

# Proposed Variation 1 to Proposed Plan Change 49: Silverstream Spur

## INTRODUCTION

This Proposed Variation 1 needs to be read in conjunction with the provisions in Proposed Plan Change 49 (PC49). PC49 is available at <https://www.upperhuttcity.com/Your-Council/Plans-policies-bylaws-and-reports/District-Plan/PC49>. The Silverstream Spur was identified as out of scope for this plan change but due to the number of submissions received, regarding the rezoning of the Silverstream Spur to Natural Open Space, this Variation has been prepared.

## HOW TO READ THIS DOCUMENT

The following formatting conventions are used to identify proposed changes:

1. Black text with no tracking (example) is the Operative District Plan.
2. Black and underlined text (example) is Proposed Plan Change 49 (PC49).
3. Blue and underlined or struck through text (example/ ~~example~~) is the Proposed Variation 1 to Proposed PC49: Silverstream Spur.
4. Blue text without tracking (example) is instructions for the variation.

## Proposed Variation 1 provisions

### 1. Insert two new Policies into the Natural Open Space Zone Chapter

#### **Policies**

<u>NOSZ-P6</u>	<u>Silverstream Spur Infrastructure</u>
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Enable infrastructure including a transport corridor within the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189) at an appropriate scale, design, and location to

1. Provide for a range of **passive recreation** opportunities; and
2. Support for the development of the Southern Growth Area.

<u>NOSZ-P7</u>	<u>Silverstream Spur Natural Area</u>
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Adverse **effects** from development on the identified Silverstream Spur Significant Natural Areas shall be:

- (a) avoided where practicable; and
- (b) where adverse **effects** cannot be demonstrably avoided, they are mitigated where practicable; and
- (c) where adverse **effects** cannot be demonstrably mitigated, they are remedied where practicable; and
- (d) where more than minor residual adverse **effects** cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and
- (e) if biodiversity offsetting is not appropriate, the development itself is avoided.

### 2. Insert a new Controlled Activity rule in the Natural Open Space Zone Chapter

**Rules**

Note: There may be a number of Plan provisions that apply to an **activity, building or structure** and **site**. In some cases, consent may be required under rules in this Chapter as well as rules in other chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps plan users should take to determine the status of an **activity** is provided in

Each **activity** in the Natural Open Space Zone shall comply with the relevant permitted activity standards in the district-wide matters of the Plan as listed below.

**Activities Table**

<b>NOSZ-R15</b>	<u>Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</u>
	1. <u>Activity Status: CON</u> <u>Where:</u> a) <u>Compliance is achieved with:</u> i. <u>NOSZ-S4.</u> <u>Council may impose conditions over the following matters:</u> b) <u>Landscaping.</u> c) <u>Road alignment location and design.</u> d) <u>Provision of and effects on network utilities and/or services.</u> e) <u>Earthworks.</u> f) <u>Protection of any special amenity feature.</u> g) <u>Financial contributions.</u> h) <u>Effects on biodiversity in the identified Significant Natural Area.</u>
	2. <u>Activity Status: DIS</u> <u>Where:</u> a) <u>compliance not achieved with</u> i. <u>NOSZ-S4.</u>
3. Consequential changes of the numbering to proposed rules 15-21 in the Natural Open Space Chapter	
<b>NOSZ-R1516</b>	<b>Tourism Facilities</b>
	1. <u>Activity Status: RDIS</u>  <u>Matters of discretion are restricted to:</u> a) <u>Effects of the facility and associated activity on the Natural Open Space Zones natural character and amenity values;</u> b) <u>The impact of the operation of the tourism facility on the ability for recreational, sporting, customary and conservation activities to occur;</u> c) <u>The operational effects of the tourism activity on any neighbouring amenity values, including consideration of mitigation in relation to noise, traffic and light effects.</u>

	<p>d) <u>The integration of the facility within any existing built form and the consideration of the cumulative <b>effects</b> of <b>buildings</b> on the Natural Open Space Zones natural character and <b>amenity values</b>.</u></p>
<b>NOSZ- R1617</b>	<p><b>Buildings or structures</b> within 12-32m of high voltage (100kV or greater) electricity <b>transmission lines</b> as shown on the Planning Maps *(refer to the definition of <b>transmission line</b>)</p> <p>1. <u>Activity Status: RDIS</u></p> <p><b>Council</b> will restrict its discretion to, and may impose conditions on:</p> <p>a) <u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).</u></p> <p>b) <u>The location, <b>height</b>, scale and orientation and use of <b>buildings</b> and <b>structures</b> to ensure the following are addressed:</u></p> <ol style="list-style-type: none"> <li>i. <u>The risk to the structural integrity of the <b>transmission line</b>.</u></li> <li>ii. <u>The <b>effects</b> on the ability of the <b>transmission line</b> owner to operate, maintain and upgrade the transmission network.</u></li> <li>iii. <u>The risk of electrical hazards affecting public or individual safety, and risk of <b>property</b> damage.</u></li> <li>iv. <u>The extent of <b>earthworks</b> required, and use of mobile machinery near the <b>transmission line</b> which may put the <b>line</b> at risk.</u></li> <li>v. <u>Minimising the visual <b>effects</b> of the <b>transmission line</b>.</u></li> <li>vi. <u>The outcome of any consultation with the affected utility operator.</u></li> </ol> <p><b>Restriction on notification</b>  <u>Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification under section 95A, and limited notification will be served on Transpower New Zealand Limited as the only affected party under section 95B.</u></p>
<b>NOSZ- R1718</b>	<p><b>Educational Facilities</b></p> <p>1. <u>Activity Status: DIS</u></p>
<b>NOSZ- R1819</b>	<p><b>Residential Activity</b></p> <p>1. <u>Activity Status: DIS</u></p>
<b>NOSZ- R1920</b>	<p><b>Residential Activity</b> for Caretaker Purposes</p> <p>1. <u>Activity Status: DIS</u></p>
<b>NOSZ- R2021</b>	<p>Any <b>activity</b> not provided for as a permitted, restricted discretionary or non-complying</p> <p>1. <u>Activity Status: DIS</u></p>
<p>4. Insert a new Discretionary Activity rule for the Natural Open Space Zone Chapter</p>	
<b>NOSZ- R22</b>	<p>Removal of <b>indigenous vegetation</b> on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</p> <p>1. <u>Activity Status: DIS</u></p>

5. Consequential changes of the numbering to proposed rules 21-23 for the Natural Open Space Zone Chapter

<b>NOSZ-<del>R2123</del></b>	<b>Buildings or structures</b> within 12m of high voltage (110kV or greater) electricity <b>transmission lines</b> as shown on the Planning Maps *(refer to the definition of <b>transmission line</b> )
	1. <u>Activity Status: NC</u>
<b>NOSZ-<del>R2224</del></b>	<b>Industrial Activity</b>
	1. <u>Activity Status: NC</u>
<b>NOSZ-<del>R2325</del></b>	<b>Mining Activity</b>
	1. <u>Activity Status: NC</u>

6. Insert a new Standard for the Natural Open Space Zone Chapter

**Standards for Permitted Activities**

Unless otherwise specified, all permitted **activities** within the Natural Open Space Zone shall comply with the standards specified below.

<b>NOSZ-S4</b>	<ol style="list-style-type: none"> <li>1. <u>Carriageway traffic lanes width shall not exceed 3.5m per lane.</u></li> <li>2. <u>Footpath or shared path shall be provided on one side of the road only.</u></li> <li>3. <u>Road and footpath gradient shall not exceed 1:8.</u></li> <li>4. <u>Parallel parking may be provided along one side of the road.</u></li> <li>5. <u>Transport corridor and earthworks are not located within the Silverstream Spur Natural Area.</u></li> </ol>
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7. Amend map as shown below to rezone the Silverstream Spur to Natural Open Space zone



**Current and Proposed Zoning of the Silverstream Spur**

Map created 20/09/2022 by UHCC Spatial Team.

