

OFFICER’S REPORT FOR: Independent Hearing Commissioners
Robert Schofield (Chair)
Harriet Fraser
Rawiri Faulkner

SUBJECT: Proposed Private Plan Change 55
Gabites Block
Rezoning from General Rural and Rural
Production Zone to Settlement Zone
Introduction of a “Gabites Block Development
Area”

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HEARING: 17, 18 and 20 October 2022

EXECUTIVE SUMMARY

On 5 November 2021 Andrew Cumming, on behalf of Maymorn Developments Limited formally requested a change to the Upper Hutt District Plan. On 15 December 2021 Council resolved to accept the plan change request. In response to feedback from Council relating to transport, landscape and planning matters an updated version of the Plan Change request was lodged on 1 March 2022.

In summary the private plan change request proposes to:

- *Rezone the property at 1135 Maymorn Road, commonly known as Gabites Block, from part General Rural and part Rural Production Zone to a newly created Settlement Zone;*

- *Introduce a Gabites Block Development Area and Structure Plan containing site specific provisions;*
- *Identify six different development areas across the site with different development objectives and densities; and*
- *Introduce site specific subdivision and development provisions that address identified constraints and limitations relating to:*
 - *sites containing significant biodiversity values;*
 - *3 waters infrastructure;*
 - *Transport;*
 - *landscape and visual impacts;*
 - *natural hazards; and*
 - *noise.*

The private plan change request is accompanied by the following expert assessments:

- *Archaeology Assessment - Emily Howitt Archaeology;*
- *Integrated Transport Assessment – Stantec;*
- *Ecological Assessment – Bioresearches;*
- *Landscape Analysis - Hudson Associates;*
- *Geotechnical Assessment – Engeo;*
- *Infrastructure Assessment - Envelope Engineering;*
- *Soil Contamination - NZ Environmental Technologies; and*
- *Soil and Land Use Capability – Landsystems.*

The private plan change was publicly notified on 9 March 2022, with the submission phase closing on 13 April 2022. Overall, 50 submissions were received. A summary of decisions requested by submitters was notified on 1 June 2022, with further submissions closing on 17 June 2022. Three further submissions were received.

Since the close of submissions the applicant has been working with submitters and proposed further amendment to address and resolve matters raised in submissions and related comments from Council advisors.

The following are the main issues raised of relevance to the private plan change:

- *The appropriateness of rezoning the land from General Rural and Rural Production Zone to a newly created Settlement Zone and the introduction of a Gabites Block Development Area containing site specific provisions;*
- *The environmental effects and matters resulting from the Private Plan Change relating to:*
 - *Amenity and Character;*
 - *Transport;*
 - *Infrastructure;*
 - *Ecology;*

- *Landscape and Visual Impact;*
- *Natural Hazards;*
- *Tangata Whenua Matters; and*
- *Other Matters*

This report, prepared in accordance with section 42A of the RMA, contains an analysis of

- *The plan change documentation (including all accompanying expert reports);*
- *The issues raised in submissions;*
- *Expert reports commissioned by Council in response to issues raised;*
- *The consistency of the plan change with the relevant policy framework;*
- *Section 32 and 32AA of the RMA; and*
- *The appropriateness of the plan change in achieving the purpose of Part 2 of the RMA*

This report also forms part of the ongoing obligations under s32 of the RMA, to consider the appropriateness of the proposed objectives and provisions, as well as the benefits and costs of any policies, rules or other methods, with reference to the issues and requests raised in submissions on PC 55.

Recommendation

I consider that, subject to the proposed further amendments proposed by this report and subject to the resolution of outstanding discussions relating to the extent of flood hazards on the site, the proposed provisions are the most appropriate way to achieve the objectives of the District Plan and the purpose of the RMA.

On the basis of this report, it is my recommendation, prior to hearing from the submitters, that Private Plan Change 55 be approved with modifications, subject to the resolution of the outstanding issue in relation to the flood hazard extent on the site.

I further recommend, prior to hearing from the submitters, that the Hearing Panel accepts, rejects, accepts in part or rejects in part submission points as recommended in Appendix 2 to this report.

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1 Purpose of Report

(1) The purpose of this report is to:

- Provide the context and background to Private Plan Change 55 ('PPPC55') to the operative Upper Hutt District Plan ('District Plan') including the statutory framework relevant for considering a request for a private plan change;
- Summarise the public submission process that has occurred for PPPC55;
- Provide an analysis of PPPC55 against the statutory framework under the Resource Management Act 1991 ('RMA'), including the submission and further submission received; and
- Seek the Hearing Panel's recommended decision on PPPC55 to the District Plan.

1.1 Report Structure

(2) In this report, I provide an overview of the site and surrounding area, the public consultation process, the relevant statutory framework for the consideration of PPPC55, an evaluation of the Plan Change against that framework (including consideration of matters raised in submissions) and finally my recommendation.

(3) Attached as appendices to this report are:

- Appendix 1 – Proposed Amendments to PPPC55 as notified;
- Appendix 2 – Recommended Decisions on Submissions;
- Appendix 3 – Full Wording of PNRP Relevant Objectives and Policies;
- Appendix 4 – Landscape Evidence;
- Appendix 5 – Transport Statement;
- Appendix 6 – Infrastructure Evidence; and
- Appendix 7 – Ecology Statement.

2 Introductory Statement

(4) Urban Edge Planning have been engaged by Upper Hutt City Council ('the Council') to process PPC55 on behalf of Council and provide planning evidence and recommendations on PPC55.

(5) I have visited and are familiar with the site and the surrounding area.

Corinna Tessendorf

(6) My full name is Corinna Tessendorf. I am a Senior Planner at Urban Edge Planning Limited. I have over 25 years of experience in town planning including work in local government both in Germany and New Zealand.

(7) I have over 13 years of experience as a Senior Planner in New Zealand working for local government as well as in the private sector. I have led the preparation and processing of numerous District Plan Changes and contributed to RMA policy development in general. Before my immigration to New Zealand I worked as a town planner for local government in

Berlin, Germany. My work included the development of planning policies as well as the processing of consent applications under constantly changing legislations (due to the reunification process of former East and West Germany).

- (8) I hold the equivalent of a Masters degree in Urban and Regional Planning (Diplom-Ingenieur fuer Stadt- und Regionalplanung) from the Technical University in Berlin, Germany.

Code of Conduct

- (9) I have read and are familiar with the Code of Conduct for Expert Witnesses (Section 7 of the Environment Court Practice Note 2014). My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, this evidence is within my area of expertise, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- (10) I have specifically relied on the expertise of the following advisors, who have been engaged by the Council for PPC55:
- Landscape and Visual - Rachael Annan, Principal Landscape Planner, 4Sight Consulting Ltd,
 - Transport - Don Wignall, Transport Consultant, Transport Futures Ltd;
 - Infrastructure - David Wilson, Principal Engineer/Director, The Urban Engineers Ltd for Wellington Water; and
 - Ecology – Nick Goldwater, Principal Ecologist, Wildland Consultants Ltd.

3 Background

- (11) The request for a Private Plan Change was submitted by Andrew Cumming, Planning Consultant, on behalf of Maymorn Developments Limited on 5 November 2021.
- (12) The request was accepted by Council on 15 December 2021. In response to feedback from Council relating to transport, landscape and planning matters an updated version of the Plan Change request was lodged on 1 March 2022.
- (13) The updated version of the Private Plan Change request was notified as PPC55 on 9 March 2022, with submissions closing on 13 April 2022. The Summary of Decisions Requested ('Summary of Submissions') was notified on 1 June 2022, with further submissions closing on 17 June 2022.

3.1 Overview of the Proposed Private Plan Change

- (14) PPC55 seeks the rezoning of the site at 1135 Maymorn Road, commonly known as Gabites Block from General Rural and Rural Production Zone to a newly created Settlement Zone.
- (15) The plan change also seeks the introduction of a Gabites Block Development Area containing site specific provisions.
- (16) The plan change site is located to the east of Maymorn Road and held in two Records of Title with a combined area of 74.5 hectares.



Figure 1 – PPC55 Plan Change Site

(17) The plan change request summarises the proposed changes as follows:

- Introduce high level objectives and policies for a new Settlement Zone;
- Apply the Settlement Zone to the Gabites Block;
- Introduce the Gabites Block Development Area, with development densities tailored to areas within the site;
- Apply district-wide and site-specific provisions to the Gabites Block Development Area;
- Undertake associated changes to the planning maps; and
- Introduce associated definitions.

3.2 Site and Surroundings

(18) The site and surrounding area are briefly described in the Plan Change Request:

The Gabites Block is held in two Records of Title and totals 74.5ha in area:

- *Part Section 299 Hutt District – 59.8915 hectares zoned Rural Hill and Rural Valley;*
- *Lot 2 DP 356697 – 14.6420 hectares zoned Rural Valley.*

The southern boundary of the site adjoins or is partly overlain by Designation TZR1, described in the Operative District Plan as follows:

The New Zealand Railways Corporation

Ref No	Map No	Designation Title	Location
TZR1		Railway corridor purposes	Wellington to Woodville Railway including tunnel 1 and 2

The site has historically been used for farming and forestry. Currently, the site's flat land is in pasture and the hillslopes are in wilding pines and scrub.

- (19) More detailed descriptions of the site are contained in the reports by technical experts that have informed the plan change.

4 Public Consultation Process

- (20) PPC55 was publicly notified on 9 March 2022, with the submission phase closing on 13 April 2022. Overall, 50 submissions were received.

- (21) The Summary of Submissions was notified on 1 June 2022, with further submissions closing on 17 June 2022. Three further submissions were received.

- (22) The 50 original submitters are:

#	Name	Position	Wish to be heard
1	Hugh Wiffen	Support - conditional	Yes
2	Wayne Chapman	Support - conditional	Yes
3	Debbie Hawinkels	Oppose	Yes
4	Beatrice Serrao	Oppose	No
5	Rebecca Cato	Support with amendments	No
6	Nathan King	Oppose	No
7	Tamara Carson	Oppose	No
8	Lisa & Jonathan Bryant	Oppose in part	Yes
9	Robert Prest	Oppose	No
10	Sonia Morgan	Oppose	No
11	Gerard Bourke & Trish Coley	Oppose	Yes
12	Joanne Perez	Support with amendment	Yes
13	Sofia Moers-Kennedy	Support with amendment	No
14	Jaki Sifflett	Oppose	Yes
15	Bob Anker	Oppose	Yes
16	Peter Barnes	Oppose	No
17	Debbie Baston	Support with amendment	No
18	Peter Sharkey-Burns	Oppose	No
19	Dean Spicer	Oppose	Yes
20	Antoinette Spicer	Oppose	Yes
21	Barry and Fiona Evans	Oppose	Yes
22	Marita Maass	Oppose in part	No
23	Bridgewater Trust – Dean Spicer, Michelle Spicer	Oppose	Yes
24	Kathryn Regan	Oppose	No
25	Kim Gibbs	Oppose in part	Yes
26	Janet Pittman	Oppose	No

27	Lance Burgess	Oppose in part	No
28	Nerolie Burgess	Oppose in part	No
29	Rob and Sharon Houghton	Oppose in part	Yes
30	Fire and Emergency New Zealand	Support with amendments	Yes
31	Sue Boyle	Oppose	Yes
32	John Boyle	Oppose	Yes
33	Brett Stanaway	Oppose in part	Yes
34	Judith Swildens	Oppose	Yes
35	Dean Spicer on behalf of Maymorn Collective	Oppose	Yes
36	Helen Regan	Oppose	No
37	Lynn Bialy	Oppose	Yes
38	Kim Williams	Oppose in part	Yes
39	Michael Byrne	Oppose in part	No
40	Greater Wellington Regional Council	Support with amendments	Yes
41	Mary Beth Taylor	Oppose	Yes
42	Waka Kotahi NZ Transport Agency	Support with amendments	Yes
43	Paul Baker	Oppose	No
44	Lesley Francis (on behalf of 4 households)	Oppose	Yes
45	Tony Chad	Oppose	Yes
46	Christopher Northmore	Oppose	Yes
47	Bob Orriss	Support with amendments	No
48	Richard Bialy	Oppose in part	Yes
49	John and Margaret Ankcorn	Oppose	No
50	Paul Persico	Oppose	Yes

(23) Three further submissions were received:

#	Name	Submission referred to	Support / Oppose
F1	Mary Beth Taylor	All original submissions	Support in part / Oppose in part
F2	Tony Chad	All original submissions	Support in part / Oppose in part
F3	Kim Gibbs	All original submissions	Support in part / Oppose in part

(24) A summary of decisions requested is contained in Appendix 2 to this report. This summary includes my recommendation on whether the decisions requested by submissions should be accepted, rejected, accepted in part or rejected in part.

(25) The majority of submissions oppose PPC55, either in total or in part, or seek substantial amendments to the proposal. Those submissions in support mostly seek amendments. The

three further submissions are in support of all submissions opposing PPC55 and oppose all submissions supporting PPC55.

- (26) The matters raised in submissions are detailed in Sections 9 and 10 of this report.

5 The Private Plan Change Process

- (27) Once an application for a private plan change has been accepted by the Council under Clause 25(2)(b) of the RMA, Part 2 of the First Schedule to the RMA applies. Clause 29 describes the process for a private plan change as follows:

29 *Procedures under this Part*

(1) *Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).*

(1A) *Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person's right to make a submission is limited by subclause (1B)*

(1B) *A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—*

(a) *adversely affects the environment; and*

(b) *does not relate to trade competition or the effects of trade competition.*

(2) *The local authority shall send copies of all submissions on the plan or change to the person who made the request.*

(3) *The person who made the request has the right to appear before the local authority under clause 8B.*

(4) *After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—*

(a) *may decline, approve, or approve with modifications the plan or change; and*

(b) *must give reasons for its decision.*

(5) *In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.*

(6) *The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.*

(7) *Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.*

(8) *Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.*

(8A) *If the decision to change a plan is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977, the local authority must advise the person who requested the plan change that—*

- (a) *the plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and*
 - (b) *the decision on the exchange will be made under the Reserves Act 1977 after the time allowed for appeals against the decision on the plan change has expired and any appeals have been completed.*
- (9) *With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.*

6 Matters to be considered by the Council

- (28) Section 74 of the RMA ('s74') states that the Council shall prepare and change the District Plan in accordance with its functions under section 31 ('s31'), the provisions of Part 2 and its duty under section 32 ('s32').
- (29) Under s74, when preparing or changing a plan, a territorial authority is required to have regard to:
- (b) *any –*
 - (i) *management plans and strategies prepared under other Acts*
- (30) I consider that the following Upper Hutt City Council documents prepared under the Local Government Act 2002 to be relevant:
- Upper Hutt Growth Strategy 2007;
 - Upper Hutt Land Use Strategy 2016-2043; and
 - Housing and Business Development Capacity Assessment.
- (31) Under s74(2A) a territorial authority:
- must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region.*
- (32) There are no relevant iwi management plans or planning documents lodged with Upper Hutt District Council.
- (33) Section 75(3) of the RMA requires that district plans must give effect to –
- (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (ba) *a national planning standard*
 - (c) *any regional policy statement"*
- (34) Under section 75(4), district plans must not be inconsistent with –
- (b) *a regional plan for any matter specified in section 30(1)*
- (35) The decision in Long Bay-Okura Great Parks Society Incorporated v North Shore City Council (Decision A 078/2008), and amended in High Country Rosehip Orchards Ltd and Ors v Mackenzie DC2 reflects the changes made by the Resource Management Amendment Act 2005 and sets out the mandatory requirements for district plan (changes) as being:

- A. *General requirements*
1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*
 2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
 3. *When preparing its district plan (change) the territorial authority shall:*
 - (a) *have regard to any proposed regional policy statement;*
 - (b) *give effect to any operative regional policy statement;*
 - (c) *have regard to the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities*
 4. *In relation to regional plans:*
 - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
 - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
 5. *When preparing its district plan (change) the territorial authority must also:*
 - (a) *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
 - (b) *take into account any relevant planning document recognised by an iwi authority; and*
 - (c) *not have regard to trade competition;*
 6. *The district plan (change) must be prepared in accordance with any regulation and any direction given by the Minister for the Environment.*
 7. *The requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*
- B. *Objectives [the section 32 test for objectives]*
8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*
- C. *Policies and methods (including rules) [the section 32 test for policies and rules]*
9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
 10. *Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:*
 - (a) *identifying other reasonably practicable options for achieving the objectives; and*
 - (b) *assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:*

- (i) *identifying, assessing and quantifying (where practicable) the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment; and*
- (ii) *assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and*
- (c) *if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.*

D. *Rules*

- 11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*
- 12. *There are special provisions for rules about contaminated land.*
- 13. *There must be no blanket rules about felling of trees in any urban environment.*

E. *Other statutes*

- 14. *Finally territorial authorities may be required to comply with other statutes.*

7 Purpose and Principles of the RMA

7.1 Part 2

(36) Part 2 (sections 5 – 8) of the RMA state the purpose and principles of the Act. Part 2 is overarching and the assessments under other sections of the Act are subject to it. In order to approve the request, the Hearings Panel must be able to conclude that the amended request will promote the sustainable management of natural and physical resources, which is the purpose of the Act outlined in Section 5.

(37) The sections under Part 2 can be summarised and assessed as follows:

7.1.1 Section 5

(38) The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined under the Act as:

Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

(39) The District Plan was developed under the RMA and meets its purpose. The Council is required to ensure that all proposed changes to the Plan will also result in outcomes that meet the purpose of the RMA.

7.1.2 Section 6

(40) Section 6 sets out a number of matters of national importance to be recognised and provided for. Of these, I consider the following to be of relevance:

Section	Relevant Matter
6(a)	<i>The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development</i> The site contains streams and wetlands
6(c)	<i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i> The site contains significant natural areas
6(d)	<i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</i> The site contains streams
6(h)	<i>The management of significant risks from natural hazards</i> The site contains slope hazard areas and flood hazard areas.

7.1.3 Section 7

(41) Section 7 of the Act sets out a number of other matters that must be given particular regard. Of these, I consider the following to be of particular relevance:

Section	Relevant Matter
7(b)	<i>The efficient use and development of natural and physical resources</i>
7(c)	<i>The maintenance and enhancement of amenity values</i>
7(d)	<i>Intrinsic values of ecosystems</i>
7(f)	<i>Maintenance and enhancement of the quality of the environment</i>
7(g)	<i>Any finite characteristics of natural and physical resources</i>
7(i)	<i>The effects of climate change</i>

7.1.4 Section 8

(42) Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.

(43) There appear to be no known sites or areas of significance to Māori on the site.

(44) As outlined in the s32 evaluation Ngāti Toa Rangatira and Taranaki Whānui were contacted by the applicant prior to the lodgement and notification of the private plan change but no responses were received.

(45) There were also no submissions received from Ngāti Toa Rangatira or Taranaki Whānui in response to the public notification of the plan change. Feedback from Wellington Tenth Trust on the Request (Dated 2/3/22) sought the addition of an accidental discovery protocol.

7.2 Part 4

(46) Part 4 of the RMA contains regulations relating to the functions, powers, and duties of central and local government.

(47) Sections 31, 32 and 32AA are particularly relevant.

7.2.1 Section 31

(48) Section 31 of the RMA lists the functions of territorial authorities. The following are considered relevant to this plan change:

Section	Relevant Matter
31(1)(a)	<i>The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.</i>
31(1)(aa)	<i>The establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.</i>
31(1)(b)(iii)	<i>The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of</i> <i>(i) the avoidance or mitigation of natural hazards</i> <i>(ii) the maintenance of indigenous biological diversity.</i>
31(1)(d)	<i>The control of the emission of noise and the mitigation of the effects of noise.</i>
31(1)(e)	<i>The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.</i>

(49) For completeness, the relevant functions of regional councils contained in section 30 of the RMA are outlined below:

Section	Relevant Matter
30(1)(a)	<i>The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region</i>
30(1)(b)	<i>The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance</i>
30(1)(ba)	<i>The establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region</i>
30(1)(c)	<i>The control of the use of land for the purpose of—</i> <i>(i) soil conservation:</i> <i>(ii) the maintenance and enhancement of the quality of water in waterbodies and coastal water:</i> <i>(iii) the maintenance of the quantity of water in water bodies and coastal water:</i> <i>(iii a) the maintenance and enhancement of ecosystems in water bodies and coastal water:</i> <i>(iv) the avoidance or mitigation of natural hazards</i>

Section	Relevant Matter
30(1)(f)	<i>The control of discharges of contaminants into or onto land, air, or water and discharges of water into water</i>
30(1)(ga)	<i>The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity</i>

7.2.2 Section 32

- (50) Section 32 of the Act requires the Council to evaluate the proposed change and decide whether it is necessary and the most appropriate way to achieve the purpose of the Act, and, whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives of the Plan.
- (51) In particular, section 32(1) requires that, before the Council publicly notifies a proposed district plan, it must:
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions;*
- (52) The evaluation report must also contain a level of detail that:
- (c) *corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (53) When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan change the report must under s32(2):
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (54) Where a plan change proposes to amend a District Plan, the examination under s32(3)(b) must relate to:
- (a) *The provisions and objectives of the amending proposal; and*
 - (b) *The objectives of the existing proposal to the extent that those objectives –*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

(55) In the above, the term “existing proposal” refers to the existing plan provisions.

(56) The requestor submitted a section 32 evaluation as part of the request.

7.2.3 Section 32AA

(57) The Council is required to undertake a further evaluation of the plan change in accordance with section 32AA ('s32AA') before making a decision under clause 29(4) of Schedule 1 of the RMA. S32AA is set out below:

- (1) *A further evaluation required under this Act—*
 - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - (b) *must be undertaken in accordance with section 32(1) to (4); and*
 - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
 - (d) *must—*
 - (i) *be published in an evaluation report that is made available for public inspection at the same time as the ... decision on the proposal, is publicly notified; or*
 - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

(58) An initial s32AA evaluation of the proposed additional amendments is provided as a separate document. The initial s32AA evaluation is expected to be subject to further amendments in response to the outcome of the hearing.

8 National, Regional and Local Policy Framework

(59) The District Plan sits within a wider framework of both statutory and non-statutory policy documents, which are set out as follows.

8.1 National Policy Statements

(60) Under s74(1)(ea) of the RMA, Council must prepare and change the District Plan in accordance with any relevant National Policy Statements. In addition, under s75(3)(a) of the RMA, a district plan must give effect to any national policy statement. There are currently five national policy statements that have effect, being:

- National Policy Statement on Electricity Transmission 2008 ('NPS-ET');
- New Zealand Coastal Policy Statement 2010 ('NZCPS');
- National Policy Statement for Renewable Electricity Generation 2011 ('NPS-REG');
- National Policy Statement on Urban Development 2020 ('NPS-UD');
- National Policy Statement for Freshwater Management 2020 ('NPS-FM'); and

- National Policy Statement for Highly Productive Land 2022 ('NPS-HPL').

(61) Of these I consider the National Policy Statement on Urban Development 2020, the National Policy Statement for Freshwater Management 2020 and the National Policy Statement for Highly Productive Land 2022 to be of relevance to the private plan change.

8.1.1 National Policy Statement on Urban Development 2020

(62) The NPS-UD took effect on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016.

(63) The NPS-UD recognises the national significance of having well-functioning urban environments and providing sufficient capacity to meet the different needs of people and communities. It requires Councils to provide development capacity with sufficient infrastructure and to consider the benefits of urban development. District Plans must make room for growth both 'up' and 'out' and rules should not unnecessarily constrain growth.

(64) Under the NPS-UD 2020 Upper Hutt City Council forms part of the Wellington urban environment which has been classified as a Tier 1 urban environment. The following objectives and policies are therefore considered to be of relevance to this plan change:

NPS-UD 2020 - Relevant Provisions	
Objective 1	New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
Objective 2	Planning decisions improve housing affordability by supporting competitive land and development markets.
Objective 4	New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations
Objective 6	Local authority decisions on urban development that affect urban environments are: <ul style="list-style-type: none"> (a) Integrated with infrastructure planning and funding decisions; and (b) Strategic over the medium and long term; and (c) Responsive, particularly in relation to proposals that would supply significant development capacity.
Policy 1	Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: <ul style="list-style-type: none"> (a) have or enable a variety of homes that: <ul style="list-style-type: none"> (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and (e) support reductions in greenhouse gas emissions; and

NPS-UD 2020 - Relevant Provisions
(f) are resilient to the likely current and future effects of climate change.
<p>Policy 2</p> <p>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term</p>
<p>Policy 3</p> <p>In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <ul style="list-style-type: none"> (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and (c) building heights of least 6 storeys within at least a walkable catchment of the following: <ul style="list-style-type: none"> (i) existing and planned rapid transit stops (ii) the edge of city centre zones (iii) the edge of metropolitan centre zones; and (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of: <ul style="list-style-type: none"> (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location.
<p>Policy 6</p> <p>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <ul style="list-style-type: none"> (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: <ul style="list-style-type: none"> (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity (e) the likely current and future effects of climate change.
<p>Policy 8</p> <p>Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <ul style="list-style-type: none"> (a) unanticipated by RMA planning documents; or (b) out-of-sequence with planned land release.
<p>Subpart 2 – Responsive Planning</p> <p>3.8 Unanticipated or out-of-sequence developments</p> <ul style="list-style-type: none"> (1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.

NPS-UD 2020 - Relevant Provisions

- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
- (a) would contribute to a well-functioning urban environment; and
 - (b) is well-connected along transport corridors; and
 - (c) meets the criteria set under subclause (3); and
- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

- (65) Overall, the NPS-UD 2020 has a strong focus on enabling additional housing development within well-functioning urban environments to meet existing and future demand.
- (66) I consider the proposed private plan change to be consistent with the NPS-UD. It will add to the development capacity of Upper Hutt City Council and enables additional residential development that:
- Assists in meeting expected demand;
 - Has road and rail accessibility that connects with existing residential areas;
 - Considers and manages potential adverse effects on identified values;
 - Contributes to the range of housing typology choices available within Upper Hutt; and
 - Considers and manages natural hazard risks.

8.1.2 National Policy Statement for Freshwater Management 2020

- (67) The NPS-FM came into force on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014.
- (68) A fundamental concept of the NPS-FM is Te Mana o te Wai which refers to the importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. Te Mana o te Wai includes a hierarchy of obligations to prioritise the health of water which are directly incorporated into the objective (Section 2.1) of the NPS-FM and supported by 15 policies (Section 2.2).
- (69) The NPS-FM applies to all freshwater including groundwater and accordingly, the implementation of the NPS-FM largely requires actions by regional councils due to their responsibilities for freshwater management. The NPS-FM directs regional councils to change their regional policy statements and regional plans to be consistent with the requirements of the NPS-FM. This includes adopting an integrated approach and involving tangata whenua in freshwater management.
- (70) In essence the NPS-FM requires the health of freshwater to be identified by regional councils, monitored against minimum baseline values in an integrated manner and, where degradation is detected, take action to halt or reverse it. The update of regional plans and the Regional Policy Statement will lead the subsequent update of district plans (within the jurisdictional extent possible). While the regional council has not yet notified any changes to the regional plans in accordance with the NPS-FM directions, it has recently notified a proposed change to the Regional Policy Statement that includes changes to give effects to the NPS-FM. For now, the proposed Natural Resources Plan and the operative regional plans will continue to manage the effects on freshwater.

- (71) Consequently, at this stage the NPS-FM has limited relevance for this proposed plan change.

8.1.3 National Policy Statement for Highly Productive Land 2022

- (72) The NPS-HPL was released on 18 September 2022 and will come into force on the 17 October 2022.
- (73) The purpose of the NPS-HPL is to protect areas of highly productive land to ensure ongoing availability of favourable soils for food and fibre production. Regional councils are required to identify and map qualifying areas of highly productive land and, together with territorial authorities, manage subdivision, use and development within these areas.
- (74) One objective and nine supporting policies outline the purpose of the NPS-HPL and the key methods to protect land based primary production. Clause 3.4 requires regional councils to map highly productive land subject to the criteria in cl.3.4(1). However, clause 3.4(2) states land that is identified for future urban development as at the commencement date, must not be mapped as highly productive land.
- (75) The NPS-HPL includes a definition for 'future urban development' which includes land identified in a strategic planning document as suitable for commencing urban development over the next 10 years and identifies Settlement zone as an urban zone. This is applicable to the subject site. Notwithstanding this, the applicant in their s32 for PPC55 also undertook an assessment of the land use capability of the site. I concur with this assessment.

8.1.4 Proposed National Policy Statements

- (76) It is acknowledged that there is currently a draft National Policy Statement for Indigenous Biodiversity ('NPS-IB'). This was released as an exposure draft on 9 June 2022 for targeted feedback on the workability of the draft NPS-IB.
- (77) The draft NPS-IB does not yet have legal effect and is subject to change. Council is therefore not required to implement the draft policy statement until it has been gazetted.

8.2 National Environmental Standards

- (78) Under Section 44A of the RMA a district plan must avoid conflict with and duplication of National Environmental Standards. The following National Environmental Standards are currently in force:
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
 - National Environmental Standards for Electricity Transmission Activities;
 - National Environmental Standard for Sources of Drinking Water;
 - National Environmental Standards for Air Quality;
 - National Environmental Standards for Telecommunication Facilities;
 - National Environmental Standards for Plantation Forestry;
 - National Environmental Standards for Freshwater 2020;
 - National Environmental Standard for Marine Aquaculture 2020; and

- National Environmental Standard for Storing Tyres Outdoors 2021.

(79) Under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS'), if a site has been the subject of an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List ('HAIL') then the NES-CS warrants further consideration. It is my understanding that no previous activities have occurred on the sites which are identified on the HAIL list. As such, no further assessment against this National Environmental Standard is required for the proposal.

(80) Due to a number of identified streams within the site the National Environmental Standards for Freshwater ('NES-FW') are considered to have some limited relevance, as addressed below.

8.2.1 National Environmental Standards for Freshwater

(81) The NES-FW came into force on 3 September 2020 and sets out regulations to control certain activities that pose a risk to freshwater and freshwater ecosystems.

(82) Section 5 of the NES-FW states the regulations deal with the functions of regional councils and not the functions of territorial authorities. Much of the regulations within the NES-FW are focused on primary production and rural farming activities (see Part 2 of the NES-FW). However, Part 3 of the regulations includes standards for other activities that relate to freshwater including activities that occur within or adjacent to natural wetlands and where reclamation of rivers are proposed.

(83) The plan change site contains several highly modified streams and drains and one wetland.

(84) While a range of specific activities involving earthworks or vegetation clearance are permitted within 10m of a wetland, the general activity status for all other earthworks and vegetation clearance within a 10m setback from a wetland are identified as a non-complying activity. Furthermore, earthworks within 100m of a wetland that could result in partial drainage is also a non-complying activity. Any reclamation of a stream is identified as a discretionary activity.

8.3 National Planning Standards

(85) Under Section 75(3)(ba) of the RMA a district plan must give effect to the National Planning Standards. The first set of National Planning Standards came into force on 3 May 2019 and are intended to improve the consistency of council plans. In November 2021 the Upper Hutt District Plan was amended to implement most of these standards. The private plan change aligns with the National Planning Standards version of the Upper Hutt District Plan and the directions of the National Planning Standards.

8.4 Regional Policy Statement for the Wellington Region

(86) Under Section 75(3)(c) of the RMA, District Plans must give effect to any regional policy statement.

(87) The Regional Policy Statement for the Wellington Region ('RPS') became operative in 2013. It sets out the regional approach for managing the environment and providing for growth and associated effects. The RPS identifies the significant resource management issues for

the region and outlines the policies and methods required to achieve the integrated sustainable management of the region’s natural and physical resources.

- (88) I concur with the assessment provided within the s32 evaluation accompanying the private plan change request and consider it to be complete and comprehensive.

8.4.1 Proposed Change 1 to the RPS

- (89) On 19 August 2022 Greater Wellington Regional Council notified Proposed Change 1 to the Regional Policy Statement for the Wellington Region (‘RPS-PC1’).

- (90) The purpose of RPS-PC1 is to implement and support the National Policy Statement on Urban Development, and to start the implementation of the National Policy Statement for Freshwater Management 2020. The Plan Change also includes changes related to climate change, indigenous biodiversity, and high natural character.

- (91) For the purpose of the NPS-UD, RPS-PC1 directly inserts the housing bottom lines for the Wellington Tier 1 urban environment into the operative Regional Policy Statement for the Wellington Region 2013 under section 55(2) of the Resource Management Act (RMA).

- (92) The NPS-UD requires this to be undertaken without using the Schedule 1 process of the RMA thereby making the following amendments immediately effective from 19 August 2022. As such, Objective 22A and Table 9A have been inserted directly into the RPS. Objective 22A states:

To achieve sufficient development capacity to meet expected housing demand in the short-medium and long term in any tier 1 urban environment within the Wellington Region, the housing bottom lines in Table 9A are to be met or exceeded in the short-medium and long term in the tier 1 urban environment.

- (93) For Upper Hutt City Council, Table 9A identifies a minimum 4,713 additional dwellings are to be provided by 2031 (the “short-medium term”) and a minimum 7,510 additional dwellings by 2051 (the “long term”)¹.

- (94) The changes related to freshwater provisions use the freshwater planning instrument process under section 80A and Part 4 of Schedule 1 of the RMA. The remaining changes not related to freshwater will proceed through the standard process under Part 1 of Schedule 1 of the RMA

- (95) The table below lists the changes which are relevant to Private Plan Change 55.

Proposed Change 1 to the RPS	
Proposed Change	Relevance
3.1A Climate Change	
Proposed insertion of Chapter 3.1A: Climate Change The chapter introduces 8 new objectives which address:	This is of relevance to Plan Change 55 as the plan change would allow for the subdivision and development of approximately 75 hectares of land. It is necessary for the Plan Change to consider the impact that the subdivision will have on climate change, particularly in relation to

¹ These housing bottom lines are drawn from the Wellington Regional Housing and Business Development Capacity Assessment, Housing update May 2022.

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<ul style="list-style-type: none"> Reducing emissions and creating a climate resilient region (Objectives CC.1, CC.2, and CC.3). Ensuring that nature-based solutions are integral to climate change responses (Objective CC.4) Increasing carbon sequestration from forestry (Objective CC.5) Increasing public awareness and community resilience to climate change (Objectives CC.6 and CC.7). Empowerment of iwi and hapu to increase their resilience to the effects of climate change (Objective CC.8). <p>There are several new policies which support these objectives. The relevant policies are summarised below.</p> <ul style="list-style-type: none"> Creation of climate resilient urban areas (Policy CC.4 and CC.14). Reduction of greenhouse gas emissions associated with transport infrastructure (Policy CC.1, CC.2, and CC.3). The prioritization of reducing greenhouse gas emissions over offsetting (Policy CC.8). The protection, restoration, and enhancement of ecosystems that provide nature-based solutions to climate change (Policy CC.7). 	<p>greenhouse gas emissions from vehicles. The proposed objectives and policies seek an overall reduction in greenhouse gases by increasing use of active travel and public transport mode options.</p> <p>The proposed area for re-zoning is close to the Mangaroa Train Station which may be utilised by future residents for travel into Upper Hutt, Lower Hutt, or Wellington. Additionally, there are existing bus stops located along Maymorn Road towards Plateau Road. The plan change also includes the creation of a shared user path along Maymorn Road to increase safety and convenience for active travel modes and recreational users.</p> <p>The objectives and policies also highlight the importance of nature-based solutions as an integral part of climate change mitigation and adaptation. The related policies seek an increase in climate change resilience for in rural and urban areas.</p> <p>The intent of private plan change 55 is for future development to not rely on mains infrastructure connection but instead to harvest potable drinking water via rainwater collection and for each site to be capable of managing stormwater and wastewater disposal. This independence provides resilience from future mains infrastructure capacity constraints.</p>
3.4 Fresh water	
<p>Proposed amendment to Chapter 3.4: Fresh water (including public access).</p> <p>The relevant freshwater objectives being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Objective 12 refers to the management of natural and physical resources by prioritising the health and well-being of water bodies and freshwater ecosystems and the health needs of people. This is via the principle of Te Mana o te Wai. Objective 12: The addition of Te Mana o te Wai as an objective outlines the six principles relating to the roles of tangata whenua and other New Zealanders in the 	<p>These changes are relevant to Plan Change 55 as the plan change allows for the subdivision of existing rural land and the land proposed for rezoning has a wetland and freshwater systems running through.</p> <p>Additionally, any future dwellings on the site will need to have access to drinking water.</p> <p>Plan Change 55 has responded to this by addressing stormwater management to ensure that any dwellings do not increase stormwater run-off.</p> <p>The Plan Change also addresses the provision of drinking water by requiring that all sites are</p>

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<p>management of freshwater. These principles are:</p> <ul style="list-style-type: none"> ○ Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater ○ Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations ○ Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others ○ Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future ○ Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and ○ Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. <p>The relevant freshwater policies being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> ● Policy FW.3 – the effects on freshwater and the coastal marine area of Urban Development. ● Policy FW.6 – allocation of responsibilities for land use and development controls for freshwater. ● Policy 15: Managing the effects of earthworks and vegetation disturbance. ● Policy 40 – Protecting and enhancing the health and wellbeing of waterbodies and freshwater ecosystems. 	<p>capable of storing freshwater (potable) tanks for water supply.</p> <p>The plan change identifies the location and condition of aquatic environments and proposes related provisions in order to assist in managing future land use effects of urban development.</p>

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<ul style="list-style-type: none"> Policy 42 – Effects on freshwater and the coastal marine area from urban development. 	
3.6 Indigenous ecosystems	
<p>Proposed amendments to Chapter 3.6: Indigenous ecosystems</p> <p>The relevant indigenous ecosystems objectives being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Objective 16 – Amended to recognise that indigenous ecosystems have significant ecosystem values, not just for biodiversity. Objective 16A – the region’s indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state. Objective 16B – Mana whenua/tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being, are given effect to in decision making. <p>The relevant indigenous ecosystems policies being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Policy IE.1 – giving effect to mana whenua/tangata whenua roles and values when managing indigenous biodiversity. Policy IE.3 – maintaining and restoring indigenous ecosystem health. 	<p>The changes are relevant to Plan Change 55. On the site proposed for re-zoning, there are pockets of indigenous vegetation which are proposed to be protected through the Plan Change.</p>
3.8 Natural Hazards	
<p>Proposed Amendments to Chapter 3.8 Natural Hazards</p> <p>The relevant natural hazards objectives being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Objective 19 – the amendment retains the identified outcome but updates the terminology to also include the natural environment and replaces “reduced” with “minimised” in relation to the effects of natural hazards. Objective 20 – the amendment replaces the operative objective with a new objective that recognises the natural environment is also impacted by natural 	<p>The changes are of relevance to Plan Change 55 as they expand the consideration of hazard risk to include the potential effect on the natural environment, rather than limiting it to just people, communities, infrastructure and property.</p> <p>The supporting policies remain largely the same with the exception of seeking to minimise effects from natural hazards. The new policies are largely non-regulatory.</p> <p>The plan change recognises the potential natural hazard effects relevant to the site with the proposed plan change including a site specific geotechnical assessment analysing</p>

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<p>hazards and the effects of climate change, and seeks to strengthen the desired outcome of minimising risks.</p> <ul style="list-style-type: none"> Objective 21 – the amendment continues to recognise the importance of community resilience, but also introduces recognition for sea level rise as a component of hazard risk. <p>The relevant natural hazards policies being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Policy 29 – the amendment changes the terminology from “avoiding inappropriate” to “managing” activities while also broadening the scope by removing the qualifier “high” so that it applies to all natural hazard risks. 	<p>earthquake and fault locations together with slope stability issues. The proposed plan change has incorporated this information in order to minimise the natural hazard risk across the site which includes the natural environment.</p> <p>Additional provisions addressing the recently identified flood hazard risk are proposed in response to submissions.</p>
3.9 Regional Form, Design and Function	
<p>Proposed amendments to Chapter 3.9: Regional Form, Design and Function</p> <p>The relevant regional form, design, and function objectives being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> Objective 22 – Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments, which: <ul style="list-style-type: none"> a. Are compact and well designed; and b. Provide for sufficient development capacity to meet the needs of current and future generations; and c. Improve the overall health, well-being and quality of life of the people of the region; and d. Prioritise the protection and enhancement of the quality and quantity of freshwater; and e. Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and 	<p>The changes are of relevance to Plan Change 55 as the rezoning of the subject site would create opportunities for low density residential and rural residential development.</p> <p>The Plan Change is expected to:</p> <ul style="list-style-type: none"> Provide some additional housing capacity for Upper Hutt. Achieve the RPS objectives relating to the management of air, land, freshwater, and indigenous biodiversity, as demonstrated. Provide opportunities for non-private vehicle trips as there are public transport opportunities in proximity of the site. Provide for a variety of homes and development forms by offering low-density, semi-rural living. Be well-connected through multi-modal transport networks. State Highway 2 is a short drive from the site and there are public transport opportunities in proximity of the site.

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<p>f. Support the transition to a low-emission and climate-resilient region; and</p> <p>g. Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and</p> <p>h. Enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga; and</p> <p>i. Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and</p> <p>j. Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and</p> <p>k. Are well connected through multi-modal (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.</p> <ul style="list-style-type: none"> • Objective 22A – Insertion of an object to reference the housing bottom line requirements in accordance with section 55(2)(b) of the RMA. • Objective 22B – Development in the Wellington Region’s rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively. <p>The relevant regional form, design, and function policies being amended through RPS-PC1 are:</p> <ul style="list-style-type: none"> • Policy 31 – identifying and enabling a range of building heights and density. • Policy 33 – supporting well-functioning urban environments and a reduction in 	

Proposed Change 1 to the RPS	
Proposed Change	Relevance
<p>transport related greenhouse gas emissions.</p> <ul style="list-style-type: none"> • Policy UD.2 – enabling Māori cultural traditions and norms. • Policy 42 – Urban development effects on freshwater and the coastal marine area. • Policy 55 – providing for appropriate urban expansion. • Policy UD.3 – responsive planning to developments that provide for significant development capacity. • Policy 67 – Establishing and maintaining the qualities and characteristics of well-functioning urban environments. 	

8.5 Regional Plans and the Proposed Natural Resources Plan

(96) Under Section 75(4) of the RMA a District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).

8.5.1 Regional Plans

(97) There are currently five operative regional plans:

- Regional Coastal Plan;
- Regional Freshwater Plan;
- Regional Soil Plan;
- Regional Air Quality Management Plan; and
- Regional Plan for Discharges to Land.

(98) I consider the Regional Soil Plan to be the only operative regional plan of relevance. It identifies issues to be addressed so that the effects of soil disturbance and vegetation clearance can be sustainably managed. Of particular relevance are objectives relating to vegetation cover (Objectives 4.1.8 and 4.1.9) and soil disturbance (Objective 4.1.11).

8.5.2 Proposed Natural Resources Plan

(99) Section 74(2) of the RMA requires Councils, when preparing or changing a plan, to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4.

(100) The Proposed Natural Resources Plan ('PNRP') consolidates the five operative regional plans into one single regional resource management plan. Decisions on the PNRP were publicly notified on 31 July 2019. All appeals have now been resolved and consent orders issued so that the provisions are deemed operative in accordance with s86F of the RMA.

(101) However, the PNRP cannot be considered fully operative (and thus the current five operative plans as “inoperative”) until council publicly notifies the operative date of the plan. This is expected to occur soon subject to completion of the final administrative steps. In the interim, the regional council has released an updated version titled The “Appeals Version – Final 2022” which identifies all the updated changes following the appeal resolutions.

(102) The requestor has provided an assessment of the proposal against the PNRP as part of the plan change request. While I largely agree with the assessment, I note that the PNRP has been amended since the assessment was undertaken. As such the following identified Objectives and Policies of the PNRP are considered to be of relevance to this plan change:

PNRP – Relevant Objectives and Policies	Comments
Ki uta ki tai: mountains to the sea	
<p>Objective O1</p> <p>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</p> <p>Policy P1 Ki uta ki tai and integrated catchment management</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
<p>Objective O2</p> <p>The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.</p>	<p>Considered to be relevant.</p> <p>Managed through existing Regional and District Plan provisions</p>
<p>Objective O3</p> <p>Mauri particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
<p>Objective O4</p> <p>The intrinsic values of fresh water and marine ecosystems are recognised and the life supporting capacity of air, water, soil and ecosystems is safeguarded.</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
Beneficial use and development	
<p>Objective O9</p> <p>The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced.</p> <p>Policy P10: Contact recreation and Māori customary use</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
<p>Objective O10</p> <p>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>

Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers	
Māori relationships	
<p>Objective O14</p> <p>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:</p> <p>(a) maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and</p> <p>(b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and</p> <p>(c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa, including by maintaining or improving Ngā Taonga Nui a Kiwa so that the huanga identified in Schedule B are provided for, and</p> <p>(d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.</p> <p>Policy P17: Mauri</p> <p>Policy P18: Mana whenua relationships with Ngā Taonga Nui a Kiwa</p> <p>Policy P19: Māori values</p>	<p>Agree with requestor</p> <p>PPC55 proposes relevant provisions.</p>
<p>Objective O15</p> <p>Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.</p> <p>Policy P20: Exercise of kaitiakitanga</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
Natural character, form and function	
<p>Objective O17</p> <p>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</p> <p>Policy P25: Preserving and protecting natural character from inappropriate use and development</p>	<p>Policy P25 considered to be relevant.</p> <p>Managed through existing District Plan provisions and proposed PPC55 provisions.</p>
Natural Hazards	
Objective O20	Agree with requestor

<p>The hazard risk and residual hazard risk, from natural hazards and adverse effects of climate change, on people, the community, the environment and infrastructure are acceptable.</p> <p>Policy P28: Hazard mitigation measures</p> <p>Policy P29: Effects of climate change</p>	<p>Managed through existing District Plan provisions and proposed PPC55 provisions.</p>
<p>Objective O21</p> <p>Inappropriate use and development in high hazard areas is avoided.</p> <p>Policy P27: High hazard areas</p>	<p>Agree with requestor</p> <p>Managed through existing District Plan provisions and proposed PPC55 provisions.</p>
Water quality	
<p>Objective O24</p> <p>Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and Māori customary use, including by:</p> <p>(a) maintaining water quality, or</p> <p>(b) improving water quality in:</p> <p>(i) significant contact recreation fresh water bodies and sites with significant mana whenua values identified in Schedule C and Ngā Taonga Nui a Kiwa identified in Schedule B to meet, as a minimum and within reasonable timeframes, the primary contact recreation objectives in Table 3.1, and</p> <p>(ii) coastal water and sites with significant mana whenua values identified in Schedule C and Ngā Taonga Nui a Kiwa identified in Schedule B to meet, as a minimum and within reasonable timeframes, the primary contact recreation objectives in Table 3.3, and</p> <p>(iii) all other rivers and lakes and natural wetlands to meet, as a minimum and within reasonable timeframes, the secondary contact recreation objectives in Table 3.2.</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions.</p>
Biodiversity, aquatic ecosystem health and mahinga kai	
<p>Objective O25</p> <p>Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded such that:</p> <p>(a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity aquatic ecosystem health and mahinga kai, and</p> <p>(b) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is meaningfully improved so that the objective is met within a reasonable timeframe, and</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions and proposed PPC55 provisions.</p>

<p>(c) restoration of aquatic ecosystem health and mahinga kai is encouraged.</p> <p>Objective O27</p> <p>Vegetated riparian margins are established, maintained or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.</p> <p>Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai</p> <p>Policy P32: Adverse effects on biodiversity, aquatic ecosystem health, and mahinga kai</p>	
<p>Objective O28</p> <p>The extent of natural wetlands is maintained or increased, their values are protected, and their condition is restored. Where the values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7.</p> <p>Policy P37: Values of wetlands</p> <p>Policy P38: Restoration of wetlands</p>	
Sites with significant values	
<p>Objective O35</p> <p>Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</p> <p>Policy P40: Ecosystems and habitats with significant indigenous biodiversity values</p> <p>Policy P42: Managing effects on ecosystems and habitats with significant indigenous biodiversity values from activities outside these ecosystems and habitats</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions and proposed PPC55 provisions.</p>
Land use	
<p>Objective O44</p> <p>The adverse effects on soil and water from land use activities are minimised, including to assist with achieving the outcomes and indicators of desired environmental states for water in Tables 3.1 to 3.8.</p>	<p>Agree with requestor</p> <p>Managed through existing Regional and District Plan provisions and proposed PPC55 provisions.</p>
Discharges to land and water	
<p>Objective O46</p> <p>The runoff or leaching of contaminants to water from discharges to land is minimised, including to assist with achieving the outcomes</p>	<p>Considered relevant</p> <p>Managed through existing Regional and District Plan</p>

and indicators of desired environmental states for water in Tables 3.1 to 3.8. Policy P67: Minimising discharges to water or land Policy P95: Discharges to land	provisions and proposed PPC55 provisions.
Objective O47 The amount of sediment-laden runoff entering water is minimised, including to assist with achieving the outcomes and indicators of desired environmental states for water in Tables 3.1 to 3.8.	Agree with requestor Managed through existing Regional and District Plan provisions.
Objective O48 The adverse quality and quantity effects of stormwater discharges from stormwater networks and urban land uses are improved reduced over time. Policy P63: Improving water quality for contact recreation and Māori customary use Policy P73: Minimising adverse effects of stormwater discharges Policy P79: Managing land use impacts on stormwater	Agree with requestor Managed through existing Regional and District Plan provisions and proposed PPC55 provisions.

- (103) The full wording of the relevant objectives and policies is attached as Appendix 3 to this report.
- (104) Overall, I consider that PPC55 including the proposed additional amendments has regard to and aligns with the Natural Resources Plan.

8.6 Upper Hutt District Plan

- (105) PPC55 proposes the rezoning of the subject site from rural zone to a newly introduced Settlement Zone. Therefore, there are no existing operative zone objectives and policies for the proposed zone that need to be considered.
- (106) Other relevant objectives of the operative plan include:

Relevant ODP Objectives	
Natural Hazards	
NH-O2 Identify Flood Hazard Extents and Erosion Hazard Areas in order to avoid or mitigate the risk to people and property and provide for the function of the floodplain.	Natural Hazard provisions of the ODP apply to the plan change site where relevant.
NH-P2 In areas of known susceptibility to natural hazards, activities and buildings are to be designed and located to avoid, remedy, or mitigate, where practicable, adverse effects of natural hazards on people, property and the environment.	PPC55 proposes additional provisions relating to land instability in general and slope instability in particular and erosion control.
NH-P3 Avoid development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.	Site is currently not covered by one of the identified flood hazard overlays, however
NH-P4 To control development (including buildings) within the lower hazard areas of identified Flood Hazard Extents and Erosion	

<p>Hazard Areas by requiring mitigation to minimise the risk to people and property.</p>	<p>latest flood modelling indicates flood risk, which is recommended to be addressed through additional provisions.</p> <p>Overall, PPC55 as amended is consistent with the operative objectives and policies relating to Natural Hazards</p>
<p>Subdivision</p>	
<p>SUB-GEN-O1 The promotion of subdivision and development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.</p>	<p>General Subdivision provisions apply to the plan change site.</p> <p>PPC55 introduces a new subdivision chapter for Development Area 3.</p> <p>The proposed provisions of PPC55 as amended align with and are consistent with the overall direction of the General Subdivision chapter.</p>
<p>SUB-GEN-O2 To control subdivision within identified Flood Hazard Extents and Erosion Hazard Area to ensure the risk from flood hazards to building platforms and access in high hazard areas are avoided and the flood risk to people and property can be appropriately mitigated in the lower hazard areas.</p>	
<p>SUB-GEN-P1 To promote a sustainable pattern of subdivision that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.</p>	
<p>SUB-GEN-P2 To avoid subdivision where building platforms would be located within high hazard areas of the identified Flood Hazard Extents and Erosion Hazard Areas.</p>	
<p>SUB-GEN-P3 To control subdivision where building platforms would be located within lower hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas by requiring mitigation to minimise the risk to people and property.</p>	
<p>SUB-GEN-P5 To protect wetland areas within the City from activities which would have adverse effects on their life supporting capacity, natural character or habitat values.</p>	
<p>SUB-GEN-P11 To promote the safe and efficient use and development of the transportation network.</p>	
<p>Earthworks</p>	
<p>EW-O1 The promotion of development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.</p>	<p>The Earthworks provisions apply to the plan change site.</p> <p>PPC55 also introduces additional site specific provisions relating to</p>
<p>EW-O2 To control earthworks within identified Flood Hazard Extents and Erosion Hazard Areas to ensure that the function of</p>	

the floodplain is not reduced and unacceptable flood risk to people and property is avoided or mitigated.	earthworks that align with the operative provisions. The plan change is consistent with the operative objectives and policies relating to earthworks
EW-P1 To ensure that earthworks are designed and engineered in a manner compatible with natural landforms, significant areas of indigenous vegetation and habitats of indigenous fauna, the amenity of an area, and the mitigation of natural hazards.	
EW-P2 To avoid, remedy or mitigate the contamination, degradation and erosion of soil from earthworks or vegetation removal through advocating responsible land use practices.	
EW-P3 Limit earthworks in the high hazard areas within identified Flood Hazard Extents and Erosion Hazard Areas to avoid an increase in risk from flood hazards to people and property.	
EW-P4 To manage earthworks in the low hazard areas within identified Flood Hazard Extents and Erosion Hazard Areas to reduce the flood risk to people and property.	
EW-P5 Require earthworks within identified Flood Hazard Extents and Erosion Hazard Area to be designed to minimise erosion and loss of sediment from the area of work to streams and rivers.	
Light	
LIGHT-O1 The promotion of a high level of environmental quality in the City by protecting amenity values.	The plan change proposes provisions that align with and give effect to the operative objective of the light chapter.
Transport	
TP-O1 To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.	The plan change proposes provisions that align with and give effect to the operative objective of the light chapter.
TP-P1 To promote the safe and efficient use and development of the transportation network.	
TP-P3 To ensure that the use and development of land is served by safe and adequate access from the roading network	
TP-P5 To promote a sustainable pattern of development that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.	
TP-P6 To promote the development of a safer and more secure environment for the community.	

(107) Overall, I consider the private plan change (including amendments proposed below) to be consistent with and give effect to the relevant objectives and policies of the District Plan.

8.7 Other Relevant Plans or Strategies

(108) Consideration must be given to any relevant plans and strategies prepared by Upper Hutt City Council, in particular those relating to future growth and development of the City.

- (109) The request for PPC55 in the s32 evaluation considered the following non-statutory Upper Hutt City Council strategies to be of relevance:
- Upper Hutt Growth Strategy 2007;
 - Upper Hutt Land Use Strategy 2016-2043;
 - Housing and Business Development Capacity Assessment;
 - Wellington Regional Growth Framework; and
 - Plan Change 50
- (110) In addition, I also consider the following Upper Hutt City Council's strategies to be of limited relevance:
- Sustainability Strategy
 - Affordable Housing Strategy
- (111) I agree with the overall assessment of the above plans and strategies provided by the applicant but provide further comment below.

8.7.1 Upper Hutt Growth Strategy 2007

- (112) The Upper Hutt Growth Strategy 2007 has been superseded by the land use Strategy 2016-2043 which is addressed below.

8.7.2 Upper Hutt Land Use Strategy 2016-2043

- (113) The Land Use Strategy brings together future planning for urban and rural areas and:
- Shows how and where an increased diversity of residential development options could occur so that I can achieve an affordable, sustainable and logical urban form over time
 - Addresses how I can provide adequate housing growth for the predicted increase in population over the next 30 years • Provides for continued growth of business development
 - Encourages efficient and accessible provision of transport, infrastructure, community facilities and recreation opportunities
 - Recognises and protects the importance of natural areas to the function of the city
 - Defines Upper Hutt's place within a regional spatial network
- (114) The Upper Hutt Land Use Strategy was adopted in September 2016 and identifies future growth and development opportunities for urban and rural areas.
- (115) Based on the predicted population growth from 2016 the strategy identifies a household demand of 4,500 dwellings up to 2043 and proposes Urban Infill, Intensification and Edge Expansion as possible growth options.
- (116) Gabites Block is then identified as one of four identified edge expansion areas.

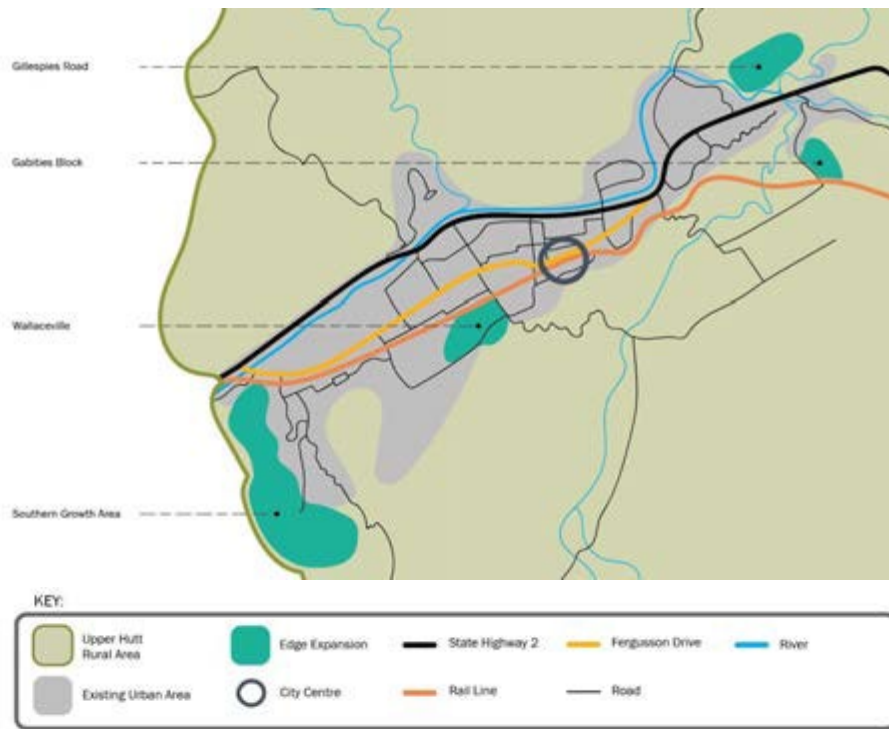


Figure 2 – Locations of proposed areas for expansion of the city edges – Land Use Strategy 2016

(117) The Landuse Strategy then states:

The Maymorn area is in the Rural Valley Floor and Rural Hill zones and was identified in the 2007 Urban Growth Strategy as:

...“the most significant area of land within Upper Hutt for future urban development, possibly for the next 30 or more years.”

A structure plan for urban development of the Maymorn area was adopted by Council in 2012. The next step following this would have been preparation of a Plan Change.

In order to respond to any changes in our predictions for housing demand over time, I need to ensure I safeguard adequate housing supply options. Because of this, it is not appropriate to completely remove the whole of the Maymorn area from consideration as an area that could help meet housing demand.

The success of recent lifestyle development in the surrounding area indicates that most of Maymorn is more ideally placed to respond to the demand for lifestyle-type properties. Promotion of such opportunities would be consistent with the City Vision established in the recent Long Term Plan.

Most of the Maymorn area could be included in a wider review of rural subdivision standards, taking into account the location’s particular merit for adding to the city’s lifestyle opportunities.

Land to the east of Maymorn Road (referred to as the Gabites block) has potential for further investigation of development options. This could be considered as a focussed part of a wider review of the rural zones.

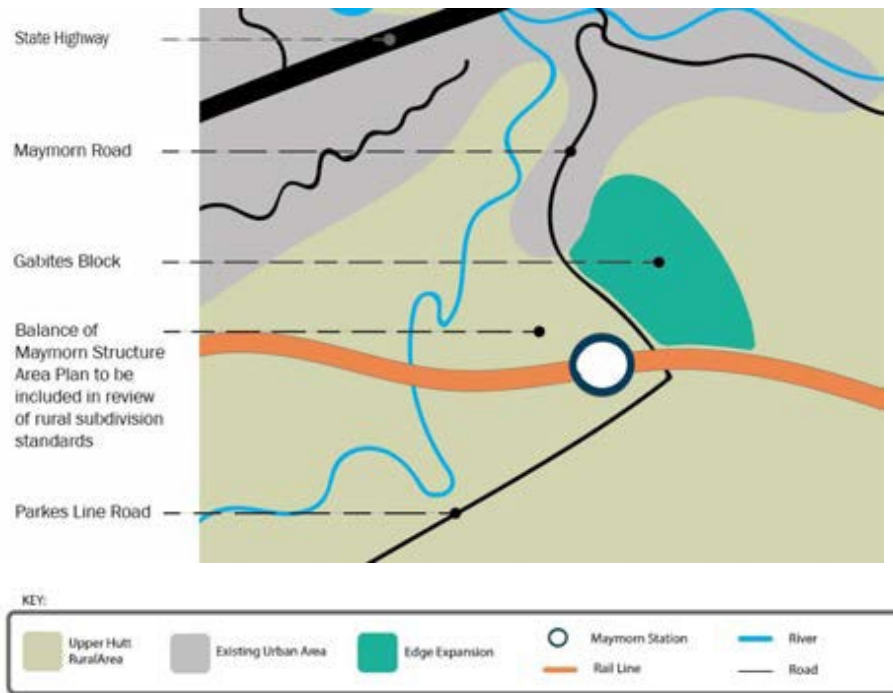


Figure 3 – Maymorn – possible investigations – Land Use Strategy 2016

- (118) In summary, while wide areas of Maymorn were no longer considered for urban development (mostly in response to community feedback) Gabites Block was still seen as an option that would warrant further investigation.

8.7.3 Housing and Business Development Capacity Assessment

- (119) In June 2022 Council published a 2022 update to the initial Housing and Business Development Capacity Assessment from 2019. The findings of the update are summarised on Council’s website as follows:

This refresh of the 2019 HBA was an opportunity to evaluate changes to Upper Hutt’s housing capacity now, and through until 2051, prior to the preparation of a new, full HBA which will start later in 2022.

The updated population projections which have informed the required housing delivery numbers for Upper Hutt show that from 2021 to 2051, Upper Hutt’s population is forecast to increase by 24,268 people. This is higher than the 2019 HBA predicted. To accommodate this population increase, I need to provide for 10,458 new dwellings. This is higher than the original number of houses that the 2019 HBA predicted I needed to supply due to the increased difference in our population forecasting. The 2022 HBA update has considered housing demand against feasibly developable land and infrastructure capacity to determine an overall development sufficiency in accordance with the NPS-UD.

This assessment, identifies the current District Plan provisions, enable a feasible capacity for infill housing delivery to be 6,858 dwellings, with the realisable capacity being slightly lower at 5,928 dwellings. Therefore, with these realisable infill numbers, I can expect that our medium term (2023-2030) housing requirement of 2,749 dwellings can be met, but the infill realisable figure falls short of our long term (2030-2051) requirement of 6,530 dwellings. Further housing is proposed to be delivered by the Intensification Planning Instrument (IPI) to be publicly notified in August 2022.

As part of this 2022 HBA update I have also assessed the capacity of identified greenfield sites in Upper Hutt to deliver housing. Overall Upper Hutt's identified greenfield sites have the capacity for 5,433 new dwellings, all of which are feasible to develop. This figure, combined with the feasible infill capacity, means Upper Hutt has a feasible development capacity of 12,291 dwellings, which is sufficient capacity to meet the long-term housing requirement for the City.

- (120) The greenfield capacity analysis undertaken as part of the update includes the Gabites Block site in all calculations but also states:

The outlier in this assessment is Gabites Block, which UHCC is removing from consideration for plan-enabled housing capacity. This is because against all measures of plan-enablement, Gabites Block is marginal. It is currently zoned rural, is scheduled to be zoned for rural-residential development as part of PC50, and does not meet the standard for 'urban environment' either at present or in the future.

8.7.4 Regional Growth Framework

- (121) I concur with the analysis of the Regional Growth Framework provided by the applicant in their s32 and have no further comments to add.

8.7.5 Other Upper Hutt Strategies

- (122) The following Upper Hutt City Council strategies have been reviewed and are considered to be of limited relevance to PPC55.

Affordable Housing Strategy

- (123) The vision of the Affordable Housing Strategy 'All people living in Upper Hutt are well-housed and have access to adequate, affordable housing that meets their needs'. The strategy then identifies the following strategy outcomes:

- Upper Hutt has a well-functioning housing system that supports sustainable, resilient and connected communities;
- An increase in the supply and retention of adequate, affordable, quality housing for rent and to buy;
- Upper Hutt has an adequate supply of Public and Community housing, and housing support to meet the needs of those requiring housing assistance.

Sustainability Strategy

- (124) The vision of the Sustainability Strategy is '*Upper Hutt is a resilient and adaptable city that identifies, confronts, and finds solutions to issues impacting on our four well-beings to ensure future generations can live a good life here*'. The vision is supported by eight goals to minimise environmental impact, maximise remedial action, and role-model sustainable community living.

8.8 Draft Plan Change 50 – Residential and Rural Review

- (125) Draft Plan Change 50 reviewed the residential and rural chapters of the District Plan to give effect to the NPS-UD and provide additional development potential to meet future demand. The draft plan change went through extensive public consultation and was in an advanced state, intended to be notified in mid/late 2022. However, once government released the

Enabling Housing Act Council had to review its earlier intensification framework and prioritise the notification of a plan change to introduce the mandatory Medium Density Housing Standards and related objectives and policies. I note that draft PC50 provisions do not have any legal weight and are subject to change as a result of further consultation.

(126) In September 2021 the latest version of draft PC50 proposed the introduction of a new Settlement Zone throughout the Maymorn area, including most of the Gabites Farm Block. The north-eastern corner of the site was proposed to be rezoned to Low Density Residential Zone while the steeper hillside portion of the site was proposed to change to General Rural Zone. The draft plan change also proposed the introduction of a Village Precinct surrounding Maymorn Station to enable the establishment of a centre for the local rural community.

(127) I note that the feedback from the community on draft PC50 included both support and opposition to the Settlement Zone in general and the Village Precinct in particular. I note the concerns and opposition to the Village Precinct was generally related to the impact of commercial activity on the character of the surrounding area. I also note concerns raised relating to Maymorn Station not being an ideal transport link. Concerns were also raised regarding the Settlement Zone in general relating to proposed minimum allotment sizes, pressure on the existing infrastructure and transport congestion. The feedback in support of the Settlement Zone recognised there would be further opportunities for additional housing which was needed in the area and would support the rural community.

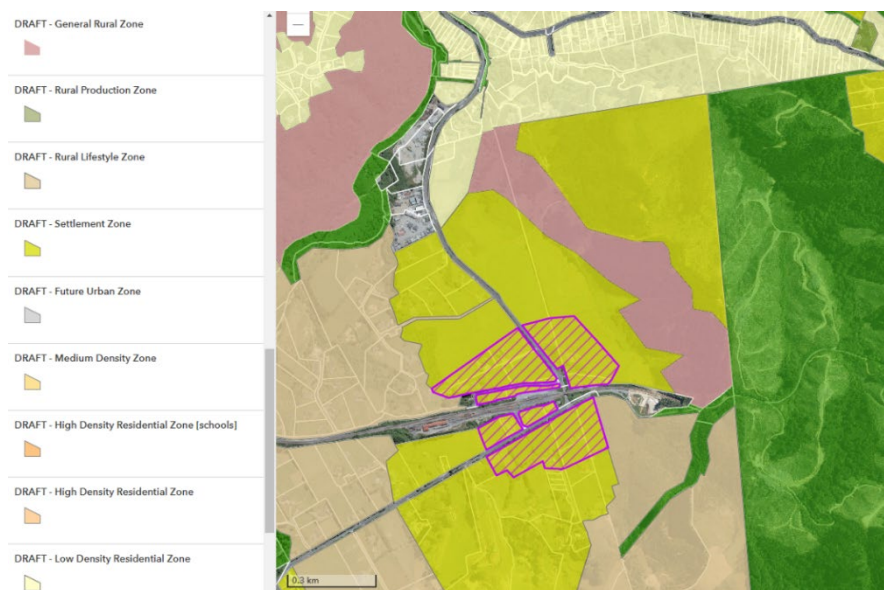


Figure 4 – Draft PC50 Zoning Map – Upper Hutt City Council

(128) Draft PC50 is now continuing as the review of the rural zones and may be subject to changes in response to feedback received on the draft proposal. It is expected to be notified in early 2023.

8.9 Intensification Planning Instrument

(129) The Intensification Planning Instrument which gives effect to the Enabling Housing Act was notified on 17 August 2022.

(130) The IPI introduces the Medium Density Residential Standards ('MDRS') and is solely focused on the rezoning and necessary changes to the residential zones as required by the

Enabling Housing Act and the NPS-UD. As mentioned above the review of the rural zones and provisions will continue as draft PC50 and is anticipated to be notified in early 2023.

- (131) Under the IPI the residential areas to the north of the PPC55 site are proposed to be rezoned to General Residential (rather than low density residential) with the MDRS applying, unless subject to a qualifying matter.

9 Matters Raised in Submissions and for Evaluation

- (132) The matters raised in submissions received relate to the following topic areas:
- Rural Character and Amenity (allotment sizes, lifestyle, privacy)
 - Traffic (traffic generation, intersection with SH2, traffic safety, lack of footpath/cycle way along Maymorn Rd, public transport)
 - Network Infrastructure (Water supply, wastewater, stormwater, electricity, phone/wi-fi coverage)
 - Social Infrastructure (schools, health facilities)
 - Financial contributions (infrastructure improvements, road improvements)
 - Proposed Zoning / Density
 - Ecology (wetland, waterways, wildlife)
 - Natural Hazard / Slope Stability / Earthworks / Erosion / Flooding
 - Noise (reverse sensitivity) and Light
 - Firefighting requirements
 - Timing - PC50, NPS-IB
- (133) Since the close of submissions the requestor has considered the matters raised in submissions and proposed amendments to the plan change request. The proposed additional amendments have informed and been included in the Evaluation of the Proposed Plan Change section below. The full set of additional amendment proposed by the applicant and me is attached as Appendix 1 to this report.

10 Evaluation of the Proposed Private Plan Change

- (134) This section of the report provides an overall analysis and evaluation of the proposed private plan change, taking into consideration:
- The private plan change request documentation including proposed amendments, s32 evaluation report and accompanying expert reports;
 - Expert reports and peer reviews commissioned by Council;
 - Submissions and further submissions made on PPC55; and
 - The legislative and policy framework as set out above.
- (135) Having considered and assessed the above matters, I consider the following to be the key issues and matters:

- The appropriateness of rezoning the land from General Rural and Rural Production Zone to a newly created Settlement Zone and the introduction of a Gabites Block Development Area containing site specific provisions;
- The environmental effects resulting from the private plan change relating to:
 - Landscape and Visual, Character and Amenity
 - Transport
 - Infrastructure
 - Geotech / Natural Hazards
 - Ecology
 - Tangata Whenua Matters
 - Other Matters
- Section 32 analysis

(136) Where changes are proposed to the provisions as notified the following formatting is applied:

- Black underline or ~~black strikethrough~~ for any changes proposed by PPC55 as notified
- Red underline or ~~red strikethrough~~ for any changes proposed by the applicant in response to submissions.
- Green underline or ~~green strikethrough~~ for any changes proposed by this report in response to submissions

10.1 The Appropriateness of the Proposed Rezoning

(137) The following submissions raised the appropriateness of the proposed rezoning:

- S3, S6, S7, S8, S9, S10, S11, S14, S15, S16, S18, S19, S20, S23, S24, S25, S26, S31, S32, S35, S36, S37, S41, S43, S45, S48, S50

(138) Many of the submissions state that, while they are not opposed to the rezoning and development of the land in general, they oppose the proposed density of development that would be enabled by the private plan change.

(139) Submitters also question the appropriateness of the timing of the proposal and request that the rezoning be better aligned with the Plan Change 50 process.

(140) Submitters consider that the proposed rezoning would result in a zoning and density that is inconsistent with the development intentions for the site that were identified during the development of draft PC50. It would not recognise the local community's objections and issues raised during previous consultation on the Maymorn Structure Plan, the Upper Hutt Growth Plan and draft Plan Change 50.

(141) Other issues raised relate to the appropriateness of the new Settlement Zone, the appropriateness of references to the NPS-UD, inconsistencies with international, national and regional plans, policies and strategies and the proposed lot sizes. One submission opposes the potential establishment of commercial activities around the train station due to the associated traffic, noise, pollution and crime.

- (142) I consider the proposed rezoning and introduction of a site specific Development Area and Structure Plan to be appropriate. It takes a considered approach that recognises the different characteristics of the site and proposes different levels of development densities depending on the location, topography, and vegetation cover of the area.
- (143) The proposed development areas largely align with and reflect the potential zoning and densities identified during the draft Plan Change 50 process (as discussed above). Draft PC50 proposed for the majority of the site to be rezoned to Settlement Zone (without any site specific provisions), while the north-west corner would be rezoned to Low Density Residential and the steeper vegetated area be rezoned to General Rural Zone.
- (144) Draft PC50 further considered the introduction of a Village Precinct surrounding Maymorn Station that would allow for the establishment of a commercial centre for the local rural community. I note that during informal consultation on draft PC50 feedback was received in opposition to the proposed densities for the Village Precinct concept.
- (145) I acknowledge that PPC55 was drafted in parallel to draft PC50 and that the expectation was for PC50 to be notified in 2022 shortly after the lodgement of the private plan change request. However, due to legislation changes that required the prioritising of the urban area of Upper Hutt City, the rural component of draft PC50 had to be delayed until 2023, while the private plan change had already been prepared. For purpose of completeness.
- (146) PC50 was expected to include a full Settlement Zone chapter, including objectives, policies and rules (with potential amendments in response to feedback received earlier). This Settlement Zone Chapter would have provided an additional framework and further detail for the proposed by the private plan change. However, due to the unexpected and unintentional delay of the rural review the Settlement Zone now only consists of the proposed objectives and policies and, for the time being, cannot refer back to a full set of provisions that would have been expected to be introduced by draft PC50.
- (147) I consider that the proposed objectives and policies for the Settlement Zone recognise the transitional role of the zone between an urban and rural environment and essentially provides a reduced and more focused version of the equivalent objectives and policies initially proposed by draft PC50. The proposed development areas take into consideration the identified constraints and opportunities and recognise the landscape capacity to absorb change and development as identified in Landscape Assessment provided by the applicant and provide for appropriate densities. While the underlying Settlement Zone currently lacks further objectives and policies as well as rules and standards, I consider the provisions provided by the Development Area to be sufficiently comprehensive to provide an appropriate framework to sufficiently address potential adverse effect of future subdivision and development.
- (148) PPC55 does not propose any provision for commercial activities or greater densities to replicate the Village Precinct indicated in draft PC50. While PPC55 as notified does not provide any reasons or justification for not proposing the introduction of a village precinct the applicant has advised that the Village precinct has not been included because any commercial development would need to be serviced by reticulated infrastructure and such services are not and will not be available. I accept and concur with the position of the applicant.
- (149) Despite the unintended delay of the rural review, it is still Council's intention to notify the draft rural plan change in 2023, which will close the current gap in relation to underlying

Settlement Zone provisions. In the meantime, I consider the proposed site specific provisions of Development Area 3 provide a sufficiently robust and effective framework. Any necessary changes to the PPC55 provisions in relation to the Settlement Zone could be made as part of the rural review.

- (150) Due to the introduction of the site specific provision under PC 55, I equally do not believe that the proposed private plan change limits the ability to impose any new provisions proposed as part of draft PC50 for the Settlement Zone. This is because the site specific nature of the Development Area provisions would automatically apply over the wider zone provisions. Equally, the site specific provisions, would not apply to the wider Settlement Zone (thereby preventing unintended consequences).
- (151) PPC55 proposes the following distinct development areas within the underlying Settlement Zone:

10.1.1 North-West Area

- (152) The north-west area covers the portion of the site that was identified by draft PC50 as being potentially suitable for residential zoning. Initial feedback received on draft PC50 was largely in opposition of the proposed densities for this area.
- (153) The Low Density Residential Zone initially envisaged for this portion of the site and the surrounding established residential areas will not be pursued by Council due to the recent changes introduced by the Resource Management (Enabling Housing and Other Matters) Amendment Act ('Enabling Housing Act') (which essentially does not differentiate between the Low Density Residential Zone and the General Residential Zone, as the Medium Density Residential Standards apply to both of these zones).
- (154) The IPI that was notified by Council on 17 August 2022 to give effect to the Enabling Housing Act proposes the zoning of the established adjoining residential areas as General Residential Zone. Under the General Residential zoning the mandatory Medium Density Residential Standards apply. In summary the MDRS allow for 3 residential units per site, with a maximum building height of 11m and 50% building coverage.
- (155) Under the subdivision provisions proposed by the IPI there would be no minimum lot size for vacant lots if a concurrent land use consent demonstrates that is practicable to build one or more residential units as a permitted activity. Otherwise, the minimum lot size for vacant lots is 400m² to 450m² with no average lot size requirements.
- (156) PPC55 proposes to introduce a minimum lot size of 400m² for the North-West Area, with an average of 600m², a maximum building height of 8m and one residential unit plus one minor residential unit per site.

Permitted Activity Standards		
	PPC55	IPI
Residential Units per Site	1 unit + 1 minor unit	3 units
Lot Size	400m ² with 600m ² average	None / 400m ² – 450m ²
Building Height	8m + 1m roof allowance	11m + 1m roof allowance
Height in Relation to Boundary	2.7m + 35° / 45°	4m + 60°

Permitted Activity Standards		
	PPC55	IPI
Building Coverage	250m ² + 50m ² (minor unit)	50%
Setbacks	8m from on Maymorn Rd 4m from other roads 1.5m side and rear	1.5m front 1m side and rear
Outdoor Living Space	6m diameter circle	20m ² with 3m diameter on ground floor 8m ² with 1.8m diameter above ground floor

- (157) Overall proposed PPC55 standards for the North-West Area are more restrictive than those proposed for the adjoining residential areas. Only exception is the site coverage where PPC55 differs from the ODP approach and introduces an absolute area standard rather than a percentage.
- (158) In my view the development standards and densities proposed by PPC55 for the North-West Area are mostly appropriate and will provide for additional residential development that aligns well with the existing residential development in surrounding areas and creates a suitable transition between the higher densities allowed for in the General Residential Zone and the lower densities in the Settlement Zone and adjoining rural areas. The only exception is the proposed building coverage standards where I recommend following the ODP approach of setting a maximum percentage rather than an absolute number that, in case of a minimum lot size of 400m² and a maximum building coverage of 250m² would result in a permitted site coverage of 62.5%. I believe that this site coverage is too high and has the potential to undermine the transitional nature of this area. I have recommended an amendment below to address this matter.
- (159) It is noted that the applicant has proposed to add an additional minimum lot size of 1000m² where the site cannot be connected to the reticulated water supply network and 2000m² where the site cannot be connected to the reticulated wastewater network. These changes are discussed in the Infrastructure section below.

Amendment 39

- (160) Amend the building coverage standard for the North-West Area to include a percentage maximum as well as a total area maximum:

<u>DEV3 - Development Area 3 - Gabites Block Development Area</u>		
<u>Gabites Block Area Use and Development</u>		
<u>Standards</u>		
<u>DEV3-S3</u>	<u>Maximum Building Coverage</u>	
<u>Gabites Block Development Area</u>	The maximum total building coverage on a site includes: 1. Residential units; 2. Minor residential units; and	Matters of discretion are restricted to:

	<p>3. <u>Accessory buildings;</u> <u>The maximum total building coverage excludes:</u></p> <p>4. <u>Pergola structures that are not covered by a roof;</u></p> <p>5. <u>Uncovered decks;</u></p> <p>6. <u>Uncovered outdoor swimming pools.</u></p> <p>7. <u>Buildings and structures with a footprint of no more than 2.6m² and a height of no more than 2.2m above ground level.</u></p>	<p>M1. <u>Dominance effects on the street and adjoining properties;</u></p> <p>M2. <u>Effects on rural character; and</u></p> <p>M3. <u>Visual and landscape effects.</u></p>
<u>North-West Area</u>	<p><u>Either:</u></p> <p>1. <u>Maximum total building coverage is 250m²; and</u></p> <p>2. <u>Maximum building coverage of minor residential unit is 50m²</u></p> <p><u>Or:</u></p> <p>3. <u>Maximum total building coverage is 50% of the net site area;</u></p> <p><u>Whichever is the lesser.</u></p>	
<u>Station Flats Area, Hilltop Basin Area</u>	<p>1. <u>Maximum total building coverage is 350m²</u></p> <p>2. <u>Maximum building coverage of minor residential unit is 50m²</u></p>	
<u>Valley Flats Area, Hilltops Area, Hillside Area</u>	<p>1. <u>Maximum total building coverage is 400m²</u></p> <p>2. <u>Maximum building coverage of minor residential unit is 50m²</u></p>	

10.1.2 Valley Flats Area, Station Flats Area, Hilltops Area and Hilltops Basin Area

- (161) The Valley Flats Area, Station Flats Area, Hilltops Area and Hilltops Basin Area proposed by PPC55 largely align with the extent of the Settlement Zone initially proposed by the residential and rural review. I acknowledge that the draft provisions for these areas initially proposed by draft PC50 are subject to further review in response to feedback received during informal consultation on PC50. At the same time, it is my understanding that the proposed provisions at the time formed the basis for the preparation of the private plan change.
- (162) Draft PC50 suggested a minimum lot size of 2000m² for the Settlement Zone with two residential units per site permitted, subject to compliance with bulk and location standards.
- (163) PPC55 provides for minimum lot sizes of 1000m² in the Station Flats and Hilltop Basin Areas and 2000m² in the Valley Flats and Hilltops Areas and limits the number of residential units to one unit and one minor unit per site.
- (164) PPC55 further introduces High Slope Hazard Areas and Gabites Block Natural Areas that apply in the Hilltops and Hilltop Basins Areas which require additional assessments and limit development in these areas.

- (165) I consider the proposed provisions to appropriately respond to the landform, capacity, opportunities and constraints of the existing environment and provide for adequate development opportunities. I further note that the proposed provisions are not too different from the initially proposed development standards for the Settlement Zone under draft PC50 (at the time of development of the private plan change).

10.1.3 Hillside Area

- (166) PPC55 proposes a minimum lot size of 1ha with an average lot size of 2.5ha.
- (167) The residential and rural review suggested the rezoning of this portion of the site to General Rural, which would have limited subdivision to a minimum lot size of 20ha. Considering the size of the proposed General Rural portion would have been roughly 21.5ha this zoning would not have allowed for any further subdivision.
- (168) Based on the minimum lot size, the average lot size, the existing topography and steepness (and resulting High Slope Hazard area) of this portion of the site and the location of identified Gabites Block Natural Areas, PPC55 would allow for subdivision and development beyond what was envisaged by draft PC50.
- (169) Despite providing for more development than was envisaged by draft PC50 the number of lots would be limited by the average lot size requirement of 2.5ha to approximately 10 lots. I consider this to be appropriate and in alignment with the rural lifestyle zoning of neighbouring properties.

10.1.4 Subdivision Provisions

- (170) The private plan change proposes the introduction of specific subdivision provisions for Development Area 3 (Amendment 11). For clarity I would recommend the addition of an introductory statement to the proposed Subdivision Chapter for Development Area 3 to explain the relationship of the SUB-DEV3 provisions with the SUB-RUR provisions that apply to the underlying Settlement Zone.
- (171) Overall, I consider the proposed rezoning and introduction of a site specific development area and structure plan to be appropriate, subject to the additional amendments proposed below. It aligns with and gives effect to higher order documents and direction, in particular Upper Hutt's Land Use Strategy. The additional amendments are proposed to address issues and environmental effects raised in submissions.

10.2 Environmental Effects

- (172) In the following sections I address the potential environmental effects as identified in submissions.
- (173) For ease of reference, I have included the relevant additional amendments at that are proposed in response to submissions within each of the sections below. A full set of proposed additional amendments is contained in Appendix 1 to this report.

10.2.1 Landscape and Visual, Character and Amenity

- (174) Due to a strong overlap in submissions in relation to Amenity and Character and more specific Visual and Landscape effects I have decided to combine these topics.
- (175) Submissions that raise amenity and character matters include:

- S3, S6, S7, S8, S10, S11, S15, S17, S18, S19, S20, S21, S22, S23, S24, S26, S28, S29, S31, S32, S33, S34, S35, S36, S37, S44, S45, S46, S48

(176) The main areas of concern raised in submissions relate to:

- The appropriateness of the proposed lot sizes;
- The impact of the rezoning on existing lifestyle, privacy and views;
- The impact of the proposed rezoning on rural character, rural nature and rural aesthetics;
- The impact of 2nd dwellings on a site being permitted;
- The proposed lot size in the North-West Area not aligning with the surrounding residential character;
- Potential commercial development around Maymorn Station
- The perceived provision for high density development.

(177) Submissions that raise more specific landscape and visual matters include:

- S12, S15, S25, S27, S46

(178) The main topics raised in submissions relate to

- Planting
- Peer review, buffer zone planting
- Agreement with landscaping along Maymorn Rd
- Impact on rural visual nature
- Visual impact

Discussion

(179) For my assessment of landscape, character and visual effects I rely on expert advice from Rachael Annan, Principal Landscape Planner at 4Sight Consulting, as well as the initial Landscape Analysis provided by the applicants. The evidence prepared by Rachael Annan is attached as Appendix 4 to this report.

(180) The majority of submitters request an increase of maximum lot sizes to better align with the existing rural character.

(181) The stated intention of PPC55 is to provide for low density residential and rural residential development of the plan change site. It is agreed that the proposed development areas and densities will result in a change in character from predominantly rural to more residential. This change will be particularly noticeable due to the complete absence of development on the Gabites Block site up to now.

(182) Council has repeatedly identified Gabites Block as an area suitable for additional low density residential development. This has most recently resulted in the draft rezoning proposal for the Gabites Block area from Rural to Settlement Zone under draft PC50.

(183) As outlined above the proposed sub-areas of Development Area 3 mostly align with the draft development densities proposed by draft PC50. It is acknowledged that feedback on the density was mixed with a large number of requests for a lower density.

- (184) I note that the area surrounding the PPC55 does not have a consistent rural character but it contains a wide range of activities, including industrial, residential and recreational activities. While the character is widely described as rural there is a noticeable absence of rural activities in the area and on the Gabites Block land in particular. Most of the surrounding properties are used for rural lifestyle and residential rather than rural production activities.
- (185) The applicant provided a comprehensive Landscape and Visual Impact Assessment that assesses the landscape and visual characteristics of the site and the potential impact and compatibility of the proposed development densities with the identified values and characteristics. The assessment was peer initially reviewed by Council's expert Ms Annan.
- (186) Based on the peer review and in response to submissions Ms Annan identified the following issues.
- (187) I note that several recommendations made by the initial landscape assessment were not reflected in PPC55 as lodged. These include:
- Strong development controls for Hillside Area beyond maximum lot size to manage effects.
 - Clustering of access and water storage tanks to be buried below ground (at least partially) for the Valley Flats and Station Flats Areas.
 - Provisions to limit skyline protrusions for Hilltops Area.

North-West Area

- (188) While Ms Annan in her peer review and evidence raises some concerns regarding the proposed residential densities in the North-West Area, I consider that, based on the surrounding residential development, the closest proximity to reticulated water connections and the identified rezoning intentions of draft Plan Change 50, the North-West Area is the most appropriate location for development at a residential scale. While the North-West Area is not in direct proximity to the existing train station the applicant proposes the creation of a cycleway and walkway that would provide an improved connection of the North-west with the train station.
- (189) I concur with Ms Annan's conclusion that the proposed introduction of MDRS in the adjoining residential areas will result in greater alignment of the proposed provisions with the development enabled on surrounding residential sites.

Valley Flats and Station Flats Areas

- (190) As outlined in Ms Annan's peer review and evidence there would be a preference to provide for higher densities especially in the Station Flats Area, mostly due to the greater capability of the landscape in this area to absorb change and the close proximity to the train station. This is however not practicable due to identified servicing constraints.
- (191) While I recognise that the below is not purely a landscape matter and has a stronger link to Urban Design, based on advice from Ms Annan, I would encourage the applicant to design allotments in these areas in a way that would allow for further intensification at a later stage – if/when servicing constraints can be appropriately addressed. I recognise that this could be a number of years in the future and that a further plan change would be needed to enable future intensity. However, given the sites proximity to a railway station, I consider that if train

services to this station were to increase in the future, and appropriate reticulated 3 water services were available, then there would be an opportunity for further intensification. For the purposes of completion, I note that I have not been able to find any direct funding in any long term plans to increase railway services to this station. I also note that I could not find any funding allocated in Council's long term plan for the improvement of 3 water services in this area. It is for this reason, I am simply encouraging the applicant to think about how they design the allotments, rather than making it a requirement, as there is a high level of uncertainty as to whether reticulated 3 water services would be provided or train services would increase.

Hilltops Basin Area

- (192) Based on Council's expert's advice I support the landscape related provisions for the Hilltops Basin Area. I believe that the landscape can accommodate the additional housing within this area, and the proposed development density appropriately manages the resulting visual, character and landscape effects.

Hilltops and Hillside Areas and Ridgeline Protection Overlay

- (193) The provisions as proposed focus strongly on the protection of landscape character and visual amenity values of the Hillside Area. While not as widely visible as the Hillside Area, the Hilltops Area also has character and landscape values that need to be recognised and considered at the subdivision and development stage.

- (194) In response to submissions and expert advice the applicant is proposing a number of changes to the private plan change as notified. As mentioned above the full set of proposed additional amendments is contained in Appendix 1 to this report.

- (195) The main change relates to the status of Hilltops Area. The applicant has agreed to group the Hilltops Area with the Hillside Area and proposes the following changes:

- Subdivision in the Hilltops Area has a restricted discretionary starting point (rather than controlled).
- Subdivision in the Hilltops Area requires the preparation of a Landscape and Visual Assessment. This is to ensure that future allotment boundaries, building platforms and access locations respond to the landforms in this area.
- Minimum allotment sizes have been amended to 2000m² with a 4000m² average.
- Building platforms and access will continue to be identified at subdivision stage.

- (196) The applicant further proposes the following changes in relation to the provisions addressing the Ridgeline Protection Overlay:

- Acknowledge the ridgeline in the objective for the Hilltops Area.
- Limit the building height for buildings within the Ridgeline Protection Overlay (including the Hilltops Area) to 3.5m.
- Add a requirement to provide a Landscape and Visual Assessment for buildings and structures that do not meet permitted activity standards in the Hillside Area and within the Ridgeline Protection Overlay.

- (197) The applicant is proposing amendments to the wording of the relevant policies relating to subdivision to

- Add a reference to the avoidance of adverse effects of the transport corridors on rural character and landscape values to the transport network policy.
- Amend the policy relating to subdivision in Hillside Areas to also apply to the Hilltops Area and better reflect the recommendations of the Landscape Assessment.

(198) I agree with the proposed amendments and propose some further changes to the proposed wording as outlined below. The provisions as amended will provide improved protection of the identified ridgeline and better allow for the consideration of character, visual and landscape capacity effects of subdivision and development in the Hilltops Area. The proposed changes provide additional guidance to retain an overall rural character in the Hillside and Hilltops Area by better providing for clustering in more appropriate areas and requiring greater separation through buffer planting to avoid a more urban character.

Summary and Proposed Amendments

(199) In response to submissions and to related advice received from both experts the applicant is proposing a number of additional amendments to the proposed provisions.

Amendment 11

(200) Add a reference to rural character and landscape values to the policy relating to the transport network:

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P2	Transport Network
<u>Gabites Block Development Area</u>	Require subdivision to: <ol style="list-style-type: none"> 1. Provide transport corridors in accordance with the Gabites Block Road Typologies in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 <u>to avoid unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context;</u> 2. Provide for no more than three road intersections with Maymorn Road (that are additional to the number of road intersections existing at 1 December 2021); 3. Avoid providing direct private property vehicle access onto Maymorn Road; and 4. Avoid providing streetlighting <u>Only provide street lighting that:</u> <ol style="list-style-type: none"> a. <u>Is essential for safety;</u> b. <u>Supports rural character by minimising glare, light trespass and skyglow; and</u> c. <u>Uses bollard height lights in preference to standard height light poles unless standard height light poles are essential for safety.</u>

Amendment 11

(201) Amend the policy to also apply to the Hilltops Areas and be more detailed with regards to intended development patterns and protection of landscape values:

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P4	Subdivision in Hilltops Area and Hillside Area

<p><u>Hilltops Area</u></p> <p><u>Hillside Area</u></p>	<p>Provide for subdivision where:</p> <ol style="list-style-type: none"> 1. The management of the aAllotment boundaries <u>on hill faces</u> does not divide existing natural edges in the landscape including spurs and ridges; 2. The bBuilding platforms, <u>and</u> vehicle accessways and <u>buffer vegetation areas</u> are identified <u>on the subdivision scheme plan and tie into the existing landform</u>; 3. <u>Building platforms for built development</u> does not have <u>significant unacceptable</u> adverse visual effects on the skyline of the main north-south ridge when viewed from Maymorn Road or Parkes Line Road; 4. <u>Building platforms are located to prevent the appearance of linear or urban development and are visually separated from neighbouring sites by buffer vegetation areas that are legally protected in perpetuity</u>; 5. <u>Roads and building platforms in the Ridgeline Protection Overlay follow the overall natural curvature of the main north-south ridge</u>; 6. <u>In the Hillside Area c</u>umulative development is managed by a minimum average allotment size to <u>retain</u> the overall pattern of <u>openness and green slopes of the Hillside Area, particularly on the more prominent face to the south-eastwest facing hillside</u>; and 7. <u>In the Hilltops Area</u> cumulative development is managed by a minimum average allotment size to achieve an overall rural residential pattern of development that responds to the landform including highly sensitive areas.
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Amendment 12

(202) Amend the rule to not apply to the Hilltops Area:

SUB-DEV3 – Subdivision in Development Area 3	
Rules	
SUB-DEV3-R2	All Subdivisions (Excluding Boundary Adjustments)
<p><u>North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Area, Hilltop Basin Area</u></p>	<ol style="list-style-type: none"> 1. <u>Activity Status: Controlled</u> <u>Where:</u> a. <u>Compliance is achieved with:</u> i. 2. <u>Activity status: Restricted Discretionary</u> <u>Where:</u> a. <u>Compliance is not achieved with:</u> i. ...

Amendment 12

(203) Amend the rule to apply to the Hilltops Area and reword the Information requirement provisions:

SUB-DEV3-R3	All Subdivisions (Excluding Boundary Adjustments)
<p><u>Hilltops Area</u></p> <p><u>Hillside Area</u></p>	<ol style="list-style-type: none"> 1. <u>Activity Status: Restricted Discretionary</u> <u>Where:</u>

	<p>a. <u>Compliance is achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3;</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S8;</u> viii. <u>SUB-RUR-S2; and</u> ix. <u>SUB-RUR-S3.</u> <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P4; and</u> e. <u>SUB-DEV3-P6.</u> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <ul style="list-style-type: none"> 1. <u>A Landscape and Visual Assessment in accordance with SUB-DEV3-IR-1;</u> 2. <u>An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u> 3. <u>For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u>
	<p>2. <u>Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-R3.1</u> i. <u>SUB-DEV3-S1</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3;</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-P6; or</u> vii. <u>SUB-RUR-S2.</u>

Amendment 13

(204) Amend the standard to introduce an average lot size requirement for the Hilltops Area:

SUB-DEV3 – Subdivision in Development Area 3			
STANDARDS			
SUB-DEV3-S1	Minimum Allotment Size and Shape Factor		
	<u>Minimum Allotment Size</u>	<u>Shape Factor</u>	
<u>North-West Area</u>	<ul style="list-style-type: none"> • <u>400m²</u> • <u>600m² average</u> • <u>1000m² if reticulated water supply is not available</u> • <u>2000m² if reticulated wastewater supply is not available</u> 	<u>12m x 12m</u>	
<u>Valley Flats Area</u>	<ul style="list-style-type: none"> • <u>2000 m²</u> 	<u>10m x 15m, clear of access allotments and rights of way.</u>	<u>1. Building platforms and access must not be within a Gabites Block Natural Area.</u>
<u>Station Flats Area</u>	<ul style="list-style-type: none"> • <u>1000 m²</u> 	<u>10m x 15m, clear of any yards, access allotments and rights of way</u>	
<u>Hilltop Basin Area</u>	<ul style="list-style-type: none"> • <u>1000 m²</u> • <u>2000m² if reticulated wastewater supply is not available</u> 	<u>10m x 15m, clear of any access allotments and rights of way.</u>	<u>1. Building platforms and access must not be within a Gabites Block Natural Area.</u>
<u>Hilltops Area</u>	<ul style="list-style-type: none"> • <u>2000 m²</u> • <u>4000m² minimum average</u> • <u>Note: For the avoidance of doubt, the 4,000m² minimum average must be calculated using the gross area of the Hilltops Area, which is 21.5 ha</u> 	<u>10m x 15m, clear of access allotments and rights of way.</u>	<ol style="list-style-type: none"> <u>1. Building platforms must be identified on the subdivision scheme plan,</u> <u>2. Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan;</u> <u>3. Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> <u>4. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
<u>Hillside Area</u>	<ul style="list-style-type: none"> • <u>1ha minimum,</u> • <u>2.5ha average</u> • <u>Note: For the avoidance of doubt, the 2.5ha</u> 	<u>n/a</u>	<u>1. Building platforms must be identified on the subdivision scheme plan,</u>

	<p><u>average must be calculated using the gross area of the Hillside Area, which is 21.5ha can include public open space vested with Council located within the Area.</u></p>		<p>2. <u>Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan;</u></p> <p>3. <u>Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u></p> <p>4. <u>Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u></p>
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Amendment 14

(205)

Amend the Information Requirement for the Landscape and Visual Assessment to apply to the Hilltops Area, include a reference to the relevant policy, delete reference to building appearance and introduce the concept of buffer vegetation areas:

SUB-DEV3-IR-1	Landscape and Visual Assessment
<p><u>Hilltops Area</u> <u>Hillside Area</u></p>	<p>Applications under Rule SUB-DEV3-R53 for subdivision in <u>the Hilltops Area or the Hillside Area</u> must provide:</p> <ol style="list-style-type: none"> 1. <u>A Landscape and Visual Assessment prepared by a suitably qualified landscape architect that sets out the following:</u> <ol style="list-style-type: none"> a. <u>Explanation of how the subdivision provides for the matters in DEV3-P4;</u> b. <u>Existing topography by contour lines with an analysis of slope gradients and an indication of the drainage pattern;</u> c. <u>Existing vegetation and significant natural features on the site;</u> d. <u>For building platforms in the Hillside Area or the Ridgeline Protection Overlay, eExisting visibility and views to and from the site;</u> e. <u>Proposed allotment boundaries, building platforms, roading and access;</u> f. <u>Associated earthworks and access or driveway construction including proposed topography by contour lines, identifying areas of cut and fill;</u> g. <u>Proposed landscape development including fences, boundary planting and vegetation.</u> h. <u>Visibility and similarity with surrounding colours, textures, patterns and forms.</u> 2. <u>A Planting Plan prepared by a suitably qualified expert that provides details of the planting of vegetation to mitigate potential landscape and visual effects associated with the proposal.</u> <ol style="list-style-type: none"> a. <u>The Planting Plan will have as its key performance objectives:</u> <ol style="list-style-type: none"> i. <u>Establishment of a vegetative cover over areas exposed by site earthworks; and</u> ii. <u>Integration of the earthworks into the adjoining landscape; and</u>

	<p>iii. <u>Buffer vegetation areas to visually separate neighbouring sites.</u></p> <p>b. <u>The Planting Plan must include the following information:</u></p> <p>i. <u>Details of batter slope planting and retaining wall screening planting (including plant species, size, and spacing);</u></p> <p>ii. <u>Details of planting or existing vegetation in buffer vegetation areas to visually separate neighbouring sites;</u></p> <p>iii. <u>A planting maintenance plan for 3 years or until planting has achieved an 80% canopy cover; and</u></p> <p>iv. <u>On-going management.</u></p>
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Amendment 36

(206) Amend the objective for the Hilltops Area to include a reference to the ridgeline:

DEV3 - Development Area 3 - Gabites Block Development Area	
Gabites Block Area Use and Development	
OBJECTIVES	
DEV3-04	Character and Amenity Values of the Hilltops Area
An open, green landscape <u>including most of the main ridgeline</u> interspersed with <u>sensitively located</u> rural residential development and <u>sensitively located</u> supporting network utilities.	

(207) Amend the objective for the Hillside Area to align with the reference to the ridgeline in the Objective for the Hilltops Area:

DEV3-06	Character and Amenity Values of the Hillside Area
An open, vegetation-dominated, west-facing hillside <u>crowned by the main and</u> ridgeline with sparse and sensitively located rural residential development and supporting network utilities.	

Amendment 37

(208) Amend the policy to address the screening of water tanks:

DEV3 - Development Area 3 - Gabites Block Development Area	
Gabites Block Area Use and Development	
Policies	
DEV3-P2	Low Density Residential and Rural Residential Use and Development
Provide for low density residential and rural residential use and development that achieves the following:	
1. Site design, layout and scale of the activity that are compatible with the character and amenity values anticipated in the applicable Area;	
2. Site design and implementation that:	
a. Avoid built development that has <u>significant unacceptable</u> adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;	
3. Building design and implementation that achieves:	
a. Recessive built forms and finishes;	

<ul style="list-style-type: none"> b. <u>Attenuation of external noise for sleeping rooms locating in the Gabites Block Rail Corridor Buffer Area of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u>
4. <u>Landscape design and implementation that:</u>
<ul style="list-style-type: none"> a. <u>Maintain and enhance the vegetated hillside backdrop to Maymorn;</u> b. <u>Avoid visually-impermeable boundary fencing, including avoid close-boarded and solid panel fencing, and avoid front boundary fences of higher than 1.2m;</u> c. <u>Ensure outdoor living spaces are well located, accessible and have access to sunlight;</u> d. <u>Use planting to achieve visual amenity, safety and functionality;</u> e. <u>Ensure driveways, manoeuvring and parking areas are visually unobtrusive;</u> f. <u>Screen water tanks from views from public places with timber lattice or planting;</u> gf. <u>Provide a visually-permeable, planted buffer along Maymorn Road.</u>
5. <u>Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u>
6. <u>Private vehicle crossings that do not connect directly to Maymorn Road.</u>
7. <u>Transport networks that:</u>
<ul style="list-style-type: none"> a. <u>Avoid significant unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context.</u> b. <u>Achieve the management of stormwater quality and quantity set out in DEV3-P1 and DEV3-SW-P2.</u>

Amendment 38

(209)

Amend the rule to include a reference to the newly introduced standards relating to the screening of water tanks and the setback from waterbodies and to include a reference to the newly introduced Information Requirement for a Landscape and Visual Assessment. Also amend the matters of discretion:

<u>DEV3 - Development Area 3 - Gabites Block Development Area</u>	
<u>Gabites Block Area Use and Development</u>	
<u>Rules</u>	
<u>DEV3-R1</u>	<u>Buildings and Structures</u>
1. <u>Activity status: Permitted</u>	
<u>Where:</u>	
a. <u>Compliance is achieved with:</u>	
i. <u>DEV3-S1;</u>	
ii. <u>...</u>	
xii. <u>DEV3-S12;</u>	
xiii. <u>DEV3-S13; and</u>	
xiv. <u>DEV3-S14.</u>	
2 <u>Activity status: Restricted Discretionary</u>	
<u>Where:</u>	
a. <u>Compliance is not achieved with:</u>	

<p>i. <u>DEV3-S1;</u></p> <p>ii. <u>...</u></p> <p>xii. <u>DEV3-S12;</u></p> <p><u>xiii. DEV3-S13; and</u></p> <p><u>xiv. DEV3-S14.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters in any infringed standard; and</u></p> <p><u>Where:</u></p> <p><u>b. Compliance is not achieved with:</u></p> <p><u>i. DEV3-S1.2</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters in DEV3-P2</u></p> <p><u>Refer to information requirement DEV3-IR-1.</u></p>

Amendment 39

- (210) Amend the building height standard to introduce a new maximum height within the Ridgeline Protection Overlay and amend the maximum height for the Hillside Area (outside the Ridgeline Protection Overlay):

DEV3 - Development Area 3 - Gabites Block Development Area		
Gabites Block Area Use and Development		
STANDARDS		
DEV3-S1	Height of Buildings and Structures	
<p>North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area (outside the Ridgeline Protection Overlay), Hilltop Basin Area</p>	<p>1. All buildings and structures must comply with a maximum height above ground level of 8m, except that:</p> <p>a. An additional 1m can be added to the maximum height of any building with a roof slope of 15° or greater, where the roof rises to a ridge.</p>	<p>Matters of discretion are restricted to:</p> <p>M1. The effect on the streetscape, character and amenity of the area;</p> <p>M2. Dominance effects on adjoining sites;</p> <p>M3. Design and siting of the building or structure; and</p> <p>M4. The influence of visually prominent trees and established landscaping.</p>
<p>Hillside Area</p>	<p>All buildings and structures must comply with a maximum height above ground level of 6m.</p>	
<p>Hilltops Area (within the Ridgeline Protection Overlay), Hillside Area</p>	<p>2. All buildings and structures must comply with a maximum height above ground level of 3.5m.</p>	

- (211) Add a new standard requiring the screening of water tanks:

<u>DEV3-S13</u>	<u>Visual Screening of Water Tanks</u>	
<u>Gabites Block Development Area</u>	<u>Water tanks must be screened from views from public places by timber lattice or planting to a height of 2m above ground level or to the height of the tank, whichever is lesser.</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The effects on the rural character and amenity of the area.</u>

(212) Add a new standard requiring minimum setbacks from waterbodies:

<u>DEV3-S14</u>	<u>Minimum Setback from Waterbodies</u>	
<u>Gabites Block Development Area</u>	<u>Buildings and structures must be set back at least 10m from natural wetlands or streams (measured from the highest annual bank-full flow).</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The siting of buildings and structures;</u> <u>M2. The ability to access the waterway for maintenance and stream network enhancements.</u>

Amendment 39A

(213) Add a new information requirement that requires a Landscape and Visual Assessment for restricted discretionary buildings in the Hillside area and the Ridgeline Protection Overlay :

<u>INFORMATION REQUIREMENTS</u>		
<u>DEV3-IR-1</u>	<u>Landscape and Visual Assessment of Buildings and Structures in Hillside Area or Within the Ridgeline Overlay</u>	
<u>Hillside Area Hilltops Areas (within the Ridgeline Protection Overlay)</u>	<u>Applications under Rule DEV3-R1 for buildings and structures in the Hilltops Area (within the Ridgeline Protection Overlay) or Hillside Area must provide:</u> <u>1. A Landscape and Visual Assessment prepared by a suitably qualified landscape architect that demonstrates that the proposed building or structure design achieves the following:</u> <u>a. Gives effect to the Landscape and Visual Assessment approved in the subdivision that created the allotment being built on and any conditions of consent including building location, fencing and planting;</u> <u>b. Avoids unacceptable adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;</u> <u>c. Visibility and similarity with surrounding colours, textures, patterns and forms;</u> <u>d. Recessive built forms and finishes</u> <u>e. Outdoor living spaces that are well located, accessible and have access to sunlight;</u> <u>f. Driveways, manoeuvring and parking areas are visually unobtrusive and designed to minimise earthworks where practicable;</u> <u>g. Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u>	

Conclusion

- (214) Based on the discussion and the proposed amendments above, I consider that the provisions as amended will provide a robust framework that can appropriately manage any landscape character and visual effects arising from future subdivision and development enabled by the private plan change through the resource consent process. I recognise that the Restricted Discretionary Activity status for new subdivision would mean that if appropriate landscape outcomes are not met, then Council has the ability to decline the application. This is a significant shift from the notified private plan change request, where subdivision in the Hilltops Area would have been a Controlled Activity and therefore Council would have not been able to decline any applications with unacceptable landscape outcomes.

10.2.2 Transport

- (215) The submissions that raise transport matters include
- S3, S5, S6, S7, S8, S10, S11, S12, S13, S14, S15, S16, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S29, S31, S32, S34, S35, S36, S37, S38, S39, S42, S44, S48, S49, S50
- (216) The main areas of concern raised in submissions relate to:
- The need for a full transport plan / transport management plan / road user and site survey
 - The need for a split level intersection at SH2
 - Insufficient capacity to accommodate additional traffic / road width
 - Insufficient parking capacity for P&R and school
 - Safety concerns
 - Public Transport / rail capacity / Maymorn Station upgrade
 - Need to introduce better provision for cyclists / additional footpaths / a bridleway,
 - Access to Maymorn Rd
 - Construction effects
 - Insufficient consultation with Waka Kotahi & KiwiRail
 - Current heavy truck use
 - Impacts on School
 - Incorrect speed limit identified in Integrated Transport Assessment (ITA)
 - Rural activities / moving cattle
 - No adverse effects on SH2 Plateau Rd intersection
 - Better connectivity for non-vehicular modes of transport
 - Support for internal traffic functioning and sealed footpaths
 - Support for Shared User Path
 - Request for improved connection from SUP to Maymorn Station

- (217) In addition to the matters raised in the submissions above, Waka Kotahi (S42) also raises the following transport related matters:
- PPC55 will not adversely affect the safe function of the SH2 Plateau Road intersection.
 - Proposed private plan change does not go far enough to provide sufficient connectivity for non-vehicular modes of transport
 - Support for proposed onsite transport network - provided sealed footpaths are provided on at least one side of the internal road network
 - Support for proposed Shared User Path ('SUP') - provided sufficient land is vested for a width of at least 2.5m
 - Connection from the SUP should be made to the Maymorn Train Station passenger platform and a safe road crossing should be installed.
 - SUP and safe road crossings should be constructed prior to undertaking any onsite development works to ensure that the subject site is well connected prior to households establishing daily routines within the development site.
- (218) Greater Wellington Regional Council (S40) raises the following transport related issues:
- SUB-DEV-P5 – Amend to allow for additional parking for park and rail trail users, connections between development roads and park tracks and reduce the speed limit.
 - Provide analysis of impact of additional traffic on Mangaroa School gate.
 - Add requirement for EV charging station.

Discussion

- (219) For my assessment of traffic related effects I rely on traffic advice from Don Wignall, Transport Futures, as well as the initial Integrated Transport Assessment (ITA) provided by the applicants. A discussion of issues raised in submissions provided by Don Wignall, Transport Futures, is attached as Appendix 5 to this report.
- (220) The main concerns raised by submitters relate to traffic safety, the capacity of the existing road network, the impact on recreational road users and rural activities and the impact on school traffic and parking.
- (221) Submitters raise issues with the initial ITA provided by the applicant and the peer review commissioned by Council, and claim these contain factual errors, e.g. identifying the wrong speed limit on Maymorn Road and a lack of addressing road layout (bends) leading up to the Plateau Road and SH2 intersection. Council's traffic expert has addressed these matters in his statement addressing issues raised in submissions.
- (222) In response to submissions and expert advice the applicant is proposing a number of changes to the private plan change as notified. As mentioned above the full set of proposed additional amendments is contained in Appendix 5 to this report.

Capacity / Traffic Increase

- (223) The majority of submissions relating to traffic raise issues regarding the capacity of the exiting road network to cope with the increased traffic resulting from the rezoning and subsequent development of the plan change site.

- (224) While the additional development enabled by the PPC55 would result in an increase traffic levels both, the initial ITA provided by the applicant and the peer review for Council, find that the forecasted traffic movements will be within the capacity of the existing network and can be managed during the implementation process. I accept and agree with these findings.

Traffic Safety

- (225) Many submissions raise concerns regarding the impact of the development that would be enabled by the private plan change on traffic safety of the local area.
- (226) Both traffic experts do not identify any issues relating to traffic safety resulting from the additional development provided for by the private plan change. They point out that safety monitoring is ongoing and any changes to road layouts will be subject to a safety audit prior to implementation.
- (227) Waka Kotahi in their submission have accepted the findings of the Integrated Transport Assessment and confirmed 'that traffic generated by the PPC55 will not adversely affect the safe function of the SH2 Plateau Road intersection'.
- (228) I accept the assessments of Mr Wignall in relation to traffic safety and I do not believe that the proposal will detract from the traffic safety of the local environment, including the intersection with State Highway 2.

Impact on Recreational Road Users

- (229) Submitters are concerned about the potential impact of future development on current and expected recreational road users in the area.
- (230) The applicant is proposing provisions relating to the implementation of a shared user pathway along the Maymorn frontage of the plan change site. I consider the proposed walkway and cycleway will improve the safety of recreational road users in the vicinity of the plan change site. In coming to this view, I note that there is currently no footpath or cycleway along this section of Maymorn Road and that cyclists have to ride on the road and therefore the provision of a shared user pathway will be beneficial to recreational users. I acknowledge that the applicant is not proposing a bridlepath.
- (231) Mr Wignall considers that it is primarily the responsibility of Upper Hutt City Council and Greater Wellington Regional Council to provide safe access and (if required) parking for users of the adjoining regional park and existing walking and cycling tracks. I agree with this position as neither of these two facilities fall within the responsibility of the applicant.

Public Transport

- (232) Submitters raise concerns regarding the capacity and frequency of public transport
- (233) I agree with Mr Wignall's view that the provision and frequency of public transport services lies within the responsibility of Greater Wellington Regional Council. I note that the applicant is proposing improved access from and along the plan change site to the existing Maymorn Rail Station.
- (234) I do not believe the frequency of public transport in the area presents a barrier for the private plan change proceeding. This site has been identified for a number of years as being able to accommodate some future growth. This accommodation of future growth has not been contingent on an improvement in the public transport network.

Street Lighting

- (235) Several submitters raise concerns regarding the potential impacts of the development enabled by the private plan change on the rural night sky. With regards to the impact of street lighting SUB-DEV3-P1 requires development to 'avoid providing street lighting'. I consider that while this requirement may be appropriate in a rural environment and visual impact context it may be problematic with regards to perceived and actual safety in the public space for the proposed development forms and densities.
- (236) The applicant agreed to amend the provisions relating to the avoidance of street lighting and proposed the following changes:
- Replace the proposed avoid policy with a more nuanced policy that only provides for street lighting where it is essential for safety, minimises glare, light trespass and skyglow and uses bollard height lights where possible.
 - Introduce an equivalent new policy to the existing Light Chapter of the Upper Hutt District Plan.
 - Introduce a new standard to the Light Chapter of the District Plan that limits Sky Glow.
- (237) I agree with the proposed amendments and consider that they provide an appropriate framework to address the issue at the consenting stage.

Greater Wellington Regional Council

- (238) Greater Wellington Regional Council in their submission request the following transport related changes:
- Amend Policy SUB-DEV3-P5 to allow additional parking for Rail Trail and Pākuratahi Park users within the road reserve boundary adjustments on Maymorn Road. Connections between the development roads and park tracks should also be made where appropriate e.g. Pandy Track in Pākuratahi Forest.
- (239) The applicant has advised that further discussions and meetings with GW have resulted in general agreement over the requested connections and has proposed an amendment to the relevant policy to include a reference to the proposed pedestrian crossing. I concur with Council's expert and the applicant that the consideration of providing additional parking within the road reserve lies within Upper Hutt City Council's jurisdiction.
- Amend Policy SUB-DEV3-P5 to require the first subdivision in the Valley Flats Area to adjust the boundary of Maymorn Road, to provide sufficient width in Maymorn Road for a future cycleway and walkway.
- (240) The applicant has proposed to amend the policy to specifically include a requirement to provide a shared user path and pedestrian crossing. A reference to the amended Structure Plan which now includes an indicative design for the proposed connection to the train station has also been added. I accept and support the proposed amendment.
- Amend the speed limits on the affected stretches of Maymorn Road from 100kph to 50kph.
- (241) I agree with Mr Wignall that a review of the speed limits at the time of development would be appropriate but note that any amendments to the speed limit on Maymorn Road are outside the scope of the private plan change and fall within Upper Hutt City Council's

responsibility. There is a separate Local Government Act process that needs to be undertaken, if a speed limit on a road is to be amended.

- Seek analysis of the proposed plan change for the impact of increased through traffic caused by the development on the Mangaroa School gate.

(242) I agree with Mr Wignall that the ITA provided by the applicant describes the expected impacts on Parkes Line Road. I also note that while the Mangaroa School gate is located at a considerable distance from the development site.

- Amend to require an EV charging station as part of the development plan provisions.

(243) Considering the relatively low density of the anticipated development and the provision for single detached residential units I consider it appropriate for individual residents to provide their own charging stations and that there is no imminent requirement for communal or public charging stations within the development. PPC55 does not provide for or encourage commercial development or activities.

Waka Kotahi

(244) Waka Kotahi in their submission address the following matters:

- The Integrated Transport Assessment ('ITA') and additional SIDRA outputs provided by the applicant via email on 25 November 2021 gives Waka Kotahi assurance that traffic generated by the PPC55 will not adversely affect the safe function of the SH2 Plateau Road intersection

(245) I note Waka Kotahi's position and acceptance of the ITA in relation to the safe function of the intersection between Plateau Road and State Highway 2.

- Waka Kotahi is of the position that the proposed plan change does not go far enough to provide sufficient connectivity for non-vehicular modes of transport for Waka Kotahi to support this plan change entirely

(246) I note Waka Kotahi's position that the private plan change could be improved to better provide for non-vehicular modes of transport and refer to more detailed discussion below.

- Waka Kotahi supports the proposed internal traffic functioning provided that a sealed footpath is constructed on at least one side of the internal road network as the footpath will provide for better connections to the wider transport network and will encourage multi-modal travel onsite. It is noted that footpaths have not been shown on the Structure Plan prepared by Envelope [referenced 1594-01 PC-01 dated 24 Feb 2022] so this certainty of footpath provision is requested.

(247) I agree with Waka Kotahi's position that the Roding Typologies proposed by the ITA and referred to in SUB-DEV3-S6 (roads to '*be constructed in general accordance with the Roding Typologies of the Gabites Block Development Area Structure Plan*') are not shown on the Structure Plan as notified. The applicant has advised that the Structure Plan has been updated to now include the roding typologies. This provides the certainty that Waka Kotahi are requesting in their submission.

- Waka Kotahi commends the applicant on their proposal to vest a portion of the subject site adjacent to Maymorn Road with the local roding network for the purpose of a Shared User Path ('SUP'). Waka Kotahi seeks that sufficient land is vested to enable a SUP of no less than 2.5m width based on Austroads 'Cycling Aspects of Austroads

Guides (2017)' Figure 7.2. This standard / width is sought on the assumption that less than approximately 50 pedestrians will typically be using the path during peak hours.

(248) I note that the applicant is proposing to amend policy SUB-DEV3-P5 to require the provision of a shared cycleway and walkway and to introduce a new standard SUB-DEV3-S7 that outlines the design requirements for such pathway. I consider the proposed amendments to be sufficient to provide the certainty sought by Waka Kotahi.

- Waka Kotahi seeks that a connection from the SUP is made to the Maymorn Train Station passenger platform and a safe road crossing installed.

(249) The applicant proposes to amend the relevant provision and the Structure Plan to include a requirement for a safe crossing of Maymorn Road and to include an indicative design for a pedestrian connection to the train station in the Structure Plan.

- Waka Kotahi seeks that the SUP and safe road crossings are constructed prior to undertaking any onsite development works to ensure that the subject site is well connected prior to households establishing daily routines within the development site

(250) I consider the timing of the construction of the SUP and the road crossing to be a matter for consideration at the resource consent application stage.

(251) Overall, I consider that the amendments proposed by the applicant in response to Waka Kotahi's submission sufficiently address and resolve the identified issues.

(252) As mentioned above and raised by submitters, I note that the ITA includes proposed road typologies and requires roads to '*be constructed in general accordance with the Roding Typologies of the Gabites Block Development Area Structure Plan*'. However, these roading typologies have not been included in the Structure Plan or the proposed provisions.

(253) The applicant has advised that the road typologies were omitted from the Structure Plan in error and that the Structure Plan (Amendment 40) will be updated to include the identified road typologies.

(254) Considering the close proximity of the plan change site to the Maymorn Train Station and the proposed creation of a shared user path to provide an improved connection of the site and the wider area with the station I suggest that proposed policies should be amended to include a reference to the connection of the site with the train station.

(255) The applicant advised that they agree in general and propose to amend the Structure Plan and SUB-DEV-P5 accordingly. The applicant further proposes to amend the proposed standard relating to the Shared Cycleway and Walkway to Maymorn Station to include more details relating to the minimum requirements for the SUP.

(256) The applicant is proposing the introduction of provisions that address the potential light pollution impacts of street lighting in the mostly rural environment. A more detailed assessment of the need for street lighting and the management of potential effects will be required at the subdivision stage.

(257) I consider that DEV-P2 point 7 'Transport networks that avoid significant adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context' is particularly relevant at subdivision stage and should therefore be included in subdivision provisions. The applicant agrees with this position and proposes an addition to policy SUB-DEV3-P2 where it relates to the road typologies to include the requirement to avoid significant adverse effects of the transport corridors on the rural character or landscape

values. The applicant also agreed to replacing the word 'significant' with the word 'unacceptable' to indicate a slightly lower threshold.

Amendments

(258) Overall, the following amendments to transport related provisions in response to submissions are proposed by the applicant:

Amendment 11

(259) Amend proposed policy SUB-DEV3-P2 to include a reference to avoiding unacceptable adverse effects on the rural character and to be more directive with regards to the provision of street lighting.

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P2	Transport Network
Gabites Block Development Area	<p>Require subdivision to:</p> <ol style="list-style-type: none"> 1. Provide transport corridors in accordance with the Gabites Block Road Typologies in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 <u>to avoid unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context;</u> 2. Provide for no more than three road intersections with Maymorn Road (that are additional to the number of road intersections existing at 1 December 2021); 3. Avoid providing direct private property vehicle access onto Maymorn Road; and 4. Avoid providing street lighting <u>Only provide street lighting that:</u> <ol style="list-style-type: none"> a. <u>Is essential for safety;</u> b. <u>Supports rural character by minimising glare, light trespass and skyglow; and</u> c. <u>Uses bollard height lights in preference to standard height light poles unless standard height light poles are essential for safety.</u>

(260) Amend proposed policy SUB-DEV3-P5 to require the provision of a shared cycleway and walkway along Maymorn Road and a safe pedestrian crossing on Maymorn Road:

SUB-DEV3-P5	Maymorn Road Cycle Trail and Walkway
Valley Flats Area	<p>Require the first subdivision in Valley Flats Area to:</p> <ol style="list-style-type: none"> 1. a<u>Adjust the boundary of Maymorn Road to provide sufficient width in Maymorn Road for a future cycleway and walkway; and</u> 2. <u>Provide a shared cycleway and walkway from the site’s southern intersection with Maymorn Road to the Maymorn Train Station, including a safe pedestrian crossing of Maymorn Road, as indicated in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u>

Amendment 12

(261) Amend proposed Rule SUB-DEV3-R2 to include a reference to the newly introduced standard relating to the shared cycleway and walkway:

SUB-DEV3-R2	All Subdivisions (Excluding Boundary Adjustments)
<p><u>North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area</u></p>	<p>1. <u>Activity Status: Controlled</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3; and</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S7;</u> viii. <u>SUB-DEV3-S8;</u> ix. <u>SUB-RUR-S2; and</u> x. <u>SUB-RUR-S3.</u> <p><u>Matters of Control are limited to:</u></p> <p>M1. <u>The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P5;</u> e. <u>SUB-DEV3-P6; and</u> f. <u>SUB-DEV3-P7.</u> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>
	<p>2. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3; and</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S7;</u> viii. <u>SUB-DEV3-S8;</u> ix. <u>SUB-RUR-S2; and</u>

	<p style="text-align: center;"><u>x. SUB-RUR-S3.</u></p> <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <p style="margin-left: 40px;"><u>a. SUB-DEV3-P1;</u></p> <p style="margin-left: 40px;"><u>b. SUB-DEV3-P2;</u></p> <p style="margin-left: 40px;"><u>c. SUB-DEV3-P3;</u></p> <p style="margin-left: 40px;"><u>d. SUB-DEV3-P4;</u></p> <p style="margin-left: 40px;"><u>e. SUB-DEV3-P5; and</u></p> <p style="margin-left: 40px;"><u>f. SUB-DEV3-P6; and</u></p> <p style="margin-left: 40px;"><u>g. SUB-DEV3-P7.</u></p> <p>Refer to information requirement <u>Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>
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Amendment 13

(262) Introduce a new standard in relation to the proposed shared cycleway and walkway:

SUB-DEV3 – Subdivision in Development Area 3		
STANDARDS		
<u>SUB-DEV3-S7</u>	<u>Shared Cycleway and Walkway to Maymorn Station</u>	
<u>Valley Flats Area</u>	<p><u>The shared cycle trail and walkway between the southern site intersection with Maymorn Road and the Maymorn Station vehicle crossing must be designed having regard to:</u></p> <ol style="list-style-type: none"> <u>1. The indicative design drawing in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1</u> <u>2. A safe crossing of Maymorn Road;</u> <u>3. An all-weather surface;</u> <u>4. 2.5m wide pathway;</u> <u>5. Signage.</u> 	

Amendment 40

(263) Amend the proposed Structure Plan to include Roading Typologies and an indicative design for pedestrian connection to the train station.

Conclusion

(264) Based on the discussion above, I support the proposed amendments and consider that they will provide a robust framework that can appropriately managed any traffic effects arising from future development enabled by the plan change through the resource consent process.

10.2.3 Infrastructure

- (265) Submissions that raise infrastructure matters include
- S3, S11, S14, S15, S17, s19, S20, S21, S22, S23, S24, S25, S26, S29, S31, S31, S35, S37, S41, S43, S44, S49, S50
- (266) The main areas of concern raised in submissions relate to:
- Water supply – network capacity, water pressure, connection, appropriate minimum lot size for on-site water storage, dimension of on-site potable water storage, reticulated water supply for North-West Area
 - Wastewater – network capacity, appropriate minimum lot size for on-site wastewater disposal, effects on neighbouring properties
 - Stormwater – network capacity, workability of storage and delayed release, increased rainfall, flooding, erosion, effects on neighbouring properties
 - Electricity connection and capacity
 - Fibre network, internet and cellular coverage
 - Costs for upgrades
 - Firefighting water supply
- (267) Fire and Emergency New Zealand (S30) in their submission raise the firefighting water supply and access related issues:
- (268) Greater Wellington Regional Council (S40) raises the following infrastructure related issues:
- SUB-DEV3-S4 - Introduce requirement that stormwater be adequately treated (e.g. settlement ponds) before being discharged into any natural waterways or wetlands.
 - SUB-DEV3-S2 - Clarify whether bore water could be used as water supply. If so, seek reassurance that bore water has not been contaminated by prior land use.
- (269) For my assessment of infrastructure related effects I rely on traffic advice from David Wilson, Principal Engineer/Director at The Urban Engineers Ltd for Wellington Water, as well as the initial Infrastructure Report provided by the applicant. The evidence of David Wilson is attached as Appendix 6 to this report.

Water Supply - Discussion

- (270) The Infrastructure Assessment provided by the applicant states that despite the proximity of existing water supply infrastructure there is currently no spare capacity that would allow for the plan change site to be connected to the reticulated water supply system.
- (271) Consequentially each developed lot will be required to contain its own water collection and storage system. Based on the proposed minimum lot sizes the assessment considers this approach to be feasible for most of the plan change site excluding the North-West Area.

Capacity

- (272) The private plan change as notified requires a minimum volume of 10,000L of potable on-site water supply and a firefighting water supply in accordance with the relevant Code of

Practice. Concerns have been raised in submissions whether the proposed water supply volumes are sufficient.

- (273) In response to submissions the applicant proposes to increase the volume from 10,000L to 25,000L per allotment plus firefighting supplies.
- (274) I note that the Infrastructure Assessment does not provide any calculations or references that identify the required storage volume for on-site water supply.
- (275) Based on advice from Mr Wilson I consider that the initially proposed capacity is not sufficient to comply with the relevant requirements under Council's Code of Practice.
- (276) Initial calculations of the required capacity arrive at required volume of 38,000L for potable water supply plus either 7,000L firefighting water supply for sprinklered houses or 45,000L for non-sprinklered houses.
- (277) Based on these numbers the applicant proposes to increase the minimum required volume for potable water to 38,000L and to introduce a mandatory requirement for new houses to be equipped with a sprinkler system. I support the proposed amendment.

Allotment Size

- (278) For the North-West Area the Infrastructure Assessment states:

The proposed size of these lots (average 600m², down to a minimum of 400m²) means it is more difficult to satisfactorily integrate the required storage with any proposed house design. For this reason, I propose that subdivision below 1000m² only be carried out when a suitable public water supply is available.

- (279) I note that the identified limitations and consequential recommendation relating to water supply have not been appropriately incorporated into and addressed by the proposed provisions.
- (280) In response to submissions the applicant proposes the addition of a minimum lot size of 1000m² for the North-West Area where reticulated water supply is not available.
- (281) While the Infrastructure Assessment provided by the applicant recommends a minimum lot size of 1000m² where no suitable public water supply is available, it does not demonstrate that the proposed minimum lot size of 1000m² is sufficient to provide for the required on-site roof-supplied water supply solution, including the required firefighting water supply.
- (282) Based on advice from Council's infrastructure expert regarding the required capacity of on-site water supply and firefighting water supply I would estimate that a maximum volume of 50,000L of on-site storage would be required. The average dimensions of a 25,000L water storage tank is 3.5m x 3.5m x 3m, which equates to a 12.25m² footprint. I would therefore assume a combined footprint of two 25,000L water tanks to be 25m². Based on this calculation I consider that a 1000m² lot would provide sufficient space to accommodate the required volume of on-site potable and firefighting water storage if the installation of sprinkler systems is required.

Bore Water

- (283) Greater Wellington requests clarification whether the use of bore water might be an option to provide water supply and if so to address potential contamination issues. The applicant has clarified that the main approach is to rely on on-site water supply from roof runoff and that while the investigation of bore water supply might be an option on a site by site basis,

the responsibility for ensuring the required consents and addressing potential contamination issue would lie with the individual owner. I concur with the applicant's position.

Firefighting Water Supply

(284) The issues raised by Fire and Emergency New Zealand and other submitters in relation to firefighting water supply are addressed separately in section 10.2.7 below

Wording

(285) Further to the issue of capacity I consider the proposed wording needs to be amended to be more specific that 10,000L are required for each allotment at any time – not all allotments must be given access to a potentially shared 10,000L supply. Further I consider it more appropriate to require a minimum amount of water supply per residential unit rather than allotment, considering the proposed rules provide for one residential unit plus one minor residential unit per site.

(286) Proposed policy SUB-DEV-P3 Integration with Network Utilities takes the following approach:

Only allow for the extension of the existing water main network where it:

- a. *Services an otherwise complying development where on-site servicing is unachievable; or*
- b. *Is needed to ensure practical development of a complying allotment.*

(287) I consider that this does not correctly reflect and address the identified limitations of the existing water supply network but seems to be focussed on providing services where required to achieve the intended development densities.

(288) The proposed standard SUB-DEV3-S2 relating to water supply reads as follows:

Water Supply

North-West Area

1. *Where a connection to Council's reticulated water supply is available, all new allotments must be capable of being provided with a water supply connection at the allotment boundary, in accordance with the Wellington Water Limited Regional Standard for Water Services (2019).*
2. *Where a connection to Council's reticulated water supply is unavailable, all allotments must be capable of being provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L and a firefighting water supply in accordance with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008.*

(289) I consider the wording of the standard to be unclear and to not appropriately reflect the limitations identified by the infrastructure assessment. The use of the term 'available' ('*Where a connection to Council's reticulated water supply is available...*') in this context is open for interpretation, connection to Council's reticulated water supply may be available (i.e. there is a water main) but not achievable/practical (because of capacity constraints). I recommend amending the wording to improve certainty.

(290) In response to issues raised by submitters and Council the applicant is proposing changes to the policy. I consider this change to appropriately address the issues raised in submissions and by Council. SUB-DEV3-P3 will now apply to the North-West Area as well

and provides greater clarity and better guidance in relation to the potential extension of the reticulated water supply network.

(291) I further consider the wording of SUB-DEV-S3 to be unnecessarily vague and ambiguous, especially where it refers to a connection to Council’s reticulated water supply being available. In my opinion the word available does not sufficiently reflect the potential capacity issues. I also see some uncertainty in the wording concerning the availability of sufficient potable water supply. The current wording does not clearly require the availability of the minimum volume per site at any time but requires ‘*access to a potable water supply with a minimum volume of 38,000L*’. This could be interpreted as all allotments having access to one 38,000L supply. I have raised these concerns with the applicant but have been advised that they don’t see any issues with the wording as proposed.

(292) I therefore recommend additional amendments to SUB-DEV-S2as outlined below.

Water Supply – Proposed Amendments

(293) In response to submissions and expert advice the applicant proposes the following amendments:

Amendment 13

(294) Amend the Minimum Allotment Size standard to better provide for the potential need for on-site servicing:

SUB-DEV3 – Subdivision in Development Area 3			
STANDARDS			
SUB-DEV3-S1	Minimum Allotment Size and Shape Factor		
	<u>Minimum Allotment Size</u>	<u>Shape Factor</u>	
<u>North-West Area</u>	<ul style="list-style-type: none"> • 400m² • 600m² average • <u>1000m² if reticulated water supply is not available</u> • <u>2000m² if reticulated wastewater supply is not available</u> 	12m x 12m	
<u>Valley Flats Area</u>	<ul style="list-style-type: none"> • 2000 m² 	10m x 15m, clear of access allotments and rights of way.	<u>1. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
<u>Station Flats Area</u>	<ul style="list-style-type: none"> • 1000 m² 	10m x 15m, clear of any yards, access allotments and rights of way	
<u>Hilltop Basin Area</u>	<ul style="list-style-type: none"> • 1000 m² • <u>2000m² if reticulated wastewater supply is not available</u> 	10m x 15m, clear of any access allotments and rights of way.	<u>1. Building platforms, and access, utility structures and sewage disposal fields must not</u>

			<u>be within a Gabites Block Natural Area.</u>
Hilltops Area	<ul style="list-style-type: none"> • <u>2000 m²</u> • <u>4000m² minimum average</u> • <u>Note: For the avoidance of doubt, the 4,000m² minimum average must be calculated using the gross area of the Hilltops Area, which is 21.5 ha</u> 	<u>10m x 15m, clear of access allotments and rights of way.</u>	<ol style="list-style-type: none"> <u>1. Building platforms must be identified on the subdivision scheme plan,</u> <u>2. Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan;</u> <u>3. Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> <u>3.4. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
Hillside Area	<ul style="list-style-type: none"> • <u>1ha minimum,</u> • <u>2.5ha average</u> • <u>Note: For the avoidance of doubt, the 2.5ha average must be calculated using the gross area of the Hillside Area, which is 21.5ha can include public open space vested with Council located within the Area.</u> 	n/a	<ol style="list-style-type: none"> <u>1. Building platforms must be identified on the subdivision scheme plan,</u> <u>2. Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan;</u> <u>3. Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> <u>4. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>

Amendment 11

(295) Amend the wording of the policy to better reflect the existing restrictions

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P3	Integration with Network Utilities
Gabites Block Development Area except North-West Area	<ol style="list-style-type: none"> 1. Only allow for the extension of the existing reticulated water supply main network where it: <ol style="list-style-type: none"> a. Services the North-West Area an otherwise complying development where on-site servicing is unachievable; or b. Is approved by Upper Hutt City Council needed to ensure practical development of a complying allotment. 2. Provide for connections to the reticulated wastewater network that use off-peak network capacity through on- site storage and timed wastewater release. 3. Require roads to achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.

Amendment 13

- (296) Amend the wording of the standard relating to water supply to increase the required volume of potable water and to provide greater certainty. Also add a reference to the mandatory installation of sprinkler systems.

SUB-DEV3 – Subdivision in Development Area 3	
STANDARDS	
SUB-DEV3-S2	Water Supply
North-West Area Gabites Block Development Area	<ol style="list-style-type: none"> 1. Where a connection to Council’s reticulated water supply is available and the reticulated water supply network does have sufficient capacity to serve the proposed allotments, all new allotments must be capable of being provided with a water supply connection at the allotment boundary, in accordance with the Wellington Water Limited Regional Standard for Water Services (20192021). 2. Where a connection to Council’s reticulated water supply is unavailable or Council’s reticulated water supply network does not have sufficient capacity to serve the proposed allotments, all each allotments must be capable of being provided with: access to <ol style="list-style-type: none"> a. A self-sufficient potable water supply with a minimum volume of 10,00038,000L per allotment; and b. A domestic fire sprinkler system in accordance with NZS 4541:2013 and a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. <p>Note:</p> <ul style="list-style-type: none"> • Fire and Emergency New Zealand recommends that the most appropriate way to comply with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008 is through the installation of fire sprinkler systems, in accordance with NZS 4541:2013

<p><u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u></p>	<p>1. Allotments must not be connected to the Council's reticulated water supply;</p> <p>2. All allotments must be capable of being provided with access to a self-sufficient potable water supply with a minimum volume of 10,000 L and a firefighting water supply in accordance with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008.</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • Fire and Emergency New Zealand recommends that the most appropriate way to comply with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008 is through the installation of fire sprinkler systems, in accordance with NZS 4541:2013 	
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Amendment 38

(297) Amend DEV3-R1 to require compliance with newly introduced DEV3-S15 relating to the installation of sprinkler systems:

DEV3 - Development Area 3 - Gabites Block Development Area	
Gabites Block Area Use and Development	
Rules	
DEV3-R1	Buildings and Structures
<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <ul style="list-style-type: none"> i. <u>DEV3-S1;</u> ii. <u>...</u> xii. <u>DEV3-S12;</u> xiii. DEV3-S13; and xiv. DEV3-S14; and <u>xv. DEV3-S15.</u> 	
<p>2 Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> i. <u>DEV3-S1;</u> ii. <u>...</u> xii. <u>DEV3-S12;</u> xiii. DEV3-S13; and xiv. DEV3-S14; and <u>xv. DEV3-S15.</u> <p>Matters of discretion are restricted to:</p> <p><u>M1. The matters in any infringed standard; and</u></p>	

<p><u>Where:</u></p> <p><u>b. Compliance is not achieved with:</u></p> <p><u>i. DEV3-S1.2</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters in</u></p> <p><u>a. DEV3-P2</u></p> <p><u>Refer to information requirement DEV3-IR-1.</u></p>
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Amendment 39

(298) Add a new standard DEV3-S15 that requires the installation of sprinkler systems:

<u>DEV3-S15</u>	<u>Fire Fighting Sprinkler System for Residential Units</u>	
<u>Gabites Block Development Area</u>	<p><u>1. Residential units that are not connected to Council’s reticulated water supply must have the following installed:</u></p> <p><u>a. A domestic fire sprinkler system in accordance with NZS 4541:2013 that is connected to a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The adequacy of alternative fire fighting water supplies;</u></p> <p><u>M2. Effect on the streetscape and character of the area; and</u></p> <p><u>M3. Screening, planting and landscaping.</u></p>

Water Supply - Conclusion

(299) In summary I consider the proposed framework in relation to water supply including the proposed amendments above to be robust and sufficiently detailed to allow for the management of any water supply issues at the time of subdivision and development.

Firefighting Water Supply

(300) Fire and Emergency New Zealand (S30) raise the following firefighting water supply and access related issues:

- Amend PPC55 to provide for the safety and wellbeing of people and communities in the plan change area by making the changes set out below, including any further or consequential relief that may be necessary:

(301) The applicant has proposed amendments to correct the reference to the relevant code of practice and to include a reference to providing adequate provision and access to a firefighting water supply to SUB-DEV-P1. The applicant further proposes the addition of a new standard to the Subdivision in Rural Zones chapter that addresses firefighting access in Development Area 3.

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P1	Creation of Allotments
<u>Gabites Block Development Area</u>	Require subdivision to result in allotments that: <ol style="list-style-type: none"> 1. Give effect to the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1; 2. Are of a size and shape that are sufficient to accommodate the anticipated use and development form for the applicable Area; 3. Are serviced by reticulated network utilities or on-site servicing <u>including adequate provision and access to a firefighting water supply</u>; and ...

SUBDIVISION		
SUB-RUR – Subdivision in Rural Zones		
Rules		
Activities Tables		
Standards for Controlled Activities		Zone
SUB-RUR-S3	<u>Access within allotments must meet the requirements of Appendix B of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008</u>	<u>Development Area 3</u>
<i>Policies</i> <u>SUB-GEN-P1</u> <u>TP-P4</u>		

(302) As outlined above the amended provisos will now require the installation of domestic sprinkler systems for all new houses, thereby addressing issues raised in relation to firefighting water supply.

(303) I consider the amendments proposed by the applicant to be sufficient to ensure appropriate recognition and reference to the relevant Firefighting Code of Practice. However, I would recommend including the proposed standard relating to Firefighting Access within the Subdivision chapter for Development Area 3 rather than the Subdivision chapter for the Rural Zones. The two main reasons for this recommendation are that the standard applies solely to Development Area 3 and that the Rural Subdivision chapter does not include any references to the Settlement Zone. I appreciate that it is proposed to add a reference to Development Area 3 to the existing SUB-RUR-S1 standard but consider all new standards should be included in the subdivision chapter for Development Area 3.

SUBDIVISION		
SUB-RUR – Subdivision in Rural Zones		
Rules		
Activities Tables		
Standards for Controlled Activities		Zone
SUB-RUR-S3	<u>Access within allotments must meet the requirements of Appendix B of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008</u>	<u>Development Area 3</u>
<i>Policies</i> <u>SUB-GEN-P1</u>		

TP-P4		
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SUB-DEV3 – Subdivision in Development Area 3		
STANDARDS		
SUB-DEV3-S9	Access within Allotments	
Gabites Block Development Area	Access within allotments must meet the requirements of Appendix B of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008	

- (304) It should be noted that the Upper Hutt’s Code of Practice for Civil Engineering Works and NZS 4404:2010 Land Development and Subdivision Infrastructure also include references. guidance and standards relating to firefighting requirements.

Wastewater – Discussion

- (305) The Infrastructure Assessment provided by the applicant finds that the reticulated wastewater network has dry weather capacity but is at its limit in wet weather conditions. A suggested solution to address the identified constraints is the provision of on-site wastewater storage and timed release to control peak flows.
- (306) The assessment states that on-site wastewater disposal has been considered but is generally not practicable due to poor permeability in the hilly parts of the site and the high water table in the flat portion of the site. On-site disposal may be viable on isolated larger lots but is not a suitable solution for the majority of the site at the intended development densities.
- (307) The assessment concludes that connection to the existing public network can be achieved by way of gravity connections and small pump stations. The assessment proposes two flow mitigation options to address the wet weather constraints of the existing network – either a centralised detention storage or individual on-site storage for each dwelling – and confirms that for both options the required storage can be achieved.
- (308) PPC55 proposes the introduction of a policy relating to the integration with Network Utilities (SUB-DEV3-P3) which prescribes the use of on-site storage and timed release to use off-peak capacity. However, the relevant standard relating to Wastewater Disposal (SUB-DEV3-S3) does not introduce any requirement for such retention.
- (309) Mr Wilson has advised that the site *‘will have to be serviced via de-centralised on-lot private storage with smart controllers discharging to a public pressure sewer system. The low-pressure sewer system will have to be designed in accordance with Wellington Water’s Pressure Sewer Design Guide Version 0 dated October 2021’* and that *‘the site will only be permitted a single discharged to the existing gravity wastewater network with a telemetered flowmeter’*.
- (310) I recommend amending SUB-DEV3-S3 to in accordance with the wording proposed by Mr Wilson in his evidence.

Wastewater – Proposed Amendments

(311) In response to submissions and expert advice I propose the following amendment in relation to wastewater:

Amendment 13

(312) Amend the standard relating to Wastewater Disposal to better address the identified limitations and capacity issues of the wastewater network and require appropriate responses and solutions:

SUB-DEV3 – Subdivision in Development Area 3		
STANDARDS		
SUB-DEV3-S3	Wastewater Disposal	
Gabites Block Development Area	<ol style="list-style-type: none"> 1. <u>Where a connection to Council’s reticulated wastewater is available, all allotments must be capable of being provided with a connection at the allotment boundary in accordance with the Wellington Water Limited Regional Standard for Water Services (2019).</u> 2. <u>Where a connection to Council’s reticulated wastewater is available all allotments must be serviced via separate and direct connection to a reticulated low pressure sewer network designed in accordance with Wellington Water’s Pressure Sewer Design Guide Version 0 dated October 2021</u> 3. <u>Where a connection to Council’s reticulated wastewater is unavailable:</u> <ol style="list-style-type: none"> a. <u>All allotments must be capable of being provided with an on-site wastewater system that meets the requirements of Section 5.2.6 of the Wellington Water Limited Regional Standard for Water Services (2019); and</u> b. <u>Where sewage is to be discharged to land, the land must not be subject to instability or inundation, or used for the disposal of stormwater.</u> 	

Wastewater – Conclusion

(313) Based on the amendments proposed above I consider the framework in relation to wastewater to be sufficiently robust and detailed to provide appropriate direction and manage any potential adverse effects at the resource consent stage.

Stormwater – Discussion

(314) Issues relating to the stormwater effects of the proposed rezoning and subsequent subdivision and development have been raised by submitters.

(315) The Infrastructure Assessment provided by the applicant differentiates between the stormwater associated with roads and stormwater associated with residential lots.

(316) The assessment recommends stormwater treatment for road stormwater (rain gardens, wetlands, swales) and stormwater attenuation of peak runoff rates to ensure hydraulic neutrality (e.g. ponds at or close to discharge points). Any discharge into existing gullies should be subject to suitable erosion controls, treatment and attenuation.

- (317) For on-lot stormwater the assessment assumes that any roof water would be collected for use as potable water and several overflow and other discharge options including discharge to gully areas or a piped system where available.
- (318) The private plan change addresses stormwater in several locations.
- (319) While the proposed subdivision provisions of PPC55 as notified do not include any policy reference, they do include a standard that requires allotments to be capable of being connected where a connection is available. Where no connection is available and stormwater is disposed to the ground the disposal area must not be subject to instability or used for wastewater disposal. No mention is made of treatment, attenuation or erosion controls.
- (320) The proposed Development Area provisions contain a dedicated stormwater section with an objective and two policies but no rules or standards. The focus of objective and policies is on achieving hydraulic neutrality and the appropriate use of certain building materials. However, these policies are not referred to anywhere in the proposed provisions. The only standard relating to hydraulic neutrality is DEV3-S12 which limits impervious surfaces to 70% in the North-West Area and 50% in all other areas. Building materials are addressed in standard DEV3-S11 Use of Copper and Zinc which requires any copper or zinc surfaces to be appropriately treated to control exposure to rainfall. Again, no mention is made of stormwater treatment, attenuation or erosion controls.
- (321) Of additional concern are the recommendations relating to stormwater runoff and drainage works, considering the identified limitations of the reticulated stormwater and wastewater networks and the strong reliance on on-site disposal. SUB-DEV-S4 relating to stormwater states that *'Where a connection to Council's stormwater system is not available and the means of stormwater disposal is to ground, that area must not be subject to instability or be used for the disposal of wastewater'*. SUB-DEV-S3 makes a similar statement relating to Wastewater *'Where sewage is to be discharged to land, the land must not be subject to instability or inundation or used for the disposal of stormwater'*. Despite the avoidance of *'overlapping disposal areas'* it appears the provisions do not provide sufficiently for the cumulative effect of stormwater and wastewater disposal on relatively small sites and the potential effects.
- (322) In response to issues raised by submitters the applicant is proposing a number of changes and additions to the provisions relating to stormwater.
- (323) The applicant proposes the introduction of a new objective and policy relating to Water Sensitive Design to the Stormwater section of the Development Area to better reflect the recommendations of the Infrastructure Assessment.
- (324) The applicant further recommends a number of changes to the provisions to better address stormwater in general and the effects of stormwater runoff from roads in particular.
- (325) While I agree with and support the changes proposed by the applicant I consider that the references to the management should not only be added in relation to roads but also in reference to subdivision and development in general.
- (326) Based on advice from Mr Wilson I recommend the introduction of an additional Information Requirement which requires the provision of a Stormwater Management Plan at the time of first subdivision. The Stormwater Management Plan would bring together the outstanding issues for flood hazards, water sensitive design and stormwater management for the site

into one document. This would allow for a comprehensive site analysis to be undertaken at the time of subdivision and would ensure that any outstanding concerns pertaining to the management of stormwater in relation to the future development of this site is appropriately addressed

(327) The Infrastructure Assessment recommends a flood hazard assessment at time of subdivision to address flood risk. This is addressed in more detail in the Natural Hazards section below.

(328) I note that the proposed provisions for Water Supply, Wastewater and Stormwater refer to the Wellington Water Limited Regional Standard for Water Services (2019) while there now seems to be an updated Version 3.0 from December 2021. I therefore recommend updating the relevant references throughout the proposed amendments by replacing references to *Wellington Water Limited Regional Standard for Water Services (2019)* with references to *Wellington Water Limited Regional Standard for Water Services (2021)*.

Stormwater – Proposed Amendments

(329) In response to submissions and expert advice the applicant proposes the following amendments:

Amendment 11

(330) Amend policy to address stormwater management:

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P3	Integration with Network Utilities
Gabites Block Development Area except North West Area	<ol style="list-style-type: none"> 1. Only allow for the extension of the existing reticulated water supply main network where it: <ol style="list-style-type: none"> a. Services the North-West Area an otherwise complying development where on-site servicing is unachievable; or b. Is approved by Upper Hutt City Council needed to ensure practical development of a complying allotment. 2. Provide for connections to the reticulated wastewater network that use off-peak network capacity through on- site storage and timed wastewater release. 3. Require subdivision, development and roads to achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2. 4. Require the first subdivision of the Gabites Block Development Area to provide a Stormwater Management Plan prepared in accordance with SUB-DEV-R3.

Amendment 12

(331) Amend SUB-DEV3-R2 and SUB-DEV3-R3 to refer to a newly introduced requirement for a Stormwater Management Plan.

SUB-DEV3-R2	All Subdivisions (Excluding Boundary Adjustments)
North-West Area, Valley Flats Area,	<ol style="list-style-type: none"> 1. Activity Status: Controlled Where: <ol style="list-style-type: none"> a. Compliance is achieved with:

<p><u>Station Flats Area,</u> <u>Hilltops Area,</u> <u>Hilltop Basin Area</u></p>	<ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3; and</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S7;</u> viii. <u>SUB-DEV3-S8;</u> ix. <u>SUB-DEV3-S9; and</u> ix. <u>SUB-RUR-S2; and</u> x. <u>SUB-RUR-S3.</u> <p><u>Matters of Control are limited to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P5;</u> e. <u>SUB-DEV3-P6; and</u> f. <u>SUB-DEV3-P7.</u> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p> <p><u>R3. A Stormwater Management Plan prepared in accordance with SUB-DEV-R3.</u></p> <hr/> <p><u>2. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3; and</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; or</u> vii. <u>SUB-DEV3-S7;</u> viii. <u>SUB-DEV3-S8;</u> ix. <u>SUB-DEV3-S9; or</u> ix. <u>SUB-RUR-S2; or</u> x. <u>SUB-RUR-S3.</u>
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	<p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3;</u> d. <u>SUB-DEV3-P4;</u> e. <u>SUB-DEV3-P5; and</u> f. <u>SUB-DEV3-P6; and</u> g. <u>SUB-DEV3-P7.</u> <p>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p> <p><u>R3 A Stormwater Management Plan prepared in accordance with SUB-DEV-R3.</u></p>
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SUB-DEV3-R3	All Subdivisions (Excluding Boundary Adjustments)
<p><u>Hilltops Area</u></p> <p><u>Hillside Area</u></p>	<p><u>1. Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance is achieved with:</u> <ul style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3;</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S8;</u> ix <u>SUB-DEV3-S9; and</u> ix. SUB-RUR-S2; and x. SUB-RUR-S3. <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P4; and</u> e. <u>SUB-DEV3-P6.</u> <p>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</p> <p><u>R1. A Landscape and Visual Assessment in accordance with SUB-DEV3-IR-1;</u></p>

	<p>R2. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</p> <p>R3. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</p> <p>R4 A Stormwater Management Plan prepared in accordance with SUB-DEV-R3.</p>
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <p>ii. SUB-DEV3-R3.1</p> <p>viii. SUB-DEV3-S1</p> <p>ix. SUB-DEV3-S2;</p> <p>x. SUB-DEV3-S3;</p> <p>xi. SUB-DEV3-S4;</p> <p>xii. SUB-DEV3-S5;</p> <p>xiii. SUB-DEV3-P6; or</p> <p>xiv. SUB-RUR-S2.</p>

Amendment 13

(332) Add a reference to the relevant Wellington Water standard:

SUB-DEV3 – Subdivision in Development Area 3		
STANDARDS		
SUB-DEV3-S4	Stormwater	
<u>Gabites Block Development Area</u>	<p>1. <u>Where a connection to Council’s stormwater system is available, all allotments must be capable of being provided with a connection at the allotment boundary in accordance with the Wellington Water Limited Regional Standard for Water Services (20192021).</u></p> <p>2. <u>Where a connection to Council’s stormwater system is not available and the means of stormwater disposal is to ground, that area must not be subject to instability or be used for the disposal of wastewater. Stormwater management must be in accordance with the Wellington Water Limited Regional Standard for Water Services (2021).</u></p>	

(333) Add a reference to stormwater management for roads:

SUB-DEV-S6	Roads	
<u>Gabites Block Development Area</u>	<p>1. <u>Roads must be constructed in general accordance with the Roading Typologies of the Gabites Block Development Area Structure Plan and NZS 4404:2010 Land Development and Subdivision Infrastructure.</u></p> <p>2. <u>Road stormwater management must be in accordance with Wellington Water Ltd - Regional Standard for Water Services 2021</u></p>	

Amendment 14

(334) Introduce a new Information Requirement for Stormwater Management Plan:

<u>SUB-DEV3-IR-3</u>	<u>Stormwater Management Plan</u>
<u>Gabites Block Development Area</u>	<p>The first application for subdivision under Rule SUB-DEV3-R2 or SUB-DEV3-R3 must provide a Stormwater Management Plan that covers the following:</p> <ol style="list-style-type: none"> 1. <u>Existing Site Appraisal (location and general information, topography, geotechnical, existing drainage features and stormwater infrastructure, receiving environment, existing hydrological features, flooding and Flowpaths, biodiversity, cultural and heritage sites, contaminated land)</u> 2. <u>Development summary and planning context</u> 3. <u>Identification and incorporation of mana whenua values</u> 4. <u>Proposed development</u> <ol style="list-style-type: none"> a. <u>Location and area</u> b. <u>Purpose of the development</u> c. <u>Site layout and urban form</u> d. <u>Earthworks</u> 5. <u>Stormwater management</u> <ol style="list-style-type: none"> a. <u>Principles of stormwater management</u> b. <u>Proposed stormwater management</u> <ol style="list-style-type: none"> i. <u>General</u> ii. <u>Water quality</u> iii. <u>Stream hydrology</u> iv. <u>Flooding - Network Capacity</u> v. <u>Flooding – Habitable Floors</u> vi. <u>Overland flowpath and floodplain management</u> vii. <u>Development staging</u> c. <u>Hydraulic connectivity</u> d. <u>Asset ownership</u> e. <u>Ongoing maintenance requirements</u> f. <u>Implementation of stormwater network</u> g. <u>Dependencies</u> h. <u>Risks</u> 6. <u>Departures from regulatory or design codes</u> 7. <u>Conclusion and recommendations</u>

Amendment 21

(335) Introduce a new objective relating to Water Sensitive Design:

DEV3 - Development Area 3 - Gabites Block Development Area	
Stormwater	
Objectives	
DEV3-SW-01	Water Sensitive Design
<u>Subdivision, use and development minimise changes to the hydrological regime and contribute to maintaining and improving where practicable the water quality of receiving waters.</u>	

Amendment 22

(336) Introduce a new policy relating to Water Sensitive Design:

DEV3 - Development Area 3 - Gabites Block Development Area	
Stormwater	
Policies	
DEV3-SW-P1	Water Sensitive Design
<u>Require subdivision, use and development to achieve water sensitive design that protects receiving waters as follows:</u>	
<ol style="list-style-type: none"> <u>1. Require water sensitive design in accordance with the Wellington Water Ltd - Regional Standard for Water Services 2021 and Wellington Water Ltd - Water Sensitive Design for Stormwater: Treatment Device Design Guideline 2019;</u> <u>2. Retain and use existing natural systems of stormwater management, without exceeding their existing capacities;</u> <u>3. Provide for, protect and maintain overland flow paths;</u> <u>4. Provide for access to and along waterbodies for maintenance;</u> <u>5. Require stormwater from roads to be treated to minimise concentrations of copper, zinc and sediment to the smallest amount practicable prior to discharge; and</u> <u>6. Provide for stormwater treatment devices that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade.</u> 	

(337) Add reference to hydraulic neutrality for the road corridor:

DEV3-SW-P12	Hydraulic Neutrality
<u>Require all subdivision, use and development to achieve hydraulic neutrality as follows:</u>	
<ol style="list-style-type: none"> <u>1. Require any increase in impervious surfaces above the Area standard for individual sites to address any impact on hydraulic neutrality by demonstrating that existing hydraulic neutrality facilities have sufficient capacity or by providing sufficient water storage for hydraulic neutrality on the site;</u> <u>2. Provide hydraulic neutrality facilities for roads, footpaths and other impervious surfaces within the road corridor;</u> <u>3. Provide for hydraulic neutrality facilities that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade; and</u> <u>4. Design hydraulic neutrality facilities so that they are sized in accordance with the Wellington Water Limited Regional Standard for Water Services (20192021).</u> 	

Amendment 37

(338) Amend the policy relating to Use and Development to include a reference to stormwater management:

<u>DEV3 - Development Area 3 - Gabites Block Development Area</u>	
<u>Gabites Block Area Use and Development</u>	
<u>Policies</u>	
<u>DEV3-P2</u>	<u>Low Density Residential and Rural Residential Use and Development</u>
Provide for low density residential and rural residential use and development that achieves the following:	
<ol style="list-style-type: none"> 1. <u>Site design, layout and scale of the activity that are compatible with the character and amenity values anticipated in the applicable Area;</u> 2. <u>Site design and implementation that:</u> <ol style="list-style-type: none"> a. <u>Avoid built development that has significant unacceptable adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;</u> 3. <u>Building design and implementation that achieves:</u> <ol style="list-style-type: none"> a. <u>Recessive built forms and finishes;</u> b. <u>Attenuation of external noise for sleeping rooms locating in the Gabites Block Rail Corridor Buffer Area of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u> 4. <u>Landscape design and implementation that:</u> <ol style="list-style-type: none"> a. <u>Maintain and enhance the vegetated hillside backdrop to Maymorn;</u> b. <u>Avoid visually-impermeable boundary fencing, including avoid close-boarded and solid panel fencing, and avoid front boundary fences of higher than 1.2m;</u> c. <u>Ensure outdoor living spaces are well located, accessible and have access to sunlight;</u> d. <u>Use planting to achieve visual amenity, safety and functionality;</u> e. <u>Ensure driveways, manoeuvring and parking areas are visually unobtrusive;</u> f. Screen water tanks from views from public places with timber lattice or planting; fg. <u>Provide a visually-permeable, planted buffer along Maymorn Road.</u> 5. <u>Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u> 6. <u>Private vehicle crossings that do not connect directly to Maymorn Road.</u> 7. <u>Transport networks that:</u> <ol style="list-style-type: none"> a. a<u>Avoid significant unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context; and</u> b. Achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2. 8. <u>Site design, layout and implementation that achieves the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u> 	

Stormwater - Conclusion

(339) Based on the above amendments I consider the proposed provisions relating to stormwater to provide a sufficiently robust framework to ensure that all stormwater related effects can be appropriately managed at the subdivision stage.

Electricity / Telecommunication

- (340) Submitters raise concern regarding the capacity and coverage of the electricity and telecommunications networks. The Infrastructure Assessment provided by the applicant addresses power supply and telecommunications.
- (341) The assessment confirms that, while upgrades to the electricity network will be required to supply the development, these upgrades can be achieved and will be integrated into the development.
- (342) The assessment also confirms the availability of access to the fibre network in close proximity to the site.

Renewable Electricity Generation

- (343) I note that the private plan change does not include any changes to the Renewable Electricity Generation chapter of the District Plan. Consequentially rules REG-R5, REG-R9, REG-R10 and REG-R11 will not apply to the plan change site.
- (344) The applicant has advised that this is intentional because the identified rules are of limited relevance and therefore there is no need for them to apply to the subject site. I accept the reasons for not including the identified rules and the reliance on REG-R12 which is basically a catch-all rule that would apply instead.

Conclusion

- (345) Overall, I consider the proposed provisions subject to the additional amendments identified above to provide a robust and comprehensive framework that appropriately addresses identified issues and delivers sufficient guidance for future subdivision and land use consent processes.

10.2.4 Geotech / Natural Hazards

- (346) Submissions that raise geotechnical and natural hazard matters include
- S15, S21, S26, S29
- (347) The main areas of concern raised in submissions relate to:
- Geotech
 - Earthworks
 - Slope hazard, slope stability
 - Flooding
 - Climate change, increased rainfall
 - Slope stability along boundary
- (348) Greater Wellington Regional Council (S40) raises the following natural hazard related issues:
- General support for hazard provisions

Geotech & Earthworks - Discussion

- (349) The Geotechnical Assessment that was provided as Attachment 5 to PPC55 provides comprehensive assessment of the subject site and includes a number of recommendations to address identified issues. The assessment covers most of the areas of concern raised by submitters such as slope stability, erosion and flooding.
- (350) The assessment concludes by providing a number of geotechnical recommendations to address the identified issues, however the private plan change only includes one policy and one rule that respond to and address the identified slope stability issues. The policy and rule make any Earthworks within the Slope Hazard a restricted discretionary activity and require a geotechnical assessment.
- (351) Other recommendations of the assessment include:
- Remediation of Uncontrolled Fill - For lots with uncontrolled fill areas in Valley Flats and Station Flats areas (former effluent pond and stream channel infill) further investigation should be undertaken at subdivision stage to determine remediation.
 - Earthworks – Recommendation for maximum angles for permanent and temporary cuts, filling works, compaction testing and control of stormwater runoff.
 - Setbacks from streams (based on bank heights) should be introduced to address stream bank retrogression.
 - Drainage works recommended in the Valley Flats and Station Flats Areas.
- (352) I note that these recommendations are not reflected in the proposed provisions.
- (353) The applicant has proposed additional amendments to the private plan change as notified to address the above recommendations.
- (354) To address the issue of lots with uncontrolled fill the applicant proposes the introduction of a new subdivision standard that requires all new allotments to be certified by a geotechnical engineer. This standard would apply in all areas of the plan change site and not be limited to the High Slope Hazard Area. The related rule that would make all subdivision in the High Slope Hazard Area a restricted discretionary activity is proposed to be deleted.
- (355) I consider this additional requirement would sufficiently address the uncertainty regarding the suitability of areas with uncontrolled fill while also addressing the risks within identified slope areas.
- (356) The applicant also proposes the introduction of additional site specific Earthworks standards to the existing Earthworks chapter relating to permanent cuts and fill requirements. I support the introduction of these provisions.
- (357) The applicant further proposes the introduction of a setback requirement from waterbodies. This additional standard would address the recommendations of the geotechnical report to address stream bank retrogression.
- (358) The recommendations relating to works within the flood hazard overlay in the Valley Flats and Station Flats Areas are addressed by the proposed provisions relating to flood hazards below introduced below.

Geotech & Earthworks - Proposed Amendments

Amendment 11

- (359) Amend policy to apply to all new building platforms, not only within High Slope Hazard Areas:

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P6	Subdivision where new additional building platforms are created in the High Slope Hazard Overlay
Gabites Block Development Area	Provide for subdivision that creates new additional building platforms in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 where: <ol style="list-style-type: none"> 1. A geotechnical assessment confirms that the site is suitable for subdivision, use and development, and that the risk from slope instability can be avoided, remedied or mitigated; and 2. The subdivision will not increase or accelerate land instability on the site or adjoining properties.

Amendment 12

- (360) Add reference to new standard SUB-DEV3-S8 to rule SUB-DEV3-R2

SUB-DEV3-R2	All Subdivisions (Excluding Boundary Adjustments)
North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area	<p>1. <u>Activity Status: Controlled</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is achieved with:</u></p> <ol style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u> ii. <u>SUB-DEV3-S2;</u> iii. <u>SUB-DEV3-S3; and</u> iv. <u>SUB-DEV3-S4;</u> v. <u>SUB-DEV3-S5;</u> vi. <u>SUB-DEV3-S6; and</u> vii. <u>SUB-DEV3-S7;</u> viii. <u>SUB-DEV3-S8;</u> ix. <u>SUB-DEV3-S9; and</u> x. <u>SUB-RUR-S2; and</u> xi. <u>SUB-RUR-S3.</u> <p><u>Matters of Control are limited to:</u></p> <p>M1. <u>The matters in:</u></p> <ol style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u>

	<p>d. <u>SUB-DEV3-P5;</u></p> <p>e. <u>SUB-DEV3-P6; and</u></p> <p>f. <u>SUB-DEV3-P7.</u></p> <p>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</p> <p>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</p> <p>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</p> <p>2. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <p>i. <u>SUB-DEV3-S1;</u></p> <p>ii. <u>SUB-DEV3-S2;</u></p> <p>iii. <u>SUB-DEV3-S3;</u></p> <p>iv. <u>SUB-DEV3-S4;</u></p> <p>v. <u>SUB-DEV3-S5;</u></p> <p>vi. <u>SUB-DEV3-S6; or</u></p> <p>vii. <u>SUB-DEV3-S7;</u></p> <p>viii. <u>SUB-DEV3-S8;</u></p> <p>ix. <u>SUB-DEV3-S9; or</u></p> <p>x. <u>SUB-RUR-S2; or</u></p> <p>xi. <u>SUB-RUR-S3.</u></p> <p><u>Matters of Discretion are restricted to:</u></p> <p>3. <u>The matters in:</u></p> <p>a. <u>SUB-DEV3-P1;</u></p> <p>b. <u>SUB-DEV3-P2;</u></p> <p>c. <u>SUB-DEV3-P3;</u></p> <p>d. <u>SUB-DEV3-P4;</u></p> <p>e. <u>SUB-DEV3-P5; and</u></p> <p>f. <u>SUB-DEV3-P6; and</u></p> <p>g. <u>SUB-DEV3-P7.</u></p> <p>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</p> <p>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</p> <p>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</p>
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(361) Add reference to new standard SUB-DEV3-S8 to rule SUB-DEV3-R3

SUB-DEV3-R3	All Subdivisions (Excluding Boundary Adjustments)
<p>Hillside Area</p> <p><u>Hilltops Area (if it includes Ridgeline Protection Overlay)</u></p>	<p>1. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is achieved with:</u></p> <p>i. <u>SUB-DEV3-S1</u></p> <p>ii. <u>SUB-DEV3-S2;</u></p> <p>iii. <u>SUB-DEV3-S3;</u></p> <p>iv. <u>SUB-DEV3-S4;</u></p> <p>v. <u>SUB-DEV3-S5;</u></p> <p>vi. <u>SUB-DEV3-S6;</u></p> <p>vii. <u>SUB-DEV3-S8; and</u></p> <p>viii. <u>SUB-DEV3-S9; or</u></p> <p>ix. SUB-RUR-S2; or</p> <p>x. <u>SUB-RUR-S3.</u></p> <p><u>Matters of Discretion are restricted to:</u></p> <p>2. <u>The matters in:</u></p> <p>a. <u>SUB-DEV3-P1;</u></p> <p>b. <u>SUB-DEV3-P2;</u></p> <p>c. <u>SUB-DEV3-P3; and</u></p> <p>d. <u>SUB-DEV3-P4; and</u></p> <p>e. <u>SUB-DEV3-P6.</u></p> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>
	<p>2. <u>Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <p>i. <u>SUB-DEV3-R3.1</u></p> <p>xv. SUB-DEV3-S1</p> <p>xvi. SUB-DEV3-S2;</p> <p>xvii. SUB-DEV3-S3;</p> <p>xviii. SUB-DEV3-S4;</p> <p>xix. SUB-DEV3-S5;</p> <p>xx. SUB-DEV3-P6; or</p> <p>xxi. SUB-RUR-S2.</p>

(362) Delete rule SUB-DEV3-R4

Rules	
SUB-DEV3-R4	Subdivision that creates a building platform in the High Slope Hazard Overlay
Gabites Block Development Area High Slope Hazard Overlay	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. The subdivision will result in a building platform in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in SUB-DEV3-P6.</p>

Amendment 13

(363) Add new standard relating to geotechnical requirements:

STANDARDS		
SUB-DEV3-S8	Geotechnical	
Gabites Block Development Area	<p>All new allotments must be certified by a suitably qualified geotechnical engineer confirming that:</p> <p>1. The site is suitable for subdivision, use and development;</p> <p>2. The risk from slope instability can be avoided, remedied or mitigated; and</p> <p>3. The subdivision will not increase or accelerate land instability on the site or adjoining properties.</p>	

Amendment 14A

(364) Add reference to Development Area 3 to existing Earthworks Standard relating to cut/fill:

GENERAL DISTRICT-WIDE MATTERS		
EW- Earthworks		
Standards for Permitted Activities		Zones
<p>EW-S2</p> <p><i>Policies</i> EW-P1, EW-P2</p>	<p>(1) Existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m.</p> <p>Exemption</p> <p>(2) The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Section 3.1) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.</p>	<p><i>General Rural</i> <i>Rural Production</i> <i>Rural Lifestyle</i> <i>Open Space</i> <i>Development Area 2</i> <u><i>Development Area 3</i></u></p>

(365) Add new standard to introduce additional earthworks requirements relating to cut angles and filling for Development Area 3:

Standards for Permitted Activities		Zones
<p>EW-S17</p> <p><i>Policies</i> <i>EW P1,</i> <i>EW P2</i></p>	<p>(1) <u>Permanent cuts must be formed at no greater than 26 degrees in soil and 55 degrees in rock; and</u></p> <p>(2) <u>Filling must be completed in accordance with NZS:4431:1989 Code of practice for earth fill for residential development.</u></p>	<u>Development Area 3</u>

Amendment 38

(366)

Add reference to standard DEV3-S14 to rule DEV3-R1

DEV3 - Development Area 3 - Gabites Block Development Area	
Gabites Block Area Use and Development	
Rules	
DEV3-R1	Buildings and Structures
<p>1. Activity status: Permitted</p> <p><u>Where:</u></p> <p>a. Compliance is achieved with:</p> <p>i. <u>DEV3-S1;</u></p> <p>ii. <u>...</u></p> <p>xii. <u>DEV3-S12;</u></p> <p>xiii. <u>DEV3-S13; and</u></p> <p>xiv. <u>DEV3-S14; and</u></p> <p>xv. <u>DEV3-S15.</u></p>	
<p>2. Activity status: Restricted Discretionary</p> <p><u>Where:</u></p> <p>a. Compliance is not achieved with:</p> <p>i. <u>DEV3-S1.1;</u></p> <p>ii. <u>...;</u></p> <p>xii. <u>DEV3-S12;</u></p> <p>xiii. <u>DEV3-S13; or</u></p> <p>xiv. <u>DEV3-S14; or</u></p> <p>xv. <u>DEV3-S15.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>M1. <u>The matters in any infringed standard;</u></p> <p><u>and</u></p> <p><u>Where:</u></p> <p>b. <u>Compliance is not achieved with:</u></p> <p>i. <u>DEV3-S1.2</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>M1. <u>The matters in:</u></p>	

a. [DEV3-P2.](#)
[Refer to information requirement DEV3-IR-1.](#)

Amendment 39

(367) Add new standard requiring minimum setbacks from waterbodies

<u>DEV3 - Development Area 3 - Gabites Block Development Area</u>		
<u>Gabites Block Area Use and Development</u>		
<u>STANDARDS</u>		
<u>DEV3-S14</u>	<u>Minimum Setbacks from Waterbodies</u>	
<u>Gabites Block Development Area</u>	<u>Buildings and structures must be set back at least 10m from natural wetlands or streams (measured from the highest annual bank-full flow).</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The siting of buildings and structures;</u> <u>M2. The ability to access the waterway for maintenance and stream network enhancements.</u>

Geotech / Earthworks - Conclusion

(368) Overall, I consider the proposed provisions subject to the additional amendments outlined above provide a robust and comprehensive framework to manage any related effects at the subdivision and development stage.

Flood Hazard - Discussion

(369) The general support of the proposed natural hazard provisions from GW is noted.

(370) The Infrastructure Assessment provided by the applicant refers to current modelling of the stormwater catchment containing the site undertaken by Wellington Water Ltd and identified potential flooding risk for the Valley Flats Area of the site. In order to confirm that the flood risk is alleviated at the time of subdivision, the completion of a flood hazard assessment is recommended.

(371) However, the private plan change as lodged does not contain any provisions that require a flood hazard assessment.

(372) Since the lodgement of the private plan change Wellington Water have advised that modelling is now available to develop flood hazard layers for the site. These include stream corridors, inundation areas and overland flow paths.

(373) As outlined by Mr Wilson in his evidence there is still not sufficient information regarding the flood hazard extent and this can be rectified by the applicant undertaking a flood hazard assessment. It is my understanding that this flood hazard assessment is expected to either be provided by the applicant in time for the hearing or that this will be provided as part of the Stormwater Management Plan required under the earlier recommendation pertaining to Stormwater.

(374) I note that the operative District Plan only contains flooding provisions in relation to identified flood hazard extents but does not contain any more generic flood hazard provisions that would apply to the hazards identified in the plan change site. Mr Wilson in his report also recommends the inclusion of provisions addressing flood hazard risk.

(375) I therefore propose the addition of provisions to address and manage the identified hazards on the site.

(376) The proposed provisions apply a risk management approach and introduce an objective, policies and rules relating to residential buildings in the identified flood hazard overlays. The policies and rules become more restrictive with increased hazard risk:

- New residential buildings in inundation areas may be appropriate because the identified risk can be mitigated through the introduction of minimum floor levels.
- New residential buildings located within Overland Flowpaths are not encouraged but may be appropriate if it can be shown that the risk is sufficiently mitigated.
- New residential buildings with Stream Corridors are generally inappropriate and shall be avoided.

Flood Hazard – Proposed Amendments

Amendment 28A

(377) Add a new objective in relation to the identified flood hazards on the site:

DEV3 - Development Area 3 – Gabites Block Development Area	
Natural Hazards	
Objective – Gabites Flood Hazard Overlay	
DEV3-NH-01	Risk from Flood Hazards
Land use and development within the Gabites Flood Hazard Overlays reduce or do not increase the risk from flood hazards to people and property.	

Amendment 28B

(378) Add new policies to address the identified flood hazards on the site:

DEV3 - Development Area 3 – Gabites Block Development Area	
Natural Hazards	
Policies – Gabites Flood Hazard Overlay	
DEV3-NH-P2	Accessory Buildings and associated additions in the Gabites Flood Hazard Overlay
Gabites Block Development Area	<p>Allow for accessory buildings and any associated additions within the Gabites Flood Hazard Overlay, provided that:</p> <ol style="list-style-type: none"> 1. It can be demonstrated that Overland Flowpaths are unimpeded and unobstructed; and 2. The building is not located within a Stream Corridor; and 3. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood.

<u>DEV3-NH-P3</u>	<u>Additions to Residential Units in an identified Inundation Area of the Gabites Flood Hazard Overlay</u>
<u>Gabites Block Development Area</u>	<p><u>Provide for additions to Residential Units within the identified Inundation Area, where:</u></p> <ol style="list-style-type: none"> <u>1. The impact from the 1% Annual Exceedance Probability flood event is low due to either the:</u> <ol style="list-style-type: none"> <u>a. incorporation of mitigation measures;</u> <u>b. size of the addition in relation to the existing building; or</u> <u>c. type of activities undertaken within the addition; and</u> <u>2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood.</u>
<u>DEV3-NH-P4</u>	<u>Additions to Residential Units within the Overland Flowpaths and Stream Corridors of the Gabites Flood Hazard Overlay</u>
<u>Gabites Block Development Area</u>	<p><u>Only allow additions Residential Units within the Overland Flowpaths and Stream Corridors, where it can be demonstrated that:</u></p> <ol style="list-style-type: none"> <u>1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the:</u> <ol style="list-style-type: none"> <u>a. proposed mitigation measures;</u> <u>b. size of the addition; or</u> <u>c. nature of the activities undertaken within the addition; and</u> <u>2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood; and</u> <u>3. Overland Flowpaths and Stream Corridors are unimpeded, and unobstructed to allow for the conveyancing of flood waters.</u>
<u>DEV3-NH-P5</u>	<u>Residential Units within the identified Inundation Areas of the Gabites Flood Hazard Overlay</u>
<u>Gabites Block Development Area</u>	<u>Provide for Residential Units within the Inundation Area, provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.</u>
<u>DEV3-NH-P6</u>	<u>Residential Units within the Overland Flowpaths of the Gabites Flood Hazard Overlays</u>
<u>Gabites Block Development Area</u>	<p><u>Manage Residential Units within the Overland Flowpaths by:</u></p> <ol style="list-style-type: none"> <u>1. Incorporating mitigation measures that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;</u> <u>2. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability Flood; and</u> <u>3. Overland Flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.</u>
<u>DEV3-NH-P7</u>	<u>Residential Units within the Stream Corridors of the Gabites Flood Hazard Overlay</u>
<u>Gabites Block Development Area</u>	<p><u>Avoid Residential Units within the Stream Corridors unless it can be demonstrated that:</u></p> <ol style="list-style-type: none"> <u>1. The activity, has an operational and functional need to locate within the Stream Corridor and locating outside of these Stream Corridor is not a practicable option;</u> <u>2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;</u>

	<p>3. <u>People can safely evacuate the property during a 1% Annual Exceedance Probability Flood; and</u></p> <p>4. <u>The conveyancing of flood waters through the Stream Corridor is still able to occur unimpeded and is not diverted onto adjacent properties.</u></p>
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Amendment 28C

(379) Add new rules to address the identified flood hazards on the site:

<u>DEV3 - Development Area 3 - Gabites Block Development Area</u>	
<u>Natural Hazards</u>	
<u>Rules – Gabites Flood Hazard Overlay</u>	
<u>DEV3-NH-R2</u>	<u>Accessory Buildings within the Gabites Flood Hazard Area</u>
<p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>Any accessory buildings are located outside of the identified Overland Flowpaths or Stream Corridor of the Flood Hazard Overlay.</u></p>	
<p>2. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of DEV3-NH-R2.1.a cannot be achieved</u></p> <p><u>The Matters of Discretion are restricted to:</u></p> <p>M1. <u>The matters in DEV-NH-P2.</u></p>	
<u>DEV3-NH-R3</u>	<u>Additions to Residential Units in the Inundation Area</u>
<p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The finished floor levels of the addition to a residential unit is demonstrated to be above the 1% Flood Annual Exceedance Probability Level including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.</u></p>	
<p>2. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of DEV3-NH-R3.1.a cannot be achieved</u></p> <p><u>The Matters of Discretion are restricted to:</u></p> <p>M1. <u>The matters in NH-P3.</u></p>	
<u>DEV3-NH-R4</u>	<u>Additions to Residential Units in the Overland Flowpaths of the Gabites Flood Hazard Overlay</u>
<p>1. <u>Activity status: Discretionary</u></p>	
<u>DEV3-NH-R5</u>	<u>Additions to Residential Units in the Stream Corridor of the Gabites Flood Hazard Overlay</u>
<p>1. <u>Activity Status: Non-Complying</u></p>	
<u>DEV3-NH-R6</u>	<u>New Residential Units in the Inundation Area of the Gabites Flood Hazard Overlay</u>

<p><u>1. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. The finished floor levels of the building for the Residential Unit is located above the 1% Flood Annual Exceedance Probability Level, including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:</u></p> <p><u>a. implementation mitigation measures;</u></p> <p><u>b. the shallow depth of the flood waters within the building; or</u></p> <p><u>c. type of activity undertaken within the building; and</u></p> <p><u>M2. The risk to people and property is reduced or not increased.</u></p>	
<p><u>2. Activity Status: Non-Complying</u></p> <p><u>Where:</u></p> <p><u>a. Compliance with the requirements of DEV3-NH-R6.1.a cannot be achieved</u></p>	
<u>DEV3-NH-R7</u>	<u>New Residential Units in the Overland Flowpaths of the Gabites Flood Hazard Overlay</u>
<p><u>1. Activity status: Discretionary</u></p>	
<u>DEV3-NH-R8</u>	<u>New Residential Units in the Stream Corridor of the Gabites Flood Hazard Overlay</u>
<p><u>1. Activity Status: Non-Complying</u></p>	

Flood Hazard - Conclusion

- (380) I note the outstanding issue in relation to the final identification of the flood hazard extent on the site.
- (381) The proposed provisions follow the most recent established approach to managing flood hazard risk implemented by several Councils in the Wellington Region.
- (382) They have been discussed with the applicant and general agreement has been achieved.
- (383) I consider the proposed provisions relating to the management of identified flood hazard risks on the site provide a robust and comprehensive framework.

10.2.5 Ecology

- (384) The following submissions raise ecology matters:
- S4, S8, S11, S16, S18, S25, S27, S34, S41, S44, S45, S47
- (385) The main areas of concern raised in submissions relate to:
- Protection of wetlands
 - Protection of wildlife and waterways
 - Introduction and impacts of pets/domestic animals (on Pakuratahi Regional Park)
 - Need for an independent ecology report / biodiversity restoration plan / lizard survey
 - Impact of small lot sizes on wetlands and biodiversity,

- Need to limit development to protect biodiversity
- Pollution of waterways / Mitigate additional run-off into waterways
- Impact on birdlife

(386) Greater Wellington Regional Council (S40) raises the following ecology related issues:

- Ensure alignment with all relevant Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao recommendations
- Definitions - Amend the definition of Gabites Block Natural Area to include wetlands and waterbodies.
- SUB-DEV3-S4 - Include identified natural watercourses and wetlands in future site mapping and structure planning.
- SUB-DEV3-S4 - Establish development setbacks along identified watercourses, to create a riparian buffer.
- ECO / Slope Hazard Overlay - Consider opportunities to encourage the planting of the slopes and ridgeline outside of the natural area to native vegetation.
- DEV3-ECO-P2 / DEV3-ECO-R2 - remove 'identified' before 'biodiversity values'
- DEV3-ECO-Appendix-2: Biodiversity Offsetting and DEV3-ECO-Appendix-3: Biodiversity Compensation – Amend to be consistent with PNRP

(387) Fire and Emergency New Zealand (S30) raise the following firefighting ecology related issues:

- Amend DEV-3-ECO-R1 as follows:
DEV3-ECO-R1 – TRIMMING OR REMOVAL OF VEGETATION WITHIN A GABITES BLOCK NATURAL AREA
 1. *Activity Status: Permitted*

Where:

 - a. *The trimming or removal of vegetation is to:*
 - xi. For the creation or maintenance of a firebreak.*
- Introduce rules and standards (and associated matters of discretion) which require all new allotments, which will contain or adjoin retained or proposed vegetation of a flammable nature, to benefit from a defensible space between the external walls of new buildings and vegetation for the purposes of mitigating fire risk/spread.

Discussion

(388) For my assessment of ecology related effects I rely on expert advice from Sarah Budd, Principal Ecologist at Wildland Consultants Ltd, as well as the initial Ecological Assessment provided by the applicant. A discussion of ecology issues provided by Ms Budd is attached as Appendix 7 to this report.

(389) The main areas of concern raised by submitters relate to the impact of the proposed rezoning and subsequent development on existing terrestrial and aquatic biodiversity values. Submitters question whether the proposed provisions provide sufficient protection

of wetlands, waterways and wildlife (in particular birds, bats and lizards) and raise concern regarding the impact of domestic pets on existing wildlife.

(390) Submitters do not raise issues with the methodology used to identify areas of significance or the extent of the identified areas of significance. However, submitters seek the identification and protection of wetlands and waterways on the site.

(391) I accept the findings of the Ecological Assessment provided by the applicant in relation to the identification of Gabites Block Natural Areas and note Ms Budd's statement that while the areas identified as 'native scrub' in the Ecological Assessment may meet the criteria for Gabites Block Natural Areas ('GBNA') as they could provide habitat for protected native lizards and birds this can be appropriately identified and managed through the requirement for an ecological plan at time of first subdivision.

(392) In response to submissions the applicant proposes a number of amendments in relation to the ecology provisions of PPC55: I have summarised these amendments and provided comment below. The exact wording of the proposed amendments can be found in the next section called propose amendments.

Policy Links

(393) The applicant seeks to amend the subdivision policy relating to the Creation of Allotments where it relates to ecology to include a stronger link to the proposed ecology specific provisions of DEV3-ECO.

(394) I support the proposed amendment as it would provide greater clarity and a stronger link to the comprehensive policies of the ecology provisions for Development Area 3.

Ecological Plan Requirement

(395) The applicant proposes the introduction of a new policy that requires an ecological plan at the time of initial subdivision to identify and manage bat habitats, lizard habitats and nesting areas and provide for ongoing protection:

(396) I support the proposed policy as it would clearly outline the expectations and requirements in relation to bat, lizard and bird protection and support the requirements under the Wildlife Act.

(397) The applicant then proposes the addition of a new information requirement that requires the provision of an Ecological Plan for the first subdivision (controlled and restricted discretionary activity) under rule SUB-DEV3-R2.

(398) I agree with the proposed information requirement in general but recommend some further wording changes based on advice from Ms Budd.

(399) In addition, I recommend that the same information requirement is introduced to SUB-DEV3-R3 - Subdivision in the Hillside Area and Hilltops Area (where it includes the Ridgeline Protection Overlay). Consequentially the Matters of Discretion should also refer to SUB-DEV3-P7 (Ecology).

Protection of GBNAs

(400) The applicant recommends amending DEV3-ECO-P4 to include utility structures in the list of buildings and structures to be avoided within GBNAs.

- (401) I support the proposed amendment, considering there will be a strong reliance on on-site water supply, storage and disposal solutions that can have considerable adverse effects on the identified areas of significance. For the same reason, I recommend to also include a reference to sewage disposal fields.
- (402) I note that the proposed amendment to policy SUB-DEV3-P1 above will provide a stronger link to this policy. However, I also note that standard SUB-DEV3-S1 has not been amended accordingly and, while reference to locating building platforms and access outside of GBNAs to the Valley Flats Area and the Hilltop Basin Area this does not include utility structures. I therefore recommend the additional consequential amendment of the standard.
- (403) Furthermore, in response to issues raised in submissions and advice from Ms Budd, I also propose additional amendments to provide further guidance and clarity regarding the level of permitted trimming and removal of vegetation provided for by DEV3-ECO-R1.

Restoration and Maintenance of GBNAs

- (404) In response to issues raised by Greater Wellington Regional Council the applicant proposes wording changes to DEV3-ECO-R2. I agree with the proposed amendments.

Setbacks from Waterbodies

- (405) The applicant proposes the introduction of a new development standard that requires a minimum setback of buildings and structures from streams and natural wetlands. I agree with the proposed amendment.

Offsetting and Compensation Principles

- (406) Finally, in response to the submission from GWRC the applicant proposes to replace the proposed Offsetting and Compensation Principles frameworks with an updated version.
- (407) I support the proposed amendment, noting that Ms Budd has advised the proposed offsetting and compensation principles are generally supported but recommend the ‘ecological equivalence’ (i.e. like for like) as a separate principle would be appropriate. Furthermore, it is recommended the ‘long term outcomes’ should be replaced with ‘permanence’ and should include reference to legal mechanisms to ensure legal protection in perpetuity.

Proposed Amendments

- (408) As outlined above, the applicant proposes the following additional amendments to respond to submissions and expert advice:

Amendment 11

- (409) Amend the policy to link to the relevant ecology policies:

<u>SUB-DEV3 – Subdivision in Development Area 3</u>	
<u>Policies</u>	
<u>SUB-DEV3-P1</u>	<u>Creation of Allotments</u>
<u>Gabites Block Development Area</u>	Require subdivision to result in allotments that: 1. <u>Give effect to the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1;</u>

	<p>2. <u>Are of a size and shape that are sufficient to accommodate the anticipated use and development form for the applicable Area;</u></p> <p>3. <u>Are serviced by reticulated network utilities or on-site servicing <u>including adequate provision and access to a firefighting water supply; and</u></u></p> <p>4. <u>Achieve the requirements for Gabites Block Natural Areas set out in DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4;</u></p> <p>4. <u>Minimise the fragmentation of Gabites Block Natural Areas; and</u></p> <p>5. <u>Provide for buildings to be located outside any Gabites Block Natural Areas.</u></p>
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(410) Add a new policy relating to ecology

<u>SUB-DEV3-P7</u>	<u>Ecology</u>
<u>Gabites Block Development Area</u>	<p><u>Require the first subdivision in the Gabites Block Development Area to provide an Ecological Plan that covers the following:</u></p> <ol style="list-style-type: none"> 1. <u>Identify potential bat habitat;</u> 2. <u>Set out requirements to manage bats, should bats be identified in the site, and bat habitat be present in areas outside the Gabites Block Natural Areas that require vegetation clearance;</u> 3. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring survey of lizards.</u> 4. <u>Document pre-vegetation clearance monitoring of lizards;</u> 5. <u>Identify suitable lizard relocation areas;</u> 6. <u>Set out requirements for any lizard relocation;</u> 7. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring of nesting indigenous birds for vegetation clearance taking place in the nesting season September to February;</u> 8. <u>Set out requirements for managing nesting indigenous birds affected by proposed vegetation clearance in the nesting season September to February;</u> 9. <u>Specify the legal mechanism (consent notice on Record of Title) for ongoing protection of bat habitat or lizard relocation areas that are outside of Gabites Block Natural Areas or other protected land.</u>

Amendment 12

(411) Add a new information requirement to the rule:

<u>SUB-DEV3 – Subdivision in Development Area 3</u>	
<u>Rules</u>	
<u>SUB-DEV3-R2</u>	<u>All Subdivisions (Excluding Boundary Adjustments)</u>
<u>North-West Area, Valley Flats Area,</u>	<ol style="list-style-type: none"> 1. <u>Activity Status: Controlled</u> <u>Where:</u> <ol style="list-style-type: none"> a. <u>Compliance is achieved with:</u> <ol style="list-style-type: none"> i. <u>SUB-DEV3-S1;</u>

<p><u>Station Flats Area,</u> <u>Hilltops Area,</u> <u>Hilltop Basin Area</u></p>	<p>ii. ...</p> <p><u>Matters of Control are limited to:</u></p> <p>M1. <u>The matters in:</u></p> <p>a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P5;</u> e. <u>SUB-DEV3-P6; and</u> f. <u>SUB-DEV3-P7.</u></p> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p>R1. <u>An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p>R2. <u>For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>
	<p>2. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>b. <u>Compliance is not achieved with:</u></p> <p>i. <u>SUB-DEV3-S1;</u> ii. ...</p> <p><u>Matters of Discretion are restricted to:</u></p> <p>M1. <u>The matters in:</u></p> <p>a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3;</u> d. <u>SUB-DEV3-P4;</u> a. <u>SUB-DEV3-P5; and</u> e. <u>SUB-DEV3-P6; and</u> f. <u>SUB-DEV3-P7.</u></p> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p>R1. <u>An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p>R2. <u>For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>

(412) Amend rule to include the newly introduced policy for ecology to the matters of discretion and update information requirements.

SUB-DEV3-R3	All Subdivisions (Excluding Boundary Adjustments)
<p><u>Hilltops Area</u> <u>Hillside Area</u></p>	<p>1. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is achieved with:</u></p>

	<p>i. <u>SUB-DEV3-S1</u></p> <p>ii. <u>...</u></p> <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <p>a. <u>SUB-DEV3-P1;</u></p> <p>b. <u>SUB-DEV3-P2;</u></p> <p>c. <u>SUB-DEV3-P3; and</u></p> <p>d. <u>SUB-DEV3-P4; and</u></p> <p>e. <u>SUB-DEV3-P6; and</u></p> <p>f. <u>SUB-DEV3-P7.</u></p> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>1. A Landscape and Visual Assessment in accordance with SUB-DEV3-IR-1;</u></p> <p><u>2. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>3. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p>
	<p>2. Activity status: Discretionary</p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <p>ii. <u>SUB-DEV3-R3.1</u></p> <p>xxii. SUB-DEV3-S1</p> <p>xxiii. SUB-DEV3-S2;</p> <p>xxiv. SUB-DEV3-S3;</p> <p>xxv. SUB-DEV3-S4;</p> <p>xxvi. SUB-DEV3-S5;</p> <p>xxvii. SUB-DEV3-P6; or</p> <p>xxviii. SUB-RUR-S2.</p>

Amendment 13

- (413) Amend the standard relating to Minimum Allotment Size and Shape Factor to require the location of building platforms, access, utility structures and sewage disposal fields to be outside of GBNA's:

SUB-DEV3 – Subdivision in Development Area 3			
STANDARDS			
SUB-DEV3-S1	Minimum Allotment Size and Shape Factor		
	Minimum Allotment Size	Shape Factor	
North-West Area	<ul style="list-style-type: none"> • 400m² • 600m² average 	12m x 12m	

	<ul style="list-style-type: none"> • <u>1000m² if reticulated water supply is not available</u> • <u>2000m² if reticulated wastewater supply is not available</u> 		
Valley Flats Area	<ul style="list-style-type: none"> • <u>2000 m²</u> 	<u>10m x 15m, clear of access allotments and rights of way.</u>	<u>1. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
Station Flats Area	<ul style="list-style-type: none"> • <u>1000 m²</u> • <u>2000m² if reticulated wastewater supply is not available</u> 	<u>10m x 15m, clear of any yards, access allotments and rights of way</u>	
Hilltop Basin Area	<ul style="list-style-type: none"> • <u>1000 m²</u> • <u>2000m² if reticulated wastewater supply is not available</u> 	<u>10m x 15m, clear of any access allotments and rights of way.</u>	<u>1. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
Hilltops Area	<ul style="list-style-type: none"> • <u>2000 m²</u> • <u>4000m² minimum average</u> • <u>Note: For the avoidance of doubt, the 4,000m² minimum average must be calculated using the gross area of the Hilltops Area, which is 21.5 ha</u> 	<u>10m x 15m, clear of access allotments and rights of way.</u>	<u>1. Building platforms must be identified on the subdivision scheme plan;</u> <u>2. Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan;</u> <u>3. Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> <u>4. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
Hillside Area	<ul style="list-style-type: none"> • <u>1ha minimum,</u> • <u>2.5ha average</u> • <u>Note: For the avoidance of doubt, the 2.5ha average must be calculated using the gross area of the Hillside Area, which is</u> 	<u>n/a</u>	<u>1. Building platforms must be identified on the subdivision scheme plan.</u> <u>2. Access to each building platform including the location of the vehicle crossing must be</u>

	<u>21.5ha can include public open space vested with Council located within the Area.</u>		<p><u>identified on the subdivision scheme plan;</u></p> <p>3. <u>Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u></p> <p>4. <u>Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u></p>
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Amendment 14

- (414) Introduce a new information requirement for an Ecological Plan at the time of first subdivision.

<u>SUB-DEV3-IR-2</u>	<u>Ecological Plan</u>
<u>Gabites Block Development Area</u>	<p>The first application for subdivision under Rule SUB-DEV3-R2 must provide:</p> <p>1. <u>An Ecological Plan prepared by a suitably qualified person that covers the following:</u></p> <ul style="list-style-type: none"> a. <u>Identify potential bat habitat;</u> b. <u>Set out requirements to manage bats, should bats be identified in the site, and bat habitat be present in areas outside the Gabites Block Natural Areas that require vegetation clearance;</u> c. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring survey of lizards.</u> d. <u>Document results of pre-vegetation clearance monitoring survey of lizards;</u> e. <u>If lizards are found, prepare a Lizard Management Plan that includes the following:</u> <ul style="list-style-type: none"> i. <u>Identify ification of suitable lizard relocation areas;</u> ii. <u>Methodology to capture and relocate lizards;</u> iii. <u>Application for a Wildlife Act Authority to allow the relocation of lizards; and</u> iv. <u>Post-relocation monitoring and pest animal control (if required);</u> f. <u>Set out requirements for any lizard relocation;</u> g. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring of nesting indigenous birds for vegetation clearance taking place in the nesting season September to February (inclusive);</u> h. <u>Set out requirements for managing nesting indigenous birds affected by proposed vegetation clearance in the nesting season September to February (inclusive); and</u> i. <u>Specify the legal mechanism (e.g. consent notice on Record of Title) for ongoing protection of bat habitat or lizard relocation areas that are outside of Gabites Block Natural Areas or other protected land.</u>

Amendment 30

(415) Amend policy for clarity.

DEV3 - Development Area 3 - Gabites Block Development Area	
Ecology	
Policies	
DEV3-ECO-P3	Appropriate Use and Development in Gabites Block Natural Areas
<p>Enable vegetation clearance within Gabites Block Natural Areas for the following activities where the vegetation clearance is of a scale and nature that maintains the identified biodiversity values:</p> <ol style="list-style-type: none"> 1. Maintenance around existing buildings and network utilities; 2. Safe operation of roads, tracks and accessways; 3. Restoration and conservation activities; 4. Opportunities to enable tangata whenua to exercise customary harvesting practices; and 5. Provision of a cycleway or walkway through Gabites Block Natural Area 6. 	

(416) Amend policy DEV3-ECO-P4 to require legal protection and exclude utility structures and sewage disposal fields from GBNAs

DEV3-ECO-P4	Other Subdivision, Use and Development in Gabites Block Natural Areas
<p>Only allow subdivision, use and development in Gabites Block Natural Areas where the activity:</p> <ol style="list-style-type: none"> 1. Applies the effects-management hierarchy of DEV3-ECO-P2; 2. Takes into account the findings of an ecological assessment from a suitably qualified ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified biodiversity values in order to support the application of the effects management hierarchy of DEV3-ECO-P2; 3. Provides for the formal legal protection and ongoing active management of the Gabites Block Natural Area; 4. Minimises the land ownership fragmentation and physical fragmentation of the Gabites Block Natural Area as part of the subdivision, use or development; 5. Avoids locating Locates building platforms, and vehicle accessways, sewage disposal fields or utility structures in Gabites Block Natural Areas; 6. Minimises trimming or removal of indigenous vegetation to avoid loss, damage or disruption to the ecological processes, functions and integrity of the Gabites Block Natural Area; 7. Minimises earthworks in Gabites Block Natural Areas; and 8. Minimises the potential cumulative adverse effects of activities on the values of the Gabites Block Natural Area. 	

Amendment 31

(417) Amend rule to provide better guidance and clarity regarding the scope of permitted trimming and removal of vegetation:

DEV3 - Development Area 3 - Gabites Block Development Area	
Ecology	
Rules	
DEV3-ECO-R1	Trimming or Removal of Vegetation within a Gabites Block Natural Area
<p><u>Gabites Block Development Area</u></p>	<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. The trimming or removal of vegetation is to:</p> <ul style="list-style-type: none"> i. Address an imminent threat to <u>the safety of people or property and is undertaken by a suitably qualified arboricultural expert;</u> ii. Undertake natural hazard mitigation activity by a Crown Entity, Greater Wellington Regional Council, Upper Hutt City Council or their agent; iii. Ensure the safe operation of any formed public road or public walking or cycling track <u>where the vegetation removal is within the public road corridor and in the case of public walking or cycling tracks no greater than 1.0m from the formed track;</u> iv. Construct a cycleway or walkway through Gabites Block Natural Area <u>6 by Greater Wellington Regional Council, Upper Hutt Regional Council or their agent where vegetation removal is no greater than 2.5m in width to accommodate the track and associated track structures;</u> v. Maintain lawfully established private accessways where the removal of vegetation is within 1m of the accessway; vi. Maintain lawfully established buildings where the removal of vegetation is within 3m of the building; vii. Maintain lawfully established network utility or renewable electricity generation activities where the removal of vegetation is within 1m of the utility or renewable electricity generation activity; viii. Construct or maintain perimeter fences for stock or pest animal exclusion provided the removal of vegetation is within 1m of the fence; ix. Comply with section 43 or section 64 of the Fire & Emergency NZ Act 2017; or x. Enable tangata whenua to exercise traditional customary harvesting practices.
	<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> i. <u>DEV3-ECO-R3-1a.</u> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> a. <u>DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4.</u>

(418) Amend rule to better align with GWRC requirements:

DEV3 - Development Area 3 - Gabites Block Development Area	
Ecology	
Rules	
DEV3-ECO-R2	Restoration and Maintenance of Gabites Block Natural Areas
<u>Gabites Block Development Area</u>	<p>3. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The works are for the purpose of restoring or maintaining the identified values of the Gabites Block Natural Area by;</u></p> <p>i. <u>Planting eco-sourced, local, indigenous vegetation;</u></p> <p>ii. <u>Removing non-indigenous vegetation listed in the Greater Wellington Regional Pest Management Strategy 2019-2039;</u></p> <p>iii. <u>Carrying out pest animal and pest plant control activities;</u></p> <p>iv. <u>Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or</u></p> <p>v. <u>Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977.</u></p>
	<p>4. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>b. <u>Compliance is not achieved with:</u></p> <p>i. <u>DEV3-ECO-R3-1a.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>M2. <u>The matters in:</u></p> <p>a. <u>DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4.</u></p>

Amendment 39

(419) Add a new standard requiring buildings and structures to be set back from waterbodies

DEV3 - Development Area 3 - Gabites Block Development Area		
Gabites Block Area Use and Development		
STANDARDS		
DEV3-S14	Minimum Setbacks from Waterbodies	
<u>Gabites Block Development Area</u>	<u>Buildings and structures must be set back at least 10m from natural wetlands or streams (measured from the highest annual bank-full flow).</u>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The siting of buildings and structures;</u></p> <p><u>M2. The ability to access the waterway for maintenance and stream network enhancements.</u></p>

Conclusion

- (420) Overall, I consider the proposed provisions subject to the additional amendments identified above to provide a robust and comprehensive framework that appropriately addresses identified issues and delivers sufficient guidance for future subdivision and land use consent processes.

10.2.6 Tangata Whenua Matters

- (421) No submissions have been received from Ngāti Toa Rangatira or Port Nicholson Block Settlement Trust. Feedback from Wellington Tenths Trust on the Request (Dated 2/3/22) sought an accidental discovery protocol.

- (422) The applicant proposes the introduction of an Accidental Discovery Protocol (ADP) for Development Area 3 to the Earthworks provisions of the Operative District Plan as follows:

Amendment 14A

GENERAL DISTRICT-WIDE MATTERS			
EW- Earthworks			
Permitted Activities			Zones
EW-R1	Earthworks which meet the standards under EW-S1 to EW-S16S17 <u>Note: The Accidental Discovery Protocol in Appendix 2 applies to earthworks in Development Area 3.</u>	PER	All

Restricted Discretionary Activities			Zones
EW-R9	Earthworks which do not meet the standards under EW-S1 to EW-S16S17 unless specifically identified as a Discretionary or Non-Complying Activity Council will restrict its discretion to, and may impose conditions on: (1) Avoiding, remedying or mitigating effects related to the standard in question. (2) Financial contributions. (3) In addition to the above, within the Mount Marua Structure Plan Development Area, consistency with the Mont Marua Structure Plan. <u>Note: The Accidental Discovery Protocol in Appendix 2 applies to earthworks in Development Area 3.</u>	RDIS	All

- (423) I accept and agree with the proposed amendment.

10.2.7 Other

- (424) Other issues raised

Noise

- (425) Submissions that relate to noise include

- S8, S21, S29, S34, S44, S46

(426) The main areas of concern raised in submissions relate to:

- Noise from additional traffic
- Noise from residential development (in particular of the North-West Area)
- Noise pollution from directly abutting residential properties
- Noise from boy racers on proposed roads

(427) The private plan change proposes the introduction of new noise provisions that would apply in the Gabites Block Rail Corridor Area and require new buildings in that area to comply with certain noise insulation and mechanical ventilation requirements.

(428) The private plan change as notified does not propose any changes to the existing NOISE chapter of the ODP to include references to the newly introduced Settlement Zone or the newly introduced Development Area 3. This creates uncertainty as to which of the area specific standards apply, if they apply at all.

(429) I consider that while the proposed rezoning and additional development may result in additional noise, this would be acceptable as long as the noise levels are controlled by the underlying noise provisions of the District Plan. I therefore recommend the following additional amendments.

Amendment 17A

GENERAL DISTRICT-WIDE MATTERS															
NOISE															
Rules															
Standards for Permitted Activities															
NOISE-S1 Policies NOISE-P1, NOISE-P2	Noise from construction and demolition (1) The maximum noise levels from construction -or demolition activities, measured at or within the boundary of any site (other than the source site) in Residential and Open Space Zones, and immediately outside residential units in the General Rural, Rural Production, and Rural Lifestyle <u>and Settlement</u> Zones, shall not exceed the following levels: <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2">Mon to Sat 7:00am - 7:00pm</th> <th colspan="2">All other times, Sundays & public holidays</th> </tr> <tr> <th>LeqdBa</th> <th>LmaxdBa</th> <th>LeqdBa</th> <th>LmaxdBa</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">75</td> <td style="text-align: center;">90</td> <td style="text-align: center;">45</td> <td style="text-align: center;">75</td> </tr> </tbody> </table>			Mon to Sat 7:00am - 7:00pm		All other times, Sundays & public holidays		LeqdBa	LmaxdBa	LeqdBa	LmaxdBa	75	90	45	75
Mon to Sat 7:00am - 7:00pm		All other times, Sundays & public holidays													
LeqdBa	LmaxdBa	LeqdBa	LmaxdBa												
75	90	45	75												
Notes <ul style="list-style-type: none"> • Noise levels shall be measured in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise. • The definitions of dBA, Leq and Lmax are those found in NZS 6803:1999. 															
NOISE-S3 Policies NOISE-P1 NOISE-P2	Noise from all other activities (1) The following noise rules shall not apply to: <ul style="list-style-type: none"> (a) Normal agricultural and forestry practices undertaken for a limited duration. (b) Normal residential activities such as lawn mowing. (c) Noise generated by sirens and alarms used by emergency services. 														

Amendment 11

SUB-DEV3 – Subdivision in Development Area 3	
Policies	
SUB-DEV3-P2	Transport Network
<u>Gabites Block Development Area</u>	<p>Require subdivision to:</p> <ol style="list-style-type: none"> 1. <u>Provide transport corridors in accordance with the Gabites Block Road Typologies in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1;</u> 2. <u>Provide for no more than three road intersections with Maymorn Road (that are additional to the number of road intersections existing at 1 December 2021);</u> 3. <u>Avoid providing direct private property vehicle access onto Maymorn Road; and</u> 4. <u>Avoid providing street lighting. Only provide street lighting that:</u> <ol style="list-style-type: none"> a. <u>Is essential for safety;</u> b. <u>Supports rural character by minimising glare, light trespass and skyglow; and</u> c. <u>Uses bollard height lights in preference to standard height light poles unless standard height light poles are essential for safety.</u>

Amendment 16

GENERAL DISTRICT-WIDE MATTERS		
LIGHT - Light		
Standards for Permitted Activities		
<u>LIGHT-S3</u>	<u>Sky Glow</u>	<u>Development Area 3</u>
<u>Policies LIGHT-P1</u>	<u>Outdoor artificial lighting must not exceed an upward light ratio of 3%</u>	

(435) I consider the proposed amendments appropriately address the issues raised in submissions relating to lighting and provide a robust framework to address any lighting effects at the time of subdivision and development.

Pollution

(436) Submissions S27, S28, S29 and S34 raise concerns relating to additional air pollution caused by the additional residential development enabled by the private plan change, mainly from additional traffic and heating.

(437) Under s30 of the RMA the control of air quality and pollution is a function of the Regional Council.

Earthworks

(438) Greater Wellington Regional Council (S40) raises the following earthworks related issue:

- DEV3-NH-P1 – Add requirement to retain silt and sediment on the site.

(439) Current Earthworks provisions of the ODP require sediment retention and run-off controls to ensure there is no contamination of natural water by sediment (EW-S6) and also require

earthworks to be undertaken in accordance with the relevant provisions of the Code of Practice for Civil Engineering Works (EW-S8).

(440) I note that PPC55 as notified does not propose any amendments to the operative Earthworks Chapter of the District Plan. As a consequence, the relevant earthworks standards that do not apply in all zones but are zone specific are would not apply to the plan change site (due to a lack of reference to either the newly introduced Settlement Zone or the newly introduced Development Area 3).

(441) In response the applicant recommends the following additional amendments:

Amendment 14A

GENERAL DISTRICT-WIDE MATTERS		
EW- Earthworks		
Standards for Permitted Activities		Zones
EW-S2 <i>Policies</i> EW-P1, EW-P2	(1) Existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m. Exemption (2) The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Section 3.1) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.	<i>General Rural</i> <i>Rural Production</i> <i>Rural Lifestyle</i> <i>Open Space</i> <i>Development Area 2</i> <u>Development Area 3</u>
<u>EW-S17</u> <i>Policies</i> <u>EW P1</u> , <u>EW P2</u>	<u>(1) Permanent cuts must be formed at no greater than 26 degrees in soil and 55 degrees in rock; and</u> <u>(2) Filling must be completed in accordance with NZS:4431:1989 Code of practice for earth fill for residential development.</u>	<u>Development Area 3</u>

(442) As mentioned above the applicant also proposes to introduction of an Accidental Discovery Protocol for Development Area 3.

(443) I consider the proposed amendments outlined above sufficiently address the identified issues.

Development Capacity

(444) Greater Wellington Regional Council (S40) raises the following development capacity related issue

- SUB-DEV3-S1 - Increase the development density to maximise the number of dwellings on the site, within the identified constraints.

(445) I consider that the proposal maximises the development potential of the site, considering the significant limitations, such as water supply and wastewater capacity issues, the topography of the site and resulting slope stability issues, and the required protection of areas of significant indigenous biodiversity. The proposal also responds to the low density character of the surrounding development and identified landscape and amenity values.

The potential development yield of 457 dwellings suggested in the Housing and Business Capacity Assessment does not appropriately reflect constraints and limitations of the site.

Social Infrastructure

(446) Submissions that relate to social infrastructure include:

- S10, S17, S22, S25, S34, S39, S44

(447) The main areas of concern raised in submissions relate to:

- Capacity of existing schools
- Impact on / lack of health services, policing

(448) Social infrastructure required to support the proposed development is likely to be available or, if required, able to be established at the time of subdivision and development. Consultation with the Ministry for Education at the time of subdivision is recommended.

Construction Effects

(449) Submissions that relate to construction effects include:

- S15, S21, S29, S38, S46

(450) The main areas of concern raised in submissions relate to:

- sediment run-off
- construction traffic

(451) I consider the potential adverse effects of construction can be appropriately addressed through a construction management plan that will be required at consenting stage and the existing air, noise and earthworks provisions in the District Plan.

Financial Contributions

(452) Submissions that relate to financial contributions include:

- S2, S5, S12, S25, S37

(453) The main areas of concern raised in submissions relate to:

- The cost for new and upgrading of existing infrastructure and roading should be borne by the developer, not Council/ratepayers
- Cost for new or upgrade to existing community facilities and urban design features
- All infrastructure costs must be borne by applicant

(454) Financial contributions are set by Council and apply to any development, including the future development envisaged by the proposed plan change. Any changes to Council's contributions policy are outside the scope of the private plan change request.

(455) I note that the applicant included a subdivision policy which requires the first subdivision in the Valley Flats Area adjust the boundary of Maymorn Road to provide for a future cycleway and walkway.

Zoning Changes to Surrounding Areas

(456) Submissions that relate to the zoning of surrounding areas include

- S1, S37, S48

(457) The main areas of concern raised in submissions relate to:

- proposed Settlement Zone should also apply to neighbouring properties on Maymorn Road
- allow rural lifestyle subdivision on Parke Line Road

(458) The requested zone changes to surrounding properties are outside the scope of the private plan change request. Council is currently undertaking a full review of the rural zones, which is expected to be notified in 2023.

Reverse Sensitivity

(459) Submissions S11 and S29 raise concerns regarding the potential reverse sensitivity effects from additional residential development on existing rural activities and rural noise, including the impact of pets on livestock and wildlife.

(460) I note that it is common to have an interface between rural and urban areas. In this case the newly introduced residential areas would be directly adjacent to land that is currently zoned residential (along the western portion of the northern boundary) and Rural Lifestyle (along the eastern portion of the northern boundary). The land abutting the site to the east is currently zoned as General Rural but owned by Greater Wellington (please refer to Greater Wellingtons submission point below). All other surrounding land is separated from the plan change site either by a Maymorn Road or the train line and train station.

(461) I consider that any reverse sensitivity issues depend largely on the design and layout of future subdivision and can be appropriately identified, considered and addressed at the subdivision and resource consent stage.

(462) Greater Wellington Regional Council (S40) raises the following issue:

- DEV3-S6 – Require setback for houses from eastern boundary to protect from future forestry harvest.

(463) While any effect from future forestry harvest should be able to be contained within the site I consider the proposed 3m setbacks from side and rear boundaries to create a sufficient buffer.

Agriculture / Productive Soil

(464) Submission S43 seeks that the site is retained for agriculture while submission S48 considers the site does not contain productive soil.

(465) Appendix 8 of the private plan change request contains a Desktop Soil and Land Use Capability Assessment. The assessment concludes that the plan change site has undergone significant modification and that any remaining areas of intact soil are highly fragmented.

(466) The recently released National Policy Statement for Highly Productive Land 2022 ('NPS-HPL') provides regulations and guidance in relation to the management of highly productive land (Class 1, 2 and 3) in rural areas. While focused on the protection of identified highly productive land, the NPS-HPL does not apply to land that has been identified to accommodate future growth. As the site has been identified by Council as one of four edge expansion areas in its 2016 Land Use Strategy, the NPS-HPL does not apply to this

property. In any event, based on the Soil and Land Use Capability Assessment provided by the applicant I note that any productive soils on the site are highly fragmented, and therefore there would be reduced productive value from the site.

Eco-Village / Passive Home Standard

- (467) Submission S25 seeks that new houses should be required to meet passive home standards.
- (468) I consider the reference to previous development concepts and the requirement for new development to meet passive home standards to be outside the scope of this private plan change.

Property Value

- (469) Submission S33 is concerned about the impact of the proposed development on the saleability of their property.
- (470) Generally, it is a well-established principle that effects on property values are not a resource management consideration.

10.3 Amendments to Proposed Provisions (if applicable)

- (471) The proposed additional amendments to the PPC55 provisions as notified that have been discussed above, have been summarised and attached as Appendix 1 to this report.

11 Section 32 / Section 32AA

- (472) I have reviewed and assessed the changes proposed by the private plan change request. I generally agree with the assessment undertaken by the applicant within their s32 Evaluation Report.
- (473) An initial s32AA assessment of the additional changes proposed by the applicant and in this report will be provided as a separate document and is expected to be subject to further changes in response additional amendments and the outcome of the hearing.

12 Achieving the Purpose of the Act

- (474) I have set out what I consider to be the relevant clauses of Part 2 of the RMA in section 7 of this report. All matters must be considered against whether they achieve the purpose of the RMA itself, that is, section 5.
- (475) Based on the proposed additional amendments I generally consider that PPC55 meets the relevant principles and the purpose of the RMA. As discussed above the only outstanding issues relates to the identification and appropriate management of the flood hazards on the site. I consider that on the basis of the evidence available to me at the time of writing this report, the private plan change would meet the purpose of the RMA and the relevant principles (subject to the resolution of outstanding flood hazards issues). This is for the reasons that:
- The proposed rezoning generally aligns with Council's intended initial proposed draft zoning identified within draft PC50, which is under ongoing review.

- The rezoning gives effect to Council’s growth intentions in this area as identified in the 2016 Land Use Strategy.
- The proposed areas that are introduced through the Structure Plan will result in a character that is compatible with the character of the surrounding area.
- Subdivision in the proposed areas appropriately reflects the opportunities and constraints of these areas.
- Areas containing significant biodiversity values have been identified in accordance with Policy 23 of the RPS and are protected through the introduction of specific provisions.
- Landscape and visual effects of future subdivision and development are managed through a comprehensive framework that responds to the specific characteristics of each area and aligns with the landscape’s capacity to accommodate change and development.
- Transport effects have been considered and responded to through the planned provision of a shared user path along Maymorn Road to improve multi-modal connections along and within the plan change site.
- Infrastructure limitations have been identified and a robust framework has been developed to ensure any limitations can be suitably addressed at the subdivision and development stage.
- Geotechnical and natural hazard matters in relation to high slope hazards have been identified and addressed through the introduction of site specific provisions that manage slope hazards as well as uncertainties regarding ground stability due to previous undocumented fill areas.
- While there is still ongoing discussion between the relevant experts regarding the exact extent of flood hazards on the site, there is general agreement that the risk from the flood hazards need to be addressed at the plan change stage. A site specific framework that manages future buildings within the identified flood hazards (once agreed) has therefore been added to the private plan change. The proposed framework will provide for *the management of significant risks from natural hazards* as required by s6(h) of the RMA
- The proposed rezoning will provide for additional residential development to address the ongoing high demand for housing while also offering a range of housing options at different densities.

13 Conclusion

(476) I have considered the relevant matters in s32 and addressed the appropriateness of the proposed private plan change provisions through this report. I conclude that the private plan change as notified, subject to

- the additional amendments proposed by the applicant and in this report in response to submissions as outlined in Appendix 1 to this report; and
- the resolution of outstanding disagreement in relation to the flood hazard extent on the site

will meet the overall purpose of the RMA.

14 Recommendation

(477) Based on the information and evidence available to me at this time I recommend that the Hearing Panel makes the following recommendation to Council:

That pursuant to Clause 29(4) of Schedule One of the Resource Management Act 1991, Council:

1. Accepts, rejects, accepts in part or rejects in part submission points as recommended in Appendix 2;
2. Approves Private Plan Change 55 with modifications
 - a. in accordance with the reasons set out in the report above; and
 - b. modified in accordance with the further amendments to the proposed Plan Change recommended in Appendix 13 of this report; and
 - c. subject to the resolution of the outstanding issue relating to the exact extent of flood hazards on the site.

Report prepared by



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Appendices

Appendix 1 – Proposed Amendments to PPC55 as notified – to be added

Appendix 2 – Recommended Decisions on Submissions – to be added

Appendix 3 – Full Wording of PNRP Relevant Objectives and Policies – final

Appendix 4 – Landscape Evidence – final

Appendix 5 – Transport Statement - final

Appendix 6 – Infrastructure Evidence– to be added

Appendix 7 – Ecology Statement – final

Appendix 1 – Proposed Amendments to PPC55 as notified

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Appendix 4 – Landscape Evidence

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Appendix 7 – Ecology Statement