (f) using roadside swales, filter strips and rain gardens;
- (g) using constructed wetland treatment areas;
- (h) using in situ treatment devices;
- (i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and
- (j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges

Section 3.8 Natural Hazards

Objective 19

The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

Policy 51: Minimising the risks and consequences of natural hazards

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;
- (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;
- (c) whether the location of the development will foreseeably require hazard mitigation works in the future;
- (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;
- (e) any risks and consequences beyond the development site;
- (f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;
- (g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;
- (h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and
- (i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

Section 3.10 Resource Management with Tangata Whenua

Objective 24

The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Policy 48: Principles of the Treaty of Waitangi

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the principles of the Treaty of Waitangi; and
- (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Objective 25

The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.

Policy 49: Recognising and providing for matters of significance to tangata whenua

When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:

- (a) the exercise of kaitiakitanga;
- (b) mauri, particularly in relation to fresh and coastal waters;
- (c) mahinga kai and areas of natural resources used for customary purposes; and
- (d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

Section 3.11 Soil and Minerals

Objective 29

Land management practices do not accelerate soil erosion.

Policy 15: Minimising the effects of earthworks and vegetation clearance

Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.

Policy 41: Minimising the effects of earthworks and vegetation disturbance

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

Appendix 5: Upper Hutt City Operative District Plan Relevant Objectives and Policies

Chapter 5 Rural Zone	
Objectives	
5.3.1	The maintenance and enhancement of the open spaces, natural features and ecological systems which comprise the rural character and amenity.
5.3.2	The promotion of an environment within which soil, water and land resources are managed sustainably.
5.3.3	To maintain and enhance the amenity values of the rural area.
Policies	
5.4.1	To manage the adverse environmental effects arising from the scale, density, number and location of earthworks, new building developments and activities so that they do not significantly compromise rural character and landscape values.
5.4.2	To ensure that subdivision, development and land use within the Valley Floor and Hill Sub-zones minimise adverse effects on rural character, areas of significant indigenous flora or fauna, and amenity values.
5.4.3	To provide for rural lifestyle subdivision which maintains the rural character and amenity values and avoids, remedies or mitigates the effects of natural hazards.
5.4.4	To ensure that subdivision, development and land use within the Rural Hill Sub-zone minimise adverse effects on significant natural, ecological, scenic, visual, landscape, recreational and cultural values.
5.4.5	To ensure that activities which alter the contour of the land do not significantly affect rural character and amenity values, particularly where the land is visible from roads and public places
5.4.6	To ensure that essential services are able to be operated safely and efficiently.
5.4.7	To avoid, remedy or mitigate the adverse effects of activities on soil, water, land and other natural resources.
5.4.8	To avoid or mitigate run-off, contamination and erosion of soil from subdivision and land development so as to sustain the life supporting capacity of the soil.
5.4.9	To encourage new development of an urban nature to locate within the urban areas of the City.
5.4.11	To limit the potential adverse effects of rural and non-rural activities on each other and on rural amenity values.
5.4.12	To encourage building design, location and scale that complements the character of the surrounding area.
Chapter 9 Subdivision and Earthworks	
Objective	
9.3.1	The promotion of subdivision and development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous

Chapter 9 Subdivision and Earthworks	
	vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.
Policies	
9.4.1	To ensure that earthworks are designed and engineered in a manner compatible with natural landforms, significant areas of indigenous vegetation and habitats of indigenous fauna, the amenity of an area, and the mitigation of natural hazards.
9.4.2	To avoid, remedy or mitigate the contamination, degradation and erosion of soil from earthworks or vegetation removal through advocating responsible land use practices.
9.4.3	To promote a sustainable pattern of subdivision and development that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.

Chapter 12 Landscape and Ecology	
Objectives	
12.3.1	The protection and enhancement of significant indigenous ecosystems and biological diversity.
12.3.3	To manage development within the Southern Hills Overlay Area to protect areas of significant indigenous vegetation, and maintain and enhance high value landscape and/or visual areas.
Policies	
12.4.1	To protect and enhance significant natural areas of indigenous vegetation and fauna habitats from the adverse effects of activities that would reduce indigenous biological diversity and/or the life supporting capacity of ecosystems.
12.4.5	To discourage activities which have adverse effects on the high visual quality of the north-western and south-eastern hillsides adjacent to the urban environment.
12.4.6	To ensure the ridgelines are identified as essential elements in Upper Hutt's landscape and are protected from visually obtrusive development which would detract from the natural skyline appearance.
12.4.8	To manage development and activities with the potential to adversely affect the ecological, visual and/or landscape values within the Southern Hills Overlay Area.

Chapter 14 Natural Hazards	
Objective	
14.3.1	The avoidance, remedying or mitigation of the adverse effects of natural hazards on the environment.

Chapter 16 Utilities
Objective
16.3.1 To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.
Policies
16.4.3 Avoid, or as appropriate, remedy or mitigate, the potential for any adverse effects including reverse sensitivity effects on regionally significant network utilities from inappropriate new subdivision, use and development occurring under, over, or adjacent to regionally significant network utilities.
16.4.6 To ensure that the subdivision, use and development of land is served by safe and adequate access from the roading network

Appendix 6: Peer Review of Landscape and Visual Impact Assessment by Isthmus

Isthmus.

FEE PROPOSAL

UPPER HUTT CITY COUNCIL
MT MARUA STAGE 7 REVIEW

Design Planning Services

21 February 2020

PROJECT

Upper Hutt City Council
Mt Marua Stage 7 Review
Design Planning Services.
Landscape and Visual Assessment Report Review

CLIENT CONTACT Corinna Tessendorf
Senior Planner
Urban Edge
Phone: +64 22 304 4187
Email: Corinna@urbanedgeplanning.co.nz

ISTHMUS CONTACT Simon Button
Design Planner (Senior)
Phone: +64 21 781 698
Email: simon.button@isthmus.co.nz

BACKGROUND

This fee proposal has been prepared following correspondence between Corinna Tessendorf and Matthew Jones with regard to undertaking a peer review of a Landscape and Visual Impact Assessment prepared by Boffa Miskell. The assessment relates to a private plan change at 20 Stroma Way, Mt Marua (within the Upper Hutt) which seeks to rezone the site to Rural Lifestyle from Rural Hill with the introduction of a structure plan for the site.

THE TEAM

Simon Button (Senior)	Project Manager
Brad Coombs (Principal)	Project Sponsor (QA)

METHODOLOGY + DELIVERABLES

The project would consist of the following tasks;

Project Review and Set Up

- Read through the Landscape and Visual Impact Assessment undertaken by Boffa Miskell.
- Site visit to analyse and review the site and surroundings.

Section 92 Request (if required)

- Identification of any gaps within the assessment with a written S92 request (if required).
- Review of additional S92 information received (if applicable).

Landscape and Visual Assessment Review

- Written review of the Landscape and Visual Impact Assessment to assess the merits of matters raised in the submission, particularly where a position which differs from the applicant's is being expressed.
- Summary and conclusions will be drawn about the overall nature and degree of effects, and their acceptability.
- Quality Assurance.

PERSONNEL

Simon Button will carry out the review, with QA from Brad Coombs.

SIMON BUTTON - Senior.

BA (Hons), MA

Simon has experience working with private and public sector clients on a wide range of projects in both urban and rural landscapes. He has particular expertise in the integration of landscape planning, management and design.

Simon produces landscape, visual and urban design assessment documents for projects of varying scales in the residential, commercial, industrial, retail and renewable sectors. Working on such a broad breadth of projects has allowed Simon to hone his skills with a focus on design planning, ensuring projects adopt a landscape led approach and can be successfully assimilated within the receiving environment.

BRAD COOMBS – Principal.

B.Hort, BLA (hons), FNZILA (Registered)

Brad Coombs is a Principal of Isthmus with over 22 years professional experience as a landscape architect in New Zealand and the United Kingdom. Brad holds the Ministry for the Environment's 'Making Good Decisions' RMA Commissioners' Certificate and has acted as an Independent Commissioner on a number of occasions. Brad is a Fellow and the current President of the New Zealand Institute of Landscape Architects – Tuia Pito Ora. Brad will provide QA and support for the landscape and visual assessment report review.

TIMETABLE

It is understood that the landscape review should be circulated to Urban Edge early in the week of the 9 March 2020, as I understand the planning report is due on the 16 March 2020.

Please confirm the acceptance of this offer of service as soon as possible to enable us to undertake a site visit within good time.

FEE PROPOSAL

A lump sum of costs is set out in the attached spreadsheet, which are subject to the agreed scope and timescale. Simon Button's hourly rate is \$170, with Brad Coombs at \$275, excluding GST.

A lump sum has also been provided for a Section 92 request and review of additional information, which will only be charged if there are gaps within the Landscape and Visual Impact Assessment or matters of clarification are required.

Our normal terms of engagement are the IPENZ Short Form Contract (which will be circulated following acceptance of this fee).

We will invoice monthly under the terms of our standard contract - a copy of which can be forwarded for your reference.

Fees are exclusive of GST. Disbursements are to be charged at 5% of the fee.

EXCLUSIONS

Additional work not outlined in the scope of this proposal would be agreed in advance, either at an hourly rate or as a lump sum fee as appropriate.

Any additional work not outlined in the scope of this proposal would be charged out at the following hourly rates:

Principal	\$275 /hr
Associate	\$190 /hr
Senior	\$170 /hr
Intermediate	\$150 /hr
Graduate	\$135 /hr

This proposal does not include;

- Attendance at any project meetings;
- Preparation of evidence, or attendance at hearings.

I trust this meets your requirements. Should you have any concerns or clarifications please do not hesitate to contact the undersigned.

Matthew Jones

Associate – Isthmus

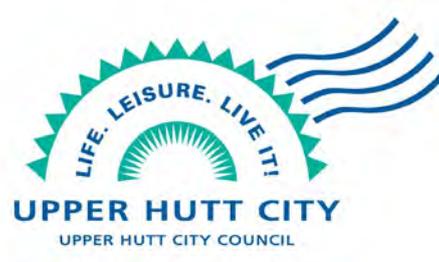
021 447 993

FEE BREAKDOWN

		Simon Button		Brad Coombs		
		<i>hrs</i>	<i>cost</i>	<i>hrs</i>	<i>cost</i>	
Project Review and Set Up						
1	Reading through Landscape and Visual Impact Assessment prepared by Boffa Miskell	8	\$1,360	2	\$550	
2	Undertake site visit	4	\$680	0	\$0	\$2,590
Section 92 Request (If required)						
1	Identification of gaps within the assessment and written S92 request (if required)	8	\$1,360	0	\$0	
2	Review of additional S92 information (if applicable)	4	\$680	0	\$0	\$2,040
Landscape and Visual Impact Assessment Review						
3	Written review of the Landscape and Visual Impact Assessment	16	\$2,720	0	\$0	
4	Summary and Conclusions	4	\$680	0	\$0	
5	Internal Quality Assurance	1	\$170	3	\$750	\$4,320
Totals (sub)						
		45.0	\$7,650	5.0	\$1,300	\$8,950
					<i>Disbursements (5%)</i>	\$448
					GRAND TOTAL (Including S92 request)	\$9,398

\$8,950

Appendix 7: Summary of Submissions and Full Set of Submissions



Upper Hutt City Council

Summary of Decisions Requested (Summary of Submissions)

Proposed Private Plan Change 52: Rezoning of 20 Stroma Way, Mount Marua
to the Upper Hutt City Council District Plan

Corinna Tessendorf
Senior Planner

27 August 2020

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SUBMISSIONS ON PROPOSED PRIVATE PLAN CHANGE 52	6

GUIDE TO THE SUMMARY

The following format is used for this summary:

Subm. Point	Provision	Decision Sought	Reasons
Submitter 1:			
S1.1			

These submissions are ordered by submitter number. Each decision requested by a submitter is individually listed (SX.X).

For example in submission 1 on Plan Change 52, made by Fire and Emergency New Zealand, the first decision requested is marked with the notation 'S1.1'.

The accompanying volume "Submissions on Proposed Private Plan Change 52" contains full copies of the submissions received on Private Plan Change 52.

New or amended text proposed through the Plan Change is shown either single underlined or ~~single strikethrough~~. Where the submitter proposes an amendment to the proposed new text or a new provision, the amendment proposed by the submitter is shown double underlined. Where the submitter proposes the deletion of proposed new text, this is shown ~~double strikethrough~~.

Making a Further Submission

Clause 8 of the First Schedule of the Resource Management Act outlines the persons that may make a further submission, being:

- (a) *any person representing a relevant aspect of the public interest; and,*
- (b) *any person that has an interest in the proposed plan greater than the interest that the general public has; and*
- (c) *the local authority itself.*

A further submission must be in support of or in opposition to the submissions that have already been made and which are summarised in this document.

Further submissions should be made in writing, in general accordance with Form 6 of the Resource Management Act (Forms, Fees, and Procedure) Regulations 2003. Copies of Form 6 are available from:

- Upper Hutt City Council Offices, Level 1 Reception, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt
- Upper Hutt Library, 844 Fergusson Drive, Upper Hutt
- Pinehaven Branch Library, corner of Pinehaven Road and Jocelyn Crescent, Pinehaven, Upper Hutt
- On Council's website at consultation.upperhuttcity.com

Further submissions may be lodged in the following ways:

Online	consultation.upperhuttcity.com	Email	planning@uhcc.govt.nz
In person	Upper Hutt City Council Level 1 Reception Civic Administration Building 838-842 Fergusson Drive Upper Hutt	Post	Proposed Plan Change 52 Upper Hutt City Council Private Bag 907 Upper Hutt 5140

The closing date for further submissions is **Thursday 24 September 2020 at 5pm.**

Service of further submission on original submitter:

Within 5 working days of making the further submission to Council, the further submitter must serve a copy of the further submission on the person who made the original submission to which the further submission relates. The address for service for each submitter is contained on the following page.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Schedule 1 of the Resource Management Act 1991.

LIST OF SUBMITTERS

Submitter No.	Submitter name	Address for service
1	Fire and Emergency New Zealand	c/o Beca Ltd PO Box 3942 Wellington 6140 [REDACTED]
2	KiwiRail Holdings Limited	Level 1 Wellington Railway Station Bunny Street PO Box 593 WELLINGTON 6140 Attention: Sheena McGuire [REDACTED]
3	Andrew Mark	[REDACTED]

SUBMISSIONS ON PROPOSED PRIVATE PLAN CHANGE 52

Subm. Point	Provision	Decision Sought	Reasons
Submitter 1: Fire and Emergency New Zealand (FENZ)			
S1.1	19.11A New Buildings within the Mount Marua Structure Plan Area	<p>FENZ is neutral on PPC52. If the proposed plan change is approved, FENZ seeks that a standard be added to the proposed provision '19.11A New Buildings within the Mount Marua Structure Plan Area.</p> <p>The addition to the proposed provision could read as follows (note that the proposed additions are underlined):</p> <p><u>19.11A New buildings within the Mount Marua Structure Plan Area</u></p> <p><u>Building height</u></p> <p><u>The maximum height of any building shall not exceed 6m.</u></p> <p><u>Exemption:</u></p> <p><u>Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.</u></p> <p><u>Location</u></p> <p><u>Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.</u></p> <p><u>External Appearance</u></p> <p><u>All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.</u></p> <p><u>Firefighting Water Supply</u></p> <p><u>Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.</u></p>	<p>FENZ is satisfied that the network will be constructed to provide sufficient firefighting water supply for all allocated dwellings.</p> <p>FENZ supports the intention to provide water supply, through the Code of Practice for Civil Engineering works guidelines, however this Code references the out of date Fire and Emergency New Zealand Code of Practice (1992) and not the current Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.</p>

Subm. Point	Provision	Decision Sought	Reasons																							
Submitter 2: KiwiRail Holdings Limited (KiwiRail)																										
S2.1	Structure Plan	<p>Amend the Structure Plan to include the following provisions:</p> <p><u>Noise Sensitive Activities within 100m of a Rail Network Boundary</u> <u>Indoor railway noise</u></p> <p>1. <u>Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:</u></p> <p>(a) <u>Shall be designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table; or</u></p> <table border="1" data-bbox="775 619 1500 1104"> <thead> <tr> <th><u>Building type</u></th> <th><u>Occupancy/activity</u></th> <th><u>Maximum railway noise level LAeq(1h)</u></th> </tr> </thead> <tbody> <tr> <td rowspan="2"><u>Residential</u></td> <td><u>Sleeping spaces</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>All other habitable rooms</u></td> <td><u>40 dB</u></td> </tr> <tr> <td rowspan="3"><u>Education</u></td> <td><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Libraries</u></td> <td><u>45 dB</u></td> </tr> <tr> <td rowspan="2"><u>Health</u></td> <td><u>Overnight medical care, wards</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Clinics, consulting rooms, theatres, nurses' stations</u></td> <td><u>45 dB</u></td> </tr> <tr> <td><u>Cultural</u></td> <td><u>Places of worship, marae</u></td> <td><u>35 dB</u></td> </tr> </tbody> </table> <p>(b) <u>Is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks</u></p> <p><u>Mechanical ventilation</u></p>	<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level LAeq(1h)</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>Libraries</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>	<p>The plan change does not address potential reverse sensitivity effects.</p> <p>The plan change should incorporate provisions that provide protection from adverse effects from established rail operations.</p> <p>Reverse sensitivity effects arising from noise and vibration on nearby residents need to be appropriately mitigated to ensure the safe and efficient operation of the rail network.</p> <p>Policy 55 of the Wellington RPS in its explanation states that structure plans as a minimum should address the integration of development with adjoining land use activities including measures to avoid, remedy or mitigate reverse sensitivity effects.</p> <p>Rail noise effects will extend app. 100m from the rail corridor and two proposed building platforms (1 and 14) are within 100m from the rail corridor.</p> <p>The proposed provisions relating to noise sensitive activities within 100m of a rail network boundary will give effect to the RPS.</p>
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Subm. Point	Provision	Decision Sought	Reasons
		<p>2. <u>If windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that</u></p> <p>(a) <u>For habitable rooms for a residential activity, achieves the following requirements:</u></p> <ul style="list-style-type: none"> i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> ii. <u>is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> iii. <u>provides relief for equivalent volumes of spill air;</u> iv. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 °C and 25 °C; and</u> v. <u>does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.</u> <p>(b) <u>For other spaces, is as determined by a suitably qualified and experienced person.</u></p> <p><u>Indoor railway vibration</u></p> <p>3. <u>Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network:</u></p> <p>(a) <u>is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/svw,95 or</u></p> <p>(b) <u>is a single-storey framed residential building with:</u></p> <ul style="list-style-type: none"> i. <u>a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</u> ii. <u>vibration isolation separating the sides of the floor slab from the ground; and</u> iii. <u>no rigid connections between the building and the ground.</u> 	

Subm. Point	Provision	Decision Sought	Reasons
		<p>4. <u>A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</u></p> <p>(a) <u>railway noise is assumed to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</u></p>	
S2.2	Structure Plan Drawing 28716Z Revision C	Support - Retain as Proposed	KiwiRail support the proposed Structure Plan and the minimum setback of app 57m between the rail corridor and proposed building platforms. This will provide for the safe and efficient operation of the rail network and manage the interface between operations within the railway corridor and activities near the railway corridor.
S2.3	Structure Plan 1. Intentions and Anticipated Outcomes Intentions, bullet point 3 Outcomes, bullet point 6	Support - Retain as proposed	KiwiRail support the Structure Plan in that the intentions and outcomes state that stormwater is to be appropriately managed on-site. Uncontrolled stormwater can create dangerous track dips and create scour issues near embankments.
S2.4	Structure Plan 2.1 Earthworks and Sediment Control Principles Bullet point 3 and bullet points 9-11	Support - Retain as proposed	KiwiRail support the Structure Plan in that stormwater during construction is to be appropriately channelled and diverted to manage erosion and silt run-off.
S2.5	Structure Plan 2.3 Stormwater and Natural Hazards Principles	Support – Retain as proposed	KiwiRail support stormwater neutrality for individual allotments through on-site attenuation prior to discharge. KiwiRail support that any application for subdivision or development will be required to demonstrate that post-development stormwater discharge

Subm. Point	Provision	Decision Sought	Reasons
			flow rates don't exceed pre-development flow rates.
Submitter 3: Andrew Mark			
S3.1	Positives of adding to housing supply and better utilisation of land use in the Upper Valley	That the application be approved	The Plan change site is a logical and natural extension of established lifestyle development in the locality of Mt Marua.



Upper Hutt City Council

Submissions on Proposed Private Plan Change 52

Proposed Private Plan Change 52: Rezoning of 20 Stroma Way, Mount Marua

to the Upper Hutt City Council District Plan

Form 5

Submission on Proposed Private Plan Change 52

20 Stroma Way – Upper Hutt City Council

To: Upper Hutt City Council

Submission on: Plan Change 52 – 20 Stroma Way

Name of submitter: Fire and Emergency New Zealand (FENZ)

Address: c/o Beca Ltd
PO Box 3942
Wellington 6140

Attention: Alice Falloon

Phone: [REDACTED]

Email: [REDACTED]

This is a submission made on behalf of Fire and Emergency New Zealand (FENZ) concerning proposed Private Plan Change 52 of the Upper Hutt City District Plan (hereafter “PPC52”).

The Fire and Emergency New Zealand Act 2017 (FENZ Act) established FENZ from 1 July 2017. FENZ was created from the previous New Zealand Fire Service Commission, the New Zealand Fire Service, the National Rural Fire Authority, and 38 other Rural Fire Authorities. The FENZ Act, among other matters, replaced the two previous governing Acts (the Fire Service Act 1975 and the Forest and Rural Fire Act 1977) to create a single, unified fire services organisation for New Zealand. The FENZ Act establishes the governance, management and operational arrangements for protecting life and property from fire and other emergencies in New Zealand.

FENZ recognises the importance of the proposed Plan Change 52 in managing future rural lifestyle developments within the Mount Marua area of the Upper Hutt District.

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources, which includes enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The risk of fire represents a potential adverse effect of low probability but high potential impact. FENZ has a responsibility under the FENZ Act to reduce the incidence of unwanted fire and the associated risk to life and property. As such, FENZ monitors changes in statutory planning documents occurring under the RMA to ensure that, where necessary, appropriate consideration is given to fire safety.

FENZ's role includes promoting fire safety and fire prevention, and extinguishing fires. Plan Change 52 provides an opportunity to better facilitate these activities, by including appropriate rules which will enable people and communities to provide for their health and safety with regard to fire safety, fire prevention, and fire extinction.

Adequate water supply and access for firefighting activities:

The provision of adequate water supply and firefighting access is critical. It is important to FENZ that any new dwelling or land use that does not have access to a reticulated water supply has access to an adequate firefighting water supply of some kind. This essential emergency supply will provide for the health, safety and wellbeing of people and the wider community, and therefore achieves the purpose of the RMA.

The New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (Code of Practice) is a non-mandatory New Zealand Standard that sets out the requirements for firefighting water and access. The Code of Practice enables a consistent approach throughout New Zealand and allows FENZ to operate effectively and efficiently in a fire emergency. FENZ considers that the best way to provide a consistent approach to mitigating the actual and potential effects of fire across the district (rather than just the notified applications for resource consents) is to include specific standards in district plans.

Proposed Plan Change 52 additions relevant to FENZ:

PPC52 seeks to rezone the property known at 20 Stroma Way in Mount Marua from Rural Hill Zone to Rural Lifestyle Zone. PPC52 proposes new sections be added to Chapter 5 – Rural Zone and Chapter 19 – Rural Zone Rules, of the Upper Hutt District Plan to reference the proposed Mount Marua Structure Plan.

The supporting infrastructure report (Appendix C) notes that:

“As part of our investigation, we have liaised with the relevant utility service providers to determine whether or not the existing infrastructure in the local area has any limitations, and whether or not it could be extended to service the proposed development. Our assessment of the infrastructure in this area has confirmed that there is sufficient capacity in the relevant networks, and/or that practical solutions are available, to service the proposal in accordance with the requirements of the Upper Hutt Code of Practice for Civil Engineering Works.”

FENZ is satisfied that the network will be constructed to provide sufficient firefighting water supply for all allocated dwellings.

FENZ supports the intention to provide water supply, through the Code of Practice for Civil Engineering works guidelines, however this Code references the out of date Fire and Emergency New Zealand Code of Practice (1992) and not the current Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

FENZ seeks the following decision from the consent authority:

FENZ is neutral on PPC52. If the proposed plan change is approved, FENZ seeks that a standard be added to the proposed provision ‘19.11A New Buildings within the Mount Marua Structure Plan Area.

The addition to the proposed provision could read as follows (note that the proposed additions are underlined):

19.11A New buildings within the Mount Marua Structure Plan Area

Building height

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less.

Firefighting Water Supply

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

FENZ would not gain an advantage in trade competition through this submission.

FENZ wishes to be heard in support of its submission.

If others make a similar submission, FENZ will consider presenting a joint case with them at a hearing.



.....
(Signature of person authorised to sign on behalf of Fire and Emergency New Zealand)

28/07/20

.....
Date

Title and address for service of person making submission:

Fire and Emergency New Zealand
c/o Beca Ltd

Attention: Alice Falloon

Address: Beca Ltd
PO Box 3942
Wellington 6140

12 August 2020

Upper Hutt City Council
Private Bag 907
UPPER HUTT 5140

By email to: corinna@urbanedgeplanning.co.nz

**FEEDBACK ON PUBLICLY NOTIFIED DRAFT PROPOSAL FOR PLAN CHANGE OR
VARIATION (FORM 5)
Upper Hutt City District Plan: Plan Change 52**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Sheena McGuire



KiwiRail Submission on Plan Change 52 – Rezoning 20 Stroma Way, Mount Marua

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for the designated corridor of the Wairarapa Line within Upper Hutt City.

KiwiRail supports the general intent of the Plan Change, being to rezone 20 Stroma Way, Mount Marua from Rural Hill Zone to Rural Lifestyle Zone. The subject site at 20 Stroma Way adjoins the designated rail corridor.

KiwiRail has an interest in protecting its ability to continue to operate, maintain and enhance the rail network, as well as seeking to ensure the safety and amenity of those parties occupying land adjacent to the rail corridor.

KiwiRail's feedback on the Draft District Plan Change is set out in the attached table. Insertions we wish to make are marked in ***bold*** and ***underlined***. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.



KiwiRail does wish to speak to our submission at this time, and is prepared to present a joint case with like submitters if Council prefer.

Regards,



Sheena McGuire

Access Provision Advisor

KiwiRail



Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)																							
Reverse sensitivity																											
1.	Structure Plan	Seek assessment of reverse sensitivity effects and provide adequate mitigation measures in the Plan Change.	<p>The Plan Change does not address potential reverse sensitivity effects. The Plan Change should incorporate provisions that provide for adequate protection from adverse effects from established rail operations.</p> <p>A key part of ensuring the safe and efficient operation of the Upper Hutt City rail network is ensuring that reverse sensitivity effects are appropriately mitigated. These effects can arise from the impact of railway operations noise and vibration on nearby residents. It is also widely accepted nationally and internationally that sound and vibration from road and rail networks has the potential to cause adverse health and amenity effects on people living nearby. Railways are generally an accepted part of the urban environment, but many don't appreciate the actual effects of living with rail sound and vibration when they choose to live near existing railway designations. Rail operations occur 24/7 and include maintenance activities.</p> <p>Policy 55 of the Greater Wellington Regional Policy Statement (RPS) seeks to maintain a compact, well-designed and sustainable regional form. The policy explanation states:</p> <p><i>The content and detail of structure plans will vary depending on the scale of development. Notwithstanding this, structure plans, as a minimum, should address:</i></p> <p>..</p> <p><i>The integration of the development with adjoining land use activities including measures to avoid, remedy or mitigate reverse sensitivity effects.</i></p> <p>Rail noise effects will extend approximately 100m from the rail corridor designation. Proposed building platforms 1 and 14 are within 100m from the rail corridor.</p> <p>KiwiRail seeks the inclusion of a new suite of provisions to the Structure Plan relating specifically to noise sensitive activities within 100m of a rail network boundary. This will give effect to the RPS.</p>	<p>Amend the Structure Plan to include the following provisions:</p> <p><u>Noise Sensitive Activities within 100m of a Rail Network Boundary</u></p> <p><u>Indoor railway noise</u></p> <p>1. Any new building or alteration to an existing building that contains an activity sensitive to noise where <u>the building or alteration:</u></p> <p>(a) <u>Shall be designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table; or</u></p> <table border="1" data-bbox="1872 569 2475 1226"> <thead> <tr> <th><u>Building type</u></th> <th><u>Occupancy/activity</u></th> <th><u>Maximum railway noise level LAeq(1h)</u></th> </tr> </thead> <tbody> <tr> <td rowspan="2"><u>Residential</u></td> <td><u>Sleeping spaces</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>All other habitable rooms</u></td> <td><u>40 dB</u></td> </tr> <tr> <td rowspan="3"><u>Education</u></td> <td><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td><u>35 dB</u></td> </tr> <tr> <td><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Libraries</u></td> <td><u>45 dB</u></td> </tr> <tr> <td rowspan="2"><u>Health</u></td> <td><u>Overnight medical care, wards</u></td> <td><u>40 dB</u></td> </tr> <tr> <td><u>Clinics, consulting rooms, theatres, nurses' stations</u></td> <td><u>45 dB</u></td> </tr> <tr> <td><u>Cultural</u></td> <td><u>Places of worship, marae</u></td> <td><u>35 dB</u></td> </tr> </tbody> </table> <p>(b) <u>is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks</u></p> <p><u>Mechanical ventilation</u></p> <p>2. <u>if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that</u></p> <p>(a) <u>For habitable rooms for a residential activity, achieves the following requirements:</u></p> <p>i. <u>provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u></p> <p>ii. <u>is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u></p> <p>iii. <u>provides relief for equivalent volumes of spill air;</u></p> <p>iv. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p>v. <u>does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.</u></p> <p>(b) <u>For other spaces, is as determined by a suitably qualified and experienced person.</u></p> <p><u>Indoor railway vibration</u></p> <p>3. <u>Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network;</u></p>	<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level LAeq(1h)</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>Libraries</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>
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Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
				<p><i>(a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</i></p> <p><i>(b) is a single-storey framed residential building with:</i></p> <p><i>i. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</i></p> <p><i>ii. vibration isolation separating the sides of the floor slab from the ground; and</i></p> <p><i>iii. no rigid connections between the building and the ground.</i></p> <p><i>4. A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</i></p> <p><i>(a) railway noise is assumed to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</i></p>
Setbacks from the rail corridor				
2.	Structure Plan Drawing 28716Z Revision C	Support.	<p>KiwiRail seek to provide for the safe and efficient operation of the rail network, in particular where neighbouring activities may come into conflict with adjacent land uses. Providing a physical setback between buildings and the railway corridor boundary is supported to manage the interface between operations within the railway corridor and activities near the railway corridor.</p> <p>KiwiRail support the Proposed Structure Plan and the minimum setbacks of approximately 57m between the rail corridor and proposed building platforms.</p>	Retain as proposed.
Stormwater				
3.	Structure Plan 1. Intentions and Anticipated Outcomes Intentions, bullet point 3 Outcomes, bullet point 6	Support.	<p>KiwiRail often experiences the adverse effects of uncontrolled stormwater discharges arising from development adjacent to the rail corridor. Uncontrolled stormwater can wash ballast from under sleepers causing dangerous track dips and create scour issues near embankments. KiwiRail is often left to 'clean up' the impact of uncontrolled stormwater discharge from third party land onto the rail corridor.</p> <p>KiwiRail support the Structure Plan in that the intentions and outcomes state that stormwater is to be appropriately managed on-site.</p>	Retain as proposed.
4.	Structure Plan 2.1 Earthworks and Sediment Control Principles Bullet point 3 and bullet points 9-11	Support.	<p>Refer to comments for Submission No. 3 above.</p> <p>KiwiRail support the Structure Plan in that stormwater during construction is to be appropriately channeled and diverted to manage erosion and silt run-off.</p>	Retain as proposed.
5.	Structure Plan 2.3 Stormwater and Natural Hazards Principles	Support.	<p>Refer to comments for Submission No. 3 and 4 above.</p> <p>KiwiRail support stormwater neutrality for individual allotments through on-site attenuation prior to discharge. KiwiRail support that any application for subdivision or development will be required to demonstrate that post-development stormwater discharge flow rates don't exceed pre-development flow rates.</p>	Retain as proposed.

RECEIVED UHCC
13 AUG 2020



SUBMISSION FORM (FORM 5)

**PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL
DISTRICT PLAN: PROPOSED PRIVATE PLAN CHANGE 52 – REZONING
OF 20 STROMA WAY, MOUNT MARUA**

To: Upper Hutt City Council

File Number: 350/13-010
Submission Number:
(for office use only)

Submission on Proposed Private Plan Change 52 to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: Level 1 Reception, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt
Posted to: Proposed Private Plan Change 52, Upper Hutt City Council, Private Bag 907, Upper Hutt
Faxed to: (04) 528 2652
Emailed to: planning@uhcc.govt.nz

The closing date for submissions is Friday 14 August 2020 at 5pm

PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC

DETAILS OF SUBMITTER

Name of submitter	ANDREW MARK		
Postal address of submitter	[REDACTED]		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone:	Email:	
	[REDACTED]	[REDACTED]	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<p>Only answer this question if you ticked YES:</p> <p>I am <input type="checkbox"/> / am not <input type="checkbox"/> (select one) directly affected by an effect of the subject matter of the submission that:</p> <p>(a) adversely affects the environment; and</p> <p>(b) does not relate to trade competition or the effects of trade competition.</p>
	YES	<input type="checkbox"/>	

DETAILS OF SUBMISSION

The specific provisions of the proposed private Plan Change that my submission relates to are as follows:

The positives of adding to the housing supply and better utilization of land use in the Upper Valley

(Please use additional sheets if necessary)

My submission is that:

The Plan change site is a logical and natural extension of established lifestyle development in the locality of Mt. Maria

(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)

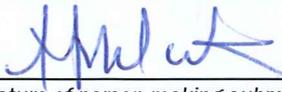
I seek the following decision from the local authority:

That they approve the application.

(Please give precise details and use additional sheets if necessary)

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I do wish to be heard in support of my submission	<input type="checkbox"/>
	I do not wish to be heard in support of my submission	<input checked="" type="checkbox"/>
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I do wish to make a joint case	<input type="checkbox"/>
	I do not wish to make a joint case	<input type="checkbox"/>

SIGNATURE AND DATE



Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 12/8/20.

(Note: A signature is not required if you are making your submission by electronic means)

5 RURAL ZONE

5.1 Background

The rural sector is in transition as a diverse range of rural and rural lifestyle activities gradually replace traditional farming activities. A balanced approach is needed to sustainably manage the resources of this part of the City. The rural area contains much of the City's agriculture and primary productive land resources which are an important part of the City's economic and social wellbeing, both now and in the future. It also forms the immediate backdrop to the City in terms of landscape. Areas for rural lifestyle, passive and active recreation and leisure opportunities, and other mixed urban/rural activities also form part of the character of this environment.

5.2 Resource Management Issues

5.2.1 ***The loss of rural character, the destruction of significant areas of indigenous vegetation and areas of significant habitat for fauna, the degradation of amenity values from development and activities and competing expectations of, and demands for, rural resources.***

The rural environment is highly valued for a variety of reasons. It has been highly modified by changes in land use and exhibits a range of characteristics. The valley floors are characterised by a patchwork of fields under pasture with farm and other buildings dotting the landscape. The hillsides are marked by more extensive pastureland, regenerating scrub, exotic forestry plantations and indigenous forest.

While the appearance of the rural environment is subject to considerable change and evolution, some characteristics remain constant. These are the open, expansive nature of the countryside with a relatively low density of buildings and with vegetation being the dominant feature. Open spaces, a key feature of rural character, serve to mitigate adverse effects which may be generated by farming, forestry and other activities commonly located in the rural environment. Loss of this open space through more intensive subdivision and subsequent residential development may create an environment in which the effects of rural activities are no longer acceptable.

The level of amenity in the rural area is important to the quality of life enjoyed by people living and working in the area and by visitors. Amenity values refer to those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The rural environment is characterised by important ecological values. These include significant areas of indigenous vegetation and areas of significant habitat for indigenous fauna. Such areas can be degraded or partially or totally destroyed by clearance, milling or pest and weed infestation. These issues are considered in greater detail in Chapter 12.

The rural area comprises natural and physical resources which are often the subject of competing demands and uses. For example, areas may have value to some as a residential environment, while to others the value may be as a recreational environment. Others still may value the productive or economic return from a land area, or recognise a particular cultural significance. Competing demands are greatest for flat land, which is suitable for a wide range of activities, from farming and business, to tourist and residential uses. Activities, such as outdoor recreation or rural lifestyle development can become an accepted part of the rural environment if they do not impact on rural amenity and character. A range of opportunities are therefore required to enable the community to make use of the rural land resource.

It is necessary to provide for both rural and non-rural activities while ensuring that rural character and amenity is maintained and enhanced, and natural ecosystems are protected.

5.2.2

The loss of the life supporting capacity of soil through inappropriate development and unsustainable land use practices.

Land and soil are the most important non-renewable resources in the City, and form part of the City's economic and social wellbeing. The productive potential of land relies on the ability of the soil resources to support the production of food, the growth of plantation timber and the sustenance of indigenous vegetation. Soil retention is important in maintaining the life-supporting capacity of land in the City as well as protecting water quality. The productivity of soils is also dependent on soil quality which results from the physical, chemical and organic elements that make up soil.

Unsustainable farming practices can deplete topsoil or break down the soil's fertile structure through inappropriate crops or contamination from agrichemicals. Erosion is less of an issue on the valley floor but could occur on sloping terrain.

Adverse effects from inappropriate land use and land disturbance affect not only the soils but may have implications for downstream areas. These off-site effects include impacts on streams, rivers, water quality, and flooding potential on adjacent land, as well as adverse effects on landscapes.

Subdivision, and subsequent development, can also affect the life supporting capacity of soils. They can be removed, compacted, covered, contaminated or otherwise damaged by development.

5.2.3 *Limited development opportunities in the Blue Mountains Area due to infrastructural and environmental constraints.*

Subdivision and development in the Blue Mountains Area is restricted due to constraints associated with land stability, drainage, existing lot sizes and roading and access. There is difficulty with sewage disposal due to poor soakage, as well as limited opportunities to draw groundwater. Blue Mountains Road requires major upgrading to accommodate further development and this may result in significant adverse environmental effects.

The Blue Mountains Area is separately identified in the Plan. Because of its physical constraints, development can only be contemplated where adverse effects can be adequately mitigated. The present capacity of Blue Mountains Road is a limiting factor in considering development proposals in the areas served by it.

5.3	Objectives
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5.3.1 *The maintenance and enhancement of the open spaces, natural features and ecological systems which comprise the rural character and amenity.*

Many natural features and amenity values comprise the rural character. The level of amenity in the rural area is important to the quality of life enjoyed by people living and working in the area or visiting it. In order to protect rural character and amenity, the rural environment is divided into three specific Sub-zones to reflect resource objectives and particular environmental considerations.

The Valley Floor Sub-zone is defined as the area largely used for productive agricultural purposes with a range of land holdings located primarily on the valley floor. It includes the Mangaroa, Whitemans and Kaitoke areas and parts of Akatarawa and Karapoti valleys. The Sub-zone provides for rural-orientated uses appropriate to this particular environment.

The Hill Sub-zone is the largest area within the rural environment. The Sub-zone comprises the hill areas surrounding the valley floor and many open space areas which are largely undeveloped and valued for their recreation, scenic, heritage, habitat, ecological, landscape and scientific values. This includes the Tararua Forest Park, the Wellington Regional Council water catchment areas, plantation forests and the Kaitoke Regional Park. These areas are used for both passive and active recreation. The Sub-zone also includes the Blue Mountains Area, although it has limited development potential.

The Lifestyle Sub-zone provides for low density rural-residential development and includes existing residential areas at Maclaren Street and Maymorn that were established during the construction of the Rimutaka Railway. The Lifestyle Sub-zone also includes the Mount Marua Structure Plan Area which provides for limited rural lifestyle development in accordance with the Mount Marua Structure Plan.

5.3.2 *The promotion of an environment within which soil, water and land resources are managed sustainably.*

The Rural Zone covers the non-urban areas of the City, ranging from relatively intensively developed areas through to more extensive land holdings.

The Rural Zone provides opportunities for rural-based activities to occur. The soil and the land base of the area represent a significant resource for the City. It is important that the ability of these resources to support life is not unduly undermined. It is not a sustainable use of the resource to allow the land to be degraded or used in a manner which will significantly limit the choices of future generations.

5.3.3 *To maintain and enhance the amenity values of the rural area.*

The level of amenity values in the rural area is important to people living, working and visiting in the area. The rural environment is however that of a working area, and the level of amenity differs from that which would be found in residentially zoned land.

5.4	Policies
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5.4.1 *To manage the adverse environmental effects arising from the scale, density, number and location of earthworks, new building developments and activities so that they do not significantly compromise rural character and landscape values.*

Buildings, structures and associated earthworks which are not in harmony with the rural landscape have the potential to adversely affect the appearance and rural character of the environment. Council seeks to maintain the natural elements which give the rural area its character. For this reason the District Plan seeks to limit the number of new buildings and structures by controlling the subdivision of rural land, limiting the intensity of residential and other activities, and by placing control on associated earthworks.

5.4.2 *To ensure that subdivision, development and land use within the Valley Floor and Hill Sub-zones minimise adverse effects on rural character, areas of significant indigenous flora or fauna, and amenity values.*

The Valley Floor Sub-zone is characterised by a range of land uses which generally retain the open farmland characteristics. The Valley Floor areas have a low level of building development. While there are some areas in which there are a number of structures, there is generally a high degree of separation between clusters of buildings.

The Hill Sub-zone comprises significant areas of both indigenous and exotic forest which will remain a dynamic environment as varying ages of forest are harvested and planted. It also contains small areas of pastoral farming and areas in various states of reversion to indigenous vegetation.

Maintaining larger site sizes in the Valley Floor and Hill Sub-zones will generally ensure that the rural character is not compromised by numerous clusters of buildings spread across the landscape. It also provides greater opportunities for significant natural features and areas of indigenous flora and fauna to be retained. Larger sites also assist in avoiding the creation of nuisances resulting from inadequate separation between new dwellings and existing activities. Retaining openness maintains a rural character which distinguishes the areas from the more densely settled urban environment. Further consideration is given to these matters in Chapter 12.

5.4.3 *To provide for rural lifestyle subdivision which maintains the rural character and amenity values and avoids, remedies or mitigates the effects of natural hazards.*

The presence of smaller sites in the Lifestyle Sub-zone provides the opportunity for a variety of residential and rural land uses in areas where change to the rural character may not be so marked. The pattern of development within the areas is much closer than in the other rural areas, with structures occurring at more regular intervals. Use of land in the Sub-zone is more varied.

Proposed sites within the Lifestyle Sub-zone shall be of a sufficient size to ensure that subsequent development provides for maintenance of rural character and amenities and is visually unobtrusive. The existence of potential natural hazards such as flooding and landslip need to be recognised and taken into account in any development proposals.

5.4.4 *To ensure that subdivision, development and land use within the Rural Hill Sub-zone minimise adverse effects on significant natural, ecological, scenic, visual, landscape, recreational and cultural values.*

The Hill Sub-zone contains some of the most scenic areas in the Wellington Region and provides significant recreational opportunities. The proximity to large urban areas increases the importance of preserving the landscape and natural values for the enjoyment of residents and visitors to these areas. Consequently, there are provisions for landscape and visual amenity in the District Plan. When assessing development proposals, particular regard will be given to avoiding adverse effects on areas with high visual amenity and features with special cultural significance.

It is intended to protect the Blue Mountains Area by restricting further subdivision and development in order to retain its rural character and amenity, and avoid potential environmental impacts. Within this area and nearby settlements, development is restricted due to environmental and infrastructural constraints, as properties are not connected to a common drainage disposal system or water supply. Roading access provides further development constraints. However, development can be contemplated when the effects on the environment and infrastructural resources can be adequately addressed. The specific controls which apply in the Blue Mountains Area are in addition to those applying in the Rural Hill Sub-zone.

5.4.5 *To ensure that activities which alter the contour of the land do not significantly affect rural character and amenity values, particularly where the land is visible from roads and public places.*

The altering of land contours by filling and excavation has the potential to permanently alter the appearance of the landscape. Such effects may not be limited to the areas actually disturbed, but may relate to the integrity of an adjacent or nearby feature. While there may be some circumstances where such effects are unavoidable, for example the construction or upgrading of a State Highway, or are a required aspect of land use and development, they need to be mitigated in areas of high public visibility.

5.4.6 *To ensure that essential services are able to be operated safely and efficiently.*

As their name suggests, essential services underpin human activity. Their ongoing operational and development needs require safeguarding in view of their strategic importance.

5.4.7 *To avoid, remedy or mitigate the adverse effects of activities on soil, water, land and other natural resources.*

The soils, water and land of the rural environment are finite in nature. Without them, life could not be supported. Food and fibre products could not be produced and indigenous flora and fauna would not be sustained. Council seeks to ensure that subdivision, development and land use do not significantly impair the life-supporting capacity of the rural environment's natural resources.

5.4.8 *To avoid or mitigate run-off, contamination and erosion of soil from subdivision and land development so as to sustain the life-supporting capacity of the soil.*

It is important to ensure that activities are managed in such a way as to avoid the depletion of resources. Subdivision and land development in areas prone to soil erosion can have an adverse effect on soil retention. The acceleration of erosion in such circumstances depletes the soil resource and can have adverse impacts on water quality and on vegetation in the margins of water bodies. The rural area can be used for a variety of activities as long as the potential effects of erosion and contamination are considered and addressed.

5.4.9 *To encourage new development of an urban nature to locate within the urban areas of the City.*

The edge of the urban area is defined by the interface with rural areas. Council generally intends to contain new urban development within the existing urban area. Intensive urban development generally has a detrimental impact on the life-supporting capacity of soils, water, land and other natural resources in the rural environment through removal, compaction, coverage and contamination associated with buildings, roads and discharges of waste to land and water. Urban expansion also leads to a radical transformation in the appearance of former rural areas and nullifies any open, vegetation dominated aspects of rural character. New residential development needs to be provided for in a sustainable manner. Accordingly, the Plan provides for new urban development in appropriate locations.

5.4.10 *To provide for limited development within the Blue Mountains Area which takes into account its environmentally sensitive nature.*

Development in the Blue Mountains Area is restricted due to land stability, drainage problems and roading and access difficulties, and the desire to restrict physical expansion in order to preserve the area's natural character and amenity values. There are also difficulties with sewage disposal in this area due to a lack of soakage and existing site sizes, as well as limited opportunities to draw groundwater.

Blue Mountains Road requires major upgrading to be able to accommodate significant further development and this could result in significant adverse environmental effects.

Subdivision in the Blue Mountains Area is a non-complying activity in order to deal with the infrastructural and servicing constraints, and the desire to maintain the natural character and amenity values. Subdivision proposals will be assessed on a case-by-case basis. While there will be circumstances where such effects are avoidable or readily able to be mitigated, development within the area is not encouraged due to environmental constraints. In addition, an integrated management approach is required with respect to the natural and physical resources within this area.

5.4.11 ***To limit the potential adverse effects of rural and non-rural activities on each other and on rural amenity values.***

The rural environment is generally more sensitive to certain environmental effects than the urban parts of the City. The rural area is generally perceived to be a relatively quiet, peaceful environment, although from time to time there are activities taking place such as harvesting and cultivation.

Rural zoned land provides opportunities for people to undertake a range of activities. Activities in and adjacent to the Rural Zone should be able to function without being unreasonably compromised by another activity.

5.4.12 ***To encourage building design, location and scale that complements the character of the surrounding area.***

The design and character of buildings within the rural area makes a significant contribution to its amenity. In seeking to maintain and enhance that amenity, it is appropriate to encourage good design.

5.4.13 ***To provide for limited development within the Mount Marua Structure Plan Area, which takes into account, the visual amenity and landscape character values of the land as well as the ecological values on the site, and avoids, remedies or mitigates the effects of uncontrolled stormwater run-off.***

5.5 Methods

5.5.1 District Plan provisions consisting of the following:

- Identification of areas which have different topography, character and amenity values as Sub-zones on the Planning Maps.
- Rules controlling setbacks, minimum site size, subdivision and building.
- Environmental standards to mitigate the potential adverse effects of activities on the rural environment.
- Financial contributions and conditions of resource consents to achieve amenity values, reserves, landscaping and infrastructural requirements.

5.5.2 Code of Practice for Civil Engineering Works.

5.5.3 Abatement notices and enforcement orders may be issued where it is necessary to enforce the Plan rules and mitigate any adverse effects.

5.5.4 Management Plans prepared under relevant legislation.

5.6 Anticipated environmental results and monitoring

The following results are expected to be achieved by the objectives, policies and methods of this Chapter. The means of monitoring whether this Plan achieves the anticipated environmental results are also set out below.

Anticipated environmental results	Monitoring indicators	Data source
Maintenance of the present levels of diversity and health of soils and ecosystems	Change in land cover and use	Aerial photos
	Numbers of resource consents and types of conditions imposed	Compliance monitoring
New buildings, development and activities which reflect rural character and amenity values	Change in density of subdivision patterns and built form	Aerial photos
	Complaints received about development	Monitoring of building and subdivision consents Complaints register

Anticipated environmental results	Monitoring indicators	Data source
Maintenance of rural amenity values	Changes in ambient noise levels Complaints about adverse environmental effects	Survey Complaints register
Restricted development in areas with environmentally sensitive characteristics and landscape values	Numbers and types of resource consents and conditions imposed Complaints received	Monitoring of consents Compliance monitoring Complaints register
Protection of natural landforms	Change in land cover and use Numbers and types of resource consents and conditions imposed	Aerial photos Compliance monitoring

19 RURAL ZONE RULES

Activities Tables

Policies 5.4.1, 5.4.2, 5.4.3, 5.4.9, 5.4.10, 9.4.4, 9.4.5, 9.4.10, 14.4.6, 16.4.7

19.1 Subdivision Activities	
Subdivision excluding unit title subdivision	
Subdivision which complies with the standards in rules 19.5 and 19.8 unless specified below	C
Subdivision which does not comply with the standards specified in rule 19.5	D
Subdivision which complies with the standards of rule 19.5 but not rule 19.8	RD
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling Note: this form of subdivision does not need to comply with the minimum net site area requirements of rule 19.5, but does need to comply with the access standards of rule 19.8	C
Subdivision around any existing lawfully established dwelling which does not result in the creation of any new undeveloped site that contains no dwelling, that does not comply with the access standards of rule 19.8	RD
Subdivision of land for utilities, reserves or conservation purposes	C
Subdivision of a site identified in Schedules 26.8 or 27.7	D
Subdivision in the Blue Mountains Area	NC
Creation of a lot that does not have formed legal access to a formed legal road, unless the proposal is for a paper road or other access to be formed as a condition of subdivision approval in accordance with the Code of Practice for Civil Engineering Works	NC
Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i>)	RD
Subdivision of a site within the Pinehaven Catchment Overlay	
Subdivision of a site within the Pinehaven Catchment Overlay	RD
Subdivision of a site within the Pinehaven Catchment Overlay that does not meet the standard of 19.24	NC
Subdivision in the Mangaroa Flood Hazard Extent	
Subdivision within the Ponding Area and Erosion Hazard Area of the Mangaroa Flood Hazard Extent, which results in any undeveloped lots that contain no dwelling or non-residential building.	RD

<p>Subdivision within the Ponding Area and Erosion Hazard Area of the Mangaroa Flood Hazard Extent which results in any undeveloped lots that contain no dwelling or non-residential building, where one or more of the following occurs;</p> <ul style="list-style-type: none"> • the proposed access is below the 1 in 100-year flood level; • proposed access is located within an Overflow Path; • proposed lots do not comply with standard 19.5. 	D
<p>Subdivision within the Mangaroa Flood Hazard Extent which results in any new undeveloped lots that contain no dwelling, where one or more of the following occurs;</p> <ul style="list-style-type: none"> • the proposed building platform is located within an Overflow Path or River Corridor; • access to the building platform is within a River Corridor 	NC
Updates of existing company lease and cross lease, and all unit title subdivision	
<p>Subdivision which is a unit title subdivision or an alteration to a company lease, unit title or cross lease title to include a building extension or alteration or accessory building on the site (excluding an additional dwelling) that has been lawfully established in terms of the Building Act 2004</p>	C
Advice note:	
<p>For any activity within the Stream/River Corridor, Overflow Path, Ponding Area or Erosion Hazard Area, applicants are advised to consult the Wellington Regional Council to determine if regional consent is also required.</p>	

Key	P	Permitted activity which complies with standards for permitted activities specified in the Plan
	C	Controlled activity which complies with standards for controlled activities specified in the Plan
	RD	Restricted discretionary activity
	D	Discretionary activity
	NC	Non complying activity

19.2 Land Use Activities	Rural Lifestyle	Rural Valley Floor	Rural Hill
Rural Activities			
Farming activities (unless otherwise specified in this table)	P	P	P
Intensive animal farming, including pig farming	NC	D	D
Forestry	P	P	P
Topsoil removal	D	D	D
Field based agricultural research and ancillary buildings and activities (including field days and open days) on the Kaitoke Agricultural Research Farm legally described as Pt DP 12431 Lot 2 DP 22844 & sec 41 Pt secs 1, 2, 29 Pakuratahi Dist Blk XV Akatarawa SD - Animal Research Farm Sec 1 SO 24123 Sec 43 SO 23658 - Animal Research Station, Sec 3 Pakuratahi Dist Blk XV Akatarawa SD.	-	P	-
Residential Activities			
One dwelling per site	P	P	P
One family flat in conjunction with a dwelling	P	P	P
Family flat which does not meet permitted or controlled activity standards	RD	RD	RD
Two or more dwellings on any one site	NC	NC	NC
Other Activities			
Home occupations incidental to residential activities carried out on the site	P	P	P
Home occupations, ancillary to residential activities carried out on the site, which do not meet permitted or controlled activity standards	RD	RD	RD
Visitor accommodation, other than as part of any home occupation	D	D	D
Veterinary clinics	D	P	P
Educational institutions and places of assembly	D	D	D
Community facilities	D	D	D

Land Use Activities	Rural Lifestyle	Rural Valley Floor	Rural Hill
Tourism facilities	D	D	D
Passive recreation activities	P	P	P
Active recreation activities	D	C	C
Removal of a building from a site	P	P	P
Establishment of a relocated building from another site	C	C	C
Buildings accessory to a permitted or controlled activity which do not comply with permitted or controlled activity standards	RD	RD	RD
Gang fortifications	Prohibited		
Buildings or structures within 12m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i>)	NC	NC	NC
Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps *(refer to the definition of <i>transmission line</i>)	RD	RD	RD
Activities listed as permitted or controlled which do not comply with the relevant standards in this chapter, except as specified below	D	D	D
Activities listed as permitted or controlled which do not comply with the access standards in 19.8	RD	RD	RD
Activities which are not listed in this Table unless otherwise covered in the City-wide provisions of the Plan	NC	NC	NC
Advice note:			
For any activity within the Stream/River Corridor, Overflow Path, Ponding Area or Erosion Hazard Area, applicants are advised to consult the Wellington Regional Council to determine if regional consent is also required.			

19.3

City-wide provisions

Each activity including subdivision in the Rural Zone shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan as listed below.

Chapter	City-wide provisions
8A	General Rules
23	Earthworks
24	Esplanade Reserves and Strips
25	Reserves and Leisure Facilities Contributions
26	Heritage Features
27	Notable Trees
27A	Urban Tree Groups and Removal of Indigenous Vegetation
28	Southern Hills Overlay Area and Protected Ridgelines
29	Water Bodies
30	Utilities
31	Car Parking
32	Noise and Vibration
33	Flooding and Fault Band Hazards
34	Hazardous Substances and Contaminated Land

19.4 Controlled activities – restrictions on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application for a controlled activity is precluded from public notification under section 95A and, subject to section 95B(3), is precluded from limited notification under section 95B(2) of the Act.

Standards for Permitted and Controlled Activities

19.5 Minimum requirements for subdivision

Policies 5.4.1, 5.4.9

Zone	Minimum net site area	Shape factor
Rural Lifestyle	1ha	50m
Rural Valley Floor	4ha	N/A
Rural Hill	20ha	N/A
Exemptions		
These standards shall not apply to any lot for utility, reserve or conservation purposes.		

19.6

Subdivision which complies with the standards in rule 19.5 and 19.8, and subdivision of land for utilities, reserves or conservation purposes

Policies 5.4.12, 9.4.3, 10.4.1

Council may impose conditions over the following matters:

- Design, appearance and layout of the subdivision.
- Landscaping.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access.
- Earthworks.
- Provision of esplanade reserves and strips.
- Protection of any special amenity feature.
- Financial contributions.
- In addition to the above, within the Mount Marua Structure Plan Area – consistency with the Mount Marua Structure Plan.

19.7

Subdivision which is a company lease, cross lease or unit title subdivision

Policies 9.4.3, 10.4.1

In addition to the matters listed in rule 19.6, Council may impose conditions over the following matters:

- Allocation of accessory units to principal units and covenant areas to leased areas to ensure compliance with car park provisions and to ensure practical physical access to units.
- Allocation of areas.

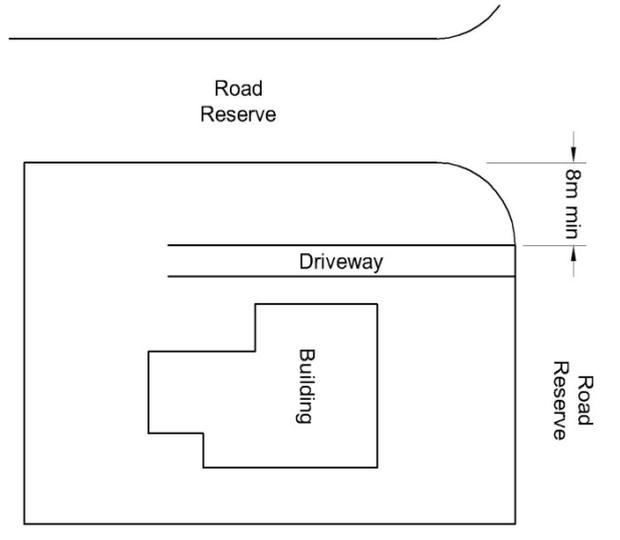
19.8

Access standards for subdivision and land use activities

Policies 5.4.6, 9.4.3

- Access to any allotment, including rear lots, shall be sited at least 20m, measured along the road carriageway, from any access on an adjoining lot, unless the two access provisions join the road carriageway at a common point.
- All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works. Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal.
- All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works. This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road.
- Vehicular access to a corner lot shall be located no closer than 8m from the street corner. Where a site is located on an

intersection of a primary or secondary arterial route (identified in Chapter 37), the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner lot) join, or in accordance with the diagram below.



- Where a corner site is located at an intersection of a national, primary or secondary arterial traffic route, as identified in Chapter 37, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.
- At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram A in Chapter 38.
- Subdivision and land use activities with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams B to E in Chapter 38.
- In addition to the above, access associated with subdivision and development within the Mount Marua Structure Plan Area shall comply with the Mount Marua Structure Plan.

19.9

Setbacks

Policies 5.4.1,
5.4.11

The setback distance for buildings from boundaries shall not be less than:

Rural Hill Sub-zone - all boundaries:	12m
Rural Valley Floor Sub-zone - all boundaries:	12m
Rural Lifestyle Sub-zone - front boundary:	8m
Rural Lifestyle Sub-zone - all other boundaries:	3m

Notes:

- Sites of less than 1500m² in all Rural Sub-zones shall comply with the setback standards of the Residential Conservation Sub-zone.
- New dwellings shall not be built within 10m of an existing forest.

Exemptions:

- Eaves, bay windows or similar features, may encroach into boundary setbacks by up to 0.7m.
- Non-enclosed and uncovered decks of 1.0m or less in height above ground level.

19.10

Building height

*Policies 5.4.1,
5.4.11, 5.4.12*

The maximum height of any building shall not exceed 8m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

19.11

Sunlight Access

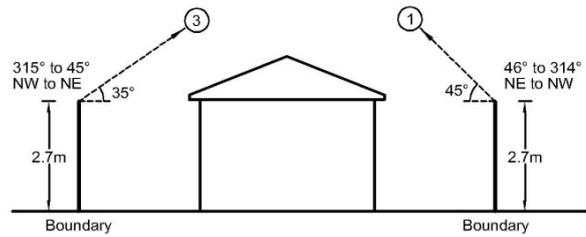
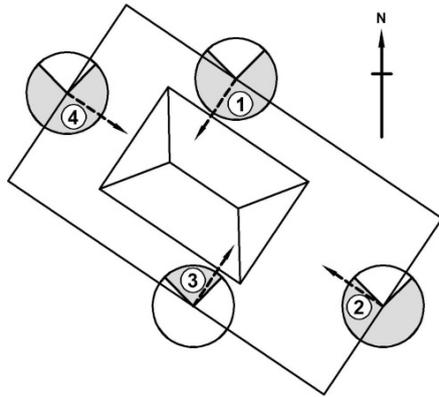
*Policies 4.4.4,
5.4.11, 5.4.12*

Height control planes apply to all buildings:

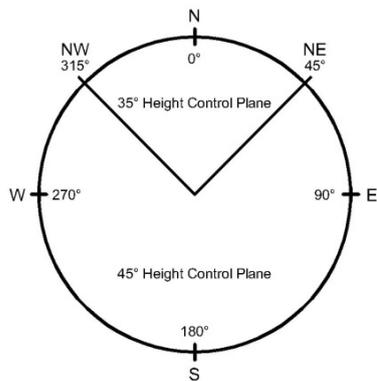
- Adjacent to a Residential Zone.
- On sites smaller than 1500m² in a Rural Zone.

Buildings shall be designed so that they fit within the height control planes defined below:

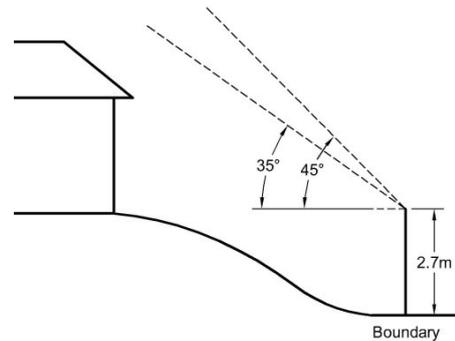
a) Height control planes in relation to site boundaries:



b) Determining which height control plane to use:



c) Application of height control planes to a sloping site:



Exemptions:

- Chimneys, flues, and minor decorative features may extend beyond the height control plane by up to 1m.
- The top of a dormer or gable, but not the eaves, may extend beyond the height control plane by up to 0.5 m provided that the aggregate length of all projections through the plane does not exceed 25% of the total building length.
- Where the boundary involved in the measurement of the height control plane adjoins an access strip or right-of-way to a rear lot, the outside boundary of such an access strip or right-of-way may be substituted for the nearest site boundary.

19.11A

New buildings within the Mount Marua Structure Plan Area

Policies

Building Height:

The maximum height of any building shall not exceed 6m.

Exemption:

Chimneys, flues and minor decorative features may exceed the maximum height by up to 1m.

Location:

Any new buildings shall be located within the identified building platforms as defined by the Mount Marua Structure Plan.

External Appearance:

All exterior building materials shall be finished in a recessive colour palette of greens, browns and greys with a reflective value of 40% or less.

Firefighting Water Supply:

Prior to occupation, all new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

19.12

Water supply, stormwater and wastewater

Policies 9.4.3, 13.4.1

All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works.

In addition to the above, within the Mount Marua Structure Plan Area, all activities shall comply with the Mount Marua Structure Plan.

19.13

Artificial light

Policies 5.4.1, 15.4.1

- Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m²) measured 1.5m above the ground at the boundary in both horizontal and vertical planes.
- Light emissions from a site shall not spill directly onto roads.
- Light emissions shall be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.

19.14

Forestry

Policies 5.4.2, 5.4.4, 5.4.7, 5.4.8, 5.4.11

- a) Forest owners and managers are expected to comply with the management and operational practices in the New Zealand Forest Code of Practice.
- b) There shall be a 10m non-millable buffer from any water body with a width greater than 1m.
- c) A buffer width of at least 10m is to be provided to any existing dwelling on another site.
- d) No less than 20 working days before harvesting any forest or section of a forest, the harvester shall submit a Forestry Harvesting Notice to the Council. This Notice shall contain the following information:
 - A description of the extent of the area to be harvested and the method of tree removal from the site.
 - The date of commencement and duration of the harvesting.
 - The expected volume of timber to be extracted.
 - The regularity of logging truck movements.
 - The roads proposed to be used for the cartage of timber or logs or machinery used in harvesting.
 - Appropriate measures to manage the adverse impacts of road use resulting from harvesting.

19.15

Home occupations ancillary to residential activities carried out on the site

Policies 5.4.11, 15.4.1

- At least one of the persons engaged in the home occupation shall live on the site as their principal place of residence.
- No more than three non-resident persons may be engaged in the home occupation at any one time.
- The repair or maintenance of vehicles or engines, other than those belonging to the residents, is not permitted.
- The site shall not be used as a depot for any heavy vehicle associated with a trade.
- Only goods produced or grown on the site may be sold from the site, provided that no retailing activity shall take place where access is to the State Highway.
- Homestay activities, where accommodation and meals are provided in a family type environment, are permitted provided the total number of persons accommodated on the site at any one time, including persons normally resident on the site, does not exceed twelve.
- Equipment used shall not interfere with radio and television reception.

19.16

Active recreation

Policy 5.4.11

Council may impose conditions on:

- Avoiding, remedying or mitigating adverse effects of the use on the locality.
- Traffic generation, car parking, access arrangements and on-site vehicle movements.
- Bulk, location, design and appearance of buildings.
- Hours of operation.
- Signage.
- Landscaping and screening.
- Servicing and infrastructure.
- Mitigation of noise effects.
- Financial contributions.

19.17

Relocated Buildings

Policy 5.4.12

Council may impose conditions on:

- a) Reinstatement works to the condition and appearance of the building relating to:
 - Works to the exterior fabric of the building to repair, replace or renovate damaged, defective or substandard elements;
 - Painting and/or cleaning of the exterior fabric of the building if necessary;
 - Cladding or other means of enclosing open subfloor areas below the building;
 - Alterations required to ensure that the reinstated exterior of any relocated building is not likely to detract from the amenity values of the surrounding area.
- b) The timeframe for the work to be completed;
- c) Landscaping, screening and boundary treatment;
- d) Execution of a performance bond to provide security for exterior reinstatement works required as a condition of resource consent.
- e) Provision of and effects on utilities and/or services.
- f) Standard, construction and layout of vehicular access.

Notes in respect of d):

- A bond is not mandatory. It will only be required when Council considers it necessary in view of the scale and/or nature of exterior reinstatement works required. The requirement for a bond and its value will be determined in the context of the building assessment report submitted at resource consent stage.
- The bond shall be executed at the time application is made for a building consent, and security shall be in the form of either money or a guarantee by an institution approved by Council as guarantor.
- The bond shall be cancelled upon completion of exterior reinstatement works required in the conditions of the resource consent. The verification method for completion of these works shall be the issuing of a full or interim Code Compliance Certificate as defined in the Building Act. In the event that conditions relating to exterior reinstatement works are not complied with, the bond may be used in whole or in part to complete the works.

Restricted Discretionary Activities

19.18

Subdivision which creates building platforms within 32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps

*Policies 16.4.1,
16.4.7*

In addition to the matters listed in rule 19.6, Council will restrict its discretion to, and may impose conditions on:

- The extent to which the subdivision design manages potential conflicts with existing lines by locating roads and reserves under the route of the line.
- The extent to which maintenance and inspections of transmission lines are affected including access.
- The extent to which potential adverse effects including risk or injury, property damage and visual impact are mitigated through the location of building platforms and landscaping.
- The outcome of any consultation with the affected utility operator.
- Separation distances between trees and conductors and the location and mature size of trees planted near the transmission lines.

- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- Measures necessary to avoid, remedy or mitigate the potential adverse effects of earthworks, dust generation and construction activities, including provision of appropriate separation distances, managing the risks to structural integrity, and safety risks associated with the use of mobile machinery.

Restriction of notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

19.19

Buildings or structures within 12-32m of high voltage (110kV or greater) electricity transmission lines as shown on the Planning Maps

Policy 16.4.7

Council will restrict its discretion to, and may impose conditions on:

- a) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- b) The location, height, scale, orientation and use of buildings and structures to ensure the following are addressed:
 - The risk to the structural integrity of the transmission line.
 - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
 - The risk of electrical hazards affecting public or individual safety, and risk of property damage.
 - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk.
 - Minimising the visual effects of the transmission line.
 - The outcome of any consultation with the affected utility operator.

Restriction on notification

Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

19.20

Subdivision and land use activities which do not comply with the access standards in 19.8

Policy 16.4.6

Council will restrict its discretion to, and may impose conditions on:

- The extent to which the activity will adversely affect traffic and pedestrian safety.
- The extent to which the activity will adversely affect the efficient functioning of the roading network.

For subdivision, Council's discretion is also restricted to the matters listed in rule 19.6.

19.21

Family flats which do not comply with the permitted activity standards

Policy 15.4.1

Council will restrict its discretion to, and may impose conditions on:

- Land tenure.
- Location.
- Provision of and effects on utilities and/or services
- Landscaping
- Setbacks and coverage.
- Height and sunlight access.
- Standard, construction and layout of vehicular access.
- Effects on character and amenity
- Financial contributions

19.22

Home occupations incidental to residential activities carried out on the site which do not meet permitted activity standards

*Policies 5.4.11,
15.4.1*

Council will restrict its discretion to, and may impose conditions on:

- External storage.
- The number of non-resident workers employed on the site.
- The creation of dust, light, noise, vibration or other nuisance.
- Appearance of buildings.
- Size, number of, location and appearance of signs.
- Car parking, traffic and pedestrian safety and the efficient functioning of the roading network.
- Financial contributions.

19.23

Buildings accessory to a permitted or controlled activity which do not meet permitted or controlled activity standards

*Policies 5.4.12,
15.4.1,*

Council will restrict its discretion to, and may impose conditions on:

- Height and sunlight access.
- Setbacks and coverage.
- Landscaping and screening.
- Provision of and effects on utilities and/or services.
- Standard, construction and layout of vehicular access, manoeuvring and traffic safety.
- Streetscape effects.
- Effects on rural character and amenity.
- Financial contributions.

19.24

Subdivision of a site within the Pinehaven Catchment Overlay.

Policy 9.4.10

Standards:

- Achieves hydraulic neutrality.
- Provision of a report by a suitably qualified and experienced person providing an assessment of the ability for the site to achieve hydraulic neutrality in accordance with the requirements of 1.8.11.
- Compliance with the standards of Rule 19.5.

Council will restrict its discretion to, and may impose conditions on:

- The matters contained in Rule 19.6.
- Ability for the subdivision and proposed design to ensure peak flow of stormwater discharge will be no greater than pre- subdivision levels and thus achieve hydraulic neutrality.
- The effect of the subdivision on the Pinehaven Flood Hazard Extent.
- Recommendations and mitigation measures of the hydraulic report.
- Consent notice restricting the future development of the lot to the design and recommendations of the hydraulic neutrality report.
- Matters addressing the standards for access under Rule 19.8 where any standards are not met.

19.25

*Policies 9.4.4, 9.4.5,
14.4.6*

Subdivision within the Ponding Area or Erosion Hazard Area of the Mangaroa Flood Hazard Extent which results in any undeveloped lots that contain no dwelling or non-residential building.

Standards:

- Where the proposed building platform is located within the Erosion Hazard Area, provision of a report by a suitably qualified and experienced person to determine the erosion risk is required in accordance with 1.8.10.
- Suitable future building platform area for the dwelling must be identified and must not be located within an Overflow Path or River Corridor.
- Access serving the building platform is above the 1 in 100-year flood level and does not cross an Overflow Path or River Corridor.
- Complies with the standards of Rule 19.5.

Council will restrict its discretion to, and may impose conditions on:

- The matters contained in Rule 19.6.
- The appropriateness of the proposed building platform in terms of area and location in relation to the flood hazard and/or erosion risk.
- Ability for a future dwelling to be constructed above the 1 in 100 year flood level.
- The effect of the future development of the building platform on the function of the floodplain.
- Consent notice restricting the future development to the identified platform.
- The suitability of the proposed access to the future building platform to facilitate access during a 1 in 100-year flood event and does not obstruct or divert floodwater flows within the Flood Hazard Extent.

Matters for Consideration

19.26

Matters that may be relevant in the consideration of any Discretionary or Non-Complying Activity resource consent may include the following:

Subdivision

- The requirements of section 106 of the Act.
- Whether the proposed allotments are capable of accommodating a range of activities in compliance with zone standards.
- Whether the subdivision compromises future subdivision potential of the land.
- The cumulative effect on existing infrastructure as a result of the proposed subdivision.
- The extent of compliance with Council's Code of Practice for Civil Engineering Works.
- Where located within the Mangaroa Flood Hazard Extent:
 - An assessment of the proposed access to the building platform to achieve suitable access during a 1 in 100-year flood event, and its effect on obstructing or diverting Overflow Paths or floodwater flows within the Flood Hazard Extent.
 - ability for the building platform to accommodate a future building with a finished floor level above the 1 in 100-year level.
 - suitability of the proposed lot areas to accommodate future activities.
 - Consent notice restricting the future development to the identified building platform area.
- In addition to the above, the extent to which any subdivision within the Mount Marua Structure Plan Area is consistent with the Mount Marua Structure Plan.

Access

- Accessibility for public transport, cyclists and pedestrians.
- Compliance with the Code of Practice for Civil Engineering Works.
- Whether the topography, size or shape of the site or the location of any natural or built feature(s) on the site or other requirements such as easements, rights-of-way or restrictive covenants impose constraints that make compliance impracticable.
- Whether the activities proposed will not generate a demand for servicing facilities.
- Whether suitable alternative provision for servicing can be made.
- Whether the nature of adjacent roads is such that the entry, exit and manoeuvring of vehicles can be conducted safely.
- In addition to the above, the extent to which any subdivision and/or development within the Mount Marua Structure Plan Area is consistent with the Mount Marua Structure Plan.

Intensive animal farming, including pig farming

- Whether amenities of the surrounding environment can be maintained.
- Whether the effluent from the site can be discharged appropriately.

Forestry

- The method and timing of the activity.
- The area to be cleared at any one time.
- Traffic and access considerations and financial contributions regarding these.
- Effects on the amenity of neighbouring residential properties.

Topsoil removal

- Whether the activity is to be the subject of a Management Plan to provide certainty as to the nature, timing and duration of ongoing activity, and a Rehabilitation Plan to show how the land will be restored to a state that respects the natural landform and ensures its long term sustainability for plant growth.
- The nature and extent of effects on visual amenity or on sites or features of ecological, cultural or heritage value.
- The nature and extent of effects on water bodies, including effects on water quality and the potential for flooding.
- The extent to which the activity causes or exacerbates soil erosion or compromises the versatility of the soil resource.
- Whether the activity includes measures to deal with the effects of wind blown soil and dust.
- The effects of vehicle movements to, from and within the site.
- Regard for the provisions of the Regional Soil Plan (including Appendix 3 'Guidelines for Topsoil Mining').
- The nature and effectiveness of measures to avoid, remedy or mitigate adverse effects.
- Noise.
- Financial contributions.

Active recreation

- The location, hours of operation and layout of facilities in relation to their noise effects on adjoining land uses.
- Access and parking.
- Timing and frequency of events.

Non-rural activities

- Whether the activity, buildings, structures or other works are of an appropriate scale having regard to the local landforms and the nature of the surrounding environment.
- Whether the amenities and the quality of the rural environment can be maintained.
- The potential impacts of noise, dust, glare, vibration, fumes, smoke, discharges or pollutants or the excavation or deposition of earth.
- Traffic effects and access to formed, sealed roads.
- Whether the site of any non-rural or residential use is appropriately located having regard to the scale of the building development proposed and the intensity of the activity. The Council will consider the extent to which any non-rural activity, building, dwelling or structure may hinder the continued operation of any lawfully established activity.
- The extent to which landscape character and ecological values will be maintained or enhanced.

Dwellings
<ul style="list-style-type: none"> • Provision for effluent treatment, disposal and water supply. • The necessity for the number of dwellings proposed. • Whether the form, scale and character of the new buildings are compatible with those of the buildings in the immediate vicinity of the site.
Scale, bulk, location and appearance of buildings
<ul style="list-style-type: none"> • Whether the building design, appearance, location and scale detrimentally affects the character of the surrounding area. • Whether a better standard of development can be achieved by varying the design, location or size of the buildings. • The arrangement of buildings, car parks and vehicle movements on site. • Whether the topography of the site has been taken into account. • <u>In addition to the above, the extent to which any development within the Mount Marua Structure Plan Area is consistent with the Mount Marua Structure Plan.</u>
Amenity values
<ul style="list-style-type: none"> • Whether the proposed activity will have more than minor effect on the amenity values of the area in which it is to be located.
Sunlight access
<ul style="list-style-type: none"> • Whether the building will adversely interfere with sunlight access or create adverse shading on surrounding sites. • Whether the topography of the site or the location of any built features on the site or other requirements, such as easements, impose constraints that make compliance impracticable.

23 RULES FOR EARTHWORKS

Activities Tables

Policies 9.4.1, 9.4.2, 9.4.6, 9.4.7, 9.4.8, 9.4.9, 12.4.8, 16.4.7

23.1 Earthworks	All Zones
Earthworks which meet the standards under rules 23.2 – 23.17	P
<p>Earthworks on a site identified in Schedule 26.8 or affecting a tree identified in Schedule 27.7 or 27A.14</p> <p>For the purposes of this rule, the following exclusion applies: Earthworks undertaken by a network utility operator affecting a tree identified in Schedule 27A.14 when undertaken in compliance with the rules of Chapters 27A.</p>	D
Earthworks which do not meet the standards under rules 23.2 – 23.17 unless specifically identified as a Discretionary or Non-Complying Activity.	RD
Earthworks within an area identified as Southern Hills Overlay Area which meet the standards under rules 23.2 to 23.13	P
Earthworks within an area identified as Southern Hills Overlay Area which do not meet any one or more of the standards under rules 23.2 to 23.11, but meet the standards under rules 23.12 and 23.13	RD
Earthworks within an area identified as Southern Hills Overlay Area which do not meet any one or more of the standards under rules 23.2 to 23.13	D
Earthworks within the Pinehaven Flood Hazard Extent	
Earthworks within the ponding area of the Pinehaven Flood Hazard Extent which are directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, and are less than 20m ² in area.	P
Earthworks associated with the flood mitigation works within the Pinehaven Flood Hazard Extent.	P
Earthworks associated with the maintenance, upgrade or installation of network utilities within the Ponding Area, Overflow Path or Stream Corridor of the Pinehaven Flood Hazard Extent where earthworks are located within the legal road reserve and complies with standards under Rule 23.17.	P
All earthworks not associated with permitted building extensions (up to 20m ²) or flood mitigation works within the Ponding Area of the Pinehaven Flood Hazard Extent.	RD

Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works and network utilities that area otherwise provided for as permitted activities), which are within the Overflow Path or Stream Corridor.	NC
Earthworks within the Mangaroa Flood Hazard Area	
Earthworks within the Ponding Area of the Mangaroa Flood Hazard Extent, except in the Residential Zone, are a Permitted Activity where the proposal complies with the relevant zone standards for Permitted Activities	P
Earthworks associated with flood mitigation works within the Mangaroa Flood Hazard Extent	P
Earthworks associated with the maintenance, upgrade or installation of network utilities within the Overflow Path or River Corridor of the Mangaroa Flood Hazard Extent where earthworks are located within the legal road reserve, and complies with the standards under Rule 23.17.	P
Earthworks within the Ponding Area (excluding the Erosion Hazard Area) of the Mangaroa Flood Hazard Extent where one of the following applies; <ul style="list-style-type: none"> the proposal does not meet the Permitted Activity earthworks standards for the relevant zone, or the proposal is within the Residential Zone; 	RD
Earthworks within the Erosion Hazard Area of the Mangaroa Flood Hazard Extent.	RD
Earthworks within an Overflow Path of the Mangaroa Flood Hazard Extent (excluding those associated with network utilities that are otherwise provided for as a Permitted Activity).	D
Earthworks within the River Corridor of the Mangaroa Flood Hazard Extent (excluding those associated with network utilities that are otherwise provided for as a Permitted Activity).	NC
Note:	
For the purposes of this Plan, earthworks are defined as: <i>‘the removal, relocation or depositing of soil, earth or rock from, to or within a site, including quarrying or mining and the deposition of cleanfill, but excluding land disturbance resulting exclusively from domestic gardening and planting, cropping or drainage of land in connection with farming and forestry operations’.</i>	
Advice note:	
For any activity within the Stream/River Corridor, Overflow Path, Ponding Area or Erosion Hazard Area, applicants are advised to consult the Wellington Regional Council to determine if regional consent is also required.	

Key	P Permitted activity which complies with standards for permitted activities specified in the Plan
	RD Restricted discretionary activity
	D Discretionary activity
	NC Non-complying activity

Standards for Permitted Activities

Earthworks

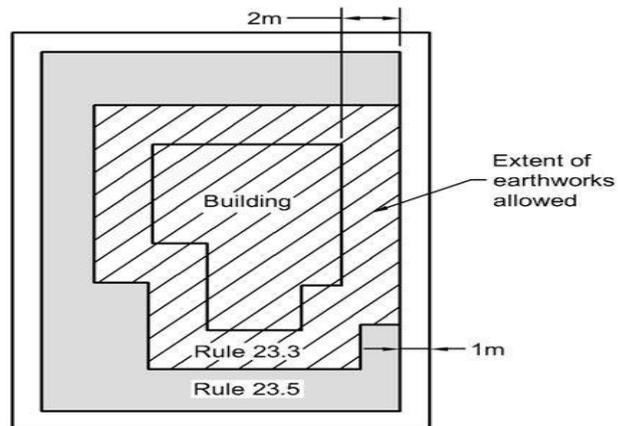
23.2

Policies 9.4.1, 9.4.2

In the Residential, Business and Special Activity Zones, existing ground level shall not be altered by cutting by a vertical height of more than 1.5m, or filling by a vertical height of more than 0.5m.

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 2) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.



23.3

Policies 9.4.1, 9.4.2

In the Open Space and Rural Zones, existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.

Exemption:

The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Chapter 2) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

23.4

*Policies 9.4.1,
9.4.2*

The physical extent of earthworks shall not exceed 150m² in surface area on any one site within any continuous 12 month period.

Exemption:

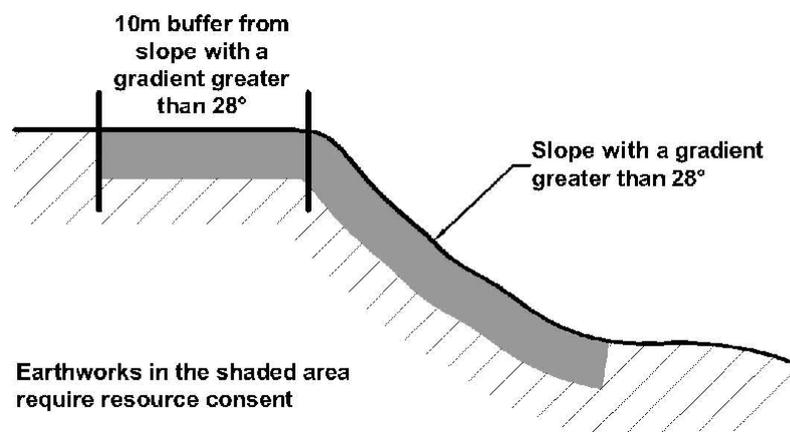
In the Residential, Business, Special Activity and Rural Zones, earthworks exceeding the foundations of a specific building by more than 2 metres are exempt from the 150m² surface area limit provided that the earthworks beyond the 2 metre foundation line of a building:

- do not exceed a vertical cut height of 1.5m or a vertical fill height of 0.5m; and
- do not go closer than 1 metre to any boundary; and
- comply with an earthworks plane (as defined in Chapter 2) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.

23.5

*Policies 9.4.1,
9.4.2*

Earthworks shall not be undertaken on erosion prone land, identified as land with a gradient steeper than 28 degrees, or within 10m of a downhill slope with a gradient steeper than 28 degrees (see diagram below).



23.6

Earthworks shall not be undertaken within 10m of any water body (measured from the bank of the water body), or within the 1 in 100 year

*Policies 9.4.1,
9.4.2*

flood extent of the Hutt River (as defined on the Planning Maps).

23.7

*Policies 9.4.1,
9.4.2*

Sediment retention and run-off controls shall be implemented to ensure there is no contamination of natural water by sediment.

23.8

*Policies 9.4.1,
9.4.2*

Earthworks which are not being worked for three months or more, shall be hydroseeded or sown in order to achieve ground cover.

23.9

*Policies 9.4.1,
9.4.2*

Earthworks shall be undertaken in accordance with the relevant provisions of the Code of Practice for Civil Engineering Works.

Exemption:

The above standards shall not apply to earthworks for flood mitigation purposes undertaken or approved by a local authority.

23.10

*Policies 9.4.1,
9.4.2*

Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.

23.11

Policy 16.4.7

Within 12m of high voltage (110kV or greater) electricity transmission lines, earthworks shall not be undertaken that:

- a) Are at a depth greater than 300mm within 6m of the outer visible edge of a tower support structure; or
- b) Are at a depth greater than 3m between 6m and 12m of the outer visible edge of a tower support structure; or
- c) Create an unstable batter; or
- d) Result in a reduction of the existing conductor clearance distances.

Exemptions:

- The above standard shall not apply to earthworks undertaken by utility operators.
- The above standard shall not apply to normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

Restriction on notification

Subject to sections 95A(2)(b), 95A(2)(c), 94A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.

Earthworks within an area identified as Southern Hills Overlay Area

23.12

*Policy 9.4.1,
9.4.2 & 12.4.8*

Within an area identified as Southern Hills Overlay Area, existing ground level shall not be altered by cutting or filling by a vertical height of more than 2.5m.

23.13

*Policy 9.4.1,
9.4.2 & 12.4.8*

Within an area identified as Southern Hills Overlay Area, the physical extent of earthworks shall not exceed 300m² in surface area on any one site within any continuous 12 month period.

23.14

Policy 9.4.9

Earthworks associated with flood mitigation works within the Pinehaven or Mangaroa Flood Hazard Extents.

Must be undertaken by Greater Wellington Regional Council, Upper Hutt City Council or their nominated contractor and be for the express purpose of mitigating the identified flood hazard and, where applicable, achieving the design and objectives of the relevant floodplain mitigation plan.

23.15

*Policies 9.4.7,
9.4.8*

Within the ponding area of the Pinehaven Flood Hazard Extent, earthworks directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, are a permitted activity provided they are 20m² or less in area providing they comply with the following standards;

- Earthworks must be directly associated with the building platform of the proposed extension or alteration or new accessory building provided for as a permitted activity under Rule 33.2, and,
- The earthworks cannot exceed 20m² in area; and,
- The earthworks must not be within the Stream Corridor or an Overflow Path.

23.16

*Policy 9.4.6,
9.4.7, 9.4.8*

Earthworks within the Ponding Area of the Mangaroa Flood Hazard Extent, except in the Residential Zone, where the proposal complies with the relevant zone standards for Permitted Activities.

The earthworks are required to comply with the following standards:

- Must not be within the Erosion Hazard Area, River Corridor or Overflow Path; and;

- Must not be located in a Residential Zone; and,
- Complies with the relevant earthworks zone standards for Permitted Activities.

23.17

*Policy 9.4.6,
9.4.7, 9.4.8,
16.4.18*

Earthworks associated with the maintenance, upgrade or installation of network utilities within the identified Pinehaven and Mangaroo Flood Hazard Extents where earthworks are located within the legal road reserve;

Standards

- Ground levels are reinstated to those existing prior to the works; or,
- Earthworks are associated with the installation of underground utilities using directional drilling or thrusting techniques.

Restricted Discretionary Activity

23.18

*Policies 9.4.1,
9.4.2, 16.4.7*

Earthworks which do not meet the standards under rules 23.2 – 23.11

Council will restrict its discretion to, and may impose conditions on:

- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.
- In addition to the above, within the Mount Marua Structure Plan Area, consistency with the Mont Marua Structure Plan.

23.19

*Policies 9.4.1,
9.4.2, 12.4.8*

Earthworks within an area identified as Southern Hills Overlay Area which do not meet the standards under rules 23.2- 23.11, but meet the standards under rules 23.12 and 23.13

Council will restrict its discretion to, and may impose conditions on:

- Avoiding, remedying or mitigating effects relating to the standard in question.
- Effects on visual values.
- Effects on landscape values.
- Effects on ecological values.
- Measures to avoid, remedy or mitigate potential adverse effects.
- In addition to the above, within the Mount Marua Structure Plan Area, consistency with the Mont Marua Structure Plan.

23.20

Policies 9.4.2, 9.4.6,
9.4.7, 9.4.8

All earthworks not associated with permitted building extensions (up to 20m²) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent

Standard:

- Must not be within the Stream Corridor or an Overflow Path.

Council will restrict its discretion to, and may impose conditions on:

- Height of cut or fill and area of earthworks above ground level.
- Earthworks stability.
- Erosion and sediment control.
- Effect on the flooding risk to people and property.
- Permanent surface treatment of earthwork area.
- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

23.21

Policies 9.4.6,
9.4.7, 9.4.8

Earthworks within the Ponding Area (excluding the Erosion Hazard Area) of the Mangaroa Flood Hazard Extent where one of the following applies;

- **the proposal does not meet the Permitted Activity earthworks standards for the relevant zone, or**
- **the proposal is within the Residential Zone;**

Standards:

- Must not be within the Erosion Hazard Area, an Overflow Path or the River Corridor.

Council will restrict its discretion to, and may impose conditions on:

- Height of cut or fill and area of earthworks above ground level.
- Earthworks stability.
- Erosion and sediment control.
- Effect on the flood risk to people and property.
- Permanent surface treatment of earthwork area.
- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

23.22

Earthworks within the Erosion Hazard Area of the Mangaroa Flood Hazard Extent are a Restricted Discretionary Activity in all zones.

Policies 9.4.6, 9.4.7, 9.4.8

Standards:

- Where the proposal is located within the Erosion Hazard Area, provision of a report by a suitability qualified and experienced person to determine the erosion risk is required in accordance with the requirements of 1.8.10;
- Must not be within the River Corridor or an Overflow Path (but includes ponding areas within the Erosion Hazard Area).

Council will restrict its discretion to, and may impose conditions on:

- Effect on slope stability and appropriateness of the works based on the provided report required by 1.8.10
- Height of cut or fill and area of earthworks above ground level
- Erosion and sediment control
- Effect on the flood risk to people and property
- Permanent surface treatment of earthwork area

Matters for Consideration

23.23

Matters that may be relevant in the consideration of any resource consent may include the following:

Earthworks
<ul style="list-style-type: none"> • The extent to which any cut or fill will remove existing vegetation, alter existing landforms, affect water quality, cause or contribute to land instability, soil erosion or affect existing natural features, such as water bodies. • The effect of any cut or fill on any stands of important indigenous vegetation, or sites, buildings or places of scientific, cultural or heritage value. • The extent to which any cut or fill can be restored or treated to resemble natural landforms. • The extent to which the proposed earthworks will impact on prominent or visually sensitive features, such as ridgelines, escarpments, water bodies, or high visual and/or landscape value areas identified within the Southern Hills Overlay Area. • The proposed methods and timing to avoid, remedy or mitigate potential adverse effects including rehabilitation, re-contouring and re-vegetation or retention of existing vegetation. • The necessity for carrying out the work, and extent to which the earthworks are required. • Whether the earthworks proposed increase or decrease flood hazards. • The time period when the soil will be exposed. • Traffic movements. • Noise. • Dust.

- The findings of any assessment prepared by a suitably qualified expert ecologist or landscape planner, either commissioned by Council or accompanying a resource consent application.
- The Southern Hills Environmental Management Study prepared for Upper Hutt City Council by Boffa Miskell Ltd July 2008
- Effect on the diversion or obstruction of flood waters in the Overflow Path and Stream/River corridors and proposed measures to mitigate the effect on the function of the floodplain.
- Effect of the flood risk to people and property.
- In addition to the above, within the Mount Marua Structure Plan Area, consistency with the Mount Marua Structure Plan.

28	RULES FOR SOUTHERN HILLS OVERLAY AREA AND PROTECTED RIDGELINES
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Activity Table

Policies 12.4.6 –12.4.8, 15.4.1, 16.4.12

Protected Ridgelines		
28.1	Activity	All Zones
	Any building or structure or new aboveground network utility, otherwise permitted, located on a site subject to a protected ridgeline (identified on the Planning Maps) which complies with the standard specified in rule 28.4	P
	Any building or structure or new aboveground network utility (excluding minor above ground lines), otherwise permitted which does not comply with the standard specified in rule 28.4	RD

Southern Hills Overlay Area		
28.2	Activity	All Zones
	Subdivision, otherwise controlled under the underlying zone, within an area identified as Southern Hills Overlay Area	RD
	Subdivision, otherwise restricted discretionary or discretionary under the underlying zone, within an area identified as Southern Hills Overlay Area	D
	Subdivision, otherwise non-complying under the underlying zone within the Southern Hills Overlay Area	NC
	Accessory buildings, otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area (see definition of “accessory building” for limitations on size and floor area)	P
	Any building or structure or new aboveground network utility (excluding accessory buildings and minor above ground lines), otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area	RD
	Any building or structure or new aboveground network utility (including accessory buildings), otherwise controlled or restricted discretionary under the underlying zone, located within an area identified as Southern Hills Overlay Area	D
	Any building or structure or new aboveground network utility, otherwise non-complying under the underlying zone, located within an area identified as Southern Hills Overlay Area	NC

Key	P Permitted activity which complies with standards for permitted activities specified in the Plan
	RD Restricted discretionary activity
	D Discretionary activity
	NC Non complying activity

28.3 City-wide provisions

Each building, structure, new aboveground network utility or subdivision located within an area identified as Southern Hills Overlay Area shall comply with the relevant permitted activity standards in the City-wide provisions of the Plan.

Standard for Permitted Activities

28.4 Buildings or structures or new aboveground network utilities located on a site subject to a protected ridgeline

*Policy 12.4.6,
16.4.12*

Any building or structure or new aboveground network utility is to be located and designed so as not to project through the protected ridgelines identified on the Planning Maps, as viewed from any point on State Highway 2.

Restricted Discretionary Activities

28.5 Any activity located on a site subject to a protected ridgeline (identified on the Planning Maps) which does not comply with the standard specified in rule 28.4

*Policy 12.4.6,
16.4.12*

Council will restrict its discretion to, and may impose conditions on:

- The extent to which any building, structure, or new aboveground network utility is visually obtrusive.
- Design, appearance, scale and siting of the building or structure.
- Materials used (including their colour, texture and reflectivity).
- Landscaping, planting and screening.
- Access arrangements.

28.6 Subdivision, otherwise controlled under the underlying zone, within an area identified as Southern Hills Overlay Area

Policies 9.4.1, 9.4.3

Council will restrict its discretion to, and may impose conditions on:

- The standards for permitted and controlled activities in the underlying zone.
- The design and layout of the subdivision.
- Effects on visual values.
- Effects on landscape values.
- Effects on ecological values.
- Measures to avoid, remedy or mitigate potential adverse effects.
- In addition to the above, for the Mount Marua Structure Plan Area, compliance with the Mount Marua Structure Plan.

28.7 Any building or structure or new aboveground network utility (excluding accessory buildings), otherwise permitted under the underlying zone, located within an area identified as Southern Hills Overlay Area

Policies 12.4.8, 15.4.1, 16.4.12

Council will restrict its discretion to, and may impose conditions on:

- Design, appearance, scale and siting of the building, structure, or new aboveground network utility.
- Effects on visual values.
- Effects on landscape values.
- Effects on ecological values.
- Measures to avoid, remedy or mitigate potential adverse effects.
- In addition to the above, for the Mount Marua Structure Plan Area, compliance with the Mount Marua Structure Plan.

Matters for Consideration

28.8 Matters that may be relevant in the consideration of any resource consent may include the following:

Southern Hills Overlay Area

- Matters for consideration within 18.35 of the Residential Zone, 19.28 of the Rural Zone, 21.41 of the Open Space Zone, and 22.31 of the Special Activity Zone.
- Compliance with the relevant standards of the underlying zoning of the site.
- The extent to which any natural feature will be retained or enhanced by the development of anticipated consequential development(s).
- The ability of affected natural features to absorb the overall development impact, including the extent to which any natural feature, and/or intrinsic value will be disturbed or modified as a result of the development or anticipated consequential development(s).
- The suitability of any proposed mitigation mechanisms in avoiding, remedying or mitigating adverse visual or landscape effects on the development or anticipated consequential development(s) on any natural or amenity values, including screening through plantings or the reinstatement of any previous plantings.
- The suitability of any proposed mitigation mechanisms in avoiding, remedying or mitigating adverse effects of the development or anticipated consequential development(s) on any ecological values.
- The suitability of the site for the proposed development and anticipated consequential development(s), including the extent to which alternative sites or locations have been considered.
- In respect of the proposed location of any new residential building or network utility, the extent to which other viable alternatives are available within the application site, and the effectiveness of the proposed location compared to any identified alternatives.
- The suitability of the site in relation to natural science factors including geological, topographical, ecological and dynamic components.
- The effects of the activity on the ecological, intrinsic, cultural or amenity values of the area.
- The effectiveness of any existing or proposed protection or enhancement mechanisms.
- The significance of the affected indigenous vegetation or habitat of indigenous fauna, in terms of the following generic criteria:
 - Representativeness: i.e. contains or supports an ecosystem that is unrepresented, uncommon or unique.
 - Rarity: i.e. contains or supports threatened ecosystems, threatened species, or endemic species.
 - Diversity: i.e. contains or supports diverse ecosystems, species, vegetation.
 - Distinctiveness: i.e. its natural state, significance as a habitat.
 - Continuity: i.e. role as an ecological buffer area or corridor.
- In addition to the above, for the Mount Marua Structure Plan Area, compliance with the Mount Marua Structure Plan.

Protected Ridgelines

- The extent to which any building or structure is visually obtrusive.
- Design, appearance, scale and siting of the building or structure.
- Materials used (including their colour, texture and reflectivity).
- Landscaping, planting and screening.
- Access arrangements.

40

MOUNT MARUA STRUCTURE PLAN

1 INTENTIONS & ANTICIPATED OUTCOMES

The Mount Marua Structure Plan applies exclusively to the 22.31 ha site legally described as Lot 101 DP 523671, as indicated on the Structure Plan Map contained in Section 4 below.

Intentions

- Rural-lifestyle development density, which makes efficient use of the land resource in this location, is compatible with other existing lifestyle areas along Mount Marua Drive and Stroma Way and wider areas of the Southern Hills.
- Development supports a built form which is respectful of the site's setting and character, the site's native vegetation and its naturally undulating landscape, and its contribution as a visual backdrop for the urban area.
- Best-practise engineering methods are adopted to ensure land stability is not compromised by earthworks, construction of buildings, or uncontrolled stormwater run-off.

Outcomes

- Earthworks to form access and building platforms are undertaken in a manner that avoids any confirmed Significant Natural Areas on the site and is sympathetic to the natural landform and the ridgeline.
- Dwellings are located within identified building platform areas, as defined on the Mount Marua Structure Plan Map, which ensures the elevations of buildings are not visually prominent or dominating of the skyline.
- Height controls and external colour schemes of buildings respect the high visual amenity value of the site.
- Confirmed Significant Natural Areas on the site are protected and existing vegetation outside of the identified building platform and access areas, as defined on the Mount Marua Structure Plan Map, is retained in a natural state.
- Native landscaping is undertaken, consistent with the Mount Marua Landscape Masterplan, following completion of building platform establishment and around constructed dwellings and earthworked areas.
- Stormwater is appropriately dealt with on-site to manage the impact of the built environment on the physical characteristics of the natural landform and the receiving environment.
- Appropriate access and servicing connections are made to Stroma Way.

2 PURPOSE AND PRINCIPLES

The following provisions apply to the Mount Marua Structure Plan Area.

Any resource consent application for subdivision or development within this area shall provide information to sufficiently give effect to these principles. Where one or more of these principles needs to be adhered to on an on-going basis, Council may elect to impose Consent Notice conditions on the titles of new allotments created, pursuant to Section 221 of the Resource Management Act.

2.1 Earthworks and Sediment Control Principles

- Earthworks within the Mount Marua Structure Plan Area will be undertaken over undulating topography and limited to those necessary to facilitate the access and building platforms defined on the Mount Marua Structure Plan Map.
- The main access route will follow the existing access track.
- Earthworks are designed and undertaken in accordance with best practice to maintain slope stability, avoid erosion, and control stormwater run-off.
- Earthworks are undertaken in accordance with New Zealand Standard 4431:1989.
- Subgrade preparation shall comprise the removal of all vegetation and unsuitable soils including topsoil and any weak compressible soils.
- All subgrade soil is approved by a suitably qualified engineer. The subgrade footprint shall be benched so that the fill can be keyed into natural ground for the purpose of enhancing stability of any filling.
- Subsoil drainage comprises the construction of a subsoil drain and drainage blanket as appropriate to tap into any areas of seepage. Subsoil drains should discharge all collected water into an approved source.
- Fill soils are brought to the best practical water content and compacted in thin layers not exceeding 300 mm loose thickness using specific compaction machinery.
- During construction, all stormwater from any earthworked surface to be channelled and not allowed to discharge onto the site or any sloping ground below in an uncontrolled manner.
- Diversion of stormwater away from any earthworks and control of discharge over the sloping ground below the site to mitigate erosion and control silt runoff to be undertaken in accordance with Wellington Regional Council's "Erosion and Sediment Control Guidelines" (2006). This may comprise the construction of perimeter bunds, silt fences, and cut-off drains.
- After construction, all stormwater from any roof, paved area or impermeable surface is collected, and not allowed to discharge down over sloping ground in an uncontrolled manner.

2.2 Ecology, Landscape and Visual Impact Principles

- Existing vegetation providing ecological, landscape or visual benefit is retained. A revised landscape management plan will be provided at the time of subdivision and is subject to approval by Council. The revised landscape management plan will:
 - Identify the confirmed extent of Significant Natural Areas on the site and introduce measures for the ongoing protection of these identified Significant Natural Areas, and
 - If required, demonstrate suitable alternatives to the current Landscape Masterplan, which achieve an equivalent long-term green backdrop.
- Native planting shall be undertaken to provide visual backdrop to dwellings, rehabilitate cut or fill batters, and to filter views of accesses, consistent with the Landscape Masterplan.
- Additional 'backdrop' planting areas shall be implemented if and where required to ensure the development remains unobtrusive and any potential effects of development on the identified ridgeline are avoided.
- Existing stands of pine and kanuka and other regenerating native vegetation as indicated on the Landscape Masterplan and located outside of building platforms and accessways, are managed to retain visual screening and a green backdrop to the valley floor.

- Prior to construction of access routes and building platforms identified within the Mount Marua Structure Plan Map, the limits of vegetation clearance are clearly identified 'on the ground' in order to be consistent with the Structure Plan Map and Landscape Masterplan, and to prevent vehicle access and unintended vegetation clearance or damage.
- Earthworks shall be undertaken as indicated on the Structure Plan Map.
- Building platforms are sited as indicated on the Structure Plan Map, with sufficient separation between them and surrounding properties to ensure built forms are not visually obtrusive.
- Buildings shall be single-storey and have a maximum height of 6m above finished building platform levels.
- Exterior cladding shall have a recessive colour palette of greens, browns and greys with a reflectivity value of 40% or less so that the built environment maintains a low profile and is well integrated into the surrounding landform and vegetation.
- All cut and fill batters associated with the creation of access and building platforms as indicated on the Structure Plan Map shall be formed at a gradient no steeper than 1:2 to enable remediation with planting once completed.
- Any retaining associated with building platforms and access routes shall be minimised, and otherwise located below the height, and to the rear, of future dwellings to minimise the visual presence of these.

2.3 Stormwater and Natural Hazards Principles

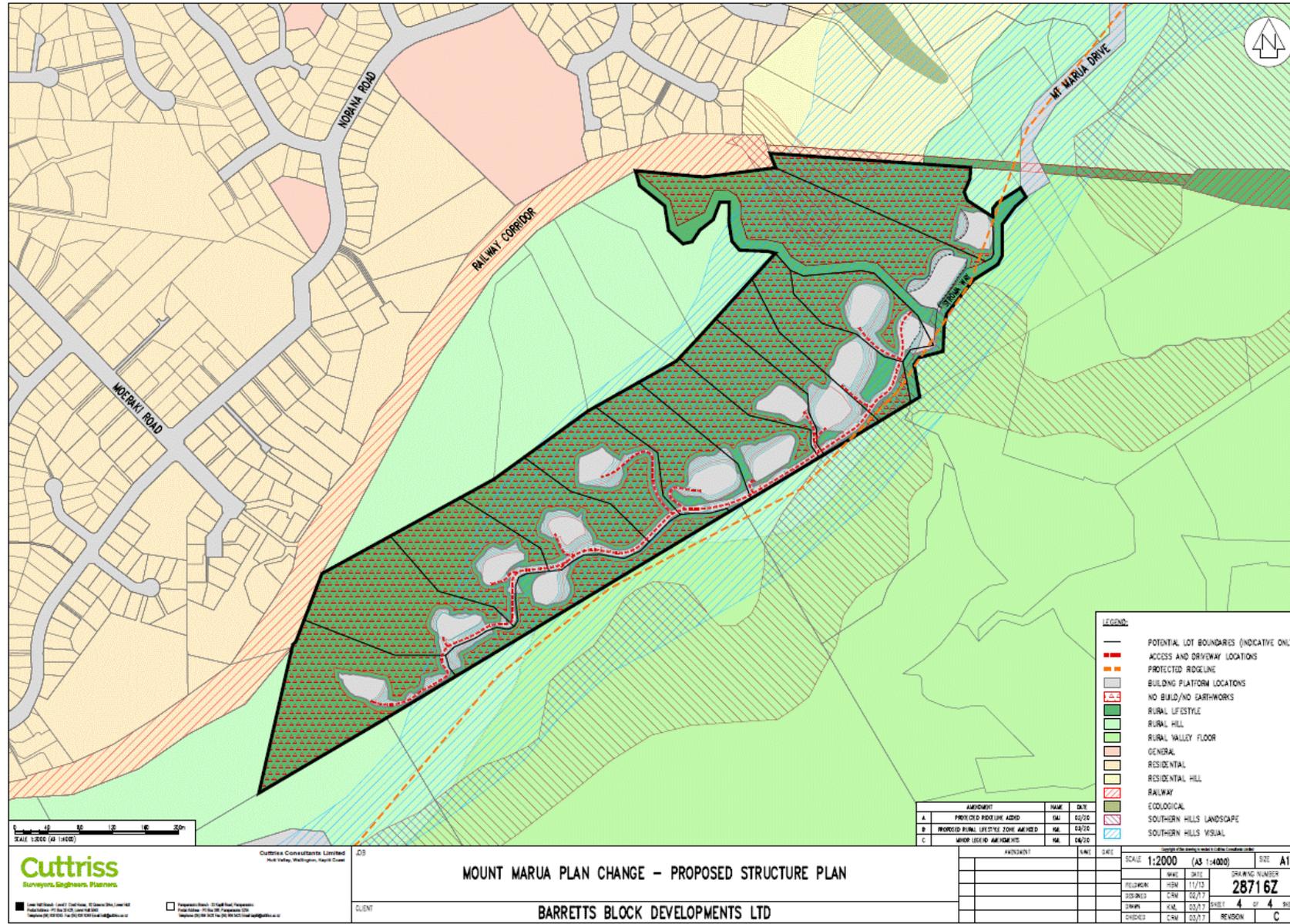
Access routes

- The main access route is graded and constructed with kerb and channel to collect and direct stormwater runoff away from sloping ground, to avoid erosion.
- Stormwater runoff once collected, is controlled, piped and discharged to the beds of established natural watercourses within the gullies on-site with suitable retentions, energy dissipation and anti-scouring measures implemented to ensure that the rate of discharge is controlled to pre-development levels, preventing erosion at the discharge points, in accordance with best practise, Council's Code of Practice for Civil Engineering Works, and through Greater Wellington Regional Council requirements. Retention devices may include rainwater tanks, swales, retention ponds and any other appropriate detention devices approved by Council.

Individual allotments

- Stormwater neutrality is achieved through on-site attenuation prior to discharge. Any application for subdivision or development shall demonstrate that post-development stormwater discharge flow rates do not exceed pre-development flow rates.
- Attenuation measures to control discharge rates could include:
 - Laying over-sized stormwater pipes with smaller diameter outlets.
 - Installing additional stormwater storage tanks with suitably sized outlet pipes.
- Excess stormwater runoff from individual house roofs or from private driveways is collected, controlled and piped to discharge to natural gullies on-site, with suitable energy dissipation and anti-scouring measures to ensure that the volume and rate of discharge is controlled to pre-development levels to prevent erosion at the discharge points, in accordance with best practise, Council's Code of Practice for Civil Engineering Works, and through Greater Wellington Regional Council requirements. Retention devices may include rainwater tanks, swales, retention ponds and any other appropriate detention devices approved by Council.

3. MOUNT MARUA STRUCTURE PLAN MAP



4. MOUNT MARUA STRUCTURE PLAN - LANDSCAPE MASTERPLAN

