

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY UPPER HUTT CITY COUNCIL**

IN THE MATTER of the Resource Management
Act 1991 (RMA)

AND

IN THE MATTER of the Intensification
Planning Instrument change
to the Operative Upper Hutt
District Plan

**ADDENDUM TO STATEMENT OF EVIDENCE OF ANDREW BROWN CUMMING
PLANNING
27 APRIL 2023**

Section 32AA

- 1.** This is to provide a section 32AA assessment (Attachment 1) in respect of the relief sought by The Heretaunga Company Ltd and The Heretaunga Company No.2 Ltd (Submission 71), which is to rezone the Heretaunga Company site to Mixed Use Zone.
- 2.** The assessment should be read in conjunction with my statement of evidence and with the s32 Report Volume 3: Commercial and Mixed Use Zones.
- 3.** I have not provided a s32AA assessment for other two sites discussed in my evidence. For those sites I rely on the s32 Report and the s42A Report.
- 4.** I have followed the format set out in the s32 Report Volume 3: Commercial and Mixed Use Zones, Section 31. Zone Framework.

DATED this 27th day of April 2023

A large black rectangular redaction box covering the signature of Andrew Cumming.

Andrew Cumming

Attachment 1

Section 32AA Assessment for the Heretaunga Company Site

Evaluation of reasonably practicable options				
Option	Relevance <i>Is the option related to addressing the resource management issues?</i>	Achievability <i>Can the option achieve the outcome / objective? Is it within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.</i>	Acceptability / Reasonableness <i>How acceptable is this to the community? What are the likely effects on the community – ie widespread or limited.</i>	Recommendation
<p>Option 1 Status Quo – Special Activity Zone</p>	<p>This option does not address the resource management issues. The existing SAZ seeks to manage an educational facility land use that no longer exists. The SAZ does not provide a coherent planning framework for the current or anticipated activities on the site.</p>	<p>This option will not achieve the objectives which seek well-designed city centre or a well-functioning urban environment.</p>	<p>The status quo has a low level of acceptability / reasonableness due to the high transaction costs imposed on both the landowner and the council on behalf of the community. The high transaction costs arise from the fact that few activities are enabled and the objectives and policies do not provide satisfactory direction or certainty for resource consent applicants or decision makers. The</p>	<p>Discard – The SAZ is not fit for purpose for the site.</p>

			uncertainty of outcomes is also likely to lead to opportunity costs for the landowner.	
Option 2 Rezone to Mixed Use Zone	A Mixed Use Zone relates well to the resource management issues that arise from the current and anticipated range of activities on the site, which include business, recreation, education and residential.	The MUZ provides an appropriate level of permitted building bulk and location and enables a range of activities that are compatible with each other in a mixed use setting. The objectives and policies express the outcomes desired for the zone and provide direction and guidance for consent applicants and decision makers. The MUZ would contribute to a well-functioning urban environment.	The MUZ provides for appropriate levels of amenity within the site and for neighbouring sites. The MUZ provides an appropriate level of enablement for activities that will support the community's social, cultural and economic wellbeing.	Select – the MUZ provides an appropriate planning framework for the site.
Option 3 – Rezone to a centre zone, business zone or residential zone	A business zone or residential zone would not satisfactorily address the effects of the current and anticipated mix of activities on the site. A centre zone would potentially manage a mix of activities but would not satisfactorily fit with the definition of a centre or the	This option will not achieve the objectives which seek well-designed city centre or a well-functioning urban environment.	A centre zone in particular would potentially conflict with the council's aspirations the range, location and hierarchy of centres.	Discard – the other available zones provide a less appropriate planning framework for the site than the MUZ.

	council's aspirations for centres.		
Evaluation of Preferred Option Against Objective(s)			
	Costs	Benefits	
Environmental	No environmental costs have been identified.	Enables better management of effects within and beyond the site.	
Economic	No economic costs have been identified.	Enables appropriate development of the site with consequent economic benefits through job creation and provision of services. Reduces the transaction costs imposed by inappropriate consent thresholds.	
Social	No social costs have been identified.	The site is developing into a regionally and nationally significant sports facility with additional business and residential resources.	
Cultural	No cultural costs have been identified.	The site is developing into a regionally and nationally significant sports facility with additional business and residential resources.	
Economic growth provided or reduced	Enables appropriate development of the site with consequent economic benefits through job creation and provision of services. Reduces the transaction costs imposed by inappropriate consent thresholds and the costs of foregone opportunities.		
Employment opportunities	The enablement of the site's development will provide new and ongoing employment opportunities.		
Uncertain or insufficient information	Sufficient information is available on the site's current and anticipated use. Rezoning to MUZ would remove uncertainty.		
Risk of acting or not acting	The risk of not acting is significant. Not acting would lead to sub-optimal outcomes for the development of the site. In term of acting, the provisions of the MUZ are well set out and well understood and provide a satisfactory level of certainty		

	of outcome.
Effectiveness	
The MUZ provisions are well set out and well understood and provide a satisfactory level of certainty of achieving the outcomes sought by the objectives and the overriding outcome of a well-functioning urban environment.	
Efficiency	
The MUZ provisions offer the most efficient planning framework for the site to achieve the desired outcomes while appropriately managing adverse effects.	
Summary	
The MUZ is a more appropriate zone for the site than SAZ, centres zone, business zone or residential zone.	
The MUZ provides an appropriate level of permitted building bulk and location and enables a range of activities that are compatible with each other in a mixed use setting. The objectives and policies express the outcomes desired for the zone and provide direction and guidance for consent applicants and decision makers.	
The MUZ would ensure the site's development contributes to a well-functioning urban environment.	