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**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).**

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**SUMMARY STATEMENT OF EVIDENCE OF MICHAEL WILLIAM HALL**

**ON BEHALF OF GUILDFORD TIMBER COMPANY LTD**

**Dated: 17 November 2023**

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## **1.0 Summary of evidence**

- 1.1 This is a summary of my written evidence dated 17 November 2023 which is taken to have been read in full.

## **2.0 Qualifications and Expertise**

- 2.1 My full name is Michael William Hall. I am a Principal Planner at Awa Environmental Limited. I confirm that I have the qualifications set out in my evidence in chief and agree to comply with the Environment Court Code of Practice for expert witnesses.

## **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. My evidence will cover the following topics:

- Planning undertaken for the Southern Growth Area.
- Response to the Officer's Report, including revised relief
- Response to specific submissions, including response to matters raised in the hearing

## **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 – refer **Figure 1** below.

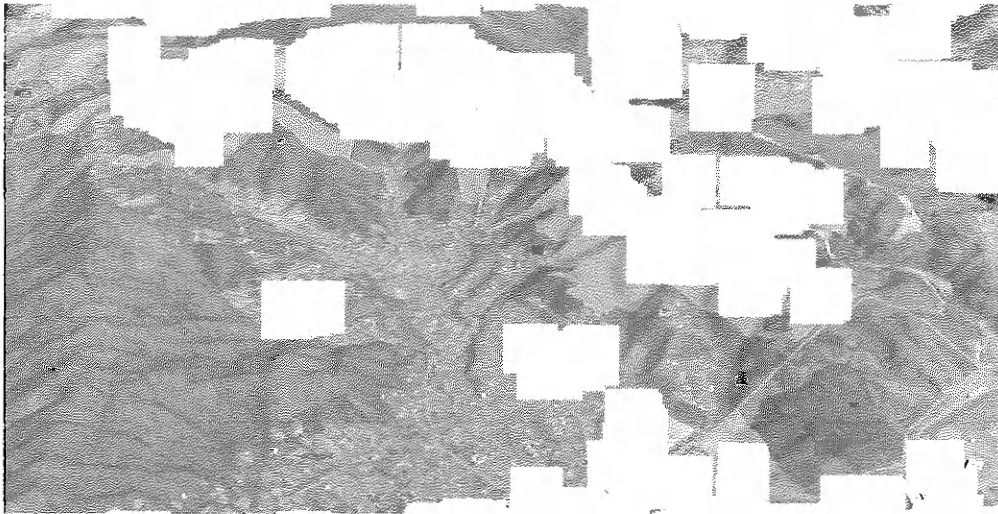


Figure 1 - Southern Growth Area with Spur

- 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 plantation forest to housing. Details of this is set out below.
- 4.3 The land was identified as having potential for future urban development when it was first formally assessed in 2007.<sup>1</sup>
- 4.4 The development was feasible from an infrastructure planning perspective and the environmental effects, constraints assessment, the infrastructure and servicing work done to support that framework was comprehensive for growth planning purposes.
- 4.5 The Framework demonstrated that the SGA could meet the southern 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 wider region. It could also 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:

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<sup>1</sup> [ouldford-timber-company-framework-document-2007.pdf \(upperhuttcity.com\)](#)

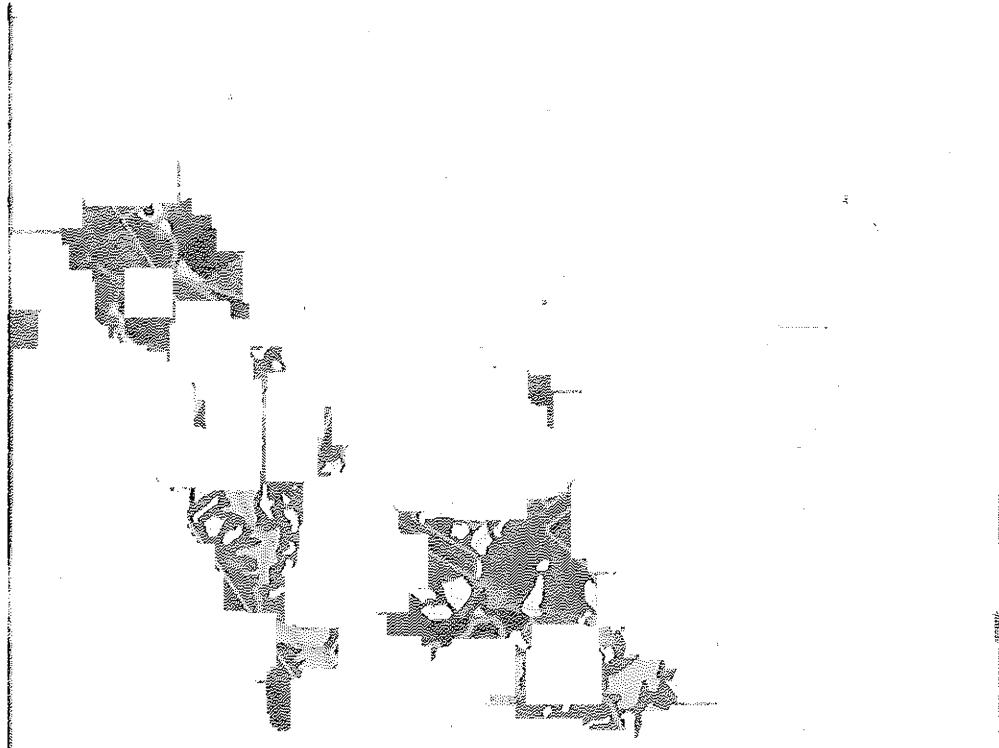


Figure 2. 2007 Masterplan

- 4.6 The Guildford Growth Framework formed the basis of the Southern Growth Area for the Upper Hutt Urban Growth Strategy (2007).
- 4.7 The Upper Hutt Land Use Strategy 2016 (**LUS**) followed on from the 2007 strategy. The largest edge expansion area was the SGA.
- 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*".<sup>2</sup>
- 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.

<sup>2</sup> Page 80

- 4.10 Following on from this, a revised assessment was undertaken to reconfirm the development, environmental and infrastructure assumptions for developing the Southern Growth Area. A revised masterplan was completed for this assessment 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 appropriate Council Infrastructure.
- 4.12 The design of the SGA as articulated through the masterplan has been created using an urban design lead approach, like the previous 2007 assessment to create places, communities and interconnections into the Pinehaven and Silverstream communities.

#### *Infrastructure Accelerator Fund 2021*

- 4.13 The work that was completed for the masterplan 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.
- 4.14 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. This funding application was not successful, but funding was included in the UHCC LTP for infrastructure projects.

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

- 4.15 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.
- 4.16 The SGA was identified as a high growth area, that was recognised and accounted for in the planning for public infrastructure upgrades for growth planning purposes. In particular the LTP 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.

*Development of the Pinehaven Flood Management Plan and Plan Change 43*

4.17 In parallel to the development of the growth strategies, the SGA was also assessed and taken into account for the Pinehaven Flood Management Plan. Sensitivity scenarios were undertaken because of Council Growth Planning in the area to understand what would happen to the catchment if the land was no longer in forestry and a stormwater neutral development was implemented as outlined through the growth strategies.

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

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

*Conclusions on planning history for the SGA*

4.19 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 assessments 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 Response to Officer's Report**

*Provision for Growth*

5.1 I support the intent to provide for the infrastructure corridor within the Silverstream Spur to enable access to the SGA.

5.2 Mr Derek Foy has provided economic 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.

5.3 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.

- 5.4 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 to recognise the significant work undertaken to plan for development of the site.
- 5.5 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.
- 5.6 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.

In order to meet all of the NPS UD Policy provisions to provide for housing choice and capacity the SGA should continue to be retained in Upper Hutt's long-term planning.

*Infrastructure planning*

- 5.7 As identified in Mr Read's evidence, providing for access for infrastructure through the Spur, is the best option for effectively providing for roading and infrastructure connections to SGA which is a key part of the proposal of this plan change.
- 5.8 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.
- 5.9 Overall, there are also significant benefits from Variation 1, These include:

- The provision of infrastructure through the Spur that would likely enable the strengthening of ecological corridors;
- The enjoyment of passive and active open space in the area as the SGA can be integrated with the Spur; and
- 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*

- 5.10 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. As the Spur is being retained in Council ownership and will not be provided to GTC as part of a land exchange, GTC is no longer actively opposing the Open Space Zoning. It acknowledges that any provision of infrastructure through the Spur would only be Council initiated.

### **Statutory Requirements**

*National Policy Statement on Indigenous Biodiversity*

- 5.11 Regarding the identification of Significant Natural Areas(SNAs), I support the district wide review of SNAs 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.

Dr Keesing disagrees with the findings of that study in relation specifically to the Silverstream Spur Natural Area, including in Variation 1. 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. 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.



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- 5.12 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.
- 5.13 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 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 not provided for as part of this plan change.
- 5.14 Based on the additional evidence supplied by Dr Keesing, submissions to extend the Significant Natural Area covered in paragraph 131 of the Officer's Report and S91.21 are opposed by GTC. There is no evidential basis to support this.
- 5.15 As indicated by The Panel, they would like to hear about the evidential response from Wildlands on the differing opinion provided by Dr Keesing. I also note that Dr Maysk was critical of Dr Keesing's approach in applying the NPS-IB, but did not clarify why. In order to provide an efficient and effective plan making decision I would recommend that conferencing between the specialists with evidence provided by Wildlands is undertaken. As indicated by Ms Tancock GTC would like to have the chance to review this information to inform their response.
- 5.16 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.

*National Policy Statement-Urban Development*

- 5.17 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.

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I consider that the provision within the Variation to provide for infrastructure for the SGA is an appropriate method of enabling UHCC to use the SGA to contribute to delivering on these objectives.

The Panel has also mentioned whether Policy 8 is a relevant consideration. This states:

*“Local authority decision affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is:*

- a) unanticipated by RMA planning documents; or*
- b) out of sequence with planned land release.”*

I consider that this is also a valid consideration when considering the Variation to provide for infrastructure that is being planned for and developed through Plan Change 50.

#### *Submissions analysis*

- 5.18 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.
- 5.19 Regarding submissions 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.

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*Infrastructure*

- 5.20 One of the purposes of the Plan Change is to provide for the future provision of road infrastructure for development, while also providing for open space values. 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 and public transport routes within Silverstream and Pinehaven. As noted by the Officer this has benefits to the community and users of the Spur for recreational purposes.
- 5.21 Finally, while other infrastructure connections for transport may be able to be provided, they do not consolidate community connection into the village centre of Silverstream to strengthen and grow the community through increased economy and access to the train station.

*Section 32 Analysis*

- 5.22 I agree with the Officer's Report s32 analysis, apart from the issues around the use of the technical ecological report, where I consider Dr Keesing's report to be more accurate. I also do not agree with the 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.
- 5.23 Responding to a question from the Panel, regarding the permitted baseline for the site for the residentially zoned land, a Residential Conservation Precinct is over the General Residential Zone, which aims to provide: buildings with lower density and to provide a sense of spaciousness compared with other residential areas.
- 5.24 The remaining half of the site Spur is zoned Rural. As a permitted baseline this allows for the development of one house as permitted activity within the site and or other permitted rural structures and access. Overall, the previous zoning across both zones has allowed for low scale development.
- 5.25 In considering the proposal of a road in an open space zone this could have a comparable level of environmental outcomes, assuming the road meets the parameters as set out in the NOSZ-S4

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

- 5.26 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.
- 5.27 The Officer indicates that removal of this wording was requested by S74.2 (Forest and Bird). They have requested the removal of a specific reference to the Southern Growth Area which has been accepted in part by the officer.
- 5.28 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.
- 5.29 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.
- 5.30 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.
- 5.31 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, 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.:

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

*NOSZ-P7*

- 5.32 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.
- 5.33 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*

- 5.34 As outlined in my evidence some of the conditions should be removed. Regarding the 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-S4*

- 5.35 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.
- 5.36 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.
- 5.37 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. In summary I request the changes outlined above are implemented. I have a provided a full set of amended wording in Appendix C.

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## **6.0 Issues Raised by other submitters**

### *Rejection of any alternative routes*

- 6.1 Some submitters raised variations of either only providing access via Reynolds Bach Drive or removing any considering of routes through the Spur to enable development.
- 6.2 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.
- 6.3 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 Plan Change.
- 6.4 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.
- 6.5 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*

- 6.6 While the majority of Forest and Birds submission points are addressed above, Forest and Bird does not support site specific provision for infrastructure.
- 6.7 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.

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6.8 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. While I accept that the 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.

**7.0 Final commentary:**

7.1 The overall benefits of providing for open space while also providing for the Southern Growth Area aspirations of the City are appropriately managed, if the suggested changes are implemented. This will provide the Community with certainty of the use and outcomes for the variation being implemented.



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**Michael William Hall**

Dated 17 November 2023