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**PROPOSED DISTRICT PLAN CHANGE 10 - OFFICERS REPORT AND
RECOMMENDATIONS**

Purpose of Report

- 1** The purpose of this report is to outline the submissions received to Proposed Plan Change 10 – Amendments to subdivision provisions and present officers recommendations regarding these submissions.

Recommendations

It is recommended that the Committee recommend that Council:

- 1.1 approve proposed District Plan Change No.10 with amendments resulting from submissions, as detailed in this report and the annotated version of the Plan Change document in Appendix 2; and
- 1.2 accept or reject all submissions and further submissions to the extent that they are in accord with the above recommendation (as set out in Appendix 3).

2 Introduction

The City of Lower Hutt District Plan (hereafter referred to as the 'District Plan') has been operative for over four years since 2nd March 2004, and in this time, Plan users and administrators have identified some technical implementation issues when assessing and determining resource consent applications for subdivisions.

Proposed Plan Change 10 aims to address key implementation issues arising from the current subdivision provisions in the District Plan, as well as to refine the rules to more effectively and efficiently achieve the objectives of the Plan as they relate to subdivision controlled by the District Plan.

The scope of Proposed Plan Change 10 is confined to address current implementation issues with the existing subdivision provisions. Proposed Plan Change 10 does not seek to change any objectives, policies or any associated text (including minimum lot sizes or zoning).

The proposed amendments affect the rules in Chapter 11 (Subdivision) as well as a rule in Chapter 14I (Earthworks). In addition, the definition of 'allotment' in Chapter 3 (Definitions) is proposed to be deleted and some minor grammatical corrections to the text throughout Chapter 11 (Subdivision) are also proposed.

It is noted that this report primarily provides responses to matters raised in submissions. Additional details as to the reasoning behind the proposed Plan Change can be found in the Section 32 report prepared and notified as part of the proposed plan change documentation.

3 Background and Plan Change Rationale

Report Purpose

The purpose of this report is to summarise the key issues raised in submissions and provide advice to the Committee on the issues raised. While recommendations have been provided in this report, ultimately it is the role of the Hearings Committee to consider the issues, the submissions and advice of the reporting officer before making a decision.

Report Structure

Section 4 of this report contains information on the Proposed Plan Change, as notified. Section 5 provides an evaluation of each specific amendment including details of submissions received and an evaluation thereof. Section 6 then overviews the main changes to the Proposed Plan Change (as notified) resulting from the evaluation of submissions. Appendix One provides details on submitters and Appendix Two provides an annotated version of the Proposed Plan Change within the District Plan as per the recommendations of this report.

Statutory Provisions

Part II of the Resource Management Act (herein referred to as the “Act”) underpins the exercise of all functions, duties and powers, with Section 5 providing that the purpose of the Resource Management Act 1991 (RMA), is to provide the sustainable management of natural and physical resources. As such, Section 5 is fundamental to any assessment, with the approach being to weigh the matters in Section 5(2) in order to reach a broad judgement as to whether a policy or rule would promote the sustainable management of natural and physical resources.

The Council has additional responsibilities under Section 6 of the Act in respect matters of national importance, including - *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,*

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use, and development: and the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, and the protection of historic heritage from inappropriate subdivision, use, and development. Section 7 of the Act requires Council to have particular regard to (amongst other matters) - the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and maintenance and enhancement of the quality of the environment.

Section 31 outlines the functions of the Council under the Act and includes *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district, and the methods used to carry out any functions under subsection (1) may include the control of subdivision.*

Section 74 provides the Council to change its plan in accordance with its functions under Section 31, the provisions of Part II, its duty under Section 32 and any regulations.

Section 76 outlines the contents that a District Plan must contain, including objectives, policies and rules. Section 76 enables the Council to include rules in the District Plan for the purpose of carrying out its function under the Act, and to achieve the objectives and policies of the Plan. In making a rule the Council: *“.....shall have particular regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.....”*

Proposed Plan Change Rationale (as notified)

Proposed Plan Change 10 primarily relates to the subdivision provisions within the Operative District Plan – City of Lower Hutt.

While, from a purely legal point of view, the process of subdivision has in itself no direct effects on the environment, subdivision typically involves the consequential construction of roads, installation of infrastructure, land

modification, and vegetation planting/clearance that all potentially may result in adverse effects on the environment. In addition, the process of subdivision commonly initiates a change in land use, which in turn, can have further adverse effects, such as changes to character, landscape and urban and rural amenity. Even if such development does not occur immediately, the process of subdivision creates expectations of such uses and the associated property rights.

The subdivision consent process is often the most effective method for addressing many of the consequential adverse effects on the environment, and for creating any necessary guidance or impositions on property rights to avoid, remedy or mitigate such effects.

While the current objectives and policies and rules provide a generally effective management framework, a Plan Change is necessary for two key reasons – First, the current format of the subdivision rules is not fully effective in achieving the objectives in the Plan; in particular, the present format does not provide an effective level of certainty for the Council and Plan users. Such future land uses may not require resource consent and therefore it is important that the subdivision provisions of the plan provide the appropriate framework in managing the effects of potential land uses.

Second, the current subdivision rules exclude earthworks associated with a subdivision from compliance with the general land use standards for earthworks, leaving an inconsistency in approach, particularly in steep hillsides subject to development.

Rules Format

The rules for subdivision in Hutt City are contained in Section 11.2 of the District Plan. This Section is structured and written in a similar manner to other rule sections in the District Plan. However, the *“Matters in which Council Seeks to*

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Control and Standards and Terms” is written in a different manner. For each Matter of Control, it lists:

- Performance Objectives;
- Performance Criteria; and
- Compliance Standards.

Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan Users to determine compliance with the standards and assessing an application.

For example, for each Activity Area, one of the standards for subdivision is “*Compliance with the relevant objectives and policies of the Activity Area*”. This standard cannot be effectively enforced, as compliance with broadly expressed objectives and policies cannot be objectively ascertained.

Management of Earthworks Associated with Subdivision

Among other matters, the subdivision rules seek to manage the effects from earthworks associated with site development works undertaken during the subdivision phase. This approach is not proving effective in achieving the overall objectives in the Plan, due to Rule 14I 2(ii) that enables earthworks carried out as part of subdivision consent to be excluded from complying with the land use performance standards for earthworks. Therefore, this approach limits Council’s ability to manage the effects from earthworks; in particular, the effects associated with large-scale earthworks for residential and rural-residential subdivisions, as these are now increasing to occur in marginal, steeper areas of the City.

Minor Non-Compliances with Technical Standards

Consultation with stakeholders highlighted frustration with the District Plan in the way that it currently manages minor non-compliances with the technical standards for subdivision, such as accessway widths and stormwater disposal, which presently require resource consent as a full discretionary activity.

Esplanade Reserve Widths

The current requirements for esplanade reserves do not specify a minimum width, with the consequence that not only is there uncertainty about what an appropriate width may be, but also an inappropriate width (i.e., a very thin esplanade reserve with little practical use) may not be able to be remedied through the controlled activity resource consent process.

Minor Corrections and Amendments

A Plan Change for the above matters provides an opportunity to make a number of minor amendments to the subdivision provisions to improve the clarity and workability of the rules.

4 Submissions

A total of 14 submissions and two further submissions were received on Proposed Plan Change 10. Copies of the submissions are attached as Appendix One.

Submitters are a mix of surveying companies, corporates, interest groups and private individuals. The submissions covered a wide range of issues from introducing completely new rules through to minor wording changes. Particular issues raised included: Refinements to esplanade reserve provisions; exclusions for network utility lots; compliance with GWRC erosion and sediment controls guidelines; refinement to new earthworks standards, including adding height of cut/fill; activity status of non-compliance; further updates to NZ Engineering Standards; and reverse sensitivity effect of subdivision, in particular, near quarry sites.

5 Submissions and Discussion

The submissions received have been grouped according to the specific amendment to which they relate. Provided for each amendment is a brief

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summary of the issues raised by submitters and identification of the specific submitters, a discussion of the relief sought by submitters and rational for the resulting report officer's recommendation, and finally the reporting officer's recommendation in relation to submission points on the amendment.

5.1 Amendment 1 - Chapter 3 (definitions) - Allotment

Submissions

Submitter number / Reference	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.1)	Cuttriss Consultants Ltd	Not stated	Amend the definition of 'allotment', to refer to the definition under Section 218(2) of the Resource Management Act
DPC10/10 (10.1)	Truebridge Callender Beach Ltd.	Not stated	Amend definition of 'allotment' to refer to the definition as set out in section 218(2) of the Resource Management Act

Cuttriss Consultants Ltd DPC10/07 (7.1) and Truebridge Callender Beach Ltd DPC10/10 (10.1) seek the definition of "allotment" be amended to refer to the definition provided under Section 218(2) of the Resource Management Act.

Discussion and Evaluation

Proposed Plan Change 10 deletes the definition of "allotment" within the District Plan, with the result being that the definition as provided in Section 218(2) of the Act would apply. Given the definition of 'allotment' is provided within the RMA, it is not considered appropriate to duplicate the definition within the District Plan. It is noted that the RMA defines a number of terms which are relied upon in administering and interpreting the District Plan, and these terms are not referred to in the Definitions Section of the District Plan. On this basis, it is recommended to delete the definition as proposed within Amendment 1 - Proposed Plan Change 10.

Reporting Officers Recommendation

- Reject submissions DPC10/07 (7.1) and DPC10/10 (10.1) that seek amendment to the definition of ‘allotment’ as provided under Section 218(2) of the RMA.

5.2 Amendment 2 - Section 11.1.3 – Explanation and Reasons**Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/11 (11.1)	Eastbourne Community Board	Not stated	Amend District Plan to clearly identify land subject to natural hazards, in particular landslip, flooding and erosion
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.1.3 Retain the change as proposed

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS2 (FS2.1)	Winstone Aggregates	Eastbourne Community Board (DPC10/11) (11.1)	Oppose in part

Eastbourne Community Board DPC10/11 (11.1) seek the District Plan be amended to clearly identify land subject to natural hazards, in particular landslip, flooding and erosion. Cuttriss Consultants Ltd DPC10/07 (7.10) seek the retention of the change as proposed in terms of amending the spelling of the word “inappropriate”.

Winstone Aggregates DPC10/FS2 (FS2.1) oppose in part the submission by the Eastbourne Community Board on the basis that the requests are uncertain and potentially affected parties cannot determine how their interests will be affected or whether any amendment will be consistent

with the RMA. Winstone oppose any change which have the potential to impact on existing activities within Hutt City, including those connected to the coastal environment at Wainuiomata and Petone. Winstone seek that the relief sought by the submitter be addressed by way of a further plan change or at the time of the review of the District Plan. Alternatively, they request that Council reject the original submission.

Discussion and Evaluation

Amendment 2 proposed correction of the spelling of the word “inappropriate”. The support for the spelling correction is noted. The submission by the Eastbourne Community Board is considered outside the scope of the Proposed Plan Change in that it seeks relief beyond that provided in Amendment 2. Notwithstanding this, where appropriate, hazards have been identified on the existing District Plan planning maps and zonings, and these provisions are considered appropriate in terms of Section 31 of the RMA. On this basis, it is recommended to amend the definition as originally proposed in Amendment 2.

Reporting Officers Recommendation

- Reject submission DPC10/11 (11.1) that seeks the identification of land subject to natural hazards.
- Accept further submission DPC10/FS2 (FS2.1) that opposes submission DPC10/11 (11.1).
- Accept submission DPC10/07 (7.10) that supports Amendment 2 seeking a spelling correction.

5.3 Amendment 3 - Section 11.1.4 – Issue Statement

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07	Cuttriss	Support	11.1.4 Retain the changes as proposed

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(7.10)	Consultants Ltd		
DPC10/14 (14.2)	EHEA East Harbour Environmental Assoc.	Generally Support	Amend in relation to the presently undeveloped coastal areas be directly addressed by identifying it as a matter over which the Council reserves control with reference to specific areas (namely those areas identified in Map Appendices 2A, 2B and 2C)
DPC10/14 (14.1)	EHEA	Generally Support	Amend the provisions so that mechanism other than one introducing the concept of 'identified coastal environment' be used to manage subdivision in the areas identified in Map Appendices 2A, 2B and 2C so that it is clear that the current provisions introduced to recognise and provide for managing the coastal environment continue to be a consideration in assessing applications in all areas of Hutt City which fall within the coastal environment.
DPC10/12 (12.1)	KEG Korokoro Environmental Group	Oppose	Delete 'identified' from Amendment 3
DPC10/11 (11.2)	Eastbourne Community Board	Not stated	Clarify the extent of the coastal environment identified in the District Plan

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS2 (FS2.1)	Winstone Aggregates	Eastbourne Community Board (DPC10/11)	Oppose in part
DPC10/FS1 (FS1.1)	Petone Planning Action Group	Korokoro Environmental Group Inc (DPC10/12)	Support

Cuttriss Consultants Ltd DPC10/07 (7.10) support the Amendment of the word “identified” within Issue Section 11.1.4. Korokoro Environmental Group Inc DPC10/12 (12.1) oppose Amendment 3 and seek the deletion of the word “identified”, and the Eastbourne Community Board DPC10/11 (11.2) seek clarification of the extent of the coastal environment identified in the District Plan. East Harbour Environmental Association Incorporated DPC10/14 (14.1-14.2) generally support Amendment 3.

Winstone Aggregates DPC10/FS2 (FS2.1) oppose in part the submission by the Eastbourne Community Board on the basis that the requests are uncertain and potentially affected parties cannot determine how their interests will be affected or whether any amendment will be consistent with the RMA. Winstone oppose any change which have the potential to impact on existing activities within Hutt City, including those connected to the coastal environment at Wainuiomata and Petone.

The Petone Planning Action Group DPC10/FS1 (FS1.1) support DPC10/12 (12.1) because there are other areas of environmentally sensitive nature in the district.

Discussion and Evaluation

Amendment 3 proposes the addition of the word “identified” to the Issue Statement in Section 11.1.4. The support from submission DPC10/07 (7.10) is noted. The original purpose of inserting the word “identified” was to clarify the area to which the issue relates, thereby avoiding confusion and assisting with plan interpretation. However, as noted in the submissions, by adding “identified” could create a different type of confusion, as this reference is not applied elsewhere in the District Plan such as in objectives or policies.

Retaining the current wording (by not adding “identified”) is considered the most appropriate manner to express the issue. It is the manner and

extent of how the coastal environment is identified in the District Plan that is the key issue, and not how the issue statement is expressed or explicitly worded. A review of the identification and extent of the coastal environment would form part of an ongoing review of the District Plan and is outside the scope of this Proposed Plan Change. Therefore, it is recommended to retain the existing wording, and not amend the issue statement as notified in the Proposed Plan Change.

Reporting Officers Recommendation

- Reject submission DPC10/07 (7.10) which supports Amendment 3.
- Accept in part submission DPC10/14 (14.2) which opposes Amendment 3 in relation to confining the scope of the Plan provisions to the mapped ‘coastal environment’.
- Accept submission DPC10/12 (12.1) which opposes Amendment 3.
- Accept in part submission DPC10/11 (11.2) which seeks clarification of the coastal environment.
- Accept further submission DPC10/FS1 (FS1.1) which supports DPC10/12 (12.1).

5.4 Amendment 4 - Rule 11.2.2.1 – Standards and Terms

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1 Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support the Amendment to 11.2.2.1.

Discussion and Evaluation

The amendment to 11.2.2.1 clarifies that the matters provided in 11.2.2.1 are standards and terms relating to controlled activity subdivisions. The existing provisions were unclear as to what the matters were in which Council reserved control and whether the standards contained in Section 11.2.2.1 related to all subdivisions or only controlled subdivisions. The amendment clarifies the intent and application of the rule. The support from the submitter is noted.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) that supports Amendment 4 amending the heading and supporting text for 11.2.2.1.

5.5 Amendment 5 - Rule 11.2.2.1(a) – Allotment Design**Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/08 (8.1)	Winstone Aggregates	Oppose	<p>Add a new rule as follows:</p> <p>“11.2.3(x) Restricted Discretionary Activities:</p> <p>Subdivision within the Quarry Protection Area adjoining Belmont Quarry:</p> <p>Any subdivision of any allotment located partially or wholly within the Quarry Protection Area as shown on Appendix Rural Residential 1.”</p> <p>Add to 11.2.3 the following Matters for Discretion and Assessment Criteria for subdivision within the Quarry Protection Area:</p> <p>Matters in which Council has restricted its Discretion:</p>

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			<p>(a) the location and design of allotments in relation to existing and future quarrying operations</p> <p>(b) potential conflict between incompatible activities, such as new residential activity in the vicinity of extraction and processing of mineral resources</p> <p>(c) the extent to which activities consequential upon subdivision would result in effects which unduly compromise existing or potential quarrying of aggregate at Belmont Quarry. Factors which serve to mitigate effects, e.g. topography or resource consent conditions may be taken into account to determine the desirability of separation</p> <p>(d) whether a dwelling can be sited on any proposed allotment without unduly limiting existing and future quarrying operations within an Extraction Activity Area owing to possible reverse sensitivity effects that may arise</p> <p>Consequentially amend rule 11.2.2 (c),(g) and (h) by adding the following words:</p> <p>Proviso: Any subdivision in the 'Quarry Protection Area' is a Restricted Discretionary Activity: Rule 11.2.3(x)</p>
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(a) Retain the changes as proposed

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F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.8)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Oppose

Winstone Aggregates DPC10/08 (8.1) opposed Amendment 5 (and 6) and seek the insertion of a new restricted discretionary rule relating to subdivision within the Quarry Protection Area adjoining Belmont Quarry and the insertion of Matters for Discretion and Assessment Criteria for subdivision within the Quarry Protection Area. These amendments are sought based on concerns relating to reverse sensitivity effects on the existing quarry operation.

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 5 relating to 11.2.2.1. Petone Planning Action Group DPC10/FS1 (FS1.8) oppose the submission by Cuttriss Consultants Ltd that yard requirement should be included in the shape requirements. This further submission appears to incorrectly relate to Amendment 5, as Amendment 5 (and the corresponding Cuttriss Consultants Ltd submission) does not include any shape factor requirement. However it is noted that the Cuttriss Consultants Ltd submission on Amendment 7 relates to the shape factor requirement.

Discussion and Evaluation

Amendment 5 amends the heading and deletes the performance objectives and performance criteria in relation to allotment design. The operative provision 11.2.2.1 (a) of the Operative Plan states that “*All subdivision must take into account the matters listed below:*” which include Performance Objectives, Performance Criteria and Compliance Standards. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan Users to determine compliance with the standards when assessing an

application. For example, the first Performance Objective states “*To ensure that land is subdivided in manner that the relevant objectives, policies and rules for each activity area can be achieved*”. This standard cannot be effectively enforced, as compliance with broadly expressed objectives and policies cannot be objectively ascertained. It is also unclear whether non-conformance with the stated Performance Objectives and Performance Criteria change the status of an activity. Therefore, the provisions as presently worded introduce a high degree of confusion and uncertainty in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of Section 11.2.2.1 by removing the Performance Objectives and Performance Criteria, and retaining only the standards. It is noted that the Performance Criteria are reintroduced in the text as Amendments 10 and 26.

The relief sought by Winstone Aggregates is considered outside the scope of the Proposed Plan Change or it does not change the standards or activity status of subdivision in the Quarry Protection Area. While the concerns raised by Winstone Aggregates in relation to reverse sensitivity issues are noted, it is not considered the most efficient or effective method of implementing the objectives and policies to introduce a rule relating to subdivision within the Quarry Protection Area as sought by the submitter. Such “protection” is not presently provided in the subdivision provisions of the Operative Plan and therefore the status of subdivision in proximity the Quarry will not change as a result of the proposed plan change. It is noted that no consultation has been undertaken with landowners in the Quarry Protection Area about the relief sought in the submission.

The support from Cuttriss Consultants Ltd is noted.

Reporting Officers Recommendation

- Reject submission DPC10/08 (8.1) that seeks changes to Amendment 5 for the inclusion of a new rule and assessment criteria to 11.2.2.1.
- Accept submission DPC10/07 (7.10) that supports Amendment 5.
- Reject further submission DPC10/FS1 (FS1.8) that opposes submission DPC10/07 (7.10).

5.6 Amendment 6 - Rule 11.2.2.1(a) – Allotment Design for all Activity Areas

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/12 (12.2)	KEG Korokoro Environmental Group	Support	Retain Amendment 6 unchanged
DPC10/10 (10.2)	Truebridge Callender Beach Ltd.	Not stated	Amend to read “Compliance with permitted activity conditions of the activity area.”
DPC10/09 (9.1)	New Zealand Institute of Surveyors	Generally support	Amend Rule 11.2.2.1(a) to read as follows: “Compliance with the permitted activity conditions of the activity area”
DPC10/08 (8.1)	Winstone Aggregates	Oppose	Add a new rule as follows: “11.2.3(x) Restricted Discretionary Activities: Subdivision within the Quarry Protection Area adjoining Belmont Quarry: Any subdivision of any allotment

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		<p>located partially or wholly within the Quarry Protection Area as shown on Appendix Rural Residential 1.”</p> <p>Add to 11.2.3 the following Matters for Discretion and Assessment Criteria for subdivision within the Quarry Protection Area:</p> <p>Matters in which Council has restricted its Discretion:</p> <p>(a) the location and design of allotments in relation to existing and future quarrying operations</p> <p>(b) potential conflict between incompatible activities, such as new residential activity in the vicinity of extraction and processing of mineral resources</p> <p>(c) the extent to which activities consequential upon subdivision would result in effects which unduly compromise existing or potential quarrying of aggregate at Belmont Quarry. Factors which serve to mitigate effects, e.g. topography or resource consent conditions may be taken into account to determine the desirability of separation</p> <p>(d) whether a dwelling can be sited on any proposed allotment without unduly limiting existing and future quarrying operations within an Extraction Activity Area owing to possible reverse sensitivity effects that may arise</p> <p>Consequentially amend rule 11.2.2 (c),(g) and (h) by adding the</p>
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			following words: Proviso: Any subdivision in the 'Quarry Protection Area' is a Restricted Discretionary Activity: Rule 11.2.3(x)
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(a) Retain the changes as proposed

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.2)	Petone Planning Action Group	New Zealand Institute of Surveyors (DPC10/09)	Support

Winstone Aggregates DPC10/08 (8.1) opposed Amendment 6 (and 5) and seek the insertion of a new restricted discretionary rule relating to Subdivision within the Quarry Protection Area adjoining Belmont Quarry and the insertion of Matters for Discretion and Assessment Criteria for subdivision within the Quarry Protection Area. These amendments are sought based on concerns relating to reverse sensitivity effects on the existing quarry operation.

Korokoro Environmental Group Inc DPC10/12 (12.2) and Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 6 as proposed.

Truebridge Callender Beach Ltd DPC10/10 (10.2) and New Zealand Institute of Surveyors DPC10/09 (9.1) seek amendment to the text to read "*Compliance with the permitted activity conditions of the activity area*".

Discussion and Evaluation

Amendment 6 replaces the term "objectives and polices" with "rules" in the allotment design standards for all Activity Areas. The Compliance Standards within 11.2.2.1(a) make reference to "Compliance with the relevant objectives and policies of the Activity Area". As a rule, this

requirement is both confusing and very subjective in its application, as the nature of objectives and policies are not specifically measurable, and it is unclear and open to interpretation whether compliance is achieved. This uncertainty creates interpretation and application issues for applicants, submitters and Council Officers. Amendment 6 seeks to clarify this by replacing the reference to *objective and policies*, with *rules*.

Two submitters (DPC10/10 (10.2) and DPC10/09 (9.1)) seek changes to Amendment 6 to read “*Compliance with the permitted activity conditions of the activity area*”. These submissions (and further submitter DPC10/FS1 (FS1.2)) are supported as they clarify that it is the permitted activity conditions that are to be complied with, it deletes the subjective term which is not appropriate within standards and terms, and provides terminology that is consistent with that used in the rules for the various Activity Areas.

As noted in the above discussion for Amendment 5, the relief sought by Winstone Aggregates is considered outside the scope of the proposed Plan Change. While the concerns raised by Winstone Aggregates in relation to reverse sensitivity issues are noted, it is not considered the most efficient or effective method of implementing the objectives and policies to introduce a rule relating to subdivision within the Quarry Protection Area as sought by the submitter. Such “protection” is not presently provided in the subdivision provisions of the Operative Plan and therefore the status of subdivision in proximity the Quarry will not change as a result of the proposed plan change. It is noted that the new Assessment Criteria for subdivision, includes that “*Account must be taken of the future development potential of adjoining or adjacent land*” are reintroduced in the text as Amendments 10 and 26.

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It is recommended rule 11.2.2.1(a) be amended as follows:

“Compliance with the permitted activity conditions of the activity area”.

Reporting Officers Recommendation

- Accept in part submission DPC10/12 (12.2) in so far as it is consistent with the recommendation in relation to Amendment 6.
- Accept in part submission DPC10/07 (7.10) in so far as it is consistent with the recommendation in relation to Amendment 6.
- Accept submission DPC10/10 (10.2) that supports Amendment 6 but seeks amendment to the references used.
- Accept submission DPC10/09 (9.1) that supports Amendment 6 but seeks amendment to the references used.
- Reject submission DPC10/08 (8.1) that seeks changes to Amendment 6 for the inclusion of a new rule and assessment criteria to 11.2.2.1.
- Accept further submission DPC10/FS1 (FS1.2) that supports submission DPC10/09 (9.1).

5.7 Amendment 7 - Rule 11.2.2.1(a) – Shape Factor in the General Residential Activity Area

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.2)	Cuttriss Consultants Ltd	Not stated	Amend shape factor requirements by including the yard requirements in the shape factor dimensions
DPC10/12 (12.3)	KEG	Support	Retain Amendment 7 unchanged

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DPC10/10 (10.3)	Truebridge Callender Beach Ltd.	Not stated	Amend Rule 11.2.2.1(a) through the deletion of the words “and have a suitable building platform.”
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F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.9)	Petone Planning Action Group	Truebridge Callender Beach Ltd. (DPC10/10)	Oppose
DPC10/FS1 (FS1.14)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Oppose

Korokoro Environmental Group Inc DPC10/12 (12.3) support Amendment 7.

Cuttriss Consultants Ltd DPC10/07 (7.2) seeks amendment to the shape factor requirements by including the yard requirements in the shape factor dimensions. They submit that this would simplify the requirement. Truebridge Callender Beach Ltd DPC10/10 (10.3) seeks the deletion of the words “*and have a suitable building platform*” on the basis that the required rectangles have a suitable area for a dwelling and Section 106 of the RMA deals with issues of stability. Petone Planning Action Group DPC10/FS1 (FS1.9/FS1.14) oppose both submissions DPC10/07 (7.2) and DPC10/10 (10.3) as they consider the inclusion of the yard requirements would reduce the amount and size of any allotment and that a suitable building platform is vitally important.

Discussion and Evaluation

Amendment 7 deletes the total area requirement for the shape factor and instead relies solely on rectangle dimensions. Deletion of the total area requirement is considered appropriate as sufficient control is provided by the rectangle dimensions. The inclusion of yard requirements in the rectangle calculation is not considered an effective method in achieving the objectives of managing the shape and design of lots. Shape factor and

yard requirements are tools used for different purposes, with the shape factor tool ensuring lots include a minimum area that can accommodate the anticipated future use of the land. However, yard requirements are a useful tool to manage separation between buildings on properties, to manage the effects on privacy, character and building dominance. Therefore, combining the yard requirements with the shape factor dimensions could confuse its application in assessing non-complying proposals and therefore the objectives in the District Plan.

It is recommended that the reference to “suitable building platform” be retained as this relates to the shape factor requirement and is an important consideration on sites with steep topography. As this phrase is used in the context of the shape factor requirement, it is not considered to be uncertain as to its meaning or application. It is recommended Amendment 7 be retained as proposed.

Reporting Officers Recommendation

- Reject submission DPC10/07 (7.2) that seeks amendment to Amendment 7.
- Accept submission DPC10/12 (12.3) that supports Amendment 7.
- Reject submission DPC10/10 (10.3) that seeks amendment to Amendment 7.
- Accept further submission DPC10/FS1 (FS1.9/FS1.14) that oppose submissions DPC10/07 (7.2) and DPC10/10 (10.3).

5.8 Amendment 8 - Rule 11.2.2.1(a) – Shape Factor in Other Residential Activity Area

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/01 (1.1)	Byrne, Simon	Oppose	Delete the new rule for shape factor in rural residential zone
DPC10/07 (7.3)	Cuttriss Consultants Ltd	Not stated	Amend shape factor requirements by including the yard requirements in the shape factor dimensions
DPC10/12 (12.3)	KEG	Support	Retain Amendment 8 unchanged
DPC10/10 (10.3)	Truebridge Callender Beach Ltd.	Not stated	Amend Rule 11.2.2.1(a) through the deletion of the words “and have a suitable building platform.”

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.14)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Oppose

Korokoro Environmental Group Inc DPC10/12 (12.3) support Amendment 8.

Cuttriss Consultants Ltd DPC10/07 (7.3) seeks amendments to the shape factor requirements by including the yard requirements in the shape factor dimensions on the basis this would simplify the requirement. Truebridge Callender Beach Ltd DPC10/10 (10.3) seek the deletion of the words “*and have a suitable building platform*” or the required rectangles have a suitable area for a dwelling and Section 106 of the RMA deals with issues of

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stability. Petone Planning Action Group DPC10/FS1 (FS1.14) oppose submission DPC10/07 (7.3) as they consider the inclusion of the yard requirements would reduce the amount and size of any allotment.

Simon Byrne DPC10/01 (1.1) opposes Amendment 8 which introduces a shape factor rule in Other Rural Residential Activity Areas.

Discussion and Evaluation

Amendment 8 introduces a shape factor rule in the Other Rural Residential Activity Areas. The insertion of a shape factor rule is recommended as it ensures usable shaped lots are created that can readily accommodate a building. For the reasons discussed above for Amendment 7, the inclusion of yard requirements in the rectangle calculation is not considered appropriate as the exclusion of yard requirement from the rectangle calculation clearly identifies the setback requirements apply for different purposes. It is recommended reference to “suitable building platform” be retained as this relates to the shape factor requirement and is an important consideration on sites with steep topography in this context. It is recommended Amendments 8 be retained as proposed.

Reporting Officers Recommendation

- Reject submission DPC10/01 (1.1) that seeks deletion of Amendment 8 – shape factor rule.
- Reject submission DPC10/07 (7.3) that seeks amendment to Amendment 8.
- Accept submission DPC10/12 (12.3) that supports Amendment 8.
- Reject submission DPC10/10 (10.3) that seeks amendment to Amendment 8.
- Accept further submission DPC10/FS1 (FS1.14) that opposes submission DPC10/07 (7.3).

5.9 **Amendment 9 - Rule 11.2.2.1(a) – Shape Factor in General Rural Activity****Area****Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.3)	Cuttriss Consultants Ltd	Not stated	Amend shape factor requirements by including the yard requirements in the shape factor dimensions
DPC10/10 (10.3)	Truebridge Callender Beach Ltd.	Not stated	Amend Rule 11.2.2.1(a) through the deletion of the words “and have a suitable building platform.”

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.14)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Oppose

Cuttriss Consultants Ltd DPC10/07 (7.3) seeks amendments to the shape factor requirements by including the yard requirements in the shape factor dimensions on the basis this would simplify the requirement. Truebridge Callender Beach Ltd DPC10/10 (10.3) seeks the deletion of the words “*and have a suitable building platform.*” as the required rectangles have a suitable area for a dwelling and Section 106 of the RMA deals with issues of stability. Petone Planning Action Group DPC10/FS1 (FS1.14) oppose submission DPC10/07 (7.3) as they consider the inclusion of the yard requirements would reduce the amount and size of any allotment.

Discussion and Evaluation

Amendment 9 introduces a shape factor rule in the General Rural Activity Areas. The insertion of a shape factor rule is recommended as it ensures usable shaped lots are created that can readily accommodate a building. For the reasons discussed above for Amendment 7, the inclusion of yard

requirements in the rectangle calculation is not considered appropriate as the exclusion of yard requirement from the rectangle calculation clearly identifies the setback requirements apply for different purposes. It is recommended reference to suitable building platform be retained as this relates to the shape factor requirement and is an important consideration on sites with steep topography in this context. It is recommended Amendment 9 be retained as proposed.

Reporting Officers Recommendation

- Reject submission DPC10/07 (7.3) that seeks amendment to Amendment 9.
- Reject submission DPC10/10 (10.3) that seeks amendment to Amendment 9.
- Accept further submission DPC10/FS1 (FS1.14) that opposes submission DPC10/07 (7.3).

5.10 Amendment 10 - Rule 11.2.2.1(a) – Network Utilities Exclusion from Allotment Standards

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/02 (2.1)	Vector Limited	Support	Retain Amendment 10, new rule 11.2.2.1(a) as proposed by Council, unchanged
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(a) Retain the changes as proposed

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Vector Limited DPC10/02 (2.1) and Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 10 which introduces a new rule to 11.2.2.1(a) relating to network utilities.

Discussion and Evaluation

Amendment 10 inserts a new clause to exclude lots containing network utilities from complying with allotment design standards and terms. This amendment recognises that lots used for network utility purposes do not have the same requirements as lots used for typical residential, commercial or rural purposes. As outlined in the submission by Vector Limited, “substations normally do not require much land and therefore it is appropriate they be exempt from a specific allotment size, and it is appropriate that there be no minimum frontage or shape factor requirements as substations are usually fully enclosed by a security fence and have to accommodate all equipment.”

It is recommended Amendment 10 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/02 (2.1) that supports Amendment 10.
- Accept submission DPC10/07 (7.10) that supports Amendment 10.

5.11 Amendment 11 - Rule 11.2.2.1(a) – Shape Factor in Landscape Protection Activity Area

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(a) Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 11 which is a minor amendment.

Discussion and Evaluation

Amendment 11 clarifies the standards relating to the Landscape Protection Activity Area in that it inserts the word “factor” after shape. This minor amendment is recommended as it clarifies the application of the standard and avoids confusion.

It is recommended Amendment 11 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) that supports Amendment 11.

5.12 Amendment 12 - Section 11.2.2.1(b) – Engineering Design

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(b) Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 12.

Discussion and Evaluation

Amendment 12 amends the heading of Rule 11.2.2.1(b) and deletes the supporting sentence. The amendment clarifies the intent and application of the standards and is consistent with the terminology and formatting used in Amendments 4 and 5.

It is recommended Amendment 12 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) that supports Amendment 12.

5.13 Amendment 13 - Rule 11.2.2.1(b)(i) – Engineering Design Access

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/04 (4.1)	New Zealand Fire Service Commission	Support	Amend by replacing the reference requiring compliance with “Section 302 NZS 4404:1981 (Code of Practice for Urban Land Subdivision)” to compliance with “NZS 4404:2004 or any subsequent amendments”
DPC10/05 (5.1)	Greater Wellington Regional Council	Not stated	Amend by replacing the reference to the 1981 Standard to require compliance with New Zealand Standard 4404:2004 Land Development and Subdivision Engineering
DPC10/07 (7.4)	Cuttriss Consultants Ltd	Not stated	Amend reference to section 302 of NZS4404:1981 by replacing with reference to the relevant section of NZS4404:2004. Also, add the words ‘or subsequent New Zealand Standard’
DPC10/09 (9.2)	New Zealand Institute of Surveyors	Not stated	Amend Rule 11.2.2.1(b)(i) to read as follows: “Compliance with Rules 14A(i)2.1 and 14A(ii)2.1 and NZS 4404:2004 (Land Development and Subdivision Engineering)”
DPC10/10 (10.4)	Truebridge Callender Beach Ltd	Not stated	Amend references to the New Zealand Standards in the following manner to keep the plan up to date “the latest version of NZSXXXX or the subsequent New Zealand Standard”

The submissions from New Zealand Fire Service Commission DPC10/04 (4.1), Greater Wellington Regional Council DPC10/05 (5.1), Cuttriss Consultants Ltd DPC10/07 (7.4), New Zealand Institute of Surveyors DPC10/09 (9.2), and Truebridge Callender Beach Ltd DPC10/10 (10.4) all seek amendments to the reference provided in the standard.

Discussion and Evaluation

As with Provision 11.2.2.1(a), Provision 11.2.2.1 (b)(i) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for access. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of Section 11.2.2.1 (b)(i) by removing the Performance Objective and Performance Criteria, and retaining only the standards. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

It is noted that all five submissions seek amendments to the reference used in the Standard to ensure the Standard is automatically superseded when a new Standard is adopted or amendment made. However, this approach is not supported, as the rules in a District Plan must be certain as to what the minimum standards are, and they should not refer to any unknown future amendments or standards. If any future Standards are prepared or amended, at that time, Council would determine whether it is appropriate to change the District Plan so the new standards apply.

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Council engineers have reviewed the amendments sought by submitters to NZS4404:2004, and they support the amendments. Therefore, it is recommended the standard in Rule 11.2.2.1(b)(i) be amended as follows:

~~“The provision of Compliance with Chapter 14A – Transport in this Plan and Part 3 NZS 4404 2004 (Land Development and Subdivision Engineering) Section 302 4404 1981 (Code of Practice Urban Land Subdivision) must be taken into account.”~~

In ~~rural areas~~ the General Rural and Rural Residential Activity Areas, compliance with “Guide to Geometric Standards for Rural Roads” (National Roads Board 1985) ~~must be taken into account.~~

Reporting Officers Recommendation

- Accept in part submission DPC10/04 (4.1) in so far as it is consistent with the recommendation in relation to Amendment 13.
- Accept submission DPC10/05 (5.1) that amends Amendment 13.
- Accept in part submission DPC10/07 (7.4) in so far as it is consistent with the recommendation in relation to Amendment 13.
- Accept in part submission DPC10/09 (9.2) in so far as it is consistent with the recommendation in relation to Amendment 13.
- Accept in part submission DPC10/10 (10.4) in so far as it is consistent with the recommendation in relation to Amendment 13.

5.14 Amendment 14 - Rule 11.2.2.1(b)(ii) – Engineering Design Service Lanes, Private ways, Pedestrian Accessways and Walkways

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.4)	Cuttriss Consultants Ltd	Not stated	Amend reference to section 302 of NZS4404:1981 by replacing with reference to the relevant section of NZS4404:2004. Also, add the words 'or subsequent New Zealand Standard'
DPC10/09 (9.2)	New Zealand Institute of Surveyors	Not stated	Amend Rule 11.2.2.1(b)(i) to read as follows: "Compliance with Rules 14A(i)2.1 and 14A(ii)2.1 and NZS 4404:2004 (Land Development and Subdivision Engineering)"
DPC10/10 (10.4)	Truebridge Callender Beach Ltd.	Not stated	Amend references to the New Zealand Standards in the following manner to keep the plan up to date "the latest version of NZSXXXX or the subsequent New Zealand Standard"

The submissions from Cuttriss Consultants Ltd DPC10/07 (7.4), New Zealand Institute of Surveyors DPC10/09 (9.2), and Truebridge Callender Beach Ltd DPC10/10 (10.4) all seek amendment to the reference provided in the standard.

Discussion and Evaluation

As with Provision 11.2.2.1(a) and Provision 11.2.2.1 (b)(i) discussed above, Provision 11.2.2.1(b)(ii) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for service lanes, private ways, pedestrian accessways and

walkways. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(ii) by removing the Performance Objective and Performance Criteria, and retaining only the standards. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

It is noted that all three submissions seek amendments to the reference used in the Standard to ensure the Standard is automatically superseded when a new Standard is adopted or amendment made. However, this approach is not supported, as the rules in a District Plan must be certain as to what the minimum standards are, and they should not refer to any unknown future amendments or standards. If any future Standards are prepared or amended, at that time, Council would determine whether it is appropriate to change the District Plan so the new standards apply.

Following advice from Council Engineering Officers, it is recommended the standard in Rule 11.2.2.1(b)(ii) be amended as follows:

~~“The provision of 302 NZS 4404 1981 Code of Practice for Urban Land Subdivision) and~~ Compliance with Chapter 14A – Transport in this Plan must be taken into account. and Part 3 NZS 4404 2004 (Land Development and Subdivision Engineering).

Reporting Officers Recommendation

- Accept in part submission DPC10/07 (7.4) in so far as it is consistent with the recommendation in relation to Amendment 14.
- Accept in part submission DPC10/09 (9.2) in so far as it is consistent with the recommendation in relation to Amendment 14.
- Accept in part submission DPC10/10 (10.4) in so far as it is consistent with the recommendation in relation to Amendment 14.

5.15 Amendment 15 - Rule 11.2.2.1(b)(iii) – Engineering Design Street Lighting

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(b)(iii) Retain the changes as proposed
DPC10/10 (10.4)	Truebridge Callender Beach Ltd.	Not stated	Amend references to the New Zealand Standards in the following manner to keep the plan up to date “the latest version of NZSXXXX or the subsequent New Zealand Standard”

The submission from Cuttriss Consultants Ltd DPC10/07 (7.10) supports the amendment. Truebridge Callender Beach Ltd DPC10/10 (10.4) seek amendment to the reference provided in the standard.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(iii) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Street Lighting. Confusion has arisen in the implementation and administration of these three parts of the rules,

as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(iii) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

It is noted that one submission seeks amendment to the reference used in the standard to ensure the standard is updated to make reference to the most recent standard (without specifying the actual standard). This approach is not recommended as such future standards have not been evaluated and the content is unknown.

Following advice from Council Engineering Officers, it is recommended the standard in Rule 11.2.2.1(b)(iii) be amended as follows:

~~“The provision of Compliance with AS/NZS 1158:2005 Code of Practice for Road Lighting. NZS 6701 1983 Code of Practice for Road Lighting must be taken into account.~~

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 15.
- Accept in part submission DPC10/10 (10.4) in so far as it is consistent with the recommendation in relation to Amendment 15.

5.16 Amendment 16 - Rule 11.2.2.1(b)(iv) – Engineering Design Stormwater**Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/06 (6.2)	Moore, Reginald Charles	Not stated	No specific relief sought. By inference the submitter appears to request that the Plan Change better addresses stormwater management for infill developments
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(b)(iv) Retain the changes as proposed

The submission from Cuttriss Consultants Ltd DPC10/07 (7.10) support the amendment. By inference the submission by Reginald Moore DPC10/06 (6.2) appears to request that the Plan Change better addresses stormwater management for infill developments.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(iv) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for stormwater. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(iv) by removing the Performance Objective and Performance Criteria,

and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

Submission DPC10/07 supports Amendment 16. No specific relief is sought in respect of submission DPC10/06. The current provisions contain standards relating to “Levels of Stormwater Protection to be provided by Services in New Areas” and it is considered the existing provisions are the most efficient and effective in managing stormwater to achieve the objectives in the Plan. It is recommended Amendment 16 be retained as proposed.

Reporting Officers Recommendation

- Reject submission DPC10/06 (6.2).
- Accept submission DPC10/07 (7.10) which supports Amendment 16.

5.17 Amendment 17 - Rule 11.2.2.1(b)(v) - Engineering Design Wastewater

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(b)(v) Retain the changes as proposed

The submission from Cuttriss Consultants Ltd DPC10/07 (7.10) supports Amendment 17.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(v) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Wastewater. Confusion has arisen in

the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(v) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

Submission DPC10/07 (7.10) supports Amendment 17 unchanged. It is recommended Amendment 17 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 17.

5.18 Amendment 18 - Rule 11.2.2.1(b)(vi) – Engineering Design Water Supply

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/04 (4.2)	New Zealand Fire Service Commission	Support	Amend by replacing the reference requiring compliance with “New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies 1992” to compliance with “New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies SNZ PAS 4509:2003 or any subsequent amendments”
DPC10/09 (9.3)	New Zealand Institute of Surveyors	Not stated	Amend reference to NZS 4404 to 2004 version

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DPC10/07 (7.4)	Cuttriss Consultants Ltd	Not stated	Amend reference to section 302 of NZS4404:1981 by replacing with reference to the relevant section of NZS4404:2004. Also, add the words 'or subsequent New Zealand Standard'
DPC10/10 (10.4)	Truebridge Callender Beach Ltd.	Not stated	Amend references to the New Zealand Standards in the following manner to keep the plan up to date "the latest version of NZSXXXX or the subsequent New Zealand Standard"

The submissions from New Zealand Fire Service Commission DPC10/04 (4.2), New Zealand Institute of Surveyors DPC10/09 (9.3), Cuttriss Consultants Ltd DPC10/07 (7.4), and Truebridge Callender Beach Ltd DPC10/10 (10.4) all seek amendments to the reference provided in the standard.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(vi) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Water Supply. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(vi) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

It is noted that all four submissions seek amendments to the reference used in the Standard to ensure the Standard is updated to reflect current standards. Submissions further seek that reference be included to subsequent standards. However, this approach is not supported as the future standards or amendments have not been evaluated and the content is unknown.

Following advice from Council Engineering Officers, it is recommended the standard in Rule 11.2.2.1(b)(vi) be amended as follows:

~~“The Compliance with the following standards: specified below must be taken onto account::~~

~~New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies 1992.~~

~~- NZS PAS 4509:2003 NZ Fire Service Code of Practice for Fire Fighting Water Supplies New Zealand Standard 9201: Chapter 7:1994 Model General Bylaw Water Supply Part 3 Model Performance Standards Hutt City Council Bylaw 1997 Part 17 Water Supply. New Zealand Standard 4404:1981 Code of Practice for Urban Land Subdivision~~

~~- Part 6 NZS 4404:2004 (Land Development and Subdivision Engineering).~~

Reporting Officers Recommendation

- Accept in part submission DPC10/04 (4.2) in so far as it is consistent with the recommendation in relation to Amendment 18.
- Accept in part submission DPC10/09 (9.3) in so far as it is consistent with the recommendation in relation to Amendment 18.
- Accept in part submission DPC10/07 (7.4) in so far as it is consistent with the recommendation in relation to Amendment 18.
- Accept in part submission DPC10/10 (10.4) in so far as it is consistent with the recommendation in relation to Amendment 18.

5.19 Amendment 19 - Rule 11.2.2.1(b)(vii) – Engineering Design Telephone & Electricity

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.5)	Cuttriss Consultants Ltd	Not stated	Amend reference to 'telephone' and replace with 'telecommunications'

The submission from Cuttriss Consultants Ltd DPC10/07 (7.5) seeks the reference to “telephone” be replaced with “telecommunications”.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(vii) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Telephone and Electricity. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(vii) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

The submission to Amendment 19 seeks the word “Telephone” be replaced with “Telecommunications”. This amendment is supported as it

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is a broader term that covers a wider range of possible requirements from network utility operators.

It is recommended Amendment 19 be amended by replacing the word “Telephone” with “Telecommunications”.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.5) which supports Amendment 19 subject to amendment.

5.20 Amendment 20 - Rule 11.2.2.1(b)(viii) – Engineering Design Earthworks

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/05 (5.2)	Greater Wellington Regional Council	Not stated	Amend the reference to ‘silt control measures’ by replacing it with compliance with “Erosion and Sediment Control Guidelines for the Wellington Region 2003” and “Small Earthworks Erosion and Sediment Control for small sites”
DPC10/07 (7.4)	Cuttriss Consultants Ltd	Not stated	Amend the silt control measures standard by replacing with a standard requiring general accordant with the Greater Wellington Erosion and Sediment Control Guidelines or similar standard
DPC10/14 (14.4)	EHEA	Support	Retain
DPC10/10 (10.4/10.5)	Truebridge Callender Beach Ltd.	Not stated	Delete standard 11.2.2.1(b)(vii) and replace with compliance with the GWRC Erosion Sediment Control Guidelines. Alternatively amend to refer to latest and subsequent New Zealand Standards and

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			compliance with the Permitted Activity Conditions 14I 2.1.1 not Chapter 14I of the District Plan
DPC10/07 (7.4)	Cuttriss Consultants Ltd	Not stated	Amend reference to section 302 of NZS4404:1981 by replacing with reference to the relevant section of NZS4404:2004. Also, add the words 'or subsequent New Zealand Standard'
DPC10/09 (9.4)	New Zealand Institute of Surveyors	Not stated	Amend Rule 11.2.2.1(b) to read as follows: "Compliance with Rule 14I 2.1."
DPC10/10 (10.4/10.5)	Truebridge Callender Beach Ltd.	Not stated	Amend references to the New Zealand Standards in the following manner to keep the plan up to date "the latest version of NZSXXXX or the subsequent New Zealand Standard"

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.3)	Petone Planning Action Group	Greater Wellington Regional Council (DPC10/05)	Support

The submission from Greater Wellington Regional Council DPC10/05 (5.2), Cuttriss Consultants Ltd DPC10/07 (7.4), and Truebridge Callender Beach Ltd DPC10/10 (10.4/10.5) all seek amendments to the references provided in the standard.

East Harbour Environmental Association Incorporated DPC10/14 (14.4) support Amendment 20.

New Zealand Institute of Surveyors DPC10/09 (9.4) seek amendment of Rule 11.2.2.1(b) to read as follows: "Compliance with Rule 14I 2.1." The effect of this would be only one standard and term relating to earthworks. The further submission by Petone Planning Action Group DPC10/FS1 (FS1.3) support submission DPC10/05 (5.2).

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(b)(viii) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Earthworks. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan.

Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1 (b)(viii) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that these are Engineering Design standards to be complied with. A consequential change arising from Amendment 23 is the deletion of the words “Compliance with Chapter 14I of this Plan” from Amendment 20 Rule 11.2.2.1(b)(viii). This would remove duplication with the standards within Chapter 14I and clarify the standards that apply to earthworks undertaken as part of a subdivision. A further consequential amendment is proposed Amendment 28 to include 14I 2.3(a) as a discretionary activity under Rule 11.2.4.

The submission from the NZ Institute of Surveyors seeks removal of the standards within the Subdivision chapter relating to earthworks, and replaced with a reference to the rules within Section 14I 2.1. However, this approach is not considered the most appropriate for managing the effects of earthworks undertaken as part of a subdivision to achieve the objectives in the Plan. One of the primary purposes of this Plan Change is to better

manage the increasing amount of earthworks being undertaken as part of subdivisions.

Four submission points seek amendment to the reference used in the standard to ensure the Standard is updated to reflect current standards and/or other Guidelines relating to earthworks. Submissions further seek that reference be included to subsequent standards. However, as discussed above, this approach is not supported as future standards and amendments are unknown and have not been evaluated.

Following advice from Council Engineering Officers, it is recommended the standard in Rule 11.2.2.1(b)(viii) be amended as follows:

~~Compliance Standard:~~

~~Compliance with Chapter 14I of the Plan, the provision of NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) must be taken into account and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering Part 2 NZS 4404 1981 (Code of Practice for Urban Land Subdivision).~~

~~Wherever practicable Silt control measures shall are to be designed on the basis of retaining particle sizes greater than 20 microns during a 2 year 1 hour storm.~~

~~Erosion and Sediment Control Guidelines for the Wellington Regional 2003 and Small Earthworks Erosion and Sediment Control for small sites, Greater Wellington Regional Council".~~

Reporting Officers Recommendation

- Accept submission DPC10/05 (5.2) which seeks amendment to Amendment 20.
- Accept in part submission DPC10/07 (7.4) in so far as it is consistent with the recommendation in relation to Amendment 20.

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- Accept in part submission DPC10/10 (10.4/10.5) in so far as it is consistent with the recommendation in relation to Amendment 20.
- Accept submission DPC10/14 (14.4) which supports Amendment 20.
- Reject submission DPC10/09 (9.4) which seeks amendment to Amendment 20.
- Accept further submission DPC10/FS1 (FS1.3) which supports submission DPC10/05 (5.2).

5.21 Amendment 21 - Rule 11.2.2.1(c) – Contamination

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/05 (5.3)	Greater Wellington Regional Council	Not stated	Add “Contaminated Land Management Guidelines 1-5” to the list of Ministry for the Environment documents currently in the District Plan (page 11/19)
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(c) Retain the changes as proposed

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.4)	Petone Planning Action Group	Greater Wellington Regional Council (DPC10/05)	Support

The submission from Greater Wellington Regional Council DPC10/05 (5.3) seeks amendments to the references provided in the standard by including further guidelines. The further submission by Petone Planning Action Group DPC10/FS1 (FS1.4) support submission DPC10/05 (5.3). Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 21.

Discussion and Evaluation

As with other provisions, Provision 11.2.2.1(c) of the Operative Plan includes Performance Objective, Performance Criteria and Compliance Standards that must be assessed for Contamination Standards and Terms. Confusion has arisen in the implementation and administration of these three parts of the rules, as they are not explicitly clear in terms of their ability for Plan users to determine compliance with the standards when assessing an application. It is also unclear whether non-conformance with the stated Performance Objective and Performance Criteria change the status of an activity. Therefore the provisions as presently worded introduce a high degree of confusion in the interpretation and application of the Plan. Proposed Plan Change No.10 clarifies the application and intent of the Section 11.2.2.1(c) by removing the Performance Objective and Performance Criteria, and retaining only the standard. It is noted that the Performance Criteria are reintroduced in the text as Amendment 26.

The submission seeking the addition of “Contaminated Land Management Guidelines 1-5” to the standard are supported as the guidelines are an effective method for managing contaminated land. It is recommended Amendment 21 be amended to include “Contaminated Land Management Guide 1 – 5” as a standard.

Reporting Officers Recommendation

- Accept submission DPC10/05 (5.3) seeking amendment to Amendment 21.
- Accept submission DPC10/07 (7.10) which supports Amendment 21.
- Accept further submission DPC10/FS1 (FS1.4) which supports submission DPC10/05 (5.3).

5.22 **Amendment 22 - New rule (Esplanade Reserve Width)****Submissions**

DPC10/01 (1.2)	Byrne, Simon	Oppose	New Rule 11.2.2.1(d) Amend the revised rule such that the properties in Moores Valley Road and Crowther Road and adjoining the Wainuiomata Stream are excluded from the requirement to vest any esplanade reserve under the revised rule
DPC10/03 (3.1)	Lyon, Graeme Lester	Support	New Rule 11.2.2.1(d)(ii) Retain new rule for esplanade reserves to have a minimum width of 20 metres
DPC10/03 (3.2)	Lyon, Graeme Lester	Oppose	New Rule 11.2.2.1(d)(iii) Delete the words “up to a maximum width” from Rule 11.2.2.1(d)(iii), resulting in all esplanade reserves to be a minimum width of 20 metres
DPC10/03 (3.3)	Lyon, Graeme Lester	Oppose	New Rule 11.2.2.1(d)(iv) Delete the words “up to a maximum width” from Rule 11.2.2.1(d)(vi), resulting in all esplanade reserves to be a minimum width of 20 metres
DPC10/05 (5.4)	Greater Wellington Regional Council	Support	New Rule 11.2.2.1(d)(ii) Retain the requirement unchanged
DPC10/06 (6.3)	Moore, Reginald Charles	Not stated	New Rule 11.2.2.1(d) Appears to seek to amend the minimum width of esplanade reserves to be sufficient width to provide access for tractor drawn mowers
DPC10/07	Cuttriss Consultants	Not stated	New Rule 11.2.2.1(d) Amend by adding to the end of the rule the

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(7.7)	Ltd		statement “unless it is determined that a lesser width is appropriate”
DPC10/14 (14.3)	EHEA	Support	New Rule 11.2.2.1(d) and New Section 11.2.2.3 respectively Retain those amendments relating to Esplanade Reserve Strips and Access Strips
DPC10/10 (10.6)	Truebridge Callender Beach Ltd	Not stated	New Rule 11.2.2.1(d) Retain existing Rule 11.2.2.1(d)(ii) and (iv) specifically the phrase “up to a maximum width”

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.5)	Petone Planning Action Group	Lyon, Graeme Lester (DPC10/03) New Rule 11.2.2.1(d)(ii), 11.2.2.1(d)(iii), 11.2.2.1(d)(iv),	Support
DPC10/FS1 (FS1.10)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Oppose

Nine submissions were lodged in respect of Amendment 22.

Simon Byrne DPC10/01 (1.2) opposes New Rule 11.2.2.1(d) and seeks amendment to the revised rule such that the properties in Moores Valley Road and Crowther Road and adjoining the Wainuiomata Stream are excluded from the requirement to vest any esplanade reserve under the revised rule. Graeme Lyon DPC10/03 (3.1., 3.2 and 3.3) has lodged three submission points in respect of Amendment 22. Support is expressed for new Rule 11.2.2.1(d)(ii), but Mr Lyon opposes new Rule 11.2.2.1(d)(iii) and 11.2.2.1(d)(iv).

Greater Wellington Regional Council DPC10/05 (5.4) support New Rule 11.2.2.1(d)(ii). Reginald Moore DPC10/06 (6.3) submitted in respect of New Rule 11.2.2.1(d) and appears to seek to amend the minimum width of esplanade reserves to be sufficient width to provide access for tractor drawn mowers. Cuttriss Consultants Ltd DPC10/07 (7.7) seek amendment to new Rule 11.2.2.1(d) by adding to the end of the rule the statement “unless it is determined that a lesser width is appropriate”. East Harbour Environmental Association Incorporated DPC10/14 (14.3) support New Rule 11.2.2.1(d) and New Section 11.2.2.3 respectively. Truebridge Callender Beach Ltd DPC10/10 (10.6) seek to retain existing Rule 11.2.2.1(d)(ii) and (iv) specifically the phrase “up to a maximum width”. Petone Planning Action Group DPC10/FS1 (FS1.5) support the three submission points of Graeme Lyon DPC10/03 (3.1, 3.2, 3.3). Petone Planning Action Group DPC10/FS1 (FS1.10) oppose the submission of Cuttriss Consultants Ltd DPC10/07 (7.7).

Discussion and Evaluation

Amendment 22 encompasses two changes –

The first change is the replacement of the existing text under Section 11.2.4 as a new rule 11.2.2.1(d). The effect of this will be to make esplanade reserves, strips and access strips a Standard and Term which all Controlled Activity subdivisions shall comply with. The amendment aims to remove the uncertainty as to the status and applicability of the esplanade reserves, strips and access strip standards and assist in the plan interpretation and administration.

The second change within Amendment 22 is the amendment of existing provisions 11.2.4(b) to remove reference to a maximum width for esplanade reserves for lots less than 4ha. All other content remains unchanged. This amendment has been promulgated as the current requirements for esplanade reserves do not specify a minimum width for

lots less than 4ha, with the consequence that not only is there uncertainty about what an appropriate width may be. Conversely, it also means an inappropriate width (i.e. a very thin esplanade reserve with little practical use) may not be able to be remedied through the controlled activity resource consent process. Having no minimum width for esplanade reserves limits Council's ability to effectively and efficiently achieve the objectives in the Plan relating to public access to waterbodies and protecting the amenity values and ecological values of these waterbodies.

In respect of lots created over 4ha in area, rules 11.2.2.1(d)(iii) and 11.2.2.1(d)(iv) in the Operative Plan provides a reserve or strip "up to a maximum width" of 20m shall be set aside.

In response to the relief sought under submission DPC10/03 (3.3) and evaluation of the standards, it is recommended rules 11.2.2.1(d)(iii) and 11.2.2.1(d)(iv) be amended so that a set reserve or strip of 20m be required. This recommendation is based on similar reasons outlined above for lots less than 4 hectares, in particular, the certainty it would provide for Council and subdividers. Non compliance with the rules would require consent as a discretionary activity (as stipulated in the last paragraph of new Rule 11.2.2.1(d)). In light of these amendments, it is recommended submissions DPC10/14 (14.3) and DPC10/10 (10.6) be rejected.

It is noted for lots greater than 4 hectares, Section 237F of the Act requires Council to pay compensation to the registered proprietor of that allotment. The value of this compensation is determined at the time of subdivision, and the valuation would be determined by an independent party (e.g. registered independent valuer). It is not considered the level of compensation would place an undue burden on Council, given the limited number of waterbodies which require esplanade reserves. The costs of compensation are considered to be outweighed by the benefits in

acquiring the esplanade reserves, such as public access, natural hazard avoidance, and maintenance and enhancement of natural values of waterbodies.

In response to submission DPC10/06 (6.3), the 20m minimum width requirement for lots less than 4ha (being Rural Residential subdivisions) will provide sufficient access for tractors drawn mowers.

In respect to submission DPC10/03 (3.1 and 3.2), the 20m width proposed under Amendment 22 is consistent with Section 230(3) of the Resource Management Act and would provide consistency and certainty across the whole City for developers, plan administrators and the general public as to the width and applicability of esplanade reserves.

In response to submission DPC10/01 (1.2), an exemption for properties along Moores Valley Road and Crowther Road is not supported as there are no valid planning reason for exemption of these properties and not others.

The amendment sought by Submission DPC10/07 (7.7) that the Rule be amended by adding to the end of the rule the statement “unless it is determined that a lesser width is appropriate” would re-introduce a subjective component to the standard, resulting in uncertainty as to the application of the rule and in what circumstances a lesser width would be appropriate. Sufficient flexibility would be provided in the assessment of any resource consent application for a discretionary activity for a narrower esplanade reserve/strip on a case by case basis.

It is recommended Amendment 22 be retained as notified with a further amendment to Part (iii) and (iv) as follows:

“...or strip up to a maximum width of 20m...”

Reporting Officers Recommendation

- Reject submission DPC10/01 (1.2) seeking an exemption to Amendment 22.
- Accept submission DPC10/03 (3.1) supporting Rule 11.2.2.1(d)(ii).
- Accept submission DPC10/03 (3.2, 3.3) seeking amendment to 11.2.2.1(d)(iii) and 11.2.2.1(d)(iv).
- Accept in part submission DPC10/05 (5.4) supporting Rule 11.2.2.1(d)(ii) in so far as it is consistent with the recommendation in relation to Amendment 22.
- Accept in part submission DPC10/06 (6.3) in so far as it is consistent with the recommendation in relation to Amendment 22.
- Accept submission DPC10/07 (7.7) seeking amendment to Rule 11.2.2.1(d).
- Accept in part submission DPC10/14 (14.3) supporting Rule 11.2.2.1(d) in so far as it is consistent with the recommendation in relation to Amendment 22.
- Accept in part submission DPC10/10 (10.6) supporting Rule 11.2.2.1(d)(ii) and (iv) in so far as it is consistent with the recommendation in relation to Amendment 22.
- Accept further submission DPC10/FS1 (FS1.5) in support of submission DPC10/03 (3.1).
- Accept further submission DPC10/FS2 (FS1.10) which opposes submission DPC10/07 (7.7).

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5.23 Amendment 23 - New rule 11.2.2.1(e) (Subdivision Earthworks)

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/05 (5.5)	Greater Wellington Regional Council	Support	Add a height of cut/fill performance standard for earthworks
DPC10/14 (14.5)	EHEA	Support	Retain
DPC10/12 (12.4)	KEG	Support	Retain Amendment 23 unchanged
DPC10/10 (10.7)	Truebridge Callender Beach Ltd.	Not stated	Delete new earthworks rule 11.2.2.1(e)
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(e) Retain the changes as proposed
DPC10/09 (9.4)	New Zealand Institute of Surveyors	Not stated	Delete new earthworks rule 11.2.2.1(e)

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.6)	Petone Planning Action Group	Greater Wellington Regional Council (DPC10/05)	Support
DPC10/FS1 (FS1.11)	Petone Planning Action Group	Truebridge Callender Beach Ltd (DPC10/10)	Oppose

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DPC10/FS1 (FS1.11)	Petone Planning Action Group	New Zealand Institute of Surveyors (DPC/09)	Oppose
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Three submissions, being East Harbour Environmental Association Incorporated DPC10/14 (14.5), Korokoro Environmental Group Inc DPC10/12 (12.4), and Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 23. Greater Wellington Regional Council DPC10/05 (5.5) support Amendment 23 but seek the addition of a height of cut/fill performance standard for earthworks. Two submissions, being Truebridge Callender Beach Ltd DPC10/10 (10.7) and New Zealand Institute of Surveyors DPC10/09 oppose Amendment 23 and seek deletion of the new earthworks rule 11.2.2.1(e).

Petone Planning Action Group DPC10/FS1 (FS1.11) oppose submissions DPC10/10 (10.7) and DPC10/09 (9.4) which oppose Amendment 23. Petone Planning Action Group DPC10/FS1 (FS1.6) support DPC10/05 (5.5) which supports Amendment 23 but seeks the addition of a height of cut/fill performance standard for earthworks.

Discussion and Evaluation

Amendment 23 introduces a new earthworks standard Rule 11.2.2.1(e) which establishes a maximum volume of 50m³ for earthworks undertaken as part of a subdivision.

As set out in the Proposed Plan Change documentation, among other matters, the existing subdivision rules seek to manage the effects from earthworks associated with site development works undertaken during the subdivision phase. This approach is not proving effective in achieving the overall objectives in the Plan, due to Rule 14I 2(ii) that enables earthworks carried out as part of subdivision consent to be excluded from complying with the land use performance standards for earthworks. Therefore, this approach limits Council's ability to effectively manage the

effects from earthworks; in particular, the effects associated with large-scale earthworks for residential and rural-residential subdivisions, as these are now increasing to occur in marginal, steeper areas of the City. Amendment 23 addresses this Plan deficiency through the provision of an earthworks standard for subdivisions.

In respect of submission DPC10/05 (5.5), they request a standard relating to height of cut/fill be inserted into Rule 11.2.2.1(e). As noted in submission DPC10/05 (5.5), the introduction of a height standard would assist in managing effects on landslip and the landscape, with the 50m³ volume control used to manage silt and sediment runoff. Adding a height of cut/fill standard would amend the subdivision earthworks rule to be consistent with the land use earthworks rule in Section 14I 2.1.1. This amendment is considered to be more effective at managing the range of potential effects from earthworks undertaken as part of a subdivision.

However, there are some minor earthworks which are required to develop most subdivisions which have negligible effects on the earthworks. In particular, trenching associated with the installation of underground infrastructure typically involves a minimal volume of earthworks, but can be deeper than 1.2m to comply with engineering and safety requirements. Therefore, it is recommended an exclusion apply for trenching to enable this activity to be carried out without triggering the earthworks standard.

Furthermore, in light of concerns raised by submission DPC10/09 (9.4) in respect of duplication of rules, and the need for compliance with Permitted Activity Condition 14I 2.1.1 as raised by submission DPC10/10 (10.7), it is recommended the standards of 14I 2.1.1 be provided in Rule 11.2.2.1(e) to make it clear what standards apply to earthworks undertaken as part of a controlled subdivision. As a consequential change, an amendment is proposed to Amendment 28 to include 14I 2.3(a) as a

discretionary activity under Rule 11.2.4, and a further consequential change is the deletion of the words “Compliance with Chapter 14I of this Plan” from Amendment 20 Rule 11.2.2.1(b)(viii). Such amendments would clarify the standards that apply to earthworks undertaken as part of a subdivision. In respect of Amendment 20, it is noted that these are Engineering Design standards to be complied with.

It is therefore recommended that Rule 11.2.2.1(e) be amended as follows:

“(e) Earthworks

Compliance with the following

- (i) In all activity areas, the maximum volume of earthworks shall be 50m³ (solid measure) per site.
- (ii) The natural ground level may not be altered by more than 1.2m, measured vertically.
- (iii) Baring Head, Pt 1A2 Parangarahu, as shown on Appendix Earthworks 2, any earthworks must be limited to the immediate area of the building platforms.
- (iv) In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.
- (v) Provision (i) and (ii) shall not apply to earthworks for trenching.”

Reporting Officers Recommendation

- Accept in part submission DPC10/14 (14.5) in so far as it is consistent with the recommendation in relation to Amendment 23.
- Accept in part submission DPC10/12 (12.4) in so far as it is consistent with the recommendation in relation to Amendment 23.
- Accept in part submission DPC10/07 (7.10) in so far as it is consistent with the recommendation in relation to Amendment 23.
- Accept in part submission DPC10/05 (5.5) in so far as it is consistent with the recommendation in relation to Amendment 23.

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- Oppose submission DPC10/10 (10.7) which opposes Amendment 23.
- Oppose submission DPC10/09 (9.4) which opposes Amendment 23.
- Accept further submission DPC10/FS1 (FS1.11) which opposes submission DPC10/10 (10.7)
- Accept further submission DPC10/FS1 (FS1.11) which opposes submission DPC10/09 (9.4)
- Accept in part further submission DPC10/FS1 (FS1.6) which supports submission DPC10/05 (5.5) in so far as it is consistent with the recommendation in relation to Amendment 23.

5.24 Amendment 24 - New rule 11.2.2.1(f) (Other Provisions)

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/09 (9.5)	New Zealand Institute of Surveyors	Not stated	Delete reference to 'General rules in Chapter 14 of this Plan' in Rule 11.2.2.1(f)
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.1(f) Retain the changes as proposed

The New Zealand Institute of Surveyors DPC10/09 (9.5) seek the deletion of new rule 11.2.2.1(f) as they consider this is a double up in terms of the earthworks limits. Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 24.

Discussion and Evaluation

The effect of new Rule 11.2.2.1(f) is to clarify that as a condition of a controlled activity subdivision, compliance is required with the General Rules within Chapter 14. Such rules include matters relating to signs,

noise, hazardous facilities, natural hazards and so forth. As a subdivision may affect the status of any of the activities provided in Chapter 14, it is appropriate that these matters be considered as part of the subdivision. As such, for the avoidance of doubt, it is recommended the new rule be retained.

Reporting Officers Recommendation

- Reject submission DPC10/09 (9.5) which opposes Amendment 24.
- Accept submission DPC10/07 (7.10) which supports Amendment 24.

5.25 Amendment 25 - New section – Matters in which Council Reserves Control

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.2 Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 25.

Discussion and Evaluation

Amendment 25 introduces a new section 11.2.2.2 being Matters in which Council Seeks to Reserve Control. The support in submission DPC10/07 (7.10) is noted and it is recommended that Amendment 25 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 25.

5.26 **Amendment 26 - New section 11.2.2.3 – Assessment Criteria****Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/04 (4.3)	New Zealand Fire Service Commission	Support	New Section 11.2.2.3 Add a further assessment criteria matter stating; “In all areas, an adequate and suitable water supply should be provided for fire fighting provisions in accordance with SNZ PAS 4509:2003 or any subsequent amendments”
DPC10/05 (5.6)	Greater Wellington Regional Council	Not stated	Amend assessment criteria by adding reference to the principles and guidelines in Greater Wellington’s Erosion and Sediment Control Guidelines for the Wellington Region 2003 and Small Earthworks Erosion and Sediment Control for small sites
DPC10/06 (6.4)	Moore, Reginald Charles	Not stated	By inference the submitter appears to request the assessment criteria better reflect issues with narrow ‘private ways’ such as on-site parking and safety and security concerns
DPC10/14 (14.6)	EHEA	Support	Retain
DPC10/09 (9.6)	New Zealand Institute of Surveyors	Not stated	New Sections 11.2.2.3 Delete (viii) Earthworks from section 11.2.2.3. Amend assessment criteria to include earthworks criteria under new rule 11.2.3 and renumbered rule 11.2.4
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.2.3 Retain the changes as proposed

East Harbour Environmental Association Incorporated DPC10/14 (14.6) and Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 26. The New Zealand Fire Service Commission DPC10/04 (4.3) support Amendment 26 but seek a further assessment criteria matter stating; “*In all areas, an adequate and suitable water supply should be provided for fire fighting provisions in accordance with SNZ PAS 4509:2003 or any subsequent amendments*”. Greater Wellington Regional Council DPC10/05 (5.6) seek to amend the assessment criteria by adding reference to the principles and guidelines in Greater Wellington’s Erosion and Sediment Control Guidelines for the Wellington Region 2003 and Small Earthworks Erosion and Sediment Control for small sites. Reginald Moore DPC10/06 (6.4) appears to request the assessment criteria better reflect issues with narrow ‘private ways’ such as on-site parking and safety and security concerns. New Zealand Institute of Surveyors DPC10/09 (9.6) seek to delete (viii) Earthworks from section 11.2.2.3 and amend the assessment criteria to include earthworks criteria under new rule 11.2.3 and renumbered rule 11.2.4.

Discussion and Evaluation

Amendment 26 introduces a new section providing assessment criteria for controlled activity subdivisions. This new section uses the performance standards from the existing section 11.2.2.1, except:

- In relation to providing gas as this has been deleted in accordance with Amendment 19; and
- In relation to Esplanade Reserve and Strips, which are new assessment matters.

As such, the majority of the criteria within Amendment 26 are existing provisions within the Operative Plan.

In respect of submission DPC10/04 (4.3), the standard NZS PAS 4509:2003 has been recommended as a standard within Amendment 18. Criteria 11.2.2.3(b)(vi) for water supply includes reference for the provision of a water supply for fire fighting purposes. Therefore, it is considered the proposed assessment criteria effectively provide for the relief sought by the submitter.

The relief sought in submission DPC10/05 (5.6) on erosion and sediment control guidelines has been recommended for inclusion as a standard within Amendment 20. In addition, the proposed criteria 11.2.2.3(b)(viii) includes consideration of soil erosion and surface runoff in the design and construction methods for the subdivision. Therefore, it is considered the proposed assessment criteria effectively provide for the relief sought by the submitter.

In relation to submission DPC10/06 (6.4), matters relating to access, onsite parking and safety and security are currently addressed through the District Plan standards, and are more appropriately addressed through the standards as opposed to assessment criteria. Submission DPC10/09 (9.6) seeks the deletion of (viii) Earthworks from section 11.2.2.3 and amendment of the assessment criteria to include earthworks criteria under new rule 11.2.3 and renumbered rule 11.2.4. It is recommended earthworks associated with subdivision remain a controlled activity subject to compliance with standards. Such provisions are appropriately supported by assessment criteria within 11.2.2.3.

However, it is noted that amendments are recommended in relation to Amendment 27 which will have the effect of making any subdivision which involves earthworks that do not meet the controlled activity standards, a Restricted Discretionary Activity under Rule 11.2.3. It is recommended Amendment 26 remain as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/14 (14.6) which supports Amendment 26.
- Accept submission DPC10/07 (7.10) which supports Amendment 26.
- Accept in part submission DPC10/04 (4.3) in so far as it is consistent with the recommendation in relation to Amendment 26.
- Accept in part submission DPC10/05 (5.6) in so far as it is consistent with the recommendation in relation to Amendment 26.
- Accept in part submission DPC10/06 (6.4) in so far as it is consistent with the recommendation in relation to Amendment 26.
- Reject submission DPC10/09 (9.6) which opposes Amendment 26.

5.27 Amendment 27 - New section 11.2.3 and 11.2.3.1 – Restricted Discretionary Activities

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.8)	Cuttriss Consultants Ltd	Not stated	New Sections 11.2.3 and 11.2.3.1 Amend new rules so that earthworks that do not comply with permitted activity standards are a restricted discretionary activity with specific matters of discretion. Amend the phrase ‘non-conformance’ by replacing it with ‘non-compliance’ throughout the Plan Change.
DPC10/07 (7.9)	Cuttriss Consultants Ltd	Not stated	New Section 11.2.3 Add further restricted discretionary activities for non-compliance with the following standards: 14A(i)2.1 – (a) road classification, (b) classification of new roads, (c)

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			<p>reclassification of existing roads, (d) design standards, (e) distributor roads, (f) access roads, (g) visibility requirements, (h) provision for pedestrians, (i) berms</p> <p>14A(ii)2.1 – (a) vehicular access, (b) separation from intersections, (c) vehicle crossings over footpaths, (d) circulation and manoeuvring space, (e) special provisions for service stations</p> <p>14A(iii)2.1 – (a) car park requirements, (b) location of parking spaces, (c) special parking area, (d) design standards, (e) cycle park requirements</p> <p>14A(iv)2.1 – (a) loading and unloading, (b) loading and unloading for non-residential activities, (c) design requirements</p> <p>Amend rule to read as follows: “(a) Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (b) engineering design, (c) contamination and 14A (i)-(iv)”</p>
DPC10/10 (10.8)	Truebridge Callender Beach Ltd.	Not stated	<p>New Sections 11.2.3 and 11.2.3.1</p> <p>Amend non-compliance with earthworks permitted activity standards to be a restricted discretionary activity, by either deleting Earthworks Standard 11.2.2.1(e), or by amending the last line of Rule 11.2.3 to read: “(b) Engineering Design, (c) Contamination and (e) Earthworks.”</p>
DPC10/09 (9.6)	New Zealand Institute of Surveyors	Not stated	<p>New Sections 11.2.3</p> <p>Delete (viii) Earthworks from section 11.2.2.3. Amend assessment criteria to include earthworks criteria under new rule 11.2.3 and renumbered rule 11.2.4</p>

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.14)	Petone Planning Action Group	Cuttriss Consultants Ltd (DPC10/07)	Not stated. Petone Planning Action Group do not want lesser earthworks or road/traffic conditions.

The submissions from Cuttriss Consultants Ltd DPC10/07 (7.8- 7.9), Truebridge Callender Beach Ltd DPC10/10 (10.8) and New Zealand Institute of Surveyors DPC10/09 (9.6) all seek amendment to proposed section 11.2.3 to provide for earthworks associated with subdivision that do not meet the Controlled Activity standards as a Restricted Discretionary Activity, as opposed to a Discretionary Activity. Cuttriss Consultants Ltd also seek other technical matters be included as Restricted Discretionary Activities under Rule 11.2.3.

Discussion and Evaluation

Amendment 27 introduces a new section and rule to provide for Restricted Discretionary Activities and outlines the matters to which Council has restricted its discretion. Following consideration of submissions, it is recommended Rule 11.2.3(a) be amended to include (e) earthworks (associated with subdivision) as a Restricted Discretionary Activity. Such an approach is consistent with the earthworks rules within Chapter 14I – General Rules, thereby providing consistency within the land use earthworks in the District Plan.

Consequential amendments include the provision of Matters of Discretion under 11.2.3.1. The matters of discretion provide the framework for the

consideration of effects associated with earthworks. The matters are as follows:

(i) Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.

The effects on the amenity values of neighbouring properties including dust and noise.

The extent to which replanting or rehabilitation works are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas.

(ii) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and be sympathetic to the natural topography.

(iii) Historical or Cultural Significance:

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

(iv) Natural Hazards:

Consideration should be given to those areas prone to erosion, landslip and flooding. Excavation should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.

(v) Construction Effects:

The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.

A further consequential amendment is the removal of provision 11.2.3.1(a) which relates to performance objective criteria as Proposed Plan Change 10 removes performance objectives and criteria from Chapter 11. It is also recommended that the term “non-conformance” be amended to “non-

compliance” within provision 11.2.3.1(b). This amendment would provide consistency with terminology used throughout the District Plan. Both these amendments have been raised in submission DPC10/07 (7.8-7.9).

Submission DPC10/07 (7.9) further seeks the inclusion of non-compliance with other technical matters as a restricted discretionary activity. Proposed Rule 11.2.3 also provides this as a standard within “(b) Engineering Design” includes “Compliance with Chapter 14A - Transport”. As such any non-compliance with the standards in 14A in relation to Transport is already provided for in proposed Rule 11.2.3 Restricted Discretionary Activity.

Based on the above, it is recommended that provision 11.2.3 and 11.2.3.1 read as follows:

“ 11.2.3 Restricted Discretionary Activities

(a) Any subdivision that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of: (b) Engineering Design, (c) Contamination and (e) Earthworks.

11.2.3.1 Matters in which Council has restricted its discretion

(a) Any actual or potential adverse effects arising from the proposed non conformance compliance, and measures to avoid, remedy or mitigate such effects.

(b) Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent.

The effects on the amenity values of neighbouring properties including dust and noise.

The extent to which replanting or rehabilitation works are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas.

(c) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and be sympathetic to the natural topography.

(d) Historical or Cultural Significance:

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

(e) Natural Hazards:

Consideration should be given to those areas prone to erosion, landslip and flooding. Excavation should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.

(f) Construction Effects:

The extent to which the proposed earthworks have adverse short term and temporary effects on the local environment.

11.2.3.1 Matters in which Council has restricted its discretion

~~(a) The ability to meet the relevant performance objective and criteria for which~~

~~non-conformance is proposed.~~

(a) (b) Any actual or potential adverse effects arising from the proposed non-conformance non-compliance, and measures to avoid, remedy or mitigate such effects.”

Reporting Officers Recommendation

- Accept submission DPC10/10 (10.8) which supports Amendment 27 with amendment.

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- Accept in part submission DPC10/07 (7.8-7.9) in so far as it is consistent with the recommendation in relation to Amendment 27.
- Accept in part submission DPC10/09 (9.6) in so far as it is consistent with the recommendation in relation to Amendment 27.
- Accept in part further submission DPC10/FS1 (FS1.14) which opposes submission DPC10/07 (7.8-7.9)

5.28 Amendment 28 - Rule 11.2.3 – Discretionary Activities

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2. Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 28.

Discussion and Evaluation

As a consequential change of Amendment 23 discussed above, it is recommended that Amendment 28 be amended to include 14I 2.3(a) as a discretionary activity under Rule 11.2.4, and a further consequential change is the deletion of the words “Compliance with Chapter 14I of this Plan” from Amendment 20 Rule 11.2.2.1(b)(viii). Such amendments would clarify the standards that apply to earthworks undertaken as part of a subdivision.

It is therefore recommended that Rule 11.2.4 be amended as follows:

11.2.3.4

Discretionary Activities

- (i) Any subdivision which is not a Permitted, ~~or~~ Controlled or Restricted Discretionary Activity.

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(k) On 2/76 Normandale Road, Pt Lot 1 DP 7984, any earthworks undertaken as part of a subdivision, in that part of the site identified to the north and east of the stream, as shown on Appendix Earthworks 3.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 28.

5.29 Amendment 29 - Section 11.2.3.1 - Assessment Criteria for Discretionary Activities

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/09 (9.6)	New Zealand Institute of Surveyors	Not stated	Rule 11.2.3 Delete (viii) Earthworks from section 11.2.2.3. Amend assessment criteria to include earthworks criteria under new rule 11.2.3 and renumbered rule 11.2.4
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2. Retain the changes as proposed

The New Zealand Institute of Surveyors DPC10/09 (9.6) seek changes to the earthworks standards. Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 29.

Discussion and Evaluation

Recommendations relating to Amendments 26, 27 and 28 amend the provisions relating to earthworks (undertaken as part of a subdivision). The effect is that earthworks undertaken as part of a subdivision that do not meet the controlled activity standards would be a Restricted

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Discretionary Activity, with associated Matters of Discretion. It is recommended that Amendment 29 remain as notified.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 29.
- Accept in part submission DPC10/09 (9.6) in so far as it is consistent with the recommendation in relation to Amendment 29.

5.30 Amendment 30 - Section 11.2.4 – Esplanade Reserves, Strips & Access Strips

Submissions

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	11.2.4.1 Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 30.

Discussion and Evaluation

Amendment 30 deletes Section 11.2.4 Esplanade Reserves, Strips and Access Strips. This section has been inserted as a new rule 11.2.2.1(d) under Amendment 22.

It is recommended Amendment 30 be retained as proposed.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 30.

5.31 **Amendment 31 - Rule 14I2 (Earthworks)****Submissions**

Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/08 (8.2)	Winstone Aggregates	Support in part	Add the following sentence to the end of clause (iv) of 14I 2 Rules: 'Such earthworks are a permitted activity'
DPC10/14 (14.7)	EHEA	Support	Amend 14I 2 Rules (ii) by adding the words "and standards and terms thereof" after the words "Rule 11.2.3"
DPC10/10 (10.9)	Truebridge Callender Beach Ltd.	Not stated	Delete changes proposed to 14I 2(ii)
DPC10/09 (9.7)	New Zealand Institute of Surveyors	Not stated	Amend Rule 14I 2 to read as follows; "(ii) Earthworks carried out as part of a subdivision consent under Rule 11.2.3 and Rule 11.2.4"
DPC10/07 (7.10)	Cuttriss Consultants Ltd	Support	14I 2 Retain the changes as proposed

Cuttriss Consultants Ltd DPC10/07 (7.10) support Amendment 31. The submission from East Harbour Environmental Association Incorporated DPC10/14 (14.7) support Amendment 31 but seek changes. New Zealand Institute of Surveyors DPC10/09 (9.7) seek amendment to the rule to exclude compliance with the subdivision earthworks standards. Truebridge Callender Beach Ltd DPC10/10 (10.9) seek deletion of Amendment 31. Winstone Aggregates DPC10/08 (8.2) support in part Amendment 31 but seek the following sentence be added to the end of clause (iv) of 14I 2 Rules: 'Such earthworks are a permitted activity'.

Discussion and Evaluation

Amendment 31 corrects the spelling of “activities” in Rule 14I 2(iv); and amends Rule 14I 2(ii) in relation to earthworks as part of a subdivision. The amendment to the rule is to clarify that earthworks carried out as part of a subdivision are managed under Rules 11.2.2 and 11.2.3 (being subdivision rules for Controlled and Restricted Discretionary Activities respectively). As discussed above for the amended earthworks rules for subdivision, a specific set of earthworks rules for subdivision is considered the most efficient and effective approach, as earthworks undertaken as part of a subdivision can have slightly different effects than for land use purposes. As a consequential change arising from Amendment 28, it is recommended provision 11.2.4 be included.

“14I 2 Rules

These provisions shall not apply to the following:

- (i) Earthworks associated with the establishment of utilities in accordance with Chapter 13 Utilities.
- (ii) Earthworks carried out as part of a subdivision consent under Rule 11.2.2, ~~and~~ Rule 11.2.3 and Rule 11.2.4.
- (iii) Earthworks in the River Recreation Activity Area for the purposes of the management of any river or stream in accordance with Chapter 7C River Recreation Activity Area
- (iv) Earthworks associated with extraction ~~activites~~ activities in Chapter 6D Extraction Activity Area.”

Amendment 31 is consistent with other recommendations of this report and no further modifications are recommended. In response to submission DPC10/08 (8.2) it is not considered necessary to include a statement that such earthworks are a permitted activity as this status is presently provided for in the Plan.

Reporting Officers Recommendation

- Accept submission DPC10/07 (7.10) which supports Amendment 31.
- Accept in part submission DPC10/14 (14.7) in so far as it is consistent with the recommendation in relation to Amendment 31.
- Reject submission DPC10/10 (10.9) which opposes Amendment 31.
- Accept in part submission DPC10/09 (9.7) in so far as it is consistent with the recommendation in relation to Amendment 31.
- Accept in part submission DPC10/08 (8.2) in so far as it is consistent with the recommendation in relation to Amendment 31.

5.32 General**Submissions**

Plan Change 10 Overall			
Submitter number	Submitter name	Support / Oppose	Decision/Relief Sought
DPC10/08 (8.3)	Winstone Aggregates	Oppose	Withdraw the change and prepare a new change which addresses reverse sensitivity effects which may arise as a result of subdivision in close proximity to quarrying and to other activities which are incompatible with residential and other sensitive development
DPC10/09 (9.8)	New Zealand Institute of Surveyors	Generally supports	Retain the Plan change with the amendments as suggested above
DPC10/13 (13.1)	Sherry Phipps	Not stated	No specific relief sought stated. However, raises questions regarding minimum lot size, minimum shape factor, low cost housing, earthworks and esplanade reserves.

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DPC10/07 (7.11)	Cuttriss Consultants Ltd	Not stated	Note that the plan change does not alter or amend standards relating to allotment sizes and net site areas. Request investigation into subdivision trends, in particular subdivision location and lot sizes
DPC10/06 (6.1)	Moore, Reginald Charles	Not stated	Provision not stated. By inference, relates to existing 'Minimum Section size' (Rule 11.2.2.1) No specific relief sought. By inference the submitter appears to request that the Council notify all applications which depart from the provisions of the Plan, especially the minimum residential lot size of 400m ² . Also appears to request that immediately neighbouring properties should always be notified (limited notification) if it is deemed unnecessary for there to be full public notification

F/S Number	Submitter Name	Original Submission	Support/Oppose
DPC10/FS1 (FS1.7)	Petone Planning Action Group	References to codes.	Oppose

Five submissions and one further submission relate to the plan overall or general points that are not specific to a particular Amendment point. These submissions are discussed below.

Discussion and Evaluation

Winstone Aggregates DPC10/08 (8.3) – The issues raised in relation to reverse sensitivity are outside the scope of Proposed Plan Change 10.

New Zealand Institute of Surveyors DPC10/09 (9.8) – The recommendations of this report are for retention of Proposed Plan Change 10 subject to amendments as identified throughout the specific amendments.

Sherry Phipps DPC10/13 (13.1) – The issues raised are outside the scope of Proposed Plan Change 10. It is considered the issues raised are dealt with adequately in existing provisions of the District Plan.

Cuttriss Consultants Ltd DPC10/07 (7.11) – The issues raised in relation to subdivision location and lot sizes are outside the scope of Proposed Plan Change 10. It is noted that a residential review is currently underway, and a review of the Rural Activity area is anticipated within the next 12 months.

Reginald Moore DPC10/06 (6.1) – The issues raised are outside the scope of Proposed Plan Change 10. It is considered the issues raised are dealt with adequately in existing provisions of the District Plan.

Petone Planning Action Group DPC10/FS1 (FS1.7) – These matters have been addressed throughout this report with recommendations made to not include a general statement relating to updated standards.

Reporting Officers Recommendation

- Reject submission DPC10/08 (8.3)
- Support in part submission DPC10/09 (9.8) in so far as it is consistent with the recommendations of this report.
- Reject submission DPC10/13 (13.1)
- Reject submission DPC10/07 (7.11)
- Reject submission DPC10/06 (6.1)
- Accept further submission DPC10/FS1 (FS1.7)

6 Main Recommended Changes from Proposed Plan Change 10 (as notified)

The overall purpose of Proposed Plan Change 10 is retained throughout the recommendations of this report. The main recommended changes from the proposed plan change (as notified) are as follows:

- Amendment 6. Amend Rule 11.2.2.1(a) to make reference to “permitted activity conditions” as opposed to “rules”.
- Amendment 13,14,15,18, 20 and 21. Amend the standard to reflect current standards.
- Amendment 19. Amend the provision by replacing the word “Telephone” with “Telecommunications”.
- Amendment 22. Amend provision (iii) and (iv) to provide for a width of 20m.
- Amendment 23. Delete the words “Compliance with Chapter 14I of this Plan” and insert additional standards for Rule 11.2.2.1(e).
- Amendment 27. Include Earthworks which do not meet the controlled standards, as a Restricted Discretionary Activity, including matters of discretion.
- Amendment 28. Include 14I 2.3(a) as a discretionary activity under Rule 11.2.4.
- Amendment 31. Include Rule 11.2.4 to the exemption of Rule 14I.2.

The amended Proposed Plan Change, including the above recommended changes, is attached as Appendix 2.

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APPENDICES:

- Appendix 1: Full set of submissions and further submissions
- Appendix 2: Amended Proposed Plan Change 10 – Including Officers recommendations
- Appendix 3: Officer's recommendations to submissions and further submissions

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Appendix 1

Submissions and Further Submissions Received

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Appendix 2

Amended Proposed Plan Change 10 – including officers recommendations

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Appendix 3

Officer's recommendations to submissions and further submissions