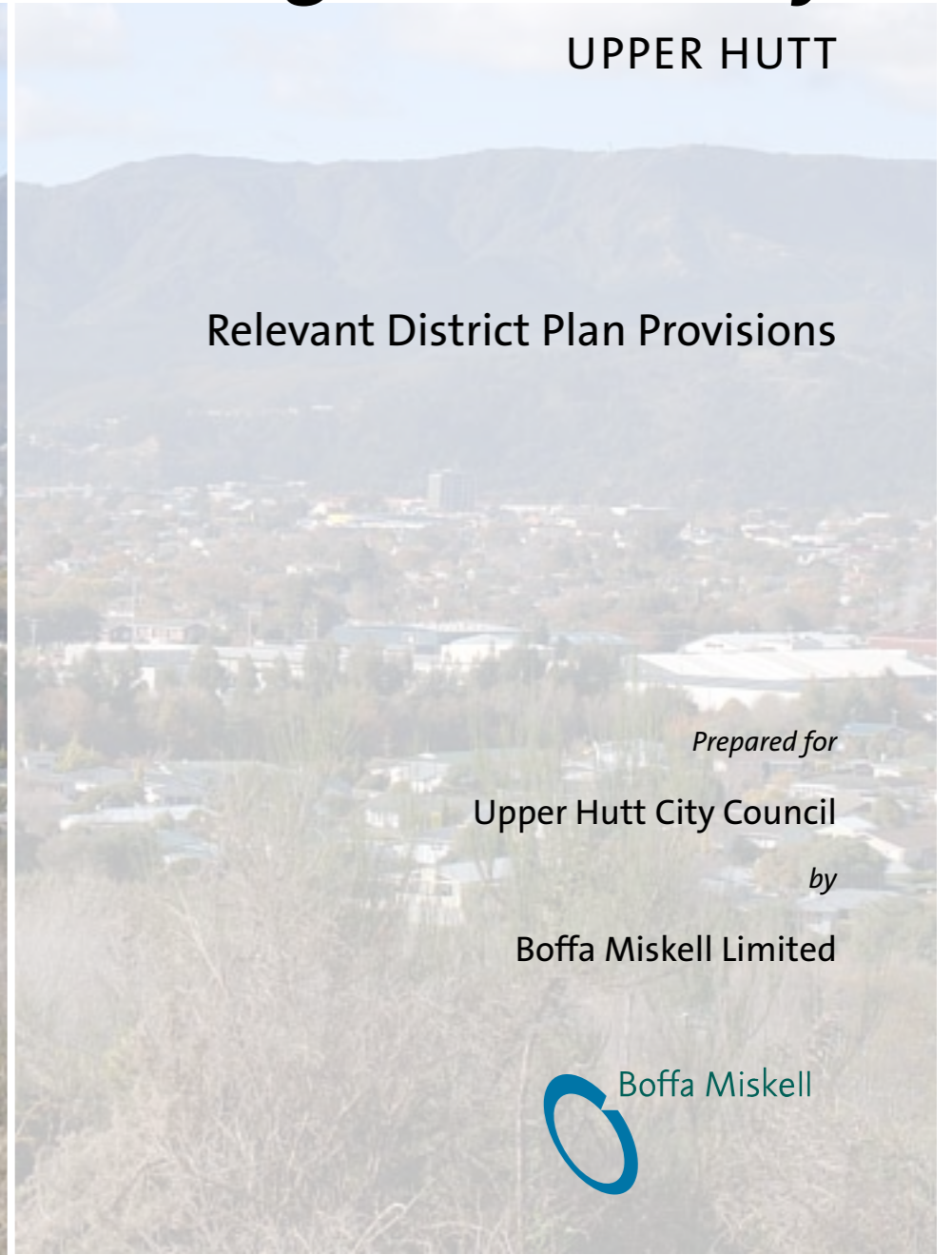
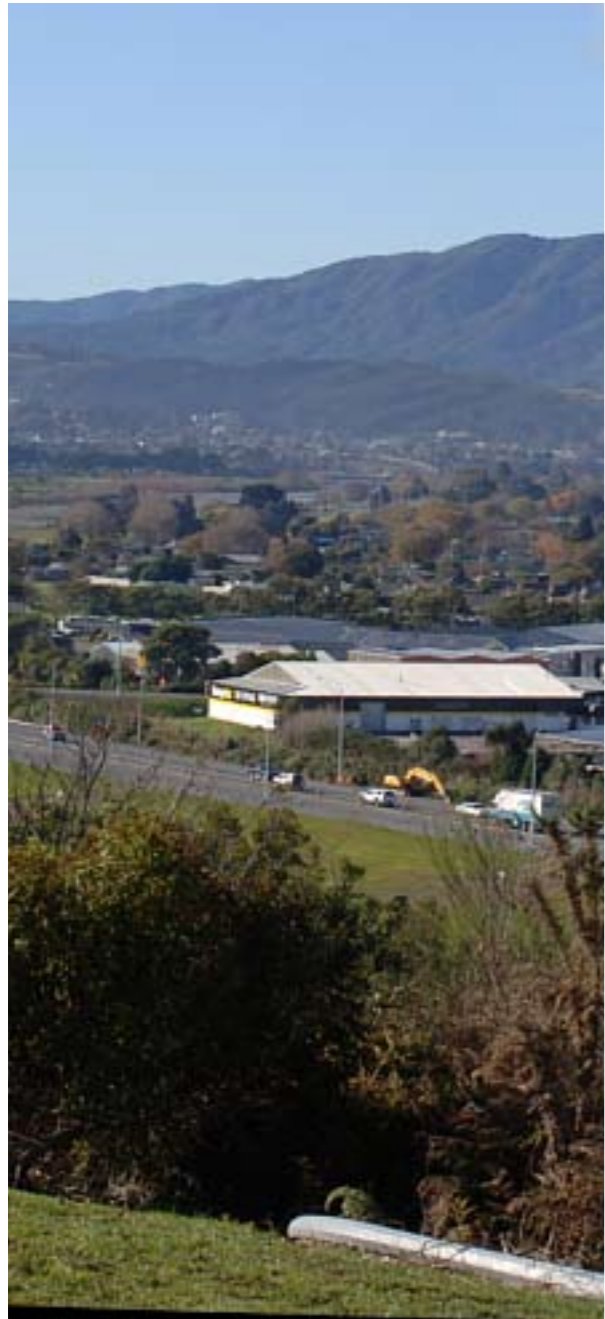


Southern Hills Environmental Management Study



UPPER HUTT

Relevant District Plan Provisions

Prepared for
Upper Hutt City Council
by
Boffa Miskell Limited



July 2008

APPENDIX 1

APPENDIX 1: RELEVANT PROVISIONS OF THE UPPER HUTT DISTRICT PLAN

The tables on the following pages list the key Resource Management Issues, Objectives, Policies, and Development Controls within the District Plan that apply to development within the Southern Hills. It is noted the following general provisions that may also apply to development within the Southern Hills have not been included in the Table below or examined in this study because they are not considered to significantly impact the type of development and associated effects within the Southern Hills: 10 – Financial Contributions, 14 – Natural Hazards, 15 – Environmental Quality, 17 – Hazardous Substances and Waste Management, 24 – Rules for Esplanade Reserves and Strips, 25 – Rules for Reserves and Leisure facilities Contributions, 32 – Rules for Noise and Vibration, and 34 – Rules for Hazardous Substances and Contaminated Land. However, these provisions have not been examined as they are not considered to significantly impact the type of development and associated effects within the Southern Hills.

1 – Rural Zone Provisions

Provision			Summary of provisions & development controls
ISSUES	5.2.1	<i>The loss of rural character, the destruction of significant areas of indigenous vegetation and areas of significant habitat for fauna, the degradation of amenity values from development and activities and competing expectations of and demands for, rural resources.</i>	The majority of the Southern Hills is zoned rural with four subset zonings applicable; Rural Hill, Rural Hill Blue Mountains, Rural Valley Floor, and Rural Lifestyle. The rural zone provisions primarily seek to provide low density development to protect the productive capacity of the rural land and soils and the ecological and landscape values associated with the rural landscape including valley floors and surrounding hillsides.
	5.2.2	<i>The loss of the life supporting capacity of soil through inappropriate development and unsustainable land use practices.</i>	
	5.2.3	<i>Limited development opportunities in the Blue Mountains Area due to infrastructural and environmental constraints.</i>	
OBJECTIVES	5.3.1	The maintenance and enhancement of the open spaces, natural features and ecological systems which comprise the rural character and amenity.	
	5.3.2	The promotion of an environment within which soil, water and land resources are managed sustainably.	
	5.3.3	To maintain and enhance the amenity values of the rural area.	
POLICIES	5.4.1	To manage the adverse environmental effects arising from the scale, density, number and location of earthworks, new building developments and activities so that they do not significantly compromise rural character and landscape values.	
	5.4.2	To ensure that subdivision, development and land use within the Valley Floor and Hill Sub-zones minimise adverse effects on rural character, areas of significant indigenous flora and fauna, and amenity values.	
	5.4.3	To provide for rural lifestyle subdivision which maintains the rural character and amenity values and avoids, remedies or mitigates the effects of natural hazards.	
	5.4.4	To ensure that subdivision, development and land use within the Rural Hill Sub-zone minimise adverse effects on significant natural, ecological, scenic, visual, landscape, recreational and cultural values.	
	5.4.5	To ensure that activities which alter the contour of the land do not significantly affect rural character and amenity values, particularly where the land is visible from roads and public places.	
	5.4.7	To avoid, remedy or mitigate the adverse effects of activities on soil, water, land and other natural resources.	
	5.4.8	To avoid or mitigate run-off, contamination and erosion of soil from subdivision and land development so as to sustain the life-supporting capacity of the soil.	
	5.4.9	To encourage new development of an urban nature to locate within the urban area of the City.	
	5.4.10	To provide for limited development within the Blue Mountains Area which takes into account its environmentally sensitive nature.	
	5.4.11	To limit the potential adverse effects of rural and non-rural activities on each other and on rural amenity values.	
5.4.12	To encourage building design, location and scale that complements the character of the surrounding area.		

2 – Residential Zone Provisions

Provision		Summary of provisions & development controls	
ISSUE	4.2.1	<i>The loss of environmental quality within residential areas caused by adverse effects of activities.</i>	
	4.2.2	<i>The effects on amenity values of infill development, redevelopment and new subdivisions within and adjoining established residential areas.</i>	
OBJECTIVES	4.3.1	The promotion of a high quality residential environment which maintains and enhances the physical character of the residential areas, provides a choice of living styles and a high level of residential amenity.	
	4.3.2	The maintenance and enhancement of the special landscape and natural values of the Conservation and Hill Areas.	
	4.3.3	The management of the adverse effects of subdivision within residential areas.	
POLICIES	4.4.1	To provide for a range of building densities within the residential areas which takes into account the existing character of the area, topography and the capacity of the infrastructure.	
	4.4.2	To ensure that the scale, appearance and siting of buildings, structures and activities are compatible with the character and desired amenity values of the area.	
	4.4.3	To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects.	
	4.4.4	To ensure that the location and design of buildings and earthworks do not significantly detract from the residential amenity of the area.	
	4.4.5	To ensure that sites fronting streets present a pleasant and coherent residential appearance.	
	4.4.9	To promote a relatively low intensity of development within the Conservation and Hill Areas.	
	4.4.10	To protect trees and vegetation which contribute to the amenity values of the Conservation and Hill Areas	
	4.4.11	To provide for new residential development within the City in a sustainable manner.	
	4.4.12	To promote subdivision and residential development with a high level of amenity and ensure that it has adequate access to infrastructural requirements.	
			<p>There are three residential zonings applying to the Southern Hills; Residential, Residential Hill, and Residential Conservation.</p> <p>The Residential zone provisions primarily seek to promote consolidated residential and ancillary development that does not maintain existing character and amenity values.</p>

3 – Business Zone Provisions

Provision		Summary of provisions & development controls	
ISSUES	6.2.1	<i>Adverse effects on amenity values and environmental quality resulting from business activities.</i>	
	6.2.4	<i>The continued maintenance of an appropriate level of environmental quality within business areas.</i>	
OBJECTIVES	6.3.1	The sustainable management of physical resources within the existing business areas of the City to protect and enhance their amenity values.	
	6.3.3	The avoidance, remedying, or mitigation of the adverse effects of business activities on the amenity of surrounding neighbourhoods.	
POLICIES	6.4.3	To ensure that activities in the Business Zone do not unduly detract from the character and amenity of neighbouring areas.	
	6.4.4	To control the size and scale of buildings and the visual appearance of sites within the Business Zone.	
		<p>There are two Business zones applying to the Southern Hills; Business Commercial and Business Industrial. The business zone provisions primarily seek to promote any type business activities that do not significantly adversely affect the viability of Upper Hutt's CBD or the character and amenity values of adjoining areas.</p>	

4 – Open Space Zone Provisions

Provision			Summary of provisions & development controls
ISSUES	7.2.1	<i>Protecting the environmental quality within and adjoining open spaces from the adverse effects of development and activities.</i>	<p>There pockets of the Open Space zone located throughout the Southern Hills area. The open space zone seeks to provide a range of recreational opportunities while protecting the environmental quality within and adjoining open spaces.</p> <p>The District Plan recognises that development, including buildings, structures and earthworks, should be enabled within open spaces to ensure the enhancement of recreational activities (for example club rooms, toilets, carparks etc).</p>
	7.2.2	<i>The need to provide adequate open space for the future residents of Upper Hutt.</i>	
OBJECTIVES	7.3.1	The promotion of a range of open spaces, maintained and enhanced to meet the present and future recreation, conservation, visual amenity and hazard management needs of the City.	
	7.3.2	The protection of the life supporting capacity of the environment and amenity values by avoiding, remedying or mitigating the adverse effects of activities in the City's open spaces.	
POLICIES	7.4.1	To acquire and protect land for open spaces in those parts of the City where a deficiency in the range or distribution of open spaces has been identified, or where there is a particular recreational need, or where an area has significant landscape, ecological values or character.	
	7.4.2	To recognise and protect the amenity values of open space areas.	
	7.4.3	To enable a range of activities to be undertaken in open spaces that will not adversely affect the character and function of the open space.	
	7.4.4	To manage activities in open spaces to ensure that adjoining land uses receive adequate daylight and sunlight and maintain visual and aural amenity.	

5 – Special Activity Area Zone Provisions

Provision			Summary of provisions & development controls
ISSUES	8.2.1	<i>The continuing operation of the Trentham Military Camp, Rimutaka Prison and the facilities of the New Zealand International Campus (former Central Institute of Technology site) in a manner which avoids, remedies or mitigates adverse environmental effects.</i>	<p>The Special Activity zone is designed to enable unique activities in Upper Hutt, including the Trentham Military Camp, Rimutaka Prison, New Zealand International Campus (formerly the Central Institute of Technology), Wallaceville Animal Research Centre, St Patrick's College, Trentham Racecourse, The Wellington Golf Club, and the Silverstream Railway. Parts of the Trentham Military Camp, Rimutaka Prison, and the Wallaceville Animal Research Centre are located within the Southern Hills.</p>
	8.2.2	<i>The need to maintain amenity values within the Special Activity Zone and adjoining environments.</i>	
	8.2.3	<i>Intermittent noise of army activities.</i>	
OBJECTIVES	8.3.1	The promotion of integrated and efficient management of natural and physical resources within the Special Activity Zone.	
	8.3.2	Recognition of the characteristics of activities in the Special Activity Zone and their effects on amenity within the Zone and in nearby areas.	
POLICIES	8.4.1	To provide for the operation and development of the Trentham Military Camp, Rimutaka Prison and the new Zealand International Campus (former CIT site), as well as the other areas zoned Special Activity.	
	8.4.2	To ensure that the effects of activities within the Special Activity Zone on nearby properties are avoided, remedied or mitigated.	
	8.4.3	To control the adverse effects of the scale, location and appearance of development and buildings.	
	8.4.5	To promote the visual quality of the land by encouraging development which enhances amenity values.	

6 – Provisions for Subdivision, Earthworks & Vegetation Clearance

Provision			Summary of provisions & development controls
ISSUES	9.2.1	<i>The potential adverse effects of subdivision on infrastructure and development.</i>	The provisions relating to earthworks and vegetation clearance seek to protect and enhance the intrinsic values of ecosystems and the visual amenity values contributed by indigenous vegetation, particularly in terms of biodiversity corridors and the natural backdrop to the City.
	9.2.2	<i>The potential effects of earthworks and vegetation removal on the stability of the land.</i>	
	9.2.3	<i>That subdivision, earthworks and vegetation removal do not adversely affect significant natural landforms, areas of significant indigenous natural vegetation or significant habitats of indigenous fauna.</i>	
	9.2.4	<i>That the needs of future generations are met.</i>	
	9.2.5	<i>The potential of earthworks to alter the natural flow of surface water and to adversely affect the visual amenity of the City.</i>	
OBJECTIVE	9.3.1	The promotion of subdivision that is appropriate to the natural characteristics, landforms and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.	
POLICIES	9.4.1	To ensure that earthworks are designed and engineered in a manner compatible with natural landforms, significant areas of indigenous vegetation and habitats of indigenous fauna, the amenity of an area, and the mitigation of natural hazards.	
	9.4.2	To avoid, remedy or mitigate the contamination, degradation and erosion of soil from earthworks or vegetation removal through advocating responsible land use practices.	
	9.4.3	To promote a sustainable pattern of subdivision and development that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.	

7 – Provisions for Landscape & Ecology

Provision			Summary of provisions & development controls
ISSUES	12.2.1	<i>The destruction of indigenous ecosystems and the subsequent loss of biological diversity.</i>	There are general provisions in the District Plan that specifically provide for the protection and maintenance of ecological and landscape values with the Plan recognising the landscape characteristics of basins, low-lying hills, and steep land. The Southern Hills Study Area is located in the "Low Lying Hills" landscape. The provisions generally seek to protect and enhance significant indigenous ecological systems, biodiversity, essential natural landscape elements. Much of the indigenous vegetation on the eastern side of the southern hills is recognised and sought to be protected by Policy 12.4.2. There are also general provisions in the District Plan that specifically provide for the protection and maintenance of ecological and landscape values with the Plan recognising the landscape characteristics of basins, low-lying hills, and steep land. The southern hills Study Area is located in the "Low Lying Hills" landscape. The provisions generally seek to protect and enhance significant indigenous ecological systems, biodiversity, essential natural landscape elements. Much of the indigenous vegetation on the eastern side of the southern hills is recognised and sought to be protected by Policy 12.4.2.
	12.2.2	<i>The sensitivity of the visual landscape of Upper Hutt and the impacts of development in it.</i>	
	12.2.3	<i>Loss of significant trees within the upper Hutt urban landscape.</i>	
	12.2.4	<i>Loss of indigenous vegetation and habitats on private land.</i>	
OBJECTIVES	12.3.1	The protection and enhancement of significant indigenous ecosystems and biological diversity.	
	12.3.2	The maintenance and enhancement of essential natural landscape elements that determine Upper Hutt's landscape and geological structure and identity and contribute to the amenity values of the City.	
POLICIES	12.4.1	To protect and enhance significant natural areas of indigenous vegetation and fauna habitats from the adverse effects of activities that would reduce indigenous biological diversity and/or the life supporting capacity of ecosystems.	
	12.4.2	To preserve and enhance the indigenous vegetated southeast ridge from Pinehaven to Te Marua and the north-western ridge from Keith George Memorial Park to the Akatarawa River to maintain their function as ecological corridors.	
	12.4.3	To protect wetland areas within the City from activities which would have adverse effects on their life supporting capacity, natural character or habitat values.	
	12.4.4	To introduce a Plan Change or Variation as soon as practicable to identify significant natural areas within the City.	
	12.4.5	To discourage activities which have adverse effects on the high visual quality of the north-western and south-eastern hillsides adjacent to the urban environment.	
	12.4.6	To ensure the ridgelines are identified as essential elements in Upper Hutt's landscape and are protected from visually obstructive developments which would detract from the natural skyline appearance.	
	12.4.7	To protect trees of ecological, biophysical, historic, cultural or botanic value, or significant visual amenity value in both public and private ownership from activities which may result in adverse effects on these trees.	

8 – Provisions for Water Resources

Provision			Summary of provisions & development controls
ISSUES	13.2.1	<i>Water quality can be adversely affected by land use activities.</i>	<p>The provisions seek to protect water quality, ecological values and the ability for people to use Waterbodies for access and recreational purposes.</p> <p>The Mangaroa River is the only significant waterbody in the vicinity of the Southern Hills identified in the Regional Freshwater Plan.</p>
	13.2.3	<i>Providing access and recreation along water bodies, whilst avoiding conflict amongst users and minimising the potential adverse effects of these activities on the areas adjoining the water bodies.</i>	
OBJECTIVES	13.3.1	The protection and enhancement of the high water quality and diversity of aquatic habitats in the City's water bodies.	
	13.3.2	The provision of access to water bodies and the management of activities on water bodies in a manner that does not result in undue adverse effects on the environment and which avoids conflict between users and with adjoining land uses.	
POLICIES	13.4.1	To avoid, remedy or mitigate the adverse effects of land use activities on the quality or quantity of water resource and the diversity of aquatic habitats.	
	13.4.2	To promote the separation of land use activities adjoin water bodies by vegetated riparian areas to assist in filtering contaminants which adversely affect water quality and aquatic habitats.	
	13.4.4	To promote the establishment of esplanade resources and esplanade strips for the purposes of enhancing public access, recreation, riparian protection, water quality and ecological values along the main rivers and waterways adjoining specified watercourses [including Mangaroa River]	

9 – Provisions for Heritage

Provision			Summary of provisions & development controls
ISSUES	11.2.1	<i>The need for recognition of the role of tangata whenua in the management of the City's natural and physical resources.</i>	<p>The provisions relating to heritage items and sites seek to protect and enhance significant heritage resources of the City as well giving specific regard to Maori environmental values, Maori heritage and the principles of the Treaty of Waitangi. In doing so the District Plan identifies significant heritage resources or features and then provides development rules that seek to protect the associated heritage values.</p>
	11.2.2	<i>Inappropriate modification, loss or destruction of heritage resources.</i>	
OBJECTIVES	11.3.1	The protection of significant heritage features in Upper Hutt to promote continuity with the past.	
	11.3.2	The management of natural and physical resource in a manner which takes into account the principles of the Treaty of Waitangi and has particular regard to kaitiakitanga.	
POLICIES	11.4.1	To protect buildings, structures, features, areas, and sites of significant heritage value within the City from activities which would result in their unnecessary degradation, inappropriate modification or destruction.	
	11.4.2	To promote awareness of the need to take into account the principles of the Treaty of Waitangi.	
	11.4.3	To recognise the principle of partnership in managing the use, development and protection of the City's natural and physical resources.	
	11.4.4	To avoid, remedy or mitigate any adverse effects of activities on sites of significance to tangata whenua.	

10 – Provisions for Utilities

Provision		Summary of provisions & development controls	
ISSUES	16.2.1	<i>The sustainable management of the City's utilities is important as they are necessary to the functioning of the City and provide the framework for future developments and use of resources, including water resources.</i>	The provisions seek to enable the development of necessary or important infrastructure and avoid, remedy and mitigate adverse effects where possible.
	16.2.2	<i>Potential adverse effects on the environment caused by the development and use of utilities.</i>	
	16.2.3	<i>The efficient, convenient and safe movement of people, vehicles and goods in the City.</i>	
	16.2.4	<i>The limits that rural roading places on subdivision and development.</i>	
OBJECTIVE	16.3.1	The sustainable management of physical infrastructure so that it can meet both the needs of today's community and the reasonably foreseeable needs of future generations.	
POLICIES	16.4.1	To ensure that the establishment, operation, maintenance, and upgrading of essential utilities in the City avoids, remedies or mitigates any adverse environmental effects.	
	16.4.2	To require an assessment of alternative methods and sites for proposed utility developments which have significant implications for resource use, or which may cause significant adverse environmental effects.	
	16.4.3	To promote the efficient and effective use of existing utilities and to encourage the co-siting of compatible facilities.	
	16.4.4	To promote the safe and efficient use and development of the transportation network.	
	16.4.5	To promote accessibility within the City and between the City and neighbouring areas.	
	16.4.6	To ensure that the subdivision, use and development of land are served by safe and adequate access from the roading networks.	

11 – Development Controls & Activity Status

Chapter	Development Controls
Residential Zone (Chapter 18)	<p>The controls for residential development are provided in Chapter 18 and enable medium- low density development (e.g. minimum of 400m² per site) with building restrictions in terms of:</p> <ul style="list-style-type: none"> Site coverage (35% in the residential zone and 30% in the residential conservation and residential hill sub zones) Building height (8m) Open spaces (on site outdoor areas are to be provided immediately north of any dwelling). <p>Additional development controls are provided in the residential conservation and hill sub zones, including the minimum allotment size (minimum 750m² average compared to a minimum 400m) and tree felling (resource consent is generally required to remove trees greater than 0.2m in diameter).</p> <p>Earthworks and vegetation clearance are also restricted, as described below.</p>
Rural Zone (Chapter 19)	<p>The controls for rural zones enable low density rural development on the hill side (minimum 20ha allotment size) and valley floor (minimum 4ha allotment size) with rural lifestyle development (minimum 1ha allotment size) enabled nearer urbanised/serviced areas. Rural and production activities (including forestry) and associated buildings are generally permitted although more than one dwelling on a site is discouraged (as a Non-Complying Activity).</p>
Business Zone (Chapter 20)	<p>The controls promote larger scale development than residential areas (e.g. 100% site coverage) although buildings are required to be setback from road frontages and open spaces and buildings heights are restricted to 8 in the commercial zone and 12m in the industrial zone.</p>
Open Space Zone (Chapter 21)	<p>To ensure a level of control, resource consent is required for buildings and structures that are greater than 60% site coverage, 8m high or located near site boundaries.</p>
Special Activity Zone (Chapter 22)	<p>Development within the special activity zone is generally permitted provided its use is associated with the existing activities of the subject land (the majority of the special activity area land is designated). However, any activity that is not consistent with the existing uses is discouraged (as a Non-Complying Activity). Relevant development controls (which only apply if the land is not designated) include 15m building height, 40% site coverage and 5-10m boundary setbacks.</p>
Earthworks & Vegetation Clearance (Chapter 23)	<p>Rule 23.2, resource consent is required for any earthworks on a single site that:</p> <ul style="list-style-type: none"> Exceeds 150m² within any 12 month period Exceeds 1.5m cut height Exceeds a fill height of 1.5m fill in rural and open space zones but 0.5m fill in residential and special activity zones <p>[The above three restrictions do not apply to land within 2m of a building (including a proposed building)]</p> <ul style="list-style-type: none"> Is on erosion plane land (defined as land with a gradient steeper than 28° or within 10m of downhill 28° slope) Is within 10m of a waterbody or within any flood prone area <p>Resource consent is also required under rule 23.2 for any clearance of indigenous vegetation on a single site that:</p> <ul style="list-style-type: none"> Exceeds 500m² within any 5 year period or up to 1ha clearance of indigenous vegetation that is comprised predominantly of manuka (<i>leptospermum scoparium</i>) or kanuka (<i>kunzea ericoides</i>) which has a canopy height no greater than 4m Is within 10m of a waterbody Would remove threatened flora or habitat containing threatened fauna (a list of the threatened species has been identified in the District Plan) If the vegetation to be cleared is part of an area of vegetation greater than 1ha in area and greater than 4m canopy height Is otherwise protected (e.g. reserves)
Protected Ridgelines (Chapter 28)	<p>Under Rule 28.1 resource consent is required for a Controlled Activity (which cannot be declined) for the construction of any building or structure on a protected ridgeline when viewed from SH2. Council has restricted its control to:</p> <ul style="list-style-type: none"> Design, scale and siting Materials (colour, texture etc) Landscaping (including screening) Access arrangements
Waterbodies (Chapter 29)	<p>Under Rule 29.1 any building or structure within 20m of the bank of any waterbody greater than 3m in width (bank to bank) is a Discretionary Activity. Also, as identified above, Rule 23.2 earthworks is not permitted within 10m of any waterbody</p>
Utilities (Chapter 30)	<p>In the Southern Hills, including on the protected ridgelines, there is a range of utilities that can be developed as permitted activities, including public recreation structures, reservoirs, and buildings/ structures associated with the transmission of energy and telecommunications.</p> <p>However, the height of buildings and structures is restricted to 15-30m, depending on the on the subject zoning (15m in the residential, rural and open space zones, 20m in the Special Activity zoning, and 30m in the Business zoning).</p> <p>All other utilities, including new roads not part of a subdivision, are a discretionary activity.</p>