

Statement of Evidence of Laura Skilton – Plan Change 56

1. My name is Laura Skilton. I have been a resident of Petone for over 35 years. I bought my house specifically because I like heritage buildings.
2. First, I would like to acknowledge that the proposed plan change was brought about due to a change in Government legislation. However, I want to remind the commissioners that the legislation provides certain areas can be exempt, including areas of heritage, natural hazards and iwi significance.
3. I would also like to remind the commissioners that Hutt City Council opposed the legislation as it weakened Plan Change 43 which allowed residential intensification within 400m of significant transport hubs. As a Transport Planner, I agree with this, particularly as the Government wants us to reduce car use.
4. I also think the Government made changes to the legislation without considering the wider impact of these changes on the standard of living of the average New Zealander and without considering the impacts with the effects of climate change. As such, I would like to see some amendments to PC56.

Residential Heritage Precincts

5. While Council is intending to do a full review of their District Plan in early 2024 any changes recommended will not likely be in the Plan Rules until at least 2026. While the full review is intended to include a review of the residential heritage precincts, by the time the changes are made, we might have already lost areas of unique housing.
6. As mentioned in my submission, I would like to see more areas of heritage housing in Petone and I disagreed with Council's Advisors when they claim that various areas do not meet the requirements of Policy 21 of the Regional Policy Statement.
7. I am therefore pleased that the Officers Report now recommends Bay Street and Beach Street to be included in the Petone Foreshore Heritage Area and hope that the Commissioners accept this change.
8. While many people consider that a heritage precinct on their property would result in not being able to undertake any restorations or improvements, this is incorrect and misguided. I believe that most of the rules proposed in Plan Change 56 in the heritage precincts are fair and reasonable. The proposed rules allow any internal alterations to

be made and new dwellings can be constructed provided the height and number of dwellings do not exceed what was on site in August 2022.

9. However, as a heritage precinct, we need to preserve the existing style of housing and as such I believe the demolition of a house should require resource consent. I believe the objectives¹, policies and rules should also be amended to ensure that not only height and density are protected but also the front façade in terms of building material and style.
10. The draft provisions prepared by Council Officers in December 2021 for the District Plan Review Subcommittee² did not support the demolition of existing buildings in heritage precincts as a permitted activity and had recommended demolition of existing buildings in a heritage precinct be a non-complying activity. I support this.
11. Appended to this statement I have included an article written by Allison Tindale³ for Scoop that was never published. It shows her concerns regarding Hutt City Council's lack of preserving heritage buildings.

Natural Hazards

12. As the commissioners know, while policy statements set the underlying themes of a District Plan, the policy statements are only used if the rules of the Plan are not adhered to. I believe that the rules are therefore the most important component within a Plan.
13. PC56 creates three Coastal Hazard Areas. The rules of these areas still allow intensification despite the policies saying that development should be limited in these areas. I believe the rules need to be amended to reflect the policies, and limit intensification.
14. The policies also state that subdivision and development in the High Flood Hazard Overlay should be avoided, however the rules do not convey this. To be consistent with the policies, the rules must not allow any intensification in High Flood Overlay areas.

¹ Objective 4F 5.1.1.1, Policy 4F 5.1.2.1 and Rule 4F 5.1.3.1

² Proposed Rule HH21

³ Allison was a former policy planner at Hutt City Council between 2012 and 2016.

15. While no building can be constructed within 20m of the Wellington Fault Hazard Overlay, I consider that this should be extended to remove multi-story buildings within the most vulnerable area of the Wellington Fault Hazard Overlay. As I am not a seismic engineer, I can not say what this distance should be, and ask the Commissioners to seek advice on this.
16. I also want to highlight what was written in the Section 32 report for PC43 where areas were specifically excluded from intensification due to the risk of natural hazards.

148. In relation to matter 6 (h) the proposal has excluded areas of high natural hazard risk, including Petone, Eastbourne and Moera, from the spatially defined intensification areas until further work can confirm the appropriate response to these risks..

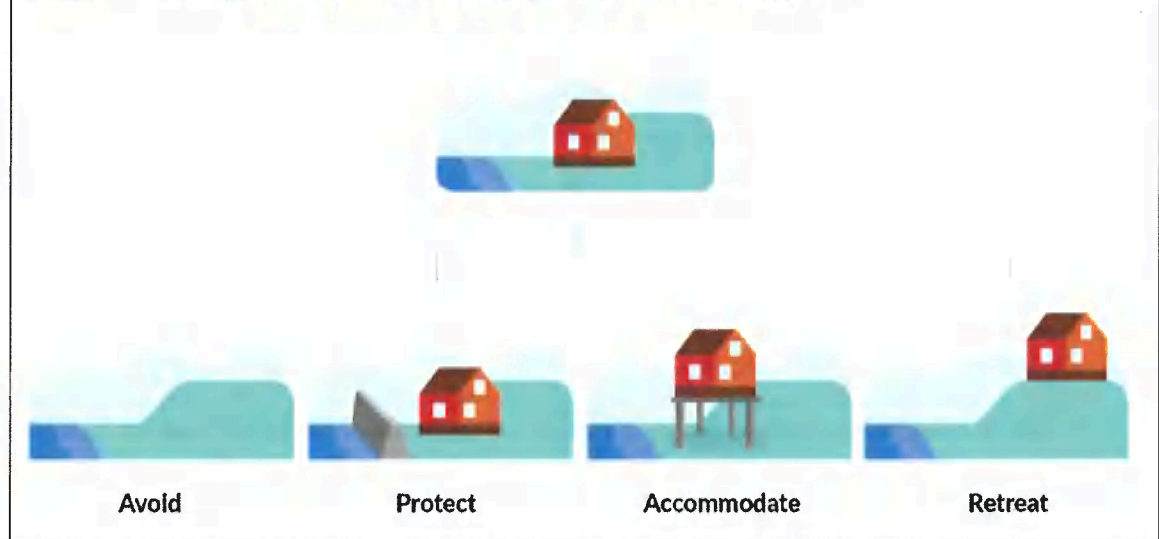
Climate Change

17. An article on the National Radio on 25 February⁴ 2023 covered research by Professor Jonathan Boston, a Climate Change expert. The article mentions relocating climate prone townships and includes direct reference to Petone. I believe it is irresponsible for a Council to allow intensified development in an area where an expert has said should have a managed retreat and a reduction in population.
18. The National Adaptation Plan⁵ was published in August 2022 and sets out actions to respond to climate change. In the introduction message from James Shaw, he says "*care will need to be taken to manage development in at risk areas*". Many areas in Lower Hutt are at risk and therefore need careful consideration.
19. Page 79 of the Plan highlights that many communities are already under threat from natural hazards and states that "*Councils and communities should consider the full range of adaptation options for areas under threat*", including avoid, protect, accommodate, and retreat.
20. These are shown in Figure 7 of the Plan that I have repeated below.

⁴ <https://www.rnz.co.nz/national/programmes/saturday/audio/2018879410/prof-jonathan-boston-how-to-manage-managed-retreat>

⁵ <https://environment.govt.nz/assets/publications/climate-change/MFE-AoG-20664-GF-National-Adaptation-Plan-2022-WEB.pdf>

Figure 7: Adaptation options – avoid, protect, accommodate, retreat



- avoiding risk – for example, by locating development away from areas prone to hazard
- protecting assets from risk – for example, by building protective structures such as sea walls
- accommodating risk – for example, by incorporating adaptation options into the design of developments
- retreating from risk – for example, by relocating existing development away from high-risk areas.

21. As Petone has been highlighted as a place to retreat, Plan Change 56 contradicts the National Adaptation Plan set by Government.
22. Separately, the Wellington Regional Emergency Group had the following recovery times for infrastructure after natural disaster in Petone.
 - Road access – 90 days to re open
 - Electricity - 3 to 6 months for full supply to be reinstated
 - Water - 6 months to a year to restore
 - Waste water/sewage - more than 2 years to restore
23. I consider that any intensification should NOT be allowed in the natural hazard overlay areas and should potentially be extended to include proximity to the Wellington Fault Hazard Overlay.

Walking Distances

24. The legislation requires high intensity up to 6 storeys “within at least walkable catchment of ... rapid transit stops and, city ... centre zones”. No definition of walkable catchment is provided. Hutt City Council has chosen this to be 800m.

25. PC43 used 400m as the distance to major transport hubs for high intensity housing. The new distance of 800m contradicts previous work undertaken by Council.
26. I believe it would be better to keep the walking distance smaller to ensure that the areas closest to transport hubs are intensified first and extending high intensity areas once these areas are fully developed.

Stormwater

27. The new rules require houses to cover no more than 50% of the site and a minimum of 30% of the site needs to be permeable surface.
28. The recent weather event in Auckland has shown the effects of urban intensity and the removal of permeable surfaces. Due to the floods, the Government has allowed Auckland Council to extend their intensification requirements while investigations to the effects of flooding is determined⁶. The Environment Minister has told Auckland to soften developments and *“to prevent large impermeable areas such as driveways, carpads and terraces in new and existing sites”*. Hutt City needs to consider this too.
29. Wellington Water standards were updated in December 2021⁷. They now require new houses to be able to store their 1 in 100 year⁸ storm water run of on their property so that it is no more than before the site was developed. This needs to be included as an absolute minimum requirement within Rule 4F 4.2.5.
30. Many of Lower Hutt’s older suburbs have stormwater drains designed using older standards and do not have the capacity for increased development and reduced permeable surfaces.
31. The water engineers I have spoken to all agree that that housing intensity will make stormwater drainage a bigger concern and will increase the likelihood of flooding.
32. Resource consents are required when the rules in a District Plan are not met. Around 98% of all consents still get approved. Therefore, we need to ensure that the rules

⁶ [https://www.newsroom.co.nz/auckland-wins-12-month-housing-density-
reprieve?utm_source=Newsroom&utm_campaign=d9fe352812-
Daily_Briefing+14.04.2023&utm_medium=email&utm_term=0_71de5c4b35-d9fe352812-97884087](https://www.newsroom.co.nz/auckland-wins-12-month-housing-density-reprieve?utm_source=Newsroom&utm_campaign=d9fe352812-Daily_Briefing+14.04.2023&utm_medium=email&utm_term=0_71de5c4b35-d9fe352812-97884087)

⁷ <https://www.wellingtonwater.co.nz/assets/Reports-and-Publications/Regional-Standard-RSWS.pdf>

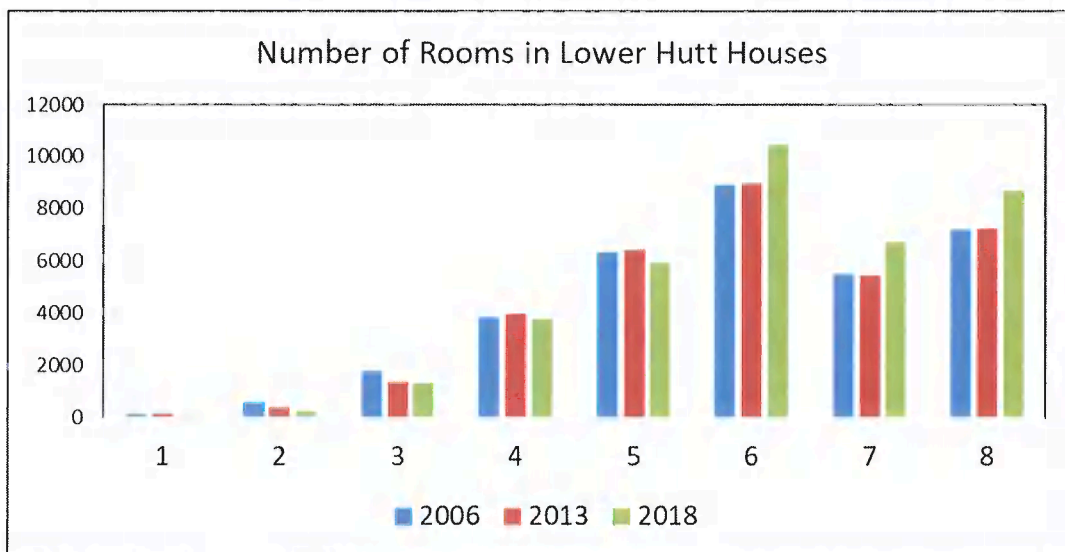
⁸ With climate change, a 1 in 100 year event will occur more frequently than every 100 years

and policies in PC56 are able to ensure that the environmental effects and the effects of climate change will not result in the mass destruction that occurred in Auckland.

33. I want the commissioners to consider this and ensure that the plan change they are potentially going to approve does not have the potential for adverse flooding effects in the future.

Maximum House Size

34. The government legislation was intended to construct more houses, however I believe that the proposed rules will not provide more housing units, rather it will result in larger houses.
35. The census data shows that the number of rooms per house in Lower Hutt has increased from 5.9 to 6.1 between 2006 and 2018⁹. This may appear to be a small increase, but when you graph the data, it shows that the majority of new houses between 2013 and 2018 were large houses.



36. Large houses are also not affordable houses.
37. I therefore consider a maximum floor size for an individual dwelling should be applied for the medium and high intensity zones.

Financial Contributions

38. Section 77DA of the legislation states that a local authority may make a rule requiring a financial contribution.

⁹ <https://www.stats.govt.nz/information-releases/statistical-area-1-dataset-for-2018-census-updated-march-2020>

39. Rule 12.2.1.4¹⁰ of the District Plan pertains to financial contributions relating to water supply. Amendments have been made as part of PC56, however I do not believe they go far enough and part (c) results in Council paying additional costs beyond the land being developed. As such, this will result in rate payers subsidising the cost of developments. This is not acceptable to ratepayers who are already experiencing significant rates increases.

Other Councils

40. Christchurch City Council, a Tier 1 council, is not following the new legislation. Instead, they are only allowing intensification¹¹ around shopping centres and public transport routes and retaining existing rules in other parts of the city. This is similar to Hutt City PC 43. I support this.
41. Nelson City Council, a Tier 2 council, are choosing to do limited intensification by allowing multi story housing around shopping centres and public transport routes. They are restricting site coverage to 50%, but have also specified that the 50% coverage must be in the front of the section. This ensures that the rear of the adjacent section still receives daylight and sunshine all year round. I believe that if Hutt City also added this requirement, the adverse effects on the adjacent properties would be reduced.
42. Coronation Street style housing is the most efficient, without side yards, and all having rear yards with continuous daylight and sunshine. Removing side yards could be a consideration.
43. As part of my employment, I review the transport effects of resource consent applications. As such I have seen applications for semi-detached houses with buildings that run the entire length of the section, with a driveway on the other side. The buildings are always on the south, causing severe 'daylight robbery' for the adjacent property, and these developments are only two story's, not three. Implementing the rules that Nelson are considering would reduce these adverse effects.

¹⁰ I also think there was an error in the documentation and that Rule 12.2.1.4(b) needs the word "or development" added after the word subdivision and the word "subdivider" altered to developer. This is similar to other changes made by PC56.

¹¹ <https://www.stuff.co.nz/the-press/news/131172218/plans-for-housing-intensification-in-christchurch-scaled-backstandards>

44. While the proposed rules in PC56 requires a minimum amount of outdoor space, there are no controls on this space. Rules in the Marlborough Environment Plan for outdoor amenity include:

- Minimum outdoor amenity of 50m² in high intensity areas
- Outdoor space must be able to accommodate a circle of 5m in diameter
- Outdoor space must not be orientated to the south of a dwelling
- Outdoor space must have direct contact to the main indoor area through an external door
- Outdoor space must not include driveways or parking spaces

45. I believe that better rules in PC 56 are required to ensure that outdoor space is useable, otherwise the 1m side yards will be considered to be outdoor space.

Summary

46. I would like to see the following amendments made to PC56:

- High intensity areas only within 400m of public transport, rather than 800m
- No Intensification within the Wellington Hazard Overlay areas, including coastal, flooding and earthquake areas
- Support the Officers Report with the expansion of the Petone Foreshore Heritage Area to include Beach Street and Bay Street
- Make the demolition of an existing building in a heritage precinct a non-complying activity
- Incorporate maximum dwelling sizes, of say 120m² per house, into the medium and high intensity areas.
- Restrict building coverage to the road front of each property, allowing sunlight into the rear yards of adjacent properties

47. Thank you for your time today.

Has Time Run out for Petone?

Planning rules for one of Wellington's oldest residential areas, Petone, will be soon be dramatically changed when the local Council is forced to implement the *2021 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act*. Whilst the above Act, gave Councils the ability to modify standards for areas with historic heritage value, Hutt City Council has limited ability to do so, because of its slow progress in identifying, investigating and consulting on buildings and areas of suspected heritage value.

Despite numerous promises and good intentions in heritage policies¹ and strategic plans, relatively few buildings or sites in Petone currently require resource consent to demolish or disturb. Documentation on suspected but not yet formally identified heritage has grown, along with concerns that more and more is being knocked down. The debate over whether additional parts of Petone should be identified and protected has gone on for almost 20 years. Hutt City Council has openly admitted that existing provisions in the District Plan for historic heritage and sites of significance to Māori are significantly outdated².

This is alarming for Wellington's "*unique heritage settler's village by the sea*"³ and "*the first site of organised European settlement in New Zealand*" with "*uniqueness in relation to its heritage character due to having whole precincts built in the same era*"⁴.

References to Petone having a historical character are found in the following planning documents produced by, for, or in partnership with the Council.

- 2007 Petone Vision;
- 2009 Petone Discussion Document⁵;
- 2012-2032 Urban Growth Strategy;
- 2014 Integrated Vision for Hutt City;
- 2016 Hutt City Planning for the Future⁶;
- 2017 Petone 2040 Spatial Plan⁷;
- 2019 Recommendations from the Independent Hearing Panel for Plan Change 43⁸;
- 2020 Submission by Heritage New Zealand Pouhere Taonga⁹; and
- 2022 Current version of the Lower Hutt District Plan¹⁰.

Hutt City Council first signalled deficiencies in its existing heritage inventory in its 2000 Heritage Policy. The Council has referred to undertaking work to address these deficiencies since 2005¹¹. Updates to the District Plan to include additional items not currently on the heritage register managed by Heritage New Zealand Pouhere Taonga, are now anticipated

to be introduced in 2024 (approximately 20 years after the adoption of the District Plan and 30 years after the District Plan was first put together and notified).

The Council appears to have stopped work on the investigation of suspected heritage items between 2011 and 2019. This left it poorly prepared for changes in planning policy/legislation, which required Councils to prove that places were not suitable for urban intensification, rather than the other way round.

In June 2012 Councillors made the resolution, **not** to require legislative protection to heritage buildings, not listed on the national heritage register¹². This matches the situation reported by the Ministry for Culture and Heritage in 2018, which identified that New Zealand was at risk of losing hundreds of heritage buildings of regional and local significance, because they are not being identified by either Heritage New Zealand Pouhere Taonga or Territorial Authorities¹³.

Doubt remains as to whether a character assessment for Petone-Moera has ever been carried out, as elected members are recorded as voting **not** to undertake an “*assessment of historic character in Petone and Moera, and consideration of potential district plan provisions for protecting any identified historic character areas*” as part of the District Plan review for the heritage chapter¹⁴. The cost of carrying out this work, appears to be the principal reason for this decision. This work was recommended to be carried out by the Independent Planning Commissioners for Plan Change 43, in response to public concerns that this earlier plan change, represented a threat to heritage items.

Nevertheless, the draft version of Plan Change 56 shown to Councillors on 23 June 2022 seems to identify 4 additional heritage precincts in Petone, where existing buildings are able to be demolished without consent.

Pito-one is additionally recognised as having significant cultural values and once contained a substantial Maori pā. Concern has been raised by the Port Nicholson Block Settlement Trust, Te Rūnanganui o Te Āti Awa, Hikoikoi Management and Te Rūnanga o Toa Rangatira¹⁵ that the current District Plan does not identify all sites of significant history and cultural value to local iwi, and hence plan change 56 will increase the threat of harm to these areas from intensification in inappropriate locations. The current District Plan is also known to contain mapping errors for previously identified cultural sites.

The town of Petone deserves high-quality strategic planning because of its high suspected European and cultural heritage values. Petone is also considered to be of one of the most hazardous areas in the Wellington region, particularly in terms of threats from sea level rise, liquefaction and land subsidence. Rushing the implementation of the *2021 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act*, creates a significant risk of multi-storey housing being built in inappropriate locations.

It is hard to understand the need to rush, given that property prices have started to fall, there is a nationwide shortage of construction material and construction workers and that previous plan change 43 already significantly increased development potential in the District of Lower Hutt. Nor is there any certainty that new development built, would be available to purchase or rent at a cost affordable, to those that need housing the most.

Footnotes

1. Heritage Policy 2000, Heritage Policy 2008 and Heritage Policy 2021
2. 2021, Hutt City Council, Submission to Parliament's Environment Select Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 2021, November 2021.
3. 2012, Hutt City Council, Draft copy, '*An integrated Vision for Hutt City – making our city a great place to live, work and play*'.
4. 2007, Hutt City Council, Petone Vision
5. 2009, Hutt City Council, '*District Plan Review for Petone Discussion Document*'
6. Jacobs New Zealand and Kamommarsh Landscape Architects, 2016 '*Hutt City Planning for the Future, A long-term vision for future housing growth and choice*' prepared for Hutt City Council.
7. 2017, McIndoe Urban Ltd. '*Petone 2040 Spatial Plan*' prepared for P2040 Group in partnership with Hutt City Council. (Document was formally adopted by Hutt City Council).
8. 2019, Allen. D, Sinclair. K, Munro. I, '*Hutt City Council Proposed District Plan Change 43: Residential and Suburban Mixed Use, Recommendation of the Hearing Panel*' October 2019.
9. 2020, Heritage New Zealand Pouhere Taonga, '*Submission to Hutt City Council on Proposed Heritage Policy*', December 2020.
10. 2022, Hutt City Council, City of Lower Hutt District Plan (E-plan current as of 30 June 2022). References to Historic Character in Petone/Moera are contained in the planning policy applying to the General Residential Zone, matters of discretion for development requiring resource consent in this zone and the medium density design guide. However, there is no corresponding identification of a heritage area within this zone in the heritage chapter. Existing references to this character may be removed as a result of plan change 56, also known as the intensification planning instrument.
11. 2005, Hutt City Council, Background report to plan change 4. Plan change introduced to correct error, which had previously made the demolition of listed buildings on the heritage schedule as an activity that did not require Council consent.
12. 2012, Hutt City Council, Minutes from the 10 July 2012 Council meeting. Minute C 12305(3)
13. 2018, Ministry for Culture and Heritage, "*Strengthening protections of heritage buildings. Report identifying issues with New Zealand's heritage protection system.*" HNZPT is identified in the above report as largely unable to identify buildings of regional and local significance, because of its mandate to focus on national heritage, as well as its significant backlog in processing over 200 outstanding nominations for the heritage register.
14. 2021, Hutt City Council, Minutes and Agenda for the 11 November 2020 Extraordinary District Plan Review Subcommittee Meeting.
15. 2022, Hutt City Council, Agenda for the 23 June 2022 District Plan Review Subcommittee Meeting, Submission by Port Nicholson Block Settlement Trust and Te Rūnanganui o Te Āti Awa, Hikoikoi Management and Te Rūnanga o Toa Rangatira on Plan Change 56 (Draft Intensification Planning Instrument).

Allison Tindale is a member of the New Zealand Planning Institute although the views expressed in this article are her own. She has worked as a planning officer in multiple countries and lived in the Hutt Valley for a decade.