



Report 09.15
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Committee Regulatory Committee
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Regional Council input into city and district council planning

1. Purpose

To inform the Committee of Greater Wellington's input into the statutory resource management processes of territorial authorities in the region.

2. Resource Consents

Greater Wellington has received nine notified consents and six non-notified consents from the region's city and district councils since the last committee report. Five submissions have been made, including one for an application which was still being assessed at the time of the last Committee Report (08.840). Submissions covered issues of flooding, natural character, ecological, cultural and archaeological values, waste water disposal and coastal hazards.

An update on the Glenburn station subdivision and a description of the more substantive submissions is given below.

Staff have attended hearings or submitted written evidence for Tiffin Hill and Featherston Cemetery hearings.

2.1 Carterton District Council – twenty-two (22) lot coastal subdivision Glenburn Station

At mediation held on the 3 October 2008, Carterton District Council, Greater Wellington and the applicant, had agreed in principle to a cluster development of no more than eight coastal allotments. However, counsel for the Carterton District Council has stated that such a development would not fit within the scope of the applicant's appeal and therefore have requested that a new scheme plan be prepared and presented to Council for no more than two lots.

2.2 Carterton District Council - Guinea Trust, forty-two (42) lot coastal subdivision, Flat Point

This subdivision application is for a 42 lot residential subdivision on the eastern Wairarapa coastal flat, which will extend an existing 40 lot subdivision which was approved in 1999. There are now 19 lots developed in the initial subdivision.

Greater Wellington's submission covers natural character and ecological values, natural hazard risk from flooding, tsunami, storm surge and coastal erosion, heritage values and the suitability of the proposed on-site waste water disposal. A hazard report was provided as background.

Of particular concern is the issue of waste water disposal. In principle we oppose the use of individual systems in a subdivision with relatively high density of lots and large numbers of individual systems in a vulnerable environment such as the coast and where there is likely to be big differences in seasonal load. In these situations, a communal waste water system can decrease the risk of unacceptable environmental impacts.

Greater Wellington requested that further information be provided on the performance of the present and proposed on site waste water disposal systems, mitigation strategies and alternative methods of disposal for waste water.

Some information has been received and staff are assessing its adequacy in addressing our concerns. There have also been prehearing meetings with the other submitters where the issues under contention were reiterated, without resolution.

2.3 Porirua City Council - Thirty one (31) lot subdivision and associated earthworks at the southern end of Endeavour Drive, Whitby ('Silverwood Block')

The resource consent proposal is for the development of 'Silverwood Block', to provide for a thirty-one lot subdivision and associated earthworks.

The site is located within the Whitby Landscape Protection Area which encourages low density residential development that maintains and enhances the existing landscape and elements of significant ecological values. Greater Wellington's submission sought the preparation of detailed proposals identifying the areas of new planting and areas for rehabilitation and regeneration, to reduce the visual impacts of buildings and to retain green open space. Our submission encouraged the legal protection of the vegetation/bush that has ecological and landscape values.

The submission also highlighted the significance of the use of appropriate installation of erosion and sediment control measures. It sought that stormwater discharges from the development be either treated or reduced through low impact subdivision design to minimise the level of contaminants entering the Pauatahanui Inlet.

Greater Wellington noted the topographical constraints in relation to constructing a link from Silverwood Block to James Cook Drive but highlighted that its absence will result in reduced connectivity between the site and other parts of Whitby.

2.4 Hutt City Council – three lot subdivision and construction of three new dwellings at 14 Huia Road, Eastbourne

Greater Wellington made a submission on the above proposal, seeking the protection of areas containing high ecological values by way of legal mechanism. We also recommended the preparation of earthworks management and landscape plans to address the issues of vegetation removal and how this will affect the habitat and ecosystems of East Harbour Regional Park.

Greater Wellington provided a Written Statement of Evidence, which was tabled at the hearing held on 12 December 2008. The aspects raised in the original submission were adequately addressed and the evidence indicated support for the officer's recommendations.

2.5 Hutt City Council – one hundred and forty-two (142) lot residential subdivision at 64 Waipounamu Drive, Kelson, Lower Hutt (Kelson Heights)

Greater Wellington provided a planning assessment to Hutt City Council on the above notified application. The assessment focussed on how the proposal can contribute towards implementing the key environmental outcomes of the Regional Policy Statement (1995). The protection of the stream environments by way of legal mechanism was strongly encouraged. The use of low impact urban design to provide environmental solutions was recommended, to bring the proposal more in line with the policy framework. It was also recommended that the subdivision scheme be improved so that it is more integrated and connected with its surrounding environment and community.

3. District Plans

An update on Greater Wellington's submissions to previously notified plan changes and ongoing matters is provided below.

3.1 Wellington City Council

3.1.1 Proposed District Plan Change 62 – Rezoning at Bellevue Residential Estate (Newlands) and associated policy amendment.

Regulatory Committee Report 08.21 provided a summary of the aspects raised in Greater Wellington's submission.

On 12 November 2008, Greater Wellington staff presented planning evidence at the hearing in support of our written submission. At the hearing, we reinforced the matters raised in the original submission such as incorporating planning provisions into the plan change to ensure that the ecological integrity of the adjacent Conservation Site and/or Rural Area is not compromised.

3.1.2 Proposed District Plan Change 69

Plan change 69 aims to amend the way contaminated land is managed. It introduces a specific contaminated land policy framework, new and amended definitions consistent with national legislation. The change is still pending assessment of the need to make a submission.

3.1.3 Draft District Plan Change – Review of Residential Area and Suburban Centre Zones

This draft plan change is a review of the Residential Area and Suburban Centre chapters of the district plan, which forms part of the 10-year rolling view of the plan. The review includes rules to improve the design of buildings, guidelines to protect suburban shopping areas, change of zoning of some Residential Areas to Suburban Centres. Staff are currently assessing the plan change and will be providing feedback.

3.2 Kapiti Coast District Council

3.2.1 Proposed District Plan Change 83 – Meadows Precinct

Regulatory Committee report 08.840 provided a summary of this plan change.

A neutral submission was made recognising the integration of this development with both transport infrastructure and the natural land forms of the area. Promotion of active transport modes and ecological open space connections was particularly supported. However, concerns were raised about the effect of the proposed stormwater management systems on the wetlands particularly the integration of the wetlands into the stormwater system.

Council has prepared a summary of submissions received (eighteen) to the plan change and no further submissions are required.

3.2.2 Proposed District Plan Change 79 – Waikanae North Urban Edge, Low Impact Urban and Eco-Hamlet Areas

Regulatory Committee Report 08.840 provided a summary of the aspects raised in Greater Wellington's submission.

Greater Wellington provided a Written Statement of Evidence which was tabled at the hearing held on 20 January 2009. Many of Greater Wellington's suggested changes to the specific wording of the policy framework were recommended for approval in the officer's Statement of Evidence.

Greater Wellington further reiterated the need for urban development to avoid the removal or destruction of wetlands and the diversion of water into or from wetlands, to protect the healthy functioning of aquatic ecosystems.

Greater Wellington also highlighted the significance of land use and transport integration, to assist the delivery of some of the key outcomes of the Wellington Regional Land Transport Strategy 2007-2016.

3.2.3 Proposed Private District Plan Change 81 – Otaki South Mixed Use Development Area

Private Plan Change 81 seeks to rezone 19.23 hectare of land located between the Otaki River, State Highway 1 and Riverbank Road, from rural to Industrial/Service with a number of site specific provisions and a development concept plan for the area.

Greater Wellington made a submission in support of the aim of the plan change which is to provide for mixed-use development including industrial, large scale retail and commercial. However, we recommended that the following matters be better addressed as part of the plan change:

- Residual risk from flooding from the Otaki River and the direct risk from stormwater flooding and flooding from other water courses (e.g. Mangapouri and Waitohu Streams). The use of soft engineering solutions was encouraged.
- Discharges from industrial/commercial activities should be managed to protect the health of the aquatic environmental (e.g. Otaki River).
- Future development should be designed to fit with local stormwater capacity upgrades, to be consistent with Council’s policy.

3.3 Hutt City Council

3.3.1 Hutt City Central Area District Plan Review Discussion Document

The Council is currently reviewing the Central Area provisions, to complement existing work including the *CBD Vision 2030* and the *CBD Making Places* project. The first phase of the review is the Hutt City Central Area District Plan Review Discussion Document that looks at issues and options such as barriers to development in the current provisions. Staff are currently assessing the discussion document and will be providing feedback.

3.4 Wairarapa Combined District Plan

Regulatory Committee Report 08.718 provided an update on environment court mediation for this Plan.

Staff have provided information back to the mediation process and attended a second round of mediation sessions. A summary of each mediation area is outlined below.

- Flood Management

The flood hazard and erosion hazard area rule has now been substantially reworked. It is now clear that new subdivision, houses and buildings and any alterations to existing houses or buildings will require a resource consent to assess the hazard effects. Due to the difficulty of providing a standard on the effects of vegetation on the hazard risk, planting of woodlots, orchards and shelter belts will only be controlled in the two main flood ways. Limited

earthworks and small structures are acceptable as a permitted activity. Feedback on the suggested amendments was provided by the 30 January 2009.

- Earthworks

As a result of further mediation held on the 16 December 2008, the earthworks provisions have been amended, but not yet agreed upon by all appellants to these provisions. The changes made as a result of this mediation include amending the definition of earthworks to include the maintenance of existing drains, whilst excluding the formation of building platforms and man-made dams. The construction and maintenance of tracks and fencelines and the clearing/placing of debris from landslips up to 2 metres (cut or fill), would be allowed as a permitted activity in the coastal environment management area (CEMA) with any non-compliance being a discretionary activity. In the foreshore protection area (FPA) allowing for earthworks associated with the construction of a fence to a maximum of 0.5 metres (cut or fill), otherwise any earthwork activity would be assessed as a discretionary activity. Additionally, it is proposed to only have an earthworks rule in relation to significant waterbodies and not all other waterbodies.

- Foreshore Protection Area

The rule for this area had been changed to allow limited earthworks (as above) and small structures as a permitted activity on each site. Our concern was about the effects on hazard and hazard mitigation and the possible effects on natural character. An assessment of the lot size and distribution on the Wairarapa coast clarified that the adverse effects would be minimal and so we accepted the changes.

- Contaminated sites

Our position on potentially contaminated land was that the appropriate stage to assess any possible contamination was at any change of land use. We have now resolved concerns about the wording of the revised rule. Our case for sheep dips to be included in the list of activities requiring assessment has been accepted. Our feedback was provided by 30 January. There still remains some outstanding issues from the other submitters.

- Other S274 matters

We have provided a list of values for the significant waterbodies in the South Wairarapa to justify their inclusion in the Plan. This covered information on recreational use, ecological values and flood hazard potential

Federated Farmers had appealed some changes to the rule on activities in Significant Natural Areas. Together with DOC, we presented arguments to retain the rules as previously drafted.

4. Other policies and plans

4.1 Porirua City Council – Draft Porirua City Centre Revitalisation Plan

Regulatory Committee Report 08.589 provided a summary of the aspects raised in Greater Wellington’s submission.

Following the hearings on all written and verbal submissions, Council has decided to adopt the officer’s recommendations which will form the basis for completing the plan. A requirement for the final location and design of roads and buildings to recognise and respond to the 1:100 year flood risk from the Porirua Stream will be incorporated into the amended final version of the plan. This fully addresses the flood related issue that we raised in our original submission.

5. Recommendations

That the Committee:

1. ***Receives the report; and***
2. ***Notes the contents.***

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