

568 Change 22: Earthworks/Filling Rules and Rural 1 Closed Zone**DECISIONS AND REASONS****Final Decision 568.1**

C22.342.9	Adventurer Leisure Properties Ltd	Disallow
C22.342.10	Adventurer Leisure Properties Ltd	Disallow
C22.3034.25	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.63	
C22.3034.31	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.69	
C22.3034.32	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.70	
C22.3710.9	Jarvis, Martin D	Disallow
C22.3718.24	Mapua and District Cycle-Walkways Group	Disallow
<i>Allow</i>	FC22.3721.15	
<i>Disallow</i>	FC22.3151.108	
C22.3721.9	Nelson Cycle Trail Trust	Disallow
<i>Disallow</i>	FC22.3151.119	
C22.3722.3	Ngaruroro Farm Ltd	Allow
C22.3722.4	Ngaruroro Farm Ltd	Disallow
C22.3736.7	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.132	

Plan Amendments*Plan Topic 18.5.2.1*

1. No Plan amendments to rule 18.5.2.1(p)(i) in respect to Tourist Services Zone at Mapua.
2. No Plan amendments to rule 18.5.2.1 to make recontouring a permitted activity.

Plan Topic 18.5.2.3

1. Delete rule 18.5.2.3(b) and rewrite as:
"It is not within the Coastal Risk Area or in the Residential Coastal Zone at Iwa Street, Mapua."
2. No Plan amendments to rule 18.5.2.3 to make recontouring a controlled activity.

Reasons

1. The Rural 1 Coastal Zone and Tourist Services Zone are low-lying areas.
2. Submitter 342's site (Mapua Leisure Park) is a low-lying coastal site that is dynamic in nature and subject to coastal hazard risk.
3. Recontouring and filling of sites has the potential to affect adjoining properties and the coastal environment.
4. It is preferable to adopt a precautionary approach towards activities, such as recontouring and filling, whose effects on the coastal environment, neighbours and coastal character are potentially adverse.
5. The Council policy is to have future urban development located out of low-lying areas that could be subject to more flooding and inundation than occurs presently.
6. The subdivision rule 16.3.5.1(m) for the Rural 1 Coastal Zone has a general condition that allotments are not filled except to create a building platform area.
7. Filling land for walkways and cycleways can interfere with stormwater flows and natural values.
8. The ground level limit of 4.6 metres is retained as the limit below which consent is required to fill sites. There is a risk of coastal and freshwater flooding to be managed with the possibility of higher groundwater levels as sea level rises.
9. The consent category restricted discretionary enables adverse effects of recontouring to be addressed better than if the activity is permitted.

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C22.1223.7	Garnett, Colin J & Hulse, Carol	Disallow
C22.1223.8	Garnett, Colin J & Hulse, Carol	Disallow
C22.3689.4	Atkins, Sue	Disallow
<i>Disallow</i>	FC22.3721.1	
C22.3689.5	Atkins, Sue	Disallow
C22.3692.3	Bannister, Frederick & Annamarie	Disallow
C22.3728.4	Robinson, Tim & Jill	Disallow
<i>Disallow</i>	FC22.3721.20	
C22.3728.5	Robinson, Tim & Jill	Disallow

Plan Amendments

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■ **DECISIONS AND REASONS**

Plan Topic 18.5.2.1

No Plan amendments to rule 18.5.2.1 to allow filling at Iwa Street as a permitted activity.

Plan Topic 18.5.2.3

No Plan amendments to controlled activity rule 18.5.2.3 to allow filling at Iwa Street as a permitted activity.

Reasons

1. The land in part of Iwa Street that is zoned as Residential Coastal is low lying.
2. Filling of low-lying sites has the potential to affect adjoining properties and the coastal marine area.
3. It is preferable to adopt a precautionary approach towards activities, such as recontouring and filling, whose effects on the coastal environment, neighbours and coastal character are potentially adverse.
4. The consent category, restricted discretionary, enables adverse effects on neighbours to be addressed better than if the activity is permitted.
5. The Tahiti Street and Iwa Street Residential Closed Zone rules for building platforms are different because Iwa Street is more susceptible to ponding issues.
6. Alternative methods of raising floor heights, other than filling, are preferred.

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C22.3243.1	Johns, Richard	Disallow
C22.3731.1	Schroder, Ben	Disallow
<i>Disallow</i>	FC22.3243.2	
C22.3731.2	Schroder, Ben	Disallow
<i>Disallow</i>	FC22.3243.3	FC22.3721.21

Plan Amendments

Plan Topic 18.5.2.1

No Plan amendments to permitted activity rule 18.5.2.1

Plan Topic ZM 87

No Plan amendments to zoning of submitters' land as Rural 1 Closed.

Reasons

1. The Rural 1 Closed Zone is a low-lying area where stormwater ponding frequently occurs. It is therefore unsuitable for further subdivision other than boundary relocations.
2. Filling of the submitters' sites has the potential to affect adjoining properties in the lower Seaton Valley.
3. It is preferable to adopt a precautionary approach towards activities, such as recontouring and filling, whose effects on the environment, neighbours and rural character are potentially adverse.
4. The Council policy is to have future urban development located out of low-lying areas that could be subject to more flooding and inundation than occurs presently.

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C22.2874.21	Mitchell, David & Judy	Allow
C22.3702.14	Friends of Mapua Wetland Inc.	Allow
<i>Allow</i>	FC22.3151.38	

Plan Amendments

Plan Topic 18.5.2.1

Add new condition 18.5.2.1(p)(iv):

"It is not filling on the land on part NL10B/1050 as notated on the planning maps."

Plan Topic 18.5.2.3

Add new condition 18.5.2.3(c):

"It is not filling on the land on part NL10B/1050 as notated on the planning maps."

Plan Topic ZM 87

Add a notation that land in the Aranui Basin is subject to condition 18.5.2.1(p)(iv).

Reasons

1. The land is low lying and subject to flooding on an annual basis.
2. Filling is likely to have an adverse effect on surrounding land.

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■ **DECISIONS AND REASONS**

Reasons

3. Alternative methods of raising floor heights, other than filling, are preferred.