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To: s 7(2)(a)
Subject: Re: LGOIMA request for information - LGOIMA2022-0080 - Eastern Hills Significant Natural Resource area
Date: 31.03.2023 03:26:55 (+02:00)
Attachments: Section 32 Record - Hutt City Council – Proposed District Plan.pdf (34 pages)

Kia ora Matt

Thank you for your information request of 14 March 2023, in which you have requested:

“...all biodiversity records from the Eastern Hills Significant Natural Resource area, specifically SNR12, in Naenae, Lower Hutt. I am seeking records for bats, birds, herpetofauna, invertebrates and vegetation.”

The Significant Natural Resources identified in the City of Lower Hutt District Plan were first identified through the proposed District Plan in 1995. The information that informed the proposed District Plan are recorded in the Section 32 Record, which is attached. The section on Significant Natural Resources starts on page 31.

Section 32 records from the 1990s are very brief, so it is unlikely that they provide the level of detail that you are after. However, it does include a list of other reports that may have information that is useful to you. The listed reports are typically from the Department of Conservation and Wellington Regional Council. If you are interested in any of these reports they may be able to provide them to you.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this email (with your email address removed) may be published on the Council's website.

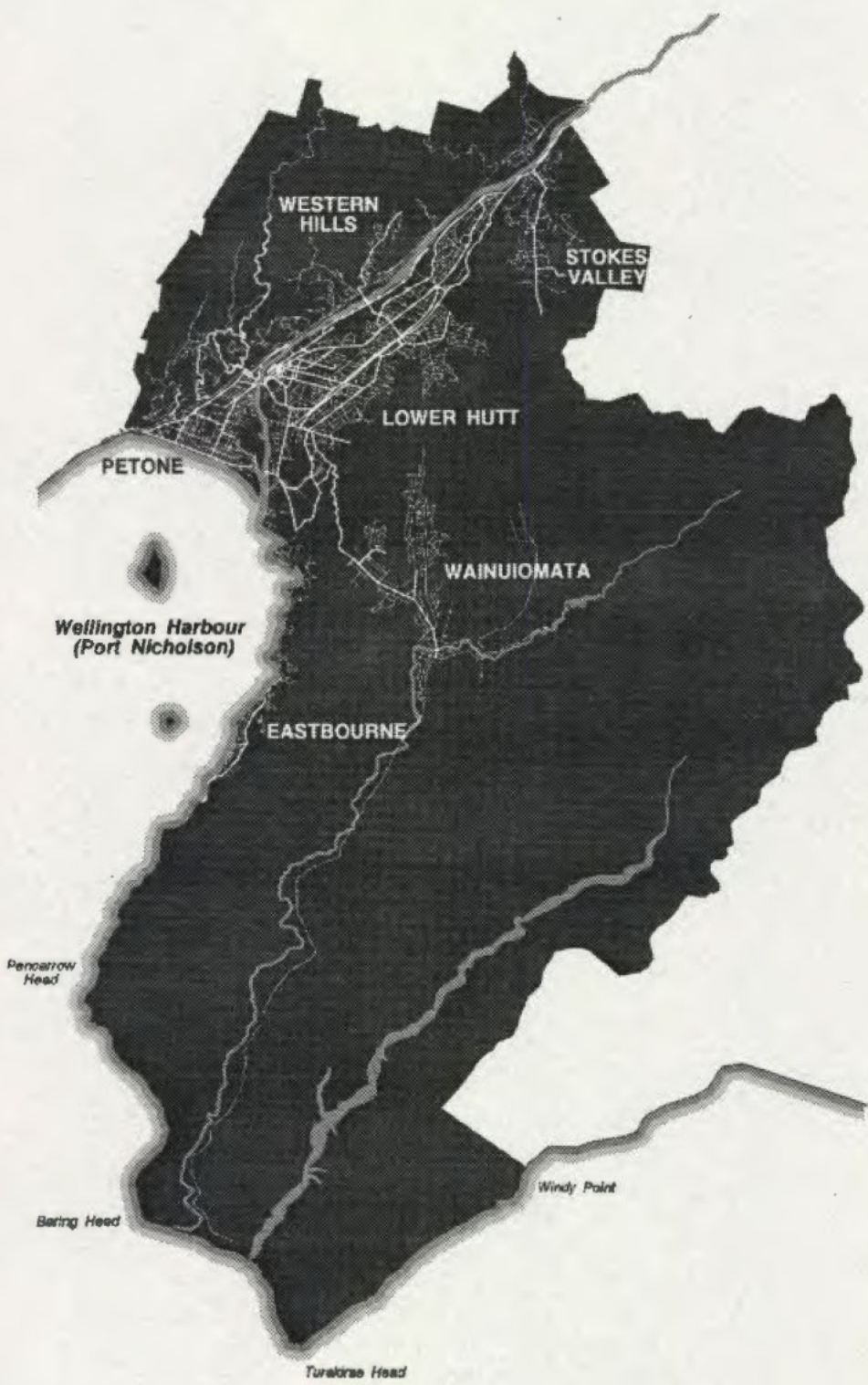
Ngā mihi

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Section 32 Record

Hutt City Council - Proposed District Plan



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SECTION 1: PREPARATION, PROCESS AND CONSULTATION

1. INTRODUCTION

The purpose of this report is to outline and explain the overall process involved in the preparation of the Proposed District Plan for the City of Lower Hutt. This document must be read in conjunction with Proposed District Plan as detailed explanation and reasons are given to the approach adopted and the various objectives, policies and rules.

2. STATUTORY REQUIREMENT

Section 32 of the Resource Management Act 1991 specifies that before any objective, policy, rule or other method is adopted in the Proposed District Plan Council shall:

“(a) Have regard to -

(i) The extent (if any) to which any such objective, policy, rule or other method is necessary in achieving the purpose of this Act; and

(ii) Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and

(iii) The reason for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and

(b) Carry out any evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and

(c) Be satisfied that any such objective, policy, rule, or other method (or any combination thereof)-

(i) Is necessary in achieving the purpose of this Act; and

(ii) Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.”

Section 32(4) also requires that every person subject to the duties imposed under this section to prepare a record of the action taken and that there be appropriate documentation.

In accordance with the provisions of section 32(4), this document forms the required record of the action taken and the documentation prepared by the Hutt City Council in fulfilment of its statutory duties. However, as stressed earlier, this report should not be seen as the only or final

statement of Council's position in respect of its section 32 duties as this is an on-going process. The Proposed District Plan also provides detailed explanation and reasons on the objectives, policies and rules adopted. In addition it is also important to refer to the various studies and reports carried out by council officers and consultants.

3. PLAN PREPARATION PROCESS

In preparing the Proposed District Plan a comprehensive approach was adopted and this included substantial consultation with the Tangata Whenua, a wide range of community and resident groups, special interest groups such as professional organisations, developers and business groups and the general public. There was also consultation with adjoining territorial authorities and government department and agencies. The various stages or phases of the plan preparation process are outlined below.

(a) **Phase 1 - Initial Data Collection and Identification of Significant Resource Management Issues**

This phase involved identification of significant resource management issues in the City. In order to identify and understand the various resource management issues in the City a number of studies were carried out. Details on the various studies and reports are provided in Appendix 1.

These studies, as well as the analysis of statistical data, data bases and other material, were used as the basis for preparing a discussion document titled "*Future Resource Management For Lower Hutt*". This discussion document, which was released in June 1992, was used as the basis for public consultation and participation.

The discussion document was prepared in a format which allowed certain objectives listed below to be achieved. These were as follows:

- i) To familiarise readers with the concepts of the Resource Management Act 1991 and their potential application to this City;
- ii) To identify the significant resource management issues of the City; and
- iii) To provide every interested person with the opportunity to become involved in the preparation of new objectives, policies and rules leading to a Proposed District Plan.

(b) **Phase 2 - Public Consultation and Participation Programme**

This phase involved a comprehensive public consultation and participation programme. The discussion document "*Future Resource Management for Lower Hutt*" was used as the basis for the public consultation and participation programme. As the discussion document contained a certain amount of technical detail, a series of twelve information sheets were prepared to highlight the major resource management issues with a graphical easy-to-read style.

For the five-month period between October 1992 and March 1993, team members of the district planning section were involved in a wide variety of techniques to gain input from the public.

In arriving at the final choice of approach a number of alternatives were considered. At

first the option was canvassed of having a mail drop of a single newsletter or series of newsletters to all households. This approach offered the opportunity to provide residents with detailed information and to be sure that most properties received the newsletters. However, the cost was considerable and did not compare favourably with the cost of advertising in the city-wide newspapers. The support of editors of local newspapers was further encouragement for the latter approach. Principles were established at the outset that continued throughout the programme. The most important were:

- to establish an identification logo and to use it on every occasion possible - in all newspaper advertising, on all displays, on all printed material, for all slides presentations and other material;
- to build on the information available to raise awareness in a gradual and planned way;
- to ensure continuity - pictures used in advertising were also repeated as slides and poster displays;
- to ensure that participation was accessible to as many sectors of the City's population as possible by using a variety of techniques.

The main components of the programme were the use of newspapers, displays, target group meetings and public meetings.

As a result of the public consultation and participation process a wide range of submissions were received.

(c) Phase 3 - Preparation of Policy Direction

Council decided to set up a district plan sub-committee to determine on a preliminary basis the broad policy direction that should be adopted in the Proposed District Plan. Council officers prepared a number of discussion papers on a wide range of issues and these papers were considered by the district plan sub-committee. The policy papers prepared by council officers outlined issues and considered alternative policies and methods that could be adopted. The policy papers were based on the various studies carried out and the information received from submissions as the result of the public consultation and participation process. It should be pointed out that during this phase a number of further reports on resource management issues were carried out. Details on the reports are provided in Appendix 1.

The various alternative policies and methods are outlined and discussed in the following sections of this report.

(d) Phase 4 - Preparation of a Working Draft District Plan

Within the broad policy direction adopted by Council a Working Draft of the District Plan was prepared. This was the first opportunity for the various relationships between different aspects of the District Plan to be considered. It also gave the opportunity for the public and various interest groups to comment on the overall direction that was adopted and on specific objectives, policies and rules.

This document was circulated widely and was used as the basis for further public consultation. A large number of submission were received and these were considered by council officers and the district plan sub-committee. It should be pointed out a number of studies were also carried out at this stage and details are provided in Appendix 1.

(e) **Phase 5 - Preparation of the Proposed District Plan**

After considering the various submissions received and following further consideration by the district plan sub-committee in the first instance and then subsequently by Council, the Proposed District Plan was prepared.

The Proposed District Plan was considered by Council on the 15 of September 1995 and it was decided that it should be publicly notified on the 5 of December 1995.

4. CONCLUSION

This section outlined and explained the overall approach adopted by Council in the preparation of the Proposed District Plan. The approach involved detailed consultation with the public and various interest groups and on a number of occasions the public were given the opportunity to make submissions. The approach adopted also involved the carrying out of detailed studies on a wide range of resource management issues and there was appropriate political consideration through all phases.

It should be pointed out that this report is not the section 32 analysis itself. The analysis was undertaken by and during the process described above. This report is a summary and record of the analysis undertaken during the process.

SECTION 2:

METHODS CONSIDERED AND APPROACH ADOPTED

1. INTRODUCTION

In this section the various methods and policy instruments that were considered are described and analysed. Following that discussion the overall approach adopted is discussed.

2. METHODS CONSIDERED

In considering the approach that should be adopted in the Proposed District Plan a number of methods and policy instruments were considered. Three main methods or policy instruments were considered. These were:

- Economic instruments;
- Other methods, such as information, education and council works and services; and
- Regulation.

(a) Economic Instruments

Economic instruments for environmental management can be defined as pricing or fiscal measures (such as subsidies, charges, etc) that affect costs and benefits of alternative actions by influencing economic behaviour. The end result should be a more environmentally friendly/desirable and economically efficient outcome than would otherwise be the case.

Some of the economic instruments considered were development impact fees, user charges and incentives. A brief description of each type is given below.

Development impact fees requires the developer to pay not only the costs associated with their particular development but also some of the downstream costs which is likely to arise. In addition the developer in some instances may have to make some contribution to the existing infrastructure that the community has already provided.

In principle, where the user can be identified and the use measured and monitored, the user can be asked to contribute towards the cost of supply or the use of particular resources. An example of a user charge is effluent or pollution charges on the quantity and quality of pollutants discharged.

Incentives could include:

- subsidies such a direct grants to assist with operational matters and grants made for investment in capital equipment;
- soft loans (loans at below market rates of interest). This could include helping a

company or organisation to mitigate the detrimental effects by installing capital equipment, or changing work practices to ensure that environmental standards are met, or setting up a monitoring system to ensure that environmental problems do not arise;

- rates postponement and differential rating.

(b) Other Methods

This included the following:

- providing information to targeted groups or organisations in the form of brochures, pamphlets, advisory services, display and exhibitions;
- Council carrying out environmental improvements and providing services/ facilities, disaster management plans, traffic management plans, reserve management plans, etc; and
- Advocacy on significant issues.

(c) Regulation

At a general level, regulatory instruments typically specify rules of resource use to undertake a particular activity to a prescribed level. The regulatory instruments may be prescriptive, be in the form of performance type standards or a combination of both.

Besides objectives, polices and rules in the district plan, other regulatory methods considered were by-laws and various other statutory provisions.

3. METHOD ADOPTED

After consideration of the above alternatives it was decided that a regulatory approach supported by non-regulatory methods would be adopted. The mix of regulation and non-regulation is used in varying proportions. Activities are listed and there are conditions and/or standard and terms to control the effects of activities. Activity areas are delineated or identified on Planning Maps.

The main reasons for adopting the above approach include the following:

- (a) The public consultation and participation programme indicated that the majority were in favour with the activity area approach as they wanted to have certainty.
- (b) The approach adopted is relatively simple to use, explain and to implement. It was considered that using mainly non-regulatory methods, such as economic instruments, the transaction costs involved would be high and this would preclude the efficient application of such an approach.
- (c) The likely market response to "reasonable" price changes induced by the introduction of an economic instrument was considered not to be strong enough to ensure environmental protection.
- (d) It was considered that the approach adopted would effectively manage the adverse effects of activities and ensure that the purpose and principles of the Resource Management Act would be achieved.

SECTION 3: STRUCTURE OF PROPOSED DISTRICT PLAN AND AREA WIDE ISSUES

1. INTRODUCTION

This section deals with the structure of the Proposed District Plan and area wide issues. As pointed out earlier, it is important to take into account the explanation and reasons given in Chapter 1, "*Introduction and Scope of the Plan*", of the Proposed District Plan.

2. PROPOSED PLAN STRUCTURE

The Resource Management Act 1991 requires that significant resource management issues in the district to be identified and addressed. In order to address such issues various options were evaluated and proposed district plans from a number of territorial local authorities were considered. It was decided that where possible issues would be addressed at three levels:

- Area wide issues;
- Local area issues; and
- Site development issues.

It was considered that the approach adopted ensures that:

- (a) Issues are clearly identified and appropriate objectives, policies and rules can be adopted;
- (b) Integrated management of land and natural and physical resources is achieved;
- (c) Adverse effects are identified and appropriate objectives, policies and rules can be adopted;
- (d) Both wider and more narrower concepts are taken into account when considering resource consent applications and thus a balance approach can be achieved.

3. AREA WIDE ISSUES

Eight area wide issues are identified and discussed in the Proposed District Plan. These are as follows:

- (a) **Retail Activity.** In the Proposed District Plan unrestricted retailing is confined to the Suburban Commercial, Petone Commercial and Central Commercial Activity Areas.
- (b) **Residential Activity.** A policy of generally consolidating existing residential development but allowing some greenfield development in areas adjacent to urban areas is adopted.

(c) **Rural Activity.** Maintaining the open space character, visual amenity values, preventing rural land from being intensively developed and from being fragmented are the main policies adopted in the Proposed District Plan.

(d) **Lessening Natural Hazards.** Four main natural hazards are identified. These are:

- Seismic induced hazards;
- Landslide hazards;
- Flood hazards; and
- Coastal hazards.

In the Proposed District Plan there are special controls for buildings and structures in the identified Wellington Fault Special Study Area. With regard to liquefaction and strong ground shaking it was considered that the provisions of the Building Act 1991 would be appropriate.

The Proposed District Plan seeks to limit intensity of development in areas susceptible to flood, coastal and landslide hazards.

(e) **Significant Natural Resources.** The Proposed District Plan seeks to protect them from inappropriate use, development and subdivision. Significant Natural Resources identified are as follows:

- significant natural features which are important for visual amenity,
- areas with significant flora and fauna, and
- archaeological and waahi tapu sites.

(f) **Heritage.** In the Proposed District Plan alterations or modifications to buildings and structures in Riddlers Crescent, Patrick Street and Jackson Street require a resource consent and there are design guidelines which must be taken into account. As an incentive to retain heritage buildings a wider range of activities are allowed.

(g) **Open Space and Recreation.** The Proposed District Plan seeks to ensure that those areas which enhance the amenity values of the City are protected from inappropriate use, development or subdivision. To ensure that there is adequate open space and recreation facilities an appropriate financial contribution is necessary when land is subdivided or developed.

(h) **Hazardous Facilities and Activities.** The location and operation of hazardous facilities and activities is addressed in the Plan. For the Special Business Activity Area the "Dow Index" applies, while the Hazardous Facilities Screening Procedure (HFSP) is used in other activity areas.

4. METHODS CONSIDERED, EVALUATED AND ADOPTED

Reasons for adopting the method and policies are given in section 1.10 of the Proposed District Plan. Some additional information is given here where it is considered that this is necessary.

As pointed out earlier different options were identified and discussed in the discussion document "*Future Resource Management for Lower Hutt (1992)*" and in the "*Working Draft Lower Hutt District Plan (October 1994)*". Submissions on these documents and from the public consultation process were used to evaluate the different methods and policies.

The various studies and surveys carried out and listed in Appendix 1 were also used to determine the method and policies that should be adopted.

The means adopted in the Proposed District Plan is appropriate as:

- a framework is required to address significant resource management issues;
- an over arching integrated approach is necessary to achieve the purpose and principles of the Resource Management Act 1991;
- wider environmental concepts need to be taken into account; and
- objectives, polices and rules need to be linked together.

Turning now to the matter of dealing with hazardous facilities and operations it was decided to use the "Dow Index" for the Special Business Activity Area as adjoining residents, property owners and operators had agreed to the approach after a lengthy public consultation process and that the method had been specially developed for the area. For all other activity areas the Hazardous Facilities Screening Procedure was considered to be appropriate.

SECTION 4: RESIDENTIAL ACTIVITY AREAS

1. INTRODUCTION

In this section issues relating to all residential activity areas are considered. As pointed out earlier explanation and reasons are given on objectives, policies and rules adopted in the Proposed District Plan.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

Five activity areas are identified in the Proposed District Plan. Explanation and reasons are given in Chapter 3 of the Proposed District Plan.

In general terms the Proposed District Plan seeks to ensure that residential amenity values are maintained and where necessary enhanced. This is achieved through:

- setting conditions or standards and terms for net site area, height, coverage, intensity and location;
- controlling the adverse effects of non-residential activities;
- recognising that certain areas have special amenity values or have distinct historical values which should be protected; and
- ensuring that on steep hillsides and/or bush clad areas activities, buildings and earthworks are controlled.

In considering options information and submissions from the discussion document "*Future Resource Management for Lower Hutt (1992)*" and the "*Working Draft Lower Hutt District Plan (October 1994)*" were used. In addition studies and surveys carried out and listed in Appendix 1 were used.

While provisions in the Proposed District Plan are the main method adopted, other methods such as providing information, education and other statutory provisions, such as the Building Act 1991 and bylaws, play a supplementary role.

The reasons for adopting provisions in the Proposed District Plan include the following:

- gives property owners, residents and developers certainty but at the same time allows flexibility and choice;
- ensures that adverse effects of activities are avoided, remedied or mitigated;
- establishes, maintains and enhances amenity values;

- the public consultation process indicated that residents wanted to know the type of activities that are permitted in their neighbourhood with a degree of certainty;
- the approach adopted is relatively simple to use, explain, implement and administer.

SECTION 5: COMMERCIAL ACTIVITY AREAS

1. INTRODUCTION

Four Commercial Activity Areas are identified in the Proposed District Plan:

- Central Commercial;
- Petone Commercial;
- Suburban Commercial; and
- Special Commercial.

Detailed explanation and reasons are given in the Proposed District Plan on the issues, objectives, policies and rules adopted.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

In the Proposed District Plan a wide range of retail, commercial and community activities are permitted except where sites adjoin residential activity areas. There are site development rules to ensure amenity values are maintained and enhanced.

To ensure that traffic effects are managed, large scale retail activities (over 3,000m²) are restricted discretionary activities. This enables adverse effects to be mitigated and for financial contributions to be imposed.

A wide range of options were evaluated including the "do nothing option". It was decided that there should be objectives, policies and rules in the Proposed District Plan as market forces on its own cannot produce sustainability because individual firms and consumers cannot act in the knowledge of what everyone else is doing, and therefore of what the collective result would be. It was considered that other methods, such as carrying environmental improvement works and marketing strategies, would supplement the approach adopted in the Proposed District Plan.

For the Central Commercial Activity Area a number of studies and surveys were used (see Appendix 1). In determining the size of the Central Commercial Activity Area a number of options were considered in the "*Vital and Viable*" study carried out in October 1994 and information from the public consultation process, as well other information, were also used to decide to expand the Central Commercial Activity Area.

In the Petone Commercial Area a comprehensive public consultation process was carried out and various options evaluated. In addition a number of studies and surveys were used as the basis to determine and evaluate options.

It was decided that in Area 1 (Jackson Street generally between Victoria and Cuba Streets) the size and scale of retail activities should be controlled as sites are generally small and adjoin residential activity areas. It was also decided that as buildings in this area have a distinctive

built form, style and character it is important that such characteristics are retained and enhanced. Changes to the external facade of existing buildings or redevelopment must not compromise the existing built form and character of the area and need to be assessed in accordance with the design performance standards.

It was considered that Area 2 (area generally bounded by Te Puni and Victoria Streets) is suitable for more large scale retail oriented retailing as there are large sites available, there is a good roading network and sites were not adjacent to residential areas.

For the Suburban Commercial Activity Area and Special Activity Areas it was considered that generally there should be no changes to the size of areas. It was determined that activities, such as licensed premises, should be managed as they have the potential to have adverse effects on adjoining residential areas and the public consultation process also indicated residents were concerned with the potential adverse effects of such activities.

SECTION 6: BUSINESS ACTIVITY AREAS

1. INTRODUCTION

Four Business Activity areas are identified in the Proposed District Plan. These are:

- General Business Activity Area;
- Special Business Activity Area;
- Avalon Business Activity Area; and
- Extraction Activity Area.

These activity areas are significantly different to warrant separate objectives, policies and rules.

Detailed explanation and reasons on issues, objectives, policies and rules are given in the Proposed District Plan.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

Using research studies, surveys, the discussion document "*Future Resource Management for Lower Hutt (1992)*", the "*Working Draft Lower Hutt District Plan (October 1994)*" and information from the public consultation process a number of options were considered and evaluated. This included using:

- economic instruments;
- other methods such as Council carrying out works and services;
- providing information and educating property owners and developers;
- the "do nothing option"; and
- provisions in the Proposed District Plan.

It was decided that provisions in the Proposed District Plan would be the main method as other methods listed above would not be effective. Other methods such as providing information and educating property owners and developers would supplement the adopted approach.

In the General Business and Special Business Activity Areas rather than listing permitted activities a range of acceptable effects by way of conditions or standard and terms are set and this must be complied with. The advantages of this approach include:

- effects are dealt with in an integrated manner;

- allows a diversity and mixture of industrial and business activities with specified limits;
- the transaction cost is low;
- it is easy to administer and to implement the provisions of the Proposed District Plan;
- caters generally for the dynamic nature of industrial and business activities; and
- ensures that adverse effects are avoided, remedied or mitigated.

For the Avalon Business Activity Area and the Extraction Activity Area a listing approach is adopted as these are specialised areas.

Based on the research study "*Approaches To The Hutt City: A Strategy for Accentuating Main Entrance Routes (June 1994)*" there are standards and terms to enhance the image and visual appearance of main entrance routes of the City. Explanation and reasons are given in the Proposed District Plan and reference should also be made to the background study. These provisions apply mainly to the General Business Activity Area and the Special Business Activity Area.

For the Special Business Activity Area the "Dow Index" is used to manage the risk associated with hazardous substances and facilities. While for other business activity areas the Hazardous Facilities Screening Procedure is adopted. The reasons for adopting such an approach are given in Section 3 and the various studies carried out should be consulted.

SECTION 7: RECREATION AND OPEN SPACE ACTIVITY AREAS

1. INTRODUCTION

Four activity areas are identified and this is based on the overall characteristics of the land and the type and range of activities that take place in them. The activity areas are as follows:

- General Recreation;
- Special Recreation;
- River Recreation; and
- Passive Recreation.

Issues are identified in the Proposed District Plan and there are objectives, policies and rules to address them. With regard to issues, objectives, policies and rules detailed explanation and reasons are given in Chapter 6 of the Proposed District Plan.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

The main issues identified are as follows:

- retaining the open space character of areas;
- managing adverse effects of recreation activities on adjoining areas; and
- managing the scale, size and external appearance of buildings and structures.

In determining and evaluating options information from a number of sources were used. This included:

- the discussion document "*Future Resource Management for Lower Hutt (1992)*";
- the "*Working Draft Lower Hutt District Plan (October 1994)*";
- submissions from the public consultation programme on the above documents; and
- the Belmont Regional Park Management Plan and East Harbour Regional Park Draft Management Plan.

Options considered and evaluated included using:

- economic instruments, such as charges;
- reserve management plans;
- education and information;

- works and services;
- do nothing option; and
- provisions in the Proposed District Plan.

It was considered that reserves management plans on its own would not be effective as the emphasis in such plans is on the management and development of reserves rather than the management of adverse effects of recreation, community and leisure activities. It was considered also that while there is a public consultation process during the preparation of reserves plans the public would not have the right to appeal the decisions made by Council. It was therefore decided that reserve management plans would supplement the provisions made in the Proposed District Plan.

Economic instruments, the do noting option and providing information would not be effective in managing adverse effects of recreation activities on adjoining areas, ensuring the open space character is retained and managing the external appearance of buildings and structures.

The method adopted in the Proposed District Plan has the following advantages:

- transaction and implementation costs are generally low;
- adverse effects are managed and provides resource users with a great deal of certainty; and
- allows provisions in the Proposed District Plan to be integrated with Reserve Management Plans.

SECTION 8:

RURAL ACTIVITY AREAS

1. INTRODUCTION

Two rural activity areas are identified in the Proposed District Plan. These are the Rural Residential Activity Area and the General Rural Activity Area.

Detailed explanation and reasons on issues, objectives, policies and rules are given in Chapter 7 of the Proposed District Plan. It is also necessary to refer to Section 3 of this document.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

In considering and evaluating options information from a number of sources were used and included the following:

- *“Lower Hutt City Residents Opinions and Attitudes Survey of Resource Management Issues”*;
- the discussion document *“Future Resource Management for Lower Hutt (1992)”*;
- the *“Working Draft Lower Hutt District Plan (October 1994)”*;
- the report from the Pig Industry, *“Code of Practice - Pig Farms August 1993”*; and
- the report *“Commercial Forestry and the Resource Management Act”*.

In the Proposed District Plan permitted activities are not listed but all activities must comply with as set of conditions or standards and terms which control adverse effects. Such an approach has the following advantages:

- it provides flexibility and choice for resource users;
- identifies the adverse effects arising from activities and provides the means to ensure that these are avoided, remedied or mitigated;
- ensures that amenity values are maintained and enhanced;
- easy to implement and administer;
- transaction costs are generally low; and
- ensures that the purpose and principles of the Resource Management Act are achieved.

It should be pointed out that other methods were considered and evaluated. Economic instruments in the form of charges would be difficult to administer and implementation and transaction costs would be high. It is also considered that

such a method would not ensure that amenity values are maintained or enhanced and adverse effects are not likely to be avoided, remedied or mitigated.

Education and information are considered to be not effective as there is a strong likelihood that education initiatives will be ignored especially if they impose additional costs or constraints. In addition the purpose and principles of the Act would not be achieved.

It is considered that if the "do nothing" option was adopted the amenity values and character of the rural environment would be adversely affected. In addition the purposes and principles of the Act would not be achieved.

SECTION 9: SUBDIVISION AND FINANCIAL CONTRIBUTIONS

1. INTRODUCTION

The Resource Management Act 1991 imposes a number of restrictions with regard to the subdivision of land. Under Part III of the Act, section 11, subdivision of land is restricted except where it is specifically provided for by a rule in a Plan or a resource consent or in a number of other circumstances specified.

Section 108 allows a Council to impose a financial contribution as a condition of a resource consent. Section 108 (9) states that maximum amount be specified in or determined in accordance with the Plan.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

A number of options were considered and evaluated. This included the following:

- do nothing;
- economic instruments;
- education and information;
- works and services; and
- provisions in the District Plan.

As pointed out above subdivision of land is one area which is specifically restricted by the Resource Management Act under Part III, section 11. Therefore the "do nothing option" is not practical because of section 11 presumption. It is also considered that such an approach is unacceptable as no guidance is given to subdividers, will not promote sustainable management of resources and adverse effects will not be avoided, remedied or mitigated.

Economic instruments outside the framework of the Act were considered but were rejected as it was considered that transaction and implementation costs would be high. Overall such an approach would be less efficient and effective than provisions in the Proposed District Plan.

Education and other information were considered to be ineffective on its own to control adverse effects and achieve the purpose and principles of the Act. Such methods, however, could play a supplementary role in encouraging subdividers to understand the process.

It was considered that works and services would have relatively high implementation and recovery costs and on its own would not avoid, remedy or mitigate adverse effects.

Provisions in the Plan are required for the following reasons:

- they form an essential element in the regulatory framework;
- ensures that essential services are provided to a uniform standard;
- adverse effects will be avoided, remedied or mitigated;
- ensures that the purpose and principles of the Act are met; and
- provides certainty and guidance to subdividers.

SECTION 10: UTILITIES

1. INTRODUCTION

Utilities are essential for the proper functioning of the district and the region. However, utilities can have adverse effects that must be avoided, remedied or mitigated.

Detailed explanation and reasons are given in Chapter 13 of the Proposed District Plan on objectives, policies and rules adopted.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

Various options were considered and evaluated and included the following:

- do nothing;
- economic instruments;
- education and information;
- bylaws; and
- provisions in the Proposed District Plan.

The do nothing option was considered to be not a viable option because the adverse effects of utilities would not be avoided, remedied or mitigated. Likewise economic instruments were considered to be ineffective in ensuring that amenity values would be maintained, protected and/or enhanced. Such a system of charges would involve high transaction and implementation costs and it would be difficult to administer such a charging regime in an equitable manner.

Education and information programmes encouraging utility operators to manage their operations so as to avoid, remedy or mitigate adverse effects was considered not to be effective as the sole means in avoiding, remedying or mitigating adverse effects. Education programmes such as these can be quite difficult to target and would have high implementation costs.

Council could use bylaws to control utilities on Council owned land. However, bylaws would not apply to utilities on private land. It was considered to enable proposals to be assessed against performance related standards, provisions in the Proposed District Plan would be the most effective.

In the Proposed District Plan there is a stand alone section which provides for and controls the adverse effects of all utilities in the City. The main features are as follows:

- encourages utilities to be established within roads and road reserves;
- where practicable and technically feasible utilities be placed underground;

- where utilities cannot be placed within roads and/or underground it is important they are placed in locations that are not obtrusive visually.

Advantages of the method adopted include the following:

- it is easy to implement and administer;
- relatively low compliance costs;
- gives certainty to utility operators; and
- ensures that adverse effects are avoided, remedied or mitigated.

SECTION 11: COMMUNITY IWI, COMMUNITY HEALTH AND TRANSPORT CORRIDOR

1. INTRODUCTION

There are a range of activities which are undertaken by Maori which reflects their historical and cultural development. Such range of activities are provided for in the Community Iwi Activity Area.

The Community Health Activity Area applies to the Hutt Hospital which was established many years ago and until recently protected by a designation.

The Transport Corridor covers the route presently occupied by the railway. It is proposed that this route be maintained as a transport route to meet future transport needs.

Detailed explanation and reasons on objectives, policies and rules adopted are given in Chapters 8, 9 and 10 of the Proposed District Plan.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

The Community Health Activity Area is necessary as the health sector is no longer able to use designation procedures for their activities. Therefore to ensure that health related activities can take place it is necessary to have provisions in the Proposed District Plan. Other options are not viable.

For the Community Iwi Activity Area provisions in the Proposed District Plan are necessary to ensure that traditional Maori activities are catered for. This is necessary under sections 6(e) and 8 of the Resource Management Act 1991. The Tangata Whenua were consulted and agreed that special provision should be made in the Proposed District Plan. It was considered that other options would not meet the requirements in the Resource Management Act 1991.

In order to ensure that existing railway lines are protected for transport purposes, it is important that there are provisions in the Proposed District Plan. Other options, such as economic instruments, council works and services, education and information would not be effective in protecting the route. It should be pointed out that Wellington Regional Transport Strategy and the Wellington Regional Policy Statement emphasises the need to provide for the accessibility needs of the region by protecting existing transport corridors.

SECTION 12: GENERAL RULES

1. INTRODUCTION

There are a number of topics which have common issues, objectives and policies but rules which are specific to each activity area. It was decided that such matters should be grouped together in a General Rules Chapter.

The matters dealt in the General Rules section are as follows:

- Transport;
- Signs;
- Noise;
- Hazardous Facilities;
- Significant Natural, Cultural and Archaeological Resources;
- Heritage Buildings and Structures;
- Trees;
- Natural Hazards; and
- Earthworks.

Detailed explanation and reasons are given in Chapter 14 of the Proposed District Plan on the objectives, policies and rules adopted.

2. METHODS CONSIDERED, EVALUATED AND ADOPTED

With regard to the wide range of issues covered in the General Rules section a number of options were considered and evaluated. Various options were identified in the discussion document "*Future Resource Management for Lower Hutt (1992)*". Submissions received on the discussion document as a result of the public consultation programme were evaluated and considered by a sub-committee of elected members and officers.

Based on the above a "*Working Draft Lower Hutt District Plan (October 1994)*" was prepared and a further round of public consultation was carried out. Submissions were received and evaluated.

It was considered that the do nothing option was not viable as adverse effects would not be avoided, remedied or mitigated and the purpose of the Act would not be met. Likewise economic instruments were not likely to be effective, would involve high transaction costs and would not give property owners and residents the certainty they wanted.

The issues, objectives, policies and rules in the Proposed District Plan are the outcome of the above process.

In establishing objectives, policies and rules a large number of research studies, surveys, standards and reference documents were consulted. The main information sources are as follows:

- Transport - *"Parking and Traffic Generation Study 1992-1994 (Auckland Territorial Local Authorities)*. In addition a number of Australian and New Zealand documents were consulted.
- Noise - Noise Study and Survey by Marshall Day Associates.
- Noise surveys carried out by Council's Environmental Health Officers.
- Hazardous Facilities - *"Criteria for Determining Predominant Uses in the Industrial Heavy Zone at Seaview."*
- *"Risk Assessment in the Heavy Industrial Zone"*.
- *"Implementation the Hazardous Facilities Screening Procedure in the Lower Hutt District Plan."*
- Heritage Buildings and Structures - Information from the New Zealand Historic Places was used. Various surveys were also carried out by Council and this included the Riddlers Crescent survey in 1994.
- Natural Hazards - *"Seismic Hazard Assessment for Lower Hutt"*
- Various WRC reports.
- Significant Natural, Cultural and Archaeological Resource - Sources of information are given in Chapter 14E of the Proposed District Plan.

APPENDIX 1

SIGNIFICANT STUDIES AND REFERENCES USED

This is a list of some of the studies and references used in the preparation of the Proposed District Plan.

1. GENERAL

(a) **Lower Hutt City Residents Opinions and Attitudes Survey of Resource Management Issues (1991).**

This survey was conducted by the National Research Bureau Limited (NBR) on behalf of Council in September 1991. The research had three overall objectives -

- i) To identify what the residents perceived to be the critical resource management issues;
- ii) To compare the opinions held by the planning staff and Council versus those of the residents;
- iii) To encourage citizens' participation in the District Plan formulation process and to increase awareness of resource management issues.

A total of 800 face to face interviews were conducted amongst Lower Hutt City residents aged between 18 years and over, in eight predetermined subareas. One hundred interviews were conducted in each subarea, the respondents chosen using a random stratified sampling method.

A wide range of resource management issues were identified by staff from District Planning and the questions drafted to explore the issues. By way of open ended questions and structured questions allowing respondents a choice of responses, respondents were asked to respond to a series of resource management issues. The key issues included residential character and environment, home occupations, non-residential activities within residential areas, open space and reserves, residential development, development of hillsides, and size and location of dwellings. A series of specific questions were asked of respondents in Eastbourne, Wainuiomata and Petone.

(b) **Future Resource Management for Lower Hutt - Discussion Document (1992).**

A discussion document which had the following objectives:

- to familiarise readers with the concepts in the Resource Management Act 1991 and their potential application to the City;
- to identify some of the significant resource management issues of the City; and
- to provide every interested person with the opportunity to become involved in the preparation of the new policies and rules leading to a District Plan.

2. RETAIL

(a) Retailing in the Lower Valley (1989).

This detailed study of retailing was carried out in 1989. The study included an analysis of theories on resource management issues relating to retail activities, a review of Planning Tribunal decisions and existing policies in the Transitional District Plan were examined.

The National Research Bureau (NRB) undertook an extensive catchment area study to establish the trade catchment areas for thirteen shopping centres, to find out where residents went to shop and allowed customers an opportunity to comment on the present retail structure. This opportunity comprised of a pavement survey and a telephone survey. The final component of the study was a survey of a number of major developers within the retail industry.

(b) Future Shopping in Petone Town Centre (1990).

This study considered and evaluated various development options for the Petone Town Centre.

(c) Petone New World Supermarket Shoppers (June 1990).

The main objective of this study was to determine the degree to which Petone New World supermarket shoppers combined their shopping with other shopping or personal business in the Petone retail shopping centre.

(d) Vital and Viable: Planning and Roading Options for the Lower Hutt Central Business District (Hutt City Council, October 1994).

Various development and roading options were considered and evaluated using three main concepts - Attractions, Amenity and Accessibility.

3. COASTAL ENVIRONMENT

(a) Coastal Management Study (1989).

This study was carried out in 1989 and consists of a scoping report, a series of three reports on the Petone subarea and investigation into the Pencarrow subarea.

(b) New Zealand Coastal Policy Statement - Department of Conservation (1994).

(c) Regional Policy Statement - Wellington Regional Council.

4. RESIDENTIAL

(a) Satisfaction with Multi Unit Developments (1990).

In 1990 The National Research Bureau (NRB) undertook research on behalf of Council on multi unit developments throughout the City. A multi unit development was defined to

be one containing six or more units. The objective of the study was to give those people - be they residents, next door neighbours or other living in the near vicinity - an opportunity to express their attitudes and opinions on the current "quality of life" offered by such developments. The specific factors that were investigated included the provision of open spaces, parking and traffic, visual privacy, aural privacy, storage facilities, landscaping, aesthetic appearance, design and location, height, density and fencing.

The research was based on a detailed questionnaire, which was modified depending on the respondents property's relationships with the subject property. Interviews were carried out by NRB staff over a week in March 1990. A total sample of 180 was achieved, with 76 multi unit development being subject to the investigation. These were then subjectively divided into ranking groups on the basis of aesthetic appeal, design, materials and maintenance, and assigned identifications of above average, average and below average. An equal number of interviews were carried out for each of the relationships and ranking groups. The Council selected the subject properties which were located in central Hutt and Petone.

(b) Riddlers Crescent Survey (1994).

This survey of residents of Riddlers Crescent was carried by staff of the District Planning Division in 1994.

The purpose of the survey was to evaluate the opinions of residents of Riddlers Crescent on the characteristics and historical significance of the street, and the appropriateness of including special provisions within the Proposed District Plan, to acknowledge the heritage values present.

Results from the survey indicated that the majority of residents of Riddlers Crescent support the protection of the historical nature of the street. Sympathetic renovations and controls on the style and form of additions and alterations were common suggestions as means of protection.

As well as the survey, research into the history of Riddlers Crescent was undertaken. This included research on the first settlers into the area, and on the style and form of the original houses.

5. BUSINESS

(a) Criteria for Determining Predominant Uses in the Industrial Heavy Zone at Seaview (now known as the Special Business Activity Area).

This study was carried out in 1989 by the former DSIR Industrial Processing Division. The primary task of this study was to develop a single criterion, or a series of criteria, to delineate between those processes or industries which should be allowed in the Seaview area as a permitted activity and those for which a application would be required.

The study recommended that a hazard index, the Dow Index, covering both fire and explosion and toxic hazards be used to assess activities. A quantitative risk analysis of typical processes applicable to the area showed that an index of 100 would be an appropriate level to determine between permitted activities and those requiring a resource consent. The study recommended that operations which have a hazard index greater than 100 should be subject to a detailed quantitative risk analysis to ascertain their potential impact in the area and on the adjoining residential areas.

(b) Risk Assessment in the Heavy Industrial Zone (now known as Special Business Activity Area).

In June 1991 the DSIR was approached to undertake an investigation of the risk associated with the location of non-industrial activities in close proximity to a hazardous industry.

Six non-industrial scenarios were designed on the basis of potential development proposals within the Special Business Activity Area. They were retailing of kitset garages, carports and sheds, offices, a research centre, a restaurant, a sports complex and residential apartments. A model industrial complex was specified, complying existing rules and other statutory requirements. Three hazardous incidents were considered, being three fires of increasing severity and decreasing frequency, an unconfined vapour cloud explosion and a release of toxic gases.

For the purpose of calculating risk to human life, this industrial complex was sited in close proximity to the various scenarios. The population density for each was calculated, and the effects of a hazardous incident were determined. These two sets of information were combined to establish what the societal risk was in terms of the number of casualties in relation to the frequency of such an incident.

This societal risk was plotted graphically, allowing a comparison with the guidelines for acceptable risk used by the Netherlands, for industrial safety standards. The comparison determined whether the risk was acceptable, marginal or unacceptable. This process was repeated, using the same industrial complex hazard index values of 80, 100, and 120. Industries with a hazard index of 100 or less are permitted as right, while those industries with a higher index value are permitted as a discretionary activity. These calculations were then repeated at various separation distances from the industrial complex. The three distances investigated were those corresponding to the Dangerous Goods Regulations, then at 50 metres, and at 100 metres away.

The research confirmed that those activities which generate a large public attraction have an unacceptable level of risk, even at a separation distance of 100 metres. Those activities with a low intensity and safe separation distance were acceptable.

(c) Implementation of the Hazardous Facilities Screening Procedure into the Lower Hutt District Plan.

This study established how the Hazardous Facilities Screening Procedure (HFSP) could be incorporated into the Proposed District Plan to address the risk associated with facilities using or storing hazardous substances. Facilities or activities involving hazardous substances may cause adverse effects on human health or the environment through accidental discharges or poor management.

6. NATURAL HAZARDS

(a) Seismic Hazard Assessment of Lower Hutt.

Ian Brown Associates were commissioned to produce a seismic hazard review for the City. The study which was completed in 1991 identified the various types of seismic hazards such as fault rupture, strong ground shaking, liquefaction and landslides. The study concluded that the earthquake hazards have the potential to lead to wide spread damage and possible loss of life in a major earthquake. The study recommended that a

Wellington Fault Special Study Area be established to cover the areas where fault displacement is likely to occur.

Further seismic reflection work was also carried out on the former Gear Meat site in Petone to determine the location of the earthquake fault line.

- (b) Various Reports From The Wellington Regional Council.
- (c) Seismic Reflection Studies on the Former Gear Meat Site in Petone.

7. URBAN DESIGN

- (a) **Approaches to The Hutt City: A Strategy for Accentuating Main Entrance Routes.**

This study which was completed in 1994 considered ways of enhancing the experience of entrance to and exit from the City. The study identified a number of distinct "entrance" points and routes. A number of methods which could be used to enhance entrance routes including strategies for both public and private land. The report recommended various resource management policies and district plan rules which set the parameters for use and management of private land.

- (b) **Jackson Street Design Guide (1992).**

The design guide for Jackson Street is the outcome of a study of the form, function and fabric of the street and the area around it.

8. RURAL

- (a) **Code of Practice - Pig Farms (August 1993).**
- (b) **Commercial Forestry and Resource Management Act.**

9. HERITAGE AND SIGNIFICANT NATURAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES

- (a) **New Zealand Historic Places Trust Register - Hutt City.**
- (b) **Historic Buildings - City Environment Group (1994).**
- (c) **Wellington Conservancy Draft Conservation Management Strategy 1994-2003, Volume 2 - Inventory. Department of Conservation (1994).**
- (d) **Sites of Significant Indigenous Flora and Fauna in the Hutt City. Department of Conservation (1995).**
- (e) **Inventory of Important Geological Sites and Landforms in the Manawatu and Wellington Regions, Geological Society of New Zealand, Lower Hutt by Wassilieff, M & Timms, S (1984).**

- (f) Wetlands in the Wellington Region - Wellington Regional Council (1993).
- (g) Geological Features of the Wellington Region - Wellington Regional Council (1985).
- (h) Biological Resources of the Wellington Region - Wellington Regional Council, Queen Elizabeth II National Trust & New Zealand Biological Resources Centre (1984).
- (i) Wildlife and Wildlife Areas in the Wellington Region - Wellington Regional Planning Authority (1977).
- (j) A Tree Evaluation Method for New Zealand - Royal New Zealand Institute of Horticulture, Wellington (1988).

10. RECREATION AND OPEN SPACE

- (a) Various Wellington Regional Council documents on the Belmont and East Harbour Regional Parks.
- (b) Various reports on the Seaview Marina.

11. OTHER

- (a) Noise Ordinance Recommendations - Marshall Day Associates (1995).
- (b) Parking and Traffic Generation Study 1992 - 1994 - Auckland Territorial Local Authorities.
- (c) Various Australian and New Zealand Traffic and Parking Standards.