

BEFORE AN INDEPENDENT PANEL ON BEHALF OF HUTT CITY COUNCIL

UNDER THE

Resource Management Act 1991 (“**Act**”)

IN THE MATTER OF

A submission by the Manor Park and Haywards Residents Community Incorporated Society on the Hutt City District Plan Review – Strategic Directions

**STATEMENT OF EVIDENCE OF BEN FARRELL
(PLANNING)**

15 APRIL 2026

Introduction

1. My full name is Ben Farrell.
2. I am an Independent Planning Consultant based in Queenstown. I am owner and director of Cue Environmental Limited; a company I established in 2018 to provide independent planning services across New Zealand.
3. Over the last 28 years I have been heavily involved in New Zealand's environmental and resource management sector. I studied planning, parks, recreation, tourism and resource management at Lincoln University from 1999 to 2003 graduating with a Bachelor of Resource Studies and a Master of Environmental Policy. During my studies I was employed by Auckland Regional Council, Greater Wellington Regional Council, and Connell Wagner Limited. Since graduating, I have been employed as a planner by Upper Hutt City Council (2004), Boffa Miskell Limited (Wellington 2005-2010), Andrew Stewart Limited (Wellington and Invercargill 2013-2015), Southland Regional Council (2014-2015), and John Edmonds and Associates (Queenstown 2015-2018). During 2010-2013 I was a self-employed planning consultant, working primarily for the New Zealand Wind Energy Association on a range of resource management policy and project developments across New Zealand.
4. Throughout my professional career I have provided strategic and statutory planning advice on a wide variety of resource management projects for a range of private, public and NGO clients or employers. This includes working on numerous district plan review processes across New Zealand, including as an expert planning witness before the Environment Court and High Court. I am familiar with Hutt City, and the preparation and practical application of the Operative Hutt City District Plan.
5. In addition to my qualifications and experiences as a planner, I am a full member of the New Zealand Planning Institute. I was on the Institute's Wellington regional branch committee from 2004-2013 and was chairman of that branch in 2010-2011. I sat on the editorial panel of the New Zealand Planning Institutes journal (Planning Quarterly) between 2010 & 2024. I am a past member of the national Board of NZPI and past President of the National Resource Management Law Association (RMLA).

Scope

6. In this matter I have been engaged by the Manor Park and Haywards Residents Community Incorporated Society (the **Society**) in respect of its submission seeking the PDP include a strategic direction that protects existing residential communities from incompatible activities. The scope of my evidence is limited to this relief, having regard to the following that I reference or refer to:
- (a) Councils s.32 Report
 - (b) Councils s.42A Report
 - (c) HCC Proposed District Plan
 - (d) Greater Wellington Regional Policy Statement
 - (e) National Policy Statement on Urban Development
 - (f) Resource Management Act

Adoption of Statutory Assessment Matters

7. I concur with and adopt the description of relevant statutory assessment matters set out in Councils s.32 Evaluation as updated in s4.6 of Ms Pascall's s42A Report. While not explicit, my evidence below factors in a further evaluation of the matters in section 32 (1) to (4) undertaken at a level of detail commensurate with the scale and significance of the relief sought by the Society.

S4A Report

8. Ms Pascall addresses the Society's submission point at par 249:

(249) MPHRCIS seek amendments to Objective UDSD-O2 or a new objective to address incompatible land use and development near existing residential areas. The PDP includes policies and rules within the specific zone chapters to manage incompatible activities either within a zone or at the interface with an adjoining zone. For example, Policy GRUZ—P2 (Compatible activities) in the Rural Zone chapter directs that activities are provided for in the Rural zone that are compatible with rural and residential activities within the zone as well as adjoining rural and residential zones. Rule GRUZ-R4 (Piggeries) then manages the scale and intensity of the activity including by requiring a 50-metre setback from all site boundaries. In my opinion, a high-level strategic direction objective is not required for this issue and would duplicate matters already managed at the zone and relevant district-wide chapters are the more appropriate parts of the PDP where activity-specific matters can be addressed. Accordingly, I do not support this submission and do not recommend any amendments.

9. The PDP introduction (Part 3: Area Specific Matters) provides some guidance about the role of zones helping separate compatible and incompatible land uses:

*...Zones implement the plan's strategic direction about providing areas of land suited to particular land uses. **Zones gather together activities that are compatible with each other and separate activities that are incompatible, and provide different approaches that suit the different situations each zone is applied to. Each zone spatially identifies one or more areas with a common planned outcome.***

10. I do not understand how accepting the Societies relief would result in 'duplication'. For example, the 'lower order' provisions do not play an obvious role when determining the most appropriate zoning for a piece of land, nor do all the chapter provisions clearly or consistently 'speak to each other' in a consistent or integrated way (in respect of compatibility).
11. The Strategic Direction provisions serve an important role in determining what Zone might be appropriate for a piece of land (i.e. they are fundamental objectives that help crystallise higher order directives into localised placed based outcomes). For relevance, and by way of an example:
- (a) Numerous submissions seek land rezonings.
 - (b) The objectives in the Strategic Directions chapter (Strategic Objectives) will be particularly relevant to the consideration of the most appropriate zoning (inclusive of objectives, policies and rules within that zone) for each rezoning request. The consideration exercise (to be heard at a later date) will require examination of, among other things, *whether it is the most appropriate method for achieving the objectives of the district plan*¹.
 - (c) As foundational strategic provisions, it will be more effective and efficient to set the Strategic Objectives prior to any rezoning consideration, to better frame the decision-making criteria in future hearings (i.e. filtering / crystallising / particularising the higher order directives into the planned outcomes to be achieved by each Zone). Failure to set the Strategic Objectives prior to rezoning hearings creates a risk of the 'tail wagging the dog' (i.e. the methods taking priority over the Strategic Objectives).

¹ For example, as specified on p10 (par C.11) of the s32.

- (d) I assume the intent of the PDP is to avoid (not allow) incompatible land use development². This appears consistent with Ms Pascall's evidence that there are provisions in lower order Zone chapter provisions addressing compatible activities³. Regardless, it would be an odd district plan framework that would, on the face of it, be contrary to integrated management and the purpose of the RMA if it provided for incompatible land use to occur.
- (e) Unless I'm mistaken there is no provision in the Strategic Direction focused on protecting people and communities from the adverse effects from incompatible activities, nor is there any Strategic Objective seeking to avoid incompatible land uses (or flipping this to a positive, ensuring all land use is compatible).
12. Including a strategic direction to protect existing residential communities from incompatible activities is more appropriate than the notified version of the PDP, because in addition to the matters outlined above:
- (a) There does not appear to be such a Strategic Direction in the PDP (unless I'm mistaken there would be no duplication as opined by Ms Pascall).
- (b) The relief is better aligned with the role of the PDP and the RPS provisions seeking to promote the protection of communities, including against activities that lower amenity values (for example RPS Policy 1b⁴).
- (c) The relief helps implement the NPS-UD by particularising the meaning or practical implication of a well-functioning urban environment.
- (d) The relief responds to matters of common community scale concern and relevance that helps particularise the socioeconomic wellbeing limb in the purpose of the Act, while not weakening or undermining other aspects of the purpose of the Act.

² To clarify I understand, from the Cambridge Dictionary, "Incompatible" to mean "not able to exist or work with another person or thing".

³ Ms Pascall refers to RLZ-P3, which I agree provides a helpful example of the policy directives for avoiding incompatible activities in lower order chapters, by identifying and managing "potentially incompatible activities". The outcome being that potentially incompatible activities are required to be assessed as being compatible or not, with only compatible activities being allowed (i.e. incompatible activities are not allowed/are to be avoided).

⁴ "District plans shall include policies and/or rules that discourage: new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity value of the surrounding areas, locating near sensitive activities".

- (e) The relief would be more efficient from an administration perspective, because it would discourage (sends a clear message) that incompatible land uses / rezoning proposals are not appropriate and should not be approved.
- (f) The relief does not offend the principles of the treaty of Waitangi in any foreseeable way.

Recommendation

13. That the Strategic Direction provisions be amended to include a Strategic Objective seeking incompatible land uses to be avoided. It could be that the actual relief sought by the Society is better achieved by alternative wording, pitching at a higher-level outcome, for example something like:

Incompatible land uses are avoided.

OR

Land rezoning only occurs where the anticipated land use will be compatible with adjoining zones.

Conclusion

14. Ms Pascall's justification for recommending rejection of the Society's relief does not appear to address the relevance of the Strategic Directions when considering land rezoning. Including specific reference to avoiding incompatible land uses in the Strategic Direction provisions is entirely reasonable. It would fit neatly within the PDP regime, helps particularise higher order directions set out in the NPS-UD and RPS, meets the purpose of the RMA, and is a more appropriate option compared to the notified version of the PDP.



Ben Farrell
15 April 2026