

BEFORE THE INDEPENDENT HEARING PANEL

APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of Private Plan Change 58:
12 Shaftesbury Grove, Stokes
Valley - Rezoning to Medium
Density Residential Activity
Area

STATEMENT OF EVIDENCE OF CORINNA TESSENDORF

ON BEHALF OF M & J WALSH PARTNERSHIP LTD

6 SEPTEMBER 2024

1 INTRODUCTION

- (1) My full name is Corinna Tessendorf.
- (2) I have prepared the private plan change request for the rezoning of the site at 12 Shaftesbury Grove.

1.1 Qualifications and Experience

- (3) I am a Principal Planner at Urban Edge Planning Limited. I have over 26 years of experience in town planning including work in local government and the private sector, both in Germany and New Zealand. I have over 15 years of experience as a Senior/Principal Planner in New Zealand, working for local government as well as in the private sector. I have led the preparation and processing of numerous District Plan Changes, been involved in several full District Plan reviews and have contributed to other RMA policy development. Before my immigration to New Zealand I worked as a town planner in Berlin, Germany mostly for local government. My work in Berlin included the development of planning policies as well as the processing of consent applications under constantly changing legislations (due to the reunification process of former East and West Germany).
- (4) I hold the equivalent of a Masters degree in Urban and Regional Planning (Diplom-Ingenieur fuer Stadt- und Regionalplanung) from the Technical University in Berlin, Germany.
- (5) I am an associate member of the New Zealand Planning Institute.

1.2 Code of Conduct

- (6) I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

2 SCOPE OF EVIDENCE

(7) I have structured my evidence as follows:

- Introduction
- Scope of Evidence
- Background
- The Site
- The Proposal
- Resource Management Assessment
- City of Lower Hutt District Plan
- Non-statutory Plans
- Environmental Effects Addressed by the Private Plan Change Request
- Submissions
- Further Information Request
- Key Issues for Assessment and Determination
- S42 Report
- Recommended Amendments
- Conclusion

3 BACKGROUND

(8) Urban Edge Planning was engaged by M & J Walsh Partnership Ltd to provide planning advice and prepare the private plan change request for the site at 12 Shaftesbury Grove in Stokes Valley.

(9) I have prepared the private plan change request for the rezoning of the plan change site including the section 32 (s32) evaluation. In preparing the private plan change request I relied on the following experts' assessments:

- Infrastructure – Sam Godwin, Cuttriss Consultants Ltd

- Geotechnical – Nathan Schumacher, Torlesse Ltd
- Ecology – Frances Forsyth, Frances Forsyth Consulting
- Landscape & Visual – Angela McArthur, Eco-Landscapes & Design Ltd
- Transport – Gary Clark, Traffic Concepts Ltd

(10) I have undertaken several site visits and am familiar with the site and surrounding area.

(11) The private plan change request was lodged in September 2023. Council did not have any further information requests and formally accepted the private plan change request at its meeting on 30 October 2023. The private plan change was notified as Plan Change 58 (PC58) in November 2023 and went through the statutory submissions process.

(12) In the lead up to the hearing Mr Dan Kellow (Environmental Planner for Hutt City Council) commissioned peer reviews of the above experts' assessments and requested further information which was provided as follows:

Table 1: Peer Reviews and Further Information

Expert Topic	Peer Review	Further Information Provided
Ecology	Wildlands (April 2024)	Frances Forsyth (May 2024)
Transport	Luke Benner Consulting (April 2024)	Traffic Concepts (May 2024)
Landscape	Linda Kerkmeester (April 2024)	--
Geotech	ENGEO (May 2024)	Torlesse (July 2024)

(13) I challenged the need for a further assessment, amendments and additions to the Visual and Landscape Assessment. In my initial response to the further information request I outlined why I did not consider the issues raised in the peer review to be relevant for the plan change stage but can and will be addressed at the subdivision stage. I did not receive a response from to this position and we did not provide an expert response to the peer review for the landscape and visual assessment. However, the further information request has been provided to Ms McArthur and has been addressed in her statement of evidence.

(14) In preparing my evidence I have reviewed and had regard to the above experts' assessments, further information provided and the statements of evidence prepared for this hearing.

(15) In preparing my evidence I have also reviewed and had regard to Council's s42A report prepared by Mr Kellow and associated experts' evidence. In my opinion the s42A report provides a thorough discussion and assessment of PC58, relevant higher order documents and issues raised in submissions. Throughout my evidence I state where I concur with the findings of the s42A report and where I disagree.

4 THE SITE

4.1 Site Description

(16) The plan change site ("the site") is located at 12 Shaftesbury Grove in Stokes Valley, Lower Hutt. The site is legally described as Lot 1 DP 507600 CT 7771535 and has an overall area of 12.6 hectares.



Figure 1: Aerial image of plan change site (Source: HCC GIS Viewer)

- (17) The site is located at the end of Shaftesbury Grove and is currently undeveloped. The only modifications are a formed but unsealed track along the ridgeline that provides access to the Delaney reservoir located to the south of the site and two cell phone towers located along the track. There are currently no other buildings or structures on the site.
- (18) The site is located within the Eastern Hutt Hills and contains a ridgeline with moderate modulation. The ridgetop is flanked by spurs, intervening gullies and steeper hillsides falling on both sides of the ridgeline; towards the Hutt Valley on the western side and towards Stokes Valley on the eastern side. The highest point of the site is located at the northern end of the site (approximately 150m above mean sea level (AMSL)), close to site entrance, with the ridgeline then falling slightly towards the south of the site and the existing water reservoir (approximately 135m AMSL). Overall, the landform is flat to rounded within the ridgetop and spur tops, becoming steeper within lower slopes and gullies.
- (19) The site is mostly surrounded by bush clad hillsides and reserves except for residential development to the north and north-east. The site also shares a small boundary with the Taitā College site to the west.

4.2 The Operative District Plan

- (20) Under the operative City of Lower Hutt District Plan (ODP) the site is zoned partially as Hill Residential Activity Area and partially as General Recreation Activity Area. The current zoning has been in place since the District Plan became operative in 2004.
- (21) The property is partially overlaid by a Significant Natural Resource (SNR) (SNR 50 – Stokes Valley Bush). Chapter 14E *Significant Natural, Cultural and Archaeological Resources* includes objectives, policies and rules to protect identified SNRs from inappropriate subdivision, use and development. However, as a result of two Environment Court decisions from 2004 the relevant District Plan rules ceased to apply to SNRs on private land in 2005.
- (22) The recent Ecology and Landscape project undertaken by Council from 2016 to 2018 identified two potential Significant Natural Areas (SNA) on the site that were significantly smaller than the SNR 50 overlay, located over a gully on the western side

of the site and along the southwestern boundary of the site. However, in 2018 Council decided not to proceed with the Ecology and Landscapes project and as such no SNA and mandatory restrictions on private land were introduced into the District Plan.

- (23) There are no significant cultural or archaeological sites or heritage buildings and structures identified on the site.
- (24) The site is not subject to any natural hazard risks identified by the Operative District Plan (Wellington Fault Overlay, Inundation, Overland Flowpaths, Stream Corridors, Coastal Hazards). However, it should be noted that the current natural hazard provisions do not consider slope stability. Slope stability is managed through the earthworks provisions of the District Plan.
- (25) The adjoining residential properties to the north and the east are zoned Medium Density Residential Activity Area.
- (26) The site does not contain any class 1, 2 or 3 type soils and therefore is not classified as highly productive land.

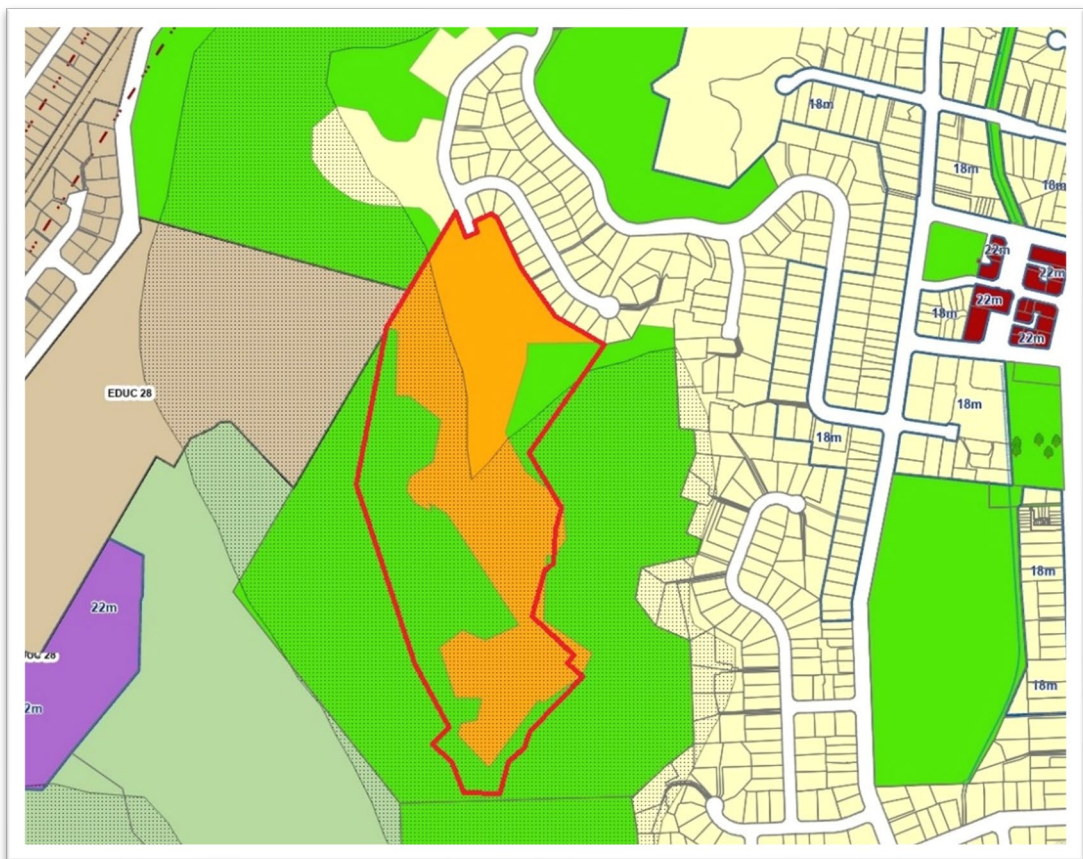


Figure 2: District Plan Map of plan change site (Source: HCC GIS Viewer)

5 THE PROPOSAL

(27) The purpose of the private plan change is to rezone the site at 12 Shaftesbury Grove to Medium Density Residential Activity Area. The rezoning would provide for additional development potential in line with surrounding residential areas. The private plan change also proposes the introduction of site specific provisions to Chapter 11 Subdivision of the Operative District Plan to ensure any potential adverse effects are managed appropriately.

(28) In summary the following site specific subdivision provisions are proposed:

Restricted Discretionary Activities

(29) It is proposed to add the subdivision of the land at 12 Shaftesbury Grove to the list of restricted discretionary activities as 11.2.3 (h) and add additional information requirements relating to:

- Stormwater;
- Geotech;
- Ecology; and
- Landscape and Visual.

(30) The additional information requirements must be provided at the time of first subdivision and the relevant plans and assessments are applicable to any future stages and subsequent subdivision applications.

(31) In response to issues raised during the plan change process so far, I recommend an additional information requirement relating to Transport and changes to the wording in relation to the additional information requirements.

Matters in which Council has restricted its discretion

(32) The private plan change seeks the addition of site specific matters of discretion to 11.2.3.1, relating to:

- Amenity Values;
- Existing Natural features and Topography;

- Historical or Cultural Significance;
- Construction Effects;
- Engineering Requirements;
- Erosion and Sediment Management;
- Design and Layout;
- Utilities Servicing and Access;
- Stormwater Management;
- Wastewater;
- Water Supply;
- Natural Hazards;
- Regionally Significant Network Utilities;
- Geotechnical; and
- Ecology.

(33) The matters of discretion align with the established matters of discretion and add site specific considerations where appropriate.

Standards and Terms

(34) It is proposed to add a new, site specific Standard to 11.2.3.2 Standards and Terms that introduces a Development Area on the site and requires all earthworks, building platforms, roads, private accesses and utility structures to be located within the development area identified in Appendix Subdivision 10.

Discretionary Activities

(35) It is proposed to add a new site specific discretionary activity as 11.2.4 (o). Under this new rule any subdivision that does not comply with the site specific standard relating to development areas becomes a fully discretionary activity.

New Appendix Subdivision 10

- (36) It is proposed to add a new Appendix Subdivision 10 which identifies the site at 12 Shaftesbury Grove to which the proposed provisions apply and also shows the extent of the proposed development area.

6 RESOURCE MANAGEMENT ASSESSMENT

6.1 Statutory Background

- (37) A section 32 evaluation has been provided as part of the private plan change request. The s32 evaluation outlines the statutory direction of the higher order planning documents that the private plan change must give effect to or be consistent with and provides a cost benefit analysis for the proposed rezoning.
- (38) The below sections summarise the findings of the s32 evaluation, address any changes to legislative requirements and higher order documents since the lodgement of the private plan change in September 2023 and respond to the respective sections of the s42A report.

6.2 Resource Management Act 1991

- (39) **Section 5** sets out the purpose of the Resource Management Act 1991 (RMA), which is to promote the sustainable management of natural and physical resources. This proposed rezoning in combination with the site specific provisions is considered to achieve the sustainable management of natural and physical resources by providing for additional housing while managing the impact of additional development that is enabled by the plan change.
- (40) **Section 6** prescribes that in achieving the purpose of the RMA, Council needs to recognise and provide for the Matters of National Importance. The following subsections have been found to be of particular relevance:

Table 2: Section 6

Section 6	
Section	Relevant Matter
6(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.
6(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
6(e)	The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
6(g)	The protection of customary rights.
6(h)	The management of significant risks from natural hazards.

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

Table 3: Section 7

Section 7	
Section	Relevant Matter
7(b)	The efficient use and development of natural and physical resources.
7(c)	The maintenance and enhancement of amenity values.
7(d)	Intrinsic values of ecosystems
7(f)	Maintenance and enhancement of the quality of the environment.

- (42) **Section 8** of the RMA requires that applications take into account the principles of the Treaty of Waitangi. There are no known cultural sites of significance present on the plan change site.
- (43) **Section 31** of the RMA lists the functions of territorial authorities, which includes (of relevance to this plan change):

Table 4: Section 31

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

- (44) For completeness the relevant functions of regional councils which are contained in **section 30** of the RMA are outlined below:

Table 5:Section 30

Section 30	
Section	Relevant Matter
30(1)(a)	The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region
30(1)(b)	The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance
30(1)(c)	The control of the use of land for the purpose of— <ul style="list-style-type: none"> (i) soil conservation: (ii) the maintenance and enhancement of the quality of water in waterbodies and coastal water: (iii) the maintenance of the quantity of water in water bodies and coastal water: (iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water: (iv) the avoidance or mitigation of natural hazards

Section 30	
Section	Relevant Matter
30(1)(e)	The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including— (i) the setting of any maximum or minimum levels or flows of water: (ii) the control of the range, or rate of change, of levels or flows of water: (iii) the control of the taking or use of geothermal energy:
30(1)(f)	The control of discharges of contaminants into or onto land, air, or water and discharges of water into water
30(1)(ga)	The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:

(45) Sections 30 and 31 establish that the control of the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water, the maintenance of the quantity of water in water bodies and coastal water and the maintenance and enhancement of ecosystems in water bodies and coastal water are regional council functions. The control of discharges of contaminants into or onto land, air, or water and discharges of water into water is also identified as a regional council function. Territorial authorities on the other hand are responsible for the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity and the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.

(46) Overall the proposed provisions are considered appropriate to address and fulfil Council’s functions under section 31 of the RMA.

(47) The Resource Management System reform as discussed in the s32 evaluation has since been repealed.

6.3 National Policy Statements

(48) Under Section 75(3)(a) of the RMA a District Plan change must give effect to any National Policy Statement (NPS).

(49) Since the lodgement of the private plan change government has introduced the *Resource Management (Freshwater and Other Matters) Amendment Bill* (the Bill) which proposes targeted amendments to the RMA, includes key amendments to national direction and changes the process for preparing and amending national direction. I concur with and do not repeat the summary of the Bill provided by the s42A report.

National Policy Statement on Urban Development

(50) In relation to the National Policy Statement on Urban Development (NPS-UD) I refer to the assessment provided by the s32 evaluation. I concur with the further assessment provided in the s42A report by the Council Officer and I agree with the conclusion that overall the plan change is consistent with the NPS-UD.

National Policy Statement for Indigenous Biodiversity

(51) In relation to the National Policy Statement for Indigenous Biodiversity (NPS-IB) I refer to the assessment provided by the s32 evaluation and would like to provide the following additional assessment in response to issues raised in submissions and the assessment provided in the s42A report.

(52) The s42A report considers that the existing SNR50 which partially covers the site technically meets the definition of SNA under the NPS-IB. I do not agree with this interpretation. I would like to point out that while the District Plan still contains the overlays and descriptions of SNR, the relevant rules do not apply to private properties. This is the outcome of several related Environment Court decisions in 2004 and 2005 which found that the SNR had been mapped at an unacceptable scale and the identification process had not been sufficiently robust to justify the resulting limitations of private property rights. Within the 20 years since these Environment Court rulings Hutt City Council has not undertaken any formal review process to either strengthen the underlying identification or remove the SNR from the District Plan. Therefore, 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 and do not agree with the conclusion of the s42A report that SNR50

qualifies as a SNA under the NPS-IB. Consequentially, I do not agree with the applicability of Clause 3.10 to the SNR on the site.

- (53) I also do not agree with the recommendation of the s42A report to remove the reference to the effects management hierarchy from the proposed matter of discretion for ecology and instead add a reference to the NPS-IB 2023 in general. These changes would in my mind reduce the certainty provided by the matter of discretion in relation to the matters to be considered. The effects management hierarchy is an important matter for consideration and provides valuable guidance when assessing adverse effects on indigenous biodiversity. It is a widely recognised and well tested tool to manage adverse effects on indigenous biodiversity values. At the same time it does not overwrite any higher order requirements that will be in force at the time of assessment.
- (54) It is my understanding that by adding a reference to the NPS-IB 2023 Council would be obliged to refer to the current version of the NPS-IB rather than the relevant version at the time of subdivision.¹ Since the relevant version of the NPS-IB will need to be considered by the required Ecology Plan I consider there is no need for the introduction of a direct reference to the NPS-IB.
- (55) I agree with the remainder of the assessment provided in the s42A report in relation to the NPS-IB.

National Policy Statement for Freshwater Management

- (56) In relation to the National Policy Statement for Freshwater Management 2020 (NPS-FM) I refer to the assessment provided in my s32 evaluation. I concur with the further assessment provided in the s42A report and the overall conclusion that the plan change gives effect to the NPS-FM.

¹ Schedule 1 Part 3 Incorporation of documents by reference in plans and proposed plans

6.4 National Environmental Standards

(57) Under Section 44A of the RMA a district plan must avoid conflict with and duplication of National Environmental Standards (NES). No changes have been made to NES since the lodgement and notification of PC58 and therefore the assessment provided by the s32 report is still relevant.

6.5 Regional Policy Statement for the Wellington Region

(58) As outlined in more detail in my s32 evaluation, the private plan change is considered to be consistent with the relevant Objectives and Policies of the operative Regional Policy Statement for the Wellington Region (RPS) and Proposed Change 1 to the RPS (RPS-PC1) as notified. While the hearings for RPS-PC1 were completed in April 2024 a decision has not yet been issued.

(59) I agree with the additional assessment provided in the s42A report in relation to the RPS and RPS-PC1 except where it refers to and recommends changes to the proposed discretionary activity status proposed for subdivision that results in development outside the identified development area. This is discussed later in this report.

(60) In relation to the assessment provided in Section 3.17 of the s42A report, I would like to add that, while the PC58 site has been excluded from the current District Plan review, the site was included in the Hutt City Landscape Evaluation that was prepared by Boffa Miskell Ltd in 2016 and the assessment did not identify any Outstanding Natural Features or Landscapes or Special Amenity Landscapes on or near the site.

(61) Additional assessments of the RPS and RPS-PC1 in response to issues raised by submitters and the s42A report are included in the assessment of key issues in section 12 below.

6.6 Natural Resources Plans

(62) Since the lodgement of the private plan change request Greater Wellington Regional Council has notified Proposed Change 1 to the Natural Resources Plan (NRP-PC1).

(63) I refer back to my initial s32 assessment of the NRP and provide an additional assessment in relation to NRP-PC1 below.

(64) I largely agree with the additional assessment provided in the s42A report in relation to the NRP and NRP-PC1 except where it refers to and recommends changes to the proposed discretionary activity status proposed for subdivision that results in development outside the identified development area. This is discussed in section 12 of my evidence.

Natural Resources Plan – Proposed Change 1

(65) Proposed Change 1 was notified in October 2023 and includes the implementation of regulatory and non-regulatory recommendations from the Te Awarua-o-Porirua (TAoP) and Te Whanganui-a-Tara (TWT) Implementation Programmes as well as other regulatory amendments to the NRP. NRP-PC1 has gone through the submission and further submission phase but the hearings have not yet been scheduled.

(66) The table below identifies the proposed changes that are most relevant for PC58:

Table 6: NRP-PC1

NRP-PC1	
Ki uta ki tai: mountains to the sea	
Objective O2	<u>No longer applies to Whaitua Te Whanganui-a-Tara</u>
Water quality	
Objective O18	<p><u>Objective O18 does not apply to rivers, lakes, groundwater or coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</u></p> <p><u>Objective O18 only applies to natural wetlands within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</u></p>
Biodiversity, aquatic ecosystem health and mahinga kai	
Objective O19	<p><u>Objective O19 does not apply to rivers, lakes, groundwater or coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</u></p> <p><u>Objective O19 only applies to natural wetlands within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</u></p>
Policy P30	<p>Water quality</p> <p>(b) maintain or improve water quality including to assist with achieving the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O19 <u>or within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, the objectives in Chapters 8 and 9, respectively, and</u></p>

NRP-PC1	
	...
Sites with significant values	
Objective O28	<u>Tables 3.4, 3.5, 3.6, and 3.8 do not apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, and are therefore not relevant to defining, a healthy functioning state within these whaitua.</u>
Land use	
Objective O34	<u>No longer applies to Whaitua Te Whanganui-a-Tara</u>
Discharges to land and water	
Objective O38	<u>No longer apply to Whaitua Te Whanganui-a-Tara</u>
Policy P77	
Policy P83	
Policy P84	
8 Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a-Tara	
Objective WH.O1	<u>The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</u>
Objective WH.O2	<p><u>The health and wellbeing of Te Whanganui-a-Tara’s groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</u></p> <p>(a) <u>water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningful progress has been made towards improvement where degraded, and</u></p> <p>(b) <u>the hydrology of rivers and erosion processes, including bank stability are improved and sources of sediment are reduced to a more natural level, and</u></p> <p>(c) <u>the extent and condition of indigenous riparian vegetation is increased and improved, and</u></p> <p>(d) <u>the diversity, abundance, composition, structure and condition of mahinga kai species and communities are increased, and</u></p> <p>(e) <u>huanga of mahinga kai and Māori customary use for locations identified in Schedule B (Ngā Taonga Nui a Kiwa) are maintained or improved, and</u></p> <p>(f) <u>mana whenua can safely connect with freshwater and enjoy a wider range of customary and cultural practices, including mahinga kai gathering, and</u></p>

NRP-PC1	
	<p>(g) <u>mana whenua and communities can safely connect with freshwater and enjoy a wider range of activities, including swimming and food gathering, and</u></p> <p>(h) <u>freshwater of a suitable quality is available for the health needs of people.</u></p>
<p>Policy WH.P1 <u>Improvement of aquatic ecosystem health</u></p>	<p>Aquatic ecosystem health will be improved by:</p> <p>(a) <u>progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and</u></p> <p>(b) <u>restoring habitats, and</u></p> <p>(c) <u>enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and</u></p> <p>(d) <u>co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water.</u></p>
<p>Policy WH.P2 <u>Management of activities to achieve target attribute states and coastal water objectives</u></p>	<p>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</p> <p>(a) <u>prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</u></p> <p>(b) <u>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing hydrological controls on urban development and stormwater discharges to rivers</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>

NRP-PC1	
<p><u>Policy WH.P10: Managing adverse effects of stormwater discharges</u></p>	<p><u>All stormwater discharges and associated land use activities shall be managed by:</u></p> <p>(a) <u>using source control to minimise contaminants in the stormwater discharge and maximise, to the extent practicable, the removal of contaminants from stormwater, including through the use of water sensitive urban design measures, and</u></p> <p>(b) <u>using hydrological control and water sensitive urban design measures to avoid, remedy or mitigate adverse effects of stormwater quantity and maintain, to the extent practicable, natural stream flows, and</u></p> <p>(c) <u>installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account:</u></p> <p>(i) <u>the treatment quality (load reduction factor), and</u></p> <p>(ii) <u>opportunities for the retention or detention of stormwater flows or volume, including any flood storage volume required, and</u></p> <p>(iii) <u>any potential adverse effects that may arise as a result of the stormwater treatment system or discharge, including erosion and scour, and localised adverse water quality effects, and</u></p> <p>(iv) <u>inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and</u></p> <p>(v) <u>existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit.</u></p>
<p><u>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces</u></p>	<p><u>The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable, upon redevelopment, through implementing:</u></p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p>(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p>(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretenion device, and</u></p>

NRP-PC1	
	<u>(b) where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u>
<u>Policy WH.P15: Stormwater contaminant offsetting for new greenfield development</u>	<u>The adverse effects of residual (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or coastal water, including via an existing or new stormwater network, are to be offset by way of a financial contribution in accordance with Schedule 30 (financial contribution).</u>
<u>Policy WH.P16: Stormwater discharges from new unplanned greenfield development</u>	<u>Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.</u>
<u>Rule WH.R6</u>	<u>Stormwater from new greenfield impervious surfaces – controlled activity</u>
<u>Rule WH.R11</u>	<u>Stormwater from new and redeveloped impervious surfaces – discretionary activity</u>
<u>Rule WH.R13</u>	<u>Stormwater from new unplanned greenfield development – prohibited activity</u>

- (67) Under the policies and rules proposed by NRP-PC1 the use of land for the creation of new impervious surfaces for greenfield development and the associated discharge of stormwater is a controlled activity where certain criteria are being met. Where these conditions cannot be met the use of land and associated discharge of stormwater becomes either a discretionary activity or a non-complying activity.
- (68) The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity. Planned and unplanned greenfield areas are identified on Maps 86 to 89 of NRP-PC1. Any unplanned greenfield development proposals will require a plan change to the relevant map to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for

Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan.

(69) Unplanned greenfield development is defined as

Greenfield development within areas identified as ‘unplanned greenfield area’ on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/nonurban/open space to urban) through a District Plan change to enable the development.

Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30th October 2023.

(70) Map 89 identifies the portion of the site that is currently zoned Hill Residential as ‘Planned / Existing Urban Area’ while the portion of the site currently zoned General Recreation is identified as ‘Unplanned Greenfield Area’.

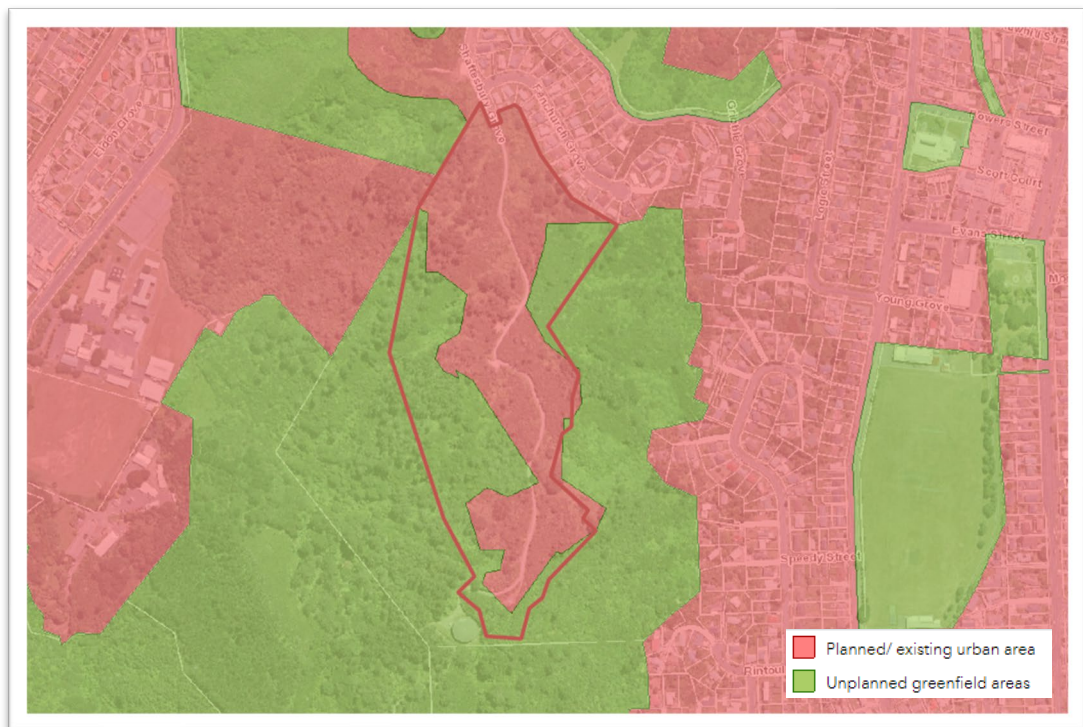


Figure 3: NRP-PC1 Map 89 Greenfield Areas - planned and unplanned, Lower Hutt City (Source: GWRC Web Map Viewer)

(71) Therefore any future use and development of the portion of the site that is currently zoned General Recreation Activity Area in the District Plan and identified as unplanned greenfield area by NRP-PC1 would be a prohibited activity or require

another plan change to change the GW classification – even if the rezoning sought by this plan change was approved.

(72) The mapping of planned and unplanned greenfield areas by GW solely follows existing zoning boundaries and does not consider any anomalies or split zonings of properties. It also does not account for any urban growth areas identified by Hutt City Council in the Urban Growth Strategy.

(73) M & J Walsh Partnership Ltd lodged a submission opposing the identification of part of the site as unplanned greenfield development area and the prohibited activity status for unplanned greenfield development.

(74) I note that Hutt City Council also submitted on these aspects of NRP-PC1 seeking changes to the relevant policies and rules (from prohibited to avoid / non-complying) as well as amendments to Map 89 to reflect the capacity required to meet identified housing and business demand in Hutt City.

(75) While it is important to identify and acknowledge the relevant provisions included in NRP-PC1, it should be noted that these provisions are going through a separate process and are potentially subject to change. It is acknowledged that, should the mapping and provisions relating to Unplanned Greenfield Development remain unchanged, this would result in the need for a separate plan change request to Greater Wellington Regional Council to change the relevant mapping for the site at 12 Shaftesbury Grove. However, this would be a separate process from this plan change process.

7 CITY OF LOWER HUTT DISTRICT PLAN

(76) An assessment of the most relevant objectives and policies of the Operative District Plan for the private plan change as notified had been undertaken as part of the s32 evaluation. I have no additions or amendments to that assessment. I concur with the further assessment provided in the s42A report.

8 NON-STATUTORY PLANS

(77) The s32 evaluation identifies and discusses the following HCC strategies and policies:

- Urban Growth Strategy 2013 – 2032;
- Environment Sustainability Strategy 2015 – 2045; and
- Integrated Transport Strategy 2022; and
- Long Term Plan 2021-2031, Infrastructure Strategy 2021-2051 and Development and Financial Contributions Policy 2021-2031.

(78) I confirm the assessment provided by the s32 evaluation and concur with the further assessment provided by the s42A report.

(79) Since the preparation of the s32 evaluation report Hutt City Council has released its 10 Year Plan 2024-2034 which includes the Infrastructure Strategy 2024-2054.

(80) The Infrastructure Strategy states that ‘most areas of the city meet expected water quality standards for water storage and water pressure...’. The two main water supply projects listed are the construction of a new Easter Hills reservoir and outlet main (2026-27 to 2028-29) to support growth on the valley floor and the replacement of the Gracefield reservoir (2030-31 to 2032-32). There is no mention of any projects to improve/upgrade the deficient water supply situation in the Stokes Valley / Holborn area.

9 ENVIRONMENTAL EFFECTS ADDRESSED BY THE PRIVATE PLAN CHANGE REQUEST

(81) The private plan change as lodged has addressed the following potential environmental effects:

- Infrastructure Effects;
- Geotechnical Effects;
- Ecology Effects;
- Landscape and Visual Effects;
- Transport Effects; and
- Other Effects.

(82) A summary of the initial assessment as well as a further assessment in response to submissions, expert evidence and the s42A report are provided in Section 12 below.

10 SUBMISSIONS

(83) The private plan change was publicly notified on 9 November 2023 and the submission period closed on 8 December 2023. At the close of the submission period, five submissions were received.

Table 7: Submissions

Submissions	
Subm. No	Name
DPC58/001	Taitā College
DPC58/002	Greater Wellington Regional Council
DPC58/003	Graeme Adrian
DPC58/004	Ashley Keown
DPC58/005	Kathryn Martin

(84) The summary of decisions requested was made publicly available for further submissions on 8 February 2024. Overall eight further submissions were received in support of or in opposition to original submissions:

Table 8: Further Submissions

Further Submissions			
Subm. No	Name	Original Submission	Support / Oppose
DPC58/FS1	Charlotte Heather	DPC58/001 – 1.2 and 1.3	Support
		DPC58/002 – 2.5 and 2.6	Support
		DPC58/004 – 4.1	Support
		DPC58/005 – 5.1	Support
DPC58/FS2	Kathryn Martin	DPC58/001	Support
		DPC58/002	Support
		Feedback from Ngāti Toa Rangatira	Support
DPC58/FS3	Wil van 't Geloof	Plan Change 58	Oppose
DPC58/FS4	Nicholas Dowman	Plan Change 58	Oppose

Further Submissions			
Subm. No	Name	Original Submission	Support / Oppose
DPC58/FS5	Nico Reason	Plan Change 58	Oppose
DPC58/FS6	John Hopgood	DPC58/005	Support
DPC58/FS7	Friends of Horoeka Scenic Reserve	DPC58/001	Support
		DPC58/002	Support
		DPC58/004 – 4.1	Support
		DPC58/005	Support
		DPC58/003	Neutral
DPC58/FS8	Cosmic Kaitiaki of Native Realms Foundation	DPC58/001	Support
		DPC58/005	Support
		DPC58/002	Oppose in part
		DPC58/003	Oppose

(85) The key issues raised in submissions can be grouped under the following broad topics:

- The need for the plan change;
- Effects on indigenous biodiversity including streams and water quality;
- Land stability and geotechnical effects;
- Infrastructure effects; and
- Transport effects.

(86) Other issues raised relate to

- Cultural significance;
- Natural hazards;
- Rubbish and waste; and
- Consultation.

(87) I note that several of the further submissions raise issues and provide comments that are not directly related to an original submission or go beyond supporting or opposing an original submission. I have not included these in my discussion of effects below

but have addressed them briefly in my response to submissions attached as Appendix 2 to my evidence.

(88) Since the close of the submission period I have contacted Greater Wellington Regional Council (GW), Taitā College and Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust) to discuss and address issues raised in submissions.

10.1 Greater Wellington Regional Council

(89) On 26 February 2024 Theresa Walsh and I met with five representatives of Greater Wellington to provide some background information to the private plan change, explain the proposed provisions, discuss the issues raised in their submission and clarify the outcomes sought by GW.

(90) After the meeting I prepared and distributed meeting notes summarising the outcomes of the meeting and requesting further clarification in relation to outcomes sought by GW.

(91) Eight weeks later I received a response from GW that did not directly respond to the identified issues in contention but mainly reiterated the initial concerns and issues raised by GW.

(92) Copies of the meeting agenda and minutes, the subsequent summary table provided to GW and a table including Greater Wellington's further issues and my response are attached as Appendix 3A to this evidence.

10.2 Taitā College

(93) On 22 February 2024 I sent an initial email to Taitā College asking for a meeting to talk through the issues raised and answer any questions regarding the proposed provisions. No response was received and I followed up with another email on 01 March 2024.

(94) On 7 March I called Taitā College and had a conversation with Simon Hirini who had prepared the submission on behalf of Taitā College.

(95) After initial introductions Simon expressed that the school was not interested in an individual meeting with me and the land owner but would only attend a meeting with all other submitters present as well.

(96) A copy of the file note summarising the phone call is attached as Appendix 3B.

10.3 Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust)

(97) After the close of submission I contacted Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust) to bring the issues raised by Taitā College relating to the cultural significance of the site to their attention and to allow for any required further assessments and discussions. No response was received. A copy of the email sent to Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust) is attached as Appendix 3C.

11 FURTHER INFORMATION REQUESTS

(98) On 16 February 2024, after the close of the initial submission phase, Dan Kellow (processing planner for HCC) informed me that HCC was intending to engage experts to peer review the expert reports provided as part of the private plan change.

(99) On 23 April 2024 (six months after HCC formally accepted the private plan change) I received a Request for Further Information (RFI) from Mr Kellow. The RFI related to:

- the Assessment of Landscape and Visual Effects;
- the Transport Report; and
- the Ecology Assessment.

Copies of the expert peer reviews commissioned by HCC were provided by Mr Kellow upon request.

(100) I provided an initial response to the RFI on 30 April. In my response I challenged the request for further information in relation to the Landscape and Visual Effects report and provided initial responses to the planning aspects of the RFI. The expert responses in relation to ecology and transport were subsequently provided to Hutt City Council on 29 May 2024.

(101) A second further information request relating to geotech matters was received on 24 May 2024 and responded to on 16 July (the delay in response was due to me being on annual leave for six weeks).

(102) Copies of the further information requests and experts' responses have been provided by the s42A report.

12 KEY ISSUES FOR ASSESSMENT AND DETERMINATION

(103) Taking into consideration the issues raised in submissions and the s42A report, the key issues for assessment and determination are considered to be:

- The Appropriateness of and the Need for the Rezoning of the Site;
- Infrastructure Effects;
- Ecology Effects;
- Geotechnical Effects;
- Transport Effects; and
- Landscape and Visual Effects.

(104) Other issues and effects raised in submissions include:

- Historical and Cultural Effects;
- Natural Hazards Effects;
- Rubbish and Waste; and
- Future Consultation.

(105) In my assessments below I provide a brief summary of the relevant points raised in submissions in relation to the issue, provide a discussion of the main aspects and respond to the findings of the s42A report in relation to the issue. In my discussion I refer to and draw on the relevant expert's evidence, which I accept unless stated otherwise.

12.1 Rezoning of the Site

Submissions

(106) The appropriateness of and the need for the rezoning of the site have been raised by two submitters (DPC58/002 and DPC58/005).

(107) Greater Wellington (DPC58/002) state:

However, given the potential risk of indigenous biodiversity loss, and the development capacity enabled by the recent Hutt City Council Intensification Planning Instrument, we do not consider that the Private Plan Change is necessary at this stage.

and

We also note that parts of the Plan Change would be considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces.

For the reasons above, Greater Wellington would prefer that this Private Plan Change did not proceed. However, if it were to proceed, we would seek some amendments to strengthen protection of indigenous biodiversity. We also seek some amendments relating to slope stability and transport, as detailed in Attachment 1. Our amendments seek to ensure effective implementation of the RPS.

(108) This is supported by the further submissions of Kathryn Martin (DPC58/FS2) and Friends of Horoeka Scenic Reserve (DPC58/FS7).

(109) Kathryn Martin (DPC58/005) considers that there is a need to build walkable, medium density neighbourhoods rather than adding to suburban sprawl and that there is sufficient opportunity to densify the city.

(110) This is supported by the further submissions of John Hopgood (DPC58/FS6), Friends of Horoeka Scenic Reserve (DPC58/FS7) and Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).

Discussion

- (111) The Plan Change site is currently zone Hill Residential Activity Area in part and General Recreation Activity Area in part.

Site History

- (112) The proposed rezoning would enable medium density residential development on land that is currently zoned for low density residential. This is consistent with Council's growth intentions and has been signalled for several years, including through previous investigations and development proposals commissioned by Council, the revocation of the reserve status that applied to parts of the site and the sale of the land to a private developer with the assurance of future rezoning and development potential.
- (113) Council identified the site at Shaftesbury Grove as a potential development area in their Urban Growth Strategy 2012-2032. At that time the site was owned by Council and partially vested as reserve. Council explored the rezoning of the land, undertook initial options and issues investigations, commissioned a number of experts' assessments and ultimately signalled support for the rezoning of the land from Hill Residential Activity Area to General Residential Activity Area. In 2016 Council initiated a reserve revocation process to provide for future residential development of the site. It was then declared surplus to Council's requirements and put up for sale.
- (114) In December 2017 the site was purchased by the Walsh family (M & J Walsh Partnership Ltd - the plan change requestor). The material provided with the marketing package included schemes for up to 180 houses and reports on three waters and other services. While identifying existing issues with the water supply in the area, it was confirmed in those reports that a booster pump solution to provide a water supply for 80 houses would be an acceptable interim solution until a new reservoir was built. This support for a booster pump solution was later withdrawn. Since the purchase of the site Walsh Partnership Ltd have been engaging with Council and Wellington Water to find solutions for the water supply issue and enable the residential development of the site.

Comprehensive Development

- (115) The proposed medium density residential zoning is considered to be the most appropriate zoning to provide for the efficient use of the land and the realisation of future development potential. This zoning would be consistent with the zoning of residential properties in the immediate environment, which have a similar development form and topography to the plan change site.
- (116) Considering the size of the site, the zoning as Medium Density Residential Activity Area would allow for a comprehensive and holistic development design at a medium density level that could be better aligned with the intended outcomes, objectives and policies for medium density development than any disconnected and ad hoc intensification on existing developed sites.

NRP-PC1

- (117) Urban Edge Planning on behalf of the applicant has lodged a submission on NRP PC1 opposing the identification of parts of the site as ‘unplanned greenfield development area’ and the related prohibitive activity status.
- (118) I note however that Proposed Change 1 to the Natural Resources Plan goes through a separate statutory process. Should the proposed provisions of NRP PC1 remain unchanged and ultimately require a further plan change to the NRP to amend the maps showing unplanned greenfield development than this can be complied with if and when necessary, independently of this District Plan process. At the time of writing this evidence there has been no further progress in the statutory process of NRP-PC1.

Biodiversity Values

- (119) I consider that the proposed further information requirement relating to an Ecology assessment provide sufficient scope and certainty to ensure that any significant biodiversity values on the site can be adequately identified and protected at the time of subdivision, using the appropriate criteria and mechanisms prescribed at that time.
- (120) The issues raised by Greater Wellington Regional Council in relation to biodiversity and geotechnical matters are discussed in more detail below.

Section 42A Report

- (121) I note that the S42A report considers that the submission by Taitā College (DPC58/001) also questions the appropriateness of the rezoning of the site in general.
- (122) I have decided to cover the issues raised by Taitā College individually under the effects categories below.
- (123) The s42A report notes that a significant portion of the site is already zoned for residential activity and that the proposed rezoning of the site is consistent with Policy 8 of the NPS-UD as it will add to the development capacity of Hutt City and contribute to a well-functioning urban environment. and Objective 22 of the RPS.
- (124) I generally concur with the relevant assessment and findings of the s42A report.

Conclusion

- (125) In summary, I consider the proposed rezoning of the site to Medium Density Residential Activity Area to be appropriate. The proposed zoning would allow for the comprehensive residential development of the site. It is consistent with the zoning of surrounding residential areas, it gives effect to and is consistent with higher order guidance and the Urban Growth Strategy, and the proposed site specific provisions ensure that any potential adverse effects can be assessed and managed at the time of subdivision and development.

12.2 Ecology Effects

Submissions

- (126) Three submissions raise issues relating to and comment on ecology effects (DPC58/001, DPC58/002 and DPC58/005).
- (127) Taitā College (DPC58/001) states that the proposed development borders an area with remnant native forest and that the hillside is rich in cultural and botanical history. The submitter describes the revitalisation efforts by Taitā College that have assisted native fresh-water species to survive and thrive. The submitter is concerned that vegetation removal and excavation will be required and that building materials will not be beneficial to the natural environment.

- (128) This is supported by the further submissions of Charlotte Heather (DPC58/FS1), Kathryn Martin (DPC58/FS2), Friends of Horoeka Scenic Reserve (DPC58/FS7) and Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).
- (129) Greater Wellington Regional Council (DPC58/002) considers that, given the potential risk of indigenous biodiversity loss and the availability of sufficient development capacity, the plan change is not necessary. The submitter notes that the site contains substantial areas of indigenous vegetation and considers that the dominant presence of Manuka represents the beginning of a succession process toward other indigenous forest species.
- (130) Greater Wellington further notes that two areas have previously been identified as potentially qualifying as Significant Natural Areas (but not been included in the DP) and that the NPS-IB requires the management of adverse effects from new subdivision, use, or development on indigenous biodiversity inside and outside of SNA.
- (131) Overall, the submitter would prefer that PC58 did not proceed but seeks amendments to strengthen the protection of indigenous biodiversity if it were to proceed.
- (132) The submitter requests the use of a precautionary approach and that any impacts beyond the immediate site of development are mitigated (for consistency with RPS Change 1). This includes the maintenance of habitat corridors, adequate buffering, providing seasonal or core habitat for indigenous species and applying the effects management hierarchy.
- (133) This is supported by the further submissions of Charlotte Heather (DPC58/FS1), Kathryn Martin (DPC58/FS2) and Friends of Horoeka Scenic Reserve (DPC58/FS7) and partially opposed by the further submission of Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).
- (134) Kathryn Martin (DPC58/005) requests that the proposal is denied permission to cut away at the forest of Stokes Valley and that attention is turned to protecting nature and building homes in a way that is sustainable. The submitter considers that the forest belt around Stokes Valley is the last stand of forest and should be protected in

the middle of twin climate and biodiversity crises. The submitter further considers that the land proposed for development is the home of birds, skinks, geckos and insects and that the presence of nature provides benefits to humans and communities, boosts health and is the most efficient carbon sink.

(135) This is supported by the further submissions of Charlotte Heather (DPC58/FS1), John Hopgood (DPC58/FS6), Friends of Horoeka Scenic Reserve (DPC58/FS7) and Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).

Discussion

(136) An Ecology Assessment has been prepared by Ms Frances Forsyth of Frances Forsyth Consulting. The report provides an assessment of the site which informed the proposed site specific provisions.

(137) The ecology report prepared by Ms Forsyth provided a full assessment, described the methodology and criteria used and documented the findings in relation to vegetation, bird population, lizards and aquatic habitats. The report makes a number of recommendations that resulted in the following site specific provisions in general and relating to ecology in particular as proposed by the private plan change:

- A restricted discretionary starting point for any future subdivision of the site;
- An additional information requirement for an Ecological Plan at the time of first subdivision that addresses Orchid Management, Lizard Management, Mānuka Management and Vegetation Management;
- A matter of discretion relating to Ecology that allows for the consideration of any measures proposed to achieve the management of adverse effects on significant biodiversity values and provides for the application of the effects management hierarchy;
- A standard that limits earthworks, building platforms, roads, private access and utility structures outside the identified development area.

(138) A peer review of the Ecology report was prepared by Wildlands (for HCC) in April 2024 and formed the basis for a request for further information in relation to ecology. The peer review supported the findings of the ecological constraints assessment and finds

the descriptions of ecological components to be generally thorough and complete. It considers that more detail was needed on the specific survey methods and the assessment methods and raises some specific questions in relation to the assessments of vegetation, birds and lizards. The peer review makes the following recommendations:

- Agree that lizard management plan and permit will be required;
- Rare indigenous orchids warrant further discussion (including GW);
- Control of wilding pines on site is a high priority;
- Detailed Sediment and Erosion Management Plan is required; and
- Falcon survey should occur if any works are to be undertaken during the falcon nesting season.

(139) Ms Forsyth responded to the issues raised and provided the further information requested.

(140) Ms Forsyth has prepared a statement of evidence for this hearing which is attached as Appendix 4 to my evidence. In my discussion I refer to and draw on Ms Forsyth's evidence, which I accept unless stated otherwise.

(141) Since the preparation and lodgement of the private plan change request Ms Forsyth has initiated further discussions with orchid experts to identify the significance of the orchids on site and potential mitigation measures. As an outcome of these discussion it is recommended to amend the wording relating to orchid management. The proposed changes recognise the presence of threatened orchids and require the identification of their location rather than their presence on the site.

(142) The peer review of the Ecology report raised the potential for NZ falcon to be nesting on the site and Ms Forsyth agreed that a survey for nesting falcon should be undertaken if vegetation was to be removed during the nesting season (late winter to mid-summer). It is therefore recommended to include a requirement for a NZ falcon nesting survey in the Ecology Plan requirements.

(143) In response to the issues raised by Taitā College in their submission I would like to note that there is only a very small shared boundary between Taitā College and plan

change site. Most of the land abutting the Taitā College site is owned by Hutt City Council and vested as reserve. Nevertheless, I acknowledge the common context of bush clad hillsides and streams. I consider that the proposed provisions allow for an in depth assessment of ecology values on the site and require the appropriate management and protection at the time of subdivision. The identified development area is located along the ridge, well removed from boundary with Taitā.

- (144) Greater Wellington Regional Council in their submission state that that they would prefer for the plan change not to go ahead. In response to further discussions the submitter outlined their preference for the identification and protection of any areas of significance through PC58.

GW consider that either, or both, the SNA overlay and a full assessment of RPS policy 23 is required to ensure all indigenous ecosystems and habitats with significant indigenous biodiversity values have been identified and are adequately provided for through PC58.

- (145) The submitter also considers that the proposed provisions provide limited scope for the management of areas and values beyond their identification. In response to discussions GW request that

...provision should be made to protect any area identified to meet the criteria for RPS policy 23 and all the waterways present within the development area and their riparian margins at the plan change stage, rather than leaving any management to be assessed on a case-by-case basis as part of individual subdivision consent applications.

- (146) The SNA overlay mentioned above refers to the SNA identified by Hutt Council in their 2016 to 2018 Ecology and Landscapes project. I note that this overlay is no longer publicly available.

- (147) Chapter 14E of the District Plan identifies areas containing Significant Natural Resources (SNR) and one of these SNRs (SNR 50 – Stokes Valley Bush) covers the southern portion of the property at 12 Shaftesbury Grove. While Chapter 14E includes objectives, policies and rules to protect identified SNRs from inappropriate subdivision, use and development, the rules ceased to apply to SNRs on private land in 2005 based on two Environment Court decisions from 2004/2005. The Court

decisions noted that significant sites had not been accurately mapped at an appropriate scale and the identification of significance had not been based on robust evidence. The Environment Court decision left the protection of ecologically important sites on private land largely at the discretion of the landowners.

(148) The recent Ecology and Landscape project undertaken by Council from 2016 to 2018 identified two potential Significant Natural Areas (SNA) on the site that were significantly smaller than the SNR 50 overlay. The two relevant SNA were located over a gully on the western side of the site and along the southwestern boundary of the site. However, in 2018 Council decided not to proceed with the plan change and as such no SNA and related provisions for their protection were introduced into the District Plan.

(149) I consider that the requirement for an Ecology Plan at the time of first subdivision proposed by this plan change will ensure that the most appropriate and up to date assessment criteria for the identification of significant biodiversity values will be applied. I note that GW requests the implementation of the current policy 23/policy 47 criteria however these may be subject to change to fully align with the criteria prescribed by the NPS-IB (which in itself may be subject to change).

(150) The proposed requirements for an Ecology Plan cover the areas of significance within the development area by requiring further identification and management of threatened orchids, lizards and mānuka forests. For those areas outside the identified development area there is a wider requirement for the identification of vegetation protection measures and weed and pest management on the site.

(151) These assessments and management plans in combination with the matter of discretion relating to ecology create a robust framework while also providing the necessary flexibility to allow for future variations.

(152) I note that the Ecological Plan will be required at the time of first subdivision. It will therefore cover the entire site and provides provide the opportunity for a holistic and strategic approach that avoids cumulative effects.

(153) During discussions with GW the submitter expressed their support for streams being excluded from the development area but suggested that any development outside

the identified development area should not be a discretionary activity but rather elevate to a non-complying activity status. This is considered to be consistent with the site specific subdivision provisions for properties at 190, 236 and 268 Stratton Street that were recently introduced by Plan Change 53. I do not agree with the proposed non-complying activity status and do not think the site at 12 Shaftesbury Grove is comparable with the referenced sites at 190, 236 and 268 Stratton Street for the following reasons:

- PC53 covered 3 sites owned by different parties.
- The sites at Stratton Street were rezoned from General Rural to Rural Residential Activity Area.
- The site specific provisions for the Stratton Street properties retained a controlled starting point for any subdivision of the sites.
- The site specific provisions introduced standards rather than additional information requirements.
- The provisions recognised the lack of any vegetation clearance rules in the rural zones.
- The site at 12 Shaftesbury Grove is in single ownership and envisaged for comprehensive development.
- The proposed provisions for the site at 12 Shaftesbury Grove set a restricted discretionary starting point for subdivision.
- The proposed discretionary activity status for subdivision that results in disturbances outside the identified development area allows for an assessment of all potential adverse effects. Should these adverse effects not be able to be avoided, remedied or mitigated, the subdivision consent can be declined.
- The discretionary activity status provides some flexibility for the future subdivision design where development impacts may be temporary or can be managed appropriately.
- If the site was to be rezoned Medium Density Residential Activity Area the current rules for the removal of indigenous vegetation would apply to the

entire site and therefore any indigenous vegetation removal on the slopes of the site would be a restricted discretionary activity (since it would not meet any of the criteria for permitted vegetation removal).

(154) Based on the above I consider the discretionary activity status for any subdivision that results in earthworks, building platforms, roads, private accesses and utility structures outside the identified development area to be appropriate.

(155) In relation to the streams on the site GW correctly notes that activities in relation to these streams will require consent from GW (under the NRP) but also considers that the District Plan is critical in identifying expected outcomes at a landscape level and addressing Councils obligations for integrated management. I consider there is no need to duplicate provisions that are sufficiently addressed through the Natural Resources Plan and a site specific private plan change is not the appropriate tool to address these Council obligations.

(156) GW raise concerns regarding the efficiency and effectiveness of Stormwater Management Plans since they tend to be developed after the site design has been confirmed. I note that the Stormwater Management Plan will be required at the time of first subdivision and will inform the layout and design of future subdivision.

(157) I note that GW's submission includes reference to the mitigation of effects and the effects management hierarchy. I consider these to be important key concepts since they acknowledge that the protection of indigenous biodiversity is not about complete avoidance of all effects but rather about achieving the careful management of adverse effects through a hierarchy of measures (avoid, remedy, mitigate, offset, compensate).

(158) While potentially wide reaching changes to the NPS-IB have been foreshadowed by central government these have not yet been outlined or announced in detail. Therefore the NPS-IB has been assessed in its current version.

(159) As outlined earlier in this evidence the NPS-IB Definition of SNA covers any SNA currently included in plans. I note that while the operative District Plan still includes SNR the related rules have ceased to apply to privately owned land in 2005. This is due to Environment Court rulings that found that the SNR had been mapped at an

inappropriate scale and the identification process had not been robust enough to justify restrictions on private property owners. However, even 20 years after the rules ceased to apply, Hutt City Council has not removed the SNR from the District Plan or undertaken an formal review of the extent and related provisions. Therefore the overlays are still included in the District Plan and now regain an unintended importance due to technically meeting the definition of the NPS-IB for SNA.

(160) It is considered and supported by the s42A report that the proposed site specific additional information requirement in relation to ecology is the most appropriate tool and ensures that the appropriate assessment and protection can be achieved at the time of subdivision rather than develop a site specific provisions framework that would be based on regulation which is subject to change.

Section 42A Report

(161) I agree with the summary and assessment provided by the s42A report in relation to ecology, except for the areas identified below.

(162) I do not agree with the interpretation that the current SNR of the District Plan meet the definition of SNA under the NPS-IB and the consequential changes to the Matters of Discretion for Ecology for the following reasons:

- The current SNR included in the District Plan have been found to be insufficiently identified and mapped and therefore the related rules ceased to apply to private properties.
- Consequentially there are currently no rules limiting vegetation removal based on the location within a SNR. While there are vegetation clearance rules are in place these are not triggered by the location in an SNA/SNR but solely by the underlying zone.
- The fact that SNR overlays are still contained in the District Plan is largely due to the lack of the review and updating in the last 20 years to give effect to the Environment Court findings.
- Based on the assumption that the current SNR do not fall under the NPS-IB definition of SNA I consider the proposed changes to the MoD unnecessary.

- Deleting the Effects Management Hierarchy from the proposed matter of discretion would take away important guidance on the appropriate management of potential effects.
- The proposed Effects Management Hierarchy is based on established best practice and aligns with version contained in the NRP and NPS-IB without exactly repeating the wording of the NPS-IB.
- While changes to the NPS-IB have been signalled, those changes are unlikely to affect the underlying principles of the Effects Management Hierarchy
- Inserting direct reference to NPS-IB 2023 would not provide for the consideration of any future changes to the NPS-IB since it would refer to the version at the time of the plan change.

(163) For the above reasons I do not support the recommended changes to matter of discretion for Ecology under 11.2.3.1 (g) (xv).

Conclusion

(164) Based on the experts’ assessments and evidence and the above discussion I recommend the following amendments to the provisions in relation to Ecology:

- Amend the requirements for Orchid Management to refer to the identification of the location of threatened orchids rather than their presence.
- Add a requirement for a NZ falcon survey.

(165) I do not recommend any changes to the matter of discretion for ecology for the reasons outlined above.

(166) I do not recommend any changes to the activity status for subdivision providing for earthworks, building platforms, roads, private accesses and utility structures outside the development area since I consider the discretionary activity status allows for the appropriate assessment of potential adverse effects.

(167) The exact wording of my recommended changes in relation to ecology is provided in Section 14 below. The full set of proposed further amendments is attached as Appendix 1 to this evidence.

(168) In summary I consider the proposed provisions including the further amendments to be appropriate to allow for the assessment, management and protection of indigenous biodiversity at the time of subdivision in accordance with the relevant legislation at the time.

12.3 Infrastructure Effects

Submissions

(169) Infrastructure effects have been raised by four submitters (DPC58/001, DPC58/002, DPC58/003 and DPC58/004).

(170) Taitā College (DPC58/001) considers that infrastructure on the hillside would need significant investment to ideally link and follow the systems that naturally run down and out via Holborn Drive and Logie Street and that this would entail significant extension and widening of the road taking up much of the flat land on top, further impacting upon the environment and flora and fauna.

(171) The submitter request that any new three waters infrastructure should be directed towards Stokes Valley to avoid passing through currently undisturbed bush.

(172) This is supported by the further submission of Friends of Horoeaka Scenic Reserve (DPC58/FS7).

(173) Greater Wellington Regional Council (DPC58/002) notes that parts of the plan change site would be considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces.

(174) This is supported by the further submissions of Kathryn Martin (DPC58/FS2) and Friends of Horoeaka Scenic Reserve (DPC58/FS7) and partially opposed by the further submission of Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).

(175) The submission by Graeme Adrian (DPC58/003) relates to the provision of a reticulated water supply network and any measures proposed to achieve an adequate domestic and fire-fighting water supply. The submitter questions whether the rezoning should be approved while there is no plan to upgrade the existing fresh water supply, raises existing water supply issues in the area and requests the

construction of a new reservoir to service not only the plan change site but also address the existing water supply issues in the wider catchment.

(176) This is neither supported nor opposed by the further submission of Friends of Horoeke Scenic Reserve (DPC58/FS7) and opposed by the further submission of Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).

(177) Ashley Keown (DPC58/004) requests that the plan change is not approved without a detailed plan to manage infrastructure issues, namely the appropriate management of stormwater to protect the natural environment.

(178) This is supported by the further submissions of Charlotte Heather (DPC58/FS1) and Friends of Horoeke Scenic Reserve (DPC58/FS7).

Discussion

(179) An Infrastructure assessment has been prepared by Mr Sam Godwin (Cuttriss Consultants Ltd) to inform the private plan change request. The report collected information regarding site contours, services capacity and potential flooding issues and prepared an indicative development plan of the site identifying the most suitable area for development with the least restrictions identified by other experts.

(180) The report identifies any existing limitations and discusses potential solutions in relation to water supply, wastewater, stormwater, electricity, telecommunications, gas, roading and access and earthworks.

(181) Mr Godwin has prepared a statement of evidence for this hearing which is attached as Appendix 5 to my evidence. In my discussion I refer to and draw on Mr Godwin's evidence, which I accept unless stated otherwise.

(182) The only further information requested in relation to the infrastructure assessment related to the impacts of the NPS-IB on the consenting pathway for a new reservoir on HCC owned land. In response I advised that the very brief outline of the consenting pathway for a potential new reservoir did not form part of the private plan change and was by no means intended to provide a comprehensive assessment for the following reasons:

- The possible reservoir site signalled in previous reports has not been confirmed

and is indicative only;

- Hutt City Council is currently reviewing the District Plan and the relevant provisions are likely to change; and
- Central government has indicated future changes to the NPS-IB.

(183) Any future resource consent application or notice of requirement for the construction of a new reservoir would need to consider and comply with any relevant rules and regulations at the time (including the NPS-IB).

(184) It is acknowledged that at the time of this plan change process there is not sufficient water supply capacity in the existing network to allow for the development of the site at a medium density scale. This is also reflected by a consent notice attached to the title which states that:

A water supply that meets Council's "Water Supply Code of Practice" is currently available to only a limited area of Lot 1. This land is therefore suitable for one dwelling only. Any proposal for further development of the land will require provision, by the developer, of water facilities that fully meet Council's "Water Supply Code of Practice".

(185) While there currently is no sufficient water supply available, the zoning of the site at 12 Shaftesbury Grove to Medium Density Residential Activity Area may increase the likelihood of securing funding for the needed infrastructure upgrades, not only for the development of the site but to improve capacity in the wider catchment, since recent infrastructure funding often focused on development ready land. Therefore, having the appropriate zoning in place may be crucial to qualify for any additional infrastructure funding should it be released by central government in the future.

(186) In response to the issues raised by Taitā College in relation to the location of future services I would like to note that the exact location and design of any future infrastructure to, on and from the site will not be determined by this plan change but will be established at the time of subdivision. It will depend heavily on and, at the same time, influence the layout and design of the subdivision and the location and availability of reticulated services at the time of subdivision.

- (187) The proposed restricted discretionary activity status of any future subdivision of the site (11.2.3), the additional information requirement for a Stormwater Management Plan (11.2.3(h)A.) and the proposed matters of discretion relating to Stormwater Management, Wastewater and Water Supply (11.2.3.1(g)(ix) to (xi)) provide a robust framework and ensure that any subdivision and development of the site can only go ahead once the existing three waters limitations are sufficiently addressed. Furthermore the existing consent notice that is attached to the title limits the development unless sufficient water supply is achieved.
- (188) The additional information requirement for a Stormwater Management Plan ensures that any potential stormwater effects on and beyond the site will be managed appropriately through applying the latest stormwater management principles and giving effect to the relevant regulations and requirements at the time.
- (189) Greater Wellington refers to the identification of parts of the site as unplanned greenfield development area and the related prohibited activity status for development under NRP-PC1. As outlined above a submission has been made on NRP-PC1 opposing the identification of parts of the site as unplanned greenfield development land and the related prohibited activity status for any future use and development of this land.
- (190) While the area identified by Greater Wellington as unplanned greenfield development land overlaps with the portion of the site that is not intended for development there are also areas where these two overlays do not align. Furthermore the proposed prohibited activity status would not provide any flexibility to achieve the best subdivision design and respond to other requirements at the time of subdivision. The unplanned greenfield development area as mapped by GW relies solely on the existing boundary of the Hill Residential zone on the site and does not consider any site specific features and attributes.
- (191) It is acknowledged that, should the mapping and provisions relating to Unplanned Greenfield Development remain unchanged, this would result in the need for a separate plan change request to Greater Wellington Regional Council to change the relevant mapping for the site at 12 Shaftesbury Grove. However, this would be a separate process from this plan change process.

Section 42A Report

- (192) I largely agree with the summary and assessment provided by the s42A report in relation to infrastructure.
- (193) I do not agree with the statement by Council's infrastructure expert Mr Rose that the rezoning in the absence of sufficient water supply will create false development expectations. A significant portion of the site is already zoned for residential use and a consent notice attached to the title limits the development unless sufficient water supply is achieved. Furthermore, the site specific provisions clearly identify adequate water supply at the time of subdivision as a matter of discretion. As mentioned above I consider that the rezoning may increase the opportunity to access funding since the allocation of funding is often limited to development ready land. I agree with Mr Kellow that the existing consent notice will prevent any further development of the site unless the water supply issue has been resolved.

Conclusion

- (194) In summary I consider the proposed provisions to be appropriate to allow for the assessment and management of infrastructure related effects at the time of subdivision.
- (195) I do not recommend any changes to the provisions relating to infrastructure.

12.4 Geotechnical Effects

Submissions

- (196) Three submissions raise issues relating to geotechnical effects (DPC58/001, DPC58/002 and DPC58/004).
- (197) Taitā College (DPC58/001) raises concerns regarding site stability. The submitter states that parts of the plan change site bordering the Taita College site are very steep and largely unable to support housing and therefore future development and associated deforestation would increase the risk of slips impacting on the Taitā College site.

- (198) The submitter considers that geotechnical and engineering requirements will be inadequate and increase existing problems with erosion and sedimentation. The submitter further considers that construction will have negative effects due to runoff from unintended and unforeseen events such as earthquakes and extreme weather events.
- (199) This is supported by the further submissions of Charlotte Heather (DPC58/FS1), Kathryn Martin (DPC58/FS2) and Friends of Horoeka Scenic Reserve (DPC58/FS7).
- (200) Greater Wellington Regional Council (DPC58/002) would prefer that the private plan change did not proceed but seeks amendments relating to slope stability if it were to proceed.
- (201) The submitter requests that the geotechnical recommendations outlined in the Torlesse Consulting assessment and section 7.2 of the s32 evaluation report be followed and that the risks from natural and geotechnical hazards be appropriately managed (including soil strength for foundations, stormwater control and slope failure hazards).
- (202) The submitter further requests building platforms should be sited on the low to moderate aspects of the lots <26 degrees and notes that the development area identified in Appendix Subdivision 10 is mainly located along the ridge.
- (203) Finally the submitter supports the requirement for a geotechnical assessment to address potential slope stability issues and requests that the relevant provision (11.2.3(h)B.) be retained.
- (204) This is supported by the further submissions of Charlotte Heather (DPC58/FS1) and Friends of Horoeka Scenic Reserve (DPC58/FS7).
- (205) Ashley Keown (DPC58/004) requests that the plan change is not approved without a detailed plan to manage infrastructure issues, including the appropriate management of stormwater to avoid erosion or flooding risks downstream.
- (206) This is supported by the further submissions of Charlotte Heather (DPC58/FS1) and Friends of Horoeka Scenic Reserve (DPC58/FS7).

Discussion

- (207) A Geotechnical Assessment has been prepared by Mr Nathan Schumacher of Torlesse Ltd to inform the private plan change request.
- (208) The geotechnical assessment reviewed public data, undertook site and ground observations (including 10 test pits) and provided preliminary advice on suitable foundation types and potential stormwater discharge options. Overall the report finds the site to be suitable for residential development subject to specific engineering design requirements.
- (209) The geotechnical assessment has been peer reviewed by ENGEO and Council requested the provision of a geohazard map for the site highlighting areas affected by specific geohazards and the identification of potential high level mitigation measures.
- (210) In response to the RFI two geohazard maps were provided relating to slope instability and weak or variable soils and high level mitigation measures for both hazards were identified. These include but are not limited to the incorporation of suitable fill batter angels and timber or steel pole retaining walls to address slope instability and the replacement of unsuitable fill with approved structural fill to address weak or variable soils.
- (211) Mr Schumacher has prepared a statement of evidence for this hearing which is attached as Appendix 6 to my evidence. In my discussion I refer to and draw on Mr Schumacher's evidence, which I accept unless stated otherwise.
- (212) Taitā College raises concern with the steep hillsides along the boundary. As mentioned earlier there is only a limited shared boundary between the plan change site at 12 Shaftesbury Grove and the college site. Furthermore any future earthworks and development is expected to be located within the development area along the ridgeline and the proposed requirement for a geotechnical assessment will ensure that any future subdivision will not increase or accelerate the risk from geohazards on the site or adjoining properties. The proposed matter of discretion relating to geotechnical effects also allows for and requires the management of risk not only on the site but also on adjoining properties.

(213) Greater Wellington supports the requirement for a geotechnical assessment but at the same time requests that the exact recommendations and comments of the geotechnical report be included in the proposed provisions. I consider it more appropriate and comprehensive to include the requirement for a further in depth geotechnical assessment at the time of subdivision that can inform and respond to the specific subdivision design and layout rather than including general recommendations and high level mitigation measures that have not been developed and tested in the context of a proposed development.

(214) The additional information requirement for a geotechnical assessment ensures that the most appropriate measures can be incorporated to respond to any identified geotechnical issues, including erosion and slope stability at the time of subdivision. It allows sufficient scope for a comprehensive assessment and tailored recommendations and ensures that the proposed measures at the time respond exactly to the proposed subdivision design and any identified problems.

(215) The evidence by Mr Schumacher confirms that:

The geology [of the site] is consistent in the Wellington Region and standard industry accepted engineering practices and specific engineering design can appropriately mitigate geotechnical hazards (including the potential for slope instability) identified across the site.

(216) I note that besides the geotechnical assessment, a Stormwater Management Plan will also be required at the time of subdivision.

Section 42A Report

(217) Overall I agree with the assessment and conclusion of the s42A report in relation to geotechnical matters.

(218) I agree with the recommended amendment to replace the term '*slope instability*' with the term '*geohazards*' to allow for a more comprehensive assessment under the matter of discretion for geotechnical engineering (11.2.3.1 (g) (xiv)).

(219) I note that the terms '*slope instability*' and '*land instability*' are also used in 11.2.3 (h) B. and recommend that these should be replaced with references to '*geohazards*' for consistency.

Conclusion

- (220) Based on the experts' assessments and evidence and the above discussion I recommend replacing the terms '*slope instability*' and '*land instability*' with the term '*geohazards*'.
- (221) The exact wording of my recommended changes in relation to geotechnical engineering is provided in Section 14 below. The full set of proposed further amendments is attached as Appendix 1 to this evidence.
- (222) In summary I consider the proposed provisions including the proposed further amendments to be appropriate to allow for the assessment and management of any geotechnical effects at the time of subdivision.

12.5 Transport Effects

Submissions

- (223) Three submissions raise issues relating to and comment on transport effects (DPC58/001, DPC58/002 and DPC58/004).
- (224) Taitā College (DPC58/001) raises issues relating to the access to school land and considers that the population of the subdivision will increase infiltration by people into the property and catchment area of Taitā College. The submitter therefore requests rules limiting certain privileges of future owners relating to pets, planting and access. The submitter further states that the old farm road up onto the ridge is dangerous due to slips and fauna.
- (225) This is supported by the further submissions of Friends of Horoeka Scenic Reserve (DPC58/FS7) and Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).
- (226) Greater Wellington Regional Council (DPC58/002) requests that safe, accessible links through and out of the development via active modes be provided, to facilitate the use of active and public transport. The submitter considers that every effort should be made to ensure that active and public transport modes are readily accessible and convenient alternatives to private car use.

- (227) The submitter further seeks that development should be designed in a way that facilitates the use of active and public transport through and out of the site to be consistent with direction in RPS Change 1 (Policy CC.1, Policy CC.2, Policy CC.9, Policy 55).
- (228) This is supported by the further submissions of Friends of Horoeoka Scenic Reserve (DPC58/FS7).
- (229) Ashley Keown (DPC58/004) requests that the plan change is not approved without a detailed plan to manage infrastructure issues, namely alternate access into Stokes Valley to avoid increasing traffic via Holborn Drive and Logie Street. The submitter considers that Holborn Drive and Logie Street are narrow and winding roads and that increasing traffic would increase the risk of injury and accidents.
- (230) The submitter further considers that the single entry and exit between Stokes Valley and the Hutt Valley is highly vulnerable and that disruptions have the potential to cut off access to Stokes Valley. Therefore the submitter requests that before additional development on Shaftesbury Grove is considered the construction of an additional route in/out of Stokes Valley should be undertaken.
- (231) Finally the submitter states that further development would necessitate an increase in frequency of public transport.
- (232) This is supported by the further submission of Friends of Horoeoka Scenic Reserve (DPC58/FS7).

Discussion

- (233) Mr Gary Clark (Traffic Concepts Ltd) has prepared a Transportation Impact Assessment that informed the preparation of the private plan change. The Transportation Impact Report provides a detailed assessment of the existing transport environment and concludes that roads in the area have sufficient operating capacity to accommodate the expected increases in traffic flows and that any potential future works required for improvements to roads and intersections to address effects of the development of the site can be considered as part of the subdivision process under the existing subdivision and transport provisions.

(234) Therefore no additional information requirements were included in the proposed site specific provisions as notified. The proposed matters of discretion relating to Design and Layout (11.2.3.1(g)(vii)) and Utilities Servicing and Access (11.2.3.1(g)(viii)) as notified allow for the consideration of the size, shape and position of roads and accesses within the subdivision as well as the provision of access via public roads. These matters of discretion are based on established and tested provisions for other site specific restricted discretionary activities.

(235) The Transportation Impact Assessment was reviewed by Luke Benner. The peer review concluded that the assessment has been completed to a high standard but requested further information relating to:

- Sightlines at the intersection of Shaftesbury Grov and Logie Street;
- An extended review of the crash history for a portion of George Street; and
- An additional assessment of capacity issues and safety problems at the intersections of Holborn Drive/George Street, Wagon Road/Stokes Valley Road/Stokes Valley Link and Stokes Valley Link/Eastern Hutt Road

(236) The requested further information was provided and found that

- There is sufficient stopping distance to enable the intersection to operate safely when there is a bus stopped on the side of the road and the increased use of the intersection does not create any effects that would be more than minor;
- While there are no inherent deficiencies in the road layout of George Street, there would be some benefit in reconfiguring the road markings to encourage lower speeds and better provide for parking where it should be allowed; and
- Based on additional assessment of wider network effects relating to capacity and safety it is concluded that the increased traffic from the plan change will be indiscernible to other road users.

(237) Mr Clark has prepared a statement of evidence for this hearing which is attached as Appendix 7 to my evidence. In my discussion I refer to and draw on Mr Clark's evidence, which I accept unless stated otherwise.

- (238) Taitā College in their submission raise the issue of increased infiltration by people of the subdivision into their property. I consider it unlikely that there will be a noticeable increase in people accessing the Taitā College site as a result of future subdivision. While there are limited existing walking tracks connecting the plan change site to Eastern Hutt Road and alternative travel modes such as walking and cycling are encouraged there will be alternative routes that avoid the school site, if necessary. Any public tracks accessing or crossing school land can only be established with the permission of the landowner.
- (239) Greater Wellington Regional Council requests the provision of and support for active and public transport options. If rezoned to Medium Density Residential Activity Area, the site at 12 Shaftesbury Grove provides a rare opportunity to develop a comprehensive and well-designed medium density neighbourhood that encourages and supports alternative traffic concepts and provides for active and public transport options. Any future subdivision will be subject to the district wide rules for transport at the time.
- (240) I note that the Transport chapter is currently being reviewed as part of Hutt City Council's full District Plan review process and I am sure that this review will incorporate and give effect to the relevant provisions of the RPS and RPS Change 1 (Policy CC.1, Policy CC.2, Policy CC.9, Policy 55) as requested by Greater Wellington.
- (241) I further note that there is an existing bus route along Holborn Drive and Logie Street and that the provision of additional or increased public transport connections falls within the responsibility of the Greater Wellington Regional Council.
- (242) Ashley Keown requests that the plan change is not approved without providing an alternative access into Stokes Valley. The transport assessment by Mr Clark confirms that there is sufficient capacity in the existing network to accommodate the additional traffic generated by the development of the site. The submitter also requests that before any additional development on Shaftesbury Grove is considered the construction of an additional route in/out of Stokes Valley should be undertaken. I consider that any capacity and vulnerability issues of the single entrance route to Stokes Valley are pre-existing issue that needs to be addressed independently of this plan change. I would like to point out that the recent rezoning of majority of Stokes

Valley to Medium Density Residential Activity through Plan Change 56 has enable additional housing development capacity far exceeding that of the site at 12 Shaftesbury Grove without requiring any upgrades to the existing road network or the construction of an additional connection to the Hutt Valley.

Section 42A Report

(243) I largely agree with the assessment and conclusion of the s42A report in relation to transport.

(244) Considering the size of the site and the development potential if rezoned I agree with the general recommendation to include a link to the high trip generator threshold in the proposed provisions.

(245) However, I do not agree with the conclusion that this would be best achieved through the inclusion of an additional standard that would make any subdivision exceeding the high trip generator thresholds a discretionary activity.

(246) I would recommend a different pathway that, in my opinion better aligns with the relevant provisions and intentions of the District Plan.

(247) For context, the following framework applies under the current District Plan provisions:

- Subdivision Rule 11.2.2.1 Standards and Terms b. Engineering Design refers back to the Transport Chapter in relation to Access and Service Lanes, Private Ways, Pedestrian Accessways and Walkways (but admittedly not high trip generators) and non-compliance with b. elevates to a restricted discretionary activity status.
- Subdivision Rule 11.2.2.1 Standards and Terms f. Other Provisions refers back to Chapter 14 in general (including those parts of chapter 14A Transport not covered above) and non-compliance with f. elevates to a discretionary activity status.
- Therefore non-compliance with the high trip generator thresholds technically elevates the activity status of any subdivision not complying with the threshold to discretionary.

- However, in the Transport chapter under rule 14A 5.1 c. any activity that exceeds the high trip generator thresholds specified in Appendix Transport 2 becomes a Restricted Discretionary Activity not a Discretionary Activity.
- Furthermore, Appendix Transport 2 clearly refers to *Any residential development or **subdivision** enabling more than 60 dwelling houses [emphasis added]*.
- Therefore, based on the wording and activity status in the Transport chapter the discretionary activity status in the Subdivision chapter could be an oversight and or an unintended consequence of lack of integration under the rolling review.

(248) Based on the site specific approach and framework proposed by this plan change I would like to provide an alternative approach to incorporating a link to the high trip generator threshold into the site specific provisions. Rather than elevating every subdivision for more than 60 dwelling houses to a fully discretionary activity status, I would recommend the introduction of an additional information requirement relating to Transport. This would require the introduction of an Integrated Transport Assessment for any subdivision exceeding the high trip generator thresholds in Appendix Transport 2. Consequentially I would also recommend a change to the relevant matter of discretion to create a separate matter relating to transport.

Conclusion

(249) Based on the experts' assessments and evidence and for the reasons outlined in my above discussion I recommend including an additional information requirement for an Integrated Transport Assessment where high trip generator thresholds are exceeded and to amend the matter of discretion in relation to transport accordingly.

(250) The exact wording of my recommended changes in relation to transport is provided in Section 14 below. The full set of proposed further amendments is attached as Appendix 1 to this evidence.

(251) In summary, I consider the proposed provisions including the proposed further amendments to be appropriate to allow for the assessment and management of any transport related effects at the time of subdivision.

12.6 Landscape and Natural Character Effects

Submissions

(252) No original submissions refer to landscape and natural character effects. Only the further submission of Friends of Horoeka Scenic Reserve (DPC58/FS7) mentions 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.

Discussion

(253) Ms Angela McArthur of Eco-Landscapes & Design Ltd has prepared an Assessment of Landscape and Visual Effects (LVA) to inform the preparation of the private plan change request. The report finds that due to the existing Hill Residential zoning of part of the site landscape effects are anticipated and that there is capacity to absorb change from residential development, especially along the ridgeline. The report further finds that due to the site being widely visible the visual effects will depend on a number of aspects but overall the additional densities enabled by the proposed rezoning would be seen in the context of the established residential zones and can be readily absorbed within the receiving landscape.

(254) The report recommends the identification of suitable development areas and the requirement for a Vegetation Management and Landscape Plan.

(255) Ms McArthur has prepared a statement of evidence for this hearing which is attached as Appendix X to my evidence. In my discussion I refer to and draw on Ms McArthur's evidence, which I accept unless stated otherwise.

(256) The Assessment of Landscape and Visual Effects has been peer reviewed by Linda Kerkmeester for Hutt City Council. A further information request by Council asked for the LVA to be amended to include an assessment of the potential effects of development beyond the Development Area since the proposed provisions provide

for such development as a discretionary activity. As outlined above I challenged this request from a planning perspective.

(257) In my opinion the discretionary activity status provides the appropriate framework for the consideration and assessment of any relevant effects, including landscape and visual effects, at the time of subdivision. If effects cannot be managed appropriately this may result in the decline of the application. Any meaningful assessment depends largely on the kind of activity and scale of development (EW, buildings, access) and therefore any further assessment at this plan stage would have to be highly speculative.

(258) I note that even if subdivision outside the identified development area was a non-complying activity there would still be a consenting pathway under sections 104B and 104D of the RMA. This is discussed in more detail in section 13 below.

(259) I further note that the plan change site is not subject to any landscape overlays and has not been identified as containing or being part of any Outstanding Natural Landscapes, Outstanding Natural Features or Special Amenity Landscapes that would require or justify the further assessment of potential adverse effects at this plan change stage.

(260) Overall, the peer review appears to have a strong focus on the enabled medium density development and considers that the potential effects from such development would be more dominant than current densities in the area and therefore require additional mitigation measures. I note that, while medium density development would be enabled by the rezoning and is encouraged by the policies of the Medium Density Residential zone, the actual development form and density of the plan change site may not realise the full development potential due to underlying restrictions or market expectations. As outlined in the s32 valuation the initial intend of the plan change was to rezone the site to General Residential Activity Area. However, since Plan Change 56 deleted the General Residential zone, the private plan change now seeks a Medium Density Residential zoning. I consider that the requirement for a landscape assessment at the time of subdivision will be better suited to inform the future subdivision design and allow for the assessment and

management of effects of subdivision and development that is appropriate for the proposed densities.

(261) Apart from the issue addressed above the peer review by Ms Kerkmeester largely agrees with methodology and findings of the assessment but requests some specific changes to the proposed provisions:

- Amend C. 4. Vegetation Management to include recommendations relating to the removal of wilding pines and the infill with indigenous canopy trees;
- Amend D. Landscape and Visual to include references to recreation tracks and linkages to the wider access network.
- Amend the proposed matters of discretion to include a requirement to demonstrate an integrated design response at first subdivision across all management plans including earthworks, stormwater, geotechnical, ecology and landscape.

(262) I have reviewed the proposed amendment sought by the landscape peer review and agree with the proposed changes to the information requirements under matter D.

(263) However I don't agree with the proposed changes to the information requirements for the matter D since I consider there is sufficient scope to address these issues under the current wording.

(264) I also do not agree with the proposed additional matter of discretion. This is not to say that I don't consider the integrated management to be important, but I would argue that by the very nature of the restricted discretionary activity status and the proposed matters of discretion an integrated design response will be achieved and the proposed amendment does not add any value. The listed matters of discretion can't be considered in isolation but will always be considered comprehensively and result in an integrated design response.

Section 42A Report

(265) The assessment of landscape and amenity effects provided by the s42A report comes to the conclusion that any subdivision involving earthworks, building platforms,

roads, private accesses and utility structures outside the identified development area should be a non-complying activity rather than a discretionary activity.

(266) This seems to be largely based on statements made in the LVA (and to a lesser degree in the s32) that refer to the land outside the development area as being 'protected' and adverse effects on landscape values being 'avoided'.

(267) I agree that in a planning context the terms 'protect' and especially 'avoid' are used in a very narrow way and have been burdened with a lot of additional meaning especially when contained in policies. I consider that the same narrow focus is not necessarily applied when using these terms in a wider description of intended outcomes outside a narrow policy context. I therefore consider that the 'protection' and 'avoidance' envisaged by LVA can be achieved through the proposed discretionary activity status.

(268) As outlined in my discussion of ecology effects above I do not consider a non-complying activity status to be required or appropriate. Since the plan change site and surrounding areas have not been identified as containing any ONFL or SAL I do not see the need to apply a non-complying activity status based on potential adverse effects on landscape values. Despite the lack of any particular landscapes or features on the site the plan change is proposing the additional requirement for a landscape management plan to inform the subdivision design and address potential landscape and visual effects.

(269) In my opinion the elevation to a discretionary activity status provides sufficient opportunity to address any adverse effects from earthworks, building platforms, roads, private accesses and utility structures located outside the identified development area. It provides sufficient scope to achieve the 'protection' of any values identified either in the required additional information and management plans or the wider DP and thereby the 'avoidance' of adverse effects.

(270) I also note that, as outlined throughout this evidence, the DP provisions and protection measures cannot be considered in isolation but must be evaluated in the wider planning environment. The provisions of the NRP for example provide strong protection for streams and wetlands and NRP-PC1 aims to introduce even stricter

provisions relating to the management of stormwater from subdivision and development.

Conclusion

(271) Based on the experts' assessments and evidence and for the reasons outlined in my discussion above I recommend a small amendment to the Landscape Management Plan requirements to include references to recreation tracks and linkages to the wider access network. I consider these changes will provide greater clarity without changing the underlying intentions of the provisions.

(272) I do not recommend any changes to the activity status for subdivision providing for earthworks, building platforms, roads, private accesses and utility structures outside the development area since I consider the discretionary activity status will allow for the appropriate assessment of potential adverse effects, especially in the absence of any outstanding or special landscapes or features.

(273) The exact wording of my recommended changes in relation to landscape and visual is provided in Section 14 below. The full set of proposed further amendments is attached as Appendix 1 to this evidence.

(274) In summary I consider the proposed provisions including the proposed further amendments to be appropriate to allow for the assessment and management of any landscape and visual effects at the time of subdivision.

12.7 Cultural Effects / Significance to Māori

(275) Taitā College (DPC58/001) considers that:

This site has cultural significance, as it was important to the original local hapu, Ngāti Rākaiwhakairi, who were resident at their pā Horopari in the vicinity of the current Silverstream Retreat. They were a section of Ngāi Tara and Ngāti Ira and due to Rākaiwhakairi the esteemed ancestor of Ngāi Tara and Ngāti Ira, Tūteremoana (also the mountain on Kapiti Island), can trace descent from Haunuihanaia (the ancestor who named most of the rivers on the West Coast from Taranaki to Wellington)

- (276) This is supported by the further submissions of Kathryn Martin (DPC58/FS2), Friends of Horoeka Scenic Reserve (DPC58/FS7) and Cosmic Kaitiaki of Native Realms Foundation (DPC58/FS8).
- (277) The Operative District Plan does not identify any sites of cultural significance on or near the site at 12 Shaftesbury Grove.
- (278) During the preparation of the plan change I attempted to engage and consult with Mana Whenua. I confirmed with Hutt City Council's Tikanga Māori Policy Planner Emily Campbell who would be the appropriate iwi organisations to contact. Based on Ms Campbell's advice I provided a summary of the proposed plan change to the following iwi organisations and asked for any feedback or input:
- Taranaki Whānui ki Te Upoko o Te Ika Trust (reception@portnicholson.org.nz)
 - Te Rūnanga o Toa Rangatira Incorporated (communications@ngatittoa.iwi.nz)
 - Wellington Tenths Trust and Palmerston North Māori Reserve Trust (info@tekau.maori.nz)
 - Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated (info@atiawa.com)
- (279) Ms Campbell also agreed to raise the plan change during her regular meetings with Mana Whenua representatives.
- (280) The only response received was from Te Rūnanga o Toa Rangatira Ngati Toa (Ngati Toa). The feedback received was summarised and responded to in the s32 evaluation for this plan change. In summary the feedback received from Ngati Toa did not identify any sites or areas of significance but considered that overall the requested rezoning and potential development of the site was lacking necessary protection of the ridgeline and hill values and claimed that the provisions are not Taiao sensitive.
- (281) The full feedback from Ngati Toa and my response can be found in the s32 report for PC58.
- (282) The advice from Ngati Toa also suggested to check with Port Nicholson Settlement Trust for any sites or areas of significance on or around the site. As outlined before

Port Nicholson Settlement Trust had been contacted but no response has been received.

(283) Mana Whenua were directly notified by Hutt City Council when the plan change was publicly notified for submissions. During the public consultation phase for PC58 no submissions were received from Mana Whenua.

(284) Taitā College (DPC58/001) in their submission claim that the site has cultural significance since it *was important to the original local hapu, Ngāti Rākaiwhakairi, who were resident at their pā Horopari in the vicinity of the current Silverstream Retreat.*

(285) In response to the submission by Taitā College I again attempted to contact Port Nicholson Settlement Trust and sent another email in which I outlined the plan change process so far and summarised the submission received from Taitā College in relation to cultural significance. I asked whether the significance of the site could be confirmed and outlined our willingness to incorporate any necessary steps to acknowledge and address any sites or areas of significance. No response was received.

(286) Considering the absence of sites or areas of cultural significance on or near the site in the Operative District Plan and the Draft District Plan and the lack of response from mana whenua to specific requests for confirmation or clarification, I have based my assessment on the assumption that there are no sites or areas of significance to Māori located on or near the plan change site.

(287) I agree with the assessment and conclusion of the s42A report in relation to cultural effects.

12.8 Natural Hazards Effects

(288) Only Greater Wellington Regional Council (DPC58/002) refer to Natural and Geotechnical Hazards in one of their submission points, requesting that the geotechnical recommendation as outlined in the geotechnical assessment be followed and commenting that:

To appropriately manage the risks from natural and geotechnical hazards (including soil strength for foundations, stormwater control and slope failure hazards), the geotechnical recommendations outlined in the Torlesse Consulting assessment contained in APPENDIX F of the Cuttriss report and section 7.2 of the s32 evaluation report should be followed.

(289) I consider that, since there are no other natural hazards identified on the site, this matter is sufficiently addressed under the discussion of geotechnical effects and stormwater effects above.

12.9 Rubbish and Waste

(290) Taitā College (DPC58/001) is concerned that waste and rubbish imported onto the development site will be carried into parts of the bush that currently have minimal human footprint (by wind and rain). The management of waste and rubbish is a matter that can and will be addressed through relevant Council bylaws.

12.10 Consultation

(291) Taitā College (DPC58/001) states the expectation to be informed and engaged in any discussion and any future plans to develop the part of the zone which borders our property. The submitter also expects to be informed of

...all amenities to be placed on the site, where their outlet will be directed, how this build could minimise its impact and how the developers intend to enhance the space and its biodiversity.

(292) As noted earlier, there is only a small area where the Taitā College site and the Plan Change site are directly abutting and share a common boundary. Any notification decisions will be made at the consenting stage and will apply the appropriate process to identify affected parties.

13 S42A REPORT

(293) I have read and reviewed the s42A report prepared by Mr Dan Kellow and have identified the following areas of agreement and areas of disagreement.

13.1 Areas of Agreement

(294) I agree with large parts of the assessment provided by the s42A report as outlined throughout this evidence.

(295) I agree with the identified positive effects that the plan change will allow for additional housing development (subject to meeting relevant requirements) and help Council to achieve its housing supply targets.

13.2 Areas of Disagreement

(296) I do not agree with the s42A report in relation to the following matters:

Recommended Change 1 - Additional Information Requirement

(297) In his s42A report Mr Kellow discusses the timing of the proposed additional information requirements and recommends changes. Mr Kellow considers that the proposed wording which requires the additional information and management plans to be provided at the time of first subdivision to be too narrow since it would not sufficiently cover the options of a first subdivision with a narrow scope or multiple smaller subdivision proposals. Mr Kellow therefore recommends amending the additional information requirements to apply to any subdivision rather than the first subdivision of the site.

(298) I do not agree with this recommendation for the following reasons:

- The propose wording not only requires the provision of additional information and management plans at the time of first subdivision but also requires that these are applicable to any future stages and subsequent subdivision applications.
- The amendment proposed by Mr Kellow would mean that any future subdivision application would need to provide the entire suit of additional information requirements - this would not only pertain to subsequent stages but to any small scale subdivision applications in the future.
- For example, under the proposed amendment any small 2-lot subdivision provision, even if located within a developed and serviced area would be

required to provide a Stormwater Management Plan, Geotechnical Assessment, Ecology Plan, Landscape Management Plan etc. - which is not the intention of the provisions and seems disproportionate.

(299) In light of the concerns raised by the s42A report I have reviewed the wording of the additional information requirements and recommend the following amendments:

- Retain the requirement for additional information to be provided at the time of first subdivision.
- Retain the requirement for the additional information to be applicable to any future stages and subsequent subdivision applications
- Add a requirement for subsequent subdivision to provide appropriate revisions, addendums or further information to the initial management plans and information where the applications deviate from the management plans and information previously provided.
- To avoid repetition I also recommend moving the requirement from the individual information requirements for each topic to the introductory paragraph.

(300) I consider that the above changes address the concerns raised by the s42A report and introduce a balanced approach. They provide the requested certainty while also incorporating an appropriate level of flexibility for future applications.

(301) The exact wording of my recommended changes is provided in Section 14 below. The full set of proposed amendments is attached as Appendix 1 to this evidence.

Recommended Change 2 - Activity Status for Subdivision Outside the Development Area

(302) As outlined in my discussions above I do not consider a non-complying activity status to be required or appropriate for any subdivision that provides for earthworks, building platforms, roads, private accesses and utility structures located outside the identified development area.

(303) By their very nature the lower steeper slopes of the site are the areas of higher sensitivity and significance. They contain streams and areas of regenerating

indigenous biodiversity (although threatened by the spread of wilding pines) and form a green backdrop. Also due their steeper contours they are more prone to slope instability and erosion.

(304) Any future subdivision and development of these areas would face significant challenges, both from a consenting perspective (e.g. NRP, NPS-IB) and from a feasibility perspective (e.g. prohibitive cost for extensive earthworks, comparatively low yield).

(305) None of these aspects are influenced by the proposed rezoning to medium density residential. The portion of the site is still steep and the NRP rules still apply.

(306) I consider that, in this planning and natural environment, the site specific subdivision provisions which identify a development area on the site and make subdivision containing earthworks or structures outside the development area a discretionary activity are providing the appropriate balance. 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 the development area there may be small areas of earthworks or minor structures required and the effects can be managed.

(307) I note that the recommendation to apply a non-complying status outside the development area is mainly based on the management of landscape and visual effects. I do not consider this to be appropriate since neither the plan change site itself nor the surrounding wider areas have been identified as containing or being a part of an Outstanding Natural Feature or Landscape or a Special Amenity Landscape.

(308) The underlying Medium Density Residential zone provisions include policies and rules relating to the removal of indigenous vegetation that are rather restrictive and provide an additional layer of assessment and, if required, protection.

(309) As discussed earlier in this evidence I do not agree with the logic of the s42A report that a non-complying activity status is the only way to achieve the avoidance of adverse effects and to achieve the protection of sensitive environments. I agree that due to recent case law the words 'avoid' and 'protect' have a very narrow focus when used in a policy context. However, when used in a general discussion of anticipated outcomes and appropriate measures to achieve these outcomes they are commonly

used more widely. Therefore I do not agree with the conclusion that due to the use of avoid and protect in landscape assessment or section 32 the only way to achieve this is by way of a non-complying activity status.

(310) The s42A report draws a comparison to Plan Change 53 which introduced a site specific non-complying activity status for subdivision within identified no-development areas. I would like to clarify that the background and site specific planning framework for PC53 is significantly different from this plan change. In particular:

- The sites were rezoned to Rural Residential which does not contain any vegetation clearance restrictions;
- Areas meeting the criteria for significant biodiversity were identified at the plan change stage and formed the basis for the non-development areas; and
- The site specific subdivision provisions introduced a controlled starting point with no further information requirements.

(311) For the above reasons I don't think it is appropriate to compare this plan change proposal to PC53.

(312) In summary I still consider that the proposed discretionary activity status is appropriate since it provides sufficient scope for the management of any potential adverse effects and the protection of significant values should they be identified.

Recommended Change 3 - High Trip Generator

(313) While I agree with the recommendation to incorporate a link to the high trip generator threshold into the proposed site specific provisions, I do not consider the introduction of a Restricted Discretionary Standard and the elevation to discretionary activity status to be the most efficient and effective way to achieve this.

(314) As an alternative option I recommend the introduction of an additional information requirement that requires the provision of an Integrated Transport Assessment for any subdivision that exceeds the high trip generator threshold. In support of this requirements I also recommend the introduction of a separate matter of discretion to specifically address transport related matters.

(315) I consider that this approach will align with the restricted discretionary activity status prescribed in the Transport chapter and allow for the assessment and management of transport effects without elevating every subdivision application for 60 or more dwelling houses to a fully discretionary activity status.

(316) The exact wording of my recommended changes is provided in Section 14 below. The full set of proposed amendments is attached as Appendix 1 to this evidence.

Recommended Change 4 - Effects Management Hierarchy

(317) As outlined earlier in my evidence I do not agree with the recommendation to delete the effects management hierarchy from the matter of discretion relating to ecology and replace it with a reference to the NPS-IB 2023.

(318) It is my understanding that this recommendation is based on the interpretation that the mapped SNR in the operative District Plan meet the definition of SNA under NPS-IB and therefore any effects must be avoided rather than using the effects management hierarchy. In my opinion the current SNR do not meet the definition for SNA in the NPS-IB since they have been found to be inappropriately identified and mapped and do not apply to private properties.

(319) I consider the inclusion of the effects management hierarchy to be an important matter for consideration and to provide additional guidance when assessing adverse effects on indigenous biodiversity. It does not replace any higher order requirements that will be in force at the time of assessment - the NPS-IB (or any amendment or replacement) will be relevant and will need to be considered by any future application (unless it has been given effect to by the District Plan).

(320) It is my understanding that the incorporation of a reference to the NPS-IB 2023 into the proposed provisions would achieve the exact opposite - it would limit consideration to the current version and not allow for the consideration of any future amendments or replacements (Schedule 1 Part 3 Incorporation of documents by reference in plans and proposed plans).

(321) In paragraph 88 of the s42A report Mr Kellow states:

Given there is a clear indication that the NPS-IB will be amended I recommend that the reference to the effects management hierarchy in the Matters of Discretion is removed and instead to rely on the NPS-IB and other higher order planning documents that are consistent with the NPS-IB that is are in place at the time of each subdivision proposal to manage any adverse effects on the indigenous biodiversity values.

(322) For the above reasons I do not support the recommended changes to matter of discretion for Ecology under 11.2.3.1 (g) (xv).

14 RECOMMENDED AMENDMENTS

(323) Based on the issues raised in submissions, findings of peer reviews, further discussions with relevant experts and the recommendations of the s42a report I recommend the following changes to the proposed provisions as notified.

14.1 Additional Information Requirements

(324) Amend the additional information requirements under 11.2.3 (h) as follows:

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 and is 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 shall 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:~~

...

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:

...

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 An Ecological Plan must be~~ prepared by a suitably qualified person ~~and addressing~~ the following:

...

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 providing~~ the following landscaping details:

...

S32AA Evaluation

Reason

- (325) The purpose of the proposed amendments is to clarify the intention of the initially proposed wording and to ensure that information requirements for subsequent subdivision applications will need to address any deviation from the initial proposal, while also providing flexibility and not being overly onerous.

Benefits and Costs

- (326) There are benefits in providing additional certainty while not being overly restrictive.
- (327) There are no additional costs associated with this amendment.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- (328) No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

(329) The efficiency of the recommended change is high because the benefits outweigh the costs.

(330) The effectiveness of the recommended change is high because it provides additional certainty and creates clear expectations.

14.2 Geotechnical

(331) Amend the additional information requirement for Geotechnical (11.2.3 (h) B.) and the related Matter of Discretion (11.2.3.1 (g) (xiv)) as follows:

11.2.3 Restricted Discretionary Activities

...

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

...

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.~~

...

11.2.3.1 Matters in which Council has restricted its discretion

...

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

~~(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.

...

S32AA Evaluation

Reason

- (332) The purpose of the proposed amendments is to ensure that any future assessment is not unnecessarily restricted but addresses any relevant geohazards.

Benefits and Costs

- (333) There are benefits in providing additional certainty and guidance.
- (334) There are no additional costs, however the cost of insufficient consideration of geohazards other than slope stability can be avoided.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- (335) No risks around uncertain or insufficient information in relation to the proposed amendment have been identified. It is noted that the provisions require additional investigations to gain sufficient information to appropriately manage the risk from geohazards.

Efficiency and Effectiveness

- (336) The efficiency of the recommended change is high because the benefits outweigh the costs.
- (337) The effectiveness of the recommended change is high because it provides additional certainty and ensures that any relevant geohazards will be addressed.

14.3 Ecology

- (338) Amend the additional information requirement for Ecology (11.2.3 (h) C.) as follows:

11.2.3 Restricted Discretionary Activities

...

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

...

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~~ An Ecological Plan ~~must be~~ prepared by a suitably qualified person ~~and~~ addressing the following:

1. 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.

...

5. 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.~~

S32AA Evaluation

Reason

(339) The purpose of the proposed amendments to the wording of the orchid management requirement is to reflect the initial detection of orchids on the site.

(340) The purpose of the additional requirement for a falcon survey is to ensure that any vegetation clearance or earthworks won't be affecting nesting NZ falcons on the site.

Benefits and Costs

(341) There are benefits in providing additional certainty and providing for the identification and protection of threatened species.

(342) There may be an additional cost for undertaking a falcon survey. The potential additional costs associated with the change are accepted by the requestor.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- (343) No risks around uncertain or insufficient information in relation to the proposed amendment have been identified. It is noted that the provisions require investigations to gain sufficient information to appropriately manage indigenous biodiversity.

Efficiency and Effectiveness

- (344) The efficiency of the recommended change is high because the benefits outweigh the costs.
- (345) The effectiveness of the recommended change is high because it provides additional certainty.

14.4 Landscape and Visual

- (346) Amend the additional information requirement for Landscape and Visual (11.2.3 (h) D.) as follows:

11.2.3 Restricted Discretionary Activities

...

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

...

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 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.

S32AA Evaluation

Reason

- (347) The purpose of the proposed amendments is to clarify the intention of the initially proposed wording.

Benefits and Costs

- (348) There are benefits in providing additional certainty.
- (349) There are no additional costs associated with this amendment.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- (350) No risks around uncertain or insufficient information in relation to the proposed amendment have been identified. It is noted that the provisions require additional investigations to gain sufficient information to appropriately potential landscape effects.

Efficiency and Effectiveness

- (351) The efficiency of the recommended change is high because the benefits outweigh the costs.
- (352) The effectiveness of the recommended change is high because it provides additional certainty.

14.5 Transport

- (353) Introduce an additional information requirement relating to Transport (11.2.3 (h) E.) and amend the related Matter of Discretion (11.2.3.1 (g) (viii)) as follows:

11.2.3 Restricted Discretionary Activities

...

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

...

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.

11.2.3.1 Matters in which Council has restricted its discretion

...

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

...

(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.

For subdivisions that exceeds the high trip generator thresholds specified in Appendix Transport 2 any measures proposed in accordance with the Integrated Transport Assessment for the site.

S32AA Evaluation

Reason

- (354) The purpose of the proposed introduction of an additional information relating to transport is to ensure that the potential adverse effects of subdivision exceeding the high trip generator thresholds of the District Plan can be identified and managed through an Integrated Transport Assessment.

(355) The proposed amendment to the related matters of discretion is intended to ensure that the matters of discretion are wide enough to allow for the consideration of the findings of the Integrated Transport Assessment.

Benefits and Costs

(356) There are benefits in providing for the management of transport effects from subdivision and development exceeding the established high trip generator thresholds.

(357) There may be an additional cost for the preparation of an Integrated Transport Assessment and resulting management requirements if the high trip generator threshold is exceeded. The potential costs associated with the changes are accepted by the requestor.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

(358) No risks around uncertain or insufficient information in relation to the proposed amendment have been identified. It is noted that the provisions may require additional investigations to address transportation impacts if the high trip generator threshold is exceeded.

Efficiency and Effectiveness

(359) The efficiency of the recommended change is high because the benefits outweigh the costs.

(360) The effectiveness of the recommended change is high because it provides additional certainty, creates clear expectations and allows for the assessment and management of potential effects from subdivision that qualifies as a high trip generator.

15 CONCLUSION

(361) Private Plan Change 58 seeks the rezoning of the site at 12 Shaftesbury Grove from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area. This rezoning would

- Align the zoning of the site with the zoning of surrounding residential areas;
- Give effect to Council's Urban Growth Strategy;
- Provide for additional residential development at a medium density scale;

(362) The rezoning would provide for the development outcomes implied by Council at the time of the sale of the site.

(363) The private plan change recognises and addresses identified limitations and constraints through the introduction of site specific subdivision provisions that require appropriate assessments of and responses to the identified issues at the time of subdivision and development.

(364) The proposed site specific provisions (including the recommended amendments):

- Set a restricted discretionary starting point for any subdivision of the plan change site;
- Require the provision of the following additional information at the time of first subdivision:
 - A Stormwater Management Plan;
 - A Geotechnical Assessment;
 - An Ecology Assessment;
 - A Landscape Management Plan; and
 - A Traffic Management Plan (for high trip generators);
- Introduce site specific Matters of Discretion;
- Identify a Development Area and introduce a new standard that requires all earthworks, building platforms, roads, private accesses and utility structures to be located within the development area; and

- Introduce a discretionary activity status for any subdivision that does not comply with the above standard and proposes earthworks, building platforms, roads, private accesses or utility structures to be located outside the identified development area.

(365) The private plan change as amended is consistent with and gives effect to direction in the RMA, the relevant national policy statements, the regional policy statement and council's own strategies and plans.

(366) All recommended changes to the plan change provisions as notified are contained in Appendix 1 to my evidence.

(367) In conclusion, I consider the private plan change with the recommended additional amendments proposed in this report to be consistent with the overarching purpose of the RMA. It will provide for residential subdivision and development of the site at 12 Shaftesbury Grove at a medium density level, while managing any potential adverse effects from additional development on the site and the wider environment.



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Principal Planner

Urban Edge Planning Ltd

APPENDICES

- Appendix 1 Recommended Amendments to PC58 as Notified
- Appendix 2 Response to Submissions and Further Submissions
- Appendix 3 Further Engagement with Submitters
- Appendix 4 Hearing Evidence - Ecology - Frances Forsyth
- Appendix 5 Hearing Evidence - Infrastructure - Sam Godwin
- Appendix 6 Hearing Evidence -Geotechnical Engineering - Nathan Schumacher
- Appendix 7 Hearing Evidence - Transport - Gary Clark
- Appendix 8 Hearing Evidence - Landscape and Visual - Angela McArthur

Appendix 1 Recommended Amendments to PC58 as Notified

The following shows the amendments proposed by PC58 as notified and includes the further amendments proposed by this evidence.

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

Any further amendments proposed by this evidence are shown as red underline and ~~red strikethrough~~.

AMENDMENT 0

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 1

Chapter 11 – Subdivision

Add site specific Restricted Discretionary Activity & 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 and is 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 shall 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 network
- Existing 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 An~~ Ecological Plan must be prepared by a suitably qualified person and addressing the following:

1. 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.

2. 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.

3. Mānuka Management

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

4. 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.

5. 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 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 2

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.~~

~~For subdivisions that exceeds the high trip generator thresholds specified in Appendix Transport 2 any measures proposed in accordance with the Integrated Transport Assessment for the site.~~

(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.

(xivii) 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 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) Those matters described in Section 108 and 220 of the Resource Management Act 1991.

AMENDMENT 3

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 located within the development area identified in Appendix Subdivision 10.

AMENDMENT 4

Chapter 11 – Subdivision

Add site specific Discretionary Activity

11.2.4 Discretionary Activities

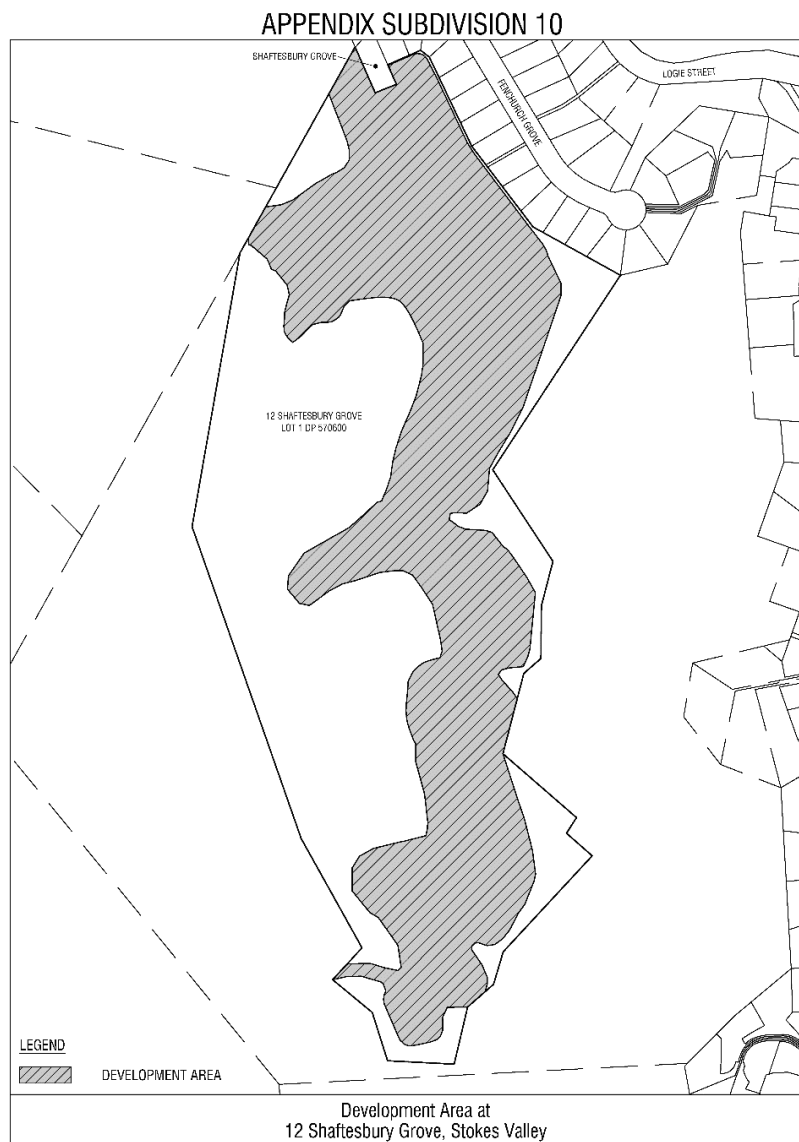
...

- (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)(1).
-

AMENDMENT 5

Chapter 11 – Subdivision

Add new Appendix Subdivision 10



Appendix 2 Response to Submissions and Further Submissions

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
001 Taitā College	1.1 General	The submitter opposes the proposal and seeks that the Council engages with all people impacted by the proposal.	<p>The submitter comments on:</p> <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. <p>Further detail is provided below.</p>	<ul style="list-style-type: none"> • See responses below
	1.2 Site stability	-	<ul style="list-style-type: none"> • Parts of the plan change site bordering the Taita College site are very steep and largely unable to support housing. Development would require deforestation and increase risk of slips, impacting on the Taitā College. • Geotechnical and engineering requirements on the western side will be inadequate and new buildings on steep hillsides will increase existing problems. • Taitā College and The Learning Connexion site has problem with erosion and sedimentation, increased by proliferation of wilding pines. No plans to manage erosion other than the college's revitalisation plan. Erosion jeopardises biodiversity and water quality. 	<ul style="list-style-type: none"> • Steeper areas bordering the Taita College site are not included in identified development areas, therefore any subdivision of these areas is fully discretionary activity. • Any subdivision within identified development area is RDIS and needs to provide a geotechnical assessment to address slope stability and a Stormwater Management Plan to identify, address and manage potential adverse effects. • The impacts from extreme weather events will be considered under the SMP that is required at the time of subdivision. • Any future development will be an extension of the existing urban environment.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
			<ul style="list-style-type: none"> Construction will affect Taitā College site due to runoff from unintended and unforeseen events such as earthquakes and extreme weather events. 	
	1.3 Flaura and Fauna	-	<ul style="list-style-type: none"> Proposed development borders area with remnant native forest from the time of European settlement. Amenities on the hillside would need significant investment to ideally link and follow the systems that naturally run down and out via Holborn and Logie, entailing significant extension and widening of the road taking up much of the flat land on top, further impacting upon the environment and flora and fauna. The hillside (partially plan change site and partially Taitā College property) is rich in cultural and botanical history with remnant areas of tōtara and kahikatea growing side by side. Revitalisation efforts have assisted native fresh-water species to survive and thrive. Presence of a variety of fish species (including rare species) results in native bird species being resident. Site should be part of Halo and Predator Free 2050 projects and provide habitat for expected bird expansion from Zealandia. Vegetation removal and excavation will be required and building materials will not be beneficial to the natural environment. 	<ul style="list-style-type: none"> Recognised through need for further ecological assessment at time of subdivisions. Availability of sufficient three waters capacity is required to enable subdivision and development. Subdivision and development under the proposed plan change is limited to identified development areas. Subdivision application must provide several expert assessments to address potential environmental impacts. Lower portion of the western hillside have not been included in identified development area. Revitalisation efforts are noted and commended. There is a requirement for an additional ecology assessment at the time of first subdivision that enables the appropriate management of existing biodiversity and gives effect to relevant legislation at the time of subdivision.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
	1.4 Significance to Māori	-	<ul style="list-style-type: none"> This site has cultural significance, as it was important to the original local hapu, Ngāti Rākaiwhakairi, who were resident at their pā Horopari in the vicinity of the current Silverstream Retreat. They were a section of Ngāi Tara and Ngāti Ira and due to Rākaiwhakairi the esteemed ancestor of Ngāi Tara and Ngāti Ira, Tūteremoana (also the mountain on Kapiti Island), can trace descent from Haunuihanaia (the ancestor who named most of the rivers on the West Coast from Taranaki to Wellington). 	<ul style="list-style-type: none"> Initial pre-notification consultation with iwi did not raise any particular cultural significance. Will attempt to get confirmation from iwi.
	1.5 Rubbish and Waste	-	<ul style="list-style-type: none"> Waste and rubbish will be imported into areas of bush that currently have minimal human footprint. 	<ul style="list-style-type: none"> Not a District Plan issue but managed through Council bylaws.
	1.6 Access to School Land	-	<ul style="list-style-type: none"> Population of subdivision will increase infiltration by people into the property and catchment area of the Taitā College. Taitā College request number of rigorous rules limiting certain privileges of any future owner on the site enforced by law, for example, pets, foliage and fauna planted, limited access requirements and other matters which would jeopardise their place's unique qualities. Old farm road up onto the ridge is dangerous due to slips and fauna growing on it, especially for children. 	<ul style="list-style-type: none"> Site access and fencing requirements are civil matters that cannot be managed and regulated through the rezoning of the site.
	1.7 Three Waters Infrastructure	-	<ul style="list-style-type: none"> Taitā College requests that three waters' infrastructure would be directed toward Koraunui/Stokes Valley to avoid passing through 	<ul style="list-style-type: none"> The exact layout and configuration of future three waters' infrastructure will be determined

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
			currently undisturbed bush. All stormwater and sewage should run out following the streets toward Koraunui, and water should be sourced from that direction or the water tank.	at the time of subdivision and informed by the findings of the SMP.
	1.8 Consultation	-	<ul style="list-style-type: none"> Taitā College expects to be informed and engaged in any discussion and plan to develop the part of the zone which borders our property because of the topography. Taitā College also expect to be informed of all amenities to be placed on the site, where their outlet will be directed, how this build could minimise its impact and how the developers intend to enhance the space and its biodiversity. 	<ul style="list-style-type: none"> Noted Happy to engage with Taitā College to discuss and hopefully resolve identified issues. Outside the plan change process it is HCC's decision if/when it considers Taitā College an affected party.
FS 1 Charlotte Heather	Site Stability	Support Allow	<ul style="list-style-type: none"> Area is steep sided ridge of erosion prone clay Vegetation removal and hard surfaces will increase risk of slips, slumps and soil run-off Required actions to reduce risk must be specified by Council for reducing and managing runoff – e.g. corridors of protected regenerating bush, specifications of runoff minimising and managing structures and tools. 	<ul style="list-style-type: none"> Steeper areas bordering the Taita College site are not included in identified development areas, therefore any subdivision in this area is fully discretionary activity. Any subdivision within identified development area is RDIS and needs to provide a geotechnical assessment to address slope stability and a Stormwater Management Plan to identify, address and manage potential adverse effects.
	Flora and Fauna	Support Allow	<ul style="list-style-type: none"> Considerable areas of regenerating bush Specify how areas of bush can co-exist alongside residential development – e.g. fenced off sections of bush, picnicking areas, new tracks 	<ul style="list-style-type: none"> Recognised through need for further ecological assessment at time of subdivisions. Subdivision and development under the proposed plan change is limited to identified development areas. Lower portion of the

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
				<p>western hillside has not been included in identified development area.</p> <ul style="list-style-type: none"> Requirement for an additional ecology assessment at the time of first subdivision enables the appropriate management of existing biodiversity and gives effect to relevant legislation at the time of subdivision.
	General		<ul style="list-style-type: none"> Opportunity to build safeguards into the plan change to achieve a compromise between landowner's desires and the needs of the environment, wildlife and protecting Stokes Valley residents from erosion and water degradation 	<ul style="list-style-type: none"> Subdivision application must provide several expert assessments to address potential environmental impacts.
FS 2 Kathryn Martin	Erosion and sedimentation	Support	<ul style="list-style-type: none"> The 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 	<ul style="list-style-type: none"> Any subdivision within identified development area is RDIS and needs to provide a geotechnical assessment to address slope stability and a Stormwater Management Plan to identify, address and manage potential adverse effects
	Cultural significance	Support	<ul style="list-style-type: none"> Cultural significance to original local hapū 	<ul style="list-style-type: none"> Site is not listed as site of significance in the operative or draft District Plan. Mana whenua have been contacted and have not identified any areas of significance.
	Ecology	Support	<ul style="list-style-type: none"> The ecological significance of pre-European settlement remnant indigenous forest 	<ul style="list-style-type: none"> Subdivision and development under the proposed plan change is limited to identified development areas. Lower portion of the western hillside has not been included in identified development area. Requirement for an additional ecology assessment at the time of first subdivision

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
				enables the appropriate management of existing biodiversity and gives effect to relevant legislation at the time of subdivision.
	Revitalisation	Support	<ul style="list-style-type: none"> The threat to revitalisation efforts 	<ul style="list-style-type: none"> As above
	Pollutants and Rubbish	Support	<ul style="list-style-type: none"> The increase in pollutants and rubbish 	<ul style="list-style-type: none"> Will be addressed at the time of subdivision and development
FS 7 Friends of Horoeka Scenic Reserve	General	Support	<ul style="list-style-type: none"> Support in its entirety 	<ul style="list-style-type: none"> As above
FS 8 Cosmic Kaitiaki of Native Realms Foundation	Flora and Fauna Cultural Significance	Support All of the submission is tika. It's quite impressive and should all be allowed	<ul style="list-style-type: none"> Support in its entirety There isn't very much bush left, what is left should be left untouched and protected and that which is regenerating should also be protected from further destruction Native bush is the habitat of native species and we can't have anymore go extinct. 	<ul style="list-style-type: none"> Already zoned residential Appropriate protection of parts of the site is built into the proposal
002 GWRC	2.1 General	Greater Wellington requests that amendments are made where sought in this submission, and any necessary	<ul style="list-style-type: none"> Given the potential risk of indigenous biodiversity loss, and the development capacity enabled by the recent Hutt City Council Intensification Planning Instrument, GWRC does not consider the Private Plan Change is necessary. 	<ul style="list-style-type: none"> Private Plan Change site was always identified as potential greenfield site and was sold by Council to the current owners as a site with future development potential beyond the current Hill Residential zoning (subject to resolution of existing water supply issues). While IPI provides for additional infill there is also demand for new development areas in close

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
		consequential amendments.		<p>proximity to existing urban areas (such as Shaftesbury Grove).</p> <ul style="list-style-type: none"> Potential changes to NPS-UD and MDRS (Enabling Housing Act) as indicated by central government may change the available development capacity and single focus on intensification and infill.
			<ul style="list-style-type: none"> Site contains substantial areas of indigenous vegetation and associated values. The dominant presence of Manuka onsite also represents the beginning of a succession process toward other indigenous forest species. 	<ul style="list-style-type: none"> Requirement for additional ecology assessment at the time of first subdivision enables appropriate management of existing biodiversity and gives effect to relevant legislation at the time.
			<ul style="list-style-type: none"> Two areas have been identified as potentially qualifying as SNA but have not been included in the DP. NPS-IB requires management of adverse effects from new subdivision, use, or development on indigenous biodiversity inside and outside of SNA. 	<ul style="list-style-type: none"> HCC's decision not to include SNA in their DP cannot be held against this plan change request. Uncertainty regarding future of NPS-IB since central government has indicated significant changes.
			<ul style="list-style-type: none"> Parts of the Plan Change would be considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces. 	<ul style="list-style-type: none"> Applicant has made submission on NRP PC1 opposing the identification of parts of the site as 'unplanned greenfield development area' and the related prohibitive activity status.
			<ul style="list-style-type: none"> GW would prefer that this Private Plan Change did not proceed. However, if it were to proceed, amendments are sought to strengthen the 	<ul style="list-style-type: none"> Applicant is determined to proceed with the plan change.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
			protection of indigenous biodiversity and relating to slope stability and transport, as detailed below. Amendments seek to ensure effective implementation of the RPS.	<ul style="list-style-type: none"> Proposed expert assessments required at time of subdivision ensure opportunity for effective implementation of higher order guidance (e.g. RPS, NPS etc.).
	2.2 Natural and Geotechnical Hazards	Follow the geotechnical recommendations as per those outlined in the Torlesse Consulting assessment contained in APP EN DIX F of the Cuttriss report and section 7.2 of the s32 evaluation report.	<ul style="list-style-type: none"> To appropriately manage the risks from natural and geotechnical hazards (including soil strength for foundations, stormwater control and slope failure hazards), the geotechnical recommendations outlined in the Torlesse Consulting assessment contained in APP EN DIX F of the Cuttriss report and section 7.2 of the s32 evaluation report should be followed. 	<ul style="list-style-type: none"> Recommendations have informed extent of identified development area. Requirement for Geotech Assessment and Stormwater Management Plan at the time of subdivision addresses remaining risk.
	2.3 Building Platforms	Building platforms should be sited on the low to moderate aspects of the lots <26 degrees.	<ul style="list-style-type: none"> It is noted that the development area identified in Appendix Subdivision 10 is mainly along the ridge. 	<ul style="list-style-type: none"> Location and extent of identified development area in combination with geotechnical requirements sufficiently addresses slope stability issues.
	2.4 Public and Active Transport	Provide for safe, accessible links through and out of	<ul style="list-style-type: none"> Transport assessment recognises that access to existing active and public transport links is feasible for future residents. Every effort should 	<ul style="list-style-type: none"> Can be achieved at subdivision stage.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
		the development via active modes, to facilitate the use of active and public transport.	<p>be made to ensure that active and public transport modes are readily accessible and convenient alternatives to private car use.</p> <ul style="list-style-type: none"> Development should be designed in a way that facilitates the use of active and public transport through and out of the site to facilitate the use of these modes, consistent with direction in RPS Change 1 (Policy CC.1, Policy CC.2, Policy CC.9, Policy 55). 	
	2.5 Regional Policy Statement	RPS Change 1 (e.g. Policy FW.3) and the operative RPS (e.g. Policy 47) contain significant direction to mitigate potential adverse effects of subdivision, use and development on indigenous biodiversity, both terrestrial and freshwater. This includes impacts beyond the immediate site of development, and the use of a	<ul style="list-style-type: none"> For consistency with RPS Change 1, techniques should be applied to recognise the impacts of subdivision, use and development within and beyond the immediate development site. This includes: <ul style="list-style-type: none"> the application of water sensitive urban design principles and methods to manage downstream effects and minimise contaminant generation; the maintenance of habitat corridors; adequate buffering; providing seasonal or core habitat for indigenous species; and applying the effects management hierarchy. 	<ul style="list-style-type: none"> Proposed site specific provisions require additional ecology assessment at the time of first subdivision to be able to appropriately respond to existing biodiversity and give effect to relevant legislation at the time. A Stormwater Management Plan is required to identify and address any potential adverse effects and to manage the effects through the application of appropriate techniques and principles.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
		precautionary approach.		
	2.6 Geotechnical Assessment	11.2.3(h)(B) Retain as notified.	<ul style="list-style-type: none"> • The requirement for a geotechnical assessment to address potential slope stability issues upon the first application for subdivision under the rules is supported. • It is considered appropriate that the geotechnical assessment is prepared by a suitably qualified expert demonstrating that: <ul style="list-style-type: none"> ○ The resulting allotments are able to accommodate the intended use and development; ○ The risk from any slope instability can be avoided, remedied or mitigated; and ○ The subdivision will not increase or accelerate land instability on the site or adjoining properties. 	<ul style="list-style-type: none"> • Noted
FS 1 Charlotte Heather	Impacts of development	Support Allow	<ul style="list-style-type: none"> • Area is steep sided ridge of erosion prone clay • Vegetation removal and hard surfaces will increase risk of slips, slumps and soil run-off • Required actions to reduce risk must be specified by Council for reducing and managing runoff – e.g. corridors of protected regenerating bush, specifications of runoff minimising and managing structures and tools. 	<ul style="list-style-type: none"> • PC58 identifies development area along the ridge and requires stormwater management plan and geotech assessment etc. at the time of subdivision.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
	Geotechnical Assessment	Support Allow	<ul style="list-style-type: none"> Needs to be completed by an impartial, suitably credentialed expert and reflected in specifications for land use 	<ul style="list-style-type: none"> Geotech assessment is required at the time of subdivision.
	General	-	<ul style="list-style-type: none"> Opportunity to build safeguards into the plan change to achieve a compromise between landowner's desires and the needs of the environment, wildlife and protecting Stokes Valley residents from erosion and water degradation 	<ul style="list-style-type: none"> Achieved by identifying large areas of the site as no-development areas and requiring extensive expert assessments at the time of subdivision.
FS 2 Kathryn Martin	Indigenous biodiversity	Support	<ul style="list-style-type: none"> Risk of indigenous biodiversity loss and the need to protect "substantial areas of indigenous vegetation and associated values for habitat and connectivity" 	<ul style="list-style-type: none"> Addressed through need for an ecology assessment at the time of subdivision.
	Housing capacity	Support	<ul style="list-style-type: none"> The housing intensification already approved by Hutt City council making this rezoning unnecessary, thus preferring that the rezoning did not proceed 	<ul style="list-style-type: none"> Site was always identified as growth area by HCC and sold with clear expectation for development. Site provides the opportunity for comprehensive medium density development as opposed to ad hoc infill.
FS 7 Friends of Horoeke Scenic Reserve	General	Support	<ul style="list-style-type: none"> Support in its entirety 	<ul style="list-style-type: none"> Noted
FS 8 Cosmic Kaitiaki of Native Realms Foundation	If plan change were to proceed amendments are sought to	Oppose	<ul style="list-style-type: none"> All about transparency so allow all of GW's korero. Most is really good but just the end parts where they don't really mind if this Proposed Plan Change goes ahead? 	<ul style="list-style-type: none"> Site was always identified as growth area by HCC and sold with clear expectation for development. Site specific provisions provide opportunity for critical assessment at the time of subdivision to achieve sustainable development.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
	strengthen protection of indigenous biodiversity		<ul style="list-style-type: none"> • There is no working together on this, it does not go ahead. • There should not be a 'however'. How do you make 'amendments' to destruction? How do you replace what is gone forever? • How do you 'strengthen protection' of native bush and species after it's targeted for destruction? Destroy most of it? But leave a lil bit here n there? • When you are connected to nature there is no 'however'. There is ONLY protection. 	
003 Graeme Adrian	Water Supply	Construct 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.	<ul style="list-style-type: none"> • Water Supply: <ul style="list-style-type: none"> ○ 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. 	<ul style="list-style-type: none"> • The provision of a reticulated water supply network to achieve adequate domestic and firefighting water supply is a subdivision requirement for the site. • Compliance with Wellington Water Regional Standard for Water Services December 2021 is specifically required under the proposed site specific provisions.
			<ul style="list-style-type: none"> • Questions approval of rezoning when there is currently no plan to upgrade the existing fresh water supply for Stokes Valley Hills. • Residential houses in the area have existing water supply issues, water supply is not meeting current standards. 	<ul style="list-style-type: none"> • Approval of the rezoning of the site at 12 Shaftesbury Grove does not in itself allow for the subdivision and development of the site. A restricted discretionary subdivision consent will be required and can only be granted if sufficient water supply can be achieved. • The increase in development pressure resulting from the rezoning could increase the probability of achieving a larger scale solution to existing

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
			<ul style="list-style-type: none"> S32 states (and Infrastructure Report confirms) that water supply will not meet current water supply standards. Potential solution could be to build a new reservoir servicing not only the private plan change site but also address existing water supply issues in the catchment. 	water supply issues, such as the construction of a new water reservoir.
FS 7 Friends of Horoeka Scenic Reserve	General	Neutral	<ul style="list-style-type: none"> Neither support nor oppose 	<ul style="list-style-type: none"> Noted
FS 8 Cosmic Kaitiaki of Native Realms Foundation	Construct 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	Oppose That the whole submission be disallowed	<ul style="list-style-type: none"> How big and where would this reservoir be constructed? on land already cleared of native bush OR chop some more down ? If it's to destroy more native bush I will have to say No. the existing water supply issues in the wider catchment is not a concern of this proposed district plan change. and the leaky water pipe infrastructure issues would greatly improve water supply issues. 	<ul style="list-style-type: none"> Site was always identified as growth area by HCC and sold with clear expectation for development. Site specific provisions provide opportunity for critical assessment at the time of subdivision to achieve sustainable development.
004 Ashley Keown late	4.1 Stormwater	Do not approve plan change without first requiring detailed	<ul style="list-style-type: none"> Proposed amendments do not adequately address issues identified in the evaluation. Stormwater – 	<ul style="list-style-type: none"> Site specific provisions have been developed to address identified issues. Any future subdivision will be required to prepare a Stormwater Management Plan that

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
		<p>plan to manage infrastructure issues, namely:</p> <ul style="list-style-type: none"> • Appropriate management of stormwater to protect natural environment 	<ul style="list-style-type: none"> ○ Evaluation identifies insufficient stormwater capacity to meet additional demand from development of the site. ○ Proposal to discharge to gullies lacks detail regarding management of discharge to protect environmental health and avoid erosion or flood risks downstream. 	<p>addresses the identified capacity issues and manages stormwater discharges from development.</p> <ul style="list-style-type: none"> • The preparation of a SMP at the time of subdivision allows for an accurate assessment of the effects from the proposed development and the appropriate measures to manage any adverse effects.
	4.2 Transport	<p>Do not approve plan change without first requiring detailed plan to manage infrastructure issues, namely:</p> <ul style="list-style-type: none"> • Alternate access into Stokes Valley to avoid increasing traffic via Holborn Drive and Logie Street 	<ul style="list-style-type: none"> • Proposed amendments do not adequately address issues identified in the evaluation. • Roading and access – <ul style="list-style-type: none"> ○ Evaluation only considers access from Shaftesbury Grove but does not address access to Stokes Valley and the Hutt Valley. ○ Holborn Drive and Logie Street are narrow and winding and increasing traffic would also increase the risk of injury and accidents. ○ The single entry/exit between Stokes Valley and the Hutt Valley is highly vulnerable (e.g. slope stability) and disruptions have the potential to cut off access to Stokes Valley. ○ Before additional development on Shaftesbury Grove is considered the construction of an additional route in/out of Stokes Valley should be undertaken. ○ Further development would necessitate an increase in frequency of public transport. 	<ul style="list-style-type: none"> • Site specific provisions have been developed to address identified issues. • A Transportation Impact Report has been prepared and finds that existing roads have no safety issues and sufficient capacity to support the development of the plan change site. • The transport assessment specifically analyses: <ul style="list-style-type: none"> ○ The potential effects on Holborn Drive; ○ The potential effects on Logie Street; ○ The potential effects on the intersections of George Street/Holborn Drive and George Street/Stokes Valley Road; and ○ The potential effects on the wider network. • The increase in frequency of public transport lies with Greater Wellington Regional Council. It is however noted that increased demand from additional housing development may result in better public transport.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
FS 1 Charlotte Heather	Stormwater	Support Allow	<ul style="list-style-type: none"> Area is steep sided ridge of erosion prone clay Vegetation removal and hard surfaces will increase risk of slips, slumps and soil run-off Required actions to reduce risk must be specified by Council for reducing and managing runoff – e.g. corridors of protected regenerating bush, specifications of runoff minimising and managing structures and tools. 	<ul style="list-style-type: none"> PC58 requires a stormwater management plan and geotech assessment at the time of subdivision.
	General	--	<ul style="list-style-type: none"> Opportunity to build safeguards into the plan change to achieve a compromise between landowner's desires and the needs of the environment, wildlife and protecting Stokes Valley residents from erosion and water degradation 	<ul style="list-style-type: none"> Achieved by identifying a development area along the ridgeline, further restricting development outside this area and requiring extensive expert assessments at the time of subdivision.
FS 7 Friends of Horoeka Scenic Reserve	Stormwater	Support	<ul style="list-style-type: none"> Support 	<ul style="list-style-type: none"> Noted
005 Kathryn Martin late	5.1 Indigenous Vegetation	Not stated Deny the proposal to cut away at the forest of Stokes Valley Turn attention to protecting nature and building	<ul style="list-style-type: none"> Completely and fully objects to the proposal. Forest belt around Stokes Valley is last stand of forest that should be protected in the middle of twin climate and biodiversity crises. Houses need to be built up, not out. Land proposed for development is home of birds, skinks, geckos and insects. 	<ul style="list-style-type: none"> Agree that the majority of future housing development should be achieved through intensification of existing urban areas. However there is also demand and justification for new residential development in close proximity to existing urban areas.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
		homes in a way that is sustainable	<ul style="list-style-type: none"> • Need to build walkable, medium density neighbourhoods, not add to suburban sprawl. • Presence of nature provides benefits to humans and communities, boosts health and is the most efficient carbon sink. • Sufficient opportunity to densify the city so that people have homes and also have an intact surrounding of natural spaces to visit, benefit from, and respect. 	<ul style="list-style-type: none"> • The plan change site at 12 Shaftesbury Grove has always been identified as a potential residential growth site. • Part of the site already has a residential zoning. The development area identified by the plan change largely aligns with the existing residential zoning. • New greenfield developments in close proximity to existing urban areas (such as Shaftesbury Grove) can be planned and designed in a holistic way that achieves high quality medium density neighbourhoods. • The proposed site specific provisions ensure that any environmental effects can be addressed and managed appropriately at the time of subdivision and development through the consenting process.
FS 1 Charlotte Heather	Indigenous vegetation	Support Allow	<ul style="list-style-type: none"> • Considerable areas of regenerating bush • Specify how areas of bush can co-exist alongside residential development – e.g. fenced off sections of bush, picnicking areas, new tracks 	<ul style="list-style-type: none"> • Will be addressed at the time of subdivision
	General	--	<ul style="list-style-type: none"> • Opportunity to build safeguards into the plan change to achieve a compromise between landowner's desires and the needs of the environment, wildlife and protecting Stokes Valley residents from erosion and water degradation 	<ul style="list-style-type: none"> • Achieved by identifying a development area along the ridgeline, further restricting development outside this area and requiring extensive expert assessments at the time of subdivision.

Issues Raised in Submissions				
Submitter	Sub Ref / Topic	Decision Sought	Comments	UEP Response
FS 6 John Hopgood	Entire Submission	Support Allow	<ul style="list-style-type: none"> • Medium density housing is needed, but this location at 12 Shaftesbury Grove is a poor choice due to it's living cloak of bush. Area should remain as it is, a wild area of regenerating bush and old walking tracks. • Stokes Valley already has issues with stormwater management, erosion of hillsides, and difficult access in emergency situations. How would this proposed change help Stokes Valley? • Need to respect our natural green spaces for what they are, a real, living & breathing asset for us to enjoy and take care of. • Completely agree with Kathryn Martin in that we need to protect nature and focus on building homes sustainably. 	<ul style="list-style-type: none"> • Site was always identified as growth area by HCC and sold with clear expectation for development. • Site specific provisions provide opportunity for critical assessments at the time of subdivision to achieve sustainable development. • Site provides the opportunity for comprehensive medium density development as opposed to ad hoc infill.
FS 7 Friends of Horoeka Scenic Reserve	General	Support	<ul style="list-style-type: none"> • Support in its entirety 	<ul style="list-style-type: none"> • Noted
FS 8 Cosmic Kaitiaki of Native Realms Foundation	Entire Submission	Mauri ora. - Support Whole submission be allowed	<p>All of Kathryn's korero is tika and we tautoko fully with hopefully as much aroha and passion for Papatūānuku.</p> <ul style="list-style-type: none"> • We tautoko kaitiakitanga korero fully 	<ul style="list-style-type: none"> • Noted

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
FS 2 Kathryn Martin	Feedback from Ngāti Toa Rangatira support	<ul style="list-style-type: none"> • That the cumulative effects need to be taken into account, rather than just within the boundary of the property • Provisions are not Taiao sensitive or culturally appropriate • Rezoning may not overall be good for the Taiao • Stream values and hill values are cultural values, and therefore the site is of cultural significance to tangata whenua 	<ul style="list-style-type: none"> • Feedback from Ngati Toa has been addressed, considered and responded to in s32 evaluation.
	Climate Change	<ul style="list-style-type: none"> • Climate action requires the Council to decline this proposal in favour of forest protection, and continue to increase urban density to meet housing demand • Medium density houses are more carbon efficient, create walkable neighbourhoods and reduce car use in the proper location and cost less to build. • With extreme weather events becoming more common, building on hill slopes is going to be costly and dangerous. • Climate Change Commission recommends avoidance of deforestation of pre-1990 forests. • Forest needs to be kept intact to take positive, urgent climate action. 	<ul style="list-style-type: none"> • Council has identified the site in its Urban Growth Strategy, revoked the reserves status and sold the site to a private developer with indicative development plans. • The rezoning would allow for comprehensive medium density housing development. • The main areas identified for development will be located along the flatter ridgeline limiting the need for earthworks and vegetation clearance.
	Tangata whenua	<ul style="list-style-type: none"> • Lack of meaningful engagement to date with tangata whenua • Feedback by Ngāti Toa is dismissed rather than discussed • Concerned about lack of a compensated report from mātauranga experts • Disagree with claim that site is “not identified as having cultural values, nor is it located on the boundary of any sites of identified cultural value” 	<ul style="list-style-type: none"> • Several attempts have been made to engage with mana whenua during the preparation and processing of the plan change. • Any feedback has been considered, discussed and responded. • The District Plan does not identify any significant cultural values on the site or in the area.

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
		<ul style="list-style-type: none"> Taitā College and Ngāti Toa have identified cultural values that need to be recognised and respected. Decline this proposal at the very least until adequate, meaningful, compensated engagement with tangata whenua occurs 	
	Biodiversity and freshwater	<ul style="list-style-type: none"> There is a biodiversity crisis fuelled primarily by habitat loss, pollutants, and introduced pests - all of which would occur if this proposal would proceed. Loss of biodiversity, no matter what mitigations were put in place Threatened species on this site Any damage to headwaters of streams would have negative impacts on multiple streams Proposed stormwater solution is unacceptable 	<ul style="list-style-type: none"> Site is partially zoned for residential development already and was always considered for development. Proposed provisions will provide for appropriate identification and protection of threatened species on the site at the time of subdivision and development. Proposed provisions will provide for appropriate identification and protection of streams on the site at the time of subdivision and development. There is no stormwater solution proposed, however the requirement for a Stormwater Management Plan will allow for a robust assessment at the time of subdivision.
	Conclusion	<p>Object to development for the following reasons:</p> <ul style="list-style-type: none"> The advice from the Climate Change Commission and other governmental bodies is clear: halt deforestation to address climate change. Medium-density housing in walkable neighbourhoods is positive climate action, and needs to be the focus of meeting housing demand, not urban sprawl at the cost of natural areas. Tangata whenua have not been consulted as partners. They have also expressed clear reservations. Tangata whenua need 	<ul style="list-style-type: none"> Addressed above.

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
		<p>to be given the time and monetary resources to provide expert advice.</p> <ul style="list-style-type: none"> Shaftesbury Grove is the home of threatened species, and at the head of several streams that are now in decent shape. This proposal would result in unacceptable biodiversity loss and freshwater pollution due to the introduction of stormwater, pollutants, and sediment, and removal of habitat. 	
FS 3 Wil van 't Geloof	Landslide Infrastructure	<ul style="list-style-type: none"> Opposes the submission because this could maybe influence the landslide on the east hill Water pressure might be a problem for other households. Infrastructure is not able to handle all the traffic with only one entrance in the valley. Would like to see an extra entrance to the valley first, maybe linked up to the new properties. 	<ul style="list-style-type: none"> Slope stability, water supply will need to be addressed and managed at the time of subdivision. Transport assessment finds current network provides sufficient capacity. Proposed rezoning and development of the site would not be at a scale that justifies the requirement for an additional road to be built as a prerequisite.
FS 4 Nik Dowman	General - Oppose	<ul style="list-style-type: none"> Stokes Valley has a population of around 10k people and is constantly growing with the addition of more multiplex developments on small 800sqm plots in the centre of the valley. These homes create additional parking demand. The streets are congested with on street parking which makes the valley a hazard for cyclists and pedestrians. The infrastructure in the valley has not been elevated to meet the rising number of residents settling here. There are rolling black outs and power issues across the valley. There is no bus depot in Stokes Valley and there are multiple issues with the timing and reliability of busses. 	<ul style="list-style-type: none"> Growth is enabled and encouraged by the Medium Density Residential zoning of Stokes Valley, introduced by PC56. Most of the issues raised relate to enabled intensification and infill in Stokes Valley in general rather than the plan change site. An ecology plan is required at the time of first subdivision and under the current Medium Density Residential rules most indigenous vegetation clearance would require resource consent.

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
		<ul style="list-style-type: none"> • There are already far too many people being crammed into this suburb without the duty of care from the council to ensure that the basic necessities can operate properly. • Further to this, we have only just started to see some normalcy return after the slips on Eastern Hutt Road - the proposed location for this development has slippage issues of its own across some of the bush tracts from that same winter which have yet to be addressed. • Finally - the location offers important biodiversity, and is a sanctuary for many native birds - the removal of trees and shrub from this area would jeopardise these species and would drive them further away from this area. 	
FS 5 Nico Reason	General	<ul style="list-style-type: none"> • Eastern Hutt Road is in no state to have more traffic passing through • Holborn Drive, Logie Street and Shaftesbury Road are all narrow and winding, increased traffic would be very dangerous. • Kindergarten and playground on Holborn Drive, increased traffic could endanger the children. • The 121 bus route is the only public transport to Shaftesbury Grove, and has a very limited schedule. • Native animals have been heard in the proposed area, their habitat would be disturbed. • Would be very loud, during construction and when inhabited by new residents. • Stability and water quality of the catchment area would be at risk. 	<ul style="list-style-type: none"> • Transport assessment finds current network has sufficient capacity to absorb additional traffic from rezoning and development. • An ecology plan is required at the time of first subdivision and under the current Medium Density Residential rules most indigenous vegetation clearance would require resource consent. • Construction effects will be managed through the relevant rules of the District Plan. • Geotechnical assessment will be required to ensure site stability. • Property is currently privately owned and owners allow for public recreational use (walking, cycling along the ridgeline).

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
		<ul style="list-style-type: none"> • Access to Taita College school grounds would be more difficult. • Taita College students have been working hard to restore the swamp, and the runoff from construction would damage it. 	<ul style="list-style-type: none"> • Landscape Management Plan required at time of subdivision refers to pedestrian and cycling linkages.
FS 7 Friends of Horoeoka Scenic Reserve	General	<ul style="list-style-type: none"> • Opposed the original revocation of reserve status and Council's sale of the land into private ownership, and we continue to oppose the development of the site into residential use under the proposed plan change. • Oppose the residential use of the site • Oppose the plan change for the following reasons: <ul style="list-style-type: none"> ○ Indigenous biodiversity and habitat loss ○ Loss of connectivity and regeneration ○ Reduced halo effect ○ Increased erosion and runoff, rubbish, adverse impacts from domestic animals and adverse impacts of pest species ○ Loss of opportunities to strengthen the inherent conservation value of the site ○ Insufficient recognition of the cultural value of the site 	<ul style="list-style-type: none"> • Previous and ongoing opposition is noted. • Portion of the site is already zoned Hill Residential. • Additional assessments required at the time of subdivision will address issues raised.
	Conservation and recreational values	<ul style="list-style-type: none"> • Proposed plan change stems from short-term focus on adding a small number of additional houses • More responsible long-term vision should be applied and no, or very limited residential development should be permitted on the site • This would allow for ongoing regeneration 	<ul style="list-style-type: none"> • Site has been identified as potential future growth site over 10 years ago - not short-term • Additional housing that would be enabled by rezoning would be located along the ridgeline and allow for the ongoing regeneration of the steeper parts of the site

Additional Issues Raised in Further Submissions			
Submitter	Issue raised	Comments	UEP Response
	Greenbelt	<ul style="list-style-type: none"> • Greenbelt is significant feature in Stoke Valley • Allowing substantial development along a further portion of the Holborn Ridge would be detrimental to that character • Growing conservation ethic and emphasis on outdoor recreation 	<ul style="list-style-type: none"> • Landscape and visual effects have been assessed and found to be acceptable. • Requirement for a Landscape Management Plan at the time of subdivision will allow for the mitigation of potential effects.
	Integrated approach	<ul style="list-style-type: none"> • Council should support a more integrated approach for managing the various reserves and other protected areas that make up the surrounding greenbelt of hills 	<ul style="list-style-type: none"> • Noted

Appendix 3 Further Engagement with Submitters

Appendix 3A Greater Wellington Regional Council

PC58 - Shaftesbury Grove

Meeting with Greater Wellington Regional Council

When	Monday 26 February 2024, 10:30am
Where	Greater Wellington Regional Council – Cuba Street
Who	Louis Schwer – GW Roger Uys – GW Ainslee Brown – GW (online) Mika Zollner – GW (online) Iain Dawe – GW (online) Theresa Walsh – Owner Corinna Tessendorf – UEP

Agenda

1. Plan Change Summary
 - Background and process so far
2. Issues raised in GW submission
 - Need for the plan change – sufficient capacity
 - Indigenous biodiversity values / SNA / NPS-IB
 - Geotech / slope stability
 - Transport / active and public transport options
 - Consistency with RPS-PC1 and NRP-PC1
3. Next Steps
 - Discuss and where possible resolve issues raised in submissions

Meeting Summary

- There was general agreement that the proposed site specific provisions address the identified issues and provide for their management at the time of subdivision and development.
- GW does not oppose the rezoning.
- GW agrees that many of the site specific issues can be better addressed at the time of subdivision and development, rather than the plan change stage.
- GW agrees that the proposed provisions require detailed assessments and management of identified issues (e.g. biodiversity, stormwater management and slope stability) at the time of subdivision and development and generally provide sufficient scope to manage potential adverse effects.
- UEP invited GW to identify any amendments to the proposed provisions that would allow GW to either support the plan change or take a neutral position.
- UEP will consider further amendments proposed by GW (if any).

PC 58 – GW Submission

Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
<p>Greater Wellington requests that amendments are made where sought in this submission, and any necessary consequential amendments.</p>	<ul style="list-style-type: none"> Given the potential risk of indigenous biodiversity loss, and the development capacity enabled by the recent Hutt City Council Intensification Planning Instrument, GWRC does not consider the Private Plan Change is necessary. 	<ul style="list-style-type: none"> Private Plan Change site was always identified as potential greenfield site and was sold by Council to the current owners as a site with future development potential beyond the current Hill Residential zoning (subject to resolution of existing water supply issues). While IPI provides for additional infill there is also demand for limited new development areas in close proximity to existing urban areas (such as Shaftesbury Grove). Potential changes to NPS-UD and MDRS (Enabling Housing Act) as indicated by central government may change the available development capacity and sole reliance on infill. 	<ul style="list-style-type: none"> While GW are not opposing the rezoning in general but may have some reservations relating to the potential effects on biodiversity values in particular. The current operative zoning as Hill Residential Activity Area and lack of SNA overlays already allows for development of the site. 	
	<ul style="list-style-type: none"> Site contains substantial areas of indigenous vegetation and associated values. The dominant presence of Manuka onsite also represents the beginning of a succession process toward other indigenous forest species. 	<ul style="list-style-type: none"> Ecology assessment identified no SNA on the site, except for Mānuka (due to threat from Myrtle Rust). Requirement for additional ecology assessment at the time of first subdivision enables appropriate management of 	<ul style="list-style-type: none"> Need for ecology assessment at the time of subdivision is acknowledged and considered appropriate. Further amendments may be proposed by GW. 	

PC 58 – GW Submission

Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
		<p>existing biodiversity and gives effect to relevant legislation at the time.</p>		
	<ul style="list-style-type: none"> Two areas have been identified as potentially qualifying as SNA but have not been included in the DP. NPS-IB requires management of adverse effects from new subdivision, use, or development on indigenous biodiversity inside and outside of SNA. 	<ul style="list-style-type: none"> HCC’s decision not to include SNA in their DP cannot be held against this plan change request. HCC’s obligation to give effect to NPS-IB and RPS is acknowledged but cannot be achieved through this private plan change. Note - uncertainty regarding future of NPS-IB since central government has indicated planned withdrawal. 	<ul style="list-style-type: none"> Agreed that HCC’s approach to SNA and indigenous vegetation protection sits outside the scope of PC58 and cannot be resolved through this private plan change. 	
	<ul style="list-style-type: none"> Parts of the Plan Change would be considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces. 	<ul style="list-style-type: none"> Applicant has made submission on NRP PC1 opposing the identification of parts of the site as 'unplanned greenfield development area' and the related prohibitive activity status. As an absolute minimum the area identified as 'unplanned greenfield development' should align with the proposed no-development area identified by PC58 rather than 	<ul style="list-style-type: none"> Not discussed 	

PC 58 – GW Submission				
Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
	<ul style="list-style-type: none"> GW would prefer that this Private Plan Change did not proceed. However, if it were to proceed, amendments are sought to strengthen the protection of indigenous biodiversity and relating to slope stability and transport, as detailed below. Amendments seek to ensure effective implementation of the RPS. 	<p>relying on the current Hill Residential zoning</p> <ul style="list-style-type: none"> Applicant is determined to proceed with the plan change. Proposed expert assessments required at time of subdivision ensure opportunity for effective implementation of higher order guidance (e.g. RPS, NPS etc.). 	<ul style="list-style-type: none"> Discussed below 	
Follow the geotechnical recommendations as per those outlined in the Torlesse Consulting assessment contained in APPENDIX F of the Cuttriss report and section 7.2 of the s32 evaluation report.	<ul style="list-style-type: none"> To appropriately manage the risks from natural and geotechnical hazards (including soil strength for foundations, stormwater control and slope failure hazards), the geotechnical recommendations outlined in the Torlesse Consulting assessment contained in APPENDIX F of the Cuttriss report and section 7.2 of the s32 evaluation report should be followed. 	<ul style="list-style-type: none"> Recommendations have informed extent of identified development area. Requirement for Geotech Assessment and Stormwater Management Plan at the time of subdivision addresses remaining risk. 	<ul style="list-style-type: none"> Need for geotech assessment at the time of first subdivision is considered appropriate. Any further amendments required to the wording of the proposed provision? 	
Building platforms should be sited on the low to	<ul style="list-style-type: none"> It is noted that the development area identified in 	<ul style="list-style-type: none"> Location and extent of identified development area in combination with geotechnical 	<ul style="list-style-type: none"> Need for geotech assessment at the time of first subdivision is considered appropriate. 	

PC 58 – GW Submission				
Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
moderate aspects of the lots <26 degrees.	Appendix Subdivision 10 is mainly along the ridge.	requirements is considered to sufficiently address slope stability issues.	<ul style="list-style-type: none"> Any further amendments required to the wording of the proposed provision? 	
Provide for safe, accessible links through and out of the development via active modes, to facilitate the use of active and public transport.	<ul style="list-style-type: none"> Transport assessment recognises that access to existing active and public transport links is feasible for future residents. Every effort should be made to ensure that active and public transport modes are readily accessible and convenient alternatives to private car use. Development should be designed in a way that facilitates the use of active and public transport through and out of the site to facilitate the use of these modes, consistent with direction in RPS Change 1 (Policy CC.1, Policy CC.2, Policy CC.9, Policy 55). 	<ul style="list-style-type: none"> PC58 does not propose a structure plan or detailed development plans but seeks rezoning of the site to enable medium density development. At the subdivision stage any future development can be designed to align with the RPS policies and achieve the intended outcomes. 	<ul style="list-style-type: none"> The plan change site is conveniently located in relatively close proximity to existing commercial and community facilities as well as public transport. There are existing walking connections to Stokes Valley and the Hutt Valley floor that can be upgraded (subject to HCC agreement since these walkways are mostly located on HCC land). A holistically planned medium density development of the site allows for integration of active transport modes and alternative travel models. 	
RPS Change 1 (e.g. Policy FW.3) and the operative RPS (e.g. Policy 47) contain significant direction to mitigate potential adverse effects of	<ul style="list-style-type: none"> For consistency with RPS Change 1, techniques should be applied to recognise the impacts of subdivision, use and development within and beyond the immediate development site. This includes: 	<ul style="list-style-type: none"> Proposed site specific provisions require additional ecology assessment at the time of first subdivision to be able to properly respond to existing biodiversity and give effect to relevant legislation at the time. 	<ul style="list-style-type: none"> Proposed provisions address the identified issues, require a detailed assessment at the time of subdivision and allow for the development of suitable designs and measures to minimise or mitigate 	

PC 58 – GW Submission				
Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
subdivision, use and development on indigenous biodiversity, both terrestrial and freshwater. This includes impacts beyond the immediate site of development, and the use of a precautionary approach.	<ul style="list-style-type: none"> ○ the application of water sensitive urban design principles and methods to manage downstream effects and minimise contaminant generation; ○ the maintenance of habitat corridors; ○ adequate buffering; ○ providing seasonal or core habitat for indigenous species; and ○ applying the effects management hierarchy. 	<ul style="list-style-type: none"> ● A Stormwater Management Plan is required to identify and address any potential adverse effects and to manage the effects through the application of appropriate techniques and principles. 	<ul style="list-style-type: none"> adverse effects at the time of subdivision. ● GW may propose amendments to provisions 	
11.2.3(h)(B.) Retain as notified.	<ul style="list-style-type: none"> ● The requirement for a geotechnical assessment to address potential slope stability issues upon the first application for subdivision under the rules is supported. ● It is considered appropriate that the geotechnical assessment is prepared by a suitably qualified expert demonstrating that: <ul style="list-style-type: none"> ○ The resulting allotments are able to accommodate 	<ul style="list-style-type: none"> ● Noted 	<ul style="list-style-type: none"> ● No discussion 	

PC 58 – GW Submission				
Decision Sought	Issues Raised	UEP Response	Discussion	GW - Proposed Amendments
	<p>the intended use and development;</p> <ul style="list-style-type: none"> ○ The risk from any slope instability can be avoided, remedied or mitigated; and ○ The subdivision will not increase or accelerate land instability on the site or adjoining properties. 			

GW - Response to Issues Raised

PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
Greater Wellington requests that amendments are made where sought in this submission, and any necessary consequential amendments.	Given the potential risk of indigenous biodiversity loss, and the development capacity enabled by the recent Hutt City Council Intensification Planning Instrument, GWRC does not consider the Private Plan Change is necessary.	<p>Private Plan Change site was always identified as potential greenfield site and was sold by Council to the current owners as a site with future development potential beyond the current Hill Residential zoning (subject to resolution of existing water supply issues).</p> <p>While IPI provides for additional infill there is also demand for new development areas in close proximity to existing urban areas (such as Shaftesbury Grove).</p> <p>Potential changes to NPS-UD and MDRS (Enabling Housing Act) as indicated by central government may change the available development capacity and single focus on intensification and infill.</p>	<p>While GW are not opposing the rezoning in general but may have some reservations relating to the potential effects on biodiversity values in particular.</p> <p>The current operative zoning as Hill Residential Activity Area and lack of SNA overlays already allows for development of the site.</p>	<p>Our position is that there remains some matters we would like to see addressed through the plan change itself as well as strengthening some of the existing provisions to better manage adverse effects at the time of subdivision.</p> <p>One key aspect we'd like to see addressed is around the identification of indigenous ecosystems and habitats in the Ecological Assessment (EA), which has not set out how the full criteria in RPS policy 23 and policy 47 has been assessed for each indigenous biodiversity value. From what has been set out in the EA, the assessment seems to focus primarily on 'rarity' based on threat-status as the sole consideration for determining significant indigenous biodiversity values, rather than considering each aspect of the policy 23 criteria. Additionally, HCC's previous</p>	<p>Noted</p> <p>The requirement for an Ecology assessment at the time of first subdivision ensures that the most appropriate and up to date assessment criteria will be considered and applied – e.g. the current policy 23/policy 47 criteria or any updated criteria based on the relevant NPS-IB requirements.</p> <p>Once identified policy 47 requires the appropriate protection of identified values and management of activities. This could include the application of the effects management hierarchy.</p>
	Site contains substantial areas of indigenous vegetation and associated values. The dominant presence of Manuka onsite also represents the beginning of a succession	Requirement for additional ecology assessment at the time of first subdivision enables appropriate management of existing biodiversity and gives effect	Need for ecology assessment at the time of subdivision is acknowledged and considered appropriate. Further amendments may be proposed by GW.		

PC 58 – GW Submission

Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
	<p>process toward other indigenous forest species.</p> <p>Two areas have been identified as potentially qualifying as SNA but have not been included in the DP.</p> <p>NPS-IB requires management of adverse effects from new subdivision, use, or development on indigenous biodiversity inside and outside of SNA.</p>	<p>to relevant legislation at the time.</p> <p>HCC’s decision not to include SNA in their DP cannot be held against this plan change request.</p> <p>HCC’s obligation to give effect to NPS-IB and RPS is acknowledged but cannot be achieved through this private plan change.</p> <p>Note - uncertainty regarding future of NPS-IB since central government has indicated planned withdrawal.</p>	<p>Agreed that HCC’s approach to SNA and indigenous vegetation protection sits outside the scope of PC58 and cannot be resolved through this private plan change.</p>	<p>Ecology and Landscape project undertaken from 2016 to 2018 to identify significant natural areas, which to our understanding was undertaken in accordance with the criteria in RPS policy 23, has not been provided as an overlay or used as a base to inform the identification of areas of significant indigenous biodiversity within the site. Whilst we acknowledge SNA’s have not been formally identified in the District Plan at this stage, this assessment is still relevant to consider for PC58 in the context of assessing significance in accordance with policy 23 and policy 47 and providing for protection under policy 24. GW consider that either, or both, the SNA overlay and a full assessment of RPS policy 23 is required to ensure all indigenous ecosystems and habitats with significant indigenous biodiversity values have been identified and are</p>	
	<p>Parts of the Plan Change would be considered ‘unplanned greenfield development’ by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces.</p>	<p>Applicant has made submission on NRP PC1 opposing the identification of parts of the site as ‘unplanned greenfield development area’ and the related prohibitive activity status.</p> <p>As an absolute minimum the area identified as ‘unplanned greenfield development’ should align with the proposed no-development area identified by PC58 rather than relying on the current Hill Residential zoning</p>	<p>Not discussed</p>		

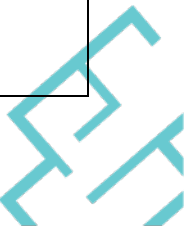
PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
	<p>GW would prefer that this Private Plan Change did not proceed. However, if it were to proceed, amendments are sought to strengthen the protection of indigenous biodiversity and relating to slope stability and transport, as detailed below. Amendments seek to ensure effective implementation of the RPS.</p>	<p>Applicant is determined to proceed with the plan change.</p> <p>Proposed expert assessments required at time of subdivision ensure opportunity for effective implementation of higher order guidance (e.g. RPS, NPS etc.).</p>	<p>Discussed below</p>	<p>adequately provided for through PC58.</p> <p>In regard to streams on the site, we are pleased to see that streams have been excluded from the development area. However, GW consider that where subdivision may occur outside of the development area, it should be managed as a non-complying activity as opposed to a discretionary activity. While these activities will require consent from GW, we consider that the district plan is a critical vehicle to provide clarity about the expected environmental outcomes at a landscape-scale and address the council’s obligations for integrated management using good spatial planning. We also note that the stormwater management plans tend to be developed after site design has been substantially locked in and therefore misses a critical opportunity to design the site-layout around areas of significance. Additionally, it</p>	<p>The identification of a development area provides sufficient clarity about expected environmental outcomes and it is not considered necessary nor beneficial to duplicate GW consent requirements.</p> <p>A discretionary activity status provides sufficient scope to decline an application if it does not manage effects appropriately.</p> <p>The stormwater management plan will be required at the same time as the ecology plan and will inform the overall layout and design of the subdivision.</p>
<p>RPS Change 1 (e.g. Policy FW.3) and the operative RPS (e.g. Policy 47) contain significant direction to mitigate potential adverse effects of subdivision, use and development on indigenous biodiversity, both terrestrial and freshwater. This includes impacts beyond the immediate site of development, and the use of a precautionary approach.</p>	<p>For consistency with RPS Change 1, techniques should be applied to recognise the impacts of subdivision, use and development within and beyond the immediate development site. This includes:</p> <ul style="list-style-type: none"> the application of water sensitive urban design principles and methods to manage downstream effects and minimise contaminant generation; the maintenance of habitat corridors; adequate buffering; providing seasonal or core habitat for indigenous species; and 	<p>Proposed site specific provisions require additional ecology assessment at the time of first subdivision to be able to properly respond to existing biodiversity and give effect to relevant legislation at the time.</p> <p>A Stormwater Management Plan is required to identify and address any potential adverse effects and to manage the effects through the application of appropriate techniques and principles.</p>	<p>Proposed provisions address the identified issues, require a detailed assessment at the time of subdivision and allow for the development of suitable designs and measures to minimise or mitigate adverse effects at the time of subdivision.</p> <p>GW may propose amendments to provisions</p>	<p>adequately provided for through PC58.</p> <p>In regard to streams on the site, we are pleased to see that streams have been excluded from the development area. However, GW consider that where subdivision may occur outside of the development area, it should be managed as a non-complying activity as opposed to a discretionary activity. While these activities will require consent from GW, we consider that the district plan is a critical vehicle to provide clarity about the expected environmental outcomes at a landscape-scale and address the council’s obligations for integrated management using good spatial planning. We also note that the stormwater management plans tend to be developed after site design has been substantially locked in and therefore misses a critical opportunity to design the site-layout around areas of significance. Additionally, it</p>	<p>The identification of a development area provides sufficient clarity about expected environmental outcomes and it is not considered necessary nor beneficial to duplicate GW consent requirements.</p> <p>A discretionary activity status provides sufficient scope to decline an application if it does not manage effects appropriately.</p> <p>The stormwater management plan will be required at the same time as the ecology plan and will inform the overall layout and design of the subdivision.</p>

PC 58 – GW Submission

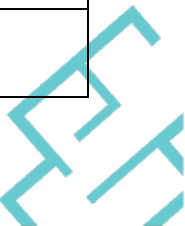
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
	<ul style="list-style-type: none"> applying the effects management hierarchy. 			<p>would be beneficial to see streams clearly delineated on the subdivision 10 map and shown as no-development areas.</p> <p>In terms of managing adverse effects, the provisions as drafted provide limited scope as to how areas identified through the required Ecological Plan (11.2.3 (C)) will be managed beyond identification, and, in the case of lizards, relocation. GW consider that provision should be made to protect any area identified to meet the criteria for RPS policy 23 and all the waterways present within the development area and their riparian margins at the plan change stage, rather than leaving any management to be assessed on a case-by-case basis as part of individual subdivision consent applications. Such an approach risks inevitable cumulative effects, rather than taking a more strategic approach which is to assess the values of, and risks to, these areas from the entire</p>	<p>Once the Ecological Plan has identified any potential areas of significance this will trigger the requirement to manage and protect the identified values. This can involve the effects management hierarchy.</p> <p>This approach is commonly used through District Plan provisions that apply to SNA.</p> <p>Since the Ecology Assessment is required at the time of first subdivision and will need to be considered or amended for any future stages the risk of cumulative effects is avoided.</p> <p>If the site was to be rezoned to Medium Density Residential Zone the relevant vegetation clearance rules apply across the entire site.</p>

PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
				<p>plan change proposal. This approach would provide certainty for, and ultimately reduce costs and tensions between, developers, iwi, the wider community and will greatly assist decisionmakers. We would also like to see best practice vegetation management provisions which limit the extent of vegetation modification outside of no-development areas, beyond what is currently provided for in the operative District Plan.</p> <p>We note that a similar approach to what was undertaken in PC53 for the Stratton St private plan change could be used in PC58 which included provisions to set aside streams and riparian buffers in the plan change as no-development areas, with a non-complying activity where development was sought outside of the development areas. We also note that the approach that was used to assess against the policy 23 criteria, which</p>	<p>PC53 rezoned the relevant sites from General Rural to Rural Residential Activity Area. The Rural Residential provisions do not include any vegetation clearance rules as they apply in the residential zones. Therefore a more restrictive activity status for the development outside of identified development areas was considered appropriate.</p> <p>Under PC53 subdivision of the identified sites was a controlled activity with no requirements for further site</p>

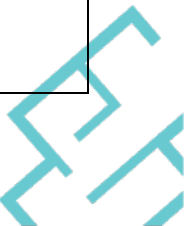
PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
				<p>used a method outlined by Roper-Lindsay to assign a ranking for each aspect of the criteria would be considered more appropriate in determining significant indigenous biodiversity values.</p> <p>As an example, the below insertions to Chapter 11 are suggested to be included in PC58:</p> <p><u>Non-Complying Activities</u> <u>Any subdivision of the land identified in Appendix Subdivision X (no-development areas) that does not comply with the standards and terms required by 11.2.3.2 (ii).</u></p> <p><u>11.2.3.2 Standards and Terms</u> (ii) <u>No-development Areas:</u> <u>All new building platforms for buildings and structures, new access ways and vehicle tracks, new utility structure and sewage disposal fields must be located outside the no-development areas identified in Appendix</u></p>	<p>specific assessments at the time of first subdivision.</p> <p>In contrast, PC 58 introduces a restricted discretionary starting point with a number of further requirements. This allows for a comprehensive and thorough assessment and appropriate management of potential adverse effects at the time of subdivision and development.</p>



PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
				<p><u>Subdivision X (no-development areas). At the time of subdivision, measures for the ongoing protection of areas of significant indigenous biodiversity within the no-development areas from inappropriate use and development must be registered on the certificate of title by way of consent notice.</u></p> <p><u>Appendix Subdivision X – map of no-development areas</u></p>	
Follow the geotechnical recommendations as per those outlined in the Torlesse Consulting assessment contained in APPENDIX F of the Cuttriss report and section 7.2 of the s32 evaluation report.	To appropriately manage the risks from natural and geotechnical hazards (including soil strength for foundations, stormwater control and slope failure hazards), the geotechnical recommendations outlined in the Torlesse Consulting assessment contained in APPENDIX F of the Cuttriss report and section 7.2 of the s32 evaluation report should be followed.	<p>Recommendations have informed extent of identified development area.</p> <p>Requirement for Geotech Assessment and Stormwater Management Plan at the time of subdivision addresses remaining risk.</p>	<p>Need for geotech assessment at the time of first subdivision is considered appropriate.</p> <p>Any further amendments required to the wording of the proposed provision?</p>	No further response received from GW	--
Building platforms should be sited on	It is noted that the development area identified	Location and extent of identified development area	Need for geotech assessment at the time of	No further response received from GW	--



PC 58 – GW Submission					
Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
the low to moderate aspects of the lots <26 degrees.	in Appendix Subdivision 10 is mainly along the ridge.	in combination with geotechnical requirements is considered to sufficiently address slope stability issues.	first subdivision is considered appropriate. Any further amendments required to the wording of the proposed provision?		
Provide for safe, accessible links through and out of the development via active modes, to facilitate the use of active and public transport.	<p>Transport assessment recognises that access to existing active and public transport links is feasible for future residents. Every effort should be made to ensure that active and public transport modes are readily accessible and convenient alternatives to private car use.</p> <p>Development should be designed in a way that facilitates the use of active and public transport through and out of the site to facilitate the use of these modes, consistent with direction in RPS Change 1 (Policy CC.1, Policy CC.2, Policy CC.9, Policy 55).</p>	<p>PC58 does not propose a structure plan or detailed development plans but seeks rezoning of the site to enable medium density development.</p> <p>At the subdivision stage any future development can be designed to align with the RPS policies and achieve the intended outcomes.</p>	<p>The plan change site is conveniently located in relatively close proximity to existing commercial and community facilities as well as public transport.</p> <p>There are existing walking connections to Stokes Valley and the Hutt Valley floor that can be upgraded (subject to HCC agreement since these walkways are mostly located on HCC land).</p> <p>A holistically planned medium density development of the site allows for integration of active transport modes and alternative travel models.</p>	No further response received from GW	--
11.2.3(h)(B.) Retain as notified.	The requirement for a geotechnical assessment to address potential slope stability issues upon the first application for subdivision under the rules is supported.	Noted	No discussion	No further response received from GW	--



PC 58 – GW Submission

Decision Sought	Issues Raised	UEP Response	Meeting Discussion	GW - Further Response	UEP - Further Response
	<p>It is considered appropriate that the geotechnical assessment is prepared by a suitably qualified expert demonstrating that:</p> <ul style="list-style-type: none"><li data-bbox="344 421 696 596">• The resulting allotments are able to accommodate the intended use and development;<li data-bbox="344 612 696 756">• The risk from any slope instability can be avoided, remedied or mitigated; and<li data-bbox="344 772 696 948">• The subdivision will not increase or accelerate land instability on the site or adjoining properties.				



Appendix 3B Taitā College

File Note

Engagement with Taitā College

Taitā College have made a submission on the private plan change request for Shaftesbury Grove, notified by Hutt City Council as PC58.

In their submission Taitā College raise a number of concerns and issues regarding the rezoning and future development of the site. Taitā College also request to be informed and engaged in any discussion.

On 22 February 2024 I sent an initial email to Simon Hirini (Simon.Hirini@taita.school.nz) who has submitted the submission for Taitā College and copied secretay@taita.school.nz into that email. In my email I outlined my role in the plan change process and offered a meeting to discuss the issues raised in the submission. I mentioned that the owner of the site would like to be at the meeting and offered two potential meeting dates.

I did not get any response and therefore on 1 March 2024 I sent a follow up message repeating our offer to meet with Taitā College. Again I received no response.

On 7 March 2024 I called the college and was put through to Simon. I introduced myself and explained my involvement in the private plan change. I also outlined the private plan change process and explained upon request that meetings with submitters prior to the actual hearing are common practice and a recognised tool to try and resolve as many issues as possible prior to a hearing. In response Simon told me that the school was not interested in an individual meeting with us (UEP and the landowner) but would only attend a meeting where all other submitters were invited and attending as well. Simon outlined that he would want to hear the opinions and arguments of the other submitters and this could only be achieved through a combined meeting.

I mentioned that all submissions are available online and emphasised our preference of individual meetings since they provide a better environment for meaningful discussions.

Simon stated his astonishment when I told him we had already started discussions with GW.

I told Simon that we would not be seeking a pre-hearing meeting with all submitters but if Council should decide to organise such a meeting, we would be happy to attend.

Below are copies of my initial and follow up emails.



Corinna Tessendorf

07 March 2024



Plan Change 58 - 12 Shaftesbury Grove, Stokes Valley - Taitā College Submission



Corinna Tessendorf

To ● Simon.Hirini@taita.school.nz
Cc ● secretary@taita.school.nz



Reply

Reply All

Forward



Thu 22/02/2024 10:57 am

You replied to this message on 1/03/2024 10:29 am.

Kia Ora,

My name is Corinna Tessendorf and I have prepared the private plan change for 12 Shaftesbury Grove, Stokes Valley (PC58) on behalf of M & J Walsh Partnership Ltd.

Your submission on PC58 has been forwarded to us by Hutt City Council, and we would be keen to meet with you and talk through the issues and concerns raised in your submission. Our client (and owner of the site) Theresa Walsh would like to be at the meeting as well.

We would be available for a meeting on Monday 11 March 2024 (all day) or on Tuesday 19 March 2024 (all day) and we would be happy to meet either at the school or at our office in Petone – whatever is easier for you. We hope that one of these dates could work for you, since Theresa is based in Auckland and will be in Wellington on those days.

Please feel free to give me call if you have any questions or would like to discuss any of the above.
I look forward to hearing from you.

Ngā mihi nui,

Corinna



Corinna Tessendorf

Principal Policy Planner

corinna@uep.co.nz

022 304 4187

1/5 Bouverie Street, Petone 5012

www.urbanedgeplanning.co.nz



RE: Plan Change 58 - 12 Shaftesbury Grove, Stokes Valley - Taitā College Submission



Corinna Tessendorf

To ● Simon.Hirini@taita.school.nz
Cc ● secretary@taita.school.nz



Reply

Reply All

Forward



Fri 1/03/2024 10:29 am

Good morning,

Just a quick follow up regarding my email below. Could you please let me know if any of the dates below would be suitable for you for a meeting to discuss the issues raised in your submission.

Nga mihi,

Corinna Tessendorf

Principal Policy Planner

corinna@uep.co.nz

022 304 4187



Appendix 3C Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust)

From: [Corinna Tessendorf](mailto:Corinna_Tessendorf@portnicholson.org.nz)
To: reception@portnicholson.org.nz
Subject: 12 Shaftesbury Grove, Stokes Valley - Private Plan Change - Cultural Significance
Date: Monday, 19 February 2024 1:42:00 pm
Attachments: [image002.png](#)
[PC58 - Submission 001 - Taitā College.pdf](#)
[image005.png](#)

Kia ora,

I am contacting you today with regards to Private Plan Change 58 (PC 58) for the rezoning of the site at 12 Shaftesbury Grove in Stokes Valley, Lower Hutt. We have prepared and lodged the plan change on behalf of our clients M & J Walsh Partnership Ltd.

As part of our pre-notification consultation we had contacted you for comments (email sent on 29 May 2023, prior to lodgement of the plan change request) but have not received any feedback.

The private plan change was accepted by Council and publicly notified on 9 November 2023. One of the submissions received is from the neighbouring Taitā College. In their submission Taitā College state that the site has cultural significance for the following reason:

- *This site has cultural significance, as it was important to the original local hapu, Ngāti Rākaiwhakairi, who were resident at their pā Horopari in the vicinity of the current Silverstream Retreat. They were a section of Ngāi Tara and Ngāti Ira and due to Rākaiwhakairi the esteemed ancestor of Ngāi Tara and Ngāti Ira, Tūteremoana (also the mountain on Kapiti Island), can trace descent from Haunuiānāia (the ancestor who named most of the rivers on the West Coast from Taranaki to Wellington).*

I have attached the full submission for your information. More information on PC 58 can be found on Hutt City Council's website for [PC58](#).

Could you please let me know whether you consider the site to have cultural significance. Should you confirm the significance of the site we would be happy to discuss any necessary steps to acknowledge and address that significance with you.

Ngā mihi nui,

Corinna



Corinna Tessendorf
Principal Policy Planner
corinna@uep.co.nz
022 304 4187

1/5 Bouverie Street, Petone 5012
www.urbanedgeplanning.co.nz



Appendix 4 Hearing Evidence - Ecology - Frances Forsyth

BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Private Plan Change 58:
12 Shaftesbury Grove, Stokes
Valley - Rezoning to Medium
Density Residential Activity
Area

STATEMENT OF EVIDENCE OF FRANCES MARY JEAN FORSYTH

ECOLOGY

5 SEPTEMBER 2024

1 INTRODUCTION

(1) My full name is Frances Mary Jean Forsyth. I am an ecologist and stream specialist trading as Frances Forsyth Consulting

1.1 Qualification and Experience

(2) I hold the qualification Master of Science Ecological Restoration from Te Herenga Waka - Victoria University of Wellington. I am a member of the Wellington Botanical Society, the New Zealand Plant Conservation Network and the New Zealand Freshwater Sciences Society. I have 22 years' experience as a consultant ecologist and my key competencies include restoration ecology, botany, horticulture, freshwater fish, earth science and communication. Code of Conduct

(3) I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

2 Scope of Evidence

(4) I have prepared evidence in relation to the ecology at 12 Shaftesbury Grove and adjacent properties. My evidence provides an assessment of the relative significance of ecological features and values located at, and adjacent to, 12 Shaftesbury Grove and the ecological constraints of Proposed Plan Change 58.

(5) My evidence is structured as follows:

- Background and involvement – Brief summary of involvement in the plan change so far and work undertaken (site visits, desktop assessments, reports)
- Summary of expert assessment – Brief summary of the findings of my report
- Matters raised in peer review / RFI – Summary of matters raised in peer review / RFI and my response
- Matters raised in submissions – These have been addressed by submitter

- Matters raised in hearing evidence prepared by relevant Council expert – Address any outstanding areas of disagreement or acknowledge agreement.
- Conclusion

3 Background and Involvement in PC58

- (6) My involvement in relation to the potential ecological effects of the rezoning of the site at 12 Shaftesbury Grove started in August 2017.
- (7) I have undertaken six site visits to 12 Shaftesbury Grove and adjacent properties relating to proposed Plan Change 58. On these occasions I was involved with mapping and assessing vegetation, surveying flora, in particular orchids, surveying fauna, and sampling and surveying freshwater habitats.
- (8) I have undertaken desktop assessments of the history of vegetation, flora and fauna at 12 Shaftesbury Grove and adjacent properties including: aerial photography, historical botanical and ecological surveys, and plant, bird and lizard databases. I have also spoken with local experts and Wellington Regional Council officers regarding orchids and pest animals.
- (9) I have worked with the development team to keep them apprised of ecological constraints relating to the evolving plan.
- (10) I have produced a Constraints Report for the 12 Shaftesbury Grove site on 15 March 2023 to support the Plan Change 58 request; and a response to a request for further information on 23 May 2024.
- (11) I have addressed submitters comments below.

4 Key issues

- (12) Clearance of native vegetation contributing to:
- Potential loss of breeding habitat for rare birds, and loss of habitat for rare orchids and lizards
 - Increased fragmentation and reduced connectivity in and around the site
 - Potential increase in mammalian predators and weeds

(13) Potential effects on aquatic habitats include:

- Reduced water quality in streams and reduced food for downstream fish
- Reduced infiltration and groundwater recharge
- Increased erosion in streams
- Permanent loss of water quality in first order streams with cumulative effects downstream

5 Key documents and databases used in preparing my report were:

- National Policy Statement for Freshwater Management 2020 including amendments which took effect on 5 January 2023
- Greater Wellington Regional Council Operative Regional Policy Statement for the Wellington Region 2013
- Greater Wellington Regional Council Natural Resources Plan (Appeals Version 2022)
- Manaaki Whenua Landcare Research Threatened Environments GIS tool combining and reflecting the status, as of 2012, of three national databases: Land Environments New Zealand, Land Cover Database and the protected areas network.
- Hutt City Council District Plan Section 14E 2.2.
- Singers and Rogers 2014: A classification of New Zealand's terrestrial ecosystems. Science for Conservation 325. Department of Conservation.
- National Herpetofauna Database (DOC May 2016)
- New Zealand Threat Classification System database. Accessed online at <https://nztcs.org.nz/>
- Atkinson, I.A.E., 1962: Semi-quantitative measurements of canopy composition as a basis for mapping vegetation. Proceedings of the New Zealand Ecological Society 9:1-8.

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- Beresford R., Grant Smith G., Ganley B. and Campbell R, 2019: Impacts of myrtle rust in New Zealand since its arrival in 2017. *New Zealand Garden Journal*, 22(2):5-10
- Crisp P., 2020: Conservation status of indigenous vascular plant species in the Wellington Region. Greater Wellington Regional Council Reference No. GW/ESCI-G-20/20.
- Druce A.P., 1957: Botanical survey of an experimental catchment, Taita, New Zealand. Bulletin 124. Soil Bureau. Department of Scientific and Industrial Research. Lower Hutt.
- Harding, J., Clapcott, J., Quin, J., Hayes, J., Joy, M., Storey, R., Grieg H., Hay, J., James, T., Beech, M., Ozane, R., Meredith, A., and Boothroyd, I., 2009: Stream habitat assessment protocols for wadeable rivers and streams of New Zealand. School of Biological Sciences, University of Canterbury. Christchurch.
- Velarde S.J., Grant A., Bellingham P.J., Richardson S.J., Wegner S. and Soliman T., 2019: Evaluating impacts of and responses to myrtle rust in New Zealand. *Biosecurity New Zealand Technical Paper No: 2019/32*.
- Wildland Consultants 2017: Shaftesbury Grove team workshop ecology. *Wildland Consultants Ltd Contract Report No. R4350b*. Produced for M & J Walsh Partnership Ltd.

(14) Note: The National Policy Statement for Indigenous Biodiversity (NPSIB) was not published until July 2023, after the Ecological Constraints Report was submitted, and the Constraints Report has not been updated with reference to the NPS-IB.

6 Summary of expert assessment

6.1 Introduction and methods

(15) An ecological assessment was undertaken across the 12.5 hectares site at 12 Shaftesbury Grove as well as on adjacent land identified as having potentially ecologically significant biodiversity that could be affected by future development should Plan Change 58 be adopted. A literature and database search were undertaken and various sites were visited on 1, 9 and 21 November 2017, 25 October 2019, 30 August 2022, and 28 November 2022 and surveyed using the following methodologies:

- Vegetation at 12 Shaftesbury Grove was surveyed and mapped using the Atkinson (1962) methodology.
- Plant species were recorded.
- Birds were surveyed using the Department of Conservation five-minute bird count methodology.
- Streams were surveyed using the Harding *et al.* (2009) methodology.

6.2 Vegetation and flora

(16) Eight vegetation types were mapped and assessed against Regional Policy Statement (RPS) 23 policy criteria: kāmahī, beech, mānuka, senescent mānuka, mixed broadleaf, blackberry and pines.

(17) At the time of writing the report only one vegetation type, mānuka, was considered significant. This may have changed with the release of the NPS-IB 2023 which considers seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance as being significant under the representativeness criterion, provided species composition is typical of that type of indigenous vegetation. This means that all indigenous vegetation types need to be reconsidered to determine whether they meet this criterion. This will be covered in the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

- (18) Of the plant species observed only two were considered rare: mānuka has a national conservation status of At Risk-Declining and sun orchid (*Thelymitra formosa*) has a national conservation status of At Risk-Naturally Uncommon.

6.3 Birds

- (19) Six native bird species have been recorded at Shaftesbury Grove none of which are rare. A further ten species are known within the surrounding Hutt Valley area including some which are classified as threatened: kākā (At Risk-Recovering), kākārīki (At Risk-Relict), kārearea / NZ falcon (Nationally Increasing), koekoeā / Long-tailed cuckoo (Nationally Vulnerable), Titipounamu / Rifleman (At Risk-Declining).
- (20) The habitat for birds at 12 Shaftesbury Grove is not of high quality and without pest animal control is unlikely to provide habitat for the successful breeding of any the rare bird species listed above. This does not mean that occasionally some threatened species may attempt to breed there. Whenever threatened bird species are found to be breeding in vegetation, the habitat they are in is recognised as significant even if that vegetation type itself is not otherwise significant. Removal of habitat supporting birds known to be rare must be avoided during the breeding season. This will be covered in the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

6.4 Lizards

- (21) No lizards were observed at the site and no lizard survey has been undertaken. There are no database records for lizards at the site. However, there are numerous records of geckos for the wider area in the National Herpetofauna Database. There are no records for skinks in the area but it is highly likely that there will be skinks present.
- (22) Two gecko species which are classified as nationally threatened have been recorded within 500 metres of 12 Shaftesbury Grove. These are Wellington green gecko (At Risk-Declining) and ngahere gecko (At Risk-Declining). Whenever rare lizards are present, the habitat they are in will be significant even if that vegetation type is not significant itself. Removal of lizard habitat requires a lizard management plan. This will be covered in the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

6.5 Aquatic habitats

- (23) The headwaters of five streams originate on slopes either side of 12 Shaftesbury Grove. The largest of these, on the western side of the site, is Taita Stream in the Hutt River catchment. Surveys showed that at Taita College and the Learning Connection this stream supports two species of native fish: banded kōkopu and giant kōkopu. Giant kōkopu has a national threat classification of At Risk-Declining.
- (24) The small streams on the eastern side of Shaftesbury Grove, are within the Stokes Valley sub-catchment of the Hutt River. The reaches of those streams within the property boundary are not large enough to support fish. However, fish could potentially be present downstream from the property boundary.
- (25) The streams within the 12 Shaftesbury Grove site provide drift food for fish downstream and contribute to the maintenance of base flows in the second order streams on the lower flanks of the hill. The macroinvertebrate communities of four of the streams originating at the site were sampled downstream where there were perennial flows, and before they entered the local stormwater reticulation systems. The water quality of streams on the eastern side of the site was slightly better than that of streams on the western side. This is likely due to a lack of vegetation cover over the lower part of the streams on the western side.
- (26) The National Policy Statement - Freshwater Management 2023 states that loss of river extent and values is to be avoided, and the regional Natural Resources Plan states that Stokes Valley Stream and all its tributaries is identified in Schedule F1 as having high macroinvertebrate health, and Threatened or At Risk fish habitat, and are therefore significant under Regional Policy Statement Policy Number 23.

6.6 Constraints to the proposed Plan Change

- (27) Clearance of native vegetation contributing to:
- Potential loss of habitat for rare lizards
 - Loss of rare orchid habitat
 - Increased fragmentation and reduced connectivity between the eastern and western sides of the hill for less mobile species such as plants and insects

- Increased edge effects
- Potential increase in numbers of mammalian predators
- Increased opportunity for weed dispersal and colonisation

(28) Potential effects on aquatic habitats include:

- Reduced water quality in streams due to loss of buffering/shading
- Reduced food for downstream fish due to loss of riparian habitat for insects
- Reduced infiltration and groundwater recharge resulting in loss of base flows in streams
- Increased volume and velocity of stream flows during rainfall events
- Increased stream erosion during rainfall events
- Permanent loss of water quality in first order streams with cumulative effects downstream

7 Request for further information

(29) The following issues were raised in the peer review. A summary of my responses is listed after each question.

(30) *More detail is needed on both the specific survey methods and the assessment methods that were utilised.*

- Vegetation surveys were undertaken by comparing high resolution aerial photography with on-site ground truthing. Vegetation types were based on Atkinson's protocols for semi-quantitative measurements of canopy composition (1962).
- Several sources were used for bird sightings in and around the site including: the results of a bird survey undertaken by Wildland Consultants for their 2017 report. This used five-minute bird counts at nine stations across the site using protocols described in the Department of Conservation inventory and monitoring toolbox: birds. Other sources for the general area included iNaturalist, Boffa Miskell 2015, and McArthur N, 2022.

- Stream channels were walked, or, where conditions were too steep, viewed from above. A qualitative assessment was undertaken based on the protocols in Harding *et al.* (2009). Notes were taken regarding channel and flow characteristics, bank stability, cover, and sedimentation.

(31) *In the past seven years since detection, there has been very few occurrences of myrtle rust on manuka, indicating that the threat is low and this risk status is likely elevated.*

- The incidence of myrtle rust infestation on mānuka is predicted to rise with the high mortality of seedlings (Beresford *et al.* 2019) and is expected to cause a gradual loss of the species across the country (Velarde *et al.* 2019). This is a cumulative effect which must be considered therefore I do not consider that the risk status is elevated.

(32) *[Senescent Mānuka] may meet Policy 23 criterion d) Ecological context of an area: the ecosystem or habitat as it enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats (the mānuka type). A clear justification needs to be given as to why this does/does not meet the criteria in this case.*

- I agree that the Senescent Mānuka vegetation could provide a buffer for the rare mānuka vegetation type. However, it is not immediately adjacent to any mānuka vegetation. Under the NPS-IB senescent mānuka is may also be significant seral vegetation in its own right.

(33) *As this community has been classified in terms of presence of end-of-life mānuka and its diminishing canopy cover, an appropriate delineation measure may involve thresholds of average diameter at breast height (dbh) or percentage canopy cover of mānuka.*

- The Senescent Mānuka vegetation type conforms with the vegetation description guide in Table 1 of the report. That is, the dominant woody vegetation comprises greater than 80% of the canopy and has a DBH of >10cm.

(34) *There is potential for ranges of the NZ falcon (*Falco novaeseelandiae*), known to be present at Trentham to include this site.*

- The home range of the NZ falcon has been measured at between 44 and 587 km² (Thomas *et al.* 2010).
- I agree that a survey for nesting falcon should be undertaken if vegetation is going to be removed during the nesting season (late winter to mid-summer).

(35) *An accidental discovery protocol also needs to [be] a condition of development for this site*

- Any Lizard Management Plan would include an accidental discovery protocol.

(36) *Sediment inputs during development*

- Aquatic habitat will be identified and mapped in the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities), and protected by the erosion and sediment control management plan.

(37) *The rare indigenous orchids found on-site warrant further discussion prior to the plan change decision. Discussions need to include both Greater Wellington Regional Council and wider experts of indigenous orchids and orchid habitat restoration.*

- This was my recommendation. I have already consulted with Greater Wellington and with two independent orchid specialists. This will be covered by the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

8 Issues raised by submitters

(38) Issues raised by submitters which are relevant to ecology are listed below with my responses.

8.1 Taita College

(39) *The proposed development borders remnant native forest.*

- The forest referred to may be the Taita Scientific Reserve shown in Figure 1 of the Ecology Constraints report (Appendix 1). Druce's 1957 report on the vegetation in this reserve stated that the only direct evidence of the original vegetation was provided by numerous partly decomposed hard beech logs. Druce mentions that mortgages issued in 1874 make no mention of standing

wood on the land and that there were fires in 1908, 1938/39 and 1945/46. He goes on to say that none of the original vegetation of the scientific reserve survived by the time he wrote his report in 1957.

- Plate 1 of the Constraints Report (Appendix 1) shows that vegetation behind the Taita College in 1957 comprised mānuka and pines. Large beech trees and other vegetation currently growing around the college are consistent with 70 years of regeneration.
- All vegetation has been assessed against Regional Council Policy 23 criteria.

(40) *Cultural and botanical history of the site*

- The botanical history of the site has been covered in the Constraints Report. The cultural history of the area is outside my area of expertise. However, I have seen no evidence of historic māra kai/mahinga kai (food gardens) at 12 Shaftesbury Grove or any evidence that it is an archaeological site.

(41) *Erosion and effects on streams*

- This is a valid concern which can be addressed by the Ecological Management Plan and the Stormwater Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

8.2 Greater Wellington Regional Council

(42) *Given the potential risk of indigenous biodiversity loss GWRC do not consider that the Private Plan Change is necessary at this stage.*

- The loss of some significant seral vegetation and rare flora would be unavoidable should development go ahead. The Ecology Constraints report lists several actions that could be made to mitigate those losses including:
 - Prepare a lizard management plan and apply for a permit to undertake a lizard scout and rescue
 - Consider undertaking weed control and enhancement planting in areas of senescent mānuka not being used for housing
 - Avoid the loss of stream extent and values

- Control stormwater run-off to avoid effects on the significant aquatic ecosystems
- The orchid plants are almost all restricted to the grass area on either side of the road to the reservoir rather than being found under forest or shrub canopies. The grass strips are too narrow to map at the same scale as the other vegetation types so do not appear on Figure 2 of the Constraints Report. The grass strips are mown at regular intervals which has modified environmental conditions and made them more suitable for orchids to persist. I have spoken with a Regional Council botanist (Owen Spearpoint) and a consultant botanist with a horticulture background (Matt Ward). Mr Spearpoint believed there were insufficient numbers of plants and numbers of species for this to be designated an orchid hotspot. Mr Ward believed transplantation of orchids might fail as they would need to be harvested during the short period when they were visible above ground.

(43) *The site currently contains substantial areas of indigenous vegetation and associated values for habitat and connectivity. The dominant presence of mānuka onsite represents the beginning of a succession process towards other indigenous forest species.*

- It is true that there would be some loss of habitat and connectivity. However, the extent of wilding pine on the site is currently 32 percent and growing. This threat is not being addressed in the District Plan or by Hutt City Council biosecurity or adjacent neighbours. Proposed pine removal/poisoning in conjunction with enhancement planting offers an opportunity to address this very real threat along with reducing the flammability of the forest. This would result in successful regeneration of the vegetation remaining after development which would provide higher quality habitat with higher diversity of species and resilience against pest plant invasion.

(44) *Two areas onsite have previously been identified as potentially meeting the criteria for indigenous ecosystems and habitats with significant indigenous biodiversity values according to RPS Policies 23 and 24, which are not yet given effect to in the*

Hutt City District Plan. Additionally, any adverse effects on indigenous biodiversity resulting from new subdivision, use, or development need to be managed in accordance with the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), including both areas identified as Significant Natural Areas (SNA) as well as areas of indigenous biodiversity outside of SNA. Where an area is identified to be a potential SNA, the NPS-IB requires the Territorial Authorities to undertake an assessment as soon as practicable.

- The site at 12 Shaftesbury Grove is currently partially covered by one Significant Natural Resource overlay (SNR50). Rules relating to that SNR ceased to apply from December 2005. The two areas referred to above were identified as part of a wider survey for Council's Ecology and Landscape project in 2016-2018. The survey to identify potential SNRs was based on a desk-top survey of aerial photography. Since the SNR survey pines have continued to proliferate and this, along with the lack of pest animal control, means that the state of the vegetation is changing. I have been involved with surveying the site since 2017 and have noticed a distinct increase in the spread of pines over that period. These reduce the significance of the vegetation.
- I agree that the Mānuka and sun orchid would meet the criteria for rare plants (RPS Policy 23), and some vegetation may meet the habitat for fauna (lizards) criteria. However, virtually all vegetation types at the site are infested with occasional pine trees including seedlings and saplings. Wilding pine removal is included in PC58 section 11.2.3 Restricted Discretionary Activities. Unless this weed problem is addressed across not just 12 Shaftesbury Grove but right down either side of the hill, the pines are likely to dominate most of the area within 10-20 years and lower the significance of the vegetation even further.

(45) In terms of managing adverse effects, the provisions as drafted provide limited scope as to how areas identified through the required Ecological Plan (11.2.3 (C)) will be managed beyond identification, and, in the case of lizards, relocation.

- Targeted fauna surveys, other than for birds, were beyond the scope of the Constraints Report. A requirement for an Ecological Management Plan,

including a lizard management and relocation plan has been included in PC58 section 11.2.3 Restricted Discretionary Activities.

(46) *HCC's previous Ecology and Landscape project undertaken from 2016 to 2018 to identify significant natural areas, which to our understanding was undertaken in accordance with the criteria in RPS policy 23, has not been provided as an overlay or used as a base to inform the identification of areas of significant indigenous biodiversity within the site*

- SNR50, which includes part of the site, appears on maps of the operative District Plan, but dates from the 1990s. The rules relating to SNRs ceased to apply to apply from December 2005.
- A later survey (2016-2018) to identify potential SNAs was based on the aerial photography of the day and the consultants undertaking the surveys did not carry out vegetation type mapping. Site surveys consisted of viewing the vegetation from property boundaries through binoculars. These SNAs and the information behind them are not currently included in the operative District Plan.

(47) *We also note that the approach that was used to assess against the policy 23 criteria, which used a method outlined by Roper-Lindsay to assign a ranking for each aspect of the criteria would be considered more appropriate in determining significant indigenous biodiversity values.*

- Each vegetation type has been assessed according to policy 23 criteria. There is no RPS requirement to use the Roper-Lindsay method. Furthermore, when each of the mapped vegetation types are small, less than one hectare, it is very difficult to compare them with naturally occurring areas of the same vegetation type to determine representativeness. Another problem with the Roper-Lindsay method of scoring is that the ranking is not weighted for the Policy 23 criteria but encourages practitioners to consider a number of attributes with different values to obtain an overall value, when just one of those attributes should be sufficient to trigger the RPS significance.

(48) *We would also like to see best practice vegetation management provisions which limit the extent of vegetation modification outside of no-development areas, beyond what is currently provided for in the operative District Plan.*

- This will be covered by the Ecological Management Plan (PC58 section 11.2.3 Restricted Discretionary Activities).

8.3 Kathryn Martin, Stokes Valley resident

(49) *The belt of forest around Stokes Valley is an incredible last stand of forest that should be protected and cherished...the chunk of land you're wanting to build on is already the home of numerous, birds, skinks, geckos and insects. As the biosphere is on the brink of collapse, we need to be taking every measure to work with nature, not against her.*

- The vegetation at 12 Shaftesbury Grove is not old growth forest and is in danger of becoming overrun with pine trees. Measures have been suggested in the Constraints Report as mitigation for the loss of significant vegetation from the site including removal or in-situ poisoning of pines within the boundary of 12 Shaftesbury Grove, rescue of orchids, translocation of lizards, and enhancement planting in canopy gaps. These would provide new lizard habitat and deter repeat invasion by pines and other weed species. These recommendations are included in PC58 section 11.2.3 Restricted Discretionary Activities.

9 S42 and Evidence

(50) The council planner and the peer reviewing ecologist are in agreement with the findings of the ecological constraints report and the response to the request for further information. They agree that Plan Change 58 include provision of an Ecological Management Plan prepared in accordance with the RPS PC1 (which puts into effect the NPS-IB), and provision of a Stormwater Management Plan reflecting the NPS Freshwater Management.

10 Conclusion

- (51) My evidence provides a summary of the findings in the Constraints Report.
- (52) Issues raised in the peer review including clarification of methods used in the field for assessment, clarification of falcon home range, provision of lizard, stream, and orchid management plans have been summarised and addressed.
- (53) Issues raised by Wellington Regional Council including orchid removal, a lizard management plan, the value of existing SNA data, and the Roper-Lindsay *et al.* methodology for determining biodiversity significance in relation to RPS Policy 23 have been discussed and addressed.
- (54) Issues raised by submitters including loss of forest vegetation and habitat for fauna and aquatic life, protection of and public access to remaining forest vegetation, have been discussed and addressed.
- (55) The proposed conditions in PC58 section 11.2.3 Restricted Discretionary Activities are supported.

Frances Forsyth

5 September 2024

Appendix 5 Hearing Evidence - Infrastructure - Sam Godwin

BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Private Plan Change 58:
12 Shaftesbury Grove, Stokes
Valley - Rezoning to Medium
Density Residential Activity
Area

STATEMENT OF EVIDENCE OF SAMUEL ROBERT GODWIN

CIVIL ENGINEER

02 SEPTEMBER 2024

1 INTRODUCTION

(1) My full name is Samuel Robert Godwin

1.1 Qualification and Experience

(2) Chartered Professional Engineer (Civil)

(3) Chartered Member of Engineering NZ

(4) Bachelor of Engineering with Honours (Canterbury)

(5) Director of Cuttriss Consultants Ltd

(6) Seven years of post-graduate experience in land development and civil engineering

1.2 Code of Conduct

(7) I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

2 Scope of Evidence

(8) I have prepared evidence confirming that either there is sufficient capacity in the existing infrastructure networks to service a proposed Medium Density Residential zoned subdivision which could potentially yield 150 – 200 lots, or that there are solutions available to provide the additional capacity where this is not the case, and further that in the opinion of a geotechnical engineer the site is suitable for developing a potential Medium Density Residential zoned subdivision. My evidence is structured as follows:

(9) In coming to the above conclusion, I or Cuttriss personnel under my direction have:

- Searched the underlying record of title for the application site.
- Searched service records in the vicinity of the site.
- Obtained ground contours of the site based on Lidar aerial mapping.
- Carried out some limited ground-based survey work to confirm the veracity of the lidar data.

- Liaised with the Hutt City Council (HCC) Subdivisions Engineering Team and Wellington Water Limited (WWL) regarding services capacity and potential flooding issues in relation to the site.
- Reviewed previous reports carried out by GHD Consulting Engineers on behalf of Hutt City Council in relation to providing a suitable water supply to Shaftesbury Grove.
- Liaised with utilities providers in relation to servicing a possible Medium Density Residential development comprising of approximately 150-200 lots.
- Physically inspected the site and arranged for a geotechnical investigation and reporting to be undertaken.
- Prepared a concept plan showing areas where, in our considered opinion and based on the investigations undertaken, there exists an opportunity for developing a residential subdivision of the nature and scale contemplated for the site.

3 Summary of Expert Assessment

(10) The following is a summary of our findings from the investigation work as listed in clause 2 above:

Water Supply

(11) A previous GHD report prepared on behalf of Hutt City Council found that a proposed development of 12 Shaftesbury Grove could not be serviced for water supply from the existing reticulation, but that a suitable site for a new reservoir lay some 750m from the southern end of the application site on Council owned reserve land, at an elevation of approximately 215m above sea level, Wellington Vertical Datum 1953. While the GHD report was based on the application site yielding only 120 dwellings, in our considered opinion the possible reservoir and associated infrastructure would be readily able to be up-sized to cater for a larger number of dwellings on the site and also for additional development and intensification in surrounding residential areas enabled by PC56.

(12) The GHD report further concluded that the possible new reservoir and associated infrastructure could be further up-sized and connected to the upper Holborn area to resolve existing water supply deficiencies.

Wastewater

- (13) Due to the undulating topography of the site and the levels of the potential discharge locations, a combination of gravity and low-pressure sewer solutions will be required to service the development.
- (14) While Wellington Water Limited (WWL) did not provide any commentary on the capacity of the existing wastewater network, from our local knowledge of the Stokes Valley area, it is very likely that the existing network is at capacity, in which case wastewater mitigation would be required for any development of the site. This can be achieved by storing wastewater at 'peak' times defined by WWL and then discharging the wastewater to the downstream network at off-peak times. It is anticipated that this would be managed through either a public wastewater pump station located at the southern end of the future road alignment, or through appropriately sized individual pumps as part of a low-pressure wastewater network. The most appropriate solution would be determined following further consultation with HCC and WWL and prior to making a resource consent application for the subdivision and development of the site. The wastewater system would be designed in accordance with WWL Regional Standard for Water Services and the Wellington Water Pressure Sewer Design Guide.

Stormwater

- (15) We consider that the most practical and effective means of discharging stormwater from a development of the site would be by way of controlled discharges to the natural gullies on either side of the ridgeline. Torlesse Consulting have noted in their geotechnical report that discharge to gullies is possible, however consideration would need to be given to the location of said discharges due to the steepness of the terrain and potential downstream effects. Careful consideration would need to be given to the size of contributing catchments and resulting flows at each discharge point. Stormwater would need to remain within its original catchment defined by the pre-development topography so that post-development flows were neutral.
- (16) WWL have advised that stormwater neutrality would be required for any development of the site due to the lack of capacity in downstream networks. Given the topographical site constraints, individual detention tanks on each future allotment or dwelling should be considered, and measures such as over-sized stormwater pipes with restricted diameter outlet pipes, or if space allows, detention ponds could be utilised for managing run-off from roads.

- (17) As the development would likely result in areas of earthworks in excess of 3000 m², and/or the introduction of over 1000 m² of impermeable areas, stormwater treatment and retention would likely be required to meet the standards of Greater Wellington Regional Councils Plan Change 1 to the Natural Resources Plan. The WWL Water Sensitive Design for Stormwater guide outlines four options for stormwater treatment, these being constructed wetlands, bioretention (raingardens), vegetated swales and pervious paving. Due to the undulating topography of the site and constraints on available flat space, it is considered that bioretention would be the most likely solution for this site. Stormwater retention requirements can readily be incorporated by exploring a range of design options such as plumbing house stormwater tanks into dwellings for reuse, soakage/groundwater recharge, evapotranspiration, permeable paving and good urban design to meet hydrological control requirements.
- (18) The proposed measures for the management of stormwater discharges, how stormwater neutrality would be achieved, and the sizing and placement of stormwater treatment and retention solutions could be detailed within a Stormwater Management Plan, and this plan would be submitted with the resource consent application for the subdivision and development of the site.
- (19) Wellington Water Limited have advised they have not identified any flooding and as such, floor levels for the proposed development would be able to be set in accordance with the New Zealand Building Code requirements.

Electricity Supply

- (20) Wellington Electricity Lines Ltd (WE) have advised that two to three new substations would be required to service a development of up to 200 houses, and they provided indicative locations for the substations which would typically be accommodated within the proposed road berm.

Telecommunications

- (21) Chorus confirmed that their reticulation is available at the end of Shaftesbury Grove and network upgrades would enable 'Air Blown Fibre' to service the telecommunications needs of any proposed development of this site.

Gas

- (22) Provision of reticulated gas to subdivisions and developments is not required by the District Plan, however Powerco confirmed there is a 32mm diameter main on the eastern side of Shaftesbury Grove which has enough capacity to service around 150 houses. If the gas uptake across the development exceeded 150 houses, Powerco has noted they could readily upgrade their network to serve some 270 houses.

Roading and Access

- (23) As the subject site is situated at the end of the currently formed extent of Shaftesbury Grove, access for the development of the site would likely best be achieved by extending the current road formation along the ridgeline.
- (24) All roads and rights of way would be able to be designed and constructed in accordance with Hutt City Council standards and those contained within NZS4404:2010.
- (25) The above comments should be read in conjunction with the traffic report submitted with the plan change application.

Earthworks

- (26) Torlesse Consulting were engaged to provide comment on the suitability of the land for earthworks to support residential development.
- (27) The report provided by Torlesse Consulting concluded that the site is suitable for residential development from a geotechnical standpoint, but that further investigations should be carried out at or prior to implementation of any specific proposal.
- (28) We consider that the current Earthworks provisions of the District Plan are appropriate to manage any potential earthworks effects, and that further details of the earthworks can be addressed at the resource consent stage.

4 Matters Raised in Submissions

- (29) We provide the following comments in response to infrastructure related issues raised in submission.

Taitā College

- (30) Wastewater will be designed to discharge to either the Shaftesbury Grove main or the Fenchurch Grove main. This will have no impact on Taitā College.

- (31) Stormwater will be designed to meet both HCC's stormwater neutrality requirements and GWRC's Plan Change 1 requirements in relation to stormwater discharge. As a result, any stormwater discharge will be less than or equal to the pre-development run off so there will be no increase in runoff directed towards Taitā College for events up to and including the 1% Annual Exceedance Probability Event.
- (32) A new reservoir would be approved and constructed as part of any future resource consent application.

Greater Wellington Regional Council

- (33) As the development would likely result in areas of earthworks in excess of 3000 m², and/or the introduction of over 1000 m² of impermeable areas, stormwater treatment and retention would likely be required to meet Greater Wellington Regional Councils Plan Change 1 standards. The WWL Water Sensitive Design for Stormwater guide outlines four options for stormwater treatment, these being constructed wetlands, bioretention (raingardens), vegetated swales and pervious paving. Due to the undulating topography of the site and constraints on available flat space, it is considered that bioretention would be the most likely solution for this site. Stormwater retention requirements can readily be incorporated by exploring a range of design options such as plumbing house stormwater tanks into dwellings for reuse, soakage/groundwater recharge, evapotranspiration, permeable paving and good urban design to meet hydrological control requirements.
- (34) A resource consent application would be made to GWRC in conjunction with any resource consent application made to Hutt City Council.

Graeme Adrian

- (35) A new reservoir would be approved and constructed as part of any future resource consent application. Hutt City Council may wish to contribute to upsizing the reservoir at that time to address water supply issues in the wider catchment.
- (36) Approving the plan change would not have any impact on the current level of supply to the surrounding area.

Ashley Keown

- (37) The proposed measures for the management of stormwater discharges, how stormwater neutrality would be achieved, and the sizing and placement of stormwater treatment and retention solutions will be detailed within a Stormwater Management Plan, and this plan will

be submitted with the resource consent application for the subdivision and development of the site.

- (38) The geotechnical report confirms that discharge to gullies is possible, however consideration would need to be given to the location of said discharges due to the steepness of the terrain and potential downstream effects. All other matters relating to stormwater can be managed through the design by adopting best practice solutions.

5 Matters Raised in Hearing Evidence Prepared by Relevant Council

Expert

- (39) Hutt City Councils three waters expert Mr Ryan Rose only raised one concern which is that there is “no funding or consent in place for a reservoir” and expresses 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.”

- (40) I note that the existing title 771535 has a consent notice registered on it which requires the developer to provide water supply that meets councils “Water Supply Code of Practice”. The presence of this consent notice alleviates any expectation that the development could occur without providing appropriate provision for water supply.

- (41) Dan Kellow, Hutt City Council’s planning consultant, concludes that the lack of water supply is an existing situation applying to the site which already has residential zoning and as such he does not consider the issue to be a reason to amend or reject the plan change proposal.

6 Conclusion

- (42) Cuttriss Consultants Ltd has undertaken an investigation of the existing infrastructure surrounding the application site to confirm that it can support this proposal to re-zone 12 Shaftesbury Grove to make the land more readily available for residential development. Plans have been provided to show where development could occur in the future.

- (43) Our assessment has confirmed that there is either sufficient capacity in the existing infrastructure network to service a proposed development of the site yielding nominally 150 to 200 dwellings or allotments, or that there are solutions available to adequately service and access the application site, should the proposed re-zoning be approved.

(44) No submissions have been made that impact our conclusion above and HCC's consultant planner Dan Kellow concluded that the infrastructure related effects could be appropriately managed through the proposed provisions.

Samuel Robert Godwin

02 September 2024

Appendix 6 Hearing Evidence -Geotechnical Engineering - Nathan Schumacher

BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Private Plan Change 58:
12 Shaftesbury Grove, Stokes
Valley - Rezoning to Medium
Density Residential Activity
Area

STATEMENT OF EVIDENCE OF NATHAN SCHUMACHER

GEOTECHNICAL ENGINEERING

SEPTEMBER 2024

1 INTRODUCTION

(1) My full name is Nathan Carl Schumacher.

1.1 Qualification and Experience

(2) I am a Director of Torlesse Limited, a professional geotechnical engineering consultancy established in 2022 now with a team of 10 consultants comprised of geotechnical engineers, engineering geologists and geologists. Torlesse Limited provides geotechnical engineering consultancy services to private clients, local authorities and government agencies across the lower North Island of New Zealand.

(3) I hold a Bachelor of Engineering in Civil Engineering (Honours) from Griffith University (Gold Coast, Australia) graduating in 2006.

(4) I am a Chartered Member of Engineering New Zealand (CMEngNZ) number 1028315 and a member of the New Zealand Geotechnical Society (NZGS).

(5) I am a Chartered Professional Engineer (CPEng), specialising in Geotechnical Engineering, with over 15 years' experience in geotechnical engineering consulting.

1.2 Code of Conduct

(6) I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

2 Scope of Evidence

(7) I have prepared evidence in relation to geotechnical engineering services associated with the Proposed Private Plan Change 58. My evidence is structured as follows:

- Background and involvement in PC58.
- Summary of Expert Assessment.
- Matters raised in submissions.

- Matters raised in peer review/ RFI.
- Matters raised in hearing evidence prepared by relevant council expert.
- Conclusion.

3 Background and Involvement in PC58

(8) Torlesse Limited was engaged by M & J Walsh Partnership Limited to provide geotechnical engineering services and to assist Cuttriss Consultants and the wider design team with an application for proposed rezoning of the site at 12 Shaftesbury Grove, Stokes Valley. Specifically, the services were to:

- Complete site testing to understand the existing subsurface materials;
- Provide preliminary advice on site slope stability;
- Provide preliminary advice on suitability of in situ material for filling;
- Provide preliminary advice on cut and fill batter slopes based on a layout similar to the preliminary subdivision plans;
- Provide preliminary advice on recommended foundation types for lightweight residential structures; and
- Provide preliminary advice on the suitability of the existing gullies for stormwater discharge.

(9) I am the author of the Torlesse Limited report T0113/01 dated 4 August 2023 which presents geotechnical engineering advice and recommendations associated with the proposed rezoning of the site at 12 Shaftesbury Grove, Stokes Valley.

(10) The Scala penetrometer testing associated with the shallow geotechnical investigations was completed by me on 3 February 2023. The logging of the subsurface materials encountered during the machine excavated test pits was completed by me on 3 February 2023.

(11) Geological mapping completed across the site was completed by a Professional Engineering Geologist (PEngGeol) of which I managed during the project and where

I concurred with their assessments during my own visit when the shallow geotechnical investigations were undertaken.

4 Summary of Expert Assessment

(12) The Torlesse Limited report T0113/01 dated 4 August 2023 presents:

- The results of geological mapping of observed features across the site and a shallow geotechnical investigation (Scala penetrometers and machine excavated test pits);
- Qualitative assessment of site slope stability, reuse of existing material for filling and cut and fill batter slopes;
- Qualitative assessment of the impact of stormwater discharge across the site; preliminary advice on suitable foundation types; and,
- Further site investigations required as part of the consenting process.

(13) The report confirms a shallow weathered profile of colluvial soils overlying residually and completely weathered soils, overlying highly weathered greywacke rock. Highly weathered greywacke rock was encountered in all machine excavated test pits across the site, within 4m of the surface. Qualitative assessments conclude the site is suitable for residential development, where geotechnical hazards in the form of weak or variable soils and slope instability can be appropriately managed through well-established geotechnical engineering practices, including following NZ Standards such as NZS3604:2011 (for light weight residential buildings) and NZS4431:2022 (engineered fill construction for lightweight structures); industry acceptable cut and slope batters within local Wellington geology; and, specific engineered design.

(14) Qualitative assessments have been completed using data contained in publicly available information, such as GNS Science reports, Greater Wellington Regional Council webmaps and Hutt City Council aerial photography, and are supported by site specific intrusive geotechnical investigations and professional engineering judgement and experience in the Wellington region.

- (15) In response to the findings of the report PC58 includes provisions that require the provision of a geotechnical assessment for the site at the time of first subdivision confirming that resulting allotments are able to accommodate the intended use and development, that any slope instability risk can be avoided, remedied or mitigated and that the subdivision will not increase or accelerate land instability on the site or on adjoining properties.

5 Matters raised in submissions

- (16) I have read the submissions and further submissions received for PC58.
- (17) Slope instability matters have been raised in the submissions by Taita College (DPC58/001) and Greater Wellington Regional Council (DPC58/002), and in the further submissions by Charlotte Heather (DPC58/FS1), Kathryn Martin (DPC58/FS2), Wil van 't Geloof (DPC58/FS3) and Nik Dowman (DPC58/FS4).
- (18) The submission by Taita College (DPC58/001), where their position is to '*oppose*' site stability (Sub. Ref. 1.2), noting that '*the site is steep and development could create slips that would impact upon the adjacent school land*', and '*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*'.
- (19) The following is a response specific to the submission made by Taita College (DPC58/001):
- The proposed earthworks area is generally assessed to have topographic relief of <20° from the horizontal.
 - Specifically, the earthworks area which borders/ is close to the property boundary with Taita College is less than 100m in length, where the topographic relief on 12 Shaftesbury Grove is generally <20°.
 - The potential of slips being created as a result of the proposed development adversely impacting the school land is assessed as low.
 - Development of land on slopes of <20° is readily achievable following industry accepted geotechnical engineering practices and specific engineering design during the consenting phases of the project.

- With respect to DPC58/001, I agree with the recommendations prepared by Dan Kellow in the s42A report where the Geotechnical Assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.

(20) The submission by Greater Wellington Regional Council (DPC58/002), where their position is to:

- Sub. Ref. 2.2 - '*Amend*' natural and geotechnical hazards, noting the decision requested '*to follow the geotechnical recommendations in the Torlesse Report are followed*';
- Sub. Ref. 2.3 - '*Amend*' building platforms, noting that the decision requested '*building platforms are sited on the low to moderate aspects of lots less than 26 degrees*'; and
- Sub. Ref. 2.6 - '*Support*' geotechnical assessment, noting the decision requested '*retain as notified*'.

(21) The following is a response specific to the submission made by Greater Wellington Regional Council (DPC58/002):

- With respect to Sub. Ref. 2.2 and 2.3, I agree with the recommendation prepared by Dan Kellow in the s42A report where the Geotechnical Assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.
- With respect to Sub. Ref. 2.6, I agree that the requirements for a Geotechnical Assessment to address potential slope stability issues and consider it appropriate that it is prepared by a suitably qualified expert.

(22) My overall conclusion and response to the stability issues raised in the submissions is as follows:

- Stability issues associated with the slopes in the Stokes Valley area are no different to those associated in the wider Wellington Region. The geology is consistent in the Wellington Region and standard industry accepted engineering practices and specific engineering design can appropriately mitigate geotechnical

hazards (including the potential for slope instability) identified across the site;
and

- The mitigation of geotechnical hazards, including slope stability shall follow the recommendations presented in our report (T0113/01 dated 4 August 2023) and shall be designed by an appropriately qualified geotechnical engineer during the consenting phases of the project.

6 Matters raised in peer review/ RFI

(23) Hutt City Council engaged ENGEO to undertake a peer review of my initial report. A request for further information (RFI), dated 24 May 2024 from Hutt City Council relating to geotechnical matters was made. The RFI is reproduced below.

(24) *Please provide a geohazard map (containing geomorphic site observations) for the site, highlighting which areas of site could be affected by specific geohazards. Potential high level mitigation measures for the geohazards should also be identified.*

(25) I am the author of the Torlesse Limited memorandum T0113/02 dated 24 June 2024 which addresses the above RFI, which was the result of a peer review assessment completed by Engeo Limited (Ref. 021700.000.001_21 dated 15 May 2024).

(26) The memorandum (refer above) presented the following to respond to the RFI:

- Geomorphic site mapping was completed as part of the initial assessment and was completed by a PEngGeol. Observations from the site work along with photographs are provided in our report (refer T0113/01 dated 4 August 2023). It is noted there were limited specific features of interest, albeit some localised historic fill areas.
- Specific geohazards identified across the site include slope stability and weak or variable soils and have been presented on two maps within the memorandum (refer details below).
- The memorandum presents a map showing the Earthquake Induced Landslide (EIL) Ultimate Limit State (ULS) Peak Ground Acceleration (PGA) probability (GNS, 2024) across the site. The map indicates that a probability of slope instability

under a ULS earthquake event across the edges of the proposed extents of earthworks is generally < 0.5%.

- The memorandum presents a Topographic Relief Plan generated in QGIS using 2021 LiDAR DEM (Land Information New Zealand) across the site. The map indicates the proposed extents of earthworks is largely within an area where topographic relief is < 20° from the horizontal.
- High level mitigation measures of slope instability identified across the site have been addressed and include standard engineered design solutions such as fill batter angles, mechanically stabilised earth walls, timber or steel pole retaining walls, shear keys or permanent unreinforced earth fill slopes.
- High level mitigation measures of weak or variable soils identified across the site have been addressed and include disposal offsite and are not to be reused as part of the earthworks. I do not expect significant volumes of uncontrolled fill or unsuitable material to be encountered during the earthworks.

7 Section 42A Report

(27) I have read the conclusions reached in both the Geotechnical Engineering Evidence prepared by Mr Justice of ENGEO (Council's geotechnical advisor), as well as the Council Officer's s42A Report.

(28) I note that Mr Justices' Statement of Evidence notes the following recommendations:

- Paragraph 9, 10 and 11 – Mr Justice recommends that reference to the term 'slope instability' should be amended to 'geohazard'.
- Paragraph 11 – Mr Justice recommends that the proposed conditions imposed by Council be extended to any subdivision, not just the first application.
- Paragraph 12 – Mr Justice recommends that in addition to the standards referenced in the District Plan, that all appropriate parts of the MBIE/ NZGS Earthquake Engineering Modules are also taken into account.

- Paragraph 13 – Mr Justice recommends that further geotechnical works will be required as the project progresses into subdivision consent and the works should include:
 - Detailed mapping across the site to further investigate any geohazards that may affect the proposed development.
 - Additional geotechnical testing.
 - Slope stability analysis as appropriate.
 - Hydrographical assessment.
 - Conceptual design of all permanent works, including cut and fill slopes, embankments, retaining walls and surface water diversion structures.
- Paragraph 14 – Mr Justice recommends, that ‘without significant further assessment, I recommend that surface water is not discharged into the catchments above Bird Grove and Logie Street in Stokes Valley. I consider that there is evidence of landsliding in the heads of these gullies. There are a number of permanent residences in close proximity to the outlet channels from these catchments, which could be subject to increased risk from debris flow derived from these landslides, in the event that additional runoff is directed into these catchments’.

(29) In response to Mr Justices’ recommendations, I note the following:

- Paragraph 9, 10 and 11 – I agree to the recommendation to amend the term ‘slope instability’ to ‘geohazard’.
- Paragraph 11 – I agree that the proposed conditions should apply to the first application; however, not to the recommendation to be extended to any subdivision. The conditions should only apply to subdivision applications that deviate from the management plans and information submitted as part of the Proposed Plan Change.
- Paragraph 12 – I generally agree that the MBIE/ NZGS Earthquake Engineering Modules should be taken into account, but note that these documents are

published under Section 175 of the Building Act 2004 as guidance, and are not Acceptable Solutions or Verification Methods.

- Paragraph 13 – I agree that further geotechnical works will be required as the project progresses into subdivision consent, and should include (but not limited to) those recommended by Mr Justice.
- Paragraph 14 – I agree that without significant further assessment, that surface water is not discharged into the catchments above Bird Grove and Logie Street in Stokes Valley.

(30) In summary, the Geotechnical Engineering Evidence prepared by Mr Justice of ENGEO (Council’s geotechnical advisor), as well as the Council Officer’s s42A Report, raises no material issues or differences of opinion to the evidence and analysis that I have provided.

8 Conclusion

(31) My evidence has assessed the geotechnical engineering matters in relation to the site at 12 Shaftesbury Grove.

(32) I am of the view that the natural geohazards identified on site and the slope instability hazard across the site can be appropriately managed and mitigated through standard geotechnical engineering design measures at the consenting stage.

(33) In my opinion, the site at 12 Shaftesbury Grove, Stokes Valley is suitable for residential development and the site-specific provisions contained in PC58 relating to geotechnical engineering are appropriate to ensure that any future subdivision and development of the site under the proposed Medium Density Residential Activity Area will be able to suitably address and manage identified geotechnical risks and hazards.

Signature



Date

September 2024

Appendix 7 Hearing Evidence - Transport - Gary Clark

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Proposed Private District Plan Change 58:
Rezoning of land from Hill Residential Activity
Area and General Recreation Activity Area to
Medium Density Residential Activity Area along
with site specific provisions.

STATEMENT OF EVIDENCE OF GARY PAUL CLARK

Dated: 5 September 2024

Introduction

- 1 My full name is Gary Paul Clark. I hold the position of Director of Traffic Concepts Limited.
- 2 This evidence is given on behalf of the applicant for private Plan Change 58 being a residential development at the end of Shaftsbury Grove in Stokes Valley, Hutt City.
- 3 I have been involved with the Private Plan Change since August 2022 which included an assessment of the development and adjacent road network. My Transportation Impact Report dated August 2022 accompanied the Plan Change request application. I have been engaged to provide evidence on the private Plan Change (PC58).

Qualifications and Experience

- 4 I am a Chartered Professional Engineer and hold a New Zealand Certificate in Civil Engineering. I meet the standards to be a Registered Engineers Associate (REA) and I am a Member of the Institution of Professional Engineers NZ (MIPENZ) and its specialist Transportation Group. I am a Chartered Professional Engineer that specialises in traffic engineering and transportation planning.
- 5 I hold post graduate passes and masters' papers for traffic engineering, advanced traffic engineering and accident prevention and reduction. I am also a Certified Safe System Auditor and Road Safety Auditor. I was part of the working group that prepared the "Road Safety Audit Procedures for Projects" publication released by New Zealand Transport Agency ("NZTA"). I also co-published the NZTA document "The Ins and Outs of Roundabouts".
- 6 I have been working in the road and traffic industry since the end of 1981. The knowledge and experience gained over 40 years includes most road and traffic-related matters, and in particular elements

around planning, design and safety. I have prepared transportation assessments for both small and large developments throughout New Zealand.

- 7 I have worked for the Ministry of Works, Ministry of Transport, Local Authorities and multi-national consultancies. More recently I was Transportation Manager at Tasman District Council and worked for Traffic Design Group (TDG) where I was a Senior Associate and Branch Manager of the Nelson Office. In July 2018 I decided to return to my own consultancy which has been operating since July 2004. I am the Director of that company.
- 8 As an experienced and recognised road safety auditor I have conducted road safety audits for NZTA, councils and developers. For more than 30 years I have been involved in crash investigation studies and developing measures to address road safety issues. I have also been engaged in the development of strategies for road and traffic related issues and have carried out detailed traffic modelling to assess intersection capacity and levels of service calculations.
- 9 I have also been involved in high level strategic transportation advice and planning including the development of district plans and long term plans.

Expert Witness Code of Conduct

- 10 While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- 11 I confirm that I have read the Code of Conduct for Expert Witnesses which is included in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of

expertise, except where I state that I am relying on the evidence of another person.

- 12 I have no commercial or other interest in the outcome of this application, nor any conflict of interest of any kind.

The Application

- 13 Information about the Proposal and effects are contained in the Transportation Impact Report and various other application documents. I do not intend to repeat this material.

- 14 The private Plan Change seeks to change the zoning of approximately 12.5 hectares of land. The land is situated to the south of Shaftsbury Grove and Fenchurch Grove, Stokes Valley. The proposed change is from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area.

- 15 My evidence covers the following matters:

Section 42A Recommendation Report and Appendix 4 - Traffic

Submitters

Planning instruments (Section 7)

Summary

Section 42A Report

- 16 I note that the Reporting Planner stated in Paragraph 207 that “A significant portion of the site is already zoned for residential activity and PC58 would allow more intensive and taller residential development than is currently permitted. Many of the potential effects raised by submitters could potentially occur if the site was developed under the current provisions.”

- 17 Section 234 through to 245 of the Section 42A Report discusses transport effects and matters raised in submissions. The Reporting Planner has relied on evidence provided by Council's Consultant Engineer - Mr Benner.
- 18 The concluding view of the Reporting Planner is that as long as there is a rule linking the High Trip Generator to any subdivision of the site, then he is satisfied the traffic matters can be appropriately assessed at resource consent stage.
- 19 I am in general agreement with this conclusion noting that Appendix 2 of Chapter 14 of the Hutt City District Plan has the High Trip Generator Thresholds for permitted residential activities at 60 dwellings.
- 20 I understand there are some planning matters around how a rule is included in the Plan Change which I will leave to the planning experts to address this in detail. I understand the issue is around the status of a subdivision application should it exceed the 60-dwelling threshold.

Mr Benner – Traffic Evidence

- 21 As with the conclusions of the Reporting Planner I am also in general agreement with Mr Benner's position. There are some additional comments I would like to add which I provide below.
- 22 Contained in my Transportation Impact Report is a table outlining the reported crashes on Logie Street and Holborn Drive. I have included details of those crashes from the Police report.
- 23 The table shows that a very high number of the reported crashes were related to poor driver behaviour rather than a road network issue. Of the five reported crashes on Logie Street, one was a stolen vehicle driven by an intoxicated driver and another where the driver fled the scene. Of the eight crashes on Holborn Drive, two were where the driver fled the scene, one was a medical event, one was the result of a

shoe getting stuck between two pedals and one as a result of a driver testing a vehicle.

- 24 I have briefly reviewed the last five years of crash data. There were six non-injury crashes and one minor injury crash on Holborn Drive. There were four reported non-injury crashes on Logie Street. Of the eleven reported crashes there is one involving a parked vehicle with the others mostly being a loss of control single vehicle crash.
- 25 The five-year period assessed in the Transportation Report had a total of thirteen crashes showing that the level of safety is more or less the same when I assessed it. Notably there are fewer crashes with parked vehicles.
- 26 Paragraph 48 of Mr Benner's evidence provides commentary around removing on-street parking where forward sight lines are restricted. Fundamentally I agree with this approach. The need possibly already exists without the future subdivision. This is outside the scope of this plan change and any future subdivision consenting process and is something the Council may want to look at now to address the concerns raised by Mr Benner.
- 27 Mr Benner provides commentary on submissions received on the Plan Change. I again generally agree with his view.
- 28 Mr Benner provides a conclusion with recommendations. These conclusions are generally consistent with my position on the effects of the Plan Change.
- 29 The only exception is that the process for addressing the forward sight lines should be started and carried out separate to any future subdivision. My reason for this is that the implementation of no stopping restrictions is covered under a separate piece of legislation and has its own consultation process. Mr Benner pointed out a

concern around forward lines that currently exist, and this should be addressed now.

Conclusion

- 30 Private Plan Change 58 from a transportation perspective is consistent with the current policies and objectives of the Operative District Plan.
- 31 The planning framework provides the appropriate mechanisms that will enable appropriate assessments to be provided at the time of subdivision. .
- 32 Overall the Plan Change framework will allow any traffic effects from future subdivisions to be identified and appropriate measures put in place to enable the effects to be less than minor.

Dated 5 September 2024



Gary Paul Clark

Appendix 8 Hearing Evidence - Landscape and Visual - Angela McArthur

BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Private Plan Change 58:
12 Shaftesbury Grove, Stokes
Valley - Rezoning to Medium
Density Residential Activity
Area

STATEMENT OF EVIDENCE OF ANGELA MARY MCARTHUR

LANDSCAPE AND VISUAL

04 SEPTEMBER 2024

1 INTRODUCTION

(1) My full name is Angela Mary McArthur. I am a consultant landscape architect and director of Eco-Landscapes and Design Ltd.

1.1 Qualification and Experience

(2) I am a registered member of the New Zealand Institute of Landscape Architects and have worked in the field of landscape assessment and landscape design for over 25 years.

(3) I hold a Bachelor of Science degree (Victoria University) and a post graduate Diploma in Landscape Architecture (Lincoln College, Canterbury University). I have provided specialist advice and assessment in relation to landscape and visual effects, landscape character and visual amenity for a range of resource consent applications and plan changes. I have provided evidence at hearings before Consent Authorities and the Environment Court.

(4) I have worked on a range of projects in the lower North Island dealing with urban and rural development and subdivision, retirement villages and medium density housing.

1.2 Code of Conduct

(5) I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

2 Scope of Evidence

(6) I prepared evidence in relation to landscape effects and visual amenity effects. My evidence is structured as follows:

- *Background and Involvement*
- *The Proposal*

- *Summary of Evidence*
- *Site Visibility and Context*
- *Existing Zoning*
- *Summary of Landscape and Visual Effects*
- *Matters raised in submissions*
- *Matters raised in peer review – Council Landscape Architect*
- *Matters raised in Council Section 42A Report*
- *Matters raised in Council Landscape Architects Evidence*
- *Conclusion*

3 Background and Involvement in PC58

(7) My involvement in this private plan change request to Hutt City Council by J & M Walsh Partnership (PC58) was to undertake an evaluation of landscape and visual amenity effects in relation to rezoning the site to either General Residential Activity Area or Medium Density Residential Activity Area as proposed by Plan Change 56 at the time. The site address is 12 Shaftesbury Grove, Stokes Valley and the site comprises land within the upper ridgeline accessed from the southern end of Shaftesbury Grove. The site is currently zoned Hill Residential Activity Area and General Recreation Activity Area in the Operative District Plan.

(8) I was first engaged by the Applicant and attended the first meeting with the Applicant and other experts involved in November 2022. I undertook the first site investigation on 28 November 2022. I was accompanied by Ms Frances Forsyth, the ecologist for the Applicant who prepared the Ecology Assessment (Appendix 3) for the private plan change application.

4 The Proposal

(9) The purpose of PC58 is to facilitate more intense development mostly along the existing ridgeline. The total site area is 12.55Ha of which approximately 8 Ha of the site within the ridgetop is zoned Hill Residential Activity Area.

(10) Appendix 1¹ to the private plan change request shows the extent of the proposed future development area including the anticipated extent of earthworks and vegetation clearance. Future development of the site will be restricted within lower and steeper slopes. Figure 1 below, shows the extent of the proposed development area in relation to the existing Hill Residential Zone on the site.

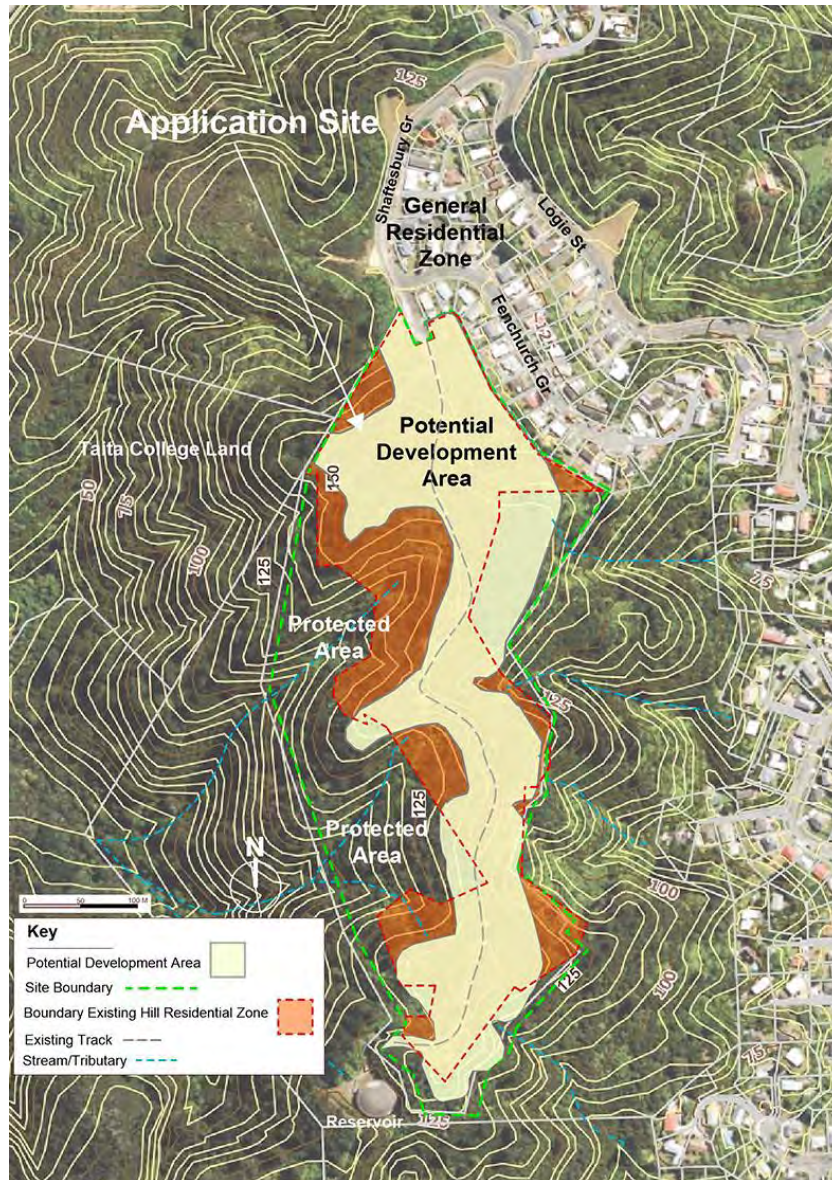


Figure 1. Proposed Development Area overlaid the Existing Hill Residential Zone

¹ See Appendix 1. Plan Change Site with Development Areas (August 2023) Drawing 29437SK5 prepared by Cuttriss Consulting Ltd

- (11) Under the Operative District Plan (ODP) the surrounding residential land that was previously zoned General Residential Activity Area is now all zoned Medium Density Residential Activity Area. The site is shown in Figure 2 below.

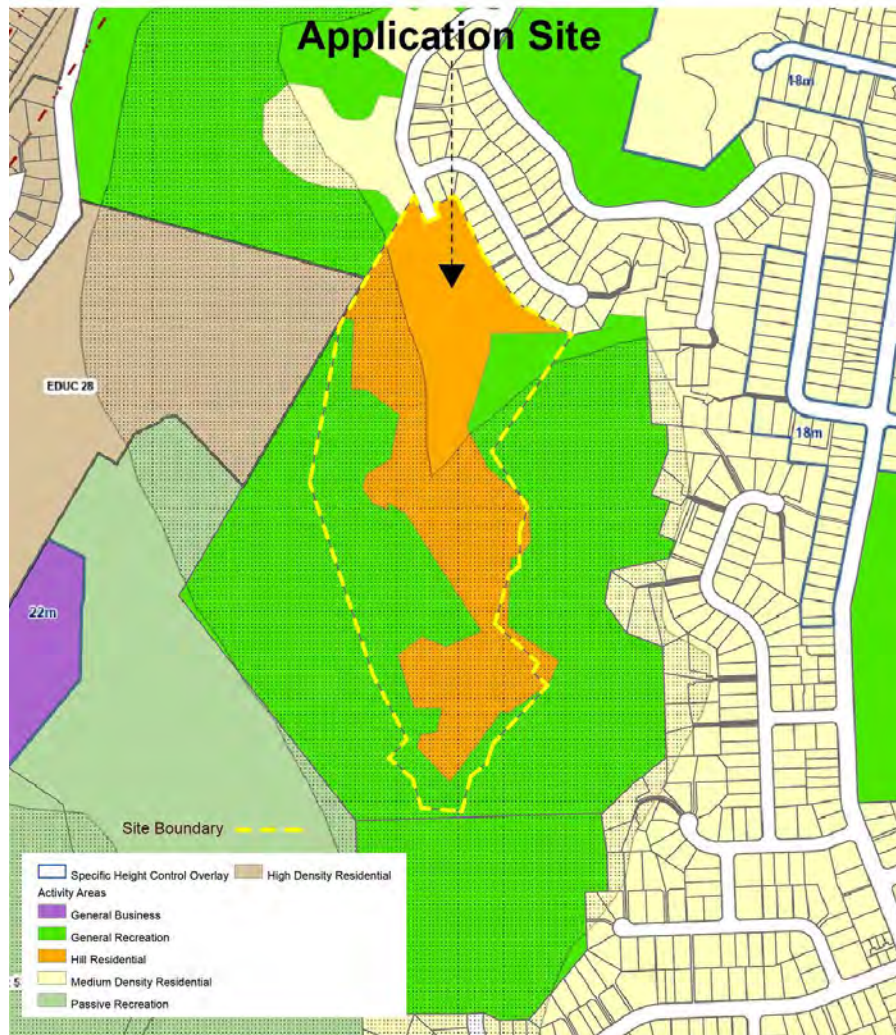


Figure 2. Excerpt from the Hutt City District Plan (Operative from September 2023) Showing the site and surrounding zoning

5 Summary of Evidence

- (12) The site is located within the Eastern Hutt Hills; the ridgeline forming a distinctive backdrop to Stokes Valley and the Hutt Valley. The ridgeline is largely free of development apart from housing within Stokes Valley located immediately north of the site within Shaftesbury Grove and Fenchurch Street, Holborn Drive, Aldersgate Grove and Whitechapel Grove.

- (13) The parcel of land extends approximately 700m along the ridge encompassing the ridgetop and mid to upper slopes². The land has access from Shaftesbury Grove and an existing track follows the ridgetop to the reservoir which is located adjacent to the southern site boundary.
- (14) The site is currently zoned Hill Residential within the ridgetop and upper slopes, and General Recreation within lower slopes to the east, west and south. The site character, visibility and visual context is depicted in graphic material **Appendix 1: Site Character Photographs A-H** and **Appendix 2: Viewpoint Photographs 1-16**.³
- (15) **Landscape Values** identified include natural character associated with watercourses, regenerating bush clad slopes predominantly within gullies and lower slopes, and the ridge landform which remains intact apart from minor modifications due to the existing track and past removal of the original forest⁴. Site vegetation cover is now dominated by regenerating manuka, kamahi and mixed broadleaf with large areas of pines⁵.
- (16) While the ridgeline of the Eastern Hutt Hills is vegetated with a mix of regenerating bush and weed species such as gorse and wilding pines, it is largely unbuilt in character. However not all ridgelines forming a backdrop to the Hutt Valley and Stokes Valley are devoid of housing. The ridgeline and hilltops to the north of the site and the Western Hutt Hills are generally covered with extensive areas of housing now within the Medium Density Residential Activity zone within upper slopes.
- (17) The lower site boundaries connect to Hutt City reserve land. Currently there is recreational user access using the existing track leading to the reservoir and other tracks to the south. Access is intended to be maintained for recreational users and connections to tracks within Hutt City reserve land maintained.
- (18) New provisions in the subdivision chapter of the ODP to manage vegetation within lower slopes outside the potential development area would be applied at the time of the future subdivision application. Site specific provisions will include an Ecological

² Appendix 1 (Cuttriss Consultants) PC Development Plan (August 2023) - 29437SK5

³ Appendix 4 (Eco-Landscapes & Design Ltd) Landscape Assessment (02 August 2023)

⁴ Appendix 4 (Eco-Landscapes & Design Ltd) Landscape Assessment (02 August 2023) – Appendix 1. Site Character Photographs A-H.

⁵ Appendix 3 (Frances Forsyth Consulting) Ecology Assessment (15 March 2023) – Figure 2 Vegetation Types

Plan for the ongoing control of pest plants and animals, identification of vegetation protection measures, and ongoing monitoring and maintenance of for any subdivision within the site.

6 Site Visibility and Context

- (19) For road users close range views into the site are restricted views from Shaftesbury Road and Fenchurch Grove. From Hutt Riverbank locations, local roads and State Highway 2 there are open and partial views at distance. **Appendix 2: Viewpoints 1 – 16** shows the site from a range of viewpoints⁶.
- (20) For residents, close-range views are restricted to the end of Shaftesbury Grove and Fenchurch Grove bordering the northern end of the site. From more distant locations such as Stokes Valley, Pomare, Kelson and Western Hutt Hills the site viewed at distance and seen in the context of the wider ridgeline, foreground urban form, reserve land within lower slopes, and a background of the higher hill country in the east⁷.
- (21) For a more comprehensive analysis and summary of potentially affected properties refer to Appendix 4. Landscape Assessment Section 7.2.3.

7 Existing Zoning

- (22) The Site is currently zoned Hill Residential and General Recreation under the Operative District Plan. The existing Hill Residential policy provisions relate to visual appearance of earthworks, clearance of vegetation, visual amenity values of the hillside environment and indigenous biodiversity values. The existing Hill Residential zone (Figure 1) is similarly aligned to the proposed development area for the plan change along the ridgetop. However, the potential development area of the existing Hill Residential Zone extends further into lower slopes in comparison to what is proposed in PC58.

⁶ Appendix 4. (Eco-Landscapes & Design) Landscape Assessment (02 August 2023) - Figures 1 and 2, Appendix 2 Viewpoints 1-16

⁷ Appendix 4. (Eco-Landscapes & Design) Landscape Assessment (02 August 2023)- Appendix 2 Viewpoints 1-16

- (23) While the preservation of the skyline is encouraged within the Hill Residential Activity Area, there are no specific rules to exclude buildings within ridgetops or control the visual appearance of buildings.
- (24) The impact of taller and more intense building development as provided for by the Medium Density Residential Activity will have additional visual impacts. However, given the extent of Medium Density Residential Activity zoning extending along the ridgeline to the north of the plan change site and the potential for intensification within these sites, the plan change proposal will facilitate an extension to the existing and potentially changing urban form along the ridgeline.
- (25) Controlling the location of developable and non-developable areas as proposed will assist in maintaining existing natural character and visual amenity values found within the site.
- (26) The area of the site zoned as General Recreation reflects the previous council reserve status, however the land is now in private ownership and not suitable for any type of formal or active recreation. General Recreation Objective and Policies encourage development within suitable land and to avoid bush-clad areas having high visual amenity. In my view provided there are adequate district plan provisions to manage existing human uses, control development within steeper slopes and gullies, protect and enhance biodiversity values as an integrated design response to future subdivision the rezoning to Medium Density Residential Activity is appropriate.

8 Summary of Landscape and Visual Effects

- (27) The assessment of landscape and visual effects is based on a combination of the landscape's sensitivity and visibility, existing landscape values and design measures proposed to avoid, remedy or mitigate adverse effects. A description of the methodology guidelines used to determine the scale of landscape and visual in found in Section 4 of the Landscape Assessment⁸.

⁸ Appendix 4. (Eco-Landscapes & Design) Landscape Assessment –Section 4, Table 1, 2 for Descriptions of Scale of Landscape and Visual effects- (NZILA) *Te Tangi a Te Manu: Aotearoa NZ Landscape Assessment Guidelines* (May 2021)

- (28) Effects considered also relate to changes in natural and landscape character, and visual amenity values. With appropriate management of vegetation clearance, earthworks and stormwater through an integrated design response to future subdivision, the consequences of rezoning to Medium Density Residential Activity Area will primarily be visual amenity effects due to greater intensity of buildings within the ridgetop environment.
- (29) Landscape effects anticipated due to clearance of vegetation, earthworks for roading and building areas will be focused on the ridgetop and upper slopes where modification of contours is required to prepare the land for residential development. The total site area is 12.55Ha and approximately 5.1Ha has been shown as the most suitable area for residential development⁹.
- (30) The Plan Change will allow for a change in character within the ridgetop. Sensitivity to change in character is considered low given the existing residential development already established within the ridgeline to the north and the potential for intensification within these sites over time.
- (31) Adverse landscape effects will be **moderate to low** where there will be some expected loss and modification to key natural features and landscape characteristics within the ridgeline. Overtime with the protection and enhancement of vegetation within lower slopes and subdivision screening and street tree planting a visual buffer will help to integrate new housing as provided for under the Medium Density Residential zoning. Development is most likely to be incremental in stages and overtime become integrated with the wider landscape character.
- (32) The visual catchment is extensive and includes viewers from eastern and western vantage points. Generally, open views over the site are from elevated vantage points within Kelson in the Western Hutt Hills and eastern parts of Stokes Valley. From these areas the site is viewed at distance and in context of the wider ridgeline, foreground urban development and background higher hills.
- (33) Visibility at close range is restricted to the northern end of the site for road users and residents located at the end of Shaftesbury Grove and Fenchurch Grove. Adverse

⁹ Appendix 1. (Cuttriss Consultants) Plan Change Site with Development Plan – 29437SK5

visual effects expected will include some loss of visual amenity due to an increased intensity and height of buildings within the ridgetop and upper slopes. However, this would be seen within the context of existing housing and future intensification of existing sites and where buildings are allowed up to 18m in parts of Stokes Valley not far from the site.

(34) A detailed summary of visual effects for resident viewers has been provided¹⁰. It was determined that for resident viewers, including recreation users along the Hutt River reserve, from Kelson, Pomare, Taita and Stokes Valley locations additional intensity of development with the site will be noticeable however considering the composition of the view and surrounding context adverse visual effects will be **low**.

(35) One exception where adverse visual effects were determined to be **moderate to low** was from Watkins Grove, Pomare (Viewpoint 7) located close to the toe of the hill and where a few residents would experience semi enclosed views towards the bush clad ridgeline and lower slopes containing the site. While the vegetation cover creates a pleasant outlook, many of the taller trees visible within the ridgeline are wilding pines, which are considered weeds and could be removed at any time. Taller buildings of greater intensity will be noticeable however not dominate outlooks. In time the greater intensity can be readily absorbed within the receiving landscape.

9 Matters Raised in Submissions

(36) No submissions received specifically addressed landscape and visual effects, or loss of visual amenity due to PC58.

10 Matters Raised in Council Peer Review

(37) Hutt City Council commissioned Linda Kerkmeester, a registered landscape architect to provide a peer review of my landscape assessment. Overall, the review was in general agreement with the findings of my assessment.

¹⁰ Appendix 4. (Eco-Landscapes & Design) Landscape Assessment (02 August 2023) – Section 7.2.3 Table 3 Summary of Visual Effects

(38) At paragraph 13¹¹, Ms Kerkmeester refers to linkages to the wider track network not shown. I consider this unnecessary for the Plan Change, however this information should be a requirement of the Landscape Management Plan and has now been including in Subdivision Chapter 11 proposed Amendment 1 D. Landscape and Visual provisions.

(39) Paragraph 17-19¹², refers to uncertainty due to the potential increase in density seen against the skyline and contrast with the existing residential adjacent. Excerpt from paragraph 18: *'Whether this will be an adverse visual effect, or a positive one will depend on the design and form of the housing and how it blends into the landform without the need for extensive earthworks and high retaining walls'*

At this stage it is difficult to anticipate the future design and layout of the subdivision, or if/where taller medium density and standalone housing will be grouped or placed within the ridgeline. I anticipate an integrated design approach including design mechanisms to avoid earthworks and high retaining structures such as the use of pole foundations and where screening and amenity planting is located throughout the subdivision.

(40) At paragraph 32¹³, future mechanisms to protect planting within non – development areas and planting required for screening were discussed. In my view these details can be considered at the subdivision stage required for Landscape Management Plan and the Vegetation Management Plan in appropriate ways such as private covenants.

(41) In paragraph 44 Ms Kerkmeester reaches the following conclusion *'I consider that the higher density urban form of the proposal will be seen in contrast to the broader landscape characteristics of the area initially but concede that density of adjacent areas are anticipated to change over time'*¹⁴.

11 Matters Raised in Council Evidence

(42) I have read the S42 Report prepared by the Council Consultant Planner Dan Kellow, including the Landscape and Amenity Section, paragraphs 214 - 233. In paragraph

¹¹ Linda Kerkmeester Peer Review 28 March 2024

¹² Linda Kerkmeester Peer Review 28 March 2024

¹³ Linda Kerkmeester Peer Review 28 March 2024

¹⁴ Linda Kerkmeester Peer Review 28 March 2024

216, Mr Kellow refers to evidence provided by the council landscape architect Linda Kerkmeester and comments that my LVA does not consider development within the lower slopes which contrasts with the proposed unrestricted discretionary activity status for the area outside the development area shown in the proposed Subdivision Appendix 10. In my view any development outside the development area shown would be very limited within steeper slopes. Council will have discretion to require a full landscape and visual assessment, an ecological plan for the management of vegetation and a landscape management plan for development activities including any earthworks or vegetation clearance.

12 Matters Raised in Council Landscape Architects Evidence

(43) I have read the evidence provided by the council's consultant landscape architect Ms Kerkmeester. Ms Kerkmeester in her evidence finds that my LVA lacks assessment for development¹⁵ within the lower slopes outside the development area shown in the proposed Subdivision Appendix 10. As stated above development outside the development area on steeper slopes and close to stream gullies would be limited due adverse landscape effects and geohazard constraints. Council will have full discretion over any activities including the management and avoidance of adverse landscape and visual effects, and discretion to decline any application for development outside the development area.

13 Conclusion

(44) The Plan Change will change the zoning to enable Medium Density Residential development, predominantly within a development area similarly aligned with the existing Hill Residential zoning. The proposed plan change will allow for taller buildings of greater intensity within the ridgeline.

(45) My recommendations¹⁶ made in the plan change application for the management of vegetation, and landscape and visual requirements for subdivision are included in site specific subdivision provisions in Subdivision Chapter 11, proposed Appendix

¹⁵ Statement of Evidence, Linda Kerkmeestert (16 August 2024) Paragraphs 19,24, 25,29,30,32,35

¹⁶ Eco-Landscapes & Design Ltd (Appendix 4. Landscape & Visual Assessment) 02 August 2023. Section 8

Subdivision 10, Amendments 1 and 2. I believe these provisions adequately address site specific constraints for subdivision within the development area and for protection of lower slopes.

- (46) Adverse landscape effects will be moderate to low where there will be some loss and modification to key natural features and landscape characteristics within the ridgeline. In my view, adverse landscape effects from any development outside the development area can be managed and avoided under the proposed unrestricted discretionary activity status.
- (47) Overtime with the protection and enhancement of vegetation within lower slopes and subdivision screening and street tree planting, a visual buffer will help integrate new housing within the ridgeline as permitted under the Medium Density Residential zoning. Development is most likely to be incremental in stages and overtime align with existing housing and future intensification of existing sites within the ridgeline to the north.
- (48) The visual catchment is extensive to the east and west however at distance and seen in the context of the wider context of the ridgeline, foreground urban development and background higher hills.
- (49) Visibility at close range is restricted to the northern end of the site for road users and residents located at the end of Shaftesbury Grove and Fenchurch Grove.
- (50) The additional visual impact of taller buildings of greater intensity as proposed by PC58 will be more noticeable initially, however the visual catchment is generally distant and views into the site are seen in the context of established residential areas within the ridgeline to the north. Overall additional adverse visual effects as Medium Density Residential will be low, will not dominate any outlooks and can be readily absorbed within the receiving landscape.

Angela McArthur

4 September 2024