

BEFORE THE HUTT CITY COUNCIL

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Private Plan Change 53: 190,
236 and 268 Stratton Street,
Normandale - Rezoning to Rural
Residential Activity Area

OPENING STATEMENT

Corinna Tessendorf

10 September 2021

1.0 OPENING STATEMENT

- 1.1 My name is Corinna Tessendorf and I am a Senior Planner at Urban Edge Planning Limited. I have over 23 years of experience in urban and regional planning, including over 12 years as a Senior Planner in New Zealand. My experience includes the preparation and processing of numerous plan changes within the Wellington Region, including a number of private plan changes within the Hutt Valley.
- 1.2 I have read, and am familiar with, the Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014).
- 1.3 The purpose of this opening statement is to provide a brief overview of the application and to summarise the findings of my Evidence in Chief.

2.0 BACKGROUND

- 2.1 The properties at 190, 236 and 268 Stratton Street in Normandale are currently zoned General Rural Activity Area under the operative City of Lower Hutt District Plan. The three subject properties, together with the adjoining property at 301 Normandale Road, are the only properties in the area that are zoned General Rural Activity Area while all other privately owned properties in the area are zoned Rural Residential.
- 2.2 The main difference between the General Rural zoning and the Rural Residential zoning is the minimum lot size standard for subdivision – 15ha in General Rural compared to 2ha in Rural Residential.
- 2.3 The private plan change request proposes the rezoning of the three properties at 190, 236 and 268 Stratton Street from General Rural Activity Area to Rural Residential Activity Area and the introduction of site specific subdivision provisions to manage the potential effects of the rezoning. The private plan change would provide for limited additional development at a rural lifestyle density level.

3.0 APPLICATION

3.1 The private plan change request is seeking the rezoning of the plan change site from General Rural Activity Area to Rural Residential Activity Area under the City of Lower Hutt District Plan. The proposal as amended also seeks the introduction of site specific provisions to the subdivision chapter.

3.2 The area proposed to be rezoned covers approximately 49.3 ha and comprises of the following three properties:

Address	Legal Description	Area
190 Stratton Street	SEC 43 Normandale Sett Blk VII D3/922	20.28ha
236 Stratton Street	LOT 1 DP 50184 20B/82	12.75ha
268 Stratton Street	LOT 2 DP 50184 20B/83	16.77ha

3.3 Originally, the private plan change was notified to rezone the site to Rural Residential Activity Area and did not include any site specific provisions. In response to issues raised in submissions the plan change has been amended and now seeks the introduction of site specific rules and standards relating to subdivision. These provisions are proposed to address specific environmental sensitivities and potential adverse effects associated with the increased development potential resulting from the proposed rezoning of the site. The proposed provisions seek to:

- Limit the number of additional lots that can be achieved as a controlled activity;
- Require vehicle access to new lots to be from Stratton Street only; and
- Ensure that any future development enabled by the rezoning is located outside of identified areas of significant indigenous biodiversity on the site.

4.0 PLAN CHANGE HISTORY

4.1 The private plan change was publicly notified on 14 January 2020 and the submission period closed on 12 February 2020. At the close of the submission period, seven submissions had been received – two submissions oppose the plan change in general and five submissions oppose the rezoning in part.

Subm. No	Name	Support / Oppose
DPC53/1	Alan and Joyanne Stevens	Oppose in part
DPC53/2	Royal Forest and Bird Protection Society of New Zealand	Oppose
DPC53/3	Karen Self	Oppose in part
DPC53/4	Matthew Willard	Oppose in part
DPC53/5	Peter and Sandra Matcham	Oppose in part
DPC53/6	Peter Matcham on behalf of Friends of Belmont Regional Park	Oppose in part
DPC53/7	Pam Guest and Peter Shaw	Oppose

4.2 The summary of submissions was made publicly available for further submissions on 17 March 2020. Three further submissions were received, all in support of original submissions.

Subm. No	Name	Support / Oppose
DPC53F/1	Alan and Joyanne Stevens	Support for DPC53/2, DPC53/3, DPC53/4, DPC53/5, DPC53/6 and DPC53/7
DPC53F/2	Royal Forest and Bird Protection Society of New Zealand	Support for DPC53/6 and DPC53/7
DPC53F/3	Peter and Sandra Matcham	Support for DPC53/1, DPC53/2, DPC53/3, DPC53/6 and DPC53/7

4.3 The key issues raised in submissions can be grouped under the following broad topics:

- Effects of the rezoning on significant indigenous biodiversity values including streams and water quality; and
- Traffic effects of additional subdivision with focus on Stratton Street and Normandale Road.

5.0 PROPOSED AMENDMENTS

5.1 Following the submission period, all the submitters were approached and a number of conversations were held attempting to address and resolve the concerns raised in submissions. The actions from this period included commissioning an ecology assessment to clarify the biodiversity values within the site and preparing a new indicative development plan that better reflected the actual development potential of the site and the intentions of the landowners. Following this, the private plan change was amended to include the following site specific subdivision provisions:

- A new set of site specific standards and terms for controlled activities in relation to allotment design that:
 - limit the number of new allotments per site;
 - require vehicle access for new lots to be from Stratton Street; and
 - require new building platforms and accessways to be located outside of identified no-development areas;
- New site specific assessment criteria for controlled activities pertaining to allotment design and earthworks;
- A new site specific discretionary rule for subdivision that does not comply with the site specific standards for allotment design (except for no-development areas);
- A new site specific assessment criterion for discretionary activities pertaining to traffic effects; and
- A new site specific non-complying rule for subdivision that does not comply with the standard for allotment design relating to no-development areas.

5.2 It is also proposed to introduce a new 'Appendix Subdivision 9' that identifies the sites that these specific provisions apply to by address and legal description and shows the extent and location of the proposed 'no-development areas'.

- 5.3 The proposed provisions respond to traffic related concerns by significantly reducing the number of new lots (from 20 to 10) and requiring vehicle access to new lots to be from Stratton Street only. They also provide additional protection for identified areas of significant biodiversity (including streams and wetlands) by requiring new building platforms and access ways to be located outside of identified no-development areas.
- 5.4 The proposed provisions were discussed with submitters and refined in response to these discussions. As a result of the proposed changes a number of submitters have withdrawn their wish to be heard in recognition that these changes address the matters raised within their respective submission.

6.0 ENVIRONMENTAL EFFECTS

- 6.1 My Evidence in Chief addresses the key environmental effects associated with the proposal.
- 6.2 Having assessed the environmental effects of the amended proposal, I consider that the proposed provisions sufficiently address and manage the environmental effects of the rezoning and therefore the effects arising from the plan change are either minor or acceptable.
- 6.3 I agree with Mr Kellow's assessment of effects associated with the proposal, and therefore I will not duplicate his assessment. I also agree with Mr Kellow's recommended change to proposed Assessment Criteria 11.2.2.3 (a) to replace the word 'native' with the word 'indigenous'.

7.0 NATIONAL POLICY STATEMENTS

- 7.1 For the reasons outlined in my evidence I consider the amended proposal to be consistent with and give effect to the relevant National Policy Statements.
- 7.2 The plan change was prepared and assessed under the National Policy Statement for Urban Development Capacity (NPS-UDC). This has since been replaced by the National Policy Statement for Urban Development 2020 (NPS-UD). The NPS-UD does not substantially change the consideration of this plan change - both policy statements focus on urban areas and seek to ensure there is sufficient land to accommodate future housing supply, while the private plan change is located in the rural area and only provides for limited additional development potential.
- 7.3 Since the lodgement of the private plan change the National Policy Statement for Freshwater Management 2020 (NPS-FM) has come into force. In summary the NPS-FM requires regional councils to identify and monitor the health of freshwater and halt or reverse any degradation. While at this stage the NPS-FM is considered to be of little direct relevance for this private plan change the proposed provisions will ensure that any potential adverse effects on freshwater bodies can be appropriately managed and therefore the proposal is consistent with the NPS-FM.

8.0 REGIONAL POLICY STATEMENT

- 8.1 For the reasons outlined in my evidence, I consider the amended proposal to be consistent with the objectives and policies of the Regional Policy Statement.

9.0 DISTRICT PLAN

- 9.1 For the reasons outlined in my evidence, I consider that the objectives and policies of the Rural Residential Activity Area are appropriate for the site and that the proposed amendments to the Subdivision Chapter will appropriately address and provide for the management of site specific issues at the time of subdivision. I also consider that the private plan change is consistent with the objectives and policies of other relevant chapters and that the existing provisions provide a robust framework to manage any potential adverse effects resulting from the rezoning.

10.0 PART 2

10.1 I consider that the amended proposal is an appropriate way of achieving the purpose of the Act for the following reasons:

- The private plan change as amended recognises and provides for the relevant matters under Section 6 of the RMA and has regard to the relevant other matters under Section 7 of the Act;
- The proposal has taken into account the principles of the Treaty of Waitangi;
- The benefits of the proposal outweigh the costs, and
- Any adverse effects of future subdivision and development can be managed appropriately through the operative provisions and the recommended amendments to the subdivision chapter of the District Plan.

11.0 CONCLUSION

11.1 For the reasons outlined above and in my Evidence in Chief, I consider that the private plan change, including the amendments recommended in response to submissions and the amendment recommended by Mr Kellow, is promoting the sustainable management of natural and physical resources and is an appropriate way of achieving the purpose of the RMA.



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