



KOMITI ITI WHAKAWĀ HEARINGS SUBCOMMITTEE

22 February 2022

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

Monday 7 March 2022 commencing at 9.00am

This hearing is held under the Red Traffic Light setting.

The purpose of the hearing is to consider a resource consent application for the construction of dwellings, earthworks, roading/civil works and associated 13 lot subdivision at 70 Maungaraki Road, Maungaraki

Volume 2 – Applicant’s Evidence

Membership

Mr Robert Schofield (Independent Chair)

Cr Naomi Shaw

Ms Pam Hanna (Chair of the Petone
Community Board)

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

HEARINGS SUBCOMMITTEE

Membership:	An independent Commissioner plus a 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.
Meeting Cycle:	Meets as required
Quorum:	Half of the members
Reports to:	Regulatory Committee

PURPOSE:

To conduct the hearing of resource consent applications and related matters under the Resource Management Act 1991.

Determine:

- Hearing and deciding notified resource consent applications.
- Hearing and deciding objections to conditions imposed on resource consents.

Conduct of Hearings:

- To conduct hearings where these are required as part of a statutory process.
- Hearing of submissions required on any matters falling under the Terms of Reference for this Subcommittee.

General:

Any other matters delegated to the Subcommittee by Council in accordance with approved policies and bylaws.

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 Good Decision Making RMA training that they run (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

KOMITI ITI WHAKAWĀ | HEARINGS SUBCOMMITTEE

Hearing to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on
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ORDER PAPER

PUBLIC BUSINESS

1. **APPLICANT'S EVIDENCE FOR 70 MAUNGARAKI ROAD, MAUNGARAKI
(RM200372) (22/443)**

Report No. HSC2022/1/44

4

Kate Glanville
SENIOR DEMOCRACY ADVISOR

22 February 2022

File: (22/443)

Report no: HSC2022/1/44

Applicant's Evidence for 70 Maungaraki Road, Maungaraki (RM200372)

Appendices

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2	Appendix A - Supplementary Expert Evidence - Traffic and Transport - Harriet Fraser	37
3	Appendix B - Supplementary Expert Evidence - Ecology - Tony Payne	45

22 February 2022

**BEFORE A HEARING COMMISSIONER
APPOINTED BY HUTT CITY COUNCIL**

UNDER THE	Resource Management Act 1991
AND	
IN THE MATTER	Application RM200372 for a 13-lot subdivision and land-use for residential activities and earthworks at 70 Maungaraki Road, Korokoro.
BETWEEN	NORTHE STREET PARTNERSHIP
	Applicant
AND	HUTT CITY COUNCIL
	Consent Authority
AND	Submitters

STATEMENT OF EVIDENCE OF ELLIOTT THORNTON

INTRODUCTION

1. My name is Elliott Thornton. I am a Principal Planner at Cuttriss Consultants Ltd. (**Cuttriss**) with over 18 years' experience in urban and environmental planning, working for local government, central government and private planning consultancies both in New Zealand and Australia. I have spent the last 4 years' working in resource management in New Zealand, with prior roles at Environmental Protection Authority and as a Senior Consents Planner at Wellington City Council. I hold the qualification of a Bachelor of Urban and Environmental Planning from Griffith University (Australia). I am a Full Member of the New Zealand Planning Institute and former Full Member of the Planning Institute of Australia.

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2. In matter of the present application, I have been asked by Northe Street Partnership (the Applicant) to provide a resource management assessment of the proposal for land use and subdivision of the property at 70 Maungaraki Road, Korokoro into 13 residential allotments.
3. I have visited the site on the 17 January 2022 and again on the 19 February 2022 and am familiar with the locality generally. I am also familiar with the City of Lower Hutt District Plan (**District Plan**) provisions that apply to land use and subdivisions in both the Rural Residential Activity Area and Hill Residential Activity Area.
4. I have reviewed the Assessment of Environmental Effects (AEE) report which was originally submitted by Cuttriss on 16 October 2020 and received by Hutt City Council (the **Council**) on 19 October 2020. I have also reviewed the response to the further information request which was received on 16 December 2020 and responded to by Cuttriss on 17 June 2021.

CODE OF CONDUCT

5. Although the hearing is being convened by the Council as the consent authority, I have prepared my evidence in accordance with the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014, and agree to comply with it.

STRUCTURE OF EVIDENCE

6. I have structured my evidence around the following headings:
 - Application Detail
 - The Site
 - Application History
 - Status of Application
 - Statutory Context
 - Permitted Baseline
 - Submissions
 - Section 104 Assessment
 - Section 106 Assessment
 - Comment on Submissions
 - S42A Report
 - Summary and Conclusions

APPLICATION DETAIL

7. The proposal is described in detail in the application, and I do not propose to repeat it here. However, the key points are described below.
8. The application is seeking resource consent to undertake a 13-lot subdivision of the property at 70 Maungaraki Road, comprising 13 residential allotments.
9. The application incorrectly proposed consent notices to be placed on the title to reflect the permitted activity standards of the Hill Residential Activity Area. If the consent notice proposed in the original application was placed on a title, future dwellings would still be subject to the rules applicable to the Rural Residential Activity Area and likely still have triggered a resource consent. This therefore no longer forms part of the application as a consent notice does not and cannot override triggers for a resource consent under a District Plan.
10. Instead, this has been addressed by this application including a land use consent for 13 dwelling houses, located within an envelope that is consistent with permitted activity standards that apply to new dwellings located within the Hill Residential Activity Area. This is due to the adjacent land directly across the road to the west and the south of the site possessing this zoning. This would enable construction of dwellings within the envelope on each new allotment without the need for a further resource consent by the Council in the same way as can currently occur within the zone directly opposite.
11. Earthworks are proposed to be undertaken, limited to what is required to create suitable building platforms for the proposed allotments/dwellings and associated vehicle access. It is proposed to undertake a total of approximately 3,330m³ of earthworks, comprising circa 2,080m³ of cut and 1,250m³ of fill. The earthworks will have a maximum cut depth of about 3.80m.
12. As part of the proposal, the applicant proposes to undertake the development in four stages. The staging would be as follows:
 - Stage 1- Proposed Lots 1 - 2 and a balance allotment
 - Stage 2- Proposed Lots 3 – 4 into a single allotment (Lot 100) with Right of Way not formed and the balance lot
 - Stage 3- Proposed Lot 100 into Lots 3-4 with Right of Way formed

