

Speaking Notes of Michael Hall on behalf of GTC at the resumed hearing

Response to points raised by Forest & Bird legal submission.

1. Forest and Bird's Legal counsel Mr Williams outlines in para's 8 and 9 that the SGA cannot provide an adequate evidence or policy basis for including the proposed transport corridor provisions in PC49. I disagree with this, substantial evidence base for development in the district has been established through the Growth Strategy and previous Development Strategies for the region and LTP planning and by GTC's expert witnesses.
2. In paragraph 17 and 18 Mr Williams makes a number of criticisms of my March 2024 evidence. My response is as follows:
 - a. This is incorrect. We have provided appropriate engineering evidence from Mr Read for a plan change level assessment where GTC will not be building the road. In Mr Read's he provided an example but larger design option completed by Envelope Engineering. That level of design provided as an example and then his own review of the design parameters and topography was enough to provide confidence that a road design of a shorter length would be possible.
 - b. My calculation provided allowed for the minimum corridor plus a 50% buffer area which was to allow for detention ponds and earthwork batters required to work with the topography. I am comfortable that my calculation based on the evidence of Mr Read, a qualified engineering expert represents a realistic and achievable scenario. Please note this also addresses Mr John O'Malley's evidence as well regarding the assumptions that have been used.
 - c. Regarding this point, Mr Williams is correct that a less direct route is not as optimal for providing for recreational access. However this would not be desirable to provide for a more meandering route because it would be more effective to provide for direct access up to the Southern Growth Area to reduce landform and clearance effects. It would be more effective to provide for any further recreational access into the Spur by providing for more discrete walking and cycling tracks off the transport corridor.
3. Regarding Para 23, the I disagree there would be a substantial tension between the NPS-IB and NOSZ provisions. This is because as a planner we also need to

balance the NPS IB with the NPS UD. As a result the NOSZ-R15 should not be removed.

4. Regarding Para 25, I still consider that a more restrictive discretionary activity status is more appropriate, the full discretionary this still allows Council to decline an application and the planning provisions included in the November Officer Report, demonstrate that Council is confident that it understands the likely adverse effects in sufficient detail to be able to draft a rule that restricts its discretion to allow it to properly consider/capture the effects of building an infrastructure/roading corridor on the Spur. This is a relatively easy planning scenario where the likely effects are well known and can be easily classified as only infrastructure would be provided for within the Spur alongside the Open Space activities in the zone.
5. Regarding health and wellbeing of freshwater bodies, this is covered by the Regional Consent process that infrastructure would need to be assessed against. Other appropriate matters of restriction in relationship to this RD rule relevant to UHCC have already been identified, providing further reasoning that a discretionary activity status is not required.
6. Regarding 26 and 27 the NPS-UD is being appropriately incorporated into the UHCC plan. As outlined in my evidence substantial planning has been undertaken to provide for the SGA.
7. The SGA is now being considered via submissions under PC50 and the FDS provides for consideration of the SGA at a local level so long as this is justified and determined through a district plan change process. This is further discussed below.
8. I contend that the NPS UD does need to be considered and that there has been sufficient evidence provided through this plan change to enable an integrated planning decision for PC49 Variation 1.
9. Regarding Para 31, regarding the RPS and providing for compact Urban Form, this has been met with the proposed development form for the SGA. For example, it is only proposed as outlined in the PC50 Submission map by GTC to provide for 148 hectares of residential development (General Residential to Rural Lifestyle) out of the approximate 330 hectares available.

FDS and the SGA

10. I have reviewed the approved FDS. The Southern Growth Area (SGA) is not identified as a Future Development Area (greenfield) in the Future Development Strategy¹. However, this does not preclude future development of the site. The FDS states *"Any areas not specifically identified as priorities for development may still be appropriate to develop according to local needs and constraints but will not be prioritised at a regional level"*².
11. By not being prioritised this does not mean it is not appropriate or may not meet the objectives of the RPS, only that further work is required to confirm whether the SGA is appropriate for development to meet the growth needs of the city. Regarding this point, I note Mr Simon Edwards makes a point that by not including the SGA in the FDS this lessens the perceived requirement for future greenfield development. I do not agree with this statement.
12. In The Site Analysis Methodology Report October 2023, which informed the development of the FDS, the SGA is identified in Section 5.3 as *"sites not funded or considered for rezoning at this time but may in the future should the context we're working on change"*. The rationale for this included in Appendix 1 of this report, at *"Section 6.5 Sites for investigation in the future"* identified issues around the development of the site associated with access still to be confirmed and not yet plan enabled, specifically because a decision around *"Access opportunities being considered through Silverstream Spur variation to Plan Change 49"*³ still had to be confirmed.

¹ Diagram 9: Prioritised development in the metro areas (Hutt Valley, Wellington, Porirua and Kapiti (excluding Otaki)), Wellington Regional Leadership Committee Future Development Strategy 2024-2054, p.36

² Diagram 7: How we prioritise areas for development, Wellington Regional Leadership Committee Future Development Strategy 2024-2054, p.33

³ Wairarapa-Wellington-Horowhenua Draft Future Development Strategy Site Analysis Methodology Report October 2023

13. The SGA is largely identified as having no Wāhi Toitū constraints, shown in Diagram 5 of the approved FDS. There is a small area identified on the south eastern boundary only. This is outlined in figure 1 below, which shows the boundary of site in yellow with the red boundary to the west marked to aid interpretation of Diagram 5.

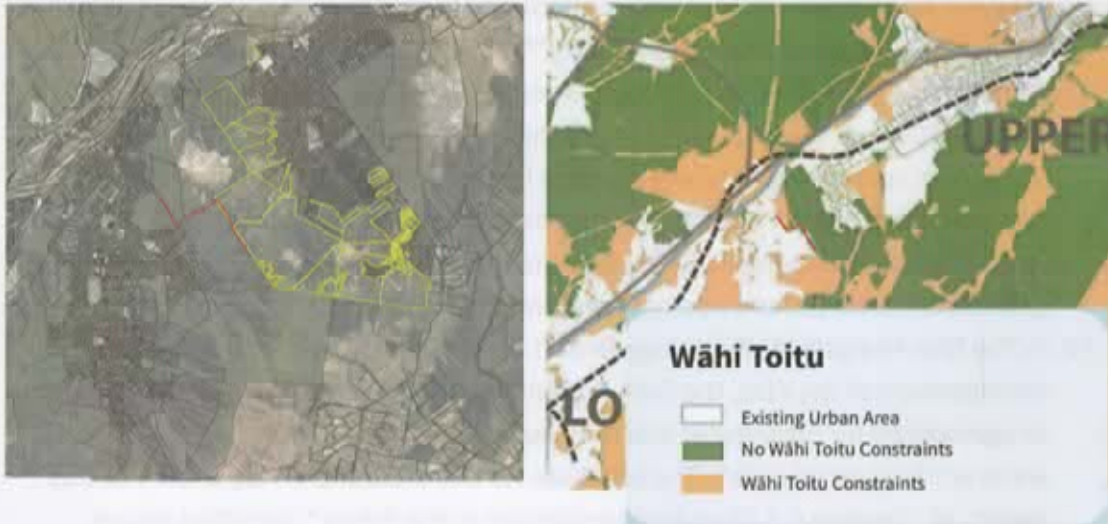


Figure 1- this shows the Guildford Timber Company properties in yellow with the edge of the Wahi Toitu site in red. The second image is Diagram 5 from the FDS.

14. The SGA is an identified Wāhi Toiora area, shown in Diagram 6 of the FDS, where potential future housing and business development must be carefully planned with local councils to ensure values are protected and risks are adequately managed or mitigated. Diagram 6 indicates that the SGA is subject to fewer Wāhi Toiora constraints, compared to other areas in the region.



Figure 2 – Diagram 6

15. The Approved FDS has articulated how it will give effect to development in areas of Wahi Totiu which is outlined below. The lower level of Wahi Totiu has been provided because it recognises the SGA is not within:
- a. Known and understood Earthquake Fault Risks
 - b. Significant risks from sea level rise
 - c. Highly productive land protections
 - d. Natural environmental protections considering the areas being considered for development are the existing pine forest forestry block.⁴
16. Taking the above into account, it is important to note that the approved FDS has softened its stance on development outside of prioritised development areas and has moved away from the more restrictive approach to development contained in the draft FDS.
17. The FDS has not specifically identified the Southern Growth Area for prioritised development, like many of the greenfield sites in the district. However it has been assessed as a greenfield site that has few constraints that may be suitable for future development. I provides direction to Council that this area of land could be developed subject to carefully planning and management of the values identified in the FDS.
18. The SGA is still able to be developed to meet the NPS-UD and the RPS. In my evidence I outlined how the SGA is able to be meet objectives 1, 2 and 4.on page 14 of my Statement of Evidence. In terms of Objective 6 is reproduced below:

Objective 6 of the NPS-UD requires that:

Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity*

A response against each objective is outlined below:

- a) As outlined in my evidence infrastructure planning and funding in the LTP has been provided for
- b) The development is strategic in that it has been long planned as the remaining growth area for the district and provides for medium and long term growth aspirations for the city and a range of housing choices;
- c) It is responsive in that the area can provide significant development capacity, but also across a range of housing choices, provided within local community

⁴ Page 13 of the 19 March Future Development strategy

nodes which also strengthen the community facilities for Pinehaven and Silverstream.

19. As outlined in my evidence a submission has been provided to Proposed Plan Change 50 to provide the evidence to support and justify the inclusion of the SGA in the Upper Hutt District Plan.
20. Overall, the provision of infrastructure while managing the values identified within the spur are appropriate for achieving the national policy statements, Regional Policy Statement and District Plan.

Assessment of Amendments proposed to Variation 1 in the Updated s.42A Report

21. The s.42A Report (dated 3 November 2023) for the hearing recommended a number of amendments to Variation 1, including amendments to the two policies; minor amendments to the conditions of Rule NOSZ – R15; and amending the activity status of NOSZ – R22 from discretionary to restricted discretionary. An updated planning assessment on new issues arising since the start of the hearing area below:
22. New Policy NOSZ – P7 – Silverstream Spur Natural Area
23. Policy NOSZ – P7 is problematic as the area the policy applies to has not been consistently identified, and has changed through the submissions and hearings process.
24. Variation 1 a notified include Policy NOSZ – P7 that had an inconsistency in it as the heading indicated it applied to the Silverstream Spur Natural Area, whereas the text referred to adverse effects from development on the identified Silverstream Spur Significant Natural Area.
25. The s.42A Report provided to the hearing panel recommended the text be amended to refer to the Silverstream Spur Natural Area (i.e. 'significant' be deleted from the text of the policy), while the updated s.42A Report recommends the policy heading to be amended to apply to the Silverstream Spur Significant Natural Area, and the text be amended back to referring to the identified Silverstream Spur Significant Natural Area as originally notified.
26. The terminology used in the policies and rules is critical from a planning perspective, and the amendments proposed in the updated s.42A Report raises an interesting planning matter. Essentially the Silverstream Spur consists of two areas: one area being the recognised Significant Natural Area (SNA) the extent of which is subject to disagreement between the expert ecologists; and the second is the area outside of the SNA.
27. While the amendments recommended in the updated s.42A Report seem reasonable at first glance, the implications of the amended Policy NOSZ – P7 as cross-referenced in Policy NOSZ – P6 on any infrastructure required to support development of the Southern Growth Area will depend on the final extent of the SNA. If Dr Keesing's SNA extent is accepted, Policy NOSZ – P7 would assist in the enabling implementation Policy NOSZ – P6 as the infrastructure would be in the area outside of the SNA. However, if Mr Goldwater's SNA extent is accepted, Policy NOSZ – P7 may not assist to implement Policy NOSZ – P6 as the infrastructure would need to be within the SNA and avoidance is a final requirement if biodiversity offsetting is not appropriate. Under this scenario it is

questionable whether the infrastructure could be placed on the Silverstream Spur, which would be contrary to the enabling intent of Policy NOSZ – P6.

28. New rule NOSZ – R15 - Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)
29. Variation 1 as notified provided for new roads and associated network utility infrastructure in the Silverstream Spur Natural Area as a controlled activity in Rule NOSZ – R15.1, subject to conditions (one of which was the effects on biodiversity in the identified Significant Silverstream Spur Natural Area). Condition a) required compliance with new Standards NOSZ – S4 which provided new standards for the proposed new road; non-compliance with NOSZ – S4 required a discretionary activity in Rule NOSZ – R15.2.
30. The s.42A Report provided to the hearing panel recommended minor amendments to Conditions d) and e), deletion of Condition f) (protecting special amenity features), including the deletion of 'significant' when referring to the Silverstream Spur Natural Area in Condition h). Non-compliance with Standards NOSZ – S4 was recommended to be a restricted discretionary activity.
31. The updated s.42A Report recommends Rule NOSZ – R15 apply to the Silverstream Spur Significant Natural Area, and the activity status be amended to discretionary, and the deletion of the conditions, Rule NOSZ – R15.2 and Standards NOSZ – S4. The reason given in the updated s.42A Report for the recommended amendments is "to address the concerns raised by submitters, and the effects raised by Mr Goldwater..." (Para.265; page 51).
32. The recommended amendment that Rule NOSZ R-15 only apply to the Silverstream Spur SNA raises the same issue discussed above in regard to Policy NOSZ – P7. The amended Rule NOSZ – R15 only applies to roads and associated infrastructure located inside the SNA, and not on areas outside of the SNA. There is no provision in PC49 for roads and associated infrastructure in Natural Open Space Zone, and it therefore appear roads and associated infrastructure would default to the Transport and Parking provisions contained in the Energy, Infrastructure and Transport of the District Plan. This is contrary to the intent of Policy NOSZ – P6 as it is not enabling.
33. In my view, there needs to be separate rules for roads and associated network utility infrastructure inside and outside of the SNA, regardless of its extent.
34. For roading and network utility infrastructure outside of the SNA, controlled activity Rule NOSZ – R15 as originally notified should be retained, with non-compliance with Standard NOSZ – S4 a restricted discretionary activity with consideration restricted to the standard(s) that cannot be met.
35. For roading and network utility infrastructure inside the SNA, a new restricted discretionary Rule NOSZ – R15A should be included, with matters of discretion

addressing similar matters for roads and associated network utility infrastructure outside of the SNA, with non-compliance a discretionary activity.

36. The recommended change in activity status of Rule NOSZ – R15 to discretionary in the updated s.42A Report is addressed by myself in my planning evidence.
37. New Rule NOSZ – R22 - Removal of indigenous vegetation on the Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189) 1.
38. Variation 1 provided for the removal of indigenous vegetation on the Silverstream Spur Natural Area as a discretionary activity.
39. The s.42A Report provided to the hearing panel recommended the activity status be amended to a restricted discretionary activity.
40. The updated s.42A Report recommends Rule NOSZ – R22 apply to the Silverstream Spur Significant Natural Area, and the activity status be retained as restricted discretionary activity. The recommendation also includes matters discretion is restricted to, as the s.42A Report to the hearing panel did not include such matters.
41. The same issue arises as per Rule NOSZ – R15 in that the removal of indigenous vegetation is only provided for inside the SNA, and not in areas outside the SNA. There is no provision in PC49 for the removal of indigenous vegetation in Natural Open Space Zone, and it appears the only provisions apply to subdivision in the District Plan.
42. In my view, there needs to be separate rules for the removal of indigenous vegetation inside and outside of the SNA, regardless of its extent.
43. For the removal of indigenous vegetation outside of the SNA, as this vegetation is not significant, a new controlled activity Rule NOSZ – R22 should be provided with matters of control similar to those recommended in the updated s.42A Report. Non-compliance with the matters of control should be a restricted discretionary activity.
44. For the removal of indigenous vegetation inside the SNA, the restricted discretionary Rule NOSZ – R22 included in the updated s.42A Report should be re-numbered Rule NOSZ – R22A, with non-compliance with the matters of Council has restricted its discretion to a discretionary activity.