

**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 a request by **MAYMORN
DEVELOPMENTS LIMITED** for
Private Plan Change 55
(Gabites Block) to the Upper
Hutt District Plan under Part
2 of Schedule 1 to the RMA

**STATEMENT OF EVIDENCE OF ANDREW BROWN CUMMING
PLANNING AND STATUTORY ASSESSMENTS
30 SEPTEMBER 2022**

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INTRODUCTION

- 1.** My full name is Andrew Brown Cumming.

Qualifications and experience

- 2.** I am self-employed as a planning consultant. I hold the qualifications of Bachelor of Science (Zoology) from Massey University and Master of Science (Environmental Science and Zoology) (First Class Honours) from the University of Auckland.
- 3.** I have worked in resource management and planning in both the public and private sectors for more than 25 years. My experience includes senior management and policy experience at district councils and policy experience at a regional council as well as 12 years of private resource management practice. My most recent role at a council was as District Plan Manager at Hutt City Council from 2015 until 2019.
- 4.** I have been involved in a wide range of projects and tasks including preparing regional and district plans, reviewing district plan changes and policy documents, identifying implications for clients and preparing formal submissions, preparing applications for consent for a variety of subdivision and land use projects, and commissioning and reviewing specialist inputs (e.g. ecologists, surveyors, geotechnical engineers, traffic engineers, noise specialists, landscape architects and archaeologists).
- 5.** I am a full member of the New Zealand Planning Institute.

Code of Conduct

- 6.** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

SUMMARY OF EVIDENCE

7. PC55 seeks to rezone a site currently zoned General Rural and Rural Production to Settlement Zone with a “Gabites Block Development Area” overlay.
8. PC55 seeks to give effect to Upper Hutt City Council’s strategic position set out in the *Upper Hutt Land Use Strategy 2016-2043* (LUS) that the Gabites Block is appropriate for rural residential development.
9. UHCC intended to rezone the site via a plan change (draft PC50) that would implement a wider review of residential and rural district plan zones and provisions. In 2021 UHCC decided not to advance the rural part of the review until it had progressed changes to urban areas in response to the National Policy Statement for Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021¹.
10. The development of PC55 has been guided by thorough assessment in respect of:
 - (a) Transport;
 - (b) Landscape and visual amenity;
 - (c) Three waters Infrastructure, flooding and engineering;
 - (d) Geotechnical;
 - (e) Soil contamination;
 - (f) Ecology;
 - (g) Archaeology; and
 - (h) Soil and land use capability.
11. The 74.5ha site known as the Gabites Block features flat land along Maymorn Road, a locally important hillside and ridgeline that contributes to framing the wider valley and more secluded terrain east of the hillside adjoining the Pākuratahi Forest.

¹ PC50 will continue as the Rural Review with public notification proposed for early 2023
<https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/District-Plan/PC50>

- 12.** Different parts of the site have different landscape characteristics and different capacity to accept built development. PC55 therefore applies a sub-area approach to setting appropriate development density by means of a “Gabites Block Development Area” overlain on a Settlement Zone. The Structure Plan that identifies the six sub-areas also identifies significant natural areas termed “Gabites Block Natural Areas” (GNBAs), a “Ridgeline Protection Overlay”, a noise buffer area adjacent to the rail corridor and an indicative shared cycling and walking trail that enhances the Remutaka Rail Trail, plus a cycling and walking connection to the Maymorn Train Station. The Structure Plan’s indicative on-site road layout is illustrated with “Gabites Block Road Typologies” that show typical allocation of space in the road corridor in different situations.
- 13.** The site’s road links to Maymorn Road are limited to three new intersections. The area’s wider road network has sufficient capacity to accept the additional traffic from development enabled by PC55.
- 14.** The site is not suited for denser, urban development because the reticulated water supply system does not have sufficient capacity to service most of the site. The site is also outside the area identified in the Wellington Regional Growth Framework for urban growth.
- 15.** PC55 provides for subdivision that requires landscape and visual assessment to identify the location of building platforms and access in the landscape-sensitive parts of the site. Building platforms and access must also be located outside the GBNAs. A range of other provisions including buffer planting areas reinforce the protection of visual amenity and rural residential character.
- 16.** PC55 requires hydraulic neutrality and water sensitive design to ensure that stormwater quantity and quality integrate with natural systems, address potential flooding on and beyond the site and limit discharges of sediment and other contaminants. The first subdivision is required to provide a comprehensive stormwater management plan with a system-wide design for stormwater and flood hazard management.

17. The GNBA's identify and protect significant natural areas. The first subdivision is required to complement the GNBA's by providing an ecological plan that addresses the management of bats, lizards and nesting indigenous birds outside GNBA's.
18. The s42A Report does a thorough job of identifying and discussing PC55 and matters arising from higher order documents, submissions and peer review. In my evidence I state where I accept the conclusions and recommended PC55 provisions set out in the s42A Report. Where I have a different opinion and suggest amended provisions, I set out the suggestions using the s42A Report version as the base and showing amendments as Blue underline or blue strikethrough. I provide a full amended version as Attachment 1.

PURPOSE OF AND CONTEXT FOR PC55

19. PC55 seeks to rezone 74.5 hectares of land, known as 'Gabites Block', from its current Rural Hill and Rural Valley zoning to Settlement Zone. The site would also be subject to a "Gabites Block Development Area" that sets plan provisions including development density according to the constraints and attributes of specific sub-areas of the site.
20. PC55 seeks to achieve the following:
 - (a) Enable additional low density and rural residential housing capacity;
 - (b) Protect significant natural areas as "Gabites Block Natural Areas";
 - (c) Maintain the landscape values of the west-facing hillside and the main north-south ridgeline;
 - (d) Maintain rural residential character;
 - (e) Require hydraulic neutrality and water sensitive design; and
 - (f) Manage flood hazards.
21. As noted in the s32 report, the Gabites Block has been identified by UHCC for development since at least the *Upper Hutt Growth Strategy 2007*² and confirmed in the *Upper Hutt Land Use Strategy 2016-2043*³ (LUS) as being appropriate for

² <https://www.upperhuttcity.com/files/assets/public/yourcouncil/strategies/urban-growth-strategy.pdf>

³ <https://www.upperhuttcity.com/files/assets/public/yourcouncil/land-use-strategy-2016-2043.pdf>

“Edge Expansion” to complement “Urban Infill” and high density “Intensification” in specific locations, consistent with the Wellington Regional Growth Framework⁴.

22. The *Regional Housing & Business Development Capacity Assessment 2022*⁵ (HBA 2022) updates the 2019 version that was available at the time of the s32 report. Projected population growth in Upper Hutt now exceeds the high growth population projections of the HBA 2019. According to the HBA 2022, population growth is expected to generate demand for an additional 10,458 dwellings over the period 2021-2051, nearly 5,000 more than estimated in the previous HBA. In addition, clause 3.22 of the NPSUD requires a competitiveness margin to be applied to the baseline demand figure to support choice and competitiveness in the housing land market. The adjusted demand figure is 12,223 dwellings required over the 30 year period.
23. The HBA 2022 (Upper Hutt Chapter, p6) expects the majority of demand to be for standalone dwellings, although demand for joined dwellings including apartments will increase, with most development anticipated in the central areas of Upper Hutt.
24. Wellington Water Ltd’s evaluation of three waters capacity for HBA 2022 confirms that areas of Upper Hutt have capacity constraints for water supply and wastewater. Mr Blyde’s statement of evidence confirms that suitable infrastructure solutions are available for the site.

INVOLVEMENT IN PC55

25. I was engaged by Maymorn Developments Ltd in June 2021 to provide planning advice.
26. I assisted in arranging and briefing the following expertise:
 - (a) Stantec for transport;
 - (b) Hudson Associates for landscape and visual amenity;

⁴ <https://wrgf.co.nz/wp-content/uploads/2021/08/1320-Wellington-Regional-Growth-Framework-Report-JULY-2021-FINAL-LR.pdf>

⁵ <https://wrlc.org.nz/regional-housing-business-development-capacity-assessment-2022>

- (c) Envelope Engineering for infrastructure and engineering;
 - (d) Engeo for geotechnical;
 - (e) NZ Environmental Technologies for soil contamination;
 - (f) Bioresarches for ecology;
 - (g) Emily Howitt Archaeology; and
 - (h) Landsystems for soil and land use capability.
- 27.** I reviewed and provided feedback on all the above input reports as they came to hand.
- 28.** I prepared the PC55 plan change and s32 evaluation report. UHCC had at that time recently migrated the operative UHDP into National Planning Standards format. I was therefore readily able to recommend the overall approach of an underlying zone with a development area overlay as well as follow the format of individual provisions.
- 29.** In considering the appropriate zone and development area provisions, I was guided by the following in particular:
- (a) The strategic position set out in the *Upper Hutt Land Use Strategy 2016-2043* that the site is appropriate for rural residential development, indicated mainly as Settlement Zone in UHCC's draft Plan Change 50 material. That position is supported by the *Wellington Regional Growth Framework's* conclusion that the Maymorn Station is not a Rapid Transit Station in terms of the *National Policy Statement Urban Development 2020* and therefore should not be identified for intensive residential development.
 - (b) The advice of Mr Hudson that sub-areas of the site have different characteristics and different capacity to accept built development, and that a sub-area approach to setting density would lead to better environmental outcomes than a blanket 2000m² allotment approach.
 - (c) The advice of Mr Hudson (and UHCC officers) that the west-facing hillside is a visually important local landscape and any development located there needs to be managed to avoid unacceptable adverse landscape effects.

- (d) The advice of Wellington Water Ltd, UHCC and Envelope Engineering that the reticulated water supply system does not have sufficient capacity to service the entire site. Sites without reticulated water supply would need to be large enough to contain sufficient rainwater storage for their water needs, including firefighting water supply.
- (e) The advice of Wellington Water Ltd, UHCC and Envelope Engineering that the site is able to connect to the reticulated wastewater system.
- (f) The advice of Bioresarches that the site contains six significant natural areas and potentially also requires management of bats, lizards and nesting indigenous birds.
- (g) The advice of Stantec that the local transport network has sufficient capacity to accept traffic generated by development enabled by PC55.

CONSULTATION AND ENGAGEMENT

- 30.** I initiated or continued engagement with the following Iwi entities and key stakeholders:
- (a) Te Rūnanga o Toa Rangatira;
 - (b) Port Nicholson Block Settlement Trust;
 - (c) Wellington Tenths Trust;
 - (d) Kiwirail;
 - (e) Waka Kotahi;
 - (f) Greater Wellington Regional Council (GWRC);
 - (g) Heritage NZ Pouhere Taonga (HNZPT).
- 31.** MDL initiated engagement with the roading and parks departments of UHCC.
- 32.** No response was received from Kiwirail, Te Rūnanga o Toa Rangatira or Port Nicholson Block Settlement Trust.

- 33.** Wellington Tenth Trust responded by letter to UHCC on 2 March 2022. The letter stated that the Trust neither supported nor opposed the plan change, noted the findings of the archaeological assessment and requested that an appropriate accidental discovery protocol be put in place prior to any earthworks on the site. I recommend below (under the heading “Earthworks”) that an accidental discovery protocol is added to PC55.
- 34.** MDL staff, Mr Whittaker and I met with Waka Kotahi staff by videoconferencing on 26 January 2022 and then clarified several discussion points by email. Waka Kotahi duly lodged a submission. The details of the submission are covered below under the heading “Transport”.
- 35.** With MDL staff, I briefed GWRC staff on PC55 by videoconferencing on 31 April 2022. GWRC duly lodged a submission. I discussed the GWRC submission points with GWRC by videoconference on 30 June 2022. I then (on 6 July 2022) provided GWRC with a memorandum setting out MDL’s comments, including any recommended changes to PC55, on each GWRC submission point and invited GWRC to respond indicating their level of satisfaction with the recommendations or by providing more information on the relief sought. I sent a follow up email on 5 August 2022 and received the email response that GWRC regretted it was unable to engage further at that point, except that GWRC Parks Department requested an on-site meeting to discuss pedestrian, cycling and horse-riding links from the site to the neighbouring GWRC parkland. The meeting with staff from the GWRC Parks Department took place on 25 July 2022. GWRC followed up the meeting with an email setting out the parameters of its agreement in principle to the proposed links to the parkland.
- 36.** The engagement with HNZPT arose from an email to MDL by HNZPT following a public enquiry to HNZPT that was concerned that weed clearance and soil sampling on the site may affect a recorded archaeological site (a pā) that is approximately 170m north of the Gabites Block. As a result of the HNZPT email, MDL commissioned Emily Howitt Archaeology to undertake an archaeological assessment of the site.

- 37.** The archaeological assessment considered recorded or potential archaeological sites on or in the vicinity of the Gabites Block, assessed the Gabites Block for archaeological values and evidence of archaeological sites and considered the impacts associated with PC56. The archaeological assessment found:
- (a) There are no recorded archaeological sites within the proposed project area.
 - (b) The closest site, a pā, is located approximately 170m north of the property boundary near the toe of the ridge that continues through the project area. The pā is situated on a naturally defensible headland with steep drop-offs on three sides, and is close to the Mangaroa River. It is unlikely that there were additional pā features located uphill from the site as the access to resources and travel routes would have been more difficult on this side and the land would have been less defensible. If there were archaeological features associated with the occupation of the pā on the ridge within the proposed project area it is likely that they were destroyed when the ridge was modified in the latter half of the twentieth century during which time the ridge underwent a significant ground reduction to remove fill for placement on the flat terrace to the west.
 - (c) There is very limited potential for the discovery of any pre-European archaeological evidence.
 - (d) There is limited potential for there to be historic archaeological sites of European origin.
- 38.** The archaeological assessment recommended that earthworks on the Gabites Block be subject to an accidental discovery protocol and noted that in the unlikely event that archaeological material is discovered, an HNZPT authority would be necessary before work could continue.
- 39.** PC56 was intended to include an accidental discovery protocol but it was omitted in error. I recommend that an accidental discovery protocol (set out under “Earthworks” below) is included to give effect to the recommendations of the archaeological assessment and the Wellington Tenth Trust.

40. PC55 was lodged with UHCC on 5 November 2021. UHCC engaged Urban Edge Planning Ltd to process the plan change on its behalf. UHCC reviewed PC55 and engaged expert reviews of the transport assessment and the landscape report and provided feedback to MDL on planning, transport and landscape matters.
41. MDL responded to the UHCC review by making changes made to the proposed plan change as set out in a memorandum, with attached landscape assessment and updated plan change, sent to UHCC on 1 March 2022.
42. UHCC notified PC55 on 9 March 2022, with submissions closing on 13 April 2022. The extended submission period was suggested by UHCC and agreed to by MDL. UHCC notified the Summary of Decisions Requested on 1 June 2022, with further submissions closing on 17 June 2022.
43. Fifty submissions were lodged, 37 in opposition, 3 in support, 3 neutral or in support with amendments, 7 not in full opposition but with concerns and requested amendments. I discuss the submissions under subject headings later in this evidence.
44. Three further submissions were lodged. I note that the further submissions support all statements of opposition to PC55 and oppose all statements of support or neutrality but since the further submissions do not provide additional information or evidence I do not discuss them beyond that.

STATUTORY CONTEXT

National Policy Statements

45. The s32 report (p6) identifies that the following national policy statements are relevant to the proposal:
 - (a) National Policy Statement – Urban Development 2020;
 - (b) National Policy Statement for Freshwater Management 2020;
 - (c) National Policy Statement for Highly Productive Land 2022 (the s32 report considered the Proposed NPSHPL 2019);

(d) Exposure Draft National Policy Statement Indigenous Biodiversity 2022 (the s32 report considered the draft NPSIB 2019).

46. In terms of the NPSUD, Upper Hutt City is part of the Wellington Region Tier 1 Urban Environment. Policy 2 of the NPSUD requires UHCC to “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”. The Upper Hutt District Plan must include sufficient zoned land to enable feasible development capacity for the short term (3 years) and medium term (10 years).

47. The NPSUD (3.20 Purpose of HBA) requires UHCC to prepare a Housing and Business Development Capacity Assessment (HBA) to:

- (a) *provide information on the demand and supply of housing and of business land in the relevant tier 1 or tier 2 urban environment, and the impact of planning and infrastructure decisions of the relevant local authorities on that demand and supply; and*
- (b) *inform RMA planning documents, FDSs, and long-term plans; and*
- (c) *quantify the development capacity that is sufficient to meet expected demand for housing and for business land in the short term, medium term, and long term.*

48. The HBA 2022 assesses that 12,223 additional dwellings will be required over 30 years. The HBA 2022 assesses market conditions as follows (Market Indicators (p35)) (footnote added):

Results also show that after a period of the market being in a responsive trajectory, with consents increasing, barriers to supplying new homes to meet increasing demand are beginning to make themselves felt across the housing market in Upper Hutt and across the region.

The price-cost ratio⁶ in Upper Hutt has crept over 1.5, strongly suggesting a more than temporary demand-supply imbalance (in housing and possibly land) and potentially indicative of persistent constrained development opportunities.

⁶ Price-cost ratios show the extent to which house prices are driven by construction costs versus the cost of land (infrastructure-serviced sections). A price-cost ratio of 1.5 means that land makes up 1/3 of the overall price of a house (National Policy Statement on Urban Development Capacity Price efficiency indicators technical report: Price-cost ratios <file:///C:/Users/OEM/Downloads/Uploads Documents National-Policy-Statement-on-Urban-Development-Capacity-Price-efficiency-indicators-technical-report-Price-cost-ratios.pdf>)

49. The HBA 2022 (p52) considers the Gabites Block to be outside the UHCC urban environment and therefore not included in its development capacity modelling. Nevertheless, in my opinion, given its location directly adjacent to developed urban areas and transitioning to rural-residential areas in Maymorn, the Gabites Block would make a useful contribution to housing supply and housing typology choices in the short to medium term.

50. The NPS Freshwater Management directs how freshwater must be managed in regional plans. Territorial authorities are required to cooperate with regional councils, including as set out in in NPSFM Section 3.5 – Integrated Management:

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

51. The Natural Character chapter provisions of the UHDP apply to the site and contribute to giving effect to NPSFM s3.5. Of particular relevance are the following policies and rule:

NATC-P1 To avoid, remedy or mitigate the adverse effects of land use activities on the quality or quantity of water resources and the diversity of aquatic habitats.

NATC-P2 To promote the separation of land use activities adjoining water bodies by vegetated riparian areas to assist in filtering contaminants which adversely affect water quality and aquatic habitats.

NATC-P4 To protect wetland areas within the City from activities which would have adverse effects on their life supporting capacity, natural character or habitat values.

NATC – R1 - New buildings and structures (except underground cables and lines) within 20m of the bank of any waterbody with an average width of 3m or more – Discretionary – All Zones.

52. In addition, the UHDP restricts earthworks near waterbodies:

EW-S5 – Earthworks shall not be undertaken within 10m of any water body (measured from the bank of the water body), or within the 1 in 100 year flood extent of the Hutt River (as defined on the Planning Maps)

- 53.** One aspect of integrated management that GWRC has asked for in its submission is that the wetland identified on the site by Bioresarches is shown on the planning maps. I support this submission point and recommend that it be agreed to (see “Ecology” below).
- 54.** I note that in June 2022 the Ministry for the Environment released an exposure draft of proposed amendments to the NPSFM. The amendments are intended to improve clarity, reduce complexity, and correct some errors, without changing the underlying policy. The proposed changes include:
- (a) Clarifying the definition of 'natural wetland';
 - (b) Providing further direction on using 'best information' and 'transparent decision-making';
 - (c) Simplifying direction on 'special provisions for attributes affected by nutrients'; and
 - (d) Introducing new consent pathways for certain activities.
- 55.** I have not identified any changes being required to PC55 as a result of the exposure draft NPSFM.
- 56.** The s32 Report considered the proposed National Policy Statement for Highly Productive Land (NPS-HPL), which was released for public consultation in August 2019. The NPS-HPL has now been gazetted and comes into force on 17 October 2022. The purpose of the NPS-HPL is to improve the way highly-productive land is managed under the RMA to:
- (a) recognise the full range of values and benefits associated with its use for primary production;
 - (b) maintain its availability for primary production for future generations; and
 - (c) protect it from inappropriate subdivision, use, and development.
- 57.** MDL engaged Landsystems to consider the site in the context of the NPS-HPL, as well as the Regional Policy Statement for the Wellington Region. Landsystems concluded that the site’s potential areas of productive soils have undergone

extensive modification over the years and any productive areas are small and fragmented.

- 58.** The s32 report considered the draft National Policy Statement for Indigenous Biodiversity 2019, which has since been superseded by the Exposure Draft NPS-IB 2022.
- 59.** The exposure draft NPSIB contains provisions that require:
- (a) Provisions to protect, maintain and enhance indigenous biodiversity both within and outside significant natural areas;
 - (b) The identification of significant natural areas using a consistent set of ecological criteria;
 - (c) Landowners to be recognised as stewards, and tangata whenua as kaitiaki, of indigenous biodiversity;
 - (d) A nationally clear and consistent approach that includes managing biodiversity in a way that gives effect to the new concept of Te Rito o te Harakeke;
 - (e) A management approach for protecting significant natural areas focussed on managing the adverse effects of new subdivision, use and development;
 - (f) Existing uses to be provided for, where appropriate; and
 - (g) A consenting pathway for specific new uses where effects on indigenous biodiversity can be managed.
- 60.** The PC55 approach to indigenous biodiversity has been to:
- (a) Identify significant natural areas as “Gabites Block Natural Areas” and protect them via objectives, policies and rules; and
 - (b) Require the first subdivision to provide an Ecological Plan that deals with bats, lizards and nesting indigenous birds.
- 61.** The “Gabites Block Natural Areas” approach was taken because UHCC resolved (at its meeting of 28 July 2021) not to proceed with its Plan Change 48 Tiaki Taiao until “the government issues the national policy statement of indigenous biodiversity”.

Therefore, PC55 was unable to rely on any satisfactory provisions in the operative UHDP or PC48 and needed to incorporate its own provisions.

- 62.** Assuming that the Government formally gazettes the NPSIB, UHCC will be required to amend the UHDP, including any changes to the UHDP if PC55 is approved, to meet the NPSIB requirements.
- 63.** In the meantime, the GBNA provisions of PC55 are necessary and appropriate to give effect to RMA s6 obligations for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. They also give effect to the Change 1 of the RPS, which is discussed below.

Regional Policy Statement

- 64.** The s32 report documents that PC55 gives effect to the RPS, with specific commentary on the following RPS sections:
- (a) Section 3.3 Energy, Infrastructure and Waste;
 - (b) Section 3.4 Freshwater;
 - (c) Section 3.6 Indigenous ecosystems;
 - (d) Section 3.7 Landscape;
 - (e) Section 3.8 Natural Hazards;
 - (f) Section 3.9 Regional Form, Design and Function;
 - (g) Section 3.10 Resource Management with Tangata Whenua;
 - (h) Section 3.11 Soils and Minerals.
- 65.** Since the PC55 request was lodged, GWRC notified Change 1 to the RPS on 19 August 2022 with submissions closing on 14 October 2022. I agree with the GWRC webpage⁷ that key topics in Change 1 include:
- *Lack of urban development capacity and implementation of the National Policy Statement on Urban Development and Wellington Regional Growth Framework;*
 - *Degradation of freshwater and partial implementation of the National Policy Statement for Freshwater Management;*

⁷ <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/regional-policy-statement-2022-changes/>

- *Loss and degradation of indigenous biodiversity including regional policy to implement central government strategy and draft RMA national policy direction; and*
- *The impacts of climate change including regional policy to complement central government policy direction.*

66. I also identify an additional key topic of Change 1; Te Ao Māori and mana whenua / tangata whenua involvement in decision making, although this may not carry significant weight in the context of this process.

67. Change 1 confirms that its urban development provisions apply to urban zones and proposals to extend urban zones. “Rural area” is defined as rural zones as identified in district plans (p225), which include the Settlement Zone. The National Planning Standards⁸ list Settlement Zone as a rural zone. Change 1 provides further clarification to avoid doubt by explicitly excluding Settlement Zone from the definition of ‘Relevant Residential Zone’ (p224). However, my view is that the proposed Gabites Block Development Area overlay modifies the underlying Settlement Zone to be “more rural” in some sub-areas and “more urban” in other sub-areas. Therefore, Change 1’s guidance for both rural development and urban development is relevant to PC55, particularly for the management of freshwater.

68. A key thrust of Change 1 is that it follows national direction in emphasising the importance of spatial planning to determine appropriate areas for urbanisation. This plays out in Change 1’s urban development provisions and also, for rural development, in Objective 22B which states:

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.

69. Objective 22B is then given effect to by, among other provisions, Policy 56:

*Policy 56: Managing development in rural areas – consideration
When considering an application for a resource consent or a change, variation or review of a district plan, in rural areas (as at ~~March 2009~~ August 2022), particular regard shall be given to whether:
(a) *the proposal will result in a loss of productive capability of the rural area, including cumulative impacts that would reduce the potential for food and other primary production and reverse**

⁸ National Planning Standards p16

- sensitivity issues for existing production activities, including extraction and distribution of aggregate minerals;*
- (b) the proposal will reduce aesthetic and open space values in rural areas between and around settlements;*
 - (c) the proposals location, design or density will minimise demand for non-renewable energy resources; and*
 - (d) the proposal is consistent with any Future Development Strategy, or ~~the city or district~~ regional or local strategic growth and/or development framework or strategy that addresses future rural development, should the Future Development Strategy be yet to be released; or*
 - (e) in the absence of such a framework or strategy, the proposal will increase pressure for public services and infrastructure beyond existing infrastructure capacity.*

70. Applying Policy 56 to PC55 requires consideration of:

- (a) Consistency with the Wellington Regional Growth Framework and the LUS;
- (b) The requirements of the National Policy Statement for Highly Productive Land;
- (c) Aesthetic and open space values;
- (d) Demand for non-renewable energy; and
- (e) Pressure on public services and infrastructure.

71. Additional matters not covered in Policy 56 that need to be considered to achieve Objective 22B include “significant values and features” such as natural areas and landscapes, waterbodies and natural hazards.

72. PC55 has been guided by the strategic and spatial planning documents WRGF and LUS. The site has been assessed for, and does not include, productive soils. A detailed landscape and visual assessment has guided the proposed location and density of built development to maintain character and open space values, particularly those of the main ridgeline and west-facing hillside that contributes to the framing of Maymorn Valley. I comment on non-renewable energy under the heading “Transport”. The proposal has considered the current and future availability of reticulated infrastructure and included provisions that avoid pressure for extensions. The transport network has been assessed and found to have sufficient capacity. “Significant values and features” such as natural areas and

landscapes, waterbodies and natural hazards have been considered in detail, with comprehensive management provisions proposed.

- 73.** Change 1's management of freshwater centres on inserting a Te Mana o Te Wai objective and amending existing freshwater provisions to give effect to the National Policy Statement for Freshwater Management 2020, and also provides direction to district and regional plans on how to manage the effects of urban development on freshwater and coastal waters.
- 74.** PC55 includes provisions for the management of *water quantity*, by requiring hydraulic neutrality and management of flood hazards, and *water quality*, with water sensitive design (to regional standards) including working appropriately with natural stormwater systems, avoiding zinc and copper contamination from house roofs and treating road runoff. There are complementary provisions around setbacks from waterbodies and erosion and sediment controls for earthworks.
- 75.** Change 1's indigenous biodiversity provisions are intended to maintain, enhance and restore indigenous biodiversity generally, provide clarity about limits to biodiversity offsetting and biodiversity compensation in significant areas and better recognise and provide for the roles and values of mana whenua / tangata whenua and landowners in relation to indigenous biodiversity.
- 76.** PC55 would establish and protect 6 GBNAs comprising approximately 7ha (9.4% of the site). The provisions include an effects-management hierarchy incorporating best practice approaches to biodiversity offsetting and biodiversity compensation. Customary harvesting practices are provided for.
- 77.** Biodiversity would also be enhanced by the stream naturalisation associated with the stream capacity upgrade of the main stream channel on the flats, by setbacks from waterbodies in general and by buffer vegetation areas.
- 78.** Change 1 identifies three key responses to climate change:

 - (a) Reduction of gross greenhouse gas emissions;
 - (b) Carbon sequestration; and

(c) Adaptation action to increase resilience.

- 79.** Change 1 (p9) notes that transport is the Wellington Region's main source (39%) of greenhouse gas emissions. I accept that the residents of future development on the site would be likely to rely on private vehicles (complemented by a train service that the Transport Assessment (p9) notes is slated for improvement) but I think the nature of those private vehicles will change greatly over time. My observation is that market forces and government incentives are pushing the switch from internal combustion to electrical vehicles. That switch is likely to build momentum as economies of scale and technological advances reduce costs. Greenhouse gas emissions from transport will reduce in step.
- 80.** The GBNAs result in long term establishment of protected native forest, which will sequester carbon in perpetuity.
- 81.** Natural systems are also protected through the setbacks from waterbodies and water sensitive design protects and retains the site's natural systems of stormwater management. Mr Blyde has also covered how the impacts of climate change have been accounted for in the flood modelling undertaken for the site so that future houses would not face unacceptable risks of flooding.
- 82.** Returning now to guidance for urban development, Change 1 gives effect to the NPS-UD by:
- (a) Referring to new strategic documents for the Region such as the Future Development Strategy and the Wellington Regional Growth Framework;
 - (b) Redrafting Objective 22 for urban development to give effect to the NPS-UD's concept of a well-functioning urban environment; and
 - (c) Inserting the housing bottom lines required by the NPSUD into the operative RPS.
- 83.** As noted elsewhere, PC55 aligns well with regional and local spatial planning documents (WRGF and LUS). While PC55 is not urban development that would require achieving Objective 22's desired outcome of a well-functioning urban

environment, it will nevertheless make a contribution to UHCC in meeting its housing bottom line.

- 84.** Change 1's guidance for urban development is relevant to PC55 through Policy FW.3, which sets out a range of matters that district plans need to address to manage the effects of urban development on freshwater and coastal waters:

Policy FW.3: Urban development effects on freshwater and the coastal marine area – district plans

District plans shall include objectives, policies, and methods including rules, that give effect to Te Mana o te Wai and section 3.5(4) of the NPS-FM, and in doing so must:

- (a) Partner with mana whenua / tangata whenua in the preparation of district plans;*
- (b) Protect and enhance Māori freshwater values, including mahinga kai;*
- (c) Provide for mana whenua / tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;*
- (d) Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately; (e) Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;*
- (f) Integrate planning and design of stormwater management to achieve multiple improved outcomes – amenity values, recreational, cultural, ecological, climate, vegetation retention;*
- (g) Consider the effects on freshwater and the coastal marine area of subdivision, use and development of land;*
- (h) Consider the use and development of land in relation to target attribute states and any limits set in a regional plan;*
- (i) Require that Water Sensitive Urban Design principles and methods are applied during consideration of subdivision, the extent of impervious surfaces and in the control of stormwater infrastructure;*
- (j) Require that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;*
- (k) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;*
- (l) Require riparian buffers for all waterbodies and avoid piping of rivers;*
- (m) Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;*
- (n) Require efficient use of water;*
- (o) Manage land use and development in a way that will minimise the generation of contaminants, including building materials, and the extent of impervious surfaces;*
- (p) Consider daylighting of streams, where practicable; and (q) Consider the effects of land use and development on drinking water sources.*

- 85.** While PC55 has not explicitly included provisions for Te Ao Māori or mana whenua / tangata whenua decision making, its approach is consistent, particularly in respect of water quality and quantity, GBNAs and earthworks. In my view, the approach taken is appropriate for a site-specific private plan change and will not detract from any future comprehensive partnership approach developed by UHCC and mana whenua. Development of the site will likely require ongoing engagement and work with mana whenua through the resource consent process.
- 86.** The amended PC55 provisions set out in this evidence:
- (a) Integrate planning and design of stormwater management to achieve multiple outcomes;
 - (b) Require the location and design of built development in sensitive landscapes to be guided by landscape advice at the time of subdivision. That will result in built development that, as far as practicable, respects natural land contours;
 - (c) Require hydraulic neutrality, controlling the impacts of impervious surfaces;
 - (d) Require water sensitive design (to regional standards) that includes working appropriately with natural stormwater systems, avoiding zinc and copper contamination from house roofs and treating road runoff;
 - (e) Avoid affecting waterbodies, including by using a 10m building setback. Daylighting of streams is not applicable and no piping of rivers is required; and
 - (f) Incentivise the efficient use of water via individual allotment collection and storage of rainwater. There are no effects on drinking water sources.
- 87.** RPS Change 1's Policy FW.5 requires the consideration of water supply planning for climate change and urban development. Most of the site will rely on individual allotment rainwater collection and storage for water supply. This will continue to be satisfactory, based on current knowledge. NIWA projects that climate change may lead to increased rainfall in western Wellington Region in all seasons⁹.

⁹ https://niwa.co.nz/sites/niwa.co.nz/files/Well_NCC_projections_impacts2017.pdf

- 88.** In summary I have considered the key topics in RPS Change 1. I acknowledge that some of the proposed provisions have the potential to be amended through the process (which is at an early stage). Assuming the provisions remain as proposed, I am satisfied that PC55 would continue to give effect to the RPS.

Regional Plans

- 89.** The s32 report also documents PC55’s interaction with relevant objectives and policies of the Proposed Natural Resources Plan (Appeals Version, which has recently been updated as the Appeal Version 2022). The s42A report considers and updates that analysis, which I accept.
- 90.** The GWRC submission raises several RPS or regional plan matters that I have discussed with GWRC staff, resulting in several recommended changes to PC55 provisions. The recommended changes, which are set out in by topic in this evidence and consolidated at Attachment 1, include identifying the site’s natural wetland on the Structure Plan, introducing provisions for water sensitive design to contribute to managing water quality, requiring all stormwater management to be in accordance with the Wellington Water Limited Regional Standard for Water Services 2019, amending the vegetation able to be removed from GBNAs as a permitted activity from “non-indigenous vegetation” to “vegetation listed in the Greater Wellington Regional Pest Management Plan 2019–2039” and replacing the proposed PC55 principles for offsetting and compensation with those of the NZ government’s “*Guidance on Good Practice Biodiversity Offsetting in New Zealand*”¹⁰.

District Plans

- 91.** The s42A Report analyses PC55 against relevant objectives and policies of the UHDP. I concur with that analysis.

¹⁰ <https://www.doc.govt.nz/documents/our-work/biodiversity-offsets/the-guidance.pdf>

- 92.** PC55 is intended to align where possible with the UHDP and forthcoming plan changes including Plan Change 47 Natural Hazards and draft PC50 Rural and Residential Chapters Review, which was intended to introduce:

Settlement zoning throughout the Maymorn area, including Settlement Zone over most of the Gabites Farm Block.

- 93.** I concur with the discussion of draft PC50 in the s42A Report (p41).
- 94.** I understand that the rural provisions of PC50 are on hold¹¹ until UHCC has been able to address its obligations to amend the UHDP in light of the NPSUD 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
- 95.** PC55 reflects the relevant overlay (High Slope Hazard Areas) proposed to be introduced by PC47 and the Settlement Zone of draft PC50, with sensitive management of rural character, particularly in respect of the west-facing hillside and the main north-south ridge. PC55 did not pursue PC50's 'Village Precinct' because such development would need to be serviced by reticulated water supply, which is not available to that area. Similarly, PC55 did not seek to zone the North-West Area as residential as shown in PC50 because that would require an extension of the reticulated water supply, which may be (but has not been confirmed as) available to that area.
- 96.** Additional PC55 flood hazard provisions are discussed in the evidence of Mr Blyde and later in my evidence.
- 97.** No cross-boundary issues arise in respect of the plan change area. PC55 follows the format of and uses definitions adopted by the Proposed Porirua District Plan and the Proposed Wellington District Plan.

Iwi Management Plans

- 98.** There are no relevant iwi management plans.

¹¹ PC50 will continue as the Rural Review with public notification proposed for early 2023
<https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/District-Plan/PC50>

Upper Hutt Land Use Strategy 2016-2043

- 99.** The Upper Hutt Land Use Strategy 2016-2043 (LUS) was developed by UHCC with extensive community consultation exceeding the requirements of the Special Consultative Procedure of the Local Government Act 2002. The LUS was formally adopted by UHCC in 2016.
- 100.** The s32 report details the LUS’s identification of the Gabites Block as an area for housing growth of the type “Edge Expansion – Areas on the edges of the existing urban area where opportunities exist for controlled, sustainable outward growth on greenfield sites”. This type of housing growth is as opposed to the other two types identified, i.e. “Urban Infill” and “Intensification”.
- 101.** The strategic position set out in the *LUS* is that the site is appropriate for rural residential development.

Wellington Regional Growth Framework

- 102.** The Wellington Regional Growth Framework¹²:

is a spatial plan that describes a long-term vision for how the region will grow, change and respond to key urban development challenges and opportunities in a way that gets the best outcomes and maximises the benefits across the region.

- 103.** The WRGF is a collaboration between GWRC, Masterton District Council, Carterton DC, South Wairarapa DC, UHCC, Hutt CC, Wellington CC, Porirua CC, Kāpiti Coast DC, Horowhenua DC and central government.
- 104.** The WRGF identifies housing growth in UHCC that is aligned with the LUS and records that the Maymorn Station is not a ‘rapid transit stop’ in terms of the NPSUD.

¹² www.wrgf.co.nz

ISSUES RAISED IN SUBMISSIONS

- 105.** I agree with the s42A Report's list of issues raised in submissions.
- 106.** I agree with the s42A Report's discussion of "10.1 The Appropriateness of the Proposed Rezoning" (p44) and the conclusion reached. That is, that the proposed rezoning and introduction of a site-specific Development Area and Structure Plan is appropriate.
- 107.** I also agree with the s42A Report's consideration of the site's sub-areas and accept the suggested changes to provisions, i.e:
- (a) Add a maximum percentage building coverage in the North-West Area in DEV3-S3 in Amendment 39;
 - (b) Add 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. The s42A Report does not suggest wording. I suggest the following as part of Amendment 11:

*For subdivision in Development Area 3 – Gabites Block Development Area, the subdivision provisions set out in SUB-DEV3 Subdivision in Development Area 3 apply **in addition to** the subdivision provisions set out in SUB-RUR Subdivision in Rural Zones.*

Transport

- 108.** Transport matters were raised by 41 submitters.
- 109.** I discuss transport under sub-headings below, highlighting the views of some submitters, noting the conclusions of the s42A Report and drawing on the Statement of Evidence of James Whittaker (Transport) dated 29 September 2022, which I accept in full unless otherwise stated.

Traffic volumes

- 110.** Several submitters stated that the 2008 Maymorn Road traffic counts cited in the transport assessment were out of date and did not reflect current traffic volumes. Several submitters also stated that traffic and congestion associated with heavy vehicles and school traffic had not been appropriately taken into account.
- 111.** As part of his 2021 transport assessment Mr Whittaker chose not to undertake traffic counts due the then low traffic volumes being experienced as a result of Covid 19 lockdowns. In his statement of evidence, Mr Whittaker discusses the Maymorn Road traffic counts he undertook in July 2022 which showed a decrease in daily traffic flows compared to 2008 data. In his opinion, Maymorn Road has capacity to accommodate the additional traffic anticipated from the development enabled by PC55.
- 112.** Mr Whittaker also considers heavy traffic and school traffic and concludes that the road network operates safely, as evidenced by accident data, and will not change materially as a result of PC55.

Traffic safety at intersections

- 113.** Several submitters stated that safety at the intersections of SH2 with Plateau Road and Maymorn Road with Plateau Road would be adversely affected as a result of traffic generated by PC55.
- 114.** Mr Whittaker’s view is that the intersections have the capacity to safely accept the additional traffic. This is supported by Waka Kotahi’s submission (42), which stated that:

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.

- 115.** Neither Waka Kotahi (42) nor the Council’s transport review by Don Wignall, Transport Futures dated 10 November 2021 raised concerns about the Maymorn Road Plateau Road intersection. Mr Wignall’s memorandum states “The overall

traffic generation forecasts from the Gabites Block development are low, the local road network operates (in general) well within capacity”.

- 116.** R Anker (15) stated that the number of new intersections with Maymorn Road should be two rather than three:

The North West area intersection is at the apex of a bend and as such has compromised sight lines. The calculations in the Transport Assessment are flawed and even after adjusting from the incorrect data do not appear to meet Council’s minimum requirements.

- 117.** Mr Whittaker advises that the Northwest Area intersection would be subject to specific design that would be reviewed by UHCC. A safe and efficient intersection arrangement can be achieved, including in respect of adequate sightlines.

- 118.** GWRC (40) sought:

Amend the speed limits on the affected stretches of Maymorn Road from 100kph to 50kph.

- 119.** UHCC as road controlling authority is responsible for speed limits. There is no RMA pathway to change speed limits, irrespective of whether such a change was necessary as a consequence of PC55 (which appears doubtful).

- 120.** GWRC (40) sought:

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

- 121.** Mr Whittaker’s evidence has considered this matter and concluded that there are no significant adverse effects on Mangaroa School from through traffic caused by the development.

Cycle trail and walkway along Maymorn Rd

- 122.** PC55 proposes that, as part of the first subdivision of the site along Maymorn Road, sufficient land is vested to UHCC to provide for a shared cycling and walking trail along Maymorn Road. The construction of the cycle trail and walkway in the road reserve (except from the southernmost intersection with Maymorn Rd to the train

station site, which is discussed below) would be the responsibility of UHCC with any contribution from MDL beyond the land contribution to form part of the development contributions discussion between MDL and UHCC associated with the subdivision consent.

- 123.** Waka Kotahi commended the cycle trail and walkway concept as a “shared user path” (SUP) and sought 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.

- 124.** Mr Whittaker has confirmed that the currently available survey information and site investigation work to date indicates that a minimum 2.5m wide path should be achievable across the frontage of the site, noting there are one or two pinch points where the path may need to narrow for short sections at culverts.

- 125.** Several submitters commented on the cycle trail and walkway concept. S Moers-Kennedy (13) commended the cycle trail and walkway but would like it to include a bridleway for horses. P Barnes (16) stated there would be “Increased problems for recreational cyclists using Parkes Line and Maymorn Rd”. D Baston (17) noted there needs to be a safe pathway and crossings for children walking to Plateau School. K Gibbs (25) stated “We support a safe cycle way, but also urge council to require the developer's investment into safe walkways along Maymorn and Parks [sic] Line”. R and S Houghton (29) noted there is “no pathway to access Tunnel Gully entrance” and “the rail overbridge is dangerous for pedestrians and cyclists”. K Williams (38) noted that “a cycleway is provided but the pathway to SH2 is dangerous after that”. J and M Ankcorn (49) considered that “The proposed new cycleway connecting to the rail trail will impact on the existing track. If it’s created consider other users – horse riders, walkers”.

- 126.** GWRC (40) requested:

Amend 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;

which is presumably a statement of support for SUB-DEV3-P5 Maymorn Road Cycle Trail and Walkway, which uses the wording sought:

Require the first subdivision in Valley Flats Area to adjust the boundary of Maymorn Road to provide sufficient width in Maymorn Road for a future cycleway and walkway.

- 127.** Subsequent to the GWRC submission, the GWRC Parks department visited the site and followed up with an email (Attachment 2) confirming support in principle for the proposed recreational access to the Pākuratahi Forest.
- 128.** GWRC (40) also requested that parking, particularly for horse floats, is provided for visitors to the Rail Trail and Pākuratahi Forest. As Mr Whittaker points out, UHCC is responsible for allocating space in the road reserve. Opportunities exist outside the Gabties Block site to improve parking.
- 129.** Mr Whittaker has stated his view that a cycle trail and walkway that links to the Remutaka Rail Trail would provide considerable safety improvements over the existing situation by obviating the need for Rail Trail cyclists to use the Maymorn Road rail underpass and much of Maymorn Road. That is a strongly positive feature of the PC55 that benefits residents of and visitors to Upper Hutt. PC55 contributes by providing land to increase the width of the Maymorn Road reserve.

Connection to Maymorn Station

- 130.** Waka Kotahi (42) sought that a connection from the cycle trail and walkway is made to the Maymorn Train Station passenger platform and a safe road crossing is constructed prior to undertaking any onsite development.
- 131.** Mr Whittaker's advice is that a safe pedestrian access across Maymorn Road could be incorporated into the construction of the site's southern intersection. In my opinion, the need for cycling and pedestrian access to the train station, including a safe crossing of Maymorn Road, is reasonably attributable to development that would be enabled by PC55 (although wider community benefits would also accrue).

132. I recommend that the shared cycleway and walkway and the pedestrian crossing are required by PC55 provisions. For scope I rely on Submission 42. The suggested changes are shown below and summarised as:

- (a) Add a directive policy SUB-DEV3-P5 that requires the first subdivision of the Valley Flats Area to provide the Maymorn Station link;
- (b) Amend the Structure Plan to include an indicative design;
- (c) Add a new standard SUB-DEV3-S7 to set the key design and construction parameters; and
- (d) Consequential changes to Rule SUB-DEV3-R2 to refer to the standard. The policy is already referred to.

Electric Vehicle Charging

133. GWRC (40) suggested an electrical vehicle charging station should be provided through the plan provisions:

The close connection with the Maymorn Railway Station and the provision of a cycleway/walkway will enable residents to use public and zero carbon transport. Potential improvements could be made by requiring EV charging stations as part of the development plan provisions and considering how active transport and public transport could be provided for within the development area itself.

134. Mr Whittaker's view is that residents with electric vehicles will provide their own EV charging and that a charging station elsewhere is not necessary. Active transport is enabled through walkways and cycleways including the link to Maymorn Station and shared, low speed roads. I understand that GW does not plan to provide public transport in the development area.

Footpaths on the Gabites Block

135. Waka Kotahi (42) seeks sealed footpaths on at least one side of the internal road network.

136. The Gabites Block Road Typologies show the proposed provision of sealed footpaths on the site's internal roads. The Road Typologies were developed by Mr Whittaker in collaboration with Hudson Associates and were included in both the

Transport Report and the Landscape Report that form part of the s32 report. The Road Typologies are referred to in PC55's provisions (SUB-DEV3-P2 and SUB-DEV3-S6) but were omitted from DEV3-APPENDIX1 Gabites Block Development Area Structure Plan in error.

- 137.** The Road Typologies are essentially indicative road construction standards that, in standard SUB-DEV3-S6, complement NZS4404:2010 Land Development and Subdivision Infrastructure. Mr Whittaker recommends, and I agree, that the Road Typologies are added to DEV3-APPENDIX1 Gabites Block Development Area Structure Plan. For scope I rely on Submission 42.
- 138.** In terms of Waka Kotahi's request for footpaths on all internal roads, the Roding Typologies show footpaths on all road typologies except *5.5m Road With Swales & No Path*. Mr Whittaker advises that this road typology would be a very low speed environment servicing culs de sac where the road carriageway would be designed and constructed to be a shared space for vehicles, active modes and pedestrians. In his opinion sealed footpaths would not be required. I accept that advice.

Fire appliance access

- 139.** Fire and Emergency NZ (30) supports standard SUB-DEV3-S2 requiring subdivisions in non-reticulated areas to provide a firefighting water supply in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 but seeks amendments to also require firefighting appliance access in accordance with the Code.
- 140.** PC55 proposes that the site is subject to the UHDP standard for subdivision SUB-RUR-S2¹³, which in turn refers to the UHCC Code of Practice for Civil Engineering Works (COPCEW). In its Section C Design: A Means of Compliance, under Water Supply, the COPCEW lists the 1992 version of the firefighting code of practice for guidance.
- 141.** Mr Whittaker supports the intent of the FENZ submission. I agree that the provisions should be clarified (and updated to the 2008 Code) but recommend that

¹³ except for Clause 1, which relates to distance between vehicle accesses

access be addressed as an access provision rather than under water supply. I set out recommended provisions below, which are summarised as:

- (a) Add a new standard for access within allotments. I had drafted the standard as SUB-RUR-S3 but concur with the s42A Report's recommendation that the standard is more appropriately housed within the DEV3 subdivisions provisions as SUB-DEV3-S9;
- (b) Amend SUB-DEV3-P1 to require adequate provision of and access to a firefighting water supply; and
- (c) Amend Rules SUB-DEV3-R1, SUB-DEV3-R2 and SUB-DEV3-R3 to change the reference from SUB-RUR-S3 to SUB-DEV3-S9. The s42A Report amended SUB-DEV3-R2 and SUB-DEV3-R3 but not SUB-DEV3-R1, which is shown below.

SUB-DEV3-R1	Boundary Adjustments
Gabites Block Development Area	<p>1. Activity Status: Controlled <u>Where:</u> a. The boundary adjustment does not create additional allotments; and b. Compliance is achieved with: i. SUB-DEV3-S1; ii. SUB-DEV3-S2; iii. SUB-DEV3-S3; iv. SUB-DEV3-S4; v. SUB-DEV3-S5; and vi. SUB-DEV3-S9; and vi. SUB-RUR-S2; and vii. SUB-RUR-S3.</p> <p>Matters of Control are limited to: M1. The design and layout of the allotments; M2. The ability to accommodate the intended use including any associated network utilities; and M3. The matters in: a. SUB-DEV3-P1; and b. SUB-DEV3-P4.</p>
	<p>2. Activity status: Restricted Discretionary <u>Where:</u> a. Compliance is not achieved with i. SUB-DEV3-R1-1a; ii. SUB-DEV3-S1; iii. SUB-DEV3-S2; iv. SUB-DEV3-S3; v. SUB-DEV3-S4; vi. SUB-DEV3-S5; or vii. SUB-DEV3-S9; or vi. SUB-RUR-S2; and vii. SUB-RUR-S3.</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;</u></p> <p>d. <u>SUB-DEV3-P4; and</u></p> <p>e. <u>SUB-DEV3-P5.</u></p>
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142. Several submitters commented on the adequacy of the Maymorn Train Station and the train service (e.g. M Masse (22), R Anker (15)).

143. Mr Whittaker’s transport assessment (p9) identified planned infrastructure upgrades to the Wairarapa Line that are intended to enable new, higher capacity trains.

s32AA Evaluation of Recommended Changes to Transport Provisions

Reason

144. The amendments are in response to submissions on transport and the s42A Report and better implement the intentions of the plan change.

How this Change Achieves the Purpose of the RMA

145. The amendments contribute to social and economic wellbeing, and health and safety.

Benefits including Opportunities for Economic Growth and Employment

146. There are benefits in providing walking and cycling access to Maymorn Station and providing appropriate access for fire fighting water supplies.

Costs

147. The costs associated with the changes are accepted by the requestor.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

148. No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

- 149.** The efficiency of the recommended change is high because the benefits outweigh the costs.
- 150.** The effectiveness of the recommended change is high because it contributes to the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

- 151.** No other reasonably practicable options have been identified.

Infrastructure and services

- 152.** Concerns about infrastructure and services, including social infrastructure, were raised by 25 submitters.
- 153.** I discuss infrastructure and services below, highlighting the views of some submitters and the s42A Report and drawing on the Statement of Evidence of Alan Blyde (Engineering) dated 30 September 2022, which I accept in full except where otherwise stated.
- 154.** D Hawinkels (3) was concerned that there will be “infrastructure which cannot support this type of development”.
- 155.** In respect of water supply, RJ Anker (15) questioned the density provisions of the Northwest Area, given the stated constraints of the reticulated water supply network.
- 156.** However, the proposed density of the Northwest Area is subject to it being able to connect to the reticulated water supply network. If the Area cannot be connected, the allotment sizes would need to be at least as large as those in Station Flats and Hilltop Basin to enable sufficient on-site water storage. Mr Blyde recommends the following changes, which are supported by the s42A Report and by me:
- (a) Amend Policy SUB-DEV3-P3 to clarify extensions to the reticulated water supply; and

(b) Amend Standard SUB-DEV3-S1 to link allotment sizes with the availability of infrastructure. For scope I rely on the above submissions.

157. RJ Anker (15) stated the 10,000L onsite water storage is likely to be insufficient. M Masse (22) stated the water supply solution is “not suitable” and asks how firefighting water supply will be provided. Fire and Emergency NZ (30) supported:

the requirement of proposed performance standard SUB-DEV3-S2 which will require subdivisions in non-reticulated areas to provide a firefighting water supply in accordance with the Code of Practice, whilst also providing an opportunity for allotments to be connected to a reticulated water supply in accordance with the Code of Practice, where practicable.

158. Fire and Emergency NZ (30) also supported the note attached to the subdivision provisions which recommends the installation of sprinklers.

159. Mr Blyde has advised that potable water supply needs to be calculated in accordance with the COPCEW, which results in a requirement of 38,000L that could readily be provided in two 25,000L water tanks. The additional water supply for fire fighting, calculated in accordance with the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, would need to be 7,000L (when connected to a domestic fire sprinkler system) or 45,000L (without a sprinkler system). These figures are confirmed in the s42A Report.

160. Mr Hudson has advised that having two large fire fighting water supply tanks in addition to the two large potable water supply tanks would lead to unacceptable adverse visual and character effects on most sites.

161. After considering the above advice, I recommend that the permitted activity setting is that residential units that are not connected to a reticulated water supply are required to install domestic fire sprinkler systems by amendments to subdivision Standard SUB-DEV3-S2 and new building Standard DEV3-S15. Alternative solutions may be possible. They should be considered on a case-by-case basis through a consent process. Policy SUB-DEV3-P1 and Standard DEV3-S15’s matters of discretion provide guidance in such processes.

162. While the s42A Report and I agree on the intent of SUB-DEV3-S2, I do not agree with the suggested wording. UHCC as the asset owner controls connections to the reticulated water supply. If the reticulated water supply lacks capacity then a connection is not available. The suggested additional wording is in my view redundant.

163. The s42A Report also argues that the potable water requirements should be set for each residential unit, rather than for each allotment, to avoid multiple residential units on an allotment sharing water supply. I accept the point (which should also encompass fire-fighting considerations) but I think the matter needs to be addressed through land use provisions, when a subsequent residential unit may arise, rather than through subdivision provisions. I suggest that recommended new standard DEV3-S15 is broadened from addressing fire-fighting water supply only to include potable water supply.

164. I set out the suggested standards below.

SUB-DEV3-S2	Water Supply	
<p><u>North West Area</u> <u>Gabites Block Development Area</u></p>	<ol style="list-style-type: none"> 1. <u>Where a connection to Council's reticulated water supply is available and the reticulated water supply network does not 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).</u> 2. <u>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:</u> <ol style="list-style-type: none"> a. <u>A self-sufficient potable water supply with a minimum volume of 10,000-38,000L per allotment;</u> and b. <u>A domestic fire sprinkler system in accordance with NZS 4541:2013</u> 	

	<p><u>and 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>Note:</u></p> <ul style="list-style-type: none"> <u>Fire and Emergency New Zealand recommends that the most appropriate way to comply with the New Zealand Fire Service Firefighting Water Supply Code of Practice SNZ PAS 4509:2008 is through the installation of fire sprinkler systems, in accordance with NZS 4541:2013</u> 	
<p><u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u></p>	<ol style="list-style-type: none"> <u>Allotments must not be connected to the Council's reticulated water supply;</u> <u>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.</u> <p><u>Note:</u></p> <ul style="list-style-type: none"> <u>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</u> 	

DEV3-S15	Water Supply and Fire Fighting Sprinkler System for Residential Units	
<p><u>Gabites Block Development Area</u></p>	<ol style="list-style-type: none"> <u>Each Residential units that are is not connected to Council's reticulated water supply must have the following installed:</u> <ol style="list-style-type: none"> <u>A self-sufficient potable water supply with a minimum volume of 38,000L; and</u> <u>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><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>The adequacy of alternative fire fighting water supplies;</u> <u>Effect on the streetscape and character of the area; and</u> <u>Screening, planting and landscaping.</u>

- 165.** GWRC (42) sought clarification about whether potentially contaminated bore water could be used as water supply. PC55 assumes on-site water supply from roof runoff. Anyone wishing to use bore water would have to apply due diligence including gaining GWRC consent under Proposed NRP (Appeals Version) Rule R147: Drilling, construction or alteration of any bore.
- 166.** For wastewater, RJ Anker (15) stated the “wastewater system is flawed”. M Masse (22) states it is “not suitable”.
- 167.** Mr Blyde has confirmed that the proposed wastewater solution is fit for purpose. The s42A Report recommends an amendment to SUB-DEV3-S3 to identify the proposed solution, which is accepted.

Stormwater

- 168.** For stormwater, G Bourke and T Coley (11) were concerned that “Drainage and run off will also likely become an issue with the decrease in permeable area due to the land development”. L Francis on behalf of 4 households (44) was also concerned about stormwater runoff.
- 169.** GWRC (40) sought:
- Ensure alignment with all relevant Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao recommendations.*
- 170.** I note that the GWRC Whaitua Committee reports were published in September 2021 and contain hundreds of recommendations. The policy status of the reports is unclear. In the absence of specific relief sought, my view is that PC55 is in general accordance with the principles of the Whaitua.
- 171.** GWRC (40) also stated:
- The proposed plan change does not provide adequate detail to demonstrate how the stormwater network will work; nor how the identified natural watercourses and wetland will be avoided.*

We support Water Sensitive Urban Design (WSUD) initiatives in line with Wellington Water Ltd Standards and Guidelines, and the principle of hydraulic neutrality proposed, provided that the proposed flood hazard assessment is undertaken. In line with a WSUD approach, it is recommended that natural watercourses through the site are protected through setback areas that allow riparian planting buffers to be established to minimise flood risk.

We support the stormwater management techniques alluded to in the Section 32 report, however the relationship between the identified watercourses, site plan and stormwater system is currently unclear. For example, the site plan appears to propose road alignments very close to identified permanent and intermittent watercourses.

Demonstrating how the development will avoid adverse effects of development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments, is required under NPS-FM 3.5. It is also essential to give effect to Te Mana o Te Wai and align with the direction of Te Whaitua Te Whanganui-a-Tara and Te Mahere Wai

172. The PNRP (Appeal Version 2022) manages stormwater in Rule R50:

Rule R50: Stormwater from new subdivision and development – restricted discretionary activity

The discharge of stormwater from a new urban subdivision or new urban development, or new or redeveloped state highway into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority or state highway stormwater network, that is not permitted by Rule R49 is a restricted discretionary activity.

Matters for discretion

- 1. Measures to minimise the adverse effects of stormwater discharges in accordance with Policy P83, including the extent to which water sensitive urban design measures are employed*
- 2. Measures to manage runoff volumes and peak flows in accordance with Policy P84*
- 3. Requirements of any relevant local authority stormwater network discharge consent, including those set out in any relevant stormwater management strategy developed in accordance with Schedule N (stormwater strategy)*

173. As noted earlier, RPS Change 1 Policy FW.3 sets out a range of matters that district plans need to address to manage the effects of urban development on freshwater and coastal waters. In my view, that guidance is useful in the PC55 context.

174. The s42A Report identifies weaknesses in the stormwater approach of PC55 as notified (which focused on hydraulic neutrality via DEV3-SW-O1 and DEV3-SW-P1 and required stormwater connections to meet the Wellington Water Ltd regional standard) and supports the proposed changes to require water sensitive design.

- 175.** The s42A Report also recommends a requirement for a comprehensive stormwater management plan to be provided as part of the first subdivision of the site. Mr Blyde supports the requirement.
- 176.** Mr Blyde has recommended the following suite of amendments, which I accept. For scope, I rely on Submission 40:
- (a) Insert a new objective (renumbered) DEV3-SW-O1 Water Sensitive Design;
 - (b) Insert a new policy DEV3-SW-P1 Water Sensitive Design;
 - (c) Amend policy DEV3-SW-P2 (renumbered) to require hydraulic neutrality facilities for roads, footpaths and other impervious surfaces within the road corridor;
 - (d) Amend SUB-DEV3-P3 to require stormwater quantity and quality management for impervious surfaces in the road corridor;
 - (e) Amend SUB-DEV3-S6 to require stormwater management for roads;
 - (f) Amend DEV3-P2 to require the management of stormwater quantity and quality in accordance with the stormwater policies for water sensitive design (DEV3-SW-P2) and hydraulic neutrality (DEV3-SW-P1);
 - (g) Amend DEV3-P2 to require a stormwater management plan as SUB-DEV3-IR-3. (There is a repeated typographical error where SUB-DEV3-IR3 is referred to);
 - (h) Amend Clause 2 of SUB-DEV3-S4 to require on-site design to meet the WWL Regional Standard for Water Services;
 - (i) Insert DEV3-S14 to require a minimum building setback from waterbodies; and
 - (j) Consequential changes to rules to refer to the policies and standards.

Flooding

- 177.** F and B Evans (21) stated:

The stream (Blakies stream) that runs right through the Gabites property and down through ours; in heavy rain this causes our property to flood – also our neighbours further down the stream. We would like to know what measures are being taken to make sure this development – if it goes ahead – will not cause anymore flooding/erosion to our property.

178. J Pitman (26) noted that, where she lives opposite the Gabites Block:

During winter, the soil become water logged and the water table on numerous occasions rises above ground level. Large stretches of land exhibits sustained surface flooding which extends onto, and significantly impinges the width of Maymorn Road. The creek that extends along the side of Maymorn Road becomes overwhelmed with the volume of water it receives.

179. R and S Houghton (29) were concerned about “runoff affecting 5 Roseveare Grove”. GWRC (40) supported the undertaking of a flood hazard assessment.

180. The s42A Report identifies that WWL has recently released flood modelling that is sufficient to map flood hazard layers for the site: stream corridors, overland flowpaths and inundation areas. In his evidence, Mr Blyde discusses the more accurate flood modelling of the site prepared by Envelope Engineering using site survey data rather than the LIDAR data relied on by WWL.

181. The s42A Report sets out a recommended suite of flood hazard provisions to manage residential and accessory buildings – the safety of people and property - in a recommended flood hazard overlay, which would reflect flood modelling. I support the intent of the provisions but suggest an alternative approach to achieving that intent.

182. The key problem with including a flood hazard overlay map in PC55 as proposed by the s42A Report is that the map would identify pre-development rather than post-development flood patterns. A pre-development flood map contained in PC55 would have ongoing impacts and costs on land use and associated resource consent requirements despite being rendered obsolete by the site’s development works, which would explicitly set out to manage and enhance flood capacity and overland flowpaths to prevent developable areas of the site from being subject to inundation, as well as prevent any increase in flood risk to properties beyond the boundary of the site. Despite being obsolete, a flood overlay could only be removed by a future plan change.

183. The suggested approach is to address flood risk via the Stormwater Management Plan proposed in the s42A Report, as is suggested in the matters listed in Stormwater Management Plan information requirement SUB-DEV3-IR-3. I suggest

that the flood hazard aspects of the Stormwater Management Plan are strengthened by direction from a flood hazard objective (DEV3-NH-O1) and policy (DEV3-NH-P2) that draw on the s42A Report provisions, as set out below.

184. The Stormwater Management Plan would enable any residual, post-development flood hazards to be managed on a site-specific basis, with any inundation areas and minimum floor levels included in consent notices on Records of Title and any overland flowpaths contained in appropriate reserves. The Stormwater Management Plan would also cover system capacity and prevent any increase in flooding beyond the site.

185. However, I do support mapping stream corridors as a flood hazard overlay in addition to the above Stormwater Management Plan approach. The key stream corridors that are important for conveying floodwaters are known and are not generally subject to change. The stream corridor overlay would be linked to provisions that avoid built development in the stream corridor. This would add to the certainty that stream corridors that are important for flood management will not be compromised. The provisions would supplement setbacks and regional plan requirements.

186. The suggested provisions are shown below and replace the flood hazard provisions of the s42A Report.

OBJECTIVE	
DEV3-NH-O1	<u>Risk from Flood Hazards</u>
<u>Land use and development within the Gabites Flood Hazard Overlays reduce or do not increase the risk from flood hazards to people and property.</u>	

DEV3-NH-P2	<u>Subdivision, Use and Development in Relation to Flood Hazards in the Gabites Block Development Area</u>
<u>Provide for subdivision, use and development where:</u>	
<u>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:</u>	
<u>a. Flooding – network capacity;</u>	
<u>b. Location of any overland flowpaths and their ongoing legal protection to remain unimpeded and unobstructed to allow for the conveyancing of floodwaters. Overland flowpaths must be located in road reserve or other reserve in preference to private</u>	

[property \(with access easements\) to facilitate management and access for maintenance;](#)

c. [Location of any inundation areas and requirements for minimum habitable floor levels, which must be included in consent notices attached to affected Records of Title; and](#)

2. [The risk to people and property on or beyond the site is reduced or not increased from the 1% Annual Exceedance Probability Flood.](#)

DEV3-NH-P3	Buildings and Structures in a Stream Corridor of the Gabites Flood Hazard Overlay
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[Avoid buildings or structures in a Stream Corridor unless:](#)

1. [The building or structure has an operational and functional need to locate in the Stream Corridor and locating outside of the Stream Corridor is not a practicable option;](#)

2. [Mitigation measures are incorporated that reduce or do not increase the risk to people and property from the 1% Annual Exceedance Probability Flood;](#)

3. [People can safely evacuate from the building or structure during a 1% Annual Exceedance Probability Flood; and](#)

4. [The conveyancing of floodwaters through the Stream Corridor is still able to occur unimpeded without diversion onto adjacent properties.](#)

DEV3-NH-R1	Buildings and Structures in the Stream Corridor of the Gabites Flood Hazard Overlay
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1. [Activity status: Non-complying](#)

Other Services

187. Several submitters (e.g. J Sifflett (14), D Baston (17), L Francis on behalf of 4 households (44)) raised concerns about the capacity and level of service of existing electricity, fibre and mobile coverage.

188. SUB-DEV3-S5 requires all new allotments to have provision for telecommunication and electricity connections.

189. R Cato (5) wishes “to have an amendment that the developer contributes funds to community facilities within the subdivision including their ongoing maintenance”. I note that development will be subject to the UHCC Development Contributions Policy.

s32AA Evaluation of Recommended Changes to Infrastructure Provisions

Reason

- 190.** The amendments are in response to RPS Change 1, submissions on infrastructure and the s42A Report and better implement the intentions of the plan change.

How this Change Achieves the Purpose of the RMA

- 191.** The amendments contribute to social and economic wellbeing and health and safety, s7(b) the efficient use and development of natural and physical resources and addressing s7(i) the effects of climate change.

Benefits including Opportunities for Economic Growth and Employment

- 192.** There are a range of benefits in providing appropriate three waters infrastructure and addressing flood hazard. No particular opportunities for economic growth or employment have been identified.

Costs

- 193.** The costs associated with the changes are accepted by the requestor. The costs of ongoing consent requirements as a result of obsolete pre-development flood mapping are avoided.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- 194.** No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

- 195.** The efficiency of the recommended change is high because the benefits outweigh the costs.
- 196.** The effectiveness of the recommended change is high because it contributes to the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

- 197.** No other reasonably practicable options have been identified.

Lighting/night sky

198. Several submitters (W Chapman (2), L and J Bryant (8), F and B Evans (21), R and S Houghton (29), J Swilden (34), K Williams (38), L Francis on behalf of 4 households (44)) expressed concerns about street lighting affecting “the whole feel of the place”, rural character or light pollution affecting views of the night sky. L Francis on behalf of 4 households (44) noted “we currently enjoy no street lights with beautiful clear night skies”. K Williams (38) suggested low light pollution design as in Mackenzie Basin and the Tekapo Dark Sky Reserve.

199. PC55’s Policy SUB-DEV3-P2 Transport Network as notified required subdivision to “4. Avoid providing streetlighting”. Mr Hudson confirmed that this provision relates to rural character.

200. Otherwise, PC55 proposed to address light using the existing provisions of the UHDP including:

LIGHT-O1 This objective seeks to minimise the effects of activities which can adversely affect the quality of the environment. It also seeks to promote a high level of environmental;
LIGHT-P1 To identify and maintain amenity values that the community wishes to protect;

201. Under Rule LIGHT-R1, artificial light that complies with the standards set out in LIGHT-S1 (below) is a permitted activity. Light that does not comply is a discretionary activity under Rule LIGHT-R4.

LIGHT-S1 Artificial Light

- (1) Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m²) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary.*
- (2) Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments.*
- (3) Light emissions from a site shall not spill directly onto roads.*

202. The provisions seek to protect “the quality of the environment” and “amenity values” but do not explicitly seek to protect views of the night sky and do not differentiate between urban, rural or industrial light emissions.

203. As K Williams (38) suggested, the protection of views of the night sky is explicitly addressed in the Mackenzie District Plan and Queenstown Lakes District Plan. The

Mackenzie District Plan requires shielding of light sources from above and controls the duration and timing of outdoor lighting. Queenstown Lakes District Plan has a similar provision to LIGHT-S1 (1) above but imposes a permitted activity standard of 3 lux, with no upward light spill.

- 204.** In the Wellington Region, both the Proposed Porirua District Plan and Proposed Wellington District Plan have provisions to manage the effects of artificial lighting on observation of the night sky (PPDP LIGHT-P2, PWDP LIGHT-02) and a “sky glow” standard for rural zones. In rural Porirua, which includes a Settlement Zone, outdoor artificial lighting must not exceed an upward light ratio of 3%. In rural Wellington, where there is no Settlement Zone, the upward light ratio must not exceed 1%.
- 205.** The PPDP light provisions were supported by the recommendations of a report by Stephenson & Turner Lighting, “Report on Porirua City Council District Plan Lighting Provisions”¹⁴. The report states (p7):

Skyglow is the lighting of the night sky caused by light directed into the sky either directly (from light sources that projected light above the horizontal) or indirectly (reflected from a surface). Upward light ratio has been adopted internationally as a means of quantifying skyglow from a lighting installation.

Upward light ratio can be readily calculated typically using lighting design software...The measurement unit is “%”.

Upward light ratio limits is an appropriate lighting standard for controlling the effects of glare.

- 206.** Stephenson & Turner Lighting recommended (p19) that rural and rural residential areas be treated as “low brightness’ areas with a maximum upward light ratio of 3% (p21). The recommendation stems from *CIE 150:2003 Guide on the limitation of the effects of obtrusive light from outdoor lighting* prepared by CIE (International Commission on Illumination)¹⁵.
- 207.** An artificial lighting standard that matches the PPDP standard for the Settlement Zone (which is supported by the expert report cited above) would provide a level of artificial light management for the Gabites Block that would address the

¹⁴ https://storage.googleapis.com/pcc-wagtail-media/documents/Stephenson_and_Turner_2018_Report_on_PCC_District_Plan_Lighting_Provisions.pdf

¹⁵ I am unable to provide a link to this document for copyright reasons

concerns raised by submitters. The suggested changes to provisions are shown below:

- (a) Amend SUB-DEV3-P2 to provide better guidance for streetlighting;
- (b) Add a new standard LIGHT-S3 for sky glow;
- (c) Remove the proposed reference to Development Area 3 in Rule LIGHT-R1 and Rule LIGHT-R4 so that the rules do not apply;
- (d) Add a permitted activity rule LIGHT-R3 that refers to standards LIGHT-S1 and LIGHT-S3; and
- (e) Add a discretionary activity rule LIGHT-R5 that refers to standards LIGHT-S1 and LIGHT-S3.

208. The s42A Report supports the above recommended changes although the s42A Report states the applicant is proposing “an equivalent new policy to the existing Light Chapter of the UHDP”. That may be a misunderstanding. I am not proposing a new policy for the Light Chapter.

209. I accept Mr Hudson’s view that the above provisions are appropriate to contribute to maintaining rural residential character.

Landscape

Rural character / Views

210. Concerns about effects on rural character or views were raised by 31 submitters.

211. I discuss rural character and visual effects below, highlighting the statements of some submitters and the opinions reached in the s42A Report and drawing on the advice of Mr Hudson (Landscape and Visual Amenity dated 30 September 2022), which I accept in full except where otherwise stated.

212. P Barnes (16) would like to preserve the rural character of Mangaroa and Whitemans Valleys and, instead of development, acquire land for restoration of wetlands and forests. P Sharkey-Burns (18) considered “high density housing ruins the aesthetic of Maymorn – should be 2000m² minimum”. J Pitman (26) stated “The rural aesthetic of Maymorn will be completely destroyed”. L Burgess (27) stated

the development “will ruin the visual rural nature of the valley”. R and S Houghton (29) were concerned about “Maintaining the character of our neighbourhood - our property is in a native bush natural gully with the surrounding properties generally in the 5-10 acre range. Having 2000 sq/m properties is not in keeping with the area.” B Stanaway (33) stated “The proposed residential density would not be in keeping with the character (size) of the existing residential area on the northern boundary. This high density proposal would impact our current views of the ranges to the south of our property”. C Northmore (46) stated “The proposed number and intensity of houses is excessive and will significantly detract from the rural ambiance and amenity value”. R and S Houghton (29) and J Swildens (34) raised concerns about secondary dwellings.

- 213.** J Perez (12) supported PC55, considering it to provide a “Natural progression extending Plateau and shrinking the rural character of Maymorn/Mangaroo”. However, the minimum allotment size should be 2000m² not 400m². D Baston (17) had no objection but believed lot sizes should be no smaller than 1500-2000m². GWRC (40) requested:

Increase the development density to maximise the number of dwellings on the site, within the identified constraints

- 214.** Fourteen submitters stated a preferred minimum allotment size of 2000m² or larger (Table 1). Three submitters stated a preferred minimum allotment size of 1000m² or smaller (Table 1).

Table 1 Preferred Minimum Allotment Size

Minimum Allotment Size	Submitter
>4 ha	<ul style="list-style-type: none"> • Nil
2 – 4 ha	<ul style="list-style-type: none"> • D Hawinkels (3) • R and S Houghton (29)
8,000m ² – 1 ha	<ul style="list-style-type: none"> • R Prest (9)* • S Morgan (10)
2,000m ²	<ul style="list-style-type: none"> • L and J Bryant (8) • J Perez (12) • P Sharkey-Burns (18) • K Gibbs (25)

	<ul style="list-style-type: none"> • J Pitman (26) • L Burgess (27) • N Burgess (28) • D Spicer (35)** • L Francis on behalf of 4 households (44),
1,500 – 2,000m ²	<ul style="list-style-type: none"> • D Baston (17)bu
1,000m ²	<ul style="list-style-type: none"> • N King (6)
<1,000m ²	<ul style="list-style-type: none"> • R Cato (5) • GWRC (40)***

*inferred from “should be Rural Lifestyle not Settlement”

**inferred from “should just be Rural Settlement Zone”

***inferred from “Increase the development density to maximise the number of dwellings on the site, within the identified constraints”

215. I agree with submitters that PC55 would lead to significant change to the site. Its character would transition from rural to rural residential and low density residential. As noted earlier and accepted by the s42A Report, the site’s transition from rural has been signalled in the LUS and draft PC50.

216. I accept Mr Hudson’s advice that the site has the capacity to absorb the density proposed by PC55, managed in specific areas of the site by the development area overlay and planning provisions managing visual impacts and rural residential character.

217. Mr Hudson’s discussions with the UHCC landscape expert, Ms Annan, identified some omissions in the provisions intended to protect rural character, including that:

- (a) The objectives should reflect that the main ridgeline is in the Hilltops Area as well as the Hillside Area;
- (b) The landscape assessment required as part of the Hillside Area subdivision process should also be required in the Hilltops Area;
- (c) The landscape assessment requirements do not specifically address the ridgeline; and
- (d) A landscape assessment should be required as part of land use proposals as well as subdivision proposals.

218. Mr Hudson agrees with these concerns and has recommended the following changes to strengthen the protection of rural character, which I accept. For scope I rely on submissions on rural character. I have identified any differences from the recommendations of the s42A Report.

- (a) Amend Objectives DEV3-O4 and DEV3-O6 to better incorporate the ridgeline;
- (b) Rename “Ridgeline” in the Structure Plan to “Ridgeline Protection Overlay” and refer to it in provisions;
- (c) Amend SUB-DEV3-P2 Transport Network to add a reference to rural character and landscape values. For consistency with the s42A Report’s proposed changes to DEV3-P2, the words “of the Gabites Block and Maymorn context” should be deleted as shown below;
- (d) Amend SUB-DEV3-P4 to:
 - (i) Include the Hilltops Area;
 - (ii) Reduce the level of magnitude of acceptable adverse visual effects on the main north-south ridge from “significant” to “unacceptable”;
 - (iii) Locate building platforms to prevent the appearance of linear or urban development and require “buffer vegetation areas” to visually separate neighbouring building platforms;
 - (iv) Require an additional buffer vegetation area at the western side of the road reserve along the main north-south ridge to visually screen built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;
 - (v) Require roads and building platforms in the Ridgeline Protection Overlay to follow the overall natural curvature of the main north-south ridge;
 - (vi) Manage cumulative development in both Hillside and Hilltops Areas by requiring a minimum average allotment size;
 - (vii) Correct the typographical error “southeast” to read “southwest”;
- (e) Amend subdivision rules SUB-DEV3-R2 (delete Hilltops Area) and SUB-DEV3-R3 (add Hilltops Area) to make subdivision in Hilltops Area a

restricted discretionary activity requiring landscape assessment to set the location of allotment boundaries and building platforms;

- (f) Amend SUB-DEV3-IR-1 to explicitly address the ridgeline (by referring to Policy SUB-DEV3-P4). There is a typographical error in the s42A Report (para 205) in SUB-DEV3-IR-1. Clause 1a should refer to SUB-DEV3-P4 rather than DEV3-P4. The clause is correct in the s42A Report’s Appendix 1;
- (g) In SUB-DEV3-S1:
 - (i) Add a minimum average allotment size of 4000m² for the Hilltops Area;
 - (ii) The gross area of the Hilltops Area should read “18.7ha” rather than “21.5ha), as shown below. The clause is correct in the s42A Report’s Appendix 1.
- (h) Amend policy DEV3-P2 and add standard DEV3-S13 to require the screening of water tanks;
- (i) Amend Rule DEV3-R1 to refer to the relevant policies and standards;
- (j) Amend DEV3-S1 to reduce the permitted activity standard for building height in the Ridgeline Protection Overlay to 6m. The recommended permitted maximum height for buildings and structures in the Hilltops Area (within the Ridgeline Protection Overlay) and the Hillside Area is 6m rather than 3.5m. Mr Hudson tested building height using visibility analysis and considers 6m to be “sufficient to allow surety of building for a purchaser but low enough to prevent prominent skylining”
- (k) In DEV3-S3, reduce the permitted activity standards for building coverage; and
- (l) Add DEV3-IR-1 to require a Landscape and Visual Assessment for restricted discretionary buildings in the Hillside Area and the Ridgeline Protection Overlay.

SUB-DEV3-P2	<u>Transport Network</u>
<u>Gabites Block Development Area</u>	<u>Require subdivision to:</u> 1. Provide transport corridors in accordance with the <u>Gabites Block Road Typologies in the Gabites Block Development Area Structure Plan in DEV3-</u>

	<p><u>APPENDIX1 to avoid unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context;</u></p> <p>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);</p> <p>3. Avoid providing direct private property vehicle access onto Maymorn Road; and</p> <p>4. <u>Avoid providing streetlighting Only provide street lighting that:</u></p> <p>a. <u>Is essential for safety;</u></p> <p>b. <u>Supports rural character by minimising glare, light trespass and skyglow; and</u></p> <p>c. <u>Uses bollard height lights in preference to standard height light poles unless standard height light poles are essential for safety.</u></p>
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DEV3-S1	Height of Buildings and Structures	
North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area (<u>outside the Ridgeline Protection Overlay</u>), Hilltop Basin Area	<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. <u>The effect on the streetscape, character and amenity of the area;</u></p> <p>M2. <u>Dominance effects on adjoining sites;</u></p> <p>M3. <u>Design and siting of the building or structure; and</u></p> <p>M4. <u>The influence of visually prominent trees and established landscaping.</u></p>
Hillside Area	<p><u>All buildings and structures must comply with a maximum height above ground level of 6m.</u></p>	
Hilltops Area (<u>within the Ridgeline Protection Overlay</u>), Hillside Area	<p>2. All buildings and structures must comply with a maximum height above ground level of <u>3-5-6m.</u></p>	

DEV3-S3	Maximum Building Coverage	
Gabites Block Development Area	<p>The maximum total building coverage on a site includes:</p> <p>1. Residential units;</p> <p>2. Minor residential units; and</p> <p>3. Accessory buildings;</p>	<p>Matters of discretion are restricted to:</p> <p>M1. <u>Dominance effects on the street and adjoining properties;</u></p>

	<p>The maximum total building coverage excludes:</p> <ol style="list-style-type: none"> 4. Pergola structures that are not covered by a roof; 5. Uncovered decks; 6. Uncovered outdoor swimming pools. 7. Buildings and structures with a footprint of no more than 2.6m² and a height of no more than 2.2m above ground level. 	<p>M2. <u>Effects on rural character; and</u></p> <p>M3. <u>Visual and landscape effects.</u></p>
North-West Area	<p><u>Either:</u></p> <ol style="list-style-type: none"> 1. <u>Maximum total building coverage is 250m²; and</u> 2. <u>Maximum building coverage of minor residential unit is 50m²</u> <p><u>Or:</u></p> <ol style="list-style-type: none"> 3. <u>Maximum total building coverage is 50% of the net site area;</u> <p><u>Whichever is the lesser.</u></p>	
Station Flats Area, Hilltop Basin Area	<ol style="list-style-type: none"> 1. <u>Maximum total building coverage is 300 350m²</u> 2. <u>Maximum building coverage of minor residential unit is 50m²</u> 	
Valley Flats Area, Hilltops Area, Hillside Area	<ol style="list-style-type: none"> 1. <u>Maximum total building coverage is 350 400m²</u> 2. <u>Maximum building coverage of minor residential unit is 50m²</u> 	

SUB-DEV3-P4	Subdivision in Hilltops Area and Hillside Area
Hilltops Area Hillside Area	<p>Provide for subdivision where:</p> <ol style="list-style-type: none"> 1. The management of the aAllotment boundaries on hillfaces does not divide existing natural edges in the landscape including spurs and ridges; 2. The bBuilding platforms, and vehicle accessways and buffer vegetation areas are identified on the subdivision scheme plan and tie into the existing landform; 3. Building platforms provide for built development that does not have significant unacceptable adverse visual effects on the skyline of the main north-south ridge when viewed from Maymorn Road or Parkes Line Road; 4. <u>The western side of the road reserve along the main north-south ridge includes a buffer vegetation area that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;</u> 5.4. <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> 6.5. <u>Roads and building platforms in the Ridgeline Protection Overlay follow the overall natural curvature of the main north-south ridge;</u> 7.6. <u>In the Hillside Area cumulative development is managed by a minimum average allotment size to retain the overall pattern of openness and green slopes of the Hillside Area, particularly on the more prominent face to the south-eastwest facing hillside; and</u>

	<u>8.7- In the Hilltops Area 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.</u>
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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 SUB-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> iii. <u>Buffer vegetation areas to visually separate neighbouring sites; and</u> iv. <u>A buffer vegetation area in the western side of the road reserve along the main north-south ridge that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road.</u> b. <u>The Planting Plan must include the following information:</u> <ol style="list-style-type: none"> i. <u>Details of batter slope planting and retaining wall screening planting (including plant species, size, and spacing);</u>

	<ul style="list-style-type: none"> ii. Details of planting or existing vegetation in buffer vegetation areas to visually separate neighbouring sites or screen built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road; iii. A planting maintenance plan for 3 years or until planting has achieved an 80% canopy cover; and iv. On-going management.
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Section 32AA Assessment of Landscape, Visual Amenity and Character Provisions

Reason

219. The amendments are in response to submissions on landscape, visual amenity and rural character and the s42A Report and better implement the intentions of the plan change and address potential adverse effects.

How this Change Achieves the Purpose of the RMA

220. The amendments give effect to UHCC’s obligations under s7(c) the maintenance and enhancement of amenity values.

Benefits including Opportunities for Economic Growth and Employment

221. No particular opportunities for economic growth and employment are identified.

Costs

222. There are no significant costs associated with this change. PC55 intended that applicants for built development with the potential to affect the main ridgeline or rural character bear the costs of assessing effects and avoiding, remedying or mitigating adverse effects. The changes continue that approach.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

223. No risks around uncertain or insufficient information in relation to this matter have been identified.

Efficiency and Effectiveness

224. The efficiency of the recommended change is high because the benefits outweigh the costs.

- 225.** The effectiveness of the recommended change is high because it contributes to the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

- 226.** No other reasonably practicable options have been identified.

Noise/reverse sensitivity

- 227.** Concerns about noise or what I have interpreted as reverse sensitivity were raised in 6 submissions.

- 228.** L and J Bryant (8), R and S Houghton (29), L Francis on behalf of 4 households (44) believed they would be affected by increased noise. R and S Houghton (29) raised a specific concern that the proposed road on the hill above their property “will no doubt attract unwanted users like nightly boy racer events”. F and B Evans (21) stated noise would increase with 400-600m² sections in the North-West Area. J Swildens (34) stated “The amount of noise generated from 200 houses, plus secondary dwellings will destroy any moment of peace and quiet forever”. C Northmore (46) was concerned about effects that include “the commutative noise that such a substantial number of houses will create - the rural quiet will be replaced with a constant commutative noise”.

- 229.** I accept the s42A Report’s amendments to add the Settlement Zone to NOISE-S1 and NOISE-S3. I note that the UHDP does not anticipate different noise environments in residential and rural areas. Standard NOISE-S3 sets the same maximum permitted noise level (50 dBA L₁₀) in the General Residential, General Rural, Rural Production and Rural Lifestyle zones with exemptions for “Normal agricultural and forestry practices undertaken for a limited duration”, “Normal residential activities such as lawn mowing” and emergency services’ sirens and alarms.

- 230.** Other councils in the Wellington Region generally anticipate rural environments to be noisier than residential environments, although Hutt City expects rural residential areas to be quieter than its Residential and General Rural areas. Table x below provides a broad comparison of maximum permitted noise levels. (I say

broad comparison because I note there are differences between the councils in, for example, zone provisions, noise measurement, time periods and noise sub-areas).

Table 2 Broad Comparison of Maximum Permitted Noise Limits – Wellington Councils (refer to individual district plans for nuances and details)

	Residential			Rural Residential/Lifestyle			General Rural		
	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Upper Hutt*	50	40	40	50	40	40	50	40	40
Porirua**	50	45	40	50	45	40	55	50	45
Wellington**	50	45	40	NA	NA	NA	60	60	60
Hutt City*	50	50	40	45	40	40	50	50	40
Kapiti**	50	45	40	55	45	40	55	45	40

*Units: dBA L₁₀

**Units: dB L_{Aeq} (15 min)

- 231.** In my view the UHDP noise provisions are fit for purpose.
- 232.** R and S Houghton (29) asked the reverse sensitivity question “will we be able to keep animals like roosters and pigs or have burn-offs”? if development increases near them.
- 233.** The Upper Hutt City Council *Keeping of Stock, Poultry and Bees Bylaw 2005* applies only to urban areas¹⁶. The submitter’s property would continue to be outside the urban area. Standard NOISE-S3 of the UHDP provides that noise limits do not apply to “Normal agricultural and forestry practices undertaken for a limited duration”.
- 234.** The Upper Hutt City Council *Prevention of Nuisance from Fires and Smoke Bylaw 2019* places the onus clearly on the person lighting a fire to avoid effects beyond their property boundary:

¹⁶ In the Bylaw, “Urban Area” means any land that is zoned in the Upper Hutt City Council District Plan as:
a. Residential, Business, Special Activities or Open Space, or
b. Land where the majority of the Rating Unit is zoned Residential, Business or Special Activities.

4.1 No person may light, or allow to remain lit, a fire that creates a nuisance, health risk, or safety risk to any person or property.

4.2 No person may permit smoke, fumes or any other matter to be emitted in such a way as to create a nuisance, health risk, or safety risk to any person or property.

- 235.** Outdoor burning is a permitted activity under the Proposed Natural Resources Plan (Appeal Version 2022). Again, the onus is on the person lighting a fire to avoid effects beyond their property boundary:

Rule R1: Outdoor burning – permitted activity

The discharge of contaminants into air from outdoor burning is a permitted activity, provided the following conditions are met:

- (a) the discharge shall not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the property, and*
- (b) there is no burning of specified materials.*

Earthworks, Geotechnical

Erosion and Sediment Control

- 236.** Concerns about earthworks or erosion and sediment control were raised by 4 submitters.

- 237.** R Anker (15) noted that earthworks in the High Slope Hazard Overlay must not unacceptably increase the risk from slope instability. He queried how much increase in risk is acceptable and who will quantify it. He also noted that “A slip does not respect property boundaries – accordingly the onus should be on the person doing the work to establish that risk will not increase.” Similarly, F and B Evans (21) were concerned about earthworks affecting neighbouring properties.

- 238.** GWRC (40) stated:

We have no concerns with the proposal from a geological hazard perspective. In summary, potential hazard related issues will be dealt with through the appropriate standards and geotechnical investigations on the steeper parts of the site.

- 239.** GWRC (40) went on to request an amendment to DEV3-NH-P1 to require erosion and sediment controls. R and S Houghton (29) were concerned about sediment runoff during and after development in general.

240. The s42A Report noted that several recommendations of the geotechnical assessment were not reflected in PC55 provisions:

- (a) 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.
- (b) Earthworks – Recommendation for maximum angles for permanent and temporary cuts, filling works, compaction testing and control of stormwater runoff.
- (c) Setbacks from streams (based on bank heights) should be introduced to address stream bank retrogression.
- (d) Drainage works recommended in the Valley Flats and Station Flats Areas.

241. The s42A Report also noted that while PC55 contained earthworks provisions relating to slope stability it did not propose changes to the existing earthworks chapter. Therefore, neither EW-S1 or EW-S2 apply and there is no relevant cut/fill height standard.

242. I accept Mr Blyde’s advice that the matters raised by submitters and the s42A Report should be addressed by the amended provisions shown below, except for the matter of drainage in the Valley Flats and Station Flats Areas, which is addressed under the heading of stormwater. For scope, I rely on the above submissions and the recommendations of the Wellington Tenth Trust. In summary, the changes are:

- (a) Amend Policy SUB-DEV3-P6 to apply throughout the site not just within the High Slope Hazard Overlay;
- (b) Amend EW-S2 to apply it to Development Area 3;
- (c) Add new standard EW-S17 to address cutting and filling;
- (d) Amend Rules EW-R1 and EW-R9 to refer to EW-S17;
- (e) Add Standard DEV3-S14 requiring a minimum 10m setback from waterbodies;
- (f) Add Standard SUB-DEV3-S8 requiring geotechnical certification for all new allotments. This encompasses addressing areas unsuitable for

building due to stream bank retrogression that are beyond the generic 10m setback from waterbodies;

- (g) Amend Rules SUB-DEV3-R2 and SUB-DEV3-R3 to refer to Standard SUB-DEV3-S8;
- (h) Delete Rule SUB-DEV3-R4 as superfluous given the above changes; and
- (i) Insert an accidental discovery protocol.

243. The s42A Report supports the above amendments.

244. Stormwater runoff associated with earthworks is addressed by EW-S9, which requires:

(1) Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.

245. Similarly, no amendments to erosion and sediment control provisions are necessary because the UHDP Earthworks chapter applies to the site, including:

EW-S8 Earthworks shall be undertaken in accordance with the relevant provisions of the Code of Practice for Civil Engineering Works.

246. The Code of Practice for Civil Engineering Works¹⁷ includes requirements for erosion and sediment control. Mr Blyde has confirmed that the above requirements are satisfactory.

Section 32AA Assessment for Earthworks and Geotechnical Amendments

Reason

247. The amendment is in response to submissions, the s42A Report, the recommendations of the archaeological assessment and recommendations of the Wellington Tenth Trust.

How this Change Achieves the Purpose of the RMA

248. The changes relate to s6(h) the management of significant risks from natural hazards, s7(b) the efficient use and development of natural and physical resources s8 Treaty of Waitangi.

¹⁷ www.upperhuttcity.com/files/assets/public/services/code-of-practice-for-civil-engineering-works.pdf

Benefits including Opportunities for Economic Growth and Employment

- 249.** No particular opportunities for economic growth and employment have been identified.

Costs

- 250.** There are no significant costs associated with this change.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- 251.** No risks around uncertain or insufficient information in relation to this matter have been identified. The amendment assists plan users in meeting their obligations under the Heritage New Zealand Pouhere Taonga Act 2014.

Efficiency and Effectiveness

- 252.** The efficiency of the recommended change is high because the benefits outweigh the costs.
- 253.** The effectiveness of the recommended change is high because it contributes to the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

- 254.** No other reasonably practicable options have been identified.

Ecology

- 255.** Concerns about effects on ecological values were raised by 10 submitters.
- 256.** L and J Bryant (8) raised “potential damage environmentally in terms of wildlife in the area”. J Sifflett (14) identified impacts on insects and birds. L Burgess (27) and N Burgess (28) considered development would drive away native birdlife such as hawks, moreporks, tuis, fantails and kereru that have returned in greater numbers in recent years. Similarly, L Francis (on behalf of 4 households) (44) believed “the birds and wildlife that call Maymorn home will dramatically change”. B Orriss (47) noted he had observed lizards on his property and stated that the proposed lizard

survey “is a must”. The comprehensive lizard and bat surveys recommended in the Ecological Assessment were also supported by J Swildens (34).

257. Ms Coates has noted that birds (except when nesting) are highly mobile and capable of moving away from disturbance and between suitable habitats. Some displacement of birds is likely to occur but would be temporary, with birds returning to new garden and amenity and retained habitat. Ms Coates has suggested a suitable approach to addressing the bat, lizard and nesting bird recommendations of the Ecological Report. I set out the recommended provisions further below.

258. G Bourke and T Coley (11) raised concerns about:

more domestic dogs and cats coming into the area leading to roaming dogs worrying stock in the neighbouring properties and native wildlife being destroyed by the increase in cat numbers - domestic turning feral, preying on the local wildlife.

259. Similarly, P Sharkey-Burns (18) stated “domestic pets ... could ruin the native bird life in Pakuratahi Forest” and R and S Houghton (29) stated dogs and cats would “affect wildlife in the area and Tunnel Gully Reserve”. J Swildens (34) believed that with additional cats and dogs “The impact on the native birds and lizards will be catastrophic”.

260. Ms Coates has concluded that “Domestic pets are unlikely to have any significant effect on the ecology of the area due to the existing presence of exotic pests within the site”.

261. GWRC (40) stated that:

Wetlands and waterbodies should be included in Gabites Block Significant Natural Areas.

We do not support the view that the National Environmental Standards for Freshwater (2020) (NES-F) and the Proposed Natural Resources Plan for the Wellington Region (PNRP) alone adequately protect wetlands.

While the regional council has the primary role to implement the NES-F regulations within and adjacent to wetlands, district councils have a complementary role to play in managing land use in areas surrounding wetlands. To support integrated management, we consider that including known wetlands in planning maps and ensuring there are policies that provide for wetland protection are needed. UHCC also has a

role in integrated management of freshwater under NPS-FM Clause 3.5, and the District Plan should provide for protection of watercourses and wetlands during sub-division and structure planning. This approach would help to achieve NPS-FM Policies 6 and 7.

262. Ms Coates disagrees with the statement that the NES-F and the PNRP alone do not adequately protect wetlands and details the relevant provisions. I agree with Ms Coates. However, I accept that identifying known wetlands would assist in achieving integrated management. I recommend that the wetland identified by Bioresearches within GBNA 04 is shown in the Structure Plan.

263. I also observe that the NATC - Natural Character and Earthworks chapters of the UHDP apply to the site. They include policies and rules and standards to manage land use to protect water bodies:

NATC-P1 To avoid, remedy or mitigate the adverse effects of land use activities on the quality or quantity of water resources and the diversity of aquatic habitats.

NATC-P2 To promote the separation of land use activities adjoining water bodies by vegetated riparian areas to assist in filtering contaminants which adversely affect water quality and aquatic habitats.

NATC-P4 To protect wetland areas within the City from activities which would have adverse effects on their life supporting capacity, natural character or habitat values.

NATC – R1 - New buildings and structures (except underground cables and lines) within 20m of the bank of any waterbody with an average width of 3m or more – Discretionary – All Zones.

EW-S5 – Earthworks shall not be undertaken within 10m of any water body (measured from the bank of the water body), or within the 1 in 100 year flood extent of the Hutt River (as defined on the Planning Maps).

264. The PNRP (Appeal Version 2022) Rule 101 includes a permitted activity standard of “no earthworks within 5m of a waterbody”.

265. Ms Coates has recommended, and I support, a building setback from waterbodies of at least 10m. This would strengthen the above NATC provisions. The standard DEV3-S14 would then be referred to in relevant rules. For scope I rely on Submission 40. The setback would confer potential benefits that may include water quality and biodiversity. The setback would also be consistent with the s42A Report’s recommended provisions to avoid buildings in stream corridors. (Setbacks or no-build areas on particular allotments may also be identified during geotechnical investigations required as part of subdivision design).

266. GWRC (40) stated:

We support efforts taken to protect and enhance areas of significant indigenous biodiversity at the site.

We seek consideration of opportunities to encourage the planting of the slopes and ridgeline outside of the natural area to native vegetation, to help to secure erodible land and create corridors for indigenous flora and fauna.

Policy 47 of the RPS notes that in considering plan changes, particular regard shall be given to: "maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats".

267. Ms Coates is supportive of the above concept but raises issues of practicality and achievability. I note the GBNAs are relatively near to each other and link to the extensive areas of the neighbouring Pākuratahi Forest. In addition, SUB-DEV3-P4 would require ongoing "buffer vegetation areas" to visually separate neighbouring sites in the Hillside Area and Hilltops Area. While the buffer vegetation areas would be primarily for screening, they would also be likely to provide additional habitats and connectivity.

268. Beyond the formally protected GBNAs and buffer vegetation areas, the Hillside Area and Hilltops Area would, at subdivision and subsequent sale, continue to be clad in pines and regenerating indigenous vegetation, with relatively small areas cleared for built development. Since the allotments would not be suitable for primary production, and clearance would be difficult and expensive to achieve and maintain, a reasonable expectation is that they are likely to continue to be enjoyed and managed by their new owners as "bush lots". I do not consider that additional requirements to protect vegetation that is below the threshold of significance would pass the tests of s32, particularly when considering the existing zoning and associated plan provisions.

269. The s42A Report (paragraph 391) appears to suggest that the ecological plan process recommended to address bats, lizards and nesting birds could also identify additional GBNA areas. Mr Winchester has advised me that a resource consent process cannot be used to make changes to a district plan. I note the ecological plan process has the potential to recommend areas of habitat for formal legal protection by means other than GBNA notation, for example by consent notice on Record of Title.

270. GWRC (40) sought amendments to DEV3-ECO-P2 and DEV3-ECO-R2 to remove the word “identified” in relation to the values of GBNAs. GWRC (40) also requested:

Amend permitted activity status for removal of non-indigenous plants that are not pest plant to Restricted Discretionary or Controlled activity status.

Consider including a specific rule permitting the removal of pest plants for within the Gabites Block Natural Areas, where appropriate for restoration and maintenance of these areas.

271. As GWRC (40) noted, non-indigenous plants within the GBNAs that are not pest plants may still provide significant habitat for indigenous biodiversity.

272. Ms Coates accepts the points made. I accept that advice and suggest the following amendments to DEV3-ECO-P2. The equivalent changes to DEV3-ECO-R2 have been supported by the s42A Report.

DEV3-ECO-P2	Protection of Gabites Block Natural Areas
<p><u>Protect the biodiversity values of Gabites Block Natural Areas identified in <i>DEV3-ECO-Appendix-1: Schedule of Gabites Block Natural Areas</i> by requiring subdivision, use and development to:</u></p> <ol style="list-style-type: none"> 1. <u>Avoid adverse effects on <i>identified</i> indigenous biodiversity values where practicable;</u> 2. <u>Minimise other adverse effects on <i>the identified</i> biodiversity values where avoidance is not practicable;</u> 3. <u>Remedy other adverse effects where they cannot be avoided or minimised;</u> 4. <u>Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of <i>DEV3-ECO-Appendix 2 Biodiversity Offsetting and Biodiversity Compensation</i> are met; and</u> 5. <u>Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of <i>DEV3-ECO-Appendix 23 Biodiversity Offsetting and Biodiversity Compensation</i> are met.</u> 	

273. GWRC requested changes to the principles for biodiversity offsetting and compensation to be consistent with the PNRP and Local Government New Zealand (LGNZ) guidance.

274. Ms Coates has considered best practice in offsetting and compensation principles and recommends the principles set out in the NZ government’s “*Guidance on Good Practice Biodiversity Offsetting in New Zealand*”¹⁸.

¹⁸ <https://www.doc.govt.nz/documents/our-work/biodiversity-offsets/the-guidance.pdf>

- 275.** The s42A Report recommended including ‘ecological equivalence’ as a separate principle and replacing ‘long term outcomes’ with ‘permanence.’ Ms Coates accepts that the points raised are valid but does not consider them to be material to the plan change. Ms Coates prefers that “a set of respected, published and internationally recognised principles are used, without modification”. I concur with that approach.
- 276.** The s42A Report pointed out several shortcomings in the provisions:
- (a) The recommendations of the ecological assessment for bats, lizards and nesting indigenous birds are not reflected in the plan provisions;
 - (b) SUB-DEV3-P1 mentions avoiding fragmentation and buildings in GBNAs but SUB-DEV3-S1 requires building platforms and access to be identified and located outside of GBNA only in Hilltops and Hillside Areas despite the fact that GBNAs are also located in Hilltop Basin and Valley Flats Areas; and
 - (c) DEV3-ECO-P4 seeks to avoid locating building platforms and vehicle accessways in GBNAs but does not address utility structures.
- 277.** Ms Coates has recommended a suitable approach to bats, lizards and nesting indigenous birds. I accept the recommendations. I also accept that changes are required to the GBNA provisions to fulfil the intended approach. For scope I rely on Submissions 8, 14, 27, 28, 44 and 47 as well as Submission 40, which supported the intended approach to GBNAs. The changes are:
- (a) Amend SUB-DEV3-S1 to specify that in Hilltop Basin and Valley Flats Areas building platforms and access must not be within a Gabites Block Natural Area;
 - (b) Amend DEV3-ECO-P4 to include utility structures and sewage disposal areas;
 - (c) Add a new policy SUB-DEV3-P7 to require an Ecological Plan to address bats, lizards and nesting indigenous birds; and
 - (d) Add a new information requirement SUB-DEV3-IR-3 in respect of the Ecological Plan.

278. The s42A Report supports the above changes with several amendments, which I accept, except as noted below.

279. The s42A Report recommends amendments to DEV3-ECO-P4 that would prevent sewage disposal fields (as well as building platforms, vehicle accessways and utility structures) from being located in GBNAs, which I accept. However, I do not support the change in Clause 5 from “Avoids locating” to “Locate” because that would seem to achieve the complete opposite of the policy’s intention (and may be a typographical error). I recommend the wording below. For scope I rely on Submission 40.

DEV3-ECO-P4	Other Subdivision, Use and Development in Gabites Block Natural Areas
<p><u>Only allow subdivision, use and development in Gabites Block Natural Areas where the activity:</u></p> <ol style="list-style-type: none"> 1. <u>Applies the effects-management hierarchy of DEV3-ECO-P2;</u> 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> 3. <u>Provides for the formal legal protection and ongoing active management of the Gabites Block Natural Area;</u> 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> 5. <u>Avoids locating Does not locate building platforms, and vehicle accessways, sewage disposal fields or utility structures in Gabites Block Natural Areas;</u> 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> 7. <u>Minimises earthworks in Gabites Block Natural Areas; and</u> 8. <u>Minimises the potential cumulative adverse effects of activities on the values of the Gabites Block Natural Area.</u> 	

280. I accept the s42A Report’s recommended consequential changes to SUB-DEV3-S1. For scope I rely on Submission 40.

281. The S42A Report’s recommended changes to DEV3-ECO-R1 are accepted.

s32AA Evaluation of Recommended Changes to Ecological Provisions

Reason

- 282.** The amendments are in response to submissions on ecology and the s42A Report and better implement the intentions of the plan change and Wildlife Act obligations.

How this Change Achieves the Purpose of the RMA

- 283.** The amendments give effect to UHCC's obligations under *S6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*.

Benefits including Opportunities for Economic Growth and Employment

- 284.** There are benefits in terms of protecting indigenous biodiversity. No particular opportunities for economic growth and employment are identified.

Costs

- 285.** The costs associated with the changes are accepted by the requestor. PC55 intended that GBNAs would be identified and protected and s6 and Wildlife Act obligations would be fulfilled.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

- 286.** The provisions require investigations to gain sufficient information to appropriately manage indigenous biodiversity.

Efficiency and Effectiveness

- 287.** The efficiency of the recommended change is high because the benefits outweigh the costs.
- 288.** The effectiveness of the recommended change is high because it contributes to the outcomes sought.

Other Reasonably Practicable Options for Achieving the Objectives

- 289.** No other reasonably practicable options have been identified.

Plan process

- 290.** Concerns about the planning process were raised by many submitters.
- 291.** The RMA provides for private plan change requests.
- 292.** I accept the s42A Report's discussion and conclusions on this matter.

Other Matters

293. R Anker (15) queried the way that Standard SUB-DEV3-S1 considers open space in the calculation of the 2.5ha allotment average. "Open space" has been used inaccurately by PC55 in that context to mean "land not in private ownership". I recommend that the standard is clarified achieve the intention that there is a clear limit to the number of allotments in the Hillside Area. The s42A Report agrees.

294. GWRC (40) requested an amendment to DEV3-S6 Minimum Setbacks from Other Boundaries:

Amend to ensure that all houses on lots along the eastern property boundary are required to be setback from this boundary at a safe distance to protect form future forestry harvests.

There has been plantation forestry planted along the boundary of the eastern section of the property. There is a risk that dwellings may be too close to the boundary for safe harvesting if only the current 3m setback rule is applied

295. Setbacks for afforestation are set in Section 14 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. I have been advised by MDL that the neighbouring forest was planted in 2017 after the regulations took effect. The setbacks for safe harvesting are therefore the responsibility of the forest owner. Having said that, the topography of the area means that houses would be unlikely to be built adjacent to the eastern site boundary.

STATUTORY ASSESSMENT OF PC55 AND RECOMMENDATIONS

296. PC55 has been prepared in accordance with s74, including district council functions under s31 and the provisions of Part 2. PC55 includes an evaluation that meets the

requirements of s32, with the amendments recommended in this evidence supported by an updated evaluation in terms of s32AA.

- 297.** I have set out how PC55 gives effect to national policy statements, the National Planning Standards, the Regional Policy Statement for the Wellington Region and Change 1 of the Regional Policy Statement for the Wellington Region. The NZ Coastal Policy Statement is not relevant due to the plan change site's location distant from the coast.
- 298.** In terms of s75(4), PC55 is not inconsistent with any water conservation order or regional plan for any matter specified in s30(1).
- 299.** PC55 is consistent with the plans or proposed plans of adjacent territorial authorities to the extent necessary and appropriate.
- 300.** There are no relevant planning documents recognised by an iwi authority.
- 301.** PC55 has not had regard to trade competition or the effects of trade competition.
- 302.** In terms of Part 2 matters, PC55 has expressly addressed the following matters:
- (a) *S6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna* via the GBNAs and provisions to manage bats, lizards and nesting indigenous birds;
 - (b) *S6(h) the management of significant risks from natural hazards* via geotechnical assessment requirements for development, the high slope hazard overlay and flood management provisions;
 - (c) *S7(c) the maintenance and enhancement of amenity values* via locating development density according to the capacity of different areas of the site to absorb it while maintaining rural character, carefully managing development affecting the main north-south ridgeline and the west-facing hillside plus requirements for screen planting and rural fencing typologies; and
 - (d) *S7(i) the effects of climate change* via flood management that allows for climate change impacts.

- 303.** The remaining Part 2 matters are either not relevant to the site or are covered for the site by existing provisions of the UHDP.
- 304.** PC55, including the amendments recommended in this evidence, is the most appropriate way to achieve the sustainable management purpose of the Act. PC55:
- (a) Considers and gives effect to national and regional direction;
 - (b) Considers and gives effect to spatial planning instruments (WRGF and LUS) that were developed in consultation with the Upper Hutt community;
 - (c) Avoids creating the need to extend reticulated infrastructure mains;
 - (d) Locates development density according to the capacity of different areas of the site to absorb the density while maintaining rural character to the extent anticipated by the LUS;
 - (e) Identifies and protects significant natural areas and manages indigenous biodiversity appropriately;
 - (f) Identifies and protects locally-valued landscapes;
 - (g) Introduces water sensitive design and the sustainable management of water quantity and quality;
 - (h) Manages the risk of flood hazard and slope hazard; and
 - (i) Contributes to increasing Upper Hutt's housing capacity and housing typology choices.

DATED this 30th day of September 2022



Andrew Cumming

Attachment 1

PC55 - MDL Recommended Amendments

Attachment 2 GWRC Parks Department Email