

HUTT CITY COUNCIL
PROPOSED PRIVATE PLAN CHANGE 53:
190, 236 AND 268 STRATTON STREET, NORMANDALE
REZONING TO RURAL RESIDENTIAL ACTIVITY AREA

MINUTE 4 OF INDEPENDENT HEARING PANEL

Introduction

1. Further to our previous minute (Minute 3 dated 6 September 2021), and following the adjournment of the hearing on 10 September 2021, we would firstly like to acknowledge receipt of the following two documents:
 - a. The Right of Reply (Joint Statement by C Tessendorf for the Requestor and D Kellow for HCC) dated 17 September 2021; and
 - b. The updated Ecological Assessment (Dr Sarah Herbert for the Requestor) dated 16 September 2021 which included post-hearing amendments.
2. During the course of the hearing several matters were identified by the Panel as requiring some further clarification or further assessment and it was requested that these matters would be addressed in the Right of Reply. While we did not document these in a Minute following the hearing it was understood between the hearing parties what was expected including that there would be joint statements produced – one by the two planning experts (Ms Tessendorf and Mr Kellow) and the other by the two ecology experts (Dr Herbert and Dr van Meeuwen-Dijkgraaf).
3. The Panel have read the Right of Reply and Ecological Assessment provided as mentioned above and has commenced deliberations. Through this process it has become apparent to us that there are some gaps in the information received, as opposed to what was requested at the hearing, and that some further clarification is required as a result of the Right of Reply – these information gaps/further clarifications are set out below.

Further Information/Clarifications Requested

4. **Firstly**, as discussed on pages 8 and 9 of the Right of Reply, the Requestor has offered to include the majority of the 'sliver' of vegetation type 1b in No Development Area (NDA) B. This however has not been transferred to the Map contained in Appendix Subdivision 9 which shows the NDA's. We presume this was an oversight given the stated intention in the Right of Reply. To address this, we require an amended Appendix Subdivision 9 map which includes this 'sliver' area as a NDA.
5. **Secondly**, at the hearing there was some disagreement between Dr Herbert and Dr van Meeuwen-Dijkgraaf in regards to part of Area 9 of Dr Herbert's Figure 3 'Vegetation and Habitat Types Present at 190, 236, and 268 Stratton Street, Normandale, Lower Hutt'. The disagreement was whether or not this area (or part of the area) met the criteria of Policy 23 of the RPS and therefore should or should not be included in NDA D. To resolve this the Panel asked Dr Herbert and Dr van Meeuwen-Dijkgraaf to collectively visit and assess the said area and produce a joint statement as to their findings including any areas of disagreements.
6. As mentioned above, Dr Herbert has updated her Ecological Assessment by including her assessment about the area; ultimately concluding that in her professional opinion it does not meet the criteria of RPS Policy 23 and therefore should not be included in NDA D. What is not clear to the Panel is whether or not Dr van Meeuwen-Dijkgraaf agrees with Dr

Herbert's response as no joint statement has been produced as requested at the hearing. In other words, it is not clear to us whether the absence of Dr van Meeuwen-Dijkgraaf's view on this matter constitutes agreement or whether she maintains her original position. If the latter, we would be interested in knowing Dr van Meeuwen-Dijkgraaf's areas of contention with Dr Herbert's revised/updated Ecological Assessment on this specific matter. In addition, and in the event that Dr van Meeuwen-Dijkgraaf does have a different view, we wish to provide the opportunity for the planners for both the Requestor and the Council (Ms Tessendorf and Mr Kellow) to confer if they wish to, and in the event that they do, whether they are able to advise us of any planning/policy based resolution to the potential contested issue.

7. **Thirdly**, in regards to the wording of the NDA provisions – and in respect to Amendment 1 of the Standards and Terms 11.2.2.1 (which are detailed on page 4 of the Right of Reply) - we note that the wording '*the location of all building platforms for dwellings and related main access ways must be identified at the subdivision stage and registered on the certificate of title by way of consent notice*' has been deleted. We acknowledge the further clarification that has been offered for the NDA's however we consider that there may be some merit in retaining these words as they would perhaps be helpful in determining compliance with the Controlled Activity Standards. In this respect, we request that Ms Tessendorf and Mr Kellow please provide comment as to whether it would be helpful to reinstate this wording for compliance, or if not, the reasons why it is considered appropriate that they are deleted.

Next Steps/Timeframes

8. The response to all three matters above is required by no later than **30 September 2021**. To the extent that the second matter may also require Ms Tessendorf and Mr Kellow to respond to Dr van Meeuwen-Dijkgraaf's position, it may mean that the latter will need to deliver her response to the two planners prior to that date. To be clear we are not inviting further rebuttal by Dr Herbert on Dr van Meeuwen-Dijkgraaf's ultimate response, but should the two ecologists consider there is merit in a joint statement (as originally requested) then that is acceptable and may (depending the position reached) negate the need for the planners to assist in the way we have invited them to.
9. As usual, any queries should be directed to the HCC hearing administrator, Asha Surrey, She can be reached at Asha.Surrey@huttcity.govt.nz

DATED this 23rd day of September 2021



DJ McMahon
Chair - Independent Hearings Panel

For and on behalf of:
Commissioner EA Burge
Councillor Simon Edwards