

**City of Lower Hutt District Plan
PRIVATE PLAN CHANGE 58**

**12 SHAFTESBURY GROVE STOKES VALLEY – REZONING TO
MEDIUM DENSITY RESIDENTIAL ACTIVITY AREA**



**Recommendation Report of the Independent Hearing Panel
appointed by the Hutt City Council pursuant to s34A of the
Resource Management Act 1991**

16 December 2024

CONTENTS

1	INTRODUCTION.....	6
	1A. Report Purpose.....	6
	1B. Role of the Hearing Panel.....	7
	1C. Report Outline.....	7
2	PLAN CHANGE CONTEXT.....	8
	2A. The Site.....	8
	2B. Local Environment.....	9
	2C. Current Zoning.....	10
	2D. Changes to the City’s Planning Framework.....	12
	2E. Plan Change Request.....	14
	I. Reasons and Purpose for the Proposed Change.....	14
	II. S32 Evaluation.....	15
	III. Environmental Effects Assessment.....	16
	2F. The Proposed Development Framework under PC58.....	19
	2G. Qualifying Matters.....	20
3	SUBMISSIONS AND HEARING.....	23
	3A. Notification and Submissions.....	23
	3B. Pre-Hearing Directions and Procedures.....	25
	3C. The Hearing.....	26
	3D. Post-Hearing Direction and Procedures.....	28
4	STATUTORY FRAMEWORK.....	29
	4A. Statutory Framework for Evaluating Plan Changes.....	29
	4B. Statutory Overview.....	33
5	EVALUATION OF ISSUES.....	33
	5A. Overview.....	33
	5B. Ecological Effects.....	34
	5C. Traffic and Connectivity.....	38
	5D. Infrastructure Effects.....	40
	5E. Landscape and Visual Effects.....	43
	5F. Geotechnical Effects.....	45
	5G. Stormwater and Runoff Effects.....	46
	5H. Cultural Effects.....	47
6	STATUTORY EVALUATION.....	47

6A. National Statutory Documents..... 47

6B. Regional Statutory Documents..... 53

6C. District Statutory Documents 54

6E. Non-Statutory Documents..... 56

7 PROPOSED PLAN CHANGE PROVISIONS 57

7A. New Policy 57

7B. Other Provisions 60

8 OVERALL FINDINGS AND RECOMMENDATIONS..... 61

APPENDICES

Appendix 1 – Panel Recommendations on Plan Change 58 Provisions

Appendix 2 – Panel Recommendations on Submissions and Further Submissions

INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means...
“the Act”	Resource Management Act 1991
“Activity Area”	The equivalent of ‘zone’ under the operative District Plan
“the Council” / “HCC”	Hutt City Council
“District Plan”/“ODP”	Operative City of Lower Hutt District Plan 2004
“FDS”	Future Development Strategy
“GRAA”	General Recreation Activity Area
“GWRC”	Greater Wellington Regional Council
“HBDCA”	Housing & Business Development Capacity Assessment for Wellington Region
“HRAA”	Hill Residential Activity Area
“MDRAA”	Medium Density Residential Activity Area
“NESCS”	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
“NPS-FM”	National Policy Statement for Freshwater Management 2020
“NPS-IB”	National Policy Statement on Indigenous Biodiversity 2023
“NPS-UD”	National Policy Statement on Urban Development 2020
“PC43”	Plan Change 43 – introduced Medium Density Residential Activity Area
“PC56”	Plan Change 56 – enabled greater intensification in residential and commercial areas
“PC58” / “Plan Change”	Plan Change 58 – this Plan Change
“Planning Standards”	National Planning Standards 2019
“the Requester”	M & J Walsh Partnership Ltd, which requested this Plan Change
“RMA”	Resource Management Act 1991
“s[#]”	Section number of the RMA, for example s32 means section 32
“s32 report”	The report prepared to support the Plan Change Request, pursuant to s32, RMA
“s42A report”	The report evaluating the proposed Plan Change prepared by HCC pursuant to s42A, RMA
“the site”	The land at 12 Shaftesbury Grove, subject to this Plan Change request
“UGS”	Hutt City Urban Growth Strategy 2012 - 2032
“WNRP”	Wellington Natural Resources Plan
“WRPS”	Wellington Regional Policy Statement

Hutt City Council
Private Plan Change 58
12 Shaftesbury Grove, Stokes Valley – Rezoning to Medium Density Residential Activity Area

Recommendations of the Independent Hearing Panel

Proposal Description:

Proposed Private Plan Change 58 to the City of Lower Hutt District Plan: Rezoning the site at 12 Shaftesbury Grove to Medium Density Residential Activity Area from, in part, Hill Residential Activity Area and, in part, General Recreation Activity Area.

Hearing Panel:

R J Schofield – Independent RMA Hearing Commissioner, Chair
E A Burge – Independent RMA Hearing Commissioner
Councillor B Dyer – Sitting as an Independent Commissioner

Date of Hearing:

23 September 2024

Hearing Officially Closed:

17 October 2024

1 INTRODUCTION

1A. Report Purpose

- 1.1 This report sets out our recommendation as to a decision on Proposed Private Plan Change 58 (PC58) to the Operative City of Lower Hutt District Plan 2004 (ODP).
- 1.2 We were appointed by the Council to hear submissions made on the Plan Change and to consider and make a recommendation as to a decision. We have the delegated authority of the Council under s34A of the Resource Management Act 1991 (RMA) as to recommend whether PC58 should be declined, approved, or approved with amendments.
- 1.3 The Plan Change seeks to rezone approximately 12.5601 hectares of the site at 12 Shaftesbury Grove in Stokes Valley (the site) from *General Recreation Activity Area* (GRAA) and *Hill Residential Activity Area* (HRAA) to *Medium Density Residential Activity Area* (MDRAA).
- 1.4 As notified, no new objectives and policies were proposed as part of the Plan Change, nor any changes to the provisions of the MDRAA itself. No new provisions or amendments to

existing zone provisions in the District Plan were proposed either: the proposed amendments were confined to the subdivision provisions.

- 1.5 We will canvas the Plan Change's background in due course. At this point, we note that it was the subject of a s32 report¹, consultation with stakeholders, and the public notification and hearing process, culminating in our recommendation as to a decision.
- 1.6 Before setting out the details of PC58, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as an Independent Panel.

1B. Role of the Hearing Panel

- 1.7 The role of the Hearing Panel was to hear all submissions on PC58 on the Council's behalf, and to make a recommendation to the Hutt City Council on the outcome of the privately requested Plan Change. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and make a recommendation as to a decision on the submissions received on the Plan Change. The final decision is made by the full Council.
- 1.8 The purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA on behalf of the Council.
- 1.9 Having familiarised ourselves with PC58 and its associated background material, read all submissions and evidence, conducted a site/locality visit and held a hearing, we hereby record our recommendations and reasoning.

1C. Report Outline

- 1.10 In this respect, our report is broadly organised into the following two parts:

a) Factual context for the Plan Change:

The non-evaluative part of our report, comprising Sections 2 to 4, is largely factual and contains an overview of the land subject to the Plan Change, the local environment, the current zoning, and the changes sought by the Plan Change as notified. This part of the report briefly describes the submissions received on the Plan Change and provides a summary account of the hearing process itself, including various procedural matters that arose.

b) Evaluation of key issues:

The second part of our report, comprising Sections 5 to 7, contains an evaluation of the main issues raised in submissions to PC58 and, where relevant, evidence and statements presented at the hearing. We also evaluate the consistency of the Plan Change with the relevant statutory direction at national, regional and district levels. We conclude with a summary of our findings and our recommendations. Collectively, this part of our report records the substantive results of our deliberations.

¹ S32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a Plan Change.

- 1.11 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part. All those in attendance enabled a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our recommendation as to a decision.
- 1.12 These initial thoughts recorded, we now set out the factual background to PC58.

2 PLAN CHANGE CONTEXT

2A. The Site

- 2.1 The site is located in the suburb of Stokes Valley, in the northern part of Lower Hutt, within Hutt City. Stokes Valley is contained within its own long valley, physically separated from the rest of Lower Hutt, and nearly fully encircled by densely vegetated hills to the east, west and south. There is only the one entrance into Stokes Valley, at the northern end of the Valley, where the Stokes Valley Stream discharges into the Hutt River. The location of the site is shown in **Figure 1** below.
- 2.2 The site area is 12.5601 hectares, with a legal description of Lot 1, DP 507600. The street address is 12 Shaftesbury Grove, Stokes Valley, Lower Hutt, with all of that property being subject to the proposed Plan Change. The site is located at the end of Shaftesbury Grove, which comes off Holborn Drive, on the northwestern side of Stokes Valley. There are several interests on the Record of Title, including a Consent Notice that states that the limited water supply available to the site means only one dwelling can be constructed on site and that further development of the land will require provision, by the developer, of water facilities that fully meets Councils' "Water Supply Code of Practice".
- 2.3 The site is undeveloped except for an unsealed road along the ridgeline and two cell phone towers. A Council water reservoir is accessed via the unsealed road with the reservoir located on Council land just south of the application site. The site is covered in vegetation which is described in detail in the ecological assessment.
- 2.4 A 250m section of the northeastern boundary abuts developed residential sites that are located on Fenchurch Grove. The site is nearly fully surrounded by 20 Shaftesbury Grove which is owned by HCC and is zoned General Recreation Activity Area. A 50m section of the western boundary adjoins 188 Eastern Hutt Road which is occupied by Taitā College. A 110m section of the western boundary adjoins 30 Shaftesbury Grove which is privately owned and is mostly zoned General Recreation although an approximately 35m length of the boundary adjoining the application site is Medium Density Residential Activity Area. There is no development on 30 Shaftesbury Grove near the application site.
- 2.5 The site is located on part of the line of hills that form the western edge of Stokes Valley, separating it from the suburbs of Taitā and Pomare to the west. This line of hills gradually ascends from the entrance to the Valley to the north, rising to nearly 400m amsl at the southern end of the Valley. The hills to the east and south of Stokes Valley are generally higher (generally twice the height) and more forested and form a backdrop to many of the views of and within Stokes Valley.

- 2.6 Within the site itself, the ridgeline is undulating, ranging in elevation between about 135m and 150m amsl. The ridgeline has relatively narrow ‘shoulders’ which vary in width along the length of the site but are broader to the north. The shoulders fall steeply on either side of the ridge, particularly on the western, Taitā, side. The western boundary is 105m to 135m above sea level and the eastern boundary 125m – 145m above sea level.
- 2.7 The site is primarily covered in regenerating indigenous vegetation mixed with exotic weeds and interspersed with some wilding pine trees, particularly on the western face. Historically, the site and the entire ridgeline was cleared of its original forest cover and used for pastoral farming.

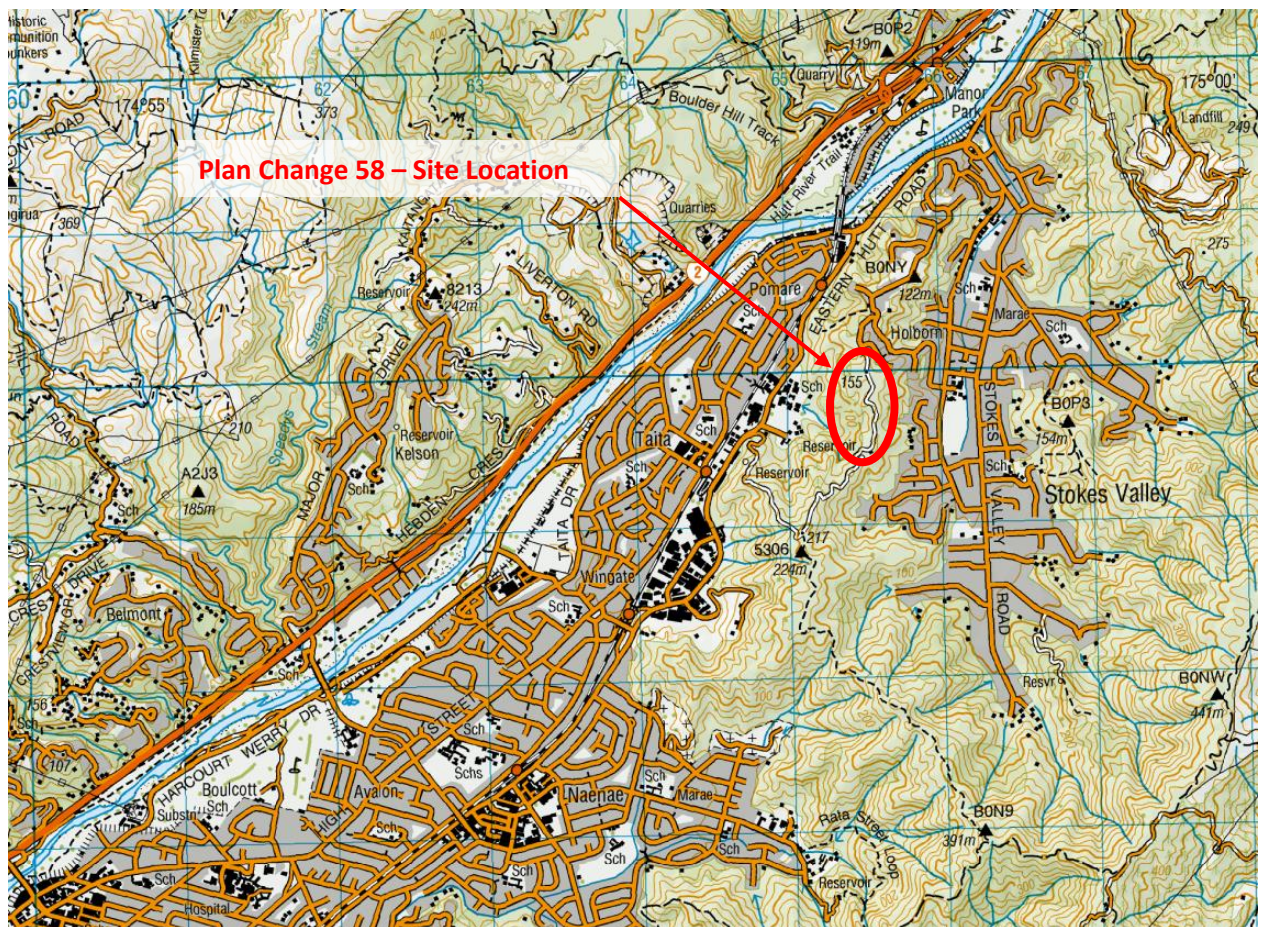


Figure 1: Site Location, Proposed Plan Change 58

- 2.8 An unsealed access track extends along the ridgeline within the site, providing vehicular access from Shaftesbury Grove to the telecommunication masts and to a Council water reservoir (this latter facility is outside the site to the south). Other informal walking tracks link the site with other locations, including Taitā College.

2B. Local Environment

- 2.9 Stokes Valley is a suburb of about 10,000 people. The commercial centre is located immediately east of the subject site, and three primary schools service the community. The nearest secondary school is Taitā College, directly west of the site, but some 5km via road. The site to the south of the College is now the Learning Connexion, and was formerly the

Soil Bureau, a government science research unit between 1960s–1980s which used the catchment for research into pine, native forest and pasture.

- 2.10 The residential area to the north of the site, referred to as Holborn, is principally served by Holborn Drive, which provides the principal access to the site via Shaftesbury Grove. Alternative access is provided by Logie Street, which connects Holborn Drive with central Stokes Valley, including the commercial centre.
- 2.11 Located on the western ridgeline, much of the residential development in Holborn is visible from the valley floors and more distance viewpoints, although it presents as a low density of development, the appearance of which is broken up by trees on the steeper slopes on either side of the ridgeline.

2C. Current Zoning

- 2.12 **Figure 2** is the map used to notify PC58. The area subject to the Plan Change is outlined by a yellow line, the property boundary, which currently contains land zoned *Hill Residential* (orange) and *General Recreation* (green). The existing residential areas to the north (Holborn) and east (Stokes Valley) are zoned *Medium Density Residential* (light yellow).

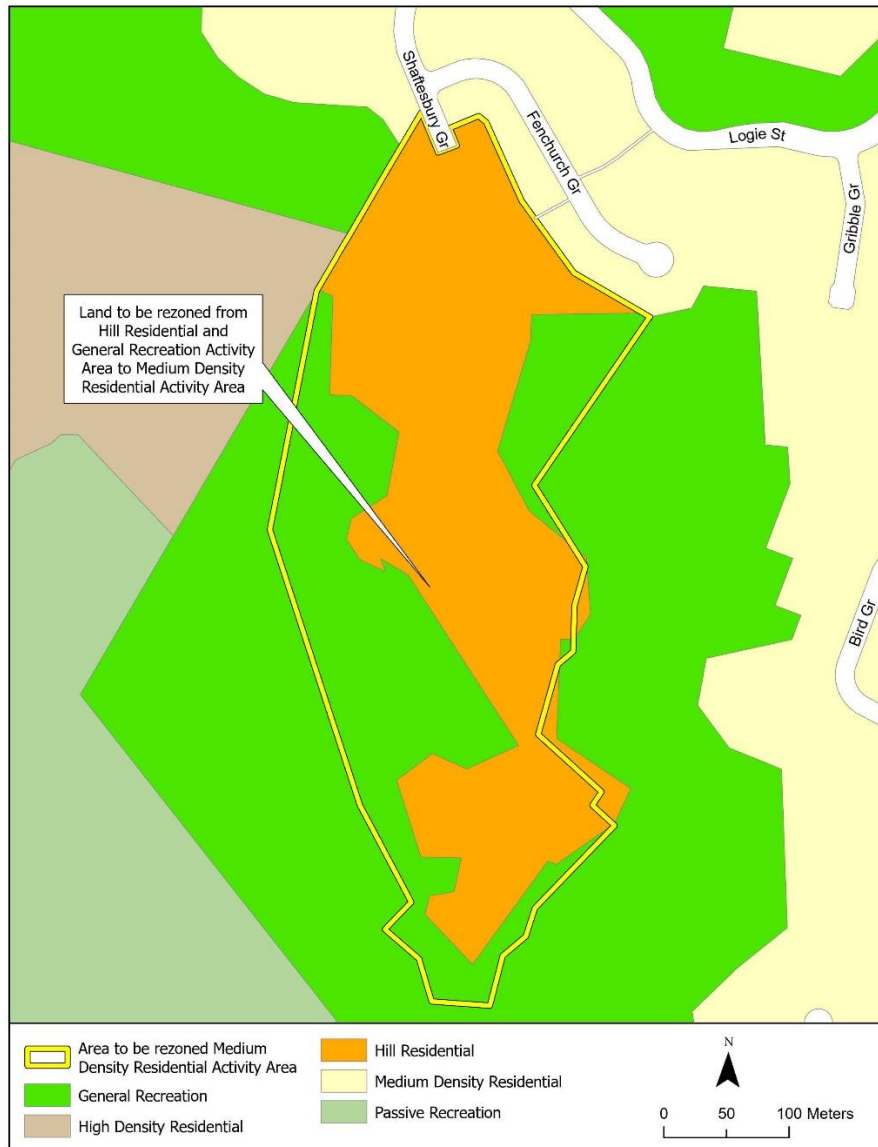


Figure 2: Current zoning of the site and immediate environs (from Plan Change documents)

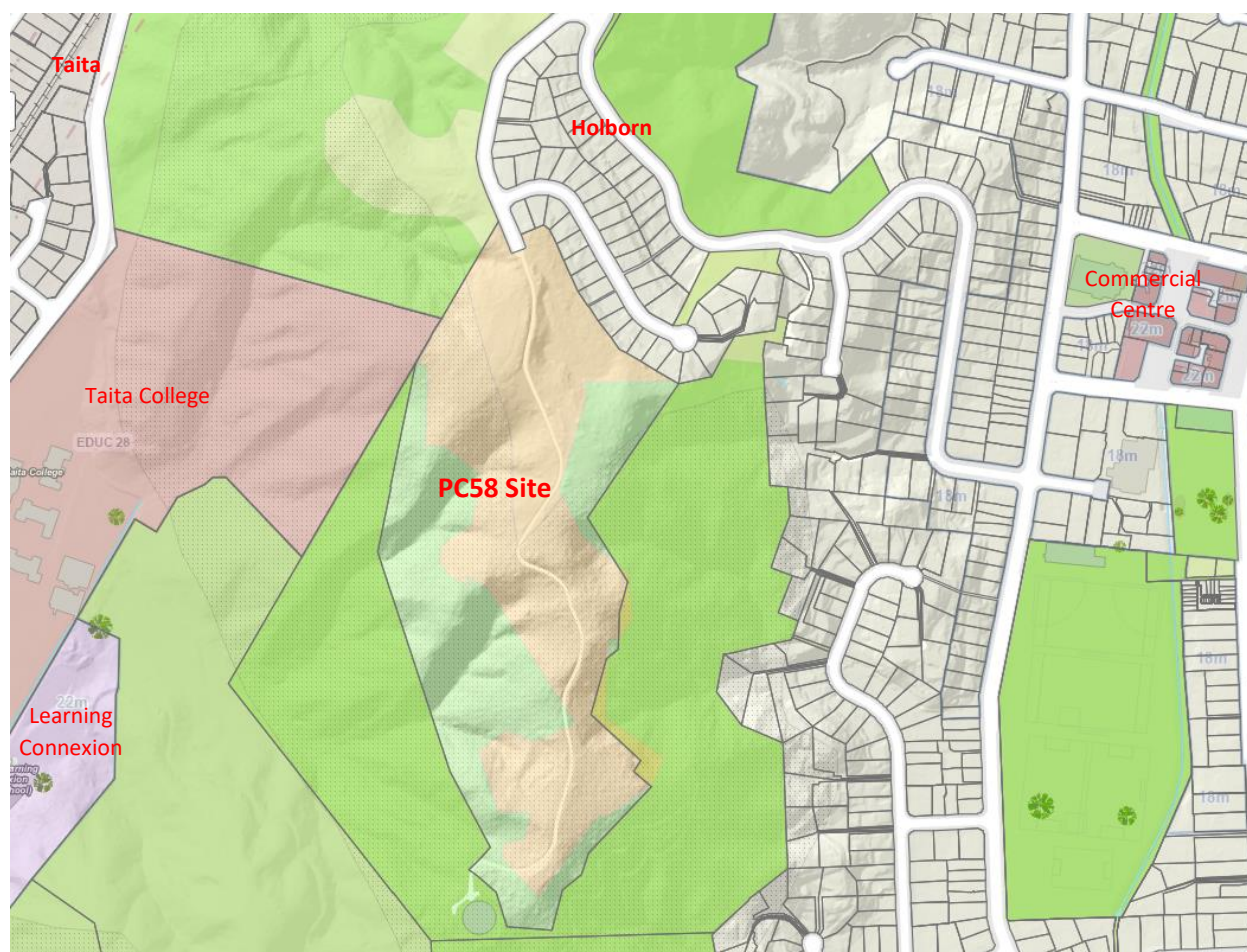


Figure 3: Zoning of Plan Change 58 site and locality, with underlying topography (source HCC GIS Viewer).

- 2.13 A map of the zoning pattern in the vicinity of the site, underlain by the topography, is shown in **Figure 3** above. Most of Stokes Valley residential area is zoned Medium Density Residential Activity Area (light yellow), with many of the hillsides zoned General Recreation Activity Area (green). Taitā College, which partly adjoins the site to the west, is zoned *High Density Residential* (pink), but is designated for education purposes.
- 2.14 Under the ODP, that part of the site zoned Hill Residential Activity Area can be developed for low density residential uses, at a minimum net site area of 1000m² and 35% building coverage. The General Recreation zoning is intended to manage the City's open space and recreational areas, and thus does not enable any residential development.
- 2.15 The residential areas of Stokes Valley are zoned Medium Density Residential Activity Area (MDRAA), including these adjacent to the site, to the north and east. The MDRAA enables the development of sites with three residential units, up to three storeys high.

2D. Changes to the City's Planning Framework

- 2.16 Before outlining the changes sought under PC58, it is important to clarify the recent and significant changes that have been made to the City's planning framework, particularly in regard to residential development.

- 2.17 Under the RMA, the development and use of land in Hutt City is managed under the City of Lower Hutt District Plan. The City Council is in the process of reviewing and replacing its operative District Plan (**ODP**), which became operative in 2004. The Council is currently working towards notifying a full Proposed District Plan (**PDP**) in early 2025.
- 2.18 The current ODP has been subject to a wide range of Plan Changes since 2004, most of which were site specific. Two of the most significant changes of relevance to PC58 were Plan Changes 43 and 56.
- 2.19 Plan Change 43 (**PC43**) was introduced to provide for greater housing capacity in the City, with a wider range of housing options at medium densities within parts of the existing urban area. The Plan Change introduced two new zones to the District Plan:
- a) The Suburban Mixed Use Activity Area, which introduced a building height standard of 12m (three to four storeys), accommodating shops and cafes on the ground floor, with apartments or offices above.
 - b) The Medium Density Residential Activity Area, which introduced a building height standard of 10m (plus one metre for the roofline), while restricting building height closer to the rear and side boundaries to reduce shading effects using recession planes and boundary setbacks.
- 2.20 In Stokes Valley, under PC43, the commercial centre was rezoned Suburban Mixed Use, and the area around the Centre was rezoned to Medium Density Residential Activity Area. The remaining residential areas of Stokes Valley remained zoned as General Residential Activity Area.
- 2.21 The other, more significant Plan Change was introduced in response to more recent legislative changes to the RMA and the National Policy Statement on Urban Development (**NPS-UD**). In 2021, the Government introduced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (**RMA-EHS**). The RMA-EHS requires the high growth councils in NZ to incorporate Medium Density Residential Standards (**MDRS**) into every relevant residential zone in their District Plan to enable intensification to occur without resource consent: this includes Hutt City. Plan Change 56 (**PC56**) was the Hutt City Council's response to this mandate.
- 2.22 PC56 was publicly notified on 18 August 2022, introducing new, more permissive development standards with higher densities to enable intensification in the City's residential and commercial areas. In terms of residential development, there were two main components to PC56. First, it incorporated the mandatory MDRS into a number of residential zones in the District Plan, including the General Residential Activity Area (but not the Hill Residential Activity Area). The MDRS are a set of provisions, including standards, rules, objectives and policies, which enable 3 residential units to be built on a residentially zoned site, up to 11m (three storeys) high. PC56 also introduced changes to the ODP to allow housing of at least six storeys within walking distance of train stations, the CBD and Petone town centre.
- 2.23 As a result of these changes, much of the valley floor in Lower Hutt and Petone is now zoned for high density residential development, including Taitā and Pomare, while the remaining areas of General Residential became Medium Density Residential Activity Area, including Stokes Valley. These changes are now fully operative through the City.

- 2.24 A final change of relevance is the National Planning Standards which were introduced in 2019 to improve the consistency of format, structure and terminology in Plans across NZ. The format of District Plans is gradually being replaced with defined terms and structures. For example, there are defined set of zones which must be applied as relevant: thus, the Medium Density Activity Area will become the Medium Density Residential Zone. There is no direct replacement for the Hill Residential Activity Area, but the Large Lot Residential Zone is probably the nearest equivalent.

2E. Plan Change Request

- 2.25 Part 2 of the RMA's First Schedule sets out various requirements for private Plan Changes such as PC58. Under clause 22, any private Plan Change request is to:
- a) Explain in writing the purpose of, and reasons for, the proposed change;
 - b) Contain the required evaluation under s32 of the Act; and
 - c) Describe the anticipated environmental effects of the proposal in such detail that corresponds with the scale and significance of the effects.
- 2.26 Each of these are discussed further below.

1. Reasons and Purpose for the Proposed Change

- 2.27 As notified, the Plan Change proposes to rezone the area to which it relates from General Recreation Activity Area and General Residential Activity Area to Medium Density Residential Activity Area, as illustrated in Figure 2 above, together with changes to the subdivision provisions.
- 2.28 It has to be emphasised that the entire site is proposed to be rezoned *Medium Density Residential Activity Area*, not just the area zoned *Hill Residential Activity Area* which might be inferred from the Plan Change map (shown in Figure 2).
- 2.29 As an aside, the proposed rezoning would leave some orphan elements of Hill Residential Activity Area that lie outside the property boundary, to the southeast. These are located within Council-owned reserve land. It is presumed that these would have to be 'tidied up' in the upcoming District Plan review process if PC58 is confirmed.
- 2.30 The purpose and scope of the Plan Change is set out in s2 of the s32 Evaluation. The Plan Change Request states that –

The purpose of the Plan Change is to rezone the property at 12 Shaftesbury Grove in Stokes Valley from the current split-zoning comprising Hill Residential and General Recreation Activity Area, in order to be entirely zoned as Medium Density Residential Activity Area. The proposed zoning would provide for additional development potential that aligns with the residential zoning and anticipated density of the surrounding area and is therefore considered to better meet the purpose of the RMA through the objectives of the District Plan. While it is proposed to zone the entire site as Medium Density Residential Activity Area, it is anticipated that any future development will be limited to the flatter parts of the site along the existing ridgeline with limited earthworks. The steeper and more sensitive areas of

the site are proposed to be excluded from the identified Development Areas on the site.²

- 2.31 The Private Plan Change also seeks the introduction of new site-specific provisions to the Subdivisions Chapter to address the site-specific limitations and opportunities. The s32 evaluation asserts that any potential future effects arising from the development of the site under the Private Plan Change can be addressed through the existing and proposed objectives, policies and rules especially in the Subdivision and the Medium Density Residential chapters.³
- 2.32 As an aside, we note that, because the notified Plan Change does not propose any changes to the objectives of the District Plan, for the purpose of determining whether the objective of the Plan Change proposal is the most appropriate way to meet the purpose of the Act we must, under subs(6) of s32, treat the purpose of the Plan Change as the relevant objective of the proposal.

II. S32 Evaluation

- 2.33 S32 requires, in this case, an evaluation which:
- examines the extent to which the purpose of the Plan Change is the most appropriate way to achieve the purpose of the Act (s32(1)(a)); and
 - examines whether the provisions proposed to be changed are the most appropriate way to achieve the purpose of the Plan Change (s32(1)(b)) – by:
 - identifying other reasonably practicable options
 - assessing the efficiency and effectiveness of the provisions in achieving the purpose of the Plan Change by, in accordance with s32(2), identifying and assessing benefits and costs of anticipated effects (including economic growth and employment), if practicable quantify those benefits and costs, and assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions, and
 - summarising the reasons for deciding on the provisions.
- 2.34 The Requester's s32 evaluation report outlined four main rezoning options for the land in question and evaluated the costs and benefits of each option:⁴
- Option A – Do Nothing: Retain the Existing Zoning of Hill Residential Activity Area
 - Option B – Rezone the entire site to Medium Density Residential Activity Area without the introduction of any site specific provisions
 - Option C – Rezone the entire site to Medium Density Residential Activity Area with site specific provisions, and

² Paragraph 6 of the s32 Evaluation

³ At paragraph 9

⁴ S8

- Option D – Rezone the Hill Residential portion of the site to Medium Density Residential while retaining the General Recreation zoning for the remainder of the site.
- 2.35 The s32 report concluded that Option C is the recommended approach for the Plan Change, as it:
- Is the most appropriate way to achieve the objectives of the District Plan;
 - Provides for the most appropriate zoning of the site subject to the Plan Change, by using the provisions that apply to the adjacent residential sites; and
 - Is the most efficient option because the benefits outweigh the associated costs.
- 2.36 The reasons for this conclusion include:
- The site is suitable for additional residential development that is consistent with the existing and anticipated development of the surrounding residential areas;
 - The current Hill Residential zoning does not support the development of the site at a density that is feasible and in keeping with surrounding areas;
 - Any potential effects associated with the subdivision and development of site can be appropriately addressed and managed through the existing rules of the District Plan and the proposed site-specific provisions; and
 - Any resulting effects from these activities would be appropriately mitigated through the existing and proposed provisions of the District Plan.
- 2.37 The evaluation accepted that the identified lack of sufficient water supply capacity means that any future development is highly dependent on the establishment of a new water reservoir in the catchment. It notes that a potential suitable location for such a reservoir has been identified.
- 2.38 Following the hearing, the Requester recommended adding a new policy to the District Plan’s subdivision policies, to provide guidance to future decision-making in relation to the development of the site at 12 Shaftesbury Grove. A s32AA evaluation was provided as part of that recommendation as well as for the other recommended amendments made in that response.

III. Environmental Effects Assessment

- 2.39 The Plan Change request included an assessment of environmental effects (S7), drawing on assessments from the following:
- Infrastructure – Cuttriss Consultants Ltd
 - Geotechnical – Torlesse Ltd
 - Ecology – Frances Forsyth Consulting
 - Landscape & Visual – Eco-Landscapes & Design Ltd
 - Transport – Traffic Concepts Ltd
- 2.40 In summary the assessments drew the following conclusions:

- Water supply – at present, any future residential development of the site cannot be provided with a level of service that meets current water supply standards. A potential solution would be to build a new reservoir that would not only service the private Plan Change site but also address the existing water supply issues in the wider catchment.
- Wastewater – the existing wastewater network in the area is at capacity and therefore some form of mitigation would be required for any development of the site. A potential solution would be the storing of wastewater at ‘peak’ times and then discharge to the network at ‘off-peak’ times. This could be achieved through either a public wastewater pump station at the southern end of the future road alignment, or through individual pumps as part of a low-pressure wastewater network.
- Stormwater – While no flooding risks were identified on the site, the development of the site would generate additional stormwater runoff. Wellington Water advised that stormwater neutrality would be required for any development of the site due to the lack of capacity in downstream networks. There are a number of options to achieve stormwater neutrality and introduce water sensitive design solutions. The most practical and effective stormwater solution for managing stormwater would be via controlled discharges to the natural gullies on either side of the ridgeline, subject to suitable standards. Consideration will also need to be given to downstream properties of any stormwater discharge location.
- Energy and Telecommunications – the site can be serviced by electricity, gas, and telecommunications.
- Natural hazards and geotechnical – while the site is not subject to any natural hazard risks identified in the District Plan, slope stability is not currently mapped. A geotechnical investigation found the site is suitable for residential development subject to a number of recommendations, but identified the need for further specific engineering design, especially for any fills greater than 6m in height and for stormwater discharge to gullies with slope angles over 15°.
- Roading and access – the development can occur with no adverse traffic effects on the local roading network.
- Cultural values – there are no significant cultural or archaeological sites or heritage buildings and structures identified on the site.
- Ecology – a desktop analysis was supported by several site surveys, with the existing vegetation mapped (and mānuka height and diameter at breast height measured), plant species observed were recorded, as were birds seen or heard. In addition, streams on either side of the property were surveyed. The main findings were –
 - The existing patterns of vegetation were assessed against WRPS Policy 23⁵, with the dominant vegetation type being mānuka forest which is classified as Significant due to the At-risk conservation status of mānuka species. The second most common vegetation type is pine forest which is classified as a weed and is therefore not a significant vegetation type. The gullies are dominated by three

⁵ Policy 23 of the WRPS sets out the criteria that local authorities must use to assess and identify indigenous ecosystems and habitats with significant indigenous biodiversity values

types of forest and shrublands, with wetter areas, generally to the west, dominated by kāmahī and tree fern (mamaku), and drier areas, generally to the east, dominated by mixed broadleaf including mahoe. None of the observed vegetation types are significant.

- Nine species of orchids are listed for the site, including the sun orchid which has a national threat category of At Risk-Naturally Uncommon. Habitat supporting rare orchids is significant under the WRPS Policy 23.
- None of the recorded native bird species detected on or nearby the site are rare or threatened.
- There are numerous records of geckos for the area, including the Wellington green gecko and the Ngahere gecko, which are both classified as At Risk – Declining. As these geckos have been found nearby, there is a high likelihood that they will also be present at the site.
- The headwaters of several streams originate on the slopes on either side of the site. While there were no fish observed in the streams within the property, fish have been observed in the streams around Taitā College and the Learning Connexion. Fish could also potentially be present downstream on the Stokes Valley side. The streams show good to excellent water quality and high macroinvertebrate health. They provide drift food for fish downstream and contribute to the maintenance of base flows. The vegetation cover over the streams contributes to their good water quality.

A number of measures were recommended to mitigate the effects of development on the ecological values, including a more detailed survey to identify significant indigenous biodiversity values, management plans for lizards and orchids, the removal of wilding pines, and weed control, and enhancement planting, and the control of stormwater run-off.

- Landscape effects – landscape effects are anticipated under the current Hill Residential zoning, but these effects are likely to be limited to the ridgetop and upper slopes. There is capacity to absorb change from residential development given the presence of established residential development on adjacent sites. While the undeveloped character of the ridgeline would change, this change would mostly be a shift of the existing development border and, over time, the development would be able to integrate with the wider landscape through the protection of vegetation on lower slopes and the planting of buffer vegetation and street trees. Landscape effects are anticipated to be moderate to low.
- Visual effects – the site is widely visible, with an extensive visual catchment. From the distance (such as the Western Hills or the eastern parts of Stokes Valley) the site is mostly seen in the context of the wider ridgeline with urban development in the foreground and higher hills in the background. The degree of visual effects will depend on a nature of the view, orientation, separation distance, foreground and background context and elevation. The densities enabled by the proposed Medium Density Residential zoning (in comparison to the densities enabled by the current Hill

Residential zoning) would be seen in within the context of the established residential zones and can be readily absorbed within the receiving landscape.

- 2.41 One minor matter we would record, but which is not substantive to our evaluation is that the Plan Change uses the term ‘Development Area’ to describe that part of the ridgeline and its shoulder which is intended to be subdivided and developed for residential purposes. We would note, however, that this term has been defined by the National Planning Standards as follows:

A Development Area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the Development Areas spatial layer is generally removed from the plan either through a trigger in the Development Area provisions or at a later Plan Change.

- 2.42 A plan showing the possible subdivision and development of the site was provided by the Requester’s civil engineers, Cuttriss Consultants, but it is clear that this plan was not intended to be a concept or structure plan to direct the future development of the site, but rather assist in understanding the type of development envisaged for the site⁶. It was not included as part of the notified provisions of the Plan Change. The only plan used in the proposed Plan Change provisions, Appendix Subdivision 10, could not be considered a structure plan, but is proposed to be used to support the application of the proposed rules. The ‘Development Area’ is more of an ‘overlay’ as defined under the National Planning Standards: “an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions”.
- 2.43 We envisage that standardising terminology and spatial layers to be consistent with the National Planning Standards will be a broader matter for the forthcoming District Plan Review to address. At this stage, we simply flag this matter for the Council.

2F. The Proposed Development Framework under PC58

- 2.44 It is important to understand how the proposed planning framework is intended to manage the subdivision and development of the site as this has been critical in affecting our consideration of many of the issues.
- 2.45 First, the entire site is proposed to be zoned as Medium Density Residential, not just the existing Hill Residential zoned part but also that part zoned as General Recreation. As we noted, the medium density residential zone standards were introduced through Plan Change 56, and enables development of three residential units per site, up to three storeys high. Thus, the steeply sided heavily vegetated slopes on either side of the ridge would be zoned for medium density residential development.
- 2.46 However, because of the special characteristics of the site, the Plan Change is proposing several site-specific modifications to the medium density residential zone provisions for this site:

⁶ For example, refer to the plan on page 164 of the Plan Change request

- a) The site has been divided into two parts: the Development Area as shown on the map in proposed Appendix Subdivision 10, and the remaining area, not labelled in Appendix Subdivision 10 but identified as ‘protected area’ in evidence for the hearing⁷. The Development Area is similar in boundary to the area currently zoned Hill Residential, but is not equivalent, as it appears to have a more contour basis to it than the zone boundaries.
- b) The subdivision of the ridgeline area within the identified Development Area is proposed to require resource consent as a restricted discretionary activity rather than as a controlled activity so that subdivision consent applications may be declined, but only within the specified matters of discretion.
- c) Outside the Development Area (i.e., within the ‘protected area’), subdivision would require resource consent as a full discretionary activity, enabling a full assessment of all potential adverse effects for particular proposals and a full consideration of relevant policies. An application may be declined consent.

2G. Qualifying Matters

- 2.47 As described above, the Plan Change seeks to rezone the entire site at 12 Shaftesbury Grove, Stokes Valley, from *Hill Residential* and *General Recreation* to *Medium Density Residential Activity Area* (MDRAA). As set out in s2D, the MDRAA replaced parts of the General Residential Activity Area as a result of Plan Change 56, which became operative on 21st September 2023. That Plan Change was introduced in response to an amendment to the Resource Management Act (RMA) in 2021 requiring Councils to change their District Plans to enable housing up to 3 storeys high and up to 3 units per sin most residential areas.
- 2.48 As part of that legislative change, a set of Medium Density Residential Standards (MDRS) were required to be included in the relevant residential zones to replace existing residential standards, including for subdivision. The MDRS makes residential uses a permitted activity if the building density standards specified in Schedule 3A are met, and the subdivision of land for the purpose of the construction and use of residential units a controlled activity.
- 2.49 The duty to give effect to the MDRS in the Council’s residential zones is contained in s77G RMA. Under s77G(6), the Council may only make the requirements set out in the MDRS less enabling of development if authorised to do so under s77I. Under s77I, a Council may make the MDRS less enabling only to the extent necessary to accommodate one or more of listed qualifying matters. Where a qualifying matter is provided for, the s32 Evaluation Report must include the additional information set out under s77J(3). If the matter is not one of the listed qualifying matters, then a further evaluation is required under s77L.
- 2.50 If rezoned to MDRAA, the MDRS would apply to the subdivision and development of the entire site at 12 Shaftesbury Grove, including, as we noted, the steep well vegetated hillsides. While Plan Change 58 does not propose to make any changes to the zone provisions in Chapter 4F itself, it is seeking to introduce changes to the subdivision provisions in Chapter 11 as they relate to the MDRAA, including introducing –

⁷ For example, in Figure 1 of Ms MacArthur’s Evidence-in-Chief

- A new restricted discretionary activity rule for subdivision within the identified Development Area, with a set of assessment matters that relate specifically to subdivision of the site, and
 - A new discretionary activity rule for any subdivision outside the identified Development Area, with a greater range of assessment matters.
- 2.51 Given the RMA requirements for making the MDRS provisions less enabling under Sections 77I, 77J and 77L, the Panel posed the following questions to the Requester through Minute #2:
- a) Are the proposed rules for the site in respect of subdivision for residential development less enabling than the MDRS rule for subdivision under Schedule 3A RMA?
 - b) If yes:
 - i) are the requirements necessary to accommodate any of the qualifying matters (a) to (i) under s77I, and if so why, and
 - ii) if required to accommodate qualifying matter s77I(j), has an evaluation been undertaken in accordance with sections 77J to 77L?
- 2.52 For background, these sections are in brief:
- a) S77I contains a list of qualifying matters that allow territorial authorities to make the MDRS less enabling
 - b) S77J contains the additional evaluation requirements for the implementation of MDRS and the accommodation of qualifying matters
 - c) S77L contains further requirements that other matters described in s77I (j) need to comply with to be a qualifying matter (noting that qualifying matters not only relate to density standards but also to subdivision requirements).
- 2.53 In reply, the planner for the Requester, Ms Tessendorf, produced an addendum to her planning evidence, circulated on 18 September prior to the hearing. In summary, Ms Tessendorf provided the following responses:
- a) Yes, the proposed site-specific rules for the site at 12 Shaftesbury Grove are less enabling than the MDRS requirements for subdivision under Schedule 3A. While Schedule 3A requires the subdivision of land for the purpose of the construction and use of residential units to be a controlled activity, PC58 proposes a restricted discretionary starting point for subdivision of the site and requires all earthworks, building platforms, roads, private accesses and utility structures to be located within the identified Development Area on the site. Any subdivision that proposes these activities/structures to be located outside the Development Area becomes a discretionary activity.
 - b) Yes, the more restrictive subdivision framework is considered necessary and appropriate to accommodate qualifying matters under sections 77I (a), (b) and (j). While the initial s32 evaluation report refers more broadly to site specific characteristics, issues, challenges and limitations, these matters align with the qualifying matters under s77I.
- 2.54 Ms Tessendorf stated that the rezoning of the site to Medium Density Residential Activity Area with a site specific restricted discretionary starting point for subdivision would allow

- for a greater development density than the current Hill Residential zoning of the site. She considered that the restricted discretionary subdivision status is considered necessary and appropriate to address site specific characteristics and qualifying matters.
- 2.55 Further, Ms Tessendorf contended that, since the current zoning of the site does not allow for the application of the MDRS, the restricted discretionary starting point for subdivision of the site does not reduce the density or development potential of the site but allows for the rezoning of the site to medium density residential while addressing specific characteristics, challenges and limitations (qualifying matters). She therefore concluded that the proposed rezoning and site-specific provisions will enable increased development capacity while allowing for the management of site-specific characteristics.
- 2.56 In her addendum, Ms Tessendorf identified the following site-specific characteristics and challenges that should require further assessment at the subdivision stage:
- Ecology
 - Infrastructure capacity
 - Stormwater management
 - Geotechnical
 - Landscape and visual
- 2.57 Ms Tessendorf considered the most relevant subsections of s771 to be s771 (a), s771 (b) and s771 (j) as follows:
- a) Under s771(a) matters of national importance under s6 of the RMA are qualifying matters: Ms Tessendorf considered that s6(a) relating to protection of rivers and their margins, s6 (c) requiring the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and s6 (h) relating to the management of significant risks from natural hazards are of relevance to PC58.
 - b) S771(b) lists matters required in order to give effect to a national policy statement as qualifying matter: Ms Tessendorf considered the National Policy Statement for Indigenous Biodiversity (NPS-IB) and the National Policy Statement for Freshwater Management (NPS-FM) to be of relevance to PC58.
 - c) S771(j) allows for the consideration of other matters: Ms Tessendorf considered the natural landscape values of the site and the provisions of sufficient infrastructure to be other relevant matters, even though they are neither s6 matters nor addressed by a National Policy Statement.
- 2.58 Ms Tessendorf stated that, based on the site-specific characteristics, challenges and limitations outlined in more detail in the experts' assessments and the s32 evaluation, she considered the site at 12 Shaftesbury Grove to be subject to qualifying matters that are incompatible with the controlled activity status for subdivision as prescribed by Schedule 3A. Ms Tessendorf contended that making subdivision a restricted discretionary activity for the site does not limit the actual development capacity of the site as it allows for the future development of the ridgeline at a medium density level that would not be achievable under its current Hill Residential zoning. She asserted that the restricted discretionary starting

point and the related site-specific information requirements, matters of discretion and standard allow for the consideration and management of site-specific qualifying matters:

While there may be additional costs for the preparation of additional information and the protection and management of identified matters, they are outweighed by the benefit of the rezoning and the resulting additional development capacity.⁸

- 2.59 Ms Tessendorf concluded that the proposed modifications to the MDRS are limited to the Plan Change site, and the degree of limitation to development will occur according to the sensitivity of the environment within the site, noting that PC58 seeks the introduction of a Development Area overlay to show the most appropriate area for medium density residential development in alignment with the MDRS.
- 2.60 Based on the evaluation provided in Ms Tessendorf's addendum, we are satisfied that the need to protect and manage indigenous biodiversity values on the site of PC58 provides sufficient justification to be a qualifying matter under S771(a), in terms of being required to appropriately address the directions under s6(a) RMA and the policies of the NPS-IB. There was sufficient evidence based on the site surveys and assessment undertaken for the Plan Change to satisfy us that the ecological values of the site were significant enough to warrant a less enabling management approach to subdivision of the site in the manner proposed under PC58.
- 2.61 We were, however, not necessarily persuaded that the other constraints to the subdivision and development of the site were sufficiently problematic or exceptional to meet the thresholds to be qualifying matters under the RMA. In particular, we considered that many of those other constraints could be satisfactorily addressed to avoid or mitigate adverse effects through, for example, best practice earthworks and stormwater management practices, and landscape treatment and planting. In addition, while we accept that water supply is currently a significant constraint to development, there are options available to address this constraint. While these constraints may impose significant costs on development (for example, earthworks and slope stability measures), they did not necessarily preclude development. However, we did find that these matters were sufficiently substantive to require explicit consideration in any subdivision process.

3 SUBMISSIONS AND HEARING

3A. Notification and Submissions

- 3.1 PC58 was publicly notified on 9 November 2023. Four submissions were received before submissions closed on 8 December 2023. One late submission was received, from Kathryn Martin, some six days after the close of the hearing (we address this submission at paragraphs 3.7 and 3.8).
- 3.2 The summary of submissions was notified on 8 February 2024, and eight further submissions were received before further submissions closed on 22 February 2024. No late further submissions were received.

⁸ At paragraph 26

3.3 The five submitters were from:

Submission Number	Name
DPC58/001	Taitā College
DPC58/002	Greater Wellington Regional Council (GWRC)
DPC58/003	Graeme Adrian
DPC58/004	Ashley Keown
DPC58/005	Kathryn Martin

3.4 The further submissions were from:

Further Submission No.	Name	Position
DPC58/F001	Charlotte Heather	Supports parts of submissions 001, 002, 004 and 005
DPC58/F002	Kathryn Martin	Supports submissions 001 and 002, as well as the feedback from Ngāti Toa Rangatira included in the s32 Evaluation Report
DPC58/F003	Will van't Geloof	Did not specifically relate to any of the submissions but generally oppose the Plan Change.
DPC58/F004	Nicholas Dowman	Did not specifically relate to any of the submissions but generally oppose the Plan Change.
DPC58/F005	Nico Reason	Did not specifically relate to any of the submissions but generally oppose the Plan Change.
DPC58/F006	John Hopgood	Supports submission 005
DPC58/F007	The Friends of Horoeka Scenic Reserve	Supports 001, 002, 005 and supports in part 004
DPC58/F008	Cosmic Kaitiaki of Native Realms Foundation	Opposes submission 003 and supports 001, 002 and 005

3.5 A summary of the submissions and further submissions was provided in Appendix 1 to the S42A report, which included recommendations on whether the points made in the submissions should be accepted, accepted in part, or rejected.

3.6 In regard to further submissions F004 to F006, while these submissions could be regarded as technically invalid in that they did not relate to any original submission, it can be inferred from their submissions that they oppose the Plan Change and therefore support those original submissions that opposed the Plan Change: namely, submissions 001, 003, 004, and 005.

- 3.7 One late submission to the Plan Change was received by the Council, from Kathryn Martin (submission DPC58/005), some six days after the closing of the submission period. We were advised by the Council's reporting planner that this submission did not delay the notification of the summary of submissions, who recommended this submission be accepted.
- 3.8 Under our delegated authority, we determined to accept this late submission pursuant to S37 RMA, power of waiver and extension of time limits, for the following reasons:
- a) No person is considered to be adversely affected by the grant of a waiver of time. The late submission raised similar issues to others raised in other submissions.
 - b) It is in the interest of the community to test the provisions of PC58, and the late submission would assist that process. It is also a matter of natural justice to allow the fullest participation in the development of policy under the RMA and the District Plan.
 - c) The receipt of the late submission did not cause an unreasonable delay in terms of the preparation of the summary of submissions, or the processing of the proposed Plan Change generally. There was no risk to the Council's ability to meet its duty to avoid unreasonable delay.
- 3.9 The matters raised in the submissions were summarised by the reporting planner as falling into the following topic areas:
- Site stability
 - Transport
 - Effects on indigenous flora and fauna/biodiversity
 - Three water infrastructure
 - Urban sprawl
 - Access to school land (Taitā College)
 - Geotechnical hazards
 - Active transport links
 - Freshwater management
 - Sites of significance to Māori.
- 3.10 We evaluate these matters as part of broad evaluation in S5 of our report.

3B. Pre-Hearing Directions and Procedures

- 3.11 Prior to the commencement of the hearing, we issued two minutes to the parties to provide direction on various procedural and substantive matters.
- 3.12 Minute #1 was issued on 13 August 2024 to provide notice of the appointment of the Hearing Panel for PC58, and the date and venue of the hearing. The Minute also provided direction on the timetable for the circulation of reports and evidence prior to the hearing, as well as general advice on the hearing process.

- 3.13 In the lead-up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the proposed timetable:
- a) The s42A Officer's report, prepared by Mr Dan Kellow, a consultant planner, acting for Hutt City Council, dated 30 August 2024, and incorporating advice from Mr Luke Benner (Transport), Ms Tessa Roberts (Ecology), Ms Linda Kerkmeester (Landscape and Visual), Mr Ryan Rose (Development Engineering), and Messrs Adam Smith and Thomas Justice (Geotechnical Engineering).
 - b) Statements of evidence from the consultant planner for the Requester, Ms Corinna Tessendorf, dated 6 September 2024, and accompanying statements of evidence from the Consultant Engineer, Mr Sam Godwin (Infrastructure), Mr Nathan Schumacher (Geotechnical), Ms Frances Forsyth (Ecology), Ms Angela McArthur (Landscape and Visual), and Mr Gary Clark (Transport).
- 3.14 No expert evidence was received on behalf of the submitters either during the lead-up to or during the course of the hearing. However, the two submitters who appeared at the hearing (Ms Kathryn Martin (via audio-visual link) and Mr Simon Hirini, for Taitā College) did talk to their submission points and answered questions.
- 3.15 A second minute was issued on 16 September, following the Panel's site visit on 13 September, seeking further information on:
- a) The relationship of the Plan Change with the requirements for medium density residential subdivision and development under the 2021 amendment to the RMA and the revised NPS-UD, particularly in regard to qualifying matters; and
 - b) Graphic material showing the physical extent of the site and proposed Development Area along the ridgeline.
- 3.16 This additional information was provided by the Requester and circulated on 18th September.

3C. The Hearing

- 3.17 The hearing commenced at 9.30am on Monday 23 September 2024 in Meeting Room 1 at the Lower Hutt Events Centre, at 30 Laings Road, Lower Hutt.
- 3.18 In attendance were the following persons:
- 3.19 PRESENT

Hearing Panel:

Commissioner Robert Schofield
Commissioner Elizabeth Burge
Commissioner (Cr) Brady Dyer

Applicant/Requester:

Corinna Tessendorf, Consultant Planner, Urban Edge Planning
Theresa Walsh, for the Requester
Francis Forsyth, Consultant Ecologist
Angel McArthur, Consultant Landscape and Visual

Two planners from Urban Edge, observing

Council:

Dan Kellow, Consultant Planner and Reporting Officer

Linda Kerkmeester, Consultant Landscape Architect

Tessa Roberts, Consultant Ecologist

Submitters:

Kathryn Martin (via audio-visual link)

Simon Hirini, for Taitā College

In Attendance:

Nathan Geard, Policy Planning Manager HCC

Heather Clegg, Minute Taker, HCC

Saritha Shetty, Administrator, Planning, HCC

3.20 At the outset of proceedings, we outlined the order of proceedings. A number of experts who had provided written assessments and advice on behalf of the Requester and for the Council were available to attend via the audio-visual link, if required to answer any questions. For the Requester, the following expert advisers were on-hand:

- Gary Clark, Transport – Traffic Concepts Limited
- Sam Godwin, Civil Engineering – Cuttriss Consultants
- Nathan Schumacher, Geotechnical Engineering – Torlesse Limited.

3.21 For the Council, the following expert advisers were on-hand:

- Luke Benner, Transport – Luke Benner Transportation Consultancy Ltd
- Ryan Rose, Development Engineering – Envelope Engineering
- Adam Smith and Thomas Justice, Geotechnical Engineering – Engeo

3.22 In the end, none of these experts were required to attend the hearing to answer questions as the Panel considered we had sufficient evidence on these matters.

3.23 The Council's Policy Planning Manager, Mr Nathan Geard, submitted a statement to the hearing to address the potential for a perceived conflict of interest for Ms Corinna Tessendorf, the planning expert for the Requester, who is also involved in the review of the District Plan for the Council. Ms Tessendorf had raised this potential conflict of interest with Mr Geard prior to the hearing. In his statement, Mr Geard explained that Ms Tessendorf's role was to review a number of chapters in the ODP, including subdivision. Mr Geard clarified that Ms Tessendorf, as with other planners who have been sub-contracted to support the Review, has no decision-making functions, neither do any of the Council officers who are also working on the Review. He also clarified that the work of all external advisors, including that of Ms Tessendorf, ultimately is reviewed by the Policy Planning Team who decide what is ultimately recommended to the Council's District Plan Review Committee. In Mr Geard's opinion, there is no conflict of interest with Ms Tessendorf's involvement with PC58, nor is there any other inappropriate advantage for her client from her involvement with the District Plan Review.

- 3.24 We agree with Mr Geard that there is sufficient remoteness and checks between Ms Tessendorf's role in the District Plan Review and her involvement with PC58 to prevent any conflict of interest. PC58 is a quite separate and discrete process, disconnected with the wider review process. We further note that a separate independent contractor, Mr Kellow, was engaged to review and provide impartial advice on PC58.
- 3.25 No other procedural matters were raised during the course of the hearing that we were obliged to make a finding on.
- 3.26 We note that a number of submitters who had indicated they had wished to be heard did not attend the hearing. However, we record that the issues raised in their submissions remained 'live' for our consideration, whether heard or not, and we have done so, as we are required to do.
- 3.27 The Panel had read all circulated reports, evidence and submissions prior to the hearing. This enabled us to focus on the key outstanding issues, and on any changes in information or advice that we had received. We heard summary statements from the expert witnesses, both for the Requester and for the Council, who answered our questions. In addition, we heard from Theresa Walsh, for the Requester M & J Walsh Partnership Ltd at the commencement of the hearing, who outlined the background to the Plan Change Request and the outcomes sought by the proposed development. In particular, Ms Walsh, outlined the issues they have encountered in regard to the question of water supply for the site: we address this matter further in this report.
- 3.28 We adjourned the hearing at 3.42pm after agreeing to receive a written Reply from the Requester before the close of business on Friday 27 September.

3D. Post-Hearing Direction and Procedures

- 3.29 Following the hearing, we issued several Minutes to seek a response to a number of questions:
- a) Minute #3 recorded directions provided orally at the end of the hearing, seeking consideration whether a new policy could provide direction to future decision-making and whether some of the provisions could be further amended in regard to the management of indigenous biodiversity and the management of the subdivision and development inside and outside the Development Area;
 - b) Minute #4 recorded a direction seeking the recommended amendment in full to Rule 11.2.3.E, Transport, in relation to any subdivision that exceeds the High Trip Generator Thresholds;
 - c) Minute #5 recorded directions seeking a response to follow-up questions regarding the recommended new policy, provided following Minute #3, and regarding the information requirements on ecology; and
 - d) Minute #6 recorded a direction seeking a response to the release of decisions on Change 1 to the WRPS, released on 4 October 2024 in relation to the implications for PC58.

- 3.30 Responses to Minutes #3 and #4 were received as part of the written reply on Thursday 26 September. This was received in the form of a joint statement from the planners for the Requester and Council.
- 3.31 Responses to Minutes #5 and #6 were received on Tuesday 8 October, in the form of a joint statement from the planners for the Requester and Council.
- 3.32 The hearing was formally closed on Thursday 17 October 2024. Minute #7 recorded the closing of the Hearing and the anticipated Council meeting date to consider our recommendations.

4 STATUTORY FRAMEWORK

4A. Statutory Framework for Evaluating Plan Changes

- 4.1 Before formally recording our consideration of the issues raised in relation to PC58, we summarise here the relevant statutory matters that have framed our evaluation. They have been derived from the Environment Court's *Colonial Vineyards* decision⁹, and include the following considerations:

General Requirements

- a) the District Plan should be designed in accordance with¹⁰, and assist the Council to carry out, its functions¹¹ so as to achieve the purpose of the Act¹²;
- b) when changing the District Plan, the Council must:
 - i) give effect to any National Policy Statement, the New Zealand Coastal Policy statement or any Regional Policy Statement for Wellington¹³;
 - ii) have regard to any proposed RPS¹⁴;
 - iii) have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities¹⁵;
 - iv) take into account any relevant planning document recognised by an iwi authority¹⁶;
 - v) not have regard to trade competition¹⁷;
 - vi) be in accordance with any regulation¹⁸;
- c) in relation to regional plans:

⁹ ENV-2012-CHC-108, [2014] NZEnvC 55

¹⁰ s74(1), RMA

¹¹ s31, RMA

¹² ss 72, 74(1), RMA

¹³ s75(3)(a)-(c), RMA

¹⁴ s74(2), RMA

¹⁵ s74(2)(b)-(c), RMA

¹⁶ s74(2A), RMA

¹⁷ s74(3), RMA

¹⁸ s75(1)-(c), RMA

- i) the District Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order¹⁹; and
 - ii) shall have regard to any proposed regional plan on any matter of regional significance²⁰;
- d) the District Plan must also state its objectives, policies and the rules (if any) and may state other matters²¹;
 - e) the Council has obligations to prepare an evaluation report in accordance with s32 and have particular regard to that report²²;
 - f) the Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

Objectives

- g) the objectives of the Plan Change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose²³;

Provisions

- h) the policies are to implement the objectives, and the rules (if any) are to implement the policies²⁴;
- i) each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the District Plan, by:
 - i) identifying other reasonably practicable options for achieving the objectives²⁵;
 - ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives²⁶, including:
 - identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced²⁷;
 - quantifying those benefits and costs where practicable²⁸;
 - assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions²⁹;

¹⁹ s75(4), RMA

²⁰ s74(1)(f), RMA

²¹ s75(1)-(2), RMA

²² Schedule 1, Part 2, Clause 22, RMA

²³ s32(1)(a), RMA

²⁴ s75(1), RMA

²⁵ s32(1)(b)(i), RMA

²⁶ s32(1)(b)(ii), RMA

²⁷ s32(2)(a), RMA

²⁸ s32(2)(b), RMA

²⁹ s32(2)(c), RMA

Rules

- j) in making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect³⁰; and

Other Statutes

- k) the Council may be required to comply with other statutes.

4.2 We record that no new objectives were proposed under PC58 as notified, nor any new policies. However, in response to the matters raised during the hearing, the Requester proposed a change to an existing subdivision policy, 11.1.4, by adding a new sub-policy specifically relating to the subject site at 12 Shaftesbury Grove. Accordingly, we are obliged to evaluate whether the new policy is the most appropriate way to achieve the objectives of the District Plan.

4.3 Our overall powers in relation to this proposal are set out in clause 29(4) of Schedule 1 of the Act. Under this clause, we may recommend declining the proposal, approving it, or approving it with modifications. We must give reasons for the recommendation as to a decision that we reach. In arriving at our recommendation, we must undertake the further evaluation required under s32AA and have regard to that evaluation. As indicated above, the further evaluation under s32AA is required only in respect of any changes arising since the Plan Change was notified. Such an evaluation must:

- a) examine the extent to which the objectives of PC58 are the most appropriate way to achieve the purpose of the Act
- b) examine whether the policies, rules, standards, zoning, and other methods of PC58 are the most appropriate way to achieve the existing Plan objectives and the PC58 objectives
- c) in relation to (b) above, to the extent relevant:
 - i) identify any other reasonably practicable options for achieving the existing and proposed objectives; and
 - ii) assess the efficiency and effectiveness of the provisions in achieving the objectives, and
- d) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

4.4 In relation to matters (a) and (b) above, as we have noted, PC58 contains no new objectives. In accordance with s32(6), the purpose of the proposal stands in for objectives where these are not otherwise contained or stated by the proposal. In other words, the term 'objective' is synonymous with the Plan Change's purpose and not confined to the technical meaning of the term otherwise used in the Plan.

³⁰ s76(3), RMA

- 4.5 Under s2.1 of the Plan Change Request, the purpose of the Plan Change was described as thus:

The purpose of the Plan Change is to rezone the property at 12 Shaftesbury Grove in Stokes Valley from the current split-zoning comprising Hill Residential and General Recreation Activity Area, in order to be entirely zoned as Medium Density Residential Activity Area. The proposed zoning would provide for additional development potential that aligns with the residential zoning and anticipated density of the surrounding area and is therefore considered to better meet the purpose of the RMA through the objectives of the District Plan. While it is proposed to zone the entire site as Medium Density Residential Activity Area, it is anticipated that any future development will be limited to the flatter parts of the site along the existing ridgeline with limited earthworks. The steeper and more sensitive areas of the site are proposed to be excluded from the identified Development Areas on the site.

- 4.6 For the purpose of our evaluation, the term ‘objective’ assumes a dual meaning:

- a) those goals or aspirations set out in the Plan Change’s purpose; and
- b) the relevant (and settled) objectives of the operative Plan.

- 4.7 In addition, we have considered whether the proposed Plan Change:

- a) has been designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act;
- b) gives effect to any relevant National Policy Statement and the New Zealand Coastal Policy Statement;
- c) gives effect to the Regional Policy Statement (“RPS”); and
- d) is consistent with any regional plans.

- 4.8 In considering all of the matters above, we record that our recommendation as to a decision is based upon our consideration of the following documents:

- a) the notified Plan Change and s32 evaluation;
- b) the submissions and further submissions received;
- c) the Council’s s42A report; and
- d) the statements/presentations from all parties appearing before us.

- 4.9 We note for the record that several s32AA evaluations were provided over the course of, and subsequent to, the hearing in response to further amendments to the Plan Change that were recommended. To the extent that our evaluation corresponds with the recommended changes, we adopt the s32AA evaluations that have been provided.

- 4.10 It is important that all parties understand that it is not for us to introduce our own evidence on the issues that have been raised, and we have not done so – rather, our role has been to:

- a) establish that all relevant evidence is before us; and
- b) test the evidence before us to determine the most appropriate outcome to achieve sustainable management.

- 4.11 It is that dual role to which the following evaluation addresses. Before doing so, and as a closing comment to this preamble, we observe that s32AA(1)(d)(ii) enables our further evaluation reporting to be incorporated into this report as part of the decision-making record. To this end, our evaluation of each issue is intended to satisfy the evaluation report requirements of s32AA as outlined above.
- 4.12 For the record, on matters not discussed in this report, we accept and adopt the evaluation of the reporting officer, Mr Kellow in his s42A report and post-hearing responses.

4B. Statutory Overview

- 4.13 As explained in the Requester's s32 report, s73(2) of the RMA enables any person to request a territorial local authority to change a District Plan in the manner set out in Schedule 1 of the Act. On 12 September 2023, M and J Walsh Partnership Ltd formally requested a change to the City of Lower Hutt District Plan (District Plan). The Council formally accepted the request (but did not adopt it), enabling the Plan Change to proceed to be publicly notified as Plan Change 58 on 8 December 2023. The summary of submissions received on the proposed Plan Change was notified on 8 February 2024, with the period for further submissions closing on 22 February 2024.
- 4.14 Our evaluation of PC58 is subject to the consideration of a number of relevant statutory and non-statutory documents. We note that both planning experts were in agreement as to the relevance or otherwise of these documents. Before we evaluate the consistency of the Plan Change with the relevant statutory direction, we first evaluate the proposed Plan Change in terms of the issues that have arisen through submissions.

5 EVALUATION OF ISSUES

5A. Overview

- 5.1 For the purposes of this evaluation, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters to which they relate – rather than assessing each issue on a submitter-by-submitter basis.
- 5.2 This approach is not to downplay the importance of the input from submitters; to the contrary, their input has been invaluable in shaping the grouping of issues and for our consideration of those matters. However, we note that there was some commonality among the submissions on key issues and we consider it will be to everyone's benefit for our recommendation as to a decision to be as tightly focused on the key issues as possible.
- 5.3 We reiterate that PC58 is a private Plan Change request to rezone a piece of land. It is not an application for a subdivision of the land or for any form of development on the land. The development of the site would require at least one resource consent application to Council, and most likely more if the development is staged as indicated by the Requester. PC58 is intended to provide a management framework under which the subdivision and development process would occur. Therefore, we evaluate the potential effects arising from the subdivision and development of the site as provided by the zoning, and how effective

the proposed management framework will be in avoiding, remedying, or mitigating these effects to an acceptable level.

5.4 The primary issues in contention are as follows:

- Ecological effects
- Traffic and connectivity effects
- Infrastructure effects
- Landscape and visual effects
- Geotechnical effects
- Stormwater and runoff effects, and
- Cultural effects.

5B. Ecological Effects

5.5 Several submissions³¹ raised concerns related to the effects on indigenous flora and fauna and indigenous biodiversity. The s42A Report summarises the submission points in opposition as the following which we adopt for efficiency:

- Risk of indigenous biodiversity loss
- Creation of a road would impact flora and fauna
- The forest around Stokes Valley should be protected and cherished, noting climate and biodiversity crises
- The site is home to numerous birds, skinks, geckos, and insects
- There are indigenous freshwater species existing in the area
- There are indigenous birds in the area, and
- Vegetation would need to be removed for the development.

5.6 Under the ODP, the site is almost entirely covered by Significant Natural Resource (SNR50)³² relating to the vegetation which covers the site and is described in detail in the Ecology Constraints Report which accompanied the Plan Change Request. We note that there is no proposed change to the Significant Natural Resource overlay.

5.7 The Ecology Constraints Report that accompanied the Plan Change request was prepared by Ms Forsyth of Frances Forsyth Consulting, who also provided evidence to the hearing. The Report made the following findings and recommendations:

- The site has vegetation (Mānuka) that is considered Significant and nine species of native orchids (habitat supporting rare orchids is Significant under RPS Policy 23)

³¹ Taitā College DPC58/001, GWRC DPC58/002 and Kathryn Martin DPC58/005 and further submissions: Charlotte Heather F001, Kathryn Martin F002, Nicholas Dowman F004, Nico Reason F005, John Hopgood F006, Friends of Horoeka Scenic Reserve F007 and Cosmic Kaitiaki of Native Realms Foundation F008.

³² Refer to our discussion in paragraphs 6.21 to 6.28 regarding the status of SNRs as 'Significant Natural Areas'

- There is a high likelihood of lizards being present on site and a Lizard Management Plan should be required.
- The streams show good to excellent water quality and high macroinvertebrate health
- The streams provide drift food for fish downstream and contribute to the maintenance of base flows, while the vegetation cover over the streams contributes to their good water quality
- Remove wilding pines and replant in the gaps
- Avoid the loss of stream extent and values, and
- Control stormwater run-off to avoid effects on the significant ecosystems.

5.8 The Ecology Constraints Report was reviewed by Ms Tessa Roberts of Wildlands on behalf of the Council. In general, Ms Roberts agreed with Ms Forsyth's findings and made the following key comments:

- The constraints assessment raises an opportunity to improve ecological values across the site through controlling wilding pines
- The rare orchid habitat located along the side of the existing access road will be lost by development. If orchid translocation and restoration is shown to not be feasible then the ecological effects management hierarchy will lead to a requirement for offsetting and compensation for this habitat loss
- Using criteria in the NPS-IB (rather than now out of date RPS criteria) may result in other ecological features being recognised as significant, additional to features currently identified as significant within the constraints report
- Ecological effects management should meet regulatory standards, and the Assessment of Ecological Effects that is yet to be prepared to support the future subdivision application should address recent legislative changes reflected in Proposed RPS Change 1
- Edge effects, fragmentation and loss of connectivity will result from indigenous vegetation loss; these effects are expected to be managed appropriately through the use of the effects management hierarchy, in accordance with current legislation
- Sediment discharge from development could occur and adversely affect aquatic ecosystems, and
- Adherence with the RPS (Change 1 and operative provisions) should mean potential ecological effects of sediment resulting from the development can be appropriately managed via a Sediment and Erosion Management Plan.

5.9 Ms Roberts concluded that the assessment of ecological effects that would accompany any future subdivision proposal should be prepared in accordance with the WRPS Plan Change 1 as this would give effect to the NPS-IB.

5.10 Mr Kellow agreed with that approach as it ensures the assessment at the time of the application will be made against the higher order planning documents in place at that time.

In his view, the following section (as recommended to be amended by Mr Kellow) of the proposed Restricted Discretionary matters under (xv) is suitably broad to allow a full consideration of ecological effect:

(xv) *Ecology*

Any measures proposed to manage adverse effects on significant indigenous biodiversity values on the site in accordance with the National Policy Statement for Indigenous Biodiversity 2023 and the Ecological Plan for the site.

~~*—The application of the effects management hierarchy as follows:*~~

~~*—Avoid adverse effects on significant indigenous biodiversity where practicable;*~~

~~*—Minimise other adverse effects on significant indigenous biodiversity where avoidance is not practicable;*~~

~~*—Remedy other adverse effects where they cannot be avoided or minimised;*~~

~~*—Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied; and*~~

~~*—Only consider biodiversity compensation after first considering biodiversity offsetting.*~~

5.11 The main matter of contention at the Hearing was whether the proposed matters of discretion sufficiently give effect to and allow for the consideration of the relevant provisions of the NPS-IB. Following adjournment of the Hearing, we issued Minute #3 in which we reiterated our concerns during the Hearing and asked the Requester to:

- Consider whether a new policy could provide some direction of future decision-making on the outcomes being sought for 12 Shaftesbury Grove, and the scope for introducing such a policy at this stage of the plan change process; and
- Reconsider whether some of the Plan Change provisions could be amended further, taking into account questions and matters arising at the hearing; in particular –
 - The management of SNA values and indigenous biodiversity, and
 - The management of the subdivision and development inside and outside the Development Area.

5.12 In response to our first request, to consider the introduction of a policy to guide future decision-making. Ms Tessendorf agreed, opining that such a policy would add certainty regarding the intended outcomes especially in support of the discretionary activity status for those parts of the site not included within the identified Development Area. The wording she proposed is as follows:

11.1.4 Special Areas

...

c. Subdivision of the land identified in Appendix Subdivision 10 is managed as follows:

- i. Require the identification of all earthworks, building platforms, roads, accesses and utility structures at the time of subdivision;*
- ii. Provide for the subdivision of land where all earthworks, building platforms, roads, accesses and utility structures are located within the development area identified in Appendix Subdivision 10;*
- iii. Only allow for the subdivision of land that enables earthworks, building platforms, roads, accesses and utility structures located outside the development area identified in Appendix Subdivision 10 where the activities or structures are required to support or enable development within the development area and to provide additional flexibility along the boundary of the development area.*

- 5.13 Ms Tessendorf stated that the proposed policy is well aligned with the intention of the private plan change which is to focus any future development of the site to the identified Development Area of the site while restricting future development outside the identified Development Area. Mr Kellow agreed with the proposed policy wording.
- 5.14 To provide better alignment with the newly proposed policy, Ms Tessendorf also recommended a small amendment to proposed Standard 11.2.3.2 (b) to include the word 'identified' and delete the word 'private'.³³
- 5.15 In response to our second request, regarding further amendments to the provisions to clarify the intended management of significant indigenous biodiversity, Ms Tessendorf proposed another change to 11.2.3 C Ecology to insert the words 'at least' so that the Ecological Plan was not limited to those matters detailed.
- 5.16 In regard to the matters in which Council has restricted its discretion (11.2.3.1) under (xvi) Ecology, Ms Tessendorf recommended deleting the effects hierarchy entirely (as did Mr Kellow in his s42A Report) and inserting the words 'avoid or' so that it read:³⁴
- (xvi) Ecology*
- Any measures proposed to avoid or manage adverse effects on significant indigenous biodiversity values on the site.*
- 5.17 Mr Kellow further submitted that the wording of the matter of discretion does not qualify adverse effects as having to be 'significant' which he considered to be appropriate. However, in his opinion, the inclusion of the word 'significant' is unnecessary since the NPS-IB relates to indigenous biodiversity outside of SNAs as well as within SNAs. He emphasised that indigenous biodiversity does not have to be classed as significant to require adverse effects to be managed nor do the effects have to be significant due to clause 3.16 (1) and (2) of the NPS-IB.
- 5.18 Mr Kellow noted that neither Section 6(b) of the RMA nor the NPS-IB uses the word 'values' but the RPS and RPS PC1 (Policy 24B) do incorporate the word 'values'. He did not think that

³³ Written Reply 26 September 2024, at paragraphs 3-13

³⁴ Written Reply 26 September 2024, at paragraphs 19-20

the word ‘values’ adds anything to the matter of discretion so he recommend that it be removed to remain consistent with the Section 6(b) and the NPS-IB.³⁵ His final wording was:

(xvi) *Ecology*

Any measures proposed to avoid or manage adverse effects on significant indigenous biodiversity values on the site.

- 5.19 In regards to the new policy proposed by Ms Tessendorf, we discuss this in full in Section 7 of our Decision. However, in summary, we did not agree with her proposed wording as we did not consider that it would not sufficiently or succinctly describe the management approach being applied to the site, containing unnecessary detail and repetition, and some internal contradiction. Further, when the Subdivision Chapter is read as a whole, we consider it is sufficiently well understood that the subdivision process includes earthworks, building platforms, road and utilities without the need to specify these activities within this policy. These matters are better addressed through the information requirements. Our preferred wording of the new policy is as follows:

...

- c. To enable urban development through the subdivision of land identified in Appendix Subdivision 10 in a manner that protects the land’s significant ecological values by:*
- i. Providing for the subdivision of land within the identified Development Area;*
 - ii. Only allow for the subdivision of land outside the identified Development Area where the subdivision is required to support or enable development within the Development Area, and the land’s significant ecological values are maintained or enhanced.*

- 5.20 Regarding the other amendments proposed by Ms Tessendorf and Mr Kellow discussed above, we agree that they now provide for a robust process to occur that begins with a full ecological assessment of the site by an appropriately qualified ecologist and avoiding or managing effects on significant indigenous biodiversity and managing effects on other indigenous biodiversity. We consider that this framework is now consistent with the NPS-IB requirements which we address further below.

5C. Traffic and Connectivity

- 5.21 Two submitters raised issues about potential adverse effects arising from the additional traffic generated by development on the site³⁶.
- 5.22 The proposed Plan Change was accompanied by a Transportation Impact Report prepared by Mr Gary Clark of Traffic Concepts Limited. The purpose of the report was to provide an analysis of the anticipated transportation effects of the development of the site under the proposed Plan provisions on the expectation that about 150 residential units could be built. It provided an assessment of the existing roading environment, a description of the traffic

³⁵ Written Reply 26 September 2024, at paragraphs 28-31

³⁶ Submissions DPC58/002, DPC58/004

- environment, an analysis of crash history of the area and an impact assessment relating to the proposal.
- 5.23 The development site has access to the wider road network from Shaftesbury Grove, a 300m long cul-de-sac coming off Holborn Drive/Logie Street which would provide the development with access to the City roading network. All access points were identified as having sufficient sightlines at intersections for safe movements, and the roads have well-formed footpaths.
- 5.24 The crash history analysed for the assessment shows that there are no inherent safety deficiencies with the road in the search area. The low severity crash types also suggests that the road environment of Holborn Drive and Logie Street provides a safe environment for the users of these roads. The alignment and general road geometry of these roads encourages drivers to be more alert and drive carefully.
- 5.25 The adjacent immediate road network is operating below its potential operating capacity except for some intersections with Stokes Valley Road, where congestion can occur at peak times. In particular, the potential impacts of the Development Site on the wider road network are likely to be most evident at the intersection of Holborn Drive and George Street. In terms of trip generation, the assessment concluded that, while the Plan Change site will add new trips to the road network, these are expected to disperse across the various routes reducing the impacts at these locations. The relatively small increases in additional traffic across the road network and through these intersections is likely to be indiscernible to road users, with the Level of Service anticipated to remain within the acceptable thresholds.
- 5.26 There is a bus route that runs along Holborn Drive and Logie Street with a bus stop located at the intersection of Shaftesbury Grove, Holborn Drive and Logie Street. This bus stop is around 300 metres from the Plan Change area. There are bus services near the Plan Change site that link the Development Area to the wider Stokes Valley basin and other parts of the Hutt Valley. The bus routes also link the Plan Change area to the nearby train services.
- 5.27 Overall, the transport assessment concluded that the Plan Change site is a logical extension to the existing urban edge that uses existing road infrastructure. The roads in the area have sufficient operating capacity to accommodate the expected increases in traffic flows, and any potential adverse effects can be managed through the subdivision and resource consenting processes under the RMA.
- 5.28 The Transport Impact Report was reviewed by an independent transport planner, Mr Luke Brenner, who concluded the following:
- It is considered that the proposed Plan Change gives effect to the objectives and policies of the transport chapter of the operative district plan, while future consenting processes for the site will (should the Plan Change be granted) allow for the adequate assessment of those applications against the relevant rules of the plan. Similarly, it is also considered that the proposed Plan Change has the ability to align well with Hutt City Councils Integrated Transport Strategy.³⁷*
- 5.29 The only matter of contention between the Council and the Requester was whether a proposal that was a high trip generator (i.e., a subdivision enabling 60 or more dwellings) should be managed in a consistent manner as for proposed high trip generating proposals

³⁷ Evidence of Luke Brenner for HCC, at paragraph 38

elsewhere in the City under the transport provisions of the District Plan. Under the transport chapter, where a subdivision does exceed the High Trip Generator Standard it becomes a discretionary activity under Rule 11.2.4 (j). As a discretionary activity, an Integrated Transport Assessment is required to be submitted with any consent application and all effects of the proposal can be considered.

- 5.30 Ultimately there was an agreement between the planners for the Requester and Council in recommending that transport be a matter of restricted discretion for high trip generating subdivisions (rather than a full discretionary activity), but that for any proposal exceeding the transport generation levels in Appendix Transport 2, the wording of the discretion be same as that used in the transport chapter: i.e. “the effects of the activity on the transport network including impacts on on-street parking”. We accept this recommendation as it would maintain a consistent approach within the District Plan, but would recommend modifying the wording of this matter to ensure that this matter is in addition to the general matter of discretion in regard to transport as follows:

(ix) Transport

The provision of vehicular, pedestrian and cycle access via public roads, footpaths and cycleways and the provision of private accesses.

In addition, for subdivisions that exceeds the high trip generator thresholds specified in Appendix Transport 2, the effects of the activity on the transport network including impacts on on-street parking.

- 5.31 In terms of connectivity, the matter of how and where the Development Area could be better connected with the local community through new or enhanced pedestrian linkages is proposed to be addressed as part of the first stage of development. This will be an important matter to address given that the extension of residential development along this ridgeline will create, in essence, a long cul-de-sac in relation to vehicular traffic, as well as most pedestrian and cycle traffic, who will only be able to access the site via Shaftesbury Grove. We also observed that there may be some difficulties in creating alternative connections, given the topography, the general lack of legal access points elsewhere in the immediate vicinity and other issues³⁸.
- 5.32 However, we are satisfied that, as one of the matters of discretion, this issue will be appropriately addressed at the relevant stage of development.
- 5.33 Overall, we accept the evidence presented by the expert traffic witnesses and find that, although there may be adverse traffic effects arising from a residential development of the subject land, these adverse effects will be minor and largely indiscernible from the existing traffic patterns.

5D. Infrastructure Effects

- 5.34 Three submissions raised issues relating to infrastructure³⁹. Concerns included potential stormwater and wastewater runoff and whether there was adequate water supply to meet the demands of the development.

³⁸ We note, for example, the potential future pedestrian accessway to Fenchurch Grove has been fenced off at No.29.

³⁹ Submissions DPC58/001, DPC58/003, DPC58/004.

- 5.35 The Plan Change included an Infrastructure Report by Cuttriss Consultants. That assessment drew the following findings and recommendations:
- a) Earlier work undertaken by GHD identified a site 750m from the southern end of the site on HCC land that could accommodate a new reservoir that could address the current inadequacies in water supply for Stokes Valley as well as service the development on the subject site;
 - b) Wastewater mitigation would be required and would be designed as part any subdivision proposal;
 - c) Telecommunications and electricity supply can be readily provided;
 - d) The most practical solution to stormwater discharge is likely to be via controlled discharges to gullies which will need appropriate engineering design – this approach would slowly release retained stormwater from the site; and
 - e) Stormwater neutrality would be required, and a Stormwater Management Plan would be part of any resource consent application.
- 5.36 The reporting planner for the Council obtained the advice of Mr Ryan Rose, who reviewed the infrastructural requirements of the proposed development that would be enabled by PC58. The main points made by Mr Rose were as follows:
- a) There was no intent to discharge any wastewater anywhere except through the existing wastewater system through one of two possible connection points into the public system. There are a series of steps proposed to be undertaken that mean that the effect of development on the site would minimise the effects on the existing wastewater system will be minimised. Mr Rose considers that there are no obvious wastewater issues that would preclude PC58.
 - b) Stormwater disposal to gullies with suitable levels of attenuation as proposed is a widely accepted stormwater disposal technique and, if managed correctly, will have minimal effects to the surrounding areas. A Stormwater Management Plan to accompany the first subdivision would be a requirement under the Plan Change. Mr Rose considers that there are no obvious stormwater issues that would preclude the Plan Change and the ongoing residential use of the land from proceeding.
 - c) Mr Rose considers that there are no obvious utility (electricity and telecommunications) issues that would preclude the development of the site at PC58.
 - d) The principal infrastructure constraint for the development of the site at 12 Shaftesbury Grove is water supply. There is already an existing issue with adequate water supply for the area, and there is no funding or consent in place for a new water supply reservoir. Mr Rose expressed concern that should the Plan Change be granted that it would create an expectation that development could occur when this may not be practically possible.
- 5.37 We accept the advice of Mr Rose in regard of the ability to provide suitable infrastructural solutions to address the potential wastewater, stormwater, electricity, and telecommunications requirements of the development of the site at 12 Shaftesbury Grove. This leaves the question of water supply.

- 5.38 The difficulty of providing potable water supply to the development was traversed at some length at the Hearing. In her opening statement, the Requester's representative, Ms Theresa Walsh, devoted most of her submission to the water supply issues that they have faced in pursuing development proposals for the site since the site was purchased from the Council in 2017. Some of the key points made by Ms Walsh include the following:
- a) In selling the land in 2017, information provided by the Council included a report identifying existing water supply issues but indicating a booster pump that could provide water in the interim for up to 80 houses would be an acceptable albeit transitional solution. This solution was also acceptable for the Requester, understanding that a new water reservoir was the preferred long-term solution.
 - b) Subsequently, after the land was purchased and concept plans and assessments had been developed, the Council and Wellington Water advised the Requester in July 2018 that a booster pump would no longer be an acceptable solution, because of their poor performance after the Christchurch earthquake in 2011.
 - c) In seeking a solution, we were informed that the Requester proposed at one point building the new reservoir and having the Council pay the costs through development contributions – this proposal was not taken up by the Council.
 - d) Ms Walsh outlined a history of meetings and proposals to find a solution that would enable the development of the site, but she expressed frustration and disappointment with the responses from both the Council and Wellington Water and their inability to find a long-term solution that would address both the existing and long-standing inadequacies of water supply and enable the development of the site.
- 5.39 We do not intend to investigate the veracity of the history behind the water supply issue, particularly as we did not receive submissions from either Hutt City Council or Wellington Water. Addressing that matter is outside our scope or ambit.
- 5.40 However, we observe that the lack of water supply is an existing situation, constraining the development potential of a site zoned for residential development. This was a known problem at the time the site was put on the market and sold by the Council. We understand that there is a Consent Notice on the property's Record of Title advising that a water supply is required to be provided by the developer that meets Council's "Water Supply Code of Practice" before two or more dwellings are constructed that was on the Title at the time the property was sold.
- 5.41 As Mr Kellow advised, development within the site under either the current HRAA or proposed MDRAA provisions would ultimately require the construction of a water reservoir, and the proposed Plan Change is not altering this situation. Clearly, some form of solution will be required, even on a staged basis until a long-term overarching solution is found that would address the wider water supply issues in the area, as well as unlocking the development potential on which the Council sold the land at 12 Shaftesbury Grove.
- 5.42 On that latter basis, we consider that the Council has an obligation to proactively and constructively achieve a long-term solution to the water supply issue. The site was sold on the basis that a particular solution was available to enable development on the site to commence, while a longer-term solution (i.e., a reservoir) could be planned. On that basis, we are recommending to the Council, outside the scope of and separately to this Plan

Change, that it works with Wellington Water and the Requester to identify and implement a solution.

- 5.43 Ultimately though, we do not consider the water supply issue is reason to amend or reject the Plan Change proposal. Some form of water supply will be required to commence the development of the site, and this matter is proposed to be one of the matters of discretion for the subdivision process.
- 5.44 Overall, we find that the infrastructure related effects can be appropriately managed through the proposed provisions.

5E. Landscape and Visual Effects

- 5.45 Original submitters did not express concerns regarding the effects of the development of the site on amenity values or wide landscape values. Only the further submission from Friends of Horoeka Scenic Reserve⁴⁰ expressed concern that allowing substantial development along a further portion of the Holborn Ridge would be detrimental to the character of the greenbelt, which is a significant feature in Stokes Valley.
- 5.46 The site is not identified as having any significant landscape or amenity values. Indeed, the operative District Plan contains little overall direction on the City's landscapes, including ridgelines and hilltops. We were informed by Mr Kellow that Proposed Plan Change 46, which would have introduced landscape policies and provisions into the District Plan was not proceeded with⁴¹.
- 5.47 A Landscape and Visual Assessment was submitted as part of the Plan Change Request, prepared by Ms Angela McArthur of Eco Landscapes & Design Ltd. The LVA was peer reviewed by Ms Linda Kerkmeester on behalf of the Council. Both Ms McArthur and Ms Kerkmeester also provided evidence to the Hearing.
- 5.48 The key points arising from the LVA and the evidence of Ms McArthur may be summarised as follows:
- a) Due to the existing Hill Residential zoning of the ridgeline within the site, landscape effects from the residential development of the site are anticipated and that there is capacity to absorb change from residential development along the ridgeline where there is an existing pattern of development;
 - b) Outside the identified Development Area, all other areas of the site will be protected from development and the proposed Vegetation Management Plan that would be required to be submitted as part of the subdivision process would have to identify protection measures to avoid damage and removal of vegetation outside the Development Area;
 - c) The LVA recommends that a Landscape Plan is required at the consent stage to detail street trees and amenity planting, fencing and planting treatments at the boundary with Fenchurch Street, planting to mitigate earthworks and retaining structures, reserve and

⁴⁰ DPC58/FS7

⁴¹ S42A report, at paragraph 107

open space design and stormwater design, roads, pedestrian and cycle linkages, and associated planting;

- d) The LVA report found that, due to the site being widely visible, the visual effects will depend on the visibility of the site from a number of different aspects but, overall, the additional densities enabled by the proposed rezoning would be seen in the context of the established residential zones, particularly along the Holborn ridgeline and can be readily absorbed within the receiving landscape; and
- e) The retention of vegetation within that part of the site outside the identified Development Area (the 'protected area') would assist in visually integrating development on the ridgeline.
- 5.49 In her review of the proposal, the Council's landscape advisor, Ms Kerkmeester, largely agreed with the assessment and findings of the LVA with the exception of the potential development of that part of the site outside the identified Development Area. Ms Kerkmeester considered that more information on the landscape and visual effects of the development within that part of the site was required to obtain a full understanding of the landscape and visual effects.
- 5.50 This point was rejected by the Requester on the basis that any meaningful assessment would largely depend on the kind of activity and scale of development involved (for example, on the particular scale and location of earthworks, buildings, and access) and therefore any assessment at this stage would have to be highly speculative. It was also asserted that any development outside the identified Development Area would be a discretionary activity which would enable a full assessment of effects at that time.
- 5.51 We agree with the Requester that it would be too problematic to assess the landscape and visual effects of any development that might occur outside the identified Development Area at this stage of the process in a manner that would be helpful. More importantly in our view, it is the intention of the Plan Change to only enable any development within the 'protected area' (i.e., outside the identified Development Area) to allow some flexibility in the design and development around the edge of the identified Development Area. This intention was not fully clear until the Hearing. Thus, any development proposed outside the identified Development Area should be relatively minor in nature and considered as part of the broader development occurring on the ridgeline. As a discretionary activity, such works would have to be demonstrated as necessary to facilitate the development of the ridgeline. Recommended changes to the provisions of the Plan Change would underline the intention of the consenting process for any development occurring outside the identified Development Area (we address these changes later in our report).
- 5.52 On this matter, we are mindful of Policy 6 of NPS-UD which acknowledges changes to existing urban environments may occur:

....changes to urban environments may detract from amenity values appreciated by some people, but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types, and are not, of themselves, an adverse effect.⁴²

⁴² Policy 6, NPS-UD 2020

- 5.53 This policy recognises that change in urban environments is to be expected, but that it must occur in such a way that amenity values are maintained and enhanced.
- 5.54 After consideration of the above points, we accept that the landscape and visual values of the ridgeline will change if the land is developed for medium density residential purposes under PC58 rather than under the existing Hill Residential zoning but find that such changes will be acceptable in the context of the existing pattern of development along the ridgeline, and that the protection of the vegetated slopes together with the proposed vegetation management and landscape treatment will satisfactorily mitigate such effects.

5F. Geotechnical Effects

- 5.55 Several submitters raised concerns about the geotechnical suitability of the site for residential development and the potential for erosion and sediment runoff to affect downstream stream and properties⁴³. Submission points included:
- The site is steep, and development could create slips that would impact upon the adjacent school land (Taitā College)
 - No confidence that the geotechnical and engineering requirements will be adequate to avoid site stability issues that are present in the Stokes Valley area, and
 - To appropriately manage risks from natural and geotechnical hazards, the recommendations in the Torlesse Consulting Assessment should be followed.
- 5.56 In addition, GWRC supported the proposed requirement for a geotechnical assessment to address potential slope stability issues and considers it appropriate that it is prepared by a suitably qualified expert.
- 5.57 The PC58 Request documents included a Geotechnical Assessment by Torlesse Consulting, which made the following findings and recommendations:
- a) The site is considered suitable for residential development
 - b) The fill identified on site has been assessed to be unsuitable and should not be reused
 - c) The extent of potential slope instability across the site, in its current form (i.e., existing topography), generally indicates a low risk of instability along the edges of the proposed extents of earthworks, and
 - d) In these locations, slope instability risk can be mitigated by standard engineering design.
- 5.58 The geotechnical assessment and Plan Change was reviewed by Adam Smith and Thomas Justice of Engeo on behalf of the Council, who made the following key comments:
- a) The work undertaken by Torlesse Ltd lacks detail but was adequate for Plan Change purposes
 - b) There is no reason from a geotechnical perspective to recommend declining PC58, and
 - c) The term 'slope instability' used in the provision should be replaced with the broader term 'geohazard'.

⁴³ Submissions DPC58/001, DPC58/002, DPC58/004.

- 5.59 The proposed provisions include an information requirement that the first subdivision application must provide a Geotechnical Assessment for the full site, and one of the proposed matters of discretion allows for the consideration of geotechnical related effects. In addition, the 'natural hazards' matter of discretion allows for consideration of natural hazard effects.
- 5.60 Based on the evidence before the Hearing, we find that the site has no significant geotechnical constraints for development which cannot be adequately addressed through the subdivision and development process. We also concur that the term 'slope instability' should be replaced by the term 'geohazard' which is a broader more encompassing term.

5G. Stormwater and Runoff Effects

- 5.61 The generation of stormwater from the development of the site and the potential adverse downstream effects was a concern expressed by several submitters⁴⁴. In particular, there was concern that the runoff into the gullies and stream would cause erosion and flooding risks, and damage stream ecology. There was also concern the current stormwater infrastructure was not adequate to meet the additional demand created by the development of the land.
- 5.62 The Infrastructure Report prepared by Cuttriss Consultant for the Plan Change Request addressed stormwater management. The report recommended that the most practical solution to stormwater discharge is likely to be via controlled discharges to gullies which will need appropriate engineering design, and that stormwater neutrality would be required, and Stormwater Management Plan would be part of any resource consent application for the subdivision of the site. In addition, construction earthworks will need to be subject to a Sediment and Erosion Management Plan.
- 5.63 Mr Ryan Rose was engaged by the Council to provide independent advice on the infrastructure effects of the Plan Change, including stormwater management. He advised that stormwater disposal to gullies with suitable levels of attenuation is a widely accepted stormwater disposal technique and, if managed correctly, will have minimal effects to the surrounding areas. Mr Rose considered that there are no obvious stormwater issues that would preclude the Plan Change and the ongoing residential use of the land from proceeding.
- 5.64 One of the proposed information requirements is for the provision of a Stormwater Management Plan to address the ongoing stormwater runoff from the site and outline the proposed provision of stormwater control and disposal and any measures proposed to manage and treat stormwater. In addition, the assessment of any subdivision proposal will include the extent of compliance with the Wellington Water Regional Standard for Water Services December 2021, which includes stormwater management.
- 5.65 In regard to the potential for sediment runoff, the proposed provisions include a requirement for sediment and erosion risks to be addressed through a Stormwater Management Plan. Furthermore, any earthworks will need to address sediment and erosion controls under both the City's District Plan and the Wellington Natural Resources Plan.

⁴⁴ Submissions DPC58/001, DPC58/003, DPC58/004

- 5.66 We are satisfied that the development of the site can be managed to avoid adverse effects from sediment and stormwater runoff on downstream ecology and properties.
- 5.67 We also find that, with adherence to the existing requirements regarding stormwater, any potential adverse effects on flooding and erosion risks can be adequately mitigated.

5H. Cultural Effects

- 5.68 The District Plan does not identify any sites of cultural significance in the area subject to this Plan Change.
- 5.69 The Requester sought the input of Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira, Te Rūnanganui o Te Āti Awa ki te Upoko o Te Ika a Māui and Wellington Tenth Trust and Palmerston North Māori Reserve Trust. Te Rūnanga O Toa Rangatira provided pre-lodgement comments, but no submissions were lodged by any of the iwi that were served notice of the Plan Change.
- 5.70 A further submission was lodged (by Cosmic Kaitiaki of Native Realms Foundation⁴⁵) in relation to four of the submissions. The submission stated that they have an interest greater than the interest of the general public, and that “as mokopuna of Te Tiriti o Waitangi, Article 2 – to assert tino rangatiratanga over our lands, whenua, villages and taonga”. While the submitter requested to be heard they did not appear before the Hearing.
- 5.71 In support of Taitā College’s submission, Mr Hirini referred to the important cultural values of the local streams and the regenerating forests which the College has invested considerable energy to restore, providing valuable learning experiences for the students.
- 5.72 Overall, we find no evidence that the proposal Plan Change would adversely affect any cultural values.

6 STATUTORY EVALUATION

6A. National Statutory Documents

RMA – Part 2

- 6.1 Part 2 (sections 5-8) of the RMA states the purpose and principles of the Act. Part 2 is overarching, and the assessments required under other sections of the Act are subject to it. In order to recommend PC58 is adopted, the Panel must be able to conclude that the Plan Change will promote the sustainable management of natural and physical resources (purpose of s5 of the Act). The operative District Plan was developed under this same RMA framework, and Council is required to ensure all proposed changes to the Plan will also result in outcomes which meet this purpose.
- 6.2 We discuss our findings in more detail in the following section. However, in summary, we find that PC58 will appropriately provide for residential development on suitable land which is not prone to flooding or other natural hazards, and which can be fully serviced, and well

⁴⁵ DPC/008

connected with an existing community (Stokes Valley). The indigenous biodiversity values of the site along the steeper sides of the ridge, the headwaters of many streams, will be protected, with opportunities for enhancement and restoration through the Plan Change. There will be economic and employment benefits arising from the construction of residential buildings and associated infrastructure, and future residents will contribute to the vibrancy of the local community. Greenfield residential land in Lower Hutt is scarce, and PC58 will enable up to approximately 200 new households to be established. Therefore, we find that PC58 will promote the sustainable management of a scarce land resource and promote the wellbeing of people and communities with Hutt City.

6.3 S6 sets out a number of matters of national importance to be recognised and provided for. Of these, we consider that the following are relevant:

- a) *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:*
- c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga:*
- h) *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.*

6.4 The site is not within or adjacent to a coastal environment. While the site does not contain wetlands, lakes or rivers, it does contain the headwaters of a number of small streams that feed into either the Stokes Valley catchment or into the Taitā Stream. Aside from protecting the vegetation on the steeper slopes, the proposed management framework would require the use of stormwater treatment and discharge control systems to avoid adverse downstream effects. We are satisfied that the natural character of these headwaters would be maintained and would be consistent with S6(a) RMA.

6.5 The site contains a mix of vegetation, exotic and indigenous, with a range of values. PC58 would establish a management framework for assessing these values and identifying ways to manage these values, including protection of significant indigenous biodiversity values. We are satisfied that the Plan Change is not inconsistent with S6(c) RMA.

6.6 The relationship of Māori with the area has been acknowledged through consultation by the applicant with Te Runanga O Toa Rangatira Inc, Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, and Te Rūnanganui o Te Ati ki Te Upoko o Te Ika. No concerns were raised about the proposal by these Iwi entities. We are satisfied the Plan Change is consistent with S6(e) RMA.

6.7 The site is not subject to any natural hazards risks in the District Plan. Geotechnical surveys of the site indicate that the proposed Development Area within the site is suitable for residential subject to appropriate earthworks management. We are satisfied the Plan Change is consistent with S6(h) RMA.

6.8 S7 sets out other matters that must be had particular regard to. Of these, we consider the following are relevant:

- a) *the efficient use and development of natural and physical resources;*
- b) *the maintenance and enhancement of amenity values;*
- c) *maintenance and enhancement of the quality of the environment; and*
- d) *any finite characteristics of natural and physical resources.*

6.9 We find that PC58 is consistent with this s7 as any future development will be required to comply with the Medium Density Residential Activity Area objectives, policies, rules, and standards in the Plan. These provisions are designed to develop and maintain an appropriate level of residential amenity. PC58 will provide for an efficient use and development of a scarce land resource available for urban development.

6.10 S8 requires the Council to take into account the principles of the Treaty of Waitangi. We note that Te Rūnanga o Toa Rangatira, Te Rūnanganui o Te Ātiawa ki te Upoko o Te Ika a Māui, the Port Nicholson Block Settlement Trust, the Wellington Tenths Trust and the Palmerston North Māori Reserve Trust were consulted by the Requester prior to the request being accepted by Council.

National Policy Statements

6.11 We concur with the Council's consultant planner that the following National Policy Statements are relevant to PC58:

- National Policy Statement on Urban Development 2020 (NPS-UD)
- National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), and
- National Policy Statement for Freshwater Management 2020 (NPS-FM).

6.12 The consistency of the proposed Plan Change with these national planning instruments was comprehensively addressed in the s32 evaluation of the Plan Change, and independently assessed as part of the Council's s42A evaluation. We agree with and adopt the evaluation and the findings of these assessments, and therefore do not intend to assess the consistency of the Plan Change with these instruments in great detail, but rather provide a summation of our evaluation and findings.

National Policy Statement for Urban Development 2020

6.13 The NPS-UD identifies Lower Hutt City as being a Tier 1 Urban Environment, a high growth urban area. Such authorities are required to provide sufficient development capacity to meet the demand for housing in the short, medium, and long term as well as enabling well-functioning urban environments. The NPS-UD requires councils to appropriately plan for growth and ensure a well-functioning urban environment for all people, communities, and future generations. District Plans must make room for growth both 'up' and 'out' and should not unnecessarily constrain growth.

6.14 Policy 1 of the NPS-UD is of particular relevance to PC58 as it requires Councils to appropriately plan for growth and ensure well-functioning urban environments are developed. It defines a well-functioning urban environment:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) *have or enable a variety of homes that:

 - i. *meet the needs, in terms of type, price, and location, of different households; and*
 - ii. *enable Māori to express their cultural traditions and norms; and**
- b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e) *support reductions in greenhouse gas emissions; and*
- f) *are resilient to the likely current and future effects of climate change.*⁴⁶

6.15 PC58 is a land zoning request, not an actual application for a subdivision or any form of land development. The planning decision to be made is whether the rezoning is consistent with this Policy. In terms of Policy 1 above, we find that PC58 would enable a well-functioning urban environment to be created.

6.16 Policies 2 and 7 are also considered relevant as they specify that Tier 1 (and 2) local authorities need to provide at least sufficient development capacity to meet expected demand for housing, and to set housing bottom lines in District Plans. We find that PC58 will assist HCC in meeting expected demand for housing, aligning with the City's Urban Growth Strategy which identified the feasibility of development at this site as one of the steps in progressing growth in the City⁴⁷.

6.17 We would record that it is important to recognise that the site is not strictly a 'greenfields site' in that, to a large degree, it is proposing to upzone an existing urban zoning, Hill Residential Activity Area, to Medium Density Residential Activity Area, rather than rezone a rural site. That part of the site currently zoned General Recreation, while part of the proposed rezoning to Medium Density Residential, is not anticipated to be developed. Thus, the Plan Change is primarily a question of enabling urban development through intensification rather than greenfields expansion.

6.18 Policy 8 of the NPS-UD is also relevant to PC58. It states that:

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

- a) *unanticipated by RMA planning documents; or*

⁴⁶ S2.2, NPS-UD 2020 – Policy 1

⁴⁷ Hutt City Urban Growth Strategy 2012-32, at page 11

b) out-of-sequence with planned land release.⁴⁸

- 6.19 We find that the proposal will add to the development capacity of Hutt City. It relates to land that, whilst zoned as Hill Residential, the proposed rezoning would be classified as ‘unanticipated’ in that a change to a Medium Density Residential zoning would significantly increase the density of development that could occur on the site. Subject to the resolution over the long-term supply of potable water, the site can be serviced by the necessary infrastructure.
- 6.20 Overall, we find PC58 is consistent with the NPS-UD because it would provide for additional urban development capacity that would create a well-functioning urban environment.

National Policy Statement for Indigenous Biodiversity 2023

- 6.21 The NPS-IB took effect on 4 August 2023. Its purpose is to provide direction to Councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB puts a strong focus on the involvement of tangata whenua as partners and on the engagement with people and communities, including landowners.
- 6.22 The NPS-IB requires territorial local authorities to identify SNAs using prescribed criteria and include these in District Plans. This criterion has recently been introduced into the Wellington Regional Policy Statement (through Proposed RPS Change 1, now in the appeal period). However, as Mr Kellow identified, HCC has not worked through this process yet.
- 6.23 Mr Kellow considered the definition of SNA in the NPS-IB to be a relevant factor for PC58 because there is a ‘Significant Natural Resource’ (SNR 50) overlay covering approximately 75% of the site. In his opinion, the SNR meets the definition of SNA because HCC has not had an ecologist assess and make a determination whether the site is a SNA or not.⁴⁹ We agree with this interpretation.
- 6.24 Ms Tessendorf did not agree. She considered that while the District Plan contains overlays and descriptions of SNR, the relevant rules do not apply to private properties as a result of related Environment Court decisions in 2004 and 2005. In her opinion “under the newly released NPS-IB the factually invalid SNR areas are now interpreted as being SNA by definition. I consider this to be an unintended outcome ...”⁵⁰
- 6.25 Mr Kellow listed the most relevant NPS-IB policies as being Policies 3-8, 10, 13 and 14. We agree that these policies apply.
- 6.26 In regard to the direction provided in the NPS-IB, Mr Kellow considered that clause 3.10 of the NPS-IB would have to be taken into account when a subdivision application is lodged for a proposal on this site unless HCC has completed the SNA identification process and determined that the site does not meet the SNA criteria. In summary, clause 3.10 sets out matters that must be avoided and sets out other matters that are to be managed by applying the effects management hierarchy. Mr Kellow also identified clause 3.16 NPS-IB which requires any significant adverse effects on indigenous biodiversity outside of a SNA to be managed by applying the effects management hierarchy.

⁴⁸ S2.2, NPS-UD 2020 – Policy 8

⁴⁹ S42A Report at paragraphs 75-77

⁵⁰ Ms Corinna Tessendorf EIC para 52

6.27 As a result of Ms Tessendorf's opinion that the SNR is not an SNA, she did not agree that clause 3.10 is relevant.

6.28 We agree with Mr Kellow's assessment that SNRs have to be considered, on a transitional basis, as SNAs, given the definition in the NPS-IB, which is (our emphasis):

any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

6.29 Thus, we find that SNR 50 must be regarded as a SNA for the purpose of the NPS-IB, notwithstanding its limitations. However, taking into consideration the proposed provisions and their amendments which have been discussed in detail above within the assessment of effects on indigenous biodiversity, we consider that the proposal will be consistent with the NPS-IB. PC58 sets out an appropriately robust framework, directed by a site-specific policy, to require a comprehensive pre-development Ecological Plan that would identify the significance of the indigenous biodiversity within the site, and then require measures for avoiding or managing the effects of subdivision and development on indigenous biodiversity.

National Policy Statement for Freshwater Management 2020

6.30 The National Policy Statement of Freshwater Management (NPS-FM) sets out the overarching objective and policies for the management of freshwater under the RMA. The NPS-FM manages freshwater in a way that seeks to give effect to the concept of Te Mana o te Wai, improve degraded water bodies and maintain or enhance all others. The NPS-FM contains one objective which prioritises the health and well-being of water bodies and freshwater ecosystems.

6.31 The onus for implementing the NPS-FM is on regional councils, and changes to the Wellington Regional Policy Statement and Wellington Natural Resources Plan are in progress, with decisions on the WRPS now in the appeal period, and changes to the WNRP yet to be heard.

6.32 The NPS-FM is relevant to the Plan Change through the stormwater run-off generated by the site which will eventually be discharged to the Hutt River via all of the tributary streams that have headwaters in the site of the proposed Plan Change. The potential for adverse effects on these streams were identified by submitters as a matter of concern. The Plan Change responds to this by including a requirement for a stormwater management plan and including stormwater management as a matter of discretion. We are satisfied that these measures, together with the protection of the regenerating vegetation on the site's steep slopes that feed into the headwaters, would protect freshwater values.

6.33 Overall, we find the proposed Plan Change will give effect to the NPS-FM.

National Planning Standards

6.34 Under s74(1)(ea) RMA, Council must prepare and change the District Plan in accordance with the National Planning Standards. The first national planning standards came into effect in 2019. The operative District Plan has not yet been reformatted in line with the National

Planning Standards. The Plan Change is framed to be consistent with the operative District Plan, and thus is not consistent with the National Planning Standards. As PC58 is a proposed change to the Operative District Plan, it does not need to implement the National Planning Standards.

- 6.35 The Operative District Plan is currently under a full review, which is expected to result in a Proposed District Plan being notified in late 2024, formatted in accordance with the National Planning Standards. If PC58 is confirmed, it is expected that it will need to be recast in accordance with the National Planning Standards.

6B. Regional Statutory Documents

Wellington Regional Policy Statement

- 6.36 A District Plan must give effect to any Regional Policy Statement. The RPS for the Wellington Region (WRPS) became operative on 24 April 2013 and postdates the operative District Plan. The s32 evaluation report prepared in support of PC58 provided a comprehensive analysis of the consistency of the Plan Change with the relevant RPS provisions.⁵¹ We note the Council's reporting planner undertook his own analysis of the WRPS and was in general agreement with the conclusions of the s32 analysis.⁵² We concur with and adopt both their evaluations, finding that the Plan Change is generally consistent with the relevant objectives and policies of the WRPS.
- 6.37 Change 1 to the operative WRPS was going through the submission and hearing process when the Plan Change Request and subsequent Plan Change was undertaken. Decisions on Change 1, which include a large number of amendments to the WRPS, were released not long after the hearing on PC58 finished. While the appeal period has yet to close and therefore full weight cannot be given to the changes proposed, we did seek a response from the Requester's planner and Council planner on the implications of the amendments to the WRPS for PC58. This response was circulated on 8 October 2024.
- 6.38 In general terms, many of the changes in policies will require an all-of-District Plan response to ensure a consistent and integrated approach is taken rather than seeking to implement the RPS policies on a piecemeal basis.
- 6.39 We find that PC58 will give effect to the relevant objectives and policies of the RPS as it seeks to provide for residential development within an existing urban environment. The subject land is located in close proximity to community facilities and transport networks.
- 6.40 Regarding biodiversity values, in 2018, HCC decided not to advance Plan Change 46 which dealt with ecosites and landscape areas and opted instead to use non-regulatory methods. As Mr Kellow pointed out, despite this decision, the RPS objectives and policies in relation to significant biodiversity values still need to be considered for this proposal.
- 6.41 In that respect, Mr Kellow identified that there are aspects of the WRPS which are in the form of regulatory direction to the Council to include specific provisions in the District Plan (for example, in RPS Policies 1, 23 and 24) and there are other aspects of the RPS to be

⁵¹ Pages 16, 17 S42A Report

⁵² S42A report, at paragraph 145

considered in the interim period when a Plan Change is being determined (for example in WRPS Policy 47).

- 6.42 The Applicant's ecologist and the Council's ecologist were generally in agreement that the ecology within the application site met the criteria set out in Policy 23 and, as Mr Kellow pointed out, the proposed Matters of Discretion in relation to ecology are broadly stated and do not constrain the assessment to matters narrower than Policy 47.
- 6.43 We consider that the approach taken in the private plan change in regard to indigenous biodiversity is acceptable and not contrary to the WRPS.

Operative and Proposed Regional Plans

- 6.44 When preparing or changing a District Plan, a Council shall also have regard to any relevant proposed or operative regional plan.⁵³ There is only one operative regional plan for the Wellington region, the Wellington Natural Resources Plan (WNRP). Both the s32 and s42A reports outlined the relevant provisions of the WNRP for PC58, and concluded that the Plan change is not inconsistent with the Plan⁵⁴.
- 6.45 For PC58, the main potential crossover between the function of HCC and GWRC relates to stormwater management and natural hazards. The proposed provisions of PC58 will require that stormwater management issues are fully addressed at the time of development through the preparation and implementation of a site-wide Stormwater Management Plan, which will need to take into account the requirements of the WNRP as they apply at that time of any application. There is also a proposed requirement for a full geotechnical assessment prior to development.
- 6.46 There is no apparent inconsistency between PC58 and the provisions of the WNRP. Any consenting requirements under the WNRP will be the responsibility of the applicant to address at the time of subdivision and development.
- 6.47 The WNRP is subject to proposed Change 1, which will introduce many changes to the current provisions. Decisions on submissions to WNRP Change 1 were released subsequently to the Hearing on PC58. At this point, it is not known how many of the decisions will be appealed and therefore be subject to further change. Accordingly, the objectives and policies should in our view be given limited weight.

6C. District Statutory Documents

Operative District Plan

- 6.48 PC58 proposes to rezone the site from General Recreation and Hill Residential to Medium Density Residential. We reiterate PC58 proposes no changes to the objectives, policies, rules or standards of the MDRAA. The existing objectives and policies of the Operative District Plan relating to the MDRAA are therefore relevant, as are the relevant objectives and policies of the Earthworks and Transport chapters.

⁵³ S74(2)(b)(ii), RMA

⁵⁴ S42A report, at paragraph 180, and s32 report, at paragraph

6.49 We concur with the reporting planner's summary of the relevant ODP provisions and reproduce it here for completeness⁵⁵:

Medium Density Residential Activity Area

- *There is a well-functioning urban environment;*
- *Residential activities are the dominant activity in the zone;*
- *A variety of housing types and sizes are provided for;*
- *Recognition of the planned character is defined by enabling three storeys;*
- *Built development is of high quality; and*
- *Built development is adequately serviced.*

Subdivision

- *Ensure land which is subdivided can be used for proposed use or development;*
- *Utilities provided to service the subdivision protect the environment; and*
- *Land subject to natural hazards is subdivided in a manner that the adverse effects are managed and does not increase the risk from natural hazards.*

Transport

- *The transport network is integrated with land-use patterns, and facilitates and enables urban growth;*
- *Adverse effects from the transport network on the adjacent environment are managed; and*
- *The transport network is safe and efficient and provides for all transport modes.*

Earthworks

- *Earthworks maintain natural features, and do not adversely affect visual amenity, cultural or historical site values.*

6.50 Both the s32 and s42A reports contained a summary of the relevant Objectives and Policies⁵⁶. The s42A report endorses the evaluation and findings of the s32 report. We agree with the assessment in the s32 report⁵⁷ which, in summary, considered that the proposed site-specific provisions assist in meeting the objectives and policies. We consider the existing objectives and policies do not need amending especially in light of the District Plan review that will update the objectives and policies across the District Plan.

6.51 We find, for reasons more fully explained in the following section, that PC58 is appropriate for a Medium Density Residential zoning.

⁵⁵ S42A report, at paragraph 200

⁵⁶ Paragraph 210 of S42A Report - a full list is contained in Appendix 3 to the s42A report

⁵⁷ Through paragraphs 154 – 178

6E. Non-Statutory Documents

- 6.52 Two non-statutory documents were identified by the reporting planner as being relevant to PC58. These are the Urban Growth Strategy 2012-2032 (UGS), and the Environmental Sustainability Strategy 2015-2045 (ESS).

Urban Growth Strategy 2012-2032

- 6.53 We were advised by the Council's consultant planner that the UGS was prepared under the Local Government Act 2002 and reflects the Council's strategy for directing growth and development within the City to 2032. It was adopted by Council in March 2014. The UGS is only given statutory weight through future District Plan changes.
- 6.54 The s42A report provides a good commentary on the UGS⁵⁸. We concur with this commentary, noting that it is intended to achieve the City's growth targets through a mixture of intensification, apartment living and greenfield development. As we noted earlier (at paragraph 6.17), PC58 is not strictly a greenfields rezoning, but is effectively a replacement of a low density residential zoning with a medium density residential zoning, thereby enabling a greater density of residential development when it does occur. We also note that a medium density residential zoning would not require future development to be at the density enabled by that zoning: it could be developed at a much lower density, to meet anticipated housing market demand at that time.

Environmental Sustainability Strategy 2015-2045

- 6.55 This Strategy was prepared to provide guidance for Council decision-making, outlining an increased focus on good environmental management.
- 6.56 Focus Area 3 of the Strategy is Transport. It identified that walking and cycling links can assist in the reduction of emissions, and like the UGS, notes that Council intends to develop comprehensive cycling networks linking key population centres in the city and providing access through the City. Focus Area 4 is concerned with land-use, including housing.
- 6.57 Focus Area 4 acknowledges that all development has an impact on the environment and focuses on urban form and development to minimise environmental effects.
- 6.58 The overall Strategy also states the City's environmental amenity is aided by a range of outdoor public open space, including the river, and acknowledges that they are important for the community's wellbeing, particularly in providing recreational opportunities. Access and proximity to nature is seen as a key element in defining the 'liveability' of the city.
- 6.59 We find that the plan change is not inconsistent with this strategy as the District Plan includes provisions to manage environmental outcomes, and the development of the site would promote proximity to nature and supporting the liveability of the City.

⁵⁸ Paragraphs 185-187, s42A report

7 PROPOSED PLAN CHANGE PROVISIONS

7A. New Policy

- 7.1 During the course of the Hearing, it became clear that some form of overarching policy direction to guide decision-making in the consent process for development proposals on the site should be introduced. While the site is proposed to be brought into the City's Medium Density Residential zoning, development of the site would occur under a site-specific management framework dovetailed into the subdivision provisions. This is an appropriate approach as the subdivision process addresses the requirements for urban development, including earthworks, roading and access, infrastructure and utilities, landscaping, and reserves.
- 7.2 It became apparent, though, that having an explicit policy foundation for a site-specific consenting framework for the Shaftesbury Grove land would facilitate and support the future consenting process under that framework. In particular, it would provide direction to inform the purpose of managing development proposals that affected the 'protection area': that is, for any development that may extend beyond the delineated Development Area, onto the more steeply sided well-vegetated slopes.
- 7.3 This issue arose from the evaluation of this aspect of the proposal by Mr Kellow who recommended, in his s42A report, that any subdivision within the 'protection area' should be a Non-Complying Activity rather than a Discretionary Activity as notified. Mr Kellow considered that, while a Discretionary Activity status allows for a full assessment of effects, it does not restrict development in any meaningful way. Mr Kellow considered that a Non-Complying Activity status would provide more of a signal that development outside of the Development Area is not encouraged or anticipated⁵⁹.
- 7.4 In response, it was put to us by Ms Tessendorf that the very nature of the steeply sided slopes of the site, which are areas of higher sensitivity and significance, would inhibit the development of these parts of the site, and that any future subdivision and development would face significant challenges from both a consenting perspective (for example, under the policies of the WNRP and the NPS-IB) and a feasibility perspective (for example, potentially prohibitive costs for extensive earthworks for a comparatively low yield)⁶⁰.
- 7.5 Ms Tessendorf considered that discretionary activity status provided a balanced approach, together with the other limitations and restrictions that would be imposed on any development proposal outside the identified Development Area.
- 7.6 Ms Tessendorf then advised us that some flexibility was required to achieve the best subdivision design that could take into account site specific features and characteristics. She stated that the purpose of providing a consent process for development inside the 'protected area' was to allow some flexibility:

The discretionary activity status allows for the assessment of all adverse effects of a proposal while also providing some flexibility. Especially along the boundary of

⁵⁹ At paragraph 177

⁶⁰ At paragraph 304

*the Development Area there may be small areas of earthworks or minor structures required and the effects can be managed*⁶¹.

- 7.7 Following this clarification, we queried whether the Plan Change contained sufficiently explicit direction about this intention for future decision-making. In response to the Panel's questions, following the hearing, Ms Tessendorf recommended a new policy, which was supported by the Council's reporting planner, to be added to the two existing subdivision related policies under *Issue 11.1.4, Special Areas*⁶². This issue relates to the "subdivision of land in the coastal environment and in areas of ecological and historic heritage value can have adverse effects that need to be controlled", which has two objectives, one being "to ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision"⁶³.
- 7.8 It was recommended that the new policy read as follows (red underlined text):

Policy

- a. *To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.*
- b. *Protect the historic heritage values of heritage items and in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts by managing density of development enabled by subdivision of land.*
- c. *In addition to (a) above, subdivision of the land identified in Appendix Subdivision 10 is managed as follows:*
 - i. *Require the identification of all earthworks, building platforms, roads, accesses and utility structures at the time of subdivision;*
 - ii. *Provide for the subdivision of land where all earthworks, building platforms, roads, accesses and utility structures are located within the Development Area identified in Appendix Subdivision 10;*
 - iii. *Only allow for the subdivision of land that enables earthworks, building platforms, roads, accesses and utility structures located outside the Development Area identified in Appendix Subdivision 10 where the activities or structures are required to support or enable development within the Development Area and to provide additional flexibility along the boundary of the Development Area.*⁶⁴

- 7.9 As we noted in Minute #5, while this appears to be appropriate for such a policy, given the accepted ecological values within the site, we questioned whether the level of detail in recommended policy (c) is appropriate relative to the other two policies. In particular, there

⁶¹ Evidence-in-Chief of Corinna Tessendorf, at paragraph 306

⁶² Written Reply #1, at paragraph 3

⁶³ The second objective relates to historic heritage values

⁶⁴ The words "In addition to (a) above" at the beginning of (c) were recommended to be added through the second written Reply, following further questions from the Panel, to clarify that Policy 11.1.4(a) should also apply to 12 Shaftesbury Grove

- is neither an overall outcome expressed nor the need to identify and protect the significant ecological values of the land.
- 7.10 In response, Ms Tessendorf considered that the level of detail of the proposed policy was appropriate, with the intention of the policy being to clarify the intentions for the subdivision and development of the site especially in relation to portions within or outside the identified Development Area. She stated that the policy was not intended to specifically address or be limited to the identification and protection of significant ecological values of the site.⁶⁵
- 7.11 With respect we disagree. The objective which this policy is intended to achieve is to ensure that land in the coastal environment, areas adjoining lakes and rivers and other environmentally sensitive areas are protected from inappropriate subdivision. We consider the recommended wording of Policy (c) would not sufficiently or succinctly describe the management approach being applied to the site, containing unnecessary detail and repetition, and some internal contradiction⁶⁶. Further, when the Subdivision Chapter is read as a whole, we consider it is sufficiently well understood that the subdivision process includes earthworks, building platforms, road and utilities without the need to specify these activities within this policy. These matters are better addressed through the information requirements.
- 7.12 In addition, we agree with the comments of Mr Kellow that Policy 11.1.4(a) would set a very high bar for a subdivision to occur on the subject site and would be inconsistent with the NPS-IB which envisages that some adverse effects may be allowed subject to the effects' management hierarchy⁶⁷. For that reason, we conclude that a cross-reference to Policy 11.1.4(a) would not assist in the implementation of PC58.
- 7.13 We prefer the following wording:
- c. To enable urban development through the subdivision of land identified in Appendix Subdivision 10 in a manner that protects the land's significant ecological values by:*
 - i. Providing for the subdivision of land within the identified Development Area;*
 - ii. Only allow for the subdivision of land outside the identified Development Area where the subdivision is required to support or enable development within the Development Area, and the land's significant ecological values are maintained or enhanced.*
- 7.14 In summary, we find that the proposed policy would be the most appropriate way to achieve the objectives of the District Plan, relative to an absence of any policy direction on the purpose of the site-specific provisions.

⁶⁵ Second written Reply, at paragraph 3

⁶⁶ Under clause (ii) all earthworks, building platforms etc are required to be located within the identified Development Area, while clause (iii) potentially enables earthworks, building platforms etc to be located outside the identified Development Area.

⁶⁷ Second Written Reply, at paragraph 9

7B. Other Provisions

7.15 Through the written replies following the hearing, a large measure of agreement between the planners for the Requester and the Council was reached.

7.16 Through the second written Reply, Mr Kellow recommended including the following to 11.2.3(h)C:

A full ecological assessment of the site that:

1. Identifies indigenous biodiversity values on the site.

2. Identifies the appropriate level of management or avoidance depending on the significance of the indigenous biodiversity.

...

7.17 This was accepted by Ms Tessendorf. We agree with this recommended insertion, as it addresses what we considered to be a gap in the provisions, a clear direction that a full ecological assessment of the site is required to identify the indigenous biodiversity values on the site and the appropriate level of management or avoidance. This information is necessary to provide the basis for the subsequent subdivision and development process.

7.18 Another outstanding question the Panel had following the hearing was in relation to the Landscape Management Plan, which, as notified, had no clear relationship with the Ecological Management Plan. Through Minute #5, we queried whether more explicit direction is required to ensure that the Landscape Management Plan is appropriately integrated with the measures identified in the Ecological Management Plans. In response, Ms Tessendorf considered that all of the information requirements would be prepared in an integrated way and would inform the design and layout of the subdivision⁶⁸. However, to address the question, Ms Tessendorf recommended amending information requirement 11.2.3(h)D, Landscape and Visual, as follows:

A Landscape Management Plan must be prepared by a suitably qualified person taking into consideration the findings of the ecological assessment and management plans required under C. Ecology and providing the following landscaping details: ...

7.19 This recommended amendment was accepted by Mr Kellow.

7.20 We agree with this recommendation. While we accept that a large degree of integration between the various strands of subdivision and development design and planning is likely to occur, we consider it important to highlight the necessity to ensure integration between the landscape and ecological management plans to optimise the benefits that can be achieved through such an integrated approach. However, we consider it important that the recommendations of the ecological assessment and management plans also be taken into account in the development of the Landscape Management Plan.

7.21 In all other respects, we agree with the final recommended wording of the Plan Change, as provided in the second written Reply, dated 8 October 2024.

⁶⁸ Second Written Reply, at paragraph 19

8 OVERALL FINDINGS AND RECOMMENDATIONS

- 8.1 In summary, we find that the proposed plan change is consistent with the purpose and principles of the RMA, and with the objectives and policies of the operative District Plan. In particular, we find that the management framework provided for under PC58 would enable residential urban development in line with the City's Urban Growth Strategy while effectively managing the adverse effects. The proposed zoning would appropriately align with the MDRAA residential zoning that applies to most of Stokes Valley, including the adjoining area to the north of the site. Significant indigenous biodiversity would be protected by avoiding or managing adverse effects from new subdivision and development.
- 8.2 Based on our consideration of all the material before us, including the s42A report from the Council's consultants, the submissions, further submissions, evidence presented at the hearing and other relevant statutory matters, and for the reasons we have set out in sections 3 and 4 above, we recommend to the Council that:
- a) Pursuant to clause 29(4) of Schedule 1, RMA, the Plan Change be approved, subject to the recommended amendments as outlined in Appendix 1 to this report;
 - b) All submissions and the further submissions on the Plan Change be accepted or rejected to the extent that they correspond with our recommendations, as outlined in Appendix 2 to this report; and
 - c) Pursuant to Clause 10 of Schedule 1 of the RMA, Council gives notice of its decision on submissions to PC58.
- 8.3 Although not within the scope of the Plan Change, we separately recommend that the Council proactively works with Wellington Water and the Requester to identify and implement a solution that will unlock the development potential of the site, as well as address the wider water supply issues facing the area.

DATED AT LOWER HUTT THIS 16 DAY OF DECEMBER 2024



Robert Schofield
Panel Chair

APPENDIX 1 – Panel Recommendations on Plan Change 58 Provisions

The following shows the amendments proposed by PC58 as notified and includes any proposed further amendments as recommended by the Hearings Panel.

Plain text is the operative District Plan provisions.

Any amendments proposed by PC58 as notified are shown as black underline.

Any amendments recommended by the Hearing Panel in response to submissions are shown as red underline and ~~red strikethrough~~.

AMENDMENT 1 – REZONING AS NOTIFIED

Rezoning of the site

Rezone the site at 12 Shaftesbury Grove from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area.

AMENDMENT 2 – RECOMMENDED NEW POLICY

Chapter 11 – Subdivision: Add site specific policy

11.1 Issues, Objectives and Policies

11.1.4 Special Areas

Issue

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

Objective 1

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

Objective 2

Historic heritage values of identified heritage precincts and heritage items are protected from inappropriate subdivision.

Policy

- a. To ensure that land in the coastal environment, areas adjoining rivers and lakes and other environmentally sensitive areas are not subdivided to an extent or manner where amenity values, ecological, social, cultural and recreational conditions are adversely affected.
- b. Protect the historic heritage values of heritage items and in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts by managing density of development enabled by subdivision of land.

c. To enable urban development through the subdivision of land identified in Appendix

Subdivision 10 in a manner that protects the land's significant ecological values by:

- i. Providing for the subdivision of land within the identified Development Area;
- ii. Only allow for the subdivision of land outside the identified Development Area where the subdivision is required to support or enable development within the Development Area, and the land's significant ecological values are maintained or enhanced.

AMENDMENT 3 – RECOMMENDED CHANGES

Chapter 11 – Subdivision: Add site specific Restricted Discretionary Activity and Information Requirements

11.2.3 Restricted Discretionary Activities

...

h. Any subdivision of land identified in Appendix Subdivision 10.

In addition to the standard information requirements of s88(3) of the RMA the following information requirements shall also apply.

The following information requirements must be provided by the first application for subdivision under this rule to achieve an integrated design response. They are applicable to any future stages and subsequent subdivision applications.

Where subsequent subdivision applications deviate from the management plans and information previously provided, the appropriate revisions, addendums or further information to the initial management plans and information must be provided.

A. Stormwater

~~The first application for subdivision under this rule must provide a Stormwater Management Plan for the site that is applicable to any future stages and subsequent subdivision applications. The A Stormwater Management Plan must be prepared by a suitably qualified person and covering the following:~~

1. Existing site evaluation
 - Topography
 - Geotechnical and soil conditions
 - Existing stormwater networkExisting hydrological features
 - Stream and river locations
 - Flooding and Flowpaths locations
 - Ecological and environmental areas
2. Development summary and planning context
3. Proposed development including:
 - Location and area
 - Site layout and urban form

- Location and extent of earthworks
- 4. Stormwater management, including:
 - Principles of stormwater management
 - Proposed site-specific stormwater management and treatment
 - Hydraulic connectivity and downstream impacts
 - Asset ownership
 - Ongoing maintenance requirements
 - Implementation of stormwater network

B. Geotechnical

~~The first application for subdivision under this rule must provide a Geotechnical Assessment for the site that is applicable to any future stages and subsequent subdivision applications. The A~~ Geotechnical Assessment must be prepared by a suitably qualified person confirming that:

- The resulting allotments are able to accommodate the intended use and development.
- The risk from any ~~slope instability~~ geohazards can be avoided, remedied or mitigated.
- The subdivision will not increase or accelerate ~~land instability~~ the risk from geohazards on the site or adjoining properties.

C. Ecology

~~The first application for subdivision under this rule must provide an Ecological Plan for the site that is applicable to any future stages and subsequent subdivision applications. The Ecological Plan must be prepared by a suitably qualified person and address the following: A full ecological assessment of the site that:~~

1. Identifies indigenous biodiversity values on the site.
2. Identifies the appropriate level of management or avoidance depending on the significance of the indigenous biodiversity.
3. Provides the required management plans addressing at least the following:
 - 1i. Orchid Management
 - Identify ~~whether there are potential~~ the location of threatened orchids within the Development Area.
 - Set out requirements for the management of threatened orchids, ~~should they be~~ identified on the site.
 - 2ii. Lizard Management Plan
 - Identify areas that require a pre-vegetation clearance monitoring survey of lizards.
 - Document any pre-vegetation clearance monitoring of lizards.
 - Identify suitable lizard relocation areas.

- Set out requirements for any lizard relocation.

3iii. Mānuka Management

- Review the significance and threat status of Mānuka Forest on the site;
- Identify areas of significant Mānuka Forest on the site.

4iv. Vegetation Management

- Identify vegetation protection measures outside the Development Area identified in Appendix Subdivision 10.
- Provide details for weed and pest management on the site.
- Identify ongoing monitoring and maintenance requirements.

v. Falcon Survey

- The requirements for an on-site survey for nesting NZ falcons prior to the start of works if any vegetation clearance or earthworks are scheduled to be undertaken during the falcon nesting season.

D. Landscape and Visual

~~The first application for subdivision under this rule must provide a Landscape Management Plan for the site that is applicable to any future stages and subsequent subdivision applications. The~~ A Landscape Management Plan ~~must be~~ prepared by a suitably qualified person ~~and provide~~ taking into consideration the findings and recommendations of the ecological assessment and management plans required under C. Ecology and providing the following landscaping details:

- Street trees and amenity planting.
- Fencing and planting treatments at the boundary with Fenchurch Grove properties.
- Planting to mitigate earthworks and retaining structures.
- Reserve and open space design including recreation tracks.
- Roads, pedestrian, and cycle linkages within the site and to the wider access network.
- Stormwater design and associated planting.

E. Transport

For any subdivision that exceeds the high trip generator thresholds specified in Appendix Transport 2 an Integrated Transport Assessment prepared by a suitably qualified person.

AMENDMENT 4 – RECOMMENDED CHANGES

Chapter 11 – Subdivision: Add site specific Matters of Discretion

11.2.3.1 Matters in which Council has restricted its discretion

...

(g) Any subdivision of the land identified in Appendix Subdivision 10.

(i) Amenity Values

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which replanting, rehabilitation works or retaining structures are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas or visually dominant retaining structures when viewed from adjoining properties or public areas, including roads.

Any measures proposed to mitigate potential adverse landscape and visual effects in accordance with the Landscape Management Plan for the site.

(ii) Existing Natural Features and Topography

The extent to which the proposed earthworks reflect natural landforms and are sympathetic to the natural topography.

Any measures proposed to mitigate potential adverse landscape and visual effects in accordance with the Landscape Management Plan for the site.

(iii) Historical or Cultural Significance

The extent to which the proposed earthworks will affect adversely land and features which have historical and cultural significance.

(iv) Construction Effects

The management of construction effects, including traffic movements and hours of operation.

The extent to which proposed earthworks have adverse short term and temporary effects on the local environment.

(v) Engineering Requirements

The extent of compliance with NZS 4431:2022 (Engineered Fill Construction for Lightweight Structures).

The extent of compliance with NZS 4404:2010 (Land Development and Subdivision Infrastructure).

(vi) Erosion and Sediment Management

The extent of compliance with the “Erosion and Sediment Control Guidelines for the Wellington Region 2002” and “Small Earthworks – Erosion and Sediment Control for small sites” by Greater Wellington Regional Council.

(vii) Design and Layout

The design and layout of the subdivision, including the size, shape and position of any lot, any roads or the diversion or alteration to any existing roads, access, passing bays, parking and manoeuvring standards, and any necessary easements.

Any measures proposed to mitigate potential adverse effects of subdivision, earthworks

and development upon the steeper hillsides, gullies, and streams outside the identified Development Area.

(viii) Utilities Servicing ~~and Access~~

The provision of utilities servicing, including street lighting, telecommunications, gas and electricity.

~~The provision of vehicular, pedestrian and cycle access via public roads, footpaths and cycleways and the provision of private accesses.~~

(ix) Transport

~~The provision of vehicular, pedestrian and cycle access via public roads, footpaths and cycleways and the provision of private accesses.~~

~~In addition, for subdivisions that exceeds the high trip generator thresholds specified in Appendix Transport 2 the effects of the activity on the transport network including impacts on on-street parking.~~

(x) Stormwater Management

The provision of stormwater control and disposal and any measures proposed to manage and treat stormwater in accordance with the Stormwater Management Plan for the site.

The extent of compliance with the Wellington Water Regional Standard for Water Services December 2021.

(xi) Wastewater

The provision of wastewater systems and any measures proposed to utilise off-peak network capacity through on-site storage and timed wastewater release.

The extent of compliance with the Wellington Water Regional Standard for Water Services December 2021.

(xii) Water Supply

The provision of a reticulated water supply network and any measures proposed to achieve an adequate domestic and fire-fighting water supply.

The extent of compliance with the Wellington Water Regional Standard for Water Services December 2021.

(xiii) Natural Hazards

The avoidance or mitigation of natural hazard risks

(xiv) Regionally Significant Network Utilities

The design and layout of the subdivision where any lot may affect the safe and effective operation and maintenance of and access to regionally significant network utilities (excluding the National Grid) located on or in proximity to the site.

The outcome of consultation with the owner and operator of regionally significant

network utilities (excluding the National Grid) located on or in proximity to the site.

(xiv) Geotechnical

Any measures proposed to provide appropriate foundations for future buildings within the subdivision and to manage the risk from ~~slope instability geohazards~~ on the site and on adjoining properties from any earthworks or site development works, in accordance with the Geotechnical Assessment for the site.

(xvi) Ecology

Any measures proposed to ~~avoid or~~ manage adverse effects on ~~significant~~ indigenous biodiversity ~~values~~ on the site ~~in accordance with the Ecological Plan for the site.~~

- ~~— The application of the effects management hierarchy as follows:~~
- ~~— Avoid adverse effects on significant indigenous biodiversity where practicable;~~
- ~~— Minimise other adverse effects on significant indigenous biodiversity where avoidance is not practicable;~~
- ~~— Remedy other adverse effects where they cannot be avoided or minimised;~~
- ~~— Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied; and~~
- ~~— Only consider biodiversity compensation after first considering biodiversity offsetting.~~

(xvii) Other Matters

Those matters described in S108 and 220 of the Resource Management Act 1991.

AMENDMENT 5 – RECOMMENDED CHANGES

Chapter 11 – Subdivision: Add site specific Standards and Terms

11.2.3.2 Standards and Terms

...

b. Any subdivision of land identified in Appendix Subdivision 10

i. Development Areas

All earthworks, building platforms, roads, private accesses, and utility structures must be ~~identified and~~ located within the Development Area identified in Appendix Subdivision 10.

AMENDMENT 6 – RECOMMENDED CHANGES

Chapter 11 – Subdivision: Add site specific Discretionary Activity

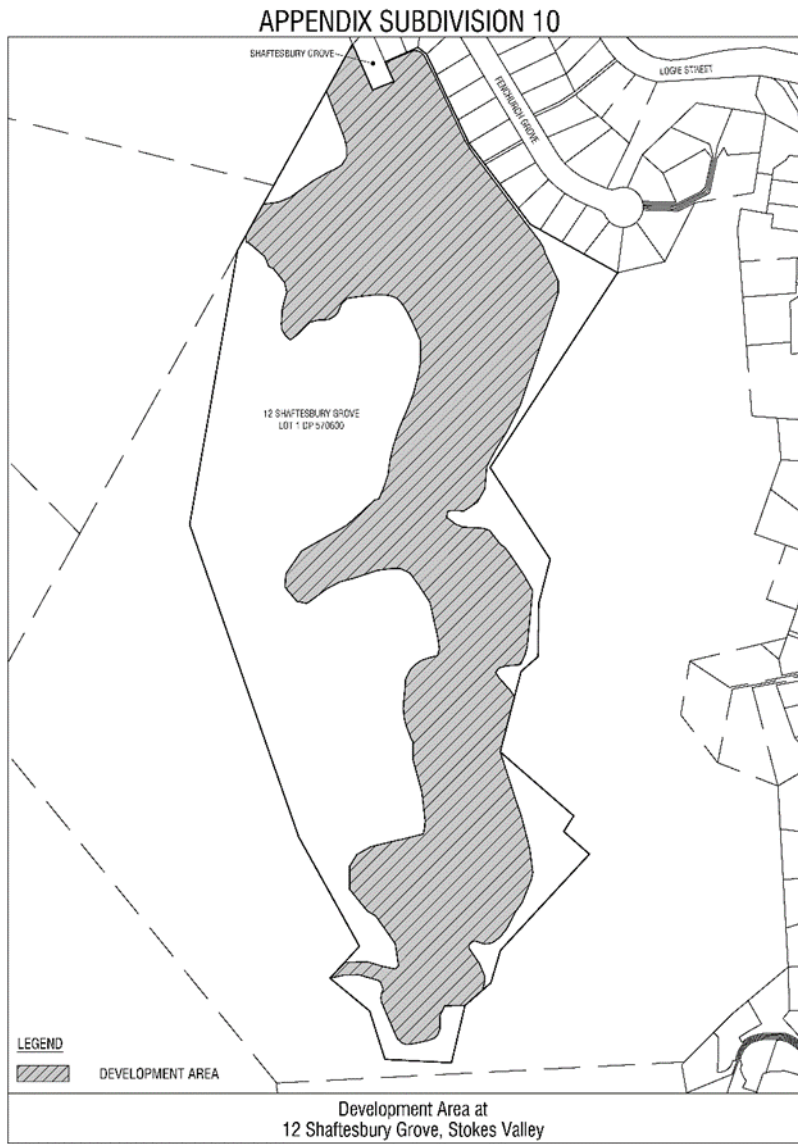
11.2.4 Discretionary Activities

...

- (o) Any subdivision of land identified in Appendix Subdivision 10 that does not comply with the Standards and Terms in 11.2.3.2 (b)(i)(~~4~~).

AMENDMENT 7

Chapter 11 – Subdivision: Add new Appendix Subdivision 10



APPENDIX 2 – Panel Recommendations on Submissions and Further Submissions

DPC58/001 Taitā College					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
1.1	General	Oppose	The submitter opposes the proposal and seeks that the Council engages with all people impacted by the proposal.	The submitter comments on: <ul style="list-style-type: none"> - Site stability - Flora and fauna - Significance to Māori - Rubbish and waste - Access to school land, and - Three waters infrastructure. Further detail is provided below.	Reject – see below.
1.2	Site stability	Oppose		<ul style="list-style-type: none"> - The site is steep, and development could create slips that would impact upon the adjacent school land. - The submitter does not have confidence that the geotechnical and engineering requirements will be adequate to avoid site stability issues that are present in the Stokes valley area. - Erosion and sedimentation already occur in the area. - The school site has had sediment deposited at the back of the school. 	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.

DPC58/002 Greater Wellington Regional Council					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
2.1	General	Not stated	That the Plan Change does not proceed.	The submitter states that they do not consider the Plan Change necessary at this time. Reasons given relate to: <ul style="list-style-type: none"> - Risk of indigenous biodiversity loss, with reference to the Regional Policy Statement and the National Policy Statement for Indigenous Biodiversity, - Existing development 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Plan Change provisions to more effectively address this matter.

DPC58/002 Greater Wellington Regional Council					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
				capacity, and - Proposed Change 1 to the Natural Resources Plan.	
2.2	Natural and geotechnical hazards	Amend	That the geotechnical recommendations in the Torlesse Report are followed.	To manage appropriately manage risks from natural and geotechnical hazards, the recommendations in the Torlesse Consulting Assessment (attached to the proposed Plan Change) should be followed.	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately. The recommendations in the Torlesse report are the type of recommendation that would be made in the Geotechnical Assessment that must be submitted with subdivision application and the recommendations in that assessment will be taken into account.
2.3	Building platforms	Amend	Building platforms are sited on the low to moderate aspects of lots less than 26 degrees.	The submitter notes that the Development Area in proposed Appendix Subdivision 10 is mainly along the ridge.	Reject – Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately. No changes to the proposed provisions are recommended.
2.4	Public and active transport	Amend	Provision for safe, accessible active transport links through and out of the development.	That public and active transport links are made to be convenient and accessible alternatives for residents.	Reject – The Transport Chapter of the District Plan manages these effects.
2.5	Regional Policy Statement	Amend	Application of techniques to recognise impacts of development, including: <ul style="list-style-type: none"> - Water sensitive design - Management of downstream effects - Minimisation of contaminants - Maintenance of habitat corridors - Buffering - Habitat provision for core species, and - Application of the effects management 	Proposed Regional Policy Statement Change 1 and the operative Regional Policy Statement contain direction to mitigate adverse effects on biodiversity, terrestrial and freshwater including impacts beyond the site and the use of the precautionary approach	Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Plan Change provisions to more effectively address this matter.

DPC58/002 Greater Wellington Regional Council					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
			hierarchy.		
2.6	Geotechnical assessment	Support	Retain as notified	Supports the requirement for a geotechnical assessment to address potential slope stability issues and considers it appropriate that it is prepared by a suitably qualified expert.	Accept

DPC58/003 Graeme Adrian					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
3.1	Water supply	Oppose	Construction of a new water reservoir is to service the Plan Change area and address existing water supply issues in the wider catchment.	<ul style="list-style-type: none"> - The water supply would not meet current water supply standards. - Residential properties in the surrounding areas have levels of service that do not meet current standards. - A new reservoir could service the Plan Change site and address existing water supply issues in the wider catchment. - There is a suitable site for a reservoir on Hutt City Council land (from the Infrastructure Report, Appendix 2 of the Plan Change request). 	Reject – A Consent Notice already requires water supply to be provided that meets the relevant standards. In addition, a Matter of Discretion provides for the provision of a water supply to be considered at the resource consenting stage.

DPC58/004 Ashley Keown					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
4.1	Stormwater	Oppose	Do not approve without requiring a detailed plan to appropriately manage stormwater to protect the natural environment.	<ul style="list-style-type: none"> - Current stormwater infrastructure is not adequate to meet demand from any proposed development of the site. - The proposal to discharge to gullies lacks detail regarding effects on environmental health, erosion and flood risk. 	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed appropriately.

4.2	Transport	Oppose	Do not approve without an alternate access into Stokes Valley to avoid increasing traffic via Holborn Drive and Logie Street.	<ul style="list-style-type: none"> - The evaluation only considers access from Shaftsbury Grove and does not consider access to Stokes Valley and Hutt Valley. - Holborn Drive and Logie St are narrow and have had accidents occur on them. Increasing traffic volume would increase the risk of injury and accidents. - The single access into Stokes Valley is vulnerable. - Disruption on Eastern Hutt Road has the potential to cut off access to Stokes Valley. - Development would require additional public transport. 	Reject – The transport engineers consider the proposal is acceptable subject to assessment at the consent in stage. Changes are proposed to the Restricted Discretionary provisions.
-----	-----------	--------	---	---	--

DPC58/005 Kathryn Martin					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Panel Recommendation
5.1	Indigenous vegetation	Oppose	Do not approve.	<ul style="list-style-type: none"> - The forest around Stokes Valley should be protected and cherished, noting climate and biodiversity crises. - The site is home of numerous birds, skinks, geckos and insects. - Housing development should focus on walkable, medium density neighbourhoods and not urban sprawl. - Nature provides benefits to humans and communities, including for health and as a carbon sink. 	Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Plan Change provisions to address this matter more effectively.

Further Submissions

DPC58/F001 Charlotte Heather					
Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F001	Submission 1. Site stability	Support	Accept the submission	<ul style="list-style-type: none"> - Management of run-off is required. - Exposure of clay ridges creates the risk of slips and soil run off. 	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.
	Submission 1. Flora and fauna	Support	Accept the submission	<ul style="list-style-type: none"> - Regenerating vegetation could be protected to create corridors for fauna - Damage to valuable areas of bush should prevented. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to more effectively address this matter.
	Submission 2. Impacts of development	Support	Accept the submission	<ul style="list-style-type: none"> - Management of run-off is required - Exposure of clay ridges creates the risk of slips and soil run off. - Geotech assessment needs to be undertaken 	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.
	Submission 4. Stormwater	Support	Accept the submission	<ul style="list-style-type: none"> - Management of run-off is required - Exposure of clay ridges creates the risk of slips and soil run off. 	Reject - Geotechnical assessment is proposed as a Matter of Discretion.
	Submission 5. Indigenous vegetation	Support	Accept the submission	<ul style="list-style-type: none"> - Regenerating vegetation could be protected to create corridors for fauna - Damage to valuable areas of bush should prevented. 	Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the provisions to more effectively address this matter.

DPC58/F002 Kathryn Martin					
Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F002	Submission 1. Erosion and sediment control Cultural significance Ecological significance	Support	Not stated	<ul style="list-style-type: none"> - Substantial risk of further erosion and sedimentation into the catchment area, putting further stress on the ecosystems starting to bounce back, as well as the danger to Taitā College property - Cultural significance to 	Accept in part - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.

				<p>original local hapū</p> <ul style="list-style-type: none"> - The ecological significance of pre-European remnant indigenous forest - threat to revitalization efforts - increase in pollutants and rubbish <p>Note: the submission also provides comment on climate change, freshwater and engagement with tangata whenua with the comments not linked to a submission.</p>	
	Submission 2. Ecological significance Unnecessary rezoning	Support	Not stated	<ul style="list-style-type: none"> - Risk of loss of indigenous biodiversity. - The proposed housing intensification is unnecessary. 	Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the provisions to more effectively address this matter.

DPC58/F003 Wil van't Geloof

Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F003	Not linked to a submission Water supply Traffic Not linked to a submission	Oppose	Not stated	<ul style="list-style-type: none"> - Extra entrance to Stokes Valley - Water pressure is not adequate. 	Reject – The Plan Change is recommended to be approved.

DPC58/F004 Nicholas Dowman

Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F004	Entire Plan Change	Oppose	That the proposal is not allowed.	<ul style="list-style-type: none"> - Infrastructure in Stokes Valley is inadequate. - There is no bus depot in Stokes Valley. - Deforestation is leading to slips. - There are power blackouts in Stokes valley 	Reject – The Plan Change is recommended to be approved.

DPC58/F005 Nico Reason

Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
-----------	----------------------	----------	------------------------	----------------------	------------------------

F005	Entire Plan Change	Oppose	That the proposal is not allowed.	<ul style="list-style-type: none"> - Eastern Hutt Road cannot cater with additional traffic. - Local roads are dangerous. - Limited public transport. - Habitat loss. - Construction noise effects. - Access to Taita College would be more difficult. - Runoff could damage a swamp Taita College has been restoring. 	Reject – The Plan Change is recommended to be approved.
------	--------------------	--------	-----------------------------------	---	---

DPC58/F006 John Hopgood

Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F006	Submission 5. Location Stormwater Natural green space	Supports the submission	Allow the objection	<ul style="list-style-type: none"> - The site is a poor choice for Medium Density housing - Stormwater management is already problematic - Protect green spaces 	<p>Reject – The site is adjacent to Medium Density housing and is Matters of Discretion will control the effects of development. Stormwater management is also proposed as a Matter of Discretion to manage the effects appropriately.</p> <p>Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the provisions to more effectively address this matter.</p>

DPC58/F007 The Friends of Horoeka Scenic Reserve

Sub. Ref.	Submission and topics	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F007	Submissions 001, 002, 005 Biodiversity effects Cultural values	Support the submissions in opposition	Not stated	<ul style="list-style-type: none"> - Oppose loss of biodiversity and habitat - Loss of connectivity - Reduced halo effect by disturbing greenbelt corridors - Adverse edge effects including erosion, runoff, rubbish, adverse impacts from domestic animals and increased access for pests - Lost opportunity of allowing the regeneration to continue - Insufficient recognition of 	<p>Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the provisions to more effectively address this matter.</p> <p>Geotechnical management is proposed as a matter of discretion.</p> <p>No submissions were received from iwi and hapū and the site</p>

				cultural values	is not identified a s significant cultural resource.
	Submission 003 Water supply	Neither support nor oppose 003.	Not stated		Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.
	Submission 004 (reference 4.1)	Support in part	Not stated	- Not stated specifically to stormwater	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.

DPC58/F008 Cosmic Kaitiaki Native Realms Foundation

Sub. Ref.	Submission and topic	Position	Decision/ Relief Sought	Submitter's Comments	Officer Recommendation
F008	Submission 002 Ecology protection provisions	Oppose	Reject the objection	- Submission 002 requests a strengthening of provisions if the Plan Change proceeds. The further submitter contends that provisions should not allow destruction of vegetation.	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the provisions to address this matter more effectively.
	Submission 003 Request to build a reservoir	Oppose	Reject the submission	- A reservoir would require loss of vegetation	Reject - A Consent Notice already requires water supply to be provided that meets the relevant standards.
	Submission 005	Support	Allow the objection	- The submitter fully agrees with 005.	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. more effectively address this matter.