

**IN THE MATTER OF:  
AND IN THE MATTER OF:**

the Resource Management Act 1991  
Proposed Plan Change 49 - Open  
Spaces (PC49) to the Operative Upper Hutt  
District Plan; and Variation 1 to PC49

**MINUTE 11 OF THE INDEPENDENT HEARING PANEL APPOINTED BY UPPER HUTT CITY COUNCIL**

**Introduction**

1. You have received this Minute because you have either made a submission, have been involved in the preparation of, or are an expert witness in the matter of Plan Change 49 and Variation 1 to the Operative Upper Hutt District Plan (PC49 and Variation 1).

**Timeline and information requested for Officer's Right of Reply**

2. In its Minute 4, the Panel has set out a tentative timeline for proceedings. This minute supersedes that.
3. The Panel directs that the Right of Reply from the s42a report writer for PC49/V1 is to be provided to the Panel by May 17<sup>th</sup>.
4. The Panel notes that the s.42a author is free and entitled to provide a response to any matter raised by submitters, evidence, legal submissions, and the Panel via the right of reply.
5. Noting that the s42a report author has already signalled a number of matters she is planning to raise in the Right of Reply, the Panel would appreciate the following being addressed.

**Maps.**

6. The Panel would like the RoR to contain maps as follows:
  - a. a clear map showing the boundaries of the SNA in V1 as notified,
  - b. a separate clear map showing the s42a report writer's final recommended boundaries of the SNA post the reconvened hearing, which needs to be developed to give effect to RPS Policy 23.
  - c. a separate map, identify any areas that are being recommended for change.

**Scope of Submissions**

7.1 During the hearing the Panel heard from the Royal Wellington Golf Club who indicated that they hoped their submission would enable their site to be withdrawn from PC49, as the status quo district plan provisions were preferred. Please advise what scope the Panel has in its deliberations to give effect to this perspective.

If the scope of submissions does not enable the land to be withdrawn from PC49, what procedural options would be open to the Council (not the Panel) should it wish to withdraw those areas from the Plan Change.

7.2 During the hearing, the Panel granted 10 minutes to Mr Scott for the Hutt Valley Clay Target Club to present to the Panel (see Minute 2). The Panel asked Mr Scott questions regarding the existing certificate of compliance held by the operation of the club on the site. The Panel would like the section 42A reporting officer to confirm whether:

- (a) the proposed change in zoning and club shooting days under PC49 would be permitted under the certificate of compliance; and
- (b) whether the certificate of compliance would cease to apply following the proposed change in zoning and club shooting days; and
- (c) whether the club would need to go through a separate exercise to enable the club to operate under the proposed new zoning and increase in shooting days.
- (d) Should the above demonstrate the existing use rights established by the certificate of compliance would no longer apply under the proposed change in zoning and shooting days, the Panel would like to understand:
  - i. What separate process would the club need to go through to continue to operate as proposed; and
  - ii. What scope the Panel has in its deliberations to address these issues.

7.3 The Wooster & Teasdale Families (Submission 20) did not attend the hearing. This meant the Panel was unable to ask the submitter questions in order to confirm what specific zoning amendments to PC49 the submitter still sought following rezoning of parts of the site via the Council's Intensification Planning Instrument. The Panel would like the section 42A reporting officer to confirm via a map which, if any, parts of the submitter's land the Panel must turn its mind to in its deliberations and in forming its recommendations on submission 20.

## The NPS-IB/FDS

8.1 The Panel notes the Variation 1 section 42A author's intention to provide an assessment against the NPS-IB, particularly clauses 3.10 and 3.11. Please ensure that this assessment includes the following matters:

8.1.1 As the FDS is now operative, the s.42A author is to provide a link to the FDS and their advice on any effect of the operative FDS on the plan change/variation/recommendations on submissions.

8.1.2 Please confirm whether the rules package is intended to provide for a road in accordance with 3.11(1)(a)(i)a ...*specified infrastructure* ..... as defined in NPS-IB 1.6 **specified infrastructure** (c).

8.1.3 Please include a link to the Council's Code of Practice for road engineering design standards, so that the Panel can understand the scale of different roads depending on their classifications.

8.1.4 The s.42a author is to advise whether the recommended provisions for development within the SNA as set out in the amended s42a report

8.1.4.1 are required to give effect to the *avoidance* and *management* requirements of clause 3.10 of the NPS-IB,

- 8.1.4.2 to advise whether the recommended provisions achieved those requirements, and if not, advise what alternative provisions would achieve them.
- 8.2 Please provide the Panel with direction on scope that may be available from submissions, or from the requirement to give effect to the NPS-IB, for any additional recommended amendments that may be included in the right of reply.
- 8.3 Please provide the existing relevant objectives, policies and rules framework from across the District Plan for the modification of indigenous vegetation, the construction of a road and other infrastructure, and earthworks that would apply under the existing and proposed zonings. Please then set out the provisions proposed through PC49/V1 and undertake a comparison.

This is to include details of:

- a. The activity status for these activities under the status quo and the proposed zoning; and
  - b. The policy direction for these activities under the status quo and the proposed zoning; and
  - c. How the recommended provisions would interact with existing districtwide plan provisions that may manage the same activity (that are not within the scope of PC49/V1) e.g. the construction of a road and infrastructure, and the modification of indigenous vegetation. Would existing districtwide provisions be overridden or would they continue to apply?
  - d. The s.42a author is to provide their advice on how best to resolve any identified rule and policy direction inconsistencies, including the scope available to address any identified inconsistencies, or the section 42A officer's recommendation on any potential alternative methods (including consequential amendments) that may be available to the Council to resolve the inconsistencies.
9. NPS-UD: please provide the most recent HBA figures on housing land supply/demand, with an analysis of whether PC49/V1 still enable the supply of housing land to be provided. This is to enable the Panel to ensure its recommendations to Council are consistent with the 'using evidence and analysis' requirements of Clause 3.11 of the NPS-UD.
10. Given that the Panel heard evidence and submissions confirming the existence of fresh water bodies on the Silverstream Spur, please ensure that an evaluation of the Whaitua Te Whanganui-A-Tara Implementation Programme is included as part of the evaluation of overarching planning instruments.



**Sue Wells**

**Chairperson, on behalf of the Independent Hearings Panel**

23/04/2024