

Proposed District Plan Change 49

Copeland Street Reserve
Rezoning to General Residential Activity Area – Medium
Density and General Recreation Activity Area

Publicly Notified:

29 August 2017

Submissions Close:

29 September 2017 at 5.00pm

Part 1: Introduction

1. What is proposed Plan Change 49

The purpose of proposed Plan Change 49 is to rezone the south-western part of a Hutt City Council owned area of land at 96A Witako Street, Epuni (Copeland Street Reserve) from General Recreation Activity Area to General Residential Activity Area – Medium Density. The proposed Plan Change also seeks to rezone two properties at 51 and 53 Hall Crescent (owned by Urban Plus Ltd) from General Residential Activity Area – Medium Density to General Recreation Activity Area in the City of Lower Hutt District Plan.

Rezoning to General Residential Activity Area – Medium Density

The proposed plan change seeks to rezone the south-western portion of the Copeland Street Reserve (Lot 11 DP 25931 on CT WN27D/700) from General Recreation Activity Area to General Residential Activity Area – Medium Density. The north-eastern part of the reserve is proposed to be retained for recreation purposes. The portion proposed to be rezoned has an area of approximately 8288m² and was previously vested as reserve. The Department of Conservation agreed on 1 July 2016 to revoke the reserve status and Council intends to dispose of the land once the site has been rezoned. The proposed zoning will ensure that any future development will be consistent with the development potential of adjoining residential areas.

Rezoning to General Recreation Activity Area

The proposed plan change also seeks to rezone two properties at 51 and 53 Hall Crescent (Lots 6 and 7 DP 25931) from General Residential Activity Area – Medium Density to General Recreation Activity Area. The two sites are owned by Urban Plus Ltd and currently are used for residential purposes containing a dwelling each. It is intended to remove the dwellings and use the land for recreation activities, thereby improving access, visibility and connectivity of the remaining Copeland Street Reserve with the surrounding neighbourhood.

No new District Plan provisions (Objectives, Policies, Rules or Standards) will be introduced and no existing District Plan provisions will be amended as a result of this proposal. The only amendment proposed is to the District Plan Map to reflect the new zoning of the Sites.

2. Structure of this Document

This document contains five parts:

Part 1	Introduction
Part 2	Public Notice for proposed Plan Change 49 as advertised in the Hutt News
Part 3	Amendments proposed to District Plan Map
Part 4	Section 32 Evaluation
Part 5	Submission Form (Form 5)

All five parts of this document are publicly available from Hutt City Council as detailed in the Public Notice in Part 2 of this document.

3. The Process of Proposed Plan Change 49

The process for proposed Plan Change 49 so far can be summarized as follows:

16 December 2014	Council decided to continue with the reserve revocation process and make the land available for sale subject to completion of the revocation and plan change process.
23 May 2017	Council adopted proposed Plan Change 49 for public notification.
June – August 2017	Pre-notification consultation with iwi authorities
29 August 2017	Proposed Plan Change 49 publicly notified.

Upon notification of the proposed Plan Change, all interested persons and parties have an opportunity to have input through the submissions process. The process for public participation in the consideration of this proposal under the Resource Management Act 1991 is as follows:

- The proposed plan change is publicly notified and any member of the public may make a submission in support of or in opposition to the proposal. This initial submission phase is at least 20 working days from the date of Public Notice.
- After the closing date for submissions, Council must prepare a summary of decisions requested and this summary must be publicly notified.
- No later than 10 working days after the notification of the summary of decisions requested certain persons may make a further submission in support of, or in opposition to, the submissions already made.
- If a person making a submission or further submission asks to be heard in support of his/her submission, a hearing must be held.
- Following the hearing the Council must give its decision on the Plan Change in writing (including its reasons for accepting or rejecting submissions).
- Any person who has made a submission has the right to appeal the Council decision on the Plan Change to the Environment Court.

Part 2: Public Notice

PUBLIC NOTICE

Public Notification of

Proposed District Plan Change 49 to the City of Lower Hutt District Plan

Clause 5 of the First Schedule of the Resource Management Act 1991

Proposed District Plan Change 49: Copeland Street Reserve

Rezoning to General Residential Activity Area – Medium Density and General Recreation Activity Area

Hutt City Council has prepared Proposed Plan Change 49 which seeks to rezone a Hutt City Council owned area of land at the south-western end of Copeland Street Reserve from General Recreation Activity Area to General Residential Activity Area – Medium Density, while rezoning two properties at 51 and 53 Hall Crescent from General Residential Activity Area – Medium Density to General Recreation Activity Area. The area proposed to be rezoned to General Residential Activity Area – Medium Density forms the south-western part of the Copeland Street Reserve and has an overall area of approximately 8288m². It was previously classified as Reserve but the Department of Conservation has recently agreed to revoke the reserve status. The area proposed to be rezoned to General Recreation Activity Area is located at 51 and 53 Hall Crescent and has an area of approximately 854m². The properties are owned by Urban Plus Ltd and it is intended to remove the existing buildings and use the sites for recreation purposes.

The purpose of this Plan Change is to ensure that the Sites will have a zoning that is consistent with the surrounding area and that any use and development of the Sites will be managed under the existing provisions of the District Plan.

Documentation for Proposed Plan Change 49 can be inspected:

- on Council's website: huttcity.govt.nz/district-plan-change-49;
- at all Hutt City Council Libraries; and
- at the Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt.

Copies can also be requested by contacting Hutt City Council:

- Phone: 04 570 6666 or
- Email: district.plan@huttcity.govt.nz

Submissions close on Friday 29 September 2017 at 5pm

Any person may make a submission on Proposed Plan Change 49. Submissions may be lodged in any of the following ways:

- Online: huttcity.govt.nz/district-plan-change-49
- Email: submissions@huttcity.govt.nz
- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040
- In Person: Council Administration Building, 30 Laings Road, Lower Hutt

Submissions must be written in accordance with RMA Form 5 and must state whether or not you wish to be heard in respect of your submission. Copies of Form 5 are available from all of the above locations and on Council's website.

The process for public participation in the consideration of this proposal under the RMA is as follows:

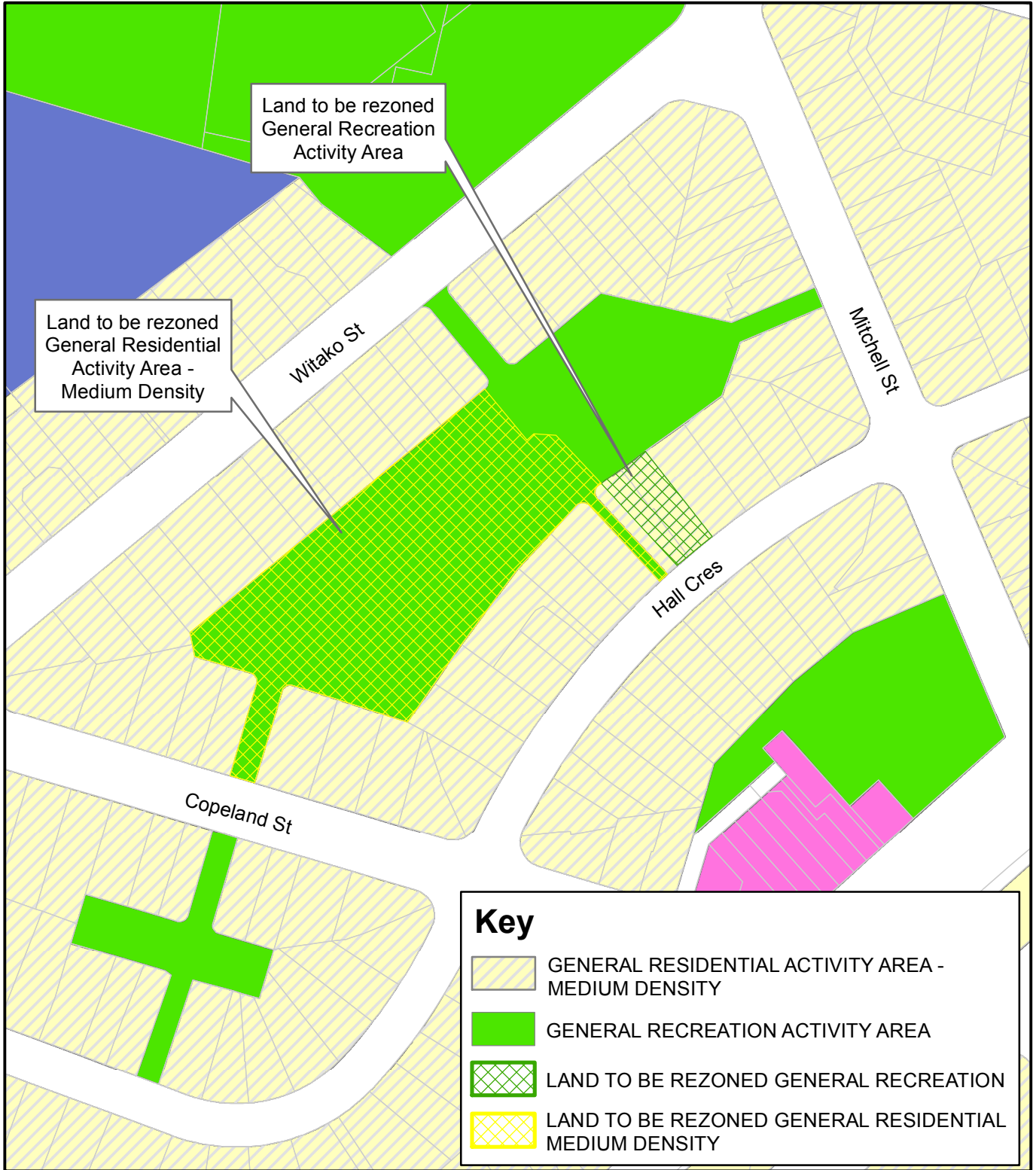
- after the closing date for submissions, Hutt City Council must prepare a summary of the submissions and this summary must be publicly notified; and
- there must be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; and
- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and

- Hutt City Council must give its decision on the proposal (including its reasons for accepting or rejecting submissions); and
- any person who has made a submission has the right to appeal the decisions on the proposal to the Environment Court.

Tony Stallinger
Chief Executive

29 August 2017

Part 3:
Proposed Plan Change 49
Amendment to District Plan Map



Proposed Plan Change 49

Copeland Street Reserve and 51 and 53 Hall Street, Eponi

Planning Map D4



Scale 1:2,000

Part 4: Section 32 Evaluation

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1. Introduction

- 1.1. Proposed Plan Change 49 seeks to rezone the western portion of the Copeland Street Reserve (Lot 11 Deposited Plan 25931) from General Recreation Activity Area to General Residential Medium Density Activity Area under the City of Lower Hutt District Plan. The area proposed to be rezoned is approximately 8288m² in area. The purpose of the plan change is to rezone the site to the most appropriate zoning following the revocation of the reserve status of the site.
- 1.2. It is also proposed to rezone 51 and 53 Hall Crescent (Lots 6 and 7 Deposited Plan 25931) from General Residential Medium Density Activity Area to General Recreation Activity Area. The two properties are owned by Urban Plus Ltd and each contains a semi-detached dwelling. However, it is proposed that in time these dwellings are removed and the land is used for recreational activities thereby improving the visibility and connectivity of the remaining Copeland Street Reserve with Hall Crescent.
- 1.3. No new District Plan provisions including objectives, policies, rules or standards will be introduced as a result of the proposed Plan Change. The only required amendments will be to alter District Plan Map "D4" to reflect the proposed zone change.
- 1.4. This report has been prepared so that it addresses the relevant matters as identified in section 32 of the Resource Management Act 1991, as follows:
 - Statutory Framework
 - Background;
 - Consultation;
 - National, Regional and Local Policy Framework for the Plan Change;
 - Review of Current District Plan Objectives and Policies;
 - Effects of the Proposed Plan Change;
 - Consideration of Options; and
 - Conclusion.

2. Statutory Framework

- 2.1. This plan change has been prepared under the requirements of the RMA. In particular, the Schedule 1 process for implementing plan changes.

Part 2 of the Resource Management Act 1991 (RMA)

- 2.2. Part 2 of the Resource Management Act 1991 outlines the purposes and principles of the Act. A section 32 report must consider the proposed plan change against Part 2 of the Act to ensure that the purposes and principles are being achieved. Section 5 of this report assesses the proposed plan change against the relevant Part 2 matters.

Part 4 of the RMA

- 2.3. In addition to the Part 2 purpose and principles, s31 (Part 4 of the RMA) identifies the required functional responsibilities of territorial authorities in order to give effect to the RMA. Section 31(1)(a) requires the establishment and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

Part 5 of the RMA

- 2.4. Part 5 sets out the responsibilities and requirements for territorial authorities including the requirements in regard to formulating plans and ensuring they are consistent with higher order planning documents.
- 2.5. Section 73(4) requires territorial authorities to amend a District Plan to give effect to a regional policy statement. Section 74 requires a territorial authority when changing a plan to have regard to any management plans and strategies prepared under other Acts. Section 75(3) requires that district plans must give effect to any national policy statement or regional policy statement and must not be inconsistent with a regional plan. These sections require a Council to have a district plan that is in accordance with its functions under s31 of the RMA.

Section 32

- 2.6. Section 32 of the RMA requires that an evaluation report be undertaken before the notification of a plan change by Council:
- (1) *An evaluation report must—*
 - (a) *examine the extent to which the objectives are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether, the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
 - (2) *An assessment under subsection 1(b)(ii) must –*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for –*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
 - (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
 - (a) *the provisions and objectives of the amending proposal; and*

- (b) *the objectives of the existing proposal to the extent that those objectives*
–
(i) *are relevant to the objectives of the amending proposal; and*
(ii) *would remain if the amending proposal were to take effect.*

(4) *If the proposal will impose a greater prohibition or restriction on activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

2.7. This report has been prepared in accordance with the requirements of s32 of the RMA.

3. Background

3.1. In 2012 the Lower Hutt Women's Bowls Club, which was previously situated on the Copeland Street Reserve, merged with the Woburn Bowling Club in Massey Avenue. The resulting vacancy of the former Bowling Club land was partially responsible for the review of the Copeland Street Reserve to determine its recreational values. In November 2012, the Council resolved to consult with the local community in accordance with the provisions of the Reserves Act 1977, as a means to initiate a public process to consider the future of this land.

3.2. The review process was lengthy, with submissions being lodged opposing the revocation of the reserve status (initially the revocation was to apply to the entire reserve) with the key objection relating to whether there was going to be adequate reserve land retained to meet current and future demands. This is a matter dealt with later in this report. Following the lengthy process Council decided to revoke the reserve status in the central and southern portions of the site and proceed with a plan change to facilitate residential development in these areas. Council's decision included a condition that 51 and 53 Hall Crescent would need to be redeveloped as a reserve and vested with Council.

3.3. The south eastern area occupied by the IHC and Wellington Early Intervention Trust (WEIT) is not to be developed but will be rezoned to General Residential Medium Density Activity Area to better fit its current use. The areas proposed to be rezoned are shown on the Cuttriss Consultants Plan in Appendix 1.

3.4. Subsequent to Council's decision the Department of Conservation on 1 July 2016 agreed to revoke the reserve status of the land (Appendix 2). This will however not be gazetted until the plan change has been completed.

Scope of the Plan Change

3.5. The purpose of the plan change is to undertake the following:

- Rezone the western portion of the Copeland Street Reserve from General Recreation Activity Area to General Residential Medium Density Activity Area; (note that this would change the zone of the IHC and WEIT site but would not change their ability to continue operating) and;
- Rezone 51 and 53 Hall Street from the General Residential Medium Density Activity Area to the General Recreation Activity Area.

3.6. The proposed Plan Change does not introduce any new objectives, policies or rules to the District Plan. It is proposed that any potential future effects resulting from the proposed Plan Change can be addressed through the existing objectives, policies and rules

pertaining to the General Recreation and the General Residential Medium Density Activities Areas.

- 3.7. It needs to be noted that the proposed Plan Change cannot reconsider the appropriateness to revoke the reserve status from the site, or the disposal of the site by Council (these matters have already been addressed through the process that has been undertaken to date). Rather, the plan change is limited to the consideration of the most appropriate zone for the land.

4. Development Plan Prepared

- 4.1. The proposed rezoning of the site would allow for residential development to be undertaken on the western portion of the Copeland Street Reserve. To inform the plan change, an indicative scheme plan has been prepared. This scheme plan has been prepared taking into account the anticipated development density envisioned by the General Residential Medium Activity Area. Based on the net site area provisions for the General Residential Medium Density Activity Area, it is anticipated that a thirteen lot subdivision could be undertaken on the site (as identified on the indicative plan within Appendix 3) (being eleven residential lots, one balance lot for reserve and a lot that would contain the existing IHC and WEIT facility). This subdivision would comply with the minimum allotment design and standards of the District Plan, and would also be consistent with the level of development permitted by the district plan.
- 4.2. Any development of the site involving multi-unit housing would require resource consent and the assessment of the merits of the proposal would be undertaken at the time the application is made. The District Plan rules means medium density housing requires resource consent as a restricted discretionary activity with the assessment process including consideration against the Design Guide for Medium Density Housing. This form of development is mentioned, despite needing resource consent, as it is a form of development clearly anticipated by the District Plan.
- 4.3. It should be noted that the subdivision plan shown in Appendix 3 is only an indicative development demonstrating what could be undertaken on the property, if this site is zoned General Residential Medium Density Activity Area. The indicative subdivision shown on this plan is not being applied for as part of this plan change process. Any subdivision of the site would be subject to a more detailed design and would require a separate resource consent application.

5. Consultation

- 5.1. In fulfilment of the requirements of Schedule 1, Clause 3 of the RMA - Plan Change process, an invitation to be involved in pre-notification consultation was sent to the following parties:
 - Ministry for the Environment;
 - Department of Conservation;
 - Greater Wellington Regional Council;
 - Upper Hutt City Council;
 - Kapiti Coast District Council;
 - Porirua City Council;

- South Wairarapa District Council;
- Wellington Tenths Trust;
- Orongomai Marae;
- Te Runanganui o Taranaki Whanui ki te Upoko o Te Ika a Maui;
- Te Runanga o Toa Rangatira Inc;
- Port Nicholson Block Settlement Trust;
- Ngati Kahungunu; and
- Rangitane o Wairarapa Incorporated.

5.2. No correspondence was received from any of these parties.

5.3. In fulfilment of the requirements of Schedule 1, Clause 4A of the RMA – Plan Change process, a Draft Proposed Plan Change was provided to the Port Nicholson Block Settlement Trust and Ngati Toa Rangatira in June 2017.

Port Nicholson Block Settlement Trust

5.4. Two responses were received. The response by Morrie Love referred to the Copeland Street Reserve Cultural Values Report prepared in March 2013 by Raukura Consultants on behalf of the Port Nicholson Block Settlement Trust and Wellington Tenths Trust. This report was prepared at the request of Council when the reserve revocation was being proposed and its findings are referred to in paragraph 6.15 of this report.

5.5. The second response, by Liz Mellish on behalf of Palmerston North Maori Reserve Trust, highlighted the significance of the street and suburb names, Witako Street and Epuni. Their significance was also raised in the Cultural Values Report and is referred to in paragraph 6.15.

Ngati Toa Rangatira

5.6. Ngati Toa confirmed that they had no concerns with the proposed plan change.

6. National, regional and local policy framework

6.1. The following section of this report considers the proposed Plan Change against the national, regional and local policy framework.

Part 2 of the Resource Management Act

6.2. Part 2 of the Resource Management Act 1991 outlines the purposes and principles of the Act.

6.3. **Section 5** sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

6.4. The purpose of the proposed rezoning of the western portion of the Copeland Street Reserve is to allow for residential activities to be undertaken on an area of land that has been declared surplus to requirements.

6.5. The proposed General Residential Medium Density Activity Area zone would be consistent with the zoning of the immediately adjoining residential properties. Any potential adverse effects resulting from the residential development of the site are considered to be able to be appropriately mitigated through the existing provisions in Chapters 4A and 11 of the District Plan. It is therefore considered that the proposed General Residential Medium Density Activity Area zone will maintain the amenity values

and character of the local environment to the extent envisioned by the District Plan.

- 6.6. The proposed rezoning of the western portion of the site to the General Residential Medium Density Activity Area would also result in the IHC facility being located in a zone that better provides for and recognises this activity.
- 6.7. The proposed rezoning of 51 and 53 Hall Crescent (owned by Urban Plus Ltd) from General Residential Medium Density Activity Area to General Recreation Activity Area, will align the zoning of these properties, with their intended future use (being recreational). This rezoning will facilitate this use and allow for future recreational activities to be undertaken on the property without the need for resource consent. The rezoning of these two properties will improve the connectivity and visibility of the remaining portion of the Copeland Street Reserve with Hall Crescent and is a key step in making the reserve more widely used. The existing residential activities will be covered by existing use rights, which will extinguish once the residential use ceases and the recreation activities have been established on the property.
- 6.8. Whether or not the rezoning from recreation land to residential is appropriate in terms of the amount of recreation land available is a relevant matter under section 5(2) which requires managing the use, development and protection of physical resource in way that enables people and communities to provide for their social, economic, and cultural well-being. This matter is assessed in sections 7.4 – 7.8 with the conclusion being that an appropriate amount of recreation land is being retained for current and future recreation needs.
- 6.9. Given the above factors, the proposal is considered to be consistent with Section 5 of the Resource Management Act 1991.
- 6.10. **Section 6** of the Act identifies matters of National Importance. Section 6 of the Act states:
- In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
- a. *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
 - b. *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
 - c. *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
 - d. *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
 - e. *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
 - f. *the protection of historic heritage from inappropriate subdivision, use, and development;*
 - g. *the protection of protected customary rights.*
- 6.11. It is considered that the only relevant Section 6 matter that requires consideration as part of this proposal is clause (e). A Cultural Values Report was prepared at the time Council was considering the revocation of the reserve status under the Reserves Act 1977

(Appendix 7). The report states

“It is of note that this reserve is surrounded by Witako Street (After Wi Tako Ngatata, Chief of Te Atiawa/Taranaki) in the suburb of Epuni after the chief Te Puni Kokopu of Pito-one Pa. There are however no significant Maori cultural issues around the Copeland Street Reserve.”

While not part of the plan change process it is noted that the remaining reserve land is likely to be renamed, post the plan change process, with the name chosen in consultation iwi.

6.12. Section 7 of the RMA identifies the other matters that are required to be taken into account when assessing this application. Section 7 states

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

a. *kaitiakitanga:*

(aa) *the ethic of stewardship:*

b. *the efficient use and development of natural and physical resources:*

(ba) *the efficiency of the end use of energy:*

c. *the maintenance and enhancement of amenity values:*

d. *intrinsic values of ecosystems:*

e. *[Repealed]*

f. *maintenance and enhancement of the quality of the environment:*

g. *any finite characteristics of natural and physical resources:*

h. *the protection of the habitat of trout and salmon:*

i. *the effects of climate change:*

j. *the benefits to be derived from the use and development of renewable energy.*

6.13. The Section 7 matters that are applicable to this proposal are 7(b), 7(c), and 7(f). The proposed Plan Change is considered to be consistent with these subsections, through the proposed zonings ensuring that future development will be undertaken in a manner that is consistent with the established amenity and character of the local environment. Overall the proposed Plan Change is considered consistent with the identified matters within section 7.

6.14. Section 8 states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.]

6.15. Section 8 of the RMA requires that when proposing a plan change the principles of the Treaty of Waitangi shall be taken into account. As part of the initial plan change consultation process, local iwi were invited to provide feedback on the plan change. The iwi opted to not provide any feedback at the initial stage.

6.16. Prior to the plan change process, consultation with iwi was undertaken as part of the Reserves Act 1977 reserve revocation process. This resulted in the Cultural Values Report being provided by Raukura Consultants (see 6.11. above and Appendix 7).

- 6.17. Further consultation with iwi authorities on the draft Plan Change, was undertaken as required under clause 4A, Schedule 1 of the RMA. The responses were taken into account as referred to in paragraph 6.11. It is considered that the proposal is consistent with Section 8 of the Act.

Part 4 of the RMA

- 6.18. In addition to the Part 2 purpose and principles, s31 (Part 4 of the RMA) identifies the required functional responsibilities of territorial authorities in order to give effect to the RMA. Section 31(1)(a) requires the establishment and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. This proposed plan change is consistent with Part 4 as it allows for the development and use of a physical resource (being land) within the Hutt City Council jurisdiction.

National Policy Statement

- 6.19. Section 75(3)(c) of the Resource Management Act 1991 states that a district plan change must give effect to any National Policy Statement.
- 6.20. It is considered that the National Policy Statement pertaining to Urban Development Capacity requires assessment.
- 6.21. The relevant policies that require consideration when assessing this proposal are policies PA1 – PA4. These are discussed in detail below:
- 6.22. PA1: *Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:*
- a. *Short term Development capacity must be feasible, zoned and serviced with development infrastructure.*
 - b. *Medium term Development capacity must be feasible, zoned and either:*
 - *serviced with development infrastructure, or*
 - *the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.*
 - c. *Long-term Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.*
- 6.23. The proposal is considered to be consistent with Policy PA1. The proposed area of land to be rezoned General Residential Medium Density Activity Area assists Council in meeting short term development capacity requirements. The plan change site does not contain any physical constraints that would prevent the development of housing, and the site is able to be serviced by existing infrastructure.
- 6.24. PA2: *Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.*
- 6.25. The proposal is considered to be consistent with Policy PA2. The infrastructure report contained in Appendix 4 confirms that the application site is able to be serviced by the existing infrastructure in the local environment.
- 6.26. PA3: *When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations,*

whilst having particular regard to:

- a. *Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
 - b. *Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
 - c. *Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*
- 6.27. The proposal is considered to be consistent with Policy PA3. The proposed General Residential Medium Density Activity Area zone allows for a range of housing developments to be provided.
- 6.28. The proposal also represents an efficient use of urban land and development infrastructure. The area to be rezoned has been determined by Council to be surplus to recreation requirements. The proposed rezoning would allow for the site to be developed for residential purposes in a manner that is consistent with the character of the local environment. The site is already serviced by existing infrastructure and it is considered that this infrastructure could support the future redevelopment of the site for residential purposes.
- 6.29. PA4: When considering the effects of urban development, decision-makers shall take into account:
- a. *The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
 - b. *The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*
- 6.30. The proposal takes into account Policy PA4. The proposed rezoning would allow for the western portion of Copeland Street Reserve to be developed for residential purposes. The proposed General Residential Medium Density Activity Area zone matches the zoning of the surrounding sites. Development in compliance with these permitted activity conditions will result in a density of development that will be in keeping with the intended amenity values and character of the local environment, as envisioned under the District Plan as well as retaining adequate land for recreation activities.
- 6.31. Due to the small size of the area to be rezoned, it is considered that the benefits and costs associated with the proposal are limited to the district scale. In this regard, the proposal is considered to have benefits as the proposed rezoning of the western portion of the Copeland Street Reserve to the General Residential Medium Density Activity Area allows for the efficient use of an area of land that has been determined by Council to be surplus to requirements.
- 6.32. It is considered there are no other National Policy Statements relevant to this proposed plan change.

Wellington Regional Policy Statement

- 6.33. Section 75(3)(c) of the Resource Management Act 1991 states that a district plan change must give effect to any regional policy statement.
- 6.34. The Regional Policy Statement (RPS) for the Wellington Region sets out the regional approach for managing the environment, and providing for growth and associated effects.

The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.

- 6.35. The objective and policy of the RPS most relevant to the plan change are as follows:

Regional Form, Design and Function

Objective 22

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (g) a range of housing (including affordable housing)*
- (h) integrated public open spaces;*
- (k) efficiently use existing infrastructure (including transport network infrastructure);*

Policy 31

Identifying and promoting higher density and mixed use development.

Policy 33

Supporting a compact, well designed and sustainable regional form.

Policy 54

Achieving the region's urban design principles

Policy 55

Maintaining a compact, well designed and sustainable regional form.

Policy 58

Co-ordinating land use with development and operation of infrastructure.

Policy 67

Maintaining and enhancing a compact, well designed and sustainable regional form.

- 6.36. Objective 22 and the associated policies seek to ensure that urban development is undertaken within the existing urban environment in a manner which represents an efficient use of existing infrastructure. The proposed site is located within an urban environment which can be serviced by existing infrastructure. The rezoning of the western portion of Copeland Street would promote residential development in an area which is located in close proximity to a number of amenities (including shops, public transport and recreational activities). The proposed General Residential Medium Density Activity Area zone allows for a variety of housing densities and development forms (subject to obtaining resource consent). Given these factors, the proposal is considered to be consistent with the above objective and policies of the Regional Policy Statement.

Proposed Regional Plan

- 6.37. Section 74(2)(a) (ii) of the RMA requires Council to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4.
- 6.38. The proposed Natural Resources Plan for the Wellington Region is a combined air, land, water and coastal plan. It will replace the existing Regional Coastal Plan and the four

regional plans (Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and, Regional Soil Plan) once it is made operative. However, all rules within the proposed Plan have immediate legal effect.

- 6.39. There are no specific objectives and policies in the proposed Natural Resources Plan for the Wellington Region that are directly applicable to this proposed Plan Change. However, it is noted that the proposed Plan Change will not be contrary, inconsistent or undermine any of the objectives or policies as they are currently proposed.

District Plans in Wellington Region

- 6.40. Section 74(2)(c) of the RMA requires Council to consider the extent to which this Plan Change needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- 6.41. The Proposed Plan Change involves a small area of land that is located well within the boundaries of the City of Lower Hutt. It will have no effect on the operative plans or proposed plans of any adjacent territorial authorities and as such, will not be inconsistent with them.

Hutt City Council Strategies and Policies

- 6.42. Section 74(2)(b) (i) of the RMA requires Council to have regard to management plans and strategies prepared under other Acts. For the purposes of this Plan Change, the relevant strategies and policies are as follows:
- Urban Growth Strategy 2013 – 2032; and
 - Environment Sustainability Strategy 2015 – 2045.

Urban Growth Strategy 2013 - 2032

- 6.43. In 2013, Hutt City Council approved its Urban Growth Strategy that encourages 6,000 houses to be constructed in the District over the next 20 years. A significant number of these dwellings are proposed to be constructed on the valley floor, through more intense residential development. The proposed Plan Change could result in an additional 11 residential dwellings, and would allow for the development of land that has been determined to be surplus to requirements. The indicative scheme plan prepared for this plan change identifies a density of housing that is consistent with the amenity values and character of the local environment. It is therefore considered that the proposed plan change is meeting the intended outcomes of the Urban Growth Strategy.

Environmental Sustainability Strategy 2015 – 2045

- 6.44. The Environmental Sustainability Strategy sets out Council's ambitions to protect, enhance or repair the environment. The Strategy identifies seven key focus areas: water, waste, transport, land use, biodiversity, energy and risk and resilience. Each focus area is led by three overarching strategic goals – lead, protect and enhance.
- 6.45. The Plan Change does not conflict with the Environmental Sustainability Strategy.

7. Review of the current Objectives and Policies of the District Plan

Review of current city wide objectives

- 7.1. This section reviews the existing city wide objectives of the District Plan and whether these are sufficient to provide the required level of policy support to the proposed Plan Change.
- 7.2. The following objectives of the operative District Plan are relevant to the Plan Change.

Objective 1.10.2 Amenity Value

To identify, maintain and enhance the character and amenity values of the different activity areas.

Objective 1.10.3 Residential Activity

To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.

Objective 1.10.6 Open Space and Recreation

To provide and maintain a diverse range of open space and recreation facilities for the enjoyment of residents and visitors which meet the needs of different sectors of the community.

- 7.3. The proposed Plan Change is consistent with the above Area Wide Objectives. The western portion of Copeland Street is located adjacent to a number of residential properties and is located within a wider established residential area. This existing residential area contains a variety of housing densities and dwelling styles. It is considered that the proposed General Residential Medium Density zoning is appropriate for the site given the zoning of the surrounding sites.
- 7.4. The proposed Plan Change would result in the loss of an area of recreation land from the local environment. The reduction in recreation land includes land that was exclusively used by the bowling club until 2012 as well as land exclusively used by IHC and Wellington Early Intervention Trust. When including the land at 51 and 53 Hall Street there is a relatively small loss of recreation zoned land if the former bowling club land is excluded. After the plan change there will be approximately 4820m² of General Recreation Activity Area whereas when the bowling club still occupied the site there was approximately 5167m² of General Recreation zoned land (excluding land occupied by IHC and WEIT). The recreation land that will remain will be contiguous whereas when the bowling club occupied the site the recreation land was split.
- 7.5. As previously stated the bowling club has not occupied the site since 2012. Clearly if the site was cleared of the associated buildings and fences the amount of useable recreation space would increase. The rezoning would then result in a loss of recreation land (excluding land used exclusively by IHC and WEIT) of approximately 5344m².
- 7.6. The loss of 5344m² is considered acceptable for the following reasons. There are other recreational areas available within the local environment such as the Hall Crescent Reserve, Mitchell Park and the public land surrounding the Epuni Community Hall. In general Epuni is well served with the amount of reserve land and most residents are within 8.5 minutes' walk of a reserve.
- 7.7. The rezoning will mean there will be a 4820m² contiguous parcel of General Recreation land that would be further enhanced by fact that it will be joined with Hall Crescent (via no 51 and 53). The enhanced visibility of the site is a positive outcome due to the increased natural surveillance and this is likely to encourage greater use of the site. The amount of recreation land available in the area is considered adequate to serve the needs of the current population as well as moderate population growth. A Memo attached to this report (appendix 5) from Council's Divisional Manager Parks and Gardens states that he considers there is adequate reserve land in this area to meet future requirements. Given these factors, the proposed Plan Change is not considered to be detrimental to the provision of open spaces and recreational values within the local environment.
- 7.8. The proposed rezoning of 51 and 53 Hall Crescent to the General Recreation Activity Area is considered to be consistent with the above policies. This proposed rezoning would

facilitate the future use of these properties for recreational activities. The recreational use of these sites would improve the street frontage and connectivity of the remaining portion of Copeland Street Reserve with Hall Crescent and would assist with offsetting some of the loss of the recreational land as a result of this proposal.

- 7.9. Overall, it is considered that the proposed Plan Change will contribute to achieving the area wide objectives of the District Plan. It is considered that rezoning portions of the site to the General Residential Medium Density Activity Area will achieve a balance between maintaining the amenity values and character of the local environment, while allowing for the development potential of the site to be realised. It is considered that maintaining the status quo will not be as effective or efficient in achieving these area wide objectives and policies, as it will result in an area of land that has been determined to be surplus to requirements retaining a zone that does not allow for any meaningful development or use. This is particularly significant when the proposal is considered in the context of other recreational opportunities and land which exists in the local environment as well as the proposed rezoning of 51 and 53 Hall Crescent.

Review of existing zone specific city wide objectives

- 7.10. This section assesses the proposed plan change against the following zone specific objectives:

Objective 4A 1.1.1 Residential Character and Amenity Value

To maintain and enhance the amenity values and residential character of the General Residential Activity Area of the City.

Objective 4A 1.1.2 Medium Density Residential Development

To ensure opportunity is made for medium density residential development around some commercial centres, along major transport routes, and where amenity values will not be affected adversely and where there is appropriate servicing of development.

Objective 4A 1.2.1 Building Height, Scale, Intensity and Location

To avoid, remedy or mitigate adverse effects caused by building height, intensity and location on the amenity values of adjacent residential sites and the residential character of the surrounding residential area.

Objective 7A 1.1.1 Adverse Effect of Recreation Activities on Adjoining Residential Activity Area

To ensure that recreation activities have adverse effects, which are no more than minor on adjoining residential activity areas.

- 7.11. Objectives 4A 1.1.1, 4A 1.1.2, and 4A 1.2.1 principally seek to ensure that residential development is provided for and that development in the General Residential Areas maintains the amenity values of the local environment. The proposed General Residential Medium Density Activity Area zone is the same zone as the neighbouring existing residential properties. This zone contains rules that seek to ensure that development maintains the amenity values and character of the local environment. It is considered that these rules are sufficient to ensure that any future development undertaken as a result of this plan change will maintain the amenity values of the local environment. It is considered that no additional site specific rules are required to ensure that the outcomes sought under the existing objectives are achieved.
- 7.12. Objective 7A 1.1.1 seeks to ensure that recreational activities have no more than minor effects on adjoining residential properties. The proposed rezoning of 51 and 53 Hall

Crescent would change the General Recreation boundaries. This would mean the residential site at 55 Hall Crescent would now abut the General Recreation Activity Area. The General Recreational Activity Area contains a number of rules that seek to ensure that recreational activities and buildings maintain the amenity values of the neighbouring residential properties. These rules are considered appropriate to ensure that the recreational activities on the site have no more than minor adverse effects on the character and amenity values of the local environment. It is considered that no site specific rules are required to ensure that the outcomes that are sought under this existing objective are achieved.

Review of Citywide policies

7.13. This section considers the relevant citywide policies of the District Plan

Policy 1.10.3 Residential Activity

(a) *To provide opportunities for gradual intensification of residential densities by:*

- (i) *Enabling higher densities along major transport routes and near suburban focal points*
- (ii) *Providing for infill development throughout the established residential areas to appropriate minimum standards, and*
- (iii) *Managing the rate at which land at the periphery of the urban area is developed for residential purposes.*

(b) *To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.*

Policies 1.10.6 Open Space and Recreation

(a) *To ensure the adequate provision of open space for the passive recreational needs of the community.*

(b) *To ensure adequate provision of larger open space areas for active and passive recreation.*

7.14. The proposal is considered to be consistent with Policy 1.10.3. Policy 1.10.3 recognises that within the Residential Zones, different densities are appropriate relative to the location of the site to services (for example shops) or the urban edge. The application site is situated within the urban area, as encouraged by this policy. It is considered that the proposed General Residential Medium Density Activity Area zone is the most appropriate as it is the same zone as the surrounding residential sites.

7.15. Policy 1.10.3 (b) seeks to accommodate residential growth through the consolidation of the existing urban area. The proposal is consistent with this policy as it allows for residential development within the existing urban area.

7.16. Policy 1.10.6 seeks to ensure that there is sufficient open space provided for recreational activities. The proposal is considered to be consistent with this policy for the following reasons:

- The recreational land proposed to be rezoned to the General Residential Medium Density Activity Area has been determined to be surplus to requirements by the Council; and
- There are other recreational uses in the local area including Hall Crescent Reserve, Mitchell Park Gardens and the public land surrounding the Epuni Community Hall.
- Most notably a significant portion of the site would remain zoned General Recreation

Activity Area and be further enhanced by the rezoning of 51 and 53 Hall Crescent to General Recreation Activity Area.

- 7.17. Overall it is considered that the proposed rezoning of the application sites is consistent with the city wide policies.

Review of zone specific policies

- 7.18. This section considers the relevant zone specific policies of the District Plan.

4A 1.1.1 Residential Character and Amenity Value – Policies

- (a) *That opportunity be provided for a diversity of residential activities.*
- (b) *To restrict the range of non-residential, and commercial activities to those which will not affect adversely the residential character or amenity values*
- (c) *To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (d) *That adverse effects arising from noise, dust, glare, light spill and odour be managed.*

4A 1.1.2 Medium Density Residential Development

- (a) *That opportunity for higher dwelling densities be made along major transport routes, around some commercial centres, in the residential area between Jackson Street and The Esplanade, Petone, where existing dwelling densities are higher, and where amenity values will not be affected adversely and where there is appropriate servicing of development.*
- (b) *To avoid, remedy or mitigate the adverse effects of higher dwelling densities on the surrounding area, caused by height of buildings, intensity, scale and location.*
- (c) *That medium density development be encouraged where it is in general accordance with the direction provided by the Design Guide for Medium Density Housing (Appendix 19) and maintains and enhances on site amenities and consistency with the surrounding residential character and minimises impact on the natural environment.*

4A1.1.4 Non-Residential Activities

- (a) *To ensure that any adverse effects caused by the size, scale and nature of non-residential activities, and any associated storage of hazardous substances, light spill, noise, glare, vehicle and pedestrian activity upon surrounding residential properties, are avoided, remedied or mitigated.*
- (b) *To control the number of signs, and ensure that any adverse effects of sign location and appearance on surrounding properties, are avoided, remedied or mitigated.*
- (c) *To recognise that Site Management Plans may be appropriate to manage matters beyond those addressed in the Plan.*

4A 1.2.1 Building Height, Scale, Intensity and Location - Policies

- (a) *To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.*
- (c) *To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*

- (d) *To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*
- (e) *To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) *To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*
- (g) *That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.*

7A 1.1.1 Adverse Effect of Recreation Activities on Adjoining Residential Activity Area - Policies

- (a) *To ensure that recreation activities are of a scale and character that amenity values of adjoining residential activity areas are not affected adversely.*
- (b) *To ensure that adverse effects, such as noise, glare, light spill and odour, generated by activities in the General Recreation Activity Area, are managed to ensure that residential amenity values are maintained.*

- 7.19. The policies under 4A 1.1.1 seek to provide for a range of residential activities while maintaining the amenity values of the local environment. The proposed General Residential Medium Density Activity Area zoning is considered appropriate, given the zoning of the adjacent residential properties. No site specific rules are required to ensure that the outcomes that are sought under these existing policies are achieved.
- 7.20. The policies under 4A1.2.1 specifically relate to the bulk and location of buildings. While no buildings are proposed as part of this plan change, the existing rules pertaining to the General Residential Medium Density Activity Area are considered to be sufficient to ensure that the effects caused by any future structures on the amenity values of adjoining sites are managed. Compliance with these existing rules is considered to be sufficient to ensure that the outcomes sought under these policies are achieved.
- 7.21. The policies under 4A 1.1.4 seek to manage the effects of non-residential activities. A limited range of non-residential activities are permitted activities with the Plan treating the other non-residential activities as Restricted Discretionary or Discretionary. The IHC facility on the site was expanded via a resource consent granted in 2011 and changes to its operation outside of the scope of the existing consent would require resource consent.
- 7.22. The policies under 7A 1.1.1 seek to ensure that recreational activities do not negatively affect the amenity values of adjoining residential properties. The proposal would result in 51 and 53 Hall Crescent being rezoned to the General Recreation Activity Area. This rezoning would change the boundaries of the General Recreation Activity Area in the immediate environment. Compliance with the existing rules pertaining to the General Recreational Activity Area is sufficient to ensure that any future recreation activities do not have negative impacts on the amenity of the local area. Compliance with the existing rules is considered to be sufficient to ensure that the outcomes sought under these policies are achieved. If a development was proposed that did not meet the rules then the resource consent assessment process, which takes into account the policies, would ensure residential amenity values are maintained to the degree envisioned by the district plan.

8. Effects of the Proposed Plan Change

- 8.1. This proposed Plan Change seeks to partially rezone the western portion of Copeland

Street Reserve and 51 and 53 Hall Crescent and to rely on the existing District Plan objectives, policies and rules pertaining to the General Residential Medium Density Activity Area and the General Recreation Activity Area. An assessment of the potential environmental effects resulting from the proposed Plan Change is provided as this assessment assists with informing the appropriateness of the proposed Plan Change and demonstrates that the proposed Plan Change does not have the potential to result in a development outcome that is not compatible to the existing environment.

8.2. The key environmental effects that will be considered are as follows:

- Amenity and Character Effects;
- Traffic Effects;
- Infrastructure Effects;
- Natural Hazard Effects;
- Contamination Effects;
- Economic Effects; and
- Recreation Effects.

Amenity and Character Effects

8.3. The proposed rezoning of the western portion of the Copeland Street Reserve from General Recreation Activity Area to General Residential Medium Density Activity Area would enable the site to be developed for residential purposes. An indicative scheme plan demonstrating a potential 11 lot subdivision has been prepared for the site. This scheme plan does not form part of the plan change and is indicative only. The indicative subdivision would comply with the net site area and shape factor requirements for the General Residential Medium Activity Area.

8.4. It is recognised that the surrounding area has not been developed to the maximum density allowed under the District Plan so the development depicted is more intensive than the existing character. Nevertheless this does represent a permitted form of development on the plan change site and within the surrounding area. It is noted that any future subdivision of the site will require a resource consent application (as all subdivisions require resource consent under the District Plan), and would be subject to the conditions and standards which are detailed within the District Plan and any subsequent resource consent decision.

8.5. The existing subdivision rules in the District Plan will also contribute to maintaining the character and amenity values of the surrounding area. The subdivision rules set minimum net site area, frontage and shape factor requirements for the area proposed to be rezoned to the General Residential Medium Density Activity Area. If a subdivision complies with these matters then the matters that Council can seek to control are as follows:

- the design and layout of the subdivision,
- the provision of servicing,
- management of construction effects,
- protection of significant sites, and
- the avoidance or mitigation of natural hazards.

8.6. These matters are sufficiently broad to provide Council with sufficient control to ensure that any future subdivision of the western portion of Copeland Street Reserve is acceptable.

- 8.7. If a subdivision does not comply with the net site area, shape factor or frontage requirements of the District Plan, then it becomes a Discretionary Activity. This activity status allows Council to consider all relevant effects associated with the subdivision, including the effect on the character and amenity values of the local environment. This is supported by the assessment criteria for subdivisions which states: *subdivisions should have a strong and positive identity by taking into account characteristics of the area (Rule 11.2.2.3 of the District Plan).*
- 8.8. The permitted activity conditions for the General Residential Medium Density Activity Area would ensure that dwellings built on the western portion of Copeland Street Reserve would be similar in scale (size and height) to the existing housing in the locality. The permitted activity conditions for buildings in the General Residential Medium Density Activity Area include a maximum height of 8 metres, minimum yard setbacks and maximum site coverage. Compliance with these permitted activity conditions will result in a density of development that will be in keeping with the intended amenity values and character of the local environment, as envisioned under the District Plan. Any proposed development that does not comply with the permitted activity standards will require resource consent.
- 8.9. Residential development of three or more houses on the site would require resource consent and consideration as to how the proposal addresses the Design Guide for Medium Density Housing.
- 8.10. There is already IHC and WEIT care facilities located in the western portion of the site. The proposed rezoning of the western portion of the property would result in these buildings being located in a zone that is more appropriate for the associated activity. As discussed previously the scale of the existing activity means any change to activity, such as an increase in attendees or an extension to the building would need resource consent.
- 8.11. The proposed rezoning of 51 and 53 Hall Crescent would increase the visibility of the recreational space, when viewed from Hall Crescent. It would also result in 55 Hall Crescent sharing a larger boundary with the General Recreation Activity Area than what is currently the case.
- 8.12. The General Recreation Activity Area often abuts properties that are in the General Residential Activity Area. As such, the District Plan contains a range of objectives, policies and rules to manage the effects on this interface. These include limiting hours of operation of recreational activities, having yard, recession plane, maximum height and site coverage requirements for future buildings, and requiring landscaping (when buildings are alongside residential properties). The existing District Plan provisions are sufficient to ensure that any potential future character or amenity effects arising from recreational activities undertaken on this site are appropriately addressed.
- 8.13. In conclusion, any adverse amenity or character effects resulting from the future development of the application sites can be appropriately addressed by the existing rules of the District Plan at the time subdivision consent is sought.

Traffic Effects

- 8.14. The potential traffic related effects of the Plan Change to rezone a portion of Copeland Street Reserve to the General Residential Medium Density Activity Area and the potential residential development has been considered. The proposed rezoning could potentially result in 11 additional household units. No new roads are proposed. The additional household units equates to an additional 40 vehicle movements per day onto Copeland Street and 48 vehicle movements per day onto Hall Crescent based on the District Plan's assumption that each residential property will have eight traffic movements per day. Given

the large number of residential properties in the local environment, the number of additional traffic movements is relatively low and would not be discernible against the existing traffic flows on the local roading network.

- 8.15. Access to any future lots would be able to be achieved through either a road and right of way arrangement (or alternatively two rights of way). These access provisions would comply with the District Plan formation requirements. Compliance with these requirements is considered to be sufficient to ensure that these access arrangements are able to safely accommodate the traffic generated from the future residential use of the site.
- 8.16. As such, it is considered that the proposed Plan Change would not result in any significant traffic effects and any traffic effects arising from future residential development can be appropriately addressed by the existing District Plan rules.

Infrastructure Effects

- 8.17. The proposed General Residential Medium Density Activity Area zoning would allow for residential development to be undertaken on the western portion of Copeland Street Reserve. A review of the services within the local area has been undertaken by Cuttriss Consultants Limited, with the findings detailed in the report attached in Appendix 6.
- 8.18. This report investigates the wastewater, stormwater, water supply, power and telephone services within the area surrounding the site and the capacity of these services to support further residential development. The report concludes that future residential development of the site could be appropriately serviced, subject to final design.
- 8.19. Overall, no issues were identified with the availability and capacity of services in the local environment and therefore the proposed General Residential Medium Density Activity Area will not result in a development form that is unable to be serviced by the local infrastructure.

Contamination Effects

- 8.20. The Hazardous Industries and Activities List (HAIL) identifies activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal. The HAIL is referenced in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, and therefore has statutory significance.
- 8.21. Part A (10) of the HAIL (October 2011) lists '*Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*' as being a hazardous activity. The application site is considered to fall into this category as the former bowling green (which occupied the central and eastern portions of the site) was maintained as a sports turf which was likely regularly treated with pesticides.
- 8.22. A Preliminary Site Investigation and Detailed Site Investigation including soil testing will be required to be prepared by a suitably qualified person during the resource consent process to subdivide the site and establish residential activities to verify whether the site is contaminated. It is expected that the potential contamination of the site will be limited to the use of pesticides associated with the operation and maintenance of the bowling greens only.
- 8.23. Past experience with similar sites (for example Kensington Avenue development in Petone) has demonstrated that contamination from pesticides typically only affects a shallow depth of soil and can usually be managed and remedied through relatively minor earthworks. It is therefore considered that any possible contamination of the site will not prevent the potential residential development of the site.

Natural Hazard Effects

- 8.24. The site is not located in a 1:100 year flood extent (though it is recognised that much like the rest of the Hutt Valley, it is situated in the 1:440 year event for the Hutt River). Similarly, the site is situated in a variable liquefaction zone (which is consistent with the majority of the Hutt Valley). Neither of these are considered to be high hazard zones.
- 8.25. As part of any subdivision undertaken on the site, the potential natural hazard effects will need to be considered and assessed (as this is one of the matters that Council reserves its right of control over). Given the above information, it is considered that there are no particular natural hazards that would prevent the future development of the site.

Recreational Effects

- 8.26. As part of the reserve revocation process, the loss of recreational opportunities was considered by the Council. Two reviews of the site provided conflicting advice on the recreational value of the land. The initial review of Copeland Street Reserve was undertaken by Council in 2012. From this review, the land was subsequently assessed as having a low value as a reserve, meeting only one of five key objectives in terms of its contribution to Hutt City's reserve network. A wider review of current and future open space requirements for the valley floor was undertaken in 2013. This wider review recommended the Copeland Street Reserve be upgraded as a means to help meet the need of potential future residential intensification in the Epuni area. The decision made by Council to revoke only part of the reserve, and to add to it via 51 and 53 Hall Street, represents a 'middle ground' between the two recreation land reviews.
- 8.27. In its current state the Copeland Street Reserve is a rear site with minimal street frontages and internal fences divide the reserve into three segregated parts. The recreational activities on the site are constrained by the presence of the former bowling greens. Together, these factors do not provide for the most efficient or effective use of the land. The proposed Plan Change will improve the recreation area by making it contiguous and more visible, once the dwellings' on the Hall Street sites are cleared.
- 8.28. There are several other reserves located in close proximity to the site. These reserves include Hall Crescent Reserve, Mitchell Park and the public land surrounding the Epuni Community Centre. These reserves, parks and open spaces can be used for a variety of recreational activities. It is considered that these existing facilities along with this proposal would adequately meet the recreational needs of the local community.
- 8.29. It is considered that given the above factors, the proposed rezoning will not significantly compromise the ability for recreational activities to be undertaken within the local environment. It is also considered that there will be sufficient recreational land remaining within the immediate area which can be used for a variety of recreational activities.

Economic Effects

- 8.30. The rezoning of western portion of the Copeland Street Reserve would have positive economic effects. Currently, the site is zoned for recreational activities with no scope for residential activities. The proposed Plan Change will enable different activities to be undertaken on the site (principally residential activities). Any housing development on the site would provide increased employment during construction in addition to the benefits derived from modern construction (i.e. insulated homes which are warm and dry). The additional housing would also increase the ratings base for the District, thereby providing increased revenue to the Council to assist with improving services for the wider community. The sale of the land will generate income. As such, there are considered to be a number of positive economic effects arising from the proposed rezoning of the western portion of Copeland Street Reserve.

8.31. The rezoning of 51 and 53 Hall Crescent would have small positive economic effects, in that it would allow for the future recreational activities on these sites to be undertaken without the need for resource consent. This reduces potential costs in the future from establishing recreational activities on the site.

Conclusion

8.32. Overall, it is considered that the adverse effects of the Proposed Plan Change can be adequately managed by the rules, objectives and policies contained in Chapters 4A, 7A, 11 and 14 of the District Plan.

9. Consideration of Options

Consideration of Options – Copeland Street Reserve

9.1. During the preparation of this plan change the following three options were considered for the site:

- **Option 1:** Do nothing (i.e. retain the existing Plan provisions).
- **Option 2:** Zone the portion of Copeland Street Reserve subject to this Proposed Plan Change as General Residential Activity Area
- **Option 3:** Zone the portion of Copeland Street Reserve subject to this Proposed Plan Change as General Residential (Medium Density) Activity Area (preferred option).

9.2. The costs and benefits of these options are discussed below:

OPTION	EVALUATION
<p>Option 1: Status Quo</p> <p><u>NOT RECOMMENDED</u></p>	<p><u>Benefits</u></p> <ul style="list-style-type: none"> • Avoids the costs associated with the Plan Change process; • The existing character of the subject property is maintained • No reduction in the amount of recreation zoned land <p><u>Costs</u></p> <ul style="list-style-type: none"> • The site has been declared surplus to requirements and would likely remain underutilised or undeveloped if it is not rezoned; • Any potential future residential development of the site would be assessed against the provisions of the General Recreation Activity Area and would require resource consent as a Discretionary Activity. It is unlikely that residential activities could be considered to be consistent with the objectives and policies pertaining to the General Recreation Activity Area; • Potential loss of rates revenue that could arise from residential development of the site. • The IHC site would remain zoned General Recreation, which is not the most appropriate zone for this activity.
<p>Option 2: Zone the portion of</p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Results in a zoning which provides for a certain level of residential development;

<p>Copeland Street Reserve subject to this Proposed Plan Change as General Residential Activity Area.</p> <p><u>NOT RECOMMENDED</u></p>	<ul style="list-style-type: none"> • Allows for residential growth within an existing urban area, thereby containing urban development and helping Council meet its strategic growth objectives as expressed through the UGS; and • Potential for increased revenue from an increase in the number of properties paying rates. <p><u>Costs</u></p> <ul style="list-style-type: none"> • The costs associated with the Plan Change process; • Change in the character of the local environment as land previously used for recreation (and therefore had an open character) is used for residential development. • Results in a zoning which is not consistent with the zoning of the adjoining properties; and • Does not allow the full development potential of the site to be realised.
<p>Option 3:</p> <p>Zone the portion of Copeland Street Reserve subject to this Proposed Plan Change as General Residential Medium Density Activity Area.</p> <p><u>RECOMMENDED</u></p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Results in a zoning which is consistent with the zoning of the surrounding environment; • The zoning allows for a level of residential development which would result in an efficient and effective utilisation of the resource; • Allows for residential growth within an existing urban area, thereby containing urban development and helping Council meet its strategic growth objectives as expressed through the UGS; and • Potential for increased revenue from an increase in the number of properties paying rates. <p><u>Costs</u></p> <ul style="list-style-type: none"> • The costs associated with the Plan Change process; • Change in the character of the local environment as land previously used for residential (and therefore had an open character) is used for residential development.

9.3. It is considered that Option 3, being rezoning a part of Copeland Street Reserve to the General Residential Medium Density Activity Area is the most appropriate zoning option to proceed with. The proposed zoning most efficiently and effectively achieves the objective of the plan change, helps Council meet the objectives expressed in the Urban Growth Strategy, gives effect to the NPS-UDC, best meets the objectives of the District Plan and is consistent with the surrounding residential zoning.

Consideration of Options – 51 and 53 Hall Crescent, Lower Hutt

9.4. This proposal also undertakes an evaluation of rezoning 51 and 53 Hall Crescent to General Recreation Activity Area. The General Recreation Activity Area is the most common zone within the Hutt Valley for recreational land. The properties within the General Recreational Activity Area contain a wide variety of formal and informal recreational opportunities.

9.5. Two principal options have been explored as part of the preparation of the Proposed Plan Change for 51 and 53 Hall Crescent. These options include:

- Status Quo (do nothing and retain the current zone); and
- Zone 51 and 53 Hall Crescent as General Recreation Activity Area.

OPTION	EVALUATION
<p>Option 1:</p> <p>Status Quo</p> <p><u>NOT RECOMMENDED</u></p>	<p><u>Benefits</u></p> <ul style="list-style-type: none"> • Avoids the costs associated with the Plan Change process; • The existing character of the subject property is maintained; • Allows these sites to be used for residential purposes (subject to compliance with the bulk and location rule): • The residential use provides rates revenue. <p><u>Costs</u></p> <ul style="list-style-type: none"> • Restricts the potential for the site to be used for recreational purposes as any potential development of a children’s playground on the site would be assessed against the provisions of the General Residential Activity Area – Medium Density and would require resource consent as a Discretionary Activity; and • There would be a loss in recreational opportunities for the local community.
<p>Option 2:</p> <p>Rezone 51 and 53 Hall Crescent to the General Recreation Activity Area;</p> <p><u>RECOMMENDED</u></p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> • Results in a zoning which is consistent with the character of the remaining portion of Copeland Street Reserve; • The zoning allows for the development of a playground and a greater variety of recreational opportunities within the local environment; • There would be an improvement in the street presence of the reserve land, encouraging greater utilisation by the local community. <p><u>Costs</u></p> <ul style="list-style-type: none"> • The costs associated with the Plan Change process. • Lost rates from non-residential use of the site; • Loss of housing stock from the Hutt Valley; and • Existing residential activities are constrained by existing use rights.

9.6. It is considered that Option 2, being rezoning 51 and 53 Hall Crescent to General Recreation Activity Area is the most appropriate zoning option to proceed with. This option provides for the greatest recreational opportunities, it provides a level of compensation for the loss of recreational land associated with the residential development and is consistent with the remaining portion of Copeland Street Reserve.

Quantification

A quantification of the costs and benefits of the proposed plan change has not been undertaken as the costs and benefits are best suited to qualitative assessment. For example the potential change in character and effects on amenity values are very difficult to quantify in a useful way. Furthermore the moderate scale of the proposal and the cost of specialist advice to assist in the quantification of costs and benefits means

quantification is not considered necessary for the evaluation report. Accordingly the descriptive approach used above has been preferred.

Risk of Acting or not Acting

The Act requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information. In this case it is considered there is no reason to not act on the basis of insufficient or uncertain information.

The main risk of not acting is that an opportunity is missed to increase the amount of residential land available for housing supply.

10. Conclusion

- 10.1. Proposed Plan Change 49 seeks to rezone the western portion of Copeland Street Reserve from General Recreation Activity Area to General Residential Medium Density Activity Area under the City of Lower Hutt District Plan.
- 10.2. It is also proposed to rezone 51 and 53 Hall from General Residential Medium Density Activity Area to General Recreation Activity Area.
- 10.3. No new District Plan provisions e.g. objectives, policies, rules or standards will be introduced as a result of the proposed plan change. The only amendments which will need to be made will be to District Plan Map “D4” to reflect the zone change.
- 10.4. It is considered that any potential effects arising from the proposed rezoning of the application sites can be appropriately addressed through the existing objectives, policies and rules of the District Plan.
- 10.5. It is also considered that the proposed plan change is consistent with the relevant provisions of the Resource Management Act 1991 and the Regional Policy Statement. The proposal also meets the strategic aims of the Urban Growth Strategy and helps Council achieve its requirements under the National Policy Statement – Urban Development Capacity.
- 10.6. Based on the Section 32 analysis, it is considered that the proposed measures are the most effective and efficient approach for Council to meet its statutory requirements.

Appendix 1 – Areas to be Rezoned



LEGEND:

[Yellow outline]	SITE BOUNDARY
[Green outline with diagonal hatching]	GENERAL RESIDENTIAL
[Green outline with vertical hatching]	GENERAL RECREATION

SCALE	1:1000	SIZE	A3
DRAWING NUMBER	21477SP		
NAME	-	DATE	-
FIELDWORK DESIGNED	JC	02/15	
DRAWN	JC	02/15	SHEET 1 OF 2 SHEETS
CHECKED	JB	02/15	REVISION A

REZONING PART OF LOT 11 DP 25931 TO GENERAL RESIDENTIAL - MEDIUM DENSITY AND LOTS 6 & 7 DP 25931 TO GENERAL RECREATION

CLIENT **HUTT CITY COUNCIL**

AMENDMENT	NAME	DATE
A	AREAS AMENDED	CRM
		06/17

Cuttriss
 Surveyors. Engineers. Planners.

Cuttriss Consultants Limited
 Huat Valley, Wellington, Kapiti Coast

Poroporo Branch: Level 3, Court House, 520 Queen Drive, Lower Hut
 Postal Address: PO Box 9429, Lower Hut 5200
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Appendix 2 – Revocation of Reserve

Submission for Decision

Consent of Minister of Conservation: delegated to Operations Manager

Document: DOC-2854982

File: PAD-23-19-02-05 HO-1

Date: 13 September 2016

1.0 Proposal

- 1.1 To revoke the reserve status over part of Copeland Street recreation reserve.
- 1.2 To advise Hutt City Council (Council) that it has a delegation to decide on the manner and purpose of the proceeds of disposal.

2.0 Location and size of Park, and its acquisition

- 2.1 Located adjacent to Witako Street and Mitchell Street, Epuni, Lower Hutt.
- 2.2 Copeland Street reserve comprises 1.2254 hectares bounded by Witako Street, Mitchell Street, Copeland Street and Hall Crescent. It occupies a rectangular shape behind 51 residences which are sited on each of these streets, with a number of access ways from each street into the reserve. Its legal description is Lot 11 DP 25931 on certificate of title WN27D/700.
- 2.3 The reserve area to be revoked comprises around 8250 m², while 4000 m² is being retained to which 700 m² is to be added from an adjacent surplus residential lot. Of the area to be revoked, 1980 m² has been occupied by an IHC Day Care centre and Early Intervention centre over a long term, which through security fencing has made this area not accessible to the public for recreation. Overall the proposed accessible reserve land to be revoked comprises around 57 percent, while retained accessible reserve is around 43 percent.
- 2.4 The reserve came about from six parcels of land being acquired by HMK between 1939 and 1940 for the purposes of the Housing Act 1919. From this housing subdivision by the Crown, the reserve was set apart for recreation purposes. It vested in Council in 1968. For the purposes of a revocation action, section 25 (5) of the Act advises that in these circumstances the title to the reserve is deemed to have been derived by the Council, and not from the Crown. Following revocation, the Minister's delegation to territorial authorities advises it may be disposed of in such manner and for such purpose as the Council determines.

3.0 Background

- 3.1 Copeland Street recreation reserve has a focus on outdoor activities comprising a bowling club, a scout hall, open space for general recreation, with an area of reserve leased to the IHC/ Early Intervention Centre.
- 3.2 The Lower Hutt Women's Bowling Club leased grounds for its activities which include club rooms, however it relinquished the lease in 2012 to join with the Woburn Bowling Club in Massey Avenue. Its current lease area within Copeland

Street is surplus while its club house and bowling greens are run down. The club rooms are being used on a short term basis by the Hutt Valley Swords Club.

- 3.3 The IHC/ Early Intervention Centre has a lease over part of the south end of the reserve, where it has space for two buildings, gardens and car parking contained within a security fenced site. Its lease which expired in March 2013 is rolling over on a month by month basis.
- 3.4 The lease for the scout hall, which is located on the northern part of the reserve, expired in June 2016 and is rolling over on a month by month basis. It has been used on occasions by other groups.
- 3.5 An initial high level review of the reserve by council staff found that the reserve was not well used and that its visible location from the surrounding streets was an issue. It also lay in close proximity to other neighbourhood reserves in the suburb. The reserve was assessed in terms of Council's Reserve Land Acquisition / Disposal policy, where its values were accorded a low rating, by which it could be considered for disposal.
- 3.6 An assessment of its reserve values was undertaken by PAOS, which reported to Council in October 2012. From the executive summary, the following matters were reported: that the departure of the bowling club had made that area redundant; it noted the recent building upgrade of the IHC facilities; the division of the reserve into thirds created poor linkages between these parts and their street frontages; it didn't come across as a ready access reserve having limited accessways, high fences and locked gates; the reserve makes a limited contribution to the landscape character of the locality; and it did not meet key directions of the Reserves Strategic Directions policy.
- 3.7 In November 2012 the Policy Committee considered a proposal [[DOC-2311695](#)] concerning the future of the reserve at Copeland Street, the key question was whether the City would be better by disposing of the reserve in its entirety, keeping in mind the IHC activity which provides a valuable community service.
- 3.8 As a result of this process, the Policy Committee recommended that Council note the assessment that Copeland Street Reserve had low reserve values [and was therefore potentially surplus to reserve needs], and that it should initiate the revocation of reserve status of Copeland Street Reserve by following the process under section 24 of the Act, with the intent of considering the full public response and any objections at a future Policy Committee meeting.
- 3.9 The Council at its 11 December 2012 meeting decided by resolution ([DOC-2862515](#)) to proceed with the recommendation from its Policy Committee for the proposed reserve revocation over Copeland Street Reserve.

4.0 Legislation, Policy & Criteria

- 4.1 Section 24 (1)(b) of the Reserves Act 1977 provides that where a local authority as administering body, after notifying the Commissioner that pursuant to a resolution of the local authority, it considers for any reason that the reservation of the whole or part of the land as a reserve should be revoked, then the Minister may revoke the reservation of the whole or part of the land as a reserve.

- 4.2 Subsection (2)(b) of Section 24 provides that public notification of this proposal to revoke the reserve status, is required.
- 4.3 Subsection (2)(c) of Section 24 provides that any person may object to the proposal, within one month after the first notification date. The administering body then sends all such objections to the Commissioner, with a copy of the resolution of the administering body made in relation to those objections.
- 4.4 Subsection (2) (e) of Section 24 provides for the Minister to consider the proposed revocation and all objections received, and the resolution of Council in respect of these objections.
- 4.5 Subsection (2) (f) of Section 24 provides for the Minister to receive submissions and make enquiries as thought fit on the proposal.
- 4.6 Section 25 (1) provides that upon revocation of the reserve status the land may be disposed of in such manner and for such purpose as the Minister specifies.
- 4.7 Section 60(b) and (c) of the Conservation Act 1987 provides for the recovery of consent processing costs from an applicant.

5.0 **Explanation**

Consultation with the Commissioner

- 5.1 DOC was advised of this by proposal by a member of the public who wrote to the Minister of Conservation seeking advice of the Ministers role in respect of reserve revocation. Investigations by the officer for the Commissioner determined that the revocation process was underway with a resolution of Council to embark on public notification of the proposal to revoke the reserve. Advice was conveyed that Council was following the provisions of section 24 of the Reserves Act 1977 and noted that the Minister or her delegate held a consenting role at the completion of the process. Reserve status checks were carried out and there appeared nothing remiss that required further contact with Council at that stage.

Public Notification

- 5.2 A notice was placed by Council in the Hutt News on 29 January 2013, with submissions, including objections to be received no later than 8 March 2013.

This notice advised that Council had assessed the property as having low reserve values measured against Council's assessment criteria, and that it would be preferable to sell the property and use the proceeds to improve, develop or purchase other reserves in accordance with its Reserves Strategy. It noted that Council is required to submit its proposal for reserve revocation to the Minister of Conservation, for approval.

Council also produced an information handout (DOC-2864203) and plan of the reserve which was made available to residents who lived adjacent to Copeland Street Reserve. A public meeting was held at the bowling clubrooms on Monday

11 February 2013. Approximately twenty-five people attended to hear Council officers outline the proposal and explain the processes to be followed. Meetings were also held with the scout group and the IHC.

- 5.3 Following the giving of public notice as required by the Act, eleven objections were received. Two submissions in support were also received.
- 5.4 These objections were collated (DOC-2860664) by summarising the main points from each objector. The objectors were primarily concerned with the loss of reserve land for outdoor recreational activities in their local community, or of loss of open space- it being a precious resource in their community. Several recommended that more work be done by Council to support clubs which could make use of the scout hall or the bowling clubrooms. The scout group advised it made use of the grassed area outside its hall for outdoor activities.

Committee briefing and its considerations

- 5.5 Officers of Council reported to the Policy and Regulatory Committee at its meeting on 25 February 2014 through Report no: PandR2014/1/34 (DOC-2861179) the aim of which was to consider the revocation of Copeland Street Reserve including consideration of the objections and submissions.

5.5.1 The report summarized the main reasons for objecting to the proposal; however, it noted that the analysis of objections was put on hold in 2013 to enable the wider review of current and future open space needs for the Valley Floor to be undertaken.

The subgroup assessment for Area 3 Central Ward, proposed that Copeland Street Reserve be retained and developed due to its potential as a neighbourhood reserve, however noted that the distribution and quality of reserve land was unequal, and that Council would need to find ways to attract wider use in its reserve holdings. The future of nearby reserves (e.g. Mitchell Park) would also need to be considered in the overall matrix of reserves proposed for the future.

5.5.2 The report also traversed the context of current and future needs of the local community, which through reorganisation of space could make for more useful and suitable reserve space. The intensification of housing as provided for in the District Plan, deems for this to occur in Epuni and Waterloo since these suburbs have the greatest opportunity for infill housing. Also being centrally located they have close access to the CBD and main public transport corridors. A need was also recognised for green and open space to offset the effects of housing intensification.

5.5.3 A further consideration in 2013 was the proposed new community facility project-being a Regional Bowls Centre within Walter Mildenhall Park in Naenae, which will attract significant national and international events while offering multipurpose facilities for other sports and community needs. Without burdening the ratepayers unduly, investment in new reserve developments has been agreed between Council and the Community Facilities Trust (the arm of Council which manages new reserve developments) that profits from sale of reserves would be vested in reserve developments including associated community facilities.

5.5.4 A cultural impact report, compiled by Raukura Consultants in association with the Port Nicholson Block Settlement Trust and Wellington Tenth's Trust in

March 2013 is included in the PandR2014 report. This advises that the reserve, while originally part of the McCleverty Block, did not become a McCleverty reserve or a 'tenths reserve'. The report goes on to say there are unlikely to be significant Maori cultural issues associated with Copeland Street reserve, so believe an accidental discovery protocol was not necessary.

5.5.5 Urban Plus Limited, a property company of Council, evaluated Copeland Street reserve, with its report included in the above PandR2014/1/34 Report- it noted it is charged with expanding its portfolio of residential housing specifically aimed at the socially disadvantaged elderly within Hutt City. Its evaluation of the reserve- which while promoting residential development, also promotes retention of reserve for open space and recreation- separated it into 4 sites with recommendations for future use:

north-scout hall and open space-retention for community use;

central-ex bowling club-housing development,

south east-IHC leased area-disposal to IHC;

south west-open kick ball space-housing development

5.5.6 Three options were put forward by Council officers to the Committee in order to progress this matter being:

1) not to proceed;

2) proceed in part with either or both of the bowling club and IHC area; or

3) proceed to revoke the entire reserve.

- 5.6 The Committee, having heard verbal submissions from Susan Grant Taylor (Hutt Valley Sword Club), Ben Ross, Tom Brodie (IHC), Karen Berecz-Munns, Nick Ursin, David Tourell, and Neil Tonkin; then received feedback under the public comment session from Peter Healey (Hutt Community Facilities Trust), Gary Nichols (Urban Plus Limited), and Claudette Beresz.

The Divisional Manager Parks & Gardens elaborated on the report and answered questions as posed. He advised that since undertaking the wider review of the Valley Floor reserves, it was apparent the reserve value was higher when considering future reserve needs with projected residential intensification in this area.

The General Manager, Community Services stated the importance of providing green space to residents as long as it was accessible; and recommended the Committee consider the proposal from Urban Plus Limited in the context of Council's Long Term Integrated Community Facilities Plan.

- 5.7 The Committee by resolution (Minute No. PandR 14101) thanked the submitters for their efforts in providing valuable feedback on the proposal, noting that eleven objectors objected to the proposal to revoke the entire reserve, and that the Committee had fully considered all the objections to the proposal in accordance with the requirements of the Reserves Act. The resolution considered the officer comments on proposals to rationalise reserve resources for development of a Bowls Centre, noted too that Urban Plus had put forward a proposal for the development of reserve space formerly occupied by the bowling club, also noted that the Review of Open Space on the Valley Floor proposes that Copeland Street reserve be retained and developed as a potential neighbourhood reserve for the future, particularly associated with residential intensification of the Epuni area likely to increase the need for neighbourhood

reserve spaces, and noted a comment from a submitter regarding a storm water issue on the reserve to be investigated and reported back to the submitter.

- 5.8 The Committee then recommended to Council [Minute No. PandR14102] ([DOC-2861574](#)) that it agree to revoke that part of the reserve which is leased to the IHC with the intention of declaring the land surplus to reserve needs and selling it to the IHC, and determines that no other part of the reserve is deemed surplus to future reserve requirements.

Council decisions

- 5.9 The Council at its meeting on 18 March 2014 considered the Policy and Regulatory Committee recommendation, but then further discussed the matter of the Hutt Valley Sword Club being found an alternative venue for its activities, while a report on the matter of a Dog Park within the reserve was to be investigated further.

It resolved [Minute No. C 14104] ([DOC-2861570](#)) to agree to revoke that part of the reserve leased to the IHC to be surplus to reserve needs and selling to the IHC; however asked for council officers to implement the December 2013 resolution in relation to the Central Ward Reserves Study, and to explore any other option to meet reserve needs in the area. The issues of the Sword Club and the Dog Park are to be reported back in due course.

It also resolved Minute No. C 14105] ([DOC-2861570](#)) that the item on the balance of the reserve (excepting the IHC revocation disposal part) does lie on the table until further work is complete.

Further investigations for its Committee

- 5.10 Council officers prepared a report to the Committee dated 27 August 2014 which was considered at the 4 November 2014 Committee meeting. This report covered many of the issues raised previously, but also introduced several new matters. A summary of the matters addressed in this report are as follows:

It restated the purpose for which a reserve may be revoked, which in accordance with s 24 (1) (b) of the Act notes ‘the administering body, as the case may be, if it considers for any reason, to be stated in the resolution, that the purpose ... should be revoked’. The report referred to the Local Government Guide for territorial authorities whereby three common reasons for revocation and disposal are stated-the land is surplus; *the community benefit is better met by the Council holding the land free of a Reserves Act Trust*, or an exclusive right of use is held by one group in the community and that situation of public exclusion is unlikely to change in the long term. Officers advise that a more appropriate and equally applicable test to Copeland Street reserve is the one listed above in italics;

The Community Facilities Trust is progressing the development of a Regional Bowls Centre at Naenae on Walter Mildenhall Park, which will facilitate the rationalisation of existing bowling facilities in the city;

The Valley Floor review had recommended retention of reserve space for Epuni residents; however Council’s Urban Growth Strategy was contrast which aims to

provide smaller passive recreation areas within reserves, due to the forecasted change in demographics (i.e. to those in the older age bracket);

Neighbourhood reserves in this locality are generally under-developed in terms of quality reserve space, which could be improved to provide better outcomes for present and future inhabitants.

Options for alternative venues for a proposed dog exercise area, and the Sword Club, could be found within other Council reserves;

UPL had put forward five separate options for use of Copeland Street reserve space encompassing future uses - open space developments, pensioner housing, residential subdivision, new street frontage playground, and retention of the scout hall.

- 5.11 At this 4 November 2014 meeting, the Committee firstly heard verbal submissions in the public comment section from Karen Berecz-Nunns, Ailsa Fyfe, Christ Matthews, Jan Palmer, Peter Palmer, David Tourell, Sue Lafrentz, and Neil Tonkin. These comments were in opposition to revocation, the loss of green space, concerns about a proposed housing development, process issues, ratios of reserve land per head of population, lack of time to consider the matter, potential storm water issues and possible DDT soil contamination. An email was tabled from the Hutt Valley Swords Club indicating it wished to continue using the bowls clubrooms. The Committee then considered the report.
- 5.12 The General Manager City Infrastructure elaborated on the report, noting legal advice had confirmed the process undertaken by Council was correct, costs of proposed works were reasonable, he noted there were clear reasons why the reserve had a low reserve rating. He noted Council's focus was on community hubs and improving existing areas, such as the new regional bowls centre, while funds released from this reserve would be invested into community assets. The City Solicitor advised the Committee could regulate its own proceedings.
- 5.13 On the basis of feedback from the community, and the developments detailed in the 27 August report, the Committee resolved to adjourn the meeting so that officers could consult with submitters to explain the various options Council is considering; for submitters to put in writing any further issues and suggestions, for Council officers to provide a further report, and to provide its comment on a new Option 6 (retain the Scout hall and associated land- free of housing; with other areas set aside for housing); then to reconvene for the Committee to hear these further submissions in association with the new report.
- 5.14 The Committee reconvened on 8 December 2014 to consider the officer report dated 1 December 2014, and Memorandum from the General Manager, City Infrastructure of 25 November 2014. He elaborated on the report noting officers were in discussions with the Sword Club, the dog exercise people, and the Scout Group in respect of other venues for their activities. Any new development would need to go through a consenting process including retention of trees where practicable, soil testing had found no source of contamination. He refuted suggestions Urban Plus and the Community Facilities fund had an unreasonable level of interest, refuted suggestions that Parks & Gardens advice had been restricted in its advice to the Committee, and confirmed the process being undertaken was correct. Additional comments from submitters/objectors

(including new submitters) were received, where the main points from each are summarised.

- 5.15 The formal objections from each named person have been collated-these from the material presented on 25 February 2014 (para 5.5), and from the meeting held on 8 December 2014 (para 5.14).

Objectors/Objections
Darilyn & Max Skilton Open space needs to be retained for long term recreation, children's playground, concerns of increase of delinquent behaviours.
Peter Paimer; & Jan Palmer Retain for recreation, some informal with easy access. Security not an issue here. Seeks clarification of test [for any reason] of revocation. Concerned with using reserve for housing in-filling, park provides free easy access to adjoining shops hospital public facilities, has beautiful trees ideal to retain, concerned about infrastructure able to support more housing. This reserve is for the adjoining community-we don't want to lose this
David & Christine Tourell Retain for ball games/ informal recreation; safe haven, concern with loss of similar sized reserves, new development could create parking issues. Staggered that revocation is still being pursued. Reserve has been a huge part of the community. Recommends keeping parts of reserve; and some for development (if that has to occur)
Karen Berez-Nunns & Allen Nunns Retain for future generations, safe place for informal recreation and meetings. Could be a community hub by retaining bowling rooms. The south end is perfect for football & cricket games, concerned about loss of local reserve with nothing local to replace it. Don't wish to choose an option but retain all of the reserve as it is.
Aisla Fyfe & Chris Matthews Not enough work done to encourage other uses for club rooms; IHC needs to be retained; Scouts use land about building, is a safe place, supports elderly housing, vege gardens, Kiwi Sports. The future of green space versus a regional bowling centre does not warrant consideration. Do not revoke reserve status.
Ross Family Is a large safe place for informal recreation, upgrade with child's playground, is not low value, keep reserves as they contribute to healthy communities, potential storm water issues. Do not agree with any of the UPL options; however if revocation is to continue, a firm proposal needs to be presented to the community.
Neil Tonkin Reserve is not surplus to current & future needs; low reserve status assessment is flawed, separate IHC from rest of reserve, alternative reserve uses ignored, land caters for evolving opportunities, flat land is a premium; housing intensification will increase demand for reserves; concerned about process & predetermination. UPL & CFT have an unreasonable level of vested interest supporting revocation, Parks & gardens advice has been restricted.
Peter & Dale McLeod Reserves are a precious commodity in the urban environment
Mishi Berez Reserve is a unique community space, has safe open space, support for child's playground; Council needs to look at other uses for bowling clubrooms. Raised concerns about Council processes on what is a developing and changing revocation project. Makes a suggestion for using Council admin buildings for elderly / pensioner housing.
Second Lower Hutt/Avalon Scout Group Scout hall and immediate adjacent land is ideal for its and wider community uses
Brett Holland- Hutt Valley Swords Club

Club currently makes use of the ex-bowling clubrooms for its activities. Seeks to retain the clubrooms for a number of other recreational activities, like dance, yoga, pilates-since rooms such as these are difficult to find.
Justin Travers- Hutt Valley Swords Club Wishes to retain the ex-bowling clubrooms for indoor recreation activities, suitable for other activities too.
Julie Calder-Hutt Valley Swords Club Makes use of the ex-bowling clubrooms for the fencing club; while outdoors there are great areas for children to play. Makes a plea to retain the clubrooms for other clubs to make use of.

- 5.16 There were two submitters in support of the proposal: Annette Becker said the reserve is large and outdated, security and loitering is a concern and needs money to make it safe, and she would like to see medium quality housing there; Andrew Wilson (IHC) advises the neighbourhood has good alternative recreation sites nearby, lack of visibility makes it less safe, and it is an ideal location for new housing.
- 5.17 The Hutt Valley Sword Club is neither for or against, but would like to continue using the bowling clubrooms as long as possible.
- 5.18 After hearing and considering all the submissions, the Committee reached the conclusion that the concerns raised by submitters had been fully discussed; and considered then that **Option 6** met the recreational needs identified by submitters- now and in the future- and would provide for a single large space to provide recreational needs, and be an improvement on the two separate spaces previously identified in Option 5. It also allowed for the scout hall to remain on its existing site. Therefore, the objections opposing revocation were not supported.
- 5.19 It then recommended to Council (DOC-2863545) that it proceed to revocation of the reserve areas as shown in Option 6, which provides for a mix of residential housing, development of social housing, and retention of reserve for open space with retention of the Scout hall building. In addition, this option provides for an additional 700 m² of a residential Lot adjacent to the reserve to be added to the reserve. It recommended funds from the sale be redirected to the development of the Regional Bowls Centre, while officers were instructed to report back on ways to improve recreational space in the Epuni area, and to consider changes to Council's Land Review process and implications of revocation in that process.

Council decision of 16 December 2014

- 5.20 On the basis of these eleven objections, the Council officer report and the recommendation of its Policy and Regulatory Committee which conducted the hearings, the full Council agreed [refer Minute No. C 14604(2)-by a show of hands in the majority with two dissenting, by its resolution, (DOC-2864138) that Council agrees to proceed with the revocation of reserve status of areas shown as Option 6 of the proposal from Urban Plus; with eight further items either noted or where instructions to officers of Council were recorded.

The details of the reserve revocation process conducted by Council comprising the substantive package of information (including the eleven objections and Council's resolution) was forwarded to the DOC officer acting for the Commissioner seeking the Minister's consent to the reserve revocation.

- 5.21 Council noted that subject to revocation being agreed by the Minister and the site plan change being completed satisfactorily, the land be declared surplus and made available for sale. Proceeds of sale would be allocated to the development of a significant community asset, a Regional Bowls Centre, and for some reinvestment in the remaining reserve area.
- 5.22 A summary of the eleven objections are included within [DOC-2860664](#) while additional objections from the same objectors are summarised within the table at item 5.15 above. These have been read by the DOC staff involved in considering this submission. While a full analysis of these objections and the extent to which they have been allowed and accepted or disallowed and not accepted, has not been provided, it was Council's decision that the objections be not allowed or accepted since in its view, the basis for the objections have been accommodated within Option 6.

Ombudsman investigation

- 5.23 Mr Tonkin lodged a complaint with the Ombudsman in late 2015 for the reserve revocations (Copeland Street, Copeland Street, and Avalon Park), citing the Council Hearings Committee
- acted unlawfully when it excluded the public from its deliberations on 8 December 2014 (Copeland Reserve complaint)
 - wrongly excluded the public from a 'workshop' during the hearing process for Copeland Reserve (workshop complaint)
 - acted unlawfully when it excluded the public from its deliberations on 4 August 2015 (Copeland Street and Avalon Park complaint).
- 5.24 The Ombudsman reported to Council on 26 May 2016 that it was his view that Council did not act unreasonably or illegally when the Hearings Committee [Policy and Regulatory Committee] excluded the public from its decision making deliberations (Copeland Street Reserve complaint). In view of this final opinion, the Ombudsman advised it was not necessary for him to investigate the Copeland Street and Avalon Park complaint.
- 5.25 In respect of the workshop complaint, which related to a public excluded 'workshop' or 'briefing', held on 30 October 2014, Mr Tonkin alleged this was unlawful, unjust, and unreasonable. The Ombudsman made an interim decision that having regard to the circumstances of this case, further investigation was unnecessary. The outcome of this workshop matter is to be reported to Council by the Ombudsman.

Mr Tonkin's 25 February 2016 submission

- 5.26 On 25 February 2016, Mr Tonkin submitted a 13-page submission to DOC ([DOC-2842370](#)) of his views on reserves, the public purposes for which they are held, with comment on procedural matters for reserve revocations undertaken by

Council, pertained to each of the three reserves noted in para 5.22.

5.27 The Ombudsman has addressed several matters of Council procedure identified by Mr Tonkin, the outcomes being reported in para's 5.24 to 5.25.

5.28 Other issues highlighted by Mr Tonkin in his submission, those of a general nature and those specifically referring to Copeland Street reserve can, if you agree be received in terms of 'you making further enquiries' [refer s. 24 (2) (f) Reserves Act], after the department received the package of information from Council on 7 January 2015. In the 13-page report these general and specific issues are noted in the left hand column, with the department's response to each in the right hand column:

Mr Tonkin's issues from 25.2.16 paper	The Departments response
Council in proposing these reserve revocations is acting contrary to the intent, purpose, letter, and precedent of the Act.	DOC does not agree that Council is acting contrary to the purposes of the Act
Specifically: justification for revocation is 'for any reason'	The Act does state 'for any reason specified in the resolution'. In respect of Copeland Street, the resolution is so that the area can be sold and the proceeds used to help develop a bowls centre at Walter Mildenhall Park.
Specifically: reserves are for current recreational use or potential -active or passive, with retention of open space & outdoor recreation	Council is better placed to assess and meet the needs of the community in respect of areas for reserves and open space.
Specifically: refers to section 24 (3) where reserve should not be revoked unless no longer suitable for the purposes of its classification	This section refers only to change of purpose for specified reserve types, and does not apply to revocation of reserve.
Specifically: refers to Section 24 (1) (a) states 'where the Minister considers for any reason'	This subsection applies only to DOC administered reserves. Where a Council reserve is involved, section 24 (1) (b) and succeeding provisions of Section 24 apply.
DOC's Standard Operating Procedures refer to revocation of protected area status only where the land is surplus.	The SOP (for reserve revocation) states that by meeting the requirements of s.24 of the Act, any reserve can, after due process, be revoked. The Reserves Act Guide (for territorial authorities) states reasons for revocation include not only being surplus, but also the community benefit is better met by Council holding the land freed of its reserve trust, or where an exclusive right of use is held by one group in the community.
Specifically: Section 1.4 states that revocation is independent of what will happen to the land if revoked	For Crown reserves, revocation and subsequent disposal of land are separate decisions, however they cannot be totally separated in consideration when one is a consequence of another. For Council owned reserves, the Minister decision on use of proceeds of disposal from a revoked reserve, now rests with Council.
Precedent created: the test for revocation should rely only on it being surplus for reserve purposes	The Reserves Act Guide provides other reasons for revocation-one of which is where the community benefit is better met by Council holding the land freed of its reserve trust.

Neither of the reserves is surplus.	Council in each case is retaining a significant part of each reserve for recreation purposes.
Specifically: refers to PAOS reports, its methodology, and existing reserve users. No consideration for replacing same flat land elsewhere on valley floor (area 3). Current users having to relocate. Future use of buildings; the need for open space will increase in the future	DOC is reliant on the reports provided by Council from its website or submitted as part of the revocation processes. In this context, it is Council which is better placed to assess and meet the needs of the community, in respect of areas for reserves and open space.
Process followed by Council is flawed	Council's procedural issues raised by Mr Tonkin to the office of the Ombudsman, have been addressed by the Ombudsman; with his advice reported in para's 5.14 and 5.15
Council has predetermined the outcome of revocations	Since June 2013, the Minister's decisions on use of proceeds of disposal from reserve revocations where the reserve was owned or deemed to be derived by Council, lie with Council. This aligns with the Crown derived reserve policy which has been extended to provide not only new reserves and covenants to protect natural or heritage features, but also the provision of amenities which benefit the community.

Conclusions

- 5.29 Section 24 of the Reserves Act provides for the local authority to forward all objections to the Minister for consideration. In this context, the Council (as administering body) has given a fair and reasonable consideration to this revocation process, having taken the functions and purposes of the Reserves Act into account, with particular regard having been given to the reserve classification and its purposes. In this case, the Council (rather than the Minister) is better placed to assess and meet the needs of the community, particularly in regard to the provision of areas for reserves, open spaces and community facilities.
- 5.30 On that basis, DOC officers have concluded that the Council has given due and proper consideration to the objections received from the objectors under the public notification process, and that the decision not to sustain the eleven objections is considered reasonable.
- 5.31 The reserve while arising from lands of the Crown was created in terms of a subdivision under the Housing Act 1919 for residential purposes, and subsequently vested in Council in 1968 for recreation purposes. Upon revocation under section 25 (1) the reserve is deemed to be have been derived by Council otherwise than from the Crown, and thereby in accordance with section 25 (5) of the Act, the reserve may be disposed in such manner and for such purpose as may be specified by the Minister, for which action Council holds a delegation from the Minister.
- 5.32 The proposed reserve land to be revoked will need to be defined by legal survey in order to support a *Gazette* notice of the revocation. Revocation of that part of the reserve will come into effect following publication and registration of the

notice. The *Gazette* notice will also advise Council that it may decide on how the proceeds of sale are to be utilised.

6.0 Cost implications

6.1 Departmental time in processing the application will be recovered from Council as well as disbursements for publishing a *Gazette* Notice.

7.0 Consultation (QD Code 1213)

7.1 Apart from public notification procedure for the revocation action, there are no other requirements under the Act to consult with other bodies.

8.0 Treaty of Waitangi (QD Code 1158)

8.1 The revocation action requires Council to give effect to the principles of the Treaty of Waitangi. The Port Nicholson Block Settlement Trust (PNBST) and Te Atiawa were consulted. Liz Mellish of PNBST recommended that Council undertake a cultural values assessment of the reserve. Teri Puketapu did not respond to this request.

8.2 Council commissioned Raukura Consultants to prepare a cultural values report of Copeland Street Reserve. The cultural values report (within [DOC-2861179](#)) at pages 17-32 concluded that Te Atiawa and Ngati Tama would have occupied the general area in the 19th century and used the area extensively for hunting and gathering in the forests. Clearing of the forests and settlement of the valley led to several large 100 acre blocks being allocated to Maori of the Waiwhetu and Pito-One Pa's. The report recommends that the Iwi represented by PNBST and Wellington Tenths use this report as the basis of a response from mana whenua.

8.3 The Iwi response to Council was that "a change to the reserve status appears in order here, and there are no issues from the Trusts (Iwi organisations) that arise in this instance".

8.4 Council is of the view that Treaty of Waitangi issues have been addressed.

9.0 Public Notice (QD code 1379)

9.1 Undertaken by Council in terms of Section 24(2) (b) of the Act with a public notice in the Hutt News on 29 January 2013. Objections were to be received by 8 March 2013. Eleven objections and two submissions in support were received. See para's 5.13 to 5.18 relating to these objections.

10.0 Other enquiries

10.1 No other enquiries made or necessary.

11.0 Attachments

11.1 An aerial image of the area of reserve land to be revoked is within [DOC-2864203](#) at page 2.

12.0 Land & Status

12.1 Copeland Street Reserve-comprises

Appellation & area	Certificate of Title	Reserve purpose	Administration
Lot 11 DP 25931 1.2254 ha	WN 27D/700	Recreation reserve	Vested in Council NZG 1969 page 176

13.0 Authority

13.1 Section 24 and 25 Reserves Act 1977

13.2 Section 60(b) &(c) Conservation Act 1987

14.0 Conclusion

14.1 Revocation of the reserve is supported.

15.0 Recommendation that you:

- 15.1 **Note** that the requirements of Section 4 of the Conservation Act 1987 have been satisfied;
- 15.2 **Agree** to not sustain the eleven objections;
- 15.3 **Agree** to receive the February 2016, 13-page submission from Mr Tonkin;
- 15.4 **Agree** to accept all of the Department's responses to Mr Tonkin's February 2016 submission, thereby addressing the matters raised in his submission;
- 15.5 **Approve** the revocation of the reserve over that part (approximately 8250 m²) of Lot 11 DP 25931, to be defined by legal survey;
- 15.6 **Advise** the Hutt City Council that it may exercise the Minister's delegation to decide on the manner and purpose of the proceeds of disposal from the revoked reserve;
- 15.7 **Sign** a *Gazette* notice the form of which is attached, at such time when legal survey to define the reserve to be revoked has been completed.

16.0 Comments

- 16.1 Prepared and checked by:



David Bishop
Senior Advisor (SLM)

17.0 Decision

- 17.1 Recommendation: Approved/~~Declined~~



Date: 14.9.16

Carl Baker
Operations Manager (acting)
Pursuant to a delegation from the Minister of Conservation

Revocation of the Reservation Over a Reserve

Under the Reserves Act 1977, and in accordance with a delegation of the Minister of Conservation, the acting Operations Manager of the Kapiti Wellington District of the Department of Conservation, hereby revokes the reservation over that part of the recreation reserve described in the Schedule and declares the land may be disposed of by the Hutt City Council in such manner, at such price and on such terms and conditions as the Council shall determine.

Wellington Land District – Lower Hutt City

Schedule

Area m²	Description
8250 (approx.)	Part of Lot 11 DP 25931 (being part of Computer Freehold Register WN27D/700)

Dated at Wellington this 14th day of September 2016



CARL BAKER, Operations Manager (acting).

(DOC PAD-23-19-02-05)

Appendix 3 – Indicative Scheme Plan



REV	AMENDMENT	NAME	DATE

A ISSUED FOR PLAN CHANGE JC 02/15

THIS PLAN IS TO BE USED FOR PLANNING PURPOSES ONLY & NOT TO BE RELEASD FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.



Cuttriss Consultants Limited
 1111 W. 10th St., West Block, Mount Coast
 Surveyors, Engineers & Resource Managers

Lot 6 DP 25931
 Lot 7 DP 25931
 Lot 8 DP 25931
 Lot 9 DP 25931
 Lot 10 DP 25931
 Lot 11 DP 25931
 Lot 101 DP 25931

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CLIENT

PROJECT
PLAN CHANGE 35
LOTS 6, 7 & 11 DP 25931
96A WITAKO ST &
51/53 HALL CRES
EPUNI, LOWER HUTT

DRAWING TITLE
POSSIBLE SUBDIVISION
SCHEME PLAN

SCALE	1:500	1:1000	0.75	SIZE	A1
NAME				DRAWING NUMBER	21477 SCH
DESIGNED	JC	01/15		SHEET	1 OF 1 SHEETS
DRAWN	JC	01/15		REVISION	A
CHECKED	JRB	02/15			



Appendix 4 – Infrastructure Assessment

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Also at Paraparaumu

ref: Columbus/21477

12 February 2015

ANALYSIS OF THE SERVICES FOR THE PROPOSED PLAN CHANGE AT 96A WITAKO STREET (COPELAND STREET RESERVE), EPUNI, LOWER HUTT

Introduction

This report investigates the availability of existing services to support residential development which could result from the Proposed Plan Change at 96A Witako Street (Copeland Street Reserve). We have met preliminarily with Hutt City Council's (HCC) Subdivision Engineer to discuss wastewater, stormwater and water supply to a development on this site. The servicing options outlined below are in accordance with that discussion.

Wastewater

There is an existing 150mmØ gravity wastewater main running through the surrounding properties of Copeland Street Reserve. Manholes along this sewer line exist in both the Copeland Street and Hall Crescent accessways to the site. This sewer main is deep enough to provide gravity service to a residential development at both the Copeland Street and Hall Crescent ends of the site.

Stormwater

A 225mmØ stormwater main runs from the existing Bowling Clubrooms, through the IHC occupied portion of the site and into a 450mmØ stormwater main running along Copeland Street. This 225mmØ main would require upsizing if this was to be used to accommodate the runoff from any potential development. However, 450mmØ stormwater main has sufficient capacity and is deep enough to provide a gravity service any residential development of this property.

Water Supply

There is an existing HCC 100mmØ water main in the road berms surrounding this site. Water supply to any development on this site can be serviced off these mains.

Utility Services

Power, telecommunications and gas will be supplied from existing infrastructure.

Signed

Josh Columbus
Graduate Surveyor
Cuttriss Consultants Limited

Appendix 5 – Statement from Parks and Gardens Manager

MEMORANDUM



Our reference:

To: Corinna Tessendorf

Copy: Dan Kellow

From: Bruce Hodgins

Date: 12 April 2017

SUBJECT: PLAN CHANGE 49 - COPELAND STREET RESERVE

Council fully considered the current and future open space needs of the local Epuni area as part of its reserve revocation process.

Officers are satisfied that, as an outcome of this process, reserve land available locally will be sufficient to meet future requirements.

Specifically officers note that:

1. There are four different reserve properties within the immediate vicinity, being Mitchell Park, Copeland Street Reserve, Epuni Community Hall Reserve and Hall Crescent Reserve.
2. That a large part of Copeland Street reserve that has had approval for its reserve status to be revoked was not available to the public for general use, being leased for exclusive long term use.
3. An additional area of land will be added to the reserve on Hall Crescent which will improve sight lines into the reserve and thereby improve public safety.
4. This additional area of reserve will offset the part of the reserve that was traditionally available for general public use.

Bruce Hodgins

Divisional Manager Parks and Gardens

Hutt City Council

Appendix 6 – Statement from Traffic Asset Manager

MEMORANDUM

Our reference: DOC/17/55303

To: Dan Kellow

Copy:

From: Lyle Earl - Traffic Asset Manager

Date: 10 April 2017

SUBJECT: COPELAND STREET RESERVE – PLAN CHANGE: TRAFFIC ASSESSMENT

Development of the site at a density that complies with the District Plan site size and shape requirements means a maximum of five residential sites accessed of Copeland Street and six residential sites accessed of Hall Crescent. Both roads are defined as access roads in the District Plan.

There are other permitted activities that could occur on the site as of right following a plan change. These are:

- home occupations with no more than two additional people working there;
- a childcare facility for up to five children or;
- a residential facility for eight to ten people.

There is no reason to expect that a significant number of the lots will be used for purposes other than residential lots. All other more intensive traffic generating activities will require a resource consent and a traffic assessment at the time of consent application. Accordingly the traffic assessment is based on residential use.

Each potential dwelling would generate around 8vpd. This translates to an additional 40vpd onto Copeland Street and 48vpd onto Hall Crescent. Neither access point is within 75m of an intersection and there are clear site lines from each exit/entrance. From both the Hall Crescent and Copeland Street access points it is no more than 350m to Epuni Rail Station or the Epuni shops.

Both Copeland Street and Hall Crescent are a reasonable width with car parking allowed on both sides of the road. Copeland Street is wide enough to allow cars to pass each other when cars are parked on both sides of the road while Hall Crescent is narrower and requires two way traffic to give way if there are cars parked on both sides of the road.

On the whole both roads are considered capable of accommodating the additional traffic movements described above without adversely affecting traffic safety or the efficiency of the traffic network.

L E Earl - Traffic Asset Manager

Hutt City Council

Appendix 7 – Cultural Values Report Copeland Street Reserve



Raukura Consultants

CULTURAL VALUES REPORT
COPELAND STREET RESERVE



IN ASSOCIATION WITH PORT NICHOLSON BLOCK SETTLEMENT TRUST &
WELLINGTON TENTHS TRUST

4 MARCH 2013

**CULTURAL VALUES REPORT
COPELAND STREET RESERVE
HUTT CITY**

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PROJECT OVERVIEW & TECHNICAL DETAIL

1. At its meeting of 12 December 2012, Council decided to initiate a proposal to revoke the reserve status of the recreation reserve situated between Copeland and Mitchell Streets in Epuni, with the intention of declaring the property surplus for disposal. The central part of the reserve has been home to the Lower Hutt Women's Bowling Club which recently amalgamated with the Woburn Bowling Club in Massey Avenue. The bowling greens are not now in use. Also located on the reserve is a scout hall at the northern end and an IHC facility at the southern end of the reserve.

BACKGROUND

2. The Reserve, located in the suburb of Epuni, is separated into three distinct areas. The central area was until recently occupied by the Lower Hutt Women's Bowling Club, which has since amalgamated with the Woburn Bowling Club on its site in Massey Avenue. With the departure of the Bowling Club it is opportune to consider the future of the property, including if it should be retained as a reserve or be used for another purpose. A plan of the Reserve is shown on page 6 of Appendix 2.
3. The Reserve property is 1.2254 hectares in area. Its legal description is Lot 11 DP 25931 on Certificate of Title WN27D/700. The property was gazetted as a recreation reserve in 1969.
4. The former parcels (6) which make up the Reserve were acquired by the Crown in 1939/40 for housing purposes. While the surrounding land was used for housing, this property, which was defined as a separate parcel in 1968, was set apart as a reserve and vested in the Lower Hutt City Council the following year. The Department of Conservation has previously considered in similar situations that such reserve vesting was a de facto reserves contribution as part of a Crown housing development.
5. The Reserve has a scout hall located on its northern part, accessed off Mitchell Street. The lease on this hall expires in June 2016. The IHC has a lease on part of

the southern end of the Reserve, which is due to expire in March 2013. The IHC has two buildings on the site, one of which is new.

6. An initial high level review of the Reserve by officers indicated that the reserve was not well used and that its visible isolation from the surrounding streets was an issue. The Reserve's proximity to Mitchell Park and the Epuni Community Centre reserve was also noted.
7. In accordance with Council's Reserve Land Acquisition/Disposal Policy the property's reserve values have been assessed against the land acquisition and disposal criteria. The policy states that where the property has been assessed as having low reserve value it may be put forward for possible disposal.
8. An assessment was carried out independently by PAOS. In summary the assessment concludes that the property has a low reserve rating and identifies as one of the main reasons for this is its positioning behind residential housing with limited street frontage, resulting in issues of poor visibility and accessibility.

Discussion

9. The Reserve has been assessed as having low reserve values. In keeping with Council policy, the property is being put forward for consideration by Council for possible disposal. By undertaking this formal process to consider revoking the reserve status, Council can fully assess the future of the property, having regard for community feedback.
10. In considering the future of this property particular attention will need to be given to the IHC activity, which provides the City with a valuable community service.

Options

11. There are three options which Council could consider:

- a. To agree to publicly notify the proposal to revoke the reserve status on the entire reserve in order to seek community feedback on the proposal, (this is the option recommended); or
- b. To agree to publicly notify the proposal to revoke the reserve status over part of the reserve (leaving the area occupied by the IHC as reserve) in order to seek community feedback on the proposal; or
- c. To not proceed with the proposal and retain as reserve.

EXECUTIVE SUMMARY OF CULTURAL IMPACT REPORT

12. This report is made on behalf of the two tangata whenua iwi authorities, the Port Nicholson Block Settlement Trust and the Wellington Tenth's Trust (the Trusts).
13. The Copeland Street Reserve is enclosed by the surrounding residences with little active connection to the reserve. The reserve has been partially developed into three distinct areas. The central section was a bowling green which is now disused, the north eastern end was a scout den and the south western end is simply a grass space with the IHC buildings on the eastern perimeter. The Iwi Manawhenua Trust (Port Nicholson Block Settlement Trust and Wellington Tenth's Trust) support the PAOS conclusions that the reserve has low reserve values. The Trusts recognise that the Bowling Club is no longer in use and that there are other bowling facilities in the near vicinity. The Scout hall is still in regular use. That leaves the IHC facilities being the remaining activities on the reserve. The continuance of those activities is supported.
14. The reserve is also seen to have few Maori cultural values still present. The land did not continue as a part of the McCleverty awards where land in the Hutt Valley as well and elsewhere in the Port Nicholson Block from 1847/48. Although this reserve sits in the suburb of Epuni (after the Te Atiawa Chief Te Puni from Pito One Pā) and with the adjacent Wi Tako Street Māori values have not persisted in this part of the suburb and in particular in this reserve.

15. Epuni is a suburb with a Māori population greater than the average of the Wellington District generally. This report sets out some of the Māori history around the site. Although at some point this area was part of a block identified as a “McCleverty Reserve”, there does not appear to be any evidence that the block known as Hutt Section 36 became a McCleverty reserve or a ‘Tenths reserve’. The Waitangi Tribunal report does not identify it as a McCleverty reserve as Hutt Section 42 was in 1848. Hutt section 19 was not originally a McCleverty reserve but was purchased for Māori by Grey in 1847. Hutt Section 36 was probably one of the 110 rural lots selected by the New Zealand Company in London in 1839 to be reserved for Māori as a part of the ‘one tenth” of the land to be reserved for Māori. In the event like Hutt section 19 it did not survive in the arrangements of Colonel McCleverty who awarded some 42 or 43 rural tenths to various marae around the Harbour. The history of the ‘Tenths reserves’ and the ‘McCleverty reserves’ is complex with many lots added and subtracted from 1839 to 1873.

16. It is of note that this reserve is surrounded by Witako Street (After Wi Tako Ngatata, Chief of Te Atiawa/Taranaki) in the suburb of Epuni after the chief Te Puni Kokopu of Pito-one Pā. There are however no significant Māori cultural issues around the Copeland Street Reserve. Wi Tako Ngatata resided at Kumutoto Pā in Wellington in earlier times and later moved to Te Mako in Naenae, the neighbouring suburb. Prior to Wi Tako moving that area near the Naenae Railway Station the site was the old Te Mako Pā.



EARLY MĀORI HISTORICAL EVENTS FROM THIS AREA

17. Battles were fought near here in the colonial era and New Zealand was significantly shaped through these events in the turbulent 19th century. The tangata whenua status radically changed prior to the arrival of the New Zealand Company when Māori law prevailed. At the start of the 19th century Ngāti Raku-whakairi and Ngāti Kahukura-awhiti of Ngati Ira occupied various Pā in the upper valley. The Pā were sacked by the taua or war parties lead by Ngā Puhi and Ngati Whatua who had muskets. This opened the way to the eventual occupation of the area by the Taranaki tribes of Ngati Tama, Ngāti Mutunga and Te Atiawa. Te Atiawa/Taranaki whānui remained in occupation to the present time. In this locality Ngāti Rangatahi from Ohura built and occupied Motutawa Pā around where Avalon Park is now situated. They were joined for a time by Ngāti Tama. All that was to change with the battle of Boulcott farm in 1846.
18. Motutawa Pa was located in the area currently known as Avalon Park however with gardens extending southward. Motutawa was a Pa occupied by Ngati Rangatahi from Ohura in the Upper Whanganui River. The Pa was also occupied by the Ngati Awa hapu of Ngati Tama. The place name is the same as an island near the mouth of the Mokau River in North Taranaki. It is of note that the Ngati Tama chief from this Pā Te Kaeaea otherwise known as Taringakuri was buried in the Te Atiawa Urupa in Te Puni Street. This Urupa is closely connected with both Pito One Pa and Te Tatau o te Po Pa located on the Petone foreshore. Ngati Rangatahi who were originally from Ohura in the Waikato and were a hapu of Ngati Maniapoto. They were related to Ngati Toa through the ancestress, Kimihia.¹ Ngati Rangatahi were also resident at Maraenuku having been 'placed' there by Ngati Toa in the 1830s, however they vacated the area later that decade and returned in 1841.

¹ Hippolite, Joy, *Ngati Rangatahi*, 1997, Wai 145, Doc H4, p4

19. Maraenuku Pa was located further south on the east bank of Te Awakairangi/Hutt River was also associated with Ngati Tama who had moved his people from Kaiwharawhara Pa which had been overtaken by settlers and their livestock. Ngati Rangatahi were said to have invited Ngati Tama to settle in the Hutt and established a Pa at Maraenuku around 1842 until 1846². Maraenuku Pa now in the vicinity of the Boulcott Golf Course club house. Maraenuku Pa was located some distance north of where Fort Richmond was built in 1845.

BATTLE OF BOULCOTT FARM

20. Through 1844 Ngati Rangatahi and Ngati Tama went on the offensive driving settlers off land they claimed. There was much activity both in the Hutt Valley and elsewhere. In 1845 Hone Heke in the north had successfully sacked Kororareka. This further unsettled the situation in the Hutt and elsewhere.
21. In the Hutt, Superintendent Richmond built a series of forts and stockades. Te Rauparaha came to the Hutt to Maraenuku Pā to talk with Ngati Tama to persuade them to leave the Hutt. Te Rangihacata, who had brought a body of his warriors considered himself to be slighted by Te Rauparaha and was determined to stay put in the Hutt and to encourage Ngati Rangatahi to stay. Te Rangihacata wanted Ngati Rangatahi to get a share of the Hutt Valley in the final Crown grant.

² Cowan, James, *The History of the New Zealand Wars and the Pioneering Period*, p90

22. The replacement of Fitzroy as governor by George Grey changed the dynamics again. Grey having solved matters in the north, turned to the Hutt and was determined to solve the issue with considerable force. In early 1846 Grey had decided he would not protect Ngāti Rangatahi. Grey was determined to expel Rangatahi and Tama from the Hutt Valley. Ngati Tama had agreed to vacate the Valley, but Ngati Rangatahi were largely seeking to remain. In February 1845 Grey brought in a 340 strong military force to the Hutt. The conflict was generated over gardens of the iwi which were to be abandoned, before crops were harvested. The incoming troops often occupied these garden sites and harvested the crops. Some Europeans burned down Ngati Rangatahi's houses and even a chapel. The actions which may have involved some of the troops were seen as very provocative. There had been a promise of compensation if Ngati Tama and Ngati Rangatahi left the Hutt. In the event no compensation was forthcoming.
23. In May 1846 Te Rangihaeata was clearly agitated with George Grey and was wanting to assert interests in the Hutt Valley using Ngati Rangatahi and Ngati Haua people who had come into conflict with settlers in the area who had purchased the land through the New Zealand Company process. The disposition of land and the New Zealand Company arrangements had already been examined by Land Commissioner Spain.
24. The action that was to follow was notorious and showed the instability that still existed in the new colony. This battle however proved to be the last major action in Wellington and set the scene for the future. On Saturday, 16th May, 1846 the military outpost at Boulcott's farm was attacked by Māori led by the Whanganui chief, Te Mamaku. Six soldiers were killed with an unknown number of Māori casualties.
25. Following the attack on Boulcott's farm, Grey built up his troops and also enlisted the support of Te Atiawa and Ngati Ruanui who themselves were asserting their interests in the Hutt against those of Te Rangihaeata.
26. In June 1846 there were more skirmishes in Heretaunga and the conflict moved out of the Hutt valley with Grey's attack on Te Rangihaeata's Pā at Pauatahanui along with the capture of Te Rauparaha. Te Rangihaeata and his followers were pursued up to the Pā in the Horokiri valley (Battle Hill).

27. It is of note that the Copeland Street reserve would not be suitable area to interpret these events such as the Battle of Boulcott farm and that interpretation should be done closer to those sites.

TANGATA WHENUA IN THE HUTT VALLEY

28. To identify who are the tangata whenua in Wellington this report relies in part on the expert knowledge of the Waitangi Tribunal who sought to clarify this matter particularly with respect to who is able to claim an interest against the Crown³. Today, the descendants of the original inhabitants of Pito-one Pā are connected with Te Tatau o te Po Marae along with most being members of the Trusts.
29. The main tangata whenua groups around the northern side of the harbour today are from various hapū of Te Atiawa. They originate largely from Ngā Motu (New Plymouth) in Taranaki. At Pito-one Pa however the people were predominantly from the Ngāti Te Whiti hapū and Ngati Tawhirikura of Te Atiawa iwi. These peoples' descendants are owners in the Wellington Tenths Trust and most are members of the Port Nicholson Block Settlement Trust and are generally represented by the Trusts today.
30. Ngati Tama were resident alongside Ngati Rangatahi at Motutawa Pā having moved into the Hutt from Kaiwharawhara and Ohariu. Ngati Tama largely left for the Chatham Islands in 1835 but several returned to Te Whanganui a Tara in the 1840s.
31. Although Ngati Toa were said to have an interest in the Hutt through their relationship with Ngati Rangatahi and Ngati Haua who came from the Taumarunui area and resided for a short time around the Boulcott area. The presence of these people saw the altercation in 1846 often called the battle of Boulcott farm which saw the British troops driving the Ngati Haua under Topene te Mamaku and Rangihacata of Ngati Toa. It is acknowledged that Ngati Rangatahi had developed ahi kā through their occupation of the Motutawa Pā and the surrounding area.

³ Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takiwā*: Report on the Wellington District, 2003, p 479

32. The final allocation of lands to Māori and the New Zealand Company in the Hutt Valley was concluded in 1847 by Colonel William McCleverty resulting in the allocation of the Wellington Tenth along with allocation to various Pā around the harbour. Around the Epuni area several large rural acres of around 100 acres each were granted to Waiwhetu Pā and Pito-one Pā.

- a. Hutt Section 19 bounded by Waiwhetu Road, and Whites Line East in a parallelogram covering some 106 acres (~42.9 ha) to Waiwhetu Pā. It is noted that the Waiwhetu Marae, papakainga, Te Maori building and the Te Aroha Sport club buildings are all on this block
- b. Heretaunga Section 42 was around 153 acres of what was largely poor hilly ground known as Waiwerowero. This was block probably awarded on the basis of occupation for cultivations or as a native reserve. The Block extended from Naenae Road including a part of what is now Naenae Park. The hill to the east of Waddington Drive is largely undeveloped scrub land today. Much of this section is currently owned by Lower Hutt City Council.
- c. Some 91 acres of Hutt Section 58 were native reserves assigned to Pito-one Pā. It appears that this land was originally awarded to a settler but was surrendered to be granted by McCleverty's awards to Maori. Subdivision of this section was first made in 1882. The land was partitioned with multiple Māori owners in each part. The land was generally leased for market gardens and farming. The land was taken by proclamation for 'unspecified public works' in 1942 for war purposes. Later the taking was declared to be for housing.⁵

⁴ See map at Appendix III – McCleverty Blocks

⁵ Steve Quinn, *Report on the McCleverty Arrangements and McCleverty Reserves, 1997*, Waitangi Tribunal Doc #I8, p 147 -150

CONCLUDING COMMENTS

33. Although the Copeland Street Reserve has been a part of the suburb of Eponi from the establishment of the suburb in the 1940s it has largely remained a local reserve for activities such as lawn bowling and scouting. With the demise of these activities as a result perhaps of changing demographics the function of the reserve has seriously diminished. A change to the reserve status seems to be in order here and there are no issues from the Trusts that arise in this instance.
34. Te Atiawa and Ngati Tama occupied the area in the early 19th century and used the area extensively for hunting and gathering activities in the forests. They were later joined by a group of Ngati Rangatahi from the upper Whanganui River just prior to the arrival of the New Zealand Company and its surveyors followed closely by European settlers.
35. The settlement of this part of the valley was upset in 1846 by what became known as the battle of Boulcott farm where Ngati Rangatahi, Ngati Tama and some Whanganui tribes were driven out of the Pā and cultivations of Motutawa and Maraenuku near the Hutt River, with many never to return to the Hutt. Some of Ngati Tama were an exception moving back into the Upper Hutt Valley. This reserve however would not be a suitable place to interpret this part of the history of the settlement of the Hutt Valley. That should be done closer to the sites of the battle and the Pā.
36. Māori ownership in large blocks around the area gradually reduced through a mix of public works takings and various alienations.
37. The area stayed largely rural until the start around 1930 of the building of state houses. This gained considerable momentum post the Second World War and Eponi started to become a suburb of Lower Hutt City.
38. It is very unlikely that pre-European Māori cultural material would be found anywhere in the soil of the Park, and so having an accidental discovery protocol in place is not required.



Copeland Street entrance and park with IHC facilities in the background

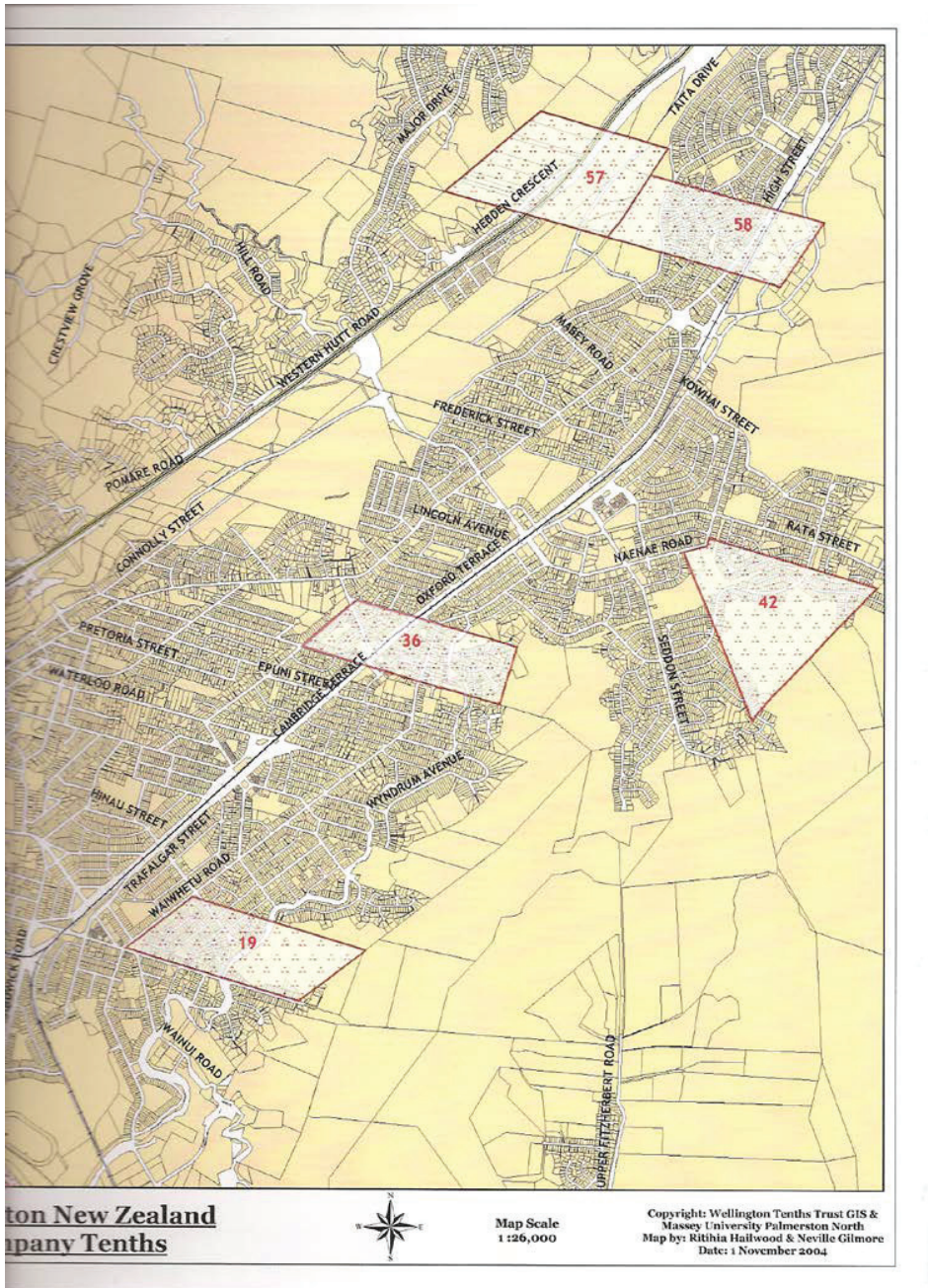
RECOMMENDATIONS

- 1) The Port Nicholson Block Settlement Trust and Wellington Tenth's Trust do not believe an archaeological survey of the area is required prior to any changes to the reserve
- 2) The Trusts believe there is no need for an accidental discovery protocol for this reserve.
- 3) The Port Nicholson Block Settlement Trust and Wellington Tenth's Trust use this report to provide community feedback on the proposal from the mana whenua.
- 4) The Port Nicholson Block Settlement Trust and Wellington Tenth's Trust think the local community should have significant input into the future of the reserve.

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- v. McGill, David *Lower Hutt City – The First Garden City*
- vi. PAOS Limited, *Copeland Street Reserve Assessment of Reserve Values*, October 2012
- vii. Quinn, Steven *Report on the McCleverty Arrangements and McCleverty Reserves*, November 1997, Record of inquiry of the Waitangi Tribunal for the Wellington Tenths claim Wai 145, Document # I8
- viii. Wellington Tenths Trust, *GIS Map Book 2004*
- ix. Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takimā: Report on the Wellington District*, 2003
- x. Turton, H Hanson, *An Epitome of Official Documents relative to Native Affairs and Land Purchases in the North Island of New Zealand*, Government Printer, 1883

APPENDIX I – MCCLEVERTY BLOCKS

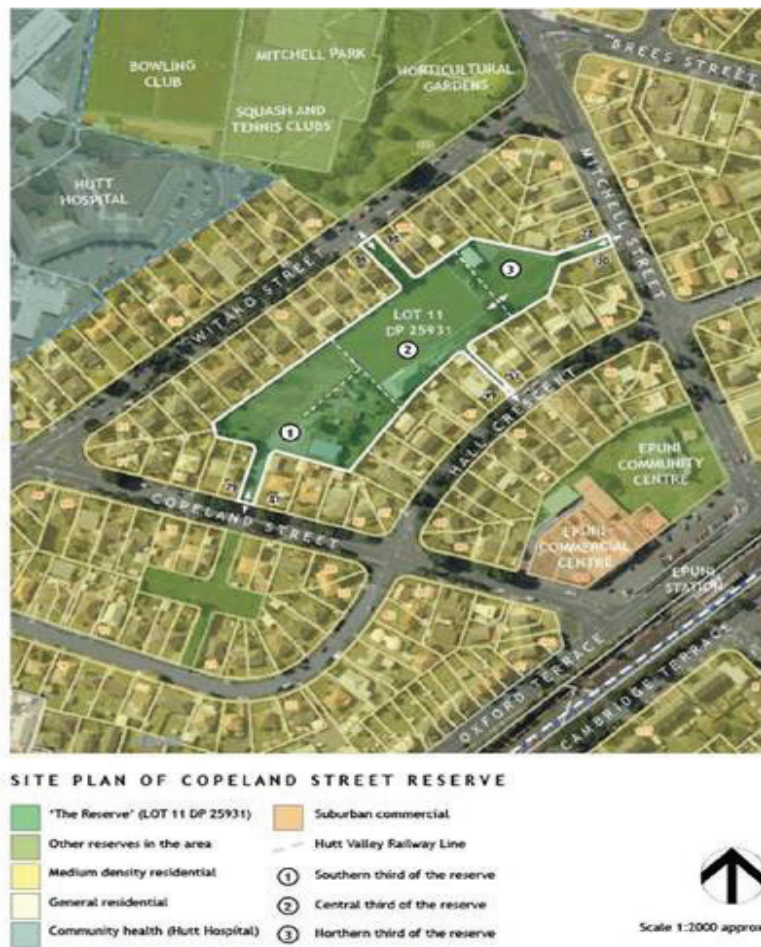


APPENDIX II – RESERVES IN THE VICINITY

5.2. Copeland Street Reserve

Copeland Street Reserve (the reserve) is approximately 1.25ha and centered between Copeland, Witako, Mitchell Streets and Hall Crescent in Epuni (refer to figure 2).

Figure 2 – Copeland Street Reserve and its immediate context



Part 5: Submission Form

Submission on publicly notified Proposed District Plan Change

Clause 6 of the First Schedule, Resource Management Act 1991



To: Chief Executive, Hutt City Council

1. **This is a submission from:**

Full name	<i>Last</i>		<i>First</i>	
Company/organisation				
Contact <i>if different</i>				
Address	<i>Number</i>	<i>Street</i>		
	<i>Suburb</i>			
	<i>City</i>		<i>Postcode</i>	
Address for Service <i>if different</i>	<i>Postal Address</i>		<i>Courier Address</i>	
Phone	<i>Day</i>		<i>Evening</i>	
Fax			<i>Mobile</i>	
Email				

2. This is a **submission** on the following proposed change to the City of Lower Hutt District Plan:

Proposed District Plan Change No:

Title of Proposed District Plan Change:

3. The specific provisions of the proposal that my submission relates to are:

Please give details:

(Please use additional pages if you wish)

4. My submission is:

Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:

(Please use additional pages if you wish)

5. I seek the following decision from Hutt City Council:

Give precise details:

(Please use additional pages if you wish)

6. I **wish** **do not wish** to be heard in support of my submission.
(please tick one)

7. If others make a similar submission,
I **will** **will not** consider presenting a joint case with them at the hearing.
(please tick one)

Signature of submitter:
(or person authorised to sign on behalf of submitter)

	<i>Date</i>
--	-------------

Personal information provided by you in your submission will be used to enable Hutt City Council to administer the submission process and will be made public. You have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning you.

Submission number
OFFICE USE ONLY