



DISTRICT PLAN COMMITTEE

18 April 2018

Order Paper for the meeting to be held in the
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,
on:

Monday 23 April 2018 commencing at 5.30pm

Membership

Cr L Bridson (Chair)

Cr C Barry

Cr MJ Cousins (Deputy Chair)

Cr T Lewis

Cr J Briggs

Cr S Edwards

Cr C Milne

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

DISTRICT PLAN COMMITTEE

Membership:	6 elected members Chair: RMA Certified (RMA hearing commissioner under Making Good Decisions programme) Minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers. The inclusion of independent Commissioners in hearing subcommittees or hearing panels as appropriate
Quorum:	3
Meeting Cycle:	Meets on a six weekly basis, as required or at the requisition of the Chair
Reports to:	Council

PURPOSE

To monitor the effectiveness of the City of Lower Hutt District Plan as a strategic policy and operational document for the district and facilitate consideration of Plan Changes.

To consider matters relating to quasi-judicial responsibilities of the Council under legislation. This includes matters under the RMA including district plan hearings.

Recommend

- Recommend to Council District Plan changes and District Plan variations for Council approval prior to notification.
- Recommend to Council private District Plan Change requests for Council to *Accept, Adopt or Reject*.
- Recommend to the relevant Requiring Authority decisions on all matters concerning Designations and Notices of Requirements in accordance with Part 8 of the Resource Management Act 1991.
- Recommend to Council for final approval, to make operative, District Plan and District Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

Determine

- Determine all other matters (including decisions requested by submitters) concerning the District Plan and District Plan changes (in accordance with Schedule 1 of the Resource Management Act 1991)."
- Exercise the power of waiver of the requirement to provide parties with copies of written reports prior to hearings (under Section 42A (4) of the Resource Management Act 1991).
- Appoint a subcommittee or hearing panel of suitably qualified person(s) to conduct statutory hearings on behalf of the Committee. The Chair of the District Plan Committee is also delegated this function.

General

- Set the District Plan Work Programme and monitor its implementation.
- Develop and review appropriate strategies and policies in relation to the District Plan.
- Approve and forward submissions to other authorities on matters relevant to the Committee's area of responsibility.
- Monitor the effectiveness of the District Plan and consider issues raised with the committee.

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Making Good Decisions RMA training that MfE runs (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

HUTT CITY COUNCIL

DISTRICT PLAN COMMITTEE

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on

Monday 23 April 2018 commencing at 5.30pm.

ORDER PAPER

PUBLIC BUSINESS

1. OPENING FORMALITIES - KARAKIA TIMATANGA (18/312)

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
Whakataka te hau ki te tonga	<i>Cease the winds from the south</i>
Kia mākinakina ki uta	<i>Let the breeze blow over the land</i>
Kia mātaratara ki tai	<i>Let the breeze blow over the ocean</i>
E hī ake ana te atakura	<i>Let the red-tipped dawn come with</i>
He tio, he huka, he hau hū	<i>a sharpened air.</i>
Tihei mauri ora.	<i>A touch of frost, a promise of a</i>
	<i>glorious day.</i>

2. APOLOGIES

An apology from Cr Milne has been received.

3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

4. CONFLICT OF INTEREST DECLARATIONS

5. INFORMATION ITEM

District Plan Update (18/311)

Report No. DPC2018/2/50 by the Divisional Manager District Plan

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CHAIR'S RECOMMENDATION:

"That the information contained in the report be noted, and that the further submission period for Proposed Plan Change 43 - Residential and Suburban Mixed Use, be extended from 10 working days to 20 working days."

6. **QUESTIONS**

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

7. **CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA** (18/313)

Kia hora te marino
 Kia whakapapa pounamu te
 moana
 He huarahi mā tātou i te rangi
 nei
 Aroha atu, aroha mai
 Tātou i a tātou katoa
 Hui e Tāiki e!

*May peace be wide spread
 May the sea be like greenstone
 A pathway for us all this day
 Let us show respect for each
 other
 For one another
 Bind us together!*

Susan Haniel
Committee Advisor

District Plan Committee

06 March 2018

File: (18/311)

Report no: DPC2018/2/50

District Plan Update

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1. This brief report summarises the current work being undertaken on the review of the District Plan.

Recommendation

That the report be noted and received.

Plan Change 50: 135 Witako Street

2. Plan Change 50 rezones an area of land at 135 Witako Street that was formerly part of Mitchell Park from General Recreation Activity Area to Community Health Activity Area (Area 1).
3. The plan change was publicly notified on 14 November 2017. No submissions were received on the proposal. Therefore no further submissions phase or hearing were required.
4. At its meeting of 13 March 2018 Council finalised the plan change under Clause 17 of the First Schedule to the Resource Management Act.
5. Plan Change 50 became fully operative on 27 March 2018.

Plan Change 48: 64 Waipounamu Drive, Kelson

6. Plan Change 48 rezones the majority of the site at 64 Waipounamu Drive from Hill Residential Activity Area to General Residential Activity Area. It also rezones the northern portion of the site from General Residential to General Recreation Activity Area and introduces site specific provisions relating to stormwater runoff to the Subdivision Chapter.

7. The plan change was publicly notified on 23 January 2018. No submissions were received on the proposal. Therefore no further submissions phase or hearing were required.
8. At its meeting of 13 March 2018 Council finalised the plan change under Clause 17 of the First Schedule to the Resource Management Act.
9. Plan Change 48 became fully operative on 27 March 2018.

Proposed Plan Change 49: Copeland St Reserve

10. Proposed Plan Change 49 Copeland St Reserve seeks to rezone the western part of the Copeland Street Reserve from General Recreation Activity Area to General Residential Activity Area. The proposed Plan Change also seeks to rezone two properties at 51 and 53 Hall Street from General Residential to General Recreation Activity Area.
11. The proposed Plan Change was publicly notified on 29 August 2017 and overall six submissions were received.
12. A hearing was held before independent Commissioner Gina Sweetman on 2 February 2018. The decision was released on 18 March 2018 and publicly notified on 27 March 2018 to begin the appeal phase.
13. Appeals close on 11 May 2018.

Iwi provisions/Sites of Cultural Significance to Iwi

14. Discussions on advancing this project are underway with Ngati Toa, Port Nicholson Block Settlement Trust, Wellington City Council, Porirua City Council and Upper Hutt City Council.

Natural Hazards

15. Stage 2 of the natural hazards project, a Riskscape Assessment, is now underway, partnering with GNS. The Riskscape Assessment will model the damage caused by specific natural hazard events; firstly to existing buildings and secondly to hypothetical future buildings in alternative development scenarios. The Assessment will therefore help to inform planning for appropriate development. Baseline modelling was completed in January 2017. Modelling of alternative scenarios is continuing.
16. Officers are also scoping District Plan changes to appropriately address the risk of natural hazards. Officers are discussing opportunities for collaboration with Porirua City Council and Upper Hutt City Council. The first collaboration is updating provisions dealing with earthquake faultlines. GNS has been engaged and is expected to report back in April 2018.
17. Staff have also begun scoping the more accurate identification of areas subject to landslide risk.

Greenfield Development in Kelson

18. The land at the northern end of Major Drive was identified as a potential greenfield development in the Urban Growth Strategy. To realise its

development potential a plan change will be required to rezone the land from Rural Residential (2 ha per dwelling). Officers have had several meetings with the landowners and their consultants to discuss development options. The property recently changed hands. Officers have engaged with consultants acting for the new owners and were expecting information from them to support a plan change.

19. The consultants have now advised that the property owners wish to advance the project by way of a private plan change request. Once received, a private plan change request would be presented to the Committee and Council for a decision on whether to accept or adopt the proposal.

Greenfield Development in Stokes Valley (Shaftesbury Grove)

20. The land at the end of Shaftesbury Grove was identified as a potential greenfield development in the UGS.
21. Officers are in contact with consultants acting for the property owners and are expecting information from them to support a plan change.
22. Once suitable information is available, a plan change proposal will be prepared for the consideration of the Committee.

Proposed Plan Change 45 – Ecology and Landscapes

Background

23. The Resource Management Act 1991 (RMA), the Greater Wellington Regional Policy Statement, and the New Zealand Coastal Policy Statement (NZCPS) require Hutt City Council to identify and protect significant indigenous ecosystems and habitats, significant landscapes, and areas of high coastal natural character. Councils across New Zealand are under similar obligations to identify and protect these areas of significance and are at varying stages of carrying out this work.
24. The District Plan team commissioned consultants to carry out initial assessments of potentially significant ecological, landscape, and coastal areas. These initial assessments were carried out using aerial photographs, existing records, and views from public vantage points. No private property was visited.
25. In early 2018, the District Plan team contacted around 1200 potentially affected landowners by letter, to inform them that potential areas of significance have identified on their property. The letter set out that Council's approach to protection of significant areas is likely to include District Plan provisions as well as a range of incentives to landowners to enhance and maintain areas on their land. The letter invited landowners to contact Council staff to discuss the draft site identification and the potential implications.
26. The letter marked the beginning of an extensive consultation period that is likely to last for at least several months, as staff seek to refine the initial identification of sites, to answer questions from landowners, and to take feedback into consideration.

The landowner engagement so far

27. Staff are currently in discussion with landowners via phone, email, personal meetings and public drop-in sessions. Engagement so far has involved:
- Over 200 phone calls from landowners
 - Over 300 emails from landowners
 - 25 private meetings with landowners
 - 3 information drop in sessions in Kelson, Eastbourne, and Wainuiomata attended by around 200 people.
28. The views of landowners on this project have been diverse with some strongly opposed, some very supportive, and others with no strong view either way who are seeking clarification and more information.
29. Many landowners have sought further clarification on what the project may mean for their property and what the next steps in the process are. In many cases they have come to us concerned but have left reassured when provided with more information and clarification of the implications and process ahead.
30. Of those opposed to the project, many have cited concern with perceived loss of development potential and property value, potential constraints on the ability to do things like build sheds or create gardens in the protected areas, and a general reluctance to accept further regulatory constraints on their property.
31. A significant proportion of those who have contacted us support this project, and many of these have shown interest in incentives available to landowners to manage the ecological values on their site.

Refining the identified areas of significance

32. A number of landowners have disputed the significance of the area identified on their property. In those cases landowners have been advised that this is only an initial identification and is open to change based on further information from site visits, or other information provided by landowners. As the initial identification was predominantly a desktop exercise it was always the intention that this consultation would involve further refining of identified sites.
33. The consultant ecologist from Wildlands has shown a willingness to take a pragmatic approach to reassessing sites and reducing the extent of the identified area where necessary. We are currently working with Wildlands to develop a consistent and defensible approach for reassessing sites and further grounds for excluding areas from identification. Possible grounds for excluding areas include excluding an area of five metres around every dwelling, and excluding recently planted or regenerated areas.
34. So far we have had around 80 requests for site visits to re-assess the area of significance identified, or to provide landowners with more information on

the ecology on their site. In some cases it may be possible to reassess the property based on information provided by landowners, obviating the need for a site visit.

Next steps

35. The next phase will be to carry out site visits, where needed, to reassess the initial identification of sites and to adjust the boundaries of the identified areas as appropriate. These site visits will include providing landowners with a summary report of the ecological values identified on their property.
36. After the initial engagement period and site visits have been completed, the feedback and information gathered will be used to develop, for the Committee's consideration, a proposed District Plan change and detailed range of incentives.
37. This proposed plan change could be notified in late 2018, though we don't have a firm date, and it is possible the notification date could extend into 2019.

Proposed Plan Change 43 - Residential and Suburban Mixed Use

38. Proposed Plan Change 43 is intended to enable residential growth by providing for intensification and greater housing choice within the existing urban environment.
39. Proposed Plan Change 43 was approved for notification by Council on 10 October 2017 and publicly notified on 7 November 2017 for an extended submission period of four months.
40. All affected owners and occupiers in Residential, Suburban Commercial and Business areas were directly notified by letter. Almost 40,000 letters were posted.
41. During the submission period, staff ran 14 information drop in sessions, each 4 hours in duration. Of those 14 sessions six were evening sessions and two were held in on a Saturday. Twelve of the sessions were held in Lower Hutt (at the Council administration building and the Dowse), one session was held in Naenae and another in Wainuiomata. The total number of participants was about 200.
42. In response to requests, two separate briefings were held with local architects and consultants. Additional meetings were held with residents who made personal visits to the administration centre to ask questions.
43. Well over 100 telephone calls were received by the District Plan team, plus additional calls handled by the contact centre.
44. Submissions closed on 9 March 2018. The proposal received 260 submissions.
45. The next step in the process is to summarise the submissions, which is likely to take two to three months. The summary will then be notified publicly and to all submitters. Any person with an interest greater than the public

generally or representing a relevant aspect of the public interest then has the opportunity to lodge a further submission in support of or opposition to an initial submission.

46. The minimum further submission period is limited to 10 working days. I suggest this is extended to 20 working days to continue the approach of ensuring ample opportunity for people to get involved in the process.

Proposed Plan Change 36 - Notable Trees

47. Plan Change 36 reviews the Notable Trees Chapter as well as blanket tree and vegetation protection provisions throughout the plan. The plan change was triggered by changes to the RMA invalidating blanket tree protection provisions.
48. The Council decision on Proposed Plan Change 36 Notable Trees and Vegetation Removal was appealed to the Environment Court by the East Harbour Environmental Association (EHEA) in July 2016.
49. An Environment Court hearing took place on 10 November 2016. In response to Council's challenge to the scope of the appeal, the Court ruled that two of the four points of appeal, including the most significant point of appeal, were out of scope.
50. The EHEA then appealed the Environment Court decision on scope to the High Court. In July 2017 the High Court ruled against the EHEA, upholding the Environment Court decision on scope. The High Court decision indicated that a costs award against EHEA would be appropriate. A costs settlement with EHEA has been reached.
51. EHEA indicated it intended to pursue the remaining two points of appeal by way of mediation. After not seeing any progress from EHEA on the matter, Council wrote to the Environment Court asking that a hearing be scheduled.
52. The Court responded by calling a judicial conference in February 2018, in which it sought clarification from EHEA on what it was seeking and what expert evidence it intended to call in support of its case. The Court then issued directions and a timetable for exchange of evidence.
53. The EHEA evidence was filed with the Court on 1 March 2018. Council's evidence was filed on 6 April 2018. EHEA evidence in response was required by 13 April 2018.
54. A Court hearing will be set down at the first opportunity after 23 April 2018.

Plan Change 39 - Transport

55. Plan Change 39 was a complete review of the Transport Chapter 14A.
56. The plan change was publicly notified on 4 October 2016. Overall 30 submissions and further submissions were received.

57. A hearing was held on 28 September 2017 before a hearing panel comprising independent commissioner Robert Schofield (Chair), Cr Bridson and Cr Lewis.
58. The hearing panel's decision was released on 5 December 2017 and publicly notified for the appeal phase, which ended on 28 February 2018. No appeals were lodged.
59. At its meeting of 13 March 2018 Council finalised the plan change under Clause 17 of the First Schedule to the Resource Management Act.
60. Plan Change 39 became fully operative on 27 March 2018.

Seaview Marina

61. Officers are continuing to develop draft plan provisions in consultation with the Seaview Marina Board and key stakeholders such as the Lowry Bay Yacht Club, the Seaview Marina Users Group and the oil companies.
62. A natural hazards assessment and a visual assessment have now been received.
63. A plan change proposal will be presented to the Committee for consideration in due course.

Riverlink - Hutt River Flood Management

64. The project associated with upgrading the Hutt River stopbanks from Melling to Ewen Bridge is now known as Riverlink. The three major partners in the project are Hutt City Council, Greater Wellington Regional Council and NZ Transport Agency.
65. Once the preferred design elements of the project have been confirmed, each partner may issue a Notice of Requirement to designate land to be used for the project, providing the necessary authorisation under the District Plan as well as providing a framework for land acquisition process under the Public Works Act 1981. Notices of Requirement will be processed by the District Plan Division.
66. Consequential changes to the District Plan may also be required to enable Council's intentions for the riverbank promenade and associated developments.

National Policy Statement on Urban Development Capacity

67. The National Policy Statement on Urban Development Capacity became operative on 1 December 2016. The NPS requires Council to ensure the City has development capacity for residential and business development over 3, 10 and 30 year timeframes.
68. Under the NPS Council must carry out a housing and business development capacity assessment estimating demand, development capacity and infrastructure capacity as well as monitor a range of indicators.

69. Council's obligation to monitor and report on a range of indicators commenced on 1 July 2017. Officers are preparing a web page to present the indicators and link to relevant information such as the NPS and Council implementation projects including residential intensification and greenfield development.
70. Officers are engaging with neighbouring councils, Ministry of Business, Innovation and Enterprise and Ministry for the Environment on how to comply with the requirements of the NPS. Wellington City Council is leading a joint project to develop an appropriate model and methodology for implementation.
71. Should the assessment indicate insufficient development capacity Council must provide further development capacity and enable development.
72. The business land assessment has progressed well. The final report is expected to be to hand by June 2018.
73. The residential land assessment for Hutt City is at an earlier stage. The model has been developed and is being applied to other partner councils before Hutt City.

National Planning Standards

74. The Ministry for the Environment is developing National Planning Standards to standardise much of the content and appearance of district plans throughout the country. The first suite of draft standards is due to be released by July 2018 for feedback followed by formal gazetting in April 2019.
75. The first suite of standards is expected to include district plan structure and format including chapter and rule formats, zones and overlays and defined terms.
76. The standards will have sweeping implications for the District Plan, including that the standards would be impracticable to implement via a rolling review process and would require a full Plan review.

Upcoming Work

77. As well as upcoming District Plan projects arising from Riverlink, the NPSUDC and the National Planning Standards, there are likely to be projects on the near horizon addressing the Wainuiomata North Structure Plan, heritage buildings, natural hazards, greenfield development areas, the Lower Hutt CBD, Naenae and Wainuiomata centre rejuvenation, large lot residential and rural zones.
78. The Committee may wish to consider whether the current levels of resourcing are able to deliver its higher priorities in the short term.

Appendices

There are no appendices for this report.

Author: Andrew Cumming
Divisional Manager District Plan

Approved By: Kim Kelly
General Manager, City Transformation