

Decision on Private Plan Change 55 (PPC55) to the Upper Hutt City Council District Plan (2004) - Rezoning of 1135 Maymorn Road, Maymorn, also known as the 'Gabites Block'

Council Resolution

1. On the 1 February 2023, the Council resolved that the Council:
 - i) receives the report entitled 'Private Plan Change 55 (PPC55): Recommendation Report of the Independent Hearing Panel, appointed by the Upper Hutt City Council, pursuant to section 34A of the Resource Management Act (1991),'
 - ii) adopts the Recommended Decisions on the provisions and matters raised in submissions on proposed PPC55, in accordance with clause 29 of the First Schedule of the RMA (1991), and approves proposed PPC55 with modifications, for the reasons set out in the Independent Hearing Panel's report, and Recommended Decisions on submissions,
 - iii) instruct officers to give notice of its decision on PPC55, in accordance with clauses 11 and 29(5) of the First Schedule of the RMA (1991),
 - iv) resolves that, if no appeals are received by the close of the appeals period of 30 working days, PPC55 will be made operative in accordance with clause 20 of the First Schedule of the RMA (1991), and;
 - v) authorises officers to correct any minor typographical, editorial, arithmetic and formatting errors that may be identified to PPC55, if required.

Upper Hutt City District Plan
PRIVATE PLAN CHANGE 55

GABITES BLOCK – REZONING OF SITE TO SETTLEMENT ZONE WITH SITE-SPECIFIC GABITES BLOCK DEVELOPMENT AREA AND STRUCTURE PLAN



Recommendation Report of the Independent Hearing Panel appointed by the
Upper Hutt City Council pursuant to section 34A of the Resource Management
Act 1991

19 December 2022

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INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means
GWRC	Greater Wellington Regional Council
HBA	2019 Wellington Housing and Business Development Capacity Assessment
LUS	Land Use Strategy (for Upper Hutt City) 2016
MDRS	Medium Density Residential Standards
NPS-FM	National Policy Statement on Freshwater Management 2020
NPS-HPL	National Policy Statement on Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
PC50	Plan Change 50, Upper Hutt City District Plan (draft only, for consultation purposes)
PPC55	Private Plan Change 55, Upper Hutt City District Plan (publicly notified under Schedule 1, RMA)
PNRP	Proposed Natural Resources Plan
Provisions	The contents of a District Plan, including objectives, policies, rules, standards and maps
RMA	Resource Management Act 1991
RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RPS	The Regional Policy Statement for the Wellington Region
s[#]	Section Number of the RMA (for example s32 means section 32)
s32 report	The report prepared by the Requestor, pursuant to s32 RMA
s42a report	The report prepared by UHCC pursuant to s42a, RMA
the Act	Resource Management Act 1991
the Council / UHCC	Upper Hutt City Council
the Gabites Block	The land subject to this plan change request
the plan change	Proposed Plan Change 55 to the Plan
the Requestor	Maymorn Developments Limited
the site	The land situated on the land known as Gabites Block – subject to this plan change request
UHCDP / District Plan	Operative Upper Hutt District Plan 2004

Note: District Plan terminology uses that required by the National Planning Standards.

Upper Hutt City Council Private Plan Change 55

Gabites Block – Rezoning Part of the Site to Settlement Zone with a site-specific Gabites Block Development Area and Structure Plan

Recommendations of the Independent Hearing Panel

Proposal Description

Proposed Private Plan Change 55 to the Upper Hutt City Council District Plan: Gabites Block – Rezoning part of the site to Settlement Zone, with a site-specific Gabites Block Development Area and Structure Plan.

Hearing Panel

R Schofield – Independent RMA Hearing Commissioner, Chair

H Fraser – Independent RMA Hearing Commissioner

R Faulkner – Independent RMA Hearing Commissioner

Date of Hearing: 17 and 18 October 2022

Hearing Officially Closed: 21 October 2022

1 INTRODUCTION

Report Purpose

- 1.1 This report sets out our recommendation as to a decision on Proposed Private Plan Change 55 (PPC55) to the Operative Upper Hutt City District Plan 2004 (District Plan).
- 1.2 We were appointed by the Council with the appropriate delegated authority under the Resource Management Act to hear submissions made on the plan change, to evaluate the matters in contention and to recommend a decision to the Council as to whether PPC55 should be declined, approved, or approved with amendments.
- 1.3 The plan change (as notified) seeks to rezone approximately 74.5 hectares of the land known as the Gabites Block, located at the street address of 1135 Maymorn Road, Maymorn, from General Rural and Rural Production Zones to Settlement Zone¹.
- 1.4 The Requestor also seeks to include a site-specific Gabites Block Development Area and Structure Plan with new plan provisions that would tailor development to be appropriate to the different areas of the site.
- 1.5 The proposed Settlement Zone would be a new zone to the District Plan, one based on the Zoning Framework of the National Planning Standards, the mandatory requirements for zoning that were introduced in November 2019. The introduction of the Settlement Zone was flagged in Draft Plan Change 50, a consultation non-statutory document used in 2021 as part of the Council's public engagement on the review of the rural and residential issues and opportunities for the City. As for

¹ The zones in the operative District Plan have been renamed in accordance with the National Planning Standards: the General Rural Zone replaces Rural Hill Zone, and Rural Production Zone replaces the Rural Valley Zone

any zone, the Settlement Zone would have its own set of District Plan provisions, including objectives, policies, rules and development standards.

- 1.6 No amendments to other existing zone provisions in the District Plan are proposed in Private Plan Change 55.
- 1.7 The plan change's background is canvassed later in this report, but, in summary, it has been the subject of a s32 evaluation², consultation with stakeholders, and the public notification and hearing process under Schedule 1 of the RMA, culminating in our recommendation as to a decision. It is a *private* plan change insofar as it was requested by the Requestor, Maymorn Development Limited pursuant to Part 2 of Schedule 1 of the Act, and subsequently accepted by the Council (but not adopted) for being notified and determined under Schedule 1³.
- 1.8 Before setting out the details of PPC55, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as an Independent Panel.

Panel Role and Report Outline

- 1.9 As noted above, the role of the Hearing Panel is to make a recommendation to the Upper Hutt City Council as to a decision about the outcome of the plan change. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and make a recommendation as to a decision on the submissions received on the plan change.
- 1.10 The purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.11 Having familiarised ourselves with PPC55 and its associated background material, read all submissions and evidence, conducted a site/locality visit and held a hearing, we hereby record our evaluation of the issues and our recommendations to the City Council.
- 1.12 In this respect, our report is broadly organised into the following parts:
- a) Factual context for the plan change
 - b) Evaluation of key issues in contention, and
 - c) Statutory Evaluation.
- 1.13 The first part, Section 2, is non-evaluative and is largely factual, containing an overview of the land subject to the plan change, an outline of the background to the plan change, and the relevant sequence of events. It also outlines the main components of the plan change as notified. This background section provides relevant context for considering the issues raised in submissions to the plan change. Here, we also briefly describe the submissions received to the plan change and provide a summary account of the hearing process itself and our subsequent deliberations. We also consider here various procedural matters about the submissions received.
- 1.14 The second part of our report (comprising Section 3) contains an assessment of the main issues in contention raised in submissions to PPC55 and, where relevant, amplification of the evidence/statements presented at the hearing on those issues.
- 1.15 The third part of this report (Section 4) summarises our evaluation of the Proposed Plan Change against the relevant statutory requirements.

² S32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change

³ Under Clause 25 of Schedule 1 RMA, when a Council considers a request to change a Plan, it may either reject the request, deal with it as if it were a resource consent application, adopt it as a Council-led plan change, or accept it and proceed to notify it.

- 1.16 We conclude with a summary of our recommendations (in Section 5), having had regard to the necessary statutory considerations that underpin our considerations (in Section 3). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.
- 1.17 In advance of setting out the plan change context; we would like to record our appreciation of the manner in which the hearing was conducted by all the parties taking part. Due to the ongoing presence of COVID-19 within the community and various absences, the hearing was held both in person and via audio-visual link. All those in attendance in either capacity provided focused well-articulated presentations that enabled a focused hearing process that greatly assisted us in assessing and determining the issues, and in delivering our recommendation as to a decision. We thank all attendees for their patience using the technology.
- 1.18 These initial matters recorded, we now set out the factual background to PPC55.

2 PLAN CHANGE CONTEXT

Site and Local Environment

- 2.1 The street address for the site is 1135 Maymorn Road, Maymorn, Upper Hutt.
- 2.2 The Gabites Block is located at the northern end of the Mangaroa Valley, which lies at the western base of the Remutaka Ranges. The Mangaroa Valley runs parallel to the Upper Hutt Valley, with the Mangaroa River being a tributary of the Hutt River. The Gabites Block is located in the community of Maymorn, approximately six kilometres from the Upper Hutt CBD. Just to the north of Maymorn is Te Mārua, the northernmost suburb of Upper Hutt City. A railway station is located at Maymorn, on the Wellington-Wairarapa Line that connects Wellington with Masterton.
- 2.3 The site is held in two Records of Title totalling approximately 74.5 hectares and comprises two topographical characteristics: an area of flat land along Maymorn Road, and an area of rolling hills in the north-eastern part of the block. The lower part of the site lies about 100m above mean sea level (amsl), with the hills rising approximately 60m above the valley floor to over 180m amsl⁴.
- 2.4 The southern border of the Gabites Block adjoins the Wellington-Wairarapa railway line⁵, while the western boundary adjoins Maymorn Road which links the Mangaroa Valley with Te Mārua. State Highway 2 is located approximately 1.5km to the north. The land adjoins the Pākuratahi Forest to the east, an area of commercial forestry managed by the Greater Wellington Regional Council, which is also used recreationally for cycling and walking. To the north of the site is a small suburban area accessed from Plateau Road.
- 2.5 The site has historically been used for farming and forestry.⁶ The flat part of the site has long been used for farming, including a former piggery, and is currently grazing pasture. The larger part of the site is rolling hill country, climbing gradually in elevation to the east, reaching a central ridgeline. The hill country is covered by wilding pines and a mix of native and exotic bushland, including gorse and blackberry.
- 2.6 The site is traversed by several streams and flow paths. In the lower zone, a large amount of earthworks and modification has occurred, with a former gully filled in, and the stream realigned and straightened. In the hill country, the waterways flow through a number of gully systems. The waterways in the site flow in a generally northerly direction and converge with Blaikie Stream before entering the Mangaroa River⁷.
- 2.7 Land use in the vicinity includes the established residential area of Te Mārua to the north, the Tunnel Gully recreational area to the east, rural residential and the Maymorn rail station to the south, and a mixture of rural residential and some industrial activity to the west⁸. A residential area on the ridgeline to the northwest overlooks the Mangaroa Valley.
- 2.8 Access to the primary road network is provided at State Highway 2 (SH2) to the north, via Plateau and Maymorn Roads. Alternative routes to central Upper Hutt are provided by way of Parkes Line Road and Mangaroa Hill Road (which connects with the northern end of Fergusson Drive), or Mangaroa Valley Road (which connects with Ward Street at Wallaceville)⁹.

⁴ Ecological Assessment, p.3

⁵ Archeological Assessment, p.6

⁶ Original Plan Change Request, p. 1-2

⁷ Ecological Assessment, p. 3

⁸ Transport report, p. 2

⁹ Transport report, p.3

- 2.9 The Remutaka Rail Trail (cycleway/walkway) adjoins the southern boundary of the site, connecting the Mangaroa Valley and the Wairarapa. The Rail Trail follows 22 km of the original Wairarapa rail line and is managed by Greater Wellington Regional Council¹⁰.
- 2.10 The site is shown in Figure 1, overlying the current zoning pattern in the District Plan and showing the two Records of Title comprising the Gabites Block, which are subject to PPC55, outlined in teal.

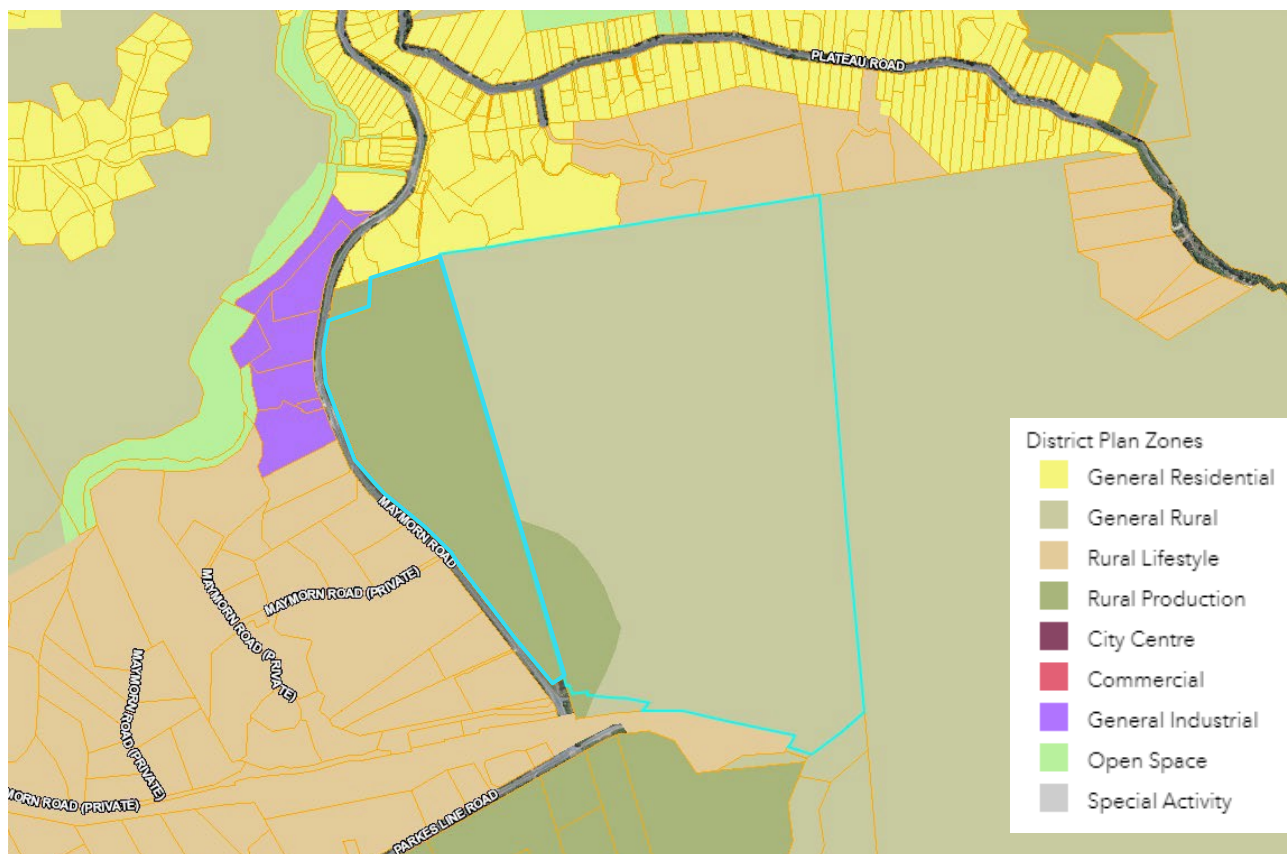


Figure 1: Propose Plan Change 55 site and existing zoning pattern in locality

Operative District Plan

- 2.11 The current zoning of the site and broader area is illustrated in Figure 1. The Gabites Block site is currently zoned Rural Production and General Rural under the District Plan (as amended by the National Planning Standards).
- 2.12 The southern boundary of the site adjoins land designated by KiwiRail Holdings for railway corridor purposes (Designation TZR1 (KiwiRail), although a small area of the subject site comes within this designation corridor.
- 2.13 The surrounding area is a mix of Rural Lifestyle, Rural Production, General Industrial, Open Space and General Residential zones.
- 2.14 Under the Operative General Rural and Rural Production Zone provisions, permitted subdivision requires minimum net site areas of 4 hectares and 20 hectares respectively (Rule SUB-RUR-S1). In addition, only one residential unit per site would be permitted (Rules GRUZ-R4 and RPROZ-R5), with all buildings required to be setback at least 12 m from all boundaries (Rules GRUZ-S2 and RPROZ-S2). Within these zones, two or more residential units on a site are non-complying activities (Rules GRUZ-R24 and RPROZ-R25).

¹⁰ Landscape Analysis, p. 23

- 2.15 The proposed plan change seeks to rezone the Gabites Block to Settlement Zone, with a site-specific Gabites Block Development Area Structure Plan overlay that will introduce new site-specific plan objectives, policies and provisions. No amendments to the existing District Plan provisions are proposed.

Overview of Plan Change Request

- 2.16 Under the RMA, any person can request a change to the District Plan. Part 2 of Schedule 1 of the RMA sets out various requirements for private plan changes such as PPC55.
- 2.17 Under clause 22, any private plan change request must:
- a) Explain in writing the purpose of, and reasons for, the proposed change
 - a) Contain the required evaluation under s32 of the Act, and
 - b) Describe the anticipated environmental effects of the proposal in such detail that corresponds with the scale and significance of the effects.
- 2.18 A summary of each of these matters is outlined below, drawing on the information contained within the plan change request.
- 2.19 In brief, the private plan change request proposes to:
- Rezone the property at 1135 Maymorn Road, commonly known as Gabites Block, from part General Rural and part Rural Production Zone to a newly created Settlement Zone, with its own objectives and policies
 - Introduce a Gabites Block Development Area and Structure Plan containing site specific provisions
 - Apply different subdivision, density and other standards to six different development areas across the site¹¹:
 - North West: 400m² minimum, 600m² average; 1000m² if reticulated water supply is not available, 2000m² if reticulated wastewater supply is not available
 - Valley Flats: 2000m²
 - Station Flats: 1000m²; 2000m² if reticulated wastewater supply is not available
 - Hilltops: 2000m² and 4000m² minimum average (the 4,000m² minimum average must be calculated using the gross area of the Hilltops Area, which is 18.7 ha)
 - Hilltop Basin: 1000m²; 2000m² if reticulated wastewater supply is not available
 - Hillside: 1ha minimum, 2.5ha average (the 2.5ha average must be calculated using the gross area of the Hillside Area, which is 21.5ha)
 - Introduce site specific subdivision and development provisions that address identified constraints and limitations relating to:
 - sites containing significant biodiversity values
 - 3 waters infrastructure
 - transport
 - landscape and visual impacts
 - natural hazards, and
 - noise.

¹¹ The subdivision standards listed are those provided at the close of the Hearing, and agreed by the Requestor and the Council's reporting planner

- Identify areas of significant natural values, 'Gabites Block Natural Areas', with provisions to protect the vegetation contained within these areas.

2.20 The Structure Plan to support PPC55 is shown on the following page in Figure 2.

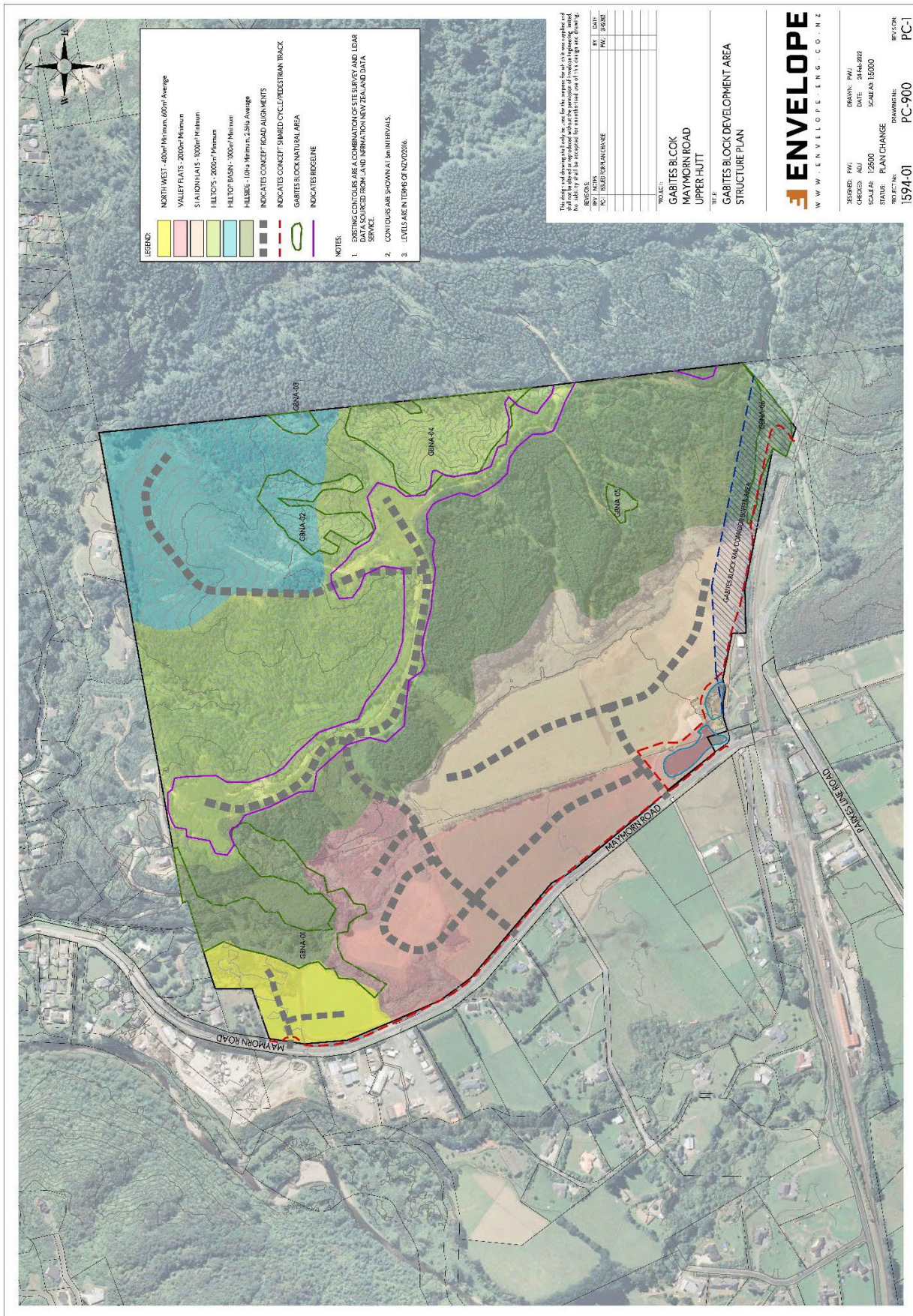


Figure 2: Gabites Block Structure Plan

Purpose of the Proposed Change

- 2.21 As notified, the plan change proposes to rezone the Gabites Block (illustrated in Figure 1) from General Rural and Rural Production Zones to Settlement Zone.
- 2.22 The plan change request¹² sought to make the following changes:
- *Introduce high level objectives and policies for a new zone, the Settlement Zone.*
 - *Apply the Settlement Zone to the Gabites Block.*
 - *Introduce the Gabites Block Development Area, with development densities tailored to areas of the site.*
 - *Apply district-wide and site-specific provisions to the Gabites Block Development Area.*
 - *Associated changes to the planning maps.*
 - *Associated definitions.*
- 2.23 Within the s32 evaluation report¹³, the reasoning for the plan change is described as follows:
- The existing UHCDP provisions are inadequate to meet statutory obligations
 - It would assist with Council meeting its requirements and housing needs under the NPS-UD
 - The rezoning allows Council to realise proposed growth planning set out in the Council's Land Use Strategy (LUS 2016) and predecessor growth strategy documents
 - The rezoning to enable low density and rural residential development on land currently zoned for rural purposes is consistent with existing Upper Hutt practices and development patterns
 - The proposed development is consistent with the LUS 2016 and RPS Policies 55 and 56, regarding growth
 - Development on the site is able to proceed using a combination of on-site and network infrastructure
 - Effects on the site's ecology and landscapes and receiving waters are able to be avoided, remedied or mitigated
 - Development densities can be nuanced through the Development Area Structure Plan imposed on the site to be appropriate to the attributes and constraints of different areas of the site. High quality design and diverse housing types can cater for a range of community needs and contribute to placemaking to create communities where people want to live.

S32 Evaluation

- 2.24 S32 of the RMA requires, in this case, an evaluation which:
- *examines the extent to which the purpose of the plan change is the most appropriate way to achieve the purpose of the Act (s32(1)(a)); and*
 - *examines whether the provisions proposed to be changed are the most appropriate way to achieve the purpose of the plan change (s32(1)(b)) - by:*
 - *identifying other reasonably practicable options*
 - *assessing the efficiency and effectiveness of the provisions in achieving the purpose of the plan change by, in accordance with s32(2), identifying and assessing benefits and costs of anticipated effects (including economic growth*

¹² Original Plan Change Request

¹³ Section 32 Evaluation report

and employment), if practicable quantify those benefits and costs, and assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions, and

- *summarising the reasons for deciding on the provisions¹⁴*

2.25 The requestor's s32 evaluation report outlined three zoning options for the Gabites Block:

- Option 1 – Maintain existing Rural zoning
- Option 2 – Rely on Draft Plan Change 50
- Option 3 – Align with Draft Plan Change 50, with site-specific provisions

2.26 The s32 report found that Option 3 is the preferred approach for the plan change, as it:

...enable[s] different intensities of development that respond to the attributes and constraints of different areas the site. The Plan Change is therefore likely to achieve better environmental and housing outcomes. The Plan Change is likely to proceed through due process in a timely manner.

2.27 In addition, the s32 evaluation report identified that Option 3:

- Is the most appropriate way to implement the objectives of the LUS, and is aligned with Draft Plan Change 50
- The existing zoning and Rural Objectives and Policies which apply to the site are inconsistent with the desired level of development and environmental protections and enhancements. Therefore, Option 3 to deliver the strategic objectives is the only realistic option
- Provides for the most appropriate zoning, which is tailored to the site's constraints and attributes, and set a framework for high quality, low density residential and rural-residential development while sustainably managing identified ecological and landscape attributes, and receiving environment
- Is the most appropriate way of achieving the sustainable management of the site as it implements s5 of the RMA, providing land to enable growth in a way that that will best meet the wellbeing of the people of the city, and the wider region, now and in the future.

2.28 Section 32(2)(b) requires that, if practicable, the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from a proposal, be quantified. In this regard, the s32 evaluation report identified that:

- Enabling development provides for economic growth and employment, both during the construction phase and ongoing
- Increases housing supply in an area with good access to public transport
- Provides the opportunity to secure the protection of identified significant natural areas within the Gabites Block, and maintain the landscape values of the hillside
- Managing stormwater quantity and quality close to source at the appropriate scale, making best use of natural systems, reducing volumes of peak runoff and avoiding contamination, is significantly more cost effective than building pipe networks to deal with maximum volumes of runoff from impervious surfaces and removing contaminants at the point of discharge to receiving waters
- Water sensitive design and removing contaminants supports receiving waters

¹⁴ s32, RMA

- Hydraulic neutrality assists in flood hazard management, reducing costs that may be incurred from flooding
- Mitigating reverse sensitivity effects reduces the risk of additional costs to rail activities (e.g. reduced hours or additional noise management)
- Some costs may be imposed for resource users including:
 - Administrative costs, such as those associated with applying for consent or providing additional information as part of consent applications
 - Substantive costs, such as costs associated with the curtailment of development rights or the costs of complying with conditions
 - Subdivision costs are increased by providing for protection of landscapes and Gabites Block Natural Areas

2.29 The s32 report does not include a substantive discussion on the risk of acting or not acting, as it concluded that there is sufficient information and certainty available within higher order documents and specialist reports to act on.

Assessment of Effects on the Environment

2.30 The plan change request included an assessment of environmental effects (Paragraphs 130 to 138). It concluded that the site:

- Is suitable for the proposed zone change and subsequent housing development
- Overall, the actual or potential adverse effects arising from PPC55 can be appropriately managed; and

2.31 In addition, the plan change will have many positive effects including enabling:

- A housing development that will contribute to Upper Hutt City's housing capacity
- Development in accordance with the Upper Hutt LUS
- The opportunity to improve a section of the Remutaka Rail Trail loop, one of New Zealand's Ngā Haerenga Cycle Trails Great Rides, that is currently forced to use Maymorn Road
- Identification and protection of areas of significant ecological values within the site ('Gabites Block Natural Areas'), and
- Protection of the landscape values of the west-facing hillside.

2.32 The plan change documentation, as notified, included descriptions of the environment, aerial photographs and mapping of the site and expert effects assessments, including:

- a) Archaeology Assessment, prepared by Ms Emily Howitt, Emily Howitt Archaeology Ltd
- b) Integrated Transport Assessment, prepared by Jamie Whittaker, Stantec
- c) Ecological Assessment, prepared by Dylan van Winkel, Annabelle Coates and Treffery Barnett, Bioresearches
- d) Landscape Analysis, prepared by John Hudson and Chelsea Kershaw, Hudson Associates
- e) Geotechnical Assessment, prepared by Engeo
- f) Infrastructure Assessment, prepared by Andrew Jackson, Paul James and Matt Aitchison, Envelope Engineering
- g) Soil Contamination, prepared by Stu Clark, NZ Environmental Technologies
- h) Soil and Land Use Capability, prepared by Dr Reece Hill, Landsystems.

- 2.33 In response to feedback from Council relating to transport, landscape and planning matters, as well as further stakeholder engagement undertaken since the time of lodgement, the Requestor provided an update to the plan change request (and subsequent technical evidence) on 1 March 2022 prior to notification, including amendments to the proposed plan change provisions.
- 2.34 In response to submissions and further consultation undertaken with various stakeholders, further amendments were subsequently proposed by the Requestor to the plan change provisions and to the recommendations within the technical evidence. These amendments are discussed further in Ms Corinna Tessendorf's s42A officer's report and opening statement and the planning evidence of Mr Andrew Cumming.
- 2.35 The s42a report included a subsequent assessment of environmental effects, in response to amendments and submissions (Section 10.2). It concluded that:
- The proposed rezoning gives effect to Council's growth intentions in this area, as identified in the LUS.
 - The proposed areas that are introduced through the Structure Plan will result in a character that is compatible with the character of the surrounding area.
 - Subdivision in the proposed areas appropriately reflects the opportunities and constraints of these areas.
 - Areas containing significant biodiversity values have been identified in accordance with Policy 23 of the RPS and are protected through the introduction of specific provisions.
 - Landscape and visual effects of future subdivision and development are managed through a comprehensive framework that responds to the specific characteristics of each area and aligns with the landscape's capacity to accommodate change and development.
 - Transport effects have been considered and responded to through the planned provision of a shared user path along Maymorn Road to improve multi-modal connections along and within the plan change site.
 - Infrastructure limitations have been identified and a robust framework has been developed to ensure any limitations can be suitably addressed at the subdivision and development stage.
 - Geotechnical and natural hazards matters have been identified and addressed through the introduction of a site-specific framework that manages identified flood hazards and slope hazards as well as uncertainties regarding ground stability due to previous undocumented fill areas.
 - The proposed rezoning will provide for additional residential development to address the ongoing high demand for housing while also offering a range of housing options at different densities.

Notification and Submissions

- 2.36 On 5 November 2021, Maymorn Developments Limited formally requested Upper Hutt City Council to change the Upper Hutt District Plan to rezone the Gabites Block. On 15 December 2021, Council resolved to accept the plan change request. In response to feedback from Council relating to a number of transport, landscape and planning matters, a revised version of the Plan Change request was lodged on 1 March 2022.
- 2.37 The proposed plan change was publicly notified on 9 March 2022 and the submission period closed on 13 April 2022, by which time 50 submissions had been lodged.
- 2.38 Eleven submissions were in support of the proposal, with thirty-nine submissions in opposition.

2.39 A summary of decisions requested by submitters was notified on 1 June 2022, with further submissions closing on 17 June 2022. Three further submissions were received.

2.40 The submissions received are shown in the following tables (submission numbering is used for the analysis of the issues later in this report):

#	Name	Position
1	Hugh Wiffen	Support - conditional
2	Wayne Chapman	Support - conditional
3	Debbie Hawinkels	Oppose
4	Beatrice Serrao	Oppose
5	Rebecca Cato	Support with amendments
6	Nathan King	Oppose
7	Tamara Carson	Oppose
8	Lisa & Jonathan Byrant	Oppose in part
9	Robert Prest	Oppose
10	Sonia Morgan	Oppose
11	Gerard Bourke & Trish Coley	Oppose
12	Joanne Perez	Support with amendment
13	Sofia Moers-Kennedy	Support with amendment
14	Jaki Sifflett	Oppose
15	Bob Ankler	Oppose
16	Peter Barnes	Oppose
17	Debbie Baston	Support with amendment
18	Peter Sharkey-Burns	Oppose
19	Dean Spicer	Oppose
20	Antoinette Spicer	Oppose
21	Barry and Fiona Evans	Oppose
22	Marita Maass	Oppose in part
23	Bridgewater Trust – Dean Spicer, Michelle Spicer	Oppose
24	Kathryn Regan	Oppose
25	Kim Gibbs	Oppose in part
26	Janet Pittman	Oppose
27	Lance Burgess	Oppose in part
28	Nerolie Burgess	Oppose in part
29	Rob and Sharon Houghton	Oppose in part
30	Fire and Emergency New Zealand	Support with amendments
31	Sue Boyle	Oppose
32	John Boyle	Oppose
33	Brett Stanaway	Oppose in part
34	Judith Swildens	Oppose
35	Dean Spicer on behalf of Maymorn Collective	Oppose

36	Helen Regan	Oppose
37	Lynn Bialy	Oppose
38	Kim Williams	Oppose in part
39	Michael Byrne	Oppose in part
40	Greater Wellington Regional Council	Support with amendments
41	Mary Beth Taylor	Oppose
42	Waka Kotahi NZ Transport Agency	Support with amendments
43	Paul Baker	Oppose
44	Lesley Francis (on behalf of 4 households)	Oppose
45	Tony Chad	Oppose
46	Christopher Northmore	Oppose
47	Bob Orriss	Support with amendments
48	Richard Bialy	Oppose in part
49	John and Margaret Ankcorn	Oppose
50	Paul Persico	Oppose

Further Submissions

#	Name	Submission referred to	Support / Oppose
F1	Mary Beth Taylor	All original submissions	Support in part / Oppose in part
F2	Tony Chad	All original submissions	Support in part / Oppose in part
F3	Kim Gibbs	All original submissions	Support in part / Oppose in part

2.41 The matters raised in submissions received relate to the following broad themes:

- Loss of rural character and amenity (including effect of allotment sizes, lifestyle, privacy)
- Traffic impacts (traffic generation, intersection with SH2, traffic safety, lack of footpath/cycle way along Maymorn Rd, public transport)
- Network Infrastructure (water supply, wastewater, stormwater, electricity, phone/wi-fi coverage)
- Social infrastructure (schools, health facilities)
- Financial contributions (infrastructure improvements, road improvements)
- Proposed zoning / density
- Ecology (wetland, waterways, wildlife)
- Natural hazard / slope stability / earthworks / erosion / flooding
- Noise (reverse sensitivity) and light
- Firefighting requirements
- Timing in relation to draft PC50 and the NPS-IB

Pre-Hearing Directions and Procedures

- 2.42 Prior to the commencement of the hearing, we issued a minute to the parties to address various administrative and substantive matters.
- 2.43 In summary, the first minute, dated 23 August 2022, addressed the following:
- Information as to the appointed independent commissioners
 - Advice as to the date and venue of the hearing
 - Advice as to the dates for receipt of the Council evidence, Requestor's evidence and Submitter's evidence
 - The hearing process
 - Matters relating to Covid-19 procedures
 - Advice that the Panel would be conducting an independent site/locality visit, and
 - Administrative address for any queries relating to the hearing.
- 2.44 A second minute was issued on 21 October 2022, advising that sufficient information had been received to enable deliberations to commence, and that the hearing was formally closed.
- 2.45 These minutes are available on the Council website.
- 2.46 In the lead-up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the proposed timetable:
- a) The s42a Officer's report – prepared by Ms Corinna Tessendorf, a consultant planner from Urban Edge Planning, acting for Upper Hutt City Council, dated 22 September 2022, and incorporating evidence from the Landscape and Visual Assessment, Transport statement, Infrastructure evidence and Ecology statement
 - b) The statement of evidence from the consultant planner for the Requestor, Mr Andrew Cumming, dated 30 September 2022, and accompanying statements of evidence from:
 - Consultant Engineer - Alan Blyde
 - Consultant Traffic and Transport Planner - Jamie Whittaker
 - Consultant Ecologist - Annabelle Coates; and
 - Consultant Landscape Architect - John Hudson
- 2.47 No expert evidence was received on behalf of the submitters either during the lead-up to or during the course of the hearing.

Pre-Hearing Preparation

- 2.48 In preparation for the hearing, the Hearing Panel read all of the plan change request and related documents, the submissions received on the plan change, the s42A report and supporting assessments and advice, and the circulated expert evidence from the requestor.
- 2.49 The Hearing Panel undertook a site visit on Friday 14 October 2022, which included visiting locations within the site as well as various locations in the vicinity of the site. While we had an experienced 4-wheel driver take us over the hillier parts of the site, no parties involved with the hearing accompanied the Hearing Panel.

The Hearing

- 2.50 The hearing commenced at 9:00am on Monday 17 October 2022 in The Derby Room, Trentham Racecourse at 10 Racecourse Road, Trentham, Upper Hutt.
- 2.51 Mr Robert Schofield (Chair of the Hearing Panel) opened the hearing proceedings.
- 2.52 The majority of hearing attendees were present in person at the venue with approximately 10-15 attending via audio visual link over the course of the hearing.
- 2.53 At the outset of proceedings, we outlined the manner in which we expected the hearing to be conducted, our role, and the order of appearances.
- 2.54 No procedural matters were raised during the course of the hearing that we were obliged to make a finding on.
- 2.55 Over the course of the hearing, we heard from the following people:

The Requestor

- Mr James Winchester, Barrister
- Mr Andrew Cumming, Planning Consultant at Andrew Cumming Planning Ltd
- Mr Jamie Whittaker, Traffic and Transport Planner at Stantec
- Mr Alan Blyde, Director/Engineering Consultant at Envelope Engineering
- Mr John Hudson, Director/Landscape Architect at Hudson Associates
- Ms Annabelle Coates, Ecologist at Babbage Consultants Ltd

Council Advisors

- Ms Corinna Tessendorf, Senior Planner at Urban Edge Planning on behalf of Council
- Ms Rachael Annan, Principal Landscape Planner at 4Sight Consulting Ltd
- Mr Don Wignall, Director/Transportation Planner at Transport Futures Ltd
- Mr David Wilson, Principal Engineer/Director at The Urban Engineers Ltd for Wellington Water; and
- Mr Nick Goldwater, Principal Ecologist at Wildland Consultants Ltd

Submitters

- Mr Dean Spicer and Mr Paul Persico on behalf of the Maymorn Collective
- Mr Bob Anker
- Mr Jonathan and Mrs Lisa Bryant
- Ms Mika Zöllner and Mr Mathew Hickman on behalf of Greater Wellington Regional Council (speaking to tabled statement)

Tabled statements

- Waka Kotahi NZ Transport Agency
- Fire and Emergency NZ
- Ms Judith Swildens

- 2.56 All other submitters had formally withdrawn their right to be heard. However, we would emphasise that the issues raised in submissions remain 'live' for our consideration, whether heard or not, and we have done so, as we are required to do. A number of observers and interested parties also joined the audio-visual link, although they did not participate in the hearing.
- 2.57 We adjourned the hearing at 1pm on Tuesday 18 October 2022, after receiving a verbal right-of-reply from the Requestor and carried out our deliberations on Thursday 20 October 2022. These deliberations closed at 5:35pm on Thursday 20 October 2022, and we sent out a minute as already detailed in paragraph 2.39 above formally closing the hearing.

3 EVALUATION OF ISSUES

Overview

- 3.1 For the purposes of our evaluation, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters to which they relate – rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 This approach is not to downplay the importance of the input from submitters: to the contrary, their input has been invaluable in shaping the grouping of issues and for our consideration of those matters. However, we note that there was some commonality among the submissions on key issues and we consider it will be to everyone’s benefit for our recommendation as to a decision to be as tightly focused on the key issues as possible.
- 3.3 We reiterate that PPC55 is a private plan change request to rezone a piece of land. It is not an application for a subdivision of the land or for any form of development on the land. Any subdivision and development of the land in question would require resource consents from the council. The plan change would simply establish the policy and regulatory framework for managing the future subdivision, development and use of the site.
- 3.4 The principal issues in contention were:
- The relationship between Draft Plan Change 50 and Proposed Private Plan Change 55
 - The use of highly productive land
 - The appropriate zoning for the site
 - The proposed density/yield of development
 - Effects on landscape, character and amenity values
 - The effects on ecology
 - The provision of infrastructure and effects on freshwater, and
 - The effects of traffic generated by the proposed development.
- 3.5 We have not addressed geotechnical issues or natural hazards separately as we have found that matters relating to these aspects were generally resolved by the time of the hearing, other than the potential downstream effects of additional stormwater generation downstream, which we have addressed under infrastructure. Similarly, we have not addressed tangata whenua matters as a separate issue as there was no submissions on this aspect (although we have addressed the statutory requirements in regard to plan changes).
- 3.6 In relation to other issues, we have found that these matters were generally resolved by the time of the hearing and accept the evaluation and findings of the Council’s reporting planner in her s42A report.

Issue 1. The Relationship Between Draft PC50 and PPC55

- 3.7 Draft Plan Change 50 was referenced by a number of submitters, largely in opposition of the proposed minimum lot sizes proposed by PPC55, and the subsequent densities which would result from the development of the Gabites Block land. They requested that instead, minimum lot sizes be adjusted to align with those proposed under draft PC50.
- 3.8 Submitters further raised the appropriateness of the timing of the proposal and several submitters requested that the PPC55 be delayed so that it may be aligned with draft PC50. On this point, we would note that the Council is obliged to process a private plan change, and there are no grounds under Schedule 1 RMA that would enable the Council to delay a plan change request. The Act also imposes a general duty under s21 to avoid unreasonable delay. The Panel therefore did not consider it reasonable to delay making a decision on PPC55 until PC50 is notified, which may occur

in mid-2023, following which there would be a period for submissions and further submissions. We would also note that, as we conclude later in this report (under Issue 1), that PC50 aligns well with the approach and direction of draft PC50 as it applies to the Gabites Block.

- 3.9 Both the s32 evaluation report and Ms Tessendorf's s42a report referenced the relationship and the alignment of PPC55 to draft PC50, particularly in regard to zoning and proposed densities.
- 3.10 By way of background, Draft Plan Change 50 (draft PC50) was a plan change initiated by Council which was originally intended to be formally notified in mid/late 2022. Draft PC50 had no statutory weight or effect and was released to enable informed discussion and feedback on the direction Council was considering in changing the zoning, policies and rules under the Residential and Rural chapters of the ODP.
- 3.11 PC50 arose from the Council's review of the residential and rural chapters of the operative District Plan to give effect to the NPS-UD and LUS 2016 by providing additional development potential in the City to meet future demand for housing. One aspect of draft PC50 was to¹⁵:
- *Establish settlement zoning throughout the Maymorn area, including a Settlement Zone over most of the Gabites Farm Block*
- 3.12 The draft plan change had undergone extensive public consultation and was in an advanced state at the time the Government suddenly introduced the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* (RMA-EHS). The RMA-EHS requires the high growth territorial authorities in Auckland, Hamilton, Tauranga, Wellington and Christchurch to incorporate the Medium Density Residential Standards (MDRS) into every relevant residential zone in their district plan, including areas that are being rezoned as residential. The RMA-EHS Act required that the plan changes needed to give effect to the Act (called intensification planning instruments (IPI)) are introduced into District Plan through the use of a special intensification streamlined planning process (not the standard Schedule 1 process).
- 3.13 As Ms Tessendorf notes within her s42a report¹⁶:
- Once government released the Enabling Housing Act Council had to review its earlier intensification framework and prioritise the notification of a plan change to introduce the mandatory Medium Density Housing Standards and related objectives and policies.*
- 3.14 As a consequence, we understand the Council is now focused on the introduction of the MDRS into the District Plan. While the higher density elements of PC50 may still yet progress at some time in the future, the Council is now intending to progress the rural elements of PC50 in the near future (we were informed it was planned for 2023).
- 3.15 Ms Tessendorf noted that:
- PC50 was expected to include a full Settlement Zone chapter, including objectives, policies and rules (with potential amendments in response to feedback received earlier). This Settlement Zone Chapter would have provided an additional framework and further detail for the proposed by the private plan change. However, due to the unexpected and unintentional delay of the rural review the Settlement Zone now only consists of the proposed objectives and policies and, for the time being, cannot refer back to a full set of provisions that would have been expected to be introduced by draft PC50.¹⁷*
- 3.16 Accordingly, draft PC50 remains on hold by the Council and will likely proceed with amended provisions from those that were previously consulted upon. Indeed, the final provisions of PC50 when it is notified could differ substantially from draft PC50, both spatially and in its detailed provisions.

¹⁵ S32 report p. 28

¹⁶ S42a report p. 41

¹⁷ S42a report, paragraph 146

- 3.17 Accordingly, while we have given draft PC50 relevance as a broad strategic document, given the proposed provisions have no statutory weight and may be subject to change, we do not consider it possible or appropriate to fully compare the outcomes of PPC55 with those proposed under draft PC50.
- 3.18 We note, however, that PC50 envisaged enabling development in the Maymorn area (not just the Gabites Block) that is transitional in nature, scaling from denser areas like the established urban area on Maymorn Road and rural-residential settlement area around the Maymorn Railway Station, generally extending outwards to establish low density rural allotments for productive means, while maintaining a sense of rural character in Maymorn by requiring:
- A landscape buffer to be established along road frontages as part of subdivision
 - Limiting the number of new accessways onto Maymorn Road and Parkes Line Road, consolidating access, where possible
 - Building dominance, and density, to be controlled
 - Fencing design to be managed, and
 - The dependence on, and the upgrade of, available water mains to be limited¹⁸.
- 3.19 In the Panel's opinion, PPC55 aligns well with the outcomes sought by draft PC50.
- 3.20 We further note that draft PC50 would not provide us with adequate guidance to be able to inform recommendations on the proposed zoning, proposed densities and minimum lot sizes within PPC55, given the specific nature of constraints, level of detailed design and additional work undertaken by the Requestor which has occurred with this site to produce the proposed zoning and densities. This detail had not and could not be considered at the scale at which draft PC50 reviewed the rural zones.
- 3.21 We would like to note that PPC55 is a privately initiated plan change which has been accepted by Council and, as such, we must consider the plan change on its own merits. We would also note that draft PC50 proposed a minimum lot sizes of 2000m², due to the lack of reticulated infrastructure available at the site, but also enabled smaller lots sizes of 1000m², so long as the average lot size came to of 2000m². These standards are not out of alignment with the proposed subdivision standards in PPC55. We discuss the issue of yield/density issue further under Issue 4.
- 3.22 We note that the feedback from the community on draft PC50 included both support and opposition to the Settlement Zone in general, and that concerns were raised regarding:
- Maymorn Station not being an ideal transport link, and
 - The proposed minimum allotment sizes could create pressure on the existing infrastructure and transport congestion¹⁹.
- 3.23 These issues were also raised in submissions on PPC55, to which we have turned our mind to in evaluating this plan change.

Issue 2. Loss of Highly Productive Land

- 3.24 The issue of the loss of productive land was raised by several submitters, including S41, S45 and S48. This issue relates primarily to the area of flat land adjoining Maymorn Road, currently grazed by cattle. The introduction of the National Policy Statement for Highly Productive Land after submissions closed and prior to the hearing on PPC55 elevated the significance of this issue.

¹⁸ Refer to the draft objectives and policies for Maymorn: Objective RED-O4 and Policies RED-P12 to 14

(<https://www.upperhuttcity.com/files/assets/public/districtplan/pc50/final-draft-pc50-proposed-rural-objectives-and-policies.pdf>)

¹⁹ S42a report, p. 42

- 3.25 The Panel took a two-pronged approach to this issue:
- a) First, we evaluated whether the Gabites Block contains highly productive land and the significance of any loss of such land from the development that would be enabled by PPC55 (the purpose of this section of our report); and
 - b) Second, we considered whether the plan change would be consistent with or contrary to the National Policy Statement for Highly Productive Land 2022 (refer to our evaluation under the statutory framework in Section 4).
- 3.26 One of the technical assessments undertaken to support the plan change request was a desktop *Soil And Landscape Capability Assessment* of the entire Gabites Block, undertaken by Dr Reece Hill, of BeatsonHill Ltd (trading as Landsystems)²⁰. The main purpose of this assessment was to provide a summary of available soil and land use capability map information, as well as an estimation of areas that would be excluded from productive use or classification as high class soils (based on land use history) to help inform subdivision discussion and decisions. The information in this evaluation is drawn from his assessment.
- 3.27 We note that the assessment was prepared prior to the introduction of the National Policy Statement for Highly Productive Land in October 2022 but referenced a draft NPS outlined in a discussion document released by the Ministries for the Environment and Primary Industries in August 2019²¹.
- 3.28 As outlined in the Landsystems assessment, at a broad level, the capability of soil and land to be used for productive purposes land in New Zealand is determined using a national system of assessing the land referred to as Land Use Capability (LUC). This assessment is based on a national land classification system used by soil conservators for farm planning since the 1950s that assesses an area's capacity for sustained productive use, considering physical limitations, soil type, management requirements and soil conservation needs. A detailed description of the system is provided in the Land Use Capability Survey Handbook, the 3rd edition of which was published in 2009²².
- 3.29 A Land Use Capability assessment is a systematic arrangement of the different types of land according to those properties that affect its capacity for long term and sustained production. The LUC assessment identifies areas with similar rock type, soil, slope, erosion types and degree and vegetation cover. Where any one of these factors changes significantly, a boundary is drawn and a new map unit created. Based on this physical inventory, together with an understanding of the local climate, an assessment is made of each unit's capacity for long-term sustained use.
- 3.30 There are eight land use capability classes as recognised in the New Zealand Land Resource Inventory with limitations for use and land use versatility increasing from 1 to 8, with 8 considered unsuitable for productive use and best managed for catchment protection. In New Zealand, high class soils are most commonly defined and mapped using LUC classification. Dr Hill noted that high class soils are generally those soils that are on land with a LUC class of 1, 2 or 3 but may exclude some LUC subclasses in LUC 2 and 3.
- 3.31 The land use capability assessment of the Gabites Block prepared by Dr Hill was based on existing mapping information, as well as an interpretation of historical aerial photography of the site. He identified that the majority of LUC 3 Class soils identified within the Gabites Block valley floor area is considered to be modified soils, with only small sections of intact soil. The assessment determined that approximately 26.2 ha of land in the Gabites Block has been modified, including

²⁰ Desktop Soil and Land Use Capability Assessment

²¹ Ministry for Primary Industries and Ministry for the Environment, *Valuing Highly Productive Land: A Discussion Document on a Proposed National Policy Statement on Highly Productive Land*, August 2019.

²² Lynn, IH, Manderson, AK, Harmsworth, GR, Eyles, GO, Douglas, GB, Mackay, AD, Newsome, PJF (2009) *Land Use Capability Handbook - a New Zealand handbook for the classification of land* 3rd Ed. Hamilton, AgResearch; Lincoln, Landcare Research; Lower Hutt, GNS Science 163pp

large parts of the valley floor. Dr Hill considered that of the various soil types on the site, only that identified as LUC 3 land could be considered highly productive land, located in garmented non-contiguous areas ranging from 0.1ha to 2.0ha, a cumulative total of 10.6ha over the entire site. The LUC classification identified the soil as having moderate limitations for cropping (LUC 3 subclass s2).

3.32 Dr Hill's assessment concluded that:

Given the fragmented distribution of these areas I do not consider they would be of sufficient individual size to be suitable for intensive cropping or any other intensive use (highly productive use) and are only suitable for pastoral grazing. Additionally, the balance of the parcel area (53.7 ha or 92.7%) is either LUC 6s1 or unproductive land (modified soil or stream and riparian reserve)²³.

3.33 A plan showing the patchy occurrence of LUC 3 land on the Gabites Block, including these parts that have been modified soil structures, is shown in Figure 3 below.

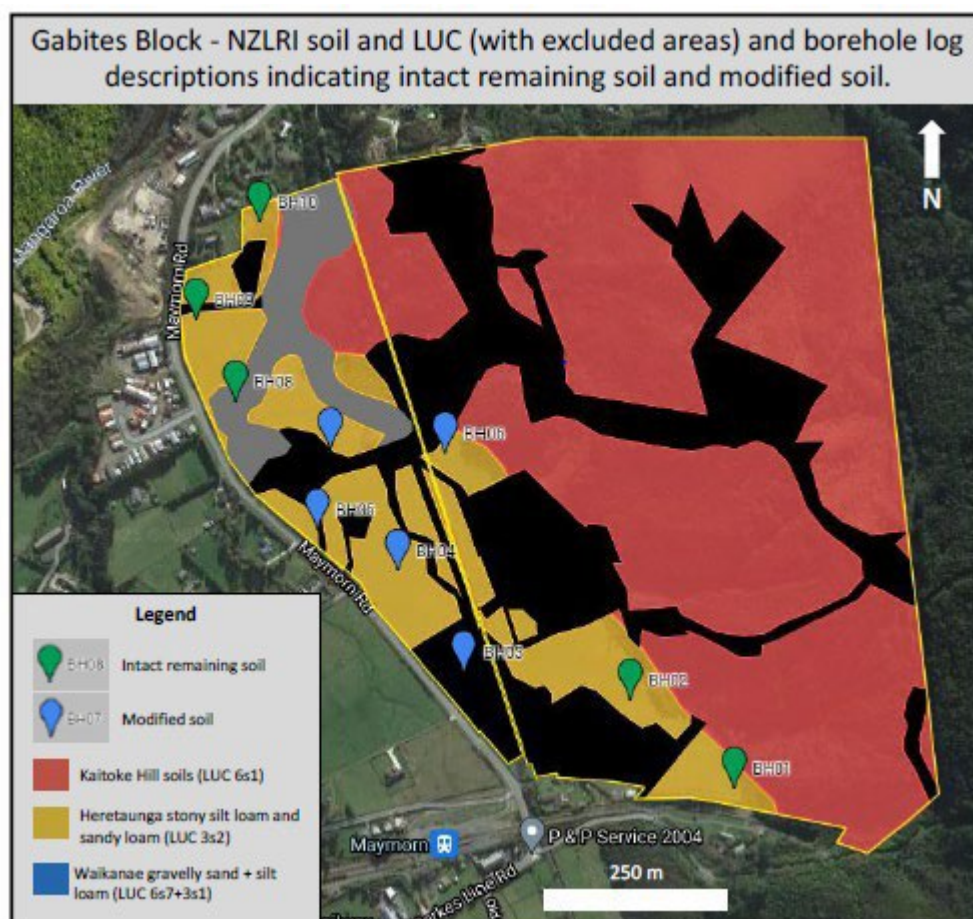


Figure 3: Map showing areas of LUC 3 on the Gabites Block (yellow)²⁴

3.34 We adopt and concur with this statement, noting that his assessment aligned with our observations on site, where we saw obvious signs of stream realignment, land disturbance and modifications. We were provided with no expert evidence to the contrary.

3.35 We note that the s42A report prepared by Ms Tessendorf was also in agreement with the findings of this report.

²³ Desktop Soil and Land Use Capability Assessment, p. 14

²⁴ Taken from Figure 9, Desktop Soil and Land Use Capability Assessment s

- 3.36 For these reasons, we find that there is not a sufficiently large enough area of contiguous highly productive land on the Gabites Block to present a significant loss and that the effects of urban development on the City's productive soils would be less than minor (also refer to our evaluation of the National Policy Statement for Highly Productive Land, paragraphs 4.35 to 4.48, where we conclude that the Gabites Block is exempt from being considered as highly productive land under that instrument).

Issue 3. Appropriate Zoning

- 3.37 The following submissions raised the appropriateness of the proposed rezoning: S3, S6, S7, S8, S9, S10, S11, S14, S15, S16, S18, S19, S20, S23, S24, S25, S26, S31, S32, S35, S36, S37, S41, S43, S45, S48, and S50.
- 3.38 Submissions both in support and in opposition to PPC55 were received regarding the appropriateness of proposed rezoning to the new Settlement Zone. Many of the submissions state that, while they are not opposed to the rezoning and development of the land in general, they oppose the proposed density of development that would be enabled by the private plan change. Conversely, Hugh Wiffen supported the development of Gabites Block and sought that the neighbouring properties along Maymorn Road to also be included in the Settlement Zone²⁵. Rebecca Cato also supported the proposed rezoning, while seeking that funding is provided for community and urban design features²⁶.
- 3.39 Other submitters were not necessarily opposed to the rezoning and development of the land in general but opposed the proposed density of development which would be enabled by PPC55: these concerns are further discussed in Issue 4 below. Other concerns related to the appropriateness of the new Settlement Zone and inconsistencies between international, national and regional plans, policies and strategies.
- 3.40 As outlined above, draft PC50 proposed the introduction of a new zone, the Settlement Zone, which is drawn from the mandatory Zoning Framework of the National Planning Standards. Under draft PC50, which is on Council website²⁷, the Settlement Zone was intended to provide for limited rural-residential development at specified locations around the periphery of the urban area, as well as at several rural locations in the Mangaroa Valley, including at Maymorn where land to the north and south of the railway line was proposed to be rezoned Settlement. In Maymorn, the proposed rezoning to Settlement included most of the Gabites Block, other than the ridgeline (retained as General Rural) and a small portion at the northern end (to be rezoned to Low Density Residential).
- 3.41 PPC55 adopts the use of the Settlement Zone over all of the Gabites Block. The transitional nature of development envisaged under draft PC50 would be largely achieved by several overlays which would manage the density and scale of development within defined areas of the Gabites Block.
- 3.42 On the issue of zoning, the Low Density Residential Zoning originally envisaged for the northern portion of the Gabites Block site was not pursued under PPC55 due to the introduction of the Resource Management (Enabling Housing and Other Matters) Amendment Act ('Enabling Housing Act'), which applies the MDRS provisions to the Low Density Residential Zone as well as the General Residential Zone. We concur with the requestor that the application of the MDRS standards (referred to as 'three units and three storeys' on a site) would not be appropriate within the surrounding context. PPC55 instead proposes to include this northern portion within the Settlement Zone but apply a more appropriate residential development density by way of a separate overlay for this area (called North West Area). We consider this to be an appropriate and effective approach and in keeping with the character of the area.

²⁵ Submission PC55/001

²⁶ Submission PC55/005

²⁷ <https://www.upperhuttcity.com/Your-Council/Plans-policies-by-laws-and-reports/District-Plan/PC50>

- 3.43 In considering the overall appropriateness of the proposed Settlement zoning to the Gabites Block, we note that the National Planning Standards identify the Settlement Zone as being “*areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments*”. Without entering into a discussion of PC50, the Panel observed that the Settlement Zone was clearly intended to be used to manage small rural and coastal townships, in which there may be a peppering of commercial, light industrial and/or community activities to support the local rural community. The Panel was not convinced that the Settlement Zone was intended to act as a transitional zoning between urban and rural area²⁸.
- 3.44 Acknowledging the absence of a wider framework that was intended to be provided by draft PC50, we consider that the proposed development enabled by PPC55 would have been more appropriately provided for by a Large Lot Residential Zoning, which is described under the National Planning Standards as –
- Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.*
- 3.45 Our opinion was further reinforced by the fact that the proposed provisions of PPC55 do not expressly provide for light industrial, commercial or community activities as would be expected within a Settlement Zone. The proposed objectives and policies of PPC55 clearly do not anticipate these activities to be included within the Gabites Block Development Area.
- 3.46 The s42a report notes that the village precinct proposed within draft PC50 for Maymorn, including part of the Gabites Block, was not included because “*any commercial development would need to be serviced by reticulated infrastructure and such services are not and will not be available*”²⁹.
- 3.47 That aside, and notwithstanding the nomenclature of the Zoning, it is important that the objectives and policies of the Zone are clearly articulated to identify the purpose and intended outcomes of the zone.
- 3.48 In that regard, the proposed objectives and policies of the Settlement Zone as it would apply to the Gabites Block were not in contention. These are:

OBJECTIVES

SETZ-O1 Settlement Zone

The Settlement Zone provides predominantly for areas of residential activities in rural locations

SETZ-O2 Focal Point or Transition Area

The Settlement Zone creates a focal point for the rural community or acts as a transition area between rural and urban environments

POLICIES

SETZ-P1 Location of Settlement Zone

Provide for the Settlement Zone on the urban fringe in close proximity to urban amenities to act as a transition area between rural and urban environments.

²⁸ The Panel observes there are a range of other zones in the National Planning Standards that would provide for a transitional system of zoning as required, including Large-Lot Residential, Low Density Residential, and Rural Lifestyle Zones.

²⁹ S42a report, p. 45

SETZ-P2 Type of Development

Enable low density residential and rural residential development that maintains rural character.

- 3.49 The Panel considers these provisions clearly articulate the purpose and intended outcome of the Settlement Zone as it applies to the Gabites Block.
- 3.50 The Panel observed that the proposed objectives and policies for the Settlement Zone under PPC55 do not align fully with those suggested under draft PC50, which had a broader suite of objectives and policies. However, we acknowledge that, during the preparation of the private plan change, the expectation was that draft PC50 would be notified in 2022 shortly after the lodgement of PPC55. As a result, PPC55 sought to align itself with draft PC50 insofar as it uses the Settlement Zone for part of Maymorn as envisaged by draft PC50. PC50 would have proposed a full Settlement Zone chapter, including a wider set of objectives, policies and rules, providing a broader framework and detail for PPC55. Within her s42a report, Ms Tessendorf considers the proposed objectives of the Settlement Zone in draft PC50 “*recognises the transitional role of the zone between an urban and rural environment*”³⁰ and that PPC55 provided a reduced and more focused version of the equivalent objectives and policies initially proposed by draft PC50. Despite the unintended delay, we were told it is still Council’s intention to notify draft PC50 in 2023, which should integrate the proposed objectives and policies for the Gabites Block within the wider framework for the City’s rural and urban edge, and address any inconsistencies.
- 3.51 At the hearing, we heard from GWRC who sought to have PPC55 take a more nuanced approach in regard to the proposed zoning. However, it was not clear from the answers provided to questions from the Panel about what would comprise a more nuanced approach than that proposed. With respect, it is the Panel’s view that PPC55 has provided a nuanced approach to the development of the site, notwithstanding the blanket rezoning to Settlement Zone. In particular, PPC55 proposes the inclusion of six different density areas proposed within the Gabites Block Development Area, which have been developed taking into account the attributes and constraints of the site. We further note that the development of the Gabites Block is proposed to be staged, with key aspects such as the land for the shared use path, required to be provided at the time of the first subdivision of the site. The Panel considers that this approach appropriately addresses the particular physical characteristics and environmental attributes of the site, as well as servicing constraints and other factors.
- 3.52 We also consider that the approach taken for the Gabites Block under PPC55 is considerably more nuanced than the more generalised provisions for the Settlement Zone that were part of draft PC50.
- 3.53 For these reasons, the Panel finds the proposed rezoning and management of subdivision and development appropriate.

Issue 4. The Density of Development

- 3.54 The following submissions raised the appropriateness of the level of development that would be enabled by the proposed rezoning: S3, S6, S7, S8, S9, S10, S11, S14, S15, S16, S18, S19, S20, S23, S24, S25, S26, S31, S32, S35, S36, S37, S41, S43, S45, S48, and S50.
- 3.55 Many of these submitters raised concern regarding the densities proposed throughout the Gabites Block Development Area, with a key issue raised being the appropriateness of the proposed minimum lot sizes within the surrounding context. In particular, submitters expressed concern with the density of the development on the valley floor. Related concerns in relation to proposed densities have to do with the relationship and alignment of PPC55 with draft PC50, the maintenance of rural character and the capacity of the roading and infrastructure network to

³⁰ S42a report, p. 45

accommodate this level of development. We have addressed these related concerns elsewhere in this decision.

- 3.56 At the hearing, we heard from submitters concerned that the minimum lot sizes proposed would be inappropriate within the surrounding context and would be inconsistent with previous engineering evidence provided during draft PC50 consultations. In particular, they were concerned with the minimum lot size of 400m² within the North West Area (with an average of 600m²), and those areas in which subdivision could be below 2000m².
- 3.57 In response to a question from the Panel, Mr Bob Anker stated that it was made clear during consultation that 2,000m² was the minimum lot size recommended by engineers to mitigate infrastructure capacity impacts. Jonathan and Lisa Bryant, whose site adjoins the North West Area, stated that they considered a minimum lot size of 2000m² would work best to transition between the surrounding residential and rural environments.
- 3.58 In considering this issue, we note that draft PC50 provisions allowed for a minimum lot size of 1,000m², provided the average lot size came to 2,000m².
- 3.59 More importantly, we do not consider that draft PC50 provides adequate guidance to inform recommendations on density / yield at a detailed, context-driven scale, such as that which has been undertaken for the Gabites Block. The scale at which investigations were undertaken to inform draft PC50 were at a broad strategic level, considering the entire rural area of the City and its urban edges, rather than an area-by-area consideration of area specific densities of development.
- 3.60 Based on the expert evidence before us, reviewed by the Council's advisers, we were satisfied that the proposed densities could be appropriately supported by services.
- 3.61 Conversely, GWRC urged the Panel to consider amending the plan change to enable a much greater level of development. In this regard, we were directed to the 2019 Wellington Housing and Business Development Capacity Assessment (HBA) which identified the Gabites Block as potential growth area, with a yield between 198 and 220 units, based on densities of similar typologies in existing urban areas, and did not take into account infrastructure or other constraints. The HBA also undertook a sensitivity assessment, looking at the maximum economic yield without reference to planning controls, and concluded that a maximum yield of 457 sections could be made of the Gabites Block³¹. We note that this assessment was a theoretical one, based on changing some of the economic assumptions.
- 3.62 In comparison, we acknowledge the significant amount of work undertaken by the Requestor's expert land development advisers to consider the site-specific constraints at the Gabites Block to determine appropriate levels of density. We note that the Requestor added an additional minimum lot size of 1000 m² within the North West Area, where the site cannot be connected to the reticulated water supply network and 2000m² where the site cannot be connected to the reticulated wastewater network, in response to these concerns. We also note that in the Valley Flats Area, Station Flats Area, Hilltops Area and Hilltops Basin Area, a minimum lot size of 1000m² is proposed. In the Hillside Area this increases to a minimum of 1 hectare, with an average lot size of 2.5 hectares.
- 3.63 There was a high level of agreement between the expert advice provided for the Requestor and the Council, regarding density / yield. Ms Tessendorf has stated that she believes the Structure Plan to be appropriate and that PPC55 takes a considered approach which recognises the different characteristics of the site and proposes different levels of development densities which appropriately respond to landform, capacity, opportunities and constraints of the site³².

³¹ Housing and Business Development Capacity Assessment – Upper Hutt City Council, 2019, Table 6.15 Greenfield Sensitivity Tests, Page 336

³² S42a report, p. 49

- 3.64 We acknowledge that a higher level of development could be attained if additional infrastructural services were to be provided, particularly water supply, but we were advised that such services are not currently anticipated for this part of the City in the Council's Long-Term planning. If and when such services were provided, as Mr Cumming advised us, further intensification could be enabled, as it is proposed in the existing urban areas of the City.
- 3.65 For these reasons, we are satisfied that the proposed densities within PPC55 are the most appropriate and practical yield for the site, given the level of physical and service constraints.
- 3.66 We reiterate that PPC55 is a private plan change request to rezone a piece of land and note that densities could be further constrained during resource consent/detailed design stage as more detailed site investigations take place to inform subdivision and land use applications.

Issue 5. Landscape and Visual, Character and Amenity

- 3.67 Submissions that raise landscape, visual, amenity and character matters include S3, S6, S7, S8, S10, S11, S12, S15, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S28, S29, S31, S32, S33, S34, S35, S36, S37, S44, S45, S46, and S48. These submissions raised concern about:
- The appropriateness of the proposed lot sizes
 - The impact of the rezoning on existing lifestyle, privacy and views
 - The impact of the proposed rezoning on rural character, rural nature and rural aesthetics
 - The impact of 2nd dwellings on a site being permitted
 - The proposed lot size in the North-West Area not aligning with the surrounding residential character
 - Potential commercial development around Maymorn Station, and
 - The perceived provision for high density development.
- 3.68 Several submitters raised their concerns about the potential loss of landscape, visual and rural character amenity that could occur should PPC55 proceed. We acknowledge that the development of the existing undeveloped paddock and vegetated hillside to residential and rural housing would result in an altered vista from the surrounding environments.
- 3.69 The plan change request was accompanied by a comprehensive Landscape Analysis prepared by Mr John Hudson of Hudson Associates. This landscape report assessed the landscape and visual characteristics of the site and the potential impact and compatibility of the proposed development densities with the identified values and characteristics. This assessment was peer reviewed by Council's expert Ms Rachael Annan, a Principal Landscape Planner at 4Sight Consulting, and there was a large measure of agreement between the two landscape architects. We considered that Mr Hudson's evidence provided a robust assessment of the future impacts of the development and measures to mitigate the visual and landscape effects.
- 3.70 As previously identified, a number of submitters request an increase of minimum lot sizes to better align with the existing rural character. We are satisfied that the proposed lot sizes and resultant densities proposed under PPC55 would be the most efficient use of land taking into account potential adverse effects.
- 3.71 The landscape assessment makes it clear that the rural character of the surrounding environment will be maintained. Notwithstanding this, as outlined by Mr Hudson at the hearing, when looking south of the site, there is not a current rural character, given the introduction of rural residential

housing and the industrial land on the opposite side of Maymorn Road. We note that Ms Tessendorf agrees with this position in her s42a report³³.

- 3.72 In addition to this, Ms Tessendorf noted within her s42a that the Gabites Block has been repeatedly identified as an area for edge expansion and rural residential development. We concur with this statement.
- 3.73 There would be two key areas of visual impact and landscape change from the development of the Gabites Block that would be enabled under PPC55: the views of residential dwellings on the hillside and ridgetop from the Mangaroa Valley in the Maymorn vicinity, and the edge of residential development along Maymorn Road.
- 3.74 In terms of the visual effect of housing development on the hillside, we were satisfied that the limited density of development in these areas, together with control over the siting of driveways and dwellings, height limits, and the provision of landscape assessments at the resource consent stage would satisfactorily minimise the visual impact from views from the valley floor.
- 3.75 From our site visit, we observed that there are already views of hilltop residences from Maymorn Road, looking towards the northwest (the Mount Marua development). The appearance of scattered dwellings nested in the vegetation on the hillside to the northeast will, in the Panel's opinion, reinforce the impression of being on the edge of the urban area.
- 3.76 While Mr Cumming advised us at the hearing that there would be no controls on future residents removing vegetation on their hillside properties (other than GBNAs), we agree with his assertion that it is unlikely that future residents would undertake wholesale vegetation clearance, as they would have bought into 'bush lots' and therefore likely to largely retain the vegetation, as has occurred elsewhere in the City.
- 3.77 The other area of primary visual change will be the edge of residential development along the boundary with Maymorn Road, including the road intersections. The Panel acknowledge that, for those travelling along this part of Maymorn Road, the residential development of the valley floor in the Gabites Block will be discernible, notwithstanding the proposed level of fencing and landscape planting that will buffer not screen views³⁴. However, the majority of dwellings will not be visible from the road or other places in the valley, and, when considered together with the proposed planting, density of lots and other control and requirements, we find the development would not be inconsistent with other recent development in the area, and would form an appropriate transition between the rural-residential and rural-lifestyle development in the area and the urban area of Te Mārua.
- 3.78 We further note that the provision of a landscape strip along Maymorn Road boundary is in line with the draft policies of PC50.
- 3.79 In regard to the development of the hillside and ridgelines for housing, we are satisfied that the low level of development proposed, with large lots and controls on the siting of houses and accessways, together with limits on the height of buildings, will ensure an appropriate level of development that would retain the natural character of these areas.
- 3.80 Mr Jonathan and Lisa Bryant, whose site adjoins the North West development area, appeared at the hearing to express their concern about the effects of the proposed densities on their enjoyment of their property, including impacts on birdlife, noise and traffic. In this area, the minimum lot size of lots would be 400m² but must have an average lot size of 600m²: however, these densities rely on the ability of these lots connecting with the City's water and wastewater networks. As we noted above (paragraph 3.62), the Requestor proposed including an additional minimum lot size of 1000m² within the North West Area where the site cannot be connected to the reticulated water

³³ S42a report, p. 52

³⁴ The exception would be that the Requestor has agreed to plant the roadside edge of the northwestern end of the Gabites Block in a manner to screen that area from the industrial activities on the opposite of the road to address potential future reverse sensitivity issues.

supply network, and 2000m² where the site cannot be connected to the reticulated wastewater network, in response to these concerns. While we acknowledge the Bryants' concerns, in that any residential development on the currently vacant land that adjoins their property will be a major change from their existing environment, the Panel considers that the proposed scale and density of development in this part of the Gabites Block is appropriate, given its context adjoining an urban area. We also note the size of the Bryant's property, about 4000m², would enable a good level of on-site screen planting if desired.

- 3.81 The submission from Mr Anker sought to introduce some form of guidance on the use of native vegetation in the development of the Gabites Block. However, we consider that this is a matter of detail, more appropriately addressed through the resource consent phase of the development.
- 3.82 For these reasons, based on the evidence before us, particularly the landscape assessment and supporting expert evidence, we are satisfied that the landscape values of the area's rural character will be maintained.

Issue 6. Ecological Effects

- 3.83 A number of submitters, including Mr Spicer and Mr and Mrs Bryant who all attended the hearing, raised concerns surrounding the loss of existing biodiversity at the site, should PPC55 and the proposed developments occur.
- 3.84 The plan change request was supported by an Ecological Assessment prepared by Dylan van Winkel, Annabelle Coates and Treffery Barnett of Bioresearches (Babbage Consultants Ltd). The assessment was reviewed for the Upper Hutt City Council by Sarah Budd, Principal Ecologist, Auckland Ecology Team Leader and Coordinator, Wildlands.
- 3.85 The following submissions raised ecology matters: S4, S8, S11, S16, S18, S25, S27, S34, S41, S44, S45, and S47.
- 3.86 The main areas of concern raised in submissions relate to:
- Protection of wetlands
 - Protection of wildlife and waterways
 - Introduction and impacts of pets/domestic animals (on Pākuratahi Regional Park)
 - Need for an independent ecology report / biodiversity restoration plan / lizard survey
 - Impact of small lot sizes on wetlands and biodiversity
 - Need to limit development to protect biodiversity
 - Pollution of waterways / Mitigate additional run-off into waterways
 - Impact on birdlife
- 3.87 The submission from GWRC raised a range of concerns relating to the provisions of the plan change in relation to ecological matters. By the time of the hearing, these concerns had been addressed by the requestor to the satisfaction of the Regional Council.
- 3.88 Similarly, Fire and Emergency New Zealand sought to have the trimming or clearance of vegetation within a GBNA a permitted activity if it is for the creation or maintenance of a firebreak. FENZ also sought to have rules and standards (and associated matters of discretion) to require all new allotments which will contain or adjoin retained or proposed vegetation of a flammable nature, to benefit from a defensible space between the external walls of new buildings and vegetation for the purposes of mitigating fire risk/spread. The changes sought by FENZ were accepted by the Requestor.

- 3.89 We note the high level of agreement between the Requestor and the Council in regard to the provisions of the plan change covering the management and protection of the Gabites Block's ecological values, with no outstanding issues in contention. There being no expert evidence to the contrary, we accept the advice and recommendations of the advisers in regard to the effectiveness of the provisions of the plan change to address the ecological effects of the development of the Gabites Block under the Proposed Plan Change.
- 3.90 The Requestor proposes the introduction of a new policy that requires an ecological plan at the time of initial subdivision to identify and manage any bat habitats, lizard habitats and nesting areas and provide for the ongoing protection of these areas. This policy is proposed to be implemented by way of a new information requirement SUB-DEV3-IR-2 that requires the provision of an Ecological Plan for the first subdivision of the Gabites Block under rule SUB-DEV3-R2. This was supported by the reporting planner.
- 3.91 We are satisfied that the requirement for a full ecological plan of the Gabites Block would address many of the issues raised by submitters in regard to the potential impact of development on indigenous wildlife (bats, lizards, birds). However, we considered the ecological plan should also address the potential effects on the GBNAs, given the lack of controls on the removal of vegetation. This is particularly important for development in the Hillside and Hilltop areas, where any clearance around the perimeters of GBNAs could have adverse effects on the sustainability of the regenerating indigenous vegetation contained within the GBNA.
- 3.92 Furthermore, the Panel considered the Ecological Plan should also consider opportunities to improve the freshwater values of the Gabites Block, particularly fish passage, given the presence of a waterfall on the main stem of the stream running through the valley flats.
- 3.93 As a result, we recommend the following change to SUB-DEV3-P7, with a consequential amendment to SUB-DEV3-IR-2:

“Require the first subdivision in the Gabites Block Development Area to provide an ecological plan which covers the following:

1. ~~Identify the potential bat habitat~~**The potential adverse effects on the biodiversity values of the GBNAs as identified in DEV3-ECO-Appendix 1, including potential edge effects from any clearance around the perimeters of GBNAs.**
2. **The legal mechanism (e.g. consent notice on Record of Title) required for ongoing protection of the biodiversity values of GBNAs.**
3. **Opportunities for improving the freshwater values of the site, including fish passage.**

~~1.4. Identify potential bat habitat:~~

~~2.5.....”~~

- 3.94 Subject to these amendments, based on the evidence before us, particularly the ecological assessment and supporting expert evidence, we are satisfied that the ecological values of the Gabites Block will be appropriately maintained and protected under the proposed development management framework for the zone.

Issue 7. Infrastructure and Servicing

- 3.95 A number of submitters raised concerns on the notified proposal relating to water supply, wastewater, stormwater, electricity, fibre, cost for upgrades and firefighting water supply. Submissions that raised infrastructure matters include S3, S11, S14, S15, S17, S19, S20, S21, S22, S23, S24, S25, S26, S29, S31, S31, S35, S37, S41, S43, S44, S49, and S50.
- 3.96 The main areas of concern raised in submissions relate to:

- Water supply – network capacity, water pressure, connection, appropriate minimum lot size for on-site water storage, dimension of on-site potable water storage, reticulated water supply for North-West Area
- Wastewater – network capacity, appropriate minimum lot size for on-site wastewater disposal, effects on neighbouring properties
- Stormwater – network capacity, workability of storage and delayed release, increased rainfall, flooding, erosion, effects on neighbouring properties
- Electricity connection and capacity
- Fibre network, internet and cellular coverage
- Costs for upgrades, and
- Firefighting water supply.

- 3.97 In its submission, Fire and Emergency New Zealand (S30) raised firefighting water supply and access related issues. Greater Wellington Regional Council (S40) sought to have a requirement that stormwater be adequately treated (e.g. settlement ponds) before being discharged into any natural waterways or wetland, and clarification whether bore water could be used as water supply and, if so, seek reassurance that bore water has not been contaminated by prior land use.
- 3.98 An assessment of the infrastructural requirements for the development of the Gabites Block was provided in support of the plan change request by Envelope Engineering Limited, with expert evidence on issues relating to infrastructure provided by Alan Blyde. For the Council, expert evidence on the three waters infrastructure aspects of the Proposed Plan Change was provided by David Wilson, Principal Engineer/Director at The Urban Engineers Ltd. There was a large level of agreement between the expert engineers. In particular, in his assessment for the s42a report, Mr Wilson concluded that:
- The site can be adequately serviced with a reticulated pressure sewer network with private on lot storage, with a smart control system, that discharges to a single connection to the existing wastewater network; and
 - The site cannot be serviced with a reticulated water supply network. However, an on-site water supply is feasible and acceptable.
- 3.99 However, Mr Wilson considered that there was not sufficient information provided to demonstrate that the water quantity and flood risk from future development of the PPC55 Site can be effectively managed and that the existing UHCC District Plan and proposed PPC55 plan provisions will provide sufficient control to mitigate the effects.
- 3.100 At the hearing, Mr Blyde addressed the infrastructural requirements proposed for the development of the Gabites Block under PPC55, including questions around managing the stormwater generated by residential development of the site.
- 3.101 In response to Mr Wilson's s42a report, Mr Blyde provided a Floodplain Assessment report prepared by Dr Steven Joynes of Envelope Engineering Limited, which was appended to the evidence of Mr Blyde. In that assessment, Dr Joynes concluded that the catchment was not identified as a flood prone area, with any current on-site flooding issues created by inadequate culverts, which can be easily mitigated.
- 3.102 Dr Joynes' assessment also identified the stormwater pond sizes required to mitigate the estimated impacts of roads and pavements formed for the development.
- 3.103 In Mr Blyde's opinion, the stormwater and flooding effects of future development can be readily and effectively managed to mitigate downstream effects and also to ensure residential development on the Gabites Block is free of flood hazards.

- 3.104 Mr Blyde considered that detailed site specific hydraulic modelling would be more appropriately undertaken at the time of subdivision when the final form of land development would be known and able to be modelled:

We know there is sufficient land area and options available to fine-tune proposed stormwater management/mitigation measures such as detention ponds, and this work is more appropriately done with detailed design information as opposed to the hypothetical concept development model we are currently working with.³⁵

- 3.105 We accept Mr Blyde's evidence on this matter. We also accept his advice that hydraulic neutrality can be achieved in the development of the site through devices such as rain gardens, attenuation ponds, designed wetlands and widened/naturalised drains. Under the proposed provisions of PPC55, a site-wide Stormwater Management Plan would be required to be provided during the first subdivision for the entire Gabites Block Development Area, to ensure integrated planning for stormwater/flooding hazards across the entire site, rather than leaving it to individual resource consents as the different stages of the development progressed. In addition, additional provisions are recommended to encourage water sensitive design measures to be used in the development of the Gabites Block. We consider that, collectively, this is an appropriate and effective approach.
- 3.106 In regard to the protection of the stream corridors, these have been mapped and will be identified as part of the District Plan provisions, with setback rules applying. We are satisfied that this is an appropriate approach.
- 3.107 The supply of water to the residential development under PPC55 is the primary infrastructural constraint to the development of this area (generally, not just for the Gabites Block). While there are two existing water main pipes in the vicinity (on opposite sides of Maymorn Road), there is no capacity available to provide water to the site. In addition, while UHCC/Wellington Water have proposed upgrades to the wider water supply network in this part of the City, including watermain upgrades and a new reservoir, we were advised that there is no programme to undertake these works and no funding currently identified in the Council's Long Term Plan. We were also advised by the Requestor's civil engineer that on-lot water supply using rainwater collection tanks is the only option available. This water supply has to meet both potable water demand and provide a supply for firefighting purposes. This was accepted by the Council's adviser, and a range of provisions recommended for PPC55 establish the requirements for water supply.
- 3.108 In relation to the disposal of wastewater generated by the development of the Gabites Block, we were advised that there is a public main within Maymorn Road opposite the site that has capacity during dry weather to accept the wastewater from the development of the Gabites Block. However, during periods of wet weather the public wastewater reticulation network has capacity constraints. On-site disposal of wastewater was considered but largely rejected because of the site's poor ground permeability and a relatively high ground water table on the gravelly river terrace (although on some of larger more isolated sites there may be capacity for some wastewater disposal on-site). Mr Blyde advised the hearing that, following discussion with UHCC and Wellington Water connection to the public wastewater network was preferred subject to peak flow and discharge to the network outside high wet weather flow. Mr Blyde advised:
- All wastewater from the Gabites Block site, which is to discharge to the existing public wastewater network, is to be serviced via a de-centralised, on-lot private pump and storage system, connected to a public low-pressure sewer system. The on-lot pump and storage system will include 'smart controllers' enabling Wellington Water to instigate peak flow control during times of wet weather.³⁶*
- 3.109 This approach was accepted by the Council, and accordingly we are satisfied that wastewater disposal from the development of the Gabites Block can be managed effectively.

³⁵ Evidence of Alan Blyde, paragraph 102

³⁶ Evidence of Alan Blyde, paragraph 36

- 3.110 In regard to other services, we are satisfied that the development of the Gabites Block can be adequately provided with services to support its residential development.
- 3.111 In summary, we accept the expert advice that the residential development of the Gabites Block can be adequately and effectively supported by infrastructure and services, with details determined through the subdivision and land development consenting stage. We therefore find that the development of the Gabites Block in accordance with the provisions of the PPC55 can adequately address the servicing and infrastructural requirements for the development of the site.

Issue 8. Traffic Effects

- 3.112 The submissions that raise transport matters include S3, S5, S6, S7, S8, S10, S11, S12, S13, S14, S15, S16, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S29, S31, S32, S34, S35, S36, S37, S38, S39, S42, S44, S48, S49, and S50. Concerns raised by these submissions included:
- The ability of the intersection of Plateau Road with State Highway 2 to accommodate the growth in traffic
 - Insufficient capacity of local roads to accommodate additional traffic
 - Insufficient parking capacity for the railway station and school
 - Safety concerns
 - Public Transport / rail capacity / Maymorn Station upgrade
 - Need to introduce better provision for cyclists / additional footpaths / a bridleway,
 - Access to Maymorn Rd, and
 - Construction effects.
- 3.113 The proposed plan change was accompanied by an Integrated Transport Assessment (ITA) prepared by Mr James Whittaker from Stantec. The ITA provided a description of the existing transport (roading and traffic) environment, including road safety, expected future road and rail network changes and an impact assessment for two indicative development yield scenarios: one of 170 dwellings and one of 200 dwellings. The traffic impacts associated with these development scenarios are summarised in the ITA as being that they 'will not trigger any fundamental network operational issues'.
- 3.114 A copy of the proposed structure plan and typologies for the internal roads was attached to the ITA. The ITA included an assessment of the alignment of PPC55 with the transport components of the Long Term Plan, Draft PC50 and the District Plan. The ITA concluded that PPC55 'would not cause the function and safety of the surrounding road network to be compromised and that an appropriate transportation outcome for all modes and users can be delivered'.
- 3.115 Mr Don Wignall of Transport Futures reviewed the ITA on behalf of UHCC. He concluded that the potential traffic generation facilitated by PPC55 would not unduly impact the local road network. With regard to other travel modes, he acknowledged that a number of existing issues such as the speed limit on Maymorn Road and the improvement of facilities at Maymorn Station require changes that would have to be initiated by the relevant local authority, UHCC and GWRC, under separate statutory processes. These are matters that not under the control of the Requestor to initiate.
- 3.116 In a memorandum dated 1 March 2022, the Requestor's planning consultant, Mr Cumming, provided a summary of the Requestor's feedback to the review of the ITA and other transport matters which can be summarised as follows:
- a) There are no issues with additional vehicle traffic, including at the SH2 intersection with Plateau Road

- b) Waka Kotahi and UHCC support for off-road improvements to the Maymorn Road section of the Remutaka Rail Trail with connectivity to Maymorn Station desirable
- c) The land to be added from the site to the Maymorn Road road reserve will allow for a 2.5m wide shared path (apart from a couple of pinch points) along the site frontage and separated from the road carriageway by a narrow berm
- d) The construction of the shared path would be resolved in a developer agreement with UHCC at the time of resource consent, and
- e) No changes needed to PPC55 at this time.

3.117 In a memorandum dated 14 September 2022, Mr Wignall on behalf of UHCC summarised his review of the submissions. He identified 16 transport issues raised in the submissions with the most common being scale of traffic increase, documentation issues, unsuitable roads, traffic congestion, road safety and accessibility effects. His response to the transport issues raised by submitters was that:

- a) The submissions received on PPC 55 cover wide range of transport related issues, with most broader planning and feasibility issues addressed through the assessment and reporting documentation produced for Councils' consideration of the PPC 55 and PC 50 proposals.
- b) A range of matters raised in submissions are more detailed and will be considered further, if PPC 55 is approved, through the resource consent application process.
- c) Some points of correction are accepted and will be incorporated into any future documentation required, although these corrections do not materially affect the conclusions of transport assessments undertaken.

3.118 The evidence of Mr Whittaker included the Requestor's responses to the transport issues raised by submitters and also to the review of submissions provided by Mr Wignall. He included that the matters raised by submitters, the s42a Report and by Council's Consultant Traffic Engineer, did not give him cause to amend the findings or conclusions of the ITA. He included some points of clarification as follows:

- a) A correction that the speed limit on Maymorn Road along the site frontage is 80km/h not 100km/h as indicated in the ITA.
- b) An update on traffic flows on SH2 and the most recent road safety record.
- c) The change to PPC55 as notified to require the portion of the shared path between the Site's southern access and the Maymorn rail station to be constructed at the developer's cost, prior to the Site being occupied.

3.119 Mr Whittaker grouped the transport related submissions into six categories and then separately addressed matters raised by Fire and Emergency NZ, Waka Kotahi and Greater Wellington Regional Council. In his response to the submissions, he included the following recommendations:

- a) Adding a new access standard to refer to the appropriate requirements of the FENZ Code for fire appliance access.
- b) Including a new provision requiring a shared path connection between the site and the rail station and associated safe crossing point on Maymorn Road be established before development of the Site occurs.
- c) That the road typology diagrams be added to DEV3-APPENDIX 1.

3.120 Mr Whittaker noted that Mr Wignall's analysis raised no material issues or differences of opinion to the evidence and analysis that he had provided and does not recommend any modifications to PPC55 that are relevant to our respective areas of expertise. At the hearing, we heard from these two traffic expert witnesses, and noted the high level of agreement between them.

- 3.121 During questions at the Hearing, it was confirmed that where design parameters for the internal roading are not included in the typologies associated with the Structure Plan, that the guidance included in the Council's Code of Practice for Civil Engineering Works will apply.
- 3.122 Using Mr Wignall's list of transport issues raised in submissions, we record our findings as follows:
- a) In regard to the scale of the potential traffic increase, the suitability of existing roads, and the potential for traffic congestion, we accept the expert evidence of Messrs Whittaker and Wignall that the forecast traffic activity can be appropriately accommodated within the wider road network and note that Waka Kotahi has not raised concerns about any adverse traffic effects on State Highway 2.
 - b) In regard to alleged inadequacies in the documentation, we accept Mr Wignall's view that all necessary assessments have been undertaken and all documentary requirements have been met³⁷. In particular:
 - An ITA has been provided by the PPC 55 Requestor and this has been peer reviewed for Council
 - If the PPC 55 is approved, in due course it is expected that a construction traffic management plan, referencing CoPTTM11, will be required for consideration by Council at resource consent stage, and
 - Detail in respect of footpaths, cycleways and roads are matters for consideration at resource consent stage, referencing NZS 4404:2010, when more detailed assessment and design work is undertaken.
 - c) In regard to road safety, we note the agreement between the experts that local road safety problems are not currently an issue, and that none of the experts raised road safety concerns with regard to the additional traffic activity that would be generated by the development of the site. During the hearing, Mr Wignall confirmed that Council has an ongoing responsibility to monitor the safety of the road network and that mitigation options are available if needed. We agree that the facilitation of a shared path along Maymorn Road will result in road safety benefits for existing and future road users.
 - d) In regard to accessibility effects, we accept Mr Wignall's view that ongoing access to community facilities and travel nodes can be appropriately managed through a combination of the resource consent application process and as part of Council's management of the local road network.
 - e) In regard to pedestrian and cycling facilities, under PPC55, land would be provided to enable the construction of a shared path along Maymorn Road, an early pedestrian and cyclist connection to Maymorn Station, and the inclusion of footpaths within the road typologies. We do not consider that any additional provisions for active modes are needed at this stage in the planning process.
 - f) In regard to a commitment to upgrades, we agree that design, funding and construction of the shared path is most appropriately addressed at the resource consent stage. We are satisfied and agree with the Requestor that appropriate mechanisms can be employed at resource consent stage, of the first subdivision, to ensure the actual construction of the shared path and the connection to Maymorn Station occurs.
 - g) In regard to the need for additional bus and rail services, we accept Mr Wignall's response to this matter, in that this is primarily a GWRC assessment issue and in terms of provision, a resourcing and programming issue. Mr Wignall considers that there is no reason that buses

³⁷ Paragraphs 3.21 and 3.22 of Mr Wignall's memorandum dated 14 September 2022

cannot adequately serve PPC 55 by means of general service buses, school buses and rail replacement buses³⁸.

- h) In regard to streetlighting, we accept Mr Wignall's response that this a matter for consideration at the resource consent application stage and through Councils' forward programming activities.³⁹
- i) We accept the expert opinion and advice of Mr Wignall on the other transportation matters raised in submissions, as he outlined in his memorandum dated 14 September 2022.
- j) In regard to recreational access, we note that the facilitation of the shared path along Maymorn Road will have safety benefits for recreational users, including the removal of the need for cyclists to travel under the rail bridge to access the Remutaka Rail Trail. We agree with the transport experts that the Regional Council has responsibility for the provision of access and parking associated with the regional park, Remutaka Rail Trail and Maymorn Station.
- k) Heavy vehicles – neither the evidence of Mr Whittaker nor Mr Wignall indicate an existing safety issue with heavy vehicles moving through the local road network. As part of a future resource consent application, it can reasonably be expected that heavy construction traffic may need to be managed through a Construction Traffic Management Plan. Given the proposed zoning and the likely size of the lots it can reasonably be assumed that almost all traffic associated with the site once developed would be light vehicles.
- l) Emergency vehicles – we are satisfied that the Fire and Emergency New Zealand concern regarding access to sites has been addressed through modifications to the proposed provisions.

3.123 We acknowledge that several submitters raised issues surrounding parking within PPC55. However, we note that given the removal of minimum parking requirements from District Plans as a result of the NPS-UD, parking is outside of the scope of this plan change.

4 STATUTORY FRAMEWORK

Evaluation Preamble – Statutory Framework

4.1 In this section of our report, we evaluate PPC55 in accordance with the relevant statutory matters of the RMA. These matters have been derived from the Environment Court's *Colonial Vineyards* decision⁴⁰, and include the following considerations:

General Requirements for a Plan Change

- a) The District Plan should be designed in accordance with⁴¹, and assist the Council to carry out, its functions⁴² so as to achieve the purpose of the Act;⁴³
- a) When changing the District Plan, the Council must:
 - i. *give effect to any National Policy Statement, the New Zealand Coastal Policy statement or any Regional Policy Statement for Wellington;*⁴⁴

³⁸ Paragraphs 3.15 and 3.16 of Mr Wignall's memorandum dated 14 September 2022

³⁹ Paragraphs 3.17 of Mr Wignall's memorandum dated 14 September 2022

⁴⁰ ENV-2012-CHC-108, [2014] NZEnvC 55

⁴¹ s74(1), RMA

⁴² s31, RMA

⁴³ ss 72, 74(1), RMA

⁴⁴ s75(3)(a)-(c), RMA

- ii. *have regard to any proposed RPS⁴⁵;*
 - iii. *have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities⁴⁶;*
 - iv. *take into account any relevant planning document recognised by an iwi authority⁴⁷;*
 - v. *not have regard to trade competition⁴⁸;*
 - vi. *be in accordance with any regulation⁴⁹;*
- b) In relation to regional plans:
- i. *the District Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order⁵⁰; and*
 - i. *shall have regard to any proposed regional plan on any matter of regional significance⁵¹;*
- c) The District Plan must also state its objectives, policies and the rules (if any) and may state other matters⁵²;
- d) The Council has obligations to prepare an evaluation report in accordance with s32 and have particular regard to that report⁵³;
- e) The Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

Objectives

- f) The objectives of the plan change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose⁵⁴;

Provisions

- g) The policies are to implement the objectives, and the rules (if any) are to implement the policies⁵⁵;
- h) Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the District Plan, by:
- i. identifying other reasonably practicable options for achieving the objectives⁵⁶;
 - ii. assessing the efficiency and effectiveness of the provisions/ in achieving the objectives⁵⁷, including:

⁴⁵ s74(2), RMA

⁴⁶ s74(2)(b)-(c), RMA

⁴⁷ s74(2A), RMA

⁴⁸ s74(3), RMA

⁴⁹ s75(1)-(c), RMA

⁵⁰ s75(4), RMA

⁵¹ s74(1)(f), RMA

⁵² s75(1)-(2), RMA

⁵³ Schedule 1, Part 2, Clause 22, RMA

⁵⁴ s32(1)(a), RMA

⁵⁵ s75(1), RMA

⁵⁶ s32(1)(b)(i), RMA

⁵⁷ s32(1)(b)(ii), RMA

- a. *identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced*⁵⁸;
- b. *quantifying those benefits and costs where practicable*⁵⁹;
- c. *assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions*⁶⁰;

Rules

- i) In making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect⁶¹; and

Other Statutes

- j) The Council may be required to comply with other statutes.

4.2 Our powers in relation to this proposal are set out in clause 29(4) of Schedule 1 of the Act. Under this clause, we may recommend declining the proposal, approving it, or approving it with modifications. We must give reasons for the recommendation as to a decision that we reach. In arriving at our recommendation, we must have regard for the further evaluation undertaken under s32AA, in respect of any changes arising since the plan change was notified. We note that this evaluation must:

- a) examine the extent to which the objectives of PPC55 are the most appropriate way to achieve the purpose of the Act
- b) examine whether the policies, rules, standards, zoning and other methods of PPC55 are the most appropriate way to achieve the existing Plan objectives and the PPC55 objectives
- c) in relation to (b) above, to the extent relevant:
 - (i) identify any other reasonably practicable options for achieving the existing and proposed objectives; and
 - (ii) assess the efficiency and effectiveness of the provisions in achieving the objectives, and
- d) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

4.3 Accordingly, we have considered whether the proposed plan change:

- a) has been designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act
- b) gives effect to any relevant National Policy Statement and the New Zealand Coastal Policy Statement
- c) gives effect to the regional policy statement (“RPS”), and
- d) is consistent with any regional plans.

⁵⁸ s32(2)(a), RMA

⁵⁹ s32(2)(b), RMA

⁶⁰ s32(2)(c), RMA

⁶¹ s76(3), RMA

- 4.4 In considering all of the matters above, we record that our recommendation as to a decision is based upon our consideration of the following documents:
- a) the notified plan change and s32 evaluation
 - b) the submissions and further submissions received
 - c) the Council's s42a report
 - d) the s32aa evaluation report provided prior to and over the course of, the hearing, and
 - e) the statements/presentations from all parties appearing before us.
- 4.5 It is important that all parties understand that the Panel is obliged to make a recommendation based on the evidence before us. Our role has been to:
- a) establish that all relevant evidence is before us (or where it is not, consider whether we should commission additional reports or information), and
 - b) test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.
- 4.6 It is that dual role to which the following evaluation addresses.

Statutory Overview

- 4.7 Section 73(2) of the RMA enables any person to request a territorial local authority to change a District Plan in the manner set out in Schedule 1 of the Act. We find that PPC55 has been prepared in accordance with Schedule 1. The Council formally accepted the request (but did not adopt it) on 15 December 2021, enabling the plan change to proceed to public notification and the hearing process.

Part 2 – Resource Management Act 1991

- 4.8 Part 2 (sections 5-8) of the RMA states the purpose and principles of the Act. Part 2 is overarching, and the assessments required under other sections of the Act are subject to it. In order to recommend PPC55 is adopted, the Panel must be able to conclude that the plan change will promote the sustainable management of natural and physical resources (purpose of section 5 of the Act). The operative District Plan was developed under this same RMA framework, and Council is required to ensure all proposed changes to the Plan will also result in outcomes which meet this statutory purpose.
- 4.9 We discuss our findings in more detail in the following section. However, in summary, we find that PPC55 will appropriately provide for rural residential and residential development on land which will be adequately serviced through on-site engineering interventions ahead of reticulated infrastructure being available. Any future development could be accessed by the existing road network and supported by the Maymorn Station. We also note there will be economic and employment benefits arising from the construction.
- 4.10 Therefore, we find that PPC55 will promote the sustainable management of land allocated for growth.
- 4.11 Section 6 sets out a number of matters of national importance to be recognised and provided for. Of these, we consider that the following are relevant:
- a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*
 - c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*

- e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga*
- h) *the management of significant risks from natural hazards*

- 4.12 The site contains significant natural areas, including significant indigenous vegetation, wetlands and waterbodies on the site. While we acknowledge the concern of some submitters regarding the potential loss of biodiversity values, and impacts to wetlands, waterways and wildlife, and have addressed these matters above, we are satisfied that the ecological values of the site can be maintained if not improved upon the implementation of the provisions within PPC55.
- 4.13 The relationship of Māori with the area has been acknowledged, and no concerns have been raised by mana whenua about the proposal during consultation prior to lodgement or as part of the formal submission period. We note feedback from Wellington Tenth Trust on the Request (dated 2.3.22) sought the addition of an accidental discovery protocol, which is to be applied through PPC55.
- 4.14 We note that there does not appear to be any known sites or areas of significance to Māori on the site.
- 4.15 The site contains a number of slope hazard and flood hazard areas. We acknowledge that a number of submitters raised concerns regarding flood risks, and additional flood modelling has been undertaken by the Requestor in response. In our evaluation, we were satisfied that the Proposed Plan Change has effectively addressed these issues, and that appropriate mitigation measures can be applied through the resource consent process at the subdivision and land development stages.
- 4.16 Section 7 RMA sets out other matters to which the Council must have particular regard, with the following being relevant to PPC55:
- b) *The efficient use and development of natural and physical resources*
 - c) *The maintenance and enhancement of amenity values*
 - d) *Intrinsic values of ecosystems*
 - f) *Maintenance and enhancement of the quality of the environment*
 - g) *Any finite characteristics of natural and physical resources*
 - i) *The effects of climate change*
- 4.17 We find that PPC55 is consistent with this section as the proposed provisions have been designed to maintain and enhance the existing amenity of the surrounding rural and residential environment, and as noted within the s32 evaluation and s42a officer's report, any adverse effects are required to be avoided, remedied or mitigated. PPC55 will provide for an efficient use and development of an otherwise underused land resource.
- 4.18 While the land could be more efficiently used if there was a full suite of infrastructural services available with capacity to support a more intensive development, we consider that the proposed density of development represents an efficient use of otherwise poorly used land. The City will benefit from the additional housing yielded by this plan change in the short to medium term as opposed to awaiting from a greater level of development that may be achieved in the long term. If and when additional infrastructure is provided for the area, there will be potential for intensification to occur at a later stage.
- 4.19 Section 8 requires the Council to take into account the principles of The Treaty of Waitangi. We note that Te Rūnanga o Toa Rangatira, the Port Nicholson Block Settlement Trust, and the Wellington Tenth Trust were consulted by the requestor prior to the request being accepted by Council. No response was received by the Requestor, except from the Wellington Tenth Trust who sought the addition of an accidental discovery protocol.

National Policy Statements

- 4.20 We concur with Ms Tessendorf that the NPS-UD 2020, NPS-FM 2020 and NPS-HPL 2022 are relevant to PPC55.
- 4.21 Likewise, we agree that the exposure draft national policy statement covering indigenous biodiversity does not apply to PPC55 in that this document has no legal effect. We acknowledge, however, that the provisions of PPC55 in regard to the management of the effects of development on the ecological values of the Gabites Block have been developed in general accordance with the principles of the draft NPS-IB. Accordingly, PPC55 should be largely consistent with the potential NPS.
- 4.22 As the land is not in a coastal environment, the New Zealand Coastal Policy Statement does not apply.
- 4.23 The site is not occupied or traversed by any assets that are the subject of the NPS on Electricity Transmission or the NPS for Renewable Energy Generation.

National Policy Statement on Urban Development 2020

- 4.24 The NPS-UD identifies Upper Hutt City as being a Tier 1 Urban Environment (High Growth), and the Council as being a Tier 1 Local Authority. Such authorities are required to provide sufficient development capacity to meet the demand for housing in the short, medium and long term, as well as enabling well-functioning urban environments. The NPS-UD requires that District Plans must make room for both 'up' and 'out' housing development (that is, both intensification of existing urban areas and greenfields development), and rules should not unnecessarily constrain growth. It is an enabling NPS as it directs actions to be taken to increase housing supply.
- 4.25 Objectives 1, 2, 4 and 6 are of relevance to PPC55. The Requestor's s32 evaluation report identifies that the NPS-UD requires the District Plan to ensure there is sufficient zoned land which enables feasible development capacity in the short and medium term. The s42 officer's report subsequently details the relevant objectives and policies and concludes that PPC55 is consistent with the NPS-UD. We concur with this assessment and its conclusions.
- 4.26 Policy 1 of the NPS-UD is of particular relevance to PPC55 as it requires Councils to appropriately plan for growth and ensure well-functioning urban environments are developed. It defines a well-functioning urban environment as follows:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a) *have or enable a variety of homes that:

 - i. *meet the needs, in terms of type, price, and location, of different households; and*
 - ii. *enable Māori to express their cultural traditions and norms; and**
- b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e) *support reductions in greenhouse gas emissions; and*

f) *are resilient to the likely current and future effects of climate change.*⁶²

- 4.27 PPC55 is a land zoning request, not an actual application for a subdivision or any form of land development. The planning decision to be made is whether the rezoning is consistent with this Policy. In terms of Policy 1 above, we find that PPC55 would enable a well-functioning urban environment to be created.
- 4.28 Policies 2 and 7 are also considered relevant as they specify that Tier 1 and 2 local authorities need to provide at least sufficient development capacity to meet expected demand for housing, and to set housing bottom lines in District Plans. We find that PPC55 will assist UHCC in meeting expected demand for housing through the provision of up to 200 additional dwellings. As we concluded above, while the land could be more intensively developed in the longer term if supported by a greater level of infrastructure capacity, the City will benefit in the short-to-medium term from the proposed provision of housing in the near future. Any long-term provision of increased infrastructural services would enable further intensification at that time.
- 4.29 We find that the plan change is sufficiently nuanced through the application of different development areas with different development requirements and standards to optimise the level of housing that can be yielded from the Gabites Block on a sustainable basis, having regard to the environmental constraints of the site.
- 4.30 Overall, we find PPC55 is consistent with the NPS-UD because it is providing for a well-functioning urban environment at a time when urban development capacity is needed.

National Policy Statement for Freshwater Management 2020

- 4.31 The NPS-FM applies to the management of freshwater through a framework which considered and recognises Te Mana o Te Wai as an integral part of freshwater management. It directs regional councils to engage with communities and tangata whenua, to form the basis of a long-term vision in their regional policy statements that gives expression to Te Mana o Te Wai. Regional councils must also review their regional plans to give effect to the NPS-FM.
- 4.32 While Greater Wellington Regional Council has not yet notified any changes to its regional plans in accordance with NPS-FM directions, it has recently notified Proposed Plan Change 1 to the RPS that includes changes to give effect to the NPS-FM.
- 4.33 Greater Wellington Regional Council had divided the Wellington Region into five whitua or catchments to manage water quality and quantity under the NPS-FM. Objectives and limits will eventually be included in a whitua-specific chapter in the proposed Natural Resources Plan (PNRP) by way of a plan change. Until such a time, the requirements of the NPS-FM are not currently included in relevant District Plan provisions, relating to stream reclamation and earthworks. We would note, however, that details about the management of any wetlands and streams will occur at a later stage when the subdivision and land development design is confirmed.
- 4.34 Consequently, we concur with Ms Tessendorf that at this stage, the NPS-FM has limited relevance for PPC55.

National Policy Statement for Highly Productive Land 2022

- 4.35 We note that at the time of the notification of PPC55, the NPS-HPL was still in draft form, on which submissions were being received. Prior to the hearing on PPC55, however, the NPS-HPL was gazetted on 18 September 2022 and came into effect on 17 October 2022, with immediate effect for decision-making. We are consequently required to consider the implications of the NPS within our decision.

⁶² Section 2.2, NPS-UD 2020 – Policy 1

- 4.36 The purpose of the NPS-HPL is to improve the way highly productive land is managed under the RMA to recognise the full range of values and benefits associated with its use, maintain its viability for primary production for future generations, and protect it from inappropriate subdivision, use and development. The NPS generally has a strong avoidance approach to the use of highly productive land for non-productive purposes.
- 4.37 The full implementation of the NPS-HPL requires the mapping of highly productive land by the regional councils to determine what areas constitute highly productive land. We concluded in paragraph 6 of this report that, at a more detailed level, the Gabites Block would not meet the criteria for being mapped by the Regional Council as LUC class 3 under clause 3.4 of the NPS-HPL
- 4.38 Until such time as regional councils map highly productive land in their regions, section 3(5)(7) of the NPS-HPL provides an interim definition of highly productive land:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- (a) is
- (i) zoned general rural or rural production; and
 - (ii) LUC 1, 2, or 3 land; but
- (b) is not:
- (i) identified for future urban development; or
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

- 4.39 As the site is currently zoned rural and is identified at a broad scale as Class 3 under the LUC system, we turned our mind to whether the site meets either of the exemptions to be highly productive land under clause 3.5(7)(b).
- 4.40 As the plan change has been accepted but not adopted by the Council, the site is not exempt from being highly productive land under clause 3.5(7)(b)(ii).
- 4.41 In regard to the first exemption, we find that the LUS is a strategic planning document under the NPS-HPL as it meets the definition of being a non-statutory growth plan or strategy adopted by Council” (the inside title page states “Adopted September 2016”). In that document, the Gabites Block was clearly identified as a potential area for edge expansion – that is, an area for expanding the edge of the urban area⁶³.

Land to the east of Maymorn Road (referred to as the Gabites block) has potential for further investigation of development options. This could be considered as a focused part of a wider review of the rural zones⁶⁴.

- 4.42 The review of the rural zones that the Council subsequently commenced after the LUS was adopted culminated in the release for consultation draft PC50 which identified the Gabites Block for rezoning to a settlement zoning. PPC55 has subsequently proposed to rezone the land as Settlement Zone in line with PC50. As the definition of ‘urban’ under the NPS-HPL includes settlement zones, we have concluded that the Gabites Block site can be excluded from being highly productive land because it is an area identified for future urban development under the Council adopted LUS, and therefore is exempt from being regarded as highly productive land under clause 3.5(7)(b)(ii).

⁶³ LUS 2016, p. 82

⁶⁴ LUS 2016, p. 83

- 4.43 Notwithstanding that finding, we considered whether the site would be mapped as Class 3 if we undertook a purposive approach to applying the National Policy Statement for Highly Productive Land to PPC55.
- 4.44 Clause 3.4 of the NPS-HPL requires regional councils to identify and map areas of highly productive land subject to criteria in Clause 3.4(1) and, together with territorial authorities, manage subdivision, use and development within these areas. The criteria are identified as follows:
- Every regional council must map as highly productive land any land in its region that:*
- (a) is in a general rural zone or rural production zone; and*
 - (b) is predominantly LUC 1, 2, or 3 land; and*
 - (c) forms a large and geographically cohesive area.*
- 4.45 As outlined in section 3 of our report, a Soil and Land Use Capability Assessment was prepared by Mr Reece Hill of BeatsonHill Ltd (Landsystems) as part of the Plan Change Request. It provided a detailed assessment of the soil and land use capability (LUC) of the Gabites Block using available soil and LUC map information. This report concluded that there is no LUC 1 or 2 on the site, and that the LUC 3 class soils identified within the Gabites Block valley are considered to be modified soils, with only small sections of intact soil. In addition, these soils are spread across non-contiguous areas. This assessment goes onto state⁶⁵:
- Given the fragmented distribution of these areas I do not consider they would be of sufficient individual size to be suitable for intensive cropping or any other intensive use (highly productive use) and are only suitable for pastoral grazing.*
- 4.46 We accept his statement, noting that the valley floor section within the site includes realigned streams and modified gullies, further indications how modified the soils have been.
- 4.47 Accordingly, we find that the site is unlikely to be mapped as highly productive land.
- 4.48 For these reasons, we conclude that the Gabites Block is exempt from being considered as highly productive land under the NPS-HPL, and therefore find that the NPS-HPL does not apply.

Regional Statutory Documents

Regional Policy Statement

- 4.49 A District Plan must give effect to any Regional Policy Statement (RPS). The RPS became operative on 24 April 2013 and postdates the District Plan.
- 4.50 The s32 evaluation report provides a comprehensive list of the relevant RPS provisions to PPC55⁶⁶ and we concur with this list. We note the planning consultant for the Requestor and the s42 officer's report were in agreement and we concur with both their findings regarding how PPC55 meets these RPS provisions.
- 4.51 We find that PPC55 will give effect to the relevant objectives and policies of the RPS as it seeks to provide for housing within the region, while avoiding, mitigating, or managing adverse environmental effects. The subject land is in close proximity to transport infrastructure (Maymorn Train Station and State Highway 2) and can be serviced through a combination of existing and onsite infrastructure.
- 4.52 We note that the Greater Wellington Regional Council notified the Change 1 to the RPS on 18 August 2022, postdating the development and notification of PPC55. The purpose of RPS Plan Change 1 is to implement and support the NPS-UD, and to start the implementation of the NPS-

⁶⁵ Desktop Soils and Land Use Capability Assessment, p. 14

⁶⁶ S32 Evaluation Report, p.10-14

FM. Change 1 also includes changes related to climate change, indigenous biodiversity, and high natural character.

- 4.53 The submission period for the remainder of RPS Plan Change 1 closed on 14 October 2022, with 154 submissions received: the period for further submissions will commence soon. We note that the provisions of Change 1 could alter substantially in response to submissions. Accordingly, and given PPC55 was prepared and notified before Change 1, we have not given significant weight to the notified provisions.
- 4.54 Nevertheless, we do not consider the Proposed Plan Change to be contrary to the direction provided under RPS Change 1.
- 4.55 To fulfil the objectives and policies of the NPS-UD, RPS Change 1 directly inserts housing bottom lines for the Wellington Tier 1 urban environment into the operative RPS under section 55(2) of the RMA, without the use of the Schedule 1 process of the RMA, thereby making the following amendments immediately effective from 19 August 2022. As such, Objective 22A and Table 9A have been inserted directly into the RPS. Objective 22A states:
- To achieve sufficient development capacity to meet expected housing demand in the short-medium and long term in any tier 1 urban environment within the Wellington Region, the housing bottom lines in Table 9A are to be met or exceeded in the short-medium and long term in the tier 1 urban environment.*
- 4.56 For Upper Hutt City, Table 9A identifies a minimum 4,713 additional dwellings are to be provided by 2031 (the “short-medium term”) and a minimum 7,510 additional dwellings by 2051 (the “long term”)⁶⁷.
- 4.57 We find that the housing bottom lines inserted into the RPS are agnostic as to the location and type of development providing housing, and therefore consider PPC55 to be aligned with Objective 22A in that the plan change will enable the development of between 170-200 houses, about 4% of the total target for 2031.
- 4.58 In all other respects, we concur with and adopt the evaluation of Change 1 provided by the reporting planner in her s42a report.

Operative and Proposed Regional Plans

- 4.59 When preparing or changing a District Plan, a Council shall also have regard to any relevant proposed or operative regional plan.⁶⁸ The s42a report outlines that there are five operative regional plans and one proposed regional plan for the Wellington Region.
- 4.60 The reporting planner considered that only the Regional Soil Plan is relevant to PPC55⁶⁹, with Objectives 4.1.8, 4.1.9, and 4.1.11 applicable. We also consider that the Regional Plan for Discharges to Land is also an operative regional plan of relevance, due to the discharges of stormwater and wastewater from the site. Of particular relevance is objectives relating to the minimisation (4.1.4) and management (4.1.5) of liquid contaminants. We find the plan change is consistent with these objectives.
- 4.61 The proposed regional plan, the Proposed Natural Resources Plan, consolidates the five operative Regional Plans into one document. Decisions on the PNRP were publicly notified on 31 July 2019. All appeals have now been resolved and consent orders issued so that the provisions are deemed operative in accordance with s86F of the RMA.

⁶⁷ These housing bottom lines are drawn from the Wellington Regional Housing and Business Development Capacity Assessment, Housing update May 2022.

⁶⁸ Section 74(2)(b)(ii), RMA

⁶⁹ S42a report, p.30

- 4.62 However, the PNRP cannot be considered fully operative (and thus the current five operative plans as “inoperative”) until the Regional Council publicly notifies the operative date of the plan.
- 4.63 The s42a report provides a comprehensive list of the PNRP provisions relevant to PPC55⁷⁰ and we concur with this list. We note that the planning consultant for the Requestor was in agreement, and we concur with both their findings regarding how PPC55 meets these PNRP provisions.
- 4.64 We find that PPC55 has regard to and aligns with the relevant provisions of the PNRP.

Housing and Business Development Capacity Assessment

- 4.65 The Housing and Business Development Capacity Assessment (HBDCA) for the Wellington Region was published in November 2019. This assessment was a requirement of the then in force NPS on Urban Development Capacity. The s32 Report prepared by the Requestor reproduced a section related to Upper Hutt City⁷¹:

The report was released in November 2019. The HBA evaluates housing and business demand over a 30-year period from 2017 - 2047. This demand is compared against land that is currently available or identified as a future growth area, in order to test whether each city can meet projected demand. The assessment also looks at the capacity of three waters (drinking water, wastewater and stormwater), roading and other infrastructure required to service development.

The HBA shows that just over 5,600 dwellings should be anticipated in urban Upper Hutt by 2047. The assessment estimates that the city can currently provide for about 3,500 homes (700 within existing urban areas and just over 2,800 in greenfield sites, including those identified in the Upper Hutt Land Use Strategy). This means that without change to existing policies that control housing development, the city could be faced with a shortfall of up to 2,100 homes by 2047. Upper Hutt City Council is responding to the results of the HBA through Plan Change 50; a comprehensive review of all development controls in the city's rural and residential zones.

- 4.66 We note that the Council published a 2022 update to the initial Housing and Business Development Capacity Assessment from 2019. The findings of this updated report, as they relate to Upper Hutt City, were reproduced in the s42a officer's report prepared by Ms Tessendorf⁷²:

This refresh of the 2019 HBA was an opportunity to evaluate changes to Upper Hutt's housing capacity now, and through until 2051, prior to the preparation of a new, full HBA which will start later in 2022.

The updated population projections which have informed the required housing delivery numbers for Upper Hutt show that from 2021 to 2051, Upper Hutt's population is forecast to increase by 24,268 people. This is higher than the 2019 HBA predicted. To accommodate this population increase, I need to provide for 10,458 new dwellings. This is higher than the original number of houses that the 2019 HBA predicted I needed to supply due to the increased difference in our population forecasting. The 2022 HBA update has considered housing demand against feasibly developable land and infrastructure capacity to determine an overall development sufficiency in accordance with the NPS-UD.

This assessment, identifies the current District Plan provisions, enable a feasible capacity for infill housing delivery to be 6,858 dwellings, with the realisable capacity being slightly lower at 5,928 dwellings. Therefore, with these realisable infill numbers, I can expect that our medium term (2023-2030) housing requirement of 2,749 dwellings can be met, but the infill realisable figure falls short of our long term (2030-2051)

⁷⁰ S42a report, p.30-35

⁷¹ Original Plan Change Request, p.21

⁷² S42a report, p. 40-41

requirement of 6,530 dwellings. Further housing is proposed to be delivered by the Intensification Planning Instrument (IPI) to be publicly notified in August 2022.

As part of this 2022 HBA update I have also assessed the capacity of identified greenfield sites in Upper Hutt to deliver housing. Overall Upper Hutt’s identified greenfield sites have the capacity for 5,433 new dwellings, all of which are feasible to develop. This figure, combined with the feasible infill capacity, means Upper Hutt has a feasible development capacity of 12,291 dwellings, which is sufficient capacity to meet the long-term housing requirement for the City.

4.67 Ms Tessendorf in her report further identified that the greenfield capacity analysis undertaken for the update included the Gabites Block site in all calculations, while also stating:

The outlier in this assessment is Gabites Block, which UHCC is removing from consideration for plan-enabled housing capacity. This is because against all measures of plan-enablement, Gabites Block is marginal. It is currently zoned rural, is scheduled to be zoned for rural-residential development as part of PC50, and does not meet the standard for ‘urban environment’ either at present or in the future.

4.68 Nevertheless, we find that the plan change would enable an additional house supply of up to 200 houses to meet the expected demand.

District Statutory Documents

Operative District Plan

4.69 PPC55 proposes to rezone the site from Rural Hill and Rural Valley to the newly introduced Settlement Zone. Therefore, there are no existing operative zone objectives and policies for the proposed zone to be considered.

4.70 The s42a report contains a summary of the other relevant Objectives and Policies within the District Plan. We concur with the summary of provisions and reproduce it here for completeness:

Relevant ODP Objectives
Natural Hazards
NH-O2 Identify Flood Hazard Extents and Erosion Hazard Areas in order to avoid or mitigate the risk to people and property and provide for the function of the floodplain.
NH-P2 In areas of known susceptibility to natural hazards, activities and buildings are to be designed and located to avoid, remedy, or mitigate, where practicable, adverse effects of natural hazards on people, property and the environment.
NH-P3 Avoid development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.
NH-P4 To control development (including buildings) within the lower hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas by requiring mitigation to minimise the risk to people and property.
Subdivision
SUB-GEN-O1 The promotion of subdivision and development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.
SUB-GEN-O2 To control subdivision within identified Flood Hazard Extents and Erosion Hazard Area to ensure the risk from flood hazards to building platforms and access in high hazard areas are avoided and the flood risk to people and property can be appropriately mitigated in the lower hazard areas.

SUB-GEN-P1 To promote a sustainable pattern of subdivision that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.
SUB-GEN-P2 To avoid subdivision where building platforms would be located within high hazard areas of the identified Flood Hazard Extents and Erosion Hazard Areas.
SUB-GEN-P3 To control subdivision where building platforms would be located within lower hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas by requiring mitigation to minimise the risk to people and property.
SUB-GEN-P5 To protect wetland areas within the City from activities which would have adverse effects on their life supporting capacity, natural character or habitat values.
SUB-GEN-P11 To promote the safe and efficient use and development of the transportation network.
Earthworks
EW-O1 The promotion of development that is appropriate to the natural characteristics, landforms, and visual amenity of the City, significant areas of indigenous vegetation and habitats of indigenous fauna, is consistent with the sustainable use of land, and has regard for walking, cycling and public transport.
EW-O2 To control earthworks within identified Flood Hazard Extents and Erosion Hazard Areas to ensure that the function of the floodplain is not reduced and unacceptable flood risk to people and property is avoided or mitigated.
EW-P1 To ensure that earthworks are designed and engineered in a manner compatible with natural landforms, significant areas of indigenous vegetation and habitats of indigenous fauna, the amenity of an area, and the mitigation of natural hazards.
EW-P2 To avoid, remedy or mitigate the contamination, degradation and erosion of soil from earthworks or vegetation removal through advocating responsible land use practices.
EW-P3 Limit earthworks in the high hazard areas within identified Flood Hazard Extents and Erosion Hazard Areas to avoid an increase in risk from flood hazards to people and property.
EW-P4 To manage earthworks in the low hazard areas within identified Flood Hazard Extents and Erosion Hazard Areas to reduce the flood risk to people and property.
EW-P5 Require earthworks within identified Flood Hazard Extents and Erosion Hazard Area to be designed to minimise erosion and loss of sediment from the area of work to streams and rivers.
Light
LIGHT-O1 The promotion of a high level of environmental quality in the City by protecting amenity values.
Transport
TP-O1 To recognise and protect the benefits of regionally significant network utilities and ensure their functions and operations are not compromised by other activities.
TP-P1 To promote the safe and efficient use and development of the transportation network.
TP-P3 To ensure that the use and development of land is served by safe and adequate access from the roading network
TP-P5 To promote a sustainable pattern of development that protects environmental values and systems, protects the potential of resources, and has regard for walking, cycling, public transport and transportation networks.
TP-P6 To promote the development of a safer and more secure environment for the community.

- 4.71 We note that PPC55, would insert the newly introduced Settlement Zone into the District Plan ahead of a specific Settlement Zone chapter, objectives, policies and provisions. Given the introduction of the Gabites Block Development Area as part of PPC55, and a site-specific Structure Plan, the proposed objectives and policies would relate exclusively to the site.

- 4.72 We note that the consultant planner for the Requestor and the Council have worked together closely following notification to align the plan change with the future intentions of Council. We concur with Ms Tessendorf that PPC55 would be consistent with and give effect to the relevant objectives and policies of the District Plan.

Non-Statutory Documents

- 4.73 The reporting planner considered there to be five non-statutory documents of relevance to PC50:
- Upper Hutt Growth Strategy 2007
 - Upper Hutt Land Use Strategy 2016-2043
 - Housing and Business Development Capacity Assessment
 - Wellington Regional Growth Framework, and
 - Draft Plan Change 50.
- 4.74 We also consider the Council's Sustainability Strategy is relevant.
- 4.75 We note the Upper Hutt Growth Strategy 2007 has been superseded by the land use Strategy 2016-2043 which is addressed below.
- 4.76 We have considered PC50 earlier in our report under Issue 1, identifying that PPC55 largely gives effect to the outcomes, objectives and policies of PC50 in relation to the Gabites Block.
- 4.77 We have assessed the relationship of the HBA with the plan change, concluding that PC50 would contribute the meeting the expected demand for housing in Upper Hutt City.

Upper Hutt City Land Use Strategy 2016

- 4.78 We have referred to the LUS in regard to its identification of the Gabites Block for edge expansion, subject to further investigation. This was subsequently undertaken in the development of draft Plan Change 50, which identified the Gabites Block as an opportunity (amongst others) for rural-residential development under a new Settlement Zone. We concur with the reporting planner's assessment that PPC55 is consistent with this strategy.

Wellington Regional Growth Framework

- 4.79 The s32 evaluation provided to support the plan change request considered the consistency of the Proposed Plan Change with the Wellington Regional Growth Framework. The evaluation identified that Maymorn was rejected as a site for medium density development as:

The focus in Upper Hutt in the draft Framework is mainly medium density in the area which includes the Upper Hutt town centre to Heretaunga station. These areas have established community and other facilities such as schools which would need to be established at Maymorn. Medium density greenfield development for up to 800m to 1km from Maymorn Station is also not aligned with the Upper Hutt Land Use Strategy.⁷³

Upper Hutt City Council Sustainability Strategy 2020

- 4.80 The vision of the Sustainability Strategy is outlined in the s42a report, and was prepared to provide guidance for Council decision-making, and seeks to minimise environmental impact, maximise remedial action and role-model sustainable community living.

⁷³ S32 Evaluation Report, paragraph 98, p. 25-26

- 4.81 Goal 8 of the strategy is to support low carbon transport, including walking and cycling links. In that the Gabites Block is close to a railway station and will be further enabling walking and cycling, we find the plan change is consistent with the Council's Sustainability Strategy.

S32 Evaluation

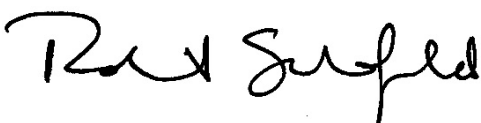
- 4.82 The provisions of PPC55 as notified were subject to a s32 evaluation as required by the Act. This evaluation was reviewed and assessed by the Council's reporting planner who generally agreed with the assessment undertaken by the Requestor within their s32 Evaluation Report. We concur with her assessment and adopt that evaluation.
- 4.83 In particular, we find that the site is suitable for residential housing given it possesses a number of positive attributes, including:
- Proximity to Maymorn Train Station
 - Accessibility to State Highway 2
 - Adjoining existing Residential Zone land
 - Proximity to Upper Hutt City Centre
 - Infrastructure serviceability using network and on-site infrastructure, and
 - No significant natural hazard constraints.
- 4.84 The provisions of the plan change have been developed to ensure the density and form of residential development is appropriate having regard to the site's constraints and attributes. The investigations that have underpinned the plan change identified that:
- The ground conditions are suitable for built development;
 - Natural hazards can be avoided or mitigated
 - Development can respect rural character and landscape values;
 - Development can identify and protect GBNAs
 - Development can respect cultural heritage
 - Development can maintain or enhance receiving environments, through high quality management of stormwater
 - All modes of transport can be provided for, and
 - Development densities can be nuanced through the Development Area Structure Plan to be appropriate to the attributes and constraints of different areas of the site. High quality design and diverse housing types can cater for a range of community needs and contribute to placemaking to create communities where people want to live.
- 4.85 The proposed objectives for the Settlement Zone are as follows:
- SETZ-O1 Settlement Zone**
- The Settlement Zone provides predominantly for areas of residential activities in rural locations*
- SETZ-O2 Focal Point or Transition Area**
- The Settlement Zone creates a focal point for the rural community or acts as a transition area between rural and urban environments*
- 4.86 No amendments were proposed to these objectives as a result of submissions or evidence at the hearing.

- 4.87 The Panel was satisfied that these objectives are appropriate for achieving the purpose of this Act in that they express the outcomes sought by this change in terms of making the efficient use of a well-located land resource suitable for low density residential and rural residential development. These objectives are aligned with the overall aim of PC50 in managing the City's rural resources to contribute to the City's social and economic wellbeing while addressing Section 6 and 7 RMA matters.
- 4.88 We are satisfied that the management framework under PPC55 framework that provides for development tailored to the constraints and attributes of areas of the site to result in high quality, low density residential and rural-residential environments together with protected and enhanced landscapes and ecosystems.
- 4.89 Amendments to PPC55 provisions recommended by the Requestor's planning consultant, Mr Cumming, to the Hearing in his evidence were supported by a s32AA evaluation, which we have reviewed and adopt. The further amendments made to the recommended provisions provided by the Requestor at the close of the Hearing were in response to matters arising at the hearing and seek to clarify or improve the effectiveness of the provisions to manage the environmental effects of the development enabled by PPC55. We are satisfied that the plan change provisions are the most appropriate way to achieve the Zone objectives (as well as relevant district-wide objectives) and would efficiently and effectively manage the environmental effects of the subdivision and development of the Gabites Block for an appropriate level of residential development.

5 OVERALL CONCLUSION AND RECOMMENDATION

- 5.1 We have considered the relevant matters in s32 and evaluated the appropriateness of the proposed plan change provisions against the statutory framework, taking into account our findings in regard to the management of effects on the environment.
- 5.2 We have concluded that PPC55 will meet the overall purpose of the RMA, subject to:
- a) the additional amendments proposed by the Requestor and Council's reporting planner in response to submissions and evidence before the hearing as outlined in Appendix 1 to this report; and
 - b) the additional amendments recommended by the Panel.
- 5.3 Based on our consideration of all the material before us, including the s42a report from the Council's advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of s32AA and other relevant statutory matters, and for the reasons we have set out above in Sections 3 and 4, we recommend to the Council that:
- a) The plan change be accepted subject to the changes identified in Appendix 2;
 - b) That all submissions and further submissions on the plan change be accepted or rejected to the extent that they correspond with that conclusion and the matters we have set out in the preceding report sections; and as summarised in Appendix 1; and
 - c) Pursuant to Clause 10 of the First Schedule of the RMA, Council gives notice of its decision on submissions to PPC55.

Dated at Upper Hutt this 19 of December 2022



Robert Schofield

Panel Chair

Appendix 1 – Recommended Decisions on Submissions to Proposed Plan Change 55

Submission Point	Provision	Decision Sought	Officer Recommendation
Submitter 1: Hugh Wiffen			
S1.1	Entire Plan Change	1) The submitter supports the plan change request to rezone the Gabites Block to Settlement Zone.	Accept
S1.2	General.	1) The submitter seeks Council to consider including the neighbouring properties along Maymorn Road in the Settlement Zone.	Reject The rezoning of sites outside of the plan change is not within the scope of the private plan change.
Submitter 2: Wayne Chapman			
S2.1	Financial Contributions.	1) The submitter seeks financial contributions to be made by the developer towards infrastructure and roading outcomes.	Reject The introduction of financial contributions is outside the scope of the private plan change.
Submitter 3: Debbie Hawinkels			
S3.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined.	Reject
S3.2	Proposed zoning.	1) The submitter seeks to retain the existing zoning (General Rural and Rural Production) of the Gabites Block.	Reject
Submitter 4: Beatrice Serrao			
S4.1	General.	1) The submitter seeks that the wetland is not developed.	Accept Natural wetlands have been marked on the Structure Plan and setbacks from waterbodies (including wetlands) are proposed.
Submitter 5: Rebecca Cato			
S5.1	Entire Plan Change.	1) The submitter requests the application be approved with amendments of providing funding for community and urban design features.	Accept in part Requiring funding for community features is outside the scope of the private plan change.

Submission Point	Provision	Decision Sought	Officer Recommendation
S5.2	General.	1) The submitter seeks the following amendments so that the developer contributes: <ol style="list-style-type: none"> Funds for community facilities within the subdivision including their ongoing maintenance, A full transport plan is provided including a commitment to improve safety and accessibility to the site; and 2) A full intensive housing community plan is provided to ensure a healthy living environment for families that live there.	Reject Requiring funding for community features is outside the scope of the private plan change. A Transport Assessment has been provided as part of the private plan change request and has been peer reviewed by Council's traffic expert. The environmental effects of the proposal have been assessed. The provision of a housing community plan is outside the scope of the private plan change.
Submitter 6: Nathan King			
S6.1	General.	1) The submitter opposes the plan change request unless the following is provided: <ol style="list-style-type: none"> A spilt-level intersection at State Highway 2 and Plateau Road is provided before subdivision commences; and A traffic management plan is submitted with the development plan. 	Reject The traffic assessment provided by the applicant and the peer review by Council have confirmed sufficient road capacity for the proposed plan change.
S6.2	Minimum Allotment Size.	1) The submitter seeks an amendment to the minimum allotment size from 400m ² to 1,000m ²	Accept in part The minimum lot sizes for the North-West Area have been increased in response to existing reticulated network limitations.
Submitter 7: Tamara Carson			
S7.1	Entire Plan Change.	1) The submitter opposes the private plan change request.	Reject The private plan change request has gone through the appropriate process and is recommended to be approved with modifications.
Submitter 8: Lisa and John Bryant			
S8.1	Minimum Allotment Size.	1) The submitter seeks amendments to the minimum allotment size in the following areas: <ol style="list-style-type: none"> North-West Area from 400m² to 2,000m² Valley Flats Area from 1,000m² to 2,000m² Upper Plateau Area to 2,000m² 	Accept in part Changes to minimum allotment sizes in these areas are proposed in response to reticulated network limitations.
Submitter 9: Rob Prest			
S9.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined. Or alternatively, seeks any decisions on the Gabites Block deferred to the PC50 review.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.

Submission Point	Provision	Decision Sought	Officer Recommendation
Submitter 10: Sonia Morgan			
S10.1	Entire Plan Change.	1) The submitter opposes the private plan change request. 1) If the plan change proceeds, seeks upgrades to the local roading, schooling, school bus services, dental and health services in Upper Hutt.	Reject The requested upgrades are outside the scope of the private plan change.
210.2	Minimum Allotment Size.	1) If the plan change proceeds, the submitter seeks an amendment to ensure a minimum allotment size of two acres	Accept in part Some changed to minimum allotment sizes are proposed
Submitter 11: Gerard Bourke and Trish Coley			
S11.1	Entire Plan Change.	1) The submitter seeks that the current zoning is retained and any future development for the Gabites Block falls within the guidelines of the existing zone.	Reject
Submitter 12: Jo Perez			
S12.1	Minimum Allotment Size.	1) The submitter seeks an amendment to increase the minimum allotment size to 2,000m ² or larger.	Accept in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.
S12.2	General.	1) The submitter seeks that the Council widen the verges of the roads for the following: a) Safe use by cyclists, foot traffic and horses, especially along Plateau, Parkes Line, Flux, Mangaroa Valley, Mangaroa Hill and Wallaceville Hill Roads; and b) Use or develop the existing paper roads to improve the valley. 2) If the development is approved, the developer should also contribute to the upgrading of roads and shifting of fences to improve pedestrian safety.	Accept in part The private plan change proposes the construction of a shared user path along Maymorn Road.
Submitter 13: Sofia Moers-Kennedy			
	General.	1) The submitter seeks that a bridleway is added along Maymorn Road and the road leading to the Rail Trail in addition to the shared path.	Reject
Submitter 14: Jaki Sifflett			
S14.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined. 1) However, if the plan change proceeds, the submitter seeks the proposed density be reduced by 50 percent and addresses infrastructure, roading and environmental concerns prior to the subdivision commenced.	Reject in part The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 15: Bob Anker			
S15.1	Entire Plan Change	1) The submitter seeks the private plan change request be declined.	Reject The plan change has gone through the prescribed process for private plan

Submission Point	Provision	Decision Sought	Officer Recommendation
			change requests and is recommended to be approved with modifications.
Submitter 16: Peter Barnes			
S16.1	Entire Plan Change.	1) The submitter seeks the private plan change request to be declined and a commitment to preserving the rural character of Mangaroa and Whitemans Valley by; <ol style="list-style-type: none"> a) Refusing to support any future developments; and b) Instead, more land should be acquired there for restoration of wetlands and native forest regenerations. 	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 17: Debbie Batson			
S17.1	Entire Plan Change.	1) The submitter seeks the minimum allotment size be increased to 1,500m ² minimum and 2,000m ² average and to improve local facilities and infrastructure.	Accept in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.
Submitter 18: Peter Sharkey-Burns			
S18.1	Entire Plan Change.	1) The submitter seeks the private plan change request is withdrawn until the following occurs: <ol style="list-style-type: none"> a) The developer changes the minimum allotment size for all lots to no less than 2,000m² b) An independent ecological report is commissioned. c) Consultation has been completed with Waka Kotahi and Kiwi Rail to understand that the new housing development does not exceed roading and rail capacity. 	Reject in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects. An independent ecological review has been provided as part of the private plan change request. Waka Kotahi and KiwiRail have been consulted with and had the opportunity to submit on the plan change.
Submitter 19: Dean Spicer			
S19.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 20 Antoinette Spicer:			
S20.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 21: Barry and Fiona Evans			
S21.1	General.	1) The submitter seeks UHCC to answer all the questions listed on the submission form.	Accept The questions have been addressed in the s32 evaluation provided as part of the plan change request and in the s42a report prepared for the hearing.

Submission Point	Provision	Decision Sought	Officer Recommendation
S21.2	Entire Plan Change.	1) The submitter seeks the private plan change request be declined.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 22: Marita Maass			
S22.1	Entire Plan Change.	1) The submitter seeks a plan must be in place to deal with the increased needs relating to water, wastewater, traffic, education and health facilities before this development proceeds.	Reject The issues raised have been addressed in the s32 evaluation provided as part of the private plan change request and in the s42a report that has been prepared for the hearing. The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 23: Bridgewater Trust			
S23.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 24: Kathryn Regan			
S24.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 25: Kim Gibbs			
S25.1	Minimum Allotment Size.	1) The submitter seeks the following decisions: a) A minimum allotment size of 2,000m ² with an average of 2,500m ² throughout the development as the main purpose is to protect the environment and wetlands. b) Further residential units cannot be increased on future lots without consultation or assessment of environment and community effects.	Accept in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects. The number of residential units per site are limited to one residential unit plus one minor residential unit.

Submission Point	Provision	Decision Sought	Officer Recommendation
S25.2	General	1) The submitter seeks that the developer prior to a decision on the plan change will do the following: <ol style="list-style-type: none"> a) Invest in improvements to access roads for Maymorn Road and Parkes Line Road to widen roads, provide safe pathways. Increased pedestrian signage, and reduced speed limits to accommodate residents. b) Mitigate additional runoff into waterways. c) Consult with the Ministry of Education and Local Board of Trustees to plan for the impact of additional families in the area on local schools. d) Include requirements that new homes meet passive home standards, recognising the micro-climate and different energy needs in the area. 	Reject in part The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications. The private plan change with amendments provides an appropriate consenting framework to address the points raised at the time of subdivision and development.
Submitter 26: Janet Pitman			
S26.1	Entire Plan Change.	1) The submitter seeks the following decisions: <ol style="list-style-type: none"> a) UHCC does not allow for the rezoning of the Gabites Block to Settlement Zone and Low Density Residential, or b) UHCC to consider larger minimum allotment size of 2,000m² with an average size of 3,000m² for the Gabites Block. 	Reject in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.
Submitter 27: Lance Burgess			
S27.1	Minimum Allotment Size.	1) The submitter seeks the following decisions: <ol style="list-style-type: none"> a) Do not allow the North-West, Station Flats and Hilltop Basin to be any denser than 2,000m². b) Do not allow the Hilltops to be any denser than 1 hectare. 	Reject in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.
Submitter 28: Nerolie Burgess			
S28.1	Minimum Allotment Size.	1) The submitter seeks the following decisions: <ol style="list-style-type: none"> a) Do not allow the North-West, Station Flats and Hilltop Basin to be any denser than 2,000m². b) Do not allow the Hilltops to be any denser than 1 hectare. 	Reject in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.
Submitter 29: Rob and Sharon Houghton			
S29.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined. <ol style="list-style-type: none"> a) Reduce the number of properties proposed. b) Reduce the number of dwellings proposed for the North-West corner. c) Increase the minimum allotment size to “lifestyle blocks” especially those bordering properties along Roseveare Grove and Plateau Road. 	Reject in part Changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects.

Submission Point	Provision	Decision Sought	Officer Recommendation
Submitter 30: Fire and Emergency New Zealand			
S30.1	SUB-DEV3-S2 North-West area.	1) The submitter supports with an amendment to SUB- DEV3-S2: <u>Where a connection to Council's reticulated water supply is unavailable all allotments must be capable of being provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L a firefighting water supply, and appliance access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509: 2008.</u>	Accept in part Changes to the provisions relating to firefighting requirements are proposed to address the issues raised.
S30.2	SUB-DEV3-S2. All other areas.	1) The submitter supports with an amendment to SUB- DEV3-S2: <u>All allotments must be capable of being provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L and a firefighting water supply, and appliances access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u>	
S30.3	SUB-DEV3-S2.	1) The submitter supports SUB-DEV3-S2 to be retained as notified.	
S30.4	SUB-DEV3-P1.	1) The submitter supports with an amendment to SUB- DEV3-P1: <u>Are serviced by reticulated network utilities or on-site servicing including adequate provision and access to a firefighting water supply in accordance with New Zealand Fire Service Firefighting Water Supplies Code Practice SNZ PAS 4509:2008.</u>	
S30.5	SUB-DEV3-S6.	1) The submitter supports with an amendment to SUB- DEV3-S6: <u>Roads, accessways and private driveways must be constructed to enable Fire and Emergency appliances to access structures and/or on-site firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Note: The requirements for firefighting access are further detailed in Fire and Emergency's 'Designer's Guide to firefighting operations – Emergency vehicle access' (December 2021).</u>	
S30.6	SUB-DEV3-P2.	1) The submitter supports with an amendment to SUB- DEV3-P2: <u>Ensure all new buildings and dedicated self-sufficient firefighting water supply can be accessed by fire appliances.</u>	
S30.7	DEV3-ECO-R1	1) The submitter supports with an amendment to SUB- DEV3-ECO-R1: <u>Activity Status: Permitted.</u> <u>Where:</u>	

Submission Point	Provision	Decision Sought	Officer Recommendation
		a) <u>The trimming or removal of vegetation is to:</u> (i-x) (xi) <u>For the creation or maintenance of a firebreak.</u>	
S30.8	General.	1) The submitter supports with an amendment to ensure that the key access requirements, specific roading and access widths, surface and gradients to support the operational requirements of Fire and Emergency appliances are maintained. This includes, but is not limited to the following: <ul style="list-style-type: none"> a) The minimum roading and carriageway widths should not be less than 4m. This width is required for firefighters to efficiently work around the fire appliances to access hoses and pumps. b) A clear passageway / vehicle crossing of no less than 3.5m wide should be provided as site entrances, internal entrances and between buildings. c) The maximum negotiable gradient is 1:5, but in general the roading gradient should not exceed 16%. d) The height clearance along accessways (for example trees, hanging cables and eaves) must exceed 4m. 	
Submitter 31: Sue Boyle			
S31.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 32: John Boyle			
S32.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 33: Brett Stanaway			
S33.1	Minimum Allotment Size.	1) The submitter seeks that the plan change does not allow or approve 400m ² or 600m ² minimum allotment sizes anywhere on the Gabites Block.	Reject in part While changes to minimum allotment sizes are proposed in response to reticulated network limitations and landscape effects, the provisions still provide for 400m ² /600m ² allotments in the North West Area, subject to meeting standards
Submitter 34: Judith Swildens			
S34.1	Entire Plan Change.	1) The submitter seeks the zoning for the Gabites Block to remain as it is to protect the rural landscape of Maymorn for future generations.	Reject The plan change has gone through the prescribed process for private plan

Submission Point	Provision	Decision Sought	Officer Recommendation
			change requests and is recommended to be approved with modifications.
Submitter 35: The Maymorn Collective			
35.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 36: Helen Regan			
S36.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 37: Lynn Bialy			
S37.1	Entire Plan Change.	1) The submitter seeks the delay of the private plan change request until UHCC can consider plan change PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 38: Kim Williams			
S38.1	General.	1) The submitter seeks a traffic survey that needs to be carefully, owned, administered and managed by UHCC with direct engagement with the local community as they both play a vital role.	Reject in part A transport assessment has been provided as part of the private plan change request and peer reviewed by Council's traffic expert. Should the need for a traffic survey be identified at the subdivision stage this can be appropriately addressed.
S38.2	General.	1) The submitter seeks UHCC and the developer to address the need to protect the valley against light pollution created by the Gabites Block.	Accept in part The application has been amended to address light pollution in more detail
Submitter 39: Michael Byrne			
S39.1	Entire Plan Change.	1) The submitter seeks that approval of the private plan change is deferred until greater clarity can be provided on the impact on the local infrastructure in a consolidated and readable way to enable proper consultation.	Reject in part The application provides sufficient information to undertake an assessment. Where the information has been found to be insufficient this was addressed through further information and amendments. The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.

Submission Point	Provision	Decision Sought	Officer Recommendation
Submitter 40: Greater Wellington Regional Council			
S40.1	General.	1) The submitter supports the private plan change with the amendments set out below: <ol style="list-style-type: none"> a) To correct all references to the “Regional Policy Statement for the Wellington region” (RPS). b) Ensure alignment with all relevant Te Whanganui-a- Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kahui Taiao recommendations. c) Include wetlands and waterbodies for the Gabites Block Natural Area definition d) Inclusion of identified natural watercourses and wetlands in future site mapping and structure planning with development setbacks along identified watercourses to create a riparian buffer. e) Amend the development plan transport provisions to require an EV charging station as part of the development plan provisions. 	Accept in part The application has been amended to respond to and address issues raised in the submission.
S40.2	SUB-DEV3-S4	1) The submitter supports the proposal and seeks a requirement that stormwater be adequately treated (e.g., sediment ponds) before being discharged into natural waterways or wetlands.	Accept in part Amendments are proposed to the stormwater provisions
S40.3	SUB-DEV3-S2.	1) The submitter supports the proposal and seeks to clarify whether bore water could be used as water supply. In addition, if it is possible that bore water could be used for water supply, seek reassurance that bore water has not been contaminated by prior land use.	Accept in part The plan change does not prevent the future exploration of bore water use.
S40.4	SUB-DEV3-S1.	1) The submitter supports the proposal and seeks an increase in the development density to maximise the number of dwellings on the site closer to the potential yield of 457 dwellings, within the identified constraints.	Accept in part The proposed density of development responds appropriately to relevant restrictions
S40.5	General.	1) The submitter supports efforts taken to protect and enhance areas of significant indigenous biodiversity at the site and has no concerns with the proposal from a geographical hazard perspective. The submitter seeks consideration of opportunities to encourage the planting of the slopes and ridgelines outside of the natural area to native vegetation, to help to secure erodible land and create corridors for indigenous flora and fauna.	Accept in part Amendments are proposed to the relevant provisions

Submission Point	Provision	Decision Sought	Officer Recommendation
S40.6	DEV3-ECO-P2 and DEV3-ECO-R2.	1) The submitter supports with an amendment to the wording to remove “identified” before “biodiversity value” when referring to adverse effects caused by activities or maintenance of biodiversity values. For example: Avoid adverse effects on identified indigenous biodiversity values where practicable; Minimise other adverse effects on the identified biodiversity values where avoidance is not practicable.”	Accept in part Amendments are proposed to the relevant provisions
S40.7	DEV3-ECO-R2.	1) The submitter supports with an amendment to change the Permitted Activity status for removal of non-indigenous plants that are not pest plants to Restricted Discretionary or Controlled Activity status. The submitter suggests including a specific rule permitting the removal of pest plants within the Gabites Block Natural Areas, where appropriate for restoration and maintenance of these areas.	Accept in part Amendments are proposed to the relevant provisions
S40.8	DEV3-S6	1) The submitter supports with an amendment to ensure that all houses on lots along the eastern property boundary are required to be setback from this boundary at a scale distance to protect from future forestry harvest.	Reject The responsibility for ensuring the safety of surrounding properties during harvesting lies with the owner of the forestry block.
S40.9	DEV3-ECO-Appendix 2. DEV3-ECO-Appendix 3.	1) The submitter supports with an amendment to the framework of principles for biodiversity offsetting and compensation to be consistent with the Proposed Natural Resources Plan (PNRP) and Local Government New Zealand (LGNZ) guidance.	Accept in part The frameworks have been amended
S40.10	SUB-DEV3-P5.	1) The submitter supports with an amendment to allow additional parking for the Rail Trail and Pākuratahi park users within the road reserve boundary adjustments on Maymorn Road and connections between the development roads and park tracks should also be made where appropriate (e.g., Pandy Track in Pākuratahi Forest).	Accept in part Parking for and connections to Regional Parks and walking and cycling trails are outside the scope of the private plan change
S40.11	SUB-DEV3-P5.	1) The submitter supports with an amendment to require the first subdivision in the Valley Flats Area to adjust the boundary of Maymorn Road, to provide sufficient width in Maymorn Road for a future cycleway and walkway.	Accept
S40.12	General	1) The submitter supports with an amendment to the speed limits on the affected stretches of Maymorn Road from 100kph to 50kph.	Reject The responsibility for speed limits lies with Upper Hutt City Council and is outside the scope of the plan change.
S40.13	Integrated Transport Assessment.	1) The submitter supports with additional analysis of the proposed plan change for the impact of increased traffic caused by the development on the Mangaroa School gate.	Reject The traffic assessment provided by the applicant and the peer review by Council have confirmed sufficient road capacity for the proposed plan change.

Submission Point	Provision	Decision Sought	Officer Recommendation
S40.14	DEV3-NH-P1.	1) The submitter seeks the following insertion into DEV3-NH- P1: 3) The earthworks adopt effective erosion and sediment control measures to retain silt and sediment on the site.	Accept in part Amendments are proposed to the relevant provisions.
Submitter 41: Mary Beth Taylor			
S41.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined and that pending plans and policies such as the draft PC48, PC50 and NPS-IB (National Policy Statement for Indigenous Biodiversity) needs to be implemented before this private plan change. In addition, a Biodiversity Restoration Plan to accompany the land use application.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 42: Waka Kotahi NZ Transport Agency			
S42.1	General.	1) The submitter supports the application in part, but is seeking better provision and greater certainty of construction timing for multi-modal travel connections.	Accept in part The provisions have been amended to provide greater certainty.
S42.2	Structure Plan.	1) The submitter seeks the following amendments to the structure plan: a) A minimum, single sided sealed footpath within the road corridor throughout the site to facilitate internal site circulation. b) The shared user path ('SUP') along the roadside boundary of Maymorn is constructed to a clear path width of no less than 2.5m on Ausroads "Cycling Aspects of Ausroads Guide (2017)" Figure 7.2, assuming less than 50 pedestrians will typically be using the path during peak hours prior to onside works commencing on the subject site. c) The applicant constructs a ('SUP') connection including a safe road crossing to the passenger platform of the Maymorn Train Station.	Accept in part The plan change has been amended to provide greater certainty and to require the provision of a safe road crossing.
Submitter 43: Paul Baker			
S43.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined and 14.6 hectares of relatively flat land in the valley retained for agriculture purposes.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 44: Lesley Francis			
S44.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.

Submission Point	Provision	Decision Sought	Officer Recommendation
Submitter 45: Tony Chad			
S45.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined and that pending plans and policies such as the draft PC48, PC50 and NPS-IB (National Policy Statement for Indigenous Biodiversity) needs to be implemented before this private plan change. In addition, a Biodiversity Restoration Plan to accompany the land use application.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 46: Christopher Northmore			
S46.1	Entire Plan Change.	1) The submitter seeks the private plan change request be declined.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
Submitter 47: Bob Orriss			
S47.1	General.	1) The submitter seeks a comprehensive lizard survey be undertaken on the assumption that the plan change goes ahead in some shape or form.	Accept The requirement for a lizard survey to be undertaken at the time of first subdivision has been added.
Submitter 48: Richard Bialy			
S48.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.
S49.2	General.	1) The submitter seeks the new cycleway connecting to Pākuratahi Forest / Remutaka Rail Trail consider existing users as equally important.	Accept in part The application proposes the creation of a cycle trail and walkway along the Maymorn Road boundary of the site.
Submitter 50: Paul Persico			
S50.1	Entire Plan Change.	1) The submitter opposes the intensification proposed by the plan change request and seeks that the private plan change request be delayed until UHCC considers PC50.	Reject The plan change has gone through the prescribed process for private plan change requests and is recommended to be approved with modifications.

Appendix 2 – Recommended Amendments to the Upper Hutt District Plan

Black underline and ~~black strikethrough~~ are those amendments to the notified version of PPC55 as provided by the Requestor (with the agreement of the Council’s reporting planner) at the closing of hearing: underlining indicates additions and ~~strikethrough~~ deletions, plain text indicates the existing operative District Plan text.

Red underline and ~~red strikethrough~~ – are additional amendments recommended by the Panel.

Amendment 1.

PART 1 – INTRODUCTION AND GENERAL PROVISIONS	
1 INTRODUCTION	
2.4.12	<u>Specific, additional information accompanying applications for subdivision, use and development in DEV3-Gabites Block Development Area</u>
	<u>Specific, additional information requirements in respect of subdivision, use and development in DEV3-Gabites Block Development Area are contained in the Subdivision chapter and the DEV3 chapter.</u>
2.4.4213	Further guidance on information requirements
	Depending on the nature and scale of the proposal, consultation may be required with the following parties:
	<ul style="list-style-type: none"> (1) Persons likely to be adversely affected by the proposed activity (2) The Department of Conservation (3) Pouhere Taonga – Heritage New Zealand (4) Iwi authorities (5) New Zealand Transport Agency (6) Other relevant authorities or organisations

Amendment 2.

3 INTERPRETATION	
3.1 Definitions	
<u>Biodiversity offset</u>	<u>means a measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values.</u>
<u>Gabites Block Natural Area</u>	<u>means an area of significant indigenous vegetation or significant habitat of indigenous fauna that meets the criteria in Policy 23 of the Wellington Regional Policy Statement for the Wellington Region and identified in DEV3-ECO-Appendix-1: Schedule of Gabites Block Natural Areas. It excludes wetlands and other waterbodies.</u>
<u>Gabites Block Rail Corridor Buffer Area</u>	<u>means an area in the Station Flats Area identified on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1. The area runs approximately parallel to the Wellington to Woodville rail corridor measured as a distance of 50m from the boundary of the railway corridor designation.</u>

Impervious surface	<p>means a surface which prevents or significantly constrains the soakage or filtration of water into the ground. It includes:</p> <p>(a) <u>Roofs;</u></p> <p>(b) <u>Paved areas including driveways and sealed or compacted metal parking areas and patios;</u></p> <p>(c) <u>Tennis or netball courts;</u></p> <p>(d) <u>Sealed and compacted–metal roads;</u></p> <p>(e) <u>Engineered layers such as compacted clay.</u></p> <p>It excludes:</p> <p>(f) <u>Grass or bush areas;</u></p> <p>(g) <u>Gardens and other landscaped areas;</u></p> <p>(h) <u>Permeable paving and green roofs;</u></p> <p>(i) <u>Permeable artificial surfaces, fields or lawns;</u></p> <p>(j) <u>Slatted decks;</u></p> <p>(k) <u>Swimming pools, ponds and dammed water; and</u></p> <p>(l) <u>Rain tanks</u></p>
Mana whenua	<p><i>has the same meaning as in section 2 of the RMA:</i></p> <p><u>means customary authority exercised by an iwi or hapū in an identified area.</u></p>
Reverse sensitivity	<p><u>means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</u></p>
Water sensitive design	<p><u>means a collaborative approach to freshwater management. It is applied to land use planning and development at complementary scales including region, catchment, development and site. Water sensitive design seeks to protect and enhance natural freshwater systems, sustainably manage water resources, and mimic natural processes to achieve enhanced outcomes for ecosystems and communities.</u></p>

Amendment 3.

PART 2 – DISTRICT-WIDE MATTERS	
STRATEGIC DIRECTION	
i. UFD – Urban Form and Development	
RURAL	
<p>The rural sector is in transition as a diverse range of rural and rural lifestyle activities gradually replace traditional farming activities. The rural area contains much of the City’s agriculture and primary productive land resources which are an important part of the City’s economic and social wellbeing, both now and in the future. It also forms the immediate backdrop to the City in terms of landscape. Areas for rural lifestyle, passive and active recreation and leisure opportunities, and other mixed urban/rural activities also form part of the character of this environment.</p> <p>The rural environment has been highly modified by changes in land use and exhibits a range of characteristics.</p> <p>The valley floors are characterised by a patchwork of fields under pasture with farm and other buildings dotting the landscape. The hillsides are marked by more extensive pastureland, regenerating scrub, exotic forestry plantations and indigenous forest.</p>	

While the appearance of the rural **environment** is subject to considerable change and evolution, some characteristics remain constant. These are the open, expansive nature of the countryside with a relatively low density of **buildings** and with vegetation being the dominant feature. Open spaces, a key feature of rural character, serve to mitigate adverse **effects** which may be generated by farming, **forestry** and other **activities** commonly located in the rural **environment**. Loss of this open space through more intensive **subdivision** and subsequent residential development may create an **environment** in which the **effects** of rural **activities** are no longer acceptable.

The rural **environment** is characterised by important ecological values. These include significant areas of **indigenous vegetation** and areas of significant habitat for indigenous fauna. Such areas can be degraded or partially or totally destroyed by clearance, milling or pest and weed infestation.

The rural area comprises **natural and physical resources** which are often the subject of competing demands and uses. For example, areas may have value to some as a residential **environment**, while to others the value may be as a recreational **environment**. Others still may value the productive or economic return from a **land** area, or recognise a particular cultural significance. Competing demands are greatest for flat **land**, which is suitable for a wide range of **activities**, from farming and business, to tourist and residential uses. A range of opportunities are therefore required to enable the community to make use of the rural **land** resource. It is necessary to provide for both rural and non-rural **activities** while ensuring that rural character and amenity is maintained and enhanced, and natural ecosystems are protected.

Subdivision and development in the Blue Mountains Precinct is restricted due to constraints associated with **land** stability, drainage, existing **allotment** sizes and roading and access. There is difficulty with **sewage** disposal due to poor soakage, as well as limited opportunities to draw **groundwater**. Blue Mountains Road requires major **upgrading** to accommodate further development and this may result in significant adverse environmental **effects**. The Blue Mountains Precinct is separately identified in the Plan. Because of its physical constraints, development can only be contemplated where adverse **effects** can be adequately mitigated. The present capacity of Blue Mountains Road is a limiting factor in considering development proposals in the areas served by it.

The Rural Zones cover the non-urban areas of the City, ranging from relatively intensively developed areas through to more extensive **land** holdings.

The Rural Zones provide opportunities for rural-based **activities** to occur. It is not a sustainable use of the rural **land** resource to allow the **land** to be degraded or used in a manner which will significantly limit the choices of future generations.

The Settlement Zone provides predominantly for areas of residential activities in rural locations.

The Gabites Block Development Area provides for low density residential and rural residential development while maintaining and protecting the natural and landscape values of the Gabites Block in its Maymorn context. The location and density of development is required to be in accordance with the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.

Amendment 4.

ENERGY, INFRASTRUCTURE AND TRANSPORT	
Rules	
District-wide matters	
Activities Tables	
d) Policies NU-P1, NU-P2, NU-P4, NU-P5, NU-P6, NU-P9	
e) Permitted Activities	f) Zones

g) Radiocommunication, Telecommunication and Electricity Distribution and Transmission		
h)	i) Masts with or without associated antennas	<i>General Rural</i> <i>Rural Production</i> <i>Rural Lifestyle</i> <i>Commercial</i> <i>City Centre</i> <i>General Industrial</i> <i>Special Activity</i> <i>Development Area1</i> <i>(Gateway Precinct only)</i> <i>Development Area 2</i> k) Development Area 3

Amendment 5.

Standards for Permitted Activities							
NU-S3 <i>Policy</i> <i>NU-P9</i>	Maximum Height above ground level of Network Utilities (1) The maximum height above ground level of any utility structure listed in the table below shall include any antenna and support structures and exclude any lightning rod						
	Network utility	City Centre	Commercial / General Industrial Development Area 1 (Gateway Precinct only)	General Residential Development Area1 (excluding Gateway Precinct)	General Rural / Rural Lifestyle/ Rural Production Development Area 2 <u>Development Area 3</u>	Open Space	Special Activity
	Masts, antennas, lines and single-pole support structures	20m	25m	n/a	15m	n/a	20m 15m in the St Patrick's Estate Area
	Masts and antennas (where there are two or more providers)	25m	30m	n/a	20m	n/a	25m (other than in the St Patrick's Estate Area)
Maximum height above ground level of an antenna and support structure measured from the highest	5m			3.5m			

	point of the building to which it is attached.					
	Cabinets, and network utility structures located within road reserve, that are not otherwise provided for	2.0m		1.8m		2.0m
	Cabinets, and network utility structures, that are not otherwise provided for.	3.5m				
	Anemometer masts	15m	30m	12m	15m	12m
	Maximum height above ground level of an extreme adverse weather measured from the point of attachment.	4m				

NU-S4 <i>Policy NU-P9</i>	Maximum Size and Diameter of Network Utilities (1) The maximum size and diameter of network utilities for each zone is outlined in the table below.						
	Network utility	City Centre	Commercial / General Industrial Development Area 1 (Gateway Precinct only)	General Residential Development Area1 (excluding Gateway Precinct)	General Rural / Rural Lifestyle/ Rural Production Development Area 2 <u>Development Area 3</u>	Open Space	Special Activity
	Masts	Diameter of mast <600mm from 6m in height	Diameter of mast 1.5m	n/a	Diameter of mast <600mm from 6m in height	n/a	Diameter of mast 1.5m Except in the St Patrick's Estate Area: Diameter of mast <600mm from 6m in height

	Masts (where there are two or more providers)	Diameter of mast <600mm from 6m in height	Diameter of mast 1.5m	n/a	Diameter of mast <600mm from 6m in height	n/a	Diameter of mast 1.5m
	Antenna attached to masts	Antenna located within a horizontal diameter circle of 750mm around the mast	Antenna located within a horizontal circle of 5m around the mast	n/a	Antenna located within a horizontal circle of 5m around the mast	n/a	Antenna located within a horizontal circle of 5m around the mast Except In the St Patrick’s Estate Area – Antenna located within a horizontal circle of 750mm around the mast
	Antenna attached to buildings	Antenna diameter of 2m or area of 1.8m ²	Antenna diameter of 1m or area of 0.8m ²	Antenna diameter of 1m or area of 0.8m ²	Antenna diameter of 1.3m or area of 1.2m ²	Antenna diameter of 1m or area of 0.8m ²	Antenna diameter of 2m or area of 1.8m ²
	Cabinets, and network utility structures located within road reserve (not otherwise provided for)	2m ²	1.4m ²	2m ²			
	Cabinets and other network utility structures (not otherwise provided for) that are not located within road reserve	15m ²					
	Cabinets located within the road Reserve containing an electricity Distribution substation	5m ²					
	Meteorological enclosures and buildings	30m ²					

	Extreme adverse Weather warning devices	No greater dimension than 2.5m x 1.5m	
NU-S5 <i>Policy</i> <i>NU-P9</i>	Separation distance and setbacks from boundaries (1) No network utilities shall be located within an esplanade or strip. (2) The following table applies to masts and antenna attached to masts and any cabinet or other network utility structure that is over 5m ² in area with a height of more than 1.2m that are not located in the road reserve or rail corridor:		
	Zone	Setback distance or setback for masts and antenna attached to masts	Setback distance or setback for cabinets and other network utility structures
	All	Not located within an esplanade reserve or strip	
	Commercial City Centre General Industrial Development Area 1 (Gateway Precinct only)	No less than 10m from a General Residential Zone boundary	No less than 2 metres to any boundary in a General Residential, General Rural, Rural Production, Rural Lifestyle, Open Space and Special Activity Zone and to a road or service lane boundary .
	General Rural Rural Lifestyle Rural Production Development Area 2 <u>Development Area 3</u>	No less than 10m from any property boundary Under 15m in height - no less than 20m from the closest wall of a residential unit (excluding balconies and decks) Over 15m in height – no less than 50m from the closest wall of a residential unit (excluding balconies and decks)	No less than 2 metres to all boundaries
	General Residential Open Space Special Activity Development Area1 (excluding Gateway Precinct)	No less than 10m from a General Residential or General Rural, Rural Production or Rural Lifestyle Zone boundary.	No less than 2 metres to all boundaries

Amendment 6.

Restricted Discretionary Activities		Zones
Radiocommunication, Telecommunication and Electricity Distribution and Transmission		
<p>NU-R22</p> <p><i>Policies NU-P5, NU-P6, NU-P9</i></p>	<p>Masts, with or without associated antennas that do not comply with the standards to be a permitted activity.</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> (1) The degree, extent and effects of the non-compliance with the Permitted Activity Standards (2) Risks to public health and safety (3) The maximum height above ground level of the mast and area or diameter of any antenna (4) The maximum height above ground level, area or diameter of any antenna (5) Any effect on heritage and cultural values (6) Visual effects including impacts on: <ol style="list-style-type: none"> (a) The residential and recreational use of land in the vicinity of the proposed utility; (b) The existing character, landscape, streetscape and amenity values of the locality; (c) Key public places, public viewing points and significant recreational areas (7) Amenity effects, including noise, vibration, odour, dust, earthworks and lighting (8) Cumulative effects (9) Any potential <i>interference</i> with public use and enjoyment of the land and the operation of land uses in the near vicinity (10) Measures to mitigate the bulk and scale of the utility, including screening, colour and finish treatment, earth mounding and / or planting, viewing distances, the location of support structures. (11) Whether the size and scale of the proposal is generally compatible with other development in the area. (12) Any adverse effects on traffic and pedestrian safety including sight lines and the visibility of traffic signs. (13) The extent to which alternative locations, routes or other options have been appropriately considered. (14) The extent to which it is technically, economically and practically reasonable for the masts or antennas can be co-sited with similar structures or other buildings. (15) The extent to which the affected persons / community has been consulted with. 	<p>RDIS</p> <p><i>General Rural Rural Production Rural Lifestyle Commercial City Centre General Industrial Special Activity Development Area 1 (Gateway Precinct only) Development Area 2 Development Area 3</i></p>

Amendment 7.

i. TP – Transport and Parking			
Rules			
2) Activities Tables			
<i>Policies DC-P1, TP-P1, TP-P2</i>			
Car Parking Activities			
TP-R2	Car park provisions in accordance with standards TP-S1 to TP-S10 shall be made for all activities .	PER	<i>All <u>except</u> Development Area 3</i>
Discretionary Activities			Zones
Roading, and Traffic and Transport Structures			
TP-R3	The construction, alteration or diversion of roads , but excluding any such construction works which are part of a subdivision	DIS	<i>General Residential General Rural Rural Production Rural Lifestyle Commercial City Centre General Industrial Development Area 1 (Gateway Precinct only) Development Area 2 <u>Development Area 3</u></i>

Amendment 8.

NATURAL ENVIRONMENTAL VALUES			
ii. ECO – Ecosystems and Indigenous Biodiversity			
Rules			
3) Activities Tables			
<i>Policies ECO-P1, ECO-P2, ECO-P3, ECO-P4, ECO-P6</i>			
Permitted Activities			Zones
Indigenous vegetation clearance – Non-Urban Environmental Allotments.			
ECO-R1	Indigenous vegetation clearance up to 500m ² in total area on any one site that is not an Urban Environment Allotment , and is not an identified Urban Tree Group listed in UTG-SCHED1, within any continuous 5 year period, subject to meeting the standards under-ECO-S1.	PER	<i>All <u>except</u> Development Area 3</i>
ECO-R2	Indigenous vegetation clearance up to 1ha in total area on any one site that is not an Urban Environment Allotment , and is not an identified Urban Tree Group listed in UTG-SCHED1, within any continuous 5 year period, where the vegetation is comprised predominantly of manuka	PER	<i>All <u>except</u> Development Area 3</i>

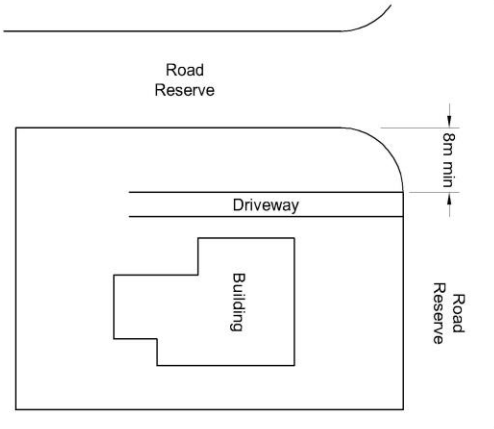
	(leptospermum scoparium) or kanuka (kunzea ericoides) which has a canopy height no greater than 4m, subject to meeting the standards under-ECO-S1.		
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Amendment 9.

Discretionary Activities		Zones
Indigenous vegetation clearance that is not an Urban Environment Allotment , and is not an identified Urban Tree Group listed in UTG-SCHED1, which exceeds the above permitted activity thresholds and/or does not meet the standards in ECO-S1.	DIS	All <i>except</i> <u>Development Area 3</u>

Amendment 10.

SUBDIVISION		
iii. SUB-RUR – Subdivision in Rural Zones		
Rules		
Activities Tables		
Standards for Controlled Activities		Zone
SUB-RUR-S2 <i>Policies</i> SUB-GEN-P1, TP-P4, GRUZ-P5, RPROZ-P4, RLZ-P3	Access standards for subdivision (1) Access to any allotment , including rear allotments , shall be sited at least 20m, measured along the road carriageway, from any access on an adjoining allotment , unless the two access provisions join the road carriageway at a common point. <u>This requirement does not apply to Development Area 3.</u> (2) All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works . Exemption – the requirement for accessways serving sites solely occupied by unstaffed utilities shall be that the accessway shall be surfaced with permanent all weather surfacing for a minimum length of 5m from the edge of the road carriageway seal. (3) All sites shall have practical vehicle access to car parking and loading spaces, in accordance with the Code of Practice for Civil Engineering Works . This requirement does not apply to sites solely occupied by unstaffed utilities, provided that vehicles associated with utilities shall not obstruct the footpath or create a traffic hazard on the road . (4) Vehicular access to a corner allotment shall be located no closer than 8m from the street corner. Where a site is located on an intersection of a primary or secondary arterial traffic route (identified in the Transport and Parking (TP) Chapter) the siting of the vehicular access shall be located as far as practicable from the corner of the street. The 8 metre setback shall be measured from where the two front boundaries of the site (refer to the definition of a corner allotment) join, or in accordance with the diagram below.	General Rural Rural Production Rural Lifestyle Development Area 2 <u>Development Area 3</u>

	 <p>(5) Where a corner allotment is located at an intersection of a national, primary or secondary arterial traffic route, as identified in the Transport and Parking (TP) Chapter, no building, fence or other structure is to be erected and no vegetation allowed to grow so as to obstruct a traffic sight line.</p> <p>(6) At the intersection of a road or rail level crossing, no building, fence or other obstructions which block sight lines for trains shall be erected, placed or grown in the hatched area marked in Diagram 1 in the Transport and Parking (TP)-Chapter.</p> <p>(7) Subdivision with direct access to a State Highway shall comply with the access and visibility standards set out in Diagrams 2 to 9 in the Transport and Parking (TP) Chapter.</p>	
<p>SUB-RUR-S3</p> <p><i>Policies</i> <u>SUB-GEN-P1</u>, <u>TP-P4</u></p>	<p>Access within allotments must meet the requirements of Appendix B of the <u>New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008</u>.</p>	<p><u>Development Area 3</u></p>

Amendment 11.

<p>SUB-DEV3 – Subdivision in Development Area 3</p>	
<p>For subdivision in Development Area 3 – Gabites Block Development Area, the subdivision provisions set out in SUB-DEV3 Subdivision in Development Area 3 apply in addition to the subdivision provisions set out in SUB-RUR Subdivision in Rural Zones.</p>	
<p>POLICIES</p>	
<p>SUB-DEV3-P1</p>	<p>Creation of Allotments</p>
<p>Gabites Block Development Area</p>	<p>Require subdivision to result in allotments that:</p> <ol style="list-style-type: none"> 1. <u>Give effect to the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1;</u> 2. <u>Are of a size and shape that are sufficient to accommodate the anticipated use and development form for the applicable Area;</u>

	<p>3. <u>Are serviced by reticulated network utilities or on-site servicing including adequate provision and access to a firefighting water supply; and</u></p> <p>4. <u>Achieve the requirements for Gabites Block Natural Areas set out in DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4;</u></p> <p>5. <u>Achieve the requirements for subdivision in relation to Flood Hazards set out in DEV3-NH-P2.</u></p> <p>4. Minimise the fragmentation of Gabites Block Natural Areas; and</p> <p>5. Provide for buildings to be located outside any Gabites Block Natural Areas.</p>
SUB-DEV3-P2	Transport Network
<u>Gabites Block Development Area</u>	<p>Require subdivision to:</p> <p>1. <u>Provide transport corridors in accordance with the Gabites Block Road Typologies in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 to avoid unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context;</u></p> <p>2. <u>Provide for no more than three road intersections with Maymorn Road (that are additional to the number of road intersections existing at 1 December 2021);</u></p> <p>3. <u>Avoid providing direct private property vehicle access onto Maymorn Road; and</u></p> <p>4. Avoid providing street lighting Only provide street lighting that:</p> <p>a. <u>Is essential for safety;</u></p> <p>b. <u>Supports rural character by minimising glare, light trespass and skyglow; and</u></p> <p>c. <u>Uses bollard height lights in preference to standard height light poles unless standard height light poles are essential for safety.</u></p>
SUB-DEV3-P3	Integration with Network Utilities
<u>Gabites Block Development Area except North West Area</u>	<p>1. <u>Only allow for the extension of the existing reticulated water supply main network where it:</u></p> <p>a. <u>Services the North-West Area an otherwise complying development where on-site servicing is unachievable; or</u></p> <p>b. <u>Is approved by Upper Hutt City Council needed to ensure practical development of a complying allotment.</u></p> <p>2. <u>Provide for connections to the reticulated wastewater network that use off-peak network capacity through on-site storage and timed wastewater release.</u></p> <p>3. <u>Require subdivision, development and roads to achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u></p> <p>4. <u>Require the first subdivision of the Gabites Block Development Area to provide a Stormwater Management Plan prepared in accordance with SUB-DEV3--IR-3.</u></p>
SUB-DEV3-P4	Subdivision in Hilltops Area and Hillside Area
<u>Hilltops Area</u> <u>Hillside Area</u>	<p>Provide for subdivision where:</p> <p>1. The management of the a <u>Allotment boundaries on hillfaces does not divide existing natural edges in the landscape including spurs and ridges;</u></p>

	<p>2. <u>The building platforms, and vehicle accessways and buffer vegetation areas are identified on the subdivision scheme plan and tie into the existing landform;</u></p> <p>3. <u>Building platforms provide for built development that does not have significant unacceptable adverse visual effects on the skyline of the main north-south ridge when viewed from Maymorn Road or Parkes Line Road;</u></p> <p>4. <u>The western side of the road reserve along the main north-south ridge includes a buffer vegetation area that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;</u></p> <p>5.4.—<u>Building platforms are located to prevent the appearance of linear or urban development and are visually separated from neighbouring sites by buffer vegetation areas that are legally protected in perpetuity;</u></p> <p>6.5.—<u>Roads and building platforms in the Ridgeline Protection Overlay follow the overall natural curvature of the main north-south ridge;</u></p> <p>7.6.—<u>In the Hillside Area cumulative development is managed by a minimum average allotment size to retains the overall pattern of openness and green slopes of the Hillside Area, particularly on the more prominent face to the south-eastwest facing hillside; and</u></p> <p>8.7.—<u>In the Hilltops Area cumulative development is managed by a minimum average allotment size to achieve an overall rural residential pattern of development that responds to the landform including highly sensitive areas.</u></p>
SUB-DEV3-P5	Maymorn Road Cycle Trail and Walkway
<u>Valley Flats Area</u>	<p>Require the first subdivision in Valley Flats Area to:</p> <p>1. <u>Adjust the boundary of Maymorn Road to provide sufficient width in Maymorn Road for a future cycleway and walkway; and</u></p> <p>2. <u>Provide a shared cycleway and walkway from the site's southern intersection with Maymorn Road to the Maymorn Train Station, including a safe pedestrian crossing of Maymorn Road, as indicated in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u></p>
SUB-DEV3-P6	Subdivision where new additional building platforms are created in the High Slope Hazard Overlay
<u>Gabites Block Development Area</u>	<p>Provide for subdivision that creates new additional building platforms in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 where:</p> <p>1. <u>A geotechnical assessment confirms that the site is suitable for subdivision, use and development, and that the risk from slope instability can be avoided, remedied or mitigated; and</u></p> <p>2. <u>The subdivision will not increase or accelerate land instability on the site or adjoining properties.</u></p>
SUB-DEV3-P7	Ecology
<u>Gabites Block Development Area</u>	<p>Require the first subdivision in the Gabites Block Development Area to provide an Ecological Plan that covers the following:</p> <p>1. <u>The potential adverse effects on the biodiversity values of the GBNAs as identified in DEV3-ECO-Appendix 1, including potential edge effects from any clearance around the perimeters of GBNAs.</u></p>

	<p><u>2.</u> <u>The legal mechanism (e.g. consent notice on Record of Title) required for ongoing protection of the biodiversity values of GBNAs.</u></p> <p><u>3.</u> <u>Opportunities for improving the freshwater values of the site, including fish passage.</u></p> <p>4. <u>Identify potential bat habitat;</u></p> <p>5. <u>Set out requirements to manage bats, should bats be identified in the site, and bat habitat be present in areas outside the Gabites Block Natural Areas that require vegetation clearance;</u></p> <p>6. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance</u> monitoring <u>survey of lizards;</u></p> <p>7. <u>Document pre-vegetation clearance monitoring of lizards;</u></p> <p>8. <u>Identify suitable lizard relocation areas;</u></p> <p>9. <u>Set out requirements for any lizard relocation;</u></p> <p>10. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance</u> monitoring <u>of nesting indigenous birds for vegetation clearance taking place in the nesting season September to February;</u></p> <p>11. <u>Set out requirements for managing nesting indigenous birds affected by proposed vegetation clearance in the nesting season September to February;</u></p> <p>12. <u>Specify the legal mechanism (consent notice on Record of Title) for ongoing protection of bat habitat or lizard relocation areas that are outside of Gabites Block Natural Areas or other protected land.</u></p>
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Amendment 12.

<u>RULES</u>	
<u>SUB-DEV3-R1</u>	<u>Boundary Adjustments</u>
<u>Gabites Block Development Area</u>	<p><u>1.</u> <u>Activity Status: Controlled</u></p> <p><u>Where:</u></p> <p style="margin-left: 20px;"><u>a.</u> <u>The boundary adjustment does not create additional allotments; and</u></p> <p style="margin-left: 20px;"><u>b.</u> <u>Compliance is achieved with:</u></p> <ul style="list-style-type: none"> <u>i.</u> <u>SUB-DEV3-S1;</u> <u>ii.</u> <u>SUB-DEV3-S2;</u> <u>iii.</u> <u>SUB-DEV3-S3;</u> <u>iv.</u> <u>SUB-DEV3-S4;</u> <u>v.</u> <u>SUB-DEV3-S5; and</u> <u>vi.</u> <u>SUB-DEV3-S9; and</u> <u>vi.</u> <u>SUB-RUR-S2; and</u> <u>vii.</u> <u>SUB-RUR-S3.</u>

	<p><u>Matters of Control are limited to:</u></p> <p><u>M1. The design and layout of the allotments;</u></p> <p><u>M2. The ability to accommodate the intended use including any associated network utilities; and</u></p> <p><u>M3. The matters in:</u></p> <ul style="list-style-type: none"> <u>a. SUB-DEV3-P1; and</u> <u>b. SUB-DEV3-P4.</u>
	<p><u>2. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with</u></p> <ul style="list-style-type: none"> <u>i. SUB-DEV3-R1-1a;</u> <u>ii. SUB-DEV3-S1;</u> <u>iii. SUB-DEV3-S2;</u> <u>iv. SUB-DEV3-S3;</u> <u>v. SUB-DEV3-S4;</u> <u>vi. SUB-DEV3-S5; or</u> <u>vii. SUB-DEV3-S9; or</u> <u>vi. SUB-RUR-S2; and</u> <u>vii. SUB-RUR-S3.</u> <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> <u>a. SUB-DEV3-P1;</u> <u>b. SUB-DEV3-P2;</u> <u>c. SUB-DEV3-P3;</u> <u>d. SUB-DEV3-P4; and</u> <u>e. SUB-DEV3-P5.</u>

<u>SUB-DEV3-R2</u>	<u>All Subdivisions (Excluding Boundary Adjustments)</u>
<p><u>North-West Area, Valley Flats Area, Station Flats Area, Hilltops Area,</u></p>	<p><u>1. Activity Status: Controlled</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is achieved with:</u></p> <ul style="list-style-type: none"> <u>i. SUB-DEV3-S1;</u> <u>ii. SUB-DEV3-S2;</u>

Hilltop Basin Area

- iii. SUB-DEV3-S3; and
- iv. SUB-DEV3-S4;
- v. SUB-DEV3-S5;
- vi. SUB-DEV3-S6; and
- vii. SUB-DEV3-S7;
- viii. SUB-DEV3-S8;
- ix. SUB-DEV3-S9; and
- x. SUB-RUR-S2; and
- xi. SUB-RUR-S3.

Matters of Control are limited to:

M1. The matters in:

- a. SUB-DEV3-P1;
- b. SUB-DEV3-P2;
- c. SUB-DEV3-P3; and
- d. SUB-DEV3-P5;
- e. SUB-DEV3-P6; and
- f. SUB-DEV3-P7.

Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:

- R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and
- R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.
- R3. A Stormwater Management Plan prepared in accordance with SUB-DEV3-IR3.

2. Activity status: Restricted Discretionary

Where:

a. Compliance is not achieved with:

- i. SUB-DEV3-S1;
- ii. SUB-DEV3-S2;
- iii. SUB-DEV3-S3;
- iv. SUB-DEV3-S4;
- v. SUB-DEV3-S5;
- vi. SUB-DEV3-S6; or
- vii. SUB-DEV3-S7;
- viii. SUB-DEV3-S8;

	<ul style="list-style-type: none"> ix. <u>SUB-DEV3-S9; or</u> x. <u>SUB-RUR-S2; or</u> x. SUB-RUR-S3. <p><u>Matters of Discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3;</u> d. <u>SUB-DEV3-P4;</u> e. <u>SUB-DEV3-P5; and</u> f. <u>SUB-DEV3-P6; and</u> g. <u>SUB-DEV3-P7.</u> <p><u>Refer to information requirements Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R2. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p> <p><u>R3. A Stormwater Management Plan prepared in accordance with SUB-DEV3-IR3.</u></p>
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SUB-DEV3-R3	All Subdivisions (Excluding Boundary Adjustments)
<p><u>Hilltops Area</u></p> <p><u>Hillside Area</u></p>	<p><u>1. Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is achieved with:</u></p> <ul style="list-style-type: none"> <u>i. SUB-DEV3-S1;</u> <u>ii. SUB-DEV3-S2;</u> <u>iii. SUB-DEV3-S3;</u> <u>iv. SUB-DEV3-S4;</u> <u>v. SUB-DEV3-S5;</u> <u>vi. SUB-DEV3-S6; and</u> <u>vii. SUB-DEV3-S8;</u> <u>viii. SUB-DEV3-S9; and</u> <u>ix. SUB-RUR-S2; and</u> <u>x. SUB-RUR-S3.</u> <p><u>Matters of Discretion are restricted to:</u></p>

	<p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>SUB-DEV3-P1;</u> b. <u>SUB-DEV3-P2;</u> c. <u>SUB-DEV3-P3; and</u> d. <u>SUB-DEV3-P4; and</u> e. <u>SUB-DEV3-P6; and</u> f. <u>SUB-DEV3-P7.</u> <p><u>Refer to information requirement Applications under this rule must provide the following in addition to the standard information requirements of s88(3) of the RMA:</u></p> <p><u>R1. A Landscape and Visual Assessment in accordance with SUB-DEV3-IR-1;</u></p> <p><u>R2. An Ecological Plan prepared in accordance with SUB-DEV3-IR-2; and</u></p> <p><u>R3. For land containing a Gabites Block Natural Area, an Ecological Assessment in accordance with DEV3-ECO-IR-1 for land containing a Gabites Block Natural Area.</u></p> <p><u>R4. A Stormwater Management Plan prepared in accordance with SUB-DEV3-IR3.</u></p>
	<p><u>2. Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. Compliance is not achieved with:</u></p> <ul style="list-style-type: none"> i. <u>SUB-DEV3-R3.1</u> ii. <u>SUB-DEV3-S1</u> iii. <u>SUB-DEV3-S2;</u> iv. <u>SUB-DEV3-S3;</u> v. <u>SUB-DEV3-S4;</u> vi. <u>SUB-DEV3-S5;</u> vii. <u>SUB-DEV3-P6; or</u> viii. <u>SUB-RUR-S2.</u>

<u>SUB-DEV3-R4</u>	<u>Subdivision that creates a building platform in the High Slope Hazard Overlay</u>
<u>Gabites Block Development Area High Slope Hazard Overlay</u>	<p><u>1. Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a. The subdivision will result in a building platform in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters in SUB-DEV3-P6.</u></p>

Amendment 13.

STANDARDS			
SUB-DEV3-S1	Minimum Allotment Size and Shape Factor		Building Platform and Access
	Minimum Allotment Size	Shape Factor	
<u>North-West Area</u>	<ul style="list-style-type: none"> • 400m², • 600m² average • 1000m² if reticulated water supply is not available • 2000m² if reticulated wastewater supply is not available 	<u>12m x 12m.</u>	
<u>Valley Flats Area</u>	<ul style="list-style-type: none"> • 2000m² 	<u>10m x 15m, clear of access allotments and rights of way.</u>	1. <u>Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
<u>Station Flats Area</u>	<ul style="list-style-type: none"> • 1000m² • 2000m² if reticulated wastewater supply is not available 	<u>10m x 15m, clear of any yards, access allotments and rights of way.</u>	
<u>Hilltop Basin Area</u>	<ul style="list-style-type: none"> • 1000m² • 2000m² if reticulated wastewater supply is not available 	<u>10m x 15m, clear of any access allotments and rights of way.</u>	1. <u>Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
<u>Hilltops Area</u>	<ul style="list-style-type: none"> • 2000m² • 4000m² minimum average • Note: For the avoidance of doubt, the 4,000m² minimum average must be calculated using the gross area of 	<u>10m x 15m, clear of any access allotments and rights of way.</u>	1. <u>Building platforms must be identified on the subdivision scheme plan,</u> 2. <u>Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan; and</u> 3. <u>Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> 4. <u>Building platforms, and access, utility structures and sewage disposal fields</u>

	the Hilltops Area, which is 18.7 ha		<u>must not be within a Gabites Block Natural Area.</u>
<u>Hillside Area</u>	<ul style="list-style-type: none"> • 1ha minimum, • 2.5ha average • Note: For the avoidance of doubt, the 2.5ha average must be calculated using the gross area of the Hillside Area, which is 21.5ha can include public open space vested with Council located within the Area. 	n/a	<ol style="list-style-type: none"> <u>1. Building platforms must be identified on the subdivision scheme plan,</u> <u>2. Access to each building platform including the location of the vehicle crossing must be identified on the subdivision scheme plan; and</u> <u>3. Utility structures and sewage disposal fields must be identified on the subdivision scheme plan; and</u> <u>4. Building platforms, and access, utility structures and sewage disposal fields must not be within a Gabites Block Natural Area.</u>
SUB-DEV3-S2	Water Supply		
<u>North West Area</u> <u>Gabites Block Development Area</u>	<ol style="list-style-type: none"> <u>1. Where a connection to Council’s reticulated water supply is available and the reticulated water supply network does have sufficient capacity to serve the proposed allotments, all new allotments must be capable of being provided with a water supply connection at the allotment boundary, in accordance with the <u>Wellington Water Limited Regional Standard for Water Services (2019/2021).</u></u> <u>2. Where a connection to Council’s reticulated water supply is unavailable or Council’s reticulated water supply network does not have sufficient capacity to serve the proposed allotments, all each allotments must be capable of being provided with: access to <ol style="list-style-type: none"> <u>a. A self-sufficient potable water supply with a minimum volume of 10,000-38,000L per allotment; and</u> <u>b. A domestic fire sprinkler system in accordance with NZS 4541:2013 and a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u> </u> <p><u>Note:</u></p> <ul style="list-style-type: none"> • Fire and Emergency New Zealand recommends that the most appropriate way to comply with the New Zealand 		

	<p>Fire Service Firefighting Water Supply Code of Practice SNZ PAS 4509:2008 is through the installation of fire sprinkler systems, in accordance with NZS 4541:2013</p>	
<p><u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u></p>	<p>1. Allotments must not be connected to the Council's reticulated water supply;</p> <p>2. All allotments must be capable of being provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L and a firefighting water supply in accordance with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008.</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> • Fire and Emergency New Zealand recommends that the most appropriate way to comply with the New Zealand Firefighting Code of Practice SNZ PAS 4509:2008 is through the installation of fire sprinkler systems, in accordance with NZS 4541:2013 	
<p>SUB-DEV3-S3</p>	<p><u>Wastewater Disposal</u></p>	
<p><u>Gabites Block Development Area</u></p>	<p>1. <u>Where a connection to Council's reticulated wastewater is available, all allotments must be capable of being provided with a connection at the allotment boundary in accordance with the Wellington Water Limited <i>Regional Standard for Water Services (2019/2021)</i>.</u></p> <p>2. <u>Where a connection to Council's reticulated wastewater is available all allotments must be serviced via separate and direct connection to a reticulated low pressure sewer network designed in accordance with Wellington Water's Pressure Sewer Design Guide Version 0 dated October 2021.</u></p> <p>3. <u>Where a connection to Council's reticulated wastewater is unavailable:</u></p> <p style="margin-left: 20px;">a. <u>All allotments must be capable of being provided with an on-site wastewater system that meets the requirements of Section 5.2.6 of the Wellington Water Limited <i>Regional Standard for Water Services (2019/2021)</i>; and</u></p> <p style="margin-left: 20px;">b. <u>Where sewage is to be discharged to land, the land must not be subject to instability</u></p>	

	<u>or inundation, or used for the disposal of stormwater.</u>	
SUB-DEV3-S4	Stormwater Management	
<u>Gabites Block Development Area</u>	<ol style="list-style-type: none"> 1. <u>Where a connection to Council's stormwater system is available, all allotments must be capable of being provided with a connection at the allotment boundary in accordance with the Wellington Water Limited <i>Regional Standard for Water Services (2019/2021)</i>.</u> 2. <u>Where a connection to Council's stormwater system is not available and the means of stormwater disposal is to ground, that area must not be subject to instability or be used for the disposal of wastewater. Stormwater management must be in accordance with the Wellington Water Limited <i>Regional Standard for Water Services (2021)</i>.</u> 	
SUB-DEV3-S5	Telecommunications and Power Supply	
<u>Gabites Block Development Area</u>	<ol style="list-style-type: none"> 1. <u>All new allotments must have provision for telecommunication connections; and</u> 2. <u>All new allotments must have provision for electricity connections.</u> 	
SUB-DEV3-S6	Roads	
<u>Gabites Block Development Area</u>	<ol style="list-style-type: none"> 1. <u>Roads must be constructed in general accordance with the <i>Roading Typologies of the Gabites Block Development Area Structure Plan</i> and <i>NZS 4404:2010 Land Development and Subdivision Infrastructure</i>.</u> 2. <u>Road stormwater management must be in accordance with <i>Wellington Water Ltd - Regional Standard for Water Services 2021</i></u> 	
SUB-DEV3-S7	Shared Cycleway and Walkway to Maymorn Station	
<u>Valley Flats Area</u>	<p><u>The shared cycle trail and walkway between the southern site intersection with Maymorn Road and the Maymorn Station vehicle crossing must be designed having regard to:</u></p> <ol style="list-style-type: none"> 1. <u>The indicative design drawing in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1;</u> 2. <u>A safe crossing of Maymorn Road;</u> 3. <u>An all-weather surface;</u> 4. <u>2.5m wide pathway;</u> 	

	5. <u>Signage.</u>	
SUB-DEV3-S8	<u>Geotechnical</u>	
<u>Gabites Block Development Area</u>	<p>All new allotments must be certified by a suitably qualified geotechnical engineer confirming that:</p> <ol style="list-style-type: none"> 1. <u>The site is suitable for subdivision, use and development;</u> 2. <u>The risk from slope instability can be avoided, remedied or mitigated; and</u> 3. <u>The subdivision will not increase or accelerate land instability on the site or adjoining properties.</u> 	
SUB-DEV3-S9	<u>Access within Allotments</u>	
<u>Gabites Block Development Area</u>	<p>Access within allotments must meet the requirements of Appendix B of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008</p>	



Amendment 14.

SUB-DEV3-IR-1	<u>Landscape and Visual Assessment</u>	
<u>Hilltops Area</u> <u>Hillside Area</u>	<p>Applications under Rule SUB-DEV3-R53 for subdivision in the Hilltops Area or the Hillside Area must provide:</p> <ol style="list-style-type: none"> 1. <u>A Landscape and Visual Assessment prepared by a suitably qualified landscape architect that sets out the following:</u> <ol style="list-style-type: none"> a. <u>Explanation of how the subdivision provides for the matters in SUB-DEV3-P4;</u> b. <u>Existing topography by contour lines with an analysis of slope gradients and an indication of the drainage pattern;</u> c. <u>Existing vegetation and significant natural features on the site;</u> d. <u>For building platforms in the Hillside Area or the Ridgeline Protection Overlay, eExisting visibility and views to and from the site;</u> e. <u>Proposed allotment boundaries, building platforms, roading and access;</u> f. <u>Associated earthworks and access or driveway construction including proposed topography by contour lines, identifying areas of cut and fill;</u> g. <u>Proposed landscape development including fences, boundary planting and vegetation.</u> h. <u>Visibility and similarity with surrounding colours, textures, patterns and forms.</u> 2. <u>A Planting Plan prepared by a suitably qualified expert that provides details of the planting of vegetation to mitigate potential landscape and visual effects associated with the proposal.</u> <ol style="list-style-type: none"> a. <u>The Planting Plan will have as its key performance objectives:</u> <ol style="list-style-type: none"> i. <u>Establishment of a vegetative cover over areas exposed by site earthworks; and</u> ii. <u>Integration of the earthworks into the adjoining landscape; and</u> iii. <u>Buffer vegetation areas to visually separate neighbouring sites; and</u> 	

	<ul style="list-style-type: none"> iv. <u>A buffer vegetation area in the western side of the road reserve along the main north-south ridge that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road.</u> b. <u>The Planting Plan must include the following information:</u> <ul style="list-style-type: none"> i. <u>Details of batter slope planting and retaining wall screening planting (including plant species, size, and spacing);</u> ii. <u>Details of planting or existing vegetation in buffer vegetation areas to visually separate neighbouring sites or screen built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;</u> iii. <u>A planting maintenance plan for 3 years or until planting has achieved an 80% canopy cover; and</u> iv. <u>On-going management.</u>
SUB-DEV3-IR-2	Ecological Plan
<p><u>Gabites Block Development Area</u></p>	<p><u>The first application for subdivision under Rule SUB-DEV3-R2 or SUB-DEV3-R3 must provide:</u></p> <ul style="list-style-type: none"> 1. <u>An Ecological Plan prepared by a suitably qualified person that covers the following:</u> <ul style="list-style-type: none"> a. <u>The potential adverse effects on the biodiversity values of the GBNAs as identified in DEV3-ECO-Appendix 1, including potential edge effects from any clearance around the perimeters of GBNAs.</u> b. <u>The legal mechanism (e.g. consent notice on Record of Title) required for ongoing protection of the biodiversity values of GBNAs.</u> c. <u>Opportunities for improving the freshwater values of the site, including fish passage.</u> d. <u>Identify potential bat habitat;</u> e. <u>Set out requirements to manage bats, should bats be identified in the site, and bat habitat be present in areas outside the Gabites Block Natural Areas that require vegetation clearance;</u> f. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring survey of lizards.</u> g. <u>Document results of pre-vegetation clearance monitoring survey of lizards;</u> h. <u>If lizards are found, prepare a Lizard Management Plan that includes the following:</u> <ul style="list-style-type: none"> i. <u>Identification Survey of suitable lizard relocation areas;</u> ii. <u>Methodology to capture and relocate lizards;</u> iii. <u>Application for a Wildlife Act Authority to allow the relocation of lizards; and</u> iv. <u>Post-relocation monitoring and pest animal control (if required);</u> f. <u>Set out requirements for any lizard relocation;</u> i. <u>Identify areas outside Gabites Block Natural Areas that require pre-vegetation clearance monitoring of nesting indigenous birds for vegetation clearance taking place in the nesting season September to February (inclusive);</u> j. <u>Set out requirements for managing nesting indigenous birds affected by proposed vegetation clearance in the nesting season September to February (inclusive); and</u> k. <u>Specify the legal mechanism (e.g consent notice on Record of Title) for ongoing protection of bat habitat or lizard relocation areas that are outside of Gabites Block Natural Areas or other protected land.</u>
SUB-DEV3-IR-3	Stormwater Management Plan

<p><u>Gabites Block Development Area</u></p>	<p>The first application for subdivision under Rule SUB-DEV3-R2 or SUB-DEV3-R3 must provide a <u>Stormwater Management Plan for the entire Gabites Block Development Area that covers the following:</u></p> <ol style="list-style-type: none"> 1. <u>Existing Site Appraisal (location and general information, topography, geotechnical, existing drainage features and stormwater infrastructure, receiving environment, existing hydrological features, flooding and flowpaths, biodiversity, cultural and heritage sites, contaminated land)</u> 2. <u>Development summary and planning context</u> 3. <u>Identification and incorporation of mana whenua values</u> 4. <u>Proposed development</u> <ol style="list-style-type: none"> a. <u>Location and area</u> b. <u>Purpose of the development</u> c. <u>Site layout and urban form</u> d. <u>Earthworks</u> 5. <u>Stormwater management</u> <ol style="list-style-type: none"> a. <u>Principles of stormwater management</u> b. <u>Proposed stormwater management</u> <ol style="list-style-type: none"> i. <u>General</u> ii. <u>Water quality</u> iii. <u>Stream hydrology</u> iv. <u>Flooding - Network Capacity</u> v. <u>Flooding – Habitable Floors</u> vi. <u>Overland flowpath and floodplain management</u> vii. <u>Development staging</u> c. <u>Hydraulic connectivity</u> d. <u>Asset ownership</u> e. <u>Ongoing maintenance requirements</u> f. <u>Implementation of stormwater network</u> g. <u>Dependencies</u> h. <u>Risks</u> 6. <u>Departures from regulatory or design codes</u> 7. <u>Conclusion and recommendations</u>
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Amendment 15.

EW – Earthworks

Permitted Activities			Zones
EW-R1	Earthworks which meet the standards under EW-S1 to EW-S17	PER	All

	<u>Note: The Accidental Discovery Protocol in Appendix 2 applies to earthworks in Development Area 3.</u>		
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Standards for Permitted Activities		Zones
EW-S2 <i>Policies</i> EW P1, EW P2	(1) Existing ground level shall not be altered by cutting or filling by a vertical height of more than 1.5m. Exemption (2) The above shall not apply where the area of earthworks for a specific building extends no more than 2 metres beyond the exterior foundations of the proposed building but no closer than 1 metre to a boundary and complies with an earthworks plane (as defined in Section 3.1) measured from a height of 1.5 metres at the ground level boundary and an angle of 45° into the site.	<i>General Rural</i> <i>Rural Production</i> <i>Rural Lifestyle</i> <i>Open Space</i> <i>Development Area 2</i> <u>Development Area 3</u>
EW-S17 <i>Policies</i> <u>EW P1,</u> <u>EW P2</u>	(1) <u>Permanent cuts must be formed at no greater than 26 degrees in soil and 55 degrees in rock; and</u> (2) <u>Filling must be completed in accordance with NZS:4431:1989 Code of practice for earth fill for residential development.</u>	<u>Development Area 3</u>

Restricted Discretionary Activities		Zones
EW-R9	Earthworks which do not meet the standards under EW-S1 to EW-S16 S17 unless specifically identified as a Discretionary or Non-Complying Activity Council will restrict its discretion to, and may impose conditions on: (1) Avoiding, remedying or mitigating effects related to the standard in question. (2) Financial contributions. (3) In addition to the above, within the Mount Marua Structure Plan Development Area, consistency with the Mont Marua Structure Plan. <u>Note: The Accidental Discovery Protocol in Appendix 2 applies to earthworks in Development Area 3.</u>	RDIS All

Amendment 16.

GENERAL DISTRICT-WIDE MATTERS			
iv.	LIGHT – Light		
Rules			
Permitted Activities			Zones
LIGHT-R1	All activities complying with LIGHT-S1	PER	<i>General Residential</i>

			<i>General Rural Rural Production Rural Lifestyle Commercial City Centre General Industrial, , Open Space (excluding Speedway Area) Special Activity (including St. Patrick's Estate Area) Development Area 1 Development Area 2 <u>Development Area 3</u></i>
LIGHT-R3	All activities complying with LIGHT-S1 and LIGHT-S3	PER	<u>Development Area 3</u>



Amendment 17.

Standards for Permitted Activities		Zones
LIGHT-S1 <i>Policies LIGHT-P1, GRZ-P3 GRUZ-P1, RPROZ-P1, RLZ-P1 COMZ-P1, CCZ-P3, GIZ-P2 OSZ-P4 SAZ-P2</i>	Artificial light (1) Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m ²) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary . (2) Light emissions will be measured by an instrument that meets NZSS CP22 (1962) requirements and amendments. (3) Light emissions from a site shall not spill directly onto roads .	<i>General Residential General Rural Rural Production Rural Lifestyle Commercial City Centre General Industrial, , Open Space (excluding Speedway Area) Special Activity (including St. Patrick's Estate Area) Development Area 1 Development Area 2 <u>Development Area 3</u></i>
LIGHT-S3 <i>Policies <u>LIGHT-P1</u></i>	Sky Glow <u>Outdoor artificial lighting must not exceed an upward light ratio of 3%</u>	<u>Development Area 3</u>

Amendment 18.

Discretionary Activities		Zones
Light-R4	All activities that do not complying with permitted activity standards in Light-S1	DIS
		<i>General Residential General Rural Rural Production Rural Lifestyle Commercial</i>

			<i>City Centre</i> <i>General Industrial</i> <i>Special Activity</i> <i>(excluding St. Patrick's Estate Area)</i> <i>Development Area 1</i> <i>Development Area 2</i> <u><i>Development Area 3</i></u>
LIGHT-R5	All activities that do not comply with LIGHT-S1 or LIGHT-S3	DIS	<u><i>Development Area 3</i></u>

Amendment 19.

GENERAL DISTRICT-WIDE MATTERS																			
v. NOISE – Noise																			
Rules																			
Standards for Permitted Activities																			
NOISE-S1 Policies NOISE-P1, NOISE-P2	Noise from construction and demolition (1) The maximum noise levels from construction -or demolition activities, measured at or within the boundary of any site (other than the source site) in Residential and Open Space Zones, and immediately outside residential units in the General Rural, Rural Production, and Rural Lifestyle <u>and Settlement</u> Zones, shall not exceed the following levels:																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Mon to Sat 7:00am - 7:00pm</th> <th colspan="2" style="text-align: center;">All other times, Sundays & public holidays</th> </tr> <tr> <th style="text-align: center;">Leq^dBA</th> <th style="text-align: center;">L_{max}^dBA</th> <th style="text-align: center;">Leq^dBA</th> <th style="text-align: center;">L_{max}^dBA</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">75</td> <td style="text-align: center;">90</td> <td style="text-align: center;">45</td> <td style="text-align: center;">75</td> </tr> </tbody> </table>					Mon to Sat 7:00am - 7:00pm		All other times, Sundays & public holidays		Leq ^d BA	L _{max} ^d BA	Leq ^d BA	L _{max} ^d BA	75	90	45	75			
Mon to Sat 7:00am - 7:00pm		All other times, Sundays & public holidays																	
Leq ^d BA	L _{max} ^d BA	Leq ^d BA	L _{max} ^d BA																
75	90	45	75																
Notes <ul style="list-style-type: none"> Noise levels shall be measured in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise. The definitions of dBA, Leq and Lmax are those found in NZS 6803:1999. 																			
NOISE-S3 Policies NOISE-P1 NOISE-P2	Noise from all other activities (1) The following noise rules shall not apply to: <ol style="list-style-type: none"> (a) Normal agricultural and forestry practices undertaken for a limited duration. (b) Normal residential activities such as lawn mowing. (c) Noise generated by sirens and alarms used by emergency services. (2) All activities, other than those specified above, shall not exceed the following noise standards:																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th colspan="2" style="text-align: center;">Mon to Sat 7:00am – 7:00pm</th> <th colspan="2" style="text-align: center;">All other times, Sundays & public holidays</th> </tr> <tr> <th style="text-align: center;">dBA</th> <th style="text-align: center;">L₁₀</th> <th style="text-align: center;">L_{max}</th> <th style="text-align: center;">L₁₀</th> <th style="text-align: center;">L_{max}</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum noise levels measured at or within the boundary of any site (other than the source site) in the General Residential, General</td> <td style="text-align: center;">50</td> <td style="text-align: center;">-</td> <td style="text-align: center;">40</td> <td style="text-align: center;">70</td> </tr> </tbody> </table>						Mon to Sat 7:00am – 7:00pm		All other times, Sundays & public holidays		dBA	L ₁₀	L _{max}	L ₁₀	L _{max}	Maximum noise levels measured at or within the boundary of any site (other than the source site) in the General Residential, General	50	-	40	70
	Mon to Sat 7:00am – 7:00pm		All other times, Sundays & public holidays																
dBA	L ₁₀	L _{max}	L ₁₀	L _{max}															
Maximum noise levels measured at or within the boundary of any site (other than the source site) in the General Residential, General	50	-	40	70															

	Rural, Rural Production, Rural Lifestyle, <u>Settlement</u> and Open Space Zones.				
	Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Commercial Zone, Industrial Zone and Special Activity Zones.	65	-	45	75

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Amendment 20.

vi. SIGN – Signs	
Rules	
Standards for Permitted Activities	
SIGN-S2	<p>Signs in General Residential Zones, General Rural Zones, Rural Production Zones, Rural Lifestyle Zones, <u>Settlement Zones</u> and Open Space Zones and in Development Area 1 (except for the Gateway Precinct), and Development Area 2 <u>and Development Area 3</u></p> <ol style="list-style-type: none"> (1) In Residential Zones and Rural Zones, a maximum of one sign per site, visible in any one direction. (2) In Open Space Zones there shall be no more than one freestanding sign per 100m of road frontage. (3) The maximum area of any sign visible in any one direction shall not exceed: <ol style="list-style-type: none"> (a) 1.5m² in Residential Zones <u>and Settlement Zones</u>; (b) 3.0 m² in Rural Zones; (c) In Open Space Zones: <ol style="list-style-type: none"> (i) 4.5m² for free-standing signs, (ii) 3m² for any sign attached to a building; (iii) 0.5m² for signs used for marking tracks; and (iv) 2m² for signs providing interpretation or identification. (4) The maximum height above ground level of any part of a free-standing sign above ground level shall not exceed 3 metres. (5) No sign shall extend beyond the elevation of the building to which it is attached, or extend above the roofline of the building. (6) The maximum width of any free-standing sign shall not exceed 2 metres. (7) In Residential Zones, signs on buildings must not cover any windows. (8) In Open Space Zones, signs not directly visible from any public road or the boundary of any residential zone are not limited in size and number.
	<p>Zones</p> <p><i>General Residential General Rural Rural Production Rural Lifestyle Open Space Development Area 1 (excluding Gateway Precinct) Development Area 2 Development Area 3</i></p>

	(9) No illumination (internal or external) of signs in the Residential and Rural zones.	
	(10) No illumination (internal or external) of signs in the Open Space zone.	

Amendment 21.

PART 3 – AREA-SPECIFIC MATTERS	
I) ZONES	
m) Rural Zones	
<u>Settlement Zone</u>	

<u>OBJECTIVES</u>	
<u>SETZ-O1</u>	<u>Settlement Zone</u>
The Settlement Zone provides predominantly for areas of residential activities in rural locations	
<u>SETZ-O2</u>	<u>Focal Point or Transition Area</u>
The Settlement Zone creates a focal point for the rural community or acts as a transition area between rural and urban environments	

<u>POLICIES</u>	
<u>SETZ-P1</u>	<u>Location of Settlement Zone</u>
Provide for the Settlement Zone on the urban fringe in close proximity to urban amenities to act as a transition area between rural and urban environments.	
<u>SETZ-P2</u>	<u>Type of Development</u>
Enable low density residential and rural residential development that maintains rural character.	

Amendment 22.

n) DEVELOPMENT AREAS	
o) DEV3 - Development Area 3 - Gabites Block Development Area	
This chapter contains provisions which relate to the Gabites Block Development Area. The provisions apply in addition to the underlying zone rules of the Settlement Zone and relevant District-wide Matters. Where there is any conflict between the provisions the Gabites Block Development Area provisions prevail.	

The Gabites Block Development Area provides for low density residential and rural residential development while maintaining and protecting the natural and landscape values of the Gabites Block in its Maymorn context. The location and density of development is required to be in accordance with the areas shown on the Gabites Block Development Area Plan (DEV3-APPENDIX1).

Amendment 23.

Stormwater

OBJECTIVES	
DEV3-SW-01	Water Sensitive Design
Subdivision, use and development minimise changes to the hydrological regime and contribute to maintaining and improving where practicable the water quality of receiving waters.	
DEV3-SW-0102	Hydraulic Neutrality
Subdivision, use and development achieve hydraulic neutrality.	

Amendment 24.

POLICIES	
DEV3-SW-P1	Water Sensitive Design
Require subdivision, use and development to achieve water sensitive design that protects receiving waters as follows:	
<ol style="list-style-type: none"> 1. <u>Require water sensitive design in accordance with the <i>Wellington Water Ltd - Regional Standard for Water Services 2021</i> and <i>Wellington Water Ltd - Water Sensitive Design for Stormwater: Treatment Device Design Guideline 2019</i>;</u> 2. <u>Retain and use existing natural systems of stormwater management, without exceeding their existing capacities;</u> 3. <u>Provide for, protect and maintain overland flow paths;</u> 4. <u>Provide for access to and along waterbodies for maintenance;</u> 5. <u>Require stormwater from roads to be treated to minimise concentrations of copper, zinc and sediment to the smallest amount practicable prior to discharge; and</u> 6. <u>Provide for stormwater treatment devices that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade.</u> 	
DEV3-SW-P1P2	Hydraulic Neutrality
Require all subdivision, use and development to achieve hydraulic neutrality as follows:	
<ol style="list-style-type: none"> 1. <u>Require any increase in impervious surfaces above the Area standard for individual sites to address any impact on hydraulic neutrality by demonstrating that existing hydraulic neutrality facilities have sufficient capacity or by providing sufficient water storage for hydraulic neutrality on the site;</u> 1. <u>Require sites to achieve hydraulic neutrality either through on-site design and storage or through communal measures and facilities that provide for hydraulic neutrality across multiple sites. Where the hydraulic neutrality</u> 	

<p><u>requirement is provided by an authorised off-site stormwater management device or system, the system must be designed, constructed and operated to receive and manage stormwater from the site.</u></p>	
2.	<u>Provide hydraulic neutrality facilities for roads, footpaths and other impervious surfaces within the road corridor;</u>
3.	<u>Provide for hydraulic neutrality facilities that are appropriately located and designed to ensure continued access for device inspection, maintenance and upgrade; and</u>
4.	<u>Design hydraulic neutrality facilities so that they are sized in accordance with the Wellington Water Limited Regional Standard for Water Services (2019/2021).</u>
DEV3-SW-P2P3	Building Materials
<p><u>Require buildings and structures with copper or zinc building, cladding and roofing materials (including guttering and spouting) to achieve one of the following:</u></p>	
1.	<u>The building material must be finished in a manner that prevents water runoff from containing copper or zinc; or</u>
2.	<u>The stormwater from the building materials must be treated to minimise concentrations of copper or zinc to the smallest amount practicable in accordance with the Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Guideline (2019).</u>

Amendment 25.

Noise

OBJECTIVES	
DEV3-NOISE-O1	Noise - Reverse Sensitivity
<p><u>Residential units are designed to minimise reverse sensitivity effects.</u></p>	

Amendment 26.

POLICIES	
DEV3-NOISE-P1	Reverse Sensitivity
<p><u>Require residential units locating in the Gabites Block Rail Corridor Buffer Area shown in the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1 to design sleeping rooms and studies to attenuate external noise.</u></p>	

Amendment 27.

RULES	
DEV3-NOISE-R1	New buildings and additions to existing buildings for use by a residential unit.
Gabites Block Rail Corridor	<p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p>

Buffer Area	<p>a. <u>Compliance is achieved with:</u></p> <p>i. <u>DEV3-NOISE-S1, demonstrated by means of an acoustical certificate or construction in accordance with the minimum requirements set out in the Noise Insulation Construction Schedule (DEV3-NOISE-APPENDIX1); and</u></p> <p>ii. <u>DEV3-NOISE-S2.</u></p>
	<p>2. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance is not achieved with:</u></p> <p>i. <u>DEV3-NOISE-S1; or</u></p> <p>ii. <u>DEV3-NOISE-S2.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters of discretion of any infringed standard.</u></p>

Amendment 28.

<u>DEV3-NOISE-S1</u>	<u>Noise Insulation</u>	
<u>Gabites Block Rail Corridor Buffer Area</u>	<p>Any sleeping room or study in a residential unit must be protected from noise arising outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:</p> <p><u>D2m,nT,w+Ctr>35.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The reverse sensitivity effects on the Wellington to Woodville railway; and</u></p> <p><u>M2. The health and amenity of future occupants of the building.</u></p>
<u>DEV3-NOISE-S2</u>	<u>Mechanical Ventilation</u>	
<u>Gabites Block Rail Corridor Buffer Area</u>	<p>Where windows of a sleeping room or study in a residential unit must be closed to meet the requirements of DEV3-NOISE-S1, the sleeping room or study must have a positive supplementary source of fresh air ducted from outside that achieves a minimum of 7.5 Litres of fresh air per second per person.</p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The health and amenity of future occupants of the building.</u></p>

Amendment 29.

DEV3-NOISE-APPENDIX1

Noise Insulation Construction Schedule

<u>Building Element</u>	<u>Minimum Construction Requirement</u>

<u>External Walls</u>	<ul style="list-style-type: none"> • External cladding with a surface mass not less than 23kg/m², ex 100 x 50mm framing at 600mm centres; • Fibrous thermal insulation; and • Internal lining of one layer 13mm thick high density gypsum board (minimum 12kg/m²). <p>Or:</p> <ul style="list-style-type: none"> • Any wall construction utilising at least 50mm thick concrete; • Secondary timber strapping or wall framing not less than 50mm thick lined with at least 10mm thick gypsum board; and • Fibrous thermal insulation. <p>Combined Superficial Density</p> <p><u>Minimum not less than 35kg/m² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 12kg/m² on each side of structural elements.</u></p>
<u>Glazed Areas</u>	<ul style="list-style-type: none"> • 4/12/4 thermal double glazing, with 6mm thick secondary pane at least 75mm from the outer glazing; and • Windows to be new aluminium frames with fixed panes or opening sashes with full compression seals. <p><u>Note: Rooms with glazed areas in external walls greater than 35% of floor area of the room will require a specialist acoustic report to show conformance with the insulation rule.</u></p>
<u>Pitched Roof (all roofs other than skillion roofs)</u>	<ul style="list-style-type: none"> • Profiled long run steel or tiles, with minimum steel thickness of 0.4mm; • Timber trusses at minimum 800mm centres; • Fibrous thermal insulation; • Ceiling lining of one layer 13mm thick high density gypsum board (minimum 12kg/m²).
<u>Skillion Roof</u>	<ul style="list-style-type: none"> • Profiled long run steel or tiles, with minimum steel thickness of 0.4mm; • Timber framing at minimum 600mm centres; • Fibrous thermal insulation; • Ceiling lining of two layers 13mm thick high density gypsum board (minimum 12kg/m²) each.
<u>External Door in Outside Walls</u>	<p><u>Solid core door (minimum 25kg/m²) with compression seals (where the door is exposed to exterior noise).</u></p>

Amendment 30.

NATURAL HAZARDS	
OBJECTIVE	
DEV3-NH-O1	<u>Risk from Flood Hazards</u>
Land use and development within the Gabites Flood Hazard Overlays reduce or do not increase the risk from flood hazards to people and property.	

POLICIES	
DEV3-NH-P1	<u>Earthworks in the High Slope Hazard Overlay</u>
Provide for earthworks in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, where:	
<ol style="list-style-type: none"> 1. <u>A geotechnical assessment confirms that the proposed earthworks will not unacceptably increase the risk from slope instability to people, and buildings; and</u> 2. <u>The earthworks will not increase the risk of slope failure at adjacent sites.</u> 	
DEV3-NH-P2	<u>Subdivision, Use and Development in Relation to Flood Hazards in the Gabites Block Development Area</u>
Provide for subdivision, use and development where:	
<ol style="list-style-type: none"> 1. <u>The first subdivision provides a Stormwater Management Plan (in accordance with SUB-DEV3-IR-3) that includes identifying and addressing potential flood hazards, including:</u> <ol style="list-style-type: none"> a. <u>Flooding – network capacity;</u> b. <u>Location of any overland flowpaths and their ongoing legal protection to remain unimpeded and unobstructed to allow for the conveyancing of floodwaters. Overland flowpaths must be located in road reserve or other reserve in preference to private property (with access easements) to facilitate management and access for maintenance;</u> c. <u>Location of any inundation areas and requirements for minimum habitable floor levels, which must be included in consent notices attached to affected Records of Title; and</u> 2. <u>The risk to people and property both on or and beyond the site is reduced or not increased from the 1% Annual Exceedance Probability Flood.</u> 	
DEV3-NH-P3	<u>Buildings and Structures in a Stream Corridor of the Gabites Flood Hazard Overlay</u>
Avoid buildings or structures in a Stream Corridor unless:	
<ol style="list-style-type: none"> 1. <u>The building or structure has an operational and functional need to locate in the Stream Corridor and locating outside of the Stream Corridor is not a practicable option;</u> 2. <u>Mitigation measures are incorporated that reduce or do not increase the risk to people and property from the 1% Annual Exceedance Probability Flood;</u> 3. <u>People can safely evacuate from the building or structure during a 1% Annual Exceedance Probability Flood; and</u> 	

4. The conveyancing of floodwaters through the Stream Corridor is still able to occur unimpeded without diversion onto adjacent properties.

DEV3-NH-R1 Buildings and Structures in the Stream Corridor of the Gabites Flood Hazard Overlay

1. Activity status: Non-complying

DEV3-NH-P2 ~~Accessory Buildings and associated additions in the Gabites Flood Hazard Overlay~~

Allow for accessory buildings and any associated additions within the Gabites Flood Hazard Overlay, provided that:

1. It can be demonstrated that Overland Flowpaths are unimpeded and unobstructed; and
2. The building is not located within a Stream Corridor; and
3. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood..

DEV3-NH-P3 ~~Additions to Residential Units in an identified Inundation Area of the Gabites Flood Hazard Overlay~~

Provide for additions to Residential Units within the identified Inundation Area, where:

1. The impact from the 1% Annual Exceedance Probability flood event is low due to either the:
 - a. incorporation of mitigation measures;
 - b. size of the addition in relation to the existing building; or
 - c. type of activities undertaken within the addition; and
2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood.

DEV3-NH-P4 ~~Additions to Residential Units within the Overland Flowpaths and Stream Corridors of the Gabites Flood Hazard Overlay~~

Only allow additions Residential Units within the Overland Flowpaths and Stream Corridors, where it can be demonstrated that:

1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the:
 - a. proposed mitigation measures;
 - b. size of the addition; or
 - c. nature of the activities undertaken within the addition; and
2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood; and
3. Overland Flowpaths and Stream Corridors are unimpeded, and unobstructed to allow for the conveyancing of flood waters.

DEV3-NH-P5 ~~Residential Units within the identified Inundation Areas of the Gabites Flood Hazard Overlay~~

Provide for Residential Units within the Inundation Area, provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

DEV3-NH-P6 ~~Residential Units within the Overland Flowpaths of the Gabites Flood Hazard Overlays~~

Manage Residential Units within the Overland Flowpaths by:	
<ol style="list-style-type: none"> 1. Incorporating mitigation measures that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood; 2. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability Flood; and 3. Overland Flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties. 	
DEV3-NH-P7	Residential Units within the Stream Corridors of the Gabites Flood Hazard Overlay
Avoid Residential Units within the Stream Corridors unless it can be demonstrated that:	
<ol style="list-style-type: none"> 1. The activity, has an operational and functional need to locate within the Stream Corridor and locating outside of these Stream Corridor is not a practicable option; 2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood; 3. People can safely evacuate the property during a 1% Annual Exceedance Probability Flood; and 4. The conveyancing of flood waters through the Stream Corridor is still able to occur unimpeded and is not diverted onto adjacent properties. 	

RULES	
DEV3-NH-R1	Earthworks for a building platform in the High Slope Hazard Overlay
<ol style="list-style-type: none"> 1. Activity Status: Restricted Discretionary Where: <ol style="list-style-type: none"> a. The earthworks are for a building platform in the High Slope Hazard Overlay of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1. Matters of discretion are restricted to: <ol style="list-style-type: none"> M1. The matters in DEV3-NH-P1. 	
DEV3-NH-R2	Accessory Buildings within the Gabites Flood Hazard Area
<ol style="list-style-type: none"> 1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. Any accessory buildings are located outside of the identified Overland Flowpaths or Stream Corridor of the Flood Hazard Overlay. 2. Activity Status: Restricted Discretionary Where: <ol style="list-style-type: none"> a. Compliance with the requirements of DEV3-NH-R2.1.a cannot be achieved The Matters of Discretion are restricted to: <ol style="list-style-type: none"> M1. The matters in DEV-NH-P2. 	
DEV3-NH-R3	Additions to Residential Units in the Inundation Area

<p>1. <u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p>a. <u>The finished floor levels of the addition to a residential unit is demonstrated to be above the 1% Flood Annual Exceedance Probability Level including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.</u></p>	
<p>2. <u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of DEV3-NH-R3.1.a cannot be achieved</u></p> <p><u>The Matters of Discretion are restricted to:</u></p> <p>M1. <u>The matters in NH-P3.</u></p>	
DEV3-NH-R4	Additions to Residential Units in the Overland Flowpaths of the Gabites Flood Hazard Overlay
<p>1. <u>Activity status: Discretionary</u></p>	
DEV3-NH-R5	Additions to Residential Units in the Stream Corridor of the Gabites Flood Hazard Overlay
<p>1. <u>Activity Status: Non-Complying</u></p>	
DEV3-NH-R6	New Residential Units in the Inundation Area of the Gabites Flood Hazard Overlay
<p>1. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>a. <u>The finished floor levels of the building for the Residential Unit is located above the 1% Flood Annual Exceedance Probability Level, including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>M1. <u>The impact from the 1% Annual Exceedance Probability flood is low due to either the:</u></p> <ul style="list-style-type: none"> a. <u>implementation mitigation measures;</u> b. <u>the shallow depth of the flood waters within the building; or</u> c. <u>type of activity undertaken within the building; and</u> <p>M2. <u>The risk to people and property is reduced or not increased.</u></p>	
<p>2. <u>Activity Status: Non-Complying</u></p> <p><u>Where:</u></p> <p>a. <u>Compliance with the requirements of DEV3-NH-R6.1.a cannot be achieved</u></p>	
DEV3-NH-R7	New Residential Units in the Overland Flowpaths of the Gabites Flood Hazard Overlay
<p>1. <u>Activity status: Discretionary</u></p>	
DEV3-NH-R8	New Residential Units in the Stream Corridor of the Gabites Flood Hazard Overlay
<p>1. <u>Activity Status: Non-Complying</u></p>	

Amendment 31.

Ecology

OBJECTIVES	
DEV3-ECO-O1	Gabites Block Natural Areas
The ecological values of Gabites Block Natural Areas are protected from inappropriate subdivision, use and development.	

Amendment 32.

POLICIES	
DEV3-ECO-P1	Identification of Gabites Block Natural Areas
Identify on the Gabites Block Development Area Structure Plan (DEV3-APPENDIX1) and list within <i>DEV3-ECO-Appendix-1: Schedule of Gabites Block Natural Areas</i> , areas with significant indigenous biodiversity values that meet the criteria in Policy 23 of the Regional Policy Statement for the Wellington Region.	
DEV3-ECO-P2	Protection of Gabites Block Natural Areas
Protect the biodiversity values of Gabites Block Natural Areas identified in <i>DEV3-ECO-Appendix-1: Schedule of Gabites Block Natural Areas</i> by requiring subdivision, use and development to to:	
<ol style="list-style-type: none"> 1. <u>Avoid adverse effects on identified indigenous biodiversity values where practicable;</u> 2. <u>Minimise other adverse effects on the identified biodiversity values where avoidance is not practicable;</u> 3. <u>Remedy other adverse effects where they cannot be avoided or minimised;</u> 4. <u>Only consider biodiversity offsetting for any residual adverse effects that cannot otherwise be avoided, minimised or remedied and where the principles of <i>DEV3-ECO-Appendix 2 Biodiversity Offsetting and Biodiversity Compensation</i> are met; and</u> 5. <u>Only consider biodiversity compensation after first considering biodiversity offsetting and where the principles of <i>DEV3-ECO-Appendix 2 Biodiversity Offsetting and Biodiversity Compensation</i> are met.</u> 	
DEV3-ECO-P3	Appropriate Use and Development in Gabites Block Natural Areas
Enable vegetation clearance within Gabites Block Natural Areas for the following activities where the vegetation clearance is of a scale and nature that maintains the identified biodiversity values:	
<ol style="list-style-type: none"> 1. <u>Maintenance around existing buildings and network utilities;</u> 2. <u>Safe operation of roads, tracks and accessways;</u> 3. <u>Restoration and conservation activities;</u> 4. <u>Opportunities to enable tangata whenua to exercise customary harvesting practices; and</u> 5. <u>Provision of a cycleway or walkway through Gabites Block Natural Area 6.</u> 	
DEV3-ECO-P4	Other Subdivision, Use and Development in Gabites Block Natural Areas

Only allow subdivision, use and development in Gabites Block Natural Areas where the activity:

1. Applies the effects-management hierarchy of DEV3-ECO-P2;
2. Takes into account the findings of an ecological assessment from a suitably qualified ecologist that determines the significance of the indigenous biodiversity values and the impact of the activity on the identified biodiversity values in order to support the application of the effects management hierarchy of DEV3-ECO-P2;
3. Provides for the formal legal protection and ongoing active management of the Gabites Block Natural Area;
4. Minimises the land ownership fragmentation and physical fragmentation of the Gabites Block Natural Area as part of the subdivision, use or development;
5. ~~Avoids locating~~ Does not locate building platforms, and vehicle accessways, sewage disposal fields or utility structures in Gabites Block Natural Areas;
6. Minimises trimming or removal of indigenous vegetation to avoid loss, damage or disruption to the ecological processes, functions and integrity of the Gabites Block Natural Area;
7. Minimises earthworks in Gabites Block Natural Areas; and
8. Minimises the potential cumulative adverse effects of activities on the values of the Gabites Block Natural Area.

Amendment 33.

RULES

Note: The rules of other parts of the District Plan may apply in addition to the rules of this section. More than one rule may apply.

These rules do not apply to natural inland wetlands, which are defined and regulated under the National Policy Statement on Freshwater Management 2020 and the National Environmental Standards for Freshwater 2020 and managed by the Greater Wellington Regional Council.

DEV3-ECO-R1	Trimming or Removal of Vegetation within a Gabites Block Natural Area
<u>Gabites Block Development Area</u>	<ol style="list-style-type: none"> 1. <u>Activity Status: Permitted</u> <u>Where:</u> <ol style="list-style-type: none"> a. <u>The trimming or removal of vegetation is to:</u> <ol style="list-style-type: none"> i. <u>Address an imminent threat to the safety of people or property and is undertaken by a suitably qualified arboricultural expert;</u> ii. <u>Undertake natural hazard mitigation activity by a Crown Entity, Greater Wellington Regional Council, Upper Hutt City Council or their agent;</u> iii. <u>Ensure the safe operation of any formed public road or public walking or cycling track where the vegetation removal is within the public road corridor and in the case of public walking or cycling tracks no greater than 1.0m from the formed track;</u> iv. <u>Construct a cycleway or walkway through Gabites Block Natural Area 6 by Greater Wellington Regional Council, Upper Hutt Regional Council or their agent where</u>

	<p><u>vegetation removal is no greater than 2.5m in width to accommodate the track and associated track structures;</u></p> <ul style="list-style-type: none"> v. <u>Maintain lawfully established private accessways where the removal of vegetation is within 1m of the accessway;</u> vi. <u>Maintain lawfully established buildings where the removal of vegetation is within 3m of the building;</u> vii. <u>Maintain lawfully established network utility or renewable electricity generation activities where the removal of vegetation is within 1m of the utility or renewable electricity generation activity;</u> viii. <u>Construct or maintain perimeter fences for stock or pest animal exclusion provided the removal of vegetation is within 1m of the fence;</u> ix. <u>Comply with section 43 or section 64 of the Fire & Emergency NZ Act 2017; or</u> x. <u>Enable tangata whenua to exercise traditional customary harvesting practices.</u>
	<p>2. <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance is not achieved with:</u> <ul style="list-style-type: none"> i. <u>DEV3-ECO-R1-1a.</u> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> M1. <u>The matters in</u> <ul style="list-style-type: none"> a. <u>DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4.</u> <p><u>Refer to information requirement DEV3-ECO-IR-1.</u></p>

<u>DEV3-ECO-R2</u>	<u>Restoration and Maintenance of Gabites Block Natural Areas</u>
<u>Gabites Block Development Area</u>	<p>1. <u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The works are for the purpose of restoring or maintaining the identified values of the Gabites Block Natural Area by;</u> <ul style="list-style-type: none"> i. <u>Planting eco-sourced, local, indigenous vegetation;</u> ii. <u>Removing non-indigenous vegetation listed in the Greater Wellington Regional Pest Management Strategy 2019-2039;</u> iii. <u>Carrying out pest animal and pest plant control activities;</u> iv. <u>Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or</u> v. <u>Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977.</u>

<p><u>2.</u> <u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>a.</u> <u>Compliance is not achieved with:</u></p> <p style="padding-left: 40px;"><u>i.</u> <u>DEV3-ECO-R3-1a.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1.</u> <u>The matters in:</u></p> <p style="padding-left: 40px;"><u>a.</u> <u>DEV3-ECO-P2, DEV3-ECO-P3 and DEV3-ECO-P4.</u></p>

Amendment 34.

INFORMATION REQUIREMENTS	
DEV3-ECO-IR-1	Activities in Gabites Block Natural Areas
<u>Gabites Block Development Area</u>	<p>Applications for activities in Gabites Block Natural Areas must include the following:</p> <p><u>1.</u> <u>An Ecological Assessment by a suitably qualified ecologist that:</u></p> <p style="padding-left: 40px;"><u>a.</u> <u>Identifies the biodiversity values and potential effects of the proposal; and</u></p> <p style="padding-left: 40px;"><u>b.</u> <u>Demonstrates that the effects management hierarchy of DEV3-ECO-P2 has been applied.</u></p>

Amendment 35.

APPENDICES	
DEV3-ECO-Appendix-1: Schedule of Gabites Block Natural Areas	
Site Number	Site Summary
<u>GBNA 1</u>	A small area of primary beech forest and broadleaved scrub located at the northern end of the Gabites Block Development Area. The western finger of the area forms part of a draft Significant Natural Area previously identified by UHCC as UH041. Vegetation is dominated by subcanopy species; however, there are also mature canopy trees including beech, kahikatea, and totara. Other native species present included mahoe, seven finger, rangiora, and tree ferns. In addition, native vegetation coverage continues upstream in the gully that flows from Maymorn Road. Vegetation is mixed including beech, mahoe, five finger, red matipo, <i>Pittosporum</i> sp., <i>Veronica salicifolia</i> , <i>Coprosma repens</i> , and tree ferns. In addition, blackberry and old man's beard were abundant, and gorse and broom were present around the edges.
<u>GBNA 2</u>	The area consists of young native bush, dominated by understory and subcanopy species. Species present included seven finger, rangiora and tree ferns. Mānuka was present as well as occasional wilding pines. Based on the vegetation type and structure observed on-site, the areas could provide habitat for native fauna, including lizards and birds. While not as botanically diverse as the GBNA 1 vegetation, the area contains young successional native vegetation with species and tiers expected for this vegetation type.
<u>GBNA 3</u>	The area consists of young native bush, dominated by understory and subcanopy species. Species present included seven finger, rangiora and tree ferns. Mānuka was present as well as occasional wilding pines. Based on the vegetation type and structure observed on-site, the areas could provide habitat for native fauna, including lizards and birds. While not as botanically diverse as the GBNA 1 vegetation, the area contains young successional native vegetation with species and tiers expected for this vegetation type.
<u>GBNA 4</u>	The area consists of young native bush, dominated by understory and subcanopy species. Species present included seven finger, rangiora and tree ferns. Mānuka was present as well as occasional wilding pines.

	<u>Based on the vegetation type and structure observed on-site, the areas could provide habitat for native fauna, including lizards and birds. While not as botanically diverse as the GBNA 1 vegetation, the area contains young successional native vegetation with species and tiers expected for this vegetation type.</u>
<u>GBNA 5</u>	<u>The area consists of young native bush, dominated by understory and subcanopy species. Species present included seven finger, rangiora and tree ferns. Mānuka was present as well as occasional wilding pines. Based on the vegetation type and structure observed on-site, the areas could provide habitat for native fauna, including lizards and birds. While not as botanically diverse as the GBNA 1 vegetation, the area contains young successional native vegetation with species and tiers expected for this vegetation type.</u>
<u>GBNA 6</u>	<u>The area consists of young native bush, dominated by understory and subcanopy species. Species present included seven finger, rangiora and tree ferns. Mānuka was present as well as occasional wilding pines. Based on the vegetation type and structure observed on-site, the areas could provide habitat for native fauna, including lizards and birds. While not as botanically diverse as the GBNA 1 vegetation, the area contains young successional native vegetation with species and tiers expected for this vegetation type.</u>

Amendment 36.

DEV3-ECO-Appendix-2: Biodiversity Offsetting and Biodiversity Compensation	
<u>The following sets out a framework of principles for the use of biodiversity offsets or biodiversity compensation.</u>	
<u>For compensation, read any reference to offset/offsetting as a reference to compensation.</u>	
<u>The principles must be complied with for an action to qualify as a biodiversity offset or biodiversity compensation. The principles will be used when assessing the adequacy of proposals for the design and implementation of offsetting or compensation as part of resource consent applications.</u>	
<u>Note: The principles are from “Guidance on Good Practice Biodiversity Offsetting in New Zealand”, which provides useful guidance in applying the principles.</u>	
1.	<u>Adherence to the mitigation hierarchy: A biodiversity offset is a commitment to compensate for significant residual adverse impacts on biodiversity identified after appropriate avoidance, minimisation and on-site rehabilitation measures have been taken according to the mitigation hierarchy.</u>
2.	<u>Limits to what can be offset: There are situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected.</u>
3.	<u>Landscape context: A biodiversity offset should be designed and implemented in a landscape context to achieve the expected measurable conservation outcomes, taking into account available information on the full range of biological, social and cultural values of biodiversity and supporting an ecosystem approach.</u>
4.	<u>No net loss: A biodiversity offset should be designed and implemented to achieve in situ, measurable conservation outcomes that can reasonably be expected to result in no net loss and, preferably, a net gain of biodiversity.</u>
5.	<u>Additional conservation outcomes: A biodiversity offset should achieve conservation outcomes above and beyond results that would have occurred if the offset had not taken place. Offset design and implementation should avoid displacing activities harmful to biodiversity to other locations.</u>
6.	<u>Stakeholder participation: In areas affected by the project and by the biodiversity offset, the effective participation of stakeholders should be ensured in decision-making about biodiversity offsets, including their evaluation, selection, design, implementation and monitoring.</u>
7.	<u>Equity: A biodiversity offset should be designed and implemented in an equitable manner, which means the sharing among stakeholders of the rights and responsibilities, risks and rewards associated with a project and offset in a fair and balanced way, respecting legal and customary arrangements. Special consideration should be given to respecting both internationally and nationally recognised rights of indigenous peoples and local communities.</u>

8. Long-term outcomes: The design and implementation of a biodiversity offset should be based on an adaptive management approach, incorporating monitoring and evaluation, with the objective of securing outcomes that last at least as long as the project's impacts and, preferably, in perpetuity.
9. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, should be undertaken in a transparent and timely manner.
10. Science and traditional knowledge: The design and implementation of a biodiversity offset should be a documented process informed by sound science, including an appropriate consideration of traditional knowledge.

<u>Principle 1</u>	<u>Adherence to effects management hierarchy</u>
<u>A biodiversity offset is a commitment to redress any more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.</u>	
<u>Principle 2</u>	<u>When biodiversity offsetting is not appropriate</u>
<u>Biodiversity offsets are not appropriate in situations where biodiversity values cannot be offset to achieve a net gain outcome, and if biodiversity values are adversely affected, they will be permanently lost. This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in biodiversity values. Examples of where an offset would be inappropriate include where:</u>	
(a) <u>residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected;</u>	
(b) <u>effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse;</u>	
(c) <u>there are no technically feasible options by which to secure gains within acceptable timeframe.</u>	
<u>Principle 3</u>	<u>Net gain</u>
<u>The biodiversity values to be lost through the activity to which the offset applies are counterbalanced and exceeded by the proposed offsetting activity, so that the result is a net gain when compared to that lost. Net gain is demonstrated by a like for like quantitative loss/gain calculation of the following, and is achieved when the ecological values at the offset site exceed those being lost at the impact site across indigenous biodiversity:</u>	
(a) <u>types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and</u>	
(b) <u>amount; and</u>	
(c) <u>condition.</u>	
<u>Principle 4</u>	<u>Additionality</u>
<u>A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</u>	
<u>Principle 5</u>	<u>Leakage</u>
<u>Offset design and implementation avoids displacing activities that are harmful to indigenous biodiversity to other locations.</u>	
<u>Principle 6</u>	<u>Landscape context</u>
<u>Biodiversity offset actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district, and consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</u>	
<u>Principle 7</u>	<u>Long term outcomes</u>

<u>Biodiversity offsets are managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity.</u>	
<u>Principle 8</u>	<u>Time lags</u>
<u>The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period.</u>	
<u>Principle 9</u>	<u>Science and mātauranga Māori</u>
<u>The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori where available.</u>	
<u>Principle 10</u>	<u>Stakeholder participation</u>
<u>Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.</u>	
<u>Principle 11</u>	<u>Transparency</u>
<u>The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.</u>	

<u>Principle 1</u>	<u>Adherence to the mitigation hierarchy</u>
<u>The proposed biodiversity offset will be assessed in accordance with the mitigation hierarchy set out in DEV3-ECO-P2. It should only be contemplated after the mitigation hierarchy steps in DEV3-ECO-P2 have been demonstrated to have been sequentially exhausted. Any proposal for a biodiversity offset will demonstrate how it addresses the residual adverse effects of the activity.</u>	
<u>Principle 2</u>	<u>Limits to offsetting</u>
<u>Many biodiversity values cannot be offset and if they are adversely affected then they will be permanently lost. These situations include where:</u>	
<ul style="list-style-type: none"> a. <u>Residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected or there is no appropriate offset site;</u> b. <u>There are no technically feasible options by which to secure gains within acceptable timeframes; and</u> c. <u>Effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse. In these situations, an offset would be inappropriate. This principle reflects a standard of acceptability for offsetting and a proposed offset must provide an assessment of these limits that supports its success.</u> 	
<u>Principle 3</u>	<u>No net loss and preferably a net gain</u>
<u>The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity so that the overall result is no net loss and preferably a net gain in biodiversity. No net loss and net gain are measured by type, amount and condition at the impact and offset site and require an explicit loss and gain calculation. Provisions for addressing sources of uncertainty and risk of failure in delivering the biodiversity offset should also be included.</u>	
<u>Principle 4</u>	<u>Additionality</u>
<u>A biodiversity offset must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, including that gains are additional to any minimisation or remediation undertaken in relation to the adverse effects of the activity. Offset design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations</u>	

Principle 5	Like for Like
<u>The ecological values being gained at the offset site are the same as those being lost at the impact site across types of indigenous biodiversity, amount of indigenous biodiversity (including condition), over time and spatial context.</u>	
Principle 6	Landscape context
<u>Biodiversity offset actions must be undertaken where this will result in the best ecological outcome, preferentially, first at the site, then the relevant catchment, then within the ecological district. Applications must consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem function.</u>	
Principle 7	Long term outcomes
<u>The biodiversity offset must be managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity, including through the use of adaptive management where necessary.</u>	
Principle 8	Time Lags
<u>The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the offset site must be minimised so that gains are achieved within the consent period and identified within the biodiversity offset management plan.</u>	
Principle 9	Trading Up
<u>When trading up forms part of an offset, the proposal must demonstrate that the indigenous biodiversity values gained are demonstrably of higher value than those lost, and the values lost are not indigenous taxa that are listed as Threatened, At risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.</u>	
Principle 10	Offsets in advance
<u>A biodiversity offset developed in advance of an application for resource consent must provide a clear link between the offset and the future effect. That is, the offset can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.</u>	
Principle 11	Proposing a biodiversity offset
<u>A proposed biodiversity offset must include a specific biodiversity offset management plan, that:</u>	
<ul style="list-style-type: none"> a. <u>Sets out baseline information on the indigenous biodiversity that is potentially impacted by the proposed activity at both the donor and recipient sites;</u> b. <u>Demonstrates how the requirements set out in this schedule will be carried out; and</u> c. <u>Identifies the monitoring approach that will be used to demonstrate how the principles set out in this schedule will be fulfilled over an appropriate timeframe.</u> 	

Amendment 37.

<u>DEV3 ECO Appendix 3: Biodiversity Compensation</u>
<u>The following sets out a framework of principles for the use of biodiversity compensation.</u>
<u>The principles must be complied with for an action to qualify as biodiversity compensation.</u>

Principle 1	<u>Adherence to effects management hierarchy</u>
<u>Biodiversity compensation is a commitment to redress more than minor residual adverse impacts, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.</u>	
Principle 2	<u>When biodiversity compensation is not appropriate</u>
<u>Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for, for example because:</u>	
<u>(a) the indigenous biodiversity affected is irreplaceable or vulnerable; or</u>	
<u>(b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or</u>	
<u>(c) there are no technically feasible options by which to secure proposed gains within acceptable timeframes.</u>	
Principle 3	<u>Scale of biodiversity compensation</u>
<u>The values to be lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity, (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects on indigenous biodiversity.</u>	
Principle 4	<u>Additionality</u>
<u>Biodiversity compensation achieves gains in indigenous biodiversity that are above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</u>	
Principle 5	<u>Leakage</u>
<u>The design and implementation avoid displacing activities or environmental factors that are harmful to indigenous biodiversity in other locations.</u>	
Principle 6	<u>Landscape context</u>
<u>Biodiversity compensation actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The actions consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</u>	
Principle 7	<u>Long term outcomes</u>
<u>Biodiversity compensation is managed to secure outcomes of the activity that last as long as the impacts, and preferably in perpetuity.</u>	
Principle 8	<u>Time lags</u>
<u>The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the compensation site is minimised.</u>	
Principle 9	<u>Trading up</u>
<u>When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal also shows the values lost are not to Threatened or At Risk species or to species considered vulnerable or irreplaceable.</u>	
Principle 10	<u>Financial contributions</u>
<u>Financial contributions are only considered when there is no effective option available for delivering indigenous biodiversity gains on the ground. Any contributions related to the indigenous biodiversity impacts must be directly linked to an intended indigenous biodiversity gain or benefit.</u>	
Principle 11	<u>Science and mātauranga Māori</u>
<u>The design and implementation of biodiversity compensation is a documented process informed by science and mātauranga Māori where available.</u>	

Principle 12	Stakeholder participation
<u>Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.</u>	
Principle 13	Transparency
<u>The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.</u>	

Principle 1	Adherence to the mitigation hierarchy
<u>Biodiversity compensation is a commitment to redress residual adverse effects. It must only be contemplated after the mitigation hierarchy steps in DEV3-ECO-P2 have been demonstrated to have been sequentially exhausted and thus applies only to residual adverse effects on indigenous biodiversity.</u>	
Principle 2	Limits to biodiversity compensation
<u>In deciding whether biodiversity compensation is appropriate, a decision maker must consider the principle that many indigenous biodiversity values are not able to be compensated for because:</u>	
<ul style="list-style-type: none"> a. <u>The indigenous biodiversity affected is irreplaceable or vulnerable;</u> b. <u>There are no technically feasible options by which to secure proposed gains within acceptable timeframes; and</u> c. <u>Effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.</u> 	
Principle 3	Scale of biodiversity compensation
<u>The values to be lost through the activity to which the biodiversity compensation applies must be addressed by positive effects to indigenous biodiversity that are proportionate to the adverse effects on indigenous biodiversity.</u>	
Principle 4	Additionality
<u>Biodiversity compensation must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, including that gains are additional to any remediation undertaken in relation to the adverse effects of the activity. Compensation design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations.</u>	
Principle 5	Landscape context
<u>Biodiversity compensation actions must be undertaken where this will result in the best ecological outcome, preferentially, first at the site, then the relevant catchment, then within the ecological district. The actions must consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem function.</u>	
Principle 6	Long term outcomes
<u>The biodiversity compensation must be managed to secure outcomes of the activity that last as long as the effects, and preferably in perpetuity.</u>	
Principle 7	Time Lags
<u>The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the compensation site must be minimised.</u>	
Principle 8	Trading Up

~~When trading up forms part of biodiversity compensation, the proposal must demonstrate the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal must also show the values lost are not indigenous taxa that are listed as Threatened, At risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.~~

Principle 9**Biodiversity compensation in advance**

~~Biodiversity compensation developed in advance of an application for resource consent must provide a clear link between the compensation and the future effect. That is, the compensation can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.~~

Amendment 38.

Gabites Block Area Use and Development

OBJECTIVES	
DEV3-O1	Character and Amenity Values of the North-West Area
A cluster of residential development that is compatible with the built development of adjoining residential areas to the north and industrial areas to the west.	
DEV3-O2	Character and Amenity Values of the Valley Flats Area
Rural residential development on flat land along Maymorn Road.	
DEV3-O3	Character and Amenity Values of the Station Flats Area
A cluster of low density residential development on flat land framed by the Maymorn Station and railway line and the western hillside.	
DEV3-O4	Character and Amenity Values of the Hilltops Area
An open, green landscape including most of the main ridgeline interspersed with sensitively located rural residential development and sensitively located supporting network utilities.	
DEV3-O5	Character and Amenity Values of the Hilltop Basin Area
An enclave of low density residential development secluded in a natural hilltop basin framed by hillslopes and ridges.	
DEV3-O6	Character and Amenity Values of the Hillside Area
An open, vegetation-dominated, west-facing hillside crowned by the main and ridgeline with sparse and sensitively located rural residential development and supporting network utilities.	

Amendment 39.

POLICIES	
DEV3-P1	Network Utilities in the Gabites Block Development Area
Provide for built development where appropriate network utilities are available, including on-site servicing where reticulated services are not available.	
DEV3-P2	Low Density Residential and Rural Residential Use and Development
Provide for low density residential and rural residential use and development that achieves the following:	
<ol style="list-style-type: none"> 1. <u>Site design, layout and scale of the activity that are compatible with the character and amenity values anticipated in the applicable Area;</u> 2. <u>Site design and implementation that:</u> 	

<ol style="list-style-type: none"> a. <u>Avoid built development that has significant unacceptable adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;</u> <ol style="list-style-type: none"> 3. <u>Building design and implementation that achieves:</u> <ol style="list-style-type: none"> a. <u>Recessive built forms and finishes;</u> b. <u>Attenuation of external noise for sleeping rooms locating in the Gabites Block Rail Corridor Buffer Area of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.</u> 4. <u>Landscape design and implementation that:</u> <ol style="list-style-type: none"> a. <u>Maintain and enhance the vegetated hillside backdrop to Maymorn;</u> b. <u>Avoid visually-impermeable boundary fencing, including avoid close-boarded and solid Panel fencing, and avoid front boundary fences of higher than 1.2m;</u> c. <u>Ensure outdoor living spaces are well located, accessible and have access to sunlight;</u> d. <u>Use planting to achieve visual amenity, safety and functionality;</u> e. <u>Ensure driveways, manoeuvring and parking areas are visually unobtrusive;</u> f. <u>Screen water tanks from views from public places with timber lattice or planting;</u> fg. <u>Provide a visually-permeable, planted buffer along the Valley Flats Area frontage of Maymorn Road;</u> h. <u>Provide a planted buffer along the North-West Area frontage of Maymorn Road to visually screen the North-West Area from the industrial area on Maymorn Road.</u> 5. <u>Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u> 6. <u>Private vehicle crossings that do not connect directly to Maymorn Road.</u> 7. <u>Transport networks that:</u> <ol style="list-style-type: none"> a. <u>aAvoid significant unacceptable adverse effects on the rural character or landscape values of the Gabites Block and Maymorn context; and</u> b. <u>Achieve the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u> 8. <u>Site design, layout and implementation that achieves the management of stormwater quality and quantity set out in DEV3-P1, DEV3-SW-P1 and DEV3-SW-P2.</u> 9. <u>Site design, layout and implementation that achieves the requirements of DEV3-NH-P2.</u> 	<p>DEV3-P3 Non-Residential Activities</p> <p>Provide for non-residential activities that:</p> <ol style="list-style-type: none"> 1. <u>Contribute to the social, cultural and economic wellbeing of people and communities;</u> 2. <u>Are of a type and scale compatible with the character, landscape and amenity values of the Area;</u> 3. <u>Avoid, remedy or mitigate adverse effects on the amenity values of adjoining sites, including from signs and the location and scale of utility and external storage areas;</u> 4. <u>Avoid, remedy or mitigate adverse effects on the amenity values of adjoining sites or the landscape from the movement of people and vehicles associated with the activity;</u> 5. <u>Have hours of operation that are compatible with rural-residential amenity; and</u>
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6. Have an operational need to locate in the Area.

Avoid non-residential activities that are incompatible with the character, landscape and amenity values anticipated in the Area.

Amendment 40.

RULES

Note: The rules of other parts of the District Plan may apply in addition to the rules of this section. More than one rule may apply.

DEV3-R1

Buildings and Structures

1. Activity status: Permitted

Where:

a. Compliance is achieved with:

- i. DEV3-S1;
- ii. DEV3-S2;
- iii. DEV3-S3;
- iv. DEV3-S4;
- v. DEV3-S5;
- vi. DEV3-S6;
- vii. DEV3-S7;
- viii. DEV3-S8;
- ix. DEV3-S9;
- x. DEV3-S10;
- xi. DEV3-S11; and
- xii. DEV3-S12;
- xiii. DEV3-S13; and
- xiv. DEV3-S14; and
- xv. DEV3-S15.

2. Activity status: Restricted Discretionary

Where:

a. Compliance is not achieved with:

- i. DEV3-S1;
- ii. DEV3-S2;
- iii. DEV3-S3;
- iv. DEV3-S4;
- v. DEV3-S5;
- vi. DEV3-S6;

vii. DEV3-S7;
 viii. DEV3-S8;
 ix. DEV3-S9;
 x. DEV3-S10;
 xi. DEV3-S11; or
 xii. DEV3-S12;
 xiii. DEV3-S13; or
 xiv. DEV3-S14; or
 xv. DEV3-S15.

Matters of discretion are restricted to:

M1. The matters in any infringed standard; and

M2. The matters in DEV3-P2.

and

Where:

b. Compliance is not achieved with:

i. DEV3-S1.2

Matters of discretion are restricted to:

M1. The matters in:

a. DEV3-P2.

Refer to information requirement DEV3-IR-1.

<u>DEV3-R2</u>	<u>Residential Activities</u>
1.	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>a. There are no more than one residential unit and one minor residential unit per site;</u></p> <p><u>b. Any minor residential unit shares a vehicle crossing and driveway with the site’s residential unit; and</u></p> <p><u>c. Compliance is achieved with:</u></p> <p><u>i. DEV3-S3; and</u></p> <p><u>ii. DEV3-S8.</u></p>
2.	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>Compliance is not achieved with:</u></p> <p><u>i. DEV3-R2-1a;</u></p> <p><u>ii. DEV3-R2-1b;</u></p> <p><u>iii. DEV3-S3; or</u></p>

- iv. DEV3-S8.

Matters of discretion are restricted to:

M1. The matters in any infringed standard; and

M2. The matters in:

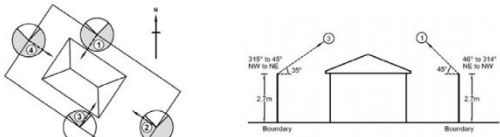
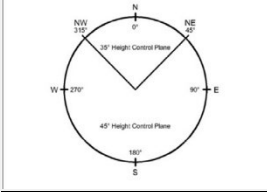
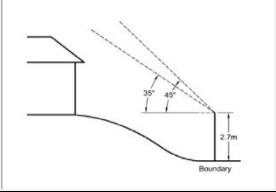
- a. DEV3-P2.

DEV3-R3	Home Business
<p><u>1. Activity Status: Permitted</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. No more than 40m² of total gross floor area of all buildings on site is used for the home business; b. <u>No more than one full time employee or equivalent engaged in the home business resides off-site; and</u> c. <u>The hours of operation are within:</u> <ul style="list-style-type: none"> i. <u>7.00am to 7.00pm, Monday to Friday; and</u> ii. <u>7.00am to 6.00pm Saturday and Sunday.</u> 	
<p><u>2. Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>Compliance is not achieved with:</u> <ul style="list-style-type: none"> i. <u>DEV3-R3-1a;</u> ii. <u>DEV3-R3-1b; or</u> iii. <u>DEV3-R3-1c.</u> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The matters in:</u></p> <ul style="list-style-type: none"> a. <u>DEV3-P3.</u> 	

DEV3-R4	All Other Activities
<p><u>1. Activity Status: Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The activity is not otherwise provided for as a permitted activity, controlled activity, restricted discretionary activity or non-complying activity.</u> 	

Amendment 41.

STANDARDS	
DEV3-S1	Height of Buildings and Structures

<p><u>North-West Area,</u> <u>Valley Flats Area,</u> <u>Station Flats Area,</u> <u>Hilltops Area (outside the Ridgeline Protection Overlay),</u> <u>Hilltop Basin Area</u></p>	<p>1. <u>All buildings and structures must comply with a maximum height above ground level of 8m, except that:</u></p> <p>a. <u>An additional 1m can be added to the maximum height of any building with a roof slope of 15° or greater, where the roof rises to a ridge.</u></p>	<p>Matters of discretion are restricted to:</p> <p><u>M1. The effect on the streetscape, character and amenity of the area;</u></p> <p><u>M2. Dominance effects on adjoining sites;</u></p> <p><u>M3. Design and siting of the building or structure; and</u></p> <p><u>M4. The influence of visually prominent trees and established landscaping.</u></p>
<p><u>Hillside Area</u></p>	<p><u>All buildings and structures must comply with a maximum height above ground level of 6m.</u></p>	
<p><u>Hilltops Area (within the Ridgeline Protection Overlay),</u> <u>Hillside Area</u></p>	<p>2. <u>All buildings and structures must comply with a maximum height above ground level of 3.56m.</u></p>	
<p>DEV3-S2</p>	<p>Height Control Planes</p>	
<p><u>Gabites Block Development Area</u></p>	<p><u>Buildings must fit within the height control planes defined below:</u></p> <div data-bbox="320 1104 868 1574"> <p>a) <u>Height control planes in relation to site boundaries:</u></p>  <p>b) <u>Determining which height control plane to use:</u></p>  <p>c) <u>Application of height control planes to a sloping site:</u></p>  </div> <p><u>The following exceptions apply:</u></p> <ol style="list-style-type: none"> <u>Chimneys, flues, and minor decorative features may extend beyond the height control plane by up to 1m.</u> <u>The top of a dormer or gable, but not the eaves, may extend beyond the height control plane by up to 0.5 m provided that the aggregate length of all projections through the plane does not exceed 25% of the total building length.</u> 	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The effect on sunlight and daylight admission to internal living spaces and external outdoor living spaces on adjoining and surrounding sites; and</u></p> <p><u>M2. Dominance and privacy effects on adjoining sites.</u></p>

	<p>3. <u>Where the boundary involved in the measurement of the height control plane adjoins an access strip or right-of-way to a rear allotment lot, the outside boundary of such an access strip or right-of-way may be substituted for the nearest site boundary.</u></p>	
DEV3-S3	Maximum Building Coverage	
<u>Gabites Block Development Area</u>	<p>The maximum total building coverage on a site includes:</p> <ol style="list-style-type: none"> <u>Residential units;</u> <u>Minor residential units; and</u> <u>Accessory buildings;</u> <p>The maximum total building coverage excludes:</p> <ol style="list-style-type: none"> <u>Pergola structures that are not covered by a roof;</u> <u>Uncovered decks;</u> <u>Uncovered outdoor swimming pools.</u> <u>Buildings and structures with a footprint of no more than 2.6m² and a height of no more than 2.2m above ground level.</u> 	<p>Matters of discretion are restricted to:</p> <p>M1. <u>Dominance effects on the street and adjoining properties;</u></p> <p>M2. <u>Effects on rural character; and</u></p> <p>M3. <u>Visual and landscape effects.</u></p>
<u>North-West Area</u>	<p>Either:</p> <ol style="list-style-type: none"> Maximum total building coverage is 250m²; and <u>Maximum building coverage of minor residential unit is 50m²</u> <p>Or:</p> <ol style="list-style-type: none"> <u>Maximum total building coverage is 50% of the net site area;</u> <p>Whichever is the lesser.</p>	
<u>Station Flats Area, Hilltop Basin Area</u>	<ol style="list-style-type: none"> Maximum total building coverage is 300350m² <u>Maximum building coverage of minor residential unit is 50m²</u> 	
<u>Valley Flats Area, Hilltops Area, Hillside Area</u>	<ol style="list-style-type: none"> Maximum total building coverage is 350400m² <u>Maximum building coverage of minor residential unit is 50m²</u> 	
DEV3-S4	Minimum Setback from Maymorn Road Boundary for Buildings and Structures	
	<p><u>Front boundary with</u></p>	<p><u>8m</u></p> <p>Matters of discretion are restricted to:</p>

<u>North-West Area, Valley Flats Area</u>	<u>Maymorn Road</u>		<p><u>M1. The effect on the streetscape and amenity of the area;</u></p> <p><u>M2. Design and siting of buildings;</u></p> <p><u>M3. Screening, planting and landscaping; and</u></p> <p><u>M4. Pedestrian and cyclist safety.</u></p>
	<p><u>This standard does not apply to:</u></p> <p><u>1. Boundary fences.</u></p>		
DEV3-S5 Minimum Setback from Road Boundaries Other Than Maymorn Road			
<u>North-West Area</u>	<u>Front boundary with roads other than Maymorn Road</u>	<u>4m</u>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The effect on the streetscape and amenity of the area;</u></p> <p><u>M2. Design and siting of buildings;</u></p> <p><u>M3. Screening, planting and landscaping; and</u></p> <p><u>M4. Pedestrian and cyclist safety.</u></p>
	<p><u>This standard does not apply to:</u></p> <p><u>1. Boundary fences.</u></p>		
<u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u>	<u>Front boundary with roads other than Maymorn Road</u>	<u>5m</u>	
	<p><u>This standard does not apply to:</u></p> <p><u>1. Boundary fences.</u></p>		
DEV3-S6 Minimum Setbacks from Other Boundaries			
<u>North-West Area</u>	<u>Side Boundary</u>	<u>1.5m</u>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. Dominance and privacy effects on adjoining sites.</u></p>
	<u>Rear Boundary</u>	<u>1.5m</u>	
	<p><u>Any wall within 1m of a boundary must be no longer than 6m.</u></p> <p><u>The distance between an accessory building and any point of the main window of a habitable room on an adjoining site, measured at right angles to the plane of the window, must be not less than 3m.</u></p> <p><u>For garages and other accessory buildings which form a part of a residential unit, the standards for accessory buildings apply to that residential unit,</u></p>		

	<p><u>but only to the area of the residential unit which is an accessory building</u></p> <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> <u>1. Boundary fences or standalone walls; and</u> <u>2. Structures with a building footprint of less than 0.5m².</u> 	
<p><u>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area</u></p>	<p><u>Side Boundary</u></p> <p style="text-align: center;"><u>3m</u></p>	
	<p><u>Rear Boundary</u></p> <p style="text-align: center;"><u>3m</u></p>	
	<p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> <u>1. Boundary fences or standalone walls; and</u> <u>2. Structures with a building footprint of less than 0.5m².</u> 	
DEV3-S7	<u>Maymorn Road Landscaping Buffer</u>	
<p><u>North-West Area, Valley Flats Area</u></p>	<p><u>1. Site areas within 5m of the Maymorn Road boundary must be landscaped with a buffer of native trees and plants that will be visually permeable provide visual screening at maturity.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The effect on the streetscape and amenity of the area.</u></p>
<p><u>Valley Flats Area</u></p>	<p><u>2. Site areas within 5m of the Maymorn Road boundary must be landscaped with a buffer of native trees and plants that will be visually permeable at maturity.</u></p>	
DEV3-S8	<u>Outdoor Living Space for Residential Units</u>	
<p><u>North-West Area</u></p>	<p><u>One outdoor living space capable of containing a 6m diameter circle must be provided for each residential unit or minor residential unit and be located at its northern aspect, or directly accessible from a living area.</u></p> <p><u>Non-enclosed verandahs, decks, porches, swimming pools, and a glassed conservatory with a maximum area of 13m² may encroach over or into 25% of the outdoor living space.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. Whether adequate useable space is provided to accommodate outdoor activities; and</u></p> <p><u>M2. Proximity of the residential unit to accessible public open space.</u></p>
DEV3-S9	<u>Fences</u>	
<p><u>North-West Area</u></p>	<ol style="list-style-type: none"> <u>1. Fences on the Maymorn Road boundary must be post and rail fences no higher than 1.2m above ground level; and</u> <u>2. Front boundary fences must be no higher than 1.2m above ground level.</u> 	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The effects on the streetscape, character and amenity of the area; and</u></p>

Valley Flats Area	<ol style="list-style-type: none"> 1. <u>Fences on the Maymorn Road boundary must be post and rail fences no higher than 1.2m above ground level;</u> 2. <u>All other boundary fences must be visually permeable post and rail or post and wire fences; and</u> 3. <u>Front boundary fences must be no higher than 1.2m above ground level.</u> 	<p><u>M2. The effects on the amenity of adjoining properties, where the fence is located on their boundary.</u></p>
Station Flats Area, Hilltops Area, Hilltop Basin Area, Hillside Area	<ol style="list-style-type: none"> 1. <u>All boundary fences must be visually permeable post and rail or post and wire fences; and</u> 2. <u>Front boundary fences must be no higher than 1.2m above ground level.</u> 	
<u>DEV3-S10 Reflectance of Buildings and Structures</u>		
Hilltops Area, Hillside Areas	<p><u>The reflectance value of the exterior finish of the building or structure must be no greater than 25% for roofs and 30% for walls within Groups A, B or C of the BS5252 standard colour palette.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The effects on the rural character and amenity of the area.</u></p> <p><u>M2. The effects on the amenity of adjoining properties.</u></p>
<u>DEV3-S11 Use of Copper and Zinc</u>		
Gabites Block Development Area	<p><u>Copper or zinc surfaces in external building materials including roofing, guttering, spouting and cladding must be painted or finished in a manner that results in the copper or zinc surface not being directly exposed to rainfall.</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The extent of untreated copper or zinc; and</u></p> <p><u>M2. Methods to remove copper or zinc from water runoff.</u></p>
<u>DEV3-S12 Impervious Surfaces Hydraulic Neutrality</u>		
<p>North West Area</p> <p><u>Gabites Block Development Area</u></p>	<p>The total area of impervious surfaces must not exceed 70% of the site area.</p> <ol style="list-style-type: none"> 1. <u>Any construction of buildings, structures or other impervious surfaces must achieve hydraulic neutrality.</u> 2. <u>A design certificate from a suitably qualified engineer must be provided to Upper Hutt City Council prior to the construction of any building, structure or other impervious surfaces certifying that hydraulic neutrality will be achieved.</u> 	<p><u>Matters of discretion are restricted to:</u></p> <p><u>M1. The measures used to achieve hydraulic neutrality;</u></p> <p><u>M2. Location, design, ownership and access for maintenance, including any necessary easements; and</u></p> <p><u>M3. Whether there are any constraints or opportunities that mean that hydraulic neutrality is not required.</u></p>
<p>Valley Flats Area, Station Flats Area, Hilltops Area, Hilltop Basin</p>	<p>The total area of impervious surfaces must not exceed 50% of the site area.</p>	

<u>Area, Hillside Area</u>		
DEV3-S13	Visual Screening of Water Tanks	
<u>Gabites Block Development Area</u>	<u>Water tanks must be screened from views from public places by timber lattice or planting to a height of 2m above ground level or to the height of the tank, whichever is lesser.</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The effects on the rural character and amenity of the area.</u>
DEV3-S14	Minimum Setback from Waterbodies	
<u>Gabites Block Development Area</u>	<u>Buildings and structures must be set back at least 10m from natural wetlands or streams (measured from the highest annual bank-full flow).</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The siting of buildings and structures;</u> <u>M2. The ability to access the waterway for maintenance and stream network enhancements.</u>
DEV3-S15	Water Supply and Fire Fighting Sprinkler System for Residential Units	
<u>Gabites Block Development Area</u>	<u>1. Each Residential units that are is not connected to Council's reticulated water supply must have the following installed:</u> <u>a. A self-sufficient potable water supply with a minimum volume of 38,000L; and</u> <u>b. A domestic fire sprinkler system in accordance with NZS 4541:2013 that is connected to a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</u>	<u>Matters of discretion are restricted to:</u> <u>M1. The adequacy of alternative fire fighting water supplies;</u> <u>M2. Effect on the streetscape and character of the area; and</u> <u>M3. Screening, planting and landscaping.</u>

Amendment 42.

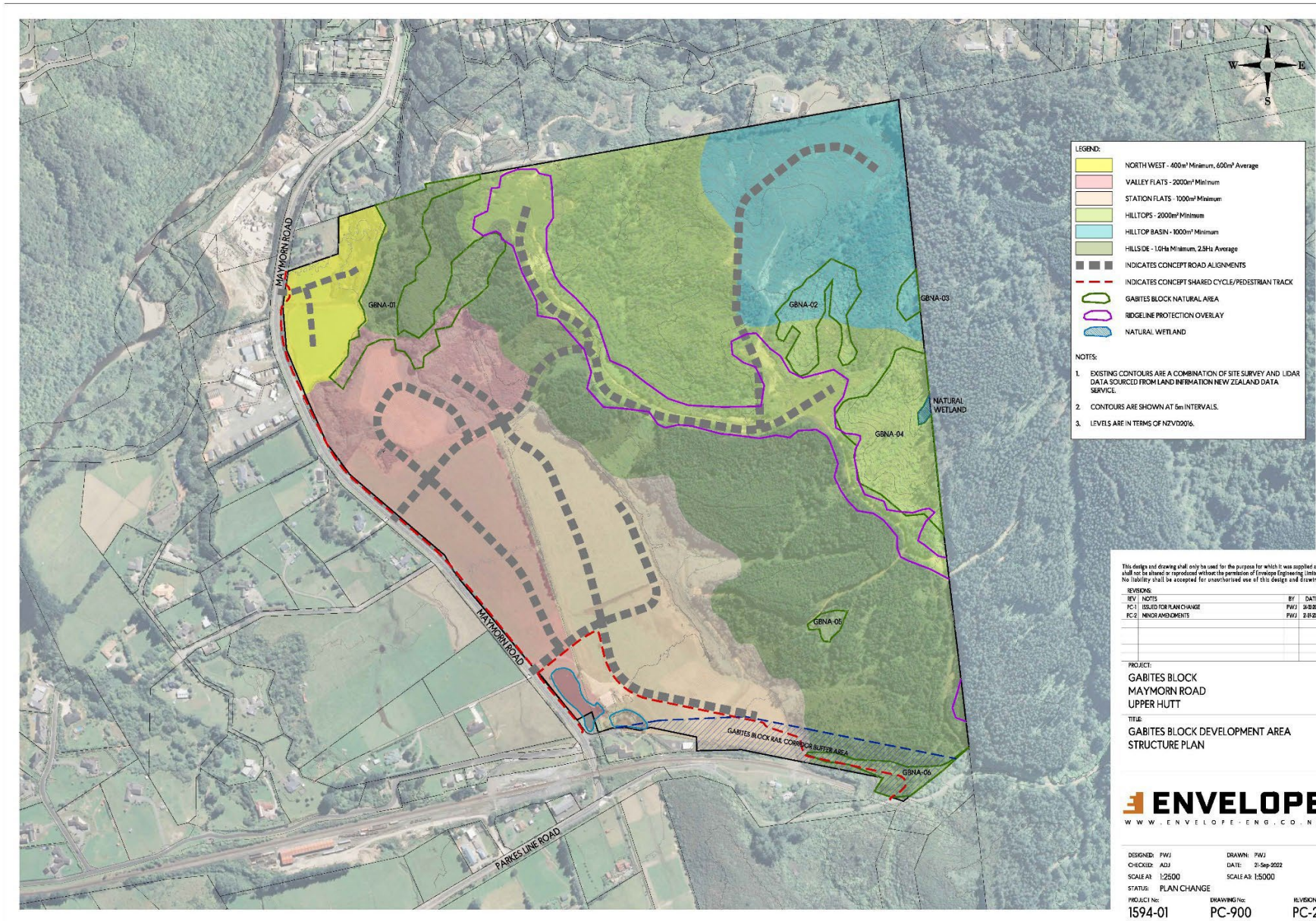
INFORMATION REQUIREMENTS	
DEV3-IR-1	Landscape and Visual Assessment of Buildings and Structures in Hillside Area or Within the Ridgeline Overlay
<u>Hillside Area Ridgeline Protection Overlay</u>	<u>Applications under Rule DEV3-R1 for buildings and structures in the Hilltops Area (within the Ridgeline Protection Overlay) or Hillside Area must provide:</u> <u>1. A Landscape and Visual Assessment prepared by a suitably qualified landscape architect that demonstrates that the proposed building or structure design achieves the following:</u> <u>a. Gives effect to the Landscape and Visual Assessment approved in the subdivision that created the allotment being built on and any conditions of consent including building location, fencing and planting;</u> <u>b. Avoids unacceptable adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;</u> <u>c. Visibility and similarity with surrounding colours, textures, patterns and forms;</u>

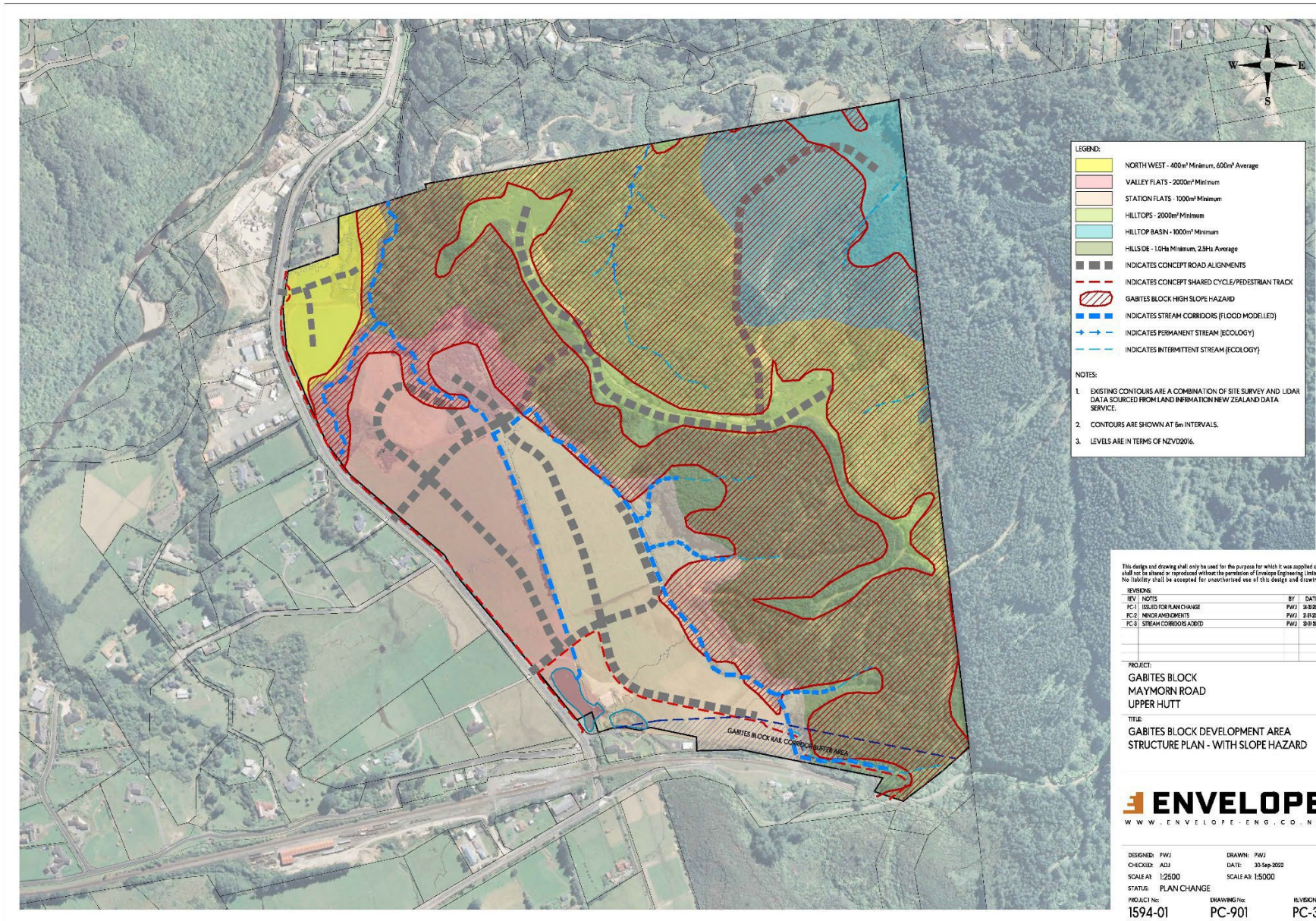
	<p>d. <u>Recessive built forms and finishes</u></p> <p>e. <u>Outdoor living spaces that are well located, accessible and have access to sunlight;</u></p> <p>f. <u>Driveways, manoeuvring and parking areas are visually unobtrusive and designed to minimise earthworks where practicable;</u></p> <p>g. <u>Lighting that enhances safety and security without adversely affecting the amenity of other sites.</u></p>
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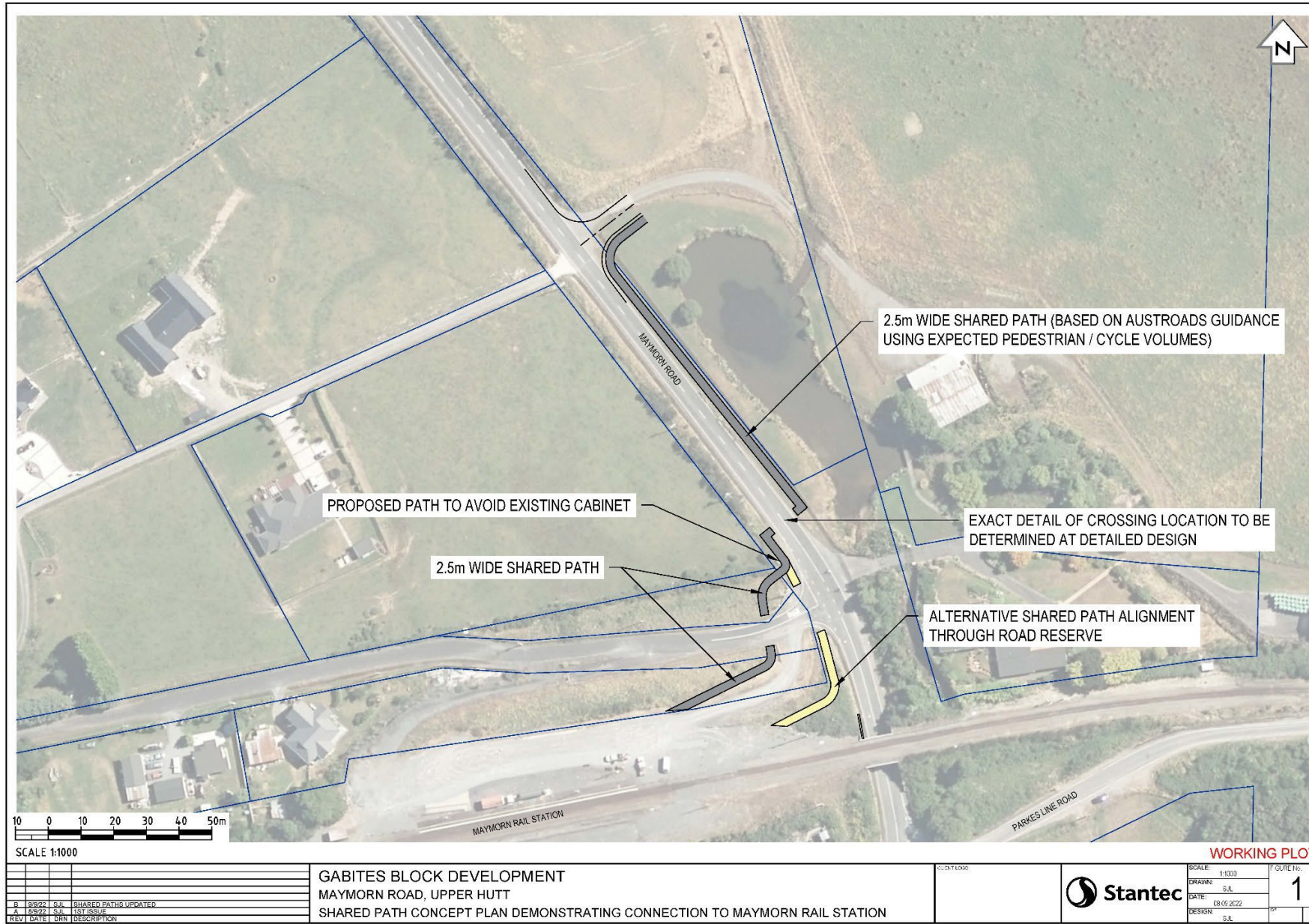
Amendment 43.

DEV3-APPENDIX1 - Gabites Block Development Area Structure Plan and Supporting Diagrams

PART 4 – APPENDICES AND MAPS
a) MAPS
<p>Maps</p> <p><u>[Planning Maps R19 and U11 amended to show Settlement Zone and DEV3 - Gabites Block Development Area]</u></p>
b) APPENDICES
<p><u>Appendix 2</u></p> <p><u>Accidental Discovery Protocol for Earthworks in Development Area 3</u></p> <p><u>The following procedure must be adopted in the event that koiwi, taonga, or other archaeological material is unearthed or is reasonably suspected to have been unearthed during the Project works:</u></p> <p>(a) <u>All development activity within a 10m radius of the discovery must cease;</u></p> <p>(b) <u>The plant operator must shut down all machinery or activity immediately, leave the area and advise the Project Manager of the occurrence;</u></p> <p>(c) <u>No materials relating to the artifacts or site may be removed;</u></p> <p>(d) <u>The Project Manager must immediately notify Upper Hutt City Council and the Project Archaeologist;</u></p> <p>(e) <u>The Project Archaeologist must inspect the site as soon as practicable;</u></p> <p>(f) <u>If the material is confirmed as koiwi tangata, the Project Archaeologist must inform the necessary authorities as outlined in Heritage New Zealand Pouhere Taonga’s “Guidelines for koiwi tangata/human remains (AGS8)”;</u></p> <p>(g) <u>If the material is confirmed as taonga or other archaeological material of Māori origin, the Project Manager must notify Taranaki Whānui (Port Nicholson Block Settlement Trust and Wellington Tenths Trust) and Ngāti Toa (Te Rūnanga o Toa Rangatira Inc) as soon as practicable;</u></p> <p>(h) <u>The Project Manager must ensure that iwi are given the opportunity to undertake karakia and such other religious or cultural ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Māori.</u></p>



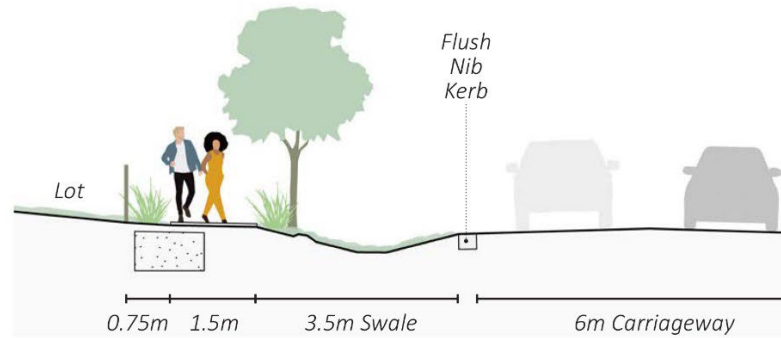




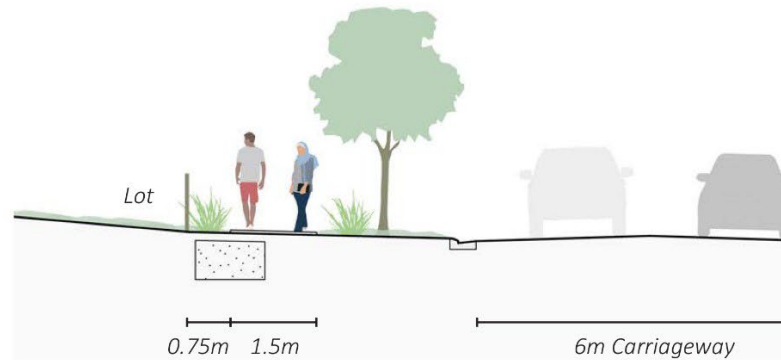
STRUCTURE PLAN TYPICAL ROADING

- Space is allocated within the road corridor for street trees, planting, or swales.

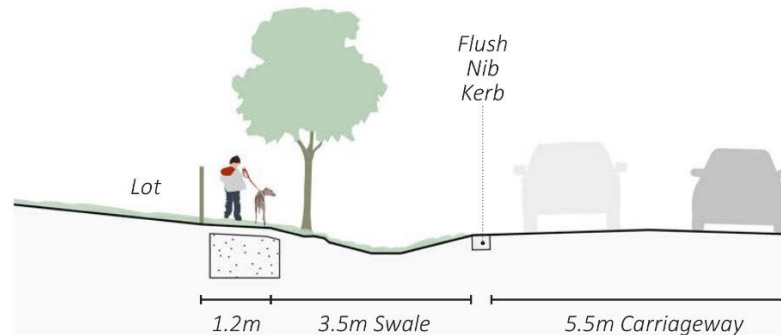
6m Road with Swales & 1.5m Path
(Grades 5% or Less)
17m Legal Road Width



6m Road with Kerb & 1.5m Path
(Grades 5% or More)
15m Legal Road Width



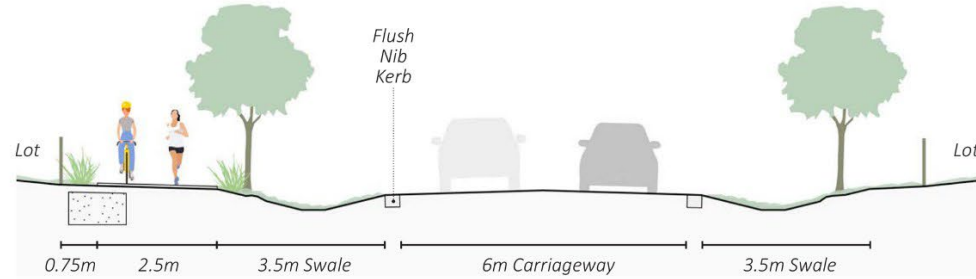
5.5m Road with Swales & No Path
(Grades 5% or Less)
15.5m Legal Road Width



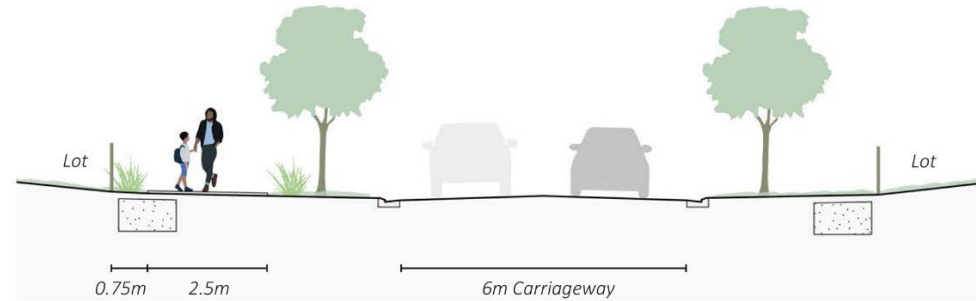
STRUCTURE PLAN TYPICAL ROADING

- A 2.5m Shared Path is indicated in three of the typical roading typologies.
- Adjacent to roading, a maximum 1:2 batter slope is indicated and is to be remediated with planting.

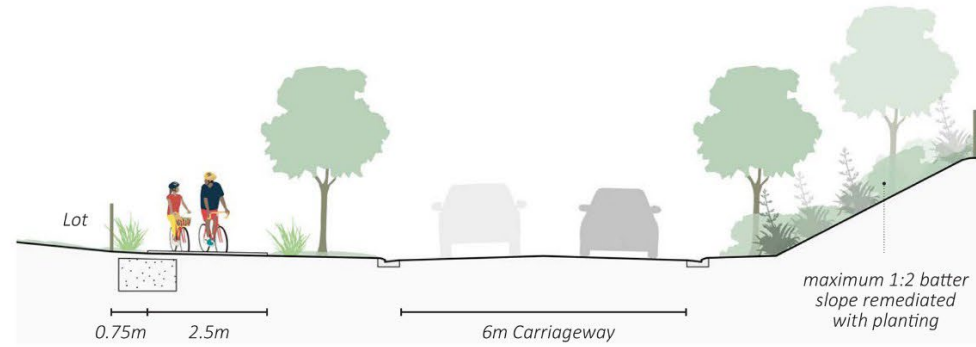
6m Road with Swales & 2.5m Shared Path
(Grades 5% or Less)
18m Legal Road Width



6m Road with Kerbs & 2.5m Shared Path
(Grades 5% or More)
16m Legal Road Width



6m Road with Kerbs & 2.5m Shared Path Hillside RHS
(Grades 5% or More)
Legal Road Width Varies



 = Services Trench

1:100 @A3