

Proposed Horowhenua District Plan

General Part 3 – Assessment Matters, General Provisions, General & Miscellaneous Matters

Hearing: 20 – 21 May 2013

Officer Right of Reply and Response to Commissioners Questions

I have considered the evidence presented by submitters at the hearing on 20th May 2013. In addition, I have considered the questions and comments from the Commissioners raised during the hearing. Below I respond to the evidence presented and questions/comments. In responding to the matters raised, I have ordered them into the following topics to align with the Section 42A Report:

- Chapter 28 General Provisions (Engineering Drawings)
 - General Submissions (Protocol on use of macrons and place names)
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Chapter 28: General Provisions

HDC (Community Assets) sought amendments to the Chapter 28 General Provisions in respect of provisions 28.2.4, 28.2.5 and 28.2.6 relating to engineering drawings (submission points 91.08, 91.26 and 91.27 in section 4.11 of the Section 42A Report).

Warwick Meyer presented evidence on behalf of HDC (Community Assets) and explained that there was duplication and some inconsistencies between the Proposed Plan and the Subdivision and Development Principles and Requirements (SDPR). Initially, the Hearing Panel suggested officers work together and identify any inconsistencies and report back. Upon further consideration, the Hearing Panel considered the SDPR provided the detail, whereas Chapter 28 was a starting point and general explanation of what information was needed by a subdivision applicant; as long as reference was made to the SDPR in Chapter 28 then an applicant would get the details (like the datum) from the SDPR.

Notwithstanding the above, having given further consideration to this matter post the hearing, particularly the usability of Chapter 28 and the relationship to the SDPR document from both an applicant's and Council officer perspective, I now better appreciate the amendments sought by HDC (Community Assets).

Section 28.2.4 is headed up as "Information Requirement 3: Subdivision" and covers a wide range of matters including the format of information, site details, details of the proposed subdivision, assessment of effects and "engineering drawings to be supplied".

Following further discussions with the Community Assets Department, the key concern relates to the "Engineering Drawings Section" on page 28-10 and 28-11. In re-considering this matter, I consider the information outlined in the "Engineering Drawing Section" is not relevant in the concept development or information needed in applying for a subdivision consent. Instead, this information is relevant later on in the process, after the subdivision consent is granted during the Section 223 (approval of survey plan) and Section 224 (deposit of survey plan) stage of the RMA subdivision process. On this basis, I recommend the "Engineering Drawing Section" be deleted from the Proposed Plan.

Furthermore, in re-considering this matter, I now consider the structure of the provisions in Section 28.2.4 – 28.2.6 can be improved as there is duplication between sections and the order could be made more logical. Therefore, I recommend the submission points from HDC (Community Assets) be accepted.

Recommendation

In section 4.11 of the Section 42A Report I recommend accept in part to submission point 91.08 and based on the above, I recommend submission points 91.26 and 91.27 be accepted and the further submission from Truebridge Associates (526.09, 526.27 and 526.28) is rejected.

Recommended Amendment

That Section 28.1 including Table 28.1 be amended as follows:

28.1 INFORMATION TO BE SUPPLIED WITH APPLICATIONS FOR RESOURCE CONSENT AND OTHER PLANNING RELATED APPLICATIONS

28.1.1 General Requirements for Applications

An application for resource consent must contain sufficient information to enable Council and any person affected by the proposal to understand what is proposed and to assess the likely effects on the environment.

All applications must be in the form prescribed by the RMA (Form 9). Copies of the appropriate forms are available from Council.

Information requirements for five different planning application types are listed in Table 28-1. Any other planning related application not detailed in the table below will require adequate information supplied with it to allow Council to process the application including information requirements specified under the RMA. Where there is any doubt, applicants should discuss the information requirements with a Council planning officer.

The details of each of the ~~six~~ four information requirements identified in the Table 28-1 are outlined below.

Information Requirements						
Application Type	1.	2.	3.	4.	5.	6 <u>4</u>
Certificates of Compliance	✓					
Land Use	✓	✓				
<u>Subdivision</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>			

	Urban Subdivision	✓	✓	✓	✓		
	Rural Subdivision	✓	✓	✓		✓	
	Right of Way	✓					✓

Table 28-1 Application Information Requirements

AND

That the ‘Engineering Drawings’ part of Section 28.2.4 be deleted; and

That Section 28.2.5 and 28.2.6 be deleted as matters are already provided for Information Requirement “3”, except for two points that are specific to urban and rural subdivision proposals which can be listed as part of Information Requirement “3” as follows:

28.2.4 Information Requirement 3: Subdivision

Format of Information Supplied

Every application for subdivision consent shall comply with the following format requirements:

- (a) Plan Size: All plans should be on standard metric sheets. Preferred size is A3.
- (b) Copies: All plans must be capable of being photocopied in black and white and three copies are to be provided.
- (c) Scale: Every plan should be drawn at a scale to clearly illustrate the proposal. A minimum scale of 1:500 is preferred for urban subdivision proposals. Where photofoil presentation is used an approximate scale will be accepted. All plans shall show a north point and New Zealand Grid Reference (at centroid of largest parent parcel).
- (d) Applicant's Reference Number: The plan shall show the reference or identification number used by the applicant with version control and date.

Site Details to Accompany Applications for Subdivision Consent

All applications shall show the following details where applicable:

- (a) Titles: The following details shall be endorsed on the plan:
 - (i) Legal description
 - (ii) Certificate of Title reference
 - (iii) Land district, survey district and block number, local authority districts and their boundaries where applicable

- (iv) Registered Owners' name
- (v) Total area
- (vi) Name of Surveyor or firm (where applicable)
- (b) Buildings: The location of all existing buildings, structures, and fencelines.
- (c) Topography: Adequate contour information to illustrate the existence on each allotment of a suitable building platform and to enable the gradients proposed for streets, rights of way and access ways to be assessed. For two or three lot subdivisions, Council may accept spot levels in terms of mean sea level datums.
- (d) Vegetation and Habitat: The location, nature, and extent of any significant trees or areas of vegetation and habitat for indigenous fauna within the site.
- (e) Archaeological and Cultural: The location nature and extent of any significant cultural and archaeological areas within the site. An Archaeological Assessment and/or Cultural Impact Assessment may be required.
- (f) Waterways: The location and width of any streams and the limits of any tidal influence.
- (g) Drainage: The location and dimensions of any piped or open drains.
- (h) Wetlands: The location and extent of any wetland areas or swamps.
- (i) Flooding: Any areas subject to inundation by any waterway or the sea.
- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s).
- (k) HAIL sites: A preliminary site investigation stating that it is unlikely that there will be a risk to human health or a detailed site investigation.
- (l) Existing Road Condition: A description of the formation and construction type of the road providing access to the subdivision and all existing accessways adjoining the proposed subdivision.
- (m) Property Identification: Any house or property identification number or street number.
- (n) Other Details: A description of any other physical feature of the site which is or may be relevant to the consideration of the subdivision application.

Any services that may affect or are near proposed boundaries. ie show that all services are contained within the new boundaries. Therefore existing services have to be located and show where they cross boundaries.

Details of the Proposed Subdivision to be Provided

- (a) Boundaries: The position of all proposed new boundaries shall be clearly shown.
- (b) Allotment Areas: The metric area of all allotments and balance areas shall be shown on the plan. Every allotment shall be given a number.

- (i) For multi-lot subdivisions (of more than five (5) allotments) a schedule of areas and numbers of allotments shall be shown on the face of the plan.
- (c) Schedules of jointly owned access lots and details of the proposed shared ownership should be shown in a panel on the plan.
- (d) Amalgamation: In the case of any subdivision which requires an amalgamation condition to be included in its approval, the Surveyor shall show this on the survey plan and indicate which provision in Section 220 (1)(b) of the RMA will apply to those circumstances.

It is essential that underlying lots and titles are shown on the face of the subdivision plan to assist in formulating appropriate conditions of amalgamation. Titles marked as "Limited as to Title or Parcels" cannot be amalgamated.

- (e) Land Area: All the land comprised in the certificate or certificates of title to the land proposed to be subdivided shall be shown on the scheme plan. Any land held in the same ownership, if comprised in a separate certificate of title and abutting the land being subdivided, shall be indicated as such on the plan.

Where the extent of the land or the detail to be illustrated makes it necessary, a diagram shall be drawn on the plan or on a separate sheet.

- (f) Roads: New roads shall be shown as "road to vest". No new road name should be shown on any subdivision plan unless it is a natural extension of a road already named. Council will determine the necessary names for new roads on any proposed subdivision. The applicant shall submit a list of names for any new roads to vest in accordance with Council's Road Naming Policy.

Service lanes and access ways shall be shown simply as "service lane to vest" or "access way to vest" as the case may be. The nominal width of all roads, service lanes and access ways shall be shown.

The position of any road formation in relation to boundaries shall be shown on the plan along with full engineering details of road formation, footpath and signs.

- (g) Reserves: The purpose of every existing or proposed reserve shall be shown on the plan. All land below Mean High Water Springs and the beds of rivers and lakes required to vest in the Crown shall be clearly identified.
- (h) Land to Vest: Any allotment to be vested in Council or in the Crown shall be clearly shown.
- (i) Easements: Every existing or proposed easement shall be shown on the plan. In addition a Schedule of Easements shall be endorsed thereon. Easements which are of a voluntary nature shall be headed by the words "Optional Easements". Easements essential to the whole concept of the subdivision and which will become mandatory in nature shall be headed "Memorandum of Easements". The purpose of any easement, the lots that are appurtenant and subject to it, or in the case of an easement in gross, the name of the grantee shall be shown in panel form below the appropriate heading.
- (j) Proposed Services: Details of proposed water supply, stormwater collection and disposal, sewage collection and disposal, and the location and dimensions of any new vehicle entrance way.

- (k) Stormwater design: A stormwater design is to be provided including consideration of on-site soakage, ground water mounding, and overland flow paths. Full details must be provided to ensure that no nuisance is created for others. Catchments are to include whole of catchment designs. An assessment of stormwater contamination may be required.
- (l) Special Works: Details of any landscape works proposed on road reserves including the location and species of trees.
- (m) Building Line Restrictions: The position and details of any existing or proposed building line restriction(s).
- (n) Lighting and Other Services: Road lighting and the proposed location and type of power and telephone services.
- (o) Reserves and Other Contributions: The details of any proposed reserves or other financial contribution.
- (p) Suitable Building Site: Each proposed allotment must provide for a practicable potential building site. A practicable building site must be indicated for each allotment capable of accommodating a residential dwelling.
- ~~(q) Structure Plans: Features of a structure plan must be shown on the proposed scheme plan for any urban subdivision involving a site on which a structure plan is shown. The application must detail how the proposal is in accordance with the requirements of the structure plan.~~
- ~~(r) Building Area and Effluent Disposal Area: For rural subdivisions where no sewer connection is proposed to available Council reticulation, a building area and effluent disposal and reserve disposal area must be shown in compliance with the specifications detailed in Rule 19.7.2(f).~~

Assessment of Effects for Subdivision Application

The assessment of effects required for every application for subdivision consent shall, in addition to information required by the RMA and this District Plan, address the following matters:

- (a) Proposed services, reticulation and connections (stormwater, water supply and sewage disposal).
- (b) Any effects on or discharges to streams and tidal waterways expected to arise in the course of development and works or services required for the subdivision.
- (c) Traffic safety effects resulting from new vehicle entrance ways or crossings.
- (d) Road construction effects (both temporary construction effects and long term effects).
- (e) Impacts on water supply expected to result from increased demand caused by the subdivision.
- (f) Any potential effects on any natural habitat of indigenous species.

- (g) Any encumbrances on potential building sites.
- (h) The suitability of the land for occupation and building.
- (i) Any effects on any special site features or buildings.
- (j) Any effect on any high amenity landscape, outstanding natural landscape or outstanding natural feature.
- (k) Any effect of reverse sensitivity.
- (l) Effects on cultural values.
- (m) Details of how any adverse effects will be monitored and by whom.
- (n) Mitigation measures to address the above.

Engineering Drawings to be Supplied

~~Where it is proposed to connect any development to any reticulated Council service or road the following documents are required to be supplied to Council:~~

- ~~(a) — Engineering drawings, specifications and calculations where required, covering the following sections of the work to be carried out:

 - ~~(i) — Site regrading.~~
 - ~~(ii) — Roading and access.~~
 - ~~(iii) — Drainage (stormwater and sanitary).~~
 - ~~(iv) — Water supply and other services.~~
 - ~~(v) — Soils engineer's report on the suitability of the land for subdivision, or other reports as considered necessary by the local authority.~~~~
- ~~(b) — "As built" plans, to a minimum scale of 1:500, as and when the various aspects of the work on the subdivision have been completed.~~
- ~~(c) — A certificate stating that the works have been carried out under the control of and to the satisfaction of, the Certifying Engineer.~~
- ~~(d) — Engineering drawings detailing the following earthworks proposals:

 - ~~(i) — Original and final contours.~~
 - ~~(ii) — Areas of cut and fill.~~
 - ~~(iii) — Subsoil drainage.~~
 - ~~(iv) — Silt control.~~~~
- ~~(e) — Plans showing the streets including everything that is to be located within the street or within the subdivision (i.e. carriageways, footpaths, berms, trees, watermains and fittings, sanitary sewers, pump stations, stormwater drains, manholes, sumps,~~

electric power, streetlights, telecommunications cables and junction boxes and transformer sites. Plans shall also show the limit of all work proposed to be done by the Developer and its relationship to adjacent existing works or property.

- (f) ~~Longitudinal sections of every street including levels, longitudinal sections of sanitary sewers and stormwater drains including pipe sizes, types, grades, design flows, manholes and also underground services that are to vest in Council which cross the line of the longitudinal section to show calculated clearances.~~
- (g) ~~Detailed typical road cross sections showing the location of all features described in this document including engineering services, road formation, subgrade drainage, metalling, kerb and channelling, sealing or paving, footpaths and other walkways, berms and planting areas.~~
- (h) ~~Details showing how streets and services are to be connected to existing streets and services.~~
- (i) ~~Details showing underground cabling and services provided by others.~~
- (j) ~~Plans shall provide levels to the recognised local datum.~~
- (k) ~~Upon completion of construction, copies of "as built" plans are to be submitted by the owner showing the following details as constructed: —~~
 - (i) ~~Sanitary drainage reticulation – including the measured positions of manholes, manholes depth and lid levels (where required by Council); measurements to house connections, referred to the centre of the downstream manhole cover and the length and position of laterals.~~
 - (ii) ~~Stormwater drainage reticulation – detailed as for (a). The plans shall also show subsoil drainage and floodpath level information.~~
 - (iii) ~~Water reticulation – including the position of mains, location of hydrants, valves, tees and connections.~~
 - (iv) ~~Areas of filling – showing the total depth of fill, in the form of lines joining all points of equal fill depth. —~~
 - (v) ~~Ducts – measurements to ducts installed for telephone, power and gas reticulation.~~
 - (vi) ~~Street names – as suggested by the Owner and as approved by Council.~~
- (l) ~~Details as required by Council's Subdivision and Development Principles and Requirements.~~

28.1.2 Information Requirement 4: Urban Subdivision

- (a) ~~Topographical Detail: Generally topographical detail needs to show how stormwater from or too neighbouring properties will be managed and potential building platform.~~
- (b) ~~Contours or spot heights shall be shown where possible in terms of the Lands and Survey datums. If that is not practicable, then assumed datums should be used.~~

- (c) ~~Where a subdivision plan forms only part of the future potential development of a larger block of land, whether or not held in the same ownership and zoned residential, Council may require the subdivision plan to show the total development. In such cases detail should include roading, drainage, water supply and the number of sections, so as to ensure that the initial subdivision plan application does not prejudice full and future development. The extended development may be shown to a smaller scale as an insert on the initial application.~~
- (d) ~~Structure Plans: Features of a structure plan must be shown on the proposed scheme plan for any subdivision involving a site on which a structure plan is shown. The application must detail how the proposal is in accordance with the requirements of the structure plan.~~

28.1.3 Information Requirement 5: Rural Subdivision

- (a) ~~Locality Diagram: For rural properties, a locality diagram shall be shown on the plan to assist in identifying the property's location.~~
- (b) ~~Topography: Generally topographical detail needs to show how stormwater from or to neighbouring properties will be managed and potential building platform.~~
- (c) ~~Sufficient data of the same nature as the categories listed under Rule 24.2.4 should be shown if relevant to the task of identifying proposed boundaries on the ground and establishing any necessary conditions of approval.~~

~~Aerial photographs, where available, may be used to supply topographical data provided they are of sufficient scale and clarity to be readily interpreted and shall have the boundaries of the proposed subdivision clearly indicated thereon. A plan cadastral print shall be submitted for use by Council where an A4 size copy would lack clarity.~~

~~The circumstances of each case will determine the extent and the detail of topographical information which should be shown but Council may ask for more information where it is necessary to assist the processing of any application.~~

- (d) ~~Building Area and Effluent Disposal Area: A building area and effluent disposal and reserve disposal area must be shown in compliance with the specifications detailed in Rule 19.7.2(f).~~

28.1.4 Information Requirement 6 4: Applications for Rights of Way

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General Submissions

The Taiao Raukawa Environmental Resource Unit (67.00) sought the correct use of macrons throughout the Proposed Plan and listed examples including: “Māori”, “Ngāti” and “Ōhau”. In section 4.13 of the Section 42A Report I recommended to accept this submission. At the Hearing (Monday 20th May), Cr Rush identified that the submitter had only listed examples, and that there may have been other Maori terms that would require macrons. Cr Rush also sought information on whether there was an agreed protocol in the use of macrons.

Since the hearing, I have found “Guidelines for Māori Language Orthography” on the Maori Language Commission website (www.tetaurawhiri.govt.nz). The introduction to these guidelines explains that the guidelines represent *best practice of spelling and writing in Māori*.

I also contacted Penelope Tucker at Horizons Regional Council to understand the use of macrons in the Proposed One Plan. Horizons used an online dictionary (<http://www.maoridictionary.co.nz>) which is referred to on the Maori Language Commission’s website.

Therefore in accepting submission point (67.00) I consider all Maori terminology in the Proposed Plan would need to be reviewed and edited using the above online dictionary.

Charles Rudd Snr (109.04) sought the inclusion and use of Maori place names including: Waipunahau (Lake Horowhenua), Waiwiri (Lake Papaitonga/Buller Lake) and Waitawa (Forest Lakes¹). In section 4.13 of the Section 42A Report I recommended to accept this submission and similar to the use of macrons, Cr Rush identified that the submitter had only listed examples and that there may be other place names that would require inclusion, for example Levin, . Cr Rush sought information on an agreed protocol in the identification and inclusion of Maori place names in the Proposed Plan.

I understand that Horizons Regional Council identified names and place names for the Proposed One Plan based on advice from local iwi or hapu. Therefore in accepting submission point (109.04) the names of key natural features and places within the Horowhenua district could be searched using the Online Maori Dictionary (<http://www.maoridictionary.co.nz>) and a list prepared for circulation to Horowhenua’s iwi groups for their comment and advice.

Response prepared by Claire Price

Reviewed by David McCorkindale

Dated 27th May 2013

¹ I should have noted that Lake Waitawa/Forest Lakes is located immediately south of the Horowhenua District’s jurisdiction, therefore not a consideration for the Proposed Plan.