

PC 53 Stratton Street - Section 32AA Evaluation of Proposed Amendments

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

In response to submissions the applicant proposes the introduction of a set of additional site specific provisions to the Subdivision Chapter.

This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The section 32AA evaluation of the recommended changes to PPC53 is provided below:

#	REQUESTED CHANGE	REASONS AND EVALUATION
Chapter 11 - Subdivision		
1	<p>Introduce Site Specific Subdivision Provisions to 11.2.2.1 Standards and Terms</p> <p>Add a new set of site specific standards and terms for controlled activities in relation to Allotment Design as follows:</p> <p>11.2.2.1 Standards and Terms</p> <p><i>All Controlled Activity subdivisions shall comply with the following Standards and Terms:</i></p> <p>(a) <i>Allotment Design</i></p> <p>...</p> <p><u><i>Rural Residential Activity Area - 190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922), 236 Stratton Street (LOT 1 DP 50184 20B/82) and 268 Stratton Street (LOT 2 DP 50184 20B/83) as identified in Appendix Subdivision 9</i></u></p> <p><u><i>Minimum Size of Allotment: 2 ha</i></u></p> <p><u><i>Minimum Frontage: 100m for front allotments. 6m for rear allotments.</i></u></p> <p><u><i>Shape Factor: All allotments must be able to contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or</i></u></p>	<p>Reason</p> <p>It is proposed to introduce a new site specific standard to the Standards and Terms for Allotment Design to address issues raised in submissions regarding the potential adverse effects of future subdivision enabled by the rezoning of the sites, in particular on transport and ecology.</p> <p>The purpose of the site specific standards and terms is to provide certainty and control potential adverse effects of future subdivision. The starting point for subdivision of the rezoned sites remains a controlled activity status subject to compliance with standards and terms. This includes the existing general standards and terms relating to (b) Engineering Design, (c) Contamination, (d) Esplanade Reserves, Strips and Access Strips, (e) Earthworks and (f) Other Provisions as well as site specific Standards and Terms relating to (a) Allotment Design. The proposed amendment to create site specific provisions for Allotment Design for the plan change site cover the following issues:</p> <p><i>Minimum Size of Allotment, Minimum Frontage, Shape Factor and Other</i></p> <p>The proposed site specific subdivision standards relating to <i>Minimum Size of Allotment, Minimum Frontage, Shape Factor and Other</i> follow the established format of the Subdivision Chapter for Allotment Design provisions and are consistent with the operative standards for Rural Residential land. They ensure that any future subdivision of the sites will need to comply with the underlying subdivision standards for the Rural Residential Activity Area.</p>

<p><u>right of way and have a suitable building platform.</u></p> <p><u>Number of Allotments:</u> <u>The maximum number of allotments per site after subdivision shall be limited to:</u></p> <ul style="list-style-type: none"> • <u>190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – no more than 6 rural residential allotments</u> • <u>236 Stratton Street (LOT 1 DP 50184 20B/82) – no more than 3 rural residential allotments</u> • <u>268 Stratton Street (LOT 2 DP 50184 20B/83) – no more than 4 rural residential allotments</u> <p><u>Access:</u> <u>Motor vehicle access to all new allotments must be from Stratton Street.</u></p> <p><u>No-development Areas:</u> <u>All new building platforms for dwellings and related main access ways must be located outside the no-development areas identified in Appendix Subdivision 9.</u></p> <p><u>The location of all building platforms for dwellings and related main access ways must be identified at the subdivision stage and registered on the certificate of title by way of consent notice.</u></p> <p><u>Other:</u> <u>Compliance with the permitted</u></p>	<p><u>Number of Allotments</u></p> <p>The proposed site specific subdivision standards relating to <i>Number of Allotments</i> restricts the number of lots that can be achieved as a controlled activity and thereby ensures that the potential adverse effects of future subdivision on the ecology values on the site and the existing roading network can be addressed appropriately. The proposed maximum lot numbers reflect the size of the underlying properties, the size and location of no-development areas on each site, the topography of the sites and the requirement for access to be from Stratton Street only. It also addresses the concerns raised by submitters regarding the amount of additional traffic that may be generated by future subdivision.</p> <p><u>Access</u></p> <p>The proposed site specific subdivision standard relating to <i>Access</i> acknowledges the fact that most of Normandale Road, where it abuts the plan change site, is an unformed gravel road that is used for recreational uses only. The limited number allotments means that, even with the proposed access restriction, the overall number of access points and travel movements generated by the additional allotments would be less than what would be provided for by the operative subdivision standards for the Rural Residential Activity Area.</p> <p><u>No-development Areas</u></p> <p>The proposed site specific subdivision standard relating to <i>No-development Areas</i> responds to concerns raised in submissions relating to the protection of indigenous biodiversity on the site from the effects of additional subdivision, use and development enabled by the rezoning. In response to submissions and reflecting the fact that Hutt City Council did not pursue the introduction of district wide provisions to protect significant indigenous biodiversity, the applicant commissioned Wildlands to prepare an Assessment of Ecological Effects. The assessment identifies vegetation and habitat types and their ecological values, discusses potential adverse effects of subdivision and development and undertakes an ecological significance assessment using the criteria of the RPS. The no-development areas identified in Appendix Subdivision 9 reflect these findings. To provide ongoing protection for these identified areas of ecological significance all new building platforms and access ways need to be located outside of the no-development areas. (Note: the proposed addition of Appendix Subdivision 9 is discussed under recommended change number 7 below.)</p> <p>How this change achieves the purpose of the RMA</p>
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	<p><u>activity conditions of the activity area.</u></p>	<p>The proposed site specific standards provide greater certainty that the potential adverse effects of future subdivision under the Rural Residential zoning can be managed appropriately.</p> <p>The proposed amendment recognises and provides for relevant section 6 matters, in particular:</p> <ul style="list-style-type: none"> • s6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. <p>The proposed amendment has particular regard to relevant section 7 matters, in particular:</p> <ul style="list-style-type: none"> • s7(d) intrinsic values of ecosystems; and • s7(f) maintenance and enhancement of the quality of the environment. <p>The proposed amendment also gives effect to:</p> <ul style="list-style-type: none"> • the NPS-UD by providing for (limited) additional development capacity; • the NPS-FM by including streams and wetlands with significant biodiversity values in the identified no-development areas; and • the RPS by identifying and protecting significant indigenous biodiversity values (Objective 16 and Policies 23, 24 and 47) and managing development in rural areas (Objective 22 and Policy 56). <p>The proposed amendment is not inconsistent with any operative regional plan or the PNRP.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed amendment provides for future subdivision while introducing site specific standards that reflect the specific characteristics and constrains of the site, address limitations and protect identified values. The provisions provide increased certainty when preparing and processing subdivision consents for the site.</p> <p>Costs</p> <p>There is a cost in the reduced subdivision potential by limiting the number of lots provided for as a controlled activity. There may also be additional compliance costs at the subdivision application stage.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p>
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2	<p>Introduce site specific assessment criteria for allotment design to 11.2.2.3 Assessment Criteria</p> <p>Add a new site specific assessment criteria relating to Allotment Design:</p> <p>11.2.2.3 Assessment Criteria</p>	<p>Reason</p> <p>It is proposed to add a site specific assessment criteria relating to allotment design.</p> <p>The purpose of the proposed assessment criteria is to provide additional guidance</p>

	<p>The following assessment criteria will be used:</p> <p>(a) Allotment Design:</p> <p>...</p> <p><u>- For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to avoid or minimise the need for native vegetation clearance and earthworks within the identified no-development areas and to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.</u></p>	<p>when preparing and processing a subdivision application for the site.</p> <p>How this change achieves the purpose of the RMA</p> <p>The proposed site specific assessment criteria provide greater certainty that the potential adverse effects of future subdivision under the Rural Residential zoning can be managed appropriately.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed additional assessment criteria relating to the recognition and protection of biodiversity values in the identified no-development areas and the location of motor vehicle access to future allotments provides additional guidance and certainty.</p> <p>Costs</p> <p>The proposed change does not result in any additional costs.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p>Efficiency and Effectiveness</p> <p>The efficiency of the recommended change is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended change is high because it provides additional guidance and certainty for preparing and assessing a subdivision application and thereby helps to achieve the relevant objectives and policies.</p> <p>Conclusion</p> <p>The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and development capacity.</p> <p>The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific assessment criteria to the established subdivision framework of the District Plan.</p> <p>Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan</p>
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		<p>change.</p> <p>The proposed amendment is consistent with higher order documentation, legislation and guidance.</p> <p>Overall the proposed rezoning in combination with the proposed site specific provisions is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
3	<p>Introduce site specific assessment criteria for Engineering Design in relation to Earthworks to 11.2.2.3 Assessment Criteria</p> <p>Add a new site specific assessment criteria relating to Engineering Design:</p> <p>11.2.2.3 Assessment Criteria</p> <p><i>The following assessment criteria will be used:</i></p> <p>(b) <i>Engineering Design:</i></p> <p>(viii) <i>Earthworks</i></p> <p>...</p> <p><u>- For the land identified in Appendix Subdivision 9, in addition to the above, a sediment and erosion control plan must be prepared to manage the potential effects of earthworks on streams and identified wetlands on the site.</u></p>	<p>Reason</p> <p>It is proposed to add a site specific assessment criteria relating to engineering design for earthworks.</p> <p>The purpose of the proposed assessment criteria is to confirm the need for a sediment and erosion control plan to be provided at the subdivision stage. The intention of the sedimentation and erosion control plan is to manage the effects of earthwork on streams and wetlands on the site.</p> <p>The assessment of ecological effects prepared by Wildlands in response to issues raised by submitters recommends that a sediment and erosion control plan should be required at the subdivision stage to minimise any sediment entering streams and wetlands on site.</p> <p>How this change achieves the purpose of the RMA</p> <p>The proposed site specific assessment criteria provide greater certainty that the potential adverse effects of future subdivision under the Rural Residential zoning can be managed appropriately.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed additional assessment criteria relating to engineering design (earthworks) provides additional guidance and certainty regarding management of sediment and erosion effects of earthworks on streams and wetlands.</p> <p>Costs</p> <p>There may be a small increase in costs for the applicant in having to prepare and provide sediment and erosion control plan.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to this</p>

		<p>provision.</p> <p>Efficiency and Effectiveness</p> <p>The efficiency of the recommended change is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended change is high because it provides additional guidance and certainty for preparing and assessing a subdivision application and thereby helps to achieve the relevant objectives and policies.</p> <p>Conclusion</p> <p>The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and development capacity.</p> <p>The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific provision to the established subdivision framework of the District Plan.</p> <p>Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan change.</p> <p>The proposed amendment is consistent with higher order documentation, legislation and guidance.</p> <p>Overall the proposed rezoning in combination with the proposed site specific assessment criteria is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
4	<p>Introduce a new site specific discretionary activity to 11.2.4 Discretionary Activities</p> <p>Add a new site specific discretionary activity:</p> <p>11.2.4 Discretionary Activities</p> <p>...</p> <p><i><u>(m) Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to Minimum Size of</u></i></p>	<p>Reason</p> <p>It is proposed to add a rule to 11.2.4 Discretionary Activities that identifies any subdivision on the plan change site that does not comply with the Allotment Design Standards relating to <i>Minimum Size of Allotment, Minimum Frontage, Shape Factor, Number of Allotments, Access and Other</i> as a discretionary activity.</p> <p>The purpose of the proposed rule is to elevate any subdivision of the plan change site that does not comply with the listed allotment design standards to become a discretionary activity. This approach is consistent with the existing provisions of the Subdivision Chapter. Under 11.2.4 (i) <i>Any subdivision which is not a Permitted, Controlled or Restricted Discretionary Activity</i> (which includes subdivision that</p>

Allotment, Minimum Frontage, Shape Factor, Number of Allotments, Access and Other but excluding No-development Areas.

does not comply with the standards and terms for controlled activities under Rule 11.2.2.1 (a) becomes a discretionary activity. The discretionary activity status for non-compliance with the listed standards provides appropriate opportunity to assess any potential adverse effects of the application.

How this change achieves the purpose of the RMA

The proposed site specific rule that elevates subdivision which does not comply with the identified standards to fully discretionary provides Council with the opportunity to assess and address any adverse effects of the subdivision and to decline the application if the effects cannot be managed.

Benefits including Opportunities for Economic Growth and Employment

The proposed discretionary activity status aligns with the established rule framework of the District Plan. By listing it individually rather than relying on Rule 11.2.4 (i) this provides additional clarity to plan users by confirming the activity status of subdivision that does not comply with the relevant allotment design standards for *Minimum Size of Allotment, Minimum Frontage, Shape Factor, Number of Allotments, Access and Other* as being fully discretionary.

Costs

The proposed change does not result in any additional costs.

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

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

Efficiency and Effectiveness

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

The effectiveness of the recommended change is high because the discretionary activity status aligns well with the existing District Plan approach for subdivision application that does not comply with the identified terms and standards for allotment design.

Conclusion

The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and

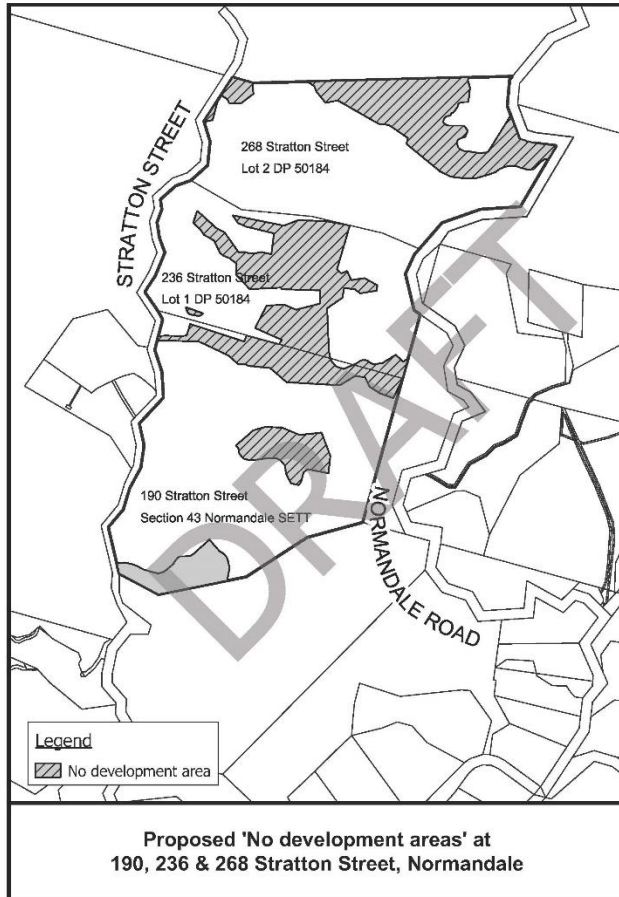
		<p>development capacity.</p> <p>The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific provision to the established subdivision framework of the District Plan.</p> <p>Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan change.</p> <p>The proposed amendment is consistent with higher order documentation, legislation and guidance.</p> <p>Overall the proposed rezoning in combination with the proposed site specific provisions is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
5	<p>Introduce site specific assessment criteria to 11.2.4.1 Assessment Criteria for Discretionary Activities</p> <p>Add a new site specific assessment criteria:</p> <p>11.2.4.1 Assessment Criteria for Discretionary Activities</p> <p>...</p> <p><u>(f) For the land identified in Appendix Subdivision 9, where the subdivision does not comply with the maximum Number of Allotments, the effects on the existing roading network.</u></p>	<p>Reason</p> <p>The proposed site specific assessment criteria was initially proposed as a assessment criteria relating to engineering design for access for a controlled subdivision of the site. When evaluating the proposed controlled activity assessment criteria it became obvious that it would not add any value to the provisions but have the potential to frustrate the controlled activity status. Any consent conditions that could be proposed in response to the assessment criteria would be in relation to the public road and therefore outside the control of the applicant.</p> <p>It is however considered that the proposed introduction of a standard that reduces the maximum number of lots that can be achieved as a controlled subdivision by half provides sufficient certainty that the additional traffic can be accommodated.</p> <p>It is therefore now proposed to add a site specific assessment criteria for discretionary activities, thereby sending a clear signal that for any subdivision that breaches the maximum number of lots standard, the effects on the existing roading network will need to be considered and a transportation impact assessment may be required.</p> <p>How this change achieves the purpose of the RMA</p> <p>The proposed site specific assessment criteria for discretionary activities provides greater certainty that the potential adverse effects of future subdivision beyond</p>

	<p>the number of lots provided for as a controlled activity on the existing roading network will be considered.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed additional assessment criteria provides additional guidance and certainty.</p> <p>Costs</p> <p>There may be additional costs for the applicant in having to address potential effects of the proposed subdivision on the existing roading network.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p>Efficiency and Effectiveness</p> <p>The efficiency of the recommended change is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended change is high because it provides for the management of potential adverse effects on the existing roading network and thereby helps to achieve the relevant objectives and policies.</p> <p>Conclusion</p> <p>The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and development capacity.</p> <p>The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific provision to the established subdivision framework of the District Plan.</p> <p>Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan change.</p> <p>The proposed amendment is consistent with higher order documentation, legislation and guidance.</p> <p>Overall the proposed rezoning in combination with the proposed site specific assessment criteria for discretionary activities is considered to be the most</p>
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		efficient and effective way to achieve the purpose of the Act for the application site.
6	<p>Introduce a new site specific non-complying activity to 11.2.5 Non-Complying Activities</p> <p>Add a new site specific non-complying activity:</p> <p>11.2.4 Non-Complying Activities</p> <p>...</p> <p><u>(c) Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to No-development Areas.</u></p>	<p>Reason</p> <p>It is proposed to introduce a new non-complying rule for subdivision within the plan change site that does not comply with the allotment design standard relating to <i>No-development Areas</i>.</p> <p>The purpose of the proposed rule is to elevate any subdivision that proposes the establishment of a new building platform or new access way within an identified no-development area to a non-complying activity status, thereby signalling such proposals are not anticipated by the district plan within the site and introducing the additional gate way test to the assessment. It is also indicating that consents will only be granted in exceptional circumstances.</p> <p>How this change achieves the purpose of the RMA</p> <p>The proposed site specific rule that elevates any subdivision that does not comply with the allotment design standard relating to no-development areas to a non-complying activity status provides for the protection of identified areas of significant biodiversity from inappropriate development.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed rule provides additional protection for identified biodiversity values from inappropriate development.</p> <p>Costs</p> <p>There may be additional processing costs for the applicant should they decide to apply for a building platform or access way within the identified no-development areas.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p>Efficiency and Effectiveness</p> <p>The efficiency of the recommended change is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended change is high because it provides for the</p>

		<p>protection of identified ecological values on the site from inappropriate development.</p> <p>Conclusion</p> <p>The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and development capacity.</p> <p>The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific provision to the established subdivision framework of the District Plan.</p> <p>Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan change.</p> <p>The proposed amendment is consistent with higher order documentation, legislation and guidance.</p> <p>Overall the proposed rezoning in combination with the proposed site specific provisions is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
7	<p>Introduce a new Appendix Subdivision 9</p> <p>Add a new Appendix Subdivision 9:</p>	<p>Reason</p> <p>It is proposed to add a new Appendix Subdivision 9.</p> <p>The purpose of the proposed Appendix is to show the three sites to which the site specific provisions apply and to identify the no-development areas referred to in the provisions.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>Provides certainty where the site specific provisions apply.</p> <p>Costs</p> <p>No additional cost.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p>

Appendix Subdivision 9



Efficiency and Effectiveness

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

The effectiveness of the recommended change is high because it provides certainty where the site specific provisions apply.

Conclusion

The proposed amendment will not change the objective of the plan change, which is to rezone the site and provide for limited additional subdivision and development capacity.

The proposed amendment does not seek any changes to the existing objectives of the Operative District Plan but proposes the addition of a site specific provision to the established subdivision framework of the District Plan.

Therefore the proposed amendment is the most appropriate way to achieve the existing District Plan objectives as well as the objective of the proposed plan change.

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

Overall the proposed rezoning in combination with the proposed site specific provisions is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.