

BEFORE THE HUTT CITY COUNCIL

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

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

**STATEMENT OF EVIDENCE OF CORINNA TESSENDORF ON
BEHALF OF JUDY AND NEVILLE BANNISTER**

02 SEPTEMBER 2021

1. SCOPE OF EVIDENCE

1.1 I have structured my evidence as follows:

- Qualifications and Experience
- Background
- The Site
- The Proposal
- Resource Management Assessment
- City of Lower Hutt District Plan
- Non-statutory Plans
- Environmental Effects Addressed by the Private Plan Change Request
- Submissions
- Key Issues for Assessment and Determination
- S42 Report
- Conclusion

2. QUALIFICATIONS AND EXPERIENCE

2.1 My full name is Corinna Tessendorf. I am a Senior Planner at Urban Edge Planning Limited. I have over 23 years of experience in town planning including work in local government both in Germany and New Zealand. I have over 12 years of experience as a Senior Planner in New Zealand working for local government as well as in the private sector. I have led the preparation and processing of numerous District Plan Changes and contributed to RMA policy development in general. Before my immigration to New Zealand I worked as a town planner for local government in Berlin, Germany. My work included the development of planning policies as well as the processing of consent applications under constantly changing legislations (due to the reunification process of former East and West Germany).

2.2 I hold the equivalent of a Masters degree in Urban and Regional Planning (Diplom-Ingenieur fuer Stadt- und Regionalplanung) from the Technical University in Berlin, Germany.

Code of Conduct

2.3 I confirm that I have read, and am familiar with, the Code of Conduct for Expert Witnesses in the Environment Court of New Zealand Practice Note 2014. Unless where stated otherwise within this report, the evidence which I present 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.

3. BACKGROUND

3.1 I have undertaken several site visits and am familiar with the site and surrounding area.

3.2 Urban Edge Planning has prepared the private plan change request for the rezoning of the plan change sites on behalf of Judy and Neville Bannister and is acting on behalf of the three landowners which together comprise the subject site:

- Judy and Neville Bannister – 190 Stratton Street;
- Sue and Ian Perry – 236 Stratton Street; and
- Catharina and Andrew Fisher – 268 Stratton Street.

3.3 The private plan change request was formally accepted by Council at its meeting on 10 December 2019.

3.4 In preparing my evidence I have reviewed and had regard to supplementary evidence and advice by:

- Dr Sarah Herbert (Wildland Consultants Ltd) – Ecology
- Gary Clark (Traffic Concepts Ltd) – Transport

3.5 In preparing my evidence I have also reviewed and had regard to Council's s42A report prepared by Mr Dan Kellow and associated expert evidence by .

- Dr Astrid van Meeuwen-Dijkgraaf (Cardno Ltd) - Ecology
- David Wanty (Wanty Transportation Consultancy Ltd) - Transport

4. THE SITE

Site Description

4.1 The plan change site (“the site”) is located in Normandale, in the Western Hills of Lower Hutt. It comprises an area of approximately 49.8ha, across three separate allotments:

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

4.2 All three allotments contain existing dwellings and several detached accessory buildings. The sites are characterised by low density, rural use and development.



Figure 1 – Aerial image of plan change sites. Source: HCC WebMap.

- 4.3 All three properties have their main vehicle access from Stratton Street. 236 and 268 Stratton Street also have motor vehicle access to the unsealed part of Old Coach Road and have the right to use the road beyond the gate to access their sites.
- 4.4 The properties are generally sloping upwards from Stratton Street (west to east), with the high point lying to the east of the site. Overall the site is characterised by a mostly rolling modulation with some steeper parts, particularly around gullies and waterbodies on the site.
- 4.5 Being located in the rural environment the properties subject to this plan change as well as surrounding properties in the area, are not connected to Council's water infrastructure.
- 4.6 Council's Productive Soil Maps confirm there is no highly productive Class I or II land in the Western Hills, which includes the subject site.
- 4.7 Most of the adjoining properties to the west and north form part of the Belmont Regional Park. Belmont Regional Park is the largest park in the Wellington region and is located between Porirua and Lower Hutt. The park has numerous access points, one of them being located at the end of Stratton Street and another one at the end of Normandale Road to the east of the plan change site. The property to the south of the private plan change is a public reserve known as 'Cottle Park'.
- 4.8 The remainder of the surrounding area consists of privately owned properties with an overall rural lifestyle character. Property sizes in the surrounding area (along Stratton Street and Normandale Road vary between 1.2 ha (302 Normandale Road) and 9ha (149 Stratton Street) with an average size of 3.11ha.

The Operative District Plan

- 4.9 Under the operative City of Lower Hutt District Plan ("ODP") the site is zoned as General Rural Activity Area. The current zoning has been operative since 2004.
- 4.10 The District Plan identifies a Significant Natural Resource (SNR38) that partially covers areas of 190 Stratton Street and 236 Stratton Street along their eastern boundaries. It is important to note that the relevant rules for SNRs in the District Plan do not apply to privately owned properties.
- 4.11 The property at 301 Normandale Road is located directly to the east of 190 and 236 Stratton Street. While this property is also zoned General Rural Activity Area it has not been included in the private plan change and would remain zoned as General

Rural Activity Area. 301 Normandale Road has a size of 3.8 ha and is also partially covered by SNR38.

- 4.12 There are no significant cultural or archaeological sites, heritage buildings and structures or other overlays identified on the sites.

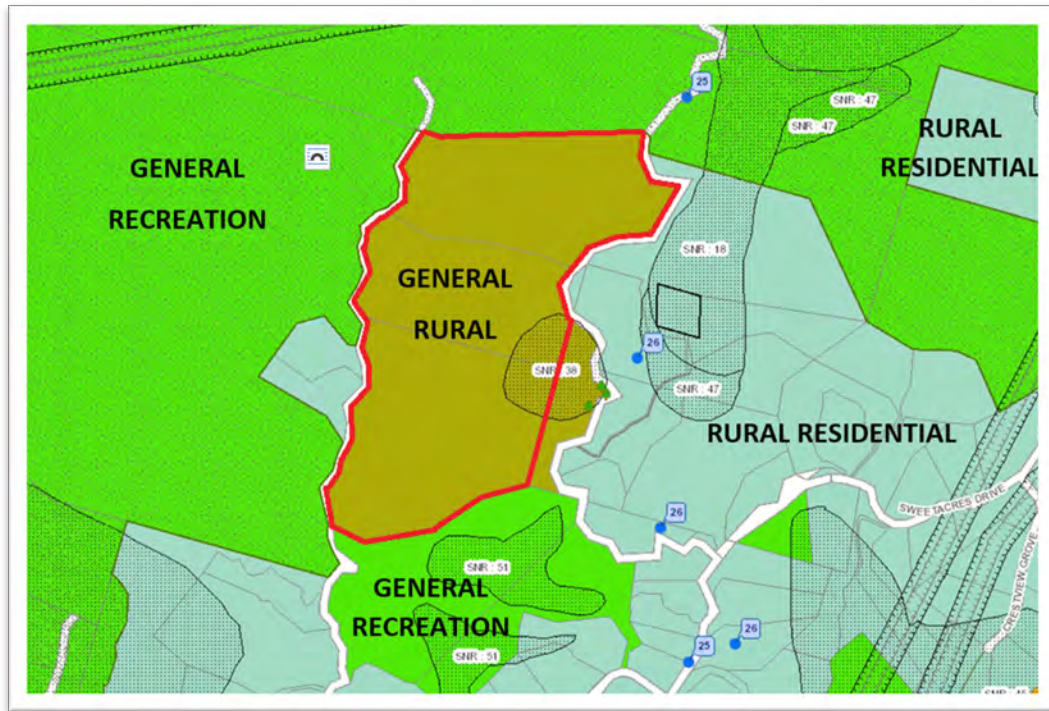


Figure 2 - District Plan Map of plan change sites. Source: HCC WebMap

- 4.13 The land of Belmont Regional Park as well as the Cottle Park Reserve to the south are zoned General Recreation Activity Area.
- 4.14 All privately owned properties in the surrounding area are zoned Rural Residential Activity Area.
- 4.15 A review of the zoning history of the sites under previous District Schemes up to the Proposed District Plan did not provide any conclusive reasons for the zoning of this pocket of land as General Rural Activity Area. Under the City of Lower Hutt Western Hills Area District Scheme and the Transitional District Plan the properties were part of a Belmont Regional Park zone.

5. THE PROPOSAL

The Initial Proposal

- 5.1 The initial proposal is described in detail in the section 32 evaluation report (“s32”) and I do not propose to repeat in detail the description of the application. However, the key points are described below.
- 5.2 Private Plan Change 53 as notified seeks to rezone the application site from General Rural Activity Area to Rural Residential Activity Area, under the City of Lower Hutt District Plan. The initial proposal does not propose any changes to the underlying provisions of the District Plan.
- 5.3 The proposed Rural Residential Activity Area zone would allow for limited additional subdivision and development of the site compared to the existing General Rural Activity Area zoning. It would extend the existing Rural Residential Activity Area zoning and development patterns of the surrounding areas of Normandale to apply to the plan change site.
- 5.4 The private plan change as notified does not seek the introduction of any site-specific policies, rules and standards but intended to rely on the underlying zone specific and district wide provisions of the operative District Plan.

The Amended Proposal

- 5.5 Since the lodgement of the private plan change request and in response to submissions the plan change has been amended to address the issues raised in submissions. An ecological assessment of the site and of the effects of the private plan change has been prepared and new site specific provisions have been developed. In addition to the rezoning from General Rural to Rural Residential Activity Area the following site specific subdivision provisions are now proposed:

Introduce Site Specific Subdivision Provisions to 11.2.2.1 Standards and Terms

- 5.6 It is proposed to add a new set of site specific standards and terms for controlled activities in relation to Allotment Design. These new standards include the established zone specific standards relating to:
- Minimum Size of Allotment;
 - Minimum Frontage;
 - Shape Factor; and

- Other.

These standards are unchanged from the standards that apply everywhere else in the Rural Residential Activity Area.

5.7 The new standard also introduces new site specific provisions relating to:

- Number of Allotments;
- Access; and
- No-development Areas.

5.8 These new standards limit the maximum number of lots that can be achieved as a controlled subdivision per parent site, require all new access to be from Stratton Street and require all building platforms and access ways to be identified at the subdivision stage and to be located outside of identified no-development areas. The no-development areas are identified on Appendix Subdivision 9.

Introduce site specific assessment criteria to 11.2.2.3 Assessment Criteria

5.9 It is also proposed to add new, site specific controlled assessment criteria relating to Allotment Design and Earthworks.

5.10 The assessment criteria for Allotment Design directs subdivision design to avoid or minimise the need for native vegetation clearance and to ensure that all access can be achieved from Stratton Street.

5.11 The assessment criteria for earthworks requires the preparation of a sediment and erosion control plan to manage potential effects on streams and wetlands.

Introduce a new site specific discretionary activity to 11.2.4 Discretionary Activities

5.12 It is proposed to add a new, site specific discretionary activity. This amendment confirms and clarifies that any subdivision of the plan change site that does not comply with the standards and terms for Allotment Design becomes a fully discretionary activity. The only exception is non-compliance with the standard for no-development areas, which elevates to a non-complying activity status. It should be noted that non-compliance with other standards and terms (such as Engineering Design, Contamination or Earthworks) continues to elevate to a restricted discretionary activity status.

Introduce site specific assessment criteria to 11.2.4.1 Assessment Criteria for Discretionary Activities

- 5.13 It is proposed to introduce a new, site specific assessment criteria for discretionary activities that specifically provides for the consideration and assessment of the effects on the existing roading network where the maximum number of allotments is not complied with.

Introduce a new site specific non-complying activity to 11.2.5 Non-Complying Activities

- 5.14 It is proposed to add a new site specific non-complying activity. Under this new rule any subdivision that does not comply with the site specific Allotment Design standard relating to no-development areas becomes a non-complying activity.

Introduce a new Appendix Subdivision 9

- 5.15 It is proposed to add a new Appendix Subdivision 9 which identifies the sites to which the proposed provisions apply by address and legal description and also shows the proposed no-development areas.
- 5.16 A full list of proposed changes to Chapter 11 are attached as Appendix 1 to this report. The required assessment of these proposed site specific provisions under section 32AA (“s32AA”) of the Resource Management Act 1991 (“RMA”) is provided in Appendix 2 to this report.

6. RESOURCE MANAGEMENT ASSESSMENT

Statutory Background

- 6.1 A section 32 evaluation has been provided as part of the private plan change request. The s32 evaluation outlined the statutory direction of the higher order planning documents that the private plan change must be consistent with and provided a cost benefit analysis for the proposed rezoning.
- 6.2 Since the lodgement of the private plan change and in response to submissions the introduction of site specific provisions has been proposed. The sections below provide an updated resource management assessment that considers not only the proposed rezoning but also the proposed site specific provisions.

Resource Management Act

6.3 Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. This proposed rezoning in combination with the site specific provisions is considered to achieve the sustainable management of natural and physical resources by providing for limited additional housing while managing the impact of additional development that is enabled by the plan change on identified areas of significant indigenous biodiversity.

6.4 Section 6 prescribes that in achieving the purpose of the RMA, Council needs to recognise and provide for the Matters of National Importance. The following subsections have been found to be of particular relevance:

Section	Relevant Matter
Section 6(a)	<p><i>The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</i></p> <p>The proposed introduction of no-development areas that include streams and wetlands on the sites provides additional protection of identified areas of significant indigenous biodiversity and habitats from the impact of additional development that is enabled by the plan change. Under the proposed provisions any new building platforms and related access ways must be located outside the no-development areas.</p>
Section 6(c)	<p><i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i></p> <p>The proposed introduction of no-development areas across identified areas containing significant indigenous biodiversity and habitats is considered to be the most appropriate way of achieving a level of protection for the identified areas from the potential adverse effects of additional development enabled by the rezoning (in the absence of any other established protection mechanisms for the protection of indigenous biodiversity in the ODP).</p>

6.5 The plan change must also have particular regard to the Other Matters referred to in section 7 of the RMA. The following other matters have been found to be of particular relevance:

Section	Relevant Matter
<i>Section 7(b)</i>	<i>The efficient use and development of natural and physical resources.</i> The proposed rezoning and site specific provisions provide for limited additional housing while preserving identified areas of significant indigenous biodiversity and habitats.
<i>Section 7(c)</i>	<i>The maintenance and enhancement of amenity values.</i> The proposal rezoning and site specific provisions would allow for the sites to be developed in a manner that is consistent with the surrounding rural residential properties and in a manner that responds to the ecological values identified on the sites.
<i>Section 7(d)</i>	<i>Intrinsic values of ecosystems</i> The proposed introduction of no-development areas across identified areas containing significant indigenous biodiversity values is considered to be the most appropriate way of achieving a level of protection for the identified areas from the potential adverse effects of additional development enabled by the rezoning (in the absence of any other established protection mechanisms for the protection of significant indigenous biodiversity in the ODP).
<i>Section 7(f)</i>	<i>Maintenance and enhancement of the quality of the environment.</i> The proposed rezoning and the related site specific subdivision provisions are considered to provide appropriate protection for the existing quality of the environment.

6.6 Section 8 of the RMA requires that applications take into account the principles of the Treaty of Waitangi. There are no known cultural sites of significance present on the plan change site. Provisions have been proposed to ensure the ecological values of the onsite streams and wetlands are considered and maintained through the subdivision design and development of the site.

6.7 Section 31 of the RMA lists the functions of territorial authorities, which includes (of relevance to this plan change):

Section	Relevant Matter
Section 31(1)(a)	<i>The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.</i>

Section	Relevant Matter
Section 31(1)(aa)	<i>The establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.</i>
Section 31(1)(b)(iii)	<i>The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity.</i>
Section 31(1)(e)	<i>The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.</i>

6.8 For completeness the relevant functions of regional councils as contained in section 30 of the RMA are outlined below.

Section	Relevant Matter
Section 30(1)(a)	<i>The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region</i>
Section 30(1)(b)	<i>The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance</i>
Section 30(1)(c)	<i>The control of the use of land for the purpose of—</i> <i>(i) soil conservation:</i> <i>(ii) the maintenance and enhancement of the quality of water in waterbodies and coastal water:</i> <i>(iii) the maintenance of the quantity of water in water bodies and coastal water:</i> <i>(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:</i> <i>(iv) the avoidance or mitigation of natural hazards</i>
Section 30(1)(e)	<i>The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—</i> <i>(i) the setting of any maximum or minimum levels or flows of water:</i> <i>(ii) the control of the range, or rate of change, of levels or flows of water:</i> <i>(iii) the control of the taking or use of geothermal energy:</i>
Section 30(1)(f)	<i>The control of discharges of contaminants into or onto land, air, or water and discharges of water into water</i>
Section 30(1)(ga)	<i>The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:</i>

- 6.9 Sections 30 and 31 establish that the control of the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water, the maintenance of the quantity of water in water bodies and coastal water and the maintenance and enhancement of ecosystems in water bodies and coastal water are regional council functions. The control of discharges of contaminants into or onto land, air, or water and discharges of water into water is also identified as a regional council function. Territorial authorities on the other hand are responsible for the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity and the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.
- 6.10 Overall the proposed provisions are considered appropriate to address and fulfil Council's functions under section 31 of the RMA.

National Policy Statements

- 6.11 Under Section 75(3)(a) of the RMA a District Plan change must give effect to any National Policy Statement.
- 6.12 The following National Policy Statements are currently in force:
- National Policy Statement on Urban Development 2020;
 - National Policy Statement for Freshwater Management 2020;
 - National Policy Statement for Renewable Electricity Generation 2011;
 - National Policy Statement on Electricity Transmission; and
 - New Zealand Coastal Policy Statement 2010.
- 6.13 Of the above the National Policy Statement on Urban Development 2020 and the National Policy Statement for Freshwater Management 2020 are considered to be of relevance for the private plan change as amended.
- 6.14 It is recognised that the Government is proposing a National Policy Statement for Indigenous Biodiversity ("NPS-IB"), however this NPS is still in draft form and Council is not required to implement the draft NPS-IB until it has been gazetted.

National Planning Statement on Urban Development 2020

- 6.15 The National Policy Statement on Urban Development 2020 ("NPS-UD") came into force on 20 August 2020, replacing the National Policy Statement on Urban Development Capacity 2016 ("NPS-UDC").

- 6.16 As outlined in the s32 report, it was considered that while the NPS-UDC was of limited relevance to this plan change, the proposal was consistent with the purpose of the NPS-UDC in that it provided for limited additional residential development.
- 6.17 The new NPS-UD requires Councils to have development capacity with sufficient infrastructure, and to consider the benefits of urban development. It goes further in its policy framework than the NPS-UDC, requiring urban intensification, the inclusion of housing bottom lines and removal of parking requirements.
- 6.18 Again, because the focus of the NPS-UD is on the urban environment and because the plan change proposes the rezoning from General Rural to Rural Residential Activity Area and the plan change site is located within the rural environment, the NPS-UD has only limited relevance. However by providing for limited additional development potential the plan change is considered to be consistent with the NPS-UD.

National Policy Statement for Freshwater Management 2020

- 6.19 The National Policy Statement for Freshwater Management 2020 (“NPS-FM”) came into force on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014.
- 6.20 A fundamental concept of the NPS-FM is Te Mana o te Wai which refers to the importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. Te Mana o te Wai includes a hierarchy of obligations to prioritise the health of water which are directly incorporated into the objective (Section 2.1) of the NPS-FM and supported by 15 policies (Section 2.2).
- 6.21 The NPS-FM applies to all freshwater including groundwater and accordingly, the implementation of the NPS-FM largely requires actions by regional councils due to their responsibilities for freshwater management. The NPS-FM directs regional councils to change their regional policy statements and regional plans to be consistent with the requirements of the NPS-FM. This includes adopting an integrated approach and involving tangata whenua in freshwater management.
- 6.22 Two relevant requirements of the NPS-FM include the direction for regional councils to develop a National Objectives Framework (“NOF”) to manage freshwater (section 3.7) and to map every natural inland wetland (section 3.23) to avoid further loss. Further directions also require minimum values for rivers to be set.

- 6.23 The NOF requires every waterbody within the region to be located within at least one Freshwater Management Unit (FMU) with relevant values and environment outcomes identified for each value. These outcomes must then be included as an objective or multiple objectives within the regional policy statement and regional plans.
- 6.24 For wetlands, the NPS-FM directs regional councils insert a policy that avoids the loss of natural inland wetlands except within a very limited range of circumstances, noting the definition for natural wetlands (section 3.21) expressly excludes any wetland constructed by artificial means.
- 6.25 In essence the NPS-FM requires the health of freshwater to be identified by regional councils, monitored against minimum baseline values in an integrated manner and, where degradation is detected, take action to halt or reverse it. The update of regional plans will lead the subsequent update of district plans (within the jurisdictional extent possible), although as yet the regional council has not notified any changes to the regional plans in accordance with the NPS-FM directions. For now the proposed Natural Resources Plan and the operative regional plans will continue to manage the effects on freshwater.
- 6.26 Consequently, at this stage the NPS-FM has very little direct relevance for this proposed plan change. There are two wetlands identified within the site. However, these were constructed or the by-product of other works and therefore further investigation is required to determine whether they meet the criteria for natural wetlands as defined by the NPS-FM. Notwithstanding this, the wetland areas are located within the proposed no-development areas and will be retained as part of the plan change.
- 6.27 In terms of impacts on freshwater bodies, the limited scale and development potential that the rural residential zoning would introduce means minimum lot areas will ensure onsite stormwater disposal can be achieved to avoid direct discharge to waterbodies. The plan change will not prejudice the ability of the regional council to progress its responsibilities under the NPS-FM and the provisions of the proposed zone together with the proposed site specific provisions will ensure any potential impact on freshwater bodies can be adequately managed to be consistent with the purpose of the NPS-FM.

National Environmental Standards

- 6.28 The s32 evaluation stated that none of the National Environmental Standards (“NES”) that were in force at the time were considered relevant for the proposed plan change.

However, since the lodgement of this private plan change request the following NES have come into force:

- National Environmental Standards for Freshwater 2020
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021

6.29 Of these, only the NES for Freshwater (“NES-FW”) is considered relevant to this plan change. The NES-FW came into force on 3 September 2020 and sets out regulations to control certain activities that pose a risk to freshwater and freshwater ecosystems.

6.30 Section 5 of the NES-FW states the regulations deal with the functions of regional councils and not the functions of territorial authorities. Much of the regulations within the NES-FW are focused on primary production and rural farming activities (see Part 2 of the NES-FW). However, Part 3 of the regulations include standards for other activities that relate to freshwater including activities that occur within or adjacent to natural wetlands and where reclamation of rivers are proposed.

6.31 The plan change site contains two wetland areas, identified as sites 11 and 12 on Figure 3 within the Wildlands assessment report. The Wildlands report also identifies three main streams running through the site which form tributaries of the Korokoro Stream.

6.32 While a range of specific activities involving earthworks or vegetation clearance are permitted within 10m of a wetland, the general activity status for all other earthworks and vegetation clearance within a 10m setback from a wetland are identified as a non-complying activity. Furthermore, earthworks within 100m of a wetland that could result in partial drainage is also a non-complying activity. Any reclamation of a stream is identified as a discretionary activity.

6.33 Both wetlands are described within the Wildlands report (section 5.11 and 5.12, pg. 11) as artificial wetlands. Wetland 11 is a small riparian area likely formed as a by-product of previous earthworks on the site while wetland 12 is also a small area not considered natural but formed following works associated with the improvement and sealing of Stratton Street by Hutt City Council.

6.34 The NES-FW definition for natural wetland expressly excludes wetlands that were artificially constructed. As outlined above both wetlands on site have either been constructed or are the by-product of other works. Therefore further investigation is required to establish whether they meet the definition of natural wetlands. Notwithstanding this, the plan change proposes retaining these wetlands and includes

them within the proposed no-development areas (figure 5 of the Wildlands report). Furthermore, the indicative house sites are more than 100m from these areas to limit potential effects on these areas. The proposed no-development areas also encompass the entire length of all three main streams identified by Wildlands.

- 6.35 The proposed plan change can therefore provide for future rural residential scale subdivision of the site having identified key streams and wetland features. The detail of any future subdivision will still be subject to regional council plans and but it is considered it would not be constrained by the NES-FW regulations.

Regional Policy Statement for the Wellington Region

- 6.36 As outlined in the s32 evaluation in more detail, the private plan change is considered to be consistent with the relevant Objectives and Policies of the Regional Policy Statement for the Wellington Region (“RPS”).

- 6.37 A further assessment of the proposal as amended in response to submissions finds that the following Objectives and Policies are considered the most relevant for this plan change:

RPS – Relevant Objectives and Policies	
3.4 Fresh water	
Objective 12	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.
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
Objective 13	The region’s rivers, lakes and wetlands support healthy functioning ecosystems.
Policy 43	Protecting aquatic ecological function of water bodies – consideration

RPS – Relevant Objectives and Policies	
3.6 Indigenous Ecosystems	
Objective 16	Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.
Policy 23	Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans
Policy 24	Protecting 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
3.9 Regional Form, Design and Function	
Objective 22	<p>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <ul style="list-style-type: none"> (a) a viable and vibrant regional central business district in Wellington city; (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality; (c) sufficient industrial-based employment locations or capacity to meet the region’s needs; (d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy; (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); (h) integrated public open spaces; (i) integrated land use and transportation; (j) improved east-west transport linkages; (k) efficiently use existing infrastructure (including transport network infrastructure); and (l) essential social services to meet the region’s needs.
Policy 55	Maintaining a compact, well designed and sustainable regional form – consideration
Policy 56	Managing development in rural areas – consideration
Policy 57	Integrating land use and transportation – consideration

RPS – Relevant Objectives and Policies	
Policy 58	Co-ordinating land use with development and operation of infrastructure – consideration
Policy 67	Maintaining and enhancing a compact, well designed and sustainable regional form – non-regulatory
3.11 Soils and Minerals	
Objective 29	Land management practices do not accelerate soil erosion
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 68	Minimising soil erosion – non-regulatory

6.38 The full wording of the Objectives and Policies is contained in Appendix 3 to this report.

6.39 In summary the proposal is considered to be consistent with the above objectives and policies of the Regional Policy Statement because:

- The private plan change supports Objective 12, through identifying and protecting wetlands and streams on the site from the effects of additional subdivision and development and is therefore consistent with Policies 40 and 43;
- The private plan change identifies no-development areas to minimise the potential effects of earthworks and vegetation clearance and includes proposed provisions to allow consideration of any potential effects on those areas, consistent with Policies 15 and 41;
- The plan change supports the maintenance and restoration of indigenous ecosystems and habitats with significant biodiversity values, through undertaking a site specific ecological assessment, identifying significant indigenous biodiversity and proposing no-development areas to protect these areas from the effects of future subdivision and development consistent with Policies 23, 24 and 47.
- The proposed rezoning reflects the sites characteristics and is consistent with the surrounding patterns of zoning, providing for potential density and development patterns consistent with rural residential areas which are

anticipated along Stratton Street. The plan change includes provisions to manage development and integrate transport consistent with the adjacent rural residential pattern of land use. This is consistent with Objective 22 and Policies 56, 57.

- The plan change provides a modest contribution towards rural residential capacity within Hutt City, comfortably accommodated within the rural residential zoning with onsite servicing capacity which does not challenge or undermine the existing compact urban regional form, consistent with Policies 55 and 67.
- The effects of any earthworks can be considered and managed at the subdivision stage and any significant earthworks will require a resource consent which will manage the effects.

Regional Plans

Proposed Natural Resources Plan

6.40 The proposed Natural Resources Plan for the Wellington Region (“PNRP”) will replace the five operative regional plans relating to coast, soil, freshwater, air and discharges to land. The PNRP was publicly notified in July 2015 and all rules within the PNRP had immediate legal effect from the date it was notified. Decisions on the PNRP were publicly notified on 31 July 2019, and from the date of the public notice the PNRP was amended in accordance with those decisions. The period for filing appeals with the Environment Court on the Decisions version of the PNRP closed on 18 September 2019. Appeals not resolved through mediation will be heard by the Environment Court commencing the week of 6 September 2021. The Appeals version of the PNRP identifies which parts 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.

6.41 As outlined in the s32 evaluation it was considered that, while none of the Objectives and Policies of the PNRP were directly applicable, the proposal was not inconsistent with the PNRP.

6.42 A further assessment of the proposal as amended in response to submissions finds that the following objectives and policies are of relevance:

PNRP – Relevant Objectives and Policies
3.4 Natural Character Form and Function
Objective O17*

PNRP – Relevant Objectives and Policies
3.6 Biodiversity, Aquatic Ecosystems Health and Mahinga Kai
Objective O25*
Objective O27*
Objective O28*
Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai*
Policy P32: Adverse effects on biodiversity, aquatic ecosystem health, and mahinga kai*
Policy P37: Values of wetlands
Policy P38: Restoration of wetlands*
3.7 Sites with Significant Values
Objective O35*
Policy P40: Ecosystems and habitats with significant indigenous biodiversity values*
Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values*
Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values*
3.10 Land Use
Objective O44*
3.11 Discharges to Land and Water
Objective O48*
Policy P79: Managing Land Use Impacts on Stormwater
Activities in Beds of Lakes and Rivers
Policy P102: Reclamation or drainage of the beds of lakes and rivers*

**provisions under appeal*

- 6.43 The full wording of the Objectives and Policies is contained in Appendix 4 to this report.
- 6.44 The proposal is considered to be consistent with the above objectives and policies of the PNRP because:
- Any future development enabled by the private plan change would be likely to

require Regional Council consent (e.g. streambed loss, earthworks in riparian margins) and/or District Council consent (e.g. subdivision and earthworks), thereby providing sufficient opportunity to address and mitigate any potential adverse effects like the loss of streambeds and vegetation or erosion and sedimentation.

- The potential and actual effects of residential development at a rural scale would be considered within this consenting framework, and if required, mitigation measures would be required.
- The proposed Rural Residential zoning only provides limited development potential which ensures that onsite stormwater disposal can be achieved and direct discharge to waterbodies can be avoided.
- The proposal identifies areas of biodiversity significance including streams and wetlands on the site and introduces no-development areas. Any subdivision that proposes new building platforms or access ways within the identified no-development areas would be a non-complying activity.

Operative Regional Plans

6.45 Section 75(4)(b) states that a district plan must not be inconsistent with a regional plan. The Wellington Region currently has the following operative regional plans:

- Regional Coastal Plan;
- Regional Air Quality Management Plan;
- Regional Freshwater Plan;
- Regional Plan for Discharges to Land; and
- Regional Soil Plan.

6.46 In this case, the operative Regional Freshwater Plan and Regional Soil Plan are considered relevant. The operative Regional Plan for Discharges to Land is considered to be of limited relevance.

6.47 The Regional Freshwater Plan applies to all types of activities that use freshwater or that are in the beds of rivers and lakes. The following objectives and policies are considered to be most relevant to the amended private plan change:

Regional Freshwater Plan – 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: <ul style="list-style-type: none"> • 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.

6.48 The private plan change as amended is considered to be consistent with the Regional Freshwater Plan as it provides for the protection of identified streams and wetlands on the site from the effects of additional subdivision through the introduction of no-development areas. The proposed Rural Residential zoning only provides limited development potential which ensures that onsite stormwater disposal can be achieved and direct discharge to waterbodies can be avoided. In addition any future subdivision and development may require regional consent under the provisions of the Regional Freshwater Plan, the PNRP and the NES Freshwater.

6.49 The Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land. The following objectives and policies are considered the most relevant for the amended private plan change:

Regional Soil Plan	
Vegetation Cover	
Objective 4.1.8	Any adverse effects of accelerated erosion are avoided, remedied or mitigated

Regional Soil Plan	
Objective 4.1.9	On erosion prone areas vegetative cover is maintained (including maintained through revegetation), enhanced or established; or where the retention of vegetation is not practical, other methods are used so that the adverse effects of erosion are avoided, remedied or mitigated.
Objective 4.1.10	Riparian vegetation cover is maintained, enhanced or established, so that erosion and sediment deposition is minimised in and around water bodies
Policy 4.2.14	To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting: <ul style="list-style-type: none"> • 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 4.2.16	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.

6.50 The private plan change as amended is considered to be consistent with the Regional Soil Plan in that it:

- identifies no-development areas that cover the more erosion prone gullies along the margins of stream and discourages the establishment of new building platforms and access ways in those areas by providing suitable and less challenging land within the balance areas of the site; and
- introduces an assessment criteria for controlled activities that requires the preparation of a sediment and erosion control plan.

6.51 The underlying earthworks provisions of the District Plan that provide additional protection for erosion prone land also apply.

6.52 The Regional Plan for Discharges to Land applies to discharges of contaminants to land, whether or not the discharge enters water. The following objectives and policies are considered of limited relevance for the amended private plan change:

Regional Plan for Discharges to Land	
Liquid Contaminants	
Objective 4.1.5	The adverse environmental effects of discharges of liquid contaminants from point sources into or onto land are avoided, remedied or mitigated.
Policy 4.2.19	To allow discharges of liquid contaminants to land which are not likely to have adverse effects on soil, water quality and amenity values, particularly where the effects of the contaminants would be greater if they were discharged directly into water.

6.53 The private plan change as amended is considered to be consistent with the Regional Plan for Discharges to Land in that the underlying provisions of the ODP relating to land use and subdivision in the Rural Residential Activity Area provide sufficient scope to achieve onsite stormwater disposal and address any potential discharges to land.

7. CITY OF LOWER HUTT DISTRICT PLAN

7.1 An assessment of the most relevant objectives and policies of the Operative District Plan for the private plan change as notified had been undertaken as part of the s32 evaluation.

7.2 A further assessment of the proposal as amended in response to submissions has been undertaken and finds the following chapters of the Operative District Plan to be of relevance to this plan change:

- Chapter 1 Introduction and Scope of the Plan (no changes proposed)
- Chapter 8A Rural Residential Activity Area (no changes proposed)
- Chapter 8B General Rural Activity Area (no changes proposed)
- Chapter 11 Subdivision (**changes proposed in response to submissions**)
- Chapter 14A Transport (no changes proposed)
- Chapter 14E Significant Natural, Cultural and Archaeological Resources (no changes proposed)

- Chapter 14I Earthworks (no changes proposed)

Chapter 1 Introduction and Scope of the Plan

7.3 The relevant objectives and policies are listed below:

1.10.1 Resource Management and the Tangata Whenua of Lower Hutt	
Objective	To respond to the principles of the Treaty of Waitangi and other matters of significance to the tangata whenua as specified in the Act.
Policies	<ul style="list-style-type: none"> (a) To have particular regard to tangata whenua's desire to carry out kaitiakitanga. (b) To protect waahi tapu and sites of cultural or historical significance to tangata whenua from desecration or disturbance. (c) To recognise and protect the tangata whenua desire to maintain and enhance their traditional relationship with the environment. (d) To consult with the tangata whenua when discharging functions and duties under the Act.

7.4 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- Tangata whenua have been consulted with as part of the preparation of the plan change but did not provide any feedback. There are no cultural sites of significance identified on the plan change site. The proposed site specific provisions will help to maintain the ecological integrity of the site and protect wetlands and streams on the site, thereby minimising the downstream effects impact of future subdivision.

1.10.2 Amenity Values	
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 areas.

7.5 In summary the amended proposal is consistent with the above objective and policy of the ODP for the following reasons:

- The anticipated density of future development enabled by the private plan change has been reduced further through the introduction of a site specific

provision that limits the number of lots that can be achieved as a controlled activity. Therefore any future development would be consistent with the established character of the local environment and maintain existing amenity values.

1.10.7 Rural Activity	
Objective	To protect and enhance the rural character, landscape and amenity values of the rural activity area.
Policies	<p>(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.</p> <p>(b) To manage activities to ensure that the adverse effects are no more than minor on open space character, landscape and amenity values.</p> <p>(c) To ensure that rural character and amenity values are not compromised through intensive development or fragmentation.</p>

7.6 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The proposed rezoning to Rural Residential Activity Area would retain the rural character, landscape and amenity values. The proposed site specific provision that limits the number of lots that can be achieved as a controlled activity ensures that future development will be less intensive than that enabled by the Rural Residential Activity Area provisions in general.

1.10.9 Significant Natural, Cultural and Archaeological Resources	
Objective	To protect significant natural, cultural and archaeological resources from inappropriate subdivision, use and development.
Policies	<p>(a) To identify resources that are considered to be of significance.</p> <p>(b) To protect identified areas of significance from inappropriate subdivision, use and development by ensuring activities in these areas are managed.</p>

7.7 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The proposed introduction of no-development areas helps to protect the identified areas of significant indigenous biodiversity on the site from the potential effects of additional subdivision and development enabled by the plan change (1.10.9 Significant Natural, Cultural and Archaeological Resources)

Chapter 8A Rural Residential Activity Area

7.8 The relevant objectives and policies of the Rural Residential Activity Area are listed below:

8A 1.1.1 Rural Residential Character and Amenity Values	
Objective	To ensure that the character and amenity values of rural residential areas are maintained and enhanced.
Policies	<ul style="list-style-type: none"> (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.

7.9 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The proposed rezoning would provide for rural residential development and activities that are compatible with the activities and subdivision patterns and the characteristics and amenity values of the surrounding rural residential environment. The existing rules and standards are considered to be sufficient to ensure that any future use of the sites is compatible with the amenity values and character of the local environment.
- The above objective and policies would also provide sufficient guidance for any assessment of a non-complying activity under the proposed new subdivision rule 11.2.5 under which any subdivision that does not comply with the site specific Allotment Design standard relating to no-development areas becomes a non-complying activity.

8A 1.1.2 Opportunity for Future Urban Growth	
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.
Policy	(a) 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.

7.10 In summary the amended proposal is consistent with the above objective and policy of the ODP for the following reasons:

- The plan change site is located at the northern end of Stratton Street and not adjacent to an urban environment. While the proposed rezoning would provide for limited additional development it could also be argued that the rezoning and potential development would limit the opportunity for future urban growth. It is considered that there would be other areas zoned Rural Residential and located closer to existing urban areas that would be more suitable for urban expansion and that this can be addressed more appropriately as part of the full District Plan review currently underway by Council.

8A 1.2.1 Minimum Requirements for Sites and Buildings	
Objective	To recognise those elements within a site that determine the character and amenity of rural residential areas and manage them effectively.
Policies	<p>(a) To ensure the character and amenity values of rural residential areas are maintained and enhanced through specific minimum site area conditions for dwellings.</p> <p>(b) To require minimum setback requirements and maximum site coverage for all buildings.</p> <p>(c) To establish appropriate minimum conditions for the size and shape of sites.</p> <p>(d) To manage the siting of all buildings and structures to mitigate the effects of a flood hazard on development.</p>

7.11 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The existing rules and standards for the Rural Residential Activity Area relating

to minimum net site areas, height, yards, recession planes and site coverage are considered appropriate to ensure that any future development will maintain and enhance the rural residential character and amenity values. The proposed site specific subdivision provisions which include the establishment of no-development areas will provide additional protection of the rural character that goes beyond the underlying zone provisions.

Chapter 11 Subdivision

7.12 The relevant objectives and policies of the Subdivision chapter are listed below:

11.1.1 Allotment Standards	
Objective	To ensure that land which is subdivided can be used for the proposed use or development.
Policies	<p>(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.</p> <p>(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.</p>

7.13 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The proposed site specific provisions include the underlying design standards and propose additional standards to limit and manage the impact from the proposed rezoning. In combination these standards will ensure that any future subdivision will result in allotments that are suitable for the proposed use or development.

11.1.4 Special Areas	
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,

11.1.4 Special Areas	
	ecological, social, cultural and recreational conditions are adversely affected.

7.14 In summary the amended proposal is consistent with the above objective and policy of the ODP for the following reasons:

- The proposed site specific provisions provide additional protection to identified areas of significant indigenous biodiversity and streams and wetlands on the site that goes beyond the underlying zone specific provisions.
- The above objective and policy would also provide appropriate guidance for any assessment of a non-complying activity under the proposed new subdivision rule 11.2.5 under which any subdivision that does not comply with the site specific Allotment Design standard relating to no-development areas becomes a non-complying activity.

11.1.5 General Rural And Rural Residential Activity Areas	
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.

7.15 In summary the amended proposal is consistent with the above objective and policy of the ODP for the following reasons:

- The proposed site specific provisions reduce the number of lots that can be achieved as a controlled subdivision from 23 lots down to 13 lots, thereby ensuring lower densities and less intensity of use and development than is provided for elsewhere within the Rural Residential Activity Area.

Chapter 14A Transport

7.16 The relevant objectives and policies of the Transport chapter are listed below:

Objectives and Policies	
Objective 14A 3.1	A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.
Objective 14A 3.4	Adverse effects on the safety and efficiency of the transport network from land use and development that generate high volumes of traffic are managed.
Objective 14A 3.5	Adverse effects on the safety and efficiency of the transport network from on-site transport facilities (vehicle access, parking, manoeuvring and loading facilities) are managed.
Policy 14A 4.1	Additions and upgrades to the transport network should seek to improve connectivity across all modes and be designed to meet industry standards that ensure that the safety, efficiency and resilience of the transport network are maintained.
Policy 14A 4.2	Land use, subdivision and development should not cause significant adverse effects on the connectivity, accessibility and safety of the transport network, and, where appropriate, should: <ul style="list-style-type: none"> • seek to improve connectivity within and between communities; and • enable walking, cycling and access to public transport.
Policy 14A 4.6	Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.

7.17 The above objectives and policies have been assessed in more detail in the Transportation Impact Assessment provided as part of the private plan change request.

7.18 In summary the proposed rezoning in combination with the additional proposed site specific provisions that limit the number of additional allotments and restrict access for new lots to be from Stratton Street meet the above objectives and policies. A more detailed assessment of the potential transport effects of the rezoning is provided in section 11 below.

Chapter 14E Significant Natural, Cultural and Archaeological Resources

- 7.19 As mentioned above the rules of Chapter 14E relating to Significant Natural Resources do not apply to privately owned land. The related objectives and policies however can be considered in the assessment of a proposal and are of relevance when considering a non-complying activity under proposed rule 11.2.4 (c).

14E 1.1 Protection of Significant Natural, Cultural and Archaeological Resources	
Objective	To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape
Policies	<p>(c) That any activity or site development shall not modify, damage or destroy a significant natural, cultural or archaeological resource.</p> <p>(d) That any activity or site development shall not compromise the natural character or visual amenity values of a significant natural, cultural or archaeological resource.</p> <p>(g) That any activity or site development will take into account new findings of significant natural, cultural and archaeological resources.</p> <p>(i) That any activity or site development shall not modify, damage or destroy the intrinsic values of the ecosystems of a significant natural, cultural or archaeological resource.</p>

- 7.20 In the absence of any district wide provisions to protect significant indigenous biodiversity the private plan change has included an onsite ecological assessment to identify areas of indigenous biodiversity value and proposes to protect these by introducing no-development areas which is considered to be consistent and give effect to the above policies.

Chapter 14I Earthworks

- 7.21 The relevant objectives and policies of the Earthworks chapter are listed below:

14I 1.1 Natural Character	
Objective	To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape
Policies	<p>(a) To ensure that earthworks are designed to be sympathetic to the natural topography.</p> <p>(b) To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain</p>

14I 1.1 Natural Character	
	the existing topography, protect natural features, and prevent erosion and slip.

7.22 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The existing earthworks provisions for Rural Residential Activity Areas that would apply to any future earthworks on the site are considered sufficient and appropriate to achieve the above objective and policies.

14I 1.2 Amenity, Cultural and Historical Values	
Objective	To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.
Policy	<p>(a) To protect the visual amenity values of land which provides a visual backdrop to the City.</p> <p>(b) That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.</p> <p>(c) To protect any sites with historical significance from inappropriate earthworks.</p> <p>(d) To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.</p>

7.23 In summary the amended proposal is consistent with the above objective and policies of the ODP for the following reasons:

- The existing earthworks provisions for Rural Residential Activity Areas that would apply to any future earthworks on the site are considered sufficient and appropriate to achieve the above objective and policies.
- In addition to the zone wide earthworks provisions the proposed site specific assessment matter for controlled subdivision relating to earthworks requires a sediment and erosion control plan to manage the potential effects of earthworks on streams and wetlands on the site.

Conclusion

- 7.24 Overall, the private plan change as amended in response to submissions is consistent with the directions of the district plan as set out above.

8. NON-STATUTORY PLANS

- 8.1 The most relevant non-statutory strategies and policies, produced by Hutt City Council are:

- Urban Growth Strategy 2012 – 2032; and
- Environment Sustainability Strategy 2015 – 2045;

- 8.2 As outlined in more detail in the s32 the proposed rezoning is considered consistent with the Urban Growth Strategy (UGS) in that it provides for (limited) additional development capacity at a rural density level. The UGS identifies the provision for rural/residential development on approximately 265 hectares in Normandale and Moores Valley. While the allowance to develop smaller lifestyle sections of 5,000 square metres with reduced frontage and driveway requirements in these areas and the permission of one hectare lots across the remaining rural residential areas in the city are identified as greenfield development targets in the UGS, I am not aware of any consequential reviews or changes to the District Plan to implement these directions.

- 8.3 The private plan change is considered to be consistent with the Environmental Sustainability Strategy in general and with Focus Area 5 Biodiversity in particular.

9. ENVIRONMENTAL EFFECTS ADDRESSED BY THE PRIVATE PLAN CHANGE REQUEST

- 9.1 The private plan change as initially proposed has addressed the following potential environmental effects:

- Amenity and Character Effects
- Traffic Effects
- Natural Hazards Effects
- Landscape, Natural Character and Ecology Effects
- Historical and Cultural Effects
- Economic Effects

- Infrastructure Effects

9.2 Since the lodgement of the private plan change and in response to submissions the introduction of site specific provisions has been proposed. A summary of the initial assessment as well as a further assessments of the amended proposal are provided below in Section 11 below.

10. SUBMISSIONS

10.1 The private plan change was publicly notified on 14 January 2020 and the submission period closed on 12 February 2020. At the close of the submission period, seven submissions were received – two submissions oppose the plan change in general and 5 submissions oppose the rezoning in part.

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

10.2 The summary of decisions requested was made publicly available for further submissions on 17 March 2020. Three further submissions were received in support of original submissions:

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

Subm. No	Name	Support / Oppose
		DPC53/7
DPC53F/3	Peter and Sandra Matcham	Support for DPC53/1 DPC53/2 DPC53/3 DPC53/6 and DPC53/7

- 10.3 The key issues raised in submissions can be grouped under the following broad topics
- Effects of rezoning on significant indigenous biodiversity values including streams and water quality; and
 - Traffic effects of additional subdivision with focus on Stratton Street and Normandale Road.
- 10.4 Other issues raised relate to
- Landscape, Amenity and Character Effects;
 - Effects on users of Belmont Regional Park;
 - Effects on Old Coach Road; and
 - the Section 32 evaluation.
- 10.5 Since submissions closed I have approached all submitters to discuss the issues raised in their submissions and find appropriate ways to address them. I can confirm that I have been in contact with all submitters except for Mr Willard (DPC53/4) who did not respond to any of my emails or phone calls.
- 10.6 When I contacted the Friends of Belmont Regional Park using not only the email address of Peter Matcham, who submitted on their behalf, but also the email address provided on the website I got a response from Mr James Stewart informing me that the Friends of Belmont as such did not make a group submission and that he believes the submission to be a personal one from Mr Pete Matcham. At the same time Mr Pete Matcham advised that Mr James Stewart had resigned as Convenor and had not yet been replaced. After further email exchange trying to clarify and resolve this unusual situation Mr Stewart concluded that *“Its [sic] regrettable, but none of us had/have a mandate to either submit, or withdraw the submission. Apologies Jamie”*
- 10.7 I acknowledge that the above matter is mainly an administrative issue but would also like to point out that any decision to either accept or decline the submission by the

Friends of Belmont Regional Park will not have a major impact on the issues raised in submissions, considering the submissions by Peter and Sandra Matcham (DPC53/5) and by Pete Matcham on behalf of Friends of Belmont Regional Park (DPC53/6) are very similar in their structure and the points they raise. The main difference is the stronger focus of DPC53/6 on effects on users of Belmont Regional Park. For completeness I have included DPC53/6 in my assessments below.

- 10.8 The issues raised by submitters in relation to environmental effects and the proposed amendments in response to submissions are discussed below. I acknowledge that some submitters have raised issues regarding the initial s32 assessment that was provided as part of the private plan change request. In light of the proposed changes to the proposal and the additional assessments undertaken as part of this evidence I have not discussed these submission points but rather focused on the assessment of the amended proposal. A s32AA assessment of the proposed changes is attached as Appendix 2 to this report.

11. KEY ISSUES FOR ASSESSMENT AND DETERMINATION

- 11.1 In response to issues raised in submissions the applicant commissioned an ecology assessment and proffered a range of site specific provisions. The proposed provisions were shared and discussed with submitters and meetings and were held with submitters and Council to discuss and resolve remaining issues¹. I would like to thank submitters for the detailed, robust and productive discussions. The proposed provisions were continuously refined and adjusted in response to feedback and discussions.

- 11.2 The key issues for assessment and determination are considered to be:

- The appropriateness of the rezoning of the site
- Ecology Effects
- Transport Effects
- Other Effects

¹ Several emails containing the proposed amendments and updated provisions were sent to submitters.

Several meetings were held to discuss proposed provisions and resolve remaining issues, including:

2 June 2021 - meeting with Council (Hamish Wesney and Dan Kellow) to discuss proposed amendments

28 June 2021 – meeting with Pam Guest (submitter), Pete Matcham (submitter), Amelia Geary and Natasha Sitarz (both Forest&Bird, submitter), Dan Kellow (HCC), Sarah Herbert (Wildlands). Catharina Fisher (applicant) to discuss remaining ecology issues

6 August 2021 – meeting with David Wanty (transport for HCC), Gary Clark (transport for applicant), Dan Kellow (HCC) to discuss remaining transport issues

- Amenity and Character Effects
- Landscape and Natural Character Effects
- Natural Hazards Effects
- Historical and Cultural Effects
- Economic Effects
- Infrastructure Effects

Rezoning

- 11.3 The plan change site is currently zoned General Rural Activity Area and this plan change seeks the rezoning to Rural Residential Activity Area.
- 11.4 The three properties subject to this private plan change request together with the property at 301 Normandale Road are the only properties in this area zoned General Rural Activity Area. All other privately owned properties in this part of Normandale are zoned Rural Residential while the publicly owned reserves and Belmont Regional Park have a General Recreation zoning. As outlined in the s32 a review of the zoning history did not provide any conclusive reasons for this zoning anomaly – the sites are similar in character and topography to surrounding areas and are used for rural lifestyle activities rather than rural activities such as crop or livestock farming. In 2019 Council confirmed that *“These properties have been zoned as General Rural Activity Area since the Proposed District Plan was first notified in December 1995. Prior to that they were in the Belmont Regional Park zone, under the Transitional District Plan and City of Lower Hutt Western Hills Area District Scheme.”*
- 11.5 Initial discussions with Council prior to the plan change request confirmed that at the time Council considered the pocket of General Rural zoning to be an anomaly and would be generally supportive of a rezoning to Rural Residential to align the zoning with the surrounding area and provide for limited additional development.
- 11.6 Should the rezoning be approved the privately owned property at 301 Normandale Road would be the only remaining property in the area with a General Rural Activity Area zoning. It should be noted that the owner of 301 Normandale Road was initially part of the rezoning proposal but withdrew from the process prior to lodgement of the request. The property at 301 Normandale Road has a size of 3.38ha which is similar in scale to the surrounding Rural Residential sites and the anticipated size of future subdivision on the plan change sites.

- 11.7 In summary, the rezoning would align the zoning of the plan change sites with the zoning of surrounding properties and provide for limited additional development of a scale and character that is compatible with, and aligns well with the character and amenity values of the surrounding area. This is supported by the proposed introduction of site specific provisions limiting the number of additional lots that can be achieved as a controlled subdivision and identifying no-development areas on the sites.

Ecology Effects

- 11.8 The initial assessment discusses the existing Significant Natural Resource (SNR38 – Normandale Road Bush) that covers parts of 190 and 236 Stratton Street along their eastern boundaries and confirms that under the Operative District Plan any rules relating to SNRs do not apply to privately owned land.
- 11.9 The assessment further discusses Council’s recent Ecology and Landscape project which intended to identify and protect outstanding landscapes and significant indigenous biodiversity but was not progressed by Council. Two potential sites of ecological significance were identified on the sites (at the southern boundary of 190 Stratton Street and along the northern boundary of 268 Stratton Street). Both affected landowners had requested site visits to adjust and confirm the exact extent of these draft areas of significance. However, Council decided not to proceed with the proposed plan change, cancelled those site visits and decided not to introduce any mandatory restrictions on private land to protect identified values but to rely solely on voluntary protection. This Council decision was appealed to the Environment Court but I am not aware of any final Court decision on this issue.
- 11.10 The assessment then outlines the role that the existing earthworks provisions could play in managing potential effects on natural character.
- 11.11 The following submissions raised concerns regarding the ecology effects of the plan change:
- 11.12 DPC53/2 (Forest & Bird) submit that the effects of the plan change on biodiversity, including streams and freshwater, are inconsistent with the RPS, the NPS-FM, the proposed NPS-IB and s6(c) of the RMA. The submitter states that the rezoning would afford lower protection to biodiversity values than the active zoning. The submitter further notes that the ODP fails to provide adequate protection for s6(c) areas and concludes that Council’s only opportunity to have full information before it is at the plan change stage.

- 11.13 DPC53/5 (Peter and Sandra Matcham) and DPC53/6 (Peter Matcham on behalf of Friends of Belmont Regional Park) note that there are at least two permanent streams on the sites. The submitters are concerned that the requirement to consider s6(c) is neglected on the basis of a recent Council decision and consider the identification and protection of SNR as essential. Both submissions are concerned that the plan change does not sufficiently consider the impacts at a catchment level as required by the NPS-FM.
- 11.14 DPC53/7 (Pam Guest and Peter Shaw) considers that the proposal as notified is not consistent with s6(c) of the RMA, given that SNAs have been identified within the plan change area. The submitter refers to the draft NPS-IB and concludes that the plan change should make provision for the protection of identified and potential SNAs irrespective of whether the District Plan has mandatory restrictions on private landowners or not. The submitter also considers that relevant objectives and policies of the RPS and the PNRP relating to water quality and aquatic ecosystem health have not been recognised. The submitter states that there are at least two permanently flowing streams on the sites and that provision should be made for the protection of these waterways and their riparian margins.
- 11.15 To address the issues raised in submissions the applicant has commissioned the preparation of an Ecology Assessment by Wildland Consultants. The report has been prepared by Dr Sarah Herbert and assesses the ecology and habitat types on the site, provides an assessment of potential biodiversity effects of the proposed rezoning, identifies areas of significance (using the criteria of RPS policy 23) and makes recommendations regarding the extent and location of no-development areas. The Ecology Assessment is attached as Appendix 5.1 to this evidence.
- 11.16 The Ecology Assessment has been peer reviewed for Council by Dr Astrid van Meeuwen-Dijkgraaf (Cardno (NZ) Ltd). In her peer review Dr van Meeuwen-Dijkgraaf raises a few questions regarding the exact alignment of no-development areas. Dr van Meeuwen-Dijkgraaf also identifies two small areas of potential disagreement in the ecological values assessment but also acknowledges that these would not change the significance ranking of those areas. Overall Dr van Meeuwen-Dijkgraaf concludes that *“Wildlands 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”*. The peer review is attached as Appendix 5.2 to this report.

11.17 The issues raised by Dr van Meeuwen-Dijkgraaf in her peer review have been addressed by Dr Sarah Herbert in her evidence which is attached as Appendix 5.3 to this report.

11.18 Dr Herbert's recommendations are summarised as follows:

- Amend the ecological significance assessment (Table 2 of the ecological assessment) for no-development areas C and E to confirm that they also meet the Ecological Context criterion of Policy 23.
- Amend the maps showing vegetation and habitat types to identify an area of Vegetation Type 5 within the area identified as Vegetation Type 9 located along the eastern boundary of 190 Stratton Street.
- No changes to the boundary of no-development area B to include a patch of Vegetation Type 1b along the southern boundary of area B.

Dr Herbert also recommends the correction of a typographical error in the ecology report. The proposed changes do not result in any amendments to the proposed location and extent of the no-development areas or the significance rating of the affected areas. I adopt the assessment and conclusions reached by Dr Herbert.

11.19 As described in Section 5 above the private plan change request has now been amended to include site specific subdivision provisions that recognise and provide additional protection for the identified areas of significant indigenous biodiversity. Furthermore, the applicants proposed additional areas to be included in the no-development areas to also cover areas that do not meet the significance criteria yet but are valued by the landowners and have the potential to develop into future SNAs. The no-development areas also cover two small (artificial) wetlands and the three main permanent streams on the site and provide at least a 10m riparian buffer for those streams. The proposed no-development areas are shown on Appendix Subdivision 9.

11.20 The proposed site specific subdivision provisions introduce new standards and terms relating to allotment design which limit the number of lots per site and introduce no-development areas. Any subdivision application must identify the location of new building platforms for dwellings and their main access ways at the time of subdivision to ensure they are located outside the no-development areas. Any subdivision that proposes new building platforms for dwellings or main access ways that are located within the no-development areas will be a non-complying activity. While this does not prevent the clearance of vegetation in the no-development areas altogether it

significantly reduces the need for such clearance to allow for development enabled by the rezoning.

11.21 It is acknowledged that the proposed provisions will not achieve the same level of protection for identified SNAs that could have been achieved by the introduction of district wide protection provisions through Hutt City Council. The intention of the proposed provisions is to manage the potential adverse effects of the rezoning and the resulting additional subdivision and development potential on identified areas of biodiversity. I consider it would be excessive and incongruous to expect a small rezoning proposal, that is intended to resolve a zoning anomaly in the District Plan and align the zoning of three properties with the surrounding areas, to develop and introduce a full set of provisions to protect indigenous biodiversity on the sites while no such provisions apply to surrounding areas or the wider district. Furthermore, due to the very detailed ecology assessment of the site and the willingness of the landowners to volunteer additional areas that do not yet meet the criteria of significance such provisions would apply to much wider areas and go above and beyond the SNAs initially identified by Council.

11.22 While non-compliance with the maximum number of allotments and other site specific standards and terms continues to elevate to a fully discretionary activity status it has been decided, after thorough discussions with submitters, to elevate any non-compliance with the location of building platforms and driveways outside of no-development areas to a non-complying activity status. This provides a strong signal that such developments are not envisaged and strongly discouraged by the District Plan. A non-complying subdivision application would need to pass the gateway test under s104D of the RMA by establishing that either the adverse effects will be minor or showing that the application will not be contrary to the relevant objectives and policies. The private plan change does not seek the introduction of any new objectives and policies but relies on the existing objectives and policies of the ODP and the RPS, in particular:

- 1.10.9 Significant Natural, Cultural and Archaeological Resources;
- 8A 1.2.1 Minimum Requirements for Sites and Buildings;
- 8A 1.1.1 Rural Residential Character and Amenity Values;
- 14E 1.1 Protection of Significant Natural, Cultural and Archaeological Resources;
- 11.1.4 Special Areas;
- 14I 1.2 Amenity, Cultural and Historical Values; and

- 14I 1.1 Natural Character of the ODP;
- and
- Policy 47 of the RPS.
- 11.23 Additional protection to wetlands, streams and their margins on the sites is provided through setback and other provisions in:
- the Operative District Plan (8A 2.1.1 (b)(iii) – Minimum yard requirements for all buildings and structures from water bodies);
 - the Proposed Natural Resources Plan (Rules R99 (e) - no permitted earthworks within 5m of a surface waterbody, R100 no permitted vegetation clearance on erosion prone land within 5m of a surface waterbody, and R101); and
 - the NES-FW (clauses 38 to 56 relating to Natural Wetlands).
- 11.24 The proposed provision for the protection of identified areas of ecological significance have been discussed with submitters individually and at an informal pre-hearing meeting and have been continuously refined in response to these discussions.
- 11.25 Submissions also refer to the draft NPS-IB. An exposure draft of the NPS-IB was released for consultation in late 2019. The previous timeframe for delivery in April 2021 has been extended to the end of 2021. The NPS-IB is expected to set out the objectives, policies and implementation requirements to identify, protect, manage and restore indigenous biodiversity under the RMA. It should be noted that Council is not required to implement the draft NPS-IB until it has been gazetted.
- 11.26 As confirmed in Mr Kellow’s evidence it is my understanding that Hutt City Council is currently undertaking a full review of the District Plan. It is expected that this full review will introduce SNA provisions that implement and give effect to the requirements of the RPS and the NPS-IB (once it comes into force).
- 11.27 Recent decisions by the District Plan Review Subcommittee seem to confirm the approach of continuing to initiate early discussions with landowners and the wider community while waiting for direction from the decisions on Plan Change 36 (Notable Trees and Vegetation Removal Provisions) and 46 (Significant Natural Areas, Outstanding Natural Landscapes, Outstanding Natural Features and Coastal Natural Character Areas) appeals and the NPS-IB as to how the identification and protection of indigenous biodiversity should be addressed in the District Plan review.
- 11.28 I therefore agree with Mr Kellow’s conclusion in paragraph (98) that *“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”.

- 11.29 Submitters also raised concerns regarding the potential effects of the rezoning on water quality. As outlined in Section 6 above the maintenance and enhancement of the quality of water in water bodies and coastal water is a Regional Council function under s30(1)(c) of the RMA. However the proposed introduction of a controlled assessment criteria requiring a sediment and erosion control plan to manage potential effects on streams and wetlands will help to minimise the effects of future subdivision and development on water quality.
- 11.30 Based on the above it is my view that concerns raised by submitters that the plan change is inconsistent with s6(c), the NPS-FM, the RPS and the PNRP have been adequately addressed so that the plan change is consistent with these relevant statutory documents.
- 11.31 Overall I concur with Mr Kellow’s conclusion that *“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” (202).*

Traffic Effects

- 11.32 A Transportation Impact Report (TIR) that identified and addressed potential transport related effects of the proposed rezoning was prepared Mr Gary Clark and provided as part of the private plan change request. It should be noted that the initial TIR relied on an indicative concept plan that was designed to show the maximum number of lots (23) that could be achieved on the sites under the proposed Rural Residential zoning. The report provides an assessment of the existing road environment, describes the traffic environment and provides an analysis of the crash history of the area. The report also undertakes an impact analysis and covers the following topic:
- Planning Framework – the report provides an assessment of the proposed rezoning against the Objectives and Policies of Chapter 14A and concludes that *“Stratton Street and Normandale Road have limitations with regard to the road alignment and width. There will need to be some minor improvements to certain curves to improve forward sight distance and to allow opposing traffic to pass each other more easily. ... It should be noted that any improvements will improve the convenience for the users of the road. They are not needed to address any safety or capacity constraints.”* and that *“The private plan change will only have a small increase in the amount of traffic, and it will have no*

adverse effects.”

- Traffic Generation and Trip Distribution – the report provides an estimate of additional daily traffic movements based on a total number of 23 lots and the distribution of these additional movements on the wider roading network.
- Road Capacity and Intersection Performance – the report finds that the additional traffic movements created by a 23 lot subdivision can be easily absorbed into the adjacent road network with no discernible difference to other road users. The report states that “*As more vehicles use Stratton Street and Normandale Road there will potentially be more interactions between the same and different road users that will lead to slight inconveniences such as slowing down or waiting. These occurrences are less than minor and would not impact on the capacity of the road at the level the plan change will result in.*”
- Safety – the report concludes that “*...the private plan change will not make any discernible change in the levels of safety along Stratton Street, Normandale Road or the wider road network.*”

11.33 With regards to road improvements the report finds that the existing northern part of Stratton Street has some constraints and would benefit from improvements such as isolated curve widening and vegetation removal but concludes that “*Overall based on the traffic analysis above, it is concluded the plan change can be accommodated with any traffic effects on the safety and efficiency of the road network being indiscernible.*” The initial assessment is attached as Appendix 6.1 to this report.

11.34 Since then the proposal has been amended to limit the overall number of additional lots that can be achieved on the sites to 10 and require all new allotments to be accessed from Stratton Street. This is reflected in the evidence of Mr Gary Clark (attached as Appendix 6.3 to this report) which is summarised and discussed further below.

11.35 The following provides a summary of concerns raised in submissions regarding the transport effects of the plan change:

11.36 DPC53/1 (Alan & Joyanne Stevens) submit that the effects associated with creating 23 potential lots on already substandard roads will create added pressure and request a full investigation of traffic effects and the implementation of mitigation measures.

11.37 DPC53/3 (Karen Self) submits that no vehicle access should be given to proposed subdivided lots via Normandale Road past the current entrance at Old Coach Road.

- 11.38 DPC53/4 (Matthew Willard) submits that any assessment should also consider near misses and points towards the variety of road users and recreational activities along Stratton Street. The submitter considers that the road is not suitable for walkers, cyclists, horse riders, and additional residential vehicles accessing Stratton Street and urges Council to ensure that the risks are reduced so far as reasonably practicable.
- 11.39 DPC53/5 (Peter and Sandra Matcham) and DPC53/6 (Peter Matcham on behalf of Friends of Belmont Regional Park) note that none of the properties subject to the plan change abut Normandale Road and that Normandale Road is also a major access point to Belmont Regional Park. The submitter questions the assumptions made regarding the calculation of peak traffic flows and considers the expected increase in traffic movements to be understated.
- 11.40 As described in Section 5 above the private plan change request has since been amended to address the issues raised in submissions. The most relevant amendments in relation to transport issues are the reduction in the number of lots and the restriction of access to just Stratton Street.
- 11.41 Mr David Wanty (traffic advisor to Hutt City Council) in his evidence recommends that Council undertakes a user survey and investigates the exact location of the road corridor to allow for trimming of vegetation to improve visibility. Mr Wanty considers that improvements should be made to Stratton Street and that any potential issues relating to access to sites could be addressed at the subdivision stage.
- 11.42 The issues raised by Mr Wanty in his peer review have been addressed by Mr Gary Clark in his evidence which is attached as Appendix 6.3 to this report.
- 11.43 Taking into consideration the proposed amendments to the initial private plan change request, the issues raised in submissions and the traffic peer review undertaken by Mr Wanty, Mr Clark's evidence comes to the following conclusions:
- The private plan change as amended will have a lesser effect than originally proposed.
 - The expected increase in the number of vehicle movements is very low.
 - Transport experts agree that overall traffic related effects are no more than minor (on Stratton Street) or less than minor (on the wider road network).
 - Transport experts agree that some improvements to Stratton Street are required and should be considered by Council to address existing issues.
 - The crash history shows a very low crash rate.

- 11.44 I adopt the findings and conclusions reached by Mr Clark.
- 11.45 It is proposed to add a further site specific standard that requires all new allotments to be accessed from Stratton Street. It is also proposed to introduce a site specific subdivision provision that limits the overall number of allotments that can be achieved as a controlled subdivision to 13 lots (10 new and three existing), compared to 23 lots as envisaged by the initial indicative development plan. It should be noted that the maximum number of allotments is not only an overall number for the total site but also limits the total number of new allotments that can be achieved per existing parent allotment:
- 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
- 11.46 Therefore, once the total number of lots within each parent allotment (as identified within the Rule 11.2.2.1 and as shown on the plan Appendix 9 Subdivision) has been reached then any subsequent application would be a discretionary activity and the effects on the road network could be considered.
- 11.47 The proposed provisions acknowledge the limited capacity and standard of the rural road and reflect the intention of the landowners to pursue only limited subdivision that is compatible with the character of the surrounding environment and considers existing limitations and constrains. The provisions also reflect the fact that, while two properties (236 and 268 Stratton Street) currently have vehicle access to the unsealed part of Normandale Road/Old Coach Road, it would require significant upgrading of this unsealed part of the road to allow for further lots to have access to/from this road. Should a subdivision proposal rely on access from Normandale Road it would become a fully discretionary activity, allowing for the assessment of the suitability and capacity of Normandale Road to accommodate additional traffic and consideration of the potential effects Old Coach Road.
- 11.48 The Transport Chapter of the ODP provides a robust framework to assess and manage any transport related effects such as site access, separation distances and engineering standards.
- 11.49 I acknowledge that there are a wide range of existing users road users, including recreational users accessing Belmont Regional Park. I consider that an increase in

traffic due to additional and increased activities in and around Belmont Regional Park should be addressed by Greater Wellington Regional Council and Hutt City Council rather than applicants who seek the rezoning of their sites to provide for very limited additional development with clearly defined effects on the roading network – which, as both Transport experts agree, will have no more than minor effects on the road network.

- 11.50 I also concur with Mr Kellow's comments and assessment of traffic related effects provided in paragraphs (181) to (188) relating to Normandale Road, potential road improvements, effects on the transport network and the opportunity to assess accessways at the consenting stage.
- 11.51 Based on the evidence provided by experts I consider that the proposed additional 10 lots that can be accommodated as a controlled activity would have acceptable traffic effects on the existing roading network. Any subdivision beyond the number of additional lots provided for would be a fully discretionary activity and provide sufficient opportunity to either consider the potential effects at that point and manage adverse effects via mitigation measures or, should management not be possible, enable the application to be declined.
- 11.52 I further accept their findings that some improvements to Stratton Street would be beneficial and would improve the convenience for existing and future users of the road but would not be required to address safety or capacity issues. Such improvement should be based on traffic count data and undertaken by Council but are outside the plan change process.
- 11.53 In conclusion I consider that the proposed site specific provisions in combination with the underlying framework of the ODP ensure that any transport related effects are either acceptable or can be managed at the subdivision and development stage.

Other Environmental Effects

Amenity and Character Effects

- 11.54 The assessment of Amenity and Character effects provided as part of the private plan change analyses the underlying provisions that would apply to the site and comes to the conclusion that the rezoning and resulting subdivision and development would result in a development density that is comparable and compatible with the surrounding development density and patterns. Furthermore it found that the existing District Plan provisions relating to subdivision and the limited Earthworks provision

are likely to trigger the need for a consents which would provide sufficient opportunity to consider the effects on amenity values and character.

- 11.55 DPC53/5 (Peter and Sandra Matcham) and DPC53/6 (Peter Matcham on behalf of Friends of Belmont Regional Park) note that, due to the topography, an increase in building density would be visible from and have an impact on the wider area rather than the immediately surrounding properties.
- 11.56 I acknowledge that the site is visible from Belmont Regional Park. While proposed rezoning and subsequent subdivision would result in limited additional development, this would be at rural residential scale and well aligned with existing development patterns in the area and therefore when viewed from Belmont Park form an anticipated part of the wider landscape. The potential changes to the character and amenity of the area would be further limited by the reduction of additional lots and the protection of areas of significant indigenous biodiversity on the sites from development.
- 11.57 I concur with the assessment of amenity and character related effects by Mr Kellow in his s42A report and his conclusion that '*...development of this site in accordance with existing and proposed provisions will result in acceptable effects*'.
- 11.58 Overall the as amenity and character effects of the rezoning are considered to be acceptable, in particular because the proposed limitation of additional lots that can be achieved as a controlled subdivision and the introduction of no-development areas provide additional protection for the amenity values and character of the site and the wider area.

Landscape and Natural Character Effects

- 11.59 The initial assessment finds that the sites have not been identified as containing any Outstanding Natural Features and Landscapes by Council's recent Ecology and Landscapes project.
- 11.60 DPC53/5 (Peter and Sandra Matcham) and DPC53/6 (Peter Matcham on behalf of Friends of Belmont Regional Park) state that addressing these effects at the subdivision stage will not consider wider and cumulative effects
- 11.61 As outlined above the additional development enabled by the plan change would be similar in scale to the existing rural residential development in the surrounding area. In fact, due to the proposed limitation of additional lots that can be achieved as a controlled subdivision and the introduction of no-development areas the average lot size would higher than that of surrounding areas.

- 11.62 It is considered that the framework of underlying zone provisions that limit the number, bulk and location of dwellings, in combination with the relevant subdivision provisions that allow for the consideration of the natural and physical characteristics of the land, and the earthworks provisions that limit the volume and height of earthworks and allow for the assessment of visual amenity effects and effects on existing natural features and topography, provide sufficient certainty that any potential effects on landscape values and natural character can be appropriately managed.
- 11.63 The proposed site specific subdivision provisions will also provide additional protection for the landscape values and natural character of the wider area.
- 11.64 I concur with Mr Kellow's assessment that '*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*'.
- 11.65 Overall I consider that any potential effects on landscape and natural character that result from the rezoning of the site can be appropriately managed at the subdivision and development stage.

Natural Hazards Effects

- 11.66 The assessment of natural hazard effects finds that the plan change sites are not subject to any natural hazard overlays and concludes that any potential risk from natural hazards can be appropriately addressed and managed through the existing subdivision and land use provisions.
- 11.67 Submitters did not raise any issues relating to natural hazards.
- 11.68 The proposed introduction of no-development areas that cover streams and gullies on the sites will further limit the potential of adverse effects of future subdivision and development on slope stability.
- 11.69 I agree with Dan Kellow in his assessment that there is no need to introduce additional site specific provisions to control natural hazard effects.
- 11.70 Overall I consider that the proposed rezoning will not result in an increase in natural hazard risk and any natural hazard effects can be managed appropriately.

Historical and Cultural Effects

- 11.71 The assessment finds that there are no sites of historical or cultural significance located on the plan change site and no response has been received from local iwi in response to pre-notification consultation.

- 11.72 DPC53/5 (Peter and Sandra Matcham) and DPC53/6 (Peter Matcham on behalf of Friends of Belmont Regional Park) raise concerns regarding potential effects of the rezoning on Old Coach Road, a grade 2 listed historical site. Both submissions state that *'no property subject to the PPC abuts Normandale Road'* and that *'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.'*
- 11.73 It is my understanding that the road to the north of the gate at 301 Normandale Road, while unsealed and with no public vehicle access, still forms part of Normandale Road. I also understand that both properties (236 and 268 Stratton Street) still have vehicle access to the unsealed part of Normandale Road/Old Coach Road and have a key to the gate.
- 11.74 However, considering that Old Coach Road is listed in the District Plan as a Significant Cultural resource (under Sites of Significance to European Culture in Appendix Significant Natural, Cultural and Archaeological Resources 1) and the relevant rules of Chapter 14E therefore apply, I consider that any potential adverse effects can be addressed at the subdivision and development stage.
- 11.75 The proposed additional provisions that limit access to new lots to be from Stratton Street and elevate any subdivision that relies on access from Normandale Road/Old Coach Road to be a discretionary activity provide sufficient opportunity to assess and manage any potential effects at the time of subdivision/development.

Economic Effects

- 11.76 The initial assessment of economic effects concludes that the proposed rezoning will provide for limited additional rural residential development potential while not resulting in any significant changes to the anticipated non-residential activities and therefore will have positive economic effects.
- 11.77 No submission points were made in relation to economic effects.

Infrastructure Effects

- 11.78 The initial infrastructure assessment acknowledges the lack of any 'three water' services and the need for on-site servicing for any future development. It also recognises the potential need for an upgrade to existing power lines to service new development.

11.79 No submission points were made in relation to infrastructure. Energy Efficiency

12. S42A REPORT

12.1 I have read and reviewed the s42A Report prepared by Mr Dan Kellow and have structured my comments into three categories:

- General Comments;
- Areas of Agreement; and
- Areas of Disagreement.

General Comments

12.2 I note what I consider to be a typo in the Recommendation on page 2 of Mr Kellow's report where it says "...be approved without one minor wording amendment". I assume the intention was to recommend a minor wording change and the correct wording would be "...be approved ~~with~~ one minor wording amendment".

12.3 I would like to comment on a statement on page 7 (third bullet point from the top) which states "*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*". Under the proposed provisions resource consent as a fully discretionary activity would only be required for any subdivision that fails to comply with the Standards and Terms for Allotment Design (with the exception of No-Development Areas). Non-compliance with any other Standards and Term relating to Engineering Design, Contamination, Esplanade Reserves, Strips and Access Strips, Earthworks and Other Provisions would continue to result in a restricted discretionary activity status, as for all other properties in the Rural Residential Activity Area.

12.4 Paragraph (43) should read "*(c) the protection of...*".

12.5 Paragraph (157) states that "*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*". This statement is incorrect, the private plan change only seeks the rezoning to Rural Residential to provide for limited low density development that is compatible with the rural character of the sites and the environment.

- 12.6 I note another typo in paragraph (210) where reference should be to the Rural Residential Activity Area rather than the General Residential Activity Area.
- 12.7 The last bullet point in paragraph (225) states that the rezoning will “...provide a greater variety of housing *options for the elderly*”. I would like to point out that at this stage it is intended that any future subdivision will be open to all ages and currently there is no focus on providing housing options for the elderly.

Areas of Agreement

- 12.8 I agree with and adopt most, if not all, of the assessments and conclusions made by Mr Kellow in his s42A Report.

Recommendation

- 12.9 In section 13.4 of his report Mr Kellow summarises his review and assessment of the Objective, Policy and Rule Framework of the Private Plan Change and in conclusion recommends a minor amendment to the propose new Assessment Criteria for Allotment Design. The proposed amendment would replace the word ‘native’ with the word ‘indigenous’ to provide for consistency.
- 12.10 I agree with the recommended change and have amended Assessment Criteria 11.2.2.3 (a) 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~~ indigenous 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.*
- 12.11 I agree with and adopt Mr Kellow’s overall recommendation to the hearing panel to recommend to Council to accept or reject submissions as outlined in Appendix 7 to the s42A report and to approve Private Plan Change 53 subject to one minor amendment.

13. CONCLUSION

- 13.1 Private Plan Change 53 seeks the rezoning of the sites at 190, 236 and 268 Stratton Street in Normandale from General Rural Activity Area to Rural Residential Activity Area, to allow for limited additional residential subdivision and development at a rural density level that is consistent with the character and the amenity levels of the surrounding environment.
- 13.2 The proposed rezoning will align the zoning of the plan change sites with the zoning of the surrounding rural residential environment.
- 13.3 The private plan change as amended also seeks the introduction of site specific subdivision provisions to manage the potential effects of rezoning. The proposed site specific provisions
- Limit the number of additional lots that can be achieved as a controlled activity;
 - Restrict motor vehicle access to new allotments to be from Stratton Street;
 - Introduce no-development areas and the requirement for all new building platforms for dwellings and related main access ways to be identified at the subdivision stage and located outside the no-development areas;
 - Introduce new controlled Assessment Criteria relating to Allotment Design and Earthworks
- 13.4 Non-compliance with the site specific standards elevates to a discretionary activity status except for no-development areas. Non-compliance with the no-development area requirements makes a subdivision application a non-complying activity.
- 13.5 The proposed changes ensure that the application site is rezoned to the most appropriate activity area to facilitate some additional rural residential development while providing additional protection for identified ecological values on the site from the potential adverse effects of additional development enabled by the rezoning. It also recognises and responds to the limited capacity of adjacent roads by limiting the number of additional lots and restricting access for new lots to be from Stratton Street only.
- 13.6 As outlined above the private plan change as amended is consistent with and gives effect to direction in the RMA, the relevant national policy statements, the regional policy statement and council's own strategies and plans.
- 13.7 All changes to the plan change as notified that are recommended in response to submissions and comments from Council are contained in Appendix 1 to this report.

A s32AA assessment of these proposed changes is provided in Appendix 2 to this report.

- 13.8 In conclusion, I consider the private plan change with the amendments proposed in this report to be consistent with the overarching purpose of the RMA. It will provide for limited rural residential development on the sites while managing any potential adverse effects from additional development on the site and the wider environment. It will also provide additional protection to the identified significant indigenous biodiversity values on the site from inappropriate subdivision, use and development.



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