

**BEFORE THE HUTT CITY COUNCIL**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Private Plan Change 53: 190, 236 and  
268 Stratton Street, Normandale -  
Rezoning to Rural Residential Activity  
Area

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**FINAL EVIDENCE - RIGHT OF REPLY**

**JOINT STATEMENT BY C TESSENDORF AND D KELLOW**

**17 SEPTEMBER 2021**

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In response to questions and issues raised at the hearing for PC 53 on 10 September 2021 we would like to provide the following answers and clarifications. We have structured our right of reply as follows:

- Objective of the Plan Change
- No-Development Areas
- Number of Dwellings per Site
- Regional Policy Statement
- Section 32 and Section 32AA
- Transport
- Ecology
- Exclusion of 301 Normandale Road

<b>Objective of the Plan Change</b>	
<b>Issue</b>	<b>Response</b>
Clarify the objective of the plan change	<p>The objective of the plan change is to enable limited additional development at a rural lifestyle density level on the site while maintaining the rural character and amenity of the site and the wider area.</p> <p>The plan change also addresses and resolves an existing zoning anomaly of the ODP.</p>
Is the objective of the proposal the most appropriate way to achieve the purpose of the Act [s32(1)(a)].	<p>The objective of the proposal provides for the sustainable management of natural and physical resources.</p> <p>It will provide for the use and development of land, thereby enabling people to provide for their social economic and cultural wellbeing while also protecting identified values on the site and avoiding, remedying or mitigating any adverse effects.</p> <p>The proposal will give effect to the NPS-UD. While the NPS-UD has a strong urban focus, the rural supply will be part of the overall consideration of housing availability in the city. There is a shortage in the western hills as shown in previous HBA assessments, and recent population trends (which are available on the GWRC website) show a higher population growth than what was considered in the previous HBA. As such, it can be considered that the shortfall will therefore be greater than what this previous HBA assessment has shown and the plan change will help to address this by providing limited additional development potential.</p>

<b>No-Development Areas (NDAs)</b>	
<b>Issue</b>	<b>Response</b>
Clarify the purpose of NDAs	<p>As outlined above the objective of the plan change is to provide for limited additional development potential.</p> <p>The purpose of the No-Development Areas (NDAs) is to protect identified areas of significant indigenous biodiversity from the potential adverse effects of additional subdivision and development that is enabled by the plan change.</p> <p>In the absence of any protection for Significant Natural Areas (SNAs) or vegetation clearance rules in the Rural Residential Activity Areas (RRAA) the proposed identification of NDAs and introduction of provisions relating to NDAs gives effect to relevant higher order direction. Higher order direction includes:</p>

No-Development Areas (NDAs)	
Issue	Response
	<ul style="list-style-type: none"> <li>• RMA Part 2 Matter of National Importance and Other Matters – <ul style="list-style-type: none"> <li>○ Section 6(c) - The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>○ Section 7(d) - Intrinsic Values of Ecosystems</li> </ul> </li> <li>• No relevant NPS <ul style="list-style-type: none"> <li>○ NZCPS - not applicable</li> <li>○ NPS-FM - addresses wetlands &amp; rivers – Regional responsibility</li> </ul> </li> <li>• No relevant NES <ul style="list-style-type: none"> <li>○ NES-FW - addresses wetlands &amp; rivers – Regional responsibility</li> </ul> </li> <li>• RPS: <ul style="list-style-type: none"> <li>○ Policy 23 - implemented through ecology assessment</li> <li>○ Policy 24 - not implemented by Council but will be considered as part of the full review</li> <li>○ Policy 47 – interim policy</li> <li>○ Policy 61 – jurisdiction of land use controls for indigenous biodiversity</li> </ul> </li> </ul> <p>Note:</p> <p>Policy 24 clearly states significant indigenous biodiversity should be protected from “inappropriate subdivision, use and development”. The RPS thus recognises there are forms of appropriate subdivision, use and development that can be undertaken and therefore the direction is not ‘absolute’ protection.</p> <p>The interim policy 47 is consistent with this direction, reiterating that determining whether a proposed activity is inappropriate shall have regard to criteria (a) to (h).</p> <p>The use of policy 23 criteria to identify qualifying ecosystems and habitats is referenced together with the intention that Policy 47 provides an interim framework prior to formal adoption within a district plan. The identification of qualifying areas in accordance with Policy 23 has been undertaken. Non-qualifying areas have also been added to the NDAs. Subdivision controls that apply within the identified NDAs will enable impacts on biodiversity to be managed.</p> <p>Notwithstanding that Policy 47 will continue to be applicable at the time of determining any resource consent as Policy 47 only ceases to have effect once Policies 23 and 24 have been adopted within an operative district plan. Hutt City Council has recently issued a resolution not to give effect to Policies 23 and 24 until the NPS-IB comes into force which will supersede the RPS direction. In any event, identification of qualifying areas as NDAs with proposed subdivision controls will protect these areas from inappropriate subdivision, use and development while not unduly frustrating the impending NPS-IB requirements for district plan updates.</p> <ul style="list-style-type: none"> <li>• PNRP: <ul style="list-style-type: none"> <li>○ Objective O35</li> <li>○ Policy P40</li> <li>○ Policy P41</li> </ul> </li> </ul>

No-Development Areas (NDAs)	
Issue	Response
	<ul style="list-style-type: none"> <li>○ Policy P42</li> <li>○ Policy P43</li> </ul> <p>Note:</p> <p>The identified PNRP policies above address ecosystems and habitats with significant indigenous biodiversity value but are limited to the areas (a) to (d) identified within Policy P40. The areas are limited to</p> <ul style="list-style-type: none"> <li>– rivers and lakes in Schedule F1;</li> <li>– habitats for birds in Schedule F2;</li> <li>– significant natural wetlands in Schedule F3; and</li> <li>– coastal marine areas in Schedules F4 and F5.</li> </ul> <p>Only Schedule F1 is relevant (rivers and streams). None of the other identified sites are located within the proposed plan change site. The rivers and streams of Schedule F1 include all tributaries to Korokoro Stream. However, these fall within the jurisdiction of the regional council and are addressed via rules within the PNRP. In addition, the relevant provisions in the NES-FW also regulate activities within rivers and streams. The proposed plan change would not change those regulatory provisions continuing to apply.</p>
<p>Wording of NDA provisions</p> <p>Clarify reference to ‘building platforms for dwellings’ and ‘main access ways’</p> <p>Should the rules also cover accessory buildings, other tracks, utilities and/or sewage disposal fields?</p>	<p>To address the uncertainty regarding the terms ‘building platforms for dwellings’ and ‘related main access ways’ and provide further protection the subdivision provisions have been amended to exclude all new building platforms for buildings and structures, all new access ways and vehicle tracks, new utilities and sewage disposal fields from being located in the no-development areas.</p> <p>The provisions have been further amended to require the ongoing protection of areas of significant biodiversity within the NDAs by way of consent notice. A full list of the proposed amendments in response to submissions and in response to the hearing is attached as Appendix 1 to this statement.</p> <p>The proposed amended wording is as follows:</p> <p><u><i>No-development Areas: All new building platforms for <del>dwellings and related main access ways</del> buildings and structures, new access ways and vehicle tracks, new utility structures and sewage disposal fields must be located outside the no-development areas identified in Appendix Subdivision 9.</i></u></p> <p><u><i><del>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. At the time of subdivision measures for the ongoing protection of areas of significant indigenous biodiversity within the no-development areas from inappropriate use and development must be registered on the certificate of title by way of consent notice.</del></i></u></p>
<p>Subdivision vs Land Use</p> <p>Are subdivision controls</p>	<p>The introduction of site specific subdivision provisions (as amended) is considered to be the most appropriate method of managing the potential adverse effects of the rezoning and potential additional development on identified areas of significant</p>

No-Development Areas (NDAs)	
Issue	Response
sufficient or should the plan change introduce land use controls relating to vegetation clearance and earthworks in the RRAA?	<p>indigenous biodiversity.</p> <p>The general earthworks controls that apply within the RRAA are considered appropriate. While the site specific provisions do not propose the introduction of more restrictive earthworks provisions, they do limit the need for undertaking any earthworks within the NDAs by requiring development to be located outside the NDAs. It is therefore not considered necessary to introduce additional site specific earthworks and vegetation clearance provisions.</p> <p>As outlined previously Council has decided not to introduce any rules or regulations for the protection of SNAs on private land.</p> <p>On 10 August 2021 Council has made a further resolution that “<i>directs officers to defer work on the ‘Significant Natural Areas’ part of the District Plan until the new NPS-IB is released by central government.</i>”</p> <p>In light of this resolution it is not recommended to introduce any land use provisions for the protection of Significant Natural Areas on the site because this would be in direct conflict with Council’s resolution not to do so.</p>
Consent Notices Are consent notices an appropriate tool to achieve protection?	<p>The use of consent notices to provide for the ongoing protection of significant indigenous biodiversity in the absence of district wide protection provisions is considered appropriate. If/when Council decides to resume work on the identification and protection of SNAs and appropriate district wide protection provisions are introduced to the District Plan this may eliminate the need for site specific NDAs and related provisions and the conditions specified in the consent notice may be amended or cancelled.</p>
Policies Are current policies sufficient to provide a robust framework or do they need amending/adding?	<p>We have reviewed the existing policies of the ODP and consider that they provide a sufficiently robust and detailed assessment framework.</p> <p>As outlined in more detail in our respective evidence we consider that in particular policies 8A 1.1.1(b) and 11.1.4(a) but also policies 1.10.9(b), 8A1.2.1(b), 14E1.1(c)(d)(g)(i) and 14I1.1(b) of the ODP provide an adequate focus and appropriate guidance.</p> <p>In the absence of district wide protection of SNAs it is also considered appropriate to rely on the interim framework provided by policy 47 of the RPS when relying on consent notices to protect areas of significant indigenous biodiversity values.</p>
Definitions Do we need to introduce new definitions	<p>In light of the proposed amendments to the subdivision provisions and the wider scope of the amended provisions it is not required necessary to introduce any new definitions.</p>
Avoid or minimise Is the use of “Avoid or minimise” in proposed assessment criteria appropriate?	<p>The proposed assessment criteria is not intended to duplicate or introduce the ‘Effects Management Hierarchy’ into the plan but to direct any assessment to prioritise the avoidance of indigenous vegetation clearance and, where avoidance is not possible, minimise it. While the Allotment Design standard does direct activities to be located outside of NDAs there may still be edge effects and the assessment criteria provides additional guidance to consider the impact of subdivision design and resulting vegetation clearance and earthworks on NDA’s.</p> <p>For clarity it is proposed to amend the assessment criteria as follows:</p> <p><u><i>For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to give priority to avoiding where possible <del>or</del> minimise the need for indigenous <del>native</del> vegetation clearance and earthworks within the identified no-development areas. Where avoidance is not possible the design must demonstrate how the effects will be minimised and remedied.</i></u></p>

No-Development Areas (NDAs)	
Issue	Response
	<del>and</del> <u>Subdivision should also be designed to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.</u>

Number of Dwellings per Site	
Issue	Response
The current number of dwellings that can be achieved under the Rural Residential Activity Area exceeds the number of dwellings that was anticipated by the transport evidence.	<p>As noted at the hearing the current provisions of the RRAA require a minimum net site area of 2ha per dwelling but do not limit the number of dwellings per site, i.e. on a 4ha site two dwellings could be established as a permitted activity. While the additional standard that limits the maximum site coverage to 450m<sup>2</sup> ensures that any potential additional dwelling would not be substantial, it has been decided to introduce a new site specific provision to the RRAA that limits the number of dwellings per lot to 1. Any non-compliance with this standard would elevate to a fully discretionary activity status. It is also recommended to introduce a new site specific assessment matter that specifically points towards the effects on the roading network while not limiting the consideration of other relevant matters.</p> <p>The proposed amendments to the subdivision chapter and the RRAA provisions ensure that any development that exceeds the number of dwellings anticipated by the transport evidence assessment to date can be considered as a discretionary activity – either at the subdivision stage or the development stage.</p> <p>The following additional provisions are proposed:</p> <p><b>8A 2.1.1 Permitted Activities - Conditions</b></p> <p>(a) Dwelling:</p> <p style="padding-left: 40px;">Dwelling: Minimum net site area per dwelling - 2ha.</p> <p style="text-align: center;">...</p> <p style="text-align: center;"><u>For sites within the area identified in Appendix Rural Residential 2: Maximum of one dwelling per site.</u></p> <p><b>8A 2.3.1 Assessment Matters for Discretionary Activities</b></p> <p style="text-align: center;">...</p> <p>(c) <u>For sites within the area identified in Appendix Rural Residential 2, where the development does not comply with the maximum number of dwellings per site, the effects on the existing roading network.</u></p>

Regional Policy Statement	
Issue	Response
Policy 23	The ecological survey undertaken in response to submissions has applied the Policy 23 criteria to identify areas of significant indigenous biodiversity. The identified areas of significance, as well as additional areas that did not meet the significance criteria but were offered by the applicant for inclusion, are now covered by the proposed no-development areas which limit the development within these areas and provide for the ongoing protection at the subdivision stage.

Regional Policy Statement	
Issue	Response
Policy 24	<p>As outlined earlier Council has previously decided not to implement Policy 24 but to rely on voluntary protection only. In a more recent resolution from 10 August 2021 Council has made a further resolution that <i>“directs officers to defer work on the ‘Significant Natural Areas’ part of the District Plan until the new NPS-IB is released by central government.”</i></p> <p>In light of this resolution it is not recommended to introduce any land use provisions for the protection of Significant Natural Areas on the site because this would be in direct conflict with Council’s resolution not to do so.</p> <p>Furthermore the NDAs as proposed cover more areas of indigenous biodiversity that meet the significance criteria under policy 23.</p>
Policy 47	<p>In the absence of any protection in accordance with policy 24, policy 47 provides an interim assessment framework. It is considered that policy 47 provides sufficient guidance for the assessment of subdivision applications and the drafting of consent notices for the subject site in the absence of district wide SNA provisions in the ODP. Only the council can introduce the policy 24 requirements. They have issued a resolution on this matter (10 August 2021) but in any case in the interim policy 47 will continue to apply which will be able to determine the actual merits of a future subdivision once it is proposed. Furthermore, the NPS-IB regulations will direct adoption of further regulatory requirements that the Council must include in the district plan. This plan change does not prevent this.</p>

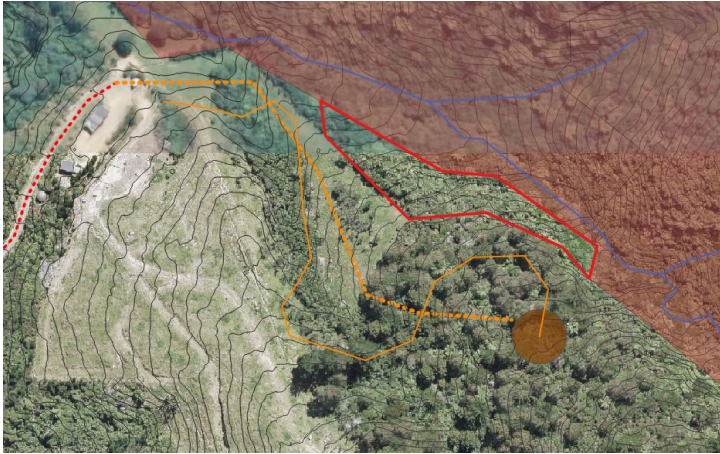
s32 / s32AA	
Issue	Response
Are the provisions in the proposal the most appropriate way to achieve the objective of the proposal [s32(3)(a)]	<p>For the reasons outlined in more detail in the s42A report, the evidence for the applicant, the initial s32AA and the additional s32AA (Appendix 2 to this report) it is considered that the proposed provisions are the most appropriate way to achieve the objectives of the proposal.</p> <p>The existing Subdivision and RRAA provisions in combination with the proposed amendments will achieve the objective of the plan change and will ensure that any potential adverse effects of additional development that is enabled by the rezoning of the site are either acceptable or can be assessed and managed at the subdivision and development stage.</p>
Are the provisions in the proposal the most appropriate way to achieve the relevant objectives of the ODP [s32(3)(b)]	<p>As outlined in more detail in the s42A report, the evidence for the applicant, the initial s32AA and the additional s32AA (Appendix 2 to this report), it is considered that the proposed provisions are the most appropriate way to achieve the relevant objectives of the operative District Plan. In particular objective 11.1.4 (<i>To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision</i>) is achieved through the NDA provisions in the Allotment Design Standard.</p> <p>The plan change does not propose any changes to the operative objectives and policies of the District Plan.</p>
Scale and significance assessment – would this change since further amendments to the proposed PC? E.g. reduced lot numbers and Ecological Assessment	<p>We have reviewed the scale &amp; significance assessment that was provided as part of the s32 evaluation for the private plan change. We consider that the proposed amendments to the plan change that have been proposed in response to submissions have not resulted in a discernible shift in scale and significance of the plan change. The overall scale and significance rating of the plan change is still considered to be low to moderate.</p>

<b>s32 / s32AA</b>	
<b>Issue</b>	<b>Response</b>
S32AA	A s32AA of the additional changes proposed in response to the hearing is provided in Appendix 2 to this statement.

<b>Transport</b>	
<b>Issue</b>	<b>Response</b>
Does the controlled activity subdivision provide scope for addressing effects on the wider road network and requiring improvements like road widening?	<p>We consider that the controlled activity status does not provide the ability to address the effects of subdivision and development on the wider road network and require any road improvements such as road widening. The relevant matters of control are at listed in 11.2.2 and are limited to effects along the road frontage of the site.</p> <p>However, under the proposed provisions that limit the overall number of lots that can be achieved as a controlled activity and also limit the number of dwellings per site that can be established as a permitted activity, any development that does not comply with these standards elevates to a discretionary activity status, which allows for the consideration of effects on the existing road and the wider roading network.</p>
Ability to address potential effects of future subdivision and development at the consenting stage	<p>In their evidence and at the hearing both transport experts agreed that any effects of future subdivision that is enabled by the rezoning can be addressed appropriately at the consenting stage.</p> <p>We concur with and adopt this conclusion.</p>
Timing of road user survey	<p>At the hearing both transport experts agreed that road user survey would be helpful but can be undertaken at subdivision stage.</p> <p>We concur with and adopt this position.</p> <p>A joint survey statement prepared by Mr Wanty and Mr Clark is attached as Appendix 3 to this document.</p>

<b>Ecology</b>	
<b>Issue</b>	<b>Response</b>
Include southern edge of Area 1b in NDA B	<p>At the hearing it was established that there is disagreement between the two ecology experts regarding the significance ranking of the southern most sliver of vegetation type 1b that has not been included in NDA B (the sliver). While Council's expert considers the sliver meets the significance criteria of Policy 23 of the RPS the applicant's expert concludes that it doesn't.</p> <p>To resolve the issue the applicant has offered to include the majority of the sliver of vegetation type 1b in NDA B.</p>



Ecology	
Issue	Response
	 <p>The area proposed to be added excludes the north western tip of the sliver. The reason for excluding the north western tip is that including it in the NDA might unduly compromise the ability to locate an access way in this area. It should be noted that the area proposed to be excluded has a size of approximately 160m<sup>2</sup>, which equates to less than 10% of the sliver and less than 0.4% of Area B.</p> <p>Considering the approach taken of identifying all areas of significance on the site and excluding them from future development plus adding additional areas that do not yet meet the significance in the NDAs it needs to be acknowledged that the proposed NDAs cover significantly more areas than were identified by Council as draft SNAs and than were identified as significant areas by the Ecology Assessment.</p> <p>It is therefore considered acceptable to exclude the small tip of the sliver from NDA B especially because the inclusion has the potential to unduly compromise the location of a future access way that is shown in the updated indicative development plan. It should be noted that the applicants have confirmed their willingness to protect biodiversity in this area and have no intention of clearing this small area but simply would not want to restrict their ability to establish swales or other types of sediment control in this area that may be required for the construction of an adjacent accessway.</p>
Other vegetation within vegetation type 9 on 190 Stratton Street	<p>In response to a question raised by Dr van Meeuwen-Dijkgraaf in her peer review of the ecology report, Dr Sarah Herbert in her evidence identified and outlined an additional vegetation and habitat type within the initially established vegetation type 9 Along the boundary of 190 Stratton Street and 301 Normandale Road. Dr Herbert's initial assessment concluded that the new vegetation and habitat type does not meet the criteria of significance.</p> <p>Since the close of the hearing Mr Pete Matcham (submitter and owner of 301 Normandale Road) provided additional photos of the area. In her response to issues raised at the hearing Dr Herbert outlines her findings of a further assessment of the area, based on the photographs provided by Mr Matcham and updated aerial images and confirms her initial assessment that this area does not meet the significance criteria. It has therefore not been added to the no-development area on 190 Stratton Street. The full response to issues raised by Dr Herbert is attached as Appendix 4 to this report.</p>
5 tributaries not included in NDA	<p>As outlined above the policy 23 criteria for the identification of significant natural areas were applied to identify areas of significant indigenous biodiversity. Additional areas that did not meet the criteria were also included in NDA to provide protection from the additional development potential enabled by the rezoning.</p> <p>Three main streams/tributaries on the sites were assessed as containing significant indigenous biodiversity and have been included as NDAs with 10m buffer to protect</p>

Ecology	
Issue	Response
	<p>the identified areas of significant indigenous biodiversity values.</p> <p>All remaining streams on the sites are subject to the relevant rules and regulations of other higher order documents (at regional and national policy level) and are sufficiently protected through those provisions – see Policy 40 and 41 of the PNRP and the associated rules that are within the Regional Council jurisdiction and will continue to apply to all tributaries to the Korokoro stream irrespective of the zone change.</p>

Exclusion of 301 Normandale Road	
Issue	Response
<p>Is the application for rezoning appropriate if it excludes 301 Normandale Road or is it creating any issues?</p>	<p>We have reviewed the potential effects of excluding the site at 301 Normandale Road from the private plan change request and conclude that this is not creating any issues for the following reasons:</p> <p>Considering this is a private plan change request the scope of the plan change is determined by the applicant.</p> <p>The owner of 301 Normandale Road has been consulted with and has decided not be part of the application.</p> <p>While the proposed rezoning (if approved) would leave the property at 301 Normandale Road as the only property with a General Rural zoning this does not impact the development or land use opportunities of the site.</p> <p>301 Normandale Road has an area of 3.38ha which is significantly below the minimum lot size of the General Rural Activity Area (15ha) but would also not qualify for additional subdivision or development under the Rural Residential Activity Area provisions (2ha minimum lot size and net site area per dwelling).</p> <p>Council is currently undertaking a full District Plan review and will be able to address the remaining anomaly as part of this review.</p> <p>If Council had considered that the private plan change would create an unacceptable anomaly it could have adopted the private plan change and amended it to include 301 Normandale Road.</p> <p>The owner of 301 Normandale Road has confirmed that the site is not used for rural production and therefore there are no reverse sensitivity issues resulting from the rezoning of the neighbouring sites.</p>

We confirm that we are in agreement regarding all of the points outlined above.



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17 September 2021

## Appendices

- Appendix 1 Amendments to Chapter 11 Subdivision and Chapter 8A Rural Residential Activity Area – Revised Version after Hearing
- Appendix 2 Section 32AA Evaluation of Proposed Amendments after Hearing
- Appendix 3 Joint statement by traffic experts re roading surveys along Stratton Street.
- Appendix 4 Hearing Response by Dr Sarah Herbert

# 11 Subdivision

(with proposed PC53 amendments – 17 September 2021)

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## Introduction

Subdivision is a process which enables title to be transferred. Nevertheless, it does impose constraints on the future use and development of land. In addition the engineering work often required to make land suitable for development must be managed as there can be adverse effects on the environment. It is therefore important these effects are addressed and managed in the Plan.

Except for boundary adjustments and the leasing of retail space within existing buildings in appropriate activity areas, all subdivisions require a resource consent as it may be necessary to impose engineering conditions, design allotment standards and financial contributions to ensure that adverse effects are managed and mitigated.

The provisions of this Chapter apply to all activity areas. Activities must also be assessed in terms of the requirements of each activity area, and the requirements of Chapters 12, 13 and 15, to determine whether or not a resource consent is required.

## 11.1 Issues, Objectives and Policies

### 11.1.1 Allotment Standards

#### Issue

**Subdivision of land can impose a constraint on the future use or development of land. It is necessary to ensure land which is subdivided can be used for the proposed use or purpose.**

#### Objective

To ensure that land which is subdivided can be used for the proposed use or development.

#### Policy

- (a) To ensure that allotments in lower density residential areas and rural zones have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.
- (b) To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, General Residential and Medium Density Residential Activity Areas to enable diversity of commercial and residential development size and density.

## Explanation and Reasons

While it is recognised that subdivision of land is essentially a process for enabling title of land to be transferred, it nevertheless imposes constraints on the future use and development of land by establishing boundaries of particular allotments. There is a need to ensure that land which is subdivided is suitable for the proposed use and development. Failure to do so can result in the future use or development being unable to comply with the required performance standards for the activity area.

Such non-compliance with specified performance standards can have adverse effects on the environment. In considering whether land which is subdivided is suitable for the proposed use or development such matters as design, size, building platform and shape of allotments are important matters that need to be considered by Council. The objectives, policies and rules of the activity areas need to be taken into account.

## 11.1.2 Engineering Standards

### Issue

**Subdivisions need to be serviced in a manner that adverse effects are avoided, remedied or mitigated and that adverse effects on the health, safety and wellbeing of residents are no more than minor.**

### Objective

To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupiers.

### Policy

- (a) To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.
- (b) Use engineering practices to maintain the ecological values of Speedy's Stream and the onsite wetland from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 7.
- (c) The engineering practices maintain or improve the ecological values of the onsite streams and the downstream receiving environments from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 8.
- (d) To restrict access and avoid increased traffic volumes from land identified in Appendix Subdivision 8 to Liverton Road, to maintain traffic safety and efficiency.

## Explanation and Reasons

Utility services provided by the subdivider must be in accordance with specified engineering performance standards to ensure that the environment is protected and there are no adverse effects on the health, safety and wellbeing of residents and occupiers. Incompatible and inappropriate services can have adverse effects on the proper functioning of existing services and also lead to additional maintenance costs.

## 11.1.3 Natural Hazards

### Issue

**Subdivision of land subject to natural hazards can lead to allotments which are inappropriate if the adverse effects cannot be avoided, remedied or mitigated. There is a need to ensure that subdivision of land subject to natural hazards is managed and controlled.**

### Objective

To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.

### Policies

- (a) Subdivision of land within the Wellington Fault Special Study Area should be managed to ensure that the allotments are of sufficient size and shape so that buildings and structures are not sited within twenty metres of a faultline.
- (b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.
- (c) Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.

### Explanation and Reasons

Subdivision of land subject to natural hazards may lead to allotments which are inappropriate as the adverse effects cannot be controlled or mitigated. It is important that the subdivision is designed in a manner that the natural hazard can be avoided or mitigated. In this respect, it is important that allotments are of sufficient size and are of an appropriate shape so that the proposed use or development can be sited to avoid the natural hazard, or the necessary mitigation measures can be implemented, without affecting detrimentally the viability of the use or development.

## 11.1.4 Special Areas

### Issue

**Subdivision of land in the coastal environment and in areas of ecological value can have adverse effects that need to be controlled.**

### Objective

To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision.

### Policy

- (a) To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.

## Explanation and Reasons

The Act, the New Zealand Coastal Policy Statement and the Regional Policy Statement require the Plan to ensure that inappropriate subdivision of land does not occur in the coastal environment.

The Regional Policy Statement recognises that wetlands, lakes and rivers are important as they provide a habitat for a rich flora and fauna. These areas also have high social, cultural and recreational values. It is therefore important that lands adjoining such areas are managed and controlled to avoid and mitigate adverse effects.

## 11.1.5 General Rural and Rural Residential Activity Areas

### Issue

**Inappropriate subdivision of lands in the General Rural and Rural Residential Activity Area which leads to the use of lands for more intense urban purposes such as residential development, can have adverse effects on amenity values and to an inefficient land use pattern.**

### Objective

To ensure that the amenity values and the efficient use of land in General Rural and Rural Residential Activity Areas are maintained by restricting subdivision of lands which could lead to greater intensity of use and development for urban related purposes, such as more intense residential development.

### Policy

- (a)** The minimum size of allotments should be large so as to ensure that rural amenity values and an efficient land use pattern are maintained.

### Explanation and Reasons

Large sized allotments are required in General Rural and Rural Residential areas to maintain amenity values. It is therefore necessary to prevent the close subdivision of land in the General Rural and Rural Residential Activity Areas.

As there is adequate supply of urban land in the City it is an inefficient use of a valuable resource to allow rural and rural residential land to be subdivided into urban sized allotments.

## 11.1.6 Retail Leasing

### Issue

**The leasing of retail space within existing buildings, such as shopping centres, can give rise to a technical subdivision under the Resource Management Act 1991. Such subdivisions do not have effects warranting subdivision control under the provisions of the Plan. The imposition of unnecessary controls will result in inappropriate costs and barriers to the tailoring of retail spaces to the requirements of tenants. Unnecessary controls can therefore contribute to the number of vacant retail spaces which detract from the vitality and viability of commercial centres.**

## Objective

Ensure that the leasing of retail space within existing buildings and appropriate activity areas can proceed without the need for subdivision consent.

## Policy

- (a) Resource consent will not be required for subdivisions resulting from the leasing of retail space within existing buildings and in appropriate activity areas.

## Explanation and Reasons

Under the Act the leasing of retail space within existing buildings can technically be considered to be a subdivision. Such subdivisions do not have any adverse effects which warrant control under the provisions of the Plan. It is therefore appropriate that the leasing of retail spaces within existing buildings is a Permitted Activity.

# 11.2 Rules

## 11.2.1 Permitted Activity

- (a) In all activity areas, minor boundary adjustments.
- (b) In all Commercial Activity Areas, subdivision of existing retail premises by way of leasing.

### 11.2.1.1 Permitted Activity - Conditions

Minor boundary adjustments must comply with the following conditions:

- (a) Do not create additional building sites.
- (b) Following subdivision does not increase any non-compliance with the rules specified for the activity area.

## 11.2.2 Controlled Activities

All subdivisions in the following activity areas are Controlled Activities except where provided for as Permitted or Discretionary Activities:

- (a) General Residential Activity Area.
- (b) Hill Residential Activity Area.
- (c) Landscape Protection Residential Activity Area.
- (d) Special Residential Activity Area.
- (e) Medium Density Residential Activity Area.
- (f) General Business Activity Area.
- (g) Special Business Activity Area.
- (h) Rural Residential Activity Area.
- (i) General Rural Activity Area.
- (j) Suburban Commercial Activity Area.
- (k) Suburban Mixed Use Activity Area



- (l) Central Commercial Activity Area.
- (m) Petone Commercial Activity Area 1.
- (n) Petone Commercial Activity Area 2.
- (o) Community Iwi Activity Area 1 - Marae.
- (p) Community Iwi Activity Area 3 - Kokiri Centres.
- (q) In all activity areas, where a certificate of title has been issued for a site prior to 5 December 1995 or where a site has been created by a staged development whether under a staged unit plan or cross lease plan lodged with the District Land Registrar and where part of the development (or a building on one site on such plan exists) has been completed prior to 5 December 1995, then in such circumstances the allotment design standards and terms shall not apply.

Compliance with other standards and terms is necessary.

- (r) In all Commercial, Business, Recreation, Community Health and Community Iwi Activity Areas the allotment design standards and terms shall not apply:
  - (i) where there are existing buildings on an allotment prior to December 1995; and
  - (ii) where the subdivision of that allotment does not create a vacant allotment (i.e. with no buildings).

Compliance with all other standards and terms is necessary.

- (s) In all Residential and Rural Activity Areas the allotment design standards and terms shall not apply:
  - (i) where there are existing dwelling houses on an allotment prior to December 1995; and
  - (ii) where the subdivision of that allotment does not create an allotment with no dwelling house.

Compliance with all other standards and terms is necessary.

- (t) Any subdivision located wholly within Avalon Business Activity Area (Sub-Area 2)

### 11.2.2.1 Standards and Terms

All Controlled Activity subdivisions shall comply with the following Standards and Terms:

- (a) Allotment Design

The minimum size of an allotment shall exclude rights of way and access legs to a rear site.

#### **General Residential Activity Area**

Minimum size of allotment: 400m<sup>2</sup>

No minimum size is required if:

- (i) For every allotment where there is an existing dwelling:

There is no increase in the degree of non-compliance with the relevant General Residential Development Standards specified in 4A 4.2 and 4A 5. Where subdivision is proposed between dwellings that share a common wall, recession plane and yard requirements shall not apply along the length of the common wall.

- (ii) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications):

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant General Residential Development Standards specified in 4A 4.2 and 4A 5.

Minimum frontage: 3m to ensure that there is drive-on access to the allotment. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

No shape factor is required if:

- (i) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications)

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant General Residential Development Standards specified in 4A 4.2 and 4A 5.

### **Medium Density Residential Activity Area**

Minimum size of allotment: No minimum size required.

- (i) For every allotment where there is an existing dwelling:

There shall be no increase in the degree of non-compliance with the relevant Medium Density Residential Development Standards specified in 4F 4.2. Where subdivision is proposed between dwellings that share a

common wall, recession plane and yard requirements shall not apply along the length of the common wall.

- (ii) For every allotment where there is no existing dwelling, or for which no existing land use consent for a dwelling has been granted, or is being concurrently granted (in the case of joint land use and subdivision applications):

It can be demonstrated that it is practicable to construct on all allotments, as a permitted activity, a dwelling which complies with all relevant Medium Density Residential Development Standards specified in 4F 4.2.

Minimum frontage: 3m to ensure that there is drive-on access to the allotment. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

### **Special Residential Activity Area**

Minimum size of allotment: 700m<sup>2</sup>

Minimum frontage: 15m, except for rear allotments which must have a minimum 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area.

### **Hill Residential Activity Area**

Minimum size of allotment: 1000m<sup>2</sup>

Minimum frontage: 20m, except for rear allotments which must have a minimum 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area.

### **Except**

in Maungaraki Road, Pt Sec 30 and former Secs 31,32 and Pt Sec 33 Maungaraki Village, where a proposed allotment is in the area identified on Appendix Subdivision 1, the minimum subdivision requirements shall be -

Minimum size of allotment: 2000m<sup>2</sup>

Minimum frontage: 30m

### **and**

in Maungaraki Road, Lots 1 and 2 DP 90829 (formerly Lot 1 DP 71986 and Pt Sec 35 Maungaraki Village contained in C.T. 550/178), identified on Appendix Subdivision 1, the minimum subdivision requirements shall be -

Minimum size of allotment: 600m<sup>2</sup>

Minimum frontage: 20m

### **Landscape Protection Residential Activity Area**

Minimum size of allotment: 2000m<sup>2</sup>

Minimum frontage: 20m, except for rear allotments, 3m frontage. For rear allotments the 3m frontage may be satisfied through a registered Right of Way outside the title (outside legal boundaries of the allotment).

Shape factor: All allotments must be able to contain a rectangle measuring 10m by 15m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area

### **Central Commercial Activity Area, Suburban Commercial Activity Area, Suburban Mixed Use Activity Area and Petone Commercial Activity Area 1**

Minimum size of allotment: 200m<sup>2</sup>

Minimum frontage: 6m

Other: Compliance with the permitted activity conditions of the activity area

### **Petone Commercial Activity Area 2**

Minimum size of allotment: 1000m<sup>2</sup>

Minimum frontage: 20m

Other: Compliance with the permitted activity conditions of the activity area

### **General and Special Business Activity Area**

Minimum size of allotment: 200m<sup>2</sup>

Minimum frontage: 6m to enable drive on vehicular access to each allotment.

Other: Compliance with the permitted activity conditions of the activity area

### **Avalon Business Activity Area (Sub-Area 2)**

Minimum size of allotment: 400m<sup>2</sup>

Minimum frontage: 3m to enable drive on access to the allotment.

Other: Compliance with the permitted activity conditions of the activity area

### **Rural Residential Activity Area - Titiro Moana Road, Part Section 34 Maungaraki Village and Lots 6, 7, & 8 DP 81789 (formerly Pt Sec 35 Maungaraki Village) as shown in Appendix Subdivision 2.**

- There shall be no allotment of lesser area than 8,000m<sup>2</sup>.
- The average area of all allotments shall not be less than 1.5 ha.
- That the boundaries of allotments are chosen in relation to optimum house sites.
- The location of any proposed works for water storage purposes including any weir, piping and storage tanks, be shown.
- Areas of regenerating bush be identified and preserved.

### **AMENDMENT 1 (amended after hearing)**

#### **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**

Minimum size of allotment: 2 ha

Minimum Frontage: 100m for front allotments. 6m for rear allotments.

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 right of way and have a suitable building platform.

Number of Allotments: The maximum number of allotments per site after subdivision shall be limited to:

- 190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – no more than 6 rural residential allotments
- 236 Stratton Street (LOT 1 DP 50184 20B/82) – no more than 3 rural residential allotments
- 268 Stratton Street (LOT 2 DP 50184 20B/83) – no more than 4 rural residential allotments

Access: Motor vehicle access to all new allotments must be from Stratton Street.

No-development Areas: All new building platforms for dwellings and related main access ways buildings and structures, new access ways and vehicle tracks, new utility structures and sewage disposal fields must be located outside the no-development areas identified in Appendix Subdivision 9.

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. At the time of subdivision measures for the ongoing protection of areas of significant indigenous biodiversity within the no-development areas from inappropriate use and development must be registered on the certificate of title by way of consent notice.

Other: Compliance with the permitted activity conditions of the activity area.

### **Other Rural Residential Activity Areas**

Minimum size of allotment: 2 ha

Minimum Frontage: 100m for front allotments. 6m for rear allotments.

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 right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area

### **General Rural Activity Area**

Minimum size of allotment: 15ha.

Minimum frontage: 150m for front allotments. 6m for rear allotments.

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 right of way and have a suitable building platform.

Other: Compliance with the permitted activity conditions of the activity area

Subdivision in Hebden Cres/Liverton Road, Pt Lot 2 DP 578 in accordance with Drawing No. 469SCH4<sup>C</sup> by Lucas Surveys shown in Appendix Subdivision 3 and subject to an encumbrance being lodged against each new title as shown in Appendix Subdivision 4 regarding the neighbouring quarrying activities.

### **Community Iwi Activity Area 1 - Marae**

Waiwhetu (Puketapu Grove), Te Mangungu (Rata Street), Koranui (Stokes Valley), Te Kakano O Te Aroha (Moera) and Pukeatua (Wainuiomata) - Minimum size of allotment and frontage the same as the General Residential Activity Area.

Te Tahau O Te Po (Puke Ariki, Hutt Road) - Minimum size of allotment and frontage the same as the General Business Activity Area.

### **Community Iwi Activity Area 3 - Kokiri Centres**

Pukeatua (Wainuiomata) - Minimum size of allotment and frontage the same as the General Business Activity Area.

Ngau-matau (Seaview) - Minimum size of allotment and frontage same as the Special Business Activity Area.

### **All Activity Areas**

Notwithstanding the subdivision standards for each respective activity area there shall be no specific allotment size in any activity area for allotments created solely for utilities. Where those allotments created for such purposes have a net site area of less than 200m<sup>2</sup> there shall be no minimum frontage or shape factor requirements.

#### **(b) Engineering Design**

##### **(i) Access**

Compliance with Chapter 14A – Transport.

##### **(ii) Service Lanes, Private Ways, Pedestrian Accessways and Walkways**

Compliance with Chapter 14A – Transport.

##### **(iii) Street Lighting**

Compliance with AS/NZS 1158:2005 Code of Practice for Road Lighting.

##### **(iv) Stormwater**

Compliance with the following standards:

## Levels of Stormwater Protection to be provided by Services in New Areas

Minimum Standard				Subsidiary Standards			
	Primary System ARI	Total System ARI	Freeboard (mm)	1.	Max.Depth and speed on roads and footpaths	Max Depth	Max. Speed
Parks & Reserves	2	5	-		Arterial Roads	0.1m	2.0m/s
Recreational Buildings	10	50	200		Local Roads	0.2m	2.0m/s
Non-Habitable Buildings	5	10	200		Hill Roads	0.1m	3.0m/s
Residential Houses	10	100	500		Walkways only	0.4m	1.0m/s
Commercial	20	100	100	2.	Depth Speed Product	< 0.4mm/s	
Industrial	10	50	100	3.	Channel/Pond Side Slopes	Maximum 1:5 Vertical : Horizontal	
Public Utilities	10	100	500	4.	Channel/Pond Free board	> 0.5 metre	
Culverts	20	100	-	5.	Detention Pond	< 1.2 metres depth of water unless access restricted	
Bridges	50	100	-	6.	Kerb Opening	< 150mm high unless screened	
Car Parks	5	10	-	7.	Pipe Diameter	> = 300mm for mains > = 225mm for sump leads	
Arterial Roads	20	50	-	8.	Watercourses	No scour or deposition in events < 5yrs ARI	
Local Roads	10	20	-				
Hill Roads (gradient >3%)	10	20	-				

## Levels of Stormwater Protection to be Provided by New Drains in Existing Areas

Recommended Standard				Minimum Standard				Subsidiary Standards		
	Primary System ARI	Total System ARI	Freeboard (mm)		Primary System ARI	Total System ARI	Freeboard (mm)	1. Max. Depth & speed on roads and footpaths:	Max. Depth	Max. Speed
Parks & Reserves	2	5	-	Parks & Reserves	2	5	-	Arterial Roads	0.1m	2.0m/s
Recreational Buildings	10	50	200	Recreational Buildings	10	50	200	Local Roads	0.2m	2.0m/s
Non Habitable Buildings	5	10	200	Non Habitable Buildings	5	10	200	Hill Roads	0.1m	2.0m/s
Residential Houses	10	100	500	Residential Houses	10	50	200	Walkways only	0.4m	1.0m/s
Commercial	20	100	100	Commercial	10	50	50	2. Depth Speed	<0.4mm/s	
Industrial	10	50	100	Industrial	10	50	50	3. Channel/Pond Freeboard Side Slopes	Maximum 1:5 Vertical : Horizontal	
Public Utilities	10	100	500	Public Utilities	10	50	200	4. Channel/Pond Freeboard	>0.5 metres	
Culverts	20	100	-	Culverts	20	100	-	5. Detention Pond	< 1.2 metres depth of water unless access restricted	
Bridges	50	100	-	Bridges	50	100	-	6. Kerb Opening	< 150mm high unless screened	
Car parks	5	10	-	Car parks	5	10	-	7. Pipe Diameter	>=300mm for mains >=225mm for sump leads	
Arterial Roads	20	50	-	Arterial Roads	10	20	-	8. Watercourses	No scour or deposition in events <5yrs ARI	
Local Roads	10	20	-	Local Roads	10	20	-			
Hill Roads (gradient >3%)	10	20	-	Hill Roads (gradient >3%)	10	20	-			



**(v) Wastewater**

Compliance with the following standards:

**Residential Areas**

ADWF	(Average Dry Weather Flow)	270 l/h/d
PDWF	(Peak Dry Weather Flow)	540 l/h/d
MWWF	(Maximum Wet Weather Flow)	1080 l/h/d

where l/h/d = litres/head/day

**Business Areas**

Where the industrial domestic waste and trade waste flows are known, these shall be used as the basis for sewer design. When the above information is not available the following may be used as the design basis.

ADWF	(Average Dry Weather Flow)	0.52 l/ha/sec
PDWF	(Peak Dry Weather Flow)	1.56 l/ha/sec
MWWF	(Maximum Wet Weather Flow)	1.56 l/ha/sec

where l/ha/sec = litres/hectare/second

The design of sewage disposal systems for industries with very heavy water usage is to be based on the specific requirements for that industry.

**Retail and Suburban Commercial Areas, Suburban Mixed Use Areas**

ADWF	(Average Dry Weather Flow)	0.25 l/ha/sec
PDWF	(Peak Dry Weather Flow)	0.44 l/ha/sec
MWWF	(Maximum Wet Weather Flow)	0.44 l/ha/sec

where l/ha/sec = litres/hectare/second

**Associated Compliance Standards**

pipe diameter	>150mm for mains
pipe velocity	>0.6 metres/sec
minimum standby pump capacity	100% for 2 pump installation 50% for 3 pump installation
minimum storage in pumped system	4 hours ADWF (Average Dry Weather Flow)

**(vi) Water Supply**

Compliance with the following standards:

- NZS PAS 4509:2008 NZ Fire Service Code of Practice for Fire Fighting Water Supplies
- Hutt City Council Bylaw 1997 Part 17 Water Supply.
- Part 6 NZS 4404:2004 (Land Development and Subdivision Engineering).

subject to the following criteria and guideline values:

<b>Criteria</b>	<b>Guideline Values</b>
<b>Minimum available flow at Point of Supply</b>	15 litres per minute
<b>Pressure at Point of Supply (static)</b>	
Minimum (for highest level sites - nearing the supply reservoir elevation)	10 metres head
Minimum (for the majority of a supply zone)	30 metres head
Maximum	90 metres head
<b>Minimum system flow capability</b>	The system shall provide flows equivalent to the Fire Service Code of Practice flow requirements plus two thirds of the peak daily consumption flow; whichever is greater. Peak daily consumption flows shall be as follows:
	(i) Over 2,000 population - 1,400 litres per person per day
	(ii) Under 2,000 population - as in table below.
<b>Minimum pumping capacity without using a standby unit</b>	15 hours
<b>Minimum pumping standby capacity</b>	100% 2 pump installation

Peak Flow on Maximum Days

No. of Dwellings	Litres per second	No. of Dwellings	Litres per second	No. of Dwellings	Litres per second
1	0.6	16	3.2	90	8.8
2	0.9	18	3.4	100	9.3
3	1.2	20	3.6	120	10.4
4	1.4	25	4.1	140	11.4
5	1.6	30	4.6	160	12.4
6	1.8	35	5.1	180	13.4
7	1.9	40	5.5	200	14.1
8	2.1	45	5.9	250	16.1
9	2.2	50	6.2	300	18.0
10	2.4	60	6.9	350	19.8
11	2.7	70	7.6	400	21.3
12	2.9	80	8.2	500	24.2

**(vii) Telecommunications and Electricity**

Compliance with the requirements of the relevant network utility operator.

**(viii) Earthworks**

Compliance with the following:

- NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering)
- Erosion and Sediment Control Guidelines for the Wellington Region and Small Earthworks Erosion and Sediment Control for small sites, 2003, Greater Wellington Regional Council.

**(c) Contamination**

Compliance with the following:

- Ministry for the Environment, Contaminated Land Management Guidelines 1 - 5

**(d) Esplanade Reserves, Strips and Access Strips**

Compliance with the following:

- (i)** In all activity areas esplanade reserves or strips are not required for the following subdivision activities:
  - Boundary adjustments in all activity areas.
  - A minor adjustment to an existing cross lease or unit title due to the increase in the size of allotment by alterations to the building outline or the addition of an accessory building.
  - A subdivision where the allotment is created solely for utilities and that allotment has a net site area of less than 200m<sup>2</sup> and is not within 20m of any river or lake.
- (ii)** In all activity areas, in respect of lots less than 4 hectares, an esplanade reserve of 20m shall be set aside for such lots along the bank of any river whose bed has an average width of 3m or more where the river flows through or adjoins the lot concerned, except that properties with access to Moores Valley Road or Crowther Road that this standard applies to shall have an esplanade reserve of 5m.
- (iii)** In respect of lots with areas of 4 hectares or greater, an esplanade reserve or strip of 20m width shall be set aside for such lots along the banks of the following rivers and lakes:
  - Hutt River,
  - Wainuiomata River,
  - Orongorongo River,
  - Waiwhetu Stream,
  - Lake Kohangatera,
  - Lake Kohangapiripiri.

- (iv) In respect of lots with areas 4 hectares or greater, an esplanade reserve or strip of 20m width shall be set aside for lots adjoining the mean high water springs of the sea.

For the avoidance of doubt, non-compliance with the provisions (ii) to (iv) shall be considered as a Discretionary Activity and assessed in terms of sections 104 and 105, and Part II of the Act.

(e) Earthworks

Compliance with permitted activity conditions 14I 2.1.1.

Compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

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

Exception: The standards in Rules 14I 2.1.1 (a) and (b) shall not apply to trenching carried out as part of the subdivision.

(f) Other Provisions

Compliance with the following:

- (i) Financial Contributions in Chapter 12 of this Plan.
- (ii) General Rules in Chapter 14 of this Plan.

### 11.2.2.2 Matters in which Council Seeks to Control

The matters over which control is reserved are:

- (a) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;
- (b) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;
- (c) Management of construction effects, including traffic movements, hours of operation and sediment control;
- (d) Provision of esplanade reserves, esplanade strips and access strips;
- (e) Site contamination remediation measures and works;
- (f) Protection of significant sites, including natural, cultural and archaeological sites;
- (g) Avoidance or mitigation of natural hazards; and
- (h) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;

- (i) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site; and
- (j) Those matters described in Section 108 and 220 of the Resource Management Act 1991.

Note: Rule 11.2.3 (b) covers subdivision within the National Grid Corridor.

### 11.2.2.3

#### Assessment Criteria

The following assessment criteria will be used:

##### (a) Allotment Design:

- Allotments to have the appropriate net site area and dimensions to enable activities, buildings or structures to be sited to comply with the specified activity area requirements.
- Subdivisions should be designed so as to give areas a strong and positive identity by taking into account characteristics of the area and ensuring that roading patterns, public open space/reserves and community facilities are well integrated.
- Account must be taken of the future development potential of adjoining or adjacent land and any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid).
- The roading pattern must take into account the future development pattern of adjacent land.
- Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated.

#### **AMENDMENT 2 (amended after hearing)**

- For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to give priority to avoiding where possible or minimise the need for indigenous native vegetation clearance and earthworks within the identified no-development areas. Where avoidance is not possible the design must demonstrate how the effects will be minimised and remedied.  
and Subdivision should also be designed to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.

##### (b) Engineering Design

###### (i) Access

- The legal road must be of sufficient width to cater for all functions the road is expected to fulfil, including the safe and efficient movement of all users, provision for parked vehicles, the provision of public utilities, landscaping and public transport facilities.
- The carriageway width should allow vehicles to proceed safely at the operating speed intended for that type of road in the network, with acceptable minor delays in the peak period.
- The carriageway should be designed to discourage motorists from travelling above the intended speed by reflecting the functions of the

road in the network. In particular, the width, the horizontal and vertical alignments and superelevation should not be conducive to excessive speed.

- Intersections or junctions should be designed to allow all desired movements to occur safely without undue delay. Projected traffic volumes should be used in designing all intersections or junctions on traffic routes.
- Footpaths shall be provided on both sides of roads and shall be designed and located taking into account pedestrian amenity and likely use patterns. Footpaths may be reduced to only one side where:
  - there is no development fronting that part or side of the road,
  - topography or vegetation precludes provision, or
  - vehicle volumes and speeds are low and use of the carriageway is considered to be safe and comfortable for pedestrian use, and
  - pedestrian use will not be deterred by the lack of a footpath.
- Materials used in the construction of roads must be durable, maintainable, cost effective and compatible with Council's engineering standards.
- Allotments must have drive on access, except those in the Suburban Mixed Use and Medium Density Residential Activity Areas, and those Comprehensive Residential Developments in the General Residential Activity Area provided with access to communal parking areas. In cases where it can be shown that it is physically not possible to provide drive on access, alternative arrangement for off-street parking must be provided.
- Where appropriate, when designing the roading network, account must be given to the provision of public transport facilities and the provision for safe, convenient and efficient access for cyclists and pedestrians.

**(ii) Service Lanes, Private Ways, Pedestrian Accessways and Walkways**

- Service lanes must be of sufficient width and of appropriate design to cater for vehicular traffic which services the allotments.
- All private ways and pedestrian accessways must be of sufficient width and of appropriate design for the use of land they serve.
- Walkways must be taken into account the existing topography, link open space network with community facilities and public services.

**(iii) Street Lighting**

- Public lighting to be provided to roads, footpaths, pedestrian accessways and to major pedestrian and bicycle links likely to be used at night to provide safe passage for pedestrians, cyclists and vehicles.

**(iv) Stormwater**

- The stormwater system to provide a level of protection defined in terms of Average Recurrence Interval (ARI) based on the type and intensity of development.
- The environment downstream of the proposed subdivision is not degraded by drainage flows or floodwaters.
- The roading system retains access to allotments and minimises the occurrence of traffic accidents during and after storm events.
- The stormwater system is designed to ensure that the land form of watercourses is stabilised and that erosion is minimised.
- Floodways and ponding areas to be restricted to areas where there is no damage to property, and to discharge or contain all gap flow (gap flow being the difference between the pipe flow and the total flow, i.e. the amount flowing on the surface for any given ARI).
- Materials used in stormwater systems to be durable, maintainable, cost-effective and compatible with Council's engineering performance standards.

**(v) Wastewater**

- The wastewater system is adequate for the maintenance of public health and the disposal of effluent in an environmentally appropriate manner.
- All wastewater systems shall be designed so that they have sufficient capacity for the ultimate design flow.
- All wastewater systems shall be designed so that they are self cleansing with the current or expected peak dry weather flow.
- Materials used in the wastewater system must be durable, maintainable, cost efficient and compatible with Council's engineering performance standards.
- Connection to a community sewerage system where one is available, and has the capacity to accept the additional sewerage load that the occupancy of the subdivision will create; or the installation of a sewerage system and community treatment plant when there is no community sewerage system available and the number of residential allotments and the soil/groundwater conditions indicate that the cumulative effects of the sewerage effluents have the potential to adversely affect public health.

**(vi) Water Supply**

- In urban areas reticulated water supply must be provided to each allotment for domestic, commercial or industrial consumption and provision for fire fighting purposes.
- Materials used in the water supply system must be durable, maintainable. cost-effective and compatible with Council's engineering performance standards.

- Reservoir storage, pumping and pipe flow capacity shall meet required volume, flow and pressure criteria according to Council's engineering performance standards.
- The provision and protection of access for maintenance of components of water supply system.
- All water supply mains shall be designed so they have sufficient capacity for the ultimate design flow.
- Adequate and suitable water supply shall be provided in the General Rural and Rural Residential Activity Areas.
- In all areas, the provision of a reticulated drinking water supply to all residential allotments if it is practicable to do so.

**(vii) Telecommunication and Electricity**

- Electricity supply must be provided to each allotment. The Council may exempt subdivisions or particular allotments from this requirement in appropriate circumstances but may require that provision, such as the registration of easements, be made for the provision of electricity supply in the future. In urban areas where practicable this should be by means of an underground system.
- Provision should be made to ensure that telephone connections can be made to each allotment. In urban areas where practicable, such provision should be made by means of an underground system.

**(viii) Earthworks**

- Before any earthworks are carried out a thorough investigation be undertaken to determine the suitability of the land. Particular attention must be given to drainage, slope and foundation stability matters, topography, significant existing natural, cultural and archaeological resources, post construction settlement, shrinkage and expansion of material plus compaction.
- Appropriate design and construction methods must be used to control and manage soil erosion, surface runoff and siltation.

**AMENDMENT 3**

- 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.

**(c) Contamination**

Where a site for subdivision has been identified as a potential or confirmed contaminated site the applicant shall undertake an assessment of the site, which shall include:

- The nature of contamination and the extent to which the occupants of the site, the immediate neighbours, the wider community and the surrounding environment will be exposed to the contaminants.
- Any potential long-term or cumulative effects of discharges from the site.



- Any remedial action planned or required in relation to the site, and the potential adverse effects of any remedial action on the matters listed in the two matters above, whether at the site or at another location.
- Proposed validation to demonstrate that remediation has been carried out to an acceptable standard.
- The management of the decontamination risk and any risk due to residual contamination remaining on the site (eg. risks involved are maintenance of underground services, risks associated with earth working and soil disturbance, and compliance with management regimes).

The site assessment, proposed remediation, validation and future site management shall be to the satisfaction of the Hutt City Council, Wellington Regional Council, and the Medical Officer of Health.

**(d) Esplanade Reserves, Strips and Access Strips**

Whether provision has been made for esplanade reserves and/or strips along the margins of any water body.

If a reduction in the width or waiver of an esplanade reserve is sought, Council would have regard to the following:

- The purpose for the creation of the esplanade reserve set out in Section 229 of the Resource Management Act 1991;
- Whether the reduction in size or width of an esplanade reserve would adversely effect:
  - Natural character, amenity values, and ecological values of the adjacent waterbody;
  - Access to an existing or potential future reserve or feature of public significance;
  - The public's ability to gain access to and along the edge of the water body; and
  - The protection of significant sites, including natural, cultural and archaeological sites.
- Whether a waiver or reduction of the width of an esplanade reserve would ensure the security of private property or the safety of people; and
- Whether the land is within a natural hazard area or in an identified risk from one or more natural hazards.

### 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.
- (b)** Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.2.
  - (i)** Non-notification
 

In respect of Rule 11.2.3 (b), public notification of applications for resource consent is precluded. Limited notification will be served on the

National Grid Operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (b) (i) prevails over Rule 17.2.2.

- (c) Any subdivision located within close proximity to consented and existing renewable energy generation activities.

- (i) Non-notification

In respect of Rule 11.2.3 (c), public notification of applications for resource consent is precluded. Limited notification will be served on the renewable energy generation activities' operator as the only affected party under section 95B of the Act.

Note: Rule 11.2.3 (c) (i) prevails over Rule 17.2.2.

- (d) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8.

### 11.2.3.1 Matters in which Council has restricted its discretion

- (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.**

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

- (ii) 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, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

- (iii) Existing Natural Features and Topography:

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

- (iv) Historical or Cultural Significance:

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

- (v) Natural Hazards:

Consideration should be given to those areas prone to erosion, landslip and flooding. Earthworks 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.

- (vi) Construction Effects:

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

(vii) Engineering Requirements:

The extent of compliance with NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development).

The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

(viii) Erosion and Sediment Management:

The extent of compliance with the “Erosion and Sediment Control Guidelines for the Wellington Regional 2003” and “Small Earthworks – Erosion and Sediment Control for small sites” by Greater Wellington Regional Council.

(ix) Contaminated Land:

The extent to which works are consistent with the Ministry for the Environment, Contaminated Land Management Guidelines 1 – 5.

(x) Vegetation protection and presence:

The extent to which protection is given and how the safe, continuous presence of vegetation is provided for in the area as shown in Appendix Subdivision 5 by using an appropriate legal mechanism.

(xi) Visual effects of built development on the wider area (Appendix Subdivision 6):

Consideration shall be given to any actual and potential adverse effects of built development in the area identified on Appendix Subdivision 6 on visual amenity of the wider area (ie the valley floor and upper Holborn Drive). To assist, an expert assessment shall be undertaken, and the extent to which development controls are placed on identified individual lots as a result of the assessment’s findings shall be taken into account.

For the purposes of this rule, built development includes but is not limited to structures of any height such as dwellings and ancillary buildings, decks, fences, walls and retaining walls.

**(b) Any subdivision located within a National Grid Corridor that complies with the standards and terms under Rule 11.2.3.1.**

(i) the extent to which the design, construction and layout of the subdivision demonstrates that a suitable building platform(s) can be located outside of the National Grid Yard for each new lot to ensure adverse effects on and from the National Grid and on public health and safety are appropriately avoided, remedied or mitigated;

(ii) The provision for the on-going operation, maintenance (including access) and planned upgrade of Transmission Lines;

(iii) The risk to the structural integrity of the National Grid;

(iv) The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from such lines;

- (v) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
- (vi) The extent to which landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.

**Advice Note:** Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.

Vegetation to be planted within proximity to Transmission Lines as shown on the planning maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting **near** any Transmission Line especially works within the transmission corridor; contact the National Grid operator.

**(c) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8.**

(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, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

(ii) Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and are 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) Construction Effects:

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

(v) Engineering Requirements:

The extent of compliance with NZS 4431:1989 (Code of Practice for Earth Fill for Residential Development).

The extent of compliance with Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

- (vi) Erosion and Sediment Management:
- The extent of compliance with the “Erosion and Sediment Control Guidelines for the Wellington Region 2002” and “Small Earthworks – Erosion and Sediment Control for small sites” by Greater Wellington Regional Council.
- (vii) The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;
- (viii) The provision of servicing, including water supply, waste water systems, stormwater control and disposal, roads, access, street lighting, telephone and electricity;
- (ix) Management of construction effects, including traffic movements, hours of operation and sediment control;
- (x) Avoidance or mitigation of natural hazards;
- (xi) The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;
- (xii) The outcome of consultation with the owner and operator of regionally significant network utilities (excluding the National Grid) located on or in proximity to the site;
- (xiii) Those matters described in Section 108 and 220 of the Resource Management Act 1991;
- (xiv) In regard to Appendix Subdivision 7 the engineering measures proposed to manage stormwater runoff to ensure the ecological health of Speedy’s Stream and the onsite wetland. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:
- i. The existing ecological values of Speedy’s Stream and the onsite wetland;
  - ii. The stormwater runoff rates for both the onsite wetland and Speedy’s Stream to maintain these ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events);
  - iii. The acceptable level of contaminants in the stormwater to maintain the ecological values of both the onsite wetland and Speedy’s Stream;
  - iv. The engineering practices (for example, bio-retention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are at least maintained and the stormwater runoff rates and treatment identified in the points above are achieved. These engineering practices shall control all runoff generated by the 85-90<sup>th</sup> percentile rainfall depth. This is defined as treating the stormwater volume generated by the 27mm rainfall depth; and

- v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.
- (xv) In regard to Appendix Subdivision 8, the engineering measures proposed to manage stormwater runoff to ensure the ecological health of any onsite streams and downstream receiving environments. To assist, expert assessment shall be undertaken, and provided with any subdivision application. This report shall identify the following:
- i. The existing ecological values of the onsite streams (and their downstream receiving environments);
  - ii. The stormwater runoff rates for the onsite streams (and their downstream receiving environments) to maintain or improve ecological values (including for smaller frequent events like the 1 in 1 year and 1 in 2 year rainfall events);
  - iii. The acceptable level of contaminants in the stormwater to maintain or improve the ecological values of the onsite streams (and their downstream receiving environments);
  - iv. The engineering practices (for example, bio-retention devices and detention tanks) required to treat and control all stormwater runoff to ensure that the identified ecological values are appropriately protected, and the stormwater runoff rates and treatment identified in the points above are achieved; and
  - v. Any potential conditions that may need to be imposed on the subdivision consent to ensure that these engineering measures are undertaken and appropriately maintained.
- (xvi) In regard to Appendix Subdivision 8, any measures to control reverse sensitivity effects in relation to noise on the adjoining properties within the Rural Residential Activity Area.
- (xvii) For the site in Appendix Subdivision 8, the measures to maintain the ecological values of the indigenous vegetation contained within the General Recreation Activity Area portion of the site. This includes the protection of indigenous vegetation within the General Recreation Activity Area portion of the site through appropriate legal mechanism and on-site measures to manage edge effects during any adjacent development activities.

### 11.2.3.2 Standards and Terms

**(a) Any Subdivision located within a National Grid Corridor shall:**

- (i) comply with the Standards and Terms for a Controlled Activity in Rule 11.2.2.1 and
- (ii) demonstrate that each new residential allotment can provide a complying Shape Factor as required under Rule 11.2.2.1(a) or in the case of industrial and commercial activities, a suitable building platform which is fully located outside of the National Grid Yard.

## 11.2.4 Discretionary Activities

- (a) Avalon Business Activity Area.
- (b) Special Commercial Activity Areas 1 and 2.
- (c) Rural Residential Activity Area - all subdivisions with direct access off Liverton Road.
- (d) Historic Residential Activity Area.
- (e) General, Special, River and Passive Recreation Activity Areas.
- (f) Extraction Activity Area.
- (g) Community Health Activity Area.
- (h) Any subdivision within the identified coastal environment as shown in Map Appendices 2A, 2B, and 2C.
- (i) Any subdivision which is not a Permitted, Controlled or Restricted Discretionary Activity.
- (j) Any subdivision located wholly or partially within Avalon Business Activity Area (Sub-Area 1).
- (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.
- (l) Any subdivision of the land identified in Appendix Subdivision 7 or Appendix Subdivision 8 that do not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design.

### AMENDMENT 4

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

### 11.2.4.1 Assessment Criteria for Discretionary Activities

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) Compliance with the engineering design standards.
- (c) The degree of compliance or non-compliance with any relevant Permitted and Controlled Activity Standards and Terms.
- (d) Those matters listed in the Assessment Criteria for Controlled Activities.
- (e) For the sites identified in Appendix Subdivision 7 and Appendix Subdivision 8, those matters to which Council has restricted its discretion under Rule 11.2.3.1 (c).

### AMENDMENT 5

- (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.

## 11.2.5 Non-Complying Activities

- (a) Any subdivision of land within the National Grid Corridor that does not comply with the standards and terms under Rule 11.2.3.2.
- (b) Any subdivision of the land identified in Appendix Subdivision 8 which results in any new lots having vehicular access to Liverton Road.

### AMENDMENT 6

- (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.

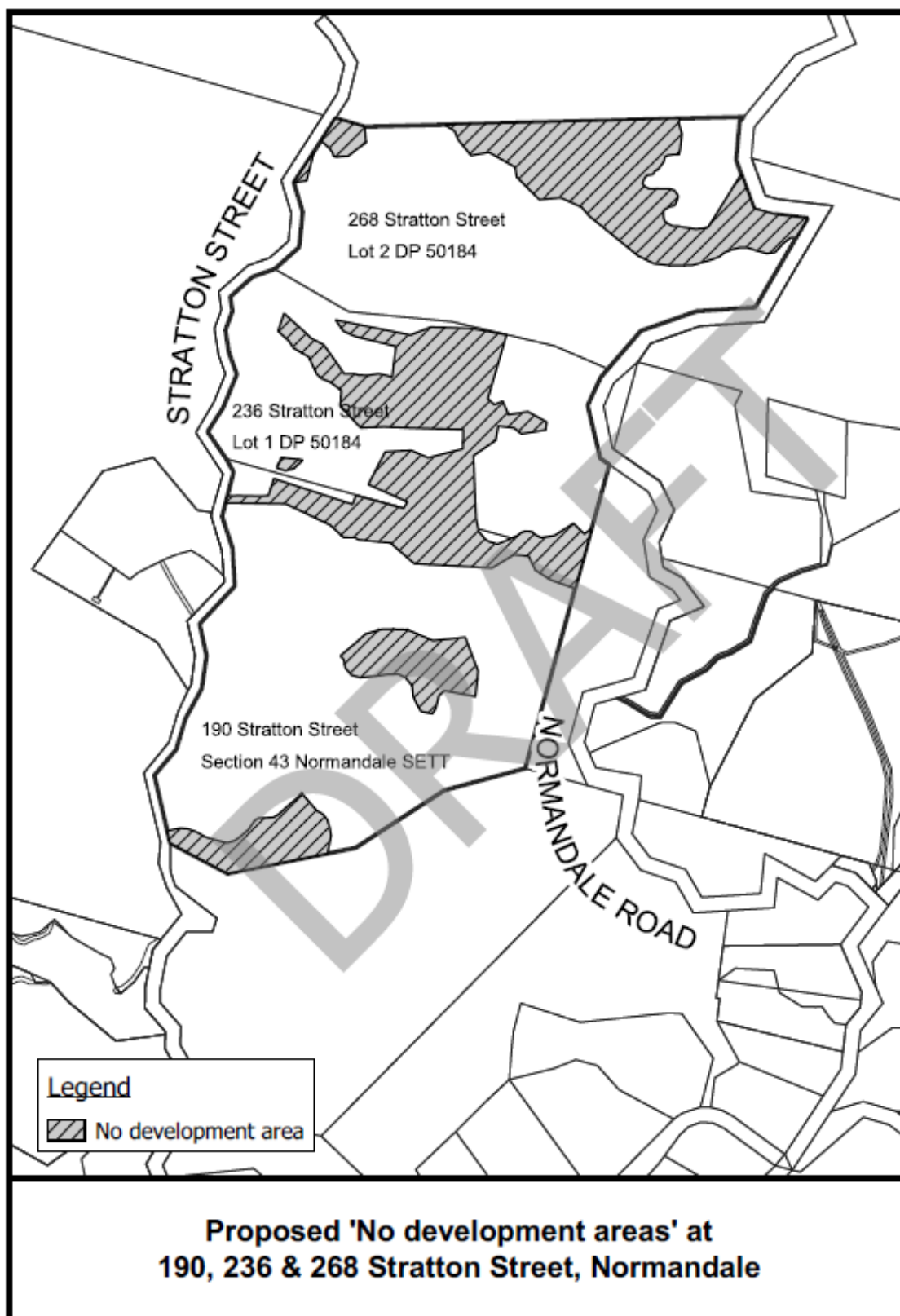
## 11.3 Anticipated Environmental Results

- (a) That allotments created are suitable for the proposed use.
- (b) That adverse effects arising from the subdivision of land will be managed and mitigated.
- (c) That where appropriate and necessary there be improved public access to public areas



**AMENDMENT 7 (amended after hearing)**

**Appendix Subdivision 9**



# 8A Rural Residential Activity Area

(with proposed PC53 amendments – 17 September 2021)

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## Introduction

Subdivision is a process which enables title to be transferred. Nevertheless, it does impose constraints on the future use and development of land. In addition the engineering work often required to make land suitable for development must be managed as there can be adverse effects on the environment. It is therefore important these effects are addressed and managed in the Plan.

Except for boundary adjustments and the leasing of retail space within existing buildings in appropriate activity areas, all subdivisions require a resource consent as it may be necessary to impose engineering conditions, design allotment standards and financial contributions to ensure that adverse effects are managed and mitigated.

The provisions of this Chapter apply to all activity areas. Activities must also be assessed in terms of the requirements of each activity area, and the requirements of Chapters 12, 13 and 15, to determine whether or not a resource consent is required.

## 8A 1 Issues, Objectives and Policies

### 8A 1.1 Local Area Issues

#### 8A 1.1.1 Rural Residential Character and Amenity Values

##### Issue

**The mix of residential and small scale rural activities, the subdivision pattern and the sense of open space contribute to the character and amenity values of the various rural residential areas. Inappropriate activities, and development and performance standards will adversely affect the existing character and amenity values of these areas.**

##### Objective

To ensure that the character and amenity values of rural residential areas are maintained and enhanced.

##### Policy

- (a) To provide for rural residential development where the existing activities and subdivision pattern have established areas with rural residential characteristics and amenity values.
- (b) To ensure that the adverse effects of activities do not detrimentally affect rural residential character and amenity values or the intrinsic values of ecosystems.

- (c) To allow for small businesses providing products and services to the entire City and where a rural environment is more appropriate because of the scale and effects generated by the activities.
- (d) To ensure that rural residential character and amenity values are not compromised by inappropriate subdivision standards.

#### Explanation and Reasons

Rural residential developments are established activities in this City. Generally they occur in close proximity to urban development. They give a particular character to those parts of the City where they occur which differs from the intensity of the urban environment and the more extensive character of the remaining rural area.

One of the most significant factors contributing to the character and amenity values of a rural residential area is the subdivision pattern. Allotments are generally substantially larger than those in urban residential environments but also significantly smaller than in the Rural General Activity Area. Existing rural residential patterns include allotments of varying sizes and wide frontages.

Rural residential areas contain a diversity of activities. These include sites utilised purely for residential purposes, but because of the larger site area than in the urban residential areas, there is significantly more open space around the dwelling and greater separation between neighbours. Many sites are developed as hobby farms with limited numbers of animals and small forestry plantings. There are a number of small businesses located within rural residential areas. These include businesses providing for the boarding of domestic pets.

Land in this activity area is adjacent to land in the Extraction Activity Area on the western hills. Quarrying activities can have an adverse effect on activities on adjacent land. It is appropriate to manage activities on that adjacent land to ensure those activities are not adversely affected and that the quarrying activities can operate without undue restriction. A Quarry Protection Area shown in Appendix Rural Residential 1 identifies land subject to a Rule requiring a resource consent for specific activities in the Quarry Protection Area.

### 8A 1.1.2 Opportunity for Future Urban Growth

#### Issue

**A significant amount of land on the western hills of the Hutt Valley and in Wainuiomata was previously zoned residential. The land is not required for urban development in the medium term and it is appropriate that it be included in the Rural Residential Activity Area. In the future it may be appropriate for urban development to occur on this land.**

#### Objective

To retain land as rural residential, recognising that it may be appropriate to utilise the land for urban expansion in the future if demand justifies this.

#### Policy

- (a) To allow for rural residential development adjacent to urban environments where it may be appropriate for there to be expansion of the urban environment in the long term future.

## Explanation and Reasons

The rural residential areas on the western hills of the Hutt Valley and in the vicinity of Upper Fitzherbert Road, Wainuiomata are in close proximity to urban residential development. Population and household projections in the past, indicated that there would be considerable growth of the residential population and household numbers. Land was zoned residential to meet this expectation. Projections indicate that it is no longer appropriate to make such an extensive provision. On the western hills of the Hutt Valley and at the northern end of Upper Fitzherbert Road there is land that is suitable for future urban development due to its proximity to existing services, topography and relationship to urban development. It is appropriate that this land is retained as rural residential until demand justifies alteration in the future.

### 8A 1.1.3 Liverton Road

#### Issue

**The narrow formation and twisty alignment of Liverton Road mean that it is inappropriate to allow further subdivision or new activities which result in an increase in traffic volumes using the road.**

#### Objective

To recognise that it is not appropriate for there to be further growth in the number of vehicles using Liverton Road.

#### Policy

- (a) To require subdivisions creating the opportunity for further dwellings or new activities that will generate traffic movements to use alternative routes to Liverton Road.

#### Explanation and Reasons

Liverton Road is a narrow and twisty route. At the lower end it is in a gorge but towards the top opens out onto land with flatter topography. Due to the poor condition of the road it is inappropriate for there to be further subdivision or new activities which will place greater traffic volumes on the road. The land which is suitable for further rural residential development can be accessed from Major Drive, Kelson, a route which can accommodate growth in traffic volumes.

### 8A 1.1.4 Recreation

#### Issue

**It is appropriate to allow a range of recreation and leisure activities in rural residential areas, where amenity values and character can be maintained.**

#### Objective

To allow rural residential areas to be used for recreation and leisure activities, where amenity values and character are not adversely affected.

#### Policy

- (a) To allow for activities that provide recreational opportunities or ancillary facilities that support recreational activities.

## Explanation and Reasons

The Belmont Regional Park, East Harbour Regional Park and Rimutaka Forest Park are all in close proximity to rural residential areas. There are also a number of individuals undertaking private ventures providing recreation opportunities. As well as providing opportunities for those living in this City's urban areas, the regional population are also catered for within these areas.

The opportunity exists for a range of activities which complement recreational activities. These include various forms of visitor accommodation, services and facilities.

Visitor accommodation is an example of an activity which could be developed to enhance the use of the recreation opportunities.

## 8A 1.1.5 Forestry

### Issue

**Harvesting of commercial forestry can have adverse effects on the visual amenities of the rural residential area. It is important that these be mitigated to ensure the maintenance and enhancement of rural residential amenity values and character.**

### Objective

To maintain and enhance the visual amenity values of rural residential areas by ensuring that the adverse effects generated by the clearing of commercial forestry are appropriately mitigated.

### Policy

- (a) To require appropriate amenity planting, where planting extends to the road boundary, to mitigate the adverse visual effects resulting from the harvesting of commercial forestry.
- (b) To require commercial forestry to be planted at a minimum distance from site boundaries to mitigate the adverse effects of shading.

## Explanation and Reasons

Forestry development already exists in rural residential areas and there is potential for further planting. Forestry is an appropriate activity in many rural residential locations. A number of specific issues arise from forestry as an activity. These include matters relating to soil quality, run-off control, and the visual changes that occur when forests are harvested. Some of the issues have potential effects which come under the jurisdiction of the Regional Council, however some can be addressed in this Plan.

The visual impact when large areas of forestry are cleared can be softened by the presence of mature amenity planting at the road side. The height of a mature tree is considerably greater than the provision for the maximum height of buildings. Providing a minimum setback from a site boundary mitigates the potential effects from shading of neighbouring sites and dwellings. While the current roading network from rural residential areas is capable of accommodating the impacts for logging trucks it is important that future planting be monitored to ensure that any intensification of the forestry industry will not adversely affect roading.

## 8A 1.2 Site Development Issue

### 8A 1.2.1 Minimum Requirements for Sites and Buildings

#### Issue

**The size and shape of sites, the number and size of buildings and the location of buildings on the sites are important elements in determining the character and amenity values of rural residential areas. It is necessary to have conditions relating to these elements to ensure the character and amenity values of rural residential areas are maintained, and that buildings and structures are sited to avoid or mitigate the adverse effects of flood hazards.**

#### Objective

To recognise those elements within a site that determine the character and amenity values of rural residential areas and manage them appropriately.

#### Policy

- (a) To ensure the character and amenity values of rural residential areas are maintained and enhanced through specific minimum site area conditions for dwellings.
- (b) To require minimum setback requirements and maximum site coverage for all buildings.
- (c) To establish appropriate minimum conditions for the size and shape of sites.
- (d) To manage the siting of all buildings and structures to mitigate the effects of a flood hazard on development.

#### Explanation and Reasons

Minimum conditions which determine in what circumstances and where buildings are located on a site, contribute to the character and amenity values of rural residential areas. The first determinant of this is the minimum size and shape of sites. Once the subdivision pattern is established, the extent to which a site is built on, the relationship of buildings to boundaries, the height of buildings and adequacy of daylight admission are important on-site determinants of the overall character and amenity values of rural residential areas.

## 8A 2 Rules

### 8A 2.1 Permitted Activities

- (a) Any activity complying with the Conditions and not specified as a Restricted Discretionary, Discretionary or Non-Complying Activity.

#### 8A 2.1.1 Permitted Activities - Conditions

- (a) Dwelling:

Dwelling: Minimum net site area per dwelling - 2ha.

Where a Certificate of Title has been issued for a site prior to 5 December 1995, and it can be established that the site has been created with an

intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.

Compliance with all other Permitted Activity Conditions

**AMENDMENT 8A (added after hearing)**

For sites within the area identified in Appendix Rural Residential 2: Maximum of one dwelling per site.

- (b) Minimum Yard Requirements:
- (i) Principal Building - 10.0m.
  - (ii) Accessory Building - 5.0m.
  - (iii) For all buildings and structures -  
20m minimum set back from water bodies, where the average width of the water body is greater than 3.0m measured from natural bank to natural bank;  
or  
3.0m minimum set back from water bodies, where the average width of the water body is less than 3.0m measured from natural bank to natural bank.
- (c) Maximum Height:  
Maximum Height: For any principal or accessory building, 8.0m.
- (d) Recession Planes:  
For any principal or accessory building, and from all site boundaries -
- (i) From the north facing site boundary -  $2.5m + 45^\circ$
  - (ii) From the north-east and north-west site boundary -  $2.5m + 41^\circ$
  - (iii) From all other site boundaries -  $2.5m + 37.5^\circ$
- provided the recession plane angles shall not apply to television aerials, flagpoles and chimneys.
- (e) Maximum Site Coverage:  
Maximum Site Coverage: 450m<sup>2</sup>.
- (f) Dust:  
All outside areas shall be surfaced, or managed appropriately, so that there shall be no dust nuisance at or beyond the boundary of the site.
- (g) Odour:  
All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.
- (h) Lightspill and Glare:
- (i) Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling on a neighbouring site.
  - (ii) All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.
  - (iii) All activities, buildings and structures shall avoid glare (light reflection)

beyond the site boundary.

(i) Vibration:

All activities that cause vibration shall be carried out in such a manner that no vibration is discernible beyond the site boundary.

(j) Home Occupations:

An occupation, craft or profession established on the same site as a dwelling, which is used for residential purposes, (but excluding activities such as livestock farming and forestry where these are the principal use of the site) provided that:

(i) At least one resident of that dwelling is employed in the home occupation;

(ii) Not more than two persons who do not reside on the site shall work on the site at any one time

(iii) Home occupations shall not include:

- the repair, alteration, restoration or maintenance of motor vehicles not belonging to residents of the site; and
- courier depots.

(iv) No home occupation shall involve the use of trucks or other heavy vehicles;

(v) No retail sales shall be permitted directly from the site, except for goods or produce grown or produced on the site;

(vi) Home occupations shall not involve visitors to the site between 8.00pm and 7.00am;

(vii) Not more than 35% of the gross floor area of all the buildings on the site, and not more than 15% of any outdoor areas on the site may be used in association with the home occupation; and

(viii) Any external storage of materials associated with the home occupation shall be screened so as not to be visible from outside the site.

(k) Piggeries:

(i) All grazing and shelter areas must be a minimum of 50m from a residential building on the site and from the site boundary.

(ii) A maximum of five adult pigs (defined to be one year or older) are permitted at any one time.

(iii) All adult pigs shall have a nose ring.

(l) Commercial Forestry:

(i) Where the commercial forestry is planted to within 50m of a site boundary with a public road, a 10m amenity strip, planted in species not used in the commercial forestry operation, will be provided, parallel and for the length of the commercial forestry operation, adjacent to a public road boundary and shall not be harvested at the same time as the commercial forest.

(ii) Minimum separation of 30m between an existing dwelling on a neighbouring site and commercial forestry planting.



- (m) Recreation:
  - (i) no motorised recreational activity shall be permitted except for the enjoyment of those residents on the site and their visitors, or in the case of the Rimutaka Forest Park where the Department of Conservation has granted consent for motor vehicles within the Park.
  - (ii) no buildings may be used for or in association with a recreation activity.
  - (iii) recreation includes garden tours where there are no associated sales or services.
- (n) General Rules:

Compliance with all matters in the General Rules - see Chapter 14.

## 8A 2.2 Restricted Discretionary Activities

- (a) Rural service industries.
- (b) Boarding of domestic pets.
- (c) Commercial recreation.
- (d) Visitor accommodation excluding (f)(vi) below
- (e) Residential accommodation for the elderly.
- (f) In the Quarry Protection Area, as shown on Appendix Rural Residential 1, the following activities, in addition to (e) above:
  - (i) Any new dwelling, excluding a single dwelling on any lot approved by Council prior to 19 October 2001 which is a Permitted Activity providing the Permitted Activity Conditions are satisfied.
  - (ii) Community Facilities.
  - (iii) Hospitals and Emergency Facilities.
  - (iv) Health Care Facilities.
  - (v) Kohanga Reo, Childcare and Education Facilities.
  - (vi) Visitor Accommodation.

### 8A 2.2.1 Matters in which Council has Restricted its Discretion and Standards and Terms

- (a) Rural service industries.
- (b) Boarding of domestic pets.
- (c) Commercial recreation.
- (d) Visitor accommodation excluding (f)(vi).
- (e) Residential accommodation for the elderly.
  - (i) Amenity Values:

The extent to which the activity will alter the amenity values of the Rural Residential Activity Area and in particular the visual amenity values.
  - (ii) Landscaping and Screening:

The ability of appropriate landscaping and screening to mitigate the adverse visual effects of the activity on the rural residential amenity values

- (f) In the Quarry Protection Area, as shown on Appendix Rural Residential 1, the following activities, in addition to (a) to (e) above:
- (i) Any new dwelling, excluding a single dwelling on any lot approved by Council prior to 19 October 2001 which is a Permitted Activity providing the Permitted Activity Conditions are satisfied.
  - (ii) Community Facilities.
  - (iii) Hospitals and Emergency Facilities.
  - (iv) Health Care Facilities.
  - (v) Kohanga Reo, Childcare and Education Facilities.
  - (vi) Visitor Accommodation.
    - Location, Site Layout and Design:

Locations with direct line of sight to and from the quarry should be avoided where this is physically possible. Where a line of sight between buildings and the quarry is unavoidable, mitigation through screening or design may be appropriate. Acoustic and vibration minimisation treatment of buildings, and planting to minimise dust nuisance may also be necessary.
    - Amenity Values:

Activities must not result in any increased likelihood of people in the area being exposed to adverse effects from the nearby quarry. Screening, acoustic or other building treatment, or restrictions of density, intensity or location, may be necessary.

## 8A 2.2.2 Other Matters

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions

## 8A 2.3 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) Intensive farming.
- (c) Brothels and commercial sexual services not falling within the ambit of home occupation.

### 8A 2.3.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.

## **AMENDMENT 8B (added after hearing)**

- (c) For sites within the area identified in Appendix Rural Residential 2, where the development does not comply with the maximum number of dwellings per site, the effects on the existing roading network.

### **8A 2.4 Non-Complying Activities**

- (a) Any retailing activity.
- (b) Service stations.
- (c) Any industrial, manufacturing, storage or depot activity.
- (d) Residential activities, not otherwise provided for in this Activity Area.
- (e) Turf farming.
- (f) Top soil removal.
- (g) Prospecting, exploration and extraction of minerals.
- (h) Places of public assembly.
- (i) Landfills and transfer stations.

### **8A 2.5 Other Provisions**

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Network Utilities, including the National Grid - See Chapter 13.
- (d) General Rules - See Chapter 14.

## **8A 3 Anticipated Environmental Results**

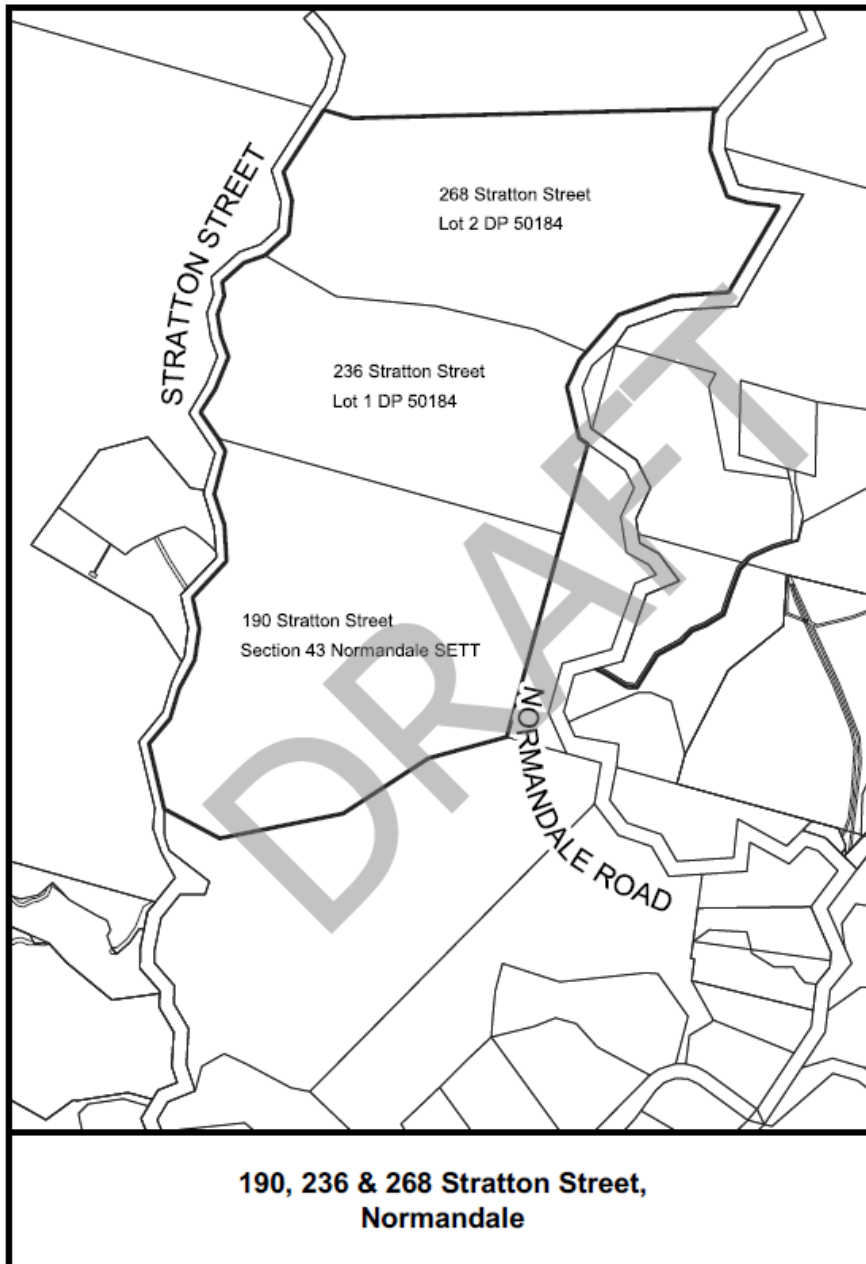
- (a) Containment of the urban and rural residential environments.
- (b) Recognition of those locations where future urban growth may be appropriate in the long term.
- (c) Maintenance and enhancement of the character and amenity values of rural residential areas.
- (d) Avoidance of the adverse effects of growth in traffic volumes on Liverton Road.
- (e) Opportunities for a diverse range of activities which are appropriate to rural residential areas where adverse effects can be appropriately managed.
- (f) Avoidance of undue adverse effects on quarrying operations in the Extraction Activity Area from activities within the Quarry Protection Area.

## **8A Appendices**

Appendix Rural Residential 1

**AMENDMENT 9 (added after hearing)**

**Appendix Rural Residential 2**



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

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 the hearing we propose additional changes to Chapter 11 Subdivision and Chapter 8A Rural Residential Activity Area. These changes are shown as red double underline or ~~red double strikethrough~~. Previous changes proposed in response to submissions are shown as red underline.

This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The section 32AA evaluation of the recommended additional changes to PC 53 after the hearing is provided below:

#	REQUESTED CHANGE AFTER HEARING	REASONS AND EVALUATION
Chapter 11 - Subdivision		
1	<p><b>Amend the Site Specific Subdivision Provisions to 11.2.2.1 Standards and Terms relating to No-development areas</b></p> <p>Amend the site specific standards and terms for controlled activities in relation to Allotment Design for no-development areas as follows:</p> <p><b>11.2.2.1 Standards and Terms</b></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>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</u></p> <p><u>Minimum Size of Allotment: 2 ha</u></p> <p><u>Minimum Frontage: 100m for front allotments. 6m for rear allotments.</u></p> <p><u>Shape Factor: All allotments must be able to</u></p>	<p><b>Reason</b></p> <p>It is proposed to amend the new site specific standard to the Standards and Terms for Allotment Design where it relates to no-development areas. This intends to address issues regarding a lack of clarity of the previous proposed wording raised at the hearing and to provide additional certainty regarding the intended outcome. It also addresses other activities that were previously not addressed but are considered to be inappropriate to be located within the no-development areas.</p> <p><i>No-development Areas (NDAs)</i></p> <p>The proposed site specific subdivision standard relating to no-development Areas now 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 and also to requests for clarification raised at the hearing. In response to questions raised by the panel we have amended the proposed wording of the standard to provide further protection for the identified areas of ecological significance by requiring all new building platforms for buildings and structures, all new access ways and vehicle tracks and all new utilities structures and sewage disposal fields to be located outside of the no-development areas.</p> <p>We also recommend adding a new paragraph that requires the protection of all</p>

<p><u>contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or 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"> <li>• <u>190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – no more than 6 rural residential allotments</u></li> <li>• <u>236 Stratton Street (LOT 1 DP 50184 20B/82) – no more than 3 rural residential allotments</u></li> <li>• <u>268 Stratton Street (LOT 2 DP 50184 20B/83) – no more than 4 rural residential allotments</u></li> </ul> <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 <del>dwelling and related main access ways</del> buildings and structures, new access ways and vehicle tracks, new utility structures and sewage disposal fields must be located outside the no-development areas identified in Appendix Subdivision 9.</u></p> <p><u><del>The location of all building platforms for dwellings and related main access ways must</del></u></p>	<p>areas of significant indigenous biodiversity within the no-development areas from inappropriate use and development by way of consent notice at the time of subdivision. The requirements to protect NDAs by way of consent notice and to locate all buildings and structures, access ways, utilities and sewage disposal fields outside of NDAs will eliminate the need to identify and register the exact position of all building sites and access ways at the time of subdivision. This provides greater flexibility for any future development as long as it is located outside of the NDAs and complies with the protection requirements of any future consent notice.</p> <p>The proposed change better achieves the protection of significant indigenous biodiversity by specifically requiring a consent notice that provides for the ongoing protection of these areas. At the same time it provides more flexibility for future development outside of the no-development areas by not requiring building platforms and access ways to be identified and registered at the time of subdivision.</p> <p><b>How this change achieves the purpose of the RMA</b></p> <p>The proposed additional changes to the site specific standard provide greater certainty that the potential adverse effects of future subdivision under the Rural Residential zoning on significant indigenous biodiversity can be managed appropriately at the time of subdivision while not unduly restricting development potential outside of identified no-development areas.</p> <p>The proposed amendment recognises and provides for relevant section 6 matters, in particular:</p> <ul style="list-style-type: none"> <li>• s6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</li> </ul> <p>The proposed amendment has particular regard to relevant section 7 matters, in particular:</p> <ul style="list-style-type: none"> <li>• s7(d) intrinsic values of ecosystems; and</li> <li>• s7(f) maintenance and enhancement of the quality of the environment.</li> </ul> <p>The proposed amendment also gives effect to:</p> <ul style="list-style-type: none"> <li>• the NPS-UD by providing for (limited) additional development capacity;</li> <li>• the NPS-FM by including streams and wetlands with significant biodiversity values in the identified no-development areas; and</li> </ul>
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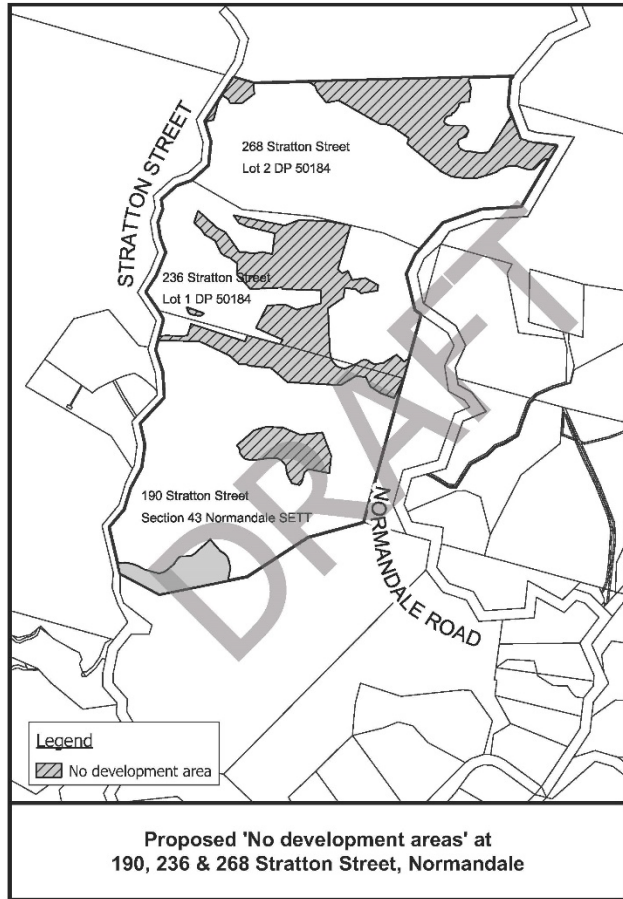
	<p><del>be identified at the subdivision stage and registered on the certificate of title by way of consent notice. At the time of subdivision measures for the ongoing protection of areas of significant indigenous biodiversity within the no-development areas from inappropriate use and development must be registered on the certificate of title by way of consent notice.</del></p> <p><u>Other: Compliance with the permitted activity conditions of the activity area.</u></p>	<ul style="list-style-type: none"> <li>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).</li> </ul> <p>The proposed amendment is not inconsistent with any operative regional plan or the PNRP.</p> <p><b>Benefits including Opportunities for Economic Growth and Employment</b></p> <p>The proposed amendment provides for future subdivision while amending a site specific standard to better protect identified values while not unduly restricting development outside of no-development areas. The provisions provide increased certainty when preparing and processing subdivision consents for the site.</p> <p><b>Costs</b></p> <p>This specific amendment does not result in additional costs.</p> <p><b>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</b></p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p><b>Efficiency and Effectiveness</b></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 certainty, helps to achieve the relevant objectives and policies of the District Plan and higher order documents and provides for the recognition and protection of identified ecological values on the site in the absence of district wide protection provisions without unduly restricting flexibility of development outside of no-development areas. It does not change the objective of the proposed plan change, which is to provide for additional subdivision and development potential that is at a similar scale to and reflects the character of surrounding rural residential areas.</p> <p><b>Conclusion</b></p> <p>The proposed amendment will not change the objective of the plan change, which is to 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 amendment of a site specific provision within the established subdivision framework of the District Plan.</p>
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		<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>
2	<p><b>Introduce site specific assessment criteria for allotment design to 11.2.2.3 Assessment Criteria</b></p> <p>Add a new site specific assessment criteria relating to Allotment Design:</p> <p><b>11.2.2.3 Assessment Criteria</b></p> <p><i>The following assessment criteria will be used:</i></p> <p>(a) <i>Allotment Design:</i></p> <p>...</p> <p><u><i>- For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to give priority to avoiding where possible or minimise the need for indigenous native vegetation clearance and earthworks within the identified no-development areas. Where avoidance is not possible the design must demonstrate how the effects will be minimised and remedied.</i></u></p> <p><u><i>and Subdivision should also be designed to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.</i></u></p>	<p><b>Reason</b></p> <p>It is proposed to amend the proposed site specific assessment criteria relating to allotment design to better align with the effects mitigation hierarchy.</p> <p>The proposed assessment criteria as amended will provide additional guidance when preparing and processing a subdivision application for the site.</p> <p><b>How this change achieves the purpose of the RMA</b></p> <p>The proposed site specific assessment criteria provides greater certainty that the potential adverse effects of future subdivision under the Rural Residential zoning can be managed appropriately by reflecting the established principles of the effects mitigation hierarchy.</p> <p><b>Benefits including Opportunities for Economic Growth and Employment</b></p> <p>The additional amendment provides greater certainty and better alignment with established principles and the wording of higher order documents.</p> <p><b>Costs</b></p> <p>The proposed change does not result in any additional costs.</p> <p><b>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</b></p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p><b>Efficiency and Effectiveness</b></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</p>



		<p>additional guidance and certainty for preparing and assessing a subdivision application and thereby helps to achieve the relevant objectives and policies.</p> <p><b>Conclusion</b></p> <p>The proposed amendment will not change the objective of the plan change, which is to 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 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><b>Amend new Appendix Subdivision 9</b></p> <p>Amend new Appendix Subdivision 9 to show extended no-development area on 268 Stratton Street:</p>	<p><b>Reason</b></p> <p>It is proposed to amend new Appendix Subdivision 9.</p> <p>The purpose of the amendment is to show a small change to the northern most no-development area on 268 Stratton Street.</p> <p><b>Benefits including Opportunities for Economic Growth and Employment</b></p> <p>Provides certainty where the site specific provisions apply.</p> <p><b>Costs</b></p> <p>No additional cost.</p> <p><b>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</b></p> <p>There are no risks around uncertain or insufficient information in relation to this provision.</p> <p><b>Efficiency and Effectiveness</b></p> <p>The efficiency of the recommended change is high because the benefits outweigh</p>

Appendix Subdivision 9



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 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.

Chapter 8A – Rural Residential Activity Area

8A and 8B **Add a new Site Specific Permitted Activity Condition to 8A 2.1.1 Permitted Activities - Conditions and a new Assessment Matter for Discretionary Activities to 8A 2.3.2**

Amend the conditions for permitted activities in relation to dwellings as follows:

**Reason**

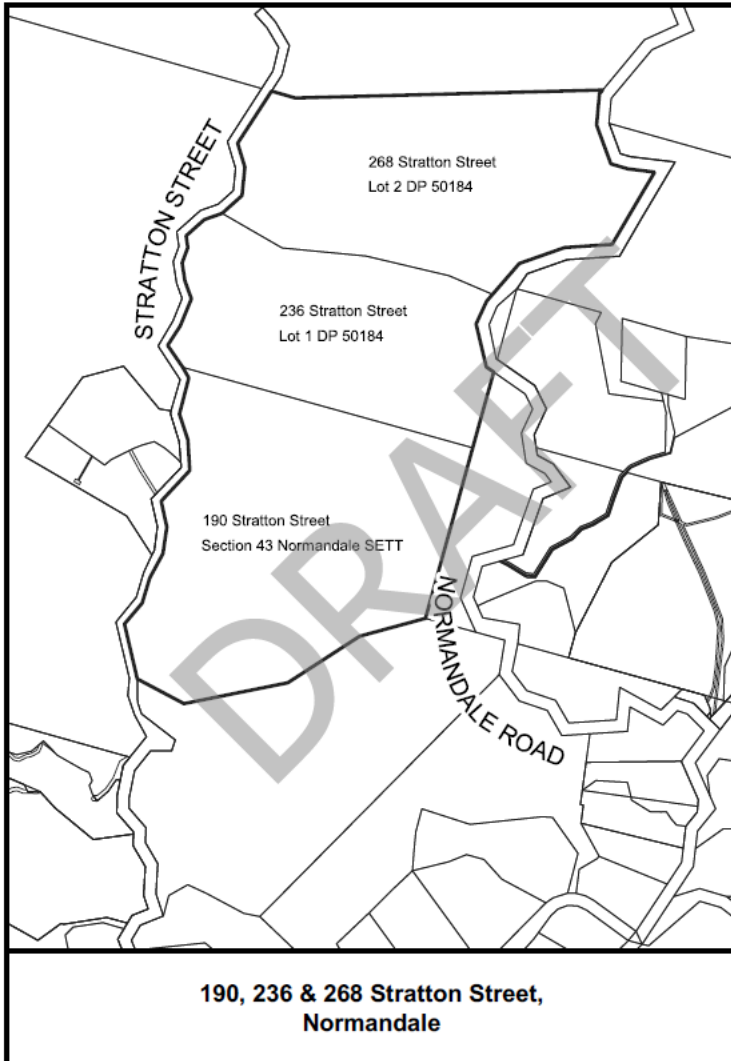
It is proposed to introduce a new site specific permitted activity condition and a new site specific assessment matter for discretionary activities to chapter 8A Rural Residential Activity Area.

The current provisions of the ODP for the Rural Residential Activity Area require a

<p><b>8A 2.1.1 Permitted Activities - Conditions</b></p> <p>(a) <i>Dwelling:</i></p> <p><i>Dwelling: Minimum net site area per dwelling - 2ha.</i></p> <p><i>Where a Certificate of Title has been issued for a site prior to 5 December 1995, and it can be established that the site has been created with an intention to accommodate a dwelling, then in such circumstances the area of the site shall be the minimum net site area.</i></p> <p><i>Compliance with all other Permitted Activity Conditions</i></p> <p><u><i>For sites within the area identified in Appendix Rural Residential 2: Maximum of one dwelling per site.</i></u></p> <p>Add a new site specific assessment matter for discretionary activities as follows:</p> <p><b>8A 2.3.1 Assessment Matters for Discretionary Activities</b></p> <p>(a) <i>The matters contained in sections 104 and 105, and in Part II of the Act shall apply.</i></p> <p>(b) <i>The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.</i></p> <p><u><i>(c) For sites within the area identified in Appendix Rural Residential 2, where the development does not comply with the maximum number of dwellings per site, the effects on the existing roading network.</i></u></p>	<p>net site area of 2ha per dwelling but do not limit the number of dwellings per lot. The initial amendment to the subdivision chapter was intended to limit the number of new allotments (and dwellings) to address the limited capacity of Stratton Street. However, given the size of the properties, there is a chance that while the number of allotments is limited there may be additional dwellings established on these new allotments as a permitted activity.</p> <p>The proposed site specific permitted activity condition limits the number of dwellings per site to one. This ensures that the number of additional dwellings that can be achieved as a permitted activity does not exceed the number of maximum allotments provided for by the site specific subdivision rules. In case of non-compliance the activity elevates to a discretionary activity status. The new site specific assessment criteria for discretionary activities specifically points towards the effects on the roading network as an assessment matter while not limiting the consideration of other relevant matters.</p> <p>By limiting the number of permitted dwellings per allotment the traffic effects of any additional development on Stratton Street can be assessed and managed as a fully discretionary activity.</p> <p><b>How this change achieves the purpose of the RMA</b></p> <p>The proposed site specific standard provides greater certainty that the potential adverse effects of future development under the Rural Residential zoning can be managed appropriately.</p> <p><b>Benefits including Opportunities for Economic Growth and Employment</b></p> <p>The proposed amendment provides certainty that the effects of development that exceeds what is anticipated by the proposed subdivision rules, can be assessed and managed.</p> <p><b>Costs</b></p> <p>There is a potential cost in the reduced development potential by limiting the number of dwellings per site as a permitted activity. However if the effects of additional dwellings on the roading network are either acceptable or can be remedied or mitigated, resource consent can be obtained under the discretionary activity status.</p> <p><b>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</b></p> <p>There are no risks around uncertain or insufficient information in relation to this</p>
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		<p>provision.</p> <p><b>Efficiency and Effectiveness</b></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 certainty, helps to achieve the relevant objectives and policies of the District Plan and higher order documents and provides opportunity to address and manage the effects of additional development on the roading network.</p> <p><b>Conclusion</b></p> <p>The proposed amendment will not change the objective of the plan change, which is to 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 Rural Residential 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>
9	<p><b>Add new Appendix Rural Residential 2</b></p> <p>Add new Appendix Rural Residential 2 to identify the properties that the site specific permitted activity condition applies to:</p>	<p><b>Reason</b></p> <p>It is proposed to add a new Appendix Rural Residential 2.</p> <p>The purpose of the proposed Appendix is to show the sites to which the site specific permitted activity condition and assessment matter apply.</p> <p><b>Benefits including Opportunities for Economic Growth and Employment</b></p> <p>Provides certainty where the site specific provisions apply.</p> <p><b>Costs</b></p> <p>No additional cost.</p>

## Appendix Rural Residential 2



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

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

### **Efficiency and Effectiveness**

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

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

### **Conclusion**

The proposed amendment will not change the objective of the plan change, which is to 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 Rural Residential 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.

Appendix 3      Joint statement by traffic experts re roading surveys along Stratton Street.

1. Undertake week long dual tube survey(s) at appropriate location(s) on Stratton St.
2. Undertake weekend manual/video survey focussing on non-motorised traffic (pedestrians, cyclists, equestrians). At the same time survey at the start and end of manual surveys, the carparking near and at the northern end of Stratton St.
3. The weekend survey(s) of typically 2-3 hours duration at a time when recreational users are most likely to be prevalent.
4. Undertake road geometry/condition survey of Stratton St including the PC53 site frontage, identifying sealed road and unsealed shoulder widths, approach sight distances, identifying potential maintenance measures and indicative costs (e.g. vegetation trimming, embankment benching/trimming, edge break repairs/localised edge widening, additional signs etc).
5. These should likely be undertaken by Council or Council's contractor as part of their normal day to day road management.

David Wanty, Gary Clark, 10/9/2021

**HUTT CITY PLAN CHANGE 53: REQUESTED STATEMENT RESPONDING TO  
HEARING OUTCOMES**

**Sarah Herbert  
17 September 2021**

**INTRODUCTION**

The hearing for Hutt City Plan Change 53 seeking rezoning of 190, 236, and 268 Stratton Street, Normandale from “General Rural” to “Rural Residential”, took place at the Lower Hutt City Council Chambers on Friday 10 September 2021. While the ecologists engaged by the applicant (myself) and Hutt City Council (Dr. Astrid van Meeuwen-Dijkgraaf), reached a good level of agreement, some points of clarification around the ecology were sought from the commissioners after the hearing completion. These points were refined during a meeting between the planners for the applicants (Ms. Corinna Tessendorf) and Hutt City Council (Mr. Dan Kellow) on 15 September 2021, and are as follows:

1. Description and delineation of the additional patch of distinctive vegetation, and potential streams identified, near the eastern boundary of 190 Stratton Street where this borders the property of Mr. Peter Matcham.
2. An assessment of the ecological significance of the above patch of vegetation against the RPS Policy 23 criteria.
3. Provide clarity about the mapping of streams on the properties and provisions for their protection.

The original request from the commissioners that Dr. van Meeuwen-Dijkgraaf and myself conduct a site visit could not be fulfilled prior to writing this statement. However additional photographic information provided after the hearing by Mr. Peter Matcham of 301 Normandale Road provides further information. I have also examined the newly available (as at 14 September 2021) Hutt City 0.075m Urban Aerial Photos taken in January 2021 as part of preparing this response.

**RESPONSE**

1. Based on the photograph taken by Mr. Peter Matcham of the vegetation within one of the patches of Vegetation Type (highlighted in orange in Figure 1, photograph provided as Figure 2), this appears to be most similar to Vegetation Type 1b (regenerating indigenous broadleaved forest), but with a slightly shorter canopy height estimated at 4-5 metres (*cf.* 5-10 metres as per the description for this vegetation type in Section 5.1 of Wildland Consultants (2021)). This conclusion represents an update on my initial re-assessment of this vegetation type using the 2017 aerial imagery, and knowledge of other vegetation types viewed on the properties in March 2021, as Vegetation Type 5 (mixed indigenous-exotic broadleaved scrub). Based on the presence of water in the grazed gullies upstream of this vegetation type on 301 Normandale Road (Appendix 1), and the topography of the land in this area, it appears likely that the two gullies within this vegetation type contain small streams that flow in a westerly direction. It is unknown whether these streams are permanent or ephemeral, and I am not able to



provide comment on the condition of these streams. Based on the photography provided by Mr. Matcham and examination of the January 2021 aerial photography, it is likely that the width of these sections of stream are less than 0.5 metres.

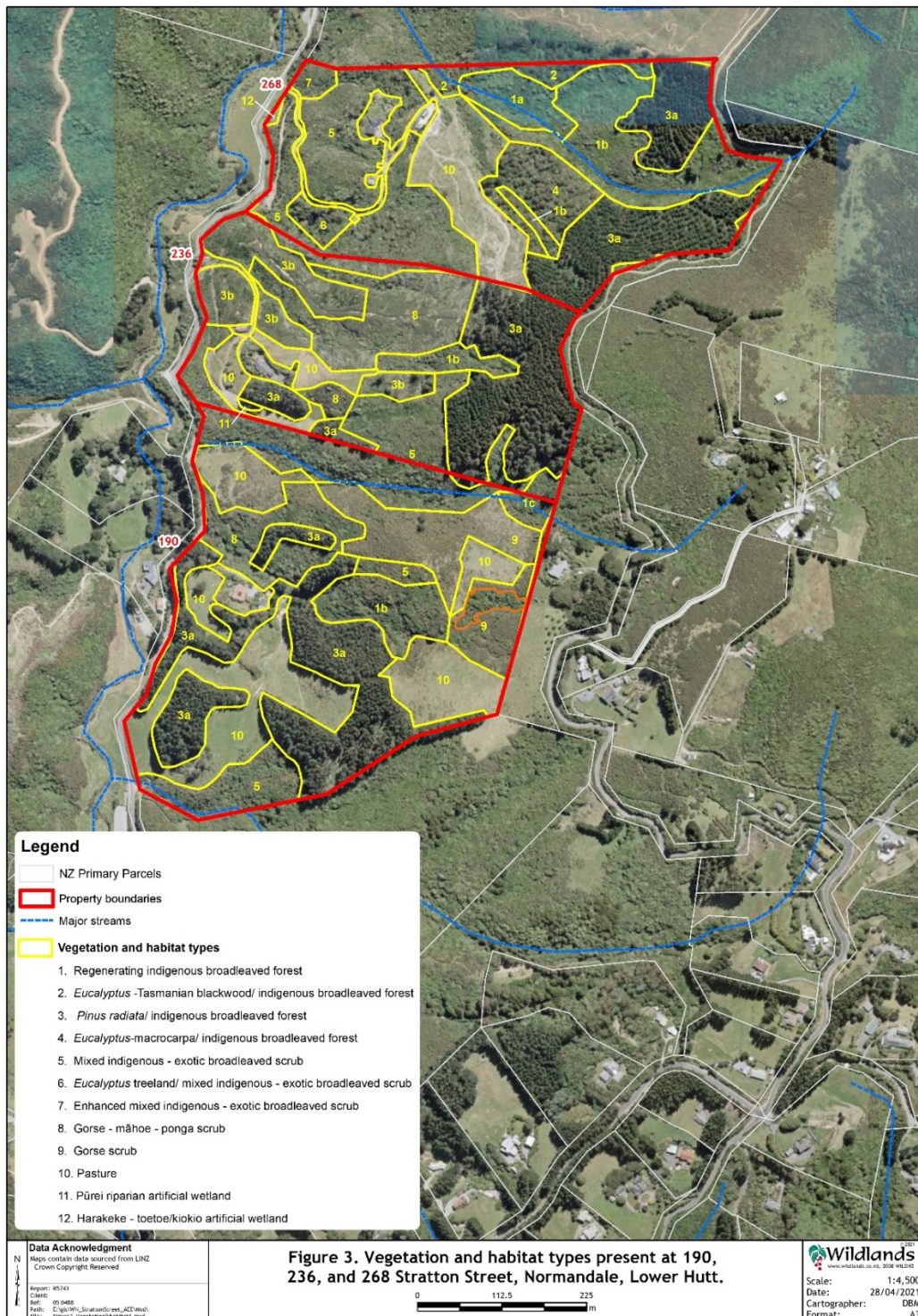


Figure 1: Figure from Wildland Consultants (2021) ecological assessment<sup>1</sup> showing the vegetation types delineated on the property. The area outlined in orange shows an

<sup>1</sup> Wildland Consultants 2021: Assessment of ecological effects of proposed zoning change of 190, 236, and 268 Stratton Street, Lower Hutt. Prepared for Catharina Fisher and neighbours. *Wildland Consultants Ltd Contract Report No. 5743*. 45 pp.



additional area of Vegetation Type 1b (mixed indigenous-exotic broadleaved scrub) identified.

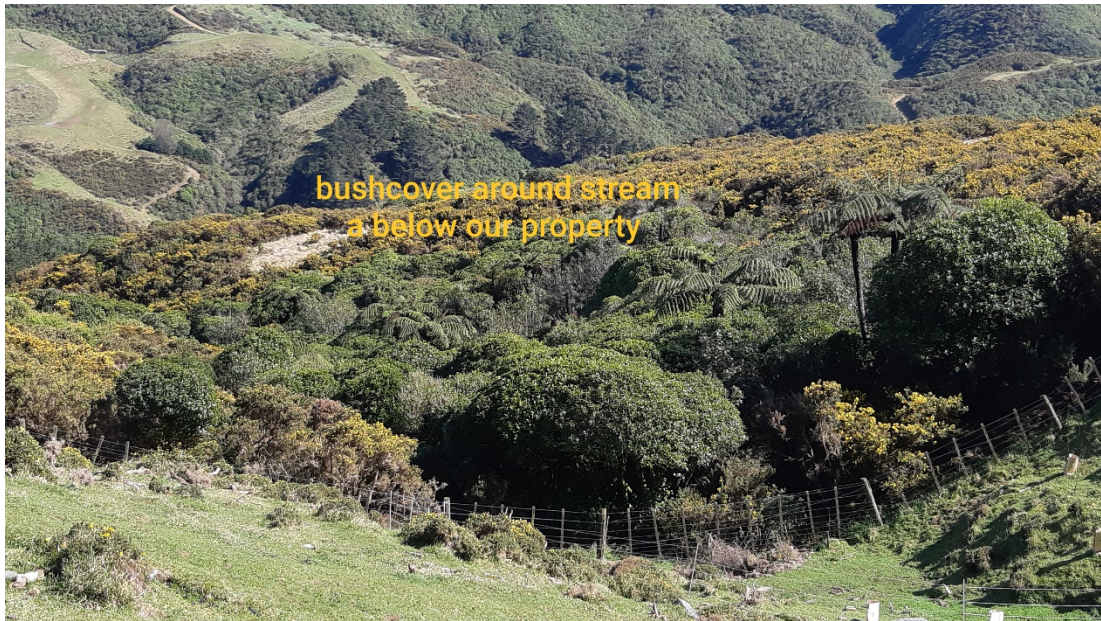


Figure 2. Photograph of the area outlined in orange in Figure 1 taken from 301 Normandale Road by Mr. Peter Matcham on 11 September 2021.

2. I do not consider the two patches of Vegetation Type 1b on 190 Stratton Street to be ecologically significant for the following reasons:

**Criterion a: Representativeness – not met**

This vegetation type is dominated by indigenous plant species and is representative of an indigenous regenerating forest type that is currently common in the Wellington Region. It is not representative of the predominantly podocarp-tawa forest that would have originally covered the Western Hills Eco-Domain. It is entirely located within an area where >30% of indigenous cover remains and >20% is protected (as per the 2012 Threatened Environment Classification; Cieraad *et al.* 2015<sup>2</sup>).

**Criterion b: Rarity – not met**

The areas of this vegetation type on 190 Stratton Street likely contain one or more small (likely less than 0.5 metres in width) permanent or ephemeral tributaries of Korokoro Stream. Up to six nationally ‘At Risk-Declining’ indigenous fish species are present either permanently or seasonally in Korokoro Stream, but it is unknown whether they are present in the smaller streams in 190 Stratton Street (Goodman *et al.* 2014<sup>3</sup>). No

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<sup>2</sup> Cieraad E, Walker S, Price R, Barringer J. 2015. An updated assessment of indigenous cover remaining and legal protection in New Zealand’s land environments. *New Zealand Journal of Ecology* 39(2): 309-315.

<sup>3</sup> Goodman J.M., Dunn N.R., Ravenscroft P.J., Allibone R.M., Boubée J.A.T., David B.O., Griffiths M., Ling N., Hitchmough R.A., and Rolfe J.R. 2014: Conservation status of New Zealand freshwater fish, 2013. *New Zealand Threat Classification Series 7*. Department of Conservation, Wellington. 12 pp.

regionally or nationally threatened (de Lange *et al.* 2018<sup>4</sup>; Crisp 2020b<sup>5</sup>) indigenous plant species were encountered in the areas of vegetation Type 1b that were viewed while I visited 190, 236 or 268 Stratton Street in March 2021, or can be discerned from the photograph provided by Mr. Matcham.

**Criterion c: Diversity** – not met.

This forest type has a reduced plant species diversity relative to types 1a and 1c, that is, being dominated by māhoe likely reflects an earlier successional stage and/or isolation from seed sources for indigenous plant species otherwise expected to occur in regenerating indigenous broadleaved forest at later successional stages. There is little evidence of invasion by exotic plant species.

**Criterion d: Ecological context** – not met.

The patches of this vegetation type on 190 Stratton Street do not contain major tributaries of Korokoro stream and are >60 metres from indigenous vegetation in the Belmont-Korokoro KNE. There is no evidence that this vegetation type provides core habitat for any regionally or nationally threatened flora or fauna.

3. I agree with Ms. Tessendorf that, regardless of whether they have been included in no-development areas or not, that “Korokoro Stream and all tributaries” on the properties will be afforded adequate protection through provisions in the Proposed Natural Resources Plan for the Greater Wellington (PNRP) region due to this stream being listed in Schedule F1 of this plan (although I note that not all streams on these properties have been mapped by GWRC on their Web Map Viewer for the PNRP<sup>6</sup>). The proposed rezoning under proposed Plan Change 53 will have no effect on the streams within the properties or areas of Korokoro Stream that these streams feed into. Because “Korokoro Stream and all tributaries” is listed in Schedule F1 of the PNRP, and additional tributaries of this stream have been identified on the properties, an assessment of ecological effects of any future development on these properties will be required to assess and mitigate adverse effects on streams. The relevant provisions in the National Environmental Standards for Freshwater will also regulate activities within streams on the properties.

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<sup>4</sup> de Lange P.J., Rolfe J.R., Barkla J.W., Courtney S.P., Champion P.D., Perrie L.R., Beadel S.M., Ford K.A., Breitwieser I., Schönberger I., Hindmarsh-Walls R., Heenan P.B., and Ladley K. 2018: Conservation status of New Zealand indigenous vascular plants, 2017. *New Zealand Threat Classification Series 22*. Department of Conservation, Wellington. 82 pp.

<sup>5</sup> Crisp P. 2020b: Conservation status of indigenous vascular plant species in the Wellington region. *Greater Wellington Regional Council, Publication No. GW/ESCI-G-20/20*, Wellington. 37 pp.

<sup>6</sup> [https://mapping.gw.govt.nz/GW/GWpublicMap\\_Mobile/?webmap=85393478ca2847f4a37079037e1d79ea](https://mapping.gw.govt.nz/GW/GWpublicMap_Mobile/?webmap=85393478ca2847f4a37079037e1d79ea)



**APPENDIX**

**Additional photographs taken from 301 Normandale Road by Mr. Peter Matcham on 11 September 2021.**

