

# Commissioners' Recommendation

## PLAN CHANGE 40

### WALLACEVILLE



Report and Recommendation of the Hearing Panel appointed by  
the Upper Hutt City Council pursuant to Section 34 of the Resource  
Management Act 1991

14 September 2015

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## SCHEDULE OF APPENDICES

- **APPENDIX 1:** Committee recommendations on relief sought by submission;
- **APPENDIX 2:** Committee minutes
- **APPENDIX 3:** Annotated version of Plan Change provisions

## Upper Hutt City Council Report of the Hearing Committee

**Proposal Description:**

Proposed (Private) Change 40 to the Upper Hutt District Plan – Wallaceville

**Committee Members:**

John Gwilliam (Councillor, Chair), Glenn McArthur (Councillor), David McMahon (Commissioner)

**Date of Hearing:**

8-10 July 2015

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### 1.0 INTRODUCTION

#### Report purpose

- 1.1 This report sets out our recommendation to the Upper Hutt City Council (“**the Council**”) on Proposed Plan Change 40 (“**PC40**” or “**the Plan Change**”) to the operative Upper Hutt District Plan.
- 1.2 We were appointed by the Council to hear submissions made on the Plan Change and to consider and make a recommendation to the Council as to whether PC40 should be declined, approved or approved with amendments<sup>1</sup>.
- 1.3 The Plan Change was privately-initiated by Wallaceville Developments Ltd (“**the Requestor**” or “**WDL**”). It seeks to rezone approximately 63ha of land at Wallaceville (“**the site**”) to provide for a new suburban development. The Plan Change has an extensive background, which we will canvas in due course. It has been the subject of a “section 32” report<sup>2</sup>, consultation with stakeholders, and of course the public notification and hearing, culminating in this report.
- 1.4 Before setting out the details of PC40, the submissions to it, and our substantive evaluation there are some procedural matters that we will address, beginning with our role as a Committee.

#### Role of Committee and report outline

- 1.5 As noted above, our role is to make a recommendation to the Council about the approval (or otherwise) of the Plan Change. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report will become the Council Decision.
- 1.6 Having familiarised ourselves with PC40 and its associated background material (of which there is a considerable amount), read all submissions, conducted the

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<sup>1</sup> pursuant to Schedule 1, Part 2, Clause 29(4)(a), RMA

<sup>2</sup> Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change.

hearing, as well as having visited the site and locality on several separate occasions, we hereby record our recommendations.

1.7 In this respect, our report is generally organised into the following parts:

(a) Factual context for the Plan Change:

This non-evaluative section (comprising Section 1 and Section 2) is largely factual and contains an overview of the site and locality subject to the Plan Change and an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change (as notified). This background section provides relevant context for considering the issues raised in submissions to the Plan Change. Here, we also describe the submissions received to the Plan Change, and provide a brief account of the hearing process itself and our subsequent deliberations.

(b) Evaluation of Key Issues:

The second part of this report (comprising report Sections 3-5) contains an assessment of the main issues raised in submissions to PC40, and where relevant, amplification of the evidence/statements presented at the hearing (in Section 3). We conclude with a summary of our recommendations (in Section 5), having had regard to the necessary statutory considerations that underpin our considerations (in Section 4). This part of the report is evaluative, and records the results of our deliberations on substantive matters.

### Comments on the parties' assistance to us

1.8 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part. In particular, we would like to acknowledge the following endeavours:

- the constructive input provided by all submitters appearing before us;
- the helpful role of Council's Planning Technician, Ms Coralie Barker in dispatching our various Minutes and general administrative assistance;
- the reporting and planning input from the Council's Planner, Ms Felicity Boyd;
- the additional advice provided by other experts appearing for the Council, including Mr Steven Taylor and Dr Dave Bull ;
- the expert evidence presented on behalf of the Requestor and the assistance provided by Mr Andrew Collins and Ms Stephanie Blick; and
- the support of our Hearing Advisor, Mr Jason Jones of Resource Management Group Ltd.

1.9 The above actions promoted a focused hearing process that has greatly assisted us in assessing and determining the issues, and in delivering our recommendation.

1.10 These initial thoughts established, we now set out the factual background to the Plan Change.

## 2.0 PLAN CHANGE CONTEXT

### Site and local environment

- 2.1 As shown in **Figure 1** below, the site is located 1km from the Upper Hutt City Centre<sup>3</sup>. It is generally bounded by:
- Ward Street to the east;
  - the Trentham Racecourse, Trentham Military Base and Summerset at the Course<sup>4</sup> to the west;
  - the Wairarapa Line railway corridor and the National Centre for Biosecurity and Infectious Disease site to the north; and
  - Alexander Road and the Southern Hills to the south.



**Figure 1:** Plan Change site (hatched area) and locality

- 2.2 The site has a mixed character, having previously been used for agricultural research by the New Zealand Government and (in part) for racecourse purposes. The wider environment to the north and east is predominantly residential in character. To the south and west, land uses are more variable, with a mixture of rural, residential, industrial and recreational uses existing further afield from the racecourse and military base.
- 2.3 Most of the site itself is in pasture with a relatively flat topography. Adjacent to Ward Street, however, the site's character is more urban. That area includes several existing buildings which are largely uninhabited presently, apart from a few short term tenancies.
- 2.4 One of the existing buildings in the Ward Street vicinity – referred to as the Gilruth Laboratory Building (1905) – is a listed heritage building in the District

<sup>3</sup> Distance 'as the crow flies' between the Fergusson Drive / Main Street Roundabout and closest extent of the site

<sup>4</sup> A retirement village accommodating some 250 residents

Plan<sup>5</sup>, and is subject to a Heritage New Zealand covenant. The covenant applies to the wider site containing the Laboratory building, which includes an additional building – known as the Hopkirk Building – and a historic incinerator.

- 2.5 This part of the site also contains several exotic trees of recognised significance, including 10 trees which are listed in the operative District Plan<sup>6</sup>.
- 2.6 Within the wider site on the northern side of Alexander Road, vegetation is sporadic, apart from two identified areas. These are described in the Plan Change request as follows:

*Two conservation covenants are contained within the site being 'Grants Bush' and the 'Floodplain Remnant'. These two areas differ in character with Grants Bush retaining an area of fenced regenerating bush which has not been subject to sustained stock damage witnessed within the Floodplain Remnant. Both covenant areas retain significant areas of open pasture which currently include very few distributed established trees. While the deed of covenant recognizes the intent to regenerate these areas over time it is noted...that they currently retain little ecological structure and will require extensive human intervention to restore them to representative valley floor forest.<sup>7</sup>*

- 2.7 The portion of the site south of Alexander Road sits at the base of the Southern Hills. Much of this area is on moderate to steep slopes, covered in a mix of regenerating and mature native vegetation as well as wilding pines and other exotic species. This area is identified within the District Plan's 'Southern Hills Overlay Area' for its ecological and landscape values.
- 2.8 A small triangular area of land in this part of the site (south of Alexander Road) has been cleared, is more gently sloping and is not within the Southern Hills Overlay.
- 2.9 The existing zoning of the Plan Change site is shown on Urban Planning Maps<sup>8</sup> as follows:
- a. all land north of Alexander Road is Special Activity Zone;
  - b. all land south of Alexander Road is Rural Lifestyle Zone.
- 2.10 The Plan Change Request identifies that the site contains existing modified drainage waterways which are ephemeral in nature.

### Pre-Plan Change Initiatives and Sequence

- 2.11 The Requestor's opening submissions<sup>9</sup> advised that the majority<sup>10</sup> of the site was previously administered by the New Zealand Government as an animal research centre. That previous use ceased some years ago, and the Government has since disposed of the land as it was deemed surplus to requirements.

<sup>5</sup> See District Plan Schedule, Ref 7, "Wallaceville Animal Research Centre 62 Ward Street", Chapter 26, page 26/4

<sup>6</sup> See District Plan Schedule, Refs 57-66, "Ward Street AgResearch frontage", Chapter 27, pages 27/5 - 27/6

<sup>7</sup> Plan Change Request, Section 3.4, p.6.

<sup>8</sup> Planning Maps 35, 36, 37 and 45

<sup>9</sup> Opening Submissions of Andrew Collins, p.2, para 2.1

<sup>10</sup> For completeness, we note that a small portion of land at the adjoining Trentham Racecourse also comprises part of the Plan Change site.

- 2.12 In its 2007 *Upper Hutt Urban Growth Strategy* (“**the UGS**”), the Council formally identified the opportunity to rezone and redevelop this surplus land. The UGS provided the following context on the site’s previous and anticipated uses:

***AgResearch Wallaceville***

*The Wallaceville Animal Research Centre was established just over 100 years ago as the first veterinary research institution in the southern hemisphere. Now known as AgResearch Wallaceville, it is a world renowned research facility and over the years its work has led to significant improvements in the health of the country’s animals and the rural economy. Most of this institution will be relocated to existing facilities at Palmerston North and Invermay, Mosgiel but a very significant function will be retained on site. The new National Centre for Biosecurity and Infectious Disease has been developed on a 4-hectare corner of the site. The balance of the site, some 62-hectares of land, is expected to become available for redevelopment.<sup>11</sup>*

- 2.13 The UGS further identified the development of new business opportunities at Wallaceville as a high priority<sup>12</sup>, and set out a vision<sup>13</sup> for the creation of a ‘smart village’ at the Plan Change site, building upon a preliminary concept introduced in 2005. The UGS also called for a plan change to be advanced to give effect to the development of the site as a high priority, including through adoption of (in summary):

- a. a structure plan and catchment management plan;
- b. new zoning;
- c. bespoke rules and standards for subdivision and land use activities, including (among others) for the protection of trees and heritage buildings;
- d. remediation of contaminated land; and
- e. uplifting of the (then) operative designation over the site.

- 2.14 We were advised that the UGS established the Council framework and direction for managing development in Upper Hutt over both the medium and longer term; not only to meet the immediate needs of current generations but also those of the community for the next twenty to fifty years and beyond. The aim of the UGS is to guide decision-making to ensure that the city’s growth is well integrated, affordable and sustainable.

- 2.15 We were also advised by several parties that the UGS is currently being reviewed by the Council.

- 2.16 Though the UGS<sup>14</sup> anticipates that the Council would eventually advance a plan change for the Wallaceville development, this has not eventuated. Rather, the proposal before us has been driven by WDL as owner<sup>15</sup> of the site.

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<sup>11</sup> UGS, p.21.

<sup>12</sup> UGS, p.25.

<sup>13</sup> UGS, p.27.

<sup>14</sup> UGS, p.29.

<sup>15</sup> The Plan Change Requests notes (at Section 3, page 4) that WDL is the landowner of 58ha of the site, with the remaining land subject to a sale and purchase agreement between WDL and the Wellington Racing Club.

- 2.17 In his opening statement, Mr Collins<sup>16</sup> provided a description of the process adopted by WDL leading up to the lodgement of the Plan Change request. This included (in summary):
- a. development of a structure plan through an iterative and integrated design process informed by expert reports and stakeholder consultation;
  - b. commissioning of various technical reports to identify site constraints and opportunities, and to inform the evolution of the Plan Change provisions and the structure plan;
  - c. formation of a working group between WDL, the Council and Greater Wellington Regional Council (“**GWRC**”);
  - d. meetings with key stakeholders<sup>17</sup>;
  - e. correspondence (via letter) with some neighbours and other interested parties<sup>18</sup>; and
  - f. a public open day;
  - g. finalisation of the formal Plan Change documentation and associated attachments.
- 2.18 The formal Plan Change Request was eventually lodged with the Council on 19 December 2014. At its meeting on the 11<sup>th</sup> of February 2015, the Council’s Policy Committee accepted the Plan Change for the purposes of notification.
- 2.19 The Plan Change was publicly notified on 18 March 2015, with the period for receiving submissions closing on Friday 17 April. Subsequently, there was a period for further submissions which commenced on 13 May 2015.

### Plan Change purpose and reasons

- 2.20 Unlike a Council-initiated plan change, a private plan change request must explain the purpose of, and reasons for, the proposal<sup>19</sup>. The **purpose** of PC40 is set out in section 4.0 of the Plan Change Request as follows:

*The primary purpose of this Plan Change is to introduce appropriate zoning to enable the integrated and comprehensive development of the site that is in accordance with the purpose and principles of the Act. Further, the Wallaceville Structure Plan and associated District Plan amendments, seek to ensure that the future development of the site takes place in a sustainable, co-ordinated and holistic manner.<sup>20</sup>*

- 2.21 The **reasons** for the request follow the purpose at Section 5.0 of the Plan Change Request. These include:

- *The Crown has relocated its agricultural research activities from this site and sold the land. The current ‘Special Activity’ zone restricts*

<sup>16</sup> Opening Submissions of Andrew Collins, pp.3-4, paras 3.1-3.9

<sup>17</sup> Including the Department of Conservation, Heritage New Zealand, Wellington Tenth Trust, and the Ministry for Primary Industries

<sup>18</sup> Including Summerset Group Holdings, New Zealand Defence Force, Kiwi Rail, Wellington Racing Club, iwi and hapu

<sup>19</sup> pursuant to Schedule 1, Part 2, Clause 22(1), RMA

<sup>20</sup> Plan Change Request, Section 4.0, p.6



*development to its former use. The Plan Change seeks to re-zone the land to provide for appropriate development.*

- *To enable more efficient and integrated use of the existing strategic land resource.*
- *To ensure the development of the site occurs in a comprehensive and co-ordinated manner.*
- *The residential development of the Wallaceville Structure Plan Area complements the existing urban development and will contribute to a compact urban form. The current zoning of the land within the Wallaceville Structure Plan Area does not allow for such residential growth of this area.*
- *To enable the Upper Hutt City Council to fulfil its growth planning expectations as generally outlined in the Urban Growth Strategy.<sup>21</sup>*

2.22 In short, the purpose of the Plan Change is to enable the future urban development of the site, and the reason the change is needed is to establish appropriate District Plan policies, rules and methods to facilitate that development.

### Summary of proposed amendments

2.23 The details of the amendments to the Plan proposed by PC40 (as notified) are canvassed in the WDL Plan Change Request<sup>22</sup> and the Council s42A Report<sup>23</sup>. Broadly, the Plan Change proposes to rezone the majority of the site, and to include new objectives, policies, rules and other methods within the Plan to manage the future subdivision, use and development of the site.

2.24 More specifically, the notified proposal sought to:

- a. rezone the area north of Alexander Road from Special Activity Zone to a combination of Residential and Business Commercial Zones with a large portion of the proposed Residential Zone subject to the Centres Overlay Area classification (see **Figure 2**);
- b. rezone the area south of Alexander Road which is not within the Southern Hills Overlay Area to Residential (Centres Overlay Area)<sup>24</sup>;
- c. amend Chapter 4 (Residential Zone) of the Plan by:
  - i. inserting a new Objective (4.3.5) that provides for the development of the site;
  - ii. adding explanatory text to Policies 4.4.3, 4.4.4 and 4.4.6;
  - iii. inserting new policies 4.4.14, 4.4.15 and 4.4.16 seeking that residential development of the site is consistent with the Wallaceville Structure Plan (“**WSP**”) or its anticipated outcomes;
  - iv. noting the inclusion of the WSP as a method to implement the policies under section 4.5;

<sup>21</sup> Plan Change Request, Section 5.0, pp.7-8

<sup>22</sup> Plan Change Request, Section 1.0, pp.2-3, and Appendix A1

<sup>23</sup> s42A Report, Section 2.1, pp.6-7

<sup>24</sup> The remainder of the area south of Alexander Road is proposed to retain its Rural Lifestyle Zoning. The Plan Change did not propose any amendments to the Southern Hills Overlay Area.

- d. amending Chapter 6 (Business Zone) of the Plan by:
  - i. inserting a new Objective (6.3.1A) to provide for the gateway precinct as a new neighbourhood centre;
  - ii. adding explanatory text to Policy 6.4.4;
  - iii. inserting a new Policy (6.4.6) seeking that commercial development of the site is consistent with the WSP and/or its outcomes;
- e. consequentially deleting references to the Wallaceville Animal Research Centre in the Background section of the Special Activity Zone Chapters (Chapters 8 and 22);
- f. amending Chapter 18 (Residential Zone Rules) and Chapter 20 (Business Zone Rules) in the Plan by altering existing rules and inserting new rules, standards, assessment criteria and assessment matters to implement the proposed policies and to manage actual and potential environmental effects;
- g. inserting new appendices to Chapter 18 and Chapter 20 in the Plan, which include:
  - i. the WSP as Appendix 3 to Chapter 18;
  - ii. interim provisions for “Area B” (see Figure 2) as Appendix 4 to Chapter 18 to apply until such time as further detail is provided about Area B in the WSP;
  - iii. a map identifying the “Wallaceville Gateway Precinct” as Appendix 4 to Chapter 20;
- h. amending the schedule of heritage items in Chapter 26 of the Plan by inserting two new items (the Hopkirk Building and the Incinerator);
- i. amending the schedule of notable trees in Chapter 27 by inserting 43 new trees to be protected (which already exist on site); and
- j. consequentially amending the general procedures and zoning chapters (Chapters 2 and 3, respectively).



**Figure 2:**  
 ZONING PLAN (Left) - Proposed Business Commercial (Blue), Residential Centres Overlay (Yellow), and Residential (Orange) Zones. Green area is to remain Rural Lifestyle Zone. “Area B” is shown in diagonal hatching.  
 STRUCTURE PLAN MAP (Right).

- 2.25 As is evident from the summary above, the notified provisions made a distinction between “Area A” and “Area B”. In short, the notified Plan Change acknowledged that Area B lacked in the requisite level of detail shown on the WSP. To overcome this shortcoming, the notified provisions set up a future process whereby a further level of detail would be provided for Area B by a

resource consent process. The resulting detailed plan would, in turn, guide subsequent subdivision and development of Area B (much as the Area A provisions would as notified).

2.26 The Plan Change request describes this approach further, noting:

*As illustrated on the Structure Plan, Area B is a 22ha portion of the site that is proposed to be rezoned from Special Activity to Residential but will be the subject of a future structure plan process. While the structure plan for this area has not been prepared it is however noted that the opportunities and constraints for this area have been assessed in the overall structure plan process and are considered in the relevant precinct descriptions (Wallaceville Living), stormwater management, landscape and visual assessment, and acoustic assessment. It is proposed that the future structure plan process will be controlled by way of site specific rules contained within an additional Appendix to Chapter 18...<sup>25</sup>*

2.27 The WSP itself is a key method proposed by the notified Plan Change to implement the proposed objectives and policies, and to manage the site's future development. It includes provisions for Area A and Area B<sup>26</sup>, and comprises the following components:

- a. a Structure Plan map (see **Figure 2**) which identifies:
  - i. the boundaries of Areas A and B;
  - ii. the spatial extent of 4 distinct precinct areas (described below);
  - iii. the location of operative and proposed heritage objects;
  - iv. indicative locations for retail activity nodes and 'gateway features';
  - v. the area at Ward Street subject to the Heritage New Zealand covenant;
  - vi. land set aside for public open space;
  - vii. indicative roads, pedestrian and cycle corridors and key intersections;
  - viii. indicative visual connections to be established/retained; and
  - ix. identified interfaces where specific controls are to be applied.
- b. an inventory of intentions and outcomes for the 4 precinct areas;
- c. a schedule of proposed road typology designs for the proposed roading, walking and cycling network and a proposed upgrade design for Alexander Road; and
- d. principles for the management of stormwater and surface flooding for the entire site.

2.28 The four Structure Plan precincts propose to establish a gradually diminishing development intensity from Ward Street towards the west. The most intensive of these areas, the Gateway Precinct, comprises the heritage covenanted area

<sup>25</sup> Plan Change Request, Section 1.1, pp.2-3.

<sup>26</sup> In addition to the detailed planning required for Area B under future resource consent process.

and existing heritage buildings. In this area, the WSP envisages mixed use<sup>27</sup> development, adaptive reuse of existing buildings and new construction.

- 2.29 Adjacent to the Gateway Precinct is the proposed Urban Precinct, which anticipates high density residential development, mainly attached dwellings up to 3 storeys in height and a modest provision for non-residential activities.
- 2.30 Further afield from Ward Street is the Grants Bush Precinct. This area provides for mixed residential densities with lower building heights than the Urban Precinct. Spatially, this precinct 'wraps' around the Grants Bush conservation area itself. The WSP provides for pedestrian/cycle connectivity through the conservation area, linking the Urban and Grants Bush Precincts in this part of the site. The Grants Bush Precinct also covers the triangular area of proposed residential land south of Alexander Road.
- 2.31 The remaining area to the west (including Area B) is the Wallaceville Living Precinct. This precinct envisages 'traditional' low density detached residential development similar to existing residential areas in the wider District.
- 2.32 In terms of other District Plan 'mechanics' the notified Plan Change largely adopts the operative rule framework for land use activities in the respective Residential and Business Zone Chapters. Some exceptions or variations to the operative rules are proposed, however, including such matters as (among others):
- a. increased permitted site coverage and height for buildings in the Urban Precinct;
  - b. noise insulation and ventilation requirements for buildings in close proximity to the National Centre for Biosecurity and Infectious Disease; and
  - c. fence heights.
- 2.33 The proposed approach for subdivision is different to the general approach in the operative Plan. Namely, subdivision under the proposed provisions requires resource consent as a restricted discretionary activity<sup>28</sup>, which is assessed against the structure plan and several other site-specific criteria.
- 2.34 All of the proposed amendments were assessed by the requestor in terms of their appropriateness in the Proponent's s32 Evaluation attached to the Plan Change Request. That report concluded that:

*[The proposed] changes are considered most appropriate in relation to the District Plan objectives and the purpose of the Resource Management Act because:*

- *They will achieve the integrated and sustainable management of the land resource contained within the Plan Change site.*
- *They will ensure that the development is an efficient use of the site and creates a high quality living and working environment.*
- *They will ensure that the development respects the site's significant values, including through the integration of Grant's*

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<sup>27</sup> Including residential, retail and other commercial uses.

<sup>28</sup> 'Entry' status for subdivision in the operative Plan is controlled.

*Bush into a central open space, through the addition of a significant number of trees in the schedule of Notable Trees and through the addition of the Hopkirk and Incinerator in the Schedule of Heritage Features.*

- *They will mitigate potential reverse sensitivity effects on neighbouring land uses.*

*The evaluation has considered the potential risk of acting in relation to identified uncertainties and has concluded that the risk will be avoided by the proposed District Plan and RMA mechanisms.*

*Based on these points it is considered that the Proposed Plan Change is the most appropriate way to achieve the purpose of the Resource Management Act.<sup>29</sup>*

### Notification and submissions

- 2.35 As noted above, the Plan Change was publicly notified on 18 March 2015. Twenty submissions were received, and a summary of those submissions was prepared and subsequently notified for further submissions on 13 May 2015 with the closing date for receiving further submissions being 27 May 2015. Four further submissions were received.
- 2.36 Overall, the submissions ranged from support to opposition, with many submitters seeking specific amendments to the content of the provisions within the Plan Change. A full summary of the submissions received is provided in **Appendix 1**, and that summary also includes our recommendation on the decisions requested on the decision points requested by each submitter
- 2.37 Briefly, the key themes emerging from the submissions received include (among other matters):
- a. concern about potential reverse sensitivity effects of the proposal on the strategic rail network, the Trentham Racecourse and the National Centre for Biosecurity and Infectious Disease;
  - b. that the site is unsuitable for urban development given its past uses and associated contamination of the land;
  - c. concern over public safety effects arising from the proximity of the site to a maximum security prison, the Trentham Military Base and a local pistol club;
  - d. that the Plan Change is appropriate and will provide for future urban growth of Upper Hutt;
  - e. concern about effects of the proposal on the transport network, including effects arising from direct vehicle access from future allotments onto Alexander Road;
  - f. concern about stormwater and flooding effects;

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<sup>29</sup> Plan Change Request, Section 32 Report, Section 5.0, p.20

- g. a desire for Grants Bush to be subject to a conservation covenant, and associated desire for the proposal to realise enhancements to local ecological values and biodiversity;
  - h. concern about the safety/suitability of the land proposed for residential use south of Alexander Road;
  - i. support for the proposal's approach to protecting and enhancing historic heritage values;
  - j. concern about the lack of a detailed structure plan for Area B in the notified Plan Change;
  - k. concern about construction noise impacts, and effects on privacy and visual amenity on the neighbouring retirement village; and
  - l. preference for the area south of Alexander Road to be vested as scenic/recreation reserve.
- 2.38 We discuss the submissions and associated issues in greater detail under our evaluation in Section 3 below.
- 2.39 The Council notified a summary of the submissions received on 13 May 2015, with the closing date for receiving further submissions being 27 May 2015. Two further submissions were received prior to the closing date, and an additional two were received after the closing date.
- 2.40 We deal with the late submissions, and the procedural issues associated with their lateness, subsequently in the report section dedicated to our deliberations.
- 2.41 In that same section, we also address a procedural matter which was raised in the further submission from Mears Holdings limited. We note here that the further submission challenged the validity of several of the original submissions received given the parties in question did not utilise the Council-provided submission form.

#### Pre-hearing directions from the Committee

- 2.42 Following our formal appointment, we issued two communications to the parties in readiness of the hearing.
- 2.43 The first of these was **Minute 1**, which was issued on 17 June 2015. A copy of the minute (and all other minutes we subsequently issued) is attached at **Appendix 2** for completeness, but in summary, it:
- a. indicated the likely start date for the hearing;
  - b. encouraged the parties to engage in pre-hearing meetings and expert witness conferencing;
  - c. set out a timetable for the exchange of Officer reports and expert evidence prior to the commencement of formal proceedings;
  - d. outlined the procedures for parties to follow in presenting evidence or submissions to us; and

- e. called for parties to indicate any particular sites we should visit to inform our understanding of the proposal and the local environment.
- 2.44 We issued **Minute 2** on 1 July 2015. It gave directions to all parties regarding presentation of evidence and submissions at the hearing, and reiterated some of the points we made on that matter in Minute 1.
- 2.45 The second minute also discussed in some detail the issue of land contamination and the desire of one submitter to present to us at length about this matter. We strongly encouraged that submitter to meet with the contaminated land experts for the Requestor and Council to narrow the issues in contention. Our express desire was to focus those issues as tightly as possible to make the formal hearing itself a more efficient process – a process which we describe in greater detail in the section that follows.
- 2.46 Notwithstanding our express preference that the submitter meet with the respective contamination experts, we were advised that the submitter did not take the opportunity to do so.

#### Pre-hearing procedural matters raised by the Council

- 2.47 On 6 July, the Council's Planner, Ms Boyd, sent a memo to us advising of procedural matters that required our attention. Namely, these matters related to:
- a. the two further submissions that were received outside of the time limit expressed in the public notice, which were made by Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch and the Heretaunga Pistol Club (respectively); and
  - b. the formal withdrawal of the submissions from the New Zealand Transport Agency and New Zealand Defence Force, and the withdrawal of several parties' desire to be heard at the hearing .
- 2.48 In relation to the former, Ms Boyd recommended to us that the late further submissions be granted a time extension as they satisfy the legal requirements<sup>30</sup> for doing so under the Resource Management Act ("**the RMA**" or "**the Act**").
- 2.49 We note that the withdrawal of the other two submissions means those parties are no longer engaged in the Plan Change process. Another upshot of this is that the decisions requested by those parties no longer have any validity. Ms Boyd acknowledged this in her memo, noting that recommendations in her Council Hearing Report would need to be revisited at the hearing to retract the amendments she proposed as a result of the submissions, which are no longer within scope.
- 2.50 We resolve these matters regarding the two late further submissions and the implications of the two withdrawn initial submissions in the Hearing and Deliberations sections of this report that immediately follow.

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<sup>30</sup> pursuant to s37/37A of the RMA

- 2.51 Regarding the parties that withdrew their right to be heard, we record for the record that those submitters are:
- a. Ian Stewart;
  - b. Welholm Developments Ltd (“**Welholm**”);
  - c. KiwiRail Holdings Ltd; and
  - d. Heritage New Zealand (“**HNZ**”)
- 2.52 Mr Stewart and Heritage New Zealand did not express any reasoning for opting not to appear at the hearing. However, Welholm and KiwiRail advised the Council that they had reached respective agreements with the Requestor about additional amendments that the Plan Change should adopt to manage potential effects. Those agreed positions were attached<sup>31</sup> to Ms Boyd’s memo, and included the following changes (in summary):
- a. for Welholm:
    - i. restrictions on future dwellings adjoining the Summerset Retirement Village, including a single storey height limit and a minimum 3m separation distance for buildings from the shared boundary;
    - ii. one way gated access from the retirement village to the Plan Change site; and
    - iii. realignment of a pedestrian/cycle connection in the northwest corner of the WSP to align with the existing pattern of development at the retirement village.
  - b. for KiwiRail:
    - i. amendments to the wording of proposed Policy 4.4.16;
    - ii. amendments to the boundary setbacks, ventilation and noise insulation standards for new buildings on the PC40 site;
- 2.53 We have further regard to these matters in our evaluation below.

### The Hearing

- 2.54 The hearing was convened at 1:00pm on Wednesday 8 July 2015 in the Council Chambers at Upper Hutt City Council’s main offices.
- 2.55 In addition to some general housekeeping matters, we addressed Ms Boyd’s memo relating to the late and withdrawn submissions at the commencement of the hearing. At that juncture, the Requestor expressed some doubt to us as to the validity of the late submission from the Pistol Club, given that the original submission to which the Club’s further submission related had been formally withdrawn.

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<sup>31</sup> Appendix 4 and Appendix 5 (6 July Memo)



- 2.56 We identified immediately that the validity of the Pistol Club's submission is ultimately a legal issue, and accordingly we indicated to the Council and the Requestor that we would need some assistance from them on this matter. As discussed in the report section that follows, this was a matter that we resolved through our deliberations once we had received legal input.
- 2.57 Those procedural issues aside, the remainder of the hearing was generally focussed on the presentation of evidence and submissions from the various parties present. Over the course of the proceedings, we heard from the following people:

#### Plan Change Requestor

- Mr Andrew Collins, WDL representative and General Manager – Planning at Harrison Grierson
- Ms Stephanie Blick, WDL planning expert and Senior Planner at Harrison Grierson
- Ms Melissa Davis, WDL landscape expert and Senior Landscape Architect at Harrison Grierson
- Mr Mark Lowe, WDL ecology expert and Environmental Science Team Leader & Senior Environmental Scientist at Morpheum Environment Ltd
- Ms Karen Jones, WDL geology expert Senior Environmental Geologist at EnGeo (NZ) Ltd
- Mr Andrew Jackson, WDL engineering expert and Land Development Manager at Harrison Grierson
- Mr Alan Blyde, WDL stormwater engineering expert and Technical Director at Harrison Grierson
- Mr Mark Georgeson, WDL transport advisor and Director at Traffic Design Group
- Mr Malcolm Hunt, WDL noise expert and Principal at Malcolm Hunt Associates
- Mr David Robotham, WDL contaminated land expert and Associate Environmental Consultant at EnGeo (NZ) Ltd
- Mr Nick King, WDL contaminated land expert and Project Environmental Consultant at EnGeo (NZ) Ltd

#### Council Advisors

- Ms Felicity Boyd, Council Reporting Officer and Planner (Policy) at UHCC
- Mr Steven Taylor, Consultant Planner at Taylor Planning and Management Services (assisting Ms Boyd)
- Mr Jeff Haste, Consent Engineer Team Leader at UHCC
- Dr Dave Bull, Council's contaminated land expert and Senior Consultant at Golder Associates (NZ) Ltd

#### Submitters

- Ms Monique Thomas, legal counsel on behalf of the Ministry for Primary Industries (“**MPI**”)
- Mr Bob McLellan, President of the Upper Hutt Town and Country Association (“**UHTCA**”)
- Mr Michael Joseph Savage Mears, Mears Holdings Ltd
- Mr Pat van Berkel, on behalf of Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch (“**Forest & Bird**”)

- Mr Stephen Pattinson, Resident of Upper Hutt
  - Mr Paul Persico, Resident of Upper Hutt
- 2.58 We note that the Requestor's urban design advisor, Ms Lauren White, was unable to attend the hearing. The evidence bundle provided to us by WDL prior to the start of the proceedings included a brief from Ms White; however, as we were unable to test her evidence via questioning at the proceedings, we took up Mr Collins' invitation to submit some questions to her in writing.
- 2.59 For all other parties who presented to us, we took the opportunity to ask questions at the proceedings. In most instances, our questions were promptly and readily addressed 'on the spot'. However, there were a number of other matters we raised with the Requestor and the Council in particular which clearly would require additional time to be addressed to the extent we required.
- 2.60 Accordingly, and given our desire to test some points with Ms White, we resolved to leave the hearing open at the adjournment on the final sitting day. At that time, we indicated to the parties that we would issue further instructions in writing.

*Minutes 3 and 4*

- 2.61 We issued **Minute 3** on Tuesday, 14 July (see Appendix 2). In summary, the minute formally recorded the additional information we required for our deliberations and set out a timetable for the receipt and collation of that information.
- 2.62 We also signalled in Minute 3 that our thinking at that time was that there would not be a need to reconvene the hearing.
- 2.63 By Monday 27 July, we were in receipt of all the further information we requested in Minute 3, and we duly issued **Minute 4** on Thursday 30 July 2015.
- 2.64 This final minute confirmed there was no need to reconvene the hearing; however, we also indicated that there were two further matters we wanted to test with WDL and the Council prior to undertaking our deliberations. Namely, we sought to:
- a. resolve some tension we identified in the proposed policy framework whereby some policies used mandatory language that future development must be consistent with the WSP, while other policies expressly provided for a departure from that mandatory approach; and
  - b. clarify a potential unintended consequence with a rule proposed by the planners for WDL and the Council to manage traffic effects of sites or dwellings gaining direct access onto Alexander Road.
- 2.65 Minute 4 set out a timeframe for delivery of a response on these two matters and noted we would complete our deliberations, close the hearing and deliver our recommendation in due course.

- 2.66 The Council and WDL were thorough in the resulting responses they provided, and our deliberations were much assisted by the efforts of the conferencing planners in that respect.
- 2.67 We also record that we received some additional correspondence from Mr Persico via email dated 2 August. The subject line of that email indicated that the material was in response to Minute 4, which was surprising to us given our requests for further information in that minute was specifically from the conferencing planners (not submitters).
- 2.68 In the interests of fairness, and as we did not expressly preclude additional information being provided by the parties in relation to Minute 4, we resolved to receive the information provided by Mr Persico. In doing so, it was also important for us to ensure all of the parties were provided with a copy of that correspondence. At our instruction, Ms Barker duly provided the material to WDL and all of the submitters.
- 2.69 Unfortunately, the additional contributions from Mr Persico were not particularly helpful to us; neither, for that matter, did his feedback relate to the subject matter of Minute 4.
- 2.70 By and large, his email simply repeated information he had already conveyed to us in his submission and during his oral presentation. His email also challenged Mr Robotham's credibility and independence, which was neither invited nor appropriate. In this respect, while we resolved to receive the additional information in Mr Persico's email, we have given it no weight in our evaluation of issues.

### Deliberations

- 2.71 We commenced our deliberations on 4 August 2015 in the Council Chambers. In addition to the substantive Plan Change matters we have been tasked with evaluating, our deliberations traversed the procedural issues outlined above. Our resolution on these matters is the focus of discussion that follows.

#### *Late and withdrawn submissions*

- 2.72 As noted above, we briefly addressed the procedure relating to the two late further submissions at the commencement of the hearing. In addition to seeking legal advice in relation to the Pistol Club's further submission, we also formally resolved to grant a waiver to the two late further submissions (including the Pistol Club's) for being lodged outside of the deadline specified in the public notice.
- 2.73 For the formal hearing record, we note here that our recommendation to accept both late submissions outside of the specified time limit is consistent with the requirements of the Act. Section 37 of the RMA sets out that the Council may either extend a time period specified in the Act (in this case the time period for receiving submissions on a proposed plan) or to grant a waiver for failure to comply with such timeframes. Section 37A then sets out the requirements for waivers and extensions if they are to be granted – in this instance, under s37A(1) and (2), which state:

[1] *A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with [section 37](#) unless it has taken into account—*

*(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*

*(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*

*(c) its duty under section 21 to avoid unreasonable delay.*

[2] *A time period may be extended under section 37 for—*

*(a) a time not exceeding twice the maximum time period specified in this Act; or*

*(b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.*

2.74 We are satisfied that no party will be directly affected by waiving the time limit to receive the submissions, the interests of the community in achieving an adequate assessment of effects has been considered, and unreasonable delay is avoided by allowing the submissions to be received. Moreover, the submissions were received not more than 20 working days after the closing date of submissions, and so Clause [2] is met.

2.75 Notwithstanding this, the advice we were provided from the Council's legal advisors was that the submission from the Pistol Club is no longer valid given the withdrawal of the submission from the New Zealand Defence Force, to which the Club's further submission relates.

2.76 That advice explained:

26 *Further submissions can only seek allowance or disallowance in whole or part of an original submission. If the original submission is withdrawn then there is no submission to allow or disallow.*

27 *The Heretaunga Pistol Club (HPC) further submission supported the relief sought by the New Zealand Defence Force (NZDF). NZDF withdrew its submission on 30 June 2015. HPC did not make an original submission and did not further submit on any other original submissions. On that basis, the HPC submission can be disregarded.*

28 *In any event, the relief sought by NZDF was a no complaints covenant in its favour. The reason NZDF withdrew its submission was that the covenant had been granted and registered. In its submission NZDF had also signalled that agreement was likely and that if reached its submission would be withdrawn. Therefore, the relief sought by NZDF, and supported by HPC has been given effect to.<sup>32</sup>*

2.77 We ensured the advice was circulated to all the parties, including the Pistol Club who subsequently provided a response to the Council. The response did not question or attempt to refute the legal advice we received. Rather, it focussed on assumptions made in the acoustic assessments underpinning the Plan Change.

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<sup>32</sup> Letter from DLA Piper to Felicity Boyd (13 July 2015), subject 'PROPOSED PRIVATE PLAN CHANGE 40 - SCOPE OF PROPOSED AMENDMENTS', pp 5-6

- 2.78 In the absence of any advice to the contrary, we have adopted the legal advice finding that the Pistol Club's further submission is no longer valid as a result of the original submission from the NZ Defence Force being withdrawn. Accordingly, we have no regard to the nature of that submission or the subsequent material tabled by the Club<sup>33</sup> in our evaluation of issues.
- 2.79 Notwithstanding that, we are compelled to note that the original submission from the Defence Force was neutral. The submission did '*not oppose the Plan Change,*' provided that a covenant is registered on the title for the PC site precluding future residents from making complaints in relation to the Trentham Military Camp. The Defence Force also noted that, should the covenant be registered, its intention was to withdraw the submission.
- 2.80 We were advised by Ms Boyd<sup>34</sup> that the covenant was indeed registered, and the Defence Force duly withdrew its submission. As the relief sought by the Pistol Club was limited to the Defence Force's submission that the no complaints covenant be registered, by extension, the Club's further submission has (in effect) been satisfied. This does not materially affect our finding that the further submission is not invalid; however we thought it would be useful for the Club for us to make this linkage.

*Further Submission from Mears Holdings Ltd*

- 2.81 As referred to above, the further submission from Mears Holdings limited challenged the validity of several<sup>35</sup> of the original submissions received on the grounds that the parties in question did not utilise the Council-provided submission form.
- 2.82 The RMA requires<sup>36</sup> that submissions on proposed plans must be made '*in the prescribed form.*' In this instance, the prescribed form is Form 5 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 ("**the RMR**"). The form includes fields for several information requirements, including information about the submitter, the nature of submitter's views and the reasons for those views.
- 2.83 As is evidenced by the submissions from a number of parties to these proceedings, liberty is often taken to rearrange or reformat the information fields on Form 5.
- 2.84 While we have some sympathy for Mr Mears' concerns and accept that this sort of administrative issue could be avoided through a more fastidious adherence to the relevant form, it is not fatal to the process when parties opt not to do so. To the contrary, Section 4 of the RMR anticipates that very scenario, noting that "*use of a form is not invalid only because it contains minor differences from a form prescribed by these regulations as long as the form that is used has the same effect as the prescribed form and is not misleading.*"

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<sup>33</sup> Email from Bernard Sorenson to Coralie Barker, dated 3 August 2015 (8.42am), Subject: RE: Private Plan Change 40 - further information available.

<sup>34</sup> Memo from Felicity Boyd to the Hearing Committee (6 July 2015), para 6 and Appendix 2

<sup>35</sup> These included the submissions from KiwiRail Holdings Ltd, NZ Transport Agency, Upper Hutt Town and Country Association, Heritage New Zealand, Nick Saville, Powerco Ltd, Greater Wellington Regional Council, Mary Beth Taylor, Tony Chad, Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch.

<sup>36</sup> Schedule 1, Clause 6(5), RMA

- 2.85 In light of Mr Mears' further submission, we have looked closely at the original submissions he identified as invalid. We find that the differences between those submissions and the prescribed form are minor, have the same effect as the prescribed form and are not misleading. We are satisfied that no parties have been prejudiced by submitters using alternative formats for their respective submissions, and see no reason why they should be otherwise ruled invalid.

*Hearing Closure and Minute 5*

- 2.86 Having considered the above procedural matters and the substantive issues of relevance to the Plan Change, we completed our deliberations on the evening of 5 August 2015.
- 2.87 We subsequently issued **Minute 5** on 17 August 2015, which indicated that the hearing was formally closed.

### 3.0 EVALUATION OF ISSUES

#### Overview

- 3.1 As in the s42A report, we have grouped our discussion of the submissions (and the reasons for accepting, rejecting, or accepting them either in part or in full or in part) by the *matters*<sup>37</sup> to which they relate – rather than assessing each issue on a submitter by submitter basis.
- 3.2 This approach is not to downplay the importance of the input from submitters; to the contrary, such input has been invaluable in shaping our collective view. However, we consider it will be to everyone’s benefit for our recommendation to be as tightly focused on the key issues as possible.
- 3.3 For those parties who are only interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below.
- 3.4 We have organised our discussion of issues as follows:
- **ISSUE 1:** Land contamination
  - **ISSUE 2:** Stormwater & Flooding
  - **ISSUE 3:** Transport
  - **ISSUE 4:** Noise & Reverse Sensitivity
  - **ISSUE 5:** Urban Form & Design
  - **ISSUE 6:** Cultural, Archaeological & Heritage
  - **ISSUE 7:** Geotechnical
  - **ISSUE 8:** Landscape
  - **ISSUE 9:** Ecology
  - **ISSUE 10:** Other Servicing
  - **ISSUE 11:** Other matters

#### Evaluation Preamble

- 3.5 As a precursor to our detailed evaluation of the key issues, we signal the key matters that have underpinned our discussion below, and which we have kept very much at the ‘front of mind’ throughout the hearing. These matters are framed by specific requirements of the RMA (also described below), and (more broadly) by consideration of fundamental thematic questions that underpin our evaluation.

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<sup>37</sup> Clause 10(2)(a) of Schedule 1, RMA sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan change to which they relate, *or* to the matters to which they relate.

*Statutory framework*

- 3.6 Firstly, we note that **the requirements of the Act** which determine our role have been a continual reference point during the hearing, and in our reporting. We provide a summary evaluation of these statutory considerations at the close of this report (at Section 4), and our discussion of issues is essentially a running commentary of our examination of the Plan Change within that statutory context.
- 3.7 These considerations include whether or not the proposed Plan Change:
- has been designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act;
  - gives effect to any relevant national policy statements (“**NPS**”) and the New Zealand Coastal Policy Statement (“**NZCPS**”);
  - gives effect to the regional policy statement (“**RPS**”);
  - is consistent with any regional plans;
  - has had regard to any relevant management plans and strategies under other Acts;
  - rules implement the policies of the operative Upper Hutt District Plan (“**UHDP**”);
  - methods (including each rule), having regard to their efficiency and effectiveness, are the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
  - rules will result in any actual or potential effect of activities on the environment.
- 3.8 Secondly, at the outset of proceedings, we signalled that these requirements could largely be distilled into two thematic questions:
- having regard to the physical characteristics of the local environment, is the site suitable for the proposed change in zoning; and
  - is the proposed rule framework the most appropriate mechanism to manage potential effects of the land uses and development anticipated by the new zone?
- 3.9 In considering these questions, we record that our decision is based on the notified Plan Change documentation, the submissions and further submissions received, the Council s42A report, and the statements/presentations from all parties appearing before us. It is not for us to introduce our own evidence, and we have not done so – rather, our role has been to test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.



- 3.10 At a fundamental level, **the agreed message we received from all expert witnesses** was that the site is suitable for the proposed rezoning. However, there was some disagreement at the expert level on the secondary question posed above; namely what are the most appropriate methods the Plan Change should adopt to manage effects associated with future development.
- 3.11 We found the joint witness conferencing to be an invaluable tool to formalise the areas of agreement and disagreement between the experts representing the Council and Requestor in that regard. In this respect, we record that by the close of the hearing the areas of disagreement between expert witnesses was largely confined to only a few matters of specific detail. We return to those in the following sections.
- 3.12 **The majority of submitters we heard from** did not challenge the rezoning per se, though one party in particular expressed the view that the proposed use of the site was unjustified given historical use and associated land contamination. Most of the submitters appearing at the hearing focussed on one or two detailed issues, as we discuss further below.
- 3.13 In highlighting these high-level positions expressed to us during the hearing, it is not our intention to derogate from the more detailed findings we set out below. We do, however, consider it appropriate to record these generic themes here to provide a broad context within which our evaluation is framed, and to illustrate that by the hearing there was general consensus from most parties on both the appropriateness of the site for rezoning and the detailed provisions that should apply in the Plan if the site is rezoned. The disparate views on the above were confined and not fatal to the zoning outcome.

#### *Outline of s32AA RMA*

- 3.14 We are aware that recent amendments<sup>38</sup> to the RMA included changes to the statutory provisions that are relevant to our recommendation. Of most importance to our report is the introduction of s32AA, which requires us to undertake a further evaluation for any changes that have been made to, or are proposed for, the Plan Change since the evaluation report for the proposal was completed by the Requestor<sup>39</sup> and the Plan Change was notified.
- 3.15 Our evaluation must<sup>40</sup> be undertaken in accordance with s32(1) to s32(4), which corresponds with the statutory tests we outlined above and evaluate (in summary form) in Section 4 of our report below.
- 3.16 The evaluation must<sup>41</sup> also be undertaken at a level of detail that corresponds to the scale and significance of the changes. In other words, the more significant the change to the provisions as notified, the more substantial our evaluation is required to be.
- 3.17 The evaluation must be formally reported on, and s32AA(1)(d)(ii) enables the reporting to be incorporated into this report as part of the decision-making

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<sup>38</sup> Via the Resource Management Amendment Act 2013

<sup>39</sup> s32AA(1)(a)

<sup>40</sup> s32AA(1)(b)

<sup>41</sup> s32AA(1)(c)

record. To this end, our evaluation of issues has been structured to satisfy the evaluation report requirements of s32AA as outlined above. Essentially this means that where we have recommended an alteration to the as notified Plan Change we have explicitly assessed the appropriateness of that alteration in terms of s32AA.

- 3.18 By way of reference, the annotated provisions in **Appendix 3** to this recommendation report include an evaluation of the proposed amendments arising since notification. That evaluation arose from our request that the conferencing planners have regard to our requirements under s32AA. By and large we have adopted the final evaluation as the planners advised in the joint statement response to Minute 4. The exceptions to that position are described in further detail below.
- 3.19 With these contextual matters established, we now turn to our evaluation of issues, beginning with land contamination.

### Issue 1: Land contamination

#### *Issue identification*

- 3.20 Due to its historic use for a multitude of research purposes, the site is identified on the land use register for the Wellington Region of sites where activities involving use of hazardous substances have or may have taken place. This register, commonly referred to as the SLUR, is administered by GWRC.
- 3.21 To better understand the site's level of contamination and its appropriateness for the proposed future uses enabled by PC40, the Requestor commissioned a preliminary environmental site investigation ("PSI") by Geoscience Consulting (NZ) Ltd<sup>42</sup>. We note that this type of investigation has a specific meaning under the relevant National Environmental Standard ("the NES") for assessing and managing contaminants in soil to protect human health<sup>43</sup>, being:

***Preliminary site investigation*** means an investigation that—

- (a) is done by a suitably qualified and experienced practitioner; and
- (b) is reported on in accordance with the current edition of *Contaminated Land Management Guidelines No. 1—Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment*; and
- (c) results in a report that is certified by the practitioner.

- 3.22 As summarised in the Plan Change request<sup>44</sup>, several 'Hazardous Activities and Industries List'<sup>45</sup> activities have historically been undertaken at various locations across the application site, though a portion of the site was remediated (and certified as such) in 2008 to provide for residential use.

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<sup>42</sup> Plan Change Volume 3, Appendix E7

<sup>43</sup> Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

<sup>44</sup> Plan Change Request, Section 8.13, p.18

<sup>45</sup> The Hazardous Activities and Industries List (HAIL) is administered by the Ministry for the Environment. It is described as a compilation of activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal. The HAIL is intended to identify most situations in New Zealand where hazardous substances could cause, and in many cases have caused, land contamination.

- 3.23 Following the gazetting of the NES in 2012, however, some of the soil samples previously considered at levels appropriately below relevant guidelines for residential use were deemed to be above the new (more stringent) standards specified in the NES.
- 3.24 The PSI recommended specific areas for further investigation to determine the degree of remediation (if any) required to make those areas suitable for the uses proposed by PC40. The overall finding of the PSI was that:

*“...a plan change to residential use at this stage would be suitable for this site. Areas not yet investigated, or areas where soils have been identified above residential guidelines and therefore currently not suitable for residential use...can be investigated further...and remediated if necessary at consent stage.”<sup>46</sup>*

- 3.25 Having reviewed the Plan Change Request and the PSI, the Council considered that more detailed investigations were required to confirm the appropriateness of the proposed rezoning. This was conveyed to the Requestor, who duly commissioned a detailed environmental site investigation (“**DSI**”) from ENGE<sup>47</sup>. Again, we recognise that DSIs have a specific meaning under the NES, being:

**Detailed site investigation** means an investigation that—

- (a) is done by a suitably qualified and experienced practitioner; and
- (b) is done in accordance with the current edition of Contaminated Land Management Guidelines No. 5–Site Investigation and Analysis of Soils, Wellington, Ministry for the Environment; and
- (c) is reported on in accordance with the current edition of Contaminated Land Management Guidelines No. 1–Reporting on Contaminated Sites in New Zealand, Wellington, Ministry for the Environment; and
- (d) results in a report that is certified by the practitioner

- 3.26 The DSI was completed on 17 March 2015, and subsequently provided to the Council for review. It included investigations into the ‘further work’ areas identified in the PSI, and recorded a number of results where samples exceeded relevant NES soil contaminant standards. The DSI concluded<sup>48</sup> that (in summary):

- a. the majority of the soil containing elevated background levels of contaminants could be disposed of at landfill;
- b. the areas tested are generally suitable for residential use;
- c. further assessment and remediation will be required for one isolated area<sup>49</sup> on the site before conversion for residential use; and
- d. for that isolated area, there are multiple options available for remediation and management.

<sup>46</sup> Preliminary Environmental Site Investigation, Geoscience Consulting Limited (3 December 2014), p.19

<sup>47</sup> We were told that Geoscience Consulting Limited merged with ENGE<sup>47</sup> over the period between the undertaking of the PSI and the DSI. The reports were authored by the same team of experts.

<sup>48</sup> Detailed Environmental Site Investigation, ENGE<sup>47</sup> (17 March 2015), pp.15-17

<sup>49</sup> Identified as ‘Paddock 2’ – see DSI for detail

- 3.27 As noted in Ms Boyd's s42A Report, the Council commissioned an independent review of all of the information available on the site's potential contamination, including the PSI and DSI. The review was undertaken by Golder Associates (NZ) Ltd, who provided the results of their review to Council by a letter<sup>50</sup> dated 19 May 2015.
- 3.28 The authors of this correspondence clarified at the outset that the aim of the review was not *"to determine whether the site is fit for its intended purpose per se, but whether it is potentially fit for purpose... [that] is, whether soil contamination is likely to be such that the site could be rendered fit for purpose by reasonable management or remediation."*
- 3.29 The Golder review agreed with the DSI that more detailed investigations of most contaminants could be addressed at subsequent stages before or during development; however, it also identified that further information should be obtained as part of the Plan Change process with regard to potential microbiological contamination levels in site soils. The Golder letter clarified that the authors' views in these respects were based on the understanding that future works would be considered under the provisions of the NES.
- 3.30 In response to the Golder Associates review, and to consider specific matters raised in submissions, the Requestor commissioned further investigations from ENGEO. These investigations culminated in the production of two letters from ENGEO to the Requestor (both dated 3 June), which were ultimately attached to Ms Boyd's s42A report as Appendix 5.
- 3.31 The Council, in turn, sought further input from Golder Associates, which was delivered by way of letter dated 16 June 2015 (and attached as Appendix 6 to the s42A report).
- 3.32 The outcomes of these further exchanges between the contamination experts were that (in summary):
- a. there was agreement that the risks presented by potential microbiological contamination was acceptably low, noting the lack of evidence to support otherwise (the lack of reported human health incidents or disease outbreaks amongst animals reared on site were cited in support of this finding);
  - b. ENGEO's further work including a desktop assessment of potential radioactive contaminants, which concluded that the site redevelopment is *"very unlikely to result in any elevated human health risks from residual radioactivity at the site, and would likely satisfy comparable international standards for acceptable public radiological risk"*;
  - c. Golder found the ENGEO desktop study to be *"well-designed"* and *"credible"*, noting also that further field assessments of selected parts of the site could be undertaken to bolster the study's findings; and
  - d. the resulting expert consensus, as noted in the s42A report<sup>51</sup>, was that no contamination issues represent an impediment to the Plan Change, and any further management or remediation required could be successfully implemented through subsequent processes.

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<sup>50</sup> See S42A Report, Appendix 4

<sup>51</sup> S42A Report, p. 26, para 4.1.6

*Submissions*

- 3.33 Two submissions were received on the matter of land contamination. This included a submission from Mark Walkington, who questioned the suitability of the area of land near the racecourse chute which was previously used as a landfill. The submission noted that use of the area for public recreation would be questionable.
- 3.34 The other submission received on this matter was from Mr Persico. His submission was that the site was historically used to bury (among other materials):
- a. toxic waste;
  - b. thousands of infected animal carcasses;
  - c. radioactive materials; and
  - d. cancer causing agents.
- 3.35 The concern raised in the Persico submission is that the development of the site will present serious health risks to people in the future. The decision requested by Mr Persico's submission is for the Plan Change to be rejected.
- 3.36 Mr Persico presented additional material at the hearing, much of which referenced third party material. He also questioned the methods adopted, and assumptions relied upon, by ENGE0 and Golder Associates in their respective assessments.
- 3.37 A major concern Mr Persico expressed to us related to the use of the site prior to 1965. He gave the view that it would be *'naïve and irresponsible'* to accept that toxic waste or animals were not buried on-site prior to 1960, and that the expert assumptions to the contrary were flawed.
- 3.38 Mr Persico cited a number of literature references noting the historic uses of the site, many of which were also recognised in the work undertaken by ENGE0. Some examples of the findings he cited and inferences he made as a result include (in summary):
- a. thousands of animals were treated for myriad injuries, illnesses, diseases over its history, with some of the diseases being *'highly contagious'*;
  - b. vaccines were developed to test on, and to treat, the animals on-site;
  - c. also produced and tested on-site were pesticides and insecticides that are *'banned today'*;
  - d. there is (in his view) a *'big possibility'* that thousands of litres of DDT is buried deep in drums on the site;
  - e. the on-site incinerator used to burn animal carcasses prior to 1960 was not strong enough to kill dangerous diseases; and
  - f. many dangerous diseases were researched in laboratories at the site, including cow pox, strangles, anthrax, salmonella and swine fever (to name a few).

- 3.39 Mr Persico also challenged the effectiveness of the soil sampling undertaken by ENGEO to date, noting that the samples did not account for materials buried deeper than 0.1m.

*Discussion and findings*

- 3.40 It was uncontested by the parties (including the experts) who appeared before us that the historical use of the site justified the site's identification on the SLUR, or indeed the rigour that has been applied over the last 12 months in further understanding the risks of potential contamination associated with the future development of the site enabled by the Plan Change.

- 3.41 However, the results of what we consider to be a very thorough expert examination of this issue are clear that the site is suitable for its intended use under PC40. Moreover, the experts reached this view while having particular regard to the material provided by Mr Persico.

- 3.42 Mr Persico suggested to us that the only way we could be certain that the risks associated with contamination could be suitably lessened would be to reject the Plan Change or to require removal of all of the soil on site to depth and ensure replacement with clean fill. We disagree that this level of intervention is required.

- 3.43 We prefer the solution presented to us by the experts, and supported by Ms Blick and Ms Boyd, being that:

- a. much of the risk associated with potential contamination has been alleviated by the high level of assessment undertaken by the Requestor's independent expert as confirmed by Council's independent expert (peer reviewer); and
- b. any residual risk can be managed through future processes under the NES.

- 3.44 In this latter respect, we note that we tested in some detail with Messrs Robotham and Bull the appropriateness of relying so heavily on the NES for future management. We also specifically sought their views, as well as Ms Boyd and Ms Blick's, as to whether or not further intervention was required as part of the Plan Change process to bolster any potential shortcomings of the NES given the specific history and characteristics of the site.

- 3.45 Collectively the experts<sup>52</sup> gave us great comfort that such intervention is not required, particularly as:

- a. the activities that will trigger consideration under the NES are wide ranging, and include subdivision, new buildings and change of use;
- b. similarly, Chapter 34 of the operative Plan requires a fully discretionary resource consent for the use, development or subdivision of any contaminated site, and applications considered under the relevant rule must be accompanied by environmental risk assessments;

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<sup>52</sup> This was well summarised in the joint planning statement provided in response to Minute 3, at paras 24-36.

- c. additional management of risk is provided by the provisions of the Building Act 2004, the Building Regulations 1992, and the New Zealand Building Code; and
  - d. s37 of the Building Act 2004 is of particular relevance as it will apply if soil contamination will or may materially affect the building work (this section of the Building Act limits parties' ability to construct buildings prior to obtaining necessary resource consents for such matters as contaminated land remediation/management).
- 3.46 Notwithstanding this wide array of 'methods' that collectively provide future management of contamination, in practical terms, we anticipate that much of the risk associated with soil contamination will be dealt with at subdivision stage. As noted above, the Council will have unlimited discretion in considering such applications, and applications will need to be accompanied by satisfactory risk assessments. Mr Robotham reminded us in questioning that such applications would also likely be subject to ongoing monitoring, reporting and or bespoke site management plans as conditions of consent.
- 3.47 Even if subdivision is not the first activity proposed in relation to the site's future development, however, the above methods will ensure land use activities including earthworks and new buildings are sufficiently tested.
- 3.48 As a final comment on this issue, we note that our questioning of Mr Robotham and Mr Bull sought to determine if they were troubled at all by the permitted activity standards in the NES. In particular, we sought to understand if there was any substantial risk with the ability for landowners to disturb up to 25m<sup>3</sup> per 500m<sup>2</sup> through future activities associated with typical residential activity (for example, digging post holes for fences, or excavating gardens for ornamental ponds).
- 3.49 Their response was that they were not troubled by that prospect, and we accept that. We also accept that the volumes and other permitted standards are established in the NES – which is a national instrument for the protection of human health from contaminants – for the purposes of identifying what activities can be done as of right. We must be able to rely on the expectations of the NES that activities which are permitted therein carry a suitably low risk to human health. Accordingly, we see no reason to take that discussion further.
- 3.50 Having given substantial consideration to the large body of evidence and submissions on this matter, we accept the clear message from the contamination experts that the issue of historical land use contamination is not an impediment to the rezoning of the site for the uses intended by PC40.
- 3.51 Further, we accept that the provisions of the NES, the Operative Plan, the Building Act 2004, and Building Code provide sufficient certainty that any residual risks can be successfully managed by subsequent planning processes. In this respect, we find that no further amendments to the operative Plan are required to manage and site-specific issues associated with the potential contamination of this site.

## Issue 2: Stormwater and flooding

### *Issue identification*

- 3.52 As noted in Ms Boyd's s42A report<sup>53</sup>, stormwater management on the site has been a known development constraint for some time. Further, it was noted<sup>54</sup> that the site is not currently connected to the City's reticulated stormwater network<sup>55</sup>. As a result, stormwater effects are proposed to be managed on-site.
- 3.53 The Plan Change Request was accompanied by an infrastructure report completed by Harrison Grierson in December 2014. That report included a high level discussion about the existing stormwater flows, and the proposed means for managing post-development flows.
- 3.54 The Harrison Grierson report noted that there are a variety of means to manage post development flows, noting also the methods are canvassed in detail in the Stormwater Management Plan ("**SMP**") also attached to the Plan Change Request.
- 3.55 The SMP contains a detailed description of the site's existing drainage pattern and an environmental effects assessment of the post-development impact on flows enabled by PC40.
- 3.56 The express purpose of the SMP is to "*provide guiding principles for stormwater management addressing...how hydraulic neutrality for the site shall be achieved...and the forms of low impact stormwater technology to be utilised.*"<sup>56</sup>
- 3.57 To this end, the SMP is principles-based, rather than detailed. It anticipates that detailed design of the overall stormwater management network will be refined over time as the site is progressively subdivided and developed. Similarly, the SMP anticipates that the detailed modelling required to underpin the future detailed design of network elements is more appropriately addressed through future consenting processes (rather than via the PC40 process).
- 3.58 Broadly, the SMP anticipates that stormwater disposal will be via ground soakage, with various options available for pre-treatment.
- 3.59 The SMP also identifies<sup>57</sup> that on-site flood attenuation (for example, through wetlands or ponds) is able to be provided in a manner that is able to attenuate the relevant flood event design standard<sup>58</sup>.
- 3.60 The Plan Change codifies the key principles from the SMP into the WSP as a method to inform the preparation and assessment of future resource consent applications considered under the WSP.
- 3.61 As with the issue of land contamination, the Council sought an independent assessment of the SMP and associated stormwater and flooding background

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<sup>53</sup> s42A report, p.28, para. 4.2.9

<sup>54</sup> s42A report, p.26, para. 4.2.1

<sup>55</sup> With the exception being the existing areas fronting Ward Street that have access to reticulation

<sup>56</sup> *Wallaceville Structure Plan: Stormwater Management Plan* (December 2014), Section 2.0, p.3

<sup>57</sup> *Wallaceville Structure Plan: Stormwater Management Plan* (December 2014), Section 1.0, p.2

<sup>58</sup> The 1% AEP (annual exceedance period) event is cited as the relevant standard in the SMP. This is also known as the 1-in-100 year flood event, and includes allowances for freeboard and climate change effects.



material. The review was undertaken by Pattle Delamore Partners (PDP), who finalised their associated report, *Peer Review of Soakage System for Proposed Wallaceville Residential Development*, on 12 June 2015. The report identified some matters where further clarification or detail was required, and identified some minor 'concerns;' however, overall it concluded:

*In conclusion, PDP considers the use of infiltration and soakage systems at this site will be feasible. Further work will be needed to characterise the soakage rates and mounding. Consideration should be given to altering the design to provide better treatment with a simplified design.*<sup>59</sup>

3.62 In response to the peer review, Mr Blyde (on behalf of WDL) provided us with a memorandum (dated 1 July 2015) addressing each of the issues identified by PDP as requiring further work. In summary, Mr Blyde's memo noted:

- a. agreement that much of the additional testing and analysis recommended in the peer review (for example, in relation to groundwater level analysis and soakage testing) should be provided<sup>60</sup>, though this should transpire through subsequent detailed design at resource consent stage;
- b. there was some misreading of the SMP by the peer reviewer which led to confusion about design assumptions;
- c. the rationale behind a number of the methods and design parameters questioned by the peer reviewer is derived from Council's engineering guidelines and/or recent experience with particular methods in the local environment;
- d. agreement with the peer reviewer that the disposal of stormwater to soakage (as proposed) is feasible for the site.

3.63 Mr Blyde and Council Officers met following receipt of the peer review report. The ensuing discussions led to the adoption of proposed changes to the Stormwater Management Principles in the WSP (as notified), which Mr Blyde described to us in his evidence as follows:

- *A section entitled 'Specific Information to Accompany Applications for Subdivision or Development' has been added. This addresses the additional information on soakage testing/groundwater monitoring results/groundwater mounding assessments/contaminant transport assessments and final flood flow attenuation assessments, which must be provided at future detailed design stage and prior to any development proposals receiving consent approvals.*
- *The Flood attenuation section is updated to reflect that on-site attenuation will cater for all storms up to and including that 1% AEP event. Sizing for attenuation requirements will be based on the assumption that all primary disposal measures have failed*

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<sup>59</sup> *Peer Review of Soakage System for Proposed Wallaceville Residential Development*(12 June 2015), p.ii

<sup>60</sup> Mr Blyde amplified this in his evidence in chief (p.17, para 8.4)

*completely. This section is also updated to include a requirement to allow for climate change within design sizing.<sup>61</sup>*

- 3.64 Mr Blyde also had regard in his evidence to the submissions made in relation to stormwater and flooding, which we outline now.

#### *Submissions*

- 3.65 Nine submissions raised stormwater and flooding matters, collectively raising the following issues:

- a. Mr Pattinson submitted that the SMP did not indicate baseline levels for run-off, and that this data should be obtained and publicised to future systems achieve hydraulic neutrality as anticipated;
- b. MPI and Welholm sought to ensure that appropriate provision is made to ensure no off-site effects on overland flow are created such that their respective sites are affected;
- c. UHTCA supported localised solutions for stormwater management, but opposed use of Grant's Bush or the floodplain remnant for flood attenuation;
- d. Ms Taylor and Mr Chad sought detailed stormwater investigations to be produced in relation to the floodplain remnant and existing drains on site;
- e. In conjunction with Forest & Bird, Ms Taylor and Mr Chad also promoted the use of sustainable design elements for new buildings, including greywater recycling initiatives and composting toilets; and
- f. GWRC supported the overall approach to hydraulic neutrality, but considered that the setting of minimum floor levels of buildings should be based on the maximum probable flood event level (0.0001%AEP) rather than the proposed 1%AEP event.

- 3.66 Of these parties, only MPI, UHTCA and Mr Pattinson spoke to their submissions at the hearing, and only Mr Pattinson addressed us on this particular issue in detail.

- 3.67 Mr Pattinson was quick to praise a number of elements of PC40, and made very clear to us that the only matter he wished to be resolved was the publicising of the baseline data for existing site runoff rates. He expressed to us that it was critical that this information be publically available so that any future developer(s) of the site can be held to account in ensuring hydraulic neutrality is achieved.

#### *Discussion and findings*

- 3.68 There was no evidence put before us to suggest that the site cannot be appropriately designed to manage surface water through the level of development intensity enabled by the Plan Change. Moreover, there was broad support for the overarching approach to utilising the Stormwater Management

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<sup>61</sup> Evidence of Alan Blyde (3 July 2015), p.14 of 17, para. 6.6.

Principles in the WSP by all experts we heard from (both the engineering and planning experts).

- 3.69 While the peer review conducted by PDP identified some areas where further assessment and detail will need to be provided (and this is agreed by WDL's own expert, Mr Blyde), there was also unanimity that those investigations can be managed through subsequent consent processes, and need not be detailed now.
- 3.70 Moreover, we note the amendments to the WSP dealing with stormwater management principles proposed by Mr Blyde provide greater certainty that there will be genuine consideration given to the matters that require further investigation through those very consent processes.
- 3.71 Given the high level of agreement for those provisions between the Requestor and Council, we see no reason not to adopt those proposed amendments. In doing so, we note our agreement with the experts that the changes will ensure the aims of the SMP are realised through future development processes.
- 3.72 A further amendment has been proposed following a line of questioning we traversed with Mr Blyde at the hearing. Namely, we tested with Mr Blyde whether future landowners whose properties are to utilise on-site soakage/disposal facilities should be expressly made aware of those facilities for ongoing operation and maintenance purposes. He accepted that would be a useful addition to the WSP and an amendment to the stormwater management principles was subsequently proposed in the annotated provisions attached to the joint planning statement in response to Minute 3. We accept that amendment as appropriate.
- 3.73 We also accept the view of Mr Blyde (in response to submissions) that it is not necessary for the Plan Change to require sustainable building design elements that are not otherwise required under the relevant New Zealand building regulations. There is nothing to stop future landowners from employing such design solutions, and at any rate, the overall design of the stormwater management system will be such that there is no post-development impact on flows such that those measures are required.
- 3.74 We further agree with Mr Blyde<sup>62</sup> that the SMP and WSP collectively establish a robust assessment framework to ensure the off-site impacts of concern to MPI and Welholm will be managed in the future.
- 3.75 In relation to the submission from UHTCA, we accept Mr Blyde's view<sup>63</sup> that use of the covenanted areas on the site do not need to be expressly precluded from partial incorporation into the overall surface water management system for the area. There is nothing to suggest to us that would be an inappropriate outcome in of itself, and there will be further scrutiny applied by both DoC<sup>64</sup> (as covenant administrator) and the Council (as eventual owner of any vested drainage utility facilities) that such use is appropriately designed. We find that subsequent 'approval' process to be an acceptable non-statutory method for us to rely on in consideration of this matter.

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<sup>62</sup> Evidence of Alan Blyde (3 July 2015), p.13 of 17, para. 5.28.

<sup>63</sup> Evidence of Alan Blyde (3 July 2015), p.12 of 17, para. 5.19.

<sup>64</sup> The Department of Conservation

- 3.76 Mr Blyde recommended that the submission from GWRC be accepted insofar as the stormwater management principles should expressly have regard to the effects of climate change. We accept that recommendation.
- 3.77 We also accept his view that the 0.0001% AEP design level for building platforms proposed by GWRC is at least unjustified, if not unnecessarily conservative. We were presented with no evidence by GWRC or any other party that such an approach is justified at this site. The GWRC submission referred to the Maymorn Structure Plan adopting this design level, but we were not made aware of the similarity of that area with the Plan Change site. In short, the evidence presented does not support the adoption of a more conservative design level than the (proposed) 1% AEP event.
- 3.78 Finally, we fully understand Mr Pattinson's rationale for requesting that baseline data be made available to the public. That said, we share Mr Taylor's view<sup>65</sup> that the District Plan is not the appropriate location for this information to be specified. Such an approach is not used in the Plan for any other part of the District (that we were made aware of), and we are not compelled to make a special case in this instance.
- 3.79 We note for Mr Pattinson's benefit our understanding that such information will be required to be provided as part of any future resource consent application made under the WSP. The Council will need to decide at the time how those future applications are processed (i.e. non-notified, limited notified or publicly notified). Regardless of which process is adopted, the information will be part of Councils official records and will be publically available should Mr Pattinson like to scrutinise the data provided. More importantly however, we do not understand that Mr Pattinson was requesting that he should be served a copy of the baseline data each time an application is made or that he has a direct involvement in such applications. Rather our understanding is that Mr Pattinson was merely wanting to ensure such information was supplied in any application. In this respect we concur with Mr Pattinson and we record our confidence in Officers to be able to understand future applications, including the need to obtain, and rely upon, pre-development flow data as a baseline for determining post-development neutrality.

#### *S32AA summary*

- 3.80 In summarising our findings above, we adopt the recommendation of Mr Blyde and the expert planners for WDL and the Council that amendments should be made to the WSP stormwater management principles to:
- a. expressly require consideration of climate change effects in future design and consenting processes;
  - b. ensure future landowners are made aware of any ongoing operation and maintenance obligations required for on-site disposal facilities; and
  - c. include new information requirements to accompany future resource consents for subdivision and development of the site (in response to the matters raised in the peer review report as described above).
- 3.81 These are incorporated in the Plan Change annotations included in **Appendix 3**.

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<sup>65</sup> Closing Statement: Planners Reply (27 July 2015). p.9, para 7.3

### Issue 3: Transport

#### *Issue identification*

- 3.82 Though this was a matter given some attention in the application and subsequently through submissions, by the time the hearing commenced, the scope of 'live' transport matters before us was relatively narrow. This included, for example, the withdrawal of the submission from NZTA who initially had some concerns about peak hour impacts of the proposal on the State Highway Network.
- 3.83 As it transpired, the main transport issues focussed on at the proceedings were the impacts of the Plan Change on the safety and efficiency of the local transport network, and particularly on Alexander Road.
- 3.84 While we come to those matters shortly, we firstly note that the Plan Change Request was accompanied by a Transportation Assessment Report undertaken by Traffic Design Group (TDG). The TDG report considered the existing environment as it relates to the transportation transport network, and modelled the effects of the proposed development enabled by the Plan Change on the network. The TDG report concluded (in summary) that:
- a. the proposed residential and non-residential land uses can be established in line with good practice and a manner acceptable to Council;
  - b. the traffic modelling undertaken using the Upper Hutt Traffic Model indicates that additional traffic generated by the proposal will not give rise to deficiencies on the local network such that mitigation is required;
  - c. access to Ward Street is anticipated to function satisfactorily with the formation of a tee intersection needing to be formed between Seddon and Wilford Streets;
  - d. the speed limit on Alexander Road should be reduced to 60kph (from 80kph currently) to respond to the plan change; and
  - e. good quality pedestrian and cycle connections are provided as an element of the WSP.
- 3.85 The Requestor's position on these findings changed over the course of the hearing, following questions we posed in response to submissions received on transportation matters. We briefly summarise those submissions now before discussing the substantive amendments arising.

#### *Submissions*

- 3.86 As noted above, the NZTA submission was formally withdrawn, leaving two submissions raising specific concerns about transport matters from the UHTCA and Ian Stewart (respectively).
- 3.87 Both of these submitters considered that future lots adjoining Alexander Road should not have direct access to the Road, and rather the Plan Change should limit access via major internal collector roads within the WSP area.

- 3.88 GWRC's submission did not oppose direct access to Alexander Road; however it did emphasise the need to reduce the speed environment along that road if future sites are to gain direct access.
- 3.89 A small number of submitters also supported the provision of active transport infrastructure within the WSP, though Welholm requested that the indicative pedestrian and cycle connection near its boundary (i.e. in the north-western corner of the site) be realigned to better integrate with the layout of the adjacent retirement village.

*Discussion and findings*

- 3.90 As foreshadowed above, the most substantial transport-related matter for our consideration was the issue of access to Alexander Road. This was equally a matter of some focus in Ms Boyd's s42A report<sup>66</sup>, though she also made recommendations about amendments to the WSP to improve legibility and connectivity (particularly for 'Area B' and the 'southern triangle'). Similarly, she suggested that the roading typologies in the WSP be amended for a myriad of reasons.
- 3.91 There is a fair amount of material for us to cover in this respect; however, we are compelled to firstly record that the eventual position put before us<sup>67</sup> by the Council and WDL about the amendments that should be made to the Plan was agreed in full. By and large, those amendments reflected those recommended by Ms Boyd in her s42A report.
- 3.92 We also note that the only detailed technical transportation evidence we were presented with was provided by Mr Georgeson of TDG. Accordingly, we have relied on his original report and his evidence, except for where we depart from his findings in relation to Alexander Road. That said, we note that our departure in that sense was fully accepted as appropriate by the joint planning statement in response<sup>68</sup> to Minute 3.
- 3.93 In this same sense, we accept the thrust of Mr Georgeson's evidence<sup>69</sup> that, provided the speed environment is reduced on Alexander Road, direct access from new lots would not lead to adverse safety or network efficiency outcomes. Moreover, we accept his view, as derived from Ms White's<sup>70</sup>, that improved urban design outcomes would eventuate if the development does not 'turn its back' onto the road environment.
- 3.94 The issue we tested at the hearing – stemming from the Stewart, GWRC and UHTCA submissions and the view of Ms Boyd – was whether we had sufficient certainty that the speed environment *would* be reduced prior to direct access being granted. The response from Officers was that the Council would be unable to consider a lower speed environment until the development occurs, notwithstanding that they supported the lower speed environment. This, in turn, posed somewhat of a 'chicken and egg' conundrum for us.

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<sup>66</sup> S42A report, pp. 29-32.

<sup>67</sup> By way of the joint statements in response to Minutes 3 & 4

<sup>68</sup> Expert Conferencing Joint Statement #3 (27 July 2015). Paras 37-40

<sup>69</sup> Evidence of Mark Georgeson (3 July 2015), p.9, paras 46-48

<sup>70</sup> Evidence of Lauren White (2 July 2015), p.7, para 6.7

- 3.95 In the interests of being proactive about the matter, we verbalised to the parties that we required assistance in resolving this conundrum, and we eventually formalised our thoughts in this respect in Minute 3. That correspondence<sup>71</sup> sought consideration from the Council and Requestor as to the need (or otherwise) for a 'pre-condition rule' relating to the granting of access from properties directly onto Alexander Road until specific roading improvement measures are implemented and/or the speed limit has been reduced. We also sought that the parties suggest some drafting for such a rule on a without prejudice basis for our consideration.
- 3.96 As noted above, the parties agreed that a pre-condition rule is an appropriate response and recommended that a new standard be included under Rule 18.9 limiting direct access to Alexander Road (for subdivision and land use activities). The third expert conferencing statement<sup>72</sup> identified that contravention of this standard would trigger a fully discretionary resource consent category (either under Rule 18.1 for subdivision, or 18.2 for land use), enabling future consideration of whether the speed environment has been reduced.
- 3.97 In tandem with that amendment, the conferencing planners recommended additional changes to the provisions, including:
- a. amendments to the road typologies in the WSP and the associated overarching Policy (4.4.14) to signal that traffic calming measures will be imposed prior to or as part of subdivision being granted;
  - b. addition of the 'safety to road users' as a matter to be considered under Policy 4.4.15 where subdivision and development is not consistent with the WSP; and
  - c. amendments to the precinct intentions and outcomes in the WSP to signal that direct access will be acceptable onto Alexander Road for new lots in Area A, but not for Area B.
- 3.98 We received evidence from Ms White in relation to the third matter above. In her view:

*The nature of Alexander Road will...be different in Area A and Area B. In Area A, where higher intensity residential may eventuate and residential activity is anticipated on both sides of the road for some of its length, Alexander Road will have a more enclosed residential character... In Area B, where land south of Alexander Road is anticipated to develop as industrial land, the character will be of a mixed land use/activity and a more open character.*

*From an urban design point of view, [she considered] it important that future residential development in Area A provide a good interface to the road, with active frontages, habitable room windows and lot layouts that create a sense of address.<sup>73</sup>*

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<sup>71</sup> Minute 3 (14 July 2015), p. 2, para 4(f)

<sup>72</sup> Expert Conferencing Joint Statement #3 (27 July 2015). Para 38

<sup>73</sup> Supplementary evidence of Lauren White (27 July 2015), p.4, paras 3.2-3.3

- 3.99 Ms White also expressed her view that poor urban design outcomes would eventuate if future lots in Area A did not have direct access to Alexander Road and/or resulted in a continual line of rear fences along their collective length.
- 3.100 Finally she noted the layout challenges future residents would face with the distribution of buildings and on-site outdoor living space if the future lots 'fronted' onto a road/lane within the development versus onto Alexander Road. In this respect, she noted that there would be a desire for residents to locate their outdoor living areas to the north of dwellings to maximise solar orientation. If the lots/dwellings are orientated to the north (instead of south towards Alexander Road), this would either result in the need for higher privacy fences in front yards where residents wanted to utilise norther aspects for outdoor space, or through utilisation of southern aspects for outdoor space with inferior solar aspect.
- 3.101 For Area B, however, she considered<sup>74</sup> a different response would be appropriate, again given the character of the land immediately across Alexander Road being industrial in nature. She supported the direct access restriction for new lots in Area B, provided that solid fencing adjoining the road is limited to 1.3m in height, and visually permeable fencing does not exceed 1.8m. In her view, this arrangement would provide for an appropriate mix of privacy and passive surveillance.
- 3.102 This recommendation on fence heights was codified into an amendment to Rule 18.16C in the third expert conferencing statement.
- 3.103 Overall, we agree with Mr Georgeson, Ms White and the expert planners that the amendments described above in relation to Alexander Road are appropriate. We agree that it will be desirable for the speed limit to be reduced adjacent to Area A to enable a form of development that is more interactive with the street; and it is appropriate that the WSP signals this expectation in the road typology descriptions and intentions and outcomes statement.
- 3.104 We also acknowledge that the fully discretionary consenting process proposed by the planners will ensure that future design(s) do not enable development which leads to adverse traffic safety or efficiency outcomes if, for example, the speed environment is not able to be reduced (for whatever reason).
- 3.105 For completeness, we note that during preliminary deliberations we identified a potential unintended consequence in the drafting of the proposed standard under Rule 18.16C as proposed in the third expert conferencing statement. We put the question to the experts in Minute 4 if it was intended that any new *road allotment* (including roads signalled on the Structure Plan) which is to access Alexander Road would also trigger the higher activity status in the same way new allotments or dwellings directly accessing the road would. Their response in the fourth expert planning statement was that this outcome was unintended and they duly recommended a minor rewording to the clause. We accept that wording as appropriate.
- 3.106 Given the full agreement between the experts that the additional amendments should be made to the WSP map notations to improve the overall connectivity of

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<sup>74</sup> Supplementary evidence of Lauren White (27 July 2015), p.5, paras 3.9-3.10



the area, we have adopted their recommendation in that respect as well. This includes, for example, the new pedestrian connection to, and indicative key local road notation in, the 'southern triangle' and the realigned pedestrian/cycle connection adjacent to the Welholm site.

- 3.107 There is one amendment proposed by the planning experts as a result of the hearing, however, which we do not support. Namely, as a consequence of the change in approach for Area B – which we canvas in due course – a new 4-way intersection was included on the WSP map at Alexander Road and William Durant Drive.
- 3.108 Ms Blick's evidence<sup>75</sup> advised that this amendment arose from pre-hearing discussions between herself, Ms Boyd and Mr Lachlan Wallach (Director Asset Management and Operations at UHCC). The change was accompanied by a further amendment to (then) proposed Policy 4.4.15 to note that a new four-way intersection would be provided on Alexander Road at the William Durant Drive intersection.
- 3.109 We were not advised in detail why these amendments were made, but we noted the difference between this evidence and Mr Georgeson's<sup>76</sup>, particularly where the latter noted that the policy amendment provided a choice for the intersection at *either* the William Durant Drive *or* the George Daniels Drive along Alexander Road. We further note Mr Georgeson's support for the 'either or' approach, and we consider his view is reflective of the fact that we were presented with no rationale by any party why one location might be preferred over the other at this stage.
- 3.110 We also note that the internal roading layout for Area B is yet to be determined, and it might be that the eventual design will have a bearing on the appropriateness of one location over another for a major intersection. We agree with Mr Georgeson that this is appropriately determined at the subdivision consent stage, and is not assisted by the indicative intersection proposed previously at William Durant Drive. For completeness, we note the associated policy wording in Policy 4.4.15 has also been proposed for deletion as a result of post-hearing conferencing.
- 3.111 In our view, and to ensure the intent is not lost that at least one of these two cross roads should be upgraded to a four-way intersection in the future, the appropriate response to this issue is to incorporate this concept into Wallaceville Roding Typologies, under the Alexander Road Heading. To this end, we have included the following text at the end of the last paragraph under that heading (our amendment highlighted):

*The number, form and location of crossing points and bus stops (if required) can be determined during detailed design. In order to signal the change in land use and a lower speed limit as well as help calm traffic, a gateway feature is proposed along Alexander Road at the intersection of the western boulevard road. Signage, planting and road surface changes can help signal this change. To facilitate access between Alexander Road and Area B, a new four way intersection will*

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<sup>75</sup> Evidence of Stephanie Blick (3 July 2015), Appendix 2, p.3, para 1.12

<sup>76</sup> Evidence of Mark Georgeson (3 July 2015), p.8, paras 40-41

be formed either at the intersection with George Daniels Drive or William Durant Drive.

*S32AA summary*

3.112 For the reasons described above, we adopt the recommendation of Mr Georgeson, Ms White and the conferencing planners that amendments should be made to the rules and the WSP to:

- a. enable (through a combination of rules, standards and WSP provisions) the direct vehicular access from future sites in Area A onto Alexander Road, provided the speed limit is lowered, any necessary calming measures are established, and/or it can be demonstrated through a future consent process that such methods are not required;
- b. restrict direct access from future Area B sites directly onto Alexander Road, and consequentially amend proposed fencing requirements to enable privacy and surveillance from sites that 'back onto' Alexander Road;
- c. improve the vehicular and active transport connectivity of the area by altering and adding to the connections indicated on the WSP map; and
- d. clarify that a new four-way intersection will be provided along Alexander Road at either William Durant Drive or George Daniels drive to provide access for Area B.

3.113 These are incorporated in the Plan Change annotations included in **Appendix 3**.

**Issue 4: Noise & Reverse Sensitivity**

*Issue identification*

3.114 The Plan Change Request contained an assessment of environmental noise effects undertaken by Malcolm Hunt Associates (MHA). Among other things, the report included a description of the existing noise environment, an assessment of the overall impact of noise emitted by potential future on-site activities on the surrounding environment and of existing off-site activities on people engaged in future activities enabled by the plan change.

3.115 Relevant off-site noise generating activities identified by the MHA report as potentially creating interface issues with the Plan Change site were:

- a. the research facilities on the MPI site;
- b. the Wairarapa Line railway corridor;
- c. Trentham Military Camp;
- d. local rifle/shooting clubs; and
- e. Alexander Road.

3.116 The MHA report also noted the possibility of internal noise issues arising within the Plan Change site, including the potential for conflict between residential and non-residential activity in close proximity (for example in the Gateway and

Urban Precincts). However, it also records that no additional District Plan response is required to manage these effects given the noise emission provisions which already apply in the Operative Plan.

3.117 In his evidence in chief, Mr Hunt summarised the survey of ambient sound levels he undertook as part of his original assessment. He advised that the results of that survey showed that *'apart from intermittent mainly daytime train noise events and some local traffic noise, the Plan Change area was free from any other significant noise such as from sites zoned Business Industrial in the area, the designated NZDF site, and the Trentham Racecourse, none of which raised any on-going noise concerns...'*<sup>77</sup>

3.118 To manage the effects of external noise on people on the Plan Change site, and to manage potential reverse sensitivity effects on existing off-site activities, the MHA report recommended (in summary):

- a. ventilation requirements for the provision of fresh air to sleeping rooms in dwellings within the Plan Change area which are within close proximity to the railway line and Alexander Road;
- b. minimum acoustic insulation requirements for dwellings within the Plan Change area in close proximity to the railway line and Alexander Road;
- c. requirements for close boarded fences of 1.5m in height for sites in the Plan Change area that adjoin the railway corridor; and
- d. (in the Gateway Precinct) similar ventilation requirements for habitable rooms and fencing requirements for sites adjoining the MPI site.

3.119 The MHA report concluded that no *'significant adverse noise effects are anticipated'* and that *'mitigation measures recommended will ensure noise effects (including reverse sensitivity noise effects) will be adequately controlled in a manner that supports the overall sustainability of the area as a place [sic] to live.'*<sup>78</sup>

#### *Submissions*

3.120 As previously noted, the NZDF withdrew its submission on the proposal and so the relief sought therein is not a valid consideration for us (notwithstanding that it raised concerns about reverse sensitivity).

3.121 MPI and KiwiRail both made submissions raising reverse sensitivity concerns, with the latter forgoing hearing attendance but posing particularly detailed amendments to the Plan Change provisions as a means of managing potential effects on the strategic rail network. MPI attended the hearing and outlined the outcomes of their agreed amendments with the Requestor. Whilst they did not withdraw their submission, they largely relied on the Agreements reached with Requestor as opposed to pursuing the relief sought in their submission notice.

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<sup>77</sup> Evidence of Malcolm Hunt, p.3, para 19

<sup>78</sup> *Assessment of Environmental Noise Effects*, Malcolm Hunt Associates (18 December 2015), pp.28-29

*Discussion and findings*

- 3.122 As with preceding issues, the scope of the matters remaining in contention was narrowed considerably by the commencement of the hearing. This was in large part due to the relevant submitters and the requestor engaging in constructive dialogue.
- 3.123 As noted in the attachment to Ms Boyd's memo to us (6 July), the Requestor and KiwiRail agreed to a suite of amendments to the policy framework and to the rules for insulation and ventilation requirements. In the latter respect, the proposed rule amendments included increases in the area of influence for noise mitigation applying to dwellings near the railway line, being an:
- a. increase in separation distance from the railway line to which the ventilation requirements for future dwellings will be applied (from 12m to 50m); and
  - b. increase in separation distance from the railway line to which the insulation requirements for future dwellings will be applied (from 12m to 30m);
- 3.124 Associated with these changes, we were advised that KiwiRail and the Requestor had also agreed that:
- a. the level of attenuation provided by the insulation requirements should be 5dBA greater than the 30dBA reduction proposed by the notified provisions;
  - b. two options for demonstrating compliance with the 35dBA reduction should be stipulated in the Plan (adherence to a schedule of building materials, or certification from a qualified expert); and
  - c. ventilation and insulation requirements should apply to studies (in addition to sleeping rooms, as originally proposed).
- 3.125 Mr Hunt categorically advised in evidence<sup>79</sup> that the altered provisions described above will be effective in mitigating potential effects arising at the site interface with the railway line. We accept his view in this respect, and given the unanimous advice from the Submitter, Requestor and Council that the provisions should apply as amended, we agree to adopt that recommendation.
- 3.126 By the commencement of the hearing, the Requestor had not reached the same level of agreement with MPI as it did with KiwiRail; however, we were advised by Mr Collins at the outset of proceedings that an agreement was imminent.
- 3.127 Indeed, by the time Ms Thomas appeared before us for MPI, she advised that the parties were in agreement that a series of mitigation measures would be adopted. At that time, the specific mechanisms for delivering the measures was still unsettled, but we note here the measures included:
- a. A requirement for a 2m-high wooden fence to be erected for future sites that adjoin the MPI site boundary;

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<sup>79</sup> Evidence of Malcolm Hunt p.10, para 59

- b. An increase in separation distance from the MPI site to which the ventilation requirements for future dwellings will be applied (from 10m to 50m)
  - c. A single-storey height restriction for first row of dwellings (to a depth of 25m) adjoining the MPI boundary within the Urban Precinct and Wallaceville Living Precinct; and
  - d. A requirement for any windows in the first row of buildings facing the MPI site to be non-opening.
- 3.128 In her subsequent closing submissions<sup>80</sup>, Ms Thomas advised that the Requestor and MPI agreed these mandatory mitigation measures would be adopted by way of covenant registered on the title of the Plan Change site. She further noted MPI's view that *all* of the measures should be codified in the Plan, whereas the Requestor (and, we also note, the Council) only supported measures (a) and (b) above to be in the Plan.
- 3.129 Ms Thomas' closing submissions also set out some thoughtful logic as to why all four measures should be applied in the context of the District Plan. We will not repeat that discussion here, but we do make the following observations on the position she presented.
- 3.130 Firstly, we agree with Ms Thomas that the control of actual and potential noise effects falls within the Council's functions under s31 of the Act, and note further the unanimous expert agreement about the need for ventilation, insulation and acoustic fencing requirements to be applied in this respect.
- 3.131 We also acknowledge that the approach proposed by Ms Thomas – that resource consent be required as a controlled activity where measures (c) and (d) described above are complied with and that they are prohibited otherwise – is within-scope and valid in terms of the methods available under the RMA for the Council to adopt in performing its functions.
- 3.132 That said, we are not compelled by her rationale that such an approach is the most appropriate method to adopt for PC40. In particular, we point to the lack of evidence suggesting the approach is needed. Indeed, we heard Mr Hunt's opinion before he presented his evidence that the measures agreed between the Requestor and MPI were more than adequate to manage noise and reverse sensitivity effects. His position throughout the process has been that insulation, ventilation and acoustic fencing requirements are the only methods required in the context of the Plan.
- 3.133 We observe that the most persuasive reason cited by Ms Thomas that a prohibited activity regime is warranted stems from a desire for the District Plan to reflect what is required by the covenant. As Mr Collins<sup>81</sup> advised in the Requestor's closing, however, consent planners processing future applications of relevance to this issue will be alerted to the covenants when they are provided with titles as part of the information bundle required to be provided with applications.
- 3.134 Moreover, we agree with Ms Boyd and Mr Taylor's view<sup>82</sup> that there are practical difficulties in the Council's enforcement capacity to ensure all windows in

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<sup>80</sup> Closing submissions for MPI (27 July 2015), para 4

<sup>81</sup> Requestor's Right of Reply, p.6, para 2.25

<sup>82</sup> Closing statement: Planners Reply (27 July 2015), p.10, para 7.10

dwellings near the MPI site remain un-openable for perpetuity. In this respect, any 'efficiency' gained by the Plan rules fully mirroring the covenant would be lost through years of ongoing monitoring and enforcement requirements for the Council.

- 3.135 Finally, we note that there is not any *obligation* that the Plan fully recognises any restrictive covenants. There are examples on the Plan Change site we were made aware of, let alone the multitude of covenants that would apply elsewhere in the District, where covenants are more restrictive than the permitted expectations of the Plan. The covenants need not be derived from any evidentiary basis, unlike the provisions we are required to address through this Plan Change process.
- 3.136 In short, we are satisfied that the proposed rules as agreed in the third expert conferencing statement will be the most effective and efficient for managing actual and potential noise effects (including reverse sensitivity) at the interface of the Plan Change site and the MPI site. We are also optimistic that MPI will take comfort in the agreed covenant measures which will apply irrespective of our recommendation in that respect.

#### *S32AA summary*

- 3.137 Overall, we adopt the recommendations of Mr Hunt and the conferencing planners that the provisions as notified should be amended in response to submissions received, including:
- a. amendments to the proposed ventilation, insulation and acoustic fencing requirements for new buildings/sites as described above; and
  - b. associated amendments to the policy framework and the WSP issues and outcomes to reflect the revised approach.
- 3.138 These are incorporated in the Plan Change annotations included in **Appendix 3**.

### **Issue 5: Urban Form & Design**

#### *Issue identification*

- 3.139 As a prologue to this section of the report, we acknowledge that this matter (unlike others we traverse) is not one of site suitability or capacity of the site *per se* to accommodate the proposed new zoning. Rather, our focus on urban design and urban form matters is largely limited to the consideration of how relevant effects will be managed.
- 3.140 The Requestor commissioned an urban design assessment by Harrison Grierson (HG); the results of which are appended to the Plan Change Request. The resultant HG report identified a number of constraints and opportunities for the site's future urban development. It made 14 specific recommendations to '*inform the structure planning process and to help create a high value place.*' These recommendations included on-going recognition of the identity and history of

the site, adoption of CPTED<sup>83</sup> principles, and encouragement of a mixture of residential densities to name a few.

- 3.141 In response to the urban design assessment report , the Plan Change Request proposed some amendments to the 'off the shelf' district plan rules and standards for subdivision and land use in the respective zones proposed for the site.
- 3.142 In terms of subdivision, the notified Plan Change proposed to elevate the 'entry' activity status in the Operative Plan from controlled to restricted discretionary and placed a focus on subdivision design principles and implementation of the WSP as means for ensuring good urban design outcomes. Similarly, changes to the land use provisions for buildings included relaxation of permitted activity site coverage, setbacks, height and outdoor living space requirements in the Urban Precinct to enable higher density development there.
- 3.143 For completeness, we note here that there are some urban design and urban form elements which we address later under Issue 11 below, rather than here. These relate to the policy framework for development considered under the WSP, and to matters of form and design of relevance to Area B and the land south of Alexander Road.

#### *Submissions*

- 3.144 Several submissions focussed on urban form and design matters. The UHTCA, for example, considered that the proposed amendments under PC40 could potentially increase the complexity of the Plan. That submitter preferred that the changes to existing policies, rules and standards be as few as possible in that respect. UHTCA also sought that building heights be expressed in terms of maximum storeys, rather than as a as a maximum height measured above ground level.
- 3.145 Mr Stewart's submission sought to protect the visual amenity of existing Ward Street properties from future development in the Urban Precinct.
- 3.146 The submission from GWRC was in support of the proposed higher density residential development in close proximity to existing public transport infrastructure. Ms Taylor and Mr Chad similarly supported the mixture of different densities proposed.
- 3.147 Several submitters, including Forest & Bird, Mr Saville, Ms Taylor and Mr Chad, sought the use of sustainable building materials and practices (timber/solar power) for future development. Mr Saville also sought to ensure that the maximum height of future buildings does not exceed the height of the tree canopy in Grant's Bush.
- 3.148 In its submission, Welholm sought to limit residential typologies to traditional lower densities in the Wallaceville Living Precinct. The submission also sought to exclude non-residential activities, to require a 3m building setback from the

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<sup>83</sup> Crime Prevention Through Environmental Design

boundary and to establish a fast growing vegetative screen between the Plan Change site and the retirement village.

- 3.149 MPI's submission raised some concerns about the status of activities which do not meet permitted activity standards.
- 3.150 Finally, KiwiRail expressed a desire for a 5m building setback to be applied from the railway corridor.

*Discussion and findings*

- 3.151 Starting with the last of the submission points listed above, we note that the increased building setback sought by KiwiRail is less an urban form and design matter, and more one of safety. In particular, the setback is anticipated to lower the likelihood of people coming into contact with the electrified cables above the railway line.
- 3.152 There was agreement from the planners for WDL and the Council that an increased setback is justified for the reasons expressed in the KiwiRail submission. We adopt that finding.
- 3.153 We were presented with no evidence, however, as to why the setbacks adjacent to the Welholm site should be any different to the settled provisions in the Plan. Accordingly, we adopt Ms Boyd's view<sup>84</sup> that no further amendments to the boundary setback are required through this process for reason of urban design.
- 3.154 Ms Boyd expressed agreement with the sentiment of the UHTCA submission that the PC40 provisions should be easy to follow and well-integrated into the existing framework. In her view<sup>85</sup>, the Plan Change has achieved this particularly (as she noted) in that the Plan Change largely adopted the existing rule framework for new buildings and other land uses. We agree with Ms Boyd in this respect.
- 3.155 In relation to the submissions that sustainable building practices and materials be adopted through the site's future development, we adopt Ms Boyd's view<sup>86</sup> that such an approach is better implemented on a District-wide level (if not at a national level). The submitters' suggestions are not without merit; however, we were not presented with any evidence to suggest that such amendments to the Plan Change are necessary or appropriate.
- 3.156 We also agree with Ms Boyd<sup>87</sup> that there is no need to include any additional provisions in the Plan to ensure a reasonable amount of amenity is retained along Ward Street, as sought by Mr Stewart. As she notes, positive amenity outcomes will be realised through the retention of mature (listed) trees and through the discretionary consent process required for development in the heritage covenant area. We also share her view that the operative building setbacks along Ward Street will ensure sympathetic built outcomes.

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<sup>84</sup> s42A report, p.40, para 4.5.18

<sup>85</sup> s42A report, p.38, para 4.5.10

<sup>86</sup> s42A report, p.39, para 4.5.13

<sup>87</sup> s42A report, pp.38-39, para 4.5.11



- 3.157 With respect to MPI's submission about the activity status for proposals that do not comply with built form standards, we note that we have canvassed this in the preceding report section on noise.
- 3.158 We note that some additional urban design matters emerged through our questioning of various witnesses at the hearing. Of particular note was our testing of Ms Blick and Ms Boyd about the Plan Change's approach to delivering higher density housing.
- 3.159 In this respect, we note that the notified PC40 policy expectations are such that the Plan anticipates development to be consistent with the WSP. The WSP, in turn envisages as an outcome in the Urban Precinct (for example) that a range of housing types will be delivered, and that the housing will predominantly be attached types, terraces, duplexes, and the like.
- 3.160 Notwithstanding this, the rule framework for residential activities in the Urban Precinct does not in of itself in a mandatory sense *require* development of the ilk described in the WSP Urban Precinct intentions and outcomes. Rather, the rule approach assumes more of an encouragement or enabling approach. The positions from Ms Boyd and Ms Blick were unequivocal (and it was uncontested from any other party) that this methodological approach is the appropriate District Plan response, rather than a more heavy-handed regulatory option.
- 3.161 We have no evidence before us that would lead us to disagree with the planners in this respect, and so have adopted their position. That said, we communicated to the parties on a number of occasions that we were slightly troubled by the disconnect between the directive policy focus of achieving high density housing as an outcome, only for the methods to implement that outcome to be lacking in force. This led to several attempts from us (during the hearing and via Minutes 3 and 4, for example) to resolve this disconnect such that the rules implement the policy focus (as required by the RMA).
- 3.162 As we have accepted the planners' view that the rule approach is set appropriately, it follows that the Policy framework is the element in need of further scrutiny. We address this further under Section 11 below. For the purposes of the current issue discussion, however, we simply record that the methods agreed by the planners for managing building bulk, location and design are agreeable to us.
- 3.163 For completeness, we note that the various rounds of conferencing led to some refinements to the provisions which we have adopted for the reasons expressed in the joint statements. These refinements are:
- a. deletion of notified amendment #18, being an allowance for 50% built site coverage in the Urban Precinct;
  - b. alterations to the bulk and location provisions for comprehensive residential development, including amendments to outdoor living requirements, alterations to boundary setbacks (increased from 1m to 1.5m) and building height (reduced from 11m to 10m permitted max); and
  - c. minor alteration to the intentions and outcomes for both the Urban Precinct and Grants Bush Precinct requiring development to be '*consistent with*' rather than '*in accordance with*' the Design Guide for Residential (Centres Overlay) Areas.

*S32AA summary*

- 3.164 In addition to the amendments described in the preceding paragraph, we also accept the amendment to permitted building setback distance from the railway corridor to provide for improved public safety. Reference should also be made to Section 11 of this report where we discuss additional matters related to urban form and design in greater detail.
- 3.165 These changes are incorporated in the Plan Change annotations included in **Appendix 3**.

**Issue 6: Cultural, Archaeological & Heritage***Issue identification*

- 3.166 The Plan Change Request was accompanied by five expert reports of note to this section of our report, including:
- a. an archaeological assessment report from Capital Heritage Limited;
  - b. a cultural values report from Raukura Consultants;
  - c. two reports relating significant vegetation from Downer Tree Services; and
  - d. a heritage assessment from Studio Pacific Architecture.
- 3.167 Collectively, the reports provide a comprehensive understanding of the site's history. Of note, detailed reference is made of Maori settlement on the site dating back to the 19<sup>th</sup> century, with acknowledgement of earlier Maori arriving in the wider area as far back as the 13<sup>th</sup> century. Accordingly, the site is an archaeological site<sup>88</sup> under the Heritage New Zealand Pouhere Taonga Act 2014.
- 3.168 The Crown took ownership of the site around the turn of the 20<sup>th</sup> century, and was it subsequently used for myriad of research purposes up until the recent disposal. The heritage assessment report identified a number of site features and characteristics of heritage significance. Most notably, this included the Hopkirk Building and incinerator, Grant's Bush, and the mature trees adjacent to Ward Street.
- 3.169 The tree surveys noted that the District Plan already identifies 10 trees along the Ward Street frontage in the schedule of notable trees. The Plan Change does not propose to alter those listings.
- 3.170 The above listed reports made a number of recommendations (respectively) that were adopted in the notified Plan Change, including:
- a. the listing of the Hopkirk Building and incinerator in the District Plan heritage register;
  - b. listing of 43 trees in the District Plan's register of notable trees;

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<sup>88</sup> This classification applies to any place associated with pre-1900 human activity

- c. the undertaking of a detailed archaeological assessment (which was a recommendation of the cultural values report).
- 3.171 The cultural and archaeological reports also recommended that an accidental discovery protocol be adhered to at future consent stages for any unanticipated uncovering of cultural or historical items. The latter also noted that an archaeological authority from HNZ will ultimately need to be applied for to damage or destroy the site prior to subdivision and development occurring. The area of the site at the corner of Alexander Road and Ward Street, known as Dahl's House, was also identified as having moderate to high likelihood of archaeological discovery.
- 3.172 We also note that the Downer reports recommended four specimens to be added to the notable trees list which were not listed in the notified provisions. These specimens were considered to be noteworthy for their contribution to local amenity and ecology despite not meeting the base score utilised for listing under the Plan.

#### *Submissions*

- 3.173 The submission from HNZ supported the Plan Change, reflecting the consultation undertaken by the Requestor prior to formal lodgement of the request. The submission also noted that the historic heritage provisions in the operative Plan (but not the PC40 provisions) are out of date and not reflective of current best practice. While the submission seeks that those wider provisions are updated, it also notes such amendments are beyond the scope of this Plan Change (as such, we take this point no further).
- 3.174 Submissions were also received from Ms Taylor and Mr Chad, and these were in support of the plan change's preservation of the historic street pattern and theme of the Gateway Precinct. They also support the proposed addition of trees to the notable trees schedule.
- 3.175 Mr Walkington and Forest & Bird's submissions sought further review of the vegetation on the site to ensure all notable trees were identified.
- 3.176 The submissions from Mr Saville and Ms Taylor also emphasised future preference for native species of planting over exotics.
- 3.177 The UHTCA submission sought that enhanced policy recognition for the on-going recognition of notable trees.

#### *Discussion and findings*

- 3.178 Overall, there was broad support for the approach adopted by the Plan Change in relation to Cultural, Archaeological and Heritage matters.
- 3.179 Of the matters that remained in contention at the hearing, the one requiring the most attention was the question of whether additional trees should be added to the schedule of notable trees.

- 3.180 Ms Boyd noted in her s42A report that Council's arborist was investigating the trees identified as appropriate for listing in the Downer Report which were not proposed to be listed by the Requestor. At the time of writing her report, the arborist's assessment was not available.
- 3.181 Subsequently, however we were advised that the further review identified that one of the four additional specimens was assessed as achieving the minimum STEM score of 100. Accordingly, the annotated provisions attached to joint planning statement #4 noted that 44 trees would be added to the schedule of notable trees. We have adopted that recommendation.
- 3.182 Ms Boyd also proposed a consequential amendment to the definition of '*significant exterior alteration*' in the notified provisions. Generally, the amendment excludes recladding, repair or maintenance of buildings in the Gateway Precinct from requiring resource consent where the modifications use materials that are the same or similar appearance to those being repaired/replaced. This amendment was unanimously accepted by the conferencing planners and we have adopted it accordingly.
- 3.183 During our deliberations, we contemplated whether the Plan itself needed to reflect the recommendations of the cultural and archaeological report that an accidental discovery protocol should be applied for future site works, notwithstanding that the reports recommended this simply be a method applied as conditions of future consents. However, we were mindful that the site will require an archaeological authority from HNZ under the Heritage New Zealand Pouhere Taonga Act 2014, and that the protocol will most certainly be a requirement of that authority being granted. In short, we are convinced that the potential effects on cultural and archaeological values arising from future site works will be appropriately managed through that separate non-RMA process and outside the District Plan.
- 3.184 In relation to the submission from UHTCA that the policy framework be bolstered with respect to the future identification of notable trees on the wider site, we agree with Ms Boyd<sup>89</sup> that this would be unjustified and that the District-wide provisions applying in the Plan are sufficient to identify future notable trees. We agree with her that there is nothing special about this site that warrants greater policy guidance than the District as a whole.

#### S32AA summary

- 3.185 For the reasons set out above, we adopt the amendments to the notified provisions as attached to the fourth joint planning statement, including:
- a. an additional tree added to the schedule of notable trees (now 44 in total); and
  - b. an amendment to the proposed definition of '*significant exterior alteration*' to exempt maintenance/repairs involving like materials.
- 3.186 These changes are incorporated in the Plan Change annotations included in **Appendix 3**.

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<sup>89</sup> s42A report, p.53, para 5.5.5

## Issue 7: Geotechnical

### *Issue identification*

- 3.187 The Plan Change request was informed by a geotechnical assessment report undertaken by ENGE0 (aka Geoscience Consulting (NZ) Ltd). That assessment included a site walkover and desktop study of relevant literature on local geology and ground conditions.
- 3.188 The ENGE0 report acknowledged that the site is located within 18km of seven active faults; however, the risks associated with this were not considered to be fatal to the proposal. For example, the report found that the site has a low liquefaction potential given the materials underlying the site and the observed depth to groundwater.
- 3.189 The ENGE0 report also considered potential rockfall/debris flow from the hillsides south of Alexander Road. As with seismic risk, the risk associated with these phenomena were not considered to be fundamental flaws for the proposal. The report did acknowledge, however, that extended periods of high intensity rainfall could give rise to debris flows that might be capable of inundating lots located south of Alexander Road in proximity to the hill slopes.
- 3.190 In response to this risk, the ENGE0 report recommended further detailed investigation be undertaken at resource consent stage by qualified experts to better understand the near surface ground conditions across the site (and particularly south of Alexander Road) and to assess the overall rockfall/debris flow risk. No specific amendments were proposed to the Plan as part of PC40 to give effect to these recommendations.
- 3.191 The report concluded that there are '*no geotechnical reasons why the proposed residential subdivision cannot be successfully completed.*'<sup>90</sup>

### *Submissions*

- 3.192 Only one submission was received in relation to this matter. It was from UHTCA raised concerns about the potential for debris flows south of Alexander Road, similar to the matter identified in the ENGE0 report.

### *Discussion and findings*

- 3.193 Ms Jones usefully summarised her view in her evidence in chief, which noted (our ***emphasis***):

6.1 *I am of the opinion that on geotechnical and geological grounds the land in the Plan Change proposal is suitable for residential and commercial development.*

6.2 *I am of this opinion for the following reasons:*

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<sup>90</sup> *Geotechnical Assessment, ENGE0, p.8, Section 11*

- *The geology of the area does not pose significant challenges to development or the construction of residential and commercial buildings;*
- *There is a low risk of liquefaction and lateral spreading at the site;*
- *Development of the land to the south of Alexander Road will be possible **after technical consideration of the foundation ground conditions, rockfall risk and debris flow risk. Suitable remedial measures will be specified prior to subdivision consent application.***

3.194 We firstly note that Ms Jones was the sole expert who presented evidence on this matter, and accordingly, we have relied upon her view to satisfy ourselves that there are no fundamental geotechnical or geological impediments to the site's proposed development. We are grateful for her contribution in this respect.

3.195 During her presentation of evidence, we took the opportunity to question her in particular about her recommendations for further investigations and the need (or otherwise) for the investigations be expressly anticipated by the Plan.

3.196 In response to our questions, Ms Jones gave the view that the Plan could generally stand on its own and that, as a matter of good practice, the investigations would be carried out in support of any future subdivision or land use applications. Ms Blick added that the Council's Engineering Code of Practice would likewise be a reference for future assessment purposes in this regard.

3.197 When we asked specifically about Ms Jones' identifying that depth to "good ground" for new building foundations south of Alexander Road is greater than elsewhere and in need of further investigation, Ms Jones acknowledged that future assessment of applications could be better informed by considering land stability issues specifically.

3.198 In light of that comment, we sought input from the parties in Minute 3 as to the need for amendments to the matters of discretion, policies, rules or other methods about land stability and building foundation design.

3.199 The response in the third conferencing statement was unanimous and twofold:

- a. firstly, amendments have been proposed to the assessment matters for subdivision in the residential and business zone rules to ensure consideration is given to earthworks 'and land stability'; and
- b. secondly, an amendment has been proposed to the controlled activity rule for two or more dwellings such that sites south of Alexander Road are exempted from the rule and therefore considered as a discretionary activity.

3.200 In relation to the latter amendment, the planner's evaluation stated:

*Pt Section 618 Hutt District is the parcel of land located on the south side of Alexander Road. Excluding this parcel of land from the existing controlled activity multiple dwellings is a temporary measure that seeks to ensure that, if in the unlikely event that multiple dwellings are proposed on the site prior to subdivision taking place, land stability matters can be adequately addressed through the discretionary activity resource consent process.*

*The amendment may result in an increase in costs associated with a discretionary activity consent process (as opposed to a controlled activity consent process) and will result in greater uncertainty and risk associated with this process. However this is considered appropriate as the amendment will result in environmental benefits associated with the ability to adequately address land stability matters through a discretionary activity resource consent process.*<sup>91</sup>

- 3.201 In short, the second amendment ‘closes a loophole’ that would have otherwise existing if future construction of dwellings occurred prior to subdivision. We agree with the planners that such an outcome is unlikely; however, we also agree with them that the amendment is prudent given the risks associated with a failure to consider land stability as part of the site’s future development.
- 3.202 More broadly, we agree with the planners’ recommendation that these amendments will ensure the level of assessment desired by Ms Jones for future applications will indeed be considered.

#### *S32AA summary*

- 3.203 For the reasons outlined above, we consider the Plan Change should be amended as notified to:
- a. include *land stability* as an assessment matter for future subdivision of the site; and
  - b. include an associated land use rule for the area south of Alexander Road to require a discretionary activity resource consent for more than one dwelling being erected in that area prior to subdivision (which will in turn allow for assessment of land stability effects as well).
- 3.204 These changes are incorporated in the Plan Change annotations included in **Appendix 3**.

### **Issue 8: Landscape**

#### *Issue identification*

- 3.205 An initial landscape and visual assessment was undertaken by Harrison Grierson (HG), culminating in a report attached to the Plan Change Request. The aim of the report was to identify the key landscape and visual components within the site, and assess the potential effects on the physical and visual landscape that may result from future development.
- 3.206 Among other findings, the HG report noted the importance of retaining the existing vegetation along Ward Street and in Grants Bush and the floodplain remnant. Though the report identified that the portion of the site south of Alexander Road to remain in Rural Zoning has identified ecological and

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<sup>91</sup> Annotated provisions attached to the third expert conferencing statement, under amendment 17B

landscape significance, the impact of the proposal on those values will not be significant.

3.207 The HG report concluded that:

*...due to the site's location, scale, topography and surrounding environment, the site has low visual and landscape sensitivity. The site can accommodate development of an urban nature. To achieve development that is visually integrated with its surroundings, incorporation of the key landscape and visual recommendations will mitigate any potential negative visual effects and assist with a positive outcome.<sup>92</sup>*

3.208 The report then made 15 specific recommendations to be adopted by the Plan Change Request.

#### *Submissions*

3.209 No submissions raised fundamental concerns about the landscape or visual effects of the plan change. There were, however, some submissions that sought specific relief of limited relevance to this topic. These included:

- a. the flat area south of Alexander Road should enable lower density housing than proposed (Ms Taylor);
- b. the entire area south of Alexander Road should either retain its rural lifestyle zoning or be zoned open space (Mr Chad, Forest & Bird, Mr Saville, Mr Mears, Ms Taylor); and
- c. related to the above relief that the area south of Alexander Road be vested as public reserve (Forest & Bird, Mr Saville).

#### *Discussion and findings*

3.210 We commence this discussion by noting that the original assessment undertaken by Ms Davis was comprehensive, and that by-and-large her recommendations were adopted in the notified PC40 provisions. Given this, and given her finding that the site has a low sensitivity to change, it is not surprising to us that there were no substantive challenges to the site's suitability for suburban development from a landscape and visual perspective.

3.211 We also note that there was no evidence presented to refute Ms Davis' findings, and as such we adopt her assessment.

3.212 In response to submissions, we firstly note that we tested the option of enabling a lower residential density for the 'southern triangle' in our questioning of Ms Davis. She was clear that the level of development anticipated by the provisions applying to the Grants Bush Precinct could be absorbed by the surrounding environment without any significant impact on the high landscape values of the adjacent Southern Hills.

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<sup>92</sup> Landscape and visual assessment (December 2014), Harrison Grierson, p.20, Section 9.0



- 3.213 Ms Davis also expressed the view that there is no substantial difference between the Grants Bush Precinct and Wallaceville Living Precinct such that one is preferred over the other in this part of the site from a landscape perspective. She did consider, however, that there were good reasons for the southern triangle to match the development intensity proposed on the opposite (northern) side of Alexander Road. In this respect, her view was aligned with Ms White's response to the similar questions we posed to her about the most appropriate development intensity from an urban design perspective.
- 3.214 In response to the submissions that seek open space zoning and/or vesting of the area south of Alexander Road as Council Reserve, we adopt Ms Boyd's view<sup>93</sup> that such an approach is not an appropriate District Plan response. The exception to this would be if the landowner was amenable to accepting an open space zoning, and/or the Council was committed to funding the purchase of the site as reserve. Neither of these circumstances were expressed as viable to us, and we are therefore of the view that the relevant submissions should not be accepted.
- 3.215 We do note, however, that the landscape and ecological significance is afforded a degree of protection by the operative Plan's special provisions for subdivision, earthworks, vegetation clearance and building provisions applying in the Southern Hills Overlay Area. This overlay applies to the entire area south of Alexander Road apart from the proposed Grants Bush Precinct area.
- 3.216 In light of the above, we do not consider any amendments to the notified provisions are required in relation to the management of landscape and visual effects.
- 3.217 As an aside, however, we note that a consequential amendment to the Structure Plan boundary notation on the WSP map was proposed by the conferencing planners which excludes the area south of Alexander Road to be retained as Rural Lifestyle Zone. This change reflects the proposed zoning approach for the Plan Change, and the intentions and outcomes in the WSP itself. We adopt that recommendation, and given the consequential nature of the amendment take our own evaluation of the matter no further here.

## Issue 9: Ecology

### *Issue identification*

- 3.218 An assessment of the Plan Change's effects on ecological values was undertaken by Morphem Environmental Ltd (MEL). This assessment identified the existing ecological values of the site, considered potential effects of future development and made a number of recommendations to inform the Plan Change provisions.
- 3.219 Of particular note, the MEL assessment recorded the following:

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<sup>93</sup> s42A report, p.61, paras 5.9.6-5.9.7

- a. the site comprises a network of drainage ditches which were assessed as having low ecological values and not worthy of future protection from the effects of land use and development; and
  - b. while the Grants Bush and floodplain remnant are notable ecological features and subject to protective covenants, the areas lack ecological structure and require extensive human intervention to be appropriately restored.
- 3.220 The MEL report also made six specific recommendations, including (for example) that exotic vegetation south of Alexander Road should be removed, that high value existing vegetation should be identified and retained as much as practicable, and that any new planting should reinforce the existing species to create vegetative corridors throughout the site.
- 3.221 In response, the Plan Change Request incorporated many of the recommendations into the WSP outcomes and associated policies and rules. No changes were proposed to the Southern Hills Overlay (or associated provisions) which applies to the area south of Alexander Road.

#### *Submissions*

- 3.222 Submissions on ecological matters were made by six submitters. UHTCA, for example, sought that Grants Bush and the floodplain remnant be fenced off, while Mr Saville and Forest & Bird requested that these areas be made predator-proof for local fauna.
- 3.223 Ms Taylor and Mr Chad sought that the recommendations in the MEL Report be adopted, and the GWRC requested that habitats of threatened species be identified and protected as required by the RPS.

#### *Discussion and findings*

- 3.224 Through the expert conferencing, a number of amendments were proposed (and unanimously agreed) to the notified provisions to bolster the WSP intentions and outcomes as they relate to the management of ecological effects. These measures involved (in summary):
- a. provisions to be added to the intentions and outcomes in the WSP to ensure that development to respect ecological values of, and protect the vegetation within, Grants Bush and the floodplain remnant; and
  - b. transparent fencing to be provided around the extent of the Grants Bush covenant.
- 3.225 We see no reason not to adopt those recommended amendments as proposed.
- 3.226 The only remaining matter for us to consider in terms of ecology, therefore, is the submission from GWRC regarding the identification of habitats for threatened species.

- 3.227 Ms Boyd recommended<sup>94</sup> that this information must be obtained prior to development commencing in order for the RPS to be given effect to; however, she did not present us with a solution for implementing her recommendation.
- 3.228 Nevertheless, we believe that the level of investigation provided by the Requestor's expert, in tandem with the operative provisions of the Plan, is sufficient for the purposes of habitat identification and protection in the RPS.
- 3.229 In this respect, we note Mr Lowe's findings<sup>95</sup> that there is a low likelihood of threatened mudfish habitat to be present on the site given the long period of site modification, altered drainage paths and lack of hydraulic connection to known habitats.
- 3.230 In addition, a threatened native falcon has been observed in the vicinity. Mr Lowe agreed<sup>96</sup> with the view expressed in the GWRC submission that the likely habitat for this species would be in the higher specimen trees south of Alexander Road, or in Grants Bush. In relation to the former, we note that the area is outside the proposed area to be rezoned by the Plan Change and is to be retained as Rural Lifestyle Zone.
- 3.231 As noted by Ms Blick<sup>97</sup>, a future subdivision application will be required to separate the residential area south of Alexander Road from the remaining Rural Lifestyle zoned area. Given the presence of the Southern Hills Overlay in this vicinity, the ecological values of the area, including potential habitat for fauna will be assessed. Any associated removal of exotic flora proposed concurrently would also be assessed in this regard.
- 3.232 Ms Blick also helpfully reminded us<sup>98</sup> that protection to the mature vegetation in the floodplain remnant and Grants Bush is afforded by both the restrictive covenants and by the intentions and outcomes in the WSP.
- 3.233 In light of the above, we do not consider that any further response is required in the PC40 provisions with respect to habitat identification or protection.

#### *S32AA summary*

- 3.234 For the reasons set out above, we adopt the agreed recommendations that the notified intentions and outcomes in the WSP be amended to ensure that:
- a. development respects the ecological values of, and protects the vegetation within, Grants Bush and the floodplain remnant; and
  - b. the covenanted area around Grants Bush is fenced.
- 3.235 These changes are incorporated in the Plan Change annotations included in **Appendix 3**.

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<sup>94</sup> s42A report, p.53, para 5.4.5

<sup>95</sup> Evidence of Mark Lowe (30 June 2015), pp.15-16, para 5.27

<sup>96</sup> Evidence of Mark Lowe (30 June 2015), pp.15-16, para 5.27

<sup>97</sup> Evidence of Stephanie Blick (3 July 2015), p.26, para 6.96

<sup>98</sup> Evidence of Stephanie Blick (3 July 2015), p.26, para 6.97

## Issue 10: Other Servicing

### *Issue identification*

- 3.236 As noted in the report section above pertaining to stormwater management, the Plan Change request was accompanied by an infrastructure report prepared by Harrison Grierson (HG).
- 3.237 The main purpose of the HG report was to determine whether the site could be sufficiently serviced at the intensity of development enabled by the Plan Change. In summary, the report found that the development can be adequately serviced, including in relation to wastewater, water supply, power supply, gas supply and telecommunications.
- 3.238 The HG report's conclusions on available capacity were identical for Area A and Area B.

### *Submissions*

- 3.239 While no submitters challenged the substantive findings of the infrastructure report, a small number of submitters raised servicing issues.
- 3.240 Firstly, Powerco's submission simply noted that the site is underlain by an existing gas main, and that this line should be considered as part of future development.
- 3.241 Though we have already discussed this matter above, for completeness we reiterate the submissions received from Mr Saville, Ms Taylor, Mr Chad and Forest & Bird seeking the use of sustainable building design measures for new dwellings.

### *Discussion and findings*

- 3.242 We have relied upon the HG infrastructure report and subsequent evidence of Mr Jackson, which confirm that there are no servicing constraints applying to the site such that the proposed rezoning cannot be supported. As that evidence is uncontested, we see no reason not to adopt it for our purposes.
- 3.243 For the reasons expressed above under Issue 2, we are not compelled to require future development to employ water saving or other sustainable building practices as a rule; though we reiterate that there is nothing to stop future landowners from adopting those practices voluntarily.
- 3.244 In relation to the Powerco submission, we accept the view<sup>99</sup> of Mr Jackson that no additional District Plan response is required to give effect to the relief in the submission. The easement for the gas main is registered on the title, and will accordingly be a relevant information requirement for future subdivision and land use activities. Moreover, this will trigger the need for Powerco to be

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<sup>99</sup> Evidence of Andrew Jackson (3 July 2015), p.4, para 5.3

consulted with, which will further reduce the likelihood of any impacts arising on the line.

3.245 For completeness, we note that the parties agreed through conferencing that the amendment to Rule 18.18 proposed by the notified Plan Change be withdrawn from the proposal. The amendment originally allowed deviation from compliance with the Council's Code of Practice for Civil Engineering Works for infrastructure provided on the Plan Change site. Again, it was agreed over the course of the hearing that this amendment was not appropriate, so we have adopted that recommendation.

3.246 In light of the minor nature of that change from the notified Plan Change approach, we have not provided any further consideration of the matter for the purposes of s32AA.

### **Issue 11: Other Matters**

#### *Issue identification*

3.247 Unlike the preceding sections, this final topic area traverses a variety of "planning" issues. The reason we have organised the matters into this section is that they didn't necessarily fit tidily into the issues above and/or they are relatively significant issues in their own right.

3.248 Out of necessity, we've departed somewhat from the format adopted in the preceding sections. In this respect, we take a more singular approach to issue identification and resolution for each of the following sub-issues:

- a. The change in approach for Area B;
- b. Additional considerations for the Gateway Precinct;
- c. Non-residential uses in proposed residential areas; and
- d. Structure Plan policy framework.

3.249 These sub-issues are addressed in turn below, and we include a brief s32AA wrap-up at the conclusion of this report section for all amendments arising.

#### *The change in approach for Area B*

3.250 Our first sub-issue relates to the change in approach for Area B from the notified provisions. We noted in Section 2 of this report that PC40 as notified proposed a different approach for future subdivision and development in Area B than the approach proposed for Area A. That Area B approach set up a future process whereby detailed structure plan mapping (similar to Area A) would be provided for Area B by a subsequent resource consent process. The resulting detailed plan would, in turn, guide future subdivision and development of Area B (in the way the Area A provisions propose to do as notified).

3.251 During our preparations for the hearing, we identified a potential issue with the mechanics of the Area B rule approach. Namely, we were unsure whether the approach was lawful, and in particular the reliance of a resource consent process to establish activity status for future activities.

- 3.252 We also had some concerns about the proposed non-notification clause and the ability for potentially affected parties to be involved in the future development of the structure plan detail for Area B (particularly at the interface between Area B and adjoining areas).
- 3.253 And finally, as we have already touched on above under Issue 5 earlier in this report, we struggled to reconcile the proposed policy outcomes for the WSP and the methods proposed to implement those outcomes. We address this later in this report section, but simply note here it was a matter we addressed early with the Requestor and Council in relation to Area B.
- 3.254 We deemed these to be fairly fundamental issues, and in the interests of fairness, we conveyed our concerns to the Requestor on Day 1 of the hearing proceedings.
- 3.255 It was a welcome surprise to us when Mr Collins tabled a very comprehensive response to our comments on the following morning. In summary, that response noted that:
- a. Our concerns around the lawfulness of the notified approach to Area B were validated in a recent Environment Court Decision<sup>100</sup> in Queenstown, which found it is unlawful to include rules where an activity status is dependent on the future grant of consent to a Comprehensive Development Plan (i.e. the WSP);
  - b. PC40's approach to Area B falls under the same category as the Queenstown example, as it includes rules relating to development in the interim period until a structure plan is approved and sets the activity status of subdivision and development in Area B depending on whether or not a structure plan has been approved;
  - c. Adopting the same solution applied in the Queenstown case offers a simple, legal and within-scope solution for Area B in PC40; and
  - d. The Requestor would produce formal legal advice and undertake formal conferencing with the Council to integrate the Queenstown solution into the PC40 framework and assure us that the change in approach is valid.
- 3.256 Notwithstanding Mr Collins' memo and for the sake of completeness, we took the opportunity to formalise our thoughts on the approach for Area B, and the information we required to resolve the issue, in Minute 3. This was served on all parties to PC40.
- 3.257 This resulted in independent legal opinions being obtained from Russell McVeagh<sup>101</sup> (for WDL) and DLA Piper<sup>102</sup> (for the Council), both of which confirmed the proposed change in approach for Area B is lawful and within scope. These opinions were also circulated to all parties for review and comment.
- 3.258 We were also provided with agreed amendments to the PC40 provisions by the conferencing planners. In summary, these included:

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<sup>100</sup> *Queenstown Airport Corporation Limited v Queenstown Lakes District Council [2014], NZEnvC 93*

<sup>101</sup> Letter from Russell McVeagh to Malcolm Gilles (14 July 2015), subject "Proposed Private Plan Change 40: Wallaceville – Structure Plan Issue"

<sup>102</sup> Letter from DLA Piper to Felicity Boyd (13 July 2015), subject "Proposed Private Plan Change 40 – Scope of Proposed Amendments"

- a. a new information requirement for applications considered under the WSP in the general procedures chapter of the Plan, which requires future applications to be accompanied by a spatial layout plan;
  - b. deletion of proposed Policy 4.4.15 relating to future development of Area B, and consequential amendment to Policy 4.4.14 such that it applies to both Area A and Area B;
  - c. cross reference note to the information requirements under the matters of restricted discretion for subdivision of land within the WSP;
  - d. revisions to the notification criteria under the restricted discretionary rule for subdivision to note that limited notification will be precluded where an application is deemed to be 'consistent with' the WSP<sup>103</sup>; and
  - e. consequential deletions to provisions that supported or referenced the previous (notified) approach for Area B, including in Appendix 3 and Appendix 4 to the Residential Rules chapter as notified.
- 3.259 Having given this matter significant consideration during the hearing process and in our deliberations, we adopt the change in approach for Area B summarised above. Moreover, we take comfort in being able to rely on two separate legal opinions that confirm that the resulting changes to PC40 are intra vires and within scope.
- 3.260 It will be apparent from preceding report sections that we have placed a great deal of stock on the resolution of technical matters via the multiple rounds of expert conferencing that has taken place, and this matter has been no different. Overall, we find the solution the conferencing planners have presented us with in respect to Area B is an appropriate District Plan response for the future management of development in that part of the site.
- 3.261 We note that the conferencing planners' proposed amendment to the notification criteria gave us cause to focus on that matter (in particular) at length in our deliberations. Ultimately, however, we resolved to adopt the evaluation summary provided in the schedule of amendments in support of this change, which stated:

*Minor amendments have been agreed to specify that limited notification is only precluded for subdivision and/or development that is considered to be consistent with the Wallaceville Structure Plan. The preclusion of such applications from limited (and public) notification is appropriate as the development is to take place over a large greenfield site, in which amenity expectations of residents and occupants are being created by the development set through the Precinct descriptions, and do not currently exist.*

*The amendments are also considered appropriate as the opportunity still exists for Council to notify applications that are not consistent with the WSP or where special circumstances exist.*

*Regarding effectiveness, the clause is considered to be an effective means of clearly setting out where applications will not require notification.*

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<sup>103</sup> As notified, limited notification was precluded without any qualifier

*Further, the proposed notification clauses do not extend to subdivision and/or development that fails to comply with the standards and terms (some of which are intended to address interface issues) for the new and existing restricted discretionary activities (i.e. for applications that default to discretionary activities). This is considered appropriate.<sup>104</sup>*

3.262 We also adopt the conferencing planners' evaluation in relation to the more substantive change to the information requirements to provide a spatial layout plan (rather than the notified requirement for a future structure plan via resource consent) which is as follows:

*Regarding the new approach to Area B, the amendments will still ensure that development of Area B appropriately integrates with Area A, and will still ensure that development occurs in a cohesive fashion. Requiring an assessment of development within Area B against the WSP and against a spatial layout plan will still ensure that development in this area recognises the key values and opportunities associated with this part of the site. The preparation of Plan Change 40 already undertook a structure plan process for Area B zoning it residential with only internal roads, pedestrian and cycleway connections, open space areas and utility services to be determined at the detailed design stage. These can be shown on a spatial layout plan which will accompany an application for subdivision of Area B.*

*It is important to note that the site has been adequately assessed as being appropriate for residential development. The constraints and opportunities for this part of the site have been assessed and are reflected in the relevant Precinct description, stormwater management plan and acoustic assessment. Furthermore the infrastructure assessment concludes that Area B can be adequately serviced. All of these considerations were included into the Wallaceville Precinct descriptions, the Wallaceville Road Typologies and the Wallaceville Stormwater Management Principles.*

*In this respect, a number of key elements which will make up the future spatial layout plan are known and are included in the Plan Change. These include:*

- *Housing typology being Wallaceville Living (standard residential)*
- *An internal roading concept that retains the historic roading pattern and provides for appropriate access onto Alexander Road and connections to Area A*
- *A design theme that is consistent with Area A in terms of road reserve and reserve corridors, road typologies, stormwater management, bulk and location requirements, boundary treatment, and landscaping measures*
- *Protection of significant trees including the totaras within the flood plain covenant that will provide significant private or public green space.<sup>105</sup>*

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<sup>104</sup> Annotated provisions attached to the third expert conferencing statement, under amendment 27

<sup>105</sup> Annotated provisions attached to the third expert conferencing statement, under amendment 1



3.263 The remaining amendments are largely consequential to ensure that references to the previous approach are replaced with references to the new approach. We consider these are appropriate as suggested.

*Additional considerations for the Gateway Precinct*

3.264 There were two specific matters arising in relation to this second sub-issue, being:

- a. the need or otherwise to show indicative local retail nodes in the Gateway Precinct; and
- b. an unintended exemption from non-complying activity triggers for certain activities in the Gateway Precinct

3.265 In terms of the former, we note that the notified WSP map indicates two local retail nodes in the Gateway Precinct. We questioned Ms Blick at the hearing on the need for these nodes given the 'permissive' rule framework for retail activities in the Business Zone rules which apply in the Gateway Precinct, and this was subsequently a matter we asked, via Minute 3, the Requestor to consider in greater detail.

3.266 In the response<sup>106</sup> to Minute 3, WDL noted that the local retail nodes were shown on the map to support the high pedestrian amenity anticipated along the 'heritage street' running through the Gateway Precinct. While WDL acknowledged retail activities are (generally speaking) permitted in the Precinct, it was also noted that retail activities in the locations shown would trigger a restricted discretionary resource consent under new Rule 20.30A.

3.267 In this respect, the node annotation signals an expectation that retail activities in the proposed locations are generally appropriate, notwithstanding that consent is required. To this end, we loosely accept WDL's conclusion that the nodes '*serve a purpose and should be retained.*'<sup>107</sup>

3.268 As for the second issue noted above, we identified at the hearing that the operative Plan classifies certain activities in the Business Zone Rules as non-complying; however, the effect of the Plan Change was to supersede this clause by utilising a discretionary default status for those activities, rather than non-complying.

3.269 The Requestor and Council acknowledged this was unintended and have proposed an amendment to the discretionary rule (in Table 20.2) to clarify that the non-complying status will apply as it does elsewhere in the District's Business Zones. We adopt that recommended change.

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<sup>106</sup> Requestor's Right of Reply, p.6, paras 3.1-3.3

<sup>107</sup> Requestor's Right of Reply, p.6, para 3.3

*Non-residential uses in proposed residential areas*

3.270 One of the issues that remained in contention between the conferencing planners for the Requestor and the Council pertained to the Plan Change's proposed amendment to the explanation to Policy 4.4.3, which as notified reads:

***4.4.3 To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects.***

...

*While provided for as a Discretionary Activity, it is recognised that commercial development may take place in the Urban Precinct of the Wallaceville Structure Plan, which may include the commercial redevelopment of the farm management building and dairy building, provided that significant adverse environmental effects on the Business Commercial Zone (the Gateway Precinct), residential activities and other areas of Upper Hutt City can be avoided or mitigated. This does not preclude other potential development options for the Urban Precinct being developed that are compatible with residential activities.*

*Resource consent applications for any commercial development not consistent with the Wallaceville Structure Plan will need to be carefully assessed against Policies 4.4.3 and 4.4.16 in particular.*

3.271 Conceptually, this addition to the policy explanation attempts to distinguish the Plan Change site from other residential areas within the District as being more appropriate for enabling non-residential activity interspersed with residential activity.

3.272 Ms Boyd<sup>108</sup> and Mr Taylor were strongly opposed to this amendment, citing concerns that a large area of commercial development could conceivably be developed in the Urban Precinct, and the Plan should not signal this is an appropriate outcome. They also noted that the overarching character of the Urban Precinct expressed in the WSP is to be of a high-density residential nature, and this could be compromised by the proliferation of non-residential activities.

3.273 While we understand Ms Boyd and Mr Taylor's rationale, it has not been entirely determinative of our view on this matter. That said, we do not favour Ms Blick's evidence<sup>109</sup> either.

3.274 Rather, our evaluation of this matter has firmly focussed on our obligations under s32 to ensure the policies are the most appropriate means of achieving the objectives. In this respect, the test for this policy amendment is to determine whether it improves the Plan's achievement of the four operative objectives and one further objective proposed by PC40.

3.275 That said, we do not consider operative Objectives 4.3.2 and 4.3.3 are relevant to this evaluation given their subject matter<sup>110</sup>. The relevant objectives to assess the policy against, in our view, are:

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<sup>108</sup> S42A Report, p.66, paras 6.2.5-6.2.6

<sup>109</sup> Evidence of Stephanie Blick, pp.29-30, paras 6.119-6.133

<sup>110</sup> These relate to special values of the Conservation and Hill Areas and to the effects of subdivision (respectively)

- a. **Objective 4.3.1** – *The promotion of a high quality residential environment which maintains and enhances the physical character of the residential areas, provides a choice of living styles and a high level of residential amenity*
  - b. **Objective 4.3.4** – *To provide for higher density residential development by way of Comprehensive Residential Developments and specific net site area standards around the central business district, neighbourhood centres and major transport nodes; and*
  - c. (proposed) **Objective 4.3.5** – *To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.*
- 3.276 In our evaluation, the amendment does not improve the policy’s ability to promote high quality residential environments, or to provide housing choice and amenity. The existing character of the site is not residential, so the policy amendment is neutral on its implementation of that component of Objective 4.3.1.
- 3.277 Also, and as inferred from Ms Boyd’s concerns, the implications of enabling non-residential activities in an area otherwise expressly anticipated to deliver higher density housing does not improve the policy’s ability to implement Objective 4.3.4 in our view.
- 3.278 Whilst we accept that there may be some overall land use efficiencies in enabling mixed use activities in the Urban Precinct (and therefore assistance to implementation of the proposed objective), we are lacking evidence to support that outcome. Most notably, we have not been provided any indication of the social and economic impact on other Centres (for example) if non-residential activities are located in the Urban Precinct (in any quantum).
- 3.279 Perhaps more telling, however, is the fact that there is no associated change proposed by WDL to the methods (rules) under PC40 to implement the policy any differently on the Plan Change site to the manner in which the policy is implemented in other residential areas (i.e. commercial development remains a discretionary activity). To us, this points to the conclusion that the amendment provides little (if any) assistance to the administration of the District Plan.
- 3.280 For these reasons, we agree with Ms Boyd and Mr Taylor that the proposed amendment to the explanation of Policy 4.3.3. should be deleted.

#### *Structure Plan policy framework*

- 3.281 The final matter we address in our evaluation is the proposed policy framework in Chapters 4 and 6 in support of the WSP. These provisions evolved substantially over the course of the submission and hearing processes, and so we consider it will be of assistance if we commence with a chronology of that evolution before providing our evaluation.
- 3.282 Broadly speaking, the focus of the four notified policies in question were as follows:
- Residential Zone

- a. **Policy 4.4.14** sets out that development of Area A shall be '*consistent with*' the WSP;
- b. **Policy 4.4.15** sets out principles which guide the future structure planning and subsequent development of Area B;
- c. **Policy 4.4.16** sets out assessment criteria to be considered for any resource consent deemed not to be '*consistent with*' the WSP;

#### Business Zone

- d. **Policy 6.4.6** sets out that development in the Gateway Precinct is to be '*consistent with*' the WSP;

3.283 Through the conferencing that occurred prior to the hearing, amendments to this framework were proposed by the conferencing planners, including:

- a. **Policy 4.4.15** was amended to discourage development of Area B until such time as a structure plan has been approved for Area B;
- b. A new **Policy 4.4.15A** was proposed, setting out that future development of Area B is '*in accordance with*' a future approved structure plan;
- c. The focus of **Policy 4.4.16** was amended to indicate that development which is not '*consistent with*' the WSP "*may be appropriate*" if the stipulated criteria are met; and
- d. A new **Policy 6.4.7** was proposed mirroring the approach in revised 4.4.16 for development in the Gateway Precinct '*not consistent with*' the WSP

3.284 A third iteration of this framework arose following the adoption of the new approach for Area B, which resulted in:

- a. **Policy 4.4.15** being deleted, and consequential amendments to **Policy 4.4.14** to recognise the policy applied to Area A and Area B;
- b. amendment to **Policy 4.4.16** (including its consequential renumbering to 4.4.15) to indicate that development which is not '*consistent with*' the WSP "*will only be appropriate*" if the stipulated criteria are met (previous iteration used "*may be appropriate*"); and
- c. similar strengthening of **Policy 6.4.7**

3.285 The fourth and final version of the provisions was generated at our request in Minute 4. We signalled in detail that we still had some concerns about the interrelationship between the proposed policies and rules, and asked the planners to further assist us. The changes they proposed included:

- a. amendment to **Policies 4.4.14** and **6.4.6** by shifting the policy focus to '*providing for*' (rather than requiring) subdivision and development that is consistent with the WSP; and
- b. removing the '*which is not consistent with the WSP*' qualifier from **Policies 4.4.15** and **6.4.7**.

3.286 As foreshadowed in our discussion under Issue 5 in this report, we have struggled with the Structure Plan policy approach throughout the hearing

process, and in this regard there are two primary issues that we consider were not fully reconciled despite the various attempts by the parties to do so.

- 3.287 Firstly, we were troubled by, on the one hand, the focus of Policies 4.4.14 and 6.4.6 to require that development be consistent with the WSP only for Policies 4.4.15 and 6.4.7 to expressly allow for a process to depart from that aim. This seemed counterintuitive to us in the absence of some sort of qualifier to reconcile the relationship between the two policies.
- 3.288 Secondly, we felt the tension also extended to the methods proposed to implement the policies – and notably, the outcomes in the Structure Plan. We signalled an example of this in Minute 3, being the ‘encouragement’ approach for high density dwellings in the Urban Precinct. Taking this a step further, the issue as we saw it was that the policy framework creates an expectation that development “*shall be consistent with*” the outcomes in the structure plan; however, the outcome in this case is to encourage development of a certain type – not to require it. As we have already recorded, we are happy to adopt the planners’ recommendation that the encouragement approach is warranted, and so that leaves a need to ‘fix’ the disconnect at the policy level.
- 3.289 In this latter respect, we adopt the proposed amendments to Policies 4.4.14 and 6.4.6 in the fourth conferencing statement, which ‘softens’ the expectation of the Plan that future subdivision and development will (in all circumstances) rigidly adhere to the WSP. We agree with the planners that a degree of flexibility is both pragmatic and appropriate in this respect.
- 3.290 We also find that the revisions to all four remaining policies better reconcile the previous tension that existed between the ‘*shall be consistent with*’ and ‘*which is not consistent with*’ policies in the respective chapters. However, we consider that a further minor refinement will improve the legibility of Policies 4.4.15 and 6.4.7.
- 3.291 In this respect, we are not compelled that these policies need to stipulate that development will ‘*only be appropriate if*’ it aligns with the criteria listed under each policy. As with Policies 4.4.14 and 6.4.6, we think the latter policies in the set need to be softened slightly by deleting this qualifier. Consequential amendments are also made for grammatical purposes.
- 3.292 With all of the final revisions are incorporated, the proposed policies read:

***Policy 4.4.14***

***To provide for subdivision and/or Development within the Wallaceville Structure Plan Area that is consistent with the Wallaceville Structure Plan.***

***Policy 4.4.15***

***To provide for subdivision and/or development in the Wallaceville Structure Plan Area that will:***

- be integrated with the development generally anticipated in the Wallaceville Structure Plan***
- provide a high level of residential amenity;***
- ensure adequate infrastructure and transport provision;***
- facilitate the safety of road users;***
- provide adequate on-site stormwater management; and***

- *not detract from the vitality and vibrancy of the Upper Hutt CBD.*

**Policy 6.4.6**

*To provide for subdivision and/or Development within the Gateway Precinct of the Wallaceville Structure Plan Area that is consistent with the Wallaceville Structure Plan.*

**Policy 6.4.7**

*To provide for subdivision and/or development in the Wallaceville Structure Plan Area that will:*

- *be integrated with the development generally anticipated in the Wallaceville Structure Plan*
- *provide a high level of amenity;*
- *ensure adequate infrastructure and transport provision; and*
- *facilitate the safety of road users; and*
- *not detract from the vitality and vibrancy of the Upper Hutt CBD.*

3.293 We also note that the planners proposed some minor amendments to the explanations for Policy 4.4.15 and 6.4.7 to provide added clarity. We adopt those amendments.

3.294 In our view, the planners' final iteration with the minor amendments we have proposed are the most appropriate means to implement the proposed Residential and Business Objectives, and best reflect the accepted rule/method approach to which the policies provide overarching support.

*S32AA summary for 'Issue 11'*

3.295 For the reasons we have set out in this section of the report, we consider that the following amendments should be made to the provisions as notified:

- a. the approach for Area B should be amended to require a spatial layout plan to be provided with future resource consent applications in Area B – this should replace the notified approach which sought to establish a new structure plan for Area B by way of resource consent and to link the status of activities future subdivision and land use activities to the adherence with (or otherwise) an approved structure plan.
- b. clarification should be made that the non-complying activities identified in the wider Business Zone shall also apply in the Gateway Precinct where relevant;
- c. the proposed explanation to be added to Policy 4.3.3 should be deleted in its entirety; and
- d. the WSP policy framework should be amended as proposed in the fourth conferencing statement, with the addition of the minor wording change we have proposed above.

3.296 These changes are incorporated in the Plan Change annotations included in **Appendix 3**.

## 4.0 STATUTORY CONSIDERATIONS

### Assessment

- 4.1 In its *Long Bay* decision<sup>111</sup>, the Environment Court set out a summary framework for the matters to be evaluated in respect to a proposed plan change. For completeness, we recite that framework here and discuss the extent to which PC40 accords with the individual framework elements.

***A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.***

- 4.2 PC40 involves the establishment of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of Upper Hutt. Further, the Plan Change aims to control the actual or potential effects of the subdivision, use, development, or protection of land.

- 4.3 Accordingly, we find that the Plan Change is designed to accord with and assist the Council to carry out its s31 functions.

***When preparing its district plan (change) the territorial authority must give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS).***

- 4.4 No NPS, nor the NZCPS, are relevant to the Plan Change.

***When preparing its district plan (change) the territorial authority shall: a) have regard to any proposed regional policy statement; and b) give effect to any regional policy statement.***

- 4.5 The Plan Change has been prepared to give effect to the RPS.
- 4.6 There was general accord from Ms Boyd and Ms Blick that the proposal gives effect to the RPS, and we note the support for the Plan Change from GWRC (administrator of the RPS).
- 4.7 As we have canvassed in greater detail above (Issue 9: Ecology), there was some suggestion by GWRC that further investigations are required for the proposal to implement the relevant regional policy relating to the identification and protection of habitats for threatened species. For the reasons we set out in that report section, we are satisfied that this policy expectation of the RPS is given effect to by PC40 (in tandem with the provisions of the operative Plan).
- 4.8 We have otherwise adopted Ms Boyd and Ms Blick's conclusions that the Plan Change gives effect to the other relevant components of the RPS.

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<sup>111</sup> Decision No. A078/2008, pp.29-31. This was subsequently 'updated' by the Environment Court in *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55.

*In relation to regional plans: a) the district plan (change) must not be inconsistent with a regional plan for any matter specified in section 30(1) [or a water conservation order]; and b) must have regard to any proposed regional plan on any matter of regional significance etc.*

- 4.9 In our evaluation, the Plan Change is not inconsistent with any operative Regional Plan.
- 4.10 During our deliberations, GWRC notified its *Proposed Natural Resources Plan for the Wellington Region*. We are satisfied that we have had sufficient regard to that document for the purposes of this recommendation.

*When preparing its district plan (change) the territorial authority must also: a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities; b) take into account any relevant planning document recognised by an iwi authority; and c) not have regard to trade competition*

- 4.11 The matter in relation to the above of most relevance is the UGS, to which the Plan Change has had sufficient regard to.

*The district plan (change) must be prepared in accordance with any regulation (there are none at present)*

*The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.*

- 4.12 This requirement is met in respect of PC40. The Plan Change includes new and/or revised objectives, policies, rules and other methods.

*Each proposed objective in a District Plan (change) is to be evaluated in terms of the extent to which it is the most appropriate way to achieve the purpose of the Act.*

- 4.13 There are two proposed new objectives in PC40. As amended through the submission and hearing process, these objectives read:

**Objective 4.3.5**

*To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.*

**Objective 6.3.1A**

*Provide for the Gateway Precinct of the Wallaceville Structure Plan Area as a neighbourhood centre which:*

- *Provides local convenience retail and services*
- *Provides employment opportunities*
- *Provides residential development where this is compatible with retail, commercial and office land uses*
- *Makes efficient use of natural and physical resources*



- 4.14 In our view, the objectives (as amended) are the most appropriate means to achieve the Act's sustainable management purpose in respect of the management of the future development of the WSP site.
- 4.15 In particular, the objectives manage the use, development, and protection of natural and physical resources of the WSP site in a way which enables people and communities to provide for their social, economic, and cultural well-being while sustaining the potential of those resources to meet the needs of future generations, and while avoiding or mitigating any adverse environmental effects.
- 4.16 The Plan Change has likewise recognised and provided for the protection of areas of historic heritage<sup>112</sup> and significant indigenous vegetation<sup>113</sup>, while also having regard to the maintenance and enhancement of amenity values<sup>114</sup> and the quality of the environment<sup>115</sup>.

***The policies are to implement the objectives, and the rules are to implement the policies.***

- 4.17 As extensively set out under our evaluation of issues in section 3 of this report, we have found that the policies implement the objectives and the rules and other methods implement the policies.

***Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.***

- 4.18 This requirement has underpinned our evaluation of issues in section 3 above. We have signalled throughout that evaluation where we have identified and weighed the costs and benefits of options considered and the risks of acting where information gaps exist<sup>116</sup>. Our evaluation represents a continuation of the original evaluation of these matters contained in the s32 report that accompanied the notified plan change, with the broadening of issues and options introduced through the various submissions received.
- 4.19 We have concluded that the most efficient and effective means to achieve the proposed and settled objectives of the District Plan is through the adoption of the proposed Plan Change with modifications as set out in **Appendix 3**.

***In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.***

- 4.20 This is an additional consideration which underpinned our considerable evaluation under section 3 above. As per our conclusion in relation to the

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<sup>112</sup> s6(f), RMA

<sup>113</sup> s6(c), RMA

<sup>114</sup> s7(c), RMA

<sup>115</sup> s7(f), RMA

<sup>116</sup> For example, in relation to the lack of economic evidence in support of the amendment to Policy 4.4.3

efficiency and effectiveness of the proposed policies and methods, we have concluded that the proposed Plan Change as amended in **Appendix 3**, in tandem with the other applicable rules in the operative Plan, will appropriately manage any actual and potential adverse effects of future development on the Plan Change Site.

*Finally, territorial authorities may be required to comply with other statutes*

4.21 No other statutes are relevant in this case.

### Summary

4.22 In summary, we conclude that when assessed against the relevant statutory framework and the individual elements produced under that framework, PC40 accords well in that:


- in terms of the proposed changes to the Objectives and Policies of PC40, the Plan Change has given effect to the RPS;
- the proposed Plan Change as amended in **Appendix 3**, in tandem with the other applicable rules in the operative Plan, will appropriately manage any actual and potential adverse effects of future development within the WSP site; and
- the most efficient and effective means to achieve the proposed and settled objectives of the District Plan is through the adoption of the proposed Plan Change with modifications as set out in **Appendix 3**.

**5.0 OVERALL RECOMMENDATION**

5.1 Based on our consideration of all the material before us, including the section 42A report from the council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we recommend to the Council that:

- (a) a waiver be granted, pursuant to s37 of the RMA, for receiving the further submissions from Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch and the Heretaunga Pistol Club<sup>117</sup> (respectively);
- (b) The Plan Change be accepted as amended in Appendix 3 and that all submissions on the Plan Change be accepted or rejected to the extent set out above (and summarised in Appendix 1); and
- (c) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 40.

**DATED AT UPPER HUTT THIS 14<sup>th</sup> DAY OF SEPTEMBER 2015**



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John Gwilliam  
City Councillor (Chair)



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Glenn McArthur  
City Councillor



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David McMahon  
Commissioner

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<sup>117</sup> For completeness, we also note this further submission has been rendered invalid due to the withdrawal of the original submission to which it pertains (by the New Zealand Defence Force)



**APPENDIX 1**  
Committee recommendations on relief sought by submission

# UPPER HUTT CITY DISTRICT PLAN

## PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE

Hearing Committee's Recommended  
Decisions on Submissions



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## LIST OF SUBMITTERS

Submitter number	Submitter name	Address for service	Wishes to be heard
1	KiwiRail Holdings Ltd	Wellington Railway Station PO Box 593 Wellington 6140 Attention: Rebecca Beals	✓
2	Paul Persico	216 Parkes Line Road Upper Hutt 5018	✓
3	Wellington Racing Club (Inc) and RACE Incorporated	Alasdair Robertson CEO, RACE Incorporated 10 Racecourse Road Trentham Upper Hutt 5018	✗
4	New Zealand Transport Agency	PO Box 5084 Wellington 6145 Attn: Angela Penfold	✓
5	Upper Hutt Town and Country Association	Bob McLellan 7 Paton Street Mangaroa Upper Hutt 5018	✓
6	Mark Walkington	95 Ararino Street Trentham Upper Hutt 5018	✗
7	Heritage New Zealand	PO Box 2629 Wellington 6140 Attn: Jillian Kennemore	✓
8	New Zealand Defence Force	c/- Tonkin & Taylor PO Box 2083 Wellington 6140 Attn: Sara McMillan	✓
9	Ian Stewart	268 Mangaroa Valley Road RD1 Upper Hutt 5371	✗
10	Nick Saville	4 Chatsworth Road Silverstream Upper Hutt 5019	✗

Submitter number	Submitter name	Address for service	Wishes to be heard
11	Kobus Van Zyl	1170 Maymorn Road Maymorn Upper Hutt 5018	x
12	Powerco Limited	c/- Burton Planning Consultants Limited Level 1, 2-8 Northcroft Street PO Box 33-817 Takapuna Auckland 0740 Attn: Georgina McPherson	x
13	Ministry for Primary Industries	c/- Greenwood Roche Chisnall PO Box 139 Christchurch 8140 Attn: Monique Thomas	✓
14	Greater Wellington Regional Council	PO Box 11646 Manners Street Wellington 6142 Attn: Caroline Ammundsen	x
15	Mears Holdings Limited	256 Mangaroa Valley Road RD1 Upper Hutt 5371 Attn: Michael Mears	✓
16	Mary Beth Taylor	165A Katherine Mansfield Drive Whiteman's Valley RD1 Upper Hutt 5371	x
17	Tony Chad	165A Katherine Mansfield Drive Whiteman's Valley RD1 Upper Hutt 5371	x
18	Welholm Developments Limited	c/- Greenwood Roche Chisnall PO Box 139 Christchurch 8140 Attn: Monique Thomas	✓
19	Stephen Pattinson	PO Box 48-070 Silverstream Upper Hutt 5142	✓

Submitter number	Submitter name	Address for service	Wishes to be heard
20	Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch	PO Box 40 875 Upper Hutt 5140	✓

List of further submitters

Further Submitter Number	Submitter name	Address for service	Wishes to be heard
13	Ministry for Primary Industries	PO Box 2526 Wellington 6140	✓
15	Mears Holdings Ltd	256 Mangaroa Valley Road RD1 Upper Hutt 5371 Attn: Michael Mears	✓
20	Royal Forest and Bird Protection Society of New Zealand – Upper Hutt Branch	PO Box 40 875 Upper Hutt 5140	✓
21	Heretaunga Pistol Club	PO Box 47-007 Trentham Upper Hutt, 5143	✓

## SUMMARY OF DECISIONS REQUESTED BY PROVISION

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
<b>General</b>							
S3.1	Wellington Racing Club	General	Support	Approve plan change.	<p>Has been consulted and is satisfied in all respects with the proposed plan change and is in full support of the proposal.</p> <p>Considers that:</p> <ul style="list-style-type: none"> <li>- proposal will be an appropriate and good neighbour and compatible activity next to the racecourse</li> <li>- plan change will provide for Upper Hutt's growth and development for many years to come within Upper Hutt's existing urban limits and is good redevelopment of</li> </ul>		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					the land – plan change will result in appropriate environmental outcomes for the site and locality and implementation in accordance with the plan change documents will result in a high quality development		
S5.1	UHTCA	General	Support	Not stated.	Support the development of the Wallaceville block as generally proposed in the Plan Change request. Location and size lend it to the development of housing and related commercial sites.		Accept support.
S6.7	Mark Walkington	General	Support	Retention of existing campus and the higher density housing in the location indicated.	Plans include many excellent aspects of modern urban design. In particular, retention		Accept support.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					of existing campus is to be commended and the higher density housing in the location indicated should add some real vitality to the Wallaceville area.		
S8.1	NZDF	General	Neutral	Not stated.	<p>Proposed rezoning will result in increased development close to NZDF's existing facility and therefore has the potential to result in adverse reverse sensitivity effects.</p> <p>Have an agreement in principle with applicant's agent for a 'no complaints' covenant in favour of NZDF to be registered on the head title which would be brought onto all new titles resulting from subdivision. Once covenant has been agreed and formally registered on the title, will withdraw this</p>	<p>F21.1 support adverse reverse sensitivity effect on NZDF. Heretaunga Pistol Club is a publicly based club having facilities within an area under the control of NZDF, where firearms are used we would require the same reverse sensitivity protection for any NDF facility affected by this proposal would extend to all clubs within the defence purpose area and specifically the Heretaunga Pistol Club in regards to range usage and clubs development and</p>	<p>Submission Withdrawn Further Submission invalid</p>

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					submission. Subject to covenant being formally registered, do not oppose proposed plan change.	activities. This protection should be included in the proposal.	
S9.1	Ian Stewart	General	Support	Approve the plan change with modifications.	Modifications as outlined in specific submission points.		Accept in part
S11.1	Kobus Van Zyl	General	Support	Council approve the rezoning of the former Wallaceville AgResearch site and a small part of the Trentham Racecourse property for residential and commercial uses.	Excellent use of the area and will be a huge asset for Upper Hutt.	F15.1 supports, excepting any change in the status of land south of Alexander Road	Accept in part
S12.1	Powerco	General	Neutral	Any works enabled by PC40 are undertaken in a manner that avoids or mitigates adverse effects on Powerco's gas distribution assets, including: - physical damage to assets; - disruption of gas supply to customers during the period of works; - level changes that result in too little or too much	Powerco has an existing easement over the site which requires that the land owner:  - will do nothing on or about the servient tenement whereby the free and unimpeded flow of electrical current through the said cables or the free		Submission purpose of drawing the landowner's attention to the existence of the high pressure main is acknowledged. No amendment to the Plan required

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				<p>coverage over underground assets;</p> <ul style="list-style-type: none"> <li>- restrictions on access to underground infrastructure for maintenance purposes either during or on completion of the works, including by the inappropriate placement of structures or vegetation over underground assets.</li> </ul>	<ul style="list-style-type: none"> <li>and unimpeded flow of gas through the sad mains maybe in any way interrupted</li> <li>- shall not place any buildings, erections or fences on the servient tenement and will not at any time whereby the rights, powers, licences and liberties hereby granted to the Board* may be interfered with or affected.</li> </ul> <p>Purpose of submission to draw attention to the presence of Powerco assets and the requirements of the easement in relation to works in and around those assets. Also to remind Wallaceville Developments of the need to engage a</p>		



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Powerco-approved contractor to either safely disconnect and remove gas services prior to the commencement of works (and subsequently reinstate them as necessary) or to determine what measures are required to appropriately protect Powerco assets during the period of works.</p> <p>* The easement in gross was originally granted in favour of Hutt Valley Energy Board but has since been transferred to Powerco Limited and Vector Wellington Electricity Network Limited, as identified on Certificate of Title 644133.</p>		
S13.1	MPI	General	Neutral	Amendments to ensure that potential reverse sensitivity	Not opposed (in principle) to the plan		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				<p>effects of the plan change on MPI are avoided or mitigated such that development on the plan change site does not affect or compromise MPI’s activities in any way and either does not require or minimises any need for the submitter to be involved in future applications for resource consents on the plan change site.</p> <p>Any other consequential amendments required to address the matters raised in submission.</p>	<p>change. Concerned about potential reverse sensitivity effects generated by the proposed plan change and wishes to ensure that the change (if approved) appropriately avoids or mitigates such effects, so that development on the plan change site does not affect or compromise the submitter’s activities in any way.</p>		
S14.1	GWRC	General	Support	Subject to the relief sought elsewhere in the submission.	Support Proposed (Private) Plan Change 40. Subject to how PC40 will support and contribute to achieving sustainable management of natural and physical resources in the Wellington region.	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
						also be supportive of the native falcon.	
S16.1	Mary Beth Taylor	General	Not stated	Grant the request for Plan Change 40 with amendments as outlined in specific submission points.	As per specific submission points.		Accept in part
S17.1	Tony Chad	General	Not stated	Grant the request for Plan Change 40 with amendments as outlined in specific submission points.	As per specific submission points.		Accept in part, subject to amendments to detailed provisions.
S18.10	Welholm	General	Not stated	Any other amendments required to address matters raised in submission.	Not stated.		Accept in part
S20.1	Forest and Bird	General	Support	Amendments as specified in other submission points.	Generally supportive of the plan change on the north side of Alexander Road subject to comments made in this submission. Consider it is near the city centre, two railway stations and is medium-density housing.		Accept in part
<b>General (Area B)</b>							
S9.6	Ian Stewart	General (Area B)	Oppose	Retain current Special Activity zoning for proposed Area B.	Concerned that provisions for proposed Area B are unclear. As		Reject retention of special activity zoning

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		Policy 4.4.15		Remove proposed Policy 4.4.15.	this area will be subject to a future plan change, it should retain its current zoning and proposed Policy 4.4.15 should be deleted.		for Proposed Part B. Accept deletion of policy 4.4.15 that addresses future Area B.
S16.2	Mary Beth Taylor	General (Area B)	Not stated	Make final and public the structure plan for Area B.	It is potentially negative that Area B has no structure plan. This creates uncertainty about the subdivision of land in Area B and could leave the area open to inappropriate interpretation and future action.		Accept in part
<b>General (Biodiversity and conservation)</b>							
S5.7	UHTCA	General (Biodiversity and conservation) General (Grants Bush)	Not stated	Grants Bush and Floodplain Remnant covenants should be fenced off and managed to preserve and enhance their natural attributes.	Areas subject to conservation covenants have been covenanted for many years for conservation purposes which should be respected and not made available for alternative purposes, even public walkways.		Accept in part.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					Example given of covenanted land behind Mt Marua.		
S10.1	Nick Saville	General (Biodiversity and conservation)	Not stated	Amendments as specified in other submission points.	Wallaceville site contains land where two significant native bush remnants occur: Grant's Bush and a totara remnant. Grant's Bush was outlined in the <i>Hutt Landscape Study</i> (GWRC, 2012, p.20) as one of only two major indigenous remnant forests surviving on the main basin of the entire Hutt Valley (the other being Barton's Bush). Lower Hutt has no representative native forest remnants left on the valley floor, making these two forest remnants all the more vital to define a pre-European landscape and history of the Hutt Valley. They	F20.3 supports the whole submission	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>must be preserved, protected and respected.</p> <p>Grant's Bush contains healthy populations of the native plant <i>Melicytus micranthus</i>, commonly known as swamp mahoe. Map included (see submission) shows where swamp mahoe has been recorded in the wild in Wellington. Very rare native plant for Wellington.</p>		
S10.8	Nick Saville	General (Biodiversity and conservation)	Not stated	Make the development a cat-free subdivision.	<p>Covenant document states that cats should not be introduced to the covenanted areas. Building hundreds of homes may potentially introduce hundreds of cats at the same time which aren't controlled by their owners. Cat-free subdivisions have been successfully introduced</p>	F20.3 supports the whole submission	Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					in Ruby Bay (Nelson), Waihi Beach and the Otago Peninsula to protect special wildlife areas.		
S14.11	GWRC	General (Biodiversity and conservation)	Not stated	Not stated.	Overall, consider that management of ecological effects associated with development at Wallaceville is achievable. PC40 recognises areas protected for conservation purposes and provides some opportunities to connect remnants of indigenous forest. However, in line with RPS provisions, recommend that habitats of threatened species are identified and protected and provisions are made to protect and enhance significant indigenous vegetation. Consider	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					this is necessary to ensure adverse ecological effects are adequately managed and significant indigenous biodiversity values are protected from inappropriate subdivision, use and development.		
S14.12	GWRC	General (Biodiversity and conservation)	Not stated	Habitats of threatened indigenous species likely to be affected by PC40 are assessed and provisions made for their protection as described in submission.	Consider further work is needed to identify whether PC40 adversely affects habitats of threatened species. RPS Policy 23 provides criteria to identify habitats and ecosystems with significant indigenous biodiversity values, including rarity which recognises species that are scarce or threatened. RPS Policy 47 directs councils to determine whether proposed activities are	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept in part



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>inappropriate with regard to "seasonal or core habitat for indigenous species." If habitats of threatened species are identified within the development area, proposed development may need to be amended to provide for their protection. Depending on the results of surveys, this may involve designing the development to avoid effects on the habitats of threatened species or to restore the habitat in another location within the development area to mitigate any losses.</p> <p>Note Ecological Assessment does not include surveys to establish the presence or absence of</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>threatened indigenous species likely to be affected by the proposed development. Recommend surveys be carried out to determine the presence of native fish in waterways or drains and of birds in areas with mature trees. Note that Ecological Assessment:</p> <ul style="list-style-type: none"> <li>- assessed waterways and drains on site as being of little ecological value but note this type of habitat does potentially support threatened fish species such as the brown mudfish classified as "at risk, declining".</li> <li>- notes a sighting of a New Zealand falcon at the south end of</li> </ul>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Alexander Road and previous records of this species in the area which is classified as 'threatened, nationally vulnerable' and is known to use pines and emergent trees as roosting and breeding sites.</p> <ul style="list-style-type: none"> <li>- recommends removal of mature pines on the lower slopes of the Southern Hills south of Alexander Road. GWRC recommend no mature trees are cleared before a bird survey has been carried out to determine whether threatened species are using these trees as roosting or breeding habitat.</li> </ul>		
S14.13	GWRC	General	Not	Further loss of an acutely	RPS Policy 24 directs	F20.1 supports the	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		(Biodiversity and conservation)	stated	threatened environment type is avoided by at least maintaining the overall area currently protected under conservation covenant.	protection of ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development. Protection to be achieved through policies, rules and methods in district and regional plans. Until these are operational, Policy 47 applies which requires councils to determine whether a proposed activity is appropriate by considering its potential effects. Most relevant to PC40 is that particular regard must be given to "avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats."	whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Site is an acutely threatened environment type described by LENZ classification, which is applied to ecosystems that have lost at least 90% of their indigenous vegetation and where relatively little is legally protected across NZ. RPS Policy 23 recognises ecosystems with less than 30% remaining to be of significant indigenous biodiversity value on grounds of their representativeness. PC40 identifies two areas with conservation covenants and proposes some change to them. In general, support legal protection of areas with indigenous biodiversity values as</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					an effective mechanism for ensuring these values persist in perpetuity. While alteration of boundaries might be achievable without direct adverse effects, recommend that total area of legally protected indigenous vegetation is at least maintained.		
S16.5	Mary Beth Taylor	General (Biodiversity and conservation)	Not stated	Follow recommendations in Ecological Report.	Consider PC40 may negatively affect existing native vegetation.		Accept in part
S17.3	Tony Chad	General (Biodiversity and conservation)	Not stated	Follow recommendations in Ecological Report.	Consider PC40 may negatively affect existing native vegetation.		Accept in part
S17.4	Tony Chad	General (Biodiversity and conservation)	Not stated	Care for Grant's Bush by eliminating invasive weeds and exotics.	Consider PC40 may negatively affect existing native vegetation.		Accept in part
S17.5	Tony Chad	General (Biodiversity and conservation)	Not stated	Remove large pines and exotics.	To avoid future re-sowing and safety issues.		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S20.10	Forest and Bird	General (Biodiversity and conservation)	Not stated	Provide for a cat-free zone within 1000m of Grant's Bush.	Otherwise cats will roam into the bush and kill the birds.		Reject
<b>General (Commercial)</b>							
S16.21	Mary Beth Taylor	General (Commercial)	Not stated	Inclusion of a commercial area.	Positive that there is inclusion of a commercial area which will provide some local employment.		Accept support.
S17.18	Tony Chad	General (Commercial)	Not stated	Inclusion of a commercial area.	Positive that there is inclusion of a commercial area which will provide some local employment.		Accept support.
<b>General (Contamination)</b>							
S2.1	Paul Persico	General (Contamination)	Oppose	Reject plan change.	Land has been used to bury toxic waste from 1905 – 1992 and there are tens of thousands of highly infected animal carcasses, radioactive materials and cancer causing chemicals buried on the land. Land is still clearly contaminated		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>to the highest level. A toxic waste site unearthed at Wallaceville that was used from 1960 to 1965 contained buried vials, syringes and plastic bags containing animal remains. Important to note that the former Infectious Disease Research Centre were testing for radioactive materials that are buried somewhere on the land. Concerned about the other 55 years of waste buried on the site.</p> <p>Consider past remediation work has not remediated the land to a level acceptable for residential housing. Concerned that matters buried in the land include vials,</p>		



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					syringes, disease infected carcasses, radioactive materials, cancer causing chemicals, anthrax, pulpy kidney, footrot, facial eczema, rye grass staggers, staggers, mastitis, sterility and contagious abortion, brucellosis and tuberculosis, swine fever, fowl pox, black leg, johne’s disease, and unknown diseases. Notes that the first case of leprosy in New Zealand was recorded at Wallaceville. Consider housing development will seriously damage Upper Hutt’s reputation as a nice safe clean green environment for families to line in.		
S6.3	Mark Walkington	General (Contamination)	Not stated	Not stated.	Question the suitability of the racecourse tip for any public		N/A

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					recreational use. Rumours abound as to what has been placed in there over the years.		
<b>General (Grants Bush)</b>							
S5.7	UHTCA	General (Biodiversity and conservation) General (Grants Bush)	Not stated	Grants Bush and Floodplain Remnant covenants should be fenced off and managed to preserve and enhance their natural attributes.	Areas subject to conservation covenants have been covenanted for many years for conservation purposes which should be respected and not made available for alternative purposes, even public walkways. Example given of covenanted land behind Mt Marua.		Accept in part
S9.7	Ian Stewart	General (Urban form and design) General (Grants Bush)	Not stated	Ensure that rules allow for minor changes to land use and development within the Grant's Bush and Urban Precincts without requiring complete assessment under the design guide and precinct descriptions.	Concerned that proposed rules are designed to facilitate the initial development of the site but may result in unnecessarily onerous rules for minor changes to use or development on sites in the Urban Precinct and Grant's Bush		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					Precinct once the original subdivision and development is complete.		
S10.2	Nick Saville	General (Grants Bush)	Oppose	Set aside a separate area for reserve and recreation for the development.	Grant's Bush has a DOC covenant over it. The covenanted area is not to be used for general recreation purposes (see Covenant – Schedule 3, point 3). No way can a playground be allowed within its boundaries.	F20.3 supports the whole submission	Reject
S10.3	Nick Saville	General (Grants Bush)	Oppose	Not provide a cycleway/pedestrian connection through Grants Bush.	A cycleway/pedestrian connection through Grant's Bush is not permitted and would contradict the purposes of the covenant.	F20.3 supports the whole submission	Reject
S10.4	Nick Saville	General (Grants Bush)	Not stated	Buffer of open space around Grants Bush.	Weed dumping by residents is a significant threat to remnant patches of bush near habitation. Seek buffer zone to prevent	F20.3 supports the whole submission	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					dumped garden weeds spreading into the bush. Having roads right beside Grant's Bush as proposed threatens it with dumped garden waste.		
S10.6	Nick Saville	General (Grants Bush)	Not stated	Fence off Grant's Bush with at least a wire and mesh fence similar to how Barton's Bush is fenced.	Fencing would prevent a lot of extra damage by deterring people from entering the bush and trampling plants, vandalising and dumping rubbish. Will also stop people's dogs wandering through the bush.	F20.3 supports the whole submission	Accept in part
S16.6	Mary Beth Taylor	General (Grants Bush)	Not stated	Care for Grant's Bush by eliminating invasive weeds and exotics.	Consider PC40 may negatively affect existing native vegetation.		Accept in part
S16.7	Mary Beth Taylor	General (Grants Bush)	Not stated	Have a perimeter walkway, not through the middle of the reserve.	Consider PC40 may negatively affect existing native vegetation. Walkway through the middle would disturb existing		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					ecosystem.		
S16.8	Mary Beth Taylor	General (Grants Bush)	Not stated	Take measures to ensure cats and other bird predators are kept out of the reserve.	Consider PC40 may negatively affect existing native vegetation.		Accept in part
S16.15	Mary Beth Taylor	General (Grants Bush)	Not stated	Grants Bush respected.	Positive that Grant’s Bush covenant is respected and total area will be incorporated into a park with landscaping using local natives which shows an intention to maintain existing biodiversity.		Accept
S17.12	Tony Chad	General (Grants Bush)	Not stated	Grants Bush respected.	Positive that Grant’s Bush covenant is respected and total area will be incorporated into a park with landscaping using local natives which shows an intention to maintain existing biodiversity.		Accept
S20.9	Forest and Bird	General (Grants Bush)	Oppose	Do not provide a path through Grants Bush.	Grants Bush is a conservation area that will be damaged by		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					people going through it.		
<b>General (Heritage)</b>							
S7.1	Heritage NZ	General (Heritage)	Support	Approve the provisions of Plan Change 40.	Existing heritage covenant on site applies to the Veterinary Laboratory (1905), the Library (Hopkirk Building) and the Furnace. The covenant resulted from Heritage NZ's involvement in the Crown Land Disposal process. Very interested in future use and development of the covenanted land and surrounding area. Note the following aspects: <ul style="list-style-type: none"> <li>- overall plan change provisions aimed at facilitating successful development of the site with a high standard of</li> </ul>		Accept in part.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>amenity, which will maximise future adaptive reuse options for heritage buildings on site</p> <ul style="list-style-type: none"> <li>- various provisions and associated explanations in plan change clearly acknowledge historic heritage values of the site and provide for their consideration and protection in future use and development of the site</li> <li>- plan change proposes to add the Hopkirk Building and incinerator to the heritage schedule of the District Plan, in addition to the Gilruth Building which is already on the heritage</li> </ul>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					schedule.		
S7.2	Heritage NZ	General (Heritage)	Not stated	Review the heritage provisions of the District Plan	The operative District Plan rules applying to the heritage schedule are out of date, especially compared to the proposed rules that will apply to non-scheduled buildings in the gateway precinct. While it is out of the scope of this plan change, Heritage NZ encourages the Upper Hutt City Council to review the heritage provisions of its district plan in due course.		Reject (scope)
S16.19	Mary Beth Taylor	General (Heritage)	Not stated	Not stated.	Positive that theme appears to be 'historic' which could work in well with Arts, Culture and Heritage Strategy.		Accept support.
S16.20	Mary Beth Taylor	General (Heritage)	Not stated	Historic street pattern is preserved with low level hedges for historic feel.	Positive that historic street pattern is preserved with low level hedges for historic 'feel'.		Accept retention of existing street patterns. Reject request for low level hedges.



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S17.16	Tony Chad	General (Heritage)	Not stated	Not stated.	Positive that theme appears to be 'historic' which could work in well with Arts, Culture and Heritage Strategy.		Accept support.
S17.17	Tony Chad	General (Heritage)	Not stated	Historic street pattern is preserved with low level hedges for historic feel.	Positive that historic street pattern is preserved with low level hedges for historic 'feel'.		Accept retention of existing street patterns. Reject request for low level hedges.
S16.24	Mary Beth Taylor	General (Urban form and design)	Not stated	Allow relocation and retro-upgrade of sound 'pre-loved' villas consistent with heritage 'feel'.	To support sustainability and to be in line with the 'heritage' theme. Consider heritage theme could work in well with Arts, Culture and Heritage Strategy.		Reject
S17.20	Tony Chad	General (Heritage)	Not stated	Allow relocation and retro-upgrade of sound 'pre-loved' villas consistent with heritage 'feel'.	To support sustainability and to be in line with the 'heritage' theme.		Reject
<b>General (Land south of Alexander Road)</b>							
S5.6	UHTCA	General (Land south of Alexander Road)	Not stated	Consider swapping this land with a relatively bare portion of the Forest Remnant covenant.	Confusion over whether this is Rural Hill or Rural Lifestyle zoned. Looks to be a shingle fan from the gully		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>stream at the head of the section. If so, significant flows of water must come down the stream at times, suggesting that at least an in-depth report should be made of the area and that possibly it is not a good place for houses (ref flooding issues at Rata St, Naenae). Traffic access will create another impediment to Alexander Road and services will need to be supplied from across the road.</p>		
S6.1	Mark Walkington	General (Land south of Alexander Road)	Oppose	Oppose rezoning to Residential and Residential (Centres Overlay).	Users of Alexander Road including drivers, cyclists, joggers and pedestrians must all appreciate the current green nature of the low lying land with the native bush in the hill behind. No reason this should be sacrificed.	F15.1 opposes comments on land south of Alexander Road	Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>New residents north of Alexander Road should also be afforded this scenic view.</p> <p>Any addition of tightly packed housing as envisaged will destroy this view. Out of context to add urban sprawl to such a small but highly visible parcel of land. With so much land north of Alexander Road for urban development there can be no need for this additional piece of development other than to increase profitability. Alexander Road provides a natural boundary to the northern side of the proposed development and the only connection to the Southern parcel is the ownership.</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					Land gets little morning sun in winter and will surely be a rather cold spot for tight urban development – much better suited to lifestyle holdings or best still as an additional roadside reserve. Either options will offer some haven't o displaced wildlife about to be driven across the road by diggers and concrete.		
S9.3	Ian Stewart	General (Land south of Alexander Road)	Oppose	Include provisions protecting the forested areas to the south of Alexander Road as Green Belt.	Support Forest and Bird's submission that the forested areas south of Alexander Road should become part of Upper Hutt's Green Belt.	F15.1 opposes comments on land south of Alexander Road. F20.2 supports submission regarding south of Alexander Road.	Reject
S10.9	Nick Saville	General (Land south of Alexander Road)	Oppose	Area should be made a reserve.	Hillside land labelled as "Rural Lifestyle Zone" south of Alexander Road is identified in the <i>Southern Hills Environmental Management Study (2008, p.23)</i> as having	F20.3 supports the whole submission	Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>"high landscape values" probably due to the hillside protruding prominently into the valley of Upper Hutt. Study also states: "The key value of the Southern Hills landscape is to provide a largely undeveloped, 'green' backdrop to the city." Development would contradict this.</p>		
S15.1	Mears	General (Land south of Alexander Road)	Oppose	Retain existing zoning.	Should not become public land.	F15.1 supports.	Reject
S16.3	Mary Beth Taylor	General (Land south of Alexander Road)	Not stated	Make the hills on the land south of Alexander Road a reserve.	<p>Southern Hills protection must be respected. Amendments needed to protect the ecosystem including bird corridors and the Southern Hills (both of which form part of the proposed Green Belt) and to provide visual</p>		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					amenity for the development. Area has some very steep terrain with significant regenerating native bush which should be protected or worked around. Much lower density would be appropriate only on the flat triangle section of land, even lifestyle of minimum of one acre depending on the terrain.		
S16.4	Mary Beth Taylor	General (Land south of Alexander Road)	Not stated	Much lower density only on the flat triangle section of land, even lifestyle size or minimum 1 acre depending on the terrain.	The proposed plan change contains an unfavourable change to the land south of Alexander Road. Should be consistency and/or coherence in section size compared to the adjoining sections further south along Alexander Road.		Reject
S17.2	Tony Chad	General (Land south of Alexander	Not stated	Hilly areas should not be rezoned from Rural Hill, flat area might be rezoned Rural	Area has some very steep terrain with significant		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		Road)		Lifestyle.	regenerating native bush which should be protected or worked around. If relevant, Southern Hills should be respected.		
S20.2	Forest and Bird	General (Land south of Alexander Road)	Not stated	Not stated.	Note confusion in plan change as it refers to zoning south of Alexander Road as being Rural Hill (20ha minimum size) in the public notification but Rural Lifestyle (1ha minimum size) on the Structure Plan. Note UHCC Xplorer web-based system shows hill land as Residential Hill and flat triangle as Rural Lifestyle but when clicking on either lands they are both "Rural Life" which presumably is Rural Lifestyle. Planning maps 36 and 37 (downloaded from UHCC website) show the zoning as Rural		Note that public notice for further submissions acknowledged the error and corrected the reference. This land is zoned Rural Lifestyle.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Lifestyle. Public notification is wrong. WDL does not appear to own any Rural Hill land. Consider this is most confusing and unfortunate as this area is central to submission.</p>		
S20.3	Forest and Bird	General (Land south of Alexander Road)	Oppose	Land south of Alexander Road that is owned by WDL currently zoned Rural Lifestyle should be changed to Open Space.	<p>Consider it would adversely affect the character of this prominent spur and nearby forest for even a single house to be built on it. Open Space area to include triangle of grassed wetland that is a receptacle for colluvial wash in major storms. From time to time streams will disgorge shingle, stones and rocks into grassed areas. Constant risk of repeat outfalls of rocks in severe storms. Area very wet, a challenge</p>		Reject



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>to development. Have proposed the establishment of a protected Town Green Belt around the main valley of Upper Hutt to UHCC through a presentation to councillors in December 2013, a workshop with councillors in March 2015 and through submission to the Long Term Plan 2015-2015 in April 2015. Proposed Green Belt includes Wallaceville Hills and consequently it is essential the Green Belt be recognised in PC40. Land south of Alexander Road owned by WDL needs to be recognised as a key part of the Green Belt and protection assigned accordingly. Using land for housing</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>will significantly affect the visual outlook of the 700+ medium density housing dwellers who will constantly view the Ward Street spur and forest.</p> <p>Eventual doubling of population by about 2090 will mean parks and reserves will change from an average of 700 people per park/reserve to 1400 unless more open space is added.</p> <p>Densification and unavailability of green space on individual properties will mean people will seek parks and reserves more than they do now, so park/reserve visits per person will rise as people compensate for lack of green space in their own property.</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S20.4	Forest and Bird	General (Land south of Alexander Road)		WDL provide all WDL land south of Alexander Road to UHCC as a reserve contribution.	<p>Note structure plan states UHCC has said a reserve contribution is not necessary as WDL are contributing the two covenanted areas. Consider this is a mistake. These "reserve contributions" already existed prior to WDL purchasing the land, so have not been contributed by WDL but by former landowners, AgResearch, in a covenant to DOC.</p> <p>Consider that for such a significant development (700+homes) needs to be a corresponding significant reserve contribution. Note area of grassed triangle in land south of Alexander Road is only 1.4ha and so can only hold one house</p>		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>(under minimum 1ha lot size in Rural Lifestyle) so is of little value to WDL. Consider it would be an eyesore to have any housing on this small pocket of land, let alone medium density.</p> <p>Land should be contributed to UHCC and made into a scenic and conservation reserve. Forest includes maturing pockets of indigenous forest providing a seed source for the rest of the forest. Includes maturing kahikatea and beech trees.</p> <p>Consider pines can be removed and allowed to revert to native forest. Spur and adjacent forest will provide a welcome visual counterpoint to</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					the major housing area and nearby expanding industrial estate. Land is adjacent to Rural Hill land with potential to be part of the Green Belt. Adjacent land has mature rata that is rare so close to a city and needs the buffer of a protected reserve between it and Alexander Road and houses.		
S20.5	Forest and Bird	General (Land south of Alexander Road)	Not stated	UHCC protect land to the south of Alexander Road (e.g. as a scenic reserve) and recognise it as part of the protected Town Green Belt of Upper Hutt.  In time, re-establish the wetland in the triangular grassed area.	See S20.3		Reject
<b>General (Safety)</b>							
S2.2	Paul Persico	General (Safety)	Oppose	Reject plan change.	Note that site is located near a maximum security prison and a large		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					open air rifle range used by the military and two rifle clubs. Considers there is a high probability that a child or children will be killed by a high powered rifle at the neighbouring rifle range.		
<b>General (Servicing)</b>							
S10.10	Nick Saville	General (Stormwater) General (Servicing)	Not stated	Development should use grey water recycling systems and rainwater tanks as much as possible.	With Wellington receiving severe droughts in the last couple of summers it is now more important than ever to think about water management. Concerned about exacerbating water shortage problems by not future-proofing new developments or making sure they are more self-sufficient.	F20.3 supports the whole submission	Reject
S16.11	Mary Beth Taylor	General (Servicing)	Not stated	Implement grey water system throughout entire	To reduce load on stormwater services.		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				development.			
S17.9	Tony Chad	General (Servicing)	Not stated	Implement grey water system throughout entire development.	Consider PC40 does not indicate sustainable treatment of grey water, solid waste or effluent.		Reject
S16.12	Mary Beth Taylor	General (Urban form and design)	Not stated	Ensure that 10% of homes in each stage be fitted with: <ul style="list-style-type: none"> <li>- composting toilet</li> <li>- water tank (minimum 2000 litres)</li> <li>- grey water system articulated back to toilets and garden use</li> <li>- solar hot water heating</li> <li>- some form of renewable energy generation, most likely PV panels</li> <li>- consider using 2 x 6 frame construction to allow for additional insulation</li> </ul> environmentally friendly appliances	To support sustainability. PC40 does not indicate sustainable treatment of grey water, solid waste or effluent. Up to 900 new properties will put a substantial additional load on the water, sewerage and stormwater systems.		Reject
S17.10	Tony Chad	General (Urban form and design)	Not stated	Ensure that 10% of homes in each stage be fitted with: <ul style="list-style-type: none"> <li>- composting toilet</li> <li>- water tank (minimum 2000</li> </ul>	Consider PC40 does not indicate sustainable treatment of grey water, solid		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				litres) - grey water system articulated back to toilets and garden use - solar hot water heating - some form of renewable energy generation, most likely PV panels - consider using 2 x 6 frame construction to allow for additional insulation environmentally friendly appliances	waste or effluent. Up to 900 properties will put a substantial additional load on water, sewerage and stormwater systems.		
S16.25	Mary Beth Taylor	General (Servicing)	Not stated	Provide composting and recycling facilities for the village.	The Upper Hutt Council Sustainability Structure must be applied to this subdivision		Reject
S17.21	Tony Chad	General (Servicing)	Not stated	Provide composting and recycling facilities for the village.	Not stated.		Reject
<b>General (Stormwater)</b>							
S5.2	UHTCA	General (Stormwater)	Not stated	Solutions which use local soakage and storage buffering. Appropriately address overflows.	Some constraint on removing stormwater from the site. Concerned that the inevitable overflows have not been		Accept in part



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					seriously addressed, consider that stormwater proposal as written is unsatisfactory. Oppose suggestion that Grant's Bush or Floodplain Forest Remnant should be the location for flood attenuation basins as the land is covenanted for conservation reasons.		
S10.10	Nick Saville	General (Stormwater) General (Servicing)	Not stated	Development should use grey water recycling systems and rainwater tanks as much as possible.	With Wellington receiving severe droughts in the last couple of summers it is now more important than ever to think about water management. Concerned about exacerbating water shortage problems by not future-proofing new developments or making sure they are more self-sufficient.	F20.3 supports the whole submission	Reject
S13.2	MPI	General	Not	Ensure MPI's site is not	Concerned that		Accept

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		(Stormwater)	stated	affected by stormwater being discharged to ground, including during the earthworks/construction phase.	discharge of stormwater to ground from the plan change site does not affect MPI's land.		
S14.2	GWRC	General (Stormwater)	Support	Consistency with Policy 42 of the Regional Policy Statement (RPS).	<p>Policy 42 of the RPS seeks that the adverse effects of stormwater run-off from subdivision and development is reduced. Note that proposed development is taking a stormwater neutrality approach consistent with Policy 42. Use of stormwater attenuation devices such as wetlands/ponds in the design of the development is also an outcome sought by the RPS.</p> <p>Support the use of a Stormwater Management Plan and the recommendation to</p>	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept in part.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>use a suitable low impact design stormwater management approach. The use of roadside swales, rain gardens and rain tanks as well as constructed treatment trains to improve treatment efficiency are all supported methods of reducing the adverse effects of stormwater run-off.</p>		
S14.10	GWRC	General (Stormwater)	Support in part	<p>In carrying out development and setting building floor levels for development, all flooding (i.e. the Probable Maximum Flood or PMF which is the 0.0001% Annual Exceedance Probability (AEP) event should be avoided not just the 1% AEP event.</p>	<p>Note in Wallaceville Stormwater Management Principles that "flood attenuation for the overall site will be achieved through the use of wetlands/ponds, underground storage devices and increased onsite ponding/flooding. The proposed storage must cater for the storage</p>	<p>F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of</p>	Reject

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					<p>required for flow attenuation for the increased runoff resulting from development of the site for all storms up to the 1% AEP event." Note that Stormwater Technical Report states "determination of increased run-off volumes at the time of Detailed Design also needs to take into consideration the effects of climate change."</p> <p>Support overall approach of stormwater neutrality for the site as there are existing flooding issues downstream in the Heretaunga Drain/Hulls Creek catchment. Stormwater neutrality design should allow for appropriate climate change, which</p>	<p>the native falcon.</p>	

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>although appears to be in the technical document isn't reflected in the principles.</p> <p>Esplanade reserve and stream/drain setbacks for development should be sufficient to allow for watercourse migration, maintenance access (machine) and recreational use into the future. Effects of flash flooding and debris flows (if applicable) may also need to be investigated. Sufficient width should be provided along watercourses to allow for sustainable management into the future, with the potential for structure works required to protect assets or</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					private land being avoided through setbacks and riparian management. Support restoration of riparian areas within the Wallaceville area.		
S16.23	Mary Beth Taylor	General (Stormwater)	Not stated	Complete thorough hydrology reports to determine how best to deal with flood plain remnants and existing drains.	Parts of the site would have been wetlands, should be protected and nurtured.		Accept in part
S17.19	Tony Chad	General (Stormwater)	Not stated	Complete thorough hydrology reports to determine how best to deal with flood plain remnants and existing drains.	Parts of the site would have been wetlands, should be protected and nurtured.		Accept in part
S18.7	Welholm	General (Stormwater)	Not stated	Appropriate provision for the management and discharge of stormwater on the site such that there are no off-site effects on the retirement village from such activities (including during the earthworks/construction phase).	Note reference in plan change to existing overland flowpaths across the site generally falling towards the Trentham Racecourse and retirement village. Wish to ensure that the village is not subjected to any increase in such		Accept

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					flows as a result of development on the plan change site.		
S19.1	Stephen Pattinson	General (Stormwater)		Council obtain information from developer and ensure current baseline flood levels and extent are accurate. Council satisfy itself that developer's methodology for achieving stormwater neutrality is sound and will not worsen the current situation.	Note developer indicates intentions for site stormwater, including attenuation wetlands/ponds, but no indication given of how much attenuation is required to achieve stormwater neutrality (i.e. not to worsen the existing stormwater run-off from the site). Consider developer should be required to show what the current existing site stormwater run-off is and demonstrate how stormwater neutrality will be achieved, including current baseline level and extent of flooding in a 1 in 100 year storm event, and how the proposed		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					development will not exceed this baseline.		
S20.8	Forest and Bird	General (Stormwater)	Not stated	Turn drainage system into a stream throughout the site.	Not stated.		Reject
<b>General (Transport)</b>							
S4.1	NZTA	General (Transport)	Oppose	Financial contributions for the cost of bringing forward any State Highway 2 upgrade works required as a result of the additional commuter pressure created by the development.	Site is well located in relation to urban amenities and a suitable range of land uses is proposed within the site. Site is near Wallaceville rail station, which is desirable for commuters, particularly as the draft Regional land Transport Plan (2015) seeks that public transport is the primary mode for peak hour commuters through the Hutt Corridor. Modelling undertaken by the applicant for SH2 shows deterioration in peak hour levels of service.		Submission Withdrawn



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>NZTA will need to assess the extent of the deterioration, how it might impact on highway upgrades and whether financial contributions would be appropriate. Considers that plan change request does not include sufficient information to enable a detailed assessment of the anticipated deterioration.</p> <p>Was not consulted prior to the plan change result but intends to work with applicant to address SH2 levels of service issue in a timely manner.</p>		
S4.2	NZTA	General (Transport)	Oppose	To work closely with Council as it responds to development growth to ensure that transport needs are addressed in a timely and efficient manner with	Previously raised concerns with Council about additional peak hour commuter transport as a result of residential		Submission Withdrawn

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				investment from suitable parties and a range of modal solutions considered.	development in Upper Hutt. As per letter to Council dated 31 August 2014, wishes to determine if there are problems that need to be addressed and, if so, commence a city-wide business case to determine how they might best be resolved. PPC40 is the type of development that would be facilitated by this process.		
S5.3	UHTCA	General (Transport)	Not stated	Any increase in public transport services should be in place early in the development. Train services and facilities at the nearest station should be addressed early on.	To help avoid establishing a pattern of private transport use where public transport would be used if it were available.		Reject
S5.4	UHTCA	General (Transport)	Not stated	No sections should have direct access to Alexander Road. Access should only be through the Gateway entrances.	Not stated.		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S6.5	Mark Walkington	General (Transport)	Not stated	Ensure that suitable alleyway/walkway connections are made.	Not stated.		Accept in part
S6.6	Mark Walkington	General (Transport)	Not stated	Require an additional pedestrian crossing of the railway line to link to the base of Miro Street to allow what will be vital walking/cycling access to Trentham School, Upper Hutt College, Trentham shops, etc.	Note this connection would likely require acquisition of a small amount of private land to create a walkway from the rail to Miro St. Public and environmental benefits would greatly outweigh any private disbenefits.		Reject
S9.2	Ian Stewart	General (Transport)	Not stated	Amend provisions to not allow direct vehicular access from properties fronting Alexander Road.	Concerned that the precinct descriptions for both the Urban Precinct and Grants Bush Precinct propose direct frontage and access from individual units onto Alexander Road. Consider this inappropriate given the road's status as a Secondary District Arterial and leads to		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					unnecessary congestion of that road.		
S14.4	GWRC	General (Transport)	Not stated	Consistency with Policy 57 of the RPS.	<p>Policy 57 promotes the achievement of the key outcomes of the Wellington Regional Land Transport Strategy (now called the Wellington Regional Land Transport Plan 2015). Consider PC40 could potentially contribute positively to the use of public transport in the vicinity as it will give those living or working at the development good access to the public transport network.</p> <p>Wallaceville Railway Station is approximately 700m/7 minutes' walk and a frequent train service operates on average every 20 minutes in the peak and 30 minutes in</p>	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>the interpeak giving customers access to all rail stations along the Hutt Rail line.</p> <p>Wellington Regional Rail Plan 2013-2035 includes plans for an increase in peak trains from Wallaceville Station to Wellington Station from 3 trains per hour currently to 4 trains per hour.</p> <p>Within 2-3 minutes' walk on Ward St there are 2 bus stops serviced by bus route 115 which operates Monday-Friday from 6.30am to 6pm with a 20 minute peak frequency and 60 minutes in off-peak. Service travels from Upper Hutt Railway Station to Pinehaven via Silverstream Railway Station.</p> <p>Emphasise need for</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>good pedestrian links to Wallaceville Railway Station and the bus stops on Ward St.</p> <p>Proposed site is supported as it is located directly adjacent to existing urban areas to the north and east.</p> <p>Wallaceville Railway Station is located a short distance from the eastern Ward St entrance to the site and around 800m from the western edge of the site. Site is considered to have good accessibility in relation to a core rail service.</p>		
S14.7	GWRC	General (Transport)	Support	Reduce the speed limit on Alexander Road to 60 kph (or to 50 kph).	Specifically support the proposal to reduce the speed limit on Alexander Road to 60 kph or 50 kph to recognise the need for appropriate safe	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					speeds adjacent to the proposed new residential area and to support wider urban design outcomes. Note that 50 kph would be safer and more encouraging for walkers and cyclists and is consistent with speed limits in the adjacent urban area.	Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	
S14.8	GWRC	General (Transport)	Not stated	Alexander Road design to provide safety for road cyclists by continuing an adequate on-road shoulder or cycle lane through to Ward Street. The currently proposed Alexander Road cross section suggests two 4.2m wide lanes with a 3m flush median and on-street parking on one side of the road. Given the risk associated with cycling in the door zone, a buffer zone or cycle lane between parked cars and cyclists could be provided (for example, at the	Note Alexander Road is popular with road cyclists as part of longer commute trips and recreational rides and existing road provides good sealed shoulder for on road cyclists and no on-road parking. Proposed Alexander Road cross section provides a new 2.5m 'shared path' facility which is likely to be used by less experienced cyclists	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept in part

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				expense of a portion of the generous flush median).	and children together with pedestrians but is unlikely to be used by existing road cyclists. Note that proposed provision of pedestrian islands as part of Alexander Rd cross section will create a pinch point at pedestrian crossings. Good practice (Figure 15.8 of LTNZ Pedestrian Planning and Design guide) recommends that road lane width be 4.5m where pedestrian islands are provided, to safely facilitate cars and cyclists together.		
S14.9	GWRC	General (Transport)	Not stated	Consideration be given to safety impacts alongside visual amenity and stormwater benefits of this approach as part of the final landscape design.	Note that proposed 'heavily planted' boulevard and local streets could obscure visibility at driveways and intersections and create safety risks for pedestrians and	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in	Accept



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					cyclists. To further encourage safe vehicle speeds, more self-explaining road features might also be used (specifically to limit straight line visibility).	native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	
S16.17	Mary Beth Taylor	General (Transport)	Not stated	Planning for pedestrian and cycle routes.	Positive that there is planning for pedestrian and cycling routes.		Accept support
S17.14	Tony Chad	General (Transport)	Not stated	Planning for pedestrian and cycle routes.	Positive that there is planning for pedestrian and cycling routes.		Accept support
S18.8	Welholm	General (Transport)	Not stated	Public access into the retirement village is restricted.	For security reasons. Limits potential integration between the village and the plan change site. Interested in details of the proposed pedestrian/cycle connection to the edge of the village (including its design treatment).		Accept in part
S18.9	Welholm	General (Transport)	Oppose.	Access through the retirement village to Trentham	Do not support potential access	F20.4 consider public transport is friendly to	Accept

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				Railway Station is not provided.	through the retirement village to Trentham Railway Station.	the environment and should be encouraged. Acknowledge access may be a problem at certain times (e.g. darkness). Suggests that alternatives considered (e.g. allow access at peak times). The Trentham Railway Station is the logical nearest railway station for much of Wallaceville development.	
<b>General (Trees)</b>							
S6.4	Mark Walkington	General (Trees)	Not stated	Re-examine list of significant trees to ensure it includes all that should be retained. Commission advice from a suitably independent arbitrator (rather than one paid by developer).	Note this may be too late as many trees already removed by the developer.		Accept
S10.7	Nick Saville	General (Trees)	Not stated	All Boulevard and local roads running adjacent to Grant's Bush should be planted with relevant native street trees	Planting oak trees as proposed could mean they create a new weed problem in the	F20.3 supports the whole submission	Accept

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				such as lowland ribbonwoods, matai, maire or totara that fit in with the covenanted back drop of Grant's Bush.	bush. Barton's Road and Palfrey Street in Upper Hutt already successfully use totara as street trees in a similar manner, accentuating both areas native and leafy aspects.		
S16.14	Mary Beth Taylor	General (Trees)	Not stated	Addition of 42 additional trees for protection.	Positive that 42 additional trees are listed for protection including a number of totara. Understand no more native trees will be taken down on the main site.		Accept support
S16.22	Mary Beth Taylor	General (Trees)	Not stated	Remove large pines and exotics to avoid future re-sowing and safety issues.	Not stated.		Reject
S17.11	Tony Chad	General (Trees)	Not stated	Addition of 42 additional trees for protection.	Positive that 41 additional trees are listed for protection including a number of totara. Have heard no more native trees will be taken down on the main site.		Accept support

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S20.6	Forest and Bird	General (Trees)	Support	Identification of 43 notable trees to be checked to ensure it is complete and that every totara tree is protected.	Support notification by WDL of 43 trees as notable trees.		Accept in part
<b>General (Urban form and design)</b>							
S5.5	UHTCA	General (Urban form and design)	Not stated	Amendments restricted to the absolute minimum required.	Concerned about the effect of proposed 'tuning' of the District Plan to create specific policies and rules for the Wallaceville block. Will increase the complexity of the Plan and the many references to the external Wallaceville Structure Plan document may detract from clarity and certainty. Appreciate the need to make policies and rules that result in the best use of the site.		Accept in part
S5.8	UHTCA	General (Urban form and design)	Not stated	Council retain full control of all decisions that relate to urban design in this development, including	Components of urban design lie in the planning rules and policies, Structure Plan,		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				appropriate zoning rules and policies.	subdivision and Building Code. Currently not enough information to assess urban design and without a subdivision request Council cannot ensure required aspects of design.		
S6.2	Mark Walkington	General (Urban form and design)	Oppose	Oppose rezoning of Trentham Racecourse property to Residential.	Land has been in its current use for over a hundred years and there is still demand for stabling for Thoroughbred horses being trained and grazed at Trentham. Current land use is in keeping with the adjacent racecourse. Not sure how developer is able to rezone land owned by Racing Club. Membership of Wellington Racing Club has not been suitably consulted and		Reject

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					<p>would not agree with rezoning if democracy was allowed to enter the discussion.</p> <p>Particularly oppose any rezoning allowing development in the triangle of land between the racecourse chute, the oval track and the racecourse tip. Any development there will spoil views or racing from the racecourse stands will inevitably increase the likelihood of the chute being seen as disposable.</p> <p>Trentham Straight Six is an iconic Upper Hutt and New Zealand sporting amenity.</p> <p>Council should do all to protect its future for the next hundred years.</p>		
S9.4	Ian Stewart	General (Urban form and	Not stated	Include provisions protecting the visual amenity of	Concerned there is no provision in the plan		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		design)		properties on Ward Street facing the Urban Precinct.	change for the protection of amenity of properties on the other side of Ward Street facing the Urban Precinct. Suggest that a generous setback retaining the existing vegetation is maintained.		
S9.5	Ian Stewart	General (Urban form and design)	Support in part	Include rules and assessment criteria which provide for better control of the development of the Urban Precinct including a minimum area which can be developed under any consent application.	Support Urban Precinct but not there is no precedent for it in Upper Hutt's District Plan and current rules do not address this form of development. Concerned that the provisions for the Urban Precinct are not sufficiently strong to ensure a coherent urban design and could result in discordant high density development of individual apartment blocks. Suggest that minimum		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					development block sizes be specified and that the provisions for ensuring that the amenity of the blocks for the residents and wider community are strengthened.		
S9.7	Ian Stewart	General (Urban form and design) General (Grants Bush)	Not stated	Ensure that rules allow for minor changes to land use and development within the Grant's Bush and Urban Precincts without requiring complete assessment under the design guide and precinct descriptions.	Concerned that proposed rules are designed to facilitate the initial development of the site but may result in unnecessarily onerous rules for minor changes to use or development on sites in the Urban Precinct and Grant's Bush Precinct once the original subdivision and development is complete.		Reject
S10.11	Nick Saville	General (Urban form and design)	Not stated	Solar hot water heating and photovoltaic power should be endorsed or made compulsory.	Will save new homeowners and renters considerable money, meaning they have more to spend in the local economy.	F20.3 supports the whole submission	Reject



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
S10.12	Nick Saville	General (Urban form and design)	Not stated	Sustainable materials should be used as much as possible (for example, timber buildings instead of concrete and brick).	Timber, especially stained or natural timber claddings fits in with the character of the conservation areas.	F20.3 supports the whole submission	Reject
S14.3	GWRC	General (Urban form and design)	Support	Consistency with Policy 55 of the RPS.	Policy 55 of the RPS seeks that a compact, well designed and sustainable regional form is maintained for urban development beyond the region's urban areas and that the proposed development is the most appropriate option to achieving Objective 22 of the RPS. Consider PC40 gives effect to Objective 22in that it promotes a compact, well designed and sustainable regional form that is integrated with a safe and responsive transport network. Will contribute	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept support.

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					to maintaining the vibrancy and vitality of Upper Hutt (a regionally significant centre), is an urban development that reinforces the region's existing urban form, and is well integrated with public transport. Site has been previously identified in the UH Urban Growth Strategy 2007 as an area for future development, which is consistent with RPS Policy 55.		
S14.5	GWRC	General (Urban form and design)	Support	Higher density residential developments located at the eastern Ward St part of the site.	Higher density residential developments located at the eastern Ward St part of the site, closer to the railway and Upper Hutt town centre to the north-east creates easy accessibility to public transport.	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed	Accept support.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
						and replaced with native trees. This will also be supportive of the native falcon.	
S14.6	GWRC	General (Urban form and design)	Support	Provision for mixed uses and local retail around the Ward St entrance as well as the good connectivity provided through the site.	Provisions for mixed uses and local retail around the Ward St entrance as well as the good connectivity provided through the site and with adjacent areas through the use of paths for pedestrians and cyclists.	F20.1 supports the whole submission of GWRC except their wish to retain pine trees south of Alexander Road. We would like to see the Ward St spur all be in native bush. We would also like to see the few pine trees removed and replaced with native trees. This will also be supportive of the native falcon.	Accept support.
S16.9	Mary Beth Taylor	General (Urban form and design)	Not stated	Install LED street lighting throughout with downward LED focus.	Development may create excessive light pollution with up to 900 houses. Amendments required to avoid excessive light pollution and minimise energy use and cost.		Reject
S16.10	Mary Beth	General (Urban form and design)	Not	Ensure that 10% of homes in each stage be 'affordable	Consider PC40 does not indicate inclusion		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
	Taylor	design)	stated	housing', meaning homes that are affordable to build and buy but also affordable to live in because they incorporate eco-solutions to energy production, conservation and use as well as waste disposal.	of affordable housing options.		
S16.13	Mary Beth Taylor	General (Urban form and design)	Not stated	Support Upper Hutt City Council Sustainability Strategy. Incorporate more sustainable building practices from the ground up.	Consider PC40 does not indicate sustainable options for house design and build. Becoming accepted good practice in future thinking/future proofing housing. If WDL would build something other than Golden Homes this would set development apart and could become a model for forward thinking, planning and building in line with best environmental practice.		Reject
S16.16	Mary Beth	General (Urban	Not	Provide a mix of housing	Shows good urban		Accept support.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
	Taylor	form and design)	stated	types, including some more intensive Comprehensive residential sites down to 300 square metres and also high density housing in proposed urban/commercial area at Ward Street.	planning and resource use.		
S16.18	Mary Beth Taylor	General (Urban form and design)	Not stated	Transition between existing housing/retirement village etc.	Positive that there is provision for transition between existing housing/retirement village.		Accept support.
S17.6	Tony Chad	General (Urban form and design)	Not stated	Install LED street lighting throughout with downward LED focus.	Development may create excessive light pollution with up to 900 houses. Amendments to avoid excessive light pollution and minimise energy use and cost.		Reject
S17.7	Tony Chad	General (Urban form and design)	Not stated	Support Upper Hutt City Council Sustainability Strategy. Incorporate more sustainable building practices from the ground up.	Consider PC40 talks about "sustainable manner", "model of sustainable and integrated urban living" but does not clearly outline how that is to be achieved. Sustainable building practices becoming		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					accepted good practice in future thinking/future proofing housing. If WDL would build something other than Golden Homes this would set development apart and could become a model for forward thinking, planning and building in line with best environmental practice.		
S17.8	Tony Chad	General (Urban form and design)	Not stated	Ensure that 10% of homes in each stage be 'affordable housing', meaning homes that are affordable to build and buy but also affordable to live in because they incorporate eco-solutions to energy production, conservation and use as well as waste disposal.	Consider PC40 does not indicate inclusion of affordable housing options.		Reject
S17.13	Tony Chad	General (Urban form and design)	Not stated	Provide a mix of housing types, including some more intensive Comprehensive residential sites down to 300	Positive that there is provision for a good mix of housing types including some more		Accept support.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				square metres and also high density housing in proposed urban/commercial area at Ward Street.	intensive Comprehensive Residential sites down to 300m2 and high density housing in proposed urban/commercial area at Ward Street. Shows good urban planning and resource use.		
S17.15	Tony Chad	General (Urban form and design)	Not stated	Provision for transition between existing housing/retirement village.	Positive that there is provision for transition between existing housing/retirement village.		Accept support.
S18.1	Welholm	General (Urban form and design)	Not stated	Development in the Wallaceville Living Precinct be limited to residential use only and that traditional residential densities which are compatible with existing residential areas be required.	Concerned about built form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement village (including a loss of privacy).		Accept in part
S18.6	Welholm	General (Urban form and	Not stated	Require fast growing planting along the boundary of the	For amenity and screening purposes. Concerned about built		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		design)		retirement village	form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement village (including a loss of privacy).		
<b>Objective 4.3.5</b>							
S13.3	MPI	Objective 4.3.5	Not stated	Include reference to potential reverse sensitivity effects and allow such effects to be considered by the consent authority where standards addressing reverse sensitivity effects will not be met.	Consider mitigation measures proposed (which are limited to fencing and ventilation requirements for sites adjoining MPI's boundary) are not sufficient. Considers there are other measures which may be used to avoid or mitigate potential interface issues/reverse sensitivity effects which have not been addressed in the proposal – e.g. potential for non-residential use on the		Accept



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					land adjoining MPI's, increased minimum setback distances, noise insulation, detailed design solutions, more limited or graduated building heights, screening. Security considerations also relevant.		
S20.7	Forest and Bird	General (Urban form and design)	Not stated	<p>Sustainable housing to be a cornerstone of the development and precincts built with the following:</p> <ul style="list-style-type: none"> <li>- grey water (from showers and mashing machines) collected in 2,000+ litre tanks and used I toilets and gardens</li> <li>- harvest and hold 10,000+ litres of rainwater to be used in toilets (if no grey water left), gardens, washing machines, showers and even drinking (if first flush diverter is used)</li> <li>- compost toilets</li> <li>- solar hot water</li> </ul>	Not stated.	<p>F20.5 states the reasons for introducing sustainable housing.</p> <ol style="list-style-type: none"> <li>1. The RMA requires all housing to be sustainable.</li> <li>2. Sustainable housing fits within the UHCC Sustainability Strategy</li> <li>3. Our Hutt River is negatively impacted by low flows in summer. Upper Hutt needs to set an example to other local authorities</li> </ol>	Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				<ul style="list-style-type: none"> <li>- renewable electricity generation (e.g. solar PV panels and residential wind turbines)</li> <li>- 15A wiring in garages (for electric vehicle charging)</li> <li>- Store heat from the sun (e.g. black block walls that absorb solar heat during the day and release during the evening)</li> <li>- Shared composting and recycling facilities</li> <li>- Subdivision is hydraulically neutral (with respect to water run-off) – harvest rainwater, soak excess rainwater on-site and further excess water is managed locally (e.g. through swales, etc)</li> </ul>		<p>in conserving water.</p> <p>4. Sustainable housing cares for future generations of Upper Hutt, NZ and the world as it reduces energy use and water use</p> <p>5. New Zealander's including the people of Upper Hutt are amongst the highest resource users and waste generators in the world</p>	
<b>Policy 4.4.6 (Explanation)</b>							
S1.1	KiwiRail	Policy 4.4.6 (Explanation)	Support	Retain as notified.	Support that the applicant is seeking to ensure that noise insulation and ventilation standards are imposed and that		Accept support.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					these are to clearly mitigate the effects from adjoining activities.		
<b>Policy 4.4.15</b>							
S5.9	UHTCA	Policy 4.4.15	Not stated	Amend as follows: - <del>seeks to retain, where practicable, existing notable trees, the ecological values within the area and seeks to integrate development with the floodplain remnant conservation covenant</del>	Not stated.		Reject
S9.6	Ian Stewart	General (Area B) Policy 4.4.15	Oppose	Retain current Special Activity zoning for proposed Area B. Remove proposed Policy 4.4.15.	Concerned that provisions for proposed Area B are unclear. As this area will be subject to a future plan change, it should retain its current zoning and proposed Policy 4.4.15 should be deleted.		Reject retention of special activity zoning for Proposed Part B. Accept deletion of policy 4.4.15 that addresses future Area B.

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
<b>Policy 4.4.16</b>							
S1.2	KiwiRail	Policy 4.4.16	Support	Retain as notified.	Support the policy proposed requiring resource consents to be considered based on appropriateness for the specific site constraints, and the ability to avoid, remedy or mitigate adverse environmental effects on other areas of Upper Hutt City, which will include reverse sensitivity effects in relation to the adjoining rail corridor.		Accept in part
<b>Section 8.1 (Background)</b>							
S13.4	MPI	Section 8.1 (Background)	Not stated	Amend to include reference to the National Centre for Biosecurity and Infectious Disease being a major activity in the Special Activity Zone.	Not stated.		Reject
<b>Chapter 18</b>							
S13.5	MPI	Chapter 18	Not stated	Discussion about status of (and rules applying to) any	As in S13.1.		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		Chapter 20		activities which do not meet the permitted activity standards (including the rules in relation to notification of such applications).			
<b>Rule 18.1 (Activities Table)</b>							
S5.10	UHTCA	Rule 18.1 (Activities Table)	Not stated	Amend as follows: <u>Subdivision in the Wallaceville Structure Plan Area (Appendix Residential 3) which complies with the standards in rules 18.5 and 18.9 unless specified below - <del>RDC</del></u>	Not stated.		Reject
<b>Rule 18.12 (Setbacks from boundaries)</b>							
S1.3	KiwiRail	Rule 18.12 (Setbacks from boundaries)	Oppose	Amend the proposed exemption in Table 18.12 to require a setback of 5m from boundaries adjoining the rail corridor.	Not opposed to development on sites adjoining the rail network, however as trains are intermittent and can cause effects on amenity, support that these potential effects are mitigated. Mitigation includes the requirement for all buildings to be constructed, accessed		Accept

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>and maintained entirely within private land. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure long term amenity for those occupying those sites. Commuter trains in particular are not always noisy and therefore advanced warning of their approach is not always provided, and with less warning, there is less time for the public to move clear of the train in the event of trespass.</p> <p>Seek all buildings be setback at least 5m from the rail corridor boundary to ensure that the safety for all parties is adequately</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>able to be provided for. The rail corridor could be either a rear or side boundary depending on subdivision layout at the time of development.</p> <p>The rail corridor is electrified, meaning any equipment used for maintenance, e.g. ladders or tall poles, need to be moved and used entirely within the adjoining site to avoid any risk of electrocution should the equipment get close to the overhead wires. Contact with the overhead wires can be fatal. The traction poles carrying these overhead wires are located on the southern side of the railway track, adjacent to the boundary of the</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Plan Change site.</p> <p>If a second track is installed this will be on the southern side of the existing track - the side closer to the Plan Change site - bringing the overhead traction wires closer to the Plan Change site. While there are no immediate plans for that to occur, there is the potential for this in the event of increased usage of the rail network in the future. Appropriate setbacks to ensure safety is maintained into the future are therefore required.</p> <p>Where an encroachment into that setback is proposed, the District Plan already provides that resource consent as a limited</p>		



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>discretionary activity is required.                      Encroachments may be acceptable, depending on the extent of and the nature of the structure proposed that intrudes into the encroachment.                      However at all times safety is paramount therefore seek to be involved with ensuring safety can be achieved through the requirement to provide written approval.</p> <p>Aware that the current Plan Rules do not require a setback from the rail corridor, however note that these have not as yet been reviewed. Will be submitting seeking that all buildings be setback 5m from the rail corridor as a</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					permitted activity through that future review process.		
S18.3	Welholm	Rule 18.12 (Setbacks from boundaries)	Not stated	Require a minimum setback of 3m in the Wallaceville Living Precinct.	Concerned about built form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement village (including a loss of privacy).		Reject
S18.4	Welholm	Rule 18.15 (Building height) Rule 18.12 (Setbacks from boundaries)	Not stated	Houses up to two storeys in the Wallaceville Living Precinct should only be permitted if an increased setback is required.	To avoid the retirement village being overlooked. Concerned about built form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement village (including a loss of privacy).		Reject
<b>Rule 18.15 (Maximum building height)</b>							
S5.11	UHTCA	Rule 18.15	Not	Amend to state maximum	To avoid any		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
		(Maximum building height)	stated	number of storeys.	confusion. Eleven metres can allow for four storeys.		
S10.5	Nick Saville	Rule 18.15 (Maximum building height)	Oppose	Maximum building height should not be a greater scale than the bush.	Urban Precinct bordering Grant's Bush is labelled as being development three storeys high or up to 11m high. If that height is taller than the canopy of Grant's Bush than it does not fit in with the covenanted values of the bush. Should not have a greater scale than the bush, otherwise a mockery is made of the covenant trying to protect Grant's Bush's landscape values.	F20.3 supports the whole submission.	Reject
S18.2	Welholm	Rule 18.15 (Building height)	Not stated	Limit buildings in the Wallaceville Living Precinct to a single storey only.	Concerned about built form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					village (including a loss of privacy).		
S18.4	Welholm	Rule 18.15 (Building height) Rule 18.12 (Setbacks from boundaries)	Not stated	Houses up to two storeys in the Wallaceville Living Precinct should only be permitted if an increased setback is required.	To avoid the retirement village being overlooked. Concerned about built form interaction between the retirement village and plan change site and potential adverse visual/amenity effects on the retirement village (including a loss of privacy).		Reject
<b>Rule 18.16A (Ventilation)</b>							
S1.4	KiwiRail	Rule 18.16A (Ventilation)	Support in part	Amend as follows: <u>Within the Wallaceville Structure Plan Area, where:</u> 1. <del>sleeping rooms</del> <u>A habitable room where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 20m of the rail corridor (designation TZR1); or</u> 2. <del>sleeping rooms</del> <u>A habitable</u>	Support the installation of ventilation in order to address fresh air supply where this is impacted as part of mitigating noise from the adjoining rail corridor.  Seek that this applies to habitable spaces, rather than just sleeping rooms. The	F13.1 in relation to requiring the installation of ventilation in all habitable rooms, rather than sleeping rooms only. The amenity for a living area is also important. The use of rooms may vary depending on the occupants'	Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				<p><u>room where openable windows are proposed on upper levels of two or more storey dwellings proposed within 10m of a site designated as MAF1;</u></p> <p><u>a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping.</u>The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.</p>	<p>amenity for a living area in a dwelling is as important as that for a sleeping space, and room use may change with future owners, e.g. offices and studies. Wish to ensure all residents now and in the future are provided with a habitable environment that is supplied with ventilation in the event that the space is near the rail corridor.</p> <p>Note that there is already a definition within the District Plan for a 'habitable room' and therefore seek that the rule be changed to adopt that existing definition.</p>	requirements.	
<b>Rule 18.16B (Noise insulation)</b>							
S1.5	KiwiRail	Rule 18.16B (Noise Insulation)	Oppose	<u>Within the Wallaceville Structure Plan Area, where:</u>	Noise insulation only being provided for a sleeping room on		Accept in part

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
				<p><u>1. any sleeping room within 12m of the Alexander Road boundary</u><del> or</del>  <u>2. any sleeping room on upper levels of two or more storey dwellings within 12m of a site utilised for railway purposes (Designation TZR1)</u>  <u>shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard: <math>D_{nT,w} + C_{tr} &gt; 30</math> dB</u></p> <p><u>2. New, relocated and altered noise sensitive activities within 100m of the centre line of the nearest rail track shall be designed, constructed and maintained to ensure the following internal design noise limits shall not be exceeded, and shall take into account future use of the rail corridor by the addition of 3dB to existing measured or calculated</u></p>	<p>upper levels of a two or more level dwelling within 12m of the railway corridor is not considered sufficient, both where it applies and the distance from the rail corridor, to provide any meaningful mitigation. Noise insulation is required for all habitable rooms within 100m of the nearest rail track. The extent of mitigation required reduces with distance, and the cost of this on a new build can be minimal with technology and insulation qualities now available. Noise levels provided (Table 2 of submission) as a general indication of noise generated by a main railway line form the basis of seeking that mitigation be</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision										
				<p><u>sound levels.</u></p> <table border="1" data-bbox="801 406 1151 1102"> <tr> <td data-bbox="801 406 1005 539"><u>Receiving Environment (New, relocated or altered)</u></td> <td data-bbox="1005 406 1151 539"><u>LAeq, 1 hour</u></td> </tr> <tr> <td data-bbox="801 539 1005 612"><u>Residential – Bedrooms</u></td> <td data-bbox="1005 539 1151 612"><u>35 dB</u></td> </tr> <tr> <td data-bbox="801 612 1005 715"><u>Residential – Habitable Rooms</u></td> <td data-bbox="1005 612 1151 715"><u>40 dB</u></td> </tr> <tr> <td data-bbox="801 715 1005 788"><u>Teaching spaces</u></td> <td data-bbox="1005 715 1151 788"><u>40 dB</u></td> </tr> <tr> <td data-bbox="801 788 1005 1102"> <u>All other sensitive activity building spaces, e.g.:</u> <ul style="list-style-type: none"> <li>• <u>Hospital and dementia care spaces</u></li> <li>• <u>Commercial spaces</u></li> </ul> </td> <td data-bbox="1005 788 1151 1102"> <u>To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent).</u> </td> </tr> </table>	<u>Receiving Environment (New, relocated or altered)</u>	<u>LAeq, 1 hour</u>	<u>Residential – Bedrooms</u>	<u>35 dB</u>	<u>Residential – Habitable Rooms</u>	<u>40 dB</u>	<u>Teaching spaces</u>	<u>40 dB</u>	<u>All other sensitive activity building spaces, e.g.:</u> <ul style="list-style-type: none"> <li>• <u>Hospital and dementia care spaces</u></li> <li>• <u>Commercial spaces</u></li> </ul>	<u>To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent).</u>	<p>installed for a distance of 100m from the track.</p> <p>Both electric and diesel powered locomotives generate noise that requires mitigation. Note there is no requirement within the District Plan for this mitigation, therefore acknowledge that the applicant is going above what is currently required for residential development adjoining the rail corridor. Note that at the time of the Residential Zone rules being reviewed, as with setback requirements, KiwiRail will seek that noise mitigation for habitable spaces be applied for all buildings containing noise sensitive activities.</p>		
<u>Receiving Environment (New, relocated or altered)</u>	<u>LAeq, 1 hour</u>																
<u>Residential – Bedrooms</u>	<u>35 dB</u>																
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Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>Seek that appropriate noise mitigation for sleeping and habitable spaces be installed.</p> <p>World Health Organisation guidance has a level of 30 dB for sleeping spaces, however seek 35dB limit based on expert advice. This will also implement Council's intentions in the recent Plan Change 38 whereby Council specifically sought to recognise and address reverse sensitivity effects in relation to infrastructure.</p> <p>Note the acoustic report submitted with the application identifies approximately 16 trains a day on the Wairarapa Line and consider this is an underestimate of the</p>		



Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>actual frequency of the train movements on the line, based on information on average daily movements (in submission). The Metlink timetable has 38 train movements stopping at Wallaceville station heading from Wellington to Upper Hutt, with 37 trains in the return direction Upper Hutt to Wellington for a Tuesday from 4.32am through to 11.48pm, and 5 train movements in each direction (10 in total) between Wellington and Wairarapa that also pass through Wallaceville. Accept that weekend train movements are generally less than weekday. Note that</p>		

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>timetable and other figures are commuter movements only, and do not include freight movements.</p> <p>Should the relief sought not be accepted by Council, at a minimum seek that the recommendation in the acoustic report be not accepted as proposed and that the report be reviewed with correct data used in the calculations to confirm the extent of noise mitigation required.</p>		
<b>Rule 18.16C (Fencing)</b>							
S1.6	KiwiRail	Rule 18.16C (Fencing)	Support	Retain as proposed.	Note that the proposal includes construction of a fence between the rail corridor and the adjoining site which will contribute towards noise mitigation and		Accept support

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					<p>therefore could reduce any requirement under Rule 18.16B for additional mitigation to be installed within habitable rooms. Fencing does not eliminate the need for consideration of noise mitigation, with fences understood to reduce the sound levels by 5 to 10 dB depending on the nature of the fencing, topography, and receiving environment. While fencing requirement proposed is supported, wish to ensure that this is not considered as sufficient mitigation for noise.</p>		
S18.5	Welholm	Rule 18.16C (Fencing)	Not stated	Require 1.8m wooden fencing on land adjoining Welholm’s boundary before construction commences.	To mitigate the effects of construction noise within the plan change site. Concerned about potential noise effects		Reject

Sub. No.	Submitter	Provision	Position	Decision Sought	Reasons	Further submission	Recommendation/ Decision
					of development on the plan change site on residents of the retirement village (particularly during construction).		
<b>Chapter 20</b>							
S13.5	MPI	Chapter 18 Chapter 20	Not stated	Discussion about status of (and rules applying to) any activities which do not meet the permitted activity standards (including the rules in relation to notification of such applications).	As in S13.1.		Reject



**APPENDIX 2**  
Committee Minutes

**UPPER HUTT CITY COUNCIL**

**PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE**

**MINUTE 1 OF HEARING COMMITTEE**

**Introduction**

1. A Hearing Committee has been appointed by the Upper Hutt City Council (“UHCC” or “the Council”) to hear and determine Proposed (Private) Plan Change 40 (“PC40”) to the Upper Hutt District Plan by Wallaceville Developments (“the applicant”), including the submissions lodged on PC40.<sup>1</sup> The general function of this minute is to set out some preliminary matters in preparation for the hearing, which is set down for early to mid-July. In particular, our objective is to provide for a smooth and easily navigable hearing process for all parties. This requires some action from the parties in readiness for the formal proceedings, which we will now outline in detail.
2. In this respect, this minute covers the following matters:
  - (a) Hearing Date
  - (b) Pre-hearing discussions/conferencing
  - (c) Evidence Preparation and Circulation
  - (d) Hearing Process and Presentations
  - (e) Site and Locality Visits
3. It is possible that there will be further instructions issued by way of Committee Minute before and after the hearing.

**Hearing Date**

4. We are advised by the Council that the hearing is likely to commence on 8 July 2015 at 1pm and run for two days with provision for reserve days on 10 and 13 July 2015 (should it be necessary). We are also advised that the Council will officially write to all submitters shortly with final confirmation of the exact hearing dates and will invite submitters to book a timeslot for the presentation of their submissions where attendance at the hearing has been sought and is still required.

**Pre-hearing meetings and conferencing**

5. We do not propose to formally direct the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing.
6. However as a first principle, we encourage parties to meet and hold discussions prior to the commencement of the Hearing. This includes general meetings amongst the parties to discuss any procedural or substantive matters; for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; for Wallaceville Developments and the Council to better understand what the submitter’s concerns are and how they might be accommodated; as well as conferencing between any technical experts engaged by any party.

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<sup>1</sup> Our powers are to issue a recommendation to the Council which can, in turn, decide to accept or not.

7. Without wanting to prejudge the issues prior to the hearing, it is apparent to us from our preliminary review of submissions that have been lodged, that a number of matters are worthy of discussion between the parties prior to the hearing being held. We have reviewed the submissions to PC40 and consider that the primary matters can be grouped into the following:
  - Stormwater;
  - Traffic and road layout;
  - Noise; and
  - Urban form and design.
8. The matter of **stormwater** has been raised by a number of submitters and concerns can generally be considered in one of two categories, being:
  - Constraints on the stormwater management system, including achieving stormwater neutrality, risk to increase overland flows and avoidance of flooding (four submitters); and
  - The use of Grants Bush and/or the floodplain remnant and potential adverse effects on these ecological sites (four submitters).
9. We are aware that the Council, Wellington Water and their experts intend to continue engaging with the applicant and their experts to reach an agreement prior to the hearing. We encourage the applicant to engage with all other parties on this matter also, to seek a mutually amicable resolution to these issues.
10. **Traffic and road layout** is primarily an issue to be discussed between the Council, the Applicant and submitter New Zealand Transport Agency (“NZTA”). We strongly encourage further discussion on a first-hand (without prejudice) basis between these parties to determine an agreed solution, if possible, to this matter prior to the hearing commencing. Where other submitters wish to engage with the applicant in conferencing on traffic and road layout matters, this is also encouraged.
11. From our reading of the submissions, **noise effects** associated with the proposal are limited to potential reverse sensitivity effects on submitters including:
  - KiwiRail Holdings Limited;
  - Ministry for Primary Industries;
  - New Zealand Defence Force; and
  - Heretaunga Pistol Club.
12. It is our understanding that there has been some discussion between the parties in relation to noise, and we would encourage all parties to re-enter discussions with the intent of reaching an amicable solution.
13. **Urban form and design** matters raised in submissions are considered to relate to the following:
  - the inclusion of additional provisions in the District Plan;
  - increased urban density;
  - sustainability;
  - boundary setbacks; and
  - building height.



14. Again, pre-hearing discussions on these urban form and design matters between the applicant, the Council and submitters is encouraged to reach a mutually agreeable conclusion prior to the hearing commencing.
15. For completeness, we note that discussions/conferencing is not mandatory in this instance. However, if any parties are able to constructively discuss matters with a view of facilitating a smooth hearing process, we welcome this.
16. To be clear, the reasons for conferencing are:
  - To clearly identify the areas of agreement and disagreement between the parties;
  - To enable a more focused and concise hearing process on technical matters
17. The output of any conferencing process shall be the production of a report and/or joint witness statements to be circulated to all interested parties prior to the commencement of the hearing. It would be prudent for the applicant to organise this on behalf of all parties (including the Council). The reporting back date to the Council Hearing Administrator is 1 July 2015 (or earlier if possible including interim reporting if preferable).
18. Before leaving this topic, we simply record that we appreciate that the timetable is tight for all parties, particularly the applicant who we prefer to pre-circulate its evidence (see discussion below). However we wouldn't suggest this additional "discussion of the parties" step if we did think there was some merit with it. If it does nothing but narrow the issues it is still valuable. If it resolves certain submissions then that is even better. To the above end, we are prepared to allow some slippage for the pre-circulation of applicant's evidence if that assists. That will still enable some pre-reading. We can make a ruling on this closer to the time depending on the content of the report on 1 July.

#### **Evidence Preparation and Circulation**

19. Notwithstanding our direction for pre-hearing discussions, we anticipate that some parties will be still need to call expert witnesses in support of their submissions, while others will opt to 'go it alone.' In either case, we request that all parties provide the Council with a list of all individuals that will be presenting evidence on their behalf by no later than 3 July 2015.
20. This instruction applies even if a submitter is representing his/herself without any additional representation. This will assist in scheduling the proceedings – both in terms of indicating the likely duration of the hearing, and in terms of understanding roughly how long each party will require.
21. To assist with this we have also directed that the Council s42A report on the plan change and the submissions to it is circulated to all parties in advance of the 5 days minimum prior to the hearing.
22. The proposed timetable for proceedings is as follows:

Date (2013)	Action
Wednesday 17 June	UHCC – s42A report to be circulated to the parties
Wednesday 1 July	Applicant reporting on discussions/conferencing with submitters/Council officers.
Friday 3 July 2015	<p><b>All Submitters attending the hearing</b> – to provide a list of evidence authors / witnesses to be called in support of their submission(s) to the UHCC (plus any site and localities that they wish us to visit prior to the hearing).</p> <p><b>Applicant's evidence</b> – to lodge with UHCC all written evidence in support of the application (or later by agreement)</p> <p>See email contact details below for Ms Barker</p>
Wednesday 8 July	Likely date for <b>Hearing commencement</b>

23. For completeness, we are happy to hear any legal submissions during the proceedings themselves, and there is no need for these to be pre-circulated.
24. We understand that Council will collate all pre-circulated evidence and make it available on the Council website. Further instructions about accessing this information (including where hard copies of the evidence may be viewed) will be conveyed by the Council following receipt of all materials.

#### **Hearing Process/Presentations**

25. As the applicants evidence is being distributed to all parties prior to the hearing, and will be read by us prior to the hearing commencing, it will not be necessary for a verbatim oral presentation of the applicant's written evidence at the proceedings. We are happy for the applicant's witnesses to speak to a summary of their evidence, which could either be:
- a separate tabled statement that condenses the key points from evidence (i.e. a couple of pages); or
  - via highlighting particular points within their evidence during their presentation.
26. We are happy for the above approach to extend to submitters and Council reporting officers also.
27. With this approach in place, we envisage presentations will be in the ballpark of 15 minutes per speaker, though this is not a fixed time requirement. Our intent in signalling this is less a stipulation that speakers rigidly adhere to an imposed time limit, and more a guide for those wondering how long their presentation is likely to last.
28. We want to be clear that all parties (applicant, submitters and officers) will be given the time they require to adequately present their views. The main reason in favour of pre-circulation of the applicant's evidence is to minimise the time required for all parties to be present at the hearing itself. This expedited process will not, however, be at the expense of any party's ability to fully participate in the process.

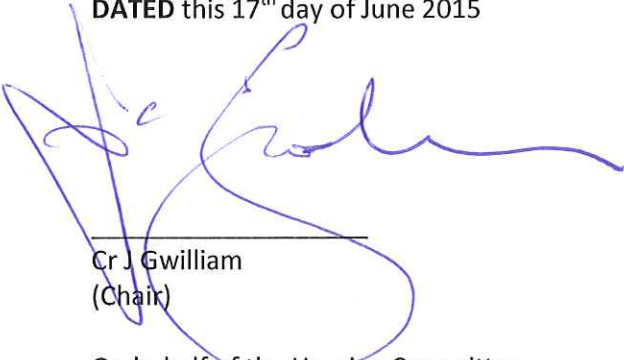
### Site and Locality Visits

29. We recognise that a site and locality visit will be necessary during the process of the hearing. Apart from our general visit to the site and locality prior to the hearing commencement, if any party has a desire for us to visit particular sites/localities associated with PC40 then they should advise Ms Barker of that as soon as practicable. We would suggest that this could be done at the same time that they respond to the Council regarding the list of evidence authors/ witnesses to be called in support of their submission(s) (i.e. by 3 July 2015).

### Next Steps

30. As indicated by the proposed timetable above, we now invite all parties to provide a list of evidence authors / witnesses appearing on their behalf at or before 3 July 2015. This is two days following the applicant's filing of its report on the outcomes of conferencing/discussions with submitters and Council.
31. If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact UHCC's Planning Technician, Ms Coralie Barker (ph. 04 527 2858 or email [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)) in the first instance.

DATED this 17<sup>th</sup> day of June 2015



Cr J Gwilliam  
(Chair)

On behalf of the Hearing Committee

**UPPER HUTT CITY COUNCIL**  
**PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE**

**MINUTE 2 OF HEARING COMMITTEE**

**Introduction**

1. We are a Hearing Committee that has been appointed by the Upper Hutt City Council (“UHCC” or “the Council”) to hear and determine Proposed (Private) Plan Change 40 (“PC40”) to the Upper Hutt District Plan by Wallaceville Developments (“the Applicant”), including the submissions lodged on PC40.<sup>1</sup>
2. This is our second minute on this matter and is a follow up to our Minute #1 dated 17 June 2015.
3. The general function of this minute is to provide some further guidance to the parties in relation to one of the five topics covered in our first minute; namely “Hearing Process and Presentations”.

**Hearing Process/Presentations**

4. In our first Minute we indicated that as the Applicant’s evidence is being distributed to all parties prior to the hearing, and will be read by us prior to the hearing commencing. It will not be necessary for a verbatim oral presentation of the Applicant’s written evidence at the proceedings. We also stated that this approach should extend to submitters and Council reporting officers also.
5. We are aware from Council administration staff that many submitters have already been in contact with the Officers and have indicated what witnesses they will be calling and how much time they will need for their presentation. We wish to record our appreciation of that. This will assist with scheduling the hearing. We merely point out to all parties that the schedule will be a guideline only as times for individual presentations could vary depending on the speed of the hearing but we will do our best to accommodate everyone.
6. We have also been alerted to a request from one submitter who has raised concerns regarding contamination on the site. Council Officers have advised that a particular submitter wishes to speak for a minimum of two hours at the hearing on Friday 10 July and that this presentation will be in part based on Government documents obtained on the topic. If we grant this timeframe it is likely that the hearing will not finish on Friday 10 July as planned. Currently the hearing is programmed to adjourn at midday on Friday but with a 2hr minimum presentation by this submitter it is highly likely that the hearing will need to be reconvened on the afternoon of Monday 13 July and will flow into Tuesday 14<sup>th</sup> for the presentations from Council Officers and the closing by the Applicant.
7. Whilst we are not averse to extending the hearing in this manner we do need to be absolutely assured that a presentation of such length is required. To this extent we would point out the following:

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<sup>1</sup> Our powers are to issue a recommendation to the Council which can, in turn, decide to accept or not.

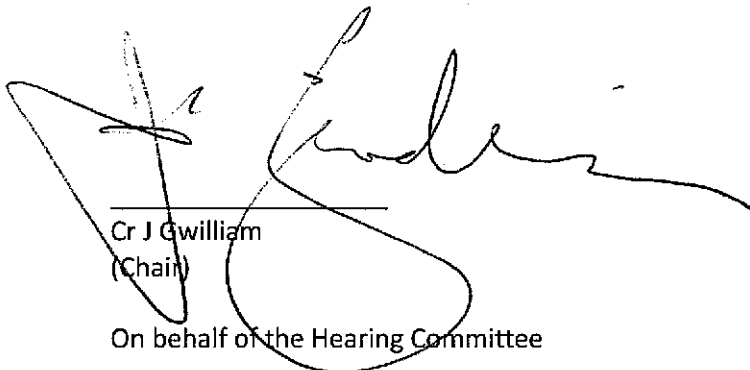
- (a) Land contamination is indeed a fundamental matter for the Committee to consider in relation to the zoning proposal and we accept that it very much a 'live' issue for submitters to raise.
  - (b) Expert evidence on this technical matter will be advanced at the hearing by both the Applicant and the Council. We will be scrutinising that information very carefully.
  - (c) Evidence by lay submitters will also be considered. Where that evidence includes material from third parties (such as reports), it will be difficult for the Committee to scrutinise that information without the ability to question the reports' authors.
8. Based on the above, we question the value in an individual submitter presentation merely tabling and talking to reports that we will be constrained in evaluating. Rather, we think it would be the best use of everyone's time if the submitter was able to meet directly with the contaminated land experts appearing for both the Applicant (Wallaceville Developments Ltd) and the Council to discuss the relevance of the material and the issues raised. Such an approach would greatly assist the Committee by narrowing down the issues in contention and ensuring that the hearing remains focused on the most significant issues with the plan change request.
9. We understand that whilst initial dialogue between submitter and the Applicant's expert has occurred, that this has not advanced and the material discussed is yet to be passed from the submitter to the Applicant. We merely encourage the submitter to undertake this if at all possible. The respective experts are:
- (a) For Wallaceville Developments Limited, David Robotham at EnGeo ([DRobotham@engeo.co.nz](mailto:DRobotham@engeo.co.nz) or 021 433 039)
  - (b) For Council, David Bull at Golders Associates ([DBull@golder.co.nz](mailto:DBull@golder.co.nz) or 04 974 6397)
10. For the avoidance of doubt, and also for the assurance of the submitter concerned, we stress the following two matters:
- (a) Least it be thought otherwise, this is by no means an endeavour to preclude the submitter from exercising its right to be heard. Rather, this is solely to ensure an efficient and effective hearing and is in line with the approach we strongly endorsed to all parties on all issues in Minute 1 and we merely encourage it again in relation to this particular submission matter.
  - (b) This is not a direction; it is a firm encouragement. However, if we are to grant a two hour presentation slot for the submitter, we need to be assured that a genuine attempt has been made to narrow the issue and that the two hour presentation is necessary.
11. The directions we do make are:
- (a) For the Submitter – to advise as soon as possible and before 5pm on 3 July 2015 whether or not he is amenable to meeting with the Council and Applicant experts and will provide the information he has said will be made available to both the experts and the Committee.
  - (b) For the Applicant we note that 1 July 2015 was the nominated day for them to file their report on the outcomes of conferencing/discussions with submitters and

Council. Leave is given to them to file a second report early next week on the contamination issue if events transpire that this is necessary. Leave is also given to file a second joint statement by 5.00pm Monday 6 July should this be necessary.

**Next Steps**

12. As indicated by the proposed timetable in Minute 1 we now invite all parties, who haven't already done so, to:
  - (a) Provide a list of evidence authors / witnesses appearing on their behalf (and preferably a written statement of the evidence they are likely to give);
  - (b) Advise us of particular sites / localities associated with PC40 that they wish us to visit in advance of the hearing.
13. These responses are due on or before 3 July 2015.
14. If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact UHCC's Planning Technician, Ms Coralie Barker (ph. 04 527 2858 or email [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)) in the first instance.

**DATED** this 2nd day of July 2015



Cr J Gwilliam  
(Chair)  
On behalf of the Hearing Committee

**UPPER HUTT CITY COUNCIL**  
**PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE**

**MINUTE 3 OF HEARING COMMITTEE**

**Introduction**

1. Further to our previous two minutes, the formal hearing proceedings on Proposed Plan Change 40 (**PC40**) commenced on last Wednesday, 8 July 2015 and we adjourned the hearing on the afternoon of the Friday 10<sup>th</sup>. Over the course of proceedings, we indicated that we required further information from the PC40 Requestor and the Council in relation to several matters. At the end of proceedings, we had heard from all parties (the Requestor, Council officers and submitters) wishing to be heard. Nevertheless there still remained some scope for further responses from the requestors and Council officers on certain matters. We indicated that we would issue a further minute to:
  - (a) summarise our further information requests; and
  - (b) propose a timetable for further exchanges.

2. This Minute addresses the above matters in turn along with some other procedural matters.

**Summary of further information requested**

3. All of the matters we set out below have been expressed verbally to the parties present at the hearing. For the formal hearing record and for sake of completeness, however, we have recited them here. We also remind the parties that **their respective responses are important for our further evaluation under s32AA** of the Act. It would assist us greatly if this could be front of mind when formulating the requested responses.
4. We discuss that further below, but first, the index of further matters is as follows:

**Matters for the Requestor and Council**

- (a) In relation to 'Area B':
  - i. the **vires** of the notified provisions and of any proposed amendments arising over the course of the hearing;
  - ii. Whether the suggested revisions to the Area B provisions (and particularly the jettison of the originally notified future process associated with the inclusion of the Structure Plan for Area B and the proposal to include such a Plan with additional elements through the current decision making process) are **lawful** and within the **scope** of the Plan Change as notified.<sup>1</sup>

<sup>1</sup> In terms of items (i) and (ii) above, we need to be assured that the solutions identified at the hearing by the Proposer for overcoming the potential vires aspects of the Area B issues remain within scope of the Plan Change as notified and do not raise any further vires or fairness issues re the opportunity for parties to be involved in the formulation of the Area B Structure Plan. We consider that both items will require a legal response. See footnote 3 also.

- iii. whether the notified/ revised rule framework enables **appropriate involvement** in the planning process **for potentially affected parties**; and
  - iv. Whether, from a RMA section 32 perspective, the rules and methods for Area B are **the most appropriate** to implement the proposed Policies.
- (b) A clear indication of matters of agreement and disagreement between the Requestor and the Council, including (among other matters) reference to:
- i. the need (or otherwise) for the **proposed explanation to Policy 4.4.3**, and the potential relocation of that into the proposed area-specific policies for Wallaceville (i.e. 4.4.16);
  - ii. **whether the area-specific policies require amendment** for improved clarity and guidance, including consideration of the possible combination of the policies (i.e. 4.4.14 to 4.4.16);
  - iii. related to this point, **whether the rules** (particularly the structure plan and associated rule triggers, and assessment matters) **best implement the policies** – by way of example, is the ‘encouragement’ rule approach to higher density housing an effective way (as opposed to direct control) to ensure the Structure Plan’s stated outcome that mixture of housing types will be achieved?
- (c) Confirmation of **the validity of the Pistol Club’s further submission**, given the withdrawal of the substantive submission to which it relates;
- (d) Whether any measures need to be included in the policies, rules and/or matters of discretion/assessment (particularly in respect to subdivision) about **foundation design** (given the geotechnical evidence of Ms Jones for the Requestor) – or whether this is a matter already dealt with in the operative Plan (for example in the General Procedures Chapter, or by reference to the Council’s Engineering Code of Practice);
- (e) In a similar vein to the above, (and given the evidence of the contamination experts for the Proposer and Council) whether additional controls on earthworks are required in for triggering a land use consent – i.e. reducing the cubic volume at which a land use consent is required as a means of putting in place some future controls where post subdivision landowners may seek to put in ornamental ponds or do other minor landscaping and earthworks; and
- (f) Consideration<sup>2</sup> of the need (or otherwise) for a ‘**pre-condition**’ rule relating to the granting of access from properties directly onto Alexander Road until specific roading improvement measures are implemented and/or the speed limit is reduced – in this instance the parties should indicate their view as to whether such a pre-condition is appropriate, and (irrespective of that view) **how such a rule could be drafted if** we were of the view that one is required.<sup>3</sup>

<sup>2</sup> Including the written response from the Council’s roading officer (Mr Haste) whom we did not hear from at the hearing

<sup>3</sup> Consideration of, and response to, this matter will need to take into account a number of factors including the comment on Footnote 1 and also the entry on the notified plan change structure plan for Area A. That plan, whilst commenting on direct



5. For the above five items, which are essentially matters for both the Requestor and Council to respond to, our strong preference would be for a joint statement on matters that are agreed. Where there remain issues of disagreement these should be clearly identified in the joint statement. The parties are able to outline the details of their alternative positions in their own separate statements.

Additional matters for the Requestor

- (g) Urban Design input from Ms White on the following matters:
- i. From an urban design perspective whether it is appropriate that the Grant Bush Precinct classification (which allows for more intensive residential development) be extended to the triangular area south of Alexander Road as opposed to the Wallaceville Living classification which provides for more standard residential development;
  - ii. What effects, if any, would there be from an urban design perspective, if **the future allotments directly adjoining Alexander Road did not have direct access to the road**, and (rather) gained access by an internal circulation network provided by future subdivision; and
  - iii. Related to this, whether any changes would be required to the structure plan or other methods if future allotments are precluding from direct access onto Alexander Road.
- (h) Whether the **indicative retail node notations** in the Gateway Precinct are required on the Structure Plan, given the proposed rule framework; and
- (i) A **flow diagram or decision tree** of the proposed objectives, policies, rules and other methods would assist our deliberations and further evaluation under s32AA – this should clearly indicate any remaining points of difference with the Council's preferred view of provisions.

Additional matters for the Council

- (j) Indication as to whether **any other plan changes have been proposed for greenfield residential development since the Plan became operative which are of a similar magnitude to PC40**, including whether such proposals would have contemplated amendments to Policy 4.4.3 to distinguish the **appropriateness of non-residential activities** in greenfield residential areas from such activities in existing residential areas;
- (k) Confirmation of any **comprehensive development that has occurred outside the Residential (Centres Overlay) area** since the overlay was incorporated into the Plan;
- (l) Confirmation of the **'typical' District Plan response in terms of activity status** for Restricted Discretionary Activities that do not meet relevant standards (noting this might differ between zones and/or activities)

6. The above lists are not exhaustive, but these are some of the particular matters we expect additional assistance on from the parties. We also anticipate that the Council and Requestor will respond to matters raised in the oral presentations by submitters.
7. We note that the Council and Requestor have provided us with verbal and written responses to some of the matters set out above. In this respect, the parties should not feel obliged to reiterate in great detail those points they have already clearly documented to us. It may be appropriate in some cases for the parties to simply refer to and/or amplify evidence that has already been presented.
8. That said, we note our specific requirements under s32AA to thoroughly assess all changes made since notification of the proposal at a level of detail that corresponds to the scale and significance of those changes. To best assist us, **we request that the parties reflect the requirements of s32(1)-(4) in presenting their final findings** on the most appropriate provisions we should adopt for our own recommendations.

Responses from submitters

9. For reasons of fairness, we also extend the opportunity for any party who is a submitter to these proceedings to comment on the above matters subject to the topic being commenting on being within the ambit of their submission lodged to this Plan Change. In other words, it is not possible for any party to introduce matters beyond the scope of their submission.

**Timetable**

10. We set out our proposed timetable for the exchange of further information below. Once we have received all of the information requested, we will consider whether or not we need to reconvene formal proceedings, or whether we are satisfied that we have all of the information we require to complete our deliberations and deliver our recommendation.
11. We expect that all of the additional information made available to us will also be available to all parties (via the website).
12. The proposed timetable for proceedings is as follows:

Completed by (2015)	Action
5:00pm Friday 17 July	<p><b>Legal advice from Requestor and Council</b> relating to:</p> <ul style="list-style-type: none"> <li>• the vires of the proposed/revised rule framework for Area B; and</li> <li>• the validity of the further submission from the Pistol Club.</li> </ul>
5:00pm Monday 27 July	<p><b>Reply from Council and Requestor</b> in relation to the information requests summarised above and other matters arising over the course of the hearing.</p> <p>The <b>Requestor's</b> reply should append a joint statement with the Council indicating:</p> <ul style="list-style-type: none"> <li>• all agreed amendments to the provisions;</li> <li>• any provisions which remain in contention and the reasons for the disagreement;</li> </ul>

	<ul style="list-style-type: none"> <li>• a track change version of the annotated District Plan Chapters, clearly indicating amendments that have been proposed since notification.</li> </ul> <p>The <b>Council's</b> reply should also include an updated version of Appendix 2 to Ms Boyd's s42A report, indicating amendments (if any) to the recommendations on submissions received.</p> <p>Any responses from <b>Submitters</b> to the this Minute are also required by this date</p>
<b>5:00pm Wednesday 29 July</b>	<b>Committee</b> to indicate to all parties whether proceedings will be reconvened or whether all necessary information has been provided.
<b>Monday 3 and Tuesday 4 August</b>	<b>Reserve Days</b> for Hearing recommencement (if needed).

13. For the avoidance of doubt, we will only reconvene the proceedings if it is necessary. Our initial thoughts are that the written replies from the Requestor and Council will be sufficient for the purposes of our recommendation; however, **should we need to reconvene, this minute represents formal notice that the hearing will recommence on 3<sup>rd</sup> of August unless otherwise indicated.**
14. In any event, we will provide further clarification about this matter no later than Wednesday 29 July.

#### **Site and Locality Visits**

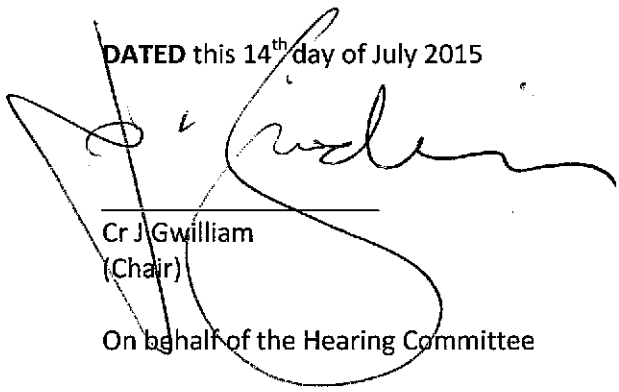
15. We thank the Ministry for Primary Industries for their invitation to visit its site adjacent to the PC40 site. Our hearing advisor, Mr Jones, will contact the Ministry later this month to make arrangements as necessary.
16. We also extend a final invitation to any parties wishing to advise of sites they would like us to visit prior to completing our deliberations. Any party wishing to do so should liaise with Ms Barker in the first instance (see details below).

#### **Next Steps**

17. As indicated by the proposed timetable above, we now invite the Requestor and Council to circulate the findings of its legal advisors to all parties by the end of this week.
18. If any party wishes to seek further clarification around the current process or the proposed timetable, please contact UHCC's Planning Technician, Ms Coralie Barker (ph. 04 527 2858 or email [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)) in the first instance.



DATED this 14<sup>th</sup> day of July 2015



Cr J Gwilliam  
(Chair)

On behalf of the Hearing Committee

**UPPER HUTT CITY COUNCIL**  
**PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE**

**MINUTE 4 OF HEARING COMMITTEE**

**Introduction**

1. Further to our directions in Minute 3, we have now received the further information we requested of the Council and the Plan Change Requestor following the formal hearing adjournment. As indicated in that previous minute, there is now a need for us to signal what is required for us to complete our deliberations and close the hearing.
2. Before we turn to that, however, we wish to thank the parties for their efforts in responding to our information requests. In this respect, our further evaluation of the appropriateness of the plan change has been made much simpler, and we are grateful for that.
3. Having reviewed the information provided since the close of the hearing, we are satisfied that we have all information required to complete our deliberations, with two exceptions:
  - (a) the drafting of proposed policies<sup>1</sup> in Chapters 4 and 6 relating to subdivision and development being consistent with the proposed Structure Plan; and
  - (b) the drafting of the ‘new’ restricted discretionary activity conditions for access to Alexander Road.
4. This minute addresses these two matters in turn along with some other procedural matters. We signal at this early stage that we believe the resolution to these matters can be addressed in writing. In this respect, we do not envisage there will be a need to reconvene formal proceedings.

**Drafting of Structure Plan Policies**

5. Firstly, we acknowledge the joint statement’s proposed deletion of the site-specific policy relating to the future development of ‘Area B,’ which has resulted in the condensing of three policies into two (in Chapter 4). This amendment is logical to us, given the revised approach for Area B more broadly.
6. However, the resulting two policies applying in Chapter 4 and the ‘sister’ policies in Chapter 6, in our view, still contain an inherent tension between:
  - a. on one hand, requiring “consistency with” the structure plan; and
  - b. on the other, expressly enabling a departure from that approach (albeit only in certain circumstances).

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<sup>1</sup> Policies 4.4.14, 4.4.15 (previously 4.4.16), 6.4.6 and 6.4.7

7. We see the merit in enabling some departure from the structure plan (as envisaged by Policies 4.4.15 and 6.4.7) as such proposals *might* result in an outcome better than (or at least no worse than) those specified in the Structure Plan. However, this notion is expressly contrary to the ‘mandatory’ wording in the preceding policies requiring consistency with the structure plan.
8. At the very least this could create difficulties for future decision-makers. More to the point, we see no reason why this tension cannot be resolved more clearly at this stage.
9. At the same time, the tension also extends to the methods proposed to implement the policies – and notably, the outcomes in the Structure Plan. We signalled an example of this in Minute 3, being the ‘encouragement’ approach for high density dwellings in the Urban Precinct. Taking this a step further, the issue as we see it is that the policy framework creates an expectation that development “shall be consistent with” the outcomes in the structure plan; however, the outcome in this case is to encourage development of a certain type – not to require it.
10. Compounding this, we note the outcomes in the Structure Plan are not engrained entirely in the corresponding permitted activity rules and standards in *all* cases. In other words, the permitted activity rules may not be consistent with the outcomes in the Structure Plan.
11. In essence, the above suggests to us that the policies have been written predominantly as assessment tools for consents, rather than as implementation tools for overarching objectives. We could understand that approach, and the need for two separate policies, if (for example) the proposed rule framework was predicated on being consistent with the Structure Plan to retain restricted discretionary status – but this is not the case.
12. The planners have told us at the hearing, and subsequently in the recent joint statement, that the proposed methods – including the encouragement approach for high density housing – are the best approach to adopt. In that case, this raises the question in our minds that perhaps the policies are the problem, and in particular the ‘mandatory’ wording of the policies we referred to above.
13. To be clear, we are not signalling discontent with the planners’ agreed preference for the methods; rather, we have some reservations as to whether the policies best support those methods.
14. To assist our deliberations on this matter, we would like the conferencing planners to confer again with a view of offering us some options for resolving the policy tensions we have outlined above. We accept that there are multiple ways of achieving this, but perhaps it would assist if we offered some suggestions for discussion purposes. In this respect, the parties might want to consider:
  - a. amalgamating policies 4.4.14 and (as revised) 4.4.15 and also amalgamating 6.4.6 and 6.4.7;
  - b. ‘softening’ the mandatory language in policies 4.4.14 and 6.4.6; and
  - c. deleting Policies 4.4.14 and 6.4.6 which require consistency with the Structure Plan, and specifying in (amended) Policies 4.4.15 and 4.6.7 that ALL subdivision and development (irrespective of whether it is “consistent with the Structure

Plan” or not) will be consistent with the bulleted outcomes listed under those policies.

15. For completeness, we record that:

- a. the provision of the revised policy framework by the conferencing planners is on a without-prejudice basis to assist out deliberations;
- b. notwithstanding that, we encourage the planners to also provide their professional view on the appropriateness of the revised framework requested above and their preference or otherwise for this approach compared to the latest joint statement; and
- c. both of these steps are to assist our evaluation under s32AA of the most appropriate policies to implement the objectives and the most appropriate rules to implement the policies.

### **Alexander Road**

16. The planners have proposed new activity controls and standards which trigger a fully discretionary activity resource consent for new lots/dwellings gaining direct access to Alexander Road. As with the discussion on the policy approach above, we see the logic in these proposed amendments.
17. That said, our review of the proposed amendments has identified a potential unintended consequence – being that any new road allotment (including roads signalled on the Structure Plan) which is to access Alexander Road would also trigger the higher activity status in the same way new allotments or dwellings directly accessing the road would.
18. If this is unintended, and the parties agree that the new rule should not be triggered by proposed roads, then this should be conveyed to us and reflected in the rule framework. On the other hand, if the intent is to capture ALL access, then the proposed wording may be appropriate.

### **Timetable**

19. As signalled above, we do not intend to reconvene formal proceedings, and we prefer that the above matters be addressed by the conferencing planners in writing. This additional information should be provided by 5:00pm on **Tuesday 4 August**. As with all other information exchanges, this material will be circulated to all parties (however, we note that we do not anticipate that the involvement of any other parties will be required).
20. We also require for our deliberation purposes an annotated copy of the amendments attached in Appendix 1 of the recent joint statement which clearly distinguishes the proposed amendments as notified, as amended in the first joint statement (pre-hearing) and as amended in the most recent joint statement. This should be provided by the morning of **Tuesday 4 August**, when we propose to begin our deliberations.

21. We will also need a version of the District Plan Chapters themselves, annotated with the most recent changes agreed in the recent joint statement. However, this can be provided later next week, and no later than 5 pm on **Monday 10 August**.
22. Parties are also advised at this time that there may be a need for us to obtain additional electronic copies of plans, provisions, evidence, submissions etc to assist with the writing of our Recommendation. However, these requests will not likely be broadcast to all parties.
23. Finally, we remind the Ministry for Primary Industries that we wish to take up their offer to visit its site on Ward Street. Our hearing advisor, Mr Jones, will make arrangements early next week.
24. If any party wishes to seek further clarification around the current process or the proposed timetable, please contact UHCC's Planning Technician, Ms Coralie Barker (ph. 04 527 2858 or email [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)) in the first instance.

**DATED** this 30th day of July 2015



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DJ McMahon  
(Independent Commissioner)

On behalf of Cr J Gwilliam (Chair) of the Hearing Committee



**UPPER HUTT CITY COUNCIL**  
**PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE**

**MINUTE 5 OF HEARING COMMITTEE**

**Hearing Closure**

1. Further to our directions in Minute 4, we have now received the further information we requested of the Council and the Plan Change Requestor following the formal hearing adjournment.
2. Having reviewed all of the information provided in response to Minute 4, we completed our deliberations on 4 and 5 August.
3. Accordingly, notice is hereby given to all parties that the hearing is now formally closed.

**Where to from here?**

4. We are presently in the process of drafting our recommendation on the plan change request. We are making every endeavour to complete our report later this month or early in September, after which time it will be considered by the Council in due course.
5. Once again, we wish to thank all parties for their constructive input into the hearing process and for their assistance to us.

**DATED** this 17th day of July 2015



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DJ McMahon  
(Independent Commissioner)

On behalf of Cr J Gwilliam (Chair) of the Hearing Committee

**APPENDIX 3**  
Annotated Plan Change Provisions

**APPENDIX 3 – Annotated Plan Change Provisions**

Key to Annotations: **Blue** – Joint Statement 1 (prior to hearing – 1 July 2015). **Green** – Joint Statement 2 (prior to hearing – 6 July 2015) **Purple** – Joint Statement 3 (after hearing – 27 July 2015). **Orange** – Joint Statement 4 (after hearing – 4 August 2015).

Highlighted – additional changes by Hearing Committee

AMENDMENT NO.	CHAPTER	PROVISION	REQUESTED CHANGE	REASONS FOR PROVISIONS AND AMENDMENTS TO PROVISIONS AS NOTIFIED
<b>CHAPTER 2 – GENERAL PROCEDURES</b>				
1	2 – General Procedures	New provision 2.6.9D	<p>Insert the following:</p> <p><b><u>2.6.9D Specific information accompanying applications for subdivision and/or development within the Wallaceville Structure Plan Area</u></b></p> <p>a) <u>An assessment of the subdivision and/or development proposed against the approved structure plans Wallaceville Structure Plan which includes:</u></p> <ul style="list-style-type: none"> <li>- <u>the Wallaceville Structure Plan mMap</u></li> <li>- <u>a description of the Wallaceville Plan Change Precincts including the intentions and outcomes for each precinct Descriptions, Intentions and Outcomes</u></li> <li>- <u>indicative road typologies Wallaceville Indicative Road Typologies</u></li> <li>- <u>Wallaceville Stormwater Management Principles</u></li> </ul> <p>b) <u>In addition, in relation to Area B, an application for subdivision and/or development shall include the following:</u></p> <ul style="list-style-type: none"> <li>- <u>a spatial layout plan showing roads, pedestrian and cycleway connections, open space areas and utilities and services</u></li> </ul> <p>c) <u>In addition, in relation to Area A, an application for subdivision that includes sites where direct vehicle access is proposed from Alexander Road shall include details and plans of the upgrade of Alexander Road including appropriate traffic calming measures in accordance with the Wallaceville Structure Plan mMap and the Wallaceville Indicative Road Typologies</u></p>	<p>In combination with the new objective, policies, matters of discretion and matters for consideration, the new information requirements seek to achieve the purpose of the RMA because it will ensure that the future development of the site is assessed against the Structure Plan and the outcomes sought for the site within the Plan. The Structure Plan has been developed to reflect both the values (constraints) and opportunities of the site i.e. the site's natural and physical resources. In this regard it is considered to be the most appropriate way to achieve sustainable management of these resources.</p> <p>EVALUATION OF AMENDMENTS:</p> <p>Minor wording changes and addition of 2.6.9D(b) which requires a spatial layout plan to be provided with all applications for subdivision and/or development within Area B.</p> <p>Regarding the new approach to Area B, the amendments will still ensure that development of Area B appropriately integrates with Area A, and will still ensure that development occurs in a cohesive fashion. Requiring an assessment of development within Area B against the WSP and against a spatial layout plan will still ensure that development in this area recognises the key values and opportunities associated with this part of the site. The preparation of Plan Change 40 already undertook a structure plan process for Area B zoning it residential with only internal roads, pedestrian and cycleway connections, open space areas and utility services to be determined at the detailed design stage. These can be shown on a spatial layout plan which will accompany an application for subdivision of Area B.</p> <p>It is important to note that the site has been adequately assessed as being appropriate for residential development. The constraints and opportunities for this part of the site have been assessed and are reflected in the relevant Precinct description, stormwater management plan and acoustic assessment. Furthermore the infrastructure assessment concludes that Area B can be adequately serviced. All of these considerations were included into the Wallaceville Precinct descriptions, the Wallaceville Road Typologies and the Wallaceville Stormwater Management Principles.</p> <p>In this respect, a number of key elements which will make up the future spatial layout plan are known and are included in the Plan Change. These include:</p> <ul style="list-style-type: none"> <li>• Housing typology being Wallaceville Living (standard residential)</li> <li>• An internal roading concept that retains the historic roading pattern and provides for appropriate access onto Alexander Road and connections to Area A</li> <li>• A design theme that is consistent with Area A in terms of road reserve and reserve corridors, road typologies, stormwater management, bulk and location requirements, boundary treatment, and landscaping measures</li> <li>• Protection of significant trees including the totaras within the flood plain covenant that will provide significant private or public green space.</li> </ul> <p>It is also a relevant consideration that retaining the Special Activity Zoning for Area B is not appropriate because Area B is no longer owned, occupied or used for Special Activity purposes. Retention of the Special Activity Zone for Area B does not provide for the efficient use and development of this important physical land resources.</p> <p>The requirement for a spatial layout plan to be provided will reduce the costs to both Council and the developer that would be associated with either a delay in the structure plan approval process or the costs associated with a deferred zone or future structure plan notified process. In this respect it is considered that the same high quality development outcome can be ensured through the new approach without the additional costs that would be incurred through alternative approaches.</p> <p>New clause c) will require details and plans of Alexander Road upgrades for any subdivision that includes sites that will be accessed directly from Alexander Road. Such amendments seek to address Councils concerns related to direct access and will ensure that adequate traffic calming measures are in place prior to direct access being provided. Such measures also seek create a road environment that will justify a reduction in the speed limit to a minimum of 60km/h. While the new clause will result in increased costs associated with the resource consent process, this is considered appropriate as it will ensure that a road environment is created that is able to safely accommodate direct accesses.</p>
<b>CHAPTER 3 – ZONING</b>				
2	3 – Zoning	Policy 3.4.2	<p>Amend the explanation to Policy 3.4.2 as follows:</p> <p>As a result of particular issues arising that require different management techniques, special controls have been established to address specific environments or resource issues within the principal zones. These recognise the special qualities or issues facing an area, and enable more specific techniques to be used to promote sustainable management. Such controls are applied to areas with particular amenity or other environmental qualities. Conservation and Hill Areas cover special environments with high amenity values within the Residential Zone. The Southern Hills Overlay Area (SHOA) is comprised of areas within the Southern Hills which have a high value in at least one of the categories of ecological, visual and/or landscape significance.</p> <p><u>In addition to zoning and overlays provided for in the District Plan and District Plan Maps, the Wallaceville Structure Plan Area comprises a number of distinct precincts as described in Appendix Residential 3 Chapter 39: Wallaceville Structure Plan. Minor variations to standards are included in</u></p>	<p>EVALUATION OF AMENDMENTS:</p> <p>Minor amendment to reference the WSP to be located as a separate chapter (Chapter 39: Wallaceville).</p> <p>In terms of s32AA, these amendments are efficient and effective in improving the administration of the plan change provisions, being primarily a matter of clarification rather than substance.</p>

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			both the Residential Zone and Business Zone rules chapters for these precincts in order to address and recognise the particular values, opportunities and constraints of the site and in order to achieve the outcomes of the Wallaceville Structure Plan.	
<b>CHAPTER 4 – RESIDENTIAL ZONE</b>				
3	4 – Residential Zone	New objective 4.3.5	<p>Insert new Objective 4.3.5 and explanation as follows:</p> <p><u>To provide for development of the Wallaceville Structure Plan Area which:</u></p> <ul style="list-style-type: none"> <li><u>- makes efficient use of a strategic land resource</u></li> <li><u>- promotes the sustainable management of land resources</u></li> <li><u>- ensures that an integrated approach is taken to the development of the area to ensure that staged development does not compromise future development stages</u></li> <li><u>- achieves a new mixed use village within Upper Hutt that provides employment opportunities and local retail services</u></li> <li><u>- responds to site opportunities and constraints</u></li> <li><u>- avoids, remedies or mitigates adverse environmental effects</u></li> </ul> <p><u>To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.</u></p> <p>The Wallaceville Structure Plan Area <u>comprises a mix of residential and commercial zoning and provides opportunity for higher density living. It has a number of site specific values, constraints and opportunities. It is also a very important land resource within the City's urban boundary. Its development should therefore occur with care in a manner that is consistent with the Wallaceville Structure Plan, in an integrated way that does not compromise the amenity or servicing requirements of future development stages. Particular regard must be paid to the potential for reverse sensitivity issues arising from interfaces within adjoining land uses.</u></p> <p>The Wallaceville Structure Plan (Chapter 39: Wallaceville Structure Plan) was developed to provide for the development of the Wallaceville Structure Plan Area in a logical and coherent manner that takes into account the historical, cultural, environmental and landscape characteristics of the area. The Wallaceville Structure Plan has been adopted by the Council as the guiding document for the development of this area and as such all development should be guided by this document as to what is appropriate. The intentions and outcomes for each of the precincts contained in the Structure Plan provide an outline of the development that the Wallaceville Structure Plan is seeking to achieve. These are the key considerations for development in this area.</p>	<p>The new objective relating specifically to the WSPA seeks to achieve the purpose of the RMA as it seeks to promote the sustainable management and efficient utilisation of land while avoiding, remedying or mitigating adverse effects. `</p> <p>EVALUATION OF AMENDMENTS:</p> <p>Minor wording amendments sought by Council Officers to provide greater consistency with the existing objectives and policies of the District Plan. Amendments provide greater certainty to developers and the Council regarding how development should occur i.e. in a manner consistent with the WSP.</p> <p>Specific reference to reverse sensitivity effects to address the concerns raised in the Ministry of Primary Industry's submission.</p> <p>Additional reference to Chapter 39: Wallaceville added.</p> <p>In terms of s32AA, these amendments are largely matters of clarification not substance and are efficient and effective in clarifying the intent of the objective. The objective is still considered the most appropriate way to achieve the purpose of the Act.</p>
4	4 – Residential Zone	Policy 4.4.3	<p>Insert the following paragraph into the explanation of Policy 4.4.3 – <u>To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects:</u></p> <p><u>While provided for as a Discretionary Activity, it is recognised that commercial development may take place in the Urban Precinct of the Wallaceville Structure Plan, which may include the commercial redevelopment of the farm management building and dairy building, provided that significant adverse environmental effects on the Business Commercial Zone (the Gateway Precinct), residential activities and other areas of Upper Hutt City can be avoided or mitigated. This does not preclude other potential development options for the Urban Precinct being developed that are compatible with residential activities.</u></p> <p><u>Resource consent applications for any commercial development not consistent with the Wallaceville Structure Plan will need to be carefully assessed against Policies 4.4.3 and 4.4.16 in particular.</u></p>	Refer Issue 11 of Committee Recommendation
5	4 – Residential Zone	Policy 4.4.4	<p>Insert the following additional paragraph in the explanation to Policy 4.4.4 as follows:</p> <p><u>In the Wallaceville Structure Plan Area, the intentions and outcomes for each of the Precincts define the particular amenity that is envisaged for development of this area.</u></p>	
6	4 – Residential Zone	Policy 4.4.6	<p>Amend the explanation to Policy 4.4.6 as follows:</p> <p><b>To mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment.</b></p> <p>Noise is a particularly important amenity consideration in residential areas as people are living in close proximity to each other. This policy aims to ensure that noise levels experienced are reasonable for a Residential Zone. <u>In the Wallaceville Structure Plan Area, fencing, noise insulation and/or ventilation standards seek to mitigate any potential the reasonable adverse effects of noise arising from adjoining activities. The standards ensure a reasonable level of acoustic amenity within buildings</u></p>	<p>EVALUATION OF AMENDMENTS:</p> <p>Minor amendment sought to clarify that the standards to mitigate noise effects included in the Plan Change seek to mitigate 'reasonable' noise arising from adjoining activities not all noise. The amendment recognises duties under Section 16 of the Act for every occupier of land shall adopt the best practicable option to ensure that the emission of noise from that land does not exceed a reasonable level.</p> <p>With specific reference to the adjoining MPI site, the amendment also aligns with existing Specific Activity Zone policy as follows:</p> <p><i>8.4.2 – To ensure that the effects of activities within the Special Activity Zone on nearby properties are avoided, remedied or mitigated</i></p> <p>And its explanation:</p> <p><i>The effects generated by activities within the Special Activity Zone include noise, light and other nuisances which can have adverse</i></p>

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			<p><del>that have their windows closed. Ventilation standards have been developed to avoid the need to open windows.</del></p>	<p><i>impacts beyond the Zone boundary. Such effects should be contained as far as practicable within the Zone, and should not cause undue nuisance or danger to adjoining land uses.</i></p> <p>And existing policy 15.4.4 being: <i>To manage noise emissions to levels acceptable to the community</i></p>
7	4 – Residential Zone	Policy 4.4.13	<p>Amend the explanation to Policy 4.4.13 as follows:</p> <p>The Plan identifies areas considered suitable for higher density residential development. These areas are located surrounding the central business district, around the Trentham neighbourhood centre located at Camp Street, and near the Wallaceville railway station from Ward Street to Lane Street, and within the Urban Precinct and Grants Bush Precinct of the Wallaceville Structure Plan <del>a</del>Area.</p>	<p>EVALUATION OF AMENDMENTS: Minor grammatical amendment only.</p>
8	4 – Residential Zone	New policy 4.4.14	<p>Insert new Policy 4.4.14 and explanation as follows:</p> <p><b>Policy 4.4.14 To Provide for Subdivision and/or Development within Area A of the Wallaceville Structure Plan Area shall be that is consistent with the Wallaceville Structure Plan in Appendix Residential 3.</b></p> <p>The Wallaceville Structure Plan in <del>Appendix Residential 3 Chapter 39: Wallaceville Structure Plan</del> includes the following:</p> <ul style="list-style-type: none"> <li>- <del>the Wallaceville Structure Plan mMap</del></li> <li>- <del>a description of the Wallaceville Plan Change Precincts including the intentions and outcomes for each precinct Descriptions, Intentions and Outcomes</del></li> <li>- <del>indicative road typologies Wallaceville Indicative Road Typologies</del></li> <li>- <del>Wallaceville Stormwater Management Principles</del></li> </ul> <p>The Wallaceville Structure Plan has been based on detailed assessment of site constraints and opportunities and sets out an appropriate response to these. It includes detailed consideration of servicing requirements to ensure that adverse effects of urban development within the Wallaceville Structure Plan Area is appropriately managed while incorporating an element of design flexibility to ensure a suitable level of amenity while responding to housing demand To ensure that adverse effects of urban development are appropriately managed, the Structure Plan includes consideration of:</p> <ul style="list-style-type: none"> <li>- <del>the site's servicing and infrastructure</del></li> <li>- <del>the site's stormwater requirements and flooding risks</del></li> <li>- <del>how potential effects on the City's road network are appropriately managed.</del></li> <li>- <del>design flexibility to enable a suitable level of residential amenity</del></li> <li>- <del>variable housing typologies to respond to housing</del></li> </ul>	<p>This policy, in combination with the proposed objective, rules, information requirements, matters of discretion and matters for consideration seek to ensure that the future development of the site is assessed against the Wallaceville Structure Plan. However, the provisions have been drafted so that flexibility exists. The policy uses the phrase 'shall be consistent'. This phrase requires compatibility with, but not the rigid application of the Structure Plan. It therefore appropriately allows for minor variations from the Structure Plan e.g. in the final alignment of public open spaces or the alignment of roads.</p> <p>This approach is considered appropriate instead of 'fixing' the Structure Plan or making it a Master Plan for the site. This is because retaining some flexibility reflects the length of time (10+ years) over which a development of this size will take place. The approach is one which provides a high degree of certainty about the overall outcome for the site, but which allows flexibility if the market does not respond as anticipated to the development types proposed or if a specific opportunity arises, not currently anticipated.</p> <p>EVALUATION OF AMENDMENTS: The amendments proposed to the new policies that relate specifically to the Wallaceville Structure Plan area primarily seek to clarify that both Area A and Area B are included in the WSP.</p> <p>With specific regard to Area B, the amended information requirements to include a spatial layout plan for all subdivision and development in this area will assist in ensuring that development of this area is consistent with the Wallaceville Living precinct description, intentions and outcomes.</p> <p>The amendments to include reference to subdivision as well as development seek to ensure that the policy relates to the new subdivision rule for the WSPA.</p> <p>See also issue 11 of Committee Recommendation</p>
9	4 – Residential Zone	New policy 4.4.15	<p>Insert new Policy 4.4.15 and explanation as follows:</p> <p><b>Policy 4.4.15: Development within Area B of the Wallaceville Structure Plan shall be consistent with a structure plan which:</b></p> <ul style="list-style-type: none"> <li>- <del>Incorporates residential areas of Area B within the Wallaceville Living precinct</del></li> <li>- <del>Promotes a design theme that is consistent with Area A in terms of road reserve and reserve corridors, road typologies, stormwater management, bulk and location requirements, boundary treatments, and landscaping measures;</del></li> <li>- <del>Provides for urban development that allows for a range of different housing typologies including clusters of comprehensive residential development, which are appropriate to their locations, maintains amenity, and supports pedestrian, cycle and public transport;</del></li> <li>- <del>Provides an internal roading concept that retains the historic roading pattern and provides for appropriate access onto Alexander Road;</del></li> <li>- <del>Seeks to retain, where practicable, existing notable trees, the ecological values within the area and seeks to integrate development with the floodplain remnant conservation covenant;</del></li> <li>- <del>Seeks to address the interface between the area and adjoining properties including the Ministry of Defence site and the Trentham Racecourse;</del></li> <li>- <del>Incorporates residential development adjoining Alexander Road that recognises the nature of this section of the road and of land uses on the opposite side of the road</del></li> </ul> <p>While an assessment of the constraints and opportunities of Area B has been completed, the structure plan has not been able to be completed at the time of rezoning due to uncertainty surrounding the floodplain remnant and the design of development on the opposite side of Alexander Road. Policy 4.4.15 seeks to ensure a new structure plan will be submitted for the entire Area B prior to development proceeding and that the Area B structure plan will need to include consideration of</p>	<p>EVALUATION OF AMENDMENTS: Policy 4.4.15 is to be deleted as the changes to Policy 4.4.14 seek to ensure that the latter policy relates to the whole Wallaceville Structure Plan Area.</p> <p>For new developments with Area B, pursuant to the new information requirements contained in Section 2.6.9D, applications will need to include an assessment against the Wallaceville Structure Plan which includes the intentions and outcomes for Area B within the Wallaceville Living Precinct and must also include a spatial layout plan that dictates roads, pedestrian and cycle connections and open spaces. Such requirements serve to address the requirements originally outlined in this policy.</p> <p>The proposed amendments to the provisions related to Area B are considered the most appropriate approach to managing development in this area.</p> <p>See also Issue 11 of Committee Recommendation.</p>

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			<p><del>matters listed above in order to ensure that development is integrated with Area A and reflects the identified values, constraints and opportunities.</del></p> <p><del>It is expected that Area B will have the characteristics of the Wallaceville Precinct, and be predominantly standard density suburban living. Small areas of higher density residential development may be specifically identified in the Structure Plan to ensure a range of housing typologies and to create nodes in proximity to open spaces or key intersections.</del></p>	
10	4 – Residential Zone	New policy 4.4.16  [Renumber to 4.4.15]	<p>Insert a new Policy 4.4.16<del>5</del> and explanation as follows:</p> <p><del>In considering an application for resource consent within the Wallaceville Structure Plan Area for a proposal determined not to be consistent with the Structure Plan for either Area A or Area B, particular regard shall be given to:</del></p> <ul style="list-style-type: none"> <li><del>- whether the development is appropriate given the site specific constraints and opportunities</del></li> <li><del>- the degree to which the development will integrate with development that is anticipated in the structure plans</del></li> <li><del>- whether the development will be adequately serviced by infrastructure and transport</del></li> <li><del>- the extent to which adverse environmental effects on other areas of Upper Hutt City are avoided, remedied or mitigated</del></li> </ul> <p><del>To provide for s</del>Subdivision and/or development in the Wallaceville Structure Plan Area <del>which is not consistent with the Wallaceville Structure Plan may that will only be appropriate if it:</del></p> <ul style="list-style-type: none"> <li><del>- is be integrated with the development generally anticipated in the Wallaceville Structure Plan</del></li> <li><del>- Provides a high level of residential amenity;</del></li> <li><del>- Ensures adequate infrastructure and transport provision;</del></li> <li><del>- Facilitates the safety of road users;</del></li> <li><del>- Provides adequate on-site stormwater management; and</del></li> <li><del>- Does not detract from the vitality and vibrancy of the Upper Hutt CBD; and</del></li> </ul> <p>The Wallaceville Structure Plan provides for the development of the Wallaceville Structure Plan Area in a logical and coherent manner that takes into account the historical, cultural, environmental and landscape characteristics of the area. It also establishes outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with this plan will ensure that future development of the local centres represents sustainable management of the land resource. Subdivision within the Wallaceville Structure Plan Area is a restricted discretionary activity to enable consideration of consistency with the Structure Plan. Subdivision and/or development that is consistent with the Wallaceville Structure Plan will satisfy Policy 4.4.15, and provide for sustainable management of the land resource.</p> <p><del>However, t</del>The development of the site will occur over an extended period. During this time opportunities to integrate alternative land uses within the site may arise. This policy provides a framework for the consideration of such alternative land uses and layouts. The policy emphasises the importance of ensuring development ensures adequate infrastructure provisions, minimises potential effects on the Upper Hutt CBD, is integrated with the remainder of the site's development, and that it avoids, remedies or mitigates adverse environmental effects. <del>on other areas of the City.</del></p>	<p>This policy provides for consideration of proposals determined to not be consistent with the Structure Plan. The inclusion of this policy is considered appropriate, relative to the alternative of 'fixing' the Structure Plan and requiring that all development within the WSPA be consistent with the Structure Plan. This policy recognises that some flexibility exists for the development and reflects the length of time over which a development of this size will take place in the Upper Hutt market. The proposed approach is therefore one which provides a high degree of certainty about the overall outcome for the site, but which allows flexibility if the market does not respond as anticipated to the development types proposed in the Structure Plan or if a specific opportunity arises, not currently anticipated.</p> <p>EVALUATION OF AMENDMENTS:</p> <p>Minor amendments to ensure that the policy relates to the entire Wallaceville Structure Plan Area.</p> <p>The new matters included seeks to ensure that for developments that are not consistent with the Structure Plan any potential adverse effects on the anticipated development for the site and on adjoining land owners is adequately avoided or mitigated. The amendments also recognise that it is important to ensure that development meet additional environmental bottom lines.</p> <p>The amendments to the policy are also considered to be the most appropriate way to achieve the purpose of the Act. This is because more specific matters or 'environmental bottom lines' to determine whether development that is not consistent with the WSP are considered necessary in order to guide Council in its determination of the appropriateness of the development.</p> <p>In terms of effectiveness, the proposed policy amendments are effective in providing clear guidance to plan users and decision makers regarding the development expectations for applications that are not consistent with the WSP.</p> <p>In terms of appropriateness the efficiency and effectiveness of the amended policy will assist in achieving Objective 4.3.5 (as amended) and existing Objective 4.3.1.</p> <p>In terms of benefits and costs, there will be some further costs associated with the changes to this policy as future development will be expected to meet the additional 'environmental bottom lines' however the changes will result environmental benefits requiring that development achieve these bottom lines.</p> <p>See also Issue 11 of Committee Recommendation</p>
11	4 – Residential Zone	Method 4.5.1	<p>Amend Method 4.5.1 as follows:</p> <p>District Plan provisions consisting of a Residential Zone identifying the residential environments within the City, including the Conservation, and Hill, and Residential (Centres Overlay) Areas <del>and the Wallaceville Structure Plan Area</del>. Rules and standards apply to activities so that adverse effects are avoided, remedied or mitigated. Consent application procedures provide for the consideration of effects on a case-by-case basis and the imposition of appropriate conditions when necessary. Design guidelines provide for assessment of Comprehensive Residential Developments and subdivision design in Residential (Centres Overlay) Areas.</p>	
<b>CHAPTER 6 – BUSINESS ZONE</b>				
12	6 – Business Zone	New objective 6.3.1A	<p>Insert new objective 6.3.1A as follows:</p> <p><b>Provide for the Gateway Precinct of the Wallaceville Structure Plan Area as a neighbourhood centre which:</b></p> <ul style="list-style-type: none"> <li>- <b>Provides local convenience retail and services</b></li> </ul>	<p>New objective supports the inclusion of the Gateway Precinct as a neighbourhood centre. The objective is effective in providing clear guidance on what is envisaged in the Gateway Precinct.</p> <p>EVALUATION OF AMENDMENTS:</p>

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			<ul style="list-style-type: none"> <li>- <b>Provides employment opportunities</b></li> <li>- <b>Provides residential development where this is compatible with retail, commercial and office land uses</b></li> <li>- <b>Makes efficient use of natural and physical resources</b></li> </ul> <p><u>This objective seeks the creation of a local centre that will generate retail and employment opportunities in the Wallaceville Structure Plan Area (Chapter 39: Wallaceville Structure Plan). This area will support the high density residential development and other parts of the site.</u></p>	Minor amendment to the notified version to reference WSP in Chapter 39. There are considered to be no environmental, economic, social and cultural benefits or costs associated with the amendment.
13	6 – Business Zone	Policy 6.4.4	<p>Insert additional explanation to Policy 6.4.4 as follows:</p> <p><b>To control the size and scale of buildings and the visual appearance of sites within the Business Zone.</b></p> <p>This policy aims to preserve amenity values within the Business Zone. Buildings and sites need to be attractive and be of a size or type that is compatible with the neighbourhood.</p> <p>The scale, nature and effects of industrial activities are not particularly compatible with residential activities. To avoid possible conflicts, the Plan provisions limit residential activity within the Business Industrial Sub-zone to that required for the effective operation of the business activity.</p> <p><u>In the Gateway Precinct of the Wallaceville Structure Plan Area all new buildings and significant exterior alterations to existing non-listed heritage buildings not identified in Schedule 26.8 require resource consent as a restricted discretionary activity subject to compliance with specific standards. Matters of discretion include the effects of the proposed development on the character and significance of heritage features within the precinct.</u></p>	
14	6 – Business Zone	New policy 6.4.6	<p>Insert new Policy 6.4.6:</p> <p><b>Policy 6.4.6: To provide for subdivision and development occurs within the Gateway Precinct of the Wallaceville Structure Plan Area which that is consistent with the Wallaceville Structure Plan Gateway Precinct outcomes listed in Appendix Residential 3</b></p> <p><u>Explanation:</u> The Wallaceville Structure Plan identifies the Gateway Precinct as the location of a local centre incorporating retail, commercial and above ground level residential uses. It also establishes intention and outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with the Structure Plan will ensure that future development of the local centre represents sustainable management of the land resource.</p>	<p>EVALUATION OF AMENDMENTS:</p> <p>Minor amendment to ensure that the policy relates to both subdivision and development so that it relates to the new restricted discretionary activity rules for the business commercial zone. The amendment is considered the most appropriate means of aligning with the specific rules proposed for the WSPA.</p> <p>Minor amendment to the notified version to reference WSP in Chapter 39.</p> <p>In terms of appropriateness the efficiency and effectiveness of the amended policy will assist in achieving Objective 6.3.1A and existing Objective 6.3.1 being 'the sustainable management of physical resources within the existing business areas of the City to protect and enhance their amenity values'.</p> <p>See also Issue 11 of Committee Recommendation</p>
14A	6 – Business Zone	New policy 6.4.7	<p>Insert new Policy 6.4.7:</p> <p><b>To provide for subdivision and/or development in the Wallaceville Structure Plan Area which is not consistent with the Wallaceville Structure Plan may that will only be appropriate if it:</b></p> <ul style="list-style-type: none"> <li>- <b>be integrated with the development generally anticipated in the Wallaceville Structure Plan</b></li> <li>- <b>provides a high level of amenity;</b></li> <li>- <b>ensures adequate infrastructure and transport provision; and</b></li> <li>- <b>facilitates the safety of road users; and</b></li> <li>- <b>does not detract from the vitality and vibrancy of the Upper Hutt CBD; and</b></li> <li>- <b>is be integrated with the development generally anticipated in the Wallaceville Structure Plan</b></li> <li>- <b>Avoids, remedies or mitigates adverse environmental effects</b></li> </ul> <p><u>The Wallaceville Structure Plan provides for the development of the Wallaceville Structure Plan Area in a logical and coherent manner that takes into account the historical, cultural, environmental and landscape characteristics of the area. It also establishes outcome expectations based on an analysis of site values, constraints and opportunities. Requiring development to be consistent with this plan will ensure that future development represents sustainable management of the land resource. Subdivision, new buildings and significant exterior alterations to existing buildings not identified in Schedule 26.8 within the Gateway Precinct of the Wallaceville Structure Plan Area is a restricted discretionary activity to enable consideration of consistency with the Structure Plan. Subdivision and/or development that is consistent with the Wallaceville Structure Plan will satisfy Policy 6.4.7 and provide for sustainable management of the land resource.</u></p> <p><u>However, the development of the site will occur over an extended period. During this time</u></p>	<p>EVALUATION OF AMENDMENTS:</p> <p>The proposed new policy replicates new policy 4.4.15 to ensure there is a consistent policy framework applied to the business commercial zone and the residential zone of the WSPA.</p> <p>Refer discussion on Policy 4.4.15 (notified as Policy 4.4.16) above.</p> <p>See also Issue 11 of Committee Recommendation</p>

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			<u>opportunities to integrate alternative land uses within the site may arise. This policy provides a framework for the consideration of such alternative land uses and layouts. The policy emphasises the importance of ensuring development is integrated with the remainder of the site's development, and that it avoids, remedies or mitigates adverse environmental effects.</u>	
<b>CHAPTER 8 – SPECIAL ACTIVITY ZONE</b>				
15	8 – Special Activity Zone	8.1 Background	Delete the following from the background section:  Major activities in the Zone include Trentham Military Camp, Rimutaka Prison, New Zealand International Campus (the former Central Institute of Technology (CIT) complex), Wallaceville Animal Research Centre, ....	
<b>CHAPTER 11 - HERITAGE</b>				
16	11 – Heritage	Policy 11.4.1	Amend Policy 11.4.1 and its explanation as follows:  <b>To protect buildings, structures, features, areas, and sites of significant heritage value within the City from activities which would result in their unnecessary degradation, inappropriate modification or destruction.</b>  Heritage features include archaeological sites, buildings, structures, features and areas. These provide important links with the past. Their identification and protection through the District Plan assists in developing a greater awareness and understanding of our history and identity.  Activities have the potential to compromise, or even destroy, the character and significance of heritage features. Council seeks to manage adverse effects of activities by allowing any repair and maintenance of heritage features as a permitted activity and grouping other activities according to their likely adverse effects on them. <u>In the Gateway Precinct of the Wallaceville Structure Plan Area (Chapter 39: Wallaceville Structure Plan) all new buildings and significant exterior modifications to existing non-listed heritage buildings not identified in Schedule 26.8 require resource consent as a Restricted Discretionary activity. Matters of discretion include the effects of the proposed development on the character and significance of heritage features within the precinct.</u>	EVALUATION OF AMENDMENTS: Minor amendment to reference WSP in Chapter 39: Wallaceville
<b>CHAPTER 18 – RESIDENTIAL ZONE RULES</b>				
17	18 – Residential Zone Rules	Activities Table 18.1	Insert the following additional activities into the tables in 18.1 (directly below the first subdivision rule):  <u>Subdivision in the Wallaceville Structure Plan Area (Appendix Residential-3Chapter 39: Wallaceville Structure Plan) which complies with the standards in rules 18.5 and 18.9 unless specified below - RD</u>	EVALUATION OF AMENDMENTS: Minor amendment to reference WSP in Chapter 39: Wallaceville
<u>17A</u>	<u>18 – Residential Zone Rules</u>	<u>Activities Table 18.1</u>	<u>Insert the following additional activities into the tables in 18.1 (directly below the subdivision rule above):</u>  <u>Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 18.5 and 18.9 – D</u>	EVALUATION OF AMENDMENTS: The proposed amendment seeks to articulate that for subdivision applications that fail to comply with the standards and terms of the new restricted discretionary activity rule, discretionary activity consent will be required. In terms of effectiveness, the amended rule regime and default discretionary activity status for subdivision greatly improves the effectiveness of the rules in terms of managing adverse effects. In terms of appropriateness, the amendments to the rule will assist in achieving proposed Objective 4.3.5 and existing Objective 4.3.3 being 'the management of the adverse effects of subdivision within residential areas'
<u>17B</u>	<u>18 – Residential Zone Rules</u>	<u>Activities Table 18.2</u>	<u>Amend the controlled activity status rule to exclude the land parcel to the south of Alexander Road:</u>  Two or more dwellings on a site within a Residential (Centres Overlay) Area <u>except on land identified as Pt Section 618 Hutt District</u> complying with the net site area standard of rule 18.5 - C	EVALUATION OF AMENDMENTS: Pt Section 618 Hutt District is the parcel of land located on the south side of Alexander Road. Excluding this parcel of land from the existing controlled activity multiple dwellings is a temporary measure that seeks to ensure that, if in the unlikely event that multiple dwellings are proposed on the site prior to subdivision taking place, land stability matters can be adequately addressed through the discretionary activity resource consent process. The amendment may result in an increase in costs associated with a discretionary activity consent process (as opposed to a controlled activity consent process) and will result in greater uncertainty and risk associated with this process. However this is considered appropriate as the amendment will result in environmental benefits associated with the ability to adequately address land stability matters through a discretionary activity resource consent process.
<u>17C</u>	<u>18 – Residential Zone Rules</u>	<u>18.9 Access</u>	<u>Add the following new bullet points to section 18.9:</u>  <u>- There shall be no private vehicle access to or egress from Alexander Road for to any site contained within Area B of the Wallaceville Structure Plan Area</u> <u>- There shall be no new private vehicle access to or egress from Alexander Road to land identified as any site contained within Lot 2 DP 471766, Pt Section 102B Hutt District Wellington or Pt Section 618 Hutt District</u>	EVALUATION OF AMENDMENTS: The notified plan framework will allow private vehicle access associated with a single dwelling as a permitted land use activity. Two or more dwellings complying with the net site area standards of rule 18.10 are controlled. Matters of control for multiple dwellings include 'standard, construction and layout of vehicular access' (rule 18.8). As consent applications for controlled activities must be approved, this framework will not provide the necessary certainty to ensure that private vehicle access onto Alexander Road does not occur until appropriate traffic calming measures are in plan. In order to address this, along with amendments to the Wallaceville Road Typologies two new bullet points to the access standard allowing direct vehicle access from arterial roads are proposed. The first exception restricts vehicle access to Alexander Road from



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				Area B and the second restricts vehicle access on the parcel of land that contains Area A. The restriction will ensure that proposals for direct access to Alexander Road would require assessment as a discretionary activity until a subdivision consent for Area A has been approved and new titles issued. Pursuant to the amendments to the new information requirements included in Section 2.6.9D (amendment 1) the subdivision will be required to include details and plans of Alexander Road improvements including the installation of appropriate traffic calming measures.
18	18 – Residential Zone Rules	18.14 Site coverage	<p>Insert the following:</p> <p><u>50% in the Urban Precinct in the Wallaceville Structure Plan Area</u></p>	<p>Refer Section 3.4.5 of Section 32 Report.</p> <p>An increase in site coverage was sought to provided more efficient use of the land area within the Urban Precinct given its proximity to the proposed local centre and the Wallaceville Rail Station.</p> <p>EVALUATION OF AMENDMENT / DELETION</p> <p>Refer evidence of Ms Lauren White and Appendix Two of evidence of Ms Stephanie Blick</p>
19	18 – Residential Zone Rules	18.12 Setbacks from boundaries	<p>Insert the following new setback standard for the Urban Precinct of the Wallaceville Structure Plan Area:</p> <p><u>For Comprehensive Residential Development within Side boundaries within the Urban Precinct of the Wallaceville Structure Plan Area: 4m-1.5m</u></p> <p>Add exception:</p> <p><u>In the Urban Precinct of the Wallaceville Structure Plan Area side boundary setbacks do not apply to semi-detached buildings with a common wall.</u></p>	<p>Refer Section 3.4.5 of Section 32 Report.</p> <p>The amendment, in combination with the other amendments to bulk and location standards sought to facilitate the higher density outcome sought for the Urban Precinct. The amendments are clear and easily interpreted and are efficient methods for managing the effects of buildings.</p> <p>EVALUATION OF AMENDMENT / DELETION</p> <p>Refer evidence of Ms Lauren White and Appendix Two of evidence of Ms Stephanie Blick.</p> <p>The economic cost associated with the amendment is relatively neutral as the loss of buildable land is minor.</p> <p>In combination with the other amendments sought to the bulk and location controls of the residential zone, the amendment to the standard is considered appropriate in achieving:</p> <ul style="list-style-type: none"> <li>- new Objective 4.3.5, existing objective 4.3.4 being 'to provide for higher density residential development by way of Comprehensive Residential Developments and specific net site area standards around the central business district, neighbourhood centres and major transport nodes.';</li> <li>- existing policy 4.4.1 being 'to provide for a range of building densities within the residential areas which takes into account the existing character of the area, topography and the capacity of infrastructure'; and</li> <li>- existing policy 4.4.2 being 'to ensure that the scale, appearance and siting of buildings, structures and activities are compatible with the character and desired amenity values of the area.'</li> </ul>
19A	18 – Residential Zone Rules	18.12 Setbacks from boundaries	<p>Insert the following new boundary setback:</p> <p><u>Within the Wallaceville Structure Plan Area, rear and side boundaries adjoining rail corridor designation TZR1 – 5m</u></p>	<p>EVALUATION OF AMENDMENT:</p> <p>The 5m setback from the rail corridor was requested by KiwiRail in its submission. It is noted that while the <i>Decisions on Submissions</i> provided in Appendix 2 of the Council Hearing Report recommends that the request from KiwiRail for a 5m building setback from the rail corridor be included as a standard in the District Plan, this acceptance has not been brought through to the urban form and design recommendations sections of the Council Hearing Report.</p> <p>KiwiRail has stated that the setback has been requested for primarily safety reasons. KiwiRail wishes to set back buildings from the rail corridor boundary so that where maintenance of such buildings takes place, maintenance equipment such as ladders and tall poles are kept well clear of the electrified corridor. This will seek to avoid risks of electrocution.</p> <p>While the new standard may result in economic costs associated with a reduced buildable area, such cost is considered to be acceptable when balanced with the environmental benefits associated within improved safety of future occupiers of land adjoining the rail corridor.</p> <p>The proposed standard is considered appropriate in achieving existing objective 15.4.3 being 'to promote the development of a safer and more secure environment for the community'.</p>
20	18 – Residential Zone Rules	18.13 Outdoor living court	<p>Insert the following exemptions into the Outdoor living court standard:</p> <ul style="list-style-type: none"> <li>• For Comprehensive Residential Developments in the Residential (Centres Overlay) Areas, an area of outdoor living space(s) shall be provided for each dwelling on the net site area for that dwelling that meets the following criteria: <ol style="list-style-type: none"> <li>1. Able to accommodate a 'principal area' of 4 metres by 4 metres; and</li> <li>2. Is not required for vehicle access, parking or manoeuvring.</li> </ol> </li> </ul> <p><u>-Within the Urban Precinct and Grants Bush Precinct and Wallaceville Living Precinct of the Wallaceville Structure Plan Area, an area of outdoor living space(s) shall be provided for each dwelling on the net site area for that dwelling that meets the following criteria:</u></p> <p><u>1. Able to accommodate an outdoor living court capable of containing a 6m diameter circle,</u></p> <p><u>2. Is not required for vehicle access, parking or manoeuvring, and</u></p> <p><u>3. Shall be located at its northern aspect, or directly accessible from a living area.</u></p> <ul style="list-style-type: none"> <li>• Non-enclosed verandahs, decks, porches, swimming pools, and a glassed conservatory with a maximum area of 13m<sup>2</sup> may encroach over or into 25% of the outdoor living court.</li> <li>• For new residential buildings as part Comprehensive Residential Developments in the Urban</li> </ul>	<p>Refer Section 3.4.5 of Section 32 Report.</p> <p>EVALUATION OF AMENDMENT / DELETION</p> <p>Refer evidence of Ms Lauren White and Appendix Two of evidence of Ms Stephanie Blick</p> <p>In combination with the other amendments sought to the bulk and location controls of the residential zone, the amendment to the standard is considered appropriate in achieving:</p> <ul style="list-style-type: none"> <li>- new Objective 4.3.5, existing objective 4.3.4 being 'to provide for higher density residential development by way of Comprehensive Residential Developments and specific net site area standards around the central business district, neighbourhood centres and major transport nodes.';</li> <li>- existing policy 4.4.1 being 'to provide for a range of building densities within the residential areas which takes into account the existing character of the area, topography and the capacity of infrastructure' and</li> <li>- existing policy 4.4.2 being 'to ensure that the scale, appearance and siting of buildings, structures and activities are compatible with the character and desired amenity values of the area.'</li> </ul>

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			<p>Precinct of the Wallaceville Structure Plan Area, the following additional criteria apply:</p> <p><del>1. A any dwelling with no habitable rooms at entirely above ground level (except parking/garaging) shall have an outdoor living space that is directly accessible from an internal living room (such as a balcony or terrace) in the form of a balcony or roof terrace or multiple balconies or roof terraces with a minimum depth of 2.2m and a combined area of at least minimum area of 10m<sup>2</sup>. At least one balcony or roof terrace must have a minimum depth of 2.4m; or</del></p> <p><del>2. Alternatively, ground level shared open space may be provided to dwellings at or above ground level, whereby all areas of shared open space shall have a minimum area of 30m<sup>2</sup> and a minimum width of 3m. The aggregate total of the shared open space must equal or be greater than 10m<sup>2</sup> per residential unit.</del></p>	
21	18 – Residential Zone Rules	18.15 Maximum building height	<p>Amend the building height standard as follows:</p> <p>The maximum height of any building shall not exceed 8m</p> <p><b>Exemptions:</b></p> <p>...</p> <p><del>except for n</del>New buildings as part of a Comprehensive Residential Development in the Urban Precinct of the Wallaceville Structure Plan Area where the maximum height of any building shall not exceed <del>11m</del> 10m</p>	<p>Refer Section 3.4.5 of Section 32 Report.</p> <p>In combination with the other amendments sought to bulk and location controls, this amendment seeks to provide for greater variety of housing typologies and to provide the opportunity for residential units to be entirely above ground floor.</p> <p>The proposed provision will enable an increase in height limits that are currently provided for under the residential zone standards. This will be beneficial in terms of providing for a more efficient use of the land resources.</p> <p><b>EVALUATION OF AMENDMENT / DELETION:</b></p> <p>Refer evidence of Ms Lauren White and Appendix Two of evidence of Ms Stephanie Blick. In response to the concerns of Council Officers and submitters that an 11m height limit would allow for four storey buildings, the proposed height has been reduced by 1m to 10m.</p> <p>The proposed new height control, in combination with the other bulk and location controls are still the most appropriate way to achieve development that gives effect to new Objective 4.4.3 (amendment 3) and existing Objective 4.3.1 and associated policies (insert policy numbers).</p> <p>The reduction in the height limit from 11m to 10m will seek to ensure that undesirable environmental outcomes do not result i.e. 4 storey buildings with uninteresting roof forms. The 10m limit is more effective and efficient in terms of administration and compliance than the 9m + roof protrusion</p>
22	18 – Residential Zone Rules	18.16 Sunlight access	<p>Insert the following exemption to the sunlight access standard:</p> <ul style="list-style-type: none"> <li><del>In the Urban Precinct of the Wallaceville Structure Plan Area, for semi-detached dwellings the sunlight access provisions shall not apply on the shared common boundary wall</del></li> </ul>	<p><b>EVALUATION OF AMENDMENT</b></p> <p>Minor wording change to improve clarity of provision.</p>
23A	18 – Residential Zone Rules	18.16A Ventilation	<p>Insert the following new permitted activity standard 18.16A:</p> <p><b>Ventilation</b></p> <p>Within the Wallaceville Structure Plan Area, where:</p> <ol style="list-style-type: none"> <li><del>sleeping rooms and studies where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 4250m of the rail corridor (designation TZR1); or</del></li> <li><del>sleeping rooms and studies where openable windows are proposed on upper levels of two or more storey in dwellings within 4050m of a site designated as MAF1;</del></li> </ol> <p><del>a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement rule, a bedroom sleeping room is any room intended to be primarily used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.</del></p>	<p>Refer Section 3.4.2 of Section 32 Report. The proposed new standards (fencing, ventilation, noise insulation) seeks to ensure a quality living environment but in doing so does not impose cost on the adjoining non-residential land use to achieve this outcome.</p> <p><b>EVALUATION OF AMENDMENT:</b></p> <p>The amendments sought to the proposed noise rules, as agreed between WDL and MPI and KiwiRail serve to increase the level of noise protection to future occupants of land adjoining the rail corridor and MPI boundary.</p> <p>The amendments are therefore considered to be appropriate in seeking to achieve:</p> <ul style="list-style-type: none"> <li>- existing objective 4.3.1, policy 4.4.6 being 'to mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment',</li> <li>- objective 15.3.1 being 'the promotion of a high level of environmental quality in the City by protecting amenity values' and</li> <li>- policy 15.4.4 being 'to promote the development of a safer and more secure environment for the community'</li> </ul>
23B	18 – Residential Zone Rules	18.16B Noise insulation	<p>Insert the following new permitted activity standard 18.16B:</p> <p><b>Noise Insulation</b></p> <p>Within the Wallaceville Structure Plan Area, where</p> <ol style="list-style-type: none"> <li><del>any sleeping room or study within 12m of the Alexander Road boundary; or</del></li> <li><del>any sleeping room or study on upper levels of two or more storey in dwellings within 4230m of a site utilised for railway purposes (Designation TZR1)</del></li> </ol> <p><del>shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:</del></p> <p><del>DnT,w + Ctr &gt; 30 dB D2m,nT,w + Ctr &gt; 35</del></p> <p><del>Compliance with this rule shall be achieved by either:</del></p> <ol style="list-style-type: none"> <li><del>Constructing the building in accordance with the minimum requirements set out in [the attached construction schedule]; or</del></li> <li><del>Providing to Council's satisfaction a certificate from an experienced acoustic expert stating that the external sound insulation level of the proposed sleeping room or study will achieve the minimum performance standard of D2m,nT,w + Ctr &gt; 35</del></li> </ol>	<p>Refer Section 3.4.2 of Section 32 Report. The proposed new standards (fencing, ventilation, noise insulation) seeks to ensure a quality living environment but in doing so does not impose cost on the adjoining non-residential land use to achieve this outcome.</p> <p><b>EVALUATION OF AMENDMENT</b></p> <p>The amendments sought to the proposed noise rules, as agreed between and KiwiRail serve to increase the level of noise protection to future occupants of land adjoining the rail corridor.</p> <p>The amendments are therefore considered to be appropriate in seeking to achieve:</p> <ul style="list-style-type: none"> <li>- existing objective 4.3.1, policy 4.4.6 being 'to mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment',</li> <li>- objective 15.3.1 being 'the promotion of a high level of environmental quality in the City by protecting amenity values' and,</li> <li>- policy 15.4.4 being 'to promote the development of a safer and more secure environment for the community'</li> </ul>

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			<p><u>For the purposes of this rule, a sleeping room is any room primarily used for sleeping.</u></p> <p><b>[CONSTRUCTION TABLE INCLUDED IN TRACK CHANGE DOCUMENT]</b></p>	
24	18 – Residential Zone Rules	18.16C Fencing	<p>Insert the following new permitted activity standard 18.16C:</p> <p><u>Within the Wallaceville Structure Plan Area:</u></p> <ul style="list-style-type: none"> <li>• <u>a 1.5m high close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated for railway purposes (designation t2r1). the fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to the occupation of dwellings on the site</u></li> <li>• <u>a 2m high close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated as MAFL. The fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to occupation of dwellings on the site.</u></li> <li>• <u>fences along front yards of sites within the Urban Precinct and Grants Bush Precinct must not exceed a maximum height of 1.5m.</u></li> <li>• <u>within Area B, fences along the boundaries of a site where it adjoins Alexander Road must not exceed a maximum height of 1.8m and the portion of fence over 1.3m must be permeable.</u></li> </ul>	<p>EVALUATION OF AMENDMENT:</p> <p>WDL and Council have agreed to amendments to the Plan Change that seek to restrict direct vehicle access from Alexander Road to sites located within Area B. Accordingly, should future land owners which to construct a fence along the boundaries of the site that adjoin Alexander Road, WDL's expert urban designer Ms White considered it necessary to place controls on the height of fencing along this boundary. The controls seek to address potential visual effects associated with not provided direct access to sites along Alexander Road.</p>
25	<del>18 – Residential Zone Rules</del>	<del>18.18 Water supply, stormwater and wastewater</del>	<p>All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works <del>except as otherwise provided for by any conditions of resource consent in the Wallaceville Structure Plan Area.</del></p>	<p>EVALUATION OF AMENDMENT:</p> <p>Proposed additional wording to be deleted.</p> <p>Council considered that the additional wording was not appropriate and any deviation from the code of practice would be adequately dealt with in resource consent processes.</p>
26	18 – Residential Zone Rules	18.28A Comprehensive residential development	<p>Amend Restricted Discretionary Rule 18.28A as follows:</p> <p><u>Additional standards and terms for Comprehensive Residential Development within the Wallaceville Structure Plan Area:</u></p> <ul style="list-style-type: none"> <li>- <u>Compliance with acoustic insulation and ventilation standards of rule 18.16A and 18.16B</u></li> <li>- <u>Compliance with the fencing standards of rule 18.16C</u></li> </ul> <p>...</p> <p>In considering a resource consent application, Council's discretion is also restricted to an assessment against the Design Guide for Residential (Centres Overlay) Areas (refer to Appendix Residential 2) <u>and, where relevant, the Wallaceville Structure Plan (refer to Appendix Residential 3 Chapter 39: Wallaceville Structure Plan).</u></p> <p>Restriction on notification In respect of rule 18.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28A will be decided without the need for public notification under section 95A, but limited notification of an application will still be determined in accordance with section 95B. The restriction in respect of public notification does not apply if the application requires land use consent under any other provision of the Plan.</p> <p><u>For Comprehensive Residential Development in the Wallaceville Structure Plan Area, in respect of rule 18.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28A will be decided without the need for public notification under section 95A and limited notification under section 95B, and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.</u></p>	<p>EVALUATION OF AMENDMENT:</p> <p>Minor amendment to the notified version to reference WSP in Chapter 39</p> <p>Notification. The provision will enable the efficient use of the site through enabling the consenting process to proceed on a non-notified basis for applications that are consistent with the WSP. Refer notification discussion in section 3.4.6 of the Section 32 Report.</p> <p>The amendment ensures that the provision is effective in describing those activities where notification is not considered necessary. Additional costs may be incurred from this amendment from the notified notification clause as applications that are not consistent with the WSP are now subject to limited notification. This is considered acceptable.</p>
27	18 – Residential Zone Rules	New restricted discretionary rule 18.28B	<p>Insert new Restricted Discretionary Rule 18.28B</p> <p><u>Subdivision within the Wallaceville Structure Plan Area which complies with the standards in rule 18.5 and 18.9:</u></p> <p><u>Standards and terms for Subdivision in the Wallaceville Structure Plan Area</u></p> <ul style="list-style-type: none"> <li>- <u>Compliance with the access standards of rule 18.9</u></li> <li>- <u>Compliance with the minimum requirements for subdivision of rule 18.5</u></li> </ul> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <ul style="list-style-type: none"> <li>- <u>The extent to which the subdivision is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville Structure Plan)</u></li> <li>- <u>The extent to which the subdivision is consistent with the spatial layout plan for Area B required under Section 2.6.9D</u></li> </ul>	<p>New subdivision rules classifies all subdivision in the WSPA as restricted discretionary subject to compliance with the access and minimum requirements for subdivision standards. This is to ensure that Council can assess the subdivision against the WSP documents and evaluate compliance of the subdivision with these documents.</p> <p>EVALUATION OF AMENDMENTS:</p> <p>A number of amendments to the matters have been agreed through conferencing to address expert evidence and concerns raised by Council Officers and submitters.</p> <p>Amendments lead to an increase in environmental benefit from robust assessment of subdivision consent applications.</p> <p>The amended matters of restriction are more effective and efficient in achieving Objective 4.3.5 to ensure potential effects of subdivision are addressed thoroughly. In this respect there may be increased economic costs associated with the preparation of more detailed assessments to address those areas in respect of which Council has limited its discretion. Further the environmental costs associated with the rule may introduce greater uncertainty in the resource consent process. However, this is considered to be acceptable as the amendments will result in environmental benefits in managing the adverse effects of subdivision activities. The resource consent uncertainty is also deemed acceptable given the inclusion of the preclusion of notification.</p>

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			<ul style="list-style-type: none"> <li>- <u>Design, appearance and layout of the subdivision including consistency with the Wallaceville Structure Plan (Appendix Residential 3).</u></li> <li>- <u>Landscaping that complements existing species.</u></li> <li>- <u>Standard, construction and layout of roads (including intersections) and vehicular access.</u></li> <li>- <u>Provision of and effects on utilities and/or services</u></li> <li>- <u>Earthworks and land stability</u></li> <li>- <u>Provision of reserves</u></li> <li>- <u>Protection of any special amenity feature.</u></li> <li>- <u>Provision of pedestrian and cycleway connections</u></li> <li>- <u>The alignment of proposed subdivision boundaries with Precinct boundaries as identified in the Wallaceville Structure Plan</u></li> <li>- <u>Financial contributions.</u></li> </ul> <p><u>Restriction on notification</u></p> <p><u>In respect of rule 18.28B, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28B will be decided without the need for public notification under section 95A and limited notification under section 95B, and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.</u></p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>- <u>Failure to comply with this rule will require resource consent as a Discretionary Activity</u></li> <li>- <u>A resource consent application for subdivision consent under this rule shall contain the information listed in 2.6.9D in addition to the requirements of the Fourth Schedule of the Resource Management Act 1991. Where relevant, applications may rely upon any spatial layout plan submitted as part of a prior subdivision application that has received consent</u></li> </ul>	<p>In terms of effectiveness, the amended rule regime for subdivision greatly improves the effectiveness of the rules in terms of managing adverse effects, while clearly establishing the matters over which discretion is restricted.</p> <p>In terms of appropriateness, the amendments to the rule will assist in achieving proposed Objective 4.3.5 and existing Objective 4.3.3 being 'the management of the adverse effects of subdivision within residential areas'</p> <p>Minor amendments have been agreed to specify that limited notification is only precluded for subdivision and/or development that is considered to be consistent with the Wallaceville Structure Plan. The preclusion of such applications from limited (and public) notification is appropriate as the development is to take place over a large greenfield site, in which amenity expectations of residents and occupants are being created by the development set through the Precinct descriptions, and do not currently exist.</p> <p>The amendments are also considered appropriate as the opportunity still exists for Council to notify applications that are not consistent with the WSP or where special circumstances exist.</p> <p>Regarding effectiveness, the clause is considered to be an effective means of clearly setting out where applications will not require notification.</p> <p>Further, the proposed notification clauses do not extend to subdivision and/or development that fails to comply with the standards and terms (some of which are intended to address interface issues) for the new and existing restricted discretionary activities (i.e for applications that default to discretionary activities). This is considered appropriate.</p>
28	18 – Residential Zone Rules	18.37 (Matters for consideration)	<p>Insert the following matters:</p> <p><u>Subdivision and/or development in the Wallaceville Structure Plan Area:</u></p> <ul style="list-style-type: none"> <li>- <u>Relevant matters in the sections above</u></li> <li>- <u>The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan</u></li> <li>- <u>The extent to which any subdivision and/or development that is not consistent with the Wallaceville Structure Plan will avoid, remedy or mitigate adverse effects on other areas of Upper Hutt City, including effects on the vitality and amenity of the CBD does not detract from the vitality and vibrancy of the Upper Hutt CBD, will adequately provide for stormwater management, will contribute to the safe functioning of the road network and will integrate with adjoining development anticipated through the Structure Plan</u></li> <li>- <u>Relevant matters above.</u></li> </ul>	<p>EVALUATION OF AMENDMENT:</p> <p>Amendments that are sought are consistent with the environmental 'bottom lines' introduced into new policy 4.4.15 (notified as policy 4.4.16).</p> <p>Refer discussion on new policy 4.4.15</p>
29	<del>18 – Residential Zone Rules</del>	New appendix	<del>Insert new Appendix Residential 3 – Wallaceville Structure Plan</del>	<p>EVALUATION OF AMENDMENT:</p> <p>Deletion of proposed appendices to the business commercial zone as all WSP documents to be included in a separate WSP chapter (see attached Chapter 39).</p>
30	<del>18 – Residential Zone Rules</del>	New appendix	<del>Insert new Appendix Residential 4 – Wallaceville Area B Future Structure Plan</del>	<p>EVALUATION OF AMENDMENT:</p> <p>Deletion of proposed appendices to the business commercial zone as all WSP documents to be included in a separate WSP chapter (see attached Chapter 39).</p>
<b>CHAPTER 20 – BUSINESS ZONE RULES</b>				
31	20 – Business Zone Rules	Activities Table 20.1	<p>Insert new subdivision rule directly below the first subdivision rule in table 20.1:</p> <p><u>Subdivision in the Wallaceville Structure Plan Area which complies with the standards in rules 20.5 and 20.8 unless specified below - RD</u></p>	
31A	<u>20 – Business Zone Rules</u>	<u>Activities Table 20.1</u>	<p><u>Insert new subdivision rule directly below the subdivision rule above:</u></p> <p><u>Subdivision in the Wallaceville Structure Plan Area that does not comply with the standards of rule 20.5 and 20.8 - D</u></p>	<p>EVALUATION OF AMENDMENT:</p> <p>The proposed amendment seeks to articulate that for subdivision applications that fail to comply with the standards and terms of the new restricted discretionary activity rule, discretionary activity consent will be required.</p> <p>In terms of effectiveness, the amended rule regime and default discretionary activity status for subdivision greatly improves the effectiveness of the rules in terms of managing adverse effects.</p> <p>In terms of appropriateness, the amendments to the rule will assist in achieving proposed Objective 6.3.1A and new policies 6.4.6</p>

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				and 6.6.7.
32	20 – Business Zone Rules	Activities Table 20.2	<p>Insert new permitted activity rule in Table 20.2 directly below the similar activity rule for Appendix Business 2:</p> <p><u>Retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level on land identified in <a href="#">Appendix Business 4 in the Gateway Precinct of the Wallaceville Structure Plan</a></u></p>	<p>Refer Section 3.4.4 of the Section 32 Report.</p> <p>The activity categories are considered the most appropriate in relation to the proposed Business Zone objective (Amendment 35 and 36). The activities are also considered the most appropriate in relation to the existing Business Zone Objective (6.3.3) which seeks:</p> <p><i>“The avoidance, remedying or mitigation of the adverse effects of business activities on the amenity of surrounding neighbourhoods”</i></p>
33	20 – Business Zone Rules	Activities Table 20.2	<p>Insert new discretionary activity rule in Table 20.2 directly below the similar activity rule for Appendix Business 2:</p> <p><u>Garden centres and all activities other than retail activity, restaurants, offices, early childhood centres, and residential accommodation above ground level and not otherwise provided for as non-complying in <a href="#">Table 20.2 on land identified in Appendix Business 4 in the Gateway Precinct of the Wallaceville Structure Plan Area</a></u></p>	<p>In combination with the proposed resource consent requirement for new buildings, the proposed status for activities will ensure that the potential activities on the residential area across Ward Street and the Urban Precinct of the Structure Plan area can be appropriately managed in order that environmental effects are not more than minor.</p> <p>EVALUATION OF AMENDMENTS</p> <p>Minor amendments have been agreed in the final joint statement to ensure that activities provided for as non-complying in the activities table are not inappropriately / inadvertently reclassified as discretionary.</p>
34	20 – Business Zone Rules	Activities Table 20.2	<p>Insert a new restricted discretionary activity rule in Table 20.2:</p> <p><u>Signs in the heritage covenant in the Gateway Precinct of the Wallaceville Structure Plan Area - RD</u></p>	
35	20 – Business Zone Rules	Activities Table 20.2	<p>Insert a new restricted discretionary activity rule in Table 20.2:</p> <p><u>In the Wallaceville Structure Plan Area all new buildings or significant exterior alterations to existing buildings not listed identified in <a href="#">Schedule 26.8 as significant heritage feature in Chapter 26 - RD</a></u></p>	
35A	<u>20 – Business Zone Rules</u>	<u>Activities Table 20.2</u>	<p><u>Insert a new discretionary activity rule in Table 20.2:</u></p> <p><u>In the Wallaceville Structure Plan Area all new buildings or significant exterior alterations to existing buildings not listed identified in <a href="#">Schedule 26.8 as significant heritage feature in Chapter 26 which do not comply with permitted or controlled activity standards - D</a></u></p>	<p>EVALUATION OF AMENDMENT:</p> <p>The proposed amendment seeks to articulate that for resource consent applications that fail to comply with the standards and terms of the new restricted discretionary activity rule, discretionary activity consent will be required.</p> <p>In terms of effectiveness, the amended rule regime and default discretionary activity status for subdivision greatly improves the effectiveness of the rules in terms of managing adverse effects.</p> <p>In terms of appropriateness, the amendments to the rule will assist in achieving proposed Objective 6.3.1A and new policies 6.4.6 and 6.6.7. The amendments will also assist in achieving existing heritage objective 11.3.1 being ‘the protection of significant heritage features in Upper Hutt to promote continuity with the past’.</p>
36	20 – Business Zone Rules	Activities Table 20.2	<p>Insert a new permitted activity rule in Table 20.2:</p> <p><u>In the Wallaceville Structure Plan Area demolition of buildings not listed identified in <a href="#">Schedule 26.8 as a significant heritage feature in Chapter 26 - P</a></u></p>	
37	20 – Business Zone Rules	20.12 Loading provisions	<p>Insert the following note:</p> <p><u>Loading spaces required do not apply to the floor area of residential activities located in the Gateway Precinct of the Wallaceville Structure Plan Area</u></p>	
38	20 – Business Zone Rules	20.16 Screening	<p>Insert the following exemptions to the screening standards in 20.16:</p> <p>Sites adjoining a Residential or Open Space Zone shall be fenced on the common boundary by a solid 2m high fence.</p> <p>Exception:</p> <p>The land identified in Appendix Business 2 and <a href="#">Appendix Business 4 in the Gateway Precinct of the Wallaceville Structure Plan Area</a> is exempt from the screening specified above, but outdoor storage areas on land identified in Appendix Business 2 and <a href="#">Appendix Business 4 in the Gateway Precinct of the Wallaceville Structure Plan Area</a> shall be screened as follows:</p> <ul style="list-style-type: none"> <li>Outdoor storage areas shall be screened by a close-boarded fence, a solid wall or dense planting of vegetation. The screening shall be no less than 1.8m in height.</li> </ul>	<p>EVALUATION OF AMENDMENT:</p> <p>Minor amendment that corresponds with the proposed inclusion of all WSP documents in one standalone chapter.</p>
39	20 – Business Zone Rules	20.17 Landscaping	<p>Amend standard 20.17 as follows:</p> <ul style="list-style-type: none"> <li>If a building is required to be set back from the road boundary, the set back area between the road boundary and the building shall be landscaped unless it is used for access or car parking purposes. If car parking or accessways are provided between the road boundary and the building, a landscape strip with a minimum width of 0.6m shall be provided within the site along the road</li> </ul>	

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			<p>boundary.</p> <ul style="list-style-type: none"> <li>Where a site adjoins a non-Business Zone (excluding road boundaries) or is within 25m of a Residential or Open Space Zone, a landscape buffer with a minimum width of 0.6m shall be provided within the site between the zone boundary and the buildings.</li> </ul> <p>Exemption: The land identified in Appendix Business 2 and land in the Gateway Precinct of the Wallaceville Structure Plan Area is exempt from the landscaping specified in the second bullet above.</p>	
40	20 – Business Zone Rules	New permitted activity standard 20.14A (Ventilation)	<p>Insert the following new permitted activity standard:</p> <p><b>Ventilation</b></p> <p><u>Within the Wallaceville Structure Plan Area, habitable rooms must have a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.</u></p> <p><u>For the purposes of this standard a habitable room means a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, watercloset, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.</u></p>	
41	20 – Business Zone Rules	New permitted activity standard 20.17A	<p>Insert the following new permitted/controlled activity standard:</p> <p><b>Fencing</b></p> <p><u>Within the Wallaceville Structure Plan Area a 2m high close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated as MAFL. The fence shall be constructed of materials having superficial mass of not less than 10kg per square metre and shall be constructed prior to occupation of dwellings on the site.</u></p>	
42	20 – Business Zone Rules	New restricted discretionary activity rule 20.28A	<p>Insert the following new restricted discretionary activity rule 20.28A:</p> <p><u>Subdivision within the Wallaceville Structure Plan Area which complies with the standards in rules 20.5 and 20.8</u></p> <p><u>Standards and terms for Subdivision in the Wallaceville Structure Plan Area</u></p> <ul style="list-style-type: none"> <li>- <u>Compliance with the minimum requirements for subdivision of rule 20.5</u></li> <li>- <u>Compliance with the access standards of rule 20.8</u></li> </ul> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <ul style="list-style-type: none"> <li>- <u>The extent to which the subdivision is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville Structure Plan)</u></li> <li>- <u>Design, appearance and layout of the subdivision including consistency with the Wallaceville Structure Plan (Appendix Residential-3)</u></li> <li>- <u>Landscaping that complements existing species.</u></li> <li>- <u>Standard, construction and layout of roads (including intersections) and vehicular access.</u></li> <li>- <u>Provision of and effects on utilities and/or services</u></li> <li>- <u>Earthworks and land stability.</u></li> <li>- <u>Provision of reserves</u></li> <li>- <u>Protection of any special amenity feature.</u></li> <li>- <u>Provision of pedestrian and cycleway connections</u></li> <li>- <u>The alignment of proposed subdivision boundaries with Precinct boundaries as identified in the Wallaceville Structure Plan</u></li> <li>- <u>Financial contributions.</u></li> </ul> <p><u>Restriction on notification</u> <u>In respect of rule 20.28A, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 18.28B will be decided without the need for public notification under section 95A and limited notification under section 95B, and any application that is consistent with the Wallaceville Structure Plan will be decided without the need for limited notification under section 95B.</u></p> <p><u>Note:</u></p>	<p>EVALUATION OF AMENDMENTS: Refer discussion on new subdivision rule for residential zone (amendment 27)</p>

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43	20 – Business Zone Rules	New restricted discretionary rule 20.30A	<p>- <a href="#">Failure to comply with this rule will require resource consent as a Discretionary Activity</a></p> <p>Insert new Restricted Discretionary Activity Rule 20.30A as follows:</p> <p><u>New buildings and significant external alteration to existing <del>non-heritage listed buildings not identified in Schedule 28.6</del> in the Gateway Precinct of the Wallaceville Structure Plan Area (<a href="#">Appendix Business 4</a>) that comply with the standards for permitted and controlled activities.</u></p> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <ul style="list-style-type: none"> <li>- <a href="#">The extent to which the development is consistent with the Wallaceville Structure Plan (Chapter 39: Wallaceville Structure Plan)</a></li> <li>- <a href="#">Height, proportion, materials, boundary setbacks and sunlight access and the extent that these affect significant heritage features included in Schedule 26.8</a></li> <li>- <a href="#">Effects on significant heritage features included in Schedule 26.8</a></li> <li>- <a href="#">Provision of and effects on utilities and/or services</a></li> <li>- <a href="#">Landscaping and screening</a></li> <li>- <a href="#">Standard, construction and layout of roads (including intersections) and vehicular access</a></li> <li>- <a href="#">Car parking</a></li> <li>- <a href="#">Effects on adjoining residential properties</a></li> <li>- <a href="#">Effects on the amenity of the surrounding area</a></li> <li>- <a href="#">Provision for retail buildings to have an active street frontage</a></li> <li>- <a href="#">Financial contributions</a></li> </ul> <p><u>Restriction on notification</u>  <a href="#">Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification and limited notification, except for new buildings within the heritage covenant where limited notification will be served on Heritage New Zealand (unless affected party approval is provided) as the only affected party under section 95B.</a>  <a href="#">In respect of rule 20.30A, and subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.30A will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.</a></p> <p><u>Note:</u>  <a href="#">Failure to comply with this rule will require resource consent as a Discretionary Activity</a></p>	<p>Refer Section 3.4.3 of the Section 32 Report.</p> <p>This rule seeks to avoid or mitigate potential effects on heritage values of this part of the site and on the identified historic buildings in particular. This provision will directly ensure that the Plan Change gives effect to the objectives and policies of the heritage chapter, in particular Policy 11.4.1:</p> <p><i>“To protect buildings, structures, features, areas, and sites of significant heritage values within the City from activities which would result in their unnecessary degradation, inappropriate modification or destruction.”</i></p> <p>Therefore notwithstanding the additional cost associated with a consent process, it is considered that these provisions represent the most appropriate way to achieve the heritage objectives for this part of the Plan Change site.</p> <p>EVALUATION OF AMENDMENTS:</p> <p>A number of amendments to the matters have been agreed through conferencing to address expert evidence and concerns raised by Council Officers and submitters.</p> <p>The amended matters over which Council has restricted its discretion are more effective and efficient in achieving Objective 4.3.5 to ensure potential effects of development are addressed thoroughly. In this respect there may be increased economic costs associated with the preparation of more detailed assessments to address those areas in respect of which Council has limited its discretion. Further the environmental costs associated with the rule may introduce greater uncertainty in the resource consent process. However, this is considered to be acceptable as the amendments will result in environmental benefits in managing the adverse effects of development activities. The resource consent uncertainty is also deemed acceptable given the preclusion of notification.</p> <p>In terms of effectiveness, the amended rule regime for new buildings and significant exterior alteration greatly improves the effectiveness of the rules in terms of managing adverse effects, while clearly establishing the matters over which discretion is restricted.</p> <p>In terms of appropriateness, the amendments to the rule will assist in achieving proposed Objective 6.3.1A.</p> <p>Minor amendments have been agreed to specify that limited notification is only precluded for subdivision and/or development that is considered to be consistent with the Wallaceville Structure Plan. The preclusion of such applications from limited (and public) notification is appropriate as the development is to take place over a large greenfield site, in which amenity expectations of residents and occupants are being created by the development set through the Precinct descriptions, and do not currently exist.</p> <p>The amendments are also considered appropriate as the opportunity still exists for Council to notify applications that are not consistent with the WSP or where special circumstances exist. Further, limited notification to Heritage New Zealand has not been precluded.</p> <p>Regarding effectiveness, the clause is considered to be an effective means of clearly setting out where applications will not require notification.</p> <p>Further, the proposed notification clauses do not extend to development that fails to comply with the standards and terms (some of which are intended to address interface issues) for the new and existing restricted discretionary activities (i.e for applications that default to discretionary activities). This is considered appropriate.</p>
44	20 – Business Zone Rules	New restricted discretionary rule 20.30B	<p>Insert new Restricted Discretionary Activity Rule 20.30B as follows:</p> <p><u>Signs in the heritage covenant area within the Gateway Precinct of the Wallaceville Structure Plan Area</u></p> <p><u>Council will restrict its discretion to, and may impose conditions on:</u></p> <ul style="list-style-type: none"> <li>- <a href="#">Sign design, location and placement</a></li> <li>- <a href="#">Area, height and number of signs proposed and already located in the covenant area</a></li> <li>- <a href="#">Illumination</a></li> <li>- <a href="#">Fixing and methods of fixing</a></li> <li>- <a href="#">The extent to which any sign including supporting structure detracts from any significant heritage feature in Schedule 26.8</a></li> </ul> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> <li>- <a href="#">Signs within roads are subject to compliance with Standard 20.26</a></li> <li>- <a href="#">Temporary signs are subject to compliance with Standard 20.25</a></li> </ul> <p><u>Restriction on notification</u>  <a href="#">Subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, a resource consent application under this rule will be precluded from public notification and limited notification, except limited notification may be served on Heritage New Zealand (unless affected party approval is provided) as the only affected party under section 95B.</a></p>	<p>EVALUATION OF AMENDMENTS:</p> <p>Minor amendment sought to a matter in order to address potential cumulative effects of signage.</p> <p>Refer discussion on notification amendments above (amendment 43).</p>

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			<u>In respect of rule 20.30B, and subject to sections 95A(2)(b), 95A(2)(c), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.30A will be decided without the need for public notification under section 95A and any application that is consistent with the Wallaceville Structure Plan without the need for limited notification under Section 95B and for new buildings within the heritage covenant area limited notification will only be served on Heritage New Zealand (unless affected party approval is provided) under section 95B of the Act.</u>	
45	20 – Business Zone Rules	20.32 Matters for consideration	<p>Insert the new sections as follows:</p> <p><u>Subdivision, new buildings and activities within the Gateway Precinct of the Wallaceville Structure Plan Area</u></p> <ul style="list-style-type: none"> <li>- <u>The extent to which the subdivision and/or development will meet the Gateway Precinct outcomes contained in Appendix Residential-3 is consistent with the Wallaceville Structure Plan</u></li> <li>- <u>The nature of the activity to be carried out within the building and its likely generated effects.</u></li> <li>- <u>The extent to which the area of the site and the proposed activities thereon are in keeping with the scale and form of the existing built environment and activities in the surrounding area</u></li> <li>- <u>The extent to which the protection and/or sustainable use of existing listed heritage buildings will be encouraged achieved</u></li> <li>- <u>The extent to which adjacent properties will be adversely affected in terms of visual obtrusiveness, overshadowing, and loss of access to sunlight and daylight.</u></li> <li>- <u>The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.</u></li> </ul>	<p>EVALUATION OF AMENDMENTS:</p> <p>Minor wording amendments to assist in interpretation.</p> <p>Minor amendment to reference WSP in Chapter 39: Wallaceville.</p>
46	<del>20 – Business Zone Rules</del>	<del>New Appendix</del>	<del>Insert a new Appendix Business 4 – map with an outline of the Gateway Precinct / Business Zone area</del>	<p>EVALUATION OF AMENDMENT:</p> <p>Deletion of proposed appendices as all WSP documents to be included in a separate WSP chapter.</p>
<b>CHAPTER 22 – SPECIAL ACTIVITY ZONE RULES</b>				
47	22 – Special Activity Zone Rules	Activities Table 22.2	<p>Amend the following permitted activity rule:</p> <p><del>Animal research and development and ancillary buildings and activities (including field days and open days) on Lot 1 DP 29238, Lot 1 DP 80342, Sec 102B 619, Pt Sec 618 HD Blk 1 Rimutaka SD + DP 79577, and Pt Sec 98B Hutt District</del></p>	
<b>CHAPTER 25 – RULES FOR RESERVES AND LEISURE FACILITIES CONTRIBUTIONS</b>				
48	25 – Rules for Reserves and Leisure Facilities Contributions	25.3 Guidelines for accepting land	<p>Generally, the contribution will be required in the form of money, however Council, at its complete discretion, may consider accepting a contribution of land instead of money, or a combination of land and money. Land may be accepted if it is designated for a reserve or if the land furthers Council’s objectives relating to the City’s open space network. Council may also accept land for the protection of ecological, scenic, historical or scientific values or to provide for the active or passive recreational needs of the community.</p> <p>In determining whether land will be accepted by Council, a number of matters may be taken into account, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>- The size and nature of the land.</li> <li>- The topography of the land.</li> <li>- Whether the land contributes to Council’s objectives for the City’s open space network.</li> <li>- Whether the land is designated for proposed reserve purposes.</li> <li>- <u>Whether the land has been identified as a Council reserve in a structure plan</u></li> </ul>	
<b>CHAPTER 26 – RULES FOR HERITAGE FEATURES</b>				
49	26 – Rules for Heritage Features	26.8 Schedule of Heritage Features	<p>Insert the following significant heritage feature into 26.8 – Schedule of Heritage Features and include on Urban Plan maps:</p> <p><u>Hopkirk Building</u>  <u>Ref: 26</u>  <u>Map Ref: U37</u>  <u>Heritage Feature: Hopkirk Building</u>  <u>Description: Wallaceville Animal Research Centre Hopkirk Building. Significant 1940 architecture</u>  <u>Status: NZHPT Heritage covenant</u>  <u>Significance:</u>  <u>National</u>  <u>Local</u></p>	



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50	26 – Rules for Heritage Features	26.8 Schedule of Heritage Features	<p>Insert the following significant heritage feature into 26.8 – Schedule of Heritage Features and include on Urban Plan maps:</p> <p><u>Incinerator</u>  <u>Ref: 27</u>  <u>Map Ref: U37</u>  <u>Heritage Feature: Incinerator</u>  <u>Description: Significant remnant of Wallaceville Aq-research Centre</u>  <u>Status: NZHPT Heritage covenant</u>  <u>Significance:</u>  <u>National</u>  <u>Local</u></p>	
<b>CHAPTER 27 – RULES FOR NOTABLE TREES</b>				
51	27 – Rules for Notable Trees	27.7 Schedule of Notable Trees	<p>Insert <u>43 44</u> notable trees listed in the District Plan track change document and the STEM assessment report into Schedule <u>27.7 and the memo by Council's Horticulture Officer dated 3 July 2015</u> and include on Urban Plan maps</p>	
<b>CHAPTER 35 – DEFINITIONS</b>				
52	35 – Definitions	New definition	<p>Insert the following new definition for 'Significant exterior alteration':</p> <p><u>Significant exterior alteration:</u>  <u>In the Gateway Precinct of the Wallaceville Structure Plan Area, any horizontal or vertical extension to, or demolition of, a wall(s) or roof of a building and any-It does not include the</u> <u>recladding, repair or maintenance of a building, or the replacement of windows or doors (including their framing) where the new materials are not the same or similar in appearance to the existing materials. It does not include or any works to existing, or installation of new, mechanical structures relating to ventilation, or means of ingress and egress for the building (including lift shafts).</u></p>	<p>EVALUATION OF AMENDMENTS:  Amendments made in line with the relevant recommendation of the Council Hearing Report. The amendments improve in clarity and interpretation.</p>
<u>52B</u>	<u>35 - Definitions</u>	<u>New definition</u>	<p><u>Insert the following new definition for "External sound insulation level":</u></p> <p><u>External sound insulation level:</u>  <u>External sound insulation level means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) using insulation spectrum No.2 (A-weighted traffic noise spectrum) described in units of D2m,nT,w +Ctr as defined in the following Standard:</u></p> <p><u>ISO 717-1:2013 Acoustics - Rating of sound insulation in buildings and of building elements - Part 1: Airborne sound.</u>  <u>The term "external sound insulation level" is used in this Plan primarily as a calculated value to demonstrate compliance with the stated minimum standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify predictions, these tests shall be carried out using ISO 140-5:1998 Acoustics - Measurement Of Sound Insulation In Buildings And Of Building Elements, Part 5: Field Measurements Of Airborne Sound Insulation Of Facade Elements And Facades.</u></p>	<p>EVALUATION OF AMENDMENTS:  Additional definition provided by Mr Hunt to assist in improving interpretation of the proposed noise insulation rule.  No additional costs incurred through the inclusion of the definition.</p>
<u>52C</u>	<u>35 - Definitions</u>	<u>New definition</u>	<p><u>Insert the following new definition for Wallaceville Structure Plan Area:</u></p> <p><u>Wallaceville Structure Plan Area</u>  <u>The area of land defined in the Wallaceville Structure Plan Map (refer Chapter 39: Wallaceville Structure Plan)</u></p>	<p>EVALUATION OF AMENDMENTS:  A number of district plan amendments are specific to activities only within the Wallaceville Structure Plan Area. Accordingly it is considered necessary to clearly define land that is contained within this area.</p>
<b>NEW CHAPTER 39: WALLACEVILLE</b>				
<u>52A</u>	<u>NEW CHAPTER: Chapter 39: Wallaceville Structure Plan</u>	<u>NEW CHAPTER: Chapter 39: Wallaceville Structure Plan</u>	<p><u>Insert as a new chapter into the District Plan, the Wallaceville Structure Plan which contains:</u></p> <ul style="list-style-type: none"> <li>- <u>the Wallaceville Structure Plan mMap</u></li> <li>- <u>the Wallaceville Precinct Descriptions, Intentions and Outcomes</u></li> <li>- <u>Wallaceville Indicative Road Typologies</u></li> <li>- <u>Wallaceville Stormwater Management Principles</u></li> </ul>	<p>EVALUATION OF AMENDMENTS:  Amendment made in accordance with a recommendation in the Council Hearing Report to combine all WSP documents into one separate chapter (attached).</p>
<b>DISTRICT PLAN MAPS</b>				

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53	Urban Plan maps		Amend 35, 36 and 37 to rezone the Wallaceville Structure Plan area Residential, Residential (Centres) overlay and Business Commercial as per Appendix A1	
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## PRECINCT DESCRIPTIONS, INTENTIONS AND OUTCOMES

### Wallaceville Living Precinct Area A

At approximately 13.4ha, this precinct is the largest precinct and the precinct provides a transition to the adjacent Summerset Retirement Village and Trentham Racecourse. It has interfaces with the rail corridor and the race course and access to Alexander Road.

#### Intentions

- Traditional residential density, compatible with adjacent existing residential areas with ~~clusters of higher density residential development~~ areas of variable housing density, particularly around amenity or open spaces
- Development to respect historical street pattern and the ecological values of Grants Bush

#### Outcomes

- Variation on house styles, form and materiality to allow for variety
- Some pockets of ~~higher density development~~ variable housing density located at nodes in the movement network and adjoining public open space
- Visual links to racecourse provided through road alignment
- Interfaces treatment to railway
- Low level front fencing and generous front yard setbacks to allow for front yard activity
- Front boundaries along boulevard roads defined by hedging to reflect historic landscape
- Good pedestrian and cycling connections to wider network and Alexander Road
- Provides roading, pedestrian and cycling connections to Area B
- Active frontage and direct access from ~~properties sites~~ to Alexander Road, ~~east of proposed gateway feature and t-junction~~
- Development to respect ecological values of Grants Bush in accordance with the Grants Bush Precinct outcomes

### Wallaceville Living Precinct Area B

~~This portion of the site has not yet been the subject of a structure planning exercise, given uncertainty over the final boundaries of the Flood Plain Remnant covenant and the nature of the development on land south of Alexander Road (Plan Change 36). Notwithstanding, the following description is intended to guide the future structure planning exercise. As the boundaries of the Flood Plain Remnant covenant were not finalised at the time when the Wallaceville Structure Plan was adopted, Area B is subject to an additional information requirement for resource consent applications to provide a spatial layout plan. The spatial layout plan must show roads, pedestrian and cycleway connections, open space areas and utilities and services.~~

#### Intentions

- Traditional residential density with pockets of ~~higher density development~~ variable housing density located at nodes in the movement network and adjoining public open space to provide housing variety and visual interest

- ~~• Clusters of comprehensive residential development to be located at nodes in the movement network and adjoining public open space~~
- Subdivision and Development to respect historical street pattern
- ~~• Degree to which properties access and address Alexander Road to be determined once nature of the development across Alexander Road is confirmed~~ Sites with no direct vehicle access to Alexander Road
- Significant trees are protected and conservation covenant providing significant private or public green space
- Development to respect the ecological values of the area that is defined by the continual existing canopy of indigenous vegetation within the floodplain remnant

## Outcomes

- Wallaceville Living precinct applies
- Promotes a design theme that is consistent with Area A in terms of road reserve and reserve corridors, road typologies, stormwater management, bulk and location requirements, boundary treatments, and landscaping measures
- Provides for urban development that allows for a range of different housing typologies including clusters of high density housing which are appropriate to their locations, maintains amenity, and supports pedestrian, cycle and public transport
- Provides roading, pedestrian and cycling connections to Area A
- No direct access from sites to Alexander Road
- Protection of the indigenous vegetation in the area defined by the continual canopy within the floodplain remnant

## Gateway Precinct

This Precinct is the smallest precinct, is located adjacent to Ward Street and incorporates significant heritage buildings. The historic buildings, together with the many significant mature trees create a campus and park-like setting. Its approximate size is 2.5ha and it also interfaces with the National Centre for Biosecurity and Infectious Disease (designation MAF1). It is in very close proximity to the Wallaceville train station, making the whole precinct within easy walking distance to the station.

With its frontage and access to Ward Street, this precinct will determine the first impression of much of the new development and has the potential to contribute to the character of new development of the new neighbourhood.

## Intentions

~~As such, it is intended that d~~Development in this precinct:

- Signals a new and different character as a gateway to the larger Wallaceville development
- Respects the heritage character and values of protected buildings and their settings
- Includes a mix of activities, including retail, commercial, community services and high density residential
- Establishes a heart or 'centre' to the wider Wallaceville Structure Plan Area
- Allows movement of vehicles, cycles and pedestrians from Ward Street through to the wider Wallaceville Structure Plan Area ~~structure plan area~~
- Includes provision for a range of residential housing types at a relatively high density, including duplexes, terraces and low rise apartments.

## Outcomes

- Re-use of existing buildings and materials where practicable, including possible multi-storey residential or residential care in the existing multi-storey ~~Admin~~ Buddle building
- Retention of healthy high value trees
- New tree planting to reinforce existing species
- Fencing along Ward Street retained as much as practicable
- Provision of a neighbourhood park, incorporating the Incinerator and interpretation as to the former use of the site through signage and landscaping
- Main public road to recognise sensitivity of protected buildings, prioritise pedestrians and consider alternative surface treatments to reinforce this
- A simple, grid structure, with blocks adopting a north south orientation, retaining long distance views of hills and maximising solar gain
- Small scale business and retail uses, actively fronting streets with little or no setback from the front/road boundary, including café ~~and~~/or restaurant type activities
- Signage and advertising to respect heritage values with regard to size and position and have a consistent theme/style
- Materials and colours of new buildings to reflect historic character and favour brick and weatherboard
- Retention of existing building names
- Naming of streets to consider referencing historic uses
- Height of new buildings to respect/consider scale and form of heritage/protected buildings
- Residential development ~~in accordance with~~ that is consistent with the Design Guide for Residential (Centres Overlay) Areas

## Urban Precinct

This area measures approximately 6.6ha and is located adjacent to the compact heart of the Wallaceville Structure Plan Area and in close proximity and easy walking distance of the Wallaceville train station. It has access points to Alexander Road, direct pedestrian access to the southern portion of Ward Street and an interface with ~~NCBID~~ the National Centre for Biosecurity and Infectious Disease (MAF1) and Grants Bush. It also has an interface with the bush clad slopes of the Southern Hills area.

## Intentions

- A compact and attractive high density residential precinct, making efficient use of the land resource in this location and providing a transition from the Business Commercial Zone to other residential areas.

## Outcomes

- A Three-storey height limit (~~11m~~) to allow for three storey attached terraces and low rise apartments ~~with pitched roof forms~~
- A simple, grid structure, with blocks adopting a north south orientation, retaining long distance views of hills and maximising solar gain
- A range of housing types, predominantly attached types, including terraces, duplexes, and allowing for residential units entirely above ground floor
- Some business/commercial uses
- Retention of healthy high value trees where practical

- Subdivision and Development to respect historical street pattern
- New tree planting to reinforce existing species
- Utilisation of a range of street typologies
- Provides active street frontage to Grants Bush
- Active frontage and direct access from properties/sites adjoining Alexander Road
- Development that incorporates on-site measures to minimise the potential for reverse sensitivity effects arising from adjacent sites designated MAF1 and TZR1
- Residential development ~~to recognise that is consistent with the~~ Design Guide for Residential (Centres Overlay) Zone

## Grants Bush Precinct

This precinct (8.5ha) will take much its identity from Grants Bush which provides a significant open space amenity in its midst. It also functions as the transition between the more urban and mixed use precincts and the conventional living areas of the Wallaceville Structure Plan Area. It has interfaces with the rail corridor and access to Alexander Road. The area to the south of Alexander Road is also included in this precinct as it is also within 10min walking distance of the train station. This also means that both sides of Alexander Road can develop consistently and contribute to the change of character along Alexander Road as it moves through the Wallaceville Structure Plan Area. The land to the south of Alexander Road is generally flat, outside of the Southern Hills area and its development does not restrict long distance views of the valley sides.

## Intentions

- A residential precinct with identity and variety and which makes good use of land resource and respects the ecological and amenity values of addresses Grants Bush

## Outcomes

- A range of housing types to encourage diversity and a mix of residents while promoting smaller dwellings and sites
- A simple, grid structure, with blocks adopting a north south orientation, retaining long distance views of hills and maximising solar gain
- Road frontage to Grants Bush to the north, east and south of the covenant area
- Active edges to Grants Bush, with habitable room windows facing streets and open spaces
- A main public park located in the north-west corner of Grants Bush and incorporating interpretation as to the former use of the site through signage and landscaping, combined with the Grants Bush covenant to create a large central green space for the development
- Grants Bush covenant extent to be ~~either unfenced or~~ fenced with permeable fencing
- Landscaping character to reflect native bush species
- Variation in building style, form and materiality to allow for individuality
- Low level front fencing and generous front yard setbacks to allow for front yard activity
- Front boundaries along boulevard streets defined by hedging which reflects historical planting
- Subdivision and Development to respect historical street pattern
- Pedestrian/cycle connection to ~~proposed the~~ rail corridor walking/cycling path ~~and~~ within road corridors, and between land to the north and south of Alexander Road
- Pedestrian connection through Grants Bush limited to the Grants Bush Walkway typology contained in the Wallaceville Road Typologies
- Protection of the ecological values of, and the indigenous vegetation canopy within Grants Bush

- ~~• Secondary pedestrian connection provided through Grants Bush~~
- Active frontage and direct access from properties sites to Alexander Road
- ~~• Development that incorporates on-site measures to protect noise sensitive activities from any adjoining intrusive noise effects~~
- Development that incorporates on-site measures to minimise the potential for reverse sensitivity effects arising from adjacent sites designated MAF1 and TZR1
- Residential development ~~in accordance with~~ that is consistent with the Design Guide for Residential (Centres Overlay) Areas

## WALLACEVILLE ROAD TYPOLOGIES

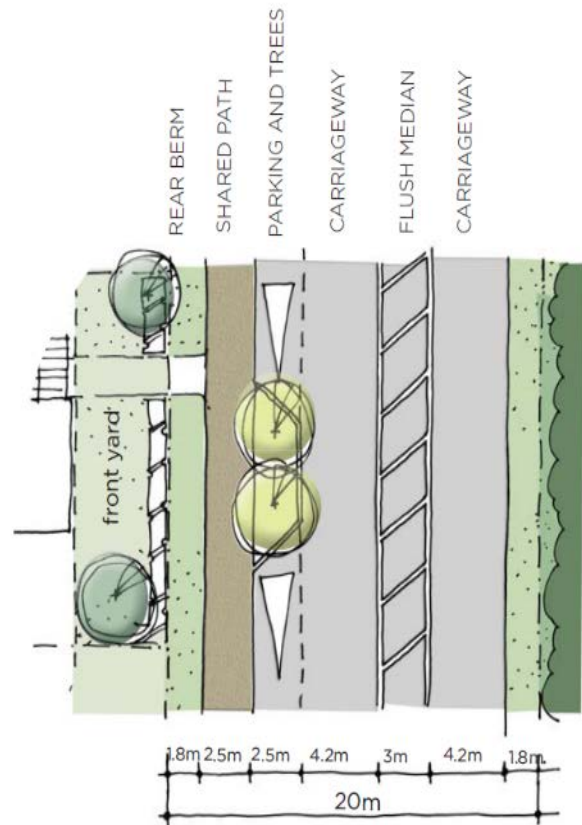
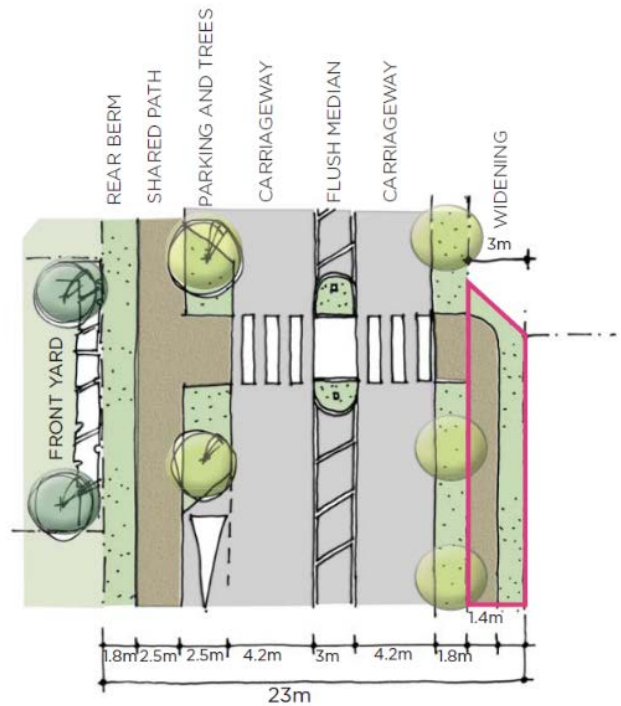
### Alexander Road

Alexander Road is an arterial road which carries significant traffic volumes to and from the Upper Hutt central city. This function needs to be accommodated in the future and balanced with future development of the Wallaceville Structure Plan area. Residential amenity, pedestrian and cycle provision and visual appeal are also important outcomes that need to be balanced with traffic speed, flow and volume.

Future dwellings adjoining Alexander Road, between the Gateway feature and Ward Street intersection should front the street, with front doors and post boxes in order to ensure an attractive and safe street environment. Vehicle access can be controlled to reduce potential conflict along the route by ensuring vehicle turning on site. The formation of Alexander Road in accordance with the road typologies and Wallaceville Structure Plan map, including the installation of two roundabouts as indicated on the map will assist in the reduction of the posted speed limit to a minimum of 60km/h. The reduction in the speed limit of Alexander Road to 60km/h will enable a higher amenity and comfort level for adjacent residential properties. Accordingly, the construction of appropriate traffic calming measures will be required prior to private vehicle access being provided from Alexander Road.

The road is proposed to accommodate two vehicle lanes of 4.2m which allow for heavy vehicles and buses as well as on-road cycling at the edge of the traffic lane. These lanes are divided by a central flush median which provides for turning lanes to assist traffic movements and intersections and prevent delays to through traffic. A parking lane and tree build outs are proposed on the north side of the road. This provides for visitor parking, street trees and also improves comfort of pedestrians and cyclists as they are separated from the moving traffic lane. A 2.5m wide shared path for pedestrians and cyclists is provided on the north side.

The number, form and location of crossing points and bus stops (if required) can be determined during detailed design. In order to signal the change in land use and a lower speed limit as well as help calm traffic, a gateway feature is proposed along Alexander Road at the intersection of the western boulevard road. Signage, planting and road surface changes can help to signal this change. To facilitate access between Alexander Road and Area B, a new four way intersection will be formed either at the intersection with George Daniels Drive or William Durant Drive.



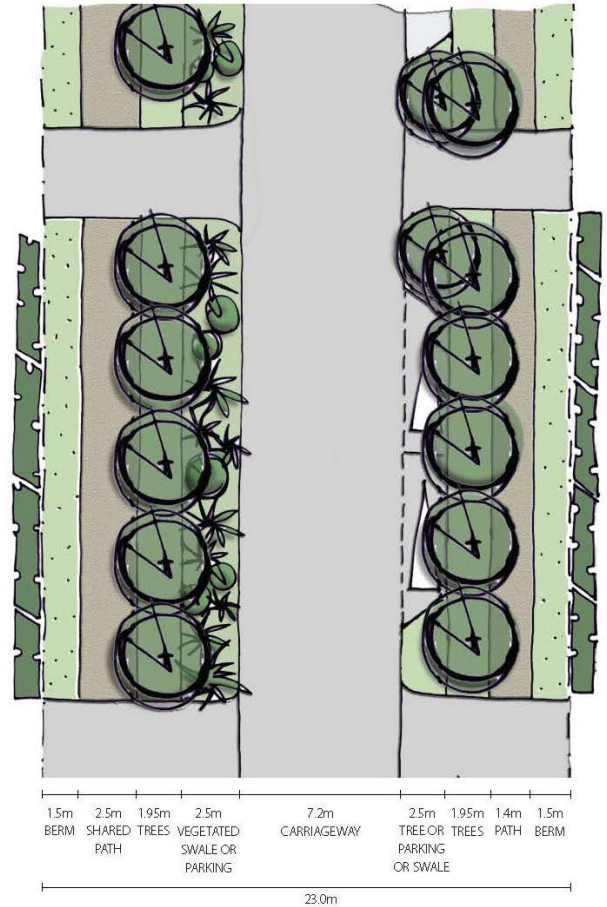


## Boulevard Roads

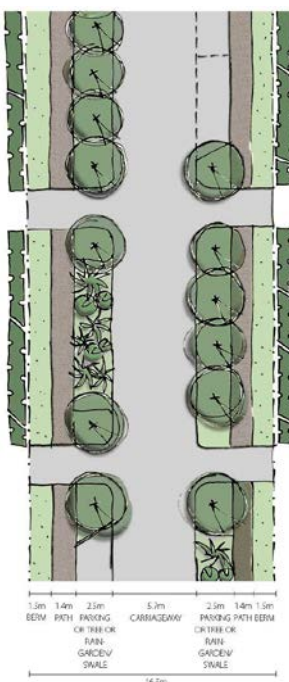
These streets are envisaged as heavily planted streets, providing green corridors which visually connect with the bush clad valley walls to the north and south. They function also as main entry points from Alexander Road and help to establish a high level of amenity upon entry.

The generous 23m reserve width enables dedicated tree berms on both sides of the road. Additional tree planting and swale planting further contributes to the green image of these streets. Swales can contribute to low impact design by treating the road runoff and attenuating stormwater. The carriageway allows for two way traffic and parking on both sides of the road, in between parking bays or street trees/swales, driveways permitting. A shared path on one side of the road provides for cycling.

Tree species can echo historic planting themes, for example totara and oaks, and reflect the native bush species of Grants Bush. Oaks function well as street trees and will change with the seasons. Totaras can be used as feature trees on corners or at gateways.

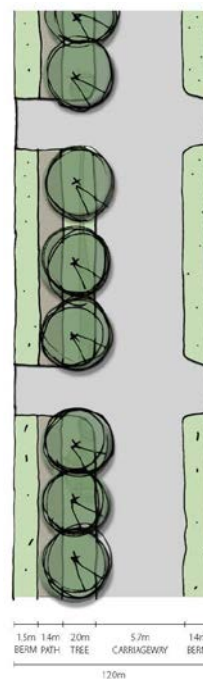


## Local Roads



Key local road connections are illustrated on the Structure Plan map. These echo historic movement patterns and intended for the distribution of local traffic only. At 5.7m, the carriageway allows for informal on street parking on both sides. Street trees, swales and car parking is accommodated on both sides of the road, in between driveway crossings. Footpaths are provided on both sides of the road and together with the rear berms, make up the 16.5m reserve width.

## Residential Lanes



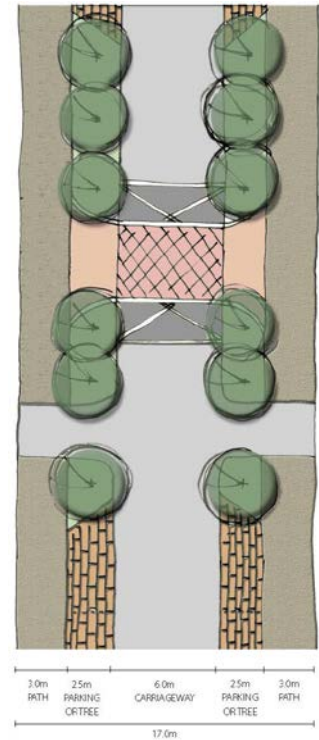
This public road has a narrow reserve width (12m) although a standard 5.7m carriageway is still provided. A tree berm is also accommodated, adjacent to a footpath on one side only. Rear berms are also provided for services.

This road typology is intended for very local use only. It is intended to be straight, short (less than 100m) and serve 20 or less dwelling units. It extends the range of road typologies, is more intimate and community focussed and helps increase residential yield.

## Heritage Street

The street which functions as the “front door” to the Wallaceville Structure Plan Area, passes through the Gateway Precinct and in close proximity to protected historic buildings and trees. The carriageway allows for easy movement of traffic through the precinct. Slow speeds are intended along this route, encouraged by alternative surface treatments which reference the materials of the historic buildings. It is intended that this street have high pedestrian priority, with generous crossing points and wide footpaths on both sides. Street trees and short term parking are provided on both sides of the road.

Due to the location of the historic buildings, the carriageway is likely to have a horizontal deflection which will help reduce traffic speeds and provide identity and visual interest. The street needs to be designed with a high value on “place” as well as accommodate the movement function.

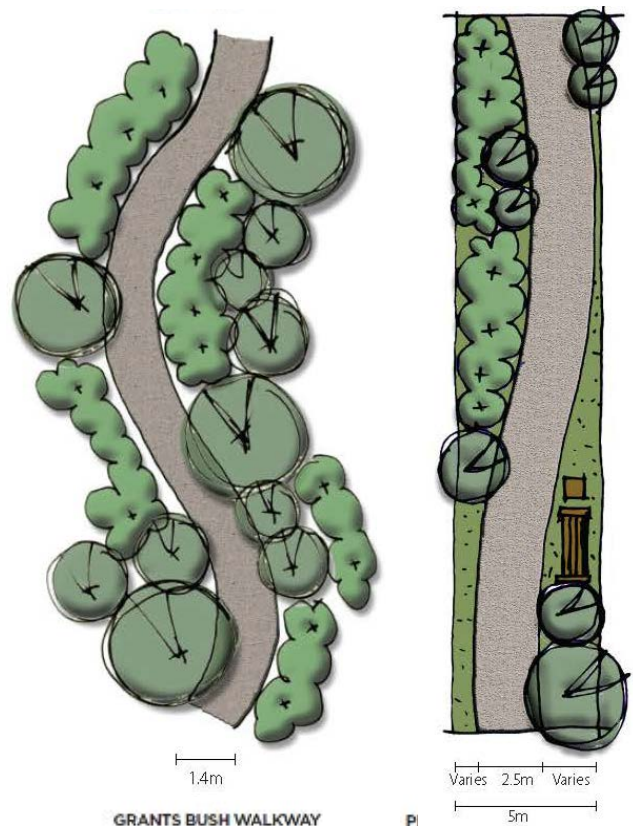


## PEDESTRIAN AND CYCLING ROUTES GRANTS BUSH WALKWAY

Grants Bush is located in the centre of the Wallaceville Structure Plan Area and will be surrounded by residential development. In order to ensure pedestrian ~~and cycle~~ connection in this area, a walkway is proposed through this native stand of bush, which connects directly to key roads and onward to the Gateway Precinct.

To protect the health and ongoing sustainability of the bush, it is important to provide for this demand and prevent informal and unmaintained tracks through it. It is also necessary to balance the movement need and the necessary removal of bush to accommodate it. The alignment of the path will be dictated to target the removal of exotic species where required over native species and will be aligned so as to avoid opening the indigenous vegetation canopy. The path needs to provide for pedestrians, ~~cyclists~~, and prams. For two people to pass, a recommended path width of 1.4m is proposed. A width narrower than this will likely mean people stepping off the path to pass each other, causing damage to the bush. It is also likely that the bush may overhang the path and so this width is necessary to ensure ease of movement.

The path is proposed to have a metallised surface with timber edging and raised boardwalks where required to minimise the impact on the existing indigenous vegetation. No lighting is recommended as its use at night should not be encouraged. It may meander in order to avoid removal of specimen trees. It should not be fenced.





## **Pedestrian and Cycle Links**

A number of pedestrian and cycle links are included on the Structure Plan map to promote pedestrian and cycle use and connections with the wider pedestrian and cycle network. These may or may not be provided on public roads. If they are not provided on public roads, these links should follow principles of Crime Prevention Through Environmental Design (CPTED). As such, they must be of sufficient width to include landscaping and lighting. They should also be straight and short and overlooked by adjacent properties. Adjacent fencing should be limited in height to ensure surveillance.

## **WALLACEVILLE STORMWATER MANAGEMENT PRINCIPLES**

These provisions apply to Area A and Area B of the Wallaceville Structure Plan Area.

### **General Site Drainage**

The general site drainage solutions include:

- Collecting and diverting existing upstream flows across the site and into existing and proposed soakage basins/ wetlands/ ponds; installation of roadside swale drains, infiltration trenches and soakage pits;
- Installation of on-site soakage pits and associated private drainage;
- Protection and enhancement of existing soakage area in Grants Bush; and
- Construction of new flood attenuation basins (which, at resource consent and engineering design phase, may be designed as either a dry pond/ soakage area or an engineered wetland, or a combination of the two)
- The preferred location for the new flood attenuation basins is in the Grant's Bush and the Floodplain Forest Remnant Covenant Area, subject to agreement under the conditions of these covenants.

All primary drainage conveyance systems and individual site disposal areas will be sized for the 4% AEP storm event. All secondary overland flow paths and flood flow storage areas will be sized for the 1% AEP storm event, including an allowance for climate change effects.

### **Stormwater Disposal**

#### **Overall site stormwater disposal intentions**

For the treatment of overall site runoff the use of a series of treatment systems is proposed, including onsite low impact devices and larger devices in order to form a treatment train, which will improve the treatment efficiency for the site as a whole. Design of stormwater treatment devices will be in accordance with Greater Wellington Regional Council requirements and will take consideration of ARC TP:10.

At source devices will include swales, rain-gardens and rain tanks, which will also incorporate a soakage component in order to improve treatment efficiency and mitigate increased stormwater volumes, while at the same time, serving to recharge the groundwater network. Grassed/ planted swale drains and infiltration trenches will generally be installed along all roadways to cater for road runoff.

#### **Individual house site stormwater disposal intentions (Wallaceville Living Precinct only)**

Stormwater disposal via ground soakage but with the incorporation of a number of options for pre-treatment to safeguard against clogging and silting-up of the soakage pits being:

- Settling Chambers;
- Filter Trenches; and
- Raingardens.
- Each householder will be made fully aware of the existence and type of stormwater management and disposal system installed on their house site through a consent notice registered on their title. A simple Operation and Maintenance Plan will be attached with the consent notice and will inform the householder of their ongoing requirements to inspect, maintain and ensure the ongoing operation of their privately owned stormwater management system.

### **High-density or multi-unit development stormwater disposal intentions:**

Stormwater disposal via larger shared treatment devices (subject to specific engineering design) including larger Raingardens or proprietary “off the shelf treatment devices”.

Where the multi-unit development entails individual fee simple titles on smaller parcels of land, then shared treatment and soakage disposal areas will may be incorporated on public land, owned and operated by Council (this would be subject to further detailed design and negotiation with Council).

Where the development involves a unit-title development structure, the treatment devices will be on private land / common property and be maintained by a Body Corporate or similar management entity.

### **Flood Attenuation**

Flood attenuation for the overall site will be achieved through the use of wetlands/ ponds, underground storage devices and increased onsite ponding/flooding. The proposed storage must cater for the storage required for flow attenuation for the increased runoff resulting from development of the site for all storms up to the 1% AEP event including allowance for climate change effects.

### **Stormwater Specific Information to be Provided with Applications for Subdivision and Development**

- All secondary overland flow paths and flood storage areas shall be designed to accommodate the 1% AEP storm event and the design shall show how overland flowpaths will dissipate flow downstream.
- The design of the system shall demonstrate that the proposed soakage disposal is suitable through permeability tests, that it is a viable long term solution, that silt entry will be minimised.
- The design of the system shall identify any assumptions regarding the maximum area of impermeable surfaces, and whether it is appropriate to restrict the maximum percentage of such impermeable areas in future land use.
- The design shall ensure that the proposed stormwater system shall not result in ponding of stormwater on the ground for more than 48 hours following a 1% AEP storm event, unless the ponding is part of the stormwater treatment systems.
- The design shall identify whether the adoption of a minimum freeboard for habitable buildings is necessary, and if so, the amount of such freeboard.
- The design shall ensure that secondary overflow paths are identified and protected
- Any primary drainage conveyance systems which do not have secondary overland flowpaths shall be designed to accommodate the 1% AEP event
- All primary and secondary drainage conveyance systems shall be designed and constructed to ensure ease of maintenance.
- The design and construction of soakage systems shall give due allowance to long-term pore clogging of the receiving environment, including the adoption of mechanisms to require owners to maintain soakpits if they do become blocked.

In addition, the following further information/ testing/ analysis and calculations must be provided to council for their approval:

- Detailed soakage/ percolation testing across the specific area of the site, being developed, using the council approved testing methodology (to be agreed with council prior to testing occurring).

- Assessments of the effects from stormwater disposal on-site to ground soakage, on groundwater mounding (this may include 'slug' testing).
- Assessment of long-term effects on soakage capability for the site, as it may be affected by seasonal groundwater level changes.
- Assessment of the potential for transport of contaminants within the stormwater discharges from the site, into the groundwater system below and downstream of the site.

**WALLACEVILLE STRUCTURE PLAN MAP**

