



# UPPER HUTT CITY DISTRICT PLAN

## PROPOSED PLAN CHANGE 43: INTRODUCTORY CHAPTERS 2017

Summary of Submissions

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## GUIDE TO THE SUMMARY

The following format is used for each part of the summary:

Submission No.	Name	Address	Wishes to be heard
Submission			
Provision			
Decision sought			

A list of full copies of the submissions received on Proposed Plan Change 43 can be found on the UHCC website at <http://www.consultation.upperhuttcity.com/>. These submissions are listed by date received order.

New or amended text proposed through the Plan Change is shown *in italics*. Where the submitter proposes an amendment to the proposed new text or a new provision, the amendment proposed by the submitter is shown in underlined text and the removed or amended proposed text has a ~~strikethrough~~.

### **Making a Further Submission**

Clause 8 of the First Schedule of the Resource Management Act outlines the persons that may make a further submission, being:

- (a) *any person representing a relevant aspect of the public interest; and,*
- (b) *any person that has an interest in the proposed plan greater than the interest that the general public has; and*
- (c) *the local authority itself.*

A further submission must be limited to a matter in support of or in opposition to the submissions that have already been made and which are summarised in this document. Submissions should be made in writing, in general accordance with Form 6 of the Resource Management Act (Forms, Fees, and Procedure) Regulations 2003.

Copies of the submission form are available from:

**Council's website** <http://www.consultation.upperhuttcity.com/>

**Upper Hutt City Council Offices** Level 1 Reception  
Civic Administration Building  
838-842 Fergusson Drive  
Upper Hutt

**Upper Hutt Library**                      844 Fergusson Drive  
Upper Hutt

**Pinehaven Branch Library**              Corner of Pinehaven Road and Jocelyn Crescent  
Pinehaven  
Upper Hutt

Further submissions may be lodged:

**Email**                                      [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Post**                                        Proposed Plan Change 43  
Upper Hutt City Council  
Private Bag 907  
Upper Hutt 5140

**In person**                                Upper Hutt City Council Offices  
838-842 Fergusson Drive  
Upper Hutt

The closing date for further submissions is **5.00pm on Thursday 15 June 2017**.

Within 5 working days of making the further submission to Council, the further submitter must serve a copy of the further submission on the person who made the original submission to which the further submission relates. The address for service for each submitter is contained on the following page.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Schedule 1 of the Resource Management Act 1991.

**LIST OF SUBMITTERS**

Submitter number	Submitter name	Address for service	Wishes to be heard
1	Powerco Limited	C/- Georgina McPherson Burton Consultants Limited gmcpherson@burtonconsultants.co.nz	✓
2	New Zealand Transport Agency (NZTA)	C/- Kathryn Barrett kathryn.barrett@nzta.govt.nz	x
3	Greater Wellington Regional Council (GWRC)	C/- Caroline Watson caroline.watson@gw.govt.nz	✓

Submission No.	Name	Address for Service	Wishes to be heard
1	Powerco Limited	C/- Georgina McPherson Burton Consultants Limited gmcpherson@burtonconsultants.co.nz	YES

Submission

- The submitter expresses their overall support for the plan change, subject to amendments.
- The submitter states their interest in the plan change due to the extent of gas infrastructure owned by Powerco Limited throughout Upper Hutt.
- The submitter states their support for the proposed amalgamation of Chapters 1 and 2. This includes support for the proposed information requirements for resource consent applications relating to the identification of utilities.
- The submitter states their support for the proposed removal of Chapter 3, as it is non-directive, and policies emphasised therein are already recognised throughout the Plan and the Act.
- The submitter considers that the overall proposed plan structure is reflective of recent Ministry for the Environment (MfE) discussion papers on National Planning Standards. The submitter expresses concern that network utilities are not included as examples of what may be included under the City Wide standards, as described in Clause 1.4.1. For this reason, the submitter opposes any suggestion that utilities provisions would be included within each zoning chapter, due to the difficulties of implementation, and the management of cross-zone proposals.

Provision

- Chapter 1
  - Clause 1.4.1
  - Diagram 1

- Clause 1.8

- Chapter 2
- Chapter 3

Decision sought

- That the plan change is drafted to ensure:
  - Appropriate recognition of and provision for the ongoing operation, maintenance, upgrade and development of Powerco's gas distribution networks;
  - Effect is given to the objectives and policies of the RPS;
  - The sustainable management of Powerco's assets as a physical resource, in accordance with section 5 of the RMA;
  - The statutory tests in section 32 and the requirements in the First Schedule RMA are implemented;
  - The relevant statutory functions of the Council, including achieving the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district are addressed; and
  - The considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law) are addressed.
- To retain Clause 1.8, as notified.
- To remove Chapter 3, as notified.
- To amend the Plan structure described in Section 1.4 to incorporate Network Utilities within City Wide provisions in a manner which adheres to MfE direction on National Planning Standards. Therefore, amend Clause 1.4.1 as follows:

*Issues may be specific to zones, or may be found across the District and therefore are relevant for multiple zones. ~~For e~~ Examples, of the latter issues are those associated with earthworks, natural hazards, heritage, landscape and ecology.*

2	NZTA	C/- Kathryn Barrett kathryn.barrett@nzta.govt.nz	NO
<p>Submission</p> <ul style="list-style-type: none"> <li>• The submitter states their function as a Crown-owned entity to provide integrated transport planning, investment, and delivery throughout New Zealand.</li> <li>• With regard to the information requirements under Clause 1.8.10.e, the submitter notes a clerical error in the naming of the New Zealand Transport Agency whereby 'Authority' instead of 'Agency' is incorrectly used.</li> </ul> <p>Provision</p> <ul style="list-style-type: none"> <li>• Chapter 1 <ul style="list-style-type: none"> <li>○ Clause 1.8.10</li> </ul> </li> </ul> <p>Decision sought</p> <ul style="list-style-type: none"> <li>• To amend Clause 1.8.10.e to read 'New Zealand Transport Agency.'</li> </ul>			



3	GWRC	C/- Caroline Watson caroline.watson@gw.govt.nz	YES
<p>Submission</p> <ul style="list-style-type: none"> <li>• The submitter states their support for the plan change, subject to amendments. Support is provided because the plan change simplifies the introductory chapters of the District Plan, increasing functionality, and meets current best practice standards.</li> <li>• The submitter states that to reflect legislative requirements, the 'National' section of Diagram 1 should be amended to include National Environmental regulations and reflect the multiple National Policy Statements a Plan may be required to give effect to.</li> <li>• With regard to the 'Regional' section of Diagram 1, the submitter states that relevant Resource Management Act documents cited must only list those required to be given effect to under the Act, and should also reflect their origin. This means that the only the Regional Policy Statement (RPS) needs to be listed. Secondly, the RPS is not a GWRC document, but rather a community document which is relevant to the Wellington Region. Amendments should therefore be made to illustrate this.</li> <li>• With regards to Clause 1.2.4, the submitter states that the clause needs to expand the scope of consultation to go beyond the Schedule 1 consultation requirements and cross-boundary issues. The submitter states that there may further reasoning as to why consultation with the GWRC is required (i.e. operational continuity) and should be amended accordingly.</li> </ul> <p>Provision</p> <ul style="list-style-type: none"> <li>• Chapter 1 <ul style="list-style-type: none"> <li>○ Diagram 1</li> <li>○ Clause 1.2.4</li> </ul> </li> </ul>			

Decision sought

- If the plan change is approved, the following amendments are made:

- To amend the 'National' section of Diagram 1 to read:

*National Policy Statements*

*National Environmental Standards and regulations*

- To amend the 'Regional' section of Diagram 1 to read:

*Greater Wellington Regional Council*

*Regional Policy Statement for the Wellington region and Plans*

- To amend Clause 1.2.4.3 to add the following paragraph:

*It is important to also consult with Greater Wellington Regional Council during the preparation of a plan change to identify issues that may affect any roles and responsibilities in relation to the management of natural and physical resources.*

