

**BEFORE THE INDEPENDENT HEARINGS PANEL  
FOR PROPOSED PLAN CHANGE 56 TO HUTT CITY DISTRICT PLAN**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of Proposed Plan Change 56 to the Operative Hutt City  
District Plan

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**SUMMARY OF LEGAL SUBMISSIONS ON BEHALF OF  
WELLINGTON REGIONAL COUNCIL (149 and F02)  
12 April 2023**

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**MAY IT PLEASE THE PANEL:****Summary of legal submissions**

- 1 This summary of legal submissions is filed on behalf of Wellington Regional Council (**WRC** or **Greater Wellington** or **Regional Council**) on proposed Plan Change 56 (**PC56**) to the operative Hutt City District Plan (**District Plan**).
- 2 My legal submissions address three key issues.

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

- 3 The first is the need for this plan change to give effect to the NPS-FM 2020 to the extent that it is reasonably practicable.
- 4 Under clause 3.5(4) the district council has an obligation to include objectives, policies and methods in its 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.
- 5 This plan change is dealing with intensification and the adverse effects of that development and there is scope within the plan change to do more now to give effect to the NPS-FM before that intensification occurs.

**Weight to be given to Change 1 to the Wellington Regional Policy Statement (Change 1)**

- 6 I also address the weight to be given to Change 1 given that it is in the early stages of the Schedule 1 process. I reiterate here that there are two aspects to weight. Not only is there the weight to be given to the change as a proposed change, but also the weight to be given to the provisions themselves given their strength of direction.

**Scope issues**

- 7 I also address the issue of scope including what can be included in an IPI and the issue of whether a submission point is on the plan change.
- 8 It is acknowledged that the IPI is more limited in scope than a standard Schedule 1 plan change. There are objectives and policies that it must include together with requirements for activity status, notification, subdivision and density. The council cannot amend these specific

requirements to be less enabling unless it is necessary to accommodate a qualifying matter.

- 9 The Council has identified some qualifying matters and has also included other policies and development standards and matters of discretion that support or are consequential on the MDRS including those relating to stormwater management, network infrastructure and transport.
- 10 I have addressed in particular the submission points for Greater Wellington requesting amendments to incorporate nature-based solutions and provide for improved climate resilience. Improved climate resilience falls squarely within the objective of achieving a well functioning environment and is captured by clauses (e) and (f) of Policy 1 of the National Policy Statement on Urban Development (**NPS-UD**).
- 11 The matters sought by Greater Wellington also have a connection to and assist with the implementation of the objective to avoid or reduce the risk to people, property and infrastructure from natural and coastal hazards (Amendment 28).
- 12 The amendments sought are also relevant to policies which 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 3.9 and 4G 3.13) and those requiring development to be stormwater neutral (Policy 4G 3.14). They are also related to matters of discretion including onsite stormwater management, mitigation of additional stormwater runoff through means such as onsite stormwater retention and the effects on the stormwater system (Rule 4F 4.2.5 and 4G 4.2.7).

Dated this 12<sup>th</sup> day of April 2023



M A Mehlhopt  
**Counsel for Wellington Regional Council**