

# Proposed District Plan Change 38

Taita Drive - North of Avalon Park  
Rezoning to General Residential Activity Area and  
General Recreation Activity Area

Publicly Notified:

24 January 2017

Submissions Close:

24 February 2017 at 5.00pm





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## Part 1: Introduction

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### 1. What is proposed Plan Change 38

The purpose of proposed Plan Change 38 is to rezone a Hutt City Council (the Council) owned area of land to the north of Avalon Park from General Recreation Activity Area to General Residential Activity Area. The proposed Plan Change also seeks to rezone the property at 107A Taita Drive from General Residential to General Recreation Activity Area in the City of Lower Hutt District Plan (the District Plan).

#### Rezoning to General Residential Activity Area

The area proposed to be rezoned to General Residential Activity Area is located to the North of Avalon Park and has an overall area of approximately 7550m<sup>2</sup>. It is currently zoned General Recreation Activity and was previously vested as reserve. The reserve status has been revoked and Council intends to dispose of the land once the site has been rezoned. The proposed zoning will ensure that any future development will be consistent with adjoining residential areas.

#### Rezoning to General Recreation Activity Area

The area proposed to be rezoned to General Recreation Activity Area is located at 107A Taita Drive and has an area of approximately 1900m<sup>2</sup>. It is currently zoned General Residential Activity and is used by the Avalon Tennis Club together with the adjacent property. The rezoning intends to align the zoning with the actual use of the property.

No new District Plan provisions (Objectives, Policies, Rules or Standards) will be introduced and no existing District Plan provisions will be amended as a result of this proposal. The only amendment proposed is to the District Plan Map E3 to reflect the new zoning of the Sites.

### 2. Structure of this Document

This document contains five parts:

<b>Part 1</b>	Introduction
<b>Part 2</b>	Public Notice for proposed Plan Change 38 as advertised in the Hutt News
<b>Part 3</b>	Amendments proposed to District Plan Map E3
<b>Part 4</b>	Section 32 Evaluation
<b>Part 5</b>	Submission Form (Form 5)

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

### 3. The Process of Proposed Plan Change 38

The process for proposed Plan Change 38 so far can be summarized as follows:

<b>15 December 2015</b>	Council decided to continue with the reserve revocation process and make the land available for sale subject to a plan change and subdivision.
<b>15 December 2016</b>	Council adopted proposed Plan Change 38 for public notification.
<b>24 January 2017</b>	Proposed Plan Change 38 publicly notified.

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

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

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## Part 2: Public Notice

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# PUBLIC NOTICE

### Public Notification of

### **Proposed District Plan Change 38 to the City of Lower Hutt District Plan**

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

**and**

### **Proposed Private District Plan Change 45 to the City of Lower Hutt District Plan**

*Clause 5 and Clause 26 of the First Schedule of the Resource Management Act 1991*

#### **Proposed District Plan Change 38: Taita Drive, North of Avalon Park Rezoning to General Residential Activity Area and General Recreation Activity Area**

Hutt City Council has prepared Proposed Plan Change 38 which seeks to rezone a Hutt City Council owned area of land North of Avalon Park from General Recreation Activity Area to General Residential Activity Area, while rezoning the property at 107A Taita Drive from General Residential Activity Area to General Recreation Activity Area. The area proposed to be rezoned to General Residential Activity Area is situated to the North of Avalon Park and has an overall area of approximately 7550m<sup>2</sup>. It was previously classified as Reserve but the Reserve Status has recently been revoked. The area proposed to be rezoned to General Recreation Activity Area is located at 107A Taita Drive and has an area of approximately 1900m<sup>2</sup>. It is owned and occupied by the Avalon Tennis Club and the proposed rezoning reflects the current and intended future use of the site for recreational activities.

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

#### **Proposed Private District Plan Change 45: 1N & 57N Mandel Mews**

Hutt City Council has received a private plan change request from Cuttriss Consultants Limited on behalf of Best Value Homes. Proposed Private Plan Change 45 seeks to delete Rules 4A 2.1 (q) and 11 2.2.1 (a) (in part) from the Operative City of Lower Hutt District Plan to allow for residential activities on Lot 64 DP 319972 (1N Mandel Mews) and to rezone Lot 64 DP 329306 (57N Mandel Mews) from General Residential Activity Area to General Recreation Activity Area.

Documentation for Proposed Plan Change 38 and Proposed Private Plan Change 45 can be inspected:

- on Council's website: [huttcity.govt.nz/district-plan-change-38](http://huttcity.govt.nz/district-plan-change-38);  
[huttcity.govt.nz/district-plan-change-45](http://huttcity.govt.nz/district-plan-change-45); and
- at all Hutt City Council Libraries; and
- at the Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt.

Copies can also be requested by contacting Hutt City Council:

- Phone: 04 570 6666 or
- Email: [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

### **Submissions close on Friday 24 February 2017 at 5pm**

Any person may make a submission on Proposed Plan Change 38 and Proposed Private Plan Change 45. Submissions may be lodged in any of the following ways:

- Online            [huttcity.govt.nz/district-plan-change-38](http://huttcity.govt.nz/district-plan-change-38)  
                      [huttcity.govt.nz/district-plan-change-45](http://huttcity.govt.nz/district-plan-change-45)
- Email:            [submissions@huttcity.govt.nz](mailto:submissions@huttcity.govt.nz)
- Post:             Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040
- In Person:       Council Administration Building, 30 Laings Road, Lower Hutt

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

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

- after the closing date for submissions, Hutt City Council must prepare a summary of the submissions and this summary must be publicly notified; and
- there must be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; and
- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Hutt City Council must give its decision on the proposal (including its reasons for accepting or rejecting submissions); and
- any person who has made a submission has the right to appeal the decisions on the proposal to the Environment Court.

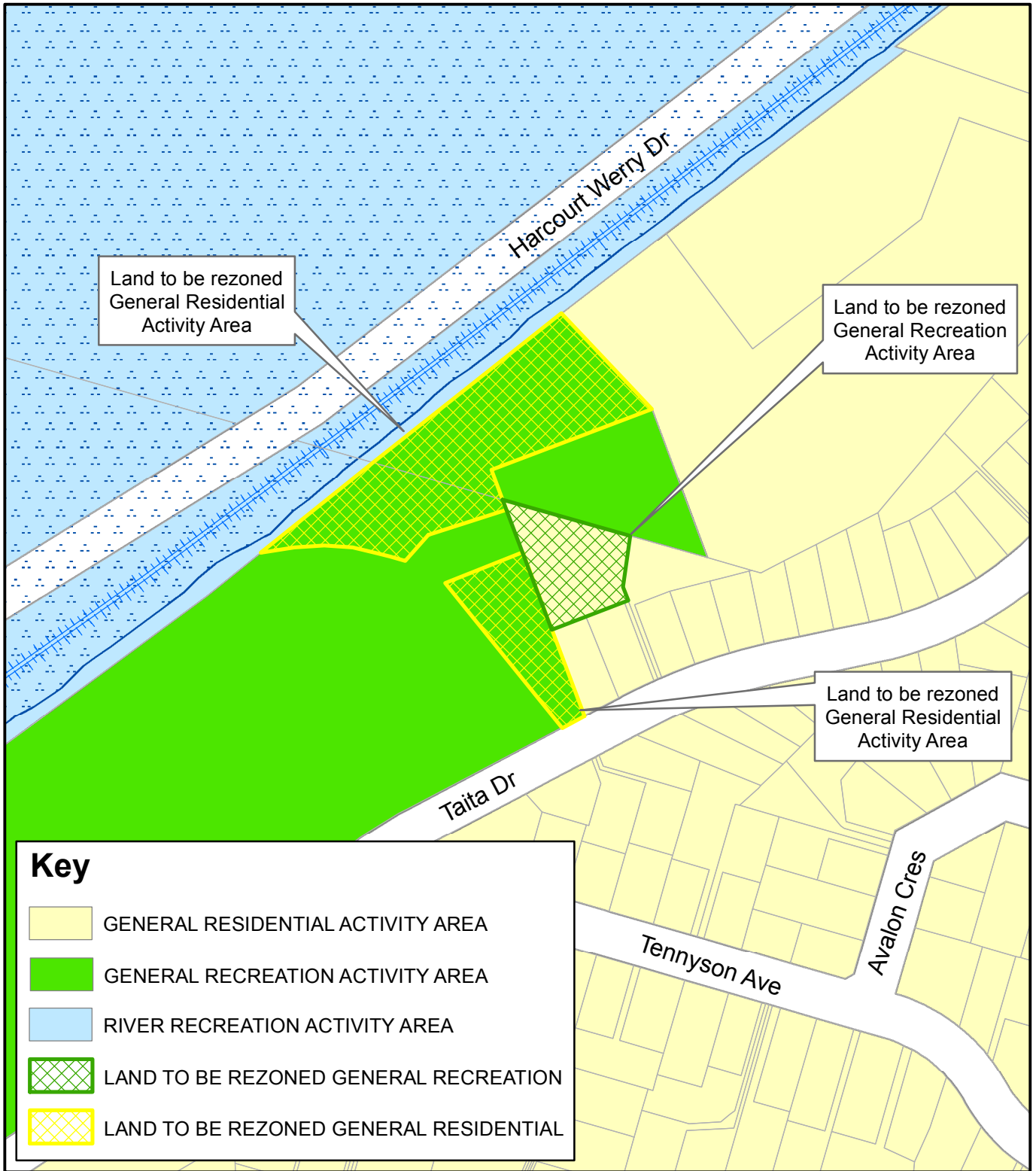
**Tony Stallinger**  
**Chief Executive**

**24 January 2017**

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**Part 3:**  
**Proposed Plan Change 38**  
**Amendment to District Plan Map E3**

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# Proposed Plan Change 38

Taita Drive, north of Avalon Park

Planning Map E3



Scale 1:2,500



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## Part 4: Section 32 Evaluation

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### Section 32 Evaluation

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## **1. Introduction**

- 1.1. The purpose of proposed Plan Change 38 is to rezone a Hutt City Council (the Council) owned area of land to the north of Avalon Park from General Recreation Activity Area to General Residential Activity Area. The proposed Plan Change also seeks to rezone the property at 107A Taita Drive from General Residential to General Recreation Activity Area in the City of Lower Hutt District Plan (the District Plan). The areas that are to be rezoned are shown on the plan in Appendix 1.

### **Rezoning to General Residential Activity Area**

- 1.2. The area proposed to be rezoned to General Residential Activity Area is located to the North of Avalon Park and has an overall area of approximately 7550m<sup>2</sup>. It comprise the following:
- Two areas (approximately 1,984m<sup>2</sup> and 1,380m<sup>2</sup> respectively) that are part of Pt Lot 1 DP 20518 held in Computer Freehold Register WNB4/790. These areas are separated by a tennis court that is not affected by this plan change and to remain within the General Recreation Activity Area.
  - An area of 4,187m<sup>2</sup> that is Lot 1 DP 49170 held in Computer Freehold Register WN19D/338 and forms part of the property at 107B Taita Drive.
- 1.3. The area is currently zoned General Recreation Activity and was previously vested as reserve. The reserve status has been revoked and Council intends to dispose of the land once the site has been rezoned. The proposed zoning will ensure that any future development will be consistent with adjoining residential areas.
- 1.4. It is Council's intention to vest the part of the existing access driveway to Avalon Park that is situated to the south west of the plan change area as legal road to provide appropriate access to any future residential development. The vesting as legal road does not form part of this plan change process.

### **Rezoning to General Recreation Activity Area**

- 1.5. The area proposed to be rezoned to General Recreation Activity Area is located at 107 A Taita Drive and has an area of approximately 1900m<sup>2</sup>. It is currently zoned General Residential Activity and is used by the Avalon Tennis Club together with the adjacent property. The rezoning intends to align the zoning with the actual use of the property.
- 1.6. No new District Plan provisions including objectives, policies, rules or standards will be introduced as a result of the proposed plan change. The only required amendments will be to District Plan Map E3 to reflect the proposed zone changes.
- 1.7. This report has been prepared so that it addresses the relevant matters as identified in section 32 of the Resource Management Act 1991 (RMA), as follows:
- Statutory Framework
  - Background;
  - Consultation;
  - National, Regional and Local Policy Framework;
  - Review of Current Objectives and Policies of the District Plan;
  - Effects of the Proposed Plan Change;
  - Consideration of Options; and
  - Conclusion.

## **2. Statutory Framework**

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

### **Part 2 of the RMA**

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

### **Part 4 of the RMA**

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

### **Part 5 of the RMA**

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

### **Section 32**

- 2.6. Section 32 of the RMA requires that an evaluation report be undertaken before the notification of a plan change by Council:
- (1) *An evaluation report must—*
    - (a) *examine the extent to which the objectives are the most appropriate way to achieve the purpose of this Act; and*
    - (b) *examine whether, the provisions in the proposal are the most appropriate way to achieve the objectives by –*
      - (i) *identifying other reasonably practicable options for achieving the objectives; and*
      - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
      - (iii) *summarising the reasons for deciding on the provisions; and*
    - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
  - (2) *An assessment under subsection 1(b)(ii) must –*

- (a) *identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for –*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
- (a) *the provisions and objectives of the amending proposal; and*
  - (b) *the objectives of the existing proposal to the extent that those objectives –*
    - (i) *are relevant to the objectives of the amending proposal; and*
    - (ii) *would remain if the amending proposal were to take effect.*
- (4) *If the proposal will impose a greater prohibition or restriction on activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

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

### **3. Background**

- 3.1. At its meeting of 16 July 2013 the Policy and Strategy Committee of Hutt City Council considered and approved a report on the Valley Floor Reserves for the purpose of better understanding reserve requirements for the future. The Committee directed officers to prepare detailed area plans to identify specific proposals on future reserve requirements and provision, including possible disposal where detailed area plans identify reserves or parts of reserves which are potentially surplus to Council's reserve network requirements.
- 3.2. On 24 March 2015 Council resolved to undertake consultation with the local community on the potential reserve revocation and sale of the land in the northern portion of Avalon Park and to publicly notify the reserve revocation and disposal proposal. Within the covering report provided it was noted:

*The proposal to revoke the reserve status of the northernmost part of Avalon Park recognizes that the former custodian house and immediate surrounds do not provide a recreational benefit to park users. The reserve revocation and sale of this piece of land is in accordance with recent practice, whereby custodian houses at other parks in the City (Te Whiti, Naenae, Delaney) were sold and the proceeds used to improve reserves. With Council investing \$5M in the upgrade of Avalon Park over the next three years, the sale of this land and the unused land between the tennis courts and the Hutt River stop bank is considered appropriate, in partially offsetting loan funding for this important capital work.*

- 3.3. The proposal was publicly notified in the Hutt News on 19 May 2015 and three objections were received. The submitters were heard by the Policy and Regulatory Sub-Committee on 4 August 2015. The meeting was adjourned and reconvened on 14 October 2015 at which stage the subcommittee recommended that Council does not accept the objections, declares the land surplus to parks requirements and makes the land available for sale subject to a plan change and subdivision being undertaken.
- 3.4. At its full meeting on 15 December 2016 Council adopted the recommendations of the Subcommittee.
- 3.5. Subsequent to this decision, the Department of Conservation on 1 July 2016 agreed to revoke the reserve status from the land (Appendix 2). The revocation will however not be gazetted until the plan change has been completed.

#### **Scope of the Plan Change**

- 3.6. The purpose of the plan change is to undertake the following:
- Rezone the northern portion of Avalon Park from General Recreation Activity Area to General Residential Activity Area; and
  - Rezone 107A Taita Drive (Avalon Tennis Club) from General Residential Activity Area to General Recreation Activity Area.
- 3.7. The proposed plan change does not introduce any new objectives, policies or rules to the District Plan. Any potential future effects resulting from the proposed Plan Change can be addressed through the existing objective, policies and rules pertaining to the General Recreation and General Residential Activities Areas.

### **4. Consultation**

- 4.1. On 4 August 2016, in fulfilment of the requirements of Schedule 1, Clause 3 of the RMA - Plan Change process, an invitation to be involved in pre-notification consultation was sent to the following parties:
- Ministry for the Environment;
  - Department of Conservation;
  - Greater Wellington Regional Council;
  - Hutt City Council;
  - Kapiti Coast District Council;
  - Porirua City Council;
  - South Wairarapa District Council;
  - Wellington Tenth Trust;
  - Orongomai Marae;
  - Te Runanganui o Taranaki Whanui ki te Upoko o Te Ika a Maui;
  - Te Runanga o Toa Rangatira Inc;
  - Port Nicholson Block Settlement Trust;
  - Ngati Kahungunu; and
  - Rangitane o Wairarapa Incorporated.
- 4.2. Subsequent to sending this letter, no correspondence has been received from any of these parties.

## 5. National, Regional and Local Policy Framework

- 5.1. The following section of this report considers the proposed plan change against the national, regional and local policy framework.

### Part 2 of the Resource Management Act

- 5.2. Part 2 of the RMA outlines its purposes and principles.
- 5.3. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.
- 5.4. The purpose of the proposed rezoning of the northern portion of Avalon Park is to allow for residential activities to be undertaken on an area of land that presently has limited recreational value. The majority of Avalon Park (12 hectares) remains unaffected by the proposal. This area is sufficient to meet the recreational needs of the local community<sup>1</sup>. Avalon Park has recently undergone a significant upgrade and financial investment to improve the recreational opportunities available to the general public, including the installation of a new playground that includes a variety of play equipment.
- 5.5. The proposed General Residential Activity Area zone would be consistent with the zoning of the immediately adjoining residential properties and would allow for both a density of housing, and a housing form, which is in keeping with the immediate and wider environments. Any potential adverse effects resulting from the residential development of the site are considered to be able to be appropriately managed through the existing provisions in Chapters 4A and 11 of the District Plan. The proposed General Residential Activity Area zone will manage the amenity values and character of the local environment.
- 5.6. The Proposed Plan Change provides for the social and economic wellbeing of the local community by enabling the development of modern residential housing that meets the needs of the current housing market. The construction activity would provide a minor positive economic effect.
- 5.7. The proposed rezoning of 107A Taita Drive from General Residential Activity Area to the General Recreation Activity Area, will align the zoning of the site with the current and anticipated future use of the site by the existing Tennis Club. The proposed General Recreation Activity Area zoning will allow the tennis club to undertake a greater variety of activities associated with the Tennis Club without needing resource consent, while still ensuring that the amenity values of the local environment are maintained (through the existing rules pertaining to the General Recreation Activity Area).
- 5.8. Given the above factors, the proposal is considered to be consistent with Section 5 of the RMA.
- 5.9. Section 6 of the RMA identifies matters of National Importance. Section 6 states:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*

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<sup>1</sup> See Review of Valley Floor Reserves – Taita / Avalon, Paos (August 2014)

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) *the protection of protected customary rights.*

5.10. There are no relevant Section 6 Matters that requires consideration as part of this proposal.

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

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

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
  - (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

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

5.13. Section 8 states:

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

5.14. Section 8 of the RMA requires that applications take into account the principles of the Treaty of Waitangi. As part of the consultation process, local iwi were invited to provide

feedback on the plan change. The iwi have opted to not provide any feedback at this stage. However, regardless of this, the proposal is consistent with Section 8 of the Act.

#### **Part 4 of the RMA**

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

#### **National Policy Statement**

- 5.16. Section 75(3)(c) of the RMA states that a district plan change must give effect to any National Policy Statement.
- 5.17. The National Policy Statement for Urban Development Capacity became operative on 1 December 2016.
- 5.18. The relevant policies that require consideration when assessing this proposal are policies PA1 – PA4. These are discussed in detail below:
- 5.19. PA1 states:

*Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:*

- a) *Short term Development capacity must be feasible, zoned and serviced with development infrastructure.*
- b) *Medium term Development capacity must be feasible, zoned and either:*
  - *serviced with development infrastructure, or*
  - *the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.*
- c) *Long-term Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.*

- 5.20. The proposal is consistent with Policy PA1. The proposed area of land to be rezoned General Residential Activity Area assists Council in meeting short term requirements to ensure that there is sufficiently area of appropriately zoned land to meet short term housing land development capacity. The plan change site does not contain any physical constraints that would prevent the development of housing, and the site is able to be serviced by existing infrastructure.

- 5.21. PA2 states:

*Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.*

- 5.22. The proposal is considered to be consistent with Policy PA2. The infrastructure assessment contained in Appendix 3 confirms that the application site is able to be serviced by the existing infrastructure in the local environment.



5.23. PA3 states:

*When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:*

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

5.24. The proposal is considered to be consistent with Policy PA3. The proposed General Residential Activity Area zone allows for a range of housing developments to be provided (it is acknowledged that while a scheme plan has been prepared, this only represents one of a number of potential development options that could occur on the site).

5.25. The proposal also represents an efficient use of urban land and development infrastructure. The area to be rezoned to the General Residential Activity Area is currently poorly utilised reserve land. The proposed rezoning would allow for the site to be developed for residential purposes in a manner that is consistent with the character of the local environment. The site is already serviced by existing infrastructure and it is considered that this infrastructure could support the future redevelopment of the site for residential purposes.

5.26. PA4 states:

*When considering the effects of urban development, decision-makers shall take into account:*

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*

5.27. The proposal takes into account Policy PA4. The proposed rezoning would allow for the northern portion of Avalon Park to be developed for residential purposes. This in turn will allow for additional housing to be constructed in an area of the Hutt Valley where the housing supply is currently limited. The proposed General Residential Activity Area zone would ensure that the development is undertaken in a manner that maintains the environmental wellbeing of the local environment by enabling a housing form that will be consistent with the character of the local environment.

5.28. Due to the small size of the area to be rezoned, it is considered that the benefits and costs associated with the proposal are limited to the district scale. In this regard, the proposal is considered to have benefits as the proposed rezoning of the northern portion of Avalon Park allows for the efficient use of an area of land that is currently poorly utilised.

5.29. It is considered there are no other National Policy Statements relevant to this proposed plan change.

## **Wellington Regional Policy Statement**

- 5.30. Section 75(3)(c) of the RMA states that a district plan change must give effect to any regional policy statement.
- 5.31. The Regional Policy Statement (RPS) for the Wellington Region sets out the regional approach for managing the environment, and providing for growth and associated effects. The RPS identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- 5.32. The objective and policy of the RPS most relevant to the plan change are as follows:

### *Regional Form, Design and Function*

#### Objective 22

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

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

#### Policy 31

*Identifying and promoting higher density and mixed use development.*

#### Policy 33

*Supporting a compact, well designed and sustainable regional form.*

#### Policy 55

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

#### Policy 58

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

#### Policy 67

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

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

### **Proposed Regional Plan**

- 5.34. Section 74(2)(a) (ii) of the RMA requires Council to have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4.
- 5.35. The proposed Natural Resources Plan for the Wellington Region is a combined air, land, water and coastal plan. It will replace the existing Regional Coastal Plan and the four regional plans (Regional Air Quality Management Plan, Regional Freshwater Plan, Regional Plan for Discharges to Land and, Regional Soil Plan) once it is made operative. However, all rules within the proposed Plan have immediate legal effect.
- 5.36. There are no specific objectives and policies in the proposed Natural Resources Plan for the Wellington Region that are directly applicable to this proposed plan change. However, it is noted that the proposed plan change will not be contrary, inconsistent or undermine any of the objectives or policies as they are currently proposed.

### **District Plans in Wellington Region**

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

### **Hutt City Council Strategies and Policies**

- 5.39. Section 74(2)(b) (i) of the RMA requires Council to have regard to management plans and strategies prepared under other Acts. For the purposes of this plan change, the relevant strategies and policies are as follows:
- Avalon Park Reserve Management Plan 2012;
  - Urban Growth Strategy 2013 – 2032; and
  - Environment Sustainability Strategy 2015 – 2045/

#### Avalon Park Reserve Management Plan 2012

- 5.40. The Avalon Park Reserve Management Plan 2012 contains a number of objectives and policies pertaining to the management, development and use of the Avalon Park. The area subject to this plan change is identified in the Reserve Management Plan as being available for future recreational activities.
- 5.41. However, subsequent to the implementation of this Reserve Management Plan in 2012, there has been further investigation and development of Avalon Park in accordance with this Management Plan. It has subsequently been determined by the Council that the northern portion of the Park is no longer required for recreation purposes. While this defers from the reserve management plan for this area of land, it is important to recognise that no specific recreational use or development was been identified for the site in the Reserve Management Plan. The area was instead earmarked in the Reserve Management Plan as a place holder to accommodate some sort of future recreational use.
- 5.42. It is also recognised that Avalon Park will still remain 12 hectares in area once the plan change process is complete. Given the amenities that exist in this remaining 12 hectares, and the separation distance of the site from the main recreational features on the site, the

proposed plan change does not contradict the objectives and policies of the Avalon Park Reserve Management Plan.

#### Urban Growth Strategy 2013 - 2032

- 5.43. In 2013, Hutt City Council approved its Urban Growth Strategy that encourages 6,000 houses to be constructed in the District over the next 20 years. A significant number of these dwellings are proposed to be constructed on the valley floor, through more intense residential development. The Proposed Plan Change could result in an additional 14 residential dwellings, and would allow for the development of an existing, poorly utilised area of land. The indicative scheme plan prepared for this plan change identifies a density of housing that is consistent with the amenity values and character of the local environment. It is therefore considered that the proposed plan change is meeting the intended outcomes of the Urban Growth Strategy.

#### Environmental Sustainability Strategy 2015 – 2045

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

## **6. Review of the Current Objectives and Policies of the District Plan**

### **Review of City Wide Objectives**

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

#### Objective 1.10.2 Amenity Value

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

#### Objective 1.10.3 Residential Activity

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

#### Objective 1.10.6 Open Space and Recreation

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

- 6.3. The Proposed Plan Change is consistent with the above Area Wide Objectives of the District Plan. The northern portion of Avalon Park is located adjacent to a number of residential properties and is located within a wider established residential area. This existing residential area contains a variety of housing densities and dwelling styles. The indicative subdivision scheme that has been prepared for the plan change demonstrates a potential development density that would be consistent with the established character of the local environment. Given these factors, it is considered that the proposed General Residential zoning is appropriate for the site and will maintain the amenity value of the surrounding General Residential Activity Area.

- 6.4. It is recognised that the Proposed Plan Change would result in the loss of an area of recreational land from the local environment. However, the site has limited recreational value and the Proposed Plan Change does not affect the wider recreational opportunities available to the community<sup>2</sup>. The majority of Avalon Park would remain in the General Recreation Activity Area and this site has been recently upgraded to improve the recreational opportunities to the local public. Given these factors, the rezoning of the northern portion of Avalon Park is considered to not be detrimental to the provision of open spaces and overall recreational values within the local environment.
- 6.5. The proposed rezoning of 107A Taita Drive to the General Recreation Activity Area is considered to be consistent with the above policies. This proposed rezoning addresses an existing anomaly relating to the zoning of the site and ensures that the property is appropriately zoned in respect of the activities that are undertaken on the site.
- 6.6. Overall, it is considered that the Proposed Plan Change will contribute to achieving the area wide objectives of the District Plan. It is considered that rezoning portions of the site to the General Residential Activity Area will achieve a balance between maintaining the amenity values and character of the local environment, while allowing for the development potential of the site to be realised. It is considered that maintaining the status quo will not be as effective or efficient in achieving these area wide objectives and policies, as it will result in the retention of an under-utilised reserve which has little potential for meeting the recreational needs of the local community. This is particularly significant when the proposal is considered in the context of other recreational opportunities and land which exists in the local environment.

#### **Review of Zone Specific Objectives**

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

Objective 4A 1.1.1 Residential Character and Amenity Value

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

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

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

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

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

- 6.8. Objectives 4A 1.1.1 and 4A 1.2.1 principally seek to ensure that development in the General Residential Activity Area maintains the amenity values of the local environment. The proposed General Residential Activity Area zone is the same zone as the neighbouring existing residential properties. This zone contains a number of rules that seek to ensure that development maintains the amenity values and character of the local environment. It is considered that these rules are sufficient to ensure that any future development undertaken as a result of this plan change is consistent with the established character and amenity values of the local environment. It is considered that no site specific rules are required to ensure that the outcomes sought under the existing

<sup>2</sup> See Review of Valley Floor Reserves – Taita / Avalon, Paos (August 2014)

objectives are achieved.

- 6.9. Objective 7A 1.1.1 seeks to ensure that recreational activities have no more than minor effects on adjoining residential properties. The proposed rezoning would not result in new recreational activities being established, but would merely address the zoning anomaly associated with 107A Taita Drive and bring the zoning of the site in line with its current use. The General Recreational Activity Area contains a number of rules that seek to ensure that recreational activities and buildings maintain the amenity values of the neighbouring residential properties. These rules are considered appropriate to ensure that the recreational activities on the site have no more than minor adverse effects on the character and amenity values of the local environment. It is considered that no site specific rules are required to ensure that the outcomes that are sought under this existing objective.

### **Review of Citywide Policies**

- 6.10. This section considers the relevant citywide policies of the District Plan

#### *Policy 1.10.3 Residential Activity*

- (a) *To provide opportunities for gradual intensification of residential densities by:*
- (i) *Enabling higher densities along major transport routes and near suburban focal points*
  - (ii) *Providing for infill development throughout the established residential areas to appropriate minimum standards, and*
  - (iii) *Managing the rate at which land at the periphery of the urban area is developed for residential purposes.*
- (b) *To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.*

#### *Policies 1.10.6 Open Space and Recreation*

- (a) *To ensure the adequate provision of open space for the passive recreational needs of the community.*
- (b) *To ensure adequate provision of larger open space areas for active and passive recreation.*

- 6.11. Policy 1.10.3 recognises that within the Residential Zones, different densities are appropriate relative to the location of the site to services (for example shops) or the urban edge. The application site is situated within the urban area, as encouraged by this policy. It is considered that the proposed General Residential Activity Area zone is the most appropriate as it is the same zone as the surrounding residential sites, and would allow for the development potential of the site to be realised, in a manner that is consistent with the character and amenity values of the local area.
- 6.12. Policy 1.10.3 (b) seeks to accommodate residential growth through the consolidation of the existing urban area. The proposal is consistent with this policy as it allows for residential development within the existing urban area.
- 6.13. The proposal is therefore considered to be consistent with Policy 1.10.3.
- 6.14. Policy 1.10.6 seeks to ensure that there is sufficient open space provided for recreational activities. The proposal is considered to be consistent with this policy for the following reasons:

- There is a large amount of recreational land available in the local area that is used for a wide variety of recreational activities (e.g. Avalon Park, Fraser Park, Hutt River corridor).
- The land to be rezoned to General Residential Activity Area is poorly utilised and does not contribute significantly to the recreational opportunities in the local environment.
- The proposed rezoning of 107A Taita Drive ensures that the site is appropriately zoned for the existing recreational activities that are undertaken on the site.

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

### **Review of Zone Specific Policies**

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

#### 4A 1.1.1 Residential Character and Amenity Value – Policies

- (a) *That opportunity be provided for a diversity of residential activities.*
- (c) *To ensure residential amenity values are retained, protected and enhanced through the establishment of a net site area per dwelling house.*
- (d) *That adverse effects arising from noise, dust, glare, light spill and odour be managed.*

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

- (a) *To establish a minimum net site area and maximum site coverage requirement to ensure medium density development is achieved.*
- (c) *To ensure all new development is of a height and scale, which is compatible with surrounding residential development.*
- (d) *To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, to maintain adequate daylight and sunlight to adjoining properties.*
- (e) *To manage the siting of all buildings so as to minimise detracting from the character and visual attractiveness of the surrounding residential activity area.*
- (f) *To manage the siting of all buildings so as to minimise detracting from the amenities of adjoining properties.*
- (g) *That where practicable, the siting of accessory buildings be managed to maintain safety and visibility during manoeuvres.*

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

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

6.17. The policies under 4A 1.1.1 seek to provide for a range of residential activities while maintaining the amenity values of the local environment. The proposed General Residential Activity Area zoning is considered appropriate for the northern portion of Avalon Park, given the zoning of the adjacent residential properties. The existing General

Residential rules will ensure that any future development undertaken as a result of this plan change is consistent with the established character and amenity values of the local environment. No site specific rules are required to ensure that the outcomes that are sought under these existing policies are achieved.

- 6.18. The policies under 4A1.2.1 specifically relate to the bulk and location of buildings. While no buildings are proposed as part of this plan change, the existing rules pertaining to the General Residential Activity Area are considered to be sufficient to ensure that any future structures are in keeping with the character of the local area. Compliance with these existing rules is considered to be sufficient to ensure that the outcomes sought under these policies are achieved.
- 6.19. The policies under 7A 1.1.1 seek to ensure that recreational activities do not negatively affect the amenity values of adjoining residential properties. The proposed rezoning would not result in new recreational activities being established on 107A Taita Drive, but would ensure that the site is appropriately zoned for the existing activities that are undertaken on the site. Compliance with the existing rules pertaining to the General Recreational Activity Area is sufficient to ensure that any future activities do not have negative impacts on the amenity of the local area. Compliance with these existing rules are considered to be sufficient to ensure that the outcomes sought under these policies are achieved.

## **7. Effects of the Proposed Plan Change**

- 7.1. Section 32 does not require an assessment of the environmental effects associated with a plan change (it requires the consideration of objectives and whether the proposed provisions are the best way of meeting those objectives). However, in the case of this proposal, no new objectives, policies or rules are proposed. This proposed plan change merely seeks to partially rezone the northern portion of Avalon Park and 107A Taita Drive. It is proposed to rely on the existing District Plan objectives, policies and rules pertaining to the General Residential Activity Area and the General Recreation Activity Area respectively to ensure that any environmental effects resulting from future development are appropriately addressed. As such, it is considered that an assessment of the potential environmental effects resulting from the proposed Plan Change is provided as this assessment assists with informing the appropriateness of this Proposed Plan Change and demonstrates that the Proposed Plan Change does not result in a development outcome that is contrary to the existing environment.
- 7.2. The key environmental effects that will be considered are as follows:
- Amenity and Character Effects;
  - Traffic Effects;
  - Infrastructure Effects;
  - Natural Hazard Effects;
  - Economic Effects; and
  - Recreation Effects.

### **Amenity and Character Effects**

- 7.3. The proposed rezoning of the northern portion of Avalon Park from General Residential to General Recreation Activity Area would enable the site to be developed for residential purposes. An indicative scheme plan demonstrating a potential 15 lot subdivision has been prepared for the site. This scheme plan does not form part of the plan change and is



indicative only. The indicative subdivision would comply with the net site area and shape factor requirements for the General Residential Activity Area and would result in a density of development which is consistent with the character of the surrounding area. It is noted that any future subdivision of the site will require a resource consent application (as all subdivisions require resource consent under the District Plan), and would be subject to the conditions and standards which are detailed within the District Plan and any subsequent resource consent decision.

- 7.4. The existing subdivision rules in the District Plan will also contribute to maintaining the character and amenity values of the surrounding area. The subdivision rules set minimum net site area, frontage and shape factor requirements for the area proposed to be rezoned to the General Residential Activity Area. If a subdivision complies with these matters then the matters that Council can seek to control are as follows:
- the design and layout of the subdivision,
  - the provision of servicing,
  - management of construction effects,
  - protection of significant sites, and
  - the avoidance or mitigation of natural hazards.
- 7.5. These matters are sufficiently broad to provide Council with sufficient control to ensure that any future subdivision of the northern portion of Avalon Pak is in keeping with the character of the local environment.
- 7.6. If a subdivision does not comply with the net site area, shape factor or frontage requirements of the District Plan, then it becomes a Discretionary Activity. This activity status allows Council to consider all relevant effects associated with the subdivision, including the effect on the character and amenity values of the local environment. This is supported by the assessment criteria for subdivisions which states: *subdivisions should have a strong and positive identity by taking into account characteristics of the area (Rule 11.2.2.3 of the District Plan)*. Given the generally flat nature of the site, any future subdivision on this property would be able to be designed in a manner which reflects the character of the surrounding environment (as shown on the indicative scheme plan in Appendix 5).
- 7.7. The permitted activity conditions for the General Residential Activity Area would ensure that dwellings built on the northern portion of Avalon Park would be similar in scale (size and height) to the existing housing in the locality. The permitted activity conditions for buildings in the General Residential Activity Area include a maximum height of 8 metres, minimum yard setbacks and maximum site coverage. Compliance with these permitted activity conditions will result in a density of development that will be in keeping with the intended amenity values and character of the local environment, as envisioned under the District Plan. Any proposed development that does not comply with the permitted activity standards will require resource consent.
- 7.8. There is already an existing dwelling located on the northern portion of Avalon Park. This dwelling is the former custodian dwelling on the property and is located close to the eastern boundary of the site (shared with Taita Drive). This dwelling is located on the portion of the land that would be the most visually prominent when viewed from Taita Drive. While the proposal would result in an intensification in the residential use of this land, this is considered to not result in any undue character effects given the existing use of the site, and the residential development in the surrounding environment.

- 7.9. The proposed rezoning of 107A Taita Street would result in a zoning that is consistent with the existing use of the site. The General Recreation Activity Area often abuts properties that are in the General Residential Activity Area. As such, the District Plan contains a range of objectives, policies and rules to manage the effects on this interface. These include limiting hours of operation of recreational activities, having yard, recession plane, maximum height and site coverage requirements for future buildings, and requiring landscaping (when buildings are alongside residential properties). The existing District Plan provisions are sufficient to ensure that any potential future character or amenity effects arising from recreational activities undertaken on this site are appropriately addressed.
- 7.10. In conclusion, any adverse amenity or character effects resulting from the future development of the application sites can be appropriately addressed by the existing rules of the District Plan at the time subdivision consent is sought.

### **Traffic Effects**

- 7.11. The potential traffic effects of the proposed Plan Change have been considered in the traffic report contained in Appendix 4. This traffic report considers the potential effects resulting from the rezoning of the northern portion of Avalon Park from General Recreation Activity Area to General Residential Activity Area as it is this component of the plan change that would result in changes to the traffic environment. The report notes that the proposed rezoning of 107A Taita Drive would not result in any change in the traffic environment as the proposed zone would reflect the existing use of the site.
- 7.12. The traffic engineer makes the following findings:

*The concept plan developed by Cuttriss Consultants shows that some 14 additional residential lots could reasonably be accommodated on the site (there is already an existing dwelling on the site). This level of residential development could be expected to generate 110 to 140 vehicle movements per day with up to 17 vehicle movements during peak hours of traffic activity. This is equivalent to on average at the busiest times, one additional vehicle movement every three minutes.*

*The only off-site traffic effect associated with the development of the site for residential purposes in line with the District Plan provisions is the addition of up to 17 vehicle movements per hour onto the local road network at peak times. Given the moderate local traffic flows, satisfactory road safety record and good sight lines along the existing access road and at the intersection with Taita Drive, the small amount of forecast additional traffic can be safely and efficiently accommodated within the local road network. As such the site could be developed for standard residential purposes and meet the transportation related expectations of the District Plan objectives and policies.*

- 7.13. Given these findings from the traffic engineer, it is considered that the proposed rezoning of the northern portion of Avalon Park from General Recreation to General Residential Activity Area will not give rise to any undue traffic safety effects.

### **Infrastructure Effects**

- 7.14. The proposed General Residential Activity Area zoning would allow for residential development to be undertaken on the northern portion of Avalon Park. A review of the services within the local area has been undertaken by Cuttriss Consultants Limited, with the findings detailed in the report attached in Appendix 3.

- 7.15. This report investigates the wastewater, stormwater, water supply, power and telephone services within the area surrounding the site and the capacity of these services to support further residential development. The report concludes that future residential development of the site could be appropriately serviced, subject to final design.
- 7.16. Overall, no issues were identified with the availability and capacity of services in the local environment and therefore the proposed General Residential Activity Area will not result in a development form that is unable to be serviced by the local infrastructure.

### **Natural Hazard Effects**

- 7.17. While the northern portion of Avalon Park is adjacent to the Hutt River stop banks, this site is not located in a 1:100 year flood extent (though it is recognised that much like the rest of the Hutt Valley, it is situated in the 1:440 year event for the Hutt River). Similarly, the site is situated in a variable liquefaction zone (which is consistent with the majority of the Hutt Valley).
- 7.18. As part of any subdivision undertaken on the site, the potential natural hazard effects will need to be considered and assessed (as this is one of the matters that Council reserves its right of control over). Given that the site is not situated in a 1:100 year flood extent, it is expected that any potential natural hazard effects will be addressed via conditions of consent, if required.

### **Recreational Effects**

- 7.19. As part of the reserve revocation process, the loss of recreational opportunities from the disposal of the northern portion of Avalon Park was considered by the Council. This consideration was informed by a report by PAOS, which considers the reserve availability in the local environment<sup>3</sup>. This report identified the opportunity to dispose of the northern portion of Avalon Park and the revenue used to fund improved recreational facilities. This report considered that Avalon Park would still meet the recreational needs of the local community (even after allowing for the disposal of the northern portion of the Park).
- 7.20. The northern portion of Avalon Park is currently being partially used to store fill material and excess earthworked material. This area of the park is also separated from the main park area by the vehicular entrance to the remainder of the park. In this regard, this area does have limited recreational value.
- 7.21. Equally, if this area is to be rezoned, the balance of Avalon Park will remain approximately 12 hectares in area. The balance of the park has been recently redeveloped and upgraded to provide a range of recreational opportunities. In this regard, and given the findings of the PAOS report, it is considered that there will still be sufficient recreational land in the local environment to meet the recreational needs of the local and wider communities.
- 7.22. The proposed rezoning of 107A Taita Drive will improve the recreational opportunities of this site, by providing greater flexibility to continue recreational activities on the site, without the need to obtain resource consent.
- 7.23. Given the above factors, any potential recreational effects associated with the proposed plan change are considered to be less than minor.

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<sup>3</sup> Review of Valley Floor Reserves – Taita / Avalon, Paos (August 2014)

## **Economic Effects**

- 7.24. The rezoning of the northern portion of Avalon Park would have positive economic effects. The site is mainly used to store excess earthworked material. The area is separated from Avalon Park by the main vehicular access onto the site, and does not contain any significant facilities or features that would attract people to the park. In this regard, the site as it currently exists, is considered to not make a significant economic contribution to the local area or the city as a whole.
- 7.25. Currently, the site is zoned for recreational activities with no scope for residential activities. The Proposed Plan Change will enable different activities to be undertaken on the site (principally residential activities). Any housing development on the site would provide increased employment during construction in addition to the benefits derived from modern construction (i.e. insulated homes which are warm and dry). The additional housing would also increase the ratings base for the District, thereby providing increased revenue to the Council to assist with improving services for the wider community. The initial sale of the land is estimated to generate additional revenue which will assist with upgrading other parks within the wider city. As such, there are considered to be a number of positive economic effects arising from the proposed rezoning of the northern portion of Avalon Park.
- 7.26. The rezoning of 107A Taita Drive would have small positive economic effects, in that it would provide the Tennis Club with greater flexibility to undertake their activities on the site, without the need to obtain resource consent approval. This would reduce potential costs for the tennis club.

## **Conclusion**

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

## **8. Consideration of Options**

### **Consideration of Options – North of Avalon Park**

- 8.1. During the preparation of this plan change the following three options were considered for the northern portion of Avalon Park:
- **Option 1:** Do nothing (i.e. retain the existing Plan provisions).
  - **Option 2:** Rezone to General Residential Activity Area (preferred option).
  - **Option 3:** Rezone to General Residential Activity Area - Medium Density.
- 8.2. The Council's decision to sell publicly owned land is not a relevant matter for consideration in terms of the RMA, or the assessment undertaken in accordance with s32 of the RMA. Accordingly the zoning options considered below are based on the premise that it is the intention of the Council to declare the land surplus (to be used for residential development) subject to the outcome of this Proposed Plan Change Process.
- 8.3. The costs and benefits of these options are discussed below:

OPTION	EVALUATION
<p><b>Option 1:</b> Status Quo</p> <p><b><u>NOT RECOMMENDED</u></b></p>	<p><b><u>Benefits</u></b></p> <ul style="list-style-type: none"> <li>• Avoids the costs associated with the Plan Change process;</li> <li>• The existing open space character of the subject property is maintained; and</li> <li>• The site could be developed in the future for recreational activities (if required).</li> </ul> <p><b><u>Costs</u></b></p> <ul style="list-style-type: none"> <li>• The site has been identified as having low recreational values and would likely remain underutilised if it is not rezoned;</li> <li>• Any potential future residential development of the site would be assessed against the provisions of the General Recreation Activity Area and would require resource consent as a Discretionary Activity;</li> <li>• The sale proceeds would not be able to help fund development of Avalon Park, and</li> <li>• Potential loss of rates revenue that could arise from residential development of the site.</li> </ul>
<p><b>Option 2:</b> Rezone to General Residential Activity Area</p> <p><b><u>RECOMMENDED</u></b></p>	<p><b><u>Benefits:</u></b></p> <ul style="list-style-type: none"> <li>• Results in a zoning which is consistent with the character of the greater existing residential environment;</li> <li>• The zoning allows for a level of residential development which would result in an efficient and effective utilisation of the resource;</li> <li>• Allows for residential growth within an existing urban area, thereby containing urban development; and</li> <li>• Potential for increased revenue from an increase in the number of properties paying rates.</li> </ul> <p><b><u>Costs</u></b></p> <ul style="list-style-type: none"> <li>• The costs associated with the Plan Change process;</li> <li>• Loss of an area of recreational land from the local environment; and</li> <li>• A reduction in open space as the site is developed.</li> </ul>

OPTION	EVALUATION
<p><b>Option 3:</b></p> <p>Rezone to General Residential Activity Area - Medium Density</p> <p>NOT RECOMMENDED</p>	<p><u>Benefits:</u></p> <ul style="list-style-type: none"> <li>• Results in a zoning which provides for a certain level of residential development;</li> <li>• Allows for an elevated level of residential growth within an existing urban area,</li> <li>• Potential for a high level increase in revenue from a large increase in the number of properties paying rates; and</li> <li>• Allows for the full development potential of the site to be realised.</li> </ul> <p><u>Costs</u></p> <ul style="list-style-type: none"> <li>• The costs associated with the Plan Change process;</li> <li>• Loss of an area of recreational land from the local environment;</li> <li>• A reduction in open space values as the site is developed;</li> <li>• Results in a zoning which is not consistent with the zoning of adjoining properties and the character and amenity values of the local environment; and</li> <li>• Site does not exhibit the characteristics of land that is traditionally zoned General Residential Activity Area - Medium Density. Currently the District Plan seeks to provide Medium Density Residential areas along major transport routes and within approximately a 5-minute walking distance from the edge of particular shopping centres. The site is not on a major transport route and it is more than 5 minutes' walk to the nearest suburban shopping centre.</li> </ul>

Option 2, being rezoning a part of Avalon Park to the General Residential Activity Area is the most appropriate option to proceed with. The proposed zoning provides the greatest benefits, best meets the objectives of the District Plan and is consistent with the surrounding residential zoning.

**Consideration of Options – 107A Taita Drive, Avalon**

8.4. During the preparation of this plan change the following two options were considered for 107A Taita Drive, Avalon:

- **Option 1:** Do nothing (i.e. retain the existing Plan provisions).
- **Option 2:** Zone the site to General Recreation Activity Area (recommended).

OPTION	EVALUATION
<p><b>Option 1</b></p> <p>Status Quo - 107A Taita Drive remains in the General Recreation Activity Area</p> <p><b><u>NOT RECOMMENDED</u></b></p>	<p><b><u>Benefits</u></b></p> <ul style="list-style-type: none"> <li>• Avoids the costs associated with the Plan Change process; and</li> <li>• If the tennis club was to shut down, the site would be appropriately zoned for future redevelopment in a manner that was consistent with the character of the local environment.</li> </ul> <p><b><u>Costs</u></b></p> <ul style="list-style-type: none"> <li>• The site remains zoned General Residential Activity Area and therefore whenever the Tennis Club wants to undertake activities that are outside the scope of their existing use rights, a resource consent would be required. This resource consent would be a non-complying activity and the objectives and policies are not supportive of recreational activities. As such, there are potential limitations to the expansion of future activities on the site.</li> </ul>
<p><b>Option 2:</b></p> <p>Zone 107A Taita Drive to General Residential Activity Area</p> <p><b><u>RECOMMENDED</u></b></p>	<p><b><u>Benefits:</u></b></p> <ul style="list-style-type: none"> <li>• Results in a zoning which provides for recreational activities on the site, in a manner that maintains the amenity values and character of the local environment;</li> <li>• Results in consistent zoning across the site (as the remaining tennis courts are already in the General Recreation Zone); and</li> <li>• Provides greater certainty to the tennis club if they wished to expand (or change) their activities in the future.</li> </ul> <p><b><u>Costs</u></b></p> <ul style="list-style-type: none"> <li>• The costs associated with the Plan Change process; and</li> <li>• If the recreational use was discontinued, the site would be inappropriately zoned for future residential redevelopment of the property would likely require a plan change.</li> </ul>

8.5. Option 2, being rezoning 107A Taita Drive to the General Recreation Activity Area is the most appropriate zoning option to proceed with. The proposed zoning provides the greatest benefits, best meets the objectives of the District Plan and is consistent with the existing activities that are undertaken on the site.

**Quantification**

8.6. Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the scale and significance of the proposal, quantifying costs and benefits to a degree beyond what is provided in the assessment of Economic Effects earlier in this report would add significant time and cost to the s32 evaluation process. Therefore the exact quantification of the above evaluation of benefits and costs in this report was not considered beneficial or practicable.

### **Risk of Acting or not Acting**

8.7. Section 32(2)(c) of the RMA states:

(2) *An assessment under subsection (1)(b)(ii) [assessing the efficiency and effectiveness of the provisions in achieving the objectives] must—*

(c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

In considering the proposal against Section 32 (2) of the RMA, it is considered that Council has sufficient information to consider this proposed plan change.

### **9. Conclusion**

9.1. Proposed Plan Change 38 seeks to rezone the northern portion of Avalon Park from General Recreation Activity Area to General Residential Activity Area under the City of Lower Hutt District Plan.

9.2. It is also proposed to rezone 107A Taita Drive from General Residential Activity Area to General Recreation Activity Area. This site is occupied by the Avalon Tennis Club and the proposed General Recreation Activity Area zoning will better align the zone of the site, with the activities that are undertaken on the property and with the zoning of the abutting property which is also used by the Tennis Club.

9.3. No new District Plan provisions e.g. objectives, policies, rules or standards will be introduced as a result of the proposed plan change. The only amendments which will need to be made will be to District Plan Map “E3” to reflect the zone change.

9.4. It is considered that any potential effects arising from the proposed rezoning of the application sites can be appropriately addressed through the existing objectives, policies and rules of the District Plan.

9.5. It is also considered that the proposed plan change is consistent with the relevant provisions of the RMA and the Regional Policy Statement.

9.6. Based on the Section 32 analysis, it is considered that the proposed measures are the most effective and efficient approach for Council to meet its statutory requirements.



**Appendix 1 – Areas to be Rezoned**



# Proposed Plan Change 38

Taita Drive, north of Avalon Park

Aerial Photograph



**Appendix 2 – Revocation of Reserve**



## Submission for Decision

### Consent of Minister of Conservation: delegated to Operations Manager

File: PAD-23-19-02-06 HO-1

Date: 29 June 2016

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#### 1.0 Proposal

- 1.1 To revoke the reserve status over part of Avalon Park recreation reserve.
- 1.2 To advise Hutt City Council (Council) on the manner and purpose of the proceeds of disposal.

#### 2.0 Location and size of Park, and its acquisition

- 2.1 Located adjacent to 103 Taita Drive, Avalon, Lower Hutt.
- 2.2 Avalon Park (the Park) comprises around 9.3 hectares bounded by Taita Drive, Harcourt Werry Drive and Fairway Drive. It lies adjacent to the Hutt River flood plain berms that are managed by the Wellington Regional Council for soil conservation and river control purposes. The WRC land serves as public open space. The reserve to be revoked comprises 0.3700 ha.
- 2.3 Land held for the Housing Act 1919 was set apart for reserve purposes in 1953. This HMQ reserve being part Sections 55 & 56 Hutt District (shown as all of DP 8414 and part Lot 2 DP 8182) in 1959 was exchanged for private land (being Lot 1 DP 20518). This land (Lot 1 DP 20518) in 1961 vested in Hutt City Council, and later became known as Avalon Park.  
For the purposes of a revocation action, the reserve which formerly was intended for residential subdivision purposes, is deemed to have been derived by Council otherwise from the Crown by section 25 (5) Reserves Act 1977.

#### 3.0 Background

- 3.1 The Park is part of a network of 14 neighbourhood reserves in the suburbs of Taita and Avalon, however Avalon Park and its nearby Fraser Park make up 80% of the reserve land, lying to the west side of these two suburbs. The 2013 Valley Floor Review described existing reserves, and estimated reserve requirements for the future; however Council directed that detailed plans be compiled to identify specific proposals for future reserve requirements, and areas which could be surplus to needs.
- 3.2 A 2014 Valley Floor Review conducted by PAOS summarised the current reserves network with recommendations to enhance or improve public access to neighbourhood reserves, with an approximate 8 minute maximum walk time for public to such a reserve. Improvements in the reserves include safer access to and across reserves, safety of sites with mesh or paling fencing, installation of facilities to encourage active participation in recreation, which all have a focus of improving reserve functionality, encouraging informal use, and improving the health and fitness of residents.

- 3.3 The Avalon Park Management Plan was adopted by Hutt City Council in March 2013. It is a destination playground park, offering a diverse range of active and passive recreation options for all ages, such as swings and slides, cycle circuit, model boating pond, skate park, free electric BBQ's, and event area etc.
- 3.4 The Park also incorporates non reserve land owned by Council at the northern end of the park, part of which has been formed into tennis courts, which lie adjacent to the Avalon Tennis Club owned land and building. In this locality, part of the park is a former custodian dwelling while nearby rough grassland owned in fee simple by Council is used as a spoil dump. This spoil dump land was labelled for future opportunities, such as expansion of the tennis court facilities.
- 3.5 Council in November 2014 noted the PAOS report and agreed that further community consultation would be undertaken before adopting the report. However in respect of the custodian dwelling and vacant spoil dump land it agreed to publicly notify a proposal to revoke and dispose of this surplus reserve and fee simple land.
- 3.6 Section 25 (5) of the Reserves Act provides that where any land has vested in Council as a reserve for the purposes of the Reserves Act on the subdivision under any enactment for residential, commercial or industrial purposes of the Crown, the title to the reserve is deemed to be derived by Council otherwise than from the Crown. This also determines the advice that the Minister provides on how Council should deal with the proceeds of reserve disposal.
- 3.7 The parts of the Park proposed for revocation comprise the area occupied by the custodian dwelling and an area used for spoil dump. The dump on reserve links through to fee simple land (Lot1 DP 49170) which while managed as a reserve is actually not a reserve. This fee simple land is also proposed to be sold.
- 3.8 The proceeds of sale of the land is to be credited to Council's Reserve Purchase and Development Fund, to be used to offset costs of the \$5m upgrade of Avalon Park.
- 3.9 In February 2015, Council initiated a process to seek the revocation of reserve status of these reserves, by placement of a public notice seeking objections to the revocation.

#### 4.0 Policy & Criteria

- 4.1 Section 24 (1)(b) of the Reserves Act 1977 provides:  
"The local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or that the reservation of the whole or part of the land as a reserve should be revoked, then, subject to the succeeding provisions of this section, the Minister may, in his discretion, by notice in the Gazette, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve."

4.2 Subsection (2)(b) of Section 24 provides that before any classification or purpose is changed or any reservation revoked the:

“Administering body of the reserve [after consulting the Commissioner], or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal.”

4.3 Subsection (2)(c) of Section 24 provides:

“Every person claiming to be affected by the proposed change or classification or purpose or revocation shall have a right of objection to the change or revocation, and may, at any time within one month after the date of the first publication of the notice of the proposal, give notice in writing of his objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections.”

4.3 Section 25 (1) provides that on revocation of any reserve the land if vested in the Crown or in any local authority deriving title from the Crown, becomes Crown land available for disposal under the Land Act 1948, and in any other case may be disposed of in such manner and for such purpose as may be specified by the Minister.

The current Instrument of Delegation to Territorial Authorities dated June 2013 empowers any local authority, where any revoked reserve is vested in that authority and title is not derived from the Crown, by s. 25(4) or (5) of the Act, to exercise the Minister’s power to determine the manner of how the revoked reserve is to be disposed of, and to be for such purposes as decided by the local authority.

Council has noted it will utilise the proceeds of disposal to offset planned developments for Avalon Park.

4.4 Section 25 (5) states that where any land has vested in Council as a reserve for the purposes of the Reserves Act on the subdivision under any enactment for residential, commercial or industrial purposes of the Crown, the title to the reserve is deemed to be derived by Council otherwise than from the Crown.

4.5 Section 60(b) and (c) of the Conservation Act 1987 provides for the recovery of costs from an applicant or beneficiary.

## 5.0 **Explanation**

5.1 Following the giving of public notice as required by the Act and with a due date of 19 June 2015, three objections were received.

5.2 The objections were received from the Avalon Tennis Club; Mr Dennis Page; and Mr Neil Tonkin. The matters raised by the objections covered the following issues with Council officer comments alongside, are précised as follows.

Refer HuttCC Report PRSub2015/4/207 [DOC-2678505] for full analysis:

<b>Matters raised</b>	<b>Officer comment</b>
<p><u>Tennis Club:</u> Opposes due to the negative effects on tennis of any development of the revocation land, comprising wind tunnel, shading, drainage and runoff, noise and dust, sensitive lighting, safe and overflow parking, visual appearance of housing. The Club seeks a lease extension with remarking of courts</p>	<p>Potential effects will be addressed as part of resource consent application to develop the land. Sensitive lighting address through covenant or consent condition. Lease matters are better dealt by Council separate from revocation matter</p>
<p><u>Dennis Page:</u> Opposes, but seeks a 'like for like' swap elsewhere in the Ward. Notes quantum of reserve land will reduce; reports indicate that residents need to approve revocation in order to achieve Park improvements; reserves will become more important as residential intensification occurs; Yardstick report notes HCC has lower ratio of maintained park land</p>	<p>Notes there is no like for like swap; agrees there is a marginal decrease in reserve, though city wide Council has increased reserves; Council was already committed to Park development so does not agree with objector; removal of this area will have little effect on surrounding residential land. Counting area of reserves overall in Hutt City leads to a higher ratio.</p>
<p><u>Neil Tonkin:</u> Does not oppose on proviso that Club does not need the land; that the lighting issue is addressed; that legal access to the revoked land not be over reserve</p>	<p>The Club has not advised it needs the reserve land; lighting issue will be addressed through resource consent conditions; legal access will likely be addressed by setting apart 150 metres of reserve as legal road.</p>

On the basis of these three objections and the Council staff report, Council agreed [Minute No. C 15504(3)] that the objections be not accepted.

- 5.3 In the context of this process, it is the local authority being Hutt City Council (rather than the Minister) which is better placed to assess and meet the needs of the community, in respect of the provision of areas for reserves and open spaces. Also, the process conducted by Council under section 24 of the Reserves Act 1977 has provided for community objections to be considered. These objections were considered by the Hearings Committee but not sustained.
- 5.4 Mr Tonkin subsequently lodged a complaint with the Ombudsman in late 2015 for the reserve revocations (Copeland Street, Mitchell Park, and Avalon Park), citing the Council Hearings Committee acted unlawfully when it excluded the public from its deliberations on 4 August 2015 (for Mitchell Park and Avalon Park complaint).
- 5.5 The Ombudsman reported to Council on 26 May 2016 that it was his view that Council did not act unreasonably or illegally when the Hearings Committee [Policy and Regulatory Committee] excluded the public from its decision making



deliberations for the Copeland Street Reserve revocation. In view of this final opinion, the Ombudsman advised it was not necessary for him to investigate the Mitchell Park or Avalon Park complaint.

- 5.6 The reserve vested in Council in 1961. It derived from land subject to the Housing Act 1919 being set apart for reserve purposes in 1953. It was subsequently exchanged for private land. The trusts associated with the former reserve land now apply to the land acquired by exchange. Being acquired under a former enactment for residential purposes of the Crown, the title to the reserve is deemed to be derived by Council otherwise than from the Crown. Upon revocation of the reserve trust, it will be extinguished only over the part of the reserve to be revoked and the land will revert to Council in fee simple.
- 5.7 The revoked land will need to be defined by legal survey, in order to support a gazette notice of the revocation.
- 5.8 Revocation of the parts of the reserve will come into effect following publication and registration of the notice.
- 5.9 The appropriate *Gazette* notice will also authorise Council to dispose of the land and advise how the proceeds of sale are to be utilised.

## **6.0 Cost implications**

- 6.1 Departmental time in processing the application will be recovered from Council as well as disbursements for gazettal action etc.

## **7.0 Consultation (QD Code 1213)**

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

## **8.0 Treaty of Waitangi (QD Code 1158)**

- 8.1 The revocation action requires Council to give effect to the principles of the Treaty of Waitangi. The Port Nicholson Block Settlement Trust (PNBST) and Te Runanganu o Taranaki Whanui (Runanga) were each sent letters detailing the revocation proposal.
- 8.2 The PNBST responded noting it had no concerns with the proposal. No response was received from the Runanga. Council is of the view that an informed decision is able to be made.

## **9.0 Public Notice (QD code 1379)**

- 9.1 Undertaken by Council in terms of Section 24(2) (b) of the Act with a public notice in the Hutt News in May 2015. Objections were to be received by 19 June 2015. Three objections were received. See paragraph 5.2 relating to these objections.

## 10.0 Other enquiries

10.1 No other enquiries made or necessary.

## 11.0 Attachments

11.1 An aerial image of the area of reserve land to be revoked is within DOC-2678505 at pages 11 and 30.

## 12.0 Land & Status

12.1 Avalon Park-

Appellation	Certificate of Title	Reserve purpose	Administration
Part Lot 1 DP 20518, Pt Sec 49 Hutt District & Pt Lot 1 DP 24491, 9.3403 ha	WN B4/790	Recreation reserve	Vested in Council NZG 1961 p.367
Lot 1 DP 49170 0.4187 ha	WN19D/338	Fee simple (not a reserve)	Owned by Council (Public Works Act transfer for recreation purposes)

12.2 Lot 1 DP 20518 was derived from an exchange in 1959 of reserve land\* vested in HMQ for private land. The new reserve vested in Council in 1961. However 13 hectares of this land was set apart for soil and water conservation purposes under the Public Works Act, by NZG 2007 p. 221.

[\*The former reserve was derived from land held for the purposes of the Housing Act 1919, being described as part Sections 55 and 56 Hutt District].

Lot 1 DP 49170 was a subdivision of the larger reserve for reclassification purposes.

## 13.0 Authority

13.1 Section 24 and 25 Reserves Act 1977

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

## 14.0 Conclusion

14.1 Revocation of the reserve is supported.

## 15.0 Recommendation that you:

15.1 **Note** that the requirements of Section 4 of the Conservation Act 1987 have been satisfied;

15.2 **Agree** to not sustain the three objections;

- 15.3 **Approve** the revocation of the reserve over part of Part Lot 1 DP 20518 (approximately 0.3700 hectares, subject to survey).
- 15.4 **Approve** the Hutt City Council to dispose of the land at current market value and pay the proceeds of sale into its Reserves Purchase and Development Account;
- 15.5 **Note** that the appropriate gazette notice of the form appended will be provided for your signature following survey to define the area of reserve to be revoked.

**16.0 Comments**

- 16.1 Prepared and checked by:



---

David Bishop  
National SLM Advisor

**17.0 Decision**

- 17.1 Recommendation: Approved/~~Declined~~



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Rob Stone  
Operations Manager  
Pursuant to a delegation from the Minister of Conservation

Date: 1-7-16

## Revocation of the Reservation Over a Reserve and

### Specifying the Manner of Disposal and How to Utilise the Proceeds of Sale

Under the Reserves Act 1977, the Operations Manager of the Wellington District Office of the Department of Conservation, hereby revokes the reservation over the recreation reserve described in the Schedule and declares the land may be disposed of by the Hutt City Council in such manner, at such price and on such terms and conditions as the Council shall determine, the proceeds from any sale to be paid into the reserves trust account of the Council.

#### *Wellington Land District – Lower Hutt City*

#### Schedule

Area ha	Description
0.3700 (subject to survey)	<u>Recreation reserve</u> Part Lot 1 DP 20518, (part Computer Freehold Register WNB4/790).

Dated at Wellington this <sup>15<sup>th</sup></sup> day *July* 2016



ROB STONE, Operations Manager.

(DOC PAD-23-19-02-06)

**Appendix 3 – Infrastructure Assessment**



## **ANALYSIS OF THE SERVICES FOR THE PROPOSED PLAN CHANGE AT AVALON PARK, AVALON, LOWER HUTT**

### **Introduction**

This report investigates the availability of existing services to support residential development which could result from the Proposed Plan Change at Avalon Park. The following identifies the provision of wastewater, stormwater, water supply, utility services, and access pertaining to the plan change area.

### **Wastewater**

The existing gravity sewer mains in this area are too shallow to provide a gravity connection to the proposed development site. To service this development a new sewer pumping station will need to be installed. We liaised with Wellington Water and they confirmed that whilst a gravity system is their preference, it will be acceptable to construct a new pump station with a pressure rising main connecting back to the existing gravity reticulation.

### **Stormwater**

An existing stormwater reticulation system starts at a manhole beside the existing tennis courts, and runs south west along the Avalon Park access way to a 1200mmØ stormwater main that passes under the stop-bank to the Hutt River. It is envisaged that this system would be utilised to cater for the runoff from a proposed development. The first section of this system is a 300mmØ main and this section which would require upsizing if it was to be used to accommodate the increased runoff from any potential development. The 1200mmØ stormwater main, into which it ultimately discharges has sufficient capacity to provide stormwater drainage from the site. This has been discussed and agreed with Council's Subdivision Engineer.

### **Water Supply**

There is an existing HCC 150mmØ water main in Taita Drive road berm. Water supply to any development on this site would be supplied from this main.

### **Utility Services**

Wellington Electricity, Chorus and Powerco have indicated that they can supply a development of the plan change area with power, telephone and gas reticulation respectively.

### **Access**

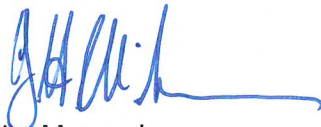
150 metres of the existing formed access from the Taita Drive entrance to the northern parking facilities for Avalon Park is intended to vest as road under s114 of the Public Works Act. Council's subdivision engineer has indicated that this will be possible and suggested

# Cuttriss

Surveyors. Engineers. Planners.

an indicative road formation as shown in Appendix 2. The road will provide sufficient access for the area to be re-zoned.

Signed



Jim Menamin

Senior Civil Engineer

**Cuttriss Consultants Limited**

25 October 2016





**Appendix 4 – Traffic Assessment**



# Harriet Fraser Traffic Engineering & Transportation Planning

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31 October 2016

Mr James Beban  
Senior Resource Consents Planner  
Cuttriss Consultants Ltd  
PO Box 30429  
Lower Hutt

**Copy via email:** james@cuttriss.co.nz

Dear James

## **Proposed Plan Change, Avalon Park, Lower Hutt Transportation Assessment**

Further to your request, I am pleased to provide below a transportation assessment for the proposed plan change involving the rezoning of part of Avalon Park in Lower Hutt from General Recreation Zone to General Residential Activity Area. The assessment that follows includes a review of the existing local transportation characteristics and a summary of the potential traffic effects associated with the development of the site for residential purposes.

In summary the findings of the assessment show that the proposed rezoning would allow for the site to be developed for residential purposes in a manner which is consistent with the District Plan traffic and transportation related objectives and policies.

### **1. Background**

The extent of the site is shown in Drawing No. 29177SCH Sheet 1 prepared by Cuttriss Consultants. As shown within the detail of the drawing there is the potential for around 14 additional residential lots to be created. The area of the proposed site is currently used for informal recreational activities. There is an existing road into the Park from Taita Drive which provides vehicle access to the site. While there are footpaths within the Park there is not a direct footpath between Taita Drive and the site.

The road from Taita Drive provides access to the adjacent Tennis Club, a single residential property and also to parking areas associated with more formal activity areas within the Park.

### **2. Existing Traffic Environment**

The site is located at the northern end of Avalon Park. The access road from Taita Drive is shown in Photos 1 and 2. It has a kerb-to-kerb of 10.8m with no stopping lines marked along the northern side between Taita Drive and the tennis club.

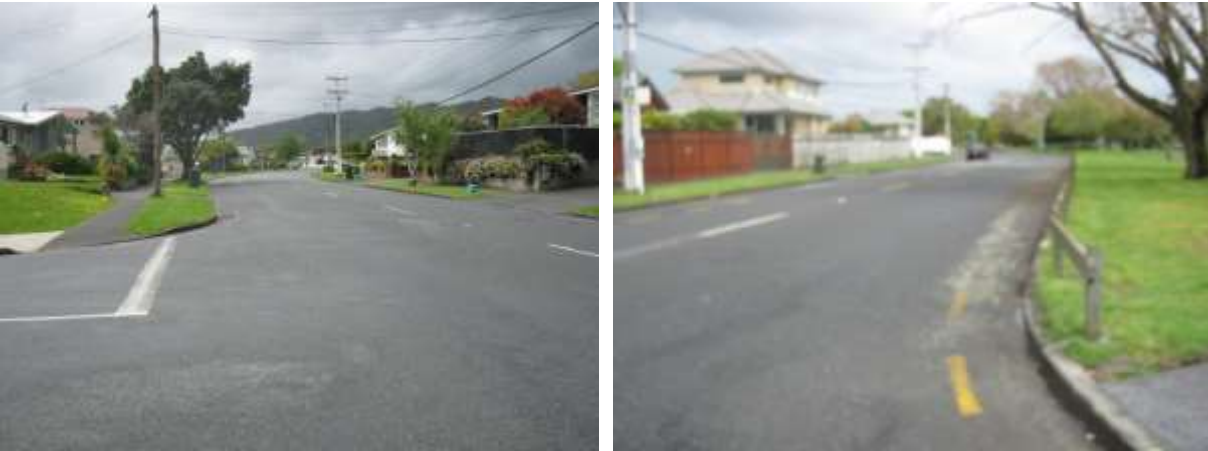
Taita Drive has a 10.4m kerb-to-kerb carriageway width with a footpath along each side as shown in Photos 3 and 4. Good sight lines are available along Taita Drive in each direction from the access road

to the Park. Taita Drive is classified as an Access Road in the City of Lower Hutt District Plan road hierarchy. As such it has the following intended functions:

- provides for slow moving vehicles;
- delivery of goods;
- servicing activities;
- access to carparks; and
- accommodates pedestrian activity.



**Photos 1 & 2: Access Road to Avalon Park**



**Photos 3 & 4: Taita Drive**

Traffic counts were undertaken at the intersection of Taita Drive with the park access on a weekday between 3pm and 6pm and on a Saturday between 11am and 1pm as part of this assessment. The busiest flows are summarised in Table 1.

<b>Time Period</b>	<b>Taita Drive (vph)</b>	<b>Avalon Park Access Road (vph)</b>
<b>Weekday PM</b>	295	93
<b>Saturday Middy</b>	262	109

**Table 1: Local Peak Traffic Flows**

At this level of traffic activity, turning vehicles are only delayed very briefly to give way to opposing traffic flows.

A search of the NZTA crash database for the most recent five years shows that there have been no reported accidents at or within 100m of the intersection between Taita Drive and the Park access road.

There are nearby bus stops on Taita Drive immediately adjacent to the intersection with the Park access road. Bus services run to Upper Hutt, central Lower Hutt and Petone seven days a week and into the evenings.

### **3. District Plan Transportation Requirements**

The proposed plan change involves the rezoning of part of Avalon Park in Lower Hutt to General Residential Activity Area. Objectives, policies and rules included in the District Plan which have an influence on transportation matters within the General Residential Area and would apply to this site include:

#### **4A General Residential Activity Area**

##### **Rule 4A 2.1.1 Permitted Activities – Conditions**

##### **(b) Minimum Yard Requirements:**

*For all buildings on the net site area:*

*Front Yard 3.0m*

*All Other Yards 1.0m*

*Provided that:*

*(i) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site any garage or carport (whether it be part of the dwelling, attached to the dwelling or separate from the dwelling) must be a minimum distance of 5 metres from the front boundary if it has vehicular access directly from the street.*

*(ii) In the case of a vacant site, or in the case of the erection of an additional dwelling unit on a site where a garage or carport (whether it be part of the dwelling or separate from the dwelling) is parallel to the street, and the vehicle has the ability to turn on the site and drive off the site in a forward direction, such a set back is not required, and the normal front yard restriction shall apply.*

*(iii) In all cases, for Through Sites and Corner Sites all road frontages shall be treated as front yards.*

**(n) General Rules:** *Compliance with all matters in the General Rules – see Chapter 14.*

#### **11 Subdivision**

##### **11.1.2 Engineering Standards**

##### **Objective 11.1.2**

*To ensure that utilities provided to service the subdivision protect the environment and that there are no adverse effects on the health and safety of residents and occupier.*

**Policy 11.1.2 (a)**

*To ensure that utilities provided comply with specified performance standards relating to such matters as access, street lighting, stormwater, water supply, wastewater, gas, telephone, electricity and earthworks.*

The Rules in Section 11.2.2.1 include provisions for Engineering Design as follows:

- access and road design;
- footpath provision; and
- street lighting provision.

**14A(i) Road Hierarchy****Objective 14A(i) 1.1.1**

*To accommodate a roading network that is safe, convenient and efficient; and which avoids or mitigates any adverse effects on the community and the environment.*

**Policy 14A(i) 1.1.1(a)**

*That adequate levels of service for access and movement are provided to meet the travel demands of pedestrians, cyclists and motorised traffic during the off-peak period, with maximum safety for all users and local residents at all times.*

**Policy 14A(i) 1.1.1(b)**

*That the safety and amenity values of local access areas be protected from the intrusion of through traffic, particularly speeding vehicles, large volumes of traffic, and heavy commercial vehicles, using the Road Hierarchy.*

The Rules in Section 14A(i) include provisions for the following:

- classification of new roads;
- geometric and design standards for new roads;
- visibility requirements;
- provision for pedestrians; and
- treatment of berms.

**14A(ii) Property Access and Manoeuvring Space****Objective 14A(ii) 1.1.1**

*To maintain the safety and efficiency of the roading network.*

**Policy 14A(ii) 1.1.1(a)**

*That the location and design of access to properties is managed to provide for safe entry and exit movements, particularly in relation to intersections.*

**Policy 14A(ii) 1.1.1(b)**

*That adequate provision is made on site for turning movements to allow exit movements in a forward direction for sites ..... accommodating more than four parking spaces.*

**Policy 14A(ii) 1.1.1(c)**

*That adequate provision is made on site for turning movements associated with heavy commercial vehicles to ensure that access and exit movements are in a forward direction.*

The Rules in Section 14A(ii) include provisions for the following:

- how vehicle accesses shall be located and designed;
- separation of driveways from intersections;
- the number and width of vehicle crossings; and
- on-site vehicle circulation and manoeuvring space.

#### **14A(iii) Car and Cycle Parking**

##### **Objective 14A(iii) 1.2.1 On Site Parking Provision For Activities**

*To provide adequate on site car parking in a safe and visually attractive manner, to maintain the safety and efficiency of the roading system, and the amenity values of the area.*

##### **Policy 14A(iii) 1.2.1(a)**

*That adequate on site parking space is provided for each type of activity in a safe and visually attractive manner.*

The Rules in Section 14A(iii) include provisions for the following:

- the number of vehicle and bicycle parking spaces needed;
- the location of the parking spaces; and
- the design of any parking spaces.

New residential dwellings are required to provide two parking spaces per dwelling as a permitted activity.

#### **14A(iv) Loading and Unloading**

##### **Objective 14A(iv) 1.1.1 Safe and Adequate Provision for Servicing**

*To maintain the safety and efficiency of the roading network and the amenity values of the area.*

##### **Policy 14A(iv) 1.1.1(a)**

*That adequate on site loading and unloading provision be made in a safe and attractive manner.*

The Rules set out that there is no requirement to provide loading beyond the parking requirements for residential developments having fewer than 20 dwelling units or accommodating fewer than 20 residents.

## **4. Traffic Effects – Existing Zoning and Activity**

All parking and traffic effects associated with the existing recreational use of the part of the Park proposed for rezoning will be insignificant given that no formal use is made of this space for recreational activities.

## **5. Traffic Effects – Residential Development with Proposed Zoning**

The concept plan developed by Cuttriss Consultants shows that some 14 additional residential lots could reasonably be accommodated on the site. This level of residential development could be expected to generate 110 to 140 vehicle movements per day with up to 17 vehicle movements during peak hours

of traffic activity. This is equivalent to on average at the busiest times, one additional vehicle movement every three minutes.

The only off-site traffic effect associated with the development of the site for residential purposes in line with the District Plan provisions is the addition of up to 17 vehicle movements per hour onto the local road network at peak times. Given the moderate local traffic flows, satisfactory road safety record and good sight lines along the existing access road and at the intersection with Taita Drive, the small amount of forecast additional traffic can be safely and efficiently accommodated within the local road network. As such the site could be developed for standard residential purposes and meet the transportation related expectations of the District Plan objectives and policies.

## 6. Summary and Conclusion

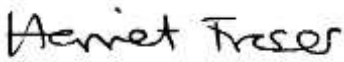
The findings of this transportation assessment can be summarised as follows:

- the site is currently used for informal recreational activities with little if any associated traffic effects;
- Taita Drive is an Access Road with traffic flows of up to around 300vph at peak times. There are bus stops nearby with services to Lower Hutt, Petone and Upper Hutt. The historic road safety record shows no pattern of accidents; and
- the traffic generation associated with the development of the site for residential purposes are in line with the District Plan provisions and can be safely and efficiently accommodated within the local road network.

Accordingly the site can be rezoned to General Residential Activity Area and developed for residential purposes with the development meeting the transportation related objectives, policies and rules of the District Plan.

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

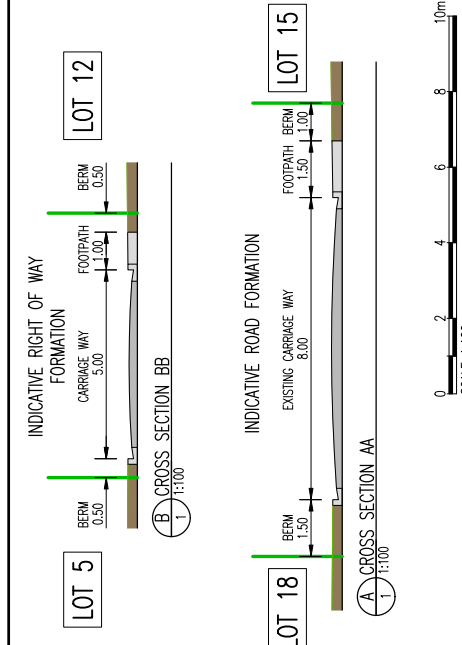
Yours faithfully



Harriet Fraser



**Appendix 5 – Indicative Development Plan**



**LEGEND:**

- BOUNDARY
- PROPOSED BOUNDARY
- TITLE BOUNDARY
- ABUTALS
- 15x10m LOT SHAPE FACTOR

**NOTES:**

1. LOT 1 DP 49170 AND PART LOT 1 DP 20518 ARE SUBJECT TO AN EXISTING RIGHT TO DRAIN WATER. SEE EASEMENT INSTRUMENT 7709452.1 FOR DETAILS.
2. THIS PLAN IS TO BE USED FOR PLANNING PURPOSES ONLY AND NOT TO BE RELIED UPON FOR ANY OTHER PURPOSE WITHOUT THE CONSENT OF CUTTRISS CONSULTANTS LIMITED.

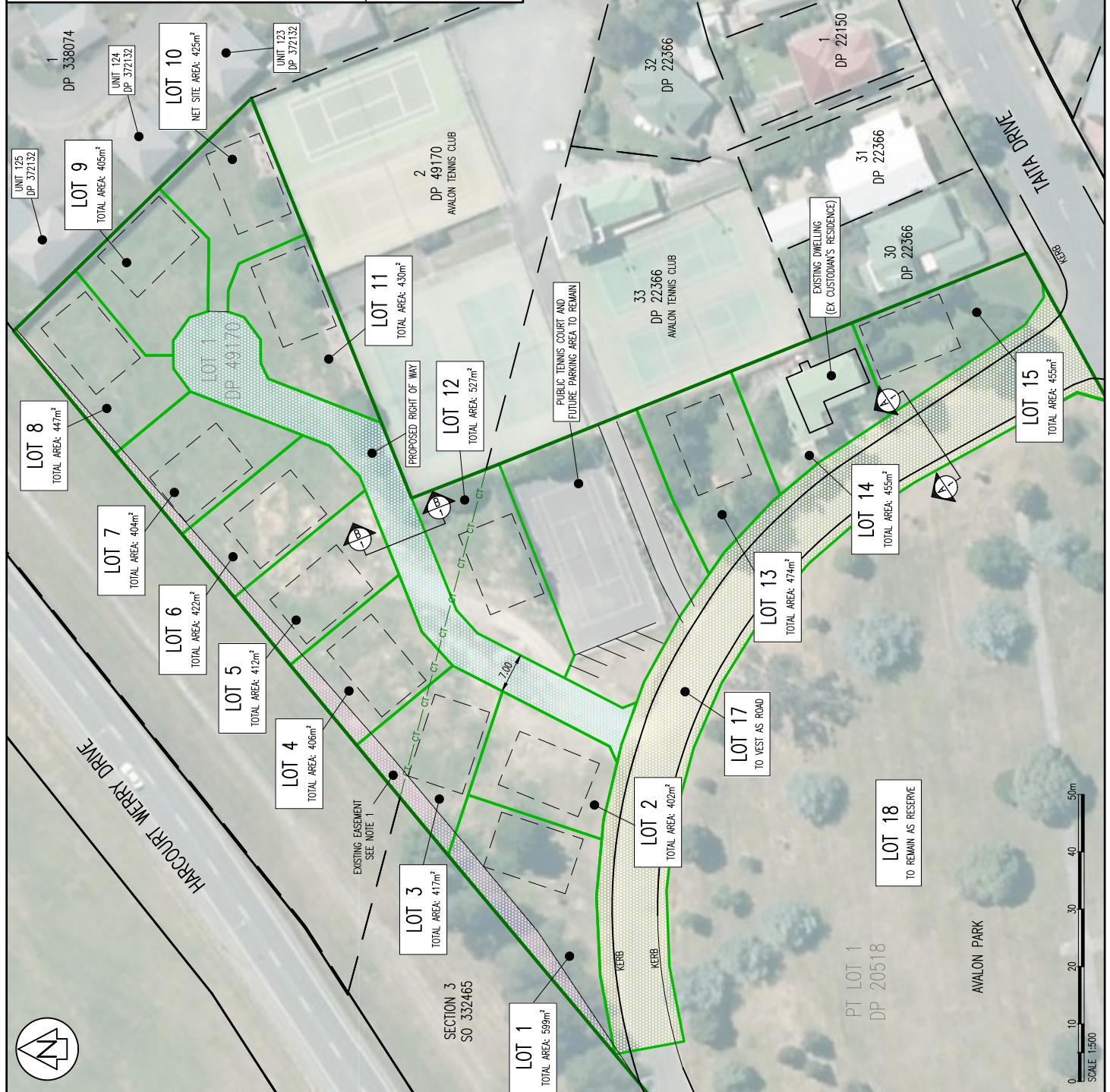
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CLIENT		HUTT CITY COUNCIL	
JOB		INDICATIVE 15 LOT SUBDIVISION OF LOT 1 DP 49170 & PT LOT 1 DP 20518, AVALON PARK LOWER HUTT – FOR PLAN CHANGE	
SCALE	1:500	1:1000 @ A4	SIZE A2
FIELDWORK	NAME	DATE	DRAWING NUMBER
DESIGNED	EC	07/16	29177SCH
DRAWN	EMU	07/16	SHEET 1 OF 1 SHEETS
CHECKED	JIB	07/16	REVISION



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## Part 5: Submission Form

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# Submission on publicly notified Proposed District Plan Change

Clause 6 of the First Schedule, Resource Management Act 1991



To: Chief Executive, Hutt City Council

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

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

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

**Proposed District Plan Change No:**

**Title of Proposed District Plan Change:**

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

*Please give details:*

*(Please use additional pages if you wish)*

4. My submission is:

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

*(Please use additional pages if you wish)*

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

*Give precise details:*

*(Please use additional pages if you wish)*

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

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

Signature of submitter:

*(or person authorised to sign on behalf of submitter)* *Date*

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

Submission number   
OFFICE USE ONLY