

BEFORE THE HEARING PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of submissions and further submissions on Upper Hutt District Council Plan Change 49- Variation 1 to the Operative District Plan Silverstream Spur.

Submitter **GUILDFORD TIMBER COMPANY LTD**
(Submitter 82, Further Submitter 12).

STATEMENT OF EVIDENCE OF MICHAEL WILLIAM HALL

ON BEHALF OF GUILDFORD TIMBER COMPANY LTD

Dated: 17 November 2023

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1.0 Qualifications and Expertise

- 1.1 My full name is Michael William Hall. I am a Principal Planner at Awa Environmental Limited over the last three months, where I lead the Urban Spaces Service Line. Prior to this I was the Group Manager for Planning and Landscape Architecture at Align Limited for six years. I have held roles in consultancy firms as a planner and at Transit New Zealand.
- 1.2 I have 19 years of experience as a planner and hold a Master of Environmental Studies, a Bachelor of Science in Geography and a Bachelor of Arts majoring in Political Science, all from Victoria University of Wellington. I am an associate member of the New Zealand Planning Institute and full member of the Urban Design Forum.
- 1.3 I have experience in a number of diverse projects, including highway and power infrastructure, policy development and plan changes, master planning for new settlements, preparation of consents and designations. Recent projects relevant to this proposal include subdivision and land use consents for Neighbourhood Development Plans for Harekeke Heights, the Pinehaven Stream Improvements Notice of Requirement and Resource Consents for Wellington Water, Pinehaven Flood Management Plan for Upper Hutt City Council and Greater Wellington, State Highway 58 Safety Improvements Notice of Requirement, Cannon Point Development Limited Resource Consents for stages 1 and 2 in Upper Hutt, and the Hutt City Council Urban Development Plan for the Suburban Centre and Medium Density Residential Review.

2.0 Code of Conduct

- 2.1 I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2023. I agree to comply with this Code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3.0 Scope of Evidence

- 3.1 My statement of evidence is to provide planning evidence regarding the relief sought by Guildford Timber Company (**GTC**) on the Upper Hutt City Council (**UHCC**) Variation 1 to Plan Change 49 for GTC. My evidence will cover the following topics:

- Planning undertaken for the Southern Growth Area.
- Provision for Southern Growth Area in the relevant strategies and LTCP and plan changes.
- Summary of relief sought by the Guildford Timber Company, including revised relief.
- Response to the Officer's Report.
- Response to specific submissions.

4.0 Planning undertaken for the Southern Growth Area

- 4.1 The Southern Growth Area (**SGA**) surrounds Silverstream and Pinehaven to the west and south. The Spur lies at the northern end of the SGA at the end of Kiln Street – refer **Figure 1** below.

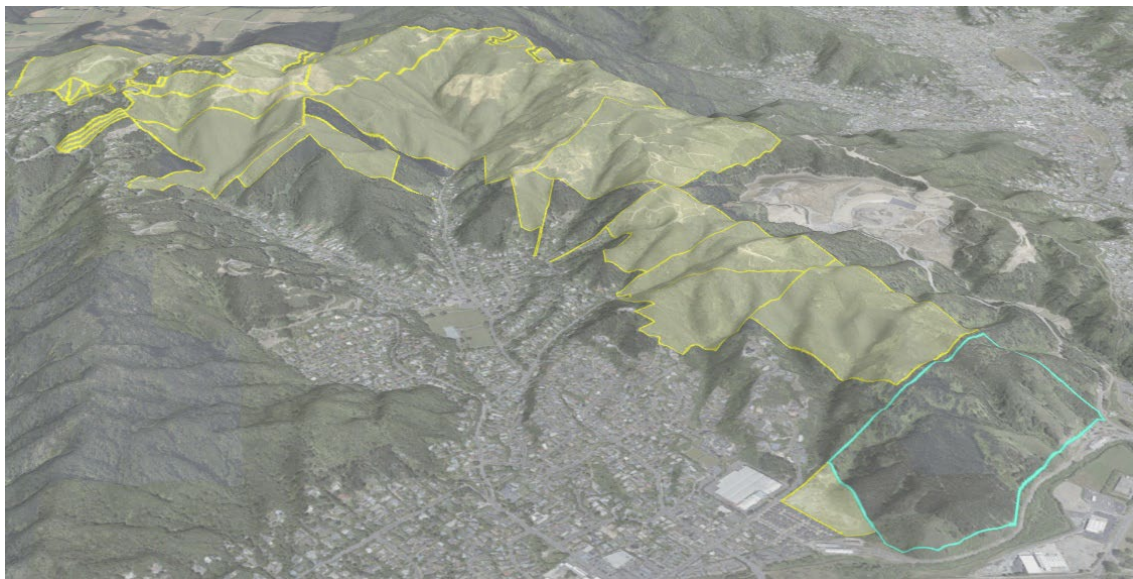


Figure 1 - Southern Growth Area with Spur

- 4.2 The SGA has been planned since at least 2007. Throughout that time Upper Hutt City Council and GTC have worked together to plan for the transition of this land from forest to housing. Details of this is set out in chronological order below.

2007 Guildford Timber Company Framework 2007

- 4.3 The land was identified as potential for future urban development and was first formally assessed in 2007.¹
- 4.4 The development was feasible from an infrastructure planning perspective and the environmental effects, constraints assessment and infrastructure and servicing work done to support that framework was comprehensive for growth planning purposes. It was completed to the level required for a Plan Change. It demonstrated that the SGA could meet the southern growth urban development needs for the district through providing for good, well designed housing around a series of village hubs which would in turn contribute to the economic vitality of Silverstream and potentially provide for recreational activity for the wider community once forestry operations ceased on the site. The 2007 plan is outlined in Figure 2 below:



Figure 2. 2007 Masterplan

¹ [guildford-timber-company-framework-document-2007.pdf \(upperhuttcity.com\)](#)

4.5 The work that was undertaken as part of that process included:

- Transport modelling
- Power
- Stormwater
- Waste water and water supply and other services
- Reverse sensitivity assessments
- Cost estimates to confirm feasibility
- Urban design
- RMA planning
- Ecology
- Consultation with the wider community and relevant stakeholders

Upper Hutt Urban Growth Strategy (2007)

4.6 The Guildford Growth Framework formed the basis of the Southern Growth Area for the Upper Hutt Urban Growth Strategy (2007). This was adopted by Upper Hutt City Council in 2007.

Upper Hutt Land Use Strategy (2016)

4.7 The Upper Hutt Land Use Strategy 2016 (**LUS**) followed on from the 2007 strategy, and identified a range of options for accommodating future urban growth, including intensification in and around the City Centre and Fergusson Drive, infill throughout the existing urban area, and four edge expansion areas (Figure 3). The largest edge expansion area was the SGA.

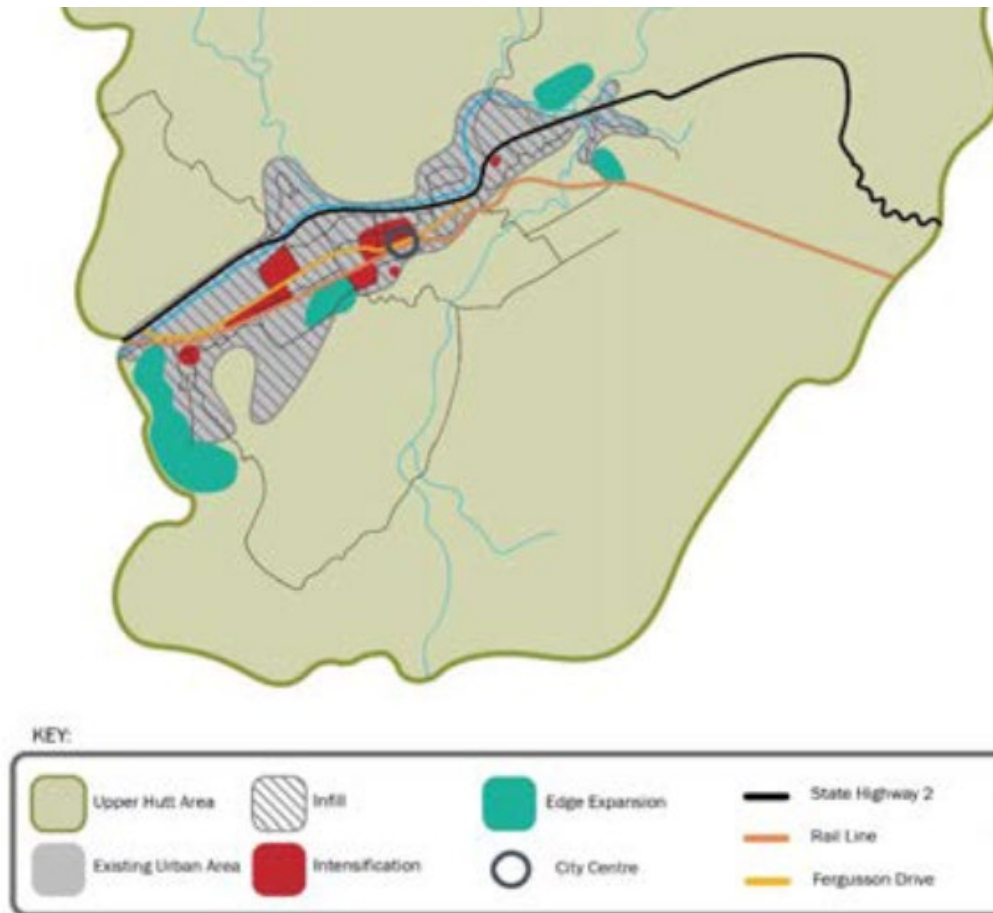


Figure 3. Urban Development Strategy map showing urban areas. Source: GWRC.

4.8 Identification of the edge expansion areas considered criteria including topography, environmental constraints, access, infrastructure, and landowner enthusiasm and capability. The SGA was identified as a location that “needs to be considered as a key strategic housing location for the next 30 years”,² and the Strategy noted that a full assessment would be required to consider development issues, so while use of the SGA for residential activities was not considered imminent, its value in accommodating growth was recognised.

Wellington Regional Growth Framework (2021)

4.9 The SGA was also incorporated in the Wellington Regional Growth Framework 2021 (WRGF), as one of two future urban areas in Upper Hutt (along with the Gillespies Road Block, which was also included in the 2016 LUS.).

² Page 80

Reconfirming the Masterplan 2021-2022

- 4.10 Following on from the development of growth planning in the district and identification in the Regional Growth Strategy a revised assessment was undertaken to reconfirm the development, environmental and infrastructure assumptions for developing the Southern Growth Zone in 2021.
- 4.11 This work was undertaken by Studio Pacific Architecture. Envelope Engineering also undertook at a concept level engineering work to confirm if the development was able to be implemented through private investment and that existing Council Infrastructure connections could be provided for water supply and waste water.
- 4.12 UHCC long term planning was also able to take into account future growth planning as outlined below. The design of the SGA as articulated through the masterplan has been created using an urban design lead approach to create places, communities and interconnections into the Pinehaven and Silverstream communities. The principles of the masterplan are:
- Sustainability - conserving and respecting the natural environment and providing for resilient communities.
 - Innovation – being future focused and thinking about energy supply, material use and water reuse.
 - Connection – having a strong sense of connection socially and through interaction provided by tracks, movement and interaction with the regenerating bush that can be planted post-harvest.
 - Guardianship – being committed to caring for the land that’s been entrusted to us and will be handed over to new communities.
- 4.13 As these principles have been worked through GTC have been able to test and confirm that up to 1600 household units could still be provided to help create those communities and contribute to the regions placemaking.

Infrastructure Accelerator Fund 2021

- 4.14 The work that was completed for the masterplan and engineering was used as a joint application by UHCC and GTC to obtain IAF funding for infrastructure. To unlock the development potential of Silverstream Forest, access for a road and infrastructure

corridor was required. In this application the road and infrastructure corridor would extend from Kiln Street in Silverstream, over GTC's land at 44 Kiln Street, and over the Spur to GTC land on the ridge where development would occur.

- 4.15 The IAF application sought a contribution from Government towards the cost of the road, infrastructure corridor and water reservoir that would service at least the first stage of development at Silverstream Forest: approximately 400 houses. This included detailed consideration of Three Waters, network utilities, stormwater and traffic infrastructure for much of the site.

Development of the Pinehaven Flood Management Plan and Plan Change 43

- 4.16 In parallel to the development of the growth strategies, the SGA was also assessed and taken into account for the Pinehaven Flood Management Plan, using the spatial areas identified in the Guildford Development Framework 2007. Sensitivity scenarios of what would happen to the catchment if the development was no longer in forestry and a stormwater neutral development were implemented as outlined through the growth strategies. This FMP was then used as the basis of informing Plan Change 43 to the Upper Hutt District Plan and stormwater infrastructure improvements to Pinehaven. These stormwater improvements to address existing issues and future climate risk are currently being implemented.

Provision for supporting infrastructure for the SGA in UHCC Long term Plan 2022

- 4.17 In 2021 consistent with the pattern of Council led planning for the SGA, it was recognised as a future urban area in the UHCC Long Term Plan 2021- 2031 (page 118). This plan was adopted in 2022.
- 4.18 The SGA was identified in the long term plan in 2022 as a high growth area called the Southern Growth Zone, that was recognised and accounted for in the planning for public infrastructure upgrades for growth planning purposes. In particular it noted that it that would require a replacement Silverstream Bridge in years 4-10 and a new Pinehaven reservoir in years 11-20. (page 137) both of these investments were identified as requiring significant capital investment but have been planned for in the LTP to provide for Medium Term Growth.

UHCC Plan change 50 – Rural review -GTC will be seeking rezoning of SGA.

4.19 Taking on board the work that has been completed above, GTC has lodged a submission to rezone the SGA to give effect to the growth planning and master planning for the site. The map showing the areas for development subject to the rezone request is at **Appendix A**. The technical assessments and consultation required for the planning of this site at a plan change level would be addressed through Plan Change 50, not Plan Change 49.

Conclusions on planning history for the SGA

4.20 This detailed history of the site, including Council lead planning processes and provision in the Long Term Plan, joint planning undertaken with Council and GTC, and GTC's own work including its own financial feasibility work demonstrates that development of the SGA are well connected and planning for the infrastructure for the SGA has been advanced by Council, over the last 17 years. Variation 1 is another step in that planning process.

5.0 Summary of Relief sought by Guildford Timber Company in its written submission

5.1 GTC provided a written submission on Variation One to Plan Change 49. The following points summarise the relief sought:

- Supports the intent of the inclusion of new policy NOSZ P6 and P7 to provide for the SGA and roading infrastructure while balancing this with managing environmental values within the land parcel.
- Requested the enablement of residential land being able to be undertaken on the Spur, but we understand that this will no longer be possible due to the ownership of the land being retained for Council.
- Supports the intent of the inclusion of new policy NOSZ P7 to provide for roading infrastructure while balancing this with managing ecological values within the land parcel.
- Supports the change in wording of Significant Natural Areas to Spur Ecological Area. However, disagrees with the mapping and policy framework for management of these areas, which is addressed further below in response to the Officer's report.

- Oppose the current identification of identified natural areas. Council's evidence base does not support the Spur (or part of the Spur) being identified as a significant natural area. As a result, the proposed rule NOSZ-R22 is not justified based on the evidence supplied and is not necessary because the rule does not clarify how it is intended to be applied in conjunction with the rules associated with the ecosystems and biodiversity chapter of the district plan.
- In addition to NOSZ-R22, GTC opposed the proposed standards under NOSZ-S4 being implemented, again because the evidence base does not support the Spur being identified as a Significant Natural Area. These areas were viewed as an unreasonable constraint on the ability to service the SGA.
- GTC supported the inclusion of the NOSZ-R15 to implement Policy NOSZ-P6. The GTC submission recommended redrafting of the rule NOSZ-R15 to ensure roading and associated network utility infrastructure is provided for.
- The standards under NOSZ-S4 for the road design clauses as written are unnecessary and unjustified in the Council's section 32 Report.

5.2 As noted by counsel in legal submissions, GTC has spent considering time refining its position and relief sought, based on the Officer's Report and advice from its experts based on further assessment work they have undertaken.

6.0 Response to Officer's Report

6.1 The intent of Plan Change 49, Variation 1 is to facilitate appropriate zoning and provisions of the Silverstream Spur (Pt Sec 1 SO34755), a 35 hectare site. Variation One proposes to:

- zone the Silverstream Spur as Natural Open Space Zone
- introduce site specific provisions to open access for potential development of the SGA; and
- enable the use of the Silverstream Spur for passive recreation, conservation and customary activities.

Provision for Growth

- 6.2 I support the intent to provide for the infrastructure corridor within the Silverstream Spur to enable access to the SGA. As identified in the Officer's Report (para. 35-37), it identifies the SGA as a key strategic location for new growth in Upper Hutt. The previous planning strategies and 2022 Housing and Business Development Capacity Assessment have also identified the need for additional housing in Upper Hutt.
- 6.3 Mr Derek Foy has provided economics evidence confirming the continued need for the SGA and its important strategic role the land plays in providing for future residential growth. I concur with the views expressed by Mr Foy. I have also completed my own review of the Development Strategies for the site and Ms Thompson's evidence, and I consider that there is a sufficient need for additional housing to be provided in the SGA and it will provide an appropriate contribution to the existing urban area in Pinehaven and Silverstream.
- 6.4 In addition to this, GTC have provided a submission on the draft Future Development Strategy seeking inclusion of the SGA in the strategy. This builds on the recognition of the site in growth planning and work undertaken to date co-ordinating infrastructure, so it is infrastructure ready and significant work undertaken to plan for development of the site. GTC has undertaken years of planning and invested heavily in preparing for the use and infrastructure planning for the site's change to residential. Planning for key infrastructure has been completed and funded through the UHCC Long Term Plan (water reservoir and the Silverstream Bridge upgrade) including expenditure for this infrastructure in the UHCC LTCP 2021-2035 (adopted in 2022).
- 6.5 UHCC have supported the inclusion of the SGA in the FDS. As it is still in draft form and is currently being consulted on, this document carries no statutory weight.
- 6.6 No Greenfield Future Development Areas have been identified in the Draft strategy for the Upper Hutt District. This is a serious oversight and it is appropriate to recognise the continued role of the SGA in Variation 1 for the following reasons:
- It mitigates the risk of some development uptake occurring in existing urban areas not being realised.
 - The SGA would strengthen and provide for more open space and an ecological biodiversity which is critical to support an increase in apartment typologies in the Silverstream area.

- It finalises and provides a clear urban boundary and better utilises sub- marginal land.
- Overall, there are no downsides to the inclusion of the SGA.

6.7 In addition to the above reasons, in order to meet all of the NPS UD Policy provisions to provide for housing choice and capacity to give effect to the housing supply assessment completed to understand long term planning needs for the district, the SGA should continue to be retained in Upper Hutt's long-term planning. We also understand that UHCC has also put in a submission supporting the inclusion of the SGA. Inclusion of reference to the SGA in the plan is appropriate and represents responsible planning.

Infrastructure planning

6.8 Mr Phillip Read has provided evidence on infrastructure, servicing, stormwater, roading and flood hazard matters as part of Variation 1. As identified in Mr Read's evidence, providing for access for the infrastructure through the Spur is the best option from an infrastructure design perspective for effectively providing for roading and infrastructure connections to SGA which is a key part of the proposal of this plan change. His evidence sets out how infrastructure can be appropriately implemented through the Spur, and demonstrates that this is feasible, the provisions of variation 1 (with the amendments sought by GTC) are workable, and capable of being developed in a manner that avoids, remedies or mitigates adverse effects of development on the Spur.

6.9 It is also important to note that the provision of information for infrastructure on the Spur available to Council has been sufficiently detailed and appropriate to allow for infrastructure planning and investment decisions to be made around growth planning. Some of this analysis was undertaken as part of the land swap negotiations between GTC and UHCC. While there was not a final design selected multiple options were able to be considered. Now that housing in this area is not provided for and the Spur review of the infrastructure is still being worked through, the plan change provisions provides for the future flexibility.

6.10 Based on my review of the options that could be considered on the site the level of assessment to confirm plan provision parameters has been completed to an appropriate level of detail for this Variation 1 Plan Change. I am satisfied that a robust planning process for this stage of development planning has been undertaken.

6.11 Overall, there are also significant benefits from Variation 1, These include:

- The provision of infrastructure through the Spur would likely enable the strengthening of ecological corridors and better access for pest control; and
- Enjoyment of passive and active open space in the area as the SGA can be integrated with the Spur.
- Not foreclosing the opportunity to develop the SGA enabling future development of an infrastructure and roading corridor via the best practicable option for development as outlined in Mr Read's evidence.

No longer progressing with land swap

6.12 Regarding Officer's Report para 33 GTC acknowledges as outlined in the Council's Officer's Report that Spur land will be retained in Council ownership. Consequentially GTC has revised its position around some of the relief sought in its submission which is discussed further below. As the Spur is being retained in Council ownership and will not be provided to GTC as part of the land exchange for residential land, GTC is no longer actively opposing the Open Space Zoning.

Statutory Requirements

National Policy Statement on Highly Productive Land

6.13 I support the Officer's Conclusion on the consideration of Highly Productive Land.

National Policy Statement on Indigenous Biodiversity

6.14 I provide further commentary on the biodiversity definition further on in my evidence. Regarding the identification of Significant Natural Areas, I support the district wide review of Significant Natural Areas through a future plan change to give a consistent approach to the identification of SNAs across the district. However, I disagree with the identification of areas of significant biodiversity values mapped by Council in Plan Change 49 - Variation 1. GTC's expert ecologist Dr Vaughan Keesing has identified that this area of mapping of natural areas should be significantly reduced.

6.15 I request that Dr Keesing's revised map are used to give effect to the policy and rule framework proposed in this variation to PC49. I have included a copy of this map that should replace the existing map provided in Appendix A of the Officer's Report.

Wellington Regional Policy Statement Plan Change 1

6.16 I support the Officer's Report conclusions on this matter.

Te Tikanga Taiao o Te Upoko o Te Ika a Maui/Natural Resource Plan for the Wellington Region (NRP) Proposed Plan Change 1

6.17 I have not been able to fully review the implications of the Proposed Plan Change 1. At this time I have not had time to fully review the plan change at the time of preparing this evidence.

National Policy Statement-Urban Development

6.18 This matter was not addressed in the Officer's Report but I consider it to be important for addressing the statutory context and further justifying why the SGA should be recognised in the policy framework in this Plan Change.

6.19 Under the objectives of the National Policy Statement for Urban Development (NPS UD) it directs Council requires Councils under Objective 1, 2 and 4 to:

- provide well-functioning urban environments;
- provide for planning decisions that improve housing affordability; and
- recognise that New Zealand's urban environments, including their amenity values, develop and change over time to the changing needs of people, communities and future generations.

6.20 I consider that the provision within the Variation to provide for infrastructure to provide for the SGA is an appropriate method of enabling UHCC to use the SGA to contribute to delivering on these objectives. As outlined through the long term growth strategies over the years, the SGA is able to meet these objectives. Mr Foy's evidence also illustrates that from an economic perspective, in the medium-term additional housing will be needed in Upper Hutt and that the SGA will provide to help meet the needs of future generations in the city,

Topic 1 – General

6.21 I have reviewed the Officer's Report analysis on the submissions. Where I am in agreement with the submission, I have not discussed this further. Regarding the decision to reject GTC's submission to retain the residential zoning over a portion of the site, GTC accepts this on the basis of the change in the Spur being retained in Council ownership. This is discussed further in Topic 3.

6.22 Regarding submissions F10, paragraph 84 that are opposed to inclusion of provisions to service the SGA I agree with the Officer's Report that this should be rejected. This is because:

- The provision of infrastructure is the most effective and efficient way to the future enabling of the SGA.
- Excluding the provision of infrastructure does not adequately enable the future planning of the SGA.
- The provisions proposed (with the re-mapping requested) strike the appropriate balance between enabling development and protecting significant indigenous ecological and biodiversity values on the Spur by providing a framework whereby these are identified and effects assessed.

6.23 Regarding point 85 of the Officer's Report, I agree that the removal of the entire variation and the proposed provisions would mean there would not be certainty around the future zoning. It also would not adequately give infrastructure planning certainty for the SGA.

6.24 Submission S71.3 sought to have a special amenity landscape included. As outlined above I think this is more appropriately managed as part of the rolling district plan review and I understand such a layer will not be considered.

6.25 As outlined above I agree with the Officer's recommendations on these matters.

Topic 2 - out of scope requests

6.26 Regarding the submissions considered to be out of scope I support the Officer's decision on these matters, apart from matters raised by GTC. It is accepted whether or not the SGA is developed is part of a separate planning process and is accepted as being out of scope taking into account point 6.21 below.

Topic 3 - Silverstream Spur Zoning

6.27 As the Spur is being retained in Council ownership and will not be provided to GTC as part of the land exchange for residential land, GTC has considered its position on opposing Open Space Zoning. We now accept the Officer's position providing for Open Space Zoning on the proviso that the Open Space Zoning still provides for infrastructure to support the provision of the SGA.

Topic 4 Significant Natural areas

As part of the review of the Plan Change, GTC engaged Dr Vaughan Keesing to do further review and engagement around the ecological values identified within the Spur. Dr Keesing was asked in August 2023 to undertake an ecological assessment of the values of the Spur on behalf of GTC. Part of that assessment was to consider the extent of those ecological areas mapped by Wildlands (2018) and identified by Wildlands as significant indigenous vegetation as part of Plan Change 49 – Variation 1 as notified was accurate. He was also asked to consider the assessment made to inform Variation 1, and provide his own assessment.

6.28 He provides a full assessment in his evidence. In summary, the Wildlands information used and referred to the Section 32 analysis is that the Silverstream Spur has /is:

- (a) Tree fernland with ponga and mamaku.
- (b) Kāmahi-broadleaved species forest with beech, mānuka, kanono, māhoe, and putaputawētā.
- (c) Wilding pines and deer present.

And that it therefore is/meets significance criteria:

- RPS23a: Representativeness.
- RPS23d: Ecological Context.

6.29 Dr Keesing disagrees with the findings of that study in relation specifically to the Silverstream Spur Natural Area, including in Variation 1. While there is agreement in some vegetation types present, there is only one vegetation community that has the representative and context values from the report status and appears to be driving the “significance” outcome in the Wildlands report, which currently defines the Silverstream Natural Area on the Spur and Gully. Mr Keesing considers this is incorrect as it is only present in a small number of locations.

6.30 Based on the research and additional field work conducted by Dr Keesing as described in his evidence, the area of land that has significant vegetation which would meet the NPS IB and GWRC Policy 23 RPS significance criteria covers a significantly smaller spatial area across the spur. A map showing this area is in Appendix 2. I have considered Dr Keesing’s findings from a planning perspective, and agree that he has correctly applied Policy 23, Policy 24 and 47. It also gives partial effect to the NPS-IB.

6.31 Based on the evidence provided by Dr Keesing, I consider that his material has been completed to a higher level of assessment and should be considered for the basis of the section 32 analysis. My opinion is that, based on this new information, the inclusion of these maps to define the natural areas should be replaced with these maps.

Response to submitters

6.32 As outlined in Dr Keesings Evidence I consider that GTC have adequately demonstrated that the revised significant natural area maps properly give effect to Policy 23 of the RPS. I acknowledge that a wider plan change process will take place to give effect to the NPS for IB, but submission concerns around the district plan not giving effect to the RPS ecological policies is not supported by GTC if the revised maps are provided for as part of this plan change.

6.33 Based on the additional evidence supplied by Dr Keesing, submissions to extend the Significant Natural Area by S42.2, submissions covered in paragraph 131 of the Officer's Report and S91.21 are opposed by GTC. There is no evidential basis to support this.

Topic 5 – infrastructure

6.34 One of the purposes of the Plan Change is to provide for the future provision of road infrastructure for development. Mr Phil Read has detailed in his evidence how a transport corridor can be provided for including wider infrastructure to enable the planned SGA. This infrastructure is required to provide well-functioning access points into the development of the SGA that not only provide for vehicles but walking and cycling routes to existing public transport routes within Silverstream and Pinehaven.

6.35 The strengthening of these public transport services and connection points to key services in Silverstream provides for integrated urban planning of the district. As noted by the Officer this has benefits to the community and users of the Spur for recreational purposes, in addition to providing for the SGA. While other infrastructure connections for transport may be able to be provided, they do not consolidate community connection into the existing services of the community to strengthen and grow the community through increased economy and providing good levels of service for access to the train station and shops.

6.36 Based on my own understanding of the plan enabled development in the district plan and function of the village centre and existing transport services and Mr Reid's evidence, I can conclude that GTC can support the proposed amendments to allow for transport

infrastructure through the Spur and that these provisions largely satisfy our concerns raised in the submission.

- 6.37 The proposed provisions of Variation 1 are to enable development of infrastructure including a transport corridor through the Silverstream Spur and further investigation may find more appropriate means of gaining access to the SGA. GTC supports the provision of infrastructure, including a transport corridor being provided through the Silverstream Spur as identified in point 183 and supports the recommendation to enable transport infrastructure to be built within the Spur.

Topic 6: Section 32 Analysis

- 6.38 I agree with the Officer's Report analysis and reiterate that the level of analysis done to assess options for development at this stage of a development planning phase is appropriate apart from issues around the use of the technical ecological report where I consider Dr Keesing's report to be more accurate and where there was a suggested change to remove a specific reference to the Southern Growth Area. If this wording is reinstated to provide for the SGA, then I agree with the conclusions of the section 32 analysis. Specific, more detailed assessments can be provided for at the resource consent stage.

Topic 7: Landscapes

- 6.39 I agree with the Officer's Report recommendation to not include a special amenity landscape within the spur.

Topic 8: Customary Activities

- 6.40 I agree with the Officer's Report recommendation to address customary activities in the rolling review of the district plan.

Topic 9: Sites and areas of significance to Māori

- 6.41 I agree with the Officer's Report and support the inclusion of an accidental discovery protocol being added to the provisions. GTC has no issue with this.

Topic 10: Specific Amendments

NOSZ-P6 – Officer’s removal of specific references to the Southern Growth Area

- 6.42 As outlined earlier in my evidence the SGA, the removal of the specific reference to the SGA in NOSZ-P6 is opposed. This is contrary to the Officer’s earlier recognition of the support of the SGA through long term growth planning in the district. It is important from a planning perspective that the intent of the Plan Change is recognised at a Policy level. It also does not recognise the role the Spur provides in giving primary access to the site which has been planned for since 2007.
- 6.43 The Officer indicates that removal of this wording was requested by S74.2 (Forest and Bird). They have requested in their explanatory text:
- “NOSZ-P6 is very broad regarding the infrastructure that is to be enabled. This could be any infrastructure that would support the Southern Growth Area. We note that the Southern Grown area is not identified on the map associated with the Silverstream Spur NOSZ, nor can the development in that growth area and the support it may need in the future necessarily be assumed as appropriate for to the NOSZ. Provision for passive recreation is already provided for in the PC49 NOSZ provisions, the more “enabling” provision in P6 is not necessary and could be inappropriate for the SNA within Silverstream Spur.”*
- 6.44 They then have gone on to request the removal of a specific reference to the Southern Growth Area which has been accepted in part by the officer.
- 6.45 My review of Sub74.2 is that other than the points regarding addressing ecological matters, which is addressed in Dr Keesing’s evidence for GTC, the submitter had asked for clarity around what infrastructure is able to be enabled. GTC also asked in their submission for clarity around what infrastructure could be provided for to support the SGA.
- 6.46 We acknowledge that the SGA is not provided on the District Plan Maps because it at the time had not started a plan change process. However it is referred to in other Policy documents I have set out above. Clarification on the extent of the SGA has now been provided through a request to incorporate residential zoning through GTC’s submission on the Plan Change 50 Rural Review.
- 6.47 The Forest and Bird submission only requests the removal of the SGA because there was not sufficient clarity on why that should be specifically provided for in policy NOSZ-P6, and what it was. UHCC has a good understanding of what the SGA is and it would be more appropriate to better define the SGA or include an explanatory note confirming

the intent of the reference, or incorporate it via reference to Councils earlier Policy work than to delete it entirely in response to this request.

6.48 I do not believe that there is justification to delete the reference to the SGA arising out of the Forest and Bird Submission. It is an overreaction to the submission.

6.49 In addition, I consider that the clarity provided through the Officer's Report and through GTC's additional submissions and submission on the draft FDS and Plan Change 50 goes some way to address the submitters' concerns. As such, I request that point 2 of NOSZ-P6, Silverstream Infrastructure, is reinstated to read as per below. I also note that removal of the reference to the SGA means there is very little guidance as to the appropriate scale of the infrastructure, which may give rise to a differing interpretation of these provisions. Suggested minor amendments to NOSZ-P6 are below.:

To Support the development of the Southern Growth Area and restore and enhance the biodiversity of the Silverstream Spur.

NOSZ-P7

6.50 So long as the revised Silverstream Natural Area maps are incorporated into Variation 1 I can support the inclusion of NOSZ-PZ as currently written. As demonstrated in Dr Keesing's evidence the area of natural values that have been identified within the precinct is now limited to two small areas of the Spur. As Dr Keesing has identified, these small areas meet the NPS-IB test. GTC seek that the mapping is revised and included as part of Variation 1.

6.51 However, I do not consider that they should not be renamed as significant natural areas. I would prefer that they continue to be referred to as the Silverstream Spur Ecological Area. I consider it more efficient and effective from a plan drafting perspective to have any identification of natural areas or potential Significant Natural Areas dealt with under a whole of plan review to address the NPS IB on a district wide basis, but consider it appropriate that this area is identified now as an interim measure.

NOSZ-R15

6.52 Regarding this rule I support:

- The removal of sub condition f, protection of special amenity feature.

- The archaeological report and engagement with Iwi. The proposal to include an archaeological authority is appropriate.
- As outlined in GTC's submission and through my own review I do not support the inclusion of financial contributions under condition f. I can only see UHCC consenting and constructing a road corridor in the future. As such requesting financial contributions to itself is not appropriate. I request that this financial contribution clause is deleted.
- Regarding the word significant under clause h, this can be included if the revised maps by Dr Keesing are incorporated into Variation 1, as only significant areas would be identified for further protection.

NOSZ-R22

- 6.53 The consequential amendment to include NOSZ-R22 is supported and provides certainty to infrastructure planners for how to plan for future infrastructure for the SGA.

NOSZ-S4

- 6.54 The proposed new standards have been reviewed by GTC's infrastructure advisor Mr Phil Read. Based on his review of the standards I consider the proposed design wording to be appropriate and effects from the proposal can be managed through any future designation and resource consent process undertaken by Council.
- 6.55 A new definition has been provided for biodiversity offsetting as outlined in para 248. In terms of the National Policy Statement for Indigenous Biodiversity (NPS IB) I consider that the NPS IB needs to be considered. The use of this definition is appropriate for biodiversity offsetting in relation to the areas mapped by Dr Keesing only and identified as having significant values. I do not support the wider use of the definition.
- 6.56 However, I consider that based on Dr Keesing's evidence the level of natural areas which may meet the definition of the NPS for Biodiversity is limited to two very small areas within the subject site. However any future implementation of the NPS-IB will need to be considered as part of a future plan change as identified by Ms Thompson which is intended to be notified in 2025. In summary I request the changes outlined above are implemented. I have provided a full set of amended wording in Appendix C.

7.0 Issues Raised by other submitters

Rejection of any alternative routes

7.1 The following submitters raised variations of either only providing access via Reynolds Bach Drive or removing any considering of routes through the Spur to enable development. These are outlined below:

- S2.1 Doug Fauchelle – supports the rejection of this submission to remove the Kiln Street option and only provide access to Reynolds Bach Drive.
- Sub S2.1, FS10 Save our Hills and FS11 has requested that any alternative routes are enabled are removed from the Plan Change because the Guildford Timber Company is a private development.
- S8.1 Craig Thorn has requested that Reynolds Bach Drive is considered as the preferred option and the Spur should be used as the last resort.
- Sub 2.1, FS19 Silverstream Railway Inc submitted that GTC is not critical or even necessary for access to the SGA and purchasing the Spur is inconsistent with UHCC original intention of purchasing the spur.

7.2 I consider in response to these submission points that providing for infrastructure through the Spur is the best option for access and this should be retained for assessment at the resource consent stage of design.

7.3 As outlined in Mr Read's evidence there are several options for access that he has assessed. No single option has been decided on at this time. The proposed zoning and retention of land for public open space which is not used for Council infrastructure demonstrates that this is an appropriate use of the land and as such that SGA should still be provided for in the wording of this PC.

7.4 I note that a connection through to Kiln Street is one option that has been endorsed as part of numerous Council planning processes and has been appropriately tested prior beginning the Plan Change to enable the next stage of testing of effective and efficient inclusion in the district plan.

7.5 These submissions should be rejected. These provisions allow for a future corridor to be developed, and there is a need for flexibility as to what that might look like as part of Variation 1.

7.6 The best practical options for development of the SGA, will occur as part of the process rezoning of the SGA under plan change 50 and following that an application for resource consent to allow infrastructure through the Spur will be made. The effects of a particular proposal will be considered at that time.

Forest and Bird

7.7 While the majority of Forest and Birds submission points are addressed above, Forest and Bird does not support site specific provision for infrastructure.

7.8 The Upper Hutt Branch of Forest and Bird also provides some analysis of the proposed infrastructure that may be placed within the Spur. Under section 7 of their submission they contend that a road may potentially be up to 3.5km. Based on Mr Read's evidence this is factually incorrect. He has identified in this evidence that a road would only need to be 880m through the Spur. So the level of impact in the Spur is grossly overstated.

7.9 Based on Dr Keesing's evidence the actual spatial extent of significant natural areas is significantly smaller than what was notified in the Plan Change.

7.10 Dr Keesing also outlines the likely types of impacts a road may have on the spur, if a road alignment would go be placed in a location similar to what Mr Read has outlined in his evidence. A summary of these effects are:

- While some indigenous habitat would be removed, it is young tree fern and not habitat that has formed into comprehensive important flora and fauna.
- Regarding mammalian predators there are already tracks and easy passage throughout the spur. A road will not increase this access but may introduce some road kill. It is far less likely to cause roadkill to the resident or migrating bird fauna. It may also enable better management for pest control to occur on the Spur.
- It is possible that a road may interfere with lizard movement, although that movement is more likely to be along the Spur axis than perpendicular and so may channel movement. This will help enable infrastructure to occur once a full design is ready to be consented by the relevant councils.
- Dr Keesing has not identified any threatened flora or fauna within the Spur area.

7.11 While I accept that the above summary commentary from Dr Keesing is not an effects assessment against a full design that would occur at a resource consent stage, it is a far

more detailed assessment than that undertaken by the Council in the s32 Report. The level of information provided for this plan change is such that it enables me to conclude that the potential effects of allowing for infrastructure to be placed within the corridor can be effectively and efficiently managed via the parameter proposed in the plan change, at the resource consent stage.

8.0 Conclusion

8.1 I confirm in my expert opinion:

8.1.1 I consider that the existing natural area maps need to be removed and new maps provided as part of Dr Keesings Evidence be adopted as the areas mapped for the purposes of the plan change.

8.1.2 The Southern Growth Area should be specifically recognised in the policies for the Silverstream Spur to give effect to the long term planning for the site, while also balancing environmental values.

8.1.3 The growth planning process undertaken and enablement of potential infrastructure development options within the policy framework and rules proposed is appropriate.

8.1.4 In terms of evaluating the section 32 the cost and benefits of the Variation being incorporated into the district plan has appropriately balanced cost and benefits from:

8.1.4.1 a plan drafting and efficiency perspective providing for addressing a spot zoning issue, while balancing a consistency approach to a whole of plan review of the Upper Hutt District Plan

8.1.4.2 Environmental and social values have effectively assessed and valued in the decision making on the plan.

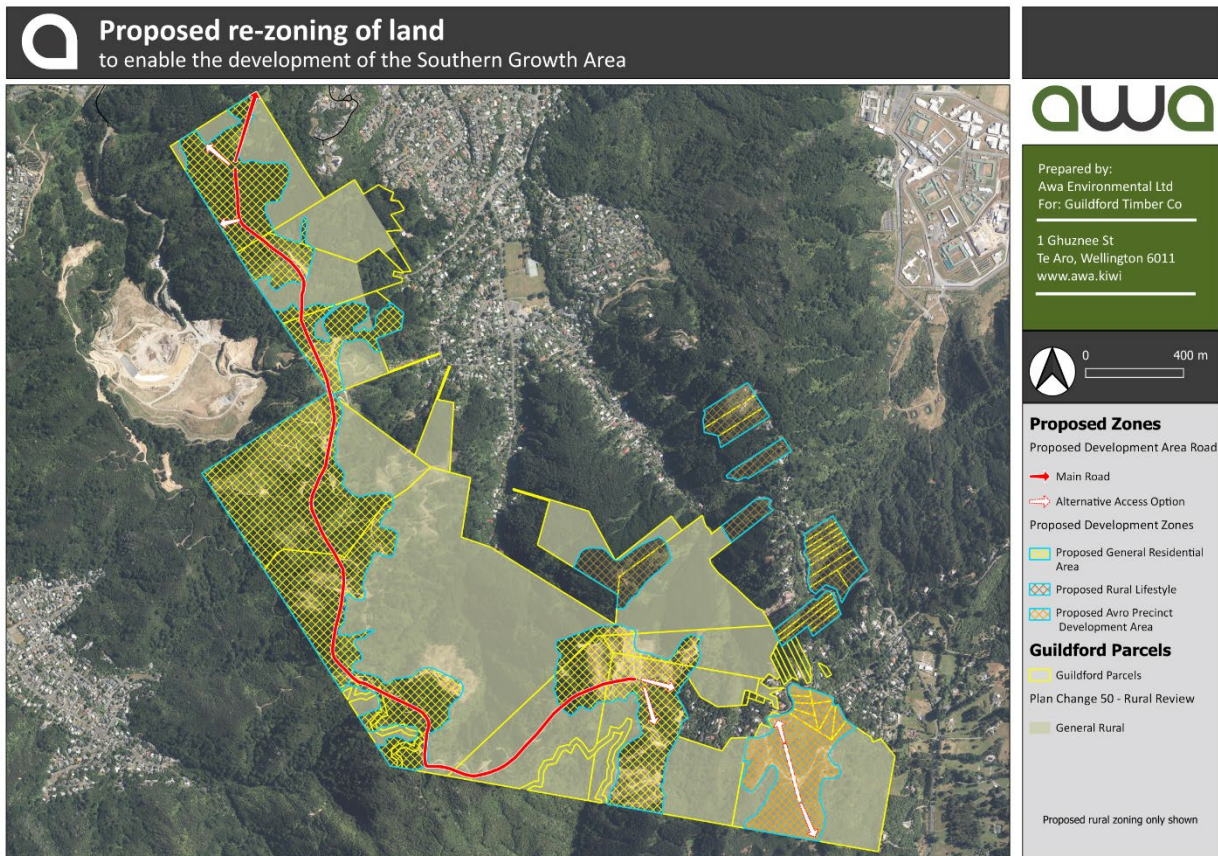
8.1.5 The overall economic benefits of providing for open space while also providing for the Southern Growth Area are appropriately managed if our suggested wording changes are implemented to provide the community with certainty of the use and outcomes for the Variation being implemented.

A handwritten signature in black ink, appearing to read 'MWHall', is centered at the top of the page. The signature is written in a cursive, slightly slanted style.

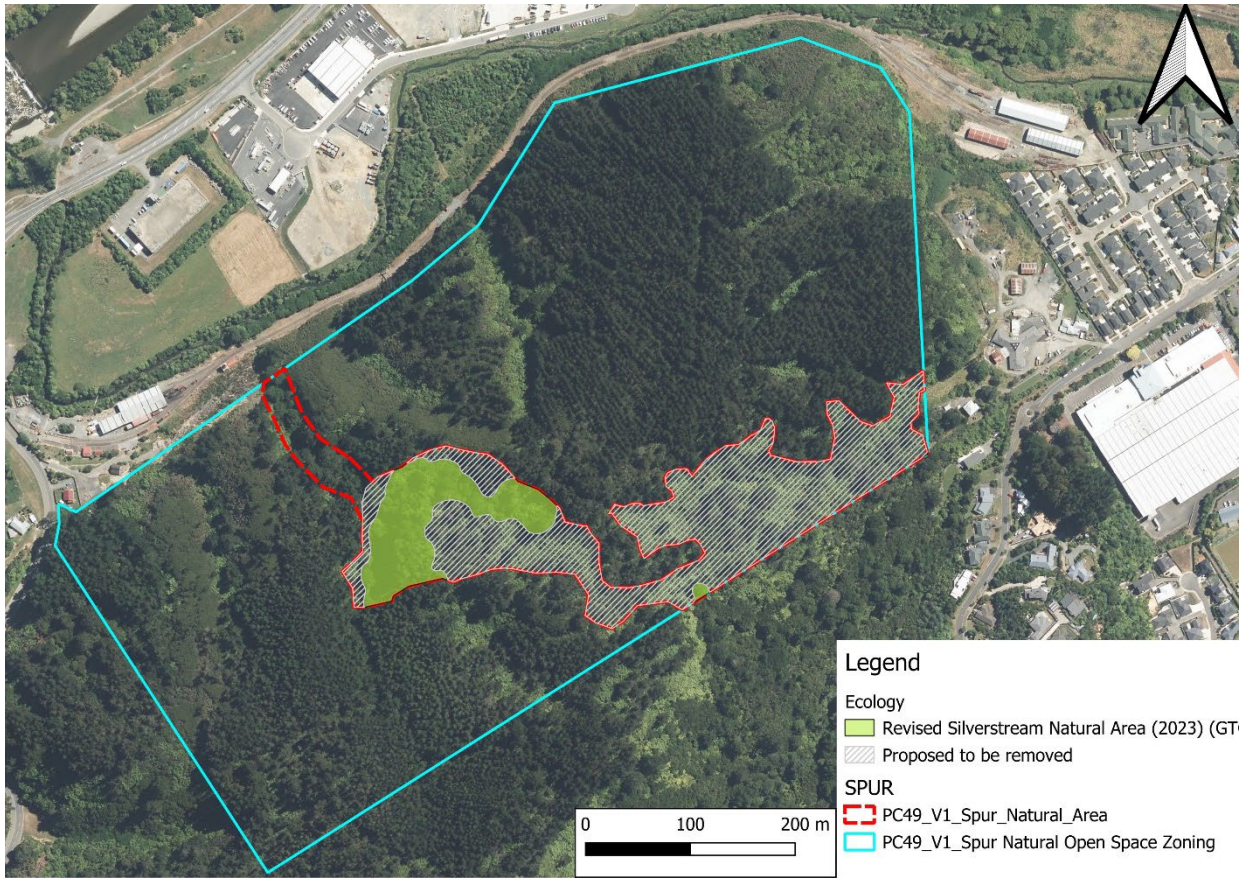
Michael William Hall

Dated 17 November 2023

Appendix A Proposed Map for GTC submission on Plan Change 50.



Appendix B Ecology Map



Appendix C Full Variation requested amendments by GTC

The provisions in blue are the notified provisions (Strikethrough for deletions and underlined for additions) and coloured red for further amendments recommended in this report. GTC requested changes are provided in green

| | |
|------------------------------|---|
| New Zoning | <u>Rezone Silverstream Spur as Natural Open Space Zone</u> |
| New Definition | <p><u>Biodiversity Offset</u> <u>means the same as in the National Policy Statement for Indigenous Biodiversity in box below:</u></p> <p><u>biodiversity offset means a measurable conservation outcome that meets the requirements in Appendix 3 [of the NPS-IB] and results from actions that are intended to:</u></p> <p><u>(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and</u></p> <p><u>(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.</u></p> |
| Add an Earthworks Appendix 1 | <p><u>Accidental Discovery Protocol for earthworks on the Silverstream Spur</u></p> <p><u>1. In the event of an “accidental discovery” of archaeological matter including human remains the following steps shall be taken:</u></p> <ul style="list-style-type: none"> <u>a) All work within the vicinity of the site will cease immediately.</u> <u>b) The site manager will shut down all activity, leave the site area and unearthed archaeological material in-situ and advise the relevant person (eg project manager, consultant, landowner).</u> <u>c) The relevant person will take immediate steps to secure the area of the site to ensure the archaeological matter remains undisturbed. Work may continue outside of the site area.</u> <u>d) The relevant person will ensure that the matter is reported to the Regional Archaeologist at Heritage New Zealand Pouhere Taonga and to any required statutory agencies or Mana Whenua authorities, if this has not already occurred.</u> <u>e) The relevant person will ensure that a qualified archaeologist is appointed to ensure all archaeological matter is dealt with appropriately, and on the advice of the Heritage New Zealand Pouhere Taonga Regional Archaeologist.</u> <u>f) In the event of the material being of Māori origin the relevant person will ensure that Mana Whenua authorities are contacted in order that appropriate cultural processes are implemented to remedy or mitigate any damage to the site.</u> <u>g) Any and all visits to the project site must be cleared by the relevant person. It is advisable that a list of authorised personnel to visit the site is maintained.</u> <u>h) The relevant person will ensure that the necessary people shall be available to meet and guide representatives of Heritage New Zealand</u> |

| | |
|---------------------|---|
| <p>New Policies</p> | <p><u>Pouhere Taonga and mana Whenua representatives, and any other party with statutory responsibilities, to the site.</u></p> <p>i) <u>Works in the site area shall not recommence until authorised by the relevant person who will consult with Heritage New Zealand Pouhere Taonga staff, mana Whenua authorities the NZ Police (and any other authority with statutory responsibility) to ensure that all statutory and cultural requirements have been met.</u></p> <p>j) <u>All parties will work towards operations recommencing in the shortest possible timeframes while ensuring that any archaeological sites discovered are protected until a decision regarding their appropriate management is made, and as much information as possible is gained. Appropriate management could include recording or removal of archaeological material.</u></p> <hr/> <p><u>NOSZ-P6: Silverstream Spur Infrastructure</u></p> <p><u>Enable infrastructure including a transport corridor within the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189) at an appropriate scale, design, and location to</u></p> <ol style="list-style-type: none"> 1. <u>Provide for a range of passive recreation and future development opportunities where the effects of such development are managed in accordance with NOSZ-P7 and;</u> 2. <u>Support for the development of the Southern Growth Area and-restore and enhance the biodiversity of the Silverstream Spur.</u> <hr/> <p><u>NOSZ-P7: Silverstream Spur Natural Area</u></p> <p>Adverse effects from development on <u>Protect the biodiversity values within the identified Silverstream Spur Significant Natural Areas shall be by requiring adverse effects from development to be:</u></p> <ol style="list-style-type: none"> (a) <u>avoided where practicable; and</u> (b) <u>where adverse effects cannot be demonstrably avoided, they are mitigated where practicable; and</u> (c) <u>where adverse effects cannot be demonstrably mitigated, they are remedied where practicable; and</u> (d) <u>where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and</u> (e) <u>if biodiversity offsetting is not appropriate, the development itself is avoided.</u> |
| <p>New Rule</p> | <p><u>NOSZ-R15: Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</u></p> <p>1. <u>Activity Status: CON</u> <u>Where:</u></p> <ol style="list-style-type: none"> a) <u>Compliance is achieved with:</u> <ol style="list-style-type: none"> i. <u>NOSZ-S4.</u> <p><u>Council may impose conditions over the following matters:</u></p> <ol style="list-style-type: none"> b) <u>Landscaping.</u> |

- c) Road alignment location and design.
- d) Provision of and effects on network utilities and/or services.
- e) Earthworks and accidental discovery.
- f) ~~Protection of any special amenity feature.~~
- g) ~~f) Financial contributions.~~
- h) g) Effects on biodiversity in the identified Significant Silverstream Spur Natural Area.

2. Activity Status: RDIS

Where:

- a) compliance is not achieved with NOSZ-S4 matters of restriction will be limited to:
 - i. landscaping
 - ii. road alignment location and design
 - iii. provision of and effects on network utilities or services

New Standards

NOSZ - S4

- 1. Carriageway traffic lanes width shall not exceed 3.5m per lane.
- 2. Footpath or shared path shall be provided on one side of the road only.
- 3. Road and footpath gradient shall not exceed 1:8.
- 4. Parallel parking may be provided along one side of the road.
- 5. Transport corridor and earthworks are not located within the Silverstream Spur Natural Area.

New Rule

NOSZ - R22

Removal of indigenous vegetation on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189) 1.

Activity Status: RDIS

Map

[Silverstream Spur Natural Area identified on the map as an overlay as shown below](#)

That this map is replaced with the provided map in Appendix B of Mr Hall's evidence, subject to amendments of the color symbology to match the district plan zones..

