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INTRODUCTION TO THE PLAN

1.1

Setting the Scene

1.1.1

What is a District Plan?

The District Plan (the Plan) must be prepared, implemented and administered to assist the Council in meeting its responsibilities under the Resource Management Act 1991 (RMA).

It is intended to meet the objectives of the community with the principle of sustainable management at its core. Consultation with the public is required for any changes or updates to the Plan's content or objective.

Under Section 79 of the RMA, the Plan maintains its relevance with monitoring provisions throughout the life of the Plan, while the entire Plan must be reviewed within 10 years of being publicly notified.

1.1.2

District Context

Upper Hutt City is in the Greater Wellington Region, covering 43,400 hectares. Approximately 92% of land is rural zoned, with about 90% of that owned by Greater Wellington Regional Council and the Department of Conservation.

The urban environment of Upper Hutt predominantly lies within the valley floor, surrounded by forested hills along the eastern and western aspects. The Hutt River travels through the valley, flowing towards the Wellington Harbour. The natural features of the Hutt Valley contribute to the District's overall identity, creating recreational opportunities and establishing ecological value.

These natural environment qualities are a major drawcard for the over 42,000 people who call Upper Hutt home.

1.2

Planning under the Resource Management Act

1.2.1

Resource Management Act 1991 and sustainable management

The purpose of the Plan is to enable the Council to carry out its functions under the RMA. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined in the RMA as:

“Managing the use, 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...”

The RMA establishes a framework for integrated management that addresses the effects of activities on the environment. Section 31 of the RMA delegates Territorial Authorities with the responsibility to mitigate the adverse effects of development, hazardous substances and natural hazards. The Plan is one of the key documents in achieving these sustainable management responsibilities within the Upper Hutt District.

1.2.2

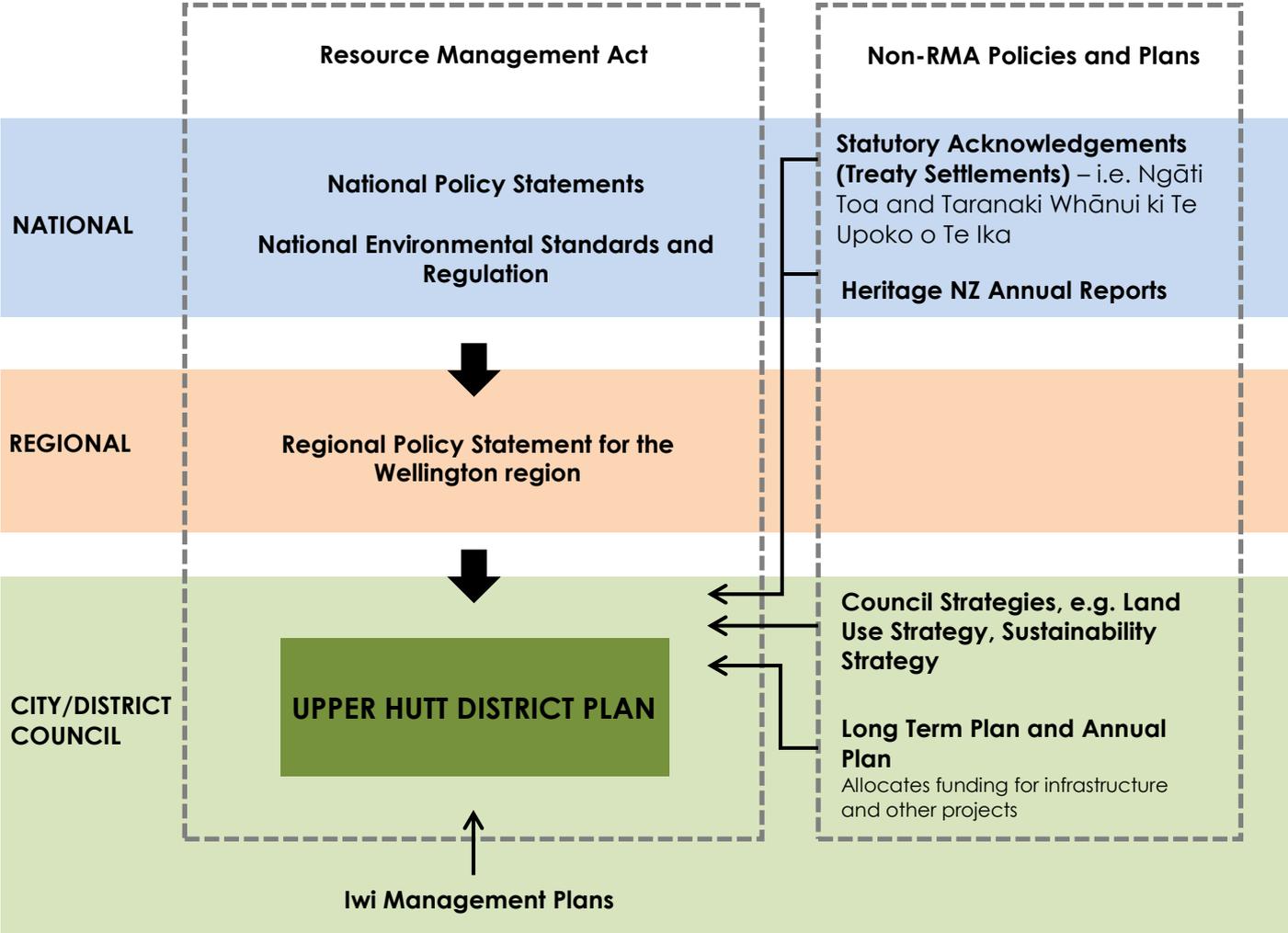
Relationship with other Resource Management Act documents

The RMA provides for a hierarchy of planning and policy instruments to give national, regional and district planning direction. A District Plan must give effect to, and have regard to, several other statutory planning mechanisms and documents. Table 1 below summarises these obligations:

Must give effect to:	Must have regard to:
<ul style="list-style-type: none">• any national policy statement;• any New Zealand coastal policy statement; and• any operative regional policy statement.	<ul style="list-style-type: none">• any proposed regional policy statements;• management or strategy plans prepared under other Acts;• obligations under the Heritage New Zealand Pouhere Taonga Act 2014;• any requirements to be consistent with adjoining proposed or operative District Plans;

Diagram 1, below, details how these plans create a hierarchy of documentation which guide development of the District Plan.

Diagram 1 – Relationship between RMA and non-RMA documents and the District Plan



Central government may provide policy direction on resource management issues of national importance. This is achieved through National Policy Statements and National Environmental Standards, which the District Plan must give effect to. The Plan must also not be inconsistent with any regional plan or water conservation order.

Iwi management plans are a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. They reflect iwi/hapū aspirations as local kaitiaki and highlight resources of importance. The RMA requires that iwi management plans are taken into account when preparing Plans. At the time of preparing this chapter, there were no relevant iwi management plans for Upper Hutt.

1.2.3

Relationship with other non-RMA documents

Outside of the RMA, there are other pieces of legislation, policies and plans that influence the District Plan, as outlined above (see Diagram 1).

Statutory Acknowledgements from Treaty Settlements

Treaty Settlements are an agreement between the Crown and a Māori claimant group (usually an iwi or large hapū) to settle all of that claimant group's historical claims against the Crown. The Statutory Acknowledgements relevant to Upper Hutt are with Ngāti Toa Rangatira and Taranaki Whānui ki to Upoko o Te Ika. These relationships are detailed further in the Tangata Whenua section below.

Pouhere Taonga - Heritage New Zealand:

The New Zealand Heritage List/Rārangi Kōrero is prepared under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage List includes buildings, places and sites that are of social or outstanding historical or cultural significance or value. The heritage items listed in the District Plan come from this list, as well as additional items that have been deemed to be worth protecting from a local perspective.

Other Council policies and plans:

Although the Plan is the primary method of fulfilling Council's resource management obligations, the Plan has also been influenced by other Council policies and plans that are produced under various Acts. The relevant documents that have been considered during the development of this Plan include:

- The 2016-2043 Land Use Strategy;
- The 2015-2025 Long Term Plan and any Annual Plans;
- The 2012-2022 Sustainability Strategy;
- The 2014 Arts, Culture and Heritage Strategy; and
- Any Council Code of Practice.

The Land Use Strategy was adopted in September 2016 and is of particular importance as it represents the community's objectives over the next 30 years. It highlights the growth expected within this period and establishes a strategy based on these estimates. The strategy is reflective not only of local council plans, but also with national and regional strategic direction, further increasing its relevance to this Plan.

As the Upper Hutt City Council continues to monitor and review its various strategies and plans, there may be a requirement for the Plan to be reviewed to maintain consistency across Council documentation. Therefore, the above list only represents documents relevant at the time of writing.

1.2.4 Relationships with neighbouring Councils

Upper Hutt shares boundaries with Kāpiti Coast District Council to the northwest, Porirua City Council to the west, the Hutt City Council to the south and South Wairarapa District Council to the east. Therefore, developments may straddle jurisdictional boundaries. These districts are located within the region administered by the Greater Wellington Regional Council. To ensure cross boundary issues are addressed the following actions will be undertaken:

1. Consult with the adjoining territorial authorities and the Greater Wellington Regional Council, where appropriate, to ensure that cross-boundary issues and relevant roles and responsibilities are dealt with consistently and compatibly.
2. Advise adjoining territorial authorities and the Greater Wellington Regional Council of resource consent applications or District Plan changes which may have potential cross-boundary or obligatory statutory effects.
3. Consult with other authorities and organisations whose interests cross the territorial boundaries, and are potentially affected by plan changes or resource consent application for example utility providers, and the Department of Conservation.

1.3 Tangata Whenua

1.3.1 The Resource Management Act and Tangata Whenua

Under the RMA, local authorities must recognise and provide for the relationship with Māori and recognise their ancestral rights to land and cultural traditions. The Regional Policy Statement recognises and provides for matters of significance to tangata whenua. As such, the Plan must remain consistent with these principles.

The Plan must also have particular regard to local kaitiakitanga principles. Section 2 of the RMA defines this as:

“...the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.”

This section of the Plan is intended to acknowledge the requirement to represent these cultural values in the Upper Hutt District Plan. Chapter 11 (Heritage) of the Plan identifies cultural heritage issues and objectives within Upper Hutt. Both this section and Chapter 11 will be reviewed and updated as required during the rolling review of the Plan.

1.3.2

Te Tiriti o Waitangi – Treaty of Waitangi

The RMA emphasises the principles of the Treaty of Waitangi in planning for sustainable management. There are two Treaty settlements that relate to iwi in the Wellington Region (and Upper Hutt). These are the Ngāti Toa Rangitira settlement and the Taranaki Whānui ki Te Upoko o Te Ika settlement.

Ngāti Toa Rangitira

The Ngati Toa Rangitira Deed of Settlement was signed in 2012. Ngāti Toa’s area of interest covers the lower North Island, including the Hutt Valley, as well as large areas of the upper South Island.

The Statutory Acknowledgement of Ngāti Toa Rangitira requires the Crown (including councils) to recognise certain areas within Ngāti Toa Rangitira’s area of interest in Upper Hutt.

Taranaki Whānui ki Te Upoko o Te Ika

Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui) is a collective that comprises of Te Ātiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others whose ancestors migrated to Wellington in the 1820s and 30s and who signed the Port Nicholson Block Deed of Purchase in 1839.

The Statutory Acknowledgement of Taranaki Whānui requires the Crown (including councils) to recognise certain areas within Taranaki Whānui area of interest in Upper Hutt.

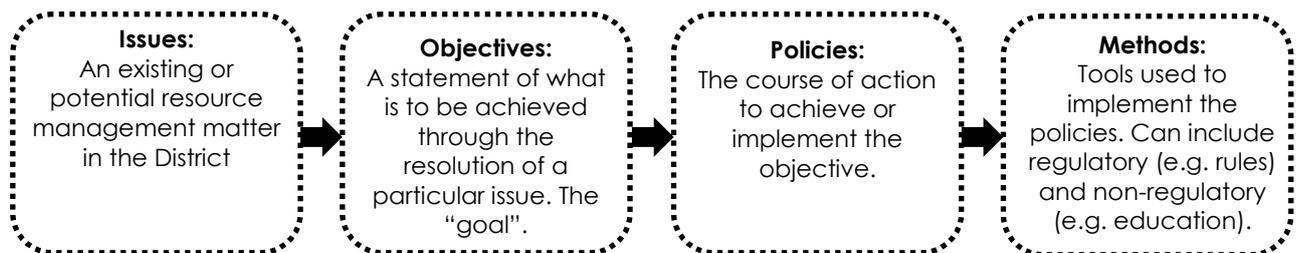
These settlements include Statutory Acknowledgements which register the special association an iwi may have with an area or site. They enhance the iwi's ability to participate in specified RMA processes.

1.4 Structure of the District Plan

1.4.1 Plan formation

The District Plan identifies issues that highlight existing or potential resource management problems. These then form objectives, policies, and methods to resolve identified issues (e.g., rules). This flow of information is detailed in Diagram 2 below:

Diagram 2: Plan formation



Issues may be specific to zones, or may be found across the District and therefore are relevant for multiple zones. Examples of such issues which may be relevant to multiple zones are those related to earthworks, natural hazards, heritage, landscape and ecology.

1.4.2 Zones

The technique of zoning is used as the principle method for managing the effects of activities to enable sustainable management of resources. Zoning recognises the different environments within the City and the effects that different activities have on those environments.

The District Plan contains the following core zones:

- Residential Zone
- Rural Zone
- Business Zone
- Open Space Zone
- Special Activities Zone

1.4.3

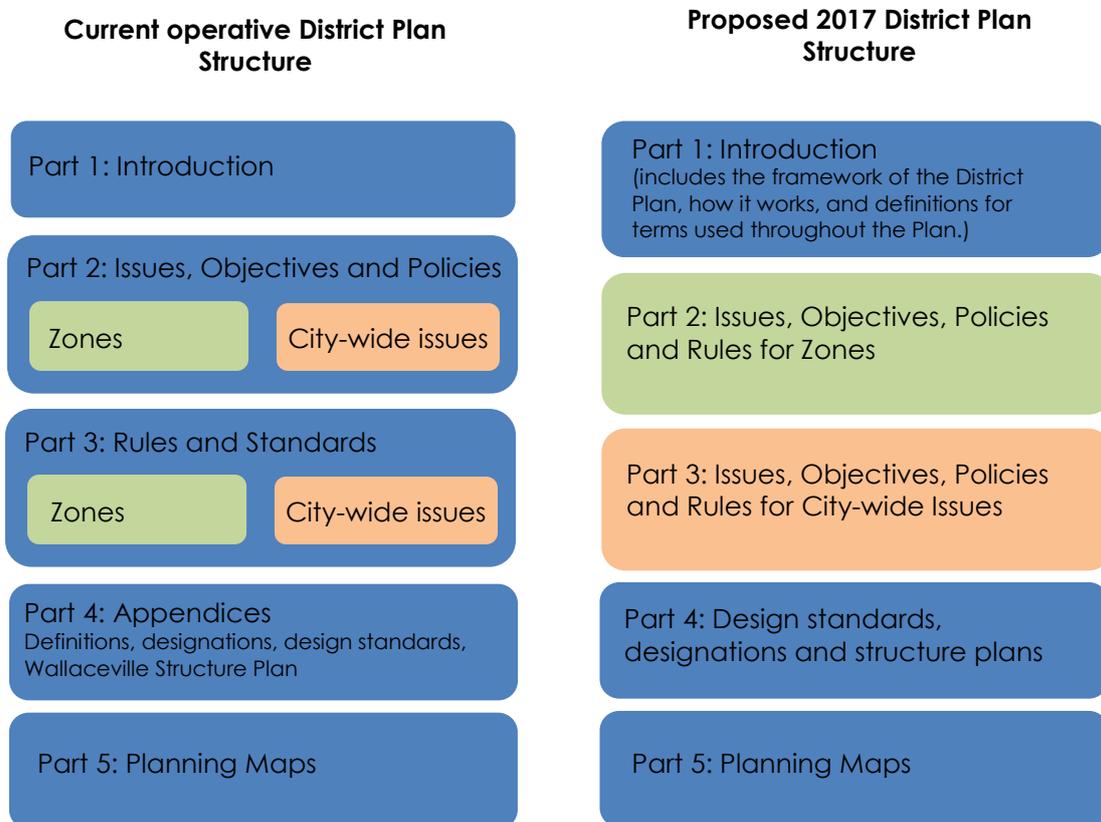
Rolling review of District Plan

The Plan is undergoing a review which will modify its structure. The RMA requires all provisions in a District Plan to be reviewed every 10 years. Rather than a comprehensive review of the Plan, which would see the entire Plan reviewed through a single Plan Change process, Upper Hutt City Council has elected to review the Plan through a “rolling review”. This will be through successive Plan Changes to the Plan over a 10 year period, addressing individual chapters in each Plan Change.

As part of this rolling review, the format of the Plan will also change. This will principally combine the objectives, policies, and rules for each zone or city wide issue into a single chapter, rather than dividing these over two separate chapters. This amendment is intended to improve the usability and readability of the Plan.

The order of the Rolling Review Plan Changes will be based on their priority and importance, and also to enable this new structure. The proposed structure of the District Plan is shown in Diagram 3, below.

Diagram 3: Current operative and proposed District Plan Structure



1.5 Non-regulatory methods

Non-regulatory methods may be employed by the Council to inform and educate the public on resource management and planning matters. This can be an effective means to achieve resource management goals for the community. As such, Council will provide:

- Pamphlets and brochures will be produced summarising the Plan rules and expected environmental outcomes
- Educational programmes on the effects of land use practices
- Technical advice on the use of appropriate NZ Standards and industrial codes of practice
- Information on sites of ecological, cultural and historical importance by listing and identifying these on the planning maps
- Public reports on the results of the monitoring process
- A Hazards Register listing the location of sites prone to natural and other hazards
- Consultation with developers and other parties in relation to particular proposals.

1.6 How to use this District Plan

The following provides a reference guide on how to use the Plan. These steps will provide guidance for the likely activity status for your proposal. In using the Plan, it is important to check whether any defined terms are applicable. Chapter 2 contains a list of definitions that are used throughout the Plan which should be read alongside District Plan text.

1.6.1 Step 1 – Planning Maps

Locate the site you are interested in on the Planning Maps. The maps are also available through the UHCC website.

The planning maps (including online version) will show you what zone the site is located in, and key features including, for example:

- A heritage feature or protected trees(s)

- A natural hazard such as a fault line or a floodplain
- A designation.

1.6.2 Step 2 – Zoning

The district has been divided into a number of zones to control the location of compatible activities. Zones are generally categorised as Residential, Business, Rural, Open Space (i.e. Parks) and Special Activity zones.

Once the zoning has been determined, the next step is to check the rules for that zone to find out what the permitted zone standards for your activity are. If all permitted zone standards have been met, you should also check to see whether there are any city-wide provisions applicable to the activity. Applications where no permitted standard is available, or where permitted standards are breached, will require resource consent. Refer to 1.7.1 for more detail on activity classes.

1.6.3 Step 3 – City-wide provisions

Activities must comply with the relevant zone rules, as well as the city-wide provisions. City-wide provisions cover activities such as earthworks, esplanade reserves and strips, temporary events, heritage features, trees, noise and natural hazards. Check the city-wide provisions to see if the activity is permitted. If so both the permitted zone and city-wide provisions can be met, no resource consent is required the District Plan. Applications where no permitted standard is available or where permitted standards are breached will require resource consent.

1.7	Status of resource consent applications
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1.7.1 Activity Classes

Under the RMA, activities are categorised into the following activity classes based on their zoning and the nature of the activity: permitted, controlled, restricted discretionary, discretionary, non-complying, or prohibited.

Permitted Activities

Where certain activities are anticipated within a zone, for example the construction of a house within a residential zone, a permitted activity status would typically be applicable. Permitted activities do not require resource consent, provided the appropriate permitted standards of the Plan or the RMA are met, where relevant.

Controlled Activities

Controlled activities have their standards for resource consents described within the District Plan. Resource consent applications which meet these standards must be granted, however granted consents may include conditions of consent appropriate for the nature of the application.

Other Activity Statuses

Activities which fall into any other activity status require resource consent, and the Council has varying levels of discretion regarding the granting (or declining) of resource consent. When assessing applications for restricted discretionary activities, Council's discretion is limited to matters identified in the Plan. An application for a discretionary activity must assess how the application meets the objectives of the Plan, specific to the application. Council's discretion in assessing non-complying activities is unlimited and should seek to assess how the application integrates within the wider planning framework. Applications for all of these activities may be granted or refused, with appropriate conditions of consent imposed. The level of detail required for each resource consent application must correspond to the scale of the activity and its activity status.

No resource consent may be granted for prohibited activities as these activities are prohibited by the Plan.

1.7.2 Conflicting Classes

In cases where an application for resource consent proposes an activity with elements which fall into two (or more) activity classes, the application as a whole will be considered and determined according to the more restrictive category. For example, if one aspect of an activity is classified as Controlled and another aspect is classified as Discretionary, the application will be assessed as a Discretionary Activity.

1.7.3

Notification

Under the RMA, Council must decide whether notification of an application is required. Assessments for public notification will be made on a case-by-case basis and will be reflective of provisions within the District Plan, any applicable National Environmental Standard, and the RMA. Publicly notified applications will be advertised, with an opportunity for the public to make submissions to the Council in support of, or opposition to, the proposal.

If an application is not publically notified, Council may determine that there are certain people who are adversely affected by a proposal in accordance with the statutory requirements of the RMA (for example, neighbours). In this instance, if these identified parties have not given their written consent to a proposal, the application may be limited notified to only those parties the Council deems affected, pursuant to the RMA.

1.7.4

Existing Use Rights

Section 10 of the RMA allows the continuation of existing activities that do not comply with the Plan, as long as these activities were lawfully established before the rule became operative or the proposed Plan/Plan Change was notified. For the activity to continue under existing use rights, the effects of the activity need to be the same or similar in character, intensity and scale as when they were lawfully established. Under the RMA, an existing use certificate can be requested from the Council.

If the character, intensity or scale of the existing activity has altered, resource consent must be obtained (unless it is a Permitted Activity).

1.8

Information required with applications for resource consents

1.8.1

General information

Schedule 4 of the RMA sets out information that is required in all resource consent applications. In addition, Council may also require

applicants to supply further information to better understand the nature of the proposed activity, the effects it may have on the local environment, and the ways in which any adverse environmental effect may be avoided, remedied or mitigated.

1.8.2 Assessment of environmental effects

An assessment of environmental effects is required for all resource consent applications. This assessment must provide sufficient information for any person to understand the actual or potential effects (both positive and adverse) of that proposed activity on the environment, and the ways it is proposed to avoid, remedy, or mitigate any adverse effects.

For controlled activities, the assessment shall only address those matters over which Council has retained control. In respect of any application for a restricted discretionary activity, the assessment shall only address those matters over which Council has retained discretion. These matters of control and discretion are detailed within the Plan.

For all other types of activities, the assessment shall address all relevant matters relating to the actual or potential effects of the proposed activity on the environment.

1.8.3 Drawings of proposal

All applications for resource consent must include the following information.

1. Site location: with road name, site boundaries, and north point.
2. Site plan at an appropriate scale for detail (as a general guide, a scale of 1:200 would be appropriate for an urban area), showing as applicable:
 - a. Site dimensions
 - b. The location of all existing and proposed buildings and structures
 - c. Proposed areas of excavations and fill
 - d. Position of any existing and proposed easements
 - e. Trees and large areas of vegetation
 - f. Levels at site boundaries or contours (based on mean sea level) to show the general topography of the area

- g. Areas that may be subject to inundation, flooding, landslips, or fault lines
 - h. Any designations
 - i. Any wetlands, landscape, ecological or heritage features
 - j. Existing power, transmission, gas lines, main trunk and water supply pipes, sewerage pipes
 - k. The means to manage all stormwater and sanitary drainage
 - l. If applicable, position of car parking, loading spaces, servicing areas, and access points.
3. For land use resource consents, floor plan and elevations of each building (as a general guide, a scale of 1:100 would be appropriate) showing:
- a. Internal layout of the building and identification of the use of such rooms or parts of a floor
 - b. The external appearance of the building (including windows and doors)
 - c. Building heights and distance to any property boundary and, where relevant, building height envelopes and maximum permitted height.

1.8.4 Information requirements for subdivision applications

An application for subdivision consent shall include:

- 1. A description of the proposal for which the consent is sought.
- 2. The address and legal description of the site, and current copies of all Computer Freehold Registers of the land to be subdivided.
- 3. An assessment of the environmental effects associated with the proposal, which addresses the Plan requirements.
- 4. A site plan including the information required for site plans, as listed above. In addition to this, site plans for subdivision consents, must also include:
 - a. The position of all new boundaries, including restrictive covenant boundaries for cross lease applications, and principal unit, accessory unit and common property boundaries for unit title applications
 - b. Areas of all new allotments
 - c. Location and areas of new reserves to be created, including esplanade reserves and access strips
 - d. Location and areas of any bed of a river or lake which is required by the Act to be shown on the survey plan as land

to be vested in the Crown

- e. Abutting and underlying title boundaries, and existing building line restrictions
- f. The balance area of the site to be subdivided showing any proposals for future development
- g. Any features to be protected by covenant
- h. Location of utilities to effectively meet the Code of Practice for Civil Engineering Works and the District Plan to effectively service the subdivision
- i. Legal access connections to existing roads, carriageways and pathways
- j. Proposed roads, access points, accessways, service lanes, with relevant widths, areas, and gradients.

1.8.5 Specific information requirements to waive esplanade reserve or esplanade strip requirements

An application seeking waiver of esplanade reserve or esplanade strip requirements must include:

- 1. A description of the ecological characteristics of the water body and the land subject to an esplanade reserve or esplanade strip, including any existing or alternative measures for protecting or enhancing those characteristics
- 2. Explicit provisions for public access to the water body
- 3. The extent to which the natural character and visual quality of the water body and water quality will be preserved
- 4. The location of any buildings or structures that may influence the width of the reserve or strip.

1.8.6 Specific information accompanying applications for more than one dwelling on a site

Where an application is seeking permission for more than one dwelling on a single site, the site plan shall clearly delineate the net site area of each dwelling/unit on the site.

1.8.7 Specific information accompanying applications for a Comprehensive Residential Development

An application under the Comprehensive Residential Development provisions of the Plan must include an assessment of the proposed development against the Design Guide for Residential (Centres Overlay) Areas. The design guide is detailed within the Residential Chapter.

1.8.8 Specific information accompanying applications for subdivision or development within a Residential (Centres Overlay) Area that is not a Comprehensive Residential Development where any lot has a minimum net site area of less than 400m²

Where the proposed development includes a lot under a minimum net site area of less than 400m², an assessment of the proposed development must be provided using the section on small site design and development contained in the Design Guide for Residential (Centres Overlay) Areas. The design guide is detailed within the Residential Chapter.

1.8.9 Specific information accompanying applications for subdivision and/or development within the Wallaceville Structure Plan Area

1. An assessment of the subdivision and/or development proposed against the Wallaceville Structure Plan which includes:
 - a. the Wallaceville Structure Plan Map
 - b. Wallaceville Precinct descriptions, intentions and outcomes
 - c. Wallaceville Indicative Road Typologies
 - d. Wallaceville Stormwater Management Principles
2. In addition, in relation to Area B, an application for subdivision and/or development shall include a spatial layout plan showing roads, pedestrian and cycleway connections, open space areas and utilities and services
3. In addition, in relation to Area A, an application for subdivision that includes sites where direct vehicle access is proposed from Alexander Road shall include details and plans of the upgrade of Alexander Road including appropriate traffic calming measures in accordance with the Wallaceville Structure Plan Map and the Wallaceville Indicative Road Typologies

1.8.10 Specific information accompanying applications for subdivision or development within the Erosion Hazard Area of Mangaroa River catchment

- (a) Provision of a report by a suitably qualified and experienced person is required to determine the erosion risk to the proposed

building platform or area of works in order to determine the effect of the proposal in accordance with Schedule 4 of the RMA.

1.8.11 Specific information accompanying applications for subdivision or development within the Pinehaven Catchment Overlay

Provision of a report by a suitably qualified and experienced person assessing the ability for the site to achieve hydraulic neutrality including:

Either;

- Full catchment hydrological and hydraulic analysis using the GWRC baseline information to demonstrate hydraulic neutrality for the 1 in 10 year and 1 in 100 year flood event including climate change. This would include:
 - Existing pre-development situation calibrated to GWRC baseline information;
 - Design of mitigation infrastructure;
 - Future development scenario model with mitigation infrastructure to demonstrate no increase in downstream flood flows at any point in the catchment.

Or;

- Site Based Assessment, which would include:
 - Hydrological analysis for existing pre-development scenario;
 - Post-development scenario to mitigate design flows to 80% of pre-development flows for 1 in 10 and 1 in 100 year event including climate change.

Note 1: The full catchment approach would generally only be expected for large comprehensive developments.

Note 2: Reducing floods flow to 80% of the pre-development flood flows is to mitigate risks associated with changing the timing and coincidence of peak and recession flows from sub-catchments which, without mitigation could result in net increases in downstream peak flows.

Note 3: The 2012 Wellington Regional Standard for Water Services and the Wellington Regional Hydrological Guidelines shall be applied to the hydrological analysis.

1.8.12 Further guidance on information requirements

Depending on the nature and scale of the proposal, consultation may be required with the following parties:

- a. Persons likely to be adversely affected by the proposed activity
- b. The Department of Conservation
- c. Pouhere Taonga – Heritage New Zealand
- d. Iwi authorities
- e. New Zealand Transport Agency
- f. Other relevant authorities or organisations