

SECTION 42A REPORT FOR:

Hearing Commissioners

IN THE MATTER OF:

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.

PREPARED BY:

**Dan Kellow
Consultant Planner**

REVIEWED BY:

**Nathan Geard
Policy Planning Manager
Hutt City Council**

REPORT DATED:

30 August 2024

DATE OF HEARING:

23-24 September 2024

EXECUTIVE SUMMARY

On 12 September 2023, M and J Walsh Partnership Ltd formally requested a change to the City of Lower Hutt District Plan (District Plan). Hutt City Council resolved to accept the plan change request and instructed officers to commence the process for a private plan change, as set out in the First Schedule of the Resource Management Act 1991 (RMA). The Plan Change request is referred to as Proposed Private District Plan Change 58 (PC58).

In brief, the private plan change seeks to change the zoning of approximately 12.5 hectares of land that is situated to the south of Shaftsbury Grove and Fenchurch Grove, Stokes Valley, from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area. The request does not propose any change to the Significant Natural Resource (SNR50) overlay.

Site-specific provisions within the Subdivision Chapter are sought but no changes to the objectives, policies, rules or standards to the Medium Density Residential Activity Area chapter are proposed. A plan of the site would be included in the Appendix to the Subdivision Chapter with the plan showing a ‘Development Area’ that covers approximately 50% of the site, and subdivision within this area would be a Restricted Discretionary Activity. Any subdivision that included earthworks, building platforms, roads, private accesses and utility structures outside of the Development Area would be a Discretionary Activity.

The private plan change request contains expert assessment on Transportation, Ecology, Geotechnical, Landscape and Visual and Infrastructure Effects, as well as consultation that was undertaken on a possible development scenario should the land be rezoned.

The proposed private plan change request was notified on 9 November 2023, with submissions closing on 8 December 2023.

The summary of submissions was notified on 8 February 2024, with further submissions closing on 22 February 2024.

A total of 5 submissions (including one late submission) and eight further submissions were received.

The following report contains an overall analysis of PC58 in terms of:

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

Primary Issues

From an analysis of PC58 and the submissions received, the following are identified as the key issues of relevance to the Plan Change:

1. The appropriateness of rezoning the land from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area;
2. The environmental effects resulting from the Plan Change, including:
 - a. Ecological Effects;
 - b. Transport Effects;
 - c. Infrastructure Effects;
 - d. Landscape and visual effects; and
 - e. Site stability effects.
3. The policy framework of the Private Plan Change, and in particular:
 - a. The appropriateness and consistency with the District Plan, the Regional Policy Statement for the Wellington Region 2013, the National Policy Statement on Urban Development 2020, the National Policy Statement on Freshwater 2020, National Policy Statement on Indigenous Biodiversity as well as other non-RMA Hutt City strategies; and
 - b. The appropriateness in achieving the purpose of Part 2 of the RMA.

Recommendation

On the basis of this report it is my recommendation, prior to hearing from the submitters, that PC58 as lodged by M and J Walsh Partnership Ltd be approved with amendment. I consider that rezoning the land is appropriate to achieve the objectives of the District Plan, the Regional Policy Statement, the strategic direction provided in the Hutt City Urban Growth Strategy 2012-2032, the National Policy Statement on Urban Development 2020, the National Policy Statement for Indigenous Biodiversity 2023 and the purpose of the RMA.

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1. PURPOSE OF REPORT

- (1) The purpose of this report is to:
 - a) Provide the context and background to Proposed Private District Plan Change 58 (PC58) to the operative City of Lower Hutt District Plan (District Plan) including the statutory framework relevant for considering a request for a private plan change;
 - b) Summarise the public submission process that has occurred for PC58; and
 - c) Provide an analysis of PC58 against the statutory framework under the Resource Management Act 1991 (RMA), including the submissions and further submissions received.

2. INTRODUCTORY STATEMENT

- (2) My name is Dan Kellow and I am a sole practitioner, trading as Kellow Environmental Planning.
- (3) I have been engaged by Hutt City Council (the Council) to provide planning evidence and recommendations on PC58.
- (4) I have 20 years' experience in land use planning, regulatory and policy, spending most of that time within local government.
- (5) I have visited the site and am familiar with the surrounding area. I have been involved in the plan change process since the summary of submissions.
- (6) Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the hearing committee. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- (7) I have specifically relied on the expertise of the following people:
 - Luke Benner – transport - Luke Benner Transportation Consultancy Ltd
 - Tessa Roberts – ecology - Wildlands Ltd
 - Linda Kerkmeester – landscape and visual
 - Ryan Rose – Development Engineer - Envelope Engineering
 - Adam Smith and Thomas Justice – geotechnical engineer - Engeo

3. BACKGROUND

- (8) A request for a Private Plan Change was submitted by M and J Walsh Partnership Ltd (the applicant) via their planning consultant, Urban Edge Planning, on 12 September 2023.
- (9) The request was then accepted by the Council, and was subsequently notified on 9 November 2023, with submissions closing on 8 December 2023. The summary of submissions was notified on 8 February 2024, with further submissions closing on 22 February 2024.
- (10) Further information in relation to the request was sought 23 April 2024 and 24 May 2024, and further information was supplied on 30 April, 29 May and 16 July 2024.

3.1 Overview of the Private Plan Change

- (11) PC58 seeks to change the zoning of approximately 12.5 hectares of land that is held within one Record of Title (shown in Figure 1 below) from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area. No change is proposed to the Significant Natural Resource overlay that covers the majority of the site.
- (12) Site-specific rules within the Subdivision Chapter are proposed. No changes to any objectives, policies, rules or standards to the Medium Density Residential Activity Area chapter are proposed.



Figure 1: Proposed land to be re-zoned under PC58 (image sourced from paragraph 5 of the Plan Change Request)

- (13) Section 5.1 of the s32 Evaluation Report states the plan change would:
 - Provide for additional residential development potential;
 - Be consistent with the zoning of surrounding residential areas;
 - Contribute to fulfilling Councils' growth obligations under the NPS-UD;
 - Be consistent with the relevant provisions of the RPS; and
 - Align with Councils Urban Growth Strategy

3.2 Report Structure

- (14) In this report, I provide an overview of the site and surrounding area, the public consultation process, the relevant statutory framework for the consideration of PC58, an evaluation of the Plan Change against that framework (including consideration of matters raised in submissions) and finally my recommendation.
- (15) Attached as appendices to this report are:
 - Appendix 1 – Recommended decisions on submissions and summary of submissions

- Appendix 2 - Regional Policy Statement objectives and policies
- Appendix 3 - Relevant District Plan objectives and policies
- Appendix 4 - Traffic Engineering Evidence
- Appendix 5 - Geotechnical Engineering Evidence
- Appendix 6 - Landscape Evidence
- Appendix 7 - Ecology Evidence
- Appendix 8 - Infrastructure capacity
- Appendix 9 - Further information request and responses
- Appendix 10 - Recommended changes to PC58

3.3 The Site and Surrounding Area

(16) The site and surrounding area are accurately described in Section 2.2 of the Plan Change Request. This is summarised as follows:

- The land subject to the request is approximately 12.56 hectares and is located at 12 Shaftsbury Grove, Stokes Valley. The site is legally described Lot 1 DP 507600. There are several interests on the Record of Title. This includes a Consent Notice that states that the limited water supply available to the site means only one dwelling can be constructed on site and that further development of the land will require provision, by the developer, of water facilities that fully meets Councils' "Water Supply Code of Practice".
- The site is undeveloped except for an unsealed road along the ridgeline and two cell phone towers. A water reservoir is accessed via the unsealed road with the reservoir located on Hutt City Council (HCC) land just south of the application site. The site is covered in vegetation which is described in detail in the ecological assessment.
- The ridgeline undulates but for the most part is 135m - 150m above sea level. The western boundary is 105m to 135m above sea level and the eastern boundary 125m – 145m above sea level. The site generally steepens, sloping down toward the eastern and western boundaries.
- A 250m section of the north eastern boundary abuts developed residential sites that are located on Fenchurch Grove. The vast majority of the site is surrounded by 20 Shaftsbury Grove which is owned by HCC and is zoned General Recreation Activity Area. A 50m section of the western boundary adjoins 188 Eastern Hutt Road which is occupied by Taita College. A 110m section of the western boundary adjoins 30 Shaftsbury Grove which is privately owned and is mostly zoned General Recreation although an approximately 35m length of the boundary adjoining the application site is Medium Density Residential Activity Area. There is no development on 30 Shaftsbury Grove near the application site.

3.4 Public Consultation Process

(17) PC58 was publicly notified on 9 November 2023. Three submissions were received before submissions closed on 8 December 2023. One late submission was received. With regard to the late submission, this submission was received six days after the close of submissions and did not delay the preparation of the summary of submissions. As a result, it is recommended that this late submission be accepted.

(18) The summary of submissions was notified on 8 February 2024, and eight further submissions were received before further submissions closed on 22 February 2024. No late further submissions were received.

(19) The five submitters are:

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

(20) The further submitters are:

Submission Number	Name
DPC58/F001	Charlotte Heather
DPC58/F002	Kathryn Martin
DPC58/F003	Will Van T Geloof
DPC58/F004	Nicholas Dowman
DPC58/F005	Nico Reason
DPC58/F006	John Hopgood
DPC58/F007	The Friends of Horoeka Scenic Reserve
DPC58/F008	Cosmic Kaitiaki of Native Realms Foundation

(21) A summary of the submissions and further submission is provided in Appendix 1. This includes my recommendation on whether the points made in the submissions should be accepted, accepted in part or rejected.

(22) Of the submissions received, four oppose PC58 and the GWRC submission states “it would prefer the Private Plan Change did not proceed” but that if it does GWRC seeks amendments. Of the further submission received:

- Further submission 001 supports parts of four of the submissions (Submissions 001, 002, 004 and 005);
- Further submission 002 supports two submissions (001 and 002) and the feedback from Ngāti Toa Rangatira included in the s32 Evaluation Report;
- Further submissions 003, 004, 005 do not relate to any of the submissions but generally oppose the Plan Change. I consider further submission 003, 004, 005 are invalid as they do not relate to an original submission.
- Further submission 006 supports submission 005.
- Further submission 007 supports 001, 002, 005 and supports in part 004.
- Further submission 008 opposes submission 003 and supports 001, 002 and 005.

(23) None of the submissions requested specific wording changes to the proposed provisions. The matters raised in submissions are detailed at paragraph (59) of this report.

4. STATUTORY FRAMEWORK

- (24) Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b) of the First Schedule of the RMA, Part 2 of the First Schedule of the RMA applies.
- (25) Clause 29 of the First Schedule to the RMA is applicable. This is reproduced in full as follows:

29 Procedure under this Part

- (1) *Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).*
- (1A) *Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person's right to make a submission is limited by subclause (1B)*
- (1B) *A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—*
- (a) adversely affects the environment; and*
- (b) does not relate to trade competition or the effects of trade competition.*
- (2) *The local authority shall send copies of all submissions on the plan or change to the person who made the request.*
- (3) *The person who made the request has the right to appear before the local authority under clause 8B.*
- (4) *After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—*
- (a) may decline, approve, or approve with modifications the plan or change; and*
- (b) must give reasons for its decision.*
- (5) *In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.*
- (6) *The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.*
- (7) *Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.*
- (8) *Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.*
- (8A) *If the decision to change a plan is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977, the local authority must advise the person who requested the plan change that—*
- (a) the plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and*

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

(9) With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.

- (26) Under this clause, because the plan change is a private request, Council is able to, and is obliged to, consider PC58 in its entirety and is not restricted to considering just those matters raised in submissions. The reason for this difference from Council initiated plan changes, is that a private plan change is not a Council agreed position. There is also no legal requirement for the Council to respond to submissions directly as a result (clause 29(4) vs clause 10) although the submissions received are a relevant matter for the Council to consider as part of the decision making process.
- (27) After reaching a decision, Council must publicly notify the decision. Public notice of Council's decision will be given as soon as practicable, following completion of all administrative tasks.

4.1 Matters to be considered by the Council

(28) Section 74 of the RMA states that the Council shall prepare and change the District Plan in accordance with its functions under s31, the provisions of Part 2 and its duty under s32. In addition, under s74(2) when preparing or changing the District Plan Council shall have regard to any proposed regional policy statement and proposed regional plan.

(29) Under s74, when preparing or changing a plan, a territorial authority is required to have regard to:

(b) any –

(i) management plans and strategies prepared under other Acts

(30) I consider that the following Hutt City Council documents prepared under the Local Government Act 2002 to be relevant:

- Urban Growth Strategy 2012 – 2032;
- Indigenous Biodiversity Strategy 2023;
- Environmental Sustainability Strategy 2015-2045;

(31) Under s74(2A) a territorial authority:

must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region.

(32) There are no relevant iwi management plans.

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

(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(ba) a national planning standard

(c) any regional policy statement”

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

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

(34) The decision in *Long Bay-Okura Great Parks Society Incorporated v North Shore City Council* (Decision A 078/2008), and amended in *High Country Rosehip Orchards Ltd and Ors v Mackenzie DC*¹ reflects the changes made by the Resource Management Amendment Act 2005 and sets out the mandatory requirements for district plan (changes) as being:

A. *General requirements*

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

B. *Objectives [the section 32 test for objectives]*

¹ Pages 17-18 of [2011] NZEnvC 387

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*
- C. *Policies and methods (including rules) [the section 32 test for policies and rules]*
9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
 10. *Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:*
 - (a) *identifying other reasonably practicable options for achieving the objectives; and*
 - (b) *assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:*
 - (i) *identifying, assessing and quantifying (where practicable) the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment; and*
 - (ii) *assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and*
 - (c) *if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether than greater prohibition or restriction is justified in the circumstances.*
- D. *Rules*
11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*
 12. *There are special provisions for rules about contaminated land.*
 13. *There must be no blanket rules about felling of trees in any urban environment.*
- E. *Other statutes*
14. *Finally territorial authorities may be required to comply with other statutes."*

5. PART 2 AND SECTION 32 OF THE RMA

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

(36) I summarise and assess the sections under Part 2 as follows:

5.1 Section 5

(37) The purpose of the Act is to *promote the sustainable management of natural and physical resources*. Sustainable management is defined under the Act as:

Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment”.*
- (38) The District Plan was developed under the RMA and meets its purpose. The Council is required to ensure that all proposed changes to the Plan will also result in outcomes that meet the purpose of the RMA.

5.2 Section 6 – Matters of National Importance

- (39) Section 6 sets out a number of matters of national importance to be recognised and provided for. Of these, I consider that the following is relevant:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
 - (h) the management of significant risks from natural hazards.*
- (40) Whether the proposal has recognised and provided for the above is addressed in this report.

5.3 Section 7 – Other Matters

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

5.4 Section 8 – Treaty of Waitangi

- (43) Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.
- (44) I note that Te Rūnanga O Toa Rangatira Inc, Taranaki Whānui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust), Wellington Tenths Trust, Palmerston North Māori Reserve Trust and Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Inc were contacted by the

requestor prior to the request being accepted by Council. No submissions from the above parties were received on PC58 although Te Rūnanga O Toa Rangatira provided comments prior to the application being lodged.

5.5 Section 32 – Consideration of Appropriateness

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

- (50) In the above, the term “existing proposal” refers to the existing plan provisions.
- (51) The requestor submitted a section 32 evaluation as part of the request.
- (52) The Council is required to undertake a further evaluation of the plan change in accordance with s32AA before making a decision under clause 29(4) of Schedule 1 of the RMA. S32AA is set out below:
- (1) *A further evaluation required under this Act—*
- (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) *must be undertaken in accordance with section 32(1) to (4); and*
- (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) *must—*
- (i) *be published in an evaluation report that is made available for public inspection at the same time as the ... decision on the proposal, is publicly notified; or*
- (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii)."*
- (53) This s42A report sets out my evaluation of the request and includes consideration of:
- The matters raised in submissions;
 - The Council expert evidence commissioned as part of the assessment of the request; and
 - The wider statutory and non-statutory policy framework.
- (54) These are addressed in sections 8 - 10 of this report.

6. FORM OF PC58

- (55) The plan change request is limited to changing the zoning of the area marked in Figure 1 of this report from General Recreation Activity Area and Hill Residential Activity Area to Medium Density Residential Activity Area with site specific provisions in the Subdivision Chapter.
- (56) No changes to any District Plan provisions (Objectives, Policies, Rules or Standards) in the Medium Density Residential Activity Area (MDRAA) were requested.
- (57) Within the MDRAA the following activities as permitted subject to parameters:
- Residential Activities
 - Home Occupation, Care facilities, Residential Facilities, Boarding Houses, Hotels, Visitor Accommodation
 - Childcare facilities

(58) The following activities are Restricted Discretionary Activities subject to parameters.

- Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities
- Retirement Villages

(59) Other Non-Residential activities are Non-Complying Activities.

(60) Rule 4.1.11 Vegetation Removal is particularly relevant to this site and is as follows:

a. *The removal of indigenous vegetation:*

- i. *That was planted within a domestic garden for amenity purposes and/or the use of amenity or screening,*
- ii. *Within 5 metres of a lawfully established residential unit,*
- iii. *Within 3 metres of a lawfully established accessory building with a gross floor area greater than 10m²,*
- iv. *To maintain existing open areas, tracks, accessways, fences and onsite services,*
- v. *To maintain existing network utilities,*
- vi. *To prevent loss of life, injury or damage to property,*
- vii. *To remove dead or diseased vegetation, or*
- viii. *In accordance with Tikanga Māori,*

*is a **permitted activity***

b. *The removal of exotic vegetation is a **permitted activity** if:*

The area from which vegetation was removed must be stabilised against erosion by vegetation cover or other methods

c. *The removal of trees on an Urban Environment Allotment is a **permitted activity**.*

d. *The trimming of vegetation is a **permitted activity**.*

e. *The removal of vegetation not otherwise provided for as a permitted activity is a restricted discretionary activity.*

Discretion is restricted to:

i. *Amenity Values:*

The adverse effects upon the visual amenity values of the site and surrounding area caused by the removal of vegetation. Consideration shall be had to the visual prominence of the vegetation, and any replacement planting to be undertaken.

ii. *Site Stability:*

The adverse effects upon the stability of the site caused by the removal of vegetation.

iii. *Indigenous Biodiversity and the Intrinsic Values of Ecosystems:*

a. *The extent to which the proposal will adversely affect the indigenous biodiversity and intrinsic value of ecosystems on the site and surrounding area.*

b. *Applying the criteria in Policy 23 of the **Regional Policy Statement for the Wellington Region 2013***

(61) The building bulk and location standards for the MDRAA are the Medium Density Residential Standards which are as follows.

- Up to three residential units per site;
- 50% building coverage;
- 11m building height;
- 4m + 60⁰ Height in Relation to Boundary;
- 1.5m front yard setbacks and 1m side yards;
- 30% permeable surface area;
- 20m² outdoor living space;
- Stormwater detention;
- 20% Windows to Street;
- 20% Landscaped Area.

7. MATTERS RAISED IN SUBMISSIONS AND FOR EVALUATION

(62) The matters raised in submissions received fall into the following topic areas:

- Site stability
- Transport
- Effects on indigenous flora and fauna/biodiversity
- Three water infrastructure
- Urban sprawl
- Access to school land
- Geotechnical hazards
- Active transport links
- Freshwater management
- Sites of significance to Māori

8. RELEVANT POLICY FRAMEWORK

(63) The District Plan sits within a wider framework of both statutory and non-statutory policy documents, which are set out as follows.

8.1 National Policy Statements

(64) Under s74(1)(ea) of the RMA, Council must prepare and change the District Plan in accordance with any relevant National Policy Statements. In addition, under s75(3)(a) of the RMA, a district plan must give effect to any national policy statement. There are currently eight national policy statements that have effect, being:

- National Policy Statement on Electricity Transmission 2008 (NPS-ET);
- New Zealand Coastal Policy Statement 2010 (NZCPS);
- National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG);
- National Policy Statement on Urban Development 2020 (NPS-UD);
- National Policy Statement for Freshwater Management 2020 (NPS-FM).
- National Policy Statement for Highly Productive Land 2022;
- National Policy Statement for Greenhouse Gas Emissions and Industrial Process Heat 2023;
and
- National Policy Statement for Indigenous Biodiversity (NPS-IB).

(65) For PC58, I consider that the most relevant national policy statements are the NPS-UD, NPS-IB and NPS-FM.

(66) I note that at the time of writing this report the *Resource Management (Freshwater and Other Matters) Amendment Bill* (the Bill) has been introduced to Parliament with submissions having closed 30 June 2024. Two of the matters being addressed are relevant to this assessment. The first relates to the Cabinet agreement to review and replace the NPS-FM within this term of government as well as Cabinet agreeing to clarify that councils “*should not be requiring individual resource consent applicants to demonstrate that their proposed activity adheres to the hierarchy of obligations contained in Te Mana o te Wai provisions*” of the NPS-FM².

(67) The second is to suspend for three years the obligation for local authorities to identify and include Significant Natural Areas (SNA). The Bill does not affect the obligation on Council to recognise and provide for indigenous biodiversity and does not prevent or affect the identification or notification of new SNA in policy statements, plans or proposed plans within this 3-year period. In addition to the three-year suspension, the Cabinet Paper³ dated 29 February 2024, stated the Minister would “*start a review of the SNA provisions in the NPSIB in the second quarter of 2024 to provide advice on the operation of SNAs, which may result in further changes to the NPSIB.*” At the time of writing this report I am not aware of any outcomes of the review.

National Policy Statement on Urban Development

² Regulatory Impact Statement dated 3 April 2024: Excluding the hierarchy of obligations within the NPS-FM for resource consenting.

³ Cabinet Paper: Proposed cessation of new significant natural areas and review of their operation. 29.02.2024.

- (68) The NPS-UD is focused on having well-functioning urban environments. It identifies Hutt City Council as being within a *Tier 1 urban environment* and as a *Tier 1 local authority*⁴. At the time of writing this report the Government had signalled its intention to free up land for urban development by including introducing 30-year growth targets. The changes will be implemented through amendments to the RMA and NPS-UD and are expected to be in place by mid-2025. At the time of writing this report no changes had been introduced so no further consideration of the signalled changes is undertaken in the assessment below.
- (69) The NPS-UD requires local authorities to provide sufficient development capacity to meet the demand for housing in the short, medium and long term as well as enabling development.
- (70) The NPS-UD requires councils to appropriately plan for growth and ensure a well-functioning urban environment for all people, communities and future generations. District Plans must make room for growth both 'up' and 'out' and rules should not unnecessarily constrain growth. Well-functioning urban environments are defined in Policy 1 of the NPS-UD:

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

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

- (71) The relevant objectives of the NPS-UD for PC58 seek well-functioning environments - as outlined above (Objective 1), to improve housing affordability by supporting competitive land and development markets (Objective 2), encouraging people to live in areas near a centre or place of many employment opportunities and/or an area well-served by public transport (Objective 3), an expectation that urban environments will change over time in response to changing needs (Objective 4), urban development decisions are integrated with infrastructure planning (Objective 6a) and local authorities are responsive to plan changes that would add significantly to development capacity (Objective 6c). There are therefore clear policy directives within the NPS-UD that are relevant to PC58. Policy 8 is also relevant to PC58 – Policy 8 states:

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

⁴ Stated in NPS-UD Appendix: Tier 1 and tier 2 urban environments and local authorities.

(a) unanticipated by RMA planning documents; or

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

- (72) The recent Housing and Business Assessment (HBA) identified that Lower Hutt has sufficient housing capacity within existing urban areas for the next 30 years without the need for enabling additional greenfield development in the District Plan, but that there is a regional shortfall for industrial land. The proposal is a combination of greenfield and allowing an increase in housing density within the existing residentially zoned part of the site. The proposal will clearly add to the development capacity of Hutt City Council and is connected to the transport network, makes use of the existing infrastructure and is connected to the existing urban environment. The Plan Change site does not however have an existing or planned water supply so is not consistent with Objective 6.

The issue of whether there is an existing or planned water supply aside, overall, I consider PC58 to be consistent with the NPS-UD. The issue of servicing future development at the site with a water supply is discussed later in this report.

National Policy Statement for Indigenous Biodiversity

- (73) The NPS-IB took effect on 4 August 2023 and its objective is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

- (74) The NPS-IB requires TLA's to identify SNAs using prescribed criteria and include these in District Plans. This criteria has recently been introduced into the Regional Policy Statement (through Proposed RPS Change 1, which is not yet operative). However, HCC has not worked through this process yet.

- (75) The NPS-IB defines a SNA as:

“(a)...

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

- (76) The definition of SNA is relevant as there is a ‘Significant Natural Resource’ (SNR 50) overlay covering approximately 75% of the site. The significant values of SNR 50 are described in the District Plan as “*Lowland forest on hill country, containing the only Pukatea forest remnant in the region. Bird species include Whitehead. Common Green Gecko, and Kotukutuku plant species.*”.
- (77) In my opinion SNR 50 is a SNA under the NPS-IB definition of SNA as HCC has not had an ecologist assess and make a determination whether the site is a SNA or not.
- (78) The most relevant NPS-IB policies are:
- *Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*
 - *Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.*
 - *Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.*
 - *Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.*
 - *Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.*
 - *Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*
 - *Policy 10: Activities that contribute to New Zealand’s social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.*
 - *Policy 13: Restoration of indigenous biodiversity is promoted and provided for.*
 - *Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.*
- (79) In regard to the direction provided in the NPS-IB, clause 3.10 would have to be taken into account when a subdivision application is lodged for a proposal on this site unless HCC has completed the SNA identification process and determined that the site does not meet the SNA criteria.
- (80) Clause 3.10 (2) states:
- “Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:*
- (a) loss of ecosystem representation and extent:*
 - (b) disruption to sequences, mosaics, or ecosystem function:*
 - (c) fragmentation of SNAs or the loss of buffers or connections within an SNA:*
 - (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:*
 - (e) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.”*

- (81) The NPS-IB requires any other effects not referred to in 3.10(2) to be managed by applying the effects management hierarchy. The effects management hierarchy is defined in the NPS-IB as follows:

“effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

- (a) adverse effects are avoided where practicable; then*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; then*
- (c) where adverse effects cannot be minimised, they are remedied where practicable; then*
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then*
- (e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then*
- (f) if biodiversity compensation is not appropriate, the activity itself is avoided.”*

- (82) Clause 3.10(4) states

“(4) Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate:

- (a) how each step of the effects management hierarchy will be applied; and*
- (b) if biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4 and has had regard to the remaining principles in Appendix 3 and 4, as appropriate.”*

- (83) Clause 3.16 requires any significant adverse effects on indigenous biodiversity outside of a SNA to be managed by applying the effects management hierarchy.

- (84) Clause 3.24 is also relevant in relation to the proposed provisions as it sets out information requirements that must be included in a district plan in relation to proposals that may have more than minor adverse effects on indigenous biodiversity.

- (85) The application proposes to require the following information to be provided with the first subdivision proposal:

C. Ecology

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

1. Orchid Management

- Identify whether there are potential 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.

The proposed Matters of Discretion include:

(xv) 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.

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

Assessment of proposed plan provisions

- (86) As shown above the proposal includes requiring an Ecological Plan to be prepared for the first application for subdivision that is applicable to any future stages and subsequent subdivision applications. The appropriateness of having a single Ecological Plan for all future stages and

subdivisions, when the number of stages and subdivisions is not certain, is discussed later in this report but I do not support this approach.

- (87) The proposed Matters of Discretion to manage effects on significant indigenous biodiversity values are based on the effects management hierarchy which I consider is not appropriate while the site has a SNR/SNA overlay which clause 3.10(2) of the NPS-IB directly relates to. Because the proposed provisions are contrary to clause 3.10(2), they need to be amended.
- (88) 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 in place at the time of each subdivision proposal to manage any adverse effects on the indigenous biodiversity values.
- (89) If the District Plan includes prescriptive assessment matters there is the very real possibility of the provisions being inconsistent with a revised NPS-IB. This approach aligns with the council's approach of not including in the current District Plan review the identification of SNA's. The policy response from HCC to any amendments to the NPS-IB will apply city wide, including this site, and will ensure provisions that are consistent across the district.
- (90) The NPS-IB clause 3.24 requires that local authorities must include in the district plan the requirement that an application that would have more than minor adverse effects on indigenous biodiversity is not considered unless it contains a report that includes the information set out in clause 3.24 (a) – (h). Local authorities have eight years to include this requirement in the district plan and HCC have not yet included this requirement.
- (91) In relation to NPS-IB clause 3.24 that requires an Ecological Plan to be prepared, I note the proposed introductory text to be inserted as rule 11.2.3 (h) states "*In addition to the standard information requirements of s88(3) ...*". I consider the proposed introductory text is not inconsistent and would not conflict with the requirement under clause 3.24 as an Ecological Plan is not a replacement for an assessment of ecological effects – which would be required to inform the Ecological Plan.
- (92) I recognise that clause 3.24 (a) – (h) refers to activities/applications that have a 'more than minor effect' on indigenous biodiversity. This requirement is not limited to SNA's. It is only proposals with more than minor adverse effects that shall not be considered unless accompanied by a report in accordance with 3.24 (a) – (j). It is not clear how it would be determined that a proposal of scale has more than minor adverse effects without a comprehensive ecological assessment being undertaken. Given the scale of this site and likely cost of infrastructure provision any future subdivision proposal is likely to be at a scale which requires significant vegetation removal and therefore any application would need to include a comprehensive Ecological Assessment. It would be prudent, whether the assessment concludes effects would be minor or not, to have the Ecological Assessment prepared in accordance with 3.24 (a) – (j). I have considered whether it is appropriate to include in PC58 a site-specific rule that implements clause 3.24. For the reasons given above, which relate to the fact the NPS-IB is likely to change and that HCC is unlikely to fully implement the NPS-IB prior to those changes (particularly with regard to identifying SNAs), I recommend the information requirements under 3.24 are not included as part of the site-specific provisions.
- (93) An alternative approach could be to amend the proposed plan change provisions to require compliance with any information requirements set out in the NPS-IB. On balance, I considered this was unnecessary as under s104 'Consideration of Applications' regard must be had to any

relevant provisions of a National Policy Statement so I would expect that the consent assessment process would require the ecological assessment to be in accordance with the NPS-IB.

- (94) For the reasons outlined within this report, if my recommended amendments are accepted, then I consider that Plan Change is consistent with the NPS-IB.

National Policy Statement for Freshwater Management 2020 (NPS-FM).

- (95) The National Policy Statement of Freshwater Management (NPS-FM) sets out the overarching objective and policies for the management of freshwater under the RMA. The NPS-FM manages freshwater in a way that seeks to give effect to the concept of Te Mana o te Wai, improve degraded water bodies and maintain or enhance all others. The NPS-FM contains one objective which prioritises the health and well-being of water bodies and freshwater ecosystems.
- (96) I reviewed the NPS-FM, particularly in regard to stormwater management. The NPS-FM provides limited direction to territorial local authorities and district plans such as in Section 3.5 (4) which under the 'Integrated Management' section at clause 3.5(4) requires that *"Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments"*. It is through changes to the RPS and Natural Resources Plan that will lead to changes to the District Plan.
- (97) The NPS-FM is relevant to the plan change through the stormwater run-off generated by the site which will eventually be discharged to the Hutt River. The plan change responds to this by including a requirement for a Stormwater Management Plan and including Stormwater Management as a Matter of Discretion. Further comments on stormwater management are contained in the infrastructure effects assessment at paragraph 246.

- (98) Overall, I consider that PC58 will give effect to the NPS-FM.

8.2 National Planning Standards

- (99) Also, under s74(1)(ea) of the RMA, Council must prepare and change the District Plan in accordance with a national planning standard.
- (100) One national planning standard exists, being released in November 2019.
- (101) As PC58 is a proposed change to the Operative District Plan, it does not need to implement the National Planning Standards. The full review of the Operative District Plan, which is expected to result in a Proposed District Plan being notified in early 2025, will reformat the plan to be in accordance with the National Planning Standards.

8.3 National Environmental Standards

- (102) A district plan must avoid conflict with and duplication of National Environmental Standards. The following National Environmental Standards (NES) are currently in force:
- NES for Air Quality 2004;
 - NES for Sources of Drinking Water 2007;
 - NES for Electricity Transmission Activities 2009;
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;

- NES for Telecommunication Facilities 2016;
- NES for Plantation Forestry 2017;
- NES for Freshwater 2020;
- NES for Marine Aquaculture 2020;
- NES for Storing Tyres Outdoors 2021; and
- NES for Greenhouse Gas Emissions from Industrial Process Heat 2023.

(103) The NES-Freshwater states at clause 5 that the regulations do not deal with the functions of territorial authorities and the other standards are not relevant for this private plan change.

8.4 Regional Policy Statement

(104) Under Section 75(3)(c) of the Resource Management Act 1991 a District Plan must give effect to any Regional Policy Statement.

(105) The Regional Policy Statement for the Wellington Region (RPS) became operative on 24 April 2013 and was updated in December 2023 to reference the housing bottom lines for the Wellington Tier 1 urban environment. The RPS postdates the District Plan so there are some outcomes anticipated in the RPS objectives and some direction in the RPS policies that have not been subject to subsequent District Plan changes. However, the Medium Density Residential Activity Area provisions of the District Plan were introduced through a combination of Plan Change 43 and Plan Change 56, which became operative in February 2021 and September 2023, respectively. The objectives and policies of the RPS would have been considerations for those plan changes.

(106) Hutt City Council is currently undertaking a full review of the District Plan, with a proposed District Plan expected to be notified in early 2025. Through that review, the Council will need to implement the RPS (including any operative changes that come from Proposed RPS Change 1, which is discussed in section 8.5 of this report). This may include changes for the Medium Density Residential Activity Area and changes to city-wide chapters that would apply to this site.

(107) In relation to RPS objectives and policies relating to significant biodiversity values it is noted that in 2018 Council decided to not advance what was known as Plan Change 46 which dealt with ecosites and landscape areas. Hutt City Council's decision was to not introduce any district plan regulatory provisions in relation to sites of significant biodiversity values and opted instead to use non-regulatory methods. Despite this decision the RPS objectives and policies in relation to significant biodiversity values still need to be considered for this proposal.

(108) In that respect, there are aspects of the RPS which are in the form of regulatory direction to the Council to include specific provisions in the District Plan (for example in RPS Policies 1, 23 and 24) and there are other aspects of the RPS to be considered in the interim period when a Plan Change is being determined (for example in RPS Policies 47 and 60).

(109) I consider that the following RPS provisions are the most relevant objectives and policies to PC58. For brevity I have not included the full text of every objective and policy. This can be found in Appendix 2.

Section 3.4 Fresh Water

Objective 12: The quantity and quality of fresh water:

(a) meet the range of uses and values for which water is required;

- (b) safeguard the life supporting capacity of water bodies; and**
- (c) meet the reasonably foreseeable needs of future generations.**

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

Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:

- (a) erosion; and**
- (b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystems health is safeguarded.**

- (110) The Medium Density Residential Activity Area, Earthworks and Subdivision Chapters contain provisions that relate to earthworks and vegetation protection. Plan Change 56, which introduced the Medium Density Residential Activity Area, took into account the RPS so the adequacy of these provisions has already been assessed against the RPS.
- (111) Any subdivision within the site requires resource consent and the Matters of Discretion include erosion and sediment management and geotechnical matters. The Matters of Discretion are suitably broad so I consider Policy 15 is being given effect to by the proposed provisions.

Policy 40: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration

Policy 42: Minimising contamination in stormwater from development - consideration

- (112) Plan Change 43 (which introduced the Medium Density Residential Activity Area) and Plan Change 56 (which amended the Medium Density Residential Activity Area to incorporate the Medium Density Residential Standards of the RMA and give effect to intensification policies of the NPS-UD) took into account the RPS so the adequacy of the provisions in relation to Policy 40 and 42 have already given effect to the RPS. Development of the site would need to comply with other rules of the District Plan which include development standards that relate to permeable surfaces, landscaping, stormwater neutrality and stormwater detention tanks which all relate to stormwater management.

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

- (113) Policy 41 ceased to have effect after policy 15 had been given effect to which required GWRC and TLA's to integrate the control of earthwork and vegetation disturbance in their regional and district plan.

Objective 13: The region's rivers, lakes and wetlands support healthy functioning ecosystems.

Policy 43: Protecting aquatic ecological function of water bodies - consideration

- (114) In relation to freshwater and the RPS the s32 Evaluation Report stated:

“Any potential effects on streams on the site will be addressed at the time of the subdivision application through the stormwater management plan requirement. Furthermore, the proposed site-specific provisions identify the gullies and streams on the site as no development areas where no earthworks or development are anticipated. Any proposal to pipe or infill any watercourses on the site to provide for subdivision or development would

require resource consent from Greater Wellington and the effects would be assessed at that stage⁵.”

- (115) I agree with the above statement although I consider little weight should be given to the comment in relation to no work being anticipated in the gullies or streams. Subdivision within these areas is a Discretionary Activity and while it may not be the intention of the current owner of the site to undertake a subdivision in these areas there is nothing preventing an application being made, with a Discretionary activity status, for a subdivision involving earthworks, building platforms, roads, private accesses and utility structures outside of the Development Area. I acknowledge that resource consent would be required from GWRC for piping or infill of watercourses and the effects managed via that assessment. I make further comment on the Stormwater Management Plan requirement, and the consistency with other private plan changes and the resultant site-specific provisions, later in this report.
- (116) I consider the Private Plan Change is generally consistent with the above objectives and policies of the RPS.

Section 3.6 Indigenous Ecosystems

- (117) The relevant objectives and policies are:

Objective 16 Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

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

Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.

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

- (118) In relation to indigenous biodiversity and the RPS the s32 Evaluation Report⁶ stated

“Hutt City Council has previously undertaken the Ecology and Landscapes project which identified SNAs but decided not to proceed with a plan change that would have provided protection for those SNAs. An ecological assessment has been prepared for this plan change and the findings have resulted in the proposed provisions relating to the protection of significant indigenous biodiversity.”

- (119) The applicant’s ecologist and HCC’s ecologist were generally in agreement that the ecology within the application site meet the criteria set out in Policy 23. The proposed Matters of Discretion in relation to ecology are broadly stated and do not constrain the assessment to matters narrower than Policy 47.
- (120) Hutt City Council has considered RPS Objective 16 via Plan Change 46 and decided to use non-regulatory methods to achieve this objective and implement these policies. I consider that Policy 23 has not been given effect to by HCC given indigenous ecosystems and habitats with significant indigenous biodiversity values have not been identified using the prescribed criteria. This is

⁵ S32 evaluation page 33

⁶ S32 paragraph 101

relevant in relation to Policy 47 which only ceases to have effect when Policy 23 is implemented so Policy 47 would provide guidance to any future subdivision or land use proposal for this site.

- (121) The Matters of Discretion are suitably broad to allow a full consideration of ecological effects if a subdivision proposal was lodged. If a land use proposal, for preparatory bulk earthworks and vegetation removal was proposed, the Matters of Discretion under existing rule 4F 4.1.11 (e) also allow a full consideration of ecological effects where Policy 47 would apply.
- (122) Given the current situation with higher order planning documents being under review or at the proposed stage I consider the approach taken in the private plan change in regard to indigenous biodiversity is acceptable and not contrary to the RPS.

Section 3.7 Landscape

- (123) The relevant objectives and policies are:

Objective 17 The region’s outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision use and development.

Policy 25 Identifying outstanding natural features and landscapes

Objective 18 The region’s special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

Policy 27 Identifying special amenity landscapes

- (124) In relation to landscapes the RPS the s32 Evaluation Report⁷ stated:

“Hutt City Council has previously undertaken the Ecology and Landscapes project which identified Outstanding Natural Features and Landscapes (ONFL) and Special Amenity Landscapes (SAL) but decided not to proceed with a plan change that would have provided protection for those ONFL and SAL. A landscape and visual assessment has been prepared for this plan change and the findings have resulted in the proposed provisions relating to the protection of identified landscape values.”

- (125) The current District Plan review includes identifying outstanding natural landscapes based on Policy 25. The application site is excluded from the Draft District Plan review although I note that no Outstanding Natural Landscapes have been identified anywhere along the eastern or western hills of the Hutt Valley.
- (126) Policy 27 is an optional policy as its states *“District and regional plans may identify special amenity landscapes”*. HCC have decided to not identify Special Amenity Landscapes as part of the Draft District Plan review.
- (127) I consider the proposed provisions are not contrary to the RPS and through the District Plan review Objective 17 will be given effect to.

Section 3.8 Natural Hazards

⁷ S32 page 33

(128) The relevant objectives and policies are:

Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

Objective 21 Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.

Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.

Policy 51: Minimising the risks and consequences of natural hazards.

(129) In relation to natural hazards the s32 Evaluation Report⁸ stated:

“The site subject to this Private Plan Change has not been identified as being at risk from natural hazards by the current District Plan. The only potential risk may be slope stability. A geotechnical assessment has been prepared for this plan change and the findings have resulted in the proposed provisions relating to geotech and stormwater management.”

(130) Further information was sought in regard to geotechnical constraints for this site as the first geotechnical assessment was focused around the ‘development area’ rather than being a site wide assessment. Further information was provided via the Memo from Torlesse dated 24 June 2024. The Memo stated in 4.1 that *“The extents of potential slope instability across the site, in its current form (i.e. existing topography), generally indicates a low risk of instability along the edges of the proposed extents of earthworks. In these locations, slope instability risk can be mitigated by standard engineering design...”*. This statement along with the plans provided with the further information response continue to comment in relation to the proposed earthworks extent. The proposed earthworks extent is not a part of the plan change provisions beyond aligning with the development area within which earthworks as part of a subdivision would be a Restricted Discretionary activity. Earthworks, as part of a subdivision, outside of the development area are a Discretionary Activity.

(131) Neither the applicant’s geotechnical expert nor the HCC peer reviewer has concluded that the site is at high risk from natural hazards. The Natural Hazards Chapter of the District Plan only considers hazards in relation to the Wellington Fault, flooding and coastal inundation, none of which affect this site.

(132) The proposed Matters of Discretion allow a full consideration of natural hazard effects so I consider the proposal is consistent with the RPS natural hazards objectives and policies.

Section 3.9 Regional Form, Design and Function

(133) The relevant objectives and policies are:

Objective 22: A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

.....

⁸ S32 page 33

- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;**
- (g) a range of housing (including affordable housing)**
- (h) integrated public open spaces;**
- (k) efficiently use existing infrastructure (including transport network infrastructure);**

Policy 54: Achieving the region's urban design principles

Policy 55: Maintaining a compact, well designed and sustainable regional form.

When considering an application for a ... change, variation or review of a district plan for urban development beyond the region's urban areas (as at March 2009), particular regard shall be given to whether:

- (a) the proposed development is the most appropriate option to achieve Objective 22; and**
- (b) the proposed development is consistent with the Council's growth and/or development framework or strategy that describes where and how future urban development should occur in that district; and/or**
- (c) a structure plan has been prepared.**

Policy 57: Integrating land use and transportation – consideration

Policy 58: Co-ordinating land use with development and operation of infrastructure.

When considering an application for a plan change...particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:

- (a) make efficient and safe use of existing infrastructure capacity; and/or**
- (b) coordinate with the development and operation of new infrastructure.**

(134) In relation to regional form, design and function the s32 Evaluation Report stated⁹:

(135) *The plan change would provide for additional medium density residential development immediately adjacent to existing residential development. The plan change site is well connected and has been identified by Hutt City Council's Growth Strategy as a site for future development. The proposal does not promote or represent urban sprawl and therefore assists with the Hutt Valley maintaining a compact urban form.*

(136) I generally agree with the above statement because approximately half of the site is already zoned for residential activity.

(137) In relation to Policy 55, and whether the proposal is consistent with HCC's growth framework, the Urban Growth Strategy 2014 stated as an 'other matter' to "*Investigate the feasibility of development in the Shaftsbury Grove Area in Stokes Valley*¹⁰". I understand HCC undertook some investigation of the development potential of the site but instead chose to sell the site.

⁹ S32 page 33

¹⁰ Urban Growth Strategy 2014 page 11

- (138) In relation to Policy 55, a structure plan has not been prepared for development of the site as part of PC58 which I consider is appropriate given the relatively modest scale of the site. The outcomes that would be developed through a structure plan would be able to be achieved through a resource consent process as long as sufficient pre application engagement took place.
- (139) In relation to Policy 58, the proposal is clearly not coordinated with new water infrastructure. Prior to development of the site a new water supply would need to be provided. HCC has not included funding for a new water supply reservoir for the site in its Long Term Plan.
- (140) The Consent Notice (dated 21.06.2006) attached to the Record of Title for the site stipulates the need for the provision, by the developer, of a new water supply. Because the developer is responsible for providing new water infrastructure it is reasonable that the water supply has not been provided as the site has not been developed. No barriers have been identified by HCC's Development Engineer's review of the proposal in relation to stormwater and wastewater.
- (141) Overall, the proposal is generally consistent with the regional form, design and function objectives and policies.

Section 3.10 Resource Management with Tangata Whenua

Objective 23: The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Objective 24: The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Objective 25: The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.

Objective 26: Mauri is sustained, particularly in relation to coastal and fresh waters.

Objective 28: The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.

Policy 48: Principles of the Treaty of Waitangi – consideration

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

- (142) In relation to resource management with tangata whenua the s32 Evaluation Report stated¹¹:

“The District Plan does not identify any sites of cultural significance in the area subject to this plan change request. Local iwi have been invited to comment on the proposal and any feedback received is discussed in section 6.2 of this report.”

- (143) Prior to lodgement the applicant invited comment from Te Runanga O Toa Rangatira Inc, Taranaki Whanui ki Te Upoko o Te Ika Trust (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Maori Reserve Trust and Te Runanganui o Te Ati ki Te Upoko o Te Ika a Maui Inc. Te Runanga O Toa Rangatira provided pre lodgement comments but no submissions were lodged by any of the iwi that were served notice of the plan change.

¹¹ S32 page 34

(144) A further submission was lodged (DPC/008, by Cosmic Kaitiaki of Native Realms Foundation) in relation to four of the submissions. The submission states they have an interest greater than the interest of the general public. The submission states “As *mokopuna of Te Tiriti o Waitangi, Article 2 – to assert tino rangatiratanga over our lands, whenua, villages and taonga*”. The submitter has requested to be heard and will have the opportunity to express their concerns at the Hearing.

(145) Overall, I consider the PC58 is consistent and not contrary to the objectives and policies.

8.5 Proposed RPS Change 1

(146) Proposed RPS Change 1 was notified in August 2022. The purpose of Proposed RPS Change 1 is to implement and support the NPS-UD, and to start the implementation of the NPS-FM 2020. The change also includes changes related to climate change, indigenous biodiversity, and high natural character provisions. Under s74(2) when changing a district plan Council ‘shall have regard to’ any proposed RPS provisions.

(147) The proposed changes that relate to freshwater provisions use the freshwater planning instrument process under section 80A and Part 4 of Schedule 1 of the RMA. The remaining changes not related to freshwater will proceed through the standard process under Part 1 of Schedule 1 of the RMA.

(148) The proposed new and amended objectives and policies outlined below will potentially change. Hearings have been held but decisions had not been released at the time of writing this report. GWRC officer recommendations for the Hearings included some changes to the objectives and policies and the Commissioners for that hearing may decide to amend the objectives and policies. Accordingly, the objectives and policies outlined below should in my view be given limited weight.

(149) Given the District Plan review is underway, which needs to give effect to the RPS objectives and policies, I consider that the assessment of the private plan change should be focused on whether the site-specific provisions are generally consistent with the proposed objectives and policies.

Section 3.1A Climate Change

Objective CC.1: By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:

Objective CC.2: The costs and benefits of transitioning to a low emission and climate-resilient region are shared fairly to achieve social, cultural, and economic well-being across our communities.

Objective CC.3: To support the global goal of limiting warming to 1.5 degrees Celsius, net greenhouse gas emissions from transport, agriculture, stationary energy, waste, and industry in the Wellington Region are reduced:

Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans

Policy CC.2: Travel demand management plans – district plans

Policy CC.3: Enabling a shift to low and zero-carbon emission transport – district plans

Policy CC.4: Climate resilient urban areas – district and regional plans

Policy CC.8: Prioritising greenhouse gas emissions reduction over offsetting – district and regional plans

Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration

Policy CC.14: Climate-resilient urban areas - consideration

- (150) I consider that most of the objectives and policies above are most appropriately implemented through a city-wide district plan change or assessed at the time assessing an application to develop the site. The Proposed District Plan is due to be released in 2025 and this will give effect to the above climate change objectives and policies.

Policy 55: Providing for appropriate urban expansion – consideration

Policy 57: Integrating land use and transportation – consideration

- (151) In relation to Climate Change the s32 Evaluation Report stated¹²:

“This is of relevance to the Private Plan Change as it would allow for additional development on the Shaftesbury Grove site. It is necessary for the Plan Change to consider the impact that the subdivision will have on climate change, particularly in relation to greenhouse gas emissions from vehicles. The proposed objectives and policies seek an overall reduction in greenhouse gases by increasing use of active travel and public transport mode options. The plan change site is well connected to the existing transport network, including public transport (existing bus service) and walking and cycling connections to surrounding areas.”¹³

- (152) Policies CC1, CC2, CC3, CC4, CC8 and CC14 will need to be given effect to through amendments to the Medium Density Residential Activity Areas provisions as part of the District Plan review. As such I consider specific provisions do not need to be created for this site to give effect to the policies.
- (153) In relation to Policy 55 and 57 only the outer edges of the site is beyond the existing urban edge of the city and the rezoning would add to the city’s development capacity in an area connected to existing urban development with good transport links.

Freshwater

Objective 12: Natural and physical resources of the region are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems**
- (b) second, the health needs of people (such as drinking water)**
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; ...**

Policy FW.3: Urban development effects on freshwater and the coastal marine area – district plans District plans shall include objectives, policies, and methods including rules, that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM...

Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater

¹² S32 page 38

¹³ S32 page 38

Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to protect and enhance the health and well-being of water bodies and freshwater ecosystems:

(a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for the control of the use and development of land for the purposes of water quality and quantity.

(b) ...

(c) City and district councils are responsible for the control of land use and subdivision. City and district councils must include objectives, policies, and methods in district plans to promote positive effects, and avoid, remedy or, or mitigate adverse effects (including cumulative effects) of land use and subdivision on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments (as required by NPS-FM 3.5 (4)). They must carry out their responsibility in regard to the NPS-FM through their functions under Section 31 of the RMA.

Policy 15: Managing the effects of earthworks and vegetation disturbance – district and regional plans

(154) In relation to Freshwater the s32 report stated:¹⁴:

“These changes are relevant to the Private Plan Change as there are several streams on the site. Additionally, any future dwellings on the site will need to have access to drinking water. The Private Plan Change requires the preparation of a stormwater management plan at the time of first subdivision to ensure that any dwellings do not increase stormwater runoff and any potential adverse effects can be managed appropriately. The Private Plan Change relies on the existing subdivision provisions relating to water supply. It is acknowledged that the network currently does not have sufficient capacity to provide potable water to a new medium density residential development. However, it is also acknowledged that there are engineering solutions available to address this issue in the future (e.g. build a new reservoir).”

(155) I agree that the stormwater management plan requirement will allow adverse effects associated with stormwater to be appropriately managed until HCC amend the provisions of the District Plan through the District Plan review which is underway. The proposed provisions are broadly worded so as to allow consideration of onsite and offsite effects.

Indigenous ecosystems

Objective 16: Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are maintained protected, enhanced, and restored to a healthy functioning state.

Objective 16A: The region’s indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.

Objective 16B: Mana whenua / tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between

¹⁴ S32 page 38

indigenous ecosystem health and well-being, are given effect to in decision making, and mana whenua / tangata whenua are supported to exercise their kaitiakitanga for indigenous biodiversity.

- (156) Policy 23 (*Identifying indigenous ecosystems ...*) and Policy 24 (*Protecting indigenous ecosystems ...*) are amended by inserting a date, 30 June 2025, by which time TLA's shall identify and evaluate SNA's and include rules, polices and methods to protect significant indigenous biodiversity values. Policy 47, (*Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration*) is not amended in a material way for the sake of this assessment.
- (157) In relation to *Indigenous ecosystems* the s32 Evaluation Report stated:¹⁵:
- (158) *In the absence of any provisions for the protection of significant natural areas in the District Plan, the Private Plan Change has been informed by an ecological assessment and requires the provision of an Ecological Plan at the time of first subdivision. This will ensure the appropriate management of indigenous biodiversity values at the time of subdivision and development.*
- (159) Given the current situation with higher order planning documents being under review or at the proposed stage I consider the approach taken in the private plan change in regard to indigenous biodiversity is acceptable and not contrary to the RPS PC1.

Natural Hazards

- (160) In regard to Natural Hazards I agree with the following statement in the S32 report which states¹⁶:
- “The changes are of relevance to the Private Plan Change as they expand the consideration of hazard risk to include the potential effect on the natural environment, rather than limiting it to just people, communities, infrastructure and property.*
- The supporting policies remain largely the same with the exception of seeking to minimise effects from natural hazards. The new policies are largely non regulatory.*
- The plan change recognises the potential natural hazard effects relevant to the site with the Private Plan Change including a site specific geotechnical assessment. In response the Private Plan Change requires a geotechnical assessment for any new allotments to address slope stability and other potential geotechnical issues.”*
- (161) The proposed provisions include a matter of discretion which states “*Natural Hazards: the avoidance or mitigation of natural hazard risks*” which is suitably broad to allow full consideration of any hazard risks when a resource consent application is made. In regard to the district plan review slope hazard mapping overlays are likely to be developed with associated rules regarding earthworks and new buildings. As such, if this site is within a slope hazard overlay, additional rules may apply to the site.
- (162) On the basis of the above it is considered that the proposed Plan Change is consistent with these objectives and policies of the RPS as amended through PC1

Regional Form, Design and Function

- (163) The relevant objectives have already been incorporated into the district plan and discussed above.

¹⁵ S32 page 38

¹⁶ S32 page 38

- (164) Policy 31 is amended and it relates to district plans enabling a range of building heights. The District Plan review is the most appropriate place for a consideration of building heights across the city.
- (165) New Policy FW.3 relates to urban development effects on freshwater and requires district plans to include provisions managing these effects. The District Plan review is the most appropriate place for a consideration of provisions to manage urban development effect on freshwater.
- (166) New Policy CC.4 and CC.14 relate to including provisions to provide for climate resilient urban areas. The District Plan review is the most appropriate place for a consideration of provisions relating to climate resilience.
- (167) Policy 55 relates to providing for appropriate urban expansion beyond the region’s urban areas. The policy has been significantly broadened as discussed earlier and particular regard must be had to several matters, but of most relevance to this site, is protecting indigenous ecosystems and habitats with significant indigenous values. This policy applies to both plan changes and resource consents so the policy would have to be taken into account during the assessment of a subdivision consent. Given the potential for change to the planning framework in relation to significant indigenous ecosystems I consider the best approach is to rely on the District Plan review and the consent process to implement Policy 55.
- (168) New Policy UD.3 provides criteria for determining whether a plan change, for the purpose of Policy 8, is adding ‘significant development capacity.’ Policy 55 does not require a plan change to add significant development capacity to be approved but simply makes it a matter to which particular regard should be had.
- (169) Amended Policy 58 is;
- Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration*
- (170) In regard to Regional Form, Design and Function the S32 report states¹⁷:
- “The changes are of relevance to the Private Plan Change as the rezoning would create opportunities for additional medium density residential development. The Plan Change is expected to:*
- *Provide additional housing capacity for Hutt City.*
 - *Achieve the RPS objectives relating to the management of air, land, freshwater, and indigenous biodiversity, as demonstrated.*
 - *Provide for well connected residential development with opportunities for non private vehicle trips as there are public transport and walking and cycling opportunities in proximity of the site.*
 - *Provide for a variety of homes and development forms by providing for medium density development.”*
- (171) While Policy 58 has been amended the intent remains the same, which is to ensure infrastructure is provided for and is available, or is consented, designated or programmed to be available prior to development occurring. PC58 ensures coordination during the consenting phase, rather than at the plan change through appropriate rules and matters of discretion. I note the district plan

¹⁷ S32 page 39

already enables development that cannot be supported by existing infrastructure capacity, but that the sufficiency of infrastructure to support the new development is addressed through the consenting process and is a Consent Notice requirement. As stated earlier it is reasonable that the water supply has not been provided as the site has not been developed. No barriers have been identified by HCC's Development Engineer's review of the proposal in relation to stormwater and wastewater.

8.6 Regional Plans

- (172) Under s75(4)(b) of the RMA the District Plan must not be inconsistent with a regional plan for any matter specified in s30(1) of the RMA (which outlines the functions of regional councils under the RMA).
- (173) Under s74(2)(a) of the RMA, when preparing or changing the District Plan, Council shall have regard to any proposed regional plan in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA (which in part outlines the functions of regional councils under the RMA).
- (174) The Natural Resources Plan (NRP) became operative 28 July 2023. The NRP is the regulatory consenting plan for GWRC. The applicant has listed the relevant objectives and policies of the NRP at paragraph 129 of the S32 report and these are not repeated here for brevity. Since lodging the private plan change request, Proposed NRP Change 1 was notified on 30 October 2023 and this gives effect to the NPS-FM in two of the five whaitua of the Wellington region.
- (175) For PC58, the most significant cross over between the function of Hutt City Council and Greater Wellington Regional Council (GWRC) relates to stormwater management and natural hazards. The proposed provisions include stormwater management and a geotechnical assessment of the proposed lots so is consistent with the NRP.
- (176) I disagree with the statement in paragraph 130 of the S32 which states the plan change is considered to be consistent with the NRP as it *“restricts development subdivision and development to an identified development area along the ridgeline and thereby: provides for the protection of streams, gullies and vegetation on the more sensitive areas of the site from the effects of additional subdivision; and - avoids development of steeper areas that are more erosion prone.”*
- (177) A subdivision consent can be sought for development across the entire site with a Discretionary activity status. While a Discretionary activity status allows a full assessment of effects a Discretionary activity status is not restricting development in any meaningful way. A Non-Complying activity status would provide more of a signal that development outside of the development area is not encouraged or anticipated.
- (178) It is noted that development within the part of the site that is currently zoned General Recreation Activity Area is considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October 2023) and is subject to rule WH.R13 that relates to discharge of stormwater from impervious surfaces. Rule WH.R13 states:

Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity 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.

Note: Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) 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. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.

(179) The required plan change to the NRP to develop within the current General Recreation Activity Area will 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. I note this rule has had numerous submissions and its final form will not be known until decisions are released on Proposed NRP Change 1.

(180) Overall, putting aside WH.R13, I think the proposal is not inconsistent with the NRP.

8.7 District Plans in the Wellington Region

(181) Section 74(2)(c) of the RMA requires territorial authorities to consider the extent to which a Plan Change needs to be consistent with the plans or proposed plans of adjacent territorial authorities. The proposed Plan Change affects an area of land that is located well within the boundaries of the City of Lower Hutt and will have no effect on the plans of any adjacent territorial authorities.

8.8 Hutt City Council Strategies and Plans

(182) The request for PC58 considered the following non-statutory Hutt City Council strategies.

- Urban Growth Strategy 2012 – 2032;
- Environmental Sustainability Strategy 2015 – 2045;
- Integrated Transport Strategy 2022;
- Long Term Plan 2021-2031, Infrastructure Strategy 2021-2051 and Development and Financial Contributions Policy 2021-2031.

(183) Since the plan change request was lodged, Council has updated its Long Term Plan (now the Long Term Plan 2024-2034), which included updates to the Council's Infrastructure Strategy and Development and Financial Contributions Policy

(184) I consider these to be the most relevant non-statutory strategies and that they should be given regard to in the consideration of this plan change.

Urban Growth Strategy 2012- 2032

(185) The Hutt City Council Urban Growth Strategy 2012 – 2032 (the UGS) was prepared under the Local Government Act 2002 and reflects the Council's strategy for directing growth and development within the City to 2032. The UGS is given statutory weight through District Plan changes.

(186) The UGS sets out the Council's vision for urban growth which is that Hutt City is the home of choice for families and innovative enterprise. The UGS includes growth targets, which are that at least 110,000 people live in the city by 2032 and an increase of at least 6,000 in the number of homes in the city by 2032. The UGS seeks to achieve this growth through a mixture of intensification, apartment living and greenfield development. The UGS was prepared prior to the NPS-UD, and the NPS-UD sets statutory targets which Councils must meet, so to an extent overrides the UGS.

I note the Housing and Business Development Capacity Assessment (September 2023) reports that Hutt City has a population of 112,500, therefore surpassing the UGS growth target.

- (187) In relation to Shaftsbury Grove the UGS states HCC will *“Investigate the feasibility of development in the Shaftsbury Grove Area in Stokes Valley”*.

Environmental Sustainability Strategy 2015 – 2045

- (188) The Hutt City Council Environmental Sustainability Strategy 2015 – 2045 (the ESS) was prepared to guide Council decision-making and outlines an increased focus on good environmental management and care.
- (189) Focus Area 3 of the strategy is Transport. It is identified in that walking and cycling links can assist in the reduction of emissions, and like the UGS, notes that Council intends to develop a comprehensive cycling network that links all key population centres and provides access through the city.
- (190) Focus Area 4 of the strategy is Land-Use, which includes housing. The Strategy acknowledges that all development has an impact on the environment and focuses on urban form and development to minimise environmental effects, noting low energy use, improved warmth, recycling of greywater, and sustainable urban development systems. These matters are not implemented through the strategy, but shape how Council makes decisions on its statutory documents, such as the District Plan.
- (191) The Strategy also states that the city’s environmental amenity is aided by a range of outdoor public open space, including the river, and acknowledges their importance for the community’s wellbeing, particularly in providing recreational opportunities. Access and proximity to nature is seen as a key element in defining the ‘liveability’ of the city.
- (192) I consider the plan change is not inconsistent with this strategy as the District Plan includes provisions to manage environmental outcomes.

Integrated Transport Strategy

- (193) The Integrated Transport Strategy outlines Council’s vision, and strategic direction for responding to Lower Hutt’s growing transport challenges.
- (194) I agree with the s32 report’s comment in relation to the Integrated Transport Strategy which states at paragraph 144 *“The plan change site is a logical extension to the existing urban area. It has access to the existing road network, is serviced by public transport and, due to its proximity to Stokes Valley Commercial Centre, it provides opportunities for active modes, including walking and cycling.”*
- (195) I consider the plan change is not inconsistent with this strategy for the reasons given above.

Long Term Plan 2021-2031, Infrastructure Strategy 2021-2051

- (196) Neither the Long Term Plan nor the Infrastructure Strategy reference the Stokes Valley Hills in general or the plan change site. I can confirm that there is no funding for the water infrastructure required to develop the site in the Long Term Plan.

8.9 Operative District Plan – Objectives and Policies

- (197) PC58 would rezone the site from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area with amendments to the District Plan Maps and site-specific rules in the Subdivision Chapter.

- (198) I consider the plan change to be consistent with the city-wide objectives and policies which generally require a well-functioning urban environment, which recognises that amenity values change over time, that growth will occur through consolidation of the existing urban environment but to allow some peripheral development.
- (199) The objectives and policies relating to the Medium Density Residential Activity Area are relevant to the consideration of this Plan Change. In addition, the existing objectives and policies of the District Plan relating to the Subdivision, Earthworks, Significant Natural Resources and Transport chapters are relevant.
- (200) The relevant Objectives and Policies, in summary, cover the following matters:

Medium Density Residential Activity Area

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

Subdivision

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

Transport

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

Earthworks

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

- (201) I agree with the assessment in the s32 report through paragraphs 154 – 178 which, in summary, considers that the proposed site-specific provisions assist in meeting the objectives and policies. I consider the existing objectives and policies do not need amending especially in light of the District Plan review that will update the objectives and policies across the District Plan.

9. EVALUATION OF PC58

- (202) This section of my report provides an overall analysis of PC58 with respect to:

- The plan change documentation, including all accompanying expert reports;

- The submissions and further submissions made on the plan change;
- Expert reports commissioned by the Council from:
 - Luke Benner, Traffic (Appendix 4);
 - Adam Smith, geotechnical (Appendix 5);
 - Linda Kerkmeester, Landscape (Appendix 6);
 - Tessa Williams, ecology (Appendix 7);
 - Ryan Rose, Land Development Engineering (Appendix 8);
- The policy framework, as set out above;
- Section 32 of the RMA; and
- Part 2 matters of the RMA.

(203) In regard to submissions, because of their general nature, I have commented below under each environmental effect whether submissions were made on that topic and the issues raised. No submissions requested specific changes to the wording of any of the proposed provisions.

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

- The appropriateness of rezoning the land from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area;
- The appropriateness of the site specific provisions;
- The environmental effects should the land be rezoned, being:
 - Landscape and amenity Effects;
 - Transport Effects;
 - Infrastructure Effects;
 - Indigenous Biodiversity Effects; and
 - Geotechnical and site stability effects.
- Achieving Part 2 of the RMA

9.1 [The Appropriateness of Rezoning the Land from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area](#)

(205) Submissions that generally opposed the change in zoning included DPC58/001, DPC58/002 and DPC58/005. The submissions requested the plan change did not go ahead.

(206) Matters raised in submissions in opposition included:

- *The plan change is not necessary at this time, existing development capacity*
- *Site stability,*
- *Loss of flora and fauna,*

- *Significance to Māori,*
- *Rubbish and waste,*
- *Access to school land, and*
- *Three waters infrastructure.*
- *Housing development should focus on walkable, medium density neighbourhoods and not urban sprawl.*
- *Nature provides benefits to humans and communities, including for health and as a carbon sink.*

(207) 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. The proposal is consistent with RPS Objective 22 which seeks urban development in existing urban areas (which the site is partially zoned as) and when beyond the urban areas, that development reinforces existing form, which this proposal achieves.

(208) I consider Policy 8 of the NPS-UD to be relevant. This policy is provided at paragraph (71) of this report and requires local authority decisions on urban environments to be *responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.*

(209) PC58 will, in my view, add to Hutt City's development capacity and contribute to a well-functioning urban environment. The location is adjacent to an existing Medium Density Residential Activity Area which has public transport and like the existing residential development along the ridgeline, local amenities can be accessed in Stokes valley. These factors, in my view, mean that PC58 can provide for a well-functioning urban environment as defined in Policy 1 and sought in Policy 8 of the NPS-UD.

(210) The loss of General Recreation Activity Area land in this instance does not lead to a loss of the amount of General Recreation Activity Area land that the general public can access given the site is privately owned. Therefore, from a recreation perspective the effects of the plan change are acceptable.

(211) I note the current zoning (HRAA - rule 4D 2.1 k) and the MDRAA rule (4F 4.1.11) would allow removal of all exotic vegetation from the site as a permitted activity. All other vegetation removal on this site would require resource consent. Earthworks greater than 50m³ would also require resource consent so an application for bulk earthworks, involving vegetation removal, would require resource consent and the associated effects could be managed.

(212) Overall, the proposed MDRAA zoning is considered appropriate because it aligns with adjacent zoning and the existing landuse provisions for the zone are appropriate to manage the impacts of development.

9.2 The Environmental Effects Should the Land be Rezoned

(213) In the following paragraphs I address the likely environmental effects resulting from PC58 in relation to:

- Landscape and amenity effects;

- Transport effects;
- Infrastructure effects;
- Indigenous biodiversity effects;
- Geotechnical and site stability effects; and
- Other effects.

Landscape and Amenity Effects

(214) The submissions did not raise loss of amenity effects on any nearby site or the wider area.

(215) The Plan Change includes a Landscape and Visual Assessment by Eco Landscapes. The assessment includes the following recommendations:

- Adoption of the Development Plan for areas suitable for development and areas to protect from development. *'All other areas within the site will be protected from development'¹⁸.*
- *"A Vegetation Management Plan (VMP) would be required for the subdivision application. The (VMP) would provide protection measures to avoid damage and removal of vegetation outside the approved development area".¹⁹*
- That the plan change include adoption of the Draft Potential Development Area Plan showing areas suitable for development and areas of the site to be avoided and protect from development.
- That a Vegetation Management Plan is required to provide details of protection measures to avoid damage and removal of vegetation outside the development area.
- Finally, the LVA recommends that a Landscape Plan is required at the consent stage to detail street trees and amenity planting, fencing and planting treatments at the boundary with Fenchurch Street, planting to mitigate earthworks and retaining structures, reserve and open space design and stormwater design, roads, pedestrian and cycle linkages, and associated planting.

(216) In order to assess landscape effects, I have relied on the evidence of Ms Kerkmeester. Ms Kerkmeester makes the following comments and conclusions:

- Agrees in general with the process adopted by the LVA in assessing the magnitude of landscape and visual effects, site values and potential visibility of the proposal.
- Comments that the assessment does not consider development occurring on the slopes below the ridge which contrasts with the proposed provisions in the District Plan where development on these slopes would be a Discretionary activity.
- Notes that the LVA makes recommendations to protect the lower slopes from development by adopting the plan at Figure 5 which shows the potential area suitable for development and areas to protect from development.

¹⁸ AEE page 210 and page 18 LVA

¹⁹ AEE page 210 and page 18 LVA



Figure 5. Draft Potential Development Area Plan

Above: Figure 5 (Page 19 LVA – page 211 Plan Change)

- Notes the recommendations in the LVA are based on the assumption that no development would be expected to occur on these steeper slopes below the ridge.

Consideration

(217) Policy 6 of the NPS-UD notes that, in terms of amenity, changes to urban environments *may detract from amenity values appreciated by some people, but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types, and are not, of themselves, an adverse effect.*

(218) The direction stated in Policy 6 of the NPS-UD needs to be considered in the context of s7(c) in Part 2 of the RMA, which states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to...the maintenance and enhancement of amenity values.

(219) In my view, what this means is change in urban environments should be expected, but it must be managed in a way which provides for people’s amenity. I consider that this management is largely achieved through the existing Medium Density Residential Activity Area provisions in the District Plan.

(220) I note that in relation to the residential sites along Fenchurch Grove that adjoin the site, the HRAA currently extends to the boundary with all of these sites so residential development could occur under the existing provisions albeit at a lower density. There are no particular characteristics of this area that would make the more intensive form of residential development unacceptable.

(221) As stated earlier, HCC is undertaking a district plan review and to date has chosen to not identify Special Amenity Landscapes as part of that review. This site has not been identified as an Outstanding Natural Landscape in the district plan review.

(222) The application LVA recommended the following provisions²⁰:

“Plan Change Stage

1. Figure 5, Draft Potential Development Area Plan showing:

- *Areas potentially suitable for development as Medium Density Activity.*
- *Areas of the Site to be avoided and protected from development..”*

(223) In addition, the LVA recommends a Vegetation Management Plan and Landscape Plan should be provided at the resource consent stage.

(224) The plan change proposes the following provisions in relation to landscapes and visual matters:

(225) Information to be provided:

“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 Landscape Management Plan must be prepared by a suitably qualified person and provide 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. Roads, pedestrian and cycle linkages.*
- *Stormwater design and associated planting”*

(226) Matters of Discretion include;

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.

²⁰ Page 18 LVA dated 2.08.2023

- (227) The plan change has not implemented the recommendation that relates to areas of the site that should be avoided and protected from development.
- (228) The LVA states on page 14: *“Under the proposed Plan Change and the existing Hill Residential zoning, landscape effects are anticipated due to clearance of vegetation, earthworks for roading and building areas. While these activities reflect what is required for residential development, effects of these activities will be limited to the ridgetop and upper slopes where modification of contours is required to prepare the land for residential development.”* In my view the LVA is considering the potential development of the site as only occurring within the Development Area which is not what the plan change request is proposing as subdivision outside of the Development Area is a Discretionary Activity.
- (229) While information on this matter was requested from the applicant, the applicant declined to provide further information and amend the LVA to address potential effects of development beyond the identified area stating²¹
- (230) *“I agree that the main focus of the LVA was on assessing the potential landscape and visual effects of future development within the identified development area. I note that the LVA informed and confirmed the boundaries of the development area as proposed by the private plan change. I further note that the proposed provisions include additional information requirements that apply at the time of first subdivision, including the provision of a Landscape Management Plan for the site.*

The proposed Matters of Discretion for any subdivision on the site include Amenity Values, Existing Natural Features and Topography and Design and Layout and therefore allow for a comprehensive assessment of potential landscape and visual effects.

As you state correctly, any subdivision outside the identified development area is a discretionary activity – thereby allowing for the consideration and assessment of any relevant effects, including landscape and visual effects.

I therefore do not agree with the need to amend the LVA to address potential effects of development beyond the identified development area. Such assessment would be highly speculative and would not add any value for this plan change process. The proposed discretionary activity status provides sufficient opportunity to identify, address and manage any potential adverse effects (including decline of the application if appropriate). 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.

I further note that the submissions received did not raise any issues with the landscape and visual effects of the proposed rezoning or the findings of the Landscape and Visual Impact Assessment.

In summary – this is a plan change application and the proposed provisions allow for a comprehensive assessment of landscape and visual effects of development outside the identified development area, should this occur. The provision of such an assessment at the time of the plan change would always be highly speculative since the plan change does not anticipate such development. I therefore do not agree with the identified need for an amendment or addition to the LVA at this stage.”

- (231) The information sought would have assisted in the assessment of whether the proposed activity status beyond the ‘Development Area’ was appropriate. This position is supported by the evidence from Linda Kerkmeester which states at paragraph 32: *I consider that the LVA has not*

²¹ Letter dated 30 April 2024 from UEP

adequately considered the effects of development occurring outside of the 'Development Area' so in this respect is incomplete. This raises the question as to what level of development, if any, would be appropriate on the lower slopes and whether the proposed provisions are sufficient to guide any development outcomes.

- (232) Given the applicants LVA recommends limiting development to within the Development Area it is not clear why the proposal seeks a Discretionary Activity status for development outside of the development area. In my opinion, a Non-Complying activity status would align better with the LVA's recommendations. The appropriateness of the activity status of subdivision outside of the Development Area is considered further at paragraph 283.
- (233) Overall, putting aside the question regarding the appropriate activity status of subdivision outside of the Development Area, given HCC's approach to managing landscapes, the assessment of potential effects of development along the ridgeline, the unrestricted activity status of subdivision outside of the Development Area I consider that any resulting effects from the development of the site for residential purposes could be appropriately addressed at the resource consent stage and the proposed Plan Change will not result in unacceptable environmental landscape and visual outcomes.

Transport Effects

- (234) Submissions that raised transport matters included DPC58/002, DPC58/004 and further submissions F003, F005 and F007.
- (235) Submission points in opposition included:
- That public and active transport links are made to be convenient and accessible alternatives for residents.
 - The evaluation only considers access from Shaftsbury Grove and does consider access to Stokes Valley and Hutt Valley.
 - Holborn Drive and Logie St are narrow and have had accidents occur on them. Increasing traffic volume would increase the risk of injury and accidents.
 - The single access into Stokes Valley is vulnerable.
 - Disruption on Eastern Hutt Road has the potential to cut off access to Stokes Valley.
 - Development would require additional public transport.
- (236) The Plan Change includes a Transportation Impact Assessment by Gary Clark. The assessment has the following findings:
- The site is ideally suited to use existing infrastructure of Holborn Drive, Logie Street and George Street;
 - Nearby bus routes link the site to train services;
 - There may be a need for some traffic improvements/changes to the intersection of George St and Holborn Drive;
 - The roads in the area have sufficient operating capacity to accommodate the expected increases in traffic flows; and
 - Any potential adverse effects can be managed through the subdivision and resource consenting processes under the RMA.

(237) In order to make an assessment of traffic effects, I have relied on the evidence of Mr Benner and this should be referred to. Mr Benner makes the following comments and conclusions:

(238) In paragraph 38 of his evidence Mr Benner states:

“It is considered that the proposed plan change gives effect to the objectives and policies of the transport chapter of the operative district plan, while future consenting processes for the site will (should the plan change be granted) allow for the adequate assessment of those applications against the relevant rules of the plan. Similarly, it is also considered that the proposed plan change has the ability to align well with Hutt City Councils Integrated Transport Strategy.”

(239) Mr Benner’s assessment includes a recommendation that kerbside parking be restricted along parts of Holborn Drive and Logie Street should the plan change be granted, in order to address the potential road safety effects where forward visibility is limited and vehicles will be expected to cross the centre line. I consider this matter would be addressed by HCC as the road controlling authority in conjunction with any subdivision application sought in relation to this site.

(240) In my opinion the following section of the proposed Restricted Discretionary rule is suitably broad to allow a full consideration of on-site transport/road design related effects.

(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.

(241) However, neither the proposed information requirements nor the Matters of Discretion allow consideration of network or off-site transport related effects if a subdivision proposal is a Restricted Discretionary activity.

(242) Under the proposed provisions there is no link to the Transport Chapter. For other sites across the MDRAA, with two exceptions²², a subdivision that is enabling more than 60 dwellings, is a Discretionary Activity. This is because Controlled Activity ‘Standard and Term (f) (11.2.2.1 (f)) requires compliance with the General Rules. Within the General Rules is the Transport Chapter. Rule 14A 5.1(a) states an activity is permitted if it does not exceed the High Trip Generator standard. Where a subdivision does exceed the High Trip Generator Standard it becomes a Discretionary Activity under rule 11.2.4 (j). As a Discretionary Activity all effects of the proposal can be considered and an Integrated Transport Assessment is required to be submitted with any consent application.

(243) On page 26 of his assessment Gary Clarke states:

“The private plan change seeks to change the zoning of the land to provide for residential activities. Residential activities are not high traffic generators and individually the new lots will not be high traffic generators. Multi-unit developments can be high traffic generators. However, due to the nature of the topography of the Plan Change area it is unlikely for larger multi-unit developments to occur.

²² Subdivision Chapter Appendix 11.2.3.1 (c) identifies to sites that have specific provisions for Restricted Discretionary subdivision – neither of which link back to the Transport Chapter and the associated High Trip Generator Standard.

If any high traffic generating activities were to be proposed, then these would require a consent and the effects can be addressed and managed through that process.”

- (244) Given Gary Clarke’s comments above it is not clear what the basis is for exempting this site, when a proposed subdivision is Restricted Discretionary, from the High Traffic Generator standard/rule. For consistency, a subdivision proposal within this site should have the same activity status for any proposal qualifying as High Trip Generator. Suggested wording to achieve this is shown at paragraph 287.
- (245) As long as a rule linking the High Trip Generator standard to any subdivision of the site, I am satisfied that traffic matters can be appropriately provided for at resource consent stage.

Infrastructure Effects

- (246) Submissions that raised the infrastructure related matters included DPC58/001, DPC58/003, DPC58/004 and further submissions F001, F003, F004, F005, F007, F008.
- (247) Submission points in opposition included:
- Stormwater and wastewater should be directed back to Koraunui/Stokes Valley and not into the vegetated hillside;
 - The water supply would not meet current water supply standards;
 - Residential properties in the surrounding areas have levels of service that do not meet current standards;
 - A new reservoir could service the plan change site and address existing water supply issues in the wider catchment;
 - There is a suitable site for a reservoir on Hutt City Council land;
 - Current stormwater infrastructure is not adequate to meet demand from any proposed development of the site; and
 - The proposal to discharge to gullies lacks detail regarding effects on environmental health, erosion and flood risk.
- (248) There were no submission points in support. Further submission 007 opposed submission 003 which called for the construction of a new water reservoir.
- (249) The Plan Change includes an Infrastructure Report by Cuttriss Consultants. The assessment has the following findings:
- Earlier work undertaken by GHD had identified a site 750m from the southern end of the site on HCC land that could accommodate a reservoir. There is consenting pathway for a new reservoir located at this location;
 - Wastewater mitigation would be required and would be designed as part subdivision;
 - The most practical solution to stormwater discharge is likely to be via controlled discharges to gullies which will need appropriate engineering design; and
 - Stormwater neutrality would be required and Stormwater Management Plan would be part of any resource consent application.
- (250) In order to assess infrastructure effects, I have relied on the evidence of Mr Rose. Mr Rose makes the following comments and conclusions:

- There are a series of steps proposed to be undertaken that mean that the effect of the development on the existing wastewater system will be minimised. There was no intent to discharge any wastewater anywhere except through the existing wastewater system through one of two possible connection points. There are no obvious wastewater issues that would preclude PC58.
- Stormwater disposal to gullies with suitable levels of attenuation is a widely accepted stormwater disposal technique and if managed correctly will have minimal effects to the surrounding areas and notes the requirement to prepare a Stormwater Management Plan to accompany the first subdivision. Mr Rose considers that there are no obvious stormwater issues that would preclude the plan change and the ongoing residential use of the land from proceeding.
- In relation to Potable Water Mr Rose notes 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.
- There are no obvious utility (electricity and telecommunications) issues that would preclude PC58.

(251) I agree with Mr Rose that there is a lack of certainty around the consenting pathway to obtain resource consent to construct a reservoir and the cost. In response to a further information request asking whether a development agreement for water reservoir was in place the applicant stated *“As you will be aware there has been no further progress in the discussion between the Council, Wellington Water and Walsh Partnership Ltd. Any previous attempts by Walsh Partnership Ltd to push for some form of partnership agreement or memorandum of intentions were not supported by HCC or WW.”*²³

(252) I note that submissions in opposition were not received from Hutt City Council or Wellington Water, who could have chosen to submit on the lack of water supply issue.

(253) I have taken into account that a significant portion of the site is already zoned for residential activity and that the Consent Notice requires a water supply to be provided by the developer that meets Councils *“Water Supply Code of Practice”* before two or more dwellings is constructed. This requirement has been in place prior to the applicants owning the site.

(254) The proposed provisions include an information requirement, in addition to the standard information requirements, that requires the preparation of a Stormwater Management Plan for the site. The proposed infrastructure related Matters of Discretion, shown below, allow full consideration of infrastructure related effects.

²³ RFI response 30.04.2034

(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) 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.

(x) 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.

(xi) 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.

(255) In conclusion, the lack of water supply is an existing situation applying to a site which already has residential zoning. Development under the current provisions or proposed provisions would both require the construction of a water reservoir, and the proposed plan change is not altering this situation. As such, I do not consider the water supply issue is reason to amend or reject the plan change proposal. Overall, I consider that the infrastructure related effects could be appropriately managed through the proposed provisions.

Indigenous Biodiversity Effects

(256) Effects on indigenous biodiversity raised in submission DPC58/001, DPC58/002 and DPC58/005 and further submissions F001, F002, F004, F005, F006, F007 and F008.

(257) Submission points in opposition included:

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

(258) The Plan Change includes an Ecological Assessment by Frances Forsyth. The assessment has the following findings and recommendations:

- The site has vegetation (Manuka) that is considered Significant and nine species of orchids where the habitat supporting rare orchids that is Significant under RPS Policy 23.

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

(259) The ecological assessment and plan change has been reviewed by Tessa Roberts of Wildlands. Ms Roberts generally agrees with Ms Forsyth and her assessment contains the following key comments:

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

(260) Ms Roberts concludes that the AEE should be prepared in accordance with the RPS PC1 (which puts into effect the NPS-IB). I agree with this approach as it ensures the assessment at the time of application will be made against the higher order planning documents in place at that time. In my view the following section of the proposed Restricted Discretionary matters under (xv) is suitably broad to allow a full consideration of ecological effect.

(xv) Ecology

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

- (261) I commented on the consistency of the ecology provisions with the NPS-IB at paragraph 287 and do not repeat that here. Paragraph 287 contains the amendments I recommend to the proposed provisions.
- (262) On the basis of the assessment from Ms Roberts I consider the indigenous biodiversity effects of the plan change can be suitably mitigated subject to amending the provision.

Geotechnical and Site Stability Effects

- (263) Submissions that raised the geotechnical and site stability related matters included DPC58/001, DPC58/002, DPC58/004 and further submissions F001, F003, F005, F005, F007.
- (264) Submission points in opposition included:
- The site is steep and development could create slips that would impact upon the adjacent school land;
 - The submitter does not have confidence that the geotechnical and engineering requirements will be adequate to avoid site stability issues that are present in the Stokes valley area; and
 - To manage appropriately manage risks from natural and geotechnical hazards, the recommendations in the Torlesse Consulting Assessment (attached to the proposed plan change) should be followed.
- (265) The submission from GWRC also included support for the requirement for a geotechnical assessment to address potential slope stability issues and considers it appropriate that it is prepared by a suitably qualified expert.
- (266) The Plan Change includes a Geotechnical Assessment by Torlesse Consulting. The assessment and further information made the following findings and recommendations;
- The site is considered suitable for residential development;
 - The fill identified on site has been assessed to be unsuitable and should not be reused;
 - The extents of potential slope instability across the site, in its current form (i.e. existing topography), generally indicates a low risk of instability along the edges of the proposed extents of earthworks; and
 - In these locations, slope instability risk can be mitigated by standard engineering design.
- (267) The geotechnical assessment and plan change has been reviewed by Adam Smith and Thomas Justice of Engeo. Mr Justice has made the following key comments:
- The work undertaken by Torlesse Ltd lacks detail but is adequate for plan change purposes.
 - I see no reason from a geotechnical perspective why proposed PC58 should be denied.
 - Recommends that the term 'slope instability' is replaced with 'geohazard'.
- (268) The proposed provisions include an information requirement that the first subdivision application must provide a Geotechnical Assessment for the site. The proposed geotechnical Matter of Discretion, shown below, is broadly worded and allows for sufficient consideration of geotechnical related effects. In addition, the 'Natural Hazards' Matter of Discretion allows for consideration of natural hazard effects.

(xiv) Geotechnical

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

(269) The use of the term 'geohazards' is preferred over 'slope instability' as it is a broader term that incorporates hazards such as debris flow and rockfall. I agree with this recommendation so recommend amending PC58 by replacing 'slope instability' with 'geohazards'. On the basis of the assessment from Mr Justice, in regard to geotechnical matters I consider the site is suitable for residential development and that the proposed provisions, with a minor change of terminology, allow for a full assessment of geotechnical and natural hazard related effects.

Other effects and issues raised in submissions

(270) A range of other effects were raised by submitters.

(271) Submission DPC/001 raised concerns that rubbish and waste from development could find its way onto the grounds of Taita College. The submission also raised concerns that the development would increase the number of people into its catchment area and property. The application site borders Taita College for a distance of approximately 50m at the northeastern corner of the college site. This section of boundary is approximately 120m above the College grounds. The College's eastern boundary mostly adjoins land owned by HCC - 20 Shaftsbury Grove and 60 Eastern Hutt Road. These sites are covered in vegetation and are zoned General Recreation and Passive Recreation and therefore under the existing zoning will not be developed. The consent assessment process for any subdivision or site development should ensure stormwater, site stability and indigenous biodiversity related effects are appropriately managed and therefore not adversely affect the College.

(272) Construction related effects, such as construction waste management and disposal, are managed by the resource consent process. The movement of people from the site through adjacent HCC land and onto the school grounds is not a matter that can be addressed via the plan change process.

(273) Submission DPC/001 noted the site is of importance to Ngāti Rākaiwhakairi and further submission 002 emphasises comments made by Ngāti Toa during pre-application. In regard to process the applicant has provided confirmation of pre application contact with several iwi authorities and notification of the plan change request was served on:

- Te Rūnanganui o Te Āti Awa Ki Te Upoko o Te Ika a Māui, Inc;
- Wellington Tenths Trust;
- Palmerston North Maori Reserve Trust;
- Taranaki Whānui ki te Upoko o Te Ika a Māui / The Port Nicholson Block Settlement Trust;
- Te Rūnanga o Toa Rangatira, Inc; and
- Koraunui Marae.

(274) I consider through the pre-application and statutory process adequate provision has been provided for the above parties to participate in the process and that no submissions were lodged by any of the above parties.

(275) Other points raised in submission have either been addressed directly or indirectly in the assessment above.

Positive effects of the plan change

(276) The plan change will allow for more housing to be developed on the site, subject to provision of an adequate water supply, than is currently permitted. The increased housing density may make it more economically feasible to develop the site which would contribute to HCC continuing to meet its housing supply target.

9.3 The Recommended Policy and Rule Framework of the Private Change

(277) In this section I present my recommended changes to PC58 for the reasons given throughout this report.

(278) I agree in most part with the assessment undertaken by the applicant within their s32 Evaluation Report.

Recommended change 1

(279) One matter that has not been discussed above is the approach of requiring the additional information under 11.2.3 (h) only in relation to the ‘*first application for subdivision*’ and that the respective assessments or plans are applicable to any future stages and subsequent subdivision applications. This approach will only be suitable if the first application is a site wide comprehensive application which may be the intention of the current owner/ plan change applicant. The cost of providing a water supply is likely to result in a comprehensive proposal as opposed to multiple smaller subdivision proposals nevertheless there is no certainty that this will occur.

(280) I note that for two scheduled sites in the Subdivision Chapter of the District Plan that under rule 11.2.3.1 (c) (xiv) and (xv) that experts assessments, in relation to stormwater, must be “provided with any subdivision application”.

(281) If PC58 is approved then as HCC move through the District Plan review process they will have to consider whether this site should continue to have bespoke provisions or whether the provisions introduced via the District Plan review will manage the effects of subdivision on this site. My understanding is, depending on the timing of when (if successful) PC58 becomes operative and notification of the proposed district plan, that the PC58 provisions would be incorporated into the proposed district plan. Because of this I consider the information requirements should apply to any subdivision proposal for this site as this approach ensures any management plan is current and if there is only one comprehensive proposal then only one set of plans and reports will need to be prepared. The proposed wording changes are shown in Appendix 10.

Recommended change 2

(282) As discussed previously the application in several sections focuses on future development occurring within the ‘Development Area’. A subdivision involving earthworks, building platforms, roads, private accesses and utility structures wholly within the ‘Development Area’ is a Restricted Discretionary Activity and a subdivision where earthworks, building platforms, roads, private accesses and utility structures are not within the Development Area is a Discretionary Activity. In other words, subdivision of land partially outside of the Development Area (where a site overlaps the Development Area boundary) is a Restricted Discretionary Activity as long as earthworks, building platforms, roads, private accesses and utility structures are within the Development Area. A proposed lot wholly outside of the Development Area would be a Discretionary Activity. In

several sections of the application there are statements that relate to development being most appropriate along the ridgeline. I have underlined the quoted text to highlight the parts of the assessment that are being queried.

- Paragraph (6) of the application states *"...it is anticipated that any future development will be limited to the flatter parts of the site along the existing ridgeline with limited earthworks. The steeper and more sensitive area of the site are proposed to be excluded from the identified development areas on the site."*
- Paragraph (130) of the application states *"The plan change request ... Restricts subdivision and development to an identified area along the ridgeline and thereby...avoids development of steeper areas that are more erosion prone."*
- Page 18 of the Landscape and Visual Assessment recommends adopting the Development Plan area as being suitable for development and that *"All other areas within the site will be protected from development."*
- A3.1 (page 105) states *"The identified development area limits future earthworks, building platforms, roads, access ways and utility structures to the identified area along the ridgeline to protect more sensitive parts of the site along steeper slopes, gullies and streams from development."*

(283) I have considered whether a Non-Complying activity status would be more appropriate for a subdivision outside of the Development Area than the proposed Discretionary Activity status. The District Plan has a Non-Complying Activity status for subdivisions in relation to:

- Proposal that do not meet standards and terms in relation to the National Grid Corridor;
- Subdivisions that propose access to a scheduled site via Liverton Rd;
- Subdivisions that propose building platforms within the Stream Corridor of the Flood Hazard Overlay
- Subdivision within 'No Development' areas that relate to (private) PC53 shown in Appendix Subdivision 9.

(284) In regard to Appendix Subdivision 9 these are sites that through a private plan change had the zoning changed from Rural to Rural Residential. Areas within the plan change area that meet the RPS Policy 23 criteria for Significant Biodiversity Values were defined and building platforms for buildings and structures, new access ways and vehicle tracks, new utility structures and sewage disposal fields had to avoid these or the subdivision would become a Non-Complying Activity.

(285) Clearly there are similarities between this proposal and PC53 but there are also some differences. At the time of PC53 the NPS-IB was not in effect. As discussed previously my recommendation is to not embed site specific provisions into the District Plan and instead to rely on the NPS-IB for guidance when assessing any resource consent applications for this site. This approach ensures that the most relevant national direction will guide the assessment of any resource consent application. The NPS-IB does not provide any direction in regard to activity status.

(286) On balance I consider that a Non-Complying Activity status aligns most closely with the NPS-IB clause 3.10 for those parts of the site that are within an SNA/SNR and outside the existing HRAA and development area and with the proposal's clear indication and at times reliance on development occurring with the Development Area. The proposed wording changes are shown in Appendix 10.

Recommended change 3

- (287) I recommend a link to the High Trip Generator rule is incorporated into PC58 to ensure consistency with how the plan manages developments that generate a relatively high number of trips. The proposed wording changes are shown in Appendix 10.

Recommended change 4

- (288) I recommend removal of the effects management hierarchy wording from 11.2.3.1 (g) (xv) for the reasons already discussed at paragraph 88. The proposed wording changes are shown in Appendix 10.

Recommended change 5

- (289) I recommend replacing the words 'site instability' in the geotechnical provisions with the word 'geohazard'. The proposed wording changes are shown in Appendix 10.
- (290) My recommended amendments are shown in Appendix 10 as strikethrough for deleting text and underline for new text. I have used these annotations to illustrate potential amendments to the notified PC58 provisions should the hearing panel recommend that the Plan Change be accepted.
- (291) Overall, I consider that the amendments I propose are the most appropriate in achieving the purpose of the RMA, as they will provide for the residential development of the site in a comprehensive manner, while ensuring that there is appropriate and adequate consideration of potential impacts..

10. ACHIEVING PART 2 OF THE RMA

- (292) I have set out what I consider to be the relevant RMA Part 2 clauses at paragraphs (37) to (44) of this report.
- (293) On the basis of evidence available to me at the time of writing this report, it is my view that PC58 would meet the purpose of the RMA and the relevant principles (subject to the recommended amendments). This is for the reasons that:
- Using the land for Medium Density residential purposes is efficient, given it directly adjoins land zoned Medium Density Residential Activity Area, and is well located for residential services, public transport and other key urban amenities. Residential land is a finite resource, and PC58 will contribute to ensuring there is adequate supply of residential land in Hutt City;
 - While the plan change will enable a change to the current environment, the provisions in the Medium Density Residential Activity Area chapter of the District Plan provide for the maintenance and enhancement of amenity values and the quality of the environment; and
 - Effects on the indigenous biodiversity values that exist within the plan change site will be managed in accordance with the NPS-IB.

11. OVERALL CONCLUSIONS AND RECOMMENDATIONS

- (294) I have considered the relevant matters in s32 and addressed the appropriateness of the proposed Plan Change provisions through this report. Given the initial proposal as notified and my

recommended amendments outlined in Appendix 10 of this Report, I have recommended that the Plan Change would meet the overall purpose of the RMA.

12. RECOMMEDATIONS

(295) I recommend that, pursuant to clause 29(4) of Schedule 1 of the RMA, Council:

- (a) accepts, rejects, accepts in part or rejects in part submission points as recommended in Appendix 1;
- (b) approves Proposed Private District Plan Change 58 in accordance with the reasons set out in the report above and subject to the amendments recommended to the proposed Plan Change set out in Appendix 10 of this report.

Report prepared by:

Dan Kellow
**Planning Consultant, acting for Hutt
City Council**

Report reviewed by:

Nathan Geard
Policy Planning Manager, Hutt City Council

30 August 2024

Appendix 1 - Recommended Decisions on Submissions and Summary of Decisions

Summary of Decisions Requested

DPC58/001 Taitā College					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
1.1	General	Oppose	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>	Reject – see below.
1.2	Site stability	Oppose		<ul style="list-style-type: none"> • The site is steep and development could create slips that would impact upon the adjacent school land. • The submitter does not have confidence that the geotechnical and engineering requirements will be adequate to avoid site stability issues that are present in the Stokes valley area. • Erosion and sedimentation already occurs in the area. • The school site has had sediment deposited at the back of the school. 	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.

				<ul style="list-style-type: none"> • Runoff from development during extreme events will affect the site, including from extreme weather events. • Erosion jeopardises biodiversity and water quality. 	
1.3	Flora and fauna	Oppose		<ul style="list-style-type: none"> • The development site borders one of the few places with remnant native forest from the time of European settlement. • Creation of a road would impact flora and fauna. • The site is rich in cultural and botanical history [the submission gives a description of this history. • The submitter notes the presence of indigenous freshwater species exist in the area. • The submitter notes the presence of indigenous birds in the area. • Vegetation would need to be removed for the development. • The area should be in a zone which ties in with the Halo Project and Predator Fre 2050. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
1.4	Significance to Māori	Oppose		<ul style="list-style-type: none"> • The area is important to Ngāti Rākauiwhakairi who had a pa in the vicinity of the Silverstream Retreat. 	Reject – Mana Whenua have not raised any concerns with the development, that there are no known sites of significance to Māori at the site, and the archaeological

					authority process through Heritage New Zealand Pouhere Taonga is the appropriate mechanism to manage the accidental discovery of unknown sites that are pre-1900.
1.5	Rubbish and waste	Oppose		<ul style="list-style-type: none"> Rubbish and waste from the development site will find its way into the surrounding vegetation. 	Reject – Rubbish and waste from construction and residential activity is not directly related, and cannot be controlled, by the plan change. The site is already zoned for residential activity.
1.6	Access to school land	Oppose		<ul style="list-style-type: none"> The subdivision may bring people onto the school property and the submitter seeks rules to protect the unique qualities of the school site, noting concerns with the safety of the old farm road. 	Reject – Access to the school grounds is not something that the district plan can regulate.
1.7	Three waters infrastructure	Oppose	-	<ul style="list-style-type: none"> Stormwater and wastewater should be directed back to Koraunui/Stokes Valley and not into the vegetated hillside, which would mean all stormwater and sewage would run out following the streets towards Koraunui and water would be sourced from the water tank or Stokes Valley. 	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.

DPC58/002						Greater Wellington Regional Council					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments				Officer Recommendation			

2.1	General	Not stated	That the plan change does not proceed.	<p>The submitter states that they do not consider the plan change necessary at this time. Reasons given relate to:</p> <ul style="list-style-type: none"> • Risk of indigenous biodiversity loss, with reference to the Regional Policy Statement and the National Policy Statement for Indigenous Biodiversity, • Existing development capacity, and • Proposed Change 1 to the Natural Resources Plan. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
2.2	Natural and geotechnical hazards	Amend	That the geotechnical recommendations in the Torlesse Report are followed.	<ul style="list-style-type: none"> • To manage appropriately manage risks from natural and geotechnical hazards, the recommendations in the Torlesse Consulting Assessment (attached to the proposed plan change) should be followed. 	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately. The recommendations in the Torlesse report are the type of recommendation that would be made in the Geotechnical Assessment that must be submitted with subdivision application and the recommendations in that assessment will be taken into account.
2.3	Building platforms	Amend	Building platforms are sited on the low to moderate aspects of lots less than 26 degrees.	<ul style="list-style-type: none"> • The submitter notes that the development area in proposed Appendix Subdivision 10 is mainly along the ridge. 	Reject – geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately. No changes to the proposed provisions are recommended

2.4	Public and active transport	Amend	Provision for safe, accessible active transport links through and out of the development.	<ul style="list-style-type: none"> • That public and active transport links are made to be convenient and accessible alternatives for residents. 	Reject – the Transport Chapter of the District Plan manages these effects.
2.5	Regional Policy Statement	Amend	<p>Application of techniques to recognise impacts of development, including:</p> <ul style="list-style-type: none"> • Water sensitive design, • Management of downstream effects, • Minimisation of contaminants, • Maintenance of habitat corridors, • Buffering, • Habitat provision for core species, and • Application of the effects 	<ul style="list-style-type: none"> • Proposed Regional Policy Statement Change 1 and the operative Regional Policy Statement contain direction to mitigate adverse effects on biodiversity, terrestrial and freshwater including impacts beyond the site and the use of the precautionary approach. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.

			management hierarchy.		
2.6	Geotechnical assessment	Support	Retain as notified	<ul style="list-style-type: none"> Supports the requirement for a geotechnical assessment to address potential slope stability issues and considers it appropriate that it is prepared by a suitably qualified expert. 	Accept

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

Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
4.1	Stormwater	Oppose	Do not approve without requiring a detailed plan to appropriately manage stormwater to protect the natural environment.	<ul style="list-style-type: none"> • Current stormwater infrastructure is not adequate to meet demand from any proposed development of the site. • The proposal to discharge to gullies lacks detail regarding effects on environmental health, erosion and flood risk. 	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed appropriately.
4.2	Transport	Oppose	Do not approve without an alternate access into Stokes Valley to avoid increasing traffic via Holborn Drive and Logie Street.	<ul style="list-style-type: none"> • The evaluation only considers access from Shaftsbury Grove and does consider access to Stokes Valley and Hutt Valley. • Holborn Drive and Logie St are narrow and have had accidents occur on them. Increasing traffic volume would increase the risk of injury and accidents. • The single access into Stokes Valley is vulnerable. • Disruption on Eastern Hutt Road has the potential to cut off access to Stokes Valley. • Development would require additional public transport. 	Reject – The transport engineers consider the proposal is acceptable subject to assessment at the consent in stage. Changes are proposed to the Restricted Discretionary provisions.

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

DPC58/F001 Charlotte Heather					
Sub. Ref.	Submission and topic	Position	Decision/Relief Sought	Submitter's Comments	Officer Recommendation
F001	Submission 1. Site stability	Support	Accept the submission	<ul style="list-style-type: none"> Management of run-off is required Exposure of clay ridges creates the risk of slips and soil run off. 	Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.
	Submission 1. Flora and fauna	Support	Accept the submission	<ul style="list-style-type: none"> Regenerating vegetation could be protected to create corridors for fauna 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance

				<ul style="list-style-type: none"> • Damage to valuable areas of bush should prevented. 	with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
	Submission 2. Impacts of development	Support	Accept the submission	<ul style="list-style-type: none"> • Management of run-off is required • Exposure of clay ridges creates the risk of slips and soil run off. • Geotech assessment needs to be undertaken 	Reject - Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.
	Submission 4. Stormwater	Support	Accept the submission	<ul style="list-style-type: none"> • Management of run-off is required • Exposure of clay ridges creates the risk of slips and soil run off. 	Reject - Geotechnical assessment is proposed as a Matter of Discretion.
	Submission 5. Indigenous vegetation	Support	Accept the submission	<ul style="list-style-type: none"> • Regenerating vegetation could be protected to create corridors for fauna • Damage to valuable areas of bush should prevented. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.

DPC58/F002 **Kathryn Martin**

Sub. Ref.	Submission and Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F002	Submission 1. Erosion and sediment control Cultural significance Ecological significance	Support	Not stated	<ul style="list-style-type: none"> • Substantial risk of further erosion and sedimentation into the catchment area, putting further stress on the ecosystems starting to bounce back, as well as the danger to Taitā College property • Cultural significance to original local hapū • The ecological significance of pre-European remnant indigenous forest 	Geotechnical assessment is proposed as a Matter of Discretion so geotechnical matters will be managed appropriately.

				<ul style="list-style-type: none"> • threat to revitalisation efforts • increase in pollutants and rubbish <p>Note: the submission also provides comment on climate change, freshwater and engagement with tangata whenua with the comments not linked to a submission.</p>	
	Submission 2. Ecological significance Unnecessary rezoning	Support	Not stated	<ul style="list-style-type: none"> • Risk of loss of indigenous biodiversity. • The proposed housing intensification is unnecessary. 	Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
DPC58/F003 Wil van't Geloof					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F003	Not linked to a submission Water supply Traffic Not linked to a submission	Oppose	Not stated	<ul style="list-style-type: none"> • Extra entrance to Stokes Valley • Water pressure is not adequate. 	Reject - The further submission was not linked to a submission.
DPC58/F004 Nicholas Dowman					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation

F004	Entire Plan Change	Oppose	That the proposal is not allowed.	<ul style="list-style-type: none"> • Infrastructure in Stokes Valley is inadequate. • There is no bus depot in Stokes Valley. • Deforestation is leading to slips. • There are power blackouts in Stokes valley 	Reject - The further submission was not linked to a submission.
DPC58/F005 Nico Reason					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F005	Entire Plan Change	Oppose	That the proposal is not allowed.	<ul style="list-style-type: none"> • Eastern Hutt Road cannot cater with additional traffic. • Local roads are dangerous. • Limited public transport. • Habitat loss. • Construction noise effects. • Access to Taita College would be more difficult. • Runoff could damage a swamp Taita College has been restoring. 	Reject - The further submission was not linked to a submission.
DPC58/F006 John Hopgood					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F006	Submission 5. Location Stormwater	Supports the submission	Allow the objection	<ul style="list-style-type: none"> • The site is a poor choice for Medium Density housing 	Reject – The site is adjacent to Medium Density housing and is Matters of Discretion will control the effects of development.

	Natural green space			<ul style="list-style-type: none"> Stormwater management is already problematic Protect green spaces 	<p>Reject - Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed appropriately.</p> <p>Accept in part - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.</p>
DPC58/F007 The Friends of Horoeka Scenic Reserve					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F007	<p>Submissions 001, 002, 005</p> <p>Biodiversity effects</p> <p>Cultural values</p>	Support the submissions in opposition	Not stated	<ul style="list-style-type: none"> Oppose loss of biodiversity and habitat Loss of connectivity Reduced halo effect by disturbing greenbelt corridors Adverse edge effects including erosion, runoff, rubbish, adverse impacts from domestic animals and increased access for pests Lost opportunity of allowing the regeneration to continue Insufficient recognition of cultural values 	<p>Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.</p> <p>Geotechnical management is proposed as a matter of discretion.</p> <p>No submissions were received from iwi and hapu and the site is not identified as a significant cultural resource.</p>
	Submission 003 Water supply	Neither support or oppose 003.	Not stated		Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.

	Submission 004 (reference 4.1)	Support in part	Not stated	<ul style="list-style-type: none"> Not stated specifically to stormwater 	Stormwater management is proposed as a Matter of Discretion so the associated effects will be managed in appropriately.
DPC58/F008 Cosmic Kaitiaki Native Realms Foundation					
Sub. Ref.	Topic	Position	Decision Requested	Submitter's Comments	Officer Recommendation
F008	Submission 001 Ecology	Supports	Allow the objection	<ul style="list-style-type: none"> Indigenous vegetation should be left untouched and protected. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
F008	Submission 002 Ecology protection provisions	Oppose	Reject the objection	<ul style="list-style-type: none"> Submission 002 requests a strengthening of provisions if the plan change proceeds. The further submitter contends that provisions should not allow destruction of vegetation. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes are proposed to the Restricted Discretionary provisions.
	Submission 003 Request to build a reservoir	Oppose	Reject the submission	<ul style="list-style-type: none"> A reservoir would require loss of vegetation 	Reject - A Consent Notice already requires water supply to be provided that meets the relevant standards.
	Submission 005	Support	Allow the objection	<ul style="list-style-type: none"> The submitter fully agrees with 005. 	Reject - Indigenous biodiversity management is proposed as a Matter of Discretion and will be managed in accordance with the NPS-IB. Changes

					are proposed to the Restricted Discretionary provisions.
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Appendix 2 - Regional Policy Statement objectives and policies

Freshwater

Objective 12: The quantity and quality of fresh water:

- (a) meet the range of uses and values for which water is required;*
- (b) safeguard the life supporting capacity of water bodies; and*
- (c) meet the reasonably foreseeable needs of future generations.*

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

Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:

- (a) erosion; and*
- (b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystems health is safeguarded.*

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

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and*
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained*

Objective 13: The region's rivers, lakes and wetlands support healthy functioning ecosystems.

Policy 43: Protecting aquatic ecological function of water bodies - consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) maintaining or enhancing the functioning of ecosystems in the water body;*
- (b) maintaining or enhancing the ecological functions of riparian margins;*
- (c) minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;*
- (d) maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;*
- (e) protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;*
- (f) maintaining natural flow regimes required to support aquatic ecosystem health;*

(g) maintaining fish passage;

(h) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;

(i) discouraging stock access to rivers, lakes and wetlands; and

(j) discouraging the removal or destruction of indigenous wetland plants in wetlands.

Indigenous ecosystems

Objective 16 Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

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

District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:

(a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and:

(i) are no longer commonplace (less than about 30% remaining); or

(ii) are poorly represented in existing protected areas (less than about 20% legally protected).

(b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.

(c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.

(d) Ecological context of an area: the ecosystem or habitat:

(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or

(ii) provides seasonal or core habitat for protected or threatened indigenous species.

(e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori.

Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans.

District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.

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

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

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;*
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;*
- (c) managing wetlands for the purpose of aquatic ecosystem health;*
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;*
- (e) providing seasonal or core habitat for indigenous species;*
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;*
- (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and*
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.*

Landscape

Objective 17 The region’s outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision use and development.

Policy 25 Identifying outstanding natural features and landscapes

District and regional plans shall identify outstanding natural features and landscapes having determined that the natural feature or landscape is:

- (a) exceptional or out of the ordinary; and*
- (b) that its natural components dominate over the influence of human activity, after undertaking a landscape evaluation process, taking into account the factors listed below.*
 - Natural science factors*
 - Sensory factors*
 - Shared or recognised factors*

Objective 18 The region’s special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

Policy 27 Identifying special amenity landscapes

District and regional plans may identify special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region. Any special amenity landscape evaluation process carried out to inform the identification of any such special amenity landscapes shall take into account the factors listed in policy 25.

Policy 28 Managing special amenity landscape values

Where special amenity landscapes have been identified in accordance with policy 27, district and regional plans shall include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:

- (a) existing land uses that contribute to these landscape values,*
- (b) predominant existing land uses that are provided for within the underlying zoning, and*
- (c) other lawfully established activities.*

Natural Hazards

Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

Objective 21 Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.

Policy 29: Avoiding inappropriate subdivision and development in areas at high risk from natural hazards.

Regional and district plans shall:

- (a) identify areas at high risk from natural hazards; and*
- (b) include policies and rules to avoid inappropriate subdivision and development in those areas.*

Policy 51: Minimising the risks and consequences of natural hazards.

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;*
- (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;*
- (c) whether the location of the development will foreseeably require hazard mitigation works in the future;*

(d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;

(e) any risks and consequences beyond the development site;

(f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;

(g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;

(h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and

(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

Regional Form, Design and Function

Objective 22 *A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*

.....

(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;

(g) a range of housing (including affordable housing)

(h) integrated public open spaces;

(k) efficiently use existing infrastructure (including transport network infrastructure);

Policy 54: *Achieving the region's urban design principles*

Policy 55: *Maintaining a compact, well designed and sustainable regional form.*

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region's urban areas (as at March 2009), particular regard shall be given to whether:

(a) the proposed development is the most appropriate option to achieve Objective 22; and

(b) the proposed development is consistent with the Council's growth and/or development framework or strategy that describes where and how future urban development should occur in that district; and/or

(c) a structure plan has been prepared.

Policy 57: *Integrating land use and transportation – consideration*

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

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

(b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;

(c) whether there is good access to the strategic public transport network;

(d) provision of safe and attractive environments for walking and cycling; and

(e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.

Policy 58: Co-ordinating land use with development and operation of infrastructure.

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:

(a) make efficient and safe use of existing infrastructure capacity; and/or

(b) coordinate with the development and operation of new infrastructure.

Resource Management with Tangata Whenua

Objective 23: The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Objective 24: The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Objective 25: The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.

Objective 26: Mauri is sustained, particularly in relation to coastal and fresh waters.

Objective 28: The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.

Policy 48: Principles of the Treaty of Waitangi – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

(a) the principles of Te Tiriti o Waitangi; and

(b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region

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

When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:

- (a) the exercise of kaitiakitanga;*
- (b) mauri, particularly in relation to fresh and coastal waters;*
- (c) mahinga kai and areas of natural resources used for customary purposes; and*
- (d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.*

Plan Change 1 Objectives and Policies

Objective CC.1 By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:

- (a) sustainable air, land, freshwater, and coastal management,*
- (b) well-functioning urban environments and rural areas, and*
- (c) well-planned infrastructure.*

Objective CC.2 The costs and benefits of transitioning to a low emission and climate-resilient region are shared fairly to achieve social, cultural, and economic well-being across our communities.

Objective CC.3 To support the global goal of limiting warming to 1.5 degrees Celsius, net greenhouse gas emissions from transport, agriculture, stationary energy, waste, and industry in the Wellington Region are reduced:

- (a) By 2030, to contribute to a 50 percent reduction in net greenhouse gas emissions from 2019 levels, including a:*
 - (i) 35 percent reduction from 2018 levels in land transport generated greenhouse gas emissions, and*
 - (ii) 40 percent increase in active travel and public transport mode share from 2018 levels, and*
 - (iii) 60 percent reduction in public transport emissions, from 2018 levels, and*
- (b) By 2050, to achieve net zero emissions.*

The relevant policies are:

Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods to require that all new and altered transport infrastructure is designed, constructed, and operated in a way that contribute to reducing greenhouse gas emissions by: (a) Optimising overall transport demand; (b) Maximising mode shift from private vehicles to public transport or active modes; and (c) Supporting the move towards low and zero-carbon modes.

Policy CC.2: Travel demand management plans – district plans

By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development consent applicants to provide travel demand management plans to minimise reliance on private vehicles and maximise use of public transport and active modes for all new subdivision, use and development over a specified development threshold where there is a potential for a more than minor increase in private vehicles and/or freight travel movements and associated increase in greenhouse gas emissions.

Policy CC.3: Enabling a shift to low and zero-carbon emission transport – district plans

By 30 June 2025, district plans shall include objectives, policies, rules and methods that enable infrastructure that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing greenhouse gas emissions.

Policy CC.4: Climate resilient urban areas – district and regional plans

District and regional plans shall include policies, rules and/or methods to provide for climate-resilient urban areas by providing for actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well functioning urban environments.

Policy CC.8: Prioritising greenhouse gas emissions reduction over offsetting – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas emissions in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply.

Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use and development have been planned to optimise overall transport demand, maximising mode shift from private vehicles to public transport or active modes, in a way that contributes to reducing greenhouse gas emissions.

Policy CC.14 Climate-resilient urban areas consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, provide for actions and initiatives, particularly the use of nature-based solutions, that contribute to climate resilient urban areas, including:

(a) maintaining, enhancing, restoring, and/or creating urban greening at a range of spatial scales to provide urban cooling, including working towards a target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050,

(b) the application of water sensitive urban design principles to integrate natural water systems into built form and landscapes, to reduce flooding, improve water quality and overall environmental quality,

(c) capturing, storing, and recycling water at a community-scale (for example, by requiring rain tanks, and setting targets for urban roof area rainwater collection),

(d) protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change,

(e) providing for efficient use of water and energy in buildings and infrastructure, and

(f) buildings and infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind.

Policy 55: Providing for appropriate urban expansion – consideration

When considering an application for a resource consent, or a change, variation or review of a district plan for urban development beyond the region’s urban areas (as at August 2022), particular regard shall be given to whether:

(a) the urban development contributes to establishing or maintaining the qualities of a well-functioning urban environment, including:

(i) the urban development will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;

(ii) the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:

1. Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,

2. Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,

3. Protecting outstanding natural features and landscape values as identified by Policy 25,

4. Protecting historic heritage values as identified by Policy 22,

5. Integrates Te Mana o Te Wai consistent with Policy 42,

6. Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17.

7. Recognises and provides for values of significance to mana whenua / tangata whenua,

8. Protecting Regionally Significant Infrastructure as identified by Policy 8; and

(b) the urban development is consistent with any Future Development Strategy, or the regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the Future Development Strategy be yet to be released; and

(c) a structure plan has been prepared.; and/or

(d) Any urban development that would provide for significant development capacity, regardless of if the development was out of sequence or unanticipated by growth or development strategies.

Policy 57: Integrating land use and transportation – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, require land use and transport planning within the Wellington Region is integrated in a way which: (a) supports a safe, reliable, inclusive and efficient transport network;

(b) supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;

(c) minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes;

(d) encourages an increase in the amount of travel made by public transport and active modes;

(e) provides for well-connected, safe and accessible multi modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical;

(f) supports and enables the growth corridors in the Wellington Region, including:

(i) Western Growth Corridor – Tawa to Levin;

(ii) Eastern Growth Corridor – Hutt to Masterton;

(iii) Let's Get Wellington Moving Growth Corridor.

Freshwater

Objective 12 Natural and physical resources of the region are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and

Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the Wellington Regional Plans management of freshwater, and these principles inform this RPS and its implementation. The six principles are:

(a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and

(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa

Policy FW.3: Urban development effects on freshwater and the coastal marine area – district plans
District plans shall include objectives, policies, and methods including rules, that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM, and in doing so must:...

Policy FW.6: Allocation of responsibilities for land use and development controls for freshwater

Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to protect and enhance the health and well-being of water bodies and freshwater ecosystems:

(a) Wellington Regional Council has primary responsibility for freshwater. Wellington Regional Council shall be responsible for the control of the use and development of land for the purposes of water quality and quantity.

(b) In relation to wetlands, Wellington Regional Council is responsible for managing land use within, and within a 10m margin of natural wetlands as directed by the NES-F 2020, as well as areas adjoining and/or upstream for the purpose of protecting wetlands;

(c) city and district councils are responsible for the control of land use and subdivision. City and district councils must include objectives, policies, and methods in district plans to promote positive effects, and avoid, remedy or, or mitigate adverse effects (including cumulative effects) of land use and subdivision on the health and wellbeing of water bodies, freshwater ecosystems and receiving environments (as required by NPS-FM 3.5 (4)). They must carry out their responsibility in regard to the NPS-FM through their functions under Section 31 of the RMA.

Policy 15: Managing the effects of earthworks and vegetation disturbance – district and regional plans

Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.

“Objective 19 The risks and consequences to people, communities, businesses, property, infrastructure and the environment from natural hazards and the effects of climate changes are minimised.

Objective 20 Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.

Objective 21 The resilience of our communities and the natural environment to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazard events.

Policy 29: Managing subdivision, use and development in areas at ~~high~~ risk from natural hazards – district and regional plans

Policy 51: Minimising the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the likelihood and consequences of the range of natural hazards that may adversely affect the subdivision, use or development, including those that may be exacerbated by climate change and sea level rise,*
- (c) whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future;*
- (d) the potential for injury or loss of life, social and economic disruption and civil defence emergency management implications – such as access routes to and from the site;*
- (e) whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas beyond the application site;*
- (f) minimising effects of the subdivision, use or development on any natural features that may act as a buffer to reduce the impacts from natural hazards;*
- (g) avoiding subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme;*
- (h) appropriate hazard risk management and/or adaptation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate, including an assessment of residual risk; and*
- (i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and*
- (j) the need to locate habitable floor areas levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazard areas.*

Policy 52 Minimising adverse effects of hazard mitigation measures – consideration

Objective 22 – Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well functioning urban environments, which:

- a. Are compact and well designed; and*
- b. Provide for sufficient development capacity to meet the needs of current and future generations; and*
- c. Improve the overall health, wellbeing and quality of life of the people of the region; and*
- d. Prioritise the protection and enhancement of the quality and quantity of freshwater; and*
- e. Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and*
- f. Support the transition to a low emission and climate resilient region; and*
- g. Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and*
- h. Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and*
- i. Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and*

j. Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and

k. Are well connected through multimodal (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.

Policy 58: Co-ordinating land use with development and operation of infrastructure – consideration

When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, require all new urban development including form, layout, location, and timing is sequenced in a way that:

(a) the development, funding, implementation and operation of infrastructure serving the area in question is provided for; and

(b) all infrastructure required to serve new development, including low or zero carbon, multi modal and public transport infrastructure, is available, or is consented, designated or programmed to be available prior to development occurring.

Appendix 3 - Relevant District Plan Objectives and Policies
Medium Density Residential Activity Area 4F 2 Objectives

Objective 4F 2.1AA

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 4F 2.1

Residential Activities are the dominant activities in the Medium Density Residential Activity Area.

Non-residential activities are compatible with the amenity levels associated with medium density residential development anticipated by the zone.

Objective 4F 2.3

The Medium Density Residential Activity Area provides for a variety of housing types and sizes that respond to:

- Housing needs and demand, and
- The neighbourhood's planned urban built character, including three-storey buildings.

Objective 4F 2.3A

Recognise that the neighbourhood's planned urban built character is defined through the enablement of individual medium density developments of up to three storeys.

Objective 4F 2.3AA

A greater intensity of built form (4-5 storeys) is provided for around identified centres that are supported by a well-functioning urban environment.

Objective 4F 2.4

Built development is consistent with the planned medium density built character and compatible with the amenity levels associated with medium density residential development.

Objective 4F 2.5

Built development is of high quality and provides:

- Healthy, safe, attractive, and accessible living environments, and

- Attractive and safe streets.

Objective 4F 2.6

Built development is adequately serviced by network infrastructure or addresses any infrastructure constrains.

Objective 4F 2.8

To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.

4F 3 Policies

Policy 4F 3.1

Provide for residential activities and those non-residential activities that support the community's social, economic and cultural well-being and manage any adverse effects on residential amenity.

Policy 4F 3.2

Enable a variety of housing types with a mix of densities within the Medium Density Residential Activity Area, including three-storey attached and detached dwellings and low-rise apartments.

Policy 4F 3.2A

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Policy 4F 3.2B

Enable housing to be designed to meet the day-to-day needs of residents.

Policy 4F 3.2C

Require built development to provide occupants with adequate opportunities for outdoor living through having useable and accessible on-site private outdoor living space, or through access to appropriate communal or nearby public open space of comparable utility.

Policy 4F 3.2D

Encourage development to contribute to an attractive setting for occupants and the surrounding area, which can be achieved through:

- landscaped areas that contribute to amenity,
- adequate outlook areas from habitable rooms, and
- other means that would adequately mitigate a lack of landscaping or outlook areas.

Policy 4F 3.2E

Provide for residential intensification of a site where it achieves positive urban design outcomes and living environments, taking into consideration the following urban design principles, development type, and the planned urban environment of the zone:

- i. Ensure the building location, form, and appearance is comprehensively designed with the landscape and is compatible with the planned urban built character of the zone
- ii. Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale
- iii. Achieve visual interest and aesthetic coherence using architectural and landscape design techniques
- iv. Minimise the effects of driveways, manoeuvring, and parking areas on the quality of the site and street, while ensuring safety
- v. Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites
- vi. Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces
- vii. Provide reasonable internal visual privacy for all units through well-considered location of elements, rather than relying on window coverings
- viii. Achieve quality, legible, safe, and efficient circulation
- ix. Provide for servicing that is suitably generous, convenient, and visually discreet.

Policy 4F 3.2F

Provide for additional building height in identified areas that are adjacent to the centres in Wainuiomata, Eastbourne, and Stokes Valley, which are well-served by commercial activities and community services.

Policy 4F 3.3

Manage the effects of built development on adjoining sites and the street by controlling height, height in relation to boundary, setbacks, and building coverage of built development.

Policy 4F 3.6

Require built development to make adequate provision for privacy and sunlight access for adjoining sites.

Policy 4F 3.8

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy 4F 3.9

Require rainwater tanks and a minimum area of permeable surfaces or alternative design solutions in order to assist with the management of stormwater runoff created by development.

Policy 4F 3.10

Require development to be stormwater neutral.

Policy 4F 3.13

Manage development on sites neighbouring marae in the Community Iwi Activity Area to ensure that risks to cultural safety and tikanga from overlooking, visual dominance, and noise are adequately addressed.

Appendix 4 – Traffic engineering evidence

Appendix 4 – Traffic engineering evidence

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO
MAKE RECOMMENDATIONS ON PROPOSED PLAN
CHANGE 58 TO THE HUTT CITY DISTRICT PLAN**

IN THE MATTER

of the Resource
Management Act
1991 (the Act)

AND

IN THE MATTER

of a hearing by the
Hutt City Council on
Proposed Plan
Change 58 to the
Hutt City District
Plan

**STATEMENT OF EVIDENCE OF LUKE BENNER FOR THE HUTT CITY
COUNCIL
TRAFFIC ENGINEERING**

August 2024

Introduction

1. My name is Luke Michael Benner. I am the director of LBC Traffic Engineers Limited, a traffic and transportation engineering consultancy based in the Wellington Region. I hold a New Zealand Diploma in Engineering (Civil) and I am member of the Engineering New Zealand Transportation Group.
2. I have approximately 8 years' experience and my career to date has involved 5 years working within local government across the areas of traffic engineering, road safety and the planning and design of sustainable transport projects across walking, cycling and public transport. My most recent role was with Porirua City Council as a traffic and road safety engineer between 2019 and 2021.
3. I have worked within my own consultancy since 2019 (part-time) and full time since April 2021 providing traffic engineering services to public and private clients across the Wellington and Manawatu regions. My experience includes completing traffic impact assessments for private clients as well as assessing transport consents for Porirua and Hutt City Councils. I have also carried out road safety audits and the planning and delivery of public transport projects

Code of Conduct

4. Although this is a council hearing, I have read the Environment Court's Code of Conduct and agree to comply with it. My qualification as an expert is set out above. I can confirm that the issues addressed in this statement of evidence are within my area of expertise.

Involvement & Background

5. I was engaged by Hutt City Council in March 2024 to carry out a peer review of a transportation assessment carried out by Traffic Concepts Ltd, prepared on behalf of the applicant (M & J Walsh Partnership Ltd) in relation to proposed plan change 58.
6. Upon being commissioned to undertake my peer review I undertook one site visit, with this focused on the proposed connection of the site at 12 Shaftesbury Grove to the road network including relevant roads and intersections.

7. Upon completion of my peer review of the transportation assessment, three matters were identified where further information was requested from the applicant including the extent of the crash analysis undertaken as well as the capacity of several local intersections that could be impacted by future development traffic from the proposed plan change area. A further minor matter was raised with respect to sightlines past a bus stop.
8. In June 2024, a response to my further information request was received from the applicant. I can confirm that this response had addressed my questions and comments in relation to the transportation assessment.
9. Plan Change 58 as proposed is seeking to rezone 12.5 hectares of the land at 12 Shaftesbury Grove to Medium Density Residential. The proposal has the potential to create in up to 200 new residential lots and potentially generate an additional 1,500 vehicle movements onto the local road network.
10. Plan Change 58 proposes a new restricted discretionary activity rule for subdivision within the plan change area with a set of assessment matters that relate specifically to the subdivision of the site. It is understood that a restricted discretionary subdivision on this site would not trigger the requirement for an integrated transport assessment.

Scope of Evidence

11. My evidence will cover the following matters:
 - Existing Transport Environment
 - Strategic Context (Transport)
 - Applicant's Transport Assessment
 - Submissions & My Responses
 - Conclusion & Recommendations

Existing Transport Environment

12. The existing transport network relevant to the proposed plan change area includes Shaftesbury Grove, Holborn Drive, Logie Street, George Street and all associated intersections, pedestrian/cycle routes and

public transport routes where relevant. All roads considered with this statement of evidence are subject to a 50km/h posted speed limit.

13. Under the transport network hierarchy of the Operative District Plan, both Shaftesbury Grove and Logie Street are classified as access routes, while Holborn Drive is classified as a secondary collector and George Street a primary collector route.
14. The classification of these roads appears consistent with their function within the transport network, noting however that Logie Street provides a similar function to Holborn Drive but is classified as an access route.
15. Shaftesbury Grove features a short alignment with just one side street (Fenchurch Grove) extending off it. It has a formation width of around 8 metres.
16. Holborn Drive extends north from its intersection with Shaftesbury Grove through to George Street, and features a winding and steep alignment in areas, with a formation width of between 8 and 10 metres.
17. Logie Street features a winding and steep alignment in areas however has a narrower formation of around 8 metres. Both Holborn Drive and Logie Street contain a dashed centreline, with all three roads featuring street lighting.
18. George Street extends north-south through Stokes Valley and is almost completely straight with only slight changes in direction with several side streets extending off it. George Street has a formation width of around 11 metres with kerbside parking on both sides along with unimpeded traffic lanes in each direction. The road features solid edge lines and a centreline.
19. The intersections of Shaftesbury Grove with Holborn Drive and Logie Street with George Street operate under give way controls with Shaftesbury Grove being absent of the usual regulatory markings and signage while Logie Street does contain these features.
20. Shaftesbury Grove is estimated to carry 1,356 vehicles per day while Holborn Drive, Logie Street and George Street are estimated to carry 4,483, 1,994 and 8,936 vehicles respectively. Source – Mobile Road.

While there is no record of cyclist volumes on this part of the road network, a quick review of the Strava heatmap, suggests there to be at least some use on Holborn Drive and Logie Street with Holborn Drive being more popular based on the intensity of the heatmap in this location.

- 21.** Pedestrian access along each of Shaftesbury Grove, Holborn Drive & Logie Street is provided for by way of a footpath on one side of the road. These footpaths appear to be of a good standard. It is noted that there are no formal pedestrian crossing opportunities on these roads, with only informal crossing opportunities where there are side streets.
- 22.** There are footpaths along both sides of George Street with one formal pedestrian crossing south of its intersection with Logie Street. There are several other pedestrian crossing opportunities however these are informal and are located at the side streets.
- 23.** There are no shared pedestrian & cycling or dedicated cycling facilities within the extent of the immediate road network. Cyclists are required to be on the road with vehicle traffic.
- 24.** There is a public bus route which extends along Holborn Drive and Logie Street which is identified as the route 121 and extends between Gracefield, Central Lower Hutt, Naenae and north to Stokes Valley. Buses on this route run to a frequency of around 30 minutes with bus stop pairs located around 300 metres apart along these roads, with most bus stops being well marked out.
- 25.** The road safety performance of Shaftesbury Grove, Holborn Drive Logie Street & George Street (between Logie St & Holborn Dr) has been reviewed over the past 5 years. Waka Kotahi's crash analysis system (CAS) has been used for this purpose, to understand the volume, severity and potential causes of crashes in this area.
- 26.** The crash analysis system shows that there have been no reported crashes on Shaftesbury Grove, 4 non injury crashes on Logie Street, 1 minor injury and 6 non injury crashes on Holborn Drive. There has been a total of 25 reported crashes on George Street between Logie Street & Holborn Drive, with 1 being serious injury, 9 minor injury and 15 non injury crashes.

27. In reviewing the crash reports, it appears that many of them on Holborn Drive and Logie Street have involved vehicles leaving the road to the left or right and hitting parked cars, with most occurring on the approach to or on the departure of bends. While these crashes have largely resulted in no injuries (likely attributable to low speeds), there is a heightened risk of further crashes of this type occurring in the future. It is noted that there have been no reported crashes involving vulnerable road users.
28. In reviewing the crash reports for George Street, there has been two crashes involving pedestrians, one resulting in serious injuries where a child was struck crossing the road, with the other causing minor injuries with a pedestrian being struck by a vehicle reversing from a driveway. The majority of the other crashes on George Street have involved vehicles hitting parked cars or leaving the road to the left or right.

Strategic Context (Transport)

29. This section of my evidence considers the relevant objectives and policies under the transport chapter of the Operative District Plan as well as alignment of the proposed plan change with respect to identified focus areas of Hutt City's Sustainable Transport Strategy.
30. Section 14A, of the transport chapter of the of the operative district plan contains the key objectives and policies of this chapter. The key objectives are considered to be as follows:
- **14A 3.1** A safe, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.
 - **14A 3.4** Adverse effects on the safety and efficiency of the transport network from land use and development that generate high volumes of traffic are managed.
 - **14A 3.5** Adverse effects on the safety and efficiency of the transport network from on site transport facilities (vehicle access, parking manoeuvring and loading facilities) are managed.

- 31.** With regard to the above objectives, the proposed plan change area is located such that it is within the existing urban area which is already serviced by reasonably frequent public transport services. Intensification of this area while expected to contribute to economic development and growth, will also enable opportunities for future residents to consider different modes of travel.
- 32.** The proposed plan change process also allows for the wider transport network effects to be determined and potential mitigations identified if required. Should the proposed plan change be granted, there may be further opportunity to consider transport network effects (both internal and external to the site) where potential future land use consent applications trigger the high trip generator thresholds of the district plan.
- 33.** The following are considered to be the relevant policies under the transport chapter of the operative district plan.
- **14A 4.2** Land use, subdivision and development should not cause significant adverse effects on the connectivity, accessibility and safety of the transport network, and, where appropriate, should:
 - seek to improve connectivity with and between communities.
 - Enable walking, cycling and access to public transport
 - **14A 4.3** The transport network should be located and designed to avoid, remedy or mitigate adverse effects on the adjacent environment.
 - **14A 4.5** Any activity that is a high trip generator must be assessed on a case-by-case basis. Adverse effects of high trip generators on the safety and efficiency of the transport network should be managed through the design and location of the land use, subdivision or development.
 - **14A 4.6** Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.
 - **14A 4.7** The transport network, land use, subdivision and development should provide for all transport modes.
- 34.** In this case it is recognised that the medium density zoning being sought is likely to contribute to higher demand for public transport services therefore should the plan change be granted, consideration

will be required at land use consent stage to maximise pedestrian access and to encourage ease of access for transport modes in particular to Holborn Drive and Logie Street.

35. As a result of medium density residential zoning being sought through the proposed plan change, there is potential for future land use consents within the site to trigger the high trip generator thresholds, particularly if these thresholds were ever to be lowered from 60 dwellings/units currently in the plan, providing further opportunity to consider wider effects on the transport network.
36. Hutt City Council released its Integrated Transport Strategy during 2022. It is considered that while this strategy is largely focused around the future of council's transport network and the future needs of all road users, there is a role in which future development can play in achieving councils' goals in this area. Of the seven focus areas of this strategy the proposed plan change area can be expected to contribute positively to focus areas 3 and 4 as defined below.
 - **Focus Area 3:** Encourage people to rethink how and when they travel.
 - **Focus Area 4:** Make it easier for all people to use public transport.
37. Focus Area 3 – It is considered that within the context of the medium density residential zoning being sought through the proposed plan change, future development of the site is likely to maximise yield and therefore space for parking of vehicles may be constrained. It can be expected that this will encourage residents to consider other modes of travel such as public transport or cycling where this may be more convenient than driving.
38. Focus Area 4 – Generally, it is evident that demand for public transport and the resulting level of service go hand in hand, in that as demand increases, potential for improved level of service increases. This is evident in terms of the infrastructure provided at bus stops where higher use often results in better infrastructure (i.e. for instance shelter). The proposed plan change area has the potential to increase patronage at bus stops on Holborn Drive and Logie Street and therefore contribute to improved bus stop infrastructure, improving the attractiveness of public transport for new users.

39. It is considered that the proposed plan change gives effect to the objectives and policies of the transport chapter of the operative district plan, while future consenting processes for the site will (should the plan change be granted) allow for the adequate assessment of those applications against the relevant rules of the plan. Similarly, it is also considered that the proposed plan change has the ability to align well with Hutt City Councils Integrated Transport Strategy.

Applicants Transport Assessment

40. As part of the proposed plan change, the applicant has engaged Gary Clark of Traffic Concepts Limited to carry out a transport assessment of the proposal. I confirm that I have read the transport assessment in detail, with this section of my evidence including commentary on several areas of the assessment where required.
41. I consider that Mr Clark's review of the existing transport environment, including roads, intersections, sustainable transport and road safety is adequate. Through my earlier peer review of the assessment, additional crash data was requested for George Street with this provided and analysed as per the remainder of the existing transport network.
42. I agree with Mr Clark's assessment with regard to trip generation and trip distribution including the assumption that around 50% of vehicle traffic travelling to and from the site would use either Holborn Drive or Logie Street to reach George Street. Similarly, I agree with Mr Clark's assumed trip rate of 7.5 vehicle trips per dwelling, noting that this can be considered a conservative estimate when considering potential walking/cycling or trips by public transport.
43. Commentary is included within Mr Clark's assessment about the suitability of the existing network in being able to accommodate a potential increase in traffic of 1,500 vehicles per day. The formation width of Holborn Drive and Logie Street means that vehicles frequently cross the centreline to pass parked cars, which can be done so relatively safely where forward visibility is adequate and the narrow road formation and parked cars help to increase side friction and reduce vehicle operating speeds.

44. In terms of potential transport network effects, I am in agreement with Mr Clark's assessment in this regard. In particular it is reasonable to expect increased traffic from the plan change area would be most noticeable during the morning and evening peak periods at the Logie Street/George Street and Holborn Drive/George Street intersections. Each of these intersections could be expected to see an additional 75 vehicle movements per hour at peak times, which is not expected to be particularly noticeable within the context of the transport network at these times, where these areas are already congested (particularly the George Street/Stokes Valley Road intersection).
45. It can be expected that any development of the plan change area (should the plan change be granted), will result in incremental increases to traffic volumes over time. While cumulatively this may appear significant, the reality is this change would be unlikely to be noticeable in its own right, when compared to daily traffic volumes and movements at intersections.
46. To put the potential increase in traffic volumes into context against the existing road network traffic volumes, on the basis that the site is developed over a 10-year period (considered reasonable) with 20 lots/dwellings developed each year. This would equate to a potential additional 150 vehicle trips onto the network per day representing a yearly increase of less than 2% onto Holborn Drive & George Street and between 3% and 4% on Logie Street.
47. Within Mr Clark's assessment under the Network Analysis section, comments are made with respect to future consenting of the site for subdivision where the appropriate analysis and assessment will be prepared with respect to each application. This would suggest that traffic matters internal and external to the site will be considered as part of subdivision within the site which I consider to be appropriate. Where an individual application exceeds the high trip generator thresholds of the District Plan it is expected that the requirement for an Integrated Transport Assessment will be triggered allowing the specific network impacts to be assessed in detail.
48. With regard to road safety, I largely agree with Mr Clark's comments in this regard. Specifically, as the existing crash record shows there to be a concentration of crashes involving vehicles leaving the road or

hitting parked cars on Holborn Drive and Logie Street, it would be prudent for kerbside parking to be restricted within some bends and opposite bus stops where the passible width for two vehicles would be less than otherwise required for two vehicles to safely pass one another, and where forward visibility is restricted. These measures would also assist in making the environment safer for cyclists where the risk of being struck by opening of car doors would reduce.

Submissions & My Responses

49. I confirm that I have reviewed the submissions received on the proposed plan change. Two of the submissions cover matters concerning transport, with the key themes being as follows.
- Public and active transport links are made to be convenient and accessible alternatives for residents.
 - Consideration required of traffic effects on Holborn Drive and Logie Street, given these roads are narrow and there is a history of crashes occurring.
50. A submission has been received from the Greater Wellington Regional Council, commenting that any development of the plan change site (if the plan change is granted) should ensure walking/cycling and public transport links are as convenient as possible for future residents. In terms of public transport, it would appear the Holborn Drive and Logie Street route is a well-established as a bus route, therefore it is considered unlikely that the plan change site would see public transport extend through it.
51. Pedestrian access between the plan change site and the existing bus route is therefore important as well as exploring any opportunities to drop pathways from the site down onto the surrounding road network (if possible) to reduce walking distances – this is expected to particularly relevant to the southern extent of the plan change site where walking distances back to Holborn Drive could be significant. It is expected that these considerations can be addressed at the land use/resource consent stage of any future development of the site.
52. In terms of active transport, it is considered that any development of the plan change site itself is unlikely to enable any new or improved cycling links across the immediate road network. It would be expected

that future development of the site through the land use/resource consenting processes would enable closer consideration of these users (i.e. some developments may feature reduced carparking where cycle parking is then proposed as an alternative).

53. A submission has been received from a resident of Fenchurch Grove that has raised concerns around access to the plan change site and the potential effects increased traffic may have on the immediately surrounding road network, in particular road safety.
54. It is considered that the proposed access to the plan change site via Shaftesbury Grove is the most logical and viable location for which the connection to the local road network can be achieved. It is recognised that this part of Stokes Valley is particularly steep therefore to achieve an alternative access arrangement for vehicle traffic would be very challenging from a practicality standpoint.
55. Based on the existing transport environment of Holborn Drive and Logie Street and the fact that there are two routes in which road users including pedestrians, cyclists and vehicles could take to reach George Street, the incremental effects of additional traffic are expected to be minor in nature.
56. Appropriate mitigations now through this plan change process or later through the land use /resource consenting processes, mean there is an ability to manage future risk from a road safety perspective on both Holborn Drive and Logie Street. Mitigations would include ensuring that both Holborn Drive and Logie Street can safely accommodate additional traffic through restricting kerbside parking in locations.

Conclusion & Recommendations

57. I conclude that proposed plan change 58 from a transport perspective has been considered within the context of the existing and future environment and the potential future development of the site including potential traffic generation and trip distribution across the surrounding network.
58. The proposed plan change has been assessed against the policies and objectives of the transport chapter of the Operative District Plan and

the Hutt City Sustainable Transport Strategy, with key areas of alignment identified.

59. Where the applicant through Plan Change 58 proposes a new restricted discretionary activity rule for subdivision within the plan change area with a set of assessment matters that relate specifically to the subdivision of the site, I consider that this should also include the requirement for an integrated transport assessment to be provided where the high trip generator threshold is exceeded in order for detailed network impacts and potential mitigation to be further defined (i.e. restriction of kerbside parking on parts of Holborn Dr and Logie St can be better defined against the scale of network impact).
60. It is my recommendation that kerbside parking be restricted along parts of Holborn Drive and Logie Street should the plan change be granted, in order to address the potential road safety effects where forward visibility is limited and vehicles will be expected to cross the centre line.
61. Based on my statement evidence, it is my assessment that subject to the recommendations above, the potential transport effects across all road users by the plan change being granted will be acceptable.

Luke Michael Benner



28 August 2024

Appendix 5 - Geotechnical evidence

Appendix 5 - Geotechnical evidence

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO
MAKE RECOMMENDATIONS ON PROPOSED PLAN
CHANGE 58 TO THE HUTT CITY DISTRICT PLAN AT WELLINGTON**

IN THE MATTER

of the Resource
Management Act
1991 (the Act)

AND

IN THE MATTER

of a hearing by the
Hutt City Council on
Proposed Plan
Change 58 to the
Hutt City District
Plan

**STATEMENT OF EVIDENCE OF THOMAS RICHARD JUSTICE FOR THE
HUTT CITY COUNCIL**

AUGUST 2024

Qualifications and Experience

1. My full name is Thomas Richard Justice. I am a Principal Engineering Geologist with ENGEEO. I have the following qualifications:
 - (a) I am an Engineering NZ Chartered Member (PEngGeol) number 211093 and an elected committee member of the New Zealand Geotechnical Society.
 - (b) I have a Master of Science (Engineering Geology) with 1st class Honors and a Bachelor of Science.
2. I have worked in the geotechnical/geohazard industry in both the public and private sectors for approximately 30 years.

Code of Conduct

3. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and confirm that I have complied with it in preparing this evidence. I confirm also that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on the opinions of others. I have not omitted material facts known to me that might alter or detract from my evidence.

Scope of Evidence

4. I have read the Proposed Plan Change 58 (PC58) that was notified by the Hutt City Council (HCC) on 9 November 2023.
5. This evidence is prepared to assist the section 42A report writers and support the decision-makers in the hearings panel for PC58.
6. I have read the Section 32 report relevant to my evidence.
7. I have been asked to provide evidence in relation to the geotechnical assessment undertaken by Torlesse Ltd attached as part of Appendix 2 – Infrastructure Assessment & Geotech Assessment. I have also made comments to geotechnical matters made by Urban Edge in Attachment 3 – Section 32 Evaluation

Summary of Evidence

8. This statement of evidence is in regard to the areas of geohazards. While I consider that the work undertaken by Torlesse Ltd lacks detail and may have not identified a number of geohazards, it is adequate for plan change purposes. Accordingly, I see no reason from a geotechnical perspective why proposed PC58 should be denied.

Recommendations The applicant proposed the following:

9. “Amendment 1, 11.2.3 Restricted Discretionary Activities, 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 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 can be avoided, remedied or mitigated. The subdivision will not increase or accelerate land instability on the site or adjoining properties.”

I agree, however, recommend that the term ‘slope instability’ be amended to ‘geohazard’. This is a broader term and incorporates hazards other than slope instability (debris flow and rockfall for example).

10. Amendment 2, 11.2.3.1 Matters in which Council has restricted its discretion, Geotechnical; Any measures proposed to provide appropriate foundations for future buildings within the subdivision and to manage the risk from slope instability on the site and on adjoining properties from any earthworks or site development works, in accordance with the Geotechnical Assessment for the site.

I agree, however, again recommend that ‘slope instability’ be altered to ‘geohazard’ for the reason outlined at 11 of my statement of evidence.

11. The applicant proposed the following in regard to information required to be submitted with an application.

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 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 can be avoided, remedied or mitigated.
- The subdivision will not increase or accelerate land instability on the site or adjoining properties.

I agree, however, again recommend that 'slope instability' be altered to 'geohazard' for the reason outlined at 11 of my statement of evidence. Furthermore, I believe that the proposed condition be extended to any subdivision, not just the first application.

- 12.** I also understand that proposed District Plan contains, as a Controlled Activity requirements for compliance NZS 4431 1989 (Code of Practice for Earth Fill for Residential Development) and Part 2 NZS 4404:2004 (Land Development and Subdivision Engineering).

I agree, however, in addition to these standards, I recommend that all appropriate parts of the MBIE/NZGS Earthquake Engineering Modules are also taken into account.

- 13.** Further geotechnical assessment 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
- 14.** 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.

CONCLUSION

- 15.** From a geotechnical perspective, I consider this site can be developed provided good engineering industry standard practices are followed.
- 16.** While I consider that the geotechnical report prepared by Torlesse is sufficient for the proposed plan change, it is not adequate for Subdivision Consent. I consider that further geotechnical assessment works, outlined at points 13 and 14 of my statement of evidence, will be required should PC58 be approved.

Dated 28 August 2024

Thomas Richard Justice

Appendix 6 - Landscape and visual assessment evidence

Appendix 6 - Landscape and visual assessment evidence

IN THE MATTER OF the Resource Management Act 1991

AND IN THE MATTER OF **A Private Plan Change Application (PC58)**
to Rezone 12.5 hectares at 12 Shaftesbury
Grove, Stokes Valley to Medium Density
Residential Activity and changes to the
Subdivision chapter of the District Plan

BETWEEN **M & J WALSH PARTNERSHIP LIMITED**

AND **HUTT CITY COUNCIL**

STATEMENT OF EVIDENCE OF LINDA ANITA KERKMEESTER
FOR HUTT CITY COUNCIL
(LANDSCAPE AND VISUAL EFFECTS)

16th August 2024

Introduction

Qualifications

1. My full name is Linda Anita Kerkmeester.
2. I am a Landscape Architect working as a consultant based in Wellington.
3. I have a Diploma of Horticulture and Diploma in Landscape Technology from Lincoln College and a Bachelor of Landscape Architecture with Honours from the Royal Melbourne Institute of Technology (RMIT) University, Melbourne, Australia.
4. I am a member of the New Zealand Institute of Landscape Architects (NZILA) and hold current professional registration. I have over 30 years' experience in the industry.

Experience

5. In my professional capacity, I have been involved in a number of landscape assessments, site planning and landscape management reports.
6. As part of my professional experience, I have prepared landscape and visual assessments and have prepared specifications for landscape planting contracts for large scale infrastructure projects including subdivision developments and highway projects.
7. Examples of the projects I have recently been involved with include:
 - 7.1 Kapiti Expressway project for NZTA (Waka Kotahi, 2014-2017) which included planting of 500,000 plants along the 21km route between McKays Crossing and Peka Peka.
 - 7.2 Transmission Gully Motorway project for Waka Kotahi/CPBH Joint Venture (2017-2022) for which I prepared landscape design, planting specifications and landscape assessments for earthworks (2017-2022).

- 7.3 An 8-lot rural subdivision at 1275 Paekakariki Hill Road, Porirua on the slopes above the Paekakariki escarpment (2019 - current) for which I prepared landscape design, landscape and visual assessment – consented by PCC in 2020.
- 7.4 A 28-lot rural subdivision at Te Horo for E & S Walker (2021) for which I prepared a Landscape and Visual Effects Assessment with recommendations for mitigation through planting and lot design – consented by KCDC in 2023.
8. In my professional capacity I have previously given evidence at Council hearings on Landscape and Visual effects for various subdivision proposals around the Porirua area and a proposed landfill at Haywards, Porirua.

Appearance

9. I have been asked to provide this evidence on behalf of the Hutt City Council in relation to the application by M & J Walsh Partnership Limited (the Applicant) for a private Plan Change (PC58) to rezone 12.5 hectares at 12 Shaftesbury Grove, Stokes Valley from Hill Residential and General Recreation Activity to Medium Density Residential Activity.
10. In preparing this evidence I have reviewed
- 10.1 the landscape and visual effects assessment as prepared by the landscape architect for the applicant, Ms Angela MacArthur¹; and
- 10.2 the proposed new provisions to the Subdivision Chapter of the District Plan as outlined in the application, and the statutory context relevant to the application.

Code of Conduct

11. I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court Practice Note 2014. I have complied with this and will follow the Code when presenting evidence.

¹ Assessment of Landscape & Visual Effects, Eco Landscapes & Design– Revision 6 [02-08-2023]

12. I confirm that the statements made in this evidence are within my area of expertise (unless I state otherwise) and I also confirm that I have not omitted to consider material facts which might alter the opinions stated in this evidence.

Scope of evidence

13. My evidence addresses my review findings with respect to;
- the landscape and visual effects assessment (LVA)
 - the proposed provisions to the Subdivision chapter of the District Plan as outlined in the AEE.
 - provides an independent opinion on the landscape and visual effects of the zoning change, with detailed reasons for this opinion.
14. I visited the site and its environs on the 24th of March 2024 to view the Site of the proposal from the surrounding area potentially affected by the plan change and its wider context,
15. The scope of my review did not include consideration of the matters raised in submissions.

Comments on Applicants Landscape and Visual Effects Assessment (LVA)

16. I generally agree with the process adopted by the LVA in assessing the magnitude of landscape and visual effects, site values and potential visibility of the proposal. In this case these effects ranged from Moderate-Low during construction reducing to Low once mitigation is implemented and planting becomes established.
17. The assessment does not consider any development occurring on the slopes below the ridge which contrasts with the proposed provisions in the District Plan where development on these slopes would be a discretionary activity. The LVA focusses on development within the 'Development Area' as shown on Fig. 5² of the assessment which assumes no development occurring outside this area.

² Figure 5. Draft Potential Development Plan, as shown in Drawing 29437SK5, prepared by Cuttriss Consultants Ltd, August 2023 – attached to LVA at p.19.

18. The LVA considers the potential level of effect against the current permitted baseline in the Operative District Plan which notes that the adjacent area to the north of the site – at Shaftesbury Grove and Fenchurch Grove - can be developed to a greater level of density than currently exists by way of PC56 which became operative in Sept 2021. This changes the previously zoned General Residential zone to Medium Density Residential enabling a greater level of density, allowing for 3 storey multi-unit development in the area adjacent to the Site.
19. The assessment considers that the *“additional effects of the future urban form...can be readily absorbed within the receiving landscape”* (7.2.1, p.15). It considers that the presence of established adjacent residential development has the capacity to absorb the proposal with a similar higher density. It does not comment on the potential combined effect of the increase in density of existing adjacent housing patterns. It also does not consider the effect of potential development on the lower slopes, assuming these will remain undeveloped so in this respect is an inadequate assessment.
20. It is clear that the effect of the combined Medium Density zoning on both the existing and proposed areas will change the character of the built form to become more dominant on the ridgeline. It is reasonable to expect that some level of change will occur over time but at a greater level than could currently be anticipated.
21. The LVA makes recommendations to protect the lower slopes from development by adopting the plan at Figure 5 which shows the potential area suitable for development and areas to protect from development. The stated aim is to limit bush clearance, earthworks, housing and roading to the area shown as ‘Potential Development Area’ with all other areas within the Site to be protected from development.
22. Recommendations include the proposed provision in the Ecological Assessment for a Vegetation Management Plan (VMP) be prepared at the [first] subdivision stage. It considers the VMP will provide measures to *“avoid damage and removal of*

vegetation outside the approved development area”, control pest plants and animals, manage [recreational] access and monitor/maintain [protected] areas of the Site (p. 18, section 8).

23. These recommendations are based on the assumption that no development would be expected to occur on these steeper slopes below the ridge and states that *“Controlling the location of developable and non-developable areas will assist in maintaining existing natural character and visual amenity values found within the bush-clad lower slopes of the Site.”* (p.13, LVA).
24. The LVA does not take into account the proposed amendment to the Subdivisions Chapter of the AEE which makes provision for some form of development across the whole site with site specific limitations whereby subdivision in the Development Area is a Restricted Discretionary Activity and outside the Development Area is a Discretionary Activity.
25. Overall, I agree with the assessment in terms of the level of effects (based on a 7-point scale ranging from very low to very high)³. However, here the focus is on the Development Area only being developed. The LVA has therefore not fully assessed the effects of potential development of the proposal outside the Development Area.

Comments on proposed changes to the Subdivision chapter of the District Plan

26. The Plan Change proposes new site-specific provisions to the Subdivision Chapter to address potential adverse landscape and visual effects arising from earthworks, vegetation removal, road and recreational access, street amenity and built form – specifically retaining walls, not buildings. At the first subdivision stage, a rule will require a Landscape Management Plan (LMP) to be prepared for the site that is applicable to and future stages and subdivision applications. A Vegetation Management Plan (VMP) is also required at the outset, as recommended in the Ecological Assessment.

27. Landscape effects of any development are closely aligned with ecological effects where the destruction of indigenous habitat and vegetation removal has potential to limit good environmental and development outcomes. For this reason, the requirement for a Vegetation Management Plan to be submitted at the start of subdivision is supported to provide a framework for any future subdivision design.
28. Subdivision in the 'Development Area' is proposed as a Restricted Discretionary Activity with requirements for information in the form of management plans or assessments to be provided at first application for subdivision on stormwater (SMP), geotechnical (Geological Assessment), ecology (Ecological Plan) and landscape (LMP). Where such provisions are adopted, it will be critical in my opinion that all disciplines collaborate to ensure that each informs the other so that opportunities for good outcomes are not lost from the outset. A requirement to this effect should be included in any provisions.
29. In my experience, it is difficult to envisage development on a sloping site below a highly visible ridge that would not require vegetation removal, earthworks, and retaining walls on a scale without having high adverse visual effects that can be effectively mitigated. Without a full assessment of the effects, it is uncertain whether development of any form and any provisions may be appropriate.
30. The proposed provisions which enable development on the lower slopes as a Discretionary activity, sets up an expectation that development could occur in some form. In the event that some form of development may be considered appropriate, it is my view an alternative zoning other than Medium Density Residential for the lower slopes would be more appropriate to reduce the expectation that the lower slopes could be developed to a higher density than may be appropriate.

Summary Findings

³ NZILA Guidelines 1 Te Tangi a te Manu – Aotearoa NZ Assessment of Landscape Guidelines, page 151 – Scale of effects and Determining 'Minor'

31. The LVA assumes development will only occur within the 'Development Area' which is confined to the upper part of the ridge. As such, the steeper lower slopes below the ridge are assumed to be 'protected' from development. The proposed Plan Change provisions allow for some form of development as a Discretionary Activity while the upper level provides for Restricted Discretionary Activity with matters for discretion focussing on landscape, ecology, stormwater and geotechnical considerations.
32. In making this assumption, I consider that the LVA has not adequately considered the effects of development occurring outside of the 'Development Area' so in this respect is incomplete. This raises the question as to what level of development, if any, would be appropriate on the lower slopes and whether the proposed provisions are sufficient to guide any development outcomes.
33. The term 'Development Area' as used on the plans is considered a misnomer as the proposed Discretionary status does not preclude development of the Site outside this area. If adopted it is recommended that the provisions adopt a term that more accurately reflects the development intent of the Site.
34. It is recommended that a further requirement is added to the first subdivision stage requiring evidence to demonstrate how disciplines have collaborated, and any potential conflicts resolved to ensure best outcomes from both a natural and built environment perspective.
35. While any development outside of the Development Area may be discretionary and therefore potentially declined, it would set up an expectation that some form of development could occur here. Given that the LVA has not considered the effects of development on the lower slopes, there is a risk that the potential effects of any development will be greater than can be effectively mitigated.



Linda Kerkmeester
NZILA Registered Landscape Architect



Signed:

Date: 16 August 2024

Appendix 7 - Ecological evidence

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO
MAKE RECOMMENDATIONS ON PROPOSED PLAN
CHANGE 58 TO THE HUTT CITY DISTRICT PLAN AT WELLINGTON**

IN THE MATTER

of the Resource
Management Act
1991 (the Act)

AND

IN THE MATTER

of a hearing by the
Hutt City Council on
Proposed Plan
Change 58 to the
Hutt City District
Plan

**STATEMENT OF EVIDENCE OF TESSA ROBERTS (ECOLOGY)
FOR THE HUTT CITY COUNCIL**

May 2024

Qualifications and Experience

1. My full name is Tessa Louise Roberts.
2. I have a Master of Science (First Class Honours) in Ecology from Massey University, Palmerston North.
3. I am currently a Senior Ecologist with Wildland Consultants Ltd based in Wellington where I have worked since July 2023. Prior to this (2019-2023), I was a Senior Advisor (Science and Good Practice) for the New Zealand Wilding Pine Programme with the Ministry of Primary Industries. Prior to this (2014-2019), I was a consultant ecologist for Boffa Miskell. Prior to this (2011-2012), I worked as a Restoration Advisor in the Biodiversity Department for Greater Wellington Regional Council. From 2007 to 2009 I worked as a Conservation Ranger with Auckland Regional Council.
4. My core work within these previous roles centred around freshwater and vegetation ecology and management. I have considerable experience in Assessments of Ecological Effects and constraints assessments, relating to development effects on ecology.
5. I am familiar with Wellington Region and the Hutt District through my professional experience and involvement in ecological projects undertaken in the area since 2011.
6. Specifically in relation to 12 Shaftsbury Grove, I carried out a vegetation mapping assessment in 2015 when I was employed by Boffa Miskell (Boffa Miskell, 2015).
7. In April 2024 I was engaged by Hutt City Council to provide a technical review of the ecological constraints report for a proposed District Plan Change at 12 Shaftsbury Grove.

Code of Conduct

8. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and confirm that I have complied with it in preparing this evidence. I confirm also that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on the opinions of others. I have not omitted material facts known to me that might alter or detract from my evidence.

Scope of Evidence

9. I have read the Proposed Plan Change 58 (PC58) that was notified by the Hutt City Council (HCC) on 9 November 2023.
10. This evidence has been prepared to assist with preparation of the Section 42A report and support the decision-makers in the hearings panel for PC58.
11. I also provide comments on submissions related to ecology.

Ecological Constraints Assessment

12. The ecological constraints assessment supporting this application (Forsyth, 2023) highlights several significant ecological components within the site, that meet criteria in Policy 23 of the Greater Wellington Regional Policy Statement (RPS), and are relevant to provisions in the National Policy Statement – Freshwater Management (NPS-FM) and Schedule F1 of the Natural Resources Plan (Appeals Version 2022).
13. Significant ecological components to be affected by development of the site were identified in the constraints analysis as:
 - Mānuka (*Leptospermum scoparium*).
 - Sun orchid (*Thelymitra formosa*) and its habitat.
 - Wellington green gecko (*Naultinus punctatus*) and Ngahere gecko (*Mokopirirakau 'southern North Island*) and their habitat.
 - Western tributaries of the Stokes Valley Stream.
 - The Taita Stream.
14. Following the assessment of significance, the ecological effects to result from development of the site are stated as:
 - Clearance of native vegetation contributing to:
 - 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.

- 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.

15. Subsequent to the technical review of the assessment of effects, it was agreed that kārearea/New Zealand Falcon (*Falco novaeseelandiae*; At Risk – Nationally Increasing) are also a potential significant ecological component of this site (Forsyth, 2024) and that potential loss of nesting habitat may result from vegetation clearance.

16. The rare indigenous orchid habitat found on-site warrants further discussion. The particular conditions required for orchid habitat, such as that to be lost, are difficult to re-create, making mitigation through restoration difficult. Furthermore, as most indigenous orchids rely on fungal associations, the chance of them surviving any translocation efforts to new sites are low. Orchids recorded at this site were mainly found along the road edge in its very centre, and therefore likely that they cannot be practically avoided in the subdivision development. I am aware - through a further information request (Forsyth, 2024) - that the applicant is addressing this issue in consultation with Greater Wellington Regional Council and with input from relevant experts in indigenous orchids and restoration of orchid habitat. If orchid translocation and restoration is shown to not be feasible then the ecological effects management hierarchy will lead to offsetting and compensation for this habitat loss.

17. I note that the constraints assessment also provides an opportunity to improve ecological values across a wider area surrounding the proposed development footprint through control of wilding pines followed by enrichment planting in these areas to encourage indigenous regrowth.

Comments on Submissions

18. Submitters have raised concerns around adherence to relevant provisions in Regional Policy Statement (RPS) Change 1 and ecological concerns effects relating to: indigenous flora and fauna, loss of ecological function to the wider ecology of the Eastern Hutt hills, and the potential for adverse ecological effects on freshwater through sedimentation and stormwater discharge. I will address each of these concerns in the paragraphs below.

RPS Plan Change 1

19. Submission DPC58/002¹ comments on concerns regarding the risk of indigenous biodiversity loss, referring to the need for adherence to the Regional Policy Statement (RPS) Change 1, which reflects changes in legislation that came into effect due to both the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) and the National Policy Statement for Freshwater Management 2020 (NPS-FM).

20. I note that the ecological constraints assessment supporting the plan change was carried out in March 2023, before the NPS-IB and associated RPS Change 1 came into effect. The NPS-IB provides ecological criteria for the identification and management of indigenous biodiversity within the terrestrial environment. These new criteria may result in other ecological features being recognised as significant, additional to features currently identified as significant within the constraints assessment.

21. Ecological effects management should meet regulatory standards. Therefore, I propose that the subsequent Assessment of Ecological Effects that is yet to be prepared to support the future subdivision application should address recent legislative changes reflected in the RPS Change 1. This will ensure that ecological effects of the development are recognised and addressed in line with current legislation and thus managed appropriately using the effects management hierarchy.

¹ Greater Wellington Regional Council (GWRC) Submission

Permanent loss of indigenous vegetation, flora, and fauna

22. Submitters DPC58/001² and DPC58/005³ comment on the importance of remnant indigenous forest immediately adjacent to the development site and the indigenous plants and fauna in that area, including the presence of indigenous birds, skinks, geckos and insects. The development will result in permanent loss of indigenous vegetation and habitat within the footprint of the development, leading to additional ecological effects on remaining vegetation due to fragmentation, edge effects, and a loss of connectivity across the ridgeline east to west.
23. However, these ecological effects are expected to be managed appropriately through the use of the effects management hierarchy, in accordance with current legislation. Further detail on these effects and the mitigating actions of these effects, such as the recommended enrichment planting, yet to be addressed in the AEE to be prepared for the subdivision.

Effects on ecological function in the wider landscape context.

24. Submitter DPC58/001² comments on losses due to wider ecological effects of the project on adjacent forest, and raises concerns about the potential for increased erosion due to forest clearance. The submitter⁴ comments on the loss of forest and its function as carbon storage/sink. These wider ecological functions will be affected due to the proposed development although, again, are expected to be identified in the AEE for the development following requirements in RPS Change 1, including provisions for appropriate mitigation.

Effect of sedimentation on waterways

25. Submitters DPC58/001² and DPC58/004⁴ raise concerns about the potential for sedimentation to adversely affect downstream waterbodies. Sediment inputs to watercourses can result from earthworks, vegetation removal, bank contouring, trampling, and other machinery use. Sediment can also enter watercourses through stormwater outlets following completion of the development. Sediment release can adversely affect the aquatic food web of immediate and downstream areas by smothering habitats and refugia, making it harder for aquatic

² Taita College Submission

³ Kathryn Martin Submission

⁴ Ashley Keown Submission

fauna to find food and cover, respire, and avoid predators. It can also reduce survival of fish eggs and hinder upstream fish migrations.

26. Submitter DPC58/001² states that sediment and erosion is already a problem at the Taita College and The Learning Connexion site, which is likely due to past forest clearance and farming. Potential additional sedimentation concerns need to be treated as a potential cumulative effect.
27. Submitter DPC58/001 comments further that, due to accumulation of sediment, even though the development will be limited to the ridgeline, there is still potential in heavy rain events for overland flow paths to form and sediment to run off the site and into the stream environment during site development. However, this potential effect can be managed effectively through the site development process by implementation of a comprehensive Sedimentation and Erosion Management Plan (SEMP) for the site.
28. Proposed RPS Change 1, contains a number of objectives, policies, and methods that address requirements for improved freshwater outcomes and the need to avoid adverse ecological effects through the use of Hydrological Controls. If the SEMP adheres to the directions provided in RPS Change 1 and the operative RPS (water-sensitive design, management of downstream effects and minimisation of contaminants) then I consider that the potential ecological effects of sediment resulting from the development will be manageable.

Ecological effects of stormwater discharges on waterways

29. The applicant has specified that stormwater can be discharged into the gully heads, subject to proper attenuation. Concerns have been raised by Submitter DPC58/004⁵ about how this will be managed to protect environmental health and avoid erosion and flood risk downstream.
30. Stormwater discharges, containing contaminants, rubbish and sediment can contribute to downstream effects, resulting in poor water quality. Increased flow rates across impermeable surfaces within a development can also permanently change water flow regimes in receiving watercourses.

31. Submitter DPC58/002⁶ has also stated that, to be consistent with RPS Change 1, design must include the application of water-sensitive urban design principles and methods to manage downstream effects.
32. Submitter DPC58/002⁷ further states that a requirement for a stormwater management plan must accompany the subdivision consent. I support this approach as the most up-to-date principles and methods for stormwater design can then be applied.

Conclusion

33. Ecological concerns have been raised in both the ecological constraints assessment and by submitters in relation to the potential development at 12 Shaftesbury Grove. However, with the exception of the loss of orchid habitat, the current ecological concerns can likely be managed and mitigated appropriately using the effects management hierarchy and a precautionary approach.
34. However, I further note that the assessment of ecological effects for the site, as presented in the constraints assessment, may not yet be fully realised. This is due to gaps in the constraints assessment as it was carried out prior to the NPS-IB and associated RPS Change 1. As Plan Change 1 includes new assessments of ecological significance, aligned with the NPS-IB, this may increase the relative significance of indigenous biodiversity identified on-site, as well as any associated effects. I therefore suggest that the subsequent AEE – which is yet to be prepared to support the future subdivision application - should be prepared in accordance with RPS Plan Change 1. This approach will identify the full suite of potential and actual ecological effects at this site and relevant methods can be provided to ensure that they are addressed in an appropriate manner.

Tessa Louise Roberts

Dated 7 August 2024

References

Forsyth, 2023. *Ecology constraints report for a proposed district plan change at 12 Shaftesbury Grove, Stokes Valley. Report No. 2002.* Frances Forsyth Consulting prepared for M & J Walsh Partnership Ltd.

Forsyth 2024. *Further Information Request for Private Plan Change 58. Report No. 2002a.* Frances Forsyth Consulting prepared for M & J Walsh Partnership Ltd.

Appendix 8 - Infrastructure evidence

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO
MAKE RECOMMENDATIONS ON PROPOSED PLAN
CHANGE 58 TO THE HUTT CITY DISTRICT PLAN AT WELLINGTON**

IN THE MATTER

of the Resource
Management Act
1991 (the Act)

AND

IN THE MATTER

of a hearing by the
Hutt City Council on
Proposed Plan
Change 58 to the
Hutt City District
Plan

**STATEMENT OF EVIDENCE OF RYAN HENARE ROSE FOR THE HUTT
CITY COUNCIL**

August 2024

Qualifications and Experience

1. My full name is Ryan Henare Rose.
2. I am a Land Development Engineer. I have the following academic qualifications:
 - (a) I am an Engineering New Zealand, NZIOB and WaterNZ member; and
 - (b) I have a Masters of Engineering Science (Water and Wastewater Treatment) and a Bachelor of Engineering in Environmental Engineering with Honours.
3. I am currently a Senior Engineer at the Envelope Engineering office in Wellington. Prior to this I managed the Wellington Water Ltd (WWL) Land Development team for 3 years.
4. I have worked in land development and engineering in both the public and private sectors for over 20 years.

Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and confirm that I have complied with it in preparing this evidence. I confirm also that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on the opinions of others. I have not omitted material facts known to me that might alter or detract from my evidence.

Scope of Evidence

6. I have read the Proposed Plan Change 54 (PC58) that was notified by the Hutt City Council (HCC) on 9 November 2023. I have also read the submissions that relate to my area of expertise.
7. This evidence is prepared to assist the section 42A report writers and support the decision-makers in the hearings panel for PC58.
8. I have read the section 32 report relevant to my evidence.

9. I have been asked to provide evidence in relation to submissions related to:
- (a) Wastewater,
 - (b) Potable water supply,
 - (c) Stormwater, and
 - (d) General Utilities.

Summary of Evidence

10. This statement of evidence is in regard to the areas of wastewater, potable water supply, stormwater and utilities. This evidence states that, while the majority of concerns in regard to the servicing of the lots have been adequately covered in the application, I believe that there is enough outstanding ambiguity in regards to the ability to construct and site the proposed reservoir that this should be further investigated prior to a plan change progressing.

Involvement in Plan Change 54

11. I was involved in some of the early discussions regarding the Site while working at WWL.
12. I had previously discussed reservoir options with the applicant in a professional capacity, however this was very high level and was unpaid assistance.
13. I have now been engaged by HCC to provide evidence in the areas of wastewater, water supply, and stormwater as they relate to the Site.
14. In undertaking these works I have had several discussions with WWL to gather further information about the area and the networks.

Response to Submissions

Submissions related to infrastructure are listed in Appendix 1 below, with the particular infrastructure item that they mention.

15. The majority of the submissions related to infrastructure relate to either the lack of capacity in the existing infrastructure networks or stormwater quality as being the main issue of concern.

Wastewater

16. The proposed wastewater system predominantly relies on a combination of gravity and pumping to convey wastewater along public mains located in road reserve. The applicant has advised that they have allowed to attenuate wastewater flows through either a single large pumpstation or through multiple smaller pumps.
17. I believe that the proposed attenuation in the system will mean that there is adequate capacity in the system. This addresses any concerns related to the capacity of the wastewater system.
18. Submission DPC58/001¹ requests that consideration be given to taking the stormwater and wastewater should all be directed back into the system, and not onto the vegetated hillsides. My reading of the application document is that there was no intent to discharge any wastewater except through the existing wastewater system through one of two possible connection points. Stormwater will be discussed in detail below.
19. In summary there are no obvious wastewater supply issues that would preclude this plan change. There are a series of steps proposed to be undertaken that mean that the effect of the development on the existing wastewater system will be minimised. The submission made in relation to wastewater have not raised any issues that would require the current plan change to be amended in my view.

Potable Water

20. The proposed plan is to install a new reservoir which would service both the Site. This reservoir could also potentially service adjacent houses currently experiencing a low water supply pressure.
21. WWL and HCC have both confirmed that there are currently no plans for, nor funds set aside for, any proposed reservoir work in this area.
22. Submission DPC58/003² states that it opposes the plan change but wants the reservoir installed. As stated above, there are no current

¹ Taita College submission

² Graeme Adrian submission

plans, nor funds allocated to upgrading the reservoir in this area. Given the scale of work required and the number of houses effected it is hard to imagine that the reservoir would be constructed without a development of some sort occurring.

23. While there are no further submissions in regards to potable water there are residual concerns. The application is light on details. The application refers to a previous GHD report that identified a theoretical site and potential pipe route, however discussions with HCC parks suggest that they have not been approached, nor would they be likely to support a reservoir in this location due to the sensitive environment.
24. An above ground reservoir in this location would be quite visual and would also require an access road for maintenance. The application states that there is a legal path to undertake these works but doesn't explain how this could be completed practically.
25. Given the above there is a strong possibility that the identified site may not be suitable, or available, for a reservoir. Without a reservoir this development could not proceed.
26. In summary, while the application has provided some details in regards to water supply, much of the details are stated as being confirmed at the consent stage. I believe that without further work at this stage there is a strong possibility that the plan change is granted, providing an expectation that development can occur, when this is not practically possible.

Stormwater

27. The applicant has stated that stormwater can be discharged into the gullies, along with attenuation. This approach has the support of the geotechnical consultant.
28. Submission DPC58/001³ requests that consideration be given to taking the stormwater back into the system, and not onto the vegetated hillsides. Disposal to gullies with suitable levels of attenuation is a widely accepted stormwater disposal technique and if managed correctly will have minimal effects to the surrounding areas.

³ Taita College submission

29. Submission DPC58/002⁴ recommends a change of plan wording to reflect the recently notified Regional Plan Change 1. The proposed plan change wording from the applicant includes a requirement such that a stormwater management plan must accompany the first subdivision consent application. They will likely need a GWRC consent, which is a separate process.
30. Submission DPC58/004⁵ states that the disposal of stormwater to gullies is not acceptable and would cause erosion, pollution and flood risk. As stated above I believe that if this is managed correctly, via the approved Stormwater Management Plan, there will be little or no effect to any of these three items.
31. In summary there are no obvious stormwater issues that would preclude this plan change. There are a series of steps proposed to be undertaken that mean that the effect of the development on the existing stormwater system and environment will be minimised. Other than the potential wording change to recognize Regional Plan Change 1, the submissions made in relation to stormwater have not raised any issues that would require the current plan change to be amended in my view.

Other Utilities

32. Simple direct connected power and gas systems have been proposed.
33. Both Wellington Electricity Lines Ltd (electricity) and PowerCo (gas) have confirmed that, with upgrades, the development can be appropriately serviced.
34. In summary, while there is further work to be undertaken with the utility suppliers to clarify requirements and planning provisions, both suppliers have confirmed that, with suitable network upgrades, they are able to service the proposed development.

Conclusion

35. In summary there are no obvious wastewater supply issues that would preclude this plan change. There are a series of steps proposed to be

⁴ Greater Wellington Regional Council (GWRC) Submission

⁵ Ashley Keown submission

undertaken that mean that the effect of the development on the existing wastewater system will be minimised. The submission made in relation to wastewater have not raised any issues that would require the current plan change to be amended in my view.

- 36.** In summary, while the application has provided some details in regards to water supply, much of the details are stated as being confirmed at the consent stage. I believe that without further work at this stage there is a strong possibility that the plan change is granted, providing an expectation that development can occur, when this is not practically possible.
- 37.** In summary there are no obvious stormwater issues that would preclude this plan change. There are a series of steps proposed to be undertaken that mean that the effect of the development on the existing stormwater system and environment will be minimised. Other than the potential wording change to recognize Regional Plan Change 1, the submissions made in relation to stormwater have not raised any issues that would require the current plan change to be amended in my view.
- 38.** There is further work to be undertaken with gas and electricity suppliers to clarify requirements and planning provisions, however both suppliers have confirmed that, with suitable network upgrades, they are able to service the proposed development.

Dated 29 August 2024

Ryan Henare Rose

Appendix 1 Submissions

Submission	Wastewater	Water Supply	Stormwater	Power and Gas
DPC58/001	Yes	No	Yes	No
DPC58/002	No	No	Yes	No
DPC58/003	No	Yes	No	No
DPC58/004	No	No	Yes	No
DPC58/005	No	No	No	No

Appendix 9 - Further information request and responses

23 April 2024

Corinna Tessendorf
Urban Edge Planning

Dan Kellow
Consultant Planner
Dan.kellow@huttcity.govt.nz
Our reference: PC58

By Email: corinna@uep.co.nz

REQUEST FOR FURTHER INFORMATION - PROPOSED PRIVATE PLAN CHANGE 58: 12 SHAFTSBURY GROVE

We have received your request to amend the City of Lower Hutt District Plan to rezone the above site from Hill Residential Activity Area and General Recreation Activity Area to Medium Density Residential Activity Area along with introducing site specific provisions.

Since you lodged the private plan change request on behalf of M & J Walsh, officers have considered the information supplied in the document of 12 September 2023 and have determined further information is required to fully understand and consider the request. As outlined below, Hutt City Council therefore requests the following further information under clause 23(1) of schedule 1 of the Resource Management Act 1991. Please note a further information request may be made in regard to geotechnical matters once expert reviews are completed.

Assessment of Landscape and Visual Effects Report 2 August 2023

The LVA states on page 14:

- *“Under the proposed Plan Change and the existing Hill Residential zoning, landscape effects are anticipated due to clearance of vegetation, earthworks for roading and building areas. While these activities reflect what is required for residential development, effects of these activities will be limited to the ridgetop and upper slopes where modification of contours is required to prepare the land for residential development.”*

I consider that the LVA is considering the potential development of the site as only occurring within the Development Area which is not what the plan change request is proposing as subdivision outside of the Development Area is a Discretionary Activity.

The LVA recommends on page 18 that:

- *“Adoption of Figure 5, The Draft Potential Development Area Plan showing the potential area suitable for development and areas to protect from development. Bush clearance,*

earthworks, housing and roading will be restricted to the area shown as 'Potential Development Area'. All other areas within the site will be protected from development"

The proposed provisions do not align with the LVA recommendation. Please amend the LVA and AEE as necessary to include an assessment of the potential effects of development beyond the Development Area as the proposal would provide a pathway for development beyond the Development Area as a Discretionary activity.

NPS-IB

Did the Cuttriss Assessment (2 August 2023) consider the impacts of the National Policy Statement – Indigenous Biodiversity (July 2023) on the consenting pathway for a reservoir on HCC owned land? If not, please provide comment on whether the NPS-IB changes the assessment that there is an achievable consenting pathway for a reservoir.

Water supply

The site could not currently be developed due to a lack of acceptable water supply in this area and I note there is no provision in the Long Term Plan for funding a reservoir to service this area. The application states on paragraph 11 that *"Since the purchase of the site Walsh Partnership Ltd have been engaging with Council and Wellington Water to progress the residential development of the site."* Please confirm if there is material progress in the discussions between the applicant, Wellington Water and HCC in regard to constructing a reservoir. Can you please confirm whether a Development Agreement is in place or is being sought in relation to the construction of water reservoir to service this area?

Transport

The peer review of the Traffic Concepts Ltd report has been completed and Luke Benner is mostly in agreement with the findings and conclusions made subject to some further information as outlined below being received.

Comment is made in the "Transport Environment" section of the report around sightlines at the Shaftesbury Grove/Logie Street intersection. To the south of the intersection there is a bus stop. Please assess whether there will be any road safety effects of this sightline being concealed when a bus is at the stop, where volumes of vehicles exiting Shaftesbury Grove increase overtime due to the development of the proposed plan change area.

It does not appear the crash history of George Street has been reviewed between the Logie St and Holborn Dr intersections. In several parts of the report, George Street is discussed where potentially around 50% of development traffic can be expected to travel along it including the most sensible route for cyclists. Please carry out a review of the crash history of this section of George Street covering the past 5 years and confirm if there are any crash commonalities or deficiencies that may be exacerbated through increased traffic from the proposed plan change site.

Comments are made in the “Network Analysis & Trip Distribution” section about the following intersections:

- Intersection of Holborn Drive/George Street
- Intersection of Wagon Road/Stokes Valley Road/Stokes Valley Link
- Intersection of Stokes Valley Link/Eastern Hutt Road

Comments have been made around the operational capacity of these intersections. Please comment regarding at what level of increased traffic generated from the proposed plan change site would these intersections be likely to experience capacity issues and secondly whether capacity problems may cause safety problems.

Ecology

Methods

Please provide further details in relation to the specific survey methods and assessment methods that were utilised.

For example, how was the stream surveyed: walk-through with observations noted? What physical properties were measured? How was vegetation mapped: was this a walkthrough of each community type or in a grid-like fashion across the site? How were bird species recorded? Are these just incidental observations? Five-minute bird counts have previously been carried out on site (Boffa Miskell, 2015) and so a survey may not have been repeated.

Without specific details on the methodology, it is not possible to fully determine whether surveys have collected appropriate or standardised information, nor is it possible to be confident in the report’s subsequent findings and recommendations.

It would be helpful to include the reasoning as to how the assessments of relative values were made.

The significance assessments using Policy 23 seems to be solely determined based on rarity, which is only one of the five ecological criteria. If Policy 23 is going to be used to determine ecological value/ significance then the full list of ecological criteria needs to be applied (a–d). This is especially the case when an ecological component does not meet the rarity criterion, as it may still be significant under another criterion. The indigenous-dominant vegetation types in particular may meet the criterion for ecological context.

For the sake of completeness, it should be explained why some fauna groups, such as bats weren't considered in the assessment.

Vegetation

It is appropriate that the community of regenerating indigenous broadleaved species under a senescing mānuka canopy should not be classed as significant due to rarity. This type may, however, 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. Should this vegetation type still not meet the significance criteria, a clear measured delineation should be provided to define this area, to clearly define its extent. 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. Similar reasoning also needs to be provided for each of the ecological criteria under Policy 23 for indigenous-dominant vegetation communities of kāmahī, treefern, and mixed broadleaved species.



Dan Kellow
Environmental Planner (contractor)

24 May 2024

Corinna Tessendorf
Urban Edge Planning

Dan Kellow
Consultant Planner
Dan.kellow@huttcity.govt.nz
Our reference: PC58

By Email: corinna@uep.co.nz

REQUEST FOR FURTHER INFORMATION - PROPOSED PRIVATE PLAN CHANGE 58: 12 SHAFTSBURY GROVE

As noted in my request for further information letter dated 23 April 2024 the review of geotechnical matters had not been completed so a further request for information may be issued. Please see attached the peer review assessment from Engeo and the subsequent request for further information relating to geotechnical matters.

Geotechnical Matters

- 1) 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.

Please let me know if you have any questions.



Dan Kellow
Environmental Planner (contractor)

30 April 2024

Dan Kellow

Hutt City Council

by email: Dan.Kellow@huttcity.govt.nz

Further Information Request for Private Plan Change 58

We have received and considered your request for further information for proposed Plan Change 58.

I would like to provide the following initial response to your request:

Timing of RFI

In your request you refer to clause 23(1) of Schedule 1 of the RMA. I would like to note that clause 23(1) allows local authorities to require further information within 20 working days of receiving the plan change request. As you correctly state the private plan change was lodged on 12 September 2023 (7 months ago) and has since been accepted by Council and gone through the submission and further submission phase. I also note that the further information requested does not seem to be in response to issues raised in submissions but as a result of peer reviews of the expert reports provided in support of the application.

Assessment of Landscape and Visual Effects Report 2 August 2023

You note that “the LVA is considering the potential development of the site as only occurring within the Development Area which is not what the plan change request is proposing as subdivision outside of the Development Area is a Discretionary Activity” and request that we “amend the LVA and AEE as necessary to include an assessment of the potential effects of development beyond the Development Area as the proposal would provide a pathway for development beyond the Development Area as a Discretionary activity”.

Response:

I agree that the main focus of the LVA was on assessing the potential landscape and visual effects of future development within the identified development area. I note that the LVA informed and confirmed the boundaries of the development area as proposed by the private plan change.

I further note that the proposed provisions include additional information requirements that apply at the time of first subdivision, including the provision of a Landscape Management Plan for the site.



The proposed Matters of Discretion for any subdivision on the site include *Amenity Values, Existing Natural Features and Topography* and *Design and Layout* and therefore allow for a comprehensive assessment of potential landscape and visual effects.

As you state correctly, any subdivision outside the identified development area is a discretionary activity – thereby allowing for the consideration and assessment of any relevant effects, including landscape and visual effects.

I therefore do not agree with the need to amend the LVA to address potential effects of development beyond the identified development area. Such assessment would be highly speculative and would not add any value for this plan change process. The proposed discretionary activity status provides sufficient opportunity to identify, address and manage any potential adverse effects (including decline of the application if appropriate). 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.

I further note that the submissions received did not raise any issues with the landscape and visual effects of the proposed rezoning or the findings of the Landscape and Visual Impact Assessment.

In summary – this is a plan change application and the proposed provisions allow for a comprehensive assessment of landscape and visual effects of development outside the identified development area, should this occur. The provision of such an assessment at the time of the plan change would always be highly speculative since the plan change does not anticipate such development. I therefore do not agree with the identified need for an amendment or addition to the LVA at this stage.

NPS-IB

You question whether the Cuttriss Assessment provided as part of the private plan change request has considered *“the impacts of the National Policy Statement – Indigenous Biodiversity (July 2023) on the consenting pathway for a reservoir on HCC owned land”* and request *“comment on whether the NPS-IB changes the assessment that there is an achievable consenting pathway for a reservoir”*.

Response:

I note that reference to a potential site for the development of a new reservoir was provided to demonstrate there may be future opportunities to achieve sufficient water supply to support future development of the plan change site. The very brief outline of the consent pathway for such a reservoir does not form part of the private plan change and was by no means intended to be a comprehensive assessment. Of course any future resource consent application or notice of requirement for the construction of a reservoir would need to consider and comply with any relevant rules and regulations at the time (including the NPS-IB).

I further note that the current government has indicated its intention to make substantial changes to the NPS-IB in the short to medium term. Therefore I see only very limited value in an assessment of a hypothetical future reservoir development that is neither within the boundaries nor within the scope of the private plan change against a NPS that is likely to be amended shortly.

Further to the point above, I also recognise that Hutt City Council is currently undertaking a full review of the District Plan, with the Proposed District Plan to be notified by the end of this year. As such it is likely that at the time of the development of the reservoir there will be different provisions in the District Plan than the existing ones. This confirms our position of not undertaking any further

assessment against the NPS-IB at this stage since we are not aware of how the proposed District Plan may respond to this National Policy Statement, and the consenting pathway for new infrastructure at the time.

Water supply

You refer to earlier discussions between HCC, Wellington Water and Walsh Partnership Ltd. regarding the construction and funding of a reservoir to improve the water supply situation of the site and the wider area and request confirmation *“whether a Development Agreement is in place or is being sought in relation to the construction of water reservoir to service this area”*.

Response

As you will be aware there has been no further progress in the discussion between the Council, Wellington Water and Walsh Partnership Ltd.

Any previous attempts by Walsh Partnership Ltd to push for some form of partnership agreement or memorandum of intentions were not supported by HCC or WW.

At this stage Walsh Partnership Ltd. have decided to pause such discussion until more certainty is achieved through the outcomes of the private plan change request.

To provide some background - when HCC put the property at 12 Shaftesbury Grove up for sale it was identified as an area in the Urban Growth Strategy and water supply was an area that all parties had many discussions on. Reports provided as part of the sale identified a Booster Pump as an interim solution with further reports identifying long term solutions. At that time some funds had also been put aside in the LTP for a reservoir. However, this funding has later been withdrawn and, as noted above, the lack of progress in locking in a solution has meant the private plan change request needed to be progressed regardless.

Transport

The peer review of the Transport Assessment provided as part of the application *“is mostly in agreement with the findings and conclusions made subject to some further information as outlined below being received”*.

The additional information requested relates to location specific sightlines, crash history reviews and operational capacity.

Response

I will forward the request to our transport expert for response. It would be much appreciated if we could get a copy of the full peer review for context.

Ecology

You request further information particularly in relation to the methodology utilised in the preparation of our ecology report and the significance assessment using policy 23 of the RPS.

Response

I note that the technical review by Wildlands concludes that it supports the findings of the ecological constraints assessment and the development of the private plan change request. However this overall support is not noted in the further information requested.

While I accept some of the further information requested and will forward the request to our ecologist for response I would like to note my concerns with the technical review provided by Wildlands.

Overall there seems to be some disconnect between the technical review of the assessment section, the constraints section, the recommendations section and the summary of the peer review. The review of the constraints assessment raises issues that are not carried through into the review of the recommendations section or the summary. While the review of the survey methods and assessment methods in particular raises substantial issues (*“Without specific details on the methodology, it is not possible to fully determine whether surveys have collected appropriate or standardised information, nor is it possible to be confident in the report’s subsequent findings and recommendations”*) the review then carries on to say that it supports the findings of the assessment and resulting plan change.

Technical Review of the constraints assessment

- The technical review generally agrees with the introduction and background sections of the initial report.
- It raises issues with the method section and identifies the need for further detail regarding the survey methods and assessment methods used.
- It largely agrees with the vegetation section but raises questions that relate back to the assessment methods used to determine significance.
- It largely agrees with the assessment of birds but considers there could be NZ falcon nesting on the site and therefore suggests the requirement of a falcon nesting survey prior to development.
- It largely agrees with the proposed lizard survey and lizard management plan but also sees the need for an accidental discovery protocol.
- It compliments the description of aquatic habitats.

Constraints

- The technical review agrees with the identified constraints relating to indigenous vegetation clearance and aquatic habitats but considers the sedimentation risk for aquatic habitats should be added.

Recommendations

- Lizards - the technical review agrees that a lizard management plan and permit will be required. It then raises the need for population survey but does not refer back to the requirement for an accidental discovery protocol mentioned earlier.
- Orchids - the review considers that any discussions regarding the orchid population on the site must be had prior to a decision on the plan change and comments on the potential need for and feasibility of offsetting and compensation measures. It is noted that there was no comment regarding orchids in the review of the vegetation section.

- Wilding pines – the review agrees with the need for the management of wilding pines on the site and the recommended replacement planting but then mentions the potential need for additional mitigation planting.
- Sediment control – the review sees the need for a Sediment and Erosion Management Plan
- Falcon – the review recommends an on-site falcon survey prior to development.

Summary

- Overall the technical review supports the findings of the ecology report and the development of the private plan change request but recommends that identified gaps be addressed.

I will forward the technical peer review and your request for further information to our ecologist for comment and response. In the meantime I would like to provide an initial response from a planning perspective to the amendments to recommendations proposed by the technical review. I consider that the following issues raised are sufficiently covered and provided for through the proposed plan change provisions:

- Lizards – a Lizard Management Plan is required at the time of subdivision and can include an accidental discovery protocol and a population survey if required.
- Orchids – the private plan change requires the preparation of an Orchid Management Plan at the time of subdivision. This is considered sufficient to confirm the need for potential mitigation, offsetting or compensation measures and their feasibility.
- Wilding pines – a vegetation management plan is required at the time of subdivision and provides sufficient scope to address the management of pines and necessary mitigation measures.
- Sediment Control – A Stormwater Management Plan is required at the time of subdivision which has sufficient scope and to address sediment and erosion control. Also any earthworks will need to address sediment and erosion control under the District Plan and the Natural Resources Plan.
- Falcon – while not specifically mentioned the requirement for a falcon survey could be covered by the need for an Ecological Plan, but could be added if required.

Summary

As outlined above I do not agree with the request for further information relating to the LVA, NPS-IB and Water supply.

I will forward your comments and requests to our transport expert and ecology expert for consideration and response.

Could you please provide copies of all peer reviews undertaken on behalf of Council.



Corinna Tessendorf

Urban Edge Planning



Further Information Request for Private Plan Change 58

In response to the Wildland Consultants Ltd technical review of the ecology constraints report for a proposed private plan change at 12 Shaftesbury Grove, Stokes Valley.

I would like to provide the following information:

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 to determine and map the dominant vegetation types based on Atkinson's protocols for semi-quantitative measurements of canopy composition (1962). This updated earlier, 2015 and 2017, vegetation surveys and used more recent aerial photography.

A number of 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.

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.

This has been covered in paragraph 5 of my report. In brief, because myrtle rust has been in the country only since 2017 the incidence rate is currently low. The incidence of myrtle rust infestation on mānuka, is however, predicted to rise with mortality of seedlings expected to cause a gradual loss of the species across the country.

[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 would provide a buffer for the rare mānuka vegetation type. This would be true for any indigenous vegetation type that was contiguous with the rare mānuka. It is usual, if protecting a rare vegetation type, to apply a buffer of other indigenous vegetation around it.

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. That is, the dominant woody vegetation comprises greater than 80% of the canopy and has a DBH of >10cm.

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). McArthur (2022) stated that

‘Between 2011 and 2022, citizen scientists reported a total of 161 encounters with kārearea / NZ falcons, demonstrating that this species occurs at naturally very low densities in native forest, open parkland and suburban habitats in Upper Hutt. Kārearea / NZ falcon sightings often peak in late summer and autumn, when juvenile birds are dispersing away from their natal territories.’

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).

An accidental discovery protocol also needs to a condition of development for this site

Any Lizard Management Plan would include an accidental discovery protocol.

Sediment inputs during development

This would be covered by an erosion and sediment control management plan.

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.

Kind regards

Frances Forsyth

REFERENCES

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Wildland Consultants 2017: Shaftesbury Grove team workshop ecology. *Wildland Consultants Ltd Contract Report No. R4350b*.

Memorandum

Project Name:	12 Shaftesbury Grove, Stokes Valley	Date:	24 June 2024
Project No:	T0113/02	Attention:	Corinna Tessorf (Urban Edge)
Author:	Nathan Schumacher	Client:	M & J Walsh Partnership Ltd
Reviewed By:	Nick Clendon	Copies to:	Urban Edge Planning Ltd Cuttriss Consultants Ltd
Subject:	Request for Further Information – Proposed Private Plan Change 58: 12 Shaftesbury Grove		

1. SCOPE AND BACKGROUND

M & J Partnership Ltd (Client) has engaged Torlesse to provide geotechnical engineering services as part of the Proposed Private Plan Change 58 at the site located at 12 Shaftesbury Grove, Stokes Valley.

Torlesse has completed a geotechnical investigation and report to assist the design team with an application of zone change from Hill Residential and General Recreation to Medium Density Residential Zone. This is presented in our report T0113/01 dated 4 August 2023.

We have received a Request for Further Information (RFI) from Hutt City Council (HCC), on the back of a recent peer review assessment from Engeo (Ref. 021700.000.001_21 dated 15 May 2024), reproduced below:

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.

To attend to the above RFI, we have developed a geomorphic map presented the geohazards identified at the site and presented high level mitigation measures for the geohazards in the following sections.

2. GEOMORPHIC SITE MAPPING

Site mapping was undertaken as part of the geotechnical report noted above. The site mapping was undertaken on the 1 February 2023. The mapping was undertaken by an experienced engineering geologist (PEngGeol). Observations from the site work along with photographs are included in the report.

There were limited specific features of interest, with the road cut and fill and the historical fill areas of most notable interest. Outside the ridge the site is well vegetated and making observations within the thick trees and ground cover was limited. Gullies were inspected, but limited observations made of features such as slumping, or soil creep or other signs of underlying instability.

In general, the ridge provides an area of low geotechnical risk.

3. IDENTIFIED GEOHAZARDS

3.1. GENERAL

In our previous report, we indicated that both 'slope instability' and 'weak or variable soils' were identified as geohazards with a risk category of 'low to moderate', summarised below:

- Slope instability – stable ridge, generally no signs of instability noted. Minor slumping observed in some overburden material in the southern portion of the site.
- Weak or variable soils – the depths to geological units across the site are variable, including the quality and location of colluvium. Localised fill spots were identified in three locations across the site, generally constrained to a single area.

3.2. SLOPE INSTABILITY

Sketch 1 Appendix A presents a forecast probability for a 1:500-year (ULS) earthquake event, taken from the Earthquake Induced Landslide (EIL) tool from GNS. The probability of slope instability under a ULS earthquake event across the site is generally <0.5% along the edges of the proposed extents of earthworks.

Note, the forecast probability for a 1:25-year (SLS) earthquake event is not modelled in the EIL tool and is assessed as negligible and therefore not presented.

The function of the EIL tool is to provide rapid advisory information about the intensity and likely locations of landslides following a major earthquake. The tool uses three historical earthquakes - the 2016 Kaikoura event, the 1969 Inangahua event and the 1929 Murchison event, and deep learning statistical methods to train the model.

Some areas within the proposed development of the site indicates low probability of landslides occurring during a 1:500-year (ULS) earthquake event. These areas are consistent with steep gullies/ slopes where the topography is generally >30° on the eastern/ south-eastern side of the site.

In addition to the EIL tool, we have developed a topographic relief plan (Sketch 2 Appendix A) divided into 10° slope increments across the site. The topographic relief plan has been developed in the open-source software QGIS and uses the publicly available LiDAR Digital Elevation Model (DEM) from Land Information New Zealand (LINZ) data service 2024.

3.3. WEAK OR VARIABLE SOILS

Sketch 1 Appendix A (in addition to the above) also presents the localised fill spots which were encountered during the geotechnical investigation (see our report T0113/01 dated 4 August 2023) and site observations.

Some minor amounts of weak or variable material were identified, however, is fairly limited in extent and can easily be managed with standard earthworks (such as mucking out of gullies, proof rolling and subgrade inspections). Any unsuitable material will be identified and either removed or lifted and recompacted to a suitable engineering standard. A detailed earthworks specification would be considered adequate along with earthworks supervision to manage the variable or weak material.

4. HIGH LEVEL MITIGATION MEASURES

4.1. SLOPE INSTABILITY

The extents of potential slope instability across the site, in its current form (i.e. existing topography), generally indicates a low risk of instability along the edges of the proposed extents of earthworks. In these locations, slope instability risk can be mitigated by standard engineering design, including:

- Suitable fill batter angles.

- Mechanically stabilised earth walls (MSEW).
- Timber or steel pole retaining walls.
- Shear keys and permanent unreinforced earth fill slopes.

4.2. WEAK OR VARIABLE SOILS - UNCONTROLLED FILL

The fill identified on site has been assessed to be unsuitable and should not be reused. The fill identified has high contents of detritus material and should not be used for any other purpose.

Pending on final design levels, unsuitable material is recommended to be locally undercut and disposed of. This can be backfilled and compacted with approved structural fill (either locally won or imported) and placed to an approved earthworks specification.

Other uncontrolled fill may be present across the site and is likely to be near/ adjacent to the existing tracks cut along the ridgeline. We do not expect significant volumes of uncontrolled fill to be encountered during the next phase of geotechnical investigations or earthworks.

A detailed earthworks specification will form part of the of the proposed earthworks package.

If you require any further information, please contact the undersigned.

Yours sincerely,

Authored by:



Nathan Schumacher
Director, Geotechnical Engineer
CMEngNZ, CPEng

Reviewed by:



Nick Clendon
Director, Engineering Geologist
CMEngNZ, PEngGeol

Applicability

This report has been prepared on behalf of, and for the exclusive use of, the Client, and is subject to, and issued in accordance with, the provisions of the contract between Torlesse and the Client. Torlesse accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this report by any third party.

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Interpretation of the ground conditions presented have been based on geotechnical data from point locations, between which ground conditions may differ. The actual underlying ground conditions may differ from those presented in this report.

APPENDIX A: SKETCHES

Rev.	Date	Description	Initials
A	24/06/24	FINAL	HM

Notes:

Earthquake Induced Landslide (EIL) forecast tool data taken from GNS GeoTIFF data and is displayed using the Standard Deviation (n=2) stretch, GNS 2024.
Proposed Lot Boundary and Proposed Earthworks extent taken from Cuttriss 'POSSIBLE SUBDIVISION AT 12 SHAFTESBURY GROVE STOKES VALLEY'. Drawing number 2943P5, dated 05 October 2018 & 'PROPOSED SUBDIVISION LOT 1 DP 507600, 12 SHAFTESBURY GROVE, STOKES VALLEY DEVELOPMENT PLAN'. Drawing number 2943SK5 dated August 2023 respectively.

0 50 100 m

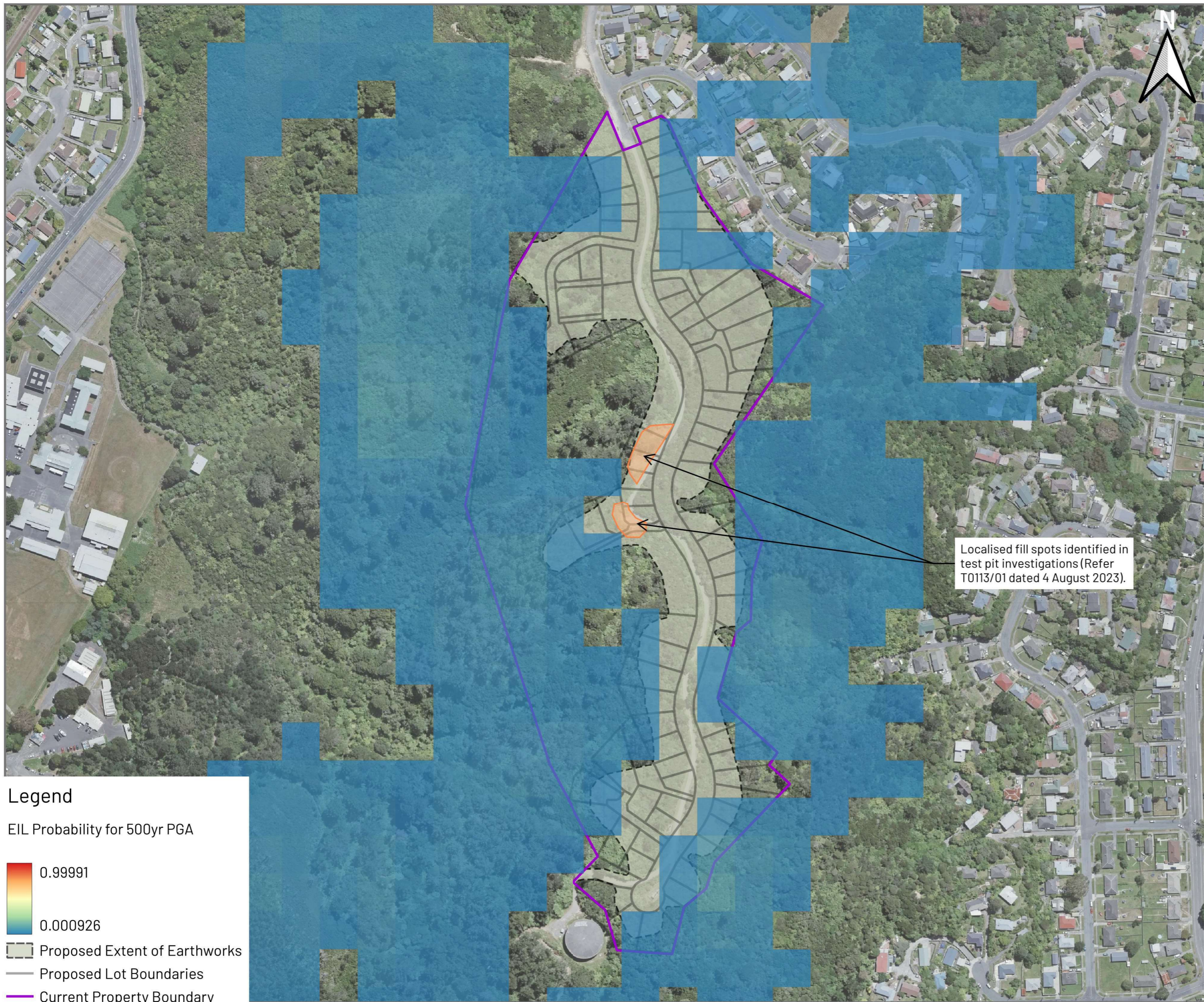


Scale 1:3,000 at A3

Data Courtesy:
LINZ, OPENMAPS

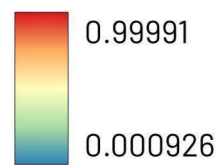


Torlesse™



Legend

EIL Probability for 500yr PGA



- Proposed Extent of Earthworks
- Proposed Lot Boundaries
- Current Property Boundary

Rev.	Date	Description	Initials
A	24/06/24	FINAL	HM

Notes:

Slope Analysis generated by QGIS using 2021 LiDAR DEM gathered from LINZ data service 2024.

Proposed Lot Boundary and Proposed Earthworks extent taken from Cuttriss 'POSSIBLE SUBDIVISION AT 12 SHAFTESBURY GROVE STOKES VALLEY'. Drawing number 2943P5, dated 05 October 2018 & 'PROPOSED SUBDIVISION LOT 1 DP 507600, 12 SHAFTESBURY GROVE, STOKES VALLEY DEVELOPMENT PLAN'. Drawing number 2943SK5 dated August 2023 respectively.

0 50 100 m

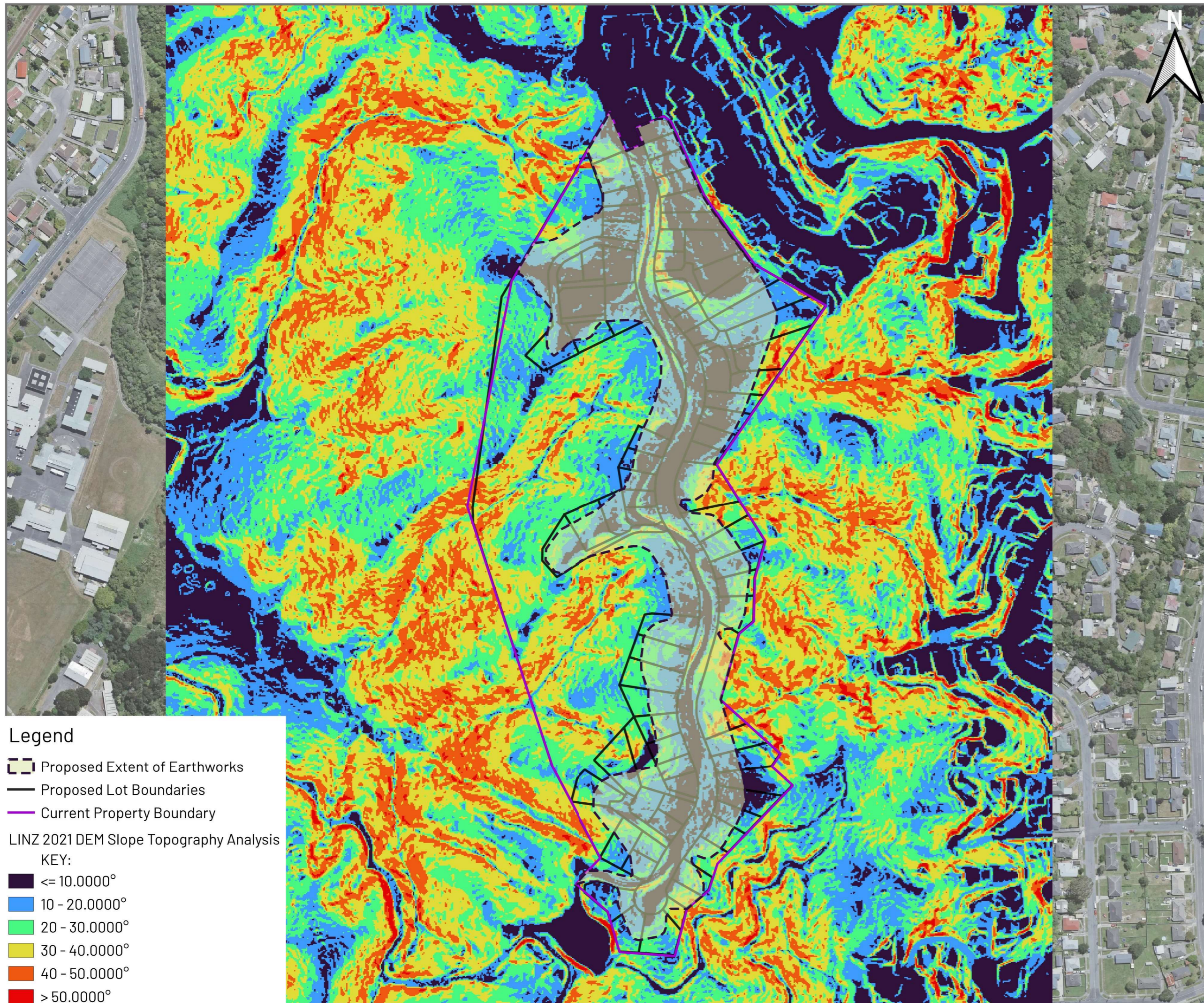


Scale 1:3,000 at A3

Data Courtesy:
LINZ, OPENMAPS



Torlesse™



Legend

Proposed Extent of Earthworks

Proposed Lot Boundaries

Current Property Boundary

LINZ 2021 DEM Slope Topography Analysis

KEY:

- ≤ 10.0000°
- 10 - 20.0000°
- 20 - 30.0000°
- 30 - 40.0000°
- 40 - 50.0000°
- > 50.0000°



PO Box 3737
Richmond 7050
Tasman District
M +64 (0) 21 243 1233
E: gary@tcl.kiwi

23 May 2024

Ref: 1019

Corinna Tessendorf
Principal Policy Planner
1/5 Bouverie Street
Petone 5012

Dear Corrina

Plan Change 58 – Shaftesbury Grove, Stokes Valley, Hutt City
RFI Response – PC58

Following on from our discussions and reviewing the Council’s RFI Request, I have completed my assessment of the matters raised by Council.

Council have requested further information on certain parts of the application in their letter dated 23 April 2024. The traffic matters raised in the RFI are provided below.

Transport

- 1. Comment is made in the “Transport Environment” section of the report around sightlines at the Shaftesbury Grove/Logie Street intersection. To the south of the intersection there is a bus stop. Please assess whether there will be any road safety effects of this sightline being concealed when a bus is at the stop, where volumes of vehicles exiting Shaftesbury Grove increase overtime due to the development of the proposed plan change area.*
- 2. It does not appear the crash history of George Street has been reviewed between the Logie St and Holborn Dr intersections. In several parts of the report, George Street is discussed where potentially around 50% of development traffic can be expected to travel along it including the most sensible route for cyclists. Please carry out a review of the crash history of this section of George Street covering the past 5 years and confirm if there are any crash commonalities or deficiencies that may be exacerbated through increased traffic from the proposed plan change site.*

3. Comments are made in the “Network Analysis & Trip Distribution” section about the following intersections:

- Intersection of Holborn Drive/George Street
- Intersection of Wagon Road/Stokes Valley Road/Stokes Valley Link
- Intersection of Stokes Valley Link/Eastern Hutt Road

Comments have been made around the operational capacity of these intersections. Please comment regarding at what level of increased traffic generated from the proposed plan change site would these intersections be likely to experience capacity issues and secondly whether capacity problems may cause safety problems.

Below are my responses to the RFI matters raised in the order noted above.

Item 1

Council is seeking more information around the sight lines and bus stop location on Logie Street and the sight line to the right for vehicles exiting Shaftesbury Grove. The photograph below demonstrates the possible issue.



The bus stop is located on Logie Street on the approach side to Shaftesbury Grove. If there was a bus on the stop then the sight line in this direction would be reduced to around 30 metres.

Austrroads guidance allows for parked vehicles to be within the sight line calculated above, provided it is not frequent. A bus stopping at this stop is not likely to be a regular occurrence based on the timetable and the catchment it feeds. Should there be a need

for a bus to stop then this would be for a short duration. Future drivers exiting the intersection are able to wait until the bus has moved on if they deem it as unsafe to exit.

The location of bus stops in urban areas are often in conflict with intersections. Users of the roads are aware of the hazards and manage their behaviour to ensure they can safely exit an intersection or private property.

When a bus is stopped to pick up or drop off passengers there are a number of mitigating factors that enable the intersection to operate safely. The drivers travelling along Logie Street are likely to be travelling at a reduced speed due to the restricted forward sight distance, the need to cross the centreline and the reduced road width. The operating speed when a bus is stopped is expected to be less than 30km/h.

Drivers exiting Shaftesbury Grove are able to see at least 30 metres to the right. The required Safe Stopping Distance (SSD) for an approaching vehicle to see, react (alerted 1.5 seconds) and stop to avoid a collision is 22 metres.

Overall, there is sufficient stopping distance to enable the intersection to operate safely when there is a bus stopped on the side of the road. The increased use of the intersection does not create any effects that would be more than minor.

Item 2

Council is seeking more information around crashes and particularly on George Street. The table below provides the reported crashes along George Street from Logie Street to Holborn Drive.

By way of explanation George Street was excluded from further analysis as it is a relatively wide straight urban road and no safety issues relating to its increased use are expected. George Street also provides access to the wider network and shops with the development spreading across a wider area.

I have used the NZ Transport Agency crash database to provide the information requested. A detailed search of crashes along George Street from 2019 to 2024 are provided in the table below.

Road	Location	Date	Collision Reference	Accident Description	Severity
George Street	At Logie Street	08/02/2023	2023247612	Driver turning right from Logie Street and heading south on George Street. Driver failed to give way and left the scene.	Minor
	At Young Grove	15/11/2019	201985348	Driver turning left into Young Grove was hit by another on the driver's side. The driver drove off.	Non-injury
	Outside 217 George Street	03/01/2021	2021177063	Driver heading south on George Street has fallen asleep and collided with a parked car.	Non-injury
		20/06/2020	2020155564	Driver has left shops and reversed back into a parked car.	Non-injury
	At Bogle Grove	09/01/2022	2022210207	Driver heading north on George Street has been distracted by passengers and collided with a parked car. Driver was disqualified and driving too fast.	Minor
	Outside 156	17/03/2020	2020148710	A van has reversed out of a driveway and struck a pedestrian walking on the footpath. Fence on property restricted sight lines.	Minor
	Outside 143	15/03/2020	2020148264	A driver has reversed out of a driveway and hit the fence on the opposite side of the road.	Non-injury

Outside 143	25/05/2022	2022223990	A driver carrying out a u-turn on George Street has been hit by a vehicle north. Speed a factor.	Non-injury
Outside 143	23/07/2020	2020160920	A driver of a truck heading south on George Street has overtaken another vehicle and has lost control. The truck driver was travelling at speed and intoxicated.	Minor
Outside 146	04/06/2021	2021190236	A driver pulling out making a right turn out of a driveway has collided with a vehicle heading south on George Street. Large vehicle parked on street obstructed driver line of sight.	Minor
Outside 142	21/08/2020	2020161917	A driver heading north on George Street has collided with a parked car. Driver was intoxicated and travelling too fast.	Non-injury
Outside 140	27/04/2023	2023255108	Young boy (10) has run out onto the road and was hit by a southbound vehicle crossing the road.	Serious
Outside 117	31/07/2021	2021197375	Driver heading north on George Street has collided with a parked vehicle and fled the scene.	Non-injury
Outside 115	20/05/2023	2023256908	Driver heading south on George Street has collided with a parked vehicle and fled the scene.	Non-injury

Outside 113	26/05/2019	201968747	Driver heading south on George Street has collided with a parked vehicle and fled the scene.	Non-injury
Outside 105	12/07/2020	2020157918	Driver on her phone heading north on George Street has collided with a parked vehicle. Driver was heavily intoxicated.	Non-injury
Outside 101	29/06/2020	2020157493	Driver reversing out of the mechanic's has hit the wrong pedal and collided with a car heading south.	Minor
Outside 63	02/11/2019	201972954	Driver heading south on George Street has collided with a parked vehicle. Driver was distracted.	Minor
Outside 43	10/12/2020	2020172765	A driver carrying out a u turn has been hit by a vehicle heading north. Police had closed the road due to an earlier crash.	Non-injury
Outside 25	17/03/2022	2022216069	Driver heading north has lost control of their vehicle. Driver intoxicated.	Non-injury
Outside 17	08/11/2023	2023275834	Driver heading north has lost control of their vehicle.	Non-injury
Outside 9	29/05/2021	2021190157	Driver heading north on George Street has collided with a parked vehicle. Driver intoxicated.	Minor

	Outside 7	29/11/2019	201986395	Driver lost control of their vehicle while evading Police.	Non-injury
	Outside 3	16/04/2023	2023255104	Driver has lost control of a stolen vehicle. Driver fled the scene.	Non-injury

As shown in the table there have been 15 non-injury crashes, eight minor injury crashes and one serious injury crash. This is a total of 24 reported crashes along George Street which is 1.3 kilometres long.

In reviewing the crash data in detail, the common movements/causation factors include hitting a parked vehicle (10), speed, alcohol (4), and driver fleeing the crash (7). A high number of the crashes involved drivers making poor driving decisions. Fortunately, most of these were non-injury crashes. There were two pedestrian crashes with a young boy (serious) running onto the road and the other a vehicle reversing out of a driveway across the footpath. There were no reported cycle crashes.

George Street is around 11 metres wide kerb to kerb. The roadway is currently marked with two 3.5 metre wide traffic lanes and a parking lane which is less than two metres wide. There is a dashed centreline with the parking lane marked with a solid white line. There are some long lengths of road that is marked with broken yellow lines (no stopping) which appear to be the result of adjacent landowner's requests.

The parking demand is relatively high on certain parts of George Street and vehicles are unable to park within the white lines provided. In some cases, vehicles are parking partially on the grass berm.

The main issue appears to be the speed of vehicles along this road and driver easily being distracted. The increased use of George Street may make drivers more aware as a result of the increased density of flow. There are no inherent deficiencies in the road layout that would change the level of safety as a result of increased traffic resulting from the plan change area.

However, there would be some benefit in reconfiguring the road markings to encourage lower speeds and better provide for parking where it should be allowed. Such measures as remarking the traffic lanes at 3.2 metres and widening the parking lanes to 2.3 metres will assist in changing driver behaviour.

Item 3

Council is seeking more information around the wider network effects relating to capacity and safety.

The intersection of Holborn Drive and George Street is a stop-controlled intersection with George Street having priority. A stop-controlled intersection has a capacity for a Level of Service C of around 35 seconds per vehicle.

The increased peak hour flows from the proposal will be around 80 vehicles for Holborn Drive and 55 vehicles for George Street. Peak hour flows through this intersection are around 630 vehicles. The intersection will have around 760 vehicles using the junction in the peak hour. The peak flows for an intersection have a number of parameters including control type, headways, critical gaps and entering flows. Assuming a practical saturation rate of 90% the Holborn Drive George Street intersection could accommodate around 1,700 vehicles an hour. The intersection is likely to operate at a LoS B.

The stop-controlled intersection of Stokes Valley Road (1,000 vehicles per hour) and Wagon Road (120 vehicles per hour) is not expected to see any noticeable change in the level of service at the junction. Most of the new traffic using this intersection will be the through movements and uncontrolled. Some additional waiting time for Wagon Road traffic is expected but this will largely be indiscernible against the existing flows. As noted above the practical operating capacity of a stop-controlled intersection around 1,700 vehicles per hour. This intersection can accommodate more traffic due to the separate exit lane onto Stokes Valley Road.

The intersection of Stokes Valley Link/Eastern Hutt Road is a well-designed roundabout with two lane approaches. Traffic from Stokes Valley Road onto Eastern Hutt Road has a slip lane which allows traffic to merge downstream of the roundabout. Traffic entering Stokes Valley are provided a separate right turn lane. This intersection carries around 2,000 vehicles per hour and can accommodate much higher flows. The increased traffic from the plan change will be indiscernible to other road users.

We are happy to provide any further clarification if required.

Regards



Gary Clark

Director

NZCE (Civil), REA, MIPENZ, CPEng
Certified Safe System and Road Safety Auditor

Appendix 10 - Recommended changes to PC58

Proposed Plan Change 58

The text below is as requested in the plan change. ~~Strikethrough~~ text or underlined text represents my recommended deletion of text or additional text.

Chapter 11 – Subdivision

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:

A. Stormwater

~~The first An~~ 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 Stormwater Management Plan must be prepared by a suitably qualified person and cover 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~~ An 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 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~~ geohazard can be avoided, remedied or mitigated.
- The subdivision will not increase or accelerate land instability on the site or adjoining properties.

C. Ecology

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

1. Orchid Management

- Identify whether there are potential 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.

D. Landscape and Visual

~~The first~~ An 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 Landscape Management Plan must be prepared by a suitably qualified person and provide 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.
- Roads, pedestrian and cycle linkages.
- Stormwater design and associated planting.

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). 4 Private Plan Change Request for 12 Shaftesbury Grove – Proposed Amendments

(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) 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.

(x) Wastewater

The provision of wastewater systems and any measures proposed to utilise offpeak network capacity through onsite storage and timed wastewater release. The extent of compliance with the Wellington Water Regional Standard for Water Services December 2021.

(xi) Water Supply

The provision of a reticulated water supply network and any measures proposed to achieve an adequate domestic and firefighting water supply. The extent of compliance with the Wellington Water Regional Standard for Water Services December 2021.

(xii) Natural Hazards

The avoidance or mitigation of natural hazard risks.

(xiii) 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.

(xv) Ecology

Any measures proposed to manage adverse effects on significant indigenous biodiversity values on the site in accordance with the National Policy Statement for Indigenous Biodiversity 2023 and the Ecological Plan for the site. ~~The application of the effects management hierarchy as follows:~~

- ~~• Avoid adverse effects on significant indigenous biodiversity where practicable;~~
- ~~• Minimise other adverse effects on significant indigenous biodiversity where avoidance is not practicable;~~
- ~~• Remedy other adverse effects where they cannot be avoided or minimised;~~
- ~~• Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied; and~~
- ~~• Only consider biodiversity compensation after first considering biodiversity offsetting.~~

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

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.

(ii) Compliance with the Transport Chapter Appendix 2 High Trip Generator Thresholds

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)(ii).

11.2.5 Non Complying Activities

...

h. 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):