

Upper Hutt City Council

Variation 1 to Proposed Plan Change 49 - Silverstream Spur Section 32 Report

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Part 1: Overview to s32 evaluation

1.0 Introduction to Variation 1

- 1.0.1 The purpose of Variation 1 is to facilitate appropriate zoning and provisions for the Silverstream Spur located at number 60 Kiln Street, Upper Hutt (Pt Sec 1 SO 34755, Parcel ID:3875189). This is to enable the use of the Silverstream Spur for passive recreation, conservation, and customary activities of an appropriate scale that is compatible with the natural character and amenity value of the site. Variation 1 also introduces site-specific provisions to enable infrastructure including a transport corridor to make the Silverstream Spur accessible for these activities as well as opening access to potential development of the Southern Growth Area (SGA). A map of the Silverstream Spur showing the current zoning compared to proposed zoning is included in **Appendix 1**.
- 1.0.2 Upper Hutt City Council (UHCC) has prepared Variation 1 to Proposed Plan Change 49 - Silverstream Spur. Variation 1 looks to rezone the Silverstream Spur to Natural Open Space with site specific provisions to the Upper Hutt District Plan (the District Plan) for notification under the Resource Management Act 1991 (the RMA). This report provides an analysis of the Plan Change Variation, in accordance with Section 32 of the RMA.

1.1 Background to Variation 1

The Silverstream Spur is a 35-hectare site in the south-west of Upper Hutt purchased by UHCC in 1989. Under the Operative District Plan (ODP), the Silverstream Spur is currently split zoned between Rural Hill and Residential Conservation. The Silverstream Spur is not gazetted under the Reserves Act 1977. Proposed Plan Change 49 (PC49) did not make any changes to the current zoning of the site due to being considered out of scope of the plan change.

- 1.1.1 However, a strong theme among the submissions received on PC49 was the decision sought that the Silverstream Spur should be zoned as Natural Open Space. Out of the 27 submissions received, during the notification period, 12 requested the rezoning which was supported by 49 further submissions. A further submission also sought the provision of a road corridor through the Silverstream Spur to access the SGA.
- 1.1.2 The Silverstream Spur was subject to a Memorandum of Understanding (MoU) between UHCC and Guildford Timber Company (GTC) from 2016-2021, with the intention that the Silverstream Spur would be swapped with land under the GTC ownership, which would be used for recreation purposes.
- 1.1.3 The reason for the proposed swap was based on the strategic importance that the Silverstream Spur holds in unlocking the growth potential of the SGA, land owned by the GTC. The SGA is identified within the Upper Hutt Land Use Strategy (2016) as the main location for

new growth within the next 10-30 years, it also highlights the Silverstream Spur as key to providing access to the SGA. The SGA is also included in the Wellington Regional Growth Framework (2021) as an identified Future Urban Area.

1.1.4 PC49 did not propose inclusion of the Silverstream Spur due to the significant amount of uncertainty over the future use of the land.

- The MoU with GTC was in effect, so the land was intended to eventually be utilised for a range of different land uses once swapped or sold.
- With the uncertainty over the future of the ownership of the site and the approach of avoiding zoning private land as open space, a zoning change was not considered appropriate.
- Other work being undertaken by UHCC, including on the residential and rural plan change (Plan Change 50), were considered more appropriate to review the zoning of the Silverstream Spur.

Therefore, the approach of leaving the Silverstream Spur out of scope of the notified plan change was well reasoned.

1.1.5 However, since the notification of PC49 the situation regarding the Silverstream Spur has changed. During an Extraordinary Council Meeting on the September 22nd, 2021, Councillors agreed to conclude the MoU with GTC. Therefore, there is now greater certainty that the Silverstream Spur will remain in public ownership. Subsequently, it is now appropriate to look at the zoning provisions for the Silverstream Spur. However, due to changes that can be made to a notified plan change being limited by the scope of submissions received and the original purpose of the proposed plan, a variation is required.

1.2 Variation 1

The purpose of Variation 1 is to rezone the Silverstream Spur to Natural Open Space with the introduction of site specific provisions to enable infrastructure including a transport corridor. These provisions would focus on ensuring that there is a viable pathway to enable these provisions while also ensuring the underlying zone and the natural character of the site is recognised and provided for including the protection of identified indigenous vegetation.

1.2.1 UHCC is currently undergoing a rolling review of the Operative District Plan (ODP). As such, there are several plan changes currently in development, including:

- Plan Change 47- Natural Hazards review
- Plan Change 48a - Natural Features and Landscapes review
- Plan Change 48b - Significant Natural Areas review
- Plan Change 50 - Rural review
- Plan Change 53 - Heritage review
- Plan Change 54 – Commercial and Industrial review
- Intensification Planning Instrument (IPI)

1.2.2 Part 1 of this s32 evaluation report relies on Part 1 of the Section 32 report for PC49. This report is attached in **Appendix 2**. This provides an overarching introduction to the purpose of a s32 evaluation, the legislative requirements, and an overview of the process that the Council has undertaken to date through this plan change process, including consultation and engagement. Part 2 of the evaluation report contains an evaluation of the issues identified and the Variation response.

1.2.3 For the purposes of preparing this Variation, the Council has chosen to use the standard Schedule 1 process as opposed to the optional streamlined or collaborative alternatives now available under sections 80A – 80C of the RMA. The reasons for selecting this approach include:

- The Variation does not specially implement a national direction;
- There is no urgency to progressing the Variation;
- It is not required to meet a significant community need;
- The Variation is specific to a localised area but may have wide ranging interest; and
- The issue does not warrant the use of the collaborative process.

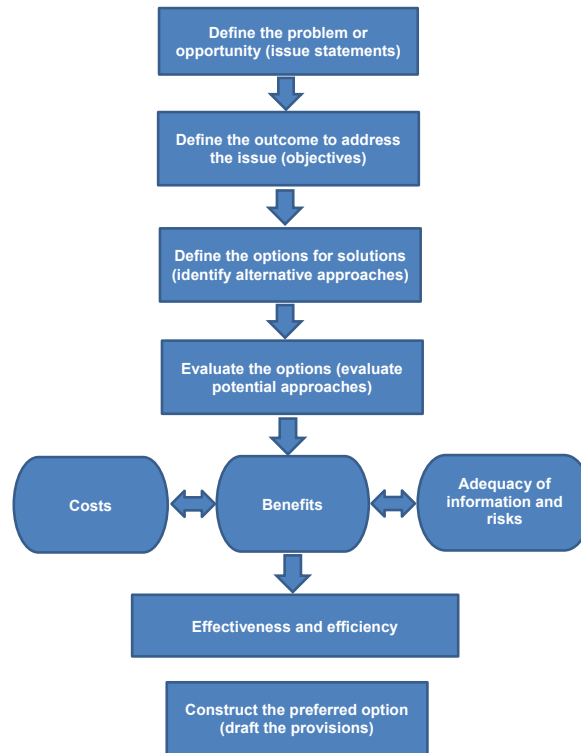
2.0 Methodology and approach to evaluation

2.1 Introduction

2.1.1 In order to ensure consistency of evaluation, the Council has developed a standard methodology and approach to its s32 evaluation. This approach has been developed taking into account guidance from the Ministry for the Environment, the Quality Planning website, case law and best practice approaches throughout the country. This methodology has been applied consistently across the development of all Proposed Plans.

The following flow chart outlines the step-by-step methodology that the Council has followed in undertaking its evaluation. The methodology is further explained in each Part of this evaluation but broadly comprises the following elements:

- An analysis of the relevant regulatory and policy context, including national planning instruments, regional policies and plans and non-statutory strategies and plans;
- Identification and analysis of the relevant issues relating to the topic, including the associated research commissioned, consultation undertaken, and information compiled, along with advice received from iwi authorities;
- An assessment of the scale and significance of the anticipated environmental, economic, social and cultural effects of the proposed provisions;
- An evaluation of the proposed objectives to determine their appropriateness in achieving the purpose of the RMA; and
- An evaluation of the proposed policies and rules and reasonably practical alternatives to achieve the proposed objectives, including the costs, benefits, effectiveness and efficiency of the approach and the risk of acting or not acting.



2.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

- 2.2.1 PC49 specifically excluded the Silverstream Spur as out of scope of the Plan Change due to the significant amount of uncertainty over the future use of the land therefore a variation is required to consider open space zoning and appropriate provisions for the site.
- 2.2.2 Council commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops, iwi engagement and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

2.3 Consultation

- 2.3.1 PC49 undertook an extensive consultation process (see Open Space section 32 report in **Appendix 2** for details) and this Variation is a response to the submissions received as part of this process. In addition, the Council has undertaken consultation and engagement with statutory parties in preparation of this Variation.

An email was sent to all Statutory Parties on June 21, 2022, seeking feedback on the purpose and provisions of the Proposed Variation. The table below outlines the consultation process and feedback received.

2.4 Engagement with Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika

Ngāti Toa and Taranaki Whānui were contacted by email regarding the purpose and provisions provided in the Proposed Variation. Ngāti Toa and Wellington Tenths Trust were also contacted by phone to discuss the Variation. Although providing no specific feedback at the pre-consultation phase, both iwi wanted to be kept up to date as the Variation progressed through the Schedule 1 process.

2.5 Stakeholder and sector engagement

Local Authorities	
Greater Wellington Regional Council	No feedback received
Hutt City Council	No feedback received
Kāpiti Coast District Council	No feedback received
Porirua City Council	No feedback received
South Wairarapa District Council	No feedback received
Tangata Whenua	
Ngāti Toa Rangatira	Ngāti Toa Rangatira did not provide any specific feedback at the draft stage. They requested to be kept updated as things progress through the Schedule 1 process.
Taranaki Whānui	
Port Nicholson Block Trust	Port Nicholson did not provide any feedback at the draft stage.
Wellington Tenths Trust	Wellington Tenths Trust did not provide any specific feedback at the draft stage. They requested to be kept updated as things progress through the Schedule 1 process.
Mātāwaka Māori	
Ōrongomai Marae	No feedback received

Government Departments and National Agencies	
Department of Conservation	No feedback received
Kāinga Ora	No feedback received
Ministry for the Environment	No feedback received
New Zealand Transport Agency - Waka Kotahi	Waka Kotahi did not provide any feedback at the draft stage. They requested to be kept updated as things progress through the Schedule 1 process.

2.6 Research, information, and analysis

2.6.1 The Council has commissioned technical advice and assistance from various internal and external experts and utilised this to assist with the development of this Variation. This research has informed the identification and assessment of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

- Engaged with the Developments Engineer of the Upper Hutt City Council on the proposed carriageway standards.
- Engaged with the landowner of the SGA.
- Silverstream Spur – Ecological Values Assessment prepared by Wildland Consultants (see **Appendix 3** for this report).
- The Open Spaces Plan Change: Economic Assessment of Zoning Changes report (Economic CBA report for PC49) prepared by Sense Partners. A link for this document is provided in Section 8 - Quantification of Benefits and Costs.

Part 2: Topic / Issue based s32

3.0 Overview and Purpose

3.1 Introduction to the resource management issue

3.1.1 This section 32 evaluation report focusses on the rezoning of the Silverstream Spur with proposed site specific provisions. The Silverstream Spur is currently publicly owned, but has no public access, and includes areas of identified significant indigenous vegetation. The Silverstream Spur could potentially provide a valuable contribution to the wellbeing of the Upper Hutt community, allowing recreation, customary, and conservation activities to occur in a natural setting. The Silverstream Spur is also strategically important to provide access to the SGA, an identified future growth area.

3.1.2 The Silverstream Spur was specifically out of scope of PC49 but a strong theme among the submissions was to seek rezoning of the Silverstream Spur to Natural Open Space or a similar zoning. The reasons provided by submitters for this request included:

- The Silverstream Spur is of ecological importance being utilised for wildlife migration and as a bird corridor, providing an important linkage between other green spaces in the area.
- UHCC should focus on enhancing native flora and fauna on the Silverstream Spur.
- The Silverstream Spur should not be developed for any residential purposes and should be used for conservation and recreation purposes exclusively.
- The Silverstream Spur defines the entry to Upper Hutt and is an iconic landscape that should be protected and maintained.
- The Silverstream Spur was originally purchased for the purpose of reserve land and UHCC should give effect to that original intent.

3.1.3 These original submissions were supported by 49 further submissions. One further submission sought that provision is made for a road corridor through the Silverstream Spur site to allow access to the SGA.

4.0 Regulatory and policy direction

4.1 Relevant sections

4.1.1 In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 4 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management 'means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment’.*

4.1.2 In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of Te Tiriti o Waitangi referred to in s8.

4.2 Section 6 Matters

4.2.1 The s6 matters of national importance relevant to this Variation are:

Section	Relevant Matter
6(c)	the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
6(e)	the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga
6(g)	the protection of protected customary rights

4.2.2 Section 6 matter (c) has been identified as relevant to this Variation. The proposed Natural Open Space Zone focuses on maintaining amenity value and natural character. Protecting natural areas, in particular identified areas of indigenous vegetation, is part of the proposed purpose of the Variation.

4.2.3 Section 6 matters (e) and (g) have also been identified as relevant to this Variation as the proposed Natural Open Space Zone allows for the undertaking of customary activities. This could be important for Māori, so it is important for the Variation to take particular regard to this matter.

4.3 Section 7 Matters

4.3.1 The s7 other matters that are relevant to this Variation are:

Section	Relevant Matter
7(a)	kaitiakitanga
7(aa)	the ethic of stewardship
7(b)	the efficient use and development of natural and physical resources
7(c)	the maintenance and enhancement of amenity values
7(f)	maintenance and enhancement of the quality of the environment
7(i)	the effects of climate change

4.3.2 Section 7 other matters of relevance include kaitiakitanga 7(a) and the ethic of stewardship 7 (aa), both of which are important considering the public nature of the Silverstream Spur. The proposed Natural Open Space zone of the Silverstream Spur will contribute strongly towards

the maintenance and enhancement of amenity values of the neighbourhood, and the quality of the environment for residents, such that matters 7(c) and 7(f) are relevant.

- 4.3.3 Matter 7(b) is relevant to the Variation as it relates to using public open space land in the best way possible in line with the principles of sustainable management. This includes ensuring it does not become overused and allowing a low scale level of development and built form to support appropriate activities.
- 4.3.4 The natural values of Natural Open Space zones, like the Silverstream Spur, have the potential to provide mitigation against the effects of climate change by retaining natural vegetation and protecting ecosystems, which can have positive effects for biodiversity as well as acting as carbon sinks, and therefore other matter 7(i) is relevant.

4.4 Section 8 Matters

- 4.4.1 Section 8 requires that the principles of Te Tiriti o Waitangi be taken into account when undertaking functions and powers under the Act. Council has met its statutory consultation requirements for iwi under the Act.
- 4.4.5 Through the development of this Variation, we have taken into account the fact that the Silverstream Spur could hold importance to iwi.
- 4.4.6 The provisions framework for the Natural Open Space zone allows for customary activities as a permitted activity, and this includes activities which provide for the special relationship between tangata whenua and places of customary importance.
- 4.4.7 The Variation is therefore considered to be consistent with Te Tiriti o Waitangi and section 8 of the Act.

4.5 National Instruments

- 4.5.1 National Policy Statements (NPSs) and National Environmental Standards (NESs) are set out in the Section 32 report for PC49 (attached in **Appendix 2**).
- 4.5.2 Due to the specific nature of the Variation the majority of the NPS and NES controls do not apply.
- 4.5.3 The National Policy Statement on Urban Development Capacity (NPS-UD) is the only NPS that is directly relevant to this Variation. The NPS-UD recognises the national significance of:
 - having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
 - providing sufficient development capacity to meet the different needs of people and communities.

Silverstream Spur is critical to enable infrastructure including a transport corridor to access the SGA. This area has been identified for future urban development consistent with the Council Land Use Strategy and Wellington Regional Growth Framework to meet the future housing needs of the City.

4.6 Regional Policy and Plans

- 4.6.1 The relevant parts of the Regional Policy and Plans are set out in the section 32 report for PC49 (report attached in **Appendix 2**).

4.7 Iwi Management Plan(s)

- 4.7.1 There are currently no Iwi Management Plans within the Upper Hutt District.

5.0 Resource Management Issues Analysis

5.1 Background

- 5.1.1 The Silverstream Spur is currently split zoned between Rural Hill and Residential Conservation which allows for potential development to occur on the site. Rezoning of the Silverstream Spur to Natural Open Space would conserve the natural character and associated ecological and landscape values of the site including the protection of identified indigenous vegetation.
- 5.1.2 Currently, the Silverstream has no public access, so the community do not have the full benefit of this area as public land. Provision of infrastructure including a transport corridor would allow the site to become publicly accessible. This would enable the community to utilise the space for a diverse range of activities, providing a positive contribution to health and wellbeing.
- 5.1.3 Upper Hutt has been identified as having a future shortage of housing to provide for a growing and more diverse population. Provision to enable infrastructure including a transport corridor would provide access to the SGA, an identified future urban growth area, to provide for this projected future housing shortage.

5.2 Advice from Ngāti Toa Rangatira and Taranaki Whānui

- 5.2.1 Under Clause 4A of Schedule 1 of the RMA local authorities are required to:
- provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
 - allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
 - have particular regard to any advice received before notifying the plan.
- 5.2.2 As an extension of this s32(4A) requires evaluation reports prepared in relation to proposed policy statements and / or plans to include summaries of:
- all advice received from Iwi authorities concerning the proposal; and
 - the response to that advice, including any proposed provisions intended to give effect to the advice.
- 5.2.3 Advice received from Ngāti Toa Rangatira and Taranaki Whānui regarding the draft Variation
- Ngāti Toa and Taranaki Whānui were contacted by email regarding the purpose and provisions provided in the draft Variation. Ngāti Toa and Wellington Tenth Trust were also contacted by phone to discuss the Variation. Although providing no specific feedback at the pre-consultation phase, they both wanted to be kept up to date as the Variation progressed through the Schedule 1 process.

5.3 Summary of the Issues Analysis

5.3.1 The objectives need to accurately address the resource management issues relevant to the zone; and the policies need to guide use and development in the zone. Refinement is needed in how the rules, standards and definitions give effect to the policies.

5.3.2 New Natural Open Space provision

The purpose of the Variation is to facilitate appropriate zoning and provisions for the Silverstream Spur. These provisions are to enable infrastructure including a transport corridor. This would provide access to the Silverstream Spur for passive recreation, conservation and customary activities of an appropriate scale that is compatible with the natural character and amenity value of the site as well as enabling access to potential development in the SGA.

5.3.3 The Upper Hutt City Open Space Strategy 2018 – 2028 identified that recreation is changing, with a growing preference for informal recreation and lower levels of participation in formal recreation. As well as an increase in the inclusion of environmental values within recreation areas. Subsequently, this increases the need for natural open spaces like the Silverstream Spur.

5.3.4 Alongside these changes to the way open spaces are utilised, the population demographics of Upper Hutt are changing¹. Upper Hutt is growing and will require further open spaces to support this growth. The Silverstream Spur provides access to a potential key urban growth area for the City.

5.3.5 PC49 introduced criteria for new open spaces, taken from the Open Space Strategy. This Variation considers whether the Silverstream Spur meets these criteria in the table below.

Criteria for new open space delivery		Silverstream Spur Open Space Assessment
Accessibility and visibility	Ease of physical access for people of all abilities, multiple and generous entrances, good passive surveillance from adjoining street(s). There should be road frontage across at least one boundary to ensure the park is visually accessible and contributes to the surrounding environment.	Provision of a transport corridor and associated infrastructure would allow greater access to the Silverstream Spur as an open space area.
Adaptability and resilience	Flexible space that can change with the seasons, recreation trends, demographic trends within the neighbourhood and climate change to support the community.	A growing preference for informal recreation as well as the inclusion of environmental values within recreation areas like the Silverstream Spur.

¹ <https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/Housing-and-Business-Development-Capacity-Assessment#section-1>

Amenity	Provides a good level of amenity values, open spaces are attractive, comfortable and enhance the liveability of neighbourhood through providing visual relief and borrowed views.	Rezoning the Silverstream Spur would ensure the amenity value of the surrounding neighbourhood as an attractive open space area.
Choice	Adds to the diversity of open space types and functions within the open space network.	A Silverstream Spur open space area would add choice to the already extensive and diverse range of open spaces found within Upper Hutt.
Equity	A balance of quality open spaces and facilities for all, based on housing and population density, income and health measures and demographic considerations.	Upper Hutt has predicted future population growth and will require further open spaces to cater for this growth.
Identity and sense of place	Provides for cultural, historical heritage, natural features, and ecological features and values to be protected and/or opportunities to enhance.	The Silverstream Spur has been identified by submitters as creating a sense of place by being an iconic landscape that forms the entry to Upper Hutt.
Landscape character	Contributes to the character of the neighbourhood and /or wider setting, landform, natural setting and orientation for good solar access and shade.	The Silverstream Spur is an attractive natural landscape that adds to the character of the neighbourhood.
Location and linkages	Consider immediate adjoining land use and the influence of adjacent activities. Consider gap analysis within the residential catchment (300m) and connectivity opportunities to the transport network, waterways and ecological corridors.	Rezoning the Spur as Natural Open Space would add to the amenity value of the surrounding properties and potentially provide an ecological corridor.
Purpose of space	Define target user group within the community, open space type, size, function, and values.	The purpose of the Silverstream Spur is to provide conservation, recreation, and customary activities to the community.

5.3.6 Open Space Strategy Alignment

This Variation will align with the Open Space Strategy Strategic Objectives as outlined in the table below:

Open Space Strategic Objectives		Silverstream Spur Open Space Assessment
Objective 1	Our open spaces are appropriately located	Providing access to the Silverstream Spur would add choice at the Southern end of the City to the already extensive and

		diverse range of open spaces found around Upper Hutt.
Objective 2	Our open spaces meet the needs of the community, and more people benefit from regularly using them.	Silverstream Spur as an open space would meet the needs of parts of the community to exercise, socialise, and relax outdoors.
Objective 3	Our open spaces are accessible and well connected, making it easier for people to exercise, play, socialise and relax outdoors.	Access to the Silverstream Spur would increase the number of open spaces available for the Upper Hutt community providing the benefits of accessing the outdoors for a greater number of people.
Objective 4	Our open spaces are enhanced to provide benefits for the environment and recreational experience	The Silverstream Spur is an attractive natural landscape that includes identified areas of indigenous vegetation and has potential as an area for recreation, conservation, and customary activities.
Objective 5	Our open spaces contribute to community identity, vibrancy and sense of place	The natural features of the Silverstream Spur contribute to community identity and sense of place. Submitters identified the Silverstream Spur as an iconic landscape that defines the entry to Upper Hutt.

6.0 Scale and Significance Evaluation

- 6.0.1 Under s32(1)(c) of the RMA, this evaluation report needs to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- 6.0.2 The following assessment considers the Variation in relation to eight factors and scores each factor out of 5 in terms of its scale and significance (where 1 is low and 5 is high). This is consistent with Ministry for the Environment guidance on Section 32 reports. There is a degree of subjectivity about this evaluation, and its primary purpose is to broadly determine the level of analysis required for this topic. It is not intended to be an economic cost-benefit analysis although it will help determine if one is required.

The Assessment concludes with a summary table that provides a final overall score for the scale and significance of the provisions, and therefore the level of analysis required.

Factor 1: Reason for the Change

We are undertaking a rolling review of our District Plan, a strong theme identified in the submissions received for PC49 Open Spaces was that the Silverstream Spur should be zoned as Natural Open Space with a request to enable a transport corridor to the SGA.

This would allow accessibility to the Silverstream Spur for passive recreation, conservation, and customary activities as well as opening access to potential development in the SGA.

Score: 3

Factor 2: Resource Management Issues / Problem Definition

This Variation does (indirectly) involve nationally significant (section 6) resource management issues. However, there are low consequences of environmental, social, or economic effects if proposal is ineffective as the Silverstream Spur is already publicly owned.

The Variation is not the subject of a NPS but has some relevance to enabling development consistent with NPS-Urban Development and is not comprehensively addressed within the RPS.

There is limited national or regional direction for open spaces.

Score: 2

Factor 3: Degree of Shift from the Status Quo

Current zoning of the Silverstream Spur is split Rural Hill and Residential Conservation. This would allow for the Silverstream Spur to have potential urban and rural development if appropriate access could be arranged through private land. However, the land is publicly owned and there is a community desire for it to be an open space. Rezoning the Silverstream Spur a to Natural Open Space Zone would allow for a greater level of certainty for the community and protect the site from inappropriate development.

The Silverstream Spur is currently publicly owned but is not utilised by the public due to having no public access. This lack of access also means the forestry on the Silverstream Spur has been difficult to manage effectively.

The provisions considered to be a major change to the status quo for this site. Generally, the provisions have been refined to better reflect the different characteristics of the zone and anticipate a more diverse range of activities that could occur. The provisions will also ensure that significantly less development will be enabled for this site.

Score: 4

Factor 4: Who and How Many Will be Affected/Geographical Scale of Effects

The management of the Silverstream Spur has created a good level of public interest through the submission process of PC49 and has subsequently led to this Variation.

However, there is a lower level of interest in this issue compared to other resource management issues in the City such as housing and infrastructure.

The Silverstream Spur is 35ha of publicly owned land so there are few private property rights considerations. The impact on the neighbours would generally be positive as the landscape and amenity value of the Silverstream Spur will be protected.

There are a large number of people that either use open spaces, or live next to open spaces and are affected by what happens within them. Rezoning the Silverstream Spur would generally be a positive change for the community.

Score: 3

Factor 5: Degree of Impact On or Interest from Iwi/Māori

Taranaki Whānui and Ngāti Toa have both been contacted by email regarding the draft Variation. No feedback was received. Ngāti Toa and Wellington Tenth's Trust were also contacted by phone to discuss the Variation. Although providing no specific feedback at the pre-consultation phase, they both wanted to be kept up to date as the Variation progressed through the Schedule 1 process.

The Variation does not affect Te Tiriti o Waitangi principles.

Score: 2

Factor 6: Timing and Duration of Effects

The effects of the Variation will be ongoing from the time any of its provisions become operative. As the 35ha area of land is publicly owned proposals for land use activities and development in this zone from the public will be negligible.

Rezoning of the Silverstream Spur would also allow for a greater level of certainty for the public on how the site is to be managed.

Score: 2

Factor 7: Type of Effects

The range of effects is limited as the proposal:

- would reduce development opportunities or land use options and retain the land as a public asset.*
- would not have a major financial impact with the loss of development opportunities.*
- would not have significant adverse effects on neighbouring properties, is likely to have significant positive effects for the neighbours.*

Score: 2

Factor 8: Degree of Risk and Uncertainty

Changing of zoning to Natural Open Space with site specific provisions would provide certainty to the management of the Silverstream Spur.

Score: 1

Overall Scale and Significance

Table 1 Summary of Scale and Significance below lists the factors discussed above and the scores for each factor. The scores are then combined to give a total scale and significance score for the topic.

Table 1 Summary of Scale and Significance

Factor	Score
1. Reason for Change	3
2. Problem / Issue	2
3. Degree of Shift from Status Quo	4
4. Who and How Many Affected, Geographic Scale of Effects	3
5. Degree of Impact on or Interest from Māori	2
6. Timing and Duration of Effects	2
7. Type of Effect	2
8. Degree of Risk or Uncertainty	1
Total (out of 40)	19

Total Score Interpretation

0-10 Scale and Significance = Low

11-20 Scale and Significance = Moderate

21-30 Scale and Significance = High

31-40 Scale and Significance = Very High

The overall scale and significance of this proposal has been assessed as being **moderate** (scores 19/40).

6.0.3 Based on this assessment the scale and significance of the proposed provisions are considered to be moderate for the reasons outlined above. Consequently, a moderate level evaluation of these provisions has been identified as appropriate for the purposes of this report.

7.0 Strategic Directions

7.0.1 The strategic directions for Open Space Plans are set out in the Section 32 report for PC49 (attached in **Appendix 2**).

8.0 Quantification of Benefits and Costs

8.0.1 Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.

8.0.2 Given the assessment in section 6 of the scale and significance of the proposed provisions, specific quantification of the benefits and costs has been undertaken for the purposes of this report and are reflected in the assessment of policies, rules and other methods contained in section 12.

Consideration	Assessment		Comment
	Low	High	
The proposal would result in a more restrictive regime than the status quo	X		More restrictive provisions in terms of building and land use on the Silverstream Spur but will enable access to the SGA.
Evidence demonstrates that the status quo is resulting in significant adverse effects	X		No current significant adverse effects are resulting from the existing status quo.
The proposal would result in a significant loss of development opportunity / potential above the status quo	X		The Silverstream Spur is publicly owned land, and it is not currently intended to have significant development.
The proposal is likely to result in loss of employment opportunities	X		The proposal is not considered to result in any loss of employment, as the existing land uses will remain. Natural Open Space in Upper Hutt is considered to be attractive to visitors and accessibility to the Silverstream Spur could possibly provide future employment opportunities and indirect financial benefits.
The introduction of a more permissive regime that could result in significant adverse effects on s6 matters	X		The overall provisions are not expected to result in a significant effect on any s6 matters.
Likelihood of significant indirect or flow-on effects	X		These are considered to be low, considering the specialised nature of the zone.
The proportion of the city that is likely to be affected	X		The Silverstream Spur is a relatively small area that would be protected from potential development.
The level of uncertainty around the proposal, its effects, and the availability of relevant information	X		The provisions will provide a greater level of certainty of how the site will be managed.
The level of base economic information available within the Council	X		The most substantial economic information available to Council is the completed Housing and Business Capacity Assessment (CBA).

Access to a suitably qualified economic resource within the available timeframe	X		PC47 had an Economic CBA report completed looking at open space as an economic resource. This report is relevant for the assessment of the provisions of the Variation.
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8.0.3 Given the assessment in section 6 on the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic. Instead, this report identifies more generally where any additional costs or benefits may lie.

8.0.4 In April 2021 Upper Hutt City Council approached Sense Partners to conduct an economic assessment of a series of draft provisions related to open space zoning. The Economic CBA report for PC49 was prepared in accordance with Section 32 of the RMA to support this plan change to the UHCC Operative District Plan². This report considered the economic impact of natural open space areas and in summary stated that:

“estimates from a hedonic price model for Upper Hutt suggests that moving a \$500,000 dwelling from the average distance to an urban park (690 metres) to immediately next to a park increases the value of the property by \$3,467. While open space is clearly valuable to residents, it is easy to both understate and overstate benefits. On the one hand, the increase of \$3,467 should be interpreted as the capitalised value of the returns from locating close to a park in each year. On the other hand, open space can be enjoyed without locating next to open space”.

The Silverstream Spur is similar to other natural open spaces considered in this report but has the addition economic benefits of enabling infrastructure including a transport corridor to access a potential future key urban growth area.

The Economic CBA report for PC49 outlined the following information relevant to open space and subsequently the Silverstream Spur.

Open space is often non-excludable and non-rivalrous, a classic public good
<ul style="list-style-type: none"> • Communities often enjoy open spaces for a range of recreational activities.
<ul style="list-style-type: none"> • Upper Hutt is no different. Residents enjoy a wide range of different types of open space including urban parks, forest and regional parks and the Hutt River.
<ul style="list-style-type: none"> • Open space is typically non-excludable – it is generally difficult to prevent others from using the same area.
<ul style="list-style-type: none"> • Open space is also typically non-rivalrous – if one person uses the good then it is not used up or consumed, preventing others from using the space.

² <https://www.upperhuttcity.com/files/assets/public/districtplan/pc49/pc49-section-32-report.pdf>

8.0.5 Open space is a public good

Open space provides a range of amenity values to the community, it is important that UHCC plays an active role in the provision of open space. Once put in place, open space is non-excludable and non-rivalrous which are key qualities of public goods. Anyone that turns up can use the space with the use not reducing the amount available for others.

8.0.6 Amenity value of open spaces

The amenity of open spaces differs depending on the type of open space considered. For example, parks located in urban settings are found to return higher values than other areas of open space such as forests or undeveloped land.

9.0 Reference to other evaluations

9.0.1 This report should also be read in conjunction with the following evaluations:

- PC49 – Section 32 Report (found in **Appendix 2**)

10.0 Proposed Provisions (Objectives, Policies and Rules)

The proposed provisions are set out in the report below and should be referred to in conjunction with this evaluation. These provisions contain:

- Objectives from PC49 and current Operative District Plan Objectives.
- Introduced Policies relevant to the Natural Open Space Zone.
- Introduced activity table that identifies the status of activities on the Silverstream Spur related to the transport corridor and associated network utility infrastructure and the removal of indigenous vegetation.
- Introduced set of standards specific to the transport corridor.
- No new definitions have been introduced.

10.1 Proposed Objectives of the Natural Open Space Zone and Open Space and Recreation Zone relevant to the Variation

NOSZ-01	Purpose of the Natural Open Space Zone
	The Natural Open Space Zone enables a range of passive recreation, customary and conservation activities with ancillary structures which occur within the natural environment and have a high degree of interaction with natural features.

NOSZ-02	Character and Amenity Values of the Natural Open Space Zone
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Activities and development within the Natural Open Space Zone maintain the amenity values and natural character of the Natural Open Space Zone by ensuring that they are of an appropriate scale, including:

1. A low scale and level of development and built form which is purposed to support appropriate activities;
2. Indigenous vegetation is retained with associated natural and ecological value; and
3. Spaces are accessible and positively contribute to health and wellbeing of communities.

OSRZ-01	Open Space Network
Upper Hutt has a well-connected and accessible open space network which meets the current and future recreational, conservation, and cultural needs of the district, and supports economic wellbeing through tourism destination opportunities.	

OSRZ-02	Protecting Values
Sport, recreation, leisure activities, and development within Open Space and Recreation Zones is enabled, whilst ensuring the amenity, environmental and cultural values of the open space network are protected.	

OSRZ-03	Open Space Provisions
Sufficient additional open space capacity is located and designed to meet the future recreational, sports and leisure needs of the Upper Hutt community.	

10.1.1 NOSZ-01 identifies the purpose of the zone and the range of appropriate activities and ancillary structures to support these activities. This objective meets the purpose of the Variation as access to the Silverstream Spur would provide appropriate recreation, conservation, and customary activities which would enable the community to experience and benefit from an area of natural open space.

10.1.2 NOSZ-02 identifies the amenity values and character of the zone. By defining these qualities, it allows for consideration of how these can be maintained and enhanced through the different activities and development occurring. These would be an important consideration through any resource consent application as the matters of discretion would consider these values. This objective supports the purpose of the Variation as the Silverstream Spur adds to the amenity value and natural character of the City and future protection of this area, in particular the indigenous vegetation, would rely on consideration of the values before any development occurred.

10.1.3 OSRZ-01 provides for a well-connected and accessible open space network to meet the current and future needs of the district. The Silverstream Spur currently has no public access so to enable infrastructure including a transport corridor would allow access for the community as well as increasing the open space network for a growing population with changing recreational needs in line with the purpose of the Variation.

10.1.4 OSRZ-02 identifies appropriate activities and development within open space while protecting the amenity, environmental, and cultural values of the area. This objective meets

purpose of the Variation as rezoning the Silverstream Spur with public access would provide recreation, conservation, and customary activities to occur while protecting the environmental values of the site.

10.1.5 OSRZ-03 seeks that sufficient open space is available to meet the needs of the community. This objective meets the purpose of the Variation as public access to the Silverstream Spur would add to the already varied and extensive open space network found in Upper Hutt to cater for an increasing population with more diverse recreational needs.

10.1.6 In summary, the proposed objectives related to the Variation:

- Allow for activities and development of an appropriate scale to occur protecting natural character with associated ecological and landscape values. In particular, the protection of indigenous vegetation through the identification of Significant Natural Areas on the Silverstream Spur.
- Provide a valuable contribution to the wellbeing of the Upper Hutt community, allowing them to undertake recreation, customary and conservation activities in a natural setting.
- Maintain natural character of the Silverstream Spur with a low level of development, with structures and development focused on enabling and facilitating the use of this space for appropriate activities.
- Allow for activities and uses on publicly owned land but required users to obtain permission (such as a lease or a licence) from the relevant administering authority where necessary. This is in addition to any requirements under the District Plan and the Act.

10.2 Objectives in the Operative District Plan relevant to the Variation

ECO-01	
The protection and enhancement of significant indigenous ecosystems and biological diversity.	

NU-04	
To manage any adverse effects on the environment resulting from the design, location, construction, operation, upgrading and maintenance of network utilities.	

TP-01	
To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.	

10.2.1 ECO-01 seeks the protection and enhancement of significant indigenous ecosystems and biodiversity. This meets the purpose of the Variation to protect the natural character and amenity value of the site from inappropriate use and development in particular the protection of indigenous vegetation through the identification of Significant Natural Areas.

10.2.2 NU-O4 manages adverse effects on the environment from network utilities. This objective meets the purpose of the Variation as identified Significant Natural Areas on the Silverstream Spur will be protected from earthworks and development of regionally significant infrastructure including the transport corridor.

10.2.3 TP-O1 identifies that the benefits of regionally significant network utilities are recognised and protected. This objective meets the purpose of the Variation, although the Silverstream Spur currently has no regionally significant network utilities, the proposed infrastructure including a transport corridor would be considered part of the regionally significant infrastructure of the City.

10.2.4 These objectives will be used to evaluate the provisions of this Variation in the following sections.

10.3 Proposed Introduced Policies of the Variation

10.3.1 The Variation introduces two policies for the NOSZ which are specific to the Silverstream Spur. These are:

NOSZ-P6	Silverstream Spur Infrastructure
<p><u>Enable infrastructure including a transport corridor within the Silverstream Spur (PT Sec 1 SO 34755, Parcel ID: 3875189) at an appropriate scale, design, and location to:</u></p> <ul style="list-style-type: none"> (a) <u>Provide for a range of passive recreation opportunities; and</u> (b) <u>Support for the development of the Southern Growth Area;</u> 	

NOSZ-P7	Silverstream Spur Natural Area
<p><u>Adverse effects from development on the Silverstream Spur Natural Area shall be:</u></p> <ul style="list-style-type: none"> (a) <u>avoided where practicable; and</u> (b) <u>where adverse effects cannot be demonstrably avoided, they are mitigated where practicable; and</u> (c) <u>where adverse effects cannot be demonstrably mitigated, they are remedied where practicable; and</u> (d) <u>where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and</u> (e) <u>if biodiversity offsetting is not appropriate, the development itself is avoided.</u> 	

10.3.2 NOSZ-P6 focusses on the provision of infrastructure including a transport corridor which would provide access to the Silverstream Spur and to the SGA. This policy would enable development at an appropriate size and scale and focusses on compliance to be met with conditions imposed ensuring that the activity is suitably controlled. This is further reinforced through NOSZ-P7 which focusses on protecting areas on the Silverstream Spur that have been

identified as Significant Natural Areas. It considers activities and development unsuitable within the zone based on their effects and potential loss of identified areas.

10.3.3 Through this policy framework it is intended to ensure that activities and development within the Silverstream Spur are complimentary to the purpose of the site are enabled, while also ensuring those activities and development which are not complimentary to the purpose of the site are avoided, and any adverse effects are managed. The result of these policies is that the amenity values and character of the site is maintained, while infrastructure including a transport corridor are enabled.

10.4 Proposed Rules and Standards of the Variation

10.4.1 The Variation includes two additional rules and one standard to be added to the NOSZ that are specific to the Silverstream Spur. These are:

<u>NOSZ-R15</u>	<p><u>Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</u></p> <p>1. <u>Activity Status: CON</u> <u>Where:</u> a) <u>Compliance is achieved with:</u> i. <u>NOSZ-S4;</u> <u>Council may impose conditions over the following matters:</u> b) <u>Landscaping.</u> c) <u>Road alignment location and design.</u> d) <u>Provision of and effects on network utilities and/or services.</u> e) <u>Earthworks.</u> f) <u>Protection of any special amenity feature.</u> g) <u>Financial contributions.</u> h) <u>Effects on biodiversity in the identified Significant Natural Area</u></p>
	<p>2. <u>Activity Status: DIS</u> <u>Where:</u> a) <u>compliance not achieved with</u> i. <u>NOSZ-S4</u></p>
<u>NOSZ-R22</u>	<p><u>Removal of indigenous vegetation on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</u></p> <p>1. <u>Activity Status: DIS</u></p>
<u>NOSZ-S4</u>	<p>1. <u>Carriageway traffic lanes width shall not exceed 3.5m per lane.</u> 2. <u>Footpath or shared path shall be provided on one side of the road.</u> 3. <u>Gradient shall not exceed 1:8.</u> 4. <u>Parallel parking may be provided along one side of the road.</u> 5. <u>Transport corridor and earthworks are not within the Silverstream Spur Natural Area</u></p>

- 10.4.2 The general permitted activity rules and standards for the NOSZ will apply to the Silverstream Spur alongside the addition rules proposed by this Variation. Therefore, these are considered to have covered under PC49 s32 report.
- 10.4.3 NOSZ-R15 relates to NOSZ-P6 allowing for the transport corridor and associated network utility infrastructure to be a Controlled Activity taking into consideration matters identified in NOSZ-S4 through the resource consent process. Where compliance is not met with these standards the activity status is Discretionary allowing conditions to be imposed or consent not granted. NOSZ-S4 standards 1 to 4 relate to specific requirements for the transport corridor while NOSZ-S5 standard 5 relates to the transport corridor and earthworks not being located within any identified Significant Natural Areas on the Silverstream Spur.
- 10.4.4 NOSZ-R22 relates to NOSZ-P7 with the removal of indigenous vegetation and adverse effects from development. The activity is considered a Discretionary activity through the resource consent process allowing for conditions to be imposed or consent not being granted. This is likely to be triggered with development of infrastructure including a transport corridor from Kiln Street as recent mapping provided indicates areas of indigenous vegetation to cross the width of the Silverstream Spur in an East to West direction (see attached Ecological report in **Appendix 3**). This suggests that it may be more appropriate to access the Silverstream Spur and SGA from Reynolds Bach Drive to avoid these areas of identified indigenous vegetation.

11.0 Objectives Evaluation

- 11.0.1 There are no new objectives proposed as part of this Variation. Objectives for the Natural Open Space Zone and Open Space and Recreation Zone have been evaluated through PC49 – Section 32 Report (found in **Appendix 2**). Relevant Objectives introduced through PC49 have been evaluated in section 10.

12.0 Policies and Rules Assessment

12.1 Introduction

This section of the report evaluates the proposed policies and rules, as they relate to the associated objective(s). Along with the proposed provisions of this Variation, the Council has identified the only other reasonably practicable option for achieving the objectives is retaining the status quo zoning and provisions.

The technical and consultation input that has informed the evaluation of the proposed provisions is set out in section 2 of this report, above.

12.2 Evaluation method

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). This evaluation is contained in the sections that follow.

12.3 Provisions to achieve identified Objectives

For the purpose of this evaluation, the Council has considered the two following potential options:

1. The proposed provisions.
2. The status quo.

Policies NOSZ-P6 and NOSZ-P7	
NOSZ-P6	Silverstream Spur Infrastructure
<p>Enable infrastructure including a transport corridor within the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189) at an appropriate scale, design, and location to:</p> <ul style="list-style-type: none"> (a) Provide for a range of passive recreation opportunities; and (b) Support for the development of the Southern Growth Area; 	
NOSZ-P7	Silverstream Spur Natural Area
<p>Adverse effects from development on the identified Silverstream Spur Significant Natural Areas shall be:</p> <ul style="list-style-type: none"> (a) avoided where practicable; and (b) where adverse effects cannot be demonstrably avoided, they are mitigated where practicable; and (c) where adverse effects cannot be demonstrably mitigated, they are remedied where practicable; and (d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and (e) if biodiversity offsetting is not appropriate, the development itself is avoided. 	
NOSZ-R15, R22 and NOSZ-S4	
NOSZ-R15	<p>Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189)</p> <ul style="list-style-type: none"> 1. Activity Status: CON <p>Where:</p> <ul style="list-style-type: none"> a) Compliance is achieved with: <ul style="list-style-type: none"> ii. NOSZ-S4; <p>Council may impose conditions over the following matters:</p> <ul style="list-style-type: none"> b) Landscaping. c) Road alignment location and design. d) Provision of and effects on network utilities and/or services. e) Earthworks. f) Protection of any special amenity feature. g) Financial contributions. h) Effects on biodiversity in the identified Significant Natural Area.

	<p>2. Activity Status: DIS</p> <p><u>Where:</u></p> <p>a) compliance not achieved with</p> <p>ii. NOSZ-S4</p>		
NOSZ-R22	<p>Removal of indigenous vegetation on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</p> <p>1. Activity Status: DIS</p>		
NOSZ-S4	<p>1. Carriageway traffic lanes width shall not exceed 3.5m per lane.</p> <p>2. Footpath or shared path shall be provided on one side of the road.</p> <p>3. Gradient shall not exceed 1:8.</p> <p>4. Parallel parking may be provided along one side of the road.</p> <p>5. Transport corridor and earthworks are not within the identified Significant Natural Area.</p>		
Option 1: Rezone Silverstream Spur to Natural Open Space with site specific provisions (preferred option)	Costs	Benefits	Risk of Acting / Not Acting
<p>Rules:</p> <p>NOSZ-R15</p> <p>NOSZ-R22</p> <p>NOSZ-S4</p> <p>Maps:</p> <p><i>Change maps to reflect the rezoning of the Silverstream Spur</i></p>	<p>Environmental</p> <p>Direct environmental costs of the rezoning are:</p> <ul style="list-style-type: none"> • Development of the site specific infrastructure including a transport corridor will have direct environmental impact on the where this occurs. Approximately 10% of the site would be required for this. • There may be some small effect to the environment based on activities occurring and potential development, but these will be 	<p>Environmental</p> <p>Direct environmental benefits of the rezoning are:</p> <ul style="list-style-type: none"> • These provisions will protect the site from inappropriate development and built form to retain the natural/biodiversity values. • Protection of identified significant indigenous vegetation. • Provides appropriate control over built form and the location of buildings to facilitate the maintenance and 	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and rule.</p>

<p><i>from Residential Conservation/ Rural Hill split zoning to Natural Open Space Zone with site specific provisions.</i></p>	<p>expected to be minor based on the standards within the rule framework.</p> <ul style="list-style-type: none"> • Potential traffic increase and noise on surrounding local roads with capacity constraints if the SGA developed. <p>Economic</p> <p>Direct economic costs of the rezoning are:</p> <ul style="list-style-type: none"> • Potential development under the current split zoning of Rural Hill/ Residential Conservation the Silverstream Spur would be lost for the Council. • There will be an inherent cost for any development or activity which require a resource consent under the conditions. • Insufficient water and wastewater infrastructure capacity available to support development of the SGA. • Potential loss of value for adjacent properties to the SGA as amenity values reduce due to increased traffic, noise, and loss of vegetation. • There will be a cost to Council as the changes will involve a plan change process with a potential hearing, and a cost as the Council adopt the new chapter and make the necessary changes to the District Plan and mapping services. • Development of the site specific provisions will have a financial cost. <p>Social</p> <p>Direct social costs of rezoning are:</p>	<p>enhancement of the character and amenity values of the Zone.</p> <ul style="list-style-type: none"> • Potentially inappropriate activities will be managed though the resource consent process to ensure environmental effects are avoided, remedied, or mitigated. <p>Economic</p> <p>Direct economic benefits of the rezoning are:</p> <ul style="list-style-type: none"> • Accessible Natural Open Spaces attract visitors to the area. • Potential increased of property values for surrounding neighbours as identified in the CBA. • Site specific provisions of infrastructure including a transport corridor allows access to the SGA • Increased population to support local businesses. • Increased ratepayer base to fund infrastructure. • Increased employment for construction sector. <p>Social</p> <p>Direct social benefits of the rezoning are:</p> <ul style="list-style-type: none"> • Zoning aligns with community aspirations. • Rezoning with site specific provisions will allow public access to the area enabling recreation and conservation activities. A valuable contribution to the physical and 	
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	<ul style="list-style-type: none"> • Potential noise, dust and traffic issues involved with development of the SGA on neighbours. <p>Cultural</p> <p>Direct cultural costs of rezoning are:</p> <ul style="list-style-type: none"> • Sites significant to Māori will need to be identified and avoided in development of the infrastructure including a transport corridor. 	<p>mental health and wellbeing of the community.</p> <ul style="list-style-type: none"> • Increased social interaction. • Increased health and safety for residents. • The increased number of properties provided by potential development of the SGA will increase housing capacity for the community. <p>Cultural</p> <p>Direct social benefits of the rezoning are:</p> <ul style="list-style-type: none"> • Will provide for customary activities and protection of any site significant to Māori. • Meet the principles of Te Tiriti o Waitangi. 	
Effectiveness and efficiency	<p>Effectiveness</p> <p>The provisions are effective in achieving the purpose of the Variation and are consistent with objectives NOSZ-01 and NOSZ-02 of PC49 by maintaining the amenity value and natural character of the area and enabling a range of passive recreation, customary, and conservation activities. In addition, the provisions are effective in achieving the site specific provision of the potential development of infrastructure including a transport corridor to access the Silverstream Spur and potential development of the SGA.</p> <p>Efficiency</p> <p>The proposed provisions are likely to achieve the objective of providing the accessibility, and all the benefits, to an open space zone to the community. The infrastructure including a transport corridor would also allow for accessibility to the SGA and the provision of housing which is needed to meet community needs.</p>		
Overall evaluation	<p>Option 1 is the most appropriate way to achieve the purpose of the Variation. The benefits are considered to be greater than the costs as identified above. This option meets the aims of the RMA by managing resources sustainably. It is efficient and effective in relation to the proposed objectives of the NOSZ in PC49 as well as meeting current Objectives, ECO-O1, NU-O4, and TP-O1 of the Operative District Plan. This option also meets the potential access to an identified future development area in the Upper Hutt Land Use Strategy and the Wellington Regional Growth Framework.</p>		

Alternative approach to provisions	Costs	Benefits	Risk of Acting / Not Acting
<p>Option 2: Do not rezone-retain status quo</p> <p>No changes to policies, rules, or other methods.</p>	<p>Environmental</p> <p>Direct environmental costs of keeping the status quo are:</p> <ul style="list-style-type: none"> • The Silverstream Spur will not have the same level of protection from development that it would through being rezoned NOS. • Potential loss of vegetation and amenity values. • Potential traffic increase and noise on surrounding local roads with capacity constraints if site is developed. <p>Economic</p> <p>Direct economic costs of keeping the status quo are:</p> <ul style="list-style-type: none"> • Insufficient water and wastewater infrastructure capacity available to support this level of development at this location will require significant upgrades of systems. • Cost to Council to develop sites for housing. • Resource consent application and subdivision certification costs. <p>Indirect economic costs of keeping the status quo are:</p>	<p>Environmental</p> <p>No direct or indirect environmental benefits have been identified.</p> <p>Economic</p> <p>Direct economic benefits of keeping the status quo are:</p> <ul style="list-style-type: none"> • Potential development under the current split zoning of Rural Hill/ Residential Conservation of the Silverstream Spur for the Council. • Less cost and time associated with undertaking the Plan Change process. • Increased population to support local businesses. • Increased ratepayer base to fund infrastructure. • Increased Employment for construction sector. <p>Social</p> <p>Direct social benefits of keeping the status quo are:</p> <ul style="list-style-type: none"> • The current zoning allows for some access to the Silverstream Spur for recreational purposes. 	<p>There is no risk of acting or not acting as this is the current situation.</p>

	<ul style="list-style-type: none"> • Potential loss of value for adjacent properties as amenity values reduce due to increased traffic, noise, and loss of vegetation. <p>Social</p> <p>Direct social costs of keeping the status quo are:</p> <ul style="list-style-type: none"> • The community will not have the benefits of easily accessing the Silverstream Spur for recreation and conservation activities. • Potential noise, dust and traffic issues involved with development on neighbours. • Will not provide access to the SGA to increase housing capacity for the community. <p>Cultural</p> <p>Direct cultural costs of keeping the status quo are:</p> <ul style="list-style-type: none"> • The Silverstream Spur will not have the same level of protection for customary activities as the proposed zoning will provide. 	<ul style="list-style-type: none"> • The current zoning will allow for some development which will provide housing required by the community. <p>Cultural</p> <ul style="list-style-type: none"> • No direct or indirect cultural benefits have been identified. 	
<p>Effectiveness and efficiency</p>	<p>Effectiveness</p> <p>This option is not as effective in contributing to the purpose of the Variation as it does not meet objectives NOSZ-01 and NOSZ-02 of PC49. The status quo zoning allows for development and does not enable the site to be used for recreation, conservation, and customary activities. The status quo provisions are ineffective as they do not enable the potential development of infrastructure including a transport corridor to access the Silverstream Spur and potential development of the SGA. Overall, this option is not as effective as option 1.</p>		

	<p><i>Efficiency</i></p> <p>Option 2 is unlikely to meet the proposed provisions of the Variation or the introduced Policies. This option is not as efficient as Option 1 as it does not provide accessibility, and all the benefits, to an open space zone to the community or enable infrastructure including a transport corridor. This would not allow for accessibility to the SGA and the provision of housing which is needed to meet community needs.</p>
<p><i>Overall evaluation</i></p>	<p>Option 2 does not achieve the purpose of the Variation and the introduced Policies. The costs are considered to be greater than the benefits as identified above. It does not meet the aims of the RMA by managing resources sustainably. It is not efficient or effective in relation to the proposed objectives of the NOSZ in PC49 as well as current Objectives, ECO-O1, NU-O4, and TP-O1 of the Operative District Plan. Option 2 does not allow for potential connection to the SGA, a potential future growth area identified in the Council Land Use Strategy and Wellington Regional Growth Framework. For these reasons it is not as appropriate as Option 1 in achieving the purpose of the Variation.</p>

12.4 Conclusion of the evaluation

12.4.1 It was clear from the number of submissions and further submissions received that the community felt strongly about the protection and rezoning of the Silverstream Spur. The submitters consider the Silverstream Spur to be of “ecological importance” and an “iconic landscape defining the entry to Upper Hutt” that should be “protected and maintained”.

Although there has been no specific evidence provided by any of the submitters in support of the ecological or landscape value of the site, parts of the Silverstream Spur have been identified as meeting the threshold for a Significant Natural Area.

12.4.2 Overall, I recommend accepting the request to rezone the Silverstream Spur as Natural Open Space is appropriate, based on the certainty that the site is intended to remain in public ownership, will not be sold or swapped, and is not currently proposed for residential development. This zoning will align with community aspirations for the land in response to submissions received. Therefore, a change of the underlying zoning to reflect the natural character and public ownership of the site is considered appropriate.

12.4.3 Due to the Silverstream Spur currently having no public access the introduction of site-specific provisions, to enable infrastructure including a transport corridor, to make the Silverstream Spur accessible for these activities is also recommended.

12.4.4 The importance of the SGA in terms of potentially delivering development for future housing needs in Upper Hutt, something which is recognised within local and regional strategies and plans, cannot be disregarded. The delivery of development on the SGA is still intrinsically linked with the access through the Silverstream Spur site.

12.4.5 Understanding the likely future use of the site will be focused on infrastructure including a transport corridor, any zoning of Natural Open Space would make a consenting pathway for such development difficult to achieve. The proposed provisions for the Natural Open Space zone are focused on maintaining and protecting the natural character of the zone while allowing for activities and development of a suitable scale aligned with the purpose of the zone. Therefore, if the simple rezoning approach was taken this would not be recognising that the Silverstream Spur has been identified as an area where infrastructure including a transport corridor could be provided. Therefore, I do not believe the rezoning approach without looking at suitable site specific provisions is suitable.

12.4.6 Site specific provisions will focus on ensuring that there is a viable pathway to enable infrastructure including a transport corridor on the Silverstream Spur while also ensuring the underlying zoning and the natural character of the site are recognised and provided for.

12.4.7 I propose that introducing site specific provisions for the Silverstream Spur site is the best approach in this instance. The provisions enable specific works and protect significant natural areas while retaining the remainder of the Silverstream Spur for public recreation activities.

13.0 Conclusion

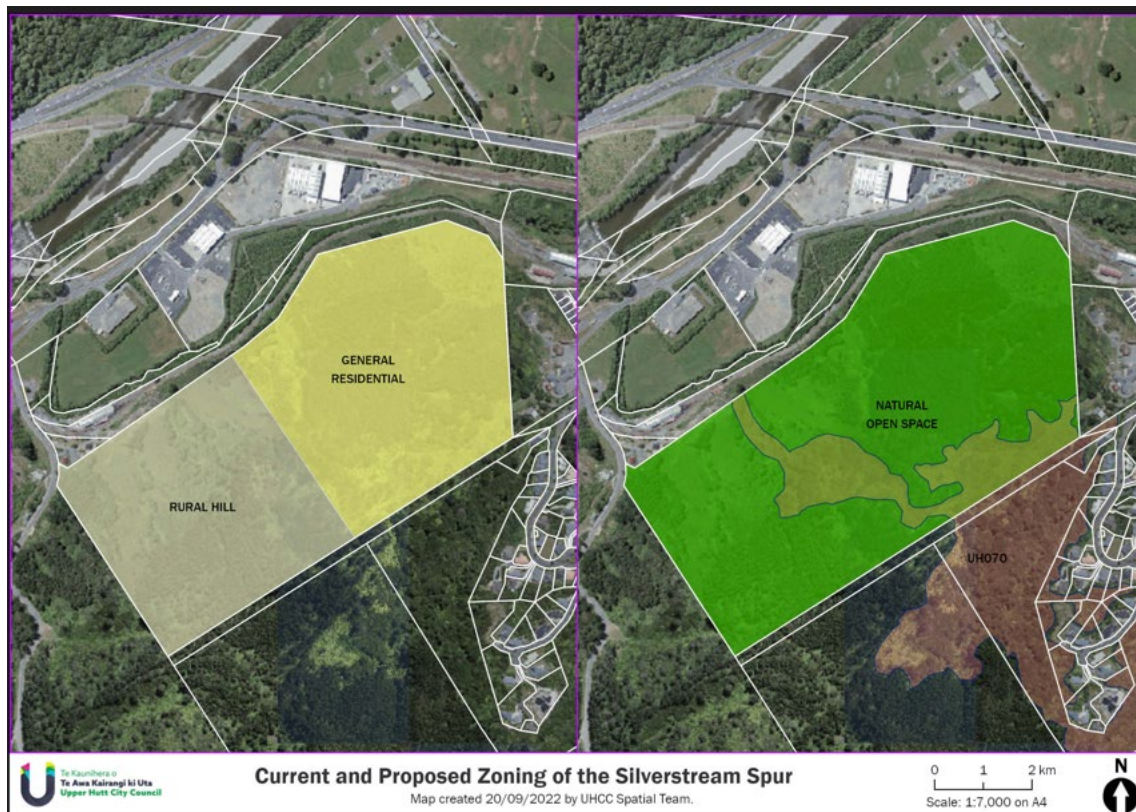
13.0.1 This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

13.0.2 The evaluation demonstrates that this rezoning the Silverstream Spur as Natural Open Space, with site specific provisions of infrastructure including a transport corridor would be the most appropriate option as it:

- Best gives effect to higher order documents.
- Aligns with community aspirations reflecting the public ownership of the Silverstream Spur.
- Is the most effective and efficient way to align with the objectives of the Variation, PC49 and the Operative District Plan as it:
 - focusses on maintaining and protecting the natural character of the zone while allowing for activities and development of a suitable scale aligned with the purpose of the zone.
 - provides accessibility to the site so recreational, conservation, and customary activities can be undertaken.
 - provides accessibility to the SGA for potential development for required future housing needs in Upper Hutt.

13.0.3 Based on the findings of this report, it is considered that the proposed measures are the most effective and efficient approach for Council to meet its statutory requirements.

Appendix 1: Map of the Current and Proposed Zoning of the Silverstream Spur



The proposed zoning of Natural Open Space also shows the extent of the area on the Silverstream Spur identified as a Significant Natural Area.

Appendix 2: Section 32 Report for Proposed Plan Change 49

See separate document.

Appendix 3: Silverstream Spur – Ecological Values Assessment

Silverstream Spur Ecological Site Visit 2020

A site visit was undertaken by Keely Paler, Ecologist from Wildland Consultants Ltd on 12 November 2020. This involved a walkover (on the track shown in red in Figure 1 below) and visual inspection with binoculars to assess significance of identified SNA (UH070 Pinehaven Valley Forest and Scrub) and any potential additional SNA areas on the Silverstream Spur.

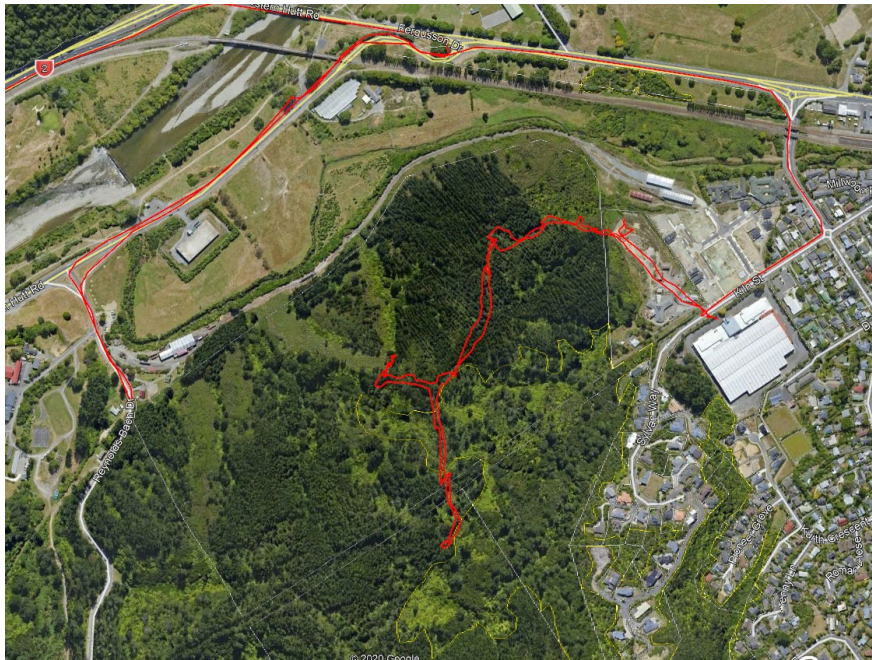


Figure 1: Aerial photo of the Silverstream Spur with red track showing the path of the ecologist.

The ecologist made the following observations on the site visit

- Tree fernland with ponga and mamaku
- Kāmahi-broadleaved species forest with beech, mānuka, kanono, māhoe, and putaputawētā
- Wilding pines and deer present
- RPS23a: Representativeness
- RPS23d: Ecological Context

Adjustments to the SNA boundary were made to include adjacent indigenous-dominant to UH070.

Other vegetated areas at Silverstream Spur assessed

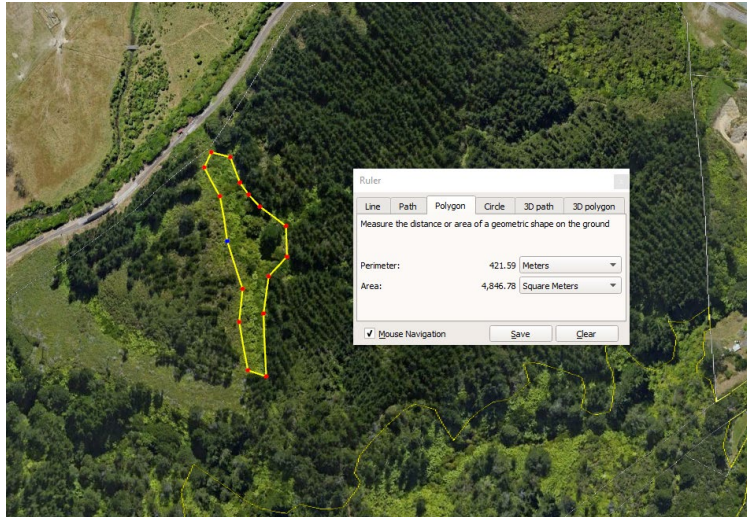


Figure 2: Area 1 of indigenous vegetation identified on the Silverstream Spur.

Ecologist noted that Area 1 does not meet the 0.5 ha minimum size threshold. However, a subsequent site visit in June 2022 by Wildland Consultant Ecologists accessing the site from a Reynolds Bach Drive property identified that this area joins UH070 (see Figure 5 below for combined extent).



Figure 3: Area 2: High proportion of gorse, fragmented and largely younger than 15 years.



Figure 4: Area 3: Dominated by gorse

The remainder of the Silverstream Spur was identified as areas dominated by pines, which do not contain greater than 50% indigenous species.



Figure 5: Combined extent of SNA for the Silverstream Spur with magenta outline showing extent from 2020 site visit and white outline showing additional extent from 2022 site visit.