

OFFICER'S REPORT FOR: Independent Commissioners

SUBJECT: Proposed Private District Plan Change 53 – Rezoning of land at 190, 236 and 268 Stratton Street from General Rural Activity Area to Rural Residential Activity Area with site specific provisions.

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Hutt City Council

REPORT DATE: 26 August 2021

HEARING: 10 September 2021

EXECUTIVE SUMMARY

On 8 November 2019, Urban Edge Planning Ltd formally requested a change to the City of Lower Hutt District Plan. At its 10 December 2019 meeting, Hutt City Council ('Council') resolved to accept the plan change request and instructed officers to commence the plan change process for a private plan change, as set out in the First Schedule of the Resource Management Act 1991 ('the RMA').

In brief, the private plan change as originally requested and subsequently amended in response to submissions proposes to:

- Change the zoning of 190, 236 and 268 Stratton Street from General Rural Activity Area to Rural Residential Activity Area*
- Introduce site specific rules in the Subdivision Chapter that allow for Controlled Activity subdivisions if there is compliance with site specific Standards and Terms*
- Introduce site specific rules that that make subdivision proposals that do not comply with the site specific Standards and Terms (except in relation to No-Development Areas) a Discretionary Activity*
- Identify No-Development Areas within which accessways or building platforms would be a Non-Complying Activity*
- No changes to the objectives or policies are proposed*
- Introduce site specific assessment criteria*
- No change to the Rural Residential Activity Area Chapter is proposed*

The private plan change request contains expert assessment on Transportation and Ecological Effects.

The proposed private plan change request was notified on 14 January 2020, with submissions closing on 12 February 2020.

The summary of submissions was notified on 17 March 2020, with further submissions closing on 31 March 2020.

A total of 7 original submissions and 3 further submissions were received.

The following report contains my overall analysis of Private Plan Change 53 in terms of:

- The plan change documentation, including all accompanying expert reports;*
- The submissions and further submissions on the plan change;*
- Expert reports commissioned by the Council;*
- The Policy Framework;*
- Section 32 of the RMA;*
- Part 2 of the RMA.*

Primary Issues

From my analysis of the Private Plan Change and the submissions received the following have been raised as the key issues of relevance to the Plan Change.

- 1. The appropriateness of rezoning the land from General Rural to Rural Residential Activity Area;*
- 2. The identification and management of No-Development Areas;*
- 3. The environmental effects resulting from the Plan Change;*
 - a. Amenity and character related effects*
 - b. Traffic*
 - c. Ecology*
 - d. Hazards*
 - e. Landscape and natural character*
 - f. Infrastructure*
 - g. Tangata whenua matters;*
- 5. The policy framework of the Private Plan Change; and in particular:*
 - a. The site specific limitation on the number of allotments*
 - b. Scheduling sites and activity status*
 - c. The assessment criteria*
- 6. The appropriateness and consistency with the Planning Framework;*
- 7. Section 32;*
- 8. The appropriateness in achieving the purpose of Part 2 of the RMA.*

Recommendations

On the basis of this report it is my recommendation, prior to hearing from the submitters, that Private Plan Change 53 as lodged but subsequently amended by Urban Edge Planning Ltd be approved without one minor wording amendment. I consider that the provisions are appropriate to achieve the objectives of the District Plan and the purpose of the RMA.

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Abbreviations

This report utilises a number of abbreviations for brevity's sake as set out in the glossary below:

Abbreviation Meaning

the Act	The Resource Management Act 1991
the Council	Hutt City Council
GWRC	Greater Wellington City Council
HCC	Hutt City Council
The District Plan	City of Lower Hutt District Plan
LTP	Hutt City Long Term Plan
NPS	National Policy Statement
RMA	Resource Management Act 1991
s32 and s32AA	Sections 32 and 32AA of the Resource Management Act 1991
UGS	Hutt City Urban Growth Strategy 2012 – 2032

1 Purpose of Report

- (1) The purpose of this report is to:
 - (a) provide the context and background to Private Plan Change 53 (PPC53) including the statutory framework relevant for considering a request for a private plan change;
 - (b) summarise the public submission process that has occurred for Private Plan Change 53;
 - (c) provide an analysis of Private Plan Change 53 against the statutory framework, including the submissions and further submissions received; and
 - (d) seek the Hearing Panel's recommended decision on Private Plan Change 53 to the District Plan.

2 Introductory Statement

- (2) My name is Dan Kellow and I am a sole practitioner, trading as Kellow Environmental Planning.
- (3) I have been engaged by Lower Hutt City Council (the Council) to provide planning evidence and recommendations on Private Plan Change 53. I am familiar with the site and the surrounding area.
- (4) I have 20 years' experience in land use planning, regulatory and policy, spending most of that time within local government.
- (5) I have visited the site and am familiar with the surrounding area. I have been involved in the plan change process since the close of further submissions.
- (6) Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the hearing committee. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- (7) I have specifically relied on the expertise of the following people:
 - David Wanty – Director/Principal, Wanty Transportation Consultancy Ltd.
 - Dr Astrid van Meeuwen-Dijkgraaf, Terrestrial Ecology Lead, Cardno Ltd.

3 Background

- (8) A request for a Private Plan Change (PPC) was submitted by Urban Edge Planning Limited on behalf of Judy and Neville Bannister on 8 November 2019.
- (9) The request was accepted by the Council and the request was notified 14 January 2020. During 2020 and 2021 the proposal was on hold for several months at the applicant's request following submissions.

3.1 Overview of the Private Plan Change

- (10) In brief, PPC53 as originally requested and subsequently amended in response to submissions seeks to:

- Change the zoning of 190, 236 and 268 Stratton Street from General Rural Activity Area to Rural Residential Activity Area
 - Require resource consent with a Controlled Activity status for any subdivision proposal that complies with site specific Standards and Terms relating to Minimum Allotment size, Minimum Frontage, Shape factor, Number of Allotments, Access, No-Development Areas and Other.
 - Require resource consent with a Discretionary Activity status for any subdivision that fails to comply with the Standards and Terms with the exception of No-Development Areas as identified on a plan contained within proposed Appendix Subdivision 9.
 - Require resource consent with a Non-Complying activity status for any subdivision that proposes an accessway or building site within a 'No-Development Area' as identified on a plan contained within proposed Appendix Subdivision 9.
 - Introduce new assessment criteria for consideration when assessing a subdivision proposal on the site.
- (11) The primary reason for the plan change is that the requestor considers the land in question would better meet the purpose of the RMA 1991 and would provide for additional development potential while aligning with the character of the surrounding area if it were zoned Rural Residential Activity Area.

3.2 Report Structure

- (12) Attached as appendices to this report are:
- Appendix 1 – Summary of submissions and further submissions
 - Appendix 2 – Council Transport peer review
 - Appendix 3 – Operative Freshwater Plan and Soil Plan Objectives and Policies
 - Appendix 4 – PNRP Objectives and Policies
 - Appendix 5 – Relevant Regional Plans – Freshwater, Soil and PNRP
 - Appendix 5 – District Plan Objectives and Policies
 - Appendix 6 – Assessment by Astrid van Meeuwen-Dijkgraaf - Ecology
 - Appendix 7 – Recommendations on Submission Points

4 Site and Surroundings

- (13) The application accurately describes the site as follows:

The land subject to this proposed Plan Change is located in the Western Hills, in Normandale, Lower Hutt. It comprises an area of approximately 49.8ha, across three separate allotments:

- 190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – 20.28ha
- 236 Stratton Street (LOT 1 DP 50184 20B/82) – 12.75 ha
- 268 Stratton Street (LOT 2 DP 50184 20B/83) – 16.77ha

All three properties contain an existing dwelling and several detached accessory buildings. The sites are characterised by low density, rural use and development.

All three properties are accessed from Stratton Street and are generally sloping upwards from Stratton Street (west to east), with the high point lying to the east of the properties. Overall the sites are characterised by a mostly rolling modulation with some steeper parts, particularly around gullies and small waterbodies on the sites. Council's Productive Soil Maps do confirm that there is no highly productive Class I or II land in the Western Hills.

...

Currently vegetation on the sites has partially been cleared and while other parts of the sites are covered in forest and regenerating vegetation. Based on site visits and analysis of aerials of the sites there appear to be two small streams on the site. Both appear to be intermittent or ephemeral streams. Hutt City Council's earliest aerial photographs of this area are from 2003 so there is limited information on earlier uses or clearances.¹

- (14) The site is within the General Rural Activity Area and there is a district plan Significant Natural Resource (SNR 38 – Normandale Road Bush) overlay on 190 and 236 Stratton Street. The district plans rules relating to SNR's on private land only had effect until 31 December 2005. There are no other district plan overlays and the site does not appear on the Greater Wellington Regional Council register of contaminated sites.
- (15) The 25-hectare site adjoining to the south is 122 Stratton Street which is a reserve owned by Hutt City Council. The site is zoned General Recreation Activity Area.
- (16) The adjoining site to the east of no. 190 and no. 236 is 301 Normandale Road which is a 3.23-hectare site within the General Rural Activity Area.
- (17) To the immediate east of no's 236 and 268 is legal road sometimes referred to as Old Coach Road. The section of road adjacent to the boundary with no. 236 and no. 268 is formed to a single lane width though unsealed with access prevented by a locked gate south of where no. 236's boundary abuts the road. Accordingly, there is no motor vehicle access to these sites from the road currently. The road is included in the District Plan's 'Significant Natural, Cultural and Archaeological Resources' chapter with the site included within the list of 'Sites of Significance to European Culture'. The road is used by people heading to Belmont Regional Park on foot and by bike etc. Beyond Old Coach Road to the east are numerous sites within the Rural Residential Activity Area that are accessed from Normandale Road, Sweetacres Drive and Crestview Grove.
- (18) The site to the north of no. 268 and to the west of all three sites is 282 Stratton Street which is owned by Greater Wellington Regional Council and it is part of Belmont Regional Park. The site is zoned General Recreation Activity Area. Also, to the west across Stratton Street are two smaller Rural Residential zoned sites at 177 and 201 Stratton Street. These sites are 2 and 2.05 hectares respectively.
- (19) Beyond the adjacent site to the south is an area of Rural Residential zoned sites accessed from Stratton Street, Cottle Park Drive and Normandale Road.

¹ Paragraphs 18, 19, 20 and 22 on pages 17 and 18 of the DPC application.

5 Public Consultation Process

(20) PPC53 was publicly notified on 14 January 2020. Seven submissions were received before submissions closed on 12 February 2020. A summary of submissions was notified on 17 March 2020 and three further submissions were received before the closing date of 31 March 2020.

(21) The seven submitters are:

DPC53/1	Alan and Joyanne Stevens
DPC53/2	Royal Forest and Bird Protection Society of New Zealand Inc
DPC53/3	Karen Self
DPC53/4	Matthew Willard
DPC53/5	Peter and Sandra Matcham
DPC53/6	Friends of Belmont Regional Park
DPC53/7	Pam Guest and Peter Shaw

(22) The three further submitters are:

DPC53F/1	Alan and Joyanne Stevens
DPC53F/2	Royal Forest and Bird Protection Society of New Zealand Inc
DPC53F/3	Peter and Sandra Matcham

(23) A summary of the submissions and further submissions are included within Appendix 1.

(24) Of the submissions received:

- One is opposed with six not stating whether they oppose or support.

Of the three further submissions received:

- One supports all of the other submissions
- One supports two submissions where they do not conflict from the submitter
- One supports four of the submissions and supports in part one of the submissions.

6 Statutory Framework

(25) Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b), Part 2 of the First Schedule applies.

(26) In making its decision, Clause 29 of the First Schedule of the RMA states that:

“29 Procedure under this Part

(1) Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).

(1A) Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person’s right to make a submission is limited by subclause (1B)

(1B) A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

(2) The local authority shall send copies of all submissions on the plan or change to the person who made the request.

(3) The person who made the request has the right to appear before the local authority under clause 8B.

(4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—

(a) may decline, approve, or approve with modifications the plan or change; and

(b) must give reasons for its decision.

(5) In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.

(6) The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.

(7) Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.

(8) Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.

(8A) If the decision to change a plan is subject to the grant of an application to exchange recreation reserve land under [section 15AA](#) of the Reserves Act 1977, the local authority must advise the person who requested the plan change that—

(a) the plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and

(b) the decision on the exchange will be made under the [Reserves Act 1977](#) after the time allowed for appeals against the decision on the plan change has expired and any appeals have been completed.

- (9) *With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.”*
- (27) Under this clause, because the plan change is a private request, Council is able to, and is obliged to, consider PPC 53 in its entirety and is not restricted to considering just those matters raised in submissions. The reason for this difference from Council initiated plan changes is that a private plan change is not a Council agreed position. There is also no legal requirement for the Council to respond to submissions directly as a result (clause 29(4) vs clause 10) although the submissions received are a relevant matter for the Council to consider as part of the decision making process.
- (28) After reaching a decision, Council must publicly notify the decision. Public notice of Council’s decision will be given as soon as practicable, following completion of all administrative tasks.

7 Matters to be considered by the Council

- (29) Section 74 of the RMA states that the Council shall prepare and change the District Plan in accordance with its functions under s31, the provisions of Part 2 and its duty under s32.
- (30) Under s74, when preparing or changing a plan, a territorial authority is required to have regard to:

“(b) any –

(i) management plans and strategies prepared under other Acts,”

I consider the Hutt City Council Urban Growth Strategy 2012 - 2032 is relevant which was prepared under the Local Government Act.

- (31) Under s74 (2A) a territorial authority:
- “must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region”.*

There are no relevant iwi management plans.

- (32) Section 75 (3) of the RMA requires that district plans must give effect to –

“(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(ba) a national planning standard

(c) any regional policy statement”

and under s75 (4), district plans must not be inconsistent with –

“(b) a regional plan for any matter specified in section 30(1)”.

- (33) The decision in Long Bay-Okura Great Parks Society Incorporated v North Shore City Council (Decision A 078/2008), and amended in High Country Rosehip Orchards Ltd and Ors v Mackenzie DC ([2011] NZEnvC 387) at pages 17-18

reflects the changes made by the Resource Management Amendment Act 2005 and sets out the mandatory requirements for district plan (changes) as being:

A. General requirements

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
 - (a) *have regard to any proposed regional policy statement;*
 - (b) *give effect to any operative regional policy statement;*
 - (c) *have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities*
4. *In relation to regional plans:*
 - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
 - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
5. *When preparing its district plan (change) the territorial authority must also:*
 - *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
 - *take into account any relevant planning document recognised by an iwi authority; and*
 - *not have regard to trade competition;*
6. *The district plan (change) must be prepared in accordance with any regulation and any direction given by the Minister for the Environment.*
7. *The requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

B. Objectives [the section 32 test for objectives]

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
10. *Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:*
 - (a) *identifying other reasonably practicable options for achieving the objectives; and*

- (b) *assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:*
 - (i) *identifying, assessing and quantifying (where practicable) the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment; and*
 - (ii) *assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and*
- (c) *if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.*

D. Rules

- 11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*
- 12. *There are special provisions for rules about contaminated land.*
- 13. *There must be no blanket rules about felling of trees in any urban environment.*

E. Other statutes

- 14. *Finally territorial authorities may be required to comply with other statutes.”*
- (34) The above summary has been amended to also reflect the 2013 amendment to the RMA.

8 District Plan Review - context of the private plan change request

- (35) The assessment of the private plan change request has taken into account the timing of the request which influences the analysis and conclusions that follow.
- (36) Hutt City Council is currently undertaking a full district plan review so this will include Chapter 8 Rural and Chapter 11 Subdivision.
- (37) The application site includes areas that meet the RPS Policy 23 criteria for ecological significance. In 2018 council officers had proposed a draft plan change to give effect to the RPS objectives and policies related to areas of ecological significance (also known as significant natural areas). The Council chose to not proceed with the draft plan change which include regulatory measures and opted for a continuation of the non-regulatory measures. Non-regulatory measures are continuing to be implemented, including the Biodiversity Incentives Fund, for landowners to undertake works to protect biodiversity.
- (38) The National Policy Statement on Indigenous Biodiversity (NPS-IB) is expected to be gazetted at the end of 2021. The NPS-IB is expected to be directive and will have to be given effect to through the District Plan Review.
- (39) In addition, Chapter 8 Rural was prepared before the RPS came into effect and is likely to be updated to give effect to the RPS and other higher order documents. Given that the district plan review is underway it is not considered necessary or appropriate to develop updated site-specific provisions for this site within the Rural Residential Chapter in relation to these broader matters. The applicant has not proposed to change any provisions within the Rural Residential Chapter.

9 Part 2 and Section 32 of the Act

- (40) Part 2 (sections 5 – 8) of the Act states the purpose and principles of the RMA. Part 2 is overarching and the assessments under other sections of the Act are subject to it. In order to approve the request, the hearings panel must be able to conclude that the request will promote the sustainable management of natural and physical resources.

Section 5

- (41) The purpose of the Act is to “*promote the sustainable management of natural and physical resources*”. Sustainable management is defined under the Act as:
- “Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while [my emphasis]–*
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment”.*
- (42) The Operative Hutt District Plan (the District Plan) was developed under the Act and meets its purpose. The Council is required to ensure that all proposed changes to the Plan will also result in outcomes that meet the purpose of the Act.

Section 6 – Matters of National Importance

- (43) Section 6 sets out a number of matters of national importance to be recognised and provided for. Of these, I consider the following are relevant:
- “(b) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (44) Whether the proposal has recognised and provided for these matters is addressed in this report.

Section 7 – Other Matters

- (45) Section 7 of the Act sets out a number of other matters that must be had particular regard to. Of these, I consider the following are relevant:
- “(b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment.”*
- (46) Whether the proposal has particular regard to these matters is addressed in this report.

Section 8 – Treaty of Waitangi

- (47) Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.

- (48) I note that neither Ngati Toa nor Port Nicholson Block Settlement Trust have submitted on the application.

Section 32 – Consideration of Appropriateness

- (49) Section 32 of the Act requires the Council to evaluate the proposed change and decide whether it is necessary and the most appropriate way to achieve the purpose of the Act, and, whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives of the Plan.
- (50) In particular, section 32(1) requires that, before the Council publicly notifies a proposed district plan, it must:
- “(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions;”*
- (51) The evaluation report must also contain a level of detail that
- “(c) corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”*
- (52) When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan change the report must under s32(2):
- “(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.”*
- (53) Where a plan change proposes to amend a District Plan, the examination under s32(3)(b) must relate to:
- “(a) The provisions and objectives of the amending proposal; and*
 - (b) The objectives of the existing proposal to the extent that those objectives –*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.”*

In the above, the term “existing proposal” refers to the existing plan provisions.

(54) The requestor submitted a section 32 evaluation as part of the request and on 18 August 2021 provided further evaluation in relation to the amended plan change under s32AA.

(55) The Council is required to undertake a further evaluation of the plan change in accordance with s32AA before making a decision under clause 29(4) of Schedule 1 of the RMA. S32AA is set out below:

“(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the ... decision on the proposal, is publicly notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).”

(56) In this instance, the requestor has changed the request post lodgement of the plan change request and has provided a s32AA evaluation which this s42A report takes into account.

(57) This s42A report sets out my evaluation of the request and includes consideration of:

- The matters raised in submissions;
- The Council expert evidence commissioned as part of the assessment of the request; and
- The wider statutory and non-statutory policy framework.

(58) These are addressed in sections 10.0 – 12.0 following.

10 Form of the Proposed Plan Change

(59) The request originally proposed to only amend the planning maps changing the zoning of 190, 236 and 268 Stratton Street from General Rural Activity Area to Rural Residential Activity Area. Following the close of submissions the applicant has amended the proposal which now includes amendments to the rule framework and identification of No Development Areas.. The plan change request is as follows.

- A. Change the zoning from General Rural Activity Area to Rural Residential Activity Area.

- B. Schedule the area of the plan change within an appendix to the Subdivision Chapter – ‘Appendix Subdivision 9’ which includes a plan showing No-Development Areas.
- C. Introduce criteria to the Standards and Terms (11.2.2.1 (a)) that relates to the land within Appendix Subdivision 9 as follows:
- *Minimum size of allotment: 2 ha*
 - *Minimum Frontage: 100m for front allotments. 6m for rear allotments.*
 - *Shape Factor: All allotments must be able to contain a rectangle measuring 30m by 20m. Such a rectangle must be clear of any yard or right of way and have a suitable building platform.*
 - *Number of Allotments: The maximum number of allotments per site after subdivision shall be limited to:*
 - *190 Stratton Street (SEC 43 Normandale Sett Blk VII D3/922) – no more than 6 rural residential allotments*
 - *236 Stratton Street (LOT 1 DP 50184 20B/82) – no more than 3 rural residential allotments*
 - *268 Stratton Street (LOT 2 DP 50184 20B/83) – no more than 4 rural residential allotments.*
 - *Access: Vehicle access to all new allotments must be from Stratton Street.*
 - *No-development Areas: All new building platforms and related access ways must be located outside the no-development areas identified in Appendix Subdivision 9.*
The location of all dwellings and related access ways must be identified at the subdivision stage and registered on the certificate of title by way of consent notice.
 - *Other: Compliance with the permitted activity conditions of the activity area.*
- D. Introduce new site-specific Controlled Activity Assessment Criteria to 11.2.2.3 (a) Allotment Design as follows:
- *For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to avoid or minimise the need for native vegetation clearance and earthworks within the identified no-development areas and to ensure that access to all new allotments is provided from Stratton Street only.*
- E. Introduce new site-specific Controlled Activity Assessment Criteria to 11.2.2.3 (b) Engineering Design as follows:
- ...
- (viii) *Earthworks*

...

For the land identified in Appendix Subdivision 9, in addition to the above, a sediment and erosion control plan must be prepared to manage the potential effects of earthworks on streams and identified wetlands on the site.

- F. Amend 11.2.4 (Discretionary Activity) by adding the following:
- (m) *Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to Minimum Size of Allotment, Minimum Frontage, Shape Factor, Number of Allotments, Access and Other but excluding No-Development Areas.*
- G. Introduce a site specific Assessment Criteria to 11.2.4.1 Assessment Criteria for Discretionary Activities as follows
- (f) *For the land identified in Appendix Subdivision 9, where the subdivision does not comply with the maximum Number of Allotments, the effects on the existing roading network.*
- H. Amend 11.2.5 (Non-Complying Activities) by adding the following:
- (c) *Any subdivision of the land identified in Appendix Subdivision 9 that does not comply with the standards and terms for controlled activity under Rule 11.2.2.1 in respect of (a) Allotment Design relating to No-Development Areas.*

11 Matters raised in submissions and for evaluation

- (60) It is unclear when assessing a proposed private plan change, whether the Council has an obligation under clause 29(4) to make decisions on submissions. I consider it is appropriate and necessary to consider the matters raised in submissions. I note that under clause 29(6), any person who made a submission has a right of appeal to the Environment Court.
- (61) Since the close of further submissions the applicant has been in contact with submitters to address and resolve the matters raised in submissions. In addition, to address comments from Council experts, further information has been provided in relation to ecological matters.
- (62) As outlined in paragraph 59 the application has been substantially amended following submissions. Throughout the process of amending the proposal submitters were made aware of the changes by the applicant. Hutt City Council confirmed what was at that stage the final form of the plan change to submitters on 13 August 2021 however the proposal was amended again after this date. Submitters were informed of revised final plan change on 26 August 2021. At the time of writing this report no submissions had been withdrawn in response to the amended application. Correspondence had been received from Pam Guest and Peter Shaw, who made a joint submission, who stated their *"...support for the strategic position reached during informal meetings to protect indigenous biodiversity across the properties subject to plan change, using defined 'no*

development' areas supported by a non-complying activity rule, along with limits of lot numbers."

- (63) The submissions in general terms covered:
- A. Transport, access to the site and road safety
 - B. Adequacy and accuracy of the application
 - C. Ecology
 - D. Impact on streams

12 Relevant Policy Framework

- (64) The City of Lower Hutt District Plan sits within a wider framework of both statutory and non-statutory policy documents, which are set out below.

12.1 National Policy Statements

- (65) Under s74(1)(ea) of the RMA, Council must prepare and change the District Plan in accordance with national policy statements. In addition, under s75(3)(a) of the RMA, a district plan must give effect to any national policy statement.

National Policy Statement on Urban Development 2020 (NPS-UD)

- (66) The NPS-UD is focused on having well-functioning urban environments and Hutt City Council is a Tier 1 urban environment and Tier 1 local authority². The proposed plan change was lodged prior to the NPS-UD having effect (20 August 2020) and therefore the application did not consider the NPS-UD although the now redundant National Policy Statement on Urban Development Capacity was considered.
- (67) The NPS-UD requires local authorities to provide sufficient development capacity to meet the demand for housing in the short, medium and long term as well as enabling development as set out in the NPS-UD.
- (68) The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. District Plans must make room for growth both 'up' and 'out' and rules should not unnecessarily constrain growth.
- (69) As a Tier 1 local authority Hutt City Council must develop and implement a Future Development Strategy, in accordance with the direction of the NPS-UD.
- (70) A Future Development Strategy has not yet been developed so it is not known whether the area subject to the plan change request would be identified as an area for future development. Given the site is not serviced with three waters, the roading is below the standard required in residential areas and the site is not connected to a Residential Activity Area it appears unlikely that the site would be identified as a future development area.
- (71) For the proposed Plan Change (and other private plan change requests) Policy 8 of the NPS-UD is a relevant consideration. It states:

² NPS UD Appendix: Tier 1 and tier 2 urban environments and local authorities.

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release.

- (72) The proposal will not significantly add to the development capacity but it will add some capacity. Overall, the plan change is considered to consistent and certainly not contrary to the NPS-UD.

Draft National Policy Statement for Indigenous Biodiversity (NPS-IB)

- (73) At the time of writing this report the proposed NPS-IB remains a proposal with the end of 2021 being when the NPS-IB is expected to be gazetted. While it is an indication of central government future intentions for areas of significant indigenous biodiversity, the proposed plan change is not required to give effect to the document in the same way it needs to give effect to NPS's that are already in effect.
- (74) In relation to the current district plan review, I understand the approach for indigenous biodiversity will not be developed until the NPS-IB is gazetted.
- (75) Despite the above I consider that the Plan Change is likely to be consistent with the proposed NPS-IB to the extent that areas of significant indigenous vegetation and significant habitats of indigenous fauna have been identified within the plan change site and subdivisions that propose building platforms or access ways within these areas require resource consent with a Non-Complying activity status.

National Policy Statement for Freshwater Management (NPS-FM)

- (76) The NPS-FM largely requires actions by regional councils due to their responsibilities in freshwater management. The NPS-FM includes a fundamental concept, Te Mana o te Wai, that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. Section 3.4 of the NPS-FM sets out that local authorities must actively involve tangata whenua in freshwater management.
- (77) Stormwater management is a matter that should be considered for the proposed Plan Change but the National Policy Statement for Freshwater Management ('NPS-FM') is not relevant for the proposed Plan Change as it only gives direction to regional councils, regional policy statements and regional plans, and not to territorial authorities and district plans.
- (78) Residential development for the land the subject of this plan change will be required to supply their own water supply and dispose of stormwater on site. The low number of future allotments and low density will mean there is likely to be a very low potential impact on freshwater in this catchment.

12.2 National Environmental Standards

- (79) I consider the National Environmental Standard for Freshwater is relevant to this site. There are two wetlands on the site and the NES Freshwater includes rules in relation to earthworks and vegetation clearance within 10m of a natural wetland as well as rules relating to taking, use, damming, diversion or discharge of water within 100m setback from a natural wetland. There are also rules in relation to draining a natural wetland. The rules within a NES override any regional or district rules

(unless they are more restrictive). Accordingly, development on this site will have to take into account the NES Freshwater.

12.3 Regional Policy Statement

- (80) Under Section 75(3)(c) of the Resource Management Act 1991 a District Plan must give effect to any Regional Policy Statement.
- (81) The purpose of a regional policy statement (from s59 of the RMA) is:
“to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”
- (82) The Regional Policy Statement for the Wellington Region (RPS) became operative on 24 April 2013 and postdates the District Plan. In this respect, there are some outcomes anticipated in the RPS objectives and some direction in the RPS policies that have not been subject to subsequent District Plan changes.
- (83) While a full review of the District Plan is underway, which will allow the opportunity for a comprehensive implementation of the RPS, there remains a need for the provisions of PC53 to give effect to the RPS. However, given that there is a full plan review underway, which includes reviewing the Rural Residential Activity Area provisions, it is not considered necessary to propose changes to the Rural Residential Activity Area provisions that apply to this site as part of this plan change. The full plan review will include releasing a draft plan followed by a proposed plan so the public will be able to have input into the review and the outcome of this process, rather than PPC53, is considered to be the best time to review the Rural Residential provisions.
- (84) In relation to RPS objectives and policies relating to significant biodiversity values it is noted that in 2018 Council decided to not advance what was known as Plan Change 46 which dealt with ecosites and landscape areas. Hutt City Council's decision was to not introduce any district plan regulatory provisions in relation to sites of significant biodiversity values and opted instead to use non regulatory methods. Despite this decision the RPS objectives and policies in relation to significant biodiversity values still need to be considered for each plan change.
- (85) In that respect, there are aspects of the RPS which are in the form of regulatory direction to the Council to include specific provisions in the District Plan (for example in RPS Policies 1, 23 and 24) and there are other aspects of the RPS to be considered in the interim period when a Plan Change is being determined (for example in RPS Policies 47 and 60).
- (86) I set out the relevant RPS provisions below.
Freshwater
- (87) Objective 12 is the relevant objective from Chapter 3.4:
“The quantity and quality of fresh water:
(a) meet the range of uses and values for which water is required;
(b) safeguard the life supporting capacity of water bodies; and
(c) meet the reasonably foreseeable needs of future generations.”

- (88) I set out the relevant policies from Chapter 3.4 below:
- *Policy 15: Minimising the effects of earthworks and vegetation clearance – district and regional plans*
 - *Policy 40: Safeguarding aquatic ecosystem health in water bodies – consideration*
 - *Policy 41: Minimising the effects of earthworks and vegetation disturbance – consideration*
 - *Policy 42: Minimising contamination in stormwater from development – consideration*
 - *Policy 43: Protecting aquatic ecological function of water bodies – consideration*
- (89) The s32 Evaluation Report assessed the plan change against policies 40, 42 and 43. In relation to policy 15, the Operative District Plan contains earthworks rules which permit 50m³ of earthworks with cut or fill up to 1.2m in height before resource consent is required. The thresholds are the same for the General Rural and Rural Residential provisions.. Proposals which include earthworks that trigger the need for consent typically have conditions imposed that require control of sediment and accordingly the current district plan provisions are considered to meet Policy 15. The additional assessment criteria that the plan change proposes will ensure earthworks associated with subdivisions must include a sediment and control plan to manage the effects of earthworks on streams and wetlands.
- (90) Policy 15 requires policies, rules and or/methods that control vegetation disturbance to minimise erosion and silt and sediment runoff clearance. As stated earlier, Hutt City Council has relatively recently (2018) decided to not progress Plan Change 46 the intent of which included management of vegetation which has significant biodiversity values. In addition, with the NPS-IB expected to be gazetted this year it is considered appropriate to not develop vegetation management provisions, which could assist in meeting Policy 15, as part of this plan change, for this part of the Rural Residential Activity Area in advance of the work that will be undertaken to give effect to the NPS-IB that will apply to the entire Rural Residential Activity Area.
- (91) Policy 41 provides for the consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by district plans in accordance with Policy 15. Plan controls are in place for earthworks as discussed above. Policy 41 would still be taken account of when assessing a subdivision proposal despite the current lack of vegetation clearance rules. For example, during the assessment of a subdivision proposal that required the removal of exotic vegetation in order to create an access way the potential erosion and silt and sediment effects would be considered and consent conditions imposed if considered necessary.
- (92) The explanation to Policy 40 sets out how this policy could be implemented and this includes but is not limited to implementing measures such as setback distances between buildings and limiting impervious surfaces. The Rural Residential provisions already include setback standards from water bodies. The review of the District Plan will consider whether the Rural Residential provisions give effect to Policies 40 - 43.
- (93) Works within the site that seek to alter a watercourse will require resource consent from Greater Wellington Regional Council with the effects considered through that process.

- (94) Accordingly, the proposed plan change is considered to meet Objective 12.

Indigenous Ecosystems

- (95) Objective 16 is the relevant objective from Chapter 3.6:

“Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.”

- (96) I set out the relevant policies from Chapter 3.6 below:

Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

- (97) As already discussed, Hutt City Council has considered RPS Objective 16 via Plan Change 46 and decided to continue to use non-regulatory methods to achieve this objective and implement these policies. The proposed provisions in the amended plan change would require an assessment of any subdivision proposal that included land within a No-Development Area to consider whether the subdivision will result in an activity that may affect an area that has significant biodiversity values using the RPS Policy 47 interim assessment framework. Through this assessment process, measures to avoid, remedy or mitigate the effects on the biodiversity values would be considered. These measures could include a consent notice or covenant protecting the area of biodiversity value.
- (98) The impending release of the NPS-IB will require a review of the district plan provisions and that review is considered the appropriate time to decide how the district plan manages ecosystems and habitats with significant biodiversity values across the entire district.
- (99) Notwithstanding the above my assessment of PC53 is that it does manage the effects of accessways and building platforms on areas within the site that have been identified via the applicants Ecological Impact Assessment as having significant biodiversity values. The Ecological Impact Assessment has been peer reviewed by Astrid van Meeuwen-Dijkgraaf³ who is in general agreement with the areas identified although there were some questions around a few areas of vegetation included and excluded from the ‘No-Development Areas’ plan. Clarification of this matter is anticipated to be provided by the applicant before or during the plan change hearing.
- (100) In relation to the ‘No-Development Areas’, if an application to subdivide was made that included a building site or accessway within any of the ‘No-Development Areas’ then an assessment of the appropriateness of the proposal would be made using the RPS Policy 47 matters of consideration as an interim assessment framework. The Non-Complying activity status of such a proposal would allow the consideration of RPS Policy 47 until the District Plan has included policies, rules and methods to protect indigenous ecosystems. Accordingly, the proposed plan change, in relation to subdivision, is considered to meet Objective 16 for this site.

Natural Hazards

³ Astrid van Meeuwen-Dijkgraaf peer review is contained in Appendix 6

- (101) Objectives 19 and 21 are the relevant objectives from Chapter 3.8:
- Objective 19 - *“The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.”*
- Objective 21 – *“Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.”*
- (102) I set out the relevant policies from Chapter 3.6 below:
- Policy 29 - Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.*
- Policy 51 - Minimising the risks and consequences of natural hazards.*
- (103) The site is not identified as being within an area at high risk of natural hazards. The site is sloping so there is the potential for land instability however much of the site is not overly steep and any development that triggered the need for resource consent for earthworks as part of a subdivision or as land use activity will be assessed at that time with land stability being a relevant consideration.
- (104) On the basis of the above it is considered that the proposed Plan Change is consistent with these objectives and policy of the Regional Policy Statement.
- Regional Form, Design and Function*
- (105) Objective 22 is the relevant objective from Chapter 3.9. The relevant sections are shown below.
- A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*
- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region’s existing urban form;*
 - (f) strategically planned rural development;*
 - (g) a range of housing (including affordable housing);*
 - (i) integrated land use and transportation;*
 - (k) efficiently use existing infrastructure (including transport network infrastructure); and*
- (106) The s32 considered Objective 22 and policies 33, 55, 56, 57, 58 and 67.
- (107) Policy 33 and 55 are not relevant. Policy 33 relates to the Wellington Regional Land Transport Strategy which provides a policy framework for regional transport decisions. Policy 55 relates to urban development beyond the urban areas which this proposal is not seeking.
- (108) I set out the relevant policies from Chapter 3.9 below:
- Policy 56: Managing development in rural areas – consideration*
- When considering an application for a resource consent or a change, variation or review of a district plan, in rural areas (as at March 2009), particular regard shall be given to whether:*
- (a) the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other*

primary production and reverse sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;

(b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements;

(c) the proposal's location, design or density will minimise demand for non-renewable energy resources; and

(d) the proposal is consistent with the relevant city or district council growth and/or development framework or strategy that addresses future rural development; or

(e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity

- (109) With regard to Policy 56(a), whether the proposed Plan Change would result in a loss of productive capability of the rural area, the site is not currently used for productive agriculture, and it is understood does not have highly productive soil.
- (110) With regard to Policy 56(b), on the aesthetic and open space values of rural areas, the proposed Plan Change would enable development of the site that would alter the aesthetics of the site and reduce the area of land that has an open space character however the overall density of development will align with surrounding rural residential areas.
- (111) With regard to Policy 56(c), on minimising demand for non-renewable energy resources, as the site is beyond the existing urban area of Lower Hutt, there would be some increase in use of non-renewable energy resources. However, given the scale and location of the development, the increase would be minimal.
- (112) With regard to Policy 56(d), on consistency of the proposed Plan Change with Council development frameworks/strategies, the site was not identified in Council's Urban Growth Strategy. The Urban Growth Strategy did consider land within the Rural Residential Activity Area around Normandale Road, Cottle Park Drive and Sweetacres Road with the Urban Growth Strategy stating Council will consult on minimum Lot sizes of 0.5 hectares in these areas. This consultation has not occurred and my understanding is that while the district plan review will take the UGS into account at this stage there is no indication of whether a draft plan change will include 0.5 hectares sections in this area.
- (113) With regard to Policy 56(e) the plan change would not increase pressure for infrastructure as future owners would be aware that infrastructure is not provided to this area and that residential development would be required to provide the three waters infrastructure.

"Policy 57: Integrating land use and transportation – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy:

- (a) *whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;*

- (b) *connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;*
 - (c) *whether there is good access to the strategic public transport network;*
 - (d) *provision of safe and attractive environments for walking and cycling; and*
 - (e) *whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.”*
- (114) The s32 included a Transport Impact Assessment prepared by Gary Clark of Traffic Concepts Ltd and this was peer reviewed on behalf of Hutt City Council by Mr David Wanty. The peer review is contained with Appendix 2.
- (115) The provisions of the plan change include an assessment criterion for Discretionary Activities which states;

11.2.4.1 Assessment Criteria for Discretionary Activities

- (f) *For the land identified in Appendix Subdivision 9, where the subdivision does not comply with the maximum Number of Allotments, the effects on the existing roading network.*
- (116) The plan change limits subdivision of the area to 13 allotments (10 additional) until the activity status of a subdivision proposal would become Discretionary (Unrestricted) where consent could be declined if it was found traffic related effects were unacceptable.
- (117) Neither transport engineer has suggested the effects on the transport network of an additional 10 allotments would be unacceptable with the Traffic Concepts Ltd assessment considering the traffic effects on the safety and efficiency of the road network to be indiscernible⁴.
- (118) Mr Wanty’s assessment considers the traffic effects will be greater than Mr Clark’s assessment. Mr Wanty agrees with the TIA that improvements should be made to Stratton Street and that traffic and speed surveys should be undertaken to help inform Council on a potential change in the speed limits as suggested by submitters. In relation to the 10 additional allotment threshold for moving the activity status from Controlled to Discretionary Mr Wanty has stated “*As discussed, assuming accesses comply I consider that adding 10 residential dwelling allotments, based on the limited current information available, could be tolerated under the current Council maintenance practice for the existing road usage with no more than a minor impact likely on the safety of Stratton Street in particular, and less than minor impact on other local roads*”⁵
- (119) Council’s Head of Transport, John Gloag, is aware of the plan change request and has confirmed that there is currently no improvement work planned for Stratton Street and that traffic volumes are part of the prioritisation process.
- (120) I consider that Mr Wanty’s recommendation in paragraph 16 of his report that users surveys are conducted by Council to capture the usage of Stratton St is a

⁴ Page 17 of the Traffic Concepts Traffic Impact Report.

⁵ David Wanty email dated 20 August contained in Appendix 2

useful suggestion. While this is outside of the plan change process the Commissioners could propose this to the Council's Transport team which would help inform them whether there is a need to upgrade Stratton Street.

- (121) In regard to the ability to upgrade Stratton Street I note that the land adjacent to the road is owned by both Hutt City Council and private landowners. If in the future the road needed to be widened beyond the road reserve land purchase via the Public Works Act may be necessary.
- (122) On the basis of the above it considered that the proposed Plan Change is consistent with these objectives and policy of the Regional Policy Statement.

Resource Management and tangata whenua

- (123) Objective 24 is the most relevant objective from Chapter 3.10
- The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.*

- (124) I set out the relevant policies from Chapter 3.10 below:

Policy 48: Principles of the Treaty of Waitangi – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to: (a) the principles of the Treaty of Waitangi; and (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Policy 49: Recognising and providing for matters of significance to tangata whenua – consideration

When preparing a change, variation or review of a district or regional plan, the following

matters shall be recognised and provided for:

(a) the exercise of kaitiakitanga;

(b) mauri, particularly in relation to fresh and coastal waters;

(c) mahinga kai and areas of natural resources used for customary purposes; and

(d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

- (125) The proposed plan change was notified to Te Runanga O Toa Rangitira, Port Nicholson Block Settlement Trust, Wellington Tenth Trust and Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui. No correspondence was received from any of the parties.

- (126) The district plan does not identify any sites of cultural significance within the area. The proposal is considered to be consistent with the above objective and policies.

Soils and minerals

- (127) Objectives 29 and 30 are the most relevant objective from Chapter 3.11:

Objective 29 - Land management practices do not accelerate soil erosion.

Objective 30 - Soils maintain those desirable physical, chemical and biological characteristics that enable them to retain their ecosystem function and range of uses.

- (128) I set out the relevant policies from Chapter 3.11 below:

Policy 15: Minimising the effects of earthworks and vegetation clearance – district and regional plans

Policy 41: Minimising the effects of earthworks and vegetation disturbance – consideration

Policy 59: Retaining highly productive agricultural land (Class I and II land) – consideration

- (129) Development of the site will inevitably involve earthworks and unless earthworks are kept to below the district plan thresholds of 50m³ and 1.2m in height a resource consent will be required. The proposed assessment criterion requires a sediment control plan to manage effects on streams and the two wetlands. As previously mentioned the NES Freshwater will potentially apply to earthworks and vegetation removal in relation to this site also. Erosion and sediment control conditions of consent are routinely imposed and compliance with the conditions will ensure soil and sediment run-off does not impact water ways.
- (130) There are no controls on vegetation clearance within either the General Rural or Rural Residential Activity Areas. Changing the zoning will therefore not alter the rule framework in relation to vegetation clearance but there may be greater likelihood of vegetation clearance as subdivision occurs. As previously discussed, the review of the district plan is underway with the impending NPS-IB to be given effect to.
- (131) If the district plan review considers that the current provisions do not meet Policy 15 and the NPS-IB, then it will be addressed as part of the plan review process rather than as part of this site-specific plan change.

12.4 Wellington Regional Plans

- (132) I have reviewed the Operative and Proposed Regional Plans for the Wellington Region. The s32 Evaluation Report stated in paragraph 114 that there are no specific objectives or policies in these regional plans that would affect the proposed plan change.
- (133) Under s74(2)(b)(ii) of the RMA, when preparing or changing the District Plan Council shall have regard to any proposed regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA (which in part outlines the functions of regional councils under the RMA).
- (134) Section 75(4)(b) of the Resource Management Act 1991 states that a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1).
- (135) In addition, under s75(4)(b) of the RMA the District Plan must not be inconsistent with a regional plan for any matter specified in s30(1) of the RMA (which outlines the functions of regional councils under the RMA).
- (136) There are five operative regional plans and one proposed regional plan for the Wellington Region. The five operative plans relate to air quality management, the coastal marine area, freshwater management, soil management and the management of discharges to land. The proposed Natural Resources Plan consolidates the five operative plans into a single regional resource management plan. Currently, it is in the appeal stage to the Environment Court.
- (137) For the proposed Plan Change, there is some cross-over between the functions of Hutt City Council and Greater Wellington Regional Council. In particular the

management of subdivision, land use and development for the purpose of managing effects on water quality and aquatic ecology.

(138) For the proposed Plan Change, the following regional plans should be considered:

- Proposed Natural Resources Plan 2015
- Regional Freshwater Plan 1999
- Regional Soil Plan 2000

12.5 Operative Freshwater Plan and Operative Soil Plan

(139) The Wellington Regional Freshwater Plan has a number of general objectives and policies, followed by more specific objectives and policies that relate to certain aspects for which rules have been developed, including specific protection required for certain waterbodies.

(140) The Wellington Regional Soil Plan focuses on avoiding, remedying or mitigating the adverse effects associated with soil disturbance and vegetation removal activities, including accelerated erosion and sediment runoff.

(141) The key objectives and policies relevant for this proposed Plan Change are attached as Appendix 3.

(142) The proposed Plan Change is consistent with the objectives and policies of the operative Freshwater Plan, and the operative Soil Plan. While development enabled by the proposed Plan Change could result in stormwater issues, erosion, sedimentation, discharges, earthworks and potential modification to a wetland it is considered that such works and effects associated with them could be adequately considered at the time of resource consent noting that the NES Freshwater rules would have to be considered. Therefore, the resulting effects of this loss would be considered within this consenting framework, and if required, mitigation measures would be implemented.

12.6 Proposed Natural Resource Plan

(143) The proposed Natural Resources Plan for the Wellington Region is a combined air, land, water and coastal plan. Once it is made operative it will replace the existing Regional Coastal Plan and the four current regional plans (Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and Regional Soil Plan). However, all rules within the proposed Natural Resources Plan had immediate legal effect from the date it was notified (31 July 2015).

(144) Since its notification on the 31 July 2015, the PNRP has been through the hearing process which finished on the 30 July 2018. Decisions on the PNRP were publicly notified on 31 July 2019, and from the date of the public notice the proposed Natural Resources Plan was amended in accordance with those decisions.

(145) The period for filing appeals with the Environment Court on the Decisions version of the PNRP closed on 18 September 2019.

(146) The Appeals version identifies which parts of the PNRP are subject to appeals and therefore may change as a result of the appeals process. It also identifies which parts of the PNRP are not subject to any appeals and rules which are therefore deemed operative.

- (147) The objectives and policies considered relevant to this proposal are of the Decision version 2019 (with the minor amendments (Clause 16)) are attached in Appendix 4.
- (148) Overall, it is considered that the proposed Plan Change has regard to the objectives and policies of the proposed Natural Resources Plan.
- (149) As part of the Plan Change an ecological assessment of the site has been undertaken. This assessment has identified areas of vegetation on site as having significant ecological value. It is proposed to protect the areas of significant vegetation and wetlands from disturbance due to accessways, building sites and earthworks. These provisions directly respond to the ecological values that these water bodies have and ensure that subdivision of the site is appropriately managed.
- (150) It is also recognised that any future development of the site, including any works associated with the freshwater bodies on site, may be subject to a Greater Wellington Regional Council consent. The resulting effects of the works would be considered within this consenting framework, and if required, mitigation measures would be implemented.

12.7 Lower Hutt District Plan – Objectives and Policies

- (151) The proposed Plan Change would rezone the site from General Rural to Rural Residential with amendments to the District Plan Maps and the Subdivision chapter.
- (152) I consider that the objectives and policies relating to the Rural Residential zone and Subdivision Chapter are relevant to the consideration of this Plan Change. In addition, the relevant existing objectives and policies of the District Plan pertaining to the Earthworks and Transport chapters are also relevant as it needs to be explored whether these are sufficient to provide the required level of policy support to the proposed Plan Change (please refer to Appendix 5 for a copy of the relevant objectives and policies of the District Plan).
- (153) As stated earlier a full review of the district plan is underway and for this plan change request, which only relates to a small portion of the overall Rural Residential Activity Area, it is not considered necessary to update the Rural Residential objectives and policies given the impending plan change. Notwithstanding the above it is considered necessary to carefully consider the adequacy of the objectives and policies in light of the fact that a Non-Complying Activity status has been proposed. The assessment the suitability of the existing objectives and policies is contained within paragraph 196 – 198.

12.8 Urban Growth Strategy

- (154) The s32 Evaluation Report for the proposed Plan Change considered the following non-statutory Hutt City Council management plans and strategies.
- Urban Growth Strategy 2012 - 2032
 - Environmental Sustainability Strategy 2015 – 2045
- (155) I consider these to be the most relevant non-statutory strategies and that they should be given regard to in the consideration of this plan change.
- Urban Growth Strategy 2012- 2032
- (156) I consider that the Hutt City Council Urban Growth Strategy 2012 – 2032 (the Strategy) is also a relevant consideration. While this is a non-statutory document,

it was prepared under the Local Government Act and reflects the Council's strategy for directing growth and development within the City to 2032. The Strategy will only be given statutory weight through future District Plan changes.

- (157) The Strategy sets out the Council's vision for urban growth which is that "*Hutt City is the home of choice for families and innovate enterprise*". Of relevance to this application is its growth targets, which are that "*at least 110,000 people live in the city by 2032*" and "*an increase of at least 6,000 in the number of homes in the city by 2032*". The strategy seeks to achieve this growth in part through intensification, where targeted multi-unit development is provided for, rather than reducing lot size throughout the City. This is relevant insofar as the application proposes a multi-unit development at a medium density.

- (158) The UGS includes a section which specifically addresses existing Rural Residential sites in this area. The UGS states:

Council has also identified a smaller number of Greenfield areas around Moores Valley Road (south), Normandale Road, Cottle Park Drive and Sweetacres Road that could support further development. These areas are currently zoned rural residential with minimum lot sizes of 20,000m² but are in close proximity to existing residential areas. Normandale Road, Cottle Park Drive and Sweetacres Road are adjacent to the CBD, being only two kilometres from the city as the crow flies, and around four kilometres by road. Moores Valley Nursery (the furthest extent of the area being considered) is around four kilometres by road to the centre of Wainuiomata – about the same as the end of Wellington Road.

General residential development in these areas would require substantial investment to improve roads and provide reticulated water and wastewater services. Given the small potential increase of additional sections in these areas, this would be uneconomic. Instead, their potential lies in offering very large sections in a very low density / semi-rural setting in premium locations – and are likely to attract premium, high quality housing and high-income households.

With today's home water collection and wastewater systems, these allotments can be much smaller than the 20,000m² minimum set in the District Plan. Council will prepare the necessary District Plan changes and consult on a minimum lot size of 5,000m² (½ hectare) in these areas. Council will also investigate the feasibility of reducing frontage and driveway requirements and provide for the remaining rural residential areas to be 1.0ha lots.⁶

- (159) The s32 Evaluation Report notes that the plan change site is not specifically identified within the UGS but that the proposed plan change would allow for further dwellings to be established on the plan change sites and is consistent with a review of rural land in the Normandale area as envisaged by the Urban Growth Strategy.

- (160) As stated previously my understanding is the consultation on reducing Lot sizes has not occurred and that while the district plan review will take the UGS into account at this stage there is no indication of whether a draft plan change will consider including 0.5 hectare or 1 hectare allotments in this area. If the plan review were to consider reducing lot sizes, and this plan change request is agreed to, it is possible that the plan review will include this site along with adjoining Rural

⁶ Page 31 UGS

Residential areas. The suitability of further reducing site sizes would be considered as part of that process.

(161) Overall, this proposal is considered to be consistent with the UGS.

13 Evaluation of Proposed Plan Change

(162) This section of my report provides my overall analysis of Private Plan Change 53 in terms of:

- The plan change documentation, including all accompanying expert reports
- The submissions and further submissions made on the plan change
- Experts reports commissioned by the Council from:
 - David Wanty, Traffic (Appendix 2)
 - Dr Astrid van Meeuwen Dijkgraaf, Ecology (Appendix 6)
- The policy framework, as set out earlier
- Section 32 of the RMA
- Part 2 of the RMA

(163) Having considered and assessed all these matters, I consider the key issues in respect of the request are:

1. The appropriateness of rezoning the land from General Rural to Rural Residential Activity Area;
2. The environmental effects resulting from the Private Plan Change;
 - a. Amenity and character related effects
 - b. Traffic
 - c. Ecology
 - d. Infrastructure
 - e. Hazards
 - f. Landscape and Natural Character
 - g. Tangata whenua matters;
3. The policy framework of the Private Plan Change; and in particular:
 - a. The site-specific limitation on the number of allotments.
 - b. Scheduling sites and activity status;
 - c. The assessment criteria
4. Section 32
5. The appropriateness in achieving the purpose of Part 2 of the RMA.

13.1 The appropriateness of rezoning the land from General Rural to Rural Residential Activity Area

(164) The submissions, with one exception, did not directly oppose the rezoning of the land but in general called for additional information, provisions or amendments to the proposal. The plan change has changed significantly from when it was lodged and some of the submitters may have a different view on the plan change. The

submission most firmly in opposition was from Forest and Bird with their concern focused on the potential effects on biodiversity.

- (165) My assessment considers how the plan change in its current form has responded to the submitters concerns.
- (166) I consider that a rezoning to Rural Residential is compatible with the surrounding area. This is for the reasons that:
- The sites to the east are zoned, with the exception of 301 Normandale Road, Rural Residential and 301 Normandale Road is a General Rural site although at 3.38 hectares is similar in scale to a Rural Residential site.
 - The large General Recreation sites to the north, west and south are compatible Rural Residential land uses.

13.2 The environmental effects resulting from the private plan change

- (167) In this section, I address the likely environmental effects resulting from the Plan Change.

Amenity and character related effects.

- (168) The primary areas of concern raised by submitters included:
- DPC53/5 questioned the accuracy of the AEE which asserts that building density would only be visible from the immediately surrounding properties. DPC53/6 questions the accuracy of the AEE's statement that the plan change site is not visually prominent in the wider environment.
- (169) I agree with DPC53/5 in that the site is visible from beyond adjacent sites with the site clearly visible from the west from Belmont Regional Park. The site is not however widely visible from any of the suburbs in the western hills or from the valley floor. The hillside was not identified within preliminary work undertaken by Hutt City Council to identify outstanding or special amenity landscapes in 2018.
- (170) The visual effects of allowing the plan change will include increased density of dwellings, accessory buildings and driveways. The topography, vegetation and scale of each site is likely to screen some of the development when viewed from any specific viewpoint such as an adjacent site. Wider views from the west within Belmont Regional Park are more likely to be able to view multiple dwellings but these will be seen from a considerable distance. Belmont Trig is approximately 1.3km from the western boundary of the plan change site.
- (171) The proposal limits development to 13 allotments across the site before the activity status of a resource consent seeking an additional allotment becomes Discretionary Activity.
- (172) The density of development that could result on the site is comparable with the surrounding area with the only General Rural zone site being 301 Normandale Road which is a 3.38 hectare site so is considerably smaller than the 15 hectare net site area per dwelling in the General Rural zone. Accordingly, the proposed plan change may result in a density of development that is similar to adjacent areas.
- (173) The submissions have not raised concerns that the density would be an adverse effect rather they raised issue with the accuracy of the statements regarding the visibility of the site. As already stated, I agree that the site is visible from the west within Belmont Regional Park however the likely gradual increase in the density of the residential development when viewed from this area is considered acceptable.

- (174) The s32 identifies subdivision assessment criteria 11.2.2.3(a) which states:
Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated. (11.2.2.3(a))
- (175) In addition to the above I note that the district plan at 11.2.2.2 *Matters in which Council Seeks to Control* includes:
The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements;
- (176) The s32 in paragraph 149 states that:
*This assessment criteria allows Council to consider the final form of the subdivision and to ensure that its layout, form and density is consistent with the topography of the sites and the intended character and amenity values of the local environment.*⁷
- (177) I agree with the s32 that there is an ability to consider design and layout for a Controlled Activity subdivision proposal which along with the minimum lot size, identification of a building platform and site-specific density provisions will ensure there is some control over a proposed subdivision's final form. It is noted however that a Controlled Activity proposal must be granted consent and therefore if the standards and terms are met the proposal must be granted consent with, for example, no ability to require an alternative building platform location due to the prominence of a building.
- (178) Despite the above, overall there is nothing particular about this site that indicates a requirement for additional provisions regarding location of building platforms or bulk and location permitted activity conditions except in relation to No-Development Areas.
- (179) Submissions did not raise concerns with visual effects due to earthworks as part of a subdivision. The existing earthworks provisions allow up to 50m³ of earthworks and fill/cut heights of 1.2m before a subdivision proposal's activity status moved from Controlled to Restricted Discretionary. Whether earthworks in excess of 50m³ or 1.2m were carried out as part of a subdivision or a landuse proposal consideration of visual amenity values are provided for within the district plan provisions. I concur with the s32 (paragraph 154) which concludes the existing earthworks standards and matters of discretion would be sufficient to allow assessment and management of earthworks related effects.
- (180) Overall, I consider development of this site in accordance with existing and proposed provisions will result in acceptable effects.

Traffic

- (181) Submission points in opposition included:
- Adverse effects of increased vehicular traffic on Stratton Street and Normandale Road, safety of non-vehicle users, how traffic effects would be mitigated, access

⁷ Paragraph 149 Proposed Plan Change

to properties on Stratton Street, who pays for the roading upgrades (DPC/1, 3 - 7).

- (182) It is noted that the submissions were made when the proposal did not make site access from Normandale Road a Discretionary Activity, there was no assessment criteria relating to traffic effects and that access should be from Stratton Street. In addition, the original plan change included an Indicative Layout Plan which showed 24 allotments which may have informed some of the submissions. Those submitters who indicated they wish speak to their submission will be able to confirm their position in relation to the amended plan change at the Hearing.
- (183) It is acknowledged that Stratton Street is used by cyclists and pedestrians accessing Belmont Regional Park as well as horse riders.
- (184) In regard to establishing access from Normandale Road, which would require resource consent for a Discretionary Activity, I consider it is very unlikely an applicant would contemplate seeking to establish access from Normandale Road. The narrow road is unsealed and there is no motor vehicle access to the part of the road adjacent to the plan change proposal area. I understand there is no intention by Hutt City Council to form the road to a higher standard.
- (185) In its current form a subdivision proposal seeking access to a future site via Normandale Road would be extremely unlikely to gain approval due to the unsuitability of the road for residential use. In addition, because the road is listed as a Significant Cultural Resource (District Plan Map annotation 25) in Chapter 14E of the Plan any upgrade of the road requires resource consent which would further lessen the likelihood of Council upgrading the road.
- (186) I note that the Transport Chapter of the District Plan was reviewed relatively recently with Plan Change 39 becoming operative 27 March 2018 and as such is considered current.
- (187) Both the applicant and Hutt City Council's Transport Engineer consider that Stratton Street could be improved for existing road users as well as future road users. Neither of the transport engineers has suggested an additional ten allotments, taking residential development to thirteen allotments, would result in unacceptable effects on the transport network. If the number of allotments was greater than thirteen across the three sites the subdivision application, seeking approval for the 14th allotment, would have a Discretionary activity status and could be declined due to effects on the transport network.
- (188) In regard to allotment accessways their location would be subject to assessment against the standards provided in the Transport Chapter and consequently an accessway will either meet the site access standard or will result in the consent application becoming a Restricted Discretionary Activity. Accordingly, the District Plan provisions are considered to appropriately manage effects on the transport network.

Ecology

- (189) Submission points in respect of ecology included:
- Consideration should be given to the creation of a native bush corridor flanking the Old Coach Road entrance to the park from the subdivided lots to link sections of the Park; identification and protection of significant natural areas, effects on freshwater, protection of streams and their margins.

(190) As previously stated, the application has been considerably amended since the submission were lodged. No-Development Areas have been identified and notably these are more extensive than the significant natural areas identified as part of the 2018 work Hutt City Council undertook in preparing the draft plan change that did not proceed.

(191) The peer review by Astrid van Meeuwen-Dijkgraaf (Cardno) of the applicant's ecological assessment by Wildlands Consultants concludes:

Areas are generally appropriately identified as being ecologically significant (with some minor reservations around connectivity as indicated above). Overall significant indigenous vegetation will be avoided, and it would appear that there will be only small adverse effects on other indigenous vegetation⁸.

(192) I adopt the conclusion reached by Astrid van Meeuwen-Dijkgraaf in regard to whether ecologically significant areas have been identified and therefore move on to considering whether there is adequate management of potential effects on the areas with significant biodiversity values. The Regional Policy Statement Policy 47 is relevant to this consideration.

(193) Policy 47 states:

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;

(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;

(c) managing wetlands for the purpose of aquatic ecosystem health;

(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;

(e) providing seasonal or core habitat for indigenous species;

(f) protecting the life supporting capacity of indigenous ecosystems and habitats;

(g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and

(h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

(194) The proposed provisions would make any subdivision that has an accessway or building platform within a No-Development Area a Non-Complying Activity. A Non-Complying Activity status indicates that a high level of scrutiny will be applied to any application that proposes an access way or building platform with a No-Development Area. I have considered the objectives and policies that would be examined when assessing a subdivision proposal with a Non-Complying activity

⁸ Page 3 Cardno assessment dated 20 July 2021.

status and consider that there are existing sufficiently clear provisions in place. The provisions are:

Policy 8a 1.1.1 – Rural Residential Chapter

(b) To ensure that the adverse effects of activities do not detrimentally affect rural residential character and amenity values or the intrinsic values of ecosystems.

11.1.4 Objective – Subdivision Chapter

(a) To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision.

Policy

(a) To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.

- (195) When making an assessment under s104D (b) the above policies are, in my opinion, adequately focused on significant natural areas (ecosystems) and require that the activities and subdivision do not detrimentally or adversely affect intrinsic values of ecosystems or ecological conditions.
- (196) I consider the existing provisions go some way in protecting indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development as required by RPS Policy 24. Assessment would also rely on the interim framework that Policy 47 establishes and could result in an area of significant vegetation being protected via consent notice or covenant. It is considered appropriate to rely on Policy 47, rather than adopt provisions into the district plan, in light of the impending NPS-IB and the reviewed District Plan that is expected to follow.
- (197) Submissions have raised concern over effects on waterway and wetlands. The Wildlands Report notes that there are eight tributaries of Korokoro Stream across the site and two wetlands that appear, according to the Wildlands Report, as being created via works on the site. Both wetlands are contained within the No-Development Areas. The NES Freshwater provisions may apply to development within the site depending on the proximity to the wetlands.
- (198) In addition to the No-Development Area provisions the Rural Residential Chapter contains setback provisions that requires a 3m minimum setback from water bodies where the average width of the water body is less than 3m from natural bank to natural bank.
- (199) The applicant has proposed an assessment criterion (11.2.2.3) as follows:
For the land identified in Appendix Subdivision 9, in addition to the above, a sediment and erosion control plan must be prepared to manage the potential effects of earthworks on streams on the site.

I consider that this assessment criteria is useful by explicitly requiring potential effects of earthworks on streams.

- (200) Submissions raised concerns in regard to impact on streams. Greater Wellington Regional Council's Regional Freshwater Plan and Proposed Natural Resources Plan have objectives, policies and rules regarding works in and around waterbodies.
- (201) Because responsibility for managing the effects of development where a stream is to be altered (diverted, piped etc) sits within GWRC's jurisdiction and therefore provisions within this plan to manage effects on streams besides the sediment control discussed above are considered outside the jurisdiction of the Hutt City Council.
- (202) Overall, the provisions are considered to appropriately manage the potential effects on the ecological values of the site and that amendments made to the PC53 since the close of submissions have addressed the ecological and biodiversity concerns raised in the submissions.

Infrastructure

- (203) There were no submissions in relation to infrastructure. Wellington Water were served notice of the plan change request and did not lodge a submission.
- (204) The s32 considers infrastructure in section 7.7 and I concur with the assessment.
- (205) The site is not serviced so will have to provide on site services which is typical of development in rural residential areas. The large size of sites allows for adequate space to locate septic tanks and to design stormwater discharge systems. The assessment of these services will be undertaken at the time of subdivision.
- (206) The s32 notes that an upgrade to the Wellington Electricity lines would be required at the time of subdivision and that this cost is acknowledged by the requestor.
- (207) Overall, it is considered that infrastructure can be provided on site and that with appropriate design, assessed at the time of subdivision, that there will not be adverse effects associated with infrastructure.

Hazards

- (208) There were no submissions in relation to hazards.
- (209) The s32 considers natural hazard associated effects in section 7.3 and I concur with the assessment. In brief the site is not located within a known natural hazard area and there are adequate provisions within the district plan that require consideration of natural hazards along with s106 of the RMA.
- (210) I consider that there is no need to include other natural hazard related provisions for this site. That is, the provisions that already apply to the General Residential Activity Area should apply with no additional provisions in respect to natural hazards.

Landscape and Natural Character

- (211) The submission by Peter and Sandra Matcham commented on the s32 assessment of landscape, natural character and ecology effects and stated the justification in the s32 that these matters can be addressed at resource consent or building consent stage means the wider and cumulative effects are not considered.
- (212) The s32 states the site is not subject to any landscape restrictions within the current district plan and that the site was not identified during the Ecology and

Landscapes project as being landscapes that are considered to be either 'outstanding' or 'special amenity'.

(213) The plan change would allow residential development to become a feature of the wider landscape albeit at a rural residential density noting that 13 dwellings would have an average Lot size of 3.8 hectares. The site is visible from the west within Belmont Regional Park but not from residential areas. The change to natural character would be gradual and when considering an application for earthworks the assessment matters include consideration of:

- visual amenity;
- whether earthworks will cause unnecessary scarring and will visually prominent
- the extent of rehabilitation or replanting proposed;
- any permanent exposure of excavated faces.

(214) Due to the limited visibility of the site, non-identification as an outstanding or special amenity landscape and existing provisions the plan change will not result in unacceptable effects on the landscape.

13.3 Tangata whenua matters

(215) The s32 reported that *"As part of the preparation of this private plan change request, consultation has been initiated with local iwi, yet so far no formal feedback has been received"*⁹:

(216) In accordance with clause 3 of Schedule 1 RMA the plan change public notice was sent to:

- Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui
- Wellington Tenth's Trust
- Port Nicholson Block Settlement Trust
- Te Runanga o Toa Rangatira Inc

(217) No submissions or other contact was received from any of the above parties. Given the above the proposal is considered unlikely to affect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

13.4 The Objective, Policy and Rule Framework of the Private Plan Change

(218) I have reviewed and assessed the changes proposed through the Plan Change. I generally agree with the assessment undertaken by the applicant within their s32 Evaluation Report and s32AA Report.

⁹ Paragraph 170 of the s32

- (219) No new objectives or policies are being proposed and I consider none are necessary for the reasons already discussed both in relation to the potential Non Complying Activity status of some proposals as well as the broader framework.
- (220) In relation to the site-specific limitation on the number of allotments I consider that this rule can be implemented and administered with certainty as the proposed Appendix Subdivision 9 plan includes site addresses and Record of Title annotations which show the existing sites. This approach avoids the potential for confusion as addresses change over time due to subdivision.
- (221) The district plan already contains scheduled sites with site specific subdivision provisions. Accordingly, the scheduling of this site is not considered to result in an unacceptable or inconsistent rule framework.
- (222) The proposal introduces site specific assessment criteria which are supported with the exception of one minor amendment whereby it is recommended for consistency that 'native' is replaced with 'indigenous' in the following assessment criteria:

(223) 11.2.2.3

(a) Allotment Design

For the land identified in Appendix Subdivision 9, in addition to the above, subdivisions should be designed to avoid or minimise the need for native vegetation clearance and earthworks within the identified no-development areas and to ensure that motor vehicle access to all new allotments is provided from Stratton Street only.

13.5 The appropriateness in achieving the purpose of the Act.

- (224) I have set out what I consider to be the relevant clauses in section 7 of Part 2 of the RMA in section 9 of this report. I have also outlined that I consider section 8 to be relevant. All matters must be considered against whether they achieve the purpose of the RMA itself, that is, section 5.
- (225) As the proposed Plan Change has been modified since being lodged I generally consider that it meets the relevant principles and the purpose of the RMA. I consider that on the basis of the evidence available to me at the time of writing this report, the Plan Change would meet the purpose of the RMA and the relevant principles. This is for the reasons that:
- The rezoning will align with the Rural Residential zoning nearby;
 - The rezoning to Rural Residential will result in a character that is consistent with the amenity and character of the surrounding area;
 - The identification of No-Development Areas will allow consideration of the effects of any accessways or building platforms as result of a subdivision within areas with significant natural values;
 - The potential effects due to subdivision on the areas identified as meeting the RPS Policy 23 criteria for SNA's can be managed at the time of subdivision prior to the NPS-IB being gazetted.
 - There is limited number of allotments with a Controlled Activity status before traffic effects can be considered.
 - The rezoning will cater for the demand within the local and wider community for rural residential and provide a greater variety of housing options for the elderly.

13.6 Section 32 conclusion

(226) I have considered the relevant matters in s32 and addressed the appropriateness of the proposed plan change provisions through this report. As the plan change request has been modified since being lodged, I consider that it will meet the purpose of the RMA.

14 Recommendations

(227) **THAT** on the basis of the evidence and information available to it at this time, the Hearings Panel make the following recommendations to Council:

That pursuant to Clause 29(4) of Schedule One of the Resource Management Act 1991, Council:

- a) Accepts in part submission points as recommended in Appendix 7;
- b) Approves Private Plan Change 53, subject to one minor amendment whereby 'native' is replaced by 'indigenous' as discussed in paragraph 222, in accordance with the reasons set out in the report above.

Report prepared by:

Dan Kellow

PLANNING CONSULTANT

ACTING FOR HUTT CITY COUNCIL

Approved for Release:



Hamish Wesney

Head of District Plan Policy (Acting)

HUTT CITY COUNCIL

Appendices

- Appendix 1: Summary of Submissions and Further Submissions
- Appendix 2: Assessment by David Wanty
- Appendix 3: Operative Freshwater Plan and Soil Plan Objectives and Policies
- Appendix 4: PNRP Objectives and Policies
- Appendix 5: District Plan Objectives and Policies
- Appendix 6: Assessment by Astrid van Meeuwen-Dijkgraaf
- Appendix 7: Recommendations on submission points

Appendix 1: Summary of Submissions and Further Submissions

Proposed Private District Plan Change 53

190, 236 and 268 Stratton Street, Normandale –
Rezoning to Rural Residential Activity Area

Summary of Decisions Requested and Full Set of Submissions

Publicly Notified:

17 March 2020

Further Submissions Close:

31 March 2020

Public Notice

Public Notification of the Summary of Decisions Requested for Proposed Private District Plan Change 53 to the City of Lower Hutt District Plan

Clause 8 of the First Schedule – Part 1 of the Resource Management Act 1991

Proposed Private District Plan Change 53: 190, 236 and 268 Stratton Street, Normandale – Rezoning to Rural Residential Activity Area

Hutt City Council has prepared the Summary of Decisions Requested for Proposed Private District Plan Change 53.

The purpose of the proposed plan change is to provide for rural residential development at 190, 236 and 268 Stratton Street, Normandale. The proposal is to rezone 190, 236 and 268 Stratton Street, Normandale from the General Rural Activity Area to the Rural Residential Activity Area. No changes to the provisions of the District Plan are proposed.

The proposed plan change was notified for submissions on 14 January 2020. The submission period closed on 12 February 2020. Seven submissions were received.

The Summary of Decisions Requested and Full Set of Submissions can be viewed:

- on Council's website: huttcity.govt.nz/pc53
- at all Hutt City Council Libraries
- at the Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666
- Email: district.plan@huttcity.govt.nz

The following persons can make a further submission in support of, or in opposition to, the submissions already made:

- Persons who are representing a relevant aspect of the public interest; and
- Persons who have an interest in the proposed plan change that is greater than the interest of the general public.

A further submission must be limited to a matter in support of or in opposition to the relevant submission. It must be written in accordance with Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations and must state whether or not you wish to be heard in support of your submission at a hearing.

Further submission forms (Form 6) are available:

- on Council's website: huttcity.govt.nz/pc53
- at all Hutt City Council Libraries
- at the Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt

If you make a further submission, please state clearly the reference number of the submission to which your further submission relates.

Further Submissions close on 31 March 2020

Further submissions may be lodged in any of the following ways:

- Email: submissions@huttcity.govt.nz
- Post: District Plan Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040
- In Person: Council Administration Building, 30 Laings Road, Lower Hutt

In addition to serving a copy of the further submission on Hutt City Council, a copy of the further submission must also be served on the person(s) whose submission(s) you are supporting or opposing within five working days of sending your further submission to Hutt City Council.

Jo Miller
Chief Executive

17 March 2020

Summary of Decisions Requested

DPC53/1 Alan and Joyanne Stevens				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
1.1	Transport network	Not stated	A full investigation of traffic effects.	Submitter comments on: <ul style="list-style-type: none"> • Effects of development on the transport network, particularly: <ul style="list-style-type: none"> ○ Effects on pedestrians and cyclists accessing Belmont Regional Park, and ○ Effects of high speed vehicles down Cottle Park Drive at the intersection of Cottle Park Drive and Stratton Street. • How traffic effects would be mitigated, and • The section 32 evaluation for the proposal regarding effects on the transport network.
1.2	Transport network	Not stated	Implementation of mitigation measures for traffic effects, including improved sight lines, road widening, no parking lines, clearways, traffic control during development phases for all sites.	
1.3	Transport network	Not stated	Identification of who pays for the necessary upgrades to roads.	

DPC53/2 Royal Forest and Bird Protection Society of New Zealand Inc				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
2.1	Biodiversity Waterbodies	Oppose	Reject the proposal.	Submitter comments on: <ul style="list-style-type: none"> • Protection of significant natural areas and biodiversity values, • The potential loss of natural habitats, • The effects on freshwater, • Councils function to maintain indigenous biodiversity, • The appropriateness of leaving consideration of effects to a resource consent process, and • The section 32 evaluation for the proposal.

DPC53/3 Karen Self				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
3.1	Transport network	Not stated	Subdivision enabled by the proposed plan change is not accessed from Normandale Road past the current Old Coach Road gated entrance to Belmont Regional Park.	Submitter comments on: <ul style="list-style-type: none"> • Effects of development on the transport network, particularly Normandale Road, • Effects of development on the amenity of Old Coach Road, and • The section 32 evaluation for the proposal regarding effects on Normandale Road.
3.2	Transport network	Not stated	<p>Council decisions are fully informed by further in-depth traffic studies of Normandale Road from 237 to 308 Normandale Road, and beyond the entrance to Belmont Regional Park if lots are to be accessed from this area.</p> <p>The Council needs to consider further the impact on infrastructure if the rezoning and subsequent proposed subdivisions take place. Specific consideration be given to roads, as I believe no upgrades or improvements are currently intended.</p>	
3.3	Biodiversity	Not stated	Creation of a regenerated native bush corridor from a strip of the subdivided lots along the current Old Coach Road to the join the two sections of Belmont Regional Park.	

DPC53/4 Matthew Willard				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
4.1	Transport network	Not stated	<p>Council ensures that the risks to the safety of the transport network are reduced so far as is reasonably practicable and that Council adopts a philosophy of avoidance of all avoidable risks.</p> <p>Council should review the need to improve safety on</p>	Submitter comments on: <ul style="list-style-type: none"> • The safety of the transport network, particularly: <ul style="list-style-type: none"> ○ The safety of the existing transport network, ○ The effects of increased traffic users on the safety of the transport network,

			Stratton Street considering the need to avoid all avoidable risks.	<ul style="list-style-type: none"> ○ Access to properties from Stratton Street, and ○ Safety of non-vehicular road users, and ● The section 32 evaluation for the proposal regarding effects on the transport network.
--	--	--	--	---

DPC53/5 Peter and Sandra Matcham				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
5.1	General	Not stated	<p>Revision of the application to correctly reflect the actual situation, with planned subdivisions redrawn in a way that better reflects the actual topography and provides a realistic evaluation of effects on the environment and locale.</p> <p>Development that provides robust and transparent measures to protect the natural, social and recreational environment of the area.</p>	<p>Submitter comments on:</p> <ul style="list-style-type: none"> ● Effects on the transport network, ● Effects on amenity and character, ● Landscape, natural character and ecological effects, ● Identification and protection of biodiversity, ● Freshwater management and effects on waterbodies, ● Kaitiakitanga and the ethic of stewardship, and ● The section 32 evaluation for the proposal, including: <ul style="list-style-type: none"> ○ The description of the site and surrounding area, ○ The scale and significance assessment, ○ The quantification of effects, ○ The policy framework, ○ The evaluation of options, ○ The assessment of effects, and ○ Consultation.
5.2	Biodiversity	Not stated	Identification and protection of significant natural areas.	

DPC53/6 Friends of Belmont Regional Park				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
6.1	General	Not stated	Reject the proposal in its present form and amend the proposal to include a robust analysis of environmental effects sufficient to allow any measures necessary to	<p>Submitter comments on:</p> <ul style="list-style-type: none"> ● Effects on the transport network,

			avoid or mitigate these to be defined.	<ul style="list-style-type: none"> • Visual effects and effects on amenity values, including those of the Belmont Regional Park, • Reverse sensitivity effects, • Landscape, natural character and ecological effects, • Freshwater management and effects on waterbodies, and • The section 32 evaluation, including: <ul style="list-style-type: none"> ○ The description of the site and surrounding area, ○ The scale and significance assessment, ○ The quantification of effects, ○ The policy framework, ○ The evaluation of options, ○ The assessment of effects, and ○ Consultation.
--	--	--	--	--

DPC53/7 Pam Guest and Peter Shaw				
Sub. Ref.	Topic	Support / Oppose	Decision Requested	Comments
7.1	Transport network	Not stated	Include conditions that protect the health and safety of local roads.	Submitter comments on: <ul style="list-style-type: none"> • Effects on the transport network, • Effects on significant indigenous vegetation and significant habitats of indigenous fauna, • Effects on waterbodies and riparian margins, and • The section 32 evaluation for the proposal regarding: <ul style="list-style-type: none"> ○ Effects on the transport network, and ○ Significant natural areas.
7.2	Transport network	Not stated	If the proposal is accepted, that Council recognises the risks of higher conflict on roads from an increasing population and prepares an appropriate traffic management plan.	
7.3	Biodiversity	Not stated	Include conditions that protect the areas that have already been identified as having, or potentially having, significant indigenous vegetation and significant habitats of indigenous fauna.	
7.4	Waterbodies	Not stated	Include conditions that protect streams and their riparian margins.	

Full Submissions

From: Joyanne Stevens <joyannestevens@hotmail.com>
Sent: Tuesday, 11 February 2020 9:20 AM
To: Corporate Records
Subject: Proposed Plan Change 53
Attachments: Scan-to-Me from 10.19.12.5 2020-02-11 081648.pdf; IMG_0138.JPG

Attached is our submission on the proposed Plan Change that would see up to 23 properties added to the Rural Residential Activity Area. Also attached is a photo showing the driveway to 301 Normandale Road, which adjoins the locked gate at the entrance to Belmont Regional Park. The section of Normandale Road depicted in the application as adjoining 268 Stratton Street is beyond this locked gate.

We have grave concerns about the reliability of the traffic report submitted with the application. The report underplays the extent of the effects associated with the Plan Change, particularly the traffic effects, and we would like to see a more robust and realistic assessment of the traffic effects carried out. We would like to know what actions will be taken to mitigate the traffic effects in particular. Who will pay for the formation of the extension to Normandale Road? What effect will this road have on the many pedestrian and cyclist users of the park? How will the effects of high speed vehicles down Cottle Park Drive be addressed at the intersection of Cottle Park Drive and Stratton Street? Will Stratton Street to Poto Road be widened or made "no parking" on both sides to cope with the increased traffic?

We look forward to seeing how Council deals with these and related issues associated with this proposal.

Alan & Joyanne Stevens

RMA FORM 5

Submission on publicly notified Proposed District Plan Change



Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. This is a submission from:

Full Name	Last <u>Steven ✓</u> First <u>Alan + Joyanne</u>	
Company/Organisation		
Contact if different		
Address	Number	Street
	Suburb	
	City	Postcode
Address for Service if different	Postal Address	Courier Address
	<u>joyannerteven@hotmail.com</u>	
Phone	Home	Work
	Mobile	
Email	<u>joyannerteven@hotmail.com</u>	

2. This is a submission on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No: 53

Title of Proposed District Plan Change: Rezoning 190, 236 + 268 Stratton Street Normandale to Rural Residential Activity Area

3.a I could could not gain an advantage in trade competition through this submission
(Please tick one)

3.b If you could gain an advantage in trade competition through this submission:
I am am not directly affected by an effect of the subject matter of that submission that—
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
(Please tick one)

Note: 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 Part 1 of Schedule 1 of the Resource Management Act 1991.

4. The specific provisions of the proposal that my submission relates to are:

Please give details:
In principle we do not oppose the rezoning of this land from General Rural to Rural Residential, however we consider that the traffic report provided is deficient and misleading, eg: it fails to mention that the section of Normandale Rd beyond no. 301 is beyond the locked access gate to Belmont Regional Park (see attached photo)

(Please use additional pages if you wish)

5. My submission is:

Please include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:
Traffic effects associated with creating 23 potential lots on already substandard roads will create added pressure on the roads and intersections within several kilometres of the sites, including vehicular, non-motorised, pedestrian and horse usage of these rural roads. This needs to be addressed as part of the plan change and cost of mitigation measures attributed ahead of any resource consent process.

(Please use additional pages if you wish)

6. I seek the following decision from Hutt City Council:

Please give precise details:
A full investigation of traffic effects, implementation of mitigation measures including improved sight lines, road widening, no parking lines, clearways, traffic control during development phase, for all sites identification of who pays for the upgrades necessary - developers / HCC / NZTA?

(Please use additional pages if you wish)

7. I wish do not wish to be heard in support of my submission

(Please tick one)

8. If others make a similar submission,

I will will not consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
(or person authorised to sign on behalf of submitter)

 10.2.20
Date

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.



Planting in the
South of the North Rim

Planting in the
South of the North Rim

From: Amelia Geary <A.Geary@forestandbird.org.nz>
Sent: Tuesday, 11 February 2020 12:51 PM
To: Corporate Records
Subject: Forest & Bird's submission on Proposed Private District Plan Change 53
Attachments: Forest_and_Bird_PC53_submission.pdf

Hi there

Please find Forest & Bird's submission on Proposed Private District Plan Change 53 attached.

Any questions, please email in the first instance.

Regards,
Amelia

Amelia Geary
REGIONAL MANAGER - LOWER NORTH ISLAND
Horizons, Wellington

Royal Forest and Bird Protection Society of New Zealand Inc.
Ground Floor . 205 Victoria St . PO Box 631 . Wellington . New Zealand
DD 022 039 9363

Please note, my days of work are generally Monday – Wednesday.

You can join Forest & Bird at www.forestandbird.org.nz



Forest & Bird

GIVING NATURE A VOICE

Royal Forest and Bird Protection
Society of New Zealand Inc.

Head Office:
PO Box 613
Wellington
New Zealand

P: +64 4 3857374

www.forestandbird.org.nz

12th February 2020

Clause 6 of the First Schedule Resource Management Act 1991

Submission on the Hutt City Proposed Private District Plan Change 53

Emailed to: submissions@huttcity.govt.nz

From: Forest & Bird
PO Box 631
Wellington 6140
Attn: Amelia Geary
a.geary@forestandbird.org.nz

INTRODUCTION

1. The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. It is independently funded by private subscription, donations and bequests. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Forest & Bird is currently involved in processes before the Court to improve the Hutt City district plan provisions for the protection of significant natural areas and to implement Council's functions for the maintenance of indigenous biodiversity.
2. Zoning is a key land use management tool which can allow and restrict future activities under the purpose of the zone. Importantly indigenous biodiversity and natural landscapes are matters which apply across zones and should be provided for within overlay provisions as directed under the National Planning Standards. However the Hutt City District Plan does not yet implement that direction and as such the zoning approach and the changes sought by this plan change do not adequately provide for the protection of significant natural areas or implement councils functions to maintain indigenous biodiversity.
3. Forest & Bird's submission is on Hutt City Council's Proposed Private District Plan Change 53.
4. Forest & Bird could not gain an advantage in trade competition through this submission.
5. Forest & Bird wishes to be heard in relation to this submission and would consider presenting a joint case with others making a similar submission.

SUBMISSION

6. Forest and Bird **opposes** all parts of the plan change relating to the rezoning of 190, 236 and 268 Stratton Street, Normandale from General Rural Activity Area to Rural Residential Activity Area.

REASONS

7. Forest & Bird considers that the effects of the plan change on biodiversity, including streams and freshwater and the potential loss of natural habitats and effects on freshwater as a result of the plan change are inconsistent with the:
 - a. Wellington Regional Policy Statement;
 - b. National Policy Statement for Freshwater Management;
 - c. Proposed National Policy Statement on Indigenous biodiversity; and
 - d. Section 6 of the RMA.
8. That the rezoning of land from General Rural Activity Area to Rural Residential Activity Area will afford lower protection to the biodiversity values of these areas due to the changes of use, particularly subdivision provided for under the activity zoning.
9. It is not appropriate to leave the consideration of the effects of activities which may be provided for under the new zoning to later consent processes when those effects can better be addressed at the time of the zoning plan change. The Council is unlikely to have full and adequate information before it when making a decision at the subdivision stage for the following reasons:
 - a. The District Plan fails to provide adequate protection for s6(c) areas;
 - b. The Rural Residential Activity Area and subdivision rules do not provide scope for council to implement their functions for the maintenance of indigenous biological diversity under s31(1)(b)(iii);
 - c. The RMA limitations on notification effectively precludes public notification, other than in exceptional circumstances, for subdivision consent applications.
10. This means that the only opportunity for Council to have full and adequate information before it is at the time of considering a Plan Change or through a full plan review process.
11. The section 32 report provided by the applicant is inadequate and fails to consider the potential effects of the activity and councils responsibilities and functions under the RMA. The council must undertake its own s32 analysis.
12. That overall the plan change will not achieve the purpose of the RMA.

RELIEF SOUGHT

13. Forest & Bird seeks that the plan change application be declined.

Amelia Geary
Regional Manager
Forest & Bird

From: Karen <badjelly_the_witch@yahoo.co.uk>
Sent: Wednesday, 12 February 2020 12:08 PM
To: Corporate Records
Subject: Submission on Proposed Private District Plan Change 53
Attachments: KSelf submission plan change 53 final.pdf; KSelf additional pages Plan Change 53.pdf

Please find attached my submission on Proposed Private District Plan Change 53.
Let me know if you require any further information.
kind regards
Karen Self

Submission on publicly notified Proposed District Plan Change



Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. **This is a submission from:**

Full Name	Self Karen	
	<small>Last</small>	<small>First</small>
Company/Organisation		
Contact <i>if different</i>		
Address	308 Normandale Road	
	<small>Number</small>	<small>Street</small>
	Belmont	
	<small>Suburb</small>	
	Lower Hutt	5010
	<small>City</small>	<small>Postcode</small>
Address for Service <i>if different</i>	<small>Postal Address</small>	<small>Courier Address</small>
Phone	021722809	
	<small>Home</small>	<small>Work</small>
	<small>Mobile</small>	
Email	badelly_the_witch@yahoo.co.uk	

2. This is a **submission** on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

Title of Proposed District Plan Change:

3.a I could could not gain an advantage in trade competition through this submission
(Please tick one)

3.b *If you could gain an advantage in trade competition through this submission:*

I am am not directly affected by an effect of the subject matter of that submission that–

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

(Please tick one)

Note: 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 Part 1 of Schedule 1 of the Resource Management Act 1991.

4. The specific provisions of the proposal that my submission relates to are:

Please give details:
 I submit that if rezoning goes ahead a condition of any proposed subdivided lots past the current Old Coach Road entrance to Belmont Regional Park ("the Park") be accessed from Stratton Street.

I also submit that further in-depth traffic studies are required on the section of Normandale Road from number 237 to number 308 if lots are to be accessed from this section of road and beyond the entrance to the Park if my first submission is not accepted.

Consideration being given to creating a native bush corridor flanking the Old Coach Road entrance to the Park from the subdivided lots to link sections of the Park.

(Please use additional pages if you wish)

5. My submission is:

Please include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:
 I submit that no vehicle access be given to proposed subdivided lots via Normandale Road past the current entrance at Old Coach Road to the Park. Any subdivision subsequent to rezoning should be accessed via Stratton Street as this has greater vehicle capacity.

Currently vehicles cannot access the Park past a locked gate at Old Coach Road entrance (see photographs in additional pages) adjacent to the driveway for 301 Normandale Road. From the gate there is a gravel single lane track flanked by farmland and some regenerating native bush (see map in additional pages). There is great amenity value for Park users and residents of Normandale in leaving this as a pedestrian, horse riding and biking track and allowing the bush to regenerate in this area. This a popular entrance to the park, especially for mountain bikers due to the many tracks available in the Park for them.

(Please use additional pages if you wish)

6. I seek the following decision from Hutt City Council:

Please give precise details:
 That any future subdivision as a result of the proposed plan change not be accessed past the current Old Coach Road gated entrance to Belmont Regional Park.

Any Council decision is fully informed by further in-depth traffic studies of Normandale Road from number 237 to 308 Normandale Road (and beyond the entrance to the Park if lots are to be accessed from this area).

That a regenerated native bush corridor is created from a strip of the subdivided lots along the current Old Coach Road to the join the two sections of Belmont Regional Park.

(Please use additional pages if you wish)

7. I wish do not wish to be heard in support of my submission

(Please tick one)

8. If others make a similar submission,

I will will not consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
 (or person authorised to sign
 on behalf of submitter)

Karen Self	11 February 2020
	<i>Date</i>

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

Proposed Private District Plan Change 53
Submission of Karen Self
Additional pages

5. Whilst there were reasonably comprehensive traffic studies done on the affected areas of Stratton Street, scant information for the affected section of Normandale Road were included.

Normandale Road, from where it forks off at Sweetacres Drive, is even narrower in places than Stratton Street, with no road markings on the shoulders and the shoulders falling away in places on the lower side. There is already a reasonable amount of traffic for the size of road, especially at weekends with people accessing the Park, as well as dropping off and retrieving their pets from the dog kennels at 310 Normandale Road.

The Council needs to consider further the impact on infrastructure if the rezoning and subsequent proposed subdivisions take place. Specific consideration be given to roads, as I believe no upgrades or improvements are currently intended.



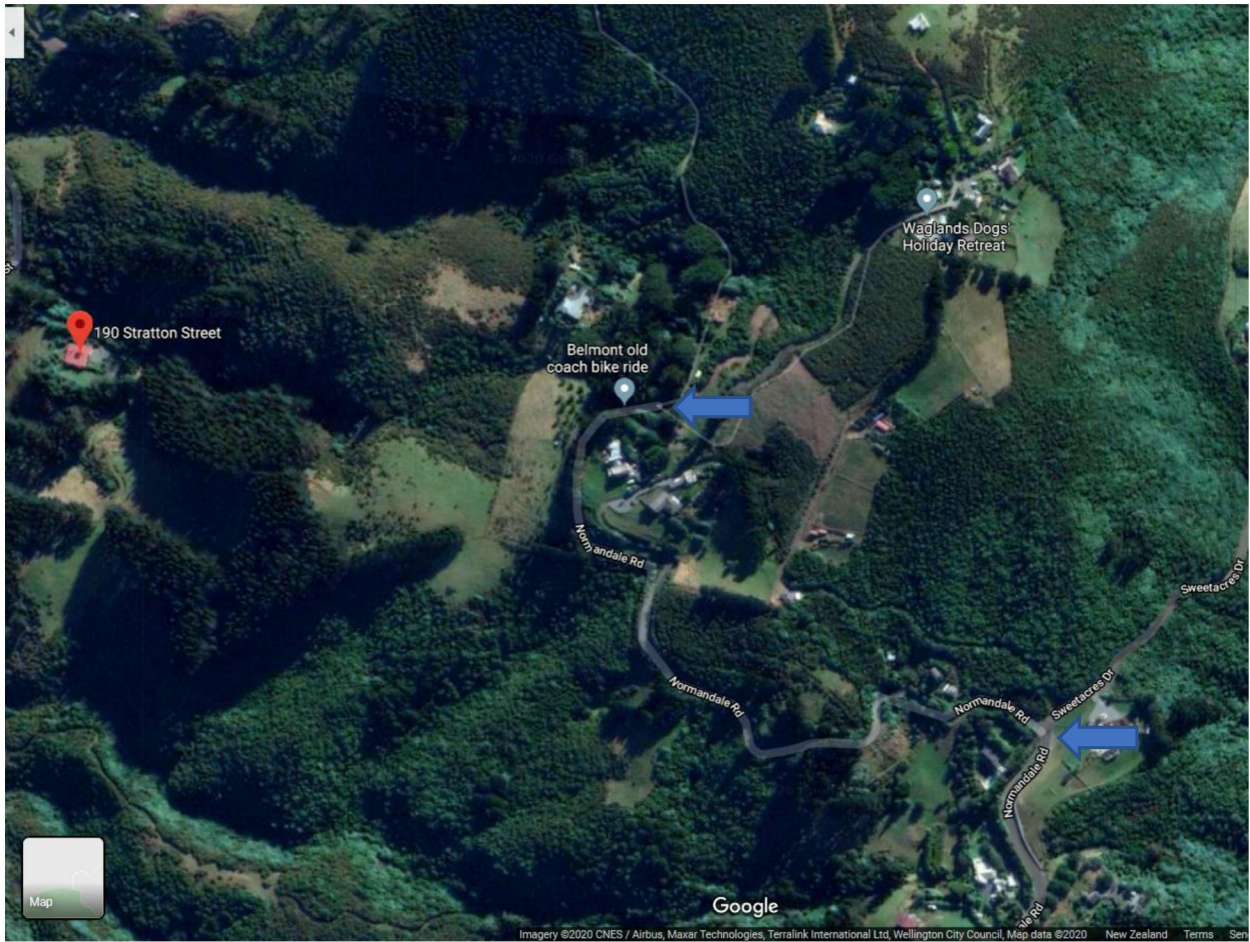
Intersection of Normandale Road and Sweetacres Drive – only section with any central road markings.



Two representative sections of Normandale Road between numbers 237 and 308



Old Coach Road entrance to Belmont Regional Park adjacent to driveway to 301 Normandale Road (left) and representative section of track bordering 236 and 268 Stratton Street.



Section of Normandale Road from Sweetacres Drive intersection to entrance to Belmont Regional Park at Old Coach Road

From: Matthew Willard <matthew.s.willard@gmail.com>
Sent: Wednesday, 12 February 2020 7:07 PM
To: Corporate Records
Subject: Submission relating to Proposed Private District Plan Change 53: 190, 236 and 268 Stratton Street, Normandale – Rezoning to Rural Residential Activity Area
Attachments: RMA FORM 5 - PC 53.pdf

Hi,

Please see attached submission relating to Submission relating to Proposed Private District Plan Change 53: 190, 236 and 268 Stratton Street, Normandale – Rezoning to Rural Residential Activity Area

Kind regards,
Matthew

Submission on publicly notified Proposed District Plan Change



Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. This is a submission from:

Full Name	<i>Last</i>		<i>First</i>	
	Company/Organisation			
Contact if different				
Address	<i>Number</i>		<i>Street</i>	
	<i>Suburb</i>			
	<i>City</i>		<i>Postcode</i>	
Address for Service if different	<i>Postal Address</i>		<i>Courier Address</i>	
Phone	<i>Home</i>		<i>Work</i>	
Email	<i>Mobile</i>			

2. This is a submission on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

Title of Proposed District Plan Change:

3.a I **could** **could not** gain an advantage in trade competition through this submission
(Please tick one)

~~3.b If you could gain an advantage in trade competition through this submission:~~

~~I **am** **am not** directly affected by an effect of the subject matter of that submission that-~~

- ~~(a) adversely affects the environment; and~~
- ~~(b) does not relate to trade competition or the effects of trade competition.~~

~~(Please tick one)~~

~~Note: 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 Part 1 of Schedule 1 of the Resource Management Act 1991.~~

4. The specific provisions of the proposal that my submission relates to are:

Please give details:

(Please use additional pages if you wish)

5. My submission is:

Please include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:

(Please use additional pages if you wish)

6. I seek the following decision from Hutt City Council:

Please give precise details:

(Please use additional pages if you wish)

7. I **wish** **do not wish** to be heard in support of my submission

(Please tick one)

8. If others make a similar submission,

I **will** **will not** consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
*(or person authorised to sign
on behalf of submitter)*

	<i>Date</i>
--	-------------

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

“Stratton Street has a number of different road users including pedestrians, horses and cyclists which share the road with vehicles. All users of the road are aware of the traffic environment that Stratton Street provides which leads to these users being alert and using the road with care. This is demonstrated by the very low number reported crashes as noted later in this report.

...

The crash history shows that there are no inherent safety deficiencies with Stratton Street based on crash history.”

We agree that Stratton Street has a number of different road users, however we disagree that **all users of the road are aware of the traffic environment**. It would be more appropriate to state that **“all residents and some road users...”** This claim is anecdotal and is not supported by suitable evidence.

The evidence that is used to justify this statement is the lack of low reported crash statistics and that the likelihood of future crashes should be considered a *black swan* event.

This would be akin to Pike River mine stating that an explosion has not occurred yet, demonstrating that the operations should be considered “safe” despite numerous warnings of a potential catastrophe.

The assessment should consider the numerous near misses (leading indicators) that have occurred along Stratton Street, which would provide a better understanding of the underlying risk. In my personal experience, as a cyclist having lived on Stratton Street for 14 months, I have had more near misses than when we lived in Wellington city over 10 years. This applies to both cycling and vehicular road usage.

The report does not adequately consider use other than vehicles.

My wife and two toddlers used to almost daily walk from our Stratton Street property down to the bike park, (wearing hi vis clothing) however just this week she was shunted off the road by a vehicle and quite luckily managed to push the pram with our sleeping baby and remaining toddler away down a sloping bank before herself turning away. This is a common occurrence. We understand that there are many elderly walkers and individuals with children, that have also had near misses and are disappointingly beginning to avoid the area due to the traffic environment and road users. The lack of a dedicated footpath contributes to this risk.

Individuals walk or cycle up Stratton Street the intersection of Cottle Park Drive to catch public transport, school buses or attend the local Normandale Primary School.

The current road is used for horse riders and there are many residences with horses or grazing horses along Stratton Street. Approximately 2 km from the Cottle Park / Stratton Street intersection there is a community horse riding arena which creates additional traffic and vehicles towing horse floats. It is not uncommon to see cars and floats parked along the verge of the road.

The lower recreational areas of Stratton Street and immediately opposite one of the proposed subdivision sites, has weekly TimberNook outdoor education and exploration sessions for pre-schoolers. These pre-schoolers and their caregivers use both the woolshed and surrounding regional park. Furthermore, the two local Playcentres frequently use this lower area and bike park area, immediately opposite one of the proposed subdivision sites. There is serious concern amongst these groups as to current safety risks and the significant safety risks proposed by the subdivision.

The road is not suitable for walkers, cyclists, horse riders, and now the additionally proposed residential vehicles to be accessing Stratton Street.

I recognise that this is a rural road, however with the regional park, the recent development of the bike area and further development of private dwellings, similar to that proposed in this District Plan Change 53 increases the health and safety risks and we urge Council to consider these matters to

ensure that the risks are reduced so far as is reasonably practicable and that Council adopts a philosophy of avoidance of all avoidable risks.

*“...**the total number of existing movements on southern part of Stratton Street before the intersection of Cottle Park Drive would be around 110 vehicles per day during the week and around 160 vehicles per day in the weekend.***

...

*Considering the Research Report 453 as well as the traffic surveys noted above, a trip generation rate of six vehicles trips per dwelling per day has been assumed for the new lots that will be formed as part of the private plan change area. Based on the total number of lots within the plan change area being 23, the expected total number of daily traffic movements will be around 140 vehicles which will be equivalent to 14 vehicles per hour at the peak times. The concept plan shows around 17 lots with access onto Stratton Street and six lots with access onto Normandale Road. Based on the assumptions of six trips per lot **the increase in traffic flows on Stratton Street will be around 100 vehicles a day or around 10 vehicles per hour at peak times.***

The author claims a 100% increase in vehicle movements during the week as a result of the proposed change and as stated previously has based the assessment on historical road usage recognising that there are “**geometric deficiencies**” in the road design.

Taking this into account and my own experiences and near misses, there should be greater emphasis on the safety impacts of the increased traffic movements considering that the road is very narrow in many areas, has a number of blind corners and multiple categories of road users including horses. There is no dedicated footpath area for pedestrians with current residential lots immediately bordering the Stratton Street road.

The road widening and swept corners are not engineered and are simply flat areas of the road that historical usage has carved out. There is frequent flooding in heavy rainfall events with the residents clearing areas.

The proposed subdivision lots are at the lower Stratton Street meaning that all additional movements would be required to drive the length of the Stratton Street road.

It is inappropriate for the proposed 17 lots to be accessed off Stratton Street in its current form. Originally we understood that the proposed lots were all to be accessed from Cottle Park Drive, which provides for significantly **safer** access via Normandale Road. Whilst the proposed subdivision costs may increase, there should be a greater emphasis on safety of the current road users and local residents.

Finally, whilst we do not oppose the plan amendment in principal, Council should review the need to improve safety on Stratton Street considering the need to avoid all avoidable risks.

From: Pete <pmatcham@actrix.co.nz>
Sent: Wednesday, 12 February 2020 10:01 PM
To: Corporate Records
Subject: submission on ppc 53
Attachments: P&S Submission on Private plan change 53 sandie comments.docx

Please find our submission attached.

Submission on Private plan change 53 – Stratton Street Normandale Report No HCC2019/1(2)/229

made on behalf of

Peter and Sandra Matcham

We have an interest in this plan change as an adjoining neighbour.

Our concerns are based around the wider environmental effects that would follow the plan change.

As noted in the application, we originally agreed to be party to the application, but withdrew when it became clear that the consultant preparing the report was proposing changes that would effectively destroy the very things that we value, and for which we bought our property.

Unlike the consultant we have evaluated the non-monetary values that would be lost and consider them to outweigh any financial gain we might have made from the zoning change to our property.

We are aware that our neighbours would not contemplate the level of development that the application envisages, but are acutely aware that once the change is approved it enables future owners more concerned with financial gain to destroy the local environment.

As a result of extensive research for both academic and practical purposes, we are well aware of the failure of the RMA to protect the natural environment, and that the principle cause of this failure is the practice of considering application for resource consent in isolation defined by property law rather than at a level meaningful to the environment. Similarly the failure to effectively manage cumulative effects, leading in effect to a death by a thousand cuts.

We are also concerned to note that the application includes proposed plans that include our property, and makes erroneous statements regarding the Old Coach Road, a grade 2 listed historical site which forms part of the boundary of our property

Proposed remedy - amend.

We do not wish to prevent our neighbours from developing their properties, but we wish to see this done in a way that provides robust and transparent measures to protect the natural, social and recreational environment of the area. We therefore submit that the application should be amended where there are errors (detailed below) to correctly reflect the actual situation, and the planned sub-divisions be re-drawn in a way that takes account of the actual topography.

This approach would we believe remove uncertainty and require a level of detail that would enable full environmental effects to be evaluated and any necessary constraints to avoid or mitigate them defined..

We do not wish to trigger a formal hearing, but if one is held we wish to be heard.

Detailed comments

We note that the primary purpose of the RMA is ‘... to promote the sustainable management of natural and physical resources.’. We fail to see how the application does this, despite the claim in Section 3 Background that it does so. The claim is not we feel supported by any of the subsequent arguments.

Section 32 Evaluation.

We note that the S32 report claims in para 22 that there appear to be “two small streams both intermittent or ephemeral.” Since there is one permanent stream that passes through our property and that of one of our neighbours that is included in this application, and there are easily accessed historical maps which show others across these properties, we cannot help but query the level of accuracy of this whole section.

Para 28 is also misleading. Both our property and that subject of the PPC are bounded to the South by recreation reserve, not Cottle Park, whilst the only property adjoining to the East is our own, which cuts off all properties subject to the application from Normandale Road. The remainder of the East boundary of the PPC properties about the Grade 2 historical site of the Old Coach Road (Belmont – Pauatahanui) which is a major non-vehicular access to Belmont Regional Park used by walkers, horse riders and cyclists. It is maintained as such by GW under management agreement with HCC. (Fig 1)



Fig 1 – Entrance to Old Coach Road at end of Normandale Road

Scale and Significance assessment.

We consider that Section 3.3.2 confuses absolute numbers with impact. We would argue that both scale and significance must be considered not by absolute values but in comparison with existing

state. Hence a proposal that permits a 150% increase in housing over the entire valley and an 800% increase on the properties concerned cannot be considered minor.

Such a change will have a major impact on all aspects of the environment, natural and social. It would irrevocably change the character and amenity values of the land in question. The report is incorrect in its assertion that the land subject to the PPC is “not visually prominent when viewed from the wider environment”. The only place where this would be true is beyond the ridgeline to the East. From everywhere else in the surrounding area the site is prominent.

We are also bemused by the assertion in Section 3.4 Evidence base, that a concept plan that ‘... does not consider the topography of the site or potential restrains(sic) on development’ can be considered ‘evidence’. We also note that this concept plan includes and subdivides our own property despite that not being included in the PPC.

3.5 Quantification

An S32 evaluation is required to Identify and assess benefits and costs of environmental, economic, social and cultural effects. We submit that the application fails to identify and cost the environmental and social effects and so far as economic effects are concerned relies solely on easily identified financial costs and benefits despite S2 of the RMA requiring both monetary and non-monetary costs and benefits to be considered. Since the costs to the public good are likely to be the major negative, we consider that these must be evaluated and considered even if ‘exact quantification’ is impractical.

Section 4.1 Consiltation.

We support and concur with the concerns expressed by GW. The lack of detail provided in the application and the assumption that these will be addressed later effectively prevents cumulative effects being considered, and constraints to avoid or mitigate them being applied. We would also point out that best practice requires environmental effects to be considered on a scale appropriate to the effect, and not constrained by artificial boundaries based on property title.

Section 5.1.2

As one of the SNRs defined by HCC crosses between our property and those the subject of the PPC, we are concerned at the apparent dismissal in the application of the relevance of this. We consider the identification of SNRs and their protection as essential to the maintenance and protection of natural biodiversity and of the character of the area that we live in.

Section 7.

We are disappointed that the consultants seem to dismiss the relevance of Kaitiakitanga / ethic of stewardship as we and most, if not all of our neighbours have a high degree of respect for the environment and our responsibilities as Kaitiaki. We have noted the potential for the plan change to have a high and widespread impact on amenity values and the report acknowledges the existence of high quality native ecosystems especially within gullies. We consider that protection and stewardship is of vital importance in considering section 7 compliance.

Section 5.3 –NPS –FM catchment level management of land use.

We suggest that para 109 fails to take into consideration the fundamental requirements of the NPS-FM particularly with regard to te Mana o te Wai, not just with regard to the streams in the affected area, but in considering the potential impact of the development the plan change would permit on the wider catchment of the Korokoro stream.

Section 6.1 Evaluation of options

Our concern here is that despite the requirement to consider all costs and benefits, only direct monetary costs are mentioned. No attempt is made to evaluate true economic costs by the inclusion of non-monetary costs and benefits.

We have previously noted that the assertion that only a 'minor' change in the local environment would eventuate fails to consider the scale of change with relation to the existing state. The evaluations also seek to align hypothetical futures with current costs as an argument in support. Equally hypothetical futures could be posited that would equate to benefits rather than costs.

7.1 Amenity and Character Effects

We have previously noted that the assertion that the increase in building density would only be visible from the immediate surrounding properties is the reverse of the truth. Due to the topography, immediately surrounding properties are those less likely to be impacted by visual changes than the wider area.

7.4 Landscape Natural Character and Ecology effects.

Once again the justification for ignoring these concerns is that they will be addressed piecemeal if and when applications for resource and building consents are made. An abrogation of the requirement to consider wider and cumulative effects which has led to an abysmal track record of destruction of natural resources and negates the primary purpose of the Act.

Transport impact assessment

The report contains several factual errors – No property subject to the PPC abuts Normandale Road. We note that although the report acknowledges Stratton Street as a major access point to BRP, it fails to note that Normandale Road is also a major access point for cyclists, horse riders and dog walkers. (see fig 1 above)

The statement that 268 Stratton St has road frontage to Normandale Road is incorrect. Normandale Rd stops at the entrance to 301. The continuation, the unmade bed of the Belmont to Pauatahanui coach road, a grade 2 listed historic site, has never been part of Normandale Road and is not maintained by HCC. Similarly, the report refers to six new lots having direct access on to Normandale road, as noted above this is incorrect.

We are confused as to how peak traffic flows have been derived. If the assumption that the traffic generated from existing houses is around 90 per day it seems counter to suggest peak 'hour' movements would be 10 per hour, since most residents work off site we would have expected peak

flows to be around 25 – 30 per hour morning and evening. This is relevant as the consultant presumably uses the same basis to estimate future flows that could be generated by the PPC.

We have the same problem here as with the Scale and Significance section above: confusion of absolute numbers with the scale of effect. As before, in terms of absolute numbers the proposed change does not generate high number of traffic movements. However in the context of the local environment, it has the potential to increase traffic movements by around 150%. It is also misleading to say that the new traffic movements will be split across Stratton Street and Normandale road. Lower Normandale road will become a receiver of some new movements but all will need to exit on Stratton Street.

Conclusion

We do not wish to prevent our neighbours from developing their land, but submit that a change of zoning to Rural Residential without fully evaluating the environmental effects and providing constraints to avoid or mitigate these where appropriate is not meeting the requirements of the RMA or the expectations of the public.

We suggest that HCC should require the application to be revised to correctly reflect the actual situation, and the planned sub-divisions be re-drawn in a way that better reflects the actual topography and provides a realistic evaluation of effects on the environment and locale.

From: Pete <pmatcham@actrix.co.nz>
Sent: Wednesday, 12 February 2020 10:27 PM
To: Corporate Records
Subject: submission on ppc 53
Attachments: Submission on Private plan change 53.docx

Please find attached a submission on behalf of the Friends of Belmont Regional Park.

Submission on Private plan change 53 – Stratton Street Normandale Report No HCC2019/1(2)/229

made on behalf of the

Friends of Belmont Regional Park

The Friends of Belmont Regional Park (the Friends) are an advocacy group concerned with the preservation and enjoyment of Belmont Regional Park. The Friends are recognised by Greater Wellington Regional Council as the overarching ‘voice’ of Park users. As such we have an interest greater than that of the general public in so far as the proposed plan change affects the environment and users of the Park.

Our concerns are based around two areas. First the wider environmental effects that would follow the plan change. In line with the arguments by the applicant’s consultant, we consider the plan change as an enabling change. Regardless of the intentions and values of the current property owners, such a change would mean that they and future owners could not be prevented from undertaking development in the peri-urban environment that would be considered on a piecemeal basis rather than as a totality – death by a thousand cuts. Such development will radically alter the visual and amenity values of the park’s environs both directly and by increasing the creep of suburbanisation into the rural areas, with the attendant perils of reverse sensitivity from changing expectations.

Secondly the practical impact of the proposed change on users of the Park, and the erroneous assumptions made in the application regarding Park access along the Old Coach Road.

Proposed remedy – the application be amended.

We submit that to achieve the desired outcome of increased ability to subdivide together with robust measures to protect the natural, social and recreational environment of the area, the application should not be accepted in its present form and should be amended to include a robust analysis of environmental effects, sufficient to allow any measures necessary to avoid or mitigate these to be defined.

We submit that the benefits of this approach are precisely those the applicant cites against it. It removes uncertainty and requires detailed information that enables the full environmental effects to be evaluated in accordance with the RMA. We consider that a failure to provide detailed and robust data on environmental effects is contrary to the purpose of the RMA.

If a public hearing is required, we would wish to be heard

Detailed comments

In section 3 Background of the application, it is stated that the proposed plan change will better meet the purpose of the RMA. We submit that this statement is not supported by the following text which ignores the first and primary purpose ‘... to promote the sustainable management of natural and physical resources.’

Section 32 Evaluation.

We are concerned that the S32 report displays a lack of evidence and makes incorrect and misleading statements concerning the site. For example Para 22 states that there appear to be “two small streams both intermittent or ephemeral.” There is at least two permanent stream easily identified and even a cursory examination of historic maps identifies others that may now indeed be intermittent but which are central to the ecology in the gullies.

The description of the surrounding area in Para 28 is confused and inaccurate. Property to the South of the area is not known as Cottle Park and is in fact recreation reserve. Cottle Park and other Stratton St properties lie beyond the reserve. The only abutting property to the East is zoned Rural and lies on Normandale Road. The remainder of the Eastern boundary of the PPC properties abut the Grade 2 historical site of the Old Coach Road (Belmont – Pauatahanui) which is a major non vehicular access to Belmont Regional Park used by walkers, horse riders and cyclists. It is maintained as such by GW under management agreement with HCC. (Fig 1)

Scale and Significance assessment.

Section 3.3.2 Factor 1 presents arguments based on invalid assumptions. In summary, the impact of the PPC cannot be considered as low when it increases the potential housing density of the wider area by over 150%. This will have a major impact on all aspects of the environment, natural and social. We consider the impact for this factor should be high – 4

Factor 3 degree of shift from current state. Again we cannot see how the proposed change can be considered low when if implemented in full it would irrevocably change the character and amenity values of the land in question. In particular the idea that the potential subdivision ignores the major earth works that would be required Including well over 1km of new internal roading, and the fact that this face of the Korokoro valley has high visibility from the most used parts of BRP. The claim that the three properties subject to the PPC ‘are not visually prominent when viewed from the wider environment’ is incorrect. Presumably the consultant preparing the report has never visited BRP, let alone looked up the Korokoro valley from properties in Dowse Drive and Miromiro Rd/ Poto Rd saddle The Factor score should be 5.

Although the suggested changes to the factor score only gives an overall scale of Moderate, we are concerned that the lack of care exhibited in these factors calls into question the whole evaluation.

Section 3.4 Evidence base. We struggle to understand how a concept plan that ‘... does not consider the topography of the site or potential restrains(sic) on development’ can be considered ‘evidence’ worthy of the name, particularly as it also apparently includes land not subject to the PPC

3.5 Quantification

An S32 evaluation is required to Identify and assess benefits and costs of environmental, economic, social and cultural effects. We submit that the application fails to identify and cost the environmental and social effects and so far as economic effects are concerned relies solely on easily identified financial costs and benefits despite S2 of the RMA requiring both monetary and non-monetary costs and benefits to be considered. Since the costs to the public good are likely to high

we consider that these must be evaluated and considered even if 'exact quantification' is impractical.

Section 4.1 Constlation.

We support and concur with the concerns expressed by GW. The lack of detail provided in the application and the assumption that these will be addressed later effectively prevents cumulative effects being considered and constraints to avoid or mitigate them being applied. We submit that current best practice requires environmental effects of land use, the protection of natural vegetation and fresh water management must be considered at the widest possible level consistent with the effect, not on an individual property basis.

Section 5.1.2

We consider the dismissal of any requirement to consider section 6 (c) on the basis of a HCC decision (currently under appeal) ignores the broad intent of the Act in favour of narrow legalistic interpretation.

Section 7.

We consider that the failure of the section 7 analysis to consider Kaitiakitanga / ethic of stewardship as relevant shows a failure to understand the public concern with this in regard to the natural environment and especially water courses. We have noted the high and widespread impact on amenity values and the report acknowledges the existence of high quality native ecosystems especially within gullies. We again believe that consideration of the area as an integral part of the catchment must be considered in detail if compliance with S7(c) is to be demonstrated.

Section 5.3 –NPS –FM catchment level management of land use.

Para 109 again fails to understand the importance of catchment level management of fresh water by seeking to refer these considerations to individual applications for resource consent. We submit that we as a country cannot continue to fragment consideration of catchment level effects if public and legislative concerns over fresh water management and the protection of native biodiversity are to be realised.

Section 6.1 Evaluation of options

All tables consider only direct monetary costs. No attempt is made to evaluate true economic costs by the inclusion of non-monetary costs and benefits.

Option A Do Nothing posits a hypothetical future cost to achieve the same outcome as currently sought. It then suggests this option is inefficient on this basis. It uses a similar circular argument to define effectiveness in terms of the requested change. The overall assessment suggests the sites would be under utilised. This appears rest on assumptions that are neither identified nor quantified, but seem to be based on the view that financial return is the only relevant criterion, contrary to the purpose of the RMA.

Option B Of the Benefits listed, 8.3 is no change from existing so hardly a benefit, 8.4 As could be considered a benefit or cost we suggest it should be removed. 8.5 is a nonsensical argument. The provisions of the district plan apply whatever the zoning.

Costs.

8.8 asserts that there would be a 'minor' change in the local environment. As noted above we submit that a 150% increase in housing within the valley cannot be considered minor. Any such level of change must be considered as major, with associated costs to the natural and social environment.

8.9 By limiting its view to consideration of 'productive' soil, this paragraph again fails to consider any value other than monetary. We submit that at the very least, the loss of amenity value is major and should be considered.

7.1 Amenity and Character Effects

Para 145 As noted above, the contention that the increase in building density would only be visible from the immediate surrounding properties is the reverse of the truth. Due to the topography, immediately surrounding properties are those less likely to be impacted by visual changes than the wider area.

The argument that the density of dwellings in the surrounding area is consistent with that allowed under the PPC relies on the zoning criteria not the actuality and should not be accepted as a valid comparator.

7.4 Landscape Natural Character and Ecology effects.

Once again the justification for ignoring these concerns is that they will be addressed piecemeal if and when applications for resource and building consents are made. An argument that leads to an abrogation of the requirement to consider wider and cumulative effects which has led to an abysmal track record of destruction of natural resources and negates the primary purpose of the Act.

Transport impact assessment

The report contains several factual errors – No property subject to the PPC abuts Normandale Road. We note that although the report acknowledges Stratton Street as a major access point to BRP, it fails to note that Normandale Road is also a major access point for cyclists and dog walkers, runners etc.

The statement that 268 Stratton St has road frontage to Normandale Road is incorrect. Normandale Rd stops at the entrance to 301. The continuation, the unmade bed of the Belmont to Pauatahanui coach road, a grade 2 listed historic site, has never been part of Normandale Road and is not maintained by HCC. Similarly, the report refers to six new lots having direct access on to Normandale road, as noted above this is incorrect.

Objective 14A 3.5 The wording here is misleading. In terms of absolute numbers the proposed change does not generate high number of traffic movements. However in the context of the local environment, it has the potential to increase traffic movements by around 150% based on the same assumptions made by the author of the report. It is also misleading to say that the new traffic

movements will be split across Stratton Street and Normandale road. Lower Normandale road will become a receiver of some new movements but all will need to exit on Stratton Street.

Policy 14A 4.4 Again we fail to understand how a 150% increase in traffic movements can be considered a 'small increase'. This should be clearly stated as a major increase.

Conclusion

We do not wish to prevent the owners of the land the subject of the PPC from developing their land, but submit that the lack of consideration of environmental effects and of analysis in the application are such that it should not be accepted in its current form.

From: Pam Guest <pam.guestnz@gmail.com>
Sent: Thursday, 13 February 2020 12:09 AM
To: Corporate Records
Subject: Plan Change 53
Attachments: PlanChange53.pdf; PC53.docx

Please find attached our submission on Plan Change 53, including base form plus an attachment with further details.

--

Pam Guest
Environmental Planning
177 Stratton St
Western Hills
LOWER HUTT 5010

h/w 04 586-6467
m 0276 774466

Submission on publicly notified Proposed District Plan Change



Clause 6 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. **This is a submission from:**

Full Name	Shaw & Guest Peter; Pam	
	<small>Last</small>	<small>First</small>
Company/Organisation		
Contact if different		
Address	177 Stratton St	
	<small>Number</small>	<small>Street</small>
	Normandale	
	<small>Suburb</small>	
	Lower Hutt	5010
	<small>City</small>	<small>Postcode</small>
Address for Service if different	<small>Postal Address</small>	<small>Courier Address</small>
Phone	<small>Home</small>	<small>Work</small>
	0274906733	
	<small>Mobile</small>	
Email	guest.shaw@gmail.com	

2. This is a **submission** on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

53

Title of Proposed District Plan Change:

190, 236, 268 Rezoning to Rural Residential Activity Area

3.a I could could not gain an advantage in trade competition through this submission
(Please tick one)

3.b If you could gain an advantage in trade competition through this submission:

I am am not directly affected by an effect of the subject matter of that submission that—
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

(Please tick one)

Note: 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 Part 1 of Schedule 1 of the Resource Management Act 1991.

4. The specific provisions of the proposal that my submission relates to are:

Please give details:

Traffic management
 Protection of significant indigenous biodiversity
 Protection of streams and their riparian margins

(Please use additional pages if you wish)

5. My submission is:

Please include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:

Refer to attached

(Please use additional pages if you wish)

6. I seek the following decision from Hutt City Council:

Please give precise details:

For the plan change to include conditions that:
 - protect health and safety on the local road
 - protect significant indigenous biodiversity
 - protect streams and their riparian margins

(Please use additional pages if you wish)

7. I **wish** **do not wish** to be heard in support of my submission

(Please tick one)

8. If others make a similar submission,

I **will** **will not** consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
*(or person authorised to sign
 on behalf of submitter)*

	<i>Date</i>
--	-------------

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

- **Traffic management.**

We do not agree with the conclusions of the Transportation Impact Report regarding the potential effects of the plan change on road safety, given the introduction of potentially 23 new dwellings in an area currently containing 6 dwellings.

The Report poorly characterizes the Northern end of Stratton street. It is narrow, of uneven width and camber, and steep and winding in parts, with non-existent pedestrian provisions. In particular, it carries an atypically large load of recreational traffic - pedestrian, bicycle, and horse born - all of whom risk collisions with vehicular traffic. The limited accident data from the last five years is at odds with the daily experience of near misses.

While sensible drivers will limit speeds to 25-30km/h, the signage and speed limit allows an unsafe 50km/h, and some drivers exceed this further.

Increasing the valley's population to such an extent will inevitably lead to higher conflict and risk on the road. We request that should the plan change proceed, the council recognize these risks and respond with an appropriate traffic management plan. Most likely this would include lower signed speed limits and traffic calming measures. We would not support road re-alignment as this would most likely lead to increased speeds and risk.

- **Significant indigenous vegetation**

We disagree with the assessment under Section 5.1.2 that the proposal is consistent with Section 6(c) of the RMA, given that significant natural areas have already been identified within the plan change area.

As recognised in the draft National Policy Statement for Indigenous Biodiversity, New Zealand's indigenous biodiversity is in decline, with much of the remaining indigenous biodiversity on privately owned land. District councils have an important role to play in seeking actions from private landowners to ensure indigenous biodiversity is maintained, noting their function under RMA Section 31(b)(iii) to:

“control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(iii) the maintenance of indigenous biological diversity:

We consider that provision should be made as part of the plan change to require the protection of those areas already identified as having, or potentially having, significant indigenous vegetation and significant habitats of indigenous fauna as a pre-requisite for more intensive development, irrespective of whether the district plan has mandatory restrictions on private landowners. This is consistent not only with RMA s6(c), but also with Policies 23 and 24 of the Regional Policy Statement for the Wellington Region.

- **Water Quality and aquatic ecosystem health**

We note RPS policies –

Policy 40 Maintaining and enhancing aquatic ecosystem health in water bodies.

Policy 42 Minimising contamination in stormwater from development.

Policy 43 Protecting aquatic ecological function of water bodies

Also relevant objectives and policies in the Proposed Natural Resources Regional Plan have not been recognised, in particular:

Objective O25 Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded ...

Objective O27

Vegetated riparian margins are established, maintained, or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.

There are at least two permanently flowing streams within the plan change area (not ephemeral nor intermittent as assessed in the application). We consider, contrary to the assessment (para 108), that provision should be made to protect these waterways and their riparian margins, at the plan change stage, rather than leaving this to be assessed on a case by case basis as part of individual subdivision consent applications. This risks inevitable cumulative effects, rather than taking a more strategic approach which is to assess the values of and risks to these streams from the entire plan change proposal.

We note that the request by the regional council to prepare a structure plan was rejected but consider that this would have provided a more strategic approach to protecting environmental values, including aquatic ecosystem health and indigenous biodiversity.

Addresses for Service

Submission Number	Submitter Name/Organisation	Email Address
DPC53/1	Alan and Joyanne Stevens	joyannestevens@hotmail.com
DPC53/2	Royal Forest and Bird Protection Society of New Zealand	a.geary@forestandbird.org.nz
DPC53/3	Karen Self	badielly_the_witch@yahoo.co.uk
DPC53/4	Matthew Willard	matthew.s.willard@gmail.com
DPC53/5	Peter and Sandra Matcham	pmatcham@actrix.co.nz
DPC53/6	Friends of Belmont Regional Park	pmatcham@actrix.co.nz
DPC53/7	Pam Guest and Peter Shaw	guest.shaw@gmail.com

From: Joyanne Stevens <joyannestevens@hotmail.com>
Sent: Friday, 27 March 2020 4:18 PM
To: Corporate Records
Subject: Further Submission on Plan Change 53 attached
Attachments: Further Submission Plan Change 53.pdf

Joyanne & Alan Stevens

Further Submission on publicly notified Proposed District Plan Change



Clause 8 of the First Schedule, Resource Management Act 1991

To: Chief Executive, Hutt City Council

1. This is a further submission from:

Full Name	Stevens Alan & Joyanne	
	<small>Last</small>	<small>First</small>
Company/Organisation		
Contact if different		
Address		
	<small>Number</small>	<small>Street</small>
	<small>Suburb</small>	
	<small>City</small>	<small>Postcode</small>
Address for Service if different	<small>Postal Address</small> joyannestevens@hotmail.com	<small>Courier Address</small>
Phone	<small>Home</small>	<small>Work</small>
	<small>Mobile</small>	
Email	joyannestevens@hotmail.com	

2. This is a further submission in support of or opposition to a submission on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

Title of Proposed District Plan Change:

3. I consider that under Clause 8 of the First Schedule of the Resource Management Act I may make a further submission because:

I represent a relevant aspect of the public interest

Please give details: Transport/roading effects of the proposal will significantly impact the wider public.

I have an interest in the Proposed Plan Change that is greater than the interest of the general public

Please give details: Transport/roading effects, particularly on Normandale Road but also on Cottle Park Drive and lower Stratton Street adjacent to Poto Road, will directly affect access to our property.

I represent Hutt City Council

4. I support or oppose the submission of:

Name and address of original submitter and submission number of original submission:

We SUPPORT the following submissions:

- DPC53/2, Royal Forest & Bird Protection Society of NZ Inc, PO Box 631, Wellington 6140
- DPC53/3, Karen Self, 308 Normandale Road, Lower Hutt 5010
- DPC53/4, Matthew Willard, 89 Stratton Street, Lower Hutt 5010
- DPC53/5, Peter & Sandra Matcham, pmatcham@actrix.co.nz
- DPC53/6, Friends of Belmont Regional Park, pmatcham@actrix.co.nz
- DPC53/7, Pam Guest & Peter Shaw, 177 Stratton Street, Lower Hutt 5010

(Please use additional pages if you wish)

5. The particular parts of the submission I support or oppose are:

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal
DPC53/2 - biodiversity effects, appropriateness of leaving consideration of effects to a resource consent process and section 32 evaluation. DPC53/3 - effects on transport network, amenity of Old Coach Road and section 32 evaluation. DPC53/4 - safety of transport network, increased traffic, property access, safety of non-vehicular road users and section 32 evaluation. DPC53/5 - transport network, amenity and character, ecological effects, biodiversity and section 32 evaluation. DPC53/6 - transport network, visual effects, reverse sensitivity, ecological effects and section 32 evaluation. DPC53/7 - transport network, indigenous vegetation and fauna, ecological effects and section 32 evaluation.

(Please use additional pages if you wish)

6. The reasons for my support or opposition are:

Please give reasons:

The proposal would have significant effects on all the areas outlined above. In particular, detailed consideration of the effects needs to take place as part of the plan change process to ensure indigenous biodiversity is adequately considered and participation by affected parties is provided for. Relying on the RMA and subdivision rules is not appropriate in these circumstances.

The traffic report submitted with the application is of very poor quality. It falls short in accuracy, has many subjective comments and is misleading (probably deliberately). Traffic considerations are absolutely key to this proposal and must be addressed wisely in the public interest..

(Please use additional pages if you wish)

7. I seek that the whole or part [*describe part*] of the submission be allowed or disallowed:

Please give precise details:

We support all the comments made by submitters. These are real issues that need to be addressed before any consideration can be given to approving the plan change.

(Please use additional pages if you wish)

8. I wish do not wish to be heard in support of my submission

(Please tick one)

9. If others make a similar submission,

I will will not consider presenting a joint case with them at the hearing.

(Please tick one)

Signature of submitter
*(or person authorised to sign
on behalf of submitter)*

A & J Stevens

27.3.20

Date

A signature is not required if you make your submission by electronic means

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

From: Amelia Geary <A.Geary@forestandbird.org.nz>
Sent: Monday, 30 March 2020 9:00 AM
To: Corporate Records; pmatcham@actrix.co.nz; pam.guestnz@gmail.com
Subject: Forest & Bird's further submission PC53 Hutt City
Attachments: Forest&Bird_PC53_FurtherSubmission.pdf

Good morning

Please find attached Forest & Bird's further submission on Hutt City's PC53. Friends of Belmont and Pam Guest also included by way of service.

Regards,
Amelia

Amelia Geary
REGIONAL MANAGER - LOWER NORTH ISLAND
Horizons, Wellington

Royal Forest and Bird Protection Society of New Zealand Inc.
Ground Floor . 205 Victoria St . PO Box 631 . Wellington . New Zealand
DD 04 801 2218 **M** 022 039 9363

Please note, my days of work are generally Monday – Wednesday.

You can join Forest & Bird at www.forestandbird.org.nz



Forest & Bird

GIVING NATURE A VOICE

30 March 2020

Further Submission on the Hutt City Proposed Private District Plan Change 53

Emailed to: submissions@huttcity.govt.nz

From: Forest & Bird
PO Box 631
Wellington 6140
Attn: Amelia Geary
a.geary@forestandbird.org.nz

Royal Forest and Bird Protection
Society of New Zealand Inc.

Head Office:
PO Box 613
Wellington
New Zealand
P: +64 4 3857374

www.forestandbird.org.nz

INTRODUCTION

1. The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. It is independently funded by private subscription, donations and bequests. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Forest & Bird is currently involved in processes before the Court to improve the Hutt City district plan provisions for the protection of significant natural areas and to implement Council's functions for the maintenance of indigenous biodiversity.
2. Forest & Bird's submission relates to submissions on Hutt City Council's Proposed Private District Plan Change 53.
3. Forest & Bird could not gain an advantage in trade competition through this submission.
4. Forest & Bird wishes to be heard in relation to this submission.

SUBMISSION

5. Forest & Bird **supports** the submission of Friends of Belmont Regional Park and Pam Guest and Peter Shaw where they are not in conflict with Forest & Bird's original submission.

REASONS

Friends of Belmont Regional Park

6. Forest & Bird agrees that it is inappropriate to dismiss concerns raised by GWRC in section 4.1 of the s32 report as a matter to raise at the time of consent as this fails to consider the impact

of subdivision at a catchment level thereby failing to give effect to policies 40 and 43 of the RPS.

7. Furthermore, deferring protection of native vegetation on the sites to the time of consent puts protection squarely under Chapter 11 of the District Plan. The s32 claims that given one of the assessment matters of any subdivision is how the proposal protects Significant Natural, Cultural or Archaeological Resources, then there is opportunity to protect area of significant ecological values through the existing rule framework in the District Plan. What the s32 then fails to acknowledge is that there are no assessment criteria in the District Plan outlining how these significant values will be protected. Therefore, there is not an adequate rule framework to ensure protection.
8. Forest & Bird agrees that the assessment of s7 of the RMA does not allow for protection of natural and physical resources. As Friends of Belmont Regional Park point out, the s32 report acknowledges the existence of high quality native ecosystems especially within gullies but then fails to assess how these will be protected under s7(d, f, & i) of the RMA.
9. Forest & Bird agrees that in section 5.3 of the s32 there is a failure to recognise the relevance of the NPS-FM on this plan change.
10. Forest & Bird agrees that the Landscape, Natural Character and Ecology effects assessment in section 7.4 is insufficient. Two of the three properties subject to this proposed Plan Change (190 and 236 Stratton Street) are partly affected by an identified SNR (SNR38 – Normandale Road Bush). The s32 report cites chapter 14E of the District Plan which includes objectives, policies and rules to protect identified SNRs from inappropriate subdivision, use and development. However, the assessment that “as a result of two Environment Court decisions from 2004 the rules do not apply to identified SNRs on private land” does not reflect best practice nor the Wellington RPS. Not to mention, the cases cited are outdated.

Pam Guest and Peter Shaw

11. Forest & Bird agrees that the proposal is not consistent with s6(c) of the RMA, given that significant natural areas have been identified within the plan change area. It is noted that SNR 38 – Normandale Road Bush and additional significant areas partly affect all three properties, yet no new site specific rules are proposed. Forest & Bird supports the submitters’ assertion that provision for the protection of the areas of significance should be provided as part of this plan change, regardless of the current District Plan rules. This would give effect to sections 6c and 31(b)(iii) of the RMA and Policies 23 and 24 or the Wellington RPS.
12. Forest & Bird agrees that policies 40, 42 and 43 of the Wellington RPS are applicable. These were disregarded in the s32 report due to the argument that they would be addressed at the time of consent.
13. Likewise, the applicability of the NRP was further disregarded based on the assumption that waterbodies on the site were ephemeral or intermittent. However, Forest & Bird supports the submitters’ assertion that objectives O25 and O27 apply as there are at least two permanently flowing streams within the area of the plan change. We similarly endorse the view that provision should be made to protect these waterways and their riparian margins at the plan

change stage, rather than leaving this to be assessed on a case by case basis as part of individual subdivision consent applications.

RELIEF SOUGHT

14. Forest & Bird seeks that the aforementioned submission points be allowed.

Amelia Geary
Regional Manager
Forest & Bird

From: Pete <pmatcham@actrix.co.nz>
Sent: Monday, 30 March 2020 9:58 AM
To: Joyanne Stevens; A.Geary@forestandbird.org.nz; fobrp@actrix.co.nz;
badelly_the_witch@yahoo.co.uk; pam.guestnz@gmail.com; Corporate Records
Subject: PPC 53 further submission
Attachments: 20200329 Further Submission on publicly notified Proposed Private District Plan
Change 53.pdf

Hi folks,

please find attached our further submission on PPC 53.

Copied to Alan and Joyanne Stevens, Karen Self, Friends of Belmont Regional Park and Pam Guest by way of service.

keep safe

Pete and Sandie Matcham

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This email has been checked for viruses by AVG.

<https://www.avg.com>

Further Submission on publicly notified Proposed Private District Plan Change 53

To: The Chief Executive,
Hutt City Council
Private Bag 31912
Lower Hutt 5040

Email: submissions@huttcity.govt.nz

This is a further submission from Peter and Sandra Matcham under clause 8 of the 1st Schedule of the Resource Management Act (RMA)

Address 301 Normandale Road
Lower Hutt 5010

Tel: (04) 565 1083

email: pmatcham@actrix.co.nz

1. We have an interest in the proposed plan change greater than the general public as:
 - a Our property adjoins the area subject to the Proposed Plan Change
 - b We have made a submission on the Proposed Plan Change
2. We wish to be heard in support of our submission
3. If others make a similar submission we would consider presenting a joint case with them.

Our further submission is contained in the following table.

Signature of submitter



Date: 2020-03-27

Submission Ref and relevant part.	Point made in submission	Position of further submitter	Reasons for support / opposition	Outcome sought
DPC53/1 Alan & Joyanne Stevens	The traffic report provided is deficient and misleading ...Traffic associated with creating 23 potential lots on already substandard roads will create added pressure on the roads and intersections within several kilometres of the sites, including vehicular, non-motorised, pedestrian and horse usage of these rural roads. (transcribed from image and subject to error)	Support	We concur that the traffic report fails totally to consider the normal traffic pattern on the roads which would be affected by development at the scale enabled by the PPC. Only vehicular traffic is considered despite the wide variety of user types that make up a normal days usage, with non-vehicular traffic often dominating. This failure, together with the assumption that reported Road Traffic Accidents are a valid basis for risk assessment demonstrates a clear failure to understand the road environment in the area and the risk to vulnerable road users from a 150% increase in vehicular traffic. We also consider that the report fails to consider the directive of the 2019 GPS on land transport which give safety of vulnerable users priority.	Accept the submission and reject the traffic report.
DPC53/2 Forest & Bird Para 7 (a) (b) and (c)	Forest & Bird considers that the effects of the plan change on biodiversity, including streams and freshwater and the potential loss of natural habitats and effects on freshwater as a result of the plan change are inconsistent with the: a. Wellington Regional Policy Statement; b. National Policy Statement for Freshwater Management; c. Proposed National Policy Statement on Indigenous biodiversity	Support	The area of PPC53 contains permanent streams that extend beyond that area, and which form an integral part of the Korokoro catchment. Their courses are dominated by regenerating native bush which contain a wide diversity of flora from secondary colonisers, to emergent and canopy species, in steep gullies and adjoining hillsides. The zoning sought by the PPC has no provision to establish the primacy of te Mana o te Wai and through this te Hauora o te Taiao as required in the NPS-FM (2017). It is also evident that any subdivision with the associated creation of building sites and roading will have a major long term effect in terms of surface permeability and contaminant run off that would be directly contrary to objective 2A of the NPS-FM to improve and maintain the overall quality of fresh water, and policy 14 of the	Accept the submission

			<p>Wellington RPS to minimise storm water contamination from development.</p> <p>We consider that PPC53 also fails to address the requirements of objectives 12(b) Safeguarding the life sustaining capacity of water bodies, Objective 13 ... support healthy functioning ecosystems, and associated policies, in particular policies 40 -43, of the Wellington RPS.</p>	
DPC53/2 Forest & Bird Para 7 (d)	<p>Forest & Bird considers that the effects of the plan change on biodiversity, including streams and freshwater and the potential loss of natural habitats and effects on freshwater as a result of the plan change are inconsistent with d. Section 6 of the RMA.</p>	Support	<p>We note that under RMA Section 6(c) protection is the imperative action required. We further note that the reference to ‘Matters of national importance’ in Section 6 defines the matter to be considered. It does not refer to the geographical scope of the matter. In recognising and providing for the protection of ‘<i>significant indigenous vegetation and significant habitats of indigenous fauna</i>’ it is the local context that matters. Therefore it is the level of significance in terms of the District Plan, and of the local environment which must be considered. As noted in our and other submissions, the area subject to PPC 53 contains identified although not gazetted, areas of natural significance (SNAs). To meet the Councils’ obligations under the Section 6(c) RMA and the Wellington RPS on biodiversity, any change in zoning must provide for and give effect to the protection of indigenous biodiversity and as a minimum areas identified as SNAs be excluded from any zone change.</p>	Accept the submission

<p>DPC53/2 Forest & Bird Para 8</p>	<p>That the rezoning of land from General Rural Activity Area to Rural Residential Activity Area will afford lower protection to the biodiversity values of these areas due to the changes of use, particularly subdivision provided for under the activity zoning</p>	<p>Support</p>	<p>The scope of the potential subdivision permitted under the requested zoning would entail the loss of significant areas of regenerating native biodiversity and development in accordance with the permitted limits would create major effects on the water quality in the Korokoro catchment contrary to the requirements of the NPS-FM.</p>	<p>Accept the submission</p>
<p>DPC53/2 Forest & Bird Para 9</p>	<p>It is not appropriate to leave the consideration of the effects of activities which may be provided for under the new zoning to later consent processes when those effects can better be addressed at the time of the zoning plan change. The Council is unlikely to have full and adequate information before it when making a decision at the subdivision stage for the following reasons: a. The District Plan fails to provide adequate protection for s6(c) areas; b. The Rural Residential Activity Area and subdivision rules do not provide scope for council to implement their functions for the maintenance of indigenous biological diversity under s31(1)(b)(iii); c. The RMA limitations on notification effectively precludes public notification, other than in exceptional circumstances, for subdivision consent applications.</p>	<p>Support</p>	<p>As noted in our submission and in our comments above, the suggestion that consideration of the environmental effects that would be created by subdivision at the scale enabled by the requested change, is contrary to both international best practice, the overall purpose of the RMA and Policy 64 of the Wellington RPS which requires consideration a whole of catchment approach. With regard to points (a) and (b) We concur that the District Plan and in particular the Rural Residential Activity Area and subdivision rules do not reflect current legislative requirements under the NPS –FM, nor the changes in public expectations with regard to the protection of fresh water, indigenous biodiversity and amenity values. We understand from HCC staff, that the District Plan is due to be revised in the near future at which point these defects will no doubt be addressed. In the meantime we consider that to allow a change under the existing requirements of the District Plan would be a mistake.</p>	<p>Accept the submission</p>
<p>DPC53/2 Forest & Bird Para 10</p>	<p>This means that the only opportunity for Council to have full and adequate information before it is at the time of considering a Plan Change or through a full plan review process.</p>	<p>Support</p>		<p>Accept the submission</p>

DPC53/2 Forest & Bird Para 11	The section 32 report provided by the applicant is inadequate and fails to consider the potential effects of the activity and councils responsibilities and functions under the RMA. The council must undertake its own s32 analysis.	Support	The inaccuracies, inadequate investigation and analysis of Section 32 matters noted in our submission, together with its failure to address the overarching requirements of national, regional and local policies on biodiversity calls into question the validity and competence of the entire report. We do not consider the application presented for the proposed plan change a valid basis for a decision.	Accept the submission
DPC53/2 Forest & Bird Para 12	That overall the plan change will not achieve the purpose of the RMA.	Support	We support this view for the reasons given in our submission and in comments above.	Accept the submission
DPC53/2 Forest & Bird Para 12	Forest & Bird seeks that the plan change application be declined.	Support in part	We consider that on balance the inability of the zoning criteria sought to give effect to Section 6 of the RMA, the Wellington RPS, the NPS-FM, and provisions of the District plan with regard to the maintenance and protection of water quality, indigenous bio-diversity and amenity landscape, together with the failure of subdivision and building consent application process to adequately consider wider and cumulative environmental effects that this change would enable, means that the proposal should be rejected in its entirety.	Reject the proposal in its current form
DPC53/3 Karen Self	No vehicle access be given to proposed subdivided lots via Normandale Road past the current entrance to the Old Coach Road.	Support	The assumption made in PPC53 that access to the area is available via the Old Coach Road-Belmont to Pauatahanui (Mis-named Normandale Road in the PPC) is not only contrary to the reality, but if considered would be contrary to the requirements of RMA Section 6(f) and Objective 15 and associated policies of the Wellington RPS. We further note here that in our opinion, the degree of protection for historic artefacts determined by the High Court in <i>Lambton Quay Properties Nominee Ltd</i>	Accept the submission

			<i>v Wellington City Council</i> [2014] NZHC 878 at [70-71] has by implication been increased by the decision of the Environment Court in <i>EDS vs King Salmon</i> , and that although the primary means by which protection of historic heritage is provided for is by scheduling items or areas in the district plan, section 6(f) still offers protection in its absence. (<i>New Zealand Historic Places Trust v Waitaki DC</i> (NZEnvC C034/08, 3 April 2008))	
DPC53/6 Friends of Belmont Regional Park	Our concerns are based around two areas. First the wider environmental effects that would follow the plan change. In line with the arguments by the applicant’s consultant, we consider the plan change as an enabling change. Regardless of the intentions and values of the current property owners, such a change would mean that they and future owners could not be prevented from undertaking development in the peri-urban environment that would be considered on a piecemeal basis rather than as a totality – death by a thousand cuts. Such development will radically alter the visual and amenity values of the park’s environs both directly and by increasing the creep of suburbanisation into the rural areas, with the attendant perils of reverse sensitivity from changing expectations	Support	As noted in our reasons for supporting DPC53/2 Forest & Bird Para 11 above, we consider the suggestion that environmental and societal effects can be deferred to a piecemeal consideration at resource consent stage demonstrates a failure to understand the basic concepts of ecological assessment and the increasing importance of amenity value. We also support the concern over reverse sensitivity.	Accept the submission

DPC53/6 Friends of Belmont Regional Park	Section 32 Assessment – scale and significance		In addition to the points made in our own submission which support this section, we would argue that in adopting a numeric scale to assess scale and significance the section is fundamentally flawed. The greatest danger in a subjective assessment is to base this on a numeric scale since this is assumed to be interval when in reality any assessment here is ordinal.	
DPC53/6 Friends of Belmont Regional Park	3.5 Quantification		We note again a fundamental methodological flaw in the quantification in that dollar cost is assumed a valid proxy for non-monetary values. This assumption leads, when considering mitigation and avoidance costs, to goal transference from ecological cost equivalence, to dollar cost minimisation, and should be avoided. The use of dollar proxy also encourages the limiting of values considered to those easily quantified rather than their ecological significance.	
DPC53/6 Friends of Belmont Regional Park	Section 4.1 Consltation (sic)	Support		Accept the submission
DPC53/6 Friends of Belmont Regional Park	Section 5.1.2 and 7	Support	As noted in our reasons for support of DPC53/2 Forest & Bird Para 7 (d), the failure to consider Kaitiakitanga and RMA Section 6(c) is to negate the entire purpose of the RMA.	Accept the submission

DPC53/6 Friends of Belmont Regional Park	Section 5.3 –NPS –FM catchment level management of land use	Support	As noted in our reasons for support of DPC53/2 Forest & Bird Para 7 (a) (b) and (c) We further note HCC’s acknowledgement of the importance of catchment level assessment in its participation in the te Whanganui a Tara Whaitua process.	Accept the submission
DPC53/6 Friends of Belmont Regional Park	Section 6.1 Evaluation of options	Support	We also consider this section to be methodologically flawed and illogical. It utilises straw man arguments based on circular hypotheticals and attempts to equate incommensurables.	Accept the submission and reject the evaluation
DPC53/6 Friends of Belmont Regional Park	7.1 Amenity and Character Effects and 7.4 Landscape Natural Character and Ecology effects	Support	We believe that the failure to even consider the ecological, amenity and landscape effects of the proposed change indefensible. To suggest that these will be addressed later during a process when the opportunity to consider wider and cumulative effects are curtailed and public consultation denied, is in our opinion a deliberate attempt to avoid their consideration completely.	Accept the submission
DPC53/6 Friends of Belmont Regional Park	Transport impact assessment	Support		Accept the submission

<p>DPC53/7 Pam Guest</p>	<p>Significant indigenous vegetation We disagree with the assessment under Section 5.1.2 that the proposal is consistent with Section 6(c) of the RMA, given that significant natural areas have already been identified within the plan change area. As recognised in the draft National Policy Statement for Indigenous Biodiversity, New Zealand's indigenous biodiversity is in decline, with much of the remaining indigenous biodiversity on privately owned land. District councils have an important role to play in seeking actions from private landowners to ensure indigenous biodiversity is maintained, noting their function under RMA Section 31(b)(iii) to: “control of any actual or potential effects of the use, development, or protection of land, including for the purpose of— (iii) the maintenance of indigenous biological diversity: We consider that provision should be made as part of the plan change to require the protection of those areas already identified as having, or potentially having, significant indigenous vegetation and significant habitats of indigenous fauna as a pre-requisite for more intensive development, irrespective of whether the district plan has mandatory restrictions on private landowners. This is consistent not only with RMA s6(c), but also with Policies 23 and 24 of the Regional Policy Statement for the Wellington Region.</p>	<p>Support</p>	<p>In addition to the points made in in our reasons for support of DPC53/2 Forest & Bird, Para 7 (d), we note the requirement on councils to maintain indigenous biodiversity under RMA S31(b)(iii) has in the words of the Parliamentary Commissioner for the Environment been characterised by “... <i>an undervaluing of biodiversity in decision making and inadequate regulatory protection contributing to indigenous biodiversity loss.</i>” We consider that to avoid this charge, HCC must require a full and independent ecological evaluation of the land in question.</p>	<p>Accept the submission</p>
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<p>DPC53/7 Pam Guest</p>	<p>We note RPS policies – Policy 40 Maintaining and enhancing aquatic ecosystem health in water bodies. Policy 42 Minimising contamination in stormwater from development. Policy 43 Protecting aquatic ecological function of water bodies Also relevant objectives and policies in the Proposed Natural Resources Regional Plan have not been recognised, in particular: Objective O25 Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded ... Objective O27 Vegetated riparian margins are established, maintained, or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area. There are at least two permanently flowing streams within the plan change area (not ephemeral nor intermittent as assessed in the application). We consider, contrary to the assessment (para 108), that provision should be made to protect these waterways and their riparian margins, at the plan change stage, rather than leaving this to be assessed on a case by case basis as part of individual subdivision consent applications. This risks inevitable cumulative effects, rather than taking a more strategic approach which is to assess the values of and risks to these streams</p>	<p>Support</p>	<p>As noted in our reasons for support of DPC53/2 Forest & Bird Para 7 (a) (b) and (c)</p>	<p>Accept the submission</p>
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	<p>from the entire plan change proposal. We note that the request by the regional council to prepare a structure plan was rejected but consider that this would have provided a more strategic approach to protecting environmental values, including aquatic ecosystem health and indigenous biodiversity</p>			
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Appendix 2: Assessment by David Wanty

**BEFORE THE INDEPENDENT COMMISSIONER
APPOINTED BY HUTT CITY COUNCIL**

Reference Number PC53

IN THE MATTER OF:

Proposal for a private District Plan Change 53 titled 190, 236 and 268 Stratton Street Normandale – Rezoning to Rural Residential Activity Area

APPLICANT:

Urban Edge Planning Ltd, on behalf of
Judy and Neville Bannister

Brief of Evidence of David Keith Wanty

Presented for filing by:

Dan Kellow
RESOURCE CONSENTS - CONTRACTOR
Email: Dan.Kellow@huttcity.govt.nz

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

1. My name is David Keith Wanty. I am a self-employed transport engineer and Director / Principal of Wanty Transportation Consultancy Limited based in Wellington.
2. I have a Bachelor of Engineering (Civil) and a post graduate Master of Engineering (Civil) from the University of Canterbury and a Master of Science (Transport Planning and Engineering) from the University of Leeds. I am a member of Transportation Group NZ which is a Technical Group of Engineering New Zealand, and I am a member of the Institute of Transportation Engineers (International Division). I am registered in New Zealand as a Chartered Professional Engineer and as an International Professional Engineer.
3. I have more than 37 years' experience as a transport engineer including the areas of traffic engineering, transport planning, road safety and road asset management analysis.
4. I have been the Vice-Chair, Chair and immediate Past Chair of the national committee of Transportation Group NZ (formerly the IPENZ Transportation Group), the largest Technical Group of Engineering NZ.
5. Much of my experience has been in the area of traffic engineering. I have undertaken independent reviews of proposed development projects for local authority and private clients at the resource consent / council hearing and Environment Court stages. I have prepared assessment reports and presented evidence at a number of Council and Environment Court hearings and as a traffic expert have been involved in caucusing.
6. While based in Wellington I have undertaken a number of projects in Hutt City Council and have considered traffic and safety pertaining to private developments including that pertaining to private plan change 47, and conducted road safety audits at various stages of Council projects (including walking and cycling projects).

I visited the plan change site environs on Friday 7 August 2020 and more recently on Wednesday 9 June 2021.

INVOLVEMENT IN PROJECT

7. My current involvement is only recent comprising reviewing the original Application documents as provided by Council for the proposed rural subdivision zone and the original submissions received.
8. In the past years I have also reviewed for Council in mid-2020 the proposed private Plan Change 48 Kelson Gardens.

EXPERT WITNESS CODE OF CONDUCT

9. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

PURPOSE AND SCOPE OF EVIDENCE

10. The purpose of this evidence is to assess the transport effects of the proposal.
11. The proposal involves the creation of a rural residential subdivision area combining three large properties off Stratton Street into one zone. Each of the three properties currently have one existing dwelling with access from Stratton Street; the Application states that the northernmost property (#268) also has road frontage to Normandale Road but a submitter disputes this as being inaccurate.
12. These three properties comprise the total site area of 49.8067 hectares divided approximately as follows
 - 268 Stratton Street: 16.77 hectares
 - 236 Stratton Street: 12.75 hectares
 - 190 Stratton Street: 20.28 hectares

SUMMARY OF CONCLUSIONS

13. I concur with the Application Transportation Impact Assessment that as a result of the additional site traffic road improvements should be made to Stratton Street, off which all site access should be provided.

I note however that Council has no plans for any improvements of Stratton Street although potentially I surmise

that some could be made as part of general maintenance, possibly including vegetation trimming on the inside of bends to improve the forward sight visibility.

14. To help inform to what extent improvements are desirable, traffic surveys should be undertaken, along with speed surveys to help inform Council on a potential change in the speed limit(s) as suggested by submitters or to the initial 35 km/h advisory speed sign.

I conclude that the potential doubling of the average daily traffic may or may not be able to be accommodated without any roading improvements with no more than a minor effect, depending on the existing traffic patterns (especially recreational users along Stratton Street). Regular vegetation trimming would go a long way to improve the road safety.

15. I consider that locating suitable accessways for the plan change site(s) could be problematic without some localised improvements, but which could be addressed at the resource consent stage if the plan change is approved.

RECOMMENDATIONS

16. I recommend that user surveys be conducted to capture the usage of the Stratton Street by both drivers and occupants of motor vehicles and non-motorised vehicle users (pedestrians, cyclists, equestrians); this ideally should include speed surveys.
17. I recommend Council investigate to confirm the alignment of Stratton Street which appears to be in places outside the road reserve. This investigation should include investigation of trimming of vegetation on the inside of bends to improve the (forward) sight visibility and to confirm that Council can readily do so (clearance within the road reserve or on Council land).

EXISTING ENVIRONMENT:

18. This proposal is to provide 13 rural residential lots at the top of Normandale bordering the Belmont Regional Park.
19. Neighbouring properties to the plan change site include:
 - 282 Stratton Street to the north of 268, being part of the Belmont Regional Park. It is also opposite the northwestern and southwestern corners of 190, and opposite 236 and 268 on the western side of Stratton Street. Also opposite the northeastern corner of 268 is

350 Normandale Road (Belmont) being part of the Belmont Regional Park accessed via Old Coach Road.

- 122 Stratton Street to the south of 190 which is labelled on the Belmont Regional Park brochure as Cottle Park (I opine it is shaped like Taurus the bull), through which is a track from Stratton Street to the sharp bend at the eastern end of Cottle Park Drive.
- 301 Normandale Dr to the east of 190 and also bordering southeastern corner of 236.
- Opposite 190 on the western side of Stratton Street are 201 and 177 Stratton Street.
- Opposite the northeastern corner of 236 on the eastern side of Old Coach Road is 330 Normandale Road.
- Opposite 268 on the eastern side of Old Coach Road is 340 Normandale Road (shares driveway with 330, 306, 308, 310 – Waglands Dogs' Holiday Retreat, 310A and 312 Normandale Road).

20. In terms of properties along Stratton Street those north of Cottle Park Drive not including the site or Belmont Regional Park are 102, 112 and 122 on the eastern side and 73, 89, 91, 101, 103, 117, 147, 149 on the western side.

South of Cottle Park Drive are 64 Poto Road and 4, 6, 8,10, 12, and 30 Stratton Street (+ unoccupied 6 Wilson Grove) on the eastern side and 3 – 27 excluding 9 on the western side.

ROAD SAFETY HISTORY

21. The Transportation Impact Report examined the reported crash history for the five calendar years 2014-2018 and partial 2019 for Stratton Street from its intersection with Miromiro Road and for the northern part of Normandale Road. It reported no crashes for the latter, one serious injury crash in April 2019 involving a downhill motorcyclist sliding on loose gravel, and one non-injury crash involving a motorist attempting to avoid the Police.
22. I have expanded the crash history to the past 11½ years, noting that all reported injury crashes are aimed to be recorded in the Waka Kotahi NZ Transport Agency (NZTA) Crash Analysis System (CAS) database within 4 weeks (refer <https://cas.nzta.govt.nz/>). I undertook the crash query in mid-June 2021 for all crashes since 1 January 2010 along Stratton Street including some on Miromiro Road, Poto Road and Martin Grove near their crossroads intersection with Stratton Street.

23. My search query resulted in identifying 6 crashes - this included two non-injury crashes on Poto Road, both westbound "lost control turning right" at night, one a single vehicle crash 40 m east of Stratton St on 11/4/2010 and one 30 m east of Stratton St on 31/5/2015 involving hitting a parked car and shoving it into another parked car.
24. Along Stratton Street south of Cottle Park Drive there was a non-injury "lost control turning right " night-time crash involving a single northbound car on 15/6/2015.
25. Along Stratton Street north of Cottle Park Drive there were three injury crashes.

One was a daytime serious injury crash on 26/4/2019, involving a postie on a small motorcycle losing control on a patch of loose gravel, 540 m north of Cottle Park Drive by #91. Police cleared the gravel (possibly from #102 unsealed driveway – refer Google Street View image below).



There was a daytime southbound minor injury crash on 11/8/2012 involving a drunk driver losing control, hitting a speed hump before crashing into the grass bank and flipping the car, approximately 2 km north of Cottle Park Drive.

A daytime minor injury "head on - swinging wide" crash occurred on 4/1/2010, involving a southbound motorcycle and a northbound car, both travelling in the middle of the road approaching a "blind bend" 270 m north of Cottle Park Drive by #73.

26. From this query, the predominant crashes are single vehicle loss of control crashes. One crash did involve lack of approach sight visibility along the narrow windy rural section of Stratton Street which is not surprising, and another road factor was some localised loose gravel affecting a motorcyclist familiar with the route.

ROAD SAFETY RISK

27. In addition to examining CAS I examined the NZTA Safer Journeys Risk Assessment Tool commonly known as MegaMaps. This was updated in late August 2020 and is now referred to as MegaMaps III.
28. For the 2015-2019 five calendar year period MegaMaps III showed only one injury crash along Stratton Street, being a serious injury crash on 26/4/2019 by #91.
29. MegaMaps identifies the following safety aspects, noting that Stratton Street is subdivided into two sections (rural and urban). It's key characteristics and risk/speed metrics are shown in the popup screens below (rural section shown on the left, urban fringe section on the right).

Corridor ID	STRATTON_29927
Road Stereotype	Two lane undivided
Intersection Density	<1 per km
Lane Width	<3.0m - Narrow
Shoulder Width	0m to <0.5m - Very Narrow
Roadside Hazards	High_Moderate
Alignment	Tortuous
Access Density	5 to <10 per km
Land Use	Rural Residential
State Highway	No
AADT	137
IRR Score	2.12
IRR Band	High
TLA	Lower Hutt City

Corridor ID	Access_12244
Road Stereotype	Two lane undivided
Intersection Density	3 to <5 per km
Lane Width	<3.0m - Narrow
Shoulder Width	0m to <0.5m - Very Narrow
Roadside Hazards	Severe_Moderate
Alignment	Curved
Access Density	10 to <20 per km
Land Use	Urban Fringe
State Highway	No
AADT	689
IRR Score	2.07
IRR Band	Medium
TLA	Lower Hutt City

Corridor ID	STRATTON_29927
Road Name	STRATTON
State Highway	No
IRR Score	2.12
IRR Band	High
Free Flow Speed	30.50
Speed Limit	50
Safe and Appropriate Speed	60
Primary Reason for SAAS	Aligns with framework
Governing Factor	Aligns with framework

Corridor ID	Access_12244
Road Name	Access road
State Highway	No
IRR Score	2.07
IRR Band	Medium
Free Flow Speed	44.32
Speed Limit	50
Safe and Appropriate Speed	50
Primary Reason for SAAS	Aligns with framework
Governing Factor	Aligns with framework

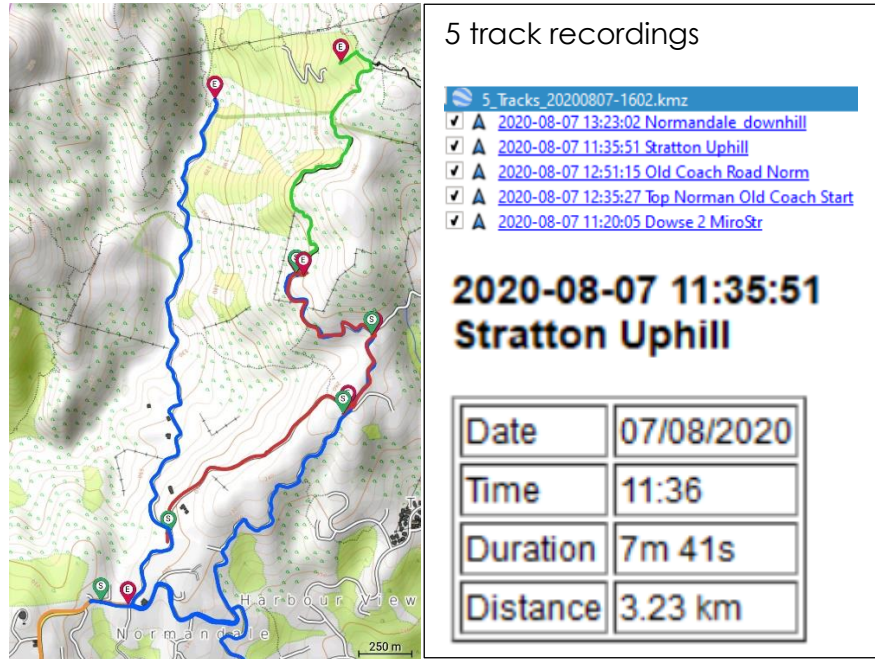
30. In terms of the Road Safety Metric, rural Stratton Street has a Low Medium collective and a Medium personal risk while urban (fringe) Stratton Street has both as Low risk.

31. In terms of the Infrastructure Risk Rating (IRR), rural Stratton Street is in the High IRR band while urban is Medium (most roads in Normandale and Maungaraki are in the Medium or Medium High IRR band, only the northern rural section of Normandale Road is also in the High IRR band).
32. In terms of the Safe and Appropriate Speed (SAAS), all the urban roads in Normandale and Maungaraki have a suggested 40 km/h speed and the rural roads 60 km/h; the urban fringe southern part of Stratton Street is the only section with a suggested SAAS of 50 km/h.
33. In terms of mean operating/free flow speed, rural Stratton Street is shown as 30.5 km/h; this is consistent with its geometry and speed limit of 50 km/h (the lowest SAAS for rural roads is assumed as 60 km/h – no Normandale and Maungaraki roads are shown as having a “Potential Speed [Limit] Increase”)
34. In terms of High Benefit Speed Management, no roads in Normandale and Maungaraki are shown as benefitting aside from Dowse Drive (mean free flow speed 43.5 km/h) in the “Second 10% Interventions - Challenging Conversations”.
35. In terms of identified high risk roads or intersections, none are shown in Normandale and Maungaraki except for the Dowse Drive/Miromiro Road/Poto Road (single corridor) which is shown as an “ACC High Risk motorcycle route”.

ROAD GEOMETRY and FEATURES

36. In August 2020 I undertook some GPS tracking on my car to/from the Stratton Street sites (and also on my mountain bike along Old Coach Road at the end of Normandale Road - green line in the image below). These coincided with undertaking videos using my dashboard mounted smartphone. These involved pausing the recording at times to undertake site inspections (photos and carriageway measurements) at the 190, 236 and 268 Stratton Street existing driveways, intersections and the Belmont Regional Park car park areas.

I also undertook follow-up videos in June 2021, stopping once to undertake a spot carriageway measurement at the northbound cattle stop sign.



37. Google Earth elevation profile of the GPS tracking from the NZMAPS Android App (produced by NZ Dept of Lands & Survey) for the Stratton Street northbound track is shown below as an example. You can move the pointer along the route to view your estimated speed. I note some instances with extremely high speeds presumably from loss of satellite signal (blue line in the lower graph), possibly when restarting. I opine that the spot recorded gradients are unreliable but the moving average trend should be reasonably okay (pink/red line is the elevation, maximum at the car park by 282 Stratton Street Ranger's office was 148 metres).



38. My impression of the local roads was that they resemble other on the western Hutt Valley hills and other roads in greater Wellington being narrow and winding.

39. Stratton Street north of its intersection with Miromiro Road/Poto Road/Martin Grove is reasonably wide with a marked centreline but is fairly windy.
40. After its intersection with Cottle Park Drive (which is marked as the main route and is wide and not so windy) Stratton Street narrows with no centreline marking and a windy road 35 km/h advisory speed sign and "narrow road 1.6km to end" supplementary plate sign. It has an old Lower Hutt City "WATCH OUT Share the road – equestrian, cycle, adult pedestrian" sign (the one south of Cottle Park Drive has an children warning sign below it). While there are no streetlights, Retroreflective Pavement Markers (RRPMs) are along the edgeline and Edge Marker Posts (EMPs).
41. I measured the sealed carriageway width in four places varying between 3.6 m and 4.7 m (3.5 m between the edgelines on the bend below 190 and above 177). Beside the properties just after the cattle stop there is a track turnoff to Belmont Trig, a car park information turnoff, a horse float parking area, a new car parking area (approximately 8 m wide by 27-28 m long) opposite 268 alongside the Belmont Skills Track, and the large circular turning area with room for parking by 282 Rangers office. Note also that the edgelines ceased after the cattle stop and immediately after the 236 driveway there is a 10 km/h posted speed sign followed by four speed humps which are not signposted although they are marginally marked. There is also the trail signposted "Belmont Regional Park to Cottle Park Drive" (not well suited at Stratton Street end for other than pedestrians with/without their dog).
42. Beyond the end of Stratton Street is a 3 km track leading to Old Coach Road. Only 300 m up the track are toilets (with drinking fountain) and the Woolshed classroom which has additional parking (another locked gate). There are BBQs and picnic tables evidently associated with the classroom, and a sign for the next BAMBA (Belmont Area Mountain Bike Association) trail building event plus their trail posters. Refer also to the Belmont Regional Park Map <https://www.gw.govt.nz/assets/Parks-and-Recreation/Belmont/Belmont-web-Map-2017-copy.pdf>.



TRAFFIC EFFECTS: GENERAL

43. The Transportation Impact Assessment Report (TIA) for the original Plan Change proposal estimated the number of additional daily movements as 140 based on 6 motor vehicle trips per day (vpd) per dwelling (14 weekday peak hour trips). This was expected to be split to 100 vpd on Stratton Street (17 dwellings) and 40 vpd on Normandale Road (6 dwellings). The weekday peak hour traffic on Stratton Street was expected to be 10 vehicles per hour (vph).
44. The Stratton Street traffic was expected to be approximately equally split between the Miromiro Road/Dowse Drive route and the Poto Road/Normandale Road route noting that it appears that the author thought that Miromiro Road was between Stratton Street and Normandale Road.
45. The TIA has not been updated for the revised proposal with access only off Stratton Street for 13 lots (#190 -6; #236 -3; #268 – 4 allotments) for Controlled Activity standards, although more lots could be considered as a Discretionary Activity.
46. I accept that the small amount of additional traffic (up to 20 lots for example) should add little noticeable delay to the morning peak southbound heavy congestion on SH2 Western

Hutt Road. Waka Kotahi NZ Transport Agency (NZTA) has construction planned to relieve congestion at Melling. Prior to June 2021 NZTA had not formally ruled out proceeding with the Petone to Grenada project within the next ten years to relieve congestion south of Dowse Drive; I am unsure whether this changed during the June 2021 announcements deferring many key infrastructure projects due to large cost increases.

47. Based on my site visit and familiarisation I opine that Stratton Street north of Cottle Park Drive is not of a form to readily cater for much additional traffic and to mitigate the impact would likely involve engineering improvements while recognising the needs of existing users including equestrians.
48. I opine that prospective residents could include well-off families with horse loving daughters leading to additional equestrians along Stratton Street plus vehicles towing horse floats. Additional cyclists might also be expected taking advantage of the nearby Belmont Regional Park and the Belmont Skills Track for mountain bike riders (opposite the fairly recent planting along Stratton Street) by the recently formed car park near 268 Stratton Street.



49. As noted by submitters to the original Plan Change, the Application does not address mitigation measures along Stratton Street for existing road users as well as the additional expected motorised and non-motorised traffic associated with the plan change site.

50. The transportation impact assessment gives limited comment in its "Section 8. Road improvements", reproduced below

The existing northern part of Stratton Street from Cottle Park Drive has some constraints that would benefit from improvements for the existing users of the road as well as future users arising from the plan change proposal as well as anticipated growth in the use of Belmont Park.

These improvements would consist of isolated curve widening and vegetation removal to improve sight distances and passing on some of the tighter curves. This would need to be done carefully because the current road alignment provides an excellent measure to control vehicle speeds.

51. I concur that such engineering measures could include widening at bends and/or benching to improve sight visibility around tight bends, the latter occurring on two bends on Normandale Road between Cottle Park Drive and Sweetacres Drive. Widening along the straights might also be expected recognising also that equestrians prefer their horse to be off-road with a buffer gap. Vegetation trimming on the inside of bends would go a long way to improving the forward sight visibility.
52. The Austroads Guide to Road Design Part 3 Geometric Design states "Where traffic volumes are less than 150 vehicles per day [vpd] and, particularly, where terrain is open, single lane carriageways may be used."
53. The Mobile Road App estimates the average daily traffic (ADT) on Stratton Street north of Cottle Park Drive as 114 vehicles per day with 6 % heavy vehicles (estimated 22/5/21). South of Cottle Park Drive the estimate is 676 vehicles per day (flows are extracted from Council's RAMM database).
54. The anticipated Stratton Street site traffic will be approximately 80 (13 lots as of right) to 120 (if 20 lots) vpd resulting in more than 150 vpd and thus Stratton Street north of Cottle Park Drive should be clearly two lanes. Table 4.5 shows that for a design AADT of 150-500 vpd the width should be 6.2 m relating to two 3.1 m traffic lanes, and minimum 0.5 m sealed shoulders (1.5 m combined sealed and unsealed).
55. NZS4404:2010 Table 3.2 shows that in the rural context, for 1-20 dwelling units (targeted speed 30 km/h) and 1-150 dwelling units (targeted speed 70 km/h) the carriageway width (excluding shoulders, minimum 0.5 m sealed) should be 5.5-5.7

metres, with cyclists sharing the road and pedestrians on the shoulder and berm. In New Zealand centreline marking can be marked on (rural) roads with a minimum sealed carriageway width (on straights) of 5.0 m.

56. I note also that the horse float parking area 800 m south of the road end is by the northwestern corner of Cottle Park opposite the Belmont Regional Park southern boundary with 149 Stratton Street.

This means that nearly all site traffic on Stratton Street would be passing by an area where horses can be expected along the road side.



57. Accordingly this rural northern section of Stratton Road should be widened if the plan changed is approved and the Applicant should contribute to the cost of doing so noting that this is a private plan change and the intention is not consistent with current Council policies and strategies.
58. Traffic, travel time/speed and potentially carpark usage surveys should be undertaken of motorised and non-motorised road users during the weekday and fine weekends to confirm current usage and inform potential appropriate road improvement measures, and Council consideration of a potential reduction in the 50 km/h posted speed limit (and possible increase in the section north of 236 Stratton Street with a signposted 10 km/h speed limit (I failed to locate a Gazette Notice for this but Council are better placed to do so).

I note that Council are not planning any improvement works on Stratton Street other than the usual resurfacing and addressing any necessary maintenance that might arise.

59. I consider also that the signposted 35 km/h advisory speed sign should be checked to ascertain if 25 km/h is overall more appropriate.
60. As part of potential road improvements, the Applicant should consider transferring some of the plan change land to the Stratton Street road reserve where its boundary is very close to the inside of the road in order to facilitate potential future bend widening /easing and/or benching to improve sight visibility for safety.
61. In fact in some instances it appears that Stratton Street is partially within 190 Stratton Street which should have been identified as part of the Application. Potentially this might have been noted in the Application Appendix B set of Engineering Drawings. Incidentally some of Stratton Street is also within 282 being part of Belmont Regional Park.

TRAFFIC EFFECTS: ACCESSES

62. Approximately 50 seconds driving time to the north of Cottle Park Drive is the 190 Belmont Country Escape steep angled concrete driveway, which I noted had poor drainage control (no slot drain leading to the fairly blocked small culver) and not so great exiting sight visibility to the north. With the steep embankments along Stratton Street locating suitable accesses is not obvious – the Appendix 2 transportation impact assessment within the Application states:

“The rights of way have been designed to connect in locations on Stratton Street where there are good sight distances to ensure safe and convenient access. Six of the new lots will have direct access onto Normandale Road.”

63. However the revision to the Application results in all access being off Stratton Street. As seen in the original plan below the locations of the direct driveway accesses is not shown and I understand this still to be the case, which however is not unsurprising for a plan change application.

The locations may be shown in the Application Appendix B set of engineering drawings but at time of writing these were not available for my perusal.

64. I consider that given the geometry suitably locating accesses could be problematic and a plan showing indicative locations of each (presumably 3) would have been useful. However any desirable road improvement measures

associated with accesses could be addressed at the resource consent stage if this private plan change is approved.



ORIGINAL SUBMISSIONS SUMMARY

65. I summarise the transport related submissions as follows, based on my reading of the submissions and not relying on the summary provided (which nevertheless appears accurate).
66. DPC53/1 (Alan & Joyanne Stevens, address not provided) questioned the reliability of the transportation impact assessment and considered that it underplayed traffic effects. Concerns raised on traffic along Cottle Park Drive and its intersection with Stratton Street (plus southern end of Stratton Street). Concerns on extension of Normandale Road on the many pedestrian and cyclist users of Belmont Regional Park.
67. In their further submission DPC53F/1 they stated support for the other six submitters (refer below) and by inference opposed the transport network and other traffic effects in DPC53/3 to DPC53/7. They reiterated the very poor quality of the transportation impact assessment and viewed traffic considerations as 'absolutely key'.
68. DPC53/2 (Forest & Bird) was opposed but not on any transport grounds. Their further submission DPC53F/2 reiterated issues relating to significant natural resources and permanent

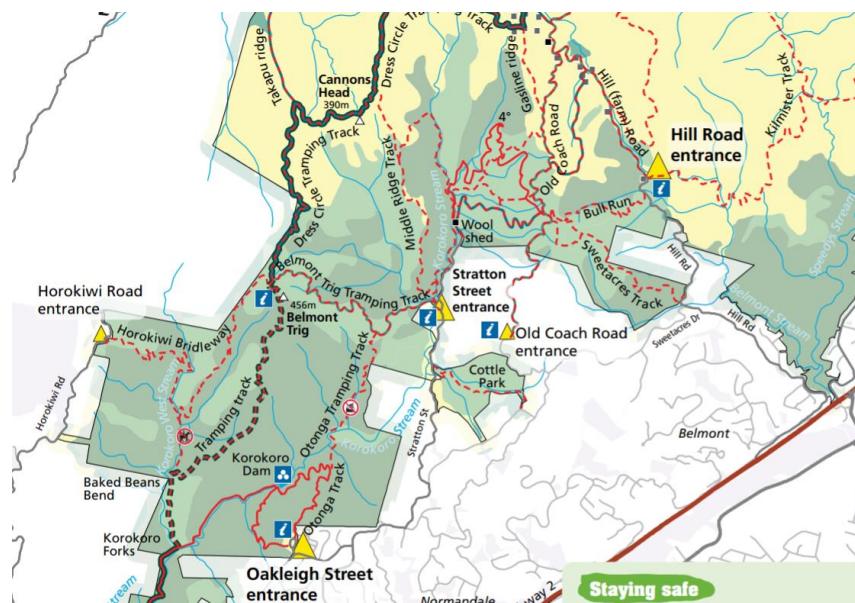
waterways which I opine could conceivably influence internal (site) road geometry design.

69. DPC53/3 (Karen Self, 308 Normandale Rd) opposes any access off Normandale Road beyond the #301 access and the Old Coach Road gate entrance to the park (retain existing track nature suited for non-motorised traffic), and that further in-depth traffic studies be undertaken north of #237.
70. DPC53/4 (Matthew Willard, 89 Stratton St) notes his near misses on Stratton St as a cyclist. He states that It is inappropriate for the proposed 17 lots to be accessed off Stratton Street in its current form (effect on non-motorised users) and noted that previously access had been planned to be off Cottle Park Drive which is more suitable.
71. DPC53/5 (Peter and Sandra Matcham, adjoining neighbour to the east on Normandale Road) notes that the transportation impact assessment mistakenly assigns part of Old Coach Road (a "Grade 2 listed historic site" starting at the gate) as Normandale Road. He considers that all traffic "will need to exit on Stratton Street", states that the relative increases (minimum 150%) should be taken into consideration, and that the peak hourly flows should be much greater.
72. Their further lengthy submission DPC53F/3 itemised support of particular points/sections raised in DPC53/1, DPC53/2, DPC53/3, DPC53/6, and DPC53/7. This included, inter alia, the statements "*the report fails to consider the directive of the 2019 GPS on land transport which give safety of vulnerable users priority*" and that access via "*Old Coach Road-Belmont to Pauatahanui ... would be contrary to the requirements of RMA Section 6(f) and Objective 15 and associated policies of the Wellington RPS [Regional Policy Statement].*"
73. DPC53/6 (Friends of Belmont Regional Park) echoes the traffic related views of DPC53/5.
74. DPC53/7 (Peter Shaw and Pam Guest, 177 Stratton Street) raise concerns over traffic management of the northern end of Stratton Street. If approved they request a reduction in the posted speed limit and traffic calming measures be introduced (but not road realignment which might result in increased travel speeds).

75. I find it curious that BAMBA did not make any submission, or the Belmont Regional Park ranger on behalf of Greater Wellington Regional Council.
76. To ascertain the status of Old Coach Road I searched the www.heritage.org.nz website and discovered on their map a listing for 7711, Old Belmont to Pauatahanui Road, Historic Place Category 2, registered 22/06/2007, pinned at the public road end of Normandale Road. In the attributes (extend of registration field) it says the following:

The registration includes the road (from south to north) between the end of the sealed section of the Normandale Road (GPS Coordinates: Easting 2669085, Northing 6000515, Elevation 297m) through Belmont Regional Park to the end of the sealed section of Belmont Road off the Paremata-Hayward Road (SH 58) (GPS Coordinates: Easting 2670751, Northing 6006340, Elevation 141m), a distance of approximately 10 kilometres (refer to Appendix 2, Map 2 of the registration report). The registration also includes the road formation, culverts, drains, embankments, quarries and other associated features.

Its registered legal description field was given as Legal Road (as advised by Greater Wellington: The Regional Council), Wellington Land District; its NZAA numbers were given as R27/252,R27/249,R27/250,R27/251,and R27/246.



77. I emailed and called Heritage New Zealand to enquire about what Category 2 status means but to date have not received a response.
78. In conclusion I consider that my evidence has addressed the matters raised in the original submissions.

David Keith Wanty

15 June 2021

ANNEX 1: HCC GIS aerial of the site and adjoining Cottle Park and local road network

ANNEX 1: HCC GIS aerial of the site and adjoining Cottle Park and local road network



From: [Dan Kellow](#)
To: [Dan Kellow](#)
Subject: [EXTERNAL] RE: PC 53 Stratton Street - s32AA and updated provisions
Date: Tuesday, 24 August 2021 5:10:37 p.m.

From: David Wanty [mailto:david@transportconsultant.co.nz]
Sent: Friday, 20 August 2021 4:33 p.m.
To: Dan Kellow
Subject: [EXTERNAL] RE: PC 53 Stratton Street - s32AA and updated provisions
Hi Dan

As discussed, assuming accesses comply I consider that adding 10 residential dwelling allotments, based on the limited current information available, could be tolerated under the current Council maintenance practice for the existing road usage with no more than a minor impact likely on the safety of Stratton Street in particular, and less than minor impact on other local roads.

Have a great weekend. We fortunately did not go this week to the Johnsonville Mall Countdown which is rumoured to become a location of interest.

David, 20/8/2021

Appendix 3: Operative Freshwater plan and Soil Plan Objectives and Policies

Regional Freshwater Plan – Relevant objectives and policies

Objective/Policy

RFP Chapter 4: General objectives and policies

Natural values

Objective 4.1.4: The natural character of wetlands, and lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.

Objective 4.1.5: The life-supporting capacity of water and aquatic ecosystems is safeguarded from the adverse effects of any subdivision, use and development.

Policy 4.2.9 To have regard to the following characteristics of wetlands, and lakes and rivers and their margins, when considering the protection of their natural character from the adverse effects of subdivision, use and development:

- Ecosystems, habitats and species; and
- Water quality; and
- The natural flow characteristics and hydraulic processes (such as sediment transport) of rivers or the pattern and range of water level fluctuations that occur naturally in wetlands or lakes; and
- The topography and physical composition of river or lake beds and the course of the river.

Policy 4.2.12: To promote the maintenance and enhancement of aquatic habitats and ecosystems when considering the adverse effects of the subdivision, use and development of land outside river and lake beds.

Objective 4.1.7: The amenity and recreational values of wetlands, lakes, and rivers are maintained and, where appropriate, enhanced.

Regional Soil Plan – relevant objectives and policies

Objective/Policy

RSP: Chapter 4

Vegetation cover

Objective 4.1.8: Any adverse effects of accelerated erosion are avoided, remedied or mitigated.

Policy 4.2.14 To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting:

- the maintenance and enhancement of vegetation in erosion prone areas;
- the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush;
- riparian management, including where this will help safeguard the life supporting capacity of aquatic ecosystems;
- compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or
- the maintenance and retention of erosion control plantings.

Soil Disturbance

Objective 4.1.11: Land management practices are adopted for the effective control of sediment runoff to water bodies.

Policy 4.2.15: To regulate soil disturbance activities to ensure that they are unlikely to have significant adverse effects on:

- erosion rates;
- soil fertility;
- soil structure;
- flood mitigation structures and works;
- water quality;
- downstream locations;
- bridges, culverts and other water crossing structures;
- aquatic ecosystems; and
- historic sites with tangata whenua values.

Policy 4.2.16: To ensure that recognised erosion control and land rehabilitation techniques are adopted to avoid, remedy or mitigate any adverse effects resulting from soil disturbance activities

Appendix 4: PNRP Objectives and Policies

Proposed Natural Resources Plan – relevant objectives and policies

Relevant objectives and policies of the PNRP (Decisions version as amended by clause 16)

Objective/Policy

Beneficial use and development

Objective O9: The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced.

Objective O10: Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.

Maori relationships

Objective O14: The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:

- a) maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and
- b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and
- c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa, and
- d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.

Objective O15: Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.

Policy P17: The mauri of fresh and coastal waters shall be recognised as being important to Māori and is sustained and enhanced, including by:

- a) managing the individual and cumulative adverse effects of activities that may impact on mauri in the manner set out in the rest of the Plan, and
- b) providing for those activities that sustain and enhance mauri, and
- c) recognising and providing for the role of kaitiaki in sustaining mauri.

Policy P19: The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.

Natural character, form and function

Objective O17: The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.

Biodiversity, aquatic ecosystems health and mahinga kai

Objective O25: To safeguard Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded such that:

- a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity aquatic ecosystem health and mahinga kai, and
- b) restoration of aquatic ecosystem health and mahinga kai is encouraged, and

- c) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.

Objective O27: Vegetated riparian margins are established, maintained, or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.

Objective O28: The extent and significant values of natural wetlands are protected, and their condition is restored. Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7.

Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:

Hydrology

- a) maintain or restore natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and

Water quality

- b) maintain or improve water quality to meet the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O25, and

Aquatic habitat diversity and quality

- c) maintain or restore aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and the coastal marine area, and
- d) restore the connections between fragmented aquatic habitats, and

Critical habitat for indigenous aquatic species and indigenous birds

- e) maintain or restore habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, natural wetlands and the beds of lakes and rivers and their margins that are used for breeding, roosting, feeding, and migration, and

Critical life cycle periods

- f) minimise adverse effects on aquatic species at times which will most affect the breeding, spawning, and dispersal or migration of those species, including timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more significant, and

Riparian habitats

- g) maintain or restore riparian habitats, and

Pests

- h) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.

Policy P32: Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai shall be managed by:

- a) avoiding significant adverse effects, and
- b) where significant adverse effects cannot be avoided, minimising them, and
- c) where significant adverse effects cannot be avoided and/or minimised they are remedied, and
- d) where significant residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets.

Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation) and Schedule G2 (biodiversity offsetting).

Policy P37: Activities in and adjacent to natural wetlands shall be managed to maintain and, where appropriate, restore their condition and their values including:

- a) as habitat for indigenous flora and fauna, and
- b) for their significance to mana whenua, and
- c) for their role in the hydrological cycle including flood protection, and
- d) for nutrient attenuation and sediment trapping, and
- e) as a fisheries resource, and
- f) for recreation, and
- g) for education and scientific research.

Policy 38: The restoration of natural wetlands and the construction of artificial wetlands to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.7 and 3.8, to provide habitat for indigenous flora and fauna, and to carry out the physical and ecological functions of natural wetlands, shall be encouraged and supported.

Sites with significant values

Objective O35: Ecosystems and habitats with significant indigenous biodiversity values are protected, and where appropriate restored to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.

Policy P40: Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:

- a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and
- b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and
- c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (identified significant natural wetlands), and
- d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).

Policy P41: In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities that risk causing adverse effects on the values of a significant site, other than activities carried out in accordance with a wetland restoration management plan, shall avoid these ecosystems and habitats.

If the ecosystem or habitat cannot be avoided, (except for those ecosystems and habitats identified in Policy P40 (b), (c) and (d) that are identified and managed by Policy P39A(a)), the adverse effects of activities shall be managed by:

- a) avoiding more than minor adverse effects, and
- b) where more than minor adverse effects cannot be avoided, minimising them, and
- c) where more than minor adverse effects cannot be avoided and/or minimised, they are remedied, and
- d) where residual adverse effects remain the use of biodiversity offsets may be proposed or agreed by the applicant.

Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation) and Schedule G2 (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values.

Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.

Policy 41A: Avoid more than minor adverse effects of activities on indigenous fish species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species or Schedule F1b (inanga spawning habitats), during known spawning and migration times identified in Schedule F1a (fish spawning/migration). These activities may include the following:

- a) discharges of contaminants, including sediment, and
- b) disturbance of the bed or banks that would affect spawning habitat at peak times of the year, and
- c) damming, diversion or taking of water which leads to loss of flow or which makes the river impassable to migrating indigenous fish.

Policy P42: In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, particular regard shall be given to managing the adverse effects of use and development in surrounding areas on physical, chemical and biological processes to:

- a) maintain ecological connections within and between these habitats, or
- b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and
- c) provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and

avoid cumulative adverse effects on, and the incremental loss of the values of these ecosystems and habitats.

Land use

Objective O44: The adverse effects on soil and water from land use activities are minimised.

Discharges to Land and Water

Objective O48: The adverse quality and quantity effects of stormwater discharges from stormwater networks and urban land uses are improved over time.

Policy P73: The adverse effects of stormwater discharges shall be minimised to the smallest amount reasonably practicable, including by:

- a) using good management practice, and
- b) taking a source control and treatment train approach to new activities and land uses, and
- c) implementing water sensitive urban design in new subdivision and development, and
- d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade.

Policy P79: Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:

- a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and
- b) do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure,

including by retaining, as far as practicable, pre-development hydrological conditions in new subdivision and development.

Soil Erosion

Policy P98: Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall use measures, including good management practice, to:

- a) minimise the risk of accelerated soil erosion, and
- b) control silt and sediment runoff, and
- c) ensure the site is stabilised and vegetation cover is restored.

Activities in beds of lakes and rivers

Policy P102: The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided, in particular those identified in Schedules A (outstanding water bodies) and C (mana whenua), except where the reclamation or drainage is:

- a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or
- b) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or
- c) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or
- d) associated with the creation of a new river bed and does not involve piping of the river, and
- e) for the purpose of forming a reasonable crossing point, and
- f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or
- g) the reclamation or drainage is of an ephemeral flow path.

Appendix 5: District Plan Objectives and Policies

Chapter 1 Introduction and Scope of the Plan

Chapter 1, Introduction and scope of the Plan, includes Area Wide Issues for the City, with supporting objectives and policies. Those I consider relevant are set out below.

1.10.2 Amenity Values

Issue

The different character and amenity values of areas contribute significantly to the environment of the City. The Act recognises the importance of people's environment (which is defined to include amenity values) and it is necessary to recognise these as essential elements in the Plan.

Objective

To identify, maintain and enhance the character and amenity values of the different activity areas.

Policy

To identify within all activity areas the general character and amenity values of that activity area.

Explanation and Reasons

Rural Residential Activity Areas

There are a number of relatively small areas falling into the Rural Residential Activity Areas. These include locations on the western hills of the Hutt Valley; Upper Fitzherbert Road, Wainuiomata; Moores Valley; and Coast Road just beyond the urban area of Wainuiomata. Generally, these rural residential areas derive their amenity values from factors which include property size and subdivisional pattern, the physical environment, and their accessibility to urban areas. Rural based industries including boarding facilities for domestic pets and plant nurseries are located in rural residential areas. The various locations do have different amenity values which contribute to their uniqueness. Rural residential areas on the western hills are located between Normandale and Belmont, and fronting Liverton Road. These areas are easily accessible from the urban areas of the Hutt Valley and from the State Highway. Generally the properties are small in size, the majority having land areas between 2ha and 10ha. The eastern side of Moores Valley Road is characterised by steeper land, many existing dwellings being sited above the road level. Properties on the western side of the road are generally flat for approximately half their depth. This area is also characterised by its valley nature. In Upper Fitzherbert Road lot sizes vary from 4ha up to 38ha, many with large frontages. Much of the land is flat, with land rising towards the back of several properties.

1.10.7 Rural Activity

Issue

A diverse range of activities occur in the rural area, including farming, forestry, other land based activities, rural lifestyle holdings, recreation activities, water catchment and treatment facilities. Activities occurring in the rural area, or which seek to locate in the rural area, can have adverse effects on the rural character, landscape qualities and amenity values.

Objective

To protect and enhance the rural character, landscape and amenity values of the rural activity area.

Policy

- a) *To manage the minimum size of allotments and the minimum net site area for dwellings to ensure that the adverse effects are no more than minor.*
- b) *To manage activities to ensure that the adverse effects are no more than minor on open space character, landscape and amenity values.*
- c) *To ensure that rural character and amenity values are not compromised through intensive development or fragmentation.*

Explanation and Reasons

The rural areas of the City contain a diverse range of activities including farming, forestry, other land based activities, rural lifestyle holdings, recreation opportunities, water catchment and treatment facilities.

While it is acknowledged that soils in the rural area are generally not of a high quality, the area has an open space character and amenity values which are of benefit to all residents in the City. It is considered that these qualities are an important feature or element of the overall character of the City which should be protected.

As rural areas are in close proximity to the urban area and the coastal environment they provide recreational opportunities for residents in the City. The rural area provides a habitat for those non-human life forms which choose to inhabit it.

Taking the above matters into account rural land should be prevented from being developed intensively and not be fragmented. Major factors in maintaining this rural character include controls over the number of buildings, especially residential dwellings, and endeavours to ensure that sites are large.

The Plan also seeks to discourage activities which are incompatible or are likely to have an adverse effect on the rural environment and rural amenity values.

Chapter 8A Rural Residential Activity Area

8A 1.1.1 Rural Residential Character and Amenity Values

Issue

The mix of residential and small scale rural activities, the subdivision pattern and the sense of open space contribute to the character and amenity values of the various rural residential areas. Inappropriate activities, and development and performance standards will adversely affect the existing character and amenity values of these areas.

Objective

To ensure that the character and amenity values of rural residential areas are maintained and enhanced.

Policies

- a) To provide for rural residential development where the existing activities and subdivision pattern have established areas with rural residential characteristics and amenity values.*
- b) To ensure that the adverse effects of activities do not detrimentally affect rural residential character and amenity values or the intrinsic values of ecosystems.*
- c) To allow for small businesses providing products and services to the entire City and where a rural environment is more appropriate because of the scale and effects generated by the activities.*
- d) To ensure that rural residential character and amenity values are not compromised by inappropriate subdivision standards.*

Explanation and Reasons

Rural residential developments are established activities in this City. Generally they occur in close proximity to urban development. They give a particular character to those parts of the City where they occur which differs from the intensity of the urban environment and the more extensive character of the remaining rural area.

One of the most significant factors contributing to the character and amenity values of a rural residential area is the subdivision pattern. Allotments are generally substantially larger than those in urban residential environments but also significantly smaller than in the Rural General Activity Area. Existing rural residential patterns include allotments of varying sizes and wide frontages.

Rural residential areas contain a diversity of activities. These include sites utilised purely for residential purposes, but because of the larger site area than in the urban residential areas, there is significantly more open space around the dwelling and greater separation between neighbours. Many sites are developed as hobby farms with limited numbers of animals and small forestry plantings. There are a number of small businesses located within rural residential areas. These include businesses providing for the boarding of domestic pets.

Land in this activity area is adjacent to land in the Extraction Activity Area on the western hills. Quarrying activities can have an adverse effect on activities on adjacent land. It is appropriate to manage activities on that adjacent land to ensure those activities are not adversely affected and that the quarrying activities can operate without undue restriction. A Quarry Protection Area shown in Appendix Rural Residential 1 identifies land subject to a Rule requiring a resource consent for specific activities in the Quarry Protection Area.

8A 1.1.2 Opportunity for Future Urban Growth

Issue

A significant amount of land on the western hills of the Hutt Valley and in Wainuiomata was previously zoned residential. The land is not required for urban development in the medium term and it is appropriate that it be included in the Rural Residential Activity Area. In the future it may be appropriate for urban development to occur on this land

Objective

To retain land as rural residential, recognising that it may be appropriate to utilise the land for urban expansion in the future if demand justifies this

Policies

To allow for rural residential development adjacent to urban environments where it may be appropriate for there to be expansion of the urban environment in the long term future.

Explanation and Reasons

The rural residential areas on the western hills of the Hutt Valley and in the vicinity of Upper Fitzherbert Road, Wainuiomata are in close proximity to urban residential development. Population and household projections in the past, indicated that there would be considerable growth of the residential population and household numbers. Land was zoned residential to meet this expectation. Projections indicate that it is no longer appropriate to make such an extensive provision. On the western hills of the Hutt Valley and at the northern end of Upper Fitzherbert Road there is land that is suitable for future urban development due to its proximity to existing services, topography and relationship to urban development. It is appropriate that this land is retained as rural residential until demand justifies alteration in the future

8A 1.1.4 Recreation

Issue

It is appropriate to allow a range of recreation and leisure activities in rural residential areas, where amenity values and character can be maintained.

Objective

To allow rural residential areas to be used for recreation and leisure activities, where amenity values and character are not adversely affected.

Policy

To allow for activities that provide recreational opportunities or ancillary facilities that support recreational activities.

Explanation and Reasons

The Belmont Regional Park, East Harbour Regional Park and Rimutaka Forest Park are all in close proximity to rural residential areas. There are also a number of individuals undertaking private ventures providing recreation opportunities. As well as providing opportunities for those living in this City's urban areas, the regional population are also catered for within these areas.

The opportunity exists for a range of activities which complement recreational activities. These include various forms of visitor accommodation, services and facilities.

Visitor accommodation is an example of an activity which could be developed to enhance the use of the recreation opportunities.

8A 1.1.5 Forestry

Issue

Harvesting of commercial forestry can have adverse effects on the visual amenities of the rural residential area. It is important that these be mitigated to ensure the maintenance and enhancement of rural residential amenity values and character.

Objective

To maintain and enhance the visual amenity values of rural residential areas by ensuring that the adverse effects generated by the clearing of commercial forestry are appropriately mitigated.

Policy

- a) To require appropriate amenity planting, where planting extends to the road boundary, to mitigate the adverse visual effects resulting from the harvesting of commercial forestry.
- b) To require commercial forestry to be planted at a minimum distance from site boundaries to mitigate the adverse effects of shading.

Explanation and Reasons

Forestry development already exists in rural residential areas and there is potential for further planting. Forestry is an appropriate activity in many rural residential locations. A number of specific issues arise from forestry as an activity. These include matters relating to soil quality, run-off control, and the visual changes that occur when forests are harvested. Some of the issues have potential effects which come under the jurisdiction of the Regional Council, however some can be addressed in this Plan.

The visual impact when large areas of forestry are cleared can be softened by the presence of mature amenity planting at the road side. The height of a mature tree is considerably greater than the provision for the maximum height of buildings. Providing a minimum setback from a site boundary mitigates the potential effects from shading of neighbouring sites and dwellings. While the current roading network from rural residential areas is capable of accommodating the impacts for logging trucks it is important that future planting be monitored to ensure that any intensification of the forestry industry will not adversely affect roading.

8A 1.2.1 Minimum Requirements for Sites and Buildings

Issue

The size and shape of sites, the number and size of buildings and the location of buildings on the sites are important elements in determining the character and amenity values of rural residential areas. It is necessary to have conditions relating to these elements to ensure the character and amenity values of rural residential areas are maintained, and that buildings and structures are sited to avoid or mitigate the adverse effects of flood hazards.

Objective

To recognise those elements within a site that determine the character and amenity values of rural residential areas and manage them appropriately.

Policy

- a) *To ensure the character and amenity values of rural residential areas are maintained and enhanced through specific minimum site area conditions for dwellings.*
- b) *To require minimum setback requirements and maximum site coverage for all buildings.*
- c) *To establish appropriate minimum conditions for the size and shape of sites.*
- d) *To manage the siting of all buildings and structures to mitigate the effects of a flood hazard on development.*

Explanation and Reasons

Minimum conditions which determine in what circumstances and where buildings are located on a site, contribute to the character and amenity values of rural residential areas. The first determinant of this is the minimum size and shape of sites. Once the subdivision pattern is established, the extent to which a site is built on, the relationship of buildings to boundaries, the height of buildings and adequacy of daylight admission are important on-site determinants of the overall character and amenity values of rural residential areas.

Chapter 11 Subdivision

11.1.1 Allotment Standards

Issue

Subdivision of land can impose a constraint on the future use or development of land. It is necessary to ensure land which is subdivided can be used for the proposed use or purpose.

Objective

To ensure that land which is subdivided can be used for the proposed use or development.

Policy

- a) *To ensure that allotments in lower density residential areas and rural zones have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.*
- b) *To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, General Residential and Medium Density Residential Activity Areas to enable diversity of commercial and residential development size and density.*

Explanation and Reasons

While it is recognised that subdivision of land is essentially a process for enabling title of land to be transferred, it nevertheless imposes constraints on the future use and development of land by establishing boundaries of particular allotments. There is a need to ensure that land which is subdivided is suitable for the proposed use and development. Failure to do so can result in the future use or development being unable to comply with the required performance standards for the activity area.

Such non-compliance with specified performance standards can have adverse effects on the environment. In considering whether land which is subdivided is suitable for the proposed use or development such matters as design, size, building platform and shape of allotments are important matters that need to be considered by Council. The objectives, policies and rules of the activity areas need to be taken into account.

11.1.2 Engineering Standards

Issue

Subdivisions need to be serviced in a manner that adverse effects are avoided, remedied or mitigated and that adverse effects on the health, safety and wellbeing of residents are no more than minor.

Objective

To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupiers.

Policy

- a) To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.*
- b) Use engineering practices to maintain the ecological values of Speedy's Stream and the onsite wetland from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 7.*
- c) The engineering practices maintain or improve the ecological values of the onsite streams and the downstream receiving environments from stormwater runoff resulting from the subdivision of the land identified in Appendix Subdivision 8.*
- d) To restrict access and avoid increased traffic volumes from land identified in Appendix Subdivision 8 to Liverton Road, to maintain traffic safety and efficiency.*

Explanation and Reasons

Utility services provided by the subdivider must be in accordance with specified engineering performance standards to ensure that the environment is protected and there are no adverse effects on the health, safety and wellbeing of residents and occupiers. Incompatible and inappropriate services can have adverse effects on the proper functioning of existing services and also lead to additional maintenance costs.

11.1.3 Natural Hazards

Issue

Subdivision of land subject to natural hazards can lead to allotments which are inappropriate if the adverse effects cannot be avoided, remedied or mitigated. There is a need to ensure that subdivision of land subject to natural hazards is managed and controlled.

Objective

To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.

Policy

- a) Subdivision of land within the Wellington Fault Special Study Area should be managed to ensure that the allotments are of sufficient size and shape so that buildings and structures are not sited within twenty metres of a faultline.*
- b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.*

- c) *Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.*

Explanation and Reasons

Subdivision of land subject to natural hazards may lead to allotments which are inappropriate as the adverse effects cannot be controlled or mitigated. It is important that the subdivision is designed in a manner that the natural hazard can be avoided or mitigated. In this respect, it is important that allotments are of sufficient size and are of an appropriate shape so that the proposed use or development can be sited to avoid the natural hazard, or the necessary mitigation measures can be implemented, without affecting detrimentally the viability of the use or development.

11.1.4 Special Areas

Issue

Subdivision of land in the coastal environment and in areas of ecological value can have adverse effects that need to be controlled.

Objective

To ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision.

Policy

- a) *To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.*

Explanation and Reasons

The Act, the New Zealand Coastal Policy Statement and the Regional Policy Statement require the Plan to ensure that inappropriate subdivision of land does not occur in the coastal environment.

The Regional Policy Statement recognises that wetlands, lakes and rivers are important as they provide a habitat for a rich flora and fauna. These areas also have high social, cultural and recreational values. It is therefore important that lands adjoining such areas are managed and controlled to avoid and mitigate adverse effects.

11.1.5 General Rural and Rural Residential Activity Areas

Issue

Inappropriate subdivision of lands in the General Rural and Rural Residential Activity Area which leads to the use of lands for more intense urban purposes such as residential development, can have adverse effects on amenity values and to an inefficient land use pattern.

Objective

To ensure that the amenity values and the efficient use of land in General Rural and Rural Residential Activity Areas are maintained by restricting subdivision of lands which could lead

to greater intensity of use and development for urban related purposes, such as more intense residential development.

Policy

- a) *The minimum size of allotments should be large so as to ensure that rural amenity values and an efficient land use pattern are maintained.*

Explanation and Reasons

Large sized allotments are required in General Rural and Rural Residential areas to maintain amenity values. It is therefore necessary to prevent the close subdivision of land in the General Rural and Rural Residential Activity Areas.

As there is adequate supply of urban land in the City it is an inefficient use of a valuable resource to allow rural and rural residential land to be subdivided into urban sized allotments

Our Ref: NZ0120096-02:AvMD
Contact: Astrid van Meeuwen-Dijkgraaf

20 July 2021

Hutt City Council
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Attention: Dan Kellow

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Dear Dan,

HUTT CITY DISTRICT PLAN CHANGE-53 REVIEW OF ECOLOGICAL ASSESSMENT REPORT

Introduction

A private plan change has been submitted to the Hutt City Council (Plan Change 53; hereafter, PC53) to rezone three adjacent properties along Stratton Street in Normandale from General Rural Activity Area to Rural Residential Activity Area. The purpose of the proposal is to provide for additional rural residential development at a scale similar to surrounding rural residential areas.

The properties of interest are:

- > 190 Stratton Street; SEC 43 Normandale SETT BLK VIII D3/922; 20.2847 hectares.
- > 236 Stratton Street; LOT 1 DP 50184 20B/82; 12.7498 hectares.
- > and 268 Stratton Street; LOT 2 DP 50184 20B/83; 16.7722 hectares.

Initial assessment

Cardno reviewed the ecological assessment associated with the initial PC53 application (Cardno 2020). This review identified limitations/information gaps and recommended a robust assessment of on-site and downstream ecological values be undertaken. As well as an assessment of potential environmental effects sufficient to ensure that high value ecological areas are avoided where possible and other potential adverse effects are adequately remediated, offset or compensated. It was recommended that the indicative sub-divisions scheme should be re-drawn in a way that takes account of the topography and significant ecological features, and providing a better indication of potential impacts and subdivision yield. A more considered scheme plan or structure plan should be included.

To address the identified information gaps, the landowners (PC53 applicants) contracted Wildland Consultants (hereafter Wildlands) to undertake an assessment of ecological effects of the proposed development.

Scope of works

Hutt City Council (the regulator) has requested that Cardno review the ecological effects assessment with a focus on whether the identification of 'No Development Areas' has used and applied Greater Wellington Regional Policy Statement Policy 23 criteria correctly. That is, has the applicant identified all areas that meet the Significant Natural Area (SNA) threshold under Policy 23.

Assessment of on-site vegetation types

Relevant figures from the Wildlands (2021) report are included in Appendix A of this memo. Figure 1 in Appendix A illustrates both the vegetation and habitat types within the site and the proposed 'No Development Areas'.

Vegetation Types 1, 11 and 12 are ecologically significant. Vegetation Type 1 because these areas are reasonably diverse indigenous systems with good landscape connectivity. Vegetation Types 11 and 12 because they are wetlands. Wetlands that have not been deliberately created are considered natural wetlands (GWRC 2013, 2020, 2021; Ministry for the Environment 2020a, 2020b, 2021; National Environmental Standard for Freshwater (NESFW) 2020) and are therefore protected. GWRC considers any natural wetlands to be significant due to the extensive historic loss of wetlands. Vegetation Type 11 also contains kuta (*Eleocharis sphacelata*) which is considered to be a 'regionally critical' species (Crisp 2020). Care will need to be taken that future earthworks and tree harvesting within site (including potential subdivisions) do not adversely affect the values and extent of natural wetlands.

It is not clear why a portion of Vegetation Type 1a in 268 Stratton Street is not included in the 'No Development Area B'. It would appear that this line follows the previously identified SNA boundary (Figure 1).

A small area of Vegetation Type 1b in 268 Stratton Street is also not included, likely because it is a small area sandwiched between production forestry areas (Figure 1).

Only parts of Vegetation Types 5 and 8 are included in the 'No Development Areas' and the Wildlands (2021) report does not make it clear why this might be so. It may be those areas included in 'No Development Areas' have a greater proportion of the canopy dominated by indigenous plant species, or have a greater indigenous diversity. Some parts of Vegetation Type 8 included in "No Development Area C" were pine forest in 2003 but may have had a reasonable indigenous understorey that has persisted and developed into a mostly indigenous canopy. As part of the SNA delineation process for Lower Hutt vegetation younger than 25 years old was generally excluded (Wildlands and Kessels 2015; Wildlands 2018).

Vegetation Type 7 in the south east corner of 268 Stratton Street, comprises indigenous-exotic broadleaved scrub that has been enhanced through planting. Aerial photography shows that it was pine forest in 2008 and cleared by 2013. As part of the SNA delineation process for Hutt City vegetation younger than 25 years old was generally excluded including this area. The ecological values of this area could be relatively low but this area will provide a small buffer/connection to the vegetation in Belmont Regional Park.

It is somewhat surprising that Vegetation Type 9, within 190 Stratton Street on the eastern border shared with 301 Normandale Road, is indicated as being gorse scrub. This vegetation type was visible on 1995 aerials and would therefore be expected to have greater dominance of indigenous species by now. The 2017 aerials show a more granular texture indicative of overtopping of gorse by other (possibly) indigenous plant species, especially in the gully which likely includes a watercourse of some description. It would be preferable to include areas of indigenous vegetation with the indigenous vegetation types in the adjacent Vegetation Type 1b (No Development Area D). These areas likely protect a waterway.

The Wildlands (2021) report only illustrates three of the eight tributaries of the Korokoro Stream on any of the figures. All the streams are more likely to flow in a westerly direction due to the topography than easterly as indicated in Section 8.4 of the Wildlands (2021) report.

One aspect that may not have been considered as part of delineating the 'No Development Areas' is the requirement to provide access to log Vegetation Type 3a in the northeast corner of 168 Stratton Street. Perhaps there already is an existing maintained track to facilitate that.

Overall, Wildlands (2021) have identified more locations as 'No Development Areas' than the originally proposed SNA, including all those areas identified as potential SNA in Wildlands (2018) (compare Figure 2 with Figure 1 in Appendix A of this Cardno report).

Assessment against Policy 23

The ecological values assessment for the various parts of the property and for the 'No Development Areas' set out in Table 2 of the Wildlands 2021 are generally appropriate. If one of the Policy 23 criteria is met then that area is significant. A decision was made (Wildlands and Kessels 2015) that ecological context cannot be significant without at least one other criterion also being significant.

There are two small matters of potential disagreement; however, these do not change the significance ranking of those 'No Development Areas'.

'No Development Area C' is ranked as having low to moderate connectivity and therefore not significant. Given the size of this area, the protection it offers to streams and the east-west connectivity across 190 and 236 Stratton Street, it is suggested that significant connectivity is provided by this area. Area C has already been identified as ecologically significant as it provides a diverse range of habitats.

It is the same with the assessment of connectivity for 'No Development Area E'. This area is connected, buffers and is part of the proposed SNA on the adjoining land to the south. Again, this area has been identified as significant already.

Conclusions

Wildlands (2021) have identified more locations as 'No Development Areas' than the originally proposed SNA including all those areas identified as potential SNA in Wildlands 2018. Areas are generally appropriately identified as being ecologically significant (with some minor reservations around connectivity as indicated above). Overall significant indigenous vegetation will be avoided, and it would appear that there will be only small adverse effects on other indigenous vegetation.

It is not entirely clear from Figure 3 (Figure 4 in the Wildlands 2021 report) if new access ways will require new stream crossings, but that could be assessed as part of the site development application rather than as part of the plan change.

Yours sincerely,



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APPENDIX

A

RELEVANT FIGURES FROM
WILDLAND REPORT

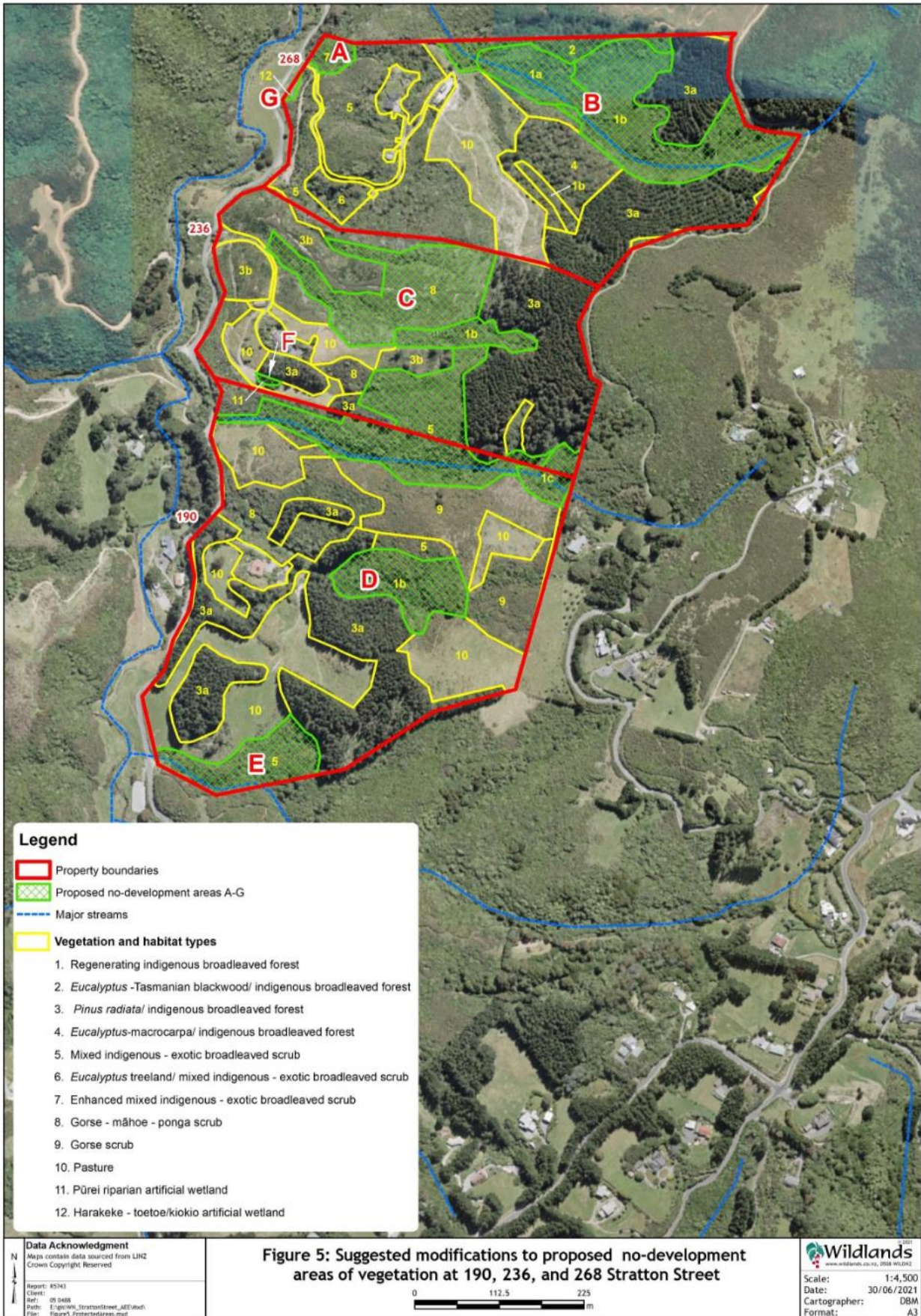


Figure 1 Figure 5 from the Wildlands (2021) report illustrates vegetation and habitat types, some stream locations and the proposed 'No Development Areas'.

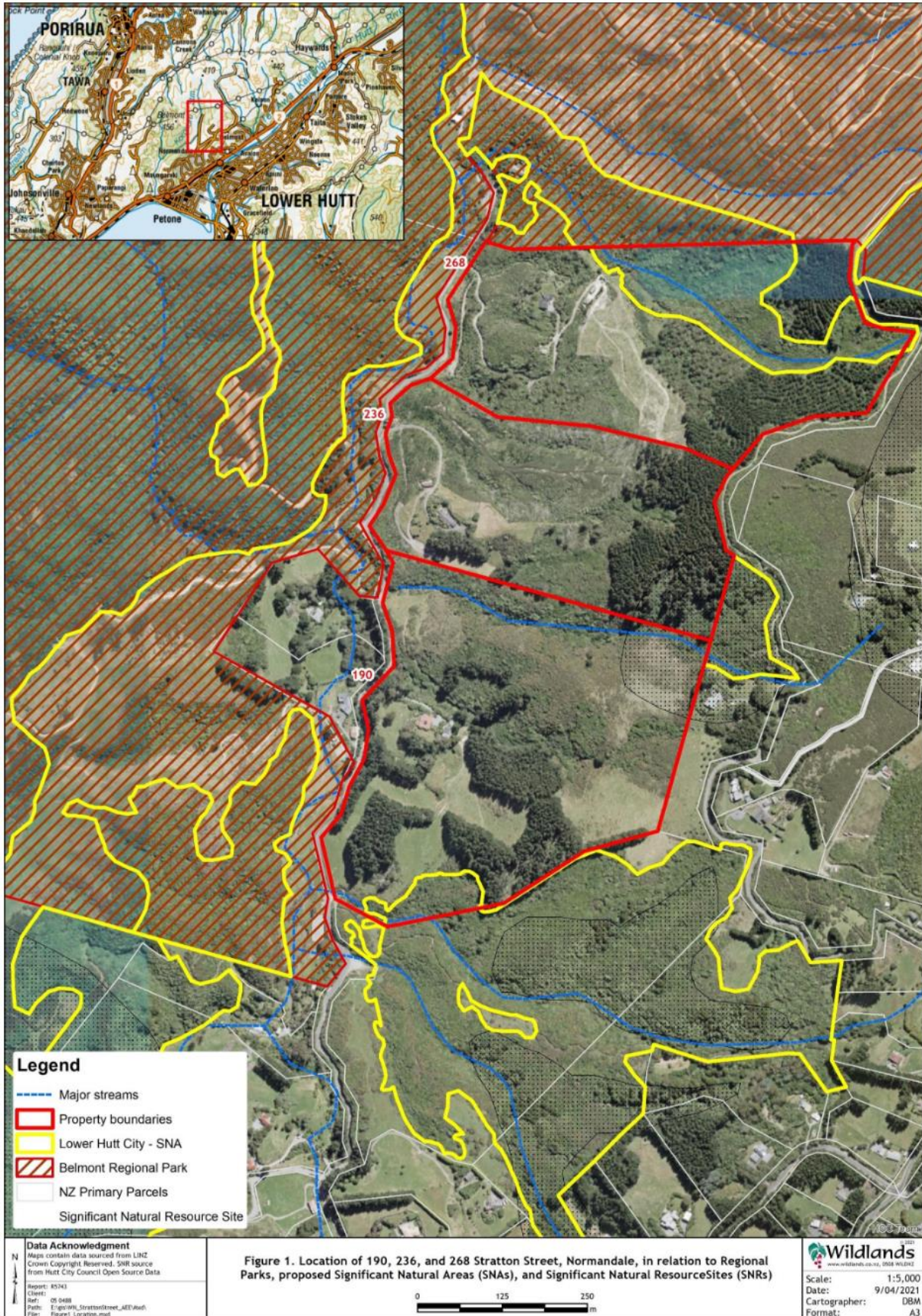
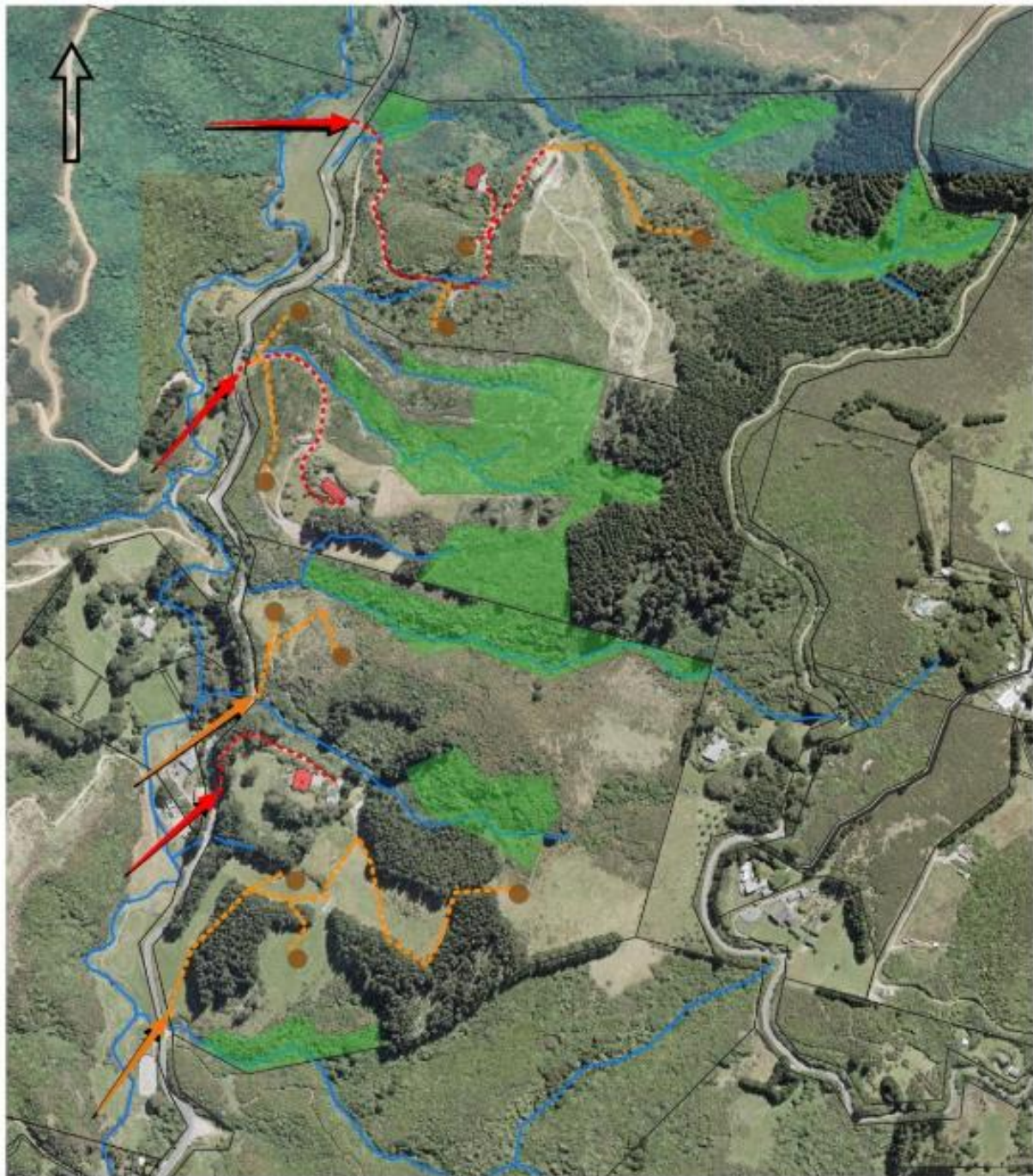


Figure 2 Figure 1 from the Wildlands (2021) report showing the Lower Hutt City proposed Significant Natural Areas (SNA) and Significant Natural Resource sites (SNR) relative to the properties of interest.



**190, 236 & 268 Stratton Street,
Normandale
Rezoning to Rural Residential Activity
Area**

Indicative development plan - Nov 2020

Figure 3

Figure 4 from the Wildlands (2021) report shows the indicative development plan for 190, 236 and 268 Stratton Street. Supplied by Urban Edge Planning. Note that this is not a finalised plan therefore is subject to change.

Appendix 7: Recommendations on submission points

SUMMARY OF SUBMISSIONS - PROPOSED PRIVATE PLAN CHANGE 53

DPC53/1 Alan and Joyanne Stevens					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought	Officer Recommendation
1.1	Not stated	Not stated	Not stated	A full investigation of traffic effects	Accept in part. A peer review of the traffic report was undertaken. The application was amended making additional vehicles down Cottle Park Drive unlikely.
1.2	Not stated	Not stated	Not stated	Implementation of mitigation measures for traffic effects, including improved sight lines, road widening, no parking lines, clearways, traffic control during development phases for all sites	Accept in part. Amended proposal allows for effects on transport network after 10 additional lots.
1.3	Not stated	Not stated	Not stated	Identification of who pays for the necessary upgrades to roads.	Reject

DPC53/2 Royal Forest and Bird Protection Society of New Zealand Inc					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
2.1	Not stated	Oppose	Not stated	Reject the proposal	Reject. The proposal has been amended significantly post submissions. No development areas have been identified and

					limitations on development introduced
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DPC53/3 Karen Self					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought	Officer Recommendation
3.1	Not stated	Not stated	Not stated	Subdivision enabled by the proposed plan change is not accessed from Normandale Road past the current Old Coach Road gated entrance to Belmont Regional Park.	Accept in part. Amended proposal includes Discretionary Activity status for access from Old Coach Rd which allows consideration of effects and rejection of proposal if required.
3.2	Not stated	Not stated	Not stated	Council decisions are fully informed by further in-depth traffic studies of Normandale Road from 237 to 308 Normandale Road, and beyond the entrance to Belmont Regional Park if lots are to be accessed from this area. The Council needs to consider further the impact on infrastructure if the rezoning and subsequent proposed subdivisions take place. Specific consideration be given to roads, as I believe no upgrades or improvements are currently intended.	Accept in part. The activity status of proposals accessing the site from Old Coach is Discretionary with traffic effects a relevant consideration.
3.3	Not stated	Not stated	Not stated	Creation of a regenerated native bush corridor from a strip of the subdivided lots along the current Old Coach Road to the join the two sections of Belmont Regional Park.	Reject

DPC53/4 Matthew Willard					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
4.1	Not stated	Not stated	Not stated.	Council ensures that the risks to the safety of the transport network are reduced so far as is reasonably practicable and that Council adopts a philosophy of avoidance of all avoidable risks. Council should review the need to improve safety on Stratton Street considering the need to avoid all avoidable risks.	Accept in part. Amended proposal allows for effects on transport network after 10 additional lots.

DPC53/5 Peter and Sandra Matcham					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
5.1	Not stated	Not stated	Not stated	Revision of the application to correctly reflect the actual situation, with planned subdivisions redrawn in a way that better reflects the actual topography and provides a realistic evaluation of effects on the environment and locale. Development that provides robust and transparent measures to protect the natural, social and recreational environment of the area.	Accept in part. The proposal now includes No Development Areas and assessment criteria related to sediment control and avoidance of accessways and building platforms in No-Development Areas.
5.2	Not stated	Not stated	Not stated	Identification and protection of significant natural areas.	Accept in part. No-Development Areas include SNA's.

DPC53/6 Friends of Belmont Regional Park					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation

6.1	All provisions	Not stated	Not stated	Reject the proposal in its present form and amend the proposal to include a robust analysis of environmental effects sufficient to allow any measures necessary to	Accept in part. The proposal was amended and ecological assessment provided.
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DPC53/7 Pam Guest and Peter Shaw					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
7.1	Not stated	Not stated	Not stated	Include conditions that protect the health and safety of local roads.	Accept in part. Amended proposal allows for effects on transport network after 10 additional lots
7.2	Not stated	Not stated	Not stated	If the proposal is accepted, that Council recognises the risks of higher conflict on roads from an increasing population and prepares an appropriate traffic management plan.	Reject
7.3	Not stated	Not stated	Not stated	Include conditions that protect the areas that have already been identified as having, or potentially having, significant indigenous vegetation and significant habitats of indigenous fauna.	Accept. No-Development Areas have been introduced which allow
7.4	Not stated	Not stated	Not stated	Include conditions that protect streams and their riparian margins.	Accept in parts. No-Development Areas include streams.

DPC53F/1 Joyanne and Alan Stevens					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
1.1	Not stated	Not stated	The proposal will have significant effects on biodiversity and the traffic assessment is poor quality	They support all of the submissions.	Accept in part.

DPC53F/2 Forest and Bird Protection Society New Zealand Inc.					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
2.1	Not stated	Not stated	Not stated	The support the submissions of Friends of Belmont Regional Park, Pam Guest and Peter Shaw where they are not in conflict with Forest and Birds original submission	Accept in part.

DPC53F/3 Peter and Sandra Matcham					
Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	Officer Recommendation
3.1	Submission DPC52/1	Support	We concur that the traffic report fails totally to consider the normal traffic pattern on the roads which would be affected by development at the scale enabled by the PPC. Only vehicular traffic is considered despite the wide variety of user types that make up a normal days usage, with non-vehicular traffic often dominating. This failure, together with the assumption that reported Road Traffic Accidents are a valid basis for risk assessment demonstrates a clear failure to	Accept the submission and reject the traffic report.	Reject. A peer review of the traffic report was undertaken which did not identify significant shortcoming in the TIA.

			understand the road environment in the area and the risk to vulnerable road users from a 150% increase in vehicular traffic. We also consider that the report fails to consider the directive of the 2019 GPS on land transport which give safety of vulnerable users priority		
3.2	Submission DPC53/2 Forest & Bird Para 7 (a) (b) and (c)	Support	The area of PPC53 contains permanent streams that extend beyond that area, and which form an integral part of the Korokoro catchment. Their courses are dominated by regenerating native bush which contain a wide diversity of flora from secondary colonisers, to emergent and canopy species, in steep gullies and adjoining hillsides. The zoning sought by the PPC has no provision to establish the primacy of te Mana o te Wai and through this te Hauora o te Taiao as required in the NPS-FM (2017). It is also evident that any subdivision with the associated creation of building sites and roading will have a major long term effect in terms of surface permeability and contaminant run off that would be directly contrary to objective 2A of the NPS-FM to improve and maintain the overall quality of fresh water, and policy 14 of the Wellington RPS to minimise storm water contamination from development. We consider that PPC53 also fails to address the requirements of objectives 12(b) Safeguarding the life sustaining capacity of water bodies, Objective 13	Accept the submission	Reject. The proposal has been amended in significantly since the submission period closed and has introduced sediment control as a matter of consideration.

			... support healthy functioning ecosystems, and associated policies, in particular policies 40 - 43, of the Wellington RPS.		
3.3	DPC53/2 Forest & Bird Para 7 (d)	Support	We note that under RMA Section 6(c) protection is the imperative action required. We further note that the reference to 'Matters of national importance' in Section 6 defines the matter to be considered. It does not refer to the geographical scope of the matter. In recognising and providing for the protection of 'significant indigenous vegetation and significant habitats of indigenous fauna' it is the local context that matters. Therefore it is the level of significance in terms of the District Plan, and of the local environment which must be considered. As noted in our and other submissions, the area subject to PPC 53 contains identified although not gazetted, areas of natural significance (SNAs). To meet the Councils' obligations under the Section 6(c) RMA and the Wellington RPS on biodiversity, any change in zoning must provide for and give effect to the protection of indigenous biodiversity and as a minimum areas identified as SNAs be excluded from any zone change.	Accept the submission	Reject. The proposal has been amended significantly since the submission period closed with 'No-Development Areas' introduced.
3.4	DPC53/2 Forest & Bird Para 8	Support	The scope of the potential subdivision permitted under the requested zoning would entail the loss of significant areas of regenerating native biodiversity and development in	Accept the submission	Reject. The proposal has been amended significantly since the submission

			accordance with the permitted limits would create major effects on the water quality in the Korokoro catchment contrary to the requirements of the NPS-FM.		period closed with more than 10 additional allotments becoming a Discretionary Activity whereby all potential adverse effects, on and off site, can be considered.
3.5	DPC53/2 Forest & Bird Para 9	Support	As noted in our submission and in our comments above, the suggestion that consideration of the environmental effects that would be created by subdivision at the scale enabled by the requested change, is contrary to both international best practice, the overall purpose of the RMA and Policy 64 of the Wellington RPS which requires consideration a whole of catchment approach. With regard to points (a) and (b) We concur that the District Plan and in particular the Rural Residential Activity Area and subdivision rules do not reflect current legislative requirements under the NPS –FM, nor the changes in public expectations with regard to the protection of fresh water, indigenous biodiversity and amenity values. We understand from HCC staff, that the District Plan is due to be revised in the near future at which point these defects will no doubt be addressed. In the meantime we consider that to allow a change under the existing requirements of the District	Accept the submission	Reject. There is scope within any subdivision consent assessment to consider effects on SNA's.

			Plan would be a mistake.		
	DPC53/2 Forest & Bird Para 10	Support	<i>No reason stated</i>	Accept the submission	Reject
	DPC53/2 Forest & Bird Para 11	Support	The inaccuracies, inadequate investigation and analysis of Section 32 matters noted in our submission, together with its failure to address the overarching requirements of national, regional and local policies on biodiversity calls into question the validity and competence of the entire report. We do not consider the application presented for the proposed plan change a valid basis for a decision.	Accept the submission	Reject. The proposal has been significantly changed since its was lodged and a s32AA has been provided.
	DPC53/2 Forest & Bird Para 12	Support	We support this view for the reasons given in our submission and in comments above.	Accept the submission	Reject. The proposal has been significantly amended.
	DPC53/2 Forest & Bird Para 12	Support in part	We consider that on balance the inability of the zoning criteria sought to give effect to Section 6 of the RMA, the Wellington RPS, the NPS-FM, and provisions of the District plan with regard to the maintenance and protection of water quality, indigenous bio-diversity and amenity landscape, together with the failure of subdivision and building consent application process to adequately consider wider and cumulative environmental effects that this change would enable, means that the proposal should be rejected in its entirety.	Reject the proposal in its current form	Reject. The proposal has been significantly amended.

	DPC53/3 Karen Self	Support	<p>The assumption made in PPC53 that access to the area is available via the Old Coach Road-Belmont to Pauatahanui (Mis-named Normandale Road in the PPC) is not only contrary to the reality, but if considered would be contrary to the requirements of RMA Section 6(f) and Objective 15 and associated policies of the Wellington RPS. We further note here that in our opinion, the degree of protection for historic artefacts determined by the High Court in Lambton Quay Properties Nominee Ltd v Wellington City Council [2014] NZHC 878 at [70-71] has by implication been increased by the decision of the Environment Court in EDS vs King Salmon, and that although the primary means by which protection of historic heritage is provided for is by scheduling items or areas in the district plan, section 6(f) still offers protection in its absence. (New Zealand Historic Places Trust v Waitaki DC (NZEnvC C034/08, 3 April 2008))</p>	Accept the submission	<p>Accept in part. Amended proposal includes Discretionary Activity status for access from Old Coach Rd which allows consideration of effects and rejection of proposal if required.</p>
	DPC53/6 Friends of Belmont Regional Park	Support	<p>As noted in our reasons for supporting DPC53/2 Forest & Bird Para 11 above, we consider the suggestion that environmental and societal effects can be deferred to a piecemeal consideration at resource consent stage demonstrates a failure to understand the basic concepts of ecological assessment and the increasing importance of amenity value. We also support the concern</p>	Accept the submission	<p>Accept in part. The proposal has been amended and ecological assessment provided.</p>

			over reverse sensitivity.		
	DPC53/6 Friends of Belmont Regional Park	<i>Not stated</i>	In addition to the points made in our own submission which support this section, we would argue that in adopting a numeric scale to assess scale and significance the section is fundamentally flawed. The greatest danger in a subjective assessment is to base this on a numeric scale since this is assumed to be interval when in reality any assessment here is ordinal.	<i>Not stated</i>	
	DPC53/6 Friends of Belmont Regional Park	<i>Not stated</i>	We note again a fundamental methodological flaw in the quantification in that dollar cost is assumed a valid proxy for non-monetary values. This assumption leads, when considering mitigation and avoidance costs, to goal transference from ecological cost equivalence, to dollar cost minimisation, and should be avoided. The use of dollar proxy also encourages the limiting of values considered to those easily quantified rather than their ecological significance.	Not stated	
	DPC53/6 Friends of Belmont Regional Park para 4.1	Support		Accept the submission	Reject
	DPC53/6 Friends of Belmont Regional Park section 5.1.2 and 7	Support	As noted in our reasons for support of DPC53/2 Forest & Bird Para 7 (d), the failure to consider Kaitiakitanga and RMA Section 6(c) is to negate the entire purpose of the RMA.	Accept the submission	Reject. The proposal has been amended significantly.
	DPC53/6 Friends of Belmont	Support	As noted in our reasons for support of	Accept the submission	Reject.

	Regional Park section 5.3		DPC53/2 Forest & Bird Para 7 (a) (b) and (c) We further note HCC's acknowledgement of the importance of catchment level assessment in its participation in the te Whanganui a Tara Whaitua process.		The proposal has been amended in significantly since the submission period closed and has introduced sediment control as a matter of consideration.
	DPC53/6 Friends of Belmont Regional Park section 6.1 Evaluation of Options	Support	We also consider this section to be methodologically flawed and illogical. It utilises straw man arguments based on circular hypotheticals and attempts to equate incommensurables.	Accept the submission and reject the evaluation	Reject.
	DPC53/6 Friends of Belmont Regional Park 7.1 and 7.4	Support	We believe that the failure to even consider the ecological, amenity and landscape effects of the proposed change indefensible. To suggest that these will be addressed later during a process when the opportunity to consider wider and cumulative effects are curtailed and public consultation denied, is in our opinion a deliberate attempt to avoid their consideration completely.	Accept the submission	Accept in part. The proposal has been amended significantly since the submission period closed.
	DPC53/6 Friends of Belmont Regional Park - Transport Impact Assessment	Support		Accept the submission	Accept in part. The proposal was amended with access from Normandale Rd discouraged through an assessment criteria and a full

					consideration of effects is possible due to the Discretionary Activity status.
	DPC53/7 Pam Guest – SNA's	Support	In addition to the points made in in our reasons for support of DPC53/2 Forest & Bird, Para 7 (d), we note the requirement on councils to maintain indigenous biodiversity under RMA S31(b)(iii) has in the words of the Parliamentary Commissioner for the Environment been characterised by "... an undervaluing of biodiversity in decision making and inadequate regulatory protection contributing to indigenous biodiversity loss." We consider that to avoid this charge, HCC must require a full and independent ecological evaluation of the land in question.	Accept the submission	Accept – an Ecological Assessment has been provided.