

**OFFICER'S REPORT FOR:** Independent Hearings Commissioner:  
Mark St Clair

**SUBJECT:** Proposed District Plan Change 27: 151 Holborn Drive, Stokes Valley – Rezoning part of the site as General Residential Activity Area

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Hutt City Council

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## **EXECUTIVE SUMMARY**

The purpose of Proposed District Plan Change 27 is to rezone a portion of the Hutt City Council owned property at 151 Holborn Drive, Stokes Valley, as General Residential Activity Area in the City of Lower Hutt District Plan (The District Plan). The entire site is currently within the General Recreation Activity Area of the District Plan.

The Plan Change is the result of a review undertaken by the Council of all the land it holds in fee simple throughout the City. The objective of this review was to ensure all Council owned land is being used for its best purpose. The site was included in the review following community consultation as it was deemed not to be required for informal recreation activities and could be better used for residential purposes. As a result of the land review the Council decided to declare part of the land as surplus and dispose of the portion of the site which is directly adjacent to 158 Holborn Drive, to be sold for development of housing, with the balance to remain as reserve.

In order for the subject part of the site to be used for residential purposes a plan change is required to rezone the land to a residential activity area. The area proposed to be re-zoned General Residential Activity Area by the Plan Change is approximately 1.6 hectares and is generally located in the northwest portion of the site as shown on the plan (included as Appendix 1 to the Plan Change). It is proposed that the balance of the property remain within the General Recreation Activity Area. No new District Plan provisions, such as objectives, policies and rules, are proposed to be introduced as a result of the Plan Change. The only amendments which would need to be made are to the District Plan maps to reflect the zone change.

The Proposed Plan Change was notified on 27 March 2012 with submissions closing on 27 April 2012. The summary of submissions was notified on 22 May 2012, with further submissions closing on 6 June 2012.

A total of six original submissions were received. Five submissions opposed the Plan Change. One submission did not oppose the Plan Change. No further submissions were received.

The submissions seek various forms of relief, including but not limited to:

- To retain the whole of 151 Holborn Drive within the General Recreation Activity Area.
- To retain the whole area as existing General Recreation Activity Area and that a dog exercise area be established on the site.
- That the Council avoid adverse effects on significant indigenous biodiversity on the site and provide adequate buffers to protect it.
- Reconsider the choice of these sites for residential zoning and the potential cumulative effects on the remnant indigenous biodiversity in the wider Hutt Valley.

A hearing of the submissions received to Proposed Plan Change 27 is scheduled to be held on the 12<sup>th</sup> of December 2012.

The following report recommends that the Council accept or reject the submissions for the reasons as outlined under section 5 of this report.

**CONTENTS**

- 1. INTRODUCTION .....4
- 2. BACKGROUND .....4
- 3. DESCRIPTION AND HISTORY OF THE SITE .....6
- 4. LIST OF SUBMITTERS .....7
- 5. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS .....7
  - Submission: DPC27/1 – Wayne Robinson – 1.1 and 1.2 ..... 8
  - Submission: DPC27/2 – Lance Pooley – 2.1 and 2.2 ..... 11
  - Submission: DPC27/3 – John Upfold – 3.1..... 12
  - Submission: DPC27/4 – Heather Niven – 4.1..... 24
  - Submission: DPC27/5 – Ross & Donna Burr – 5.1..... 35
  - Submission: DPC27/6 – Greater Wellington Regional Council – 6.1, 6.2, 6.3 and 6.4..... 46
  
- Appendix 1: Plan Change 27 as recommended to the independent hearings commissioner**
- Appendix 2: Blaschke and Rutherford Environmental Consultants’ response to submissions**
- Appendix 3: Traffic Design Group’s response to submissions**

## **1. INTRODUCTION**

This report discusses and makes recommendations on submissions received in relation to Proposed District Plan Change 27, 151 Holborn Drive, Stokes Valley, rezoning of part of the site as General Residential Activity Area.

The purpose of the Plan Change is to rezone approximately 41.5% of the Hutt City Council owned property at 151 Holborn Drive as General Residential Activity Area. The Proposed Plan Change area is made up of two parcels of land with legal descriptions PT LOT 3 DP 20917 and PT LOT 8 DP 20501, held in Title WNB3/881. The two parcels have an overall area of 38,530m<sup>2</sup> (3.8 hectares) with 16,000m<sup>2</sup> (1.6 hectares) of this area being considered for this Proposed Plan Change. The whole site is identified within the District Plan as a General Recreation Activity Area.

The amendments proposed to the District Plan are to planning map G2 in order to show the zone change. This would enable residential development in the rezoned part of the site. The District Plan permits residential activities in the General Residential Activity Area, such as houses with a minimum net site area of 400m<sup>2</sup> providing they comply with development controls such as yard setbacks, site coverage and height restrictions. If the subject part of the site is rezoned to the General Residential Activity Area an application can then be made for resource consent to create sites for residential development.

No new District Plan provisions, such as objectives, policies and rules, are proposed to be introduced by the Plan Change.

The Plan Change proposes that the remaining area of 151 Holborn Drive, Stokes Valley (adjacent to 158 Holborn Drive), be retained as reserve within the General Recreation Activity Area.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 Evaluation and associated Plan Change documents as publicly notified on 27 March 2012.

## **2. BACKGROUND**

This Plan Change is the result of a review undertaken by Council of all the land it holds in fee simple throughout the City. The objective of this review was to ensure all Council owned land is being used for its best purpose. The review included an assessment of the open space contribution each site is making to the community and city along with an assessment of the development potential of each property.

The Hutt City Council Strategy and Policy Committee (now Policy Committee) reviews these reports and made a recommendation on the future of each site. The recommendation is publicly notified, as required under the Local Government Act 2002 of the Reserves Act 1977 (whichever is applicable), and submissions called for from the public. After consideration of submissions the Council makes a decision on each site, such as whether to retain the site as reserve or to revoke the reserve status and consider releasing the site for sale.

In the case of this property it was considered underutilised and could be partly used for residential purposes. The intention to dispose of part of the site was publicly notified on 24 March 2009. At the close of the notification period, 11 submissions were received from the local community all of which opposed the disposal of the northwest portion of this property as well as other land managed by the Parks and Gardens Team in the surrounding area.

The submissions were heard at the Strategy and Policy Committee meeting on 20 May 2009. The Committee recommended to the Council that approximately 1.6 hectares in the northwest portion of the site be the subject of a preliminary engineering and geotechnical assessment and be handed back to the Land Review Working Group to determine the feasibility for residential development prior to making a final decision as to its future.

In November 2009 the geotechnical report for the site was received (Appendix 8 in the Proposed Plan Change as notified) which also included an indicative layout for a potential 14 lot subdivision (Appendix 3 in the Proposed Plan Change as notified), subject to the outcome of the plan change process. This subdivision would comply with the minimum allotment design and standards of the Subdivision Chapter of the District Plan, and would also be consistent with the wider character of the local environment. The boundaries which have been used to determine the extent of the proposed residential zone on the site have been based on this subdivision layout plan and on the assessments received from experts in the process of preparing this proposed plan change. As a result of these reports, the proposed residential zone boundaries have been adjusted slightly to avoid an area of significant vegetation and is shown in Appendix 1 in the Proposed Plan Change as notified.

The site is currently zoned General Recreation Activity Area in the City of Lower Hutt District Plan. Within this zone, any activities which are not generally associated with recreation activities are classified as Discretionary Activities (including residential development). In order for the north western portions of the site to be used for residential purposes, the land would need to be rezoned so that it lies within the General Residential Activity Area. The Plan Change proposes to rezone this part of the site as General Residential Activity Area.

In the preparation of the Plan Change the Council sought advice from the following experts:

- Landscape and visual amenity assessment by an expert on landscape and open space (Assessment by PAOS Ltd in September 2011);
- Geotechnical suitability of the site (Preliminary Geotechnical Suitability Assessment by Tonkin & Taylor Ltd in August 2009);
- Transportation assessment (Transportation Assessment by Traffic Design Group Ltd in November 2011);
- Ecological assessment (Blaschke and Rutherford Environmental Consultants, November 2011); and
- Assessment of availability of services to the site (Analysis of services by Cuttriss Consultants Ltd in November 2011).

These assessments were attached as appendices to the Plan Change document.

On 13 March 2012 Proposed Plan Change 27 was adopted by the Council for public notification under the Resource Management Act, 1991.

The Plan Change was notified on 27 March 2012, with submissions closing on 27 April 2012. The summary of submissions was notified on 22 May 2012, with further submissions closing on 6 June 2012.

A total of 6 original submissions and no further submissions were received on the Plan Change. This report makes recommendations on the decisions sought by these 6 original submissions.

### **3. DESCRIPTION AND HISTORY OF THE SITE**

The area of the proposed plan change is a small part of the property situated at 151 Holborn Drive, Stokes Valley. For the purposes of this report, 151 Holborn Drive is considered as the three parcels directly opposite the Holborn Playground at 158 Holborn Drive. The proposed plan change only affects a portion of these three parcels at 151 Holborn Drive and the area proposed to be rezoned is hereafter referred to as 'the site' (Appendix 1 of this report shows the recommended part of the site proposed to be rezoned.)

The area is located just below the ridgeline on the western side of Stokes Valley and is bound by reserve land to the north and south, residential properties off George Street, Tiroiti Grove and Bogle Grove to the east and Holborn Drive to the west.

The site proposed to be rezoned is accessed via a formed pedestrian walkway to the north and an existing unformed driveway to the south. The property does not contain any buildings and can be generally described as steep vegetated hillside with two open grassed terraces. These two grassed terraces are both relatively flat. The smaller of the two grassed terraces is located immediately adjacent to Holborn Drive. The second, and larger grass terrace, comprises approximately 50% of the area subject to the proposed plan change and is located approximately 10m below the Holborn Drive carriageway.

The remainder of 151 Holborn Drive is a relatively steep hillside which drops away from Holborn Drive to the east to the valley floor. This hillside contains a mix of exotic and native vegetation.

The property is legally described as PT LOT 3 DP 20917, PT LOT 8 DP 20501 and PT Section 199 Hutt District (SO 10500). The first two of these three parcels are held along with three other parcels in Part Cancelled Computer Freehold Register WNB3/881 which does not specify an area. The third parcel is held in Part Cancelled Computer Freehold Register WN966/66. The three above mentioned parcels together have an area of approximately 3.8 hectares, of which, 1.6 hectares is subject to the proposed plan change.

The parcel is zoned General Recreation Activity Area in the District Plan and is not located within a Significant Natural Resource Area.

The site is currently managed under Bush Reserves Management Plan, however it is not gazetted as a reserve under the Reserves Management Act.

A review has been undertaken of the previous Hutt County District Schemes, Transitional District Plan, Proposed District Plan and the Operative District Plan. The first record of zoning which can be found for this property is the District Scheme which became operative in 1961. Within this scheme, the site was zoned Residential A. In 1973, the site has a recreational zoning under the District Scheme Review 2. Under the Proposed District Plan the site was zoned General Recreation Activity Area and has retained this zoning under the Operative District Plan.

#### 4. LIST OF SUBMITTERS

The following submitters have lodged submissions on Proposed Plan Change 27:

Submission Number	Name of Original Submitters	Submission Reference
DPC27/1	Wayne Robinson	1.1, 1.2
DPC27/2	Lance Pooley	2.1, 2.2
DPC27/3	John Upfold	3.1
DPC27/4	Heather Niven	4.1
DPC27/5	Ross & Donna Burr	5.1
DPC27/6	Greater Wellington Regional Council	6.1, 6.2, 6.3, 6.4

#### 5. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought.

The submissions are addressed by submitter. In the heading the submission number, the name of the submitter and the submission reference are printed in bold. Then the decision sought by the submitter is outlined and specific comments made by the submitter are summarised. This is followed by a discussion of the issues raised and the officer's recommendation. Where a submitter seeks more than one decision the submission has been split into parts with different submission references (e.g. 2.1, 2.2).

With respect to determining the scope of a submission, reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

*“6. Making submissions*

*Any person, including the local authority in its own area, may, in the prescribed form, make a submission to the relevant local authority on a proposed policy statement or plan that is publicly notified under clause 5.”*

A submission on a plan change is therefore limited in that it must be “on” the plan change.

In the case of Proposed Plan Change 27 the purpose of the Plan Change was to address the intention to rezone part of a Council owned parcel of land as General Residential Activity Area.

Accordingly, for a submission to be deemed to be within the scope of Proposed Plan Change 27 the submission must relate to any one of the issues addressed in the Proposed Plan Change.

A further submission is limited to a matter in support of, or opposition to, an original submission. It cannot raise new issues that haven't been addressed in one of the original submissions. No further submissions have been received on Proposed Plan Change 27.

Submission:

**DPC27/1 – Wayne Robinson – 1.1 and 1.2**

### **Request of Submitter**

That Council do not proceed with the proposal and would like to see the installation of speed humps (low profile) approximately 50-100 metres from the Kindergarten in both directions.

### **Specific Comments**

#### Water Supply

The submitter explains that the water supply to their street and suburb would be adversely affected by the plan change.

#### Traffic Safety

Road safety issues will increase with the increased amount of traffic along Holborn Drive area. As well as the Kindergarten in Holborn Drive, there are numerous young families living within the Holborn/Logie/Shafesbury streets, some of the properties are without fences and the children play on the footpath and at times on the street itself.

The submitter has lived in Holborn Drive since May 2005. They have seen many vehicles travelling at excess speeds along Holborn/Logie, it being link roads from two points on George Street. The submitter states that this is especially dangerous at the times the Kindergarten starts and ends with vehicles lining both sides of the road at pick up and drop off times.

### **Discussion**

#### Water supply

The infrastructure report by Cuttriss Consultants Limited identifies that the site is situated in the Holborn Water Zone and water supply in this area is provided by gravity feed from the Kingsley Reservoir. The report recognises that the current water supply for the upper levels of this zone (where the site is located) does not meet Hutt City Council standards during peak summer demand. The report explains that further investigation and analysis would need to be undertaken to confirm whether the additional water supply demand required by

the proposed development would have an adverse impact on the existing properties in the upper levels of the Holborn Water Zone.

If, after investigation, it was found that additional water supply demand would have an adverse impact, the report states that a booster pump station could be installed which would provide water supply to Council standards for the entire Holborn Zone.

Given a site area of 1.6 hectares with an identified potential of providing up to 14 allotments, it is considered highly unlikely that any residential development would occur on the site, in the absence of resource consent for subdivision. Permitted activities in the proposed General Residential Activity Area would otherwise limit residential development to two dwellings on the site.

Any proposed subdivision would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. Under Chapter 11 any subdivision in a General Residential Activity Area is at least a Controlled Activity. This means that as a minimum, any subdivision in the Hutt Valley would need to comply with all the standards and terms specified in the chapter. The standards and terms outlined in the subdivision chapter include, but are not limited to, compliance with water supply standards.

As soon as the subdivision proposal does not comply with any of the standards and terms it becomes either a Restricted Discretionary Activity or a fully Discretionary Activity. As a result of identified deficiencies in water supply in the Holborn Water Zone during the peak summer period, in addition to the very limited quantity of permitted earthworks (with a maximum volume of 50m<sup>3</sup> per site), it is anticipated that any subdivision of this area would become at least, a Restricted Discretionary Activity. Matters for the Council to consider in any Restricted Discretionary application include *“any actual or potential adverse effects arising from the proposed non-compliance, (including any non-compliance with water supply standards) and measures to avoid, remedy or mitigate such effects”*.

As a consequence, it would not be possible for residential subdivision to occur on the site, in the absence of works which provide satisfactory water supply. This issue would be addressed by the resource consent process and subsequent engineering design approval of any potential development of the site.

The need for any developer to provide infrastructure to improve water supply, has the potential to have a positive effect on residents' quality of living throughout the Holborn Water Area. A booster pump installed to meet the Council's standards for water supply for new subdivisions, could also improve water supply for the wider area.

Nevertheless, it needs to be taken into the account, that the proposed plan change is not the only mechanism, in which a booster pump station could be installed. This infrastructure may also be provided through mechanisms outside the plan change process, subject to the availability of public funds.

Overall, provided a booster pump station is installed for water supply, no other issues were identified with the capacity of existing services and infrastructure in the area and the availability of services to the site.

It is considered appropriate for the issue of water supply to be addressed at the subdivision consent stage of development if the land is rezoned to General Residential Activity Area.

### Road safety

The Transportation Assessment prepared by the Traffic Design Group concludes that *“transportation related effects of the anticipated level of residential development will be no more than minor with the forecast levels of traffic being readily accommodated by the surrounding road network”*. This transport assessment took into account traffic from a possible 17 to 23 lot subdivision, which is 9 lots maximum above what the plan change area is estimated to be capable of providing, in addition to possible future residential development on nearby land zoned Hill Residential Activity Area.

The report identified traffic flows of approximately 1,800 vehicle movements per day (vpd) at the busier northern end of Holborn Drive, with this road having the characteristics and function of a collector or local distributor road and capable of accommodating some 2,000 to 8,000 vpd. The proposed plan area is estimated to result in some 110 additional vehicular movements per day, and 14 to 17 additional vehicle movements during the busiest hours.

The modest level of additional vehicular movements generated by the proposal is expected to have no more than a minor impact on road safety in the immediate vicinity of the surrounding road network.

The option of placing speed humps outside the Kindergarten as requested is outside the scope of the proposed plan change. The anticipated traffic impacts of the proposed plan change area are not considered to have a significant impact on traffic safety outside the Kindergarten, to the extent to justify their provision as part of the plan change process.

It is considered that the request to install low profile speed humps is outside the scope of this plan change. However this could become a condition of consent or could be otherwise passed on to the roading and traffic division at Hutt City Council as an issue to investigate.

### **Recommendation**

It is recommended that the submission lodged by Wayne Wootton (1.1, 1.2) be **rejected** to the extent that the provisions of Proposed Plan Change 22 remain unchanged.

Submission:

## **DPC27/2 – Lance Pooley – 2.1 and 2.2**

### **Request of Submitter**

That council addresses the stormwater issues and boundary anomalies in Tiroiti Grove.

That council permanently remove the blackberry bushes growing on the banks of the right of way and plant native trees to enhance the neighbourhood.

### **Specific Comments**

#### Stormwater issues at Tiroiti Grove

- there is extra loading on the stormwater catchment at the end of the right of way in between 15 and 20 Tiroiti Grove;
- the submitter requests regular maintenance and mowing of grass in the right of way so that there is no restricted flow of stormwater to street when flooding occurs;
- the submitter requests regular cleaning of stormwater drain catchment area, kept clear of debris so the drain works to its full potential during high loading;
- the submitter requests new and upgraded safety fencing is installed around stormwater intake area after new sewer drain is laid – there are a number of young children in the neighbourhood and they use the right of way to gain access to a track up to Holborn Drive through the bush. When in flood the drain intakes become very dangerous indeed; and
- The submitter states that after the sewer drain is laid down the right of way, the ground from the stormwater catchment area should be sloped to street curb in one smooth gradient so when flooding occurs, the flow goes in this direction only.

#### Boundary anomalies

The photo map shows the boundary fences are in a different place to where they actually are on the submitters property; there since purchase.

The submitter has been upgrading the existing fences at own cost. One fence is a concrete wall constructed by the council to stop stormwater overflow in floods from running down through 20 Tiroiti Grove and redirect it towards the street down the right of way.

### **Discussion**

The submitters concerns are outside the scope of Proposed Plan Change 27 as they are not related to the site affected by the proposed plan change. However, it is acknowledged that stormwater is a relevant concern for the area as a whole and therefore merits discussion.

#### Stormwater issues at Tiroiti Grove

The infrastructure report by Cuttriss Consultants Limited identifies that the proposal intends to discharge stormwater to an existing gully to the north of the site. A stormwater system from Holborn Drive already discharges to this same gully. The gully itself discharges to a 225mm diameter culvert inlet at the rear of the submitter's property at No 20 Tiroiti Grove.

Council advised that there had been issues with this inlet overflowing through No 20, but remedial works have since been undertaken in the form of a concrete wall that diverts overflows away from No 20 and down the accessway to Tiroiti Grove. The topography around the inlet structure allows it to surcharge so that the pipe flows full, and the system operates at full capacity.

At time of subdivision consent, further investigation on the capacity of the system can be undertaken. Should there be a capacity issue, a second pipe could be laid down the access to the main in Tiroiti Grove, or detention tanks installed so the post-development flows are reduced to a similar level as pre-development flows.

Council's Subdivision Engineer has agreed that this approach meets Council's requirements.

### **Recommendation**

It is recommended that the submission lodged by Lance Pooley (2.1 and 2.2) be **rejected** to the extent that the provisions of Proposed Plan Change 27 remain unchanged.

Submission:

### **DPC27/3 – John Upfold – 3.1**

#### **Request of Submitter**

That the land zoning for 151 Holborn Drive remain as is i.e. General Recreation Activity Area and that a dog designated exercise area be established on 151 Holborn Drive.

#### **Specific Comments**

##### Ecology

Recreational land is a precious resource and once it is gone it is gone. The submitter states that we have a responsibility to current and future generations to care for the land and the physical and spiritual well-being of the community i.e. Kaitiakitanga.

The submitter states that the area at the top of Holborn is special because it is quiet and sunny and full of regenerating bush. Over recent years the native birds have been returning e.g. Tui, Kereru, Morepork and Fantails.

The submitter bought their house in 1990 and states one of the key reasons for buying it was the zoning of the nearby land as reserve.

##### Site stability

The submitter states that the land is mainly fill and below the road level so it gets considerable run-off and there will be erosion and landslide risks. Given the land instability and the need for considerable foundation work the submitter presumes the likely damage arising from a strong earthquake would be high.

##### Traffic

The submitter states there would be increased traffic volumes and greater risks for pedestrians particularly those children and parents going to and from the Holborn Kindergarten. The latter is just past a corner on the hill and very near the proposed new

access road. The submitter notes that residents unsuccessfully tried to get speed humps installed near there due to the “boy racers”.

#### Visual amenity

The submitter is concerned that their house (No 156) will be visually significantly affected as they would be looking down at the subdivision whereas at the moment they just see trees. The submitter adds that the removal of trees will mean that they will see across the valley to the already existing stark and ugly looking Speldhurst subdivision.

#### Water pressure

Additional housing would further worsen the water pressure for residents in Holborn. The submitter says it is already sub-standard and the Council proposal, although raising the possibility of a pump station, makes no guarantee of it.

#### Dog exercise/recreation value

The submitter’s alternative proposal is for the land to retain its current zoning and for it to become a designated dog exercise area. It is an attractive area for this purpose as it is well away from the road and children’s playgrounds, there are no river algae or poison bait, thus owners can have their dogs off the leash in a safe environment. There seem to be many dogs in the Holborn area and the land is informally used for this purpose. However by making it a dog exercise area and advertising it as such, much greater use of it would be made. Meanwhile the bush will keep growing, more native birds will come and an important resource will be retained.

#### Cost benefit analysis

The submitter states that the proposal does not evaluate the other options and that only a rudimentary cost/benefit analysis has been done.

The submitter states the financial return to the Council and ratepayers is relatively low. The 2009 Tonkin and Taylor Preliminary Land Development Assessment gave an indicative gross return of \$362,424 and notes that “the latter figure does not include sale costs, tax or GST or any statutory processes with respect to land managed as reserve of Plan Changes”. The submitter presumes it also doesn’t include the cost of a water pumping station and the cost of the various council reports and council officer time spent in the land assessment process.

Overall, the submitter says there just doesn’t seem to be a strong justification for the rezoning proposal.

### **Discussion**

#### Ecology

The site is part of a small tract of mainly native bush on the western hills of Stokes Valley. It is in the vicinity, but does not form part, of Significant Natural Resource Area Stokes Valley Bush (SNR 50) as it is separated by Holborn Drive and adjoining house lots and recreation areas.

An ecological assessment has been undertaken by Blaschke and Rutherford Environmental Consultants to assess the ecological values associated with the site and the actual and potential ecological effects associated with the proposed plan change. The report identifies two areas of hard beech forest located at the northern and southern edges of the wider site that are considered to have the greatest level of ecological significance. The report states that these areas have been free from disturbance for over 50 years and it is possible that the larger trees are more than 150 years old. The boundaries of the proposed plan change area have been altered to avoid these areas of significant vegetation.

The site subject to the proposed plan change has been assessed to be of relatively low ecological value as it is dominated by introduced species such as Blackberry, Radiata Pine and Pine-wattle-gum forest.

The report identifies the adverse ecological effects that would arise if a development was undertaken similar to that shown on the indicative plan in Appendix 3 of the notified proposed plan change documentation. The main adverse effect would be the loss of some native vegetation and habitats to create allotments and provide infrastructure for the development. The report calculates that a maximum of 3750m<sup>2</sup> of vegetation would be cleared to create the road and allotments and a further 513m<sup>2</sup> would be cleared for the construction of new stormwater and sewer services. The report states that in practice, probably not all of the approximated vegetation would be lost and that overall, the vegetation is of relatively low ecological value as it is comprised of mostly introduced species and Manuka scrub.

Several other adverse ecological effects are identified in the report. There would be some loss of forest and aquatic habitat due to vegetation clearance and provision of infrastructure. Also there is the potential for further weed and pest infestation, and loss of bird life. The report responds to a previous submission by the submitter to the land review process which commented on observations of native bird life and frogs being present in the area. The report notes that *"not all these species would necessarily be regularly present on the Proposed Plan Change site itself, although it is likely that most of them would be present from time to time in the vicinity."* Overall, the report concludes that the ecological effects of the proposed plan change would be minor.

The report includes recommended measures to avoid, remedy or mitigate adverse ecological effects which are outlined below:

- The sewer and stormwater infrastructure for any future development should be designed to minimise the amount of vegetation clearance required.
- The boundaries of the proposed plan change area should substantially follow the lot boundaries indicated on the indicative development plan. The report points out that a revised proposed plan change boundary has been sighted and is considered to achieve the intent of the above recommendation.
- Vegetation along the Holborn Drive frontage should be retained or replanted with species that provide food and habitat for birds.
- Designating building sites or non-clearance parts on some lots.

- Avoidance measures to protect freshwater values at the time of subdivision.

The provisions of the District Plan in relation to Subdivision, Earthworks and development in the Residential General Activity Area are expected to result in the partial retention of vegetation on the site. These include, but are not limited to, the following restrictions on the permitted activity standards for the General Residential Activity Area:

- Maximum site coverage of 35%;
- Minimum of 30% of the net site area being of permeable surface;
- The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever is the lesser (providing that this does not preclude the removal of any pest plant).

The last provision alone, would limit the extent of vegetation removal as a Permitted Activity (without the need for resource consent) for the entire site to 500m<sup>2</sup> (approximately 3% of the proposed plan change area).

Subject to the use of avoidance and mitigation measures, which could be incorporated into the resource consent process for future subdivision and development on or adjacent the site, the rezoning of the proposed plan change area is considered by Council officers as having no more than a minor ecological impact, including effects resulting from some vegetation removal.

#### Site stability

Site stability issues have been considered in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment was undertaken for the site by Tonkin & Taylor Limited to determine geotechnical constraints to residential development. This assessment formed part of the proposed plan change documentation as originally notified.

The geotechnical investigation comprised of 17 investigation pits over the flat terraced areas and a geomorphic assessment of the property. The report divided the parcel into five areas (as shown in Figure 1 of Appendix 8 of the Section 32 Report) and explains the site geology and soil profile of the parcel as follows:

- The central flat grassed area (areas A/B and B) comprise of varying thicknesses (0 to 6 metres) of Silty Gravel Fill material over weathered rock. The fill depth is believed to be deepest at the centre of the eastern edge where historical aerial photographs indicate a pre-existing gully has been infilled.
- The southern end (area A) was found to be shallow rock with no overlying fill.
- The bank immediately adjacent to Holborn Drive (area B/C) is thought to be comprised of a layer of sidecast fill overlying weathered rock. The investigation pits indicate a shallow 0.5 metre layer of fill at the base of the slope and it is envisaged that the fill depth may be greater (1.5 metres) at the top of the slope.

- The remaining slopes to the east of the flat terraced areas (area C) are likely to comprise of shallow weathered rock beneath a thin (0 to 0.5 metre) layer of topsoil, fill, colluvium and residual soils.

The geotechnical assessment identified that due to the differing subsoil conditions across the property, and depending on the area being developed, foundations for future dwellings will need to be designed to suit the underlying soil conditions. This is not uncommon and would be addressed at the time of any future subdivision resource consent application for the site.

Overall, it is considered that the area subject to the proposed plan change has suitable subsoil conditions for residential development, subject to appropriate remedial solutions. For example, for the flat grassed area, the report recommends that residential development will require removing unsuitable fill and, depending on the location, either importing suitable fill or using driven timber piles. Development of the existing vegetated slope to the east of the site would require significant specific geotechnical investigation and slope retention works to allow for residential development.

From the findings of this report, it can be determined that if the site is rezoned to General Residential Activity Area, earthworks will be required to facilitate residential development. Earthworks would be required to create building platforms and foundations as well as roads and access ways. Earthworks can have a number of adverse effects on the environment such as worsening hazard potential, land instability and effects on landscape and amenity values.

The District Plan contains rules controlling earthworks which apply to all activity areas, including the General Residential Activity Area. These rules help to manage the adverse effects of earthworks on the environment. The District Plan allows a maximum volume of earthworks of 50m<sup>3</sup> and a cut/fill height of 1.2 metres (Rule 14I 2.1.1). It is likely that the earthworks for the development of the site would be included within resource consent to subdivide the site and would therefore be assessed as a Restricted Discretionary Activity. The assessment of an application to subdivide the site would also involve assessing effects relating to natural hazards, such as erosion and landslip and sediment management and these would need to be appropriately mitigated before consent could be granted.

Overall, it is considered that the effects of the proposed plan change on the environment relating to site stability can be appropriately addressed by the District Plan at the time of resource consent.

### Traffic

A traffic effects assessment was undertaken for the proposed plan change by Traffic Design Group Ltd. This assessment focused on the traffic effects which could result from activities provided for by General Residential Activity Area zoning being undertaken on the site subject to this proposed plan change, and whether any traffic safety or efficiency effects would arise within the existing traffic environment.

Access to each of the proposed allotments as shown in the indicative development plan (Appendix 3 of the proposed plan change documentation as notified) could be achieved via a new cul-de-sac off Holborn Drive, at the southern end of the site. Pedestrian access to the proposed subdivision could be formalised via an access leg between proposed Lots 8 and 9 onto an existing path that is located at the northern extent of the Site, as shown on the indicative subdivision plan in Appendix 3.

The traffic assessment was prepared on the premise of this indicative 14 lot subdivision of the site being undertaken. The traffic report has assessed the potential road design and layout and has found that there are options available for forming a safe intersection between Holborn Drive and the indicative access road. The traffic assessment found that the traffic flows associated with the anticipated level of additional residential activity is expected to remain comfortably within the capacity currently available within the local road network. In addition, the site would be able to accommodate appropriate road layout, access and street design so that there would be no internal traffic safety and efficiency effects resulting from the proposed plan change. At the time the site is developed into residential allotments the provisions of the District Plan and the Code of Practice for Land Development and Subdivision will be applied to the proposed development layout and the carriageway design. These provisions will ensure that the road is of sufficient width and at appropriate gradients to serve future residential allotments.

The Transportation Assessment prepared by the Traffic Design Group concludes that *“transportation related effects of the anticipated level of residential development will be no more than minor with the forecast levels of traffic being readily accommodated by the surrounding road network”*. This transport assessment took into account traffic from a possible 17 to 23 lot subdivision, which is 9 lots maximum above what the plan change area is estimated to be capable of providing, in addition to possible future residential development on nearby land zoned Hill Residential Activity Area.

The report identified traffic flows of approximately 1,800 vehicle movements per day (vpd) at the busier northern end of Holborn Drive, with this road having the characteristics and function of a collector or local distributor road and capable of accommodating some 2,000 to 8,000 vpd. The proposed plan area is estimated to result in some 110 additional vehicular movements per day, and 14 to 17 additional vehicle movements during the busiest hours.

The modest level of additional vehicular movements generated by the proposal is expected to have no more than a minor impact on road safety in the immediate vicinity of the surrounding road network.

The location of the site means that there will be general reliance on public transport and private car. A bus stop is located on the same side of Holborn Drive next to the site. The Transportation Assessment by Traffic Design Group considers the site to be appropriately serviced by public transport and that the proposed plan change site is preferable compared with other less well connected greenfield sites for residential development.

Overall, it is considered that the traffic effects resulting from the plan change can be appropriately addressed by the existing District Plan rules and the proposed plan change would not result in any significant traffic effects.

The submitters concerns regarding the installation of speed humps on Holborn Drive are outside the scope of this plan change. However could be passed on to the roading and traffic division at Hutt City Council as an issue to investigate.

### Visual amenity

It is acknowledged that the submitter's property at 156 has a direct view across the site. However, the existing vegetation and the vertical separation between the submitters property and any dwellings on the area subject to the proposed plan change would reduce the visual effects from future residential development on these properties.

The PAOS report which formed part of the proposed plan change documentation makes several recommendations to ensure that the visual amenity values and natural character of the local environment are maintained by the proposed plan change. These measures include:

- Adjust the plan change boundaries so that the significant vegetation within the southern portion of the Site is excluded;
- Limiting housing to the base of the hillside immediately to the east of Holborn Drive; and
- Replanting the top of the hillside to maintain a green edge along Holborn Drive.

In relation to the first point, the area subject to the proposed plan change has been altered to ensure that the significant vegetation located within the southern portion of the property is excluded from being rezoned.

In relation to the second and third mitigation measures identified within the PAOS report, it must be noted that any subdivision of the site would require resource consent. The District Plan identifies the criteria which must be taken into account when considering an application for consent. These criteria include:

*"Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated."* (Chapter 11 Subdivision, Assessment Criteria 11.2.2.3 (a)).

This assessment criterion allows the mitigation measures identified above to be incorporated into the design of the subdivision, to ensure the effects resulting from the development of the site are less than minor.

The existing rules in the District Plan for subdivision, vegetation removal and earthworks will contribute to maintaining the character and amenity values of the surrounding area. Any future subdivision of the site would require resource consent and would be subject to the conditions and standards of the District Plan. Adverse effects of a subdivision and measures to avoid, remedy or mitigate adverse effects are assessed in the resource consent process. A subdivision of the site for residential development is likely to be a Restricted Discretionary

Activity if earthworks are required to form roads and retaining walls and to prepare building platforms. Matters that can be addressed when assessing a Restricted Discretionary subdivision include the effects of earthworks on visual amenity values, construction effects, effects on natural landforms and features, avoidance or mitigation of natural hazards and erosion and sediment management.

If the site is rezoned as General Residential Activity Area it is likely that a future subdivision would also seek resource consent to remove vegetation from the site and the effects of the vegetation removal would be assessed at subdivision stage. The existing rules for the General Residential Activity Area limit vegetation clearance to 35% of the area of a site or 500m<sup>2</sup>, whichever is the lesser. Vegetation removal above either of these thresholds is a Restricted Discretionary Activity. One of the matters which Council has restricted its discretion to is the effects on the amenity values of the area. It is considered that the potential amenity effects which may arise from continued vegetation clearance on any future properties can be adequately addressed by the existing rules associated with the General Residential Activity Area. These rules include (but are not limited to) a minimum lot size of 400m<sup>2</sup>, a maximum site coverage of 35% and limitations regarding the removal of vegetation. The proposed zoning as General Residential Activity Area is considered to be in keeping with the objectives specific to this activity area of the District Plan, and therefore the objectives sought for the surrounding residential properties.

It is important to keep in mind that the indicative subdivision plan is just one potential layout and is ultimately used to determine the parameters of the plan change site. It is presented as no more than an example of how the land might be developed and there are likely to be other feasible means of subdividing the land. This plan change does not determine the actual pattern or shape of any future subdivision; it just determines the parameters and framework for future residential development.

Any actual subdivision plan would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. As referred to above, any subdivision on the proposed plan change site is likely to become at least a Restricted Discretionary activity, as a result of possible non-compliance with water supply standards and the expected surpassing of permitted earthworks (maximum volume of 50m<sup>3</sup> per site).

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

Overall, it is considered that the effects of the proposed plan change on the environment relating to visual amenity can be appropriately addressed by the District Plan at the time of resource consent.

#### Water pressure

The infrastructure report by Cuttriss Consultants Limited identifies that the site is situated in the Holborn Water Zone and water supply in this area is provided by gravity feed from the

Kingsley Reservoir. The report recognises that the current water supply for the upper levels of this zone (where the site is located) does not meet Hutt City Council standards during peak summer demand. The report explains that further investigation and analysis would need to be undertaken to confirm whether the additional water supply demand required by the proposed development would have an adverse impact on the existing properties in the upper levels of the Holborn Water Zone.

If, after investigation, it was found that additional water supply demand would have an adverse impact, the report states that a booster pump station could be installed which would provide water supply to Council standards for the entire Holborn Zone.

Given a site area of 1.6 hectares with an identified potential of providing up to 14 allotments, it is considered highly unlikely that any residential development would occur on the site, in the absence of resource consent for subdivision. Permitted activities in the proposed General Residential Activity Area would otherwise limit residential development to two dwellings on the site.

Any proposed subdivision would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. Under Chapter 11 any subdivision in a General Residential Activity Area is at least a Controlled Activity. This means that as a minimum, any subdivision in the Hutt Valley would need to comply with all the standards and terms specified in the chapter. The standards and terms outlined in the subdivision chapter include, but are not limited to, compliance with water supply standards.

As soon as the subdivision proposal does not comply with any of the standards and terms it becomes either a Restricted Discretionary Activity or a fully Discretionary Activity. As a result of identified deficiencies in water supply in the Holborn Water Zone during the peak summer period, in addition to the very limited quantity of permitted earthworks (with a maximum volume of 50m<sup>3</sup> per site), it is anticipated that any subdivision of this area would become at least, a Restricted Discretionary Activity. Matters for the Council to consider in any Restricted Discretionary application include *“any actual or potential adverse effects arising from the proposed non-compliance, (including any non-compliance with water supply standards) and measures to avoid, remedy or mitigate such effects”*.

As a consequence, it would not be possible for residential subdivision to occur on the site, in the absence of works which provide satisfactory water supply. This issue would be addressed by the resource consent process and subsequent engineering design approval of any potential development of the site.

The need for any developer to provide infrastructure to improve water supply, has the potential to have a positive effect on residents' quality of living throughout the Holborn Water Area. A booster pump installed to meet the Council's standards for water supply for new subdivisions, could also improve water supply for the wider area.

Nevertheless, it needs to be taken into the account, that the proposed plan change is not the only mechanism, in which a booster pump station could be installed. This infrastructure may also be provided through mechanisms outside the plan change process, subject to the availability of public funds.

Overall, provided a booster pump station is installed for water supply, no other issues were identified with the capacity of existing services and infrastructure in the area and the availability of services to the Site.

It is considered appropriate for the issue of water supply to be addressed at the subdivision consent stage of development if the land is rezoned to General Residential Activity Area.

#### Dog exercise/recreation value

The submitter requests that a dog exercise area be created on the site and that the site retains its current zoning. The decision of Council to sell the land at 151 Holborn Drive is outside the scope of the Proposed Plan Change and therefore a Council owned dog exercise area at this site cannot be considered; Council prohibits dogs in all public places (aside from dog exercise areas) unless they are kept under continuous control by being on an effectual leash or being contained in a vehicle or cage. Under the Dog Control Bylaw 2005, Council can pass a resolution to specify, amend or revoke dog exercise areas (clause 7A) and specify dog prohibition areas (clause 8A). Before making a resolution Council must take into account the following:

- (a) The need to minimise danger, distress and nuisance to the community generally;
- (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- (d) The exercise and recreational needs of dogs and their owners;
- (e) Impact on wildlife areas;
- (f) Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area; and
- (g) Any other information considered by the Council to be relevant.

There are currently no dog prohibition areas and two specified dog exercise areas in Stokes Valley: Delaney Park, with entrances from George Street and Stokes Valley Road and Kamahi Park, with an entrance from Stokes Valley Road. Located just outside Stokes Valley there is the Hutt River Bank (Eastern bank from Stokes Valley to Strand Park) which is also a specified dog exercise area. It is considered that these locations appropriately serve the current demand for dog exercise areas in Stokes Valley.

The recreation values of the site and the effects of the Proposed Plan Change on these recreation values have been assessed within the PAOS report dated September 2011 (included as Appendix 4 to the proposed plan change documentation as notified). The report assessed the impact on informal recreation to be low, using criteria in Hutt City Council's Reserves Acquisition/Disposal Policy and Guidelines. This low level has been attributed to the fact the proposed plan change area does not provide access to wider recreational areas, does not attract wide use, is not located in a high density urban area, is not overlooked and

has safety issues, and the immediate needs of the local community are largely met by the Holborn Drive Playground directly over the road from the proposed plan change area.

The report states that the prime value of the proposed plan change area is that it provides a flat open space that is sheltered from the prevailing northerly wind. The site is used informally by people living in the neighbourhood for activities such as; golf practice, ball games, trail bike riding, blackberry picking, children's play and dog exercise. However, the proposed plan change area has a number of disadvantages which mean that it does not attract wider use. The flat grassed area has poor drainage and is in poor condition. There is no passive or active surveillance as the majority of the site is located well below the level of the Holborn Drive carriageway and is largely hidden by vegetation.

The PAOS report recognises that there are a number of quality open space and reserve areas within local environment which can and are used for informal recreation. The PAOS report lists these areas, three of which are within a 500 metre radius of the site, including the Holborn Drive Playground immediately across the road from the site. It is considered that these existing grounds would assist with meeting the recreational needs of the local community and assist with mitigating the effects associated with the proposed plan change.

The PAOS report has made the following two recommendations to offset the recreational effects associated with the proposal.

- The proceeds from the sale of the land should be used to improve the recreational amenity of the Holborn Playground directly opposite the proposed plan change area and this area should be gazetted as reserve.
- Further investigations should be made as to the location of a dog exercise area within the local area.

It should be noted that both of these recommendations are beyond the scope of what can be required as part of the plan change process and therefore little weight can be given to these when considering this proposed plan change. It is also noted that these recommendations are not fundamental in ensuring that the recreational effects associated with the proposal are appropriately mitigated. Rather this report recognises that the Site has low recreational significance and that there are many opportunities available within the local environment for the recreation needs of the community to be met.

The PAOS report concludes that the effects of the proposed plan change on the provision of open space are low. Overall, the PAOS report considers that the rezoning of the subject site to General Residential Activity Area would maintain the recreational values of the area and is an appropriate outcome. On the whole, the rezoning of the site has less than a minor impact on the provision of recreational facilities within the local area.

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

### Cost benefit analysis

Under section 32 of the Resource Management Act 1991 any proposed plan change must be accompanied by an evaluation that assesses both the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. The evaluation must also take into account the benefits and costs of policies, rules, or other methods and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

For Proposed Plan Change 27, maintaining the status quo was evaluated against three different zoning options and the option of rezoning the site as General Residential Activity Area was found to be the most appropriate way to achieve the purpose of the Act and the most effective and efficient at achieving the objectives in the District Plan. The benefits and costs were taken into account and it was considered that Council had sufficient information to contemplate the proposed plan change. Overall, the Section 32 analysis of the proposed plan change is considered to meet the requirements of the Resource Management Act 1991.

Reviewing Council's decision to sell the land at 151 Holborn Drive is outside the scope of this proposed plan change and the issue of the sale of publicly owned land is not a matter which requires consideration under the Resource Management Act 1991. In the land review process, Council made a decision to sell the land and that a plan change to rezone it in order to facilitate development was required. Therefore, only relevant District Plan matters such the evaluation of different Residential Activity Areas and their effects can be considered in the Section 32 report of this proposed plan change.

### **Recommendation**

It is recommended that the submission lodged by John Upfold (3.1) be **rejected** to the extent that the provisions of Proposed Plan Change 27 remain unchanged.

Submission:

## **DPC27/4 – Heather Niven – 4.1**

### **Request of Submitter**

That the land zoning for 151 Holborn Drive remain as is i.e. General Recreation Activity Area and that a dog designated exercise area be established on 151 Holborn Drive.

### **Specific Comments**

#### Ecology

Recreational land is a precious resource and once it is gone it is gone. The submitter states that we have a responsibility to current and future generations to care for the land and the physical and spiritual well-being of the community i.e. Kaitiakitanga.

The submitter states that the area at the top of Holborn is special because it is quiet and sunny and full of regenerating bush. Over recent years the native birds have been returning e.g. Tui, Kereru, Morepork and Fantails.

The submitter bought their house in 1990 and states one of the key reasons for buying it was the zoning of the nearby land as reserve.

#### Site stability

The submitter states that the land is mainly fill and below the road level so it gets considerable run-off and there will be erosion and landslide risks. Given the land instability and the need for considerable foundation work the submitter presumes the likely damage arising from a strong earthquake would be high.

#### Traffic

The submitter states there would be increased traffic volumes and greater risks for pedestrians particularly those children and parents going to and from the Holborn Kindergarten. The latter is just past a corner on the hill and very near the proposed new access road. The submitter notes that residents unsuccessfully tried to get speed humps installed near there due to the “boy racers”.

#### Visual amenity

The submitter is concerned that their house (No 156) will be visually significantly affected as they would be looking down at the subdivision whereas at the moment they just see trees. The submitter adds that the removal of trees will mean that they will see across the valley to the already existing stark and ugly looking Speldhurst subdivision.

#### Water pressure

Additional housing would further worsen the water pressure for residents in Holborn. The submitter says it is already sub-standard and the Council proposal, although raising the possibility of a pump station, makes no guarantee of it.

#### Dog exercise/recreation value

The submitter’s alternative proposal is for the land to retain its current zoning and for it to become a designated dog exercise area. It is an attractive area for this purpose as it is well

away from the road and children's playgrounds, there are no river algae or poison bait, thus owners can have their dogs off the leash in a safe environment. There seem to be many dogs in the Holborn area and the land is informally used for this purpose. However by making it a dog exercise area and advertising it as such, much greater use of it would be made. Meanwhile the bush will keep growing, more native birds will come and an important resource will be retained.

#### Cost benefit analysis

The submitter states that the proposal does not evaluate the other options and that only a rudimentary cost/benefit analysis has been done.

The submitter states the financial return to the Council and ratepayers is relatively low. The 2009 Tonkin and Taylor Preliminary Land Development Assessment gave an indicative gross return of \$362,424 and notes that "the latter figure does not include sale costs, tax or GST or any statutory processes with respect to land managed as reserve of Plan Changes". The submitter presumes it also doesn't include the cost of a water pumping station and the cost of the various council reports and council officer time spent in the land assessment process.

Overall, the submitter says there just doesn't seem to be a strong justification for the rezoning proposal.

### **Discussion**

#### Ecology

The site is part of a small tract of mainly native bush on the western hills of Stokes Valley. It is in the vicinity, but does not form part, of Significant Natural Resource Area Stokes Valley Bush (SNR 50) as it is separated by Holborn Drive and adjoining house lots and recreation areas.

An ecological assessment has been undertaken by Blaschke and Rutherford Environmental Consultants to assess the ecological values associated with the site and the actual and potential ecological effects associated with the proposed plan change. The report identifies two areas of hard beech forest located at the northern and southern edges of the wider site that are considered to have the greatest level of ecological significance. The report states that these areas have been free from disturbance for over 50 years and it is possible that the larger trees are more than 150 years old. The boundaries of the proposed plan change area have been altered to avoid these areas of significant vegetation.

The site subject to the proposed plan change has been assessed to be of relatively low ecological value as it is dominated by introduced species such as Blackberry, Radiata Pine and Pine-wattle-gum forest.

The report identifies the adverse ecological effects that would arise if a development was undertaken similar to that shown on the indicative plan in Appendix 3 of the notified proposed plan change documentation. The main adverse effect would be the loss of some native vegetation and habitats to create allotments and provide infrastructure for the

development. The report calculates that a maximum of 3750m<sup>2</sup> of vegetation would be cleared to create the road and allotments and a further 513m<sup>2</sup> would be cleared for the construction of new stormwater and sewer services. The report states that in practice, probably not all of the approximated vegetation would be lost and that overall, the vegetation is of relatively low ecological value as it is comprised of mostly introduced species and Manuka scrub.

Several other adverse ecological effects are identified in the report. There would be some loss of forest and aquatic habitat due to vegetation clearance and provision of infrastructure. Also there is the potential for further weed and pest infestation, and loss of bird life. The report responds to a previous submission by the submitter to the land review process which commented on observations of native bird life and frogs being present in the area. The report notes that *“not all these species would necessarily be regularly present on the Proposed Plan Change site itself, although it is likely that most of them would be present from time to time in the vicinity.”* Overall, the report concludes that the ecological effects of the proposed plan change would be minor.

The report includes recommended measures to avoid, remedy or mitigate adverse ecological effects which are outlined below:

- The sewer and stormwater infrastructure for any future development should be designed to minimise the amount of vegetation clearance required.
- The boundaries of the proposed plan change area should substantially follow the lot boundaries indicated on the indicative development plan. The report points out that a revised proposed plan change boundary has been sighted and is considered to achieve the intent of the above recommendation.
- Vegetation along the Holborn Drive frontage should be retained or replanted with species that provide food and habitat for birds.
- Designating building sites or non-clearance parts on some lots.
- Avoidance measures to protect freshwater values at the time of subdivision.

The provisions of the District Plan in relation to Subdivision, Earthworks and development in the Residential General Activity Area are expected to result in the partial retention of vegetation on the site. These include, but are not limited to, the following restrictions on the permitted activity standards for the General Residential Activity Area:

- Maximum site coverage of 35%;
- Minimum of 30% of the net site area being of permeable surface;
- The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever is the lesser (providing that this does not preclude the removal of any pest plant).

The last provision alone, would limit the extent of vegetation removal as a Permitted Activity (without the need for resource consent) for the entire site to 500m<sup>2</sup> (approximately 3% of the proposed plan change area).

Subject to the use of avoidance and mitigation measures, which could be incorporated into the resource consent process for future subdivision and development on or adjacent the site, the rezoning of the proposed plan change area is considered by Council offices as having no more than a minor ecological impact, including effects resulting from some vegetation removal.

### Site stability

Site stability issues have been considered in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment was undertaken for the site by Tonkin & Taylor Limited to determine geotechnical constraints to residential development. This assessment formed part of the proposed plan change documentation as originally notified.

The geotechnical investigation comprised of 17 investigation pits over the flat terraced areas and a geomorphic assessment of the property. The report divided the parcel into five areas (as shown in Figure 1 of Appendix 8 of the Section 32 Report) and explains the site geology and soil profile of the parcel as follows:

- The central flat grassed area (areas A/B and B) comprise of varying thicknesses (0 to 6 metres) of Silty Gravel Fill material over weathered rock. The fill depth is believed to be deepest at the centre of the eastern edge where historical aerial photographs indicate a pre-existing gully has been infilled.
- The southern end (area A) was found to be shallow rock with no overlying fill.
- The bank immediately adjacent to Holborn Drive (area B/C) is thought to be comprised of a layer of sidecast fill overlying weathered rock. The investigation pits indicate a shallow 0.5 metre layer of fill at the base of the slope and it is envisaged that the fill depth may be greater (1.5 metres) at the top of the slope.
- The remaining slopes to the east of the flat terraced areas (area C) are likely to comprise of shallow weathered rock beneath a thin (0 to 0.5 metre) layer of topsoil, fill, colluvium and residual soils.

The geotechnical assessment identified that due to the differing subsoil conditions across the property, and depending on the area being developed, foundations for future dwellings will need to be designed to suit the underlying soil conditions. This is not uncommon and would be addressed at the time of any future subdivision resource consent application for the site.

Overall, it is considered that the area subject to the proposed plan change has suitable subsoil conditions for residential development, subject to appropriate remedial solutions. For example, for the flat grassed area, the report recommends that residential development will require removing unsuitable fill and, depending on the location, either importing suitable fill or using driven timber piles. Development of the existing vegetated slope to the east of the site would require significant specific geotechnical investigation and slope retention works to allow for residential development.

From the findings of this report, it can be determined that if the site is rezoned to General Residential Activity Area, earthworks will be required to facilitate residential development. Earthworks would be required to create building platforms and foundations as well as roads and access ways. Earthworks can have a number of adverse effects on the environment such as worsening hazard potential, land instability and effects on landscape and amenity values.

The District Plan contains rules controlling earthworks which apply to all activity areas, including the General Residential Activity Area. These rules help to manage the adverse effects of earthworks on the environment. The District Plan allows a maximum volume of earthworks of 50m<sup>3</sup> and a cut/fill height of 1.2 metres (Rule 14I 2.1.1). It is likely that the earthworks for the development of the site would be included within resource consent to subdivide the site and would therefore be assessed as a Restricted Discretionary Activity. The assessment of an application to subdivide the site would also involve assessing effects relating to natural hazards, such as erosion and landslip and sediment management and these would need to be appropriately mitigated before consent could be granted.

Overall, it is considered that the effects of the proposed plan change on the environment relating to site stability can be appropriately addressed by the District Plan at the time of resource consent.

### Traffic

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Access to each of the proposed allotments as shown in the indicative development plan (Appendix 3 of the proposed plan change documentation as notified) could be achieved via a new cul-de-sac off Holborn Drive, at the southern end of the site. Pedestrian access to the proposed subdivision could be formalised via an access leg between proposed Lots 8 and 9 onto an existing path that is located at the northern extent of the Site, as shown on the indicative subdivision plan in Appendix 3.

The traffic assessment was prepared on the premise of this indicative 14 lot subdivision of the site being undertaken. The traffic report has assessed the potential road design and layout and has found that there are options available for forming a safe intersection between Holborn Drive and the indicative access road. The traffic assessment found that the traffic flows associated with the anticipated level of additional residential activity is expected to remain comfortably within the capacity currently available within the local road network. In addition, the site would be able to accommodate appropriate road layout, access and street design so that there would be no internal traffic safety and efficiency effects resulting from the proposed plan change. At the time the site is developed into residential allotments the provisions of the District Plan and the Code of Practice for Land Development and Subdivision will be applied to the proposed development layout and the carriageway design.

These provisions will ensure that the road is of sufficient width and at appropriate gradients to serve future residential allotments.

The Transportation Assessment prepared by the Traffic Design Group concludes that *“transportation related effects of the anticipated level of residential development will be no more than minor with the forecast levels of traffic being readily accommodated by the surrounding road network”*. This transport assessment took into account traffic from a possible 17 to 23 lot subdivision, which is 9 lots maximum above what the plan change area is estimated to be capable of providing, in addition to possible future residential development on nearby land zoned Hill Residential Activity Area.

The report identified traffic flows of approximately 1,800 vehicle movements per day (vpd) at the busier northern end of Holborn Drive, with this road having the characteristics and function of a collector or local distributor road and capable of accommodating some 2,000 to 8,000 vpd. The proposed plan area is estimated to result in some 110 additional vehicular movements per day, and 14 to 17 additional vehicle movements during the busiest hours.

The modest level of additional vehicular movements generated by the proposal is expected to have no more than a minor impact on road safety in the immediate vicinity of the surrounding road network.

The location of the site means that there will be general reliance on public transport and private car. A bus stop is located on the same side of Holborn Drive next to the site. The Transportation Assessment by Traffic Design Group considers the site to be appropriately serviced by public transport and that the proposed plan change site is preferable compared with other less well connected greenfield sites for residential development.

Overall, it is considered that the traffic effects resulting from the plan change can be appropriately addressed by the existing District Plan rules and the proposed plan change would not result in any significant traffic effects.

The submitters concerns regarding the installation of speed humps on Holborn Drive are outside the scope of this plan change. However could be passed on to the roading and traffic division at Hutt City Council as an issue to investigate.

#### Visual amenity

It is acknowledged that the submitter’s property at 156 has a direct view across the site. However, the existing vegetation and the vertical separation between the submitters property and any dwellings on the area subject to the proposed plan change would reduce the visual effects from future residential development on these properties.

The PAOS report which formed part of the proposed plan change documentation makes several recommendations to ensure that the visual amenity values and natural character of the local environment are maintained by the proposed plan change. These measures include:

- Adjust the plan change boundaries so that the significant vegetation within the southern portion of the Site is excluded;
- Limiting housing to the base of the hillside immediately to the east of Holborn Drive; and
- Replanting the top of the hillside to maintain a green edge along Holborn Drive.

In relation to the first point, the area subject to the proposed plan change has been altered to ensure that the significant vegetation located within the southern portion of the property is excluded from being rezoned.

In relation to the second and third mitigation measures identified within the PAOS report, it must be noted that any subdivision of the site would require resource consent. The District Plan identifies the criteria which must be taken into account when considering an application for consent. These criteria include:

*“Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated.”* (Chapter 11 Subdivision, Assessment Criteria 11.2.2.3 (a)).

This assessment criterion allows the mitigation measures identified above to be incorporated into the design of the subdivision, to ensure the effects resulting from the development of the site are less than minor.

The existing rules in the District Plan for subdivision, vegetation removal and earthworks will contribute to maintaining the character and amenity values of the surrounding area. Any future subdivision of the site would require resource consent and would be subject to the conditions and standards of the District Plan. Adverse effects of a subdivision and measures to avoid, remedy or mitigate adverse effects are assessed in the resource consent process. A subdivision of the site for residential development is likely to be a Restricted Discretionary Activity if earthworks are required to form roads and retaining walls and to prepare building platforms. Matters that can be addressed when assessing a Restricted Discretionary subdivision include the effects of earthworks on visual amenity values, construction effects, effects on natural landforms and features, avoidance or mitigation of natural hazards and erosion and sediment management.

If the site is rezoned as General Residential Activity Area it is likely that a future subdivision would also seek resource consent to remove vegetation from the site and the effects of the vegetation removal would be assessed at subdivision stage. The existing rules for the General Residential Activity Area limit vegetation clearance to 35% of the area of a site or 500m<sup>2</sup>, whichever is the lesser. Vegetation removal above either of these thresholds is a Restricted Discretionary Activity. One of the matters which Council has restricted its discretion to is the effects on the amenity values of the area. It is considered that the potential amenity effects which may arise from continued vegetation clearance on any future properties can be adequately addressed by the existing rules associated with the General Residential Activity Area. These rules include (but are not limited to) a minimum lot size of 400m<sup>2</sup>, a maximum site coverage of 35% and limitations regarding the removal of vegetation. The proposed zoning as General Residential Activity Area is considered to be in

keeping with the objectives specific to this activity area of the District Plan, and therefore the objectives sought for the surrounding residential properties.

It is important to keep in mind that the indicative subdivision plan is just one potential layout and is ultimately used to determine the parameters of the plan change site. It is presented as no more than an example of how the land might be developed and there are likely to be other feasible means of subdividing the land. This plan change does not determine the actual pattern or shape of any future subdivision; it just determines the parameters and framework for future residential development.

Any actual subdivision plan would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. As referred to above, any subdivision on the proposed plan change site is likely to become at least a Restricted Discretionary activity, as a result of possible non-compliance with water supply standards and the expected surpassing of permitted earthworks (maximum volume of 50m<sup>3</sup> per site).

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

Overall, it is considered that the effects of the proposed plan change on the environment relating to visual amenity can be appropriately addressed by the District Plan at the time of resource consent.

#### Water pressure

The infrastructure report by Cuttriss Consultants Limited identifies that the site is situated in the Holborn Water Zone and water supply in this area is provided by gravity feed from the Kingsley Reservoir. The report recognises that the current water supply for the upper levels of this zone (where the site is located) does not meet Hutt City Council standards during peak summer demand. The report explains that further investigation and analysis would need to be undertaken to confirm whether the additional water supply demand required by the proposed development would have an adverse impact on the existing properties in the upper levels of the Holborn Water Zone.

If, after investigation, it was found that additional water supply demand would have an adverse impact, the report states that a booster pump station could be installed which would provide water supply to Council standards for the entire Holborn Zone.

Given a site area of 1.6 hectares with an identified potential of providing up to 14 allotments, it is considered highly unlikely that any residential development would occur on the site, in the absence of resource consent for subdivision. Permitted activities in the proposed General Residential Activity Area would otherwise limit residential development to two dwellings on the site.

Any proposed subdivision would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. Under Chapter 11 any subdivision in a General Residential Activity Area is at least a Controlled Activity. This means that as a minimum, any subdivision in the Hutt

Valley would need to comply with all the standards and terms specified in the chapter. The standards and terms outlined in the subdivision chapter include, but are not limited to, compliance with water supply standards.

As soon as the subdivision proposal does not comply with any of the standards and terms it becomes either a Restricted Discretionary Activity or a fully Discretionary Activity. As a result of identified deficiencies in water supply in the Holborn Water Zone during the peak summer period, in addition to the very limited quantity of permitted earthworks (with a maximum volume of 50m<sup>3</sup> per site), it is anticipated that any subdivision of this area would become at least, a Restricted Discretionary Activity. Matters for the Council to consider in any Restricted Discretionary application include *“any actual or potential adverse effects arising from the proposed non-compliance, (including any non-compliance with water supply standards) and measures to avoid, remedy or mitigate such effects”*.

As a consequence, it would not be possible for residential subdivision to occur on the site, in the absence of works which provide satisfactory water supply. This issue would be addressed by the resource consent process and subsequent engineering design approval of any potential development of the site.

The need for any developer to provide infrastructure to improve water supply, has the potential to have a positive effect on residents' quality of living throughout the Holborn Water Area. A booster pump installed to meet the Council's standards for water supply for new subdivisions, could also improve water supply for the wider area.

Nevertheless, it needs to be taken into the account, that the proposed plan change is not the only mechanism, in which a booster pump station could be installed. This infrastructure may also be provided through mechanisms outside the plan change process, subject to the availability of public funds.

Overall, provided a booster pump station is installed for water supply, no other issues were identified with the capacity of existing services and infrastructure in the area and the availability of services to the Site.

It is considered appropriate for the issue of water supply to be addressed at the subdivision consent stage of development if the land is rezoned to General Residential Activity Area.

#### Dog exercise/recreation value

The submitter requests that a dog exercise area be created on the site and that the site retains its current zoning. The decision of Council to sell the land at 151 Holborn Drive is outside the scope of the Proposed Plan Change and therefore a Council owned dog exercise area at this site cannot be considered; Council prohibits dogs in all public places (aside from dog exercise areas) unless they are kept under continuous control by being on an effectual leash or being contained in a vehicle or cage. Under the Dog Control Bylaw 2005, Council can pass a resolution to specify, amend or revoke dog exercise areas (clause 7A) and specify dog prohibition areas (clause 8A). Before making a resolution Council must take into account the following:

- (a) The need to minimise danger, distress and nuisance to the community generally;

- (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- (d) The exercise and recreational needs of dogs and their owners;
- (e) Impact on wildlife areas;
- (f) Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area; and
- (g) Any other information considered by the Council to be relevant.

There are currently no dog prohibition areas and two specified dog exercise areas in Stokes Valley: Delaney Park, with entrances from George Street and Stokes Valley Road and Kamahi Park, with an entrance from Stokes Valley Road. Located just outside Stokes Valley there is the Hutt River Bank (Eastern bank from Stokes Valley to Strand Park) which is also a specified dog exercise area. It is considered that these locations appropriately serve the current demand for dog exercise areas in Stokes Valley.

The recreation values of the site and the effects of the Proposed Plan Change on these recreation values have been assessed within the PAOS report dated September 2011 (included as Appendix 4 to the proposed plan change documentation as notified). The report assessed the impact on informal recreation to be low, using criteria in Hutt City Council's Reserves Acquisition/Disposal Policy and Guidelines. This low level has been attributed to the fact the proposed plan change area does not provide access to wider recreational areas, does not attract wide use, is not located in a high density urban area, is not overlooked and has safety issues, and the immediate needs of the local community are largely met by the Holborn Drive Playground directly over the road from the proposed plan change area.

The report states that the prime value of the proposed plan change area is that it provides a flat open space that is sheltered from the prevailing northerly wind. The site is used informally by people living in the neighbourhood for activities such as; golf practice, ball games, trail bike riding, blackberry picking, children's play and dog exercise. However, the proposed plan change area has a number of disadvantages which mean that it does not attract wider use. The flat grassed area has poor drainage and is in poor condition. There is no passive or active surveillance as the majority of the site is located well below the level of the Holborn Drive carriageway and is largely hidden by vegetation.

The PAOS report recognises that there are a number of quality open space and reserve areas within local environment which can and are used for informal recreation. The PAOS report lists these areas, three of which are within a 500 metre radius of the site, including the Holborn Drive Playground immediately across the road from the site. It is considered that these existing grounds would assist with meeting the recreational needs of the local community and assist with mitigating the effects associated with the proposed plan change.

The PAOS report has made the following two recommendations to offset the recreational effects associated with the proposal.

- The proceeds from the sale of the land should be used to improve the recreational amenity of the Holborn Playground directly opposite the proposed plan change area and this area should be gazetted as reserve.
- Further investigations should be made as to the location of a dog exercise area within the local area.

It should be noted that both of these recommendations are beyond the scope of what can be required as part of the plan change process and therefore little weight can be given to these when considering this proposed plan change. It is also noted that these recommendations are not fundamental in ensuring that the recreational effects associated with the proposal are appropriately mitigated. Rather this report recognises that the Site has low recreational significance and that there are many opportunities available within the local environment for the recreation needs of the community to be met.

The PAOS report concludes that the effects of the proposed plan change on the provision of open space are low. Overall, the PAOS report considers that the rezoning of the subject site to General Residential Activity Area would maintain the recreational values of the area and is an appropriate outcome. On the whole, the rezoning of the site has less than a minor impact on the provision of recreational facilities within the local area.

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

#### Cost benefit analysis

Under section 32 of the Resource Management Act 1991 any proposed plan change must be accompanied by an evaluation that assesses both the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. The evaluation must also take into account the benefits and costs of policies, rules, or other methods and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

For Proposed Plan Change 27, maintaining the status quo was evaluated against three different zoning options and the option of rezoning the site as General Residential Activity Area was found to be the most appropriate way to achieve the purpose of the Act and the most effective and efficient at achieving the objectives in the District Plan. The benefits and costs were taken into account and it was considered that Council had sufficient information to contemplate the proposed plan change. Overall, the Section 32 analysis of the proposed plan change is considered to meet the requirements of the Resource Management Act 1991.

Reviewing Council's decision to sell the land at 151 Holborn Drive is outside the scope of this proposed plan change and the issue of the sale of publicly owned land is not a matter which

requires consideration under the Resource Management Act 1991. In the land review process, Council made a decision to sell the land and that a plan change to rezone it in order to facilitate development was required. Therefore, only relevant District Plan matters such as the evaluation of different Residential Activity Areas and their effects can be considered in the Section 32 report of this proposed plan change.

### **Recommendation**

It is recommended that the submission lodged by Heather Niven (4.1) be **rejected** to the extent that the provisions of Proposed Plan Change 27 remain unchanged.

Submission:

### **DPC27/5 – Ross & Donna Burr – 5.1**

#### **Request of Submitter**

That the land zoning for 151 Holborn Drive remain as is i.e. General Recreation Activity Area and that a dog designated exercise area be established on 151 Holborn Drive.

#### Ecology

Recreational land is a precious resource and once it is gone it is gone. The submitter states that we have a responsibility to current and future generations to care for the land and the physical and spiritual well-being of the community i.e. Kaitiakitanga.

The submitter states that the area at the top of Holborn is special because it is quiet and sunny and full of regenerating bush. Over recent years the native birds have been returning e.g. Tui, Kereru, Morepork and Fantails.

The submitter bought their house in 1988 and states one of the key reasons for buying it was the zoning of the nearby land as reserve.

#### Site stability

The submitter states that the land is mainly fill and below the road level so it gets considerable run-off and there will be erosion and landslide risks. Given the land instability and the need for considerable foundation work the submitter presumes the likely damage arising from a strong earthquake would be high.

#### Traffic

The submitter states there would be increased traffic volumes and greater risks for pedestrians particularly those children and parents going to and from the Holborn Kindergarten. The latter is just past a corner on the hill and very near the proposed new access road. The submitter notes that residents unsuccessfully tried to get speed humps installed near there due to the “boy racers”.

#### Visual amenity

The submitter is concerned that their house (number 152) will be visually significantly affected as they would be looking down at the subdivision whereas at the moment they just see trees. The submitter adds that the removal of trees will mean that they will see across the valley to the already existing stark and ugly looking Speldhurst subdivision.

#### Water pressure

Additional housing would further worsen the water pressure for residents in Holborn. The submitter says it is already sub-standard and the Council proposal, although raising the possibility of a pump station, makes no guarantee of it.

#### Dog exercise/recreation value

The submitter's alternative proposal is for the land to retain its current zoning and for it to become a designated dog exercise area. It is an attractive area for this purpose as it is well away from the road and children's playgrounds, there are no river algae or poison bait, thus owners can have their dogs off the leash in a safe environment. There seem to be many dogs in the Holborn area and the land is informally used for this purpose. However by making it a dog exercise area and advertising it as such, much greater use of it would be made. Meanwhile the bush will keep growing, more native birds will come and an important resource will be retained.

#### Cost benefit analysis

The submitter states the proposal does not properly evaluate the other options. There is only a two page table near the back of the report that identifies other options and only a rudimentary cost/benefit analysis is done.

The submitter states the financial return to the Council and ratepayers is relatively low. The 2009 Tonkin and Taylor Preliminary Land Development Assessment gave an indicative gross return of \$362,424 and notes that "the latter figure does not include sale costs, tax or GST or any statutory processes with respect to land managed as reserve of Plan Changes". The submitter presumes it also doesn't include the cost of a water pumping station and the cost of the various council reports and council officer time spent in the land assessment process.

Overall, the submitter says there just doesn't seem to be a strong justification for the rezoning proposal.

### **Discussion**

#### Ecology

The site is part of a small tract of mainly native bush on the western hills of Stokes Valley. It is in the vicinity, but does not form part, of Significant Natural Resource Area Stokes Valley Bush (SNR 50) as it is separated by Holborn Drive and adjoining house lots and recreation areas.

An ecological assessment has been undertaken by Blaschke and Rutherford Environmental Consultants to assess the ecological values associated with the site and the actual and potential ecological effects associated with the proposed plan change. The report identifies two areas of hard beech forest located at the northern and southern edges of the wider site

that are considered to have the greatest level of ecological significance. The report states that these areas have been free from disturbance for over 50 years and it is possible that the larger trees are more than 150 years old. The boundaries of the proposed plan change area have been altered to avoid these areas of significant vegetation.

The site subject to the proposed plan change has been assessed to be of relatively low ecological value as it is dominated by introduced species such as Blackberry, Radiata Pine and Pine-wattle-gum forest.

The report identifies the adverse ecological effects that would arise if a development was undertaken similar to that shown on the indicative plan in Appendix 3 of the notified proposed plan change documentation. The main adverse effect would be the loss of some native vegetation and habitats to create allotments and provide infrastructure for the development. The report calculates that a maximum of 3750m<sup>2</sup> of vegetation would be cleared to create the road and allotments and a further 513m<sup>2</sup> would be cleared for the construction of new stormwater and sewer services. The report states that in practice, probably not all of the approximated vegetation would be lost and that overall, the vegetation is of relatively low ecological value as it is comprised of mostly introduced species and Manuka scrub.

Several other adverse ecological effects are identified in the report. There would be some loss of forest and aquatic habitat due to vegetation clearance and provision of infrastructure. Also there is the potential for further weed and pest infestation, and loss of bird life. The report responds to a previous submission by the submitter to the land review process which commented on observations of native bird life and frogs being present in the area. The report notes that *"not all these species would necessarily be regularly present on the Proposed Plan Change site itself, although it is likely that most of them would be present from time to time in the vicinity."* Overall, the report concludes that the ecological effects of the proposed plan change would be minor.

The report includes recommended measures to avoid, remedy or mitigate adverse ecological effects which are outlined below:

- The sewer and stormwater infrastructure for any future development should be designed to minimise the amount of vegetation clearance required.
- The boundaries of the proposed plan change area should substantially follow the lot boundaries indicated on the indicative development plan. The report points out that a revised proposed plan change boundary has been sighted and is considered to achieve the intent of the above recommendation.
- Vegetation along the Holborn Drive frontage should be retained or replanted with species that provide food and habitat for birds.
- Designating building sites or non-clearance parts on some lots.
- Avoidance measures to protect freshwater values at the time of subdivision.

The provisions of the District Plan in relation to Subdivision, Earthworks and development in the Residential General Activity Area are expected to result in the partial retention of vegetation on the site. These include, but are not limited to, the following restrictions on the permitted activity standards for the General Residential Activity Area:

- Maximum site coverage of 35%;
- Minimum of 30% of the net site area being of permeable surface;
- The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever is the lesser (providing that this does not preclude the removal of any pest plant).

The last provision alone, would limit the extent of vegetation removal as a Permitted Activity (without the need for resource consent) for the entire site to 500m<sup>2</sup> (approximately 3% of the proposed plan change area).

Subject to the use of avoidance and mitigation measures, which could be incorporated into the resource consent process for future subdivision and development on or adjacent the site, the rezoning of the proposed plan change area is considered by Council offices as having no more than a minor ecological impact, including effects resulting from some vegetation removal.

#### Site stability

Site stability issues have been considered in order to determine whether the site is suitable for residential use. A preliminary geotechnical assessment was undertaken for the site by Tonkin & Taylor Limited to determine geotechnical constraints to residential development. This assessment formed part of the proposed plan change documentation as originally notified.

The geotechnical investigation comprised of 17 investigation pits over the flat terraced areas and a geomorphic assessment of the property. The report divided the parcel into five areas (as shown in Figure 1 of Appendix 8 of the Section 32 Report) and explains the site geology and soil profile of the parcel as follows:

- The central flat grassed area (areas A/B and B) comprise of varying thicknesses (0 to 6 metres) of Silty Gravel Fill material over weathered rock. The fill depth is believed to be deepest at the centre of the eastern edge where historical aerial photographs indicate a pre-existing gully has been infilled.
- The southern end (area A) was found to be shallow rock with no overlying fill.
- The bank immediately adjacent to Holborn Drive (area B/C) is thought to be comprised of a layer of sidecast fill overlying weathered rock. The investigation pits indicate a shallow 0.5 metre layer of fill at the base of the slope and it is envisaged that the fill depth may be greater (1.5 metres) at the top of the slope.
- The remaining slopes to the east of the flat terraced areas (area C) are likely to comprise of shallow weathered rock beneath a thin (0 to 0.5 metre) layer of topsoil, fill, colluvium and residual soils.

The geotechnical assessment identified that due to the differing subsoil conditions across the property, and depending on the area being developed, foundations for future dwellings will need to be designed to suit the underlying soil conditions. This is not uncommon and would be addressed at the time of any future subdivision resource consent application for the site.

Overall, it is considered that the area subject to the proposed plan change has suitable subsoil conditions for residential development, subject to appropriate remedial solutions. For example, for the flat grassed area, the report recommends that residential development will require removing unsuitable fill and, depending on the location, either importing suitable fill or using driven timber piles. Development of the existing vegetated slope to the east of the site would require significant specific geotechnical investigation and slope retention works to allow for residential development.

From the findings of this report, it can be determined that if the site is rezoned to General Residential Activity Area, earthworks will be required to facilitate residential development. Earthworks would be required to create building platforms and foundations as well as roads and access ways. Earthworks can have a number of adverse effects on the environment such as worsening hazard potential, land instability and effects on landscape and amenity values.

The District Plan contains rules controlling earthworks which apply to all activity areas, including the General Residential Activity Area. These rules help to manage the adverse effects of earthworks on the environment. The District Plan allows a maximum volume of earthworks of 50m<sup>3</sup> and a cut/fill height of 1.2 metres (Rule 14I 2.1.1). It is likely that the earthworks for the development of the site would be included within resource consent to subdivide the site and would therefore be assessed as a Restricted Discretionary Activity. The assessment of an application to subdivide the site would also involve assessing effects relating to natural hazards, such as erosion and landslip and sediment management and these would need to be appropriately mitigated before consent could be granted.

Overall, it is considered that the effects of the proposed plan change on the environment relating to site stability can be appropriately addressed by the District Plan at the time of resource consent.

### Traffic

A traffic effects assessment was undertaken for the proposed plan change by Traffic Design Group Ltd. This assessment focused on the traffic effects which could result from activities provided for by General Residential Activity Area zoning being undertaken on the site subject to this proposed plan change, and whether any traffic safety or efficiency effects would arise within the existing traffic environment.

Access to each of the proposed allotments as shown in the indicative development plan (Appendix 3 of the proposed plan change documentation as notified) could be achieved via a new cul-de-sac off Holborn Drive, at the southern end of the site. Pedestrian access to the proposed subdivision could be formalised via an access leg between proposed Lots 8 and 9

onto an existing path that is located at the northern extent of the Site, as shown on the indicative subdivision plan in Appendix 3.

The traffic assessment was prepared on the premise of this indicative 14 lot subdivision of the site being undertaken. The traffic report has assessed the potential road design and layout and has found that there are options available for forming a safe intersection between Holborn Drive and the indicative access road. The traffic assessment found that the traffic flows associated with the anticipated level of additional residential activity is expected to remain comfortably within the capacity currently available within the local road network. In addition, the site would be able to accommodate appropriate road layout, access and street design so that there would be no internal traffic safety and efficiency effects resulting from the proposed plan change. At the time the site is developed into residential allotments the provisions of the District Plan and the Code of Practice for Land Development and Subdivision will be applied to the proposed development layout and the carriageway design. These provisions will ensure that the road is of sufficient width and at appropriate gradients to serve future residential allotments.

The Transportation Assessment prepared by the Traffic Design Group concludes that *“transportation related effects of the anticipated level of residential development will be no more than minor with the forecast levels of traffic being readily accommodated by the surrounding road network”*. This transport assessment took into account traffic from a possible 17 to 23 lot subdivision, which is 9 lots maximum above what the plan change area is estimated to be capable of providing, in addition to possible future residential development on nearby land zoned Hill Residential Activity Area.

The report identified traffic flows of approximately 1,800 vehicle movements per day (vpd) at the busier northern end of Holborn Drive, with this road having the characteristics and function of a collector or local distributor road and capable of accommodating some 2,000 to 8,000 vpd. The proposed plan area is estimated to result in some 110 additional vehicular movements per day, and 14 to 17 additional vehicle movements during the busiest hours.

The modest level of additional vehicular movements generated by the proposal is expected to have no more than a minor impact on road safety in the immediate vicinity of the surrounding road network.

The location of the site means that there will be general reliance on public transport and private car. A bus stop is located on the same side of Holborn Drive next to the site. The Transportation Assessment by Traffic Design Group considers the site to be appropriately serviced by public transport and that the proposed plan change site is preferable compared with other less well connected greenfield sites for residential development.

Overall, it is considered that the traffic effects resulting from the plan change can be appropriately addressed by the existing District Plan rules and the proposed plan change would not result in any significant traffic effects.

The submitters concerns regarding the installation of speed humps on Holborn Drive are outside the scope of this plan change. However could be passed on to the roading and traffic division at Hutt City Council as an issue to investigate.

### Visual amenity

It is acknowledged that the submitter's property at 156 has a direct view across the site. However, the existing vegetation and the vertical separation between the submitters property and any dwellings on the area subject to the proposed plan change would reduce the visual effects from future residential development on these properties.

The PAOS report which formed part of the proposed plan change documentation makes several recommendations to ensure that the visual amenity values and natural character of the local environment are maintained by the proposed plan change. These measures include:

- Adjust the plan change boundaries so that the significant vegetation within the southern portion of the Site is excluded;
- Limiting housing to the base of the hillside immediately to the east of Holborn Drive; and
- Replanting the top of the hillside to maintain a green edge along Holborn Drive.

In relation to the first point, the area subject to the proposed plan change has been altered to ensure that the significant vegetation located within the southern portion of the property is excluded from being rezoned.

In relation to the second and third mitigation measures identified within the PAOS report, it must be noted that any subdivision of the site would require resource consent. The District Plan identifies the criteria which must be taken into account when considering an application for consent. These criteria include:

*"Subdivisions should be designed in a manner which recognises and gives due regard to the natural and physical characteristics of the land and adverse effects are avoided, remedied or mitigated."* (Chapter 11 Subdivision, Assessment Criteria 11.2.2.3 (a)).

This assessment criterion allows the mitigation measures identified above to be incorporated into the design of the subdivision, to ensure the effects resulting from the development of the site are less than minor.

The existing rules in the District Plan for subdivision, vegetation removal and earthworks will contribute to maintaining the character and amenity values of the surrounding area. Any future subdivision of the site would require resource consent and would be subject to the conditions and standards of the District Plan. Adverse effects of a subdivision and measures to avoid, remedy or mitigate adverse effects are assessed in the resource consent process. A subdivision of the site for residential development is likely to be a Restricted Discretionary Activity if earthworks are required to form roads and retaining walls and to prepare building platforms. Matters that can be addressed when assessing a Restricted Discretionary subdivision include the effects of earthworks on visual amenity values, construction effects,

effects on natural landforms and features, avoidance or mitigation of natural hazards and erosion and sediment management.

If the site is rezoned as General Residential Activity Area it is likely that a future subdivision would also seek resource consent to remove vegetation from the site and the effects of the vegetation removal would be assessed at subdivision stage. The existing rules for the General Residential Activity Area limit vegetation clearance to 35% of the area of a site or 500m<sup>2</sup>, whichever is the lesser. Vegetation removal above either of these thresholds is a Restricted Discretionary Activity. One of the matters which Council has restricted its discretion to is the effects on the amenity values of the area. It is considered that the potential amenity effects which may arise from continued vegetation clearance on any future properties can be adequately addressed by the existing rules associated with the General Residential Activity Area. These rules include (but are not limited to) a minimum lot size of 400m<sup>2</sup>, a maximum site coverage of 35% and limitations regarding the removal of vegetation. The proposed zoning as General Residential Activity Area is considered to be in keeping with the objectives specific to this activity area of the District Plan, and therefore the objectives sought for the surrounding residential properties.

It is important to keep in mind that the indicative subdivision plan is just one potential layout and is ultimately used to determine the parameters of the plan change site. It is presented as no more than an example of how the land might be developed and there are likely to be other feasible means of subdividing the land. This plan change does not determine the actual pattern or shape of any future subdivision; it just determines the parameters and framework for future residential development.

Any actual subdivision plan would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. As referred to above, any subdivision on the proposed plan change site is likely to become at least a Restricted Discretionary activity, as a result of possible non-compliance with water supply standards and the expected surpassing of permitted earthworks (maximum volume of 50m<sup>3</sup> per site).

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

Overall, it is considered that the effects of the proposed plan change on the environment relating to visual amenity can be appropriately addressed by the District Plan at the time of resource consent.

### Water pressure

The infrastructure report by Cuttriss Consultants Limited identifies that the site is situated in the Holborn Water Zone and water supply in this area is provided by gravity feed from the Kingsley Reservoir. The report recognises that the current water supply for the upper levels of this zone (where the site is located) does not meet Hutt City Council standards during peak summer demand. The report explains that further investigation and analysis would

need to be undertaken to confirm whether the additional water supply demand required by the proposed development would have an adverse impact on the existing properties in the upper levels of the Holborn Water Zone.

If, after investigation, it was found that additional water supply demand would have an adverse impact, the report states that a booster pump station could be installed which would provide water supply to Council standards for the entire Holborn Zone.

Given a site area of 1.6 hectares with an identified potential of providing up to 14 allotments, it is considered highly unlikely that any residential development would occur on the site, in the absence of resource consent for subdivision. Permitted activities in the proposed General Residential Activity Area would otherwise limit residential development to two dwellings on the site.

Any proposed subdivision would be subject to the requirements of Chapter 11 – Subdivision of the District Plan. Under Chapter 11 any subdivision in a General Residential Activity Area is at least a Controlled Activity. This means that as a minimum, any subdivision in the Hutt Valley would need to comply with all the standards and terms specified in the chapter. The standards and terms outlined in the subdivision chapter include, but are not limited to, compliance with water supply standards.

As soon as the subdivision proposal does not comply with any of the standards and terms it becomes either a Restricted Discretionary Activity or a fully Discretionary Activity. As a result of identified deficiencies in water supply in the Holborn Water Zone during the peak summer period, in addition to the very limited quantity of permitted earthworks (with a maximum volume of 50m<sup>3</sup> per site), it is anticipated that any subdivision of this area would become at least, a Restricted Discretionary Activity. Matters for the Council to consider in any Restricted Discretionary application include *“any actual or potential adverse effects arising from the proposed non-compliance, (including any non-compliance with water supply standards) and measures to avoid, remedy or mitigate such effects”*.

As a consequence, it would not be possible for residential subdivision to occur on the site, in the absence of works which provide satisfactory water supply. This issue would be addressed by the resource consent process and subsequent engineering design approval of any potential development of the site.

The need for any developer to provide infrastructure to improve water supply, has the potential to have a positive effect on residents’ quality of living throughout the Holborn Water Area. A booster pump installed to meet the Council’s standards for water supply for new subdivisions, could also improve water supply for the wider area.

Nevertheless, it needs to be taken into the account, that the proposed plan change is not the only mechanism, in which a booster pump station could be installed. This infrastructure may also be provided through mechanisms outside the plan change process, subject to the availability of public funds.

Overall, provided a booster pump station is installed for water supply, no other issues were identified with the capacity of existing services and infrastructure in the area and the availability of services to the Site.

It is considered appropriate for the issue of water supply to be addressed at the subdivision consent stage of development if the land is rezoned to General Residential Activity Area.

#### Dog exercise/recreation value

The submitter requests that a dog exercise area be created on the site and that the site retains its current zoning. The decision of Council to sell the land at 151 Holborn Drive is outside the scope of the Proposed Plan Change and therefore a Council owned dog exercise area at this site cannot be considered; Council prohibits dogs in all public places (aside from dog exercise areas) unless they are kept under continuous control by being on an effectual leash or being contained in a vehicle or cage. Under the Dog Control Bylaw 2005, Council can pass a resolution to specify, amend or revoke dog exercise areas (clause 7A) and specify dog prohibition areas (clause 8A). Before making a resolution Council must take into account the following:

- (a) The need to minimise danger, distress and nuisance to the community generally;
- (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
- (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;
- (d) The exercise and recreational needs of dogs and their owners;
- (e) Impact on wildlife areas;
- (f) Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area; and
- (g) Any other information considered by the Council to be relevant.

There are currently no dog prohibition areas and two specified dog exercise areas in Stokes Valley: Delaney Park, with entrances from George Street and Stokes Valley Road and Kamahi Park, with an entrance from Stokes Valley Road. Located just outside Stokes Valley there is the Hutt River Bank (Eastern bank from Stokes Valley to Strand Park) which is also a specified dog exercise area. It is considered that these locations appropriately serve the current demand for dog exercise areas in Stokes Valley.

The recreation values of the site and the effects of the Proposed Plan Change on these recreation values have been assessed within the PAOS report dated September 2011 (included as Appendix 4 to the proposed plan change documentation as notified). The report assessed the impact on informal recreation to be low, using criteria in Hutt City Council's Reserves Acquisition/Disposal Policy and Guidelines. This low level has been attributed to the fact the proposed plan change area does not provide access to wider recreational areas, does not attract wide use, is not located in a high density urban area, is not overlooked and has safety issues, and the immediate needs of the local community are largely met by the Holborn Drive Playground directly over the road from the proposed plan change area.

The report states that the prime value of the proposed plan change area is that it provides a flat open space that is sheltered from the prevailing northerly wind. The site is used

informally by people living in the neighbourhood for activities such as; golf practice, ball games, trail bike riding, blackberry picking, children's play and dog exercise. However, the proposed plan change area has a number of disadvantages which mean that it does not attract wider use. The flat grassed area has poor drainage and is in poor condition. There is no passive or active surveillance as the majority of the site is located well below the level of the Holborn Drive carriageway and is largely hidden by vegetation.

The PAOS report recognises that there are a number of quality open space and reserve areas within local environment which can and are used for informal recreation. The PAOS report lists these areas, three of which are within a 500 metre radius of the site, including the Holborn Drive Playground immediately across the road from the site. It is considered that these existing grounds would assist with meeting the recreational needs of the local community and assist with mitigating the effects associated with the proposed plan change.

The PAOS report has made the following two recommendations to offset the recreational effects associated with the proposal.

- The proceeds from the sale of the land should be used to improve the recreational amenity of the Holborn Playground directly opposite the proposed plan change area and this area should be gazetted as reserve.
- Further investigations should be made as to the location of a dog exercise area within the local area.

It should be noted that both of these recommendations are beyond the scope of what can be required as part of the plan change process and therefore little weight can be given to these when considering this proposed plan change. It is also noted that these recommendations are not fundamental in ensuring that the recreational effects associated with the proposal are appropriately mitigated. Rather this report recognises that the Site has low recreational significance and that there are many opportunities available within the local environment for the recreation needs of the community to be met.

The PAOS report concludes that the effects of the proposed plan change on the provision of open space are low. Overall, the PAOS report considers that the rezoning of the subject site to General Residential Activity Area would maintain the recreational values of the area and is an appropriate outcome. On the whole, the rezoning of the site has less than a minor impact on the provision of recreational facilities within the local area.

It should also be recognised that the remaining area of the property will remain zoned General Recreation Activity Area. The retention of vegetation within the remaining area of the property and the vegetation within the adjoining reserves will contribute to maintaining the character and landscape values of the area.

#### Cost benefit analysis

Under section 32 of the Resource Management Act 1991 any proposed plan change must be accompanied by an evaluation that assesses both the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether, having regard to their

efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. The evaluation must also take into account the benefits and costs of policies, rules, or other methods and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

For Proposed Plan Change 27, maintaining the status quo was evaluated against three different zoning options and the option of rezoning the site as General Residential Activity Area was found to be the most appropriate way to achieve the purpose of the Act and the most effective and efficient at achieving the objectives in the District Plan. The benefits and costs were taken into account and it was considered that Council had sufficient information to contemplate the proposed plan change. Overall, the Section 32 analysis of the proposed plan change is considered to meet the requirements of the Resource Management Act 1991.

Reviewing Council's decision to sell the land at 151 Holborn Drive is outside the scope of this proposed plan change and the issue of the sale of publicly owned land is not a matter which requires consideration under the Resource Management Act 1991. In the land review process, Council made a decision to sell the land and that a plan change to rezone it in order to facilitate development was required. Therefore, only relevant District Plan matters such the evaluation of different Residential Activity Areas and their effects can be considered in the Section 32 report of this proposed plan change.

### **Recommendation**

It is recommended that the submission lodged by Ross and Donna Burr (5.1) be **rejected** to the extent that the provisions of Proposed Plan Change 27 remain unchanged.

Submission:

**DPC27/6 – Greater Wellington Regional Council – 6.1, 6.2, 6.3 and 6.4**

### **Request of Submitter**

That the Hutt City Council considers the following points when making a decision on the Plan Change:

- Avoid adverse effects on significant indigenous biodiversity on the sites and provide adequate buffers to protect it.
- Reconsider the choice of these sites for residential zoning and the potential cumulative effects on the remnant indigenous biodiversity in the wider Hutt Valley.

## **Specific Comments**

The following are considered appropriate considerations which relate to impacts on indigenous biodiversity:

### Maintaining ecological connections and/or corridors between habitats

In the Ecological Assessments for Proposed Plan Change 27, the connectivity values of the sites were identified as having significant ecological value. The sites link with a significant tract of indigenous vegetation along the whole length of the eastern edge of the Lower Hutt Valley. The Ecological Assessment also identified that residential development would result in a reduction of ecological connectivity values between the Significant Natural Resource Area (SNR Area) 50, lying south of the site and the northern tip of the SNR Area 50, resulting from the intrusion of proposed development into the SNR Area 50.

### Avoiding the cumulative effects of incremental loss of indigenous ecosystems and habitats

The present process of numbers of separate plan changes to rezone parcels of council-held land which were previously classified as reserve land, fails to look at the bigger picture of total biodiversity loss. When cumulative adverse effects on significant natural resources are not taken into account, mitigation proposals fail to address the overall loss of significant natural resources. Consequently this approach allows for a loss of significant natural resources, where the whole is greater than the sum of its parts.

Greater Wellington does not have information on the reasoning and/or criteria for choosing these particular sites for rezoning during the Land Review process. Greater Wellington questions the rezoning these sites which are part of or adjoin SNR Areas, and whether there is other more appropriate land that could be developed for residential purposes that doesn't compromise significant biodiversity values.

### Protecting the life supporting capacity of indigenous ecosystems and habitats

The loss of forest and aquatic habitat on the sites as mentioned in the reports for Proposed Plan Change 27 will impact on the wider indigenous biodiversity of SNR Area 50 and other wider biodiversity values in the surrounding area. Edge effects along the boundaries of SNR Area 50 and the part of the sites to be rezoned as part of proposed Plan Change 26 will also develop. This will further degrade the significant indigenous vegetation in SNR Area 50.

### Remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable

As above, Greater Wellington is concerned that these parcels of reserve land have been chosen for rezoning while it is clearly stated in Council reports that both sites have significant biodiversity values, provide ecological connectivity and important habitat for birds and geckos. Hutt City Council has the option of avoiding adverse effects by withdrawing Proposed Plan Change 27.

## Discussion

An ecological assessment (Appendix 6 of the proposed plan change as notified) has been undertaken by Blaschke and Rutherford Environmental Consultants to assess the ecological values associated with the site and the actual and potential ecological effects associated with the proposed plan change, using the indicative development plan (Appendix 3 of the proposed plan change as notified) as a basis. It must be noted that the indicative development plan is presented as no more than an example of how the land might be developed and there could well be other feasible means of subdividing the land. Specifically, it does not confirm the position of drainage infrastructure.

The report explains the historic and current composition of vegetation on the overall site. The original vegetation would have consisted of dense broadleaf forest dominated by hard beech. This was most likely cleared in the late 19th century during European settlement and the area used for grazing and subject to regular fire for many decades. However, some small portions of the area, particularly in and around gullies, were protected from such effects and contain remnant primary forest.

The property is in the vicinity, but does not form part of Significant Natural Resource Area Stokes Valley Bush (SNR 50) as it is separated by Holborn Drive and adjoining house lots and recreation areas. The submitters concerns regarding the site's proximity to SNR 50 are noted, however, the wider site and SNR 50 are permanently separated by existing urban development, including roads. This separation would already have an impact on edge effects (e.g. pest plants and animals) and the connectivity of ecological corridors.

Several other ecological features of the parcel are described within the report. Firstly, the report identifies that the property is likely to form good habitat for a range of bird species found throughout the Eastern Hutt hills, and is also likely to contain various animal pests. The property does not contain streams or stream habitat, although the gullies at the northern and southern ends would contain small ephemeral streams.

Secondly, there are two areas of hard beech forest located at the northern and southern edges of the wider site that are considered to have the greatest level of ecological significance. These areas have been free from disturbance for over 50 years and it is possible that the larger trees are more than 150 years old. The boundaries of the proposed plan change area have been altered to avoid these areas of significant vegetation.

The site subject to the proposed plan change has been assessed to be of relatively low ecological value as it is dominated by introduced species such as Blackberry, Radiata Pine and Pine-wattle-gum forest. The report identifies the adverse ecological effects that would arise if a development similar to that shown on the indicative plan (shown in Appendix 3 of the proposed plan change documentation) was undertaken. The main effect would be the loss of some native vegetation and habits to create allotments and provide infrastructure for the development. Under the indicative subdivision plan a maximum of approximately 3750m<sup>2</sup> of vegetation would be cleared to create the road and allotments and a further 513m<sup>2</sup> would be cleared for the construction of new stormwater and sewer services. The report states that in practice, probably not all of the approximated vegetation would be lost

and that overall, the vegetation is of relatively low ecological value as it is comprised of mostly introduced species and Manuka scrub.

In regards to the actual and potential adverse ecological effects of the proposed plan change on wider indigenous biodiversity and cumulative effects, the report states that there would be some loss of forest and aquatic habitat due to vegetation clearance and provision of infrastructure. There is also the potential for further weed and pest infestation, and loss of bird life. The report concludes that these ecological effects would be minor.

The report states that the adverse ecological effects of the proposed plan change could be avoided, remedied or mitigated by undertaking the following measures:

- The sewer and stormwater infrastructure for any future development should be designed to minimise the amount of vegetation clearance required. It is important to note that the drainage infrastructure is not yet in place and has been shown on the indicative development plan as 'proposed' only. This means that further consideration can be given to its placement at the time of resource consent.
- The boundaries of the proposed plan change area should substantially follow the Lot boundaries indicated on the indicative development plan. The report points out that a revised proposed plan change boundary has been sighted and is considered to achieve the intent of the above recommendation.
- Designating building sites or non-clearance parts on some lots.
- Avoidance measures to protect freshwater values at the time of subdivision.
- Vegetation along the Holborn Drive frontage should be retained or replanted with species that provide food and habitat for birds.

Blaschke and Rutherford Environmental Consultants have responded to Greater Wellington's submission by email dated 27 July 2012 (attached as Appendix 2 to this report). The response re-states that the identified adverse effects on wider indigenous biodiversity and cumulative effects can be avoided by the mitigation measures recommended in the ecological assessment. The response comments that neither the plan change area nor the remaining area in the wider land parcel on Holborn Drive is particularly suitable bird habitat and is also unlikely to be good gecko habitat. The response also comments that *"in general, I believe the GWRC greatly overstates the significance of the ecological values relative to other places within the Hutt and within or in the vicinity of SNA 50..."*

The possibility is raised that Greater Wellington Regional Council has misinterpreted the contents of the Ecological Assessment and has attributed to the plan change area, the values assigned by the ecologist to the wider land parcel. Comments in the ecological assessment (particularly paragraphs 34 and 45) identify the proposed plan area as of lower ecological significance than the wider land parcel that it sits on the edge of.

The proposed plan change area has not been identified of such significance as to exclude it from rezoning. Native vegetation on the plan change site is of minor to moderate significance, and the loss of vegetation from the plan change area is considered by Council

officers as unlikely to have a significant effect on the integrity of Significant Natural Resource No. 50 and the adjacent larger SNR area for the Eastern Hutt Hills, as a whole.

The plan change area is considered to make a minor contribution towards the wider area's recreational, landscape and ecological values. These values are not of such significance as to outweigh the appropriateness of the proposed residential zoning and the necessity to provide for reasonable development and use of the land, once it is in private ownership. The values identified for the wider land parcel are able to be protected through the existing provisions of the District Plan, in addition to the Council's role as landowner and manager of neighbourhood reserves.

Although the Council acknowledges the potentially significant ecological impacts identified in the Ecological Assessment, it is considered that these impacts are able to be satisfactory avoided or mitigated through the following mechanisms:

1. Further consideration of the placement of sewer and stormwater infrastructure. As stated previously, the indicative subdivision layout option illustrated extends outside the plan change area. Rezoning of the plan change area for residential purposes would not confirm that infrastructure provision in the indicated position or in an alternative position outside the plan change area would be acceptable. The resource consent process for subdivision and development within and outside the proposed plan change provide a number of mechanisms for controlling vegetation loss and other ecological effects.
2. It is considered unlikely that all vegetation on these lots would be lost as a result of permitted activity standards for the General Residential Activity Area regarding maximum site coverage, vegetation removal and minimum percentage of permeable surfaces. As stated previously, the proposed plan change would not confirm the configuration of lots on the proposed plan area.
3. The resource consent process for subdivision (as at least a Restricted Discretionary Activity) and development, require investigation of a range of amenity, visual and ecological impacts.

The provisions of the District Plan in relation to Subdivision, Earthworks and development in the Residential General Activity Area are expected to result in the partial retention of vegetation on the site. These include, but are not limited to, the following restrictions on the permitted activity standards for the General Residential Activity Area:

- Maximum site coverage of 35%;
- Minimum of 30% of the net site area being of permeable surface;
- The removal of vegetation in excess of 500m<sup>2</sup> or 35% of the site, whichever is the lesser (providing that this does not preclude the removal of any pest plant).

The last provision alone, would limit the extent of vegetation removal as a Permitted Activity (without the need for resource consent) for the entire site to 500m<sup>2</sup> (approximately 3% of the proposed plan change area).

Any future development of the site would therefore require resource consent. Within the original report, it is considered that the measures described above can be provided for by the existing objectives, policies, rules and assessment criteria of Chapters 11 (Subdivision) and 14I (Earthworks) of the District Plan and will be implemented at time of subdivision. On this basis, the ecological report considers that the proposed General Residential Activity Area boundaries, based on the indicative development plan, are appropriate for the subject site and any potential ecological effects can be avoided or mitigated when the Site is developed.

### **Recommendation**

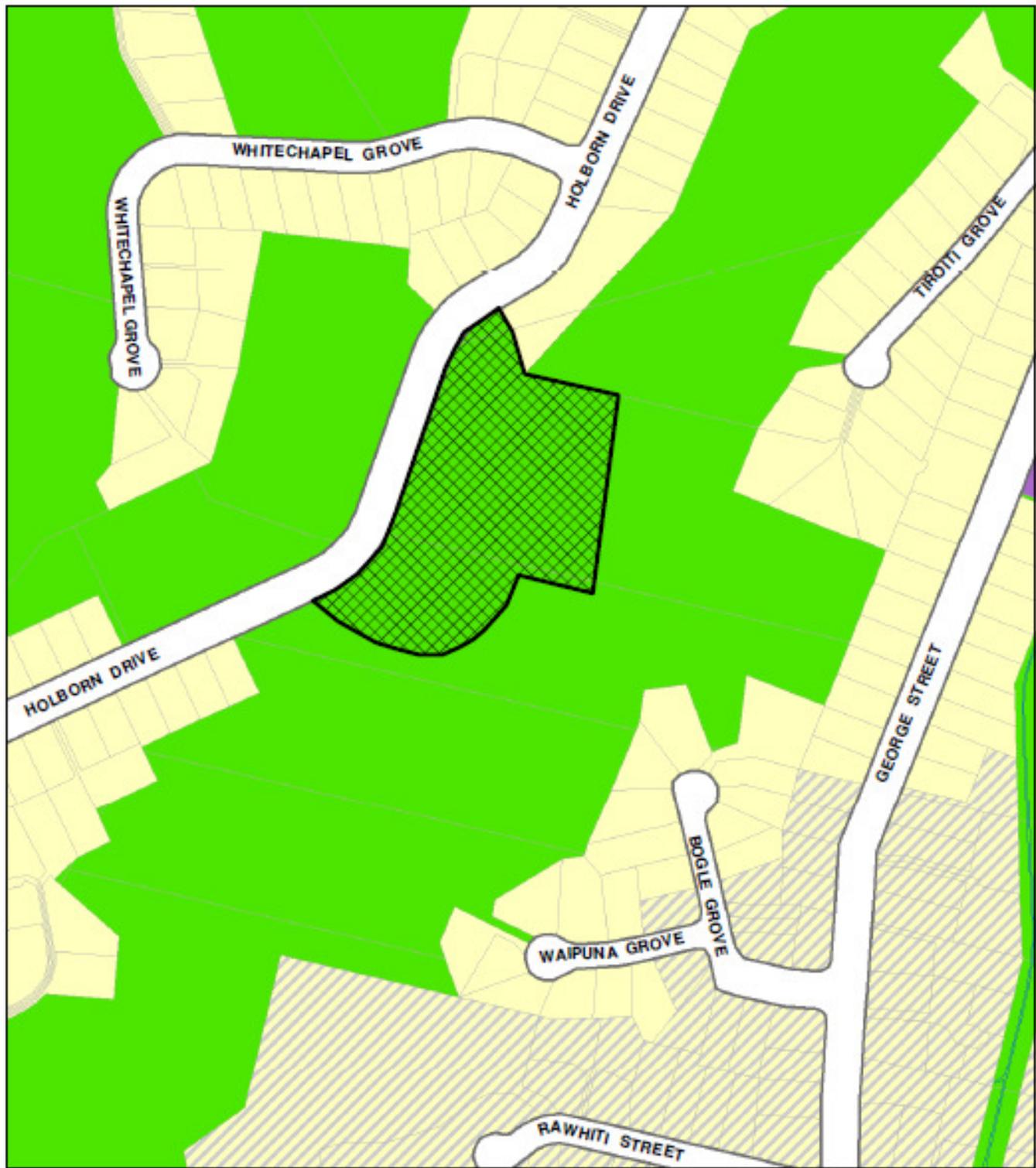
It is recommended that the submission lodged by Greater Wellington Regional Council (6.1, 6.2, 6.3 and 6.4) be **rejected** to the extent that the provisions of Proposed Plan Change 27 remain unchanged.

### **Concluding summary**

It is considered that the District Plan provisions relating to subdivision, site coverage, permeable surfaces and vegetation clearance will address the concerns raised by the submitters. Traffic effects of the proposed development are considered to be no more than minor given the capacity of the existing streets. It is therefore recommended that Proposed Plan Change 27 remain unchanged and be approved as originally notified.



**Appendix 1: Plan Change 27 as recommended to the independent hearings commissioner**



## Proposed Plan Change 27

151 Holborn Drive, Stokes Valley

(Pt Lot 3 DP 20917, Pt Lot 8 DP 20501 and Pt Sec 199 Hutt District)



Land to be zoned General Residential Activity Area

Planning Map G2



District Plan - City of Lower Hutt



Scale 1:3000

## Appendix 2: Blaschke and Rutherford Environmental Consultants' response to submissions

**From:** Paul Blaschke  
**Sent:** Friday, 27 July 2012 9:51 a.m.  
**To:** Corinna Tessendorf  
**Subject:** RE: Submissions on Plan Changes 26 and 27

Hi Corinna

I said I would get back to you this week with some initial comments about submissions on these plan changes.

I have concentrated on the GWRC submission as it concentrates on ecological issues. I have not read other submissions closely but I have skimmed through them. They all appear to concentrate mainly on recreation and amenity values and ecology does not feature strongly. A couple mention regenerating native bush and native birds but all the points they raise have been addressed in my report.

### GWRC submission

3.2 Refers to Proposed RPS – note still under appeal.

3.2.1 Whole valley is classified as national priority 1 environment” - in my view this would be extremely difficult to justify for these areas of vegetation (not part of the valley per se).

“Both plan changes involve

- \* losses and disturbance to remnant primary forest with significant individual trees
- \* losses and disturbance to remnant large beech forest
- \* adverse effects on freshwater aquatic habitats

I did not state that these were actual effects in PC 27. There are no direct losses of beech forest. There are only potential effects on freshwater habitats which I describe as “very minor”.

Probably all these effects are potentially significant under PC 26.

“..considered the combination of actual and potential effects amounted to a significant adverse effect.” (PC 26). I go on to say that for Option 1 the effects could be mitigated so that they would be minor.

“maintaining ecological connections and corridors” and “providing adequate buffers around areas of indigenous ecosystems”. I agree that these are adverse ecological effects in both PCs (more significant for PC 26). I recommend consideration of formal reserve status for land not rezoned as residential, as well as re-location of sewer lines in the case of PC 26. I point out that these can be applied at the time of the subdivision application, but I agree that the plan change process gives no certainty for either of these (or my other mitigation recommendations) to happen.

“avoiding cumulative effects”. The same comment applies. I consider that effective mitigation is possible which avoids cumulative effects of these individual plan changes, but unless the changes are considered in an integrated fashion it is difficult to recommend effective mitigation measures against cumulative losses. However, giving unzoned land formal reserve status would provide effective mitigation.

(note that I don't state that both sites provide important bird and gecko habitat. The Shaftesbury Ave site appears to contain some good bird habitat. I don't consider Holborn Dr site particularly suitable bird habitat and neither site is likely to be good gecko habitat. The only reference to

gecko habitat is that common green gecko has been reported somewhere in SNR 50 sometime before the 1990s.)

- 4 Relief sought – avoid significant adverse effects on significant indigenous biodiversity: these can be avoided by the mitigation measures recommended in my report.

In general, I believe the GWRC greatly overstates the significance of the ecological values relative to other places within the Hutt and within or in the vicinity of SNA 50. However they have (mainly) correctly drawn attention to statements that I have made in my reports and stand by. They have therefore highlighted that without consideration of my recommended mitigation measures **at the Plan Change stage** and without more explicitly addressing cumulative effects of all the proposed plan changes, the points they raise have some validity.

I will be available in mid-August for more detailed comments and evidence.

Regards

Paul

**Dr Paul Blaschke**

Environmental and ecological consultant, Blaschke & Rutherford

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- Email: [paul.blaschke@xtra.co.nz](mailto:paul.blaschke@xtra.co.nz)

## Appendix 3: Traffic Design Group's response to submissions



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11313/1  
16 July 2012

Ms Corinna Tessendorf  
Senior Policy Analyst  
Hutt City Council  
Private Bag 31912  
Lower Hutt 5040

Copy via email: [Corinna.Tessendorf@huttcity.govt.nz](mailto:Corinna.Tessendorf@huttcity.govt.nz)

Dear Corinna

### Proposed Plan Changes 26 and 27 Fee Estimate

Further to your email and our recent telephone conversation, we have now had the opportunity to consider the tasks and associated costs in addressing the concerns raised by submitters regarding Proposed Plan Changes 26 and 27.

We have reviewed the submissions of Wayne Robinson, Phil Angus and John Upfold. With regard to traffic, their concerns can be summarised as:

- increased traffic on the more constrained parts of the local road network, being Logie Street and the section of Holborn Drive near Stokes Valley Road;
- road safety in the vicinity of the kindergarten.

In adding to the robustness of our earlier assessments consideration could be given to the following:

- whether the 2008 traffic count for the northern section of Holborn Drive close to Stokes Valley Road continues to provide a good indication of existing traffic flows;
- inclusion of cross-section geometries for Logie Street and the section of Holborn Drive near Stokes Valley Road;
- measuring traffic flows and speeds on Holborn Drive in the vicinity of the kindergarten, most likely using a tube counter;
- reporting of wider accident search (CAS) to include Logie Street and the section of Holborn Drive near Stokes Valley Road.

Unless Council is aware of any significant residential development along or in the vicinity of Holborn Drive over the last four years, the 2008 traffic count is likely to continue to reflect existing local traffic volumes and patterns.

For efficiency we suggest preparing a brief statement of traffic evidence for each proposed plan change. The evidence would include the findings of the transportation assessments along with responding to the submitters concerns. The associated costs are estimated at \$1,800 in each instance, (excluding GST and disbursements). A separate allowance should be made for installing tubes in the vicinity of the kindergarten to record vehicle speeds, although it is anticipated this could be managed by Council.

Please do not hesitate to be in touch should you require further clarification of any of the above.

We are ready to proceed as outlined, and ask that you arrange for the appropriate person to sign the attached as confirmation to proceed.

Yours faithfully  
**Traffic Design Group Ltd**

Harriet Fraser

Harriet Fraser  
**Principal Transportation Planner**

harriet.fraser@tdg.co.nz

Attach: Client Declarations and Authorisations  
Short Form Model Conditions of Engagement July 2011  
Traffic Design Group Ltd Special Conditions of Engagement