

Hutt River City Section Project

Authorisation Sequencing Process

Background

The paper considers the way in which the necessary authorisations and strategy policy changes for implementing the Hutt River City section upgrade project (the project) can be coordinated and sequenced.

The project requires several types of authorisations under the Resource Management Act (RMA) in order to be able to be implemented. These types of authorisation are grouped as follows:

- Resource consents from Greater Wellington Regional Council for effects on natural resources (for example, water permits, discharge permits, and occupation of river bed); and
- Notice of Requirement to designate the land to be used for the project, providing the necessary authorisation under the District Plan as well as establishing the land acquisition process under the Public Works Act 1981.
- District Plan Changes to Hutt City District Plan – these are more contextual to the project – ie not fundamental to the consent-ability of the project, but may usefully tie into the process if the time is right.

There is also a higher level strategy change to be made to the policies and rules of the City of Lower Hutt District Plan relating to the River Corridor and adjoining Central Commercial Activity Area (zone) and their rules to provide for the long-term outcomes sought from the project.

In addition, the Hutt River Floodplain Management Plan Environmental Strategy is proposed to be changed to provide an updated context for the design of the project – the design process has moved the concepts from that currently provided for in the strategy: for example, in providing greater recreational opportunities. The Strategy affects the whole Hutt River corridor.

As noted above, there is an intention that, as part of the rolling District Plan review process, GWRC will designate the whole river corridor (not just the project part) to provide better control of works that occur within it. Council is considering in tandem that the zoning that underpins the river (currently called River Recreation) may be made consistent with other open space zones in the city.

In addition, there are other non-RMA approvals that are likely to be required such as road stoppings which will also require coordination as part of the overall authorisation process for the Project. At this time, these approvals are considered to be secondary to the RMA process and can be ‘woven in’ to the process once the preferred option is agreed and the authorisation process is well underway.

Authorisation Process Objectives

The objectives from the authorisation process are:

1. That the community can be consulted in a way which enables a comprehensive understanding of the project and its effects and that the process is as concise as possible – i.e. not drawn out over a long time or in too many separate steps for each of types of approval.
2. That the authorisations can be achieved through the RMA with as little risk as possible of failed process – i.e. that the order of the approvals meets statutory and fair process tests and that higher level strategy is in place prior to detailed consents being sought
3. That there is an efficient use of resources required to develop the supporting material and see the applications for approvals through the process – i.e. by bundling applications there will be efficiencies.
4. That GWRC, HCC, NZTA continue to follow a collaborative approach to maximise the mutual benefits and ensure that the outcomes are integrated.

Process Options

There are various options for how the approvals required can be programmed sequentially. As noted in objective 2 above, there are some constraints for process in that it must enable a logical sequence whereby higher level strategic direction is in place prior to detailed consents being sought.

The process options for the areas of authorisations required are sequential to some extent (each step in the sequence having its own consultation process – see diagram 1 also below), but also can overlap in some situations. As examples the following scenarios have been considered (note that these are intended to explain the potential combinations and highlight the multiple ways these can overlap or be concurrent with each other.

- A. Step 1 Environmental Strategy – Step 2 Plan Changes for Activity Areas – Step 3 Designations and Resource Consents (3 Steps)
- B. Step 1 Environmental Strategy and Plan Changes for Activity Areas – Step 2 Designations and Resource Consents (2 Steps)
- C. Step 1 Environmental Strategy – Step 2 Plan Changes for Activity Areas and Designations and Resource Consents (2 Steps)
- D. Step 1 Environmental Strategy – Step 2 Plan Changes for Activity Areas – Step 3 Designations – Step 4 Resource Consents (4 Steps)

All four options have the review of the Hutt River Environmental Strategy being undertaken first, as this sets the framework for the Project and the longer term development and use of the entire river corridor, not just the Lower Hutt City Centre section. This process can occur concurrently with the flood protection design process, which has to occur prior the applications for the RMA authorisations being prepared and lodged. The current timeframe would have the design process complete by the end of this year, thus providing most of 2016 to complete the review of the Environmental Strategy.

The District Plan changes proposed to designate the land inside the current corridor along the whole length of the river and change underlying zoning can occur either concurrently with applications for the consents for the Project, or could occur independently (refer to

diagram 2). These are unlikely to have any significant effect for the community and are more of an administrative change to how the corridor management is provided for. At the same time that these whole of corridor designations are being considered the overlapping nature of some of the uses of the designated land (eg some for flood management and highway use) can also be addressed.

All options presume that the rezoning of designated land *outside* the current River Corridor Activity Area will occur at some time after the Notice of Requirement has been confirmed and the land has been designated. This may be in several years' time.

HUTT RIVER CITY CITY SECTION INTEGRATED CONCEPT DESIGN APPROVAL SEQUENCING

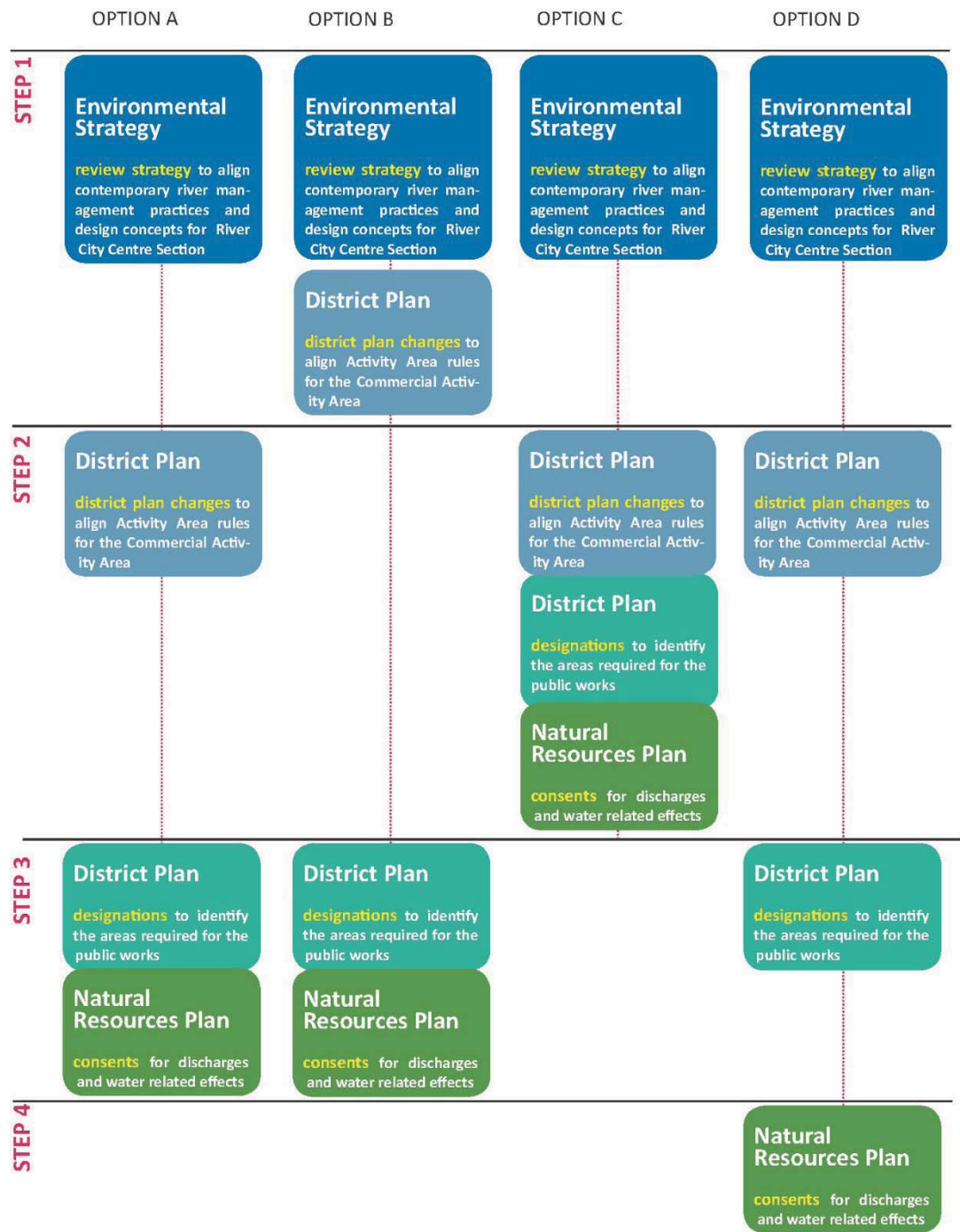


Diagram 1: Options for sequencing approvals

HUTT RIVER CITY CITY SECTION INTEGRATED CONCEPT DESIGN
DESIGN PROCESS AND APPROVAL SEQUENCING RELATIONSHIP

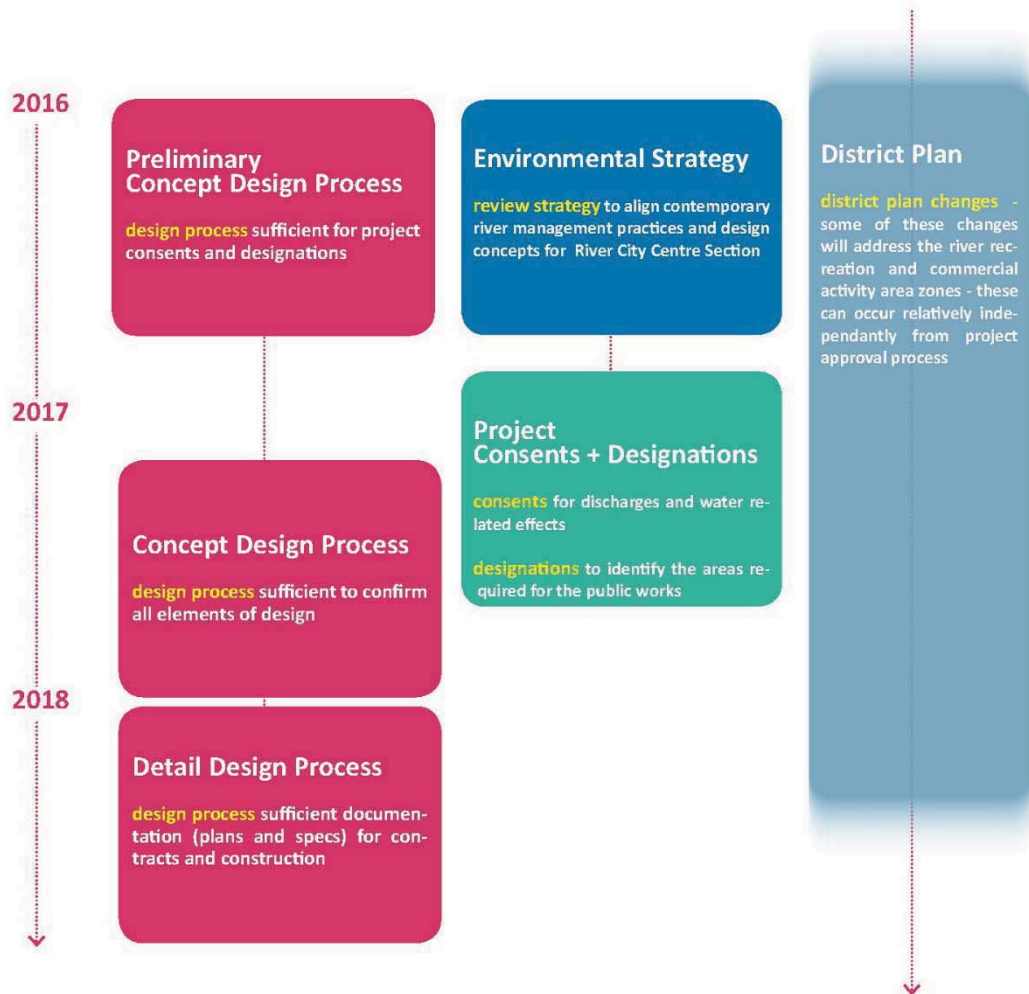


Diagram 2: Relationship of approvals sequencing to design process

Pros and Cons

Each of the scenarios in Options A-D have different advantages and disadvantages relative to the objectives. The following points are noted:

- All of the options require at least two steps on the basis that the Environmental Strategy needs to be in place prior to consent application as this sets an important context for the statutory approvals to be considered relative to. This is important for a successful process.

- If each step has its own process of developing material and then consulting on it then either Option B or C (2 steps) are preferable to Option A (3 steps) or Option D (4 steps) in terms of efficiencies and consultation being as straightforward for the community as possible- i.e., to avoid multiple consultation processes.
- Option C is likely to be the most efficient in that the Environmental Strategy review can be undertaken in a non-statutory review process. Investigations are already underway and the review is expected to be completed later in 2016. Some resources are already mobilised to see this progressed. The Step 2 elements of Option C are all statutory considerations and can be undertaken in a bundle through one comprehensive drafting, processing and hearings process. This is due to occur in 2017.

Recommendation

It is recommended that the approvals process follow the Option C sequencing approach. On this basis the details regarding consultation strategy and work programmes will be advanced. This further detail will be provided to the committee as it unfolds – towards the end of 2016.