

BEFORE THE INDEPENDENT HEARING PANEL

APPOINTED BY HUTT CITY COUNCIL

IN THE MATTER of the Resource Management
Act 1991

AND

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

OPENING STATEMENT

Corinna Tessendorf

23 September 2024

1. INTRODUCTION

- (1) My name is Corinna Tessendorf. I am a Principal Planner at Urban Edge Planning Limited. I have over 26 years of experience in urban and regional planning, including over 15 years as a Senior/Principal Planner in New Zealand. My experience includes the preparation and processing of numerous plan changes within the Wellington Region, including a number of private plan changes within the Hutt Valley.
- (2) Urban Edge Planning was engaged by the owners of the site at 12 Shaftesbury Grove in Stokes Valley (M & J Walsh Partnership Ltd) to provide planning advice and prepare the private plan change request for the site.
- (3) I have read, and am familiar with, the Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2023).
- (4) The purpose of this opening statement is to provide a brief overview of the application and to summarise and update the findings of my planning evidence.

2. BACKGROUND

- (5) The plan change site (the site) is located at 12 Shaftesbury Grove in Stokes Valley, and has an overall area of 12.6 hectares. The site is subject to a number of easements and to two consent notices relating to fencing and development limitations due to waters supply capacity issues.
- (6) The site is located at the end of Shaftesbury Grove and is currently undeveloped. The only modifications are a formed but unsealed track along the ridgeline that provides access to the Delaney reservoir which is located on Council owned land to the south of the site and two cell phone towers. There are currently no other buildings or structures on the site. The unsealed track is open to the public for recreational uses.
- (7) The site is currently zoned Hill Residential Activity Area in part and General Recreation Activity Area in part and is partially overlaid by a Significant Natural Resource (SNR) (SNR 50 – Stokes Valley Bush).

(8) The site was previously owned by Council and partially vested as reserve. In 2016 Council initiated the reserve revocation process and then declared the site surplus to Council's requirements. The site was sold to the plan change requestor (M & J Walsh Partnership Ltd) in December 2017.

3. PRIVATE PLAN CHANGE 58

(9) Private Plan Change 58 (PC58) seeks the rezoning of the plan change site at 12 Shaftesbury Grove from Hill Residential and General Recreation Activity Areas to Medium Density Residential Activity Area.

(10) PC58 also seeks the introduction of site specific provisions to the Subdivision Chapter to address and manage identified characteristics of the site. These provisions introduce a restricted discretionary activity status and require further assessments relating to ecology, infrastructure, geotechnical engineering and landscape effects.

(11) A full assessment of the private plan change against the relevant national, regional and local policy framework has been provided by the section 32 evaluation and my planning evidence. In summary I consider that the private plan change:

- Provides for and takes into account the relevant matters in sections 6, 7 and 8 of the RMA;
- Is consistent with and gives effect to the relevant National Policy Statements (NPS-UD, NPS-IB and NPS-FM);
- Is consistent with and gives effect to the relevant sections of the Regional Policy Statement for the Wellington Region (RPS);
- Is not inconsistent with the Natural Resources Plan; and
- Has regard to the relevant Hutt City Council plans and strategies.

(12) PC58 was publicly notified on 9 November 2023 and at the close of the submission period, five submissions had been received. The summary of submissions was made publicly available for further submissions on 8 February 2024 and eight further submissions were received.

- (13) The key issues raised in submissions can be grouped under the following broad topics:
- The need for the plan change;
 - Effects on indigenous biodiversity including streams and water quality;
 - Land stability and geotechnical effects;
 - Infrastructure effects; and
 - Transport effects.
- (14) The s42A report prepared Mr Dan Kellow for Hutt City Council was released on 30 August 2024. Overall the s42A report is supportive of the private plan change and requests a limited number of further amendments.
- (15) My Evidence in Chief addresses the key environmental effects associated with the proposal and provides a detailed discussion of the issues raised in submissions. In my evidence I have also responded to the issues raised and the amendments requested in the s42A report and have identified any remaining areas of disagreement.
- (16) Submitters have not provided any expert evidence in the lead up to the hearing.
- (17) The following provides a brief summary of my findings in relation to the issues identified above.

Rezoning of the Site

- (18) I consider the proposed rezoning of the site to Medium Density Residential Activity Area to be appropriate. Parts of the site are already zoned for residential development and the proposed rezoning is consistent with the zoning of surrounding residential areas and would allow for the comprehensive residential development of the site at a medium density scale. It gives effect to and is consistent with the NPS-UD and the Urban Growth Strategy. The proposed site specific provisions ensure that any potential adverse effects can be assessed and managed at the time of subdivision and development.

Ecology

- (19) I consider that the proposed provisions, including my recommended further amendments, provide an appropriate framework for the management and protection of identified significant indigenous biodiversity values on the site. The proposed further information requirements and matters of discretion relating to ecology respond to identified issues, allow for the consideration of future findings and ensure that any adverse effects can be addressed at the time of subdivision.

Infrastructure

- (20) In summary, I consider that the proposed site specific framework in relation to infrastructure provides for the assessment and management of any infrastructure related effects at the time of subdivision. I note that the restricted discretionary activity status and related matters of discretion relating to water supply ensure that any subdivision and development of the site can only be realised once the existing water supply issue has been resolved. This is aligned with the current consent notice limiting development of the site until sufficient water supply can be provided. The requirement for a comprehensive Stormwater Management Plan ensures that any stormwater related effects from the subdivision and development will be identified and managed at the time of subdivision.

Geotechnical Engineering

- (21) I consider that the proposed provisions (including the proposed further wording changes) allow for the appropriate assessment and management of any geohazards at the time of subdivision.

Transport

- (22) As outlined in my planning evidence I recommend the introduction of an additional information requirement for an Integrated Transport Assessment where the existing high trip generator thresholds of the District Plan are exceeded. I further recommend amending the matters of discretion in relation to transport accordingly. With these further amendments, I consider the proposed provisions to be appropriate and to allow for the assessment and management of any transport related effects at the time of subdivision.

Landscape and Visual

- (23) I consider the proposed provisions to be appropriate to allow for the assessment and management of any landscape and visual effects at the time of subdivision. As outlined in my planning evidence I recommend a small amendment to the Landscape Management Plan requirements to include references to recreational tracks and linkages to the wider access network. I note that the plan change site has not been identified as being part of or containing any Outstanding Natural Landscapes or Features or Special Amenity Landscapes.

4. SUMMARY OF PROPOSED FURTHER AMENDMENTS

- (24) Having assessed the environmental effects of the proposal and taking into consideration the issues raised in submissions, the evidence provided by the relevant experts and the recommendations made in the s42A report, I recommend a number of further amendments to the plan change as notified. These further amendments are described and evaluated in my planning evidence. I note that submitters did not provide any expert evidence and that further discussions with Mr Kellow did not result in any changes to my recommendations.

- (25) In summary I recommend the following further amendments:

- Changes to the wording of the additional information requirements to be more detailed and descriptive and to provide better guidance regarding the requirements and expectations for subsequent subdivision stages;
- Replace references to 'slope instability' and 'land instability' in the geotechnical engineering requirements with references to 'geohazards' to ensure that any relevant geohazards can and will be addressed and managed at the time of subdivision;
- Amend the additional information requirement relating to ecology to include a requirement for a NZ falcon nesting survey;
- Amend the wording of the additional information requirement for landscape and visual to include references to the wider recreational and access network;
and

- Introduce an additional information requirement relating to Transport that requires the provision of an Integrated Transport Assessment where high trip generator thresholds are exceeded and amend the matters of discretion in relation to transport accordingly.

(26) For the reasons outlined in my evidence in chief I do not agree with and do not support the following conclusions and recommendations of the s42A report:

Additional Information Requirements

(27) I do not consider it appropriate to apply the additional information requirements to all future subdivision applications. I consider this would burden any future subdivision with immense information obligations even if the subdivision is minor and/or well-aligned with the initial proposal.

Non-complying Activity Status

(28) I do not consider the recommended non-complying activity status for subdivision that provides for activities or structures located outside the identified development area to be necessary or appropriate. The recommended discretionary activity status allows for the consideration of all adverse effects (including landscape/visual effects and effects on indigenous biodiversity) and, if these adverse effects cannot be avoided, remedied or mitigated, the application can be declined. Mr Kellow's recommendation to elevate to a non-complying activity status is based partially on potential landscape and visual effects and partially on the existing SNR50 overlay which covers parts of the site. I have discussed these aspect in more detail in my evidence. In summary I consider that:

- The discretionary activity status sufficiently allows for the consideration and management of all landscape and visual effects - especially since the site does not contain any Outstanding Natural Features or Landscapes or Special Amenity Landscapes that would require particular protection and potentially justify the non-complying activity status.
- While the District Plan still shows the initial SNR overlays these ceased to apply to private land because they were insufficiently identified and inaccurately mapped. To now use these invalid SNR as a justification for the introduction of

a non-complying activity status would be inappropriate. The requirement of an Ecology Plan at the time of subdivision allows for the appropriate identification and management of identified values based on the latest findings rather than relying on outdated and inaccurately mapped SNR. I further note that there are several locations within the operative District Plan where SNR apply to privately owned land that was recently zoned as Medium Density Residential Activity Area (by Plan Change 56) and for all of these sites, subdivision is a controlled activity, not a non-complying activity.

High Trip Generators

- (29) I agree with the recommendation to include a link to the High Trip Generator thresholds of the transport chapter. For the reasons outlined in my evidence in chief I recommend the introduction of a further information requirement for any subdivision exceeding these threshold rather than the elevation to a discretionary activity status.

Matters of Discretion for Ecology

- (30) I do not agree with the recommended changes to the matter of discretion relating to ecology and the replacement of the Effects Management Hierarchy with a direct reference to the NPS-IB 2023. As discussed in my evidence, the Effects Management Hierarchy is a tried and tested tool that provides valuable guidance while the incorporation of the NPS-IB by reference would not allow for the consideration of any future changes to the NPS-IB.

Conclusion

- (31) In conclusion, I consider that the proposed provisions including the recommended further amendments provide a balanced and sufficiently flexible framework that appropriately addresses and manages the environmental effects of the rezoning.

5. REQUEST FOR FURTHER INFORMATION BY THE HEARING PANEL

- (32) After the publication of the s42A report and the requestor evidence the Hearing Panel requested further information regarding the relationship of the private plan change

with the Medium Density Residential Standards (MDRS) and further landscape and visual information.

Alignment of PC58 with MDRS

- (33) The Hearing Panel requested further information regarding the alignment of the plan change with the duty under the RMA to give effect to the Medium Density Residential Standards (MDRS).
- (34) I responded by way of an addendum to my evidence, providing a further evaluation against the relevant sections of the RMA and confirming the alignment of the plan change with the requirements for MDRS and qualifying matters.
- (35) In summary, PC58 does not propose any changes to the building density standards for the Medium Density Residential Activity Area introduced by PC56. PC58 also does not seek any changes to the general subdivision provisions for this activity area which provide for subdivision as a controlled activity.
- (36) PC58 proposes a site specific rule that makes subdivision of the site at 12 Shaftesbury Grove a restricted discretionary activity rather than retaining the controlled activity status. The restricted discretionary starting point is proposed in response to site specific characteristics, challenges and limitations that were identified during the preparation of the private plan change. While the initial s32 evaluation report refers more broadly to site specific characteristics, issues, challenges and limitations, these are well aligned with the qualifying matters under s77I. I have provided a further evaluation against s77I, s77J and s77L in my addendum.
- (37) I consider that the special characteristics or qualifying matters can be best addressed at the subdivision stage under a site specific restricted discretionary subdivision framework. The subdivision would then allow for the future development of the site under the land use and development provisions of the Medium Density Residential Activity Area applying the MDRS. I therefore consider that the plan change gives effect to and aligns with the relevant requirements for MDRS and qualifying matters.

Landscape and Visual

- (38) The Hearing Panel also requested for the visuals provided by the Landscape and Visual Assessment to be amended, to show the boundaries of the site and the proposed development area, especially from more distant viewpoints.
- (39) In response Ms McArthur provided updated visuals showing the estimated location of the boundaries of the site and the proposed development area. I would like to note that these boundaries are indicative only.

6. CONCLUSION

- (40) For the reasons outlined above and in my evidence in chief, I consider that the private plan change, including the recommended further amendments, is promoting the sustainable management of natural and physical resources and is the most appropriate way of achieving the purpose of the RMA.



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