

SUBMISSION ON
PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN FOR THE
WELLINGTON REGION
GREATER WELLINGTON REGIONAL COUNCIL

To: Greater Wellington Regional Council
By email to: regionalplan@gw.govt.nz

Submission on: Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

Name of Submitter: Urban Edge Planning Ltd
on behalf of M & J Walsh Partnership Ltd

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- This is a submission made on behalf of M & J Walsh Partnership Ltd concerning Proposed Change 1 to the Natural Resources Plan as notified by Greater Wellington Regional Council on 30 October 2023.
- M & J Walsh Partnership Ltd could not gain an advantage in trade competition through this submission.
- M & J Walsh Partnership Ltd would like to be heard in support of this submission.
- M & J Walsh Partnership Ltd would not consider presenting a joint case with others that make a similar submission.
- Urban Edge Planning on behalf of M & J Walsh Partnership Ltd seeks an amendment to Map 89 to identify of the site at 12 Shaftesbury Grove as a planned / existing urban area.

SITE CONTEXT

The Site

This submission relates to the site at 12 Shaftesbury Grove, Stokes Valley.



Figure 1: 12 Shaftesbury Grove, Stokes Valley (Source: GRIP)

The site can be described as follows:

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| Address | 12 Shaftesbury Grove |
| Size | 12.56ha |
| Legal description | Lot 1 DP 507600 |
| Parcel ID | 7810360 |
| Title | 771535 |
| Location | At the end of Shaftesbury Grove in Stokes Valley |
| Operative District Plan Zoning | Hill Residential Activity Area (in part) General Recreation Activity Area (in part) SNR 50 (in part) |
| Draft District Plan Zoning | No proposed zoning – subject to ongoing Private Plan Change 58 Subject to very small area of Inundation Area Overlay along north east boundary |
| Private Plan Change Request (PC58) | Seeks rezoning to Medium Density Residential Activity Area with site specific provisions. |



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| Current Use and Development | The site is characterised by a relatively flat ridgeline with steeper hillsides on both sides. It is undeveloped except for a formed but unsealed access track following the ridgeline the entire length of the site and two cell phone towers. The track provides access to the Delaney Reservoir which is located to the south of the site. |
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The site was identified by Hutt City Council in its Urban Growth Strategy 2012-2032 as a site for potential residential development. Council acknowledged the close proximity of the site to existing development and infrastructure and, in support of future development, revoked the reserve status over the recreation portion of the site.

PLANNING CONTEXT

Proposed Plan Change 1 to the Natural Resources Plan

On 30 October 2023 Greater Wellington Regional Council (GWRC) notified Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (Plan Change 1).

The main focus of Plan Change 1 is the implementation of the National Policy Statement for Freshwater Management 2020 within the Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. To achieve this, Plan Change 1 proposed the introduction of new objectives, policies, rules and other methods to achieve the appropriate management of freshwater and coastal water. The proposed provisions regulate earthworks, stormwater discharges, wastewater discharges and rural land use to improve water quality and ecological health.

Of particular relevance to this submission are the provisions of Chapter 8 – Whaitua Te Whanganui-a-Tara in general and those provisions relating unplanned greenfield development in particular.

Maps 86 to 89 identify unplanned greenfield areas (as opposed to planned / existing urban areas) and the related policy WH.P16 and rule WH.R13 introduce a framework that requires the avoidance of all new stormwater discharges from unplanned greenfield development and classify any use of land and associated discharge of stormwater from impervious surfaces from unplanned greenfield development as a prohibited activity. Under this framework any unplanned greenfield development proposal will require a private plan change process to change the relevant map.

The notification of Plan Change 1, including the timing and consequences of this Plan Change, came as a surprise to the submitters. Little to no pre-engagement around the intended approach to greenfield development appears to have happened with affected landowners or the development community generally.

Hutt City Operative District Plan and Draft District Plan

Under the Hutt City Operative District Plan (ODP) the site at 12 Shaftesbury Grove is zoned partially as Hill Residential Activity Area (approximately 7.6ha), partially as General Recreation Activity Area (approximately 4.9ha) and is partially covered by a Significant Natural Resources overlay (SNR50). The site was previously owned by Hutt City Council. The partial zoning of the site as General Recreation Activity Area is reflective of the previous reserve status of this portion of the site.



However, to allow for the residential development of the site and prior to the sale the reserve status of the General Recreation portion of the site has been revoked in 2016.

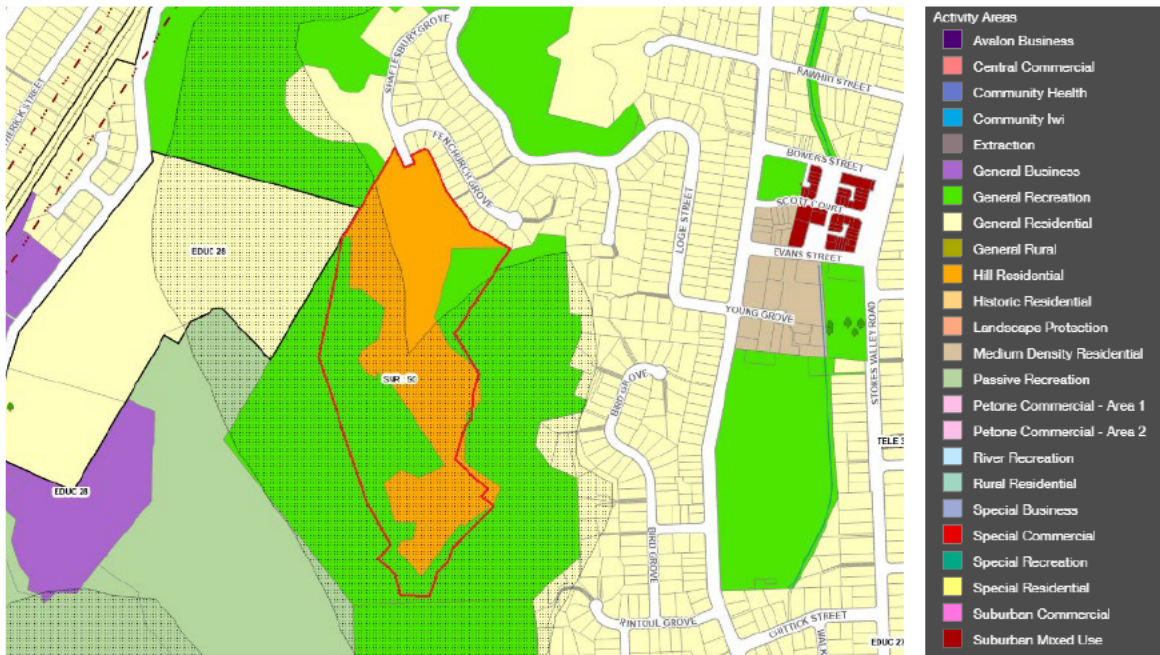


Figure 2: 12 Shaftesbury Grove (red outline) with Operative District Plan zoning and overlays (Source: HCC Maps)

The Draft District Plan (DDP) was published by Hutt City Council for public feedback on 9 November 2023. The Draft District Plan does not propose a zoning for the site 12 Shaftesbury Grove. This is in response to a private plan change request for the site that was lodged with Hutt City Council in September 2023 and currently going through the statutory plan change process.

Proposed Plan Change 58 - Private Plan Change for 12 Shaftesbury Grove

The site at 12 Shaftesbury Grove is subject to a private plan change request that was lodged with Hutt City Council in September 2023. Council accepted the private plan change request at its full Council meeting on 30 October 2023. The private plan change request was publicly notified on 9 November 2023 as Proposed Private Plan Change 58 (PC58) with submissions closing on 8 December 2023.

Hutt City Council’s Urban Growth Strategy identifies the site as part of an area where the feasibility of development should be further investigated. The site was previously owned by Hutt City Council and partially vested as reserve. In 2016 Hutt City Council initiated the reserve revocation process to provide for future residential development of the site. It was then declared surplus to Council’s requirements and sold to M & J Walsh Partnership Ltd (the plan change requestor) in December 2017. The material provided with the marketing package included indicative development schemes for up to 180 houses and several technical report, including reports on water supply and other services.

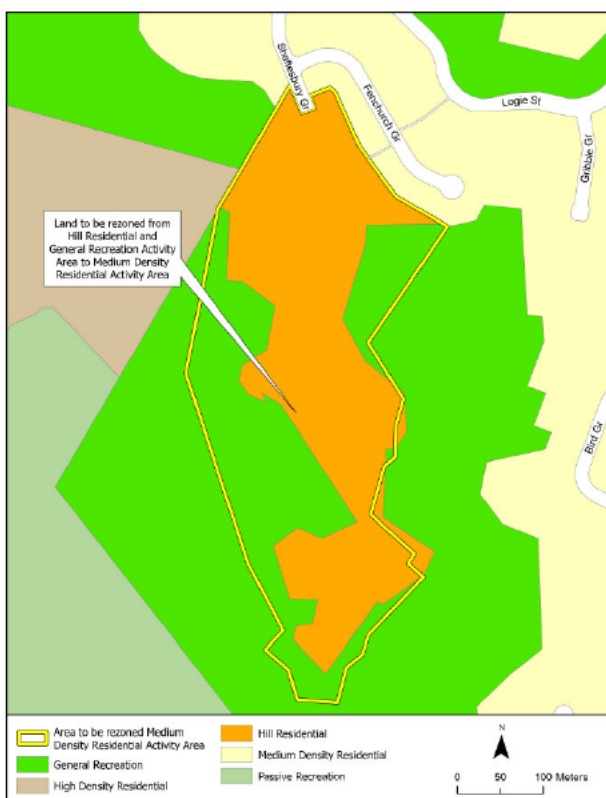
After ongoing consultation with Hutt City Council, a private plan change request for the site has recently been lodged by Urban Edge Planning on behalf of the owner. The private plan change seeks the rezoning of the site to Medium Density Residential Activity, which would be consistent with the



zoning of surrounding residential areas. The private plan change also proposes the introduction of the site specific provisions to address the identified site specific issues and opportunities (where these are not sufficiently addressed by the current provisions in the Operative District Plan). These can be summarised as follows:

- Introduce a restricted discretionary starting point for subdivision of the site.
- Introduce a number of site specific requirements to address identified issues and opportunities, including:
 - ♦ The development and implementation of a Stormwater Management Plan;
 - ♦ The restriction of development to an identified area along the ridgeline while protecting gullies and streams from earthworks and development;
 - ♦ The provision of a geotechnical assessment; and
 - ♦ The development and implementation of an Ecological Plan and a Landscape Management Plan.
- Introduce new site specific matters of discretion.
- Introduce a new site specific restricted discretionary activity standard in relation to the identified development area.
- Introduce a new site specific discretionary activity.

Overall the private plan change will provide for residential development at a density and scale that is consistent with the surrounding zoning while limiting the actual development to suitable areas within the wider site and responding to site specific values and characteristics.



Proposed Private Plan Change 58



Figure 3: 12 Shaftesbury Grove – Proposed Private Plan Change 58 (Source: HCC website)

We note that Greater Wellington Regional Council made a submission on PC58 noting that:

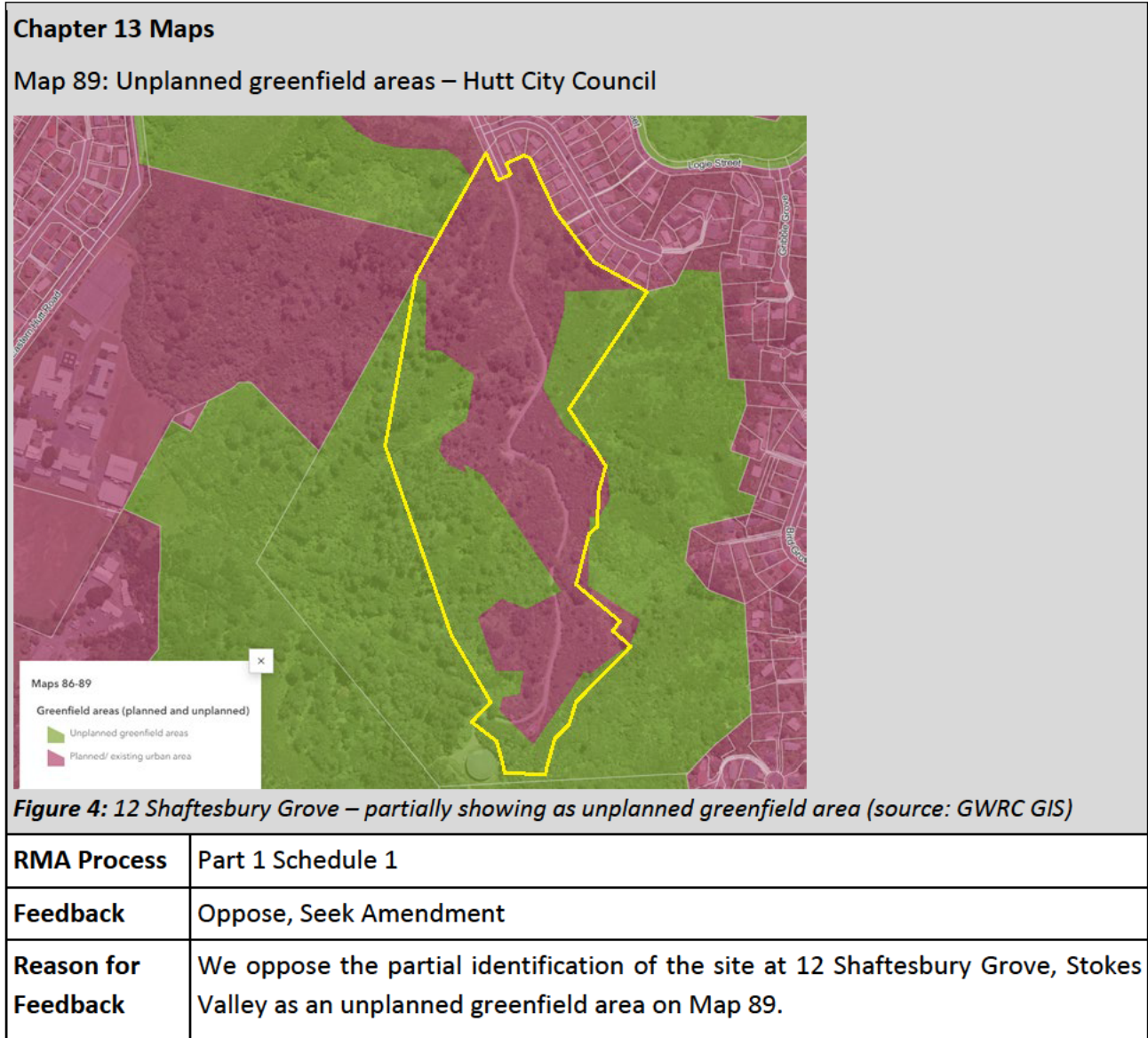
parts of the Plan Change would be considered 'unplanned greenfield development' by Proposed Change 1 to the Natural Resources Plan (notified 30 October), and therefore be subject to Rule WH.R13 regarding the discharge of stormwater from impervious surfaces.

The submission questions the need for the plan change in light of the development capacity enabled by the recent IPI (Plan Change 56) and seeks amendments relating to the protection of indigenous biodiversity, slope stability and transport.

SUBMISSION

Urban Edge Planning on behalf of M & J Walsh Partnership opposes the identification of parts of the site at 12 Shaftesbury Grove as unplanned greenfield area and the related provisions that require the avoidance of all new stormwater discharges from unplanned greenfield development and make any use of land and associated discharge of stormwater from impervious surfaces from unplanned greenfield development a prohibited activity.

The particular provisions that this submission relates to are:



The identified planned / existing urban area on the site does not reflect the zoning of the entire site as Medium Density Residential Zone as sought by PC58, nor does it align with the development area identified within the site and proposed by PC58.

Instead the planned / existing urban area as identified on Map 89 follows the zone boundaries of the existing Hill Residential zone and thereby crosses existing property multiple times.

We note that the HCC GIS Viewer base map shows entire site as part of the urban area:

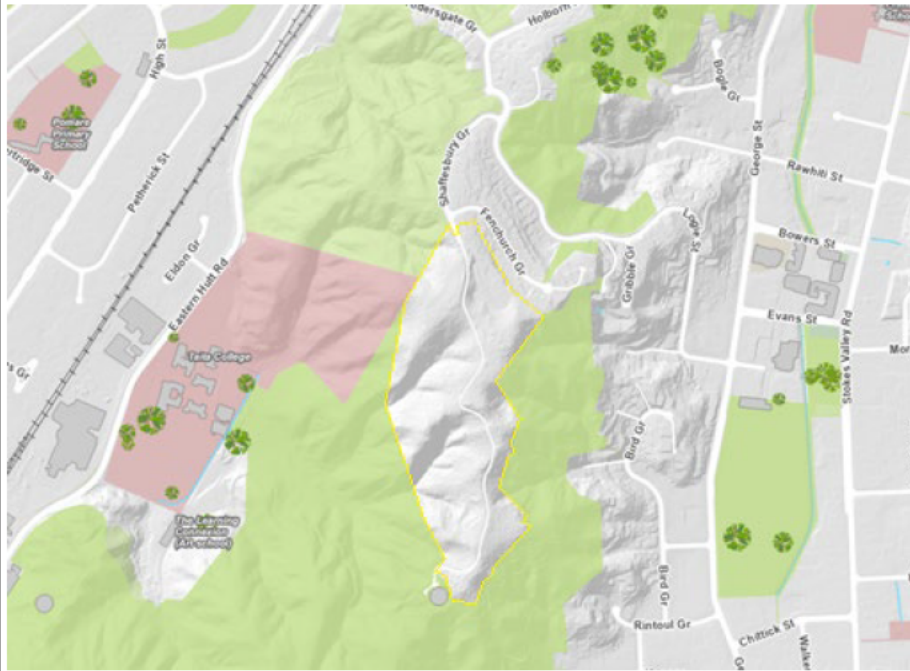


Figure 5: 12 Shaftesbury Grove (source: HCC Maps)

GWRC provided the following response to a related question raised at a webinar on 15 November:

| Question | GWRC Response |
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| <p><i>How can areas that are identified as unplanned greenfield areas and are identified in growth strategies be considered to be unplanned? Councils have identified these areas through a LGA process and those councils that are less advanced in their plan changes are being more impacted than councils that are more advanced.</i></p> | <p><i>GW has been guided by the Future Development Strategy, which was a combined process with TAs, and the District Plan zoning. Where there is a District Plan change after 30 October 2023, there would also need to be a regional plan change to these maps at the same time which would allow a full assessment of the effects of a proposal, including effects on water quality and ecosystem health, and the achievement of the target attribute states and/or coastal water objectives.</i></p> |



We note that the planned / existing urban areas as identified in Maps 86 to 89 appear to reflect the urban zones of the relevant District Plans. For Wellington City and Porirua City the map relies on the notified Proposed District Plans whereas for Hutt City and Upper Hutt City the map relies on the Operative District Plans. Since Hutt City had to delay the notification of its Proposed District Plan to give priority to the implementation of the Medium Density Residential Standards (MDRS) through an Intensification Planning Instrument (IPI) process (PC56) any future growth intentions and intended changes to the ODP are not yet reflected in the current zoning.

The approach described by Greater Wellington Regional Council above to base the extent of the planned greenfield areas solely on the Future Development Strategy (FDS) appears to be overly simplistic and does not recognise previous work and processes initiated by Councils to identify future growth areas through growth strategies and draft zoning.

It is our understanding that the FDS has been developed at a regional level and the scale therefore does not appropriately reflect development intentions at a property by property level. We doubt that the FDS was initially intended to inform and guide such a far reaching and fundamental regulations as proposed by Plan Change 1 in relation to unplanned greenfield development.

It is our understanding that local Councils who have been involved in the preparation of the FDS are also opposing this rational and are submitting against the prohibited activity status which shows that the FDS was never intended to be used for this purpose.

We consider that strong reliance on the FDS also removes some of the decision making from Councils and Councillors by ignoring established Council policies and strategies that have gone through a full Local Government Act process and public consultation.

The obvious lack of consultation with Councils in the region also results in the consequential lack of consideration of less advanced District Plan reviews.

Overall we consider that the identification of the site at 12 Shaftesbury Grove as unplanned greenfield development does not reflect or align with the long established development intentions for the site. It does not take into consideration any of the following:

- The identification of the site in Hutt City Council's Urban Growth Strategy as a potential growth area;
- The revocation of the reserve status over part of the site by Council;
- The sale of the site to the current owners based on a marketing package which included indicative development schemes for up to 180 houses and several technical reports, including reports on water supply and other services;



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| | <ul style="list-style-type: none"> ▪ Hutt City Council's repeated and ongoing support for the rezoning and development of the site; ▪ Repeated delays of the envisaged and intended rezoning due to unexpected legislation changes and consequential delays of the full Hutt City District Plan review; ▪ The preparation, lodgement and acceptance of a private plan change request seeking the rezoning of the site. |
| Decision Sought | Urban Edge Planning on behalf of M & J Walsh Partnership seeks the amendment of Map 89 to show the entire site at 12 Shaftesbury Grove as Planned / Existing Urban Area. |

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| Chapter 8 Whaitua Te Whanganui-a-Tara | |
| <i>Policy WH.P16: Stormwater discharges from new unplanned greenfield development</i> | |
| <i>Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.</i> | |
| RMA Process | Part 1 Schedule 1 |
| Feedback | Oppose, Seek Amendment |
| Reason for Feedback | <p>We consider that the proposed policy is too narrow since it does not provide any pathway or guidance other than avoidance.</p> <p>Considering the underlying effects based approach we are unclear why new stormwater discharge from unplanned greenfield development is treated differently from stormwater discharge from planned development? We consider the effects are the same and can potentially be managed (e.g. through an effects management hierarchy).</p> |
| Decision sought | <p>Amend the proposed policy to provide a pathway where the effects from additional stormwater discharges can be managed appropriately.</p> <p>Any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission.</p> |

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| Chapter 8 Whaitua Te Whanganui-a-Tara | |
| <i>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity</i> | |
| <i>The use of land and the associated discharge of stormwater from impervious surfaces from unplanned greenfield development direct into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing or proposed stormwater network, is a prohibited activity.</i> | |



Note: Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.

RMA Process Part 1 Schedule 1

Feedback Oppose, Seek Amendment

Reason for Feedback We oppose the proposed prohibited activity status for the use of land and associated discharge of stormwater for unplanned greenfield development.
GWRC provided the following response to a related question raised at a webinar on 15 November:

| Question | GWRC Response |
|--|---|
| <i>Why a prohibited activity status for unplanned greenfield development rather than non-complying or discretionary for example?</i> | <p><i>A prohibited activity status is proposed because stormwater discharges from urban development adversely affects water quality and ecosystem health. The objectives set in this plan change (as developed through the Whaitua processes) generally require significant improvements to water quality and ecosystem health in the urban influenced catchments. The NPS-FM also requires water quality to be maintained or improved across all catchments. Stormwater discharges from new urban areas will increase the contaminant load within the undeveloped area and influence the achievement of the target attribute state. Therefore, to give effect to the NPS-FM and achieve the target attribute state the location and extent of new urban areas must be carefully planned to manage the effects of the associated stormwater discharges.</i></p> <p><i>The prohibited status also allows, if development is proposed in these areas, for a thorough assessment of all effects of a proposal/plan change, including effects on water quality and ecosystem health and implications on the achievement of the objectives of PC1, through a combined district and regional plan change process.</i></p> |



Our main reasons for opposing the proposed rules are:


- The prohibited activity status does not allow for an effects assessment since no application can be made under this rule. It essentially means that the associated effects are too significant and therefore cannot be managed – we are unsure how these effects can then be managed through a plan change process.
- A prohibited activity status fails to recognize that greenfield development can provide a range of opportunities to more effectively undertake catchment based stormwater management and enhance the environment, particularly those that are already in a degraded state.
- The rule does not differentiate between the use of land and the associated stormwater discharge.
- It is our understanding that the prohibited activity status is intended to prevent increased contaminant load from new development – we consider this can be appropriately addressed through RC process and does not require a plan change process.
- A full plan change process to change the status from unplanned greenfield development to planned greenfield development allows for the consideration of much wider effects, which could be interpreted as an attempt to widen the scope and result in duplication with the related District Plan change.
- A discretionary or non-complying activity status would provide applicants with two options – either apply for a resource consent for an unplanned greenfield development in the knowledge that future additions or amendments may require further consents or apply for a plan change to achieve the long term change to the NRP that would provide a (potentially) easier pathway for future development.
- Any plan change that is required to rezone a non-urban site to (for example) a residential zone, needs to address and manage any potential environmental effects. Therefore a rezoning plan change in combination with the consideration of any stormwater effects by GWRC under a discretionary or non-complying resource consent application is considered appropriate and sufficient.
- The main differences between a resource consent process and a plan change process seem to be longer time frames, wider scope and the additional further submission phase for a plan change. The general requirement for a plan change is therefore not an efficient or effective response.
- We are unsure how a combined district and regional plan change process as indicated in the advice note would work.

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| | <ul style="list-style-type: none"> A prohibited activity status is not adequately reconciled in the context of other national direction, including the NPS-UD. |
| Decision sought | <p>Replace the prohibited activity status with a discretionary or non-complying activity status to allow for an assessment of the actual effects of the activity and their management.</p> <p>Any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission.</p> |

Conclusion - Decision Sought

Urban Edge planning on behalf of M & J Walsh Partnership Ltd seeks the following decision from Greater Wellington Regional Council:

- Amend Map 89 – Unplanned Greenfield Areas – Hutt City Council to include the entire site at 12 Shaftesbury Grove as planned/existing urban area.
- Amend Policy WH.P16 and Rule WH.R13 to provide for unplanned greenfield development as a discretionary or non-complying activity.
- Any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission.


 Corinna Tessendorf
 Urban Edge Planning Ltd

On behalf of:
 M & J Walsh Partnership Ltd

14 December 2023

