



Section 42A Report

Plan Change 49 – Open Spaces

Report on submissions and further submissions

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Date: 03 November 2023

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1. Executive Summary

1. Proposed Plan Change 49 – Open Spaces (PC49) is a review of the existing Open Space Zone and associated provisions framework in the operative Upper Hutt District Plan. PC49 introduces two new Open Space Zones, being the Natural Open Space Zone and the Sport and Active Recreation Zone. These new zones are introduced in response to the National Planning Standards introduced in 2019, which provides a standardised list of zones for District Plans to use. Collectively these zones are referred to as the Open Space and Recreation Zones.
2. The purpose of these zones is to manage activities and development within the Open Space areas of Upper Hutt. The Open Space and Recreation Zones are predominantly comprised of publicly owned land consisting of parks and reserves which are accessible by the public to undertake a range of recreation and leisure activities. The zones also include privately owned spaces which make a valuable contribution to the recreation opportunities in Upper Hutt, including golf and shooting clubs.
3. Overall, the Open Space network provides spaces for informal and formal recreation which results in positive social, physical, and mental wellbeing effects for the Upper Hutt community. The three different zones reflect the different characteristics of these spaces and how they are utilised by the community, including current and anticipated activities.
4. The Natural Open Space Zone is dominated by areas where people predominantly undertake passive recreational activities or specialised active recreational activities which have a high degree of nature interaction. These areas do not generally have an ‘open’ character, and do not have a wide range of buildings or specialised equipment to support recreation use.
5. The Open Space Zone of Upper Hutt provides a wide range of opportunities for the public to undertake recreation and leisure activities. These spaces are generally characterised by an open character, with walkways, cycleways, picnic benches, playgrounds, and some sporting infrastructure present. These spaces provide an opportunity for community events, temporary events, conservation activities, and cultural activities. They also positively contribute to the amenity of residential neighbourhoods.
6. The Sport and Active Recreation Zone caters for a wide range of sporting recreation activities. The sites within this zone provide the opportunity for sports clubs to operate, as well as temporary sporting events to occur.
7. Provisions within the Open Space and Recreation Zones include the management of subdivision, activities, and buildings. Each zone has a separate provisions framework which responds to the character and anticipated use of that particular zone.
8. The plan change also proposes three new strategic objectives which apply to the Open Space and Recreation Zones. These objectives take a holistic approach to the sought outcomes for the zones, considering the Open Space network as a whole.
9. PC49 was drafted using the National Planning Standards framework for zones and provisions drafting. The Upper Hutt District Plan underwent a standardisation or ‘rehousing’ process during 2021 to align with the formatting and zoning requirements of the National Planning Standards. The updated version of the District Plan was released in October 2021, in the new format. This included a change to the name of the zones within the District Plan to zoning name formats within the National Planning Standards.

10. PC49 was notified before the release of the rehoused plan and so the notified proposal was in a different format to the Operative District Plan at the time. Therefore, several of the submissions received highlighted that the proposed Open Space provisions should refer to what was at the time, the existing District Plan rule numbers, rather than the rehoused Plan rules and numbers.

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Upper Hutt City Council
the Operative Plan / ODP	Operative Upper Hutt City Plan 2004
the Spur	The Silverstream Spur
ERP	Emissions Reduction Plan 2022
HVCTC	Hutt Valley Clay Target Club
IPI	Intensification Planning Instrument
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NAP	National Adaptation Plan 2022
NRP	The Natural Resources Plan for the Wellington Region 2023
Open Space Strategy	Upper Hutt City Open Space Strategy 2018 - 2028
PC1-NRP	Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region
PC47	Proposed Plan Change 47 – Natural Hazards
PC48A	Proposed Plan Change 48A – Outstanding Natural Features and Landscapes
PC48B	Proposed Plan Change 48B – Significant Natural Areas
PC49	Proposed Plan Change 49 – Open Spaces
PC50	Proposed Plan Change 50 – Rural Review
Proposed RPS Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
RPS	Regional Policy Statement for Wellington Region 2013
RPS-PC1	Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region
s32	Section 32 of the Resource Management Act 1991
SGA	Southern Growth Area
SNAs	Significant Natural Areas
Sustainability Strategy	Upper Hutt City Sustainability Strategy 2020
Variation 1	Variation 1 on Proposed Plan Change 49 – Silverstream Spur

Table 2: Abbreviations of Submitter's Names

Abbreviation	Means
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest and Bird Protection Society of New Zealand Inc
GTC	Guildford Timber Company
GWRC	Greater Wellington Regional Council
Heritage New Zealand	Heritage New Zealand Pouhere Taonga
PPA	Pinehaven Progressive Association
RWGC	Royal Wellington Golf Club
SOH	Save Our Hills (Upper Hutt) Incorporated
Waka Kotahi	Waka Kotahi New Zealand Transport Authority

2. Introduction

2.1. Qualifications and experience

11. My full name is Suzanne Rushmere. I am employed by Upper Hutt City Council (UHCC) as a Senior Policy Planner. I have held this position since August 2022. Prior to working at UHCC, I was employed by Kapiti Coast District Council in the District Plan and Roding teams.
12. I hold the qualifications of Bachelor of Arts (Honours) in Planning from Oxford Brookes University (UK), Post Graduate Diploma in Planning from Oxford Brookes University, and a Master of Science in Planning from Oxford Brookes University. I am a chartered member of the Royal Town Planning Institute (UK).
13. In my role as a policy planner, I have undertaken the following tasks and responsibilities:
 - a) Preparing section 42A reports for Proposed District Plan hearings and working on resource consent processes;
 - b) Supported the development of Plan Changes; and
 - c) Involved in regional projects as a lead for UHCC developing the Housing and Business Assessment and the Future Development Strategy.

2.2. Code of Conduct

14. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence 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 that I express.
15. I am authorised to give this evidence on the Council's behalf to the Hearing Panel.

2.3. Conflict of Interest

16. I confirm that I have no real or perceived conflict of interest.

2.4. Preparation of this report

17. I was not involved in the development of Proposed Plan Change 49 – Open Spaces until the submission phase had been completed.
18. The scope of this report relates to evaluation of submissions and further submissions received on the provisions related to Open Space and Recreation Zones.
19. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions.

3. Scope of Report

3.1. Matters addressed by this report

20. This report is prepared in accordance with section 42A of the RMA and evaluates submissions and further submissions that were received by Upper Hutt City Council in relation to Proposed Plan Change 49 to the Upper Hutt District Plan – Open Spaces (PC49).
21. The purpose of the report is to:
 - Provide an overview of the plan change process, a summary and evaluation of the submissions and further submissions received.
 - Provide recommendations to the Hearings Panel in response to those submissions and further submissions to assist them with making their recommendations to Council.
22. Within this report I have provided recommendations to the Hearing Panel where appropriate on the submissions and further submissions received, recommending whether the decision and amendments sought should be accepted, accepted in part, or rejected. Any recommendation made within this report has been informed by the assessment subsequently undertaken on the relevant decision requested.
23. The conclusions and recommendations made have been informed by the available information at the time of writing.

3.2. Statutory requirements

24. The section 32 report for the notified Open Spaces Plan Change 49 contains a detailed analysis of the relevant higher order planning documents, strategic plans, and other statutory and legislative requirements which were considered through the development of the plan change. As these documents are discussed in detail within the section 32 report, they're not repeated here.
25. However, it is noted that the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act has made amendments to the RMA. This Act focused on introducing medium density development requirements for residential zones in Tier 1 local authorities and allows for intensification policies to be introduced into District Plans in a non-schedule 1 process.
26. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act has been given effect to via the notification of Intensification Planning Instrument (IPI) in August 2022. The Upper Hutt City Council IPI Hearing was held during April and May 2023 with the hearing panel decision report to be released later this year. Overall, the changes introduced through this amendment do not have an impact on PC49 based on the absence of Open Space related provisions.

3.3. Section 32AA

27. The RMA section 32AA requirements for undertaking and publishing further evaluations are shown below:

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

28. A relevant S32AA evaluation of a corresponding level of detail to the scale and significance of the recommended amendments to the proposed plan change has been undertaken, with the evaluation at the end of each topic chapter within this report.

3.4. New Higher Order Documents

29. Several new higher order documents have been gazetted or notified since the section 32 report was published in August 2021.

30. These are identified below, as well as an assessment of the implications of these higher order documents for PC49.

National Policy Statement on Highly Productive Land (NPS-HPL)¹

31. The NPS-HPL came into effect on 17 October 2022 with one objective which is that “*Highly productive land is protected for use in land-based primary production, both now and for future generations*”. The nine policies in the NPS-HPL policies recognise and provide for highly productive land, identifying that it:

- is a finite resource;
- requires integrated management;
- should be prioritised for land based primary production; and

¹ <https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/>

- should be protected from inappropriate subdivision and development.
32. Much of PC49 rezones existing Open Space and Rural Zones to differentiate between types of open space and, therefore the proposed zoning, more accurately reflects the role these open spaces provide to local communities, including the Regional Parks.
 33. A majority of the sites proposed for rezoning to open space were not classified as Land Use Capability class 1, 2 or 3. One site proposed for rezoning from General Rural to General Residential included very fragmented highly productive land and the proposed rezoning formed part of an approved plan change prior to 17 October 2022.
 34. Therefore, I do not consider that the NPS-HPL requires further consideration in the context of the proposed provisions in PC49.

National Policy Statement on Indigenous Biodiversity (NPS-IB)²

35. The NPS-IB came into force on 4 August 2023, and it included one objective:
 - 2.1 Objective
 - (1) *The objective of this National Policy Statement is:*
 - (a) *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date;*
 - and*
 - (b) *to achieve this:*
 - (i) *through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
 - (ii) *by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
 - (iii) *by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
 - (iv) *while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*
36. The policies in the NPS-IB seek to manage indigenous biodiversity in an integrated way that:
 - takes into account the Te Tiriti o Waitangi (The Treaty of Waitangi);
 - enables tangata whenua to exercise kaitiakitanga;
 - adopts a precautionary approach when considering adverse effects;
 - promotes resilience to the effects of climate change;
 - contributes to wellbeing; and
 - promotes restoration.
37. Local authorities must publicly notify a plan change within eight years of the commencement date of the NPS-IB, except that a plan change to identify SNA's must be notified within five years of commencement.
38. Council will initiate a plan change to give effect to the NPS-IB in due course, however, it is recognised that the natural environment comprises a key component of the Natural Open Space Zone. Some amendments have been recommended in this report in response to submissions. Whilst not fully giving effect to the NPS-IB at this stage, the recommended

² <https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/>

amendments recognise the need to protect indigenous biodiversity values and provides for activities that are compatible with, and do not create adverse effects on, indigenous biodiversity values in the Natural Open Space Zones.

Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region RPS-PC1³

39. Section 74(2)(a)(i) of the RMA requires that the Council have regard to any proposed regional policy statement when undertaking a plan change. RPS-PC1 was publicly notified on 19 August 2022, which post dates the notification of PC49.
40. RPS-PC1 gives effect to national direction including the NPS-UD and the National Policy Statement on Freshwater Management. The proposed provisions represent a significant change from the operative RPS and covers the following matters:
 - Urban development;
 - Indigenous ecosystems;
 - Freshwater quality and Te Mana o Te Wai;
 - Stormwater;
 - Climate change; and
 - Natural hazards.
41. RPS-PC1 is currently in the hearings process, and subject to change, therefore it is considered that little weight should be given to the proposed RPS at this stage. Some amendments have been recommended in this section 42A report in response to a submission that seeks recognition of policies in the operative RPS relating to indigenous biodiversity values.
42. Additionally, the provisions in PC49 relate specifically to seeking to protect the values of open spaces and manage adverse effects, which includes some of the matters being addressed in RPS-PC1. Council will give effect to the RPS-PC1 once it becomes operative to meet relevant timeframes identified in the plan.

Te Tikanga Taiao o Te Upoko o Te Ika a Maui / Natural Resource Plan for the Wellington Region (NRP)⁴

43. The NRP became fully operative on 28 July 2023. It includes resource management provisions for air, land, water and coastal resources in the Wellington Region.
44. In particular, it focusses on freshwater management, natural character, natural hazards, water quality, air quality, sites with significant value, discharges to land and water, water allocation and coastal management.
45. I do not consider that the NRP provides matters of direction that are relevant to PC49.

³ <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/regional-policy-statement-change-1/>

⁴ <https://www.gw.govt.nz/assets/Documents/2023/07/Natural-Resource-Plan-Operative-Version-2023-incl-maps-compressed.pdf>

Proposed Change 1 to the Natural Resources Plan for the Wellington Region (PC1-NRP)⁵

46. Section 74(2)(a)(ii) of the RMA requires that the Council have regard to any proposed regional plan when undertaking a plan change. PC1-NRP was notified 30 October 2023 and focuses on:
- Management of freshwater and coastal water within Te Whanganui-a-Tara and Te Awarua-o Porirua and in doing so, it implements the National Policy Statement for Freshwater Management 2020 within those whaitua;
 - Amendments to the air quality rules;
 - Amendments to the beds of lakes and rivers rules;
 - New sites with significant indigenous biodiversity value.
47. Given that PC1-NRP was notified on 30 October 2020, I have not had time to consider whether PC1-NRP includes matters of direction that would be relevant to this plan change.

National Adaptation Plan 2022 (NAP)⁶ and Emissions Reduction Plan 2022 (ERP)⁷

48. Since 30 November 2022, section 74(2)(e) of the RMA requires that the Council have regard to any NAP when undertaking a plan change.
49. Additionally, Council is required under section 74(2)(d) to have regard to the ERP.
50. Together the NAP and ERP form a climate change adaptation and mitigation response for New Zealand.
51. *“The first National Adaptation Plan contains Government-led strategies, policies and proposals that will help New Zealanders adapt to the changing climate and its effects – so we can reduce the potential harm of climate change, as well as seize the opportunities that arise”.*
52. The ERP identifies the actions to achieve the long-term emission reductions targets for Aotearoa New Zealand to contribute to global efforts to limit temperature rise to 1.5°C above preindustrial levels.
53. I do not consider that the NAP and ERP provide matters of direction that are relevant to PC49.

3.5. Procedural matters

54. Throughout the development of the provisions Council undertook a process of consultation and engagement. An extensive consultation process was undertaken as part of the development of the Open Space Strategy 2018-2028 which provided a strong evidence base for understanding the needs of the community and their future aspirations for the Open Space network. As such, a targeted consultation approach was undertaken focusing

⁵ <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/natural-resources-plan-2023-changes/>

⁶ <https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/adapting-to-climate-change/national-adaptation-plan/>

⁷ <https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/emissions-reduction-plan/>

on affected landowners, occupying groups and statutory consultees as required by section 3 of the RMA.

55. This targeted consultation process included the following:
 - Initial pre-consultation discussions with affected landowners – July to October 2020.
 - Feedback on draft zoning and provisions – December 2020 to February 2021.
 - Continued consultation – January to July 2021.
56. Pursuant to section 8AA of the Act a meeting was held with Council Officers and Waka Kotahi New Zealand Transport Agency [S16] on 15 December 2021. The submission points raised by Waka Kotahi and the outcome of this meeting are covered in Topic 6 of this report. Don Wignall, from Transport Futures Ltd, acted as an advisor on behalf of Council. There was agreement between Waka Kotahi and Council to consider traffic thresholds comprehensively throughout the District as part of a separate plan change looking at infrastructure and transport provisions. This plan change is intended to be notified in 2024.
57. A meeting was also held with the Hutt Valley Clay Target Club in relation to submissions received on provisions proposed at the Club. These submission points, outcome of the meeting, and recommendations are covered in Topic 4 of this report.
58. No late submissions were received. However, three late further submissions were received from Sue Pattinson [FS48], James Hill [FS49], and Clint Bennett [FS50]. Two further submissions received were incomplete and so were not accepted. One incomplete further submission form received was blank and the other did not provide the details to support or oppose a relevant submitter.
59. Pursuant to section 37 of the Act the Panel may decide to accept or reject any late submission. Notwithstanding the late lodgement of these submissions, they have been considered and recommendations have been made on them in the same manner as all other submissions.
60. I have not identified any matters of fairness with respect to other submitters or further submitters should the late submissions be accepted. On this basis I recommend all late submissions be accepted and considered in the same manner as all other submissions.
61. The submission points of these submitters in Appendix 1 are all referenced with the notation (late) to enable easy identification should the Panel decide not to accept the late submissions.

4. Consideration of submissions received

4.1. Overview of submissions

Table 3: List of submitters and further submitters addressed in this report.

Submitter No.	Submitter name	Further Submitter No.	Submitter name
1	Graham Bellamy	1	Duncan Stewart

2	Pinehaven Tennis Club
3	Jonathan Board
4	Doug Fauchelle
5	Helen Chapman
6	Sean Kusel
7	Cameron Seay
8	Donna Galbraith
9	Mangaroa Farms
10	Mary Beth Taylor
11	Hannah Stanfield
12	John Hill
13	Tony Chad
14	Save Our Hills (Upper Hutt) Incorporated
15	Thane Walls
16	Waka Kotahi NZ Transport Agency
17	A.G. Spiers
18	Heritage New Zealand
19	Royal Wellington Golf Club
20	Wooster & Teasdale Families
21	Transpower New Zealand Ltd
22	Gary Sherwin
23	Royal Forest and Bird Protection Society of New Zealand Inc
24	Fire and Emergency New Zealand
25	CBDI Ltd
26	Greater Wellington Regional Council
27	Silver Stream Railway Incorporated

2	Graham Bellamy
3	Peter Ross
4	Ian Sherwin
5	Pat van Berkel
6	John D O'Malley
7	Greater Wellington Regional Council
8	Mary Beth Taylor
9	Kylee Evana Taramai
10	Beatrice Serrao
11	Pinehaven Progressive Association
12	Tony Chad
13	Silver Stream Railway
14	Save Our Hills Incorporated
15	Shelley Dixon
16	Patricia Duncan
17	Craig Thorn
18	Michelle Browning
19	Dominic Baron
20	Darryl Longstaffe
21	Natasha Colbourne
22	Pinehaven Progressive Association
23	Stephen Pattinson
24	Guildford Timber Company
25	Doug Drinkwater
26	Janice Carey
27	Anthony Carey
28	Leonie Belmont
29	Marion Rough
30	Sandra E Kenny
31	Douglas William Dunn
32	Colin Bucket
33	Jason Durry
34	Benjamin Michael Jones
35	Gerry Bealing
36	Caleb Scott
37	Rhys Lloyd
38	Nadine Ebbett
39	Katelin Hardgrave
40	Tommy Mortimer
41	Jennifer Durry
42	John Durry
43	Trevor Richardson
44	David Grant-Taylor
45	Nick Moylan
46	Fraser Robertson
47	Ian Price
48	Sue Pattinson - late
49	James Hill - late
50	Clint Bennett - late

PLEASE REFER TO APPENDIX 1 TO SEE WHERE EACH SUBMISSION POINT IS ADDRESSED WITHIN THIS REPORT.

62. In total 27 submissions were received during the notification period for PC49, which ran from 11 August 2021 to 17 September 2021. Subsequently during the Further Submissions stage, which ran from 3 November 2021 to 17 November 2021, Council received 50 complete and 2 incomplete further submission. The original 27 submissions contained 156 separate submission points.
63. While some of the submissions received focused on the specific zoning or provisions for one of the three Open Space and Recreation Zones, several of the submissions provided comments on the zoning and provisions across multiple Open Space and Recreation Zones.
64. There was a good amount of support received for the introduction of the Natural Open Space Zone, however a strong theme from the submissions and further submissions received was the request that the land known as Silverstream Spur be zoned as Natural Open Space. This was requested by 12 original submitters, and by all but one of the further submissions received.
65. Other key topics were the request that the Natural Open Space Zone should be broadened to consider the impact of development and activities on indigenous biodiversity, and to consider zoning private land as Natural Open Space.
66. There was limited feedback received on the zoning extent of the Open Space Zone, with submission points focusing on the zone provisions, including considering effects on transport and infrastructure.
67. For the Sport and Active Recreation Zone several submissions were received relating to the provisions which would apply to the privately owned sports clubs within the zone. These included provisions relating to the operating days of the Hutt Valley Clay Target Club and the bulk and location standards for the Royal Wellington Golf Club.
68. Further submissions were almost all made in support of the submissions which sought to zone the Silverstream Spur as Natural Open Space. However, a further submission from Guildford Timber Company (GTC) sought to allow the request to zone the Silverstream Spur as Natural Open Space with provisions for a road corridor and associated infrastructure on the site.
69. The scope of PC49 specifically excluded consideration of the Silverstream Spur so these submissions and further submissions were deemed to be out of scope. In order to enable the consideration of an Open Space Zoning and provisions for the Silverstream Spur, a variation to PC49 (Variation 1) has been developed and will be considered alongside this plan change. Please see separate section 42A report in relation to Variation 1.
70. Greater Wellington Regional Council also made a further submission seeking to disallow a number of the original submissions, including those which sought to amend the proposed Natural Open Space Zoning extent and the introduction of trip generation thresholds.

4.2. Structure of this report

71. Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report based largely on the key topics which have arisen from within the received submissions and grouped relevant submission points together based on these topics. Those topics are shown below:
 - Topic 1: Silverstream Spur Requested Zoning

- Topic 2: Open Space and Recreation Requested Zoning
 - Topic 3: Biodiversity and Sustainability Provisions
 - Topic 4: Hutt Valley Clay Target Club Provisions
 - Topic 5: Royal Wellington Golf Club Provisions
 - Topic 6: Transport
 - Topic 7: Infrastructure
 - Topic 8: General Submissions
72. While the above topics do not necessarily cover all the submissions received in detail, Appendix 1 of this report does provide a breakdown of all submission points and the proposed recommendations, as well as reference to the section of this report where the submission has been considered.
73. For each topic a review of the submissions received has been provided. An assessment section then follows which examines the submissions, the notified provisions relevant to those submissions and provides a consideration of the decision sought. A recommendation is then made to the Hearings Panel on whether the submission should be accepted, accepted in-part, or rejected. Any recommended amendments are then detailed, along with an associated section 32AA analysis of the proposed amendments.

5. Topic 1: Silverstream Spur Requested Zoning

5.1. Matters raised by submitters

74. A strong theme among the submissions received on PC49 was the decision sought that the Silverstream Spur should be zoned as Natural Open Space or a similar zoning. Out of the 27 submissions received, 12 requested this change of zoning.
75. During the further submission stage, 47 further submissions were received in support of the original submission points requesting that the Silverstream Spur be zoned as Natural Open Space.
76. The reasons provided for zoning the Silverstream Spur as Natural Open Space include:
- *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. Council 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 Council should give effect to that original intent.*
77. One further submission was received from GTC who supported in part the request to zone the Silverstream Spur as Natural Open Space, but sought that provision is made for a roading corridor through the site to allow access to the area of land referred to as the Southern Growth Area (SGA).

5.2. Assessment

78. PC49 specifically identified the Silverstream Spur as being out of scope of the Plan Change.
79. However, since the notification of PC49 the situation regarding the Silverstream Spur has changed and a variation (Variation 1 to PC49) was developed and notified to address this. The submissions for Variation 1 will be considered at the same hearing as this plan change but the Variation has a separate section 42A report. All submitters on PC49 were advised about Variation 1 and many have made a submission.

5.3. Recommended decisions

80. The following submissions are **rejected** for the reasons provided above:
1. Graham Bellamy [**S1.1**]
 2. Jonathan Board [**S3.1**]
 3. Doug Fauchelle [**S4.1**]
 4. Sean Kusel [**S6.1**]
 5. Cameron Seay [**S7.1**]
 6. Mary Beth Taylor [**S10.4**]
 7. Tony Chad [**S13.1**]
 8. Save Our Hills [**S14.1**]
 9. A. G. Spiers [**S17.3**]
 10. Forest & Bird [**S23.6**]
 11. Silver Stream Railway [**S27.1**]
81. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

5.4. Recommended amendments

82. No recommended amendments as a result of these submissions as this topic has now been addressed through Variation 1.

6. Topic 2: Open Space and Recreation Requested Zoning

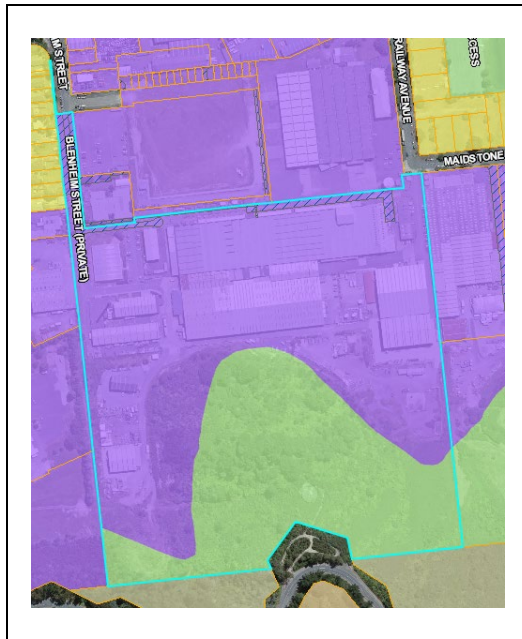
6.1. Matters raised by submitters

83. Several submissions focused on the proposed PC49 zoning extents and sought amendments at both a site-specific and a more general district wide zoning level. While these submissions were predominantly focused on the Natural Open Space Zone, there were other submission points relating to Open Space and Sport and Active Recreation Zones.

84. Overall, 14 submission points from seven different submitters were received on zoning considerations, (excluding those received regarding the Silverstream Spur).

Site specific zoning changes

85. Helen Chapman [**S5.1**] seeks that Lot 2 DP 55611 WN25C/378 (land adjacent to Kurth Crescent Reserve) should be zoned as Natural Open Space, stating that the native flora and fauna present on the site is highly valued and that the Natural Open Space zoning would ensure the protection of this feature.
86. Graham Bellamy, Forest & Bird, and A. G. Spiers [**S1.2, S23.5, S17.4**] all requested that the area referred to as the Mangaroa Peatland/Wetland be zoned as Natural Open Space. The submitters state that the area is an important wetland area with ecological value at a national level. Forest & Bird state that the existing zoning of the site is unsuitable and activities on the site have damaged the wetland. Graham Bellamy and A. G. Spiers suggest that the zoning of the area as Natural Open Space would also have community benefits and that it should be available for public access.
87. The submission received from the Wooster and Teasdale Families [**S20.1, S20.2**] seeks to amend Natural Open Space zoning within the active bed of Te Awa Kairangi / The Hutt River and to replace this zoning at parts of the following sites:
- Lot 2 Deposited Plan 52807
 - Pt Lot 2 Deposited Plan 58853
 - Lot 1 Deposited Plan 58853
 - Pt Lot 2 Deposited Plan 17413
 - Lot 1 Deposited Plan 10580
 - Lot 2 Deposited Plan 10580
88. The Wooster and Teasdale Families are specifically seeking this rezoning as they consider that much of this land is or can be used for purposes other than that anticipated or provided for under PC49 and that the proposal restricts appropriate subdivision, use and development opportunities of the site.
89. Submission point [**S20.6**] also seeks any alternative amendments, including the appropriate combination of amendments, to address the intent of matters raised in the submission.
90. Greater Wellington Regional Council (GWRC) made a further submission [**FS7**], which opposed requests to zone the Mangaroa Peatlands as Natural Open Space, highlighting that it is unusual to zone private land in this manner. They also oppose the submission by the Wooster and Teasdale Families, stating that the rezoning of any part of Te Awa Kairangi / The Hutt River was not appropriate, and that the land, which is part of the floodplain of the river, should also be zoned as Open Space.
91. Forest & Bird oppose the proposed rezoning of 27 Blenheim Street (Lot 3 DP 456184, Parcel ID: 7411410) [**S23.29**] as General Industrial, stating that the rear of the site should be zoned as Natural Open Space. CBDI submission point [**S25.1**] supported in part the proposed zoning change at 27 Blenheim Street, specifically the rear area where the existing Open Space zoning has been removed. However, they did not support what they consider to be a rezoning of the remaining area of the site [**S25.2**], stating that zoning the remaining area of the site should be out of scope of PC49.



Map 1 shows the Operative District Plan split zoning of 27 Blenheim Street

General Zoning changes

92. Forest & Bird **[S23.1]** and **[S23.2]**, seek that Council commission an independent report to identify additional land to be zoned as Natural Open Space, that should be applied to private land where appropriate. They believe that the approach of PC49 to avoid zoning private land as Natural Open Space is not consistent with the purpose and definition of the zone.
93. Mary Beth Taylor **[S10.1]** seeks that the Open Space and Recreation Zones are expanded to include more land, specifically land zoned as Natural Open Space. The submitter states that Open Spaces should be more holistically incorporated into human habitations.
94. Similarly, A. G. Spiers **[S17.1]** seeks that more land is zoned as Open Space, specifically land zoned as Natural Open Space, to create a network of areas which are linked and provide benefits to the natural environment through wildlife movement corridors.

6.2. Assessment

Private Land Zoning

95. A key theme of the decisions sought about Natural Open Space zoning focused on the view that the Natural Open Space Zone should be increased to include areas of private land with natural values. Submitters who requested this include Forest & Bird **[S23.5]**, Graham Bellamy **[S1.2]**, Mary Beth Taylor, and A. G. Spiers **[S17.4]**. While some of these submitters requested that the Natural Open Space Zone be increased to include other areas, the submitters also made a specific request regarding the Mangaroa Peatland/Wetlands.

96. As a general principle PC49 does not propose to zone private land as Open Space unless the land is currently used for recreation activities, such as golf courses and the Hutt Valley Clay Target Club.
97. During the development of PC49, legal advice was sought on the suitability of zoning privately owned land as Open Space. The legal advice received stated:
- *'There is nothing that legally prevents privately owned land being zoned as Open Space under the Standards. It is simply a question of what is the most appropriate zone for the land in question...*
 - *'The most likely legal risk is where Council decides to do a plan change in relation to the Open Space Zone, but decides not to rezone land that is being (lawfully) used for a purpose that is not consistent with the Zone.'*
98. While the legal advice confirms that there is no prevention of zoning private land as Open Space, there still needs to be consideration on what is the most appropriate zoning for the land. It is not common planning practice to zone private land as an Open Space Zone where that land is private land which has no recreation or leisure use, characterised by private residences or farming activities. A review of current practice undertaken during the development of PC49 has also shown that this is consistent with the approach taken to Open Space zoning in other District Plans.
99. The approach taken by PC49 was to only zone private land as Open Space where the purpose aligned with the Open Space and Recreation Zones, based on the land being publicly accessible and used for recreational purposes. This definition aligns with how Open Space is identified within the Upper Hutt Open Space Strategy 2018-2028, which PC49 sought to align the District Plan with.
100. The Open Space Strategy defines Open Space as *'land that is, or should be, set aside for public recreation, that the community has a relatively free right of access to.'* It is recognised that there are several private sites in Upper Hutt which provide a valued and important contribution to the recreation and leisure opportunities of the District and the wider region. As such these sites have been included within the Open Space and Recreation zoning extents with the support of the landowners. Sites that are found within the river corridor may also be considered appropriate for Open Space zoning.
101. I consider that the zoning of other private land as Open Space is not the most appropriate zoning for that land where that private land is not accessible by the public and has no clear use aligned with the Open Space and Recreation Zones. While the three different types of Open Space zoning reflect the nature of the specific types of Open Space, they all have similar purposes in that they are accessible and used for recreation, leisure, and sporting activities.
102. In my opinion, this approach is in line with the legal advice sought, in line with best planning practice, and in line with the zone purposes as detailed in the National Planning Standards.

Natural Open Space Zone purpose

103. The majority of the submission points received around zoning focused on requesting land be zoned as Natural Open Space based on its natural and ecological value, as opposed to consideration of ownership and use, stating that existing natural value would be protected via such a zoning.

104. The National Planning Standards provides a description of the Natural Open Space Zone as:

'Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone'.

105. It is clear from the description in the National Planning Standards that the natural environment is a key part of the Natural Open Space Zone. I agree with Forest & Bird [S23.2] that the natural environment is vital when considering the application of this zone. I consider that the proposed zoning extent of the Natural Open Space Zone reflects this, incorporating sites which have high levels of indigenous vegetation and limited development, while also providing for Open Space to be public or have recreational use and values.

106. However, I do not agree with the requests to zone private land as Natural Open Space exclusively because the site has a perceived high natural value. While this would be aligned with the natural character element of the Natural Open Space Zone, it disregards the purpose of an Open Space Zone which is that the public have access for recreational purposes. It would be appropriate to zone land as Natural Open Space if it was publicly owned with the potential for future Open Space use. This is not the case for the areas suggested in the submissions.

107. Furthermore, as considered in the section 32 report, while the natural environment is a key consideration for the zone, the relevant provisions to protect and maintain those features are not appropriate within the Natural Open Space Zone, although there is an alignment of purposes as recognised by the Forest & Bird submission.

108. Therefore, I consider that the zoning of private land as Natural Open Space is only appropriate in limited circumstances with the agreement of the landowner or when within an active river corridor.

109. I do not see any sufficient evidence or reasoning from the submissions provided that the methodology which has been applied to zoning Open Space land is not appropriate. The submissions received seeking general increases to the amount of land zoned as an Open Space and Recreation Zone are guided by the same principle above, namely the zoning of private land as Open Space. In my opinion, Forest & Bird [S23.1] have not demonstrated the need for an independent report to be commissioned to identify additional land to be zoned as Natural Open Space.

110. Mary Beth Taylor [S10.1] and A. G. Spiers' [S17.1] request to increase the amount of land zoned Natural Open Space can be achieved in the future through proposed Strategic Objectives OSRZ-01 and OSRZ-03. A significant increase in Natural Open Space will require land to be purchased, vested, or developed for Open Space purposes in that area, as the current proposed zoning extent is largely comprehensive. However, since the plan change was notified some areas of additional Natural Open Space have been identified through the development of other plan changes, and these are recommended to be included as a result of these submissions (see Table 4 in recommended amendments).

Site specific zoning

111. I do not consider that Helen Chapman's request [S5.1] to rezone the land adjacent Kurth Crescent Reserve as Natural Open Space is appropriate. The land is directly adjacent to the

Silverstream Bowls and Pétanque Club site and is within the same reserve. The zoning approach for this area of land has been focused on the activities occurring at the site, which most closely aligns with the Sport and Active Recreation Zone. Although there is native bush present, this is not sufficient to justify a Natural Open Space zoning for the parcel due to the overall character of that land and the relationship with club activities occurring on the site. Furthermore, the District Plan has other relevant provisions to protect indigenous vegetation.



Map 2 shows the proposed Sport and Active Recreation zoning of Lot 2 DP 55611

112. The submission from the Wooster and Teasdale Families [S20.1, S20.2] on the zoning of their land is different to the above consideration, due to the fact that this relates to private landowners with land proposed to be zoned as Natural Open Space. The parcels currently have a split zoning between Open Space and General Residential, which relates to the fact that the sites are adjacent to the Te Awa Kairangi / The Hutt River. Due to the flood hazard identified on these parcels, the approach in the past was to zone those areas identified as at risk of flooding as Open Space, restricting development and subdivision in these areas in line with section 6(h) of the RMA *'the management of significant risks from natural hazards.'*
113. However, the approach of PC49 has been that the use of Open Space zoning for managing flood risk is not appropriate, with future management of flood risk to be addressed through appropriate natural hazard provisions within the District Plan. Therefore, PC49 removed Open Space zoning from these sites, rezoning these areas in line with the existing zoning of General Residential.
114. The submission from the Wooster and Teasdale Families seeks specifically that the Natural Open Space zoning on their land is limited to the currently active riverbed of Te Awa Kairangi/ The Hutt River. Generally, as outlined above, this is the approach which PC49 has taken. I recognise that a small area of land on the southern boundary of Pt Lot 2 DP 58853 on the southern edge of the river did not have the existing Open Space zoning

removed, even though it is not within the riverbed of Te Awa Kairangi / The Hutt River. I identify that this is the only area which would meet the need to be rezoned to General Rural (to be consistent with land across State Highway 2). See map 3 in recommendations.

115. The submitter seeks that this land is either rezoned to allow the below activities, or the provisions for the zone are amended to allow for the below activities:
 - i. Ongoing use and upgrading, intensification or expansion of existing land use carried out on the site;
 - ii. Permitting or controlling activities which are currently permitted or controlled on the site under the Operative District Plan;
 - iii. General land use and development opportunities including but not limited to rural, residential, commercial, industrial, utility/services, and all forms of recreation (i.e. including motorised recreation);
 - iv. Subdivision, access; and earthworks/excavation (including quarrying activities) associated with the abovementioned opportunities.
116. Overall, in my opinion the request to enable activities from points iii and iv is not considered appropriate, considering the location and size of the area that they are seeking to be rezoned. The area is already zoned as Open Space in the Operative District Plan, and as such is restricted with regards to the activities that could occur on the site.
117. The land in question is in private ownership, but also note that public access does exist in the form of a footpath/cycle path. Overall, I recommend accepting the request to rezone the area identified in my recommended amendments in map 3 from the operative Open Space zoning to General Rural. This proposed zoning is consistent with the zoning and character of the area adjacent to the site. I acknowledge that this zoning does not allow for all the activities which the submitter has requested, but I do not consider all those activities are appropriate within this zone.
118. The specific provision changes requested by the Wooster and Teasdale Families **[S20.3, S20.4, S20.5]** are considered in topic 8 of this report.
119. The site at 27 Blenheim Street is currently split zoned. The zoning approach discussed with the owner through the consultation process was to extend the Industrial Zoning over the entire site. This is in line with the overall approach of PC49 of not zoning private land Open Space. Forest & Bird **[S23.29]** have requested that this site be zoned as Natural Open Space. Due to the reason outlined above, and that the site has no known use aligning with Open Space, I do not believe zoning the rear of the site as Natural Open Space is appropriate. This decision is reflected through the submission point **[S25.1]** from CBDI Limited.
120. With regards to the second part of the CBDI submission **[S25.2]**, opposing what was considered to be a rezoning, PC49 does not propose any change of zoning to the area outside of the existing Open Space zoning of the site. However, as explained in section 2 of this report, as PC49 was notified before the format of the District Plan was made consistent with the National Planning Standards, the zoning name displayed for the site differed than the operative District Plan at that point in time. As such no change is considered necessary.

6.3. Recommended decisions

121. The following submissions are **rejected** for the reasons provided above:

1. Graham Bellamy [S1.2]
2. Helen Chapman [S5.1]
3. A. G. Spiers [S17.4]
4. Forest & Bird [S23.1], [S23.5], [S23.29]

122. The following submissions are **accepted in part** for the reason provided above:

1. Mary Beth Taylor [S10.1]
2. A. G. Spiers [S17.1]
3. Wooster and Teasdale Families [S20.1], [S20.2]. [S20.6]
4. Forest & Bird [S23.2]

123. The following submissions are **accepted** for the reason provided above:



1. CBDI Limited [S25.1], [S25.2]



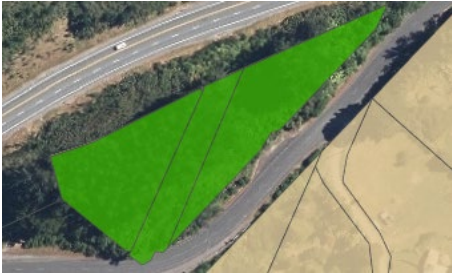

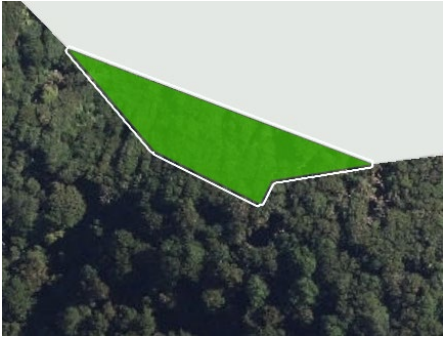
124. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

6.4. Recommended amendments

125. Table 4 below shows the additional sites that have been identified and proposed to be zoned Natural Open Space since the plan change was notified. These are recommended to be included as a result of submissions [S10.1] and [S17.1].

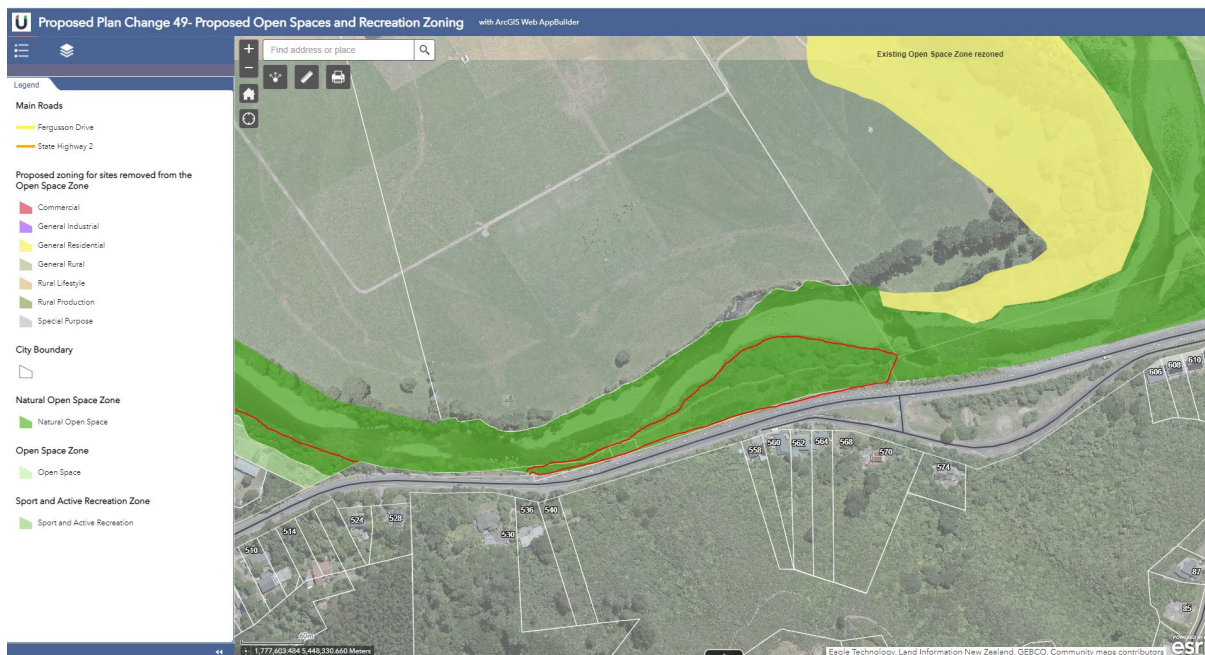
Table 4 – Parcels to be rezoned as Natural Open Space

Land Parcel	Image
<p>Legal Description: Section 3 SO 27012</p> <p>Parcel ID: 4009312</p>	
<p>Legal Description: Part Section 210 Hutt DIST</p> <p>Parcel ID: 3928835</p>	

<p>Legal Description: Part Section 209 Hutt DIST</p> <p>Parcel ID: 3954531</p>	
<p>Legal Description: Lot 1 DP 80907</p> <p>Parcel ID: 3804720</p>	
<p>Legal Description: Part Lot 1 DP 111</p> <p>Parcel ID: 7220777</p> <p>Legal Description: Part Section 420 Hutt DIST</p> <p>Parcel ID: 6936056</p> <p>Legal Description: Part Lot 2 DP 111</p> <p>Parcel ID: 6936080</p>	
<p>Legal Description: Lot 103 DP 388525</p> <p>Parcel ID: 369286</p>	
<p>Legal Description: Lot 3 DP 10208</p> <p>Parcel ID: 3867507</p>	

Legal Description: Part Section 1
SO 34755

Parcel ID: 3875189



Map 3 shows the area of land (red outline) of Part Lot 2 DP 58853 recommended to be rezoned to General Rural as a result of submission points [S20.1] and [S20.2].

6.5. Section 32AA evaluation

Effectiveness and efficiency

126. The inclusion of additional parcels zoned Natural Open Space is an effective approach to ensure that the character and values of these land parcels are recognised in relation to the proposed provisions introduced through this plan change.
127. Appropriate zoning with associated provisions for these sites also provides efficiency for the public and landowners by providing more certainty on the appropriate land uses that can be undertaken in relation to these sites.

128. For the reasons outlined in the assessment, the proposed zoning change to part of the Wooster and Teesdale site to General Rural is an effective way to allow for appropriate future use of the site.

Other reasonably practicable options

129. The areas proposed to be zoned Natural Open Space could remain with their current zoning. However, this could mean that these sites may not have the appropriate level of protection and could potentially have activities occurring on them that are not appropriate.
130. The retention of Open Space zoning over the entire Wooster and Teesdale site would not enable appropriate future use of the site.

Cost and benefits

131. The proposed amendment of additional land being zoned Natural Open Space will not result in additional costs, based on the overall scale of the changes being minor.
132. The benefit will be the addition of Natural Open Space to be protected by the introduced provisions and utilised by the public.

Risks of acting or not acting

133. The risk of not rezoning some sites to Natural Open Space is that there could be adverse environmental effects if inappropriate activity were to occur.

Decision about most appropriate option

134. In my opinion the recommended amendments are a more appropriate and efficient way to achieve the purpose of this plan change. The proposed amendments are considered to be more effective in ensuring the identified sites have the appropriate zoning and provisions in place so that the activities taking place are suited to the site.

7. Topic 3: Biodiversity and Sustainability Provisions

7.1. Matters raised by submitters

135. Four submissions were received which requested amendments to the proposed provision frameworks based on biodiversity and sustainability concerns.
136. Greater Wellington Regional Council (GWRC) [**S26.2, S26.5, S26.6, S26.7, S26.8, S26.9, S26.10, S26.12, S26.13, S26.14, S26.15**] seek that within the Natural Open Space Zone matters of discretion should be amended to include consideration of indigenous biodiversity values, as the existing District Plan does not currently give effect to Policies 23-28 and Policy 47 of the Regional Policy Statement. These RPS policies focus on the identification and protection of indigenous ecosystems and habitats, and the identification, protection, and management of Outstanding Natural Features and Landscapes and Special Amenity Landscapes.
137. GWRC [**S26.3**] seek that Upper Hutt City Council consider similar amendments to the Open Space Zone provisions and the protection of significant indigenous biodiversity in the subdivision provisions for the Open Space and Recreation Zone. This considers that the

ODP does not currently provide sufficient protection of indigenous biodiversity, including not giving effect to relevant policies in the RPS.

138. GWRC **[S26.4]** seek an amendment to the last paragraph of the Natural Open Space Chapter introduction to indirectly provide reference to the relevant park management plans. This submitter also seeks an amendment to include orchards as an enabled activity in NOSZ-P5 **[S26.11]**.
139. Mary Beth Taylor **[S10.2]** seeks that PC49 is amended to make stronger connections with the Upper Hutt City Council Sustainability Strategy, specifically goal 2 ('We will prioritise protecting and enhancing our natural environment') and goal 3 ('We will have a good quality and sufficient water supply'). The submitter believes that PC49 also needs to be less humancentric, with the submitter stating that the plan change has taken a 'siloe approach' which focuses on amenity values and disregards the importance of the wider environment and ecological services. This submitter **[S10.3]** also seeks that provisions for environment care and biodiversity protection and restoration should be included.
140. Similarly, A. G. Spiers **[S17.2]** seeks that PC49 be amended to better cover the protection of existing biodiversity and the restoration of degraded environments to better align with the Sustainability Strategy and other Council policies, and that the plan change would benefit from better connectivity between natural spaces.
141. The submission from Forest & Bird heavily focuses on the indigenous biodiversity aspect of PC49. Forest & Bird **[S23.8]** seek that the proposed Open Space and Recreation Zone strategic objectives are amended to better reflect the difference between the proposed Open Space Zones, and the potential different access between private and public Open Space sites. A suggestion is also made that a Natural Open Space Network and an Open Space Network strategic objective is added.
142. Forest & Bird **[S23.3]** support provisions that restrict public access to protect natural values and private property but suggest this may require a distinction between Natural Open Space on private versus publicly owned land. They also seek **[S23.4]** an amendment to the purpose of the Natural Open Space Zone such that the retention of the natural environment is the primary focus by removing the enabling approach towards recreation of other uses.
143. Forest & Bird submission points **[S23.9, S23.10]** seek the addition of reference to matters of consideration for the proposed Open Space and Recreation Zones in the Ecosystems and Indigenous Biodiversity Chapter and Natural Features and Landscape Chapter.
144. Forest & Bird **[S23.14]** seek amendments to the subdivision provisions for Open Space and Recreation Zones, stating that there is not enough differentiation between the subdivision standards for the different zones.
145. Forest & Bird **[S23.16]** contends that the Natural Open Space Zone provisions are not appropriate and requests that if Open Space zoning occurs on private land, then provisions should clearly state that access is a privilege and not an expectation. The submitter states that this zone has not been well incorporated into the rest of the plan.
146. Forest & Bird submission points **[S23.17, S23.18, S23.19]** seek that amendments are made to the Natural Open Space Zone objectives. The submitter states that the purpose of NOSZ-01 is not consistent with the National Planning Standards and is also inconsistent

with the Regional Policy Statement and part 2 of the RMA. The submitter also states the same applies to NOSZ-02 and that the matters listed in NOSZ-02 are uncertain, suggesting these matters may sit better in a policy. Forest & Bird state that enabling is not appropriate for NOSZ-03 and that the purpose and character of the zone is not clearly detailed.

147. Amendments to the Natural Open Space Zone policies have also been requested by Forest & Bird. Amendments are requested to policy NOSZ-P1 as Forest & Bird [S23.20], consider that the activities identified in this policy should not be enabled as this suggests an active role for Council. Forest & Bird believe the matters considered in objective NOSZ-02 should be considered in policy NOSZ-P1. With regards to NOSZ-P2, the submitter states [S23.21], that not all listed in proposed NOSZ-P2 may be appropriate, and that the policy is not limited to the matters listed.
148. Forest & Bird [S23.22], generally support the avoidance of activities in NOSZ-P3, but they seek amendments to ensure the policy could be applied on private land and to Regional Parks, and to ensure conservation activities are not inhibited where they conflict with recreation activities.
149. Forest & Bird [S23.23], consider that the approach of NOSZ-P4 to enhance activities and values as detailed is inconsistent with part 2 (specifically s6) of the RMA, where the protection of natural values is considered secondary. NOSZ-P5 enables activities within the Regional Parks, however Forest & Bird [S23.24], state that the enablement of these activities is not appropriate, and Council should retain discretion to decline. Of specific interest to the submitter are the quarrying and bee keeping activities.
150. Forest & Bird [S23.25] seek a new Natural Open Space policy which requires the management of pest animal and plants in the zone.
151. Forest & Bird [S23.27] seek that the Open Space Zone provisions are revised to ensure the natural aspects of the zone are protected and OSZ-02 is amended [S23.28] to provide a greater emphasis on the natural element of the Open Space Zone.
152. Forest & Bird [S23.7, S23.11, S23.12, S23.13, S23.15, S23.26] agreed with the proposed provisions and seek for the decision to retain as notified.

7.2. Assessment

Biodiversity

153. There is a significant degree of overlap between the amendments GWRC and Forest & Bird seek in submission points [S26.3], [S23.9] and [S23.10], on the Natural Open Space Zone provisions, specifically greater protection of environmental values throughout the provisions. I agree with GWRC that the current District Plan is not giving effect to RPS Policies 23-28 and 47. As has been discussed elsewhere in this report, while the natural environment comprises a key component of the Natural Open Space Zone, the primary purpose of the zone is not exclusive to the protection of the natural environment.
154. Upper Hutt City Council is currently progressing giving effect to RPS Policies 23-28 and Policy 47 through separate plan changes (Significant Natural Areas (PC48B)) and Landscapes (PC48A), with these plan changes yet to be notified and currently undergoing pre-notification consultation.

Therefore, I consider submission points [S26.2, S26.5, S26.6, S26.7, S26.8, S26.9, S26.10, S26.12, S26.13, S26.14, 26.15] which seek to specifically consider indigenous biodiversity in the GWRC submission to be appropriate. The presence of indigenous biodiversity aligns with the natural character and values which are already considered through the provisions for the Natural Open Space Zone. There is a large amount of draft Significant Natural Area (SNA) overlay located within areas proposed to be zoned as Natural Open Space. I consider the recognition of indigenous biodiversity suggested by GWRC will be compatible with recreation and leisure activities intended to be carried out in the zone. This is supported by [S10.3] Mary Beth Taylor and [S17.2] A. G. Spiers.

155. GWRC [S26.4] seeks an amendment to include reference to the relevant park management plans in the Natural Open Space Chapter Introduction. I consider this appropriate as is submission point [S26.11] which requests the inclusion of orchards as an enabled activity.
156. I disagree with Forest & Bird's submission points [S23.3, S23.4] requesting the Natural Open Space Zone focus primarily on the retention of the natural environment and prevent the enablement of recreation or other uses. I do not consider this appropriate as explained earlier in this report, the zone allows for a range of recreation activities in areas with natural character and value, but the protection of natural character is not the primary purpose of the zone. The Natural Open Space zone includes Te Awa Kairangi / The Hutt River corridor, Regional Parks, and other spaces with existing recreation facilities.
157. I also disagree with Forest & Bird [S23.8] that the proposed strategic objectives need to be amended to consider the differences between the Open Space and Recreation Zones. I consider an overall outcome for all Open Space and Recreation zones for the District in a holistic fashion is more appropriate as strategic objectives. The specific objectives, policies and rules for each zone differentiate between the zones themselves.
158. The request to amend the subdivision [S23.14] provisions is also not supported. The approach to subdivision is to restrict subdivision to maintain character and prevent the loss of Open Space land for the district. This is an outcome sought for all Open Space areas and does not need to be adjusted to reflect the different zones.
159. Forest & Bird's submission point [S23.16] is not supported as it relates to Natural Open Space zone applying on private land. I consider private land should generally not be zoned Natural Open Space unless the landowner has requested that zoning. Therefore, the proposed provisions are considered to be appropriate. In the rare occasions that private land is zoned Natural Open Space, access would be by permission of the landowner and should reflect the use and function of these sites.
160. I agree with making an amendment to NOSZ-01 [S23.17], but do not agree with removing the reference to ancillary structures. Ancillary structures can support recreation and other activities, including conservation and customary activities, within the zone. I also agree with amending proposed NOSZ-02 [S23.18], but do not agree that the matters listed are unclear. These matters are a description of the characteristics of the zone which should be maintained. Again, I agree with amending NOSZ-03 [S23.19] as the submitter is correct that 'enable' is not appropriate for this objective. However, the objective should acknowledge that the Regional Parks will have more diverse activities due to the scale and nature of these spaces so I disagree that this wording should be removed.

161. GWRC [FS7] opposes [S20.19] from Forest & Bird as they consider that the opportunities for a diverse range of activities in the Regional Parks as part of the Natural Open Space Zone, including recreational opportunities, are important. They consider that the zone should be about people being able to access and enjoy Natural Open Spaces, as recognised in Toitū te Whenua Parks Network Plan 2020-2030.'
162. I agree with submission point [S23.20] in relation to the addition of 'and location' in NOSZ-P1. However, I disagree that Council is in a position to 'provide' for these activities. Instead, the objective enables these activities within the zone where they are of an appropriate scale. I also do not agree with including the matters listed within NOSZ-O2 in this Policy, as they are more appropriate within the objective where they link with the identification of appropriate activities and development in the zone.
163. Forest & Bird [S23.21] seeks amendment to Policy NOSZ-P2, this policy sets out permitted activities within the zone, subject to standards related to design or scale. The request seeks to change 'provide' to 'consider providing' for which implies a level of discretion that is not consistent with the rules and standards for the zone. While the activities listed are appropriate this can be dependent on their design, scale, and location so they do not adversely affect the natural character and amenity values of the NOSZ. I consider that the proposed wording is more appropriate than the requested change and any issues are managed through the rules and standards.
164. I support amending proposed NOSZ-P3 in response to submission [S23.22] as I consider that it provides useful clarification to the policy. I also generally agree with the proposed amendments for NOSZ-P4 [S23.23] as the relief sought provides clarity that those listed activities should be enhanced where appropriate and specify protection of significant indigenous vegetation. The typographical error in the submission of 'if' instead of 'of' has not impacted the amendment.
165. Proposed Policy NOSZ-P5 [S23.24] applies specifically to the Regional Parks within the Natural Open Space Zone. I do not support the removal of 'enable' and 'plantation forestry' in this Policy. This Policy recognises that there are unique activities within the Regional Parks which are not anticipated to occur in Natural Open Space Zones outside of those sites. As the further submission from GWRC [FS7] states, these activities are appropriately managed through Toitū te Whenua Parks Network Plan 2020-2030.
166. Regarding the request to introduce provisions to require management of pest animals and plants, I consider that this would be a matter to be considered within a relevant reserve management plan under the Reserves Act or Regional Park Management Plan. Therefore, I do not agree with submission point [S23.25], to add this policy into the Natural Open Space Zone provisions as it is not a District Plan matter. GWRC [FS7] is supportive of ensuring pest management occurs in the Natural Open Space but states that the submission is not clear on what land is being referred to in this request.
167. Submission point [S23.27], [S23.28] relates to this Open Space Zone. I do not agree that indigenous biodiversity and natural character recognition needs be replicated for that zone. The Open Space Zone is more predominantly characterised by open, wide spaces with limited indigenous vegetation. The proposed provisions seek to ensure the sense of openness is maintained throughout the zone, while allowing for appropriate activities.

Sustainability

168. I disagree with submission points [S10.3] by Mary Beth Taylor and [S17.2] by A. G. Spiers that the approach of PC49 is at odds with the UHCC Sustainability Strategy. PC49 is aligned with Goal 2 of the Strategy by utilising the Natural Open Space Zone to protect the natural character of Open Spaces.
169. I also consider that submission point [S10.2] from Mary Beth Taylor that PC49 is poorly linked to the Sustainability Strategy is not an accurate reflection of the plan change. Activities in Open Spaces are enabled where they are appropriate for the zones character and purpose and avoided where they are not. Not all of the relevant goals of the Sustainability Strategy can be implemented in this plan change.

7.3. Recommended decisions

170. The following submissions are **rejected** for the reasons provided above:
1. Mary Beth Taylor [S10.2]
 2. Forest & Bird [S23.3], [S23.4], [S23.8], [S23.14], [S23.16], [S23.21], [S23.24], [S23.25], [S23.27], [S23.28]
171. The following submissions are **accepted in part** for the reasons provided above:
1. Greater Wellington Regional Council [S26.3], [S26.5]
 2. Forest & Bird [S23.9], [S23.10], [S23.17], [S23.18], [S23.19], [S23.20], [S23.23]
 3. Mary Beth Taylor [S10.3]
 4. A. G. Spiers [S17.2]
172. The following submissions are **accepted** for the reasons provided above:
1. Greater Wellington Regional Council [S26.2], [S26.4], [S26.6], [S26.7], [S26.8], [S26.9], [S26.10], [S26.11], [S26.12], [S26.13], [S26.14], [S26.15]
 2. Forest & Bird [S23.7], [S23.11], [S23.12], [S23.13], [S23.15], [S23.22], [S23.26]
173. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

7.4. Recommended amendments

The table below details the recommended amendments.

Submission Point	Provision	Amendment
26.4	Natural Open Space Zone Chapter Introduction	Activities and uses on publicly owned land are required 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 . All activities will also have regard to any relevant reserve management plans and legislation (Reserves Act 1977). <u>Any activities within a Regional Park will also need to comply with the requirements of any relevant park management plan.</u>
23.17	NOSZ-01	The Natural Open Space Zone <u>enables retains natural environmental values and provides opportunities for a range of passive recreation, customary and conservation activities with ancillary structures which</u>

		occur within the natural environment and have a high degree of interaction with natural features <u>where appropriate</u> .
23.18 26.5	NOSZ-02	Activities and development within the Natural Open Space Zone <u>protects indigenous biodiversity values</u> , maintain the amenity values and natural character of the Natural Open Space Zone by ensuring that they are of an appropriate scale <u>and appropriately located</u> , including: <ol style="list-style-type: none"> 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.
23.19 26.6	NOSZ-03	Enable <u>Regional Parks provide for</u> a diverse range of activities within <u>Regional Parks</u> , which are compatible with the purpose, natural character, <u>indigenous biodiversity</u> and amenity values of the Natural Open Space Zone, that recognise their contribution to the open space network of Upper Hutt.
23.20 26.7	NOSZ-P1	Enable informal sports and passive recreation activities, conservation , and customary activities , which are of an appropriate scale <u>and location</u> within the Natural Open Space Zone that are compatible with the natural character, <u>indigenous biodiversity</u> , and amenity values of the site .
26.8	NOSZ-P2	Provide for built development including: <ol style="list-style-type: none"> 1. Buildings & structures; 2. Walking and cycling tracks; 3. Bridleways; 4. Parking areas; and 5. Park <u>and facilities management</u>, designed, located and at a scale, to support informal sports and recreation activities, conservation , and customary activities that do not adversely affect the natural character, <u>indigenous biodiversity</u> and amenity values of the Natural Open Space Zone.
23.22 26.9	NOSZ-P3	Avoid activities or developments which are incompatible with the natural character, <u>indigenous biodiversity</u> , and amenity values of the Natural Open Space Zone, including avoiding: <ol style="list-style-type: none"> 1. Motorised recreation outside of specified areas in NOSZ-R11; 2. Activities or development which inhibit <u>that are not</u> recreational, conservation or customary activities <u>and would inhibit these activities</u>; and 3. Activities which result in <u>Large scale development</u> and activities that result in a loss of natural character <u>or indigenous biodiversity values</u> within the zone.
23.23 26.10	NOSZ-P4	Maintain and <u>where appropriate</u> enhance recreational, cultural, <u>indigenous biodiversity</u> and amenity values , through the

		<p>management of adverse effects, by:</p> <ol style="list-style-type: none"> 1. Controlling the scale and location of buildings and structures; 2. Improving the access to and the connections between Open Space and Recreation Zones; and 3. Manage adverse effects from activities, such as noise and light overspill, to maintain open space, <u>dark sky</u>, <u>indigenous biodiversity</u>, <u>and amenity values</u>.
26.11	NOSZ-P5	<p>Enable the following primary production activities within the Greater Wellington Regional Parks:</p> <ol style="list-style-type: none"> 1. Plantation forestry; 2. Stock grazing; 3. Bee keeping; and 4. <u>Orchards</u>; and 4 5. Quarrying activities where the works are for the management of park roads or tracks.
26.12	NOSZ-S1	<p>Matters of discretion where this standard is not met are restricted to:</p> <p>a) The extent of the effect of the height breach on the Natural Open Space Zones natural character, <u>indigenous biodiversity values</u> and amenity values.</p>
26.13	NOSZ-S2	<p>Matters of discretion where this standard is not met are restricted to:</p> <p>a) The extent of the effect of the height breach on the Natural Open Space Zones natural character, <u>indigenous biodiversity values</u> and amenity values.</p>
26.14	NOSZ-S3	<p>Matters of discretion where this standard is not met are restricted to:</p> <p>a) The extent of the effect of the gross floor area breach on the Natural Open Space Zones natural character, <u>indigenous biodiversity values</u> and amenity values.</p>
26.2 26.15	NOSZ-R14	<p>Matters of discretion are restricted to:</p> <p>a) Effects of the facility and associated activity on the Natural Open Space Zones natural character, <u>indigenous biodiversity values</u> and amenity values.</p>

7.5. Section 32AA evaluation

Effectiveness and efficiency

174. The inclusion of indigenous biodiversity within the objectives and policies is an effective approach to ensuring that indigenous biodiversity is protected within the zone. Making explicit mention of indigenous biodiversity provides clarity for plan users.

175. The change to the Introductory text for the Natural Open Space Zone is an efficient approach to making an indirect reference to park management plans, which will raise awareness for plan users that there are other planning documents which will need to be considered.
176. Other proposed wording changes to the objectives and policies are effective to ensure appropriate consideration of the natural character and values of the zone while balancing other appropriate activities.

Other reasonably practicable options

177. The amendments in response to the GWRC submission are giving effect not only to relevant section 6 matters under the RMA (S6b and S6c), but partially give effect to Policies 23-28 and Policy 47 of the Regional Policy Statement.
178. At this point in time, while there is an absence of provisions within the Plan to give effect to these, considering protection of indigenous biodiversity is considered a reasonable option to ensure that the District Plan is considering relevant RMA and RPS matters.
179. While a specific objective and policy could be introduced to consider indigenous biodiversity within the zone, I believe that including the consideration of indigenous biodiversity within the already drafted objectives and policies ensures that the topic is given sufficient weighting.

Cost and benefits

180. The proposed amendments will not result in additional costs, based on the overall scale of the changes being minor.
181. The benefits will ensure the District Plan is giving effect to the relevant provisions of the RMA and RPS, as well as providing clarity on how indigenous biodiversity is considered within Natural Open Space Zone.

Risks of acting or not acting

182. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the proposed amendments to the Natural Open Space Zone provisions.

Decision about most appropriate option

183. The proposed amendments are considered to be more appropriate in achieving the purpose of the RMA and the RPS, improving the clarity and considerations of the provision's framework for the Natural Open Space Zone.

8. Topic 4: Hutt Valley Clay Target Club Provisions

8.1. Matters raised by submitters

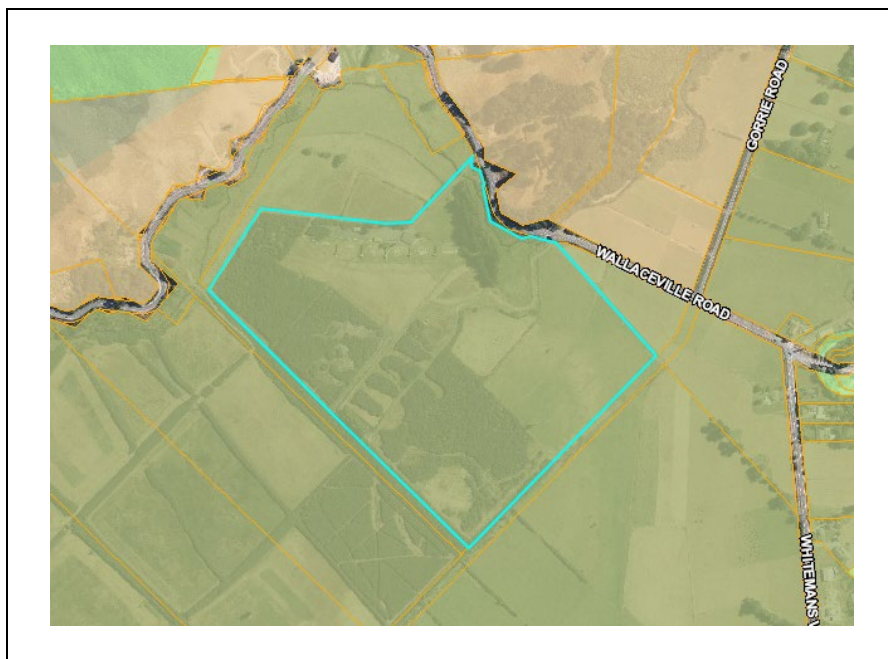
184. Two submissions were received in relation to proposed provision SARZ-S7 which specifically applies to the Hutt Valley Clay Target Club (HVCTC). These submissions were received from Mangaroa Farms [S9.1] and John Hill [S12.1] who oppose this proposed

provision, which relates to shooting days occurring at the Club. One further submission from Mary Beth Taylor [FS8] supported the submission from Mangaroa Farms.

185. Proposed SARZ-S7 is a site-specific standard applying to the HVCTC that restricts the number of days that the HVCTC can shoot up to 100 days per calendar year, with shooting restricted to daylight hours.
186. The submitters state that the proposed 100 days that the HVCTC can undertake shooting, is an increase from the current 80-day limit imposed through an Environment Court consent. Submitters state that this is not appropriate due to anticipated growth in the locality, which will conflict with the activity of the Club.

8.2. Assessment

187. The HVCTC is an established recreational activity within the rural area of Upper Hutt. The current zoning of the club site is Rural Production. In 2003 the HVCTC received a certificate of compliance that restricts the number of days that the Club can undertake shooting for 80 days per calendar year.



Map 4 shows the location of the Hutt Valley Clay Target Club and the Operative District Plan Rural Production zoning.

188. Through consultation with the HVCTC it was considered that a change of zoning from Rural Production to Sport and Active Recreation would be appropriate. This zone would reflect the historic and current use of the site, providing greater recognition of the established activity. However, the proposed provisions for the Sport and Active Recreation zone would allow for recreational shooting to occur at the site as a permitted activity without restrictions on the number of days of operation if no site-specific provisions were proposed.
189. Therefore, it was considered necessary to propose a new site-specific standard to manage the number of shooting days. This acknowledges that while the club is a well-established facility, the activity has the potential for adverse noise effects on surrounding rural

residential activities if not appropriately managed. There are no records of complaints relating to activities at the Club.

190. A proposed increase of shooting days per calendar year was discussed with HVCTC. An increase to 100 days was considered an appropriate compromise with the status of the activity becoming permitted with the change of zoning. An extra 20 shooting would allow flexibility for the club to operate in the future.
191. A separate plan change notified in October 2023 (PC50) proposes zoning the land surrounding the HVCTC a combination of Rural Lifestyle, Rural Production, and General Rural. PC50 also proposes to introduce an overlay around the gun club which would require new development within the acoustic overlay to meet relevant acoustic standards to maintain residential amenity considering the existing club activity.
192. While it is noted that PC50 has no legal weight at this stage, it is important to note that the rural residential amenity of surrounding land uses, and reverse sensitivity issues have been considered in the proposed plan change. With the proposed overlay in place, there will be the assurance that new development will be required to implement sufficient mechanical ventilation and meet acoustic standards to ensure residential amenity is maintained.
193. Therefore, while I acknowledge the point raised by submitters that there could be an increase in development in the surrounding area of the HVCTC, PC50 has taken this into account and is proposing mitigation through a proposed precinct to ensure reverse sensitivity effects are appropriately mitigated. However, I also acknowledge that the activity occurring at the Club does have an impact on current surrounding rural residential activity.
194. Other matters were raised within the submission from John Hill [S12.1] which relate to activities at the HVCTC. With regards to the health and safety aspects of the Club's operation, these are not aspects which are appropriate for consideration through the plan change, nor is information relating to any existing consents that the club hold.
195. With the well-established presence of the HVCTC within the rural environment, the absence of issues on the operation of the gun club, and the change of zoning allowing for no restrictions on the number of days of operation, I consider that it is appropriate to increase available shooting days. However, as stated above, Club activity does have an impact on the neighbouring properties so an increase of 20 shooting days to 100 per calendar year, potentially 10 weekends of shooting, could have a significant impact.
196. It is difficult to arrive at an appropriate figure for the number of annual shooting days for the Club. On balance, for the reasons outlined above, I consider it appropriate to increase shooting days for the Club to 86. This allows for the Club to continue their operation with an increased level of flexibility without having a significant impact on the rural residential amenity of the surrounding community.

8.3. Recommended decisions

197. The following submissions are **accepted in part** for the reasons provided above:
 1. Mangaroa Farms [S9.1]
 2. John Hill [S12.1]

198. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

8.4. Recommended amendments

The table below details the recommended amendments.

Submission Point	Provision	Amendment
9.1 12.1	SARZ-S7	<p>Shooting days at the Hutt Valley Clay Target Club (Pt Lot 1 DP 9009) will be limited to a maximum of 100 <u>86</u> days per calendar year and will only occur during daylight hours.</p> <p>1. Matters of discretion where compliance not achieved:</p> <p>a) The extent of the breach on the Sport and Active Recreation Zone character and amenity values; and</p> <p>b) The effect of the breach on the amenity values of any neighbouring land uses.</p>

8.5. Section 32AA evaluation

Effectiveness and efficiency

199. The amendment proposed is considered to be an effective compromise to the issues raised by submitters as well as acknowledging that the HVCTC have operated with an absence of issues and requested an increased level of flexibility in their operation.

200. The amendment allows for an increase in shooting days while managing the impact of the activity occurring at the Club on the surrounding community. This is an effective way to address the change of zoning to Sport and Active Recreation, and subsequent permitted activity status for Club activities.

Other reasonably practicable options

201. A reasonably practicable option could have been to leave shooting days at 100 in line with proposed SARZ-S7. This option does not recognise that the 20-day increase could have a significant impact on the surrounding community.

202. Another reasonably practicable option would be for shooting days to remain the status quo of 80. This option does not take into consideration that the Club have operated with an absence of issues and have requested a greater level of flexibility in their operation.

203. The recommended option to increase shooting days to 86 per calendar year is considered an appropriate compromise.

Cost and benefits

204. There is no extra cost related to the proposed amendment.

205. The benefit of the amendment is that the Club will have an increased level of flexibility without a significant impact on the surrounding community. The proposed amendment manages the number of shooting days without the activity becoming permitted under the proposed change of zoning.

Risks of acting or not acting

206. Overall, the risk of acting is considered to be minor as the Club has operated with an absence of issues under the current conditions.

Decision about most appropriate option

207. Based on the above assessment the proposed amendment is considered the most appropriate option in response to the submissions received and what is sought by the Club.

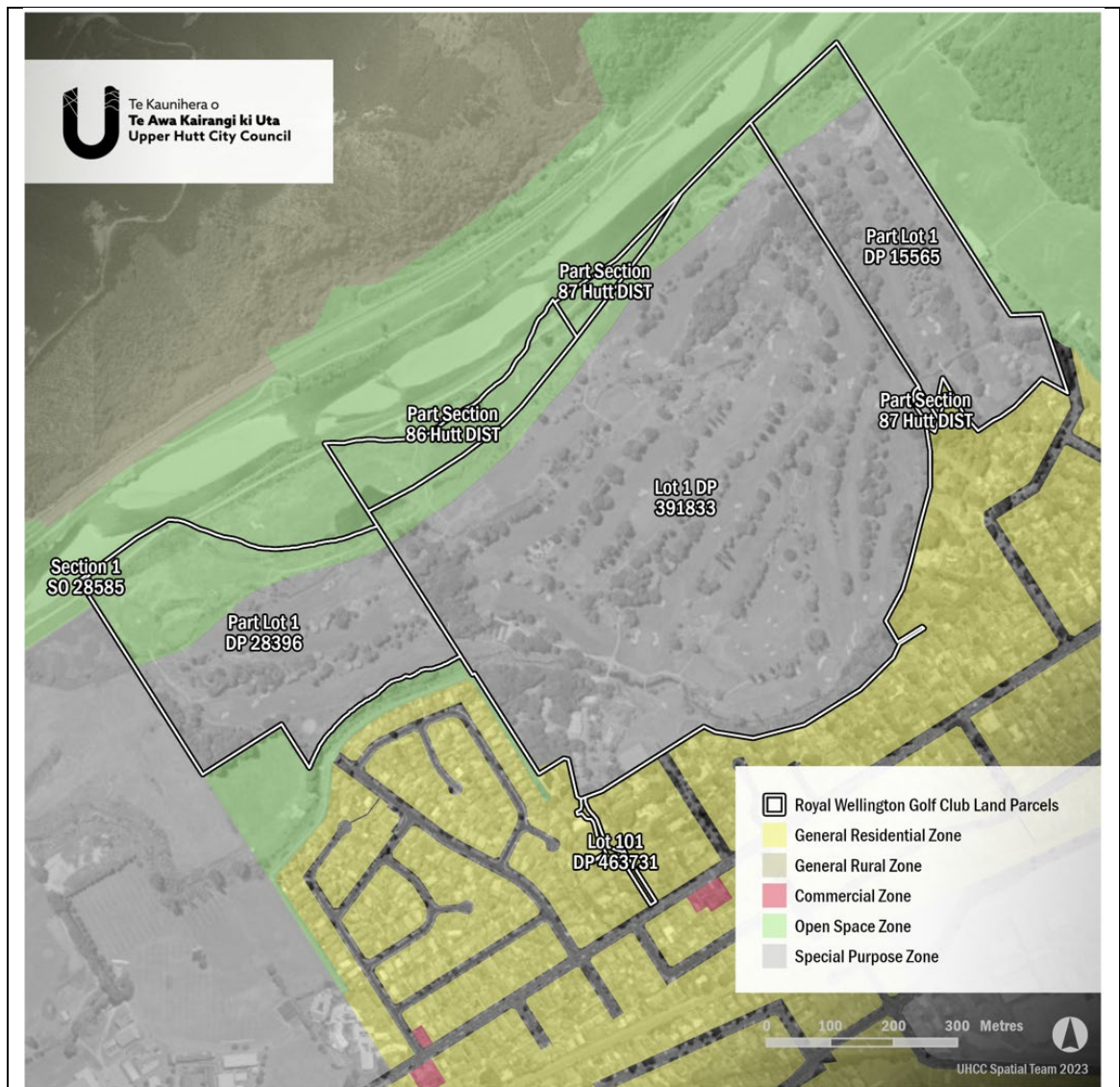
9. Topic 5: Royal Wellington Golf Club Provisions

9.1. Matters raised by submitters

208. The submission from Royal Wellington Golf Club (RWGC) contained 9 submission points which seek to amend several of the proposed provisions which apply to the Sport and Active Recreation Zone. RWGC supported the proposed rezoning of the current split zoning of the site of Open Space and Special Activity to Sport and Active Recreation and was also supportive of proposed SARZ-03 [S19.3] and SARZ-P5 [S19.5].
209. Submission points [S19.2, S19.4] relate to the Sport and Active Recreation Zone objectives and policies. RWGC seek to ensure that SARZ-02 is coherent, and that accessibility is suitably considered, and that SARZ-P2 does not hinder development that supports the recreational use of the zone.
210. Submission points [S19.6, S19.7, S19.8] seek amendments to the proposed building standards to allow for any reconstruction of buildings and structures to the existing height and size. Submission point [S19.9] seeks greater flexibility regarding the provision of caretaker accommodation, stating that the proposed provisions were not appropriate for allowing a caretaker with their household to occupy a dwelling of that size.
211. Submission point [S19.1] seeks to differentiate between subdivision restrictions placed on private and public Open Space, stating that restricting subdivision for the site was not appropriate.

9.2. Assessment

212. The zoning for the site is proposed to change from Special Activity and Open Space to Sport and Active Recreation. This was discussed with RWGC, with the zoning a better reflection of the existing use of the site. Furthermore, the need to review the Special Activity Zone to implement the National Planning Standards, it was necessary to suitably replace the zoning for this part of the site.



Map 5 shows the location of the Royal Wellington Golf Club and Operative District Plan split zoning of Special Activity and Open Space.

213. Submission point [S19.1] seeks to differentiate between public and private Open Space in policy SUB-OSRZ-P1. I consider this to be appropriate, with the policy wording focusing on public Open Space to be protected from inappropriate subdivision and provide for the recreational needs of the community.
214. Submission point [S19.2] seeks revising SARZ-02 by changing the use of the word ‘spaces’ to ‘public open spaces’ and also to amend the wording of the objective for clarification of what spaces are appropriately accessible for the public. I consider this to be appropriate due to the access restrictions that exist on private Open Space.
215. I consider the request [S19.4] to change ‘protect’ to ‘to support’ in SARZ-P2 to be appropriate to avoid the exclusion of development which supports the purpose and character of the Sport and Active Recreation Zone.

216. A large part of the submission is focused on the concern that the proposed building standards for the zone are overly restrictive and will prevent any necessary rebuilding of existing buildings and structures in the event that they are destroyed or demolished.
217. The submitter acknowledges that if a rebuild was required then section 10 of the RMA would allow for that, noting that the rebuilt building or structure must be 'the same or similar'. However, the current Special Activity Zoning allows for larger scaled buildings and structures than the proposed standards for the Sport and Active Recreation Zone.
218. SARZ-S1 restricts permitted building height within the zone to 9m, essentially allowing up to a 3-storey building. Submission point [S19.6] seeks to allow for buildings up to 15m in height which I consider to be inappropriate for the Sport and Active Recreation Zone as a permitted activity. While I understand that the current zoning allows for such height, I consider that it would not be appropriate in the proposed zone without an assessment undertaken as part of a resource consent application.
219. While the submitter states that the recession plane within SARZ-S5 would manage the effect of building height, it would still allow for 15m tall buildings to be located within the site without consideration of landscape or other amenity effects. There is a consenting pathway for the development of a building exceeding the permitted height, as a restricted discretionary activity, where Council would have discretion over relevant matters to ensure effects were mitigated.
220. The submitter seeks an amendment [S19.7] to the proposed setback for the zone in SARZ-S3. The proposed setback of 6m for buildings and structures adjacent to a Residential Zone is intended to ensure that sizeable buildings and structures do not affect residential amenity. The submitter seeks to reduce the proposed setback from 6m to 3m (+ 0.5m for every 1m the building is over 5m in height), this would be in line with the existing setback standards for the Special Activity Zone. The submitter states that the height control plane standard will manage effects on neighbouring residential amenity, I agree as the height control plane will protect sunlight access. By reducing the setback requirement it's likely that effects will still be mitigated via the height recession plane.
221. Submission point [S19.8] seeks that gross floor area restrictions should not apply to the buildings and structures on this site. The proposed limit of 300m² is designed to allow for larger buildings but to still maintain an open character. I do not agree that having no limit is appropriate for the RWGC site. While they may seek to build larger buildings and structures, there is a consenting pathway, as a restricted discretionary activity, to establish larger buildings within the zone. Existing buildings are not captured by the rule due to existing use rights.
222. Submission point [S19.9] seeks to amend the proposed standard relating to caretaker accommodation. The submitter considers that the proposed standard is too restrictive and does not allow for any associated household for a caretaker. I accept that in some instances caretaker accommodation should be provided allowing for the caretaker's family, however rather than deleting the entirety of SARZ-S6-1(a) I recommend adjusted wording to reflect this.
223. I propose an increase to the allowable gross floor area for caretaker accommodation to 100m², an increase to allow for a larger scale building which can accommodate the caretaker and associated family. I do not agree that removing the height restriction on caretaker accommodation is necessary.

224. The submitter contends that the combined effect of sub-standards SARZ-S6-1(e) and SARZ-S6-1(f) would mean that caretaker accommodation couldn't be accommodated within an existing larger building. I agree that these two sub-standards would prevent accommodation being provided in the same building as recreation activities. Therefore, to enable caretaker accommodation to be provided in existing or multi-use buildings, I have recommended the inclusion of an exemption to the standards for caretaker accommodation.

9.3. Recommended decisions

225. The following submissions are **rejected** for the reasons provided above:

1. Royal Wellington Golf Club [S19.6], [S19.8]

226. The following submission is **accepted in part** for the reasons provided above:

1. Royal Wellington Golf Club [S19.9]

227. The following submissions are **accepted** for the reasons provided above:

1. Royal Wellington Golf Club [S19.1], [S19.2], [S19.3], [S19.4], [S19.5] [S19.7]

9.4. Recommended amendments

The table below details the recommended amendments.

Submission Point	Provision	Amendment
S19.1	SUB-OSRZ-P1	To protect <u>public</u> open space land by avoiding inappropriate subdivision to maintain an appropriate provision of open space land which provides a diverse contribution to the recreational, conservation and cultural needs of the community.
S19.2	SARZ-O2	Activities and development within the Sport and Active Recreation Zone ensure amenity values and character of the Sport and Active Recreation Zone are maintained including: <ol style="list-style-type: none"> 1. Built form retains openness is still maintained <u>Through the</u> appropriate location and scaling of buildings; 2. Infrastructure to support different sports and active recreation activities; and 3. <u>Through the provision of public open Sspaces that</u> are accessible and positively contribute to health and wellbeing of communities.
S19.4	SARZ-P2	The scale, location, and design of development, including buildings and playing surfaces, in the Sport and Active Recreation Zone are managed to support the recreational use of the zone for a range of indoor and outdoor sports and protect to support recreational character of the zone.
S19.7	SARZ-S3	Buildings will be setback a minimum of 2m from any road boundary and 6m 3m (+0.5m for every 1 meter the building is over 5m in height)

		from any neighbouring Residential, Rural or Special Activity Zones.
S19.9	SARZ-S6	<p>1. All caretaker accommodation shall be:</p> <p>a) limited to the purpose of providing accommodation for a caretaker <u>and associated household</u> or other person whose employment requires that they live on the premises where they are employed;</p> <p>b) No more than 1 residential unit is located on the site;</p> <p>c) The activity is ancillary to a sporting activity located on-site;</p> <p>d) The residential unit must not subdivided or disposed of separately;</p> <p>e) The building used to accommodate the residential activity must be no larger than 65m² <u>100m²</u> in gross floor area;</p> <p>f) The building used to accommodate the residential activity must not exceed a height of 4 metres; and</p> <p>g) The building will comply with SARZ-S3 and SARZ-S5</p> <p>h) <u>Where the caretaker accommodation is included within an existing building which is predominantly used for sport and active recreation uses e) and f) do not apply.</u></p>

9.5. Section 32AA evaluation

Effectiveness and efficiency

228. The amendments proposed are considered to be an effective response to the issues raised by the submitter. The amendment to SUB-OSZ-P1 provides clarity and focuses the subdivision provisions on public land. Amendments to SARZ-O2 improve wording and clarity on the intention of the policy, as does the proposed amendment to SARZ-P2. The changes to SARZ-S3 and SARZ-S6 are an effective way of ensuring that RWGC can undertake certain scales and types of development while ensuring negative effects can be considered.

229. This is an effective approach to addressing the submission as it makes small alterations to the existing proposed rule framework.

Other reasonably practicable options

230. The establishment of a precinct for the site could allow for a prescriptive rule framework which would only apply to the site and may enable the more site-specific rules which the RWGC are seeking. However, I do not believe this is a practicable solution, considering that the changes to achieve the outcomes require only minor changes to the existing rule framework.

231. Therefore, I do not consider that there are other reasonably practicable options to achieve the same outcomes which are sought through the submission.

Cost and benefits

232. There are no significant extra costs which have been identified in the proposed amendments, as they are more enabling with the proposed changes to the relevant permitted standards.

233. The benefits of the amendments relating to the objectives and policies include benefits for improved wording and greater clarity for plan users, and clearer communication of what the objectives and policies are seeking to achieve. There are associated benefits through the enablement of development through the changes to the relevant standards, which will have a positive effect for RWGC while ensuring significant effects can still be considered through a consenting pathway.

Risks of acting or not acting

234. Overall, there is not considered to be a significant risk of not acting and based on the understanding of the context of the site and existing constraints, and the effects of the proposed amendments, the risk of acting is considered to be appropriate.

Decision about most appropriate option

235. Based on the above assessment the proposed amendments are the most appropriate option in response to the submission received.

10. Topic 6: Transport

10.1. Matters raised by submitters

236. One submission [S16] was received from Waka Kotahi that comprised of submission points covering all three of the Open Space Zone provisions. Waka Kotahi generally supports the direction PC49 is taking, subject to the amendments outlined in their submission. The specific amendments sought from Waka Kotahi are set out in the submission summary table provided in Appendix 1 of this report. However, some general points in respect of matters of particular interest are outlined below.

237. Their submission seeks to integrate land use, urban design, and transport planning to actively contribute to a safe and efficient transport system. This integration contributes to economic growth and productivity and creates opportunities for increased accessibility and integration of transport modes. In general Waka Kotahi seeks the following from PC49:

- the ability to maintain and operate a safe and efficient transport network.
- a safe transport system that reduces death and serious injuries.

238. Waka Kotahi is concerned with ensuring that PC49 provisions promote an efficient use of the transport network and allow for Waka Kotahi to fulfil its statutory obligations under the Land Transport Management Act. This includes the ability for Waka Kotahi to promote an affordable, integrated, safe, responsive, and sustainable land transport system.

239. Key concerns raised by Waka Kotahi include:

- the effect of the wide range of activities considered within PC49, including activities and developments which are enabled through permitted activity status, on the safe and efficient operation of the transport network within Upper Hutt.
- the specific effects of activities on State Highway 2, especially the zoning of Regional Park land where access to State Highway 2 is provided.

240. Waka Kotahi request in their submission and feedback introducing trip generation thresholds for all activities and development to help address the potential adverse effects on the transport network. Any new activity or development that exceeds the threshold would require an assessment of effects on the transport network.
241. A further submission was received from Greater Wellington Regional Council [FS7] who opposed certain amendments sought by Waka Kotahi. The detailed reasons are set out in the submission summary table provided in Appendix 1 of this report. However, some general points are outlined below.
242. GWRC disagrees that activities within the proposed policy NOSZ-P5 will impact on the safety and functionality of State Highway 2.
243. GWRC opposes the application of trip generation standards for Sports and Active Recreation (NOSZ-R4), Community Facilities (NOSZ-R7), and Parks Facilities and Management (NOSZ-R8) as they consider these to relate to maintaining public access to, and use of, Open Spaces.
244. They also oppose the trip generation threshold for NOSZ-R10 (Commercial Activity), NOSZ-R11 (Visitor Accommodation), NOSZ-R12 (Primary Production enabled by Policy NOSZ-P5) and NOSZ-R13 (Motorised Recreation) as they consider that these relate to activities in Regional Parks which are managed through Toitū te Whenua Parks Network Plan 2020-2030 and their license agreements.

10.2. Assessment

245. Following their submission, Waka Kotahi has met with Council officers on December 15, 2021, to discuss their submission points relating to the transport effects from the proposed plan change. This includes the recommendation to introduce trip generation thresholds for all activities and development to help address the potential adverse effects on the transport network. It was agreed that the most appropriate method of addressing these submission points would be through a comprehensive review of the Transport Chapter which is programmed as part of the current rolling review of the Operative District Plan, intended to be notified in 2024.
246. The future amendments to the Transport Chapter, in the comprehensive review, will ensure the ongoing operation and functional needs of this significant infrastructure is not compromised, ensure that Waka Kotahi can carry out its statutory obligations and provide clarity for all plan users.

10.3. Recommended decisions

247. The submission from Waka Kotahi [S16] is **accepted in part** for the reasons provided above:
248. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

10.4. Recommended amendments

249. No amendments are recommended as these issues will be addressed in a comprehensive review of the Transport Chapter as part of the rolling review of the Operative District Plan.

11. Topic 7: Infrastructure

11.1. Matters raised by submitters

250. Two submissions were received regarding infrastructure. One from Fire and Emergency New Zealand (FENZ) [S24] which related to the provision of additional infrastructure to provide for firefighting services. The other submission was received from Transpower New Zealand Limited [S21], who were broadly supportive of the notified plan change, specifically in relation to National Grid specific rules. Transpower did not request any amendments to the notified plan change.
251. The submission received from FENZ comprised of submission points for all three of the proposed Open Space Zone provisions. Submission points [S24.1, S24.2, S24.5, S24.6, S24.9, S24.10] supported objectives and policies for each of the zones which control the scale and location of development due to the positive effect this has on the risk of fire hazard.
252. Submission points [S24.3, S24.4, S24.7, S24.8, S24.11, S24.12] seek the addition of a new standard for each of the three zones. The requested standard is identical across all three zones and requires that new buildings and structures must be connected to a public reticulated water supply where possible, and when not possible, it must be demonstrated that an alternative supply can be provided for satisfactory firefighting water supply.
253. FENZ have requested this additional standard on the basis that it is important that new buildings and structures have the infrastructure to provide firefighting services especially within Open Space areas as these areas can be remote, making access difficult.

11.2. Assessment

254. The proposed standard which FENZ have suggested is shown below:
- *Buildings and structures that require water supply must be connected to a public reticulated water supply where one is available.*
 - *Where new buildings and structures have no available connection to a public reticulated water supply, or where the level of service required exceeds the level of service the reticulated water system provides, it must be demonstrated how an alternative and satisfactory firefighting water supply can be provided in accordance with the Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*
 - *Further advice and information about how adequate and accessible firefighting water supply can be provided to new developments, including alternative and satisfactory methods, can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

255. While I recognise the importance of providing a relevant water supply to buildings and structures, I consider the specific relief sought to be overly complicated. Therefore, I propose a simpler standard requiring buildings to be provided with firefighting water supply only.
256. I suggest the below amended wording is a more appropriate approach to achieving the outcome sought by FENZ.
- *All new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.*
257. This amended standard for buildings within each zone will still ensure that buildings and structures have adequate water for firefighting available in the event of an emergency.

11.3. Recommended decisions

258. The following submissions are **accepted in part** for the reasons provided above:
1. Fire and Emergency New Zealand [S24.3], [S24.4], [S24.7], [S24.8], [S24.11], [S24.12]
259. The following submissions are **accepted** for the reasons provided above:
1. Fire and Emergency New Zealand [S24.1], [S24.2], [S24.5], [S24.6], [S24.9], [S24.10]
 2. Transpower NZ Limited [S21.1], [S21.2], [S21.3], [S21.4], [S21.5], [S21.6]

11.4. Recommended amendments

The table below details the recommended amendments.

Submission Point	Provision	Amendment
S24.3	NOSZ-R1	<p>Buildings and structures including alterations, additions and relocated buildings.</p> <p>1. Activity Status: PER</p> <p>Where:</p> <p>a) Compliance is achieved with:</p> <p>i. NOSZ-S1;</p> <p>ii. NOSZ-S2; and</p> <p>iii. NOSZ-S3; <u>and</u></p> <p><u>iv. NOSZ-S4</u></p> <p>2. Activity Status: RDIS</p> <p>Where:</p> <p>a) compliance is not achieved with</p> <p>i. NOSZ-S1;</p>

		<p>ii. NOSZ-S2; and</p> <p>iii. NOSZ-S3; <u>and</u></p> <p>iv. <u>NOSZ-S4</u></p>
S24.4	New standard NOSZ-S4	<u>All new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.</u>
S24.7	OSZ-R1	<p>Buildings and structures including alterations, additions and relocated buildings.</p> <p>1. Activity Status: PER</p> <p>Where:</p> <p>a) Compliance is achieved with:</p> <p>i. OSZ-S1;</p> <p>ii. OSZ-S2;</p> <p>iii. OSZ-S3;</p> <p>iv. OSZ-S4; and</p> <p>v. OSZ-S5; <u>and</u></p> <p><u>vi. OSZ-S6.</u></p> <p>2. Activity Status: RDIS</p> <p>Where:</p> <p>a) compliance is not achieved with</p> <p>i. OSZ-S1;</p> <p>ii. OSZ-S2;</p> <p>iii. OSZ-S3;</p> <p>iv. OSZ-S4; and</p> <p>v. OSZ-S5; <u>and</u></p> <p><u>vi. OSZ-S6.</u></p>
S24.8	New standard OSZ-S6	<u>All new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.</u>
S24.11	SARZ-R1	<p>Buildings and structures including alterations, additions and relocated buildings.</p> <p>1. Activity Status: PER</p> <p>Where:</p> <p>a) Compliance is achieved with:</p> <p>i. SARZ-S1;</p> <p>ii. SARZ-S2;</p> <p>iii. SARZ-S3;</p>

		<p>iv. SARZ-S4; and</p> <p>v. SARZ-S5; <u>and</u></p> <p><u>vi. SARZ-S6</u></p> <p>2. Activity Status: RDIS</p> <p>Where:</p> <p>a) compliance is not achieved with</p> <p>i. SARZ-S1;</p> <p>ii. SARZ-S2;</p> <p>iii. SARZ-S3;</p> <p>iv. SARZ-S4; and</p> <p>v. SARZ-S5; <u>and</u></p> <p><u>vi. SARZ-S6</u></p>
S24.12	New standard SARZ-S9	All new buildings shall be provided with firefighting water supply in accordance with the Fire and Emergency New Zealand Code of Practice SNZ PAS 4509:2008.

11.5. Section 32AA evaluation

Effectiveness and efficiency

260. The introduction of a new standard is an effective way of achieving the purpose of ensuring new development specifically considers the requirements for firefighting. The use of permitted standards is an established and effective method.

Other reasonably practicable options

261. Besides the suggested amendment, another potential other option is the acceptance of the proposed amendment as suggested by FENZ. However, I do not believe that is the most practicable option as it is overly complex. Instead, amending the proposed standard to only make reference to the latest Firefighting code of practice requirements is a more effective option.

Cost and benefits

262. The proposed standard could result in a slight increase in costs in the construction of new buildings and structures as they will be required to meet an additional standard which wasn't within the proposed plan change. However, as there is an existing requirement for firefighting water supply, with the code of practice of the existing Operative Plan, the cost is not considered to be significant.

263. The benefits of the new proposed standard include the associated safety positives with buildings meeting the most up to date firefighting water supply requirement from FENZ.

Risks of acting or not acting

264. The risk of not acting in this instance includes the potential for new development to not meet fire safety requirements. There is not considered to be a significant risk of acting,

with the associated identified positive effects being that fire risk for new development within the three Open Space and Recreation Zones is suitably managed.

Decision about most appropriate option

265. Based on the above assessment the proposed amendments are the most appropriate option in response to the submission received.

12. Topic 8: General Submissions

12.1. Matters raised by submitters

266. Several other submissions were received which do not align with the topics which have been considered earlier in this report. Therefore, these general submissions have been considered in this section.
267. Pinehaven Tennis Club **[S2.1, S2.2]** made a submission seeking the land which they operate on (known as Pinehaven Reserve) be zoned as Sport and Active Recreation, or to amend the provisions to allow for larger scale development for any potential necessary replacement of existing buildings and structures on site.
268. Donna Galbraith **[S8.1]** supported the zoning of Oxford Park as Sport and Active Recreation but seeks that provisions be amended to prevent the development of any sports clubs, structures, or buildings in the park, stating that the park is not large enough to accommodate such facilities.
269. Thane Walls **[S15.1]** and **[S15.2]** made a submission seeking to ensure that neighbouring properties are not affected from any inappropriate development or recreational activities, specifically in relation to Whakatiki Park.
270. Hannah Stanfield **[S11.1, S11.2, S11.3, S11.4]** although generally supportive of the plan change direction, seeks amendments for all provisions to address grammatical and referencing errors, to simplify provisions for improved readability, to ensure objectives and policies are achieving positive outcomes for the parks of Upper Hutt.
271. Heritage New Zealand Pouhere Taonga **[S18.1]** supports proposed PC49, and specifically the retention of Rule OSZ-R12 as notified, as their feedback was adopted and drafted to cater for the current and anticipated activities at the Blockhouse site.
272. Greater Wellington Regional Council submission point **[S26.16]** seeks a change requesting reference to lighting standard 'AS/NZS1158.3.1 Lighting for roads and public spaces' to OSZ-S1 and SARZ-S1 to ensure light pollution from light poles/floodlights is managed. The submitter also requests **[S26.17]** that where light spill is mentioned within the proposed plan change, that over lighting is also referenced.
273. GWRC **[S26.1]** seek to retain the current hazard management activities in the ODP until the Natural Hazard Plan Change becomes operative. This amendment is sought to give effect to RPS Policy 51, prevent any impact on flood protection works, and prevent inappropriate subdivision and development in areas of high flood risk to give effect to RPS Policy 51.

274. While the zoning aspects of the Wooster and Teasdale Families submission have been addressed in topic 2 of this report, submission points [S20.3, S20.4] seek that specific activities be enabled within the riverbed area of their owned land which is zoned as Natural Open Space, including subdivision, earthworks, and commercial recreation.
275. Submission point [S20.5] related to amendments of the provisions to improve clarity and avoid inadvertent misinterpretation. The example provided seeks clarification of the avoidance of large-scale development within the Natural Open Space Zone. Submission point [S20.6] seeks any alternative amendments, including the appropriate combination of amendments, to address the intent of matters raised in the submission.
276. Gary Sherwin [S22.1] made a submission requesting to know more information regarding the Speedway in relation to impacts on the residents of Te Marua. Of particular concern was the potential for the Speedway to sell their land to an investor for further development. This submission was supported by a further submission from Ian Sherwin [FS4] who raised concern that the relaxation of rules in the operation of the Speedway could impact on the surrounding neighbours.

12.2. Assessment

277. The land at Pinehaven Reserve, which Pinehaven Tennis Club requested be zoned as Sport and Active Recreation in their submission [S2.1, S2.2], is proposed to be zoned as Sport and Active Recreation in the notified plan change. Therefore, the outcome sought by the submitter has already been achieved, and the submission is considered to be a submission in support of the proposed plan change.
278. Donna Galbraith's request [S8.1] to retain zoning at Oxford Park as Sport and Active Recreation is in support of the plan change. However, to prevent any development at the site is not supported. The submitters reasoning for this request is that the site is not large enough to accommodate such facilities and that recent Council investment into facilities at this site could be affected by new development.
279. The proposed zoning of the park does not correlate with a definite construction of any sports facility and associated parking. Furthermore, the proposed bulk and location standards for structures and buildings within the Sport and Active Recreation Zone are considered sufficient to maintain neighbouring amenity values. While I acknowledge that the facilities present at the park are valued by the community, I disagree with the argument that the proposed zoning is not appropriate in fear of the loss of these facilities.
280. Similarly, Thane Walls [S15.1, S15.2] focussed predominantly on the concern that inappropriate activities and development at Whakatiki Park could lead to negative effects on the neighbouring amenity of surrounding residents. The submission raises several concerns regarding the future use of Whakatiki Park, these are park management or operation matters which the District Plan cannot address.
281. The existing use of the park is not going to change because of the proposed plan change. Rather, the proposed new zoning is a better reflection of the current use and manages activities which are considered likely to occur at this site. The submitter states that if there is no change to the current use of Whakatiki Park then they support the proposed plan change.

282. In response to Hannah Stanfield's submission. The submitter is correct with the examples provided in **[S11.1]** that the proposed plan has typographical errors in NOSZ-R11 and SARZ-02. The example in NOSZ-R11 has been amended and SARZ-02 was amended through another submission. The proposed plan will be continually checked through the Schedule 1 process and other minor typographical errors can be amended through clause 16 of the RMA.
283. Submission point **[S11.2]** seeks the amendment of wording across the provisions to improve consistency and submission points **[S11.3]** and **[S11.4]** seek the amendment of objectives and policies to make sure they achieve the best outcome for Open Space. Some of the proposed provisions have been recommended for amendment in response to submissions received. The proposed provisions and evidence of submitters will be considered through the hearing process and further recommendations may be made by the hearing panel, including consequential amendments to achieve greater consistency in light of these recommendations.
284. In response to GWRC submission points **[S26.16]** and **[S26.17]**. The standards for the Open Space and Sport and Active Recreation Zones allow for light poles and floodlights up to 18m as a permitted activity. This height is consistent for such structures nationally. The existing artificial light emission provisions of the Operative District Plan will still apply and these provisions will be reviewed as part of a separate plan change.
285. GWRC **[S26.1]** seek to retain the hazard management activities in the existing Operative District Plan until the Natural Hazards review has been completed to give effect to RPS Policy 51 to 'minimise the risks and consequences of natural hazards.' I note that flood mitigation works undertaken by a local authority are a permitted activity in all zones under Rule 1 of the Natural Hazards Chapter of the ODP and does not rely on any provisions being altered in this plan change. I consider that the provisions in the ODP are sufficient to manage subdivision and hazard management in all zones including the Open Space and Recreation Zones. Therefore, no amendments are recommended in relation to this point.
286. In response to Wooster and Teasdale Families submission points **[S20.3, S20.4]**. Under s30 of the Resource Management Act, Regional Councils control activities that take place within the riverbed so it would not be appropriate for Council to comment on the requested amendments related to the riverbed of Te Awa Kairangi / The Hutt River. However, under s31 1(e) the Territorial Authority has control of effects of activities in relation to the surface of the water so the amendment sought regarding commercial and industrial would be considered inappropriate for the Te Awa Kairangi / The Hutt River corridor. Activities on the surface of water are considered in the ASW chapter of the District Plan that does not form part of this plan change. The ASW chapter will be reviewed in a separate plan change.
287. GWRC **[FS7]** opposes any re-zoning of the Te Awa Kairangi / The Hutt River riverbed away from Natural Open Space zoning. They consider it a very high-hazard area with the only appropriate land use being Open Space. They oppose any amendments to the proposed Natural Open Space Zone provisions that direct 'avoidance' or 'protection' outcomes. They consider this direction to be in keeping with the overall purpose of the Natural Open Space Zone and the proposed activity controls to be appropriate in considering effects on natural character, amenity, recreational, and/or cultural values.
288. I consider it appropriate to amend the wording of provisions in Wooster and Teasdale's submission point **[S20.5]** which will allow for clarity for plan users and avoid misinterpretation. NOSZ-P3 and OSZ-P3 have been amended through another submission

and OSZ-P3 has been amended to include ‘within the zone’ as requested in this submission.

289. In response to Gary Sherwin’s submission point [S22.1] supported by the further submission from Ian Sherwin [FS4]. This plan change proposes to change the zoning of the Speedway only and not amend of the rules and standards it operates under. It is my understanding that the Speedway operators and residents have met to discuss these matters which has resulted in the development of mutually agreed noise standards and hours of operation which are included in the Operative District Plan. This zoning change means no change to the rules regarding the Speedway are proposed.

12.3. Recommended decisions

290. The following submissions are **rejected** for the reasons provided above:

1. Thane Walls [S15.1]
2. Greater Wellington Regional Council [S26.16], [S26.17], [S26.1]
3. Wooster and Teasdale Families [S20.3], [S20.4]

291. The following submissions are **accepted in part** for the reasons provided above:

1. Donna Galbraith [S8.1]
2. Hannah Stanfield [S11.1], [S11.2], [S11.3], [S11.4]
3. Thane Walls [S15.2]
4. Wooster and Teasdale Families [S20.5], [S20.6]
5. Gary Sherwin [S22.1]

292. The following submissions are **accepted** for the reasons provided above:

1. Pinehaven Tennis Club [S2.1], [S2.2]
2. Heritage New Zealand Pouhere Taonga [S18.1]

293. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submissions.

12.4. Recommended amendments

The table below details the recommended amendments.

Submission Point	Provision	Amendment
S11.1	NOSZ-R11	<p>Visitor Accommodation</p> <p>1. Activity Status: PER</p> <p>Where:</p> <p>b) a) <u>a)</u> The activity occurs within:</p> <p>i. Akatarawa Forest Regional Park;</p> <p>ii. Kaitoke Regional Park; or</p> <p>iii. Pakuratahi Forest Regional Park.</p>
S20.5	OSZ-P3	Inappropriate activities and development

		<p>The adverse effects of inappropriate activities are managed to ensure the Open Space Zone character and amenity values are maintained, by ensuring activities and development are of an appropriate scale and type. Inappropriate activities or development include:</p> <ol style="list-style-type: none"> 1. Activities or development which prevent the undertaking of recreational, sporting, conservation, and customary activities; and 2. Activities which result in <u>Large scale development and activities that result in a loss of open space character within the zone.</u>
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12.5. Section 32AA evaluation

Effectiveness and efficiency

294. The amendments proposed are considered to be an effective response to the issues raised by the submitters. The amendment to NOSZ-R11 allows for a greater level of clarity for plan users when referencing rules within this zone. The amendment to OSZ-P3 provides for a greater level of clarity on the intention of the objective and is more readable for plan users. This is an effective approach to addressing the submission as it makes small alterations to the proposed provisions.

Other reasonably practicable options

295. I do not consider that there are other reasonably practicable options to achieve the same outcome which are sought through this submission.

Cost and benefits

296. There are no extra costs associated with the proposed amendments based on the overall scale of the changes being minor.

297. The benefit will be a greater level of clarity in the proposed objective and rule for plan users.

Risks of acting or not acting

298. Overall, it is considered that the risk of not acting is considered to be minor as the proposed amendments are small in scale.

Decision about most appropriate option

299. Based on the above assessment the proposed amendments are the most appropriate option in response to the submission received.

13. Conclusion

300. Submissions have been received in support of and in opposition to the proposed Plan Change 49 – Open Spaces. Some submissions related to specific zoning or provisions for one of the three Open Space and Recreation Zones, while several submissions focussed on zoning and provisions across all three zones.


301. I consider that the submissions on proposed Plan Change 49 – Open Spaces should be accepted, accepted in part, or rejected as set out in the table in Appendix 1 for the reasons set out in Sections 5 - 12 above.
302. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the proposed Plan Change 49 – Open Spaces should be amended as set out in in the section 32AA evaluation included throughout this report.
303. I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA),
 - give effect to higher order planning documents, and
 - achieve the relevant objectives of proposed Plan Change 49 – Open Spaces, in respect to the proposed provisions.

14. Recommendations

304. I recommend that:

1. The Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix 1 of this report; and
2. Proposed Plan Change 49 – Open Spaces is amended in accordance with the changes recommended in the section 32AA evaluations included throughout this report.

Signed:

Name and Title		Signature
Report Author	Suzanne Rushmere Senior Policy Planner, Upper Hutt City Council	

Appendix 1: Table of submission points

Appendix 2: Recommended Amendments