

Planners Report 21

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Lifestyle Section – Matters of Control for Subdivision

16A.5.2 (a) – Instability and Erosion

1.0 Background

- 1.1 New matters of control have been introduced to protect newly created lots and surrounding lots within the Minden Lifestyle Zone from instability and erosion.
- 1.2 Controls have been proposed at subdivision stage on matters such as earthworks, vegetation retention, selection of building sites and accessways, and location and type of stormwater and wastewater infrastructure.
- 1.3 This report deals only with those Matters of Control as found in 16A.5.2 (a).

2.0 Issues

- 2.1 Seven submission points were received on the proposed Matters of Control 16A.5.2 (a) for protecting lots and surrounding lots from instability and erosion.
- 2.2 Of these, one was in support; three were in support with suggested amendments while three were in opposition. One further submission point was received in support also.
- 2.3 The main issues raised by submitters can be summarised as follows:

16A.5.2 (a) (i)

Managing earthworks on the site

- 2.3.1 One submitter feels that Council should not have to manage earthworks on the site as they are not qualified to do so.

16A.5.2 (a) (ii)

Location and formation of building sites, access ways and roads

- 2.3.2 One submitter sought that this matter of control be deleted because the contractors employed will have the necessary knowledge associated with earth moving.

16A.5.2 (a) (iii)

Wastewater and stormwater treatment and disposal systems

2.3.3 One submitter asked that this matter of control provide more detail on how it is to be achieved.

Rule 16A.5.2 (a) (iv)

Retention and planting of vegetation to stabilize cut slope

2.3.4 One submitter was in opposition and felt this controlled the plants available for landowners to have on their property. They feel they should be able to plant those species which best suit their landscaping plans and avoid allergies. They seek that the rule is deleted.

2.3.5 Pirirakau supported this but sought that some consideration should be given to the trapping of sedimentation prior to stormwater entering waterways.

16A.5.2 (a) (v)

Stormwater collection and discharge, soakage, collecting of roof water

2.3.6 One submitter requested that specific details be provided on how this will be achieved.

2.3.7 The other was in support but asked for sedimentation to also be a consideration when stormwater is piped into natural waterways and the Harbour.

3.0 Options

3.1 Option 1

3.1.1 Retain 16A.5.2 (a) Matters of Control for instability and erosion - as notified.

3.2 Option 2

3.2.1 Delete Rule 16A.5.2 (a) (i) –
Managing earthworks on site.

3.3 Option 3

3.3.1 Delete Rule 16A.5.2 (a) (ii) -
Location and formation of building sites, accessways and roads.

3.4 Option 4

3.4.1 Amend Rule 16A.5.2 (a) (iii) by expanding in detail on how Council will control location and type of wastewater and stormwater treatment and disposal systems.

3.5 Option 5

- 3.5.1 Delete Rule 16A.5.2 (a) (iv) –
Vegetation to stabilize cut slope.

3.6 Option 6

- 3.6.1 Amend Rules 16A.5.2 (a) (iv) and (v) by adding wording explaining that these measures also assist with sediment trapping and reducing runoff into waterways and the Harbour.

4.0 Advantages and Disadvantages

4.1 Option 1: Retain 16A.5.2 (a) Matters of Control for instability and erosion - as notified.	
Advantages	Disadvantages
<ul style="list-style-type: none">• Requires those who are suitability qualified to address requirements before certifying a subdivision.• Allows Council to impose conditions on subdivision consent.• Ensures lots and surrounding lots are protected from instability and erosion, which meets Council's responsibilities to protect people and property from hazards.	<ul style="list-style-type: none">• None

4.2 Option 2: Delete Rule 16A.5.2 (a) (I) – Managing earthworks on site.	
Advantages	Disadvantages
<ul style="list-style-type: none">• No advantages.	<ul style="list-style-type: none">• This rule gives Council the ability to ensure those who are qualified demonstrate that these matters are addressed.• Potential damage to property, cost to landowners, and injury.

4.3 Option 3: Delete Rule 16A.5.2 (a) (ii) - Location and formation of building sites, accessways and roads.	
Advantages	Disadvantages
<ul style="list-style-type: none">• No advantages (submitter claims that this rule is not required because Council office staff are not qualified to manage earthworks).	<ul style="list-style-type: none">• This rule gives Council the ability to ensure those who are qualified demonstrate that these matters are addressed.• Potential damage to property, cost to landowners, and injury.

4.4 Option 4: Amend Rule 16A.5.2 (a) (iii) by expanding in detail on how Council will control location and type of wastewater and stormwater treatment and disposal systems.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Would provide more understanding for landowners by detailing specific measures. 	<ul style="list-style-type: none"> • It is not possible to expand in detail at this stage because there are too many options available depending on the specific circumstances of each site. Options will be determined at the time of subdivision. • Expanding in detail may be misleading e.g. the omission of any one option may appear to exclude it from consideration.

4.5 Option 5: Delete Rule 16A.5.2 (a) (iv) - Vegetation to stabilize cut slope.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Allows landowners the freedom to plant whichever species meet their needs. 	<ul style="list-style-type: none"> • Removes Council's ability to ensure that cut slopes can be stabilized either by existing or new vegetation, reducing the risk of erosion and damage to property. • Landowners may not realize or consider the need to undertake these protective measures themselves.

4.6 Option 6: Amend Rules 16A.5.2 (a) (iv) and (v) by adding wording explaining that these measures also assist with sediment trapping and reducing runoff into waterways and the Harbour.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • This is not the intention of the rule. The Regional Council is responsible for the control of earthworks for these purposes.

5.0 Discussion

5.1 General – Retaining the Matters of Control for instability and earthworks

5.1.1 The Matters of Control under 16A.5.2 (a) have been put in place to ensure that works undertaken at subdivision stage avoid the risk of instability and erosion on new lots and existing surrounding lots.

5.1.2 The detailed requirements provide the basis for geotechnical certification and will also assist Council in determining appropriate conditions on resource consents. These rules protect

people from the threat of hazards. Retaining these requirements is therefore advised.

5.2 Options 2 and 3 – Removing Council’s control over earthworks and the location of building sites, roads and other accessways.

5.2.1 Options 2 and 3 question the need for Council to “manage” earthworks and “control” the location and formation of building sites, roads, and accessways within subdivisions. One submitter has opposed both of these requirements on the grounds that Council is not qualified to manage and control such matters.

5.2.2 Council staff will not be carrying out the earthworks. This rule simply allows Council to require this role to be performed by those who are qualified. A geotechnical report will need to accompany all subdivision applications from a suitably qualified professional demonstrating that the subdivision avoids or mitigates the adverse effects of instability and erosion as required. Council will then rely on that certification.

5.2.3 Deleting the requirements in 16A.5.2 (i) and (ii) will fail to address the potential impact of earthworks on land instability.

5.3 Option 4 – Providing more detail on how Council will control location and type of stormwater and wastewater systems.

5.3.1 This option explores the possibility of expanding in detail about how Council will control the location and type of wastewater and stormwater treatment and disposal systems.

5.3.2 The current wording is general and should remain general because there are such a range of options able to be used depending on circumstances, that providing any further detail will not actually provide any extra certainty for landowners; nor would it improve the efficiency of the rule.

5.4 Options 5 – Removing Council’s control over species selection to stabilize cut slope.

5.4.1 Deleting the rule in its entirety would benefit landowners in the way requested e.g. total freedom of species selection for whichever purpose they may require. The obvious disadvantage however is that slopes may be unable to be stabilized following earthworks, leaving properties prone to slips. Council has a responsibility to mitigate the adverse effects of hazards and as such this should be the most important consideration.

5.5 Option 6 – Sediment Trapping

5.5.1 Council’s function under the RMA is to manage earthworks for the purpose of avoiding and mitigating the effects of hazards. In this case of the Minden, this is land instability. Regional Council’s

are responsible for managing earthworks for the purpose of reducing siltation into waterways. Therefore, the suggested wording should not be adopted.

6.0 Recommendation

6.1 That the Matters of Control in 16A.5.2 (a) are retained as notified.

6.2 The following submissions are therefore:

6.3 Accepted

Submission	Point Number	Name
FS 90	14	Milne, Aaron Supports 58.11
58	11	NZ Transport Agency

6.4 Rejected

Submission	Point Number	Name
29	13, 14	Cobb, Ray & Michelle
30	9, 10, 11	McCulley, Shirley
36	2	Phipps, John & Catherine
19	5	Pirirakau Incorporated Society

7.0 Reasons

7.1 Option 1

7.1.1 The Matters of Control in 16A.5.2 (c) are required to protect lots and surrounding lots from the threats of erosion and instability. It is a function of Council under the RMA to ensure avoidance and mitigation of natural hazards.

7.2 Option 2

7.2.1 Deleting this rule would prevent Council from being able to ensure subdivision proposals address the potential effects of earthworks on the stability of land.

7.3 Option 3

7.3.1 Deleting this rule prevents Council from being able to ensure subdivision proposals address the potential effects that building site, road and accessways location/formation may have on the stability of land.

7.4 Option 4

7.4.1 The current wording is general and should remain general because there are such a range of options able to be used depending on circumstances, that providing any further detail will not actually provide any extra certainty for landowners; nor would it improve the efficiency of the rule.

7.5 Option 5

- 7.5.1** Council has a responsibility to mitigate the adverse effects of hazards. Certain species are better at stabilizing slopes than others, and so need to be carefully chosen.

7.6 Option 6

- 7.6.1** Council's function under the RMA is to manage earthworks for the purpose of avoiding and mitigating the effects of hazards. In this case of the Minden, this is land instability. Regional Councils are responsible for managing earthworks for the purpose of reducing siltation into waterways.