

**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Hutt City Council Proposed
District Plan

**REPLY STATEMENT OF CHARLES HORRELL AND SEAN BELLAMY
ON BEHALF OF HUTT CITY COUNCIL**

24 July 2026

1.0 INTRODUCTION

- 1.1 Our names are Sean Bellamy and Charles Horrell.
- 1.2 Mr Bellamy is an Intermediate Policy Planner at Hutt City Council. Mr Horrell is a Principal Planner at Boffa Miskell Limited. We are the Council's reporting officers for the Rural Zones topic.
- 1.3 This joint Reply Statement responds to:
 - a. matters raised through the evidence and statements presented at the Hearing Stream 3 hearing; and
 - b. the questions raised by the Hearing Panel in Minute 8, dated 2 July 2026, insofar as those questions relate to the Rural Zones topic.
- 1.4 Responsibility for the Rural Zones topic has continued to be allocated between us as follows:
 - a. Mr Bellamy is responsible for rezoning requests, including the request relating to 104 Upper Fitzherbert Road, and quarrying matters. These matters are addressed at paragraphs 3.2 to 3.21, 3.28 to 3.56, and 4.14 to 4.20 of this statement;
 - b. Mr Horrell is responsible for the provisions in the General Rural Zone and Rural Lifestyle Zone chapters and associated definitions, except for quarrying matters. These matters are addressed at paragraphs 3.22 to 3.27, 3.59 to 3.62, and 4.2 to 4.13 of this statement.
- 1.5 We have prepared this statement jointly and both adopt the conclusions and recommendations within our respective areas of responsibility.
- 1.6 Except as expressly identified in this statement, the findings and recommendations contained in the Section 42A Report, Mr

Bellamy's rebuttal evidence, and Mr Horrell's evidence remain unchanged.

2.0 QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 2.1 Our respective qualifications and experience are set out in the Section 42A Report and our evidence previously filed for Hearing Stream 3.
- 2.2 We repeat the confirmations given in that material that we have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
- 2.3 Except where we expressly rely on the evidence or advice of another person, the matters addressed in this statement are within our respective areas of expertise.
- 2.4 Appendix 1 contains a consolidated tracked-change version of the Rural Zones provisions, including the recommended Rural Lifestyle Zone, General Rural Zone, definitions relevant to the rural zones, and a site specific subdivision rule for 104 Upper Fitzherbert Road. The tracked changes use the following convention:
- Section 42A Report recommendations are shown in **red underline** and **striketrough**;
 - Mr Horrell's Statement of Evidence and Mr Bellamy's Rebuttal Evidence recommendations are shown in **blue underline** and **striketrough**; and
 - Amendments recommended in this Reply Statement are shown in **green underline** and **striketrough**.

3.0 RESPONSES TO PANEL QUESTIONS

- 3.1 This section responds to the questions raised by the Hearings Panel in Minute 8 that relate to the Rural Zones topic.

Wainuiomata North Development Framework 2018¹

- 3.2 The Panel has asked the extent to which the Wainuiomata North Development Framework 2018 (**the Framework**) influences the requested rezoning of 104 Upper Fitzherbert Road from the Rural Lifestyle Zone to the Medium Density Residential Zone.
- 3.3 The Framework provides useful context for understanding earlier work undertaken by Council on the potential development pattern, infrastructure requirements and urban growth opportunities within northern Wainuiomata. However, it is not itself a statutory planning instrument and does not determine the appropriate zoning of the site.
- 3.4 The Framework was developed as part of a project to potentially develop Wainuiomata North. The purpose of the framework was to provide clear direction to the form of future development that could take place in an area of potential large scale greenfield development.
- 3.5 The Framework was developed by a Council project team via a workshop process in November 2017. It recommended the pursuance of a mixed density development option, that would enable a wider range of housing and varying levels of density providing more choice and a quality of living environment.
- 3.6 The framework was the first phase in a project, whose next steps where to:
- Produce a structure plan to guide decision making and rezoning and infrastructure investment.
 - Proceed with a plan change.
- 3.7 Work on the Framework ceased in 2018, due to the significant anticipated costs of 3 waters infrastructure upgrades, and due to housing supply provided through greater intensification in areas

¹ Paragraph 26 of Minute 8

with existing infrastructure, achieved through Plan Change 43 and other Council initiatives.²

- 3.8 In relation to 104 Upper Fitzherbert Road, the Framework:
- a. included the site at 104 Upper Fitzherbert Road within the development area covered by the proposed master plan.
 - b. anticipated residential development of the site.
 - c. identified the need for strategic road access into, and out of, the far Northern end of Wainuiomata via Wise Street.
 - d. Identified that three waters infrastructure networks are constrained, and development could have large negative impact on the infrastructure network
- 3.9 In my view, while the Framework is relevant background material, particularly in relation to previous considerations for growth in northern Wainuiomata, it should be afforded limited weight as it relates to the District Plan review. The Framework was prepared for a specific purpose, was not progressed to a structure plan or plan change and did not result in any statutory planning provisions. The rezoning request must ultimately be assessed on the basis of the evidence before the Panel, the relevant statutory and policy framework, and the effects and infrastructure implications of the proposed development.

Intersection functioning near 104 Upper Fitzherbert Road³

- 3.10 The Panel has requested advice from Mr Luke Benner regarding Council's active investigations into the functioning of downstream intersections from 104 Upper Fitzherbert Road, and whether there are accident, capacity or other land transport matters that should be taken into account in relation to the zoning of the site.

² <https://www.huttcity.govt.nz/people-and-communities/news/archive-wainuiomata-north-statement-of-clarification>

³ Paragraph 27 of Minute 8

3.11 Mr Benner has reviewed the Panel's request, and has advised the following:

- There is no project in the relevant area on HCC's current minor works programme.
- There are no safety or operational concerns being investigated by the team at the moment.
- One relevant public query has been identified and dealt with by Council's Transport Team in recent years. This relates to a concern about the "blind corner at the intersection of Nelson Crescent with Wise Street and the speeding issues along Wise Street". This was investigated last year and the advisory speed and location of the sign were changed. No other improvements have been implemented.

Structure Plan for 104 Upper Fitzherbert Road⁴

3.12 The Panel has asked whether a light-touch structure plan could be used for 104 Upper Fitzherbert Road, or whether an unfettered Medium Density Residential Zone would achieve the intended outcome. The Panel has also asked whether the site-specific subdivision rule proposed by Ms Wynne is useful or necessary in this regard.

3.13 As indicated in my Rebuttal Evidence, my preference was to reference a plan of some form within the conditions of the subdivision rule. Having heard further evidence from Ms Wynne, I acknowledge the constraints associated with directly referencing the concept scheme plan, particularly given that aspects of the layout may change through detailed design. However, I consider that either a light-touch structure plan, or additional conditions within the rule, are necessary to ensure that future development reflects the development potential that has been evaluated.

⁴ Paragraph 12 of Minute 4

- 3.14 Both Mr Godwin and Mr Wilkie have prepared their evidence on the basis of the scheme plan provided by the submitter. That plan and its development potential have generally been tested through their respective assessments, including in relation to servicing, transport and the anticipated scale of development. In my view, the District Plan framework should therefore provide sufficient certainty that subdivision does not materially depart from the development scenario that has been assessed.
- 3.15 If a structure plan were provided, I consider it could remain relatively high level, provided it identifies, as a minimum:
- a. the location and alignment of the internal road corridor and its required connections to adjoining land; and
 - b. a maximum development yield of 100 allotments.
- 3.16 In the absence of a structure plan, I consider that conditions addressing those matters should instead be incorporated into the site-specific subdivision rule.
- 3.17 In relation to the rule proposed by Ms Wynne in her Statement of Evidence, I consider it provides some certainty by requiring provision of the internal road corridor. However, I do not consider it appropriate to include removal of local government reserve status, or legal formation of a road, as conditional matters for a controlled activity as these involve separate legal processes that lie outside the RMA.
- 3.18 While Ms Wynne's proposed rule addresses the internal road corridor, it does not provide sufficient certainty that subdivision will reflect the scale and general development parameters assessed by the submitter's relevant experts.
- 3.19 Having considered Ms Wynne's evidence presented at the hearing, I now support a controlled activity status, subject to the conditions of the rule providing sufficient certainty regarding the matters identified above and an advice note stating that the new subdivision rule is addition to the SUB-R4. This ensures a consistent approach

with other subdivision activities in the Medium Density residential Zone, whilst providing for the matters specific to the site. I consider that specific issues relating to access and infrastructure can be managed through clauses that require access from the site via Wise Street and to the Rural Lifestyle Zone in the northeastern portion of Wainuiomata are provided for. In addition, the effects on infrastructure can be managed via the resource consenting application process if the development is in line with the limitations of the modelled effects on infrastructure. These issues can be provided for by a new policy that would link to the matters of control.

- 3.20 Further intensification or alternative access is provided for through a discretionary activity pathway. I have provided a revised recommended rule and a recommended policy in **Appendix 1**.
- 3.21 Should the submitter provide a light-touch structure plan, or should the Panel consider that a structure plan is necessary to provide additional certainty, the recommended rule could be updated to require subdivision to be generally in accordance with that plan.

Minor Residential Dwelling Ground Floor Area⁵

- 3.22 The Panel has asked why the Proposed District Plan provides for different maximum gross floor area sizes for minor residential units in residential zones and rural zones.
- 3.23 As notified, the Proposed District Plan provides for a maximum gross floor area of 60 m² for minor residential units in the Large Lot Residential Zone⁶ and 80 m² in the General Rural Zone⁷ and Rural Lifestyle Zone⁸.
- 3.24 Through Ms Pascall's Section 42A Report, the maximum gross floor area in the Large Lot Residential Zone was recommended to increase from 60 m² to 70 m² in response to submission GO

⁵ Paragraph 14 and 15 of Minute 4

⁶ LLRZ-R4 and LLRZ-S1

⁷ GRUZ-R6

⁸ RLZ-R6

Architecture⁹ and to better align with the National Environmental Standards for Detached Minor Residential Units (**NES-DMRU**).

- 3.25 A similar submission was made by GO Architecture¹⁰ seeking that the maximum gross floor area in the rural zones be reduced to align with the NES-DMRU. The notified 80 m² limit reflected the larger minor residential units anticipated within the rural environment, and I understand from discussions with Mr Bellamy that this approach also responded to feedback received during preparation of the Draft District Plan. That feedback sought that larger minor residential units were requested in the rural zones due to the nature of living needs for rural properties. When that submission was considered through the Section 42A process, it was concluded that there was no compelling reason to reduce the standard, noting that the District Plan is able to be more enabling than the NES-DMRU where appropriate.
- 3.26 Since the hearing, I have reconsidered this matter in consultation with Ms Pascall. While there remains a sound planning rationale for providing a larger maximum gross floor area in the rural zones, I consider that adopting a consistent standard across the residential and rural zones would provide greater simplicity and certainty for plan users. Given that a 70 m² standard is considered appropriate for the Large Lot Residential Zone and aligns with the intent of the NES-DMRU, I consider it is also appropriate to apply the same standard to the General Rural and Rural Lifestyle Zones. I therefore recommend accepting submission points [331.25] and [331.27].
- 3.27 During the hearing, Ms Clarke on behalf of GO Architecture also raised the potential for confusion arising from the different measurement approaches used in the District Plan and the NES-DMRU. The NES-DMRU refers to "floor area", which is measured internally, whereas the District Plan uses the term "gross floor area", which is measured externally. While the practical difference is expected to be marginal, I consider that aligning the terminology with the NES-DMRU would improve clarity and assist with plan

⁹ Submission Point [331.14]

¹⁰ Submission Points [331.25] and [331.27]

interpretation. I therefore recommend consequential amendments to LLRZ-S1, GRUZ-R6 and RLZ-R6, together with a new definition of “internal floor area”¹¹, as follows:

LLRZ-S1 Number of residential units per site

1. For allotments smaller than 1,000m²: There shall be no more than 1 residential unit and 1 minor residential unit per site.
2. For allotments larger than 1,000m²: There shall be no more than 1 residential unit and 1 minor residential unit per 1,000m² of net site area.
3. For the purpose of this standard, a minor residential unit is a residential unit with an ~~gross~~ internal floor area of ~~67~~0m² or less.

GRUZ-R6 Residential activities

Activity status: Permitted

Where:

- a. There are no more than two principal residential units per site,
- b. Each principal residential unit has a minimum area of 15ha for its exclusive use, including any area provided for parking or manoeuvring space but excluding any area for shared access,
- c. In addition to principal residential units, each principal residential unit can be accompanied by an ancillary minor residential unit, and
- d. The gross floor area of a minor residential unit does not exceed ~~87~~0m².

RLZ-R6 Residential activities

Activity status: Permitted

Where:

- a. There are no more than two residential units on the site,
- b. One of the residential units is a minor residential unit, and

¹¹ Definition aligns with the similar definition of “floor area” from the NES-DMRU.

- c. The gross internal floor area of the minor residential unit does not exceed 870m².

Internal floor area means, as it relates to a minor residential unit, the overall internal dimensions measured between the finished internal faces of the external walls of the minor residential unit.

Highly Productive Land Assessment¹²

- 3.28 The Panel requested an expert review of the appropriate General Rural Zone zoning of properties on the western and southern parts of Crowther Road, including assessment against clauses 3.7 and 3.10 of the National Policy Statement for Highly Productive Land (**NPS-HPL**). The Panel also requested consideration of the remaining matters raised by the Wainuiomata Rural Community Association Incorporated.
- 3.29 The expert review was requested in response to submissions seeking to rezone land on Crowther Road from General Rural Zone to Rural Lifestyle Zone. Those properties contain areas of highly productive land and are therefore subject to the rezoning restrictions in Clause 3.7 of the NPS-HPL, unless the exception in Clause 3.10 applies.
- 3.30 While Wainuiomata Rural Community Association Incorporated submission points did in part refer to the rezoning of Rural Lifestyle Zone over highly productive land, their main points related to proposed zoning of 'larger lots' that are not located over highly productive land. I have therefore addressed those points related to the 'larger lots' at paragraphs 3.45 to 3.53 below.
- 3.31 Since the hearing, it has also been identified that parts of the land proposed to be zoned Rural Lifestyle Zone in the notified Proposed District Plan contain highly productive land. This arises from the split zoning of particular properties under the Operative District Plan, where land previously included within the General Rural

¹² Paragraph 30 of Minute 8

Activity Area is proposed to be zoned Rural Lifestyle Zone through the Proposed District Plan. Those parts of the proposed Rural Lifestyle Zone that contain highly productive land are shown in **Figure 1**.

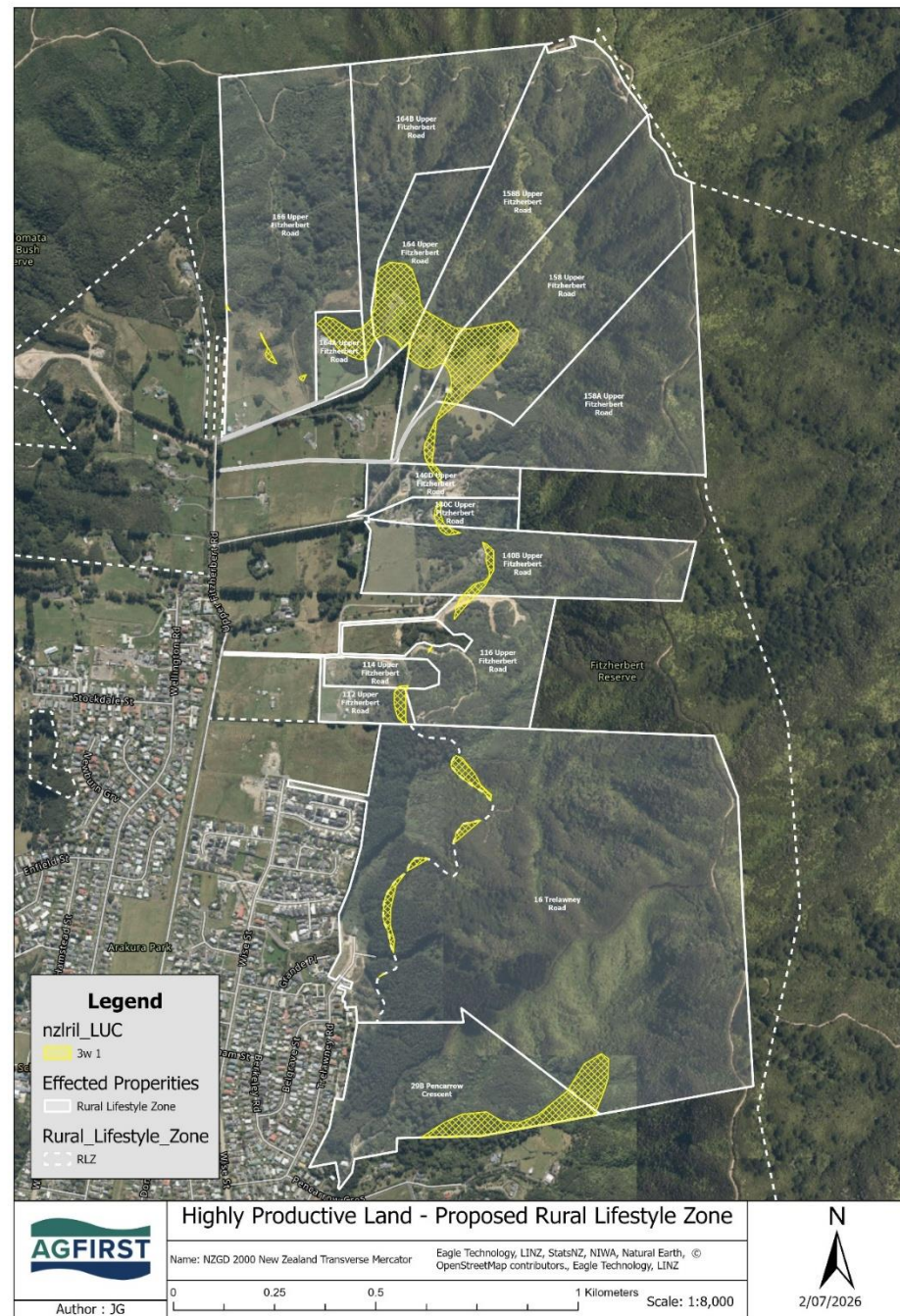


Figure 1: Parts of the proposed Rural Lifestyle Zone containing Highly Productive Land.

3.32 Council engaged AgFirst Consultants to undertake this assessment. Juliet Chambers, Agricultural Consultant, has prepared the report attached as **Appendix 3**.

3.33 The AgFirst report addresses:

- a. the areas of highly productive land included within the Council's proposed Rural Lifestyle Zone;
- b. the two submitter requests seeking to rezone highly productive land from the General Rural Zone to the Rural Lifestyle Zone;
- c. the physical characteristics, productive land capability and agricultural economic context of those areas;
- d. whether the relevant land is subject to permanent or long-term constraints that significantly reduce its productive capacity and ability to support economically viable land-based primary production;
- e. whether those constraints could reasonably be addressed through reasonably practicable options, including amalgamation, changes in management or other measures to retain productive capacity; and
- f. whether the rezonings would result in significant loss of productive capacity, fragmentation of highly productive land, or reverse sensitivity effects on surrounding land-based primary production.

3.34 The above matters address Clauses 3.10(1)(a) and (1)(b) and 3.10(2) of the NPS-HPL. However, the AgFirst assessment does not address Clause 3.10(1)(c) of the NPS-HPL. Clause 3.10(1)(c) requires a broader planning judgement about whether the environmental, social, cultural and economic benefits of the rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values. I address that matter separately in paragraphs 3.39 to 3.42 below.

- 3.35 For the Council's proposed Rural Lifestyle Zone, AgFirst identifies approximately 10.8 ha of highly productive land across 15 properties, of which only approximately 2.23 ha remains practically available for land-based primary production. AgFirst concludes that this land is already highly fragmented by the existing pattern of subdivision, residential development, accessways, established native vegetation and other established land uses. While the underlying LUC 3w1 soils retain productive capability, the remaining effective highly productive land is limited in extent, affected by wetness constraints, and is not capable of supporting an economically viable drystock enterprise.
- 3.36 For the submitter rezoning requests, AgFirst identifies approximately 13.47 ha of highly productive land, of which approximately 8.67 ha remains practically available for land-based primary production. Although this land retains a greater proportion of effective highly productive land, AgFirst concludes that it is nevertheless constrained by the existing pattern of subdivision and residential development, limited irrigation availability, the valley setting, fragmented configuration and economic viability. AgFirst considers these constraints significantly reduce the productive capacity and ability of the land to support economically viable land-based primary production.
- 3.37 Overall, AgFirst concludes that both the Council's proposed Rural Lifestyle Zone and the submitter rezoning requests satisfy the relevant requirements of Clause 3.10 of the NPS-HPL. In particular, AgFirst considers the proposed rezonings would recognise highly productive land that is already subject to permanent or long-term constraints, rather than creating those constraints through rezoning. AgFirst also concludes that the rezonings are not expected to result in a significant loss of productive capacity, significant fragmentation of highly productive land, or significant reverse sensitivity effects on surrounding land-based primary production.
- 3.38 I accept and rely on the AgFirst assessment in relation to the agricultural and economic matters addressed in that report. On that basis, I consider that the requirements of Clauses 3.10(1)(a),

3.10(1)(b) and 3.10(2) of the NPS-HPL are met for both the areas of highly productive land within the Council's proposed Rural Lifestyle Zone and the submitter rezoning requests assessed by AgFirst.

- 3.39 In relation to Clause 3.10(1)(c), I consider that the environmental, social and economic benefits of the rezoning outweigh the long-term costs associated with the loss of highly productive land for land-based primary production.
- 3.40 In reaching that view, I place particular weight on the AgFirst assessment, which concludes that the relevant highly productive land is already subject to permanent or long-term constraints and is not capable of supporting economically viable land-based primary production. The rezonings would therefore largely recognise the existing pattern of subdivision, development and land use, rather than result in the loss of a cohesive and economically viable productive land resource.
- 3.41 The environmental costs are limited, as the rezonings are not expected to result in significant loss of productive capacity, significant fragmentation of highly productive land, or significant reverse sensitivity effects on surrounding land-based primary production. The Rural Lifestyle Zone would also provide a more appropriate planning framework for land that is already characterised by rural lifestyle development, smaller landholdings and fragmented productive land.
- 3.42 The social and economic benefits include improved zoning consistency, greater certainty for landowners, and a zoning framework that better reflects the established use and character of the land. No evidence was presented to identify adverse effects on cultural values arising from the rezoning, and I have not identified any such effects through my assessment.
- 3.43 Having regard to the AgFirst assessment, and my assessment against Clause 3.10(1)(c) above, I consider that there is no NPS-HPL reason that would prevent the relevant land being rezoned Rural Lifestyle Zone. I therefore recommend that submission points

[354.01] and [230.1a] by Duane and Alison Pirimona, and Claudia and John Riley, be accepted, and that the properties at 41, 43, 65, 69, 89, 107 and 115 Crowther Road be rezoned from General Rural Zone to Rural Lifestyle Zone.

- 3.44 I address the associated section 32AA evaluation for this recommended zoning outcome in Section 5 of this Reply.

Wainuiomata Rural Community Association Incorporated

- 3.45 Mr Innes on behalf of Wainuiomata Rural Community Association Incorporated spoke to the submission. Of relevance to the Panel's questions raised in Minute 8, Mr Innes spoke to submission point [364.3b] to rezone 'large parcels' being larger undeveloped properties at the northern end of Moores Valley from Rural Lifestyle Zone to General Rural Zone. I have shown those properties that Mr Innes spoke to in **Figure 2** below.

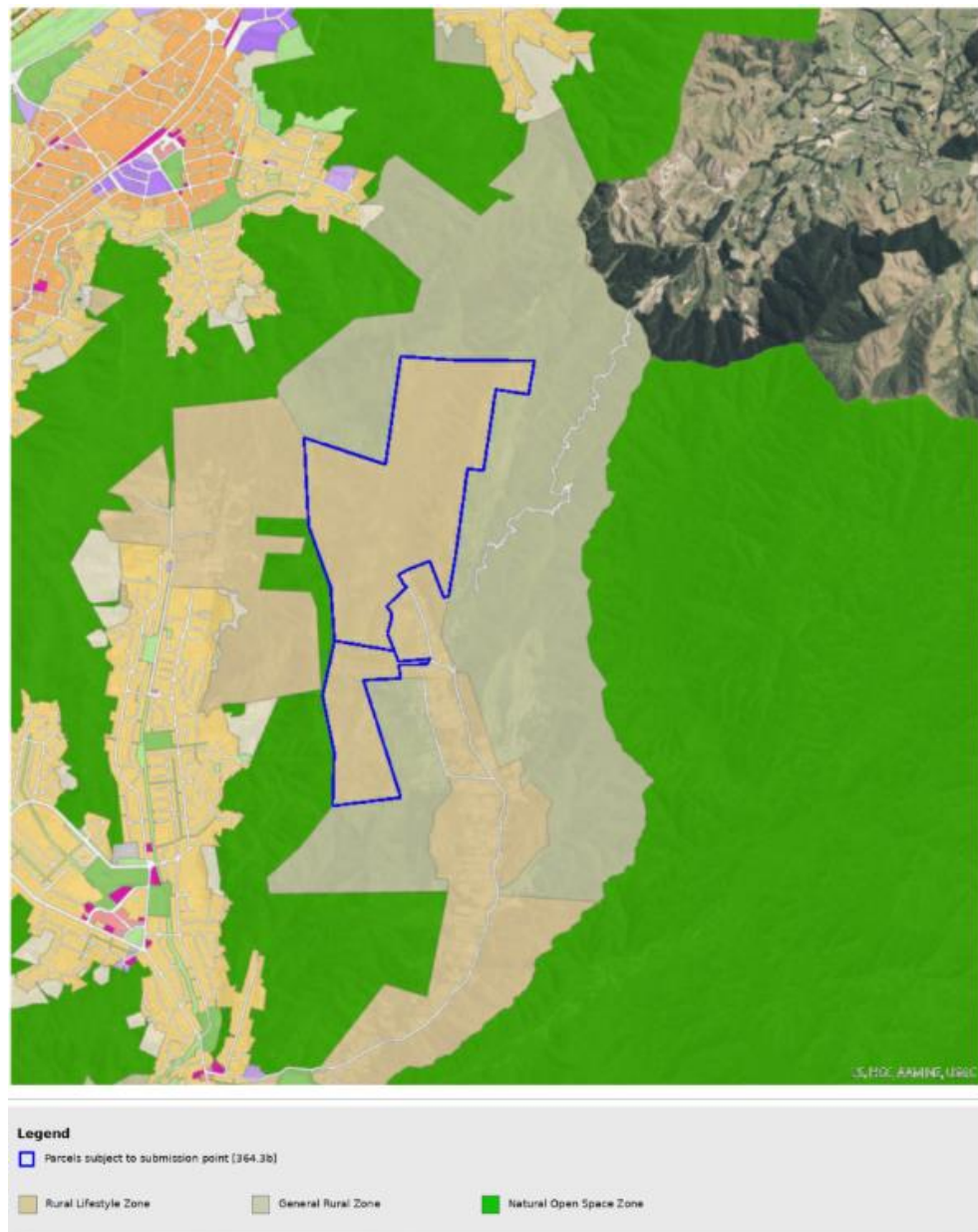


Figure 2: Properties sought to be rezoned to General Rural Zone.

3.46 I note that these properties are not located over highly productive land. Accordingly, the NPS-HPL assessment addressed above is not determinative of the appropriate zoning for these properties. However, AgFirst has provided the following high-level comments on the existing land use and productive characteristics of those sections:

“As requested, I have also provided some additional comments below on the productive characteristics of Lot 55 DP 89549 and Lot 60 DP 354855. These comments are based on my review of the NZLRI mapping, S-map information, aerial imagery, historical aerial photography, and the assessment undertaken for the attached HPL

report. In my opinion, neither property exhibits the characteristics of a productive rural property when considered as a whole. This opinion reflects the combined influence of land capability, topography, existing land cover, historical land use, and the limited and isolated effective area available for agricultural use on each property.

Lot 55 DP 89549 comprises approximately 70 ha and does not exhibit the characteristics of a productive rural property. The property comprises almost entirely LUC 6e7 and 7e2 hill country, with only approximately 0.4 ha of LUC 3s2. Historical aerial imagery indicates that the hill slopes have remained in mature and regenerating indigenous forest since before 1990, while all but approximately 900 m² of the LUC 3s2 land is also covered in dense woody vegetation. This indicates the property has not been utilised for productive agricultural purposes for several decades and contains no meaningful area available for productive agricultural use.

Lot 60 DP 354855 comprises approximately 264 ha and contains approximately 17.2 ha of LUC 3s2 and 39.2 ha of LUC 4s2 associated with the Wainuiomataiti Stream valley floor, which are capable of supporting pastoral farming. The balance of the property comprises predominantly LUC 6e7 (163.6 ha) and 7e2 (44.4 ha) hill country. Review of recent aerial imagery indicates that less than 1 ha of the property is currently in pasture, with the majority of the valley floor covered in gorse or other woody vegetation. Historical aerial imagery also indicates that much of the hill country, together with parts of the valley floor, has remained in mature and regenerating indigenous forest or other woody vegetation since before 1990. While some areas currently occupied by gorse could potentially be restored to pasture, the productive potential of the property should be assessed in the context of the property as a whole. Despite its overall size, productive agricultural use is largely confined to the relatively narrow valley floor, which is subject to practical constraints including its configuration, surrounding topography, the extent of established indigenous vegetation, and limited irrigation opportunities. These factors substantially limit the productive capability of the property as a whole. This is further reinforced by the relatively limited and isolated effective area available for productive use, which is substantially smaller than the average effective size of a Beef + Lamb New Zealand Western North Island Class 5 finishing farm (approximately 206 effective hectares), supporting my opinion that the property is unlikely to support a viable standalone farming operation.

Overall, Lot 55 does not contain a meaningful area available for productive agricultural use. While Lot 60 contains some land capable of supporting pastoral farming, its overall agricultural potential is substantially constrained by the limited extent of the more versatile valley floor, the predominance of hill country, the

extent of established indigenous vegetation, and the relatively small effective area available for productive use. These factors, in my opinion, mean that neither property exhibits the characteristics of a productive rural property when considered as a whole.”

- 3.47 Based on AgFirst’s comments, I consider that the productive characteristics of the relevant properties do not support rezoning the land to General Rural Zone.
- 3.48 Mr Innes raised concerns that the Rural Lifestyle Zone may enable further subdivision and development within an area that includes environmental constraints, including areas of indigenous vegetation, potential wetlands and kiwi habitat. I acknowledge those concerns. However, I do not consider that rezoning the land to General Rural Zone is necessary or appropriate in response to those matters.
- 3.49 The current Rural Lifestyle Zone reflects the zoning pattern in the Operative District Plan, where the relevant land is already within the Rural Residential Activity Area. The Proposed District Plan therefore carries forward the existing rural lifestyle zoning approach for these properties, rather than introducing a new or more intensive zoning framework. In my view, that is an important distinction when considering whether a change to General Rural Zone is justified.
- 3.50 I also consider that the Rural Lifestyle Zone remains appropriate having regard to the existing and anticipated character of this part of Moores Valley. While the properties include larger rural properties, they sit within a broader environment that already includes rural lifestyle development, including the established pattern of development along Brookfield Lane and Moores Valley Road. The Rural Lifestyle Zone better reflects that established zoning and land use context than the General Rural Zone.
- 3.51 In relation to the environmental matters raised by Mr Innes, I consider those matters are more appropriately managed through the relevant district-wide and regional planning frameworks, including provisions relating to subdivision, earthworks, natural hazards, wetlands, indigenous biodiversity and any relevant regional consenting requirements. Those matters do not, in my

view, justify a change from Rural Lifestyle Zone to General Rural Zone through this hearing stream.

- 3.52 I also note that the Rural Lifestyle Zone does not provide an unfettered right to subdivide or develop the land. Any future subdivision or development would remain subject to the applicable subdivision, servicing, access, natural hazards and district-wide provisions of the Proposed District Plan, together with any relevant regional plan requirements.
- 3.53 Overall, I consider that the notified Rural Lifestyle Zone remains the most appropriate zoning and recommend that submission point [364.3b] be rejected.
- 3.54 Mr Innes has stated that Council has not fully identified all submissions relevant to this report. Mr Innes has specifically identified concerns with submissions on minimum lot size in the subdivision Chapter of the PDP. The issue of minimum lot size will be heard as part of Hearing Stream #7: Other Topics.
- 3.55 I note that there are a number of other district wide issues that are relevant to people living on rural zoned properties and have been included in Mr Innes oral submission. These relate to earthworks and natural hazards. These are also covered in other chapters of the PDP and will be considered by the hearings panel in future hearings.
- 3.56 In addition, there have been submissions on matters that have been withdrawn from the PDP, including the Highly Productive Land Overlay and associated provisions. Submissions on these provisions are therefore beyond the scope of the hearing. Rezoning of General Rural zoned land is still required to consider the National Policy Statement for Highly Productive Land as outlined in the section above.
- 3.57 Mr Innes has raised concerns about amending the zoning of 57 Stockdale Street, Wainuiomata from Rural Lifestyle Zone to Large Lot Residential. The issue he has raised relates to the historic rezoning of rural land to Hill Residential Activity Area. I consider this

as irrelevant, as the surrounding sites are almost entirely residentially zoned in the Proposed District Plan and there no submissions opposing their zoning have been received. Additionally, the site is zoned Hill Residential Activity Area in the Operative District Plan and nearest equivalent zone in the National Planning Standards is the large lot residential zone.

- 3.58 My recommendation remains the same as in my Section 42A Report and I consider large Lot Residential Zone to be appropriate zoning for the property at 57 Stockdale Street, Wainuiomata.

Emergency Service Towers¹³

- 3.59 The Panel sought clarification from the Reporting Officers as to why the Proposed District Plan applies a different approach to emergency service towers in the residential zones and rural zones, particularly in relation to exemptions from height and boundary setback standards. The Panel also queried whether a consistent approach should be adopted.
- 3.60 While I understand this question was principally directed to Ms Pascall, I can provide further context in relation to the Rural Zones. Fire and Emergency New Zealand sought similar relief for within the rural zones. As set out in the Section 42A Report¹⁴, those submissions points were rejected on the basis that there is insufficient evidence that there is a need for emergency service facilities in the rural zones. Under the notified plan, emergency service facilities within the rural zones would fall to a discretionary activity status¹⁵ and there is no current exemption for emergency service towers or communication poles in the relevant performance standards.
- 3.61 I remain of the view that there is insufficient evidence to demonstrate a need to provide a specific activity pathway (more enabling than discretionary) for emergency service facilities within the Rural Zones. However, on further consideration, I consider that

¹³ Paragraph 8 of Minute 8

¹⁴ Paragraphs 109 – 116 of the Section 42A Report for Rural Topics

¹⁵ GRUZ-R22 and RLZ-R17.

a distinction can be drawn between the activity status for emergency service facilities and the performance standards that would apply to emergency service towers or communication poles associated with those facilities. If an emergency service facility is otherwise lawfully established, it would be appropriate for the District Plan to recognise the functional requirements of any associated emergency service tower or communication pole. Such structures may be required to support sirens, aerials, communications equipment, or other operational requirements that are integral to the effective functioning of emergency services.

- 3.62 On that basis, I consider that an exemption should be included in the Rural Zones performance standards¹⁶, consistent with those recommended the Residential Zones. Consequently, I recommend that submission points [374.70e] and [374.70f] are accepted. I have recommended those changes in **Appendix 1** and have provided the associated Section 32AA in **Section 5.0**.

4.0 RESPONSE TO EVIDENCE FROM SUBMITTERS

- 4.1 In addition to the matters specifically raised in Minute 8, we respond below to matters arising from the evidence and statements presented at the hearing that warrant a response or change to our recommendations.

Waste Management NZ Limited

- 4.2 Ms Goodwin, on behalf of Waste Management NZ Limited, presented her planning evidence. Following review of the Council officers' rebuttal evidence, Ms Goodwin clarified that the matters remaining in contention for the Rural Zones are now largely limited to GRUZ-R17, as it relates to waste management facilities and the appropriate activity status for that rule.
- 4.3 Ms Goodwin continued to support a restricted discretionary activity status for waste management facilities. I understand Ms Goodwin

¹⁶ GRUZ-S2 and RLZ-S2 (Building Height), and GRUZ-S3 and RLZ-S3 (Setbacks).

had considered whether a graduated framework could be applied, but did not favour that approach for the following reasons:

- a. the potential effects associated with waste management facilities are largely amenity-related, and many of those effects would also be managed through other chapters of the District Plan or through the regional planning framework; and
- b. there are difficulties in accurately limiting the scale of the activity through the rule.

4.4 While Ms Goodwin did not support a graduated approach, she acknowledged that the scale of the activity is a relevant matter for consideration. She suggested that, if a restricted discretionary activity status were adopted, the matters of discretion could include the “scale, location and intensity of the activity”. Ms Goodwin also indicated that she would be open to providing further input into a graduated rule.

4.5 Having heard from Ms Goodwin and Ms Whiteman, I agree that many of the effects associated with waste management facilities are amenity-related. I also acknowledge that some effects may be managed through other District Plan chapters or through the regional planning framework, including matters such as buildings and structures, transport, noise and discharges.

4.6 However, I remain of the view that GRUZ-R17 has an important land use management function that is distinct from those other provisions. While other chapters or regulatory frameworks may manage particular effects, they do not necessarily address whether a waste management facility is an appropriate land use within the General Rural Zone. That assessment requires consideration of the overall nature, scale, intensity and operational characteristics of the activity, and its compatibility with the anticipated outcomes for the rural environment, including its potential to create reverse sensitivity and cumulative effects.

4.7 If a single activity status is to apply to all waste management facilities, I continue to consider that a discretionary activity status is

the most appropriate approach. Waste management facilities can comprise a broad spectrum of activities, ranging from small, enclosed transfer stations through to larger outdoor processing, recovery, storage and sorting operations. The effects of those activities can vary considerably depending on the nature of the waste stream, the extent of any outdoor operations, vehicle movements, hours of operation, site layout, and the relationship with adjoining activities. In those circumstances, I consider that a discretionary activity status is better able to respond to the diversity of activities captured within the definition of waste management facility. It also avoids the difficulty of attempting to predetermine an exhaustive set of matters of discretion that would be suitable for all potential forms of waste management facility in the General Rural Zone.

- 4.8 However, having heard further from Ms Goodwin and Ms Whiteman, I consider that there may also be a workable basis for a graduated activity status framework. While I acknowledge the limitations identified by Ms Goodwin, I consider that scale could potentially be managed through the rule, either by reference to whether the activity is fully enclosed within buildings or by applying a gross floor area or activity area threshold.
- 4.9 Ms Whiteman described the different forms that waste management facilities may take and noted that, in many cases, activities are fully enclosed. In my view, where a waste management facility is fully enclosed within a building, that would assist in managing many potential amenity effects, including noise, dust, odour and visual effects. That may provide a basis for applying a restricted discretionary activity status to a more confined class of waste management facilities.
- 4.10 A floor area threshold could also provide a practical method for distinguishing between smaller-scale facilities that may be appropriate for a restricted discretionary activity status and larger-scale facilities that should remain discretionary. For clarity, I consider that any threshold should relate to the area used for the

waste management facility activity as a whole, rather than only the gross floor area of buildings or structures.

- 4.11 While a floor area threshold could provide a practical proxy for the scale of a waste management facility, I acknowledge that it may not necessarily correlate directly with environmental effects. Factors such as the extent of outdoor storage, processing activities, vehicle movements, and the nature of the materials being handled may be equally, or more, influential in determining the actual and potential effects of a facility. This creates some difficulty in identifying a threshold that reliably distinguishes between activities with lesser effects and those that warrant a broader assessment.
- 4.12 However, I do not currently have sufficient information before me to recommend a specific land area threshold. In the absence of that information, I consider that a discretionary activity status remains the most appropriate recommendation.
- 4.13 For completeness, if the Panel is minded to adopt Ms Goodwin's preferred approach of a restricted discretionary activity rule, I have provided drafting below. That drafting incorporates an additional matter of discretion relating to the scale, location and intensity of the activity, as suggested by Ms Goodwin.

GRUZ-R17 ~~Solid waste transfer stations~~ Waste Management Facilities and ancillary activities

1. **Activity Status:** Restricted ~~D~~iscretionary

Matters of discretion are restricted to:

1. The effects on the character and amenity values of the surrounding area.
2. The extent, location and management of any outdoor processing, storage or stockpiling.
3. The visual appearance of buildings, structures, storage areas and operational areas, including landscaping and screening.
4. The effects on adjoining properties and sensitive activities, including the potential for reverse sensitivity.

5. The scale, location, design, and intensity of the activity.

Brookfield Board and Scouts Aotearoa

- 4.14 Mr Bell and Mr Keatley, on behalf of Brookfield Board and Scouts Aotearoa (S469), spoke to their submission. As it relates to the Rural Zones, Mr Bell and Mr Keatley spoke to two main submission points:
- a. Seeking rezoning of larger undeveloped land parcels adjacent to the Brookfield Board and Scouts Aotearoa property from Rural Lifestyle Zone to General Rural Zone¹⁷; and
 - b. Seeking the rezoning of the Brookfield Board and Scouts Aotearoa property is rezoned to a special purpose zone¹⁸.
- 4.15 In relation to the first point, I note that the concerns raised are similar to those raised by Mr Innes on behalf of the Wainuiomata Rural Community Association Incorporated, as addressed above. For the reasons set out in paragraphs 3.45 to 3.53, I remain of the view that the Rural Lifestyle Zone is the most appropriate zoning for those adjoining land parcels.
- 4.16 In relation to the Brookfield Board and Scouts Aotearoa property itself, I understand from the evidence of Mr Bell and Mr Keatley that the principal concern is not the ability to continue the existing use of the site, but the potential constraints that the General Rural Zone may place on future buildings and structures required to support the ongoing operation of the site. Specific reference was made to the cumulative ground floor area limit in GRUZ-S1 and how that may affect the ability to construct additional huts or similar facilities.
- 4.17 Based on the description of the Brookfield Board and Scouts Aotearoa operation, I accept that the existing activity has a particular character and function that is not expressly anticipated by the General Rural Zone provisions. However, I do not consider that

¹⁷ Submission Point [496.1]

¹⁸ Submission Point [469.5]

sufficient evidence has been provided to justify a special purpose zone for the site, or any other similar zone (for instance Natural Open Space Zone). The existing use of the site can continue to be relied on in accordance with section 10 of the RMA, and the main issue appears to relate to the consenting pathway for additional buildings and structures rather than the underlying land use activity itself.

- 4.18 While I acknowledge that additional buildings or structures may require resource consent under the General Rural Zone provisions, I consider that the objectives and policies of the zone would provide an appropriate framework for assessing such proposals. In particular, the framework enables consideration of whether the scale, location and design of future built development maintains rural character and amenity values, while also recognising activities that have an operational or functional need for a rural or open space location.
- 4.19 On that basis, I remain of the view that the General Rural Zone is the most appropriate zoning for the Brookfield Board and Scouts Aotearoa property. I do not recommend rezoning the site to a special purpose zone.
- 4.20 If the Panel is minded to provide more specific recognition of the Brookfield Board and Scouts Aotearoa activity, I consider that this would be more appropriately achieved through a targeted amendment to the General Rural Zone provisions, rather than through a special purpose zone. For example, this could be achieved by either:
- a. including an exemption to GRUZ-S1 for buildings and structures associated with recreation activities on the Brookfield Board and Scouts Aotearoa site; or
 - b. introducing a site-specific rule providing for buildings and structures associated with the established recreation activity.

5.0 SECTION 32AA EVALUATION

- 5.1 The amendments recommended in this Reply relate to:
- a. the site-specific subdivision framework for 104 Upper Fitzherbert Road;
 - b. minor residential unit size and measurement;
 - c. an exemption for emergency service towers or communication poles to performance standards GRUZ-S2, GRUZ-S3, RLZ-S2 and RLZ-S3; and
 - d. the rezoning of the sites at 41, 43, 65, 69, 89, 107 and 115 Crowther Road from General Rural to Rural Lifestyle.
- 5.2 The scale and significance of the recommended amendments is considered to be generally low to moderate. The amendments refine the notified or previously recommended provisions, rather than alter the overall policy approach of the Rural Zone framework.
- 5.3 In relation to 104 Upper Fitzherbert Road, the recommended site-specific subdivision framework is more appropriate than an unfettered Medium Density Residential Zone. It provides greater certainty regarding the anticipated scale and form of development, including road connections, servicing, stormwater and natural hazard matters, while still enabling the development capacity supported by the rezoning.
- 5.4 In relation to minor residential units, the amendments continue to provide for minor residential units while ensuring they remain ancillary in scale and compatible with the anticipated character of the Rural Zones. The amendments also improve consistency with the residential zones and the NES-DMRU, and reduce potential confusion arising from different measurement approaches.
- 5.5 In relation to emergency service towers and communication poles, the recommended exemption is more appropriate because it recognises the functional requirements of emergency service facilities and provides a consistent approach across the District

Plan. The exemption is appropriately confined to towers and communication poles up to 15m in height that are associated with an emergency service facility, and does not otherwise change the activity status for emergency service facilities in the Rural Zones.

- 5.6 In relation to the rezoning of the sites in Crowther Road, the recommended amendments are intended to ensure the zoning appropriately reflects the evidence on productive land capability, existing and anticipated land use, and the requirements of the NPS-HPL.
- 5.7 Overall, I consider the recommended amendments are more appropriate in achieving the objectives of the Proposed District Plan than the notified provisions or previous recommendations. They improve the clarity, consistency and effectiveness of the provisions, respond to evidence presented through the hearing process, and provide a more targeted framework for managing site-specific and activity-specific matters. I consider the amendments are efficient and effective, and that the benefits outweigh the costs.



CHARLES HORRELL
Boffa Miskell Limited (on
behalf of Hutt City Council)
23 July 2026



SEAN BELLAMY
Hutt City Council
23 July 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

APPENDIX 2: SUBMISSION POINT TABLE

APPENDIX 3: AGFIRST HPL ASSESSMENT

APPENDIX 4: AMENDMENTS TO RECOMMENDATIONS TO REZONING OF RURAL ZONED LAND