

BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY UPPER HUTT CITY COUNCIL

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Proposed Private Plan Change
55 – Gabites Block
Rezoning to Settlement Zone and
Introduction of a Gabites Block
Development Area

S42A REPORT - OPENING STATEMENT

Corinna Tessendorf

17 October 2022

Introduction

- (1) My name is Corinna Tessendorf. I am a Senior Planner at Urban Edge Planning Ltd. I have been engaged by the Upper Hutt City Council to act as the reporting officer for proposed Private Plan Change 55 Gabites Block ("PPC55").
- (2) I have been a practicing planner for over 25 years, with over 13 years of experience as a senior planner in New Zealand. I have been working for local government as well as in the private sector and I have led the preparation and processing of numerous District Plan Changes, including private plan changes.
- (3) I am the author of the section 42A report (dated 22 September 2022). I wish to clarify that, while I was not involved in the initial review of the private plan change request at the time of lodgement, I have since become very familiar with the plan change. I have reviewed the private plan change as notified (including all supporting expert assessments) and have read the submissions received. During the preparation of the s42A report and leading up to this hearing I have been in ongoing discussions with the applicant and Council's experts.
- (4) I do not intend to cover the recommendations of my s42A report in detail but will focus on any changes, corrections and further recommended amendments since the report was lodged.

Background: The Private Plan Change Request - PPC55

- (5) In November 2021 Upper Hutt City Council received a private plan change request from Andrew Cumming, Planning Consultant, on behalf of Maymorn Developments Limited. The private plan change request seeks the rezoning of the site at 1135 Maymorn Road, commonly known as the Gabites Block, 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.
- (6) The initial private plan change request was amended in response to further information requested by Council before it was publicly notified in accordance with the requirements of the Resource Management Act 1991 ('RMA').

- (7) The updated version was publicly notified as PPC55 on 9 March 2022. Following that:
- The submission period closed on 13 April 2022;
 - The summary of submissions was notified for further submissions on 1 June 2022; and
 - The further submission period closed on 17 June 2022.
- (8) Overall, 50 submissions and 3 further submissions were received.
- (9) The main issues raised in submissions relate to:
- Rural Character and Amenity (allotment sizes, lifestyle, privacy)
 - Proposed Zoning / Density
 - Traffic (traffic generation and capacity, traffic safety, intersection with SH2, lack of footpath/cycle way along Maymorn Rd, public transport)
 - Network Infrastructure (water supply, wastewater, stormwater, electricity, mobile/wi-fi coverage)
 - Ecology (wetland, waterways, wildlife)
 - Natural Hazard / Slope Stability / Earthworks / Erosion / Flooding
 - Noise (reverse sensitivity) and Light
 - Social Infrastructure (schools, health facilities)
 - Financial contributions (infrastructure improvements, road improvements)
 - Firefighting requirements
 - Timing (PC50, NPS-IB)
- (10) The matters and issues raised in submissions have been considered by the applicant and myself and additional amendments to the provisions of the private plan change request as notified are recommended to address the issues raised and relief sought by submissions.

- (11) The recommended additional amendments have been discussed in detail in my s42A report. Since the release of my report the applicant has submitted their evidence recommending some further amendments. There have also been further ongoing discussions between experts to resolve any remaining areas of disagreement.

Corrections and Comments

- (12) Having reviewed the requestor’s evidence, I would like to make following corrections to my s42A report and provide comments on the further amendments recommended by Mr Cumming in his planning evidence.

Corrections

- (13) As pointed out in paragraph (279) of the planning evidence by Mr Cumming there is an error in the further amendment to policy DEV3-ECO-P4. In paragraph (416) of my s42A report I have wrongly replaced the wording “*avoids locating*” with “*locates*” rather than the intended “*does not locate*”. This error has been carried through and is repeated in Appendix 1 to the s42A report. I accept and support the wording proposed in Mr Cumming’s evidence and shown below:

DEV3-ECO-P4	<u>Other Subdivision, Use and Development in Gabites Block Natural Areas</u>
<p>Only allow subdivision, use and development in Gabites Block Natural Areas where the activity:</p> <ol style="list-style-type: none"> <li data-bbox="276 1249 975 1279">1. <u>Applies the effects-management hierarchy of DEV3-ECO-P2;</u> <li data-bbox="276 1301 1393 1424">2. <u>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;</u> <li data-bbox="276 1447 1337 1507">3. <u>Provides for the formal legal protection and ongoing active management of the Gabites Block Natural Area;</u> <li data-bbox="276 1529 1337 1590">4. <u>Minimises the land ownership fragmentation and physical fragmentation of the Gabites Block Natural Area as part of the subdivision, use or development;</u> <li data-bbox="276 1612 1345 1673">5. <u>Avoids locating Does not locates building platforms, and vehicle accessways, sewage disposal fields or utility structures in Gabites Block Natural Areas;</u> <li data-bbox="276 1695 1358 1756">6. <u>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;</u> <li data-bbox="276 1778 951 1807">7. <u>Minimises earthworks in Gabites Block Natural Areas; and</u> <li data-bbox="276 1830 1385 1890">8. <u>Minimises the potential cumulative adverse effects of activities on the values of the Gabites Block Natural Area.</u> 	

- (14) I also wish to highlight a typographical error in paragraph (205) of my s42A report (where the amendment to the information requirements refers incorrectly to DEV3-P4 rather than SUB-DEV3-P4) and confirm that the reference in Appendix 1 of the report is the correct version.
- (15) Finally, I acknowledge that there is a repeated numbering mistake where my s42A report incorrectly refers to SUB-DEV-R3 rather than the intended SUB-DEV3-IR-3.

Comments on Proposed Amendments

Subdivision Chapter - Introduction

- (16) I agree with and support the addition of an introductory statement to the proposed Subdivision Chapter as proposed by Mr Cumming in paragraph (107) of his evidence.

Shared User Path

- (17) I appreciate the explanation provided by Mr Cumming in paragraph (122) of his evidence regarding the intended contribution of the requestor to the provision of a shared cycling and walking trail along Maymorn Road. I understand there has been some confusion regarding the expected contribution and accept the position of the requestor to only commit to the provision of land required for the formation of the pathway at the plan change stage. Any further contribution by the requestor to the actual formation of the pathway would be subject to the discussion of development contributions at the resource consent stage.

Reference to Firefighting Water Access

- (18) I agree with and support the proposed amendment to rule SUB-DEV3-R1 which replaces a reference to standard SUB-RUR-S3 with the correct reference to SUB-DEV3-S9 and confirm that this has been omitted in error in my s42A report.

Water Supply

- (19) In paragraphs (163) and (164) of his evidence Mr Cumming recommends deleting the additional wording I have proposed in relation to available water supply capacity (standard SUB-DEV3-S2 – Water Supply). While I do not agree with the proposed deletion, I acknowledge that the reference was included for additional clarity rather than being crucial for the functionality of the rule. I remain of the view that the reference to capacity should be retained.

- (20) I agree with and support the proposed further amendment to standard DEV3-S15 as recommended by Mr Cumming in paragraphs (163) and (164) of his evidence. The amendment would widen the scope of the standard to not only require domestic fire sprinklers for residential units but also require the provision of the identified minimum potable water supply per residential unit. This is to ensure that appropriate water supply is provided for each residential unit.

Stormwater

- (21) I note that that in paragraph (176)(d) of his evidence Mr Cumming proposes to amend policy SUB-DEV3-P3 to require stormwater quantity and quality management for roads. However, the evidence does not comment on the proposed additional amendments to the same policy (SUB-DEV3-P3), to include references to subdivision and development and to include a reference to policy DEV3-SW-P1. I therefore assume that there is no debate on these additional amendments.
- (22) In paragraph (176)(g) of his evidence Mr Cumming proposes the amendment of policy DEV3-P2 to require a stormwater management plan. I note that this would not align with the intention of the Stormwater Management Plan to be provided at the time of first subdivision. I assume the reference was supposed to be to policy SUB-DEV3-P3 rather than DEV3-P2.

Flood Hazards

- (23) Since the release of my s42A report additional flood modelling has been undertaken and discussions between experts and planners have been ongoing to identify the most appropriate way of addressing identified flood hazard risks on the site. On reflection of these discussions Mr Cumming proposes further amendments to the flood hazard framework initially recommended in my s42A report.
- (24) The approach proposed by Mr Cumming and outlined in paragraphs (180) to (186) of his evidence has two components:

- For flooding/inundation areas and overland flowpaths the approach relies strongly on the subdivision consent phase and on the Stormwater Management Plan, which is required to address overland flowpaths and floodplain management. The future subdivision and development of the site is expected to change the layout of the site and address the existing risks. Therefore, any inundation and overland flowpath models that are based on the current data would be effectively obsolete at the subsequent subdivision and development stages. The requirement of a Stormwater Management Plan at the subdivision stage in combination with strong guiding policies is considered to be more effective and appropriate.
- For Stream Corridors the approach proposed in my s42A is considered appropriate by the applicant. This approach identifies and maps the existing stream corridors on the site and introduces a policy and rule to avoid new buildings and structures within the identified Stream Corridors. This approach is preferred because there is only limited probability for the identified Stream Corridors to change as part of the envisaged subdivision and development of the site.

(25) I accept and support the proposed further amendments to the flood hazard provisions outlined by Mr Cumming in paragraph (186) of his evidence.

Landscape & Visual

(26) I agree with and support the proposed further amendments to policy SUB-DEV3-P2 (which deletes the reference to the 'Gabites Block and Maymorn context') to better align with related provisions.

(27) I agree with and support the amendment proposed by the applicant, to increase the permitted maximum building height in the Ridgeline Protection Overlay and the Hillside Area from 3.5m to 6m. My support for this amendment is based on advice from Council's ecology expert Ms Rachael Annan, that a 3.5m height limit may be too strict and could prevent appropriate and desirable roof modulation. The proposed 6m height limit would still only allow for single storey buildings but would at the same time allow for greater variety of building design.

(28) I also agree with the proposed reduction of the proposed maximum building coverage for the Station Flats and Hilltops Basin Areas from 350m² to 300m² and for the Valley Flats, Hilltops and Hillside Areas from 400m² to 350m². The reduced thresholds are expected to result in a built form that is better suited to the low density residential and rural residential environment.

- (29) Finally, I support the addition of a buffer vegetation requirement along the western side of the main north-south ridge. This would result in additional screening and thereby reduce the visibility of new built development in the Ridgeline Protection Overlay when viewed from the wider Maymorn Valley.

Ecology

- (30) In response to Mr Cumming's comments in paragraph (269) of his evidence I would like to clarify that the comment in paragraph (391) of my s42A report was not intended to suggest that the Ecological Plan process could result in the identification and addition of new GBNAs. It was solely intended to confirm that potentially present values, if/when confirmed, will be appropriately protected and managed through the Ecological Plan requirements at the subdivision stage.
- (31) I agree with and support the proposed removal of the word 'identified' from policy DEV3-ECO-P3.
- (32) With regards to the appropriate version of 'Offsetting and Compensation Principles' I accept the recommendation of the applicant.

Further Amendments

- (33) Since the release of my s42A report there have been ongoing discussions between experts to resolve all outstanding issues, in particular the management of flood hazard risks and stormwater management. Based on the outcomes of these experts' discussions and on further advice from Council's expert Mr David Wilson, I recommend the following further amendments to the Flood Hazard and Stormwater Management / Hydraulic Neutrality provisions. I note that the additional amendments recommended below are the result of further discussion with the applicant and reflect our agreed position.
- (34) The proposed amendments are marked as follows:
- Black underline and ~~black strikethrough~~ – PC55 as notified;
 - Red underline and ~~red strikethrough~~ – additional amendments proposed by the applicant;
 - Green underline or ~~green strikethrough~~ for any changes proposed by the s42A Report in response to submissions;

- Blue underline or blue strikethrough for changes proposed by the applicant to the s42A Report version;
- Double green underline or ~~double green strikethrough~~ for any additional changes proposed by Council and the applicant.

Flood Hazard Risk

(35) While I support the proposed approach to managing flood hazards within and beyond the site (as outlined above and in my s42A report), I consider there is a lack of connection between the proposed new policy for flood hazard management (DEV3-NH-P2) and the relevant provisions of the Subdivision Chapter and the Landuse and Development provisions for the site. I therefore recommend to include a reference to policy DEV3-NH-P2 in policies SUB-DEV3-P1 and DEV3-P2 as follows (marked in double green underline):

<u>SUB-DEV3-P1</u>	<u>Creation of Allotments</u>
<u>Gabites Block Development Area</u>	<p>Require subdivision to result in allotments that:</p> <ol style="list-style-type: none"> 1. <u>Give effect to the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1;</u> 2. <u>Are of a size and shape that are sufficient to accommodate the anticipated use and development form for the applicable Area;</u> 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> 4. <u>Achieve the requirements for Gabites Block Natural Areas set out in DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4;</u> 5. <u>Achieve the requirements for subdivision in relation to Flood Hazards set out in DEV3-NH-P2.</u> 4. Minimise the fragmentation of Gabites Block Natural Areas; and 5. Provide for buildings to be located outside any Gabites Block Natural Areas.

DEV3-P2	Low Density Residential and Rural Residential Use and Development
<p>Provide for low density residential and rural residential use and development that achieves the following:</p> <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. <u>Screen water tanks from views from public places with timber lattice or planting;</u> 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. <u>aAvoid significant-unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context; and</u> b. <u>Achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u> 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> 9. <u>Site design, layout and implementation that achieves the requirements of DEV3-NH-P2.</u> 	

- (36) The above amendments would ensure that the relevant guidance provided by policy DEV3-NH-P2 will be appropriately considered at the subdivision and development stage.

Stormwater – Hydraulic Neutrality

- (37) Also based on the recent discussion and on advice from Mr Wilson, I recommend a change to the policy relating to hydraulic neutrality (DEV3-SW-P2) and the replacement of the proposed standard for impervious surfaces (DEV3-S12) with a new standard for hydraulic neutrality.
- (38) The current provisions relating to hydraulic neutrality take a two-step approach. Step one introduces hydraulic neutrality and stormwater provisions to manage the impact of roads and the overall development patterns at the subdivision stage. Step two addresses the impact of use and development of individual allotments on stormwater run-off and hydraulic neutrality. The current provisions for the management of stormwater from individual sites rely heavily on the proposed impervious surface standard.
- (39) Considering the importance of achieving hydraulic neutrality in the context of stormwater management and flood risk management on and beyond the site, I consider the current provisions relating to on-site hydraulic neutrality and the direction provided in policy DEV3-SW-P2 to be too permissive. Under the current provisions the achievement of on-site hydraulic neutrality is only required where the standards for impervious surfaces are breached. While this reliance on maximum impervious surfaces may be more appropriate for smaller residential sites in urban environments, they are too permissive in a low density residential and rural residential environment with underlying flooding and stormwater issues. Given the larger lot sizes and the permitted impervious surface threshold of 50%, these provisions would allow for a significant area of hard surfaces, before the hydraulic neutrality provisions would apply.
- (40) I therefore recommend the introduction of a new standard for hydraulic neutrality to replace the initially proposed standard for impervious surfaces. I also recommend amending the policy relating to hydraulic neutrality to better reflect the new proposed threshold and provide appropriate guidance.
- (41) The policy as amended would require hydraulic neutrality for all sites, while providing for on-site management as well as off-site/communal management.

DEV3-SW-P1P2	Hydraulic Neutrality
Require all subdivision, use and development to achieve hydraulic neutrality as follows:	
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; 1. Require sites to achieve hydraulic neutrality either through on-site design and storage or through communal measures and facilities that provide for hydraulic neutrality across multiple sites. Where the hydraulic neutrality requirement is provided by an authorised off-site stormwater management device or system, the system must be designed, constructed and operated to receive and manage stormwater from the site 2. Provide hydraulic neutrality facilities for roads, footpaths and other impervious surfaces within the road corridor; 3. Provide for hydraulic neutrality facilities that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade; and 4. Design hydraulic neutrality facilities so that they are sized in accordance with the Wellington Water Limited Regional Standard for Water Services (20192021).	

(42) The new standard would require the achievement of hydraulic neutrality for any new buildings, structures and other impervious surfaces. To ensure hydraulic neutrality is achieved the standard would also require a certificate that confirms the achievement of hydraulic neutrality.

DEV3-S12	Impervious Surfaces Hydraulic Neutrality	
North West Area Gabites Block Development Area	The total area of impervious surfaces must not exceed 70% of the site area. 1. Any construction of buildings, structures or other impervious surfaces must achieve hydraulic neutrality. 2. A design certificate from a suitably qualified engineer must be provided to Upper Hutt City Council prior to the construction of any building, structure or other impervious surfaces certifying that hydraulic neutrality will be achieved.	Matters of discretion are restricted to: M1. The measures used to achieve hydraulic neutrality; M2. Location, design, ownership and access for maintenance, including any necessary easements; and M3. Whether there are any constraints or opportunities that mean that hydraulic neutrality is not required.
Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area	The total area of impervious surfaces must not exceed 50% of the site area.	

- (43) The above amendments would remove any allowance for additional impervious surfaces and require certification of hydraulic neutrality for all new buildings, structures and other impervious surfaces. Any development that cannot achieve and certify hydraulic neutrality will require resource consent as a restricted discretionary activity at which stage the impact on the receiving environment can be appropriately addressed and managed.

Minor Wording Changes

- (44) Finally, I recommend the following wording changes to the proposed provisions to improve clarity and certainty:

DEV3-NH-P2	Subdivision, Use and Development in Relation to Flood Hazards in the Gabites Block Development Area
<p>Provide for subdivision, use and development where:</p> <p>1. The first subdivision provides a Stormwater Management Plan (in accordance with SUB-DEV3-IR-3) that includes identifying and addressing potential flood hazards, including:</p> <p>...</p> <p>2. The risk to people and property both on or beyond the site is reduced or not increased from the 1% Annual Exceedance Probability Flood.</p>	

SUB-DEV3-IR-3	Stormwater Management Plan
Gabites Block Development Area	<p>The first application for subdivision under Rule SUB-DEV3-R2 or SUB-DEV3-R3 must provide a Stormwater Management Plan for the Gabites Block Development Area that covers the following:</p> <p>1. ...</p>

- (45) As mentioned above the proposed additional amendments have been discussed with and are supported by the applicant.

Summary

- (46) I note that through the process of submissions, additional amendments, the s42A report recommendations and recent evidence by the applicant many of the original submission points have been progressively resolved.
- (47) I have attached a table summarising the most relevant additional amendments that are recommended in response to submissions as Attachment 1 to this statement. I have also prepared a brief s32AA evaluation of the additional amendments proposed in this opening statement (Attachment 2 to this statement).
- (48) At this stage, I remain of the view that the plan change should be approved, subject to the changes outlined in my s42A report and the further changes outlined above. An updated version of the Proposed Amendments including the changes recommended above has been prepared and is provided to the panel as a separate document.



Corinna Tessendorf

17 October 2022

Attachment 1 – Summary Table of Recommended Amendments

Amendment	Provision	Recommended Changes
Amendment 11	Subdivision in Development Area 3 - Policies	<ul style="list-style-type: none"> • Add Introduction • Amend Policy SUB-DEV3-P1 Creation of Allotments • Amend Policy SUB-DEV3-P2 Transport Network • Amend Policy SUB-DEV3-P3 Integration with Network Utilities • Amend Policy SUB-DEV3-P4 Subdivision in Hilltops Area and Hillside Area • Amend Policy SUB-DEV3-P5 Maymorn Road Cycle Trail and Walkway • Amend Policy SUB-DEV3-P6 Subdivision where building platforms are created • Add Policy SUB-DEV3-P7 Ecology
Amendment 12	Subdivision in Development Area 3 - Rules	<ul style="list-style-type: none"> • Amend Rule SUB-DEV3-R1 Boundary Adjustments • Amend Rule SUB-DEV3-R2 All Subdivisions (Excluding Boundary Adjustments) • Amend Rule SUB-DEV3-R3 All Subdivisions (Excluding Boundary Adjustments) • Delete Rule SUB-DEV3-R4 Subdivision that creates a building platform in the High Slope Hazard Overlay
Amendment 13	Subdivision in Development Area 3 - Standards	<ul style="list-style-type: none"> • Amend Standard SUB-DEV3-S1 Minimum Allotment Size and Shape Factor & Building Platform and Access • Amend Standard SUB-DEV3-S2 Water Supply • Amend Standard SUB-DEV3-S3 Wastewater Disposal • Amend Standard SUB-DEV3-S4 Stormwater Management • Amend Standard SUB-DEV3-S6 Roads • Add Standard SUB-DEV3-S7 Shared Cycleway and Walkway to Maymorn Station • Add Standard SUB-DEV3-S8 Geotechnical • Add Standard SUB-DEV3-S9 Access within Allotments
Amendment 14	Subdivision in Development Area 3 – Information Requirements	<ul style="list-style-type: none"> • Amend SUB-DEV3-IR-1 Landscape and Visual Assessment • Add SUB-DEV3-IR-2 Ecological Plan • Add SUB-DEV3-IR-3 Stormwater Management Plan
Amendment 14A	EW- Earthworks	<ul style="list-style-type: none"> • Add reference to Development Area 3
Amendments 15 to 17	LIGHT - Light	<ul style="list-style-type: none"> • Amend provisions to include reference to Sky Glow

Amendment	Provision	Recommended Changes
Amendment 21	DEV3 – Stormwater - Objectives	<ul style="list-style-type: none"> • Add new Objective DEV3-SW-O1 Water Sensitive Design
Amendment 22	DEV3 – Stormwater - Policies	<ul style="list-style-type: none"> • Add new Policy DEV3-SW-P1 Water Sensitive Design • Amend Policy DEV3-SW-P2 Hydraulic Neutrality (renumbered)
Amendment 28A	DEV3 – Natural Hazards - Objective	<ul style="list-style-type: none"> • Add new Objective DEV3-NH-O1 Risk from Flood Hazards
Amendment 28B	DEV3 – Natural Hazards - Policies	<ul style="list-style-type: none"> • Add new Policy DEV3-NH-P2 Subdivision, Use and Development in Relation to Flood Hazards in the Gabites Block Development Area • Add new Policy DEV3-NH-P3 Buildings and Structures in a Stream Corridor of the Gabites Flood Hazard Overlay
Amendment 28C	DEV3 – Natural Hazards - Rules	<ul style="list-style-type: none"> • Add new Rule DEV3-NH-R1 Buildings and Structures in the Stream Corridor of the Gabites Flood Hazard Overlay
Amendment 30	DEV3 – Ecology - Policies	<ul style="list-style-type: none"> • Amend Policy DEV3-ECO-P2 Protection of Gabites Block Natural Areas • Amend Policy DEV3-ECO-P3 Appropriate Use and Development in Gabites Block Natural Areas • Amend Policy DEV3-ECO-P4 Other Subdivision, Use and Development in Gabites Block Natural Areas
Amendment 31	DEV3 – Ecology - Rules	<ul style="list-style-type: none"> • Amend Rule DEV3-ECO-R1 Trimming or Removal of Vegetation within a Gabites Block Natural Area • Amend Rule DEV3-ECO-R2 Restoration and Maintenance of Gabites Block Natural Areas
Amendment 34 and 35	DEV3 – Ecology - Appendices	<ul style="list-style-type: none"> • Replace DEV3-ECO-Appendix-2: Biodiversity Offsetting and DEV3-ECO-Appendix-3: Biodiversity Compensation with new DEV3-ECO-Appendix-2: Biodiversity Offsetting and Biodiversity Compensation
Amendment 36	DEV3 - Use and Development - Objectives	<ul style="list-style-type: none"> • Amend Objective DEV3-O4 Character and Amenity Values of the Hilltops Area • Amend Objective DEV3-O6 Character and Amenity Values of the Hillside Area
Amendment 37	DEV3 - Use and Development - Policies	<ul style="list-style-type: none"> • Amend Policy DEV3-P2 Low Density Residential and Rural Residential Use and Development
Amendment 38	DEV3 - Use and Development - Rules	<ul style="list-style-type: none"> • Amend Rule DEV3-R1 Buildings and Structures
Amendment 39	DEV3 - Use and Development - Standards	<ul style="list-style-type: none"> • Amend Standard DEV3-S1 Height of Buildings and Structures

Amendment	Provision	Recommended Changes
		<ul style="list-style-type: none"> • Amend Standard DEV3-S3 Maximum Building Coverage • Replace Standard DEV3-S12 Impervious Surfaces with new Standard DEV3-S12 Hydraulic Neutrality • Add Standard DEV3-S13 Visual Screening of Water Tanks • Add Standard DEV3-S14 Minimum Setback from Waterbodies • Add Standard DEV3-S15 Water Supply and Fire Fighting Sprinkler System for Residential Units
Amendment 39A	DEV3 - Use and Development – Information Requirements	<ul style="list-style-type: none"> • Add DEV3-IR-1 Landscape and Visual Assessment of Buildings and Structures in Hillside Area or Within the Ridgeline Overlay
Amendment 40	DEV3-APPENDIX1 - Gabites Block Development Area Structure Plan	<ul style="list-style-type: none"> • Add Ridgeline Protection Overlay • Add Stream Corridor - flooding • Add Wetland • Add Rooding Typologies • Add Indicative design for pedestrian connection to the train station
Amendment 41	Appendices and Maps	<ul style="list-style-type: none"> • Add new Appendix 2 - Accidental Discovery Protocol for Earthworks in Development Area 3

Note: minor amendments and corrections of errors have not been included in the table above but can be found in the full set of recommended amendments.

Attachment 2 – S32AA Evaluation of Additional Recommended Amendments

PPC55 Gabites Block – Further Section 32AA Evaluation of Proposed Amendments (17 October 2022)

Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed. In response to submissions the applicant and Council propose a number of additional changes to the provisions as notified.

Black underline and ~~black strikethrough~~ - shows the amendments proposed by PPC55 as notified

Red underline and ~~red strikethrough~~ - shows additional amendments proposed by the applicant in response to submissions and supported by Council

Green underline or ~~green strikethrough~~ – shows any additional amendments proposed by Council in response to submissions

Blue underline or ~~blue strikethrough~~ for changes proposed by the applicant to the s42A Report version.

Double green underline or ~~double green strikethrough~~ for any changes proposed by Council to the applicant’s changes to the s42A report version

The section 32AA evaluation of the additional recommended changes to PPC55 is provided below:

#	RECOMMENDED CHANGE	REASONS AND EVALUATION
11	<u>SUB-DEV3 – Subdivision in Development Area 3</u>	<p>Reasons</p> <p>The proposed additional amendments to the subdivision policy and the land use policy intend to provide greater certainty and clarity in response to issues raised in submissions and by experts. The purpose is to provide better guidance on how to achieve the intended outcomes.</p> <p>The proposed changes create a clear link between the newly introduced Natural Hazard Policy relating to Flood Hazards and the relevant subdivision and land use policies. They ensure that the relevant guidance provided by DEV3-NH-P2 can be appropriately considered at the subdivision and development stage as a relevant matter of control or discretion.</p> <p>How the changes achieve the purpose of the RMA</p> <p>The proposed additional changes to the policies provide better guidance and</p>
	<u>POLICIES</u>	
	<u>SUB-DEV3-P1</u> <u>Creation of Allotments</u>	
	<p><u>Gabites Block Development Area</u></p> <p>Require subdivision to result in allotments that:</p> <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</u> 	

	<p style="text-align: center;"><u>firefighting water supply; and</u></p> <p><u>4. Achieve the requirements for Gabites Block Natural Areas set out in DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4;</u></p> <p><u>5. Achieve the requirements for subdivision in relation to Flood Hazards set out in DEV3-NH-P2.</u></p> <p>4. Minimise the fragmentation of Gabites Block Natural Areas; and</p> <p>5. Provide for buildings to be located outside any Gabites Block Natural Areas.</p>	<p>greater certainty by providing a better link to the relevant policy relating to the management of flood hazard risks.</p> <p>The proposed amendments recognise and provide for relevant section 6 matters, in particular:</p> <ul style="list-style-type: none"> s6(h) the management of significant risks from natural hazards. <p>The proposed amendments also give effect to:</p> <ul style="list-style-type: none"> the RPS, in particular with regard to Natural Hazards <p>The proposed amendments are not inconsistent with any operative regional plan or the PNRP.</p>		
37	<p><u>Gabites Block Area Use and Development</u></p> <p><u>POLICIES</u></p> <table border="1" data-bbox="271 715 1176 794"> <tr> <td data-bbox="271 715 450 794"><u>DEV3-P2</u></td> <td data-bbox="450 715 1176 794"><u>Low Density Residential and Rural Residential Use and Development</u></td> </tr> </table> <p><u>Provide for low density residential and rural residential use and development that achieves the following:</u></p> <ol style="list-style-type: none"> <u>Site design, layout and scale of the activity that are compatible with the character and amenity values anticipated in the applicable Area;</u> <u>Site design and implementation that:</u> <ol style="list-style-type: none"> <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> <u>Building design and implementation that achieves:</u> <ol style="list-style-type: none"> <u>Recessive built forms and finishes;</u> <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> 	<u>DEV3-P2</u>	<u>Low Density Residential and Rural Residential Use and Development</u>	<p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The proposed amendments continue to provide for future subdivision and development while introducing additional guidance and certainty regarding the intended outcomes and appropriate ways to appropriately manage potential flood hazard risks.</p> <p>Costs</p> <p>There are no additional costs.</p> <p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to the recommended amendments.</p> <p>Efficiency and Effectiveness</p> <p>The efficiency of the recommended changes is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended changes is high because they provide certainty, help to achieve the relevant objectives of the District Plan and higher order documents and provide better guidance for applicants and decision makers at the time of subdivision.</p> <p>Conclusion</p> <p>The proposed amendments will not change the overall objective of the plan</p>
<u>DEV3-P2</u>	<u>Low Density Residential and Rural Residential Use and Development</u>			

<p>4. <u>Landscape design and implementation that:</u></p> <p>a. <u>Maintain and enhance the vegetated hillside backdrop to Maymorn;</u></p> <p>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></p> <p>c. <u>Ensure outdoor living spaces are well located, accessible and have access to sunlight;</u></p> <p>d. <u>Use planting to achieve visual amenity, safety and functionality;</u></p> <p>e. <u>Ensure driveways, manoeuvring and parking areas are visually unobtrusive;</u></p> <p>f. <u>Screen water tanks from views from public places with timber lattice or planting;</u></p> <p>fg. <u>Provide a visually-permeable, planted buffer along Maymorn Road.</u></p> <p>5. <u>Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u></p> <p>6. <u>Private vehicle crossings that do not connect directly to Maymorn Road.</u></p> <p>7. <u>Transport networks that:</u></p> <p>a. <u>Avoid significant-unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context; and</u></p> <p>b. <u>Achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u></p> <p>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></p> <p>9. <u>Site design, layout and implementation that achieves the requirements of DEV3-NH-P2.</u></p>	<p>change, which is to rezone the site and provide for additional low density residential and rural residential subdivision and development capacity.</p> <p>The proposed amendments do not seek any changes to the existing objectives of the Operative District Plan or the proposed objectives of PPC55.</p> <p>The proposed amendments are the most appropriate way to achieve the existing District Plan objectives as well as the objective of the private plan change.</p> <p>The proposed amendments are consistent with higher order documentation, legislation and guidance.</p> <p>Overall, the proposed rezoning in combination with the recommended additional amendments is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
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22	<p>Stormwater</p> <p>POLICIES</p> <p>DEV3-SW-P1P2 Hydraulic Neutrality</p> <p>Require all subdivision, use and development to achieve hydraulic neutrality as follows:</p> <p>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;</p> <p>1. <u>Require sites to achieve hydraulic neutrality either through on-site design and storage or through communal measures and facilities that provide for hydraulic neutrality across multiple sites. Where the hydraulic neutrality requirement is provided by an authorised off-site stormwater management device or system, the system must be designed, constructed and operated to receive and manage stormwater from the site.</u></p> <p>2. <u>Provide hydraulic neutrality facilities for roads, footpaths and other impervious surfaces within the road corridor;</u></p> <p>3. <u>Provide for hydraulic neutrality facilities that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade; and</u></p> <p>4. <u>Design hydraulic neutrality facilities so that they are sized in accordance with the Wellington Water Limited Regional Standard for Water Services (20192021).</u></p>	<p>Reason</p> <p>The proposed amendments are recommended to improve the provisions where they relate to hydraulic neutrality. The recommended changes introduce a new standard for hydraulic neutrality that replaces the previously proposed standard relating to impervious surfaces. Rather than permitting impervious surfaces of up to 70% the new provisions require any new building, structure or impervious surface to achieve hydraulic neutrality and to provide a certificate confirming compliance. It is also proposed to amend the related policy (DEV3-SW-P2 Hydraulic Neutrality) to reflect the new threshold and provide guidance on how hydraulic neutrality can be achieved.</p> <p>The proposed provisions better provide for the requirement to achieve hydraulic neutrality on all allotments at the development stage, while avoiding the need for a consent for every new building, structure or impervious surface.</p> <p>How the changes achieve the purpose of the RMA</p> <p>The recommended changes recognise, provide for, have regard to and give effect to relevant legislation and higher order documents. They provide greater certainty and improve protection for identified values.</p> <p>Benefits including Opportunities for Economic Growth and Employment</p> <p>The recommended provisions provide additional guidance and a stronger framework to ensure that hydraulic neutrality will be achieved and any adverse effects can be managed.</p> <p>Costs</p> <p>There may be additional costs at the development stage due to the additional certification requirement. However, where hydraulic neutrality is certified additional consenting cost can be avoided.</p>
39	<p>Gabites Block Area Use and Development</p> <p>STANDARDS</p> <p>DEV3-S12 Impervious Surfaces Hydraulic Neutrality</p>	<p>Risk of Acting or Not Acting if Information is Uncertain or Insufficient</p> <p>There are no risks around uncertain or insufficient information in relation to the provisions.</p> <p>Efficiency and Effectiveness</p>

<p><u>North West Area</u> <u>Gabites Block Development Area</u></p>	<p>The total area of impervious surfaces must not exceed 70% of the site area.</p> <p>1. <u>Any construction of buildings, structures or other impervious surfaces must achieve hydraulic neutrality.</u></p> <p>2. <u>A design certificate from a suitably qualified engineer must be provided to Upper Hutt City Council prior to the construction of any building, structure or other impervious surfaces certifying that hydraulic neutrality will be achieved.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The measures used to achieve hydraulic neutrality;</u></p> <p><u>M2. Location, design, ownership and access for maintenance, including any necessary easements; and</u></p> <p><u>M3. Whether there are any constraints or opportunities that mean that hydraulic neutrality is not required.</u></p>	<p>The efficiency of the recommended changes is high because the benefits outweigh the costs.</p> <p>The effectiveness of the recommended changes is high because they provide additional guidance.</p> <p>Conclusion</p> <p>The proposed amendments will not change the overall objective of the plan change, which is to rezone the site and provide for additional low density residential and rural residential subdivision and development capacity.</p> <p>The proposed amendments do not seek any changes to the existing objectives of the Operative District Plan or the proposed objectives of PPC55.</p> <p>Therefore, the proposed amendments are the most appropriate way to achieve the existing District Plan objectives as well as the objective of the private plan change.</p> <p>The proposed amendments are consistent with higher order documentation, legislation and guidance.</p> <p>Overall, the proposed rezoning in combination with the recommended additional amendments is considered to be the most efficient and effective way to achieve the purpose of the Act for the application site.</p>
<p><u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u></p>	<p>The total area of impervious surfaces must not exceed 50% of the site area.</p>		