

IN THE MATTER OF

PROPOSED HUTT CITY DISTRICT PLAN

SUBMISSIONS: 257,258

CROSS SUBMISSIONS 284,313,374,375,380

EVIDENCE OF MARILYN BROWN

1. Introduction

1.1 My name is Marilyn Brown. I am a resource management consultant and a director of NM Associates Ltd, an architecture, urban design and planning practice. I am a member of NZPI, RMLA and an associate member of NZIA.

1.2 My professional experience includes;

- spatial planning, overview to housing supply and demand and typology options to address the future growth of Cromwell (noting that while not currently a Tier 1 NPS-UD environment Cromwell is an area very much impacted by extensive growth in neighbouring Queenstown Lakes District), expert evidence for Central Otago District Council on Proposed Private Plan Changes 12- Wooing Tree (2018) and 13- River Terraces Development (2019) assessing for comprehensive residential development rezoning proposals.
- assessment of urban development and connectivity options for Amberley and Hamner Springs (the latter also including consideration of multi-unit typologies, locational constraints and mixed-use development opportunities (2010)
- evaluation of Tauranga City District Plan Review proposals for intensified housing within Mt Manganui, Plan Change 33 (2024) and an application by Sanderson Group to construct 'The Pitau' 227-unit retirement complex (2024)
- co-author with Dr Terry Day for a Local Government NZ study addressing risk in regard to flooding/extreme rainfall events and interrelated planning issues. The study involved input from a number of catchment engineers and focused on cross-party solutions for effective risk management across various responsible agencies (2003- 2005).

1.3 Other experience includes that as a consultant planner/project manager to various City and County agencies in the San Francisco Bay Area and other areas of California - working in the multi-disciplinary practice Environmental Impact Planning Corporation (1977-80).

- an assessment of the impact of a San Francisco City ordinance (legislation similar to that of NZ's Unit Title provisions addressing the conversion of existing rental stock to individual private titles, and associated supply and demand effects to the availability and cost of low to moderate income housing)
- analysis of various proposals for annexation of rural land for urban development in Santa Rosa, Tiburon/Marin County, Napa, Fresno and other parts of California on behalf of the applicable local government agencies, Among the matters considered were the fiscal implications of development proposals to Utility Districts, City and County level administrations, and the capacity to absorb housing/mixed use development /provide an appropriate level of infrastructure at regional and local level.

Despite the fact these projects were undertaken in some years' ago they addressed the type of growth issues now very much to the fore in New Zealand and thus provide insight to the multi-faceted nature of issues for housing and infrastructure supply

Employment within the local government sector was with Onehunga Borough, Lower Hutt City Council and the Wellington Regional Council.

- 1.4 I have lived in Belmont for many years and am thus familiar with the Western Hills and the wider Lower Hutt contextual environment. I am also familiar with mandated changes to residential typologies under Intensified Planning Instruments and other government directives to enable an increased supply of housing to meet assessed demand via Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 (RMA-EHS).
- 1.5 As an affected property owner (14 and 18 Park Rd) this evidence is provided on an advocacy basis however, reflects my professional knowledge and experience and follows the principles for analysis as per the Code of Conduct for expert witnesses.

2. Submission area and statutory framework

- 2.1 Submissions numbered **PDP 196 and 258** address the proposed MDR zoning of 18 properties (**#s18,10,12,12a,14,14a,18,20,24,26,30,32,36,38,40,46 Park Rd**) located on the eastern side of the road, uphill and downhill of Natusch Rd bridge vicinity.
- 2.2 The Submission area extends between Bertrams Reserve northwards to an entry point off Park Rd which is more or less opposite Gainsborough Grove: Refer **Attachment: Figure 1- aerial**. A cadastral plot is shown in **Figure 2**. The proposed zoning and overlays are shown in **Figures 3 and 4**.

2.3 This evidence addresses the proposed Medium Density Residential (MDR) zoning of the Submission area as the statutory update of the existing 'Hill Residential' categorisation of the Operative Plan. Hill Residential is not a zone defined within the mandatory direction- Zone Framework Standard/ Resource Management Act – Enabling Housing Supply and Other matters (RMA- EHS).

2.4 MDR is described in the National Planning Standards as:

Medium density residential zone	<i>Areas used predominantly for residential activities with moderate concentration and bulk of buildings ,such as detached, semi-detached and terraced housing, low rise apartments and other compatible activities</i>
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2.5 The corresponding zone description in the Proposed Plan is: *'the Medium Density Residential Zone covers a significant portion of Lower Hutt's residential areas, including areas in the Hutt Valley floor, Western Hills, Stokes Valley, Wainuiomata and Eastern Bays... ..[these are} typically ... areas that have a lower level of access to [commercial centres](#), [community facilities](#) and rapid transit services than the High Density Residential Zone....*

While areas in the Medium Density Residential Zone are predominantly residential in nature, [non-residential activities](#) are provided for where they are compatible with the residential character of the area and serve the local community'.

2.6 In the Proposed Plan MDR is applied to the greater part of mid and upper contour of the Western Hills: thus coinciding with the extensive residential areas developed during the late 1970's/1980's and to date to a conventional pattern of subdivision, roading and utility specification (for the time), predominantly for single family and semi-detached dwellings.

2.7 These areas of the Western Hills offer some capacity for infill and some opportunities for new development at contours above existing development and/or in perimeter locations e.g the Kilmister block, upper Normandale locale. As explained below the areas that are proposed MDR are in response to mandatory provisions to enable an increased density of development as per Intensified Planning Instruments (IPI). Notwithstanding the RMA(EHS) statutory framework enables Large Lot Residential zoning in some circumstances.

2.8 For much of the earlier developed *lower contour* areas of the Western Hills (often referred to as Wellington Fault escarpment vicinities) the District Plan Review generally proposes *Large lot zoning (LLR)*. However it does not do so for the Submission properties within the *lower eastern part of Park Road refer (Figure 5)*. It also proposes LLR in most parts of the Eastern Hills - these areas having a similar development constraints/pattern of development to those of the lower Western Hills.

- 2.9 LLR zones are defined in the National Planning Standards as:

Large Lot residential zone *Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.*

- 2.10 In the Proposed Plan the ‘Large Lot Residential Zone descriptor is: ‘primarily [providing] for a mix of larger residential lots with detached housing types, including standalone houses, minor dwellings, and semi-detached houses.

The zone applies to areas where medium to high density development is generally inappropriate due to a lack of reticulated water, wastewater or stormwater services, or access constraints. These factors have contributed to a low-density residential environment with a high level of natural environmental features. Medium to high density housing types such as terrace housing and low-rise apartments, are only enabled where it can be demonstrated that the location is appropriate for more intensive development, including that the development can appropriately respond to existing constraints.

Development enabled within the zone contributes to ensuring that the District Plan provides for sufficient residential development capacity to meet expected demand for housing in the shorter, medium-term and long-term”.

- 2.11 In common with similar locations just above the Fault escarpment, the Submission area has a markedly different pattern of development and cadastral arrangement to the MDR descriptor noted above and to that of the proposed extensive MDR locations which comprise the balance of the Park Rd residential environment; refer [Figure 5](#).
- 2.12 The RMA-EHS/MDRS provisions mandate intensification to all residential areas with exclusions ‘only where an existing residential zone [is inappropriate] for greater intensification and is better described as a larger residential zone....Sections 77G (4) and 80E(b)(iii)- and as per Table 13 Standard 8 Zone Framework Standards of the National Planning Standards (July 2022).
- 2.13 The availability of LLR provisions correlates with allowance under the RMA-EHS (Enabling Housing Supply and intensification Streamlined Planning Process) as follows:
‘an IPI could also rezone land from an existing residential zone (where MDRS would have to be incorporated under the RMA-EHS) to Large lot residential ...which are exempt from the MDRS...This could occur where, as a consequence of giving effect to the MDRS or the intensification provisions of the NPS-UD, an existing residential zone may not be appropriate for greater residential intensification and is better described as large lot residential zone as set out in Table 13 Standard 8 described above..’

- 2.14 For the various reasons discussed below I consider the Submission area is appropriately managed as a *Large Lot Residential zone*; this also being the conclusion reached in Council's Section 42A report.
3. Current environment, various legacy issues and accessibility characteristics
- 3.1 As noted above the Submission area extends north from the Grounsell Cres/Bertrams Reserve corner to just south of the Park Rd/ Gainsborough Grove intersection (**Figure 2**). A comparison of property sizes within the submission area to those of adjoining LLR locations cf. Gainsborough Gr vicinity is shown in – **Attachment 2- Table 1**.
- 3.2 MDR typologies (and associated District Plan matters) require an immediate presence to the street, and close proximity/accessibility to the wider residential locale. From an urban design perspective this is an essential element to successful/upzoned environments and an engendered 'wider -community' focus.
- 3.3 While the cadastral detail of the Submission area includes some generous frontage widths to Park Rd the combination of access arrangements, roading and topography mean that there is no immediate or convenient access to the street as per the 'standardised' footprint of the residential development on the western side of the Park Road (and at higher contour).
- 3.4 Within the Submission area 14 of the 18# properties are dependent on ROW access
- upper ROW (#'s 46,40, 38,36,32,30,26,24,20 and 18 Park Rd)
 - lower ROW (#'s 14,14A, 12 and 12A Park Rd).
- There is **no** interlinking access within the property titles between the upper and lower ROW's. The existing gate enables convenient access between #14 and 18 however is not protected by way of easement. It is unsuitable for emergency vehicles.
- 3.5 The lower properties (#'s 4,6,8, 10 Park Rd) all have immediate frontage to the road, however with the exception of #4 Park Road are without drive on capability for day-to-day access, construction vehicles, delivery vans, etc. There is limited capability to store/transfer goods or materials from the parking pads. Pedestrian access is in an uphill direction from the road. Whereas the original/parent properties had some informal connectivity to the upper and lower ROW areas via a series of walking tracks this has been lost over time.
- 3.6 The upper ROW properties are accessed via a northern 'slip road' within road reserve running parallel to and approx. 5m above the RL of the formed Park Rd carriageway (entered near Gainsborough Gr). The lower ROW is accessed via a shorter 'slip road' just to the north of the eastern bus stop This Row is also located above the steep bank area just to the north of the Natusch Rd bridge.

- 3.7 The upper and lower ROW properties are dependent on access from Park Road within an area of road reserve above the RL of the formed carriageway before linking to the ROW entry. These properties also have various other constraints to development, in some instances reflecting legacy factors associated with their initial development within rural Hutt County (Figures 6,7).
- 3.8 Difficulties with the entry and exit from the ROW's and limitations as to their width and dimensions in respect of MDR development are noted in evidence of Harriet Fraser. Further discussion on these matters is also addressed by Council's traffic adviser Luke Brenner. Both experts consider the Proposed MDR unsuitable to the ROW and 'slip road arrangements described.
- 3.9 The Submission also requests designation of the lower Park Rd eastern frontage as a constrained traffic environment adjacent cadastral frontage of # 4,6,8,10,12,12a,14,18,20,36,38 40 and 46 Park Road. The rationale for this is given in the Harriet Fraser traffic engineering evidence and as related to geotechnical evidence by Ian Brown.
- 3.10 There are no footpaths within the 'slip road' areas or within the ROW's. Steps below the #18 frontage providing access to uphill and downhill bus stops and for courier deliveries are affected by slope stability problems dating from the 1976 floods and other substantive weather events to date. They are not maintained by Council contractors.
- 3.11 Traffic evidence and that by Mike and Sandy Thackney addresses the poor accessibility/connectivity environment at the northern ROW entry area.
- 3.12 There are also access constraints to footpath areas to the south of the bus stops. Evidence by Danielle Falconer addresses sight- line problems for pedestrians and drivers alike in the vicinity of the lower ROW and beyond to Grounell Cres (and to school and commuter bus stop areas at Grounell Cre stops). For my part I've experienced a number of close calls with downhill buses and other traffic while out running – the footpath is narrow without grade separation from the road carriageway.
- 3.13 All of the above areas are subject to geotechnical risk: refer to evidence by Ian Brown.
- 3.14 In my view an MDR scenario for the Submission area would almost inevitably result in a one lane width for both uphill and downhill traffic, and parking on berms and in ROW's of the submission properties
- 3.15 Overall the Submission properties are considered to have a more reduced level of accessibility than those of Natusch Rd and Belmont Tce: these areas being included to LLR zones.

- 3.16 The Submission area existing environment needs also to be considered in the context of cumulative traffic effects of the wider contextual setting. MDR infill (to permitted and/or consented baselines) will inevitably increase the volume of traffic on Park Road and is also expected to create increased competition for on-street parking.
- 3.17 The residential area to the north of the Submission properties is extensive. While there are few indicators of cumulative traffic effects in this wider catchment to date, the future environment is an important consideration as to the functionality, accessibility, safety and convenience likely to be experienced with the Submission locale.
- 3.18 A breakdown of property sizes and capital values is given in **Table 1**, and comparative information for LLR locations in **Table 2; Belmont Tce, Natusch Rd and Palm Grove; see Attachment 2.** these generally correlate to that for the Submission area
- 3.19 Overall the Submission areas cannot be assumed to be ‘infill ready’ or have future infrastructure capacities able to absorb additional dwelling supply as per the Medium Density Residential Standards’ permitted baselines.
- 3.20 This is a markedly different situation to that beyond the Submission locale where spatial arrangements allied to ‘conventional’ subdivision and roading requirements then applicable enable improved adaptability/viability or medium density housing in response to mandatory IPI’s (intensification Planning instruments).
- 4. Other legacy factors**
- 4.1 The historic photos of the lower Park road and nearby development (**Figure 7**) confirm the development of the Submission area properties by 1948. Also observed are the commonalities of these areas with areas now proposed for LLR (and the Submission locale i.e.in terms of narrow roading, drainage reserves and various parcel sizes. These factors as interrelated to their original development as a rural housing area/ part of the former Hutt County.
- 4.2 Until the Submission area (and other Fault escarpment areas) were incorporated into Lower Hutt City the properties were reliant on water supplies from roof collection or stream supply and septic tanks for wastewater. So far as I’m aware there was no regular refuse collection within the area.
- 4.3 Despite the availability of bulk infrastructure to the Submission area from the early 1980’s there remain instances of early galvanized pipes within the ROW’s and road banks, including that for gas and water. Where encountered they remain the interlinking element between dwellings and the lower Park Road bulk services.
- 4.4 **The Property Group study ‘Understanding medium density development In Kapiti 2021 (for Kapiti District Council) provides an interesting insight to**

the various factors which (in a ‘global’ sense) influence the delivery of medium density development infill opportunities. Also describing the the intersect between planning, market economics and risk in achieving development at increased /MDR densities.

- 4.5 Among other matters TPG note *“smaller standalone medium density development in existing urban areas have been successful where land was acquired at a low market rate, for example, where rundown property becomes available.*

“Alternative medium density development opportunity can arise through surplus land on existing property, for example where a property held in speculation {then} provides an opportunity due to a change in land use zone or site restrictions become more favourable [If] there is a lack of suitable vacant development sites available in existing infill ormedium density zoned land [where] land and existing buildings need to be acquired with improvements then removed, [potential land remediation increases] the underlying land development cost and risk associated with delivering medium density development..... The costs associated with enabling land, including three waters infrastructure, civil works, access, land remediation and resilience are generally covered under infrastructure costs.

“Subject to scale infill development can be more challenging than greenfield due to risk associated with the existing built environment for example trunk infrastructure capacity and onsite servicing to address the same may render a development proposal not feasibleMedium density undertaken as part of larger scale development e.g Kenepuru Landings on the former hospital site at Kenepuru have been successful by way of achieving construction.....

“ Smaller, standalone medium density developments in existing urban areas have been successful where land was acquired at a low market rate, for example, where a rundown older property becomes available. Alternative medium density development opportunity can arise through surplus land on existing property, for example, where a property which has been held in speculation now provides an opportunity due to a change in land use zone or site restrictions become more favourable.

[Where there is a lack} of suitable vacant development sites available in existing infill or town centre locations or medium density zoned land, land and existing buildings would need to be acquired, with improvements then removed, potentially land remediated and increasing the underlying land development cost and risks associated with the delivering medium density development.....”

- 4.6 I consider TPG descriptors are indicative at a general level to the various development constraints within the Submission area, and other similar localities within the Western Hills.
- 4.7 While the Proposed Plan recognises these factors as influencing redevelopment zoning (including for much of the former Hutt County areas as LLR) it does not do so for the Submission area. In my view this is an inconsistent approach to existing development constraints and a

commonality which should have been taken into account in the Proposed Plan.

- 4.8 Betram's Reserve was a gift to the Hutt City Council from internationally known New Zealander's Jean and James Bertram. The curtilage environment to the Reserve (i.e. the Submission properties) is habitat to native and introduced birds, and some native skin It , it is also part of a non-channelised stream system which commences within the Belmont Regional Park before becoming a covered system Grounsell Cres/SH@ walkway.
- 4.9 These habitat values are a much-treasured feature of the Submission environment (see for example the Thackney evidence). At #18 Park Road species observed include kereru, NZ Falcon/ Karearea, morepork, tui, fantail, bellbird, wax eye, kingfisher, the migratory shining cuckoo as well as introduced species such as rosellas, thrush, blackbird, and chaffinch. The Submission properties are central to the wider curtilage environment which includes the nearby LLR/Natusch Road, Palm Grove and Belmont Tce locale.
- 4.10 The Reserve is a localised stream environment which is a popular dog walker spot and a significant recreation asset. However also subject to dumping of garden waste, including pest plant species such as wandering willy and ivy. It also has mature radiata pine and redwood (both being introduced species). Based on my experience living in the Berkeley Hills and working in areas other parts of California both redwoods and radiata pine are a significant fuel species/ urban fire risk in a warming climate.
- 4.11. It is therefore very important that there is unimpeded access from the Submission properties to the western flank of the Reserve for firefighting and other emergency vehicles. Given the ROW widths there would be very difficult if there were cars parked within them; a situation easily anticipated under an MDR environment.
- 4.12 A further consideration is that of reduced on-site soakage capacity available under MDR compared to LLR baselines. Informal observation of recent multi-unit construction in Naenae, Waterloo and Petone is that construction typically commences with vegetation clearance and site levelling, thence concreting across much of a site as an all-weather substrate to dwelling installation. This methodology would significantly reduce the extent of ground soakage available within the Submission area, in turn cumulatively impact on the riparian corridor and other habitat values described.
- 4.13 In terms of infrastructure considerations the reduced soakage capacity of the Submission area (as per the proposed MDR) would also have cumulative effects to stormwater management in Grounsell Cres, and noting that #'s 40 and 46 Park Rd are included to Medium to High flood overlays.

5. National Policy Statement for Infrastructure 2025 (NPS-I), National Policy Statement- Natural Hazards

- 5.1 The recently operative **NPS-I** and **NPS-NH** are both considered relevant to the expectations of ‘carrying capacity’ of utilities and services within a residential area, and the reliable availability of urban services/utilities to new and existing development including:
- the availability and functionality of access for day-to-day and emergency vehicles
 - provision of electricity, telecoms/fibre and Three Waters connectivity
 - allied matters for decision-making as to the health, wellbeing and safety of the community.
- 5.2 *‘The NPS-I requires decisionmakers to recognise infrastructure as a matter of national significance under the RMA and provides policy to support its development, maintenance and upgrades while still addressing adverse impacts. Over time it will support more consistent, coordinated planning and development of infrastructure that meets community needs and support long term planning and resilience from climate change’.*
- 5.3 In the context of a District Plan Review the NPS-I is enabling of new and upgraded infrastructure, recognises that infrastructure impacts the wider environment and vice versa, and that it’s availability at an appropriate level of service effects both day to day health and well-being, and the degree to which it is possible to achieve a well-functioning urban environment.
- 5.4 While ‘*infrastructure*’ is defined in the NPS as *excluding* roads, so far as I’m aware it does not exclude urban services/utilities within road reserve locations. Hence my comments below.
- 5.5 The provisions of the NPS-I are important considerations to resource management within the Submission area due to
- existing and future constraints to development
 - attaining an appropriate level of service, particularly as regards the roading environment of the lower Park Road area and the condition of the steep banks within road reserve located between the formed carriageway and property boundaries
 - attaining an appropriate level of accessibility to individual properties.
- 5.5 There are numerous infrastructure assets and services within the Submission area. Infrastructure within the ROW’s and other areas is of variable age, and repairs and other works can result in
- interrupted services, as well as impacting vehicle and pedestrian access to individual properties
 - need for resurfacing of affected areas (an added cost to repair and reinstallation)
 - uncontrolled runoff impacting downhill properties and associated health and safety, for a period.

- a series of unintended consequences e.g a recent upgrade to the water line between the #18 toby and the upper ROW supply has introduced an intermediary zone of rainfall intrusion across the frontage to #20, thus further impacting on the slope stability of road reserve areas directly below the #20 frontage, and the safe accessibility to the #18 pedestrian entry residents, pedestrians and mail deliveries to #18
 - safe accessibility to others using steps within road reserve to gain access to the bus stop on the eastern side of Park Rd, north of the Natusch bridge.
- 5.6 As per geotechnical evidence the steep cut below the #18 frontage (and other similar locations) is not retained, and there is a long history of gauging out within road reserve beyond private property boundaries in much of the Submission area. The impact of major rainfall events is thus not considered appropriately mitigated and is exacerbated by increasing occurrence/climate change effects.
- 5.7 There is also water penetration along the alignment of the Chorus and water supply installation – most significantly on the upper slip road but also within the lower ROW with ongoing stability effects.
- 5.8 These effects to infrastructure location and alignment are not mitigated by the slope stability overlays applicable to *private property*/ appear the responsibility of the respective utility agencies.
- 5.9 Geotechnical evidence also discusses the steep banks within road reserve in the area north of the Grounsell Cres intersection (frontage to 4,6,8,10,12a ,12, 14 Park Rd). This area is also unstable with risk to adjacent footpath and road.
- 5.10. Given the above matters as to the current environment, the following **NPS- I** factors are considered relevant to decision making on the Proposed Plan
- “ Application** the National Policy Statement applies to all infrastructure activities and all supporting activities except {renewal electricity generation and electricity transmission networks}
- “Additional infrastructure** includes....., a stormwater network, flood control and protection works carried out by, or on behalf, of a local authority
- ‘Ancillary infrastructure activities** mean an activity that supports and is subsidiary to an infrastructure activity, including, but not limited to:
- a) vegetation clearance and tree trimming;
 - b) earthworks and land disturbance
 - c) construction, maintenance, repair and upgrading of access tracks, bridges and culverts and
 - d) power supply and telecommunications
- ‘Buffer** means an overlay, a specific control layer, or rules in a district plan to manage the effects of activities that may be sensitive or incompatible with,

or adversely affect, infrastructure activities, and may include restrictions on those activities...

Policy 10: *Planning for and managing the interface and compatibility of infrastructure with other activities. Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure:*

1. *infrastructure and other activities are as compatible as practicable;*
2. *the safe, efficient and effective operation, maintenance and minor upgrades, and major upgrades of existing or planned infrastructure are not compromised by the adverse effects of other activities; and*
3. *infrastructure activities that are compatible with each other are co-located, while recognising that some types of infrastructure are not compatible.*

6. National Policy Statement – Natural Hazards (NPS-NH)

- 6.1 The NPS-NH ‘*applies to all environments and all zones*’. It includes a risk matrix, likelihood and context table which has been considered in geotechnical evidence.
- 6.2 The evidence notes various concerns related to the stability of the Park Road cut bank in the interface between the property boundaries and the formed carriageway from the Grounsell Cres intersection north to the Gainsborough Gr vicinity.
- 6.3 This has implications for vehicles and pedestrians and there has been a long history of discussion with Hutt City in that regard. To date no matters have been resolved or works undertaken to address the hazard advised.
- 6.4 This situation and other infrastructure implications referred above support the Submission request for designation and management of the eastern boundary to the Submission area as a constrained roading environment.

7. Conclusions

- 7.1 In my view all of the above matters correlate with a zoning of the Submission area as Large Lot Residential.

ATTACHMENTS: refer separate PDF

Date : 4 June 2026