

IN THE MATTER OF the Resource Management
Act 1991

AND

IN THE MATTER OF a private plan change
request ('Proposed (Private)
Plan Change 40:
Wallaceville') to the Upper
Hutt City District Plan made
by Wallaceville
Developments Limited.

SUBMISSIONS ON BEHALF OF WALLACEVILLE DEVELOPMENTS LIMITED

1.0 INTRODUCTION

- 1.1 My name is Andrew Collins. I am the General Manager – Planning at Harrison Grierson. I will be providing submissions to the Hearing Committee on behalf of the Plan Change applicant, Wallaceville Developments Limited (hereafter WDL). Mr Malcolm Gillies of Wallaceville Developments Limited is attending the hearing and is also available to speak to any queries that the Committee may have.
- 1.2 As I am presenting submissions to you, and not expert evidence, I have not included here a summary of my qualifications and experience but I think it worth mentioning that over the last 25 years I have had a leading role in a significant number of rezoning projects across the country, including in Bay of Plenty, Waikato, Taupo, Palmerston North, Porirua and Christchurch. These have included many plan changes to facilitate large scale residential, commercial and industrial business park developments. As my job title suggests, I am a planner, not a lawyer.
- 1.3 These submissions cover:
- Section 2 Overview of the Plan Change Request (PC40) documentation
 - Section 3 The process followed in developing the Plan Change Request
 - Section 4 Key features of the Plan Change
 - Section 5 Stakeholder engagement undertaken post-lodgement
 - Section 6 Private agreements that have been reached
 - Section 7 Key matters for consideration at the hearing
 - Section 8 Other matters for consideration
 - Section 9 Conclusions.
- 1.4 Throughout the submissions I will refer you to relevant expert evidence which supports WDL's position. To this end I simply note that WDL has provided you with expert evidence as follows:
- Urban Design – Lauren White
 - Landscape & Visual – Melissa Davis
 - Ecology – Mark Lowe
 - Soil contamination – David Robotham (Nick King to attend)

- Geotechnical – Karen Jones
- Infrastructure & Servicing – Andrew Jackson
- Stormwater Management – Alan Blyde
- Traffic and Transportation – Mark Georgeson
- Noise – Malcolm Hunt
- Planning – Stephanie Blick

1.5 The experts who prepared the evidence will provide short summaries and are available for questions.

2.0 OVERVIEW OF THE PLAN CHANGE APPLICATION

2.1 The Plan Change Request, prepared by Ms Blick, sets out the site context, the details of the Plan Change and the purpose and reasons for the Plan Change. The Plan Change Request is necessary because the current Special Activity zoning of the land is no longer appropriate as the Government has sold the land being surplus to its needs; the previous special activity of the 'Wallaceville Animal Research Centre' has ceased on the Plan Change land; and the site is now privately owned. The future rezoning and redevelopment of the subject land was clearly identified in the Upper Hutt Urban Growth Strategy 2007 as has been further explained in the planning evidence of Ms Blick. The proposed Plan Change provisions are the most practical, effective and appropriate means to promote the efficient use, development and sustainable management of this important land resource.

2.2 The Plan Change Request also describes and assesses the environmental effects anticipated from the implementation of the Plan Change.

2.3 As notified, the Plan Change documents comprise:

- Volume 1 - Plan Change request (comprising changes to district plan and supporting information, as set out below)
- Volume 2 - Structure Plan Report (supporting information)
- Volume 3 - Technical Reports (supporting information)

2.4 Volume 1 contains all the changes requested to the district plan. These are:

- Appendix A1 – Table of district plan amendments (further amendments to this document are being suggested in the joint statements issued by the UHCC and WDL planners, in response to issues raised in submissions)
- The Wallaceville Structure Plan comprising (1) the structure plan map; (2) the precinct descriptions, intentions and outcomes; (3) road typologies; (4) stormwater management principles - all of which are to be included in the district plan
- District Plan Rezoning Map

2.5 Volume 1 also contains supporting information including:

- Section 32 report;
- The proposed district plan amendments shown in the form of track changes to the relevant existing district plan chapters

- 2.6 As noted above, Volume 2 contains the Structure Plan Report. This was prepared by Ms White, with input from all other technical experts involved in the process. This report evaluates the site context, opportunities and constraints. In doing so it relies on a series of detailed technical reports (Volume 3). The Structure Plan Report also includes a development vision, design response and a Structure Plan map which take account of these opportunities and constraints.
- 2.7 As noted, Volume 3 of the Plan Change Request comprises the numerous technical reports which provided supporting information for the Plan Change Request (Volume 1) and the Structure Plan Report (Volume 2). These technical reports cover the subject matter on which evidence has been provided and some additional matters, namely:
- Heritage Assessment – Lianne Cox, Studio Pacific
 - Cultural Values Report – Raukura Consultants
 - Archaeological Assessment – Victoria Grouden, Capital Heritage
 - Arborist STEM Assessment – Nicholas Arnold, Downer Tree Services.
- 2.8 From the above, the difference between the Structure Plan Report (Volume 2) and the Wallaceville Structure Plan (which is contained in Volume 1) should hopefully be clear. The former is an important background document, upon which the Plan Change is based. The latter, the Wallaceville Structure Plan (WSP), is made up of four elements and is part of the Plan Change. The four elements are:
- The Structure Plan Map
 - The Precinct Descriptions, Intentions and Outcomes
 - The Road Typologies
 - The Stormwater Principles.

3.0 THE PROCESS THAT WDL FOLLOWED IN DEVELOPING THE PLAN CHANGE REQUEST

- 3.1 The Wallaceville Structure Plan was developed over a period of 10 months in 2014. A preliminary development plan was first prepared for the site as a desktop exercise. This was prepared over February and March 2014 and was used to determine an indicative yield for the site and as background for the technical assessments and engagement with key stakeholders.
- 3.2 Over June and July 2014 WDL commissioned various technical reports. The purpose of these technical reports was to identify site values and opportunities relevant to the site's development. The preliminary development plan was also reviewed by each of the technical experts and considered as part of their recommendations. During the same period consultation with stakeholders and neighbours was initiated. This occurred through three main approaches.
- 3.3 First a joint working group (JWG) was established involving the Upper Hutt City Council, Wellington Water and Greater Wellington Regional Council. This met over July to November 2014. Key functions of this group were:
- to review the briefs for several of the technical reports;
 - to be briefed on, and provide feedback on, the findings of the draft technical reports;
 - to be briefed on the outcomes of the site constraints and opportunities exercise;
 - to be briefed on and review the draft Structure Plan Report.

- 3.4 Meetings were also held with other key stakeholders, namely the Department of Conservation, Heritage New Zealand, the Wellington Tenth Trust and the Ministry of Primary Industry's (MPI's) National Centre for Biosecurity & Infectious Diseases (NCBID). The purpose of these meetings was to seek feedback on the preliminary development plan, and to discuss the findings of relevant technical reports.
- 3.5 Letters were also sent to other parties, being Summerset Group Holdings Limited, New Zealand Defence Force, Kiwi Rail, Wellington Racing Club / RACE Inc, and the following Maori sector groups (iwi, hapu and Trusts):
- Wellington Tenth Trust
 - Port Nicholson Block Settlement Trust
 - Ngati Toa
 - Orongomai Marae
 - Rangitane o Wairarapa Inc; and,
 - Ngati Kahungunu
- 3.6 During preparation of the Cultural Values report, Raukura Consultants also invited comment from Port Nicholson Block Settlement Trust, Ngati Toa and Ngati Tama.
- 3.7 A public open day inviting comments and input from the general public was also held one Saturday.
- 3.8 As a result of this process of technical evaluation and consultation, an opportunities and constraints summary was prepared in September 2014 and, as I have already noted, was presented to the JWG. Based on this, the Structure Plan Report was prepared between September and November 2014.
- 3.9 Throughout the development of the structure plan, various meetings and communications occurred with the two Councils and other stakeholders and neighbours. As the Structure Plan Report developed, options for the District Plan mechanisms to achieve its implementation were considered. This process is set out in the s32 Evaluation associated with the Private Plan Change application.

4.0 OVERVIEW OF THE STRUCTURE PLAN AND PLAN CHANGE 40

- 4.1 The primary purpose of Plan Change 40 is to introduce appropriate District Plan provisions to enable the integrated and comprehensive development of the Wallaceville site and to do so in a manner that is consistent with the Wallaceville Structure Plan.
- 4.2 The structure plan is based on a number of principles which respond to the Upper Hutt Growth Strategy and an analysis of the site's constraints and opportunities. The principles relate to:
- Heritage/Identity/Sense of Place
 - Integration/Connection
 - A mixed community
 - Safety / Accessibility
 - Landscape Character
- 4.3 As Ms White sets out in her evidence, the resulting key features of the structure plan are:

- A precinct approach which aims to create a number of different neighbourhoods within this large site and maximise the efficient use and value of this land resource;
- A specific precinct (the Gateway Precinct) which recognises the unique historical values of the site and aims to establish a community focus and gateway;
- The retention of Grants Bush as an open space to provide amenity and relief to future residential development while maintaining ecological values;
- A key movement pattern and a set of road typologies to maximise external integration and ensure internal connectivity;
- A variety of interface responses to ensure integration of future development and minimise any potential negative effects.

4.4 The delivery of the structure plan will result in a small local commercial hub at the Ward Street end of the site adjoined by a significant new residential suburb. This residential suburb will include approximately 700 to 800 dwellings. The precincts will ensure that the character of the new suburbs moves from a more dense and compact 'urban' environment nearest to the Gateway Precinct and existing rail station through to a standard suburban environment over the western half of the site.

4.5 A significant effort has gone into the design and proposed Plan provisions to maintain some of the site's existing character. In this regard in addition to protecting identified heritage buildings, it is proposed to ensure new buildings are sensitive to the values of the heritage buildings; to reflect the alignment of the existing farm tracks in the future roading pattern; to make both Grants Bush and the historic furnace key features of the future reserves and open space network; to protect a large number of the specimen trees; and to maintain existing visual connections.

4.6 I note that a number of minor changes are now proposed to the WSP in response to matters raised in submissions and in the Hearing Report. The revised WSP is attached as **Attachment 1**.

4.7 To deliver the structure plan WDL seeks a number of amendments to the District Plan. While WDL has sought to minimise the number of entirely new or amended District Plan provisions, some are still proposed and are considered necessary to efficiently and effectively deliver on the intent of the structure plan. As outlined in the evidence of Ms Blick the proposed Plan Change amendments are:

- Amend** the District Plan maps to rezone the Wallaceville Structure Plan Area from Special Activities Zone to Residential, Residential (Centres Overlay) and Business Commercial;
- Amend** the objectives and policies (including explanations) of Chapter 4 (Residential Zone);
- Amend** the objectives and policies (including explanations) of Chapter 6 (Business Zone);
- Amend and insert new** rules, standards, assessment criteria, matters of discretion and matters for consideration to Chapter 18 (Residential Zone Rules);
- Amend and insert new** rules, standards, assessment criteria, matters of discretion and matters for consideration to Chapter 20 (Business Zone Rules);
- Delete** reference to the site from the rules of Chapter 22 (Special Activity Zone);
- Introduce a new Appendix Residential 3** - Wallaceville Structure Plan (that includes the documents detailed in paragraph 2.8 above) to Chapter 18 – Residential Zone

Rules;

- h) **Introduce a new Appendix Residential 4** – Wallaceville future structure plan provisions (refer further detail below) to Chapter 18 – Residential Zone Rules;
- i) **Introduce a new Appendix Business 4** – Wallaceville Gateway Precinct to Chapter 20 – Business Zone Rules;
- j) **Insert two new heritage schedule items** being the Hopkirk Building and the Incinerator into the Schedule of Significant Heritage Features contained in Section 26.8 of Chapter 26 – Rules for Heritage Features and insert relevant references to these features on the Urban Plan maps; and,
- k) **Insert 43 notable tree schedule items** into the Schedule of Notable Trees contained in Section 27.7 of Chapter 27 – Rules for Notable Trees and insert relevant references to these trees on the Urban Plan maps.

4.8 There has been some concern expressed in submissions and in the Council Hearing Report about some of the proposed amended and new rules, standards and assessment criteria. WDL considers that these are important to the efficient and effective delivery of the structure plan. WDL also notes that this is, after all, a District Plan Change, so change should therefore not be opposed simply to maintain consistency with existing District Plan provisions. Through the scheme of the RMA, Parliament has clearly provided for and intended that private individuals and companies, such as WDL, are able to seek changes to district plans to enable them to use and develop natural resources, such as land.

4.9 While the alternative approach, i.e. adopting existing District Plan residential and business commercial provisions without site specific variation, may avoid adding complexity to the District Plan, it would simply pass this complexity and uncertainty onto the consenting process.

5.0 STAKEHOLDER ENGAGEMENT FOLLOWING LODGEMENT OF THE PLAN

5.1 WDL or its consultants have continued to engage with various parties following lodgement of the Plan Change Request and receipt of submissions. This engagement was reported to the Hearing Panel on 1 July. Rather than repeat this now I have simply attached WDL's 1 July letter to the Panel as **Attachment 2**. It covers WDL's discussions with:

- New Zealand Transport Agency
- Ministry of Primary Industries
- Kiwirail
- New Zealand Defence Force
- Welholm Developments Limited (Summerset Retirement Village)
- Mr Persico
- Upper Hutt City Council staff

5.2 In addition, the letter notes that discussions have not been held with the Heretaunga Pistol Club, which is a further submitter in relation to the NZDF submission. The letter notes that the NZDF submission has subsequently been withdrawn.

- 5.3 In addition, while not reported in the above letter, discussions with the Department of Conservation (not a submitter) have been held and have been productive. These have related to the proposed vesting in Council as a reserve of the Grants Bush covenant area (which DOC supports) and proposed amendments to the boundaries of the Floodplain Remnant covenant in Area B. The latter matter is still under consideration although there is consensus among all parties that the boundaries of the covenant can be amended.
- 5.4 I will return in section 7 to further outline the consultation that has been undertaken with MPI, which is ongoing, and I will outline the various concessions that have been offered by WDL but not, to date taken up by MPI.

6.0 PRIVATE AGREEMENTS

- 6.1 As a consequence of its consultation with various parties WDL has entered into private agreements to resolve specific concerns. I wish to outline these now.

New Zealand Defence Force

- 6.2 A reverse sensitivity covenant has been agreed with NZDF and has been registered on the title. NZDF has consequently withdrawn its submission.

Wellington Racing Club

- 6.3 A reverse sensitivity covenant has been agreed and has been registered on the title.

Welhom Developments Ltd (Summerset Village at Trentham)

- 6.4 WDL has reached agreement with Welhom Developments, which is recorded in the letter from them to the hearings panel, which confirms that Welhom does not wish to be heard at the Hearing. Broadly this agreement involves:
- a requirement for the first line of houses adjoining the Summerset boundary to be limited to a single storey, which Welhom agrees will be provided for by way of a covenant on WDL's land. The minimum 3m rear building setback is an existing requirement of the Residential Zone and the Plan Change does not vary this requirement.
 - Summerset has constructed a fence along the common boundary with the WDL site
 - Welhom is to install a gate at the Summerset boundary on the basis that access to the Plan Change site will be for Summerset residents only and will not be reciprocal. Access will be controlled by way of a pin pad on the gate.
 - The proposed pedestrian connection is moved to a location which better connects with the development within the retirement village site. The new location will be back 20m from Summerset's boundary corner and is shown on the revised structure plan map attached.

7.0 KEY MATTERS FOR CONSIDERATION AT THE HEARING

- 7.1 As noted WDL has made significant efforts to resolve the matters raised by submitters and in the Hearing Report. Consequently WDL consider that there remain only four key issues which are in contention and to which the hearing panel will need to give particular attention. These issues are:
- Site contamination
 - The site's interfaces with other activities

- Integration and use of Grants Bush
- Development of land on the south side of Alexander Road

Site contamination

- 7.2 As part of the preparation of the Plan Change Request, WDL commissioned Engeo to prepare a preliminary site investigation (PSI) for the site. Subsequently, and in response to the findings of the PSI, WDL commissioned a detailed site investigation from Engeo. Engeo also undertook specific investigations on the Trentham Racecourse land and based on the findings of this work some of the land was excluded from the structure plan and Plan Change area.
- 7.3 In response to submissions and the peer review commissioned by Council, Engeo has undertaken further work specifically looking at the issues associated with radioactivity and buried carcasses.
- 7.4 All of this work is summarised in the evidence of David Robotham. Mr Robotham concludes that, contrary to submitter statements, the site is suitable for the proposed re-zoning. He does recommend further work but considers, given the limited risks associated with each, that this work is appropriately undertaken as part of the future resource consent process. Mr Robotham's recommendations are supported by the peer review commissioned by Council.
- 7.5 WDL therefore contend that there is no site contamination reason that the Plan Change should not be adopted by Council.
- 7.6 Notwithstanding this view, for all parties' piece of mind WDL has in the last week undertaken the testing that Mr Robotham has recommended in relation to cobalt-60. A memo outlining the methodology for this survey and the findings will be tabled by Mr Robotham when he presents his evidence. The Environmental Consultant, Nick King, who led this work is also present and will be able to answer questions from the Committee. For the present, I simply note that the survey did not find any radiation levels significantly elevated above the site background. Therefore, there is no evidence to support there being any residual quantities of cobalt-60 in any form in the ground at the site.

Site interfaces

- 7.7 WDL has put in significant effort to resolve issues associated with the site's interfaces. These are summarised below.

Western boundaries - NZDF and Summerset Retirement Village

- 7.8 As already noted private agreements have been reached with NZDF and Welhom Developments Limited.

Eastern and Southern boundaries – Ward Street and Alexander Road

- 7.9 Existing or proposed District Plan provisions and the WSP will more than adequately address interface issues with Ward Street and Alexander Road. These matters are addressed in the evidence of Ms White and Mr Hunt.

Northern boundary - Kiwirail

- 7.10 Through on-going communications, including the sharing of expert opinion and noise calculations, an agreed position has been reached between WDL and KiwiRail. This position is set out in the letter from KiwiRail to Council dated 2 July. WDL requests that Council adopt the provisions as set out in that letter. We note that KiwiRail in its submission requested that the term 'sleeping room' be replaced with 'habitable room'. As a compromise WDL agreed with Kiwi Rail is to extend the noise insulation and ventilation standards to both sleeping rooms and studies. The amended standards are included in the evidence of Mr Malcolm Hunt (noise) and Ms Stephanie Blick (planning).
- 7.11 We consider that the combinations of provisions supported or sought to be amended by the letter will result in a high level of protection for future residents and will thoroughly mitigate potential reverse sensitivity effects on KiwiRail.

Northern boundary - MPI

- 7.12 Notwithstanding District Plan mechanisms proposed by WDL and subsequent proposals put forward by WDL as late as yesterday, the unresolved interface issues relate to the boundary with the Ministry of Primary Industry's (MPI) National Centre for Biosecurity and Infectious Diseases (NCBID). In this regard, WDL has proposed fencing and ventilation requirements to be imposed in both the Business Commercial and Residential Zoned portions of the site that adjoin the centre. Mr Hunt, who is providing expert noise advice to WDL, considers that these measures are appropriate to ensure that indoor conditions meet World Health Organisation criteria for sleeping rooms.
- 7.13 The Ministry of Primary Industries which is responsible for the NCBID submitted that the Plan Change does not sufficiently mitigate potential reverse sensitivity effects, but did not identify specific relief sought nor why it does not consider that the proposed measures are sufficient.
- 7.14 In subsequent communications with MPI, it was eventually confirmed on 19 June that:
- 'noise levels from any development on the MPI site in the future will likely meet 55dB LAeq(15 min) (24 hour basis) and 75dB LAmax during the night (ie 10pm to 7am the following day) at MPI's boundary with the plan change land.'*
- 7.15 MPI considers that WDL should be responsible for mitigating the adverse effects from this noise level on residential amenity and those arising from reverse sensitivity issues.
- 7.16 In response to the MPI communication of 19 June, WDL commissioned a Senior Mechanical Engineer at Harrison Grierson, Mr Neil Purdie, to consider whether it would be reasonable for MPI to mitigate the noise emissions from its proposed new building such that they meet the 45 dB LAeq, the level that has been assumed by Mr Hunt in his calculations. Mr Purdie has advised of a number of what he considers to be 'industry standard solutions' which could be applied to MPI's proposed building and concludes that there is no technical reason that the new laboratory could not achieve 45 dB LAeq at the boundary with the Plan Change site. Mr Purdie's advice is attached to Mr Hunt's evidence.

7.17 With respect to the submission of MPI and in light of new information regarding future development of the site and a draft alteration to the existing designation that was lodged with Council, WDL has also sought a legal opinion from Simpson Grierson that is attached to these submissions – refer **Attachment 3**. It is WDL's view that this opinion raises significant questions as to whether the noise levels anticipated by MPI are in fact legally established. It also explores the statutory duty under section 16 of the Resource Management Act to avoid unreasonable noise and it confirms that this duty is applicable to designated sites.

7.18 Based on this, and the advice of Mr Hunt and Mr Purdie, while WDL is still in on-going discussions with MPI in the hope that a reasonable agreement can be reached, WDL would like to reiterate that it is not unreasonable to expect MPI/NCBID to mitigate its own future noise emissions so that they achieve 45dB LAeq at the Plan Change boundary. This could be achieved through the future Alteration of Designation and / or Outline Plan process that MPI needs to undertake to enable the proposed new building. Consequently, WDL maintains that its proposed noise mitigation measures will be effective and are appropriate at the interface with the NCBID property.

7.19 I wish to outline in further detail on-going discussions with MPI. To date, there have been numerous on-going phone calls, emails and meetings between WDL and its consultants and MPI to resolve MPI's key issues relating to noise and reverse sensitivity issues arising from both its current and future activities. We have been advised that its future activities will include a new 5-storey building located in the middle of its existing complex of buildings, approximately 150 metres from their western boundary and 30 metres from their southern boundary.

7.20 WDL has offered a suite of concessions aimed at reaching an agreement with MPI. These have included the following:

Amendments to district plan standards (subject to the Hearing Committee's consideration and decisions)

1. Amend the notified ventilation standards (which required ventilation within 10 metres of the MPI boundary for any upper storey sleeping rooms) so as to increase the setback to 20 metres, and apply to sleeping rooms and studies on any level (including ground level)

Matters that could be included in private agreements (or could be reflected in amended district plan standards)

2. That the first row of dwellings adjoining the MAF1 boundary within the Urban Precinct and the Grants Bush Precinct be single storey to address privacy (overlooking) and security concerns raised by MPI.
3. That windows located on the façade of dwellings located in the Urban Precinct adjoining the MAF1 boundary will not be openable on the basis that alternative ventilation will be provided – see 1 above. This could potentially apply also to dwellings located in the Grants Bush Precinct although WDL notes the considerable distance (some 150 metres) to the proposed new building which will likely be the primary source of any potential future noise. Notwithstanding this, WDL remains prepared to offer this further concession if it enables full agreement to be reached.
4. WDL offered to sell a portion of land adjoining the MPI site as a buffer but this offer was not accepted.
5. WDL offered to agree to amendments to the existing reverse sensitivity covenant ('no complaints' covenant) so as to specifically apply to the future National Laboratory building provided that it is setback the distance from the boundaries as it is currently shown on the plans for the new building provided to WDL.

- 7.21 The above offers have been made to WDL even in light of evidence of Mr Hunt (noise), Ms White (urban design) and Ms Blick (planning) that concludes that reverse sensitivity and amenity concerns have been adequately addressed through the Plan Change as notified. We have not yet had the opportunity to see any evidence (even in draft form) of MPI's noise consultant, Mr Lloyd even though this has been requested and Mr Hunt's evidence has been pre-circulated.
- 7.22 I understand that MPI is reviewing its position as late as today and it appears that an agreement may be able to be reached during the course of this hearing (before closing submissions).

Integration and use of Grants Bush

- 7.23 WDL proposes to vest Grants Bush in Council as part of a larger reserve. By nature of it being a reserve it will be used for a limited amount of passive recreation. In this regard a walkway will be constructed through the Bush. The principles for this walkway are described in the 'road typologies' and broadly involve a 1.4 metre wide formed surface with an alignment that winds through the Bush. It is anticipated that the final alignment will be selected, at time of the relevant subdivision resource consent, in close consultation with the Department of Conservation and the Council's Parks and Reserves team.
- 7.24 Both the existing soakage hole and a proposed stormwater facility adjoining Grants Bush (but within the reserve) will be used as part of the Plan Change site's stormwater system.
- 7.25 Given the existence of a conservation covenant over Grants Bush and part of the surrounding area, any works (such as the construction of walkways or stormwater management facilities) WDL or future owners undertake will need consent from the Department of Conservation, as well as resource consent.
- 7.26 Submissions on Plan Change 40 have raised concerns about how the future development will impact on, or integrate with, Grants Bush. Having considered the submissions WDL considers that its proposals for the Bush are generally appropriate and will protect its values. However, WDL accepts that a minor alteration to its proposals are required. This alteration is the confirmation that the covenant area / reserve will be fenced and gated to exclude dogs and cyclists as set out in the evidence of Mr Lowe. This will be achieved at the time of the relevant subdivision consent, and is to be reflected in changes to the Precinct Descriptions and minor amendments to the description of the Grants Bush Walkway provided in the Wallaceville Road Typologies. These amendments were agreed with Council and the track changes are included in the Joint Statement provided to the Hearing Committee on 1 July.

Development of land on the south side of Alexander Road

- 7.27 WDL proposes to re-zone the flat triangle of land on the south side of Alexander Road for residential purposes and include it within the Grants Bush Precinct. No changes are proposed to the existing provisions that apply to the hillsides south of Alexander Road. These will remain Rural Lifestyle with the Southern Hills overlay applying. As the Southern Hills provisions only recently went through the Schedule 1 process these existing provision can be accepted as appropriately addressing the area's resource management issues.
- 7.28 A number of submitters have opposed the proposal to rezone the flat triangle. Notwithstanding these submissions, WDL considers that the site is suitable for the proposed development. Expert geotechnical, traffic, landscape, ecology and urban design evidence all support this proposal. Consequently WDL does not see reason to change its proposal for this part of the site.

8.0 OTHER MATTERS

- 8.1 A number of other matters have either been raised in submissions or in the Council hearing report. WDL has undertaken a significant effort to work through these matters with Council staff. Two joint witness agreements, covering numerous witnesses, have already been provided to the Hearing Committee outlining significant areas of agreement. WDL accepts these recommendations and seeks that Council amend the Plan Change accordingly. Ms Blick will address further in her planning evidence.
- 8.2 In addition Mr Blyde has worked with Council officers regarding stormwater matters. The agreements reached through this work are outlined in Mr Blyde's evidence.
- 8.3 There remains two unresolved matters relating to references to housing densities in the Wallaceville Living Precinct and to business / commercial uses in the Urban Living Precinct. Ms Blick will also address these matters in her evidence.
- 8.4 I also note that Ms Blick and Ms Boyd have been continuing their discussions regarding some further refinements to the district plan provisions (in addition to the matters covered in the two joint witness statements) and I envisage that Ms Blick will address this in her address to the Committee tomorrow.

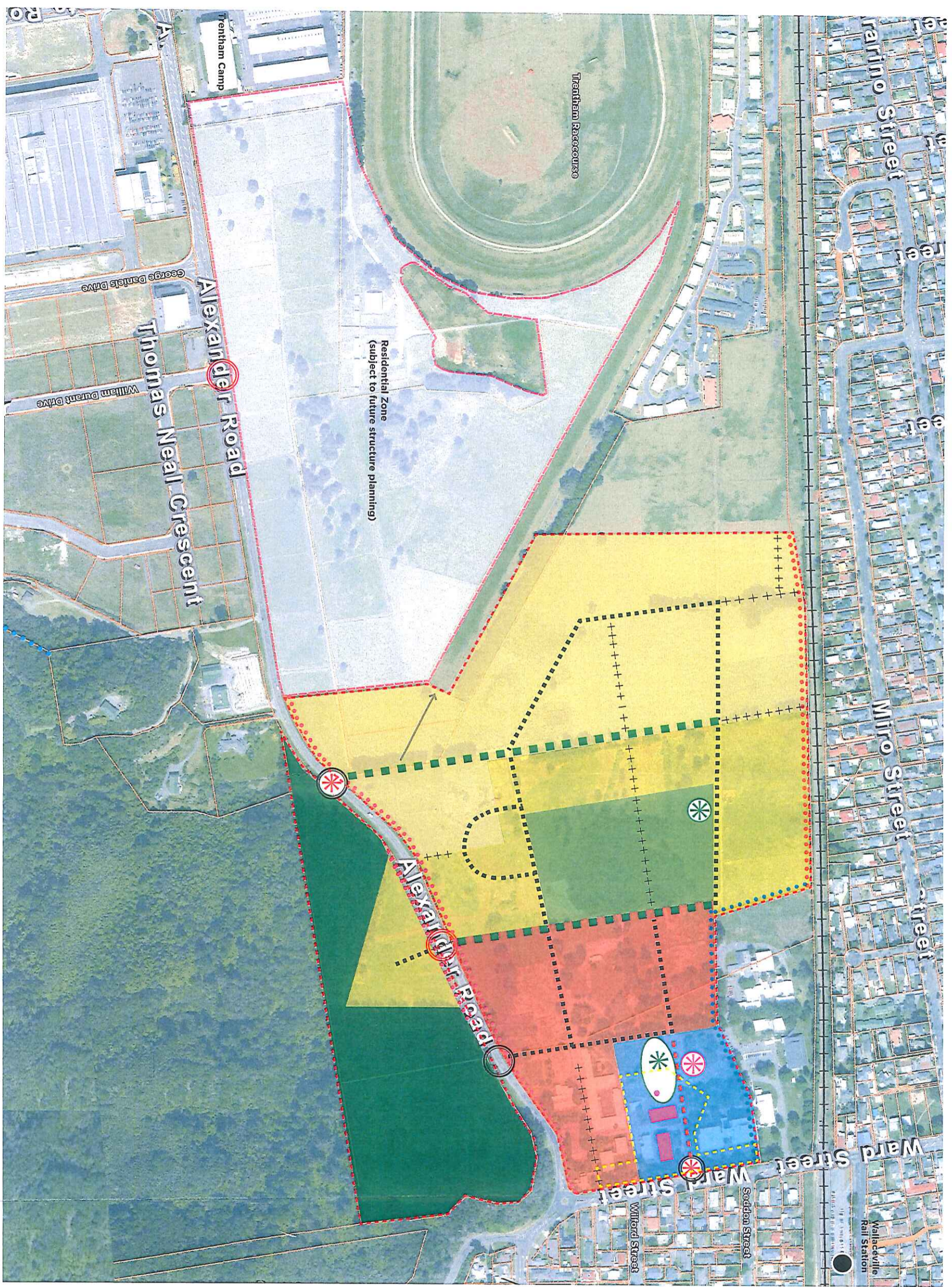
9.0 CONCLUSION

- 9.1 Plan Change 40 is based on significant technical input, analysis of site constraints and opportunities and public input. It is also based on significant collaborative effort with Council Officers, GWRC, Heritage NZ and several other stakeholders.
- 9.2 The Plan Change will facilitate a significant development in Upper Hutt. This will provide the City with around 700 – 800 new homes and a significant new range of housing choices. These positive housing outcomes will be contained in a new suburb with high environmental quality and strong references to its historic values, and which is connected to a local centre and public transport. The site's interfaces with adjoining land uses have been well addressed and the future development can be appropriately serviced including through the use of low impact stormwater design.
- 9.3 In short, WDL considers that Plan Change 40 will enable a development that the City will be proud of. Ms Blick's planning evidence will address the relevant statutory considerations in the Resource Management Act and will confirm her opinion that the plan change is fully consistent with the purpose and principles of the Act.
- 9.4 WDL therefore asks that the Committee adopt the Plan Change including the amendments detailed in the evidence of Ms Blick.

Attachments

1. Revised Wallaceville Structure Plan map
2. Letter to Hearing Committee dated 1 July
3. ~~Legal opinion from Simpson Grierson regarding noise from the MPI site~~ *Withdrawn*

STRUCTURE PLAN



- Area A Boundary
 - Area B Boundary (subject to future structure planning)
 - Gateway Precinct (mixed use, heritage protection/character)
 - Urban Precinct (high density, predominantly attached housing, 3 storey max, some commercial/retail)
 - Grants Bush Precinct (mixed residential typologies, 2 storey max)
 - Wallaceville Living (predominantly detached residential typology, 2 storey max)
 - Rural Lifestyle Zone
 - Heritage Buildings
 - Local Retail (indicative location)
 - Heritage Covenant Category 1
 - Public Open Space (conservation)
 - Neighbourhood Park (indicative location)
 - Boulevard Road (indicative location)
 - Key Local Road (indicative location)
 - Heritage Street
 - Four way intersection
 - T-junction
 - Pedestrian/Cycle Connection
 - * gateway feature
 - ↗ visual connection
- Interface conditions**
- controlled through structure plan guidance and District Plan provisions
 - controlled through private covenant and District Plan provisions
 - controlled through District Plan provisions

1 July 2015

Plan Change 40 Hearing Committee
c/- Upper Hutt City Council
Private Bag 907
UPPER HUTT

Attention: Cr J Gwilliam (Chair)

Dear Cr Gwilliam

REPORT ON PRE-HEARING COMMUNICATIONS

HG REF: 1850 135652 01

INTRODUCTION

1. This letter sets out progress made by Wallaceville Developments Limited (WDL) in response to the Hearing Committee's Minute of 17 June 2015. Since the minute was received WDL or its consultants, has undertaken several meetings as a continuation of its consultation effort which began in early 2014. Progress and outcomes for each of these is set out below.

NEW ZEALAND TRANSPORT AGENCY (NZTA)

2. WDL's traffic consultant Traffic Design Group (TDG) met with NZTA (Angela Penfold) on 17 June to discuss TDG's traffic analysis and clarify queries. This meeting identified the SH2 / Fergusson Drive intersection as requiring our further assessment.
3. NZTA provided traffic signal data for that intersection on 24 June and TDG subsequently progressed refined traffic modelling for the intersection, and emailed a summary to NZTA on 29 June. Further correspondence with NZTA occurred on 30 June, regarding interpretation of the modelling data provided.
4. Based on these communications, NZTA has confirmed in writing to Council that it wishes to withdraw its submission. NZTA's letter withdrawing the submission states that *'this is because our assessment of the modelling information provided by Traffic Design Group on 29 June 2015 is that the impacts on the State Highway network, particularly the Silverstream and Whakatiki intersections, will be indiscernible within the existing operative environment'*.

MINISTRY OF PRIMARY INDUSTRIES (MPI)

5. On-going communications have occurred between WDL and MPI since 2014. In response to MPI's submission, WDL has sought from them clarity on the relief they are seeking. Following a phone conference on 29 May 2015, WDL understands that MPI's key issue relates to noise and reverse sensitivity issues arising from both its current and future activities.

6. Based on further information provided by MPI about its future laboratory building, WDL's noise expert Malcolm Hunt reviewed his recommendations in relation to the MPI boundary. Taking account of the potential height of the future noise source Mr Hunt now considers that the 2 m fence will have less benefit and recommends that the proposed ventilation requirements apply on all floors.
7. On 19 June 2015, MPI informed WDL by email that it expects to generate noise at the boundary of the MPI site at 55dB LAeq(15 min) (24 hour basis) and 75dB LAmax during the night (ie 10pm to 7am the following day). In the same email, MPI indicated that it expects that it is WDL's responsibility to mitigate effects arising from these noise levels.
8. On 30 June 2015 WDL advised MPI that it does not intend to alter its position (other than described above) from that proposed. This position is based on advice WDL has received from a Senior Mechanical Services Engineer which indicates that standard mechanical services design will enable MPI to achieve noise levels at a 45 dB standard at the boundary. This is the level that Mr Hunt has assumed in his recommendations. This position is also based on legal advice received by WDL.
9. WDL will continue communications with MPI up to the hearing. Should any agreement be reached between the parties prior to the Hearing, WDL will advise Council officers. In the interim, WDL's experts are preparing evidence, and WDL is preparing submissions, based on the current position.

KIWIRAIL

10. WDL and KiwiRail held a phone conference, involving both parties' noise experts on 29 June 2015. This followed an earlier meeting on 26 May 2015.
11. WDL's expert Malcolm Hunt, outlined a revised set of provisions at the 29 June meeting, which take into account the impact of double tracking. KiwiRail requested that Malcolm provide his detailed calculations as background to the rule. These were provided on 30 June 2015.
12. KiwiRail has subsequently indicated some agreement with the provisions presented by Mr Hunt (namely use of a design performance approach, proposed by WDL, rather than an internal noise approach sought by KiwiRail). However at time of writing further communications are on-going between the parties over the appropriate distance over which the mitigation needs to apply.
13. WDL will endeavour to resolve this matter, or at least narrow differences further, and will address the final outcome in its submissions to the Hearing Committee.

NEW ZEALAND DEFENCE FORCE (NZDF)

14. The concerns of the NZDF have been resolved through the registration of a 'reverse sensitivity covenant' on the Plan Change site title. NZDF has therefore withdrawn its submission, and notified Council of this on 30 June 2015.

HERETAUNGA PISTOL CLUB

15. Based on advice from our noise expert regarding the effects associated with the Heretaunga Pistol Club's activities, WDL has not approached this party. WDL

notes that this party is a further submitter to the NZDF submission, which has now been withdrawn.

WELHOM DEVELOPMENTS LIMITED

16. WDL has reached agreement with Welhom Developments and Welhom advised that it would provide a letter to Council advising of the agreement reached and that Welhom would not appear at the Hearing. Broadly this agreement involves:
- a requirement for the first line of houses adjoining the Summerset boundary to be limited to a single storey, which WDL agrees will be provided for by way of a covenant on WDL's land. The minimum 3m rear building setback is an existing requirement of the Residential Zone and the Plan Change does not vary this requirement.
 - Summerset has constructed a fence along the common boundary with the WDL site
 - WDL is to install a gate at the Summerset boundary on the basis that access to the Plan Change site will be for Summerset residents only and will not be reciprocal. Access will be controlled by way of a pin pad on the gate.
 - The proposed pedestrian connection is moved to a location which better connects with the development within the retirement village site. The new location will be back 20m from Summerset's boundary corner and is shown on the revised structure plan map attached.

MR PERSICO

17. WDL's contamination consultants contacted Mr Persico on 25 June to seek access to the documents he informed Council that he has access to.
18. Mr Persico briefly described the nature of the material he has, and it seems that much of it consists of Department of Agriculture reports that can be accessed via the National Library. WDL anticipates that at least some of these documents will be sources that Engeo reviewed as part of its background research.
19. Mr Persico undertook to provide these documents to WDL, but has not done so.
20. WDL notes that this communication with Mr Persico has followed earlier communications undertaken by Engeo as part of its response to Mr Persico's submission and in response to the Council commissioned peer review.
21. Expert response to the peer review and Mr Persico's submission will be provided in evidence to be exchanged on 3 July 2015.

UPPER HUTT CITY COUNCIL OFFICERS

22. In response to the Council Hearing Report WDL's experts have worked with Council officers to prepare a Joint Statement on the matters agreed and on those matters which remain unresolved. This has been finalised today and will be provided to the Hearing Committee by Council officers.
23. Communications with Upper Hutt City Council have also been ongoing regarding stormwater matters. Again, agreement has been reached on these matters and is outlined in the attached technical memo from Alan Blyde.

24. WDL also notes that its site contamination experts have been in communication with Council's contamination peer reviewers and are in agreement regarding associated matters. This will be detailed in the evidence presented to the Hearing Committee.

Yours sincerely



Brendan Hogan
For Wallaceville Developments Limited

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