

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

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

## **STATEMENT OF EVIDENCE OF STEPHANIE LOUISE BLICK**

### **1.0 EXECUTIVE SUMMARY**

- 1.1 In my planning evidence, I summarise the private plan change request application ('the Plan Change') with reference to the Section 32 Report, Assessment of Environmental Effects contained in the application, and technical expert evidence. I then address the planning matters raised in submissions and further submissions and respond to the recommendations made in the Council Hearing Report and then finally, evaluate the Plan Change against the Resource Management Act 1991 ('the Act') framework.
- 1.2 The Plan Change provides a planning regime to facilitate the integrated development of the Wallaceville Structure Plan Area for residential and commercial land uses. The overall purpose of the Plan Change is to be realised through the specific amendments proposed, namely the re-zoning of the Special Activities zoned land to Residential, Residential (Centres Overlay) and Business Commercial; the rezoning of a small piece of Rural Lifestyle zoned land to Residential (Centres Overlay); the integration of the Wallaceville Structure Plan into the District Plan; and minor amendments to District Plan provisions for these zones / overlay areas. The zones have been selected because they facilitate the delivery of the Structure Plan, and the zones will, to a significant degree, give effect to Council's aspirations for the site as outlined in its Urban Growth Strategy.
- 1.3 The Wallaceville Structure Plan map itself sets out the significant key elements of the future development including four distinctly different precinct areas, an indicative roading layout, pedestrian and cycle connections, a public open space network, reserves (neighbourhood parks) and the main land uses. At the time of subdivision and land development, the resource consent applications will be assessed on the extent to which the applications are consistent with the Wallaceville Structure Plan, in addition to other matters both existing in the District Plan and proposed in the Plan Change.
- 1.4 Drawing on the assessments and evidence of others as I refer to in my evidence, it is my conclusion that the Plan Change represents an efficient use of a significant land resource of Upper Hutt and that it will enable use and development of the site which will have a range of social, economic, historical and environmental benefits.
- 1.5 The Plan Change provides positive social effects for the health and wellbeing of new residents as well as for the wider Upper Hutt City community by providing for increased housing choices, local employment opportunities and improved access and availability to local commercial activities.
- 1.6 The amenity of the area will be maintained and enhanced through the provision of a well-

connected reserve / public spaces network and integrated and well planned development that responds to existing ecological, heritage and natural character values of the site. Through the introduction of the precincts framework there is an expectation that a high standard of amenity will be achieved whilst also giving appropriate recognition to the existing values of the site, and ensuring the eventual housing yield represents an efficient use of the significant land resource.

- 1.7 At the request of the Hearing Committee, a joint statement was prepared that sets out recommendations agreed by Council staff and the relevant experts engaged by WDL. The joint statement also outlines the outstanding matters that are yet to be agreed between Council and WDL. My evidence primarily focuses on the latter.
- 1.8 The Joint Statement did not include any record of agreement reached with respect to submissions of KiwiRail and the Ministry of Primary Industries on the acoustic insulation and ventilation standards proposed. However discussions have progressed and KiwiRail have now agreed to the amended standards proposed by Mr Malcolm Hunt. Such amendments are detailed in the evidence of Mr Hunt and in Section 7 of my evidence. Mr Hunt has also proposed changes to these standards to address the concerns raised by MPI and in light of new information received in relation to future activities proposed on the MPI site. At the time of writing MPI have not signalled agreement to the amendments.
- 1.9 My evidence addresses the recommendations were agreement was not able to be made with Ms Boyd, namely the recommendation of Ms Boyd that the reference to business / commercial use in the Urban Precinct be rejected. The main driver for the inclusion of this reference in the Urban Precinct outcomes is the presence of the existing buildings including the farm management building and dairy building and the desire (by the heritage consultant engaged in the Structure Plan process) to see them retained and re-used in the future. The retention of the reference is supported by Ms Lauren White as further detailed in her evidence. I have proposed amendments to the relevant precinct outcome to provide additional certainty to Council regarding the level of business / commercial development considered appropriate for the precinct.
- 1.10 Subsequent to circulation of the Council Hearing Report, Council Officers raised a number of other matters that they requested that I consider. Some of these matters were able to be resolved in the joint statement (refer Table 2 of this statement). While correspondence with Council Officers (Ms Boyd in particular) in respect of these concerns is ongoing, at the time of writing the following matters remain unresolved:
  - Non-notification clauses
  - Reference to housing densities in the Wallaceville Living Precinct
  - An additional rule to govern Area B
- 1.11 With respect to the proposed non-notification clauses, Ms Boyd is seeking that such clauses be deleted and replaced with the notification clauses currently pertaining to comprehensive residential developments ('CRDs'). For the reasons outlined in my evidence I do not consider this appropriate. However in light of the concerns raised, I am seeking minor amendments to the clauses as proposed whereby limited notification apply to applications that are not consistent with the Wallaceville Structure Plan.
- 1.12 Ms Boyd outlined in further correspondence that Council Officers are concerned with the references to higher density and / or comprehensive residential development in the Wallaceville Living Precinct. I consider that it is appropriate to signal that areas of variable housing density. My position on this matter is that, if a resource consent application was lodged for a residential density development higher than what is envisaged under the permitted activity standards of the Plan, if the precinct does not contain some reference to variable housing density where appropriate then Council may deem the application to be not consistent with the Wallaceville Structure Plan and may, because of this, turn the application down. This is not considered appropriate as the Plan Change should maintain flexibility to provide for areas of variable density that still maintain traditional suburban

character and amenity. This is part of providing for the efficient use and development of this important physical land resources, and providing for housing choice. In light of the concerns of Ms Boyd I have however suggested amendments to the intentions and outcomes to refer to 'areas of variable density' instead of 'higher density' or 'comprehensive residential' development.

- 1.13 Ms Boyd highlighted through our ongoing correspondence that she may be seeking the introduction of a new standalone clause in Appendix Residential 4 that solely relates to the approval of the Structure Plan. I do not consider it necessary as I believe the framework proposed (subject to minor amendments to assist in clarity that were agreed with Ms Boyd in the Joint Statement) is adequate in controlling development on Area B and ensuring that a structure plan be approved before development commences. Discussions are ongoing and at the time of writing no agreement had been reached. I am expecting Ms Boyd to discuss this matter at the hearing and will respond accordingly.
- 1.14 I conclude in my evidence that the proposed Plan Change be amended to include the agreed responses provided in the Joint Statement along with the additional recommendations contained in my evidence and others and that it be adopted by Council.

## **2.0 INTRODUCTION**

- 2.1 My name is Stephanie Louise Blick. I hold a Bachelor's Degree in Geography from Victoria University of Wellington and a Bachelor's Degree with first class honours in Resource and Environmental Planning from Waikato University. I am an Associate member of the New Zealand Planning Institute, a member of the Resource Management Law Association and have six years' experience in the field of resource management. I am a Senior Planner with Harrison Grierson Consultants Limited.
- 2.2 I appear in relation to a private plan change request ('Proposed (Private) Plan Change 40: Wallaceville') to the Upper Hutt City District Plan made by the Requestor, being Wallaceville Developments Limited ('WDL') to rezone approximately 63 hectares of former Wallaceville Ag-Research site and a small part of the Trentham Racecourse property for residential and commercial uses.
- 2.3 I have worked with WDL to prepare and lodge the Plan Change and I prepared the Plan Change request application that included the assessment of environmental effects. While I did not author the Section 32 Report, I was involved in its preparation as a reviewer. The report was prepared by Richard Peterson, the former Wellington Planning Manager of Harrison Grierson Consultants Limited.
- 2.4 I am familiar with the subject site and surrounding area, and the relevant provisions of the Upper Hutt City District Plan (the "District Plan"). I have visited the site and surrounding area on four occasions over the life of this project, including to be involved in a community consultation open-day prior to lodgement. The last time I visited the site was during the preparation of this evidence.

### ***Relevant Experience***

- 2.5 I am a Senior Planner at Harrison Grierson Consultants Limited with 6 year's experience in the field of resource management planning. Of relevance to this plan change, I have prepared a wide range of applications for resource consents and assessments of effects. In this respect I have been involved in two medium scale residential developments in Upper Hutt City, one comprising a combined subdivision and land use consent application for a comprehensive residential development in the Business Industrial Zone and the other a rural residential subdivision in the residential, rural and rural lifestyle zones. To facilitate the later development I was involved in, and presented planning evidence at the Council hearing on the resource consent application to construct a road and undertake associated works through the Akatarawa Cemetery.

- 2.6 I have also prepared numerous district and regional Plan Change submissions in relation to residential zone provisions on numerous plans throughout New Zealand.

### **Code of Conduct**

- 2.7 Although this is a Council hearing I note that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2014) and agree to comply with the Code. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.

### **3.0 SCOPE OF EVIDENCE**

- 3.1 My evidence focuses on the resource management issues associated with the Plan Change and my conclusions on these matters are informed by the evidence of other technical experts. I identify in my evidence where I have relied on evidence or the technical reports prepared by others in forming my own planning opinions. I also provide reference to any documents that I have relied on in preparing my evidence.

- 3.2 I have read the submissions and further submissions made on the Plan Change, and the Council Hearing Report prepared by Ms Felicity Boyd on behalf of the Upper Hutt City Council ('Council').

- 3.3 My evidence is set out in the following sections:

- Section 4: Summary of Plan Change Request
- Section 5: Application of the Wallaceville Structure Plan
- Section 6: Response to Council Hearing Report recommendations
- Section 7: Response to Additional Matters of Concern / Recommendations provided by Council
- Section 8: Statutory Assessment of the Plan Change
- Section 9: Assessment of Effects on the Environment
- Section 10: Part 2 of the Resource Management Act
- Section 11: Conclusion
- Section 12: Recommendations

- 3.4 **Appendix 1** of my evidence contains the agreed WDL / Council joint statement which contains the agreed track changes to the Wallaceville Structure Plan documents and the District Plan amendments table. **Appendix 2** contains my explanation to agreeing to the responses to Council recommendations.

### **4.0 SUMMARY OF PLAN CHANGE REQUEST APPLICATION**

- 4.1 The details below are provided as a general overview to the Plan Change as notified. Following public notification and in response to matters raised by submitters, Council Hearing Report recommendations and expert advice in response to the recommendations, some amendments to the Wallaceville Structure Plan documents have been identified as being appropriate. The vast majority of the amendments have been agreed between the relevant experts and Council staff. The agreed track change versions of the documents are provided in **Appendix 1** of this evidence and my explanations for agreement in **Appendix 2**.
- 4.2 Ms Boyd has also recommended that the Wallaceville Structure Plan be included as a separate chapter being 'Chapter 39: Wallaceville'. I agree with this recommendation provided that adequate referencing is provided.

## Plan Change Request Overview

- 4.3 The ‘Wallaceville Structure Plan’ is made up of:
- the Wallaceville Structure Plan Map;
  - Wallaceville Precinct descriptions, intentions and outcomes;
  - Wallaceville Road Typologies; and,
  - Wallaceville Stormwater Management Principles.
- 4.4 Apart from the map, the other three documents relate to the whole Wallaceville Structure Plan Area being Area A and Area B.
- 4.5 The purpose of the Wallaceville Structure Plan (WSP) is to set out the development outcomes that are proposed for the site. The WSP is based on extensive site and area investigations, which have identified opportunities and constraints for the site’s development. The WSP accompanies the District Plan Amendment Table that includes all proposed amendments and additions to the District Plan. The amendments table is ‘the Plan Change Request’.
- 4.6 A full report on the Structure Plan (‘the Wallaceville Structure Plan Report’) details how it was developed and also includes the various technical reports commissioned by WDL and submitted to Council to support the Plan Change request application. I do not wish to repeat all of the Plan Change application details but instead I wish to only highlight that the Plan Change proposes to insert the Wallaceville Structure Plan into the District Plan and make it a matter against which future subdivision and land use consent applications are assessed. This is to be achieved via the following measures (the precise wording of which is included in the Plan Change application):
- a) **Amend** the District Plan maps to rezone the Wallaceville Structure Plan Area to Residential, Residential (Centres Overlay) and Business Commercial;
  - b) **Amend** the objectives and policies (including explanations) of Chapter 4 (Residential Zone);
  - c) **Amend** the objectives and policies (including explanations) to Chapter 6 (Business Zone);
  - d) **Amend and insert new** rules, standards, assessment criteria, matters of discretion and matters for consideration to Chapter 18 (Residential Zone Rules);
  - e) **Amend and insert new** rules, standards, assessment criteria, matters of discretion and matters for consideration to Chapter 20 (Business Zone Rules);
  - f) **Delete** reference to the site from the rules of Chapter 22 (Special Activity Zone);
  - g) **Introduce a new Appendix Residential 3** - Wallaceville Structure Plan (that includes the documents detailed above) to Chapter 18 – Residential Zone Rules;
  - h) **Introduce a new Appendix Residential 4** – Wallaceville future structure plan provisions (refer further detail below) to Chapter 18 – Residential Zone Rules;
  - i) **Introduce a new Appendix Business 4** – Wallaceville Gateway Precinct to Chapter 20 – Business Zone Rules;
  - j) **Insert two new heritage schedule items** being the Hopkirk Building and the Incinerator into the Schedule of Significant Heritage Features contained in Section 26.8 of Chapter 26 – Rules for Heritage Features and insert relevant references to

these features on the Urban Plan maps; and,

- k) **Insert 43 notable tree schedule items** into the Schedule of Notable Trees contained in Section 27.7 of Chapter 27 – Rules for Notable Trees and insert relevant references to these trees on the Urban Plan maps.

### **The Wallaceville Future Structure Planning Area – ‘Area B’**

- 4.7 ‘Area B’ is a 22ha portion of the Plan Change area that is proposed to be rezoned from Special Activity to Residential but it is proposed that this area will be the subject of a future structure plan process. While a structure plan for this area has not been prepared the opportunities and constraints for this area have been thoroughly assessed in the overall structure planning process and are considered in the relevant precinct descriptions (Wallaceville Living), stormwater management, landscape and visual assessment, the infrastructure assessment and acoustic assessment.
- 4.8 To this end it is important to note that the Wallaceville Precinct descriptions, intentions and outcomes, Wallaceville Road Typologies, and Wallaceville Stormwater Management Principles relate to, and seek to ‘control’ the whole Wallaceville Structure Plan area, being areas A and B. The only additional item that requires Council approval for Area B is the structure plan map. It is proposed that this future structure plan map process will be regulated by way of site specific rules contained within an additional appendix to Chapter 18 – Residential Zone.
- 4.9 The provisions in the new appendix will ensure that the residential zone rules would only apply to Area B when the structure plan for the area has been submitted and approved by Council. The practical application of these provisions is discussed in further detail in Section 5 of my evidence below.
- 4.10 Notwithstanding the proposed Area B provisions and future structure plan requirement, I note that a number of key elements which will make up the future structure 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.
- 4.11 As noted in the Joint Statement, while Council Officers agree in principle to the proposed approach to Area B and while agreement has been reached between WDL and Council Officers on a number of the proposed provisions, Council Officers consider that one additional provision relating to the approval of a structure plan is warranted. This additional matter raised by Council Officers is addressed in Section 7 of my evidence below.

### **5.0 APPLICATION OF THE WALLACEVILLE STRUCTURE PLAN**

- 5.1 This section sets out how, as notified, subdivision, activities and development in the Wallaceville Structure Plan Area will be regulated by the combination of existing, amended and new District Plan provisions (being rules, standards, matters over which control or discretion is retained, matters of consideration and notification clauses).
- 5.2 The provisions proposed to regulate development in the Wallaceville Structure Plan Area are supported by a combination of existing, amended or new objectives and policies (and explanations to these provisions). New rule frameworks have been proposed to address

particular activities in the Wallaceville Structure Plan Area, these being new buildings and significant exterior modification to existing buildings and signs in the Gateway Precinct (Business Commercial Zone), and subdivision over the entire Wallaceville Structure Plan Area (Residential and Business Commercial Zones). The objectives and policies to support these rules seek to ensure that the proposed development is consistent with the Wallaceville Structure Plan.

- 5.3 Specifically regarding the proposed notification clauses, the new non-notification clauses for all new restricted discretionary rules proposed in the Plan Change is considered appropriate as development is occurring across a largely undeveloped site, in which amenity expectations of residents and occupants are being created by the development, set through the Precinct descriptions, and accordingly potential effects on future occupants do not currently exist. However, the Plan Change provisions set the framework, signalling the types of effects and environment that future residents can reasonably expect to establish. Under existing discretionary activity rules Council is still afforded the opportunity to notify any proposal that does not meet the relevant activity standards including those intended to address noise / interface matters. Subsequent to the release of the Council Hearing Report, Ms Boyd has raised concerns with the notification clauses. I have addressed this concern in Section 7 of my evidence below.
- 5.4 The amendments to the explanations of existing objectives and policies and the new objectives and policies were evaluated in the Section 32 Report that accompanied the Structure Plan report. I have evaluated and assessed this report in light of the details in the Council Hearing Report in Section 8 of this evidence.

## **The Gateway Precinct – Business Commercial Zone (Chapter 20)**

### Activities

- 5.5 The two new rules proposed for activities in the Gateway Precinct that are detailed below are consistent with the wording of the rules relating to Appendix Business 2.
- 5.6 A proposed new rule in Table 20.2 of the District Plan will provide for, in the Gateway Precinct, 'retail activity, restaurants, offices, early childhood centres and residential accommodation above ground level' as permitted activities. These are appropriate activities that would promote the sustainable use and development of the existing buildings and land at the Gateway Precinct.
- 5.7 Also specific to the Gateway Precinct, a proposed new rule in Table 20.2 provides for 'garden centres and all other activities other than retail activity, restaurants, offices, early childhood centres and residential accommodation above ground level' as a discretionary activity.

These activity categories are considered most appropriate in relation to the proposed Business Zone 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.*

- 5.8 It is noted that no changes to the above proposed objective was requested or recommended through the Joint Statement conferencing process.

- 5.9 The permitted activities specific to the Gateway Precinct are subject to the existing permitted activity standards contained in Chapter 20 and the city-wide provisions listed in Section 20.3. The standards for activities relate to access (20.8), loading (20.12), water supply, stormwater and wastewater (20.13), artificial light (20.14), dust (20.15), car parking areas (20.20), hours of operation (20.21).
- 5.10 In addition to compliance with these existing standards, the Plan Change request seeks an amendment to the loading provisions standard (20.12) to specifically exclude loading spaces for residential activities located in the Gateway Precinct. This change has been made as it is not considered appropriate or reasonable to require loading spaces for residential activities.
- 5.11 Like Appendix Business 2, the Plan Change also seeks to exclude the Gateway Precinct Area from the second bullet point of the landscaping spaces (20.17) (being a minimum 0.6m landscaping buffer), general screening standards (20.16) and seeks to include the precinct in the specific screening exemption already applied to Appendix Business 2. Such provisions seek to manage effects on adjoining existing land owners. As noted, such concerns do not exist at this site and location and therefore such effects do not require mitigation. It is noted that no changes to the proposed standards were requested or recommended through the Joint Statement conferencing process.
- 5.12 If a permitted activity fails to comply with the access standards the activity becomes restricted discretionary. Non-compliance with all other Zone or city-wide standards results in the activity becoming a discretionary activity.
- 5.13 In addition to the existing matters of consideration in Section 20.32 of the District Plan the Plan Change request seeks to include additional matters specific to activities as well as subdivision and development in the Gateway Precinct.
- 5.14 In combination with the proposed resource consent requirement for new buildings (discussed below), the proposed status for activities will ensure that potential adverse effects 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.

#### New Buildings and Significant Exterior Modification to Existing Buildings

- 5.15 New rules and associated provisions are proposed for new buildings or significant exterior modification to existing buildings. These seek to avoid or mitigate potential effects on the heritage values of this part of the site and on the identified historic buildings in particular. The provisions are based on the recommendations of the Heritage Report prepared in association with the Structure Plan. The provisions will give effect to the objectives and policies of the Heritage Chapter of the District Plan. In particular the new provisions will directly implement existing Policy 11.4.1 which seeks:
- 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*
- 5.16 All new buildings and significant exterior modification to existing buildings that comply with the standards for permitted and controlled activities will now require consent as a restricted discretionary activity (new Rule 20.30A). A number of matters of discretion are proposed and it is also proposed that limited notification or notification of such applications will not be required except from Heritage New Zealand if the development is within the heritage covenant.
- 5.17 This exception is consistent with the expectations of the existing heritage covenant and appropriately reflects the established character and values of this part of the site.
- 5.18 To support the proposed rule, a definition of 'significant exterior modification' is proposed to be included in the definitions chapter of the District Plan. An amendment to this definition has been made in response to a recommendation contained in the Council Hearing Report



and has been agreed in the Joint Statement attached in **Appendix 1** of this evidence.

- 5.19 The existing standards related to buildings will apply to the new rule. These are:
- 20.9: Setbacks from boundaries (front – 8m, side and rear not adjoining residential or open space – 0m, side and rear if adjoining residential or open space – 3m)
  - 20.10: Building height (8m)
  - 20.11: Sunlight access (only relates where adjoining residential or open spaces zones)
- 5.20 The loading, screening and landscaping standards as noted above also apply.
- 5.21 Two new standards are proposed that will apply to new buildings. Firstly, habitable rooms must meet ventilations standards (new standard 20.14A)<sup>1</sup> and secondly, a 2m close boarded fence along the MAFI boundary is required where the site adjoins this boundary (new standard 20.30A).
- 5.22 If a new building or a proposed significant exterior modification to an existing building fails to meet these existing, amended and new permitted activity standards, resource consent would be required for a second or additional restricted discretionary activity under the existing rule relating to ‘*buildings which do not comply with permitted or controlled activity standards*’ (Table 20.2). This additional resource consent requirement will in effect increase the scope of Council’s discretion to include the matters contained in *Rule 20.30: Buildings which do not comply with the standards for permitted and controlled activities*. There is no notification or limited notification rule applying to this existing activity rule, and therefore the standard procedures under sections 95 to 95E of the Act will apply.

### Signs

- 5.23 In order to control the potential effects and possible cumulative effects of signage in the heritage covenant area of the Gateway Precinct, all signs in this area except temporary signs and signs within roads are proposed to require restricted discretionary activity consent under new proposed Rule 20.30B. No standards and terms are proposed for this new rule. However a number of matters of discretion are proposed and it is also proposed that consents sought under this rule are precluded from public notification and that limited notification may only be served on Heritage New Zealand. A minor amendment to a matter of discretion of this rule has been agreed with Council and is detailed in the Joint Statement attached as **Appendix 1** of this evidence.
- 5.24 Signs outside of the heritage covenant area (as identified on proposed Appendix Business 4) that is within the Gateway Precinct (business / commercial zone) (i.e. the small portion of the covenant that is located within the Urban Precinct) are subject to the existing sign standards and rules of the District Plan. The recommendation in the *Heritage Assessment of Site* relating to signs was only in relation to the Grants Bush Precinct area.

### Subdivision

- 5.25 In order to ensure that subdivision is consistent with the Wallaceville Structure Plan, it is proposed that subdivision in the Gateway Precinct, that complies with the lot size standards (20.5) and access standards (20.8<sup>2</sup>), be a restricted discretionary activity (new Rule 20.28A) instead of a controlled activity under the existing rule (Rule 20.6). Discretion is restricted to among other things ‘*consistency with the Wallaceville Structure Plan*’. The notification clauses as discussed apply to this rule with the effect that subdivisions will be decided without the

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<sup>1</sup> An amendment to this standard is proposed in the evidence of Mr Malcolm Hunt and discussed in further detail in section 7 below.

<sup>2</sup> It is noted that the amendment table submitted with the plan change that contains all proposed district plan amendments incorrectly references rule 20.9 in the new rule instead of rule 20.8. This has been corrected in the track change amendment table provided as Appendix 2 of this evidence.

need for public notification or limited notification.

- 5.26 Under the existing subdivision rules in Table 20.1, if the proposed subdivision fails to comply with the lot size standards (20.5) the subdivision will be a discretionary activity and if the subdivision meets the lot size standards but does not meet the access standards the subdivision will require a second or additional restricted discretionary activity consent under Rule 20.29. For all other subdivision, the existing discretionary activity default subdivision rule will apply. No notification clauses pertain to this existing rule and therefore Council has scope to notify the application should it consider that it is warranted under the statutory notification tests of the Act.
- 5.27 Discretionary activity subdivisions assessed under the existing rule will be considered against the existing matters of consideration contained in Section 20.32 of the Plan and also additional proposed matters specifically for subdivision, new buildings and activities within the Gateway Precinct.
- 5.28 A new matter of discretion outlined as follows is now proposed to be included as a matter for all of the new proposed subdivision rules. The addition of this matter was agreed by Council and WDL as outlined in the Joint Statement.

*“The extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)”*

## **The Urban and Grants Bush Precincts – Residential (Centres) Overlay**

### Land Use Activities

- 5.29 For residential activities and for non-residential activities all of the existing activity rules apply. Such activities are subject to the permitted and controlled activity standards. The Plan Change as proposed retains all standards except the four amendments detailed below<sup>3</sup>. These amendments are **specific only to the Urban Precinct**. The purpose of these four amendments is to provide for a greater variety of housing typologies and housing densities, and thereby facilitate the implementation of the Wallaceville Structure Plan. It is also intended that this would enable more efficient use of the land resource, particularly those parts of the site closest to the proposed Gateway Precinct and the Wallaceville Rail Station.
- 5.30 The four amendments to the Zones standards that were notified are:
- 50% site coverage (standard 18.11) (current provisions being 35% for non-CRD development and 45% for CRD development).
  - 1m setbacks from boundaries except where semi-detached buildings are proposed, in which case the setback and sunlight access standards do not apply from common boundaries (existing setback standards being one of 1.5m and one of 3m).
  - New outdoor living court standards for dwellings entirely above ground level that are part of comprehensive residential developments.
  - An increase in maximum height from 8m to 11m for comprehensive residential developments. The purpose of this proposed amendment is to provide for 3 storey residential buildings and the opportunity for residential units to be entirely above ground floor.
- 5.31 The rationale for the inclusion of the above amendments and additions in the Plan Change is outlined in the evidence of Ms Lauren White. It is noted that in response to submissions and concerns raised by Council Officers, I have recommended, in agreement with Ms Boyd and Ms White deletions and changes to the proposed provisions outlined above. The changes were agreed by Ms Boyd, Ms Duffell and Ms White and were included in the Joint

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<sup>3</sup> I note that changes to these proposed standards have been agreed with Council – refer Joint Statement (Appendix 1).

## Statement (Appendix 1).

- 5.32 In addition to the proposed amendments to the existing standards three new additional standards are proposed as recommended in the Acoustic Assessment:
- An additional standard for permitted and controlled activities which requires ventilation and/or noise insulation of habitable rooms used by noise sensitive activities near specified boundaries with the MAF1 site, the rail corridor or Alexander Road.
  - An additional standard for permitted and controlled activities which requires fencing along the boundaries of allotments that adjoin the MAF1 site or the rail corridor.
- 5.33 I note that changes to these standards have been made in response to the submissions of KiwiRail and the Ministry of Primary Industries as further detailed in the evidence of Mr Malcolm Hunt and in Section 6 below.
- 5.34 For non-comprehensive residential developments in the Urban, Grants Bush and Wallaceville Living Precincts which complies with the existing and proposed standards for permitted and controlled activities the existing default rules apply.
- 5.35 Comprehensive Residential Development in the Residential (Centres) Overlay Area is currently a restricted discretionary activity provided that the development comply with the standards and terms specified in Rule 18.28A. The standards and terms require compliance with the permitted and controlled access (18.9), site coverage (18.11), yard setback (18.12), outdoor living court (18.13), maximum height (18.15), sunlight access (18.16) and on-site soakage (18.18A) standards.
- 5.36 Given the introduction of new standards relating to Comprehensive Residential Development within the Wallaceville Structure Plan Area, it is proposed that to remain a restricted discretionary activity, the development need also comply with the new acoustic insulation, ventilation and fencing standards. It is also proposed in this existing restricted discretionary rule that Comprehensive Residential Developments in the Wallaceville Structure Plan Area which meet the standards need not be publically or limited notified.
- 5.37 Failure to comply with any of these standards will require consent as a discretionary activity under the existing rule in Table 18.2:

*“Comprehensive Residential Development on a site within a Residential Centres Overlay Area not complying with the standards and terms of rule 18.28A”*

### Subdivision

- 5.38 For the reasons outlined earlier, it is proposed that subdivision in the Wallaceville Structure Plan Area that complies with the lot area (18.5) and access standards (18.9) require consent as a restricted discretionary activity (new rule 18.28B) not a controlled activity. Discretion is restricted to among other things ‘consistency with the Wallaceville Structure Plan’. In respect of applications sought under this rule, it is proposed that the subdivision will be decided without the need for public notification or limited notification.
- 5.39 A new matter of discretion outlined as follows is now proposed to be included as a matter for all of the new proposed subdivision rules. The addition of this matter was agreed by Council and WDL as outlined in the Joint Statement.

*“The extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)”*

- 5.40 Under the already existing subdivision rules in Table 18.1, if the proposed subdivision fails to comply with the lot size standards (18.5) the subdivision will be a discretionary activity and if the subdivision meets the lot size standards but does not meet the access standards (18.9) the subdivision will be required for a second restricted discretionary activity under Rule 18.30. This will expand the matters of discretion to traffic and pedestrian safety and the

efficient functioning of the roading network. For all other subdivision, the existing discretionary activity default subdivision rule (where no notification clause exists) will apply.

### **Wallaceville Living Precinct (Area A and Area B after structure plan approval) – Residential Zone**

#### Land use activities

- 5.41 It is proposed that this area be zoned residential. No amendments are proposed to the existing standards for permitted or controlled activities for this precinct. New standards are however proposed relating to noise insulation and ventilation standards with respect to the Alexander Road and rail corridor boundaries.
- 5.42 For developments that fail to comply with the existing and new standards, the existing default activity rules would apply. Additional matters of consideration are proposed in section 18.37 that are specific to the Wallaceville Structure Plan Area and include ‘the extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan’.

#### Subdivision

- 5.43 Subdivision in the Wallaceville Living Precinct is managed under the same residential zone provisions detailed for the Urban and Grants Bush precincts above.

### **Application of the Area B rules (Appendix Residential 4) prior to future structure plan approval**

- 5.44 The proposed rule framework set up in Appendix Residential 4 seeks to avoid the potential risk that development of this part of the site would occur in an unstructured way that is not integrated with development of the remainder of the site and which does not reflect site values and opportunities. It is noted that the clauses detailed below have been clarified and amended slightly to address the relevant recommendations included in the Council Hearing Report. The changes agreed with Council are included in Table 1 of the Joint Statement (refer **Appendix 1**).

#### Land Use Activities

- 5.45 Clause 1 in the Appendix makes all activities and buildings a non-complying activity until such time as a subdivision application is granted which incorporates a Structure Plan for Area B. A new Policy is also proposed to guide the content and direction of the Structure Plan for Area B. When the Structure Plan for Area B has been approved then the standard residential provisions and Wallaceville Living Precinct intentions and outcomes will apply to activities and buildings.

#### Subdivision

- 5.46 Clauses 2 through 5 of the appendix set up a rule framework with respect to subdivision of land within Area B. Clause 2 is a discretionary activity subdivision rule which provides for the subdivision that will create a separate title for the whole of Area B. Currently Area B comprises a number of allotments with one allotment containing both land within Area A and Area B.
- 5.47 Clause 3 is the rule for the first subdivision of Area B that will include the structure plan to be approved. Policy 4.4.15 includes the criteria that the structure plan must meet.
- 5.48 Clause 4 specifies that subdivision of Area B will be non-complying if it does not comply with clauses 2 or 3. This clause seeks to restrict subdivision of the site preceding the approval of a structure plan.
- 5.49 Clause 5 specifies that once subdivision has been granted under clause 3 being the subdivision where a structure plan is approved, the rules of Chapter 18 will apply to all subdivision, activities and buildings.

## 6.0 RESPONSE TO COUNCIL HEARING REPORT RECOMMENDATIONS

- 6.1 I have considered the assessment of the recommendations included in the Council Hearing Report. These recommendations have also been considered in detail in the evidence of the technical experts which I refer to and rely on where relevant. I note that there are some issues and concerns raised in the submissions that WDL have chosen to address not through the introduction of additional District Plan provisions but through private agreements and covenants. The detail of such agreements and status of these agreements is addressed in the statement of Mr Andrew Collins.
- 6.2 With respect to my assessment below, firstly, I note that Ms Boyd considers that the Plan Change should be approved subject to several modifications. Overall, I agree with the reasoning presented in the Report and its overall recommendation for adoption.
- 6.3 Secondly, I, along with the other relevant experts agree with a significant proportion of the Report's recommended changes to the Plan Change. Accordingly, on the direction of the Hearing Committee conferencing was undertaken and a Joint Statement was prepared that outlines the agreed responses in relation to a vast majority of the Council Officers' recommendations (refer Table 1 of the Joint Statement).
- 6.4 It is also noted, that subsequent to the circulation of the Council Hearing Report and through the conferencing process, Council Officers raised a number of other matters/concerns in relation to specific provisions of the Plan Change. The agreed responses to a number of these additional matters are included in Table 2 of the Joint Statement. I consider and assess the additional matters where agreement could not be reached in Section 7 of my evidence.
- 6.5 While there were a number of matters agreed in the Joint Statement, for completeness and by way of explanation to the Hearing Committee, I set out my reasons for recommending the changes (in some cases based on the opinion of other experts) in **Appendix 2** attached.
- 6.6 Accordingly, in the sections that follow I seek to assess and provide my response to the recommendations that are within my area of expertise that were not included in the Joint Statement.
- 6.7 While I acknowledge that some of the recommendations and/or my proposed amendments in response to recommendations appear relatively minor, I, along with the other technical experts, have addressed them in detail so as to ensure maintenance of the integrity of the various parts of the Plan Change that, when combined, represent sound resource management.
- 6.8 Responses to submissions have been set out in the Council Hearing Report on an overall topic by topic basis. I have adopted the same approach in the sections that follow.

### Contamination

- 6.9 One submitter, Mr Paul Persico is seeking that the Plan Change be rejected on the basis that the land is contaminated and past remediation work has not remediated the land to a level acceptable for residential housing. Another submitter, Mark Walkington questions the suitability of the Racecourse for any public recreational use. In response to the submission of Mr Persico EnGeo were engaged to undertake further research into past management practices on the site and have presented additional responses to Council with respect to the points raised in this submission. Mr Robotham of EnGeo has prepared expert evidence in relation to this. In addition, further testing is currently being undertaken on the site in response to the submission by Mr Persico and the peer review commissioned by Council.
- 6.10 Regarding contamination, the Joint Statement noted as an 'agreed response' that:

*"No modification to Plan Change necessary to address submissions or contamination generally."*

6.11 And:

*“WDL and Council note that testing is underway and the results will be tabled as soon as they are available.”*

6.12 Ms Boyd in her response to submitters has accepted the conclusions by Golder Associates, being the consultants commissioned by Council to undertake a peer review of the Preliminary Site Investigation provided with the Plan Change and the Detailed Site Investigation and responses to submission provided post lodgement. Ms Boyd has accepted that while contamination issues remain, these can be addressed through the resource consent process.

6.13 The evidence of David Robotham confirms that the additional testing recommended can be carried out at resource consent stage. Mr Robotham concludes that (refer paragraph 27.0) he considers that:

*“the site is suitable for its intended plan change for residential and commercial use and development, and the areas identified requiring further work can be further investigated, managed or remediated during the subdivision consenting process.”*

6.14 On the basis of the above, I am of the view that **no modification to the Plan Change is necessary** to address the submissions of Mr Persico and Mr Walkington. As noted in the Plan Change Request application, the provisions of the NES will apply at the resource consent stage (i.e. through requirements to undertake detailed site investigations) and will provide sufficient direction to manage any potential effects of site contamination.

### **Stormwater**

6.15 I concur with the description of submitter concerns in relation to stormwater provided in the Council Hearing Report.<sup>4</sup>

6.16 The Council Hearing Report contains two recommendations in relation to stormwater. These recommendations are discussed below and in further detail in the evidence of Mr Alan Blyde.

### **Response to Council Hearing Report Recommendations**

- ***Council and WDL continue to discuss the proposed approach to stormwater management with a view to reaching resolution prior to the hearing.***
- ***Depending on the agreement reached through further discussions, changes may be recommended to the Wallaceville Stormwater Management Principles and proposed new section 2.6.9D (see amendment 1)***

6.17 Pre-hearing meetings and discussions have been held between Council (Jeff Haste and Lachlan Wallach) and Mr Blyde. The outcomes of these discussions is detailed in the evidence of Mr Blyde and in the Technical Memo provided to the Hearing Committee on 1 July 2015.

6.18 Mr Blyde recommends a number of amendments to the Wallaceville Stormwater Management Principles in response to Council’s peer review of these principles and the *Stormwater Management Plan* lodged with the Plan Change Request. Such amendments are further detailed and provided as track changes in his evidence. I consider that Mr Blyde has adequately respond to the details contained in the peer review and additional comments made by Council and I support the amendments that he is proposing.

6.19 I note that as a result of ongoing discussions with the relevant Council officer’s there are no longer any stormwater matters outstanding between WDL and Council.

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<sup>4</sup> Paragraphs 4.2.6 – 4.2.8

## **Traffic and Road Layout**

- 6.20 I concur with the description of submitter concerns in relation to traffic and road layout provided in the Council Hearing Report.<sup>5</sup> Subsequent to circulation of the Council Hearing Report and as mentioned in the statement of Mr Collins, the NZTA submission on the Plan Change has been withdrawn.
- 6.21 The Council Hearing Report includes a number of recommendations in response to the submissions specifically relating to the Wallaceville Road Typologies that forms part of the Wallaceville Structure Plan. The recommendations where Council and WDL have reached agreement are detailed in the Joint Statement (refer Appendix 1) and my reasons for such agreement is contained in Section 1.0 in **Appendix 2**.
- 6.22 Below I assess only the recommendations where agreement was not reached and draw on the evidence of Ms Lauren White (urban design) and Mr Georgeson (traffic) where relevant.

### **Response to Council Hearing Report Recommendations**

6.23 The second recommendation of the Hearing Report related to traffic and road layout (page 31 of the Council Hearing Report) seeks to include outcomes for the Wallaceville Road Typologies that incorporate a number of considerations. My comments on each of the matters recommended for inclusion (grouped where relevant) are provided below. As detailed, I note that all matters recommended in the Hearing Report to be included in the Wallaceville Road Typologies document are already adequately addressed in Council's Code of Practice for Civil Engineering Works ('the Code').

- ***The areas of Road Zone not covered by the carriageway, footpath network, garden's planting shall be finished with grassed surface***
- ***Gateway features shall be located wholly within private lots***

6.24 Specifying specific road reserve treatments and gateway features over and above the level provided in the indicative road typologies is not appropriate at structure plan stage. Such design detail can be addressed adequately at the resource consent and subsequent engineering approval stages of development. Should Council not agree with the need for gateway features at the time of resource consent, then this is able to be incorporated into its decision at that time. However we note that during the Structure Plan development process Council Officers indicated support for the gateway features as part of the measures to 'calm' traffic on Alexander Road, particularly on the stretch where reduced traffic speeds are sought, and as part of the overall urban design outcomes. Given this it would seem relevant the features are part of the road reserve, rather than on private land. Again however I note that should Council have a different view at time of resource consent this can be addressed through the matters of discretion.

- ***Streetscaping shall be located so as not to compromise the integrity of infrastructure, or the safety of vehicular or pedestrian movements.***
- ***Street trees shall be at a spacing that does not compromise the safe and efficient functioning of the road network***

6.25 These matters are already covered in Section A17.2 of the Code where it states that the selection of tree type and planting location and patterns shall be undertaken so as to achieve the minimum performance criteria which includes that it:

- Be located in such a way that access to utility services is available
- Be located in such a way that traffic and pedestrian safety is able to be maintained
- Be selected, located and installed so as to minimise future damage to roadscape services and private property

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<sup>5</sup> Paragraphs 4.3.4 – 4.3.5

- Satisfy Part B “Mandatory Requirements” of this Code

6.26 It is also noted that these matters are not specifically listed in zone provisions in other zones elsewhere in the District Plan.

6.27 Section B3.6 of the Code requires that a tree and shrub planting plan be provided with the design documentation for all urban subdivision. This section also states that if required by the IQP, trees may be required to be fully enclosed within root guards to a minimum depth of 600mm to provide long term protection to roads, paths and services. Appendix C, Figure 48 of the Code also details the street trees that are compatible with underground services. On the basis of the requirements already contained in the Code, I do not consider it necessary to include these matters in the Wallaceville Road Typologies.

- **All new roads shall be provided with street lighting, where lighting columns shall be positioned to cause minimal impediment to pedestrian traffic and possible accessway locations**

6.28 This matter is already covered in Section A9.2.1 of the Code where it states that road and vehicular provision shall be designed to ‘provide adequate and sufficient pedestrian and cycle accessways to link roads, shops, schools and passenger transport facilities’ and to ‘satisfy Part B “Mandatory Requirements” of this Code’. Part B3.7 – Road Lighting of the Code states that:

*“Unless approved otherwise by Council, lighting columns shall be positioned as close as practical to the road reserve boundary and on the line of boundaries between properties such that they cause minimal impediment to pedestrian traffic and possible accessway locations.”*

6.29 Part C of the Code details measures and particular standards that must be met to ensure compliance with the Code. Section C.2.8.1 states that ‘Lighting of roads, service lanes and pedestrian ways shall be to the standard of illumination recommended in NZS 6701: 1983 “Code of Practice for Road Lighting” and satisfying as a minimum B3.7 of this Code.’

6.30 On the basis of the requirements for lighting already contained in the Code, I do not consider it necessary to include this matter in the Wallaceville Road Typologies.

- **Fencing shall be provided along the road reserve boundaries of all subdivisions and maintenance shall not be the responsibility of Council**

6.31 I note that it is likely that WDL will not want front boundary fencing along residential streets within the Plan Change area (excluding the heritage fence feature along Ward Street).

6.32 Further correspondence with Ms Boyd clarified that this is not a recommendation from Council that all road reserves are required to be fenced and that this recommendation should read something in the order of ‘where fencing is provided along road reserve boundaries, maintenance shall not be the responsibility of Council’. Notwithstanding either wording, I note that fencing is already addressed in Section B3.15 of the Code which states that:

*“Fencing shall be provided along the road reserve boundaries of all rural and rural residential subdivisions unless agreed otherwise by Council. Standards and requirements shall be in accordance with Council fencing policy at the time.*

*In respect of all subdivisions, Council will require a fencing covenant protecting Council from any cost in connection with the construction and maintenance of boundary fences along reserves within or adjoining a subdivision.”*

6.33 I note that, in order to reflect historical planting on the site, in the Grants Bush Precinct, an outcome seeks that front boundaries along boulevard roads may be defined by hedging not fencing. Such proposals can be agreed with Council in the more detailed resource consent stage of the process. Accordingly, on the basis of the details for fencing already contained in the Code, I do not consider it necessary to include this matter in the Wallaceville Road Typologies.



- ***Adequate space shall be provided for utilities within the road reserve***

6.34 The various performance criteria for services and utilities outlined in the Code states that they shall be located within the road reserve except where special difficulties preclude this. In addition Section C2.6 – Roading Standards of the Code states that road reserve widths shall be selected to ensure that adequate carriageway, footpaths, berms and batters can be provided to retain amenity values and *enable services to be provided safely and in economically accessible locations*. In addition, the various performance criteria contained in the Code for reticulated services also states that such facilities shall be located within the road reserve (for example – reticulated wastewater as detailed in Section A11.2.1).

6.35 Accordingly, on the basis of the details for utility provision in road reserves already contained in the Code, I do not consider it necessary to include this matter in the Wallaceville Road Typologies.

- ***Swales shall be designed and constructed to ensure that they can be easily mowed by landowners***

6.36 The design of swales and the ability of these to be mowed is a design consideration that can be adequately addressed at resource consent and then the subsequent engineering approval stages of development.

6.37 In summary, I do not agree with the inclusion of any of these considerations. The matters specified will be appropriately addressed at subdivision / development stage and certain roading specifications will be agreed with Council through the engineering approval stage.

6.38 The recommended considerations detailed above appear to be specifications and requirements that are already outlined in the Code. In this respect I do note the following standard is currently provided in the District Plan (standard 18.18 in the residential zone and standard 20.13 in the business zone)

*“All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works”*

6.39 Further, a ‘Matters of Consideration’ (section 18.37 of the residential zone rules and section 20.32 of the business zone rules) allows for the consideration of the extent of compliance with the Council’s Code of Practice for Civil Engineering Works. The Plan Change includes a new restricted discretionary rule for subdivision in both the residential and business commercial zones. However under this rule, as it was drafted in the proposed Plan Change, the matters of discretion do not extend to compliance with the Code of Practice for Civil Engineering Works. Accordingly I recommend that the following matter of discretion be inserted into new subdivision rules 18.28B (residential zone) and 20.28A (business commercial zone):

- *The extent of compliance with the Council’s Code of Practice for Civil Engineering Works (revision 7, 20 July 1998) and Regional Standards for Water Services (November 2012)*

6.40 This matter is included in addition to the other proposed matters including ‘*design, appearance and layout of the subdivision including consistency with the Wallaceville Structure Plan*’ and ‘*standard, construction and layout of vehicular access*’. Layout includes both roads and allotments. The Hearing Committee may wish to refine these matters as the design and layout of the subdivision is, as outlined above, sufficiently contained in the Code.

## Noise / Reverse Sensitivity

### Ministry for Primary Industries Interface

- 6.41 I concur with the summary of the Ministry for Primary Industries ('MPI') submission provided in section 4.5 of the Council Hearing Report. Council's recommendations on this submission are to 'seek clarity from MPI on the relief sought' and 'Amend objective 4.3.5 to reflect MPI's suggested changes'. I note that correspondence and communications with MPI have been ongoing but at the time of writing no agreement has been reached in relation to the concerns expressed in their submission. Communications with MPI will continue up until the Hearing.
- 6.42 Before assessing the technical acoustic evidence prepared by Mr Hunt to address the noise concerns detailed in the submission of MPI and through subsequent correspondence with this submitter, I seek to address 'reverse sensitivity' effects more generally.
- 6.43 I understand that reverse sensitivity was first defined in *Auckland RC v Auckland CC (1997) 3 ELRNZ 54*, with many and varied definitions of reverse sensitivity provided in subsequent decisions and articles.<sup>6</sup> The decision of Judge Thompson in *Affco NZ Ltd v Napier CC 4/11/04, EnvC W082/04*, included reference to the following definition:
- "Reverse sensitivity can be understood as the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for that land. The sensitivity' is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity"* (See Bruce Parry and Janine Kerr, –Reverse Sensitivity – The Common Law Giveth, and the RMA Taketh Away||, (1999), p 94)
- 6.44 Based on this definition, I understand as a planner that an important aspect to understand when assessing the significance of potential reverse sensitivity effects is the nature and characteristics of the 'established activity'. That is the nature and characteristics of the source of the effects (in this case the NCBID) to which the proposed activity (in this case the activities provided for through Plan Change 40) will be sensitive. In considering the nature and characteristics of the established activity, I consider it also relevant to have regard to the reasonable future state of the NCBID facility.
- 6.45 Current research facilities and offices for the operation of the NCBID consist of a number of buildings with the closest building located 3m to the Wallaceville site boundary. This building was previously connected to the multi storey building on the Wallaceville site by an enclosed walkway.
- 6.46 Through further correspondence with Council, I understand that MPI have submitted a draft notice of alteration to its designation with Council. In this draft notice MPI is seeking to change the title of the designation to 'Laboratories and Research (Biosecurity and Disease), Offices'. The alteration also seeks to include conditions on the designation in relation to access and car parking, artificial light, screening, signs, site coverage, setbacks from boundaries and noise. The specific noise conditions have been addressed in the evidence of Mr Hunt, but in short seek to provide for noise levels significantly above those currently emitted from the site. I understand that the alteration to the designation is being sought by MPI in order to facilitate an upgrade to the NCBID. This upgrade mainly involves the construction of a new 5 storey laboratory on the site that will be located approximately 30m from the boundary with the Wallaceville site. Plans of the proposed building indicate that the roof of the building will contain a lot of mechanical plant associated with operating requirements of the laboratories to be contained within the building.
- 6.47 In light of the new building proposed for the site, I note that the draft alteration to

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<sup>6</sup> Source: 'Reverse Sensitivity', DSL Environmental Handbook, Marija Batistich, BA, LLB (Hons) (Auckland), Senior Associate, Bell Gully and Julia Harker, BA/LLB (Hons) Auckland, Solicitor, Bell Gully ([http://www.bellgully.co.nz/resources/pdfs/environmental\\_handbook\\_reverse\\_sensitivity.pdf](http://www.bellgully.co.nz/resources/pdfs/environmental_handbook_reverse_sensitivity.pdf))

designation seeks to include conditions that allow a noise limit of LAeq 55dB to be received within any residentially zoned sites to the south of the rail corridor. This anticipated noise level was confirmed in an email from MPI's solicitor on 19 June 2015.

- 6.48 Should the alteration be approved then I would expect that an Outline Plan would then need to be submitted for the proposed building work.
- 6.49 While it is clear that MPI need approval (either a change to the designation or resource consent) to establish the proposed noise source, my assessment below seeks to address and discount the potential reverse sensitivity effect concerns raised by MPI. I consider that the proposed District Plan standards in combination with existing standards will adequately ensure that reverse sensitivity effects on the MPI site are avoided or adequately mitigated.

#### Residential Zoning

- 6.50 MPI is concerned that residential development on the Plan Change site may affect or compromise its activities. Further correspondence from the submitter has found that this relates to both existing operations and future activities / developments proposed on its site.
- 6.51 In order to address these potential effects and in order to establish a high level of amenity on the lots, provisions requiring a 2m high close boarded fence along the boundaries of the MPI along with new ventilation standards is proposed in the Plan Change. The submitter believes that these measures are not sufficient and that other measures such as potential for non-residential use on the land, increased minimum setback distances, noise insulation, more limited building heights and screening should be considered. I address each of their considerations below and conclude that no additional or amendments to standards are necessary to address the concerns raised by MPI.
- 6.52 With respect to their concerns relating to residential land uses adjoining its site, the MPI site is proposed to be bounded by allotments within the Grants Bush Precinct (zoned residential) and Urban Precinct (zoned Residential (Centres) Overlay). The interface issues related to the MPI boundary were important considerations in the development of the Structure Plan and were addressed in the evidence of Ms White. With regards to residential land uses adjoining the MPI site, Ms White states the following:

*“Residential development adjacent to the Centre for Biosecurity and Infectious Diseases will likely improve the safety of the site as it will limit access to and along its boundaries. The rear of private residential sections along its boundary will mean that these boundaries are potentially less visible or exposed. The existing operations on the adjoining site will be protected through the existing business commercial and residential zone standards and through the introduction of new ventilation and fencing standards that seek to specifically address this interface.”*

- 6.53 In the Grants Bush precinct no new residential zone standards are proposed so the existing setback, height recession plane, maximum height, outdoor living court, site coverage standards apply. I consider that these standards, in combination with the new fencing requirement, will not create a level of activity on the site that is likely to generate reverse sensitivity effects. One reason for this is, upon review of the master plan for the MPI site provided by the submitter, that it appears unlikely that buildings or other intensive land use activities will be developed within the MPI site near the boundary adjoining the Grants Bush Precinct. I also note that MPI is seeking to impose a new condition on the designation limiting site coverage to 40% and a new condition on setbacks. This further reinforces this view.
- 6.54 In the Urban Precinct a new 11m maximum height standard (for CRD developments only), new side yard setbacks of 1.5m both sides and new outdoor living court standards relating to dwellings located entirely above ground level will apply. The existing Residential (Centres) Overlay standards being; outdoor living courts for dwellings at ground level; sunlight access; and site coverage will apply. So, while the Plan Change seeks an increase in maximum height, this increase in height only relates to CRD development for which resource consent

is required as a restricted discretionary activity. Also, CRD developments are still subject to the sunlight access plane standards, so, to achieve an 11m high building that is still able to comply with these standards, the building, must be set back approximately 8m from this boundary. In addition, the outdoor living court standards require that these areas have a northern aspect, which in relation to the MPI site would be the area of land adjoining its site. Therefore, sufficient setbacks from this boundary for any buildings would be necessary in order to accommodate the required space.

- 6.55 Failure for CRD developments to comply with the standards listed in the restricted discretionary CRD rule (Rule 18.28A) (which is now proposed to include the new fencing and ventilation standard) will require resource consent as a discretionary activity and non-CRD residential development that is not able to meet the permitted activity standards requires consent as a discretionary activity. Accordingly, Council will be unlimited in its scope to address the potential effects on any non-compliances including reverse sensitivity effects.
- 6.56 As part of the assessment of effects under s 104 RMA, existing lawfully established activities and the effects they create are addressed as component parts of the natural and physical environment. The suitability of proposed activities is assessed in terms of looking at the nature of existing activities in the vicinity of the proposed activity and determining whether any restrictions or design solutions on the proposed activity are warranted to avoid or minimise reverse sensitivity issues. Design solutions in the case of residential development of the Wallaceville Structure Plan area are adequately provided for under the existing and proposed District Plan bulk and location controls.
- 6.57 I wish to also point out that there are a number of trees within the Urban Precinct that are located near the MPI boundary that are proposed to be included in the schedule of notable trees. The presence of these trees, in combination with the new and existing bulk and location standards mean that it is highly impracticable that a building will be built right against or close to the boundary.
- 6.58 On the basis of the above, I consider that the combination of existing and proposed District Plan standards adequately addresses potential reverse sensitivity effects on the MPI site.
- 6.59 Regarding MPI's recommended amendment to Objective 4.3.5 to include specific reference to potential reverse sensitivity effects, while I believe that such effects are already covered under 'avoids, remedies or mitigates adverse environmental effects' which is already a consideration contained in the Objective, given the number of different interfaces the site has, with a number of different activities adjoining its boundaries, I see merit in adopting the MPI recommendation. Notwithstanding this, I note that through further correspondence with Council, amendments to Objective 4.3.5 have been agreed (refer table 2 of the Joint Statement. Council proposed such amendments to amongst other things, address the reverse sensitivity concerns raised in the MPI submission. I reviewed the amendments proposed by Council and am supportive of the changes as I consider that they adequately address the concerns of MPI.
- 6.60 The amendments that are included in Table 2 of the Joint Statement (refer **Appendix 1**) are as follows:

~~To provide for development of the Wallaceville Structure Plan Area which:~~  
~~- makes efficient use of a strategic land resource~~  
~~- promotes the sustainable management of land resources~~  
~~- ensures that an integrated approach is taken to the development of the area to ensure that staged development does not compromise future development stages~~  
~~- achieves a new mixed use village within Upper Hutt that provides employment opportunities and local retail services~~  
~~- responds to site opportunities and constraints~~  
~~- avoids, remedies or mitigates adverse environmental effects~~

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

The Wallaceville Structure Plan Area 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 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 with adjoining land uses.

## Noise

- 6.61 Further information in relation to the proposed new laboratory building on the MPI site has been obtained from MPI through correspondence and pre-hearing meetings. Mr Hunt has reviewed this information in order to ensure the mitigation measures (ventilation standards) are adequate to protect the amenity of future land owners residing next to the MPI site (and to also ensure reverse sensitivity effects are avoided). The advice of Mr Neil Purdie, Senior Mechanical Services Engineer was sought in relation to noise associated with external mechanical equipment proposed to be located on the roof of the new NCBID building.
- 6.62 As further described in the evidence of Mr Hunt, given the new laboratory building details, including elevations that show the building to be approximately 18 metres in height, and the advice received from Mr Purdie, Mr Hunt is recommending that the new residential zone standard (18.16A) be amended as follows:

### **Ventilation**

Within the Wallaceville Structure Plan Area, where:

1. Sleeping rooms where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 12m of the rail corridor (designation TZR1); OR
2. Sleeping rooms where openable windows are proposed on ~~upper levels of two or more storey~~ dwellings within 10m of a site designated as MAF1;

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 sleeping room~~ is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

- 6.63 Mr Hunt is of the view that similar amendments are not required to the proposed standard for the Business Commercial Zone (Gateway Precinct) (new standard 20.14A) as the standard requires that all types of habitable rooms (as defined in the District Plan) be supplied with artificial ventilation where opening windows are provided. Further, Mr Hunt notes that:

*“The ventilation treatment is recommended to be applied to all habitable rooms within Gateway Precinct owing the possibility that a daytime sound levels of L10 65 dBA is permitted, which could be located within 1 to 2 metres of a living room, more likely residential uses could establish upstairs with commercial activity located on the ground floor.”*

- 6.64 I support the amendments proposed by Mr Hunt and the assumptions he has made regarding commercial activities being located at ground level and residential accommodation located above ground level. While residential accommodation above ground level is proposed to be a permitted activity, residential accommodation at ground level will be a Discretionary Activity under the existing ‘Residential accommodation at ground floor level’ rule.
- 6.65 The amended new standards as detailed above assumes that appropriate noise mitigation measures will be implemented on the new laboratory building to ensure that noise emitted

from the new building would not exceed LAeq45dB at the MPI boundary (some 30m from the proposed building). Mr Purdie has advised that such measures would be part of standard mechanical services design.

- 6.66 Pursuant to Section 16 of the Act, every occupier of land, and every person carrying out an activity shall adopt the best practicable option to ensure that the emission of noise from that land does not exceed a reasonable level. I understand that this Section 16 duty can apply even if a person is acting in accordance with a designation.
- 6.67 As the activities that will generate the future noise have not yet been legally established through an alteration to designation and outline plan process, I believe that it is realistic to expect that all practicable steps should be made to internalise such effects within the site generating the noise. In this respect and in determining whether noise associated with the new laboratory on the MPI site can adequately internalise potential noise effects, Mr Purdie concludes that *“there appears to be no technical reason for the National Containment Laboratory not to achieve the night time noise criteria of NZS6802:2008 on the south boundary.”*
- 6.68 Making best practicable endeavours to internalise effects is also consistent with the following Special Activity Zone objective (8.2.2):
- “The need to maintain amenity values within the Special Activity Zone and adjoining environments. The nature of existing activities is such that their potential adverse impact on adjacent properties needs to be mitigated. Similarly, there will be a need to control the effects of new activities establishing within the Zone.”*
- 6.69 On this basis, I accept the reasonable assumption made by Mr Hunt that reasonable measures can be put in place within the MPI site to seek that noise from activities taking place on that site be reasonably capped and therefore consider his amendments to the proposed standard to be appropriate.

### **Railway Corridor Interface**

- 6.70 Noise is a prominent concern in the submissions received by KiwiRail. I concur with the summary of the KiwiRail submission detailed in section 4.4 of the Council Hearing Report. The submission raises concern relating to potential reverse sensitivity effects arising from residential uses adjoining the rail corridor. The submission proposes a number of amendments to the proposed provisions and seeks the implementation of a different standard to be used to ensure future dwellings are adequately protected from their location close to the rail corridor.
- 6.71 The council recommendation in response to this submission was to *‘require evidence to support the proposed amendments sought by KiwiRail’*.
- 6.72 The relief sought by KiwiRail with respect to managing effects associated with development within the vicinity of the rail corridor was evaluated in the evidence of Mr Malcolm Hunt. Mr Hunt, Mr Brendan Hogan (WDL) and I had a phone conference with Ms Beals from KiwiRail and Mr Chiles on Monday the 29<sup>th</sup> of June to discuss KiwiRail’s submission.
- 6.73 I note that based on these ongoing discussions and an agreed position has been achieved by both acoustic experts (Mr Chiles for KiwiRail and Mr Hunt for WDL). KiwiRail has confirmed its acceptance of the revised standards.
- 6.74 Finally I wish to comment on the use of the term ‘sleeping room’ vs the term ‘habitable room’. While I accept the technical view presented by Mr Hunt supporting the use of ‘sleeping room’, I note that KiwiRail previously questioned this term based on its enforceability. KiwiRail have concerns regarding the ability of rooms to be easily converted to sleeping rooms, without Council knowledge. Having considered this matter, I do not accept that *all* habitable rooms can be easily converted to sleeping rooms, and would in many instances require building consent for this conversion. In particular I note that conversions of kitchens and standard modern open plan living spaces would likely require

building consent and that the need to require insulation or ventilation can be captured at that point. I accept however that studies or home offices, which are often very similar in form to bedrooms, would be able to be easily converted and should be explicitly referenced in the standards. I therefore recommend that the term 'studies' be added to the proposed ventilation and insulation standards as provided in the evidence of Mr Hunt. For consistency purposes I consider it appropriate to include 'studies' to all proposed noise insulation and ventilation standards not just those relating to the rail corridor.

- 6.75 Based on this I recommend that the ventilation and insulation standards be amended as follows:

#### **18.16A Ventilation**

Within the Wallaceville Structure Plan Area, where:

1. sleeping rooms and studies where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or ~~12m~~ 50m of the rail corridor (designation TZR1); or
2. sleeping rooms and studies where openable windows are proposed ~~on upper levels of two or more storey in~~ dwellings proposed within 10m of a site designated as MAF1;

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. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

#### **18.16B Noise Insulation**

Within the Wallaceville Structure Plan Area, where

1. any sleeping room and studies within 12m of the Alexander Road boundary; or
2. any sleeping room and studies on upper levels of two or more storey within any dwellings within ~~12m~~ 30m of a site utilised for railway purposes (Designation TZR1);

shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB} \quad D_{2m,nT,w} + C_{tr} > 35 \text{ dB}$$

- 6.76 I consider that the standards now agreed between WDL and KiwiRail are the most appropriate way to address the resource management issue and achieve the relevant District Plan objectives and policies including:

*Objective 15.3.1: The promotion of a high level of environmental quality in the City by protecting amenity values.*

*Policy 15.4.4: To manage noise emissions to levels acceptable to the community.*

#### **Heretaunga Pistol Club / Ministry of Defence Interface**

- 6.77 The Heretaunga Pistol Club made a further submission in relation to the submission of the New Zealand Defence Force ('NZDF'). The Club operates on the NZDF land south of Alexander Road and raised concerns regarding reverse sensitivity effects. It is noted that the NZDF submission has been withdrawn as WDL has registered a reverse sensitivity covenant on the Plan Change land in favour of NZDF.

- 6.78 The further submission from the Heretaunga Pistol Club was assessed in the evidence of Mr Hunt who investigated noise from shooting carried out on the Seddon Range and at other locations in the area. In accordance with his original assessment contained in the Noise AEE Report, Mr Hunt concludes that noise from these activities are 'not expected to give rise to any adverse noise effects when received within the proposed Wallaceville residential subdivision' on the basis that the occupiers of the pistol club and rifle range adopt the best practicable options to avoid unreasonable noise as required under Section 16 of the Act. As noted, relevant objectives and policies of the District Plan direct landowners to 'manage noise emissions to levels acceptable to the community'.

- 6.79 On this basis, I do not consider that any specific interface treatment is required to address

the concerns raised by the Heretaunga Pistol Club.

## **Urban Form and Design**

6.80 I concur with the description of submissions provided in the Council Hearing Report in relation to urban form and design<sup>7</sup>. I would also like to note also that a number of submitters supported intentions to provide for a mix of housing types. Ms Mary Beth Taylor noted in her submission:

*“There is a good mix of housing types including some more intensive Comprehensive Residential sites down to 300 square metres and also high density housing in the proposed urban/commercial area at Ward Street. This shows good urban planning and resource use”*

6.81 The internal amenity related issues associated with the change in land use that will be facilitated by the Plan Change were addressed in the Urban Design Assessment that informed the development of the Structure Plan. The author of the Urban Design Assessment, being Ms Lauren White, has in her evidence, provided the rationale behind the incorporation of the provisions discussed below in the Structure Plan, has evaluated the concerns and recommendations outlined in the Council Hearing Report and submitters, and has outlined her position on these recommendations and concerns. I structure my responses to the items addressed in the Council Hearing Report in accordance with each of the recommendations made by Ms Boyd and I refer to the evidence of Ms White where relevant.

6.82 I note that responses to all of the recommendations in the ‘Urban Form and Design’ section of the Council Hearing Report have been agreed by Ms Lauren White and I for the Requestor (“WDL”) with Ms Boyd and Ms Duffell (for Council) as set out in the Joint Statement (refer **Appendix 1**). I direct the committee to review the explanations and reasons for accepting the recommendations of Council contained in Section 2 in **Appendix 2** of this evidence.

6.83 In addition to the agreements reached with Ms Boyd and Ms Duffell of Council, I wish to also address three specific submissions relating to urban form and design that were not brought through as Council recommendations by Ms Boyd.

6.84 The three submitter requests in question are the 5m boundary setback request from KiwiRail, the requests from Mr Ian Stewart seeking to include rules and assessment criteria which provide for more control of the development of the Urban Precinct and provisions protecting the visual amenity of properties on Ward Street facing the Urban Precinct and the request from Mr Nick Saville that the maximum building height not be a greater scale than the bush within Grants Bush. I address each in turn below.

6.85 I note that while the *Decisions on Submissions* 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. Further I note that, Ms Boyd has inadvertently evaluated the reason of the request being to assist with mitigating noise and vibration effects. Further correspondence with Ms Rebecca Beals at KiwiRail, the author of the submission, has found 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.

6.86 For the reasons identified in the submission of KiwiRail and through further correspondence with Ms Beals, **I recommend that the 5m setback be included in the Plan Change.**

6.87 With regards to the submission of Mr Stewart, I concur with the evidence of Ms Lauren

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<sup>7</sup> Paragraphs 4.5.4 – 4.5.9



White on the urban design and amenity effects on the Ward Street interface, and support Ms Boyd's view that the minimum front yard setbacks for CRD's and the consent status of CRD's is adequate to protect the visual amenity of the properties along Ward Street. I consider that the matters over which Council has retained discretion for CRD activities (including 'site layout, design and external appearance') allows enough scope for Council to ensure that no 'discordant high density development of individual apartment blocks' results. Accordingly I do not support the request to impose minimum block sizes for development.

- 6.88 Regarding the proposed amendment to the maximum height standard, Mr Nick Saville in his submission recommends that the maximum building height should not be a greater scale than the bush. This request was addressed in the evidence of Ms White and Mr Lowe. Mr Lowe concludes that from an ecological perspective, the proposed heights<sup>8</sup> will not negatively impact on the biodiversity of the forest remnant. In response to this submission point Ms White states:

*"Given the envisaged layout of internal roads as illustrated in the indicative Area A roading layout that forms part of the Wallaceville Structure Plan that will be incorporated into the District Plan, potential 11m or three storey buildings would be located across the road from Grants Bush and thus be distanced from it and thereby limiting visual impacts on the bush. In any case, the trees are rather substantial in height and I argue that three storey buildings would not unduly 'dwarf' these trees."*

- 6.89 Based on the expert evidence of both Mr Lowe and Ms White, I do not consider it necessary to modify the maximum height provisions for buildings surrounding Grants Bush. This is consistent with the conclusions reached by Ms Boyd in the Council Hearing Report.

## **Ecology**

- 6.90 I concur with the summary of submissions regarding ecological values provided in paragraphs 5.4.2 to 5.4.4 of the Council Hearing Report. In response to the submissions received Ms Boyd has made two recommendations; one recommendation were agreement has been reached with Ms Boyd (refer Joint Statement in **Appendix 1** and explanation of agreement in Section 6 in **Appendix 2**) and the recommendation assessed below.

### **Response to Council Hearing Report Recommendations**

- ***In order to give effect to the RPS, require confirmation about whether the site is home to threatened indigenous faunistic species prior to development commencing.***

- 6.91 The recommendation above is addressed in the evidence of Mr Lowe. The GWRC submission made reference to the drains located on the site which may potentially support threatened species, such as the Brown Mudfish that is classified as 'At Risk, Declining'. Further, the submission states that if such species are present, the structure plan will 'need to make provisions within the design of the development to appropriately manage effects on this habitat'.

- 6.92 In this respect Mark Lowe states that (refer para. 5.27):

*"Whilst these may have previously supported mudfish (with ability to withstand drying) it is considered that the conversion to open agricultural drains, unrestricted stock access and lack of in stream emergent macrophytes would be unlikely to provide suitable habitat."*

- 6.93 And in paragraph 6.8:

*"However, should brown mudfish be found to be present on the site, I consider that this could be mitigated through appropriate relocation, in accordance with an approved relocation plan."*

- 6.94 As per earlier correspondence with GWRC it is anticipated that works associated with the

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<sup>8</sup> 8m along three of the boundaries of Grants Bush (Grants Bush Precinct) and 11m along the remaining boundary (Urban Precinct)

existing drains will be permitted under the Regional Plan. On the basis that Mr Lowe deems it unlikely that mudfish are located in the existing drains I do not consider that any amendments or additions to the provisions of the Plan Change is necessary.

- 6.95 Regarding the single NZ Falcon that was viewed on the site, I note that Mr Lowe supports the undertaking of a bird survey prior to the removal of any large pines. Additionally, Mr Lowe supports the removal of the wilding pines on the southern hills portion of the site in order to improve the ecological values of these hills. I note that no rezoning of these hills is incorporated into the Plan Change. Further, I note that no protection (by way of specific rules relating to removal) is currently afforded to the protection of exotic species under the Rural Lifestyle Zone or Southern Hills Overlay area and with respect to other exotic species located outside of covenant areas of the Wallaceville site, the level of protection of these species will not change as a result of the Plan Change (i.e. no protection afforded under the District Plan).
- 6.96 A subdivision will be required to separate the Rural Lifestyle / Southern Hills overlay area of the site from the triangular area of land to be developed. A subdivision consent that includes land within this overlay is also subject to the overlay subdivision rules where Council has restricted discretion to, among other things, the effects on ecological values. Accordingly, at this time, any potential removal of the pines within this area or any recommendations made by Mark Lowe with respect to ecological values of this area can be addressed in any future resource consent application.
- 6.97 With respect to vegetation on the remaining Wallaceville site, I note that the Grants Bush covenant area and the portion of the floodplain covenants containing the stands of Totaras will be protected through the Plan Change in addition to the specific trees that will be included in the schedule of notable trees. I consider that this, along with specific outcomes proposed for the precincts that seeks the protection of the ecological values of these areas, provides appropriate protection for the existing indigenous vegetation in the area and having regard to the high number of specific trees being added to the Schedule of Notable Trees there will be a much greater level of protection than currently afforded.

### Notable Trees

- 6.98 I concur with the details of submissions relating to notable trees contained in paragraphs 5.5.2 and 5.5.3 of the Council Hearing Report.
- 6.99 With respect to Ms Boyd’s second recommendation regarding notable trees, I confirm that 43 trees are proposed to be added to the schedule. As shown below and as per the map titled ‘Appendix 2a- Northern Mapping’ in the Downer Preliminary Assessment trees identified as ‘W1’ and ‘W2’ are two separate trees. This confirmation was also included in the Joint Statement.

**Figure 1. Trees surveyed as mapped on ‘Appendix 2a- Northern Mapping’ in the Downer Preliminary Assessment**



- 6.100 In this respect I note that the District Plan chapters with track changes included in the Plan

Change request that contains the tree 152 duplication were included for reference and to assist in interpreting the proposed changes and that the District Plan amendments table is 'the Plan Change Request'. Where there are any minor discrepancies between the District Plan amendment tables and the chapter track changes, the amendment table takes precedence.

- 6.101 In addition to the 43 trees proposed to be scheduled, Ms Boyd correctly identifies that another six trees have high STEM scores ranging from 81 to 99. Given these high scores Ms Boyd requested that Council's Horticulture Officer complete an assessment of the six additional trees to confirm the accuracy of the assessment undertaken by Downer.
- 6.102 At the time of writing, Council's assessment is not available. Notwithstanding this, if evidence is presented at the hearing that suggests that any of these additional six trees has been reassessed as having a STEM score of 100 or more, the Requestor ('WDL') will accept inclusion of these trees in the Schedule of Notable Trees.

### **Grants Bush**

- 6.103 There is agreement between the relevant experts (Mr Lowe, Ms White, Ms Boyd, Ms Duffell, Mr Harbord and I) on the two recommendations included in the Council Hearing Report in relation to Grants Bush. The agreed amendments are detailed in Table 1 of the Joint Statement (refer **Appendix 1**) and the explanation for agreement is detailed in Section 6 of **Appendix 2**.
- 6.104 I wish to also address the submissions of Mr Nick Saville and Forest and Bird whom both recommend that the development be cat free. These submissions were addressed in the evidence of Mr Lowe. Mr Lowe accepts that regulatory implementation of enforcing a cat free development may be impractical. Alternatively, Mr Lowe recommends education to encourage responsible pet ownership, possibly in the form of information signage placed on the edges of the covenant areas. I consider that this is a matter for consideration at subdivision stage and would be within the scope of discretion contained in the relevant rule, i.e. that relating to the provision of reserves.
- 6.105 I concur with Ms Boyd's comment that requiring a cat free development would be difficult to enforce by Council and more difficult to control by way of a rule in the District Plan and there is also the locational context of the Plan Change site adjoining neighbouring residential areas from where cats are also likely to enter the Plan Change site. For these reasons I do not recommend that provision be made within the WSP to restrict cat ownership within the development because it is impractical from a Council enforceability perspective.

### **Subdivision**

- 6.106 The submission from the Upper Hutt City Town and Country Association seeks that a subdivision in the Wallaceville Structure Plan Area which complies with the standards in rules 18.5 and 18.9 be a Controlled Activity as opposed to a Restricted Discretionary activity.
- 6.107 As noted earlier in my evidence, the rationale for proposing a stricter consent status for subdivision is to ensure that subdivision is consistent with the Wallaceville Structure Plan and to offer an increased level of ability for Council to approve or decline subdivision applications according to their consistency with the provisions of the Wallaceville Structure Plan. This is important because it is at subdivision stage where the internal layout of the roads, lots, infrastructure, stormwater treatment solutions and open spaces is determined. The Structure Plan contains indicative road layouts and typologies and if a controlled activity subdivision were lodged with Council that was not consistent with these layouts or the precinct intentions and outcomes the Council would be unable to decline the application and would only be able to grant consent subject to conditions, thereby undermining the intent and purpose of the Structure Plan.
- 6.108 Ms Boyd shares the same view that it is appropriate that subdivision in the Wallaceville

Structure Plan Area be a restricted discretionary and I agree that amendments 17, 27 and 31 be adopted into the District Plan.

### **Land South of Alexander Road**

6.109 I note that the responses to the recommendations in relation to the land south of Alexander Road were agreed between the relevant experts as outlined in the Joint Statement. The explanations for this agreement are set out in Section 9 of **Appendix 2** of this evidence. I do however wish to acknowledge that pages 1 and 2 of the Plan Change Request application and the public notice on 18 March 2015 incorrectly identified the area located south of Alexander Road as being zoned Rural Hill. This land is in fact zoned Rural Lifestyle and as shown on the Structure Plan map, the hill portion of this area will retain its existing Rural Lifestyle zoning. The error was communicated to submitters and corrected in the Public Notification of Summary of Submissions notice.

6.110 In addition, I wish to address the issues that were raised in submissions that were not brought through as recommendations in the Council Hearing Report. Specifically regarding the triangular piece of land on the southern side of Alexander Road, submission point S5.6 of the UHTCA submission states that there “looks to be a shingle fan from the gully stream at the head of the section. If so, significant flows of water must come down the stream at times...” and submission point S20.3 of the Forest and Bird submission alludes to the “triangle of grassed wetland that is a receptacle for colluvial wash in major storms”. In addition, the following broad issues relating to the flat triangle portion of land were also contained in the submissions:

- That no sections should have direct access to Alexander Road<sup>9</sup>
- That consideration be given to swapping this land with a relatively bare portion of the forest remnant covenant<sup>10</sup>
- That the area should not be rezoned<sup>11</sup>
- That the forested areas be retained as green belt / become a reserve / open space<sup>12 13</sup>

6.111 The rezoning of the flat triangular portion of the site to the south of Alexander Road to residential and the potential impacts of this on the adjacent hills that form part of the Wallaceville Structure Plan Area but are not intended on being rezoned, is addressed in the expert evidence of Mr Mark Lowe (ecology), Mr Andrew Jackson (engineering), Ms Karen Jones (geotechnical), Mr Mark Georgeson (traffic and access), Ms Melissa Davis (landscape), and Lauren White (urban design) and Alan Blyde (stormwater).

6.112 The expert evidence of Mr Mark Lowe addresses, from an ecological perspective, whether the triangular piece of land on the south side of Alexander Road is suitable for development and concludes that (refer paras. 5.3 and 5.9):

*“Development of the land dominated in pasture grass to the south of Alexander Road for residential purposes would not adversely impact the ecological value of the adjacent hills providing the potential impacts on the ecology of the Southern Hills is appropriately mitigated. I consider appropriate weed control around the perimeter of the bush; fencing the vegetated boundary of the Southern Hills, as well as, restrictions and/or education on cat ownership to be appropriate mitigation for the development of the triangular piece of land currently covered in pasture. It should also be noted that existing provisions of the operative Southern Hills Overlay*

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<sup>9</sup> Ian Stewart – S9.2

UHTCA – S5.4

<sup>10</sup> UHTCA – S5.6

<sup>11</sup> Mark Walkington – S6.1

Mears – S15.1

Mary Beth Taylor – S16.4

Tony Chad – S17.2

<sup>12</sup> Nick Saville – S10.9

Mary Beth Taylor – S16.3

Forest and Bird – S20.3, S20.4, S20.5

*provides appropriate management of the hillside, and in addition, the current proposal does not seek to alter the existing zoning of the hillside.”*

6.113 And:

*“The triangle of land which is currently pasture is supported for development.”*

6.114 Mr Lowe, in the above statements, makes a number of recommendations with respect to measures that could be undertaken to ensure that the potential impacts of residential development on the ecology of the Southern Hills is appropriately mitigated. It is my view that sufficient control and protection of the Southern Hills is already provided through the Southern Hills Overlay Area provisions in Chapter 28 of the District Plan. Further I reiterate that the Plan Change request does not involve any changes to the zoning of these hills.

6.115 Ms Jones has assessed the appropriateness of residential development of this land from a geotechnical perspective. Ms Jones concludes that (refer paragraph 1.7):

*“I am satisfied that on geotechnical and geological grounds the land in the plan change proposal is suitable for residential and commercial development.”*

6.116 The residential development of the land to the south of Alexander Road was also addressed in the evidence of Ms Lauren White. In her evidence, Ms White details the rationale for proposing Residential (Centres) Overlay in this area and considers that an appropriate intensity and character of residential development is proposed which is consistent with that on the northern side of Alexander Road, namely it is part of the Grants Bush Precinct.

6.117 The proposed triangle area of residential development south of Alexander Road is located on low lying land which is devoid of tree planting and as such does not contribute to the elevated vegetated backdrop. The evidence of Ms. Melisa Davis, who authored the Landscape and Visual Assessment is that development of this area would not reduce the value of the hills as a landscape feature. The structure plan design response includes identifying key road alignments which direct views towards the hills, thereby ensuring a visual connection from inside the plan change area to the surrounding landscape. Long distance views from within the plan change area would still be dominated by the elevated backdrop dwarfing any future residential development.

6.118 Each of the experts’ evaluations have concluded that residential development on the flat triangle portion of land to the south of Alexander Road is appropriate. Based on the evaluations of these experts, I reaffirm that residential development of this land is appropriate.

### **Commercial Activities in the Urban Precinct**

6.119 Ms Boyd has recommended that the changes proposed to the explanation of Policy 4.4.3 (amendment 4) be rejected and the following outcome be deleted from the Urban Precinct outcomes:

- Some business / commercial uses

6.120 In conferencing we were unable to reach agreement on this recommendation.

6.121 Ms Boyd considers that explicit reference to the potential for commercial development within the Urban Precinct would inappropriately signal an intention for these types of activities to establish in this area and given that the precinct is proposed to be zoned residential and to function as a high density area, the proposed references are not appropriate. Ms Boyd believes that the references may lead to ‘creep’ of the activities within the Gateway Precinct and the expansion of the urban village and that this may impact on the vitality of the city centre.

6.122 Further, Ms Boyd states that the changes are inconsistent with the District Plan framework

that allows non-residential activities to be assessed on a case-by-case basis.

- 6.123 I do not agree with the opinion put forward by Ms Boyd and therefore cannot support the recommendation.
- 6.124 The proposed amendments related to Policy 4.4.3 are to the explanation only. Accordingly, the proposal is entirely consistent with an existing District Plan framework that seeks to address non-residential activities that are already provided for and exist in the residential zone throughout the City.
- 6.125 By way of background, and as outlined in the evidence of Ms White, one of the main drivers for the precinct outcome relating to business / commercial use is the presence of the existing buildings including the farm management building and dairy building and the desire (by the heritage consultant engaged in the Structure Plan process) to see them retained and re-used in the future. This is more likely to occur if practical uses are found for them. The Heritage Assessment of Site technical report provided in the Plan Change request states that:

*“The Dairy Facility and Farm Admin Building also have some significance due to their design qualities, and past functions.” (refer Section 4.1.3)*

- 6.126 While this is a main driver, the intention of the outcome is to not restrict business / commercial activities to these buildings. There may be other areas within the precinct where such uses may be considered appropriate as expressed in the evidence of Ms White.
- 6.127 The intention of the precinct outlined in the Wallaceville Structure Plan which has not been disputed by Ms Boyd states:

*“A compact and attractive 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”*

- 6.128 It is clear from this that as a transitional zone from a business commercial area to an area of predominantly standard residential area (Grants Bush Precinct) that some limited business / commercial use may be appropriate, provided that it is not of a scale that would adversely impact the viability of the Gateway Precinct and the vitality of other areas of the city zoned Business Commercial. Further, limited business / commercial uses may help reinforce the local Gateway Precinct centre and take advantage of the location of the area with respect to the Wallaceville Rail Station.
- 6.129 Another reason for my opinion on this matter is to provide clarity and certainty for Council processing planners who will be assessing the consistency of resource consent applications with the Wallaceville Structure Plan. New policy 4.4.14 seeks that ‘*Development within Area A of the Wallaceville Structure Plan Area shall be consistent with the Wallaceville Structure Plan*’. I note that prior to notification of the Plan Change and at the request of Council Officers, the wording of this policy was amended from ‘*generally consistent*’ to ‘*consistent*’. The Wallaceville Structure Plan includes the precinct intentions and outcomes and accordingly, if a resource consent application was lodged for small scale commercial development in the Urban Precinct that is deemed appropriate with respect to location, transport connections and effects on adjoining properties and the vitality of the CBD, if the Urban Precinct does not include reference to some (or ‘limited’ as I propose below) business/commercial uses in this Precinct then Council may deem the application to be not consistent with the Wallaceville Structure Plan and may, because of this, decline the application, which in my opinion is not considered appropriate.
- 6.130 Changing the reference to such activity in the Precinct Outcomes from “some” to “limited” will indicate the intention for the scale of such activities to be small. Given the use of the word ‘limited’ it is likely that a proposal for medium to large scale business / commercial activities would be deemed inconsistent with the Structure Plan. With respect to the concern about the extent of business/commercial use and potential undermining of the

vitality/viability of the Gateway Precinct and other business / commercial areas of Upper Hutt I have recommended amendments to the outcome that seeks to ensure that any new business / commercial uses in the Urban Precinct do not generate significant adverse effects on other parts of the city that are zoned business commercial included the CBD.

6.131 To this end I note, like Ms Boyd has noted, that business / commercial activities in this precinct would require discretionary activity resource consent. Accordingly, as a discretionary activity Council is not restricted in its assessment of potential impacts of the proposed use, including those on the vitality of the CBD, the Gateway Precinct or with other areas zoned Business Commercial in the city. In addition to the existing matters of consideration, the following matters are also proposed to be inserted in the Residential Zone chapter:

- *The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan*
- *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 and will integrate with adjoining development anticipated through the Structure Plan*
- *Relevant matters above.*

6.132 On the basis of the above and to provide additional certainty regarding the level of business/commercial development considered acceptable for the precinct, I recommend that the provisions included in the proposed Plan Change be adopted but with wording changes to the Urban Precinct outcome (changes in red):

- *Some Limited business / commercial uses development where such uses do not generate significant adverse effects including those on the Business Commercial Zone, the vitality of the Upper Hutt City Centre and residential activities.*

6.133 And, for additional certainty to Council, I recommend the following changes to the proposed amendments to the explanation of Policy 4.4.3:

*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 may take place, 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.*

## **7.0 RESPONSE TO ADDITIONAL MATTERS OF CONCERN / RECOMMENDATIONS PROVIDED BY COUNCIL**

7.1 This section of my evidence seeks to address additional matters and concerns that were raised by Council after the Council Hearing Report was circulated. The matters were unable to be resolved before the Joint Statement was issued and are therefore addressed in my evidence.

### ***Additional Matter Raised Regarding Area B provisions***

7.2 Two submitters raised concerns that provisions for proposed Area B are unclear and that as this area will be subject to a future structure plan process, it should retain its current zoning and that proposed Policy 4.4.15 be deleted.

7.3 I note that the responses to the Area B recommendations and additional amendments

proposed by Ms Boyd through conferencing (refer proposed amendments in Table 1 and Table 2 of the Joint Statement in **Appendix 1** and explanations of agreement in Section 5 in **Appendix 2**) have been agreed by Ms Boyd (for Council) and I.

- 7.4 However, subsequent to the circulation of the Council Hearing Report, Ms Boyd (I understand on the basis of a legal opinion sought by Council) made an additional request on the Area B provisions as follows:

*“Council considers that one additional provision relating to the approval of a structure plan is warranted, however agreement on this and any proposed wording was not reached by the deadline for this statement. WDL and Council will continue to discuss this matter and intend to table a final agreed approach at the hearing.”*

- 7.5 Before addressing the additional concern / request raised by Ms Boyd I wish to provide some further context regarding Area B. In addition I wish to reiterate that all of the documents contained in the ‘Wallaceville Structure Plan’ relate to Area B except for the structure plan map.

- 7.6 The Section 32 Report prepared for the Proposed Plan Change evaluates with respect to Area B, the ‘risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions’. The uncertainties surrounding Area B are associated with the final location and boundaries of the Flood Plain Remnant and, at the time of notification of the Plan Change, the nature of activities on the south side of Alexander Road. While the uncertainty of the location of the boundary of the floodplain covenant still exists, this uncertainty only relates to how the location of development in the area will be laid out. This does not detract from, or undermine, the suitability of Area B for residential zoning and subsequent development. Further, it is noted that discussions with DOC with respect to the covenant boundary are ongoing and an agreement on amending the boundaries is expected to be reached.

- 7.7 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.

- 7.8 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.

- 7.9 On this basis, the decision was made to ‘act’ notwithstanding these uncertainties by re-zoning the land residential but by also placing strict provisions that restrict subdivision and development of this area until such time as a subdivision consent containing a Structure Plan for Area B is approved. This approach seeks to avoid the potential risk that development of this part of the site would occur in an unstructured way that is not integrated with development of the remainder of the site and which does not reflect site values and opportunities.

- 7.10 Regarding Ms Boyd’s request, I do not consider it necessary as the following clause (clause 4) (note a minor amendment agreed with Council Officers in the Joint Statement) contained in the Appendix that requires the approval of the structure plan before subdivision / development can proceed:

3 - The first subdivision of Area B that creates more than two **allotments sites** is a Discretionary Activity provided that, a structure plan for Area B is included in the application and which shall be submitted to, and approved by Council, that covers the criteria listed in Policy 4.4.15. Applicants will have to demonstrate how the criteria listed in



Policy 4.4.15 have been met.

7.11 It is my opinion that the Plan Change provisions in relation to Area B are practical and eminently workable, and will achieve the desired outcome that Council will maintain control over the future use and development of Area B via the resource consent application process. This process requires that a structure plan be approved by Council before future development commences within Area B. Such direction is supported by the changes and additional policy relating to Area B as agreed with Council Officers in the Joint Statement.

### **Reference to Housing Densities in the Wallaceville Living Precinct**

7.12 Through further conferencing with Council, Ms Boyd highlighted concerns relating to aspects of some of the intentions and outcomes of the precincts and their implication for intended outcomes under existing zone provisions.

7.13 Ms Boyd's concern specifically relates to the Wallaceville Living Precinct. Ms Boyd raised concern that reference is included in the intentions and outcomes of this precinct for 'comprehensive residential development' despite this area not being proposed as a Residential (Centres) Overlay Area. Further references to 'higher density pockets' are also contained in this precincts' intentions and outcomes.

7.14 The concerns raised by Ms Boyd were addressed in the evidence of Ms White. Ms White states the following:

*"Whilst it is the intention that these areas establish predominantly as "traditional" suburban areas, Council appear concerned about the extent to which the above outcomes set up an expectation for higher density comprehensive residential development despite these areas not having the Residential (Centres) Overlay that is associated with such development. As no overlay is proposed in these areas I recommend that the wording be amended slightly to refer to "areas of variable density" as opposed to "clusters of higher density".*

7.15 Another reason for my position on this matter and as noted above, is clarity and certainty in the assessment of resource consent applications against consistency with the provisions of the Wallaceville Structure Plan. The Wallaceville Structure Plan includes the precinct intentions and outcomes. and accordingly, if a resource consent application was lodged for a residential density development higher than what is envisaged under the permitted activity standards of the Plan, if the precinct does not contain some reference to variable housing density where appropriate then Council may deem the application to be not consistent with the Wallaceville Structure Plan and may, because of this, turn the application down. This is not considered appropriate as the Plan Change should maintain flexibility to provide for areas of variable density that still maintain traditional suburban character and amenity. This is part of providing for the efficient use and development of this important physical land resources, and providing for housing choice.

7.16 I also think it is important to note the District Plan does not specifically preclude CRD developments outside of overlay areas.

7.17 On the basis of the above, **I recommend the following amendments:**

7.18 To the Wallaceville Living Precinct – Area A intentions:

- Traditional residential density, compatible with adjacent existing residential areas with ~~areas of variable density clusters of higher density residential~~ particularly around amenity ~~features~~ or open spaces

7.19 To the Wallaceville Living Precinct – Area A outcomes:

- Some pockets of ~~variable density development higher density residential development~~, located at nodes in the movement network and adjoining public open space

7.20 To new Policy 4.4.15:

“...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..”

7.21 And to the explanation of new policy 4.4.15:

It is expected that Area B will have the characteristics of the Wallaceville Living Precinct, and be predominately standard density suburban living. Small areas of ~~higher density residential development~~ variable density 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 of key intersections.

### **Proposed Non-Notification Clauses**

7.22 Subsequent to the circulation of the Council Hearing Report and through further conferencing undertaken with Council Ms Boyd raised concerns in relation to the proposed non-notification clauses for the new rules proposed in the Plan Change.

7.23 In conferencing (via email) Ms Boyd sought that the:

*“Wallaceville Structure Plan provides clarity around anticipated outcomes for the site which would support the preclusion of public notification. However, consider limited notification may be appropriate in the future when the area is developed and there may be adverse effects on particular parties from development.”*

7.24 The Plan Change proposes to restrict notification of consent applications associated with:

- Comprehensive Residential Development (Amendment 26) and subdivision (Amendment 27) in the Residential Zone of the Wallaceville Structure Plan Area; and
- New buildings and significant external alterations (Amendment 43) in the Business Commercial Zone and new signs (Amendment 44) in the heritage covenant area of the Business Commercial Zone.

7.25 An exception is provided in relation to limited notification in the case of the Business Commercial Zone application, where such applications may be notified to Heritage New Zealand. This is consistent with the expectations of the existing heritage covenant and appropriately reflects the established character and values of this part of the site.

7.26 The restrictions are that the applications will be decided without public and limited notification. Further correspondence from Ms Boyd advised that there would likely be a request that the same notification clauses that apply to CRD developments across the City be applied to restricted discretionary activities in the Wallaceville Structure Plan Area. I consider that this is inappropriate. Development in this area should not face the same notification restrictions as other overlay areas as the other areas are located in established suburban areas with established residential neighbours. Development in the Wallaceville Structure Plan Area is occurring across a largely undeveloped site, in which amenity expectations of residents and occupants are being *created by the development*, set through the Precinct descriptions, intentions and outcomes, and *do not currently exist*.

7.27 With respect to potential effects on neighbouring properties, certain constraints faced with a number of interfaces were addressed through the Plan Change through new standards and through private covenant agreements. Subsequent to notification of the Plan Change, interface issues have been further addressed through expert evidence and through minor amendments and additions to the proposed Plan Change provisions to address these issues.

7.28 Accordingly, the avoidance and mitigation of adverse effects on adjoining properties is inherently incorporated into the Wallaceville Structure Plan and accordingly, I do not consider it appropriate for applications that are consistent with the Plan be notified or limited notified.

7.29 With respect to Ms Boyd's comment in relation to the future situation on the site when the area is developed, I note that Council is required to undertake a review of its District Plan every 10 years or undertake a process of rolling reviews whereby each provision in the District Plan must be reviewed within 10 years of it becoming operative. In this respect I note that development of the site will not occur across the whole site in one effort and that it will be staged over a number of years as the housing market and a number of other factors (outside of the Act) dictate. Accordingly, as the site establishes Council will have the opportunity to review the non-notification clauses and determine whether such provisions are still effective in meeting the purpose of the Act. Notwithstanding development in 10 years will still be required to be consistent with the WSP.

7.30 In addition I note that WDL is not seeking to restrict notification outright. I would not consider this to be appropriate. The opportunity still exists for Council to notify any proposal that does not meet the relevant activities standards (i.e. any default existing discretionary activity standard), and including those intended to address noise / interface matters.

7.31 In considering the concerns raised by Council I do however wish to acknowledge that as proposed, the non-notification clause also restricts notification of proposals that are not considered to be consistent with the Wallaceville Structure Plan. In this respect I accept that the non-notification clause should not relate to such proposals in the same way that they do not relate to proposals that do not meet the specified permitted activity standards.

7.32 Accordingly, I propose that the notification clauses be deleted and replaced with the following:

7.33 New clause in Rule 18.28A:

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. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

7.34 New clause in Rule 18.28B:

Restriction on notification

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. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

7.35 New clause in Rule 20.28A:

Restriction on notification

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 20.28A will be decided without the need for public notification under section 95A. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

7.36 New clause in Rule 20.28B:

Restriction on notification

In respect of rule 20.28B, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.28B will be decided without the need for public notification under section 95A. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

7.37 New clause in Rule 20.30A:

Restriction on notification

In respect of rule 20.30A, and subject to sections 95A(2)(b), 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. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

7.38 New clause in Rule 20.30B:

Restriction on notification

In respect of rule 20.30B, and subject to sections 95A(2)(b), 95A(4) and 95C of the Act, an application which meets the standards and terms of rule 20.30B will be decided without the need for public notification under section 95A. Any such application that is not consistent with the Wallaceville Structure Plan may be subject to limited notification in accordance with section 95B of the Act.

## **8.0 STATUTORY ASSESSMENT OF THE PLAN CHANGE**

8.1 The Plan Change has been made pursuant to Clause 21 of the First Schedule of the Resource Management Act (the Act). While the First Schedule sets out the procedural matters for dealing with changes to policy statements and plans, Part 5 of the Act sets out what considerations must be made in assessing the substance of the change. Section 74(1) of the Act identifies those matters which must be considered, these being:

- The Council's functions under Section 31;
- The provisions of Part 2 of the Act; and
- The duty imposed by Section 32.

8.2 Regard must be had to any proposed regional policy statement, and any other management plans or strategies prepared under other legislation and other planning documents recognised by an Iwi authority affected by the district plan. In addition, Section 75 of the Act identifies that the contents of a District Plan must give effect to a regional policy statement, and cannot be inconsistent with any regional plan. I consider that the Plan Change fully satisfies the requirements of sections 74 and 75 as summarised below.

### **Section 32 Evaluation**

8.3 An evaluation has been undertaken in terms of Section 32 of the Act. The Section 32 report records the range of options considered during the development of the Plan Change. Particular regard is given to what zoning is deemed to be the most appropriate in order to meet the objectives of the District Plan and to facilitate development consistent with the Structure Plan Report. The Section 32 report also evaluated the spatial extent of the Plan Change including whether or not to incorporate Area B.

8.4 In my opinion, the Section 32 report was carried out at a level of detail appropriate for the environmental issues involved. Further, I understand that none of the submitters oppose the plan change on the basis that the s32 report is inadequate.

- 8.5 The Section 32 report concludes that the incorporation of the Structure Plan into the District Plan and the District Plan amendments and additions that are proposed in the Plan Change are considered the most appropriate in relation to the District Plan objectives and the purpose of the 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 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.
- 8.6 I note that the proposed amendments to the Structure Plan and District Plan amendments as agreed by Council, and as recommended in my evidence and in the evidence of others, further seek to ensure that the Plan Change is the most appropriate way to achieve the purpose of the Act. My reasoning is described in detail above.
- 8.7 Further, the Section 32 evaluation considered the potential risk of acting in relation to identified uncertainties and has concluded that the risk will be avoided by the proposed Plan Change provisions, District Plan and RMA mechanisms.
- 8.8 I note that Ms Boyd has not raised or identified any errors in the Section 32 report and that, subject to amendments and further conferencing which has been undertaken, has accepted the inclusion of the proposed new rules, objectives and policies into the District Plan and has accepted the rezoning of Area B.
- 8.9 I take it from this that Ms Boyd is in agreement with, and adopts, the Section 32 assessment contained in the Plan Change. I note that Council will be required to undertake its own Section 32 assessment of the Plan Change.

### **Regional Policy Statement for the Wellington Region ('the RPS')**

- 8.10 Under Section 75(3), the Plan Change must give effect to the RPS. The RPS gives guidance on the future direction for the sustainable management of natural and physical resources in the Wellington region and sets out objectives and policies to address regionally significant issues.

#### Regional Form, Design and Function

- 8.11 The provisions of the RPS that I consider to be most relevant to the Structure Plan are those relating to 'Regional form, design and function' in section 3.9. This section of the RPS identifies three resource management issues being:
- Poor quality urban design
  - Sporadic, uncontrolled and/or uncoordinated development
  - Integration of land use and transportation.
- 8.12 The Objective relating to these issues is:
- Objective 22:** *A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*
- a) *a viable and vibrant regional central business district in Wellington city;*
  - b) *an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;*

- c) sufficient industrial-based employment locations or capacity to meet the region's needs;
- d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;
- e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;
- f) strategically planned rural development;
- g) a range of housing (including affordable housing);
- h) integrated public open spaces;
- i) integrated land use and transportation;
- j) improved east-west transport linkages;
- k) efficiently use existing infrastructure (including transport network infrastructure); and
- l) essential social services to meet the region's needs.

8.13 The following Policies are intended to achieve this Objective and are relevant to the Structure Plan:

**Policy 31:** District plans shall:

- a) identify key centres suitable for higher density and/or mixed use development;
- b) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and
- c) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations,

so as to maintain and enhance a compact, well designed and sustainable regional form.

**Policy 54**

*When considering an application for a notice of requirement, or a change, variation or review of a district or regional plan, for development, particular regard shall be given to achieving the region's urban design principles in Appendix 2.*

8.14 The Region's urban design principles cover the following design elements:

- Context
- Character
- Choice
- Connections
- Creativity
- Custodianship
- Collaboration

8.15 Due to the comprehensive, environmentally focused 'opportunities and constraints' based structure planning approach taken to the preparation of the Wallaceville Structure Plan, I consider that it addresses Objective 22 and associated policies.

8.16 The WSP is entirely consistent with Policy 31 as it identifies locations with good access to the strategic public transport network that is suitable for higher density and mixed use development and incorporates policies and rules to encourage high density and mixed use development.

8.17 Further I note that the submission provided by Greater Wellington Regional Council ('GWRC') assesses Plan Change 40 against the relevant provisions of the RPS and specifically notes that the plan change gives effect to Objective 22.

*"Proposed Plan Change 40 gives effect to Objective 22 in that it promotes a compact, well designed and sustainable regional form that is integrated with a safe and responsive transport*

network. It will contribute to maintaining the vibrancy and vitality of Upper Hutt (identified as a regionally significant centre), is an urban development that reinforces the region's existing urban form, and is well integrated with public transportation. This Wallaceville ex-Agricultural Research site has been identified in the Upper Hutt Growth Strategy (September 2007) as an area for future development which is also consistent with RPS Policy 55."<sup>14</sup>

### Indigenous Ecosystems

- 8.18 Activities associated with the urbanisation of the site that will be facilitated through the Plan Change have the potential to affect ecological values of the site and wider locality. Accordingly, the following objective and policies of the RPS relating to indigenous biodiversity are as follows:

*Objective 16: Indigenous ecosystems and habitats of significant biodiversity values are maintained and restored to a healthy functioning state.*

*Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans*

*Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans*

*Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration*

- 8.19 I do not consider that Policy 23 is relevant to this Plan Change process as it directs Council to identify such areas district wide. Based on the methods (related to district wide actions by Council) contained in the RPS that apply to this policy, I do not consider that the RPS intends that the policy apply to a private plan change for a particular development within one particular area of the district. I would not consider it appropriate for the identification of areas to be undertaken in an ad hoc manner like this.
- 8.20 To inform the Structure Plan process an Ecological Assessment was prepared by Morphem Environmental. In addition evidence was prepared by Mr Lowe to address the submitter concerns and Council Hearing Report recommendations related to ecology and Grants Bush.
- 8.21 The recommendations (including the retention of Grants Bush) contained in the Assessment, along with the various amendments to Plan Change provisions recommended in the evidence of Mr Lowe, seek to ensure that any potential adverse ecological effects associated with the re-zoning can be adequately avoided, remedied or mitigated.
- 8.22 With specific regard to the protection of indigenous ecosystems and habitats as noted in my discussion regarding ecology above, GWRC has requested in its submission that habitats of threatened indigenous species that may potentially be affected by the proposed Plan Change are assessed and provision made for their protection. To address this submission point, Council has recommended that confirmation be provided about whether the site is home to threatened indigenous species prior to development commencing.
- 8.23 For the reasons outlined in Section 6 related to ecology above, I do not consider it warranted to undertake such surveys as the likely habitats of such species will either; 1) not change as a result of the Plan Change (i.e.in the Southern Hills overlay area); or 2); will be afforded a higher level of protection than exists currently (i.e Grants Bush, the stands of Totaras in the floodplain covenant and the trees to be added to the schedule of notable trees).

### Water Quality

- 8.24 To achieve the RPS objective for water quality, Policy 42 is of particular relevance to the Structure Plan. This directs that the adverse effects of stormwater run-off from development shall be reduced by having regard to:

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<sup>14</sup> Paragraph 2.8, Submission of Greater Wellington Regional Council, dated 17 April 2014

- a) limiting the area of new impervious surfaces in the stormwater catchment;
- b) using water permeable surfaces to reduce the volume of stormwater leaving a site;
- c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;
- d) collecting water from roofs for domestic or garden use while protecting public health;
- e) using soakpits for the disposal of stormwater;
- f) using roadside swales, filter strips and rain gardens;
- g) using constructed wetland treatment areas;
- h) using in situ treatment devices;
- i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and
- j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.

8.25 The GWRC submission addresses the Plan Change's consistency with Policy 42 and states:

*"GWRC notes that the proposed development is taking a stormwater neutrality approach which is consistent with this policy. The use of stormwater attenuation devices such as wetlands/ponds in the design of the development is also an outcome sought by the RPS.*

*GWRC supports the use of a Stormwater Management Plan and the recommendation to use a suitable low impact design stormwater management approach for the Wallaceville Structure Plan Area. 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 runoff."*

8.26 For the reasons outlined in the evidence of Mr Blyde and through the incorporation of new principles in the Wallaceville Stormwater Management Principles that address the matters included in the GWRC, I consider that the Plan Change is consistent with Policy 42.

#### Historic Heritage

8.27 The RPS (Objective 15) also seeks to protect historic heritage from inappropriate modification use and development. This is to be achieved through district plan provisions namely the scheduling of two additional significant heritage buildings, requiring resource consent for all signs within the heritage covenant area and requiring consent for any new buildings and significant exterior modification to existing buildings in the Gateway Precinct; and by the inclusion of precinct outcomes relating to respecting heritage character and values.

#### Regionally Significant Infrastructure

8.28 Given the proximity of the site to the Wairarapa rail line (which is defined as regionally significant infrastructure in the RPS) the infrastructure provisions of the RPS are also relevant. The relevant objective (Objective 10) seeks that the benefits of the rail line are recognised and protected. The relevant policies seek to do this through District Plan provisions and consideration which:

- Recognise the benefits associated with the movement of people and goods
- Protect the infrastructure from incompatible new development.

8.29 Based on the evidence of Malcom Hunt and the amendments to the proposed acoustic insulation and ventilation standards recommended in Mr Hunt's evidence and discussed in Section 6 above, it is my view that residential land use adjacent to the railway is appropriate and a quite normal and expected occurrence. Furthermore, the railway corridor will be protected from reverse sensitivity effects. I have recommended that a 5m building setback be included in the District Plan as recommended by KiwiRail. This will assist in protecting the rail asset and assist in ensuring the health and safety of future residents.



8.30 In summary, I consider that the Plan Change gives effect to the RPS. This view is shared by GWRC and Ms Boyd.

### **Wellington Regional Land Transport Plan 2015**

8.31 Under Section 74(2)(b) of the Act, regard must be had to management plans and strategies prepared under other Acts.

8.32 Policy 57 of the RPS promotes the achievement of the key outcomes of the Wellington Regional Land Transport Plan 2015 (formally titled the Wellington Regional Land Transport Strategy)

8.33 The GWRC submission assesses how the Plan Change addresses Policy 57 with respect to public transport, strategic transport, Alexander Road speed reduction and Alexander Road cyclist provision.

8.34 With respect to public transport, the submission concludes:

*“the proposed plan change 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.”*

8.35 With respect to strategic transport, the submission states:

*“GWRC supports the higher density residential developments that are to be located at the eastern Ward Street part of the subject site, closer to the railway station and the Upper Hutt town centre to the north-east (refer Structure Plan map) as this creates easy accessibility to public transport for those living in these houses.*

*GWRC supports the structure plan that provides for mixed uses and local retail around the Ward Street entrance (refer Structure Plan map) as well as the good connectivity provided through the site and with adjacent areas through the use of paths for pedestrians and cyclists.”*

8.36 With respect to cyclist provision, the GWRC recommended that the design of Alexander Road provides for safety of road cyclists. The Structure Plan map and road typologies, including that for Alexander Road, show significant provision of pedestrian and cycle facilities and include a direct link to the proposed Council walkway in the rail corridor.

8.37 This was addressed specifically in the evidence of Mr Georgeson and based on the relevant recommendations of Council Officers, the Wallaceville Structure Plan map has been amended to show additional pedestrian/cycle connections to the rail corridor and to the land south of Alexander Road.

8.38 In summary, I consider that consistency with the Wellington Regional Land Transport Plan and the objectives and policies of the RPS related to this Plan ultimately turns on whether any adverse traffic effects arising from the Plan Change can be appropriately avoided, remedied or mitigated. In this regard, and informed by the evidence of Mr Georgeson, I consider that such potential adverse effects have been, largely mitigated by the traffic, access and roading considerations already incorporated into the Structure Plan and through the more detailed design stages of development.

8.39 It is also noted that the New Zealand Transport Authority has withdrawn its submission to the Plan Change on the basis that the resultant development will have indiscernible effects on the current operation of the regional roading network.

### **Upper Hutt City Long Term Council Community Plan (2012-2022)**

8.40 As noted, under Section 74(2)(b) of the Act, regard must be had to management plans and strategies prepared under other Acts.

8.41 Of relevance is the section on ‘Changes in population and land use’ section which states that

the Council predict that Upper Hutt will have an undersupply of land for housing development within the next 10-20 years. To address this, Council refers to the Maymorn Structure Plan that is intended to guide future urban development in the Maymorn locality.

- 8.42 The proposed Plan Change has a positive benefit of meeting an identified need for housing land supply within the planning period of the LTCCP.

### **Regional Management Plans**

- 8.43 Under Section 75(4) of the Act, the Plan Change must not be inconsistent with a regional plan.
- 8.44 Generally, as the Wallaceville Structure Plan Area is situated within an urban area, I consider there will be no provisions in the Regional Management Plans (Regional Air Quality Management Plan, Regional Coastal Plan, Regional Freshwater Plan, Regional Soil Plan and Regional Plan for Discharges to Land) with which the Plan Change is in conflict. Some aspects of the development such as earthworks and discharges from bulk earthworks will require consents under the regional plans at the time of development, as is standard practice.
- 8.45 Whilst stormwater and other wastes will be generated from the site, as identified by Mr Blyde and Mr Andrew Jackson, stormwater will be disposed of and treated on site in accordance with the Wallaceville Stormwater Management Principles that form part of the Wallaceville Structure Plan. Wastewater will be serviced to Council's reticulated wastewater system.
- 8.46 With respect to the existing drains on the site, earlier correspondence received from GWRC confirmed that these drains have been assessed and identified as having low ecological values. Accordingly it is considered that the works to reclaim the drains would be deemed to be a permitted activity, provided that all of the permitted activity standards are complied with.
- 8.47 Accordingly, I consider that the Plan Change is consistent with the relevant regional provisions of the management plans.

### **Other Relevant Documents - Upper Hutt City Council Urban Growth Strategy**

- 8.48 The Urban Growth Strategy (UGS) adopted by Council in 2007 is relevant to the Plan Change in that it provides an overall direction on the sustainable development and growth of the City, ensuring that it is integrated, affordable and sustainable. The UGS also includes a specific section on the Wallaceville site. It is noted that the UGS is currently being reviewed by Council.
- 8.49 As an overall objective the UGS seeks to achieve an integrated, affordable and sustainable outcome by providing strategic direction to decisions on business, retail, housing, transport and infrastructure systems, the open space network and community facilities.
- 8.50 The Retail section of the UGS includes an assessment of the distribution and function of retail centres in the City. This recognises the importance of existing suburban centres and seeks opportunities (pg 17) to foster these existing centres through intensification, an expanded mix of uses and through comprehensive residential development in proximity to the centres. With regard to greenfield sites, the UGS notes that structure plans should identify the position of new local shops.
- 8.51 The business commercial & industrial section of the UGS outlines the existing business centres in the City. It notes that the Structure Plan site, the balance of the former Animal Research Centre will become available for redevelopment. As part of the 'strategy' for business areas in the City, the UGS proposes two potential areas for business activity on the Structure Plan site – a business park adjoining Ward Street and an industrial area adjoining Alexander Road.

- 8.52 The UGS specifically identifies the Wallaceville site as a development opportunity. The stated vision for the site is for a 'Smart-Village', including:
- Wallaceville as an innovative, leading edge, 'smart' Village within Upper Hutt City
  - Sustainable, 'low impact' development with efficient use of resources
  - Comprehensive design and implementation of subdivision and land use.
  - Development to complement the landscape and character of Wallaceville.
- 8.53 A focus of the UGS is to ensure that the development of the site creates local employment opportunities and that best practice concepts in sustainable development and urban design are followed. A range of land use opportunities were identified in the UGS, being commercial, industrial, residential and open space. These are reflected in the General Pattern of Land use set out on page 27 of the UGS.
- 8.54 Ms Boyd in her assessment of the Plan Change in relation to the UGS states that 'a notable change in the current proposal is to use the land opposite the Business Industrial zoned land for residential purposes rather than business industrial as indicated in the UGS'<sup>15</sup>. Ms Boyd states that this reflects the evidence presented during the appeal for Proposed (Private) Plan Change 36: Alexander Road. This found that the retention of the area subject to that plan change would provide the strategic business/industrial land supply for the City over the next 30 years. This confirms that development of industrial land within the Wallaceville Structure Plan area is no longer required as there is no foreseeable need. Accordingly, the most efficient use and development of the land is for residential purposes to meet the housing land supply of the City in that approaching decade.
- 8.55 The UGS strategy for housing includes eight themes as follows:
- create a greater choice of housing options
  - foster good urban design
  - protect important features
  - allow for more intensive forms of housing development within walking distance of the city and village centres
  - reduce or remove the potential for housing development in more sensitive environments
  - generally maintain the same potential for housing development throughout much of the city, whilst reviewing the current nature of infill development in tandem with bulk and location standards
  - identify and provide for significant new areas of residential development
  - work with the central government, other agencies and the private sector to provide housing which people can afford to buy.
- 8.56 Themes 1-4 and 7-8 are particularly relevant to the re-development of the Structure Plan site. The UGS includes a specific Wallaceville description relative to theme 7 as this is one of three identified new housing areas. This description specifically notes that the area is 'well suited to development of medium to higher density housing' (pg 54).
- Ms Boyd states in the Council Hearing report that the proposed higher density development 'fits well with the housing choices vision contained in the UGS, particularly due to the site's proximity to public transport and the establishment of a neighbourhood centre.'<sup>16</sup>
- 8.57 Under the heading of 'Good Transport and Infrastructure Systems' the UGS identifies both Ward Street and Alexander Road as Secondary (Regional) Arterials consistent with the Upper Hutt District Plan. With regard to servicing, the UGS makes no recommendations specific to the

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<sup>15</sup> Paragraph 3.3.23, Council Hearing Report

<sup>16</sup> Paragraph 3.3.25, Council Hearing Report

Structure Plan site, however it includes general themes, including:

1. design to minimise infrastructure demands – this seeks to ensure that development is well integrated from a servicing perspective. It also states that Council will consider proposals which incorporate new and innovative ways of addressing basic infrastructural requirements.

8.58 The open space section of the UGS identifies that the overall supply of reserve land in the City is generous (11.4 ha per 1000 residents). However this is more consistent with standard levels of supply when bush clad areas are removed (6.35 ha per 1000 residents). The UGS notes that low density housing typically requires 6 ha per 1000 residents, while higher density typically requires 3 ha per 1000 residents. The strategy for open space includes the theme to 'Plan for New Open Space Networks'. Under this theme the UGS notes that Council will acquire those features and tracts of land of most benefit to the community, which include:

- Flat, well drained land for any required sports facilities and neighbourhood parks.
- Walkway and cycleway links between the existing area of urban development and the new areas, as well as within the new areas.
- Esplanade reserves of between 5 and 20 metres width adjoining any rivers and streams.
- Significant tracts of native vegetation may be included within reserves where this or adjoining land has value for other open space activities [e.g sports, walking tracks, river protection] or has exceptionally high ecological, cultural or amenity values.

8.59 With specific reference to the Structure Plan site, the UGS states that it:

*... is flat and features an important stand of native trees to the west of the main buildings which warrant formal protection. It is likely that stormwater will be managed through a system of swales and ponds which could include a walking and cycle network. No land for sportsfields will be required here.*

8.60 Finally the UGS addresses provision of community facilities. There are no specific directions provided relative to the Structure Plan site, however it is noted that the structure plan process would be used by Council to identify the need for new community facilities.

8.61 I consider that the Plan Change will also meet the overall objective the UGS which seeks to achieve an integrated, affordable and sustainable outcome by providing strategic direction to decisions on business, retail, housing, transport and infrastructure systems, the open space network and community facilities.

## **9.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

9.1 As noted, very detailed and comprehensive technical studies support the Plan Change. Further, the Plan Change application includes an assessment of environmental effects that pulls together the assessments of each of the relevant technical experts and details the plan change responses to these assessments. In my opinion, the assessment contained in the reports that accompanied the request, the summary of effects included in the application and the assessment of recommendations incorporated into the expert evidence presented at this hearing have been thorough and comprehensive.

9.2 Potential adverse effects of the Plan Change have been thoroughly considered and provisions have been included in the Plan Change to address or offset those effects. Overall, the actual or potential adverse effects arising from implementation of the Wallaceville Structure Plan through the Plan Change are considered to be no more than minor, and can be appropriately managed and mitigated via the implementation of the resource management approach identified for the Residential and Business Commercial zones, and inclusion of specific Plan Change provisions pertaining to the Wallaceville Structure Plan

Area.

- 9.3 In addition, it is considered that the Plan Change will have many positive effects. Anticipated positive outcomes arising from the Plan Change include:
- Enabling a high quality mixed use development that will be significant for Upper Hutt City;
  - Provision for the continued and coherent expansion of the City providing for its housing land supply needs within the existing urban footprint of the City and in a location that is accessible to public transport and commercial amenities and services;
  - Provision for future commercial opportunities within the Gateway Precinct that will provide positive effects to the City for business and employment;
  - Provision for development that is in accordance with Council's Urban Growth Strategy;
  - An integrated open space and reserves network incorporating Grants Bush and the Totara floodplain remnant;
  - The sustainable management of stormwater through the application of Low Impact Urban Design techniques;
  - Provision for employment opportunities;
  - A legible spatial plan which provides for connectivity and assists with the establishment of a positive sense of place and identity for Wallaceville; and,
  - Scheduling of significant buildings, features and notable trees.
- 9.4 Overall, the Structure Plan and Plan Change process has identified that the Wallaceville Structure Plan Area is an appropriate area to be utilised for residential and commercial development. Potential adverse environmental effects are able to be avoided, remedied or mitigated via the implementation of the proposed District Plan provisions. This conclusion is shared by all of the experts involved in the development of the Plan Change.

## **10.0 PART 2 OF THE RESOURCE MANAGEMENT ACT**

- 10.1 Throughout the Section 32 Report, consistency of the various parts of the Plan Change with Part 2 of the Act have been carefully evaluated. My further assessment of the Plan Change against Part 2 of the Act is provided below.
- 10.2 Section 5 defines sustainable management as managing resources in a way or at a rate which enable people and communities to meet their needs while ensuring resources are protected for future generations, safeguarding the life supporting capacity of the natural environment and avoiding, remedying or mitigation any adverse effects on the environment.
- 10.3 The Plan Change will give effect to the purpose of the Act as it promotes the sustainable management of natural and physical resources at the Plan Change site. Development of a high quality residential and mixed use environment will make a significant contribution to the ability of people and communities in the Upper Hutt area to provide for their social, economic and cultural well-being and for their health and safety. In addition, not only will the potential of natural and physical resources be sustained to meet the reasonably foreseeable needs of future generations, these will be enhanced.
- 10.4 The combination of design responses have taken into account the opportunities and constraints of the site, along with supporting regulatory requirements that will ensure that potential adverse effects on the environment will be avoided, remedied or mitigated to an appropriate and acceptable level.
- 10.5 Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for matters of national importance. Matters relevant to the Plan Change are:
- a) *The protection of outstanding natural features and landscapes from inappropriate subdivision,*

*use and development*

- c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
- e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*
- f) *The protection of historic heritage from inappropriate subdivision, use and development.*

10.6 In terms of Section 7 of the Act which lists 'other matters' which the Council must 'have regard to', particular regard has been given to the following matters:

- (b) Efficient use and development of natural and physical resources*
- (c) The maintenance and enhancement of amenity values*
- (d) Intrinsic values of ecosystems*
- (f) Maintenance and enhancement of the quality of the environment.*

10.7 It is my view that the Wallaceville Structure Plan and the suite of proposed District Plan amendments both enable and control development within the Wallaceville Structure Plan Area in an appropriate manner. They ensure the most efficient use of the site, recognising the strategic location of the site within an established suburban environment.

10.8 The design and contents of the Plan Change have been based on the detailed technical reports and studies completed by a number of different experts. In combination, the existing provisions of the District Plan, the minor amendments to standards and new rules, along with the inclusion of very clear intentions and outcomes for each of the precincts seek to both maintain and enhance the internal amenity values of the site and the amenity of the adjoining environment. Further, the Plan Change provides for environmental preservation of parts of the development and identification and protection of heritage and significant notable trees.

10.9 Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi. A cultural values report was completed and submitted as part of the Plan Change request application. The Report concludes that, although it is unlikely, there may be some remnants of the Maori occupation of the area and that Maori cultural items may be found during development. If such items are found then it is recommended that an accidental discovery protocol be followed. In addition, the Report also outlines, for the Port Nicholson Block Settlement Trust and the Wellington Tenth Trust, a number of other but related recommendations for the Plan Change including that archaeological site examination for this site may be useful to see if any evidence remains of any traditional Maori archaeology on the site especially in the areas where the trees are located as these are unlikely to be disturbed by farming and construction.

10.10 The recommendations included in the *Cultural Values Report* can be appropriately managed through a combination of conditions on future subdivision and land use consents, and through ongoing liaison and engagement with relevant iwi authorities and trusts should any evidence of traditional maori archaeology or artefacts be found. Local runanga did not submit on the Plan Change request and no submitters raised concerns or objections in relation to possible cultural values effects. On this basis, I have concluded that no Section 8 issues arise.

10.11 My conclusion in respect of Part 2 is that the Plan Change will provide for the efficient development of the site in a way that meets the reasonable foreseeable needs and wellbeing of the community in a sustainable manner without significant adverse effects on the environment. The approach taken for the Plan Change together with the specific amendments sought, and the recommended changes detailed in this evidence, and the evidence of the other technical experts is considered the most appropriate way to achieve the purpose of the Act. The District Plan additions, and amendments and incorporation of the Structure Plan into the District Plan, will ensure that future development is assessed against the Structure Plan and the outcomes sought for the site within that 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.

## **11.0 CONCLUSION**

- 11.1 Based on my own assessment, and relying on the expert assessments and evidence of others where noted, I consider that the Plan Change satisfies the statutory framework of the Act. I am of this opinion as I consider that the Wallaceville Structure Plan and associated provisions and policy framework, along with existing provisions of the District Plan will:
- Enable the most efficient and integrated use of the existing strategic land resource.
  - Enable the development of the site to occur in a coordinated, integrated and comprehensive manner.
  - Allow development of the area to complement the existing urban environment and to contribute to a compact urban form
  - Enables the Upper Hutt City Council to realise its growth planning expectations as generally outlined in the Urban Growth Strategy.
- 11.2 Specifically, the proposed Plan Change incorporates a structure plan into the District Plan and also includes amendments to existing and new objectives, policies and standards that accord with and assist the Upper Hutt City Council to carry out its functions as set out in Section 31 of Act, so as to achieve the purpose of the Act, as set out in Section 5.
- 11.3 The Plan Change is also broadly consistent with the Operative Regional Policy Statement through the Plan Changes appropriate provisions, intentions and outcomes.
- 11.4 The Plan Change follows a proper evaluation in terms of Section 32 of the Act.
- 11.5 With the amendments contained in the Joint Statement and the amendments recommended in my evidence and summarised below, I consider that the Plan Change will achieve the purpose of the Act.

## **12.0 RECOMMENDATIONS**

- 12.1 In summary, I recommend that the Plan Change be adopted by Council and that:
- The agreed responses to Council Officers recommendations detailed in the Joint Statement provided in Appendix 1 of my evidence be adopted by Council. The amendments to the Plan Change recommended in the Council Hearing Report add to the clarity of intentions of the Wallaceville Structure Plan area;
  - The amendments to the proposed acoustic insulation and ventilation standards proposed by Mr Hunt along with the incorporation of the term 'studies' as further detailed in the evidence of Mr Hunt and in Section 6 above be adopted.
  - That the 5 metre boundary setback from the rail corridor requested by KiwiRail be adopted.
  - That the minor amendments to Urban Precinct outcome relating to business / commercial uses be adopted.
  - That the amendments to the Wallaceville Living Precinct intentions and outcomes to remove reference to 'comprehensive residential developments' and 'higher density' developments be amended to refer to 'areas of variable density' as per my recommendations in Section 7 of this evidence.
  - That the revised non-notification clauses be adopted.

**DATE**

3 July 2015

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**NAME**

Stephanie Louse Blick

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**POSITION**

Senior Planner, Harrison Grierson Consultants Limited

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**SIGNED**

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# **APPENDIX ONE**

**JOINT STATEMENT INCLUDING WALLACEVILLE STRUCTURE PLAN DOCUMENT TRACK CHANGES AND DISTRICT PLAN AMENDMENT TABLE TRACK CHANGES**

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

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

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

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**EXPERT CONFERENCING JOINT STATEMENT TO THE HEARING COMMITTEE**

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**DATED:** 1 July 2015

## INTRODUCTION

1. This signed joint statement is written in response to the Hearing Committee's Minute #1 dated 17 June 2015. The Hearing Committee seeks that the experts seek to identify and reach agreement with the other expert witnesses on in the issues and matters within their field of expertise.
2. This statement includes:
  - the issues/matters on which the expert witnesses agree; and
  - the issues/matters on which they do not agree,
3. This statement is an in principle agreement between experts engaged by WDL and Council. Except for GWRC, no submitters were involved in, or have agreed with the responses contained in this statement. Submitter agreement to the agreed responses can be confirmed at the hearing.
4. **Conferencing** that took place via email between Wednesday 24 June and Thursday 1 July.
5. Participants in **Conferencing** were:
  - Stephanie Blick – Senior Planner, Harrison Grierson Consultants (for Requestor)
  - Felicity Boyd – Planner (Policy), Upper Hutt City Council (for Council)
  - Richard Harbord – Director, Planning and Regulatory Services, Upper Hutt City Council (for Council)

Other experts that **have reviewed the statement and have agreed to the responses that are relevant to their expertise are as follows:**

### Urban Design:

- Lauren White – Senior Urban Designer, Harrison Grierson Consultants (for Requestor)
- Sarah Duffell – Senior Planner (Policy), Upper Hutt City Council (for Council)

### Ecology:

- Mark Lowe – Senior Environmental Scientist, Morphem Environmental Limited (for Requestor)

### Infrastructure:

- Andrew Jackson – Land Development Team Leader, Harrison Grierson Consultants Limited (for Requestor)
- Lachlan Wallach – Director, Asset Management and Operations, Upper Hutt City Council (for Council)

### Traffic and Access

- Mark Georgeson – Director, Traffic Design Group Limited (for Requestor)
- Lachlan Wallach – Director, Asset Management and Operations, Upper Hutt City Council (for Council)

6. Attachments to this statement:
  - **Attachment 1** – Agreed track change amendments to District Plan provisions amendment table.

- **Attachment 2** – Agreed amendments to the Wallaceville Structure Plan precinct descriptions, Wallaceville Road Typologies and the Wallaceville Structure Plan map.

## PART 1 – AREAS THAT HAVE BEEN RESOLVED

7. Agree that the amendments included in Appendix 1 of this Joint Witness Statement is relevant to the project and the decision making of the project. The specific relief agreed in relation to the recommendations contained in the Council Hearing Report is provided below. Additions, deletions and amendments to the notified version of the Plan Change and WSP documents attached to this statement are shown in red.

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
<b>CONTAMINATION</b>		
Note that there remain some contamination issues on the site that should be addressed through the resource consent process.	No modification to Plan Change necessary to address submissions or contamination generally.  WDL and Council note that testing is underway and the results will be tabled as soon as they are available.	
<b>TRAFFIC AND ROAD LAYOUT</b>		
Amend the Alexander Road section of the Wallaceville Road Typologies to:  - Clarify that direct vehicle access to Alexander Road from individual sites should not occur until the Alexander Road speed limit has been reduced to a minimum of 60kph; and	Insert the following wording into the Alexander Road typology description:  <i><u>"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 reduction in the speed limit of Alexander Road to 60kph will enable a higher amenity and comfort level for adjacent residential properties."</u></i>	For WDL: Mark Georgeson – Traffic Stephanie Blick – Planning  For Council: Lachlan Wallach - Engineering
Amend the Alexander Road section of the Wallaceville Road Typologies to:  - Ensure the road layout is sufficient to accommodate bus stops in the event that these are deemed necessary.	Amend the Alexander Road Typology description as follows:  <i><u>"The number, form and location of crossing points and bus stops (if required) can be determined during detailed design."</u></i>	For WDL: Mark Georgeson – Traffic Stephanie Blick – Planning  For Council: Lachlan Wallach - Engineering
Amendments to the WSP map to indicate the likely road layout and typology for the land south of Alexander Road and in Area B.	<b>Area B:</b>  - Update the Wallaceville Structure Plan map be updated to include an indicative four way intersection at the existing Alexander Road/William Durant Drive intersection  - Insert a new outcome in Area A of the Wallaceville Living Precinct description:	For WDL: Mark Georgeson – Traffic Andrew Jackson - Infrastructure Stephanie Blick – Planning

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
	<p><u><i>Provides roading, pedestrian and cycling connections to Area B</i></u></p> <p>- Insert a new outcome of Area B be included in the Wallaceville Living Precinct description (refer Appendix 1 for track changes):</p> <p><u><i>Provides roading, pedestrian and cycling connections to Area A</i></u></p> <p>- Insert a matter in new <i>Policy 4.4.15 – Development within Area B of the Wallaceville Structure Plan</i> be amended as follows (note that additional changes to this policy have been recommended to address another recommendation – refer attached track changes for full changes to this policy):</p> <p><u><i>“... provides an internal roading concept that retains the historic street pattern and includes at least one intersection with Alexander Road that aligns with either George Daniels Drive or William Durant Drive for appropriate access to Alexander Road.”</i></u></p>	<p>For Council:</p> <p>Lachlan Wallach - Engineering</p>
<b>URBAN FORM AND DESIGN (pages 36-43 of Council Hearing Report)</b>		
<p>Reject the proposed increase to site coverage permitted activity standards</p> <p>(relates to proposed amendment 18)</p>	<p>Reject increase in site coverage standards. Proposed 50% site coverage for the urban precinct no longer pursued.</p>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p> <p>Richard Harbord: Planning</p>
<p>Amend the changes sought to allow for side boundary setbacks in the Urban Precinct of 1.5m on both sides</p> <p>(relates to proposed amendment 19)</p>	<p>Accept recommendation and reduce proposed setbacks to 1.5m both sides (instead of 1m as notified) for Comprehensive Residential Developments only.</p>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p> <p>Richard Harbord: Planning</p>
<p>Reject the provision for outdoor living courts to be provided through roof terraces and shared open spaces.</p> <p>(relates to proposed amendment 20)</p>	<p>Accept recommendation and delete the following (and in relation to roof terraces see further changes below to the first criterion):</p> <p><u><i>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.</i></u></p>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p>

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
		Richard Harbord: Planning
<p>Accept the provision for outdoor living courts to be provided through balconies, subject to further discussions regarding their accessibility from living areas and size.</p> <p>(relates to proposed amendment 20)</p>	<p>Agreed amendment to new outdoor living court standard:</p> <p><i>For new residential buildings as part of Comprehensive Residential Developments in the Urban Precinct of the Wallaceville Structure Plan Area, <del>the following additional criteria apply</del> A <del>any dwelling with no habitable rooms at ground level shall have an outdoor living space that is directly accessible from an internal living room (such as a balcony or terrace) or roof terrace or multiple balconies or roof terraces with a combined minimum depth of 2.2m and a minimum area of 10m<sup>2</sup>. At least one balcony or roof terrace must have a minimum depth of 2.4m; or</del></i></p>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p> <p>Richard Harbord: Planning</p>
<p>Accept in principle the proposal to allow for three storey dwellings in the Urban Precinct, subject to further discussion on the expression of this intent through rules in the District Plan</p> <p>(relates to proposed amendment 21)</p>	<p>Agree on proposed maximum height amendment as follows:</p> <p><i>The maximum height of any building shall not exceed 8m ....</i></p> <p><u>Exemptions</u></p> <p>.....</p> <p><i>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> 9m in height except that protrusions of the roof that contain no habitable rooms may exceed this height by a maximum of 2m.</i></p> <p>AND:</p> <p>To reflect the agreed amendment to the standard, amend the Urban Precinct outcome related to building height be amended as follows:</p> <ul style="list-style-type: none"> <li>• A <del>three-storey</del> height limit (<del>11m</del>) to allow for three-storey attached terraces and low rise apartments <del>with pitched roof forms</del></li> </ul>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p> <p>Richard Harbord: Planning</p>
<p>Amend the Urban and Grants Bush Precinct outcomes to require consistency with the Design Guide for Residential (Centres Overlay) Areas.</p>	<p>Amend the Urban Precinct and Grants Bush Precinct as follows:</p> <ul style="list-style-type: none"> <li>- <del>Residential development to recognise that is consistent with the Design Guide for Residential (Centres Overlay) Zone</del></li> </ul>	<p>For WDL:</p> <p>Stephanie Blick – Planning</p> <p>Lauren White – Urban Design</p> <p>For Council:</p> <p>Felicity Boyd: Planning</p> <p>Sarah Duffell: Planning / Urban Design</p> <p>Richard Harbord: Planning</p>
<b>WATER SUPPLY AND WASTE WATER</b>		
<p>Include specific provision to ensure that wastewater services within</p>	<p>Insert 'extent of compliance with the Code of Practice for Civil Engineering Works (1998) and</p>	<p>For WDL:</p>

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
Area A would be sized to accommodate their anticipated use by land use within Area B.	Regional Standards for Water Services (November 2012)' as a matter of discretion for new subdivision rules.	Andrew Jackson - Infrastructure Stephanie Blick – Planning  For Council Lachlan Wallach – Engineering Felicity Boyd – Planning Richard Harbord: Planning
Discuss the potential for the development of wastewater/water supply principles, similar to those provided for stormwater management.	Insert 'extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)' as a matter of discretion for new subdivision rules.	For WDL: Andrew Jackson - Infrastructure Stephanie Blick – Planning  For Council Lachlan Wallach – Engineering Felicity Boyd – Planning Richard Harbord: Planning
<b>PUBLIC TRANSPORT, WALKING AND CYCLING</b>		
Amend the WSP map to include a pedestrian/cycleway that provides the option of linking to the western part of Area A to the future railway corridor cycle route.	Refer updated WSP attached	For WDL: Mark Georgeson – Traffic Stephanie Blick – Planning  For Council Lachlan Wallach – Engineering Felicity Boyd – Planning Richard Harbord: Planning
Amend the WSP map to indicate potential pedestrian/cycleway connections between Areas A and B.	<ul style="list-style-type: none"> <li>- Insert a new outcome of Area A in the Wallaceville Living Precinct description as follows (refer Appendix 1 for track changes): <i><u>Provides appropriate roading, pedestrian and cycleway connections to Area B</u></i></li> <li>- Insert a new outcome of Area B in the Wallaceville Living Precinct description (refer Appendix 1 for track changes): <i><u>Provides appropriate roading, pedestrian and cycleway connections to Area A</u></i></li> </ul>	For WDL: Mark Georgeson – Traffic Stephanie Blick – Planning  For Council Lachlan Wallach – Engineering Felicity Boyd – Planning Richard Harbord: Planning
<b>AREA B (pages 47 – 51 of Council Hearing Report)</b>		
Amend clause 2 of the Appendix Residential 4 to ensure it does not provide for incremental one lot subdivision applications.	Agreed amendment to proposed Clause 2 as follows: <i><u>Subdivision that results in the creation of one lot comprising Area B in its entirety creates no more than one allotment</u></i> is a Discretionary Activity under the default discretionary activity rule contained in Table 18.2 18.1 of Chapter 18.	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
	<i>Notification: Notice of applications need not be served on affected persons and applications under Clause 2 above need not be notified.</i>	
Consider additional objectives and policies to support the rule framework proposed in Appendix Residential 4	Agree to amend Proposed Policy 4.4.15 as follows:  <i><u>Policy 4.4.15: Avoid development Development within Area B of the Wallaceville Structure Plan until such time as a structure plan is approved for this area which shall be consistent with a structure plan which ....</u></i>	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
Amend provisions in Appendix Residential 4 so that the relationship between the provisions and the activity table at 18.1 is clarified.	Amend Clause 4 as follows:  <i><u>Until such time as subdivision consent is granted under clause 3 for Area B, subdivision of Area B that is otherwise listed as permitted, controlled or restricted discretionary or discretionary in table 18.1 or subdivision that does not comply with clause 2 or 3 above is a non-complying activity.</u></i>	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
Replace the reference to table 18.2 in clause 2 with reference to table 18.1.	Refer above.	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
Replace references to ‘allotments’ with ‘sites’ in Appendix Residential 4.	Refer attached District Plan amendment table track change document.	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
<b>ECOLOGY</b>		
Amendments to the Precinct Intentions and Outcomes to include reference to the preservation of ecological values within the area.	<ul style="list-style-type: none"> <li>- The Wallaceville Living Precinct – Area A intentions (addition shown in red):  <i><u>‘Development to respect historical street pattern and the ecological values of Grants Bush’</u></i></li> <li>- The Wallaceville Living Precinct – Area A outcomes:  <i><u>‘Development to respect ecological values of Grants Bush in accordance with the Grants Bush Precinct outcomes’</u></i></li> <li>- The Wallaceville Living Precinct – Area B intentions:  <i><u>Development to respect the ecological values of the area that is defined by the</u></i></li> </ul>	For WDL: Lauren White: Urban Design Mark Lowe: Ecology Stephanie Blick: Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning



TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
	<p><u>continual existing canopy of indigenous vegetation within the floodplain remnant'</u></p> <ul style="list-style-type: none"> <li>- The Wallaceville Living Precinct – Area B outcomes: <u>Protection of the indigenous vegetation in the area defined by the continual canopy within the floodplain remnant</u></li> <li>- The Grants Bush Precinct intentions: A residential precinct with identity and variety and which makes good use of land resource and <u>respects the ecological and amenity values of addresses</u> Grants Bush</li> <li>- The Grants Bush Precinct outcomes: <u>Protection of indigenous vegetation within Grants Bush</u></li> </ul>	
<b>TREES</b>		
Seek confirmation from Council's Horticulture Officer that the six trees with high STEM scores do not meet the 100 point threshold that would warrant them eligible for inclusion on the Schedule of Notable Trees.	Awaiting confirmation from Council's Horticulture Officer.	
Accept proposal to add a further 43 trees to the Schedule, subject to clarifications regarding trees listed as number 152.	Confirm that 43 trees are proposed to be added to the schedule. As shown below and as per the map titled 'Appendix 2a- Northern Mapping' in the Downer Preliminary Assessment trees identified as 'W1' and 'W2' are two separate trees.	For WDL: Stephanie Blick – Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
<b>GRANTS BUSH</b>		
Amend the WSP Precinct Descriptions, Intentions and Outcomes to: a) incorporate reference to ecological values more explicitly b) require the fencing of Grants Bush c) ensure that any planting of roads in the vicinity of Grants Bush complement indigenous vegetation and minimise the risk of invasive weed species	<p>For point a): Refer amendments to intentions and outcomes for ecology recommendations above.</p> <p>For point b): Amend the relevant Grants Bush Precinct outcome as follows: - <u>Grants Bush covenant extent to be either unfenced or fenced with permeable fencing</u></p> <p>For point c): No amendments necessary to the following Grants Bush Precinct outcome: - <u>Landscaping character to reflect native bush species</u></p>	<p>For WDL: Lauren White: Urban Design Mark Lowe: Ecology Stephanie Blick: Planning</p> <p>For Council: Sarah Duffell - Planning / Urban Design Felicity Boyd – Planning Richard Harbord: Planning</p>

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
	<p>Amend the description of Boulevard Roads in the Wallaceville Road Typologies as follows:</p> <p><i>Tree species can echo historic planting themes, for example totara and oaks <u>and reflect the native bush species of Grants Bush. Oaks function well as street trees and will change in the seasons. Totaras can be used as feature trees on corners or at gateways.</u></i></p>	
<p>Amend the Wallaceville Road Typologies to ensure the proposed pedestrian/cycleway through Grants Bush is appropriate and that it is fenced.</p>	<p>Description of walkway in the Wallaceville Road Typologies amended as follows:</p> <p><i>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 <del>and cycle</del> 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 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. <u>The alignment of the path should target exotic species for preferential removal over indigenous species and so as to avoid opening the canopy.</u> The path needs to provide for pedestrians, <del>cyclists</del>, 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.</i></p> <p><i>The path is proposed to have a metalled surface with timber edging <u>and raised boardwalks where required to minimise the impact on the existing indigenous vegetation.</u> 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.</i></p> <p>Delete the following Grants Bush Precinct outcome:</p> <p><del><i>Secondary pedestrian connection provided through Grants Bush</i></del></p> <p>AND replace with the following:</p> <p><u><i>Pedestrian connection through Grants Bush limited to the Grants Bush Walkway typology contained in the Wallaceville Road Typologies</i></u></p>	<p>For WDL:</p> <p>Lauren White: Urban Design</p> <p>Mark Lowe: Ecology</p> <p>Stephanie Blick: Planning</p> <p>For Council:</p> <p>Sarah Duffell - Planning / Urban Design</p> <p>Felicity Boyd – Planning</p> <p>Richard Harbord: Planning</p>

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
	Agree that as the covenant area will be fenced no fencing of the walkway is required.	
<b>SUBDIVISION</b>		
Accept amendments 17, 27, 31 and 42 as proposed.	Agree acceptance but note that minor amendments requested to wording of rules to address other recommendations.  Refer attached track change version of the District Plan amendment table.	For WDL: Stephanie Blick: Planning  For Council: Sarah Duffell - Planning / Urban Design Felicity Boyd – Planning Richard Harbord: Planning
Accept amendments 28 and 45 subject to recommendations noted in section 6.2 (Consideration of Council's infrastructure networks).	Refer attached track change version of the District Plan amendment table.	For WDL: Stephanie Blick: Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
<b>HERITAGE (pages 57-60 of Council Hearing Report)</b>		
Provide for the exclusion of recladding, repair or maintenance, and replacement of windows and doors (including their framing) if the materials used are the same or very similar to those originally used in the building.	Agree to amend the proposed definition of 'Significant Exterior Alteration' as follows:  <i><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 recladding, repair and 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; or It does not include 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></i>	For WDL: Stephanie Blick: Planning  For Council: Felicity Boyd – Planning Richard Harbord: Planning
<b>LAND SOUTH OF ALEXANDER ROAD</b>		
Amend the Wallaceville Road Typologies to require a pedestrian crossing to be located between the triangle and the portion of the site located north of Alexander Road.	Amend the following outcome in the Grants Bush precinct:  <i><u>Pedestrian/cycle connection to proposed rail corridor walking/cycling path and within road corridors, and to link land to the north and south of Alexander Road</u></i>	For WDL: Stephanie Blick: Planning Lauren White: Urban Design Mark Georgeson: Traffic  For Council: Felicity Boyd – Planning Richard Harbord: Planning Lachlan Wallach - Engineering
<b>CONSIDERATION OF COUNCIL'S INFRASTRUCTURE NETWORKS</b>		
Amend policies 4.4.14 and 4.4.16 and the relevant parts of the WSP to	Agree that enough scope will be provided through the inclusion of 'extent of compliance	For WDL: Stephanie Blick - Planning

TABLE 1: AGREED RESPONSES TO RECOMMENDATIONS		
Recommendation	Agreed Response	Experts in Agreement
require consideration of the impacts of development on Council's infrastructure network.	<p><i>with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)</i>'' as a matter of discretion for the new subdivision rules.</p> <p>Please note. Stormwater matters addressed in separate response to the hearing committee</p>	<p>Andrew Jackson - Infrastructure</p> <p>For Council: Felicity Boyd – Planning Richard Harbord: Planning Lachlan Wallach – Engineering</p>
INCORPORATION OF THE WSP WITHIN THE DISTRICT PLAN		
Review WSP map to ensure the boundaries of the Gateway Precinct and heritage covenant are accurately shown.	No changes necessary if Appendix Business 4 to be deleted – refer below. The WSP map depicts the accurate boundaries.	<p>For WDL: Stephanie Blick: Planning</p> <p>For Council: Felicity Boyd – Planning Richard Harbord: Planning</p>
Delete proposed Appendix Business 4 and replace any references to Appendix Business 4 with references to the WSP Map	Agreed. Amendments made in the District Plan amendments table to reflect this change.	<p>For WDL: Stephanie Blick: Planning</p> <p>For Council: Felicity Boyd – Planning Richard Harbord: Planning</p>
Amendments to Policy 6.4.6 to reference the WSP map, Wallaceville Road Typologies and Wallaceville Stormwater Management Principles.	<p>Amend Policy 6.4.6 as follows:</p> <p><i>“Development occurs within the Gateway Precinct of the Wallaceville Structure Plan Area which is consistent with the Wallaceville Structure Plan <del>Gateway Precinct outcomes listed in Appendix Residential 3</del>”</i></p>	<p>For WDL: Stephanie Blick: Planning</p> <p>For Council: Felicity Boyd – Planning Richard Harbord: Planning</p>

Additional matters that have been raised by Council in addition to the recommendations contained in the Council Hearing Report that have been agreed by Wallaceville Developments Limited (and Stephanie Blick as Planning Witness for WDL) are outlined in table 2 below. Additions, deletions and amendments to the notified version of the Plan Change and WSP documents attached to this statement are shown in [blue](#).

TABLE 2. AGREED RESPONSES TO ADDITIONAL MATTERS / ISSUES RAISED BY COUNCIL		
Provision	Council position	Proposed amendments
<b>Area B</b>		
New Policy 4.4.15A	Reference must be made in the District Plan to the approved structure plan for Area B in order for resource consent applications subsequent to the first subdivision consent application to be	Wording to be confirmed through the hearing process, but suggest a provision similar to below:

TABLE 2. AGREED RESPONSES TO ADDITIONAL MATTERS / ISSUES RAISED BY COUNCIL		
Provision	Council position	Proposed amendments
	assessed against. This provides the ability for future land use consent applications to be assessed for their consistency against the structure plan.	<a href="#"><u>Development within Area B of the Wallaceville Structure Plan Area shall be consistent with the approved structure plan in accordance with the provisions of Appendix Residential 4.</u></a>
Chapter 2		<p>Amendment to section 2.6.9D to clarify that an assessment is required against the Structure Plan in Chapter 39 and the structure plan approved in accordance with the provisions of Appendix Residential 4.</p> <p>Insert the following into Section 2.6.9D:</p> <ul style="list-style-type: none"> <li>- <a href="#"><u>the structure plan approved in accordance with the provisions of Appendix Residential 4</u></a></li> </ul>
Policy 4.4.16	<p>The policies as proposed do not provide adequate direction on how resource consent applications for activities deemed to be inconsistent with the Wallaceville Structure Plan are to be assessed. Consider that amendments to proposed new policy 4.4.16 are required to address this matter.</p> <p>Note that this policy may need to be amended further subsequent to resolution of the issue of providing for commercial activities within the Urban Precinct.</p> <p>Please note that KiwiRail sought that this policy be retained as notified. KiwiRail are currently reviewing the changes proposed by Council.</p>	<p><a href="#"><u>Development in the Wallaceville Structure Plan Area which is not consistent with the Wallaceville Structure Plan for either Area A or Area B may be appropriate if it:</u></a></p> <ul style="list-style-type: none"> <li>- <a href="#"><u>provides for a high level of amenity</u></a></li> <li>- <a href="#"><u>ensures adequate infrastructure and transport provision</u></a></li> <li>- <a href="#"><u>is integrated with the development anticipated in the structure plans; and</u></a></li> <li>- <a href="#"><u>avoids, remedies or mitigates adverse environmental effects</u></a></li> </ul> <p><a href="#"><u>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:</u></a></p> <ul style="list-style-type: none"> <li>- <a href="#"><u>whether the development is appropriate given the site specific constraints and opportunities</u></a></li> <li>- <a href="#"><u>the degree to which the development will integrate with development that is anticipated in the structure plans</u></a></li> <li>- <a href="#"><u>whether the development will be adequately serviced by infrastructure and transport</u></a></li> <li>- <a href="#"><u>the extent to which adverse environmental effects on other areas of Upper Hutt City are avoided, remedied or mitigated</u></a></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</p>

TABLE 2. AGREED RESPONSES TO ADDITIONAL MATTERS / ISSUES RAISED BY COUNCIL		
Provision	Council position	Proposed amendments
		<p>development to be consistent with this plan will ensure that future development <del>of the local centres</del> represents sustainable management of the land resource.</p> <p>However, 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 is integrated with the remainder of the site's development, and that it avoids, remedies or mitigates adverse <u>environmental effects on other areas of the City</u>.</p>
New Policy 6.4.6	Minor amendments for consistency with other policies.	<p><b><u>Policy 6.4.6: Development occurs within the Gateway Precinct of the Wallaceville Structure Plan Area which is consistent with the Wallaceville Structure Plan Gateway Precinct outcomes listed in Appendix Residential 3</u></b></p> <p>Explanation: 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 <u>intention and</u> 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>
New Policy 6.4.7	Currently only activities in the Residential Zone which are inconsistent have guidance through a policy for assessing resource consent applications. Propose to mirror the approach taken to the Residential Zone in the Business Commercial Zone.	<p><b><u>Development in the Wallaceville Structure Plan Area which is not consistent with the Wallaceville Structure Plan may be appropriate if it:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>provides for a high level of amenity</u></b></li> <li>- <b><u>ensures adequate infrastructure and transport provision</u></b></li> <li>- <b><u>is integrated with the development anticipated in the structure plans; and</u></b></li> <li>- <b><u>avoids, remedies or mitigates adverse environmental effects</u></b></li> </ul>
Matters for consideration 20.32	Minor amendments for consistency with Residential Zone provisions.	<p><b><u>Subdivision, new buildings and activities within the Gateway Precinct of the Wallaceville Structure Plan Area</u></b></p> <p>The extent to which the subdivision <u>and/or development will meet the Gateway Precinct</u></p>

TABLE 2. AGREED RESPONSES TO ADDITIONAL MATTERS / ISSUES RAISED BY COUNCIL		
Provision	Council position	Proposed amendments
		<a href="#">outcomes contained in Appendix Residential 3 is consistent with the Wallaceville Structure Plan.</a>
<b>Reverse sensitivity</b>		
Objective 4.3.5	Consider objective should be simplified to ensure it is consistent with other objectives of the plan. Consider also that additional wording is necessary to respond to MPI's request for amendments to the objective to include reference to reverse sensitivity effects.	<p><a href="#">To provide for development of the Wallaceville Structure Plan Area which:</a></p> <ul style="list-style-type: none"> <li><a href="#">–makes efficient use of a strategic land resource</a></li> <li><a href="#">–promotes the sustainable management of land resources</a></li> <li><a href="#">–ensures that an integrated approach is taken to the development of the area to ensure that staged development does not compromise future development stages</a></li> <li><a href="#">–achieves a new mixed use village within Upper Hutt that provides employment opportunities and local retail services</a></li> <li><a href="#">–responds to site opportunities and constraints</a></li> <li><a href="#">–avoids, remedies or mitigates adverse environmental effects</a></li> </ul> <p><a href="#">To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.</a></p> <p>The Wallaceville Structure Plan Area <a href="#">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 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 with adjoining land uses.</a></p> <p>The 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 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</p>

TABLE 2. AGREED RESPONSES TO ADDITIONAL MATTERS / ISSUES RAISED BY COUNCIL		
Provision	Council position	Proposed amendments
		<u>precincts contained in the Structure Plan provide an outline of the development that the Structure Plan is seeking to achieve. These are the key considerations for development in this area.</u>
<b>Signs</b>		
New Rule 20.30B	Minor amendment to clarify reference to 'number of signs'.	<p><u>Signs in the heritage covenant within the Gateway Precinct of the Wallaceville Structure Plan Area</u></p> <p><u>Council will restrict its discretion to, and many impose conditions on:</u></p> <ul style="list-style-type: none"> <li>- <u>Sign design, location and placement</u></li> <li>- <u>Area, height and number of signs <a href="#">proposed and already located within the covenant area</a></u></li> <li>- <u>Illumination</u></li> <li>- <u>Fixing and methods of fixing</u></li> <li>- <u>The extent to which any sign including supporting structure detracts from any significant heritage feature in Schedule 26.8</u></li> </ul> <p><u>Exemptions</u></p> <p><u>Signs within roads are subject to compliance with Standard 20.26</u></p> <p><u>Temporary signs are subject to compliance with Standard 20.25</u></p>

## PART 2 – AREAS THAT HAVE NOT BEEN RESOLVED

8. The matters that have been raised separately by Council in addition to the recommendations contained in the Council Hearing Report and have not been agreed by Wallaceville Developments Limited. These matters will be addressed in the evidence of Ms Stephanie Blick.
- Proposed notification clauses
  - Housing density references in the Wallaceville Living Precinct
  - Business / commercial land uses in the Urban Precinct
9. WDL and Council agree in principle to the proposed approach to Area B and a number of amendments to the expression of this approach through the proposed provisions have been agreed through this Joint Statement. Council considers that one additional provision relating to the approval of a structure plan is warranted, however agreement on this and any proposed wording was not reached by the deadline for this statement. WDL and Council will continue to discuss this matter and intend to table a final agreed approach at the hearing.

**DATE: 1 JULY 2015**







Name: Stephanie Blick – Senior Planner, Harrison Grierson Consultants (for Requestor)

Date: 1 July 2015



Name: Lauren White – Senior Urban Designer, Harrison Grierson Consultants (for Requestor)

Date: 1 July 2015



Name: Mark Georgeson – Director, Traffic Design Group Limited (for Requestor)

Date: 1 July 2015



Name: Andrew Jackson – Land Development Team Leader, Harrison Grierson Consultants Limited (for Requestor)

Date: 1 July 2015



Name: Mark Lowe – Senior Environmental Scientist, Morphem Environmental Limited (for Requestor)

Date: 1 July 2015



Name: Felicity Boyd – Planner (Policy), Upper Hutt City Council (for Council)

Date: 1 July 2015



Name: Sarah Duffell – Senior Planner (Policy), Upper Hutt City Council (for Council)

Date: 1 July 2015

Name: Richard Harbord – Director, Planning and Regulatory Services, Upper Hutt City Council (for Council)

Date: 1 July 2015



Name: Lachlan Wallach – Director, Asset Management and Operations, Upper Hutt City Council (for Council)

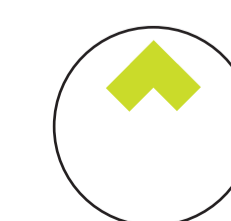
Date: 1 July 2015





# STRUCTURE PLAN

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



# WALLACEVILLE STRUCTURE PLAN PRECINCT DESCRIPTIONS, INTENTIONS AND OUTCOMES

## WALLACEVILLE LIVING PRECINCT

This precinct is identified for both Area A and Area B.

### 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.

#### INTENTION

- Traditional residential density, compatible with adjacent existing residential areas with clusters of higher density residential development, 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 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 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](#)

### 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.

#### INTENTION

- Traditional residential density with pockets of higher density development to provide housing variety and visual interest
- Higher density pockets Clusters of comprehensive residential development to be located at nodes in the movement network and adjoining public open space
- Development to respect historical street pattern
- [Provides roading, pedestrian and cycling connections to Area A](#)
- ~~Degree to which properties access and address Alexander Road to be determined once nature of the development across Alexander Road is confirmed~~ [Residential development adjoining Alexander Road that recognises the nature of this section of the road and of land uses on the opposite site of the 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
- [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 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. It is in very close proximity to the Wallaceville train station, making the whole precinct within easy walking distance [to the station](#).

### INTENTIONS

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. As such, it is intended that 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 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 or restaurant type activities
- Signage and advertising to respect heritage values with regard to size and position and have a consistent theme/style
- Residential development to recognise Design Guide for Residential (Centres Overlay) Zone
- 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

## 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](#) and Grants Bush. It also has an interface with the bush clad slopes of the Southern Hills area.

### INTENTIONS

- A compact and attractive 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
- Development that is respectful of historical street pattern
- New tree planting to reinforce existing species
- Residential development ~~to recognise that is consistent with the~~ Design Guide for Residential (Centres Overlay) Zone
- Utilisation of a range of street typologies
- Provides active street frontage to Grants Bush
- Active frontage and direct access from properties adjoining Alexander Road
- Development that incorporates on-site measures to protect noise sensitive activities from any adjoining intrusive noise effects

## 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
- 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 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 boulevards defined by hedging which reflects historical planting
- Development to respect historical street pattern
- Pedestrian/cycle connection to proposed rail corridor walking/cycling path ~~and~~ within road corridors, and to link 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
- ~~Secondary pedestrian connection provided through Grants Bush~~
- Active frontage and direct access from properties to Alexander Road
- Development that incorporates on-site measures to protect noise sensitive activities from any adjoining intrusive noise effects
- Residential development ~~in accordance with~~ that is consistent with the Design Guide for Residential (Centres Overlay) Areas
- Protection of indigenous vegetation within Grants Bush

# APPENDIX RESIDENTIAL 4: RULES APPLYING TO WALLACEVILLE STRUCTURE PLAN AREA B

The following rules apply to Area B until such time as a resource consent under clause 3 below is approved by Upper Hutt City Council:

1. Until such time as subdivision consent is granted under Clause 3 below for Area B, all activities and buildings listed as permitted, controlled, restricted discretionary or discretionary in Table 18.2 of Chapter 18 are Non-Complying.

Exceptions – Subdivision:

- a) Subdivision that creates no more than one allotment site within Area B is provided for under Clause 2 below.
- b) Subdivision that creates two or more allotments sites within Area B is provided for under Clause 3 below.

Explanation:

The inclusion of the above rule is to ensure that development of Area B takes place in accordance with an approved structure plan. For the avoidance of doubt, Residential Zone provisions contained in Chapter 18 will apply when the first subdivision consent is granted under clause 3 below.

2. Subdivision that ~~creates no more than one allotment results in the creation of one lot comprising within~~ Area B in its entirety is a Discretionary Activity under the default discretionary activity rule contained in Table ~~18.2~~ 18.1 of Chapter 18.

Notification:

Notice of applications need not be serviced on affected persons and applications under clause 2 above need not be notified.

3. The first subdivision of Area B that creates more than two allotments sites is a Discretionary Activity provided that, a structure plan for Area B is included in the application and which shall be submitted to, and approved by Council, that covers the criteria listed in Policy 4.4.15. Applicants will have to demonstrate how the criteria listed in Policy 4.4.15 have been met.

Explanation:

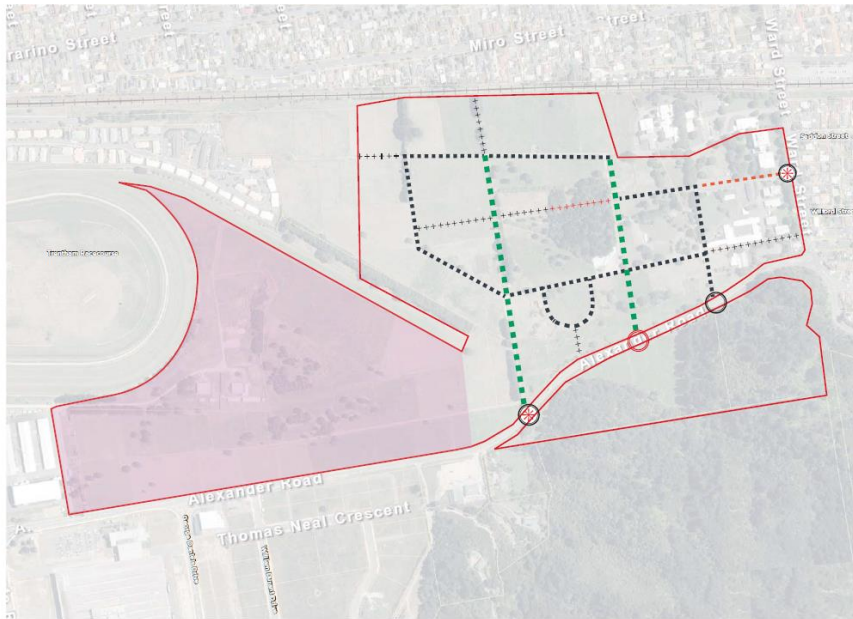
The rezoning of Area B follows an application for a Private Plan Change of the Wallaceville site. The rezoning indicates that the land is suitable for residential development, subject to the development occurring in accordance with the approved structure plan.

4. Until such time as subdivision consent is granted under Clause 3 for Area B, Subdivision of Area B that is otherwise listed as permitted, controlled, restricted discretionary or discretionary in table 18.1 or subdivision that does not comply with clause 2 or 3 above is a Non-Complying activity.
5. Once subdivision consent has been granted under clause 3 above, the rules of Chapter 18 will apply to all subdivision, activities and buildings.



# WALLACEVILLE ROAD TYPOLOGIES

## INDICATIVE WALLACEVILLE 'AREA A' ROADING LAYOUT



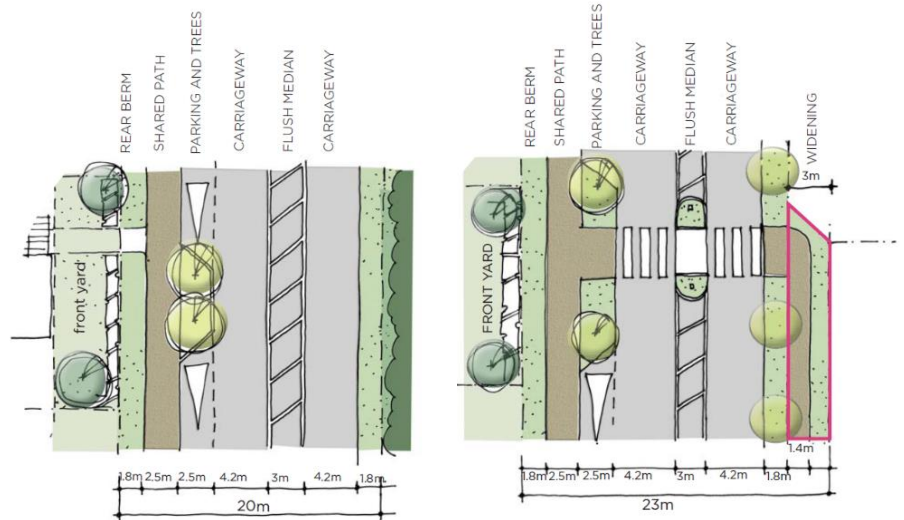
KEY	
Structure Plan Boundary	gateway feature
Area B	Four way intersection
Boulevard Road (indicative location)	T-junction
Key Local Road (indicative location)	
Heritage Street	
Pedestrian/Cycle Connection	
Grant Bush Walkway	

### 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 reduction in the speed limit of Alexander Road to 60kph will enable a higher amenity and comfort level for adjacent residential properties.](#)



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.

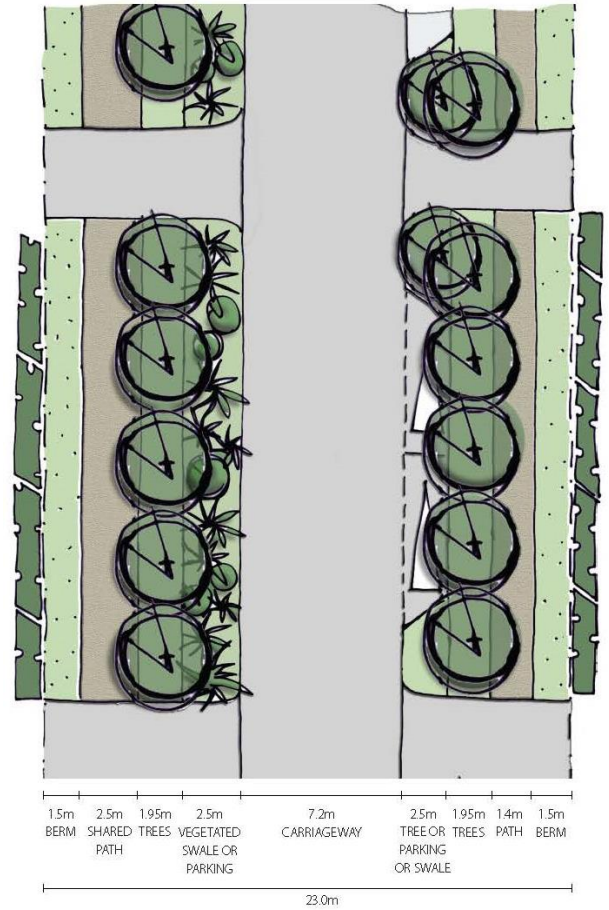
The number, form and location of crossing points [and bus stops \(if required\)](#) can be determined during detailed design. In order to signal the change in land use and a lower speed limit as well as help calm traffic, a gateway feature is proposed along Alexander Road at the intersection of the western boulevard road. Signage, planting and road surface changes can help to signal this change.

## BOULEVARD ROADS

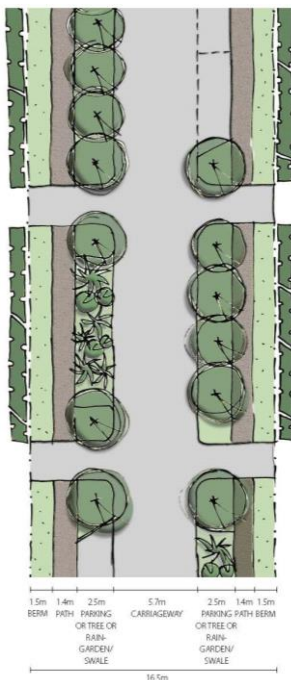
These streets are envisaged as heavily planted streets, providing green corridors which visually connect with the bush clad valley walls to the north and south. They function also as main entry points from Alexander Road and help to establish a high level of amenity upon entry.

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.

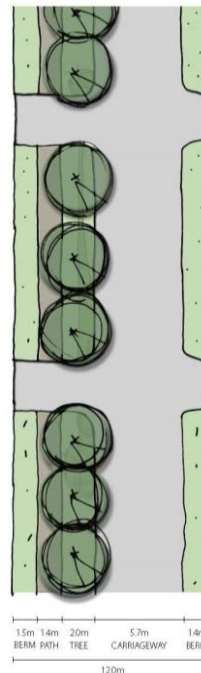


## LOCAL ROADS



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



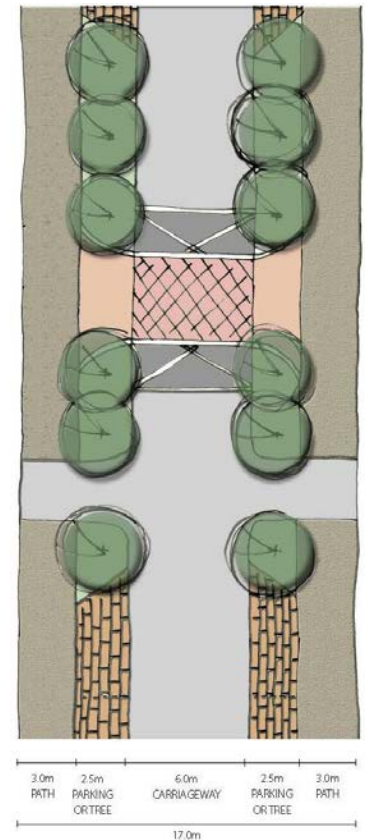
This public road has a narrow reserve width (12m) although a standard 5.7m carriageway is still provided. A tree berm is also accommodated, adjacent to a footpath on one side only. Rear berms are also provided for services.

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.



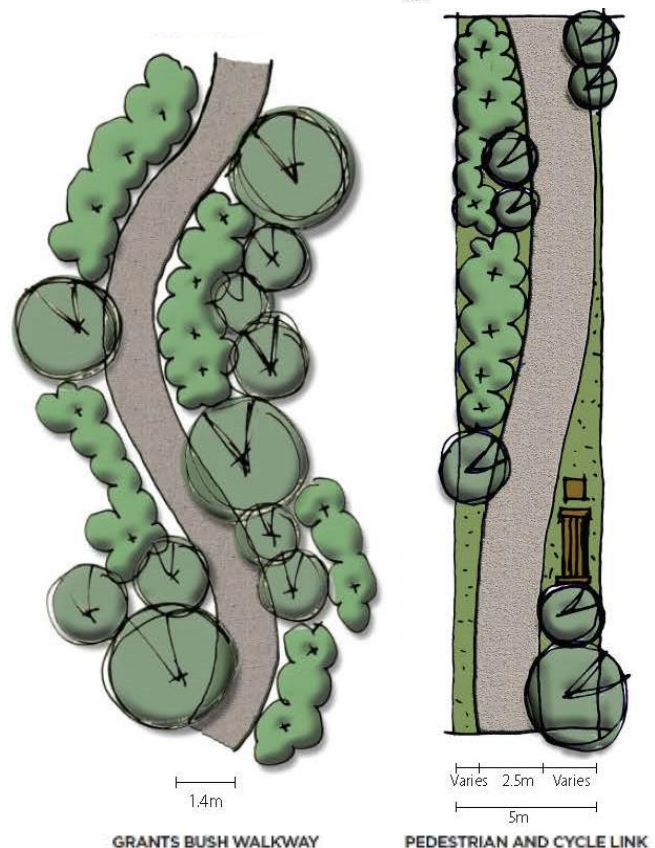
## PEDESTRIAN AND CYCLING ROUTES

### 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.

AMENDMENT NO.	CHAPTER	PROVISION	REQUESTED CHANGE	RELEVANT PRECINCT
<b>CHAPTER 2 – GENERAL PROCEDURES</b>				
1	2 – General Procedures	New provision 2.6.9D	<p>Insert the following:</p> <p><b><u>2.69D Specific information accompanying applications for subdivision or development within the Wallaceville Structure Plan Area</u></b>  (a) An assessment of the subdivision and/or development proposed against the approved structure plans which includes:  - the <a href="#">Wallaceville Structure Plan Map</a>  - a description of the Wallaceville Plan Change Precincts including the intentions and outcomes for each precinct  - <a href="#">indicative road typologies Wallaceville Road Typologies</a>  - Wallaceville Stormwater Management Principles  - <a href="#">the structure plan approved in accordance with the provisions of Appendix Residential 4</a></p>	Wallaceville Structure Plan Area
<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 <a href="#">Appendix Residential 3 Chapter 39: Wallaceville</a>. Minor variations to standards are included in 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 structure plan.</u></p>	Wallaceville Structure Plan Area
<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><a href="#">To provide for development of the Wallaceville Structure Plan Area which:</a></u>  - <u><a href="#">makes efficient use of a strategic land resource</a></u>  - <u><a href="#">promotes the sustainable management of land resources</a></u>  - <u><a href="#">ensures that an integrated approach is taken to the development of the area to ensure that staged development does not compromise future development stages</a></u>  - <u><a href="#">achieves a new mixed use village within Upper Hutt that provides employment opportunities and local retail services</a></u>  - <u><a href="#">responds to site opportunities and constraints</a></u>  - <u><a href="#">avoids, remedies or mitigates adverse environmental effects</a></u></p> <p><u><a href="#">To promote the sustainable management and efficient utilisation of land within the Wallaceville Structure Plan area, while avoiding, remedying or mitigating adverse effects.</a></u></p> <p><u>The Wallaceville Structure Plan Area 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 <u>with care</u>, in a manner that is consistent with the 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 with adjoining land uses.</u></p> <p><u>The 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 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 Structure Plan is seeking to achieve. These are the key considerations for development in this area.</u></p>	Wallaceville Structure Plan Area
4	4 – Residential Zone	Policy 4.4.3	<p>Insert the following paragraph into the explanation of Policy 4.4.3 - To ensure that non-residential activities within residential areas do not cause significant adverse environmental effects:</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>	Wallaceville Structure Plan Area
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>	Wallaceville Structure Plan Area

6	4 – Residential Zone	Policy 4.4.6	<p>Amend the explanation to Policy 4.4.6 as follows:</p> <p>To mitigate the adverse effects of noise within residential areas to a level consistent with a predominantly residential environment.</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 adverse effects of noise arising from adjoining activities.</u></p>	Residential Zone of the Wallaceville Structure Plan Area
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, <u>and within the Urban Precinct and Grants Bush Precinct of the Wallaceville Structure Plan aArea.</u></p>	Urban Precinct Grants Bush Precinct
8	4 – Residential Zone	New policy 4.4.14	<p>Insert new Policy 4.4.14 and explanation as follows:</p> <p><b><u>Policy 4.4.14 Development within Area A of the Wallaceville Structure Plan Area shall be consistent with the Wallaceville Structure Plan in Appendix Residential 3.</u></b></p> <p><u>The Wallaceville Structure Plan in Appendix Residential 3 Chapter 39: Wallaceville includes the following:</u></p> <ul style="list-style-type: none"> <li>- the Structure Plan Map</li> <li>- a description of the Wallaceville Plan Change Precincts including the intentions and outcomes for each precinct</li> <li>- indicative road typologies</li> <li>- Wallaceville Stormwater Management Principles</li> </ul> <p><u>The Wallaceville Structure Plan has been based on detailed assessment of site constraints and opportunities and sets out an appropriate response to these. To ensure that adverse effects of urban development are appropriately managed, the Structure Plan includes consideration of:</u></p> <ul style="list-style-type: none"> <li>- the site's servicing and infrastructure</li> <li>- the site's stormwater requirements and flooding risks</li> <li>- how potential effects on the City's road network are appropriately managed</li> <li>- design flexibility to enable a suitable level of residential amenity</li> <li>- variable housing typologies to respond to housing demand</li> </ul>	Residential Zone of the Wallaceville Structure Plan Area
9	4 – Residential Zone	New policy 4.4.15	<p>Insert new Policy 4.4.15 and explanation as follows:</p> <p><b><u>Policy 4.4.15: Avoid development Development within Area B of the Wallaceville Structure Plan until such time as a structure plan is approved for this area shall be consistent with a structure plan which:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>Incorporates residential areas of Area B within the Wallaceville Living precinct</u></b></li> <li>- <b><u>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;</u></b></li> <li>- <b><u>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;</u></b></li> <li>- <b><u>Provides an internal roading concept that retains the historic roading pattern and provides for appropriate access onto Alexander Road; and includes at least one intersection with Alexander Road that aligns with that aligns with either George Daniels Drive or William Durant Drive</u></b></li> <li>- <b><u>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;</u></b></li> <li>- <b><u>Seeks to address the interface between the area and adjoining properties including the Ministry of Defence site and the Trentham Racecourse;</u></b></li> <li>- <b><u>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</u></b></li> </ul> <p><u>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 matters listed above in order to ensure that development is integrated with Area A and reflects the identified values, constraints and opportunities.</u></p> <p><u>It is expected that Area B will have the characteristics of the Wallaceville Precinct, and will 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.</u></p>	Residential Zone of the Wallaceville Structure Plan Area
9A	4 – Residential Zone	New Policy 4.4.15A	<p><b><u>Development within Area B of the Wallaceville Structure Plan Area shall be consistent with the approved structure plan in accordance with the provisions of Appendix Residential 4.</u></b></p>	
10	4 – Residential Zone	New policy 4.4.16	<p>Insert a new Policy 4.4.16 and explanation as follows:</p> <p><b><u>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:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>whether the development is appropriate given the site specific constraints and opportunities</u></b></li> </ul>	Residential Zone of the Wallaceville Structure Plan Area

			<p><u>-the degree to which the development will integrate with development that is anticipated in the structure plans</u>  <u>-whether the development will be adequately serviced by infrastructure and transport</u>  <u>-the extent to which adverse environmental effects on other areas of Upper Hutt City are avoided, remedied or mitigated</u></p> <p><u>Development in the Wallaceville Structure Plan Area which is not consistent with the Wallaceville Structure Plan for either Area A or Area B may be appropriate if it:</u></p> <ul style="list-style-type: none"> <li><u>- provides for a high level of amenity</u></li> <li><u>- ensures adequate infrastructure and transport provision</u></li> <li><u>- is integrated with the development anticipated in the structure plans; and</u></li> <li><u>- avoids, remedies or mitigates adverse environmental effects</u></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.</p> <p>However, 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 is integrated with the remainder of the site's development, and that it avoids, remedies or mitigates adverse environmental effects on other areas of the City.</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 and the Wallaceville Structure Plan Area. 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>	Residential Zone of the Wallaceville Structure Plan Area
<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><u>Provide for the Gateway Precinct of the Wallaceville Structure Plan Area as a neighbourhood centre which:</u></b></p> <ul style="list-style-type: none"> <li><b><u>- Provides local convenience retail and services;</u></b></li> <li><b><u>- Provides employment opportunities;</u></b></li> <li><b><u>- Provides residential development where this is compatible with retail, commercial and office land uses</u></b></li> <li><b><u>- Makes efficient use of natural and physical resources</u></b></li> </ul> <p>This objective seeks the creation of a local centre that will generate retail and employment opportunities in the Wallaceville Structure Plan Area. This area will support the high density residential development and other parts of the site.</p>	Gateway Precinct
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 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>	Gateway Precinct
14	6 – Business Zone	New policy 6.4.6	<p>Insert new Policy 6.4.6:</p> <p><b><u>Policy 6.4.6: Development occurs within the Gateway Precinct of the Wallaceville Structure Plan Area which is consistent with the Wallaceville Structure Plan Gateway Precinct outcomes listed in Appendix Residential 3</u></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>	Gateway Precinct
14A	6 – Business Zone	New policy 6.4.7	<p>Insert a new Policy 6.4.7:</p> <p><u>Development in the Wallaceville Structure Plan Area which is not consistent with the Wallaceville Structure Plan may be appropriate if it:</u></p> <ul style="list-style-type: none"> <li><u>- provides for a high level of amenity</u></li> <li><u>- ensures adequate infrastructure and transport provision</u></li> </ul>	

			- is integrated with the development anticipated in the structure plans; and - avoids, remedies or mitigates adverse environmental effects	
<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, ....	Wallaceville Structure Plan Area
<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 all new buildings and significant exterior modifications to existing non-listed heritage buildings 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>	Gateway Precinct / Business Commercial Zone
<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 (<del>Appendix Residential-3 Chapter 39: Wallaceville</del>) which complies with the standards in rules 18.5 and 18.9 unless specified below - RD</u>	Wallaceville Structure Plan Area
<del>18</del>	<del>18 – Residential Zone Rules</del>	<del>18.11 Site coverage</del>	<del>Insert the following:  50% in the Urban Precinct in the Wallaceville Structure Plan Area</del>	<del>Urban Precinct</del>
19	18 – Residential Zone Rules	18.12 Setbacks from boundaries	Insert the following new setback standard for the Urban Precinct of the Wallaceville Structure Plan Area:  <u>For Comprehensive Residential Development within Side boundaries within the Urban Precinct of the Wallaceville Structure Plan Area: 4m 1.5m</u>  <u>Add exception:</u>  <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>	Urban Precinct
20	18 – Residential Zone Rules	18.13 Outdoor living court	Insert the following exemptions into the Outdoor living court standard:  - 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: 1. Able to accommodate a 'principal area' of 4 metres by 4 metres; and 2. Is not required for vehicle access, parking or manoeuvring.  <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> <u>1. Able to accommodate an outdoor living court capable of containing a 6m diameter circle,</u> <u>2. Is not required for vehicle access, parking or manoeuvring, and</u> <u>3. Shall be located at its northern aspect, or directly accessible from a living area.</u>  - 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.  - For new residential buildings as part Comprehensive Residential Developments in the Urban Precinct of the Wallaceville Structure Plan Area, <u>the follow additional criteria apply A any dwelling with no habitable rooms at ground level shall have an outdoor living space that is directly accessible from an internal living room (such as a balcony or terrace) or roof terrace or multiple balconies or roof terraces with a combined minimum depth of 2.2m and a minimum area of 10m<sup>2</sup>. At least one balcony or roof terrace must have a minimum depth of 2.4m; or</u>	Urban Precinct
21	18 – Residential Zone Rules	18.15 Maximum building height	Amend the building height standard as follows:  The maximum height of any building shall not exceed 8m  Exceptions.  ...	Urban Precinct

			<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>14m-9m in height except that roof protrusions may exceed this height by a maximum of 2m.</del>	
22	18 – Residential Zone Rules	18.16 Sunlight access	Insert the following exemption to the sunlight access standard:  <u>- 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</u>	Urban Precinct – Non CRD development
23a	18 – Residential Zone Rules	18.16A Ventilation	Insert the following new permitted activity standard 18.16A:  <b><u>Ventilation</u></b> <u>Within the Wallaceville Structure Plan Area, where:</u> <ol style="list-style-type: none"> <li>1. <u>sleeping rooms where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 12m of the rail corridor (designation TZR1); or</u></li> <li>2. <u>sleeping rooms where openable windows are proposed on upper levels of two or more storey dwellings within 10m of a site designated as MAF1;</u></li> </ol> <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. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.</u>	Sites adjoining railway corridor, Alexander Road and NCBID
23b	18 – Residential Zone Rules	18.16B Noise insulation	Insert the following new permitted activity standard 18.16B:  <b><u>Noise Insulation</u></b> <u>Within the Wallaceville Structure Plan Area, where</u> <ol style="list-style-type: none"> <li>1. <u>any sleeping room within 12m of the Alexander Road boundary; or</u></li> <li>2. <u>any sleeping room on upper levels of two or more storey dwellings within 12m of a site utilised for railway purposes (Designation TZR1)</u></li> </ol> <u>shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:</u>  <u>DnT,w + Ctr &gt; 30 dB</u>  <b><u>[CONSTRUCTION TABLE INCLUDED IN TRACK CHANGE DOCUMENT]</u></b>	Sites adjoining railway corridor, Alexander Road and NCBID
24	18 – Residential Zone Rules	18.16C Fencing	Insert the following new permitted activity standard 18.16C:  <u>Within the Wallaceville Structure Plan Area:</u> <ul style="list-style-type: none"> <li>• <u>a 1.5m close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated for railway purposes (designation tZR1). 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 close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated as MAF1. 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> </ul>	Residential zone areas of Wallaceville Structure Plan Area
25	18 – Residential Zone Rules	18.18 Water supply, stormwater and wastewater	All activities shall comply with the water supply, stormwater and wastewater standards in the Code of Practice for Civil Engineering Works <u>except as otherwise provided for by any conditions of resource consent in the Wallaceville Structure Plan Area.</u>	Residential zone areas of Wallaceville Structure Plan Area
26	18 – Residential Zone Rules	18.28A Comprehensive residential development	Amend Restricted Discretionary Rule 18.28A as follows:  <u>Additional standards and terms for Comprehensive Residential Development within the Wallaceville Structure Plan Area:</u> <u>- Compliance with acoustic insulation and ventilation standards of rule 18.16A and 18.16B</u> <u>- Compliance with the fencing standards of rule 18.16C</u> ... 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 3Chapter 39: Wallaceville).</u>  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.  <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.</u>	Urban Precinct Grants Bush Precinct
27	18 – Residential Zone Rules	New restricted discretionary rule 18.28B	Insert new Restricted Discretionary Rule 18.28B  <u>Subdivision within the Wallaceville Structure Plan Area which complies with the standards in rule 18.5 and 18.9:</u>  <u>Council will restrict its discretion to, and may impose conditions on:</u>	Residential zone areas of the Wallaceville Structure Plan Area



			<p>- Design, appearance and layout of the subdivision including consistency with the Wallaceville Structure Plan (<a href="#">Appendix Residential 3 Chapter 39: Wallaceville</a>)</p> <p>- Landscaping that complements existing species.</p> <p>- Standard, construction and layout of vehicular access.</p> <p><a href="#">The extent of compliance with the Council's Code of Practice for Civil Engineering Works (revision 7, 20 July 1998) and Regional Standards for Water Services (November 2012)</a></p> <p>- Earthworks.</p> <p>- Provision of reserves</p> <p>- Protection of any special amenity feature.</p> <p>- Financial contributions.</p> <p>Restriction on notification</p> <p>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.</p>	
28	18 – Residential Zone Rules	18.37 (Matters for consideration)	<p>Insert the following matters:</p> <p><u>Subdivision and Development in the Wallaceville Structure Plan Area:</u></p> <p>- The extent to which the subdivision and/or development is consistent with the Wallaceville Structure Plan</p> <p>- 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 and will integrate with adjoining development anticipated through the Structure Plan</p> <p>- Relevant matters above.</p>	Residential areas of the Wallaceville Structure Plan Area
29	<del>18 – Residential Zone Rules</del>	New appendix	<del>Insert new Appendix Residential 3 – Wallaceville Structure Plan</del>	<del>Wallaceville Structure Plan Area</del>
30	<del>18 – Residential Zone Rules</del>	New appendix	<del>Insert new Appendix Residential 4 – Wallaceville Area B Future Structure Plan</del>	<del>Area B</del>
<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 20.9 unless specified below</u></p>	Gateway Precinct
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 the Gateway Precinct of the Wallaceville Structure Plan</a>.</u></p>	Gateway Precinct
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 on land identified in <a href="#">Appendix Business 4 the Gateway Precinct of the Wallaceville Structure Plan</a>.</u></p>	Gateway Precinct
34	20 – Business Zone Rules	Activities Table 20.2	<u>Signs in the heritage covenant in the Gateway Precinct of the Wallaceville Structure Plan Area - RD</u>	Gateway Precinct
35	20 – Business Zone Rules	Activities Table 20.2	<u>In the Wallaceville Structure Plan Area all new buildings or significant exterior alterations to existing buildings not listed as significant heritage feature in Chapter 26 - RD</u>	Gateway Precinct
36	20 – Business Zone Rules	Activities Table 20.2	<u>In the Wallaceville Structure Plan Area demolition of buildings not listed as a significant heritage feature in Chapter 26 - P</u>	Gateway Precinct
37	20 – Business Zone Rules	20.12 Loading provisions	<p>Add 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>	Gateway Precinct
38	20 – Business Zone Rules	20.16 Screening	<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: The land identified in Appendix Business 2 <a href="#">and Appendix Business 4 and in the Gateway Precinct of the Wallaceville Structure Plan</a> is exempt from the screening specified above, but outdoor storage areas on land identified in Appendix Business 2 <a href="#">and Appendix Business 4 and in the Gateway Precinct of the Wallaceville Structure Plan</a> shall be screened as follows:</p> <p>- 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.</p>	Gateway Precinct
39	20 – Business Zone Rules	20.17 Landscaping	<p>Amend standard 20.17 as follows:</p> <p>- 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 boundary.</p> <p>- 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.</p>	Gateway Precinct

			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.	
40	20 – Business Zone Rules	New permitted activity standard 20.14A (Ventilation)	Insert the following new permitted activity standard:  <b>Ventilation</b> <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>  <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>	Gateway Precinct
41	20 – Business Zone Rules	New permitted activity standard 20.17A	Insert the following new permitted/controlled activity standard:  <b>Fencing</b> <u>Within the Wallaceville Structure Plan Area a 2m close boarded fence shall be erected along the boundaries of a site where it adjoins a site designated as MAFI. 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>	Gateway Precinct
42	20 – Business Zone Rules	New restricted discretionary activity rule 20.28A	Insert the following new restricted discretionary activity rule 20.28A:  <u>Subdivision within the Wallaceville Structure Plan Area which complies with the standards in rules 20.5 and 20.9</u>  <u>Council will restrict its discretion to, and may impose conditions on:</u> - <u>Design, appearance and layout of the subdivision including consistency with the Wallaceville Structure Plan (Appendix Residential-3 Chapter 39: Wallaceville)</u> - <u>Landscaping that complements existing species.</u> - <u>Standard, construction and layout of vehicular access.</u> - <u>The extent of compliance with the Council's Code of Practice for Civil Engineering Works (revision 7, 20 July 1998) and Regional Standards for Water Services (November 2012)</u> - <u>Earthworks.</u> - <u>Provision of reserves</u> - <u>Protection of any special amenity feature.</u> - <u>Financial contributions.</u>  <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 20.28A will be decided without the need for public notification under section 95A and limited notification under section 95B.</u>	Gateway Precinct
43	20 – Business Zone Rules	New restricted discretionary rule 20.30A	Insert new Restricted Discretionary Activity Rule 20.30A as follows:  <u>New buildings and significant external alteration to existing non-listed buildings in the Gateway Precinct of the Wallaceville Structure Plan Area (Appendix Business-4) that comply with the standards for permitted and controlled activities.</u>  <u>Council will restrict its discretion to, and may impose conditions on:</u> - <u>Height, proportion, materials, boundary setbacks and sunlight access and the extent that these affect significant heritage features included in Schedule 26.8</u> - <u>Effects on significant heritage features in Schedule 26.8</u> - <u>Provision of and effects on utilities and/or services.</u> - <u>Landscaping and screening.</u> - <u>Standard, construction and layout of vehicular access.</u> - <u>Car parking.</u> - <u>Effects on adjoining residential properties.</u> - <u>Effects on the amenity of the surrounding area.</u> - <u>Provision for retail buildings to have an active street frontage</u> - <u>Financial contributions.</u>  <u>Restriction on notification</u> <u>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.</u>	Gateway Precinct
44	20 – Business Zone Rules	New restricted discretionary rule 20.30B	Insert new Restricted Discretionary Activity Rule 20.30B as follows:  <u>Signs in the heritage covenant within the Gateway Precinct of the Wallaceville Structure Plan Area</u>  <u>Council will restrict its discretion to, and may impose conditions on:</u> - <u>Sign design, location and placement</u>	Gateway Precinct

			<p>- Area, height and number of signs <a href="#">proposed and already located within the covenant area</a></p> <p>- Illumination</p> <p>- Fixing and methods of fixing</p> <p>- The extent to which any sign including supporting structure detracts from any significant heritage feature in Schedule 26.8</p> <p><u>Exemptions</u>  Signs within roads are subject to compliance with Standard 20.26  Temporary signs are subject to compliance with Standard 20.25</p> <p><u>Restriction on notification</u>  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.</p>	
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> <p>- The extent to which the <a href="#">subdivision and/or development will meet the Gateway Precinct intentions and outcomes contained in Appendix Residential-3 is consistent with the Wallaceville Structure Plan</a></p> <p>- The nature of the activity to be carried out within the building and its likely generated effects.</p> <p>- 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</p> <p>- The extent to which the protection and sustainable use of existing listed heritage buildings will be encouraged</p> <p>- The extent to which adjacent properties will be adversely affected in terms of visual obtrusiveness, overshadowing, and loss of access to sunlight and daylight.</p> <p>- 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.</p>	Gateway Precinct
46	20 – Business Zone Rules	New Appendix	Insert a new Appendix Business 4 – map with an outline of the Gateway Precinct / Business Zone area	Gateway Precinct
<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>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</p>	N/A
<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>- Whether the land has been identified as a Council reserve in a structure plan</li> </ul>	Wallaceville Structure Plan Area
<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>  Ref: 26  Map Ref: U37  Heritage Feature: Hopkirk Building  Description: Wallaceville Animal Research Centre Hopkirk Building. Significant 1940 architecture  Status: NZHPT <u>Heritage covenant</u>  Significance:  National  Local</p>	Gateway Precinct
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>  Ref: 27  Map Ref: U37  Heritage Feature: Incinerator</p>	Gateway Precinct

			<p>Description: Significant remnant of Wallaceville Ag-research Centre</p> <p>Status: NZHPT Heritage covenant</p> <p>Significance:</p> <p>National</p> <p>Local</p>	
<b>CHAPTER 27 – RULES FOR NOTABLE TREES</b>				
51	27 – Rules for Notable Trees	27.7 Schedule of Notable Trees	Insert 43 notable trees listed in the District Plan track change document and the STEM assessment report into Schedule 27.7 and include on Urban Plan maps	Wallaceville Structure Plan Area
<b>CHAPTER 35 – DEFINITIONS</b>				
52	35 – Definitions	New definition	<p>Insert the following new definition for 'Significant exterior alteration':</p> <p>Significant exterior alteration:</p> <p><i>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 recladding, repair and 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. or It does not include 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).</i></p>	Gateway Precinct
<b>NEW CHAPTER 39: WALLACEVILLE</b>				
<u>52A</u>	<u>NEW CHAPTER: Chapter 39: Wallaceville</u>	<u>NEW CHAPTER: Chapter 39: Wallaceville</u>	<p><u>Insert as a new chapter into the District Plan, the Wallaceville Structure Plan which includes:</u></p> <ul style="list-style-type: none"> <li>- <u>The Wallaceville Structure Plan map</u></li> <li>- <u>The Wallaceville Precinct descriptions, intentions and outcomes</u></li> <li>- <u>Wallaceville Road Typologies</u></li> <li>- <u>Wallaceville Stormwater Principles</u></li> </ul>	<u>Wallaceville Structure Plan Area</u>
<b>DISTRICT PLAN MAPS</b>				
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	Wallaceville Structure Plan Area

# APPENDIX TWO

## REASONS OF AGREEMENT TO RESPONSES CONTAINED IN TABLE 1 OF THE JOINT STATEMENT

### 1.0 COUNCIL HEARING REPORT TOPIC: TRAFFIC AND ROAD LAYOUT

#### *Council Officer Recommendation:*

- *Amend the Alexander Road section of the Wallaceville Road Typologies to:*
  - *Clarify that direct vehicle access to Alexander Road from individual sites should not occur until the Alexander Road speed limit has been reduced to a minimum of 60kph; and*
  - *Ensure the road layout is sufficient to accommodate bus stops in the event that these are deemed necessary.*

- 1.1 Regarding the first bullet point, reducing the speed environment of roads is a separate process Council / NZTA process. While it is an aspiration of WDL to have the speed limit of Alexander Road reduced, such actions are largely out of their control as it is a process between Council, NZTA and the Ministry of Transport.
- 1.2 I consider that having no direct access onto Alexander Road occurring prior to the speed limit being reduced is unduly restrictive on the basis that direct access to district arterial roads such as Alexander Road is provided for as a permitted activity standard in the District Plan provided that on-site turning is required. Mr Georgeson has confirmed that he agrees that direct access can be safely and efficiently accommodated on Alexander even if the speed limit is not reduced. In this regard I refer to standard 18.9 in the residential zone chapter as follows:
- “Where vehicle access points are shared by three or more dwelling units, for all rear sites and for all sites fronting arterial, or distributor/collector streets (identified in Chapter 37) there must be provision for turning a vehicle on site in order that vehicles do not reverse into the street”*
- 1.3 Furthermore I note that traffic safety effects and access issues will be a relevant consideration at resource consent stage. In this respect I note that the new restricted discretionary activity rule for subdivisions includes a matter of discretion being ‘*standard, construction and layout of vehicular access*’. This matter therefore affords Council the opportunity to assess proposed direct access from Alexander Road.
- 1.4 If subdivision or development fails to comply with this standard along with the other access standards contained in 18.9 an additional restricted discretionary consent is required (rule 18.30). Under this rule Council’s discretion is restricted to:
- *The extent to which the activity will adversely affect traffic and pedestrian safety.*
  - *The extent to which the activity will adversely affect the efficient functioning of the roading network.*
- 1.5 This again affords Council enough discretion to consider the impacts of direct access from Alexander Road.
- 1.6 While I do not consider it appropriate to provide a comment in the WSP that unduly restricts access that is otherwise permitted in the District Plan, I recommended that, in order to

reaffirm the intention of seeking a reduced speed environment, that the following wording be included to the Alexander Road typology description (refer Appendix 1 for Wallaceville Road Typologies track change document):

*“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 reduction in the speed limit of Alexander Road to 60kph will enable a higher amenity and comfort level for adjacent residential properties.”*

- 1.1 The above recommendation was agreed by Ms Boyd and Mr Lachlan Wallach of Council.
- 1.7 The second point of the Council Officer recommendation above seeks that the Wallaceville Road Typologies be amended to ensure the road layout is sufficient to accommodate bus stops in the event that these are deemed necessary. Mr Georgeson in his evidence states the following with respect to the provisions of bus stops:

*“From initial consultation with the Regional Council, and noting the proximity of existing bus stops and bus services on Ward Street, Council currently deems it unnecessary to route buses via Alexander Road or indeed through the site in response to the anticipated development. As currently proposed, the Structure Plan does not therefore include provision for bus routes.”*

- 1.8 The legal widths provided in the typical cross sections are sufficient should bus routes through the site change in the future then bus stops could be accommodated within the roads. In addition to the evidence of Mr Georgeson, I note that the typical cross sections included in the Wallaceville Road Typologies represent only a short length of the road and it can be reasonably expected that variation in the cross section will occur along a roads full length to accommodate elements such as bus stops. Such variations will be designed in further detail in the resource consent process stage of development.
- 1.9 On this basis, I recommended that only minor wording changes to the Alexander Road typology description in the Wallaceville Road Typologies as follows (addition shown in red):

*“The number, form and location of crossing points **and bus stops (if required)** can be determined during detailed design.”*

- 1.2 The above recommendation was agreed by Ms Boyd and Mr Lachlan Wallach of Council.

#### **Council Officer Recommendation:**

##### **Amendments to the WSP map to indicate the likely road layout and typology for the land south of Alexander Road and in Area B.**

- 1.10 With regard to road typologies, I note that the precinct description and proposed Policy 4.4.15 both state that the Structure Plan for Area B shall promote a design theme which is consistent with, among other things, the road typologies of Area A. I consider that this provides a clear direction on the intended road typologies for Area B and that no further changes are required.
- 1.11 With regard to road layout and the land south of Alexander Road, while it is intended that a road extend from the indicative four-way intersection to this portion of the site, I appreciate the concerns of Ms Boyd and therefore I recommended that the WSP map be updated to include an access road from Alexander Road (refer updated WSP map in Appendix 1 of this evidence).
- 1.12 Regarding the inclusion of indicative road layouts in Area B, while I appreciate that Ms Boyd

would like the same level of specificity that is afforded to Area A to be afforded to Area B, the uncertainty surrounding the final boundaries of the floodplain remnant covenant still make it difficult to confirm road layouts within this area. Council Officers have been involved in a meeting with the Department of Conservation on this matter. Notwithstanding this, I appreciate that appropriate roading and pedestrian and cycleway connections need to be provided through the entire Wallaceville Structure Plan area in order to assist in justifying the rezoning of Area B and that additional certainty be provided regarding access to Area B from Alexander Road. To this end, the following amendments were agreed with Ms Boyd and Mr Wallach of Council:

- the Wallaceville Structure Plan map be updated to include an indicative four way intersection at the existing Alexander Road/William Durant Drive intersection (refer amended WSP map provided in Appendix 1 of this evidence);
- that a new outcome of Area A be included in the Wallaceville Living Precinct description as follows (refer Appendix 1 for track changes):

*Provides appropriate roading, pedestrian and cycleway connections to Area B*

- that a new outcome of Area B be included in the Wallaceville Living Precinct description (refer Appendix 1 for track changes):

*Provides appropriate roading, pedestrian and cycleway connections to Area A*

- that a matter included in new Policy 4.4.15 – *Development within Area B of the Wallaceville Structure Plan* be amended as follows (note that additional changes to this policy have been recommended in the 'Area B' section below):

*“... provides an internal roading concept that retains the historic street pattern and includes at least one intersection with Alexander Road that aligns with the existing Alexander Road / William Durant Drive intersection provides for appropriate access to Alexander Road.”*

## **2.0 COUNCIL HEARING REPORT TOPIC: URBAN FORM AND DESIGN**

### **Council Officer Recommendation:**

- ***Reject the proposed increase to site coverage permitted activity standards***

2.1 In her evidence, Ms White has addressed the recommendation to reject the proposed new site coverage standard of 50% and has accepted that the proposed standard be rejected. On this basis, it was agreed to reject the standard.

### **Council Officer Recommendation:**

- ***Amend the changes sought to allow for side boundary setbacks in the Urban Precinct of 1.5m on both sides***

2.2 In her evidence, Ms White has addressed the Council Officers recommendation to amend the proposed side yard setback in the Urban Precinct to 1.5m on both sides and draws the following conclusion:

*“While I acknowledge that Ms Boyd supports in principle the desire to see a more urban character in this precinct, I appreciate her concerns surrounding unintended and undesirable outcomes associated with 1m minimum side yards as proposed by the Plan Change. Through discussion, it is agreed that 1.5m side boundaries on both sides would still provide for the intended outcomes of*

the precinct while not deviating drastically from the current provisions of the District Plan.”<sup>1</sup>

- 2.3 On the basis of the considerations and conclusions reached by Ms White, it was agreed with Ms Boyd and Ms Duffell that the boundary standard be amended to 1.5m on both sides.

**Council Officer Recommendation:**

- **Reject the provision for outdoor living courts to be provided through roof terraces and shared open spaces.**
- **Accept the provision for outdoor living courts to be provided through balconies, subject to further discussions regarding their accessibility from living areas and size.**

- 2.4 Discussions on the above recommendations were held between Ms White, Ms Boyd, Ms Duffell and I. The conclusions of such discussions are summarised in the evidence of Ms White as follows:

“...it is agreed that for a dwelling located entirely above ground, the term “roof terrace” be omitted as a private outdoor option, outdoor living space (balcony) is stipulated to be accessible from a habitable room and have a minimum width of 2.2m. It is also agreed that the option proposed by the Plan Change to provide shared outdoor space communally at ground level be excluded. This shared space is still seen as valuable amenity but considered an extra to individual private outdoor areas.”

- 2.5 Ms White, Ms Boyd, Ms Duffell and I, are in agreement that the following amendments to the proposed new outdoor living court provisions:

**For new residential buildings as part Comprehensive Residential Developments in the Urban Precinct of the Wallaceville Structure Plan Area, ~~the follow additional criteria apply~~ A any dwelling with no habitable rooms at ground level shall have an outdoor living space that is directly accessible from an internal living room (such as a balcony or terrace) or roof terrace or multiple balconies or roof terraces with a combined minimum depth of 2.2m and a minimum area of 10m<sup>2</sup>. At least one balcony or roof terrace must have a minimum depth of 2.4m; or**

**Council Officer Recommendation:**

- **Accept in principle the proposal to allow for three storey dwellings in the Urban Precinct, subject to further discussion on the expression of this intent through rules in the District Plan**

- 2.6 As notified, an increase in maximum height from 8m to 11m was sought for the Urban Precinct to allow for three storey attached terraces and low rise apartments with pitched roof forms. This is stated as an outcome for the Precinct.
- 2.7 Further discussions were held between Ms White, Ms Boyd, Ms Duffell and I regarding the potential for four storey dwellings to be built under an 11m maximum height limit.
- 2.8 As a result of such discussions, Ms White recommended that the proposed standard be amended to allow for a 9m building with an additional 2m in height provided to allow pitched roof forms or roof features particularly across wider low rise apartment floor plates. Ms White also accepted the concerns of Ms Boyd and Ms Duffell in relation to people trying to utilise the additional 2m for living spaces (i.e. an additional storey) and therefore accepted the inclusion of a restriction that prevents any habitable rooms (as defined in the District

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<sup>1</sup> Paragraph 7.18



Plan) to be incorporated into this additional height space.

- 2.9 On the basis of the above, and in agreement with Ms White, Ms Boyd and Ms Duffell, the maximum height standard is proposed to be amended (changes to proposed in red) as follows:

*The maximum height of any building shall not exceed 8m ....*

**Exemptions**

.....

**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 ~~11m~~ 9m in height except that protrusions of the roof that contain no habitable rooms may exceed this height by a maximum of 2m.**

- 2.10 To reflect this recommended modification to the standard, it has also been agreed that the Urban Precinct outcome related to building height be amended as follows (changes in red):

- A ~~three storey~~ height limit (~~11m~~) to allow for three-storey attached terraces and low rise apartments ~~with pitched roof forms~~

### **3.0 COUNCIL HEARING REPORT TOPIC: WATER SUPPLY AND WASTE WATER**

- 3.1 The Council Hearing Report includes two recommendations relating to wastewater and water supply that are addressed in the evidence of Mr Andrew Jackson.

**Council Officer Recommendation:**

- **Include specific provision to ensure that wastewater services within Area A would be sized to accommodate their anticipated use of land use within Area B**

- 3.2 It is anticipated that wastewater services within Area A would be sized to accommodate development anticipated within Area B. Section B1.5 of the Code of Practice for Civil Engineering Works states the minimum engineering design documentation for civil engineering works. The documentation is required to incorporate 'a concept plan showing the development and the full development when works cover a staged development'.

- 3.3 In addition the performance criteria contained in the Code for wastewater reticulation require that 'wastewater facilities shall adequately service the catchment including all current and future lots compatible with the district plan zoning.' (Section A11.2.1) and 'Part B – Mandatory Requirements' of the Code states that wastewater design shall include an assessment of the impacts of the new development on the existing wastewater disposal network, upstream and downstream of the development. This section also states that:

*'Systems shall be capable of serving the entire upstream catchment assuming it is developed in terms of the District Plan. Population density shall be derived based on the District Plan and use, subject to a minimum of 45 persons per hectare or 3.5 persons per household for urban development.'*

- 3.4 Section C4 of the Code outlines the relevant standards that must be met and guidelines that must be followed for wastewater reticulation. On the basis of the above, Mr Jackson and I are in agreement that the proposed insertion of a new matter of discretion referring to compliance with the Code into the new subdivision rules is sufficient in ensuring that the provision of water supply and waste water on the site meets Councils standards and

expectations. In addition to this Mr Lachlan Wallach from Council sought that the extent of compliance with the 'Regional Standards for Water Services (November 2012)' also be included. Mr Jackson accepted this inclusion.

- 3.5 On this basis and as detailed in the Joint Statement, it was agreed that the new subdivision rules be amended to include the following matter of discretion:

*“extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)”*

**Council Officer Recommendation:**

- ***Discuss the potential for development of wastewater/water supply principles, similar to those provided for stormwater management***

- 3.6 It is important to note that the proposed stormwater principles have been developed and incorporated into the Wallaceville Structure Plan as discussions with Council Officers in the preliminary stages of structure plan development found that there is no additional reticulation capacity downstream of the proposed development area. Accordingly, all additional stormwater runoff from the developed site needs to be discharged to the ground by infiltration. Therefore, the Structure Plan documents needed to provide enough certainty to both Council officer and adjoining landowners that infiltration can be achieved and the methods of which this will be achieved.

- 3.7 This is not the case for wastewater and water supply. With respect to wastewater, prior to lodgement of the Plan Change, discussions were held with Council Officers and Wellington Water and following these discussions it was confirmed that connections could be made to existing Council mains in Ward Street and Alexander Road and that some downstream upgrades may be required. Mr Jackson confirms in his evidence that the necessity for such upgrades can be addressed at the resource consent and subsequent engineering approval stages of the development and the Code contains enough information, performance criteria, standards and requirements to ensure that any upgrades will meet Council standards. In this respect I also note that all civils designs are anticipated to be reviewed by an IQP in accordance with a number of sections of the Code including Section 6.2 which states that *‘the Designer shall develop the detailed design and full working drawings for the project in consultation with the IQP in terms of this Code....’*.

- 3.8 With respect to water supply, as well as the details contained in the Infrastructure Assessment Report submitted with the Plan Change, the Council Hearing Report states that *‘Wellington Water have confirmed that the existing water main has sufficient capacity to supply the proposed development on site.’*

- 3.9 So, with respect to the recommendation to develop wastewater and water supply principles to be incorporated into the Structure Plan, Mr Jackson concludes:

*“Adequate connection points to reticulated Council networks for wastewater and water are available to service all anticipated development across the site. The design and construction requirements for reticulation across the development site is already covered by various NZ Standards (Including NZS4404) and the UHCC Code of Practice therefore bespoke principles for this site are not required.”*

- 3.10 In accordance with the agreement above, Mr Jackson, Mr Wallach, Ms Boyd and I agreed to address this recommendation by inserting the following new matter of discretion into the proposed subdivision rules:

“extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)”

#### 4.0 COUNCIL HEARING REPORT TOPIC: PUBLIC TRANSPORT, WALKING AND CYCLING

4.1 I concur with the summary of submissions relating to public transport, walking and cycling contained in paragraphs 5.2.5 – 5.2.8 of the Council Hearing Report. In particular I note that the submission by Greater Wellington Regional Council (‘GWRC’) includes a number of suggestions regarding the proposal for cycling provision along Alexander Road. In response to the matters raised in the GWRC regarding walking and cycling, Mr Mark Georgeson states in his evidence:

“...the provisions for cyclists on Alexander Road include both on and off-road facilities. A 2.5m wide shared path is proposed for use by less experience cyclists, pedestrian, while the current concepts for on-road cycling provide for cyclists in ‘over-wide’ 4.2m traffic lanes.”

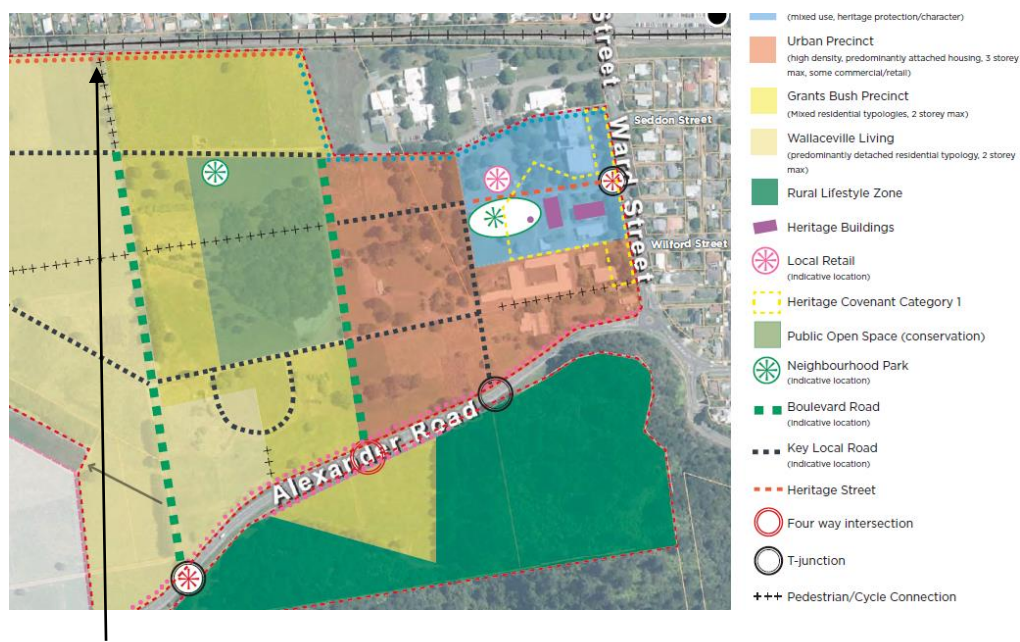
4.2 With respect to pedestrian and cycleway connections, the Council Hearing Report contains two recommendations that are addressed below. These recommendations have also been addressed in the evidence of Mr Georgeson.

##### Council Officer Recommendations:

- Amend the WSP map to include a pedestrian/cycleway that provides the option of linking the western part of Area A to the future railway corridor cycle route.
- Amend the WSP map to indicate potential pedestrian/cycleway connections between areas A and B

1.13 Provision for a linkage to the rail corridor was already included on the Wallaceville Structure Plan Map as indicated in below.

Figure 1. Pedestrian / Cycle Connection shown on Wallaceville Structure Plan Map



Pedestrian / cycleway connection to proposed cycleway within rail corridor

1.14 Notwithstanding this and in response to the submission of Welholm Developments Limited, the pedestrian connection that previously extended to the Summerset Retirement Village site has been amended and this previous connection now provides an additional connection to the proposed cycleway in the rail corridor.

1.15 With respect to the recommendation that roading details be included for Area B on the WSP map, Mr Georgeson and I Council Officers Mr Wallach and Ms Boyd have agreed to the following amendments:

- the Wallaceville Structure Plan map be updated to include an indicative four way intersection at the existing Alexander Road/William Durant Drive intersection (refer amended WSP map provided in Appendix 1 of this evidence);
- that a new outcome of Area A be included in the Wallaceville Living Precinct description as follows (refer Appendix 1 for track changes):

*Provides appropriate roading, pedestrian and cycleway connections to Area B*

- that a new outcome of Area B be included in the Wallaceville Living Precinct description (refer Appendix 1 for track changes):

*Provides appropriate roading, pedestrian and cycleway connections to Area A*

## 5.0 COUNCIL HEARING REPORT TOPIC: AREA B

### *Council Officer Recommendation:*

- ***Amend clause 2 of the Appendix Residential 4 to ensure it does not provide for incremental one lot subdivision applications.***

5.1 With respect to Area B, Ms Boyd has highlighted a concern that as notified, Clause 2 may be interpreted to allow for an incremental development of Area B on a lot by lot basis. This is certainly not the intention. Clause 2 is intended to allow for the subdivision that will create a separate title for the whole of Area B. Currently Area B comprises a number of allotments with one allotment containing both land within Area A and Area B. Notwithstanding the intention of the Clause I do however agree that the proposed rules could be interpreted to allow a discretionary activity lot-by-lot subdivision of the site. On this basis, Ms Boyd and I agreed that clause 2 be amended as provided below.

5.2 I also note that, in error, the clause as notified has incorrectly referenced the land use activities table (table 18.2) instead of the subdivision table (table 18.1). This error is corrected in the amendment below (changes in red).

2. ***Subdivision that results in the creation of one lot comprising Area B in its entirety creates no more than one allotment is a Discretionary Activity under the default discretionary activity rule contained in Table 18.2 18.1 of Chapter 18.***

***Notification: Notice of applications need not be served on affected persons and applications under Clause 2 above need not be notified.***

- ***Consider additional objectives and policies to support the rule framework proposed in Appendix Residential 4***

5.3 Ms Boyd has pointed out that while the proposed rule framework has been proposed in order to discourage development through making all activities in Table 18.2 non-complying until such time as a structure plan is approved, all of the objectives and policies of the residential zone would still apply. In making an assessment under Section 104 and Section 104D of the

Act, it could potentially be difficult to decline resource consents for development of the site prior to structure plan approval.

- 5.4 In order to address Ms Boyd's concerns and to seek to deter development of the site prior to a structure plan process, Ms Boyd and I agreed the following amendments to proposed Policy 4.4.15 below (refer Table 1 of the Joint Statement).

Policy 4.4.15: ~~Avoid development~~ ~~Development~~ within Area B of the Wallaceville Structure Plan until such time as a structure plan is approved for this area which shall be consistent with a structure plan which ....

- **Amend provisions in Appendix Residential 4 so that the relationship between the provisions and the activity table at 18.1 is clarified.**

- 5.5 Ms Boyd states that while she understands that clause 4 of the appendix is intended to override the subdivision activities listed in Table 18.1 she considers that specific reference should be included to the table. To this end, Ms Boyd and I agreed that clause 4 be amended as follows:

Until such time as subdivision consent is granted under clause 3 for Area B, subdivision of Area B that is otherwise listed as permitted, controlled, restricted discretionary or discretionary in Table 18.1 or subdivision and that does not comply with clause 2 or 3 above is a Non-Complying activity.

#### **Additional provision amendments proposed by Council Officers**

- 5.6 In addition to the amendments agreed above and subsequent to the circulation of the Council Hearing Report, Ms Boyd proposed, and I agreed that additional amendments be made in relation to Area B. Ms Boyd's explanation for this is provided in Table 2 of the Joint Statement.

### **6.0 COUNCIL HEARING REPORT TOPIC: ECOLOGY**

#### **Council Officer Recommendation:**

- **Amend the Precinct Intentions and Outcomes to include reference to the preservation of ecological values within the area.**

- 6.1 The following amendments were proposed to Council Officers in order to address the recommendation above. Mr Lowe and I and Council Officers agreed to these responses (refer Joint Statement in **Appendix 1**).

- The Wallaceville Living Precinct – Area A intentions (addition shown in red):

'Development to respect historical street pattern and the ecological values of Grants Bush'

- The Wallaceville Living Precinct – Area A outcomes:

'Development to respect ecological values of Grants Bush in accordance with the Grants Bush Precinct outcomes'

- The Wallaceville Living Precinct – Area B intentions:

Development to respect the ecological values of the area that is defined by the continual canopy of indigenous vegetation within the floodplain remnant'

- The Wallaceville Living Precinct – Area B outcomes:  
Protection of the indigenous vegetation in the area defined by the continual canopy within the floodplain remanant
- The Grants Bush Precinct 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
- The Grants Bush Precinct outcomes:  
Protection of indigenous vegetation within Grants Bush

## 7.0 COUNCIL HEARING REPORT TOPIC: GRANTS BUSH

7.1 The Council Hearing Report contains two recommendations in relation to Grants Bush that were considered in conferencing. These recommendations have also been assessed in the evidence of Mr Mark Lowe, Ms Lauren White and Ms Melissa Davis.

### **Council Officer Recommendation:**

- **Amend the WSP Precinct Descriptions, Intentions and Outcomes to:**
  - a) **Incorporate reference to ecological values more explicitly**
  - b) **Require the fencing of Grants Bush**
  - c) **Ensure that any planting of roads in the vicinity of Grants Bush complement indigenous vegetation and minimise the risk of invasive weed species**

7.2 Point a) of the first recommendation relating to Grants Bush is already covered in the 'Ecology' section above. As outlined in the Joint Statement all relevant experts have agreed to that recommendation.

7.3 Regarding point b) Mr Nick Saville in his submission recommends that Grants Bush should be fenced off with at least a wire and mesh fence similar to how Bartons Bush is fenced. This submission was addressed in the evidence of Mr Lowe. In considering this submission, Mr Lowe has recommend that (refer para. 5.11):

*"I recommend fencing of the wider covenant area, with the possible use of hinged gates, to exclude dogs and cyclists, and the use of information signs to support education and nature appreciation."*

1.16 In considering this submission and subsequent recommendation from Council Officers, Ms White states in her evidence (refer para. 5.2):

*"With respect to fencing the perimeter, I would question the purpose and efficacy of the fencing as public footpaths are provided along adjacent roads. That said, I could support this recommendation subject to controls on the type and height of fencing, such that it was attractive and permeable and would not reduce the amenity and surveillance of the bush. For example, a typical batten and wire fence would be appropriate and would keep pedestrians on the paths."*

7.4 In light of the evidence of both Mr Lowe and Ms White, and in order to provide sufficient direction in the structure plan that Grants Bush be fenced, it was agreed in conferencing that the relevant outcome in the Grants Bush Precinct description be amended as follows:

- Grants Bush covenant extent to be ~~either unfenced or~~ fenced with permeable fencing

7.5 I anticipate that this will be achieved at the time of subdivision and the vesting of the reserve with Council, and I note that the 'provision of reserves' is a matter of discretion in the relevant subdivision rule (amendment 27, rule 18.28B). Accordingly, Council have sufficient scope to require fencing at the time of subdivision.

7.6 Regarding point c) submitters raised concerns in relation to weed dumping within Grants Bush. This submission point was addressed in the evidence of Mr Lowe who concluded that (refer para 5.13):

*"The landscape design of the road verges (which define 3 sides of the Grants Bush covenant) will include swales and plantings which will reduce the likelihood of dumping. Weed ingress is more likely an issue from the existing weeds within the remnant; wind dispersal and bird dispersal of seeds. These issues can only be addressed with ongoing weed management within the conservation covenants."*

7.7 In response to the submission of Nick Saville whom requests that roads adjacent to Grants Bush should be planted, Mr Lowe concludes that (refer para. 5.16):

*"...I do not consider the use of exotic trees within the street scape to be inappropriate, providing the species selected are not considered invasive, nor do they pose an ecological risk to the covenant sites."*

7.8 I note that as proposed, an outcome of the Grants Bush Precinct covers this matters:

- Landscaping character to reflect native bush species

7.9 To further iterate this it was agreed that the following amendment to the description of boulevard roads in the Wallaceville Road Typologies:

***"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 in the seasons. ~~Totaras can be used as feature trees on corners or at gateways.~~***

#### **Council Officer Recommendation:**

- **Amend the Wallaceville Road Typologies to ensure the proposed pedestrian/ cycleway through Grants Bush is appropriate and that it is fenced.**

7.10 The submissions points that opposed the provision of a walkway through Grants Bush were evaluated by Mr Mark Lowe (ecology) and Ms Lauren White (urban design). Mr Lowe concluded that (refer para.6.13):

*"Providing dogs are excluded from the wider covenant area and signs are erected to encourage pedestrians to remain on formed paths, I do not consider it necessary to fence any proposed path through Grants Bush."*

7.11 Ms White advised that, the provision of a path through Grants Bush will ensure good pedestrian connections through the Structure Plan area. Ms White also advised that path was proposed to be 1.4m to enable pedestrians to be able to pass each other and that providing a formal path will also help to prevent residents from 'shot-cutting' along desire lines that could damage the bush.

7.12 In light of the evidence of Mr Lowe and Ms White, in conferencing it was agreed that the description of the Grants Bush Walkway contained in the Wallaceville Road Typologies be amended as follows:

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 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 should target exotic species for preferential removal over indigenous species and so as to avoid opening the 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 metalled 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.

7.13 And delete the following Grants Bush Precinct outcome:

- ~~• Secondary pedestrian connection provided through Grants Bush~~

7.14 And replace it with the following:

- Pedestrian connection through Grants Bush limited to the Grants Bush Walkway typology contained in the Wallaceville Road Typologies

7.15 And that the no amendments be made to require that the walkway be fenced.

## **8.0 COUNCIL HEARING REPORT TOPIC: HERITAGE**

8.1 With respect to the proposed new restricted discretionary rule for all new buildings and the significant alteration of existing buildings, Ms Boyd notes in the Council Hearing Report that recladding, repair or maintenance, and replacement of windows and doors may considerably alter the appearance of buildings if the materials are different to those existing. Accordingly the Council Hearing Report includes a recommendation that recladding, repair or maintenance and replacement of windows and doors (including their framing) only be excluded from the definition and subsequently from the new rule if the materials used is the same or similar than those existing.

8.2 I have accepted Ms Boyds recommendation and therefore we have agreed to amend the wording to the definition as follows (additions shown in red):

"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 recladding, repair and 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. ~~or~~ It does not include 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).



## 9.0 COUNCIL HEARING REPORT TOPIC: LAND SOUTH OF ALEXANDER ROAD

### Council Officer Recommendation:

- **Amend the Wallaceville Road Typologies to require a pedestrian crossing to be located between the triangle and the portion of the site located north of Alexander Road.**

9.1 I noted in conferencing that provision for pedestrian access is already shown on the indicative Alexander Road cross section. Notwithstanding this, to make it clear that a pedestrian connection from this area to the rest of the development is intended the WSP map be updated to include a pedestrian connection across Alexander Road. The amended map was included in the Joint Statement.

## 10.0 COUNCIL HEARING REPORT TOPIC: CONSIDERATION OF COUNCIL'S INFRASTRUCTURE NETWORKS

10.1 Ms Boyd in paragraph 6.1.3 of the Council Hearing Report states that a number of submitters raised concerns about the impact of development of the site on existing infrastructure services. I note however that the majority of submitter concerns in relation to this were associated with stormwater that is addressed as a separate matter.

10.2 Ms Boyd states that the Plan Change does not adequately address the impacts of services for the development on the wider network and recommends the following:

- **Amend policies 4.4.14 and 4.4.16 and the relevant parts of the Wallaceville Structure Plan to require consideration of the impacts on Councils infrastructure network.**

10.3 It was agreed through conferencing that the issues outlined above can be adequately dealt with through requiring an assessment of compliance with the Code as a matter of discretion for the new subdivision rules.

10.4 Section B1.4 of the Code requires that as part of any subdivision or land use consent, the development shall provide to Council a report demonstrating how the development will be serviced and the impact of the development on the existing infrastructure. This section also details the minimum requirements for the report, one of which being that it covers:

*“the impact of the development on the existing infrastructure and where the development cannot be adequately serviced by existing infrastructure, or is likely to significantly effect service to existing infrastructure users, how such effects will be overcome or mitigated”*

10.5 And:

*“the philosophy on which the roading and service sizes and layout has been based, and enough preliminary design and drawings to adequately show the development proposals and how they are addressing the requirements of the Code”*

10.6 As outlined above and in Table 1 of the Joint Statement it was agreed that this recommendation could be addressed by the inclusion of the following matter of discretion:

*“extent of compliance with the Code of Practice for Civil Engineering Works (1998) and Regional Standards for Water Services (November 2012)”*

## **11.0 COUNCIL HEARING REPORT TOPIC: INCORPORATION OF THE WALLACEVILLE STRUCTURE PLAN INTO THE DISTRICT PLAN**

- 11.1 Ms Boyd recommended in the Council Hearing Report that the Wallaceville Structure Plan and the additional business commercial appendix (Appendix Business 4) proposed be incorporated as one single appendix and that it be incorporated as a separate chapter (Chapter 39) in Part 4 – Appendices of the District Plan.
- 11.2 The inclusion of the Wallaceville Structure Plan into the residential chapter and the additional Gateway Precinct plan into the Business Commercial Chapter was proposed to ensure consistency with the layout of the District Plan and to be in line with additional plan provisions that had been incorporated into the plan after the plan became operative.
- 11.3 As a planner I see merit in trying to align as much as practicable with the existing format of the District Plan and how additional provisions and appendices introduced through previous plan changes have been incorporated into the District Plan.
- 11.4 That being said, if Council Officers that are charged with assessing applications made under the District Plan believe there is merit in providing all of the proposed appendices as one single Appendix (likely being Chapter 39: Wallaceville Structure Plan) then I do not oppose this provided that sufficient cross referencing is introduced into the relevant Residential Zone, Business Commercial Zone.
- 11.5 With respect to the comment of Ms Boyd that the heritage covenant is shown incorrectly on the Gateway Precinct Appendix, I note that, in error the southern boundary of the precinct as shown in the appendix is slightly incorrect. I also note that only the covenant area located within the Gateway Precinct / business commercial zone has been shown as it is intended that the new restricted discretionary signage rules, are proposed only for the business / commercial zone. I do not consider it necessary or appropriate to require consent for signs within the heritage covenant area located within the Urban Precinct. By its very nature signs are not prolific within residentially zoned areas. I also note that the new signage rule has been proposed to mitigate possible effects of signage on the heritage buildings within the covenant and the small portion of the covenant located within the Urban Precinct is far removed from these buildings.
- 11.6 On the basis of the above I have agreed with the recommendation of Ms Boyd provided that sufficient cross referencing is included in the relevant Chapters. The cross referencing has been amendment in the District Plan amendment table attached to the Joint Statement.